

# Strata Schemes Management Regulation 2005

[2005-505]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2010.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2010

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New South Wales

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# Strata Schemes Management Regulation 2005



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Strata Schemes Management Regulation 2005*.

### 2 Commencement

This Regulation commences on 1 September 2005.

#### Note—

This Regulation replaces the *Strata Schemes Management Regulation 1997* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

In this Regulation:

**the Act** means the *Strata Schemes Management Act 1996*.

### 4 Notes

Notes in the text of this Regulation do not form part of this Regulation.

## Part 2 Records and accounts

### 5 Accounting records

(1) The accounting records required to be kept for the purposes of section 103 of the Act are:

- (a) receipts consecutively numbered, and
- (b) a passbook, a deposit book, or statement of deposits and withdrawals that are in chronological order, for the account of the owners corporation, and
- (c) a cash record, and
- (d) a levy register.

- (2) The treasurer must keep separate accounting records for the administrative fund and the sinking fund.
- (3) Subject to the other provisions of this Part, the accounting records may be kept by mechanical, electronic or other means.

## **6 Receipts**

- (1) The treasurer of an owners corporation must issue a receipt for each payment of money received by the treasurer on behalf of the owners corporation.
- (2) Each receipt must include the following:
  - (a) the date of issue of the receipt,
  - (b) the amount of money received,
  - (c) the form (cash, cheque, postal order or other) in which the money was received,
  - (d) the name and address of the person on whose behalf the payment was made,
  - (e) if the payment is for a contribution to the administrative or sinking fund:
    - (i) a statement that the payment is made in respect of that contribution, and
    - (ii) the lot number in respect of which the contribution is made, and
    - (iii) the period in respect of which the payment is made (if relevant), and
    - (iv) details of any discount given for early payment,
  - (f) if the payment is not a payment referred to in paragraph (e)—particulars of the transaction in respect of which the payment is received,
  - (g) if the payment is received in respect of more than one transaction—the manner in which the payment is apportioned between transactions.
- (3) The treasurer must:
  - (a) in the case of a receipt issued from a receipt book—keep the duplicate receipt in the receipt book created by a carbon impression, or
  - (b) in the case of any other type of receipt—cause a record to be kept of all the details of the receipt.

## **7 Cash record**

- (1) As soon as practicable after a transaction is effected, the treasurer must enter:
  - (a) in a receipts section of the cash record—particulars of all money received, and

- (b) in a payments section of the cash record—particulars of all money disbursed.
- (2) At the end of each prescribed period, the cash record must be balanced and the balance carried forward to the commencement of the next prescribed period and to a ledger account provided for that purpose.
- (3) At the end of each prescribed period, the treasurer must:
  - (a) compare the entries in the cash record with the banking records for the account of the owners corporation, and
  - (b) enter in the cash record:
    - (i) the amounts credited to the account and appearing in the banking records for which no receipt had been given, and
    - (ii) the amounts debited to the account and appearing in the banking records for which no cheque had been drawn.
- (4) Any necessary reconciliation (showing the balance in the account of the owners corporation as indicated in the banking records, and adding any money received but not banked and deducting any cheques drawn but not presented for payment) must be entered in the cash record at the end of the entries for the relevant prescribed period.
- (5) In this clause:

**banking records** means the passbook, deposit book, or statement of deposits and withdrawals required to be kept under clause 5 for the account of an owners corporation.

**prescribed period** means 6 months or, if an annual general meeting of the owners corporation determines a shorter period, that shorter period.

## 8 Levy register

- (1) The levy register must include a separate section for each lot in the strata scheme that is not a utility lot.
- (2) Each of those sections must specify, by appropriate entries, the following matters in relation to each contribution levied by the owners corporation and must indicate whether those entries are debits or credits and the balances for those entries:
  - (a) the date on which the contribution is due and payable,
  - (b) the type of contribution and the period in respect of which it is to be made,
  - (c) the amount of the contribution levied shown as a debit,

- (d) the amount of each payment shown as a credit,
- (e) the date on which each payment relating to the contribution is made,
- (f) whether a payment made was made in cash or by cheque or in some other specified manner,
- (g) whether an amount paid comprised full payment or part payment,
- (h) details of any discount given for early payment,
- (i) the balance of the account.

### **9 Inspection of records of strata managing agent**

For the purposes of section 108 (3) (h) of the Act, the prescribed records to be made available for inspection are the records or books of account relating to the strata scheme that are kept by the strata managing agent.

