

MOTION 4 – By-law for Split System Air Conditioners

Motion required by: S Khalil, V Hickey and C Smeters (SOC members)

That the Owners-Strata Plan 1731 Specially Resolves to add a new by-law confirming the requirements for any application and the approval, for a split system air conditioner system as fully set out below and that the strata manager is authorized and instructed to ensure registration of this by-law at Land Registry NSW.

It is noted that in accordance with clause 28 of the Strata Schemes Management Regulations 2016, the installation of a *reverse cycle split system air conditioner* is included in the definition of *minor renovation works*. To comply with regulations, an owners must install a reverse cycle split system air conditioning system. If it isn't a reverse cycle split system, it is not classed as 'minor renovation' works.

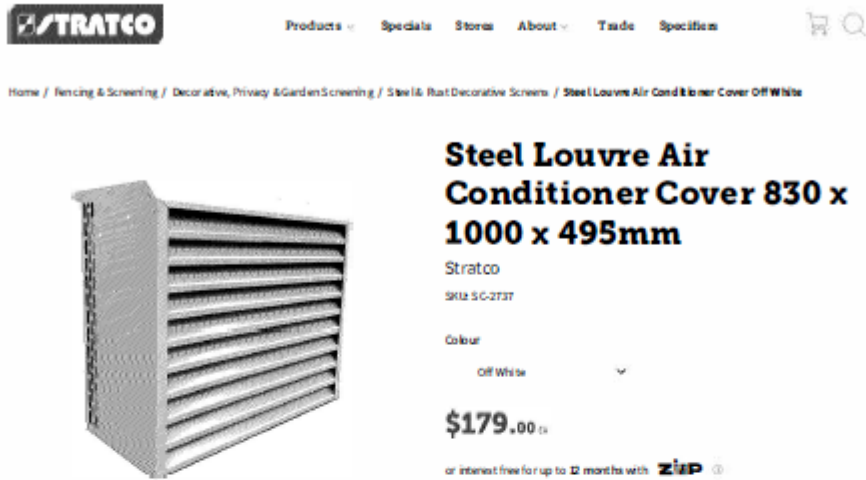
That the installation of the unit is subject to the written approval of the Strata Committee.

Terms and Conditions



1. The owner must ensure that the Air conditioning unit meets the **Australian Energy Efficiency Regulations**. A minimum of a 4-star rating with the combined power consumption of all the air conditioning units for 1 and 2 bedroom apartments must not be greater than 6 Amps (TBC) per apartment. The combined power consumption of all air conditioning units for 3+ bedroom apartments must not be greater than 10 Amps (TBC) per apartment.
2. The owner must ensure that the air conditioning operation does not unreasonably disturb the other owners and have as much sound baffling measures as possible. The external compressor unit must be installed on certified acoustic pads and compressor damping.
3. The owner is responsible for ensuring that any condensed water from the Air conditioning Unit is drained/plumbed appropriately and the Owner is responsible for any damage or loss caused as a result of water draining onto the common property or into any other lot.
4. That any damage or future damage caused to common property by the installation of the air conditioning system will be the responsibility of the current or future owners of the unit.
5. Owners must maintain the unit to ensure it remains safe, aesthetically acceptable and noise levels remain acceptable.
6. Each unit is restricted to one condensation unit, unless approved by the Owners Corporation.
7. Owners will be required to submit the following details to the strata committee as part of the application process:
 - *Brand, Model, Colour (including any truck cables), Dimension, Energy Rating and Consumption, capacity and dB rating;*
 - *A plan to scale showing the dimensions and proposed location of the Air Conditioning noting the external compressor unit may only be located on the exclusive use space to the West, directly adjacent to the lot it serves;*
 - *In the approved colour, the external compressor unit must be screened with an approved screen no higher than the western balustrade;*

- *Sample acoustic and private screening details shown below*

<https://www.stratco.com.au/au/fencing--screening/decorative-screening/steel--rust-decorative-screens/steel-louvre-air-conditioner-cover-off-white-so-2737/>



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
Home / Fencing & Screening / Decorative, Privacy & Garden Screening / Steel & Rust Decorative Screens / Steel Louvre Air Conditioner Cover Off White

Steel Louvre Air Conditioner Cover 830 x 1000 x 495mm

Stratco
SRTZ SC-2737

Colour
Off White ▾

\$179.00 tax

or interest free for up to 12 months with **zip** 

Before Commencement of the Works

Before commencing the Works the Owner must:

give the Owners Corporation at least 14 days' notice of the commencement of the Works;
obtain and provide to the Owners Corporation a copy of a certificate of insurance evidencing a contractors all risk insurance policy which is current and which includes public liability cover of not less than \$10 million in respect of any claim noting the interests of the Owners Corporation on the policy.

