

SCHEDULE C BY-LAWS

1 Interpretation

Meaning of words

- 1.1 The following words have these meanings unless the contrary intention appears.
- Act** means the *Body Corporate and Community Management Act 1997 (Qld)*.
- Assets** means personal property of the Body Corporate.
- Brookwater** means the community titles scheme to which this community management statement relates.
- Brookwater Land** means the land described as the scheme land in item 4 of this community management statement.
- Code** means the Architectural and Landscaping Code which forms part of this community management statement.
- Committee** means the committee of the Home Owners Club.
- Committee's Representative** means a member of the Committee or other person or body appointed from time to time for the purpose of representing the Committee and in default of appointment shall be the Chair of the Committee.
- Common Property** means the Common Property for Brookwater.
- Development** means the development of the Brookwater Land to create a residential community at Springfield, Queensland and of the Brookwater Golf Course.
- Display Home** means a residential dwelling built not for immediate occupation but rather in order to promote the further sale and business of the dwelling's builder.
- Environmental Laws** means all statutes, regulations, statutory instruments, local laws, government policies, development conditions, or requirements of any government authority which relate to environmental issues in Brookwater.

Home Owners Club means the body corporate for Brookwater.

Law means any statute, rule, regulation, proclamation, ordinance or by-law or statutory instrument (as defined in the *Statutory Instruments Act 1992 (Qld)*), whether:-

1. Present or future, and
2. State, Federal or otherwise.

Letting Agent means the person who from time to time holds an authorisation to act as a letting agent for the Scheme.

Lot means a lot that is part of the Brookwater Land. To remove doubt, "Lot" includes a lot in a Scheme.

Maintained Areas means areas leased, licensed or occupied by the Home Owners Club, or which the Home Owners Club may or must maintain or repair.

Motor Vehicles includes motor bikes but does not include motor vehicles in excess of three (3) tonnes weight loaded, caravans, campervans or mobile homes.

Notice means any notice in writing, any statement in writing, any written materials and any other written communication.

Occupier includes any person that must, by law, comply with these by-laws, and includes a firm, a body corporate, an unincorporated association or an authority.

Original Owner means the original owner under the Act, and any person nominated by the Original Owner to the Home Owners Club from time to time.

Owner means the registered owner from time to time of a Lot (other than the Original Owner).

Public Area means any:-

1. street or road;
2. any public park; or
3. other Common Property,

whether located on public land or Common Property of the Scheme or any other Scheme or land adjacent to Brookwater Land.

Recreational Vehicle includes a caravan, campervan, mobile home, boat, trailer and any other recreational vehicle whether motorised or not.

Regulation means the *Body Corporate and Community Management (Standard Module) Regulation 2008* (Qld).

Scheme means a subsidiary community titles scheme, where Brookwater is the principal community titles scheme.

Service Connections means antennae, pipes, wires, ducts, cables and similar things used for the supply of Services to a Lot.

Services means utility services such as water, gas, electricity, communications, trade waste, garbage removal and fire services supplied to Lots.

Settlement means the date the Original Owner completes the sale of the Lot to the Lot Owner.

Substantially Commence Construction means that the Owner must have taken such steps to satisfy the Committee (in its discretion) that construction of a residence that complies with all laws and the Code is substantially underway. These steps must include (without limitation):

- (a) obtaining all necessary approvals in respect of the residence from the Local Government;
- (b) obtaining all necessary approvals in respect of the residence in accordance with the Code;
- (c) preparing the Lot for construction, including the removal of trees and debris, the levelling and compacting of the Lot and constructing any required retaining walls; and
- (d) laying of the concrete slab for the residence on the Lot.

- (a) a reference to a by-law includes any variation or replacement of it; and
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (c) the singular includes the plural and vice versa; and
- (d) a reference to a person includes a firm, a body corporate, an unincorporated association or an authority; and
- (e) a reference to any thing is a reference to the whole and each part of it; and
- (f) where these By-Laws say that something can or must be done by the Home Owners Club then that thing may be done by the Committee unless there is a legal restriction on the Committee doing so; and
- (g) "including" when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

2 Protection of the Common Property and Maintained Areas

Gardens and Plants

- 2.1 An Owner or Occupier must not damage or remove any garden, plant or part of a plant on the Common Property or Maintained Areas, without the written consent of the Committee. This by-law does not affect the right (if any) of an Owner or Occupier with the exclusive use of any area to garden in that area. Occupiers may also maintain the footpaths which are part of the Maintained Areas if they choose to do so.

Structures

- 2.2 Subject to any law, an Owner or Occupier must not alter, operate, damage or deface any structure on or that forms a part of the Common Property or a Maintained Area without the written consent of the Committee.

Rules of Interpretation

- 1.2 In these By-Laws unless the contrary intention appears:

Rubbish

- 2.3 An Owner or Occupier must:
- (a) not put any rubbish, dirt or other offensive material on the Common Property or any Maintained Area; and
 - (b) dispose directly of any rubbish generated within that Owner or Occupier's Lot.

Damage to Common Property

- 2.4 If an Owner or Occupier damages the Common Property or any Maintained Area, the Home Owners Club may repair the damage and recover its repair costs from the Owner or Occupier as a liquidated debt.

3 Conduct on Brookwater Land**Obstruction**

- 3.1 An Occupier must not obstruct lawful use of the Common Property, or the Maintained Areas, by another person.

Noise

- 3.2 An Owner or Occupier must not make or allow any noise in a Lot, on the Common Property or in any Maintained Area that would unreasonably interfere with the enjoyment by others of a Lot or the Common Property or a Maintained Area and must conform with Ipswich City Council's Local Law 18 on Excessive Nuisance at all times. If noise is unavoidable then the Owner or Occupier must strive to minimise the noise.

Behaviour of visitors

- 3.3 Owners and Occupiers must:
- (a) make sure their visitors, employees, agents and contractors comply with these By-Laws and this community management statement; and
 - (b) compensate the Home Owners Club for any damage that a visitor to the Occupier causes to Common Property, a Maintained Area or Assets.

Notice of accidents

- 3.4 An Owner or Occupier involved in an accident on Common Property or a Maintained Area must notify the Home Owners Club promptly of the

accident and give a reasonably detailed description of the circumstances.

Speed Limits

- 3.5 An owner, mortgagee or Occupier of a Lot must not exceed the speed limit of 50kms per hour or such other speed nominated by the Committee or stated on speed signs on or near Brookwater Land.

4 Use of Lots**Residential purposes**

- 4.1 Subject to By-Laws 4.5 and 4.6, Lots (other than Lots which the Original Owner intends to subdivide) must be used for residential purposes only.
- 4.2 Only one single detached residence for use by families or by not more than six unrelated persons may be erected on a standard format Lot unless the Home Owners Club consents. For clarity, this means that no granny flats or similar separate dwelling units are permitted.
- 4.3 No relocatable or mobile homes are permitted on the Lots.
- 4.4 Subject to by-law 4.6, no Display Homes are permitted on the Lots.

Lots 1074 and 1075 in The Greens

- 4.5 Lots 1074 and 1075 on SP 133270 (or any Lots created from those Lots from time to time) may be used for any purpose permitted by law from time to time, including a restaurant, professional offices, an education facility, a medical centre or community building. Initially, those Lots will be used as a sales office.

Original Owner's rights

- 4.6 Despite anything else in these By-Laws, the Original Owner may:
- (a) use any Lot, or permit any Lot to be used, for the purposes of a Display Home and/or display village carpark; and
 - (b) erect signage, or permit signage to be erected, on Brookwater Land (provided this complies with all laws); and
 - (c) undertake works on Brookwater Land necessary to the completion of the Development, including

excavation, general earthworks, the installation of drainage, utility services, and irrigation; and

- (d) enter onto any Brookwater Land with any vehicles, workers, or equipment to undertake the works mentioned in paragraph (c); and
- (e) bring heavy earth moving equipment onto the Common Property from time to time in order to complete the Development.

Parking

- 4.7 The Committee may in its absolute discretion by written notice from time to time to the Owners, mortgagees and Occupiers of Lots within Brookwater Land nominate which car parking spaces situated within the Common Property maybe used by Invitees.
- 4.8 Occupiers must not park in those car parking spaces.
- 4.9 In order to maintain an attractive overall streetscape the Owner or Occupier of a Lot must not park or permit to be parked Recreational Vehicles on a Lot unless they are completely housed within a garage or otherwise satisfactorily screened from view of the public areas with screening that is sympathetic to the existing appearance of the dwelling.
- 4.10 Owners and Occupiers are, where possible, to park motor vehicles within designated driveways or within garages to maintain an attractive overall streetscape.
- 4.11 If a Motor Vehicle or Recreational Vehicle is parked in breach of these By-Laws on 3 consecutive days (whether or not the vehicle has been moved in that time) then a warning notice will be placed on the vehicle. If after one clear day the vehicle is parked again, or remains parked, in breach of the By-Laws then a warning sticker is to be placed on a side window for vehicles and elsewhere for other vehicles. Further stickers will be affixed for continuing breaches.
- 4.12 Unless permitted under a By-Law, an Occupier must not park or stand a vehicle or equipment on the Common Property or a Maintained Area. The Committee is empowered in its absolute discretion to ensure the removal of all and any Motor Vehicles or Recreational Vehicles parked illegally on the Common Property by towing or by any other available means.
- 4.13 No person, apart from the Original Owner, may bring a vehicle heavier than 3 tonnes onto

Brookwater Land, without the consent of the Committee, or the committee of the relevant Scheme.

Maintenance & Appearance of Lots

- 4.14 An Owner or Occupier of a Lot will:-
 - (a) be responsible for the proper maintenance and decoration of his Lot;
 - (b) maintain the interior of the lot in a clean condition and take all practical steps to present infestation by vermin; and
 - (c) maintain in good condition and repair and keep clean any part of the Common Property which the owner has exclusive use of.
- 4.15 An Owner or Occupier of a Lot will allow the Committee and the servants and contractors of the Body Corporate access to the Lot and the Improvements at all reasonable times for the purpose of inspection and carrying out works under this By-Law provided that the Committee gives the Owner or Occupier reasonable Notice of its intention to enter upon the relevant Lot and carry out works under this By-Law
- 4.16 For the purposes of this By-Law "Improvements" includes walls, windows garage roller doors, doors, fly screens, gates, walkways, paths, driveways, yard, lawn, landscaping, garden, plants and irrigation, and drainage facilities within Lot.
- 4.17 Subject to paragraph 4.15 of this By-Law, an Owner or Occupier of a Lot must not hang washing, towels, bedding, clothing or other articles or display any sign, advertisement, placard, banner, pamphlet or like matter on the Common Property or any part of the Lot in such a way as to be visible from a Public Area, the Brookwater Golf Course or another Lot without the approval in writing of the Committee of the Principal Scheme or the Brookwater Golf Course.
- 4.18 The Letting Agent is permitted to display reasonable signs or Notices on Brookwater Land offering for sale or lease any Lot but such signs or Notices must not detract from the overall appearance of the development.
- 4.19 Lots, other than Lots which the Original Owner intends to further subdivide, must be kept clean, maintained in good order and condition to a similar standard to the common areas with

grass height less than 3000mm and be kept free of rubbish and vermin.

Windows and Window Covers

- 4.20 The Owner and Occupier of a Lot must keep all windows of a Lot clean and promptly replace with fresh glass or the same kind and weight as at present if broken or cracked.
- 4.21 An Owner or Occupier must not hang curtains visible from outside the Lot unless those curtains have a white backing, or unless such colour and design have been approved by the Committee of the Principal Scheme.
- 4.22 In giving such approvals, the Committee of the Principal Scheme must ensure, as far as practical, that curtains and window treatment used in all Lots have colours that are sympathetic to the tones of the improvements of Brookwater Land and present an aesthetic appearance when viewed from common property, the Brookwater Golf Course, or any other Lot.
- 4.23 Diamond Grill Security Screens are not permitted to be used on any windows which are visible from public areas, adjoining lots or the Brookwater Golf Course.

Keeping of Animals

- 4.24 The Owner or Occupier of a Lot must ensure in respect of any animal or pet lawfully kept by the Owner or Occupier:-
- (a) all pets or animals wear an identifying tag and/or an identifying microchip or Council tag or tattoo showing the Owner or Occupier's address and/or telephone number;
 - (b) all pets or animals must be licenced and registered with the Ipswich City Council.
 - (c) that the animal or pet is at all times kept clean, quiet and controlled; and
 - (d) whilst the animal or pet is on Common Property or road verge, that the animal or pet is restrained by a leash and that any droppings or waste material deposited by the animal or pet on Common Property or on another Owner or Occupier's Lot is promptly removed and deposited in an appropriate garage receptacle with appropriate wrapping.

- 4.25 Any Owner or Occupier of a Lot who brings, keeps or allows a pet or other animal onto the Brookwater Land is responsible for and assumes all liability for the actions of the pet or other animal whether or not the Owner or Occupier had knowledge, Notice or forewarning of the likelihood of such action.
- 4.26 Any pet or other animal found running loose on Brookwater land may be detained by the Body Corporate or the Developer and such pet or other animal will only be released to its owner upon payment to the Body Corporate or Developer of a handling charge of \$50.00.
- 4.27 Animals are strictly prohibited on the Brookwater Golf Course.
- 4.28 The Committee may remove an animal from the Brookwater Land or the Maintained Areas if the animal is disturbing others, in the Committee's opinion.

Tree removal

- 4.29 After construction of a residence on a Lot is complete, Occupiers may not remove any existing landscaping or vegetation from the Lot without the approval of the Home Owners Club. However, an Occupier may remove limbs from trees if there are legitimate concerns about safety. The Code deals with the removal of vegetation before and during construction of a residence on a Lot.

Damage to the Common Property or Lot

- 4.30 An Owner or Occupier of a Lot must not, without the prior written approval of the Body Corporate, damage or remove any lawn, garden, tree, shrub, plant or flower being part of or situated upon Brookwater Land or mark, paint, drive nails or screws or the like into, or otherwise damage or deface any structure that forms part of the Common Property or Assets.
- 4.31 An Owner or Occupier of a Lot accepts full responsibility and liability of any damage caused to Common Property or the road verge caused by a contractor or servant appointed directly by the owner or occupier through the dwelling construction and or maintenance of their Lot.

Notice of damage

- 4.32 Occupiers must promptly notify the Home Owners Club of any damage to or defect in water or gas pipes, electrical cables, service cables and other fixtures and any damage caused to Common Property or the road verge.

Garbage disposal

- 4.33 The following rules apply to garbage bins:
- (a) garbage bins must be stored where they are not visible from outside the Lot; and
 - (b) they must be emptied on a regular basis; and
 - (c) they must be returned to their receptacles within 24 hours after being emptied.

