

COMMUNITY CORPORATION NO. 21109 INC

Aldinga Arts Eco Village Aldinga

BY-LAWS

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COMMUNITY SCHEME BY-LAWS PLAN NO. 21109

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PART 1 – PRELIMINARY

Definitions

1. In these by-laws 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 Development Act; and
- (b) any shed, aviary or other structure which alters the external appearance of a lot;

“**commercial purposes**” means any purpose or purposes approved by the Community Corporation involving the performance or pursuit of trade or commerce (including a hotel, motel or hostel and any other form of temporary residential accommodation for valuable consideration) and any business or craft but excluding any industrial use or activity other than a cottage industry and the production of mud bricks;

“**common property**” means the common property within the Plan and includes the service infrastructure (except for any part of the service infrastructure that provide a service to only one lot) and any other property that comprises the common property pursuant to the Act;

“**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 vested in a council or prescribed authority or reverting to the Crown;

“**Council**” means the City of Onkaparinga and any subsequent municipal or district 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;

“**develop**” includes –

- (a) to construct, alter, demolish or remove, or

(b) significantly alter the external appearance of,

any building, structure, wall, fence, site works, paving or other improvement on the community parcel;

“Development Approval” means the development approval granted by the City of Onkaparinga on the 15th day of May 2001 and numbered 145/C015/1999/LC (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;

“development approvals” means any planning, building or development approvals and/or consents to construct or perform building and other works on a community lot or other land within the community parcel and includes the Development Approval;

“development lot” means a development lot within the Plan;

“edible landscape” means plants, shrubs and trees of high human use and includes plants, shrubs and trees that are used for food, beverages, medicines, construction, fuel and fibres;

“Effluent Treatment Delivery System” means the effluent treatment collection and system located within the community parcel that connects buildings and other structures on the community parcel to the Waste Water Treatment Plant situated on a lot within 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;

“farming purposes” includes any use as a farm, market garden, woodlot, plant nursery, animal husbandry or other agricultural, horticultural or related purposes and as an education centre for environmental, permacultural or similar purposes provided any such use –

- (a) does not depart from the application of permacultural techniques, and
- (b) is permitted or approved by the Council;

“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 Community Corporation and any other guidelines prescribed by the Community Corporation from time to time in relation to the community parcel;

“**height**” in relation to a building means the vertical distance 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 and from which any part of the lot may be seen;

“**lot**” means a community lot or a development lot within the Plan and, where appropriate, includes any building or other 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 the community parcel;

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

“**neighbourhood**” means approximately ten or more dwellings that –

- (a) are located or proposed to be located together, and
- (b) visually or demographically relate to each other;

“**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;

“**organic**” means complying with the requirements, recommendations and practices referred to from time to time in the ‘National Standard for Organic and Bio-dynamic Production’ adopted by the National Standards Association for Sustainable Agriculture Australia and its successors;

“**permacultural techniques**” means the techniques for land use that assemble conceptual, material and strategic components in a conscious design system to work with nature to create a permanent and sustainable environment for humans and all other forms of life, being techniques recommended by The Permaculture Institute and similar bodies;

“**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 these by- laws and any amendment of that plan;

“**recreational use**” in relation to motor vehicles on the common property means any use which is not reasonably necessary for the transportation of persons or goods;

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

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

“**residential purposes**” does not include the use of a 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, Effluent Treatment Delivery System (excluding the Waste Water Treatment Plant), 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 purpose with the approval of the Community Corporation;

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

“**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;

“**vehicle**” includes a trailer, caravan and any other thing towed or pushed by a vehicle;

“**Village Elders**” means a board of elders constituted by the Community Corporation to advise the Community Corporation or its committees or nominees on a matter or matters affecting the occupation and use of the community parcel;

“**waste water**” means —

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

“**Waste Water Treatment Plant**” means the waste water treatment plant referred to in the Development Approval and specified in Development Approval 145/2953/2000 excluding the Effluent Treatment Delivery System.

Interpretation

2. In these by-laws unless otherwise appears -

- 2.1. all other words shall have the meaning (if any) ascribed by the Act and the Regulations;
- 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;
- 2.3. words in other forms will have the same meaning as defined in these by-laws;
- 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;
- 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, –
 - 2.5.1. where there is a building on the lot - from the level of the ground floor (or lower or lowest ground floor), and
 - 2.5.2. where there is no building on the lot - from the median natural ground level over the lot;
- 2.6. where the consent of the Community Corporation is required, such consent must be in writing and may be subject to conditions; and
- 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.

