

A WAVERLEY COUNCIL GUIDE

Creating strata by-laws to manage waste

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This project is a NSW EPA
Waste Less, Recycle More initiative,
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Waverley Council acknowledges the Bidjigal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast and we pay respect to all Aboriginal and Torres Strait Islander Elders both past and present.



What are strata by-laws?

All strata schemes have a set of by-laws (rules) that owners, occupiers and, in some cases, even visitors must follow. By-laws cover issues such as whether or not pets are permitted on the scheme, how smoking is regulated, parking, noise, and how waste is managed.

The Waverley Council strata by-law templates for waste management are easy tools to improve waste management.

Overview

A significant proportion of Waverley Council residents live in apartment buildings, where misuse of the shared waste and recycling facilities by even a few residents can lead to a widespread loss of enjoyment as well as time, effort and cost to improve the situation.

Messy waste storage areas, poor recycling habits, and the dumping of household items on common or public property are just some of the issues strata committees and building managers must routinely address.

In response to these challenges, Waverley Council has commissioned two template strata by-laws that relate to waste management with the goal of maintaining a clean common area for all residents of strata buildings in the Waverley community. The templates have been drafted by Amanda Farmer, a qualified practising strata lawyer, and are available for free to strata communities within the Waverley local government area.

They include:

1. The *Waste Disposal Strata By-law* template which is a tool to support strata communities to manage waste-related issues more effectively.
2. The *Moving In/Out Strata By-law* template which will provide controls around the waste generated by tenants moving in and out of strata buildings.

This guide outlines why and how adopting the strata by-laws for improved waste management can help your building prevent and respond to waste issues. It provides instructions on how to customise the templates developed by Council and a roadmap to adoption by your strata scheme. Included in this guide is a template letter that can be used to inform residents of the adoption of the strata by-laws. We invite you to take advantage of the templates and tools in this guide.





Tools for the Waverley Community

As we work towards a zero-waste future, it is vital that owners corporations, strata committees, building managers, strata managers and residents have tools they can rely on to better manage waste disposal within strata buildings and educate residents as to their rights, responsibilities and the consequences of improper waste disposal. The *Waste Disposal By-law* template and the *Moving In/Out By-law* template are two of those tools.

With the *Waste Disposal By-law* in place, an owners corporation:

- has a single place where the rules for waste disposal at the building are clearly set out and are enforceable, with a mechanism for adding to those rules over time;
- can designate an area of the common property for the purpose of storing waste prior to its removal by Council or private contractor;
- has a document via which it can induct new residents into the waste management procedures of the building;
- can recover its expenses incurred in dealing with waste management problems from the resident responsible;
- requires owners to take responsibility for the actions of their tenants; and,
- can take comfort from the fact that the by-law has been prepared by an experienced, practising strata lawyer.

With the *Moving In/Out By-law* in place, an owners corporation:

- has a fixed point of connection with new residents;
- has an established process through which its representatives can explain to new residents the standards and expectations of the community, particularly in respect to waste management;
- can be sure that each new resident has the opportunity to become aware of the community's waste management processes, so that when it's time to move out, the risk of poor waste disposal practices impacting the community is reduced;
- can recover expenses it may incur dealing with moving in/out problems;
- requires owners to take responsibility for the actions of their tenants; and,
- can take comfort from the fact that the by-law has been prepared by an experienced, practising strata lawyer.

How to access your tools

The by-law templates are downloadable in Word format on the Waverley Council website [here](#), so that you can modify them to suit the unique needs of your building.

Please ensure that you read and accept our Terms and Conditions before downloading.

These templates are for general information purposes only and are not legal advice or services.

Why adopt the strata by-laws for waste management?

Owners corporations face unique challenges with regard to waste management such as:

01

Contamination of recycling streams can be an ongoing problem, with new residents unsure of the procedures for correct waste management.

02

Illegal dumping on common property and Council land may be a recurring problem, with residents assuming anonymity and a lack of recourse for both the owners corporation and Council.