Clearance of Post Boxes

- 4.34 The Owner or Occupier of a Lot must regularly clear the post box of the Lot wherever located.

Flammable liquids

- 4.35 Occupiers must store and use flammable liquids or materials in their Lots in accordance with best practice.

Appearance of buildings on Lots

- 4.36 An Occupier may make a significant alteration to the exterior of a completed building or other improvement on a Lot only if the Occupier first obtains the consent of the Design Assessment Panel constituted under the Code.

5 Management of Common Property

Restricted access areas

- 5.1 The Committee must ensure that any parts of the Common Property used for:
- (a) electrical substations or control panels; and
 - (b) fire service control panels; and
 - (c) telephone exchanges; and
 - (d) other services to the Lots and Common Property,
- are kept locked unless there is a legal requirement to the contrary. Occupiers may not enter or open such areas without the consent of the Committee.
- 5.2 The Committee may use appropriate parts of the Common Property to store equipment used for the performance of the Home Owners Club's duties in respect of the Common Property and the Maintained Areas. Any such areas may be locked and access is prohibited without the authority of the Committee.

- 5.3 The Committee must ensure that:

- (a) in order to maintain connectivity between Turnberry Way and Augusta Parkway, public access for pedestrians and cyclists along the concrete footpath located within that part of the Common Property at the end of Turnberry Way (between Lot 419 on SP283420 and Augusta Parkway) is maintained at all times; and
- (b) these by laws are not amended to delete by-law 5.3(a).

6 Miscellaneous

Recovery of legal costs

- 6.1 If the Home Owners Club takes legal action to recover levies then the Occupier against whom the legal action is taken must pay the Home Owners Club's legal costs and expenses on a solicitor and own client basis.

Recovery of costs and expenses by Home Owners Club

- 6.2 If the Home Owners Club incurs costs or expenses because an Occupier does not pay an amount due to the Home Owners Club or breaches these By-Laws, the Act or the Regulation, the Occupier must pay the Home Owners Club those costs or expenses within seven days of the Home Owners Club demanding payment, as a liquidated debt due to the Home Owners Club.

Compliance with laws

- 6.3 Occupiers must comply with all laws and the requirements of all relevant authorities, including any water management plan that applies to the Development.

Copies of By-Laws

- 6.4 The owner of a Lot must give a copy of these By-Laws to any other Occupier of a Lot and or Letting Agent.

For example if an Owner rents their Lot to tenants then the Owner must give a copy of the By-Laws to the tenants.

Agreements by the Home Owners Club

- 6.5 Owners and Occupiers must:

- (a) comply with all agreements entered into by the Home Owners Club, as far as these are relevant; and
- (b) not do anything which might cause the Home Owners Club to be in breach of any agreement.

Golf Course

- 6.6 Each Owner and Occupier acknowledges that:
- (a) the Brookwater Land is located near the Brookwater Golf Course; and
 - (b) it is possible that golf balls from the Brookwater Golf Course may damage improvements on the Brookwater Land, or injure persons.
- 6.7 Each Owner and Occupier indemnifies the Home Owners Club and all other Occupiers against, and release the Home Owners Club and all other Occupiers from, liability for loss the Occupier or other people claiming through the Occupier suffer because of golf balls from the Brookwater Golf Course, whether the loss is caused by negligence or by something else.
- 6.8 Each Owner and Occupier acknowledges that the Brookwater Golf Course is private land and therefore must not access the Brookwater Golf Course land, alter the land profile, remove or plant vegetation without written consent from the Original Owner.
- 6.9 Each Owner and Occupier acknowledges that any dividing fence between the Brookwater Golf Course and Brookwater Land must not be altered, have gates installed or be removed or raised. The ongoing maintenance of this fence is the Owner and Occupier's obligation.
- 6.10 Any request for maintenance to the Brookwater Golf Course land must be made in writing and attention to the General Manager – Brookwater Golf Course

7 GST

- 7.1 Unless otherwise expressly stated, sums payable or consideration to be provided under or in accordance with these By-Laws are exclusive of GST.
- 7.2 If any party:
- (a) is liable to pay GST on any supply made by it under these By-Laws; and

- (b) agrees to issue a valid tax invoice to the recipient within 7 days of the due date for payment for the supply,

then the recipient agrees to pay to the supplier an additional amount equal to the consideration payable for the supply multiplied by the prevailing GST rate.

- 7.3 Notwithstanding any other provision in this community management statement to the contrary, this clause 8 will survive termination of this community management statement.

- 7.4 "GST" and other terms used in this clause 8 have the definitions provided in A New Tax System (Goods and Services Tax) Act 1999 (Cth) and the related imposition Acts of the Commonwealth, or Acts in substitution for them.

8 Supply of Services by the Home Owners Club

- 8.1 The Home Owners Club may:
- (a) purchase Services in bulk (as cheaply as possible) for the whole of the Brookwater Land; and
 - (b) sell Services to Occupiers under section 119 of the Standard Module.

Separate meters

- 8.2 The Home Owners Club must ensure that each Lot to which Services are sold has a separate meter and must arrange the installation of separate meters if necessary, if this is applicable to the type of Service supplied.
- 8.3 If it is not appropriate to install meters or similar devices in respect of a particular Service, then the Home Owners Club must devise a fair method of calculating how much of each Service a particular Occupier has used.

Selling price of Services

- 8.4 The Home Owners Club:
- (a) must not unfairly discriminate between Occupiers in setting charges for Services; and
 - (b) may not charge more than the rate the relevant Services supplier would charge to supply the Service directly to the Lot.

Payment of accounts

- 8.5 The Home Owners Club may issue accounts for Services supply at the intervals it decides are appropriate and accounts must be paid within 14 days.
- 8.6 If the owner of a Lot is not the occupier of the Lot then the owner is jointly and severally liable with the occupier for payment of accounts for Services supplied to the Lot.
- 8.7 If accounts are not paid on the due date then:
- (a) the amount outstanding (including any interest accruing from day to day) is subject to interest at the rate of 20% per annum; and
 - (b) an account is taken not to be paid until any interest is also paid; and
 - (c) the Home Owners Club may sue the person liable for payment of the account as a liquidated debt; and
 - (d) the Home Owners Club may disconnect or discontinue the supply of the Service to the relevant Lot until the amount outstanding is paid.

Limit on liability of Home Owners Club

- 8.8 The Home Owners Club:
- (a) does not have to supply Services beyond the extent that the relevant Services supplier could supply at any time; and
 - (b) is not liable for damage or loss suffered to persons or property because of a failure of the supply of the Service whether caused by the Home Owners Club, its servants and agents, or any other person and through any cause whatsoever, including negligence.
- 8.9 Control of the systems used to supply Services is the responsibility of the Committee and the Committee may employ servants or agents to operate the Services. The Committee may exercise the powers of the Home Owners Club under this by-law 8.

Transferee of Lot liable for accounts and able to search

- 8.10 The transferee of a Lot is liable for unpaid accounts for Services supplied to that Lot. The

Home Owners Club must, if asked, disclose the amount of outstanding Services accounts for a lot to a proposed transferee of that Lot. The transferee must have the written authority of the owner of the relevant Lot.

Right of Occupiers not to take Services

- 8.11 Nothing in this by-law obliges an Occupier to buy Services from the Home Owners Club. If the Home Owners Club supplies Services to an Occupier, the Home Owners Club and the Occupier must enter into an agreement about that supply.

9 Construction of Residence**Commencement of Construction**

- 9.1 The Home Owners Club wishes to ensure that no Lot is left vacant for a long period of time. The Owner must Substantially Commence Construction of the residence to be erected on the Lot by the day which is one year after Settlement.

Hours of Construction

- 9.2 Hours of construction must conform with Ipswich City Council regulation which are as follows:
- (a) Monday to Saturday from 6.30 a.m. to 6.30 p.m.; and
 - (b) construction is not to be undertaken on the premises outside the above hours or on Sundays or public holidays.

Transferee Bound

- 9.3 If a Owner transfers a Lot before the residence to be built on the Lot has been substantially commenced, then the Owner must have the transferee enter into a deed with Home Owners Club in which the transferee agrees to be bound by this By-law and to obtain a covenant in similar terms to this By-law if it transfers the Lot. The deed of covenant shall be prepared by the solicitors acting for Home Owners Club at its cost.

SCHEDULE D	OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED
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A Connection to utility infrastructure

In this Schedule D, "**Utility Infrastructure Works**" means any works considered necessary or desirable by the Original Owner for the purpose of establishing utility infrastructure and utility services and connections to Brookwater or a Scheme, including:

- (a) excavation and general earthworks; and
- (b) the construction of Common Property areas, including roads; and
- (c) the construction on Common Property of improvements and facilities; and
- (d) the construction of public or private services infrastructure, including connections for sewerage, gas, electricity, telephone, fibre optics, pay television cables or any other services.

To facilitate the progressive development of Brookwater and the Schemes, the Original Owner may enter any part of the Brookwater Land to undertake Utility Infrastructure Works.

The Original Owner may bring onto the Brookwater Land any machinery or equipment it requires to carry out the Utility Infrastructure Works.

The owner of a Lot may, for the further development of the Lot as described in Schedule B of this community management statement, connect to the utility infrastructure in the Common Property.

Words defined in Schedule B have the same meaning in parts A and B of this Schedule.

B Service easements and statutory easements

1 Services location diagrams for service easements

There are no service easements for:

- (a) the standard format lots included in Brookwater; and
- (b) common property for the standard format lots in Brookwater.

2 Statutory easements

There are no lots in Brookwater which are affected, or proposed to be affected, by a statutory easement.

3 Application of this Part B

This Part B applies to all lots and common property in Brookwater created pursuant to a development approval issued after 4 March 2003.

C Architectural and Landscape Code

PREAMBLE

The vision for Brookwater is to create a premier residential community that will meet world's best standards for communities of its type.

The unique setting for Brookwater provides a sloping topography with views towards nearby hills, the adjoining golf course, parklands and watercourses. This presents a rare opportunity to create an outstanding lifestyle for its residents.

Brookwater will complement the Greg Norman designed tournament standard golf course which Brookwater surrounds. The golf course is the only one of its kind in the Greater Brisbane area.

The purpose of this Code is to encourage housing that will enhance the total amenity and character of Brookwater whilst encouraging individuality and originality as well as sound basic design elements.

This Code, which forms part of the community management statement, will protect everyone's investment in Brookwater, including property values. It will also position Brookwater as the leading Queensland residential community.

PROCESS

To maintain consistency and quality of applications within Brookwater, a process has been structured to ensure compliance with the Code.

A Design Assessment Panel ("DAP") will review your housing designs for approval. A member of The Royal Australian Institute of Architects will be included in the DAP.

DAP approval must be obtained before construction commences. Generally the DAP will respond within 10 working days of receiving the application. The DAP has complete discretion regarding approvals and relaxation of any aspects of the Code. Non-compliance with any part of the Code must be accompanied by a request for relaxation, stating reasons why such relaxation should be granted, preferably including photographs and relevant drawings to assist the DAP in its decision making.

Occupiers must also obtain DAP approval before they obtain the necessary development permit from the Local Government. The Local Government may impose its own conditions. These conditions may also need to be approved by the DAP.

Occupiers may also take advantage of preliminary meetings with the DAP before lodging their application. This will give Occupiers opportunities to discuss any uncertainties regarding the Code.

IMPORTANT NOTE

Division 5 of this Code applies only to standard format residential Lots in Brookwater and in any Schemes created from Lots, not to building format Lots or volumetric Lots. It is contemplated that similar controls will be required for medium density development. These may be contained in the community management statements for the relevant Schemes.

This Architectural and Landscaping Code is made up of five divisions:

***Division 1
Division 2***

***Introduction
Establishment of the DAP***

*Division 3**DAP Approvals, compliance
and enforcement**Division 4**General**Division 5**Architectural and Landscaping
Standards*

DIVISION 1: INTRODUCTION

1 Interpretation

- 1.1 The following words have these meanings in this Code unless the contrary intention appears.

Act means the Body Corporate and Community Management Act 1997, but does not mean the Standard Module.

Applicant means the person who submits an application for approval of Works by the DAP under Division 3.

Bond means a bank guarantee in a form acceptable to the DAP for an amount determined by the DAP.

Brookwater means Brookwater community titles scheme.

Brookwater Land means the Lots and Common Property of Brookwater.

Business Day means a day on which banks are open for general banking business in Ipswich, not being a Saturday or Sunday.

Common Property means the common property in Brookwater.

Code means this architectural and landscaping code.

Consultants means professional consultants such as architects and engineers appointed by the DAP to advise the DAP about applications.

DAP means the design assessment panel established under Division 2.

DAP Approval means an approval granted by the DAP to Works under this Code.

Home Owners Club means the body corporate for Brookwater.

Local Government means Ipswich City Council.

Lot means a Lot in Brookwater, and includes a lot in a Scheme.

Occupier includes any person that must, by law, comply with this community management statement, and includes a firm, a body corporate, an unincorporated association or an authority.

Original Owner means the person who is the original owner under the Act, and any person nominated by the original owner to the Home Owners Club.

Roads means the local government controlled roads in Brookwater.

Scheme means a subsidiary community titles scheme, where Brookwater is the principal community titles scheme.

Standard Module means the Body Corporate and Community Management (Standard Module) Regulation 1997.

Standards means the architectural and landscaping standards in Division 5.

Works means building and landscaping work that must be approved by the DAP under this Code, described in clause 2.

- 1.2 In this Code unless the contrary intention appears:

- (a) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (b) the singular includes the plural and vice versa; and
- (c) the word person includes a firm, a body corporate, an unincorporated association or an authority; and
- (d) if a period of time is specified and dates from a given day or the day of an act or event, it is to be calculated exclusive of that day; and
- (e) a reference to a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later; and
- (f) "including" when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

2 Works

Meaning of Works

- 2.1 Works means all building, construction and landscaping work on a Lot which affects the

exterior appearance of the Lot or any structure on the Lot.

Restriction on Works

- 2.2 A person must not carry out Works on Brookwater Land unless:
- (a) the Works have been approved by the DAP under this Code; and
 - (b) all necessary other approvals have been obtained from the Local Government and other relevant authorities.
- 2.3 All Works must be done strictly in accordance with the required approvals for those Works, this Code, all laws and any DAP Approval.
- 2.4 A person must not apply for Local Government approval or any other approval from a relevant authority until the person has obtained a DAP Approval.
- 2.5 Before commencing any Works, a person must attend a site induction to be performed by a person nominated by the DAP. Among other things, the site induction will assist people undertaking works to understand what is required to comply with the DAP Approval for a Lot and implement the approved drawings.

DIVISION 2: ESTABLISHMENT OF DAP

1 Establishment of development assessment panel

- 1.1 The DAP is established to carry out the functions described in this Code.

