

Lodger Details

Lodger Code 503902B  
Name BUILDING BYLAWS  
Address PO BOX 8274  
BAULKHAM HILLS 2153  
Lodger Box 1W  
Email SERVICES@BYLAWSASSIST.COM.AU  
Reference BLA/6368

Land Registry Document Identification

AU857561

STAMP DUTY:

Consolidation/Change of By-laws

Jurisdiction NEW SOUTH WALES

Privacy Collection Statement

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Land Title Reference	Part Land Affected?	Land Description
CP/SP39209	N	

Owners Corporation

THE OWNERS - STRATA PLAN NO. SP39209  
Other legal entity

Meeting Date

09/10/2024

Added by-law No.

Details Special By-Law No.2

Amended by-law No.

Details N/A

Repealed by-law No.

Details N/A

The subscriber requests the Registrar-General to make any necessary recording in the Register to give effect to this instrument, in respect of the land or interest described above.

Attachment

See attached Conditions and Provisions

See attached Approved forms

Execution

The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.

The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

The Certifier has retained the evidence supporting this Registry Instrument or Document.

The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of THE OWNERS - STRATA PLAN NO. SP39209  
Signer Name SIMONE KASAD  
Signer Organisation SIMONE KASAD  
Signer Role PRACTITIONER CERTIFIER  
Execution Date 28/02/2025

Form: 15CH  
Release: 2.3

**CONSOLIDATION/  
CHANGE OF BY-LAWS**

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pages to the top left-hand corner.

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

**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) <b>TORRENS TITLE</b>	For the common property CP/SP39209																			
(B) <b>LODGED BY</b>	<table border="1"><tr><td rowspan="5">Document Collection Box  <b>1W</b></td><td>Name</td><td></td></tr><tr><td>Company</td><td>Bylaws Assist</td></tr><tr><td>Address</td><td>PO Box: 8274, Baulkham Hills, NSW, 2153</td></tr><tr><td>E-mail</td><td>services@bylawsassist.com.au</td></tr><tr><td>Customer Account Number</td><td>135632E</td></tr><tr><td></td><td>Contact Number</td><td>+61 411 777 557</td></tr><tr><td></td><td>Reference</td><td>BLA/6368</td></tr></table>	Document Collection Box  <b>1W</b>	Name		Company	Bylaws Assist	Address	PO Box: 8274, Baulkham Hills, NSW, 2153	E-mail	services@bylawsassist.com.au	Customer Account Number	135632E		Contact Number	+61 411 777 557		Reference	BLA/6368	<table border="1"><tr><td>CODE  <b>CH</b></td></tr></table>	CODE  <b>CH</b>
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CODE  <b>CH</b>																				

- (C) The Owner-Strata Plan No. 39209 certify that a special resolution was passed on 9/10/2024
- (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. \_\_\_\_\_
- Added by-law No. Special By-Law No.2
- Amended by-law No. \_\_\_\_\_
- as fully set out below :

Please see attached in "Annexure 1" to the 15CH Form the Consolidated By-laws for Strata Plan 39209 which includes new Added Special By-law No.2 starting from Page 8 of 12 respectively.

- (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. 39209 was affixed on 20/2/2025 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 :

Authority :

Signature :

Name :

Authority :



ALL HANDWRITING MUST BE IN BLOCK CAPITALS.  
2007

ANNEXURE 1 TO CHANGE OF BY-LAWS FORM 15CH

STRATA SCHEME 39209

SP 39209- Birchgrove Terrace

STRATA SCHEMES MANAGEMENT REGULATION 2016

Schedule 2 –By-Laws for pre-1996 strata schemes

(Clause 35)

**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 any person lawfully using common property.

**Note:** This by-law was previously by-law 12 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 13 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

**2. Vehicles**

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

**Note:** This by-law was previously by-law 13 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 14 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

**3. Obstruction of common property**

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

**Note:** This by-law was previously by-law 14 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 15 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

**4. Damage to lawns & 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.

**Note:** This by-law was previously by-law 15 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 16 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

**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 owner's corporation under clause (1) cannot authorize any additions to the common property.

- (3) This by-law does not prevent an owner or person authorized 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.

**Note:** This by-law was previously by-law 16 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 17 in Schedule 3 to the *Strata Schemes(Leasehold Development) Act 1986*.

#### **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.

**Note:** This by-law was previously by-law 17 in Schedule 1 to the *Strata Schemes(Freehold Development) Act 1973* and by-law 18 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **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.

