

Draft Rules

Notes

1. These rules are binding on all owners and occupiers of the townhouses (**Townhouse**) in the Ngarara Villas Development (**Development**) and their employees, agents, invitees, licensees and tenants.
2. **Owner** means the person or persons for the time being registered as owner of a Townhouse (to a fee simple estate in the Development under the [Land Transfer Act 2017](#)) also includes occupiers of a Townhouse and any employee, agent, invitee, licensee or tenant of an owner of a Townhouse.

1. Shared Property

Each record of title to a Townhouse includes a proportionate share in [] on Deposited Plan [], as the case may be (**shared property**).

- 1.1 An Owner must not interfere with the reasonable use or enjoyment of the shared property by other owners or obstruct any lawful use of any part of the shared property by other owners.
- 1.2 An Owner must not damage or deface any part of the shared property.
- 1.3 An Owner must not use any facilities contained within the shared property, or any improvements that form part of the shared property, for any use other than the use for which those facilities or improvements were designed and must comply with any conditions of use.
- 1.4 Any part of the shared property or any easement area that is used as an entrance or access way to the Development shall not be used by any Owner for any purpose other than for entering or leaving the Development.
- 1.5 The Owner shall not use nor permit the use of any part of the shared property which may be illegal or injurious to the reputation of the owners of other Townhouses comprised within the Development.

2. Vehicle Parking

- 2.1 An Owner must not park a vehicle or permit a vehicle to be parked on any part of the shared property unless it is designated for parking or the manager of the Development has either designated it for vehicle parking or given prior written consent to do so.

- 2.2 An Owner of a Townhouse that includes an area which is designated for use as a vehicle park must only use that part of the property for the purpose of parking vehicles, ensure that the parking area is kept tidy and free of litter and not use the parking area, or permit the parking area, to be used for storage.
- 2.3 The manager of the Development may arrange for the removal of a vehicle from any part of the Development if it considers it is parked in such a manner that it is in breach of these rules, at the expense of the Owner of the vehicle concerned, and the manager of the Development shall not be liable for any resulting damage, loss or costs.
- 2.4 An Owner must not park a vehicle or permit a vehicle to be parked on any part of the underlying land in respect of the Townhouse which is not specifically designated or set aside for vehicle parking.

3. Aerials, Satellite Dishes and Antennas

- 3.1 An Owner must not erect, fix or place any aerial, satellite dish or antenna onto the exterior of a Townhouse or onto shared property without the prior written consent of the manager of the Development.

4. Signs and Notices

- 4.1 An Owner must not display any goods or services on a Townhouse or any part of the shared property or use the Townhouse or any part of the shared property for any business, promotional or commercial purpose without the prior written consent of the manager of the Development.

5. Contractors

- 5.1 An Owner who carries out any repair, maintenance, addition, or alteration to a Townhouse must ensure that all contractors and other persons employed by the Owner cause minimum inconvenience to all other owners and ensure that such work is carried out in a proper and workmanlike manner.

6. Rubbish; Pest Control; and Cleaning

- 6.1 An Owner:
 - a must not leave rubbish or recycling material on any part of the shared property except in areas designated for rubbish collection;
 - b must dispose of rubbish and recycling material promptly, hygienically and tidily using proper secured and sealed rubbish bags;

- c must not burn rubbish anywhere on the shared property or in any Townhouse and shall keep the Townhouse free of any vermin, pests, rodents and insects.
- 6.2 An Owner must ensure that the Townhouse is kept clean and that any garden, grounds, yards or paved areas within the Townhouse are kept neat and tidy.
- 6.3 An Owner must keep clean all glass in windows or doors, and replace any cracked or broken glass as soon as possible with glass of the same or better weight and quality and tint.
- 6.4 An Owner must not alter the windows of their Townhouse which are visible from the exterior of the building, in any way such as applying tint, film or any other decoration to the window.

7. Gardens

- 7.1 An Owner must not damage or remove any garden, tree or plant on the shared property or, without prior written consent of the manager of the Development, use any part of the shared property as a garden for their own use.
- 7.2 An Owner must keep the gardens on any part of the underlying land in respect of the Townhouse maintained in a tidy condition and must not remove any garden, tree or plant or associated landscaping, or concrete over any gardens within the Townhouse.
- 7.3 An Owner is not entitled to have a compost bin on any part of the underlying land in respect of the Townhouse or on any part of the shared property.

8. Use of Water Services

- 8.1 All things required for the provision of water, drainage, wastewater and sewage services to Townhouses or shared property and all things attached to and used in relation to such services, including but not limited to pipes, drains, taps, toilets, baths, showers, sinks and dishwashers, must only be used for the purpose for which they were designed. If an Owner causes or permits any damage, loss or costs to be incurred due to misuse or negligence that owner shall pay for such damage, loss or costs.
- 8.2 An Owner shall not waste water and shall ensure that all taps in the Townhouse are turned off after use and all leaks are attended to quickly.

9. Objects

- 9.1 An Owner shall not hang any objects (including but not limited to clothes, washing or bedding outside of any windows) or on any outside deck or balcony of a Townhouse.

