

## Minutes of the 2024 Annual General Meeting

Strata Schemes Management Act 2015

To: Owners Corporation Strata Plan 60061  
41-45 Evan Street, Penrith

Stanton and Taylor Strata Management  
ABN 25 276 570 242

Minutes from the Annual General Meeting  
of The Owners – Strata Plan **60061**

Held: In the Offices of STSM – Strata Management  
Level 1, 314 High Street, Penrith NSW 2750

Alternatively: Via Video/Teleconference & Pre-Meeting Electronic Voting Forms  
With votes collated at the offices of STSM – Strata Management

On: Monday 27 May 2024

☎ 02 4721 2444

@ info@stsm.com.au

📍 Level 1, 314 High Street,  
Penrith NSW 2750

✉ PO Box 5, Penrith NSW 2751

**Meeting Opened:** 4.30 pm

**Chairperson:** Vanessa Best

<b>Present:</b>	D Clift	Lot 2
	D Thomas	Lot 5 **
	H Patynowski	Lot 16 *

*\*Present by way of a pre-meeting electronic voting paper submitted 24 hours prior to the commencement of the Meeting.*

*\*\*Present by way of Video/Teleconference (Microsoft Teams)*

**Proxy:** D Woods to V Best – Lot 13

**In Attendance:** Vanessa Best STSM – Strata Management

**Quorum:** At 5.00 pm, the chairperson declared a quorum to be present under  
Schedule 1, Section 17 (4) (b) of the Strata Schemes Management Act 2015.

### Motions:

Motion 1: Confirmation of Minutes	Ordinary Resolution
<b>CARRIED</b> – That the Owners – Strata Plan No <b>60061</b> RESOLVE that the Minutes of the preceding General Meeting held be confirmed as a true and accurate record of events.	

Motion 2: Insurance	Ordinary Resolution
<b>2.1 CARRIED</b> – That the Owners – Strata Plan No <b>60061</b> RESOLVE to confirm and adopt the particulars of each insurance policy, as outlined within the enclosed documents, held by the Owners Corporation.	
<b>2.2 CARRIED</b> – That the Owners – Strata Plan No <b>60061</b> RESOLVE that the Insurances of the kind referred to in Section 165 (2) be confirmed and continued ~ Insurance for Office Bearers and Fidelity Guarantee.	

**2.3 CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to obtain a valuation for insurance purposes from an appropriately qualified consultant, and to amend the current insurance policy in accordance with the amounts listed within the valuation.

**2.4 CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to instruct the Managing Agent to, where possible, obtain three quotations for insurance prior to the renewal of the current policy, and delegate authority to approve one of the insurance quotations to the Strata Committee.

**2.5 CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE that;

- a) Pursuant to S 60(1) of the Strata Schemes Management Act 2015, that the commissions provided to the agent over the preceding and ensuing 12-month period be accepted.
- b) If amendments to the insurance policy held by the Owners Corporation are requested, the base premium, and therefore the commission, may be altered.
- c) As an authorised representative of several insurers and insurance brokers, Stanton and Taylor Strata Management are obligated to participate in training annually to fulfil ASIC requirements. Training relates to all insurance policies organised by the Firm, and not specifically to any one Owners Corporation.

**Motion 3: Strata Committee**

**Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to:

- a) Call for nominations for members of the Strata Committee;  
*David Thomas and Daniel Clift.*
- b) Record in the minutes any disclosure of connections with the original owner or building manager for the scheme from the candidates for election to the Strata Committee.  
*Nil disclosures recorded.*
- c) Determine the number of members of the Strata Committee; and  
*The number of members to be on the Committee is two (2).*
- d) Elect the strata committee.  
*The persons elected to the Committee are Stephen Foote, Larry Fox and Anne-Marie Oung.*

**Motion 4: Restricted Matters**

**Ordinary Resolution**

**DEFEATED** – That the Owners – Strata Plan No **60061** RESOLVE to decide if any matter or type of matter is to be determined by the Owners Corporation at a General Meeting, as per clause 6(a) and 9(i) of Schedule 1 of the Strata Schemes Management Act 2015.

