



**Application to Carry out Alterations/Additions to Lot (STRUCTURAL)**

(p1/4)

**Applicant Details**

Name(s): \_\_\_\_\_

Proprietor / Property Manager (please circle one)

Contact Details (please provide at least one)

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Address of Strata Property**

Building Name (if applicable): \_\_\_\_\_

Unit Number: \_\_\_\_\_ Street: \_\_\_\_\_

**Brief Description of Proposed Structural Alteration**

\_\_\_\_\_

Has approval from the Local Council been obtained?  Yes /  No  
(If Yes, please attach a copy)

Approximate Value of Works \$ \_\_\_\_\_

If the alteration/addition is approved, will there be any special requirements during works (e.g. skip bin onsite, scaffold, heavy machinery etc)?  Yes /  No

If Yes, provide details \_\_\_\_\_

\_\_\_\_\_

Will any of the alterations listed above affect the external surface of the building in any way?  Yes /  No

*If you answered Yes to this question, full details of the alterations must be provided.  
Please sketch proposed changes on the next page, or attach separate diagrams/drawings*

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**Sketch/Diagram**



*If required, attach additional pages*

**Notes:**

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## Application to Carry out Alterations/Additions to Lot (Structural)

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### Conditions

#### STRUCTURAL ALTERATIONS TO A LOT

Once your application has been received a vote by a resolution without dissent in accordance with Section 89 (2) of the Strata Titles Act 1985 (as amended) of the Strata Company is required **to grant approval for you to undertake the structural alterations by way of either a general meeting or a vote outside a general meeting – being a cost of \$400.00 + GST**

**NOTE:** In accordance with section 87 (4) (c) of the Strata Titles Act 1985 (as amended) a proprietor may vote either:

- (i) to grant approval of the application; or
- (ii) refusal of the application on any ground that is permitted by sub-section (5) but no otherwise and a vote is of no effect unless the person casting the vote discloses as a ground for the persons vote on one or more of the grounds permitted by sub-section (5)

The grounds on which approval may be refused are;

- (a) that the carrying out of the proposal will breach the plot ratio restriction or open space requirements for the lot; or
- (b) in the case of a lot that is not a vacant lot, that the carrying out of the proposal
  - (i) will result in a structure that is visible from outside the lot that is not in keeping with the rest of the development; or
  - (ii) may affect the structural soundness of a building; or
  - (iii) may interfere with a statutory easement; or
- (c) any other ground specified in the regulations such as;

that the carrying out of the proposal will contravene a specified by-laws or specified by-laws of the Strata company; or

that the carrying out of the proposal may interfere with a short form easement or restrictive covenant or any other easement or covenant affecting the parcel that is shown on the scheme plan or registered against the parcel.

#### ALTERATIONS/ADDITIONS TO COMMON PROPERTY

- 1 A strata company can authorise an owner to install an item on the common property:
  - 1.1 through an exclusive use by-law with a special privilege;
  - 1.2 through a lease of the common property;
  - 1.3 through an easement created under section 64 of the Act; or
  - 1.4 through a licence.

#### Exclusive Use By-law with a special privilege

A strata company can authorise an owner to install an item on the common property if the strata company makes and registers an exclusive use by-law which:



## Application to Carry out Alterations/Additions to Lot (Structural)

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### ALTERATION TO LOT (Structural)

**If permission is granted, the following conditions will apply to your application.**

- The proposed additions/alterations are to be in accordance with the building by-laws of the Local Authority.
- The Strata Company will be fully indemnified against any damage of any kind whatsoever, which may be done to the development or to any property under their control and that should damage be incurred by the applicant or his agents, employees, trades-persons, tenants etc, that the damage will be immediately repaired and made good at the sole expense of the applicant.
- All costs, fees and charges in respect of the alteration/addition will be at the applicant's sole expense. The Strata Company will be further indemnified against any claim of any nature whatsoever from whomsoever, which may arise at any time, concerning the non-payment of moneys owing with respect to the work performed.
- The alterations be in keeping with the visual aesthetics of the development and that materials used within the existing development only be used.
- The proprietor of the Unit from time to time will be responsible for all required maintenance to the alteration/addition.



- 1.5 grants the owner exclusive use of part of the common property (Special Common Property); and  
1.6 also grants that owner the special privilege of installing an item on the Special Common Property

#### **Lease of the common property**

A strata company can also authorise an owner to install an item on the common property if the strata company grants the owner a lease of common property (Leased Area) specifying that the owner can install the item on the Leased Area for the duration of the lease.

A lease of the common property requires a resolution without dissent of the strata company: section 93 of the Act.

#### **Section 64 Easement with an Infrastructure Contract**

A strata company can authorise an owner to install an item on the common property if the owner obtains the approval of the Strata Company for the item they want to install by:

- 1.7 signing an infrastructure contract with the Strata Company (Infrastructure Contract); and  
1.8 having the Infrastructure Contract ratified by an ordinary resolution of the Strata Company, which gives the owner an easement to install the item on the common property in accordance with section 64 of the Act (Section 64 Easement).

The Section 64 Easement can only apply to sustainability infrastructure or utility infrastructure.

#### **Licence of the Common Property**

A strata company can authorise an owner to install an item on the common property if the strata company grants the owner a licence over the common property specifying the owner can install the item on the common property (Licensed Area).

**IMPORTANT: This is an application only and is strictly subject to the prior approval of the Strata Company. No work may commence until a formal written approval is given.**

I/We \_\_\_\_\_ Proprietor of Unit \_\_\_\_\_  
of (street address) \_\_\_\_\_ agree to the terms and conditions listed above for our application and note that further conditions may apply to our request. We understand that our application must be approved by the Strata Company before any works can be arranged and agree for the application to be either resolved at a General Meeting or outside a General Meeting by way of a circular resolution and agree to pay the cost of \$400.00 + GST

\_\_\_\_\_  
**Signed**

\_\_\_\_\_  
**Signed**

**Date** \_\_\_\_\_