

## **Crystal Waters Permaculture Village Community Titles Scheme**

### **Our Vision Statement:**

- As a community we are committed to respecting each other's differences and finding ways of relating harmoniously. Our vision is for Crystal Waters to become a place where we learn from each other, through celebrations, rituals and working together.
- Our goal is to work towards a balanced natural ecology. We will show care for the earth by living, sharing and demonstrating an example of sustainability and taking care of the environment for future generations. We will encourage food production, which reflects these principles. In our use of the land we will aim to enhance native flora and fauna habitat.
- We want to create a place of learning, and welcome to our village visitors interested in our way of life. We aim to encourage within Crystal Waters ethically based livelihoods, to allow for the growth of a mutually supportive community economy.
- We will maintain a peaceful and quiet environment with room for personal privacy.
- Our community policies and processes will be developed with equity, integrity and fairness. We will support and encourage each other to uphold these values and ensure they form the foundations of our community.

**Crystal Waters has a Community Management Statement which includes our by-laws, and a number of policies which prescribe certain activities. These can be found on the following pages:**

- 1. Community Management Statement.....Page 2**
- 2. Animal Policy..... Page 6**
- 3. Cemetery Policy.....Page 7**
- 4. Land Use Licences Policy.....Page 8**
- 5. Land Management Policy.....Page 12**
- 6. Commercial Tours Policy.....Page 18**

# COMMUNITY MANAGEMENT STATEMENT

The By-laws for Crystal Waters Permaculture Village Community Titles Scheme are set out in this Schedule:

## DEFINITIONS

In these By-laws:

**Act** means the Queensland Body Corporate and Community Management Act 1997 or legislation, which replaces it.

**Body Corporate Asset** means any property, other than Common Property held or owned by the Body Corporate, on behalf of the owners.

**Body Corporate Committee** means the committee elected by the Body Corporate from time to time.

**Costs** means any costs, charges, expenses, outgoings, payments or other expenditure of any nature, and where appropriate, includes reasonable fees payable to contractors, consultants, accountants and lawyers.

**Improvements** means:

- a) any additions or alterations to the Common Property or any Body Corporate asset; or
- b) the installation of any fixtures, equipment, appliances or other apparatus on Common Property or any Body Corporate asset;

**Internal Road** means 'Access Drive' in terms of the Act.

**Invitee** means each of the owner's agents, visitors, or others who may be on a Lot or the Common Property.

**Co-op Leaseholder** means a leaseholder of a residential lot owned by the Crystal Waters Community Co-operative Ltd.

**Resident** means a resident owner or resident lessee of the lot, or someone who lives on the lot.

**Scheme** means the Community Titles Scheme containing the Lots and the Common Property.

**Services** means all electricity, telephone and water services provided in the Scheme or available for a Lot.

## BY-LAW 1 – DUTIES OF OWNERS

Lot owners must provide all residents of their lot(s) with a copy of these By-laws as part of any lease or occupancy arrangement and ensure that they are aware that they must comply with these By-laws.

## BY-LAW 2 – INVITEES

A resident of a lot must take reasonable steps to ensure that their invitees comply with the By-laws and must compensate the Body Corporate for any damage caused by the invitees to the common property or improvements.

## BY-LAW 3 - USE OF LOTS AND COMMON PROPERTY

- 3.1 Firearms are not permitted to be used on a Lot or on the Common Property. The only concession will be where a Ranger or a Body Corporate designated person is licensed to use a firearm and uses it to carry out Body Corporate duties.
- 3.2 Permission shall be sought from the Body Corporate Committee or their designated agent before undertaking any activities that may alter Common Property.
- 3.3 Residents must not create noise likely to interfere with the peaceful enjoyment of a person lawfully on another lot or the common property.
- 3.4 Residents must not obstruct the lawful use of the common property by someone else.
- 3.5 No-one may trap or hunt on the common property without the body corporate's written approval.

## BY-LAW 4 – LAND MANAGEMENT POLICY

- 4.1 The Body Corporate shall have a Land Management Policy. The Land Management Policy defines the ways that we share our land and care for it. It is intended to be a 'living' document, able to change and grow according to the needs of the community and the land. The Body Corporate Committee or its designated agents will, from time to time, review the existing Land Management Policy. Changes to this policy need the approval by Special Resolution of a General Meeting of the Body Corporate.
- 4.2 Residents shall conform with the overall policy and how it relates to general landscape, nature conservation, forestry, agriculture, animal husbandry and aquaculture. A Resident shall take all reasonable care and comply with the requirements of the Land Management Policy when using any part of the common property for their own purposes.

## BY-LAW 5 - KEEPING OF ANIMALS

- 5.1 A resident must not, without the body corporate's written approval— (a) bring or keep an animal on the lot or the common property; or (b) permit an invitee to bring or keep an animal on the lot or the common property.
- 5.2 The resident must obtain the body corporate's written approval before bringing, or permitting an invitee to bring, an animal onto the lot or the common property. Written approval will only be granted in accordance with conditions set in the 'Animal Policy'. The Body Corporate Committee or its designated agents will, from time to time, review the Animal Policy. Changes to this policy need the approval by Special Resolution of a General Meeting of the Body Corporate.
- 5.3 Small non-predatory animals, such as poultry and guinea pigs, are exempted from this requirement.
- 5.4 A resident must not bring or keep a cat, dog, or any other predatory animal on their lot or the common property, in recognition of our 'Land for Wildlife' status.

- 5.5 The owner of an animal is responsible for keeping it on their own lot or in an enclosed area as approved by the Body Corporate.
- 5.6 A person with a disability under the Guide, Hearing and Assistance Dogs Act 2009 who relies on a guide, hearing or assistance dog and who has the right to be on a lot, or on the common property, has the right to be accompanied by a guide, hearing or assistance dog while on the lot or common property. Such a person who is the owner or occupier of a lot has the right to keep a guide, hearing or assistance dog on the lot.

#### **BY-LAW 6 - LAND-USE LICENCES**

- 6.1 Generally a licence is required for residents to use common land on Crystal Waters. Exceptions are detailed in the Land Management Policy.
- 6.2 The Body Corporate shall have a Land-Use Licences Policy which outlines the application process, relevant fees, the approval process, objections, types of licences, etc. The CWBC Committee or its designated agents may, from time to time, review and amend the existing Land-Use Licences Policy subject to obtaining approval by Special Resolution of a General Meeting of the CWBC. Applicants must refer to the Land-use Licences Policy before putting in an application.
- 6.3 Applications for a Land-Use licence must be approved by Special Resolution at a General Meeting of the Body Corporate.
- 6.4 If the motion to approve a Land-Use Licence is passed at the General Meeting, the applicant is granted a Licence to carry out the works and activities mentioned in the application and agreed to by the Body Corporate on the nominated parcel of land for a period of five (5) years.
- 6.5 At the end of the licence term the licence holder may apply for another five (5) year term. Renewals must be approved by Ordinary Resolution at a General Meeting of the Body Corporate.
- 6.6 Application fees, renewal fees and annual fees are set out in the Land-Use Licence Policy and may be reviewed from time to time.
- 6.7 Discontinued licences must be left in good condition. When notified of a discontinued licence, the Body Corporate committee, or its appointee, will verify that the licence area has been left in good condition. If the Body Corporate incurs costs in returning the licensed area to a good condition, the licence holder shall be held financially responsible for these costs.

#### **BY-LAW 7 – SERVICES AND SERVICE INFRASTRUCTURE**

- 7.1 The master plan for all water, electricity and telephone services at Crystal Waters is held in the Crystal Waters Body Corporate Office.
- 7.2 The owner or occupier of a lot must:
- contact the Water Manager before undertaking work which may affect these services;
  - give prompt notice to the Body Corporate of any damage to, or disrepair of, the services;
  - not overload any service;
  - if requesting alterations to the water supply to a lot, pay to the Body Corporate any costs incurred by the Body Corporate in altering the water system to the Lot.
- 7.3 The reticulated water system must not be used for drinking water.

