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Renovations: Information & Application Form

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## Renovations to a lot

When proposing to undertake renovations to a lot, the Lot Owners should review this document before completing the accompanying application form and checklist. Upon completion, please submit the application form and checklist, along with any supporting documentation, to the Owners Corporation, care of Strata Republic Pty Ltd. Your complete application will be reviewed and the approval of the Owners Corporation sought.

## The lot

In most strata schemes, the lot owner owns the inside of their unit but not the main structure of the building. Usually the four main walls, the ceiling, roof and the floor are common property. The internal walls within the lot (e.g. the wall between the kitchen and lounge room), floor coverings such as carpet and fixtures such as baths, toilet bowls and bench tops are all the property of the lot owner.

It is also important to note that while non-load bearing internal walls are not defined as common property, a Council Development Application may still be required where you are changing the dimensions of any room. The Council Development Application requires approval by the Owners Corporation.

## Airspace

A lot owner effectively owns the airspace (and anything included in the airspace) inside the boundary walls, floor and ceiling of the lot. Lot airspace may include balconies and courtyards. Everything within the airspace must be maintained at the owner's cost.

## Areas of common property

The following is a checklist for common property:

- Floor includes a ramp or stairway
- Boundary wall includes any door, window or other structure within the wall and their working parts
- Ceramic tiles originally installed and attached to a common property surface (eg. the floor or boundary wall)
- Pipes in the common property or servicing more than one lot (ducting panels)
- Electrical wiring in the common property or servicing more than one lot
- Parquet and hardwood floor boards originally installed (not including floating floorboards)
- Vermiculite ceilings, plaster ceilings and cornices
- Magnesite finish on the floor
- Balcony doors if the strata plan was registered after 1 July 1974
- Load bearing columns or walls
- The slab dividing two storeys of the same lot, or one storey from an open space roof area or garden areas of a lot (eg. a townhouse or villa), is usually common property if the strata plan was registered after 1 July 1974, unless the registered strata plan says it is not.

## Alterations to common property

Any proposed renovations to a lot that involve additions, modifications or damage to common property must be supported by a common property rights (exclusive use) by-law which is authorised by special resolution at a general meeting of the Owners Corporation.

The registered strata plan defines the boundaries between common property and lots in a strata scheme. If you wish to clarify any areas of common property for your strata scheme, please contact Strata Republic for further information.

## Special resolution

Following receipt of the documentation, the Strata Committee should request the Secretary to add the motion for discussion at the next Annual General Meeting. However, if the Lot Owner wishes to expedite the process, they may, at their expense, request in writing that an Extraordinary General Meeting be held to resolve the matter.

The common property rights by-law must be presented at the general meeting as a proposed Special Resolution. For a Special Resolution to be passed at least 75% of the entitled and attending Lot Owners must support the resolution. If the motion is specially resolved (or no more than 25% of the unit entitlements vote against the resolution), Strata Republic will make the necessary arrangements to have the by-law registered with Land Registry Services (LRS) NSW at the cost of the requesting Lot Owner. A by-law must be registered within six (6) months of the passing of the resolution, otherwise the decision is considered lapsed and the motion is required to be passed again at another general meeting.

Any Owner(s) who fail to follow the correct procedures run the risk of having orders made for the reinstatement of common property to its original form.

## Common property rights by-law

If the alterations affect Common Property, a common property rights by-law (also known as an exclusive use by-law) must be drafted, preferably by the Owner's solicitor. The solicitor will be aware of what terms and conditions the by-law will need to contain with consideration to issues such as:

- That the work be performed by a licensed tradesperson. The Owner should provide necessary details so that a licence check can be made.
- That the tradesperson is adequately insured and inclusive of public liability.
- That the Owner is specifically documented as being responsible for the repair, maintenance, and/or replacement of any 'works' and that this responsibility passes to any subsequent Lot Owner.
- That the Owner is responsible for reinstatement of any damage to Common Property.
- That the work will be performed whilst creating minimal disturbance to other residents and avoiding damage to Common Property.

Other conditions that may be required include:

- Transportation of all construction materials, equipment, debris and

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other material will be managed in a manner reasonably directed by the Owners Corporation.

