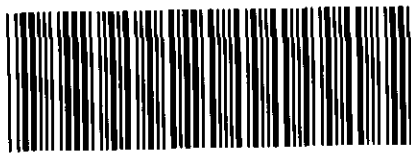


GENERAL REQUEST

Dealing Number

Duty Imprint



712459686

\$64.90

05/06/2009 14:41

CS 470

1. Nature of request

Request to Record New Community Management Statement
for CYATHEA Community Titles Scheme 18594

Lodger (Name, address & phone number)

Lodger
Code

Body Corporate Services

PO Box 5134, Cairns Qld 4870

Ph: 07 4040 4013

Ref: Carolyn Doyle

CS145

2. Lot on Plan Description

Common Property for CYATHEA
Community Titles Scheme 18594

County

NARES

Parish

CAIRNS

Title Reference

19370349

3. Registered Proprietor/State Lessee

Body Corporate for CYATHEA Community Titles Scheme 18594

4. Interest

Fee Simple

5. Applicant

Body Corporate for CYATHEA Community Titles Scheme 18594

6. Request

I hereby request that: the New Community Management Statement deposited herewith which amends Schedule C
of the existing Community Management Statement for CYATHEA Community Titles Scheme 18594.

7. Execution by applicant

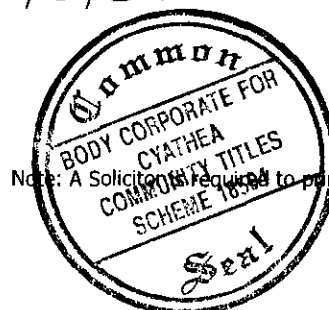
Execution Date

21/5/09

Applicant's or Solicitor's Signature

PETER SCHAEFER
SECRETARY

Peter Thompson
CHAIRMAN
PETER THOMPSON



Note: A Solicitor is required to print full name if signing on behalf of the Applicant



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18594

14
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This statement incorporates and must include the following:

Schedule A - Schedule of lot entitlements
Schedule B - Explanation of development of scheme land
Schedule C - By-laws
Schedule D - Any other details
Schedule E - Allocation of exclusive use areas

C/MIS LABEL NUMBER

1. Name of community titles scheme

CYATHEA Community Titles Scheme 18594

2. Regulation module

Standard Module

3. Name of body corporate

Body Corporate for CYATHEA Community Titles Scheme 18594

4. Scheme land

Description of lot	County	Parish	Title Reference
See attached schedule	NARES	CAIRNS	19370349

5. Name and address of original owner #

N/A

6. Reference to plan lodged with this statement

Not applicable

first community management statement only

7. Local Government community management statement notation

Not applicable pursuant to Section 60(6) of the Body Corporate and Community Management Act 1997

8. Execution by original owner/Consent of body corporate

Execution Date

21/5/09



PETER SCHAEFER
 SECRETARY *Execution
 PETER THOMPSON
 CHAIRMAN

**SCHEDULE / ENLARGED PANEL /
ADDITIONAL PAGE / DECLARATION**

Title Reference 19370349

4. Scheme land

Description of lot	County	Parish	Title Reference
Common Property of CYATHEA CTS 18594	NARES	CAIRNS	19370349
Lot 1 on GTP 70349	NARES	CAIRNS	21465234
Lot 2 on GTP 70349	NARES	CAIRNS	21465235
Lot 3 on GTP 70349	NARES	CAIRNS	21465236
Lot 4 on GTP 70349	NARES	CAIRNS	21465236
Lot 5 on GTP 70349	NARES	CAIRNS	21465237
Lot 6 on GTP 70349	NARES	CAIRNS	21465238
Lot 7 on GTP 70349	NARES	CAIRNS	21465239
Lot 8 on GTP 70349	NARES	CAIRNS	21465240
Lot 9 on GTP 70349	NARES	CAIRNS	21465241
Lot 10 on GTP 70349	NARES	CAIRNS	21465242
Lot 11 on GTP 70349	NARES	CAIRNS	21465243
Lot 12 on GTP 70349	NARES	CAIRNS	21465244
Lot 15 on GTP 70349	NARES	CAIRNS	21465248
Lot 16 on GTP 70349	NARES	CAIRNS	21465249
Lot 17 on GTP 70349	NARES	CAIRNS	21465250
Lot 18 on GTP 70349	NARES	CAIRNS	21466001
Lot 19 on GTP 70349	NARES	CAIRNS	21466002
Lot 20 on GTA 100836	NARES	CAIRNS	50019407

