

DP270299

**Community Management Statement for
Community Plan No. 270299**



HOLDING REDLICH

LAWYERS AND CONSULTANTS

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OUR REF: CSC/98 62 0637
01/05/02

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IN LAND TITLES OFFICE**

REGISTERED  17.05.2002

DP270299

FORM 28

COMMUNITY LAND DEVELOPMENT ACT 1989

COMMUNITY LAND MANAGEMENT ACT 1989

COMMUNITY MANAGEMENT STATEMENT

WARNING

The terms of this Management Statement are binding on the Community Association, each Subsidiary Body within the Community Scheme and each person who is an owner, lessee, occupier or mortgagee in possession of a Community Development Lot, Precinct Development Lot, Neighbourhood Lot or Strata Lot within the Community Scheme.

PART 1

BY-LAWS FIXING DETAILS OF DEVELOPMENT

These By-laws relate to the control and preservation of the essence or theme of the Community Scheme and as such may only be amended or revoked by a unanimous resolution of the Community Association in accordance with section 17(2) of the Management Act.

1 Architectural and Landscape Standards

- 1.1 The Community Association may prescribe architectural and landscape standards for the Community Scheme.
- 1.2 The Architectural and Landscape Standards bind:
 - (a) the Community Association; and
 - (b) each Subsidiary Body; and
 - (c) each owner or occupier of a Lot; and
 - (d) each mortgagee in possession of a Lot; and
 - (e) each lessee of a Lot.
- 1.3 The Community Association must, when requested by a Subsidiary Body or the owner of a Community Development Lot and on payment of a reasonable fee, provide an up-to-date copy of the Architectural and Landscape Standards.

2 Varying Architectural and Landscape Standards

- 2.1 The Community Association may from time to time vary the Architectural and Landscape Standards but only in accordance with this By-law 2.
- 2.2 A Subsidiary Body or the owner of a Lot may apply to the Community Association requesting the variation of the Architectural and Landscape Standards.

SEE REQUESTAA17371
BY-LAW 1 REPEALED
BY-LAW 21 ADDED
SEE ANNEXURE 'B'

52-10-2003



- 2.3 An application under this By-law 2 must contain sufficient details of the variation requested to enable the Community Association to understand with reasonable certainty the nature and extent of the proposed variation. The Community Association may request additional information about the variation requested to enable it to make a decision.
- 2.4 An application under this By-law 2 must be referred to a General Meeting for its decision by unanimous resolution.
- 2.5 If the Architectural and Landscape Standards are varied, then the Community Association must, within a reasonable time, give a copy of the Architectural and Landscape Standards as varied to each Subsidiary Body and each owner of a Community Development Lot.

3 Review Committee

- 3.1 The Executive Committee must, in addition to its other Functions under the Management Act and this Management Statement, determine any application made to it under this By-law 3.
- 3.2 No Building Modification, New Construction or Landscape Modification may be started or put in place unless and until:
- (a) the plans and specifications for such work; and
 - (b) any relevant application, before lodgment at Council, for approval by Council for such work

have been approved by the Executive Committee.

- 3.3 Plans and specifications submitted for approval to the Executive Committee must:

For Building Modification or New Construction

- (a) show the nature, kind, shape, height, width, colour, size, materials and location of the Building Modification or New Construction; and
- (b) include a landscaping proposal.

For Landscape Modification

- (c) show the nature, kind, shape, colour, height, quantity and location of the proposed plants, flowers, shrubs and trees; and
- (d) show the nature and type of proposed landscaping material and features.

- 3.4 In considering an application under this By-law 3 the Executive Committee must consider:

For Building Modification or New Construction

- (a) suitability of design, colour and materials; and
- (b) quality of design, colour and materials; and
- (c) harmony of external design with existing structures; and
- (d) location in relation to surrounding structures and topography; and
- (e) elevation in relation to existing structures and topography; and
- (f) harmony with existing landscaping.

For Landscape Modification

- (g) suitability of design, colour, plant species and landscape materials and features; and
- (h) quality of design, colour, plant species and landscape materials and features; and
- (i) location in relation to surrounding structures and topography; and
- (j) elevation in relation to existing structures and topography; and
- (k) harmony with existing landscaping and structures; and
- (l) the removal of or dealing with existing plants, flowers, shrubs and trees.

- 3.5 The Executive Committee's approval, approval with conditions or disapproval of an application under this By-law 3 must be made solely by reference to these By-laws and the Architectural and Landscape Standards.

- 3.6 Although the Executive Committee is responsible for considering an application under this By-law 3, the Executive Committee may refer any such application to a General Meeting of the Community Association for direction.

4 Modifications and New Construction by Community Association

If the Community Association carries out or allows to be carried out a Building Modification, Landscape Modification or New Construction on Community Property it must comply with or ensure compliance with the Architectural and Landscape Standards.

