

STRATA CORPORATION

NORTH WEST BAY ESTATE

Information Booklet

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North West Bay Estate

The Estate will consist of 32 individual units. They will be a mix of 3 bedrooms and 2 bathrooms & 2 bedrooms & 1 bathroom. All will have a lock up remote access garage door.

Ownership and occupancy of a residence in such a development involves certain duties, responsibilities and rights. It is recommended that you gain an understanding of these from the Strata Titles Act 1998, from the booklet “Strata Living in Tasmania” (available from Service Tasmania, outlets) or from your solicitor.

General meetings of the body corporate are held annually to transact business requiring resolution by at least 6 owners and to keep them informed on matters of general interest. This meeting will receive financial and other reports for the past year and will elect a Management Committee of THREE (3) members. The members will be asked to approve the budget and levies for the ensuing year. The management committee will not be formed until the development has been completed. Upon completion the developer will convene the inaugural meeting to elect a management committee. This committee will consist of 1. Chairperson 2. Secretary 3. Treasurer.

The Body Corporate

The powers and duties of the Body Corporate are set out in the By-Laws in this booklet. The names of the members of the Body Corporate together with their e-mail address & phone numbers will be circulated following the Annual General Meeting held in March or April each year **or other times deemed suitable**.

The Body Corporate has contracted Strata and Property Management Pty Ltd to provide management and administrative services for a period of 5 + 5 years. Telephone (03) 6231 8181. The current contact is Karly Jeffery (karly@cunic.com.au)

Common Property

Within a stratum subdivision all that area not included in privately owned property is “Common Property”. Most of the land around properties in the North West Bay Estate is common property.

Common property is jointly owned by all the owners in the complex. The body corporate, on behalf of all owners, is responsible for the maintenance of common property.

Exclusive use of a part of the common property can be assigned to an owner by the body corporate upon written request; such exclusive use may also be revoked, after reasonable notice, unless the body corporate resolves otherwise.

An owner must receive written approval from the body corporate to make any alterations or improvements on their property or impinging on common property.

Insurance

The Body Corporate will take out a comprehensive policy that is reviewed annually. This policy insures all buildings and legal liability for the complex. A copy of the certificate of currency will be distributed each year. Owners are responsible for their own contents insurance. Please contact the Manager should you need to make a claim. Insurance premiums are paid from your yearly fees, by the Body Corporate.

Levies

The Strata Titles Act requires the body corporate to maintain a fund of a level sufficient to meet its financial obligations, including capital and recurrent expenditure. The Body Corporate fees will initially be set at \$2500.00 per annum for each entitlement, and reviewed periodically.

Levies are determined at the Annual General Meeting based on the annual budget. The main costs in the budget include common property, garbage collection, management services, insurance, repairs and maintenance to common property and infrastructure and the sinking fund. Budget details will be circulated prior to the Annual General Meeting each year.

Levy invoices are issued on an annual basis. Levies can be paid by cheque or by direct transfer from a nominated bank account.

Garbage Collection

The Estate's garbage collection will be serviced by a private contractor. Bins will be placed at various sites within the complex. There will be, at this stage, no requirement to have individual bins. This is subject to council approval and may vary.

Water Services

TasWater supplies water and sewerage services. Individual water meters will be allocated to each unit and billed directly to unit holders

Bus Services

Bus services are provided by Metro and timetables are at bus stops, can be obtained from a number of outlets or on the internet at www.metrotas.com.au. Metro can be contacted on 132 201. There are bus stops within walking distance of the complex on the Channel Highway.

BY-LAWS

The following information indicates certain duties, rights and responsibilities of owners and is not intended to cover all the provisions of the Strata Titles Act 1998 under which strata schemes in Tasmania operate. Owners can seek further information from their legal representative or consult the Act. The Office of the Recorder of Titles has produced an overview of the Act in a booklet “Strata Living in Tasmania” which is available from Service Tasmania outlets.

Owners’ Duties and Responsibilities

1 Duty to keep lot in good order and repair

- (1) The owner of a lot must keep buildings and structural improvements on the lot in a state of good repair and to a standard in keeping with other buildings and structural improvements on site.
- (2) The owner must carry out any work in relation to the owner’s lot that the owner is required to carry out by –
 - (a) A public or local authority; or
 - (b) The body corporate.
- (3) The owner of a lot must not, without written permission of the body corporate –
 - (a) make or permit a change to the exterior character, design or finish of buildings or structural improvements on the lot; or
 - (b) construct any new building or make any structural improvements on the lot unless they conform to the exterior character, design and finish of any existing buildings or structural improvements on the site.

