

SP 79974

Waterline By-Laws

STRATA SCHEMES MANAGEMENT REGULATION 2005

1 Noise

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

2 Vehicles

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

3 Obstruction of Common Property

An owner or occupier of a lot must not obstruct lawful use of common property by any person except on a temporary and non-recurring basis.

4 Damage to Lawns and Plants on Common Property

An owner or occupier of a lot must not, except with the prior written approval of the owners corporation:

- (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 purpose as a garden any portion of the common property.

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, except with the prior written approval of the owner's corporation.
- (2) An approval given by the owner's corporation under clause (1) cannot authorise 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 to improve safety within the owner's lot, or
 - (b) Any screen or other device to prevent entry of animals or insect on the lot, or
 - (c) Any structure or device to prevent harm to children, or
 - (d) Any device used to affix decorative items to the internal surfaces of walls in the owners lot.
- (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 62 of the Act, the owner of a lot must:
 - (a) Maintain and keep in a state of good and serviceable repair any instillation or structure referred to in clause (3) that forms part of common property and that services the lot, and
 - (b) Repair any damage caused to any part of the common property by the instillation or removal of any locking or safety device, screen, other device or structure referred to in clause (3) that forms part of the common property and services the lot.

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 any person lawfully using common property.

6B

- i) An owner or occupier of a lot must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property or any occupier or owner of a neighbouring property.
- ii) 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 or any occupier or owner of a neighbouring property.
- iii) An owner or occupier of a lot must take responsible 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 or any owner of a neighbouring property.

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.

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.

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 or discarded item except with prior written approval of the owner's corporation.

10 Drying of Laundry Items

An owner or occupier of a lot must not, except with the prior written approval of the owner's 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 owner's corporation for the purpose and there only for a reasonable period.

11 Cleaning Windows and Doors

- (1) Except in the circumstances referred to in clause (2), an owner or occupier of a lot is responsible for cleaning all interior and exterior surfaces of glass in windows and doors on the boundary of a lot, including so much as is common property.
- (2) The owner's corporation is responsible for cleaning regularly all exterior surfaces of glass in windows and doors that cannot be accessed by the owners or occupier of the lot safely or at all.

12 Storage of Inflammable Liquids and Other Substances and Material

- (1) An owner or occupier of a lot must not, except with the prior written approval of the owners

corporation, use or store on the lot or on the common property any flammable 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.

13 Changes to Floor covering or Surfaces

- (1) An owner or occupier of a lot must notify the owner's corporation at least 21 days before changing any of the floor coverings or surfaces of the lot if the change is likely result in an increase in noise transmitted from that lot to any other lot. The notice must specify the type of the proposed floor covering or surface.
- (2) This by-law does not affect any requirement under any law to obtain consent to, approval for or any other authorisation for the changing of the floor or surfaced concerned.

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.

15 Garbage Disposal

- (1) An owner or occupier of a lot in a strata scheme that does not have shared receptacles for garbage, recyclables materials or waste:
 - a) Must maintain such receptacles within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry condition and (except in the case of receptacles for recyclable material) adequately covered, and
 - b) Must ensure that before garbage, recyclable materials or waste in placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained off, or in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and
 - c) For the purpose of having the garbage, recyclable material or waste collected, must place the receptacles within an area designated for that purpose by the owners corporation and at a time not more than 12 hours before the time which garbage, recyclable material or waste is normally collected, and
 - d) When the garbage, recyclable material or waste has been collected, must promptly return the receptacles to the lot or other area referred to in paragraph (a), and
 - e) Must not place any thing in the receptacles of the owner or occupier of any lot except with the permission of that owner or occupier, and
 - f) Must promptly remove anything which the owner, occupier or garbage or recycling collector may have spilled from the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.
- (2) An owner or occupier of a lot in a strata scheme that has shared receptacles for garbage, recyclable material and waste:
 - a) Must ensure that before garbage, recyclable materials or waste in placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained off, or in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and
 - b) Must promptly remove anything which the owner, occupier or garbage or recycling collector may have spilled from the receptacles and must take such action as may be

necessary to clean the area within which that thing was spilled.

