

**Approved Form 30
COMMUNITY LAND DEVELOPMENT ACT**

DRAFT

NEIGHBOURHOOD MANAGEMENT STATEMENT

WARNING

The terms of this management statement are binding on the neighbourhood association, and each person who is a proprietor, lessee, occupier or mortgagee in possession of a neighbourhood lot.

DEFINITIONS – for the purpose of this document the following meaning apply;

Registerable Owner – an individual who may claim an ownership under the terms of By-Law 1.1.

Authorized Resident – an individual satisfying the terms of By-Law 1.2 Cl. (a).

Visitor - Family or friend of any age, invited by any Authorised Resident within the neighbourhood scheme or carer of an Authorised Resident . Nothing in this Statement shall prevent the lawful presence of invited visitors in any numbers to any residential lot for normal social intercourse. Visitors may not necessarily be permitted to access Association property (Lot 1).

Resident Visitor. A visitor (as above) who is residing with an Authorised Resident and for whom the Authorised Resident is responsible in terms of that visitor's safety and that visitor's behaviour and actions when the visitor is within Association property.

PART 1

BY-LAWS FIXING DETAILS OF DEVELOPMENT

These by-laws relate to the control and preservation of the essence or theme of the neighbourhood scheme and as such may only be amended or revoked by a unanimous resolution of the neighbourhood association (see section 17(2) Community Land Management Act 1989).

BY-LAW 1.1 OWNERSHIP

The Neighbourhood Scheme is directed towards ownership and use by senior travelers be they overseas travelers, caravaners, campers, motor home owners and like travelers who want to rest up for a longer or shorter time in an atmosphere of camaraderie, safety, and enjoyment. To this end a registerable owner of any lot shall satisfy the following criteria at the time of purchase;

- a) be an individual person or persons who have reached 55 years of age OR, in the case of shared ownership be a spouse or permanent partner or a registered carer or ward of a resident owner of that lot.
- b) Be a member of a caravan and/or motorhome association/club, walking or camping association/club, or a 4 WD association/club or possess a current Australian passport.
- c) Nothing in the foregoing is to restrict -
 - 1) ownership of a lot by the remaining registerable owner following the demise of any other joint owner. OR
 - 2) ownership of a lot by a beneficiary of the estate following the demise of a registered owner HOWEVER any subsequent owner must satisfy a) and b) above.

- d) Shared ownerships. – Where more than one family group owns a single lot, each owner shall satisfy a) & b) or c) above. WARNING -see restriction of number of authorized residents (by-law 1.2 and by-law 4.8 of this Management Statement)

BY-LAW 1.2 RESIDENT

- a) An “authorized” resident must satisfy the criteria for eligibility as a registerable owner, however may not necessarily be an owner or joint owner. The number of permanent residents per lot shall be restricted by by-law 4.8 in this Management Statement. Nothing in the following by-laws shall restrict a resident carer of, or the resident ward of any authorized resident, from the status of an authorized resident subject to by-law 4.8.

PART 2

RESTRICTED NEIGHBOURHOOD PROPERTY

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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 neighbourhood property (see section 54 Community Land Management Act 1989).

- a) The neighbourhood property is lot 1 in the plan. The neighbourhood property contains gardens, swimming pool, spa, and club house.
- b) Subject to the by-laws, lot 1 and the facilities thereon are available for the enjoyment of each lot 2 to 18 inclusive.
- c) The terms and conditions of neighbourhood property use are included in this Part 2 and as managed by by-laws in Part 4;

BY-LAW 2.1 RESTRICTED ACCESS TO ASSOCIATION PROPERTY

- a) Association Property is not for the use of the general public. SEE by-law 4.9 for visitor access restrictions.
- b) Generally there are no restricted areas within Association Property to Authorised Residents SUBJECT TO by-law 3.1 and any by-laws in part 4 of this management statement referring to management of the Association Property EXCEPT for reasons of safety and security of the user or for reasons of safety and security of the Association's intellectual and/or real property.
- c) Resident Visitors are subject to restrictions – SEE by-law 4.9 for visitor access restrictions.

BY-LAW 2.2 MANAGEMENT OF THE USE OF ASSOCIATION PROPERTY

Management of the use of the association property shall be as shown in Part 4.