#### **BY-LAW 8 – PRIVATE CEMETERY**

- 8.1 Crystal Waters has a private cemetery on that part of the Common Property agreed to by Caloundra City Council and in accordance with relevant law.
- 8.2 A variety of burial methods may be used, providing they comply with local and State law.
- 8.3 The Body Corporate shall have a Cemetery Management Policy which regulates the ways that the private cemetery will be used and managed. The CWBC Committee or its designated agents may, from time to time, review and amend the existing Cemetery Management Policy subject to obtaining approval by Special Resolution of a General Meeting of the CWBC.

#### **BY-LAW 9 – TRAFFIC REGULATION**

- 9.1 A Resident or any Invitee must not:
- drive any vehicle on Common Property at a speed in excess of 30 kilometres per hour;
  - drive any vehicle on Common Property while unlicensed, or in a manner which contravenes the provisions of the Traffic Act.
- 9.2 By-law 9.1 (b) so far as it related to compliance with the Traffic Act, or any other relevant legislation regulating traffic matters, does not prevent the driving of mechanically sound farm machinery or alternative energy driven vehicles in circumstances where it is safe to do so and where it does not contravene any other By-law.
- 9.3 Pedestrians, cyclists and animals have the right of way over motorised vehicles on Common Property.

#### **BY-LAW 10 – PARKING AND STORAGE OF MATERIALS**

- 10.1 A Resident may park or give permission to another person to park, for a period of up to one week, a vehicle or materials along the side of an Internal Road within Crystal Waters, or on Common Property, provided that such action does not:
- obstruct the view of the Internal Road by other vehicular or pedestrian traffic;

- b) obstruct the safe passage of any other vehicular or pedestrian road traffic;
- c) block access to any Lot or turning point;
- d) contribute to road deterioration in any way;
- e) present a hazardous situation;
- f) cause an objection, in writing to the Body Corporate Committee or its designated agent, from the Resident of a Lot, which borders the Internal Road on the side where the action is undertaken.

10.2 For periods longer than a week, permission must be sought from the Ranger for a designated period.

10.3 A Resident must not put any rubbish or other material on the Common Property without written approval from the Ranger, with the exception allowed for in 10.1.

#### **BY-LAW 11 – SIGNAGE**

A Resident must not place a sign on any part of the Common Property without the prior written consent of the Body Corporate. The Body Corporate may remove a sign on Common Property for which it has not given consent, at the expense of the relevant Resident.

#### **BY-LAW 12 – FIRE CONTROL**

12.1 A Resident must have the written consent of the Body Corporate Committee, before using or storing any flammable liquids or materials on the Lot or on Common Property, other than of a type used for domestic purposes.

12.2 A Resident must have the written consent of the Fire Warden (being a person so designated by the appropriate legislation), to light a fire greater than two metres in any dimension on a Lot or the Common Property. No smaller fire may be lit on common land without permission from the Body Corporate Committee.

12.3 Residents are responsible for reducing fire risk on their Lots. A Resident must comply with any Body Corporate policy, orders or directives relating to fire risk prevention procedures.

12.4 The Body Corporate may, upon giving reasonable notice to the Resident, enter a Lot for the purpose of reducing fire risk. If the need for this action to be taken is due to negligence on the part of the Resident, this action will be paid for by the Resident of the relevant Lot.

#### **BY-LAW 13 – USE OF CHEMICALS**

13.1 A Resident must only use agricultural chemicals and materials that comply with the current Australian National Standard for Organic and Biodynamic Produce (“the Australian National Standard”). A Resident must obtain permission in writing from the body corporate committee for the use and /or storage of a chemical or material not included in the Australian National Standard. The body corporate committee will advertise this request for 21 days, and review submissions before approval is granted.

13.2 The only exception is for the use of 'wicking' and 'cut and dab' with Glyphosate as part of an Integrated Pest Management approach to dealing with weeds on Crystal Waters. The approval of the body corporate must be obtained before using Glyphosate on common land. Wicking means wiping herbicide on to a weed with a wicking tool and cut and dab means the application of herbicide to a cut weed stump or to basal bark. These methods of application cannot be used on common land within 25 metres of a lot or licensed area if the lot holder or licensee of that lot or licence has informed the body corporate in writing that they object to their use. Any lot or licence holder who does object in writing needs to suggest an alternative means of control that they consider acceptable and be prepared to assist with control by that means.

#### **BY-LAW 14 – TERMITE CONTROL**

A Resident shall seek approval from the Body Corporate Committee if they plan to use chemicals to treat buildings for termites other than those chemicals approved by the Australian National Standard for Organic and Biodynamic Produce. The Body Corporate Committee will advertise this request for 21 days and review submissions before approval is granted.

#### **BY-LAW 15 – RIGHT OF ENTRY**

15.1 The Body Corporate may, upon giving reasonable notice to the Resident, authorise entry to a Lot for workers and other authorised persons and necessary materials and appliances:

- a) to carry out any repairs or works in relation to the water supply.
- b) for the removal of declared weeds and other weeds as specified by the Body Corporate Committee, and for the removal of animal pests

15.2 In case of emergency no notice will be required under By-law 15.1.

15.3 If the need for this action to be taken is due to any act or negligence on the part of the Resident, this action will be paid for by the Resident of the relevant Lot.

15.4 In exercising its right under this By-law, the Body Corporate must ensure that it causes as little inconvenience to the Resident of the Lot as is reasonable in the circumstances.

#### **BY-LAW 16 – NOTICES**

All notices displayed on the Common Property by the Body Corporate, or any statutory authority, must be complied with by the Residents.

**BY-LAW 17 – BODY CORPORATE SECRETARY**

17.1 The Secretary of the Body Corporate shall maintain and keep up to date a file or files containing:

- a) a current Community Management Statement;
- b) a current Land Management Policy
- c) any other policies in force;
- d) approved recurrent expenditure and sinking fund works budgets for the current financial year;
- e) all action initiatives to be completed during the financial year (to include all other budgeted expenditure items);
- f) all valid and current resolutions.

17.2 An index of this file or files shall be prepared by the Secretary of the Body Corporate and shall be displayed on the Body Corporate notice board.

**BY-LAW 18 – OFFICIAL NOTICES**

18.1 The Body Corporate Secretary shall notify Owners/Co-op Leaseholders of any official notices served on the Body Corporate by any government department, property developers or their agents, relating to planning issues that may have an impact on Owners/Co-op Leaseholders and the Scheme. This notification will be sent to all Owners/Co-op Leaseholders within two working days of receipt by the Body Corporate.

18.2 Upon request and payment of a reasonable fee an Owner/Co-op Leaseholder may obtain a copy of the official notice.

18.3 The Body Corporate Committee must be responsible for clearing the Body Corporate mailbox a minimum of three times per week.

## **ANIMAL POLICY**

These conditions must be imposed when a written application to keep an animal is received by the committee. The approval only applies to the animal in the application and does not allow the keeping of any additional replacement or substitute animals on the lot.

If an owner of an animal does not comply with the conditions imposed by this policy or written in the by-laws, the committee may withdraw approval for keeping the animal and ask that the animal be removed from the property.

1. This section sets the conditions to be met by any owner wishing to keep a dog, cat or other predatory animal at Crystal Waters.

- a) The animal is not allowed on the common property, except for the purpose of being taken in or out of the scheme land.
- b) The animal must not enter another lot.
- c) The animal must be in a vehicle while traversing common property.
- d) The animal must be contained on the lot by a fence or cage appropriate for the animal.
- e) The animal must not cause nuisance or interfere unreasonably with any person's use or enjoyment of another lot or common property.
- f) The animal be kept in good health and free from fleas and parasites.
- g) Any animal waste must be disposed of in such a way that it does not create noxious odours or otherwise contaminate the scheme.
- h) Due consideration must be given to the fact that our property is 'Land for Wildlife' so the impacts of dogs and cats on the native wildlife must be minimised.

2. For other animals (e.g. livestock, horses, etc.), owners must comply with the Land Management Policy.

## CEMETERY POLICY

This policy regulates the ways that the private cemetery will be used and managed at Crystal Waters.

