## **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.

**'on-site manager'** means the owner engaged by the Body Corporate to act as an on-site manager/caretaker to provide management and maintenance services for the scheme and who may also be authorised to carry on business as a letting agent for the scheme.

'on-site manager's lot' means lot 1 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 occupies' 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

## Standard 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

## 1.4 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

- (a) Except for the on-site manager's lot, lots may only be used for residential purposes.
- (b) The on-site manager's lot may be used for residential purposes and for on-site management, letting of lots in the scheme in accordance with any engagements entered by an on-site manager with the body corporate and subject to by-law 2.1(c), for the sale of lots.
- (c) The on-site manager's lot may only be used for the sale of lots in the scheme after the original owner has ceased to own any of the lots in the scheme.

## 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 re 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 s108 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 11.00pm 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;
- (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; and
- (c) keep all keys and other security devices in a safe place and immediately report to the body corporate any keys or other security devices which may be lost or stolen.

## 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

- (a) Subject to s181 of the Act and this by-law, the occupier of a lot may not 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:
  - (i) 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 (including photographs of the animal and vaccination certificates);
  - (ii) the animal weighs less than 10 kilograms;
  - (iii) the animal is a domesticated pet and is kept clean, quiet and controlled at all times;
  - (iv) the animal is kept within the lot;
  - (v) the animal does not urinate or defecate whilst on the common property;
  - (vi) the animal is identified by an identification tap detailing the owner's address and telephone number;
  - (vii) the animal does not generally cause nuisance to or disturb others.
- (b) 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 the animal is restrained and he or she is carrying the animal when in lobbies and lifts. A breach of by-law 2.10(v) may result in the owner or occupier of the animal being responsible for a cleaning fee.
- (c) In the event the body corporate receives three (3) substantiated complaints about breaches of by-law 2.10(a), the body corporate has the right to direct the owner or occupier to remove the animal from the scheme land within 7 days after being notified.

## 3. CHANGES TO LOTS

## 3.1 Structural matters

An owner or occupier of a lot must not:

- 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) enclose the balcony of the lot;
- (b) place or construct any improvement on the lot which can be seen from outside the lot;
- (c) affix any antenna or aerial to the lot;
- (d) affix shutters, awnings, tinting or security screens on any door or window;
- (e) hand any curtains in the lot, except curtains with a white backing; or
- (f) 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. Diamond mesh, grills and similar coverings will not be approved.

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

All balconies and terraces are to remain unenclosed with no shutters, glazing, louvers or similar permanent fixtures other than those consistent with any relevant Local Authority code and clearly depicted and annotated on the approved drawings.

## 3.5 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;
- (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) Heavy vehicles (over 2 tonnes tare) may not be brought on to the common property;
- (b) Vehicles may not be parked on the scheme land except:
  - (i) on areas designated by the body corporate or a body corporate as 'visitor parking areas';
  - (ii) in garages within the lots; or
  - (iii) in any car spaces allocated to the lots;
- (c) An owner or occupier must not park vehicles in car parking designated for visitor parking and in the event an owner or occupier is in breach of this by-law, the body corporate reserves the right to have the vehicle removed at the owner's or occupier's cost.
- (d) A vehicle may only be driven on the scheme land by a licensed driver and only if the vehicle may be lawfully driven on a public road.
- (e) All drivers must comply with traffic signs. The maximum speed limit on the scheme land is 10kph.

- (f) Caravans, campervans, mobile homes, boats, trailers or bicycles may not be parked on the scheme land.
- (g) 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:

- 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.

