

## VIDORRA COMMUNITY TITLES SCHEME

### BODY CORPORATE BY-LAWS – abridge version

#### 1. Observance of By-Laws and Peaceful Enjoyment

- 1.1 Occupiers must observe and ensure that their Invitees observe these By-Laws.
- 1.2 Occupiers must not behave in a manner likely to interfere with the peaceful enjoyment of other Occupiers.
- 1.3 An Owner whose Lot is the subject of a lease, licence or tenancy agreement must take all reasonable steps to ensure that any lessee, licensee, tenant or other Occupier or their Invitees comply with and observe these By-Laws.
- 1.4 An Owner must give a copy of these By-Laws to any Occupier of a Lot.

#### 2. Rules Relating to Common Property

- 2.1 The Committee may make, amend, delete or add to, from time to time, rules relating to the Common Property and/or assets of the Body Corporate and in particular (without limitation) in relation to the use of any improvements on or facilities within the Common Property not inconsistent with these By-Laws, unless and until they are disallowed or revoked by the Body Corporate in general meeting.
- 2.2 Occupiers must comply with any rules relating to the Common Property and/or assets of Body Corporate made under this By-Law.

#### 3. Instructions to Contractors etc

Occupiers must not directly instruct any contractors or workmen employed by the Body Corporate unless authorised in writing by the Body Corporate.

#### 4. Notices to be Observed

Occupiers and Invitees must observe the terms of any Notice displayed in the Common Property by authority of the Body Corporate or the Committee or of any lawful authority.

#### 5. Vehicles

- 5.1 An Owner or 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 visitor's vehicles.
- 5.2 An approval under sub-section 1 must state the period for which it is given, with the exception of designated visitor parking.
- 5.3 However, the Body Corporate may cancel the approval by giving 7 days written notice to the Owner or Occupier, with the exception of designated visitor parking.
- 5.4 The Committee is empowered to remove, at the expense of the vehicle's owner, vehicles parked illegally on Common Property by towing or other means.

5.5 Vehicles parked within the Scheme must be kept clean and in a roadworthy condition.

## 6. Speed Limits

Occupiers must not exceed the Speed Limit (20km) while driving any vehicle on the Common Property. Occupiers must use their best endeavours to ensure that their Invitees do not exceed the Speed Limit.

## PART 4 – OBLIGATIONS IN RESPECT OF LOTS

### 7. Use of Lots

7.1 Subject to these By-Laws (including, without limitation, the rights of the Service Contractor and Letting Agent under Part 8).

7.2 Lots must not be used:

- (a) for any purpose that may cause a nuisance or hazard or is in any manner likely to interfere with the peaceful enjoyment of other Occupiers or any person lawfully using the Common Property;
- (b) for any illegal or immoral purpose that will interfere with the good reputation of the Scheme; or
- (c) for any purpose that may endanger the safety or good reputation of persons residing within the Scheme.

7.3 Occupiers may, providing that it is lawful to do so, carry out a home occupation or business from a Lot and may receive visitors for that purpose providing:

- (a) the use does not conflict with the rights of any Service Contractor or Letting Agent under these By-Laws or otherwise appointed by the Body Corporate;
- (b) the use is lawful and all necessary permits and insurances for the use are held;
- (c) the use does not unreasonably interfere with the amenity of other Occupiers; and
- (d) the Occupier obeys the reasonable directions and requirements of the Committee.

### 8. Maintenance of Lots

8.1 Occupiers must:

- (a) maintain their Lot and keep it clean and free of rubbish and vermin;
- (b) keep accessible windows and glass clean;
- (c) maintain and repair their Lot so that it is not offensive in appearance to other Occupiers; and
- (d) maintain their Lot to prevent the excessive growth of grass and other vegetation so that the Lot is not unsightly, does not increase fire risks and does not contribute to the spread of noxious weeds.

8.2 If the Committee gives the Occupier reasonable notice of the intention to enter the Lot for inspection or to carry out works, an Occupier must permit representatives, agents and contractors of the Body Corporate access to the Lot at all reasonable times for the purpose of inspection and carrying out works to rectify any Breach.

The Body Corporate is responsible for maintenance of the gardens and lawns contained within the front yards of Lots so as to ensure uniformity of maintenance and the standard of the Scheme. Occupiers

must permit any service contractor engaged to carry out the maintenance access to those areas at all reasonable times.

