



**WHELAN PROPERTY GROUP**  
STRATA MANAGEMENT SERVICES



**GOLDSBROUGH**

## Introduction Letter

Dear Resident/Owner,

### Subject: Application for Modifications Affecting Common Property

Thank you for your interest in modifying your apartment. To ensure that all modifications are safe, compliant, and considerate of the building's structure and other residents, we have developed a clear application process.

Please carefully read the attached application form, which outlines the required steps and documentation needed to submit your proposal. The process includes an initial meeting with the Building Manager, a review by the Strata Manager and Building Committee, and final approval by the Strata Committee (Owners Corporation).

### Key Points to Note:

- **Scope of Initial Meeting:** Bring your concept to discuss with the Building Manager to understand strata requirements and identify common property.
- **Application Fee:** A non-refundable fee applies, varying by the complexity of the modification. Fees typically range from \$250 to \$500.
- **Inspection Fees:** Additional fees may be charged for inspections before, during, and after the work.
- **Assessment Criteria:** Proposals will be assessed based on safety, compliance with the *Building Code of Australia* (BCA) and fire regulations, impact on other residents and common areas, registered by-laws, and alignment with building aesthetics.
- **Insurance:** Proof of adequate insurance coverage is mandatory.
- **Licensed Contractors:** Only licensed and insured contractors are permitted to carry out the work.
- **Restoration:** You are responsible for restoring any affected common property, which will form part of the registered by-laws if modifications impact common property.
- **Impairment to Fire System:** Modifications that impair fire systems will require compliance with additional conditions, including potential fire watch measures.

### Relevant By-laws to Consider:

The following by-laws from the *Strata Plan 50946 Consolidated By-laws (17.05.2022)* are particularly relevant to your application:

#### 1. **By-law 11: Works carried out by owners**

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Liability limited by a scheme approved under Professional Standards Legislation.      ABN: 28 116 912 488

- Outlines approval requirements for cosmetic works, minor renovations, and other modifications impacting common property. Owners must provide full details of the proposed work, including plans, contractor qualifications, and waste management arrangements.

## **2. By-law 12: Floor coverings**

- Requires noise minimisation measures for any changes to flooring. Applicants must ensure compliance with acoustic standards and provide post-installation acoustic reports where required.

## **3. By-law 13: Preservation of fire safety**

- Prohibits penetration of fire-rated ceilings and walls to maintain building fire safety. All modifications must comply with fire safety regulations and receive approval from the Owners Corporation.

## **4. By-law 22: Prevention of damage to common property**

- Restricts unauthorised interference with or damage to common property. Modifications to air conditioning or ventilation systems require prior written consent from the Owners Corporation.

## **5. By-law 23: Moving furniture and other objects through common property**

- Requires notice and compliance with the Owners Corporation's policies for moving materials or equipment, including timing restrictions and deposit requirements to address potential damage.

Applicants must review these by-laws carefully as part of their application process. The Strata Committee will consider compliance with these by-laws when assessing your proposal.

### **Relevant Legislative Extracts:**

The *Strata Schemes Management Act 2015* outlines the procedures and requirements for modifications affecting common property:

#### **1. Section 108: Changes to Common Property**

- This section permits an Owners Corporation or lot owner to add to, alter, or erect new structures on common property to improve or enhance it. Such actions require a special resolution passed by the Owners Corporation (at a general meeting) and confirmation from the local authorities that the works are approved (e.g., through a development application approved by the local council).

## 2. Changes to By-Laws

- If the proposed works affect common property, as per Section 108, the Owners Corporation will require you, as the lot owner, to obtain a draft by-law. This by-law will be reviewed by the Owners Corporation and considered at the next general meeting.
- **Note:** Should you wish to seek approval prior to the next general meeting and convene said meeting, you will be responsible for covering the associated costs.

## 3. Section 141: Changes to By-Laws

- Any changes to a strata scheme's by-laws by an Owners Corporation will not take effect until they are registered on the folio of the Register for the common property with NSW Land Registry Services.

Please ensure your proposed modifications comply with these legislative requirements. Failure to adhere to the approved process and relevant laws may result in enforcement actions as outlined above.

### Fee Structure:

- **Minor Modifications** (e.g., painting, minor electrical work): N/A
- **Moderate Modifications** (e.g., installing new flooring, non-structural changes): \$250
- **Major Modifications** (e.g., structural changes, plumbing alterations): \$500

### Compliance:

Non-compliance with the approved modification process or any conditions set by the Strata Committee may result in enforcement actions, including:

- **Reversal of Unauthorised Modifications:** You may be required to restore the property to its original condition at your expense.
- **Fines or Penalties:** The Owners Corporation may impose fines or penalties as permitted under the *Strata Schemes Management Act 2015*.
- **Legal Action:** Persistent non-compliance may lead to legal proceedings to enforce compliance.

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## Application Form for Modifications Affecting Common Property

### Section 1: Applicant Details

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone: \_\_\_\_\_

**Section 2: Modification Details**

Description of Proposed Modification:

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Purpose of the Modification:

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Proposed Start Date: \_\_\_\_\_  
Proposed Completion Date: \_\_\_\_\_

**Section 3: Documentation Checklist**

- Detailed plans and drawings
- Materials and specifications
- Contractor’s licence(s) and references
- Proof of contractor’s insurance
- Acoustic report (if applicable)
- Any other supporting documents (please specify): \_\_\_\_\_

**Section 4: Fees**

Application Fee Paid: [ ] Yes [ ] No  
Amount: \$\_\_\_\_\_

**Section 5: Acknowledgements**

By signing below, I acknowledge that:

- The information provided is true and correct.
- I will comply with all conditions set by the Strata Committee.
- I am responsible for any damages or restoration costs resulting from the modification.

- I have read and understood the compliance requirements and relevant legislative extracts provided.
- I acknowledge the committee will review the proposal in accordance with relevant by-laws and legislative requirements.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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Please return the completed application form along with all supporting documents.

Applications will not be reviewed until all documentation is received and the application fee is paid.