

NOTICE OF CHANGE TO BODY CORPORATE OPERATIONAL RULES

Section 106, Unit Titles Act 2010

BARFOOT & THOMPSON DISCLAIMER

This document has been obtained on behalf of the client and is made available to customers for general information purposes only. Neither Barfoot & Thompson nor their client warrant the accuracy, completeness or currency of this document and they accept liability for any errors or omissions in this document. All customers should obtain and rely on their own documents and legal advice.

Unit Plan:

Body Corporate Number:

Supplementary Record Sheet: NA136C/92

Notice

The Body Corporate gives notice that the Body Corporate Operational Rules registered on 10th December 2018 are changed as specified in the schedule of amendments.

The changes have been made in accordance with an ordinary resolution at the body corporate general meeting held on 24th November 2021.

Schedule of Amendments



BODY CORPORATE No.208399
218 Greenlane West, Epsom

Body Corporate Operational Rules

1. Interpretation of terms, and rules binding on owners, occupiers, employees, agents, invitees, customers, licencees and tenants
 - a) Terms defined in the Unit Titles Act 2010 ("Act") have the same meaning in these rules as they have in the Act, unless the context otherwise requires;
 - b) These rules are binding on all owner and occupiers of units in the unit title development as well as the employees, agents, invitees, customers, licencees and tenants of all owners and occupiers of units in the unit title development; and
 - c) "Owner" has the same meaning in these rules as it has in the Act, and for the purposes of these rules it also includes occupiers of a unit in the unit title development and the employees, agents, invitees, customers, licencees and tenants of all owners and occupiers of units in the unit title development, unless the context otherwise requires.

KAF

2. GATE and GENERAL SECURITY

The complex main vehicle entry gate can be activated using a mobile number and each unit can have up to a maximum of three mobile numbers, for persons living in a unit, to open the gate remotely. The Body Corporate maintains a list of Owner vehicle registration and mobile numbers that can access the gate and reserves its rights to operate the system including restricting gate access and deleting unit mobile numbers.

The complex has CCTV and automatic LED bollard and bulkhead lighting installed around common areas to provide recorded surveillance and after dark security lighting.

- a) Under no circumstances shall the pedestrian or vehicle gate codes or vehicle gate mobile number be given out to any non-Owner;
- b) An Owner must ensure pedestrian gates are always pushed closed to lock with no tail gating;
- c) Under no circumstances should the motorised vehicle gates be hit or forced open or closed;
- d) An Owner is not to tamper, block or cover any common area CCTV and light fittings;
- e) An Owner with unit fire and security alarms is responsible for the monitoring, maintenance and operation. Do not let external and internal alarm sounders operate for extended periods of time, Rule (6), as to not interfere with any other occupiers' quiet enjoyment of the Stoneybrook complex; and
- f) If an Owner notices damage to security gates, lights or CCTV, then they must notify the Committee via the Body Corporate Manager, by email, as soon as possible.

3. Cars and Parking

- a) An Owner of a unit must only park in their two designated garage, carport or uncovered parking spaces and provide vehicle registration numbers parking at the unit;
- b) An Owner is issued with 2 coloured and laminated Visitor Parking Permits and the correct permit must be always displayed and readable on the dashboard of vehicles when either an Owner or Visitor use the 'Visitor' allocated parking spaces;
- c) An Owner is permitted casual parking in complex 'Visitor' car parking spaces for up to three hours between the hours 9am – 5pm daily (no more than once in a consecutive 7-day period);
- d) If the Owner requires further use of complex 'Visitor' car parking spaces outside of the period mentioned in (c) above, the Owner must seek approval from the Committee via the Body Corporate Manager, by email, giving at least one weeks' notice for any request. However, the Committee reserves the right not to approve further time extension requests and tow or clamp any vehicles that continually breach Rule (3) even if the vehicle has a permit displayed;
- e) A Visitor to the Owner is allowed casual parking in the complex 'Visitor' car parking spaces for a period of up to two days/one night (no more than once in a consecutive 7 day period);
- f) If the Visitor to the Owner requires further use of complex 'Visitor' car parking spaces outside of the period mentioned in (e) above, the Owner must seek approval from the Committee via the Body Corporate Manager, by email, giving at least one weeks' notice for any request. However, the Committee reserves the right not to approve further time extension requests and tow or clamp any vehicles that continually breach Rule (3) even if the vehicle has a permit displayed;
- g) No vehicle is permitted to park in front garages, carport or uncovered space or park on yellow lines;
- h) No vehicle is permitted to block any pedestrian walkway, vehicle access or driveway, unit garage, carport or uncovered space;
- i) Emergency vehicles must have unimpeded access to all units;
- j) Each unit has either designated garaging, carport or uncovered parking for only two cars within their unit title for sole use;