PART 2 – ETHOS AND GENERAL PHILOSOPHY

Ethos

3. The ethos upon which the by-laws are drafted is “*Care for the Earth and Care for the People*”.

General Philosophy

4. The most responsible way we can deal with the built environment is to acknowledge Nature as the driver of our decision-making, not the sufferer therefrom.
5. The theme of an organic edible landscape in conjunction with local indigenous species is to be developed using permacultural techniques.
6. Harmonious relationships between the residents, created in freedom and with mutual respect, will not only benefit all living things within the boundaries of the community parcel, but will also radiate out into wider and wider circles of the environment and the external community.
7. Subject to other legitimate constraints, preservation of nature and protection of the more vulnerable requires priority of movement on the common property, paths and roads to be accorded firstly to native animals, then non-native animals, then children, then other

pedestrians, then non-motorized wheeled vehicles and finally motor vehicles.

8. 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.

PART 3 – MANDATORY BY-LAWS

Administration, management and control of common property

9. 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).

Use and enjoyment of the common property

10. 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.

Consistency with the Act and the Scheme Description

11. These by-laws must be read in conjunction with the Act, the Regulations and the Scheme Description. Any by-laws that are inconsistent with the Act, the Regulations or the Scheme Description are invalid to the extent of the inconsistency.

PART 4 – DEVELOPMENT OF LOTS

Philosophy

12. The development and maintenance of buildings on a lot should reflect respect for and be sympathetic to the ecology and natural environment both within and without the community parcel.
13. 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 or provide thermal mass for thermal comfort levels.
14. All occupied buildings must be orientated to maximize direct northern light during winter.
15. The placement and orientation of buildings –
 - 15.1. in a natural manner in relation to buildings on other lots and/or the common property, and

15.2. that avoids straight lines and thin and rigid boundaries between lots and/or the common property,

is to be encouraged.

16. Demarcation of boundaries of lots should utilise or be screened from external view by vegetation where possible.

Building on community lots

17. A person must not develop a community lot or a development lot unless the development complies with -

17.1. the Scheme Description and

17.2. the requirements of this Part 4.

18. Every proposal for development of a community lot or a development lot 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.

19. Where a nominee of the Community Corporation considers an application for development –

19.1. the application must be accompanied by the fee (if any) nominated by the Community Corporation; and

19.2. 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.

20. The Community Corporation may restrict the number of buildings and the development of buildings on any lot.

21. The Community Corporation may restrict the development of dwellings on any lot to single storey buildings. The floor level or upper floor level (for multi-level buildings) must not be located above the median floor level without the approval of the Community Corporation. Single storey and mezzanine type developments will be encouraged. Two storey developments shall be encouraged on the area within the community parcel designated for cluster housing and on lots with an area of less than 220 square metres.

22. The design and external appearance of, and materials to be used in, the construction of every building within the community parcel, and every alteration thereof, must be approved by the Community Corporation.

22.1 In particular, approval will not be given for the following:

22.1.1 any use of PVC materials in contact with potable water or where they touch or might possibly touch or come in contact with the soil;

22.1.2 any use of timber treated with chromium, arsenic or Creosote in any application;

22.1.3 any building that does not use solar heating, or an alternative shown by the proposer to be at least as ecologically efficient as solar heating, for its hot water supply.

23. In deciding whether to give any approval required by this Part, regard shall be had to –
- 23.1. whether the design of the building or structure is energy efficient including –
- 23.1.1. the appropriate use of insulating materials;
- 23.1.2. the adequacy, size and placement of windows;
- 23.1.3. the use of form and structures to reduce the impact of cold winds, harsh sunlight and other environmental factors;
- 23.1.4. the likely implications for heating and cooling of air and/or water on the lot; and
- 23.2. the adequacy and utilisation of facilities for the collection, storage and use of rainwater (including the siting and construction of rainwater tanks);
- 23.3. whether the building will provide sufficient privacy for all persons and will avoid, as far as possible, overshadowing and overlooking by and of neighbouring lots;
- 23.4. whether the design of the building incorporates the use of natural and historic external wall finishes, including –
- 23.4.1. plantation or recycled timber;
- 23.4.2. slate;
- 23.4.3. stone;
- 23.4.4. concrete render;
- 23.4.5. rammed earth;
- 23.4.6. mudbrick;
- 23.4.7. galvanised iron or colorbond (but not zincalume); and
- 23.4.8. prepared and appropriately rendered straw;
- 23.5. in relation to the roofs and reflective surfaces of buildings, whether –
- 23.5.1. the roof form and roof line provides variety and relief in relation to neighbouring buildings;
- 23.5.2. the colour and angle of the roof or other surface allows sunlight to be reflected (but not onto other neighbouring buildings);
- 23.6. whether the external and externally visible colour scheme of the building provides variety and relief in relation to neighbouring buildings;

