

Electric Vehicle Chargers

MOTIONS AND BY-LAW FOR INSTALLATION AND MANAGEMENT OF ELECTRIC VEHICLE CHARGERS BY THE OWNERS CORPORATION

1. Motion to consider factors before approving a sustainability infrastructure resolution – Electric Vehicle Charger(s)

The following motion on the agenda is a motion to adopt sustainability infrastructure resolutions relating to Electric Vehicle Charger(s). For the purposes of section 132B of the Strata Schemes Management Act 2015, the owners corporation **RESOLVES** that it has considered the following matters with respect to those motions:

- (a) the cost of the sustainability infrastructure and works including any expected running and maintenance costs,
- (b) who will own, install and maintain the sustainability infrastructure,
- (c) the extent to which the use of the sustainability infrastructure will be available to all or some of the lots in the strata scheme, and
- (d) any matter prescribed by regulations made under or for the purposes of section 132B of the Strata Schemes Management Act 2015 from time to time.

Explanatory note (Cl 4(2)(c) Sch 1 SSMA 2015): *This motion proposes to determine that the owners corporation has considered the matters it must consider in accordance with section 132B of the Strata Schemes Management Act 2015 before approving the following two motions on the agenda.*

2. Motion to create a by-law to regulation the Electric Vehicle Charger(s)

The owners corporation **SPECIALLY RESOLVES** to make a by-law in the form of the Proposed By-Law and to complete, affix the seal to and lodge in the Registrar-General's office notification of the same in the form approved under the Real Property Act 1900 as contemplated by section 141(2)(a) of the Strata Schemes Management Act 2015.

Explanatory note (Cl 4(2)(c) Sch 1 SSMA 2015): *This motion proposes to adopt a common property rights by-law by special resolution.*

In this motion:

Proposed By-Law means the following proposed by-law:

Y. SPECIAL BY-LAW [Y]—USE OF ELECTRIC VEHICLE CHARGING STATION

(a) Permitted Use and Behaviour

- (i) An owner or occupier of a lot may use the Electric Vehicle Charging Station for the purpose of charging compatible electric vehicles only.

- (ii) An owner or occupier of a lot who uses the Electric Vehicle Charging Station must:
 - (A) ensure that the electric vehicle concerned is compatible with the Electric Vehicle Charging Station prior to commencing such use;
 - (B) do so strictly in accordance with any applicable law, the requirements of any Authority, any restrictions or rules imposed by the owners corporation under this by-law from time to time, and any applicable manufacturer's specifications or instructions; and
 - (C) take reasonable care when using the Electric Vehicle Charging Station to avoid risks of injury, death, or damage to property in connection with such use.
- (iii) The owners corporation may, by notice in writing given to lot owners, impose restrictions or rules, not inconsistent with the terms of this by-law (or the requirements of any applicable law or the requirements of any Authority), on the use of the Electric Vehicle Charging Station as it sees fit from time to time.

(b) Indemnity

- (i) An owner or occupier of a lot who uses the Electric Vehicle Charging Station must indemnify the owners corporation immediately on demand for any damage, cost, loss, claim, demand, suit or liability incurred by or brought against the owners corporation caused by that owner or occupier's breach of this by-law.
- (ii) The indemnity in sub-clause (b)(i) will not apply to the extent that such damage, costs, loss, claim, demand suit or liability is caused by the negligent act or omission of the owners corporation or of its agents, employees or contractors.

(c) Interpretation

Unless the context otherwise requires:

- (i) The terms of this by-law are to be read and interpreted in accordance with the *Interpretation Act 1987* as if this by-law was an "instrument" within the meaning of that Act.
- (ii) Terms used in this by-law that are defined in the Management Act have the same meaning.
- (iii) A reference in this by-law to legislation includes a reference to:
 - (A) all regulations, rules or statutory instruments made under or for the purposes of that legislation from time to time;
 - (B) that legislation as it may be amended from time to time; and
 - (C) any legislation which substantially replaces or re-enacts that legislation.

(d) Definitions

Unless the context otherwise requires, in this by-law:

Authority means:

- (a) any Commonwealth, state or local government, semi-government, statutory, public or other body or person (or body or person otherwise authorised by law) having jurisdiction;
- (b) a consent authority or principal certifying authority within the meaning of the Environmental Planning and Assessment Act 1979;
- (c) the council having the relevant regulatory functions under Chapter 7 of the Local Government Act 1993; and
- (d) an authorised fire officer within the meaning of Schedule 5 clause 16 of the Environmental Planning and Assessment Act 1979;

Electric Vehicle Charging Station means a common property electric vehicle charging station outlet, including all cabling, services or other connecting hardware, including local isolation switch, cabling and circuit breaker, connecting the charging station (as applicable); and

Management Act means the Strata Schemes Management Act 2015.

EXAMPLE