- k) Failure to comply with the car parking rules including not providing notification of new unit vehicle registration numbers means your vehicle will either be towed or clamped; and
- l) The Body Corporate may remove a vehicle from the unit title development that the Body Corporate considers is parked in such a manner that is in breach, Rule (3), at the expense of the owner of the vehicle concerned, and the Body Corporate or Committee members shall not be liable for any resulting personal or property damage, loss, inconvenience or costs.

4. Shared Zone Driveways

The complex has a maximum vehicle speed limit of 15km/hour for the safety of all, so please take care and control your vehicle responsibly when driving through the complex driveways.

- a) The Owner is to note that the complex driveways are common areas and a shared zone, accommodating motor vehicles, cyclists, and pedestrians. In shared zones, the needs and comfort of pedestrians are paramount. People cycling and driving in shared zones are expected to act responsibly, travelling within the shared zone speed limit and are required to give way to pedestrians.

5. Smoking

- a) The complex common areas are no smoking zones (driveways and walkways); and
- b) Smoking within unit Owner boundaries is not prohibited, however consideration must be given to minimise the impact on neighbouring Owner units.

6. Noise, behaviour and conduct

An Owner of a unit shall not make or permit any noise or carry out or permit any conduct or behaviour, in any unit or on the complex common area or property, which is likely to interfere with the use and enjoyment of the unit title development by other Owners.

- a) Loud parties/gatherings, music, TV's, noisy pets or rowdy behaviour are not acceptable;
- b) If Owner noise level interferes with your neighbours' peace and quiet, it is too loud and breaches after 22:00 hours will be referred to Auckland Council Noise Control; and
- c) No spitting or ejecting of chewed gum within the complex common areas.

7. Clothes Washing

- a) An Owner of a unit shall not hang any clothes, washing, bedding, towels or other items outside or from a unit, or outside or from any building contained within in a unit, or on or from any deck or balcony or any part of the complex common area or property;
- b) External clothes racks or washing lines are not permitted to be in unit areas that can be viewed from complex common or external boundary areas; and
- c) Clothes drying racks or washing lines can be in unit garden or courtyard areas only, not in complex common areas, decks or balconies.

8. Aerials, satellite dishes, antennas and heat pumps

An Owner shall not erect or install outside wireless or television or communications aerials or heat pumps without the written permission of the Body Corporate or Committee.

9. Signs, notices, advertising and promotion

An Owner of a unit must not, without the prior written consent of the Body Corporate, erect, fix, place or paint any signs or notices of any kind on or to any part of the common property or on or to any external part of a unit.

- a) No signs, flags, banners or bunting is to be erected or be visible from common or external boundary areas of the Stoneybrook complex; and
- b) Real Estate signs can only be erected outside the complex, in the grass verge, along Greenlane West Road, with approval by the Committee. To seek Committee permission please contact, by email, the Body Corporate Manager, giving at least three weeks' notice for any request.

10. Rubbish

An Owner shall not deposit or throw any rubbish, dirt, dust or other material anywhere except into bins or receptacles or areas provided for this purpose and in accordance with directions given by the Body Corporate or Committee thereof (if any), property manager or caretaker engaged by the Body Corporate or Committee.

