

Form: 15CH
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**CONSOLIDATION/
CHANGE OF BY-LAW**
New South Wales



Strata Schemes Management Act
Real Property Act 1900

AN211659K

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE**

For the common property CP/SP82287

(B) **LODGED BY**

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Reference:	JCON: 7214130	

- (C) The Owners-Strata Plan No. 82287 certify that pursuant to a resolution passed on 25/9/2017 and
(D) in accordance with the provisions of Section 141 of the Strata Schemes Management Act 2015 the by-laws are changed as follows—
(E) Repealed by-law No. NOT APPLICABLE
Added by-law No. By-Laws 22 and 23
Amended by-law No. NOT APPLICABLE
as fully set out below:
- By-Law 22 - Window Safety Devices and Common Property.- Annexure 1 - Page 2
 - By-Law 23 - Recovery of Expenses by Owners Corporation - Annexure 2 - Page 3



- (F) A consolidated list of by-laws affecting the above mentioned strata scheme and incorporating the change referred to at Note (E) is annexed hereto and marked as Annexure 'AZ'
(G) The seal of The Owners-Strata Plan No. 82287 was affixed on 13/3/2018 in the presence of the following person(s) authorised by section 273 Strata Management Act 2015 to attest the affixing of the seal:

Signature:

Name: Kathleen O'Hea
Authority: Strata Manager

Signature:
Name:
Authority:

Annexure (1)

22. Window Safety Devices and Common property

1. An owner or person authorised by an owner may install, without the consent of the Owners Corporation:
 - 1.1 any locking or other safety device for protection of the owner's lot against intruders or to improve safety within the owner's lot, or
 - 1.2 any screen or other device to prevent entry of animals or insects to the lot, or
 - 1.3 any structure or device to prevent harm to children in accordance with section 118 of the *Strata Schemes Management Act 2015* or as amended.
2. Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.
3. In accordance with section 118 of the *Strata Schemes Management Act 2015* or as amended, the owner must give written notification of the installation to the Owners Corporation within seven (7) days after the completion of the installation of the window safety device.
4. This By-law does not apply to the installation of anything that is likely to affect the operation of fire safety devices in the lot or to reduce the level of safety in the lots or common property.
5. The owner of a lot must:
 - 5.1 maintain and keep in a state of good and serviceable repair any installation or structure referred to in this By-law that forms part of the common property and that services the lot, and
 - 5.2 repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or structure referred to in this By-law that forms part of the common property and that services the lot.
6. As the obligation under section 118 of the *Strata Schemes Management Act 2015* or as amended, is upon the Owners Corporation to ensure that there are complying window safety devices for all common property windows in the strata scheme, the Owners Corporation may choose to install such window safety devices and if such a device is damaged or removed by a person within the lot, then the owner of the lot shall be responsible for the repair and/or replacement of that widow safety device.

Annexure (2)

23. Recovery of expenses by Owners Corporation

1. Where it is necessary, at the discretion of the Owners Corporation, to seek to recover from an owner any money that is owed by that owner to the Owners Corporation whether under section 120 of the *Strata Schemes Management Act 2015*, or as amended, or the By-laws (and also including arrears of levies), then the Owners Corporation shall be entitled to recover such amount spent, together with any amount expended by way of legal costs and outlays (including solicitor and own client costs) including the costs of investigation and of service of process, as a debt in any court of competent jurisdiction from such owner.
2. Where the Owners Corporation spends money to repair damage caused by a breach of the *Strata Schemes Management Act 2015*, or as amended, or a breach of the By-laws by any owner, mortgagee or covenant chargee in possession, tenant or occupier, then the Owners Corporation is entitled to recover the amount spent, together with any amount expended by way of legal costs and outlays (including solicitor and own client costs) including the costs of investigation and of service of process, as a debt in any court of competent jurisdiction from such owner.
3. Some examples of the type of "expenses" which are recoverable by the Owners Corporation pursuant to this By-law are:
 - 3.1. If an owner of a lot fails to carry out work that is required to be carried out under a notice given to the owner by a public authority (eg, show cause notice from council or a NSW fire compliance notice), then the Owners Corporation may carry out the work and recover the expenses as a debt; and
 - 3.2. If an owner (or the occupier of the lot) damages a window safety device installed within the lot or common property, then the Owners Corporation will spend money to arrange the repair and repair the damage (or replace the window safety device), and such expense (including legal and administrative costs) will be recovered by the Owners Corporation as a debt.
 - 3.3. If an owner has agreed for the Owners Corporation to organise the engagement of a contractor to install the Window Safety Devices in his or her lot and fails to provide access to his or her lot which results in the Owners Corporation incurring fees from the contractor engaged to install the Window Safety Devices.
4. The entitlement of the Owners Corporation to recover its expenses are not limited to the examples in this By-law and such entitlement includes any damage caused to common property by an owner, mortgagee or covenant chargee in possession, tenant or occupier.