#### 4.5 Use of recreation areas

- (a) In this by-law, 'recreation areas' means the swimming pool, gazebo and immediately surrounding areas and the gymnasium.
- (b) The recreation areas may not be used outside the hours of 6.00am to 9.00pm.
- (c) The recreation areas may only be used by occupiers or people accompanied by occupiers of a lot.
- (d) Children under the age of 13 must be supervised by an adult at all times while using the recreation areas.
- (e) All users of the recreation areas must be suitably attired.
- (f) Users of the recreation areas must not interfere with and may only use any equipment in the recreation areas in the way intended.
- (g) The committee or on-site manager may make rules which are not inconsistent with these by-laws or the Act or Regulation Module for the use of the recreation areas and may place signs stating the rules around the recreation areas. Occupiers and their guests must comply with these rules. The rules may be revoked or disallowed by a general meeting of the body corporate.
- (h) The committee or on-site manager may establish a booking system for any of the recreation areas. Users must comply with the booking system.
- (i) No animals are permitted in the recreation areas.
- (j) The following additional rules apply in relation to use of the swimming pool:
  - (i) Alcohol may not be consumed in or around the pool.
  - (ii) Food, glass, breakable items and pets may not be brought into the pool area.

## 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;
- (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 column A of schedule E has the exclusive use and enjoyment of the area identified in column B of schedule E as indicated on the attached sketch plan marked 'Exclusive Use Areas'.

#### 7.2 Permitted use of exclusive use areas

An exclusive use area may only be used for the purpose specified in column C of schedule E.

### 7.3 Owner to maintain exclusive use area

Where an Exclusive Use Area has been allocated to a lot then the owner or occupier of that lot must maintain the Exclusive Use Area and any fixtures installed on that area in a good condition at its own expense.

### 7.4 Owner to obtain Body Corporate Consent before constructing structures on the Exclusive Use Area.

An owner or occupier must not construct or install any structure or improvement on the Exclusive Use Area without first obtaining the written consent of the Body Corporate.

## 7.5 Owner to allow Body Corporate access to Exclusive Use Area

An owner or occupier must allow the Body Corporate access to the Exclusive Use Area at all reasonable times to enable inspection, repair and maintenance of Body Corporate assets.

#### 8. DEVELOPMENT APPROVAL CONDITIONS

8.1 As part of the development approval conditions, the following conditions 8.2 to 8.11 (both inclusive) shall apply to the scheme land (DA Conditions):

## 8.2 Emergency Services – Site Identification

(a) A site identification diagram must be erected at each vehicular entry point and within the scheme land on the left hand side of the entry road in close proximity to the point of entry;

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- (b) A layby (road pavement widening) must be constructed on the left hand side of the entry road to provide a facility for emergency service personnel to rapidly park emergency service vehicles and view the site identification diagram from the parked vehicle without blocking the entry road;
- (c) The site identification diagram shall show:
  - (i) the internal access ways, visitor car parks and residential units;
  - (ii) the names of the access ways;
  - (iii) The numbers of each unit if an internal numbering system has been used in the development;
  - (iv) The location of fire hydrants;
  - (v) The position of the site identification diagram in relation to its surroundings with the words "You are Here" highlighted and related to that position.
- (d) The mounting of the diagram shall position so that it is oriented correctly to the actual layout of the site, so as to minimise confusion of direction to any person reading the diagram in an emergency.
- (e) The site identification diagram shall be constructed of and marked with materials that are permanent, waterproof and resistant to fade or damage by ultra violet radiation.
- (f) The diagram shall be placed securely at an angle to be easilyread and generally 1.2 metres above ground in a location clearly visible, lit at night, not in the path of pedestriands an dcyclists, and protected by at least three bollards not less than 1.2 metres in height at 500mm spaces.
- (g) The diagram, its mounting and its surrounds shall be positioned, constructed and maintained to the satisfaction of the body corporate so as not to cause nuisance, annoyance or harm to any person.
- (h) The information shown on the diagram shall be kept up to date by the Body Corporate.
- (i) Assistance with the content of the diagram may be obtained from the Queensland Emergency Services.

## 8.3 External Lighting

All night lighting (including security lights, illuminated advertising signage and car park illumination) shall be designed and constructed to ensure that light emitted from the scheme land does not exceed the limits stated in Australian Standard AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.

#### 8.4 Illumination

The pedestrian entry point to the scheme land, the designated pedestrian thoroughfares within the scheme land and communal recreation areas must be at all times illuminated to a level no less than that prescribed under Australian Standard AS1158.3.1 (1999) Road Lighting.

## 8.5 Disabled Access

Access for physically disabled persons must be provided within the scheme land in accordance with the relevant requirements of the Building Code of Australia and the Disability Discrimination Code.

## 8.6 Landscaping Adjoining Car Parking

The landscaped areas adjoining the car parking area shall be protected from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Manager, Development Planning.

## 8.7 Landscape Works

(a) Landscaping in accordance with the Approved Landscape Plans must be established to the satisfaction of the Co-ordinator Development Planning.

- (b) If the landscaping referred to in 8.7(a) is within the common property then the body corporate shall ensure that the landscaping is maintained in good order to ensure healthy and vigorous plant growth.
- (c) If the landscaping referred to in 8.7(a) is within a Lot then the owner or occupier of that lot shall ensure that the landscaping is maintained in good order to ensure healthy and vigorous plant growth.
- (d) The body corporate is to maintain the water efficient irrigation system and landscaping.

## 8.8 Car Parking

- (a) Within the scheme land there must be provision for not less than fifty-two (52) car parking spaces. This must include:-
  - (i) 42 resident car spaces;
  - (ii) 9 visitor spaces; and
  - (iii) 1 wash bay
- (b) Within the scheme land there must be provision for manoeuvring of vehicles generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.

## 8.9 Visitor Car Parking

The location of visitor parking shall be clearly signposted from the entry driveway for the scheme land.

#### 8.10 Waste Management

Within the scheme land there must be provision for garbage bins located so:-

- (a) the bins are not visible from the public areas;
- (b) The area does not impact on residents or visitors by way of noise or odour;
- (c) There is access to running water and drainage.

(Note: Waste water cannot be discharged to stormwater s it is an offence under the Environmental Protection (Water) Policy 1997).

## 8.11 Stormwater Management Plan

- (a) The Stormwater Management Plan prepared by WRM Water and Environment (Report No.0491-01-B Rev 2 dated 7<sup>th</sup> August, 2008 applies to the scheme land.
- (b) If a storm water management device is installed or constructed within the common property then the body corporate shall be responsible for the ongoing operation and maintenance of such devices to ensure the design discharge parameters are maintained for the life of the scheme.
- (c) If a storm water management device is installed or constructed within a Lot then the owner and occupier of the Lot shall be responsible for the ongoing operation and maintenance of such devices to ensure the design discharge parameters are maintained for the life of the scheme.
- (d) The stormwater quality devices located with the scheme land are to be maintained by a suitably qualified contractor at regular intervals not exceeding 4 months. A certificate of compliance is to be forwarded to Council's Assets and Drainage Engineer upon successful completion of each maintenance procedure.
- 8.12 To the extent of any inconsistency between the DA Conditions and the other by-laws, the DA Conditions shall prevail.
- **8.13** The wording of the DA Conditions of these by-laws must be amended as required by the lawful requirements of the Local Authority.

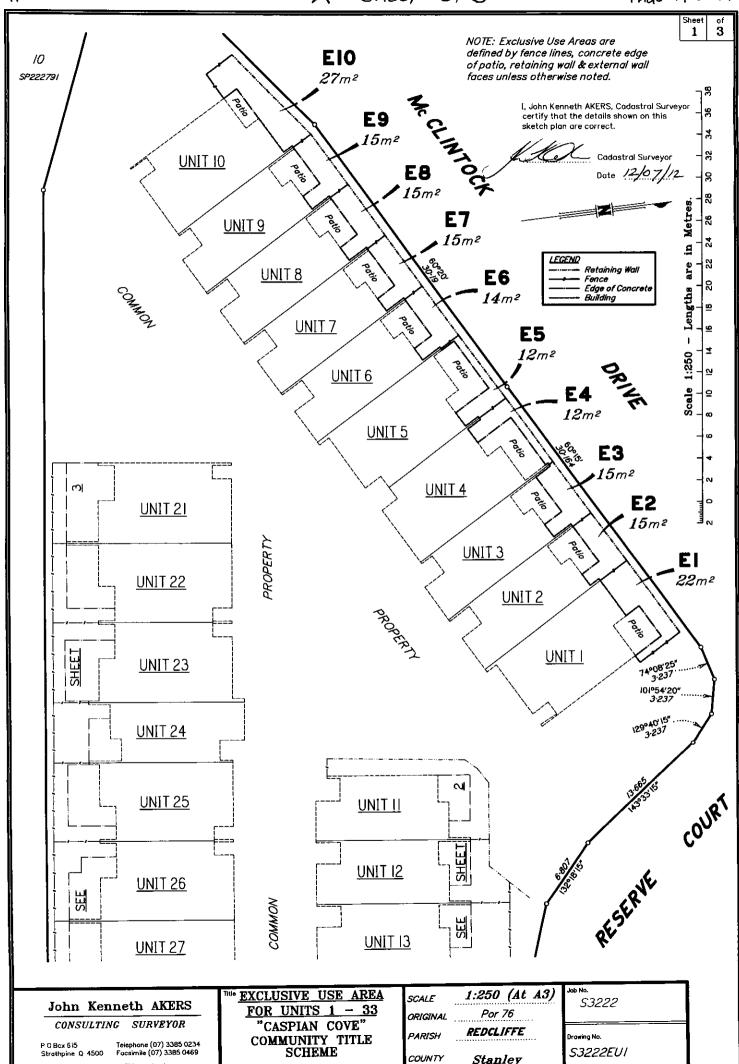
CCHEDIII E D	OTHER RETAILS REQUIRED/BERMITTER TO BE INCLUDED
I SCHEDULE D	OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED

Lots on Plan or Common Property	Statutory Easement	Service Location Diagrams
Common Property	Support, shelter, services, projections and maintenance	See attached sketch plan "B"
All Lots on SP236030	Support, shelter, services, projections and maintenance	

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

Lot on Plan	Exclusive Use Area	Purpose
Lot 1 on SP 236030	E1 on attached exclusive use sketch plan "A"	courtyard
Lot 2 on SP 236030	E2 on attached exclusive use sketch plan "A"	courtyard
Lot 3 on SP 236030	E3 on attached exclusive use sketch plan "A"	courtyard
Lot 4 on SP 236030	E4 on attached exclusive use sketch plan "A"	courtyard
Lot 5 on SP 236030	E5 on attached exclusive use sketch plan "A"	courtyard
Lot 6 on SP 236030	E6 on attached exclusive use sketch plan "A"	courtyard
Lot 7 on SP 236030	E7 on attached exclusive use sketch plan "A"	courtyard
Lot 8 on SP 236030	E8 on attached exclusive use sketch plan "A"	courtyard
Lot 9 on SP 236030	E9 on attached exclusive use sketch plan "A"	courtyard
Lot 10 on SP 236030	E10 on attached exclusive use sketch plan "A"	courtyard
Lot 11 on SP 236030	E11 on attached exclusive use sketch plan "A"	courtyard
Lot 12 on SP 236030	E12 on attached exclusive use sketch plan "A"	courtyard
Lot 13 on SP 236030	E13 on attached exclusive use sketch plan "A"	courtyard
Lot 14 on SP 236030	E14 on attached exclusive use sketch plan "A"	courtyard
Lot 15 on SP 236030	E15 on attached exclusive use sketch plan "A"	courtyard
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Lot 24 on SP 236030	E24 on attached exclusive use sketch plan "A"	courtyard
Lot 25 on SP 236030	E25 on attached exclusive use sketch plan "A"	courtyard

Lot 26 on SP 236030	E26 on attached exclusive use sketch plan "A"	courtyard
Lot 27 on SP 236030	E27 on attached exclusive use sketch plan "A"	courtyard
Lot 28 on SP 236030	E28 on attached exclusive use sketch plan "A"	courtyard
Lot 29 on SP 236030	E29 on attached exclusive use sketch plan "A"	courtyard
Lot 30 on SP 236030	E30 on attached exclusive use sketch plan "A"	courtyard
Lot 31 on SP 236030	E31 on attached exclusive use sketch plan "A"	courtyard
Lot 32 on SP 236030	E32 on attached exclusive use sketch plan "A"	courtyard
Lot 33 on SP 236030	E33 on attached exclusive use sketch plan "A"	courtyard



(SP236030)

Email: akersurv@bigpond.net.au

Stanley