### **10 Additional documents to be given to owners corporation by original owner or lessor at first annual general meeting**

For the purposes of clause 4 (1) (d) of Schedule 2 to the Act, the following documents obtained or received by the owner or lessor and relating to the parcel concerned, or any building, plant or equipment on the parcel, are prescribed:

- (a) occupation certificates (within the meaning of the *Environmental Planning and Assessment Act 1979*),
- (b) sewerage line diagrams,
- (c) maintenance and service manuals,
- (d) depreciation schedules.

## **Part 3 Insurance**

### **11 Valuations to be obtained for insurance purposes**

A person is qualified to carry out a valuation for the purposes of section 85 of the Act if the person:

- (a) is a registered valuer within the meaning of the *Valuers Act 2003*, or
- (b) has successfully completed a course conducted by a tertiary institution that qualifies the person to be a quantity surveyor.

### **12 Manner of calculation of insurance limit under damage policy: section 82 (6)**

- (1) For the purposes of section 82 (6) of the Act, the manner of calculating the amount to



which the liability of an insurer may be limited under a damage policy is to add together the following amounts:

- (a) the estimated cost, as at the date of commencement of the damage policy, of the rebuilding of the building or its replacement by a similar building so that every part of the rebuilt building or the replacement building is in a condition no worse or less extensive than that part or its condition when the building was new,
  - (b) the estimated cost, as at the date of commencement of the damage policy, of removing debris from the parcel in the event of the building's being destroyed by an occurrence specified in the policy,
  - (c) the fees (estimated as at the date of commencement of the damage policy) payable to architects and other professional persons employed in the course of the rebuilding or replacement referred to in paragraph (a),
  - (d) the estimated amount by which expenditure referred to in the preceding paragraphs may increase during the period of 18 months following the date of commencement of the damage policy.
- (2) The amounts referred to in subclause (1) (a)-(d) are to be calculated so as to include any applicable taxes, fees and charges (including taxes, fees and charges of the Commonwealth).

## **Part 4 Restrictions on exercise of functions by owners corporations and executive committees**

### **13 Restriction on delegation of certain functions**

For the purposes of section 29A of the Act, the following functions are prescribed:

- (a) arranging for inspections for the purposes of fire safety in accordance with section 65C of the Act,
- (b) ensuring that the owners corporation complies with any relevant requirements under the *Occupational Health and Safety Act 2000*,
- (c) entering into contracts relating to the maintenance of common property or the provision of services to the common property (other than contracts relating to a stratum parcel),
- (d) arranging for inspections of records and other documents under section 108 of the Act,
- (e) giving certificates under section 109 of the Act.

#### **14 Quotations required by large strata schemes**

For the purposes of section 80B of the Act, the prescribed amount is \$25,000 in relation to any one item or matter (other than the seeking of legal advice or the provision of any other legal services, or the taking of legal action).

**Note—**

Section 80B of the Act requires an owners corporation of a large strata scheme to obtain at least 2 quotations for proposed expenditure exceeding the prescribed amount in relation to any one item or matter.

#### **15 Exemptions from need for approval for certain legal action**

(1) The seeking of legal advice, the provision of legal services or the taking of legal action is exempt from the operation of section 80D of the Act if the reasonably estimated cost of seeking the legal advice, having the legal services provided or taking the legal action would not exceed:

(a) an amount equal to the sum of \$750 for each lot in the strata scheme concerned (excluding parking and utility lots), or

(b) \$10,000,

whichever is the lesser.

(2) In a case where the cost, or estimated cost, of seeking legal advice, having legal services provided or taking legal action has been:

(a) disclosed by the legal practitioner concerned in accordance with the [Legal Profession Act 1987](#), or

(b) set out in a proposed costs agreement under that Act,

the reasonably estimated cost of seeking the legal advice, having the legal services provided or taking the legal action is taken, for the purpose of this clause, to be the cost or estimated cost so disclosed or set out.

### **Part 5 Election of executive committee of owners corporation**

#### **16 Application of Part**

This Part applies to the procedure for nomination and election of an executive committee for a strata scheme comprising more than 2 lots.

#### **17 Election of executive committee**

(1) At a meeting of an owners corporation at which its executive committee is to be elected, the chairperson must:

(a) announce the names of the candidates already nominated in writing for election to the executive committee, and

- (b) call for any oral nominations of candidates eligible for election to the executive committee.
- (2) A written or oral nomination made for the purposes of such an election is ineffective if it is made by a person other than the nominee unless it is supported by the consent of the nominee given:
  - (a) in writing, if the nominee is not present at the meeting, or
  - (b) orally, if the nominee is present at the meeting.
- (3) After the chairperson declares that nominations have closed, the owners corporation is to decide, in accordance with clause 2 (2) of Schedule 3 to the Act, the number of members of the executive committee.
- (4) If the number of candidates:
  - (a) is the same as, or fewer than, the number of members of the executive committee decided on—those candidates are to be declared by the chairperson to be, and are taken to have been, elected as the executive committee, or
  - (b) is greater than the number so decided on—a ballot is to be held.

