

BY-LAWS

COMMUNITY CORPORATION No. _____ Inc

Lot _____

Certification as to preparation of Community By-Laws

Certified correctly prepared in accordance with the requirements of the *Community Titles Act 1996* by an officer of the Community Corporation.

**Signature, name and address of the officer of the Community Corporation
(Presiding Member etc)**

COMMUNITY SCHEME BY-LAWS

PLAN No. _____ Inc

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1. PRELIMINARY

1.1. Definitions

In this scheme description unless otherwise appears:

“Act” means the *Community Titles Act 1996*;

“administrative fund” means a fund established by the Community Corporation for the payment of recurrent expenditure;

“animal” includes a bird and a reptile;

“associated person” means a person on the community parcel other than an owner or occupier of a community lot;

“building” means –

- (a) Any building for which a development approval is required under the Planning, Development and Infrastructure Act;
- (b) Any shed, aviary or other structure which alters the external appearance of a lot;

“Co-located housing” means a group of 2 or more dwellings contained on land located within the Co-located Housing Overlay of the Planning and Design Code:

- (a) that each occupy an allotment created under the *Community Titles Act 1996*; and
- (b) that comprises at least one or more established dwellings facing a primary street that may be internally altered and/or extended as part of a co-located housing development to accommodate additional dwellings;
- (c) that incorporates communal open space that is accessible to all dwellings; and
- (d) that may also comprise other common areas and/or facilities for shared use by all occupants:
 - i. a common building that includes facilities such as a shared kitchen, dining facilities and/or living facilities
 - ii. shared laundry facilities
 - iii. shared carparking.

“Communal Open Space” means open space shared by more than one dwelling but is not publicly accessible. It excludes any of the following:

- (a) private open space
- (b) public rights of way
- (c) private streets
- (d) parking areas and driveways
- (e) service and storage areas
- (f) land with a minimum dimension less than 2 metres.

“Community Corporation” means this Community Corporation;

“Community lot” means a community lot within the Plan and, where appropriate, includes any building or other improvement on the community lot;

“Community parcel” means the land divided by the Plan but does not include a street, road, thoroughfare, reserve or other similar open space upon vested in a council or prescribed authority or reverting to the Crown;

“Common property” means the common property within the Plan and includes the service infrastructure (except any part of this service infrastructure that provides a

service to only one lot) and any other property that comprises the common property pursuant to the Act;

“Corporation” means this Community Corporation;

“Council” means the City of [insert Council name here] or any subsequent municipality or council for the area in which the community parcel is located and any other statutory authority performing or responsible for the role, decisions and activities of a municipal or district council for that area;

“Designated” means designated on the Plan;

“develop” includes –

- (a) To construct, alter, demolish or remove, or
- (b) Significantly alter the appearance of, any building, structure, wall, fence, site works, paving or other improvement on the community parcel;

“Developer” means the registered proprietor of the land comprising the community parcel immediately before the plan of community division was deposited in the Lands Titles Registration Office;

“Development Approval” means the development approval for the division of land in accordance with the Plan in accordance with the development approval granted by the City of [insert Council name here] on the [insert date here] and numbered [insert Development Application No. here] (as may be varied from time to time) and any subsequent planning, building or development approvals and/or consents for building and other works on the community parcel;

“energy efficient” means efficient in the use, consumption and conservation of energy and includes –

- (a) consideration of the ancillary and consequential energy requirements,
- (b) in relation to buildings and structures, the considerations specified in Part 5 of these by-laws, and
- (c) in relation to materials, machinery and equipment, the energy efficiency of the production and life cycle of the material, machinery and equipment;

“external appearance” means the permanent appearance when viewed from any structure on other community lots or the common property or from outside the community parcel;

“fencing” means any person-made structure (not being a building) which creates a visual barrier to observers outside the lot upon which it is constructed and includes a fence, gate, partition, mound and screen;

“filed” means filed with the Lands Titles Registration Office;

“Guidelines” means the guidelines for architectural and developmental works prescribed by the corporation and any other guidelines prescribed by the corporation from time to time in relation to the community parcel;