1. A person is eligible to be interred at Crystal Waters (CW) private cemetery if, at the time of death, he or she:
  - a) is an Owner/Co-op Leaseholder or
  - b) is the married or de facto spouse of an Owner/Co-op Leaseholder or
  - c) is a child of a person mentioned above or
  - d) had lived at CW for a combined period of 5 years or more during their life.
  
2. Where a written request has been made to the CWBC by a person (or by that person's immediate family or friends) for interment in the CW Cemetery and the person has not lived at CW for a combined period of 5 years or more, then the BC Committee is empowered to approve the interment. The approval can be made by way of a motion at any ordinary meeting of the CWBC Committee or in the event of a sudden death, at a special meeting of the CWBC Committee.
  
3. Where a person is eligible under Section 1(c) but the person's parents or guardian(s) are now both deceased, then the person is not eligible for interment, unless at the point of death:
  - a) the person has a sibling, spouse or child who currently lives on Crystal Waters or
  - b) the child is 18 years or younger or
  - c) the person had lived at Crystal Waters for some time within the last 10 years and a written request to the CWBC Committee for interment (made by the person's immediate family or friends) has been approved by way of a motion at an ordinary or special meeting of the CWBC Committee.
  
4. The word "Interment" shall include the placement of an urn with a person's ashes in a columbarium wall, if and when such a wall becomes available.
  
5. The Body Corporate may give permission for the family or friends of a deceased person to erect an appropriate plaque or headstone. Relevant costs will be borne by the family or friends.
  
6. The Body Corporate may from time to time set a fee for interment in the private cemetery.
  
7. The Cemetery Manager shall keep a record of the details of any person who writes to the Body Corporate (see Section 2) requesting interment at the CW Private Cemetery. Upon receiving any such request the Cemetery Manager is to make all necessary enquiries that will assist the CWBC Committee in its deliberations as to whether interment will be approved."
  
8. Schedule of fees:

Lotowners/ leaseholders and their children	\$700
Married or de facto spouses not on title	\$800
Linear and blood relatives over 18 (including parents)	\$1600
Long term residents, and tenants of 7 years or more	\$1600
People who were previously lot-owners for 7 years or more	\$1900

The CW Body Corporate Committee (in consultation with the Cemetery Manager) has the power to reduce a cemetery fee in certain cases on compassionate grounds or negotiate a time payment agreement where the family or individual has financial difficulties due to their circumstances at the time of the death. The family, partner or friends of the deceased must put a case to the CWBCC in writing for consideration within two weeks of the time of the death of the family member.

# LAND USE LICENCES POLICY

Generally a licence is required for residents to use common land on Crystal Waters. Exceptions are detailed in the Land Management Policy. The Licence is personal to the licensee. The person may be a member of a group, co-operative or company etc., but must be either a lot owner or resident at Crystal Waters, and that person has sole responsibility for the Licence on behalf of the group, co-operative, company or similar. Residents who are not lot owners must be sponsored by a lot owner (normally the owner of the lot that they occupy) and that lot owner must submit the motion to approve the licence. Residents are encouraged to make a licence application only after a residence period of two years on Crystal Waters.

## 1. TYPES OF LICENCES

There are seven types of Land Use licence:

1. Community benefit or stewardship; these are non-profit and of obvious community benefit:
  - a) Amenity planting, shared orchards and recreation areas for clusters
  - b) Conservation zones for ecological preservation, restoration & reforestation
  - c) Water header tanks and the surrounding area of up to 120 sq m, – once installed, no renewal is required and on change of ownership of a lot, this licence continues automatically with the new owner/s, who are then responsible for all the infrastructure pertaining to this installation
2. Commercial use on a fixed area of land, including general farming, grazing, and horticulture where the activity is carried out for profit
3. Hobby or private use on a fixed area of land i.e. not for profit but not of obvious community benefit, this would include grazing areas for horses
4. Harvest of natural resources on common land including seed collection
5. Dams for aquaculture use
6. Commercial Forestry on a fixed area of land where the activity is carried out for future profit
7. Food, Fuel and Fibre Production for Self-Sufficiency

## 2. ADVISORY GUIDELINES FOR LAND USE APPLICATIONS

These guidelines aim to create a balance between the needs of the applicants and the needs of other members of the community. The intention of the feedback process is to reduce as much as possible future conflicts over land use and create better solutions for the community. It is in the best interests of any applicant to allow as long a 'lead time' for licence approval as possible. This will give everyone involved an opportunity to understand all the implications of a proposal and make an informed decision. Applicants need to be willing to meet with other residents to discuss their proposals; for certain applications a community meeting may be appropriate. General Meetings are held at least twice a year, so potentially there is always 6 months 'lead time' for community feedback, discussion and negotiation. Applications that fail to allow sufficient time for community discussion are significantly less likely to be approved at a General Meeting.

### 2.1 THE ROLE OF THE BODY CORPORATE COMMITTEE IN LAND USE APPLICATIONS

The Body Corporate committee is empowered to assess applications for Land Use licences and to give feedback to the applicant and the Body Corporate on Land Use applications. It has the responsibility of reviewing Land Use licences at the end of each 5 year period and making recommendations regarding the renewal of the licence.

### 2.2 LAND USE LICENCE APPROVAL PROCESS

Applications for a land-use licence must be submitted on the approved form to the Secretary, Crystal Waters Permaculture Village Body Corporate and must be accompanied by the relevant application fee. Completed applications must be received at least three (3) months before the General Meeting at which the application will be considered. The application must be accompanied by a motion from the lotowner/sponsor to be considered at the next General Meeting of the Body Corporate. This motion must be received at least three (3) weeks prior to a General Meeting or by the 31<sup>st</sup> of July for Annual General Meetings. The motion will need to be passed by a Special Resolution of the Body Corporate and must contain the following wording "That [the licensee] be permitted to license the area detailed on the map and in the licence application for [type of licence] for the period from [start date] to [end date]." The Secretary will display the application on the Body Corporate noticeboard as soon as possible after it is received. Residents will be notified of the receipt of the licence application. Where possible, the full application will be emailed to all residents with this facility. In addition, residents without an email facility may request a copy from the applicant. The Body Corporate committee may provide feedback to the applicant regarding how the application could be improved.

### 2.3 COMMENTS AND OBJECTIONS TO LAND USE LICENCE APPLICATIONS

Community members are encouraged to make comments regarding the application, as this may assist the applicant to adjust their application before it is put to the vote. Comments must focus on the application not the applicant. Any suggestions for changes to or objections to a licence application must be in writing and signed. Any feedback received by the Body Corporate Committee will be passed on to the applicant.



2.3.1 Objections on the grounds that the area is too close to their lot will only be accepted if the proposed licence area is within 15m of their lot boundary. This confirms that all lot owners have equal rights in law to all common land on Crystal Waters. There is limited good quality agricultural land available and simple proximity does not give one lot owner greater rights than another in its use.

### 3. LICENCE TERMS AND LICENCE RENEWAL

#### 3.1 LICENCE TERMS

Land Use Licences are issued for a term of five years. At the end of the first and subsequent licence terms, the licence holder may renew the licence for an additional five year term. A renewed licence is subject to the conditions of the original licence.

#### 3.2 LICENCE RENEWAL PROCESS

The process for renewing a Land Use Licence is as follows:

1. Not less than six months prior to the end of the licence term, the Body Corporate Committee will issue the licence holder with an advice of licence expiry and a licence renewal application. At the same time, all Body Corporate members will be notified of the pending land use licence renewal.
2. The licence renewal application will include a self-assessment. In completing the self-assessment, the licensee will describe the manner in which the licensed land has been managed, within the context of the original licence application. The application will also include a statement of commitment to abide by the Land Management Policy and the conditions of the original licence for the next licence term.
3. The completed renewal application must be submitted to the Secretary, Crystal Waters Permaculture Village Body Corporate prior to the licence expiry date. The application must be accompanied by a motion from the lotowner/sponsor to be considered at the next General Meeting of the Body Corporate. This motion must be received at least three (3) weeks prior to a General Meeting or by the 31<sup>st</sup> of July for Annual General Meetings.
4. The application will be considered at a Committee meeting and the Committee will recommend either approval or rejection of the renewal application.