Annexure 'AZ'

Model by-laws for residential schemes

1 Noise

An owner or occupier of a lot must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

2 Vehicles

An owner or occupier of a lot must not park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.

3 Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person except on a temporary and non-recurring basis.

4 Damage to lawns and plants on common property

An owner or occupier of a lot must not, except with the prior written approval of the owners corporation:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property.

5 Damage to common property

- (1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property except with the prior written approval of the owners corporation.
- (2) An approval given by the owners corporation under clause (1) cannot authorise any additions to the common property.
- (3) This by-law does not prevent an owner or person authorised by an owner from installing:
 - (a) any locking or other safety device for protection of the owner's lot against intruders or to improve safety within the owner's lot, or
 - (b) any screen or other device to prevent entry of animals or insects on the lot, or
 - (c) any structure or device to prevent harm to children, or
 - (d) any device used to affix decorative items to the internal surfaces of walls in the owner's lot.
- (4) Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.
- (5) Despite section 62 of the Act, the owner of a lot must:
 - (a) maintain and keep in a state of good and serviceable repair any installation or structure referred to in clause (3) that forms part of the common property and that services the lot, and
 - (b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or structure referred to in clause (3) that forms part of the common property and that services the lot.

6 Behaviour of owners and occupiers

An owner or occupier of a lot when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.

7 Children playing on common property in building

An owner or occupier of a lot must not permit any child of whom the owner or occupier has control to play on common property within the building or, unless accompanied by an adult exercising effective control, to be or to remain on common property comprising a laundry, car parking area or other area of possible danger or hazard to children.

8 Behaviour of invitees

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

9 Depositing rubbish and other material on common property

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except with the prior written approval of the owners corporation.

10 Drying of laundry items

An owner or occupier of a lot must not, except with the prior written approval of the owners corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building other than on any lines provided by the owners corporation for the purpose and there only for a reasonable period.

11 Cleaning windows and doors

- (1) Except in the circumstances referred to in clause (2), an owner or occupier of a lot is responsible for cleaning all interior and exterior surfaces of glass in windows and doors on the boundary of the lot, including so much as is common property.
- (2) The owners corporation is responsible for cleaning regularly all exterior surfaces of glass in windows and doors that cannot be accessed by the owner or occupier of the lot safely or at all.

12 Storage of inflammable liquids and other substances and materials

- (1) An owner or occupier of a lot must not, except with the prior written approval of the owners corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.
- (2) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

13 Changes to floor coverings and surfaces

- (1) An owner or occupier of a lot must notify the owners corporation at least 21 days before changing any of the floor coverings or surfaces of the lot if the change is likely to result in an increase in noise transmitted from that lot to any other lot. The notice must specify the type of the proposed floor covering or surface.
- (2) This by-law does not affect any requirement under any law to obtain a consent to, approval for or any other authorisation for the changing of the floor covering or surface concerned.

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14 Floor coverings

- (1) An owner of a lot must ensure that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space of noise likely to disturb the peaceful enjoyment of the owner or occupier of another lot.
- (2) This by-law does not apply to floor space comprising a kitchen, laundry, lavatory or bathroom.

15 Garbage disposal

- (1) An owner or occupier of a lot in a strata scheme that does not have shared receptacles for garbage, recyclable material or waste:
 - (a) must maintain such receptacles within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry condition and (except in the case of receptacles for recyclable material) adequately covered, and
 - (b) must ensure that before garbage, recyclable material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained or, in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and
 - (c) for the purpose of having the garbage, recyclable material or waste collected, must place the receptacles within an area designated for that purpose by the owners corporation and at a time not more than 12 hours before the time at which garbage, recyclable material or waste is normally collected, and
 - (d) when the garbage, recyclable material or waste has been collected, must promptly return the receptacles to the lot or other area referred to in paragraph (a), and
 - (e) must not place any thing in the receptacles of the owner or occupier of any other lot except with the permission of that owner or occupier, and
 - (f) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled from the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.
- (2) An owner or occupier of a lot in a strata scheme that has shared receptacles for garbage, recyclable material or waste:
 - (a) must ensure that before garbage, recyclable material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained or, in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and
 - (b) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled in the area of the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.
- (3) An owner or occupier of a lot must:
 - (a) comply with the local council's requirements for the storage, handling and collection of garbage, waste and recyclable material, and
 - (b) notify the local council of any loss of, or damage to, receptacles provided by the local council for garbage, recyclable material or waste.
- (4) The owners corporation may post signs on the common property with instructions on the handling of garbage, waste and recyclable material that are consistent with the local council's requirements.

