

How to Upgrade your Bin Bay



We have partnered with expert strata lawyer Amanda Farmer to help you and your apartment building stakeholders to make positive changes to your apartment block.

Unlike houses, where small changes can be made without a Development Application, any structural work in apartment blocks must be approved by Council through the Development Application process.

With over 17 years of strata law experience, Amanda is here to help guide you through this upgrade process and get the most out of your strata investment.

Please note, if you need assistance with anything in this guide, Council is happy to have a Pre-Development Application (DA) meeting with you.

PLEASE NOTE: The content of this guide does not constitute legal or financial advice, is not intended to be a substitute for legal or financial advice and should not be relied upon as such. It is recommended that you obtain your own legal and financial advice, specific to your situation, prior to commencing your project.

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Before you apply

Talk to your neighbours

Before starting the application process, have a discussion with your neighbours, including other owners as well as tenants about:

- Problems caused by the existing bin bay;
- Benefits of upgrading the bin bay; and
- Any issues they may have with a change in design.

This guide will provide all the information you'll need to have an informed discussion with your neighbours that will reduce any problems later on during body corporate approval.

Take on feedback and understand that this might not be a priority for some as much as others.

How many bins does my building get?

Each apartment is provided with the same volume of bins per unit as single dwelling households. Council collects 140 Litres (L) of garbage and 120L* of recycling per dwelling per week. This volume has been increased over the years as consumption patterns and the numbers of people living in each apartment has increased. For these reasons you may find that there are too many bins to fit in your building's bin bay. By upgrading your building's bin bay you'll not only make the apartment complex and street more attractive by reducing litter and illegal dumping, but also provide a safer area for the residents.

Number of units	Litres of garbage per week	Litres of recycling per week
1	140L As: 1x 140L red bin	120L As: 1 x 240L yellow bin collected fortnightly
6	840L As either: 2 x 660L red bins OR 4 x 240L red bins	720L As either: 3 x 660L yellow bins collected fortnightly OR 6 x 240L yellow bins collected fortnightly
12	1680L As either: 3 x 660L red bins OR 7 x 240L red bins	1440L As either: 5 x 660L yellow bins collected fortnightly OR 12 x 240L yellow bins collected fortnightly

*Please note that houses are collected fortnightly to have 240L recycling per collection.

** 1100L bins are large, difficult to move around and less abled members of our community often have trouble opening the large lids. Councils preferred service is 660L bins.

Once you have worked out how many bins you need please view the [Waste Management Guide for New Developments](#) to see size and spacing requirements for them. Please note that the Canterbury and Bankstown DCPs and LEPs are currently undergoing alignment and a new combined LEP is awaiting approval as of February 2022.

How much space will we need?

It is important to remember that people of different needs will be accessing your bin area. Our [Waste Management Guide for New Developments](#) gives details on the layout and design of bin bays.

In general, you will need:

- Sufficient area to house the bins;
- A 15cm gap between each bin and the walls to allow for easy movement; and
- A 1.5m aisle space to access the bins.

A typical layout is shown in Figure 1. Different sites will suit different shaped areas. Your building may find that a single row of bins better fits your space.

