



Strata law and building regulation

Kerin Strata Law Strata Law Symposium

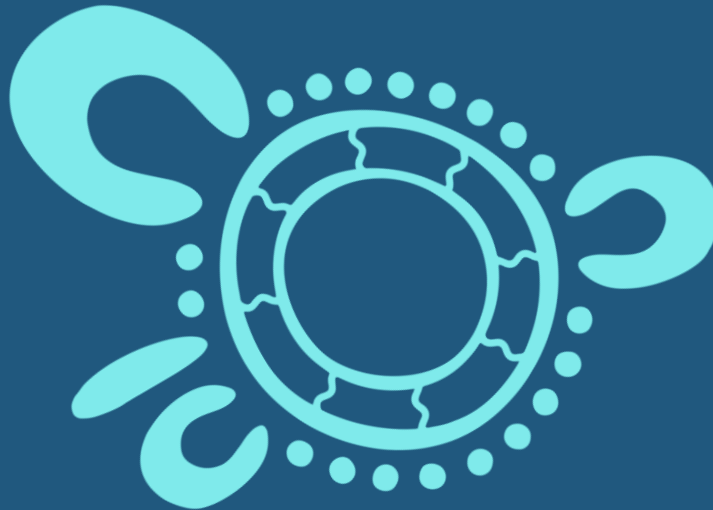
Presented by Bronwyn Weir
30 September 2026



W E I R
Legal & Consulting



Weir Legal and Consulting acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, waters and community in which we work. We pay our respects to the people, the cultures and the Elders past and present.



▲ Overview

- How do Regulations mitigate disputes
- Building related regulation and disputes
- Key issues – effective regulation is critical
- How does NSW compare?



▲ Role of regulation in mitigating disputes

Defining rights, obligations, standards, duties, processes

Offering dispute resolution services

Enforcing compliance

Gathering data - evidence base

Requiring transparency



▲ Regulating building issues in strata

Building defects

- Construction, renovation or remediation works

Building maintenance

Building upgrades

- Structural, fire safety & amenity
- Energy efficiency and accessibility



▲ Building works - defects

Building Regulation – Building Commission

Building Standards

Building approvals processes – design, oversight, certification

Competent practitioners - licensing and registration

Developer and builder liability – statutory duty of care

Developer bonds, Latent defects Insurance, HBCF

Strata Laws – Strata & Property Services Commissioner

Influence of the Developer post construction

Relationships with OC Managers or Building Managers

Voting rights of developers and related entities

Competence of OC Committee & OC Managers to deal with defects disputes

Participation and impact on lot owners outside of OCC and OCM decision makers

Transparency - motivation to sell and vulnerability of purchasers



▲ Building maintenance

Building Regulations – Building Commissioner, Fire Rescue NSW & Councils

Essential safety measures

Maintenance standards

Maintenance records and annual reports

Competent maintenance contractors – licensing, registration and accreditation

Strata Laws- Strata & Property Services Commissioner

Broad duty on OC to maintain buildings

OC Managers & Building Managers - Conflicts of interest and statutory duties

Ability to seek damages for breach of duty (from 2 years to 6)

Levy – charging and recovery

Obligation to have maintenance plans

Developer - initial maintenance plan and levy estimates – must be certified

Transparency for existing owners and potential purchasers



▲ Building upgrades

Building Regulations

Same rules as above for any building work

No requirement for reports/upgrades but overseas examples – Florida and NZ

Incentives

Gas phase out

Sustainability upgrades eg Solar

Energy ratings – possible mandatory scheme

Strata laws- Strata & Property Services Commissioner

Capital works programs – equalising burden over life of building

Making it easier to install sustainability infrastructure and disability infrastructure