## **9. Alteration to Lots**

- 9.1 An Owner or Occupier must not alter a Lot in any way without the approval in writing of the Committee. The Original Owner, in the further carrying out of the Scheme, does not require any Body Corporate approval.
- 9.2 No approval of the Committee is necessary in respect of minor maintenance of the internal area of the Lot such as painting of internal walls and replacement of carpet providing that the colours of such finishes which are visible from outside of the Lot are in keeping with the colours used in the Scheme generally.
- 9.3 An Owner must submit plans and specifications and any other details required by the Body Corporate to the Committee in respect of any proposed alterations.
- 9.4 The Committee must not unreasonably withhold its consent to an alteration, and may give its consent subject to reasonable conditions but may have regard to keeping the need to keep the Scheme visually uniform.
- 9.5 An approval given by the Committee to an alteration is conditional upon the Owner first obtaining all necessary Council approvals to the alteration.
- 9.6 Owners must not build on or alter their Lot unless the works comply with the requirements of Council in relation to any development permit or equivalent which applies to the Scheme.

## **10. Appearance of Lots**

- 10.1 The purpose of this By-Law is to ensure that the Scheme remains at all times:
- (a) visually uniform;
  - (b) tidy in appearance; and
  - (c) having garden areas and plants which are compatible and conform with the landscaping of the Scheme generally.
- 10.2 Unless approved in writing by the Committee, an Occupier must not:
- (a) hang any washing, bedding or other articles;
  - (b) display any sign, banner, advertisement or similar articles;
  - (c) use any part of the Lot for storage (except exclusive use storage areas);
  - (d) keep any oversized plants (as determined in the opinion of the Committee); and
  - (e) install any aerials, receivers or the like,
- if it is visible from outside of the Lot.
- 10.3 An Occupier must not hang curtains or blinds, apply window tinting or install screens or similar devices which are visible from outside of the Lot unless it is in compliance with any pre-approved specifications or otherwise first approved in writing by the Committee. The Committee must have regard to the purpose of this By-Law in giving any approval.

- 10.4 An Occupier of a Lot which contains any garden area or feature plants must maintain that area or plants so as to achieve the purpose of this By-Law.

An Occupier of a Lot must maintain any external sliding screen on any doorway of their Lot so as to achieve the purposes of this By-Law.

**11. Clearance of Post Boxes**

Occupiers (and if the Lot is vacant, Owners) must regularly clear the post box for the Lot.

**12. Nuisance**

- 12.1 Occupiers and Invitees must not make or permit any noise likely to unreasonably interfere with the peaceful enjoyment of other Occupiers.

- 12.2 Occupiers must take all practical means to minimise annoyance to other Occupiers including by closing doors, windows and curtains and taking such further reasonable steps as may be within their power.

- 12.3 Owners, Occupiers and Invitees within the Scheme after 11.00 pm must not unreasonably interfere with the quiet use and enjoyment of other Occupiers.

- 12.4 Occupiers must not operate any electronic device or equipment which interferes with any domestic appliance or apparatus lawfully in use within the Scheme.

- 12.5 Occupiers must be appropriately dressed at all times when visible from Common Property, other Lots or outside the Scheme.

- 12.6 Owners and Occupiers must not install a security alarm or device without the prior written consent of the Committee.

**13. Access through Lots**

If the Committee gives the Occupier reasonable notice of the intention to enter the Lot (except in the case of emergency when no notice is required) in order to access Common Property for any purpose, including maintenance of Common Property, an Occupier must permit representatives, agents and contractors of the Body Corporate access through the Lot at all reasonable times.

**14. Insurance**

- 14.1 Residential Lots must not bring on to, do or keep anything in or on their Lots which may increase the rate of insurance of the Scheme or which may conflict with the laws relating to fires or any insurance policy for the Scheme or the regulations of any public authority.

- 14.2 Retail and commercial Lots are responsible for payment of any additional public liability insurance premium which is attributable to the use of their Lot for retail or commercial purposes.

**PART 5 – OBLIGATIONS RELATING TO BOTH THE USE OF THE COMMON PROPERTY AND LOTS**

**15. Garbage Disposal**

- 15.1 Garbage must be kept in a clean and dry garbage receptacle within a Lot or on Common Property designated by the Committee.

- 15.2 Garbage bins left for collection must be removed from the Common Property or the road verge soon after garbage collection, if possible on the same day.