16 Keeping of animals - Option B

- (1) Subject to section 49 (4) of the Act, an owner or occupier of a lot must not, without the prior written approval of the owners corporation, keep any animal (except a cat, a small dog or a small caged bird, or fish kept in a secure aquarium on the lot) on the lot or the common property.
- (2) The owners corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property.
- (3) If an owner or occupier of a lot keeps a cat, small dog or small caged bird on the lot then the owner or occupier must:
 - (a) notify the owners corporation that the animal is being kept on the lot, and
 - (b) keep the animal within the lot, and
 - (c) carry the animal when it is on the common property, and
 - (d) take such action as may be necessary to clean all areas of the lot or the common property that are soiled by the animal.

17 Appearance of lot

- (1) The owner or occupier of a lot must not, without the prior written approval of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.
- (2) This by-law does not apply to the hanging of any washing, towel, bedding, clothing or other article as referred to in by-law 10.

18 Change in use of lot to be notified

An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes).

19 Provision of amenities or services

- (1) The owners corporation may, by special resolution, determine to enter into arrangements for the provision of the following amenities or services to one or more of the lots, or to the owners or occupiers of one or more of the lots:
 - (a) window cleaning,
 - (b) garbage disposal and recycling services,
 - (c) electricity, water or gas supply,
 - (d) telecommunication services (for example, cable television).
- (2) If the owners corporation makes a resolution referred to in clause (1) to provide an amenity or service to a lot or to the owner or occupier of a lot, it must indicate in the resolution the amount for which, or the conditions on which, it will provide the amenity or service.

20 Compliance with planning and other requirements

- (1) The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.
- (2) The owner or occupier of a lot must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

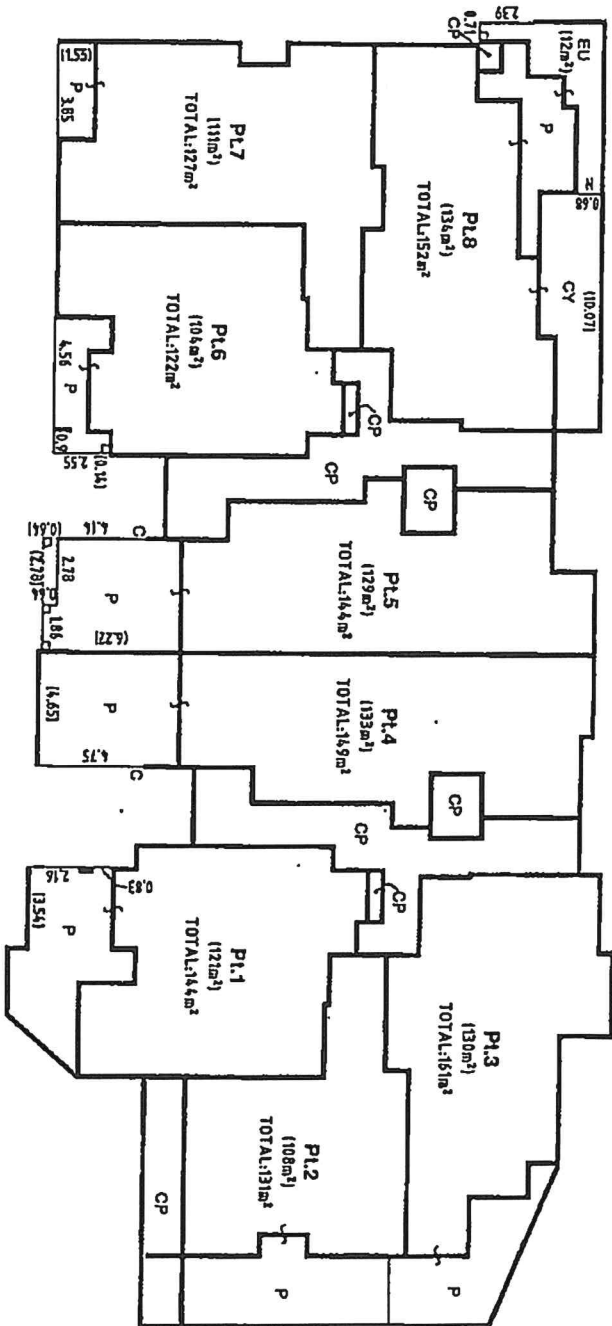
21 Exclusive Use

The area shown as exclusive use on Annexure 'A' is limited in height and depth and enjoys the same rights, privileges and conditions of use as the definition of a courtyard in the strata plan.