BY-LAW 2.3 LIMITATION OF ASSOCIATION'S DUTY TO PROVIDE FOR SPECIAL NEEDS OF USERS OF ASSOCIATION PROPERTY

The association shall not be responsible for individual special needs of residents or visitors using association property beyond the disability access structures provided at the time of registration of the plan. These current structures shall be maintained to ensure continuance of practical use or replaced by alternative structures but only if such alternative structures maintain or improve disability access.

PART 3

MANDATORY MATTERS

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These matters must be addressed in every management statement.

BY-LAW 3.1 . OPEN ACCESS WAYS OR PRIVATE ACCESS WAYS

- a) There are no access ways on Association Property for use by the uninvited public.
- b) Association property, including pathways and driveways, shall be used by residents or invited visitors only and only as pedestrian or non motorised access to lots in the scheme. Vehicular use may be granted for construction vehicles or maintenance vehicles, or as required by individual lots, only with expressed authority of the association.

EXCEPTIONS: 1. Emergency vehicles and non registerable vehicles for the elderly and disabled.

2. Caravan maneuvering with expressed authority of the association or as provided for in part 4 of this Management Statement.

BY-LAW 3.2 . PERMITTED USES OF AND SPECIAL FACILITIES ON THE NEIGHBOURHOOD PROPERTY

All association facilities may be used for individual projects by authorized residents but only if Rules governing the use of such facilities is stipulated in Part 4 of this management statement.

BY-LAW 3.3 INTERNAL FENCING

The Dividing Fences Act 1951 applies only to the boundaries of lots in this scheme common to a boundary of a lot that is not in the scheme.

No fencing shall be constructed on the boundary common to Association Property without the expressed permission of the Association and any such fence, if constructed, shall be constructed at no cost whatsoever to the Association.

For indicating the extent of the private estate of Barraba HQ, fencing of street frontage boundaries is encouraged subject to any by-law in Part 4 .

However, as an open neighbourhood, fencing to divide common boundaries of lots within the Nighbourhood scheme is not a priority. No temporary fencing shall be erected. Common side boundaries may be delineated by individual owners and shall be by mutual agreement or at the individual owners own expense and may include edging or fencing constructed in a permanent and workmanlike manner. Any such fencing shall be kept in good repair. No wire mesh fencing other than commercially available mesh fencing of the "Cyclone" type shall be erected. No fencing structure within 1 metre of the common side boundaries shall exceed 1.2 metres in height at any point along the fence measured from the ground surface at the measured point.

BY-LAW 3.4 LAUNDRY

Laundry shall be hung only on purpose built clothes drying structures of a permanent nature. No temporary clothes lines are permitted.

BY-LAW 3.5 GARBAGE

Association garbage receptacles are not to be used for waste of any sort from individual neighbourhood lots.

Each lot shall arrange its own garbage collection by council operatives from the street frontage of each respective lot.

BY-LAW 3.6 SERVICES

Each lot shall arrange separate connection to all services.

- a) Sewer shall be connected to the riser connection junction within each lot and the maintenance of the sewer from the junction to any internal facility within each lot shall be the responsibility of the respective lot. Downstream Sewer from this junction shall be the responsibility of the Association and/or Tamworth Regional Council.
- b) Water connection shall be connected to the on site metre. Damage to water services within each lot shall be the responsibility of the respective lot. The proprietor of each lot will be responsible for paying their share of water usage in accordance with their respective metre reading.
- c) Electricity will be delivered to the scheme by Essential Energy and shall be maintained by each individual lot.
- d) Telecommunications shall be available from Telstra and shall be maintained by each individual lot.
- e) The proprietor of each individual lot is responsible for the collection and disposal of stormwater runoff to the kerb and/or stormwater junction supplied. The Association shall be responsible for stormwater collected via the drainage system collecting the junction input and that drainage collected from Association property, and its disposal to council's specifications. All materials used to drain, contain, and direct stormwater runoff within each lot, shall be maintained by the proprietor of that lot.

BY-LAW 3.7 ASSOCIATION INSURANCE

The Association shall maintain at all times insurance on the buildings and structures within or controlled by the Association and provide suitable public liability for the Association Property in accordance with Sec. 40 of the Community Land Management Act.

The cost of insurance shall be raised from a levy payable shared between Neighbourhood lot owners in proportion of unit entitlements.

The Association shall review all insurances, and the need for additional insurances, annually.

BY-LAW 3.8 EXECUTIVE COMMITTEE

- a) The Executive Committee of the Association shall be established in accordance with Part 2 Div. 2 of the Community Land Management Act and shall be made up of no less than 2 and no more than the 17 Executive members.
- b) And such executive shall be made up of Association members or the member's representative. HOWEVER any such member representative shall not be a cost or burden to the Association AND shall be an individual qualified in community title management or a lawyer or accountant OR have Power of Attorney representation for that member.