- 15.3 Occupiers must not, in disposing of garbage, adversely affect the health, hygiene or comfort of other Occupiers.
- 15.4 Occupiers must not put any rubbish, dirt or other offensive material on the Common Property and must directly dispose of any rubbish generated within or located within that Occupier's Lot.
- 15.5 The Committee may:
- (a) clear away all rubbish, dirt or other material located on the Common Property or within a Lot; and
  - (b) repair any damage caused to the Common Property or the Lot by any rubbish, dirt or other material,
- at the cost of the Owner of the offending Lot.
- 15.6 The Body Corporate has the power to devise and adopt a garbage storage removal system from time to time. Any system must be first approved by Council's waste service division and must be complied with by Occupiers.
- 15.7 The Body Corporate must give and is empowered to give any indemnities in favour of the Moreton Bay Regional Council or other Authority as required to facilitate the removal of garbage including in relation to damage caused to improvements and infrastructure by garbage removal vehicles.

## 16. Keeping of Pets

Any Occupiers keeping Pets must comply with the following conditions, as applicable to the Pet:

- (a) dogs and cats must wear an identification tag, tattoo or micro chip;
- (b) all Pets, if required by law to be licensed or registered, are licensed or registered;
- (c) clean and remove any mess left on Common Property by any Pet under their control;
- (d) ensure that dogs and cats are appropriately restrained while on Common Property;
- (e) ensure Pets are at all times kept clean, quiet, controlled and within their Lot;
- (f) all Pets are not allowed in the recreation area; and
- (g) a maximum of 2 Pets are allowed within a Lot at any time.

If an Occupier fails to comply with the conditions in sub-clause 1, the Occupier must remove a Pet from within the Scheme if directed by the Committee.

The Committee may, at the cost of the Owner of the offending Lot, remove a Pet from within the Scheme if the Pet is disturbing others, or is undesirable, in the Committee's reasonable opinion.

- 16.2 Occupiers mentioned in section 5 of the *Guide, Hearing and Assistance Dogs Act 2009 (Qld)* have the right to be accompanied by a guide dog while within the Scheme.
- 16.3 Animals which are not Pets may not be kept within the Scheme.

## 17. Auction Sales

Occupiers must not permit any auction sale to be conducted or to take place within their Lot or upon the Common Property without the prior written permission of the Committee.

**18. Use of Facilities**

Occupiers must use facilities in Lots and within the Common Property properly and not for any purpose for which they were not intended for use.

**PART 6 – OBLIGATIONS IN RESPECT OF COMMON PROPERTY****19. Obstruction**

Occupiers must not:

- (a) interfere with the lawful use of the Common Property; or
- (b) interfere with the use of access ways, footpaths or driveways on the Common Property or any easement giving access to or through the Common Property; or
- (c) use access ways, footpaths or driveways on the Common Property for any purpose other than access.

**20. Accidents On Common Property**

Occupiers must:

- (a) give Notice to the Body Corporate of any accident which occurs or arises out of or relates to Common Property;
- (b) include in such Notice, all details of the accident which would be normally required by an insurer; and
- (c) provide all such assistance with any insurance claim arising out of such accident as is reasonably required by the Body Corporate.

**21. Damage to Common Property**

- 21.1 Occupiers must not damage or remove or use for their own purposes any lawn, garden, plant or Body Corporate asset on Common Property without the written consent of the Committee.
- 21.2 Occupiers must not alter, operate, damage or in any way deface any structure that forms part of the Common Property or any Body Corporate asset without the written consent of the Committee.

**22. Notice of Damage**

Occupiers must promptly notify the Body Corporate of any damage to or defect in any service, connection or fixtures which comprise part of the Common Property.

**23. No Smoking**

Occupiers must not at any time smoke cigarettes or any other substance whilst on Common Property.

**24. Lot Utility Infrastructure located on Common Property**

- 24.1 Lot Utility Infrastructure may, subject to consent of the Committee (such consent not to be unreasonably withheld), be located on Common Property such as roof top areas. No consent is required for Lot Utility Infrastructure which is installed by the Original Owner.
- 24.2 Owners are responsible for:

- (a) the repair, maintenance and replacement of: and
- (b) any loss or damage to,

Lot Utility Infrastructure.

- 24.3 The Body Corporate must allow access to service contractor of Owners to the area of Common Property where the Lot Utility Infrastructure is located at all reasonable times and upon reasonable notice to enable Owners to comply with this By-law.