- 23.7. whether the design of the building includes discreet storage areas for tools, equipment, motor vehicles and refuse;
 - 23.8. the general visual, ecological and environmental impact of the building;
 - 23.9. the nature and style of buildings on other lots in the neighbourhood of the lot;
 - 23.10. the Guidelines; and
 - 23.11. any other factors that the Community Corporation considers relevant.
24. Subject to 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.
 25. 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 -
 - 25.1. the desire to encourage open space between buildings;
 - 25.2. the desire to avoid the location of buildings in rows;
 - 25.3. the desire to avoid visual obstruction of landscape within the community parcel and hence to reduce the overall sense of bulk on an individual lot;
 - 25.4. the desire to avoid construction of buildings from boundary to boundary except on lots with an area of less than 220 square metres; and
 - 25.5. any other factors the Community Corporation considers relevant.
 26. The external appearance of a building must not be altered by a change in the colour scheme, external wall finishes or alteration of or addition to any structure without the approval of the Community Corporation.
 27. The Community Corporation may, as a condition of giving its approval under this Part, require that fencing or 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 fencing or screening unless the contrary is expressed in the condition.

Fencing of and in community lots

28. Fencing of any kind along the street frontage of any lot other than a lot used for farming purposes is not permitted.
29. Fencing along the rear boundary and the side boundaries from a point adjacent the front of the foremost building to the rear boundary of a lot will be permitted provided that –
 - 29.1. such fencing is a hedge or of wire mesh that is visually permeable and, unless prohibited by legislation relating to safety, able to support vegetation;
 - 29.2. that vegetation is planted along such fencing to screen the fencing from external view where possible; and

- 29.3. that the height of such fencing does not exceed 1.8 metres from natural ground level without the approval of the Community Corporation.
30. The creation of private spaces within a lot is permitted provided that the material used is consistent with materials used in the construction of the building or buildings on the lot and that the height of such structure does not exceed 1.8 metres without the approval of the Community Corporation.
31. Sheet metal must not to be used in fencing or within a lot without the approval of the Community Corporation.

PART 5 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Philosophy

32. Development on the community parcel must be ecologically sustainable - ie meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Energy efficient design

33. The result of building design which 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 on the basis of their performance and their environmental cost.
34. “Balance” is a 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.

Local Factors

35. The climate at Aldinga is temperate, with very hot conditions in summer and mild in winter. The sun is naturally lower in the north sky in winter than in summer which allows heat penetration deep into a building with glass facing north, and shading from the higher sun in summer. Buildings need to keep heat in during winter and prevent heat ingress in summer. Winds can be strong and cold or hot.

Building design considerations

36. The design of a building or structure on the community parcel must take into account the following factors affecting the energy efficiency of the building or structure:
 - 36.1. a relativity to natural site and local features when considering location and size of dwelling (ground and environmental footprints of buildings);
 - 36.2. the nature, style, placement and orientation of nearby buildings and structures (The

- availability of winter sun to their northern elevation is a requirement);
- 36.3. longer northern elevations than those of the east and west;
 - 36.4. significant glass to the north and reduced quantities on other elevations;
 - 36.5. shade from summer sun and access to winter sun;
 - 36.6. arrangement of living rooms which require heating to the northern part of the building, keeping non-heat requiring rooms to the south;
 - 36.7. well insulated roof and walls (to keep heat out in summer and in during winter);
 - 36.8. reduced thermal mass materials and glazing on external east and west elevations (protects from excess heat ingress in summer);
 - 36.9. provision of thermal mass materials to internal walls (for retention of heat in winter and absorption of heat in summer);
 - 36.10. glass to be arranged with care (Heat gain and loss across single glazed walls is significant: double glazing is worthy of consideration too.);
 - 36.11. low embodied energy and locally available materials to be selected in preference to higher embodied materials (For example: rammed earth and mud brick in preference to fired clay brick; recycled timber in preference to manufactured timber products and timber in place of steel framing.);
 - 36.12. materials that can be reused or disposed of sensitively when demolished;
 - 36.13. access to natural breezes and natural cooling in summer (Gardens to south can cool air that enters the dwelling, while hot air inside can be naturally exhausted at high level.);
 - 36.14. air circulation through and within spaces (This can include reticulating warm air back down in winter and cause breezes and/or exhaust warm air in summer.);
 - 36.15. systems which heat water and spaces efficiently (ie - solar water heating with “wet-back” backup from wood heater in winter; wood burning heaters with a high efficiency rating. Refrigerant air-conditioning systems are not preferred but may be required: they must be used on a strict needs only basis. The preferred method of cooling is “evaporative”.);
 - 36.16. minimise use of chemically dangerous materials (Some adhesives are poisonous but generally accepted in our internal spaces. Some materials are formulated from ozone depleting substances like chlorine and must be avoided where possible.); and
 - 36.17. selection of water devices and watering systems that keep use of water to a minimum.