- a) All tins or other containers must be completely drained of liquids and adequately stoppered;
- b) All food waste must be bagged before placing in the General bin;
- c) All boxes and cardboard packaging must be broken down & folded before placing them in the bins to make efficient use of the bin capacity;
- d) When General or Recycling bins are full do not dump your waste or recycling next to or on top of bins;
- e) Ensure bin lids are closed shut to reduce rodents and other animals in the bin area;
- f) Large inorganic household appliance, building material, business, commercial and other non-residential items, must not be dumped in the rubbish area. The unit Owner, themselves, must arrange for the appropriate off-site disposal and payment.
- g) The Body Corporate or Committee will notify the unit Owner in advance of the annual Auckland Council inorganic collection date and will allocate a space within the complex for placement of unit Owner inorganic items so that Auckland Council contractors can remove; and
- h) The Owner is responsible for keeping the bin and general area tidy and restrict use of the bin area to daylight hours, as well as using the correct waste and recycling bins, to eliminate additional removal charges.

Owners are not to place non-residential, business, commercial or retail waste items from their place of employment or their business in the complex provided bins. Large items (including any household items that do not fit in the provided bins or are large inorganic appliances) are to be taken off site by the Owner and disposed of accordingly.

11. Gardens

An Owner shall not cut, trim, prune or damage any lawn, garden, tree, shrub, plant or flower being part of or situated on the common property or use or modify for their own purposes as a garden any portion of the common property landscaping and gardens.

- a) An Owner shall be responsible for maintaining their unit garden and courtyard areas to retain a clean and tidy appearance throughout the year;
- b) An Owner must not allow climbing plants to directly attach to their unit or complex trellis fencing, structures or cladding system, as to eliminate damage. The Committee will arrange the cutting and removal of climbing plants, if deemed necessary to eliminate damage, to unit or complex structures, cladding, fences and trellis at the expense of the unit Owner; and
- c) No Owner is allowed to modify complex common area landscaping and gardens in any way, as Maintenance is arranged by the Committee, so if additional maintenance is needed then

notify the Committee via the Body Corporate Manager, by email, giving at least three weeks' notice for any request.

12. Pet Animals

Owners are allowed to have a single pet per unit in line with all Body Corporate rules, notably Rules (6) and (11).

- a) It is the responsibility of the Owner with a pet to ensure that their unit garden, courtyard and surrounding complex common areas, that their pet may occupy, are kept in a clean and tidy state with no fouling of complex common areas or of neighbouring units allowed;
- b) The Owner must ensure any fouling of their unit garden or courtyard is promptly removed to eliminate smell, as to not interfere with any other occupiers' enjoyment of the Stoneybrook complex; and
- c) The Owner must not allow their Pet to roam unattended within the complex common areas and must be on a leash when in any of the complex common areas.

13. Vehicle Washing

An Owner is permitted to wash a vehicle on the premises if the water used to wash a vehicle is from the unit metered water connection that the Owner pays for under Body Corporate water levies, however the Body Corporate preference is for all vehicles to be washed off site.

- a) Use of any complex common area water connection or tap is not permitted;
- b) Use of a unit metered water connection is permitted if you are the unit Owner and have no outstanding Body Corporate water levies;
- c) Washing must not limit or impact the use of complex common areas by others, must not block driveways, must not be outside garages or carports and must not impact the use of 'Visitor' parking spaces;
- d) Only biodegradable and environmentally friendly (no solvent) based cleaning products are to be used and all dirt following washing of the vehicle must be removed from surrounding ground area by the vehicle Owner;
- e) The maximum period for washing in 'Visitor' parking spaces or within the complex is limited to 60 minutes per vehicle per unit per calendar month. Therefore, as each unit has designated parking for only two vehicles each unit has up to 120 minutes a calendar month to wash two vehicles using only water from their unit metered connection; and
- f) Failure by any unit Owner to comply with the vehicle washing car, Rule (13), will result in the Body Corporate returning to a policy of not permitting on-site vehicle washing and amending the Operational Rules to state all vehicle washing is to be off-site only.

14. Common Property Damage, Insurance and Utilities

An Owner shall not mark, paint, drive, nail screw or the like into or otherwise damage or deface any structure that forms part of any of the accessory units or the common property without the prior written approval of the Body Corporate or Committee.

