

Form: 15CH
Release: 2.1

**CONSOLIDATION/
CHANGE OF BY-LAWS**

New South Wales

Strata Schemes Management Act 2015

Real Property Act 1900



AP974204V

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/SP58396	
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(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any KANES REGISTRATION SERVICES PTY LTD LLPN123818G	CODE CH
	30P	Reference: LGS58396	

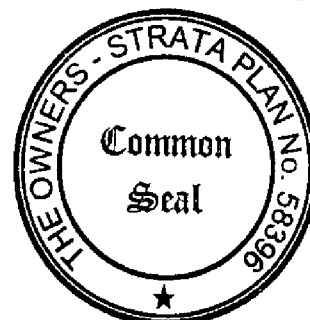
- (C) The Owners-Strata Plan No. 58396 certify that a special resolution was passed on 15/2/2020
- (D) pursuant to the requirements of section 141 of the Strata Schemes Management Act 2015, by which the by-laws were changed as follows—
- (E) Repealed by-law No. NOT APPLICABLE
Added by-law No. SPECIAL BY LAW 1
Amended by-law No. NOT APPLICABLE
as fully set out below:

Please see attached in 'Annexure 1' to the 15CH Form the Consolidated By-Laws for Strata Plan 58396 which includes new Added Special By Law No 1 on pages 5-7.

- (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 1
- (G) The seal of The Owners-Strata Plan No. 58396 was affixed on 3/3/2020 in the presence of the following person(s) authorised by section 273 Strata Schemes Management Act 2015 to attest the affixing of the seal:

Signature: 
 Name: BRADLEY GRIBBLE
 Authority: STRATA MANAGING AGENT

Signature:
 Name:
 Authority:



ANNEXURE 1

CONSOLIDATED BY LAWS

STRATA SCHEME 58396

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 other motor or other vehicle on common property except with the written approval of the owner's 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

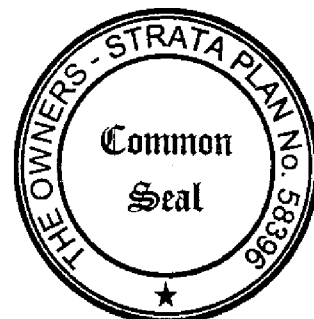
- (1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property except with prior written approval of the owner's corporation.
- (2) An approval given by the owner's corporation under the subclause (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 the protection of the owner's lot against intruders or to improve the 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, of keeping with the appearance of the rest of the building.

The seal of The Owners-Strata Plan No 58396 was affixed on 3/3/2020 in the presence of the following person(s) authorised by section 273 of the Strata Schemes Management Act 2015 to attest the affixing of the seal

Signature(s): 

Name(s) [use block letters]: BRADLEY GRIBBLE

Authority: STRATA MANAGING AGENT



(5) Despite section 62, 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 the subclause (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 subclause (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 other person lawfully and 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 the 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 owner's 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

An owner or occupier of a lot must keep clean all exterior surfaces of glass in windows and doors on the boundary of the lot, including so much as in the common property, unless:

- (a) the owners corporation resolves that it will keep the glass or specified part of the glass clean, or
- (b) that glass or part of the glass cannot be accessed by the owner or occupier of the lot safely or at all.

12 Storage of flammable liquids and other substances and material

- (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 Moving furniture and other objects on or through common property

- (1) An owner or occupier of a lot must not transport any furniture or large object through or on common property within the building unless sufficient notice has first been given to the executive committee so as to enable the executive committee to arrange for its nominee to be present at the time when the owner or occupier does so.
- (2) An owners corporation may resolve that furniture or large objects are to be transported through or on the common property (whether in the building or not) in a specified manner.

- (3) If the owner's corporation has specified, by resolution, the manner in which furniture or large objects are to be transported, an owner or occupier of a lot must not transport any furniture or large object through or on common property except in accordance with that resolution.

