

Members file

c/- Department of Education  
Floor 3  
MLC Tower  
WODEN ACT

This has now resolved itself

The light position has been righted 24 March 1977

N.F.A.

L

29/3.

The Director

*Urambi Co-operative*

*Dear Sir,*

I wish to draw to your attention the difficulty I have experienced in obtaining the assistance of the architect in correcting errors in the positioning of the lighting fixtures in my house - No 3.

The position of the entrance light is such that, unless I have a flush ceiling light, which I do not want, the door will hit the light fitting when the door is opened. It is also off-centre, as is also the light in the lobby at the top of the stairway. I notice that the entrance light is a great deal closer to the door than it is in most other units of a similar design to mine and can only assume that the architect's directions have not been strictly adhered to, in the positioning of these lights.

I first reported this error when it could have been rectified, if directions had been given at the time, with very little effort. I have since been in touch with Mr Chris Lang on three occasions and have been assured by him that he has contacted the architect on the matter.

Regrettably the finishing off has now been completed without action having been taken to correct the errors; and I am concerned that delays with settlement may ensue unless action is taken immediately. I would therefore request that you bring pressure to bear on the architect to act immediately and avoid further delays. I further suggest that he be made responsible for expenses incurred by the delay.

Yours faithfully

*Elizabeth Sharp.*

(Elizabeth Sharp)

Legal file

NFA. 26/4.

**ABBOTT TOUT CREER & WILKINSON**  
**SOLICITORS**

CANBERRA:  
DAVID C. D. HARPER, B.A., LL.B.

PAMELA M. COWARD, B.A., LL.M. (ASSOCIATE)

SYDNEY:  
JAMES NEILL CREER  
PETER MARSHALL WILKINSON, LL.B.  
KENNETH LEA ADDISON  
VICTOR FRANCIS KELLY LL.B.  
KENNETH JOHN PALMER, B.A., LL.B.  
ROBERT WILLIAM MCCORMACK  
WILLIAM JAMES HENTY, LL.B.  
MICHAEL LANCASTER OATES  
JOHN DAVID EDELMAN

**92-96 NORTHBOURNE AVENUE**  
**CANBERRA CITY**

AND AT 60 MARTIN PLACE SYDNEY

TELEGRAPHIC & CABLE ADDRESS  
"ABATOUT," CANBERRA

TELEPHONE: 49-7788  
CANBERRA DOCUMENT EXCHANGE 22

PLEASE ADDRESS ALL CORRESPONDENCE TO  
P.O. BOX 828  
CANBERRA CITY, A.C.T. 2601

YOUR REF.

OUR REF: RM. 8364

5th April 1977

7/4

L

The Secretary,  
Urambi Co-operative Community  
Advancement Society Limited,  
P.O. Box 666,  
CIVIC SQUARE A.C.T

Dear Sir,

re: URAMBI TO SHARP - UNIT 3

We confirm our telephone advice that Ms. Sharp is not happy with a number of items with her unit, and requires them to be fixed prior to settlement. They are as follows:-

1. Front door lock faulty.
2. Switch plates loose and flapping, plus holes with fixtures missing.
3. Gully trap with missing plinth in courtyard and tap-off centre.
4. Hot water system not enclosed.
5. Chips in steps.

We note that Point No.4, the non-enclosure of the hot water system, is a point of design rather than a defect, and we have advised Higgins Faulks & Martin accordingly.

Yours faithfully,

ABBOTT TOUT CREER & WILKINSON

Per:

*R. J. Moloney*

P.S. We were rung by Mr. Humphries today, the 5th April 1977, and apparently Ms. Sharp has pointed out that the path to the front door in the entrance courtyard is not in existence, although it is shown on the approved plans. Could you please deal with this point also.

ABBOTT TOUT CREER & WILKINSON  
SOLICITORS

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DAVID C. D. HARPER, B.A., LL.B.

PAMELA M. COWARD, B.A., LL.M. (ASSOCIATE)

SYDNEY: ~~ROBERT~~ JOHN McCOURT, B.A., LL.B.  
(ASSOCIATE)  
JAMES NEILL CREER  
PETER MARSHALL WILKINSON, LL.B.  
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YOUR REF.

OUR REF. RM.8364

23rd May, 1977.

The Secretary,  
Urambi Co-operative Community Advancement Society Limited,  
P.O. Box 666,  
CIVIC SQUARE, A.C.T. 2608

Dear Sir,

Re: SALE OF UNIT 3 TO SHARP

We confirm that settlement of this matter was effected on the 20th April, 1977. A settlement statement giving financial details of the transaction has been handed to you already.

