

***Body Corporate and Community Management Act 1997***  
**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. The occupier of a lot must not, without the Body Corporate's written approval -
- (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.

### **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 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>38</sup>

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**38** However, section 143 of the Act provides follows --

### **Guide dogs**

**143.(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.