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PART 2

MANDATORY MATTERS

5 Open Accessway and Private Accessway

- 5.1 The Community Association must control, manage and properly maintain and keep in a good and serviceable state of repair the Open Accessway as required by the Management Act.
- 5.2 The Open Accessway is available for use by members of the public, owners or occupiers of Lots and Authorised Visitors.
- 5.3 Prohibited Activities are not allowed on the Open Accessway.
- 5.4 The primary use of the Private Accessway is to provide vehicular and pedestrian access to Lots.
- 5.5 The Private Accessways are available for use by the Owners and occupiers of Lots and Service Providers.
- 5.6 The Community Association is responsible for the control, operation, maintenance and repair of the Private Accessways.
- 5.7 Vehicles with a gross weight in excess of 2 tonnes must not use the Private Accessways except vehicles:
 - (a) delivering goods or materials to Lots;
 - (b) collecting garbage or recyclable materials operated by or under contract to the Council or as otherwise authorised by the Community Association;
 - (c) used by the Service Providers and their officers, servants, workpersons and agents;
 - (d) authorised by public authorities;
 - (e) as may be otherwise authorised by the Community Association.
- 5.8 Subject to By-law 5.7, no vehicles with a gross weight in excess of 2 tonnes and no trailers, boats, caravans, horse floats or similar items can stand on the Private Accessways, or upon the driveways of any lot or on any part of the Community Parcel.

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6 Community Property

- 6.1 The Community Association must control, manage and properly maintain and keep in a good and serviceable state of repair the Community Property.
- 6.2 The Community Association may contract with persons to provide management operational, maintenance and other services in connection with Community Property.

7 Internal Fencing

- 7.1 Subject to this By-law 7, the Dividing Fences Act 1991 applies to the provision of, and payment for all fencing on the Community Parcel.
- 7.2 Unless it resolves otherwise, the Community Association is not obliged to pay for any fencing on the Community Parcel.
- 7.3 The architectural and landscape standards for the Community Scheme prescribe the type of fencing permitted on the Community Parcel and the Lots.

8 Garbage

- 8.1 Garbage must be made available for collection according to the requirements of the Community Association or the Council or both.
- 8.2 There is no obligation (in addition to the obligation to manage and properly maintain Community Property) imposed on the Community Association to collect garbage.

9 Services

- 9.1 Unless otherwise dealt with in a section 88B instrument registered with the Community Plan, the relevant Service Provider is responsible for and must maintain and keep in a good and serviceable state of repair Statutory Services and associated Service Lines within the Community Parcel.
- 9.2 The Community Association is responsible for and must maintain and keep in a good and serviceable state of repair Private Services and associated Service Lines within the Community Parcel.
- 9.3 If a later prescribed diagram is required under section 36(4) of the Development Act (because a Service Line is installed in a different position from that shown in the prescribed diagram for the Service Line), the Community Association, any Subsidiary Body and the owners of any Lots whose land would be burdened by the statutory easement for the Service Line shown in the later prescribed diagram must do everything necessary to ensure that the later prescribed diagram is lodged and registered as an amendment to this Management Statement.

10 Insurance

- 10.1 The Community Association must review each year all insurances and the need for new, varied or additional insurances.

- 10.2 Notice of an Annual General Meeting must include a motion to take any action required as a result of this By-law 10.
- 10.3 The Community Association must immediately effect new insurances or vary or extend existing insurances if there is an increase in risk or a new risk to Community Property or the Community Association.
- 10.4 An owner or occupier of a Lot must not, except with the prior written approval of the Community Association do anything that might void or prejudice insurances effected by the Community Association or increase any insurance premium payable by the Community Association.

11 Executive Committee

- 11.1 The Executive Committee must put up and maintain a notice board on some part of the Community Property.
- 11.2 The Secretary or whoever convenes a meeting of the Executive Committee must:
 - (a) give written notice and provide a detailed agenda to each Executive Committee member; and
 - (b) for at least 48 hours immediately before the Executive Committee meeting, display on the notice board referred to in By-law 11.1 a notice of intention to hold the meeting and the detailed agenda.
- 11.3 Only business included on the detailed agenda referred to in By-law 11.2 may be dealt with at an Executive Committee meeting.
- 11.4 If notice has been given in accordance with By-law 11.2 the Executive Committee may decide the business on the detailed agenda in writing without physically meeting.
- 11.5 If a meeting of the Executive Committee is to be physically held, an owner of a Lot (including a company nominee) may attend that meeting but may not address that meeting unless authorised by the Executive Committee.
- 11.6 The Management Act applies in relation to the keeping of minutes of Executive Committee meetings, records of its decisions and records of notices given to the Secretary.

PART 3

OPTIONAL MATTERS

12 Restrictions on Parking

- 12.1 An owner or occupier of a Lot must ensure their Authorised Visitors only use the designated parking areas on the Community Property.
- 12.2 The Community Association may, at the cost of the owner of a Lot, remove any vehicles, trailers, boats, caravans, horse floats or similar items that remain on the

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Community Property for a period which is longer than reasonable, as determined by the Community Association absolutely.

13 Community Association's right to enter into contracts

13.1 The Community Association may contract with persons to provide:

- (a) management, operational, maintenance and other services in connection with Community Property; and
- (b) services and amenities to the owners or occupiers of Lots.

~~13.2 The Community Association is empowered to contract with the Original Owner or its nominee (Estate Manager) to provide:~~

- ~~(a) management, operational, maintenance and other services in connection with the Community Property; and~~
- ~~(b) services and amenities to the owners or occupiers of Lots.~~

13.3 The Community Association intends during the initial period to enter into a management agreement the effect of which is disclosed for the purposes of the Management Act as follows:

Parties	Community Association and Estate Manager
Term	5 years with 4 options of 5 years
Duties	<p>The duties of the Estate Manager are:</p> <ul style="list-style-type: none"> (a) the cleaning, caretaking, security, supervision and service of the Community Property use of which is restricted to the Community Association or any personal property vested in the Community Association and for general repair and maintenance or renewal and replacement of that property; (b) the control and supervision of the Community Parcel generally; and (c) any other matter, activity or thing which the Community Association agrees is necessary or desirable having regard to the operational and management requirements of the Community Association.
Remuneration	<p>For the first year of the term: \$10,000 per annum payable monthly in advance.</p> <p>For each respective year of the term after the first year: an</p>