Figure 1: Communal bin storage area

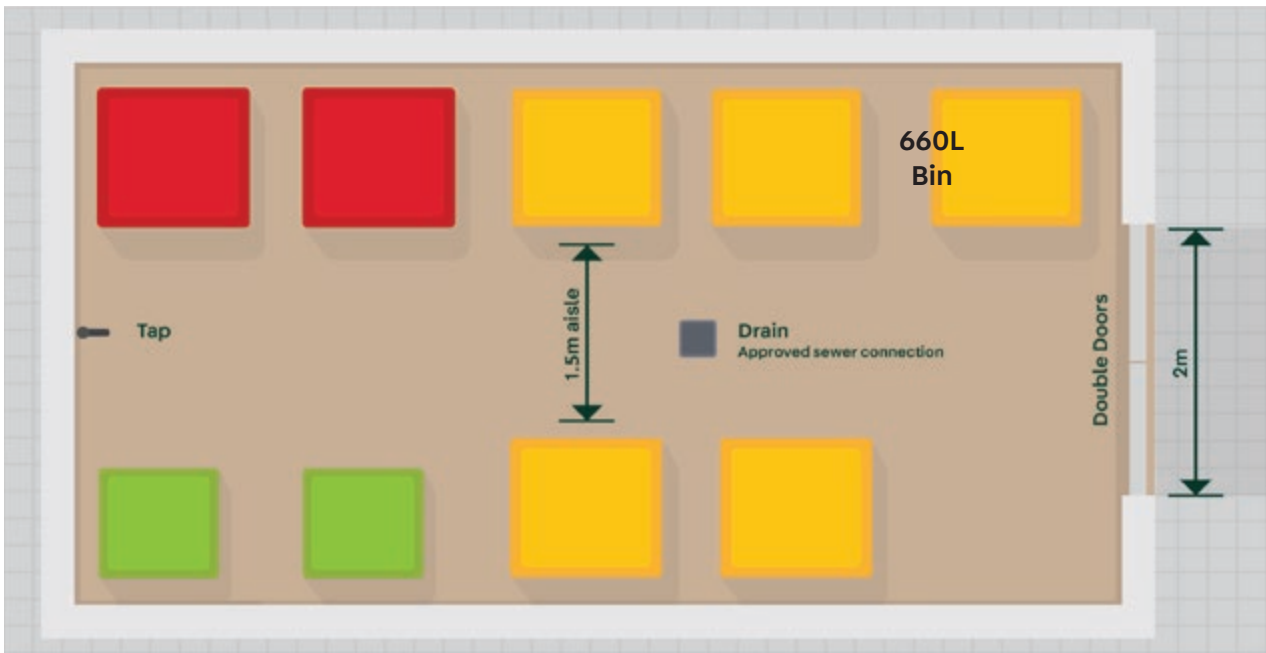


Table 2: Bin sizes for developments

Waste Stream		
General Waste	Recycling	Garden Organics
660L or 240L	660L or 240L	240L

NOTE:

1. One size of bin for each waste stream is provided for a development.



Table 3: Standard bin dimensions

Standard Bin Type	Dimensions (Additional 15cm is to be provided around each bin)		
	Height	Width	Depth
240L Mobile Garbage Bin (MGB)	1,060mm	580mm	730mm
660L Bulk Bin	1,250mm	1,370mm	850mm

NOTES:

1. It is important to understand the size of bins that will be allocated by Council for your development. Check with Council if you need assistance in identifying the most appropriate bin size/s.
2. An additional 15cm is to be provided around each bin in the design of the waste bin storage area, to ensure it can function effectively and efficiently, and to avoid damage to walls and doors from bins scraping against them.
3. Dimensions are a guide only and may differ depending on the manufacturer.

Gaining strata approval

by Amanda Farmer

Ensure the success of the project

Strata communities are made up of a diverse range of people, each with different interests and priorities. The success of any strata project lies in aligning the needs of your strata community together, so you can work towards a common goal.

Set the project up for success, right from the beginning, by committing to:

- Consult with all owners;
- Give owners the opportunity to share their ideas and desired outcomes;
- Be transparent about costs, timeframes and hurdles;
- Always comply with all legal obligations;
- Provide regular progress updates to owners;
- Measure the success of the project; and
- Make time to celebrate success with all owners and residents.

We suggest that the people leading the project – whether it is the strata committee, strata manager, or group of energised owners – make these commitments at the very beginning of the project. It's a good idea to record these commitments in the minutes of a formal strata committee meeting. A template motion is in the **motion annexure (1)**.

Strata committee decision to explore the project

The first step in the decision-making process should be a decision of the strata committee to explore the possibility of the project.

At this point in time, the strata committee is only deciding to investigate options and obtain ballpark quotes for what might be possible.

A template motion for the strata committee to resolve is in the **motion annexure (2)**.

1. Seek 'in principle' approval from the owners in general meeting and authority to prepare, sign and lodge the Development Application

If the strata committee's preliminary investigations lead it to believe the project is feasible and should proceed, that recommendation should be put to the owners at a general meeting and their 'in principle' approval sought, before additional time and cost is spent on the project. A template motion that can be put before the general meeting is in the **motion annexure (3)**.