Title Reference 19370349

SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS

Lot on Plan	Contribution	Interest
Lot 1 on GTP 70349	63	63
Lot 2 on GTP 70349	65	65
Lot 3 on GTP 70349	72	72
Lot 4 on GTP 70349	72	72
Lot 5 on GTP 70349	72	72
Lot 6 on GTP 70349	81	81
Lot 7 on GTP 70349	77	77
Lot 8 on GTP 70349	77	77
Lot 9 on GTP 70349	74	74
Lot 10 on GTP 70349	82	82
Lot 11 on GTP 70349	81	81
Lot 12 on GTP 70349	83	83
Lot 15 on GTP 70349	77	77
Lot 16 on GTP 70349	77	77
Lot 17 on GTP 70349	72	72
Lot 18 on GTP 70349	72	72
Lot 19 on GTP 70349	67	67
Lot 20 on GTA 100836	155	155
TOTALS	1419	1419

SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND

Section 66(1)(f) and (g) of the Body Corporate and Community Management Act 1997 are not applicable.

SCHEDULE C	BY-LAWS
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1 DEFINITIONS

In these bylaws unless the contrary intention appears:

"lot" shall mean a parcel of land designated as such on the group titles plan to which these bylaws so relate;

"the council" shall mean the committee of the body corporate established pursuant to the provisions of the Body Corporate and Community Management Act;

"proprietor" shall mean the registered proprietor or mortgagee in possession of any lot of the group titles plan to which these by-laws so relate;

"residence" means any dwelling together with improvements erected on any lot;

"local authority" shall mean the Cairns Regional Council or such other local government authority as may from time to time have jurisdiction over the group titles plan;

"tree register" shall mean that register which contains such particulars, details, dates of recording and numbers so required by the body corporate of all those trees situated on each and every lot and the common property which have a diameter greater than one hundred millimetres (100mm) at a height of one point two meters (1.2 meters) above the ground level and "tree" shall be defined accordingly.

2 NOISE

2.1 A proprietor or occupier of a lot shall not create any noise upon the lot which is likely to interfere with the peaceful enjoyment of the proprietor or occupier of another lot or of any proprietor or occupier of another lot or of any person lawfully using common property.

3 VEHICLES

3.1 The occupier of a lot must not –

- (a) park a vehicle, or allow a vehicle to stand, in a regulated parking area; or
- (b) 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
- (c) permit an invitee to park a vehicle, or allow a vehicle to stand, on the common property other than in a regulated parking area except if each individual period that any such vehicle is parked or allowed to stand on the common property is less than 12 hours before such vehicle is moved from that area.

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

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

3.4 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.

4 OBSTRUCTION

4.1 A proprietor or occupier of a lot shall not obstruct the lawful use of common property by any person.

4.2 In the exercise and performance of:

- (a) any of the powers or functions of local government; and
- (b) any other powers or functions bestowed upon the local authority by any statute regulations, Order-in-Council or by any statute, regulation, Order-in-Council or by any other legislative or administrative means,

the local authority, its officers, servants, agents, contractors and any person authorised by it may at all reasonable times enter upon any lot or upon the common property or any structure or premises thereon to carry out works, matters, or things into, through, across or under any lot or the common property and execute any work, matter, or thing in respect of any structure or premises thereon and to inspect, maintain, repair, alter or add to such works matters or things.

4.3 For the purposes of the foregoing sub-clause but without limiting that sub-clause in any way, the local authority, its officers, servants, agents, contractors and any person authorised by it, may enter upon any lot or the common property for the purpose of making any inspection or valuation of any land or of any building or structure erected thereon or reading or maintenance of water meters or collection of garbage.

4.4 The body corporate shall ensure that at all times the local authority has three (3) current keys or cards to enable access to all areas of the common property.

Title Reference 19370349

5 DAMAGE TO LAWNS, ETC ON COMMON PROPERTY

5.1 A proprietor or occupier of a lot shall not:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated upon common property; or
- (b) except with the consent in writing of the body corporate, use for his own purposes as a garden any portion of the common property.

6 DAMAGE TO COMMON PROPERTY

6.1 A proprietor or occupier of a lot shall not mark, paint, drive nails or screws, or the like into, or otherwise damage or deface, any structure that forms part of the common property except with the consent in writing of the body corporate.

