

**By-laws for Providence Apartments, Hawks Nest
Instrument setting out the terms of by-laws to be
created on the registration of the strata plan**

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By Law 1. Noise

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

By Law 2. Vehicles

2.1 An owner or occupier of a lot must not park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the owners corporation.

2.2 The owners corporation must not unreasonably withhold its approval to the parking or standing of a motor vehicle on the common property.

By Law 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.

By Law 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 owners 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 any portion of the common property.

By Law 5. Damage to Common Property

- 5.1 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 written approval of the owners corporation.
- 5.2 An approval given by the owners corporation under subclause 5.1 cannot authorise any additions to the common property.
- 5.3 This by-law does not prevent an owner or person authorised by an owner from installing:
- (a) any locking or other safety device excluding security screens for protection of the owner's lot against intruders or to improve safety within the owner's lot; or
 - (b) any structure or device to prevent harm to children; or
 - (c) any device used to affix decorative items to the internal surfaces of walls in the owner's lot.
- 5.4 Any such locking or safety device, 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.
- 5.5 Despite Section 62, the owner of a lot must:
- (a) maintain and keep in a state of good and serviceable repair any installation or structure referred to in subclause 5.3 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 5.3 that forms part of the common property and that services the lot.

By Law 6. Behaviour of Owners and Occupiers

An owner or occupier of a lot when on a 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.

By Law 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.

By Law 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.

By Law 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 or discarded item except with the prior written approval of the owners corporation.

By Law 10. Drying of Laundry Items

An owner or occupier of a lot must not, except with the prior written approval 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.

By Law 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.

By Law 12. Storage of Flammable Liquids and Other Substances and Materials

12.1 An owner or occupier of a lot must not, except with the prior written approval 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.

12.2 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.

By Law 13. Moving Furniture and Other Objects on or Through Common Property

13.1 An owner or occupier of a lot must not transport any furniture, large object or deliveries to or from the lot 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 is using the common property for this purpose.

- 13.2 An Owner's Corporation may resolve that furniture or large objects are to be transported through or on the common property (whether in the building or not) in a specified manner.
- 13.3 If the Owner's 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.

By Law 14. Floor Coverings

- 14.1 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.
- 14.2 This by-law does not apply to floor space comprising a kitchen, laundry, lavatory or bathroom.

By Law 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 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.

By Law 16. Keeping of Animals

Subject to Section 49(4), an owner or occupier of a residential lot must not keep any animal on the lot or the common property.

By Law 17. Appearance of Lot

- 17.1 The owner or occupier of a lot must not, except with the prior written approval 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.
- 17.2 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.

By Law 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 premium 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).

By Law 19. Prevention of Hazards

The owner or occupier of a lot must not do any thing or permit any invitees of the owner or occupier to do any thing on the lot or common property that is likely to create a hazard or danger to the owner or occupier of another lot or any person lawfully using the common property.

By Law 20. Shared Facilities

20.1 The owners and occupiers of each lot are entitled to the use of the swimming pool and barbecue area on that part of adjoining Lot 2 DP 1036383 affected by the Easement for access and recreation variable width (the “Shared Facilities”) subject to the following Rules or such other Rules as may from time to time be notified to the Owner’s Corporation by the owner of Lot 2 DP 1036383 (the “Rules”):

- (a) no glass containers of any description to be taken into or to be used within the pool area.
- (b) children under the age of 10 years are to be accompanied by an adult whilst in the pool area.
- (c) ball games are prohibited within the pool area.
- (d) the pool is to be used only between the hours of 8.00am and 9.00pm.
- (e) pets are prohibited within the pool area.
- (f) smoking is prohibited within the pool area.
- (g) no bikes, skate boards or surf boards are permitted within the swimming pool area.
- (h) no excessive noise permitted in the swimming pool area.
- (i) no alcohol or food in the swimming pool area.
- (j) no radios or similar devices permitted in the swimming pool or BBQ area.
- (k) no intoxicated persons permitted to the swimming pool or BBQ area.

- (1) the Owner of Lot 2 will be entitled to exclude entry or remove persons where not complying with these Rules or whose behaviour is otherwise offensive, indecorous or unacceptable.
- 20.2 The owners and occupiers of each lot acknowledge that the owners corporation is responsible for the control of the behaviour of owners and occupiers of strata lots while using the Shared Facilities and ensuring compliance with the Rules.

THE COMMON SEAL of the HAWKS NEST)
DEVELOPMENTS PTY LIMITED ACN 096 579 323)
was hereunto affixed by authority of the Directors)
in the presence of:-)

.....
Director

.....
Secretary