

Important Recent Changes to Strata Laws

The NSW Government has made a number of important changes to the *Strata Schemes Management Act 2015* (**Act**).

Sustainability Infrastructure, Voting and Proxies

On 24 February 2021, changes to the Act commenced that:

- Make it easier for a lot owner or owners corporation to install “sustainability infrastructure” on common property such as solar panels and electric vehicle charging stations. A lot owner or owners corporation will be able to install “sustainability infrastructure” on common property if a “sustainability infrastructure resolution” is passed by a simple majority (i.e. 50% or more) at a general meeting;
- Prevent an owners corporation making available for inspection any record that would disclose how an owner voted in a secret ballot unless the owners corporation is directed to do so by NCAT or a court;
- Enable a lot owner who owns more than one lot to nominate one individual to act as a proxy for all the lot owner’s lots.

Fines

Since 1 July 2021, NCAT has had the power to order a person to pay a penalty of up to \$5,500 where the person has breached an order by NCAT.

Pets

From 24 August 2021, an owners corporation will not be able to

have a by-law which unreasonably prohibits the keeping of an animal on a lot. Further, it will be deemed reasonable to keep an animal on a lot unless keeping the animal unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or the common property. Those changes codify the decision of the NSW Court of Appeal in *Cooper v The Owners – Strata Plan No 58068* [2020] NSWCA 250 in which it was held that a “no pets” by-law is unenforceable.

If you need any assistance with updating your by-laws or navigating the new laws please [contact us here](#), we're happy to assist.