- c) Nothing in the foregoing excludes the Association employing and remunerating a qualified agent or expert, who is not an association member, in any of the Executive Committee positions.
- d) The Association may pay to a person who is the chairperson, secretary, treasurer or a member of the executive committee such amount as the association determines at an annual general meeting in recognition of services performed by the person for the association in the period since the last annual general meeting.

BY-LAW 3.9 TEMPORARY BUILDINGS

No temporary building is to be located on any lot 2 to 18 inclusive EXCEPT those required by a condition of council for building construction purposes (temporary builders shed etc.) AND garden maintenance sheds as approved by the Association.

BY-LAW 3.10 TEMPORARY DWELLING

Subject to council approval; a garage and/or caravan may be used as a dwelling for a maximum period of 12 months whilst the construction of the main dwelling is in progress. Such temporary domicile shall be connected to sewer and water services prior to habitation. Any garage used as such shall be constructed in conjunction with, and be included in, an authorized Council construction certificate for the main dwelling. Use of such a temporary arrangement as a dwelling shall cease upon the issuing of an occupation certificate from council for the main dwelling.

BY-LAW 3.11 PERMANENT DWELLING

Any permanent dwelling constructed on any lot shall comply with Council and BCA requirements in place at the time of erection. In addition, and prior to occupation any main dwelling shall satisfy the guidelines as outlined in By-Law 4.12 in Part 4 of this Statement.

BY-LAW 3.12 NO BUSINESSES

No business or commercial activity of any kind shall be conducted on any part of any lot 2 to 18 inclusive.

BY-LAW 3.13 NO SIGNS

No signs other than property identification signs shall be erected on any lot 2 to 18 inclusive without the expressed consent of the Association.

BY-LAW 3.14 NO UNREGISTERED VEHICLES

No car, bus, caravan, box trailer, motor bike, or any other vehicle of a nature such that it is required to be registered to use public roads, shall be permitted to use or be stored, parked or kept in any fashion on any lot 2 to 18 inclusive, unless such vehicle has a current registration for use on a public road OR has written approval for a specified length of time, to be so parked or stored.

BY-LAW 3.15 NO STORED MATERIALS

No goods or materials whatsoever, other than those associated in the erection of a council approved structure upon the subject lot, are to be stored on any lot 2 to 18 inclusive, at any time so that they are visible to neighbours.

BY-LAW 3.16 ANIMALS

Breeding of animals on any lot is prohibited. No animal other than Domesticated pets complying with by-law 4.1 of this Management Statement, are permitted on any lot. All animals are to be controlled at all times and shall not be aggressive or intimidating to residents or any resident's pet of like kind. Nothing in this document shall prevent the presence of special needs animals such as guide dogs etc.

BY-LAW 3.17 LOT MAINTENANCE

All lots including vacant lots shall be maintained in a manner befitting the neighbourhood scheme and as set out in by-law 4.13 of this management statement. The Association shall have the right enter and do work to maintain any lot to these standards and any costs shall be added to the levies account of, and paid by, the owners of the subject lot.

BY-LAW 3.18 SWIMMING POOLS

No swimming pool or spa with a capacity of more than 3 cubic metres shall be permitted on any lot other than association property.

PART 4

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OPTIONAL MATTERS

These are matters which may be included in accordance with clause 3 schedule 3 of the Community Land Development Act 1989.

BY-LAW 4.1 KEEPING OF ANIMALS

- a) Not more than two (2) approved domestic pets shall be permitted and no unapproved animals or pets shall be permitted to be kept on each lot.
- b) Nothing in this document shall prevent the presence of special needs animals such as guide dogs etc.
- c) PETS THAT MAY BE APPROVED
 - i) Small to medium sized dogs registered with a council.
 - ii) Cats that satisfy council approval (if any).
 - iii) Caged Small Birds – except parrots (cockatiel, gala, cockatoo, and the like) or similar noisy birds. Love birds and Canaries are acceptable.
- d) No animal breeding is permitted.
- e) Pets are to be controlled or under control at all times. All pets are to be sociable with people and similar animals, and must not be intimidating or a noise nuisance.
- f) No pet house or purpose built “run” shall be permitted which allows an animal to be within 2 metres of any boundary of any lot.
- g) Any pet shall be removed from the neighbourhood following a resolution of the Association.
- h) Fish as pets kept indoors in any numbers, are permitted and are not considered when assessing pet numbers.