**Motion 5: Financial Statement****Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to confirm and adopt the enclosed Financial Statement and the relevant Auditor's report (if required), as presented in accordance with Section 93 of the Strata Schemes Management Act 2015.

**Motion 6: Auditor****Ordinary Resolution**

**DEFEATED** – That the Owners – Strata Plan No **60061** RESOLVE to appoint an Auditor in accordance with Section 95 of the Strata Schemes Management Act 2015.

**Motion 7: Safety Reports****Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to engage the services of an independent contractor to undertake a safety audit of the common property and submit a report to the Managing Agent outlining possible safety issues at the property, and that the Managing Agent forward the report onto the Strata Committee for instructions.

**Motion 8: Asbestos Containing Material****Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to review and, where necessary, revise the Asbestos Management Plan. No action

**Motion 9: Visual Termite Inspection****Ordinary Resolution**

**DEFEATED** – That the Owners – Strata Plan No **60061** RESOLVE to engage the services of a suitably qualified contractor to undertake an inspection for termites and other destructive pests, and as required treat active termites found within any tree or stump.

**Motion 10: Annual Fire Safety Statement****Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to;

- a) Review and adopt the Annual Fire Safety Statement issued under the Environmental Planning and Assessment Act 1979.
- b) Authorise the Managing Agent to engage suitably qualified contractors to prepare the subsequent Annual Fire Safety Statement and sign the Statement on behalf of the Owners Corporation for lodgement with the appropriate authorities.

**Motion 11: Capital Works Fund Forecast****Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to, in accordance with Section 79 (5) and 80 of the Strata Schemes Management Act 2015, review and take into consideration anticipated major expenditure identified within the most recent ten-year plan when determining the Capital Works Fund contributions in the following motion.

**Motion 12: Proposed Budget****Ordinary Resolution**

**CARRIED – AMENDED** - That the Owners – Strata Plan No **60061** RESOLVE to:

- a) In accordance with Sections 79(1) and 79(2) of the Strata Schemes Management Act 2015, estimate funds that it will need to credit to its Administrative and Capital Works Funds for the actual and expected expenditure for the period 29/06/2024 to 28/06/2025 and;
- b) In accordance with Section 81 of the Strata Schemes Management Act 2015, determine that the following amounts, as outlined within the budget enclosed with this notice be adopted;  
Administrative Fund, the sum of \$44,886.40  
Capital Works Fund, the sum of \$9,305.08

Note (not part of motion): The Capital Works Fund estimate of contributions within this motion is based on historical figures and may not take into consideration the most recent ten-year plan. Per the above motion, it is a requirement to take into consideration the most recent 10-year plan when determining your Capital Works Fund contributions.

- c) Determine that the levied amounts are to be paid by equal, quarterly instalments due on:  
29 June 2024, 29 September 2024, 29 December 2024 and 29 March 2025
- d) Authorise the Treasurer to levy the contributions by written notice on each person liable to pay them.
- e) Determine that any shortfall between monies held within the Capital Works Fund and those listed within the Capital Works Fund Forecast are to be covered by an increase in future contributions and/or Special Levies to the Capital Works Fund as required.

**Motion 13: Debt Recovery Procedure****Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE pursuant to the Strata Schemes Management Act 2015 (including section 103) for the purpose of collecting levy contributions to authorise the Strata Managing Agent and/or the Strata Committee to do any one or more of the following:

- a) To issue arrears notices, reminder notices and/or letters to seek recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs/expenses and arrange and monitor payment plans;
- b) To engage or appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation and/or experts on behalf of The Owners Corporation;
- c) To issue demands, commence, pursue, continue or defend any court, tribunal or any other proceedings against any lot owner, mortgagee in possession and/or former lot owner in relation to all matters arising out of the recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs;

- d) Enter and enforce any judgment obtained in the collection of levy contributions including issuing writ for levy of property (personal and real property), garnishee orders, examination notices/orders/hearings, bankruptcy notices, statutory demands and commencing and maintaining bankruptcy proceedings or winding up proceedings;
- e) Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions; and
- f) Liaise, instruct and prepare all matters with the Owners Corporation's debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

**Motion 14: Payment Plans for Levy Arrears**

**Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to agree to enter into payment plans generally for matters involving arrears of unpaid contributions/levies or other amounts including interest, legal and other costs/expenses thereon and to delegate to the Strata Manager and/or the Strata Committee the ability to enter into, arrange and monitor each such payment plan limited to a period of 12 months per payment plan with any further or subsequent payment plan to be entered into as agreed by the Strata Committee or Owners Corporation by resolution.

