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Form: 15CH
Release: 2·1

CONSOLIDATION/ CHANGE OF BY-LAWS

New South Wales
Strata Schemes Management Act 2015
Real Property Act 1900

AP973729M

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/SP 57989

(B) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE
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(C) The Owners-Strata Plan No. 57989 certify that a special resolution was passed on 10/02/2020

(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(E) Repealed by-law No. NOT APPLICABLE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-LAWS 3 & 4
Amended by-law No. NOT APPLICABLE

as fully set out below:

See annexure

(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 A

(G) The seal of The Owners-Strata Plan No. 57989 was affixed on 11/03/2020 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: Taskia
Name: TASKIA ASHRAF
Authority: Duly Authorised Officer - BCS Strata Management P/L
Strata Managing Agent
Signature:
Name:
Authority:

COMMON SEAL FOR THE OWNERS OF STRATA PLAN
S.P No. 57989

ALL HANDWRITING MUST BE IN BLOCK CAPITALS.
1705

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ANNEXURE A

STRATA PLAN 57989

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By-law 1 - Noise

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

By-law 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 written approval of the owners corporation.

By-law 3 - Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

By-law 4 - Damage to lawns and plants on common property

An owner or occupier of a lot must not:

(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.

By-law 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 without the approval in writing of the owners corporation.

Note: This by-law is subject to sections 109 and 110 of the *Strata Schemes Management Act 2015*.

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

(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.

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 106 of the *Strata Schemes Management Act 2015*, the owner of a lot must 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.

By-law 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.

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By-law 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.

By-law 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.

By-law 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 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 10 - Drying of laundry items

An owner or occupier of a lot must not, except with the consent in writing 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.

By-law 11 - Cleaning windows and doors

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

By-law 12 - Storage of inflammable liquids and other substances and materials

1. An owner or occupier of a lot must not, except with the approval in writing 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.

By-law 13 - Moving furniture and other objects on or through common property

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 strata committee so as to enable the strata committee to arrange for its nominee to be present at the time when the owner or occupier does so.

By-law 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.

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By-law 15 - Garbage disposal

An owner or occupier of a lot:

(a) must maintain 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 adequately covered a receptacle for garbage, and

(b) must ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained, and

(c) for the purpose of having the garbage collected, must place the receptacle 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 is normally collected, and

(d) when the garbage has been collected, must promptly return the receptacle to the lot or other area referred to in paragraph (a), and

(e) must not place any thing in the receptacle 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 collector may have spilled from the receptacle and must take such action as may be necessary to clean the area within which that thing was spilled.

By-law 16 - Keeping of animals

1. Subject to section 157 of the *Strata Schemes Management Act 2015*, an owner or occupier of a lot must not, without the approval in writing of the owners corporation, keep any animal 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.

By-law 17 - Appearance of lot

1. The owner or occupier of a lot must not, without the written consent 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.

By-law 18 - Notice board

An owners corporation must cause a notice board to be affixed to some part of the common property.

By-law 19 - 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).

By-law 20 - Curtains

20.1 An owner or occupier of a lot must not hang curtains, blinds or louvres visible from outside the lot unless those curtains, blinds or louvres have a backing of cream or off-white colour.

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By-law 21 - Security keys/cards/remote operators

(referred to as "ACCESS KEY(S)" beyond this point)

21.1 If the owners corporation restricts access to parts of the common property, the owners corporation may give an owner or occupier of a lot an "access key". The owners corporation may charge an owner or occupier of a lot a ($50) bond for extra or replacement "access keys". This bond is refunded to the owner on return of the "access key".

21.2 An owner or occupier of a lot must

(a) take all reasonable steps not to lose "access keys"

(b) return all "access keys" to the owners corporation if they are not needed or if an occupier of a lot vacates the building

(c) notify the strata manager immediately if a "access key" is lost

21.3 An owner of a lot that leases or licenses their lot must notify the owners corporation in writing of the name or names of the occupiers of the lot to whom an "access key" has been issued and must include a requirement in the lease or licence that the occupier of the lot must return the "access keys" to the owners corporation when they move out of the building.

21.4 An owner or occupier of a lot must not:

(a) copy an "access key"

(b) give "access keys" to someone who is not an owner or occupier

21.5 "Access keys" belong to the owners corporation.