At the same meeting, the strata committee should seek the Owners Corporation's authority to prepare, sign and lodge the necessary Development Application with the Council. A template motion is in the **motion annexure (4)**.

To assist owners' understanding of the project at this early stage, the strata committee may provide a written outline of its recommendations, including proposed new design, estimated cost and time frame. This can be attached to the notice of general meeting and referred to in the motion.

How to legally sign a development application

A development application form must be signed by the 'landowner'.

In the case of work on the common property, the relevant 'landowner' is the Owners Corporation. The Owners Corporation is the legal owner of the common property.

The Owners Corporation must sign and affix its seal to the Development Application form. The application will not otherwise be accepted by Council for processing.

NOTE: the affixing of the seal to the Development Application does not constitute the Owners



Corporation’s approval of the work that is set out in the application. The affixing of the seal to the Development Application merely facilitates its lodgement with Council. Council still needs to provide development consent, and the owners have to approve the work by special resolution at a general meeting before work can proceed on the common property.

If your building has only one or two owners, the Owners Corporation’s seal must be affixed either in the presence of those owners or by the strata manager.

If your building has more than two owners, the Owners Corporation’s seal must be affixed in the presence of either:

- a. Two people who are owners of lots OR two strata committee members, and the Owners Corporation must have authorised these two people to affix the seal to the Development Application); OR
- b. The strata manager.

(see section 273, *Strata Schemes Management Act 2015*).

Here (right) is an example of what a common property seal looks like when it is affixed to a document:

Bin Bay upgrade application options

There are two types of applications that can be used to change an apartment block’s bin bay, depending on when your building was constructed.

Type one: Applications to Modify Consents (section 4.55 applications, formally known as section 92)

These applications, as their name suggests, allow you to make changes to the original consent granted for the construction of your building. This application is suitable for newer buildings or buildings (last 30 years) which have maintained records of their original construction and certificates.

Type two: New Development Application

Older buildings without easily accessible DA records may find it easier to submit a new DA for the construction of a bin storage area. This will be the way forward for most buildings wishing to make changes.

Corporation was affixed on: (insert date) in the presence of:		
<input type="text"/>	<input type="text"/>	
<input type="text"/>	Signature	
<input type="text"/>	Name	
<input type="text"/>	Chairperson Designation	
d by section 273 of the Act to attest the affixing of the seal.		

What you will need to apply

To submit a DA you will need a series of documents. It is recommended you enlist the services of a Drafts Person or a Planner to assist you with the application process.

You will need at minimum the following documents:

- Site plan of the lot;
- Technical drawings of the proposed construction including:
 - Side elevations
 - Top view layout
 - Proposed materials
 - Proposed landscaping;
- Statement of Environmental Effects indicating how your development improves the area and meets the development controls; and
- A DA form.

Additional information on other documents that may be required can be found by referring to our [Planning and Building Application Lodgement Guide](#) or by contacting our Duty Planner on 9707 9000.

DA Application form

This form is available from the Council website: <https://www.cbcity.nsw.gov.au/council/forms/planning-building-forms>. It is the most important part of the application as it gives the applicant permission to submit the application on behalf of the land owner (the strata scheme).

Please note that the DA form needs to be signed if it isn't signed the application will not be accepted.

Statement of Environmental Effects

The statement of Environmental Effects (SoEE) is the document that ensures that your development complies with local and state requirements for design and town planning and that the development will not have negative effects on your neighbours.

Information on your property including lot number and zoning.



Find these details by searching your property in the ePlanning Spatial Viewer: www.planningportal.nsw.gov.au/spatialviewer/

Architectural drawings

For a development to be approved you need to be able to demonstrate the plans you have for the changes to your bin area. To assist with this we have template architectural designs that are drawn to fit with the most common sized buildings in our area.

These template bin bay drawings are a reference only. Your buildings bin bay will most likely have unique space, access and material requirements which will require the assistance of a drafter (draftsperson) to adjust these to your property.

When looking at the designs it is also important to think about other features of your property that may need improvement. For example, will your upgraded bin room also require a new path? Will the changes impact your letterboxes?

Value of development

Once you have decided on a design that is suitable for your building, you will need to get a cost estimate for the works from a builder.