- All areas of the building outside of the Lot will be protected from damage by the works or by the transportation of construction materials, equipment and debris in a manner reasonably acceptable by the Owners Corporation.
- All areas of the building outside of the Lot will be kept clean and tidy throughout the performance of the works.
- The works will be performed during times approved by the Owners Corporation.
- The works will not create any noise that causes discomfort, disturbance or interference with activities of any other resident of the building.
- Debris will be removed immediately from the building during the works.
- The Lot Owner will comply with the requirements of the Owners Corporation to comply with any by-laws and any relevant statutory authority concerning the performance of the works.

Where a common property rights by-law is required, plans, quotes, engineer reports, the proposed by-law and other supporting documentation must be presented to the Owners Corporation along with the Lot Owner's written consent confirming that if the by-law is passed at the meeting by Special Resolution, it can be registered at Land Registry Services (LRS) NSW (refer to Section 141 of the Strata Schemes Management Act 2015).

**Disclaimer:**

*The content of this document is intended as a guide only and cannot be relied upon for legal advice. Readers should make and rely on their own enquiries regarding all aspects of the material. Strata Republic disclaims any liability for negligence or otherwise in any way connected with this document.*

## Alterations not affecting Common Property

If the alterations do not impact Common Property, it is still a requirement that any alteration to the Lot must be brought to the attention of the Owners Corporation. The Lot Owner, in accordance with Section 111 of the Strata Schemes Management Act (2015), must advise the Owners Corporation in writing giving 14 days notice of their intention to alter the lot. This provides the Owners Corporation with sufficient time to ask questions or, if necessary, make application for an order or interim order.

The Strata Committee may receive this advice and if satisfied advise the Lot Owner that they acknowledge receipt of the notice and have no objections to the proposed alterations.

## Reinstatement of Common Property

Any Lot Owner who fails to follow the correct procedures runs the risk of having orders made for the reinstatement of Common Property to its original form at their expense.

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## Application Form

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Please complete the following application form in full and submit to your strata manager, accompanied by all necessary additional documentation.



## Part 3

Required		Applicant		Office Use		
		Yes	N/A	Yes	No	N/A
<input type="checkbox"/>	<b>Completed application form</b> Original plus two copies to be included.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Internal structural changes (plans attached)</b> Plans showing the changes to the internal structural components of the lot and penetrations of the structural columns of the building, floors or ceiling are to be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>External changes (plans attached)</b> Plans showing the changes to the exterior of the building are to be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Development Application (copy attached)</b> A copy of the Development Application supplied to Council (if required) including all supporting documentation must be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Architectural integrity (evidence attached)</b> The Strata Schemes Management Act (2015) requires all works to be in keeping with the architectural integrity of the existing building	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Floor coverings (evidence attached)</b> The Strata Schemes Management Act (2015) requires that all non-wet areas are to be covered with soft coverings, such as carpet, or otherwise treated to an extent sufficient to prevent the transmission of noise from floor space that is likely to disturb the peaceful enjoyment of other occupiers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Air conditioning (evidence attached)</b> Air conditioners, ventilations or associated ducting shall not be installed, modified or removed without written approval of the Owners Corporation. All details including manufacturer's noise ratings, compressor size location of plant and fittings must be supplied.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Note: For further information, see Strata Republic's factsheet - Special By-Law Air-Conditioner Recommended Conditions.*

## Part 3 continued

Required	Applicant		Office Use		
	Yes	N/A	Yes	No	N/A
<input type="checkbox"/>	<b>Plumbing, electrical &amp; fire (evidence attached)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <li>— All plumbing and electrical work to be performed by a licensed tradesperson to the standards of relevant authorities. Evidence to be attached.</li> <li>— Installation or replacement of hot water services, if fitted, must have overflow trays and drains installed in accordance with Australian Standards. Evidence to be attached.</li> <li>— Installation or replacement of quick-shutting (quarter turn, lever action or similar) taps are to be fitted with water hammer arrestors on both hot and cold water lines. Evidence to be attached.</li> <li>— All wet areas are to be sealed in accordance with the Building Code of Australia. Evidence to be attached.</li> <li>— Additions or alterations to the electrical or water supply to the lot are to be detailed.</li> <li>— Additions or alterations to cables, pipes through riser ducts, ceiling, floors or walls (or works of such nature when impacting on common property are to be detailed).</li> <li>— Any alterations, connection or disconnection to the fire detectors are to be detailed. If approved, the changes shall be certified by the fire certification contractor appointed by the Owners Corporation.</li> </ul>				
<input type="checkbox"/>	<b>Access to ducts, risers and windows</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Areas to which the Owners corporation may require access to in the future, such as drainage duct covers and windows, must remain fully accessible and of the same existing size.				
<input type="checkbox"/>	<b>Estimated start and finish dates</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The applicant is to provide details of the estimated start and finish dates.				
<input type="checkbox"/>	<b>Exclusive Use By-Law (copy attached)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	In the event that any changes are to be made to common property, the applicant must draft (or arrange for a property law specialist to draft) an exclusive use by-law for consideration by the Owners Corporation at General Meeting.				

