

The Brunswick Newsletter

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READ THE COMPLETE NEWSLETTER ON THE WEBSITE

The full Newsletter can be viewed on The Brunswick Website at the address below.

Past Newsletters, Executive Meeting Agendas and Minutes and a host of other useful reference material is also available on the website.

<https://sites.google.com/a/brunswickterrigan.com/the-brunswick/home>

From the Executive Committee

All owners and occupiers in a strata scheme, including tenants, are legally obliged to comply with the By-laws of the scheme. In an ideal world and in the ideal strata scheme there would be no need to 'police' the By-laws – everyone would happily abide by them. Unfortunately we don't live in an ideal world and there are a few residents in our community who, knowingly or willfully, breach the By-laws. When this happens only occasionally it hardly matters and a 'live and let live' situation prevails but some people pay scant regard to the By-laws on a regular and on-going basis.

The Executive Committee has recently had its attention drawn by other residents to a number of issues and in particular to:

- Parking on common property
- Speeding in the complex
- Children playing unsupervised on common property
- Noise
- Parties late at night
- Inappropriate behaviour in pool area including the consumption of alcohol and the use of glassware in pool area

If residents persistently disobey the By-laws then penalties may apply.

The “P’s and Q’s” of Strata Living

A great deal has been written on the subject of how residents can best manage the experience of strata life and there is even an academic treatise on the subject (Cradduck, L., *Parking, Parties and Pets*. 2013). As the title of Cradduck’s paper suggests, there are recurring issues, which most strata residents have to deal with that have the potential to detract from their experience. In The Brunswick the recurring issues are the “P’s” of strata life – People, Parking, Pets, Pool and Permissions. Those headings sum up the issues that over the years have created the most problems for our residents and for the current Executive Committee the situation is no different. In the very first Brunswick Newsletters issued in 2009-2010 the lead ‘stories’ were all about parking problems! “It’s the same old song...”

As it says in the document “Community living at The Brunswick” (a copy of which is available on our Website) *“successful community living is achieved through common sense and courtesy. This is particularly true in a complex as large as ours, which has 59 individual properties and many residents.”*

Underpinning the need for common sense and courtesy are the By-laws, which govern the specific way in which various important aspects of community life in The Brunswick is to be organised. The By-laws are not optional nor are they designed to make life difficult, far from it; they apply unconditionally to all properties and form part of every Residential Tenancy Agreement.

Copies of the By-laws are published on the Notice Boards and on The Brunswick Website. They outline the Rights and Responsibilities of all residents and are designed for the good of all.

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By-law breaches

If an owner or resident breaches a By-law, firstly someone from the Executive Committee and/or Elite Strata, the managing agent, will talk about the problem with them. If it continues, the managing agent (Elite) can serve a 'Notice to Comply with a By-Law' on the person who is breaching it.

If the person continues to breach the By-law the owners' corporation may apply to the NSW Civil and Administrative Tribunal (NCAT) for a penalty of up to \$550 to be issued.

For more information on aspects of life in a strata community it is recommended that you read the Department of Fair Trading publication, *"Strata Living. What you need to know about living in your strata community."* This is available from www.fairtrading.nsw.gov.au. In this publication it notes: *"Strata schemes are effectively small communities where the activities and attitudes of residents can have a significant impact on the satisfaction and enjoyment of others. Therefore, it is important to be aware of your responsibilities and obligations when you own or live in a strata unit."*

Whilst strata living can provide a friendly community style environment, it helps to remember that it is not the same as living in a free standing house. Some activities may be more restricted in a strata scheme, for example, where you can park your car, hang your washing or when and how you can renovate."

It is important to remember that in a community such as ours much of the area is "common property".

The Department of Fair Trading NSW defines a strata scheme as *"a residential building or a collection of buildings where each individual proprietor separately owns a small part, usually their apartment or townhouse. This small part is called 'a lot'. There are other parts of a strata scheme building or property which are not part of anyone's private lot. These parts are jointly owned by all the lot owners and are called common property."*

The lot owner owns the inside of the unit but not the main structure of the building.

A lot owner effectively owns the airspace (and anything included in the airspace) inside the boundary walls, floor and ceiling of the lot. Everything within the airspace must be maintained at the owner's cost.

This article includes a reference to many of the By-laws but has as its prime focus the five “P’s” of Strata Living.

People

Parking

Pets

Pool

Permissions

People.

As residents in a strata complex we need to be especially considerate of other people and in particular our neighbours. Noise is one of the major grievances between neighbours in strata living. Barking dogs, noisy vehicles, loud stereos and such-like all aggravate other people. Common sense and politeness dictates that we all keep noise to a minimum whenever possible and that we advise our neighbours of any unusual events.

Attempting to solve small disputes is always best handled face to face but if necessary complaints can be sent to the Executive Committee or the Managing Agent.

Relevant By-law: 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.

Parking.

Most residential complexes experience problems with parking. Parking is becoming a big issue in our community. The main thing to bear in mind is that the By-laws determine our rights and Responsibilities. In The Brunswick parking is not permitted on Common Property without the written permission of the Owners Corporation (delegated to the Executive Committee).

Visitors’ Parking areas are for visitors not residents.

Areas adjacent to garages are common property and are not intended for parking by residents.

The car wash bays are not parking bays.

The only designated areas for parking are within our garages.

Relevant By-law: 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.

Pets.

Unlike many strata complexes we are fortunate that pets are permitted in The Brunswick. The keeping of pets is subject to written approval by the Owners Corporation (delegated to the Executive Committee).

Pets should be kept under control and should not be allowed to create needless noise.

For obvious reasons related to safety and hygiene, pets are not permitted in the Pool Area.

Relevant By-law: 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.

Pool.

For Health and Safety reasons various regulations apply to the use of the pool.

- Adults need to closely supervise young children.
- Visitors are to be accompanied by residents.
- Non-residents are not able to use the pool without permission.
- Glass is not permitted within the Pool area.
- Safe and sensible behavior is encouraged at all times.
- The Pool area is closed at certain hours to ensure peace and quiet for the benefit of residents.

Permissions.

Residents are able to make certain modifications to their property but there are limitations on what can be done and permission is sometimes needed from the Owners Corporation or from Gosford City Council. It is always wise to approach the Executive Committee in the first instance and to keep neighbours fully informed.

Relevant By-law: 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.

Those are the five “P’s” of community living in The Brunswick. So mind your “P’s” and “Q’s”. You know what the “P’s” are now, and the “Q’s”?

Please always ask Questions if you are unsure about any aspect of life in The Brunswick.

Residents have an obligation to make themselves familiar with the By-laws and are encouraged to read the article, **“Community living at The Brunswick”** which is on the Website in the **Welcome to New Residents** section.