

By-laws

1 Noise

An owner or occupier of a lot **or any invitee of the owner or occupier** must not create any noise on the parcel 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 or invitee of the owner or occupier must not park or stand any vehicle on common property, or permit a vehicle to be parked or stood on common property, except with the prior written approval of the owners corporation or as permitted by a sign authorised by the owners corporation.

“Vehicle” in this clause includes a motor vehicle, boat, trailer, jet- ski and the like.

3 Obstruction of common property

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

4 Damage to lawns and plants on common property

(1) An owner or occupier of a lot **or invitee of the owner or occupier** 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.

(2) **An owner, occupier or invitee of an owner or occupier of a lot must comply with signs displayed on the common property, including the areas and surrounds of the lawns and the swimming pool, that restrict or prohibit the use of common property for certain activities either absolutely or at or between certain times of the day or night.**

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 owners corporation under clause (1) cannot authorise any additions to **or demolition or removal of** the common property.
- (3) This by-law does not prevent an owner or person authorised 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 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.
- (6) **Clause (1) does not apply to the installation of anything that is likely to affect the operation of fire safety devices in the lot or to reduce the level of safety in the lots or common property.**

6 Behaviour of owners, occupiers and invitees

- (1) **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.**
- (2) **An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier:**
 - (a) **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, and**
 - (b) **without limiting paragraph (a), that invitees comply with clause (1).**

7 Children playing on common property in building

- (1) **Any child for whom an owner or occupier of a lot is responsible may play on any area of the common property that is designated by the owners corporation for that purpose but may only use an area designated for swimming while under adult supervision.**
- (2) **An owner or occupier of a lot must not permit any child for whom the owner or occupier is responsible, unless accompanied and supervised by an adult exercising effective control, to be or remain on common property that is a parking area or other area of possible danger or hazard to children.**
- (3) **An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier, when their child is within an area referred to in subclauses (1) or (2), comply with the obligations imposed on the owner or occupier by those sub-clauses as if the invitees were the owner or occupier.**

8 Smoke penetration

- (1) **An owner or occupier of a lot, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property, except:**
 - (a) **in an area expressly designated as a smoking area by the owners corporation, or**
 - (b) **with the prior written approval of the owners corporation.**
- (2) **A person who is permitted under this by-law to smoke tobacco or any other substance on common property must ensure that the smoke does not penetrate to any other lot.**
- (3) **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.**

9 Depositing rubbish and other material on common property

An owner or occupier of a lot **or any invitee of the 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 person lawfully using the common property.

10 Drying of laundry items

An owner or occupier of a lot must not, except with the **prior** 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 **that** 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 the lot, including so much as is common property.**
- (2) **The owners corporation is responsible for cleaning regularly all exterior surfaces of glass in windows and doors that cannot be accessed by the owner or occupier of the lot safely or at all.**

12 Storage of inflammable liquids and other substances and materials

- (1) An owner or occupier of a lot must not, except with the **prior** 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.

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, **or if a strata managing agent is then currently appointed, that agent**, 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.

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 and disposal of waste— where bins are shared by lots

- (1) **An owner or occupier of a lot or any invitee of 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 the prior written approval of the owners corporation.**
- (2) **An owner or occupier or any invitee of an owner or occupier of a lot, must not deposit in a toilet, or otherwise introduce or attempt to introduce into the plumbing system, any item that is not appropriate for any such disposal (for example, a disposable nappy).**
- (3) **An owner or occupier must:**
 - (a) **comply with all reasonable directions given by the owners corporation as to the disposal and storage of waste (including the cleaning up of spilled waste) on common property, and**
 - (b) **comply with the local council's guidelines for the storage, handling, collection and disposal of waste.**
- (4) **The owners corporation may give directions for the purposes of this by-law by posting signs on the common property with instructions on the handling of waste that are consistent with the local council's requirements or giving notices in writing to owners or occupiers of lots.**
- (5) **In this by-law:**
 - bin* includes any receptacle for waste.
 - waste* includes garbage and recyclable material.

16 Keeping of animals

- (1) **An owner or occupier of a lot may keep an animal on the lot or the common property with the prior written approval of the owners corporation.**

- (2) The owners corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property and must give an owner or occupier written reasons for any refusal to grant approval.
- (3) If an owner or occupier of a lot keeps an animal on the lot, the owner or occupier must:
- (a) keep the animal within the lot, and
 - (b) supervise the animal when it is on the common property, and
 - (c) take any action that is necessary to clean all areas of the lot or the common property that are soiled by the animal.
 - (d) properly repair any damage caused to the lot or common property by that animal.
- (4) An owner or occupier of a lot who keeps an assistance animal on the lot must, if required to do so by the owners corporation, provide evidence to the owners corporation demonstrating that the animal is an assistance animal as referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

17 Appearance of lot

- (1) The owner or occupier of a lot must not, without the **prior** 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 is to be read in conjunction with by-law 10.

18 Notice board

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

19 Change in use of lot to be notified

- (1) An owner or occupier of a lot must notify the owners corporation if the owner or occupier changes the existing use of the lot.
- (2) Without limiting clause (1), the following changes of use must be notified:
- (a) a change 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), or
 - (b) a change to the use of a lot for short-term or holiday letting.
- (3) The notice must be given in writing at least 21 days before the change occurs or a lease or sublease commences.

19 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.**

20 Preservation of fire safety

The owner or occupier of a lot must not do anything or permit any invitee of the owner or occupier to do anything on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

In these by-laws, unless the context admits otherwise

- where a word is defined in the Strata Schemes Management Act 2015, that meaning of the word as defined shall prevail.**
- one gender includes the others.**
- the singular includes the plural.**