

WELCOME PACK



WELCOME TO LANDMARK

Dear Resident,

We would like to extend to you a very warm welcome to Landmark Apartments. Whether you are an owner or a renter you are now a Landmark resident. It is a superb complex in a great location and we hope that you will enjoy living here.

Landmark consists of 282 apartments situated between Blackall St and Bowen Drive, Barton. There are 8 buildings in the complex, ranging from 3 to 6 levels, set in 2 hectares of landscaped parkland. We take great care and pride in our beautiful gardens. Landmark remains a classic, years after its completion, as evidenced by strong capital growth and persistent rental demand.

We, the Landmark Executive Committee (EC), are committed to maintaining and, where feasible, improving the complex and there are currently several projects underway to achieve this goal. There will be more improvements in the future and if you have any suggestions the EC is always glad to hear them.

This document is intended to help you settle in and bring you up to speed with the facilities offered by the complex and highlight some of the processes and rules in place. It is in no way a comprehensive list of the rules or by-laws of the complex. The House Rules detailed in this document are designed to help make Landmark a safe, supportive and enjoyable environment for all of us.

If you have any questions after you have read this booklet, please contact the Building Manager [0406376661] who will be happy to assist.

Please remember that we are all close neighbours and consideration for others in terms of noise, courtesy and respect for the strata-by-laws will help keep Landmark a happy and sociable complex.

Once again welcome and enjoy your time here.

Regards,

Landmark Executive Committee
December 2017

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Part One

Useful Practicalities

1. Renting your Landmark Apartment

These guidelines will help respect and secure our property for all residents.

- It is preferable that all rentals go through a reputable real estate agent. This protects your property and facilitates an appropriate outcome if damage is done to common property.
- Please forward agent's details to the Building Manager, in case of an emergency or problem with the apartment.
- Should you choose to rent out your property privately (i.e. without using an agent) it is recommended you apply the same procedure as used by an agent (i.e. checking applicant's background and identification, taking a bond and taking rent in advance), and advise the Strata Manager of the details of the rental. If you are planning to be overseas during your letting period please make sure that the Building Manager has a local contact for you.
- We recommend that you have a Welcome Pack in your unit so that tenants are able to familiarise themselves with the building's rules and operations (parking, garbage disposal, etc).
- Landmark is a residential building and we would prefer it to be treated as such. Very short-term rentals change the essence of our building. It is important to be aware that Landmark owners have decided, by vote, that rentals of less than three months duration will not be allowed. Coded entry systems placed outside unit doors and/or coded key safes left anywhere on Landmark premises, are an unacceptable security risk as tenants are not being vetted and have unfettered access to the relevant building including neighbouring units.

2. Window Cleaning & Repair

- Exterior cleaning of the windows and glazed privacy screens which are not accessible by residents is a strata responsibility, and is undertaken every six months. Residents will be notified when window cleaning of the exterior windows is imminent.
- In the event of a broken window or privacy screen, a glazier should immediately be engaged to make the area safe. Contact the Building Manager at the earliest opportunity to discuss the circumstances, which will determine who is responsible for payment of the invoice(s).

3. How to find good tradespeople

The Building Manager can suggest competent tradespeople familiar with Landmark requirements.

4. What to do in an emergency – personal; fire; after hours

What Constitutes an Emergency?

An emergency is something that requires immediate action to prevent injury, financial loss or an event that requires an immediate response to restore habitation and/or amenity to a resident.

The Landmark after-hours emergency team will always do its best to assist, however, if you decide to use the services of the after-hours call out team for a non-urgent call you may be personally charged for the additional cost of the call out.

Personal Related Emergency

Emergency relates to a Resident (e.g. health, safety)

First point of contact should be Emergency Services by dialing 000. Emergency services can and should ensure that the situation is put under control and, if required, minimise the effect on all residents.

Common Area or Resident Related Emergency

These emergencies can be categorised as follows:

Events relating to common property	Refer to after-hours emergency contact
Events within a residence	Owner's responsibility
Events affecting services to more than one resident	Refer to after-hours emergency contact
Events affecting services within a single residence	Owner's responsibility

If the apartment is rented contact the Managing Agent to discuss the incident, as there may be insurance implications.

