

**BUILDING UNITS AND GROUP TITLES ACT 1980
NOTIFICATION OF CHANGE OF BY-LAWS**

The Proprietors "Plumeria" Group Titles Plan No. 2207 hereby certify that in pursuance of the provisions of section 30 of their Building Units and Group Titles Act 1980, by special resolution duly passed on 02/12/05, the By-laws in force in respect of the parcel referred to in the said plan were amended, added or repealed as follows:

- 1) That the existing By-laws 1 to 27 inclusive be repealed in their entirety and replaced with the following By-laws numbered 1 to 18 inclusive.

PART 1

GENERAL BY-LAWS

These By-laws may be amended, repealed or replaced by Special Resolution of the Plumeria Body Corporate pursuant to The *Building Units and Group Titles Act 1980 (as amended)*.

1 Interpretation

- 1.1 For the purpose of administration and enforcement of these By-laws, and without detracting from the jurisdiction of the Principal Body Corporate, "Common Property" where appearing in these By-laws shall include Secondary Thoroughfare within the Plumeria residential zone.

Examples of how reference to Common Property includes Secondary Thoroughfare:-

- *Where a By-law prohibits obstruction of the Common Property, and*
 - *Where a By-law prohibits noise or sights intruding on the common property, it shall include Secondary Thoroughfare within Plumeria.*
- 1.2 In the event of any provision of these By-laws being or becoming void or unenforceable then that provision shall be severed from these By-laws to the intent that all parts that shall not be or become void or unenforceable shall remain in full force and effect and be unaffected by any severance.

2. Other applicable By-laws

A Proprietor or Occupier of a Lot must at all times comply with the following By-laws applying to Sanctuary Cove from time to time:

- (1) The Primary Thoroughfare By-laws;
- (2) The Secondary Thoroughfare By-laws;
- (3) The Development Control By-laws;
- (4) The Residential Zone Activities By-laws;

Any breach of those By-laws will constitute a breach of these By-laws.

Note –

A copy of the above By-laws may be obtained from Sanctuary Cove Management Services.

3. Noise

An occupier of a Lot must not cause or allow noise likely to interfere with the peaceful enjoyment of another person lawfully on another Lot or the Common Property.

4. Vehicles

- 4.1 No vehicle may be parked, stored or kept on a Lot other than wholly within the Lot's designated parking area.
- 4.2 An Occupier of a Lot must not, and must not permit any invitee to park a vehicle, or allow a vehicle to stand on any part of the Common Property, other than a designated parking area and then for short-term parking only.
- 4.3 A recreational vehicle (which includes, but is not limited to a camper unit, mobile home, boat or boat trailer) may be parked, stored or kept elsewhere on a Lot (other than on the Lot's designated parking area) if the recreational vehicle is screened so that it is not visible from any other Lot or the Common Property.

- 4.4 Commercial vehicles (which includes, but is not limited to a dump truck, cement mixer truck, coach, bus, inoperable vehicle equipment, whether mobile or otherwise) must not be parked, stored or kept on the Lot or the Common Property except for the purpose of commercial deliveries.
- 4.5 An Occupier of a Lot must not, nor permit any other person to conduct repairs or restorations to any vehicle or boat on any portion of a Lot or Common Property except within the Lot's garage, and then only if such activity does not constitute an unreasonable nuisance.
- 4.6 Garages may only be used for garage and general storage purposes and must not be converted to any other use.

5. Obstruction

An Occupier of a Lot must not obstruct the lawful use of the Common Property by any person.

6. Damage to lawns etc.

An Occupier of a Lot must not:

- (a) Damage a lawn, garden, tree, shrub, plant flower or any equipment lawfully on the Common Property; or
- (b) Use a part of the Common Property as his/her garden.

7. Damage to Common Property

An Occupier of a Lot must not mark, paint, drive nails, screws or other objects into, or otherwise deface or damage a structure that forms part of the Common Property.

8. Behaviour of invitees

An Occupier of a Lot must take reasonable steps to ensure that the Occupier's invitees abide by these By-laws, and 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.

9. Appearance of Lot

9.1 Subject always to compliance with the Development Control By-laws of the Principal Body Corporate, a Proprietor and Occupier of a Lot must:

- (a) maintain in good condition and repair and where necessary replace or renew the exterior of the Principal Structure on the Lot including, for the purposes of this By-law only, all fences, walls, windows, gates, sidewalls, walkways, driveways and other structures located on the Lot; and
- (b) maintain in a clean condition the interior of the Principal Structure and take all practical steps to prevent infestation by vermin or insects; and
- (c) maintain in good condition and repair and where necessary replace or renew all yard landscaping, irrigation facilities, drainage facilities, spas and fountains located on the Lot; and
- (d) make any necessary arrangements for sufficient water required for the maintenance and irrigation of all yard landscaping, and must be responsible for the payment of any charges levied in respect of water usage.

9.2 A Proprietor or Occupier of a Lot must not hang, dry or air washing, clothing, bedding or other cloth articles or accumulate toys, bicycles or other objects so that the article is visible from another Lot or the Common Property.

