

BY LAWS & STYLE GUIDE

SP 76789

THE CREST

38-42 WALLIS STREET, FORSTER

1. STYLE GUIDE

- a) The Owners Corporation, or prior to the expiry of the initial period the original owner, may adopt and from time to time amend a set of guidelines known as the Style Guide, copies of which shall be made available by the Owners Corporation to Owners and occupiers of lots in the strata scheme upon request.
- b) Any works to be performed by any owner or occupier of a lot in the strata scheme, and any items to be brought onto or installed on or in relation to a lot, shall conform to the requirements and prescriptions of the Style Guide if those works or the results thereof, or those items, would normally be reasonably visible from another lot or the common property or from the exterior of the building.
- c) For the purpose of interpreting the Style Guide, any statement therein of a colour, texture or other quality in relation to any work or item shall be interpreted as a requirement that such work or item shall be only of such colour, texture or other quality.
- d) The Owner Corporation, or prior to the expiry of the initial period the original owner, may authorise, on terms or otherwise, a specific departure from compliance with the Style Guide by an owner or occupier of a lot in the strata scheme, and may amend or revoke such authority.

STYLE GUIDE

1. Window furnishings are to have only off-white or light neutral colouring visible from outside the building.
2. Balcony security doors are to be "Invisi-gard" without visible reinforcing, overlays or bars. Balcony security door and screen door frames are to be in the colour APO Grey or similar.
3. Entrance security doors to all units are to be the same colour as entrance door frames.

2. NOISE

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

3. VEHICLES

An owner or occupier of a lot must not:-

- a) park, stand or wash any motor or other vehicle on any lot or common property except in accordance with the signage, if any, erected by or on behalf of the owners corporation;
- b) conduct or suffer the repairing of any motor vehicle on any lot or on common property;
- c) start, run, drive or park on common property or on any lot any motor vehicle which emits loud noise or undue levels of exhaust or smoke;
- d) park any motor vehicle of the owner or occupier in any visitor car park;
- e) allow or suffer the parking of any motor vehicle in any visitor car park by the guests or invitees of the owner or occupier except upon a temporary basis as the bona fide visitors of the owner or occupier
- f) allow or suffer the parking of any motor vehicle in any visitor car park by the guests or invitees of the owner or occupier for any more than five days in any period of 28 consecutive days.



4. OBSTRUCTION OF COMMON PROPERTY

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

5. DAMAGE TO LAWNS, ETC 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

6. DAMAGE TO COMMON PROPERTY

- a) 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, but this prohibition shall not extend to the normal furnishing, decoration and adornment of the internal living areas of a lot.
- b) An approval given by the owners corporation under paragraph a) cannot authorise any additions to the common property.
- c) This by-law does not of itself prevent the owner of a lot or a person authorised by the owner of the lot from installing in relation to the lot:
 - i. any locking or other safety device for protection of the owner's lot against intruders, or
 - ii. any screen or other device to prevent entry of animals or insects on the lot, or
 - iii. any structure or device to prevent harm to children.,but the owner of a lot in respect of which such device, screen or structure is to be or has been installed must:-
 - (1) conform to the requirements of the Style Guide;
 - (2) install such device in a competent and proper manner;
 - (3) maintain such device, screen or structure in a state of good, safe and serviceable repair;
 - (4) ensure that such device, screen or structure has an appearance, after it has been installed, which is keeping with the rest of the building; and
 - (5) In the case of a security cage or cupboard upon any part of a lot intended for car parking:-
 - (a) keep such cage or cupboard wholly within the boundaries of the lot;
 - (b) not interfere with or limit access to any pipe, wire, cable, or conduit passing over or through the lot; and
 - (c) obtain the consent in writing of the owners corporation prior to the construction thereof.