By-law 22 - Balconies and terraces

An owner or occupier may keep planter boxes, pot plants, occasional furniture and outdoor recreational equipment on the balcony or terrace of their lot only if it:

(a) will not cause damage; or is not likely to cause damage, or is not dangerous or a nuisance or a hazard

22.2 The owners corporation may require you, at your cost, by writing, to remove items from your balcony or terrace if the appearance of the lot is not keeping with the rest of the building.

22.3 If there are planter boxes on or within a terrace or balcony of a lot, the owner or occupier must:

(a) properly maintain the soil and plants in the planter boxes; and

(b) when watering the plants or planter box, make sure that no water goes onto common property or another lot.

By-law 23 - Signage

Signage - Residential

23.1 A registered owner or occupier of a residential lot must not without the prior written consent from the Owners Corporation affix or exhibit any sign, light, advertisement, name or notice to or on any part of the Building unless it is inside the lot, and is not visible from outside the lot.

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Signage - Retail (subject to By-law 17)

23.2 The retail owner or occupier has the special privilege to erect and use signs on common property. The retail owner must:

(a) Get consent from the owners corporation to put up signs;

(b) get consent from council to put up signs;

(c) properly maintain signs put up by the retail owners and relace signs if necessary

(d) repair damage to common property caused by exercising rights under this by-law; and

(e) indemnify the owners corporation against all claims and liability caused by exercising rights under this by-law.

23.3 The owners corporation must not unreasonably withhold its consent if the owner applies to put up a sign provided that always that no sign shall be permitted on the fascia of the awning along Murray Street.

By-law 24 - Air conditioning

24.1 A registered owner has the special privilege to install air conditioning in their lot. The owner must:

(a) obtain approval from the owners corporation lo the style and design of the work and the materials to be used in the installation before the work is undertaken;

(b) obtain the prior approval of all relevant statutory authorities to the performance of the installation;

(c) properly maintain and keep those parts of the common property altered as a result of the installation in a state of good and serviceable repair;

(d) not create noise that causes discomfort, disturbance or interference with activities of any other occupier of the building;

(e) comply with the requirements of the owners corporation to comply with any by-laws and any relevant statutory authority concerning the performance of the works; and

(f) undertake all costs of the installation.

24.2 The owner will be liable for any for any damage caused to any part of the building caused by the installation and will make good that damage after it has occurred.

By-law 25 - Garbage disposal

25 1 A proprietor or occupier of a lot must not deposit on the common property any garbage except in a receptacle or area specifically provided for that purpose.

25.2 A proprietor or occupier of a lot must dispose garbage in the area designated for storage of garbage from that lot in the following manner:

(a) glass and plastic bottles must be completely drained, cleaned, and deposited in unbroken condition in the place designated for bottles;

(b) all other recyclable materials (as may be specified by the council) are to be left in the areas designated by the council; and

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25.3 Despite any provision in this by-law, proprietors and occupiers of lots must comply with the requirements from time to time of the owners corporation, the council or any government agency regarding the separate storage and disposal of putrescible and recycle waste.

By-law 26 - Compliance with by-laws

A registered owner or an occupier of a lot must take all reasonable steps to ensure that invitees of the registered owner or occupier comply with these by-laws. If an invitee does not comply with these by-laws the registered owner or occupier must take all reasonable steps to ensure that the invitee immediately leaves the building.

26.2 A registered owner of a lot which is the subject of a lease or license agreement must take all reasonable steps, including any action available under the lease or license agreement, to ensure that any lessee or licensee of the lot, or any invitees of that lessee or licensee comply with these by-laws.

By-law 27 - Compliance with laws

27.1 A registered owner or an occupier of a lot must at the registered owner's or occupier's own expense promptly comply with all laws relating to the lot including, without limitation, any requirements, notices and orders of any Governmental Agency.

27.2 A registered owner or an occupier of a lot must not use the lot for any purpose that may impugn the good reputation of the strata scheme.

By-law 28 - Security of common property

A registered owner or an occupier of a lot must not do or permit anything which may prejudice the security or safety of the building and, in particular, must ensure that all fire and security doors are kept locked or secure or in an operational state, as the case may be, when not in immediate use.

By-law 29 - Notification of defects

A registered owner or an occupier of a lot must promptly notify the Manager or Managing Agent of any damage to or defect in the common property or any personal property vested in the owners corporation.