Include these quotations and materials in your application.

DA fees will apply to the assessment of the application, based upon the value of the works undertaken. To get a quote of development fees contact our Customer Service Team on 9707 9000.

Applying

How to apply

From 16 April 2020, all applications are submitted online through the NSW Government Planning Portal: www.planningportal.nsw.gov.au/onlineDA

There are several simple step-by-step guides to assist you with this process on the Department of Planning and Environment website.

You will need to register with an email account and upload documents. The following guides will assist you in the application process:

Guide how to register:

https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/QRGs/Applicant+-+Register+for+a+NSW+Planning+Portal+Account+v1.0.pdf

How to apply:

https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/QRGs/Submit+a+Development+Application+Online.pdf



After approval

by Amanda Farmer

The consent lasts for five years unless another period is specified by Council.

Once you've had your DA approved you will need to apply for a construction certificate. This is once again done through the online Planning Portal.

Before you apply for the construction certificate you will need to engage a licensed builder who will undertake the construction. Their details are required in the application.

A guide on how to apply for construction certificates is found here:

<https://www.planningportal.nsw.gov.au/onlineDA>

*note you will not have to pay the Long Service Levy for projects under \$25,000.

Choose a contractor

Once Council issues the development consent, you are ready to proceed with choosing a contractor, obtaining a written contract and considering funding options for the project.

The strata committee can take all the investigative steps in this process, with the aim of presenting the owners in a general meeting with a preferred contractor and proposed contract for approval.

Choosing your contractor

The contractor chosen to carry out work on your common property should be:

- a. Licensed;
- b. Insured, including under the home building compensation fund (more on this below);
- c. Experienced in similar projects, particularly in working with Owners Corporations on their common property;
- d. Able to provide references, including examples of past work;
- e. Easily contactable and responsive to communications;
- f. Willing to provide an obligation-free quote; and
- g. Willing to enter in to a written contract.

The written contract

We recommend Fair Trading NSW's "plain English home building contracts".

These consumer-friendly contracts clearly set out the rights and responsibilities of the Owners Corporation and the contractor carrying out the work.

Fair Trading has template contracts for:

- Work likely to cost between \$5,000 and \$20,000; and
- Work likely to cost more than \$20,000.

You can download these contracts for free here: www.fairtrading.nsw.gov.au/housing-and-property/building-and-renovating/preparing-to-build-and-renovate/contracts/home-building-contracts

A contract is not required for work valued under \$5,000, though we recommend the Owners Corporation has received at least a written quote from the contractor and issued a work order to the contractor, accepting the quote.

A written contract for home building work worth more than \$20,000 must contain a checklist in the form approved under the Home Building regulation 2014 (NSW). A copy of the approved checklist is **included with this Guide**. If you answer “NO” to any of the questions in the checklist, you may not be ready to sign a contract.

For contracts worth more than \$20,000, it is recommended that you obtain specific legal advice on the contract terms.

Home Building Compensation Cover

If the total value of the work is over \$20,000 (including GST), the contractor will need appropriate home building compensation cover – formerly known as home warranty insurance. This is an important consumer protection for your Owners Corporation.

If the contractor is unable to complete the work or fix defects because they become insolvent, die, disappear or have their licence suspended, this cover will protect the Owners Corporation and ensure funds are available to complete the work, or fix defective work.

If the total value of the work is over \$20,000 (including GST) but your chosen contractor does not have home building compensation cover or will not provide evidence of that cover, you should not sign a contract and instead, choose a different contractor.

Specific spending restrictions for large schemes

A “large strata scheme” is a scheme with more than 100 lots (excluding utility lots and lots used for the purpose of parking. See section 6, *Strata Schemes Management Act 2015*).

There are some legal restrictions on how large strata schemes spend money.

Large strata schemes must obtain at least two quotations in relation to proposed expenditure on any one item, if the proposed expenditure will exceed the amount prescribed in the *Strata Schemes Management Regulation 2016*. The amount currently prescribed by the Regulation is \$30,000 (section 102 *Strata Schemes Management Act 2015*; Regulation 25, *Strata Schemes Management Regulation 2016*).

