

Form: 15CB
Release: 3.0
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CHANGE OF BY-LAWS
New South Wales
Strata Schemes Management Act 1996
Real Property Act 1900



AH775788Y

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/SP 52948	
(B) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any
	495R	LLPN: 123354Y BY-LAW EXPRESS GPO BOX 751, SYDNEY NSW 2001 PHONE: 9252 0107 Reference: <input type="text"/>
		CODE CB

- (C) The Owners-Strata Plan No. 52948 certify that pursuant to a resolution passed on 17 October 2012 and
- (D) in accordance with the provisions of Section 47 of the Strata Schemes Management Act 1996 the by-laws are changed as follows—
- (E) Repealed by-law No. NOT APPLICABLE
- Added by-law No. Special By-laws 11, 12 & 13
- Amended by-law No. NOT APPLICABLE
- as fully set out below:

(See Annexure hereto)



- (F) The common seal of the Owners-Strata Plan No. 52948 was affixed on 06 May 2013 in the presence of—

Signature(s):

Name(s): Debbie Richards

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

STRATA SCHEME NO 52948
ANNEXURE TO NOTIFICATION OF BY-LAWS

SPECIAL BY-LAW 11 - Electronic Delivery of Notices

A document or notice may be served on the Owners Corporation, its Secretary or Executive Committee on the owner of a lot by electronic means if the person has given the Owners Corporation an email address for the service of notices and the document is sent to that address. A notice or document served on an owner by email in accordance with this by-law is deemed to have been served when transmitted by the sender providing that the sender does not receive an electronic notification of unsuccessful transmission (ie "bounce back" or "undeliverable") within 24 hours; and

That the electronic delivery of notices to the strata scheme be permitted by owners of a lot only if they have previously given the Owners Corporation an email address for the service of notices. A document or notice may be served on the Owners Corporation, its Secretary or Executive Committee by the owner of a lot by electronic means and the document is sent to **strata@bcms.com.au**. A notice or document served on the strata scheme by email in accordance with this by-law is deemed to have been served when transmitted by the sender providing that the sender does not receive an electronic notification of unsuccessful transmission (ie "bounce back" or "undeliverable") within 24 hours and the owner receives confirmation from the Owners Corporation that such notice has been received.

SPECIAL BY-LAW 12 - Control of Common Gas Supply

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and by-laws it shall have the following additional powers, authorities, duties and functions:

1. Enter a lot to inspect the common gas supply to cooking appliances;
2. Determine whether the common gas supply has been tapped for the supply to appliances other than the internal bench top cooking appliances ("additional appliances").

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3. Impose on the owner of those lots in which the common gas supply has been diverted to additional appliances, an annual charge equal to the reasonable estimate usage of gas having regard to the rated gas consumption of the additional appliances; all such estimates to be at the absolute discretion of the Owners Corporation acting reasonably;
4. Determine that such annual charge be a levy for the purposes of enforcing the payment thereof;
5. Vary the annual charge having regard to the cost of gas imposed on the Owners Corporation;
6. Impose a retrospective levy on lots found to have tapped the common gas supply without permission from the Owners Corporation, any such charge to be at the absolute discretion of the Owners Corporation acting reasonably;
7. Continue to bill such levy until confirmation from a licensed gas fitter is received advising that no diversion of gas supply exists within a lot.
8. An owner and/or occupier of a lot must NOT connect an additional appliance to the common gas supply without:
 - a. First notifying the Owners Corporation in writing of the intention to do so;
 - b. Using only the services of a licensed gas fitter as approved by the Owners Corporation to carry out the installation;
 - c. Paying any charge when levied for the consumption of gas determined by the Owners Corporation;
 - d. Be responsible for the maintenance and repair of all fittings, pipe work and appliances attached to the common gas supply other than the gas supply piping to the boundary of the lot.
9. In the event that individual gas meters are installed to each and every lot such that consumption can be billed to each lot on a strictly metered basis the above requirements shall cease to have effect from the date of commencement of such direct billing of gas consumption.

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The Chairman noted that this was a slight change in previous policy applied where voluntary reporting of gas appliances had been accepted and the annual fee had remained fixed for many years. This fee was now too low and some measures were necessary to deal with undisclosed use of common gas supply. The conversion of this policy to a by-law is to deal with enforcement.

SPECIAL BY-LAW 13 - Sharing of Water and Gas Costs

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and by-laws it shall have the following additional powers, authorities, duties and functions:

1. Determine a fair and equitable method of sharing gas and water charges amongst all lot owners;
2. Refund to lot owners the amounts paid by owners other than to the Owners Corporation for the consumption of water and gas but not for fixed service or connection charges; provided that the Owners Corporation shall have no obligation to pay any amount to an owner unless:
 - a. The owner first pays the gas or water supply company;
 - b. Submits a copy of the bill(s) for consumption within 60 days of payment;
 - c. Claims for reimbursement are made using the form prescribed by the Owners Corporation;
 - d. The claims are for periods that fall within the current financial year of the Owners Corporation or no later the last quarter of the immediate preceding financial year;
 - e. In the event of a dispute over reimbursement the Owners Corporation shall determine the amount to be paid in its absolute discretion acting reasonably;
 - f. An owner may not claim for gas consumption where the common gas supply has been diverted to additional appliances, unless a reasonable estimate for usage of gas having regard to the rated gas consumption of any additional appliances has been deducted from such claim, all such estimates to be at the absolute discretion of the Owners Corporation acting reasonably.
3. In the event that individual gas or water meters are installed to each and every lot such that consumption of either service can be billed on a strictly metered basis to each and every lot owner, the above requirements with respect to the relevant service shall cease to have effect from the date of commencement of direct billing of the relevant service.

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The Chairman noted that this was not change in policy and was intended to clearly state the procedure that has been applied by the EC and MA in a more or less similar form since 1998 and initially ratified by all owners at the 1999 AGM. The publication as a by-law was considered necessary by the committee to eliminate any possibility of further false claims of “theft” or “fraud” and ensure that all new owners become aware of the policy, not just committee and long term owners familiar with the background. The Chairman also noted that the original policy was created under the Chairmanship of Mr Ovadia and that Mr B Copland was not a committee member at that time.

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