

**SCHEDULE C BY-LAWS**

**1. INTERPRETING THESE BY-LAWS**

**1.1 Definitions**

Certain words are used throughout these by-laws. Unless the context requires otherwise:

"Act" means the *Body Corporate and Community Management Act 1997*.

"lot" means a lot in the scheme.

"owner" means the owner of a lot.

"Regulation Module" means the regulation module which applies to the scheme.

"utility" means: electricity, gas, water, cable TV and the like.

Other terms which are defined in the Act like "body corporate", "committee", "common property", "community titles scheme", "scheme land", "occupier", and "original owner" have the meanings given to them in the Act.

**1.2 Interpretation**

These general rules of interpretation apply in these by-laws:

- (a) Reference to:
  - (i) the singular includes the plural and the plural includes the singular;
  - (ii) one gender includes each other gender;
  - (iii) a person includes a company; and
  - (iv) an item or thing includes any part of it.
- (b) References to statutes include all statutes amending, consolidating or replacing them.
- (c) Headings are for guidance only and do not affect the interpretation of these by-laws.
- (d) Reference to a particular section in a statute includes amending or replacing provisions irrespective of the section number.

**1.3 Act**

These by-laws must be read in conjunction with owners' and occupiers' obligations under the Act and the

Regulation Module, for example:

**Act**

- s163 Power to enter lot
- s165 interference with easements of support or shelter
- s166 Interference with utility services
- s167 Nuisances
- ss182-8 By-law contraventions

**Regulation Module**

s170	Condition of lot - obligations of owners and occupiers
s171	Body corporate may carry out work required of owners and occupiers
ss173-5	Exclusive use by-laws
s183	Improvements affecting insurance premium
s188	Use affecting insurance premium

**Application of by-laws**

The owner or occupier of a lot is responsible for ensuring that any person the owner or occupier invites on to the scheme land (for example, children, visitors, contractors, tenants, licensees) complies with these by-laws.

**2. USE AND MAINTENANCE OF LOTS****2.1 Use of lots**

Lots may only be used for residential purposes.

**2.2 Maintenance/replacement of improvements**

The owner of a lot must maintain all improvements on the lot (including landscaping) in good condition and, where necessary, renew or replace worn or damaged improvements with materials of the same type and appearance. The owner must comply with part 3 in carrying out any work under this by-law.

**2.3 Maintenance of lots**

The occupier of a lot

must:

- (a) keep the interior of the lot in a clean condition;
- (b) take all practical steps to prevent infestation by vermin and insects;
- (c) turn off all water taps in the lot after use;
- (d) not deposit rubbish or other unsuitable material in toilets, sinks, drains or other water apparatus or otherwise use them for any inappropriate purpose;
- (e) not use plumbing, gas, and electrical equipment for any purpose other than which they were designed;
- (f) keep windows clean; and
- (g) except where it is the responsibility of the body corporate under s159 of the Regulation Module, replace all cracked or broken glass with new glass of the same type and appearance.

**2.4 Nuisance**

Without limiting s167 of the Act;

- (a) no noxious or offensive trade or activity may be carried on the scheme land;
- (b) televisions, radios and musical instruments must be reasonably controlled so they do not cause annoyance to other occupiers;
- (c) machinery, tools or other things which emit loud noises or noxious odours or which may interfere with television or radio reception may not be used on the scheme land;
- (d) people entering or leaving lots after 11.00 pm must do so quietly.

## 2.5 Security

The occupier of a lot must:

- (a) lock or securely fasten all doors and windows when in the lot whenever the lot is not occupied; and
- (b) after entry or exit, close and lock any door, gate, roller door or other means of entry to the scheme land or the scheme building which is intended to prevent unauthorised access to the scheme land or building.

## 2.6 Hazardous substances

Occupiers must not:

- (a) store or use any hazardous or flammable substance on the scheme land (except normal quantities of usual household substances or fuel in the tank of a vehicle permitted to be on the scheme land); or
- (b) bring anything on to the scheme land which may increase the cost of insurance or breach any fire, safety laws.

## 2.7 Garbage disposal

- (a) Garbage must be disposed of in the way provided by the body corporate. Occupiers must comply with all local authority laws about the disposal of garbage and must ensure the health, and comfort of other occupiers is not adversely affected by the occupier's disposal of garbage.
- (b) An occupier of a lot must not throw or allow any paper, rubbish, cigarette butts, or other refuse to fall out of any window, door or balcony of the lot.

## 2.8 Hanging things from lots

The occupier of a lot must not:

- (a) hang washing, towels, clothing or other articles so they are visible from outside the lot; or
- (b) display any sign, banner or advertisement on any part of the lot or scheme land so it is visible from outside the lot. However a letting agent authorised by the body corporate may display reasonable signage as long as it does not detract from the general amenity of the scheme land.

