

BODY CORPORATE AND COMMUNITY MANAGEMENT ACT 1997

Section 168

Schedule 4 “By Laws”

BY-LAW 1 Noise

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.

BY-LAW 2 Vehicles

The occupier must not –

1. Park a vehicle, or allow a vehicle to stand, in a regulated parking area, or
2. Without the approval of the body corporate, park a vehicle or allow a vehicle to stand, on any other part of the common property, or
3. Permit an invitee to park a vehicle or allow a vehicle to stand, on the common property, other than in a regulated parking area.

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

The body corporate may cancel the approval by giving 7 days written notice to the occupier.

In this section –

regulated parking area means an area of scheme land designated as being available for use, by invitees of occupiers of lots included in the scheme, for parking vehicles.

BY-LAW 3 Obstruction

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

BY-LAW 4 Damage to lawns etc.

The occupier of a lot must not, without the body corporate’s written approval –

1. damage any lawn, garden, tree, shrub, plant or flower on the common property; or
2. use a part of the common property as a garden.

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

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

BY-LAW 5 Damage to common property

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.

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.

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

BY-LAW 6 Behaviour of invitees

An occupier of a lot shall 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 someone else’s peaceful enjoyment of the common property.

BY-LAW 7 Leaving of rubbish etc. on common property

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.

BODY CORPORATE AND COMMUNITY MANAGEMENT ACT 1997

BY-LAW 8 Appearance of lot

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.

The occupier of a lot must not, without the body corporate's written approval –

1. 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
2. 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.

Subsection (2) (b) does not apply to a real estate advertising sign for the sale or letting of the lot if the sign is of a reasonable size.

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

BY-LAW 9 Storage of flammable liquids

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

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.

However, this section does not apply to the storage of fuel in –

1. the fuel tank of a vehicle, boat, or internal combustion engine; or
2. 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.

BY-LAW 10 Garbage disposal

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 common property designated by the body corporate for the purpose.

The occupier of the lot must –

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

BY-LAW 11 Keeping of animals

The occupier of a lot must not, without the body corporate's written approval –

1. bring or keep an animal on the lot or the common property; or
2. permit an invitee to bring or keep an animal on the lot or the common property.

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.⁶⁵

65 However, section 181 of the Act provides as follows –

181 Guide Dogs

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