Members of DAP

- 1.2 The DAP may have up to four members, one of whom must be a member of The Royal Australian Institute of Architects.

- 1.3 While the Original Owner owns Brookwater Land it may appoint up to two members of the DAP. The following rules apply to appointments and revocations by the Original Owner:
- (a) the people appointed need not be members of the Home Owners Club; however, at least one appointee must be a member of The Royal Australian Institute of Architects; and
 - (b) the appointment lasts until the person resigns or the appointment is revoked by the Original Owner; and
 - (c) the Original Owner must give the Home Owners Club written notice of an appointment or a revocation of an appointment; and

(d) if the number of members appointed by the Original Owner is less than two then the Original Owner may make new appointments so that the total appointed by the Original Owner is not more than two; and

(e) the appointments may be revoked by the Home Owners Club once the Original Owner no longer owns any Brookwater Land.

1.4 The Home Owners Club may appoint only two members of the DAP until the Original Owner:

(a) no longer owns any Brookwater Land; or

(b) gives the Home Owners Club a written notice waiving its appointment rights under clause 1.3.

1.5 When the Original Owner no longer owns any Brookwater Land, the Home Owners Club may appoint all members of the DAP.

1.6 The following rules apply to appointments and appointment revocations by the Home Owners Club:

(a) appointments and revocations of appointment are by Home Owners Club Committee resolution; and

(b) the people appointed need not be members of the Home Owners Club; and

(c) an appointment lasts until the person resigns or the appointment is revoked by the Home Owners Club; and

(d) if at any time the DAP does not include a member of The Royal Australian Institute of Architects, the Home Owners Club must promptly make the necessary appointment.

Records of members

1.7 The secretary of the Home Owners Club must keep a record of current members of the DAP. The record must include:

(a) a postal address, telephone number and facsimile number (if available) as notified by the members from time to time; and

(b) the date of appointment of the member; and

(c) written evidence of the appointment of the member; and

(d) the meetings attended by the member.

Chairperson

1.8 While the Original Owner owns some Brookwater Land, the chairperson of the DAP will be a member of the DAP specified from time to time by the Original Owner in a written notice to the Home Owners Club. Otherwise, the chairperson of the DAP will be a member of the DAP decided from time to time by resolution of the Home Owners Club committee.

2 Meetings

2.1 The DAP must meet when necessary to perform the DAP's duties. The Home Owners Club may, by resolution of the Home Owners Club committee, specify a schedule of dates for DAP meetings.

2.2 Two members of the DAP (which must include the chairperson) constitute a quorum.

2.3 Meetings must be convened by the secretary of the Home Owners Club by written notice to the members, unless all members agree to dispense with written notice. The notice must be served by post or facsimile to the recorded address of the member at least 7 days before the proposed date of the meeting. The notice must show the date, time and place of the meeting.

2.4 DAP meetings must be held:

(a) on Business Days; and

(b) between 9.00 am and 5.00 pm,

unless the members all agree in writing to a different date or time.

- 2.5 Decisions will be made by a majority on a show of hands by members at the meeting. Each member will have one vote except for the chairperson, who will have a primary vote and a casting vote.
- 2.6 A member (including, to remove any doubt, the chairperson) who is absent from a meeting may appoint another member as his or her proxy. The proxy must:
- (a) be in writing signed by the person making the appointment; and
 - (b) be delivered to the secretary of the Home Owners Club before the relevant DAP meeting.
- 2.7 A member acting as a proxy has the same powers at a DAP meeting as the member whom the member acting as a proxy represents.
- 2.8 The DAP may from time to time, designate one or more of the members to investigate matters

for and on behalf of the DAP and report their findings to the DAP.

- 2.9 The DAP may hold meetings by telephone conference call.
- 2.10 A minute signed by all members takes effect as a resolution of the DAP.

3 Consultants

- 3.1 The DAP may appoint Consultants from time to time to assist the DAP in properly performing the DAP's duties. To remove doubt, any member of the DAP may act as a Consultant.
- 3.2 Each application to the DAP may be submitted to the appropriate Consultant before the meeting at which the application will be considered.
- 3.3 The type of Consultant to review different applications may be determined by the DAP from time to time.

DIVISION 3: APPLICATIONS FOR DAP APPROVAL

1 Applications for DAP approval

- 1.1 Applications for an DAP Approval must be:
- (a) submitted by the owner of the relevant Lot or the owner's nominee or agent; and
 - (b) in writing on the form specified by the DAP; and
 - (c) submitted to the address for service of the Home Owners Club; and
 - (d) accompanied by (in A1 format, 2 copies of each), as appropriate to the proposed Works:
 - (i) the site plans including any fencing, earthworks, retaining walls, and driveways; and
 - (ii) landscaping plan; and
 - (iii) building plans (including elevations and cross sections) and specifications ; and
 - (iv) a floor plan; and
 - (v) front, rear and side elevations; and
 - (vi) cross-section details; and
 - (vii) small samples of roof and external wall colours; and
 - (viii) details of any relaxations from the Code required; and
 - (ix) any other information required from time to time by the Home Owners Club; and

- (x) the application fee specified by the DAP from time to time; and
- (xi) if required by the DAP, a Builder's Bond (see clauses 1.3 to 1.8 of this division).

1.2 The DAP may require an Applicant to give additional information. The Applicant must supply the additional information as soon as reasonably possible.

Builder's Bond

1.3 In this division:

Builder's Bond means either:

- (a) an unconditional undertaking (or any replacement or addition to it under clause 1.7) by a bank and on terms acceptable to the Home Owners Club acting reasonably to pay on demand the Bond Amount to the Home Owners Club; or
- (b) cash or an unendorsed bank cheque for the Bond Amount, payable to the Home Owners Club.

Bond Amount means the greater of:

- (a) 1% of the estimated cost of the Works; or
- (b) \$5000.00.

1.4 The owner of the Lot must provide the Home Owners Club with a Builder's Bond with their application for DAP Approval.

1.5 No interest will be paid on the Builders Bond. If paid by cash, the Builder's Bond will not be deposited to a dedicated trust account.

1.6 If the owner of a Lot does not comply with:

- (a) any of their obligations under the Code; or
- (b) by-law 9,

within 7 days after receiving notice to remedy the non-compliance from the DAP or Home Owners Club, then the Home Owners Club may call on the Builder's Bond without notice to the owner of the Lot.

1.7 If the Home Owners Club calls on the Builder's Bond, then no more than 7 days after receiving notice from the Home Owners Club, the owner of the Lot must give the Home Owners Club an additional Builder's Bond, but only for a sum necessary to ensure that the total amount of the Builder's Bond equals the Bond Amount.

1.8 The Home Owners Club must return any unused part of the Builder's Bond to the owner of the Lot when the owner of the Lot has complied with all of its obligations under this Code in relation to the original construction of a house on the Lot (that is, the house including landscaping is complete and any requirements of the DAP or Home Owners Club in relation to that construction are satisfied).

1.9 The Home Owners Club may enter into arrangements with the Original Owner to administer the Builder's Bond and to exercise rights on its behalf under clause 1 of this division.

2 DAP Approvals

2.1 The DAP must consider applications using the Standards.

2.2 After the DAP has considered an application it must give the Applicant written notice approving the application (conditionally or unconditionally) or rejecting the application. The DAP must use its best endeavours to give the notice within 10 working days of receipt of the application fee and any additional information under clause 1.2.

2.3 If the DAP approves an application conditionally, the conditions may include, but are not limited to:

- (a) submission of any additional plans and specifications or such other information as required by the DAP; and

- (b) changes being made to any of the items or information included in the application; and
 - (c) commencement of the Works within a reasonable time determined by the DAP.
- 2.4 All approvals must be affixed with the DAP approval stamp and signed by the Secretary of the Home Owners Club or a person authorised by the DAP for this purpose.
- 2.5 A DAP Approval expires when any relevant Local Government or other authority approvals expire, or, if there are no other expiry dates, two years from the date of the DAP Approval.
- 2.6 If an Applicant:
- (a) has obtained a DAP Approval; and
 - (b) obtains all necessary approvals from the Local Government and all other relevant authorities; and
 - (c) the Works have changed since the DAP Approval was obtained because of the requirements of the Local Government or the other relevant authorities,
- the Applicant must submit to the DAP, at the address for service of the Home Owners Club, two copies of all necessary plans and correspondence which shows the extent of the changes.
- 2.7 If the change is not a substantial change, the information is submitted to the DAP for information only.
- 2.8 If the change is a substantial change, the Applicant must undergo the approval process described in clauses 1 and 2 of this Division to obtain a new DAP Approval. However, the Applicant need not pay an application fee.

3 Relaxation

The DAP may allow non-compliance with any requirement of this Code (including, without

limitation, the Standards) in its absolute discretion.

4 Breach of Code

- 4.1 If the Applicant does not comply with this Code or with any approval issued by the DAP under this Code, the Home Owners Club may serve a notice on the Applicant requiring it to remedy the non-compliance within a reasonable period set out in the notice.
- 4.2 If the Applicant does not remedy the non-compliance in the period set out in the notice, the Home Owners Club may:
 - (a) enter any part of the Brookwater Land where the non-compliance has occurred; and
 - (b) remedy the non-compliance; or
 - (c) remove the non-complying Works; and
 - (d) recover the costs of its action under this clause as a liquidated debt from the Applicant.
- 4.3 The Home Owners Club may take any action it considers necessary to prevent a breach of this Code. For example, without limitation, it may:
 - (a) require all work on the relevant Brookwater Land to cease; or
 - (b) restrict the access of the Applicant, its agents, employees or contractors to the relevant Brookwater Land.

5 Completion of Works

- 5.1 The Owner of a Lot must give a notice to the DAP when they consider that all Works associated with the DAP Approval for their Lot are complete.
- 5.2 The DAP will inspect the Lot within 7 days of receiving the notice from the Owner of the Lot to determine whether, in the DAP's opinion, the Works comply with the DAP Approval for the Lot.

- 5.3 If, in the DAP's opinion, the Works do not comply with the DAP Approval for the Lot, the DAP will give a notice to the Owner of the Lot identifying the non-complying Works ("**Remedy Notice**").
- 5.4 The Owner of the Lot must ensure the non-complying Works are remedied promptly after it receives the Remedy Notice from the DAP.
- 5.5 If the Owner of the Lot disputes a Remedy Notice, the dispute must be referred to the Chairman of the Home Owners Club for determination ("**Chairman's Decision**"). The Chairman must make an independent determination on the merits of the Remedy Notice and will not act as an arbitrator.
- 5.6 If the Owner of a Lot disputes the Chairman's Decision, the dispute must be referred to the President of The Royal Australian Institute of Architects (or a nominee of the President) for

determination. The President (or nominee) will act as an expert and not an arbitrator. The costs of the determination must be paid by the Owner of the Lot, unless the President (or nominee) decides otherwise.

- 5.7 When the DAP is satisfied that the Works comply with the DAP Approval for the Lot (or a determination to this effect has been made by the Chairman or the President (or nominee)), the DAP must promptly give a notice to the Owner of the Lot ("**Acceptance Notice**"). Clauses 1.2 and 1.3 of Division 4 of the Code apply to the Acceptance Notice.
- 5.8 The procedure in clauses 5.1 to 5.6 will continue until the DAP gives the Owner of the Lot the Acceptance Notice.

DIVISION 4: GENERAL

1 Miscellaneous

No Waiver of future approvals

- 1.1 The approval of the DAP to any Works is not a waiver of the right to approve conditionally or reject any similar Works subsequently submitted for Home Owners Club approval.

No liability for Home Owners Club or DAP

- 1.2 Neither the DAP, nor any member of the DAP, nor the Home Owners Club is liable to any Applicant for any loss, damage or injury arising out of or in any way connected with any recommendation, approval (conditional or unconditional) or disapproval given under this Code unless due to the wilful misconduct, bad faith, or criminal act of the DAP, its members, the Home Owners Club or their duly authorised representatives.

- 1.3 Approvals (conditional or unconditional) of any application will not be construed as compliance by the Works with any laws about construction of the Works, the structural soundness of the Works, or any other approvals required for the Works.

Indemnity

- 1.4 The Applicant will indemnify the Home Owners Club, the DAP and any agent, employee or contractor of the Home Owners Club or the DAP against all losses, claims, demands, and expenses which the Home Owners Club, the DAP or any agent, employee or contractor of the Home Owners Club or the DAP sustains or incurs due to the Applicant's non-compliance with this Code.

GST

- 1.5 Unless otherwise expressly stated, sums payable or consideration to be provided under or in accordance with this Code are exclusive of GST.

- 1.6 If any party:
- (a) is liable to pay GST on any supply made by it under this Code; and
- (b) agrees to issue a valid tax invoice to the recipient within 7 days of the due date for payment for the supply,
- then the recipient agrees to pay to the supplier an additional amount equal to the consideration payable for the supply multiplied by the prevailing GST rate.
- 1.7 Notwithstanding any other provision in this community management to the contrary, this
- clause 1 will survive termination of this community management statement.
- 1.8 "GST" and other terms used in this clause 1 have the definitions provided in **A New Tax System (Goods and Services Tax) Act 1999 (Cth)** and the related imposition Acts of the Commonwealth, or Acts in substitution for them.
- Transitional**
- 1.9 If the Code changes after the DAP has issued a DAP Approval, the DAP Approval issued by the DAP remains in full force and effect, despite the changes to the Code.

DIVISION 5: ARCHITECTURAL AND LANDSCAPING STANDARDS

AIM

To encourage development which enhances the amenity and character of Brookwater through the successful design and harmonious integration of built form and landscapes within the local environment.

INTENT

These Standards will guide the design of housing within Brookwater to create a premier residential community. In setting a desirable standard, this information establishes a framework that promotes appropriate design solutions which enhance and benefit the potential landmark status of Brookwater. This will ensure the establishment of residences with an attention to detail, form and style that will distinguish the environment of Brookwater from other residential communities in the region.

These qualities will be ensured by adherence to defined standards, both building and landscape, which are detailed in this document. In turn these Standards maintain, protect and enhance Lot values. It is therefore vital that Occupiers and potential purchasers within Brookwater adhere to, and are committed to, the implementation of the Standards.

1 DESIGN PRINCIPLES

As a premier golf community, all Brookwater residential developments must uphold certain common characteristics to preserve the estate's distinct appeal.

The design of a Brookwater residence must focus on carefully integrating modern design that uses clean vertical lines with a unified landscaping character.