PART 6 – USE AND MAINTENANCE OF LOTS

Philosophy

37. The use and occupation of lots should result in as little adverse impact as possible on the ecology and environment within and without the community parcel and on the owners and occupiers of other lots and the common property.
38. 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.
39. The selection of “white goods” and other appliances should be appropriate for the user’s needs and declared by an appropriate authority to be energy efficient.

Use of lots

40. Subject to the Scheme Description, the Community Corporation may approve the use of a lot for –
 - 40.1. residential purposes,
 - 40.2. special residential purposes,
 - 40.3. commercial purposes,
 - 40.4. farming purposes, and
 - 40.5. any other purpose permitted by the Scheme Description.
41. A person must not use a lot for any purpose (whether residential purposes, special residential purposes, commercial purposes, farming purposes or any other non-residential purposes) unless –
 - 41.1. that use has been approved by the Community Corporation; and
 - 41.2. all necessary development approvals have been obtained for such use.
42. In deciding whether to approve the use of a lot, the Community Corporation may have regard to –
 - 42.1. any possible increase in vehicular and pedestrian traffic within the community parcel;
 - 42.2. any possible disturbance to other community lots and the common property; and
 - 42.3. any other relevant matter.
43. The Community Corporation may make it a condition of approval for use of a lot for special residential, commercial, farming and other non-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.
44. The Community Corporation may restrict the number of persons employed on a lot approved for use for special residential, commercial and other non-residential purposes.

45. The Community Corporation may restrict the hours and days during which a lot may be used for special residential, commercial and other non-residential purposes.
46. A person may not, on any lot, disassemble or carry out any repair on any motor vehicle within the community parcel other than –
 - 46.1. a minor repair,
 - 46.2. a repair required for the maintenance of such vehicle, or
 - 46.3. a repair required to render mobile an immobile vehicle.
47. 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.

Maintenance and repair of buildings and structures on the lot

48. The owner of a lot must maintain and keep in good repair, order and condition -
 - 48.1. all buildings and structural improvements to the lot, and
 - 48.2. all structures, paintwork and finishes on the lot that affect the external appearance of all buildings and structures on the lot.
49. The owner or occupier of a lot must not change the external colour (as applied) or finishes of any building or structure on a lot without the consent of the Community Corporation and all external paintwork and finishes on any building and structural improvement must conform with the conditions (if any) of the development approvals.

Gardens and landscaping

50. Unless exempted by the Community Corporation –
 - 50.1. 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 an edible landscape, local indigenous native vegetation, or a combination thereof (see Vegetation Guidelines);
 - 50.2. the planting of lawns and gardens for ornamental purposes is discouraged; and
 - 50.3. there must not be more than 2 trees more than 6 metres in height when mature on the same residential lot.
51. 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 and the Vegetation Guidelines.

Occupier's obligations to maintain the lot in good condition

52. The occupier must –

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

Collection and disposal of garbage and recyclable materials

53. The occupier of a lot must -
 - 53.1. recycle all recyclable items and materials whenever possible;
 - 53.2. recycle all domestic plant and garden refuse material whenever possible;
 - 53.3. store domestic garbage in an appropriate sealed container that prevents the escape of unpleasant odours and which is not visible outside the lot;
 - 53.4. store and dispose of other waste in an appropriate manner to prevent any nuisance to the occupier of any other lot;
 - 53.5. comply with any requirements of the Council and the Community Corporation for the disposal of garbage, garden and other waste;
 - 53.6. not engage in any activity or practice that attracts or maintains pests or vermin.
54. The Community Corporation may designate portions of the common property as centres for the disposal of domestic garbage and recyclable materials.
55. Occupiers of lots must at least once each 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.