Grounds for the committee to recommend rejection of a licence renewal are:

- a) Failure by the licensee to comply with the Land Management Policy or the original licence conditions in a manner that could be described as significant non-conformance.
- b) Significant problems or controversy associated with the licence.
- c) A formal objection has been made to the licence.

Licences that are not renewed will terminate on the licence expiry date.

#### 4. AMENDMENT TO THE TYPE OR INTENT OF LICENCE

Applications to Amend a Licence require payment of the relevant application fee and need to go through the same approval process as all new licence applications (see above). A Licence Amendment is required if:

- a) If an activity is planned that is not included in the original licence application e.g. it was originally vegetable growing but keeping poultry is planned.
- b) If the boundaries of the licence are to be changed.

#### 5. JOINT AGREEMENTS

Whilst the Licence is personal to the licensee, a Joint Agreement for differing uses, e.g. grazing in forestry areas or free range chickens on grazing areas may be entered into with the consent of the licensee, who is still responsible for all uses. Where the arrangement is short-term i.e. 30 days or less, approval must be sought from the Body Corporate Committee. Where the arrangement is longer than 30 days, the Joint Agreement becomes an amendment to the licence and the approval process is the same as for a licence amendment.

#### 6. SIGNAGE

Licence holders must ensure that the boundaries of their licence areas have clearly visible blue-coloured corner markers and a notice identifying the type of licence and the licence number.

#### 7. FENCES

The location of any proposed fences shall be shown in the licence application. Electric fencing must be clearly marked to the satisfaction of the Body Corporate committee or its representative. Barbed wire is not to be used in the construction of any fences on common land unless it is needed to control cattle or other specific animals. Where a fence is erected by a licensee, the maintenance of the fence is the responsibility of the licensee. Where a Body Corporate fence forms part of the boundary of a licensed area any maintenance that is not commensurate with normal 'wear and tear' will be at cost to the licensee. Where the licensee wishes to make any attachments to a Body Corporate fence, the attachment is at cost to the licensee. The Body Corporate is liable for the maintenance of that portion of the fence provided that the maintenance required is such that no attachment has been made. All other costs are the licensees.

## 8. WATER USE ON LICENCES

- 8.1 Any use of water as part of a licence must be applied for in the licence application.
- 8.2 If the water is to be used for irrigation or stock and taken directly either from the creeks or river, a dam or bore, the estimated volume of water to be used from these sources is to be clearly laid out in the application, with a process for monitoring to be outlined.
- 8.3 If water for irrigation or stock is taken from the reticulated supply, then once a licence has been approved, a meter must be installed by the user to monitor the volume of water, unless this supply comes directly from the residents' metered supply. Cost of water usage will be charged quarterly at the going excess rate. By arrangement with the Water Manager, metered water usage can be offset against unused private allocation. Usage above the allocation will then be charged at the going excess rate.

## 9. SALE OF A LICENCE

A licence can be transferred by sale to another Crystal Waters lot owner or resident. Only Crystal Waters lot owners and residents can enter into a licence agreement to license the use of common land. The licence may include improvements which are saleable.

- 9.1 Discarded or abandoned improvements will be forfeited to the Body Corporate with no guarantee of compensation.
- 9.2 Notice of the sale of a licence is to be given in writing to the Body Corporate Secretary within 21 days of the sale having taken place. The Licence transfers on the day of sale and remains valid until the original 5 year licence period is finished. The new licensee must then follow the usual arrangements to have the licence renewed.

## 10. DISCONTINUED LICENCES

It is the responsibility of the licensee to give notice to the Body Corporate that a licence is no longer required. Once notice is given, the licence area will be inspected by the Body Corporate Committee, or its appointee, to verify that the licence area has been left in good condition. If a licensee fails to notify the Body Corporate of the discontinuation of a licence this would normally become obvious when the licence was due for renewal. If a licence holder discontinues residency of Crystal Waters, this will be taken as an indication that use of the licensed area is being discontinued unless the Body Corporate is notified of a licence sale. At this time the Body Corporate committee, or its appointee, will verify that the licence area has been left in good condition. If the Body Corporate incurs costs in returning the licensed area to a good condition, the licence holder shall be held financially responsible for these costs.

## 11. OBJECTION TO THE MANNER OF LAND USE BY A LAND USE LICENCE HOLDER

### 11.1 OPPORTUNITY TO OBJECT

An objection to the manner in which a land use licence holder is making use of the land under license can be made at any time by a Crystal Waters Body Corporate member.

### 11.2 GROUNDS FOR OBJECTION

Grounds for objection are;

- A failure by the Land Use Licence holder to conform to the Land Management Policy.
- A significant variation from the original licence application submitted by the licence holder.
- Unforeseen consequences of Land Use resulting in negative impact on other residents or the environment.

### 11.3 OBJECTION PROCESS

A person wishing to raise an Objection must contact the Land Manager and explain the nature of the Objection.

1. The Land Manager will investigate and make a determination as to the legitimacy of the Objection. Subsequently, the Land Manager will either:
  - a) Discuss and agree with the Licensee, actions to resolve the Objection
  - b) Inform the Objector that the Objection has been assessed as not having substance and the reasons.
2. In the event that no satisfactory outcome is obtained following discussions with the Licensee, the Land Manager shall refer the matter to the Body Corporate Committee.
3. If the Objector is dissatisfied with the outcome following the Land Manager's actions, they may submit a written Objection to the Committee.
4. In the event that the Objection is referred to the Committee, the Committee shall:
  - a) Investigate the issue
  - b) Make a determination as to the required action
  - c) If required, issue an instruction to the Licensee informing them of the Committee's findings in relation to the objection and requesting the appropriate corrective actions
  - d) Continue in this manner until the Objection is resolved or it is deemed that further progress is unlikely.
5. In the event that Committee deems that a satisfactory resolution of the objection has not been reached and further progress is unlikely the Committee may:

1. Advise the Licensee that they have failed to adequately respond to the Objection.
2. Submit a motion at the next General Meeting of the Body Corporate to cancel the Licence.

**12. RESPONSIBILITIES OF A LAND USE LICENCEHOLDER TO MAINTAIN THE LICENSED AREA**

12.1 Where a licensed area has not been maintained for 12 months or more, where efforts have been made to rectify the situation with the Licence Holder, a Portfolio Manager, the Committee or a resident may apply to have the licence cancelled by a Special Resolution to a General Meeting.

12.2 Where a Lot Owner holding a Land Use Licence is planning to be permanently absent from the property for 6 months or more, it is incumbent upon the Licence Holder to appoint a custodian to oversee the licensed area. The Licence Holder must inform the BCC in writing of any arrangements thereof within the initial 6-month period. Failure to do so may incur maintenance costs approved by the Committee.

**13. Licence fee schedule:**

<b>Type of licence</b>	<b>Application fee</b>	<b>Annual fee part A per hectare</b>	<b>Annual fee part B % of gross income</b>	<b>Renewal fee</b>
Community Benefit	None	None	None	None
Commercial Use	\$60	\$250	10%	\$60
Hobby	\$60	None	None	\$60
Harvest of Natural Resources	\$60	None	10%	\$60
Dams for Aquaculture	\$60	None	10%	\$60
Commercial Forestry	\$60	None	10%	\$60
Food, Fuel and Fibre Production for Self-sufficiency	\$60	None	None	\$60

# LAND MANAGEMENT POLICY

Second Edition 2003 Updated: April GM 2004, AGM 2004, May GM 2005, AGM 2005, May GM 2006, AGM 2006, April GM 2007, May GM 2008, April GM 2009, AGM 2009, March 2010, May 2018 (incorporating changes made via special resolution motions at GMs since 2010), December 2018, December 2020.