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 refuse, recyclable material or waste is placed in the receptacles it is, in the case of refuse, 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 the garbage, recyclable material or waste is normally collected, and
 - (d) when the garbage, recyclable material or waste has been collected, must promptly return the receptacle to the lot or other area referred to in paragraph (a),
 - (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 refuse, recyclable material or waste is placed in the receptacles it is, in the case of refuse, 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.

16 Keeping of Animals

- (1) Subject to section 49(4), an owner or occupier of a lot must not, without the prior written approval of the owner's corporation, keep any animal (except fish kept in a secure aquarium the lot) on the lot or the common property. **"This approval does not extend to tenants occupying any lot."**
- (2) The owner's corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property.

17 Appearance of a Lot

- (1) The owner or occupier of a lot must not, without the prior written approval of the owner's corporation, maintain within the lot anything visible from the outside of 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 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 owner's 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 owner's corporation makes a resolution referred to in subclause (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.

Note. Section 111 of the Act provides that an owner's corporation may enter into an agreement with an owner or occupier of a lot for the provision of amenities or services by it to the lot or to the owner or occupier.

Special By Law 1 – Installation of Air Conditioning

Right to Install Air Conditioning

1. On the conditions set out in this by-law an owner of a lot shall have a special privilege in respect of the common property to carry out the installation of air conditioning in the lot and an exclusive use and enjoyment of that part of the common property affected by the installation incorporating:
 - (a) the installation of the condensing unit and fancoil on the common property in the place or places approved in writing by the strata committee, (acting reasonably) including affixing to the common property slab and/or wall and/or roof wall as required; and
 - (b) the installation of ducting in the common property roof space above the ceiling of the lot and installation of vents in walls, including common property walls;
 - (c) the drilling of holes in the common property walls on the boundaries of the lot for the installation of ducting between the condensing unit and fancoil and any vents, piping or wiring;
 - (d) the installation of ducting, wiring, cabling and conduit as required; and
 - (e) all ancillary work thereto.
 - (f)

Conditions - Prior to Installing Air Conditioning

2. Prior to installing the air conditioning, the owner must:
 - (a) provide to the strata committee a copy of any applicable specifications for the air conditioner, including the make, model and maximum noise output specified for that model by the manufacturer and confirmation that it is a brand new unit (i.e. it is not second hand)

- (b) provide to the strata committee a plan depicting the proposed site of the condensing unit or units (which must be in a position that either is not visible from ground level outside the lot or that minimises its visual impact), the path of the conduit, trunking and ducting from the condensing unit or units to the internal air vents and how water discharged from the condenser is to be plumbed into a common property drain;
 - (c) provide to the strata committee any required approval by the local Council or authority for the performance of the works;
 - (d) provide to the strata committee the licensing details of the contractor installing the air conditioning and details of the insurances effected by that contractor with a reputable insurance company reasonably satisfactory to the Owners Corporation for:
 - i. contractor's all risk insurance incorporating public liability insurance in an amount of not less than \$10,000,000 and
 - ii. for workers compensation in accordance with applicable legislation;
 - (e) satisfy the strata committee (acting reasonably) that the maximum noise output for the air conditioner proposed to be installed complies with the Regulations under the *Protection of the Environment Operations Act 1997* or any amendment or replacement thereof;
 - (f) provide to the strata committee the written consent of the owner to complying with and being bound by the provisions of this by-law; and
 - (g) on the basis of the foregoing, obtain the consent of the strata committee (acting reasonably) to the air conditioning being installed.
3. In giving its consent to the installation of the air conditioning, the strata committee (acting reasonably) may impose conditions or require changes including, without limitation:
- (a) that the path of the conduit, trunking or ducting from the condensing unit or units to the internal air dispersal unit be changed to render the external appearance more aesthetically in keeping with the building;
 - (b) that the condensing unit be installed in a place different from that marked on the plan or installed in a manner different from that disclosed in the application;
 - (c) that any water discharged from the condensing unit be plumbed into a different waste water discharge point.
4. Prior to installing the air conditioning the owner must obtain and provide to the strata committee any required approval of Council for the installation of the air conditioning.