AMENDMENT TO MANAGEMENT STATEMENT
 AC722924 EXISTING BY LAWS 13.2 AND 13.3 OF
 PART 3 REPEALED SEE ANNEXURE "C"



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Lot 49 CMS



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	amount equal to 15% of the actual costs of the Community Association (with a minimum of \$10,000 per annum)..
Assignment	The Estate Manager has the right to assign its rights under the agreement to a respectable and responsible assignee.
Termination	<p>The agreement may be terminated by the Community Association if:</p> <ul style="list-style-type: none">(a) the Estate Manager assigns its interest in the agreement in breach of the assignment provisions; or(b) the Estate Manager fails or neglects to carry out its duties after 28 days notice to rectify from the Community Association; or(c) the Estate Manager is guilty of gross misconduct or gross negligence in performance of its duties; or(d) the Estate Manager enters into liquidation. <p>The agreement may be terminated by the Estate Manager:</p> <ul style="list-style-type: none">(e) if the Community Association fails or neglects to carry out its duties after 28 days notice to rectify from the Estate Manager; or(f) the Community Association fails to pay to the Estate Manager its remuneration or other moneys payable within 28 days of the due date whether or not any formal demand has been made; or(g) an order is made varying or terminating the Community Scheme; or(h) at any time during the Term by giving at least 3 months prior written notice to the Community Association.

REGISTERED  No 20.12.2006

14 Private Services

14.1 The Community Association may:

- (a) provide Private Services to the owner or occupier of a Lot;
- (b) arrange for the installation and maintenance of Service Lines for Private Services; and
- (c) contract with persons to provide or monitor, in part or in whole, Private Services.

REGISTERED  17.05.2002

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14.2 The owner or occupier of a Lot:

- (a) must not, without the prior written approval of the Community Association, carry out any works that interfere with Private Services; and
- (b) must not obstruct or prevent access to, overload or damage Private Services.

14.3 An owner or occupier of a Lot who becomes aware of damage to or the defective operation of a Private Service must immediately notify the Community Association.

15 Community Association's right to maintain services

The Community Association may enter a Lot to maintain, repair, alter, add to, increase the capacity of or renew or inspect Private Services, so long as notice has been given under section 60 of the Management Act.

16 Owner and occupier responsible for others

- 16.1 An owner or occupier of a Lot must take all reasonable steps to ensure that an Authorised Visitor complies with these By-laws as if that Authorised Visitor were an owner of a Lot.
- 16.2 If an Authorised Visitor does not comply with these By-laws the owner or occupier must withdraw the consent to the Authorised Visitor being on the Community Parcel and request that person to leave the Community Parcel.

17 Aerials and Solar Energy Devices

The owner or occupier of a Lot must not, except with the prior written approval of the Community Association which must be unanimous and in compliance with requirements (if any) of Council, construct, install or attach to the outside of any building on a Lot, the outside of any building containing a Lot or a structure on a Lot:

- (a) any television, radio or other aerial or antenna or any other transmitting or receiving device; or
- (b) any solar energy collector panels and associated equipment; or
- (c) any energy conservation equipment; or
- (d) a solar hot water system and associated equipment.

18 Things not in keeping with

The owner or occupier of a Lot must not, except with the prior written approval of the Community Association, construct, install or maintain on or in a Lot any thing that can be seen from outside the Lot, which is not in keeping with the building on or landscaped areas of the Lot.

SEE REQUEST AAI7371
BY-LAW 17 REPEALED
LAW 22 ADDED
SEE ANNEXURE 'A'

12-10-2003

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19 Obligations and Restrictions

19.1 Noise

An owner or occupier of a Lot must not create any noise on a Lot or Community Property likely to interfere with the peaceful enjoyment of the owner or occupier of another Lot or of any person lawfully using Community Property.

19.2 Obstruction of Community Property

An owner or occupier of a Lot must not obstruct lawful use of Community Property by any person except on a temporary or non-recurring basis.

19.3 Behaviour of owners and occupiers

An owner or occupier of a Lot when on Community Property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another Lot or to any person lawfully using Community Property.

19.4 Children playing on Community Property

An owner or occupier of a Lot must not permit any child of whom the owner or occupier has control to:

- (a) play on Community Property within a building (areas of Community Property designated as a child's playground area excepted); or
- (b) be or remain on Community Property comprising a car parking area or other area of possible danger or hazard to children

unless accompanied by an adult exercising effective control.

19.5 Storage of inflammable liquids and other substances and materials

An owner or occupier of a Lot must not, except with the prior written approval of the Community Association, use or store on the Lot or on Community Property any inflammable chemical, liquid or gas or other inflammable material.

19.6 Application of By-law 19.5

By-law 19.5 does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

19.7 Keeping of animals

An owner or occupier of a Lot may keep an animal within the Community Parcel without the consent of the Executive Committee so long as, in the opinion of the Executive Committee reasonably held, the owner takes such action as may be



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necessary to clean all areas of its Lot and Community Property that are soiled by the animal.

19.8 Preservation of fire safety

The owner or occupier of a Lot must not do anything or permit any Authorised Visitor to do anything on the Lot or Community Property that is likely to affect the operation of the safety devices in the Community Parcel or to reduce the level of fire safety in the Lots or Community Property.

