

MACQUARIE GARDENS  
STRATA SCHEME NO. 52948

BY-LAWS

**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 upon common property except with the written approval of the owners corporation.

**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 upon common property; or
- (b) use for his or her own purpose 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, 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 owners 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) Despite section 62, 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 & 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 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 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 common property.

**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 provided by the owners 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 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 & 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 executive 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 is 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**

An owner or occupier of a lot:

(a) must maintain 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 adequately covered, a receptacle for garbage, and

(b) must ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained, and

(c) For the purpose of having the garbage collected, must place the receptacle 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 is normally collected, and

(d) when the garbage has been collected, must promptly return the receptacle to the lot or other area referred to in paragraph (a);

(e) must not place any thing in the receptacle 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 collector may have spilled from the receptacle and must take such action as may be necessary to clean the area within which that thing was spilled.

#### **16. Keeping of Animals**

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

#### **17. 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 est 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. Notice-board**

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

#### **19. 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).

#### **Special By-Law 1 – Signs**

The owner or occupier of a lot shall not cause any sign whatsoever to be erected within a lot which, when viewed from outside the lot, is visible from another lot, common property or public space.

#### **Special By-Law 2 – Additions**

The owner or occupier of a lot shall not, without the prior approval in writing of the owners corporation, erect any addition whatsoever to a lot where such addition is attached in any way to common property.

#### **Special By-Law 3 – Amenities**

The owner occupier of a lot shall ensure that any invitee utilising any common property facilities shall be accompanied at all times by an owner or occupier of a lot.

#### **Special By-Law 4**

In addition to the powers, authorities, duties and functions conferred to impose upon the Owners Corporation by the Act and the By-Laws, the Owners Corporation shall have the following additional powers, authorities, duties and functions:

1. The power to acquire and install satellite dishes and associated equipment to the property.
2. The power and duty to repair and maintain and new and replace such equipment as may be necessary from time to time.

#### **Special By-Law 5**

An owner or occupier and their invitees must not smoke whilst on any enclosed area of common property such locations to include but are not limited to building entrance, lift foyers, lifts, fire stairs, garage area, pool area etc.

Owners or occupiers shall be responsible to take reasonable steps to ensure that their invitees comply with this By-Law.

#### **Special By-Law 6**

That the Owners Corporation agree to install on common property equipment comprising of a telecommunications infrastructure for the provision of services to residents to enable them to receive the following – broadband internet, wireless connectivity, home working, ip telephone capabilities, home security and automation.

The Executive Committee shall be granted the power to review the services available and enter into a contract on behalf of the Owners Corporation.

#### **Special By-Law 7**

In addition to the powers, authorities, duties and functions conferred upon the Owners Corporation by the Act and By Laws it shall have the following additional powers, authorities, duties and functions:

1. The power to convert the existing steam room facility into a sauna.
2. The power and duty to repair, maintain, renew and replace such sauna including associated equipment as may be necessary from time to time.

#### **Special By-Law 8**

The Executive Committee of the Owners Corporation are hereby granted the power and authority to approve the acquisition of additional Common Property and the appropriate expenditure from the Sinking Fund providing that the amount of such expenditure shall not exceed 10% of the Sinking Fund balance at that time.

**Special By-Law 9 – Control of Excessive Water Usage**

An owner and/or occupier of a lot must:

1. Ensure that leaking taps and/or cisterns within the lot are promptly repaired to prevent loss of water.
2. Not keep more than one washing machine within their lot space.
3. Not use the washing machine in their lot space for any purpose other than to wash clothing, towels, bedding etc used by residents of that lot.

The Owners Corporation shall by its agents, employees or contractors have the right to enter a lot to inspect the laundry, bathroom and kitchen areas to ensure compliance with this By-Law and may also arrange for any necessary repairs to leaking taps/cisterns to be undertaken and recover the cost of such maintenance from the lot owner.