

## **STRATA PLAN 74399 'THE REEF'**

### **Model by-laws for mixed use schemes**

#### **1 Noise**

An owner or occupier of a lot must not create any noise on a lot or the 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**

- (1) An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.
- (2) The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

#### **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 purposes 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 written approval of the owners corporation.
- (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 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, or
  - (d) any sign to advertise the activities of the occupier of the lot if the owners corporation has specified locations for such signs and that sign is installed in the specified locations, or
  - (e) any device used to affix decorative items to the internal surfaces of walls in the owner's lot.
- (4) Any such locking or safety device, screen, other device, structure or sign 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 installation or structure referred to in clause (3) that forms part of the common property and that services the lot, and
  - (b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device, structure or sign referred to in clause (3) that forms part of the common property and that 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 to any person lawfully using common 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 the prior written approval of the owners corporation.

## **10 Drying of laundry items**

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

## **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 written approval 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 Changes to floor coverings**

- (1) An owner or occupier of a lot must notify the owners corporation at least 21 days before changing any of the floor coverings or surfaces of the lot if the change is likely to 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 a consent to, approval for or any other authorisation for the changing of the floor covering or surface 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, recyclable material 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 material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained 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 at 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 other lot except with the permission of that owner or occupier, and

- (f) must promptly remove any thing 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 or waste:
  - (a) must ensure that before garbage, recyclable material or waste is placed in the receptacles it is, in the case of garbage, securely wrapped or, in the case of tins or other containers, completely drained or, in the case of recyclable material or waste, separated and prepared in accordance with the applicable recycling guidelines, and
  - (b) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled in the area of 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:
  - (a) must comply with the local council's requirements for the storage, handling and collection of garbage, waste and recyclable material, and
  - (b) must notify the local council of any loss of, or damage to, receptacles provided by the local council for garbage, recyclable material or waste, and
  - (c) if the lot is used for commercial purposes, must not deposit any item of commercial waste in receptacles provided solely for the collection of residential garbage, waste or recyclable material.
- (4) The owners 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.
- (5) This by-law does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any relevant law applying to the disposal of such waste.

## **16 Keeping of animals**

### **Option A**

- (1) Subject to section 49 (4) of the Act, an owner or occupier of a residential lot must not, without the prior written approval of the owners corporation, keep any animal (except fish kept in a secure aquarium on the lot) 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 residential lot or the common property.

## **17 Appearance of lot**

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

## **18 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).

## **19 Preservation of fire safety**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing 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.

## **20 Prevention of hazards**

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to create a hazard or danger to the owner or occupier of another lot or any person lawfully using the common property.

## 21 Provision of amenities or services

- (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) security services,
  - (b) promotional services,
  - (c) advertising,
  - (d) commercial cleaning,
  - (e) domestic services,
  - (f) garbage disposal and recycling services,
  - (g) electricity, water or gas supply,
  - (h) telecommunication services (for example, cable television).
- (2) If 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.

**Note.** Section 111 of the Act provides that an owners corporation may enter into an agreement 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.

## 22 Controls on hours of operation and use of facilities

- (1) The owners corporation may, by special resolution, make any of the following determinations if it considers the determination is appropriate for the control, management, administration, use or enjoyment of the lots or the lots and common property of the strata scheme:
  - (a) that commercial or business activities may be conducted on a lot or common property only during certain times,
  - (b) that facilities situated on the common property may be used only during certain times or on certain conditions.
- (2) An owner or occupier of a lot must comply with a determination referred to in clause (1).

## 23 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 used for residential purpose must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

### SPECIAL BY LAW 1

This By Law gives consent to the owners of Lots 14 & 15 to erect rooftop enclosures.

*Dealing AC 98 1482*

### SPECIAL BY LAW 2

This by law gives consent to the owner of Lot 17 to install clear durable plastic blinds on the boundary of their lot.