As you are aware, the rates on the unit had not been paid at the time of settlement, and accordingly an appropriate undertaking was handed over at settlement. No doubt you will sort this matter out with purchasers in due course.

We have notified the Department of the Capital Territory of the change of ownership of the unit, and all future rates and notices should be forwarded to the new owners at their home address.

We enclose a memorandum of our costs and disbursements for acting for you on this sale.

Yours faithfully,

ABBOTT TOUT CREER & WILKINSON

Per:



No 3 Wramli Village

Kambak, A.C.T 2902

9th June

The Secretary,  
The Body Corporate,  
Wramli Village.

Dear Arminel,

I would like to convey my thanks  
to the body corporate for allowing me  
to conduct the 'Austears' collection for the  
area surrounding Wramli, from the  
Community Centre.

It was great to be able to use  
the facilities on such a cold, damp day,  
and I was able to keep a very small  
band of collectors happy throughout the  
day. The results, in view of the  
weather, were quite creditable.

Yours sincerely  
Elizabeth Sharp.

3 Wramble Village  
Kambak  
25th Oct.

The Secretary  
The Body Corporate  
Wramble Village

Dear Arnold,

As requested by you I am writing to draw the attention of the Body Corporate to a number of matters causing me concern

1. The hose I have been using to water the common area in front of A and B blocks has broken in two places. In any case it is too short to water the area around the drying area. I would be grateful if the Body Corporate could make one available to me for use in these areas

2. There is a need for more planting both around the drying area and the area opposite the letter boxes for houses 1-9. Hardy grevillas of the low shrub variety would be suitable. Also the area where grass has recently been poisoned is going to need planting with the same type of thing. This is needed in addition to any planting of mesembrythemum for which there is, as you know, room for extension

would like to do this<sup>2</sup> before the hot weather sets in.

3. The graffiti artist(s) have not yet been identified. Perhaps an approach could be made to all households in the area for 'information' concerning it. I would like to have it painted over if possible but feel the culprit ought to foot the bill. Perhaps a general approach would bring forth a confession.

4. The garbage enclosure for houses 1-9 is a disgrace to the households which use it. Garbage is put out in boxes and paper bags which inevitably spill their contents. The odour is revolting and the area becoming a health hazard. Some people use any garbage bin and seem to have none of their own... They dump garbage on top of lids placed inside the bins by the children who clean up after us filthy adults. What a terrible example we are setting them! Incidentally may I say how grateful I am for the services of these children: without their assistance the place would be unfit for civilized living. Of course, they shouldn't have to do the kind of dirty jobs we expect of them. If all they had to do was replace the bins we would not need to pay them as much as it is - they well and truly earn their money. I would be grateful if the Body Corporate could take strong action on this matter & personally have never seen anything quite so

disgusting in my long and checkered career  
covering three continents.

I certainly will not support the construction  
of a swimming pool while some residents  
reveal how utterly unconcerned they are  
about the common good. They would  
not play a responsible role in the  
maintenance of the pool while, no  
doubt, making full use of it. Others  
would be expected to pay for their neglect  
in the same way as we are with regard  
to the garbage bins.

Trusting you will be able to  
assist me with regard to some or all of  
these matters.

Sincerely

Elizabeth Sharp. (No 3)

31 May 2016

Mr John Mitchell  
C/- 63 Rose Scott Circuit  
Chisholm ACT 2905



Dear Mr Mitchell

**Unit 3 Units Plan 119 "Urambi Village"  
79 – 87 Crozier Circuit, Kambah ACT  
Noise Complaints**

Please be advised that our office has received a number of complaints relating to your tenants.

The complaints received to date relate to noise and disturbance from your tenants and listed below is some examples of the complaints.

*"Residents have called to put in a complaint with regards to Unit 3.  
They have had to endure loud noises, loud music and drunkenness behaviour.  
Police having to be called to the complex because of the disturbance of the residents of unit 3.  
Constantly hear abuses and bad language. "*

Please be advised that the Units Titles (Management) Act 2011 states the following:

**8 Noise**

- 1. A unit owner must not make, or permit to be made, such a noise within the unit as might (in the circumstances) be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit.***

Therefore it would be appreciated if you would contact your tenant and advise them of the complaints and request them to be mindful of other residents at the complex and ask them to refrain from creating loud noise.

If the matter continues the owners corporation have requested that a breach order be issued to the owner of unit 3.

If you wish to discuss this matter further please feel free to contact our office.

