

## **SCHEDULE 2**

### **BY-LAWS**

section 130

#### **Noise**

1. The occupier of a lot must not create noise likely to interfere with the peaceful enjoyment of a person lawfully on another lot or the common property.

#### **Vehicles**

2.(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.

(2) An approval under subsection (1) must state the period for which it is given.

(3) However, the body corporate may cancel the approval by giving 7 days written notice to the occupier.

#### **Obstruction**

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

#### **Damage to lawns etc.**

4.(1) The occupier of a lot must not, without the body corporate's written approval—

SCHEDULE 2 (continued)

(a) damage a lawn, garden, tree, shrub, plant or flower on the common property; or

(b) use a part of the common property as a garden.

(2) An approval under subsection (1) must state the period for which it is given.

(3) However, the body corporate may cancel the approval by giving 7 days written notice to the occupier.

**Damage to common property**

5.(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 that forms part of the common property.

(2) However, an occupier may install a locking or safety device 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.

(3) The owner of a lot must keep a device installed under subsection (2) in good order and repair.

**Behaviour of invitees**

6. 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.

**Leaving of rubbish etc. on the common property**

7. The occupier of a lot must not 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.

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**Appearance of lot**

**8.(1)** The occupier of a lot must not, without the body corporate's written approval, make a change to the external appearance of the lot unless the change is minor and does not detract from the amenity of the lot and its surrounds.

**(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 if the article is visible from another lot or the common property, or from outside the scheme land.

**(3)** This section does not apply to a lot created under a standard format plan of subdivision.

**Storage of flammable materials**

**9.(1)** The occupier of a lot must not, without the body corporate's written approval, store a flammable substance on the common property.

**(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.

**(3)** However, this section does not apply to the storage of fuel in—

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

**Garbage disposal**

**10.(1)** Unless the body corporate provides some other way of garbage

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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.

(2) The occupier of a lot must—

- (a) comply with all local government local laws about disposal of garbage; and
- (b) ensure that the occupier does not, in disposing of garbage, adversely affect the health, hygiene or comfort of the occupiers of other lots.

**Keeping of animals**

11.(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.

(2) The occupier must obtain the body corporate's written approval before bringing, or permitting an invitee to bring, an animal onto the lot or the common property.<sup>39</sup>

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<sup>39</sup> However, section 143 of the Act provides as follows—

**Guide dogs**

143.(1) A person mentioned in the *Guide Dogs Act 1972*, section 5, who has the right to be on a lot included in a community titles scheme, or on the common property, has the right to be accompanied by a guide dog while on the lot or common property.

(2) A person mentioned in subsection (1) who is the owner or occupier of a lot included in a community titles scheme has the right to keep a guide dog on the lot.

(3) A by-law cannot exclude or restrict a right given by this section.