*Dealing AD 272250*

- (1) The lot owner to obtain any approvals necessary from local government authorities (Great Lakes Council).
- (2) That the owner of Lot 17 install a new disabled access ramp to service "The Reef" apartments and other businesses in accordance with Council regulations and approval, and this work to be undertaken at no cost to the Owners Corporation and to be installed prior to the installation of the blinds subject to the Executive Committee approval of the ramp and instatement of gardens.
- (3) 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.
- (4) That the proprietor of the Lot will be responsible for any building defects arising as a result of the installation of the blinds 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 of the blinds is the responsibility of the Lot owner.
- (7) All further repairs, maintenance and replacement costs are to be at the expense of the current and subsequent lot owner.
- (8) The Lot owner is to ensure that the blinds are installed and maintained to be in keeping with the aesthetics and standard of the building with the blinds **to be the same style, make-up and material as those currently erected at the "Box Fish" restaurant.**

### **SPECIAL BY LAW 3**

*Dealing A0504575.*

This by law gives consent to the owner of Lot 17 to install sliding glass doors, solar blinds and bi-fold windows on the boundary of their lot and a suspended ceiling within the lot subject to the following terms.

1. Remove existing umbrellas installed on the outside of the pillars at Lot 17 and repair and repaint the pillars in building colour.
2. The sliding glass doors and bi-folds doors to match the existing windows at the property.
3. Solar blinds to be in keeping with the appearance of the building and the style and colour to be approved by the Executive Committee prior to installation.
4. The lot owner to obtain any approvals necessary from local government authorities (Great Lakes Council).
5. That the work be undertaken by a fully licensed contractor/s.
6. That all installations/alteration work must be carried out in a workmanlike manner and the work must be carried out during the hours of 7 a.m. to 4 p.m. and not disrupt any owner or other business.
7. That the proprietor of the Lot will be responsible for any building defects arising as a result of the installation of the windows, blinds and ceilings to common property.
8. That any building problem resulting from the installation/s 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.
9. The cost of installation of the sliding glass doors, bi-fold windows, solar blinds and suspended ceiling is the responsibility of the Lot owner.
10. All current and future repairs, maintenance and replacement costs of the sliding doors, bi-fold windows, blinds and ceilings are to be at the expense of the current and subsequent lot owner.
11. The sliding doors and bi-fold windows are not to create a noise nuisance to occupiers of the building.
12. The Lot owner is to ensure that the sliding glass doors, bi-fold windows and suspended ceiling are installed and maintained to be in keeping with the aesthetics and standard of the building.
13. That the owner of Lot 17 is to ensure that the additions to this lot are covered by an insurance policy held by that Lot for the event of a claimable insurance event.

Dealing AH538876

**STRATA PLAN 74399 "THE REEF"**

**SPECIAL BY-LAW 4 – EXTERNAL BLINDS**

- (a) Consent must be given in writing from the Executive Committee.
- (b) That the installation of the blinds be the responsibility of the owner of the lot and be installed as approved by the Executive Committee in accordance with diagrams provided by a suitably qualified and licensed tradesperson at the cost of the registered proprietor.
- (c) That the cost of ongoing maintenance and replacement of the blinds be the responsibility of the proprietor of the lot current and future.
- (d) 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.
- (e) That the blinds are to be installed and maintained to be in keeping with the aesthetics and standard of the building with the blinds to be the same colour and material as existing.
- (f) All fittings for the blind are to be stainless steel.

**SPECIAL BY-LAW 5 – AIR CONDITIONING LOT 18 – SURF/SKATE SHOP**

- (a) Consent must be given in writing from the Owners Corporation.
- (b) That the installation of the air-conditioning unit be the responsibility of the owner of the lot and be installed as approved by the Owners Corporation in accordance with diagrams provided by a suitably qualified and licensed tradesperson at the cost of the registered proprietor.
- (c) That the cost of ongoing maintenance of the system be the responsibility of the proprietor of the lot current and future.
- (d) 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.
- (e) That the brackets & fittings be stainless steel.
- (f) That the noise level be properly and regularly maintained so as not to exceed the manufacturers specifications or council requirements.
- (g) That the condensed water be captured and drained into the drainage system.

**STRATA PLAN 74399 "THE REEF"**

SPECIAL BY LAW 6 – AIR CONDITIONERS

Each Owner shall have a right of exclusive use and enjoyment of the air conditioners that form part of their lot:

- a. Owners must properly maintain and keep in a state of good and serviceable repair.
- b. Any maintenance or repairs are to be undertaken in a property and workmanlike manner and by duly licensed contractor.
- c. Owners and subsequent owners are responsible for the cost of the maintenance and replacement of the air conditioners and associated piping.