03

Improper waste disposal and misuse of equipment resulting in unclean and unsafe areas, which may devalue the building and apartments within it.





How to complete the by-law templates

1. Parts of the template do require completion by you to record items relevant to your building, including:

For the Waste Disposal template:

- a) Title: insert the by-law number;
- b) Clause 1.3: insert your building address;
- c) Clause 1.12 and 1.13:
insert your strata plan number;

For the Moving In/Out template:

- a) Title: insert the by-law number;
- b) Clause 1.2: insert your building address;
- c) Clauses 1.3, 1.7 and 1.11:
insert your strata plan number.

2. Under current NSW law, a by-law has no force or effect until it is adopted by special resolution at a general meeting of your owners corporation and registered with NSW Land Registry Services. You should seek specific advice about this process. General guidance only is provided on the next page.

3. The template is subject to copyright. You may not reproduce or communicate its content outside of your strata scheme without the permission of the copyright owner. This does not prevent your building from adopting the template by-law at a general meeting, registering it with NSW Land Registry Services and enforcing it.

4. Council will not be liable for any loss or damage, however arising, sustained in connection with the use of the template. Such loss or damage may include, but is not limited to, loss or damage caused by the negligence or wilful act or default of others, whether consequential or otherwise and whether or not such loss or damage is reasonably foreseeable.

5. So that Council and Amanda Farmer may monitor the effectiveness of the template, your contact details will be kept by Council and shared only with Amanda Farmer. By accessing the template, you agree to your contact information being shared with Council and Amanda Farmer only.





How to adopt the strata by-laws for waste management

Owners corporations may adopt this by-law in accordance with section 141 of the *Strata Schemes Management Act 2015* (NSW):

141. PROCEDURE FOR CHANGES TO BY-LAWS

1. An owners corporation may, in accordance with a special resolution of the owners corporation, change the by-laws of the strata scheme.
2. A change to the by-laws of a strata scheme has no effect until:
 - a) the owners corporation has lodged a notification with the Registrar-General in the manner approved by the Registrar-General, and
 - b) the Registrar-General has made an appropriate recording of the notification in the folio of the Register for the common property.
3. The secretary of the owners corporation must keep a consolidated up-to-date copy of the by-laws for the strata scheme.
4. A notification cannot be lodged in the Registrar-General's office more than six months after the passing of the resolution to make the by-law.

In summary, the owners corporation must:

1. Complete the template
2. Convene a general meeting
3. Propose a motion to make the by-law
4. Resolve the motion by special resolution
5. Register the addition to the by-laws by lodging the change at Land Registry Services.

A special resolution passes if:

- a) it is passed at a properly convened general meeting, and
- b) of the value of votes cast, not more than 25% are against the resolution

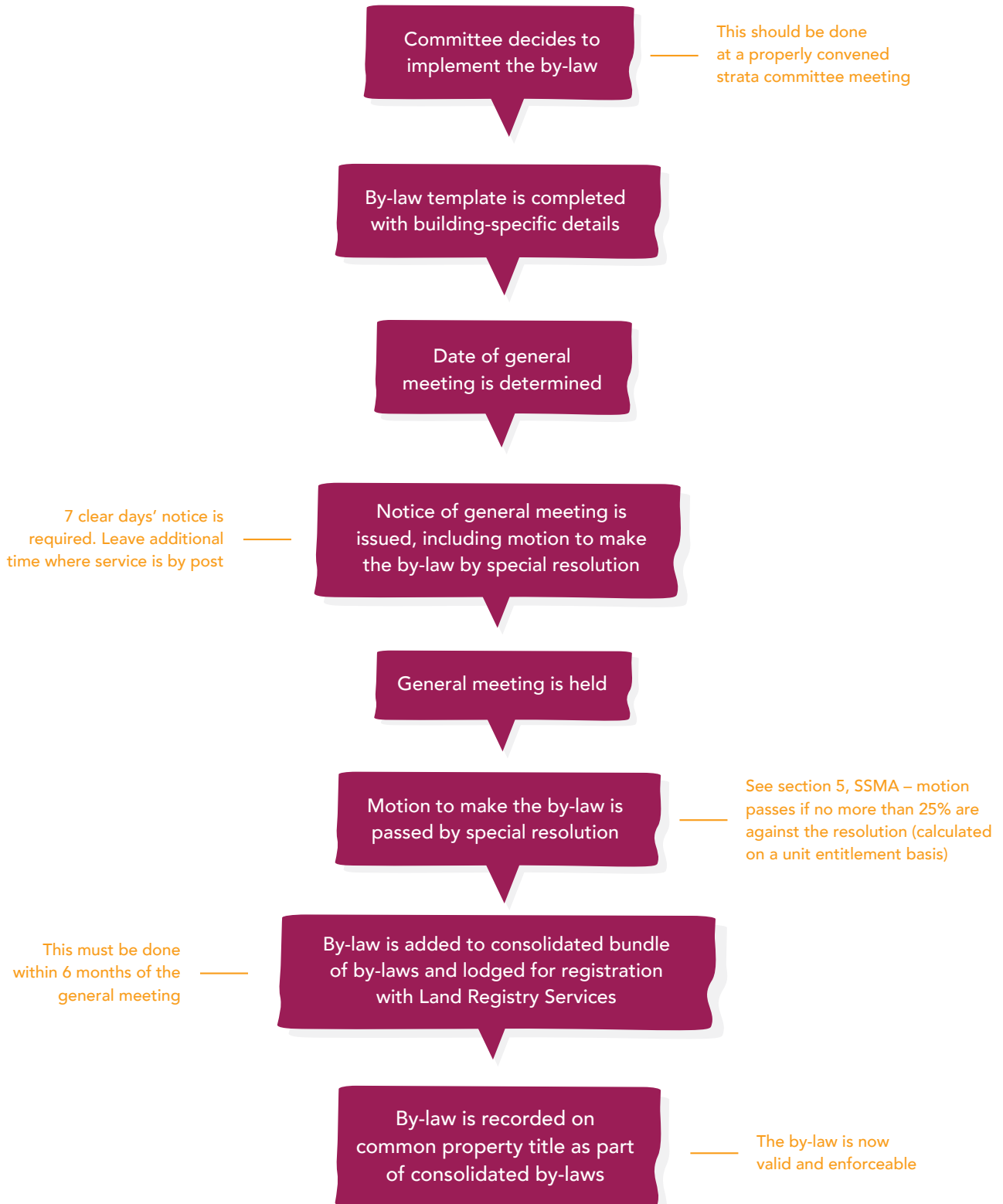
The value of a vote in respect of a lot is equal to the unit entitlement of the lot.

(section 5, *Strata Schemes Management Act 2015*).

Instructions for lodging the change of by-laws with Land Registry Services are [here](#), including access to the relevant forms.



The by-law making process





Example of the *Waste Disposal By-law* in action



Scenario 1: Bin/chute room is being abused

Jennifer lives on level 7 in a 38-unit building in Waverley. The building has a garbage chute and each level has its own bin room. In the bin room on level 7, there is access to the chute, plus two bins: one for glass/plastic recyclables (yellow) and one for paper recyclables (blue).

The bin room has signs indicating that the chute must only be used for non-recyclable material including food waste. Recyclables should otherwise be placed in the yellow or blue recycling bins.

At least once a week, Jennifer opens the door to the bin room to find it overflowing and smelly. Residents on level 7 place food in the recycling bins and the chute often gets blocked with household waste including appliances and other large items that do not fit down the chute.

Jennifer takes photos of the mess and sends them to her strata manager.

The building has a detailed *Waste Disposal By-law* in place, obtained from Waverley Council.

The strata manager points out that clause 3 of the by-law requires residents to:

- i) comply with all reasonable directions given by the owners corporation as to the disposal and storage of waste on common property, and
- ii) ensure that the correct waste is placed in the correct bins, in accordance with any guidelines, directions, signage and notices provided by the owners corporation.

The residents of level 7 who are abusing the bin room are in breach of clause 3 of the by-law.

Jennifer does not yet know the identity of the person/s abusing the bin room; however the strata committee has the ability to investigate and identify the offender through various means, including CCTV cameras. Once identified, the strata manager could issue a letter directly to the offender, or an official 'Notice to Comply' with a by-law under section 146 of the Strata Schemes Management Act.



Example of the *Moving In/Out By-law* in action



Scenario 2: Dumping on the common property

Stefan is the building manager at a high-rise complex in Bondi Junction. He has been contacted by the resident of unit 1072. The resident is moving out in one week's time and their removalist will need access to the loading dock.

The building has a detailed Move In/Out By-law in place, obtained from Waverley Council. Stefan is already aware of this move because he has received notification under clause 5 of the by-law. Stefan reminds the resident that, pursuant to clause 8.6 of the by-law, the resident must promptly and completely remove all rubbish from the property during the course of their move. Stefan shows the resident the designated area of the common property for the storage of large household items that they no longer want, and reminds them that they can call Waverley Council and book a collection in advance of their moving date. Stefan asks the resident to let him know the collection day/time once booked in, so he can ensure Council has access to the loading dock when required.

Stefan reminds the resident of the requirements of the building's Move In/Out By-law and notes that the resident will be in breach of the by-law if those requirements are not met. In particular, the resident's landlord will be subject to any costs the owners corporation may incur as a result of the by-law breach (clause 12.3 of the by-law). Additional costs may be associated to Stefan's time dealing with the incorrect disposal of any waste left behind by the resident.



Template letter the owners corporations may issue to residents, explaining the strata by-law

[Date]

[Addressee]

RE: THE OWNERS STRATA PLAN No. [insert Strata Plan No.]

New by-law [insert title, either "Waste Disposal" or "Move In/Out"] [insert by-law No.]

Dear [insert owner/resident name],

I write to you as your building's [strata managing agent / strata committee secretary].

At the general meeting on [insert date], the owners corporation specially resolved to make a new by-law. The by-law has been registered and is now in effect.

The new by-law is titled [insert title, either "Waste Disposal" or "Move In/Out"].

A copy is enclosed for your reference.

The aim of this new by-law is to improve waste management and disposal practices in and around the building. The by-law contains terms addressing:

- the proper use of waste bins and services
- illegal dumping
- onsite storage of waste bins and bulky waste
- bins left outside of the property
- mandatory waste education for new tenants and more.

The by-law makes both lot owners and tenants responsible for the proper disposal of waste including recycling and bulky household goods.

All investor owners (or their agent representatives) are required under the by-law to notify the Owners Corporation of tenant move-in/out dates, so that resident committee members/the building manager can coordinate with the incoming/outgoing tenants and ensure compliance with the by-law.

Your committee is looking forward to improved waste management and disposal practices now that the by-law is in place.

Should you have any questions about the operation or effect of the by-law, please do not hesitate to contact our office.

Yours faithfully,

[sign off]



FAQs about Waverley Council's strata by-laws for Waste Disposal and Moving In/Out

Why were strata by-laws for waste management created?

The strata by-laws for *Waste Disposal* and *Moving In/Out* are tools for strata communities to address waste management and disposal issues in apartment buildings. Examples of this include the dumping of household items, and the incorrect use of waste bins and equipment, and/or the responsibilities for disposing of unwanted items when tenants move in or out. In 2018, a working group of strata managers representing a significant proportion of properties in the Waverley Council area requested Waverley-specific strata by-laws to improve waste management at strata buildings:

The Waste Disposal Strata By-law: Clarifies responsibility for correct disposal of rubbish, recycling and bulky household waste and allows an owners corporation to recover costs and expenses from non-compliant owners;

The Moving In/Out Strata By-Law: provides a resident induction process so owners corporation representatives can set standards and clarify expectations for waste storage, waste disposal, and/or booking a collection of unwanted items for residents moving in or out.