## 2.9 Auctions

Auction sales may not be conducted on the scheme land without the prior written consent of the committee.

## 2.10 Pets

Subject to §181 of the Act and this by-law, the occupier of a lot may keep or bring any animal on the scheme land. An owner or occupier may keep 1 dog or cat only in a lot as long as;

- (a) the occupier gives the body corporate prior notice of its intention to keep the animal and details of the type and size of the animal;
- (b) the animal weighs less than 6 kilograms;
- (c) the animal is a domesticated pet; and
- (d) the animal does not disturb others.

The onus of proving that an animal complies with this by-law is on the occupier. A person may not allow an animal permitted by this by-law onto the common property unless he or she is carrying the animal.

### 3. CHANGES TO LOTS

#### 3.1 Structural matters

An owner or occupier of a lot must not:

- (a) make any structural alterations to the lot (including any alteration to gas, water, or electrical installations or installation of any air conditioning system); or
- (b) do anything which might affect the structural integrity of the scheme building,

without the prior written consent of the committee. The owner or occupier must also obtain any other approval required by law.

#### 3.2 Changes to external appearance

An owner or occupier of a lot may not do anything to change the external appearance of the lot without the prior written consent of the committee. For example, this means an owner or occupier must not:

- (a) place or construct any improvement on the lot which can be seen from outside the lot;
- (b) affix any antenna or aerial to the lot;
- (c) affix shutters, awnings, tinting or security screens on any door or window;
- (d) hang any curtains in the lot, except curtains with a white backing; or
- (e) alter any landscaping or garden.

#### 3.3 Security Screens

An owner or occupier must not affix security screens to any window or door without the prior written consent of the committee. Only security screens which have the appearance of insect screens and do not detract from the appearance of the building will be approved.

#### 3.4 Enclosure of balconies, terraces, etc.

All balconies and terraces are to remain unenclosed with no shutters, glazing, louvres or similar permanent fixtures other than those consistent with the relevant Brisbane Planning Scheme Codes and clearly depicted and annotated on the approved drawings.

#### 3.5 Maintenance of yards

An owner or occupier must:

- (a) use the external parts of the owner's or occupier's lot ("yard") for private recreation and must not place any equipment, furniture or other items within the courtyard other than one set of outdoor furniture and a BBQ;
- (b) not use the yard in a way that may create a nuisance to any other person on scheme land;
- (c) keep the yard in a clean and tidy condition;
- (d) maintain the plants in the yard including regular watering and feeding, weeding, trimming and replacement if required; and
- (e) not use the yard for storage or parking of vehicles.

If the owner or occupier fails to maintain the yard in accordance with this by-law, the body corporate may enter onto the lot for the purpose of accessing the yard and may carry out the owner's duties under this by-law. The owner will be liable to reimburse the body corporate for all costs incurred by the body corporate in doing so.

#### 3.6 Consent to alterations

The following procedure applies to an application for consent under part 3:

- (a) the owner must submit a written request together with plans and specifications to the committee;
- (b) the committee may submit the plans to an architect, engineer or other consultant nominated by it;
- (c) the committee may impose conditions on the approval of the plans and specifications; and
- (d) all fees and costs incurred by the committee must be paid by the owner.

#### **4. USE OF COMMON PROPERTY**

##### **4.1 Prohibited activities**

An owner or occupier of a lot or other person on the scheme land must not:

- (a) obstruct the lawful use of the common property by any person;
- (b) damage or misuse any structure on the common property;
- (c) create a nuisance whilst on the common property;
- (d) damage any lawn, garden or plant on the common property;
- (e) install equipment of any type on the common property; or
- (f) leave any rubbish (other than in receptacles provided by the body corporate for that purpose) or store any equipment or material on the common property.

##### **4.2 Driving and parking of vehicles**

(a) The occupier of a lot must not without the body corporate's written approval:-

- (i) park a vehicle or allow a vehicle to stand on the common property; or
  - (ii) permit an invitee to park a vehicle or allow a vehicle to stand on the common property except for designated visitor parking which must remain available at all times for the sole use of visitors' vehicles.
- (b) An approval under by law 4.2(a) must state the period for which it is given with the exception of designated visitor parking. However, the body corporate may cancel the approval by giving 7 days written notice to the occupier with the exception of designated visitor parking.
  - (c) Heavy vehicles (over 2 tonnes tare) may not be brought on to the common property.
  - (d) All drivers must comply with traffic signs. The maximum speed limit on the scheme land is 10kph.
  - (e) Caravans, campervans, mobile homes, boats, trailers or bicycles may not be parked on the scheme land.
  - (f) Areas designated by the body corporate as car wash bays may only be used for washing cars. Car washing must be done promptly and all rubbish removed from the designated area.

##### **4.3 Notice of accidents**

An occupier who becomes aware of any accident, defect or dangerous situation on the common property must promptly give reasonable details to the on-site manager or the committee.

##### **4.4 Restricted access areas**

The body corporate may secure (and restrict access to) parts of the common property reasonably required for:

- (a) utility infrastructure and other services (for example electrical substations, telephone exchanges, swimming pool filter room); and
- (b) storage of equipment for use in the management and administration of the scheme land.

#### **5. NON-PAYMENT OF BODY CORPORATE LEVIES**

**5.1 Recovery Costs**

An owner must, pay the body corporate on demand all costs and expenses incurred by the body corporate in recovering levies or other moneys payable by the owner under the Act or these by-laws. These costs include, for example, lawyers' fees (including GST) incurred in connection with any proceedings against the owner.

**5.2 Recovery Costs**

The costs in by-law 5.1:

- (a) may be entered against the owner's levy account; and
- (b) are deemed to be a liquidated debt recoverable from the owner in any court of competent jurisdiction.

**6. RIGHTS OF ORIGINAL OWNER****6.1 Construction and marketing rights**

Nothing in these by-laws prevents the original owner from:

- (a) passing over the common property (with other people authorised by it and with vehicles and machinery);
- (b) carrying out construction work on the scheme land as necessary to complete the development of the scheme land (including digging the scheme land and interfering with utility infrastructure so long as any damage or interruption is made good by the original owner as soon as reasonably practicable);
- (c) using any lot for display purposes; and
- (d) placing a reasonable number of signs or advertising or display material on or about the scheme land for the sale or letting of lots in the scheme.

**7. EXCLUSIVE USE BY-LAW****7.1 Identification of exclusive use areas**

The owner or occupier of each lot in the first column of schedule E has the exclusive use and enjoyment of the courtyard area identified in the second column of schedule E opposite to such lot and as indicated on the attached sketch plan marked "Exclusive Use Areas".

**7.2 Rules about use of Exclusive Use Courtyards**

Each owner having the exclusive use of a courtyard must:

- (a) use the courtyard only for private recreation and must not place any equipment, furniture or other items within the courtyard other than one set of outdoor furniture and a BBQ;
- (b) not use the courtyard in a way that may create a nuisance to any other person on scheme land;
- (c) keep the courtyard in a clean and tidy condition;
- (d) maintain the plants in the courtyard including regular watering and feeding, weeding, trimming and replacement if required;
- (e) not use the courtyard for storage.

If the owner or occupier fails to maintain the courtyard in accordance with this by-law, the body corporate may enter onto the lot for the purpose of accessing the courtyard and may carry out the owner's duties under this by-law. The owner will be liable to reimburse the body corporate for all costs incurred by the body corporate in doing so.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED****LOTS AFFECTED BY STATUTORY EASEMENTS**

Statutory Easement	Lots affected	Service Locations Diagram
Easements for lateral or subjacent support ( <i>Land Title Act 1994, s115N</i> )	All lots and common property	"A"
Easements for utility services and utility infrastructure ( <i>Land Title Act 1994, ss115O and 115P</i> )	All lots and common property	"A"
Easements for shelter ( <i>Land Title Act 1994, s115Q</i> )	All lots and common property	"A"
Easements for projections ( <i>Land Title Act 1994, s115R</i> )	All lots and common property	"A"
Easements for maintenance of buildings close to boundaries ( <i>Land Title Act 1994, s115S</i> )	All lots and common property	"A"

**SERVICES LOCATION DIAGRAM**

A Services Location Diagram is attached, marked as "A".

**SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY**

Lot on Plan	Exclusive Use Area	Purpose
Lot 1 on SP 311314	Area E1 on Plan No. 1803896	Courtyard
Lot 2 on SP 311314	Area E2 on Plan No. 1803896	Courtyard
Lot 3 on SP 311314	Area E3 on Plan No. 1803896	Courtyard
Lot 4 on SP 311314	Area E4 on Plan No. 1803896	Courtyard
Lot 5 on SP 311314	Area E5 on Plan No. 1803896	Courtyard
Lot 6 on SP 311314	Area E6 on Plan No. 1803896	Courtyard
Lot 7 on SP 311314	Area E7 on Plan No. 1803896	Courtyard
Lot 8 on SP 311314	Area E8 on Plan No. 1803896	Courtyard
Lot 9 on SP 311314	Area E9 on Plan No. 180896	Courtyard
Lot 10 on SP 311314	Area E10 on Plan No. 1803896	Courtyard
Lot 11 on SP 311314	Area E11 on Plan No. 1803896	Courtyard
Lot 12 on SP 311314	Area E12 on Plan No. 1803896	Courtyard

**EXCLUSIVE USE PLAN**

An Exclusive Use Plan is attached, marked as "B".