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COMMUNITY LAND DEVELOPMENT ACT 1989 COMMUNITY LAND MANAGEMENT ACT 1989

COMMUNITY MANAGEMENT STATEMENT

"AURORA BUSINESS CENTRE"

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 lot within the community scheme.

PART 1

BY-LAWS FIXING DETAILS OF DEVELOPMENT

These By-Laws relate to the control and preservation of the essence or theme of the community scheme and as such may only be amended or revoked by a unanimous resolution of the Community Association (See Section 17(2) Community Land Management Act 1989).

BY LAW 1: LANDSCAPING & BUILDING GUIDELINES FOR THE SCHEME

By-Law 1.1.1:

No building shall be erected on any lot with external walls of materials other than concrete or face masonry, steel and timber, high grade prefinished aluminium panelling and glass **PROVIDED THAT** the glass has a maximum reflective index of 20%. Other new materials with a manufacturers guaranteed life of at least ten (10) years may be used with the approval of the Executive Committee.

By-Law 1.1.2:

All building setbacks from public roads shall be in accordance with Warringah Council's Building Lines and Building Setback policies of 18 July 1989. A four (4) metre landscaped setback shall be provided from the open accessway within the easement for landscaping 4 metres wide shown in the plan.

By-Law 1.1.3:

(a) No building shall be erected on any lot unless such building has a roof comprised of corrugated iron, galvanised steel sheet, aluminium sheet, concrete or other surface provided that any such iron or sheeting has a pre-finished paint surface with all trims flashings, caps etc. similarly finished. The roof of any

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building shall contain a minimum area of flush fitting solar panelling.

(b) Any roof mounted service must be screened from view from all street alignments.

By-Law 1.2: Retaining Walls

By-Law 1.2.1: Footings

A proprietor of a lot shall ensure that prior to any building commencement that the proposed footings comply with the requirements of a practicing structural engineer or geotechnical engineer.

By-Law 1.2.2: Retaining Walls

- (a) All retaining walls are to be constructed vertically on zero boundaries. No keystone, angled reinforcing walls or timber walls are to be used for exposed retaining walls.
- (b) A proprietor of a lot shall ensure that any exposed retaining wall shall be faced with Boral Splitfaced Blocks or real stone. To avoid algae growth all retaining walls shall be backed with a proper membrane and require subsoil drainage.

By-Law 1.3: Car parking

By-Law 1.3.1:

A proprietor of a lot providing car parking shall ensure that stormwater quality is maintained by installing an oil and sediment separator of the type Humeceptor STC3.

The separator shall be subject to quarterly inspection. Should the owner or occupier of a lot neglect to conduct the required inspection the Community Association shall have the right to undertake the inspection and the owner of the lot shall reimburse the Community Association for any costs involved.

By-Law 1.3.2:

A proprietor of a lot which provides car parking spaces in excess of ten (10) spaces shall ensure that landscaping strips a half a metre wide are provided at intervals not to exceed ten (10) spaces.

By-Law 1.4:

The proprietor of a lot should ensure that any building contractor engaged enters into a \$15,000.00 bond with the Community Association to compensate for the possible destruction of landscaping on adjoining properties, the landscaping corridor provided by the developer and street lights.

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By-Law 1.5: Loading Docks

The proprietor of a lot must ensure that the loading dock areas are visually screened from Tilley Lane by providing adequate landscaping.

By-Law 1.6: Landscaping

The following applies in relation to landscaping on any lot:

- (a) The proprietor of a lot shall ensure that the landscaping undertaken is in accordance with the Landscape Works Specification prepared by Pittendrigh Shinkfield Bruce Pty Limited, who shall be commissioned to complete all landscaping works. Should this not be possible an alternative designer may be used with the approval of the Community Association. The landscaping once undertaken is to be properly maintained.
- (b) Where a proprietor of a lot does not comply with By-Law 1.6(a) after receiving reasonable notice in writing from the Community Association, the Community Association may comply with By-Law 1.6(a) on behalf of a proprietor of a lot, at the expense of the proprietor of that lot, to carry out any landscaping and maintenance in accordance with the provisions of By-Law 1.6(a). The Community Association may recover the cost of that work as a liquidated debt on demand from the proprietor of the lot on which the works were carried out.