“height” in relation to a building means the vertical distances between any two points in that building;

“immediate vicinity” of a lot is the area which may be seen from any part of the lot;

“lot” means a community lot of a development lot within the Plan and, where appropriate, includes any building or improvement on the lot;

“median floor level” in relation to a lot means the height above sea level or the point on the community parcel (as the case may be) determined by the Community Corporation to be the median floor level in relation to a community parcel;

“minor repair” in relation to a motor vehicle means a repair which is completed within 24 hours of commencement;

“non-recurrent expenditure” means expenditure for a particular purpose that is normally made less frequently than once a year;

“occupier” of a lot includes, if the lot is unoccupied, the owner of the lot;

“person” includes an unlawful occupier and a visitor to the community parcel whether invited or uninvited;

“Plan” means the plan of community division filed with this scheme description and any amendment of that plan;

“Planning, Development and Infrastructure Act” means the *Planning, Development and Infrastructure Act 2016* as amended or replaced from time to time and any regulations made pursuant thereto;

“Proposal” means the proposal plan granted development approval by the City of [insert Council name here] on the [insert date here], a copy of which is included as Attachment A;

“recurrent expenditure” means expenditure for a particular purpose that is normally made each year or more frequently;

“Regulations” means the *Community Title Regulations 1996*;

“residential purposes” does not include the use of the lot for the purposes of a hotel, motel or hostel;

“Scheme Description” means the Scheme Description for this Community Scheme;

“screening” may include screening by natural means such as trees and shrubs;

“service infrastructure” means the cables, wires, pipes, sewers, drains, ducts, conduits, spaces, receptors, reflectors, machinery, plant and equipment constructed or installed at any time and from time to time by which the lots or the common property are provided with any system or service specified in the Act or designed to improve the amenity or enhance the enjoyment of the lots or the common property;

“sinking fund” means a fund established by the Community Corporation for the payment of non-recurrent expenditure;

“special residential lot” means a residential lot that is used or may be used for special residential purposes;

“special residential purposes” means any commercial purpose or purposes that has been approved by the Community Corporation in relation to the lot that is primarily used or to be used for residential purposes with the approval of the Community Corporation;

“stage” means a stage in the development of the community parcel in accordance with this scheme description;

“structure” includes any structure, improvement, fixture, fitting, plant, equipment, machinery, wall, fence, partitioning, path, paving and any other chattel and property constructed, installed or situated on or in the lot or the common property (as the case may be) and any alterations, additions and modifications made thereto from time to time;

“wastewater” means –

- (a) any water discharged from any toilet, and
- (b) any other water discharged from any building or structure other than storm water.

“Tandem parking” means a car parking spot for one or more other people that is configured like a single spot, but which is double or greater in size.

1.2. Interpretation

In these by-laws unless otherwise appears:

- 1.2.1. All other words shall have the meaning (if any) ascribed by the Act and the Regulations;
- 1.2.2. A reference to any Act, Regulations, document or plan must be construed as a reference to that Act, Regulation, document or plan as amended, varied or replaced.
- 1.2.3. Words in other forms will have the same meaning as defined in these by-laws;
- 1.2.4. A by-law is to be interpreted against the background of the Ethos and any relevant statement of philosophy in the Scheme Description and these by-laws;
- 1.2.5. Any reference to height is to be measured by reference to the median floor level, or where the median floor level is not specified –
 - (a) where there is a building on the lot – from the level of the ground floor (or lower or lowest ground floor), and
 - (b) where there is no building on the lot – from the median natural ground level over the lot:
- 1.2.6. Where the consent of the Community Corporation is required, such consent must be in writing, and may be subject to conditions; and
- 1.2.7. Where these by-laws create or impose any obligation or requirement on any person, the obligation or requirement on that person extends to not allowing any other person to breach that obligation or requirement.

2. ETHOS AND GENERAL PHILOSOPHY

2.1. Ethos

The ethos upon which the by-laws are drafted is the creation of an “innovative and environmentally sustainable shared housing scheme which fosters community without impacting on the existing character and streetscape of [insert suburb name here] and is an intergenerational village accommodating a range of household types”.

