

# SP 8057 – Debra Court

## STRATA SCHEMES MANAGEMENT REGULATION 2016

### Schedule 2 –By-Laws for pre-1996 strata schemes

(Clause 35)

#### **1. Noise**

An Owner or occupier of a lot must not create any noise on the parcel likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

**Note:** This by-law was previously by-law 12 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 13 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **2. Vehicles**

An owner or occupier of a lot must not park or stand any motor or other vehicle on common property except with written approval of the owners corporation.

**Note:** This by-law was previously by-law 13 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 14 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **3. Obstruction of common property**

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

**Note:** This by-law was previously by-law 14 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 15 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **4. Damage to lawns & plants on common property**

An owner or occupier of a lot must not:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property.

**Note:** This by-law was previously by-law 15 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 16 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

#### **5. Damage to common property**

(1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the approval in writing of the owners corporation.

**Note:** This by-law is subject to sections 109 and 110 of the *Strata Schemes Management Act 2015*.

(2) An approval given by the owner's corporation under clause (1) cannot authorize any additions to the common property.

(3) This by-law does not prevent an owner or person authorized by an owner from installing;

- (a) any locking or other safety device for protection of the owner's lot against intruders, or
- (b) any screen or other device to prevent entry of animals or insects on the lot, or
- (c) any structure or device to prevent harm to children.

(4) Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.

(5) Despite section 106 of the *Strata Schemes Management Act 2015*, the owner of a lot must maintain and keep in a state of good and serviceable repair any installation or structure referred to in clause (3) that forms part of the common property and that services the lot.

**Note:** This by-law was previously by-law 16 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 17 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **6. Behaviour of owners and occupiers**

An owner or occupier of a lot when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.

**Note:** This by-law was previously by-law 17 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 18 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **7. Children playing on common property in building**

An owner or occupier of a lot must not permit any child of whom the owner or occupier has control to play on common property within the building or, unless accompanied by an adult exercising effective control, to be or to remain on common property comprising a laundry, car parking area or other area of possible danger or hazard to children.

**Note:** This by-law was previously by-law 18 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 19 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **8. Behaviour of invitees**

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

**Note:** This by-law was previously by-law 19 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 20 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **9. Depositing rubbish and other material on common property**

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any persons lawfully using the common property.

**Note:** This by-law was previously by-law 20 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 21 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **10. Drying of laundry items**

An owner or occupier of a lot must not, except with the consent in writing of the owners corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building other than on any lines provided by the owners corporation for the purpose and there only for a reasonable period.

**Note:** This by-law was previously by-law 21 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 22 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **11. Cleaning windows and doors**

An owner or occupier of a lot must keep clean all glass in windows and all doors on the boundary of the lot, including so much as is common property.

**Note:** This by-law was previously by-law 22 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 23 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

## **12. Storage of inflammable liquids and other substances and materials**

(1) An owner or occupier of a lot must not, except with the approval in writing of the owners corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.

(2) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

**Note:** This by-law was previously by-law 23 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 24 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### **13. Moving furniture and other objects on or through common property**

An owner or occupier of a lot must not transport any furniture or large object through or on common property within the building unless sufficient notice has first been given to the strata committee so as to enable the strata committee to arrange for its nominee to be present at the time when the owner or occupier does so.

**Note:** This by-law was previously by-law 24 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 25 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### **14. Floor coverings**

(1) An owner of a lot must ensure that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space of noise likely to disturb the peaceful enjoyment of the owner or occupier of another lot.

(2) This by-law does not apply to floor space comprising a kitchen, laundry, lavatory or bathroom.

**Note:** This by-law was previously by-law 25 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 26 in Schedule 3 to the *Strata Titles (Leasehold Development) Act 1986*.

### **15 Garbage disposal**

(1) An owner or occupier of a lot:

- (a) must maintain within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry conditions and adequately covered a receptacle for garbage, and
- (b) must ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained, and
- (c) for the purpose of having the garbage collected, must place the receptacle within an area designated for that purpose by the owners corporation and at a time not more than 12 hours before the time at which garbage is normally collected, and
- (d) when the garbage has been collected, must promptly return the receptacle to the lot or other area referred to in paragraph (a), and
- (e) must not place any thing in the receptacle of the owner or occupier of any other lot except with the permission of that owner or occupier, and
- (f) must promptly remove any thing which the owner, occupier or garbage collector may have spilled from the receptacle and must take such action as may be necessary to clean the area within which that thing was spilled.

**Note:** This by-law was previously by-law 26 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 27 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### **16. Keeping of Animals**

(1) Subject to section 157 of the *Strata Schemes Management Act 2015*, an owner or occupier of a lot must not, without the approval in writing of the owners corporation, keep any animal on the lot or common property.

(2) The owners corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property.

**Note:** This by-law was previously by-law 27 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 28 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### **17. Appearance of lot**

(1) The owner or occupier of a lot must not, without the written consent of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.

(2) This by-law does not apply to the hanging of any washing, towel, bedding, clothing or other article as referred to in by-law 10.

**Note:** This by-law was previously by-law 29 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 30 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### **18. Notice-Board**

An owners corporation must cause a notice-board to be affixed to some part of the common property.

**Note:** This by-law was previously by-law 3 in Schedule 1 to the *Strata Schemes (Freehold Development) Act 1973* and by-law 3 in Schedule 3 to the *Strata Schemes (Leasehold Development) Act 1986*.

### **19. Change in use of lot to be notified**

An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes).