19.9 Damage to lawns and plants on Community Property

An owner or occupier of a Lot must not, except with the prior written approval of the Community Association:

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on Community Property; or
- (b) use for his or her own purposes as a garden any portion of the Community Property.

An owner or occupier of a Lot must have the lawn in that Lot mown an appropriate number of times to ensure the lawn looks well maintained and neat and tidy.

19.10 Appearance of Lot

An owner or occupier of a Lot must keep the Lot, including any building on the Lot, clean and in good and serviceable repair.

19.11 Doing things to Community Property

An owner or occupier of a Lot must not do anything to interfere with, damage or deface Community Property, without the prior written approval of the Community Association.

19.12 Recreational Facilities

The Community Association may prescribe rules from time to time regarding the terms and conditions for the use of the Recreational Facilities. The Community Association is responsible for the control, management, operation, maintenance and repair of the Recreational Facilities. The Recreational Facilities are available for use by the owners and occupiers of Lots and by Authorised Visitors.

19.13 Home Industry/Occupation

- (a) An owner or occupier of a Lot must obtain the written approval of the Community Association and (if applicable) the Council before that owner or occupier conducts or operates any business or trading activities within the Community Scheme.
- (b) An owner or occupier must obtain the written consent of the Community Association and (if applicable) the Council before erecting any name plates,

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signposts or signs in the Community Parcel which relate to a business or trading activity. The Community Association and (if applicable) the Council may prescribe the size, style and any other specifications of a name plate, signpost or sign to be erected on the Community Parcel as conditions of consent under this By-law.

19.14 **Washing**

An owner or occupier of a Lot must not hang any washing, bedding or other articles of similar nature on any balcony of a Lot or in any area visible from any Community Property (unless such area is a dedicated area for the hanging of washing, bedding or other articles).

PART 4

MISCELLANEOUS

20 Dictionary

20.1 Words that this By-law 20 does not explain have the same meaning as they do in the Development Act and the Management Act 1989.

20.2 In this Management Statement:

Annual General Meeting means an annual general meeting of the Community Association other than the first annual general meeting.

Architectural and Landscape Standards means the architectural and landscape standards prescribed by the Community Association for the Community Scheme as varied from time to time in accordance with these By-laws.

Authorised Visitor means a person on the Community Parcel with the consent express or implied of an owner or occupier of a Lot, the Community Association or a Subsidiary Body.

By-law means a by-law in this Management Statement.

Building Modification means any modification, addition, alteration or colour change made to the exterior of an existing building or structure on the Community Parcel.

Community Association means the corporation that is:

- (a) constituted by section 25 of the Development Act on registration of the Community Plan; and
- (b) established as a community association by section 5 of the Management Act.

Community Development Lot means a lot in the Community Plan which is not Community Property.



Community Parcel means the land the subject of the Community Scheme.

Community Plan means the deposited plan registered with this Management Statement.

Community Property means the lot shown in the Community Plan as community property.

Community Scheme means:

- (a) the subdivision of land by the Community Plan; and
- (b) the subdivision of land in the Community Plan; and
- (c) the rights conferred, and the obligations imposed, by or under the Community Schemes Legislation and the Strata Schemes Legislation in relation to the Community Association, Community Property, each Subsidiary Body and persons having interests in or occupying Lots.

Community Schemes Legislation means the Development Act, the Management Act and cognate legislation.

Council means City of Canada Bay.

Development Act means the Community Land Development Act 1989 and regulations made under it.

Estate Manager has the meaning given to it in By-law 13.

Executive Committee means the executive committee of the Community Association as constituted or elected from time to time under the Management Act.

Function includes a power, authority and duty.

General Meeting means an annual general meeting or a special general meeting of the Community Association.

Landscape Modification means any modification, addition or alteration made on or to an existing landscaped area on the Community Parcel.

Lot means a Community Development Lot, a Precinct Development Lot, a Neighbourhood Lot or a Strata Lot.

Management Act means the Community Land Management Act 1989 and regulations made under it.

Management Statement means this community management statement as varied from time to time added to, modified or amended in accordance with the Community Schemes Legislation.

Neighbourhood Lot means land that is a lot in a neighbourhood plan that is part of the Community Parcel but is not neighbourhood property, a public reserve or a drainage reserve.

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New Construction means building work that is intended to be carried out on the Community Parcel.

Open Accessway means the part of Community Property set apart under Section 41(1) of the Development Act and identified on the Community Plan as Open Accessway.

Original Owner means Breakfast Point Pty Limited.

Precinct Development Lot means a lot in a precinct plan that is part of the Community Parcel that is not precinct property, a public reserve or a drainage reserve and is not land that has become subject to a Subsidiary Scheme or a lot that has been severed from the precinct scheme.

Private Service means a service in the Community Parcel which is not a Statutory Service.

Private Accessway means the part of Community Property set apart under Section 41(1) of the Development Act and identified on the Community Plan as Private Accessway.

Prohibited Activities means:

- (a) riding skateboards or non-motorised scooters; and
- (b) using rollerskates or rollerblades; and
- (c) consuming alcohol; and
- (d) acting in a dangerous or offensive manner.

Recreational Facilities means the swimming pool, cabana, BBQ and change-room facilities.

Secretary means the secretary of the Executive Committee.

Service Line means a pipe, wire, cable, duct, pole, stormwater pit or telecommunications pit by means of which a Statutory Service or a Private Service is or is to be provided.

Service Provider means the provider of a Statutory Service.

