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**SCHEDULE C BY-LAWS**

**1. Compliance by Tenants**

- (1) The duties and obligations imposed by these by-laws on an owner of a lot shall be observed not only by the owner but by the owner's tenants, guests, servants, employees, agents, children, invitees and licensees.
- (2) The owner of a lot shall not use or occupy a lot for any purpose other than for residential purposes only and not for any trade or business.

**2. 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.

**3. Vehicles**

- (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 the visitor's vehicles.
- (2) An approval under subsection (1) must state the period for which it is given, with the exception of the designated visitor parking.
- (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. Vehicles/Roadways.**

- (1) Speed limit on internal roadways is 10kph. All public road rules apply.
- (2) Vehicles must not be parked on internal roadways at any time. Guests must park in the designated visitor parking spaces.
- (3) Garage driveways must be kept clean of oil and grease.
- (4) Driveways are not to be used to undertake mechanical repairs to vehicles.

**5. Children Playing on Common Property.**

An owner of a lot shall be personally responsible for the conduct of their children and other invited children at all times while on the common property. This responsibility shall include ensuring that said children:

- (1) Do not play on the common roadways and visitor parking areas without the personal supervision of the owner;
- (2) Do not ride skateboards, skates, go-carts, bicycles or other similar apparatus at any time;
- (3) Do not play in any common areas after dark.

**6. Obstruction**

- (1) The occupier of a lot must not obstruct the lawful use of the common property by someone else.

**7. Damage to Lawns etc.**

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

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- (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.

**8. Damage to Common Property**

- (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.

**9. Behaviour of Invitees**

- (1) 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.

**10. Leaving of Rubbish etc. on Common Property**

- (1) 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.

**11. Appearance of Lot**

- (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) The service contractor and letting agent for the Scheme may display signs for letting purposes.
- (4) This section does not apply to a lot created under a standard format plan of subdivision.

**12. Storage of Flammable Materials**

- (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

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regulating the storage of flammable liquid.

**13. Garbage Disposal**

- (1) The occupier of a lot must keep a receptacle for garbage in a clean and dry condition. Refuse and Recycling bins are to be stored within the individual garages or the rear courtyard and placed in the nominated refuse collection points on the collection day by the owner/tenant. The Refuse and Recycling bins must be collected by owner/tenant on the same day and returned to the garage or the rear courtyard in a clean and Hygienic condition.
- (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.
- (3) The lot owners, future lot owners and the Body Corporate agree to indemnify Moreton Bay Council and its agents with respect to refuse collection vehicles entering the property.
- (4) Maintain and repair the garbage receptacle to ensure it is kept in a serviceable condition.

**14. Keeping of Animals**

- (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.

**Note:- Section 181 of the Act provides as follows:**

1. A person mentioned in the *Guide Dogs Act 1972*, section 5, who is entitled to be on a lot included in a community titles scheme, or on the common property, is entitled to be accompanied by a guide dog while on the lot or common property.
2. Also, a person mentioned in subsection (1) who is the owner or occupier of a lot included in a community titles scheme is entitled to keep a guide dog on the lot.
3. A by-law cannot exclude or restrict a right given by this section.

**15. Water Separately Metered**

- (1) A water service is provided via an approved Unity Water meter assembly and meter box to the front real property boundary of the development and a water sub meter to each lot in accordance with the Unity Water supply standards and the interim Technical Specification for Submetering.
- (2) The owner of each lot is responsible for the water usage of that lot.

**16. Display Unit.**

- (1) The original proprietor may until all lots in the Community Titles Scheme have been sold, open and maintain a display unit within the buildings and erect on the common property such signs and display notices as it considers appropriate to assist in the marketing of the lots.

**17. By-laws to be exhibited**

- (1) A copy of these By-laws (or précis thereof approved by the Committee) shall be exhibited in a prominent place in any lot made available for letting.

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**18. Complaints or Applications**

- (1) All complaints or applications to the Body Corporate or its Committee shall be addressed in writing to the Secretary or to the Body Corporate Manager of the Body Corporate.

**19. Pay Television**

- (1) The owner may allow a person approved by the Body Corporate to install all cabling, wiring, ducting, conduits, amplifiers and any other necessary equipment to the unit parcel to enable unit owner to connect to cable television. The Body Corporate is authorised to enter into agreements about the subject matter of the By-law.

**20. Recovery of Money Spent**

- (1) Where the Body Corporate expends money to make good damage or expends money to commence and engage in legal proceedings caused by a breach of the Act or of these By-laws by any owner or the tenants, guests, servants, employees, agents, children, invitees or licensees of the owner or any of them, the Committee shall be entitled to recover the amount so expended as a debt in an action in any Court of competent jurisdiction from the owner of the lot at the time when the breach occurred.

**21. Ground maintenance**

- (1) The Body Corporate is appointed agent of the owners to effect the mowing and edging of all lawns on the parcel and gardens on the common property, excluding mowing, weeding, watering and fertilising lawns and gardens in the private lots. Owners must ensure that gardens and lawns in private lots are maintained to a standard equivalent to those on the common property and that lawns are regularly mowed, weeded, watered and fertilised at their own expense.
- (2) Should an owner fail to properly maintain their lot or area of exclusive use, the Body Corporate is empowered to have the necessary maintenance carried out and the costs involved shall be due and payable by the owner of the lot within fourteen (14) days from the date the maintenance is carried out.

