

Annexure A to Consolidation/Change of By-laws for SP74602

79-81 Berry Street, North Sydney NSW 2060

By-law 4.3 Appointing a Representative and Substitute Representative

The *strata committee* may:

- (a) appoint a *Representative* and *Substitute Representative* from one or more of the members of the *strata committee*; and
- (b) terminate the appointment of a *Representative* and *Substitute Representative* at any time in accordance with the *Management Act*.

By-law 4.4 Consents under the Strata Management Statement

Nothing in the by-laws gives *you* or the *owners corporation* consent to do anything which is prohibited or regulated by the *Strata Management Statement*.

A consent under the by-laws does not relieve *you* or the *owners corporation* from obligations to obtain consents under the *Strata Management Statement*.

By-law 4.5 Inconsistencies between the By-Laws and the Strata Management Statement

If there is an inconsistency between a by-law and the *Strata Management Statement*, the *owners corporation* must amend the inconsistent by-law to make it consistent with the *Strata Management Statement*.

5 YOUR BEHAVIOUR

By-law 5.1 What are your General Obligations regarding Behaviour?

5.1.1 *Owners* and *occupiers* must not:

- (a) create any noise or behave in a manner likely to interfere with the peaceful enjoyment of the *owner* or *occupier* of another *Lot* or of any person lawfully using common property;
- (b) obstruct lawful use of common property by any person except for on a temporary and non-recurring basis;
- (c) permit any child under that *owner's* or *occupier's* control or their invitees' control
 - i. to play on any area of common property unless accompanied by an adult;
 - or
 - ii. to remain on any area of common property comprising an area of possible danger or hazard to children;
- (d) when admitting their invitees to *The Alexander*, permit them to remain on common property unsupervised except to the extent reasonably necessary to access the building;
- (e) do anything in their *Lot* or on common property that is illegal;
- (f) do anything which might reasonably damage the good reputation of *The Alexander* or the *owners corporation*;
- (g) light or ignite any battery-operated device creating vapour emission, any pipe or pipe-like system or smoking of any aromatic substance, tobacco, cigar, cigarette, e-cigarette, herbal cigarette, marijuana, or prohibited drug nor permit any of their invitees to do so;
- (h) consume alcohol or drugs whilst on common property;
- (i) use language or behave in a way that might reasonably offend or embarrass another *owner*, *occupier* or their invitees;

Annexure A to Consolidation/Change of By-laws for SP74602

79-81 Berry Street, North Sydney NSW 2060

- (j) allow the emission from their *Lot* of any odours which by reason of their nature, the frequency of their occurrence or for any other reason, are likely to disturb another *owner* or *occupier* in the peaceful enjoyment of their *Lot* or the common property;
- (k) throw anything including but not limited to cigarettes, butts, matches or cigars nor permit anything to fall or drop from the Balcony of their *Lot* or from the common property;
- (l) deposit garbage on common property unless in a receptacle or area specifically provided for that purpose; or
- (m) except with the prior written consent of the owners corporation, damage or interfere with any lawn, garden, tree, shrub, plant or flower or other landscaping works situated in common property.

5.1.2 When on common property or on any Balcony so as to be visible or audible from another Lot or from common property *owners* and *occupiers* must be adequately clothed (acting reasonably) 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 5.2 What are your General Obligations regarding Smoking?

In the interests of discharging its duties to manage the common property for the benefit of *owners* and *occupiers* and in recognition of the current law, the *owners corporation* proposes this by-law to provide clear parameters to *owners* and *occupiers* about smoking in *The Alexander*.

DEFINITIONS

“**Lot**” means a lot in strata plan no. 74602 or any subdivision of that strata plan;

“**No Smoking Policy**” means the subject matter of this by-law which prohibits the lighting or ignition of any battery-operated device creating vapour emission, any pipe or pipe-like system or smoking of any aromatic substance, tobacco, cigar, cigarette, e-cigarette, herbal cigarette, marijuana, or prohibited drug by any person;

“**Occupiers**” means each occupier of a Lot;

“**Owners**” means each of the owners for the time being of a Lot.