7 BEHAVIOUR OF INVITEES

7.1 A proprietor or occupier of a lot shall take all reasonable steps to ensure that his invitees do not behave in a manner likely to interfere with the peaceful enjoyment of the proprietor or occupier of another lot or of any personal lawfully using common property.

8 DEPOSITING RUBBISH, ETC ON COMMON PROPERTY

8.1 A proprietor or occupier of a lot shall not deposit or throw upon the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the proprietor or occupier of another lot or of any person lawfully using the common property.

9 STORAGE OF FLAMMABLE LIQUIDS, ETC

9.1 A proprietor or occupier of a lot shall not, except with the consent in writing of the body corporate, use or store upon his lot or upon the common property any flammable chemical, liquid or gas or other flammable material, other than chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any such chemical liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

10 GARBAGE DISPOSAL

10.1 A proprietor or occupier of a lot shall:

- (a) save where the body corporate provides some other means of disposal or garbage, maintain within his lot, or on such part of the common property as may be authorised by the body corporate, in clean and dry condition and adequately covered, a receptacle for garbage;
- (b) comply with all local authority bylaws and ordinances, relating to the disposal of garbage;
- (c) ensure that the health, hygiene and comfort of the proprietor or occupier of any other lot is not adversely affected by this disposal of garbage.

11 KEEPING OF ANIMALS

11.1 A proprietor or occupier shall not keep any animal upon his lot or the common property unless he duly complies with all statutory and local authority requirements.

12 HOUSE CONSTRUCTION

12.1 A proprietor or occupier of any lot shall not either commence constructions, alterations, additions, modification or reconstruct or carry out any improvements or works on any lot or submit an application to the local authority in relation to same until the plans and specifications showing the nature, height, width, colours and location of same together with landscaping proposals shall have first been approved by the body corporate.

12.2 All plans and specification submitted by a proprietor or occupier to the body corporate for its approval shall be fully detailed, including without limitation, floor plans, site plans, drainage plans, elevation drawings and descriptions or samples of exterior materials and colours.

12.3 The address for submission of such plans and specifications shall be at the address for service of the body corporate or at such other address as the body corporate shall have designated by notice in writing to the proprietor or owner. All plans and specifications shall be deemed to be submitted if mailed by registered or certified mail addressed to the body corporate at the address of the body corporate or at such other address as the body corporate shall have designated by notice in writing to the proprietor or owner of the lot.

Title Reference 19370349

- 12.4 Any application for any approval for construction, alteration, modification, reconstruction or carrying out any improvements or works on any lots shall not be unreasonably withheld so long as:
- (a) the plans and specifications and the proposed construction, alteration, addition, modification, reconstruction, or improvement or works comply with these bylaws;
 - (b) the application otherwise complies with these bylaws.
- 12.5 The body corporate shall within twenty-one (21) days from the date of its receipt of any application sought pursuant to bylaw 11.1 hereof notify the applicant thereof of its approval or refusal of such application.
- 12.6 The body corporate shall, where a proprietor or occupier of any lot is refused the approval of the body corporate of an application sought pursuant to bylaw 12.1 hereof, in so doing, furnish the owner with written reasons for its refusal.
- 12.7 The body corporate may impose, as a condition of its approval of any application made pursuant to these bylaws, requirements that;
- (a) additional plans and specifications of any construction, alteration, addition, modification, reconstruction, works or improvements or such other information as it may require to be submitted;
 - (b) changes to be made to the plans and specifications provided such changes are consistent with the Queensland Building Act 1975 and standard building bylaws thereunder and these bylaws;
 - (c) the proposed construction, alteration, modification, reconstruction, works or improvements be completed within a reasonable time specified in such condition but not exceeding a period of two years from the date of approval by the body corporate.

