

STRATA & COMMUNITY LIVING

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SUMMER 2014



A big day out for strata owners

This year's annual strata owners day which was held as part of the SCA (NSW) annual convention saw around 150 strata owners head to the Hilton Hotel Sydney for information, the chance to meet with other owners and a look at some of the services and products available to the strata community.

SCA (NSW) President Greg Haywood opened the day, welcoming strata owners and highlighting the sessions to come. He was followed by keynote speaker Robyn Moore who spoke about the power of the word.

Robyn's session was positive, engaging and entertaining, telling the audience to: "Ask the right questions and one day you'll find you're living the answers!" and "There are no complaints please, only requests!" And that marked the beginning of an entertaining and informative day.

Strata owners then headed into the always popular Flat Chat live sessions hosted by Mr Flat Chat himself – Jimmy Thomson. On the panel this year we had two strata managers, a lawyer, a building project manager, an insurance representative and a representative from NSW Fair Trading.

Questions had been sought from owners attending the day before the event but could also be asked during the session. Both Jimmy and SCA (NSW) received a number of interesting and thought provoking questions some of which were answered on the day. These included questions about common property maintenance, responsibility for damage and small scale alterations as well as questions about insurance, sinking funds and the issue of nuisance. Interestingly, as Jimmy pointed out in one of his Flat Chat

columns for the Sydney Morning Herald, there were no questions this year about pets.

Those questions we didn't quite get to have either had a response in the Flat Chat column or on the SCA (NSW) website. We have also extracted some of the more interesting Q&A's for our readers to go over.

Please be aware that only as a result of the Flat Chat sessions is it possible for SCA (NSW) to answer questions – this is once per year and not something we are able to do on a continual basis at present. If you do have questions our fact sheets on the website may be able to assist you.

Following the Flat Chat Live session, owners also heard from a panel of strata managers and strata owners on creating a harmonious scheme – the tips and tricks of how to live together and work with your strata manager. Then the program switched to self-management and the audience heard from two strata owners who had been involved with self-managing their schemes and the pros and cons of undertaking a large job like this.

Other sessions included a panel discussing defects and a final combined session on risk management.

We received very positive feedback from the strata owners, and that they really enjoyed these forums and opportunities to engage with others living in strata who may have had similar experiences and also to speak to strata industry experts.

Check our website in early 2015 for the new year events calendar at www.nsw.stratacommunity.org.au



Living the dream

In the Spring 2014* edition we showcased the winner of the Strata Owners Community Engagement Award outlining those activities that the owners corporation undertakes to encourage participation and harmony amongst the residents.

Some of the other finalists also had some unique and interesting approaches and so SCA (NSW) has decided to feature some of them here.

The bottom line for all the schemes is that they are proactive and consultative. The executive committee makes the decisions but all owners are consulted and given an opportunity to hear any new proposals and provide comment.

One executive committee that was described as having a proactive and consultative approach had created a friendly environment by communicating and engaging with residents regularly both face-to-face and via the buildings website. Recently this same group had undertaken a program to review the building's energy usage and as a result implemented some initiatives to reduce their carbon footprint and energy usage bills.

Having an online presence is a key element for harmony with most of the finalists posting regular updates as well as allowing owners to access information about finances,

meeting minutes, by-laws, fact sheets and notices. One site also has critical information such as local medical facilities, shopping facilities and emergency contacts for plumbers, electricians etc.

Another characteristic of harmonious communities is that they all undertake regular property maintenance keeping their properties in the best condition possible. After all it's hard to be negative if you live in a well-maintained environment.

At times when building or maintenance work has to be undertaken, these schemes consult with and then inform the residents what's to be done and when. As one strata manager said about the property they manage and nominated, "they make decisions as a community, for the good of all, considering one another and the future of the scheme including any new owners."

Across all the schemes it also stood out that they all like to socialise and hold events each year. One scheme has a roof terrace where each new year they watch the fireworks together. This is a true reflection of what community is all about.

Living in a strata scheme is often portrayed negatively in the media but there are many examples of people living happily side-by-side in strata and community titled properties. All it takes is communication, engagement, consideration and a willingness to participate in the smooth running of the scheme.