#### **18 Ballot for executive committee**

- (1) If a ballot for membership of the executive committee of an owners corporation is required, the chairperson must:
  - (a) announce to the meeting the name of each candidate and the nominator of the candidate, and
  - (b) provide each person present and entitled to vote at the meeting with a blank ballot-paper for each vote the person is entitled to cast.
- (2) For a vote to be valid, a ballot-paper must be signed by the voter and completed by the voter's writing on it:
  - (a) the names of the candidates (without repeating a name) for whom the voter desires to vote, the number of names written being no more than the number determined by the owners corporation as the number of members of the executive committee, and
  - (b) the capacity in which the voter is exercising a right to vote, whether:
    - (i) as owner, first mortgagee or covenant chargee of a lot (identifying the lot), or
    - (ii) as a company nominee, or
    - (iii) by proxy, and

(c) if the vote is being cast by proxy—the name and capacity of the person who gave the proxy.

- (3) The completed ballot-paper must be returned to the chairperson.
- (4) Until all places for membership of the executive committee have been filled, the chairperson is to declare elected successively each candidate who has a greater number of votes than another candidate who has not been elected.
- (5) If only one place remains to be filled but there are 2 or more eligible candidates with an equal number of votes, the candidate to fill the place is to be decided by a show of hands of those present and entitled to vote.

## **Part 6 Fees**

### **19 Fees**

- (1) The fees payable under the Act are set out in Schedule 1A.
- (2) For the purposes of section 209 (1) (b) of the Act, the prescribed fee for the lodgment of an order under the Act is the fee payable for lodgment of a document under the *Strata Schemes (Freehold Development) Act 1973* for which no specific fee is prescribed by the regulations under that Act.

**Note—**

The relevant fee is prescribed by item 17 of Schedule 6 to the *Strata Schemes (Freehold Development) Regulation 2007*.

### **20 Waiver and remission of fees**

- (1) The Director-General may waive payment of the fee under the Act for an application for mediation, or may remit any such fee paid to the Director-General, if the Director-General considers it appropriate to do so in the circumstances.
- (2) The Registrar may waive payment of any other fee under the Act, or may remit any such fee paid to the Registrar, if the Registrar considers it appropriate to do so in the circumstances.

## **Part 7 Proceedings of Tribunal**

### **21 Time limit for certain applications to vary or revoke order of Tribunal: section 191 (2)**

For the purposes of section 191 (2), the prescribed time within which an application may be made for an order varying or revoking an order of the Tribunal is 28 days.

### **22 Conduct of proceedings before Tribunal**

- (1) An application to the Tribunal may be heard in the following manner if all of the parties indicate that they do not intend to call witnesses and the Tribunal and all of the

parties agree that the application should be heard in that manner:

- (a) each party may, in turn, present its case orally and unsworn and may be questioned by any other party,
- (b) each party may produce and tender evidence in support of its case, unless the Tribunal directs that any such evidence may not be tendered,
- (c) each party may comment on any other party's case after all of the parties have presented their cases,
- (d) each party may make a final submission.

(2) The order in which each party presents its case is to be as determined by the Tribunal.

(3) This clause is a modification of the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001*, and of the regulations under that Act, for the purposes of section 222 (1) of the *Strata Schemes Management Act 1996*.

**23 Modification of applied provisions of *Consumer, Trader and Tenancy Tribunal Act 2001* and regulations: section 222 (1)**

(1) For the purposes of section 222 (1) of the Act, the application of the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* in relation to proceedings before the Tribunal under the *Strata Schemes Management Act 1996* is modified in accordance with this clause.

(2) Section 24 (4) of the *Consumer, Trader and Tenancy Tribunal Act 2001* applies in relation to notices of application for an order in addition to section 135 of the *Strata Schemes Management Act 1996*, and for that purpose:

- (a) the words "subsection (3)" where firstly occurring in that subsection are taken to refer to section 135 (1) of the *Strata Schemes Management Act 1996*, and
- (b) section 24 (4) (b) of the *Consumer, Trader and Tenancy Tribunal Act 2001* is amended by omitting the words "in accordance with the Chairperson's directions referred to in subsection (3)" and by inserting instead the words "within such time and manner as the Chairperson directs".

(3) Section 68 of the *Consumer, Trader and Tenancy Tribunal Act 2001* is to be read as not permitting an application to be made for a rehearing under that section in relation to proceedings under the *Strata Schemes Management Act 1996*.

