

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 of 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 the 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 and 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 owners corporation under clause (1) cannot authorise any additions to 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
 - (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 person 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 Schemes (Leasehold Development) Act 1986*.

15 Garbage disposal

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 condition 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 the 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 No 1 (refer minutes AGM 7/12/1992)

The proprietor for the time being of each lot within the Strata Scheme No. 8752 shall be entitled to the exclusive use of

- (1) all locks and latches on all windows and doors of his lot; and
- (2) all ceramic tiles within his lot;

and each proprietor shall be individually responsible for the repair or replacement of these items, but should a proprietor fail in his duty to properly maintain these items the Body Corporate shall hereby be authorised, after giving written notice to the proprietor, to enter the lot to carry out the repair and to charge the cost of the repair to the proprietor of that lot."

Special By Law No 2 (refer minutes EGM 16/10/1995)

In addition to the powers, authorities, duties and functions conferred or imposed upon the Body Corporate by the Act and the By-Laws, the Body Corporate shall have the power to install a security gate on the entrance to the basement carpark, this addition to common property being maintained by the Body Corporate.

Special By Law No 3 (refer minutes EGM 6/9/1999)

(This By Law relates to the removal of the wall between lots 11 & 12 - the wording is set out in full in the minute book)

Special By Law No 4 (refer minutes EGM 24/7/2000)

(This By Law relates to the construction of garages; it also confers on the owners corporation the power to demolish existing perimeter fencing and replace with brick fencing and the power to install security fencing - the wording is set out in full in the minute book)

Special By Law No 5 (refer minutes AGM 8/11/2002)

The Owners of Lot 1 be granted Exclusive Use of the concrete slab forming the roof line of garage no 6, subject to the following conditions:

1. That the balustrade be fitted at the same time as the Owners Corporation replaces all balustrades and that it be of the same type and the Owner of Lot 1 be responsible for payment of the additional length of balustrade bordering the concrete slab over garage no. 6; and the construction of a hob around the edge of the slab bordering the roof of garage 6
2. That the proposed additional railing, hob and tiling of the area be carried out in a workmanlike manner by a suitably qualified tradesperson;

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3. That any damage caused to the Common Property due to the proposed additional balustrade hob and tiling be rectified by the owner of lot 1;
4. That the ongoing maintenance of the tiling attached to that area be the responsibility for the time being of the Owner of Lot 1."
5. That the owner indemnify the Owners Corporation its costs and expenses incurred in relation to the proposed building work, its approval and any resulting documentation.

Special By Law No 6 (refer minutes AGM 8/11/2002)

An owner or their agent must not display on any part of 'Oceanic' a sign advertising holiday letting.

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SPECIAL BY-LAWS 7-13 –REFER MINUTES AGM 7.11.05

SPECIAL BY-LAW NO 7 – UNIT RENOVATIONS

RESOLVED that the Owners Corporation of Strata Plan 8752 "Oceanic" **SPECIALLY RESOLVE** pursuant to Section 47 of the Strata Schemes Management Act 1996 to make an additional by-law and to give consent for the Strata Manager to proceed with the lodgement and registration of this by-law in the following terms:

- (a) Pursuant to Section 116 (2) and By Law 13 of the Strata Schemes Management Acts 1996, any owner renovating a lot must make applications to the Owners Corporation for consent and enter into an agreement which includes an indemnity for any works performed.
- (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 Strata Manager/ Caretaker.
- (c) Security is to be maintained at all times.
- (d) The Owner or agent of the unit must control and be responsible for actions by the tradesman.
- (e) The owner is responsible to advise and ensure that tradesman confine any soil or materials to the owners own lot by keeping the door shut and providing a dust curtain.
- (f) Common Property such as landings, stairwells, carpets and lifts etc must be kept clean on a daily basis.
- (g) A deposit of \$1,000 is required with each application which will be refundable at the absolute discretion of the Owners Corporation.
- (h) If a structural change is involved, you must include architect schemes, **and a written certification by a structural engineer** that the alterations will not effect the structural integrity of the building.
- (i) The Owners Corporation may require a Development Approval or Building Approval.
- (j) Approved hours of work are strictly 8.30am to 4.30pm Monday to Friday with no work 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 number/s for a contact in the event of any problem.