2.2. General Philosophy

- 2.2.1. Creation of a people-centred development providing a balance between public and private, security and safety and integration into the local neighbourhood and community.
- 2.2.2. Members of the community (whether owner or renter) are anticipated to be diverse and reflect society by accommodating older people wishing to downsize in their own community, extended families wanting to live in close proximity, or young people looking for affordable, sustainable housing options.
- 2.2.3. Development to maintain established trees/original urban tree canopy as much as possible and promote energy efficiency and reduce greenhouse gas emissions.
- 2.2.4. The aim for decision making and conflict resolution will always be based on consensus among the owners and occupiers of lots within the community parcel.

3. MANDATORY BY-LAWS

3.1. Administration, management and control of common property

3.1.1. The Community Corporation is responsible for the administration, management and control of the common property. This responsibility shall include the servicing, maintenance, repair, upkeep, security and replacement of the common property (including all improvements to the common property and any service infrastructure comprising the common property).

3.2. Use and enjoyment of the common property

3.2.1. Subject to the Act and Regulations, the Scheme Description and these by-laws, the common property is for the common use and enjoyment of occupiers of lots in the community parcel and their associated persons.

3.3. Consistency with the Act and the Scheme Description

3.3.1. These by-laws must be read in conjunction with the Act, the Regulations and the Scheme Description [*a Scheme Description is optional for development involving 6 or less allotments*]. Any by-laws that are inconsistent with the Act, the Regulations or the Scheme Description [*a Scheme Description is optional for development involving 6 or less allotments*] are invalid to the extent of the inconsistency.

4. DEVELOPMENT OF LOTS

4.1. Philosophy

4.1.1. The development and maintenance of buildings on a lot should reflect respect for and be sympathetic to the local area's ecology and natural environment as well as the character of the local built environment, both within and outside of the community parcel.

4.1.2. All buildings shall be as energy efficient as the circumstances allow. This includes building materials selection, bearing in mind the embodied energy and life cycle costs of these materials, together with their capacity to insulate and provide thermal mass for thermal comfort levels.

4.1.3. All occupied buildings (where the site permits) should maximise direct northern light during winter.

4.1.4. There should be no demarcation of boundaries of lots through fencing or any other structure except for limited screening achieved through use of vegetation.

4.2. Building on community lots

4.2.1. A person must not develop a community lot or a development lot unless the development complies with:

- (a) the Scheme Description [*a Scheme Description is optional for development involving 6 or less allotments*], and

- (b) the requirement of this Part 4.
- 4.2.2. Every proposal for development of a community lot or a development must be submitted to the Community Corporation or its nominee for consideration and, if appropriate, approval. The Community Corporation or its nominee may give its approval subject to conditions which must be complied with when undertaking the proposed development.
- 4.2.3. Where a nominee of the Community Corporation considers an application for development –
- (a) the application must be accompanied by a fee (if any) nominated by the Community Corporation; and
 - (b) the applicant shall have the right to appeal against the decision of that nominee to the Community Corporation or some other person or body designated by the Community Corporation to hear such appeals.
- 4.2.4. The Community Corporation may restrict the number of buildings/structures and the development of buildings/structures on any lot.
- 4.2.5. The Community Corporation may restrict the development of dwellings on any lot to single storey buildings.
- 4.2.6. The design and external appearance of, and materials to be used in, the construction of every building/structure within the community parcel, and every alteration thereof, must be approved by the Community Corporation.
- 4.2.7. Approval will not be given for the following:
- (a)
 - (b)
 - (c)