2 Duty to prevent nuisance

The owner or occupier of a lot must not use the lot, or permit its use, in a way that causes a nuisance to the owner or occupier of any other lot

3 Duty to allow access for maintenance and repair of common property

- (1) The body corporate is entitled to reasonable access to a lot for the purpose of maintaining, repairing or replacing common property.
- (2) A person authorised by the body corporate may enter the lot for that purpose
 - (a) after giving reasonable notice of intention to exercise the rights of access to the occupier of the lot;
 - (b) in an emergency, without notice

4 Duty to pay rates and taxes

The owner of a lot must pay all rates, taxes and charges that may be payable in relation to the owner's lot including contributions and insurance premiums levied by the body corporate.

5 Use of common property

- (1) The occupier of a lot must not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot or the invitees of the owner or occupier of another lot.
- (2) An owner or occupier of a lot must take reasonable steps to ensure that invitees do not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot.

6 Duty to provide information

The owner of a lot must give the body corporate written notice of any change in the ownership of the lot.

7 Keeping of animals

- (1) At the discretion of the Management Committee, an owner may keep one domestic pet in his/her lot but shall remove same if in the reasonable opinion of the Management Committee this animal is causing a nuisance to other owners or occupiers. Tenants are required to have written permission of the owner to keep a pet on the property.
- (2) An owner or occupier of a lot must ensure that any pet on their property is on a leash when on common property.
- (3) All Council requirements in relation to keeping of pets, must also be adhered to.

8. Duties and functions of the body corporate

- (1) A body corporate established for a strata scheme has the following functions –
 - (a) to enforce the by-laws;
 - (b) to control, manage and improve the common property;
 - (c) to maintain the common property in good condition and keep it in good and serviceable repair; and
 - (d) to maintain the insurance required under this Act and any further insurance that may be required by ordinary resolution of the owners.
- (2) The body corporate must –
 - (a) administer, manage and control the common property reasonably and for the benefit of the owners and occupiers of the lots;

- (b) establish and maintain (where appropriate) suitable lawns and gardens on the common property;

9. Quorum for meetings

A quorum at a meeting of the body corporate is 5 owners of the total number of the members of the body corporate, either in person or by proxy.

10 Other Conditions

- (1) Where a parking area is included in the title of a property that area is for the exclusive use of that owner and his or her invitees. Owners should make themselves aware of their rights in this regard. Other parking spaces may be available for owners who do not have that provision. Visitor parking spaces should not be regarded as permanent parking places. Parking spaces will be clearly marked as to allocation as visitor or a unit.
- (2) **All occupiers are to be over 50 years of age subject to the following provisions:**
 - (a) Where there are two occupants of a unit and one of the two occupants is under the age of 50 years this by-law shall be deemed not to have been breached.
 - (b) Where an occupier under the age of 50 receives ownership by way of transmission or by survivorship from a deceased owner who was not under the age of 50, this by-law shall be deemed not to have been breached.
- (3) The owners/occupiers of a lot are expected to maintain the lot and garden to a high standard, equivalent to other lots and gardens within the body corporate. Where possible, occupiers are expected to maintain any garden or common property adjoining their lot subject to the provisions of Clause 8 (b) and (c).
- (4) Owners must not use or permit the use of their lot for any other purpose other than as a residential dwelling

11 Management Committee

The Management Committee will consist of three (3) members, initially nominated by the developer.

12 Contributions/Levies

The Strata Titles Act requires the body corporate to maintain a fund of a level sufficient to meet its financial obligations, including capital and recurrent expenditure. The Body Corporate fees will initially be set at \$2500.00 per annum for each entitlement, and reviewed periodically.

Levies are determined at the Annual General Meeting based on the annual budget. The main costs in the budget include common property, management services, insurance,

repairs and maintenance to common property, rubbish collection, and the sinking fund. Budget details will be circulated prior to the Annual General Meeting each year.

Levy invoices are issued on an annual basis. Levies can be paid by cheque or by direct transfer from a nominated bank account.

At the discretion of the Management Committee, interest on overdue contributions may be levied at a commercial rate approved by the Management Committee and set down by RBA.

A monthly account keeping fee may be levied, at the discretion of the Management Committee, on all contributions overdue for more than three months.

No owner is entitled to vote at any general meeting unless all contributions payable in respect of his/her lot have been fully paid.