9.3 Proprietors and Occupiers must ensure that:

- (a) No rubbish (including trees, grass, shrubs, clippings or plant waste, metals, cardboard or bulk material) is kept or stored on the Lot except in an enclosed structure screened from view, or on the Common Property.
- (b) Rubbish is kept only in bins as provided by the garbage contractor engaged by the body corporate, and the bins are kept on the Lot in a position accessible for collection or (for no more than twenty-four hours before and after nominated collection times) in the designated position on the Common Property.

- (c) No rubbish is kept so that odors emanate from the bin, or constitute a fire or sanitary or health hazard or pose a danger of corrosion to the containers in which it is placed.

9.4 No exterior fire shall be lit or allowed to burn or smolder on the Lot other than barbecue fires contained within proper receptacles in enclosed yards, or on Common Property.

9.5 A Proprietor or Occupier of a Lot must not erect, install or allow to remain on a Lot any television, radio, satellite or other electronic antenna or device of any type so that it is visible from another Lot or the Common Property.

10. Security Systems

A Proprietor or Occupier must ensure that the security system installed in the property on the Lot at all times remains connected to the central security system operated by the Principal Body Corporate, and is at no time disconnected except in the presence of and with the consent of authorised security personnel.

11. Storage of flammable materials

An Occupier of a Lot must not, without the express written permission of the body corporate store a flammable substance on the Lot unless the substance is used or intended for use only for domestic purposes;

However, this By-law does not apply to the storage of fuel in a fuel tank or gas cylinder kept in accordance with the laws applying to storage of flammable materials.

12. Keeping of animals

12.1 An Occupier must not, and must not permit an invitee to:

- (a) Bring, keep or breed an animal on the Lot or the Common Property
For commercial purposes.

12.2 A Proprietor or Occupier may keep on the Lot dogs, cats, birds, fish or other common household pets ("Household Pets"), subject to the following conditions-

- (a) their numbers do not exceed the numbers determined from time to time by the Principal Body Corporate; and
- (b) the animal(s) do not cause a nuisance to other persons.

12.3 A Household Pet may not be kept on the Lot if the Principal Body Corporate reasonably determines that the Household Pet is an unreasonable annoyance and the Occupier is given notice by the Body Corporate or the Principal Body Corporate of the nature of the annoyance, and to remove the Household Pet.

12.4 A Proprietor and the Occupier are jointly liable for any unreasonable noise made, or damage to any person or any property of another person, caused by any animal brought or kept on the Lot by-

- (a) A Proprietor or Occupier; or
- (b) An invitee to the Lot.

12.5 A Proprietor or Occupier of a Lot must clean up after any of their animals which have gone onto any portion of the Common Property or any portion of another resident's Lot.

12.6 This By-law is subject to the provisions of the *Guide Dogs Act 1972*.

13. Water Meters

A Proprietor and Occupier must ensure that a water meter compliant with local Council requirements is maintained on the Lot and at all times is in a working condition and is accessible for reading purposes.

14. Maintenance of Surrounds

An Occupier must maintain in a tidy condition all lawns, gardens, courtyards, jetties, boardwalks and other surrounds within the Lot.

15. Collection of Charges

An Occupier must pay on demand the whole of the body corporate's costs and expenses (including solicitor and own client costs on an indemnity basis) in the recovering of charges duly levied upon that owner by the body corporate. The amount levied shall be recoverable as a liquidated debt.

16. Right to Enter

The body corporate (by itself, its agents and sub-agents, employees and contractors) is hereby authorised by each Proprietor to enter a Lot in the following circumstances-

- (1) At any time without notice for the following purposes:
 - (a) To collect garbage;
 - (b) To maintain the security of Occupiers and the site;
- (2) After giving notice to the Occupier, at any reasonable time for the following purposes:
 - (a) To treat a particular area, or all of the site, for the eradication of vermin or insects; and
 - (b) To test any electrical, gas or water installation or equipment and to trace and repair any leakage or defect in the installations or equipment (at the expense of the Proprietor if such defect is due to any act or default of the Proprietor or Occupier or their invitees); and
 - (c) To test the security system.

Where the Proprietor or Occupier unreasonably refuses permission to enter, the body corporate may affect entry without liability for any damage occasioned by such entry.

In exercising its powers under this By-law, the body corporate shall cause as little inconvenience to the Occupier as is reasonable in the circumstances.

17. Illegal Use

A Proprietor or Occupier must not use the Lot for any illegal purpose.

18. Notifications

A Proprietor or Occupier must promptly notify the body corporate in the following instances-

- (1) If there is any defect in, or accident to the water pipes, gas pipes, electrical installations or fixtures, which comes to the knowledge of the Occupier.
- (2) The occurrence of any infectious disease requiring notification under any law affecting any person in any residence;

And the body corporate is authorised to take such action as is necessary in the circumstances, including making repairs for the safety of the Lot or other property, and disinfecting the Lot or other property and affected material, at the cost of the Proprietor.

THE COMMON SEAL OF
THE PROPRIETORS "PLUMERIA"
GROUP TITLES PLAN No.2207
Was hereunto affixed on the
Day of _____ 2005
In the presence of:

