

CREATION OF A COMMON PROPERTY RIGHTS BY-LAW COMMERCIAL OR INDUSTRIAL STRATA

If you own a unit in a commercial or industrial strata complex and want to carry out work that involves common property you will need the consent of the owners corporation. You will also need a common property rights by-law.

A common property rights by-law gives the owner of the lot the right either a *right of exclusive use and enjoyment* or *special privileges* in respect of part of the common property of the strata scheme.

Examples of when this is required include installation of solar panels, work involving wall, floor and/or ceiling penetrations, installation of signage on common property, installations on common property (for example gas cylinders for medical or other uses), installation of air conditioning or ventilation or replacement of entrances with, for example, automatic glass doors. If work is required to any physical part of the building (rather than work within the airspace of a lot), it probably involves common property.

Penmans are experts in strata matters. Our team is led by Paula Roberts who is one of only 150 Law Society accredited specialists in property law in NSW. We have a team of lawyers, licensed conveyancers and paralegals and we accept instructions in all property law matters.

Our fee for creation of a common property rights by-law for a commercial/industrial strata scheme are **\$2,970** (inclusive of GST) together with out-of-pocket expenses. This fixed fee applies to common by-laws that are regularly required for commercial or industrial strata schemes but does not apply if by-laws are particularly unique or complex. If that is the case, we will tell you and provide a separate fee estimate, before we commence work.

Disbursements*

Verification of identity (if required)	\$29.90
Search fees (per search)	\$31.00

partnering with people since 1946



DIRECTORS
Paula Roberts
Acc. Spec. (Property Law)

Bailey Dunleavy

ADDRESS
Suite 2.1, Level 2, Riverside Office Tower
69 Central Coast Highway
West Gosford

MAIL
PO Box 6040
West Gosford NSW 2250

ABN
64 676 843 888

Liability limited by a
scheme approved under
Professional Standards
Legislation

PHONE
02 4324 1266

EMAIL
info@penmans.com.au

PEXA fee	\$52.80
Registration fee	\$175.70
Copy of registered by-laws	\$33.93

*Disbursement amounts are current as of August 2025 and include GST, if applicable.

Our fixed fee includes reviewing the existing by-laws for the strata scheme, drafting your by-law, preparing the necessary resolution that will need to be passed at a meeting of the owners corporation, preparation of a consolidated set of by-laws (which includes your new by-law), having that executed by the owners corporation and arranging registration of the consolidated by-laws on the title for the common property.

The steps are:

- a) Penmans regularly act on these sorts of matters have verified the identity of many of the Central Coast strata managers. We can however act in respect of strata matters where the property is anywhere in New South Wales. If we have not dealt with your strata manager before, we will need to verify their identity. This is via a link sent to the strata manager's mobile device.
- b) You will need to provide us with:
 - Details of the work you intend to carry out and provide us with any formal plans and specifications that have been prepared;
 - Any correspondence with the strata manager or owners corporation; and
 - A copy of the strata plan and by-laws if you have them. Otherwise, we can obtain them from the strata manager or NSW Land Registry Services.
- c) We will then draft the documents for you to approve and then send them to your strata manager who will call the necessary meeting of the owners corporation.
- d) Once the by-law is passed, we will prepare the consolidated by-laws and arrange registration.

Next Steps

Please fill in our [contact form](#) and include in the comments that you have a strata by-law matter and a member of our property team will be in contact with you.

The information you obtain at this site is not, nor is it intended to be, legal advice. You should consult a Solicitor for individual advice regarding your own situation. Liability limited by a scheme approved under Professional Standards Legislation.

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Fixed fees current as of August 2025.