

Disclaimer

This example of a special privileges by-law for installation of a solar hot water system on a strata apartment building for individual lot use is provided for guidance only and was used by a local resident based on legal advice for their specific circumstances. Legal advice should be sought to ensure an appropriate by-law is used in each circumstance. Randwick, Waverley and Woollahra Council accept no responsibility for the use of this by-law.

Special By-Law No.1 – Solar Hot Water Heater (Lot 11)

1. Definitions

In this by-law:

“owner” means the owner for the time being of lot 11, and

“solar heater” means an Edwards solar hot water system including one L180 model storage tank, one Titan 2 collector solar panel mounted on the roof and all pipes and cables forming part of the system.

2. Special Privileges

The owner shall have special privileges in respect of the common property to be occupied by the solar heater for the purpose of installing and keeping the solar heater on that common property upon and subject to the conditions set out below.

3. The Conditions

Installation of the solar heater

- (a) The solar heater must be installed in a proper and workmanlike manner utilising only first quality materials which are good and suitable for the purpose for which they are used.
- (b) The solar heater must be installed in accordance with the manufacturer’s instructions.
- (c) Any holes created or penetrations made in the common property during the installation of the solar heater must be adequately sealed and waterproofed.
- (d) The owner must ensure that the solar heater is installed with due diligence and within a reasonable time from the date of commencement.

Noise and Disturbance

- (e) The owner must ensure that minimum disturbance is caused to the common property and the owners and occupiers of the strata scheme during the installation and operation of the solar heater.

Appearance

- (f) The solar heater must not have an appearance, when viewed from ground level immediately outside the building and within the boundaries of the strata scheme, that detracts from the appearance of the building.

Costs of the solar heater

- (g) The owner must pay all costs associated with the installation of the solar heater.

Compliance with all Laws

- (h) The owner must comply with all statutes, by-laws, regulations, rules and other laws for the time being in force and which are applicable to the solar heater and, if required, must obtain the consent of Waverley Council to the solar heater.

Maintenance of the solar heater

- (i) After completion the owner must, at the owner’s expense, properly maintain and keep in a state of good and serviceable repair the solar heater and any part of the common property

occupied by the solar heater and, when necessary, renew or replace any fixtures or fittings comprised in the solar heater or that common property.

Restoration

(j) Immediately upon completion of the installation of the solar heater the owner must restore all other parts of the common property affected by the installation of the solar heater as nearly as possible to the state which they were in immediately prior to the installation of the solar heater.

Repair of Damage

(k) The owner must, at the owner's expense, make good any damage to the common property caused as a result of the solar heater no matter when such damage may become evident.

Access

(l) The owners corporation must permit the owner reasonable access through the common property of the strata scheme for herself and her contractors and all their reasonable tools and machinery for the purpose of installing the solar heater and meeting any requirement imposed on the owner by this by-law.

Indemnity

(m) The owner will indemnify and keep 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 solar heater or the altered state or use of the common property arising therefrom.

Costs of this By-Law

(n) The owner must pay all of the costs of the owners corporation incurred in connection with the preparation, passing and registration of this by-law and the owners corporation may refuse to execute any document relating to the registration of this by-law until such time as those costs are paid by the owner.

Connection of Utilities

(o) In the event that electrical power, water or any other service is connected to the solar heater and the existing service is separately metered and charged to the account of the owner then the new service shall be installed so as to also be separately metered and charged to the account of the owner.

Breach of this By-Law

(p) If the owner is in breach of any condition of this by-law and fails to rectify that breach within thirty (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 and may 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.