**Motion 15: Inspection of Window Safety Devices**

**Ordinary Resolution**

**DEFEATED** – That the Owners – Strata Plan No **60061** RESOLVE to:

- a) Engage the services of an independent contractor to inspect all window safety devices to ensure that devices are in situ and functioning correctly in accordance with Section 118a of the Strata Schemes Management Act 2015.
- b) Strike a special levy to the relevant Owner of a Lot for the cost to replace or repair a window safety device that fails the inspection as a result of the Owner or tenant tampering with or removing the device.

**Motion 16: Repairs to gutters outside unit 16**

**Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE to approve the quotation from Sydney Roof Maintenance for an amount of \$4,580.00. Works to be carried out NEW COLORBOND GUTTERS, DOWNPIPES AND LEAF STOPPER.

The Owners approved to add this amount to the proposed budget for the Capital Works fund. Refer to amended budget motion 12.

**Motion 17: Re-Appointment of Managing Agent**

**Ordinary Resolution**

**CARRIED** – That the Owners – Strata Plan No **60061** RESOLVE that:

- a) In accordance with Section 49 (2) of the Strata Schemes Management Act 2015, Nepean Strata Management Pty Ltd trading as Stanton & Taylor Strata Management (the Agent) be reappointed with all the powers, duties and functions of Owners Corporation Strata Plan No. **60061** and its Chairman, Secretary and Treasurer necessary to enable the Agent to carry out the '**Agreed Services**' and '**Additional Services**' as set out in the

*Agency Agreement* at an annual fee of \$6,420.40 (Incl GST) for a three year term, incorporating increases in accordance with the terms within the *Agency Agreement*.

- b) Two members of the Owners Corporation or its Strata Committee are authorised to sign the *Agency Agreement* between Nepean Strata Management Pty Ltd trading as Stanton & Taylor Strata Management and the Owners Corporation either in writing or by way of electronic means (i.e. DocuSign) and without the use of the Common Seal.
- c) Pending the acceptance of parts a, b and c, the *Agency Agreement* dated 12.09.2022 be terminated in accordance with Cl. 5.2 of said document as a result of a new *Agency Agreement* being entered into for the period 27.05.2024 to 27.05.2027.

#### **Motion 22: Special By-Law – Minor Renovations**

#### **Special Resolution**

**CARRIED** - That the Owners – Strata Plan No **60061** SPECIALLY RESOLVES pursuant to sections 136 and 141 of the *Strata Schemes Management Act 2015* to change the by-laws by adding a new by-law to the by-laws applicable to the strata scheme in the following terms:

#### **Special By-Law 1**

#### **Minor Renovations**

#### **PART 1 PREAMBLE**

**1.1** The purpose of this by-law is to:

- (a) permit the Owners Corporation to delegate its functions under section 110 of the Act in respect of Minor Renovations to the strata committee; and
- (b) specify reasonable conditions in relation to the carrying out of Minor Renovations by an Owner.

#### **PART 2 DEFINITIONS & INTERPRETATION**

#### **2.1 Definitions**

In this by-law, unless the context otherwise requires:

- (a) **Act** means the *Strata Schemes Management Act 2015*.
- (b) **Approved Form** means a form approved by the strata committee or the Owners Corporation from time to time.
- (c) **Australian Standards** means the standards, codes and regulations which govern building and construction work from time to time as relevant and applicable to the particular Minor Renovations being carried out by an Owner.
- (d) **Authority** means any government, semi-government, statutory, judicial, quasi-judicial, public or other authority having any jurisdiction over a Lot or the Building including but not limited to the local council, a court or a tribunal.
- (e) **Building** means the building or buildings situated at 41-45 Evan Street, Penrith.

