


Approved Form 7	Strata Plan By-laws	Sheet 1 of 42 sheets
Registered:  5/11/2021	Office Use Only	Office Use Only SP100363

Instrument setting out the details of by-laws to be created upon registration of a strata plan

**By-Laws
Elena Lane Cove
15 Willandra Street, Lane Cove North**

This is the form referred to in section 10(1)(b)(ii) Strata Schemes Development Act 2015.

This form, when completed, must accompany a strata plan lodged for registration when it is intended to create by-laws other than model by-laws.




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Dictionary

Meaning of words

1 Words in italics are defined terms. Defined terms (in any form) mean:

Air conditioning services include, without limitation:

- (a) air handling units, cables, conduits, pipes, wires and ducts which are part of common property and exclusively service lots including, without limitation, by supplying air conditioning or reticulated water for air conditioning to a lot; and
- (b) reticulated water supplying air conditioning to lots.

The owners of lots have exclusive use of the air conditioning services which service their lot. See by-laws 111 to 116 for more information.

building manager means any person or entity engaged by the owners corporation (separately from the strata manager) to assist it in the day-to-day management and operation of Elena Lane Cove.

building works means any works carried out in accordance with the requirements of by-laws 76 to 86.


bulky goods room means the area designated by the owners corporation from time to time for the disposal by owners and occupiers of large items (in accordance with these by-laws and any rules made by the owners corporation) which are not appropriately disposed of through the garbage room.

Car space means a car space that forms part of a lot or the part of the common property under a common property rights by-law.

common property:

- (a) common property in Elena Lane Cove; and
- (b) personal property of the owners corporation.

common property rights by-laws means by-laws granting owners exclusive use and special privilege rights over common property according to Part 7, Division 3 of the Management Act.

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Council means the Lane Cove Council.

Developer means Willandra Lane Cove Pty Limited (ACN 604 109 328), of Heritage House, Suite 1, 256 Victoria Avenue, Chatswood, in the State of New South Wales, and its assigns.

Elena Amenities means the common property facilities provided by the owners corporation for the benefit of owners and occupiers in Elena Lane Cove, being the Gym/Health Centre, the Theatre, the Swimming Pool, the children's activity room, private dining room and all other recreational areas in Elena Lane Cove.

Elena Lane Cove means The Owners – Strata Plan number 100363.

garbage room means:

- (a) the garbage rooms located on common property, which are used by owners and occupiers in Elena Lane Cove; and
- (b) the equipment and machinery placed or installed in the garbage rooms by the owners corporation or when the strata plan for Elena Lane Cove was registered.

The location of the garbage rooms is shown on the Strata Plan.

government agency a governmental or semi-governmental administrative, fiscal or judicial department or entity.

grease trap means the grease trap and associated piping and equipment installed in the Retail Lot and/or on the common property for the exclusive use of the Retail Lot.


Gym/Health Centre means the gym facilities located in Elena Lane Cove.

inter-tenancy wall a common property wall between two lots. See by-laws 84 to 86 about making alterations to or removing inter-tenancy walls.

kitchen exhaust means any exhaust ducting, motors and associated equipment installed in the Retail Lot and/or common property for the benefit of the Retail Lot.

Land means the land comprised in strata plan 100363 (or any consolidation or subdivision thereof).

Lot means a lot in Elena Lane Cove.

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Management Act Strata Schemes Management Act 2015 (NSW).

occupier the occupier, lessee or licensee of a lot.

owner

- (a) the owner for the time being of a lot;
- (b) if a lot is subdivided or re-subdivided, the owners for the time being of the new lots;
- (c) for a common property rights by-law, the owner(s) of the lot(s) benefiting from the by-law; and
- (d) a mortgagee in possession of a lot.

owners corporation means the owners corporation formed upon registration of strata plan 100363.

Retail Lot means lot 107 in Elena Lane Cove.

rules means rules made by the owners corporation according to by-laws 143 to 146.


security key a key, magnetic card or other device or information used in Elena Lane Cove to open and close doors, gates or locks or to operate alarms, security systems or communication systems. See by-laws 102 to 110 for more information.

services include:

- (a) the supply of water, gas, electricity or artificially heated or cooled air;
- (a) the provision of sewerage and drainage;
- (b) telephone, internet, radio, television, satellite or other transmission means;
- (c) security systems; and
- (d) any other facility, supply or transmission.

strata committee means the strata committee of the owners corporation.

strata manager the person appointed by the owners corporation as its strata managing agent under Part 4, Division 1 of the Management Act. If the owners corporation does

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not appoint a strata managing agent, strata manager means the secretary of the owners corporation.

Swimming Pool means the swimming pool located in Elena Lane Cove.


Theatre means the theatre located in Elena Lane Cove.

visitor means a bona fide temporary visitor to a Lot, but does not include an Owner, tenant or other permanent occupier.

visitor parking area means any car spaces designated as visitor car spaces on the strata plan for Elena Lane Cove.

Interpreting the by-laws

- 2 Headings do not affect the interpretation of the by-laws.
- 3 In the by-laws a reference to:
 - 3.1 words that this by-law does not explain have the same meaning as they do in the Management Act;
 - 3.2 you means an owner or occupier of a lot;
 - 3.3 by-laws means the by-laws under the Management Act which are in force for Elena Lane Cove;
 - 3.4 a thing includes the whole or each part of it;
 - 3.5 a document includes any variation or replacement of it;
 - 3.6 a law, ordinance or code includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of them;
 - 3.7 a person includes an individual, a firm, a body corporate, an incorporated association or an authority;
 - 3.8 a third party includes a person who is not an owner;
 - 3.9 a person includes their executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation) and assigns; and
 - 3.10 the singular includes the plural and vice versa.

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About the by-laws

Purpose of the by-laws

- 4 The by-laws regulate the day to day management and operation of Elena Lane Cove. They are an essential document for the owners corporation and everyone who owns or occupies a lot in Elena Lane Cove.
- 5 The by-laws are designed to maintain the quality of Elena Lane Cove. They operate to enhance everyone's use and enjoyment of their lot and the common property.

