What are some of the sorts of By-Laws Owners are adopting during the By-Law Review?

While owners corporations are undertaking a review of their by-laws as required under the Strata Schemes Management Act 2015, owners corporations may wish to consider adopting additional by-laws that may be of benefit to their scheme.

A few of the more common by-laws that owners are adopting are set out below:

General Rule By-Laws

By-Laws for the management, administration, control, use or enjoyment of the lots and/or the common property	
Brief Description	Common Inclusions
Security and Access Keys.	Improve the security of the property by regulating the access to common property areas through the issue of security passes. This by-law can also provide for: • Number of access keys per lot; • Process for applying for another access key; and • The cost for additional access keys.
Short Term Letting and Overcrowding.	Regulating or restricting the use of a lot for short term letting purposes, including: • restrictions on the duration or frequency of short term letting arrangements; • obligation to comply with the relevant LEP and DCP for the area; and • Limitations on the maximum number of adults relative to the number of bedrooms within a lot.
Alcohol Consumption.	Place restrictions on the consumption of alcohol on the common property including: • on or in the pool area; • any rooftop entertaining area; and • the barbecue area.
Prohibition on Smoking.	Place restrictions on the locations where smoke can drift onto the common property.
Hours of Use.	Regulate the hours of operation of certain common property facilities, including: • swimming pools; • tennis courts; • any rooftop entertaining area;

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	• the gym; and • BBQ areas
Procedures Governing Use of Communal Garbage Facilities and Restrictions on Leaving of Goods on the Common Property.	By-law specifying the requirements on owners in relation to the placement of garbage into communal facilities and prohibiting the dumping of goods on the common property.
Moving and Storing Goods.	Ensure that the common property is adequately protected when transporting goods over the common property, including: • Consent of owners corporation required; • Times which transportation of goods is permitted; • Bond payable; • Access; • Liability for any damage; • Indemnities for losses; and • Prohibit storage of hazardous materials.
Flooring.	Specify reasonable requirements in relation to the installation of flooring including: • Types of flooring systems permitted/prohibited; and • The requirement for acoustic testing and standard of compliance being established.
Pets.	Specify restrictions the owners corporation wishes to impose in relation to approving pets on the scheme, including: • The process for seeking approval; • Limitations in relation to number, type or size of pets; • Any requirements in relation to their travel over the common property (such as leashes, or with prior notice); and • incorporate the requirement for evidence to establish that an animal is an assistance animal as referred to in section 9 of the Disability Discrimination Act 1992 (Cth).
General Works.	Specify requirements that must be complied with prior to an owner undertaking works within the scheme including: • Documents required; • Consents to be obtained; • Prohibited works; • Insurance and bond requirements; • Permitted materials, colours and brands; • Conduct whilst works are in progress, e.g. hours of operation and transportation of materials; • Certification of works; and • Indemnities for losses.
Air Conditioning Systems.	Specify requirements that must be complied with prior to an owner installing an air conditioning unit, such as: • Specific manufacturer, model, size and colour; • A requirement not to produce unreasonable level of noise; • Must be of an appearance in keeping with the rest of the scheme;

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	• Preferred location for installation; and • Location of any water discharge from the unit.
Hot Water Systems.	Specify requirements that must be complied with prior to an owner installing a hot water unit, such as: • Specific manufacturer, model, size and colour; • A requirement not to produce unreasonable level of noise; • Must be of an appearance in keeping with the rest of the scheme; and • Preferred location for installation.
Visitor Parking.	Govern the fair and reasonable use of common property parking spaces, including: • Limiting visitor parking spaces within the scheme to bona fide visitors only, not owners or occupiers; and • Limiting parking for an extended period of time without first obtaining the consent of the owners corporation.
Fire Safety Compliance.	Protect the fire safety of the building by ensuring that key common property fire safety items located within a lot are protected including: • Restriction on the change of locks; • Maintenance of fire alarms within lots; and • Indemnities for costs associated with non-compliance.
False Fire Alarm Callouts.	Pass over to a lot owner any false fire callout cost charged to the owners corporation and caused by that lot owner.
Electronic Voting or Attendance for Meetings.	Specify means by which owners can participate in the strata scheme's decision-making process electronically, including: • Electronic voting (such as emailing to a specific address or completing tick boxes on a secure website); and • Attending a general meeting electronically (such as by Skype or similar).
Authorising Entry Into a Lease or License.	Authorise the strata committee to negotiate and enter into a specific licence or lease on behalf of the owners corporation.
Noticeboard.	It is necessary for the scheme to specially resolve a by-law at a general meeting to keep and maintain a notice board In order to permit the owners corporation to serve: • Notice of Tribunal Applications and Orders; • Notice to Tenants of General Meetings; • Notice of Strata Committee Meetings and adjourned Strata Committee Meetings, by placement on that notice board. This will reduce the burden on owners corporation in relation to providing notice in the above circumstances.

