

- (b) install a security system in your Residential Lot or Commercial Lot if any part of the system will be located in or attached to Common Property (eg in the ceiling of your Residential Lot); and
- (c) relocate or install new pipes, wires, cables or ducts in the boundary walls, floor or ceiling of your Residential Lot or Commercial Lot.

13.5 When is consent not necessary?

You do not need consent from your Owners Corporation or the Committee to carry out Common Property Building Works if the proposed works are:

- (a) minor fit out works inside your Residential Lot or Commercial Lot;
- (b) works or alterations to the interior of Common Property walls enclosing your Residential Lot or Commercial Lot (e.g. hanging pictures or attaching items to a Common Property wall).

14 External Appearance Building Works

14.1 Your obligations

You must obtain consent from the Committee before you carry out External Appearance Building Works.

14.2 Definition

Subject to this clause 14.2, External Appearance Building Works are all works in Common Property, Shared Facilities, a Residential Lot or Commercial Lot that affect (or will affect) the External Appearance of Esplanade. External Appearance Building Works do not include works which are Common Property Building Works or Shared Facilities Building Works.

14.3 What is the External Appearance?

The External Appearance of Esplanade is the appearance of any external surface of a Strata Scheme, a Residential Lot, Commercial Lot, the Separate Area that is visible from outside the Strata Scheme, Residential Lot, Commercial Lot or Separate Area.

15 Shared Facilities Building Works

15.1 Your obligations

You must obtain consent from the Committee before you carry out Shared Facilities Building Works.

15.2 Definition

Subject to this clause 15.2, Shared Facilities Building Works are:

- (a) all works that affect Shared Facilities;
- (b) works in a Residential Lot or Commercial Lot that affect another component of Esplanade; and
- (c) works in Common Property that affect another component in Esplanade.

Shared Facilities Building Works do not include works that are Common Property Building Works or External Appearance Building Works.

16 Installing security devices

16.1 When is consent necessary?

Subject to this clause 16.1, you must have consent from the Committee to install security devices including, without limitation, security doors or windows, screens grilles, alarms or locks.

16.2 Security doors and windows

Subject to this clause 16.2, the Committee will generally consent to an application to install a security door or window in a Residential Lot, Commercial Lot or Common Property if:

- (a) the door or window is finished in:
 - (i) a colour that matches the existing door or window frame; or
 - (ii) a cream or off white colour for an Residential Lot; and
- (b) the security door or window matches the full size of the existing door or window and does not detract from or dominate the existing detail. The Committee will generally not consent to the installation of a security door to the entry door to a Residential Lot or Commercial Lot.

16.3 Alarms

You may install a security alarm in your Residential Lot, Commercial Lot or Common Property without consent from the Committee or your Owners Corporation if:

- (a) the alarm is a "back to base" facility;
- (b) the alarm is silent;
- (c) the alarm does not have flashing lights;
- (d) the installation is not attached to or does not interfere with Common Property (e.g. is not attached to the ceiling of the Balcony of your Residential Lot or Commercial Lot); and
- (e) the installation is not attached to or does not interfere with a Shared Facility.

16.4 Obtaining consent to install an alarm

If the installation of a security alarm is attached to or interferes with:

- (a) Common Property in your Strata Scheme, you must have consent from your Owners Corporation before you install the alarm; or
- (b) a Shared Facility, you must obtain consent from the Committee before you install the alarm.

16.5 Other security devices

You must have consent from the Committee to install any type of security device not contemplated by this clause 16.5. The Committee will generally consent to the installation of other security devices if:

- (a) the device is in keeping with the appearance of Esplanade; and
- (b) the device is not likely to cause a nuisance to or interfere with the enjoyment of Members, Owners or Occupiers.

17 Procedures to enclose a Carspace

17.1 What are the procedures?

You must have consent from Council and the Committee to enclose a Carspace. The Committee will not consent to the enclosure of a Carspace unless:

- (a) the enclosure takes place wholly within the Carspace;
- (b) the enclosure complies with the current car parking requirements of Council;
- (c) you have consent of the adjoining Carspace owner;
- (d) the enclosure is on the centre line between the Carspace and an adjoining Carspace;
- (e) all fire sprinklers, fire control, smoke exhaust ventilation and other services affected by the enclosure are dealt with to the satisfaction of the Committee;
- (f) you obtain consent from your Owners Corporation; and
- (g) if you are an Occupier, you obtain consent from the Owner of your Retail Lot or Commercial Lot.

18 Some prohibitions

You must not:

- (a) install a solid fuel burning appliance in Esplanade;
- (b) install a mounted air conditioning unit on the Balcony of a Residential, Commercial Lot or on Common Property;
- (c) enclose the Balcony of an Residential Lot or Commercial Lot;
- (d) hang clothes, laundry, bedding or similar items on your Balcony or in any area that is visible from outside a component in Esplanade; or
- (e) attach or hang an aerial, security device or wires outside a component in Esplanade.

ESPLANADE STRATA MANAGEMENT STATEMENT

Part 4

Acoustic Standards

19 Objectives

19.1 Acoustic Standards

The purpose of the Acoustic Standards is to maintain acceptable levels and duration of noise transmission between the various components of Esplanade.

19.2 Your obligations

It is important that you attempt to minimise noise you create which might interfere with your neighbours. To achieve this, the Acoustic Standards provide controls about important issues like holding parties and playing musical instruments.

19.3 How do the Acoustic Standards work?

The requirements in the Acoustic Standards are at all times subject to any nuisance or interference which may be generated by particular activities. For example, under clause 20.4 ("Playing musical instruments") you may practice or play musical instruments between certain hours. However, you must not play a particular type of instrument or play the instrument at any time if this will unreasonably interfere with another Owner or Occupier.

20 General requirements

20.1 Noise which affects your neighbours

Subject to the Acoustic Standards, you must not make noise which might unreasonably interfere with the use and enjoyment by another Member, Owner or Occupier of their Residential Lot, Commercial Lot or Common Property.

20.2 Equipment and machinery

You must ensure that equipment and machinery in your Residential Lot, Commercial Lot, Common Property does not cause vibrations or noise in another part of Esplanade (e.g. tread mills, weight machines or washing machines).

20.3 Using power tools

Subject to any conditions which apply when you carry out Building Works, you may use power tools (eg impact drills, electric saws or angle grinders) only between the hours of 7.30 am to 5.30 pm Mondays to Fridays and 9.00 am to

3.00 pm on Saturdays. You must not use power tools on Sundays or public holidays in New South Wales.

20.4 Playing musical instruments

Subject to the Acoustic Standards, you may play or rehearse on musical instruments (other than percussion instruments) only between 9.00 am to 8.00 pm. You must not play or rehearse on percussion instruments.

20.5 Playing music

Subject to the Architectural Standards and, in particular, clause 5 ("Objectives") and this clause 20.5, you must not play live or other music that exceeds 65dB(A) at the boundary of your Strata Scheme after 11.00pm (or another hour reasonably determined by the Committee).

DRAFT

ESPLANADE STRATA MANAGEMENT STATEMENT

Part 5

The approval process and carrying out work

21 Application process

21.1 Making an application

The Committee may, either generally or in specific cases, specify the plans, drawings and other documents which an applicant must submit with your application under the Architectural Code.

21.2 What information must you include in your application?

If you make an application under the Architectural Code, the application must:

- (a) be in writing;
- (b) include the plans, drawings and other documents specified by the Committee according to this clause 21.2 for the type of works for which you are seeking approval; and
- (c) include enough information to give the Committee and an Owners Corporation enough information to make a decision about your application. However, the Committee or an Owners Corporation may:
- (d) require you to submit additional plans, diagrams or other information which it has not specified according to clause 21.2 to assist in the decision making process; and
- (e) waive the requirements it makes under clause 21.2 about the plans, diagrams and other information which you must submit with your application.

21.3 Lodging your application

You must address your application to the Strata Manager or the strata manager of your Owners Corporation (depending on who must give consent to the application).

21.4 Discretion

Subject to any Standing Approvals, the Committee and an Owners Corporation may act in their absolute discretion when they make decisions about applications. They are not bound by their past decisions.