Who must comply with the by-laws?

- 6 Owners and occupiers of lots must comply with the by-laws.
- 7 The owners corporation must comply with the by-laws.

Common property rights by-laws

Purpose of the common property rights by-law

- 8 To more fairly apportion the costs for maintaining, repairing and replacing common property, the common property rights by-laws make owners responsible for the common property which they exclusively use or have the benefit of.

How to change a common property rights by-law


- 9 The owners corporation may amend or cancel a common property rights by-law only by special resolution and with the written consent of the owner of each lot which benefits from the common property rights by-law.

Occupiers may exercise rights

- 10 The owner of each lot which has the benefit of a common property rights by-law may allow the occupier of their lot to exercise the rights of the owner under the common property rights by-law. However, the owner remains responsible to the owners corporation and, where appropriate, government agencies to comply with the obligations of the owner under the common property rights by-law.

Repairing damage

- 11 The owner of a lot which has the benefit of a common property rights by-law must repair damage caused by exercising rights under the common property rights by-law to common property or the property of another owner or occupier.

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Indemnities

- 12 The owner of each lot which has the benefit of a common property rights by-law indemnifies the owners corporation against all claims and liability caused by exercising rights under the common property rights by-law.

Additional insurances

- 13 In addition to their obligations under any specific common property rights by-law, the owner of each lot which has the benefit of a common property rights by-law must reimburse the owners corporation for any increased premium for an insurance policy of the owners corporation caused as a result of the exercise of the owner's rights under the by-law.


Your behaviour

What are your general obligations?

- 14 You must not:
- 14.1 make noise or behave in a way that might unreasonably interfere with the use and enjoyment of a lot or common property by another owner or occupier;
 - 14.2 use language or behave in a way that might offend or embarrass another owner or occupier or their visitors;
 - 14.3 smoke cigarettes, e-cigarettes (commonly known as "vapes"), cigars or pipes while you are on common property or in part of a lot which is air conditioned or allow smoke or vapour from them to enter common property;
 - 14.4 obstruct the legal use of common property by any person;
 - 14.5 do anything in Elena Lane Cove which is illegal; or
 - 14.6 do anything which might damage the good reputation of the owners corporation or Elena Lane Cove.

Complying with the law

- 15 You must comply on time and at your cost with all laws relating to:
- 15.1 your lot;
 - 15.2 the use of your lot; and

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- 15.3 common property to which you have a licence, lease or a right to use under a common property rights by-law.

The things with which you must comply include, but are not limited to, planning laws, development, building and other approvals, consents, requirements, notices and orders of government agencies.

You are responsible for others

What are your obligations?

16 As an owner or occupier, you must:


- 16.1 take all reasonable actions to ensure your visitors comply with the by-laws;
- 16.2 make your visitors leave Elena Lane Cove if they do not comply with the by-laws;
- 16.3 take reasonable care about who you invite into Elena Lane Cove; and
- 16.4 accompany your visitors at all times, except when they are entering or leaving Elena Lane Cove.

You must not allow another person to do anything that you cannot do under the by-laws.

Requirements if you lease your lot

17 If you lease or licence your lot, you must:

- 17.1 provide the owners corporation or its managing agent with full contact details of your tenant or licensee;
- 17.2 provide your tenant or licensee with a copy of the by-laws;
- 17.3 ensure that your tenant or licensee and their visitors comply with the by-laws; and
- 17.4 take all action available to you, including action under the lease or licence agreement, to make them comply or leave Elena Lane Cove.

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Your lot

What are your general obligations?

18 You must:

- 18.1 keep your lot clean and tidy and in good repair and condition;
- 18.2 properly maintain, repair and, where necessary, replace an installation or alteration made under the by-laws which services your lot (whether or not you made the installation or alteration);
- 18.3 notify the owners corporation if you change the existing use of your lot in a way which may affect insurance policies or premiums for insurances effected by the owners corporation. See by-law 95 for important information about increasing and paying for insurance premiums; and
- 18.4 at your expense, comply with all laws about your lot including, without limitation, requirements of government agencies.


When will you need consent from the owners corporation?

19 You must have consent from the owners corporation to:

- 19.1 carry out building works in your lot (see by-laws 76 to 82 for more information);
- 19.2 subject to your rights under the by-laws, keep anything in your lot that is visible from outside the lot and is not in keeping with the appearance of Elena Lane Cove;
- 19.3 install bars, screens, grilles, security locks or other safety devices on the interior or exterior of windows or doors in your lot if they are visible from outside your lot or Elena Lane Cove;
- 19.4 install an intruder alarm with an audible signal; or
- 19.5 attach or hang an aerial or wires outside your lot or Elena Lane Cove.

Floor coverings

20 You must keep the floors in your lot covered or treated to stop the transmission of noise which might unreasonably disturb another owner or occupier. However, this does not apply to floors in the entrance foyer, kitchen, bathroom, lavatory or laundry of your lot.

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- 21 You must have consent from the owners corporation to remove or interfere with floor coverings or treatments in your lot that assist to prevent the transmission of noise which might unreasonably disturb another owner or occupier.

Window coverings

- 22 Window coverings (which are limited to horizontal blinds only) in your lot must be grey or white in colour.

Cleaning windows, doors and skylights

- 23 You must clean the glass in windows and doors of your lot (even if they are common property). However, you do not have to clean the glass in windows or doors that you cannot access safely.
- 24 The owners corporation may resolve to clean the glass in some or all of the windows and doors in Elena Lane Cove. If the owners corporation resolves to clean glass in your lot, you are excused from your obligations under this by-law for the period the owners corporation resolves to clean the glass.