**Note—**

Section 222 (1) of the Act provides that the provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001*, and of the regulations made under that Act, apply in relation to proceedings under the *Strata Schemes Management Act 1996* before the Consumer, Trader and Tenancy Tribunal, subject to any modifications prescribed by the regulations.

Sections 28 (5) (g), (h) and (i), 36 and 53 of the *Consumer, Trader and Tenancy Tribunal Act 2001* do not apply to proceedings under the *Strata Schemes Management Act 1996*: see sections 28 (7), 36 (9) and 53 (5) of the *Consumer, Trader and Tenancy Tribunal Act 2001*. As a consequence, Part 4 (being clauses 13-18) and clause 20 of the *Consumer, Trader and Tenancy Tribunal Regulation 2002* also do not apply to proceedings under the *Strata Schemes Management Act 1996* before the Consumer, Trader and Tenancy Tribunal.

## **Part 8 Mediation**

### **24 Directions of Commissioner**

The Commissioner may give directions for regulating and prescribing the practice and procedure to be followed in connection with a mediation session, including the preparation and service of documents.

### **25 Attendance and representation**

- (1) A mediation session must be attended by each party or by a legal representative, or other representative, having authority to settle the matter.
- (2) Other persons may attend a mediation session with the leave of the mediator.

### **26 Termination**

- (1) A mediator may terminate a mediation.
- (2) A party may terminate a mediation at any time by giving notice of the termination to the Commissioner, the mediator and each other party.

## **Part 9 Miscellaneous**

### **27 Model by-laws: section 43**

Model by-laws for different types of strata schemes are set out in Schedules 1-6.

### **28 (Repealed)**

### **29 Forms and certificates**

- (1) A certificate given by a local council under section 56 (4) of the Act must be in or to the effect of Form 1 in Schedule 7.
- (2) A certificate given by an owners corporation under section 109 of the Act must be in or to the effect of Form 2 in Schedule 7.
- (3) For the purposes of clause 11 (1) of Schedule 2 to the Act, an instrument appointing a proxy must be in or to the effect of Form 3 in Schedule 7.

### **30 Monetary limit on exercise of priority vote**

For the purposes of clause 7 (1) of Schedule 2 to the Act, the prescribed amount is the amount of \$200 multiplied by the number of lots in the strata scheme concerned.

### 30A Extension of section 75A of Act to all owners corporations

- (1) Subject to section 69 (2) of the Act, the operation of section 75A of the Act is extended to the following owners corporations on the following dates (the **application date**):
  - (a) an owners corporation for a strata scheme with a strata plan number equal to or greater than 50,000—1 July 2006,
  - (b) an owners corporation for a strata scheme with a strata plan number equal to or greater than 30,000 and less than 50,000—1 July 2007,
  - (c) an owners corporation for a strata scheme with a strata plan number equal to or greater than 10,000 and less than 30,000—1 July 2008,
  - (d) an owners corporation for a strata scheme with a strata plan number equal to or greater than 1 and less than 10,000—1 July 2009.
- (2) This clause applies only to owners corporations established before 7 February 2005.
- (3) For the purposes of this clause, a reference in section 75A of the Act to:
  - (a) the first annual general meeting is taken to be a reference to the first annual general meeting held on or after the application date, and
  - (b) the second annual general meeting is taken to be a reference to the second annual general meeting held on or after the application date.

### 31 Savings and transitional provisions

Schedule 8 has effect.

### Schedule 1A Fees

(Clause 19 (1))

Item	Type of fee	Fee
<b>Fees payable to Registrar</b>		
1	Lodgment of application for order by an Adjudicator or the Tribunal	\$72
2	Lodgment of application for interim order by an Adjudicator or the Tribunal	\$72
3	Lodgment of notice of appeal	\$72
4	Issue of summons to appear before the Tribunal	\$39
5	Copy of document (other than transcript)	\$2 per page or \$27 (whichever is greater)

6	Copy of sound or audio-visual recording of evidence or proceedings, per cassette, disc or other medium	“at cost”
7	Copy of written transcript of evidence or proceedings, per page	“at cost”
<b>Fee payable to Director-General</b>		
8	Application for mediation	\$72
<b>Fees payable to owners corporation</b>		
9	For making records available for inspection under section 108 of the Act	\$26 and an additional \$13 for each half-hour or part of half-hour after the first hour of inspection
10	For giving a certificate under section 109 of the Act	\$90 and an additional \$45 for a further certificate for a lot comprising a garage, parking space or storeroom that services the lot the subject of the first certificate

## Schedule 1 Model by-laws for residential schemes

(Clause 27)

### 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.

#### **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**

### **Note—**

Select option A, B or C. If no option is selected, option A will apply.

