

# **GUIDELINES**

- 1 Introduction**
  - 2 Executive Committee**
  - 3 Insurance**
  - 4 Repairs and maintenance**
  - 5 Painting**
  - 6 Gardens**
  - 7 Erections and alterations**
  - 8 Vehicles and Parking**
  - 9 Garbage disposal**
  - 10 Disputes**
  - 11 Breaches of the Rules**
  - 12 Amendment of the Guidelines**
- ATTACHMENT A: Units Plan 2821**
- ATTACHMENT B: Default Rules**

## 1 Introduction

- (a) Under the Unit Titles Management Act (UTMA), s107 (1), there are taken to be agreements, under seal, between an owners corporation and each of its members, and between each member and each other member, under which the corporation and its members agree to be bound by the rules of the corporation.
- (b) For The Gardens @ Fadden the rules of the corporation (“the rules”) are the default rules set out in Schedule 1 to the Unit Titles (Management) Regulations, as amended for the purposes of The Gardens @ Fadden (see Attachment B). A breach of the rules can result in a penalty of 5 penalty units – approximately \$180 (UTMA s110(1)).
- (c) The purpose of these guidelines is to supplement the rules with information and advice that is specific to the community in which we live.
- (d) The members of the owners corporation (OC) are the owners of the units, being the 17 residences that form part of Block 3 Section 332, Fadden. (UTMA s10 (1)).
- (e) An occupier of a unit who is not the owner of the unit is bound by each rule as if the occupier were the owner of the unit, unless the rules provide otherwise. (UTMA s107 (2)).
- (f) The common property is all of Block 3 Section 332 Fadden that lies within the yellow area as set out in the attached plan. (Attachment A)
- (g) When selling a unit, owners should ensure that their selling agent is given a copy of these guidelines and attachments for the information of potential buyers.

## 2 Executive Committee

- (a) An executive committee of the OC has been established pursuant to UTMA s34. The committee is responsible for the day-to-day management of the complex. It exercises the functions of the OC:-
  - (i) In relation to the enforcement of rules, the control, management and administration of the common property and any other function given to the OC under UTMA or another Territory law. (UTMA s16); and
  - (ii) In accordance with any decision made by the OC at a general meeting. (UTMA s35)
- (b) The committee has 3-7 members, is elected by owners at the annual general meeting and holds office until the next annual general meeting.
- (c) Owners receive at least seven days notification of any committee meeting. The committee welcomes contributions to its deliberations from owners on issues affecting them, and seeks to provide timely and positive responses. Owners who are not committee members are welcome to attend meetings as observers. The OC manager circulates the minutes of each committee meeting to all owners within 14 days after the meeting.
- (d) Decisions of the committee are made by majority vote. In order to minimise delays the committee may make decisions between formal meetings by agreement of a majority of committee members. Such decisions will be recorded in the minutes of the next meeting. The minutes will record reasons for significant decisions where necessary to keep owners fully informed.
- (e) The committee ensures that plans of the complex and keys to gates and utilities are available to residents as necessary.

## 3 Insurance

- (a) As required by the UTMA (Pt 5, s100), the OC insures all buildings and associated infrastructure on the land for their replacement value. The executive committee is responsible for handling building insurance claims.

- (b) In the event of damage to a unit giving rise to a potential claim, the owner should inform a member of the executive committee prior to undertaking repairs.
- (c) Contents insurance is the responsibility of individual owners.
- (d) The OC also maintains public liability insurance in relation to the following events happening in relation to the common property:
  - (i) death, bodily injury or illness of anyone;
  - (ii) loss of, or damage to, the property of anyone.
- (e) A resident who becomes aware of an occurrence likely to give rise to a public liability claim should inform a member of the executive committee as soon as possible.

#### **4 Repairs and maintenance**

- (a) All unit owners, occupiers and users are encouraged to assist in keeping the common property (access road, driveways, lawns etc.) clean and free from litter and oil stains.
- (b) The cost of repairs to utilities is the responsibility of the unit owner from the point at which such utility is available to that unit. For example: the supply of water up to the water stopcock located within the unit boundary is the responsibility of the OC. The unit owner is responsible for the water supply after that point.
- (c) The cost of repair and/or replacement of fences between units is the responsibility of the owners who share the boundary
- (d) The executive committee will decide, after consultation with the relevant owners, when fencing bordering common property or territory land should be repaired or replaced. The cost of such work will be shared on a pro rata basis by the OC and the owner(s) whose property adjoins the fence or part thereof.