The balcony of your apartment

- 25 You may keep planter boxes, pot plants, landscaping, occasional furniture, awnings and outdoor recreational equipment on the balcony of your lot only if:
- 25.1 it is a type approved by the owners corporation;
 - 25.2 it is of a standard commensurate with the standard of Elena Lane Cove;
 - 25.3 it will not (or is not likely to) cause damage;
 - 25.4 you indemnify the owners corporation in relation to its use, maintenance and repair and any damage it may cause to the common property or another lot; and
 - 25.5 it is not (or is not likely to become) dangerous.

You may also keep a portable barbecue according to by-laws 30 to 34.

Except as specifically provided for elsewhere in these by-laws, you may not place or affix any antennae or air-conditioning units on a balcony or any other external area of a lot.

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- 26 For the avoidance of doubt, the attachment of any item to common property requires the consent of the owners corporation, and the owners corporation will not consent to any attachment to a balcony wall.
- 27 You are responsible, at your own cost, for properly maintaining, repairing and, where necessary, replacing any planter boxes (including any membrane or other waterproofing measure), pot plants, landscaping, occasional furniture, awnings and outdoor recreational equipment on the balcony of your lot (whether or not you installed or placed it there).
- 28 To enable the owners corporation to inspect, repair or replace common property, the owners corporation may require you, at your cost, to temporarily remove and store items from the balcony of your lot that are not common property.

Drying your laundry

- 29 You must not hang laundry, bedding or other articles on the balcony of your lot or in an area that is visible from outside your lot.


Storing and operating a portable barbecue

Obligations of owners and occupiers

- 30 You may store and operate a portable barbecue on the balcony of your lot if:
- 30.1 it is a type approved according to by-law 31;
 - 30.2 it will not (or is not likely to) cause damage;
 - 30.3 it is not (or is not likely to become) dangerous;
 - 30.4 it is covered when you are not operating it;
 - 30.5 it is kept clean and tidy; and
 - 30.6 you comply with by-laws 32 to 34.

Types of portable barbecues

- 31 You may store and operate the following types of portable barbecues on the balcony of your lot:
- 31.1 a covered kettle style portable barbecue;

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31.2 a covered gas or electric portable barbecue; and

31.3 any other type approved by the owners corporation.

32 You may not store or operate a portable barbecue on the balcony of your lot if that portable barbecue has no cover.

Operating a portable barbecue

33 You may only operate your barbecue during the hours of 9:00 am and 9:00 pm or otherwise during hours approved by the owners corporation.

34 You must not permit smoke, odours or noise associated with the use of a portable barbecue on your lot to be emitted on to other lots in Elena Lane Cove to the extent which may unreasonably cause a nuisance to other owners and occupiers in Elena Lane Cove.

Keeping an animal

What animals may you keep?

35 Subject to this by-law, you may keep:

35.1 goldfish or other similar fish in an indoor aquarium;

35.2 a cat (or two cats if you have no dog);

35.3 a small or medium-sized dog (being an animal of less than 40 kg in weight) (or two dogs if you have no cat); or


35.4 a guide dog if you need the dog because you are visually or hearing impaired.

When will you need consent?

36 You must have consent from the owners corporation to keep types or numbers of animals not approved under by-law 35.

Registration of pets

37 Regardless of whether or not your pet is approved under by-law 35, you must register the details (including type and breed) of any pet you keep on your lot with the owners corporation within 7 days after you begin keeping the pet on your lot. The owners corporation or strata committee may establish or amend procedures for registration from time to time.

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When will the owners corporation refuse consent?

- 38 The owners corporation will not give you consent to keep:
- 38.1 a large-sized dog (being an animal that weighs more than 40 kg);
 - 38.2 a dog that is vicious, aggressive, noisy or difficult to control;
 - 38.3 a dog that is not registered under the Companion Animals Act 1998 or
 - 38.4 a dangerous dog under the Companion Animals Act 1998 (NSW).

Controlling your animal


- 39 You must ensure that any animal you keep under this by-law does not wander onto another lot or common property. If it is necessary to take your animal onto common property (e.g. to transport it out of Elena Lane Cove), you must restrain it (e.g. by leash or pet cage) and control it at all times.

Conditions for keeping an animal

- 40 The owners corporation may make conditions if it gives you consent to keep an animal. A condition which automatically applies is that the owners corporation has the right at any time to order you to remove your animal if:
- 40.1 it becomes offensive, vicious, aggressive, noisy or a nuisance;
 - 40.2 you do not comply with your obligations under this by-law;
 - 40.3 you breach a condition made by the owners corporation when it gave you consent to keep the animal; or
 - 40.4 if you keep a dog, your dog is a dangerous dog or is not registered under the Companion Animals Act 1998 (NSW).

Your responsibilities

- 41 You are responsible:
- 41.1 to other owners and occupiers and people using common property for:
 - 41.1.1 any noise your animal makes which causes unreasonable disturbance; and
 - 41.1.2 damage to or loss of property or injury to any person caused by your animal; and

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41.2 for cleaning up after your animal.

Your visitors

42 You must not allow your visitors to bring animals into Elena Lane Cove unless they are guide dogs or hearing dogs and your visitors are visually or hearing impaired.

Erecting a sign

What are your obligations?

43 Subject to this by-law, you must have consent from the owners corporation to erect a sign (including a 'For Sale' sign):

43.1 in your lot that is visible from outside your lot; or

43.2 on common property.

44 Consent to 'For Lease' signs will not be given in any circumstances.

The developer

45 While the developer is an owner, the developer does not need consent from the owners corporation to erect and display 'For Sale' signs in a lot or on common property.

Fire Control

What are your obligations?

46 You may keep flammable materials in your lot only if you:

46.1 use them in connection with the lawful use of your lot; and

46.2 keep them in reasonable quantities according to the guidelines of government agencies.


47 You and the owners corporation must comply with laws about fire control.

Restrictions about fire safety

48 You must not:

48.1 keep flammable materials (e.g. floor mats) on common property;

48.2 interfere with fire safety equipment or use it for any purpose for which it was not intended;

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48.3 obstruct fire stairs or fire escapes; or

48.4 keep flammable materials in your car space.

