

SCHEDULE C	BY-LAWS
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## 1. NOISE

1.1 The occupier of a lot must not

- (a) behave in a manner; or
- (b) create or permit in the lot noise,

likely to interfere with the peaceful enjoyment of a person lawfully on another lot or the common property.

1.2 Without limiting by-law 1.1 no security alarm system installed by the owner or occupier of a lot for the protection of the lot may be operated (or allowed to operate) so that, if the system is activated, the alarm noise is audible outside the lot, but the alarm signal must be by direct line to the security provider.

1.3 Owners or Occupiers leaving or returning to a lot between the hours of 10.00pm and 7.00am must leave and return quietly.

1.4 Owners or Occupiers must request invitees leaving after 10.00pm to leave quietly.

1.5 All musical instruments, radio and television receivers, stereo equipment and the like are to be controlled so that the sound emanating from them is at a reasonable level and will not cause annoyance to owners or occupants of other lots. Sound emanating from these sources must not be able to be heard from outside the lot after 10.00pm or before 7.00am.

## 2. BEHAVIOUR OF INVITEES

An occupier of a lot must take reasonable steps to ensure that the occupier's invitees do not behave in a way likely to interfere with the peaceful enjoyment of another lot or the common property.

## 3. USE OF LOTS

A lot may only be used for residential purposes.

## 4. VEHICLES

4.1 The occupier of a lot must not, without the body corporate's written approval –

- (a) park a vehicle, or allow a vehicle to stand, on the common property, or
- (b) permit an invitee to park a vehicle, or allow a vehicle to stand, on the common property, except for the designated visitor parking which must remain available at all times for the sole use of visitors' vehicles.

4.2 An approval under by-law 4.1 must state the period for which it is given, with the exception of designated visitor parking.

4.3 However, the body corporate may cancel the approval by giving 7 days written notice to the occupier, with the exception of designated visitor parking.

4.4 An owner or occupier of a lot must –

- (a) ensure its invitees' vehicles are parked in parking bays in common property designated as for visitor parking;
- (b) ensure those invitees use such bays only for casual parking;
- (c) not, and not permit its invitees to, ride or use skateboards, roller blades, skates, carts or other similar recreational means of transport on or over common property.

4.5 However, by-law 4.4 does not apply to bicycles while in use on a part of common property constructed for vehicular use and only to convey the rider directly from and to a lot (in respect of which the rider is an occupier or occupier's invitee) to and from a public road adjoining that part of the common property.

4.6 An owner or occupier must not drive or permit to be driven into or over the common property a motor vehicle in excess of 2 tonnes weight.

4.7 An owner or occupier must not carry out repairs or restorations to any motor vehicle on common property including in an *exclusive use area*.

4.8 No bicycles, skateboards, scooters roller blades, roller skates or the like are to be ridden or any ball sports played in the car park.

## 5. OBSTRUCTION

5.1 The occupier of a lot must not obstruct the lawful use of the common property by someone else.

## 6. DAMAGE/ALTERATIONS TO COMMON PROPERTY

- 6.1 An occupier of a lot must not, without the body corporate's written approval, mark, paint, drive nails, screws or other objects into, or otherwise damage or deface a structure or other property that forms part of the common property or body corporate asset.
- 6.2 However, an occupier may install a locking or safety device that complies with the Fire Regulations current at the time to protect the lot against intruders, or a screen to prevent entry of animals or insects, if the device or screen is soundly built and is consistent with the colour, style and materials of the building and approval by the committee.
- 6.3 The owner of a lot must keep a device installed under by-law 6.2 in good order and repair.
- 6.4 Each occupier of a lot must notify the body corporate promptly of any damage, accident to or defect in any water pipes, gas pipes, electric installations, fixtures, fittings, furniture or equipment on the common property which comes to the occupier's knowledge.
- 6.5 Without limiting by-law 6.3, unless a resolution of the body corporate provides to the contrary, any alteration made or fixture or fitting attached to common property by an owner or occupier of a lot (whether or not with the prior approval of the committee) must be repaired and maintained by the owner from time to time of the lot, the owner or occupier of which made the alteration or addition.
- 6.6 An owner or occupier will be responsible respectively at the owner or occupier's cost for making good any damage (excluding fair wear and tear) caused respectively by the owner or occupier or their respective invitees.
- 6.7 The committee may by written notice to an owner or occupier of a lot require compliance with a make good obligation, that must be specified in the notice, under by-law 6.6.
- 6.8 If such a notice is not complied with to the committee's reasonable satisfaction within 14 days after it is given, the committee may in its discretion cause the relevant work to be undertaken to achieve compliance and the owner or occupier (as the case may be) must immediately on demand pay to the body corporate the costs incurred or payable by the body corporate in that respect.

## 7. RUBBISH ON COMMON PROPERTY

- 7.1 The occupier of a lot must not:
- (a) throw out or deposit or leave rubbish or other materials on the common property in a way or place likely to interfere with the enjoyment of the common property by someone else;
  - (b) throw or allow to fall, or permit to be thrown or allowed to fall, from a window, door or balcony any rubbish, refuse or other article.
- 7.2 Any damage or cost of cleaning or repair resulting from a breach of paragraph 7.1 is to be borne by the owner of the lot concerned.

## 8. STRUCTURAL MATTERS

- 8.1 The manner and style of any structural fit-out or structural alteration to the interior of a lot must have the prior written approval of the committee.
- 8.2 Such an approval may be granted unconditionally or subject to reasonable conditions.
- 8.3 The committee is entitled to request copies of such plans and specifications as it considers necessary to enable it to consider granting its approval, and the owner of a lot must comply with such a request.
- 8.4 All reasonable costs of the body corporate in considering requests for approval of fit-out or alterations under this by-law are payable by the owner of the lot on demand.
- 8.5 An owner or occupier must not do anything to affect the structural integrity of the buildings on the scheme land and in particular must not place items (such as pots and furniture) on a balcony or terrace where the total weight of the items exceeds 250 kilograms without the committee's prior consent.
- 8.6 The committee:
- (a) may require the owner or occupier to obtain an engineer's certificate stating that the relevant proposal, if implemented, will not affect the structural integrity of the building; and
  - (b) must not unreasonably delay or refuse consent, but may give consent subject to reasonable conditions.

## 9. MAINTENANCE OF LOTS

- 9.1 An owner or occupier of a lot:
- (a) is responsible for proper maintenance and decoration of the lot;
  - (b) must maintain in good condition and repair the improvements constructed or installed on the lot (and if necessary renew or replace all or part of them);