21.5 Appointing consultants

The Committee and an Owners Corporation may appoint consultants to review and make recommendations about applications to it under the

Architectural Code (eg an architect or engineer for applications affecting the External Appearance of Esplanade).

21.6 Appointing an expert

- (a) If an application to carry out Architectural Works is made under any clause of this Architectural Code, and will (or is likely to):
 - (i) impact on the appearance of areas used by visitors and Commercial Lots; or
 - (ii) impact on the External Appearance of Esplanade as viewed by visitors and residents entering and exiting the Residential Lots or Commercial Lots

and the Commercial Lot or Residential Lot either does not approve of the application or votes against the Committee granting approval to the application at a Meeting or Emergency Meeting, the Committee may refer the application for expert determination.

- (b) Any expert determination under this clause will proceed in accordance with clauses 16.5 ("Expert Decision") to 16.9 ("Pre-Condition") of the Strata Management Statement except that:
 - (i) the expert must have requisite expertise in design or architecture to act as an expert and review and make a determination about the application;
 - (ii) the expert to be appointed must be approved by the Committee.

21.7 Paying the costs for a consultant

The Committee or an Owners Corporation may require an applicant to pay the reasonable costs of consultants they appoint under this clause 21.

21.8 Time frame for making a decision

Subject to this clause 21, the Committee or an Owners Corporation must review and make a decision about an application within 1 month after receiving the application (or another period agreed between the parties).

21.9 Time frame for making a decision where a consultant has been appointed

If the Committee or an Owners Corporation appoint a consultant to review and make recommendations about an application, the Committee or Owners Corporation must make a decision about the application within one month after the consultant makes a recommendation to the Committee or the Owners Corporation (or another period agreed between the parties).

21.10 Notifying the applicant of a decision

The Committee and an Owners Corporation must immediately advise you in writing when they have made a decision about your application. The advice must:

- (a) clearly describe any conditions which attach to the approval; and

- (b) if the application is not approved, explain in detail the reasons for the decision.

22 Approval process

22.1 Standing Approvals by the Committee

The Committee has the power to make Standing Approvals to approve certain works or actions under the Architectural Code.

22.2 Standing approvals by an Owners Corporation

An Owners Corporation has the power to make Standing Approvals to approve certain works to Common Property in its Strata Scheme if the works are Common Property building Works.

22.3 Conditional approvals

The Committee and an Owners Corporation may make conditions if they approve an application. The conditions may include, without limitation:

- (a) a reasonable time frame in which the works must be completed;
- (b) the hours and days during which the works must be carried out; and
- (c) methods of accessing Esplanade to carry out the works.

22.4 Revoking approval

The Committee and an Owners Corporation may revoke their approval if an applicant you does not comply with the conditions for the approval.

22.5 Approvals from Council and Government Agencies

You must obtain all necessary approvals from Council and relevant Government Agencies before you carry out any works under the Architectural Code. This includes works for which the Committee or an Owners Corporation has created a Standing Approval.

22.6 When can you apply for consent from Council?

Subject to this clause 22, you may apply for approval from Council or a Government Agency to carry out works under the Architectural Code only after you have obtained approval from the Committee and your Owners Corporation (as appropriate).

22.7 Approving applications to Council and Government Agencies

You must not unreasonably refuse to approve or sign an application to Council or a Government Agency if the works contemplated in the application have been approved by the Committee.

23 Additional obligations for Owners Corporation

23.1 Notice of approvals

An Owners Corporation must promptly:

- (a) advise the Committee in writing when it grants consent to an Owner or Occupier to carry out works under its By-Laws or the Architectural Code; and
- (b) provide the Committee with a copy of the application by the Owner or Occupier to carry out works and the consent given by the Owners Corporation.

23.2 Notice of works on Common Property

An Owners Corporation must promptly:

- (a) advise the Committee in writing when the Owners Corporation carries out works in its Common Property (which are not the subject of an application under the Architectural Code); and
- (b) provide the Committee with details of the works carried out.