Yours sincerely

**CITY STRATA MANAGEMENT**

A handwritten signature in black ink that reads "Tony Stevens". The signature is written in a cursive, flowing style.

Tony Stevens  
Strata Manager



05 July 2016

Mr John Mitchell  
C/- 63 Rose Scott Circuit  
Chisholm ACT 2905



Dear Mr Mitchell

**Unit 3 Units Plan 119 "Urambi Village"  
79 – 87 Crozier Circuit, Kambah ACT  
Noise Complaints**

Please be advised that our office has received a number of complaints relating to your tenants.

The complaints received to date relate to noise and disturbance from your tenants and listed below is some examples of the complaints.

*"Residents are continuing to call to put in a complaint with regards to Unit 3. They continue to hear aggressive language, noise and screaming from the unit. The incidents that have affected and concerned other residents the most are the domestic disturbances between the couple and the aggressive nature of the two dogs. Constantly hear abuses and bad language. "*

Please be advised that the Units Titles (Management) Act 2011 states the following:  
**8 Noise**

- 1. A unit owner must not make, or permit to be made, such a noise within the unit as might (in the circumstances) be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit.***

Therefore it would be appreciated if you would contact your tenant and advise them of the complaints and request them to be mindful of other residents at the complex and ask them to refrain from creating loud noise and restrain the dogs and the barking.

This is the second letter of this nature and if the matter continues the owners corporation have requested that a breach order be issued to the owner of unit 3. This order will be issued within seven days if the matter is not resolved and the complaints cease.

If you wish to discuss this matter further please feel free to contact our office.

Yours sincerely  
**CITY STRATA MANAGEMENT**

A handwritten signature in black ink that reads "Tony Stevens". The signature is written in a cursive, flowing style.

Tony Stevens  
Strata Manager

14 July 2016

Mr John Mitchell  
C/- 63 Rose Street  
Chisholm ACT 2905

**Units Plan 119**

**RULE INFRINGEMENT NOTICE**

*Pursuant to Section 109 of the Unit Titles (Management) Act 2011*

Rule 5, Rule 7 & Rule 8 –Use of common property, Use of Unit & Noise

Dear Mr Mitchell

We write on behalf of the Owners Corporation of Units Plan 119.

You are hereby served by the Owners Corporation Units Plan 119, a Rule Infringement Notice under Section 109 of the Unit Titles (Management) Act 2011, in relation to failure to have the nuisance, annoyance and noise of your Unit 3 within Units Plan 119 brought under control.

The Owners Corporation has sent correspondence to you previously in relation:

- |                   |  |
|-------------------|--|
| Date 31 May 2016  | Noise Complaint and police having to be called to the complex because of a disturbance of the residents of unit 3. |
| Date 05 July 2016 | Aggressive language, Domestic Arguments, and the aggressive nature of the two dogs.                                |

You are advised of the following in accordance with Section 109:

- a) The Owners Corporation believes that Unit 3 is contravening the provisions of Rule 5, 7 & 8 of the registered Rules of the Owners Corporation.
- b) You have failed under Rule 5,7 &8 to remedy any of the noise, or behaviour complaints
- c) The Owners Corporation requests that this unacceptable noise, behaviour & annoyance to many owners be remedied, before any further complaints are received.
- d) If you fail to comply with this notice, (i) you have committed an offence under the provisions of the Unit Titles (Management) Act 2011; and (ii) the Owners Corporation may, without further notice, apply to the ACT Civil & Administrative Tribunal for an order in relation to the failure to comply with this notice.

Please contact the Owners Corporation manager, City Strata Management Pty Ltd, if you require any further information in relation to this notice.

Sincerely,



For and on behalf of the Owners Units Plan 119

Tony Stevens

Owners Corporation Manager

City Strata Management

**From:** David Keightley david@dara.com.au  
**Subject:** Re: UP119 Unit 3 Contact  
**Date:** 8 December 2016 at 11:19 am  
**To:** Deb George deb@citystrata.com.au  
**Cc:** Nicolas Brown nic.k.a.brown@home.netspeed.com.au



Hi Deb

Thank you for the copies of the fence letters you sent to house 3 on 7 November.

I spoke with Samantha yesterday about the fence at house 3.

I emphasised that the existing fence was unapproved and must be removed.

She did mention to me that the fence was needed as a neighbour's cat was getting into her yard. I pointed out that whatever fence was put in place, it was unlikely to keep a cat out. I'm not sure why the offending cat is an issue here.