Where can I access the strata by-law templates?

The *Waste Disposal* and *Moving In/Out* strata by-law templates can be requested through Waverley Council's website [here](#) or by emailing environment@waverley.nsw.gov.au

I'm not on the strata committee. Can I still ask for this by-law to be implemented in my building?

Yes, you can notify the strata committee either directly, through your real estate agent, or the strata manager, to let them know this by-law template is available for adoption.

I live outside of the Waverley local government area (LGA), but own or am on the strata committee for a building within the Waverley LGA. Can I still access the by-laws?

Yes, you can access the by-laws if it is for use in a strata building physically located within the Waverley Council LGA. You will be asked to provide the strata plan number for the building upon requesting access to the template by-law on the Waverley website.

Can I use the by-law for a strata building located outside of Waverley?

The Waverley Council strata by-law templates for *Waste Disposal* and for *Moving In/Out* cannot be used for a building outside of the Waverley Council LGA. We suggest that you contact your local council to see if there is a similar template available.



FAQs about Waverley Council's strata by-laws for Waste Disposal and Moving In/Out

Is there a cost to use the template by-law?

Waverley Council commissioned the creation of these template by-laws to provide it free of charge to our local strata communities. There is no cost for your strata building to use the template as it is provided. The template has been designed for ease of implementation. Costs associated with individual advice are the responsibility of the strata scheme. Waverley Council cannot provide legal advice based on your individual situation. If you require additional changes to the by-law, you may need to consult with a qualified strata lawyer or strata manager.

My building already has a waste by-law.

Why do I need more by-laws?

Not all by-laws are drafted effectively. Waverley Council's Waste Disposal and Moving In/Out strata by-laws have been developed to provide a free, comprehensive and customisable by-law template that:

- clarifies responsibility for correct disposal of rubbish, recycling and bulky household waste;
- includes a new tenant induction guideline for waste management; and
- can help with cost recovery processes.

Who developed the Waverley Council by-law templates?

The by-laws were developed by strata lawyer Amanda Farmer.

I have more questions about waste management who can I contact?

You can contact Waverley Council's Sustainability team via environment@waverley.nsw.gov.au with your additional waste, recycling or by-law related questions. You can also visit waverley.nsw.gov.au/waste





The ultimate moving house checklist

Moving can be stressful and there's lots to do. Use this checklist to make sure everything is sorted for moving day.

6 weeks before moving

Plan the logistics, set up your budget, book your removalist and start collecting packing materials.

Organise your removalist early

Booking a removalist or vehicle hire early means one less thing to think about and more chance of locking in your preferred move date.

Create a budget for moving expenses

Creating a moving budget can help you keep track of costs and prioritise essential expenses without any nasty shocks.

Collect packing boxes

Keep moving costs down and make your move more sustainable by sourcing second hand or free moving boxes. Check in with friends, family or your workplace to see if anyone has free or second-hand moving boxes. You may like to check with your local supermarket or retailers who may also have some spare boxes.

Use sustainable packaging

You can use bedding, clothing and towels to wrap and protect fragile items as you pack. Not only will your breakable items be protected and scratch free, but you'll also have fewer boxes to unpack when you arrive at your new home.



4 weeks before moving

One month before moving is a good time to declutter and decide what you will take with you. Remember, it's important to get rid of unwanted items responsibly and four weeks should allow you enough time to sort, pack and rehome any unwanted items.

Organise a council pick up

Waverley Council offers [kerbside collection](#) for bulky household items such as furniture, whitegoods and small appliances that are not suitable to donate. Placing these items on the kerb without a booked or scheduled collection is illegal and you can be fined.

Getting a new mattress?

Have your old one recycled! Waverley Council offers free mattress recycling for our residents or visit [Recycling Near You](#) or [Soft Landing](#) for local information.