24 Procedures for carrying out work

24.1 Procedures before you carry out work

Before you carry out works under the Architectural Code, you must:

- (a) arrange with the Committee and, where appropriate, your Owners Corporation a suitable time and means by which to access the area in which you will carry out the work;
- (b) comply with the reasonable requirements of the Committee and your Owners Corporation about the time and means by which you must access Esplanade to carry out the work; and
- (c) ensure that contractors and any other persons involved in carrying out the work comply with the reasonable requirements of the Committee and your Owners Corporation about the times and means by which they must access Esplanade to carry out the work.

24.2 Procedures when you carry out work

When you carry out work under the Architectural Code, you must:

- (a) use qualified, reputable and, where appropriate, licensed contractors approved by the Committee or your Owners Corporation;
- (b) carry out the work in a proper manner and to the reasonable satisfaction of the Committee and, where appropriate, your Owners Corporation;
- (c) regularly remove debris and leave all areas of Shared Facilities and Common Property clean and tidy for all periods during which you carry out the work;
- (d) repair damage you (or persons carrying out the work on your behalf) cause to Shared Facilities, Common Property or the property of a Member, Owner or Occupier.

DRAFT

ESPLANADE STRATA MANAGEMENT STATEMENT

Part 6

Fit Out Guide

25 Alterations & Fit-Outs

25.1 What Must Be Submitted?

Plans for **any** alterations, additions and/or fit-outs to be carried out within a Commercial Lot must be submitted to the Owners Corporation via the Building Manager for approval **prior** to the commencement of **any** works. Fit-Outs and Renovations Form (Application 1) is to be completed and given to the Facilities Manager.

The design of a fit-out must be in keeping with the standards and concepts of Esplanade and the Architectural Code

Where appropriate a copy of Fire Safety Certificate must be provided.

Applications for Construction Certificates and Development Applications to Council require approval by the Owners Corporation. The particular DA, CDC or CC being lodged with the appropriate certifying authority must be submitted to the Building Manager for the approval of the Owners Corporation.

25.2 What is Available?

The following documentation is available from the Building Manager to assist with preparation of plans:

- Floor plans
- Reflected ceiling plans detailing the lighting layout
- Mechanical air conditioning duct layout and base design criteria
- Sprinkler and fire services layout
- Finish specifications: ceilings and bulkheads; carpets; walls
- Design standards including: floor loadings; lift capacities; wall to window mullions; electrical and communication cabling.

25.3 Requirements When Works are Approved

Once fit-out works are approved the Building Manager must be consulted and informed of the work schedule.

All contractors will be required to sign a Contractors On-site Form (Application 2) before commencing any work. This is not required in instances where a regular contractor of the Building is used.

Any contractors working within Esplanade **must**:

- be fully licensed;
- hold current \$20 Million Public Liability and Workers Compensation Insurance policies;
- operate within the Building's construction hours;
- comply with all areas of the *Work Health and Safety Act 2011* to ensure a safe working environment;
- take due care to avoid any damage to the Building, common areas and the lifts;
- maintain the worksite and common areas in clean condition at all times.

A contractor or workman that causes damage to Esplanade will be liable for the repair costs to correct the damage.

Any rubbish created by the contractor or workmen is to be removed by the contractor or workmen at their expense at regular intervals.

DRAFT

Application 1

Esplanade

Fit-outs & Renovations Form

Regulations and Requirements

This Form is to be signed by Company Principal or authorised agent as acknowledgement of the conditions hereon.

As stated in this Fit-Out Guide any work carried out to any Commercial Lot or area within the boundaries of the Building must be fully approved by Management, Council and the Owners Corporation.

Plans of the fit-out or renovations must be submitted to and approved by Management as well as the relevant authorities **BEFORE ANY WORK IS COMMENCED.**

All changes to any areas must fully comply with Fire Safety requirements and all systems such as fire sprinklers and smoke detectors must be situated in the suite in such positions and configurations to fully comply with all Council and Fire Regulations and the Fire Safety Certificate at your expense.

No fit-out should be placed into any configuration where it will obstruct any required inspection access such as to fire dampers, air conditioning turn off valves or electrical switches.