The benefit of the exclusive use applies to the owner of Lot 8 in the Strata Plan

low

ANNEXURE "A"



GROUND FLOOR

- NOTES:-**
- WHERE NOT COVERED THE UPPER LIMIT OF THE STRATUM OF EACH PATIO IS 25 ABOVE THE UPPER SURFACE OF ITS CONCRETE FLOOR
 - WHERE NOT OVER BASEMENT THE LOWER LIMIT OF THE STRATUM OF THE COURTYARD IS 2 BELOW AND WHERE NOT COVERED THE UPPER LIMIT OF THE STRATUM OF THE COURTYARD IS 5 ABOVE THE UPPER SURFACE OF THE CONCRETE FLOOR OF THE GROUND FLOOR LIVING AREA OF THEIR RESPECTIVE DWELLING
 - ANY SERVICE LINE WITHIN ONE LOT SERVICING ANY OTHER LOT IS COMMON PROPERTY
 - AREAS ARE APPROXIMATE AND FOR THE PURPOSES OF STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973
- LEGEND:**
- CT denotes COURTYARD
 - P denotes PATIO
 - CP denotes COMMON PROPERTY
 - EU denotes EXCLUSIVE USE AREA
 - C denotes RIGHT ANGLE
 - H denotes CENTRE LINE OF WALL
 - N denotes PROLONGATION OF NORTH FACE OF WALL
 - W denotes PROLONGATION OF WEST FACE OF WALL

10	20	30	40	50	60	70	80	90	100	110	120	130	140
Table of mm													

Surveyor: **GARY EDWARDS**
 Surveyor's Ref: 2960
 Subdivision No:
 Lengths are in metres, Reduction Ratio 1:200

Registered
 11.6.2009

SP82287

22. Window Safety Devices and Common property

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 - 1.1 any locking or other safety device for protection of the owner's lot against intruders or to improve safety within the owner's lot, or
 - 1.2 any screen or other device to prevent entry of animals or insects to the lot, or
 - 1.3 any structure or device to prevent harm to children in accordance with section 118 of the *Strata Schemes Management Act 2015* or as amended.
2. Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.
3. In accordance with section 118 of the *Strata Schemes Management Act 2015* or as amended, the owner must give written notification of the installation to the Owners Corporation within seven (7) days after the completion of the installation of the window safety device.
4. This By-law does not apply to the installation of anything that is likely to affect the operation of fire safety devices in the lot or to reduce the level of safety in the lots or common property.
5. The owner of a lot must:
 - 5.1 maintain and keep in a state of good and serviceable repair any installation or structure referred to in this By-law that forms part of the common property and that services the lot, and
 - 5.2 repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or structure referred to in this By-law that forms part of the common property and that services the lot.
6. As the obligation under section 118 of the *Strata Schemes Management Act 2015* or as amended, is upon the Owners Corporation to ensure that there are complying window safety devices for all common property windows in the strata scheme, the Owners Corporation may choose to install such window safety devices and if such a device is damaged or removed by a person within the lot, then the owner of the lot shall be responsible for the repair and/or replacement of that window safety device.

23. Recovery of expenses by Owners Corporation

1. Where it is necessary, at the discretion of the Owners Corporation, to seek to recover from an owner any money that is owed by that owner to the Owners Corporation whether under section 120 of the *Strata Schemes Management Act 2015*, or as amended, or the By-laws (and also including arrears of levies), then the Owners Corporation shall be entitled to recover such amount spent, together with any amount expended by way of legal costs and outlays (including solicitor and own client costs) including the costs of investigation and of service of process, as a debt in any court of competent jurisdiction from such owner.
2. Where the Owners Corporation spends money to repair damage caused by a breach of the *Strata Schemes Management Act 2015*, or as amended, or a breach of the By-laws by any owner, mortgagee or covenant chargee in possession, tenant or occupier, then the Owners Corporation is entitled to recover the amount spent, together with any amount expended by way of legal costs and outlays (including solicitor and own client costs) including the costs of investigation and of service of process, as a debt in any court of competent jurisdiction from such owner.
3. Some examples of the type of "expenses" which are recoverable by the Owners Corporation pursuant to this By-law are:
 - 3.1. If an owner of a lot fails to carry out work that is required to be carried out under a notice given to the owner by a public authority (eg, show cause notice from council or a NSW fire compliance notice), then the Owners Corporation may carry out the work and recover the expenses as a debt; and
 - 3.2. If an owner (or the occupier of the lot) damages a window safety device installed within the lot or common property, then the Owners Corporation will spend money to arrange the repair and repair the damage (or replace the window safety device), and such expense (including legal and administrative costs) will be recovered by the Owners Corporation as a debt.
 - 3.3. If an owner has agreed for the Owners Corporation to organise the engagement of a contractor to install the Window Safety Devices in his or her lot and fails to provide access to his or her lot which results in the Owners Corporation incurring fees from the contractor engaged to install the Window Safety Devices.
4. The entitlement of the Owners Corporation to recover its expenses are not limited to the examples in this By-law and such entitlement includes any damage caused to common property by an owner, mortgagee or covenant chargee in possession, tenant or occupier.