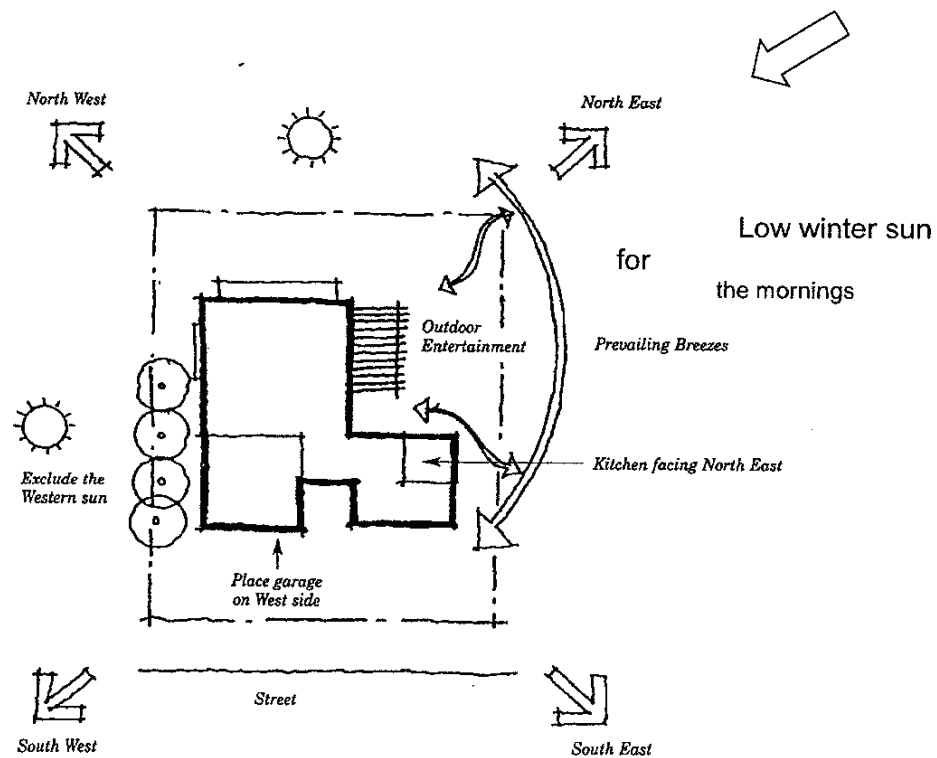
Common design themes

- 1.1 To maintain an overall design character for the estate, the following design elements are to be incorporated in the residential design:
- Expressed supports for Roof Structure. (e.g. Verandah posts)
 - Expressed screens such as vertical or horizontal slats, louvres, battens
 - Large areas of shaded glazing
 - A high level of detailing throughout, articulating the different spaces throughout the residence, eg. private and public areas
 - Expressed vertical elements in the elevation
 - Unified landscape
 - Effective integration with, and respect of all public interface and frontages including golf course, parklands and streetscapes.

Orientation

- 1.2 Using good design techniques any Lots facing in any direction can be designed to maximise orientation potential. Good design criteria to be utilised in the siting of the building are:
- Avoiding / shading Western sun using fenestration such as light screens overheads, screening.
 - Avoiding / protection against storms from the South West
 - Allowing the sun into the house during winter, such as low from the northerly sky
 - Allowing cooling North East to South East breezes to penetrate the home (See figure 1)
 - Consider wide thoroughfares or corridors apart of open living rooms.

Figure 1



Each home should be positioned to maximise position and other natural environment advantages such as:

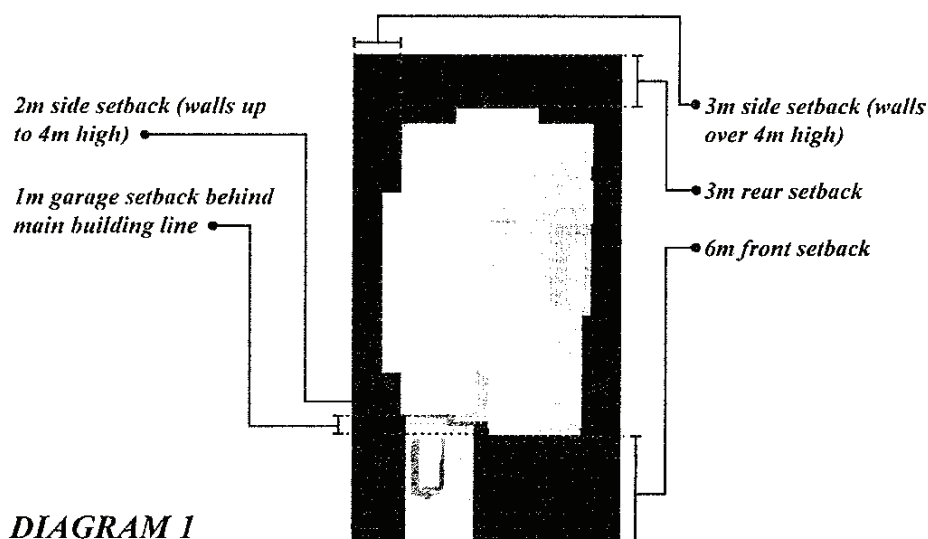
- prevailing breezes
- existing vegetation or tree protection
- sun angles
- streetscapes
- slope and contour orientation
- interface with adjoining parklands and golf course
- orientation in relation to neighbouring properties
- views and vistas.

RESIDENTIAL DESIGN STANDARDS

SPECIFIC DESIGN CRITERIA

Setbacks

- 1.3 Dwellings, garages and all other above ground structures must be sited on lots in accordance with minimum setbacks shown in the building setback diagram 1. Setbacks relate to all walls and buildings including overhangs.



Front setbacks

- 1.4 For all Brookwater homes, a minimum front boundary setback of 6.0 metres applies. Any open verandas / open entry statements may be placed within this zone, but require a minimum 4.0 metre setback from the front boundary.

For down sloping Lots (where the slope exceeds 10 percent), setbacks between front boundaries and garages may be relaxed to three metres to avoid long steep driveways.

Slide setbacks

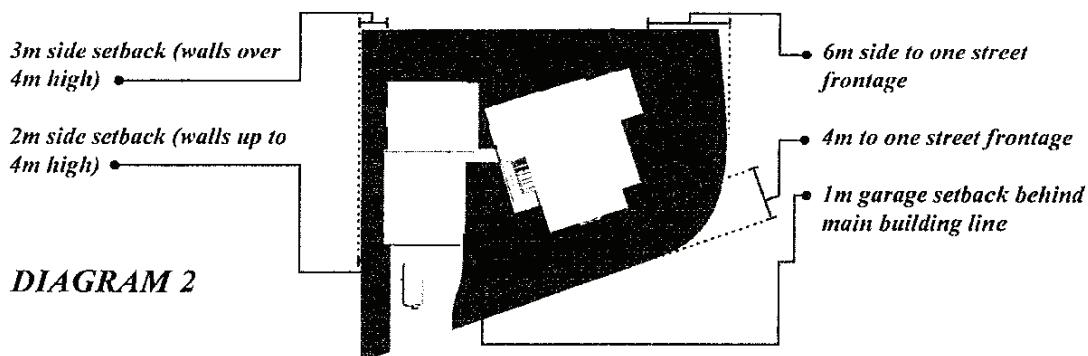
- 1.5 For walls up to 4.0 metres high, the required setback from side boundaries is 2.0 metres. Walls over 4.0 metres require at least a 3.0 metre setback.

Rear setbacks

- 1.6 All Brookwater homes require a 3.0 metre setback from rear Lot boundaries.

Corner Lot setbacks

- 1.7 On corner Lots, the minimum boundary setback is required to be 4.0 metres on one frontage and 6.0 metres for the other frontage (See diagram 2).

**Garage Setbacks**

- 1.8 Garages are to be constructed at least 1 metre behind the main building line (See diagram 4).

Where swing-in garages are incorporated, there is a minimum 4 metre setback from the front boundary (See diagram 3).

When located on sites with a grading of greater than 1 in 6, garages will be allowed forward of the house to assist with limiting cut and fill and to act as connection / transition points with suspended / raised housing design solutions.

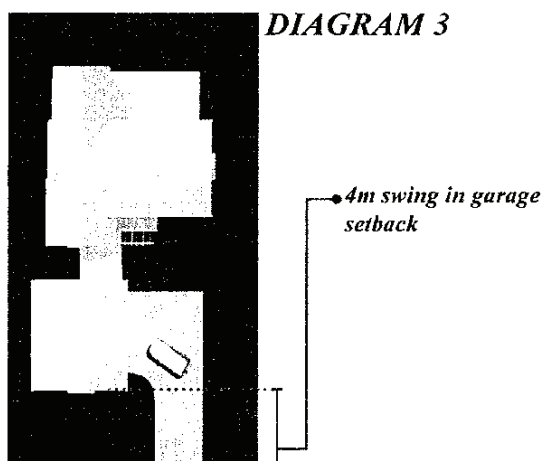
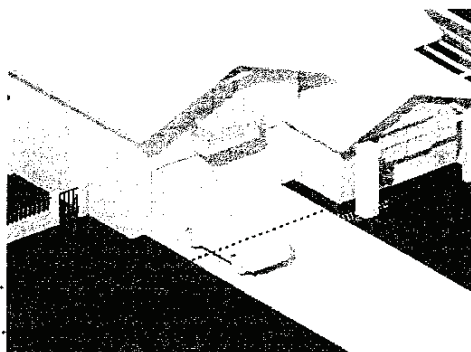


DIAGRAM 4

*Garages are to be
set back 1m behind
main building line*

***Pergola setbacks***

- 1.9 Pergolas are to be positioned at least 2.0 metres from any boundary.

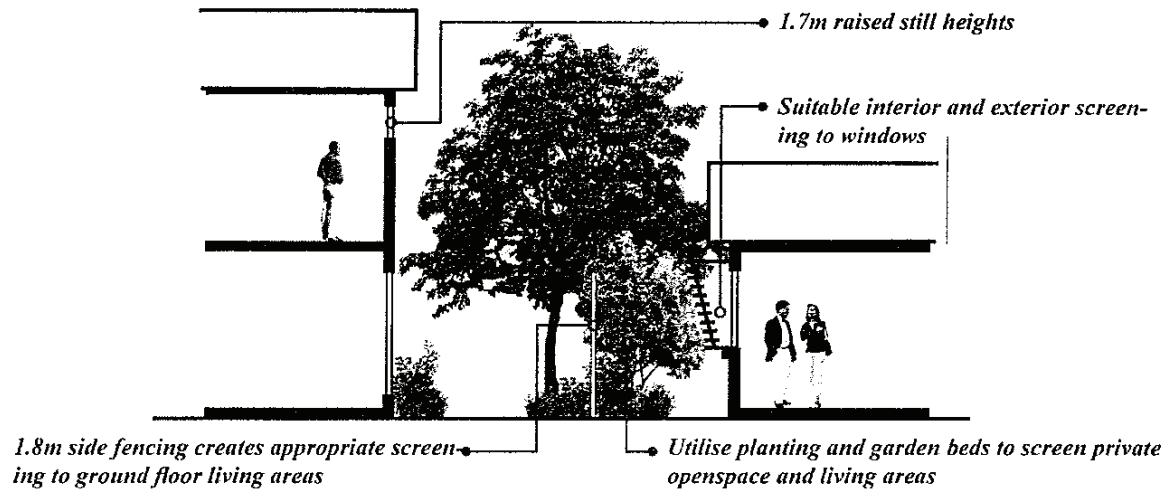
Privacy

- 1.10 By considering building layout and location, and design of windows and balconies, screening devices and landscaping, direct overlooking and overshadowing of adjoining buildings and their private open spaces can be minimized.

Design for privacy

Appropriate building and landscape measures such as staggering of windows and avoidance of verandas of adjacent dwellings facing each other, use of privacy screens and shade devices and screen planting must be utilised to improve visual privacy (see Diagram 15).

Bedroom and living room windows with a direct outlook to windows of bedrooms and living rooms or private open spaces (either existing or proposed) of a neighbouring dwelling must consider appropriate responses to ensure privacy and show details on plans and elevations submitted for approval to the DAP.

DIAGRAM 15**Design responses**

Responses, where practical, could include:

- in the case of screening for a ground floor level, fencing to a height of 1.8 metres above ground floor level;
- sill heights of at least 1.7 metres above floor level;
- fixed translucent glazing in any part of the window below 1.7 metres above floor level;
- suitable screening devices (e.g. blinds, shutters, batons, screen planting);
- off-setting from the edge of one window to the edge of the other by a distance sufficient to limit views into adjacent windows; and
- any decks or verandas overlooking neighbouring lots must have a balustrade incorporating privacy measures such as solid panels or upward facing louvres.
- during the approval process photos or additional sketches may be submitted to prove that any existing vegetation will provide screening from neighbouring allotments.

Street appeal and proportion

- 1.11 Successful residential planning will have the streetscape considered for proportion and appeal. Residential design should address the following:

- Horizontal and vertical relationships
- Roof relationships, including comparable heights
- Landscaping to integrate with the main entrance
- Proportion of window articulation
- Fencing from the front of the residence, to all streets. Refer fencing, below.

- 1.12 Occupiers are reminded that additional privacy measures such as mature landscaping and fencing may be required to attain proper privacy on angled Lots.

Energy efficiency

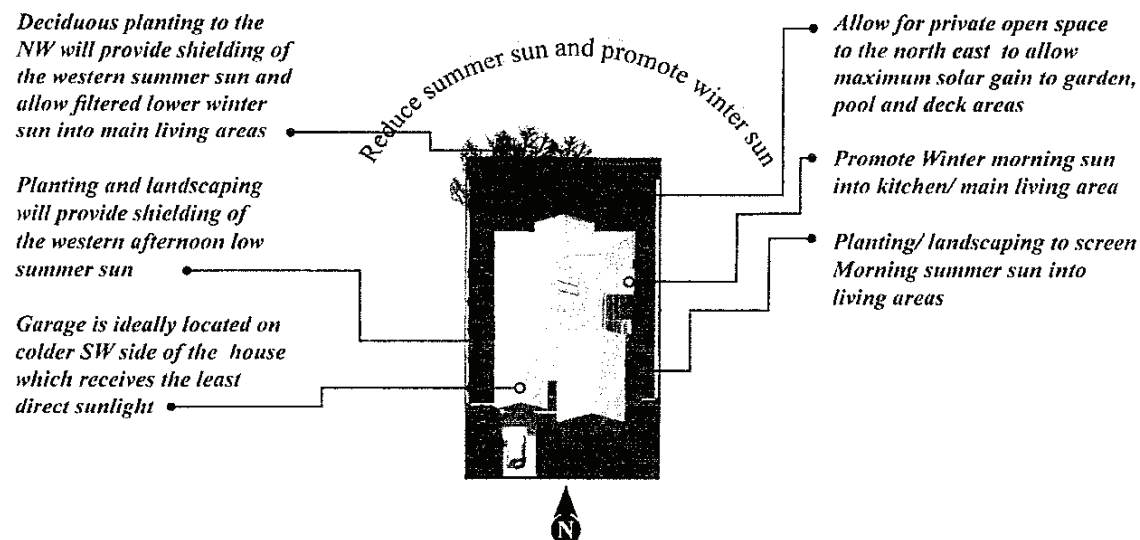
In addition to achieving the high quality built form vision for Brookwater, a pro-active attitude towards environmentally responsive design by landowners is encouraged.