She also told me that a fence was needed as she had two dogs that needed to be contained, and that these are 'care dogs'.

There are some fences within Urambi that are either unapproved, or that do not meet guidelines. However there is only a small number of these, and the Executive Committee has worked with the owners of these fences to attempt to get them to comply with the Structures Guidelines. In most cases the breaches are minor. In any case, that there are breaches is not an excuse to install a fence at house 3 that does not comply with our Structures Guidelines.

Samantha did say yesterday that she had received a quote for a fence that would meet our Structures Guidelines, but at \$2,200 the cost was far too high. She was therefore seeking quotes for other types of fences that would be cheaper, but were not compliant with our Structures Guidelines.

I told her that any fence must comply with our Structures Guidelines, and I offered to help her in any way I could to select an appropriate fence and obtain EC approval for it.

Our Structures Guidelines are very important in Urambi, particularly as we value the architectural awards we have received, and we are considering heritage listing for the Village. While these Guidelines are under revision at the moment, there are no plans to change the guidelines for fences.

My impression after speaking with Samantha on a few occasions now is that she will engage in stalling tactics over both the removal of the existing unapproved fence, and the construction of a new fence.

David

-----  
David Keightley  
55 / 85 Crozier Circuit  
Kambah ACT 2902  
Phone: 02-6296.1092  
Mobile: 0414-927.591  
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On 8 Dec. 2016, at 10:46 am, Deb George <deb@citystrata.com.au> wrote:

Good morning David

Further to below Samantha (the resident) phoned me last week with concerns about the variety of fences within Urambi Village which do not appear to comply with the Guidelines.

I suggested to Sam that she take photographs and send an email with her concerns which I would provide to the Executive Committee as if there are unapproved or inappropriate fences within the complex then the same would apply to those owners. However, I noted that this did not exempt Unit 3 from the requirement to remove the unapproved structure and install a compliant fence.

I sent Samantha a follow up email yesterday on the matter of the pet approval asking her to forward her pet application asap so I could progress to the committee. Samantha had discussed her concerns with me about a neighbouring cat whose owner does not appear to be complying with the guidelines for housing a pet and followed up with an email. Before sending the complaint to the EC I was hoping to have Samantha's pet application. I have not yet heard back from her.

As requested please find attached a copy of the letter sent to both the unit owner and tenant. On 16/11/16 I emailed a copy of the letter to the authorised representative for the owner, Leisa Mitchell.

With kind regards

**Deb George** | Senior Strata Manager

City Strata Management Pty Ltd | Level 1, 42 Mort Street Braddon ACT 2612  
P 02 6156 3305 E [deb@citystrata.com.au](mailto:deb@citystrata.com.au) [www.citystrata.com.au](http://www.citystrata.com.au)

<image001.png><[image002.jpg](#)>The offices of City Strata will be closed from 5.00pm Wednesday December 21<sup>st</sup> 2016 & reopening on Wednesday January 4<sup>th</sup>2017. May we take this opportunity to thank you for your continued support & wish you a happy and peaceful Christmas. We look forward to serving you in the New Year.  
<image003.jpg>

<image004.jpg>

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**From:** David Keightley [<mailto:david@dara.com.au>]

**Sent:** Wednesday, 7 December 2016 4:12 PM

**To:** Deb George <[deb@citystrata.com.au](mailto:deb@citystrata.com.au)>

**Subject:** Re: UP119 Unit 3 Contact

Hi Deb

I have not heard anything from House 3 in Urambi Village about their replacement of the unapproved fence, other than they are seeking quotes. Certainly the unapproved fence is still there.

Have you heard anything?

Can you please send me a copy of the letter you sent to House 3 advising them that they had 30 days to remove the fence.

Thank you Deb.

David

-----  
David Keightley  
55 / 85 Crozier Circuit  
Kambah ACT 2902  
Phone: 02-6296.1092  
Mobile: 0414-927.591  
-----

**From:** Libby Amiel [libri@homemail.com.au](mailto:libri@homemail.com.au)  
**Subject:** Fw: Unit 3  
**Date:** 9 November 2016 at 10:11 pm  
**To:** David Keightley [david@dara.com.au](mailto:david@dara.com.au)

BC

Libby Amiel

6296 6596  
0429 496 208

**From:** [Libby Amiel](#)  
**Sent:** Wednesday, November 09, 2016 10:05 PM  
**To:** [Nic Brown](#)  
**Cc:** [David Watson](#)  
**Subject:** Unit 3

Nic

I am writing to register my dismay at the progress with the rule infringement action at Unit 3. As the owners of Unit 1 we have an interest in the speedy resolution of this matter.