Voting rights on development proposals

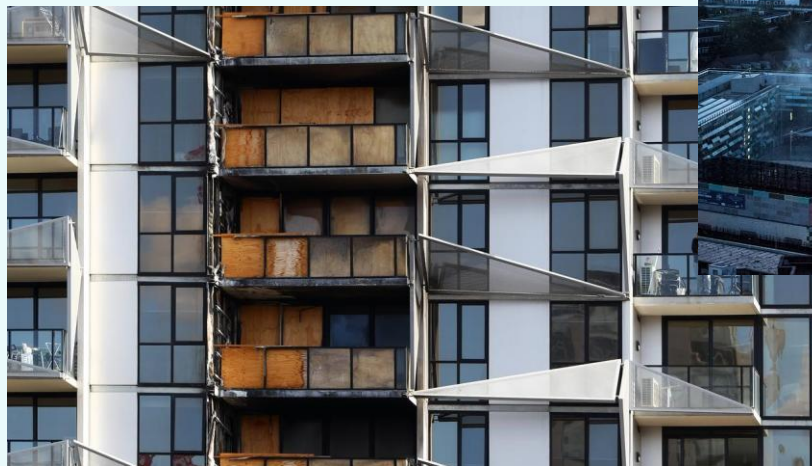
Rights to undertake minor renovations

Transparency for existing owners and potential purchasers



▲ Effective building regulations are critical

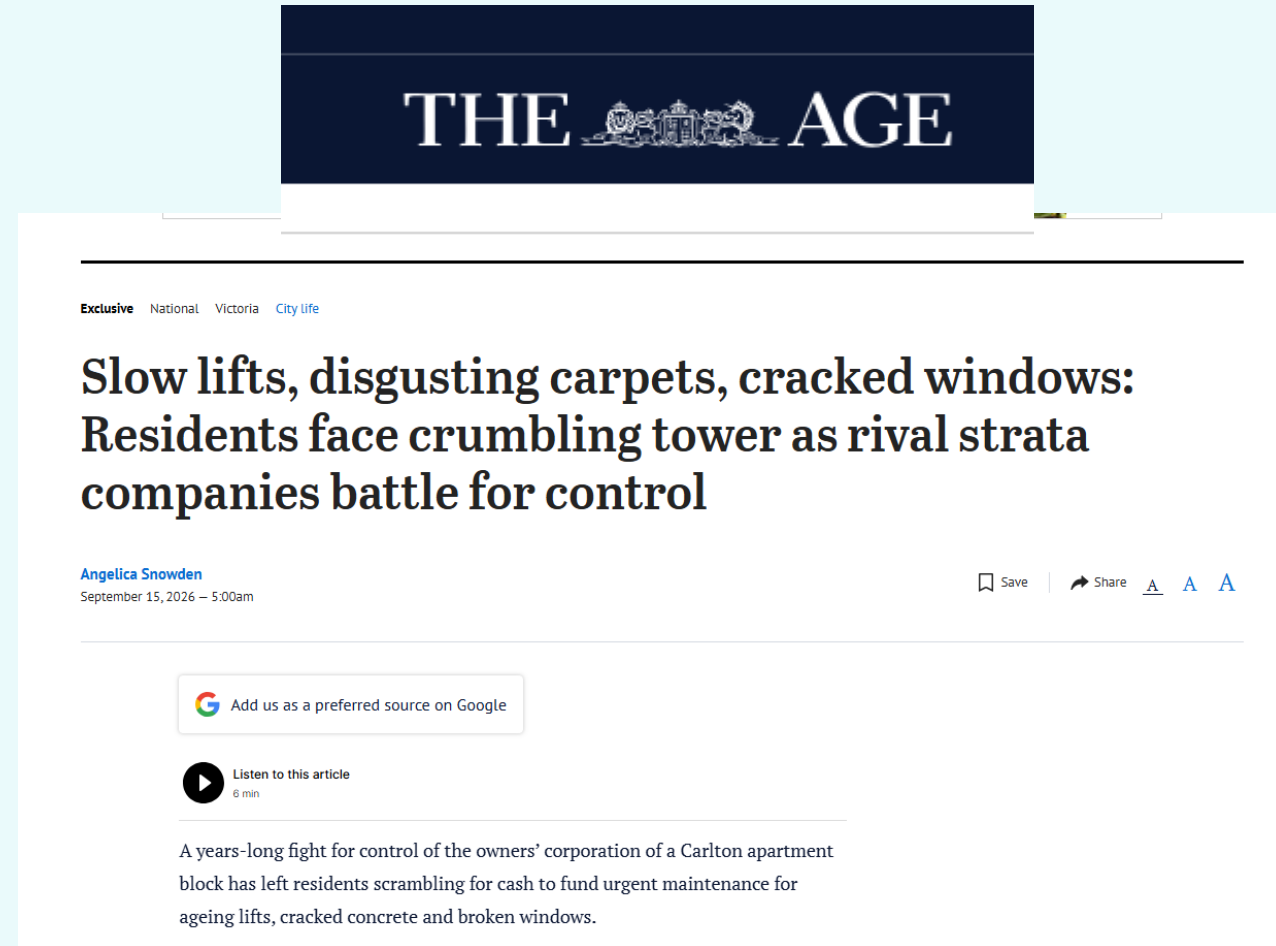
Quality of construction has a significant impact