If the Owner does not comply with the conditions set out in clauses above the Owner must not carry out the Works and, if already commenced, the Works must be stopped immediately.

During the Conduct of the Works

During the Works the Owner must comply with the following requirements:

Standard of Workmanship

ensure the Works are carried out in a proper and workmanlike manner by appropriately qualified and licensed tradespersons utilising only first quality materials which are good and suitable for the purpose for which they are used, and in accordance with all engineering and other specifications,

Time for Completion of Works

make sure the Works are carried out with due diligence and are completed as soon as practicable from the date of commencement,

Quality of the Works

make certain the Works are in accordance with any specification,

Variation to Works

not vary the Works without obtaining the prior written approval of the Owners Corporation,

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Debris

ensure that any debris is removed from the Common Property daily and strictly in accordance with the reasonable directions of the Owners Corporation,

Costs of Works

pay all costs associated with the Works,

Comply with All Laws

comply with all statutes, by-laws, regulations, rules, and other laws for the time being in force and which are applicable to the Works, and

Right of Access

give the Owners Corporation's nominated representative(s) access to inspect the Works within 48 hours of any requests from the Owners Corporation.

After the Conduct of the Works

Within 14 days after the Works are complete the Owner must:

promptly notify the Owners Corporation that the Works are complete,

restore all Common Property damaged or affected by the Works as nearly as possible to the state which they were in immediately prior to commencement of the Works, and

provide the Owners Corporation's nominated representative(s) access to inspect the Works within 48 hours of any request from the Owners Corporation, in order to ascertain compliance with this by-law (the Owners Corporation's right to inspect the Works will expire once it is reasonably satisfied that the conditions of this by-law have been complied with).

Enduring Obligations

The Owner must:

make good any damage to another lot or the Common Property caused by the Works no matter when such damage may become evident,

notify the Owners Corporation that any damage to another lot or the Common Property caused by the Works has been repaired, and

comply with all statutes, by-laws, regulations, rules and other laws for the time being in force and which are applicable to the Works.

Indemnity

The Owner indemnifies and keeps indemnified the Owners Corporation against all actions, proceedings, claims, demands, costs, damages and expenses which may be incurred by or brought or made against the Owners Corporation arising out of the Works or the altered state or use of the Common Property arising therefrom.

Responsibility for Maintenance and Upkeep

The Owner is always responsible for the proper maintenance of and keeping in a state of good and serviceable repair, the Works and, when necessary, renewing or replacing any part of the Works.

Breach of this By-Law

If the Owner breaches any condition of this by-law and fails to rectify that breach within 30 days of service of a written notice from the Owners Corporation requiring rectification of that breach, then the Owners Corporation may:

- rectify any such breach,
- enter on any part of the Common Property or the Lot, by its agents, employees or contractors for the purpose of rectifying any such breach, and
- recover as a debt due from the Owner the costs of the rectification together with the expenses of the Owners Corporation incurred in recovering those costs including legal costs on an indemnity basis.

Nothing in this clause restricts the rights of or the remedies available to the Owners Corporation as a consequence of a breach of this by-law.

Explanatory Note

The members of SOC in their capacity as lot owners have moved this motion and the proposed by-law. They are conscious of the fact some lot owners may seek permission for split system air conditioning as part of their upcoming renovation plan and the members are therefore aware that the owners and owners corporation needed to set down some conditions of consent to ensure any split system air conditioner system is energy efficient, correctly installed by licensed, insured and competent persons, are adequate plumbed, the external compressor is in the correct location and that owners are reasonable for these works and future repair, & maintenance and replacement costs.