10. Security and Ventilation Equipment

- 10.1 An Owner shall comply at all times with the operating and maintenance instructions of any security, fire alarm, air conditioning or ventilation equipment in the Townhouse or in the shared property.
- 10.2 An Owner must:
- a keep the Townhouse locked and all doors and windows closed and securely fastened at all times when the Townhouse is not occupied, and do all things reasonably necessary to protect the Townhouse from fire, theft or damage;
 - b take all reasonable steps to ensure that any electronic security cards, security keys or security codes to a Townhouse or shared property are not lost, destroyed or stolen or given to anyone other than a registered proprietor, occupier or tenant of the Townhouse to which the security card, security key or security code relates;
 - c not duplicate or permit to be duplicated any electronic security cards, security keys or security codes to a Townhouse or shared property; and
 - d notify the manager of the Development as soon as reasonably practicable if rules 10.2 (b) or (c) are breached.

11. Noise, Behaviour and Conduct

- 11.1 An Owner or persons under their control shall not make or permit any noise or carry out or permit any conduct or behaviour in any Townhouse or on the shared property which is likely to interfere with the use and enjoyment of the Townhouse title development by other owners.
- 11.2 An Owner must ensure that all musical instruments, radios, stereo equipment, television sets and such like shall be played and operated so that the sound arising shall be reasonable and not cause annoyance to other owners of Townhouse, and shall not be operated in such a manner as to be unreasonably audible from any other Townhouse.

- 11.3 An Owner must ensure that all their guests and visitors entering or leaving a Townhouse between the hours of 11pm and 6.30am do so quietly and in a manner that does not disturb the owners of other townhouses comprised within the Development.

12. Moving and Installing Heavy Objects

- 12.1 An Owner must not, without the prior written consent of the manager of the Development, bring onto or through the shared property or any Townhouse any object of such weight, size, nature or description that could cause any damage, weakness, movement or structural defect to any Townhouse or shared property, and any such damage caused or contributed to shall be paid for by the Owner.

13. Hazards, Insurance and Fire Safety

- 13.1 An Owner must not bring onto, use, store, or do anything, in a Townhouse or any part of the shared property that:
- o increases the premium on or is in breach of any insurance policy put in place in respect of the Development;
 - o is in breach of any enactment relating to fire, insurance, hazardous substances or dangerous goods, or any requirements of the local or regional Council;
 - o or creates a hazard of any kind.
- 13.2 An Owner shall not do or permit anything to be done in or bring or keep anything in or around their Townhouse or in or around any part of the shared property which is of an offensive, noxious, illegal or dangerous nature.

14. Emergency Evacuation Drills and Procedures

- 14.1 An Owner must cooperate with the manager of the Development during any emergency evacuation drills and must observe and comply with all emergency evacuation procedures.

15. Notice of Damage or Defects

- 15.1 Upon becoming aware of any damage or defect in any part of the Development, including its services, an Owner must immediately notify the manager of the development. Any cost to repair such damage or defect shall be paid by the Owner that caused or permitted the damage or defect, unless the damage or

defect was caused by an insurable event which is covered by the insurance policy put in place in respect of the Development.

16. Letting or Leasing a Townhouse

- 16.1 An Owner must provide a full copy of these rules to any tenant or occupier of the Townhouse and provide the manager of the Development with written notice of the full name, mobile number, email address and address for service for the Owner and for all tenants or occupants of the Townhouse, and promptly notify the manager of the Development in writing of any changes to such details.
- 16.2 Notwithstanding any other provisions contained in these Rules, the Owner will only lease, licence or grant a right of occupation of the Townhouse to a person or persons who will themselves physically occupy and reside in the Townhouse.

17. Smoke-free environment

- 17.1 An Owner and its invitees must not smoke or deposit cigarette butts or vape cannisters in or on any part of the shared property designated from time to time by the manager of the Development as a non-smoking area.

18. Access

- 18.1 Each Owner must permit the manager of the Development (and any invitee of the manager of the Development) at any time on giving reasonable notice to enter into their Townhouse and/or any part of the shared property with any tools, ladders, equipment, temporary structures or machinery that is necessary and to remain there for a reasonable time for any purpose including without limitation to access, repair, maintain, replace, renew and keep clean any building elements, infrastructure, services, shared property and the exterior of the Townhouse.

19. Use of Townhouse

- 19.1 An Owner of a Townhouse shall not use or permit the Townhouse to be used for any purpose other than for residential use. Should any Owner or occupier of a Townhouse wish to use their Townhouse for other uses, they shall obtain the prior written consent of the manager of the Development, provided always that the predominant use of such Townhouse remains residential. If consent is given, that consent may at any time be withdrawn, revoked or modified with or without the imposition of any conditions required by the manager of the Development.
- 19.2 An Owner shall not use nor permit the use of the Townhouse for any purpose which may be illegal or injurious to the reputation of the Townhouses comprised within the Development, or any of them or the other owners or any of them.

19.3 An Owner shall not use or permit the use of any Townhouse for the purposes of operation of a brothel or the provision of commercial sexual services or the operation of the business of prostitution within the meaning of those terms as contained in the Prostitution Reform Act 2003.