- 4.2.8. In deciding whether to give any approval by this Part, regard shall be had to –
- (a) whether the design of the building or structure is energy efficient including –
 - the appropriate use of insulating materials;
 - the adequacy, size and placement of windows;
 - the use of form and structures to reduce the impacts of wind, sunlight and other environmental factors;
 - the likely implications for heating and cooling of air and/or water on the lot; and
 - (b) the adequacy and utilisation of facilities for the collection, storage and use of rainwater (including the siting and construction of rainwater tanks);
 - (c) whether the building will avoid, as far as possible, overshadowing and overlooking by and of neighbouring lots;
 - (d) whether the design of the building incorporates the use of natural wall finishes;
 - (e) In relation to the roofs and reflective surfaces of buildings, whether –
 - the roof form and roof line provides variety and relief in relation to neighbouring buildings; and
 - the colour and angle of the roof or other surface allows sunlight to be reflected (but not on other neighbouring buildings);
 - (f) whether the external and externally visible colour scheme of the building provides variety and relief in relation to neighbouring buildings;
 - (g) whether the design of the building includes discreet storage areas for tools, equipment, motor vehicles and refuse;
 - (h) the general visual, ecological and environmental impact of the building;
 - (i) the nature and style of buildings on other lots in the neighbourhood of the lot;
 - (j) the Guidelines; and
 - (k) any other factors that the Community Corporation considers relevant.

- 4.2.9. Subject to the requirements of the Council, the Community Corporation may require that a building be situated at a particular location within, and with a particular orientation upon, a lot.
- 4.2.10. In deciding whether a building should be required to be situated at a particular location within a lot, the Community Corporation may have regard to:
- (a) The desire to encourage open space between buildings;
 - (b) The desire to avoid the location of buildings in rows;
 - (c) The desire to avoid visual obstruction of landscape within the community parcel and hence reduce the overall sense of bulk on an individual lot;
 - (d) The desire to avoid construction of buildings from boundary to boundary;
 - (e) Any other factors that the Community Corporation considers relevant.
- 4.2.11. The external appearance of a building must not be altered by a change in the colour scheme, external wall finishes or alteration of or in addition to any structure without the approval of the Community Corporation.
- 4.2.12. The Community Corporation may, as a condition of giving its approval under this Part, require that screening be placed adjacent the proposed building to reduce the visual impact of the proposed building. Any such condition will impose a continuing obligation to maintain that screening unless the contrary is expressed in the condition.

4.3. Fencing of and in community lots

- 4.3.1. Internal fencing of any kind (except along the street frontage of a lot) to define the boundaries of any lot is not permitted.
- 4.3.2. The creation of private spaces within a lot is only permitted if it is achieved by screening through natural means such as the placement of trees and shrubs.

5. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

5.1. Philosophy

- 5.1.1. Development on the community parcel must be ecologically sustainable – i.e., meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.2. Energy efficient design

- 5.2.1. The result of building design that is “energy efficient” is a building which remains thermally comfortable inside without significant additional mechanical assistance in all types of weather. Extended extreme weather conditions are beyond the scope of this requirement. Materials are selected based on their performance and their environmental cost.
- 5.2.2. “Balance” is fundamental to good design. It is wise to consider these energy efficiencies in conjunction with the economics and availability of suitable materials and systems, and overall design issues.

5.3. Building design considerations

- 5.3.1. The design of a building or structure on the community parcel must consider the following factors affecting the energy efficiency of the building or structure:
- (a) a relativity to natural site and local features when considering location and size of a dwelling (ground and environmental footprint of buildings);
 - (b) the nature, style, placement and orientation of nearby buildings and structures (the availability of winter sun to their northern elevation is a requirement);
 - (c) longer northern elevations than those of the east and west;
 - (d) significant glass to the north and reduce quantities on other elevations;
 - (e) shade from summer sun and access to winter sun;
 - (f) arrangement of living rooms which require heating to the northern part of the building, keeping non-heat requiring rooms to the south;
 - (g) well insulated roof and walls (to keep heat out in summer and in during winter);
 - (h) reduced thermal mass materials and glazing on external east and west elevations (protects from excess heat ingress in summer);
 - (i) provision of thermal mass materials to internal walls (for retention of heat in winter and absorption of heat in summer);
 - (j) glass to be arranged with care (heat gain and loss across single glazed walls is significant: double glazing is worthy of consideration);
 - (k) low embodied energy and local available materials to be selected in preference to higher embodied materials;
 - (l) materials that can be reused or disposed of sensitively when demolished;
 - (m) access to natural breezes and natural cooling in summer;
 - (n) air circulation through and within spaces;
 - (o) systems which heat water and spaces efficiently;
 - (p) minimise use of chemically dangerous materials; and
 - (q) selection of water devices and watering systems that keep use of water to a minimum.

