

Approved Form 7	Strata Plan By-laws	Sheet 1 of 17 sheets
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Registered:		

CHELSEA CROYDON

17 GROSVENOR, CROYDON, NSW, 2132

Approved Form 7	Strata Plan By-laws	Sheet 2 of 17 sheets
Office Use Only		Office Use Only
Registered:		

Table of Contents

BY LAW 1	VEHICLES	3
BY LAW 2	CHANGES TO COMMON PROPERTY	3
BY LAW 3	DAMAGE TO LAWNS AND PLANTS ON COMMON PROPERTY	4
BY LAW 4	OBSTRUCTION OF COMMON PROPERTY	4
BY LAW 5	KEEPING OF ANIMALS	4
BY LAW 6	NOISE	5
BY LAW 7	BEHAVIOUR OF OWNERS, OCCUPIERS AND INVITEES	6
BY LAW 8	CHILDREN PLAYING ON COMMON PROPERTY	6
BY LAW 9	SMOKE PENETRATION	6
BY LAW 10	PRESERVATION OF FIRE SAFETY	7
BY LAW 11	STORAGE OF INFLAMMABLE LIQUIDS AND OTHER SUBSTANCES AND MATERIALS	7
BY LAW 12	APPEARANCE OF LOT	7
BY LAW 13	CLEANING WINDOWS AND DOORS	8
BY LAW 14	HANGING OUT OF WASHING	8
BY LAW 15	DISPOSAL OF WASTE	8
BY LAW 16	CHANGE IN USE OR OCCUPATION OF LOT TO BE NOTIFIED	10
BY LAW 17	PLANNING COMPLIANCE AND LEASING REQUIREMENTS FOR A LOT	10
BY LAW 18	WINDOW COVERINGS	11
BY LAW 19	COMMON PROPERTY RIGHTS BY-LAW – LOT 79	11
BY LAW 20	FLOOR COVERINGS AND CHANGES TO FLOOR COVERINGS	13
BY LAW 21	MOVING FURNITURE AND OTHER ARTICLES ON OR THROUGH COMMON PROPERTY	14
BY LAW 22	LIFTS	16
	EXECUTION PAGE	17

Approved Form 7	Strata Plan By-laws	Sheet 3 of 17 sheets
Office Use Only		Office Use Only
Registered:		

1 Vehicles

- 1.1 An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit a motor vehicle to be parked or stood on common property, except with the prior written approval of the owners' corporation or as permitted by a sign authorised by the owners' corporation.

2 Changes to common property

- 2.1 An owner or person authorised by an owner may install, without the consent of the owners' corporation:

2.1.1 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

2.1.2 any screen or other device to prevent entry of animals or insects on the lot, or

2.1.3 any structure or device to prevent harm to children.

- 2.2 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.

- 2.3 Clause 2.1 does not apply to the installation of anything that is likely to affect the operation of fire safety devices in the lot or to reduce the level of safety in the lots or common property.

- 2.4 The owner of a lot must:

2.4.1 maintain and keep in a state of good and serviceable repair any installation or structure referred to in clause 2.1 that forms part of the common property and that services the lot, and

Approved Form 7	Strata Plan By-laws	Sheet 4 of 17 sheets
Office Use Only		Office Use Only
Registered:		

2.4.2 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 2.1 that forms part of the common property and that services the lot.

3 Damage to lawns and plants on common property

3.1 An owner or occupier of a lot must not, except with the prior written approval of the owners' corporation:

3.1.1 damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or

3.1.2 use for his or her own purposes as a garden any portion of the common property.

4 Obstruction of common property

4.1 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.

5 Keeping of animals

5.1 An owner or occupier of a lot must not, except with the prior written approval of the owners' corporation, keep any animal except two small dogs (not to exceed 30kg in weight in total) or two cats or a small caged bird or fish kept in a secure aquarium.

5.2 The owners' corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property and must give an owner or occupier written reasons for any refusal to grant approval.

5.3 If an owner or occupier of a lot keeps an animal on the lot, the owner or occupier must:

Approved Form 7	Strata Plan By-laws	Sheet 5 of 17 sheets
Office Use Only		Office Use Only
Registered:		

5.3.1 keep the animal within the lot, and

5.3.2 supervise the animal when it is on the common property, and

5.3.3 take any action that is necessary to clean all areas of the lot or the common property that are soiled by the animal.