7. RIGHT OF EXCLUSIVE USE TO CERTAIN PARTS OF COMMON PROPERTY

- a) The owner for the time being of each lot within the strata scheme shall be entitled to the exclusive use of:-
 - i. all doors, windows and fly screens in the walls forming the boundary of the owner's lot;
 - ii. all locks, catches and latches on all doors and windows in the walls forming the boundary of the owner's lot; and
 - iii. all ceramic tiles affixed to the walls and floors forming the boundary of the owner's lot.
- b) Each owner shall be individually responsible for the repair or replacement of the doors, windows and fly screens in the walls forming the boundary of the owner's lot, and of all locks, catches and latches attached thereto, and of all ceramic tiles affixed to the walls and floors forming the boundary of the owner's lot. Should an owner fail to properly maintain any such item, the owners corporation is authorised to enter the lot, after first giving seven days' notice to the owner, and to effect such repairs and may be deemed by the owners corporation to be necessary or desirable, the cost of which shall constitute a debt owned to the owners corporation by the owner of the lot.



8. BEHAVIOUR OF OWNERS AND OCCUPIERS

An owner or occupier of a lot when on common property:-

- a) must not smoke; and
- b) must be adequately clothed and must not use language or behave in a manner likely to cause fear, offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.

9. 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 authority or 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 garbage room, plant room, elevator, car parking area, driveway or other area of possible danger or hazard to children.

10. BEHAVIOUR OF INVITEES

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier:-

- a) do not behave in a manner to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property, and
- b) do not smoke in or upon common property.

11. DEPOSITING RUBBISH, ETC 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.

12. "FOR SALE" SIGNS

- a) No "For Sale" sign may be displayed from a lot or any part of the common property unless such sign is:-
 - i. equal to or smaller than one square metre in size;
 - ii. no longer or deeper than one metre;
 - iii. of rigid construction and professional appearance;
 - iv. not attached to or displayed from a balcony or external part of the lot; and
 - v. displayed through a window or windows from inside the lot.

13. APPEARANCE OF LOT AND DRYING OF LAUNDRY ITEMS

An owner or occupier of a lot must not, except with the consent in writing of the owners corporation:-

- a) 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.
- b) 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.

14. 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 of the external surface as may constitute common property, unless in any particular case or generally:-

- a) the owners corporation has resolved that the owner or occupier is not obliged to clean a section of glass to which the resolution relates; or
- b) the glass cannot be safely accessed by the owner or occupier



15. MOVING OF FURNITURE

An owner or occupant of a lot must not cause furniture or large objects to be moved on or through common property without first:-

- a) giving to the owners corporation or its authorised representative notice of the intention of the owner or occupier to cause the furniture or object to be so moved;
- b) complying with any direction of the owners corporation or its authorised representative as to where, when and how the items in question are to be so moved; and
- c) complying with any standing resolution of the owners corporation, and any signage of the owners corporation, as to the movement of furniture or other objects on or through common property.

16. STORAGE OF INFLAMMABLE LIQUIDS AND OTHER SUBSTANCES AND MATERIALS

- a) 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, noxious or explosive material.
- b) This by-law does not apply to household chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any liquid or gaseous material in a fuel tank of a motor vehicle or internal combustion engine.

17. 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 executive committee to arrange for its nominee to be present at the time when the owner or occupier does so.

18. FLOOR COVERINGS

- a) 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. In each case such covering or treatment must conform to the requirements of the Building Code of Australia and any relevant Australian Standard.
- b) This by-law does not apply to floor space comprising a kitchen, laundry, lavatory, bathroom or car park.

19. ACOUSTIC DAMPING OF WALLS, PIPES AND CONDUITS

Any building, renovation or repair works carried out by or on behalf of an owner or occupier of a lot shall be conducted in such a manner to ensure that:-

- a) all walls, pipes and conduits are fitted with acoustic damping in accordance with the Building Code of Australia and any relevant Australian Standard as applicable at the time of such building, renovation or repair works; and
- b) subject to the preceding paragraph, any existing acoustic damping measures are left in place or replaced in a proper and workmanlike manner.

20. GARBAGE AND RECYCLABLES

An owner or occupier of a lot:-

- a) must ensure that before refuse is placed in any common refuse container it is securely wrapped or, in the case of tins or other containers, completely drained;
- b) must ensure that any recyclable material is separated and placed in the receptacle appropriate for that material, and in no other receptacle; and

- c) must promptly remove any thing which the owner or occupier may have spilled in the area of the refuse and recycling receptacles and must take such action as may be necessary to clean up the spill.

21. KEEPING OF ANIMALS

Subject to section 49 (4), an owner or occupier of a lot must not, without the approval in writing of the owners corporation, keep an animal on the lot or the common property.

