



New South Wales

Strata Schemes Management Amendment (Child Window Safety Devices) Regulation 2013

under the

Strata Schemes Management Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 1996*.

STUART AYRES, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Strata Schemes Management Regulation 2010* to prescribe the buildings (those containing lots used for residential purposes) and the windows within such buildings that are required to be fitted with window safety devices by the owners corporation for the relevant strata scheme. The Regulation also sets out the specifications for the required window safety devices and requires owners who install window safety devices to notify the owners corporation within 7 days after completion of the installation.

This Regulation is made under the *Strata Schemes Management Act 1996*, including sections 64A and section 246 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (Child Window Safety Devices) Regulation 2013*.

2 Commencement

This Regulation commences on 11 December 2013 and is required to be published on the NSW legislation website.

Schedule 1 **Amendment of Strata Schemes Management Regulation 2010**

Clauses 31 and 32

Insert after clause 30:

31 Window safety devices

- (1) A building in a strata scheme is a building to which section 64A of the Act applies if the building contains lots used for residential purposes.
- (2) A window within any such building is a window to which section 64A of the Act applies if:
 - (a) it is a window within the meaning of the Building Code of Australia, and
 - (b) it can be opened, and
 - (c) the lowest level of the window opening is less than 1.7m above the surface of any internal floor that abuts the wall of which it forms part, and
 - (d) that internal floor is 2m or more above the surface of any external surface below the window that abuts the wall, and
 - (e) it is a window on common property to which access can be gained from a residence in a strata scheme or a window on any part of the building that is part of a residence.
- (3) A screen, lock or any other device is a complying window safety device for the purposes of section 64A of the Act if it:
 - (a) is capable of restricting the opening of a window so that a sphere having a diameter of 125mm or more cannot pass through the window opening, and
 - (b) is capable of resisting an outward horizontal action of 250 newtons, and
 - (c) has a child resistant release mechanism, in the case of a device that can be removed, overridden or unlocked.
- (4) In this clause:

Building Code of Australia has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

32 Notification by owners of window safety devices

An owner of a lot in a strata scheme who installs a window safety device under section 64A of the Act must serve notice in writing of the installation on the owners corporation within 7 days after completion of the installation.

Note. Section 235 (2) of the Act sets out the manner in which a document is to be served on an owners corporation.