

23 January 2024

Att: All Members
DP 270427
Anzac Parade
LITTLE BAY NSW 2036

Dear Members

DP 270427 – NCAT Decision regarding Prince Henry Community Association By-laws

We write to you on behalf of the Prince Henry Community Association at Little Bay in relation to the recent outcome of the NSW Civil and Administrative Tribunal (NCAT) decision with respect to the Prince Henry Community Association By-laws.

As you may be aware, the Community Association is the governing body at Prince Henry at Little Bay, and have by-laws all owners, Strata Plans and neighbourhood associations are required to comply with. You can access a copy of the by-laws though the link below:

<https://princehenrycommunity.com.au/wp-content/uploads/2023/01/220604.1-NSW-Image-Dealing-AS689531-CMS-10JAN2023.pdf>

In 2023, the Community Association had to commence proceedings in NCAT against Lot 88 for the ongoing breach of by-laws, namely, the parking of a boat and boat trailer in the Community Association and that it was visible by the public.

We are pleased to advise that following a protracted litigation process, the Tribunal Member made a determination in favour of the Community Association's by-laws, which echoes an important point, that is; the Community Association's by-laws are enforceable and require compliance from all owners, members and residents. Please see **enclosed** full judgment and reasonings.

The Community Management Statement sets out the by-laws which binds all owners and occupiers in the Community Association. The by-laws are designed to protect and maintain the look and feel of Prince Henry and protect the unique qualities of the area.

Some by-laws that are commonly breached are the following:

- Parking
- Landscaping – on-title and perimeter verges
- Laundry and storage on balconies and common property
- Visible antenna/satellite dish on roof
- Real estate signage
- Private road signage
- Unauthorised screening

We kindly ask all Strata Managing Agents to pass this letter onto the owners of your respective Strata Plans for their awareness and cooperation in maintaining and upholding the by-laws.

Thank you for your support in this matter.

Jolly Duong
Senior Community Manager
Acumen Strata Management Pty Ltd
Encl.