BY-LAW 4.2 SAFETY AND SECURITY MEASURES

Provide details regarding any safety and security systems or procedures which are to be provided or utilised.

BY-LAW 4.3 NOISE CONTROL

The provisions of the Protection of the Environment Operations Act 1997 apply to this scheme.

Machinery other than household appliances shall not be used between 8 pm and 8 am.

BY-LAW 4.4 TRADING ACTIVITY

No business or commercial activity of any kind shall be conducted on any part of any lot 2 to 18 inclusive.

BY-LAW 4.5. STATUTORY EASEMENTS

If statutory easements are to be created pursuant to section 36 Community Land Development Act 1989 a prescribed diagram must be provided showing the approximate positions of the services.

BY-LAW 4.6 ON GOING SERVICE CONTRACTS

- a) Foxtel agreement
- b) Landscape maintenance
- c) Water supply maintenance schedule (Tamworth Council)

BY-LAW 4.7 ACCESS WAYS

Association Property shall only be used for pedestrian or non-motorised access to any lot in the scheme. Vehicular use may be granted for construction vehicles or maintenance vehicles required by individual lots only with expressed authority of the Association. EXCEPTIONS: Emergency vehicles, and vehicles for the elderly and disabled that normally do not require registration, and caravan maneuvering as endorsed by the Association.

BY-LAW 4.8 PERMANENT RESIDENT NUMBERS

- a) The number of permanent residents per lot shall be restricted to two (2) permanent residents HOWEVER this number is three (3) permanent residents per lot where there is a registered carer or a permanent resident's responsible charge.
- b) To accommodate multiple use of a lot by a number of traveling couples, a swap-over period is allowed. So that where a lot is jointly owned by more than one family (or where there is shared ownerships involving more than the allowable number of permanent residents), the incoming resident(s) shall be considered a resident visitor and shall be restricted to the rights of same until the occupancy rate of that lot complies with the maximum numbers as per a) above, whence the incoming person(s) revert to authorized resident(s).

BY-LAW 4.9 USE OF ASSOCIATION FACILITIES

- 1. Authorised Residents – Primarily the grounds and facilities are for the enjoyment of these authorised residents with due consideration to all residents within the neighbourhood scheme. They may, subject to these by laws ;
 - a) IN THE OPEN SPACE AREAS - AT ANY TIME - Enjoy passive recreation such as walking, sitting, gentle contemplative exercise (tai chi and the like) – subject to minimum noise, illumination, and disruption to fellow residents. –

DURING DAYLIGHT HOURS - Enjoy active recreation subject to minimum noise and disruption to fellow residents.

- b) IN THE POOL/CLUBHOUSE AREA AND OUTDOOR BBQ AREA- AT ANY TIME - Enjoy passive recreation such as sitting, gentle contemplative exercise (tai chi and the like) – subject to minimum noise, illumination, and disruption to fellow residents. DURING DAYLIGHT HOURS AND UP TO 9 PM - Enjoy active recreation subject to minimum noise and disruption to fellow residents.
2. Resident Visitors – Shall enjoy similar access to Association property whilst in the company of the responsible Authorised Resident unless restricted by any by-law.

BY-LAW 4.10 ASSOCIATION MAINTENANCE

Maintenance of the association property shall incorporate both upkeep and improvements of association property to the benefit of the neighbourhood scheme. Ongoing maintenance such as cleaning, gardening, and day to day tasks, shall be funded from the Operating Account or such an account separate to the Capital Maintenance Account.

BY-LAW 4.11 ASSOCIATION LEVIES

a) **Levies shall be imposed upon all lots in the Scheme and be made up of;**

- 1. **General Levies – made up of the administration and general maintenance and running costs of the Association and the association property. Such ongoing costs shall be payable by each lot in the Neighbourhood Scheme in accordance with the respective unit entitlement.**
- 2. **Occupancy Levie -**
- 3. **The Association may impose an additional levy on any lot to reflect resident visitor numbers pertaining to that lot.**

c)

Levies due shall be as calculated cost share as calculated above PLUS a capital maintenance levy of 10% of such calculated cost or as determined by the Association. All capital maintenance levies shall be deposited into a separate Capital Maintenance Account as soon as practical after receipt.

The billing period shall be quarterly.