**22. Use of Lots**

- (1) An owner or occupier of a lot shall not use that lot or permit the same to be used otherwise than as a residence save except By-law 16 (Display Unit by the original proprietor).
- (2) An owner or occupier shall not use or permit his lot to be used for any purpose that may cause a nuisance or hazard or for any illegal or immoral purpose or for any other purpose that may endanger the safety or good reputation of persons residing within the Kinsellas Grove Community Titles Scheme.

**23. Exclusive Use**

The owner of the lots specified in Schedule E shall be entitled to the exclusive use of the area as identified in Schedule E. Each owner or occupier of a lot is responsible for keeping and maintaining their exclusive use car parking areas clean from litter, residue marks and oil. Each owner or occupier of a lot is responsible for keeping and maintaining their exclusive use courtyard areas in a clean and tidy condition by mowing, weeding, watering and fertilizing all lawns and gardens.

**24. General**

The following rules are imposed to ensure the ongoing operation, appearance and maintenance of the development is in accordance with the development permit and the approved plans and documents.

- (1) All balconies and terraces shown on the approved drawings and documents, are to remain unenclosed with no shutters, glazing, louvers or similar permanent structures as part of this

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condition, other than where other conditions of this package requires sun-shading devices or similar and are consistent with the relevant requirements of the Moreton Bay City Plan or clearly depicted on the approved drawings.

- (2) The communal open space areas, recreation area, internal footpaths/pedestrian circulation routes, driveway, including any associated landscaping, visitor parking spaces, disabled parking spaces, and car/vehicle turning area as shown on the approved plans of layout are to be included in the common property and is not to be included in any private lot entitlement and/or designated for the exclusive use of any dwelling unit or tenancy. The visitor parking spaces are to remain available for use by all bona-fide visitors, guests or invitees of the site's tenants.
- (3) All privacy screening devices are to remain fixed at all times.
- (4) Maintain parking on the site for a total of 20 cars for the loading and unloading of vehicles within the site. A minimum of 20 are to be dedicated to residents.
- (5) Visitor car parking spaces are not to be fitted with a roller door, gate or similar device preventing access to the bay(s) and are not to be included in any lot entitlement or for the exclusive use of any tenant.
- (6) The use of the carpark is to remain ancillary to each component of the development at all times, as outlined elsewhere in this conditions package. This development approval does not authorize the carpark to be leased independently, operated as a commercial carpark, or used for the commercial storage of goods, including vehicles, boats, motorbikes, etc.
- (7) Retaining walls are to be located within the common property and regularly maintained.
- (8) Maintain a suitable system of lighting, to operate from dusk to dawn, within all areas where the public will be given access including between vehicle entrances to the site and visitor car parking spaces.
- (9) Refuse and recyclable bins are to be stored within the designated areas and to be collected from the nominated refuse collection points.
- (10) The hours of operation of heavy vehicles is restricted to 7am to 7pm on Monday to Saturday
- (11) Landscaping is to be maintained in accordance with the approval and the on going maintenance for all landscaping areas contained within the common property. Trees are to be maintained to achieve natural height.
- (12) All sealed traffic areas must be cleaned as necessary to prevent the emissions of particulate matter.
- (13) Maintain the acoustic dampening of any metal grills, metal plates or similar which are subject to vehicular traffic, so as to prevent environmental nuisance.
- (14) No pergolas or other permanent structures are to be located on the balconies of any residential unit, other than those structures clearly shown on the approved drawings.
- (15) The communal open space, including associated amenities are to be maintained by the Body Corporate in accordance with the approved plans and documents.
- (16) Future Multi Unit Dwellings development (10 units) are approved in Stage 2 on this site.
- (17) Screening for any externally mounted air conditioning or mechanical plant installations in accordance with the following requirements:
  - (a) No unscreened installations on the proposed development are to be visible from the surrounding sites; and
  - (b) 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

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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

- (18)The body corporate must be responsible for the maintenance of all retaining wall inclusive of associated landscaping, all landscape buffers, all communal facilities and internal access roads at all times for the life of the development.
- (19)Firefighting services in the development is accessed by Common Private Title and the Community Management Scheme is responsible for the operation and maintenance requirements of the firefighting service.
- (20)The development has been approved on the basis that an indemnity will be provided to Moreton Bay Regional Council and its agents in respect to any damage to the pavement and other driving surfaces caused by refuse collection vehicles entering the property.

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

A service location plan is attached hereto identifying the lots and common property, after completion of stage 1, affected by public utility statutory easements including easements for access, water, sewage, communications, underground electricit, projection, fire, support, shelter, stormwater and drainage as set out in the table format hereunder.

<b>LOTS ON PLAN OR COMMON PROPERTY</b>	<b>STATUTORY EASEMENTS</b>
Lot 4 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 5 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 6 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 7 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 8 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 9 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 10 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 11 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 12 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 13 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Lot 14 on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access
Common Property on SP318851	Communications, Electricity, Sewer, Water, Stormwater, Projections, Support, Fire, Shelter and Access

1. To facilitate the progressive development of the Kinsellas Grove Community Titles Scheme, as identified in Schedule B, the original owner may, at any time, enter on the scheme land, or any part thereof, the common property and any lot in the Kinsellas Grove Community Titles Scheme to undertake the stage works including construction of the town houses, as identified in Schedule B, and works of any kind necessary or incidental to establishing utility infrastructure and utility services and connections thereto, including the following works:-

- (a) excavation and general earth works;  
(b) the construction of common property areas including roads;