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**CONSOLIDATION/
CHANGE OF BY-LAW**
New South Wales
Strata Schemes Management Act 201
Real Property Act 1900



AN608080J

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	For the common property CP/SP65136	
(B) LODGED BY	Document Collection Box BOX 582W	Name, Address or DX, Telephone, and Customer Account Number if any SERVICE FIRST REGISTRATION DX 189 SYDNEY LLPN123426A PH 8296 9000 FAX 9279 2185 Reference: FALVEY - SP65136
		CODE CH

(C) The Owners-Strata Plan No **65136** certify that a special resolution was passed on 28 July 2018.
(D) pursuant to the requirements of section 141 of the Strata Schemes Management Act 2015, by which the by-laws were changed as follows—

(E) Repealed by-law No By-Law No.1 - No. 19 ✓
Added by-law No By-Law No. 1 - No. 21 ✓
Amended by-law No
as fully set out below:
"See Annexure "A"

(F) A consolidated list of by-laws affecting the above mentioned strata scheme and incorporating the change referred to at Note (E) is annexed hereto and marked as Annexure "B".
(G) The seal of the Owners-Strata Plan No **65136** was affixed on **21 August 2018** in the presence of the following person(s) authorised by section 273 Strata Schemes Management Act 2015 to attest the affixing of the seal:

Signature: *Andrew Hugh Thompson*

Name: Andrew Hugh THOMPSON

Authority: Strata Managing Agent

Signature: _____

Name:

Authority:



By-Laws for Beachside – 48 Pacific Drive, Port Macquarie

Annexure “B” to CONSOLIDATION/CHANGE OF BY-LAWS

Parties: Owners Corporation Strata Plan 65136

Dated: 21 August, 2018

(F) CONSOLIDATED LIST OF BY-LAWS AFFECTING STRATA PLAN 65136

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, 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.

3 Damage to lawns and plants on 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 Obstruction of 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

- 5.1 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.

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Signature: ...*A Thompson*...

Name: Andrew Hugh THOMPSON

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By-Laws for Beachside – 48 Pacific Drive, Port Macquarie

- 5.2 An approval given by the Owners Corporation under subclause (1) cannot authorise any additions to the common property.
- 5.3 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
- 5.4 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.
- 5.5 Despite section 5.2, 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 subclause (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 subclause (3) that forms part of the common property and that services the lot.

6 Behaviour of Owners Occupiers and Invitees

- 6.1 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.
- 6.2 An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier:
- (a) 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
 - (b) without limiting paragraph (a), that invitees comply with clause (1).

7 Drying of Laundry Items Children Playing on Common Property

- 7.1 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 but may only use an area designated for swimming while under adult supervision.
- 7.2 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 laundry, car parking area or other area of possible danger or hazard to children.

8 Prevention 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.

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

- 10.1 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.
- 10.2 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.
- 10.3 In this by-law: *washing* includes any clothing, towel, bedding or other article of a similar type.

11 Cleaning Windows and Doors

- 11.1 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.
- 11.2 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

- 12.1 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.
- 12.2 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 Moving Furniture and Other Objects on or through Common Property

- 13.1 An owner or occupier of a lot must not transport any furniture or large object through or on common property within the building unless sufficient notice has first been given to the executive committee so as to enable the executive committee to arrange for its nominee to be present at the time when the owner or occupier does so.

By-Laws for Beachside – 48 Pacific Drive, Port Macquarie

13.2 An Owners Corporation may resolve that furniture or large objects are to be transported through or on the common property (whether in the building or not) in a specified manner.

13.3 If the Owners Corporation has specified, by resolution, the manner in which furniture or large objects are to be transported, an owner or occupier of a lot must not transport any furniture or large object through or on common property except in accordance with that resolution.

14 Disposal of Waste – Shared Bins

14.1 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.

14.2 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).

14.3 An owner or occupier must:

- (a) 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
- (b) comply with the local council's guidelines for the storage, handling, collection and disposal of waste.

14.4 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 shared bin arrangement and local council's requirements or giving notices in writing to owners or occupiers of lots.

14.5 In this by-law:

Bin - includes any receptacle for waste.

Waste - includes garbage and recyclable material.

15 Keeping of Animals

15.1 The owner or occupier of the Managers Apartment (currently Lot 31) may keep an animal on the lot, if the owner or occupier gives the owners corporation written notice that it is being kept on the lot.

15.2 The notice must be given not later than 14 days after the animal commences to be kept on the lot.

15.3 If an owner or occupier of Lot 31 keeps an animal on the lot, the owner or occupier must:

- (a) keep the animal within the lot, and
- (b) supervise the animal when it is on the common property, and
- (c) take any action that is necessary to clean all areas of the lot or the common property that are soiled by the animal.

By-Laws for Beachside – 48 Pacific Drive, Port Macquarie

16 Appearance of Lot

- 16.1 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.
- 16.2 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.

17 Change in use of Lot to be Notified

- 17.1 An owner of a lot must notify the owners corporation if the owner intends to change the existing use of the lot.
- 17.2 Without limiting subclause (1), the following changes of use must be notified:
- (a) 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),
 - (b) a change to the use of a lot for long-term or permanent letting or the owner desires to reside in the lot.
- 17.3 The notice must be given in writing at least 60 days before the change occurs or a lease or sublease commences.

18 Provision of Amenities or Services

- 18.1 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) waste disposal and recycling services,
 - (c) electricity or gas supply.
 - (d) telecommunication services (for example, cable television).
- 18.2 If the Owners Corporation makes a resolution referred to in subclause (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.

19 Agreement with Manager

- 19.1 In addition to the powers under the Strata Schemes Managed Act, the Owners Corporation have the power to enter into agreements for letting and to provide maintenance and other services to the Owners Corporation.
The Owners Corporation must have proper regard to prudent and current market practices in determining:-
- (1) any manager's fee; and
 - (2) the terms and conditions of any agreement with the manager.

By-Laws for Beachside – 48 Pacific Drive, Port Macquarie

Such services and amenities may include:-

- (a) common property, gardening, cleaning of the grounds;
- (b) cleaning and maintenance of the pool, spa and steamroom;
- (c) security services;
- (d) promotional services;
- (e) advertising;
- (f) commercial cleaning;
- (g) garbage disposal and recycling services;
- (h) telecommunication services;
- (i) such other services as might be considered necessary and in keeping with the standard and quality of the resort facility.

The manager's duties will be defined in such agreements.

19.2 The manager shall have the right to enter into an agreement with the owners of lots in Beachside to conduct an on site letting service and a tenancy management service and to provide ancillary services, but such services may only be conducted from Lot 31 in the Strata Plan.

19.3 An owner or occupier must not interfere with or stop the manager performing his duties or interfere with or stop the manager using and maintaining common property.

20 Smoke Penetration

20.1 An owner or occupier, and any invitee of the owner or occupier, must not smoke tobacco or any other substance within an apartment lot or on the common property.

21 Compliance with Planning and other Requirements

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

21.2 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.

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Signature:



Name:

Andrew Hugh THOMPSON

Authority:

Strata Managing Agent



Approved Form 10

Certificate re Initial Period

The owners corporation certifies that in respect of the strata scheme:

*that the initial period has expired.

~~*the original proprietor owns all of the lots in the strata scheme and any purchaser under an exchanged contract for the purchase of a lot in the scheme has consented to any plan or dealing being lodged with this certificate.~~

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Signature: *Andrew Hugh Thompson* Name: Andrew Hugh THOMPSON Authority: Strata Managing Agent

^ Insert appropriate date

* Strike through if inapplicable.