- (f) **Building Manager** means the building manager engaged by the Owners Corporation from time to time (where applicable).
- (g) **Insurance** means:
  - (i) contractors all risk insurance (including public liability insurance) in the sum of \$20,000,000.00, or such other amount as is determined by the strata committee, acting reasonably;
  - (ii) insurance required under the *Home Building Act 1989* (if any); and
  - (iii) workers' compensation insurance.
- (h) **Lot** means any lot in Strata Plan No **60061**.
- (i) **Minor Renovations** has the same meaning as defined from time to time in the Act, the Regulations or as part of this by-law and includes, but is not limited to, work by an Owner to common property in connection with the Owner's Lot for the purposes of the following:
  - (i) renovating a kitchen;
  - (ii) changing recessed light fittings;
  - (iii) installing or replacing wood or other hard floors;
  - (iv) installing or replacing wiring or cabling or power or access points;
  - (v) work involving reconfiguring of internal walls;
  - (vi) installing a security or alarm system;
  - (vii) installing a reverse cycle split system air conditioner;
  - (viii) replacing bathroom fixings and fittings (i.e. tap-ware, basin, toilet) where tiles or plumbing connections are not affected; and
  - (ix) any other work prescribed by the Regulations.
- (j) **Owner** means the owner or owners for the time being of a Lot.
- (k) **Owners Corporation** means the owners corporation constituted upon the registration of Strata Plan No 60061.
- (l) **Regulations** means the *Strata Schemes Management Regulation 2016*.

## **2.2 Interpretation**

**2.2.1** In this by-law, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) any gender includes the other genders;
- (c) any terms in the by-law will have the same meaning as those defined in the Act;

- (d) a reference to the Owners Corporation includes, where applicable, the Building Manager, strata managing agent, any member of the strata committee or any person authorised by the Owners Corporation from time to time;
- (e) references to legislation include references to amending and replacing legislation;
- (f) a reference to the Owner includes that Owner's executors, administrators, successors, permitted assigns or transferees; and
- (g) to the extent of any inconsistency between the by-laws applicable to Strata Plan No **60061** and this by-law, the provisions of this by-law shall prevail.

**2.2.2** Despite anything contained in this by-law:

- (a) if any provision or part of a provision in this by-law is held or found to be void, invalid or otherwise unenforceable, it shall be deemed to be severed from this by-law (or that provision) to the extent that it is void or invalid or unenforceable but the remainder of this by-law and/or the relevant provision shall remain in full force and effect; and
- (b) if any provision or part of a provision in this by-law is held or found to be harsh, unconscionable and/or oppressive under section 150 of the Act, that provision or part of a provision shall be deemed to be severed from this by-law or that provision, and the Owners Corporation agrees to and accepts the remainder of this by-law and/or the relevant provision shall remain in full force and effect.

**PART 3  
CONDITIONS**

**3.1 Delegation of Minor Renovations to strata committee**

- (a) The strata committee of the Owners Corporation is delegated the functions under section 110 of the Act to approve Minor Renovations in the strata scheme.
- (b) If the Minor Renovations are approved by the strata committee, the Owner may carry out the Minor Renovations without the further consent of the strata committee or the Owners Corporation but subject to complying with this by-law in all respects.
- (c) The strata committee may, acting reasonably, impose further reasonable conditions in addition to those provided for in this by-law with respect to the carrying out of the Minor Renovations and, if such conditions are imposed, it shall inform the Owner in writing of those conditions.

**3.2 Before Commencement of Minor Renovations**

- (a) Prior to commencement of any Minor Renovations, an Owner must submit to the strata committee for approval:
  - (i) a duly completed Approved Form;
  - (ii) detailed specifications as to the Minor Renovations to be undertaken including where applicable:
    - (A) specifications for any equipment to be installed as part of the Minor Renovations including any sound or energy rating, type, size together with the manufacturer's or supplier's brochure regarding same;
    - (B) a diagram depicting the location of or proposed installation points of all parts of the Minor Renovations;



- (iii) details of the duration of the Minor Renovations and any impact on the common property or disruption to common property services or access; and
  - (iv) copies of any Insurance policies as relevant to the particular Minor Renovations, if required and
  - (v) any other documentation or information requested by the strata committee, acting reasonably.
- (b) If, after receiving a duly completed Approved Form from an Owner for proposed works to the Owner's Lot (**proposed works**), the strata committee determines that the proposed works are not in fact Minor Renovations and the Owner requires approval at a general meeting (for example via a by-law) for the proposed works, the strata committee shall notify the Owner of such determination and the Owner must, at the Owner's cost, obtain approval for the proposed works from the Owners Corporation at a general meeting and must not carry out the proposed works unless and until such approval has been obtained and any by-law required as part of such approval has been registered in accordance with the Act.