▲ Effective OC laws are critical

Developer influence
continues post
occupancy

Conflicts of interest
permeate the strata
sector



▲ Effective OC Laws are critical

Apartment buildings
are ageing

Maintenance and
Capital works must
become the norm



▲ Effective enforcement is critical

Our human condition will continue to be a central issue

- Apathy
- Integrity
- Competence
- Someone else's problem



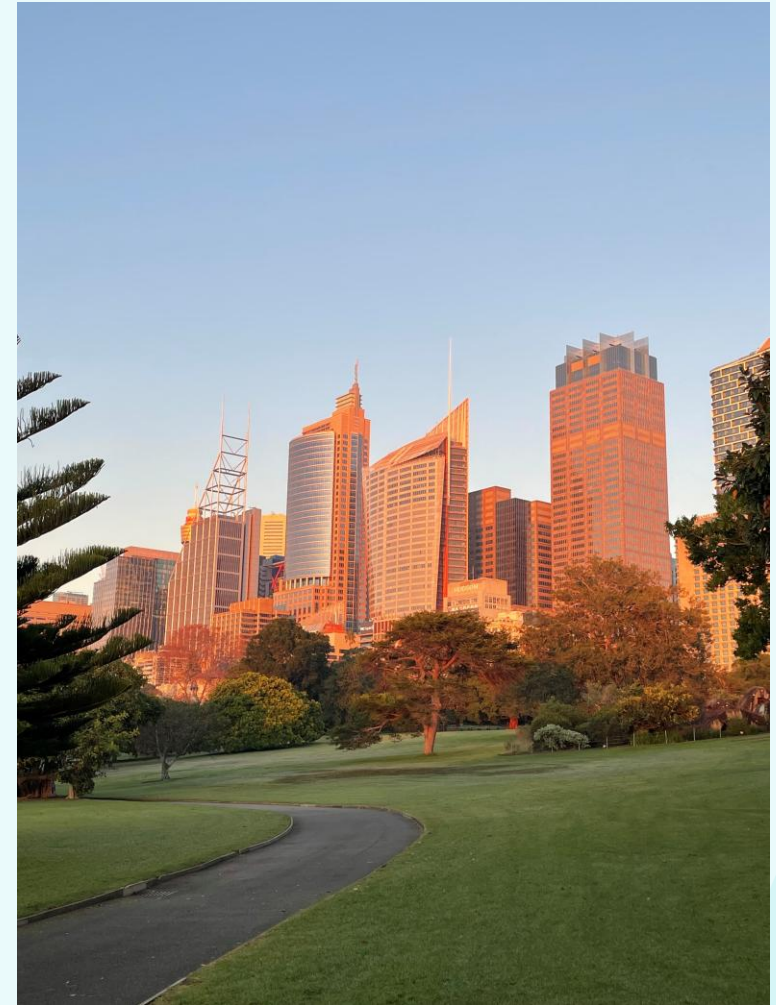
▲ How does NSW compare

Strata Commissioner

Strong enforcement
powers

Dispute resolution
service

Developer accountability



▲ Around Australia

SA reforms 2025 following 2018

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Phase one di:
Five-year review o
(Str

Public consultat



Draft Strata Titles Amendment Bill 2026 Consultation

The LIST	>
Office of the Valuer-General	>
Geospatial Infrastructure & Surveying	>

What is happening?

The *Strata Titles Act 1998* (the Act) was introduced in 1998 and provides a framework for the development of land by including staged development schemes and community development schemes, and the regulation of day-to-day living administration of strata developments. Strata living and strata developments in Tasmania have changed significantly introduced and the current legislative framework is now no longer suitable.

A review of the Act in 2020 recommended some changes to improve the regulatory framework and to accommodate

Statutory Review of the Owners Corporations Act 2006

Final Report, December 2025

form > Draft Strata Titles Amendment Bill 2026 Consultation

Amendment Bill 2026 Consultation

nent Bill 2026.

for public consultation from 11 September 2026 until 25 October 2026
and the *Strata Titles Act 1998*.



▲ **Thank you**



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Director



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