Statutory Service includes the following services:

- (a) the supply of water, gas and electricity; and
- (b) the provision of sewerage and drainage; and
- (c) transmissions by telephone, radio or television (excluding aerials and antennae).

Strata Lot means a lot within the meaning of the Strata Schemes Legislation that is part of the Community Parcel.

Strata Schemes Legislation means the Strata Schemes (Freehold Development) Act 1973 and the Strata Schemes Management Act 1996 and regulations made under those Acts.

Subsidiary Body means a precinct association, neighbourhood association or strata corporation constituted under a precinct scheme, neighbourhood scheme or strata scheme that is part of the Community Scheme.

20.3 A reference to:

- (a) a thing includes the whole or each part of it;
- (b) a document includes any variation or replacement of it;
- (c) a law, ordinance or code includes regulations and other instruments under it and consolidations, amendment, re-enactments or replacements of them; and
- (d) a person includes their executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation) and assigns.

20.4 The singular includes the plural and vice versa.

20.5 Headings do not affect the interpretation of this Management Statement.

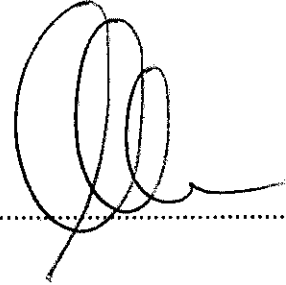
20.6 A term of this Management Statement, or a right created under it, may not be waived or varied except in writing signed by the party or parties to be bound.

MANAGEMENT STATEMENT

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Execution page

SIGNED by *Neville Allen*)
as Attorney for **BREAKFAST POINT PTY**)
LIMITED under Power of Attorney dated 15 May)
2001 and registered Book 4309 No. 81)
in the presence of:)



[Handwritten Signature]
.....
Witness Signature

Attorney

Craig Rose
.....
Witness Name

Level 14, 60 Castlereagh St
.....
Witness Address
Sydney

THE COMMON SEAL OF UNITED SUPER PTY LTD
(ACN 006 261 623) WAS AFFIXED
PURSUANT TO ITS CONSTITUTION.



[Handwritten Signature]
SECRETARY

Andrew Whaley
DIRECTOR

ENDORSED BY CAPITAL FINANCE
AGENCY (AFL) PTY LTD (CFS 136)
BY A.C. JUST APPOINTED ATTORNEYS
BRETT LENNANE
MARK CORBETT

[Handwritten Signature]
Signature

Full Name
PURSUANT TO POWER OF
ATTORNEY OF WHICH THEY HAVE NO
NOTICE OF REVOCATION
IN THE PRESENCE OF:

no 968
Book 4288

[Handwritten Signature]
.....
Witness
VESNA MANEVA

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Lot 49 CMS

REGISTERED  17.05.2002

Form: 21CSM
Release: 1
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**AMENDMENT OF
MANAGEMENT STATEMENT**

New South Wales
Section 39
Community Land Development Act

**DP 270299
MANAGEMENT STATEMENT
ANNEXURE 'A'**

PRIVACY NOTE: this information is legally required and w

(A) TORRENS TITLE	Folio of the Register for the Association Property 1/270299	
(B) LODGED BY	Delivery Box 124E	Name, Address or DX and Telephone Suzie Broome Legalink Strata Lawyer DX 13036 Market Street Sydney, telephone 9264 7373
		Reference (optional): SR 0018 DP 270299 J-BROS-933241
(C) APPLICANT	Community Association	Deposited Plan No. 270299

(D) The applicant certifies that by a unanimous resolution passed on 30 July 2003 and in accordance with section 14 of the Community Land Management Act 1989 it amended the management statement as follows:

(E) BY-LAWS	Repealed By-law 17 in Part 3.	Added By-law 22 as fully set out below
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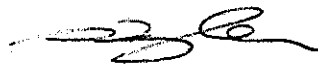
(F) TEXT OF ADDED BY-LAW

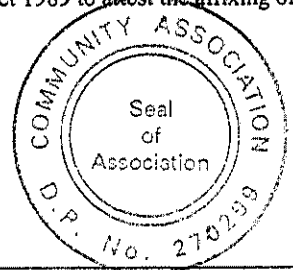
Aerials and Solar Energy Devices

22. The owner or occupier of a Lot must not, except with the prior written approval of the Community Association and further in compliance with requirements (if any) of council, construct, install or attach to the outside of any building on a Lot, the outside of any building containing a Lot or a structure on a Lot:

- (a) any television, radio or other aerial or antenna or any other transmitting or receiving device; or
- (b) any solar energy collector panels and associated equipment; or
- (c) any energy conservation equipment; or
- (d) a solar hot water system and associated equipment

(G) The common seal of the Community association deposited plan 270299 was affixed hereto in the presence of a person authorised by section 8 of the Community Land Management Act 1989 to attest the affixing of the seal.