- (c) must maintain the interior of the lot in a clean condition and take all practical steps to prevent infestation by vermin or insects.
- 9.2 The committee may by written notice to an owner or occupier of a lot require compliance with an obligation, that must be specified in the notice, under by-law 9.1.
- 9.3 If such a notice is not complied with to the committee's reasonable satisfaction within 14 days after it is given, the committee may in its discretion cause the relevant work to be undertaken to achieve compliance and the owner or occupier (as the case may be) must immediately on demand pay to the body corporate the costs incurred or payable by the body corporate in that respect.
- 9.4 An owner or occupier must allow the committee and servants and contractors of the body corporate access to the lot at all reasonable times after reasonable notice for inspection as to compliance with by-laws 9.1 and 9.2 and works under by-law 9.3 after reasonable notice from the committee of intention to enter onto the lot for such a purpose.
10. WATER APPARATUS
- 10.1 An owner or occupier must see that all water taps on their lot are properly turned off after use.
- 10.2 The water closets, conveniences and other water apparatus (including pipes and drains) in a lot must not be used for a purpose other than those for which they were constructed and no sweepings, rubbish or other unsuitable substances may be deposited in them.
- 10.3 Any cost or expense resulting from damage to or blockage of such water closets, conveniences, water apparatus, pipes and drains from misuse or negligence must be borne by the owner or occupier of the lot, whether caused by an act or omission of the owner or occupier or their servants or other invitees.
11. WINDOWS AND WINDOW COVERINGS
- 11.1 An owner or occupier of a lot must keep the windows of the lot clean and promptly replace with glass of the same kind, colour and weight any that are broken or cracked.
- 11.2 No window may be covered with aluminium foil or other reflective material or tinted and, subject to any other by-law, no shutters, awnings or other window covers may be affixed externally to the building or be visible from the exterior of the building.
- 11.3 By-law 11.2 does not apply to security screens, but they may only be attached to lots with the prior written consent of the committee, which may give consent subject to conditions.
- 11.4 By way of guidance as to the type of security screens that may be approved:
- (a) only those similar in appearance to insect screens (with flat screening material and which to all intents and purposes would be viewed as an insect screen, so as not to detract from the overall appearance of the building while still offering sufficient security) will be approved; and
- (b) screens of diamond mesh, grills and the like will not be approved.
- 11.5 An owner or occupier of a lot must not hang curtains or blinds in the Lot visible from outside the Lot unless those curtains or blinds have a white or charcoal backing facing the external areas (or unless the Committee has otherwise approved in writing).
12. HARD FLOORING
- 12.1 Except for flooring installed at the creation of the Scheme, an owner or occupier of a lot must not install or cause to be installed or place in or upon any part of a lot hard flooring, such as timber, tiles, marble or similar material ("**flooring**") unless the owner or occupier has first obtained the written approval of the committee.
- 12.2 Where the committee grants consent to the installation of the flooring, in addition to any other conditions the committee must impose, the following conditions:
- (a) The flooring impact isolation class ('FIIC') of the flooring when completed must not be less than the following performance specification:
- | Area           | FIIC |
|----------------|------|
| Kitchen        | 60   |
| Lounge/Bedroom | 60   |
- (b) Following the installation of the flooring the owner or occupier must at its cost have the FIIC determined by a field test conducted by an accredited acoustic consultant approved by the committee, and provide a copy of the consultant's report to the committee within 7 days of receiving it.
- (c) Where the FIIC of the completed flooring is less than the level detailed in by-law 12.2(a), the owner or occupier must, within a reasonable time and at its cost, cause the flooring to be removed and/or have any necessary procedures or additional works undertaken in order for the flooring to comply with the requirements in that paragraph and, following any such remedial action, the provisions of by-law 12.2(b) must again be complied with.

**13. APPEARANCE OF LOT**

13.1 An owner or occupier of a lot must not:

- (a) make any structural alteration to a lot (including any alteration to gas, water or electrical installations, or installation of any air-conditioning system, or work for the purpose of enclosing in any way the balcony, if any, of the lot); or
- (b) in any way alter the external appearance of the lot, or cause to be constructed or put on any part of the lot which can be viewed from outside the lot, any materials or items without the committee's prior written consent.

13.2 The occupier of a lot must not, without the body corporate's written approval:

- (a) hang washing, bedding, or another cloth article if the article is visible from another lot or the common property, or from outside the scheme land; or
- (b) display a sign, advertisement, placard, banner, pamphlet or similar article (whether relating to the sale or letting of the lot or otherwise) if the article is visible from another lot or the common property, or from outside the scheme land.

13.3 By-law 13.2(b) does not apply to the Original Owner while it is owner of a lot.

**14. OTHER INSPECTION AND REPAIR OF LOTS**

14.1 After reasonable notice from the body corporate, each occupier of a lot must permit the committee or any contractor, sub-contractor, workman or other person authorised by the committee access to the lot to -

- (a) inspect and test installations or equipment for the necessity for; and
- (b) carry out,

work or repairs on mains, wires, or connections of any utility system or service, or for tracing leakages or defects, whether to that lot or an adjoining lot.

14.2 If not so permitted, such a person may effect an entry.

14.3 The committee must ensure that persons entering the lot under the powers in by-laws 14.1 and 14.2 cause as little inconvenience to the occupier of the lot as reasonably is possible in the circumstances.

**15. STORAGE OF FLAMMABLE MATERIALS**

15.1 The occupier of a lot must not, without the body corporate's written approval, store a flammable substance on the common property.

15.2 The occupier of a lot must not, without the body corporate's written approval, store a flammable substance on the lot unless the substance is used or intended for use for domestic purposes and its use for that purpose is lawful.

15.3 An occupier of a lot must not use any chemicals, burning fluids, acetylene gas or alcohol in lighting or heating the lot nor in any other way cause or increase a risk of fire or explosion in the lot.

15.4 However, this by-law does not apply to the storage of fuel in:

- (a) the fuel tank of a vehicle or internal combustion engine; or
- (b) a tank kept on a vehicle in which the fuel is stored under the requirements of the law regulating the storage of flammable liquid.

**16. GARBAGE DISPOSAL**

16.1 Unless the body corporate provides some other ways of garbage disposal, the occupier of a lot must keep a receptacle for garbage in a clean and dry condition and adequately covered on the lot, or on a part of the common property designated by the body corporate for the purpose.

16.2 The occupier of a lot must:

- (a) comply with all local government local laws about disposal of garbage;
- (b) ensure that the occupier does not, in disposing of garbage, adversely affect the health, hygiene or comfort of the occupiers of other lots and in that regard must ensure all food scraps and putrescible items are wrapped before disposal;
- (c) ensure all garbage is disposed of only in the allocated waste disposal area on the common property; and
- (d) ensure no furnishings, household goods or white goods are disposed of on common property including in the allocated waste disposal area.

16.3 Subject to obtaining any approvals which may be required from any local government, the Body Corporate has the power to devise a rubbish removal system from time to time, covering amongst other things:

- (a) access to and use of any garbage chutes and collection bins;

- (b) permitted means and times for disposal;
- (c) location of garbage removal;
- (d) storage or garbage;
- (e) containment of garbage;
- (f) regularity of garbage removal;
- (g) segregation of garbage; and
- (h) special garbage requirements.

## 17. KEEPING OF ANIMALS

- 17.1 The occupier of a lot must not, without the body corporate's written approval:
- (a) bring or keep an animal on the lot or the common property; or
  - (b) permit an invitee to bring or keep an animal on the lot or the common property.
- 17.2 Subject to the *Guide Dogs Act 1972*, the Body Corporate must not approve an animal unless the animal:
- (a) is a domestic animal;
  - (b) weighs (or will weigh when mature) not more than 10 kilograms.
- 17.3 The body corporate may impose such terms and conditions as it may reasonably determine in approving an animal.
- 17.4 Any animal that is approved pursuant to this by-law:
- (a) must not in any way cause a nuisance to other lot owners or interfere with the quiet enjoyment of another lot by its owner or occupier;
  - (b) is not permitted on the common property other than for ingress and egress to the relevant lot; and
  - (c) must be vaccinated and registered in accordance with local council requirements.
- 17.5 An occupier who has an approved animal is absolutely liable to each other owner and occupier and their respective invitees for any unreasonable nuisance or an injury to any person or damage to property caused by any animal brought or kept upon the scheme land by a lot owner or occupier or by their invitees and is absolutely responsible to clean up after any animal brought onto or kept on the scheme land.
- 17.6 If a committee is satisfied that there is a persistent contravention of this by-law in relation to a particular animal the committee may give a notice in writing to the relevant owner or occupier that the animal must be removed from the scheme and must not return. The owner or occupier must remove the animal within 14 days after the notice is served on the occupier.

## 18. AUCTION SALES

- 18.1 An owner or occupier of a lot must not permit to be conducted on or in the lot or common property, without the committee's prior written approval, an auction sale of the lot or any chattels.
- 18.2 This by-law does not apply to the Original Owner.

## 19. EXCLUSIVE USE – ORIGINAL OWNER NOMINATIONS

- 19.1 Owners are entitled to the exclusive use of that part of the common property nominated by the original owner or the solicitor acting on behalf of the original owner to the body corporate during the period ending 12 months after the recording of the CMS (Exclusive Use Space) which nominations (at the date of this CMS) are identified in Schedule E. Such owners:
- (a) must, at their own expense, keep the Exclusive Use Space neat and tidy; and
  - (b) must, so far as they are lawfully able to, perform the duties of the body corporate in respect of the Exclusive Use Space.
- 19.2 Exclusive use areas under this by-law not kept clean will be tidied and cleaned by the body corporate at the expense of the owner.

