

**Note:** The matters that were previously contained in By-laws 1-11 in Schedule 1 to the *Strata Title (Freehold Development) Act 1973* and Schedule 3 to the *Strata Titles (Leasehold Development) Act 1986* have been included as provisions of this Act and are therefore no longer by-laws.

### 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 Titles (Freehold Development) Act 1973* and by-law 13 in Schedule 3 to the *Strata Titles (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 prior written approval of the owner's corporation.

**Note:** This by-law was previously by-law 13 in Schedule 1 to the *Strata Titles (Freehold Development) Act 1973* and by-law 14 in Schedule 3 to the *Strata Titles (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 Titles (Freehold Development) Act 1973* and by-law 15 in Schedule 3 to the *Strata Titles (Leasehold Development) Act 1986*.

### 4. Damage to lawns, etc 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 Titles (Freehold Development) Act 1973* and by-law 16 in Schedule 3 to the *Strata Titles (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 owner's corporation.

(2) An approval given by the owner's corporation under subclause (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 62, the owner of a lot must maintain and keep in a state of good and serviceable repair any installation or structure referred to in subclause (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 Titles (Freehold Development) Act 1973* and by-law 17 in Schedule 3 to the *Strata Titles (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 Titles (Freehold Development) Act 1973* and by-law 18 in Schedule 3 to the *Strata Titles (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 Titles (Freehold Development) Act 1973* and by-law 19 in Schedule 3 to the *Strata Titles (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 to interfere with the peaceful enjoyment of the owners 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 Titles (Freehold Development) Act 1973* and by-law 20 in Schedule 3 to the *Strata Titles (Leasehold Development) Act 1986*.

#### **9. Depositing rubbish, etc 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 Titles (Freehold Development) Act 1973* and by-law 21 in Schedule 3 to the *Strata Titles (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 Titles (Freehold Development) Act 1973* and by-law 22 in Schedule 3 to the *Strata Titles (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 Titles (Freehold Development) Act 1973* and by-law 23 in Schedule 3 to the *Strata Titles (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 Titles (Freehold Development) Act 1973* and by-law 24 in Schedule 3 to the *Strata Titles (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 executive committee so as to enable the executive 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 Titles (Freehold Development) Act 1973* and by-law 25 in Schedule 3 to the *Strata Titles (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 Titles (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 receptacles it is securely wrapped or, in the case of tins or other containers, completely drained, and
- (c) for the purpose of having the garbage, 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 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),
- (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 Titles (Freehold Development) Act 1973* and by-law 27 in Schedule 3 to the *Strata Titles (Leasehold Development) Act 1986*.

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

#### **Amended EGM 15.11.16**

(1) Subject to section 49 (4), 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.

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

### **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 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 Titles (Freehold Development) Act 1973* and by-law 30 in Schedule 3 to the *Strata Titles (Leasehold Development) Act 1986*.

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

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

**Note:** This by-law was previously by-law 3 in Schedule 1 to the *Strata Titles (Freehold Development) Act 1973* and by-law 3 in Schedule 3 to the *Strata Titles (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 – Blinds**

**Registered March 2016**

**Specially resolved** that a By-Law be registered in the following terms:-

That the Owners Corporation specially resolve that consent be granted to any owner wishing to install a blind on their balcony with the fixings to be attached to the common property soffit of the unit above. The colour of the blind is to be '511 Macchiato' from the Ricky Richards Outlook collection and the blind to be purchased from Elegant Blinds and Awnings or a supplier with the same product with the following conditions:-

- i. That the installation be carried out in a workman like manner by suitably qualified tradespeople;
- ii. That the cost of the ongoing maintenance of the blind be the responsibility of the owner of the lot and any subsequent owner;
- iii. That any damage caused to the common property be the responsibility of the owner of the lot now and future;
- iv. That in the event that the owner defaults in the performance of the conditions of that consent and does not keep the blinds in good repair the owners corporation or executive committee may without prejudice to other rights, carry out the work and recover any moneys from the owners.

**Note:** Top floor blinds to be fixed under the eave on the outer edge under guttering – these blinds would be at an angle – attached with same flexible clasp as other blinds.

### **Special By-Law 2: Smoke Penetration**

- 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 3: Balcony Tile Replacement**

An owner or occupier of a Lot must adhere to the tile specification for balconies if replacement of the balcony floor tiles is required. The current specification is for: 2 Praber Prague Beige Rock 200mx200m. If such tile is unobtainable, owners are to refer the matter to the Strata Committee for final resolution and approval.

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

1. An owner or occupier of any Lot must seek approval from the Owners Corporation for installation of air conditioning. The installation of any air conditioning unit and appropriate ducting must specifically meet the standards described in By-laws 1, 5 and 17 and not contravene any other By-law of the Strata.
2. The owner/occupier of the Lot must provide the Owners Corporation with details to include, but not limited to items (a)-(e) below.
  - (a) the size, style and type of unit
  - (b) the capacity and decibel level generated from the unit
  - (c) the internal/external wall mounting and positioning of the air conditioning unit
  - (d) the ducting site
  - (e) the waste water disposal system to be utilised
3. The owner of the Lot must supply an undertaking that
  - (a) the condensed water is captured and drained into an appropriate drainage system.

- (b) the air conditioning unit is installed as outlined in information supplied by the Lot owner to a Owners Corporation meeting.
- (c) the air conditioning unit is installed strictly in accordance with the direction of the Owners' Corporation . 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.
- (d) the air conditioner installation be carried out in a workmanlike manner by suitably qualified tradespeople during normal working hours.
- (e) the cost of the installation of the air conditioner be carried out at the cost of the Lot Owner
- (f) ongoing maintenance of the air conditioner be carried out at the cost of the owner of the Lot.
- (g)the owner of the Lot accepts liability for any damage caused to any part of the common property as a result of the installation of the air conditioning unit and accepts responsibility to make good that damage immediately after it has occurred and,
- (g) the owner of the Lot acknowledge that if the owner fails to comply with any obligation under this By-law then the Owners Corporation may take steps to carry out all work necessary to perform that obligation, may enter upon any part of the parcel to carry out that work and may recover the cost of carrying out that work from the respective owner.