**Note:** This by-law was previously by-law 18 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 19 in Schedule 3 to the *Strata Schemes(Leasehold Development) Act 1986*.

#### **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.

**Note:** This by-law was previously by-law 19 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 20 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **9. Depositing rubbish an 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 of occupier of another lot or of any persons lawfully using the common property.

**Note:** This by-law was previously by-law 20 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 21 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **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.

**Note:** This by-law was previously by-law 21 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 22 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **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.

**Note:** This by-law was previously by-law 22 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 23 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.



## **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.

**Note:** This by-law was previously by-law 23 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 24 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **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.

**Note:** This by-law was previously by-law 24 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 25 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **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.

**Note:** This by-law was previously by-law 25 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 26 in Schedule 3 to the *Strata Titles (Leasehold Development) Act 1986*.

## **15 Garbage disposal**

(1) 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 conditions 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.

**Note:** This by-law was previously by-law 26 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 27 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **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 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.

**Note:** This by-law was previously by-law 27 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 28 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### 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.

**Note:** This by-law was previously by-law 29 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 30 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### 18. Notice-Board

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

**Note:** This by-law was previously by-law 3 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 3 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### 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).

## Special By-Law 1 AGM 6.9.2019

### COMMON PROPERTY MEMORANDUM

#### Owners corporation responsibilities for maintenance, repair or replacement

<b>1. Balcony and courtyards</b>	<ul style="list-style-type: none"><li>(a) columns and railings</li><li>(b) doors, windows and walls (unless the plan was registered before 1 July 1974 – refer to the registered strata plan)</li><li>(c) balcony ceilings (including painting)</li><li>(d) security doors, other than those installed by an owner after the registration of the strata plan</li><li>(e) original tiles and associated waterproofing, affixed at the time of registration of the strata plan</li><li>(f) common wall fencing, shown as a thick line on the strata plan</li><li>(g) dividing fences on a boundary of the strata parcel that adjoin neighbouring land</li><li>(h) awnings within common property outside the cubic space of a balcony or courtyard</li><li>(i) walls of planter boxes shown by a thick line on the strata plan</li><li>(j) that part of a tree which exists within common property</li></ul>
<b>2. Ceiling/Roof</b>	<ul style="list-style-type: none"><li>(a) false ceilings installed at the time of registration of the strata plan (other than painting, which shall be the lot owner's responsibility)</li><li>(b) plastered ceilings and vermiculite ceilings (other than painting, which shall be the lot owner's responsibility)</li><li>(c) guttering</li><li>(d) membranes</li></ul>
<b>3. Electrical</b>	<ul style="list-style-type: none"><li>(a) air conditioning systems serving more than one lot</li><li>(b) automatic garage door opener, other than those installed by an owner after the registration of the strata plan and not including any related remote controller</li><li>(c) fuses and fuse board in meter room</li><li>(d) intercom handset and wiring serving more than one lot</li><li>(e) electrical wiring serving more than one lot</li><li>(f) light fittings serving more than one lot</li></ul>