Common Area

The following are examples of common area related emergencies:

Failure of electricity supply	<p>Check first to ascertain that it is not a general power failure in the area. If it is a general failure please call ACTEW emergency number.</p> <p>If the failure is localised to a unit, check to ensure that the circuit breakers have not tripped or fuses blown. Circuit breakers and fuses are the responsibility of the owner.</p> <p>If the circuit breakers and fuses are intact call the after-hours emergency number.</p> <p>Note: If your unit has any working life support equipment please call the emergency numbers given by the equipment supplier or medical team responsible for monitoring the patient's condition.</p>
Failure of water supply	<p>If ACTEW are carrying out maintenance or if a plumber is working on the Landmark system residents will be advised and where possible given adequate warning.</p> <p>Check first to ascertain that it is not a general water failure in the area. If it is a general failure please call ACTEW emergency number.</p>
Lift stoppage	<p>Call the after-hours emergency number if you are not caught in the lift. If you are in the lift use the lifts phone to summons help.</p>
Main Garage door not working	<p>Call the after-hours emergency number.</p> <p>Note: Problems with owner's individual internal garage doors are the owner's responsibility.</p>
Break and enter	<p>Call Emergency Services – 000.</p>
Damage to front doors or windows	<p>Call the after-hours emergency number.</p>

Resident Related

The items listed below (but not limited to) may well be an emergency from the resident's point of view, however, they are not part of the common property and are not the responsibility of the Owners' Corporation to repair or maintain.

Burst internal hot water tank	Maintenance and/or repair of a water tank is the responsibility of the owner. It is also the responsibility of the owner to ensure that any water leaks from the tank do not cause damage to surrounding units. Call your own plumber.
Toilet cistern not flushing or leaking	Toilet cisterns are the responsibility of the owner to repair and maintain. It is also the responsibility of the owner to ensure that any water leaks from the cistern do not cause damage to surrounding units. Call your own plumber.
Oven, cooktops, fridge not working	Ovens, cook tops and fridges are the responsibility of the owner or resident to repair and maintain. Call a relevant service repair company.
Dishwasher/washing machine/dryer not working	Dishwasher/washing machines and dryers are the responsibility of the owner or resident to repair and maintain. Call a relevant repair company.
Air conditioning not working	Air conditioners are the responsibility of the owner to repair and maintain. Call a relevant repair company. Replacement of an air conditioner requires approval of the EC. Please contact the Building Manager for a copy of the Air Conditioner Replacement Policy.

Smoke Sensors

Smoke detectors are fitted to all apartments. It is for your safety, the safety of all around you and your legal responsibility to ensure the battery is regularly replaced. It is suggested that batteries be replaced every 6 months.

Fire Procedures

- In the event of the building fire alarm sounding, please evacuate the building immediately.
- Fire escapes are provided on each level.
- Please do not use the lifts.
- The lobby door and car park pedestrian doors will automatically open in the event of a fire.

5. Access Cards/Fobs & Garage Remote Controls

Access to the buildings and the car park area is controlled via a designated key card or fob.

Key cards or fobs are individually numbered, specifically assigned to each apartment and registered in a central computer system. For building security this system tracks all movements which use the fob in the buildings. This provides a total record of use for each user. Your key card/fob only provides access to the front door entrance of your building, the level where your apartment is located as well to the common areas i.e. your car park and the gymnasium. The EC maintains a record of the number of key cards that have been issued by the Building Manager and a regular audit is conducted. It should also be noted that:

- residents are advised to keep a record of key cards/fobs that have been issued to them;
- if a key card/fob is lost it should immediately be reported to the Building Manager so that it can be deactivated;
- when audits are carried out residents must provide the Building Manager with a list of key cards/fobs in their possession. Failure to do so will result in the deactivation of unreported key cards/fobs; and
- in the interests of building security and safety residents renting out their apartment directly from owners or through an external agency are required to ensure that all issued key cards/fobs are registered only in the name of the person whose name is listed on the lease or rental agreement.