5.4 An owner or occupier of a lot who keeps an assistance animal on the lot must, if required to do so by the owners' corporation, provide evidence to the owners' corporation demonstrating that the animal is an assistance animal as referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

5.5 Despite any other provision of this by-law 5, on no account is an owner or occupier of a lot permitted to keep any unregistered dog or any dog which is:

5.5.1 a pit bull terrier, Japanese tosa, dogo Argentino, fila Brasileiro or other outcross; or

5.5.2 prohibited from importation into Australia; or

5.5.3 declared to be dangerous or a restricted dog under the *Companion Animals Act 1998* from time to time.

6 Noise

6.1 An owner or occupier of a lot, or any invitee of 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.

6.2 An owner or occupier of a lot within which a spa is installed, must ensure that the spa is operated only between the hours of 7am and 10pm, and the motor of such spa must not be operated on a setting above 2.

Approved Form 7	Strata Plan By-laws	Sheet 6 of 17 sheets
Office Use Only		Office Use Only
Registered:		

7 Behaviour of owners, occupiers and invitees

- 7.1 An owner or occupier of a lot, or any invitee of 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.
- 7.2 An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier:
 - 7.2.1 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, and
 - 7.2.2 without limiting paragraph 7.2.1, that invitees comply with clause 7.1.

8 Children playing on common property

- 8.1 Any child for whom an owner or occupier of a lot is responsible may play on any area of the common property that is designated by the owners' corporation for that purpose while under adult supervision.
- 8.2 An owner or occupier of a lot must not permit any child for whom the owner or occupier is responsible, unless accompanied by an adult exercising effective control, to be or remain on common property that is a car parking area or other area of possible danger or hazard to children.

9 Smoke penetration

- 9.1 An owner or occupier, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property.

Approved Form 7	Strata Plan By-laws	Sheet 7 of 17 sheets
Office Use Only		Office Use Only
Registered:		

9.2 An owner or occupier of a lot must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.

10 Preservation of fire safety

10.1 The owner or occupier of a lot must not do anything or permit any invitees of the owner or occupier to do anything 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 Storage of inflammable liquids and other substances and materials

11.1 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.

11.2 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 Appearance of lot

12.1 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.

12.2 This by-law does not apply to the hanging of any clothing, towel, bedding or other article of a similar type in accordance with by-law 14.

Approved Form 7	Strata Plan By-laws	Sheet 8 of 17 sheets
Office Use Only		Office Use Only
Registered:		

13 Cleaning windows and doors

- 13.1 Except in the circumstances referred to in clause 13.2, 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.
- 13.2 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.

14 Hanging out of washing

- 14.1 An owner or occupier of a lot may hang any washing on any lines provided by the owners' corporation for that purpose. The washing may only be hung for a reasonable period.
- 14.2 An owner or occupier of a lot may hang washing on any part of the lot other than over the balcony railings. The washing may only be hung for a reasonable period.
- 14.3 In this by-law:
- washing** includes any clothing, towel, bedding or other article of a similar type.

15 Disposal of waste

- 15.1 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.
- 15.2 An owner or occupier of a lot must not deposit in a toilet, or otherwise introduce or attempt to introduce into the plumbing system, any item that is not appropriate for any such disposal (for example, a disposable nappy).

Approved Form 7	Strata Plan By-laws	Sheet 9 of 17 sheets
Office Use Only		Office Use Only
Registered:		

15.3 An owner or occupier must:

15.3.1 comply with all reasonable directions given by the owners' corporation as to the disposal and storage of waste (including the cleaning up of spilled waste) on common property, and

15.3.2 comply with the local council's guidelines for the storage, handling, collection and disposal of waste.

15.4 An owner or occupier of a lot must maintain bins for waste within the lot, or on any part of the common property that is authorised by the owners' corporation, in clean and dry condition and appropriately covered.

15.5 An owner or occupier of a lot must not place anything in the bins of the owner or occupier of any other lot except with the permission of that owner or occupier.

15.6 An owner or occupier of a lot must place the bins within an area designated for collection by the owners' corporation not more than 12 hours before the time at which waste is normally collected and, when the waste has been collected, must promptly return the bins to the lot or other area authorised for the bins.

15.7 An owner or occupier of a lot must notify the local council of any loss of, or damage to, bins provided by the local council for waste.

15.8 The owners' corporation may give directions for the purposes of this by-law by posting signs on the common property with instructions on the handling of waste that are consistent with the local council's requirements or giving notices in writing to owners or occupiers of lots.

15.9 In this by-law:

bin includes any receptacle for waste.

waste includes garbage and recyclable material.