Reporting of pests and vermin

56. The owner and the occupier of a community lot must report as soon as practicable to the Community Corporation any apparent or threatened -
 - 56.1. infestation by pests or vermin,
 - 56.2. contamination or pollution by agricultural or other chemicals, and
 - 56.3. outbreak or presence of any plant or animal diseaseon any community lot or the common property.

Use and storage of chemicals and gases

57. 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.
58. 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.

Hanging of washing etc.

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

PART 7 – THE COMMON PROPERTY

Development of the common property

60. 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.

Use of the common property to produce income

61. The common property may be used to produce income where such activity or type of activity has been authorised in writing by the Community Corporation.

Damage etc. to common property

62. A person must not, without the approval of the Community Corporation –
 - 62.1. smoke any cigarette, cigar, tobacco or other herb on the common property;
 - 62.2. light any open fire on the common property;
 - 62.3. make any unnecessary noise on the common property between the hours of 10 pm and 8 am;
 - 62.4. damage or interfere with a building, structure, tree or garden on the common property;
 - 62.5. affix any object to the common property;
 - 62.6. 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;

- 62.7. deposit any object or material on the common property if it is likely:-
- 62.7.1. to obstruct the movement of vehicular or pedestrian traffic;
 - 62.7.2. to be hazardous or offensive to other persons using the common property;
- or
- 62.8. exclude or discourage other persons from using any part of the common property.

Traffic and Parking

63. A person must not use vehicles including motor cycles and motor scooters for any recreational purpose on the common property.
64. A person must not obstruct vehicular or pedestrian traffic on the common property.
65. 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.
66. A person must not drive a motor vehicle on the common property except on a roadway established for use by motor vehicles.
67. 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.
68. A person must not undertake any repairs to any vehicle on the common property except for repairs necessary to render mobile an immobile vehicle.
69. 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 –
- 69.1. vehicles in excess of three (3) tonne in weight;
 - 69.2. vehicles in excess of 7 metres; and
 - 69.3. any trailer, caravan or other towed or pushed vehicle that cannot be parked wholly within a community lot.

Taking animals onto common property

70. Subject to this Part –
- 70.1. no pet animal may be taken or allowed to go on common property unless such animal is on a leash.
 - 70.2. 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.
71. The Community Corporation may allow animals to remain on the common property for grazing, weed control and other purposes for the benefit and maintenance of the common property and may exempt such animals from requirements under these by-laws. However,

no animal shall remain on the common property without the approval of the Community Corporation. Where such approval has been obtained, the animal shall only remain on the common property whilst it –

- 71.1. is enclosed or otherwise restrained in the manner approved by the Community Corporation and
- 71.2. complies with any other conditions imposed by the Community Corporation.

PART 8 – ANIMALS

Philosophy

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

Limited right to keep an animal on a lot

- 73. 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.
- 74. 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.
- 75. An animal shall be exempt in relation to a community lot whilst it satisfies the following criteria –
 - 75.1. where the animal is a dog or a cat, that animal must be desexed and only one of either of such animals shall be kept on the community lot;
 - 75.2. the animal is not a prescribed breed under the Dog and Cat Management Act or the subject of an order under that Act;
 - 75.3. the animal is fully contained by fences, walls or other structures that prevent it from escaping at any time from the lot;
 - 75.4. 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;
 - 75.5. the animal does not cause a nuisance at any time;
 - 75.6. the animal does not cause an unreasonable disturbance to a person on another lot after 9.00 pm and before 8.00 am on any day; and
 - 75.7. the animal does not exceed 22 kilograms in weight..
- 76. The Community Corporation may resolve that a specified animal fails to meet the criteria for exemption. In such case, the occupier –
 - 76.1. must not bring, permit or keep that animal on any part of the community parcel;

and

- 76.2. 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.
77. An occupier of a lot used for farming purposes may keep animals as approved by the Community Corporation but must not, without the Community Corporation's authorisation, allow such animals to stray beyond the boundaries of such lot.
78. Where any animal is kept on a lot used for farming purposes, such lot must be fenced to prevent the escape of such animal from the lot.

Unreasonable interference by animals

79. 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 occupier 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.
80. Where the Community Corporation forms the view that an animal has created an unreasonable interference contrary to this by-law, the Community Corporation may –
- 80.1. direct the occupier to take specified action (ie "Bark Busters" or retraining) or unspecified action to prevent any repetition of any interference; and
- 80.2. require 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.