BY-LAW 4.12 HOME AND OTHER CONSTRUCTION GUIDELINES

Preamble - All building works including the home, outbuildings, and landscaping should consider the amenity of the whole of the Barraba and Neighbourhood community . The Development Guidelines are aimed to encourage social harmony, functionality, and livability and not to necessarily prevent any style or construction process or limit design creativity or individuality.

- 1) All development application to council affecting any lot shall be submitted to the secretary at least 14 days prior to lodgement.

- 2) The association shall not unduly hinder the development evaluation process or the lawful construction pertaining to that development. However, nothing in this by-law shall limit any individual lot owner's rights to make representations in regard to such application nor any representation by the Association as to any issue raised by the proposed development.
- 3) Development Guidelines
 - a) The design shall provide for siting of the Dwelling to maximize solar access consideration for the occupants and neighbours.
 - b) The landscape shall be designed for ongoing low maintenance
 - c) The Dwelling shall provide for disability use and access and include;
 - **At least one (1) external disability access with suitable access to disabled toilet and bathroom or a toilet and bathroom suitably reinforced for future conversion to same.**
 - d) Incorporation of a separate or attached carport or garage with capacity for a car and caravan or motor home storage OR a separate or attached carport or garage AND a suitable designated area for a future caravan or motor home storage with minimum dimensions of 6m X 3.8m.

BY LAW 4.13 LOT MAINTENANCE

It is the responsibility of the lot owner to maintain any garden or landscaped area within the lot in a presentable, clean and tidy manner at all times. In the event that such garden or landscaped area is not so maintained the Association may, by notice in writing served upon the proprietor of the lot, require all works necessary to restore the garden and/or landscaped area to a presentable, clean and tidy condition be carried out within fourteen (14) days, failing which the Association may, without further notice to the proprietor of the lot, carry out those works and recover the cost of those works from the proprietor of that lot and at the expense of that proprietor.

BY LAW 4.14 VISITORS

All resident visitors, shall be restricted to a stay of not more than a total of 90 days in any calendar year per individual. The responsible authorized resident shall inform the arrival and departure of such resident visitors to the Association.

Resident visitors shall not have any privileges beyond those available to the authorised residents.

Visitors with a caravan / motorized home shall be considered resident visitors and may use such vehicle for sleeping purposes only and shall not toilet or cook within it. Only one visiting caravan / motorize home shall be permitted on any lot at any time and such caravan/motorized home shall be limited to a stay of 20 consecutive days.

BY-LAWS REQUIRED BY A PUBLIC AUTHORITY

This part may specify by-laws required by a public authority. These by-laws may not be amended without the consent of the public authority. See schedule 3 clause 4 Community Land Development Act 1989.

By Law 5.1 Sewer floor level

No dwelling shall be erected or be permitted to remain erected having a finished habitable floor level below;

Lot	min. floor level	datum	
2	503.8	AHD	
3	503.6	AHD	
4	503.7	AHD	
5	503.7	AHD	
6	502.9	AHD	
7	504.0	AHD	
8	504.2	AHD	

By Law 5.2 Detention tanks

The proprietor of the lot so burdened shall from time to time do all things necessary to maintain, repair, and replace the outlet grates, pipes, and structures, or any other materials that contributes to the formation of the stormwater detention system to ensure that the stormwater detention system continues to operate efficiently and to the capacity of its original design and in this regard shall comply with any written request and/or direction by the authority to whom this covenant benefits and within such time as the said written request and/or direction as prescribed.

Where the proprietor of the lot so burdened fails to comply with any written request and/or direction issued by the authority to whom this covenant benefits the said authority shall be permitted to perform all such maintenance repair work and replacement work as specified in the written request/or direction and the proprietor of the lots so burdened shall pay to the said authority the reasonable costs incurred by it in completing the said maintenance, repair and/or replacement works described in the written request/or direction.

Full and free right for the authority to whom this covenant benefits and every person authorised by it to enter upon the lots burdened in order to inspect, maintain, cleanse, replace, repair any pipeline, grate, pit, or other structure or alter structure or alter surface levels to ensure the stormwater detention system functions as it is designed provided that such person will take all reasonable caution to ensure as little disturbance as possible to the lots so burdened.

Execution by the original proprietor

Signature/Seal

Name (Please Print)

Date

Signature of Witness

Name (Please Print)

Address and occupation of witness

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Certificate of Approval

It is certified:

(a) That the consent 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 consent authority