



In this fact sheet we look at some strategies worth considering in the new year.

Many of South Australia's unit owners will face a number of challenges during this year. These include record temperatures, stronger winds and storms, greater demand for air conditioning, awnings and requests for solar panel approvals.

Preventative Maintenance: We recommend that owners and body corporates look to undertake some works before May. These include:

- gutter, downpipe and sump clean
- roof check - repair flashings and broken tiles
- tree check - cut back overhanging limbs
- review the state of the external paintwork

See the link to gutters below for a copy of our Gutter/Roof checklist.

Approvals in Strata Titled Groups: The development of policies on the installation of air conditioners, solar panels and awnings can be a useful start. The advantage of policies include:

- ✓ once agreed no need for further meetings
- ✓ consistency of installations
- ✓ owners can get on with the job

Proforma policies can be found on page two.

## Best Practice (policy development)

We recommend that all groups develop a set of standard approvals / policies. This will save having many special meetings, and assist new owners in knowing what they can and cannot do. A meeting with two weeks notice is required. The draft policies MUST appear on the meeting notice agenda. Post notices at least three weeks before meeting date.

## Helpful links

[www.unitcare.com.au/bp\\_strata\\_maintenance\\_gutters.html](http://www.unitcare.com.au/bp_strata_maintenance_gutters.html)

[www.unitcare.com.au/bp\\_strata\\_maintenance\\_airconditioners.html](http://www.unitcare.com.au/bp_strata_maintenance_airconditioners.html)

[www.unitcare.com.au/bp\\_strata\\_meetings\\_policies.html](http://www.unitcare.com.au/bp_strata_meetings_policies.html)

# Fact Sheet



### Gutter Clean Procedures

We need your help. Over recent years our clients have identified requirements for the gutter clean at their group.

To minimise complaints we ask that you use the list when cleaning gutters for UnitCare clients.

Do not go on roof unless permission granted by contact person except where there are concrete tiles or a steel roof.

Remove all leaves and moss removed from gutters.

Do not leave equipment on site.

The contact person grants approval for the gutter clean. Requests or complaints to be made during business hours.



Gordon Russell  
Managing Director



# Policy Development Strata Titles & Strata Community Titles

**Airconditioners:** Wall Mounted & Split System: Unit holders may install a wall mounted or split system airconditioner to the unit, provided it is not mounted on the frontage of the units or impedes any common walkway and is a low noise rotary compressor model and creates no more than 45db of noise and is in accord with EPA requirements current at time of installation.

and / or

**Airconditioners:** Roof Mounted: Unit holders may install a roof mounted airconditioner to the unit, provided it is mounted below the ridgeline at the rear of the building and is similar in colour to the roof and creates no more than 45db of noise and is in accord with EPA requirements current at time of installation.

**Awnings/Blinds:** Unit holders may install external awnings / blinds on windows provided the colour, design and location are approved by the Management Committee

or

**Awnings/Blinds:** Unit holders may install external awnings / blinds on windows provided they are similar in colour and design to that installed at Unit \_\_\_\_\_.

**Pergolas/Verandas/Shade Sails:** Unit holders may erect a pergola/veranda/shade sails in their rear unit yard subsidiary subject to local Council approval where necessary, and that it be erected using first grade materials to a trade standard.

**Solar Installations** (solar power / solar hot water / solar heating): Unit holders may install solar heating / solar power / solar hot water service equipment to the roof of their unit provided it is fitted by a qualified tradesperson and is installed if possible at the rear of the home below the ridgeline. The unit holder indemnifies the Corporation for any overloading of roof structures and is liable for any resultant engineers reports and/or repairs in the event of damage to the buildings.

In accordance with the provisions of the Strata Titles Act, 1988 and pursuant to the Notices of Motion included in the "Notice of Meeting", it was resolved by Special Resolution that the Corporation grant consent for the previous standard approvals, subject to the unit holder and their successors in title agreeing without any further notice that the costs of and incidental to installation, maintenance, repairs and replacement shall be at all times at the expense of that unit holder from time to time.

**Legislation - Strata Titles Act:** Section 29. Alterations and additions

(1) A person must not carry out prescribed work in relation to a unit unless the person is authorised to do so -

(a) where all of the units comprised in the strata scheme consist of nonresidential premises—under the articles of the strata corporation; or

(b) in any case—by special resolution of the strata corporation.

(2) Where a person acts in contravention of this section, the strata corporation may, by notice in writing to the unit holder, require him or her to carry out, within a reasonable period fixed in the notice, specified work—

(a) to remedy any structural deficiency caused by the work; or

(b) to restore the unit to its previous state.

(3) In this section prescribed work in relation to a unit means -

(a) the erection, alteration, demolition or removal of a building or structure;

(b) the alteration of the external appearance of a building or structure.

**Special Resolution - Strata Titles Act:**

Special resolution in relation to a strata corporation means a resolution as to which the following conditions are satisfied;

(a) at least 14 days' written notice, setting out the terms of the proposed resolution and any other information of a kind prescribed by regulation, is given to the unit holders;

(b) (i) in the case of a strata corporation in which there are only 3 units and the owner of each unit is entitled to 1 vote in respect of his or her unit—the resolution is passed at a properly convened meeting of the strata corporation at which either no vote, or only 1 vote, is cast against the resolution; or

(ii) in any other case—the resolution is passed at a properly convened meeting of the strata corporation at which the number of votes (if any) cast against the resolution is 25% or less of the total number of votes that could be cast at a meeting at which all unit holders are present and entitled to vote;

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**Legislation - Community Titles Act:** This applies to Strata Community groups only. That is 1 unit/lot above another in a community title.

Alterations in strata divisions (see Boundaries) are subject to Corporation approval.

Section 102—Alterations and additions in relation to strata schemes

(1) A person must not carry out prescribed work in relation to a strata lot unless the person is authorised to do so:

(a) where each of the lots comprised in the strata scheme is used, or is intended to be used, solely or predominantly for non-residential purposes—by the bylaws of the strata scheme; or

(b) in any other case—by special resolution of the community corporation.

(7) In this section prescribed work in relation to a lot means:

(a) the erection, alteration, demolition or removal of a building;

(b) the alteration of the external appearance of a building.

What does this mean?

Prescribed works by lot owners in community titled Strata Divisions (1 lot above another) are treated the same as a Strata Titled group. The corporation must approve the works by special resolution.

**Special Resolution - Community Titles Act:** special resolution of a community corporation means -

(a) where the number of community lots is three—see section 88;

(b) in all other cases—a resolution—

(i) of which at least 14 days notice setting out the text of the proposed resolution and any other information of a kind prescribed by regulation has been served on all the owners of the community lots; and

(ii) that is passed at a properly convened meeting of the corporation at which the number of votes (if any) cast against the resolution is 25 per cent or less of the total number of votes that could be cast at a meeting at which all members are present and entitled to vote<sup>1</sup>;

**NOTE:** For regular lot by lot Community Corporations the By Laws and Scheme Description must be consulted. If they are silent on works then owners may be able to undertake works without the need for Corporation approval, however they may need Council approval.