	<ul style="list-style-type: none"> <li>(g) power point sockets serving more than one lot</li> <li>(h) smoke detectors whether connected to the fire board in the building or not (and other fire safety equipment subject to the regulations made under the <i>Environmental Planning and Assessment Act 1979</i>)</li> <li>(i) telephone, television, internet and cable wiring within common property walls</li> <li>(j) television aerial, satellite dish, or cable or internet wiring serving more than one lot, regardless of whether it is contained within any lot or on common property</li> <li>(k) lifts and lift operating systems</li> </ul>
<b>4. Entrance door</b>	<ul style="list-style-type: none"> <li>(a) original door lock or its subsequent replacement</li> <li>(b) entrance door to a lot including all door furniture and automatic closer</li> <li>(c) security doors, other than those installed by an owner after registration of the strata plan</li> </ul>
<b>5. Floor</b>	<ul style="list-style-type: none"> <li>(a) original floorboards or parquet flooring affixed to common property floors</li> <li>(b) mezzanines and stairs within lots, if shown as a separate level in the strata plan</li> <li>(c) original floor tiles and associated waterproofing affixed to common property floors at the time of registration of the strata plan</li> <li>(d) sound proofing floor base (e.g. magnesite), but not including any sound proofing installed by an owner after the registration of the strata plan</li> </ul>
<b>6. General</b>	<ul style="list-style-type: none"> <li>(a) common property walls</li> <li>(b) the slab dividing two storeys of the same lot, or one storey from an open space roof area e.g. a townhouse or villa (unless the plan was registered before 1 July 1974 – refer to the registered strata plan)</li> <li>(c) any door in a common property wall (including all original door furniture)</li> <li>(d) skirting boards, architraves and cornices on common property walls (other than painting which shall be the lot owner's responsibility)</li> <li>(e) original tiles and associated waterproofing affixed to the common property walls at the time of registration of the strata plan</li> <li>(f) ducting cover or structure covering a service that serves more than one lot or the common property</li> <li>(g) ducting for the purposes of carrying pipes servicing more than one lot</li> <li>(h) exhaust fans outside the lot</li> <li>(i) hot water service located outside of the boundary of any lot or where that service serves more than one lot</li> <li>(j) letter boxes within common property</li> <li>(k) swimming pool and associated equipment</li> <li>(l) gym equipment</li> </ul>
<b>7. Parking/Garage</b>	<ul style="list-style-type: none"> <li>(a) carports, other than those within the cubic space of a lot and referred to in the strata plan, or which have been installed by an owner after registration of the strata plan</li> <li>(b) electric garage door opener (motor and device) including automatic opening mechanism which serves more than one lot</li> <li>(c) garage doors, hinge mechanism and lock, if shown by a thick line on the strata plan or if outside the cubic space of the lot</li> <li>(d) mesh between parking spaces, if shown by a thick line on the strata plan</li> </ul>
<b>8. Plumbing</b>	<ul style="list-style-type: none"> <li>(a) floor drain or sewer in common property</li> <li>(b) pipes within common property wall, floor or ceiling</li> <li>(c) main stopcock to unit</li> <li>(d) storm water and on-site detention systems below ground</li> </ul>
<b>9. Windows</b>	<ul style="list-style-type: none"> <li>(a) windows in common property walls, including window furniture, sash cord and window seal</li> <li>(b) insect-screens, other than those installed by an owner after the registration of the strata plan</li> <li>(c) original lock or other lock if subsequently replaced by the owners corporation</li> </ul>



Lot owner responsibilities for maintenance, repair or replacement.

<b>1. Balcony &amp; Courtyards</b>	<ul style="list-style-type: none"> <li>(a) awnings, decks, pergola, privacy screen, louvres, retaining walls, planter walls, steps or other structures within the cubic space of a balcony or courtyard and not shown as common property on the strata plan</li> <li>(b) that part of a tree within the cubic space of a lot</li> </ul>
<b>2. Ceiling/Roof</b>	<ul style="list-style-type: none"> <li>(a) false ceilings inside the lot installed by an owner after the registration of the strata plan</li> </ul>
<b>3. Electrical</b>	<ul style="list-style-type: none"> <li>(a) air conditioning systems, whether inside or outside of a lot, which serve only that lot</li> <li>(b) fuses and fuse boards within the lot and serving only that lot</li> <li>(c) in-sink food waste disposal systems and water filtration systems</li> <li>(d) electrical wiring in non-common property walls within a lot and serving only that lot</li> <li>(e) light fittings, light switches and power point sockets within the lot serving only that lot</li> <li>(f) telephone, television, internet and cable wiring within non-common property walls and serving only that lot</li> <li>(g) telephone, television, internet and cable service and connection sockets</li> <li>(h) intercom handsets serving one lot and associated wiring located within non-common walls</li> </ul>
<b>4. Entrance door</b>	<ul style="list-style-type: none"> <li>(a) door locks additional to the original lock (or subsequent replacement of the original lock)</li> <li>(b) keys, security cards and access passes</li> </ul>
<b>5. Floor</b>	<ul style="list-style-type: none"> <li>(a) floor tiles and any associated waterproofing affixed by an owner after the registration of the strata plan</li> <li>(b) lacquer and staining on surface of floorboards or parquet flooring</li> <li>(c) internal carpeting and floor coverings, unfixed floating floors</li> <li>(d) mezzanines and stairs within lots that are not shown or referred to in the strata plan</li> </ul>
<b>6. General</b>	<ul style="list-style-type: none"> <li>(a) internal (non-common property) walls</li> <li>(b) paintwork inside the lot (including ceiling and entrance door)</li> <li>(c) built-in wardrobes, cupboards, shelving</li> <li>(d) dishwasher</li> <li>(e) stove</li> <li>(f) washing machine and clothes dryer</li> <li>(g) hot water service exclusive to a single lot (whether inside or outside of the cubic space of that lot)</li> <li>(h) internal doors (including door furniture)</li> <li>(i) skirting boards and architraves on non-common property walls</li> <li>(j) tiles and associated waterproofing affixed to non-common property walls</li> <li>(k) letterbox within a lot</li> <li>(l) pavers installed within the lot's boundaries</li> <li>(m) ducting cover or structure covering a service that serves a single lot</li> </ul>
<b>7. Parking/Garage</b>	<ul style="list-style-type: none"> <li>(a) garage door remote controller</li> <li>(b) garage doors, hinge mechanism and lock where the lot boundary is shown as a thin line on the strata plan and the door is inside the lot boundary</li> <li>(c) light fittings inside the lot where the light is used exclusively for the lot</li> <li>(d) mesh between parking spaces where shown as thin line, dotted line or no line on the strata plan (this will be treated as a dividing fence to which the <i>Dividing Fences Act 1991</i> applies)</li> </ul>
<b>8. Plumbing</b>	<ul style="list-style-type: none"> <li>(a) pipes, downstream of any stopcock, only serving that lot and not within any common property wall</li> <li>(b) pipes and 'S' bend beneath sink, laundry tub or hand basin</li> <li>(c) sink, laundry tub and hand basin</li> <li>(d) toilet bowl and cistern</li> <li>(e) bath</li> </ul>