Organise the disconnection and set up of utilities

Organising disconnection of water, electricity, gas and internet is important, as well as re-connection ahead of arrival at your new address. Contact your service providers to make sure your utilities are connected in time for moving day.

Consider your insurance options

Moving home is a good time to review and consider your insurance policies including home, contents, fire, floods etc. Make sure your cover is right for your new situation.

Clear out your wardrobe

Before moving, clear out your wardrobe and only take what you need with you. You can make extra cash selling good quality clothes through a garage sale, second-hand store, or online. Alternatively, you can donate quality unwanted clothing to charity or look into a retailer garment collection program. For more information on responsible clothing and textile disposal contact [Recycling Near You](#).

Notify and review memberships and subscriptions

You may need to cancel or transfer memberships for your gym or library, and redirect newspaper and magazine subscriptions.

Give old furniture a new home

Unwanted furniture in good condition can be sold through platforms such as [Facebook marketplace](#), [Gumtree](#) and [eBay](#). Some companies, such as IKEA, are currently running a [buy back scheme](#) offering store credit for your used furniture. If the furniture is broken or not in a good condition, contact your council to find out how they can help. Leaving furniture on the kerb, without consent of Council, is illegal dumping and you can be fined. Dispose of unwanted furniture responsibly.



4 weeks before moving

Take a photo of all electronics before unplugging them

This will be a good reference or help jog your memory when you're reconnecting things.

Get rid of worn-out whitegoods

Getting a new fridge delivered? Council will collect your old metal appliances and whitegoods. Items such as fridges, dryers, ovens and similar can be collected free of charge. [Waverley Council residents](#) are entitled to two free 'Your Call' clean-up collections plus one free schedule collection each calendar year.

Gather all your financial, legal, medical and identification documents

Locate your passports, birth certificates and other important documents so that you can put them aside and carry them during the move.

Make big changes to your small Appliances

Any unwanted household items you no longer use - like old phones, irons, toasters, computers, and televisions- can be repaired, recycled, or responsibly disposed of. If you have any small electrical items you don't need, you can:

- Donate to organisations like [the Bower](#) for refurbishment and reuse.
- Check to see if the item is part of a take-back scheme or find a local recycler at [Recycling Near You](#).
- Contact your council or visit their website for disposal options in your area.

Pack a little bit each day

Don't find yourself in a rush trying to pack everything at the last minute. Packing one room at a time and labelling as you go is a good way to make sure you are packing methodically – and will be able to find your belongings when unpacking.



2 weeks before moving

Almost there. Start updating your address and back up your computer and electronic devices. Doing these tasks now will mean you have less to think about on moving day. It's important during this time to continue to pack items that you are not going to need before moving.

Update your address

Don't forget to change your address with your work, car insurer, drivers' licence, bank, Australian Tax Office, Australian Electoral Commission, Superannuation fund and your GP.

Back up your computer

That way if something happens to your computer during your move you'll have everything saved in an alternate place.

Redirect mail

Make sure that you don't miss any important mail. Consider contacting Australia Post to [redirect your mail](#) to your new address.

Plan for your pets during your move

Moving can be stressful for your pets. You may want to look into doggy day care, a cattery, or ask a friend to watch your furry friends for the day.

Recycle old paperwork

Recycle old newspapers and magazines in your yellow lid bin (or better yet use old paper to wrap breakable items like glasses). Digitise any important documents so that you don't have to move them with you

Clear out paints, batteries and motor oils from the garage

These items don't belong in the red lidded waste bin, but Waverley Council does provide a [range of options](#) for residents to responsibly dispose of these items for free. Otherwise you can dispose of these items for free at your nearest [Community Recycling Centre](#).

Clear out any expired food

Check pantry items like sauces, cans and bottles to make sure you're only taking what you need with you. If you have excess edible food you can donate it to a charity like [Foodbank](#) or [OzHarvest](#). Out of date or expired food can be composted or added to neighbourhood composting through programs such as Share Waste.

Drop off old or expired medicines

Return old medicines to the pharmacy for free through the [RUM project](#).