- (3) An owner or occupier of a lot must:
 - a) Comply with the local council's requirements for the storage, handling and collection of garbage, waste and recyclable material, and
 - b) Notify the local council of any loss of, or damage to, receptacles provided by the local council for garbage, recyclable material and waste.
- (4) The owner's corporation may post signs on the common property with instructions on the handling of garbage, waste and recyclable material that are consistent with the local council's requirements.

16 Keeping of Animals

- (1) Subject to section 49 (4), an owner or occupier of a lot must not, without the prior written approval of the owners corporation, keep an animal (except a cat, a small dog or a small caged bird, or fish kept in a secure aquarium on the lot) on the lot or common property **this by-law precludes short term/holiday tenants/occupiers from keeping any animal on the lot or common property.**
- (2) The owner's corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property.
- (3) If an owner or occupier of a lot keeps a cat, small dog or small caged bird on the lot then the owner or occupier must:
 - (a) Notify the owners corporation that the animal is being kept on the lot, and
 - (b) Keep the animal within the lot, and
 - (c) Carry the animal when it is on common property, and
 - (d) Take such action as may be necessary to clean all areas of the lot or the common property that are soiled by the animal.

17 Appearance of Lot

- (1) The owner or occupier of a lot must not, without the prior written approval of the owner's 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.

17B Landscaped areas within individual courtyard areas shall be maintained and repaired, in accordance with the approved landscaping plan, by the owner's corporation or maintenance contractor authorised by the owner's corporation. Reasonable access shall be made available for the owner's corporation or its authorised maintenance contractor, as required, to maintain and repair landscaped areas.

18 Change in use of Lot to be Notified

An occupier of a lot must notify the owner corporation if the occupier changes the existing use of the lot in any 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) .

19 Provision of Amenities or Service

- (1) The owners corporation may, by special resolution, determine to enter into arrangements for the provision of the following amenities or services to one or more of the lots, or to the owners or occupiers of one or more of the lots:

- a) widow cleaning,
 - b) garbage disposal and recycling services,
 - c) electricity, water or gas supply
 - d) telecommunications services (for example, cable television)
- (2) The owners corporation makes a resolution referred to in clause (1) to provide an amenity or service to a lot or to the owner or occupier of a lot, it must indicate in the resolution the amount for which, or the conditions on which, it will provide the amenity or service.

Section 111 of the Act provides that an owner's corporation may enter into an arrangement with an owner or occupier of a lot for the provision of amenities or services by it to the lot or to the owner or occupier.

20 Compliance with Planning and other Requirements

- (1) The owner or occupier of a lot must ensure that the lot is not used for any purpose that is prohibited by law.
- (2) The owner or occupier of a lot must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

Special By-Law 1

Smoke Penetration

Specially Resolved At AGM 29th April 2017

- 1) An owner or occupier, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property.
- 2) An owner or occupier of a lot must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.

Special By-Law 2

Electronic Service of Notices

Specially Resolved at AGM 4th May 2018

A document of notice may be served on the Owners Corporation, its secretary or strata committee on the owner/s of a lot by electronic means if the person nominated as the email contact has given the Owners Corporation an email address for the service of notices and the documents are sent to that address. A notice or document served on an owner/s by email in accordance with this by-law is deemed to have been served when transmitted by the sender, providing the sender does not receive an electronic notification of unsuccessful transmission, ie 'bounce back' or 'undeliverable', within 24 hours.

Special By-Law 3

STRATA COMMITTEE DELEGATION TO APPROVE MINOR RENOVATIONS

Specially Resolved at EGM 18th August 2020

Minor Renovations by Owners

Pursuant to **Section 110 (6) (b)** of the *Strata Schemes Management Act 2015* and the **Section 28** of the *Strata Schemes Management Regulation 2016*, the Owners Corporation of SP 79974 delegate its functions under this section to the strata committee without requiring a general meeting, ensuring adherence to the following parts of Section 110 of the *Strata Schemes Management Act* and Section 28 of the *Strata Schemes Management Regulation 2016*:

Section 110 Strata Schemes Management Act 2015

- (2) The approval may be subject to reasonable conditions imposed by the owners corporation and

cannot be unreasonably withheld by the owners corporation.