Lockouts – Lost Key Cards/Fobs

It should be noted that a charge will apply for after-hours callouts of the Building Manager relating to lost card, fobs or apartment keys.

Garage Remote Controls

Garage doors can be opened using remote controls. Your remote control is configured for your building only and, for security reasons, each remote control is registered. If you require additional remotes you can purchase them through the Building Manager. Key cards/fobs can also be used to open the garage doors.

6. Access to the Complex

Four buildings are situated in Blackall Street and four buildings are situated in Bowen Drive, with driveway entrances to the buildings from Blackall Street and Bowen Drive respectively. There is no connecting driveway between the two sets of buildings.

7. Management and Use of the Gardens

Landmark gardens have been planned for your enjoyment as areas of great beauty and relaxation to complement the buildings and to reflect the seasons. The ongoing careful management of the gardens is a high priority for Landmark owners and you will see daily evidence of this care & maintenance. Please respect the garden space by not leaving rubbish around, using the path rather than the gardens to exit and enter the complex and ensuring that pets are on a leash at all times. The barbecue areas located around the complex are available for your use. You should also ensure that you clean the barbecue after use. For large groups you will need to book the space in advance with the Building Manager.

8. TV Systems

TV systems are connected to a common antennae. While it is very reliable, on occasions the hardware can fail. If you are having problems please contact the Building Manager. If the problem is due to common property hardware failure, the Building Manager will arrange to fix the problem at no cost to you. If the problem is not a common property hardware failure you can contact a local TV tradesperson. The Building Manager may be able to give you some suitable contacts.

9. Using the Lift

The lifts at Landmark have an access control system from the ground floor requiring you to swipe your access card/fob to access your floor. For security reasons the access cards/fobs are configured so that only you and residents on your floor have access. No swipe is needed to return to the ground floor but, to ensure a secure building swipe access is also needed to go from the garage to the ground floor.

Problems with Lifts; Garage doors or sliding gates

During office hours contact the Building Manager. After hours use the emergency number 6295 6888.

10. Paying Strata Levies & Insurance

Strata levies are payable in June & December each year– and electronic delivery & payment of invoices is encouraged.

The Levy is split into 2 parts:

Admin Fund – this is used for ongoing expenses such as cleaning, building management, insurance and gardening; and

Sinking Fund – this is used for building and property maintenance, upgrades and structural work.

Strata levies are tiered depending on the size of the apartment.

The Strata Committee reviews the levies each year each year and any changes are voted on at the Annual General Meeting (AGM).

The Owners' Corporation normally pays for one insurance policy that covers full replacement insurance for all the buildings and adequate public liability insurance for the common property.

As a member of an Owners' Corporation you do not have to have a separate policy for building insurance as the Owners' Corporation is required to have such a policy. This arrangement is normally more economical than individuals buying their own insurance and you are assured of adequate public liability insurance for the common property.

Having adequate public liability cover for the common property is critical as a wide range of people have access to it and accidents often result in significant claims and costly legal expenses.

Owners and tenants are strongly encouraged to consider having insurance for their own contents. It should also be noted that damage to carpets within a unit is specifically excluded from the Owners' Corporation building insurance.

If you rent out your unit it is highly recommended that Landlord's insurance be taken out to cover carpets and legal liability within tenanted units and car park lots. It is the responsibility of owners and tenants to arrange their own contents and public liability insurance for their own apartments.

11. Letting you know what is happening at Landmark

There are several ways Landmark has to keep you informed as to what is happening. Strata Levy Notices are sent by email and we encourage you to register your email address with the Building Manager.

Notices of upcoming events such as maintenance projects; changes in house rules; security issues, social gatherings etc. are placed on the notice boards and in the lifts in each building and can also be sent by email. Even if you are not an owner, we encourage you to register your email address.

12. Water Issues

To shut down the water the spigot is located in the access hatch in the ceiling of the laundry or bathroom. A large allen key or a flat bladed screwdriver can be used to access the hatch. In an emergency contact the Building Manager (Monday to Friday from 7.30am to 3.30pm) or after hours on 6295 6888.