This Land Management Policy for Crystal Waters Permaculture Village is the first revision of the original Land Use Policy of 1989 prepared by: Robert Tap, Barry Goodman, Hans Erken, Frances Lang, Phil Smith and Carla Blonde. This revision has been worked on in two stages by a Sub-committee of Barry Goodman, Frances Michaels and Tracy Adams and the Body Corporate Committee of 2002-03.

**The Crystal Waters Land Management Policy is a group of statements concerning the care, use and management of common land at Crystal Waters.**

1. Crystal Waters has an 'organic policy'. This means that how the common land is used must be acceptable according to organic practice as defined by the current National Standard for Organic and Bio-Dynamic Produce. All licence holders, Body Corporate employees and any users of the common land are bound by this organic policy. A resident shall obtain permission in writing from the Ranger for the use of a chemical or material not included in this Standard. The Ranger may refer the request for permission to the Body Corporate if there is any doubt about giving permission. (AGM 1998)
2. This Land Management Policy and any future amendments are to be voted on by special resolution at a general meeting of the Body Corporate.
3. The Body Corporate Committee has the responsibility of seeing that the Land Management Policy becomes a 'living' document by initiating reviews of the Land Management Policy itself. It also has the responsibility of preparing and regularly updating a map of the common land that shall be displayed on a noticeboard, showing licences and other areas of activity.
4. All common land is owned equally and cared for by all lotholders at Crystal Waters.

## 1 PERMACULTURE PRINCIPLES (GM 2006)

Crystal Waters was designed using permaculture principles and is described as a permaculture eco village. With this background it is appropriate for permaculture principles to be embodied in this Land Management Policy and to be taken into account when making decisions about the use of common land. Some of the basic principles of permaculture include:

### 1.1 Act with Nature not against it:

- a) Apply long-term observation to recognise patterns
- b) Design from pattern to detail
- c) Use small and slow solutions
- d) Return a gift to nature equal to that obtained (sustainable yield)

### 1.2 Use and value diversity:

- a) Understand the functional connection within ecosystems (natural succession)
- b) Enhance or recover degraded endemic ecosystems.
- c) Avoid monocultures, as diversity tends to reduce competitive relationships, fosters co-operation and symbiosis and helps prevent mass influx of predators.
- d) Use the edges between overlapping ecosystems and value the margins which can be rich in wild harvest.
- e) In terms of succession, plants come before animals.

### 1.3 Adapt to energy descent:

- a) Use renewable resources
- b) Store water (Water tanks, dams, swales) and energy (biomass)
- c) Reduce waste

### 1.4 Strive to create a self-managed system.

- a) Apply self regulation and accept feedback
- b) Value scepticism as a means to resist dogma
- c) Integrate rather than segregate
- d) Respond creatively to change
- e) Endorse gender balance

(Principles adapted from: Holmgren, D. 1984. Permaculture Principles and Pathways Beyond Sustainability; Mollison, B. 1976. Permaculture: A Designers Manual.)

## 2 SOILS

All reasonable measures should be adopted to conserve the soil. A primary aim of our land management is to prevent the loss of topsoil, to repair and rehabilitate areas of damage and compacted soil, and to enhance soil life processes. All aspects of soil fertility such as physical structure, microbiological diversity, or nutrient availability, need to be managed to maintain soil in good condition.

- 2.1 Land management practices are to incorporate methods of maintaining and enhancing soil organic matter levels. Fertilisers used must be acceptable according to the current National Standard for Organic and Bio-Dynamic Produce.
- 2.2 Soil must be protected by mulches or seeded as soon as possible after cultivation or disturbance. Mulches conserve moisture and moderate temperature in the soil, protecting its structure and preventing erosion. When importing mulch materials, care must be taken to ensure they are weed, disease and toxic chemical free.

### **3 WATER**

All reasonable efforts must be made to conserve water in quantity and quality. Care must be taken to use water at its greatest efficiency; by careful selection of irrigation devices, deep watering and by maintaining adequate mulch.

- 3.1 Any use of dam or river water for irrigation must be applied for as part of a licence application. Any installation of a bore must also be applied for in the licence application. The volume of water to be used from these sources is to be clearly laid out in the application, with a process for monitoring to be outlined.
- 3.2 The water reticulation system on Crystal Waters consists of series of tanks located throughout the property. These tanks are usually filled by either of two pumps via a network of buried pipelines. Before any earthworks commence that could damage a pipeline a check should be made with the Water Manager. Damage to the water infrastructure will be charged to the resident responsible. Each lot is entitled to use an amount of water as determined by a General Meeting. Meters are installed and read by the Water Manager or their appointee. Use of water above the allowable limit attracts a penalty.
- 3.3 Each lot has a fire hydrant adjacent to its boundary; no unapproved connections may be made to this hydrant.
- 3.4 It is the responsibility of the resident to maintain clear vehicular access to the hydrant and meter at all times.

### **4 PEST AND DISEASE MANAGEMENT**

Natural systems have a dynamic stability that acts to control pest populations. By designing our gardens and orchards to mimic nature we can create productive systems with this inherent balance. The main elements will be suitable plant selection, improved diversity, healthy, biologically active soil and enhancement of biological control. Only acceptable inputs according to the National Standard for Organic and Bio-Dynamic Produce may be used to treat pest and disease outbreaks.

4.1 Fruit Fly is a pest that needs a community approach as fruit fly are capable of flying considerable distances. The Body Corporate will take steps to remove exotic fruit trees from common land that are known to be a host to fruit fly, including the removal of self-sown peach trees etc. Removal is the best option for these trees as the Body Corporate does not have the resources to prevent the trees being infested with fruit fly. The Body Corporate will refrain from planting any exotic species known to be a host to Queensland fruit fly on common land within 300 metres of any private lot. Lot owner and residents must take steps to remove and destroy fruit fly infested fruit on their lot and licensed areas. (GM 2002)

### **5 ACCESS**

All residents of Crystal Water have a right of access through common land, including through licensed areas. No resident has the right to erect a barrier or fence in such a way that access is prevented on common land, particularly on easements. Known walkways that cross licensed areas must have gates supplied by the licence holder, if fences are to be erected. Gates need to be large enough to allow access for vehicles used by the Body Corporate, including the fire brigade vehicle. Exceptions to this may be applied for.

5:1 Vegetation must not be planted near Body Corporate structures where such vegetation is likely to:

- a) Restrict normal operation of or cause damage to the structure
- b) Impede efficient and safe inspection, maintenance or replacement of the structure or
- c) Cause a safety hazard.

Structures include, but may not be limited to, roads, fences, water tanks, underground pipelines, dams and walking tracks. Plantings must be kept a minimum distance of 3 metres from these structures to allow tractor slashing to be carried out.

No trees are to be planted under powerlines or in a position that will result in branches growing closer than 4 metres from powerlines.

These restrictions would not normally be interpreted as limiting small re-vegetation works involving grasses and unobtrusive ground covers.

Where plantings are introduced to support Body Corporate structural works (eg earthwork strengthening) they should always be done in accordance to a plan approved by either the Body Corporate or an appropriately qualified or experienced person.

### **6 FENCING**

All fences on the boundaries of Crystal Waters are owned and maintained by the Body Corporate. Many of the existing internal fences are also owned and maintained by the Body Corporate. Where a fence is erected by a licensee, the maintenance of the fence is the responsibility of the licensee. Where a Body Corporate fence forms part of the boundary of a licensed area any maintenance that is not commensurate with normal 'wear and tear' will be at cost to the licensee. Where the licensee wishes to make any attachments to the Body Corporate fence, the

attachment is at cost to the licensee. The Body Corporate is liable for the maintenance of that portion of the fence provided that the maintenance required is such that no attachment has been made. All other costs are the licensees.

- 6.1 The location of any proposed fences shall be shown in the licence application. Electric fencing must be clearly marked to the satisfaction of the Body Corporate committee or its representative. It is the responsibility of all owners of animals on Crystal Waters to fence their animals in.
- 6.2 Barbed wire is not to be used in the construction of any fences on common land unless it is for specific stock management under an appropriate licence. (AGM 1996)

## **7 ANIMALS**

The incorporation of animals such as horses, dairy and beef cattle, goats, sheep and poultry into land use projects wherever practical is encouraged, as they assist in the management of pest insects, grasses and weeds and contribute to soil fertility.

