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What the law says

NCCH tenants have a responsibility to comply with the provisions in the Residential Tenancies Act NSW (2010) and the residential tenancy agreement that they have signed with NCCH.

In relation to alterations and additions, the law states that:

- a tenant must not, without NCCH's written consent or unless the residential tenancy agreement otherwise permits, install or cause to be installed a fixture or make or cause to be made any renovation, alteration or addition to the residential premises
- a landlord must not unreasonably withhold consent to a fixture, or to an alteration, addition or renovation that is of a minor nature
- a landlord may withhold consent to any other action by the tenant that is permitted under this section whether or not it is reasonable to do so
- a fixture installed by or on behalf of the tenant, or any renovation, alteration or addition to the residential premises by or on behalf of the tenant, is to be at the cost of the tenant, unless the landlord otherwise agrees.

Allowable alterations and additions (without consent)

NCCH will permit some alterations to premises without obtaining written approval. These include:

- installing telephones
- installing picture hooks
- garden sheds (no bigger than 7 square metres)
- laying lawn
- planting trees or shrubs that will grow no more than 3 metres in height, when fully mature and are planted at least 3 metres from any existing structure.

Allowable alterations and additions (with consent)

All other alterations (not covered above) require written consent and approval from NCCH prior to commencing work. These may include:

- Built-in-cupboards or wardrobes
- Carpet
- Carports and garages
- Fences
- Floor tiles
- Flyscreens and Flyscreen doors
- Fixed appliances, such as air-conditioners and heaters
- Minor internal painting
- Paving
- Pergolas or gazebos
- Rainwater tanks
- Roof ventilator (Whirly Bird)
- Security shutters and security grilles (must be keyless, quick-releasing and meet NCCH Property Standards)
- Solar panels
- Television antennas

Non-allowable alterations and additions

The following requests for alterations and additions will not be approved by NCCH:

Swimming pools or structures that must comply with the Swimming Pools Act 1992 and Swimming Pools (Amendment) Act 2012 (see following section)

Alterations to common areas

Alterations that do not comply with relevant legislation, building codes, Local Council (or other relevant authority) regulations.

(continued next page)



- Changes to Heritage-listed buildings
- Changes that are likely to result in interference to the peace, comfort or privacy of neighbours
- Structural changes to the premises
- Alterations that are considered to pose a health or safety risk, e.g. internal glazed doors
- Alterations or additions which adversely affect the nature, classification or future use of the property
- Alterations or additions which will result in an increased ongoing maintenance liability to NCCH

Conditions for Approval

Alterations are considered based on the nature, classification and future use of the property.

Upon approval the tenant will be advised in writing which includes the following conditions:

- The unit must be installed and maintained by an appropriately qualified, licensed and insured tradesman
- Any damage done to the property must be made good at the end of the tenancy and the property restored to its original condition prior to the installation of the unit
- The alteration or addition be at no cost to NCCH
- Where appropriate, if the alteration (e.g. an air conditioner) results in valid annoyance or noise complaints by neighbours, the tenant may be requested to discontinue or limit the use of it.

Swimming Pools

A swimming pool is described as an excavation, structure of vessel:

- Which can be filled with water to a depth of more than 300 millimetres (30 centimetres); and
- That is used for swimming, wading, paddling, etc. and includes portable pools and spa pools.

All pools in NSW must comply with the Swimming Pools Act 1992 and Swimming Pools (Amendment) Act 2012 and local council regulations.

NCCH will not approve any request or application by a tenant to install a swimming pool.

For tenants who had existing pools at the time the revised legislation was introduced on October 17 2012, the existing pools may be kept on the condition that:

- The pool is registered by the tenant in accordance with the relevant legislation; and
- A copy of the registration certificate and a copy of any compliance/occupation certificates is provided to NCCH

All existing pools approved by NCCH must be removed at the end of the tenancy by the tenant and the property must be made good.

A tenant who has erected a pool after October 17 2012 will be requested to remove the pool immediately.

Note: Headlease properties containing a swimming pool do not meet the basic property standard required by NCCH and are not considered for acquisition.

Any questions?

If you have any questions about the information in this Fact Sheet, or on any other housing related matter, please contact your local office.