Approved Form 7	Strata Plan By-laws	Sheet 10 of 17 sheets
Office Use Only		Office Use Only
Registered:		

16 Change in use or occupation of lot to be notified

16.1 An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot.

16.2 Without limiting clause 16.1, the following changes of use must be notified:

16.2.1 a change 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),

16.2.2 a change to the use of a lot for short-term or holiday letting.

16.3 The notice must be given in writing at least 21 days before the change occurs or a lease or sublease commences.

17 Planning compliance and leasing requirements for a lot

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

17.2 An 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.

17.3 An owner of a lot must ensure that:

17.3.1 the letting of any lot is recorded under the terms of a residential lease under residential tenancies legislation;

17.3.2 any leasing agent is made aware of any restrictions on use imposed on the leasing of the lot for residential use, whether under these by laws or pursuant to the planning instruments of the local council or any other legislation;

Approved Form 7	Strata Plan By-laws	Sheet 11 of 17 sheets
Office Use Only		Office Use Only
Registered:		

17.3.3 all reasonable endeavours are taken to ensure compliance with any restrictions on use referred to in clause 17.3.2; and

17.3.4 that a copy of these by-laws as registered, are attached to any residential lease.

17.4 The owner of a lot acknowledges that lots in the building must only be used by owners or occupiers as follows:

17.4.1 residential use or by leasing subject to residential tenancies legislation. Other short term uses such as temporary rental of rooms, serviced apartments and backpacker accommodation use are not permitted; and

17.4.2 home occupation, if permitted under the local environmental planning instruments, is not prohibited by this by-law.

18 Window coverings

18.1 Any curtain, blind or external blind in a window or door, which faces public or common areas, must not detract from the visible amenity of the building and must be in keeping with the rest of the building.

19 Common property rights by-law – Lot 79

19.1 This is a common property rights by-law.

19.2 The owner of Lot 79 in the strata plan has the right of exclusive use and enjoyment of so much of the common property required to install an awning on the balcony of that Lot.

19.3 The owner of Lot 79 in the strata plan, at that owner's sole cost and expense:

(a) is responsible for the proper maintenance of and keeping in a state of good and serviceable repair any awning installed pursuant to this by-law;

Approved Form 7	Strata Plan By-laws	Sheet 12 of 17 sheets
Office Use Only		Office Use Only
Registered:		

- (b) is responsible for the proper maintenance of and keeping in a state of good and serviceable repair any common property used or required to install any awning pursuant to this by-law;
- (c) must repair any damage to any awning installed pursuant to this by-law;
- (d) must repair any damage to common property caused by exercising its rights pursuant to this by-law;
- (e) must indemnify the owners' corporation against all claims and liability caused by exercising its rights pursuant to this by-law.

19.4 Any awning installed pursuant to this by-law 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.

19.5 The owner of Lot 79 in the strata plan must obtain the consent of the local council, if required, to install any awning pursuant to this by-law and provide a copy of any development consent to the owners' corporation.

19.6 The owners' corporation must consent to any development application made pursuant to this by-law by the owner of Lot 79 in the strata plan, provided the owner has obtained the consent of the local council, if required, and must promptly sign all applications and documents, pass all resolutions and do all things reasonably required by the owner to enable the owner of Lot 79 in the strata plan to exercise its rights under this by-law.

19.7 All works carried out by the owner of Lot 79 pursuant to this by-law must comply with all relevant laws, codes and standards, including relevant fire safety standards.

Approved Form 7	Strata Plan By-laws	Sheet 13 of 17 sheets
Office Use Only		Office Use Only
Registered:		

19.8 The owners' corporation may make, amend or repeal this by-law only:

- (a) with the written consent of the owner of Lot 79 in the strata plan; and
- (b) in accordance with a special resolution.

20 Floor coverings and changes to floor coverings

20.1 An owner of a lot must ensure that all floor space or surface within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space or surface of noise likely to disturb the peaceful enjoyment of the owner or occupier of another lot.