1 week before moving

Not long now. It's time to pack away the last of your things and start cleaning your old home. Make sure you set aside all essential items so that you have them handy and in one place during the move.

Clean what you can

Cleaning your current home as much as you can in advance will leave less to do on or after moving day. Start early and there will be less to do later.

Pack an essentials bag or box

Keeping your most necessary items packed in one place can help you stay organised and minimise stress on moving day. The items you include in your essentials bag will be specific to you and should include anything that you may need in the 48 hours after moving.

Essential bag basics:

- Wallet and keys
- Medications
- Important documents
- Phone and charger
- Basic toiletries
- Small toolkit
- Change of clothes
- Snacks and water

Moving Day

You made it! Time to move into your dream home. Start early so that you get the most out of the day.

Protect your floors

To avoid denting, scratching, scuffing, and staining the floors you can:

- Cover them – with blankets, towels, cardboard, or rugs.
- Carry furniture and appliances so they are not being dragged on the floor.
- Designate inside and outside groups of people who are helping.
- Clean any marks and dirt immediately.

Take photographs of your empty place

With everything moved out and cleaned now is a good time to document the condition of your house.

Prepare for your final walk-through with your landlord

Clean the house and make sure there is nothing hiding on shelves or in cupboards.

Set up and make your bed first

Moving is tiring work and you'll want to get a good night sleep in your new home. Set up and make your bed as a priority task on moving day so that you can get some rest... before unpacking everything else.

Celebrate!

You are home!

1 week post move

Moving can leave you with mountains of packing materials. Take some time to dispose of waste responsibly and learn about the services available in your new neighbourhood – asking which night to put your kerbside bins out could be a great icebreaker for meeting your new neighbours.

Recycle soft plastic packaging

Did you know that you can recycle soft plastic wrapping and bubble wrap? To find your nearest drop off location visit [Recycling Near You](#).

Recycle polystyrene packaging

Ordered a new TV and don't know what to do with the white foam packaging inside the box? There's no need to fill up your bin with it when you can recycle it. Find your nearest drop off location at [Recycling Near You](#).

Recycle your moving boxes

Cardboard moving boxes can be recycled in your yellow lid recycling bin. However, if your moving boxes and clean packing materials are good enough to survive another move, keep them for yourself or give them to your friends who could use them.

Contact your council

Contact your council or visit their website to learn about the services available to you in your new home. Importantly find out what goes in each bin, when to put the bins out and how to organise a clean-up in your area. If that is Waverley Council, visit the [waste and recycling page](#).

Set up your compost bin, worm farm or investigate community composting in your area

Setting up systems that work for you will help free up space in your bins. Check your eligibility for discount compost bins and worm farms with [Compost Revolution](#). If you can't set up a system in your new place have a look at Share Waste which connects neighbours for community composting and worm farming options.

Locate your nearest Community Recycling Centre (CRC)

These centres are permanent drop-off centres for common household problem wastes that can't be collected via council kerbside waste and recycling collection. Contact the [NSW EPA](#) to find your nearest centre.

Meet your neighbours

Being friendly with your neighbours can help you settle in and be a part of the community. Smile, say hello, spend time outside and ask your neighbours about their recommendations of places to visit in your local area.

Check smoke detectors and fire alarms

Checking that smoke detectors and fire alarms are in working order and replacing batteries (or the entire device) is one way to help ensure your family stays safe should there be a fire in your home. Check the manufacturer's guidelines for testing instructions. Both batteries and smoke detectors can be disposed of for free at your local CRC. For more information or to find your nearest CRC contact the [NSW EPA](#).

Explore your neighbourhood

Enjoy finding new local shops, supermarkets, libraries, cafes, parks, and restaurants to visit.

This checklist was developed by the Western Sydney Regional Organisation of Councils as part of the NSW Environment Protection Authority, Waste Less, Recycle More initiative, funded from the waste levy. This checklist is available in other languages. Please contact Waverley Council at environment@waverley.nsw.gov.au