	(f) shower screen (g) bathroom cabinet and mirror (h) taps and associated hardware
<b>9. Windows</b>	(a) window cleaning- interior and exterior surfaces (other than those which cannot safely be accessed by the lot owner or occupier) (b) locks additional to the original (or any lock replaced by an owner) (c) window lock keys

## Special By-Law 2 AGM 9.10.2024

### Installation of Air-Conditioning Systems

#### Purpose of By-law

- (1) This common property rights by-law confers on the Owner Rights of Exclusive Use to part of the common property and Special Privileges to install an Air-Conditioning System on the Lot and common property for the benefit of that Owner, and assigns responsibility for the repair and maintenance of the part of the common property for which the Rights of Exclusive Use are conferred and Air-Conditioning System installed, in accordance with the conditions in this common property rights by-law.

#### Defined Terms and Interpretation

- (2) **"Act"** means the *Strata Schemes Management Act 2015*.
- (3) **"Air-Conditioning System"** means either of the below options as appropriate for the Lot -
  - (i) wall/ floor spilt system air-conditioning unit with external condenser and associated equipment installed on the Lot; or
  - (ii) a ducted air-conditioning system for the lot including ducting outlets, a condenser unit, evaporator, return air-conditioning grille, controls and any other items that affect common property and are associated with the air-conditioning system installed on a Lot.
- (4) **"Lot"** means lots 1-6 respectively in Strata Plan No.39209.
- (5) **"Owner"** means the owner or owners from time to time (present and future) of the Lot.
- (6) **"Rights of Exclusive Use"** means the rights to exclusively use part of the common property affected by or attached to the Air-Conditioning System installed by the Owner on the Lot.
- (7) **"Special Privileges"** means the privilege to alter and add to the common property by installing an Air-Conditioning System on the Lot that affects the common property, including installation of appropriate equipment to attach external units, piping works on and through the common property, visual screen enclosures and all equipment necessary as part of the installation.
- (8) In this common property rights by-law, unless the context otherwise requires:
  - (a) headings do not affect the interpretation of this common property rights by-law;
  - (b) words importing the singular include the plural and vice versa;
  - (c) words importing a gender include any gender;

- (d) words defined in the Act have the meaning given to them in the Act; and
  - (e) references to legislation includes references to amending and replacing legislation.
- (9) This common property rights by-law applies in conjunction with any existing relevant by-laws of the scheme, however to the extent of any inconsistency with the existing registered by-laws applicable to Strata Plan No.39209 and this by-law, the provisions of this by-law shall prevail.

#### **Grant of Rights of Exclusive Use and Special Privileges**

- (10) On the conditions set out in this common property rights by-law, the Owner shall have Rights of Exclusive Use and Special Privileges to install and keep an Air-Conditioning System on their Lot and so much of the common property that is necessary for the benefit of that Owner.