13. Storerooms & Bicycle Storage

Each apartment has an allocated cage (storage unit) in the garage basement. Locks should be provided by each resident to ensure security of items in the cage. Apartments with lock up garages may not have a separate storage unit. Bicycle racks are also provided in each basement and some garage basements have bike cages. Residents are encouraged to secure their bicycle with a locking system. A bicycle audit is conducted annually to ensure no dumped bicycles are kept on the premises.

14. Smoking

Smoking is prohibited in the common areas of the complex. Residents and their guests should not smoke on their balcony as this can have a detrimental effect on your neighbour's well-being.

15. Library

A lending Library is located in the cupboards in the gym. If you have books or DVDs you no longer need, place them in the Library cupboards. Deposit only items which are in good condition, and likely to be of interest. Landmark residents can borrow as many times as you wish. You can also keep the items you wish. No magazines are to be deposited. Voluntary librarians will periodically clear stock and donate excess books to charity.

Part Two

Landmark House Rules – Being a Good Neighbour

The EC has developed House Rules (Rules) that amplify and compliment Landmark Apartments' Approved Rules' as provided by the *Unit Titles (Management) Act 2011*.

The Approved rules set out the responsibility of owners rather than tenants and are not replicated here but they may be obtained from the strata manager on request. The house rules are set out below for your convenience

House Rules are to be included as an integral part of any leasing arrangement between a unit proprietor and the tenant.

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THE OWNERS - UNITS PLAN 2413 LANDMARK - BARTON APPROVED RULES (as at the AGM – 27 September 2017)

1 Definitions etc

(1) In these rules:

Executive Committee representative means a person authorised in writing by the Executive Committee under Rule 11(4).

Owner, occupier or user, of a unit, includes an invitee or licensee of an owner, occupier or user of a unit.

(2) A word or expression in the *Unit Titles (Management) Act 2011* and the *Unit Titles (Management) Regulation 2011* has the same meaning in these rules.

2 Payment of rates and taxes by unit owners

A unit owner must pay:

(1) All rates, taxes and Owners Corporation levies payable for the unit.

(2) Any amount payable to the Owners Corporation outstanding after the due date – to be charged interest at the rate of 18 per cent per annum.

(3) Any cost of debt recovery incurred by the Owners Corporation to recover any outstanding levies or other charges including interest.

(4) Any penalties charged in accordance with the Owners Corporation Rules and House Rules.

3 Repairs and maintenance

(1) A unit owner must ensure that the unit is in a state of good repair.

(2) A unit owner must carry out any work in relation to the unit, and do anything else in relation to the unit, that is required by any territory law.

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4 Erections and alterations

(1) A unit owner may erect or alter any structure in or on the unit or the common property only:

(a) in accordance with the express permission of the Executive Committee; and

(b) in accordance with the Landmark Apartments Modifications and Additions Policy

(2) The Modifications and Additions Policy is maintained by the Executive Committee and may be updated periodically. The current version is available from the Building Manager. This policy is designed to maintain the aesthetic and structural integrity of Landmark and to facilitate residents' peaceful enjoyment of their property.

5 Use of common property

(1) A unit owner must not use the common property, or permit it to be used, to interfere unreasonably with the use and enjoyment of the common property or individual units by an owner, occupier or user of another unit.

(2) The cost for repairs for damage to common property where rules have not been followed will be billed by the Owners Corporation to the owner of that resident's unit.

(3) Subject to Rule 4 common property may be used for the purposes of:

(a) Modifications such as skylights.

(b) Components of air conditioners.

(c) Electrical wiring and plumbing associated with individual units.

6 Hazardous use of unit

(1) A unit owner must not use the unit, or permit it to be used, so as to cause a hazard to an owner, occupier or user of another unit.

7 Use of unit—nuisance or annoyance

(1) A unit owner must not use the unit, or permit it to be used, in a way that causes a nuisance or substantial annoyance to an owner, occupier or user of another unit.

(2) This rule does not apply to a use of a unit if the Executive Committee has given an owner, occupier or user of the unit written permission for that use.

(3) Permission may be given subject to stated conditions.

(4) Permission may be withdrawn by special resolution of the Owners Corporation.