Houses can be more comfortable to live in all year round by working with the natural environment. Addressing the local climate and the unique characteristics of a home site, and applying simple design and building techniques can create a home which is more comfortable to live in and achieve lower running costs (see Diagram 18).

Orientation

- 1.13 In siting your dwelling, consider the path of the sun over the lot and design your dwelling to avoid prolonged exposure to summer heat, capture winter warmth and maximize natural lighting, particularly to living areas. Dwellings should be designed to minimize the impact of the western sun on living areas during the summer months. See also clause 1.2.

Site planning should maximise the area for private open space in the northern and eastern portions of the Lot.

DIAGRAM 18**Thermal control**

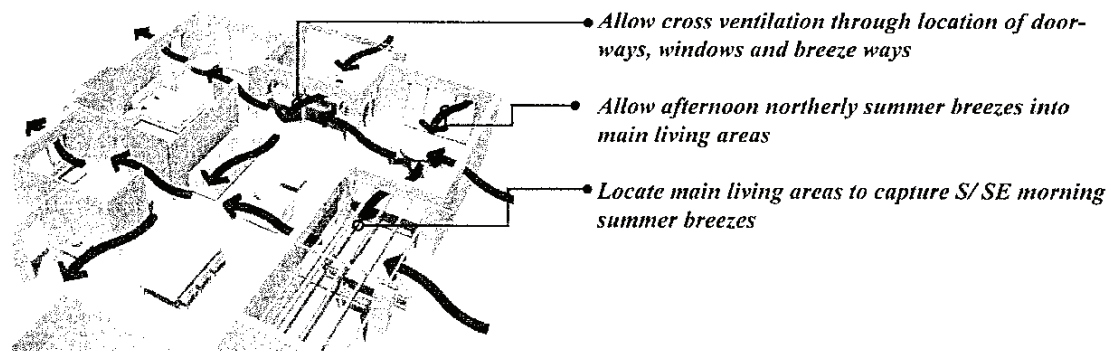
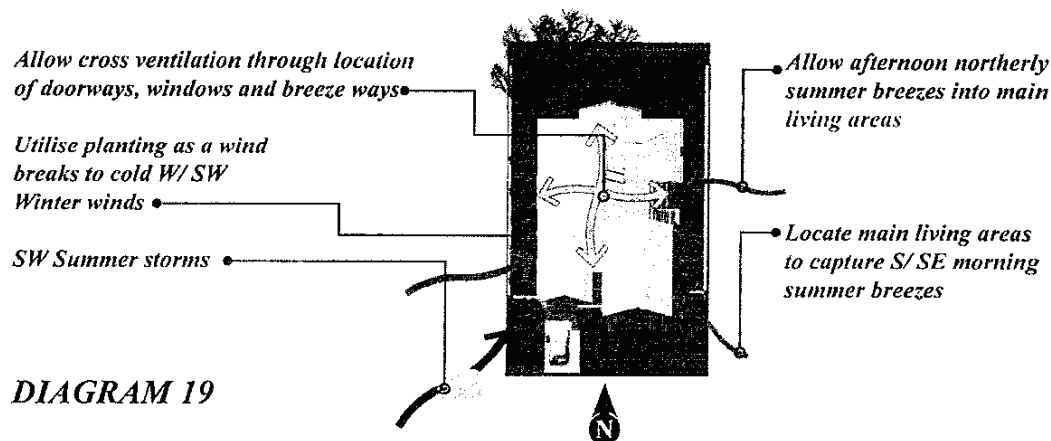
- 1.14 Insulating a dwelling is an effective way of achieving energy efficiency, energy cost savings and year round comfort. The correct use of insulation will assist homeowners to stay cool in summer and warm in winter. Insulation retards heat flow, minimizing heat gain in summer and heat loss in winter, and should be considered in relation the ceiling roof area, walls, windows and floor.

All external walls and inaccessible parts of the ceiling shall be insulated to the equivalent, but not less than:

- 1.2R insulation materials in walls; and
- 1.5R insulation in ceilings.

Ventilation

- 1.15 Windows must be placed to take advantage of prevailing breezes with a clear path through the home (see Diagram 19). Potential drafts through the dwellings should be minimized by way of good construction techniques, incorporation of vapour seals and flashings.



Natural gas and solar hot water systems

- 1.16 Water heating is the biggest greenhouse gas generator in a dwelling and accounts for up to 50% of a household's energy costs. Significant savings may be made by the use of alternative water heaters to electric, as well as reducing greenhouse pollution by up to 70%. Brookwater is a dedicated natural gas mains development with a primary focus on long term cost savings as well as contributing to environmental sustainability.

It is therefore required that gas continuous flow or gas storage type water heaters be installed, or alternatively, solar or heat-pump type water heaters. Solar water heater on roofs must be located to minimise their visibility from public areas. Solar water heaters must have solar collectors that are flat fitting to the roof with no support frames and solar storage tanks detached and concealed from view by appropriate screening.

Solar amenity

- 1.17 A significant amount of heat enters the home by direct sunlight penetration through windows. The type, size and location of windows is important. External shading devices must be considered, and are most appropriate to provide protection from eastern (morning) and western (afternoon) sun. Window surface area facing west should be minimized, with generous provision of windows in north facing rooms. External sun control may be provided in a variety of ways including external louvres, batons, and awnings, or pergolas with deciduous vines to promote

winter sun penetration. Roof overhangs and window hoods are also encouraged to protect openings from sun penetration and to provide shadow relief to building facades.

Dwellings should be designed to provide natural lighting where feasible. This may be achieved through the use of skylights and wall glazing.

Landscaping

- 1.18 Large shade trees positioned to the northeast and northwest will provide summer shade to the walls and roof. Deciduous trees are ideal on the north side as they will allow winter sun entry and provide a shady area for outside living in summer.

Energy conservation

- 1.19 There are numerous techniques to conserve energy and reduce greenhouse gas emissions. Water conservation can be implemented through the use of flow restricted shower and tap heads and the use of stored rainwater from gutters for toilet systems. In addition, external irrigation systems should be monitored by computers and/or sensors, which regulate the use of water.

Electrical energy conservation can be achieved in the following ways:

- use of low wattage, halogen or florescent light fittings;
- use of gas operated hot plates and ovens;
- use of energy rated electric and gas appliances;
- use of alternative water heating methods; and
- use of solar (photovoltaic) cells to generate alternative electrical energy, which can be transferred into an electrical supply grid and offset costs.

Recommended ways of promoting sustainable design and energy efficiency are listed in the following Energy Efficiency Checklist. The goal is to establish an energy efficient community, where residents will save money in heating and cooling requirements during the year, enjoy the best environmental amenity available, and positively contribute to the reduction of greenhouse gas emissions.

The following Energy Efficiency Checklist applies to all dwellings. It is mandatory to achieve a 25 or greater point score to meet minimum standards of energy efficiency required. The same number of points is obtained whether one or more items of each measure are achieved or installed. For example, for 6 skylights you will obtain the same number of points as for 1 skylight, i.e a total of 2 points.

Energy Efficient Checklist	
Measure	Weight Rating
Building Orientation	5
Use of Skylights	2
Roof Overhangs Greater than 600mm	3
Window Hoods	2
Other External Sun Controls	1
Shade Trees in Landscape	4
Protection to west facing windows	2
Insulation Roof	5
Insulation Wall	2
Cross Ventilation	5
Roof Ventilation	5
Hot Water System (Max: 4)	
Solar	4
Heat Pump	1
Gas	4
Photovoltaic Cells	1
Irrigation Sensor Monitoring	1
Flow Restricted Plumbing Fittings	2
Rainwater collection for Toilet Cisterns	1
Minimum required Score	25

Building height

- 1.20 The maximum height of any part of any house must not exceed 8.5 metres above natural ground as measured directly below that point. The DAP may require a surveyor's certificate to enforce this policy. It should be noted however, that applications to the Local Government for relaxation of this requirement will be upheld by the DAP. Height constraints are also based on the amenity of all adjacent Lot owners.

Floor area

- 1.21 Unless otherwise approved the minimum floor area for a house shall be 250 square metres including car accommodation and other enclosed spaces but not including verandahs, decks, pergolas and other unenclosed areas.

Site coverage

- 1.22 The maximum site coverage of any dwelling will be:

- 40% for all 2-storey dwellings
- 50% for all single storey dwellings

For the purpose of this clause, site coverage means the portion of the Lot which is covered by a building having an impervious roof and excluding eaves up to 600mm wide, pergolas, gazebos or the like and paved landscape areas.

Wall lengths

- 1.23 All building elevations are required to be considered as establishing the character of the residence through features and building elements. No wall on any face of the house may be more than eight metres long without a perpendicular step of 500mm. This is to avoid the impression of a long featureless wall (See diagram 14). Characteristics that will also assist the provision of feature include cantilevered upper levels, screened high courtyards - possibly for clothes drying, the integration with return fencing to the house, changes in materials, and low level roofs.

Any continuous wall over 8m requires an 8m perpendicular step of at least 500mm

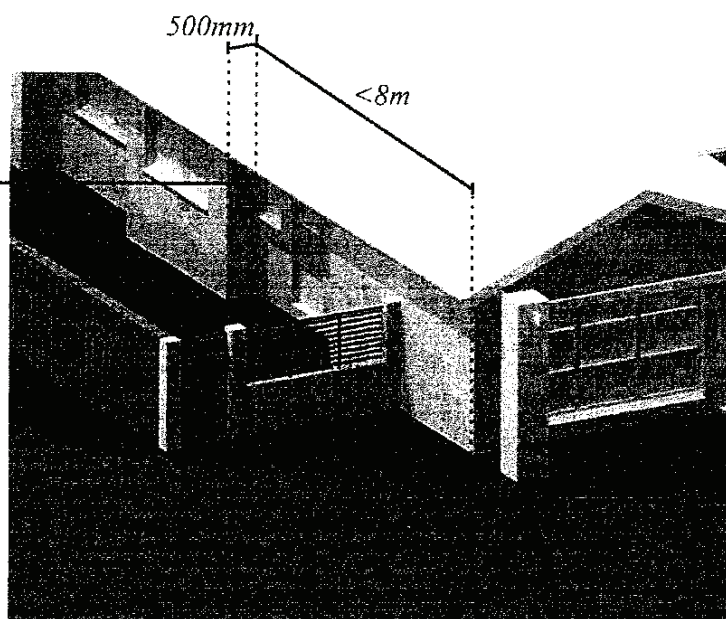


DIAGRAM 14

Materials

- 1.24 The built form vision for Brookwater provides for a mixture of different residential building characters with common, unifying design elements. An architecture which is both contemporary in expression and harmonious with its Australian bush setting will offer a broad range of possibilities to suit a variety of tastes.

An important element in maintaining the high quality of the residential neighbourhoods is the control of form, external-building materials, colour and other related finishes. The vision for Brookwater incorporates building form that respectfully mixes materials, together with contemporary high quality, low maintenance finishes. The design solution must embrace responsive solutions to local climate control for the comfort of residents and reinforce a relaxed and enjoyable residential lifestyle.

Building appearance

- 1.25 The built form of Brookwater will have a contemporary style based on its unique bush setting. Simple styles will integrate the built form with the landscape and provide visual coherency within the overall development. A palette

of natural textures, materials and colour will build upon and embrace with Brookwater character, providing individuality within each of the precincts as well as unifying the built form of the Brookwater community.

Houses must address their interface with all public areas, i.e. the street, golf course and adjoining parks, by attention to the design and integration of roofs, walls, ancillary structures and landscape. Building design, roof form, detailing, and materials visible from all public areas and adjoining properties must be complementary to the character and form of neighbouring houses. Garages and all ancillary structures must also be in harmony with the main dwelling.

Building Colours and Material

- 1.26 The vision for Broadwater is to provide a mix of modern with traditional architectural styles which provide a sensitive and carefully balance combination of warm natural material such as stone and timber, with the creative use of materials such as glass, aluminium and steel. Colours must be natural, non-reflective, earthy hues that reflect the colours and textures of the Brookwater landscape (e.g. cool greys, olive greens, cool blues, light browns, ochre).

Other colour accents or feature materials may be approved by the DAP based on their individual merit and ability to achieve diversity and interest in the built form. They are preferred only on detailed building elements or feature elements.

The use of face brick as a primary external finish will not be allowed.

At least two visibly different materials in any 80/20 composition must be used to construct external walls.

The use of ripped un-treated pine will not be allowed for any part of the building or fence areas. All external visible timber must be treated and dressed.

The use of clear galvanised metal or any second-hand materials as an external finish will be subject to the approval of the DAP.

Golf Course Residential Elevation

- 1.27 Golf front elevations of houses must be designed to appear as feature facades, displaying visual interest and a scale and form that integrate the building with the landscape of the golf course. House design must respect the character of neighbouring dwellings to achieve a varied but harmonious residential backdrop to golf. This is particularly relevant to undercroft areas or where retaining has occurred within the building envelope.

Houses on Corner Lots

- 1.28 Houses on corner lots must be designed with consideration given to their dual street frontage and private open space. The elevation of the secondary street frontage must address the issue of visibility from public areas and provide an interesting residential façade that supports a high quality streetscape. The need for privacy of outdoor space within the lot must be addressed by layout of the house in association with a landscape solution that provides acceptable visual screening.

Outdoor Structures

- 1.29 Outdoor structures such as sheds or outbuildings (gazebos, garbage bin enclosures etc), which are less than 9 square metres in area, are generally permitted where sensitively located and constructed in material compatible with the main dwelling. No prefabricated garden sheds of any material will be permitted.

Outdoor structures are not permitted to be built on any boundary alignment or within any setbacks. They cannot be built in front of the main house, and must be effectively screened from all aspects, particularly the golf course. Sheds and outbuildings must be shown on site plans and submitted to the DAP for approval. These structures must be designed as an integrated element of the overall house design.

Roofs

- 1.30 Varied and interesting roof forms are encouraged at Brookwater. Roof forms will be elevated by the DAP based on the compatibility with the architectural brief and the visual impact on the streetscape, golf course interface and other public domain areas. In general the minimum roof pitch shall be 25 degrees. However minor roof form elements of a lower pitch including flat and curved roofs where complimentary to the dwelling zone and provide interest and variety from the public domain will be assessed on their merits. Ridge lines in excess of 15m will not be permitted.

