

**Approved Form 28**

**COMMUNITY LAND DEVELOPMENT ACT**

**COMMUNITY MANAGEMENT STATEMENT**

**WARNING**

The terms of this management statement are binding on the community association, each subsidiary body within the community scheme and each person who is a proprietor, lessee, occupier, or mortgagee in possession of a community development lot, precinct development lot, neighbourhood lot or strata lot within the community scheme.

**PART 1**

**BY-LAWS FIXING DETAILS OF DEVELOPMENT**

These by-laws relate to the management, administration, control, use or enjoyment of lots in an association scheme or the association property and to the control or preservation of the essence or theme of the community scheme. (see section 128 *Community Land Management Act 2021*).

**1 PURPOSE OF COMMUNITY LAND**

The purpose of Community Land is to serve the primary function of environmental management of land, reflective of the lands attributes, which includes areas of threatened ecological communities.

Except by resolution of the Executive Committee, the association property is to be used only for these purposes.

**PART 2**

**ASSOCIATION PROPERTY RIGHTS**

These by-laws may only be amended after the expiry of the initial period by a special resolution and with the written consent of each person entitled by the by-law to use the restricted property (see section 135 *Community Land Management Act 2021*)

**1 PARTICULARS OF COMMUNITY LAND**

- a) This Part applies to the land identified as 'Community Lot' on Plan XXXXXX.
- b) All owners and their guests are entitled to use the property for its intended purpose.
- c) Specific terms and conditions of use are established within Parts 3 and 4.
- d) Access to the community land is not to be exclusive to any single lot owner.
- e) The Executive Committee is to ensure that the environmental management of the Community Land is undertaken by an appropriately qualified person/s and funded by all lots in the community association.
- f) The determination, imposition, and collection of levies to undertake maintenance and improvements is to occur annually for the life of the development.

**PART 3**  
**MANDATORY MATTERS**

**1 OPEN ACCESS WAYS**

- 1) Any access ways within the Community Lot are to remain clear at all times.

**2 PERMITTED USES OF AND SPECIAL FACILITIES ON THE COMMUNITY PROPERTY**

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**3 INTERNAL FENCING**

- 1) All internal fencing within Community Land is to be installed and maintained in accordance with the endorsed Environmental Management Plan.
- 2) The Executive Committee are to ensure all internal fencing within Community Land is:
  - a) maintained and kept in a state of good and serviceable repair any installation or structure referred to in clause (1) that forms part of the common property and that services the lot, and
  - b) repair any damage caused to any part of the common property by the installation or removal of any locking or safety device, screen, other device or structure referred to in clause (1) that forms part of the common property and that services the lot.

**4. GARBAGE**

- 1) An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material or discarded item except with the prior written approval of the community association.

Within residential lots:

- 1) An owner or occupier of a lot or invitee must not deposit in a toilet, or otherwise introduce or attempt to introduce into the plumbing system, any item that is not appropriate for any such disposal (for example, a disposable nappy).
- 2) An owner or occupier must:
  - a) comply with all reasonable directions given by the community association as to the disposal and storage of waste (including the cleaning up of spilled waste) on common property, and
  - b) comply with the local council's guidelines for the storage, handling, collection and disposal of waste.
- 3) An owner or occupier of a lot must not place anything in the bins of the owner or occupier of any other lot except with the permission of that owner or occupier.
- 4) An owner or occupier of a lot must place the bins within an area designated for collection by the community association not more than 12 hours before the time at which waste is normally collected and, when the waste has been collected, must promptly return the bins to the lot or other area authorised for the bins.
- 5) An owner or occupier of a lot must notify the local council of any loss of, or damage to, bins provided by the local council for waste.
- 6) An owner or occupier of a lot must keep bins on their own lot and out of sight from the common property.
- 7) In this by-law: "bin" includes any receptacle for "waste" includes garbage and recyclable material.

## **5. SERVICES**

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## **6. INSURANCE**

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# **PART 4**

## **OPTIONAL MATTERS**

### **1 DAMAGE TO LAWNS AND PLANTS ON COMMON PROPERTY**

- 1) An owner or occupier of a lot must not, except with the prior written approval of the owners corporation:
  - a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
  - b) use for his or her own purposes as a garden any portion of the common property.

### **2 KEEPING OF ANIMALS**

- 1) Domestic animals are prohibited from entering the Environmental Management Area unless restrained at all times (i.e. on leash)

### **3 NOISE**

- 1) An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, must not create any noise on a lot or the common property likely to unreasonably interfere with the peaceful enjoyment of the owner or occupier of another lot.

### **4 BEHAVIOUR OF OWNERS, OCCUPIERS AND INVITEES**

- 1) An owner or occupier of a lot, or any invitee of an owner or occupier of a lot, when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot.
- 2) An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier:
  - a) do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot and
  - b) without limiting paragraph (a), that invitees comply with clause (1).

### **5 SMOKE PENETRATION**

- 1) An owner or occupier of a lot must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.

### **6 PRESERVATION OF FIRE SAFETY**

- 1) The owner or occupier of a lot must not do anything or permit any invitees of the owner or occupier to do anything on the lot or common property that is likely to affect the operation of fire safety devices in the parcel or to reduce the level of fire safety in the lots or common property.

## **7 STORAGE OF INFLAMMABLE LIQUIDS AND OTHER SUBSTANCES AND MATERIALS**

- 1) An owner or occupier of a lot must not, except with the prior written approval of the owners corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.

Note: This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

### **PART 5**

#### **BY-LAWS REQUIRED BY A PUBLIC AUTHORITY**

At the time of writing this section was intentionally blank

#### **Execution by the Developer**

Signature/Seal .....

Name (Please Print) .....

Date .....

Signature of Witness .....

Name (Please Print) .....

Address and occupation of witness .....

.....

#### **Certificate of Approval**

It is certified:

(a) That the planning authority has consented to the development described in

Development Application No ..... and

(b) That the terms and conditions of this management statement are not inconsistent with that development as approved

Date: .....

Execution of planning authority .....