13 TREE PRESERVATION AND LOT EARTHWORKS

- 13.1 A proprietor or occupier of any lot shall not remove, injure, cut, deface, poison, destroy, burn, ringbark or lop any tree or part thereof on any lot or any common property where such tree has a diameter greater than one hundred millimetres (100 mm) at the height of one point two meters (1.2 m) above the ground level of such tree without first having obtained the written approval of the body corporate which approval shall not be unreasonably withheld so long as:
- (a) the tree or trees are within the bounds of any construction, alteration, addition, modification, reconstruction, improvements or works approved by the body corporate pursuant to these bylaws or;
 - (b) within three meters (3m) of any existing construction, alteration, addition, modification, reconstruction, improvements or works approved by the body corporate pursuant to these bylaws or;
 - (c) where the tree or trees are either dying, dead, diseased or potentially dangerous or the root system of the tree or trees is endangering the foundations of any dwelling or improvement erected thereon or;
 - (d) where the tree or trees are so located that they may threaten the operation of services to any lot or the common property.
- PROVIDED HOWEVER** that the body corporate shall not (except in the case of an emergency or in the preservation of safety) grant its approval for the removal, cutting, defacing, poisoning, destroying, burning, ringbarking or lopping of any tree or part thereof which would result in the number of trees on any lot at any time being reduced below sixty per cent (60%) of the total number of trees recorded in the tree register in respect of that lot.
- 13.2 The proprietor or occupier of any such lot shall not fill, cut or excavate any lot or common property without first having obtained the approval of the body corporate, which approval shall not be unreasonably withheld so long as:
- (a) the proprietor or occupier of any such lot has obtained the approval of the body corporate to the construction, alteration, addition, modification, reconstruction, improvements or works approved by the body corporate pursuant to these bylaws or;
 - (b) such filling, cutting or excavating does not unduly interfere with, endanger or detract from the existing environment or forested character of any lot, the common property or the surrounding environment;
 - (c) cut, and/or fill earthworks are limited to a maximum height of 1,500 mm and a maximum embankment length of 14 meters, outside the perimeter of the building curtilage.

Title Reference 19370349

- (d) the body corporate may permit more extensive cut and/or fill earthworks provided that the application for such permission is accompanied by full particulars of the proposed extent of the works and by a geotechnical report which satisfactorily details the appropriate methods of stability control which are required to complete the relevant works and further provided that in no circumstance will the maximum height or depth (as the case may be) of the proposed earthworks exceed 3 meters and further provided that the proposed works shall otherwise comply with the requirements of the bylaws especially for any area visible from the street.
 - (e) provided however that the approval of the body corporate will not be required where the filling, cutting, or excavation does not involve the alteration of the contours of the lot and does not involve excavation below a depth of point three meters (0.3m) nor filling above a height of point three meters (0.3m) of the surface lot.
 - (f) all building systems shall give priority to achieving a natural finish in harmony with the surrounding environment settings and therefore earthworks should be treated as follows:-
 - (i) self retained earth batters where vegetation will regenerate. The maximum slope of different materials are to be confirmed through geotechnical advice;
 - (ii) retained materials, outside the building curtilage, must have a facing material such as timber, stone or a body corporate approved equivalent.
- 13.3 In approving any application made to it under this bylaw the body corporate may impose as a condition of its approval a requirement that such plans, specifications or other information as it may require by submitted.
- 13.4 Any proprietor or occupier of any lot who wilfully injures, cuts, defaces, poisons, destroys, burns, ringbarks or lops any tree or fills, cuts or excavates the land, on any lot or the common property or who procures or is knowingly concerned in the injuring, cutting, defacing, poisoning, destroying, burning, ringbarking or lopping of any tree or part thereof or the filling, cutting or excavating the land, on any lot or the common property, shall, unless he has obtained the written approval of the body corporate or unless, by virtue of these by-laws, such approval is not required, be guilty of an offence under these bylaws and shall be liable to replace each and every one of such trees with another tree and/or reinstate the land as directed by the body corporate. If such proprietor or occupier fails to do so then the body corporate, by a duly authorised agent, may enter the premises (in the case of a lot) and replace every one of such trees with another tree and/or reinstate such land (provided that all reasonable care is taken with respect to the proprietor or occupier's property). If the body corporate resolves to carry out such replanting and/or reinstatement then the costs thereof, once the same shall have been established, shall be a debt due from the owner to the body corporate which may recover and sue for the same as a debt irrespective of whether the body corporate shall have incurred any liability in relation to such costs.

14 CONSENT

- 14.1 When any application is made pursuant to these by-laws by any person, firm or company who or which is not the proprietor of any such lot, the written consent of the appropriate registered proprietor must accompany such application.

15 TREE REGISTER

- 15.1 The body corporate shall prepare or cause to be prepared a tree register within thirty (30) days of the date of registration at the Department of Freehold Land Titles, Townsville of the group titles plan to which these bylaws so relate and shall thereafter keep the tree register which shall be made available for inspection by any proprietor or occupier.

16 STRUCTURAL FABRIC

Terrain of the group titles plan will be categorised into the three (3) following groups based upon a range of the terrain.