Moving and delivering furniture and goods

Moving in or out

49 You must make arrangements with the owners corporation at least 3 business days before you move in to or out of Elena Lane Cove or move large articles (e.g. furniture) through common property.

What are your obligations?

50 When you take deliveries or move furniture or goods through Elena Lane Cove, you must:

- 50.1 comply with the reasonable requirements of the owners corporation, including requirements to fit an apron cover to the common property lift;
- 50.2 repair any damage you (or the person making the delivery) cause to common property;
- 50.3 if you (or the person making the delivery) spill anything onto common property, immediately remove the item and clean that part of the common property; and
- 50.4 provide details (including insurance details) of all delivery/removalist contractors to the owners corporation.

Rules

51 The owners corporation may make rules to control the delivery of furniture and goods and, in particular, the use of the common property lifts by owners and occupiers.

Controlling traffic in Common Property

52 In addition to its powers under the Management Act, the owners corporation has the power to:

- 52.1 impose a speed limit for traffic in common property;

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- 52.2 impose reasonable restrictions on the use of common property driveways and parking areas;
- 52.3 install speed humps and other traffic control devices in common property;
- 52.4 install signs about parking; and
- 52.5 install signs to control traffic in common property and, in particular, traffic entering and leaving Elena Lane Cove.

Use of car park and storage spaces

Rights of owners


- 53 Any part of a Lot designated for the parking of motor vehicles must not be used by an Owner for any other purpose without the prior approval of the owners corporation.
- 54 Owners may only use any car space and storage space which may be allocated to their Lot for any lawful use.

Obligations of the owners

- 55 Owners must:
 - 55.1 keep their car space and storage space clean and tidy at all times;
 - 55.2 give the owners corporation access to their car space and storage space if the owners corporation needs to comply with its obligations under the by-laws or the Management Act.
- 56 Owners of lots of which a storage space or the like forms part are responsible for the maintenance, repair and replacement of any part of such storage space including, without limit, gates, cages and the like.

Things owners must not do

- 57 Owners must not:
 - 57.1 use their car space or storage space for any unlawful use;
 - 57.2 keep flammable materials in their car space or storage space; or
 - 57.3 deposit or leave garbage or recyclable materials in their car space or storage space.

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Bicycle storage

58 The owners corporation may, in its sole discretion, provide facilities for the storage of bicycles. If it elects to do so, the owners corporation may promulgate rules governing the use of such facilities, including:

- 58.1 limits on the duration of bicycle storage;
- 58.2 requirements for owners and occupiers to register with the owners corporation prior to using bicycle storage;
- 58.3 powers to remove and dispose of bicycles which remain in a storage facility for a longer duration than permitted, and/or in breach of the owners corporation's rules.

Use of Visitor Parking

Use of Visitor Parking Area

- 59 An owner shall not permit any visitor to park or stand a motor or other vehicle upon the visitor parking area at any time, otherwise than in accordance with this by-law.
- 60 The visitor parking area is to be maintained free of obstruction and is for the exclusive use of visitors.
- 61 A visitor may park a motor vehicle in the visitor parking area on one or more occasions during a single, continuous period of up to forty-eight (48) hours, not more than once within any within any seven (7) day period.
- 62 Notwithstanding clause 61, an owner may apply to the strata committee (on no more than two occasions in any calendar year) to request that any visitor be allowed to exceed the forty-eight (48) hour parking limit up to a maximum of seven (7) consecutive days. Such determination made by the strata committee is at the committee's absolute discretion.

Sanctions for misuse of visitor parking area

- 63 The owners corporation has the power to:
- 63.1 wheel clamp an owner's or visitor's car parked in contravention of the by-laws for Elena Lane Cove;

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63.2 enter into arrangements with third parties (including vehicle towing services) to remove vehicles that are parked in contravention of the by-laws for Elena Lane Cove from the visitor parking area or the common property; and

63.3 erect signage advising that vehicles parked in contravention of the by-laws for Elena Lane Cove will be removed from the visitor parking area or the common property or clamped.

64 Owners must ensure that visitors are made aware of, and comply with, the by-laws for Elena Lane Cove.

65 Owners and visitors agree that by parking a vehicle (or allowing a vehicle to be parked) on the common property or the visitor parking area in contravention of the by-laws for Elena Lane Cove, the owner or visitor consents to the removal or clamping of the vehicle under the terms contained in clauses 63.1 and 63.2 and section 651B of the Local Government Act, 1993.

66 Any owner or visitor parking on the common property or the visitor parking area in contravention of the by-laws for Elena Lane Cove hereby:

66.1 indemnifies and shall keep indemnified the owners corporation for the costs incurred by the owners corporation of removing and storing or clamping the vehicle;

66.2 agrees that an agreement pursuant to section 651C(2)(d) of the Local Government Act, 1993 has been made and is in force; and


66.3 indemnifies and shall keep indemnified the owners corporation for any damage caused to the vehicle as a result of action to remove or clamp the vehicle under clauses 63.1 and 63.2 and section 651B of the Local Government Act, 1993.

Car Share Facility

Owners corporation may enter into agreements

67 The owners corporation may:

67.1 if required to do so by Council or any other competent authority, enter into one or more agreements with Council and/or third-party service providers for the allocation of common property car spaces to facilitate car-sharing

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arrangements for the benefit of residents of Elena Lane Cove and members of the general public; and

- 67.2 on its own account, or by way of an agreement or joint venture with a third-party service provider (which may, where not prohibited by the Management Act, include an entity connected with the Developer), offer a car-sharing service exclusively for the benefit of residents of Elena Lane Cove, and allocate up to a maximum of three (3) common property car spaces for that purpose.

How to dispose of your garbage

Making rules

- 68 The owners corporation may make rules about the storage and removal of garbage from Elena Lane Cove.

Requirements for lots

- 69 You must dispose of your garbage and recyclable materials according to by-laws 70 to 75.


