

STRATA PLAN 53340 "WHITESANDS"

34-38 NORTH STREET FORSTER

BY LAWS

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).

There are no By Laws 20 - 29

By Law 30 Curtains

Dealing No. 3103616

A proprietor or occupier of a lot shall not allow curtains or blinds to be visible from outside the lot other than those in a plain, soft, neutral colour.

By Law 31 Air Conditioning Units

Dealing No . AC 156900

A: All air conditioning units installed prior to the registration of this By-Law shall be the responsibility of the current and subsequent proprietor of the lot and that all repairs and maintenance of the air conditioning units shall be at the cost of the proprietor

Replacement of the air conditioning unit shall be subject to By-Law 31 (B).

B: All air conditioning units installed after the registration of this By-Law shall be installed in accordance with the following:

- (1) Consent must be given in writing from the Owners Corporation.
- (2) The proprietor of the lot must provide the Owners Corporation with details to include but not limited to the size, style, type, horsepower, installation site, waste water disposal system and decibel level generated from the unit to be installed.
- (3) The air conditioning must be installed in a workman like manner and installation must be carried out during the hours of 9 am to 4 pm.
- (4) The proprietor of the lot will be responsible for any building defects arising as a result of the installation of the air conditioner to common property.
- (5) 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 authorised to take steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this By-Law and these costs be charged to the owner of the lot.
- (6) Adequate provision must be made for disposal of waste water from the air conditioning unit by being plumbed into the waste system or drained into the balcony drain ensuring that water does not drip over the balcony edge.
- (7) The cost of installation is the responsibility of the Lot owner.
- (8) All further repairs, maintenance and replacement costs are to be at the expense of the Lot owner.
- (9) The Lot owner is to ensure that the air conditioner is installed and maintained to be in keeping with the ascetics and standard of the building.
- (10) That the air conditioning unit only be operated between the hours of Monday to Friday 7am to 10pm and Saturday, Sunday and public holidays 8am to 10pm. (Noise Pollution Act).

By Law 32 Flyscreens

Dealing No. AC 156900

- A: All flyscreens, sliding screen doors and security doors installed prior to the registration of this By-Law shall be the responsibility of the current and subsequent proprietor of the lot and that all repairs and maintenance of the flyscreens and sliding screen doors shall be at the cost of the proprietor.

Replacement of the flyscreens, sliding screen doors and security doors shall be subject to By-Law 32 (B).

- B: All flyscreens, sliding screen doors and security doors installed after the registration of this By-Law shall be installed in accordance with the following:

- (1)
 - (a) That the flyscreens and security doors installed will be the same as existing in style and colour to be in keeping with the building.
 - (b) That the sliding screen security doors onto the balconies be of stainless steel mesh ("Crime Safe" or similar product)
- (2) The proprietor of the lot will be responsible for any building defects arising as a result of the installation of the flyscreens, sliding screen doors and security doors to common property.
- (3) 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 authorised to take steps to carry out all work necessary to perform this obligation if

that proprietor fails to comply with this By-Law and these costs be charged to the owner of the lot.

- (4) The cost of installation is the responsibility of the Lot owner.
- (5) All further repairs, maintenance and replacement costs are to be at the expense of the Lot owner.
- (6) The Lot owner is to ensure that the flyscreens, sliding screens doors and security doors are installed and maintained to be in keeping with the ascetics and standard of the building.

By Law 33 Awnings

Dealing No. AC 156900

- A: All awnings installed prior to the registration of this By-Law shall be the responsibility of the current and subsequent proprietor of the lot and that all repairs and maintenance of the awnings shall be at the cost of the proprietor

Replacement of the awnings shall be subject to By-Law 33 (B).

- B: All awnings installed after the registration date of this By-Law shall be installed in accordance with the following:

- (1) Consent must be given in writing from the Owners Corporation.
- (2) That the awnings installed will be the same as existing in style and colour to be in keeping with the building.
- (3) The awning must be installed in a workman like manner and installation must be carried out during the hours of 9 am to 4 pm.
- (4) The proprietor of the lot will be responsible for any building defects arising as a result of the installation of the awning to common property.
- (5) 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 authorised to take steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this By-Law and these costs be charged to the owner of the lot.
- (6) The cost of installation is the responsibility of the Lot owner.
- (7) All further repairs, maintenance and replacement costs are to be at the expense of the Lot owner.

By Law 34 Window Tinting

Dealing No. AC 156900

- (A) All window tinting installed prior to the registration of this By-Law shall be the responsibility of the current and subsequent proprietor of the lot and that all repairs and maintenance of the bars and tinting shall be at the cost of the proprietor.

Replacement of the tinting shall be subject to By-Law 31 (B).

- (B) All window tinting installed after the registration of this By-Law shall be installed in accordance with the following:

- (1) Consent must be given in writing from the Owners Corporation.
- (2) The proprietor of the lot must provide the Owners Corporation with details to include colour and windows to be tinted.

- (3) The tinting must be installed in a workman like manner.
- (4) The proprietor of the lot will be responsible for any building defects arising as a result of the installation of the tinting to common property.
- (5) 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 authorised to take steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this By-Law and these costs be charged to the owner of the lot.
- (6) The cost of installation is the responsibility of the Lot owner.
- (7) All further repairs, maintenance and replacement costs are to be at the expense of the Lot owner.
- (8) The Lot owner is to ensure that the tinting is installed and maintained to be in keeping with the ascetics and standard of the building.