## 20. EXCLUSIVE USE

- 20.1 The owners and occupiers of lots identified in Schedule E have the exclusive use of the parts of the common property allocated in that schedule and as identified respectively on plans as set out in Schedule E for the respective purposes identified in Schedule E.
- 20.2 An owner or occupier of a lot is responsible for maintaining the parts of common property allocated under this by-law for car parking in a clean and tidy condition.

- 20.3 An owner or occupier must not enclose any part of common property allocated under this by-law for car parking.
- 20.4 An owner or occupier of a lot is responsible for maintenance of the parts of the common property allocated under this by-law for storage and for installation and maintenance of locking devices securing those parts.
- 20.5 An owner or occupier of a lot is responsible for maintaining the parts of the common property allocated under this by-law for courtyard use in a clean and tidy condition, including garden maintenance.
- 20.6 An owner or occupier of a lot is responsible for maintaining the parts of common property allocated under this by-law for storage in a clean and tidy condition.
21. FOYER SECURITY (SPECIAL RIGHT)
- 21.1 Each owner and occupier for the time being of each Lot on Level B and Level C in building A (as identified on SP 219713) and each of Level B, Level C and Level D in Building B (as identified on SP 219713) shall have the exclusive use (together with other owners and occupiers on the same level) of the common property contained within the lift foyer and passage ways on the level of their respective lots.
- 21.2 The special rights granted under this by-law limit access to each level from the lifts by key security card access or another system to limit the rights of owners and occupiers to use lifts to access a foyer or lot on any level of the building so that only owners and occupiers of lots described in this by-law 21 and their invitees may access certain levels as described in this by-law 21.
- 21.3 The body corporate will be responsible for the cleaning and maintenance of the special rights areas the subject of this by-law (foyers and passage ways on each level) and may permit its servants and contractors engaged in such work access to those areas. The costs of maintenance of the security card access and other system the subject of the special rights under this by-law will be borne by the body corporate.
22. EXCLUSIVE USE EXTERNAL BUILDING A AREAS – LOTS 14 TO 33
- 22.1 The owners of Lots 14 to 33 on SP 219713 each have the exclusive use of those parts of the common property consisting of those parts of the exterior surfaces of the building directly abutting that owner's lot including walls (including paint work and render), glass, batons, hoods, windows, foundation structures, roofing structures, screens, awnings and any other areas that directly abut that lot.
- 22.2 Subject to by-law 22.3 and except to the extent a cost is an item of expenditure of a capital or non-recurrent nature properly applied from the sinking fund of the Body Corporate, each of the owners granted exclusive use pursuant to this by-law is respectively responsible for the maintenance of and operating costs of the respective area of the common property the subject of this exclusive use by-law.
- 22.3 Unless all the owners of Lots 14 to 33 on SP 219713 otherwise agree in writing, the body corporate will organise the cleaning, maintenance, repair or any other works the responsibility of those owners pursuant to this by-law to all the relevant exclusive use areas with each of the owners with the benefit of the exclusive use areas to reimburse the body corporate for the costs incurred by the body corporate in that regard in their respective shares based on the contribution schedule lot entitlements of the lots that have with the benefit of the exclusive use rights under this by-law.
- 22.4 The owners of Lots 14 to 33 on SP 219713 may make an improvement to the exclusive use area the subject of this by-law with the prior written approval of the committee and subject to the owners obtaining and complying with all necessary building approvals. If the committee grants such approval it may do so unconditionally or subject to reasonable conditions. The committee is entitled to request copies of any plans and specifications as it considers necessary to enable it to consider whether it will grant its approval and the owner of a lot must comply with such a request. All reasonable costs of the body corporate in considering requests for approval for improvements under this by-law are payable by the owners of Lots 14 to 33 on SP 219713 on demand.
23. EXCLUSIVE USE OF INTERNAL AREAS BUILDING A– LOTS 14 TO 33
- 23.1 The owners of Lots 14 to 33 on SP 219713 each have the joint exclusive use of those parts of the common property consisting of all the common areas within the building containing all the Lots 14 to 33 to the extent they exclusively service any one or more of all the Lots 14 to 33 on SP 219713 or the common property within that building and are not otherwise the subject of an exclusive use right or other special right under these by-laws.
- 23.2 The body corporate will be responsible for the cleaning, maintenance, repair, replacement or any other works to the parts of common property the subject of this by-law (including the costs of maintenance of the security card access and other system the subject of the special rights under this by-law) with each of the owners with the benefit of the joint exclusive use of that property to reimburse the body corporate for the costs incurred by the body corporate in that regard in their respective shares based on the contribution schedule lot entitlements of the lots with the benefit of the exclusive use rights over the relevant joint exclusive use area.
- 23.3 The owners of all the Lots 14 to 33 on SP 219713 may make an improvement to the exclusive use area the subject of this by-law with the prior written approval of the committee and subject to the owners obtaining and complying with all necessary building approvals. If the committee grants such approval it may do so unconditionally or subject to reasonable conditions. The committee is entitled to request copies of any plans and specifications as it considers necessary to enable it to consider whether it will grant its approval and the owner of a lot must comply with such a request. All reasonable costs of the body

corporate in considering requests for approval for improvements under this by-law are payable by the owners of all the Lots 14 to 33 on SP 219713 on demand.

24. EXCLUSIVE USE EXTERNAL BUILDING B AREAS – LOT 101

- 24.1 The owners of Lot 101 on SP 219713 (or any lots ultimately derived from Lot 101 on SP 219713) each have the exclusive use of those parts of the common property consisting of those parts of the exterior surfaces of the building directly abutting that owner's lot including walls (including paint work and render), glass, batons, hoods, windows, foundation structures, roofing structures, screens, awnings and any other areas that directly abut that lot.
- 24.2 Subject to by-law 22.3 and except to the extent a cost is an item of expenditure of a capital or non-recurrent nature properly applied from the sinking fund of the Body Corporate, each of the owners granted exclusive use pursuant to this by-law is respectively responsible for the maintenance of and operating costs of the respective area of the common property the subject of this exclusive use by-law.
- 24.3 Unless all the owners of Lot 101 on SP 219713 (or any lots ultimately derived from Lot 101 on SP 219713) otherwise agree in writing, the body corporate will organise the cleaning, maintenance, repair or any other works the responsibility of those owners pursuant to this bylaw to all the relevant exclusive use areas with each of the owners with the benefit of the exclusive use areas to reimburse the body corporate for the costs incurred by the body corporate in that regard in their respective shares based on the contribution schedule lot entitlements of the lots that have with the benefit of the exclusive use rights under this by-law.
- 24.4 The owners of Lot 101 on SP 219713 (or any lots ultimately derived from Lot 101 on SP 219713) may make an improvement to the exclusive use area the subject of this by-law with the prior written approval of the committee and subject to the owners obtaining and complying with all necessary building approvals. If the committee grants such approval it may do so unconditionally or subject to reasonable conditions. The committee is entitled to request copies of any plans and specifications as it considers necessary to enable it to consider whether it will grant its approval and the owner of a lot must comply with such a request. All reasonable costs of the body corporate in considering requests for approval for improvements under this by-law are payable by the owners of Lot 101 on SP 219713 (or any lots ultimately derived from Lot 101 on SP 219713) on demand.

25. EXCLUSIVE USE OF INTERNAL AREAS BUILDING A– LOT 101

- 25.1 The owners of Lot 101 on SP 219713 (or any lots ultimately derived from Lot 101 on SP 219713) each have the joint exclusive use of those parts of the common property consisting of all the common areas within the building containing Lot 101 on SP 219713 (or all the lots ultimately derived from Lot 101 on SP 219713) to the extent they exclusively service any one or more of Lot 101 on SP 219713 (or any lots ultimately derived from Lot 101 on SP 219713) or the common property within that building and are not otherwise the subject of an exclusive use right or other special right under these by-laws.
- 25.2 The body corporate will be responsible for the cleaning, maintenance, repair, replacement or any other works to the parts of common property the subject of this by-law (including the costs of maintenance of the security card access and other system the subject of the special rights under this by-law) with each of the owners with the benefit of the joint exclusive use of that property to reimburse the body corporate for the costs incurred by the body corporate in that regard in their respective shares based on the contribution schedule lot entitlements of the lots with the benefit of the exclusive use rights over the relevant joint exclusive use area.
- 25.3 The owners of Lot 101 on SP 219713 (or all lots ultimately derived from Lot 101 on SP 219713) may make an improvement to the exclusive use area the subject of this by-law with the prior written approval of the committee and subject to the owners obtaining and complying with all necessary building approvals. If the committee grants such approval it may do so unconditionally or subject to reasonable conditions. The committee is entitled to request copies of any plans and specifications as it considers necessary to enable it to consider whether it will grant its approval and the owner of a lot must comply with such a request. All reasonable costs of the body corporate in considering requests for approval for improvements under this by-law are payable by the owners of Lot 101 on SP 219713 (or all lots ultimately derived from Lot 101 on SP 219713) on demand.

26. RESTRICTED USE OF CAR SPACES

- 26.1 In this by-law, 'car space' means an area intended for parking a car or other vehicle, whether that area is:
- (a) part of a lot intended for residential use; or
  - (b) part of common property in respect of which a right to exclusive use or special privilege is conferred on an owner or occupier of such a lot.
- 26.2 An owner or occupier must not use or permit the use of a car space (including under a lease or on a separate sale), except by:
- (a) the owner or occupier; or
  - (b) owner or occupier of another lot; or
  - (c) their respective bona fide visitors.

**27. USE OF COMMON PROPERTY FACILITY**

- 27.1 An owner or occupier may use the common barbecue area (if any) and common recreational area (if any) (not otherwise the subject of an exclusive use or special right under these by-laws) and associated facilities on the common property ('Facilities'), subject to the following rules:
- (a) the Facilities, may not be used by guests or invitees of owners and occupiers unless accompanied by the host lot owner or occupier;
  - (b) children below the age of 13 must at all times be accompanied by an adult owner or occupier exercising effective control over them;
  - (c) no smoking is permitted in or around any Facilities;
  - (d) the Facilities may only be used between the hours of 7.00am and 10.00pm unless otherwise arranged with any onsite service contractor engaged by the Body Corporate or the Committee;
  - (e) the Facilities and all equipment and appliances are to be used in a proper manner and operated in accordance with their operating instructions (including being turned off after use) and left clean and tidy and available for the next users (failing which the lot owner or occupier will be liable for the cleaning costs incurred);
  - (f) no common property or Body Corporate assets are to be defaced, damaged or removed;
  - (g) the Body Corporate or any on site service contractor engaged by the Body Corporate may operate a reservation system for the Facilities and assets with which owners and occupiers must comply;
  - (h) facilities may only be used in such a manner that is not likely to interfere with the peaceful enjoyment of any person lawfully in a lot or on the common property; and
  - (i) owners and occupiers are responsible to ensure their guests and invitees comply with these rules.
- 27.2 An owner or occupier must not, with out proper authority, operate, adjust or interfere with the operation of any of the Facilities.
- 27.3 Notwithstanding by-law 22.1, the Committee may, from time to time, make other rules regarding the Facilities.
- 27.4 No smoking is permitted on any common property of the Scheme.

**28. ORIGINAL OWNERS SELLING RIGHTS**

While the Original Owner remains owner of a lot, it and its officers, employees and agents are entitled to -

- (a) use the lot as a display unit;
- (b) allow prospective purchasers to inspect the lot;
- (c) use in or about the lot on common property for sale of the lot (or lots generally of which the Original Owner is still the owner) such signs, advertising and display material as it thinks fit, subject to their being tasteful (having regard to the general appearance of the lot or common property) and not, in number and size, greater than reasonably is necessary.

**29. RESTRICTED ACCESS AREAS**

29.1 Any parts of the common property used for:

- (a) electrical substations, switchrooms or control panels;
- (b) fire service control panels;
- (c) telephone exchanges; or
- (d) other services to the lots or common property,

may be kept locked by the committee (or its appointed representative) unless otherwise required by law, and persons may not enter or open such locked areas without the prior consent of the committee.

- 29.2 The committee may use appropriate areas of the common property to store plant and equipment used for the performance of the body corporate's duties in respect of the common property.
- 29.3 Any such areas may be locked and access is prohibited without the prior consent of the committee.

**30. APPLICATIONS ETC TO BODY CORPORATE**

All applications or complaints to the body corporate or the committee must be in writing addressed to the secretary or body corporate manager.

**31. COMPLIANCE WITH NOTICES**

All owners and occupiers of lots and their respective invitees must comply with any notice displayed on common property by authority of the body corporate or any statutory authority.



**32. REPAIRS BY BODY CORPORATE**

If the body corporate expends money to make good damage caused by a breach of the Act or these by-laws by an owner or occupier of a lot or tenants, servants, employees, agents, children, guests, invitees or licensees of the owner or occupier, the committee is entitled to recover the amount expended as a debt by action in any court of competent jurisdiction from the owner of the lot at the time the breach occurred.

**33. FIRE SAFETY**

- 33.1 The body corporate must coordinate and owners and occupiers must participate in any emergency evacuation drills and safety equipment briefings required by law or by a building insurer.

**34. FURNITURE REMOVAL**

- 34.1 An owner or occupier must give at least 24 hours prior written notice to the Committee or any body corporate appointed caretaker service contractor to move any furniture or heavy items across common property into a Lot or to remove furniture or heavy items from a Lot and must abide by such reasonable rules or directions of the Committee in relation to such furniture removal.

**35. BRISBANE CITY COUNCIL MANDATED CONDITIONS**

The following provisions are mandated by the Brisbane City Council pursuant to the relevant development approval conditions for the scheme and the Building in which the scheme land is located:

- (a) all balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvres or similar permanent structures other than those consistent with the Brisbane City Plan 2000 - "Residential Design - Low Density, Character and Low-medium Density Code" and clearly depicted on the Approved Drawings and Documents;
- (b) the communal open space areas, recreation area, internal footpaths/pedestrian circulation routes, landscaping, visitor parking spaces, driveway and car/vehicle turning area as shown on the approved plan(s) of layout shall form part of the common property and shall not be designated for the exclusive use of any dwelling unit;
- (c) maintain parking on site for a minimum of 71 resident/tenant parking spaces for the whole development. A minimum of 20 spaces are to be allocated to the residents/tenants of Building A (19 spaces in carparking level within Building A and one open carparking space adjacent to Building A). A minimum of 36 spaces are to be allocated to the residents/tenants of Building B (16 spaces in carparking level within Building A and 20 open carparking spaces adjacent to Building B);
- (d) provision of 17 visitors' car parking spaces that are to remain available for use at all times by bona-fide visitors, guests or invitees of the tenants of all units, and are not included within an exclusive use area or lot entitlement;
- (e) the on-site manager is to ensure that the carparking spaces on the site are allocated in accordance with the carparking allocation indicated on approved drawing no. SK-A01 Issue N received on 17 February 2012 (Amended in Red dated 23 February 2012);
- (f) directional visitors' parking signage at the vehicle entrance to the site adjacent to or clearly visible from the vehicle entrance to the site;
- (g) visitors' car parking bays are not to be fitted with a roller door, gate or similar device preventing access to visitor parking bays;
- (h) no gates or similar devices are to be placed at the vehicle entry of the development preventing vehicle access to the site;
- (i) a suitable lighting system to operate from dusk to dawn for the driveway between the vehicle entrance to the site and the visitors' car parking space;
- (j) for the townhouse, refuse and recyclable bins are to be stored within the individual courtyards and to be collected from the nominated refuse collection points. For Building A and Building B, refuse bins are to be stored within the bin enclosure area(s);
- (k) the operation of refuse collection vehicles must only occur between 7am and 7pm, Monday to Saturday;
- (l) all sealed traffic areas must be cleaned as necessary to prevent emissions of particulate matter;
- (m) maintain the acoustic damping of any metal grills, metal plates or similar which are subject to vehicular traffic, so as to prevent environmental nuisance;
- (n) maintenance of the acoustic barriers in good condition;
- (o) provide ongoing maintenance of the bio-retention basins to ensure they are regularly maintained in good condition;
- (p) all landscaped areas are to be maintained generally in accordance with the certified landscape plans;
- (q) screening for any externally mounted air conditioning or mechanical plant installations in accordance with the following requirements:

- (i) no unscreened installations on the proposed development are to be visible from the surrounding sites; and
- (ii) any installations which are required to be located on roof, wall or garden areas are to be appropriately screened or shaped according to the acoustic requirements of this development package and so as to integrate in a complementary manner with the overall design of the roof, wall or garden area in which the installation is to be located.

#### 36. REFUSE COLLECTION INDEMNITY

The development approval issued for the scheme and the Building in which the scheme land is located, requires that the Body Corporate provide a written indemnity for refuse collection vehicles to enter the property.

#### 37. SEVERABILITY

If it is held by a court of competent jurisdiction that -

- (a) any part of these by-laws is void, voidable, unenforceable or ultra vires; or
- (b) these by-laws would be void, voidable, unenforceable or ultra vires unless some part of them were severed from the remainder of them,

then that part will be severable and severed from these by-laws but without affecting the continued operation of the remainder.

#### 38. BY-LAWS TO BE EXHIBITED

A copy of these by-laws (or a precis of them approved by the committee) must be exhibited in a prominent place in any lot made available for letting.

#### 39. COSTS RECOVERY

39.1 An owner of a lot (which includes a mortgagee in possession) must pay on demand as a liquidated debt all the body corporate's costs (including legal costs on a solicitor and own client basis) and expenses incurred in:

- (a) recovering levies or money payable to the body corporate pursuant to the Act duly levied in respect of a lot, or on an owner or otherwise pursuant to these by-laws;
- (b) all proceedings (including legal proceedings, and including appeals) taken by or against an owner or occupier of a lot, concluded in favour of the body corporate; or
- (c) enforcing these by-laws.

39.2 If an owner of a lot (or the mortgagee in possession of the lot) fails to pay costs and expenses demanded under by-law 39.1, the body corporate may do one or both of:

- (a) treat the demanded amount as a liquidated debt and take action for recovery in a competent court;
- (b) enter the demanded amount against the levy account in respect of the lot.

#### 40. INTERPRETATION

40.1 Words denoting:

- (a) the singular include the plural and vice versa;
- (b) a gender include the other genders;
- (c) persons include corporations and vice versa.

40.2 By-law headings are included for ease of reference only and do not form part of nor affect the interpretation of these by-laws.

40.3 Reference to a statute includes orders-in-council, proclamations, regulations, rules, by-laws and ordinances made under the statute and any statute amending, consolidating or replacing the statute.

40.4 Words or expressions defined in the Act have the same meaning in these by-laws.

40.5 In these by-laws:

'Act' means the *Body Corporate and Community Management Act 1997* (Qld).

'Original Owner' means Brisbane Housing Company Limited ACN 101 263 234.

**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED****DETAILS REQUIRED TO BE INCLUDED**

The location of services is as shown on the **attached** services location diagram.

The lots affected, or proposed to be affected, by statutory easements are shown in the following table:

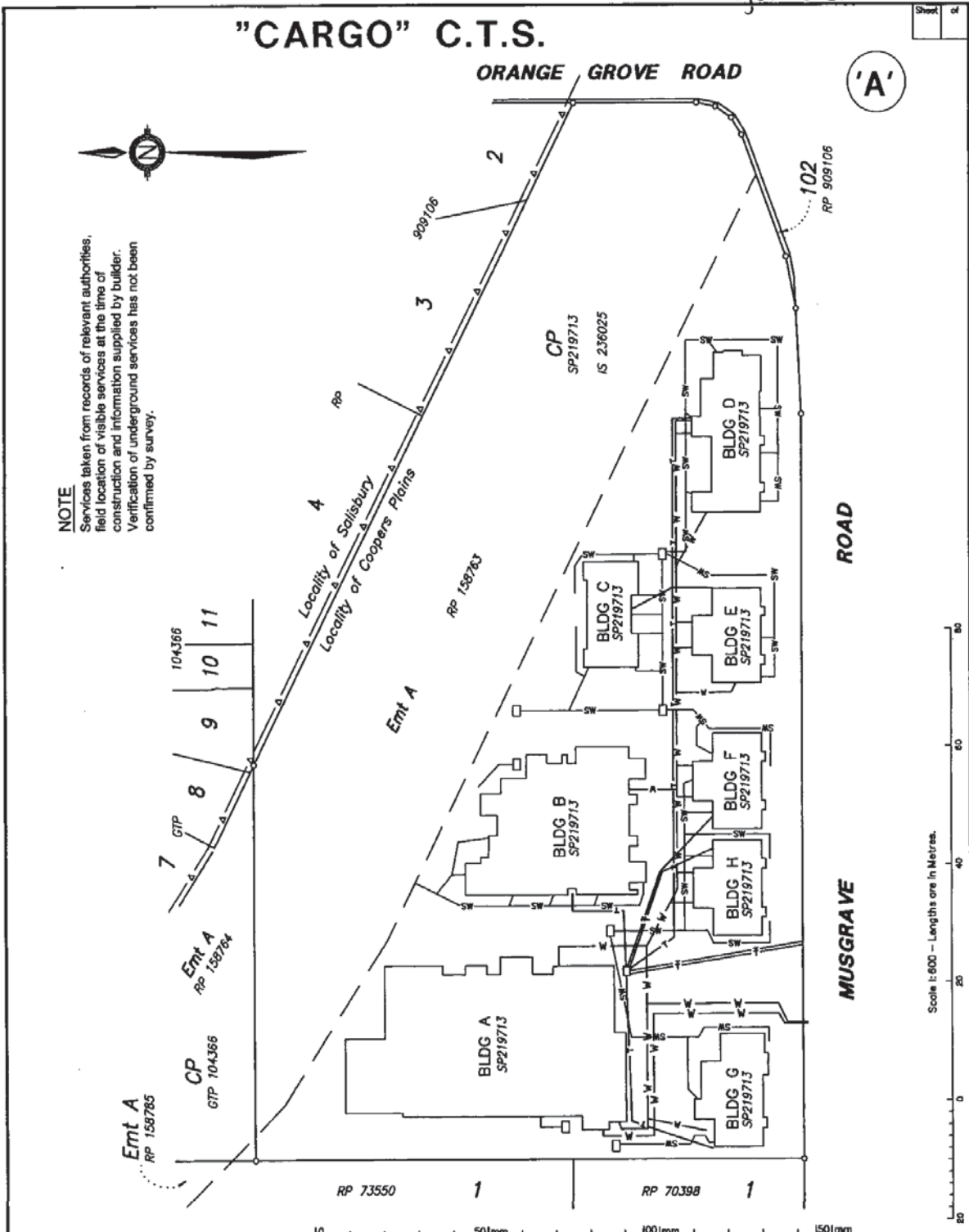
<b>Type of statutory easement</b>	<b>Lots affected</b>
Support	Lots 1 to 33 on SP 219713 and Lot 101 on SP 219713 and common property of the scheme
Utility services and utility infrastructure	Lots 1 to 33 on SP 219713 and Lot 101 on SP 219713 and common property of the scheme
Shelter	Lots 1 to 33 on SP 219713 and Lot 101 on SP 219713 and common property of the scheme
Projections	Lots 1 to 33 on SP 219713 and Lot 101 on SP 219713 and common property of the scheme
Maintenance of building close to boundary	Lots 1 to 33 on SP 219713 and Lot 101 on SP 219713 and common property of the scheme

# "CARGO" C.T.S.

Sheet of



**NOTE**  
 Services taken from records of relevant authorities.  
 Field location of visible services at the time of  
 construction and information supplied by builder.  
 Verification of underground services has not been  
 confirmed by survey.



Scale 1:600 - Lengths are in Metres.

**LEGEND**

- WATER ——— W ———
- TELSTRA ——— T ———
- STORMWATER ——— SW ———

**SERVICE LOCATION DIAGRAM**  
 Over Common Property  
 of "CARGO"  
 C.T.S.  
 Original Por.181



**LAWSON SURVEYS**  
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 Email: rml@lawson-surveys.com.au

<b>PARISH YEERONGPILLY COUNTY STANLEY</b>			
SCALE. 1 : 600	DATE. 22/10/12	SURVEYED. LM	DRAWN. SS
MERIDIAN. SP219713	DWG FILE. 17031-SLD	MAP REF. 9542-44314	

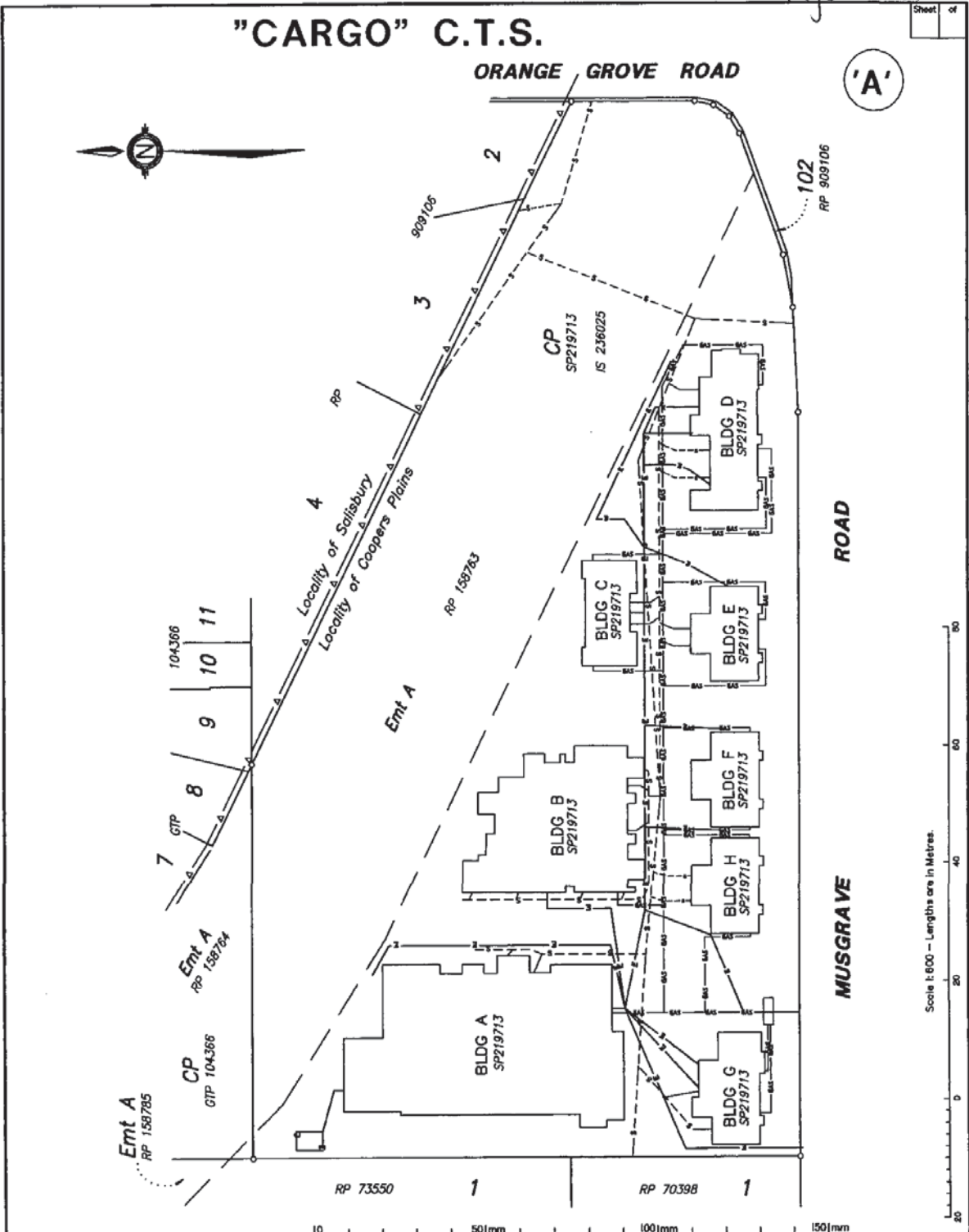
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 CHECKED BY  
 LM

**17031**  
 Sheet 1 of 2

# "CARGO" C.T.S.

Sheet of

'A'



## LEGEND

- ELECTRICITY ——— E ———
- SEWERAGE ——— S ———
- GAS ——— G ———

### SERVICE LOCATION DIAGRAM

Over Common Property  
of "CARGO"  
C.T.S.  
Original Por.181



### LAWSON SURVEYS

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PARISH YEERONGPILLY COUNTY STANLEY			
SCALE. 1 : 600	DATE. 22/10/12	SURVEYED. LM	DRAWN. SS
MERIDIAN. SP219713	DWG FILE. 17031-SLD	MAP REF. 9542-44314	

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Sheet 2 of 2

<b>SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY</b>		
<b>Lot</b>	<b>Purpose</b>	<b>Exclusive use/Special Privilege area</b>
Lot 1 on SP 219713	Courtyard	Exclusive Use Area 1A on the attached plan 17031
Lot 2 on SP 219713	Courtyard	Exclusive Use Area 2A on the attached plan 17031
Lot 3 on SP 219713	Courtyard	Exclusive Use Area 3A on the attached plan 17031
Lot 4 on SP 219713	Courtyard	Exclusive Use Area 4A on the attached plan 17031
Lot 5 on SP 219713	Courtyard	Exclusive Use Area 5A on the attached plan 17031
Lot 6 on SP 219713	Courtyard	Exclusive Use Area 6A on the attached plan 17031
Lot 7 on SP 219713	Courtyard	Exclusive Use Area 7A on the attached plan 17031
Lot 8 on SP 219713	Courtyard	Exclusive Use Area 8A on the attached plan 17031
Lot 9 on SP 219713	Courtyard	Exclusive Use Area 9A on the attached plan 17031
Lot 10 on SP 219713	Courtyard	Exclusive Use Area 10A on the attached plan 17031
Lot 11 on SP 219713	Courtyard	Exclusive Use Area 11A on the attached plan 17031
Lot 12 on SP 219713	Courtyard	Exclusive Use Area 12A on the attached plan 17031
Lot 13 on SP 219713	Courtyard	Exclusive Use Area 13A on the attached plan 17031
Lot 14 on SP 219713	Car park	Exclusive Use Area C17 on the attached plan 17031
	Storage	Exclusive Use Area S5 on the attached plan 17031
Lot 15 on SP 219713	Car park	Exclusive Use Area C16 on the attached plan 17031
	Storage	Exclusive Use Area S6 on the attached plan 17031
Lot 16 on SP 219713	Car park	Exclusive Use Area C15 on the attached plan 17031
	Storage	Exclusive Use Area S4 on the attached plan 17031
Lot 17 on SP 219713	Car park	Exclusive Use Area C14 on the attached plan 17031
	Storage	Exclusive Use Area S3 on the attached plan 17031
Lot 18 on SP 219713	Car park	Exclusive Use Area C13 on the attached plan 17031
	Storage	Exclusive Use Area S2 on the attached plan 17031
Lot 19 on SP 219713	Car park	Exclusive Use Area C36 on the attached plan 17031
	Storage	Exclusive Use Area S1 on the attached plan 17031
Lot 20 on SP 219713	Car park	Exclusive Use Area C12 on the attached plan 17031
	Storage	Exclusive Use Area S10 on the attached plan 17031
Lot 21 on SP 219713	Car park	Exclusive Use Area C11 on the attached plan 17031
	Storage	Exclusive Use Area S9 on the attached plan 17031
Lot 22 on SP 219713	Car park	Exclusive Use Areas C10 on the attached plan 17031
	Storage	Exclusive Use Area S7 on the attached plan 17031
Lot 23 on SP 219713	Car park	Exclusive Use Areas C9 on the attached plan 17031
	Storage	Exclusive Use Area S14 on the attached plan 17031