By-Law 1.7:

A proprietor of a lot shall ensure that access driveways are constructed to a minimum width of six and a half (61/2) metres.

By-Law 1.8: Erosion Control

The proprietor of a lot undertaking bulk earthworks for building construction shall ensure that measures are undertaken in accordance with the requirements of Warringah Council's Specification for Erosion and Sediment Control.

By-Law 1.9: Approval Required for Building Works, Alterations etc.

A proprietor or occupier shall not, except with the approval of the Community Association build, make any alterations or additions to a lot including without limitation an alteration to the colour of any improvements constructed thereon or the addition to the lot of any sign, any transmitting or receiving device, screen, pergola or awning or anything else. The approval of the original proprietor will also be required for a period of a twelve (12) months after registration of the scheme.

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By-Law 1.10: Proprietor to Provide Plans and Specifications

At the time of request for approval in accordance with By-Law 1.9 a proprietor or occupier who wishes to build, alter or add to a lot shall provide to the Secretary of the Executive Committee a copy of such plans and specifications as are sufficient to show the nature dimensions colour and location of the proposed building alterations or additions together with any additional plans specifications and/or information which the Community Association may reasonably require to properly consider the proprietor's or occupier's request.

By-Law 1.11: Community Association Not to Unreasonably Refuse

The Community Association shall consider and give its approval or refusal to any request made by a proprietor or occupier for its approval under By-Law 1.9 within fourteen (14) days and shall not unreasonably refuse any such request where the proposed alteration or addition is in harmony with the Standards or if there are no Standards at the time of the making of the request by the proprietor or occupier where the proposed alteration or addition is in harmony with the design and colour of the existing improvements and the existing landscaping within the community parcel.

By-Law 1.12: Community Association may impose Conditions of Approval

The Community Association may impose conditions on an approval given pursuant to By-Law 1.9 including without limitation a condition requiring the proprietor or occupier to provide a bank guarantee in favour of the Community Association or other sufficient security on account of any damage that may be caused to association property as a result of any such alteration or addition provided that any bank guarantee or other security so given shall be returned to the respective proprietor or occupier on completion of the alteration or addition subject to the right of the Community Association to deduct any such amount as is reasonably necessary to cover the cost of repairing any damage caused by the proprietor or occupier to association property.

By-Law 1.13: Development of Lots 2 and 13 and Lots 8 and 9

The proprietors of the following lots must note and take into account the relevant provisions of the Section 88B Instrument in connection with the request for consent or approval of any development application for that lot under By-Laws 1.9 to 1.12 above from the Community Association or from Warringah Council or any other relevant authority and in addition:

(a) Lot 2 and 13 – The registered proprietors of both Lot 2 and Lot 13 will ensure that the stormwater drainage from their sites will be directed into the stormwater drainage system constructed within Tilley Lane to ensure that stormwater emanating from Lots 2 and 13 pass through the Humeceptor gross pollutant device constructed within Tilley Lane (Item No.13 clause 2 in Section

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88B Instrument) to the satisfaction of and in accordance with the requirements of Warringah Council.

(b) Lots 8 and 9 – each proprietor of the relevant lot must make adequate provision in their development application to permit the flow of surface runoff and flood waters from upstream properties and from Warringah Road to the satisfaction of Warringah Council and where relevant any other authority (Item No.15 in Section 88B Instrument).

By-Law 1.14: Maintenance of Landscaping on Association Property

The Community Association may enter into and maintain a contract containing such terms and conditions as are reasonably satisfactory to the Community Association with reputable and appropriately qualified persons or companies for the provision of landscaping services to the Community Association.

By-Law 1.15: Development Rights

Subject to Part 5, the proprietors for the time being of any of the Community Development Lots and all persons authorised by them shall have the following rights for the purposes of enabling that proprietor to complete the development of the Parcel in stages and carry out development activities on the Community Parcel.

By-Law 1.15.1:

Complete and unrestricted access by foot or motor vehicle over Community Property;

By-Law 1.16:

Subject to Part 5, in the exercise of any rights conferred pursuant to By-Law 1.15 the proprietors for the time being of any of the Community Development lots:

- (a) shall not bring any vehicle which uses metal tracks onto Community Property unless prior written approval for the use of such vehicle has been obtained from the Original Proprietor provided always that if the Original Proprietor shall cease to be a proprietor of any part of the land in the Community Parcel then such approval shall be obtained from the Community Association;
- (b) shall ensure that reasonable access is provided at all times and must maintain the open accessway;
- (c) shall give notice of and seek approval from the Association when they undertake any work which will prevent access;
- (d) shall restore the open accessway to pre-existing condition and to the same specifications as the other accessway and shall provide certification on the works completed; and
- (e) shall ensure there is no leakage or contamination. If such contamination occurs they shall clean up the contamination and do any remedial works required. In the event that the contamination is not removed the Association has the right to carry out the necessary work to the satisfaction of an independent

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environmental assessor and to recover the cost of so doing as a debt against the Proprietor.

By-Law 1.17:

The Community Association has the right to seek compensation from the owner of any Community Development Lot in the event that access is denied over the open accessway.

By-Law 1.18:

By-Law 1.18.1:

While ever the Original Proprietor owns a lot the Original Proprietor shall have the right to erect and maintain "For Sale" and other signage in respect of the leasing or sale of lots on a lot owned by him or on the Association property.

By-Law 1.18.2:

While ever the Original Proprietor owns a lot no proprietor shall be permitted to erect a "For Sale" sign or "For Lease" sign within their lot or on Association property unless the prior approval of the Original Proprietor is obtained.

By-Law 1.19: Decision Final

A decision of the Community Association made in accordance with this By-Law 1 shall be final and binding on the proprietor or occupier.

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PART 2

RESTRICTED COMMUNITY PROPERTY

These by-laws may not be amended during the initial period and may only be amended after the expiry of the initial period by special resolution and with the written consent of each person entitled by the by-law to use the restricted Association Property (See Section 54 Community Land Management Act 1989).

BY-LAW 2: NO RESTRICTED PROPERTY

No part of the association property is subject to a restriction pursuant to Section 54 of the Community Land Management Act. All proprietors or occupiers shall be entitled to use the association property in the manner and in accordance with the By-Laws relating thereto and any Rules and Regulations made by the Community Association pursuant to By-Law 10.

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COMMUNITY MANAGEMENT STATEMENT

PART 3

MANDATORY MATTERS

These are matters which must be addressed in every Management Statement.

BY-LAW 3: OPEN ACCESS WAYS OR PRIVATE ACCESS WAYS

By-Law 3.1: Open Access Ways

That part of the Community Property designated as an open access way in the Plan of Access Ways is an Open Access Way.

By-Law 3.2: Private Access Ways

No part of the community property is designated as a private access way.

By-Law 3.3: Control Management Use and Maintenance

The Community Association shall be responsible for the control management use and maintenance of the open access way.

The Community Association may enter into and maintain a contract containing such terms and conditions as are reasonably satisfactory to the Community Association with reputable and appropriately qualified persons or companies for the provision of control, management, use and maintenance of the open access way.

By-Law 3.4:

The Open Access way may be used by:

- (a) the proprietors and occupiers of lots;
- (b) the Association; and
- (c) members of the public; and
- (d) Service Providers.
- (e) Warringah Council, its servants, agents and contractors.

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By-Law 3.5:

The following conditions apply to the use of the Open Access Way:

- (a) A person shall not drive, park or stand any vehicle on the Open Access Way.
- (b) A person must not:
 - drive, or stand any vehicle in a manner that is or may be dangerous, causes obstruction or prevents or restricts the free movement of vehicles or pedestrians;
 - (ii) sound any horn other than in an emergency;
 - (iii) park any vehicle on the open accessway.

By-Law 3.6:

- (a) The registered proprietor of each lot upon which there is a stormwater, pollution control, siltation, drainage structure including all gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater on the land as detailed on the plans approved by Accredited Certifier Stephen Grant Johnson (Principal Certifier Subdivision Accreditation No. 4186777) as CC. No. 10186 of 19/4/2002(the Systems) and the Community Association is to ensure that they:
 - (i) keep the systems clean and free from silt, rubbish and debris.
 - (ii) maintain and repair the Systems at their expense the whole of the Systems so that they function in a safe and efficient manner.
 - (iii) permit the Warringah Council or its authorised agents from time to time with or without motor vehicles at any reasonable time of the day to enter and inspect the land for compliance with the requirements of this By-Law.
 - (iv) comply with the terms of any written notice issued by the Warringah Council in respect of the requirements of this By-Law within the time stated in such notice.
 - (v) Without the written consent of Warringah Council, shall not cause, permit or carry out any works or alter the natural level form or function of the Systems.
- (b) In the event of non-compliance with the terms of any written notice issued by the Council as set out in By-Law 3.6, the Council or its authorised servants, agents or contractors may enter upon any Lot within which such a System is situated with or without motor vehicles with all necessary materials and carry out any work which the Court in its discretion considers reasonable to comply with such notice and such cost should be recoverable from the proprietor of such lot and/or the Community Association.

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By-Law 6.2: Storage

Each proprietor or occupier of a lot must sort and store garbage, recyclable garbage and waste materials according to:

- (a) Warringah Council's instructions; and
- (b) The Community Association's instructions, and

Warringah Council's instructions prevail if there is a conflict in these instructions.

A proprietor or occupier must keep any garbage container and / or garbage secure :

- (a) so that it does not emit odours; and
- (b) hidden from view from outside the lot and from lot 1.

By-Law 6.2.1:

The proprietor or occupier of a lot must ensure that the garbage including recycable garbage in his/her garbage bin and on or from the lot is made available for collection by the Warringah Council in accordance with the Council's By-Laws and requirements relating to the disposal and collection of garbage.

By-Law 6.3:

- (a) The following definitions apply to this By-Law 6:
 - (i) "Council" means Warringah Shire Council, its servants, agents and contractors;
 - (ii) "Grantor" means jointly and severally the Community Association and each proprietor or occupier of any lot;
 - (iii) "Grantee" means the Council.
- (b) Subject to this By-Law 6 the Grantor grants the right for the Grantee to enter, pass and re-pass to and from any lot:
 - (i) at all times; and
 - (ii) for all lawful purposes

for the purposes of collecting garbage or waste in accordance with Council's normal garbage collection service.

- (c) The Grantee and the Grantor must not:
 - (i) park or stand a motor vehicle or trailer on any lot; or
 - (ii) obstruct the use of any lot; or
 - (iii) erect any structure on or over the lot

to interfere with complying with the provisions of this By-Law 6.

(d) The Grantor must carry out all maintenance and repairs in connection with any **WARRINGAH** COUNC

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lot. The Grantee is not required to carry out any maintenance or repairs in connection with carrying out the provisions of this By-Law 6.

- (e) Subject to By-Law 6.3 (f) the Grantor releases, to the extent permitted by law, and indemnifies Council from claims and demands and liability which may arise in respect of damage to any property or death of or injury to any person on any lot arising out of Council's exercise of its rights under this By-Law. If required by Council the Grantor or any party comprising the Grantor shall enter into a Deed of Release and Indemnity to Council to reflect the terms of this By-Law in terms satisfactory to Council.
- (f) The release and indemnity under By-Law 6.3(e) does not extend to any loss, damage or injury caused or contributed to, to the extent of the contribution only, by the negligence of Council.
- (g) Nothing in this By-Law 6.3 prevents the Community Association at any time entering into any contract for waste collection or removal services with the Council from time to time, at a price and on terms and conditions as reasonably acceptable to the Community Association.
- (h) Where By-Law 6.3(g) applies, the Community Association has the right to levy each proprietor or occupier of a lot with the relevant charges for the water collection or removal service, such amount to be levied in accordance with the unit entitlements of each lot.

BY-LAW 7: STATUTORY SERVICES

Not applicable.

Necessary easements created pursuant to Section 88B of the Conveyancing Act, 1919.

BY-LAW 8: INSURANCE

By-Law 8.1: Compulsory Insurance

The Community Association shall effect all insurances which it is required to effect from time to time under each of the Community Land Development Act 1989 and Community Land Management Act 1989 or any other Act in such manner and with such insurer as is provided therein or in the Regulations made pursuant thereto or in the event there is no such provision in the manner determined by the Community Association from time to time.

By-Law 8.2: Optional Insurances

The Community Association may effect such insurances other than the insurances referred to in By-Law 8.1 hereof which it considers necessary in the interests of proprietor or occupiers.

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By-Law 8.3: Insurance in respect of Lots

Each proprietor or occupier shall be responsible for insuring against all and any risks of being the proprietor of a lot including without limitation the risk of damage or destruction to any improvements constructed thereon.

By-Law 8.4: Obligation to Rebuild

If any improvement constructed upon any Lot or any part thereof is destroyed or damaged by fire, flood, lightning, storm, tempest or other disabling cause, the respective proprietor shall rebuild or reinstate the respective improvement or part thereof within a reasonable time after such destruction or damage and such rebuilding or reinstatement shall be deemed to be an alteration or addition for which the proprietor is required to obtain approval from the Executive Committee pursuant to By-Law 1.9

BY-LAW 15:

By-Law 15.1: Control of Lessees/Licensees

A proprietor whose lot in whole or in part is the subject of a lease or licence agreement must:-

- (a) provide the lessee or licensee with a copy of this Management Statement;
- (b) require the lessee or licensee to perform and observe the obligations on the part of the proprietor under the By-Laws; and
- (c) take all reasonable steps including, without limitation, any action available to him/her under the lease or licence agreement to ensure that the lessee or licensee of the lot and any person on the Association Property with the consent (express or implied) of the lessee or licensee complies with the by-laws.

BY-LAW 16: SIGNAGE

By-Law 16.1:

The Community Association shall be responsible for the maintenance and currency of the directory sign situated at the entry of the Business Centre.

By-Law 16.2:

The proprietor or occupier of a lot shall ensure that any identification signage attached to a lot shall be comparable with the size and basic design of the signage attached to the buildings on lots 8, 12 and 13 and street identification should be compatible with the 8, design of Pittendrigh, Shinkfield Bruce erected on lots 8, 12 and 13.

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BY-LAW 17: DETENTION PONDS

The Community Association shall ensure that regular maintenance is effected to the detention ponds. The maintenance program should monitor both the water quality and the control of the discharge rate of the Rocla Water Level Controller. Maintenance of the controller should be in accordance with the Rocla Specificiations.

BY-LAW 18: HUMECEPTOR

- (a) The Community Association shall ensure that the Humeceptor located in Tilley Lane is inspected and cleaned of gross pollutants every three (3) months during the construction phase.
- (c) On completion of the development or at any other necessary time the Humeceptor must be inspected and cleaned annually or at any other time required by Warringah Council and maintained by the Community Association in perpetuity to intercept harmful substances discharging to the public drainage system in accordance with the requirements of Warringah Council from time to time.