By Law 35 Spas

Dealing No. AC 156900

- A: All spas installed prior to the registration of this By-Law shall be the responsibility of the current and subsequent proprietor of the lot and that all repairs and maintenance of the spas shall be at the cost of the proprietor.

Replacement of the spas shall be subject to By-Law 31 (B).

- B: All spas installed after the registration of this By-Law shall be installed in accordance with the following:

- (1) Consent must be given in writing from the Owners Corporation.
- (2) The proprietor of the lot must provide the Owners Corporation with details to include but not limited to the size, style, type, horsepower, installation site, waste water disposal system and decibel level generated from the unit to be installed.
- (3) The spas must be installed in a workman like manner and installation must be carried out during the hours of 9 am to 4 pm.
- (4) The proprietor of the lot will be responsible for any building defects arising as a result of the installation of the air conditioner to common property.
- (5) 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 authorised to take steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this By-Law and these costs be charged to the owner of the lot.
- (6) Adequate provision must be made for disposal of waste water from the spas by being plumbed into the waste system or drained into the balcony drain ensuring that water does not drip over the balcony edge.
- (7) The cost of installation is the responsibility of the Lot owner.
- (8) All further repairs, maintenance and replacement costs are to be at the expense of the Lot owner.
- (9) The Lot owner is to ensure that the spas is installed and maintained to be in keeping with the ascetics and standard of the building.

- (10) That the spas only be operated between the hours of Monday to Friday 7am to 10pm and Saturday, Sunday and public holidays 8am to 10pm.
(Noise Pollution Act).

By Law 36 External Blinds

Dealing No. AD 108617

- A. All external blinds installed prior to the registration of this By-Law shall be the responsibility of the current and subsequent proprietor of the lot and that all repairs and maintenance of the external blinds shall be at the cost of the proprietor.

That any external blind that is not of the same size, colour and style and erected with or without consent prior to registration of this By-Law be required to modify the existing external blind to be in keeping with the building.

Replacement of the external blinds shall be subject to By-Law 36(B).

- B. All external blinds installed after the registration date of this By-Law shall be installed in accordance with the following:
- (1) That the external blind installed will be the same as existing in style, colour and size to be in keeping with the appearance of the building.
 - (2) The proprietor of the lot will be responsible for any building defects arising as a result of the installation of the external blind to common property.
 - (3) 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 authorised to take steps to carry out all work necessary to perform this obligation if the proprietor fails to comply with this By-Law and these cost be charged to the owner of that lot.
 - (4) The cost of the installation is the responsibility of the lot owner.
 - (5) All further repairs, maintenance and replacement costs are to be at the expense of the lot owner.
 - (6) That the owner of the lot obtain written consent from the Owners Corporation prior to the installation.
 - (7) That after Owners Corporation approval has been granted the owner of the lot is to obtain Council approval if required and that all associated costs for this approval be borne by the owner of that lot.

By Law 37 Installation of louvre window at Lot 7

Dealing No. AD 108617

This by law gives consent to the owner of lot 7 to replace the existing door in the master bedroom leading to the balcony with louver windows.

- (1) The lot owner to obtain any approvals necessary from local government authorities (Great Lakes Council).
- (2) That all alteration work must be carried out in a workmanlike manner and the work must be carried out during the hours of 9 a.m. to 4 p.m.
- (3) That the proprietor of the Lot will be responsible for any building defects arising as a result of the installation of the louvers to common property.
- (4) 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 authorised to take

steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this By-Law and these costs be charged to the owner of the lot.

- (5) The cost of installation of the louvers is the responsibility of the Lot owner.
- (6) All further repairs, maintenance and replacement costs are to be at the expense of the Lot owner.
- (7) The Lot owner is to ensure that the louvers are installed and maintained to be in keeping with the ascetics and standard of the building.

Amended By Law 32

Dealing No. AK 88438

- A: All flyscreens, sliding screen doors and security doors installed prior to the registration of this By-Law shall be the responsibility of the current and subsequent proprietor of the lot and that all repairs and maintenance of the flyscreens and sliding screen doors shall be at the cost of the proprietor.

Replacement of the flyscreens, sliding screen doors and security doors shall be subject to By-Law 32 (B).

- B: All flyscreens, sliding screen doors and security doors installed after the registration of this By-Law shall be installed in accordance with the following:
- (1)
 - (a) That the flyscreens and security doors installed will be the same as existing in style and colour to be in keeping with the building.
 - (b) That the sliding screen security doors onto the balconies be of stainless steel mesh ("Crime Safe" or similar product)
 - (c) That the screens are compliant with the Window Safety Legislation.
 - (2) The proprietor of the lot will be responsible for any building defects arising as a result of the installation of the flyscreens, sliding screen doors and security doors to common property.
 - (3) 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 authorised to take steps to carry out all work necessary to perform this obligation if that proprietor fails to comply with this By-Law and these costs be charged to the owner of the lot.
 - (4) The cost of installation is the responsibility of the Lot owner.
 - (5) All further repairs, maintenance and replacement costs are to be at the expense of the Lot owner.
 - (6) The Lot owner is to ensure that the flyscreens, sliding screens doors and security doors are installed and maintained to be in keeping with the ascetics and standard of the building.