## Part 4

### Indemnity

The applicant hereby indemnifies the Owners Corporation against:

1. Any damage to the common property, or the lot of another owner, resulting from the works outlined in this application;
2. The cost of repair to the common property and that any such damage will be made good by the applicant at his/her expense within seven (7) days;
3. Any fees and expenses incurred in enforcing the conditions of approval and any relevant by-laws; and
4. The cost of a defects survey which may be required for the common property and neighbouring units of the proposed works.

Signature/s .....Date...../...../.....

NO WORKS ARE TO COMMENCE PRIOR TO RECEIVING WRITTEN APPROVAL FROM THE OWNERS CORPORATION OR THEIR AUTHORISED REPRESENTATIVE.

## Part 5

### Owners corporation approval

*This section is to be completed by the Owners Corporation or their authorised representative.*

Approval of this application is granted under the following conditions:

#### Works contract

All residential building work in excess of \$1,000 requires a written contract.

Such contract must comply with the Home Building Act 1989. A copy must be supplied to the Owners Corporation.

#### Home owners warranty insurance

Home Warranty Insurance (HOW) cover is required for any residential building work where the value exceeds \$20,000 and requires the performance of a licensed tradesperson. A copy must be supplied to the Owners Corporation.

#### Occupant notification

Seven (7) days prior written notice shall be provided to all occupants of the scheme and posted on the notice board. The notice must include the following details:

- A summary of the works;
- The applicant's name and telephone contact details;
- The main contractor/s name and telephone contact details; and
- Council's approved hours of work

#### Hours of work

The hours of work are strictly limited to between 7:00am and 5:00pm Monday to Friday and 8:00am to 1:00pm on Saturdays (excluding public holidays).

#### Compliance

All works must comply with the Building Code of Australia and all other relevant codes, standards and specifications. The works must also comply with any development or building consent approved by Council.

#### Licensed tradesman

All trades people contracted by the applicant who perform residential work in which the labour content is in excess of \$200.00 or is of a specialist nature, must be licensed.

#### Access to common property

When access is required to common property, it is the responsibility of the applicant to ensure no damage is caused. Any damage, including dirt or stains to common property flooring, will be made good at the cost of the applicant.

#### Use of lifts (if applicable)

- The interior of the lift must be protected against possible damage at all times; and
- The lift shall be released for use by other residents after each load.

#### Waste disposal

The applicant is responsible for the removal of all waste resulting from the works. The scheme's garbage bins are not permitted to be used for this purpose. The applicant may (with the consent of the Owners Corporation) arrange for a waste skip to be located on common property to assist with waste disposal. However, seven (7) days written notice must be provided to all occupants of the scheme, detailing the required deposit date and period of attendance on-site.

#### Variations to approved designs/plans

The applicant must advise the Owners Corporation in writing of any proposed variations to the approved designs and/or plans. The applicant must receive approval from the Owners Corporation for these variations prior to the works being commenced.

#### Cleanliness

The applicant is responsible for ensuring that all common areas, including car parks, passage ways, foyers, staircases, lift cars, etc are kept clean at all times. If the applicant fails to maintain the standard of cleanliness for the building,

#### Repairs and maintenance

On-going responsibility for all repairs and maintenance are to be met by the applicant.

### Owners corporation approval

Continued approval and access to common property is only granted subject to an undertaking by the applicant that they will comply with these terms and conditions at all times.

The Owners Corporation reserves the right to stop any works should an incidence of non-compliance with the terms and conditions be evident.

The common seal of the Owners Corporation was affixed on

Date:...../...../..... in the presence of:

Name ..... Signature .....

Name ..... Signature .....

Designation ..... Designation .....

being the persons authorised by Section 273 of the Act to attest the affixing of the seal.

#### Common seal:

