

**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).

*These by-laws may specify:*

- a) limiting occupancy under the scheme to persons of a particular description, or*
- b) fixing the architectural, building or landscaping styles to be permitted, or*
- c) limiting the kind of materials that may be used in buildings and other structures,  
or*
- d) requiring that specified association property be used only for particular purposes  
or*
- e) Imposing any other kind of restriction.*

*NOTE: The management statement cannot include any by-law that*

- is unjust, being a by-law that is harsh, unconscionable or oppressive*
- prevents dealings relating to a lot- a by law can not operate to prohibit or restrict the devolution of a lot or a transfer, lease, mortgage or other dealing relating to a lot*
- restricts children – a by-law of an association will have no force or effect to which it purports to prohibit or restrict persons under 18 years of age*

*occupying a residential lot*

- *prevents the keeping of an assistance animal- a by-law of an association has no force or effect to the extent to which it purports to prohibit or restrict the keeping on a lot of an assistance animal. See section 130 Community Land Management Act 2021 for additional information.*

**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). *All details of any Association Property Rights should be set out and must include:*

- a) A description of the property to which it applies;*
- b) Details of the persons entitled to use the property;*
- c) The terms and conditions on which the persons may use the property;*
- d) Particulars relating to access to the property and the provision and keeping of any key necessary;*
- e) Particulars of the hours during which the property may be used;*
- f) Provisions relating to the maintenance of the property;*
- g) Matters relating to the determination, imposition and collection of any levies.*

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

*These matters must be addressed in every management statement according to clause 3 schedule 2 of the Community Land Development Act 2021.*

**1. OPEN ACCESS WAYS OR PRIVATE ACCESS WAYS**

*Provide details of the location, control, management, use and maintenance of any open access way or private access way.*

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

*Set out any rules relating to the control, management, use and maintenance of the community property, including any special facilities which are provided on the community property.*

**3. INTERNAL FENCING**

*Set out any matters affecting the provision of, and payment for, internal fencing on the community parcel including any obligations of the community association or the subsidiary bodies.*

**4. GARBAGE**

*Set out the requirements for the storage and collection of garbage on and from the community parcel and any related obligations of the community association or the subsidiary bodies.*

**5. SERVICES (Including water, sewerage, drainage, gas, electricity, telephone or other services)**

*Provide details relating to the supply and maintenance of service.*

*Note: If statutory easements are to be created in accordance with section 34*

*Community Land Development Act 2021 a copy of the statutory easement diagram (referred to in clause 26 of the Regulation) showing the location of the services which require easements must be included with this document.*

**6. INSURANCE**

*Provide details of the insurance taken out by the association in respect of the community property and any special requirements regarding insurance.*

## PART 4 OPTIONAL MATTERS

*These are matters which may be included in accordance with clause 8 schedule 2 of the Community Land Development Act 2021. The following matters are examples only and are not intended to limit the matters which may be included.*

### 1. LAUNDRY

*Provide details regarding any restrictions regarding where laundry items may or may not be hung to dry*

### 2. SAFETY AND SECURITY MEASURES

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

### 3. KEEPING OF PETS

*Provide details regarding whether and under what conditions a proprietor or occupier may keep, within the parcel, a domestic animal or pet.*

*NOTE: The management statement cannot prohibit or restrict the keeping on the parcel of an assistance animal.*

### 4. QUIET ENJOYMENT

*Provide details regarding obligations on owners not to interfere with the quiet enjoyment of another lot or association property.*

### 5. NOISE CONTROL

*Provide details regarding unacceptable noise levels and dealing with noise control.*

### 6. TRADING ACTIVITY

*Provide details regarding any business or trading activity to be conducted by the association and method of distributing and sharing profit and loss.*

### 7. PRESERVATION OF ESSENCE OR THEME

*Provide details on how the essence or theme, if any, of the development is to be controlled or preserved.*

### 8. ARCHITECTURAL AND LANDSCAPING GUIDELINES

*Provide details on the architectural and landscaping guidelines to be observed by lot owners.*

### 9. STATUTORY EASEMENTS

*If statutory easements are to be created pursuant to section 34 Community Land Development Act 2021 a prescribed diagram (statutory easement diagram) must be provided showing the approximate positions of the services.*

### 10. ONGOING AGREEMENTS FOR SERVICES/RECREATIONAL FACILITIES

*Provide details regarding any service agreements, other than service agreements made with a public authority, which are to continue after the first annual general meeting. Failure to disclose such agreements may result in the termination at the end of the first annual general*

*meeting in accordance with section 122 Community Land Management Act 2021.*

## 11. ACCESS WAYS

*If any of the association property is to be set aside as a public or private access way a plan must be annexed defining the site(s). Terms may be provided regarding the use of the access way(s).*

**PART 5**

**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 or revoked without the consent of the public authority. See clause 9 of schedule 2 Community Land Development Act 2021.*

**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 .....

**The above text shown in "RED" is for instruction purposes only and should not be produced as part of the final document.**