Lot	Purpose	Exclusive use/Special Privilege area
Lot 24 on SP 219713	Car park	Exclusive Use Area C8 on the attached plan 17031
	Storage	Exclusive Use Area S8 on the attached plan 17031
Lot 25 on SP 219713	Car park	Exclusive Use Areas C7 8 on the attached plan 17031
	Storage	Exclusive Use Area S15 on the attached plan 17031
Lot 26 on SP 219713	Car park	Exclusive Use Area C6 on the attached plan 17031
	Storage	Exclusive Use Area S13 on the attached plan 17031
Lot 27 on SP 219713	Car park	Exclusive Use Area C5 on the attached plan 17031
	Storage	Exclusive Use Area S12 on the attached plan 17031
Lot 28 on SP 219713	Car park	Exclusive Use Area C4 on the attached plan 17031
	Storage	Exclusive Use Area S11 on the attached plan 17031
Lot 29 on SP 219713	Car park	Exclusive Use Area C3 on the attached plan 17031
	Storage	Exclusive Use Area S18 on the attached plan 17031
Lot 30 on SP 219713	Car park	Exclusive Use Area C2 on the attached plan 17031
	Storage	Exclusive Use Area S19 on the attached plan 17031
Lot 31 on SP 219713	Car park	Exclusive Use Area C1 on the attached plan 17031
	Storage	Exclusive Use Area S20 on the attached plan 17031
Lot 32 on SP 219713	Car park	Exclusive Use Areas C30 on the attached plan 17031
	Storage	Exclusive Use Area S16 on the attached plan 17031
Lot 33 on SP 219713	Car park	Exclusive Use Areas C31 on the attached plan 17031
	Storage	Exclusive Use Area S17 on the attached plan 17031
Lot 101 on SP 219713	Car park	Exclusive Use Areas C18 to C29, C32 to C35 and C37 to C56 on the attached plan 17031 'B'

# "CARGO" C.T.S.

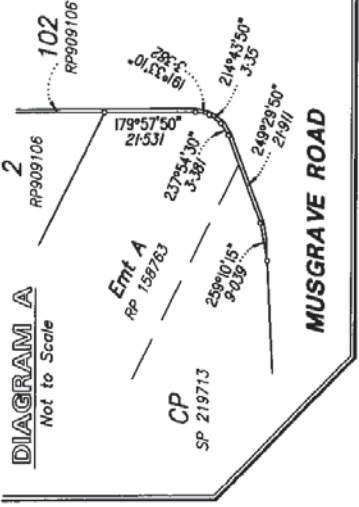
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'B'

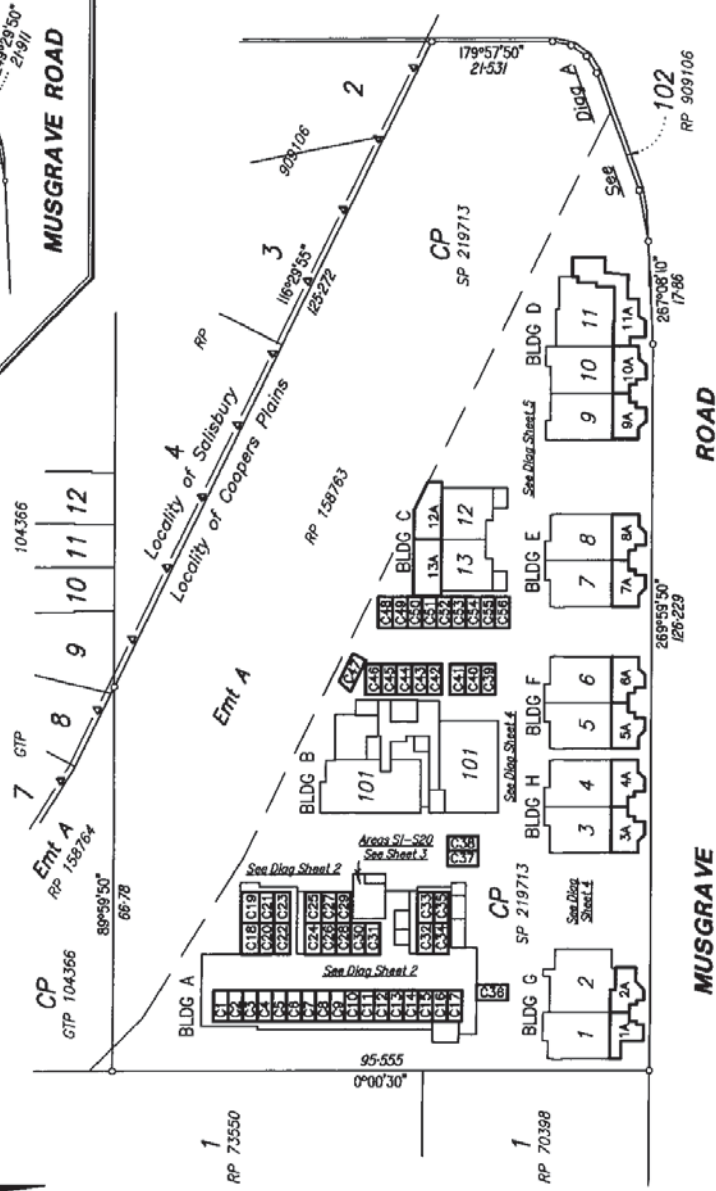
ORANGE GROVE ROAD

ORANGE GROVE ROAD

DIAGRAM A  
Not to Scale



LEVEL A  
Scale 1 : 750

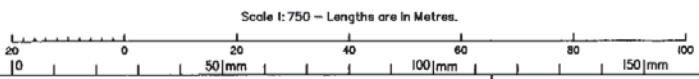


For details of Exclusive Use Areas  
7A-13A See Sheet 5, & C48-C56,  
See Sheets 5 & 6.

For details of Exclusive Use  
Areas 1A-6A & C36-C38  
See Sheet 4 & C39-C47,  
See Sheets 4 & 6.

For details of Exclusive  
Use Areas S1-S20,  
See Sheets 2 & 3.

For details of Exclusive  
Use Areas C1-C35,  
See Sheet 2.



LAWSON GROUP PTY. LTD. (ACN 010 872 607)  
Cadastral Surveyor certify that the details  
shown on this sketch are correct.