- (3) "Minor renovations" include but are not limited to work for the purposes of the following:
- (a) renovating a kitchen,
 - (b) changing recessed light fittings,
 - (c) installing or replacing wood or other hard floors,
 - (d) installing or replacing wiring or cabling or power or access points,
 - (e) work involving reconfiguring walls,
 - (f) any other work prescribed by the regulations for the purposes of this subsection.
- (4) Before obtaining the approval of the owners corporation, an owner of a lot must give written notice of proposed minor renovations to the owners corporation, including the following:
- (a) details of the work, including copies of any plans,
 - (b) duration and times of the work,
 - (c) details of the persons carrying out the work, including qualifications to carry out the work,
 - (d) arrangements to manage any resulting rubbish or debris.
- (5) An owner of a lot must ensure that:
- (a) any damage caused to any part of the common property by the carrying out of minor renovations by or on behalf of the owner is repaired, and
 - (b) the minor renovations and any repairs are carried out in a competent and proper manner.

Section 28 Strata Schemes Management Regulation 2016

28 Minor renovations by owners

Work for the following purposes is prescribed as minor renovations for the purposes of section 110 (3) of the Act:

- (a) removing carpet or other soft floor coverings to expose underlying wooden or other hard floors,
- (b) installing a rainwater tank,
- (c) installing a clothesline,
- (d) installing a reverse cycle split system air conditioner,
- (e) installing double or triple glazed windows,
- (f) installing a heat pump,
- (g) installing ceiling insulation.

Special By-Law 4

Common Property Memorandum

Specially Resolved at EGM 18th August 2020

The Common Property Memorandum, provided by Fair Trading as part of the Strata Schemes Management Regulation 2016, to specify whether an owner of a lot or the owners corporation is responsible for the maintenance, repair or replacement of any part of the common property, is adopted by the Owners Strata Plan 79974.

Owners corporation responsibilities for maintenance, repair or replacement

1. Balcony and courtyards	<ul style="list-style-type: none">(a) columns and railings(b) doors, windows and walls (unless the plan was registered before 1 July 1974 – refer to the registered strata plan)(c) balcony ceilings (including painting)(d) security doors, other than those installed by an owner after the registration of the
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	<p>strata plan</p> <p>(e) original tiles and associated waterproofing, affixed at the time of registration of the strata plan</p> <p>(f) common wall fencing, shown as a thick line on the strata plan</p> <p>(g) dividing fences on a boundary of the strata parcel that adjoin neighbouring land</p> <p>(h) awnings within common property outside the cubic space of a balcony or courtyard</p> <p>(i) walls of planter boxes shown by a thick line on the strata plan</p> <p>(j) that part of a tree which exists within common property</p>
2. Ceiling/Roof	<p>(a) false ceilings installed at the time of registration of the strata plan (other than painting, which shall be the lot owner's responsibility)</p> <p>(b) plastered ceilings and vermiculite ceilings (other than painting, which shall be the lot owner's responsibility)</p> <p>(c) guttering</p> <p>(d) membranes</p>
3. Electrical	<p>(a) air conditioning systems serving more than one lot</p> <p>(b) automatic garage door opener, other than those installed by an owner after the registration of the strata plan and not including any related remote controller</p> <p>(c) fuses and fuse board in meter room</p> <p>(d) intercom handset and wiring serving more than one lot</p> <p>(e) electrical wiring serving more than one lot</p> <p>(f) light fittings serving more than one lot</p> <p>(g) power point sockets serving more than one lot</p> <p>(h) smoke detectors whether connected to the fire board in the building or not (and other fire safety equipment subject to the regulations made under the <i>Environmental Planning and Assessment Act 1979</i>)</p> <p>(i) telephone, television, internet and cable wiring within common property walls</p> <p>(j) television aerial, satellite dish, or cable or internet wiring serving more than one lot, regardless of whether it is contained within any lot or on common property</p> <p>(k) lifts and lift operating systems</p>
4. Entrance door	<p>(a) original door lock or its subsequent replacement</p> <p>(b) entrance door to a lot including all door furniture and automatic closer</p> <p>(c) security doors, other than those installed by an owner after registration of the strata plan</p>
5. Floor	<p>(a) original floorboards or parquet flooring affixed to common property floors</p> <p>(b) mezzanines and stairs within lots, if shown as a separate level in the strata plan</p> <p>(c) original floor tiles and associated waterproofing affixed to common property floors at the time of registration of the strata plan</p> <p>(d) sound proofing floor base (e.g. magnesite), but not including any sound proofing installed by an owner after the registration of the strata plan</p>
6. General	<p>(a) common property walls</p> <p>(b) the slab dividing two storeys of the same lot, or one storey from an open space roof area e.g. a townhouse or villa (unless the plan was registered before 1 July 1974 – refer to the registered strata plan)</p> <p>(c) any door in a common property wall (including all original door furniture)</p> <p>(d) skirting boards, architraves and cornices on common property walls (other than painting which shall be the lot owner's responsibility)</p> <p>(e) original tiles and associated waterproofing affixed to the common property walls at the time of registration of the strata plan</p> <p>(f) ducting cover or structure covering a service that serves more than one lot or the common property</p> <p>(g) ducting for the purposes of carrying pipes servicing more than one lot</p>