- 7.1 All animals with the exception of poultry and small animals such as guinea pigs or rodents need the permission of the Body Corporate before their introduction to Crystal Waters.
- 7.2 Grazing animals arriving at Crystal Waters are to be held in an agreed quarantine situation. This agreement shall be made with the Land Manager and the Weeds Manager prior to the animal's arrival.
- 7.3 Animals are to be kept according to their needs and ethical aspects. Only acceptable inputs according to the National Standard for Organic and Bio-Dynamic Produce may be used to treat animals. Approval may be sought from the Ranger or Body Corporate Committee to use other inputs.
- 7.4 Applications for the keeping of large animals (eg horses, cattle) by non-Lot Owners must first have the written permission of the Owner of the home paddock if on a private lot, or from the Body Corporate Committee if on BC land (ref 8.1) before a licence can be granted.
- 7.5 Livestock owners must update the office and the Land Manager with their livestock numbers whenever these change.

## **8 GRAZING**

It is intended that the Land Management Policy will be flexible in allowing a wide variety of grazing activities. It recognises that the needs of commercial grazing operations are very different from those of residents who simply wish to keep a small number of animals for recreation.

- 8.1 All grazing animal owners are required to license a 'home paddock', preferably this 'home paddock' would be contiguous with part of the resident's lot boundary and would use the water allocation of the resident. The licence holder would be responsible for fencing and the care and maintenance of this licensed area, including weeding and slashing.
- 8.2 The current unlicensed portion of the land known as Grey Gum paddock will be established as an area for dairying and complementary activities. This area will be administered by the Land Manager and is excluded from licence applications. Agistees will pay an agistment fee for the time that animals spend in the paddock. Weeding or other land management work hours may be exchanged for the agistment fee.
- 8.3 For the purposes of land management the Land Manager may use his/her discretion to allow short term grazing on unlicensed areas. This short term grazing will be for a period not longer than 2 months on any one area. This grazing will be primarily to reduce the need for slashing. No fees or responsibilities for weeding or other land improvement are expected from the animal owner under this arrangement. However, by placing their animals on common land, animal owners are committed to accepting the provisions of the Land Management policy, particularly as regards the use of organically permitted materials. It is the responsibility of the Land Manager to notify all nearby residents before commencement of grazing. The permanent grazing paddock is excluded from this arrangement.
- 8.4 If conditions in the Big Dam paddock including lack of feed, soil compaction or the need for maintenance require it, the Land Manager in charge of this area will be able to have the animals removed for a period. All grazing animals must have access to a 'home paddock' where they can be hand-fed if necessary. Fees derived from agistment in this area will be used for fence maintenance, water troughs, weed control and pasture improvement in this paddock
- 8.5 Animals which need to be destroyed or die of natural causes, must be buried below ground level, in a suitable site, which takes into account closeness to dams or waterways, within 24 hours of the animal's death. Before burying an animal contact should be made with the Land Manager for approval of the site. The burial and any costs associated with it are the responsibility of the animal's owner.

## **9 WEEDS**

There is potential for some plant species to have weedy characteristics that are undesirable on Crystal Waters. It is in the community's interest to eradicate or control existing weed populations, and to avoid future introductions of significant weed species.

- 9.1 Education is seen to be of pivotal importance in reducing weed outbreaks. The Body Corporate will carry out the continuing education of residents, including if possible the children, and of Body Corporate employees in weed identification, preferred habitats, methods of seed spread and the best times and methods for effective control.
- 9.2 The Body Corporate and individual lotholders have a legal obligation to control plants declared as noxious under the Rural Lands Protection Act (1985-1990). A list of these plants is available from the Weeds Manager. All residents need to take responsibility for weeds on their own lots, and be prepared to contribute to weed control efforts on common land.
- 9.3 All licence holders are responsible for weed control on common land that they are using. They need to familiarise themselves with all significant weed species and deal appropriately with them. The Weed Manager or the Body Corporate Committee should be kept informed of the weed situation and notified at the first sighting of any new outbreak.

## **10 FIRE MANAGEMENT**

All land management practices must take into consideration steps to reduce the risk of fire, by good design and planning, suitable selection and placement of fire retardant plant species and appropriately timed slashing.

- 10.1 Fire hazard reduction burning is carried out on Crystal Waters. Burning will only be carried out during late afternoon and evening; and only after construction of adequate firebreaks and careful consideration has been given to fuel and weather conditions. (AGM 1992)
- 10.2 Any resident requiring a fire permit is encouraged to liaise with the Crystal Waters Fire Brigade. Any resident wishing to light a fire bigger than 2m in diameter must contact the Fire Warden to be issued with a fire permit.
- 10.3 Maximum frequency of hazard reduction burns will be in accordance with the following types of land use and habitat:
- a) Residential lots - not at all
  - b) Grazed or cropped river flats - not at all unless for weed control in isolated patches
  - c) Riparian zones - not at all
  - d) Rainforest/scrub/closed canopy areas - not at all
  - e) Wet Eucalypt forest - 20 to 100 year intervals
  - f) Dry Eucalypt forest with a shrubby understorey - 7 to 25 year intervals
  - g) Dry Eucalypt forest with a grassy understorey - 3 to 6 year intervals
  - h) Grassland areas not regularly grazed or held under licence - 3 to 6 year intervals.

## **11 BIODIVERSITY MANAGEMENT**

All reasonable measures should be adopted, within the constraints of a sustainable agricultural system, to conserve representative native species and ecosystems.

This will be achieved by the Body Corporate planning and implementing the creation of 'conservation zones' for areas of special ecological significance within the common land at Crystal Waters (AGM 1996). These conservation zones are delineated in the map accompanying this document (page 20). They include riparian zones at least 15m wide along each creek and river, steep gullies prone to erosion, the gullies above most of the main dams, steep slopes (>30%), areas where restoration efforts have been made in the past, and areas which provide linkages between existing remnant patches of vegetation. They also include all past and current licence areas which were established as 'conservation zone' community benefit licences.

- a) Conservation zones can vary in size and are intended to cover different ecological niches; from rainforest, wet sclerophyll forest, woodland, native grassland to riparian & gully habitat. It is intended to protect both flora and fauna so that a wide diversity of both are retained on Crystal Waters in the future.
  - b) Riparian zones and gullies will be preserved and managed over time by the gradual removal of weeds and enhancing the natural vegetation where necessary with a diverse selection of rain forest species indigenous to this area. Heavily forested ridges and slopes which may be dry or wet sclerophyll and may have some emerging rainforest understorey are to be maintained and weeded over time. Lightly forested areas to be managed, weeded, maintained and enhanced by supplementing with a variety of hardwoods and hardy rain forest species.
- 11.1 Conservation zones may be subject to land use licensing by individuals or clusters as a sub-category of the community benefit licence. The establishment of a 'conservation zone' will require the same process of approval and community feedback as other licence applications. The conservation zone will also require a resident to act as a representative or 'steward' of the area. The Body Corporate may choose to raise funds for the establishment and/or maintenance of a conservation zone by means of a motion at a General Meeting.
- 11.2 Feral animals are recognised as threatening biodiversity and control measures are needed to keep them in check. Any control measures will be carried out in a humane manner.

## 12 FORESTS

Within the area of Crystal Waters are some 100 hectares of land which can be classified as Forest or potential Forest. Forests are an integral part of our sustainable integrated land management practices. In addition forests provide ecological balance and where managed will produce timber and other resources for the community.

12.1 The Body Corporate, in the process of managing our forests, may cut and mill timber from trees on Crystal Waters. (AGM 2001)

12.2 The management of the forest areas by individuals or groups can be carried out in several ways:

- a) As a Community Benefit Licence type 1 (b) 'conservation zone' for details see B.1.1 Reafforestation grants when applied for by groups or individuals will need a Community Benefit Licence type 1 (a) before implementation.
- b) By Commercial Licence type 6 where the area is managed by the licensee with the intention of harvesting timber or firewood. This licence type also covers the establishment of Forestry plantations on mainly Class 3 land.
- c) By Harvest of Natural Resources Licence type 4 for activities such as seed collection.