Conditions – The Installation of Air Conditioning

5. In installing the air conditioning, the owner must ensure as far as is practicable that:
- (a) the installation of the air conditioning is carried out in a good and workmanlike manner by licensed contractors in compliance with any relevant provisions of the Building Code of Australia;
 - (b) the air conditioning is installed substantially in accordance with the specifications and plan submitted to the strata committee for approval, and as approved;
 - (c) reasonable precautions are taken to protect areas outside the lot from damage by the installation of the air conditioning;
 - (d) all construction materials, equipment, debris and other material associated with the installation of the air conditioning are transported across common property in the manner reasonably directed by the strata committee; and
 - (e) the installation of the air conditioning does not interfere with or damage the common property or interfere with or damage the property of any lot owner otherwise than as approved in this by-law and, in the event of any damage being caused, must take all such steps as are necessary to rectify that damage within a reasonable time after it has occurred.

Conditions - Completion of Installation of the Air Conditioning

- 6. On completion of the installation of the air conditioning the owner must:
 - (a) ensure that the contractor installing the air conditioning removes from the strata scheme all debris resulting from or associated with the installation of the air conditioning as soon as practicable;
 - (b) if the approval of Council is required in order to install the air conditioning, provide the strata committee with a copy of a certificate from Council or the principal certifying authority certifying that the installation of the air conditioning complies with any conditions of any requisite approval of the Council;
 - (c) if requested, allow the owners corporation's representative to access their lot to inspect the air conditioning to ensure it has been installed according to this by-law.


Other Rights and Obligations

- 7. The owner is liable for, and must indemnify the owners corporation against, any damage caused to any part of the common property as a result of the installation of the air conditioning whenever that damage may occur.
- 8. The installation of the air conditioning must be undertaken at the cost of the owner.
- 9. The owner is responsible for, and must bear and pay all the costs of, the proper maintenance of the air conditioning and must keep the air conditioning in a state of good and serviceable repair and must renew or replace the air conditioning whenever it becomes worn out or damaged so that it is no longer capable of being operated at all times within the maximum noise output restrictions in force under the *Protection of the Environment Operations Act 1997* and the Regulations thereunder.
- 10. For the avoidance of doubt, if at any time an air conditioning condenser or internal air dispersal unit installed in a lot generates noise or vibration that is heard or felt beyond the boundary of that lot and the level of that noise or vibration is such that it is likely to interfere with the peaceful enjoyment of the owner or occupier of another lot, the owner of the lot in which the air conditioner is installed must repair or replace the condenser unit or internal air dispersal unit, as applicable, so that it does not generate noise or vibration beyond the boundary of the lot and, pending that repair or replacement, the owner of the lot must not operate the air conditioner.
- 11. For the avoidance of doubt, this by-law is in addition to, and prevails over any by-law regulating minor renovations under the *Strata Schemes Management Act 2015*.
- 12. If an owner fails to comply with any obligation under this by-law, then the owners corporation may:
 - (a) carry out all work necessary to perform that obligation;
 - (b) enter upon any part of the lot to carry out that work;
 - (c) recover the costs of carrying out that work from the owner,

and the owner shall indemnify the owners corporation against any legal action or liability flowing from the actions of the owners corporation pursuant to this clause.



The seal of The Owners-Strata Plan No 58396 was affixed on 3/3/2020 in the presence of the following person(s) authorised by section 213 Strata Schemes Management Act 2015 to do so at the affixing of the seal

Signature(s): 

Name(s) [use block letters]: BRADLEY GRIBBLE

Authority: STRATA MANAGING AGENT



Approved Form 10

Certificate re Initial Period


The owners corporation certifies that in respect of the strata scheme:

*that the initial period has expired.

~~*the original proprietor owns all of the lots in the strata scheme and any purchaser under an exchanged contract for the purchase of a lot in the scheme has consented to any plan or dealing being lodged with this certificate.~~

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Management Act 2015 to attest the affixing of the seal.

Signature:  Name **BRADLEY GRIBBLE**

Authority: **STRATA MANAGING AGENT**

Signature: Name: Authority:



^ Insert appropriate date
* Strike through if inapplicable.

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