

Electric Vehicle Chargers

MOTIONS AND BY-LAW FOR GENERIC WORKS

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

The following two motions on the agenda are motions 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 authorise works to common property – Electric Vehicle Charger(s)

The owners corporation **SPECIALLY RESOLVES** to authorise the Authorised Owner to take such action the subject of section 108(1) of the Strata Schemes Management Act 2015 as required to carry out the Permitted Works subject to and in accordance with the conditions in the Proposed By-Law, the ongoing maintenance of which is to be the responsibility of the Authorised Owner.

***Note** in accordance with section 108(5) of the Strata Schemes Management Act 2015 this resolution has no effect unless:*

- (a) *the owners corporation obtains the written consent of the owner to the making of a by-law to provide for the maintenance of the common property by the owner, and*
- (b) *the owners corporation makes such a by-law.*

***Explanatory note** (Cl 4(2)(c) Sch 1 SSMA 2015): This motion proposes to authorise the doing of works to add to, alter or erect a structure on the common property by special resolution under section 108 of the Strata Schemes Management Act 2015.*

In this motion:

Authorised Owner means the Authorised Owner as defined in the Proposed By-Law;

Permitted Works means works permitted or required to be done by the Authorised Owner in accordance with the Proposed By-Law; and

Proposed By-Law means the proposed by-law as defined in the following motion.

3. **Motion to create a by-law regarding works to common property – Electric Vehicle Charger(s)**

The owners corporation **SPECIALLY RESOLVES** to make a by-law to which Division 3 of Part 7 of the Strata Schemes Management Act 2015 applies 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.

***Note** in accordance with section 142 and 143(1) of the Strata Schemes Management Act 2015 the Owners Corporation may only make or change the Proposed By-Law with the written consent of the owner or owners of the lot(s) on whom the by-law confers rights or special privileges.*

***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:

X. SPECIAL BY-LAW [X]—ELECTRIC VEHICLE CHARGER WORKS

(a) Permitted Work

- (i) The Authorised Owner may install and keep an Electric Vehicle Charger servicing the Authorised Lot ("**Permitted Works**"), including:
 - (A) installation of an Electric Vehicle Charger to the common property wall and/or floor adjacent to the car parking space forming part of the Authorised Lot;
 - (B) installation of a dedicated electricity circuit servicing the Electric Vehicle Charger;
 - (C) alterations or additions to the existing electricity supply infrastructure at the strata scheme to service the Electric Vehicle Charger; and
 - (D) installation of associated cables, pipes, wires and ducts.
- (ii) Any works of the type described in sub-clause (a)(i) of this by-law that were undertaken within two (2) years of making this by-law, where the owner (or previous owner) of the Authorised Lot failed to provide written consent to the making of the by-law, are Permitted Work, provided that:
 - (A) those works comply with the requirements of this by-law; or
 - (B) in circumstances where those works do not comply, they are brought within compliance by the Authorised Owner within:
 - (1) a reasonable time after two (2) years of making this by-law; or

- (2) 28 days of any notice being served by the owners corporation.

(b) Electricity Costs

- (i) The Permitted Works must be installed and operated in a manner that results in the electricity usage charges for the subject Electric Vehicle Charger being separately metered, and with such costs, and any associated charges, being billed to an account held in the name of the Authorised Owner.
- (ii) The preceding sub-clause (b)(i) does not apply to the extent that an agreement or arrangement is in force from time to time between the owners corporation and the Authorised Owner concerning the supply of electricity for the Electric Vehicle Charger pursuant to section 117 of the Management Act.

(c) Ongoing maintenance and use

The Authorised Owner has exclusive use of the common property which is occupied by the works permitted in sub-clause (a)(i) once complete ("**Exclusive Use Area**") and:

- (i) is responsible for the ongoing proper maintenance of, and keeping in a state of good and serviceable repair, the Exclusive Use Area;
- (ii) must renew and replace any fixtures or fittings in the Exclusive Use Area;
- (iii) must ensure that the Exclusive Use Area is used in accordance with and continues to comply with the requirements of this by-law and any applicable law; and
- (iv) must ensure that the Exclusive Use Area is kept clean and tidy at all times and free from hazards posing a risk of injury or death to persons or damage to property.

(d) Conditions for Permitted Works

The Authorised Owner must ensure that:

- (i) The Permitted Works comply with the National Construction Code, the Building Code of Australia, any applicable Australian Standards (including without limitation the Australia/New Zealand Wiring Rules (AS/NZS 3000:2018)), and any other applicable law or Authority conditions or approvals.
- (ii) The Permitted Works are carried out with minimum disruption to the strata scheme, including owners and occupiers of lots.
- (iii) The Permitted Works do not cause or contribute to any damage to the property of other owners or occupiers of lots or the owners corporation.
- (iv) The Permitted Works do not cause or amount to a nuisance or hazard to any other owners or occupiers of lots.
- (v) The Permitted Works are undertaken in accordance with the scope of works outlined in sub-clause (a)(i) of this by-law.
- (vi) In respect of the Permitted Works, the following insurance is effected and maintained:

- (A) contractors all-risk insurance (including public liability insurance of not less than \$20,000,000 per event); and
- (B) any insurance required by law.

(e) Indemnity

- (i) The Authorised Owner will 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 in connection with Permitted Works (or their use), the use of the Exclusive Use Area, or the Authorised Owner's breach of this by-law..
- (ii) The indemnity in sub-clause (e)(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.

(f) 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.

(g) Definitions

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

Authorised Lot means each lot in the strata scheme severally;

Authorised Owner means the following owners (and, within the 2 years following the making of this by-law, only the following owners who provided written consent to the making of this by-law—whether by that owner or a former owner):

- (a) the owner of an Authorised Lot, but only in relation to the Authorised Lot owned by that Authorised Owner;
- (b) where there is more than one owner of that Authorised Lot, means those owners jointly and severally, but only in relation to that Authorised Lot; and
- (c) where there is more than one Authorised Lot owned by that owner or owners, means that owner or those owners (joint and severally) in respect of each such Authorised Lot severally;

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;

Building Code of Australia has the meaning given to it under the Environmental Planning and Assessment Act 1979;

Electric Vehicle Charger means the electric vehicle charging station outlet servicing the Authorised Lot;

Management Act means the Strata Schemes Management Act 2015; and

National Construction Code means the National Construction Code published by the Australian Building Codes Board from time to time.

EXAMPLE