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8 Noise

(1) A unit owner must not make, or permit to be made, such a noise within the unit or common property for which access has been granted as might (in the circumstances) be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit.

(2) This rule does not apply to the making of a noise if the Executive Committee has given the person responsible for making the noise written permission to do so.

(3) Permission may be given subject to stated conditions.

(4) Permission may be withdrawn by special resolution of the Owners Corporation.

9 Animals

(9) The keeping of animals at Landmark shall be governed by the Landmark Pet Policy for The Owners – Units Plan No 2413 as approved at a general meeting of 23 March 2016

10 Illegal use of unit

(1) A unit owner must not use the unit, or common property, or permit it to be used, to contravene a law in force in the ACT.

(2) All units are subject to a minimum lease period of 90 days.

11 What may an Executive Committee representative do?

(1) An Executive Committee representative may do any of the following in relation to a unit at all reasonable times:

(a) if the committee has reasonable grounds for suspecting that there is a breach of the *Unit Titles (Management) Act 2011* or the rules in relation to a unit—inspect the unit to investigate the breach;

(b) carry out any maintenance required under the Act or these rules;

(c) do anything else the owners corporation is required to do under the Act or these rules.

(2) An Executive Committee representative may enter a unit and remain in the unit for as long as is necessary to do something mentioned in sub rule (1).

(3) An Executive Committee representative is not authorised to do anything in relation to a unit mentioned in sub rule (1) unless:

(a) the Executive Committee or the representative has given the owner, occupier or user of the unit reasonable notice of his or her intention to do the thing; or

(b) in an emergency, it is essential that it be done without notice.

(4) The Executive Committee may give a written authority to a person to represent the corporation under this rule.

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12 Seal of Owners Corporation

(1) For the attaching of the seal of the owners corporation to a document to be effective:

(a) the seal must be attached by decision of the Executive Committee.

and

- (b) the seal must be attached in the presence of two (2) executive members; and
- (c) the executive members witnessing the attaching of the seal must sign the document as witnesses.
- (d) the seal may be attached to Section 119 Certificates, reduced quorum notices and Land Titles documents by the Managing Agent.

13 Signs

- (1) A unit owner or an agent of a unit owner must not erect a sign, including a real estate for sale or to let/lease sign, on the common property.
- (2) A unit owner may erect a sign inside a window or a glass balcony railing.

14 Parking

- (1) A unit owner must use only the subsidiary car park designated for the relevant unit.
- (2) A unit owner must not use a car space designated “visitor parking”.
- (3) A unit owner or invitee must not park on concrete access driveways, landscaped areas or any position where a car may cause obstruction to others.
- (4) A unit owner or invitee must not park in a space marked “disabled” unless the driver has an appropriate sticker.

15 Balconies

- (1) A unit owner must not use a balcony to store articles not normally used on a balcony.
- (2) A unit owner must not drape rugs, mats, sheets, blankets, clothing or other articles over balcony railings.
- (3) A unit owner must not erect a clothes line on or over a balcony.
- (4) A unit owner may use a clothes horse or rack to air laundry on a balcony only in a position where the clothes horse or rack is not clearly visible from the ground or other units.
- (5) Bicycles are to be stored in the designated areas in the garages and not on balconies.
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- (6) If a breach of Rules 15(1) to 15(5) occurs, a request in writing from the Managing Agent will be delivered to the occupant asking that the breach be remedied. If more than two similar breaches occur following the delivery of the above-mentioned requests then the Owners Corporation will issue a written notice to the owner of the unit to remedy the breach.
- (7) If the breach is not remedied within the time stated in the notice, the Owners Corporation may remedy the breach itself as per the Act [Clause 109] which may take the form of the application of a financial penalty of up to \$200 for each breach.

16 Appointment of Executive Committee

(1) The Executive Committee have the option to operate with between five (5) and seven (7) members, depending on the number of nominations received by the due date.

(2) The members of the Executive Committee shall serve a term of one (1) year following their election or appointment, retiring at the next Annual General Meeting.

(3) Every year, the Executive Committee members retire from their positions and elections are held for the vacated positions.