If the work is not over \$30,000 or your building is not a large strata scheme, there is no legal requirement to obtain more than one quote, though we do recommend at least two quotes are obtained for the purpose of comparison.

Funding options

An Owners Corporation can fund works on the common property via:

- a. Existing funds already in the Owners Corporation’s account and budgeted for this project; or
- b. Raising a special levy; or
- c. Getting a strata loan.

a. Existing Funds

Your building may have been budgeting for this project for some time and have funds already in its account, ready to allocate to the project. If so, that’s great: you don’t need a specific meeting resolution to raise funds for the project.

Note that large strata schemes (see definition above) must not spend on any one item an amount greater than the amount that has been budgeted for that item, plus 10 per cent. For example, if the Owners Corporation budgeted at the AGM to spend \$50,000 on the bin bay upgrade project and the quote received from the preferred contractor is \$60,000, the Owners Corporation cannot approve that quote. It will need to wait until the next AGM and approve the correct amount as part of its budget. An Owners Corporation of a large strata scheme can also pass a resolution at a general meeting, removing this limitation (see section 102, *Strata Schemes Management Act 2015*).

b. Raising a special levy

Any levy that is not a regular periodic contribution (eg: quarterly levy) is referred to as a 'special levy'.

Special levies are often raised to fund urgent repair work, one-off items and improvement projects.

A special levy is raised by passing an ordinary resolution at a general meeting (a special resolution is not required).

The Owners Corporation may choose to pay the special levy due in a single instalment, or payable over two, three or more instalments.

Like all levies, a special levy is contributed to by owners in shares proportional to the unit entitlement of their lot.

A template motion to raise a special levy to fund the project is at **motion annexure (6)**.

Owners should be notified of the special levy by issue of an invoice. The invoice should include due date. This date must be at least 30 days after the invoice is given to the owner.

c. Getting a strata loan

An Owners Corporation may borrow money in any manner agreed between it and a lender (section 100, *Strata Schemes Management Act 2015*).

Strata loans are a unique financial product available to Owners Corporations. There are limited providers in the market. Two current providers are Lannock Strata Finance and Macquarie Bank.

A strata loan is an unsecured loan in the name of the Owners Corporation. The Owners Corporation is responsible for paying the principal and interest on the loan over the term of the loan. Each owner contributes to the loan repayments in shares proportional to their unit entitlement. In practice, the minimum loan repayments are incorporated into the Owners Corporation's budget and owners repay the loan via their levies – whether regular quarterly levies, or special levies raised specifically to cover the loan repayments.

It is important that the Owners Corporation obtains specific legal and financial advice before entering into a strata loan contract.

To approve the loan, a resolution must be passed at a general meeting. See **motion annexure (6)**.

2. General meeting to pass resolutions approving work, engaging contractor and raising funds

A special resolution at a general meeting is required to legally approve an Owners Corporation's addition to; alteration of; and installation of a new structure on the common property (see section 108, *Strata Schemes Management Act 2015*).

A template motion to consider at a general meeting is at **motion annexure (5)**.

At the same meeting, you should also approve the engagement of the preferred contractor and the method of funding. See **motion annexure (6)**.

3. What if owners object?

If you have taken the steps recommended in this Guide and regularly consulted with owners from the beginning of the project, it is likely the necessary motions will ultimately be passed at the general meeting and your project will be able to get underway.

If that is not the case and one or more of the motions fail, you may wish to:

- a. Consult with owners about their objections and see if those objections can't be addressed in a revised proposal; or
- b. Consider a revised project that sees the common property being "repaired" or "maintained" only, rather than upgraded. Repair and maintenance work can be carried out with the approval of the strata committee only (a resolution at a general meeting is not required). Large strata schemes still need to be aware of the relevant restrictions on spending; or

- c. Apply for mediation via NSW Fair Trading: more information and access to the online mediation application form is here: www.fairtrading.nsw.gov.au/help-centre/online-tools/apply-for-strata-mediation. The respondents to the Owners Corporation's mediation application would be the lot owners who voted against the project; and
- d. If mediation is unsuccessful, apply to the NSW Civil and Administrative Tribunal for an order directing the work to be carried out, even though the required resolutions have not been obtained. This includes an order directing the Owners Corporation to affix its common seal to the Development Application so it may be lodged with the Council. You should seek specific legal advice before taking this step.