SCOPE OF BY-LAW

5.2.1. Owners and Occupiers:

- (a) at all times must observe the *No Smoking Policy* in the following spaces areas at strata plan no. 74602:
 - i. in or on all common property (including without limitation: lifts, driveways, foyers, stairwells, access ways, car parking areas);

Annexure A to Consolidation/Change of By-laws for SP74602

79-81 Berry Street, North Sydney NSW 2060

- ii. within 3 metres of an entrance or air intake to any structure; and
 - iii. in any part of a *Lot* (including Balconies) from which smoke or odour connected to any substance or device referred to in the *No Smoking Policy* is likely to escape or travel into another *Lot* or onto the common property so as to be likely to cause a nuisance or to interfere with the peaceful enjoyment of any other *owner* or *occupier*; and
- (b) must ensure their tenants, invitees, contractors and visitors always observe the *No Smoking Policy*.
- 5.2.2. *Owners* or *occupiers* (as the case may be) will be liable for any damage to the common property, personal property, their *Lot* or any other *Lot* caused by their actions and activities which are disallowed in this by-law.
- 5.2.3. In addition to other rights of the owners corporation under this by-law, any complaint to the strata committee from any *owner* or *occupier* who claims they are affected by emission of odours from a *Lot* being smoke drift or from another device or substance referred to in the *No Smoking Policy* (personally or in terms of their property) will be investigated and may form the basis for enforcement of this by-law at the discretion of the strata committee (acting reasonably).
- 5.2.4. Respective *owners* and *occupiers* must indemnify the owners corporation against any claim, action, loss, damage to person or property, demand or expense incurred in relation to
- (a) the exercise of its rights under this by-law; and
 - (b) enforcement of the *No Smoking Policy* and this by-law.
- 5.2.5. This by-law confers on the owners corporation the following additional functions, powers, authorities and duties:
- (a) the power to promulgate the *No Smoking Policy* and its application;
 - (b) the power to erect or attach "No Smoking" signs in or on the common property;
 - (c) the power to engage in whatever legal action may be necessary or desirable to enforce its rights under the *No Smoking Policy* including but not limited to the right to prosecute the relevant *owners* and/or *occupiers* for non-compliance with this by-law; and
 - (d) the authority to recover the costs of carrying out the activities referred to in sub-clause 5.2.5 (c) from
 - i. any relevant *owner* or *occupier*; and
 - ii. in the event that prosecution for non-compliance is against the *occupier* who is not the *owner* and costs are not recoverable from that *occupier*, then the respective *owner* of the subject *Lot* in which the non-compliant *occupier* resides or resided
- as a debt in a court of competent jurisdiction.

Annexure A to Consolidation/Change of By-laws for SP74602

79-81 Berry Street, North Sydney NSW 2060

By-law 5.3 Complying with the Law

You must comply on time and at your cost with all laws relating to:

- (a) your *apartment*; and
- (b) the use of your *apartment*; and
- (c) *common property* to which you have a licence, lease or a right to use under an *Exclusive Use By-Law*.

The things with which you must comply include, but are not limited to, planning laws, development, building and other approvals, consents, requirements, notices and orders of *Government Agencies*.

By-law 5.4 Easements

You must not interfere with any *easement* affecting *The Alexander*, or *common property* or any other part of *The Alexander*.

6 YOU ARE RESPONSIBLE FOR OTHERS

By-law 6.1 What are your Obligations?

You must:

- (a) take all reasonable actions to ensure your visitors comply with the by-laws and the *Strata Management Statement*;
- (b) make your visitors leave *The Alexander* if they do not comply with the by-laws or the *Strata Management Statement*;
- (c) take reasonable care about whom you invite into *The Alexander*; and
- (d) accompany your visitors at all times, except when they are entering or leaving *The Alexander*.

By-law 6.2 Actions of Other People

You must not allow another person to do anything that you cannot do under the by-laws or the *Strata Management Statement*.

By-law 6.3 Requirements if you Lease your Apartment

If you lease or licence your *apartment*, you must:

- (a) ensure that your tenant or licensee and their visitors comply with by-laws and the *Strata Management Statement*;
- (b) take all action available to you, including action under the lease or licence agreement, to make; them comply or leave *The Alexander*; and
- (c) provide the *Building Manager* with a copy of your notice to the *strata manager* setting out details as required under section 258 of the *Management Act*; and
- (d) provide your tenant or licensee with up-to-date copies of the by-laws and the *Strata Management Statement*.

7 YOUR APARTMENT

By-law 7.1 What are your General Obligations?

You must:

- (a) keep your *apartment* clean and in good repair and condition; and