### 3.3 Specific Conditions

- (a) Where the Minor Renovations include reconfiguration of non-load bearing walls the Owner must ensure:
- (i) No reconfigurations alter or impinge on the structural integrity of the Building;
  - (ii) No walls are to be reconfigured so as to place a bedroom over a bathroom and vice versa;
  - (iii) Walls containing wet areas must not be reconfigured;
  - (iv) Walls must not be added to create new wet areas; and
  - (v) A report from an independent structural engineer agreed to between the Owner and the strata committee must be provided certifying that the reconfiguration will have no structural impact on the Building or any part of the strata scheme and does not involve any load bearing walls.
- (b) Where the Minor Renovations involve the installation of a floor finish other than carpet:
- (i) before commencement of the Minor Renovations, the Owner must provide to the strata committee a report from a qualified acoustic engineer that analyses the proposed floor finish, method of installation and the effect of sound transmission including impact noise following installation. The report must state that the proposed floor finish after installation to the Lot will comply with clause 3.3(b)(ii)(B) below;
  - (ii) the Owner must:
    - (A) 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 an Owner or occupier of another Lot;
    - (B) ensure that the flooring is insulated with soundproofing underlay as specified by the strata committee or the Owners Corporation from time to time and shall not have a weighted standardised impact sound pressure level  $L'_{nT,w}$  exceeding 50 when measured in situ in accordance with Australian Standard "AS ISO 140.7-2006 Field measurements of impact sound insulation of floors" and rated to AS ISO 717.2-2004" Acoustics – Rating of sound insulation in buildings and of building elements Part 2:

Impact sound insulation or such other rating or level as is determined by the strata committee or the Owners Corporation from time to time having regard to acoustic engineering advice provided in respect of the Building;

- (iii) following the installation of a floor finish other than carpet in a Lot, if there are any complaints about noise transmission through or from the floor of the Lot (whether vertically or horizontally) the strata committee or the Owners Corporation may require, and if they or it does so, the Owner must provide the strata committee or the Owners Corporation with a certificate from a qualified acoustic engineer reasonably acceptable to the strata committee or the Owners Corporation. The certificate must state that the qualified acoustic engineer has tested the floor finish as installed to ensure that the installation and the resulting sound transmission meet the parameters set out in this by-law including those in the report required under clause 3.3(b)(i).
- (c) Where the Minor Renovations involve the installation of air-conditioning units, the Minor Renovations must:
  - (i) have a new condenser unit (external) that:
    - (A) is mounted on vibration pads in a location so as to minimise noise and vibration;
    - (B) is installed unobtrusively on the location as approved by the strata committee or the Owners Corporation in writing;
    - (C) is not visible from the street. All electrical and coolant lines must be concealed as much as possible; and
    - (D) does not exceed 45dB(A) during the day and 35dB(A) at night or such other acceptable sound rating as may be specified by an Authority or the strata committee or the Owners Corporation from time to time;
  - (ii) not be installed through or attached to windows;
  - (iii) be manufactured, designed and installed to specifications for residential/domestic use; and
  - (iv) have any condensation and run-off from the Lot drained through existing drains or downpipes.
- (d) Owners must ensure that, when carrying out Minor Renovations to their Lots, access panels are not blocked.