6. USE AND MAINTENANCE OF LOTS

6.1. Philosophy

- 6.1.1. The use and occupation of lots should result in as little adverse impacts as possible on the ecology and environment within and outside of the community parcel and on the owners and occupiers of other lots and the common property.
- 6.1.2. Whilst individuals may not agree upon standards of repair, order, maintenance and condition, the Community Corporation shall determine whether the required standard has been satisfied.

6.2. Use of lots

- 6.2.1. Subject to the Scheme Description, the Community Corporation may approve the use of the lot for:
 - (a) residential purposes; and
 - (b) special residential purposes.
- 6.2.2. A person must not use a lot for any purpose (whether residential purposes or special residential purposes) unless:
 - (a) that use has been approved by the Community Corporation; and
 - (b) all necessary development approvals have been obtained for such a use.
- 6.2.3. In deciding whether to approve the use of the lot, the Community Corporation may have regard to:
 - (a) any possible increase in vehicular and pedestrian traffic within the community parcel; and
 - (b) any possible disturbance to other community lots and the common property; and
 - (c) any other relevant matter.
- 6.2.4. The Community Corporation may make it a condition of approval for use of a lot for special residential purposes that the owner or occupier of the lot take reasonable steps, including alteration of the lot and structures on the lot, to prevent disturbance to other community lots and the common property.
- 6.2.5. A person may not, on any lot, disassemble or carry out any repair on any motor vehicle within the community parcel other than:
 - (a) a minor repair;
 - (b) a repair required for the maintenance of such a vehicle; or
 - (c) a repair required to render mobile an immobile vehicle.

- 6.2.6. Unless appropriately garaged, no vehicle shall remain in a disassembled or immobilised state within the community parcel for more than seven days without the consent of the Community Corporation.

6.3. Maintenance and repair of buildings and structures on the lot

- 6.3.1. The owner of a lot must maintain and keep in good repair, order and condition:
- (a) all buildings and structural improvements to the lot; and
 - (b) all structures, paintwork and finishes on the lot that affect the external appearance of all buildings and structures on the lot.

6.4. Gardens and landscaping

- 6.4.1. Unless exempted by the Community Corporation:
- (a) the owner of a residential lot must ensure that a significant area of the lot (which area but not location may be designated by the Community Corporation) is laid out as garden and planted with trees or other plants with the theme of local indigenous native vegetation;
 - (b) the planting of lawns and gardens for ornamental purposes is discouraged; and
- 6.4.2. For non-residential lots and the common property, the landscaping and the planting of trees and other plants must be undertaken, cared for and maintained in accordance with a landscape management plan [optional text].

6.5. Occupier's obligations to maintain the lot in good condition

6.5.1. The occupier must:

- (a) properly maintain the landscaping, gardens, trees, grass and other plants on the lot and replace any landscaping, gardens, trees, grass and other plants that deteriorate or die;
- (b) ensure that the lot is maintained in a safe condition with respect to fire and other hazards; and
- (c) keep the lot in a clean, neat and tidy condition and free of pests (including plant, vertebrate, invertebrate and insect pests).

6.6. Collection and disposal of garbage and recyclable materials

6.6.1. The occupier of a lot must:

- (a) recycle all recyclable items and materials whenever possible;
- (b) recycle all domestic plant and garden refuse material whenever possible;
- (c) store domestic garbage in an appropriate sealed container that prevents the escape of unpleasant odours, and which is not visible outside the lot;
- (d) store and dispose of other waste in an appropriate manner to prevent any nuisance to the occupier of any other lot;
- (e) comply with any requirements of the Council and the Community Corporation for the disposal of garbage, garden and other waste;
- (f) not engage in any activity or practice that attracts or maintains pests or vermin.

6.6.2. The Community Corporation may designate portions of the common property as centres for the disposal of domestic garbage and recyclable materials.

6.6.3. Occupiers of lots must, at least once a week, remove domestic garbage and recyclable materials from lots and deposit the same in receptacles provided in such designated portions for collection by the Council or such contractors as the Community Corporation may engage for the disposal of garbage or recycling of materials.

