

By Laws - SP9015 – Amaroo 3-7 Peel Street, Tuncurry

Pursuant to section 141 of Strata Schemes Management Act 2015 – The Owners Corporation of SP9015 repealed all existing By Laws and adopted the following:

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.

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. The exception to this is the car washing area at the rear of 'AMAROO', where vehicles owned by permanent residents of the Scheme, may stand long enough to be washed. The car wash bay is not to be used by non-residents of 'AMAROO'. No vehicle is to stand in the car wash bay after use.

3. Obstruction of common property

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

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.

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.
- (2) An approval given by the owners corporation under subclause (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) 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.

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. Urinating or defecating on common property is forbidden.

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 likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using the common property. Rubbish must be wrapped and placed into the correct receptacle provided. Recyclable materials must be placed into the recyclables bin.

No waste material of any kind is to be placed outside the rubbish skip or recycle bins. Furniture and other unwanted goods are not to be placed onto common property. It is the resident's responsibility to dispose of these items.

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 installed by the lot owner within their lot, for the purpose and there only for a reasonable period.

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.

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.

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 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. Keeping of animals

Approval process

- (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 within a lot. This includes temporary periods of animal care.
- (2) Approved animals and their owners, are subject to the provisions of the 'Companion Animals Act 1998 No 87 (NSW)', the "Act".
- (3) Visitor's animals are not permitted in the Scheme at any time.
- (4) The Owners Corporation must not unreasonably withhold its approval of the keeping of an animal on a lot. The test of 'Reasonableness' will include, but not be limited to, the clauses of this By-law, and will comply with relevant superior laws.
- (5) The number of animals approved for each Lot, will be dependent on the type and size of the animals and the size of the Lot. The Committee will use their discretion in reaching a decision. The Committee's decision is final.
- (6) Certified 'Assistance Animals' (as defined in Part 6 of the Act - Assistance Animals) do not require Owners Corporation approval; however, evidence of the animals 'Assistance' status must be provided to the Committee via the application process.
- (7) All 'Companion Animals' require Committee approval before they are allowed into the Scheme.
- (8) Approval, where granted, applies to a specific animal only. Each individual animal is subject to the approval process.
- (9) Permission is granted to a lot owner/tenant, not the lot itself. Any permission relates only to the current owner/occupier and is not transferrable as a 'right'.
- (10) Tenants must seek approval before keeping an animal in their lot. The tenant's application to keep an animal, will only be considered where the lot's owner has provided written consent to the Scheme's Committee.

Pre-Approval Requirements

- (11) The animal, which is the subject of the application, must not be a dangerous animal. It must not be aggressive, poisonous, venomous or otherwise pose a risk to humans or other animals.
- (12) Dogs, which are the subject of the application, must not be a 'Restricted Dog' type listed on the NSW Government's 'Office of Local Government' Website. Non-listed dogs must not have a history of aggressive or violent behaviour.
- (13) Applications relating to dogs, must be submitted with proof of the dog's breed(s) from an acknowledged source.
- (14) The animal, which is the subject of the application, must not be a listed 'At Risk' or 'Protected' bird or animal species.
- (15) The animal, which is the subject of the application, must be a 'domestic pet' and suitable for apartment living.

- (16) Where an animal is required to be registered, vaccinated and micro-chipped, proof of currency must be provided to the Scheme's Committee before approval can be granted. Registration and vaccination must be kept up-to-date while the animal resides in the Scheme.
- (17) Animals must not have a medical condition transmissible to humans or other animals.
- (18) Where permission to keep an animal has been sought and approved, and that animal is later deemed by the Scheme's Committee to be disruptive, dangerous or destructive; that animal must be removed immediately when officially requested to do so by the Committee.
- (19) The pet owner agrees to take total and absolute responsibility for the animal and the animal's actions.
- (20) Animals are not to be kept on common property under any circumstance.

Bond scheme

(21) Before final approval to allow an animal is provided, and to ensure compliance with the Scheme's By-laws, a bond of \$250 will be provided to the Scheme's strata management company, to be held in escrow during the period of animal habitation within the lot. This is a single amount per resident regardless of the number of approved animals.

Housekeeping

- (22) Owners of authorized animals must not allow their animals to urinate or defecate on Common Property
- (23) Litter trays are not to be cleaned in laundries or other Common Property areas.
- (24) Animal waste is not to be disposed of in the Scheme's garbage or on Common Property.
- (25) The owner of authorized animals must keep that animal leashed and under their control when on common property.

16. 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.

17. Notice-board

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

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. Renovations

- (a) Pursuant to Section 116 (2) and By-law 13 of the Strata Schemes Management Act 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, landings and all common areas all materials coming 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 \$1,000.00 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 and the alterations will not affect 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 8.30 am to 4.30 pm Monday to Friday with no major works such as jack hammering on weekends, public holidays.
- (k) The application is to include the commencement and the duration of the works, as well as a 24 hours number/s for a contact in the event of any problem.

20. 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. Balconies form part of the lot and are exempt from this ban.
- (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.

21. Delegation of Authority - Minor Renovation Approvals

The Owners Corporation delegates authority to the Strata Committee to approve minor renovations such as renovating a kitchen, changing recessed light fittings, installing or replacing wood or other hard floors. Applications must be submitted in writing to the Strata Manager, for approval by the Strata Committee. All other renovation work requires a general meeting for consideration of approval.

22. Consumption of alcohol on common property:

Alcohol is not to be consumed on common property at any time.

