

CHANGES TO NSW STRATA LAWS

There are now 81,717 strata schemes registered in NSW and every year this number grows by more than 1,000 across both Sydney and regional NSW.

Minister for Better Regulation, Kevin Anderson, has stated that, with the continued surge in popularity of apartment living, the NSW Government expects over half the population of Greater Sydney to be living in strata titled apartment towers, townhouses and blocks of flats by 2040.

The following changes to the Strata Schemes Management Act 2015 **commenced** on **24 February 2021**:

1. **Owners of multiple lots can appoint a single proxy** – a person who owns more than one lot in a scheme may appoint a single proxy to vote on behalf of all their lots (to prevent the limitation on the number of proxies a person can hold stopping this from occurring);
2. **Proxies are still valid for adjourned meetings** – a proxy that is appointed for a meeting that is adjourned is still valid for the reconvened meeting;
3. **Secret ballots** – must **not** be **disclosed** as part of an inspection of a strata scheme's records, unless ordered by the NSW Civil and Administrative Tribunal (NCAT) or a Court;
4. **Providing the by-laws to tenants** – strata laws are now consistent with residential tenancies laws to clarify that a landlord must provide the strata scheme's by-laws to a tenant before entering into a lease.

There is a further amendment Bill before Parliament that is expected to become law in **mid-2021** which will introduce the following changes:

1. An owners corporation will be able to authorise, by way of an ordinary resolution, the installation of sustainability infrastructure on common property, such as:
 - (a) the installation of solar panels,
 - (b) increasing the recovery of recycling of material,
 - (c) reducing the consumption of water,
 - (d) preventing pollution and greenhouse gas emissions, and (e) facilitating the use of sustainable forms of transport.
2. Any by-law or a decision by an owners corporation that would unreasonably prohibit the keeping of an animal on a lot will have no force or effect. However, the regulations may specify circumstances in which the keeping of an animal may unreasonably interfere with another occupant's use and enjoyment of the occupant's lot or common property (e.g. a dangerous dog).
3. An owners corporation will need to serve a copy of any NCAT application it receives on each owner, instead of just placing a copy of the application on the noticeboard.
4. NCAT will have the power to require a person to pay a penalty of up to \$5,500.00 for breaching an order made by NCAT.

Summary

These new laws will make it easier for owners corporations and owners to install solar panels and also clarify the validity of “no-pets” by-laws.

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