SPECIAL BY-LAW NO 8– EQUIPMENT ON BALCONIES

RESOLVED that the Owners Corporation of Strata Plan 8752 "Oceanic" **SPECIALLY RESOLVE** pursuant to Section 47 of the Strata Schemes Management Act 1996 to make an additional by-law and to give consent for the Strata Manager to proceed with the lodgement and registration of this by-law in the following terms:

No equipment such as air conditioners or hot water systems shall be installed / fixed on balconies without prior written consent from the Owners Corporation.

SPECIAL BY-LAW NO 9 – FIRE SERVICES

RESOLVED that the Owners Corporation of Strata Plan 8752 "Oceanic" **SPECIALLY RESOLVE** pursuant to Section 47 of the Strata Schemes Management Act 1996 to make an additional by-law and to give consent for the Strata Manager to proceed with the lodgement and registration of this by-law in the following terms:

A. DEFINITION/S

For the purposes of this By-Law, the following words shall define to mean:

"Fire Safety Device" Means any device installed in a lot on the common property by the Owners Corporation from time to time for the purpose of:

- (a) Monitoring the incidence of smoke, heat and fire in the parcel.
- (b) Signaling warnings of danger or other hazards as a result of fire in the parcel.
- (c) Notifying (by audible, telephonic or other means) any fire protection agencies of the risk of occurrence of fire or other like danger or hazards in the parcel:
and / or
- (d) Extinguish a fire in the parcel.

B. PROHIBITIONS

A proprietor or occupier of a lot shall not:

- (a) Interfere with the operation of any Fire Safety Device, and
- (b) Act or omit to act in any manner so as to activate any Fire Safety Device except in the case of the happening of emergencies and/or other events likely to cause risk, hazard or danger to the building comprised in the Strata Plan 8752 or any person in the parcel.

C. OWNERS CORPORATION RIGHT TO REMEDY

If a proprietor or occupier of a lot breaches this By-Law, then the Owners Corporation may:

- (a) (at its sole discretion) Carry out all work necessary to comply with the obligation imposed on that proprietor or occupier, and
- (b) (at its sole discretion) Carry out all work necessary to remedy the breach by the proprietor or occupier, and
- (c) Recover the costs that the Owners Corporation incurs as a result of the breach and/or of exercising its rights under clauses C(a) and C(b) of this by-law from that proprietor or occupier as a debt due.

SPECIAL BY-LAW NO 10 – BLINDS

RESOLVED that the Owners Corporation of Strata Plan 8752 "Oceanic" **SPECIALLY RESOLVE** pursuant to Section 47 of the Strata Schemes Management Act 1996 to make an additional by-law and to give consent for the Strata Manager to proceed with the lodgement and registration of this by-law in the following terms:

- All blinds and curtains fitted to windows and doors must be a light colour on the side facing the exterior of the building.

SPECIAL BY-LAW No 11 - ACCESS TO LOT

RESOLVED that the Owners Corporation of Strata Plan 8752 "Oceanic" **SPECIALLY RESOLVE** pursuant to Section 47 of the Strata Schemes Management Act 1996 to make an additional by-law and to give consent for the Strata Manager to proceed with the lodgement and registration of this by-law in the following terms:

- Pursuant to section 65, an owner or occupier must allow access to a unit to investigate and/or repair common property;
 - (a) In an emergency, without notice
 - (b) On reasonable notice at other times.

PECIAL BY-LAW NO 12 – STRUCTURAL ALTERATIONS

RESOLVED that the Owners Corporation of Strata Plan 8752 "Oceanic" **SPECIALLY RESOLVE** pursuant to Section 47 of the Strata Schemes Management Act 1996 to make an additional by-law and to give consent for the Strata Manager to proceed with the lodgement and registration of this by-law in the following terms:

- A proprietor or occupier shall make no structural alterations to any lot (including any alterations to water or electrical installations) without prior permission in writing from the Executive Committee of the Owners Corporation, and where necessary from the Executive Committee of the Great Lakes Shire Council.

SPECIAL BY-LAW NO 13- NUISANCE

RESOLVED that the Owners Corporation of Strata Plan 8752 "Oceanic" **SPECIALLY RESOLVE** pursuant to Section 47 of the Strata Schemes Management Act 1996 to make an additional by-law and to give consent for the Strata Manager to proceed with the lodgement and registration of this by-law in the following terms:

- Pursuant to sec 117(1). An owner or occupier must not use that lot or permit it to be used in such a manner or for such purpose as to cause a nuisance to the occupier of any other lot.