6.7. Reporting of pests and vermin

- 6.7.1. The owner and the occupier of a community lot must report as soon as practicable to the Community Corporation any apparent or threatened:
- (a) Infestation by pests or vermin;
 - (b) Contamination or pollution by agricultural or other chemicals; and
 - (c) Outbreak or presence of any plant or animal disease
- on any community lot or the common property.

6.8. Use and storage of chemicals and gases

- 6.8.1. Persons must not, except with the approval of the Community Corporation, use or store on any lot or on the common property any flammable liquid, gas, or chemical other than those intended for domestic use or for use in an internal combustion engine.
- 6.8.2. Persons must not, except with the approval of the Community Corporation, use or store on any lot or on the common property any liquid, gas or chemical which is likely to cause an allergic reaction to any person.

6.9. Hanging of washing etc.

- 6.9.1. The hanging of clothing, bedding, and similar articles for the purpose of drying must be as discreet as possible.

7. THE COMMON PROPERTY

7.1. Development of the common property

- 7.1.1. Except as required by any development approval, there shall be no development of the common property (other than the establishment and maintenance of gardens, trees, grass and other plants as shown on the Plan) unless such development has been authorised by the Community Corporation.

7.2. Damage etc. to common property

- 7.2.1. A person must not, without the approval of the Community Corporation –
- (a) light any open fire on the common property;
 - (b) make any unnecessary noise on the common property between the hours of 10 pm and 8 am;
 - (c) damage or interfere with a building, structure, tree or garden on the common property;
 - (d) affix any object to the common property; and

- (e) deposit any rubbish or waste material on the common property other than in a receptacle placed on the common property by the Community Corporation for such purpose;
- (f) deposit any object or material on the common property if it is likely to obstruct the movement of pedestrian traffic, to be hazardous or offensive to other persons using the common property, or
- (g) exclude or discourage other persons from using any part of the common property.

7.3. Traffic and parking

- 7.3.1. A person must not use vehicles including motorcycles and motor scooters for any recreational purpose on the common property.
- 7.3.2. A person must not obstruct vehicular or pedestrian traffic on the common property.
- 7.3.3. A person must not park a motor vehicle on the common property except on a part set aside by the Community Corporation for such parking.
- 7.3.4. A person must not drive a motor vehicle on the common property except on a roadway/parking areas established for use by motor vehicles.
- 7.3.5. A person driving a vehicle on the common property must comply with the rules applicable under the *Road Traffic Act 1961* to the driving of a vehicle on a public road.
- 7.3.6. A person must not undertake any repairs to any vehicle on the common property except for repairs necessary to render mobile an immobile vehicle.
- 7.3.7. The following vehicles shall not be parked in any area within the community parcel other than an area designated by the Community Corporation as the parking area for such vehicles –
 - (a) vehicles in excess of three (3) tonne in weight;
 - (b) vehicles in excess of 7 metres; and
 - (c) any trailer, caravan or other towed or pushed vehicle that cannot be parked wholly within a community lot.

7.4. Taking animals onto common property

7.4.1. Subject to this Part –

- (a) no pet animal may be taken or allowed to go on common property unless such animal is on a leash.
- (b) persons taking any pet animal or pet animals onto the common property must remove and clean up any excreta left by the animal on the common property.

8. ANIMALS

8.1. Philosophy

- 8.1.1. All animals must be kept in a humane manner in a clean spacious environment without any disturbance to other persons or other animals.