(4) A retiring Executive Committee member is eligible for re-election.

(5) The election of Executive Committee members shall be by way of ballot.

(a) The Secretary of the Executive Committee shall call for nominations no later than twenty-eight (28) days prior to the Annual General Meeting.

(b) The call for nominations shall:

[i] be in writing;

[ii] specify the final date for receipt of nominations;

[iii] be forwarded by ordinary mail to all members of the Owners Corporation.

(c) Nominations shall be in writing and signed by the nominee and the proposer (who shall be a member of the Owners Corporation).

(d) The Secretary shall issue the ballot papers to voting members of the Owners Corporation no later than fourteen (14) days prior to the Annual General Meeting.

(e) The ballot paper shall:

[i] list the names of the valid nominees;

[ii] beside each nominee's name provide a box;

[iii] bear an identifying mark of the Secretary.

(f) Voting by members of the Owners Corporation shall be by making a mark in the box adjacent to the name of the chosen nominee/s, up to a
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maximum of seven (7).

(g) The ballot paper shall be issued with:

[i] an envelope marked "ballot paper";

[ii] directions on voting and return of ballot papers;

[iii] resume and/or statement of goals of each nominee, to a maximum of one hundred (100) words.

(h) Only those correctly completed ballot papers received by the Secretary no later than four (4) days prior to the retirement date shall be counted.

(i) The counting of the marked boxes and the scrutineering of the vote shall be carried out by two (2) persons independent of the Executive Committee, the Owners Corporation and/or the nominees.

(j) The nominees with the highest number of the marked boxes are elected to the Executive Committee.

(k) The result of the election is announced at the Annual General Meeting.

(l) The elected members of the Executive Committee take their office immediately after the retirements.

(6) If at any call for nominations for the Executive Committee, insufficient nominations are received to conduct an election, then:

(a) a ballot will not be conducted;

(b) those who nominated in accordance with these Rules will be deemed elected at the Annual General Meeting;

(c) nominations for remaining places shall be accepted from the floor at the Annual General Meeting.

(7) The Executive Committee shall have power at any time and from time to time to appoint any financial member to fill a casual vacancy. Any member so appointed shall hold office until the next Annual General Meeting.

(8) The Executive Committee shall elect from members of the Executive Committee a Chairman, Secretary and Treasurer.

17 Air conditioners

(1) Air conditioners are owned by the individual unit.

(2) Heat exchangers/compressors may be located on common property, and Rule 5 “Use of common property” shall apply.

(3) All modifications of air conditioners will need to comply with Rule 4

“Erections and alterations”. *UNITS PLAN 2413 – LANDMARK RULES AS AT AGM 27 September 2017 Page 7/10*

18 Vergolas

(1) Vergolas are owned by the individual unit. This rule transfers maintenance obligations for a unit’s Vergolas to the unit owner.

(2) Any modification of Vergolas must comply with Rule 4 “Erections and alterations”.

(3) Vergolas must be maintained in good order, maintaining the integrity of the building

19 Electrical Infrastructure

(1) Electrical infrastructure in a unit is defined as all electrical devices and connections which receive power through the fuse box in the unit. This includes ovens, ceiling lights and any transformers whether they are located in the ceiling or elsewhere.

(2) Such electrical infrastructure is owned by the individual unit. This rule transfers maintenance obligations for a unit's electrical infrastructure to the unit owner.

(3) Any modification to this infrastructure must comply with Rule 4 "Erections and alterations".

(4) To avoid fires electrical infrastructure should be maintained in good condition.

20 Removalists and moves in/out

(1) An owner or occupier or any authorised user shall not move in or out of a unit through or over common property within the building unless:

(a) notice of two (2) clear working days has first been given to the Building Manager so as to enable the Building Manager to arrange to be present at the time when the owner or occupier or any authorised user commences the move in or out.

(b) a condition report on the common property area being used is signed off by the owner or occupier or any authorised user and the Building Manager.

(2) Movements as detailed in clause 18(1) will be restricted to take place Monday to Friday only (excluding public holidays), and will commence no earlier than 8:30 am and be completed no later than 5:00pm.

