

**TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE**

DEV NO

BY LAWS

BY - LAWS

COMMUNITY PLAN NO.

Certified correctly prepared in accordance with the requirements of the
Community Titles Act 1996 by the person who prepared the documents

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Signature of Certifying Party
Tom Manolakis Registered Conveyancer

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COMMUNITY TITLES ACT, 1996

BY-LAWS OF COMMUNITY SCHEME

(The terms of these By-Laws are binding on the Community Corporation, the owners and occupiers of the community lots comprising the scheme and persons entering the community parcel. These By-Laws may only be amended or revoked by special resolution of the Community Corporation in accordance with Section 39 of the Community Titles Act).

1. **Administration, Management and Control of Common Property**
The Community Corporation is responsible for the administration, management and control of the common property.

2. **Use and Enjoyment of the Common Property**
The Common Property is designated on the Plan of Community Division.
The Common Property is, subject to the Act and By-Laws, for the common use and enjoyment of owners, their employees, invitees and visitors of the community lots.
A person must not without the authorization of the Community Corporation damage, or interfere with a building structure or ancillary service on or in the Common Property
A person shall not obstruct vehicular or pedestrian traffic on the Common Property unless authorized to do so by the Corporation.
A person must not obstruct the Common Property in anyway

3. **Use and Enjoyment of Community Lots**
No building erected on a Community Lot shall be used or occupied otherwise than as a residence unless such other use has been approved by the Community Corporation.

4. **Maintenance and Repair of Buildings**
The owner of a community lot must maintain and keep in good repair buildings and structural improvements to the lot (including paint work and external finishes).

5. Maintenance of Community Lot

- 5.1 The owner of a community lot must keep the lot in a clean and tidy condition.
- 5.2 The owner of a community lot must properly maintain lawns and gardens on the community lot.
- 5.3 The owner of a community lot must:-
 - 5.3.1 store garbage in an appropriate container that prevents the escape of unpleasant odours; and
 - 5.3.2 comply with any requirements of the Council for the disposal of garbage.

6. Disturbance

- 6.1 The owner of a community lot must not engage in conduct that unreasonably disturbs the occupier of another community lot or others who are lawfully on a community lot or the Common Property.
- 6.2 The owner of a community lot must ensure, as far as practicable, that persons who are brought or allowed onto the community lot or the common property by the owner do not engage in conduct that unreasonably disturbs the occupier of another community lot or others who are lawfully on a community lot or the Common Property.

7. Insurance by Community Corporation

- 7.1 The Community Corporation shall effect such insurance as is required by Sections 103 and 104 of the Act but shall not be responsible for insuring buildings and other improvements on individual community lots.
- 7.2 An owner or occupier of a community lot must not except with the approval of the Community Corporation, do anything that might:-
 - 7.2.1 void or prejudice insurance affected by the Community Corporation; or
 - 7.2.2 increase any insurance premium payable by the Community Corporation.

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8. **Building Insurance**

The owner of each community lot shall insure all buildings and other improvements on the lot in accordance with their own requirements and the Community Corporation shall have no responsibility in respect thereof.

9. **Public Liability Insurance**

The owner of each community lot shall effect and keep current in respect of their community lot a Public Risk Policy in a sum of not less than \$10m or such increased amount the Community Corporation may consider prudent from time to time. The owner of a community lot must provide the Community Corporation evidence of a current policy of insurance effected by the proprietor with the terms of this By-Law.

10. **Internal Fencing**

The provisions of The Fences Act 1975 (as amended) shall apply as between the owners of adjoining community lots.

11. **Animals**

An owner of a community lot shall not to keep animals and birds on the premises other than permitted by the appropriate local government authority.

12. Community Corporation's Right to Recover Money

- 12.1 The Community Corporation may recover any money owing to it under the By-Laws as a debt.
- 12.2 An owner of a community lot must pay or reimburse the Community Corporation on demand for the costs charges and expenses of the Community Corporation in connection with contemplated or actual enforcement, or preservation of any rights under the By-Laws in relation to the proprietor or occupier.
- 12.3 The costs, charges and expenses recoverable by the Community Corporation shall include without limitation, those expenses incurred in retaining any independent consultant or other person to evaluate any matter of concern and its administration costs in connection with those events.
- 12.4 The Community Corporation may charge interest on any overdue monies owed by a proprietor or occupier of a lot to the Community Corporation at the rate of **TWO PER CENT (2%)** per annum above the rate quoted by the Community Corporation's Bankers on overdraft accommodation less than \$10,000.00, calculated on daily balances commencing from the day that the money becomes due for payment.

13. Interpretation

In these By-Laws:-

- 13.1 "**Act**" means the Community Titles Act 1996.
- 13.2 "**Community Corporation**" means the Community Corporation created by the Deposit of the Plan of Community Division in respect of which these By-Laws are lodged.
- 13.3 "**community lot**" means a community lot created by Plan of Community Division referred to above.
- 13.4 "**community parcel**" means the whole of the land comprised in Plan of Community Division referred to above excluding any land thereby vested in a Council, the Crown or a prescribed authority.
- 13.5 "**occupier**" of a community lot includes, a person who occupies a lot or if the lot is unoccupied, the owner of the lot.
- 13.6 Except where otherwise appears words shall have the same meanings as are set out in the Act.

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**Executed by
The Applicant**

in accordance with section 127 of the Corporations Act 2001
being a Sole Director Secretary Company

..... Sole Director / Secretary

.....

.....
In the presence of :-

.....
Witness