	<ul style="list-style-type: none"> (h) exhaust fans outside the lot (i) hot water service located outside of the boundary of any lot or where that service serves more than one lot (j) letter boxes within common property (k) swimming pool and associated equipment (l) gym equipment
7. Parking/Garage	<ul style="list-style-type: none"> (a) carports, other than those within the cubic space of a lot and referred to in the strata plan, or which have been installed by an owner after registration of the strata plan (b) electric garage door opener (motor and device) including automatic opening mechanism which serves more than one lot (c) garage doors, hinge mechanism and lock, if shown by a thick line on the strata plan or if outside the cubic space of the lot (d) mesh between parking spaces, if shown by a thick line on the strata plan
8. Plumbing	<ul style="list-style-type: none"> (a) floor drain or sewer in common property (b) pipes within common property wall, floor or ceiling (c) main stopcock to unit (d) storm water and on-site detention systems below ground
9. Windows	<ul style="list-style-type: none"> (a) windows in common property walls, including window furniture, sash cord and window seal (b) insect-screens, other than those installed by an owner after the registration of the strata plan (c) original lock or other lock if subsequently replaced by the owners corporation

Lot owner responsibilities for maintenance, repair or replacement.

1. Balcony & Courtyards	<ul style="list-style-type: none"> (a) awnings, decks, pergola, privacy screen, louvres, retaining walls, planter walls, steps or other structures within the cubic space of a balcony or courtyard and not shown as common property on the strata plan (b) that part of a tree within the cubic space of a lot
2. Ceiling/Roof	<ul style="list-style-type: none"> (a) false ceilings inside the lot installed by an owner after the registration of the strata plan
3. Electrical	<ul style="list-style-type: none"> (a) air conditioning systems, whether inside or outside of a lot, which serve only that lot (b) fuses and fuse boards within the lot and serving only that lot (c) in-sink food waste disposal systems and water filtration systems (d) electrical wiring in non-common property walls within a lot and serving only that lot (e) light fittings, light switches and power point sockets within the lot serving only that lot (f) telephone, television, internet and cable wiring within non-common property walls and serving only that lot (g) telephone, television, internet and cable service and connection sockets (h) intercom handsets serving one lot and associated wiring located within non-common walls
4. Entrance door	<ul style="list-style-type: none"> (a) door locks additional to the original lock (or subsequent replacement of the original lock) (b) keys, security cards and access passes
5. Floor	<ul style="list-style-type: none"> (a) floor tiles and any associated waterproofing affixed by an owner after the registration of the strata plan