#### **CONDITIONS**

##### **Before installing the Air-Conditioning System**

##### **Planning, Approvals and Certificates**

- (11) The Owner must, if required by law, obtain written approval for the Air-Conditioning System from the relevant consent authority under the *Environmental Planning and Assessment Act 1979* and any other relevant statutory authority whose requirements apply to installation of the Air-Conditioning System on the Lot and common property.

##### **Approval of the Owners Corporation**

- (12) The Owner must obtain the prior written approval for the location and positioning of Air-Conditioning System on the common property from the strata committee of the Owners Corporation.

##### **Application to install Air-Conditioning System to be submitted**

- (13) An Application relating to the installation of the Air-Conditioning System must be submitted by the Owner, to the strata committee of the Owners Corporation, prior to obtaining written approval, with the following details:
- (a) type, make and model of the Air-Conditioning System;
  - (b) dimensions and proposed location of the Air-Conditioning System;
  - (c) performance specifications as provided by the manufacturer of the Air-Conditioning System (if available);
  - (d) details of the contractor installing the Air-Conditioning System;
  - (e) copy of the certificate of currency for the all-risk insurance policy of the principal contractor to be engaged on the Air-Conditioning System installation which must include evidence of public liability cover of not less than \$10,000,000.00 in respect of any claim and note the interests of the Owners Corporation; and
  - (f) any other documents reasonably required by the Owners Corporation.
- (14) The Owners Corporation via the strata committee must within 21 days from receipt of the Application, with information provided as required in **clause (13)** above, approve or reject the application of the Owner.

- (15) Where the Owners Corporation rejects the Application, it must provide reasons to the Owner in writing.
- (16) If the Owners Corporation does not respond to the Application within 21 days, approval is deemed to be granted pursuant to the conditions in this by-law

### **Installing the Air-Conditioning System**

#### **Hours of Works**

- (17) The Owner must install the Air-Conditioning System at a time prescribed by the local authority or during such other times as may be approved by the Owners Corporation.

#### **Compliance with Codes**

- (18) The Owner when installing the Air-Conditioning System must comply with all directions, orders and requirements of all relevant statutory authorities and must ensure and be responsible for compliance with such directions, orders and requirements by the Owner's servants, agents and contractors.
- (19) The Owner when installing the Air-Conditioning System must ensure that the Air-Conditioning System is installed in compliance with all applicable building codes and standards (including but without limitation the National Construction Code (NCC) and the Australian Standards and in compliance with the *Home Building Act 1989* and all other relevant laws (including but without limitation in relation to fire safety) and in compliance with the by-laws applicable to the strata scheme.

#### **General Conditions**

- (20) When installing the Air-Conditioning System, the Owner must:
- (a) ensure that the Air-Conditioning System is installed in accordance with the specifications approved by the Owners Corporation and the local authority (if relevant), specifically –
    - (i) external compressor/components and associated ducting/pipework is only authorised on the side wall or rear of the building and on, or below the first floor. There must be no installations on the front of the building.
    - (ii) Main drain/pipework is to be plumbed into the existing guttering or downpipes. Safety drain/pipework to be finished in a visible external position.
    - (iii) individual external compressor/components cannot exceed 63 decibels.
  - (b) ensure that duly licensed and insured contractors complete the installation of the Air-Conditioning System in a proper and workmanlike manner.
  - (c) must transport all construction materials, equipment, debris and other material, in the manner reasonably directed by the Owners Corporation.
  - (d) ensure the Air-Conditioning System is installed in such a way as to cause minimum disturbance or inconvenience to other lots or their occupiers and owners.
  - (e) keep all areas of the building outside their Lot clean and tidy throughout the installation of the Air-Conditioning System.
  - (f) repair promptly any damage caused or contributed to by the installation of the Air-Conditioning System, including damage to the property of the Owners Corporation and the property of the owner or occupier of another lot in the strata scheme.



- (g) ensure the installation of the Air-Conditioning System are carried out:
  - (i) in compliance with the manufacturer's specifications and instructions for installation, where applicable;
  - (ii) using materials that are new and fit for the purposes to which those materials are put; and
  - (iii) in a manner so as to result in the Air-Conditioning System being reasonably fit for occupation.
- (h) ensure that any services required to operate the Air-Conditioning System are connected to the Lot's electricity or appropriate supply.

- (21) The owner must ensure the Air-Conditioning System's quiet operation, having regard to the adjoining lot owners.
- (22) The owner must ensure that the Air-Conditioning System is in keeping with the appearance of the building and must ensure that the Air-Conditioning System and all associated equipment is adequately screened so as not to affect the visual impact of the building.

