



SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR “IVY95” TO CONSIDER¹

TO: The Body Corporate for Ivy95 Community Titles Scheme No. 51860

From: The Applicant(s)

When to use this form:

The Applicant(s) proposes to do the **Proposed Work** at Ivy95 described in **Part 3** of this Application. The Applicant seeks the Body Corporate’s confirmation about whether:

1. the Body Corporate considers that Body Corporate approval is required for the **Proposed Work**; and
 2. if Body Corporate approval is required for the **Proposed Work**, then whether:
 - a. the Body Corporate requires more information from the Applicant about the nature or scope of the **Proposed Work**; or
 - b. if the Body Corporate has sufficient information about the **Proposed Work**, whether or not the Body Corporate approves the Proposed Work, and if so, whether any conditions apply to the approval.
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PART 1: Applicant’s Proposed Motion for Committee

Committee Motion: That the Committee decide whether or not Body Corporate approval is required for the Applicant’s Proposed Work, and if so, whether it requires more information from the Applicant about the nature or scope of the Proposed Work, or if the Body Corporate already has sufficient information about the Proposed Work, whether the Body Corporate approves the Proposed Work and if any conditions apply to the approval.

Purpose of this Form:

1. The purpose of this form is to enable the Committee to consider what impact, if any, the Applicant’s Proposed Work may have on:
 - a. the Body Corporate’s common property areas and building structures (including structural/load-bearing elements of the building and fire safety aspects), utility infrastructure that services more than one lot or common property and the obligations in the by-laws; and
 - b. the reasonable amenity expectations of other residents and owners in the scheme.

¹ Lot owners have the right to submit up to a maximum of 5 proposed motions to the Committee to decide within a 12-month period: [Regulation 50 of the Body Corporate and Community Management Act 1997](#). The Committee must decide a lot owner’s motion as soon as reasonably practicable, and within a 6 week period after the motion is submitted unless it gives the lot owner a written notice stating that the committee requires more time to decide the motion, with the reasons it requires more time and the committee’s decision is made within an additional period not exceeding a further 6 weeks (on top of the original 6-week period = 12-weeks). The Committee is not permitted to make decisions on lot owner motions that are about ‘restricted issues’ that the Committee can’t make decisions about, or motions that would conflict with the Body Corporate and Community Management Act 1997, regulations or by-laws, or would be unlawful or unenforceable. If the Committee does not make its decision within the decision period (maximum of 12 weeks), then it means the Committee has not agreed to the motion.



Please note the following obligations and restrictions:

1. Lot owners and occupiers must not interfere with the support or shelter provided by the lot for another lot, or the common property, in the scheme;²
2. Lot owners and occupiers must not, either within or outside the lot, interfere with utility infrastructure or utility services in a way that may affect the supply of utility services to another lot, or the common property in the scheme;³
3. The Body Corporate does not have the power to give a lot owner exclusive use rights for the enjoyment or special rights over utility infrastructure that is common property or a body corporate asset.⁴

PART 2: Applicant Details [Applicant(s) to complete this Part 2]

Full Name(s) of Applicant(s):
Your Lot Number:
Your Best Contact Email Address & Phone Number:
<p>Lot owner acknowledgements:</p> <ol style="list-style-type: none"> 1. The Applicant(s) acknowledge that they have been provided by email with a full copy of the Ivy95 by-laws and the “as constructed” architectural drawings and utility service plans for them and their trades/contractors to consider as part of completing this application. Dropbox links to these building documents are here: <ol style="list-style-type: none"> A. Approved Amended Plans Dated 21.8.18 https://www.dropbox.com/sh/ejvnlfvbk6xzqo/AABWiazjiVu2IDXN-dAiEtZfa?dl=0 B. As Built Drawings https://www.dropbox.com/sh/4spzvnvdm4pnydj/AAAuBafALNz_gjjpBL4CMhxga?dl=0 C. Final Certificates https://www.dropbox.com/sh/b5onl5rj7Iqe7gp/AAA6iHX2sMFrxmvKIEZ4onJca?dl=0 D. Hydraulic Approved Plans https://www.dropbox.com/sh/n5h0rqprepnayd3/AAB3O1PDvhDz8dwdssQ_NgoGa?dl=0 2. The Applicant(s) acknowledge that this completed application and attachments must be emailed to the Committee’s Secretary who will then provide it in full to the Committee, including the building manager and body corporate manager. 3. The Committee must consider it and decide the motion(s) as soon as reasonably practicable and within 6 weeks;⁵ 4. The Applicant(s) acknowledge the Proposed Work is not to commence before the Committee’s decision in writing is received by the Applicant.
Applicant(s) Signature(s) confirming the above Lot Owner acknowledgements:
Date of signature(s):

² [Section 165 of the Body Corporate and Community Management Act 1997.](#)

³ [Section 165 of the Body Corporate and Community Management Act 1997.](#)

⁴ [Section 177 of the Body Corporate and Community Management Act 1997.](#)

⁵ [Regulation 50 of the Body Corporate and Community Management Act 1997.](#)



PART 3: Proposed Work *[Applicant(s) to complete this Part 3]*

<p>Description of the location(s) of the Proposed Work:</p> <p>Note: Please describe in writing the nature and location(s) of the proposed work:</p>	
<p>Estimated cost of the Proposed Work:</p>	<p>\$</p>
<p>Drawings of location(s) of the Proposed Work</p> <p>Note: Please mark up on the “as constructed” drawing(s) for your Lot, all building structure(s) and utility service(s) that would be affected / changed by your proposed work. Alternatively, if you have an architect, draftsman, engineer or other expert involved, please provide their plans, drawings and specifications for the Proposed Work.</p>	<p>Note: To avoid delays in considering your motion(s) please ensure that all of the documents are attached when you submit this form to the Committee.</p>
<p>Name, company, contact details of the Contractor(s) proposed to carry out the Proposed Works:</p>	
<p>How you propose to transport and dispose materials and rubbish during the Proposed Works</p>	
<p>How many days/weeks you believe the Proposed Work will take?</p>	



Considerations

When the Committee is considering this application, if it does advise that the Applicant that it considers Body Corporate consent *is* required for the Proposed Work, the Committee will refer to the development approval for Ivy95 and the by-laws, which may include, but not be limited to the following by-laws, when considering whether to grant approval and if so, on what conditions.