### **Option A**

- (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 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.

### **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.

### **Option C**

Subject to section 49 (4) of the Act, an owner or occupier of a residential lot must not keep any animal on the lot or the common property.

### **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.

**Note—**

Section 111 of the Act provides that an owners 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.

**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.

**Schedule 2 Model by-laws for retirement villages schemes**

(Clause 27)

**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 health or medical equipment that is necessary to preserve the health or well-being of the occupier of the lot, or
  - (c) any screen or other device to prevent entry of animals or insects on the lot, 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, equipment, screen or other device 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 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, equipment, screen or other device 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 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.

## **8 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.

### **9 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.

### **10 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.

### **11 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.

### **12 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.

### **13 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.

#### **14 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.

## **15 Keeping of animals**

### **Note—**

Select option A, B or C. If no option is selected, option A will apply.

### **Option A**

(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 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.

### **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.

### **Option C**

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

#### **16 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 9.

#### **17 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).

#### **18 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) medical and nursing services,
  - (b) emergency response services,
  - (c) meals,
  - (d) domestic services,
  - (e) window cleaning,
  - (f) transportation,
  - (g) garbage disposal and recycling services,
  - (h) electricity, water or gas supply,
  - (i) 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.

**Note—**

Section 111 of the Act provides that an owners 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.

**19 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.

**Schedule 3 Model by-laws for industrial schemes**

(Clause 27)

**1 Vehicles**

- (1) An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.
- (2) The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

**2 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.

**3 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 sign to advertise the activities of the occupier of the lot, 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 sign must be installed in a competent and proper manner and must have an appearance, after it has been installed, consistent with any guidelines established by the owners corporation about such installations or, in the absence of guidelines, 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 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 sign referred to in clause (3) that forms part of the common property and that services the lot.

#### **4 Children on common property**

An owner or occupier of a lot must not permit any child of whom the owner or occupier has control to remain on common property, unless accompanied by an adult exercising effective control.

#### **5 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.

#### **6 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 written approval of the owners corporation.

#### **7 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 is 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.

## **8 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.
- (5) This by-law does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any relevant law applying to the disposal of such waste.

### **9 Appearance of lot**

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.

### **10 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).

### **11 Preservation of fire safety**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

### **12 Prevention of hazards**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to create a hazard or danger to the owner or occupier of another lot or any person lawfully using the common property.

### **13 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) security services,

- (b) promotional services,
- (c) cleaning,
- (d) garbage disposal and recycling services,
- (e) electricity, water or gas supply,
- (f) 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.

**Note—**

Section 111 of the Act provides that an owners 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.

#### **14 Compliance with planning and other requirements**

The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.

### **Schedule 4 Model by-laws for hotel/resort schemes**

(Clause 27)

#### **1 Vehicles**

- (1) 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.
- (2) The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

#### **2 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.

#### **3 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 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, consistent with any guidelines established by the owners corporation about such installations or, in the absence of guidelines, 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.

#### **4 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.

#### **5 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.

#### **6 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.

## **7 Cleaning windows and doors**

The owners corporation must keep clean all exterior surfaces of glass in windows and doors on the boundary of the lots, whether common property or part of a lot.

## **8 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.

## **9 Keeping of animals**

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

## **10 Appearance of lot**

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.

## **11 Preservation of fire safety**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

## **12 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) electricity, water or gas supply,
  - (b) 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.

**Note—**

Section 111 of the Act provides that an owners 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.

### **13 Compliance with planning and other requirements**

The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.

## **Schedule 5 Model by-laws for commercial/retail schemes**

(Clause 27)

### **1 Vehicles**

- (1) An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.
- (2) The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

### **2 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 (for example a temporary display).

### **3 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 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 sign to advertise the activities of the occupier of the lot if the owners corporation has specified locations for such signs and that sign is installed in the specified locations, 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 sign must be installed in a competent and proper manner and must have an appearance, after it has been installed, consistent with any guidelines established by the owners corporation about such installations or, in the absence of guidelines, 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 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 sign referred to in clause (3) that forms part of the common property and that services the lot.

#### **4 Behaviour of invitees**

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier (including all customers and staff) 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.

#### **5 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.

#### **6 Cleaning windows and doors**

The owners corporation must keep clean all exterior surfaces of glass in windows and doors on the boundary of the lots, whether a part of a lot or common property.

#### **7 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.
- (5) This by-law does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any relevant law applying to the disposal of such waste.

## **8 Appearance of lot**

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.