You're ready to go!

When completing the work please ensure that bins are kept in a safe, serviceable position of public property and are not used for any construction waste.

Once work is completed a Council officer will inspect the site to ensure it's been constructed to plans. If you are extending your bin area to be able to have your full allocation of waste and recycling bins, the Council officer will arrange for delivery from this time. This will also be the time that your bins may be upsized from 240L to 660L or 1100L bins.

With Council approval and all meeting motions passed, you can:

1. Get the project money in the Owners Corporation's bank account (or sign the loan contract);
2. Sign the works contract;
3. Have the contractor commence and complete the work; and
4. Enjoy your newly upgraded common property!



Template meeting motions

drafted by Amanda Farmer Strata Lawyer

Template Motions

For strata committee meetings

1. Project commitments

Motion title: *Commitment to Explore Bin Bay Upgrade Project*

THAT in respect to the Bin Bay Upgrade Project, the strata committee records its commitment to:

- Consult with all owners about the project;
- Give owners the opportunity to share their ideas and desired outcomes;
- Be transparent about project costs, timeframes and hurdles;
- Always comply with all legal obligations;
- Regularly update owners on the progress of the project;
- Measure the success of the project; and
- Make time to celebrate the project's success with all owners and residents.

2. Project investigation

Motion title: *Investigation of Bin Bay Upgrade Project*

THAT the strata committee **[or nominated owners forming a subcommittee OR the strata manager]** investigates the feasibility of upgrading the common property bin bay area, including:

- a. Consulting with owners about their needs and desires for the bin bay area;
- b. Consulting with qualified contractors;
- c. Obtaining at least two quotations from qualified contractors to gain an indicative understanding of the cost of the project;
- d. Consider the "Strata DA Guide" issued by the City of Canterbury Bankstown; and
- e. Consider a reasonable time frame for the project.

General Meeting

3. "In principle" approval of project

Motion title: *In principle approval of Bin Bay Upgrade Project*

THAT it be resolved, by ordinary resolution to approve in principle the proposal to upgrade the common property bin bay, in accordance with the outline provided by the strata committee and annexed to this notice of meeting. It is noted that formal approval remains subject to the passing of a motion by special resolution. A motion for special resolution will be proposed at a future general meeting, once Council consent has been obtained for the project.

4. Authority to committee to prepare, sign and lodge Development Application

Motion title: *Authority to lodge DA*

THAT it be resolved, by ordinary resolution, to authorise and direct the strata committee to do all things and sign all documents necessary to lodge the required Development Application with the City of Canterbury Bankstown, seeking approval for the Bin Bay Upgrade. Either the strata manager or two members of the strata committee may affix the Owners Corporation's seal to the Development Application, in accordance with s 273 of the *Strata Schemes Management Act 2015*. The strata committee is also authorised to make any necessary amendments to the Development Application to ensure its successful passage through Council.

5. Special resolution approving the work under section 108 and engaging contractor

Motion title: *Approval of Bin Bay Upgrade*

THAT it be specially resolved, pursuant to section 108 of the *Strata Schemes Management Act 2015* to:

- a. Carry out work on the common property for the purpose improving or enhancing the bin bay (Bin Bay Upgrade Project) in accordance with the development consent issued by the City of Canterbury Bankstown (**DA no. ####**) and the scope of works prepared by **[insert contractor name]** dated **[insert date]**, each attached to this notice of meeting; and
- b. Enter into the contract with **[insert name of contractor]** for the required work in the sum of **#### (incl. GST)** in the form attached to this notice of meeting and that the strata manager **[or two committee members]** be authorised and directed to sign the contract on behalf of the Owners Corporation.