12.3 The following requirements apply to eucalypt, rainforest or mixed species woodlots:

### Existing Woodlots

Woodlot management must include appropriate fire hazard reduction each year before the start of the fire season. Methods for managing the fire prone understorey could include slashing, grazing and possible occasional fuel reduction burning. The Body Corporate Committee reserves the right to make a determination as to the adequacy of fire hazard reduction proposed or carried out in each case.

Where a fuel reduction burn is to be conducted, it must be followed by a replacement regime e.g. direct seeding of ground cover and/or planting of local native understorey species.

Pruning to reduce fire hazard and ongoing removal of lantana and invasive weed species are a requirement.

### New Woodlots

No part of a new woodlot must be any closer than 50m to a residential lot boundary.

Fire control considerations must be part of the woodlot license application submitted to the Body Corporate.

Where the steepness of the terrain prevents tractor slashing along the contour, the woodlot licence application must address alternative methods of fire risk reduction.

Lantana and invasive weed species are to be removed during establishment of a woodlot.

Where a licensee fails to fulfil these fire risk reduction requirements, the Body Corporate may carry out any works deemed necessary to reduce the fire risk. The licensee is liable for any costs incurred to carry out these works."

## 13 SACRED SITES & SPECIAL PLACES

A 'sacred site' is a place on Crystal Waters identified as being of special significance. The Land Management Policy recognises that not all land needs to have a function, that sometimes the intrinsic value of a place has nothing to do with 'use'. Defining these areas allows us to be respectful of these places in our planning. Once approved these areas are reserved from all other land use activities or licenses. Any resident can propose a motion to have an area classified as a 'sacred site', the approval is the same as for all other licences but does not involve any responsibilities by the proposer of the motion to maintain the area.

## 14 WATER USE

14.1 Any use of water as part of a licence must be applied for in the licence application.

14.2 If the water is to be used for irrigation or stock and taken directly either from the creeks or river, a dam or bore, the estimated volume of water to be used from these sources is to be clearly laid out in the application, with a process for monitoring to be outlined.

14.3 If water for irrigation or stock is taken directly from the reticulated supply, then once a licence has been approved, a meter must be installed by the user to monitor the volume of water, unless this supply comes directly from the residents' metered supply. Cost of water usage will be charged quarterly at the going excess rate. By arrangement with the Water Manager, metered water usage can be offset against unused private allocation. Usage above the allocation will then be charged at the going excess rate.

## 15 COMMUNITY BENEFIT LICENCES (Updated GM April 04)

A Licence fee is not required from licensees whose project is considered to be for community benefit. Community benefit amenity plantings may include the area immediately around a private lot (with the exception of road verges - see Section 16 below), as maintenance of these areas by a resident reduces maintenance costs for the Body Corporate overall. Community benefit licences do, however, need to go through the same approval process as all other licences, as generally all activities on common land with the exception of Body Corporate activities and exceptions 8.4 and 16, must be under the Licence system. This allows for community input into the process. A community benefit licence also gives the committee and the Body Corporate managers information about who is concerned and responsible for particular areas. It establishes the nature of the project and how it fits in with other projects in close proximity and elsewhere on the property. It is understood that any harvestable product on community benefit areas (eg. seed, vegetables) may be harvested by passers-by.



- 15.1 Where a Community Benefit licence is held and yet at a later date the licensee intends to receive financial benefit from the use of the licensed area by, for example: harvest of fruit, collection of seed, timber and other products from plants, then a Licence Amendment application is to be completed and processed, before harvest begins.
- 15.2 Where a Community Benefit licence is held and a Weed Energy levy system is in operation, it is acceptable for weeding hours to be claimed on the community benefit licence area by the licence holder. This avoids discrimination against residents who have chosen to be stewards of an area of common land.

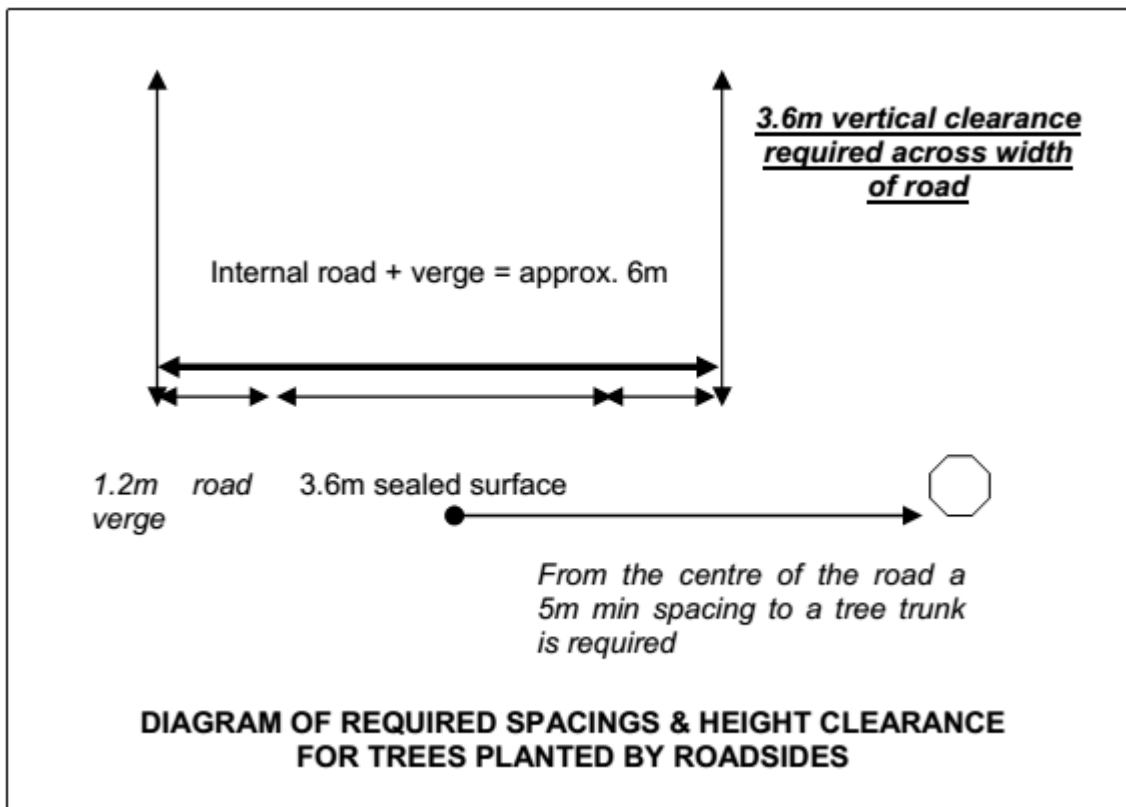
**16 ROAD VERGES**

The road verge area between a private lot and the internal road is excluded from the requirement to formally licence activities on common property. The road verge area is defined as perpendicular to the lot boundary and where a lot boundary does not parallel the road, the area can be no wider than 4m from the road frontage lot boundary. Residents are encouraged to maintain and beautify their own road verge. Any tree planting requires prior consultation with the Body Corporate Committee or its designated agent, the Roads and Dams Portfolio Manager. A proposal in writing is required, with a written commitment made for all future maintenance on these plantings by the lot owner.

Requirements for roadside tree planting include:

- a) All plantings on roadsides should take into account visibility for traffic, including visibility from the perspective of a bus driver, pedestrian or cyclist. Trees should be planted a minimum of 5m from the road-centre with larger species at least 7m from the road-centre.
- b) Roadsides need to provide shade to pedestrians; species with spreading high canopies can achieve this. It is important, however, that trucks with a high clearance and the school bus are still able to pass without damage. A clearance of 3.6m vertically across the internal road is required to achieve this.
- c) Planting short-lived pioneer species such as wattles needs to be approached with care. Residents are required to remove dead or dying trees they have planted on their road verge at their own expense. It is recommended to plant endemic, hardy, non-buttressing rainforest species.