- a) An Owner is responsible for establishing a policy for individual unit comprehensive contents cover, which includes liability for any damage to third party property. A copy of the unit comprehensive cover must be provided by the Owner to the Body Corporate or Committee via email to the Body Corporate Manager;
- b) Any Owner claim against the Body Corporate policy must be notified to the Committee via the Body Corporate Manager, by email, stating the damage and how it happened, as soon as the damage occurred;
- c) If any Owner damage is deemed liable, then the Committee reserves the right to recover the appropriate policy excess payment in full by either bank transfer or through the unit Owner quarterly levy payment; and

- d) An Owner or their tradespeople must not open or enter complex common area utility inspection lids or boxes including security, water, gas, power, telecommunication, wastewater and stormwater. If access is required then notify the Body Corporate or Committee with the reason via the Body Corporate Manager, by email, giving at least three weeks' notice for any request.

15. Emergency Contact Details

The Owner of a unit shall advise the Body Corporate or Committee of their private address (if different from the unit), mobile and landline numbers. If the Owner is a corporation, then of the manager, secretary or other responsible person employed by the Owner shall keep the Body Corporate or Committee promptly informed of any detail changes to private address, mobile and landline numbers. The Body Corporate shall always keep such information confidential except as required by law.

16. Storage of hazardous materials

An Owner shall not use or store in or upon his unit or any accessory unit or the common property except with the prior written consent of the Body Corporate or Committee any inflammable chemical liquid or gas or other inflammable material other than a reasonable amount of liquids, gases or other materials used or intended to be used for domestic purposes or which are stored as fuel in the fuel tank of a motor vehicle.

17. Storage

An Owner shall not store or place anything on the common property or in any of the accessory units except in any area or areas that may from time to time be designated for that purpose by the Body Corporate or Committee thereof.

18. Exterior Maintenance

An Owner shall not permit the exterior (including all joinery, fixtures and fittings) of their unit to be painted, modified or refurbished except by the Body Corporate or Committee with its prior written consent and in conformity with the general scheme of painting for the units.

19. Interior Maintenance

An Owner is responsible for the interior maintenance and decoration of their unit, however interior renovation work scope will require details to be submitted to the Body Corporate or Committee for prior written approval before commencement of any work. For further information, please contact the Committee via the Body Corporate Manager, by email, giving at least three weeks' notice for any request.

20. Fence, Decking & Structures

An Owner shall not erect any fence, temporary or permanent structures, building, decking, paving or shed on any unit or part thereof or accessory unit without the prior written consent of the Body Corporate or Committee.

21. Leasing a unit

An Owner of a unit:

- a) must provide a full copy of these operational rules and a full copy of all future amendments to these operational rules to any tenant or occupier of the unit;
- b) must provide the Body Corporate or Committee with written notice of the full name, mobile and landline numbers for the Owner, Rule (15), and for all tenants or occupants of the unit;
- c) must inform any tenant or occupier of the unit that the mode of service under the Act is by email, and the Owner must provide the Body Corporate or Committee with written notice of the email address for service for the tenants or occupiers of the unit and the email address for service for the Owner; and
- d) promptly notify the Body Corporate or Committee in writing of any changes to the details, as per Rules (15 and 21).

22. Short Term Renting of a unit

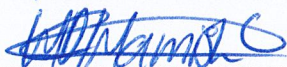
Notwithstanding, Rule (21), an Owner of any unit shall not use or permit all or part of his or her unit (including designated parking) to be used for short-term accommodation (visitor accommodation) or casual letting for a daily or weekly tariff, including for Airbnb or Bookabach or any other casual letting for reward. This rule does not prevent a unit from being tenanted for long-term or permanent residential accommodation under the Residential Tenancies Act 1986. The purpose of this rule is to ensure that an appropriately high level of amenity, including quietness, and security is maintained in the complex. Casual letting, such as Airbnb, has a negative impact on the residential amenity and the security of the entire Stoneybrook complex.

23. Interference and obstruction of common property

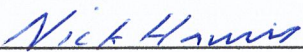
Every Owner and their visitors have the responsibility to demonstrate behaviour that does not interfere, offend or frustrate the reasonable use or enjoyment of the Stoneybrook complex common or private unit areas or obstruct any lawful use of the common property by others.

Body Corporate 208399

by: Hamish Corbett 10/12/2021

 Body Corporate Committee Chairperson

Witness to above signature: Nicholas Harris

 Body Corporate Committee Member
Signature

Practice Manager
Occupation

8/218 Green Lane West Waltham N.H
Address Epsom, Auckland

Date: 10/12/21