### **Special By-Law 1**

#### **Car Space Lots 3 & 4**

#### **Dealing Number 2396628**

The proprietors of lots 3 & 4 shall have the right of exclusive use to the common area along the exterior side boundary of their respective car spaces for a distance to 5230mm from the southern boundary of each car space but not extending beyond the extension of the perimeter of the building and to 50% of the common area situated along the internal side boundary of their respective car spaces for the distance mentioned and that consent be given to the proprietors of lots 3 & 4 to enclose their car space subject to the following conditions:

1. Consent be obtained from Great Lakes Council
2. That all costs incurred be the responsibility of the proprietors of lots 3 & 4
3. That the northern wall (rear wall) of the garage be constructed 260mm within the northern boundary of each car space so that the area available for the adjoining passageway at the rear of the garage is 750mm wide.
4. That wall construction to enclose the car spaces be of single brick with strengthening nibs if required.
5. That outfacing brickwork be of face brick to match existing brickwork as near as possible.
6. The existing common lighting be relocated as determined by the body corporate but at the expense of the proprietors of lots 3 & 4.
7. That the two common taps presently situated on the rear wall of the building be relocated to positions determined by the body corporate but at the expense of the proprietors of lot 3 & 4.
8. That the proprietors of lots 3 & 4 for the time being be responsible for all maintenance of the completed work on their respective car spaces.

### **Special By-Law 2**

#### **Car Space Lot 10**

#### **Dealing Number 7667852**

- 1) That the Owners Corporation confer upon the Owners of Lot 10 exclusive use of the common area along the exterior side boundary of their car space for a distance of 5385mm from the southern boundary of car space but not exceeding beyond the extension of the perimeter of the building and to 50% of the common area situated along the internal side boundary of their car space for the distance mentioned.
- 2) Exclusive Use created subject to the following conditions:
  1. That consent be obtained from Great Lakes Council
  2. AMENDED that the owner Lot 10 shared the cost of any previously constructed shared walls

3. That the northern wall (rear wall) of the garage be constructed 260mm within the northern boundary of the space so that the area available for the adjoining passageway at the rear of the garage is 750mm wide.
4. That wall construction to enclose the car spaces be of single brick with strengthening nibs if required.
5. That outfacing brickwork be of face brick to match existing brickwork as near as possible.
6. The garage door to match existing paintwork (Wattyl "Rivergum") and existing doors to be painted to match.
7. The existing common lighting be relocated if necessary, as determined by the Owners Corporation but at the expense of the proprietors of Lot 10.
8. That the lighting within the garage be connected to the individual meter of Lot 10.
9. That the owner of Lot 10 for the time being be responsible for all maintenance of the completed work on their car space.

### **Special By-law 3 Unit Renovations**

- 1) All renovation work undertaken prior to the registration of this by-law shall be the responsibility of the owner of the lot in which the renovation was undertaken and that all repairs and maintenance of the renovated areas shall be at the cost of that owner in accordance with 2) below.
- 2) All renovations undertaken after the registration date of this by-law shall be undertaken in accordance with the following:
  - a) Pursuant to Section 116 (2) and By Law 13 of the Strata Schemes Management Act 1996, any owner renovating a lot must make application to the Owners Corporation for consent and enter into an agreement which includes indemnity for any works performed prior to this by-law.
  - b) To protect the foyer and landings, all materials in and out of the building, are to proceed on protected flooring. This will be closely supervised by owners and the Executive Committee/Caretaker.
  - c) That any building problem resulting from the renovation be the responsibility of the proprietor of the lot current and future and that the owners corporation be authorized to take steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this by-law and the cost be charged to the owner of that lot.
  - d) Security of the building is to be maintained at all times.
  - e) The owner or agent of the unit must control and be responsible for actions of the contractor/tradesmen.
  - f) The owner is responsible to advise and ensure that the contractor/tradesmen confine any soil, dirt, dust or materials to the owners own lot by keeping the door shut and providing a dust curtain.
  - g) Common Property such as landings, stairwells, carpets and lifts etc must be kept clean on a daily basis.
  - h) If a structural change is involved, this must include architect schemes, and a written certification by a structural engineer that the alterations will not affect the structural integrity of the building.
  - i) The Owners Corporation may require a Development Approval or Building Approval.
  - j) Approved hours of works are strictly 8.30am to 4.30pm Monday to Friday with **no work permitted on weekends, public holidays or school holidays**.
  - k) The application is to include the commencement date and the duration of the works, as well as a 24 hour contact phone number/s in the event of any problem.

### **Special By-Law 4 Air Conditioning**

- 1) All air conditioning units installed prior to the registration of this By-Law shall be the responsibility of the Owner of the lot in which the air conditioning unit is installed and that all repairs and maintenance of the air conditioning units shall be at the cost of that owner.
- 2) All air conditioning units installed after the registration date of this by-law shall be installed in accordance with the following:
  - a) Consent must be obtained in writing from the owners corporation after the matter has been referred to a general meeting for consideration.
  - b) Any air conditioning unit so approved must be installed wholly within the lot in a workmanlike manner by suitably qualified and licensed trades people at the cost of the registered proprietor and in this regard

the owners corporation shall have the power from time to time to adopt air conditioning specifications in relation to the installation of air conditioning units.

- c) That the cost of ongoing maintenance of the system be the responsibility of the proprietor of the lot current and future
- d) That any building problem resulting from the installation be the responsibility of the proprietor of the lot current and future and that the owners corporation be authorized to take steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this by-law.
- e) That the noise level be properly and regularly maintained so as not to exceed the manufacturers specifications or council requirements.
- f) That the condensed water be captured and drained into the drainage system with no water to be allowed to drain onto common property.