## **9 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).

## **10 Preservation of fire safety**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

## **11 Prevention of hazards**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to create a hazard or danger to the owner or occupier of another lot or any person lawfully using the common property.

## **12 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) security services,
  - (b) promotional services,
  - (c) advertising,
  - (d) cleaning,
  - (e) garbage disposal and recycling services,
  - (f) electricity, water or gas supply,
  - (g) 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.

**Note—**

Section 111 of the Act provides that an owners 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.

**13 Controls on hours of operation and use of facilities**

- (1) The owners corporation may, by special resolution, make any of the following determinations if it considers the determination is appropriate for the control, management, administration, use or enjoyment of the lots or the lots and common property of the strata scheme:
  - (a) that commercial or business activities may be conducted on a lot or common property only during certain times,
  - (b) that facilities situated on the common property may be used only during certain times or on certain conditions.
- (2) An owner or occupier of a lot must comply with a determination referred to in clause (1).

**14 Compliance with planning and other requirements**

The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.

**Schedule 6 Model by-laws for mixed use schemes**

(Clause 27)

**1 Noise**

An owner or occupier of a lot must not create any noise on a lot or the 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**

- (1) An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.
- (2) The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

### **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 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 sign to advertise the activities of the occupier of the lot if the owners corporation has specified locations for such signs and that sign is installed in the specified locations, or
  - (e) 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, structure or sign 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, structure or sign 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**

- (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.

## **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:
- (a) must comply with the local council's requirements for the storage, handling and collection of garbage, waste and recyclable material, and
  - (b) must notify the local council of any loss of, or damage to, receptacles provided by the local council for garbage, recyclable material or waste, and
  - (c) if the lot is used for commercial purposes, must not deposit any item of commercial waste in receptacles provided solely for the collection of residential garbage, waste or recyclable material.
- (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.
- (5) This by-law does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any

relevant law applying to the disposal of such waste.

## **16 Keeping of animals**

### **Note—**

Select option A, B or C. If no option is selected, option A will apply.

### **Option A**

- (1) Subject to section 49 (4) of the Act, an owner or occupier of a residential lot must not, without the prior written approval of the owners corporation, keep any animal (except 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 residential lot or the common property.

### **Option B**

- (1) Subject to section 49 (4) of the Act, an owner or occupier of a residential 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 residential lot or the common property.
- (3) If an owner or occupier of a residential 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.

### **Option C**

Subject to section 49 (4) of the Act, an owner or occupier of a residential lot must not keep any animal on the lot or the common property.

## **17 Appearance of lot**

- (1) The owner or occupier of a lot must not, except with 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 Preservation of fire safety**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

### **20 Prevention of hazards**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to create a hazard or danger to the owner or occupier of another lot or any person lawfully using the common property.

### **21 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) security services,
  - (b) promotional services,
  - (c) advertising,
  - (d) commercial cleaning,
  - (e) domestic services,
  - (f) garbage disposal and recycling services,
  - (g) electricity, water or gas supply,
  - (h) 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.

**Note—**

Section 111 of the Act provides that an owners 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.

**22 Controls on hours of operation and use of facilities**

- (1) The owners corporation may, by special resolution, make any of the following determinations if it considers the determination is appropriate for the control, management, administration, use or enjoyment of the lots or the lots and common property of the strata scheme:
  - (a) that commercial or business activities may be conducted on a lot or common property only during certain times,
  - (b) that facilities situated on the common property may be used only during certain times or on certain conditions.
- (2) An owner or occupier of a lot must comply with a determination referred to in clause (1).

**23 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 used for residential purpose must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

**Schedule 7 Forms**

**Form 1 Certificate of Council’s approval of change of by-laws**

(Clause 29 (1))

*Strata Schemes Management Act 1996*

I certify that the .....

Council has approved the change of by-laws set out in the Schedule to this certificate.

Dated:

Strata Plan No:

.....General Manager

Schedule

.....  
.....  
.....

(Insert details of the changes approved by the Council)

**Form 2 Certificate under section 109 of the Act**

(Clause 29 (2))

*Strata Schemes Management Act 1996*

Date of certificate ..... 20.....

Lot in respect of which certificate issued ..... Strata Plan No .....

Person requesting certificate .....

(owner/mortgagee/covenant chargee of lot/authorised person)

If an authorised person, authorised by .....

(owner/mortgagee/covenant chargee of lot)

The owners corporation of Strata Plan No ..... certifies the following:

**1 Administrative fund—contributions payable by regular periodic instalments or lump sum (section 76 (1) of the Act)**

Total amount last determined with respect to the lot .....

Number of instalments payable (if contribution payable by instalments) .....