Colours

- 1.31 Colours used must blend the house in with its surroundings. Applicants are advised to seek out good colour selection advice from their designers. Each application is to be accompanied by at least one colour Elevation or Coloured Perspective of the residence from the street.

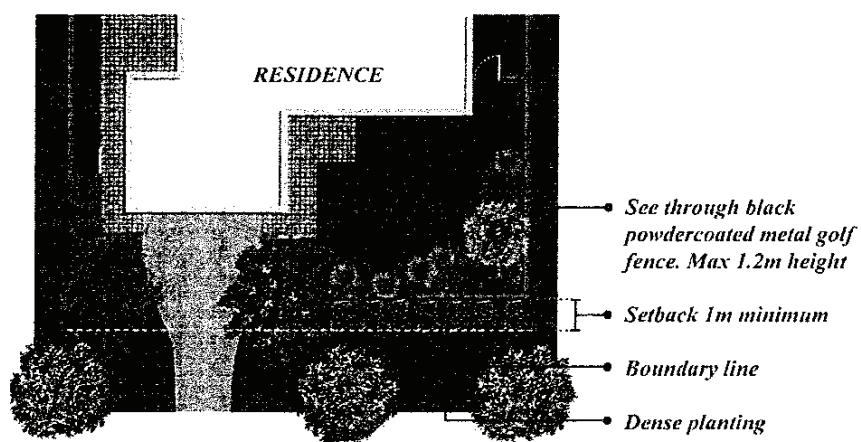
Fencing

- 1.32 Fencing around your home can impact on Brookwater's overall aesthetic appeal. No un-treated ripped pine will be allowed.

Front fencing

- 1.33 In order to ensure predominance of landscaping in front of the dwelling and to create attractive streetscapes, front fencing is not permitted forward of the house, and will be limited to the extent shown on diagram 13. Front fencing 1.2m high can be located not less than 1m behind the relevant front corner of the dwelling. Where the length of front fence does not exceed 2m from the side boundary, a front fence return up to 1.8m is permitted (See Diagram 13).

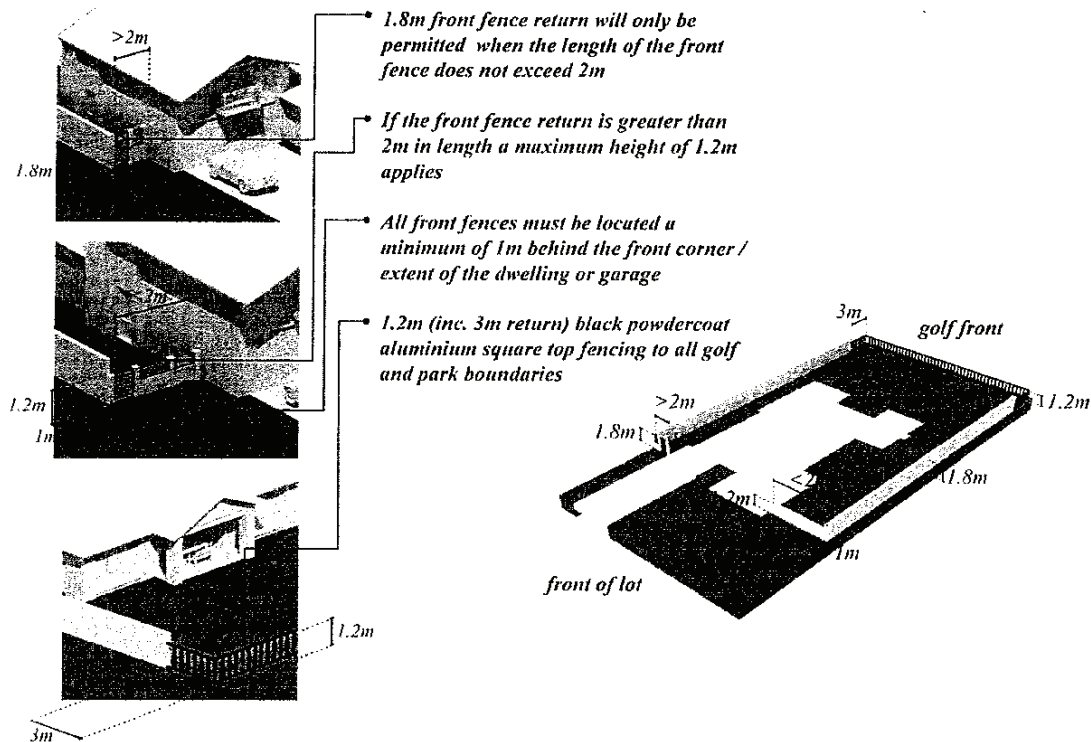
While the fencing of streetfront spaces is generally not a preferred treatment, it is recognised that in some instances, residents may wish to secure this space. Each proposal will be assessed by the DAP on its merits. Factors such as the relationship with neighbouring properties and the impact on the streetscape will be considered. The DAP will only consider a solution where the form, construction materials, detail and finish are consistent with that of the dwelling and complement the streetscape character and any neighbouring front fences. A black powder coated golf fence is the preferred fencing material in this scenario (See Diagram 12).

DIAGRAM 12

Front fencing on corner Lots is not to extend forward of the house on either frontage.

Side fencing

- 1.34 While other visually appealing options may be considered (excluding all colour bond metal) good neighbour, side fencing must be constructed from treated timber palings erected 1.8 metres in height and must finish 1.0 metres behind the front corner of the house.

DIAGRAM 13**Golf course boundary fencing**

- 1.35 For golf course boundaries (including a 3.0 metre return on both adjacent boundaries), fencing is to be strictly black powder coated aluminium square-topped fencing, 1.2 metres high.

Whilst visually appealing options such as rendered masonry are considered preferable, good neighbour fencing is acceptable, however must be constructed from treated and finished timber palings erected 1.8 metres in height which must finish 1 metre behind the front corner of the house. All colourbond metal fencing will not be permitted.

Park front fencing

- 1.36 If erected this will be a powdercoat aluminium square top fencing 1.2 metres high. It must combine with landscape screen planting (eg hedges, shrubs) to provide privacy for outdoor living spaces.

Side fence returns

- 1.37 Side fence returns must be erected and must be of high quality and reflect building materials and integrate well with the house design. Each side fence return must provide appropriate screening. If slats are incorporated, a maximum 30mm gap between slats will be allowed.

Gates

- 1.38 Gates, consistent with the fence details and house materials are permitted in park front fencing to provide pedestrian access. Gates must be integrated with house designs.

Corner lot fencing

- 1.39 In the case of corner lots, front fencing types will be permitted on the secondary road frontage boundary. This 1.2m high fence must remain behind the alignment of the front fence. The need for privacy of outdoor space within corner lots should be addressed by layout of the dwelling integrating with the landscape design providing visual screening. Gates are not permitted along fences of secondary street frontages on corner lots.

Clothes drying courts and lines

- 1.40 Clothes drying courts and clothes lines must be located and screened so that they are not visible from the street, the golf course or any open space. Screening must be in place at time of occupation of the Lot.

Overhangs, verandahs and decks

- 1.41 Wide overhangs are encouraged and a minimum width of 600mm is generally required to the perimeter of the home. Overhangs are to be incorporated for three reasons:
- To provide shade for openings
 - To avoid heat transfer from the walls to the inside rooms
 - So that windows and doors may be left open for ventilation during rain
- 1.42 No verandahs or decks with a roof pitch less than 10 degrees will be accepted.
- 1.43 Verandahs and decks should generally have a minimum width of 2.4 metres to ensure useability.
- 1.44 Large areas that use shaded glazing are also strongly encouraged as a common design theme in Brookwater properties, however other shading devices or structures for windows or doors that represent response to climate solutions to design, or are derived from traditional detail will be allowed based on merit.

Pergolas/porches

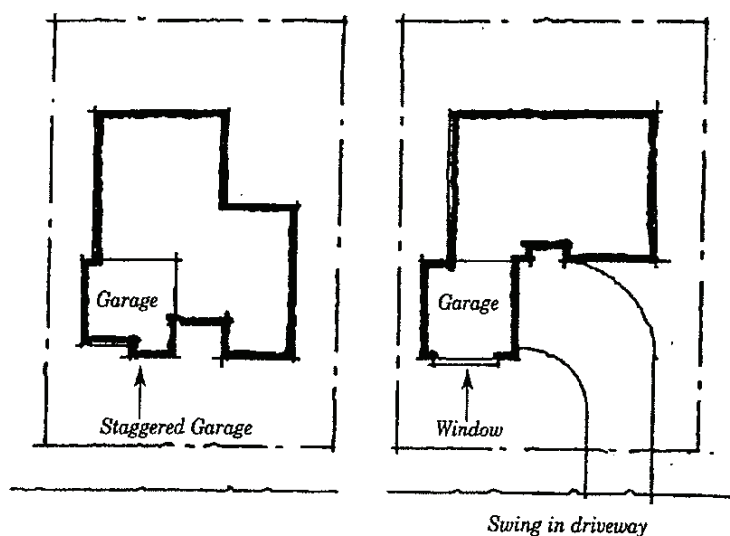
- 1.45 Extensive use of pergolas, or timber shade screening is encouraged as a common feature throughout Brookwater. Privacy considerations require a two metre setback from any boundary. Pergolas with a pitch of less than 10 degrees must not be covered by any material other than timber battens. Pergola posts must retain the characteristics of timber, and integrate with the residence.

Garages

- 1.46 A double lockup garage is required for each house on the estate. The exception will be for screened or battened carports, which are out of view of the road and heavily landscaped. Garages should be at least 1.0 m behind the main building line (Refer to diagram 4). Exceptions include for where a substantial front verandah is integrated to the street elevation, or the garage design and detailing complements the style and roof pitch of the main dwelling.

- 1.47 Occupiers should make adequate provision for a minimum of 2 guest carparking spaces. Golf buggies, parking for trailers, caravans, boats, work vehicles, trucks and vans must be kept out of view from roads, open spaces and the golf course. Work vehicles such as trucks, vans etc must not be parked on the street or footpath.
- 1.48 Swing in driveways are encouraged as long as the face of the garage addressing the street contains a window or other feature (See figure 6).

Figure 6



Driveways

- 1.49 The maximum width of any driveway at the front boundary is to be 4.5 metres. All paving materials are acceptable as long as they provide a permanent hard surface and are compatible with the general landscape of the street (ie. not gravel or dirt). Driveway must be constructed prior to occupancy. A 100mm of PVC conduit must be installed under the driveway for irrigation access.

High ceilings

- 1.50 High ceilings are encouraged and can help ventilate a house and create special interest. Openings high in the walls can also allow hot air to escape.

Open plan living

- 1.51 Open plan design of a house can enable prevailing breezes to penetrate deep into the house. It can also assist with light transmission into internal rooms. This can help avoid expensive additional features such as air conditioning and lighting.

Lighting

- 1.52 Lighting to the front of properties must be appropriately located, compatible with the design of the dwelling and compatible with the existing type and location of external lighting and the general theme of the neighbourhood. Generally, external lighting must comply with the following guidelines:
- security lighting, such as flood lights mounted under eaves, must be directed downwards and shielded in such a manner as to avoid direct glare visible by adjoining property owners, or those using neighbouring properties or roads; and
 - lighting to the rear or side of the properties must not include floodlighting or lighting of the adjoining open space areas where neighbours are adversely affected, or glare is visible from the open space areas.

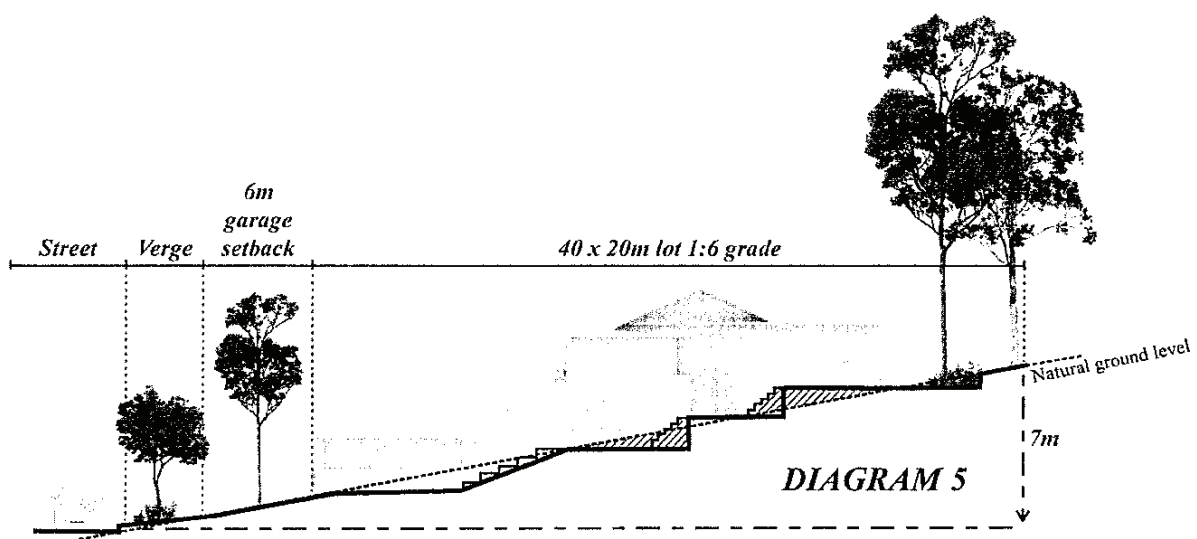
2 SLOPING SITES OPTIONS AND CONSTRAINTS

Retaining Walls

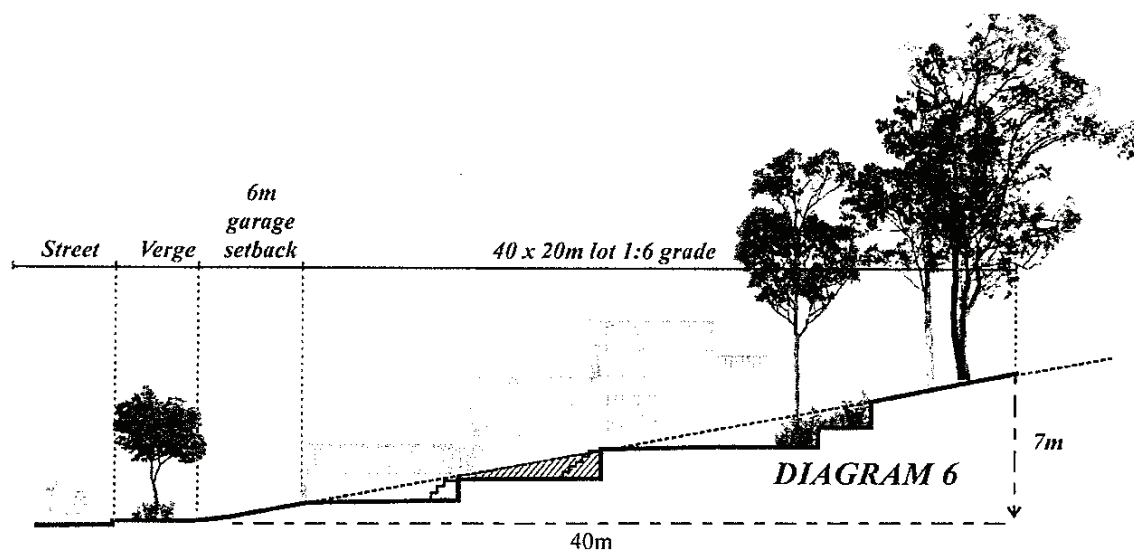
- 2.1 While sloping sites present opportunities for lifestyle advantages, any excavation must ensure there is no detrimental impact on adjacent properties.