General obligations

- 70 Subject to the by-laws, you must not deposit or leave garbage or recyclable materials:
- 70.1 on common property;
 - 70.2 in an area of your lot which is visible from outside your lot; or
 - 70.3 in your car space.
- 71 If you spill garbage on common property, you must immediately remove that rubbish and clean that part of the common property.

Garbage disposal and the garbage rooms

What are the obligations of owners and occupiers?

- 72 You must:
- 72.1 place your garbage in the garbage receptacle in the garbage room, or in the garbage chute located on your level of Elena Lane Cove;
 - 72.2 drain and securely wrap your garbage before you place it in the garbage room;

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- 72.3 properly dispose of recyclable materials in the area or receptacle in the garbage room designated by the owners corporation for that purpose;
- 72.4 recycle appropriate items according to instructions from the owners corporation and Council;
- 72.5 drain and clean bottles and make sure they are not broken before you place them in the garbage room; and
- 72.6 contact the owners corporation to remove (at your cost) large articles of garbage, liquids or other articles that Council will not remove as part of its normal garbage collection service.

Large recyclable items


- 73 Notwithstanding the provisions of by-law 72.3, you are responsible, at your own cost, for removing and disposing of large recyclable items, such as cardboard packaging for flat-screen televisions, items of furniture and other items of similar bulk or size.

Maintaining the garbage room

- 74 The owners corporation must:
 - 74.1 regularly clean, maintain, repair and, where necessary, replace the garbage room;
 - 74.2 make available for collection by Council garbage and recyclable materials placed in the garbage room; and
 - 74.3 arrange for the removal from the bulky goods room large articles or household items and other articles that Council will not remove as part of its normal garbage collection services (at the cost of the relevant owner or occupier of a lot).

Additional rights and obligations of the owners corporation

- 75 The owners corporation may:
 - 75.1 restrict access to the garbage room by security key according to by-laws 102 to 110. The owners corporation must provide owners and occupiers with a security key for the garbage room according to by-laws 102 to 110;
 - 75.2 make rules about using the garbage room and the storage and disposal of garbage and recyclable materials from lots; and

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- 75.3 make rules allocating on a proportional unit entitlement basis for the sum of the unit entitlements of the relevant lots the costs of any special garbage removal, cleaning or other service required to service any particular lot or lots.

Carrying out building works

When do you need consent?

- 76 Subject to the Management Act and these by-laws, you must have consent from the owners corporation to carry out building works.

Management Act delegation

- 77 The functions of the owners corporation under Section 110 of the Management Act are delegated to the strata committee.

When is consent not necessary?


- 78 You do not need consent from the owners corporation under this by-law to:
- 78.1 if you are the developer, erect a 'For Sale' sign according to by-law 45;
 - 78.2 carry out building works which you are entitled to carry out under a common property rights by-law; or
 - 78.3 carry out cosmetic work (as defined in Section 109 of the Management Act).
- 79 However, you must comply with by-laws 80 to 82 when you erect the sign (clause 78.1) or carry out the building works (clause 78.2).

Procedures before you carry out building works

- 80 Before you commence or carry out building works (including minor renovations, as defined in Section 110 of the Management Act), you must:
- 80.1 obtain necessary consents from the owners corporation and government agencies;
 - 80.2 find out where service lines and pipes are located; and
 - 80.3 obtain consent from the owners corporation if you propose to interfere with or interrupt services.

Procedures when you carry out building works

- 81 If you carry out building works, you must:

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- 81.1 use qualified, reputable and, where appropriate, licensed contractors approved by the owners corporation;
- 81.2 carry out the building works solely within your lot, in a proper manner and to the reasonable satisfaction of the owners corporation;
- 81.3 ensure all waste generated by the building works is removed from Elena Lane Cove (and not deposited in the garbage room), and all areas of common property are left clean and tidy; and
- 81.4 repair any damage you (or persons carrying out the building works for you) cause to common property or the property of another owner or occupier.

Making arrangements with the owners corporation

- 82 Before you carry out building works (including building works for which you do not require consent from the owners corporation), you must:
- 82.1 arrange with the owners corporation a suitable time and means by which to access Elena Lane Cove for purposes associated with those building works;
 - 82.2 comply with the reasonable requirements of the owners corporation about the time and means by which you must access Elena Lane Cove; and
 - 82.3 ensure that contractors and any persons involved in carrying out the building works comply with the reasonable requirements of the owners corporation about the times and means by which they must access Elena Lane Cove.


Works which are not minor or cosmetic

- 83 If you wish to carry out works which are not cosmetic (Section 109 of the Management Act) or minor (Section 110 of the Management Act), you must comply with Section 111 of the Management Act, seek the approval of the owners corporation and comply with all conditions of any approval granted by the owners corporation.

Inter-tenancy walls

When may you alter or remove an inter-tenancy wall?

- 84 You may alter or remove an inter-tenancy wall if:
- 84.1 you first obtain the consent of the owners corporation;

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- 84.2 you own the lots separated by the inter-tenancy wall or you have the consent of the owner of the adjoining lot;
- 84.3 it is not a structural wall;
- 84.4 before you carry out the work, you provide the owners corporation with a certificate from a qualified structural engineer reasonably acceptable to the owners corporation that the wall is not a structural wall and that the proposed work and the method of carrying out the work will not adversely affect common property or other lots (including services to those lots); and
- 84.5 you comply with the procedures in this by-law.

What consents are necessary?

- 85 In addition to the consent of the owners corporation, you must obtain all necessary consents from government agencies before you alter or remove an inter-tenancy wall.


What are the conditions for carrying out the work?

- 86 It is a condition of you altering or removing an inter-tenancy wall that you:
 - 86.1 carry out the work in the method certified by the structural engineer under by-law 84;
 - 86.2 if appropriate, comply with Division 4 of the *Strata Schemes Development Act 2015 (NSW)* and lodge any necessary building alteration plan with the Registrar-General;
 - 86.3 comply with by-laws 80 to 82; and
 - 86.4 acknowledge for yourself and future owners of your lot that the owners corporation does not have to reinstate the inter-tenancy wall.