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Additional “cosmetic works”.	Identify further items that the owners corporation considers to be cosmetic works (subject to the requirements of the legislation). Including: • Installation of shelving; • Installation of surround sound speakers; • Installation of recessed projector screen; and • Replacing an internal door.
Delegating Authority to Strata Committee to Approve “Minor Works”.	Authorise the strata committee to exercise the functions of the owners corporation specified under section 110 including: • Consider an application for approval Impose any further reasonable conditions; and • Grant approval for those works.

Common Property Memorandum

Brief Description	Common Inclusions
Adoption (and limited modification of) the Common Property Memorandum.	Adoption of the Common Property Memorandum in its entirety, or amended to reflect particular differences in the strata scheme.

Please click here for further details on Common Property Memorandum.

Common Property Rights By-Laws

Brief Description	Common Inclusions
Authorising previously unapproved works to remain on the common property and passing over repair and maintenance obligations to the owner.	Authorisation to keep the works. Requirement for certification of compliance with relevant Australian standards and requirements of relevant authorities. Indemnities in relation to the works.
Granting of exclusive use/special privilege and passing over repair and maintenance obligations of storage spaces in the scheme.	Identifying specific locations being granted to owners. Specifying responsibility for the ongoing maintenance and repair of these areas.
Granting of exclusive use/special privilege and passing over repair and maintenance obligations over unallocated common property car parking spaces.	Identifying specific locations being granted to owners. Specifying responsibility for the ongoing maintenance and repair of these.
Granting of exclusive use/special privilege in relation to a portion of the common property for garbage bin storage and the payment of a fee for additional garbage collection requirements.	Identifying a particular area of the common property for the use of specific lots (usually commercial) to use to store their garbage facilities. Provision for the waste collection requirements of local council to be met.

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	Provision for the waste management services to be co-ordinated by the strata managing agent and charged to the relevant lots as a debt.
Granting of exclusive use/special privilege over courtyard areas.	Identifying specific locations being granted to owners. Specifying responsibility for the ongoing maintenance and repair of these.
Granting of exclusive use/special privilege over roof cavity airspace.	Identifying specific locations being granted to owners. Specifying responsibility for the ongoing maintenance and repair of these.
Granting of exclusive use/special privilege and passing over repair and maintenance obligations over common property items only servicing one lot, including: Hot Water Units* Air Condenser Units* Garage doors* Windows Intercom Systems* *These can also be allocated in certain circumstances by adopting the common property memorandum.	Identifying specific items over which exclusive use or special privilege is granted. Specifying responsibility for the ongoing maintenance and repair of these.
Granting of exclusive use/special privilege and passing over repair and maintenance obligations over the airspace where an opening is created in a common property wall between two lots to allow the lots to be used as one larger lot.	Authorisation to keep the works. Requirement for certification of compliance with relevant Australian standards and requirements of relevant authorities. Indemnities in relation to the works.

<u>Works By-Laws</u>

Works By-Laws		
Section 108	By-law authorising renovation works	Authorisation of works specifying : • Documents required; • Consents to be obtained; • Prohibited works; • Insurance and bond requirements; • Permitted materials, colours and brands; • Conduct whilst works are in progress, e.g. hours of operation and transportation of materials; • Certification of works; and

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		• Indemnities for losses.

Key takeaways

• Owners corporations are reviewing by-laws as mandated by the Strata Schemes Management Act 2015.
• Common by-laws include regulations on security access, short term letting, and pet ownership.
• By-laws can specify requirements for communal facilities and the management of common property.
• Restrictions can be placed on alcohol consumption and smoking in common areas.
• Owners must comply with specific procedures before undertaking works within the scheme.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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