

Bylaws and guidelines for “The BRUNSWICK”

Strata Plan 72924 – 41-55 Terrigal Drive, Terrigal
Schedule 2 By- Laws, Strata Scheme Management Act 1996
As amended at AGM 2014 and 2016 EGM

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1. Noise.

An owner or occupier of a lot must not create any noise on a lot or the common property likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

2. Vehicles.

An owner or occupier of a lot must not park or stand any motor vehicle on common property except with the prior written approval of the owner's corporation.

It should be noted that areas in front of garage doors and visitors car park spaces are common property and are not to be used by owners or occupiers without prior written approval from the owner's corporation.

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 owner's 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 or any portion of the common property.

Gardens at the front of each unit are common property and are serviced by a contract gardener. Owners or occupiers should not interfere with these gardens or hedges.

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 prior written approval of the owner's corporation.
- (2) An approval given by the owner's 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 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 animals or insects on the lot, or
 - (c) Any structure or device to prevent harm to children or,
 - (d) Any device used to affix decorative items to the internal surface of the walls in the owner's lot.
- (4) Any such locking or safety device, screen or other device or structure must be installed in a competent and proper manner and must have an appearance, after being installed in keeping with the appearance of the rest of the building.
- (5) Despite section 62, the owners of a lot must:
- 1. 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, 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 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 and must not use language or behave in a manner likely to cause offence or embarrassment to other owners or occupiers or 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, or to remain on common property comprising a laundry, car parking area or other areas 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 onto common property any rubbish, dirt or dust or other material or discarded item except with the prior written approval of the owner's corporation.

10. Drying of laundry items.

An owner or occupier of a lot must not, except with prior written approval of the owner's corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way to be visible from the outside of the building other than on any lines provided by the owner's corporation 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 exterior surfaces of glass in windows and doors on the boundary of the lot, including so much as is common property, unless:

- (a) The owners corporation resolves that it will keep the glass or specified part of the glass clean, or
- (b) That glass or part of the glass 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 owner's corporation, use or store on the lot or on the common property any inflammable chemical, liquid, gas or other flammable material.
- (2) The by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any liquid, gas or material in a fuel tank of a motor vehicle or internal combustion engine.

13. Moving furniture and other objects on or through common property.

- (1) 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.
- (2) An owners corporation may resolve that furniture or large objects and to be transported through or on the common property (whether in the building or not) in a specified manner.
- (3) If the owners corporation has specified, by resolution, the manner in which furniture or large objects are to be transported, an owner or occupier of a lot must not transport any furniture or large object through or on common property except in accordance with that resolution.

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, toilet 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 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 materials) adequately covered, and
 - (b) Must ensure that before refuse, recyclable material or waste is placed in the receptacles it is, in the case of refuse, 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),
 - (e) Must not place anything 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 anything 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 refuse, recyclable material or waste is placed in the receptacle it is, in the case of refuse, 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 recycling guidelines, and
 - (b) Must promptly remove anything 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 that area the spill occurred.

The owner or occupier must place the waste/rubbish in the correct bins as per illustrations and directions displayed inside bin areas. Cardboard boxes must be collapsed and made flat before placing into receptacles.

16. Keeping of animals.

Note that under the STRATA SCHEMES MANAGEMENT ACT 1996, section 49 option B has been selected for the BRUNSWICK COMPLEX to abide by.

- (1) Subject to section 49 (4), an owner or occupier of a lot must not, without the prior written approval of the owners corporation, keep any animal (except a cat, small dog or a small caged bird, a fish kept in a secure aquarium) within the building on common property.
- (2) The owner's corporation must not unreasonably withhold approval of the keeping of an animal on a lot or common property.
- (3) If the owner or occupier of a lot keeps a cat, small dog or caged bird on the lot then the owner or occupier must:
 - (a) Notify the owners corporation that the animal is being kept on the lot, and
 - (b) Keep the animal within the lot, and
 - (c) Carry the animal when on common property, and
 - (d) Take such action as may be necessary to clean all areas of the lot or common property that may have been soiled by the animal.

17. Appearance of the lot.

- (1) The owner or occupier of a lot must not, without prior written approval of the owners corporation maintain 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 articles 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 effect 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 purpose).

19. 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) Window cleaning,
 - (b) Garbage disposal and recycling services
 - (c) Electricity, water and gas supply
 - (d) Telecommunication services (eg, cable television)
- (2) If the owners corporation makes a resolution referred to in subclause (1) to provide an amenity or service to a lot or 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 owner or occupier.

20. Prohibition on Illegal use of a lot.

- (1) The owner occupier or lessee of a lot must ensure that the lot is not used for any purpose that is prohibited by law.
- (2) The owner-occupier or lessee of a lot must ensure that the lot is not used for any purpose for which a consent or other authorisation (such as a development consent from Gosford City Council) must be obtained under any law without the consent or authorisation.
- (3) The owner occupier or lessee of a lot must not carry on, engage in, operate, permit or suffer to permit, on a lot or common property, an activity, business, development, enterprise, trade or undertaking that is prohibited by law or for which a consent or other authorisation must be obtained under any law (such as a development consent from Gosford City Council) without that consent or authorisation.
- (4) In this by-law the word “Law” includes any Act (such as the Environmental Planning and Assessment Act 1979 (as amended), statutory rule, regulation, by-law, ordinance or environmental planning instrument made under an act (such as the Gosford Local Environmental Plan (as amended)).

21. Prohibited activities.

The owner occupier or lessee of a lot must not carry on, engage in, operate, or suffer to permit an activity, business, development, enterprise, trade or undertaking of or associated with bed and breakfast accommodation, a boarding house, a backpackers Hostel, a motel or hotel, a tourist facility or short term holiday or student accommodation, on a lot or the common property.

22. Restrictions on Number of Occupants in Lots.

The owner-occupier or lessee of a lot must ensure that the lot is not occupied by more persons than are allowed by law to occupy the lot.

23. Occupancy of lots.

A lot must only be occupied by:

- (a) The owner of the lot and/ or the owner's immediate family members, or carer, or
- (b) A person occupying the lot pursuant to a standard form residential tenancy agreement under the Residential Tenancy Act 1987 and the Residential Tenancies Regulation 2006 (or a similar agreement) and/ or that person's immediate family members.

24. Electronic Service of Documents on Owner of Lot

A document may be served on the owner of a lot by electronic means if the person has given the owners' corporation an e-mail address for the service of notices and the document is sent to that address.