Group A Terrain – 1 in 6 below. This group will allow low level house construction.

Group B Terrain – between 1 in 3 and 1 in 6. This group will consist of composite construction with limited excavation including "slab-on-ground" core balanced by a lightweight suspended structure and forms referred to below for Group C terrain.

Group C Terrain – 1 in 3 and above. This terrain will require structural framework utilizing steel, concrete and/or timber members with lightweight infill panels, e.g. pole house construction.

Title Reference 19370349

16.1 Walls

Flat sheet cladding materials will not be acceptable in areas exceeding 30% of any plan and are to be employed in a composite form with textured elements such as timber panelling.

Where terrain enables the use of masonry construction, a natural appearance must be maintained (through face brick, split block or applied granolithic finishes – large, unbroken wall planes are **NOT** acceptable).

16.2 Floors/Paving

Balconies/verandahs and external terraces are to be finished in an open porous form which permits drainage through to subfloor/below paving level. This will stabilise water tables and drainage, minimising impact on the existing vegetation. Impervious surfaces such as tiling and closed paving, where necessary, should be minimised.

16.3 Roofs

- (a) roof pitches will be a minimum of 12.5 degrees;
- (b) roof cladding, whether sheet material or tiles of any sort to be non reflective and coloured as in section 18.3 to blend with the natural landscape;
- (c) roof forms should be multidirectional and draining to the perimeter of the construction fabric. Large single-pitch roof areas are not permitted as this would concentrate runoff resulting in erosion and diversion of natural overland flow.
- (d) use of roof gutters is to be minimised, this enables the water tables and drainage to be stabilized and reduces impact on the existing vegetation.

16.4 Ancillary buildings

Building works external to the main construction fabric (eg garages, car ports and garden sheds) will respond to all controls previously identified.

Car accommodation, where independent of the dwelling shall be constructed in the same building material and style as the dwelling.

16.5 Swimming pools

Terrain of the group titles plan will result in swimming pools totally or partially above ground. Controls defined in section 1 for "cut and fill" and "facing material on structural walls" apply to the construction of swimming pools.

17 DRAINAGE SYSTEMS

17.1 Inground and surface drainage systems of all types, must be laid out to minimise damage to the existing vegetation.

17.2 Trenching, spoil stacks and machinery must be planned to operate in a fashion which protects root systems and overhead vegetation.

17.3 Any lopping, filling or die-off resulting from this trade will come within the controls defined in the by-laws regarding tree preservation.

17.4 Concentrated runoff and diversion of natural overland flowpaths are not permitted as identified in section 1.

18 SECONDARY BUILDING ELEMENTS

Freedom of choice exists within this area with the exception of minor controls intended to ensure that there are no adverse effects on adjoining lots.

18.1 Glazing

The natural environment will minimise solar loadings, and any further protection is to be achieved through verandah overhangs and window hoods. Reflectorised or mirror-finished glass is not permitted.

18.2 Handrails

Handrails on external decking or stairs are to be lightweight, open types of detailing with no reflective metals or flat sheet forms.

18.3 Colours

Large planar surfaces such as walls and roofs are to be finished in visually recessive colours in harmony with the natural environment. It is acceptable that fine detailing elements such as window mullions, handrails and doors can be treated with accent colours.

Title Reference 19370349

19 LANDSCAPING

Hard landscaping elements should be formulated to assure minimum disruption of sight lines from adjoining lots.

19.1 Fencing

- (a) Fencing for security and privacy is limited to the rear of the lot. The sides can also be fenced but must not come within 6 meters of front boundary. Low level fencing to front and remaining side boundaries require submission to the body corporate. Fencing is to be a maximum height of 1500mm with open panelling and if painted then as identified in bylaw 18.3.
- (b) Where the combined height of a retaining wall and fence exceeds 2.5 meters then approval must be sought from the body corporate.

19.2 Driveways

Driveways to be in an open porous material permitting drainage through to the sub-base. Runoff collected in edge or central drains are to be piped to a suitable discharge point. Any other material will require the approval of the body corporate.

19.3 External lighting

External illumination (decks, pools, tennis courts and terraces) will be shrouded to ensure full down lighting in order to minimise intrusion to adjoining lots.

20 RESIDENTIAL CONSTRUCTION ONLY

There will be no construction on any lot except that of a residential dwelling. All other types of construction are prohibited.

SCHEDULE D	OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED
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Nil

SCHEDULE E	DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY
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Nil