Licences

Powers of the owners corporation

- 87 In addition to its powers under the Management Act, the owners corporation has the power to grant licences to owners and occupiers to use parts of common property.
- 88 The owners corporation may exercise its powers under this by-law only by ordinary resolution at a general meeting.

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What provisions may a licence include?

- 89 Licences the owners corporation grants under this by-law may include provisions about, but need not be limited to:
- 89.1 payments under the licence;
 - 89.2 the term of the licence;
 - 89.3 the permitted uses of the licensed areas;
 - 89.4 the maximum number of persons allowed in the licensed area;
 - 89.5 insurances the licensee must effect; and
 - 89.6 cleaning and maintaining the licensed area.

Embedded Networks


Owners corporation may offer services

- 90 The owners corporation may on its own account, or by way of an agreement or joint venture with a third-party service provider (which may, where not prohibited by the Management Act, include an entity connected with the Developer), offer one or more services to residents of Elena Lane Cove by way of an “embedded network” agreement, pursuant to which the owners corporation enters into a wholesale agreement to purchase services (for example, electricity or telecommunications services) from an appropriate service provider, and on-sells those services to residents of Elena Lane Cove.
- 91 In exercising its rights under clause 90, the owners corporation must use all reasonable endeavours to ensure that:
- 91.1 any services offered by the owners corporation are priced competitively with services available to residents of Elena Lane Cove on the retail market; and
 - 91.2 where possible, residents of Elena Lane Cove have the ability to elect to obtain services from competing service providers should they choose to do so.

Damage to common property

What are your obligations?

- 92 Subject to the by-laws, you must:

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- 92.1 use common property equipment only for its intended purpose;
- 92.2 immediately notify the owners corporation if you know about damage to or a defect in common property; and
- 92.3 compensate the owners corporation for any damage to common property caused by you, your visitors or persons doing work or carrying out building works in Elena Lane Cove on your behalf

When will you need consent from the owners corporation?

- 93 Subject to the by-laws, you must have consent from the owners corporation to:
- 93.1 interfere with or damage common property;
 - 93.2 remove anything from common property that belongs to the owners corporation; or
 - 93.3 interfere with the operation of common property equipment.

Insurance premiums

Consent from the owners corporation

- 94 You must have consent from the owners corporation to do anything that might invalidate, suspend or increase the premium for an owners corporation insurance policy.


Payments for increased premiums

- 95 If the owners corporation gives you consent under this by-law, it may make conditions that, without limitation, require you to reimburse the owners corporation for any increased premium. If you do not agree with the conditions, the owners corporation may refuse its consent.

Security at Elena Lane Cove

Rights and obligations of the owners corporation

- 96 The owners corporation must take reasonable steps to:
- 96.1 stop intruders coming into Elena Lane Cove; and
 - 96.2 prevent fires and other hazards.

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Installation of security equipment

- 97 In addition to its powers under the Management Act and subject to the by-laws, the owners corporation has the power to install and operate in common property audio and visual security cameras and other audio and visual surveillance equipment for the security of Elena Lane Cove.
- 98 The owners corporation shall not be required to provide copies of any recording made by equipment installed pursuant to by-law 97 other than pursuant to a request made by the chairperson of the strata committee or the NSW Police.

Restricting access to common property

- 99 In addition to its powers under the Management Act and subject to the by-laws, the owners corporation has the power to:
- 99.1 close off or restrict by security key access to parts of common property that do not give access to a lot;
- 99.2 restrict by security key your access to levels in Elena Lane Cove where you do not own or occupy a lot or have access to according to a common property rights by-law; and
- 99.3 allow security personnel to use part of common property to operate or monitor security of Elena Lane Cove. The owners corporation may exclude you from using these plans of common property.


What are your obligations?

- 100 You must not:
- 100.1 interfere with security cameras or surveillance equipment; or
- 100.2 do anything that might prejudice the security or safety of Elena Lane Cove.
- 101 You must take reasonable care to make sure that fire and security doors are locked or closed when they are not being used.

Security keys

Providing owners and occupiers with security keys

- 102 Subject to this by-law, the owners corporation may give you a security key if it restricts access to common property under by-law 99.

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- 103 The owners corporation must provide you with at least one security key for:
- 103.1 the common property lift;
 - 103.2 the access and exit doors into Elena Lane Cove building (e.g. to the common property foyer);
 - 103.3 your level of Elena Lane Cove; and
 - 103.4 the carpark level of Elena Lane Cove.

Fees for additional security keys

- 104 The owners corporation may charge you a fee or bond if you require extra or replacement security keys (in addition to those which you are entitled to receive under by-law 103).

Who do security keys belong to?


- 105 Security keys belong to the owners corporation.

Managing the security key system

- 106 In addition to its powers under the Management Act, the owners corporation has the power to make agreements with another person to exercise its functions under this by-law and, in particular, to manage the security key system. The agreement may have provisions requiring owners to pay the other person an administration fee for the provision of security keys.
- 107 In addition to its powers under the Management Act, the owners corporation has the power to:
- 107.1 re-code security keys; and
 - 107.2 require you to promptly return your security keys to the owners corporation to be re-coded.

What are your obligations?

- 108 You must:
- 108.1 comply with the reasonable instructions of the owners corporation about security keys and, in particular, instructions about re-coding and returning security keys;
 - 108.2 take all reasonable steps not to lose security keys;

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108.3 return security keys to the owners corporation if you do not need them or if you are no longer an owner or occupier; and

108.4 notify the owners corporation immediately if you lose a security key.

109 You must not:

109.1 copy a security key; or

109.2 give a security key to someone who is not an owner or occupier.

Procedures if you lease your lot

110 If you lease or licence your lot, you must include a requirement in the lease or licence that the occupier return security keys to the owners corporation when they no longer occupy a lot in Elena Lane Cove.

Exclusive use of air conditioning services

Common property rights by-law

111 This is a common property rights by-law. The owners corporation may amend or cancel it only by special resolution and with the written consent of the owner of each lot.

112 By-laws 8 to 13 apply to this common property rights by-law.

Exclusive use rights


113 The owner of each lot has:

113.1 exclusive use of the air conditioning services which exclusively service their lot and the right of access over the common property to access all components of the air conditioning services which exclusively service their lot; and

113.2 the special privilege to connect to and use the air conditioning services which exclusively service their lot.

Use of Service Enclosures

114 Owners have the right to install air conditioning upon the service enclosures associated with each Lot, and the special privilege to connect such pipes, cables and service lines as are required in relation to such air conditioning services to their respective Lots through the common property walls separating their Lots from the service enclosures.

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Obligations of the owners corporation

115 The owners corporation must operate, maintain, repair and, where necessary, replace the common property to which any components of the air conditioning services which are for the exclusive use of a lot are attached.

Obligations of owners


116 The owner of each lot must, at the cost of the owner:

- 116.1 operate, maintain, repair and, where necessary, replace air conditioning services exclusively servicing their lot;
- 116.2 ensure that air conditioning services exclusively servicing their lot are not audible in any other lot between the hours of 10:00pm and 7:00am on weekdays, and 10:00pm and 8:00am on weekends and public holidays;
- 116.3 use contractors approved by the owners corporation to maintain, repair and replace air conditioning services exclusively servicing their lot; and
- 116.4 comply with the requirements of government agencies about air conditioning services.

Elena Amenities

Conditions for using the Elena Amenities

- 117 You and your visitors may use the Elena Amenities. You must accompany your visitors when they use the Elena Amenities.
- 118 You may use the Elena Amenities only during the hours nominated by the owners corporation from time to time (which hours of operation may be determined by the strata committee from time to time).
- 119 You must:
 - 119.1 Comply with any Rules made by the owners corporation (which Rules may include the requirement to pay a security deposit or bond and/or book the Elena Amenities through the owners corporation or the strata manager);
 - 119.2 Comply with any Rules about the number of visitors that may accompany you to the Elena Amenities at the same time;

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119.3 Ensure that an adult exercising effective control accompanies children who are in your care when the children are using the Elena Amenities (and for the purposes of this by-law, a child is anyone under the age of 16 years); and

119.4 Leave the Elena Amenities clean and tidy after you have finished using them.

120 You must not:

120.1 Interfere with or adjust the settings of any equipment which may be located in the Elena Amenities from time to time;

120.2 Do anything that damages or may damage any equipment or furniture in the Elena Amenities; or

120.3 Do anything in or upon the Elena Amenities which causes disturbance to other owners or generates noise which is audible from within any Lot.

Additional conditions for using the Swimming Pool

121 You must:

121.1 Be adequately attired;

121.2 Use any equipment in the Swimming Pool only in accordance with the instructions of the manufacturer; and

121.3 Clean and wipe down any equipment when you have finished using it.

122 You must not:

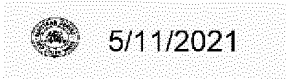

122.1 bathe in the Swimming Pool, or use or dispense foreign substances (e.g. soap, shampoo, hair conditioner, bubble bath) in the Swimming Pool;

122.2 bring glass (e.g. drinking glasses) or sharp objects into the Swimming Pool;

122.3 do anything that might be dangerous when you are in the Swimming Pool;

122.4 make noise or behave in a way that might unreasonably interfere with the use and enjoyment of the Swimming Pool by another owner or occupier;

122.5 bring food or drink into the Swimming Pool without consent from the owners corporation (except for non-alcoholic drinks in plastic containers);

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122.6 hold parties or other functions (e.g. swimming classes or exercise classes) in or around the Swimming Pool without consent from the owners corporation; or

122.7 interfere with, operate or adjust pumps or other equipment servicing the Swimming Pool.

Consent of owners corporation required

123 You must have consent from the owners corporation to:

123.1 Hold parties or other functions in the Elena Amenities; or

123.2 Interfere with or adjust the settings of any equipment which may be located in the Elena Amenities from time to time.

Costs of operating the Elena Amenities

124 The owners corporation must maintain, repair and, where necessary, replace the Elena Amenities or any part of them.

Security and access

125 The owners corporation may lock or secure the Elena Amenities (or any of them) by security key.

Level 7 – Exclusive Use


Level 7 foyer use

126 This is a common property rights by-law. The owners corporation may amend or cancel it only by special resolution and with the written consent of the owner of each lot having the benefit of the rights conferred.

127 By-laws 8 to 13 apply to this common property rights by-law.

128 The owners of Lots 104 and 105 have exclusive use of all common property areas situated between Lots 104 and 105, excluding fire escapes and any services passing through those areas which do not exclusively service Lots 104 and 105.

129 The owner of Lot 106 has exclusive use of the common property lobby adjacent to Lot 106, excluding fire escapes and any services passing through the lobby which do not exclusively service Lot 106.

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- 130 The owners of Lots 104, 105 and 106 indemnify the owners corporation in respect of any additional repair, maintenance and upkeep costs arising as a consequence of this common property rights by-law.

By-laws relating to Retail Lot

Lots used for commercial or retail purposes


- 131 The Retail Lot may be used from time to time for retail or commercial purposes.
- 132 The owners of all lots in the strata scheme acknowledge that the Retail Lot is designated for retail or commercial purposes, and cannot object to the use of that lot for retail or commercial purposes, or to any approvals or common property rights by-laws reasonably required by the owner or occupier of the Retail Lot in connection with such use.