Amount of each instalment .....

Dates on which each instalment is due: .....

Amount (if any) outstanding .....

Amount (if any) in credit .....

Discount (if any) applicable for early payment .....

**2 Sinking fund—payments payable by regular periodic instalments or lump sum (section 76 (1) of the Act)**

Total amount last determined with respect to the lot .....

Date on which determination made .....

Number of instalments payable (if contribution payable by instalments) .....

Amount of each instalment .....

Dates on which each instalment is due .....

Amount (if any) outstanding .....

Amount (if any) in credit .....

Discount (if any) applicable for early payment .....

**3 Special contributions to the administrative fund (section 76 (4) of the Act)**

Amount of any levy payable under section 76 (4) of the Act with respect to the lot .....

Date on which determination made .....

Number of instalments payable (if contribution payable by instalments) .....

Amount of each instalment .....

Dates on which each instalment is due .....

Amount (if any) outstanding .....

Amount (if any) in credit .....

Brief statement as to the purpose for which the contribution was levied .....

.....  
.....

**4 Money unpaid under by-law conferring a right or privilege (section 53 of the Act)**

Amount payable under a by-law referred to in section 53 of the Act .....  
Date when amount due .....

**5 Contributions towards costs of proceedings (section 229 of the Act)**

Amount of any levy payable under section 229 of the Act with respect to the lot .....  
.....  
Date on which determination made .....  
Number of instalments payable (if contribution payable by instalments) .....  
Amount of each instalment .....  
Dates on which each instalment is due: .....  
.....  
Amount (if any) outstanding .....  
Amount (if any) in credit .....  
Brief statement as to the purpose for which the contribution was levied .....  
.....  
.....

**6 Amounts recoverable in relation to work carried out by owners corporation**

Amount (if any) recoverable under section 63 of the Act .....

**7 Rate of interest payable on contributions**

Rate of interest payable under section 79 of the Act on contributions ..... per cent.  
Amount of interest payable in relation to outstanding contributions .....

**8 Amount of unpaid pecuniary penalties**

Amount of any unpaid pecuniary penalty that is a charge on the lot by reason of section 206 of the Act  
.....

**9 Particulars on strata roll for lot to which certificate relates**

Name of owner .....  
Address for service of notices on owner .....  
Name and address for service of notices of each mortgagee, covenant chargee or other person who has given notice to owners corporation under section 118 of the Act:

<b>Name</b>	<b>Address</b>	<b>Capacity</b>
.....	.....	.....
.....	.....	.....
.....	.....	.....

**10 Managing agent and caretaker**

Name of managing agent (if any) appointed under section 26 of the Act .....  
.....  
Address of managing agent .....  
.....



Name of caretaker (if any) within the meaning of section 40A of the Act .....  
.....  
Address of caretaker .....  
.....

**11 Members of executive committee**

Name and address of each member of executive committee:

<b>Name</b>	<b>Address</b>
.....	.....
.....	.....
.....	.....

**12 By-laws**

Particulars of any by-laws made by the owners corporation within the 2-year period before the date of this certificate that have not been lodged at the office of the Registrar-General as at that date:  
.....  
.....

**13 Insurance policies**

Particulars of all insurance policies held by owners corporation:

<b>Type of policy</b>	<b>Name of insurer</b>	<b>Policy No</b>	<b>Sum insured</b>	<b>Date due</b>	<b>Date when last premium paid</b>	<b>Amount of last premium</b>
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Name of insurance broker for each policy (if relevant) .....  
.....

**This part to be completed in addition if strata scheme is also part of community scheme**

**14 Contributions payable to administrative fund of community association**

Total amount last determined with respect to the lot .....  
.....  
Number of instalments payable (if contribution payable by instalments) .....  
Amount of each instalment .....  
Dates on which each instalment is due .....  
.....  
Amount (if any) outstanding .....  
Amount (if any) in credit .....  
Discount (if any) applicable for early payment .....

**15 Contributions payable to sinking fund of community association**

Total amount last determined with respect to the lot .....  
.....  
Date on which determination made .....  
Number of instalments payable (if contribution payable by instalments) .....  
Amount of each instalment .....  
Dates on which each instalment is due .....  
.....  
Amount (if any) outstanding .....

Amount (if any) in credit .....  
Discount (if any) applicable for early payment .....

**16 Contributions payable to administrative fund of precinct association**

Total amount last determined with respect to the lot .....  
.....  
Number of instalments payable (if contribution payable by instalments) .....  
Amount of each instalment .....  
Dates on which each instalment is due .....  
.....  
Amount (if any) outstanding .....  
Amount (if any) in credit .....  
Discount (if any) applicable for early payment .....