(See map below)



# COMMERCIAL TOUR POLICY

(Replaced GM 2006, amended AGM 2006, GM 2008)

## 1 TOUR LICENCE

### 1.1 REQUIREMENT FOR TOUR LICENCE

A licence is required to conduct commercial tours on Crystal Waters. All tours are considered commercial except for tours given by residents for family, friends or WWOOFers. A person conducting commercial tours will be referred to as the Tour Operator or Operator.

### 1.2 CONDITIONS ASSOCIATED WITH TOUR LICENCE

A Tour Operator holding a current Tour Licence must:

1. Abide by the conditions of the Tour Operator's Charter.
2. Ensure that the Tour Guidelines are communicated to and observed by tour participants.
3. Not conduct tours that are significantly different to the information provided in the Operators licence application.
4. Renew the licence every 12 months and pay the annual licence fee.

### 1.3 LICENSING PROCESS

The process for obtaining a Tour Licence is similar to a Land Use Licence application (See Land Use Licence Policy) and is as follows:

1. The applicant must complete a licence application and submit to the Body Corporate Secretary not less than 3 months prior to the general meeting at which the licence motion will be presented. An application form can be obtained from the Body Corporate Secretary.
2. The application form will request information on likely:
  - a) Number of tours to be conducted in a given time period
  - b) Route or routes that will be taken by the tours
  - c) Maximum number of participants in a tour group
  - d) What kind of vehicles will be used for a tour

The application will be displayed in the normal way and the Body Corporate Committee may provide feedback to the applicant.

3. Community members may make an objection to the application following the same process as used for Land Use Licences.
4. The applicant must submit a motion for the Tour Licence to the next General Meeting of the Body Corporate. Motions must be received not less than 6 weeks prior to a General Meeting. For the licence to be granted, the motion will need to be passed by an Ordinary Resolution of the Body Corporate.

### 1.4 LICENSING RENEWAL PROCESS

The process for renewing a Tour Licence is as follows:

1. Body Corporate Committee will issue a licence renewal notice prior to expiry of the licence.
2. The Operator must complete the renewal form and pay the renewal fee within 30 days of licence expiry.
3. The Body Corporate Committee will issue a confirmation of licence renewal following payment of the fee.

### 1.5 LICENCE FEES

A fee of \$50 is payable on approval of a Tour Licence. An annual renewal fee of \$50 is payable on the anniversary date of the licence. Failure to pay the fee within 30 days of the due date will result in cancellation of the licence.

### 1.6 AMENDMENT TO THE CONDITIONS OF A TOUR LICENCE

In the case that a tour operator wishes to conduct tours in a way that is substantially different to the original licence application, a new licence application must be submitted in the manner described above.

## 2 TOUR OPERATOR'S CHARTER

The aim of the charter is to create a balance between "maintaining a peaceful and quiet environment with room for personal privacy" whilst allowing us to "create a place of learning, and a welcome to our village for visitors interested in our way of life." Tour Operators agree to abide by the following:

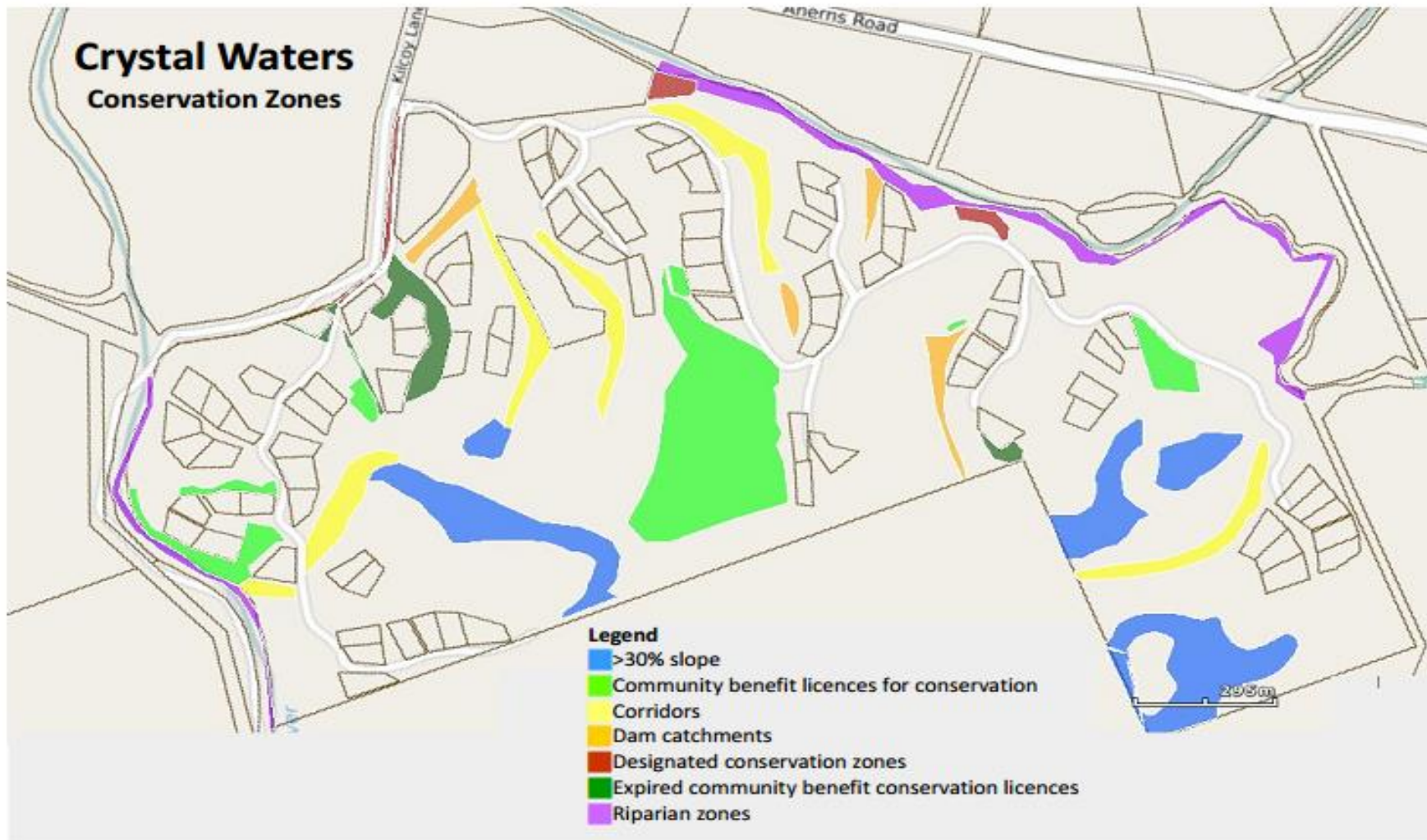
- a) Respect the privacy of residents at all times
- b) If buses are used, smaller ones are to be preferred. Large 48-seater buses are allowed to tour CW only if it is considered the only way to conduct the tour, eg for groups with special needs such as age or disability, who would otherwise be unable to tour CW. Such buses are not to be taken where there is insufficient space for turning.
- c) Inform tour participants of the relevant by-laws, such as the prohibition on dogs and cats.
- d) Create an awareness amongst tour group participants that:

- e) CW is a 'private place' and that contact needs to be made before visiting.
- f) All visitors need to be accompanied by a resident including when re-visiting.
- g) Where possible, notify the community via noticeboards, email or the Village Voice, of pending bus tours. Short notice tours (ad-hoc tours) and tours involving the tour guide's own vehicle are excluded from this.
- h) Make the Tour Participant Guidelines clear to the groups they accompany.

### **3 TOUR PARTICIPANT GUIDELINES**

The Guidelines that a Tour Operator must communicate to tour participants include:

- a) No taking of photographs except within lots visited or only broad views, unless prior permission is given by the resident of a lot, for that lot to be photographed.
- b) Respect the privacy of residents
- c) Pebble Pond is a No-go area for visiting groups.



ATTACHMENT C: Conservation Zones