6. Funding the Project

a. Capital Works Fund Special levy

Motion title: *Special levy for Bin Bay Upgrade*

THAT, a special contribution to the capital works fund be determined in accordance with section 81(4) of the *Strata Schemes Management Act 2015*, in the sum of **#### plus GST** to fund the Bin Bay Upgrade Project and that the special contribution be due and payable in one instalment due on **[insert date]**.

b. Strata loan

Motion title: *Strata loan for Bin Bay Upgrade*

- (i) THAT the Owners Corporation enters into the loan contract with **[insert financier's name and ACN here]**, a copy of which is attached to this notice of meeting, for the purpose of funding the Bin Bay Upgrade Project, and that the Owners Corporation's seal be affixed to the loan contract in accordance with the requirements of section 273 of the *Strata Schemes Management Act 2015*.
- (ii) THAT a drawdown instruction may be given to **[insert name of financier]** by **[choose one option]**:
 - The strata manager; or
 - The strata manager and **(one? two?)** members of the strata committee; or
 - Two members of the strata committee; or
 - The secretary and chairperson of the strata committee.

Checklist for owners entering into contracts for residential building work worth more than \$20,000

Approved form under: Home Building Regulation 2014 (NSW) (clause 8)

Checklist

Have you checked that contractor holds a current contractor licence?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the licence cover the type of work included in the contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the name and number on the contractor's licence the same as on the contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the work to be undertaken covered in the contract, drawings or specifications?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the contract clearly state a contract price or contain a warning that the contract price is not known?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If the contract price may be varied, is there a warning and an explanation about how it may be varied?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you aware of the cooling-off provisions relating to the contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the deposit within the legal limit of 10%?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the contract include details of the progress payments payable under the contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you understand the procedure to make a variation to the contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are you aware of who is to obtain any Council or other approval for the work?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you understand that any registered certifier required to certify work under the contract is to be selected by you and the contractor cannot object to your selection?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you understand that you are not required to pay the contractor a deposit or any progress payments until the contractor has given you a certificate of insurance under Part 6 or Part 6B of the Home Building Act 1989 (except where the work is of a kind that does not require insurance)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the contract include either of the following: a. the cost of the insurance under Part 6 of the Home Building Act 1989 b. the cost of the alternative indemnity product under Part 6B of the Home Building Act 1989?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has the contractor given you a copy of the Consumer Building Guide, which provides key information about your rights and responsibilities under NSW's home building laws and where to get more information?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the contract include a statement about the circumstances in which the contract may be terminated?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the contract include the Security of Payment Guide which provides key information about your rights and responsibilities under the Building and Construction Industry Security of Payment Act 1999 and the Building and Construction Industry Security of Payment Regulation 2020?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Signatures

Do not sign the contract unless you have read and understand the clauses as well as the notes and explanations contained in the contract and this document.

If you have answered “no” to any question in the checklist, you may not be ready to sign the contract.

Both the contractor and the owner should retain an identical signed copy of the contract including the drawings, specifications and other attached documents. Make sure that you initial all attached documents and any amendments or deletions to the contract.

Signed copy of contract

Under the *Home Building Act 1989* a signed copy of the contract must be given to the owner within five working days after the contract is entered into.

Insurance under Part 6 or Part 6B of the *Home Building Act 1989*

The contractor must provide you with a certificate of insurance under Part 6 or Part 6B of the *Home Building Act 1989* before the contractor commences work and before the contractor can request or receive any payment.

Acknowledgement of owners

- I/We have been given a copy of the Consumer Building Guide and I/we have read and understand it.
- I/We have completed the checklist and answered “Yes” to all items on it.

Note

Where the owner is a company or partnership or the contract is to be signed by an authorised agent of the owner, the capacity of the person signing the contract, eg director, must be inserted.

Signatures

X _____	
Name (print)	
Capacity (print)	
Date	

X _____	
Name (print)	
Capacity (print)	
Date	



Amanda Farmer is the owner of Lawyers Chambers, a strata-focussed legal practice in Sydney.

Amanda is also the host of the Your Strata Property podcast, the world's only podcast dedicated to explaining the legal complexities of strata-titled properties.

With over 17 years of experience in the strata legal sector, Amanda is both a Fellow and Council Member of the Australian College of Strata Lawyers. Amanda is also the founder of Women in Strata, a networking group for women working in strata management.

An increasingly in-demand speaker and educator, Amanda has been educating strata managers, apartment owners and residents for many years, through round table workshops, webinars, large-scale presentations and guest speaking.

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