General obligations

- 133 The owner or occupier of the Retail Lot must:
- 133.1 keep the Retail Lot and any areas of common property immediately adjacent to the Retail Lot clean and tidy and in good repair and condition;
 - 133.2 properly maintain, repair and, where necessary, replace any installation or alteration made under the by-laws which services the Retail Lot (whether or not the installation or alteration was made by the current or a former owner);
 - 133.3 notify the Owners Corporation if the existing use of the Retail Lot is changed in a way which may affect insurance policies or premiums for insurances effected by the owners corporation; and
 - 133.4 at its expense, obtain all necessary consents (with the concurrence of the owners corporation where required) and comply with all laws about the Retail Lot including, without limitation, requirements of government agencies.

Water usage

- 134 If required by the owners' corporation, the owner of the Retail Lot must at its expense procure the installation of a water meter on its lot to measure the volume of water used by the owner or occupier of that lot.

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Obligations with respect to waste


- 135 The owner or occupier of the Retail Lot, if it is used to operate a café, restaurant, coffee shop or food outlet must remove all food and other waste, garbage and recyclable waste from the lot on a daily basis and in accordance with any additional requirements of Council.
- 136 The owner or occupier of the Retail Lot has the special privilege (in relation to which Section 143 of the Management Act applies) to dispose of waste in ordinary commercial quantities (being more than ordinary residential quantities) through the garbage room. The owners corporation, acting reasonably, is entitled to levy such additional costs as it incurs as a consequence of the Retail Lot's commercial use of the garbage room (and associated waste removal services) against the owner of the Retail Lot as an additional charge over and above the ordinary levies struck in respect of the Retail Lot.

Grease trap and kitchen exhaust

- 137 This is a common property rights and special privilege by-law. The owners corporation may amend or cancel it only by special resolution and with the written consent of the owner of each lot which has the benefit of these common property and special privilege rights.
- 138 By-laws 8 to 13 apply to this common property rights by-law.
- 139 The owner of the Retail Lot has:
- 139.1 exclusive use of the grease trap and kitchen exhaust; and
 - 139.2 the special privilege to connect to and use the grease trap and kitchen exhaust.

Obligations of owner

- 140 The owner of the Retail Lot must, at its cost:
- 140.1 operate, maintain, repair and where necessary, replace the grease trap and kitchen exhaust;
 - 140.2 comply with the requirements of government agencies in relation to the grease trap and kitchen exhaust, and obtain all necessary approvals.

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Owners corporation may comply

141 In the event of a failure by the owner or occupier of the Retail Lot to comply with its obligations under the by-laws, the owners corporation may take any steps necessary to ensure compliance and recover the cost of doing so from the owner of the Retail Lot.

Building management and You

142 You must not:

142.1 interfere with or stop the strata manager or the building manager from performing its obligations or exercising its rights under its agreement with the owners corporation; or

142.2 interfere with or stop the strata manager or building manager from using common property that the owners corporation permits it to use.

Rules

Powers of the owners corporation

143 In addition to its powers under the Management Act, the owners corporation has the power to make rules about the security, control, management, operation, use and enjoyment of Elena Lane Cove and, in particular, the use of common property.

144 The owners corporation may add to or change the rules at any time.

What are your obligations?

145 You must comply with the rules.

What if a rule is inconsistent with the by-laws?


146 If a rule is inconsistent with the by-laws or the requirements of a government agency, the by-laws or requirements of the government agency prevail to the extent of the inconsistency.

How are consents given?

Who may give consent?

147 Unless a by-law states otherwise, consents under the by-laws may be given by:

147.1 the owners corporation at a general meeting; or

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147.2 the strata committee at a meeting of the strata committee.

Conditions

148 The owners corporation or the strata committee may make conditions if they give you consent to do things under the by-laws. You must comply with the conditions.

Can consent be revoked?

149 The owners corporation or the strata committee may revoke their consent if you do not comply with:

149.1 conditions made by them when they gave you consent; or

149.2 the by-law under which they gave you consent.

Failure to Comply with by-laws

Powers of the owners corporation

150 The powers of the owners corporation under this by-law are in addition to those that it has under the Management Act.

What can the owners corporation do?

151 The owners corporation may do anything on your lot that you should have done under the Management Act or the by-laws but which you have not done or, in the opinion of the owners corporation, have not done properly.

152 The owners corporation must give you a written notice specifying when it will enter your lot to do the work. You must:


152.1 give the owners corporation (or persons authorised by it) access to your lot according to the notice and at your cost; and

152.2 pay the owners corporation for its costs for doing the work.

153 The owners corporation may recover any money you owe it under the by-laws as a debt.


Applications and complaints

154 You must make any applications and complaints to the owners corporation in writing and address them to the strata manager.

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Electronic service of notices

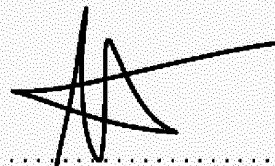
- 155 A document may be served on the owner of a lot by electronic means if the person has given the owners corporation an e-mail address for the service of notices and the document is sent to that address.

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Execution

Date: 26 October 2021

Executed on behalf of **Willandra Lane Cove Pty Limited** (ACN 604 109 328) by authority of Section 127(1) of the Corporations Act 2001:



.....
Stephen Abolakian
Sole Director/Secretary

Approved Form 7	Strata Plan By-laws	Sheet 42 of 42 sheets
Registered:	Office Use Only	Office Use Only
 5/11/2021	SP100363	

Mortgagee execution

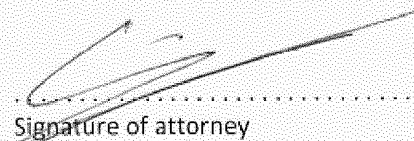
Executed on behalf of the **Commonwealth Bank of Australia** (ACN 123 123 124) by its attorney pursuant to the power of attorney specified, in the presence of:


.....
Signature of Witness

Todd Besly.....
Name of Witness

1 Harbour St.....
Address of Witness

Sydney NSW 2000.....


.....
Signature of attorney

LACHLAN EWERS.....
Name of attorney

ANALYST.....
Attorney's position

Date: 9/7/2008

Book: 4548 No. 494.....
Power of Attorney Book and Number