#### **After Installation of the Air-Conditioning System**

- (23) Immediately upon installation of the Air-Conditioning System, the Owner must restore all other parts of the common property affected by the Air-Conditioning System as nearly as possible to the state they were in immediately before the Air-Conditioning System was installed.
- (24) The Owner must deliver to the Owners Corporation any documents or requisite certificates reasonably required by the Owners Corporation relating to the installation of the Air-Conditioning System and the occupation of the Lot (for example, any necessary compliance certificate or occupation certificate).

#### **Owner's Enduring Rights and Obligations**

##### **Cost of Installation**

- (25) The Owner shall be responsible for the cost of installation of the Air-conditioning System servicing their Lot, including all cost associated with powering, use and operation of the Air-conditioning System.

##### **Maintenance and Repair**

- (26) The Owner must, at the Owner's expense properly maintain the Air-Conditioning System and keep it in a state of good and serviceable repair and when necessary, renew or replace any fixtures or fittings comprised in the Air-Conditioning System.
- (27) The Owner must ensure the Air-Conditioning System is serviced annually by a licensed contractor.
- (28) If the Owner removes the Air-Conditioning System or any part of the Air-Conditioning System authorised to be installed under this by-law, the Owner must at the Owner's own expense, restore and reinstate the common property as close to its original condition as possible.
- (29) The Owner is responsible for ensuring that any water from the Ducted Air-Conditioning Unit is drained appropriately, through either a drip tray or appropriate drainage, and the Owner is responsible for any damage or loss caused as a result of water draining onto common property or into any other lot.

## Liability and Indemnity

(30) The Owner indemnifies the Owners Corporation against –

- (a) any legal liability, loss, claim or proceedings in respect of any injury, loss or damage to the common property, to other property or person to the extent that such injury, loss or damage arises from or in relation to the use of the Air-Conditioning System and common property altered by the Air-Conditioning System installed;
- (b) any amount payable by way of increased insurance premiums by the Owners Corporation as a direct result of use of the Air-Conditioning System and common property altered by the Air-Conditioning System installed; and
- (c) any amount payable by way of increased fire safety compliance or local authority requirements as a direct result of the use of the Air-Conditioning System and common property altered by the Air-Conditioning System installed; and
- (d) liability under **section 122 (6)** of the **Strata Schemes Management Act 2015** in respect of repair of the common property attached to the Air-Conditioning System installed.

(31) The Owners Corporation has specially resolved that it is inappropriate to maintain, renew, replace or repair the Air-Conditioning System, and the common property comprised within or affected or occupied by the Air-Conditioning System, and that this decision will not affect the safety of any building, structure or common property in the strata scheme or detract from the appearance of any property in the strata scheme.

## Repair of Damage

- (32) The Owner must, at the Owner's expense, make good any damage to the common property caused as a result of the Air-Conditioning System installed no matter when such damage may become evident.
- (33) Any loss and damage suffered by the Owners Corporation as a result of the Owner using the common property altered by the installation of the Air-Conditioning System, or which the Air-Conditioning System shall be added, and / or performing and using the Air-Conditioning System, including failure to maintain, renew, replace or repair the Air-Conditioning System as required under this by-law, may be recovered from the Owner as a debt due to the Owners Corporation on demand.

## Breach of By-law

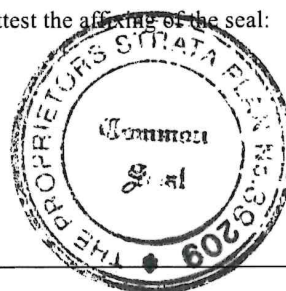
- (34) The Owners Corporation reserves the right to remove, replace or repair the Air-Conditioning System or remediate any loss or damage to the common property of the Owners Corporation caused by the Owner's breach of the conditions in this by-law, if that breach is not rectified within 30 days of service of a written notice from the Owners Corporation requiring rectification of that breach.

The seal of The Owners-Strata Plan No 39209 was affixed on 20/2/2025 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(s): [Signature]

Name(s) [use block letters]: CHAISTAL PEARCE


Authority: STRATA MANAGING AGENT



## Approved Form 23

### Attestation

The seal of The Owners - Strata Plan No SP 39209 was affixed on ^ 20/2/2025 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: CHRISTAL PEARCE Authority: STRATA MANAGING AGENT

Signature: ..... Name: ..... Authority: .....

^ Insert appropriate date