At all times the complaints have been about the noise/abusive language/aggressive behaviour/dogs of the tenants not the owner of the unit, who we understand is now very aged, nor his enduring attorney, who manages the unit for him, except that they have not responded to the letters or infringement notice.

But, the behaviour of the tenants continues.

Our tenant in Unit 1 has concerns. He has not observed a number of events others have reported but certainly heard the recent early hours of the morning 'domestic'. His major concerns are that he is intending to marry next April and make Unit 1 the marital home for the foreseeable future and wants a peaceful environment. He is a pastor with a youth focus and regularly has meetings at the unit and a consequent duty of care that it is a safe environment for teens. If one of the dogs gets out or his guests get unwittingly involved in a 'roving domestic' he has a problem. He is also noticing that the dogs are not exercised. If they are difficult to control, it is difficult to exercise them, but the less they are exercised the more difficult they to control they become.

So where do we go from here?

We could repeat the whole breach process. The grounds would remain effectively the same

- Using the common property to conduct 'domestics'
- Using the unit itself to conduct 'domestics'
- The said 'domestics' causing noise pollution.

The EC may wish to add the unapproved structure and S32 lack of consent for the dogs.

However, EC does not need to issue further infringement notices to commence an ACAT action. In UP 768 v Lokusooriya, ACAT concluded that

“Section 109 [of the UT(M)A] does not impose an obligation on an owners corporation to issue an infringement notice in every circumstance in which a contravention of the rules is believed to have occurred, and is likely to be repeated. The use of the word ‘may’ in subsection 109(2) makes it clear that the decision whether or not to issue a rules infringement notice is discretionary. “

“Further, the UTM Act does not require the issuing of a rules infringement notice as a precondition to the filing of an application under section 125 of the UTM Act. “

The EC can commence an ACAT action immediately and add the unapproved fence and the consequent need to remove the dogs, at the least until a fence is approved. Going to affected owners and tenants asking for input into an ACAT case is likely to get much more support than asking for information to amass a case for another infringement notice that on past experience will be ignored.

The penalty ACAT can impose under S110 against both the owner and the tenant is significant. Five penalty units is now \$750. This sort of case may not attract the maximum but it will attract some fine.

ACAT may also make an order under sec 129 for a payment of up to \$1000 to the ACT or someone else (including the OC).

Ultimately, if the EC is unwilling to prosecute this matter in a timely and assertive manner, the affected owners and tenants can take action themselves under either S111 to make the EC act on further infringement notices or more likely under Ss 125 and 128 seeking ACAT orders against the EC for inaction and against the offending tenants to end the offence.

I am more than happy to assist the EC take action. I have an interest in seeing this matter resolved.

May I have your early response indicating what the EC is doing please.

I tried to send this email to all EC members but some addresses in the new Directory must be incorrect because the email simply would not process.

Libby Amiel

6296 6596  
0429 496 208

**From:** David Keightley david@dara.com.au  
**Subject:** Air conditioner installation  
**Date:** 19 April 2018 at 9:05 am  
**To:** MITCHELL, Leisa leisa.mitchell@health.gov.au

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Hi Leisa

As I received no objections to the installation of an air conditioner at house 3, and the period for objections expired at 5pm yesterday, you are now able to go ahead with the installation.

Can you please ensure that it is the model you specified and that it is installed in the location you indicated, as I am certain that there will be some in Urambi (you know who they are) who will take an active interest in this.

All the best.

David

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David Keightley  
55 / 85 Crozier Circuit  
Kambah ACT 2902  
Mobile: 0414-927.591  
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## **Urambi Structures Application House 3**

The owner of house 3 wishes to install a split system air conditioner. The unit will be located at ground level against the western wall of the house, approximately mid-way between the neighbouring houses. The owner plans to purchase a unit that has a relatively low noise level when operating.

Further details can be obtained from the owner of house 3 (Leisa Mitchell), or from me.

Objections must be submitted to me by **5pm on Wednesday 18 April 2018**.

David Keightley (Structures Coordinator)

House 55 (david@dara.com.au)

28 March 2018

## **Urambi Structures Application House 3**

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Further details can be obtained from the owner of house 3 (Leisa Mitchell), or from me.

Objections must be submitted to me by **5pm on Wednesday 18 April 2018**.

David Keightley (Structures Coordinator)

House 55 (david@dara.com.au)

28 March 2018



BACK TO BACK INSTALLATION  
BROWN PIPE COVER  
WALL BRACKETS