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21 House rules

(1) The House Rules is a policy document maintained by the Executive Committee and may be updated periodically. The current version is available from the Managing Agent. This policy is designed for the benefit of the residents and to ensure that all enjoy a maximum of convenience, comfort and privacy. These rules are intended to keep annoyance to a minimum and to provide guidelines for residents and their guests. They are to be included as an integral part of any leasing arrangement between a unit proprietor and the tenant.

(2) No House Rule will contradict the Unit Titles (Management) Act or the Rules of The Owners – Units Plan 2413.

22 Communication with Owners

(1) The EC needs to communicate with owners from time to time. Unless other arrangements have been made, all communication will be via email.

(2) It is each owner's responsibility to ensure an accurate email address is lodged with the managing agent.

(3) Failure to receive an email will be treated the same way as not receiving postal correspondence and not normally grounds for appealing decisions made by an AGM, GM or EC.

23 Smoking

(1) The owner or occupier of a unit must not:

a. Smoke any substance on any area of common property; or

b. Smoke any substance in a lot so as to allow smoke from such substance to enter the common property or another lot; or

c. Drop, throw, place or leave any refuse from smoking, including without limitation any butt or match, on the common property

(2) The owner or occupier of a lot must take all reasonable steps to ensure that invitees, guests and/or visitors of the owner or occupier comply with the obligations under clause 1 of this by-law.

(3) The owner of a lot must take all reasonable steps to ensure that the occupier of their lot complies with the terms of this by-law

(4) Any breach of the above constitutes a nuisance/annoyance to other residents and will be addressed under Rule 7 "Use of unit-nuisance or annoyance" *UNITS PLAN 2413 – LANDMARK RULES AS AT AGM 27 September 2017 Page 9/10*

(5) From January 1 2016 the following clause is to be included in tenancy agreements & signed by the tenant(s).

"I/we agree not to smoke (or allow visitors or guests to do so) in any unit(s) or on common property of the Landmark complex."

24 Motor Vehicles and Parking

(1) No car spaces are to be rented on a commercial basis separately from a unit. That is no car spaces may be used by persons who are not an owner, occupier or tenant of Landmark or a visitor of an owner, occupier or tenant of Landmark.

25 Insurance Excess

(1) Any excess payable on an owners' corporation insurance claim shall be recoverable from the owner of the unit to which the claim is related, unless the executive committee determines otherwise. If the claim is as a result of a failing of the common property, the owners' corporation shall be liable for the excess.

26 Fire Doors

(1) The Owners' Corporation is responsible for the mandatory testing of all fire doors at the property. Any defects found are the responsibility of the unit owner to rectify to ensure that their door meets Australian Standards.

(2) Modifications to unit front doors are subject to Rule 4. Prior to the executive committee considering any application to fire doors, a report must be obtained from the owners' corporation's contracted fire services provider stating that the proposed modification will not affect the door's compliance with the relevant Australian Standard.

27 Use of common areas and safety

(1) For amenity, safety, regulatory and public liability reasons, residents must not use common property areas such as corridors, stairwells and fire cupboards to store their personal possessions.

(2) Doormats are a safety hazard and should not be left in common area corridors.

(3) Objects should not be thrown or dropped from balconies. *UNITS PLAN 2413 – LANDMARK RULES AS AT AGM 27 September 2017 Page 10/10*

(4) Pot plant soil and other materials, dead plant matter and food scraps must not be dropped or placed into any garden beds on the property. Dispose of these items in the garbage chutes or bins (see House Rule 10).

(5) Cigarette butts should be placed in appropriate containers, not dropped onto lower balconies or garden areas.

(6) Only portable carpet-cleaning machines may be used at the complex. When carpet cleaning contractors are engaged by residents it must be stipulated that vehicle-mounted carpet-cleaning units are not permitted on the property.

(7) Entrance doors to buildings, fire doors and lift doors must not be obstructed in any way.

(8) Skateboards are not to be ridden on the common property of Landmark.

(9) Bicycles may only be ridden on the driveways and service road and the paths leading to them. Children on bicycles must be supervised by an adult at all times.