	<ul style="list-style-type: none"> (b) lacquer and staining on surface of floorboards or parquetry flooring (c) internal carpeting and floor coverings, unfixed floating floors (d) mezzanines and stairs within lots that are not shown or referred to in the strata plan
6. General	<ul style="list-style-type: none"> (a) internal (non-common property) walls (b) paintwork inside the lot (including ceiling and entrance door) (c) built-in wardrobes, cupboards, shelving (d) dishwasher (e) stove (f) washing machine and clothes dryer (g) hot water service exclusive to a single lot (whether inside or outside of the cubic space of that lot) (h) internal doors (including door furniture) (i) skirting boards and architraves on non-common property walls (j) tiles and associated waterproofing affixed to non-common property walls (k) letterbox within a lot (l) pavers installed within the lot's boundaries (m) ducting cover or structure covering a service that serves a single lot
7. Parking/Garage	<ul style="list-style-type: none"> (a) garage door remote controller (b) garage doors, hinge mechanism and lock where the lot boundary is shown as a thin line on the strata plan and the door is inside the lot boundary (c) light fittings inside the lot where the light is used exclusively for the lot (d) mesh between parking spaces where shown as thin line, dotted line or no line on the strata plan (this will be treated as a dividing fence to which the <i>Dividing Fences Act 1991</i> applies)
8. Plumbing	<ul style="list-style-type: none"> (a) pipes, downstream of any stopcock, only serving that lot and not within any common property wall (b) pipes and 'S' bend beneath sink, laundry tub or hand basin (c) sink, laundry tub and hand basin (d) toilet bowl and cistern (e) bath (f) shower screen (g) bathroom cabinet and mirror (h) taps and associated hardware
9. Windows	<ul style="list-style-type: none"> (a) window cleaning- interior and exterior surfaces (other than those which cannot safely be accessed by the lot owner or occupier) (b) locks additional to the original (or any lock replaced by an owner) (c) window lock keys

EXTRACT FROM:

MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF STRATA PLAN 79974 HELD IN THE OFFICE OF ALLIANCE STRATA GROUP, 8 WALLIS STREET FORSTER ON MONDAY 18 FEBRUARY 2013 AT 10.00 A.M.

Resolved: That the decision of the Executive Committee, made on 22 November 2011, be confirmed, i.e.: That no advertising signage be displayed on common property nor be maintained within Lots so as to be visible from the outside of the building. Proposed JW Seconded BG. (7 votes in favour – 100%)

“WATERLINE” CONDITIONS OF OCCUPANCY

Owners, Tenants and Invitees

Noise

Occupiers and their invitees must not create noise on lots or on common property likely to interfere with the peaceful enjoyment of occupants of other lots, of persons using common property or of occupiers of neighbouring properties.

Behaviour

Behaviour, mode of dress or language which may cause offence or embarrassment to occupiers of other lots, to persons using common property or to occupiers of neighbouring properties, is not permitted.

Common Property

Owners, tenants and invitees must not obstruct the lawful use of common property and must not make changes to or soil or damage any part of the common property including building, gardens and lawns.

Vehicles

Owners and tenants must park cars and boats in the numbered bays allocated to their units. Only temporary visitors may use vehicle bays marked “Visitors”.

Use of Pool and Spa

The hours for use of pool and spa are between 7am and 9pm. Children under 14 years must be supervised by a responsible adult *present within the pool area at all times. Alcohol and items made of glass are **not** to be brought into the pool area. No running, dive-bombing or ball-games are permitted in the pool area. Advisory safety signs are to be observed.

Smoking

Smoking is prohibited in all common areas, including the pool area and garage.

Children Playing on Common Property

Children are not permitted to play in halls, stairways and foyers within, or on common area pathways outside, the building. Children are not permitted to play in the garage or in other areas of potential hazard, or to be or remain in those areas unless under the *direct control of an adult. The playing of ball-games and the riding of bicycles, skate boards and roller blades is prohibited at all times.

Drying of Laundry and Other Items

Occupiers must not hang any washing, towels, bedding or clothing over balconies or on any part of lots visible from the outside areas of the building.

Garbage Disposal

No rubbish is to be deposited on common property. **Non-recyclable** household garbage must be securely wrapped and disposed of down the garbage chutes located in each foyer landing. **Recyclable** waste (paper, cardboard, clean cans and glass) is to be placed in the recycling bins located in the basement near the garage exit door. Cardboard containers are to be flattened prior to placement in bins.

Pets

****Short-term holiday tenants and visitors may not bring any animal into any part of the premises.**

****Owner-occupiers and permanent tenants must abide by the "Waterline" By-Law 16 (B) (as amended) in relation to the keeping of animals.**

References:

Strata Schemes Management, Regulation 2005, Schedule 1 Model By-laws.

"Waterline" By-Laws: Registered 7th February 2008 Strata Plan 79974

***By-Law 16B Amended and Registered June 2012*

Date: 23 January 2009

***Revised: 14 January 2012**

**** Revised: 8 July 2012**