22-10-2012  
Date

SKETCH PLAN FOR EXCLUSIVE USE PURPOSES

Over part of Common Property  
on Level A of "CARGO"  
C.T.S.  
Original Por.181

PARISH YEERONGPILLY COUNTY STANLEY

SCALE. 1 : 750 DATE. 22/10/12 SURVEYED. LM DRAWN. SS  
MERIDIAN. SP219713 DWG FILE. 17031-EX MAP REF. 9542-44314



LAWSON SURVEYS

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LM

Sheet 1 of 6



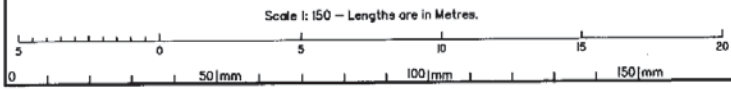
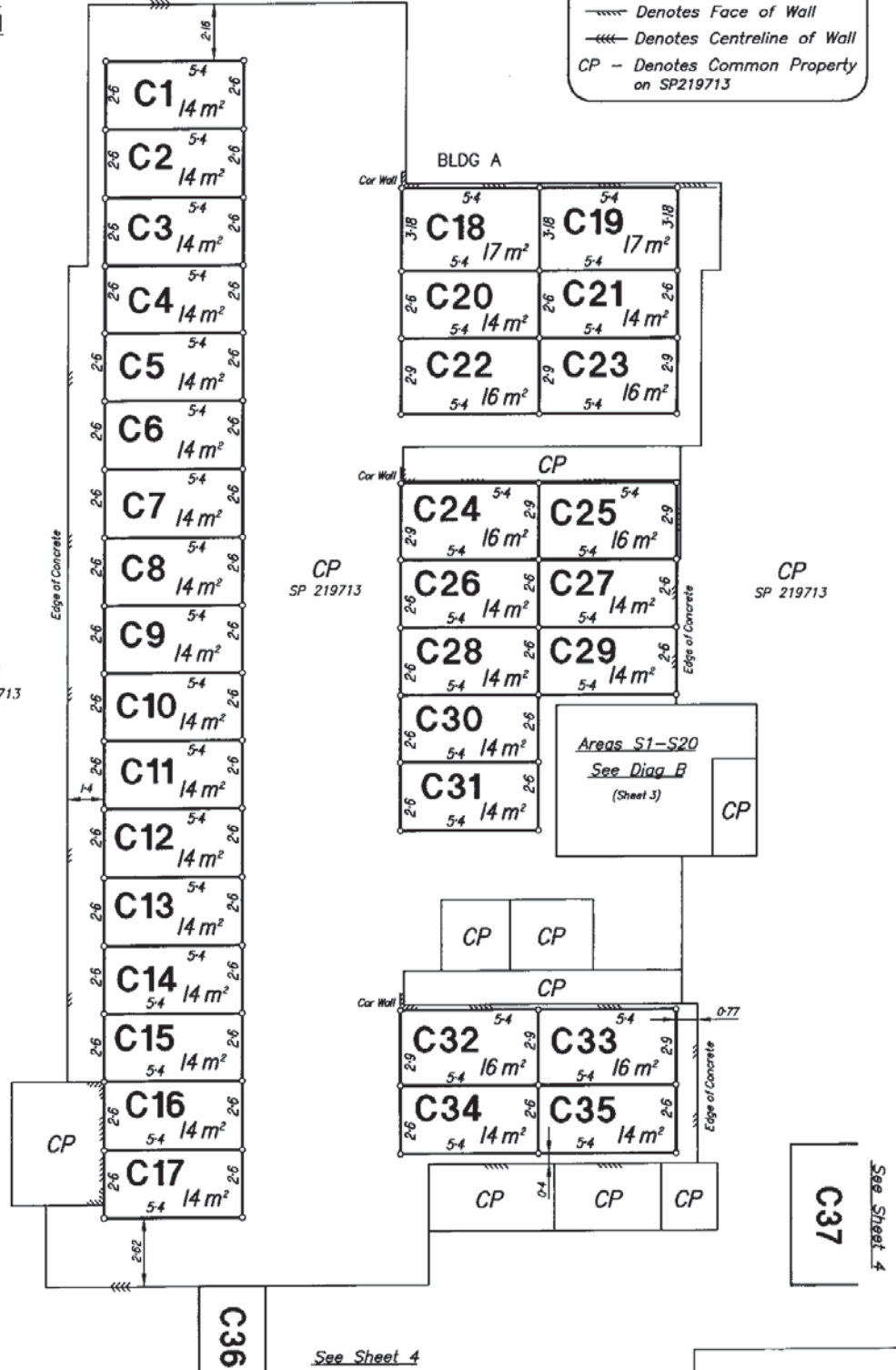
# "CARGO" C.T.S.

Sheet of

**LEVEL A  
DIAGRAM**  
Scale 1 : 150



**LEGEND**  
 - - - - - Denotes Face of Wall  
 - - - - - Denotes Centreline of Wall  
 CP - Denotes Common Property on SP219713



**17031**  
Sheet 2 of 6





# "CARGO" C.T.S.

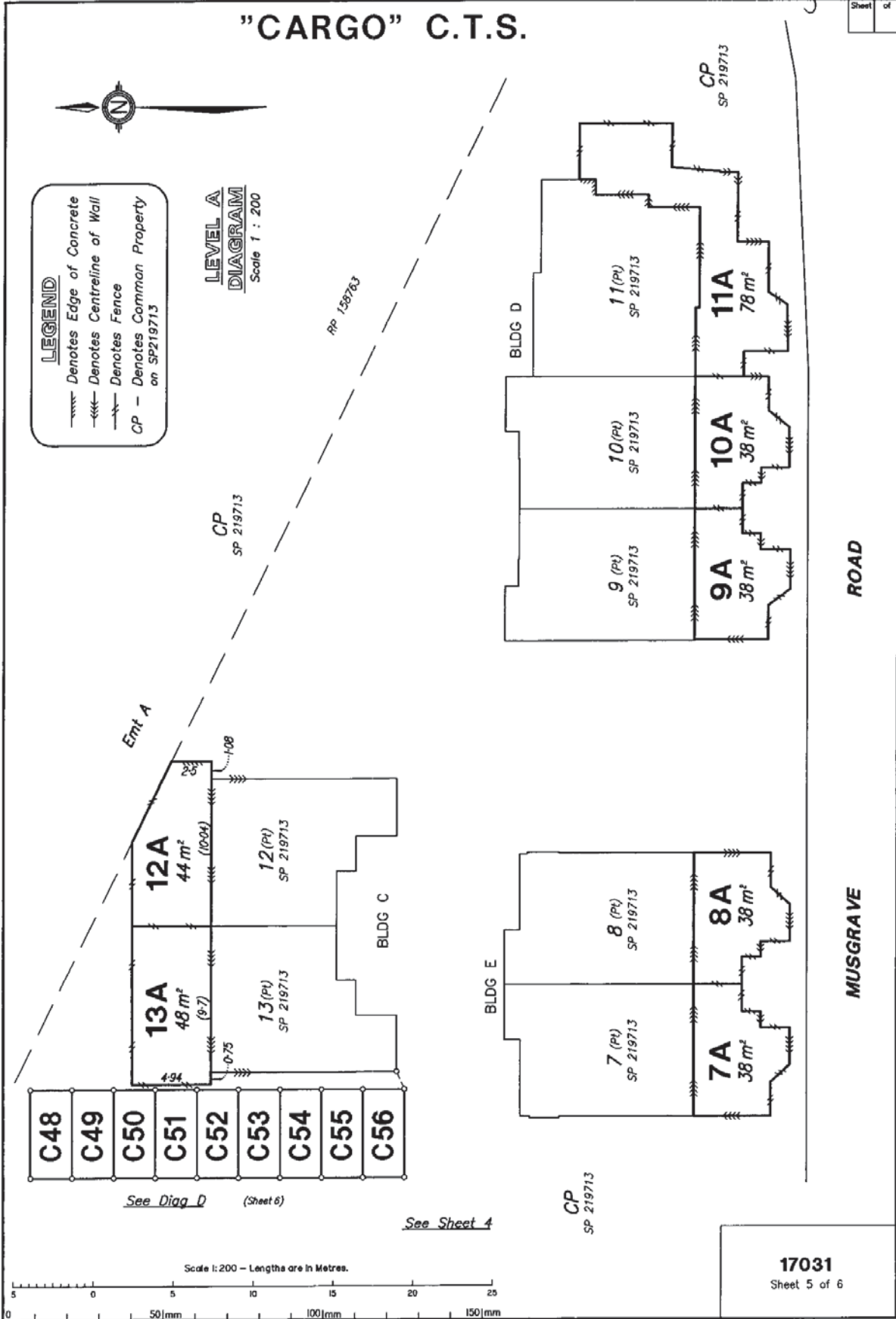
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**LEGEND**

- Denotes Edge of Concrete
- Denotes Centreline of Wall
- Denotes Fence
- CP — Denotes Common Property on SP219713

**LEVEL A  
DIAGRAM**  
Scale 1 : 200



**17031**  
Sheet 5 of 6

# "CARGO" C.T.S.

**DIAGRAM C**  
Scale 1 : 100

**LEGEND**

- Denotes Face of Wall (Unless otherwise shown)
- Denotes Centreline of Wall
- 'X' - Denotes Nail Pld in Bitumen at Stn

**DIAGRAM D**  
Scale 1 : 100