Signature of witness: 
 Name of witness: SHARON TAYLOR
 Date: 26th Sept 2003



SD4

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LAND AND PROPERTY NSW

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**AMENDMENT OF
MANAGEMENT STATEMENT**

New South Wales
Section 39
Community Land Development Act 1989

**DP 270299
MANAGEMENT STATEMENT
ANNEXURE 'B'**

PRIVACY NOTE: this information is legally required and will

(A) TORRENS TITLE	Folio of the Register for the Association Property 1/270299		
(B) LODGED BY	Delivery Box	Name, Address or DX and Telephone	CODE
	124E	Suzie Broome Strata Lawyer DX 13036 Market Street Sydney, telephone 9264 7373 Reference (optional): J-BROS-938241	CS
(C) APPLICANT	Community Association	Deposited Plan No. 270299	

(D) The applicant certifies that by a unanimous resolution passed on 30 July 2003 and in accordance with section 14 of the Community Land Management Act 1989 it amended the management statement as follows:

(E) BY-LAWS	Repealed	Added
	By-law 1 in Part 1	by-law 21 as fully set out below

(F) TEXT OF ADDED BY-LAW

Architectural and Landscape Standards

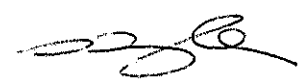
21.1 The Community Association has prescribed Architectural and Landscape Standards for the Community Scheme.

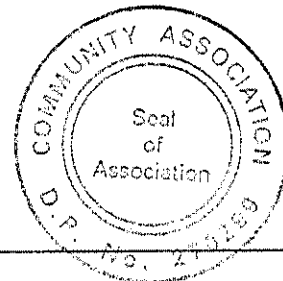
21.2 The Architectural and Landscape Standards bind:

- (a) The Community Association
- (b) each Subsidiary Body; and
- (c) each owner and occupier of a Lot; and
- (d) each lessee of a Lot.

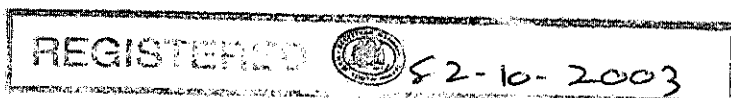
21.3 The Community Association must, when requested by a Subsidiary Body or the owner of a Community Development Lot and on payment of a reasonable fee, provide an up-to-date copy of the Architectural and Landscape Standards.

(G) The common seal of the Community association deposited plan 270299 was affixed hereto in the presence of a person authorised by section 8 of the Community Land Management Act 1989 to attest the affixing of the seal.

Signature of witness: 
Name of witness: **SHARIN TAYLOR**
Date: **26th Sept 2003**



All handwriting must be in block capitals.



SD4

Form: 21CSM
 Release: 2.0
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AMENDMENT (
MANAGEMENT STAT
 New South Wales
 Section 39
 Community Land Developme.....

DP 270299
MANAGEMENT STATEMENT
ANNEXURE 'C'

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE**

1/270299

(B) **LODGED BY**

Document Collection Box	Name, Address or DX and Telephone	CODE
495R	LLPN: 123354Y	CS
	BY-LAW EXPRESS GPO BOX 751, SYDNEY NSW 2001 PHONE: 9252 0107	
Reference: _____		

(C) **APPLICANT**

Community Association	Deposited Plan No. 270299
-----------------------	---------------------------

(D) The applicant certifies that by a unanimous resolution passed on 23 October 2006 and in accordance with section 14 of the Community Land Management Act 1989 it amended the management statement as follows:

(E) **BY-LAWS**

Repealed	Added
13.2 and 13.3 of Part 3	- as fully set out below

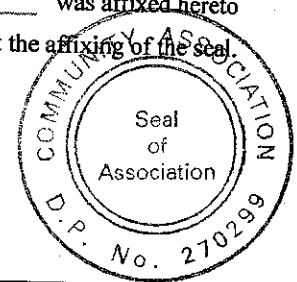
(F) **TEXT OF ADDED BY-LAW**

TERMS OF INSTRUMENT NOT CHECKED IN LAND AND PROPERTY NSW

REGISTERED *Mc 20 12 2006*

(G) The common seal of the Community association deposited plan 270299 was affixed hereto in the presence of a person authorised by section 8 of the Community Land Management Act 1989 to attest the affixing of the seal.

Signature of witness: *M Louch*
 Name of witness: MARGAARAT LOUCH
 Date: 31-10-2006



WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

DP270299

THIS PLAN ILLUSTRATES THE OPEN & PRIVATE ACCESSWAYS WHICH ARE COMMUNITY PROPERTY AND NOT A PUBLIC ROAD WITHIN THE MEANING OF THE ROADS ACT 1993.