**17 Contributions payable to sinking fund of precinct association**

Total amount last determined with respect to the lot .....  
.....  
Number of instalments payable (if contribution payable by instalments) .....  
Amount of each instalment .....  
Dates on which each instalment is due: .....  
.....  
Amount (if any) outstanding .....  
Amount (if any) in credit .....  
Discount (if any) applicable for early payment .....

THE COMMON SEAL OF THE OWNERS—STRATA PLAN No .....  
was hereunto affixed on .....  
in the presence of .....

.....  
being the person(s) authorised by section 238 of the *Strata Schemes Management Act 1996* to attest the affixing of the seal.

**Note—**

Section 109 (8) of the Act provides:

- (8) **Certificate is evidence of matters stated in it** A certificate given under this section is conclusive evidence, as at the date of the certificate, of the matters stated in it in favour of a person (whether or not the applicant for the certificate or a person referred to in the certificate) taking for valuable consideration:
  - (a) an estate or interest in a lot in a freehold strata scheme to which the certificate relates, or
  - (b) an estate or interest in a lease of a lot in a leasehold strata scheme to which the certificate relates.

**Form 3 Proxy appointment**

(Clause 29 (3))

*Strata Schemes Management Act 1996*

Date .....  
I/We .....  
the owners of lot .....  
in Strata Plan No .....

appoint .....  
of .....  
as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings).  
Period or number of meetings for which appointment of proxy has effect ..... \*1 meeting/\*  
..... meetings/\*1 month/\* ..... months/\*12 months or 2 consecutive annual general meetings

*\*Tick or tick and complete whichever applies*

*(Note. The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater. If no selection is made by the person giving the proxy, the proxy is effective only for one meeting.)*

**\*1** This form authorises the proxy to vote on my/our behalf on all matters.

**OR**

**\*2** This form authorises the proxy to vote on my/our behalf on the following matters only:

.....  
.....  
.....

[Specify the matters and any limitations on the manner in which you want the proxy to vote.]

*\*Delete paragraph 1 or 2, whichever does not apply.*

**\*3** If a vote is taken on whether .....  
(the strata managing agent) should be appointed or remain in office or whether another managing agent is to be appointed, I/we want the proxy to vote as follows:

.....  
.....  
.....

*\*Delete paragraph 3 if proxy is not authorised to vote on this matter. For examples, read note 1 below.*

Signature of owner/s .....

Signature of proxy .....

**Notes**

- 1** A proxy is not authorised to vote on a matter:
  - (a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
  - (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, caretaker or on-site residential property manager.

**2** This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).

**3** This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.

## Schedule 8 Savings and transitional provisions

(Clause 31)

### **1 Savings and transitional provisions consequent on enactment of [Strata Schemes Management Act 1996](#)**

- (1) This clause applies to an owners corporation in existence at 1 July 1997.
- (2) The seal of an owners corporation immediately before 1 July 1997 may continue to be used as its seal for the purposes of the [Strata Schemes Management Act 1996](#) or for

any other purpose, unless replaced by the owners corporation.

## **2 Savings and transitional provisions consequent on enactment of [Strata Schemes Management Amendment Act 2004](#)**

- (1) Clause 11 (3) of Schedule 2 to the Act as in force immediately before 7 February 2005 (rather than as substituted by the [Strata Schemes Management Amendment Act 2004](#)) applies to a proxy if notice of the first meeting in relation to which the proxy is to operate was given before 7 February 2005.
- (2) Clause 32 (2) of Schedule 2 to the Act as in force immediately before 7 February 2005 (rather than as amended by the [Strata Schemes Management Amendment Act 2004](#)) applies to a general meeting of an owners corporation held on or before 14 February 2005.

### **Note—**

The [Strata Schemes Management Amendment Act 2004](#) commenced on 7 February 2005.

## **3 Savings and transitional provisions consequent on the making of this Regulation**

Any act, matter or thing that, immediately before the repeal of the [Strata Schemes Management Regulation 1997](#), had effect under that regulation is taken to have effect under this Regulation.

## **4 Savings and transitional provisions consequent on the enactment of the [Strata Management Legislation Amendment Act 2008](#)**

Clause 3A of Schedule 3 to the Act:

- (a) does not affect an election or appointment of a person as a member, or acting member, of an executive committee that occurred before the commencement of that clause, and
- (b) does not require any person who, immediately before the commencement of that clause, held office as a member, or acting member, of an executive committee to make a disclosure in relation to a connection with the original owner or caretaker of the strata scheme concerned unless the person stands for re-election or re-appointment as a member or acting member of the executive committee after the commencement of that clause.