*Download the Spring 2014 edition on the SCA (NSW) website www.nsw.stratacommunity.org.au under the Strata Community tab

Flat Chat live Q&A's

We had a variety of questions from strata owners at the Flat Chat live sessions during the 2014 Convention. Not all of the questions could be answered on the day so here is a selection of questions and answers that we have since responded to with lots more on the website www.nsw.stratacommunity.org.au

The answers have been provided by our SCA (NSW) members. Questions are now closed until the next Flat Chat live session.

Q: Floating wooden floors – can you help unit owners who become the victims of wooden floors being put in above them and have to suffer? New laws should come in to protect them.

A: Your scheme may have a bylaw on this. If not then they need to make one, and enforce it.

We're not sure how new laws could come in to protect owners given there is already the option for the executive committee to pass a by-law.

The new laws are unlikely to address this issue specifically and are more likely to continue to allow strata schemes to administer their own buildings. In short, whether this issue is covered by statute or bylaws, one has to take the steps to enforce it, otherwise it is not worth the paper it is written on.

Q: What is the most productive way to settle a defects claim within the 7 year period?

A: In short if you can't mediate an outcome with the builder you have no choice but to litigate. Most can be settled with a consultant with good negotiating skills. Unfortunately some are hard headed and do not see any fault until a Judge tells them otherwise. Cases can take 3-4 years to run their course to conclusion.

Q: When an executive committee makes decisions via email and holds no meetings, is there a requirement to publish the results of those decision?

A: There is no provision in the legislation to allow for "email-arounds" on matters that are restricted under the agency agreement with the strata manager. For example, if the agency agreement allows the strata manager to take instruction on something up to the value of \$4,000 then they only need an email from a delegated member of the committee to send this instruction. If the matter is an expense over whatever the managers limit is, then a formal committee meeting needs to be held, if not a face-to-face meeting.

If you mean meetings via written vote under Clause 10 of Schedule 3. Copies of the agenda are required to be "advertised" – place a copy on the notice board 72 hours before the meeting, or as your by-laws describe. So assuming you mean meetings "by way of written vote", then yes, see Schedule 3 of the Act.

Strata update

Here's the latest news from the strata industry:

SCA (NSW) membership renewal

Most strata owners are unaware of their obligations when they purchase into a strata scheme but Strata Community Australia (NSW) is here to help.

By joining SCA (NSW) as a strata owner you can access experts on various matters such as strata management, insurance, legal, accounting, and property maintenance.

The cost of joining is a tiny \$50.00 for a whole year and also provides you with free seminars and discounts on events including the annual convention.

To join just call the SCA (NSW) membership team on 02 9492 8200 or email soc@nsw.stratacommunity.org.au

Free online training

Have you recently taken on a role as a member of your executive committee but have some questions about what you need to do and what your obligations are?

The SCA (NSW) free online Executive Committee training can help with all your questions. You will learn about the roles and responsibilities of the executive committee through an interactive online course that you can do when it suits you.

This course provides a good basis for understanding the roles and responsibilities of being a member of an executive committee; assists with the day-to-day dealings with strata manager, other owners and strata services and is designed make your executive committee role more enjoyable.

The training covers the following topics:

- governance and ethics
- roles and responsibilities
- strata plan interpretation
- administrative matters; and
- communication

The module has been developed with the assistance of NSW Fair Trading.

Community title law review

SCA (NSW) has been going over the NSW Government's position paper and will be making an informal submission before the end of this year. We have noticed some inconsistencies between the proposed new strata laws and the review details in the community title position paper and are keen to bring these to the government's attention.

The SCA (NSW) paper will be posted on the website once it has been forwarded to the government so look out for it under the Advocacy tab. This is where you will find all our policy papers and also a link to the Strata Schemes Management Act 1996.

Strata owner seminars

Our regular strata owner seminars will be held again next year in February, April, June, August, and November. These sessions are free to SCA (NSW) members and only \$20 for non-members.

Some topics we have covered in the past are concrete cancer, running a high powered executive committee, insurance, levies, responsibilities of an executive committee, disputes, common property.

A final word ...

On behalf of your strata manager and all the team at Strata Community Australia (NSW) we'd like to wish you a safe and happy Christmas and New Year.



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