

Hermitage Gardens Body Corporate Committee

NOTICE REGARDING CHILDREN PLAYING ON COMMON PROPERTY

The HGBCC acknowledges that within the Hermitage Gardens community there exists a range of opinions on the topics of children playing in the complex, safety on the shared zone roadways and adult supervision of children. Over many years there has been considerable discussion within the community, formally and informally, and at the Body Corporate Committee level (including consultation with the resident site managers) around what constitutes appropriate behaviour and how the relevant by-laws should be interpreted and applied. As there is a high level of community expectation for the committee and site managers to address this issue, we have developed the following position statement based on expert legal advice.

To formalise our position on this matter we sought legal advice from the body corporate's lawyers and insurer, and incorporated this information with the general feedback from the Hermitage Gardens community.

The position of the HGBCC regarding these matters is as follows:

- (1) Children's play and the appropriate level of adult supervision are decisions for parents/guardians to make. The Body Corporate Committee does not have capacity to dictate to others about parenting decisions or the manner in which their children play.
- (2) It would be impractical and unreasonable to enforce an interpretation of by-laws that strictly bans children from being in the shared zones.
- (3) While the Body Corporate Committee maintains its stance that we do not actively encourage children to play on the shared roadways, we respect the longstanding policy factor adopted in Queensland "to live and let live", provided there is not "unreasonable interference" to the life of other residents.
- (4) With regard to risk reduction, the HGBCC's focus, as advised from insurer and lawyers, is on specific additional measures to slow down vehicular traffic in the complex, e.g., added speed bumps, use of permanent and temporary warning signage, enforcement of speed limits and ongoing education of children, parents and drivers (residents and visitors).

Regardless of what controls are in place, it is a simple fact that residents/visitors, including children, will at times be present on the shared zone roadways. The timing of this can never be predicted and for safety reasons should always be anticipated. We should at all times be aware that a child may unexpectedly enter onto a roadway without warning. We therefore encourage all other road users to be aware of this possibility and to drive/ride slowly to minimise the risk of serious incidents, and we ask parents/guardians to work with your

children to continuously reinforce awareness and safe behaviour on the shared zone roadways.

It is expected that all vehicles (including bicycles) travelling in the grounds of Hermitage Gardens will travel at speeds of 5-10 km per hour (walking speed) at all times. In reality this means you should rarely need to use your accelerator pedal while travelling through the complex. We suggest you cruise with your foot on your car's brake pedal to avoid inadvertent acceleration and to optimise brisk braking should it be required.

Please note that it is not the resident caretakers' role to enforce by-laws, and they do not have capacity for enforcing children to stay off roadways.

Should the HGBCC be unable to resolve ongoing specific concerns about the above issues, or the management thereof, those concerns may be directed to the appropriate authority as circumstances dictate, e.g., Queensland Police or the Commissioner for Body Corporate and Community Management.