### **3.4 Notice**

- (a) At least two (2) weeks prior to the commencement of the Minor Renovations the Owner must notify the strata committee of the proposed day of commencement of the Minor Renovations or an aspect of the Minor Renovations.
- (b) At least two (2) days prior to the commencement of the Minor Renovations or an aspect of the Minor Renovations the Owner must make arrangements with the strata committee or the Building Manager or strata managing agent of the Owners Corporation (where required) regarding:
  - (i) the suitable times and method for the Owner's contractors to access the Building to undertake the Minor Renovations; and

- (ii) the suitable times and method for contractors to park their vehicles on common property whilst the Minor Renovations are being conducted.

### **3.5 Compliant Minor Renovations**

To be compliant under this by-law, Minor Renovations:

- (a) must not involve any structural changes, involve waterproofing and/or require the consent or another approval under any other Act, including but without limitation consent or approval from any Authority;
- (b) must not change the external appearance of the Lot and must be in keeping with the appearance and amenity of the Building in the opinion of the strata committee;
- (c) must be manufactured, designed and installed to specifications for domestic use;
- (d) must be in accordance with Australian Standards and the National Construction Code (including the Building Code of Australia);
- (e) must not alter or affect the operation of any fire safety systems in a Lot or on the common property or any part of the strata scheme and must be in keeping with fire safety standards.

### **3.6 During construction**

Whilst the Minor Renovations are in progress the Owner of the Lot must:

- (a) use duly licensed employees, contractors or agents to conduct the Minor Renovations;
- (b) ensure the Minor Renovations are conducted with due care and skill and comply with the current National Construction Code (including the Building Code of Australia) and Australian Standards;
- (c) ensure the Minor Renovations are carried out expeditiously and with a minimum of disruption;
- (d) carry out the Minor Renovations between the hours of 7:30am and 5:00pm Monday-Friday and from 8:00am to 12:00pm Saturday or such other times as are reasonably approved by the strata committee. No Minor Renovations are to be carried out on a Sunday or public holiday unless they are silent works;
- (e) transport all construction materials, equipment and debris as reasonably directed by the strata committee and keep all areas of the Building outside the Lot affected by the Minor Renovations and/or by the exercise of the Owner's rights under this by-law clean and tidy;
- (f) not allow tradespersons and contractors at any time to park on common property without the written consent of the strata committee;
- (g) not dispose of rubbish and waste material in common property waste bins or skips except with the prior written consent of the strata committee;
- (h) not allow waste bins or skips to be placed on or near the common property without the prior written consent of the strata committee;
- (i) not cause or permit storage, mixing, preparation, cutting or any other work in connection with the Minor Renovations to be conducted on the common property;
- (j) protect all affected areas of the Building outside the Lot from damage relating to the Minor Renovations or the transportation of construction materials, equipment and debris;

- (k) provide to the strata committee at least forty-eight (48) hours prior written notice of any noisy Minor Renovations (e.g., the use of any pneumatic, rotary or powder-actuated tools), such Minor Renovations which may only be carried out between the hours of 9:00am and 12:00pm or 1:00pm to 4:00pm Monday-Friday or such other times as are reasonably approved by the strata committee;
- (l) ensure that the Minor Renovations do not interfere with or damage the common property or the property of the Owners Corporation or any other Owner other than as approved in this by-law and if this occurs the Owner must rectify that interference or damage within a reasonable period of time;
- (m) provide the Owners Corporation's nominated representative(s) access to inspect the Lot within forty-eight (48) hours of any request from the strata committee or the Owners Corporation (for clarity more than one inspection may be required);
- (n) observe all the other by-laws applicable to the strata scheme at all times; and
- (o) not vary the Minor Renovations or their scope without first obtaining the consent in writing from the strata committee or the Owners Corporation.

### **3.7 After construction**

**3.7.1** After the Minor Renovations have been completed the Owner must without unreasonable delay:

- (a) notify the strata committee that the Minor Renovations have been completed;
- (b) notify the strata committee that all damage, if any, to Lot and common property caused by the Minor Renovations and not permitted by this by-law has been rectified;
- (c) provide to the strata committee a copy of all certifications for the Minor Renovations, including but not limited to any warranties, guarantees and trade certifications;
- (d) provide (if required) the strata committee with certification from a suitably qualified engineer(s) or other consultant approved by the strata committee, acting reasonably, that the Minor Renovations or works required to rectify any damage to Lot or common property have been completed in accordance with the terms of this by-law;
- (e) provide (if required) the strata committee with certification from a suitably qualified engineer(s) or other consultant approved by the strata committee, acting reasonably, that the Minor Renovations have been completed satisfactorily and in accordance with this by-law; and
- (f) provide the Owners Corporation's nominated representative(s) access to inspect the Lot within forty-eight (48) hours of any request from the strata committee to check compliance with this by-law or any consents provided under this by-law.