(10) In the interest of safety, children are not permitted to play games on the common property driveways or in basements.

Part Three

Landmark Management

Management Structure

There are five key areas that are involved with the management of the Landmark:

- The Owners' Corporation;
- Their elected Executive Committee (EC);
- The Strata Manager;
- The Building Manager; and
- House Rules.

1.1 Owners' Corporation (also known as the Body Corporate)

The Owners' Corporation is the body made up of all the owners in the strata scheme. It has the responsibility for maintaining and repairing the common property of the strata scheme and managing the finances of the strata scheme.

As a property owner with an owners' corporation you are part of the growing trend towards community living where you retain the benefits of privacy and lifestyle without the work and responsibilities of private property.

Owners' corporations are regulated by legislation that has undergone many revisions both to deal with the changing property ownership trends and to adjust to the continually evolving body of knowledge and experience gained from regulating the industry. You are a "member" of that owners' corporation.

When a lot is sold, the new owner becomes a member. A tenant paying rent to an owner is not a member of the owners' corporation and does not generally interact with the owners' corporation.

An important part of being a member of an owners' corporation is that you must adhere to some guidelines to ensure that the group of people can live harmoniously together and that the buildings are maintained in an attractive and consistent way. This usually means that changes to the outside of buildings such as painting or the installation of air conditioners, satellite dishes, awnings etc. must be done in collaboration with other members. Owners' corporations have "common property". This usually includes the driveway, facilities such as a gym and also the open space on the property. This common property must be managed and have liability insurance so that it serves only the purposes intended and doesn't expose the owners' corporation to unnecessary legal risks.

1.2 Executive Committee (EC)

- EC is made up of apartment owners and makes decisions regarding the running of the complex. All owners have the option to be on EC. Members are elected annually at the Annual General Meeting (AGM).
- There are currently seven members on the EC.
- Building management and the Strata Manager rely on the EC to make decisions outside their scope of approval.
- To contact the EC please direct your correspondence to the Strata Manager who will pass the correspondence on to the EC. Please note that your correspondence may not be addressed until the next EC meeting.
- EC meetings are normally held monthly. Owners may be invited to address pertinent issues.
- The AGM is usually held in September of each year.

Executive Committee — Functions

The EC of an owners' corporation exercises the functions of the corporation, including the following:

- developing matters in relation to -
 - a. the common property; and
 - b. the strategic affairs of the owners' corporation;
- submitting matters developed above to the owners' corporation for consideration;
- monitoring the owners' corporations financial performance;
- approving the annual financial statements and budget for presentation to the owners' corporation at the corporation's Annual General Meeting;
- supervising the treasurer, secretary, manager and communications officer (if any); and
- carrying out the decisions of the owners' corporation made at general meetings.

Vacating positions on the Executive Committee

Any member may resign from the EC at any time. This must be done in writing. If a member sells their property during the term of their appointment their position on the EC is automatically vacated upon transfer of the property. The Owners' Corporation may fill any vacancy which occurs.

Code of Ethics

The EC operates under an agreed code of ethics which is available from reception@rhcfact.com.au

Strata Management

Landmark Apartments are managed by Raine and Horne Corporate Facilities ACT (RHCFAC). All queries, complaints and suggestions should be channeled through them. RHCFAC's role involves ensuring legal and insurance compliance, maintenance and ensuring that all the administration is kept accurate and up to date. They are also responsible for assisting residents within the building with any disputes or concerns they may have.

KEY CONTACTS

Building Manager Monday to Friday from 7:30am to 3:30pm Key Contact –	0406376661 <u>landmark@rhcfact.com.au</u>
After Hours Emergency number for Building Manager	(02) 6295 6888
Emergency Services	000
Strata Manager Raine & Horne Strata PO Box 3637 Manuka ACT 2603 Key Contact – Karin Taylor	(02) 6295 6888 <u>reception@rhcfact.com.au</u>
Landmark Executive Committee	<u>landmark@rhcfact.com.au</u>



Many thanks to our garden co-ordinator Virginia Berger for providing the stunning photographs of our beautiful Landmark gardens.