All work carried out within the Building must be carried out within the building's construction work hours, and must be performed by competent tradespersons fully licensed in the field of work being carried out and fully insured for coverage of such work. A copy of the contractor's insurance status and work cover clearance will be required by the Building Manager before the contractor commences work.

Hence, copies of the following documentation are to be provided to the Building Manager:

- fit-out / renovation plans;
- DA / or Complying Development Certificate
- Fire Safety Certificate;
- contractors' insurance policies – public indemnity & workers compensation.

I HAVE FULLY READ AND UNDERSTAND THE ABOVE CONDITIONS AND AGREE TO ABIDE BY THOSE CONDITIONS, THE BY-LAWS AND ARCHITECTURAL CODE FOR ESPLANADE.

Name _____

Company Position _____

Signature _____

Date _____

Application 2
Esplanade
Contractors On-Site Form

<p>Work initiated by</p> <ul style="list-style-type: none"> • Individual's Name • Business Name • Suite No. • Contact No. 	
<p>Contractor's details</p> <ul style="list-style-type: none"> • Contact Name • Business Name • Contact No. 	
<p>Contractor's Insurances</p> <ul style="list-style-type: none"> • Policy Cover • Policy Number <p>(copy attached)</p>	
<p>Area(s) to be accessed</p>	
<p>Description of work</p>	
<p>Date(s) and time to be on-site</p>	

I undertake that in signing this Form *all* contractors

- are currently covered by Public Liability and Workers Compensation policies
- are operating within appropriate Australian Standards
- will operate within the Building's construction work hours
- will comply with all areas of OH&S to ensure a safe working environment
- will take due care to avoid any damage to the building, its fixtures and lifts.
 (Any damage will be made good at the expense of the contractors)

- will maintain the cleanliness of the site (this includes daily removal of any resulting rubbish at the expense of the contractor) and understand that smoking is not permitted within the Building
- understand that deliveries are not allowed through the front foyer, that there is a loading dock with limited capacity. Parking is not available in the loading dock.

Name

Signature

Date

DRAFT

Application 3**Esplanade****Checklist for Fit-outs****A. Prior to Fit-out**

- 1 Make sure all essential services are not affected by your fit-out plans. These include sprinkler heads, smoke detectors, speakers and the positioning of fire exit signs, air-conditioning, and electrical wiring.
- 2 Ensure that the work to be undertaken will comply with the relevant Australian standards and that all contractors are fully licensed.
- 3 Submit / organise the following with Council:
 - DA;
 - your fit-out plans;
 - Construction Certificate (can also be from a private certifier).
- 4 Submit copies of the following to the Building Manager:
 - fit-out / renovation plans;
 - approved DA or Complying Development Certificate & Construction Certificate;
 - Fire Safety Certificate;
 - contractors' insurance policies – public indemnity & workers compensation;
 - signed Fit-out & Renovations Form;
 - the appropriate number of Contractor On-site Forms.
- 5 Prior to commencing work request that your Principal Contractor meet with the Building Manager. This will help to create a desired and smooth working relationship.

B. During Fit-out

- 1 Where possible the fit-out work should not be in view of passing residents or visitors of Commercial Lots or Residential Lots. For example, glass can be covered with suitable material such as plastic or paper so as to hide the work in progress.
- 2 The buildings construction work hours are to be adhered to.
- 3 No unnecessary noise is to be created disturbing the operation of existing businesses.
- 4 During the fit-out all WH&S conditions must be complied with and the safe free flow of regular pedestrian traffic will not be hindered.
- 5 All common areas are to be fully protected and not damaged through the use of protective coverings to all floors and walls.

- 6 Any soiling of any common areas is to be immediately cleaned to management satisfaction.
- 7 Any rubbish is *not* to be stored in the garbage room or other areas of the building, and is to be removed daily by the contractor.
- 8 Give notice to the Building Manager for deliveries required for the fit-out.

Note that:

- Heavy deliveries may incur additional assessment
- After hours deliveries may require security guard supervision
- Unauthorised deliveries will be turned away.

- 9 There is No Smoking in the Building.
- 10 No penetrations to fire rated areas shall be allowed without written approval.

DRAFT

Schedule 4

Shared Facilities Plan

DRAFT