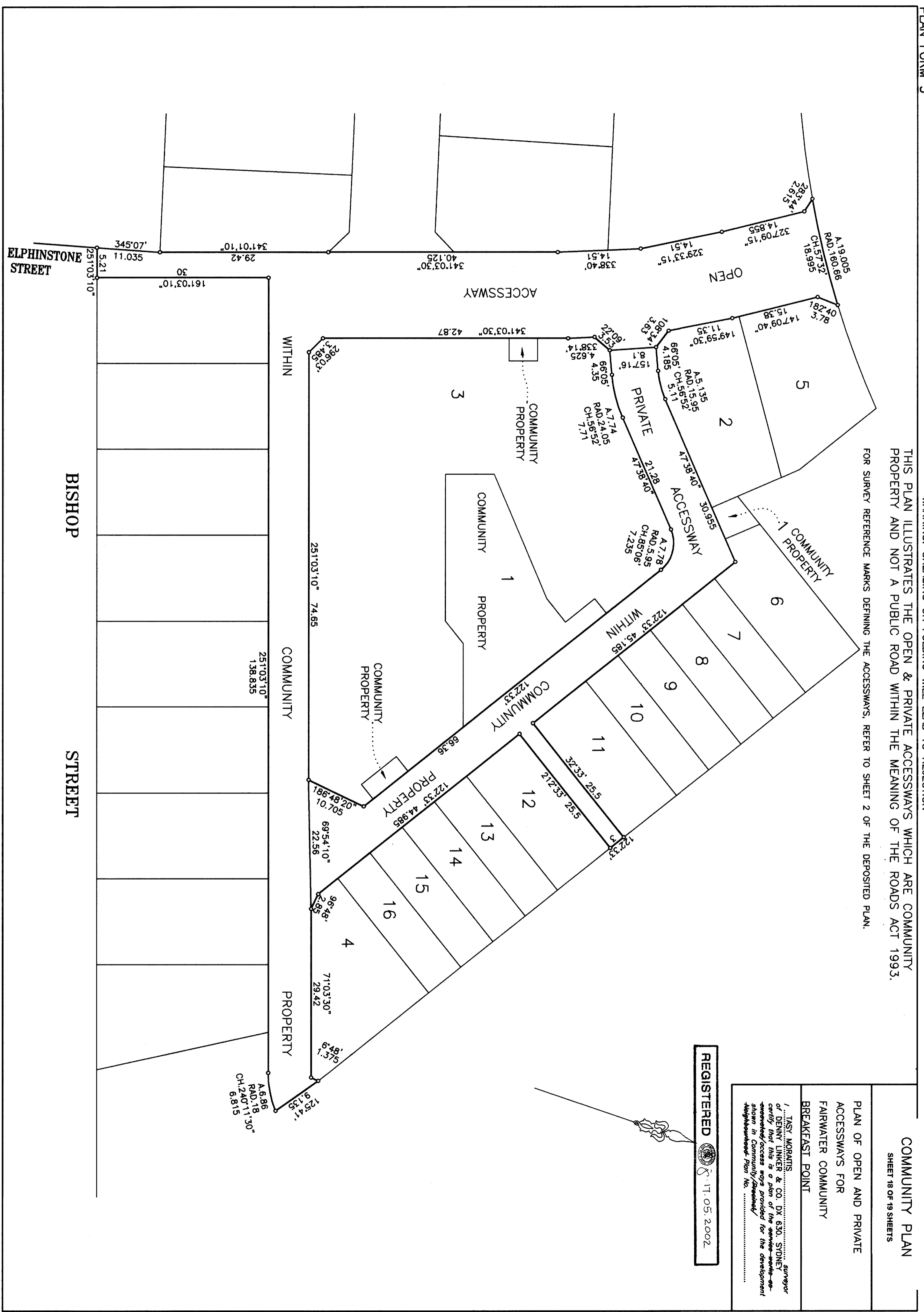
FOR SURVEY REFERENCE MARKS DEFINING THE ACCESSWAYS, REFER TO SHEET 2 OF THE DEPOSITED PLAN.

COMMUNITY PLAN
SHEET 18 OF 19 SHEETS

PLAN OF OPEN AND PRIVATE
ACCESSWAYS FOR
FAIRWATER COMMUNITY
BREAKFAST POINT

I, TASY MORATIS, Surveyor
of DENNY LINKER & CO. DX 630, SYDNEY
certify that this is a plan of the service marks as
shown in Community/Neighbourhood
Neighbourhood Plan No.

REGISTERED 17.05.2002



REGISTERED
17.05.2002

COMMUNITY PLAN
SHEET 19 OF 19 SHEETS

PLAN OF SERVICE WORKS
AS EXECUTED
FAIRWATER COMMUNITY
BREAKFAST POINT

I, TASY MORATIS, Surveyor of DENNY LINKER & CO. DX 630, SYDNEY certify that this is a plan of the service works as executed/access ways provided for the development shown in Community/Precinct/Neighbourhood Plan No.

NOTE:
POSITION OF SERVICES AS LAID IS GENERALLY AS SHOWN ON THE PLAN.
THIS PLAN SHOWS SERVICES COVERED BY STATUTORY EASEMENTS ONLY.
OTHER SERVICES AND SERVICE EASEMENTS EXIST.

LEGEND OF WORKS AS EXECUTED

PUBLIC AUTHORITY SERVICES

- GTE — GTE — SHARED TRENCH COMPRISING 1) TELSTRA TELECOMMUNICATION CABLES AND PITS
- GE — GE — 2) A.G.L. GAS MAINS
- SW — SW — ENERGY AUSTRALIA CABLES.