Some concept design options on sloping sites include:

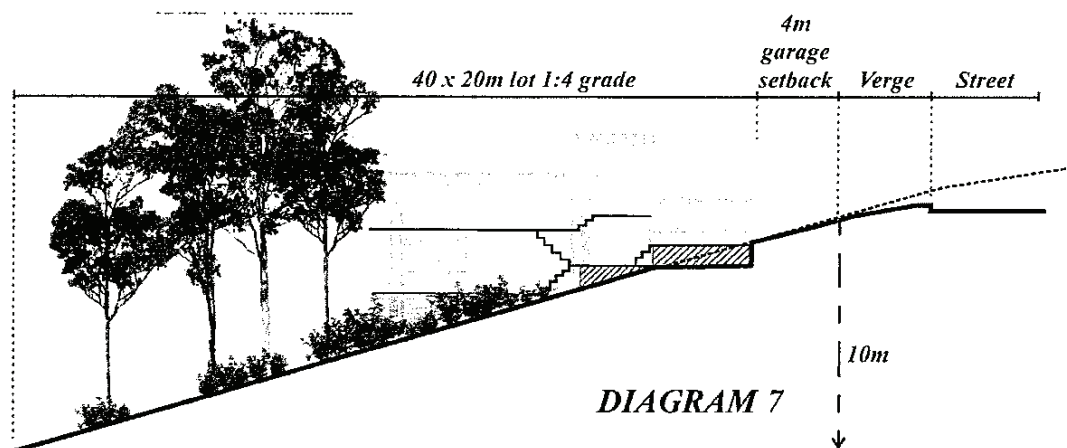
- Separate the garage from the house in level and provide a link between them (See diagram 5).



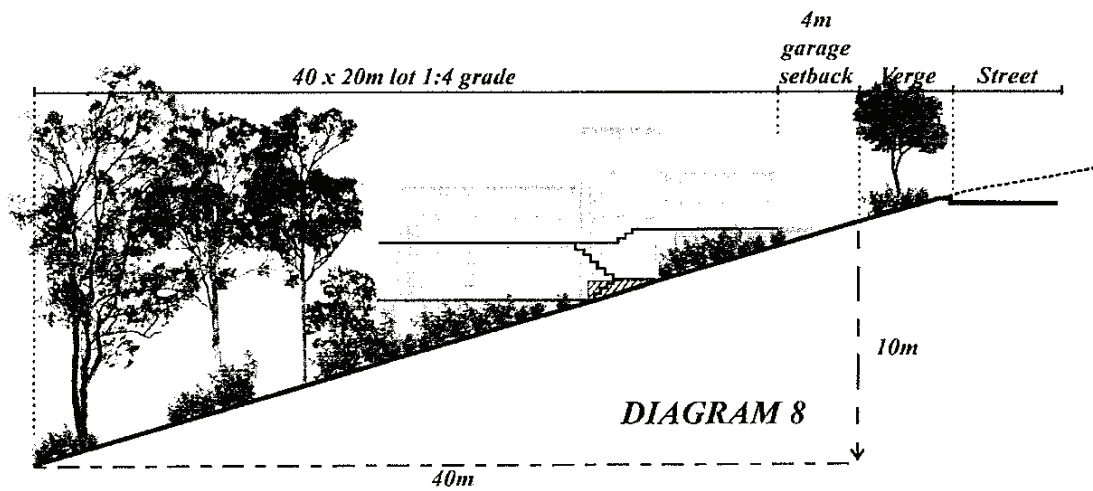
- Split level homes which incorporate several minor changes in level rather than few major changes in level (See diagram 6).



- Place the garage away from the street and provide a driveway from which the street can be accessed in a forward motion after using the garage as a turning space.
- The use of garage as a mid point in a stairway connection between levels. As the garage is often the starting point or destination, this can reduce the number of stairs used (See diagram 7).



- Make use of a suspended garage / carport on very steep sites where lots slope away from the road (See diagram 8).

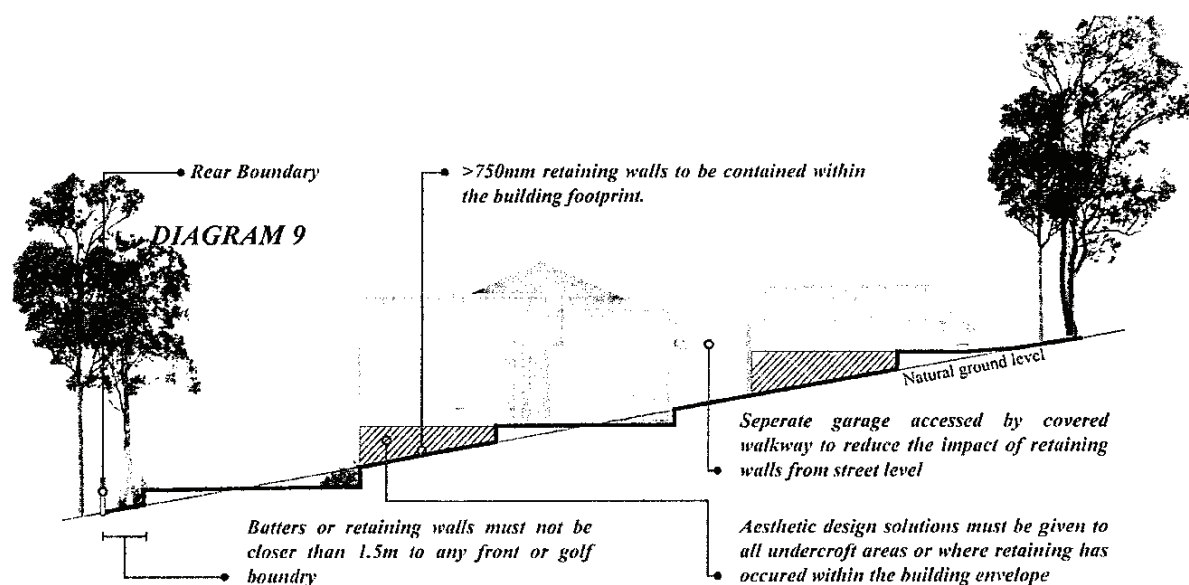


All retaining walls over 750mm must be contained within the building footprint (See diagram 9).

Retaining walls must be constructed with the following materials:

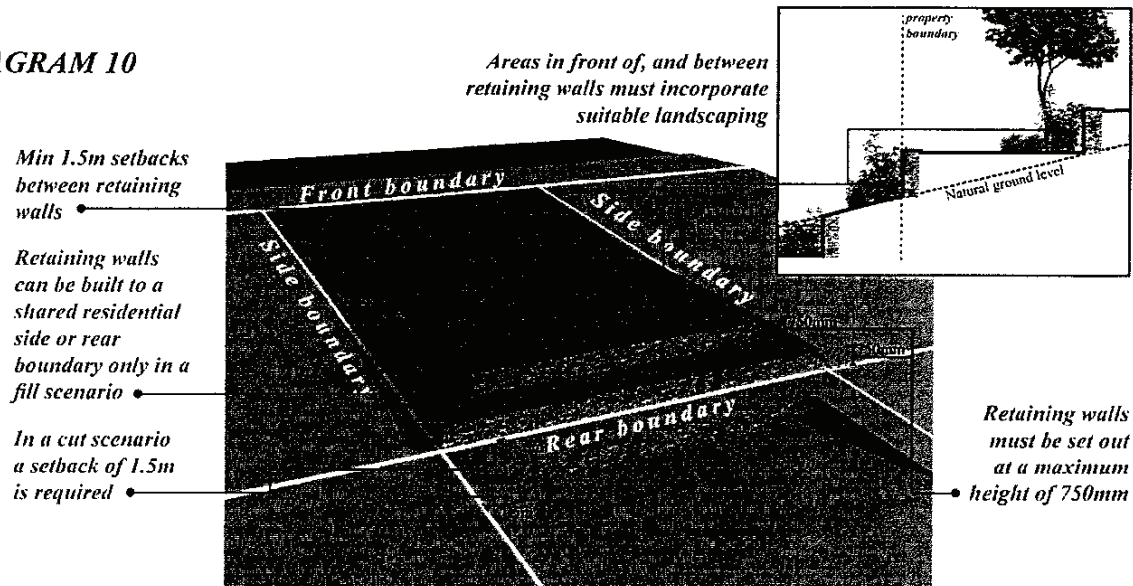
- stone;
- rendered masonry; or
- treated timber sleepers.

All retaining walls must have a minimum 1.5m of separation between them.

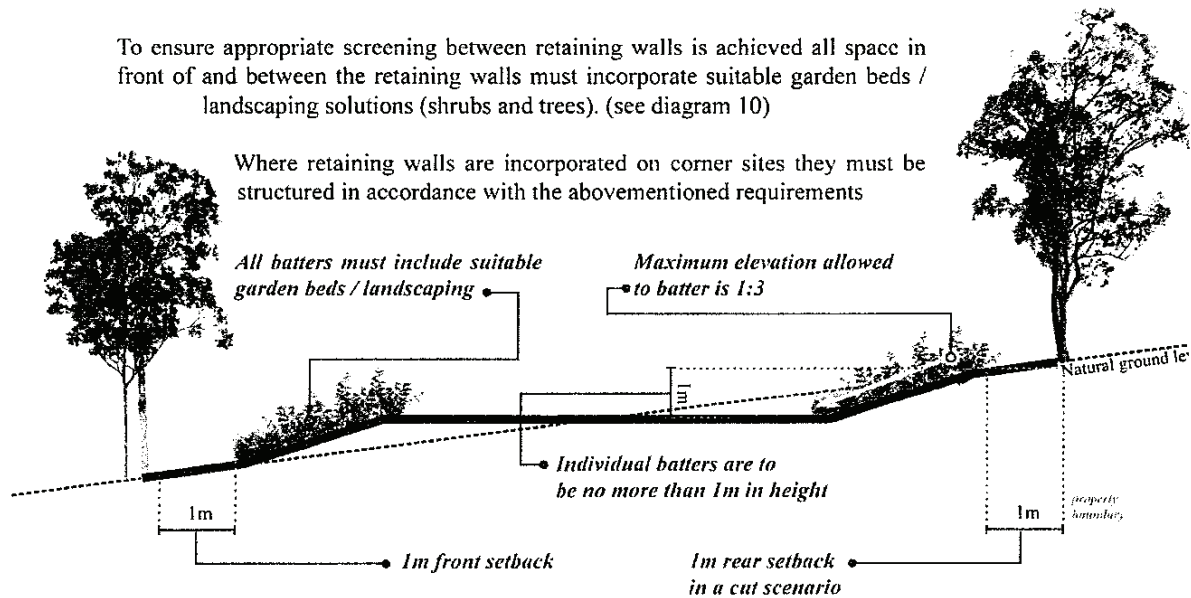


To ensure appropriate screening between retaining walls is achieved all space in front of and between the retaining walls must incorporate suitable guard beds / landscaping solutions (shrubs and trees) (See diagram 10).

Where retaining walls are incorporated on corner sites they must be structured in accordance with the abovementioned requirements.

DIAGRAM 10**Batters**

- 2.2 No excavation is to take place closer than 2.0 metres to a front boundary.
- Excavation or batters cannot be more than 1 m in height in exposed areas.
- The maximum slope allowed for the batters will be 1 in 3 (See diagram 11).
- Batters can be built on a shared residential side or rear boundary only in a fill scenario.
- All batters must incorporate suitable garden beds / landscaping solutions including trees and shrubs.
- Turf will only be allowed on batters with a 1 in 4 gradient or less.
- Any excavation in close proximity to a sewer will require Local Government approval.
- Relaxation may be given in relation to obtaining site access through appropriate driveway design.
- The DAP will encourage and assist with coordination of discussion with neighbours of common boundaries to assist with ensuring mutually beneficial and aesthetically pleasing solutions are achieved.

DIAGRAM 11

3 LANDSCAPE DESIGN STANDARDS

Landscaping design must plan for ongoing water conservation, reducing long-term landscape maintenance and stormwater run-off.

All landscaping must be complete within six weeks of occupation.

These landscape guidelines have been prepared to assist individual lot owners in achieving a high quality residential landscape, which maximizes the special qualities of the Brookwater community. Through a holistic approach, the guidelines aim to create a distinctive and refined rural character which will unify parks, streetscapes and individual lots with the golf course and surrounding landscape. This well planned and sensitive approach creates a number of benefits to the homeowner, including:

- adding value to the property;
- improved lifestyle and entertaining possibilities;
- providing a relaxed and refined country character; and
- environmental benefits such as shade, wind protection, cooling effects.

By embracing and incorporating the predominantly native planting into the well-planned design of individual lots the environmental benefits would include:

- a home that fits well within its setting, the surrounding streetscapes and the bush land environment;
- provision of native fauna habitat;
- conservation of water;
- reduced level of maintenance; and
- reduced storm water runoff to drains and watercourses.

Landscape planting design

3.1 Planting within Brookwater will play an important role in establishing a setting with distinctive sense of place and natural bush tone. The plant species selection must take into consideration the specific climatic and soil conditions of the site. In addition, planting locations are to be determined with solar access and prevailing wind direction in mind. Aspect, views and vistas will also act to guide the specific flavour of planting to be featured as well as reduce the visual presence of the housing. Plant selection must be based upon the specimen's defining characteristics and its comparative suitability with the traditional bush themes established for the landscape of Brookwater.

Lot planting is to be carefully planned making use of the broad pallet of nominated species. A schedule of species is available from the DAP to allow for homeowners to create an attractive and individual landscape treatment for their lot in addition to fulfilling the functional aspects of screening and shelter.