Ivy95 by-laws that may be relevant:

By-law 17 Structural Alterations to the Interior of Lots

17.1 The manner and style of any:

- (a) structural fit out or structural alteration to the interior of any Lot; or Installation of hard flooring (including timber, tiles or marble);
- Must have the prior written approval of the Committee.

17.2 The Committee shall be entitled to request copies of such plans and specifications as it might consider necessary to enable it to grant its approval and the Owner of a Lot shall comply with all such requests. The Committee may engage an architect or other consultant to review any plans and/or specifications or monitor any work undertaken in relation to such alterations. The Owner of the Lot within which the alterations are being carried out shall pay to the Body Corporate all such costs and expenses incurred by the Body Corporate in engaging such architect or other consultant.

17.3 Any approval for hard flooring is conditional upon the Owner or Occupier demonstrating that the installed flooring will achieve an acoustic rating acceptable for a five star apartment building (as published by the Association of Australian Acoustical Consultants).

By-law 58 Fire Control An Owner or Occupier of a Lot must not use or interfere with any fire safety equipment except in the case of an emergency and must not obstruct any fire stairs or fire escape.

By-law 65.1 Bulky Items Bulky items must not be transported via the elevators, lobby area or reception area on the Common Property without the prior written consent of the Committee or Caretaker.

By-law 65.5 The consent from the Caretaker or Committee under this By-law may be given on conditions such as (but not limited to):

- (a) The person seeking consent must take all reasonable attempts to have protective covers placed where required by the Caretaker; and
- (b) Allow other Owners and Occupiers in the normal course of enjoying the Common Property, to have priority when using the elevators.

By-law 65.2 The areas of Common Property designated as Visitors' Car Park cannot be used for the loading, unloading or delivery of Bulky Items unless the prior written consent of the Committee or Caretaker is obtained.

By-law 21 Maintenance Responsibility of Alterations to Common Property Any alteration made to Common Property or fixture or fitting attached to Common Property by an Owner of a Lot shall, unless otherwise provided by resolution of a meeting of the Committee or Body Corporate (as appropriate), be repaired and maintained by the Owner for the time being of such Lot.

By-law 26.1 Occupiers shall not interfere with any flow meter or other device used to measure hot water consumed in their Lot or on Common Property.

By-law 55 Repairs All repairs to Lots will be carried out promptly and in a workmanlike manner by the Owners or Occupiers of the Lots using appropriately qualified contractors who hold public liability insurance for at least \$20million for each claim.



By-law 1.2: Noise In the event of unavoidable noise in a Lot at any time, the Owner or Occupier thereof shall take all practical means to minimise annoyance to other Owners or Occupiers of Lots by closing all doors, windows and curtains of its Lot and also such further steps as may be within its power for the same purpose.

By-law 2.6 Vehicles: No motor vehicle larger than two tonnes or which exceeds the dimensions for a space in the Visitor's Car Park may be parked in a Visitor Car Park without the prior consent of the Caretaker or Committee.

By-law 3.2(b): Common Property An Owner or Occupier of a Lot shall not permit any invitees vehicles to be parked on the roadway forming part of the common area at any time. Any invitees shall park their motor vehicles in the visitor's car park and shall use such area only for its intended purpose of casual parking;

By-law 4: Obstruction The Occupier of a Lot must not obstruct the lawful use of the common property by any person.

By-law 6.1 Damage to Common Property The Occupier of a Lot must not, without the Body Corporate's written approval, mark, paint, drive nails, screws or other objects into, or otherwise damage or deface a structure that forms part of the Common Property or any Body Corporate assets.

By-law 8.2 Behaviour of invitees The Owner or Occupier of a Lot shall be liable to compensate the Body Corporate in respect of all damage to the Common Property or personal property vested in it caused by such Owner or Occupier or their invitees.

By-law 9.2 Contractors and cleaners Owners and Occupiers shall ensure that their contractors provide their correct name, company, contact details and reason for accessing the Community Titles Scheme to the Caretaker prior to accessing the Community Titles Scheme. Owners and Occupiers authorise the Caretaker to restrain any contractors whose details have not been provided to the Caretaker and may refuse them access over Common Property until the requirements under this By-law have been complied with.

By-law 9.4 Contractors to comply with reasonable directives of building manager Owners and Occupiers must instruct their contractors to comply with the reasonable directions of the Caretaker in relation to equipment being brought onto or over the Common Property. For workplace safety and security purposes, equipment must not be placed on Common Property by contractors without the consent of the Caretaker or Committee. Cleaning trolleys or other equipment that may, in the opinion of the Caretaker be capable of damaging elevators, floor coverings or other parts of the Common Property may be restricted from access to or over Common Property until the Caretaker is satisfied that the equipment does not pose a damage risk to Common Property.

By-law 10 An Owner or Occupier of a Lot shall not deposit or throw upon the Common Property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the Owner or Occupier of another Lot or of any person lawfully using the Common Property.

By-law 11.1 The Occupier of a Lot must not, without the Body Corporate's written approval, make a change to the external appearance of the Lot unless the change is minor and does not detract from the amenity of the Lot and its surrounds.