20.2 An owner of a lot who wishes to change any flooring within that owner's lot must:

20.2.1 first apply to the owners' corporation for approval to change the flooring, which approval will not be unreasonably withheld provided the application contains sufficient information to enable the owners' corporation to satisfy itself that the proposed floor construction, when correctly applied to the floor, will achieve and satisfy the requirements of the owners' corporation regarding noise transmission. The owners' corporation is entitled to require a written opinion from an acoustic engineer or test result; and

20.2.2 following installation of the flooring, provide the owners' corporation with an acoustic report signed by an acoustic engineer or other appropriately qualified person to demonstrate that this by-law 20 has been complied with. Suitable evidence can consist of:

20.2.2.1 compliance impact testing verifying that the rating required by the owners' corporation has been achieved; and/or

Approved Form 7	Strata Plan By-laws	Sheet 14 of 17 sheets
Office Use Only		Office Use Only
Registered:		

20.2.2.2 a report by an acoustic engineer that the floor has been inspected to ensure that the installation has been conducted correctly and that, in the opinion of the engineer, compliance with the requirements of this by-law 20 has been achieved.

20.3 Any owner who replaces any flooring takes sole responsibility for the cost of installation, repair, maintenance and replacement of the new floor covering and is solely responsible to the owners' corporation if this by-law is not complied with.

20.4 An occupier of a lot may not apply to the owners' corporation for permission to change any floor covering or surface. All applications under this by-law must come from the owner of a lot.

20.5 The owners' corporation can delegate supervision of this by-law to the executive committee.

20.6 This by-law 20 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.

21 Moving furniture and other articles on or through common property

21.1 An owner or occupier of a lot must not transport any furniture or large objects through or on common property within the building unless:

21.1.1 that owner or occupier has complied with the terms of this by-law 21; and

21.1.2 sufficient notice has first been given to the executive committee so as to allow a representative of the owners' corporation to be present at the time when the owner or occupier does so.

Approved Form 7	Strata Plan By-laws	Sheet 15 of 17 sheets
Office Use Only		Office Use Only
Registered:		

21.2 An owner or occupier of a lot must not transport any goods, equipment, furniture or other large objects to and from lots and through common property ("Removals") unless:

21.2.1 a booking has been made with the executive committee in writing within a reasonable time before Removals are carried out:

21.2.1.1 to book the lift;

21.2.1.2 to ensure that lift covers are in place;

21.2.1.3 to give notice of any necessary security arrangements;

21.2.1.4 to notify any representative of the owners' corporation (if considered necessary); and

21.2.1.5 to notify any other owners or occupiers in the building that are authorised to use the lift as a shared facility.

21.2.2 Removals may only be carried out on Mondays to Saturdays between the hours of 9.00am and 4.00pm or in accordance with the permitted hours determined by the owners' corporation from time to time;

21.2.3 Removals are not to be carried out on Sundays;

21.2.4 all areas are protected from damage when carrying out Removals and all rubbish is removed from the building and its surrounds; and

21.2.5 all Removals are transported in the manner reasonably directed by the owners' corporation.

21.3 An owner of a lot must pay to the owners' corporation an amount of \$500.00 (or any other amount the executive committee may decide from time to time) which is:

Approved Form 7	Strata Plan By-laws	Sheet 16 of 17 sheets
Office Use Only		Office Use Only
Registered:		

21.3.1 to be held by the owners' corporation as a bond during the Removal or delivery of goods and furniture through the common property areas and lifts;

21.3.2 to be applied by the owners' corporation towards the cost of rectifying any damage to any part of the common property including the foyers and lift and the cost of providing any necessary security arrangements; and

21.3.3 to be refunded to the owner in whole, but if any part is applied pursuant to this by-law, then only as to the balance.

22 Lifts

22.1 The owners' corporation must establish a contract for the repair, replacement, service and maintenance of each of the lifts situated within the common property in the building ("Service Contracts"). The Service Contracts must require servicing and maintenance of all lift plant and equipment as often as is recommended by the manufacturer.

22.2 An owner or occupier of a lot must:

22.2.1 not allow children to operate or play in the lifts;

22.2.2 obey the instructions regarding the use and operation of the lifts issued from time to time by the executive committee; and

22.2.3 take all reasonable steps to ensure that any invitees or occupiers of their lots are aware of the requirements of and comply with this by-law.

22.3 An owner or occupier of a lot must not impede or unduly interfere with the use of the lifts or the entry foyer the subject of an easement in favour of, or otherwise being designated for shared use.

Approved Form 7	Strata Plan By-laws	Sheet 17 of 17 sheets
Office Use Only		Office Use Only
Registered:		

EXECUTION PAGE

REGISTERED PROPRIETOR'S EXECUTION

EXECUTED by **CROYDON NO 8 PTY LTD**)
ACN 611 466 356 in accordance with)
section 127 of the Corporations Act:)

.....
Signature of Director

.....
Signature of Director / Secretary

.....
Print name of Director

.....
Print name of Director / Secretary

MORTGAGEE'S EXECUTION