By-law 30 - Compensation to owners corporation

The registered owner or an occupier of a lot will be liable to compensate the owners corporation in respect of any damage to the common property or personal property vested in the owners corporation caused by that registered owner or occupier or any registered owner, licensee or invitee of that registered owner or occupier.

By-law 31 - Insurance policies

A registered owner or an occupier of a lot must not without the prior written consent of the owners corporation do nor permit anything which may invalidate, suspend or increase the premium for any insurance policy effected by the owners corporation

By-law 32 - Animals

Subject to section 49(4) of the Act a registered owner or occupier of a lot must not permit any animal on a lot or on the common property.

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By-law 33 - Consent of the owners corporation

Consent given by the owners corporation under these by-laws will, if practicable, be revocable and may be given subject to conditions, including, without limitation, a condition evidenced by a minute of a resolution that the registered owner or occupier of the lot to which the consent or approval relates is responsible for compliance with the terms of consent.

By-law 34 - Complaints and applications

Any complaint or application to the owners corporation or its Executive Committee must be addressed in writing to the Managing Agent.

By-law 35 - Motor vehicle maintenance

An owner, occupier or an invitee of an owner or occupier must not under any circumstances, wash or perform any mechanical duties to their motor vehicle on common property.

By-law 36 - Timber floor boards

36.1 A registered owner has the special privilege to Install timber floor surfaces in their lot. The owner must:

(a) obtain approval from the owners corporation to the style and design of the work and the materials to be used in the installation before the work is undertaken;

(b) obtain the prior approval of all relevant statutory authorities to the performance of the installation;

(c) properly maintain and keep those parts of the common property altered as a result of the installation in a state of good and serviceable repair;

(d) not create noise that causes discomfort, disturbance or interference with activities of any other occupier of the building;

(e) comply with the requirements of the owners corporation to comply with any by-laws and any relevant statutory authority concerning the performance of the works; and

(f) undertake all costs of the installation

36.2 The owner will be liable for any for any damage caused to any part of the building caused by the installation and will make good that damage after it has occurred.

Special by-law no. 1 – Electronic delivery of notices

A document or notice may be served by the Owners Corporation, its secretary or executive committee on the owner of a lot by electronic means if the person has given the owners corporation an email address for the service of notices and the document is sent to that address. A notice or document served on an owner by email in accordance with this by-law is deemed to have been served when transmitted by the sender providing that the sender does not receive an electronic notification of unsuccessful transmission (i.e. "bounce back" or "undeliverable") within 24 hours.

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Special by-law no. 2 – Smoking on the property

PART 1
DEFINITIONS AND INTERPRETATION

1.1 In this by-law, unless the context otherwise requires or permits:

(a) Smoke has the same meaning as it does in the *Smoke-Free Environment Act 2000* (NSW);

and

(b) Any term defined in the *Strata Schemes Management Act 2015* (NSW) has the same meaning in this by-law.

1.2 In this by-law, unless the context otherwise requires, a word which denotes:

(a) the singular includes plural and vice versa;

(b) any gender includes the other genders; and

(c) references to legislation includes references to amending and replacing legislation.

PART 2
PROHIBITION ON SMOKING

2.1 The owner or occupier of a lot must not, on any part of the common property or on any part of a lot including without limitation on balconies, in garages, carports, car spaces and storerooms:

(a) Smoke tobacco or any other similar substance; and

(b) allow another person, including without limitation their invitee or employee, to smoke tobacco or any other similar substance.

Special by-law no. 3 – Occupancy limits

An owner or an occupier of a lot must not permit the lot to be occupied by more than 2 adults per bedroom.

Special by-law no. 4 – Short term rentals and residential tenancy agreements

1. An owner or an occupier of a lot must not use a lot for the purposes of a short-term rental accommodation arrangement.

2. In this by-law, a short-term rental accommodation arrangement means any commercial arrangement for giving a person(s) the right to occupy residential premises for a period of less than 90 days at any one time.

3. An occupier of a lot who is not also an owner of that lot must be a party to a current residential tenancy agreement in respect of the lot to which the Residential Tenancies Act 2010 (NSW) applies, unless that occupier permanently resides with **an owner or with** another occupier of the lot, and that other occupier is a party to such a residential tenancy agreement.

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The seal of The Owners – Strata Plan No. 57989
was affixed on 11 March 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: TASKIA ASHRAF
Authority: Duly Authorised Officer
BCS Strata Management P/L
Strata Managing Agent