**3.7.2** The Owners Corporation's right to access the Lot arising under this by-law expires once it or the strata committee are reasonably satisfied that clauses 3.7.1(a)-(f) immediately above have been complied with.

### **3.8 Statutory and other requirements**

- (a) The Owner must:
  - (i) comply with all directions and requirements of the strata committee and the Owners Corporation and the by-laws applicable to the strata scheme relating to the Minor Renovations;
  - (ii) ensure that the respective servants, agents and contractors of the Owner comply with the strata committee's and the Owners Corporation's directions and requirements;

- (iii) ensure that the warranties provided by the National Construction Code (including the Building Code of Australia) and Australian Standards are, so far as relevant, complied with; and
  - (iv) comply with the provisions of the *Home Building Act 1989* and all other relevant laws including but without limitation the *Design and Building Practitioners Act 2020* (where applicable) and all laws in relation to fire safety.
- (b) The Minor Renovations must:
- (i) be carried out with due care and skill and in accordance with the plans and specifications approved under this by-law;
  - (ii) comprise materials that are good and suitable for the purpose for which they are used and must be new.

### **3.9 Enduring rights and obligations**

#### **3.9.1** An Owner must:

- (a) properly maintain and keep the Minor Renovations and those parts of the Lot the subject of such Minor Renovations in a state of good and serviceable repair and must renew or replace the Minor Renovations as required from time to time;
- (b) repair and/or reinstate the common property or personal property of the Owners Corporation to its original condition if the Minor Renovations are removed or relocated;
- (c) ensure that the Minor Renovations (where applicable) do not cause water escape or water penetration to Lot or common property;
- (d) ensure that any electricity or other services required to operate the Minor Renovations (where applicable) are installed so they are connected to the Lot's electricity or appropriate supply; and
- (e) indemnify and keep indemnified the Owners Corporation against any legal liability, costs, loss, claim, demand or proceedings in respect of any injury, loss or damage to any person or to any part of the Building, whether such part being common property or any Lot, caused by, arising out of or related to the Minor Renovations including their installation, repair, maintenance, replacement, removal and/or use.

### **3.10 Recovery of costs**

If an Owner fails to comply with any obligation under this by-law, the Owners Corporation may:

- (a) by its agents, employees and contractors, enter upon the Lot and carry out all reasonable work and/or take all reasonable steps necessary to perform that obligation;
- (b) recover from the Owner as a debt in a forum of competent jurisdiction, all of the Owners Corporation's reasonable costs incurred by the Owners Corporation arising out of or in relation to the Owner's breach of this by-law, including but not limited to interest, strata managing agent's fees, expert fees, legal costs and any other expense of the Owners Corporation reasonably incurred in recovering such debt.

### **Ownership of Minor Renovations**

**3.11** The Minor Renovations shall be carried out at the cost of the Owner and shall remain the property of the Owner.

### **Cost of Approvals and Certification**

**3.12** The Owner shall be responsible for all reasonable costs associated with the Minor Renovations and any reasonable work or steps required to be undertaken by the strata committee or the Owners Corporation in relation to the Minor Renovations, including but not limited to:

- (a) the consideration and approval of the Minor Renovations and the payment of all reasonable legal, expert and/or strata managing agent fees (where applicable);
- (b) approving any plans, drawings or other documentation for the Minor Renovations; and
- (c) obtaining and considering any certification in relation to the Minor Renovations.

**3.13 Applicability**

In the event that the Owner desires to remove the Minor Renovations installed under this by-law (or otherwise), the provisions of Part 3 shall also apply in relation to that removal.

**Meeting Closed: 5.30 pm**



**Vanessa Best**

**Strata Manager for OCSF 60061**