BY-LAW 19: WATER FOUNTAIN

By-Law 19.1:

The Community Association shall ensure that the water quality of the fountain is maintained to provide optimum performance of the feature.

By-Law 19.2:

The water fountain shall not operate between the hours of 7.00 p.m. and 7.00 a.m.

BY-LAW 20: INTERPRETATION

By-Law 20.1: Generally

In this Management Statement, subject to contrary intention, words and terms shall have the same meaning as is given to such words and terms by the Community Land Management Act 1989 or Community Land Development Act 1989 as the case may be.

By-Law 20.2: Definitions

The following word shall have the meaning set out below:-

(a) "Lot" shall mean a community lot as defined in the Community Land Management Act 1989 or Community Land Development Act 1989 as the case may be.

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PART 5 BY-LAWS REQUIRED BY PUBLIC AUTHORITY

This part may specify by-laws made at the request of a public authority. These by-laws may provide that amendments may not be made without the consent of the public authority. For further details see schedule 3 Clause 4.

By-Law 21.1:

Service lines for water and sewer reticulation for each of the lots in the Community Scheme are owned and to be maintained by the Sydney Water Corporation as the owner of these respective service lines.

By-Law 21.2:

Sydney Water Corporation will install and read water meters on each of the lots in the Community Scheme to enable Sydney Water Corporation to levy water usage charges on the proprietor or occupier of each of the lots in the Community Scheme.

By-Law 21.3: Energy Australia

The Community Association shall be responsible for the additional annual street lighting costs and maintenance of the five (5) 80 watt MBF lanterns on 6.5 metre steel standards located within the site of the Open Access Way (Tilley Lane).

By-Law 21.4:

- (a) Development is to proceed in accordance with Land and Environment Court Determination No. 10608 of 1999 dated 23 December 1999.
- (b) Accordance with By-Law 1.1.2 and 1.6
- (c) There is to be no parking of vehicles on the Open Access Way.
- (d) The proprietor of a lot undertaking bulk earth works for building construction is to ensure compliance with By-Law 1.8.
- (e) The proprietors and occupiers of Lot 2 and 13 and 8 and 9 to adhere to the provisions of By-Law 1.13.
- (f) The Community Association and the proprietors and occupiers of each lot upon which there is a System as defined in By-Law 3.6 shall comply with the provisions of By-Law 3.6.
- (g) The Community association and the proprietors and occupiers of each lot shall adhere to all the provisions relating to garbage as referred to in By-Law 6.
- (h) The Community Association shall adhere to the provisions of By-Law 17 and 18 as regard Detention Ponds and Humeceptor.
- (i) The Community Association and the proprietors and occupiers of each lot shall take note and comply with the provisions of the instrument registered pursuant to Section 88B of the Conveyancing Act 1919 as relates to Community Schemes.
- (j) This By-Law 21.4 and any By-Laws to which this By-Law refers may not be amended without the consent of the Warringah Council.

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PART 5

BY-LAWS REQUIRED BY PUBLIC AUTHORITY

This part may specify by-laws made at the request of a public authority. These by-laws may provide that amendments may not be made without the consent of the public authority. For further details see Sch. 3, Cl. 4.

Signatures, Consents and Approvals			
DATED 5/12/02		v of	A
*Signature/*scal-of develop *Signature of witness	er/*developer	a authorised agent	Klag/Per
*Signature of witness		(KAREN PAYNTER
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Certificate of Approval

It is certified:

- (a) that the consent authority has approved of the development described in Development Application No. Conserv. 10.608. OF Mag and
- (b) that the terms and conditions of this management statement are not inconsistent with that development as approved.

5 12 02 Date:

Signature on behalf of consent authority

ROBERT BARBUTTO, WARRINGAH COUNCIL # Information marked with this symbol is included to assist in completion of the form and need not be reproduced on the finalised management statement.

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* Strike out whichever is inapplicable.

TERMS OF INSTRUMENT NOT CHECKED IN LPINSW

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