22. NOTICE BOARD

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

23. USE OF LOT

An owner or occupier of a lot must not:-

- a) use the lot in a way that may constitute a breach of any local environment plan or other planning law; or
- b) in the absence of written approval of the owners corporation (which may be given on terms and which may be amended or revoked) use the lot in a way that may adversely affect:-
 - i. the insurance premiums or insurance cover of the strata scheme; or
 - ii. the amenity of the scheme or of neighbouring properties

24. SECURITY

- a) In addition to or in pursuance of its powers under any law to administer the strata scheme, the owners corporation may:-
 - i. install and maintain locks, alarms, communication devices and security systems;
 - ii. issue, withdraw and reissue keys, cards and security devices to the owners of lots in the strata scheme, and determine to whom and on what terms any security key or card or device should be issued in relation to the common property;
 - iii. determine that for safety or security purposes the entrance doors to all lots may be required to be operable with one or more than one common key;
 - iv. determine to which authorities and under what circumstances such common-key or keys should be made available;
 - v. determine coding and terms of use of any security device;
 - vi. charge any owner or occupier or a lot with the cost of:-
 - 1) replacing lost or updated or recoded keys or security cards or security devices for that lot;
 - 2) any call-out fee of any fire brigade or security service incurred due to the lack of care, negligence or deliberate misbehavior of the owner or occupier or of visitor to the lot;
 - 3) repairing or reprogramming any lock, card or security device (including multiple locks, cards or security devices where applicable) incurred due to the failure of that owner or occupier or any agent of that owner or occupier to take reasonable precautions for the safety or security of persons and property associated with the strata scheme, or the negligence or deliberate misbehavior of the owner or occupier of, or of any invitee to, the lot.
- b) No owner or occupier shall duplicate any key, security card or security device which has been issued by the owners corporation. Only the owners corporation shall be entitled to duplicate keys, security cards and security devices.
- c) An owner or occupier who has been issued by the owners corporation with a key, security card or security device must promptly report to the owners corporation the loss thereof.



25. EMERGENCY PROCEDURES PLAN

- a) The owners corporation may formulate and display an Emergency Procedures Plan for the strata scheme and may amend such plan from time to time.
- b) Every proprietor and occupier of any lot in the strata scheme shall:-
 - i. observe at all times the requirements and prescriptions of the Emergency Procedures Plan;
 - ii. supply any contact details or other information reasonably required by the owners corporation pursuant to the terms of the Emergency Procedures Plan;
 - iii. upon the receipt of reasonable notice, participate in any drill or training initiated by the owners corporation in accordance with the Emergency Procedures Plan; and
 - iv. observe any reasonable direction of the owners corporation or any apparent delegate thereof:-
 - 1) without prior notice in any situation involving an actual or possible emergency in relation to any lot, or the common property, or the surrounding areas; or
 - 2) upon the receipt of reasonable notice, in any drill conducted pursuant to the Emergency Procedures Plan; and
 - v. to the fullest extent possible encourage the observance of the Emergency Procedure Plan by any invitee or other person on the parcel.
- c) For the purpose of this By-Law the term "emergency" shall include but not be limited to:-
 - i. fire;
 - ii. the sounding of any fire alarm or smoke alarm or security alarm;
 - iii. any impact or other significant or incident which may adversely affect the property on or in a lot of the safety of any person thereupon, or the common property of the safety of any persons thereupon;
 - iv. flood, including but not limited to the flooding of the basement by stormwater or other means;
 - v. water damage, including from any leaking or broken pipe or conduit or sprinkler;
 - vi. the release or escape or suspected release or escape of any chemical or biological agent whether known or unknown; and
 - vii. any violent action or threat of violent against any person or property.

SPECIAL BY-LAW 1

Specially Resolved 5th May 2017

- 1) An owner or occupier of a lot, and any invitee of the owner or occupier, must not smoke tobacco or any other substance on the common property, except:
 - (a) in an area designated as a smoking area by the owners corporation, or
 - (b) with written approval of the owners corporation.
- 2) A person who is permitted under this by-law to smoke tobacco or any other substance on common property must ensure that the smoke does not penetrate to any other lot.
- 3) 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.