8.2. Limited right to keep animals on a lot

- 8.2.1. Unless expressly exempted by these by-laws, a person must not bring onto or keep any animal on a lot or the common property without the consent of the Community Corporation.
- 8.2.2. The consent of the Community Corporation shall not be required in relation to a dog that is trained to assist the person in respect of a disability.
- 8.2.3. An animal shall be exempt in relation to a community lot whilst it satisfies the following criteria –
 - (a) where the animal is a dog or a cat, that animal must be desexed and only one of either such animals shall be kept on the community lot;
 - (b) the animal is not a prescribed breed under the *Dog and Cat Management Act* or the subject of an order under that Act;
 - (c) the animal is fully contained by structures that prevent it from escaping at any time from the lot;
 - (d) the animal stays at all times on the lot unless it is entering or exiting the lot, at which times it must be kept on a leash or confined to a cage;
 - (e) the animal does not cause any nuisance at any time;
 - (f) the animal does not cause an unreasonable disturbance to a person on another lot after 9.00pm and before 8.00am on any day; and
 - (g) the animal does not exceed X [insert number here] kilograms in weight.
- 8.2.4. The Community Corporation may resolve that a specified animal fails to meet the criteria for exemption. In such case, the occupier –
 - (a) must not bring, permit or keep that animal on any part of the community parcel; and

- (b) where that animal permanently resides on a lot, must permanently remove that animal from the community parcel within 14 days of the Community Corporation's resolution.

8.3. Unreasonable interference by animals

- 8.3.1. The owner or occupier of a lot must ensure that any animal kept on a lot does not unreasonably interfere with the use or enjoyment of another lot or the common property by an occupiers or other persons who are lawfully thereon. Failure on several occasions to minimise, control and immediately clean up the excreta of the animal on the common property shall constitute unreasonable interference with the use or enjoyment of the common property.
- 8.3.2. Where the Community Corporation forms the view that an animal has created an unreasonable interference contrary to this by-law, the Community Corporation may –
 - (a) direct the occupier to take specified action (i.e. "Bark Busters" or retraining) or unspecified action to prevent any repetition of any interference; and
 - (b) require that the animal to be removed permanently from the community parcel or direct that the animal must not be brought, permitted or kept on any part of the common property.

8.4. Liability of occupiers and other persons

- 8.4.1. The owner and occupier who keeps or permits any animal to be on the lot or the common property and the person who brings any animal onto the lot or the common property shall be liable for any loss, damage or injury caused by that animal.

9. SUPPLY AND MAINTENANCE OF WATER AND SEWER

9.1. Philosophy

- 9.1.1. While all community lots are to be connected to a main low pressure water supply, all owners and occupiers are encouraged to be as self-reliant as is reasonably practicable for their domestic water supply.

9.2. Collection of rainwater

- 9.2.1. Owners of community lots must ensure that each building on each lot can collect rainwater and that water collected is stored in a tank or tanks with a minimum total capacity of X [insert number here] litres.

9.3. Provision of water from the common property

- 9.3.1. The Community Corporation must ensure that all suitable buildings on the common property collect rainwater.
- 9.3.2. The Community Corporation will ensure that rainwater collected on the common property is used for watering gardens on the common property.

10. COMMUNITY ELECTRONIC AND COMMUNICATION SYSTEM

10.1. Philosophy

- 10.1.1. The '[insert name here] co-located housing scheme' must share as many resources as possible for environmental and economic reasons and to future-proof the '[insert name here] co-located housing scheme' as much as possible. As part of the service infrastructure, a design goal for the '[insert name here] co-located housing scheme' (but not a financial obligation of the Developer or the Community Corporation) is a central electronic and communication system that provides data and communication networks, high speed internet connection and security networking.
- 10.1.2. By acting as a coordinated community, it will be possible to offer services on the community parcel that owners and occupiers would not otherwise have been able to obtain, or obtain cost-effectively, were they to act individually. A coordinated approach will facilitate the introduction and integration of new or changing technologies, thereby maximising the lifestyle of the owners and occupiers of lots within the community parcel.
- 10.1.3. To allow these community-wide electronic systems to be implemented, it is necessary that a uniform set of technical standards be used within the structures to be built on the community parcel.

10.2. Guidelines

- 10.2.1. To the extent that it is compatible with the National Broadband Network (NBN), the community is to maintain a centrally distributed television and cabling system throughout the common land, including central TV aerials, signal amplifiers and telephone main distribution panel (if still relevant).
- 10.2.2. Where individual community lots have the option to connect to the community communication systems, owners may not install any aerials or other structures externally to any building for the purposes of receiving or distributing communications that can be provided by the community communication system.

