

PHILLIPPA RUSSELL

L A W Y E R

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ARH Warriewood
Level 1, 76 Queen Street
WOOLLAHRA NSW 2025

ABN: 48 360 667 153

Our reference: PMR04327

Attention: Mr John Tyree

Dear John

53C WARRIEWOOD ROAD, WARRIEWOOD

I have attached the first draft of the community management statement for your instructions.

I make the following comments on the statement:

1. I confirm it has been prepared for the purpose of lodging with a development application to the council. This document is not in a registrable form and has only been sent for the purposes of lodging the development application. The document contemplates the council will require various management plans to be put in place. I have made a guess at these plans, which are listed in clause 2.1
2. Rather than attaching the management plans to the registered community management statement (which makes it a big document), the statement is drafted on the basis that the management plans will be adopted by the community association at its inaugural general meeting (which occurs immediately after registration of the community plan). Councils usually require these plans to be updated every 5 years. However, at this stage I have not included those provisions in the document, as this is an onerous task for the community association (and in practice generally not enforced by councils).
3. In accordance with your instructions, the statement includes procedures which govern the built form. Under these procedures, owners require the consent of a design review panel for any new improvements or for the purposes of changing any existing improvements.

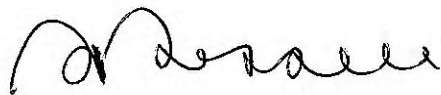
The statement contemplates there will be urban design guidelines containing an architectural and landscaping code which must be followed by owners in the development of their lots.

4. Part 2 contains the mechanism for the creation of restricted property. The purpose of the concept of restricted property in a scheme of this kind is:
 - (a) to enable the Original Proprietor (the developer) to have access to community property to finish development works; and
 - (b) (if appropriate) to give identified owners restricted use of community property (similar to an exclusive use by-law in a strata scheme).

You may not have any restricted property in your scheme but I have left the section in because you will need it for your rights as developer.

5. Part 3 contains mandatory matters required by the community titles legislation.
6. Clause 16 describes community property. At this stage I have guessed the items set out in clause 16.1(b).
7. I have assumed Tyree Place will be an open access way and that there are no private access ways. By way of explanation, an open access way is community property (lot 1) that provides access to a public road. Private access ways are also community property providing access to an open access way (for example, lanes).
8. Fencing is a mandatory matter to be included in part 3. The statement is drafted on the basis that the urban design guidelines include provisions relating to fencing.
9. Garbage is also a mandatory matter the subject of part 3. Clause 19 may require revision depending on your garbage arrangements.
10. The community titles legislation makes it compulsory to provide information in the statement regarding the services. This information includes the type of service and the service provider (being either the community association or an authority). The services table is set out in part 7. At this stage of the project the full details of the services will not be known. The services table is completed prior to registration of the community plan.
11. Clause 27 covers vehicles and parking: please let me know if you want to prescribe the gross weight of vehicles (clause 27.2).
12. Pets are covered by clause 28. You will see owners can keep pets but must have their details included in a pet register retained by the community association.
13. Public authority by-laws are included in part 5. Any by-law in part 5 can be enforced against the community association and owners and occupiers by the authority mentioned in part 5. It is likely Pittwater Council will require public authority by-laws in their favour. However, I have left part 5 blank at this stage, pending receipt of your development consent.
14. Our searches show that Scott Anthony Papalia is the registered proprietor of the land and accordingly we have included his details on the execution page.
15. The execution page must also be completed, at the relevant time, by Pittwater Council.

Yours faithfully



Phillippa Russell