23. Repairs & Maintenance – Garage Doors & Associated Parts

The repair, maintenance and eventual replacement of the garage doors, motors & openers is the responsibility of individual owners as they were not part of the property when it was originally built. However, should an owner fail in his or her duty to properly maintain these items the Owners Corporation shall hereby be authorised, after giving reasonable written

notice to the owner, to enter the lot to carry out the repair and/or replacement and to charge the cost of the repair and/or replacement to the owner of the lot.

24. Balcony Storage

An Owner or Occupier of the lot will be permitted to have on their balcony:

- Plants (where watering them doesn't create a torrent, or wash contaminants onto any lower units)
- Outdoor furniture (one table and up to four chairs)
- BBQ and LPG bottles (not sure about other fuels such as wood/charcoal)

An Owner or Occupier of the lot shall not have the following items on their balcony:

- An item which exceeds the structural weight limit of the balcony e.g. a spa or child's swimming pool (each litre of water weighs a kilo, so it's easy to exceed half a ton)
- Flammable liquids/materials (with the exception of LPG for a BBQ)
- Open fires (except BBQ's and candles - no braziers)
- Washing visible above railing height in plain view, or hung over the balcony railing
- Any item balanced on the balcony railing, which may topple and injure humans or damage property such as cars below
- Umbrellas permanently in place. Strong winds can turn these into projectiles injuring people or property
- Any object which would enable a child to climb and fall from the balcony

An Owner or Occupier of the lot must:

- Consider who and what (e.g. washing) is beneath your balcony when watering your plants or washing your balcony.
- Be mindful of the noise created by conversations on your balcony.

25. Fines created by individual owners, but imposed on the Scheme (2020)

Where any fine is collectively incurred by the Owners of Strata Scheme 9015, and that fine was due to the action(s) or inaction(s) of one or more owners, but not the Scheme as a whole, then that pecuniary amount in its entirety, will become a debt payable by the Owner(s) who created that penalty, (in equal proportion, not according to unit entitlement) according to the number of offending lot owners, to Strata Scheme 9015.

The Owners of Strata Scheme 9015, will not act on behalf of an offending Owner(s), to defend any breach, or mount an appeal to any authority regarding the issuance of a fine, where that fine was due to the action(s), or inaction(s) of an offending Owner.

An appeal to reduce or extinguish a fine, issued by a lawful authority, must be initiated and pursued by the specific Owner(s) who created the offending event (by their choice). The appeal process will not be the responsibility of the Owners of Strata Scheme 9015.

Where a successful appeal to the fine's issuing authority is made to reduce or rescind a fine, then the amount owed to the Owners of Strata Scheme 9015, will be commensurate with the final adjusted amount of that fine. Accordingly, a final adjusted amount may be repaid to the offending Owners to accurately reflect the final amount of that fine where a reduction is

granted, or the fine is rescinded. To reduce complexity, this reconciliation process will only occur when all allowable avenues of appeal, which are sought by the lot owners subject to the fine, are exhausted.

For the purposes of this By-law, a 'fine' is a sum of money exacted as a penalty by a court of law or other authority.

Example Case 1

Annual fire and safety inspection of strata Schemes, is mandated by NSW state legislation and requires 100% compliance. A private company undertakes the compliance checks and delivers either a compliance report, or a failure notice, to MidCoast Council.

The compliance process may fail for one, or both, of the following reasons.

Firstly, the Scheme may not have corrected any shortfalls disclosed in the Fire & Safety Report to the required standard, or, the certifying authority may not have been able to access 100% of Lots in the Scheme due to an Owner or Owners, not enabling access to their lot at the agreed time.

If 10 out of the 47 Owners in the Scheme fail to permit access to their lots, and MidCoast Council issues a fine for non-compliance, then that fine is presented to the Scheme for remittance. The Scheme will then divide the penalty by the amount of the fine in equal portion according to the number of offending lots (not according to unit entitlement). The amount will then be posted to each offending lot owners' account as a debt.

If a successful appeal lessens, or extinguishes that fine, then the amount of credit paid to the Scheme, will be refunded to the Owner.

Example Case 2

Under the NSW Fire and Safety legislation, it is a requirement that individual lots have in place a door closing mechanism, in working order, on the lot's main access door.

Where a Lot's resident has unlawfully removed that Lot's front door closer, and the Scheme is rendered non-compliant with the requirements of the NSW Fire and Safety legislation, then the cost to restore the missing door closer will be met by the Lot's owner, this is regardless of who removed the door closer. It will then be the responsibility of the Lot's owner to recover the restoration or replacement cost from the person who removed the door closer.

26. Unauthorised Signage on Common Property (2020)

Only authorized signage is permitted to be displayed or affixed on, or to, the Common Property in 'Amaroo'. This includes all Common Property areas including the grounds, pool area and building structures including balconies.

This By-law prohibits, but isn't limited to, the following signage:

- Real estate or private 'For Sale' or 'To Let' signs
- Political or sporting body support material
- Any advertising
- Memorial plaques

The Owners Corporation may display signage directing compliance with By-laws such as:

- 'Parking' and 'No Parking' directions
- Direction of traffic arrows
- The correct use of waste facilities

- Rules and warnings for usage of the swimming pool and pool area • Helpful and lawful advice

The Owners Corporation may also display signage such as:

- Emergency and exit signs
- Floor numbers
- Unit numbers
- 'Bore Water in Use'
- Video surveillance warning
- The complex's name - 'AMAROO'
- Pool Open/Closed
- Any sign required by legislation
- Other appropriate information pertaining to the efficient and lawful running of the Scheme including by-law compliance.