Liability of occupiers and other persons

81. The owner and occupier who keeps or permits any animal to be on a 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.

PART 9 – SUPPLY AND MAINTENANCE OF WATER AND TREATMENT OF SEWERAGE

Philosophy

82. 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. All domestic wastewater is to be recycled and all domestic water must be used in such a way that it is suitable for recycling.

Collection of rainwater

83. Owners of community lots must ensure that each building on each lot is capable of collecting rain water and that water collected is stored in a tank or tanks with a minimum total capacity of 10,000 litres and used for internal and external domestic water consumption.
- 83.1. To prevent backflow of rainwater into the low-pressure mains system, where a water tank is set up to store both rainwater and mains water, the mains water inlet must be a minimum distance of 75mm above the tank overflow outlet.

Waste water

84. In the absence of the approval of the Community Corporation, all wastewater from a community lot must be discharged into the Effluent Treatment Delivery System.
85. All wastewater must be suitable for discharging into the Effluent Treatment Delivery System.

Disposal and treatment of sewerage

86. Other than composting toilets, all sewerage from community lots and any toilet facilities on the common property must be discharged into the Effluent Treatment Delivery System.

Maintenance of discharge pipes

87. Owners of community lots must maintain in good order and repair all pipes on each lot that discharge sewerage into the Effluent Treatment Delivery System.

Provision of water from the common property

88. The Community Corporation must ensure that all suitable buildings on the common property collect rain water.
89. The Community Corporation will ensure that rainwater collected on the common property is used for watering gardens on the common property.
90. The Community Corporation will ensure that all waste water from the common property is discharged into the Effluent Treatment Delivery System except any water which may be contaminated such as road run-off.

PART 10 – COMMUNITY ELECTRONIC AND COMMUNICATION SYSTEM

Philosophy

91. The Village must share as many resources as possible for environmental and economic reasons and to future-proof the Village as much as possible. As part of the service

infrastructure a design goal for the Village (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.

92. 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 co-ordinated approach will facilitate the introduction and integration of new or changing technologies, thereby maximizing the lifestyle of the owners and occupiers of lots within the community parcel.
93. 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.

Guidelines

94. The design philosophies and technical specifications shall be defined from time to time by Guidelines.

PART 11 – THE COMMUNITY CORPORATION

95. The membership of the Community Corporation will consist of all owners of community lots within the community parcel.
96. The Community Corporation has the power to –
 - 96.1. administer, manage and control the common property for the benefit of the owners of the community lots;
 - 96.2. maintain the common property and the property of the Community Corporation in good order and condition;
 - 96.3. enforce these by-laws and the development contract; and
 - 96.4. carry out any other function or functions assigned to it by the Act or these by-laws.
97. In the exercise of its powers and the performance of its functions, the Community Corporation may take advice from the Village Elders.

PART 12 – GENERAL MEETINGS

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

PART 13 – MANAGEMENT COMMITTEE

100. The Community Corporation may, by ordinary resolution in general meeting, establish a management committee.
101. 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 the management committee.
102. In the exercise of its powers and the performance of its functions, the management committee may take advice from the Village Elders.

PART 14 – FINANCIAL MANAGEMENT

Establishment and use of administrative and sinking funds

103. The Community Corporation must establish an administrative fund and sinking fund.
104. 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.

PART 15 – DISCLOSURE OF FINANCIAL INTEREST

Members must disclose interests

105. 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 or she has in any matter for the consideration of the committee or in relation to which he or she proposes to act or perform delegated functions or powers to the Community Corporation.
106. 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 or she has a direct or indirect pecuniary interest.

Members' duties of honesty

107. A member of a committee and any member acting as a representative or delegate of the committee or the Community Corporation must act honestly at all times in the performance of his or her duty.

PART 16 – PROHIBITION OF DISTURBANCE

Prohibition of nuisance and unreasonable interference

108. 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.
109. 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.

PART 17 – GENERAL PROVISIONS

Display of advertisements

110. 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 or sign associated with the sale of a lot where that advertisement or sign is located in an area designated for that purpose by the Community Corporation.

Persons bound by these by-laws

111. These by-laws are binding on –
- 111.1. the Community Corporation;
 - 111.2. the owners and occupiers of the community lots and development lots within the community parcel; and
 - 111.3. associated persons.

Offence

112. 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 pursuant to the Act for contravention of, or failure to comply with, a by-law.

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

Amendment of these by-laws

113. These by-laws may be amended, varied or replaced by the Community Corporation in accordance with the Act and the Scheme Description.

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
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