11. THE COMMUNITY CORPORATION

- 11.1.1. The membership of the Community Corporation will consist of all owners of community lots within the community parcel.
- 11.1.2. The Community Corporation has the power to -
 - (a) administer, manage and control the common property for the benefit of the owners of the community lots;
 - (b) maintain the common property and the property of the Community Corporation in good order and condition;
 - (c) enforce these by-laws and the development contract;

- (d) carry out any other function or functions assigned to it by the Act or these by-laws.

12. GENERAL MEETINGS

- 12.1.1. The Community Corporation will hold a general meeting at least once in each year.
- 12.1.2. Such a meeting must be held within three months of the commencement of each financial year.

13. MANAGEMENT COMMITTEE

- 13.1.1. The Community Corporation may, by ordinary resolution in a general meeting, establish a management committee.
- 13.1.2. The Community Corporation may delegate the exercise of any or all of its powers and the performance of any or all of its functions to a management committee.

14. FINANCIAL MANAGEMENT

14.1. Establishment and use of administrative and sinking funds

- 14.1.1. The Community Corporation must establish an administrative fund and sinking fund.
- 14.1.2. Unless otherwise provided in the Act or regulations, all recurrent expenditure must be made from the administrative fund and all non-recurrent expenditure must be made from the sinking fund.

15. DISCLOSURE OF FINANCIAL INTEREST

15.1. Members must disclose interests

- 15.1.1. A member of a committee and any member acting as a representative or delegate of the Community Corporation must disclose in writing to the committee or the Community Corporation (as the case may be) the nature of any direct or indirect pecuniary interest that he/she/they have in any matter for the consideration of the committee or in relation to which he/she/they proposes to act or perform delegate functions or powers to the Community Corporation.
- 15.1.2. A member of a committee must not take part in any deliberations or decisions of that committee in relation to any matter in which he/she/they has a direct or indirect pecuniary interest.

15.2. Members' duties of honesty

- 15.2.1. A member of a committee and any member acting as a representative or delegate of the committee or the Community Corporation must always act honestly in the performance of his/her/their duty.

16. PROHIBITION OF DISTURBANCE

16.1. Prohibition of nuisance and unreasonable interference

- 16.1.1. A person within the boundaries of the community parcel must not engage in conduct that constitutes a nuisance or unreasonably interferes with the use or enjoyment of a lot or the common property by any person who is lawfully on the lot or the common property.
- 16.1.2. The owner or occupier of a lot must ensure, as far as practicable, that persons who are brought or allowed onto the lot or the common property do not engage in conduct that unreasonably disturbs the occupier of another lot or others who are lawfully on a lot or the common property.

17. GENERAL PROVISIONS

17.1. Leasing of Community Lots

- 17.1.1. Notification of occupiers – Where the owner of a community lot is not or ceases to be the occupier of the community lot, the owner must advise the Community Corporation promptly and, in any event, within 7 days of:
- (a) his or her or their address;
 - (b) the name(s) of the occupiers of the community lot; and
 - (c) all changes to such names and addresses.
- 17.1.2. Restriction on short term leases – The owner of a community lot must not, without the Community Corporation's consent, lease the community lot, or grant a right of occupation in respect of the community lot for valuable consideration, for a period of less than 12 months.

17.2. Display of advertisements

- 17.2.1. A person must not display an advertisement, sign, placard or banner on a lot or the common property without the approval of the Community Corporation. However, this by-law shall not prevent the display of an advertisement associated with the sale of a lot where the advertisement or sign is in an area designated for that purpose by the Community Corporation.

17.3. Persons bound by these by-laws

17.3.1. These by-laws are binding on –

- (a) the Community Corporation;
- (b) the owners and occupiers of the community lots within the community parcel; and
- (c) associated persons.

17.4. Offence

17.4.1. A person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence.

Penalty: The maximum penalty prescribed upon the introduction of the Act was \$500.00.

17.5. Amendment of these by-laws

17.5.1. These by-laws may be amended, varied or replaced by the Community Corporation in accordance with the Act and the Scheme Description [note that a Scheme Description is optional for development involving 6 or less allotments under the Community Title legislation].

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