

NEWSLETTER ISSUE 16 MARCH 2015

New dates:

Strata Scheme's Management Act - The new legislation was ready to be passed in parliament mid 2014. However, last year we were told that this would be held off until a review of the Community Schemes legislation could be completed. It was expected then to be enacted mid 2015. The latest update is these Acts are now scheduled to be put forward mid 2016.

I am sure many of you sigh with relief as you may not have been looking forward to some of the changes we outlined in our previous newsletters. Of course now there is the potential for further changes, but this is not expected.

Pool fence certification – Only announced on 2 March, the Government has chosen to delay the deadline for meeting this legislation until 29 April 2016. We do advise scheme's though to undertake this work – for peace of mind – in the interest of managing risk. The legislation requires a property not be let or sold without a copy of this certificate being provided.

Window locks – On previous AGM agenda's we have raised the governments requirement of restricting window openings – if the window is less than 1.7m from the floor.

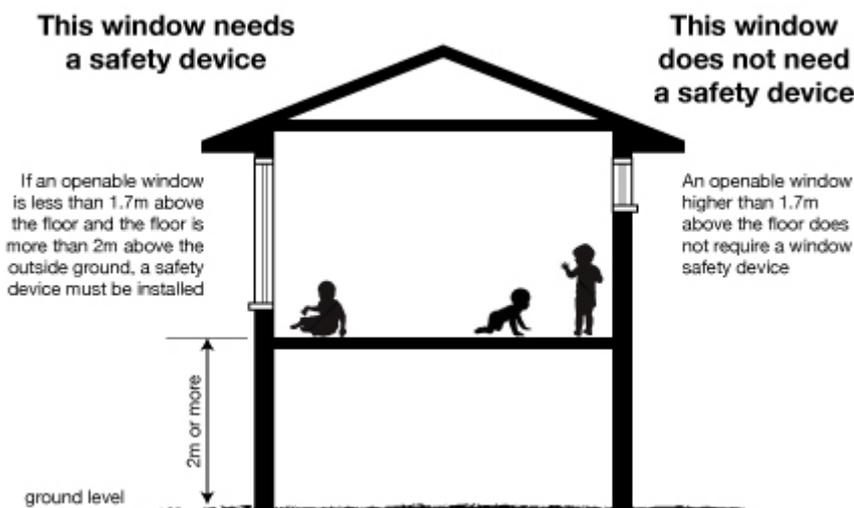
We have sourced the following information from the **Office of Fair Trading** website. This may help you understand the need to start investigating the options available. More importantly - make a plan to implement it so as to avoid fines and inflated costs as demand grows for contractors as the close off date for compliance nears.

The child window safety requirements for owner's corporations commenced on 11 December 2013. If the window safety requirements have not been met by 13 March 2018, owner's corporations will risk being fined.

Generally, all open-able windows above the ground level that are accessible to children from inside the building must have safety devices fitted. The details of the new laws are explained in the regulations, but you can check your windows by taking two simple measurements. An open-able window will need a safety device installed if:

- 1. the lowest part of the window is less than 1.7m above the floor; and*
- 2. the internal floor under the window is 2m or more above the outside surface.*

The safety devices must be able to limit the maximum window opening to 12.5cm, must be robust, and must be childproof. Suitable window safety devices would include window locks or safety screens, but not ordinary insect screens.



We have again placed a motion on your AGM for you to discuss this and give some guidance to your committee as to how you want them to address your scenario, so they can start working with us to ensure you met the deadline. **If left – it will be harder to engage a contractor to complete the work in a timely manner – for a reasonable cost – as demand will increase the nearer we get to 2018.**

Short term letting:

This seems to be more and more common in strata schemes. Grace Lawyers recently wrote an article that reflects that a pro-active approach will go a long way to avoiding or managing this issue.

Schemes should:

- i) find out what Council permits the property to be used for – do not assume
- ii) not sit back and let this happen. It may well be that the scheme is not insured against such persons being injured or damage they may inflict on common property.
- iii) well drafted bylaws that not just cover that an owner can't let their property in this way, but who may have access to security keys etc.
- iv) keep reminding owners of the scheme's bylaws/position on short term lettings
- v) have a system in place as to what is to be done if an owner lets the property short term.

If you are concerned about this being a potential issue – please ask your manager to include a motion on your AGM agenda to determine what steps the scheme wishes to take – eg registering a bylaw – and installing a security system – or upgrading it to suit.

For the full article prepared by Grace Lawyers please visit our website – under newsletter 16 you will find the 3 pages on the above topic.

False fire alarm fees:

If your scheme has a back to base alarm – that is that the brigade will attend if an alarm is set off – then we strongly advise you to ask us to include on your AGM agenda a bylaw to recover this cost. A few schemes have passed this resolution which provides for us to charge the owner when there is a false alarm. Note: If the alarm worked as intended– ie there was actually a fire, no fee is incurred from the Brigade.

The fine exceeds \$1300 per Brigade attendance. If it is something you think your scheme should address, please email your manager about placing the bylaw on the AGM agenda.

Solar energy – storage for use in peak periods

We have previously reported that we have a scheme who will soon install not just solar panels, but a means of storing that power in a 100% environmentally friendly way. Normally power is generated during the day when owners are at work, thus the full benefit is lost as they then still have to pay peak rates in the evening.

Due to the over-commitment by ZED (the designers), the project at Auburn has been delayed. We now anticipate it will be completed in July 2015 and we'll be able to update you later as to the savings achieved. It is anticipated that no power from the government grid will be required.

A subsequent proposal for another of our scheme's is to install the same equipment, but be able to sell – cheaper than the current household rate – power to the individual residents, and make a profit for the Owners Corporation.