



SOLVING NEIGHBOURHOOD PROBLEMS

Series: Solving Neighbourhood Problems

Part 7 of 12: Building and Development

As buildings age, particularly those that have had their repairs and maintenance neglected, strata communities might choose to redevelop all or part of the building to comply with fire and life safety orders and / or to remain functional and relevant in the current market. Knowledge of building and development process is required.

Similarly, when a neighbour is proposing a new building or a lot owner wants to do structural work, the building and development process becomes relevant to strata community life. While each state and territory has their own building and development legislative regimes, the process is generally the same:

1. Planning schemes set out the guidelines for development in a local area – watch for planning scheme amendments in your municipality as everyone has a right to comment before they are finalised;
2. The general rule is that development approval is required from your local authority to erect, structurally alter, or demolish any building, including outhouses and sheds. Excavations and painting of heritage-listed properties also needs approval – remember if something does not require development approval, for example because it does not effect the structural integrity of the building, it may still require owners corporation approval under a rule;
3. The subdivision of excess land also requires a development approval. A unanimous resolution is required to create new lots.
4. High impact development applications will require advertising and objections might be lodged on the grounds of effecting views, overshadowing, privacy, encroachments, noise, possible parking problems and changing the streetscape or character of the neighbourhood – if you are going up another level or two, the set back of the new floor will be relevant to the way the building looks from below.
5. If building and development work is being undertaken to comply with fire and life safety orders, temporary measures may have to be taken to protect the safety of occupants and visitors pending the resolution of this often long and drawn out process. It may be necessary to obtain building permits even to comply with a building order.



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6. Upgrading of common property must be authorized by a special resolution. The owners corporation is required to consent to any development approval application but the consent to lodging the application does not stop the owners from objecting to the application – try explaining that to the ‘naysayers’ at your owners corporation meeting!

Good consultants attuned to the special needs of strata communities can help you navigate this difficult area whether as the applicant or the objector.

Next Week: Part 8—Traffic, Road and Parking