Landscape planting designs must consider the following:

- the relationship with neighbouring lots in terms of privacy;
- the specific climatic conditions of the site, particularly the solar access and the prevailing winds;
- the aspect of the lot in terms of views and vistas;
- the selected species that are of an appropriate character and are in context with the surrounding landscape;
- the surface and drainage configuration of the site;
- the need for useable outdoor spaces;
- the general amenity of the site; and
- the planting checklist available from the DAP for recommended plant and shrub species for use in the landscaping of all residential lots.

Should a Lot owner wish to incorporate plants not on the schedule, DAP approval will be required.

Absorbent landscaping

- 3.2 Absorbent landscaping refers to permeable surface finishes such as grasses or planted garden beds, which provide maximum environmental benefit. In areas not covered by a residential structure, absorbent landscaping must be used to cover at least 25% of the Lot.

Native planting

- 3.3 Planting of native, indigenous plant species helps to reduce water consumption, maintain existing landscape character themes as well as visually integrating developments with natural surrounds.

Mulching

- 3.4 Mulching is highly effective in reducing evaporation and landscape water consumption. Any mulch must be organic materials (excluding paper, straw or cardboard) that is sympathetic with Brookwater's landscape character.

Landscaping of street frontages

- 3.5 Low growing shrubs and groundcovers must be used for all street front gardens. Feature trees and shrubs can also soften building facades and frame street views of the residence. Massing or grouping of significant numbers of these shrubs and groundcovers will dramatically heighten the effect individual landscapes will have the overall 'streetscape'.

Landscaping over services

- 3.6 Access to underground services must not be impeded. Any landscaping works over services must remain relatively open with soft landscaping finishes.

Tree retention

- 3.7 Existing vegetation is one of the most unique features to the Brookwater community. As such we encourage retention of significant vegetation and design solutions that adopt a minimal impact approach to this most valuable asset.

Within lots and public areas, the removal of any existing mature trees with a trunk diameter of 100mm or greater, or trees planted by the DAP, is not permitted without the approval of the DAP. Existing trees within and immediately adjacent to lots must be located on the relevant plans submitted to the DAP for house design approval.

Landscape feature elements

- 3.8 Landscape elements and materials will be of a high quality and standard identifiable with Brookwater. Materials used within the landscape are to be consistent with the natural such setting, having earthy and warm tones, long lasting and quality materials, traditioned, robust detailing and construction. Materials such as natural stones, timbers and iron are to be used in a manner that give an established, permanent and quality appearance.

Structures and features are encouraged within the lots as they can act as an extension to dwellings and assist in celebrating the qualities of the site. They can create a focal point of interest, add variety, frame views and

outlooks, and create private spaces within lots. Interface planting has been selected to integrate and frame views of the surroundings to and from the golf course, lakes and parkland.

4 ADDITIONAL RESIDENTIAL CRITERIA

Glass

- 4.1 The use of reflective tinting to glass is not permitted.

Pole homes

- 4.2 Timber pole homes will not be allowed on the estate except where the Lot gradient exceeds 1:5.

Pools

- 4.3 Subject to this clause, pools are subject to Local Government requirements only. Occupiers intending to construct a pool must ensure a very high level of landscaping to be certain of their own privacy to that area. This includes any associated decks or feature walls. No exposed edge of a pool may be more than one metre in height. No pool filter may be visible from the golf course or from other public areas including roads.

Sheds and outbuildings

- 4.4 Details of sheds and outbuildings must be submitted to the DAP for approval. Large structures must be in the style, colours and materials of the house. Smaller structures up to three (3) metres by three (3) metres may be fabricated in steel. Clear galvanised steel must not be used.

Other structures

- 4.5 Children's play equipment, dog kennels, hot water systems, gas systems and the like shall be located behind screening or away from view from any public area including golf course and open spaces.

Incinerators are not permitted to be used or constructed.

Outdoor barbecues must not be located where disturbance to neighbours will occur.

Rubbish disposal containers and electrical metre boxes must be screened from the view of any public area.

Enclosure under elevated homes

- 4.6 Any space under the house higher than 600mm must be battened or enclosed.

Aesthetic design solutions (ie variety of colours, textures, materials, use of articulation, etc) must be achieved in relation to all undercroft areas or where retaining has occurred within the building envelope. This is particularly relevant for golf course frontage lots or those with exposure to the public domain.

Solar hot water systems, rainwater tanks

- 4.7 Rainwater tanks are strongly encouraged. Water tanks must either be located underground or under decks or other building form, as well as screened where necessary, so that any structure or associated infrastructure (e.g. pump, manhole panels etc) is not visible from the street, golf course, neighbouring residence or open space.

New materials

- 4.8 No second hand materials shall be used in construction of homes on the estate. Certain exceptions such as interior floorboards may be submitted for approval by the DAP.

No subdivision

- 4.9 Individual residential Lots, other than Lots which the Original Owner plans to subdivide, may not be subdivided.

Letterboxes

- 4.10 Letterboxes must use materials and colours consistent with the house and details must be submitted to the DAP for approval. Temporary or makeshift letterboxes are not to be used. This is consistent in maintaining a high standard of streetscape within the estate.

No external plumbing

- 4.11 No external plumbing on any house erected upon a Lot shall be visible from a street, open space, the golf course or another dwelling. All plumbing on double storey houses, except downpipes, must be internal so as not to be seen from the street, open space, the golf course or neighbouring Lots.

Gutters and downpipes

- 4.12 Gutters and downpipes are to be finished to match dwellings or to provide appropriate colour accents.

Air conditioning unit not to face street

- 4.13 Air conditioning units must not be visible from the street, golf course or open space. Air conditioners are to be located below the eavesline and screened from public view. Roof-mounted or unscreened wall and window mounted air conditioning units facing the street, parks or golf course are not permitted. Where the DAP deems necessary for acoustic privacy of neighbours, air conditioners must have sound attenuation measures.

Television / radio / satellite

- 4.14 Non-standard antennae or dishes more than 500mm in diameter must not be erected in Lots without approval from the DAP.
- 4.15 Subject to any law, Occupiers may not erect television or radio aerials or other communication receivers on the Common Property without the written consent of the DAP.

Maintenance and improvements of lots

- 4.16 Each Lot and its improvements must be maintained at all times:
- In good order and repair; and
 - So that the Lot and its improvements comply with this Code; and
 - Generally consistent with the Development's standards.

Signage

- 4.17 Builder's signs must be displayed on each Lot during construction. This is limited to one sign only. Should the Lot be sold, one only real estate sign will be allowed per Lot.
- 4.18 External signs including real estate agents signs or hoardings must not be erected without the approval of the DAP. Reducing the amount of visual pollution enhances the streetscape within the community.

Hours of construction / site access

A builder or building contractor must not carry out building work that causes audible noise at the following times:

- On a Sunday or public holiday, at any time; or
- On a Saturday before 7.00am or after 1.00pm.
- On a business day before 7.00am or after 6.30pm.

These hours must be adhered to strictly and are in accordance with Environmental Protection Regulation 1998, Ipswich City Council's Local Law 'Control of Nuisances', Local Law Policy and Brookwater Home Owners Club By-Laws.

- 4.19 Building access during construction is restricted to the driveway location, with the remaining road frontage barricaded with tape or equivalent, against access. Any damage to the footpath during construction must be repaired by the owner of the Lot carrying out the work.

Rubbish - builders responsibility

- 4.20 All rubbish during construction is to be enclosed in a skip and the bin must be accessible to the builder's sub contractors. No builder's rubbish is to be deposited on adjoining Lots. Builders must provide gravel access to Lots to avoid any mud on the road, but any mud created must be cleaned off the road on a daily basis. Mud left on the road will damage the pavement and the builder and the relevant Occupier will be invoiced for any restitution work required.
- 4.21 Builders must at no time use an adjoining Lot for the parking of vehicles, storage of materials or for any other reason. Occupiers must inform their builders of these requirements and take steps to rectify any builder's breach.

Lots 1074 and 1075 in The Greens

- 4.22 Lots 1074 and 1075 on SP 133270 (or any Lots created from those Lots from time to time) may be used for any purpose permitted by law from time to time. The Standards will apply to these Lots only to the extent they are appropriate for the proposed use of the Lots.

Workplace Health and Safety

- 4.23 Builders must comply with all relevant workplace, health and safety requirements and statutory requirements relating to residential building construction.

Toilet facilities are to be provided at all construction sites in accordance with Workplace Health and Safety (Miscellaneous) Regulations 1995.

Toilet facilities must be located within the Lot and are not to be situated on footpaths.

Stormwater and pollution control

- 4.24 Each Lot Owner must:

- minimise storm water pollution from building sites particularly in relation to the golf course. soil, sand, sediment and litter wash from building sites will cause short and long-term problems to the site's storm water system.
- implement effective storm water pollution control using and following principles:
 - diversion of up-slope water (if applicable)
 - minimisation of site disturbance for the duration of the dwelling construction period
 - installation of sediment controls along the low edges of the site
 - early connection of roof water down pipes to the site storm water system
 - trapping of run-off from tool and paint washing, brick and tile cutting and other wet activities
 - stabilising of the site.

Site access and stabilised entry/exit point

- 4.25 Building access during construction is restricted to a single entry/exit point that is stabilised with gravel or recycled concrete to ensure site vehicles do not traffic mud onto the roadway and cause stormwater pollution.

The remaining road frontage must be barricaded with tape or equivalent against access so that sediment is not tracked off the site.

Any material or mud deposited on roadways must be cleaned daily by sweeping or shovelling from the road, (not washed down the gutter).

Mud left on the road will damage the pavement, will cause stormwater pollution and is an offence under the Environmental Protection Agency regulations.

At no time shall a builder use an adjoining allotment to enter or exit a site.

Any damage to the footpath during construction must be repaired by the owner of the Lot carrying out the work prior to the occupation of the house.

The builder and owner will be invoiced for any restitution work required as a result of damage.

Stockpiles and storage of materials

- 4.26 Stockpiles and building materials are not allowed to be stored on the footpath or within the road reserve. All stockpiles and building materials must be located within the sediment control zone.

General building operations

- 4.27 Building activities that create pollutants such as tool and paint washing, as well as brick, tile and masonry cutting must be done within the property boundaries.

Where practicable, cement residue must be discharged onto pervious surfaces, or contained within temporary sediment dams created from tightly stacked sand bags. When dry, the cement residue must be shovelled into a waste disposal bin.

Cement residue or waste water runoff must not be allowed to enter the roadside gutter.

Site clean up

- 4.28 Accidental spills of soil or other material onto road or gutters must be removed in accordance with the Environmental Protection Agency standards:

- immediately if rainfall is occurring or likely to occur during the day
- prior to completion of the days work if rainfall is unlikely during the day

Following storms, the road reserve and sediment barriers must be inspected and all residue must be removed.

- 4.29 For all Lots that are adjacent to Augusta Parkway (or adjacent to common property that separates the Lot from Augusta Parkway), dwellings on the Lot must be restricted to lowset dwellings.

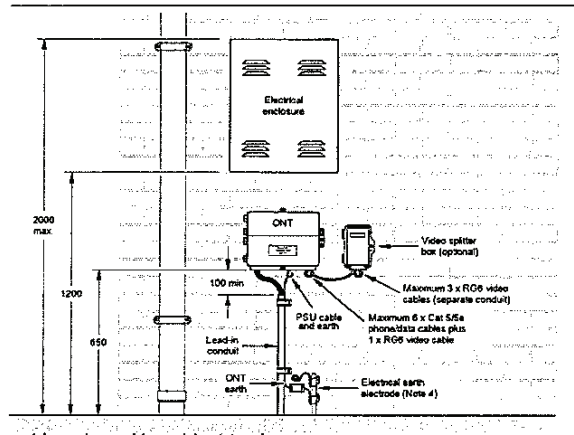
5 Fibre to the Premises

Telstra is planning to introduce a new technology called Fibre To The Premises (FTTP) to provide voice, data and pay TV to residential customers in Brookwater. Stages 5 and beyond have been selected by Telstra to be capable of accessing this technology. This technology will enable each home to have up to four telephone lines, broadband internet access and Pay TV all delivered on a single optical fibre to the home.

Customer Premises Equipment

- 5.1 To provide this technology, a new communication terminating equipment called an Optical Network Terminator (ONT) will be installed on the outside wall of each house. This unit will be supplied by Telstra, and installed by Telstra's contractors. The ONT requires a small compact uninterrupted power supply unit (UPS), which also contains a battery backup and it will be installed inside the house. This requires a 240V socket-outlet into which the UPS cord is plugged. The UPS must be installed inside the building, preferable in a utility area such as the

garage. Telstra's contractors install it. The Telstra ONT must be earthed for safety reasons and remote testing purposes.



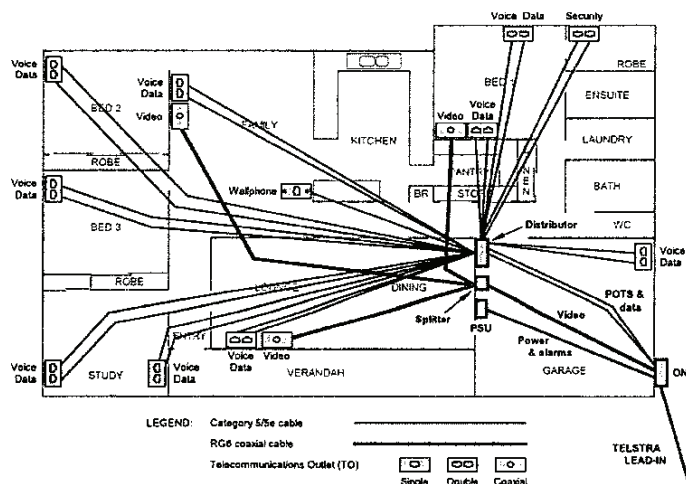
****The above diagram is a guide only and is subject to change.**

Internal Wiring

- 5.2 Smart wiring is not mandatory, however to take full advantage of the capabilities available from this technology, it is recommended that smart in-house wiring be installed. This reduces the need to retrofit additional sockets and cabling at a later date.

Smart wiring comprises Cat 5 cable for data and coaxial cable for television being wired to multiple outlets within the home to allow for flexibility in service location and full utilisation of FTTP capability. Star wiring and smart wiring are examples of configurations available. Telstra can offer guidance on wiring principles, however this should be discussed with your builder. It is not necessary to have a separate controlling device however this offers greater flexibility for home automation.

The following diagram is an example of a smart-wiring configuration (guide only).



Conduit

- 5.3 Conduit for underground lead-in cabling should be installed in the building footings before the concrete is poured.

Conduit installed in the building footings for Telstra lead-in cabling must be white 20mm (ID) Telstra conduit. If necessary, the Telstra installer will install an additional conduit at the building frame stage for the cable between the Telstra ONT and UPS. Alternately, the builder may provide it subject to meeting specifications to be agreed.

SCHEDULE E	DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY
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Not applicable