#### **5 Painting**

- (a) In accordance with the need to exhibit a harmonious and well-maintained appearance within the complex and avoid deterioration in property values, all units will be painted externally at the same time unless there are exceptional circumstances. The OC, by majority vote at a general meeting, will determine when external painting is to occur.
- (b) Any change to the existing colour scheme requires approval by majority vote at a general meeting.
- (c) Painting will be carried out by contractor(s) selected by the executive committee on a competitive tendering basis unless unit owners, with the prior consent of the executive committee, wish to employ their own contractor or undertake painting themselves.
- (d) While the OC is responsible for the cost of painting common areas, including the sides of fences facing common property or government land, individual unit owners are responsible for the costs of external painting of their units.
- (e) Individual unit owners may also undertake remedial painting of their units at any other time provided they maintain the existing colour scheme. Details of the paint colours and brands are available from the executive committee.

#### **6 Gardens**

- (a) The landscaping of the Gardens @ Fadden envisages an overall theme in design and plantings. The OC employs a contracted gardener to ensure a consistent appearance. The executive committee also has a gardening sub-committee which reports to the committee on gardening issues.

- (b) Because front gardens of units can add to or detract from the general appearance of the complex and the value of the properties, a degree of uniformity in the landscaping should be maintained and the approval of the executive committee obtained before any substantial changes are made.
- (c) If an owner wishes to redesign their front garden or lawn, they should, in the first instance, consult their immediate neighbours and advise the committee of their response.
- (d) Owners should obtain approval from the executive committee before removing and/or planting trees and shrubs, in front gardens, having a height of two metres or more at maturity.

## **7 Erections and alterations**

- (a) Default rule 1.4, as amended, provides that a unit owner may erect or alter any structure in or on the unit or the common property only with the permission of the executive committee and in accordance with the requirements of any applicable territory law. Permission may be given subject to conditions.
- (b) Erections and alterations include, but are not limited to, the addition/installation of sheds, pergolas, shade sails, awnings, the growing of ivy or similar vines.
- (c) A unit owner requesting approval to erect or alter a structure should lodge a written submission, including details of the proposal, with the executive committee, which will consider the submission without delay and notify the owner of the outcome as soon as possible. The committee may decide that some additions or alterations may require a general meeting resolution.
- (d) Permission for sustainability infrastructure eg solar panel installations or solar storage batteries, must not be unreasonably withheld (refer rule 1.4 (3)).
- (e) Standing approval is granted for the following to be installed:
  - (i) Domestic TV antenna;
  - (ii) Foxtel and Sky satellite dishes not exceeding one metre in diameter;
  - (iii) Security screen door/flyscreens that are consistent with the overall appearance of the unit.
- (f) Some alterations or additions, eg air conditioning split systems, may have installation or siting requirements that are too numerous, complex, or subject to alteration to detail in these guidelines. Such documents are accessible via The Gardens web site or the OC manager's portal.

## **8 Vehicles and Parking**

- (a) Allocated garage and private driveway space is provided for all units. As a general rule, unit owners, occupiers and users should not park their vehicles in visitor parking spaces.
  - (b) Visitor parking spaces are restricted to short-term visitors only.
  - (c) Vehicles should not be parked on the access driveway, on landscaped areas, or in any position where they may cause an obstruction.
  - (d) Owners and occupiers are responsible for ensuring that any tradesperson they engage does not park on the lawn areas within the complex or in a manner that may obstruct any other driveway or access to the complex.
  - (e) The speed limit within the complex is 10 km per hour.
- Unit owners, occupiers and users are to clean up any oil spills from their own or

their visitors' vehicles or the vehicles of tradespersons employed by them, on the access road or their driveway.

- (g) In the interests of safety, children are not to ride bicycles, skateboards, roller blades or the like, or play games on the common property driveways unless continuously supervised by an adult.
- (h) When a unit is to be offered for sale, a garage sale proposed, or some other function planned that could result in multiple visitors to the complex, the owner involved should notify other owners in the complex of the proposed event and take reasonable steps to minimise any inconvenience.

## **9 Garbage Disposal**

- (a) The hopper is available for use by all residents. Household garbage should be placed in the hopper and the hopper lid closed after use. Garbage should be enclosed in an outer container as appropriate, e.g. plastic bag, and fastened securely.
- (b) Unit owners, occupiers and users should use the recycling bins where appropriate. As space is limited, cardboard boxes and plastic bottles should first be crushed.

## **10 Disputes**

In the event of a dispute between residents on an issue which could have a wider impact on other residents, or that relates to interpretation of these rules, the issue should be referred to the executive committee for resolution. If all other avenues have been exhausted, a party to a dispute may apply to the ACAT for an order in accordance with Part 8 (dispute resolution) of the UTMA.

## **11 Breaches of the Rules**

Any breach of the rules at Attachment B should be brought to the attention of the executive committee, which will decide what action is to be taken.

## **12 Amendment of the Guidelines**

These guidelines may be amended by resolution of a general meeting of the OC. Any owner seeking an amendment to the rules should submit the proposed change to the executive committee. The executive committee will then submit the matter to the next annual general meeting or if the matter is urgent, call a special general meeting to decide the matter.