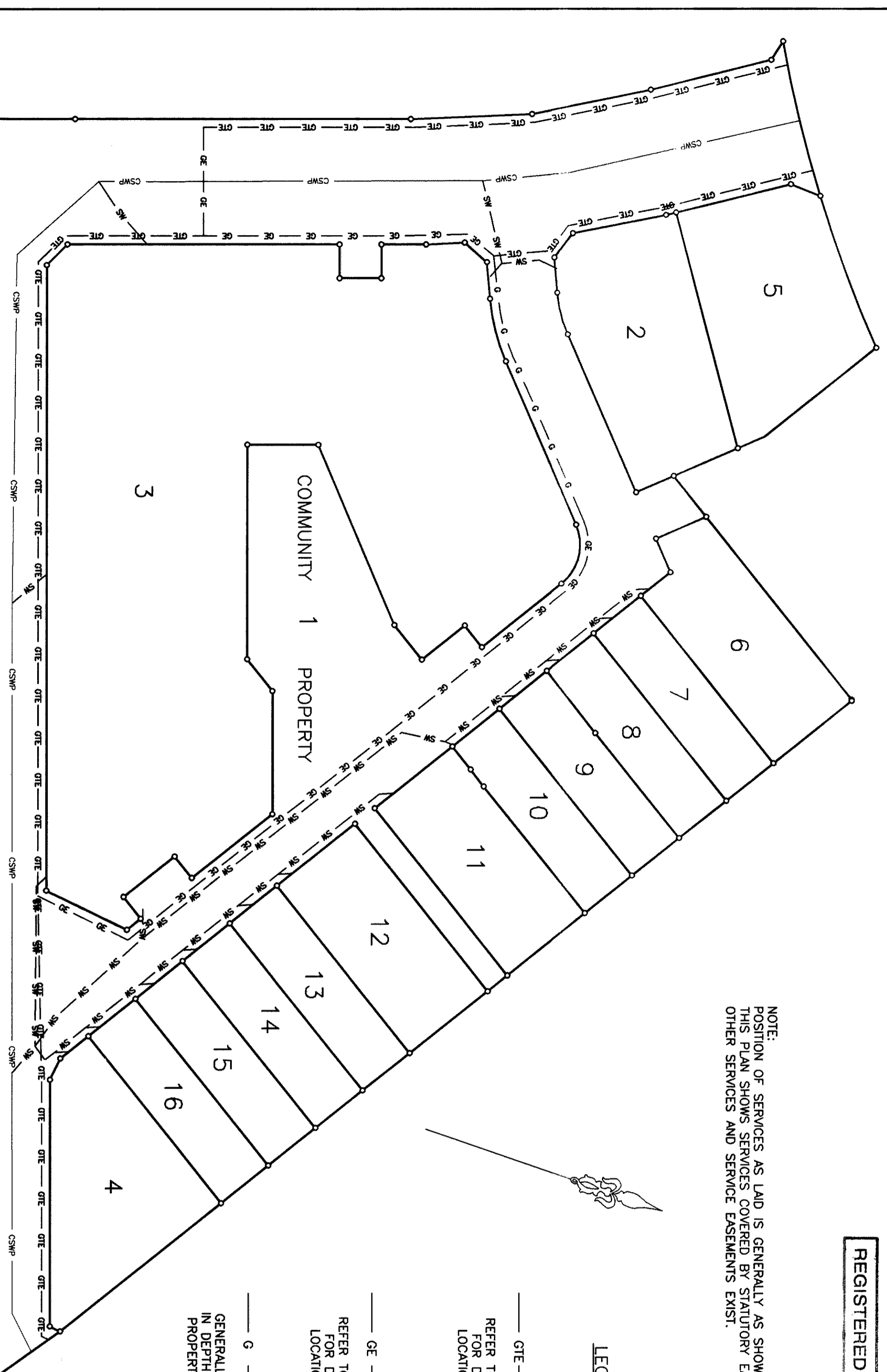
NOTE: ENERGY AUSTRALIA SERVICES DO NOT FORM PART OF THE STATUTORY EASEMENTS. THESE SERVICES COVERED BY 88B EASEMENT. SERVICE SHOWN FOR INFORMATION PURPOSES ONLY.

REFER TO DIAGRAM 1 FOR DEPTH AND LOCATION DETAILS

NOTE: ENERGY AUSTRALIA SERVICES DO NOT FORM PART OF THE STATUTORY EASEMENTS. THESE SERVICES COVERED BY 88B EASEMENT. SERVICE SHOWN FOR INFORMATION PURPOSES ONLY.

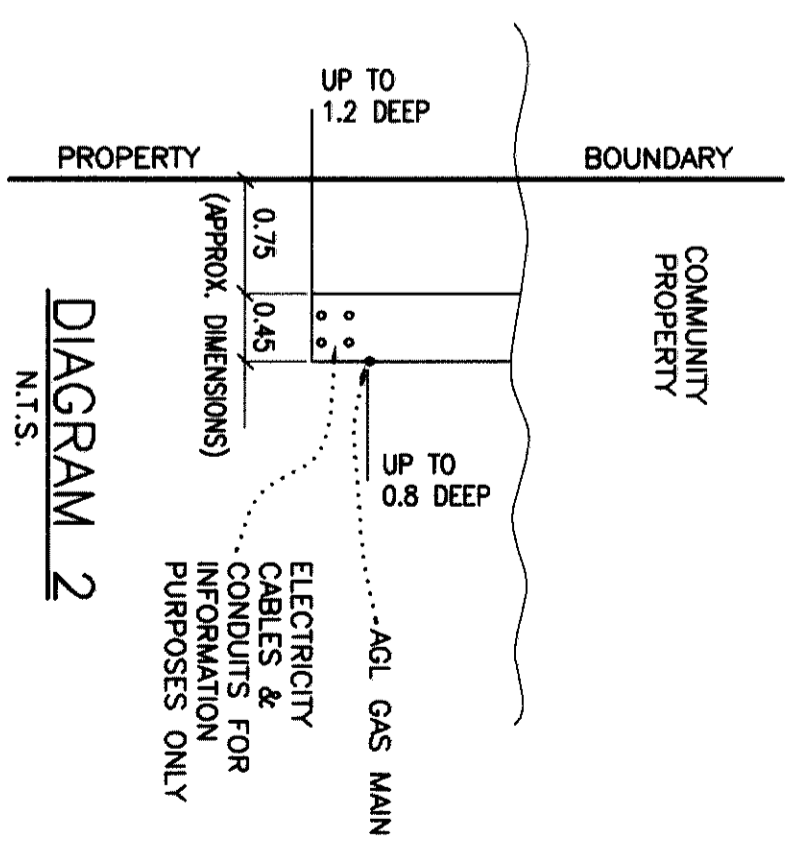
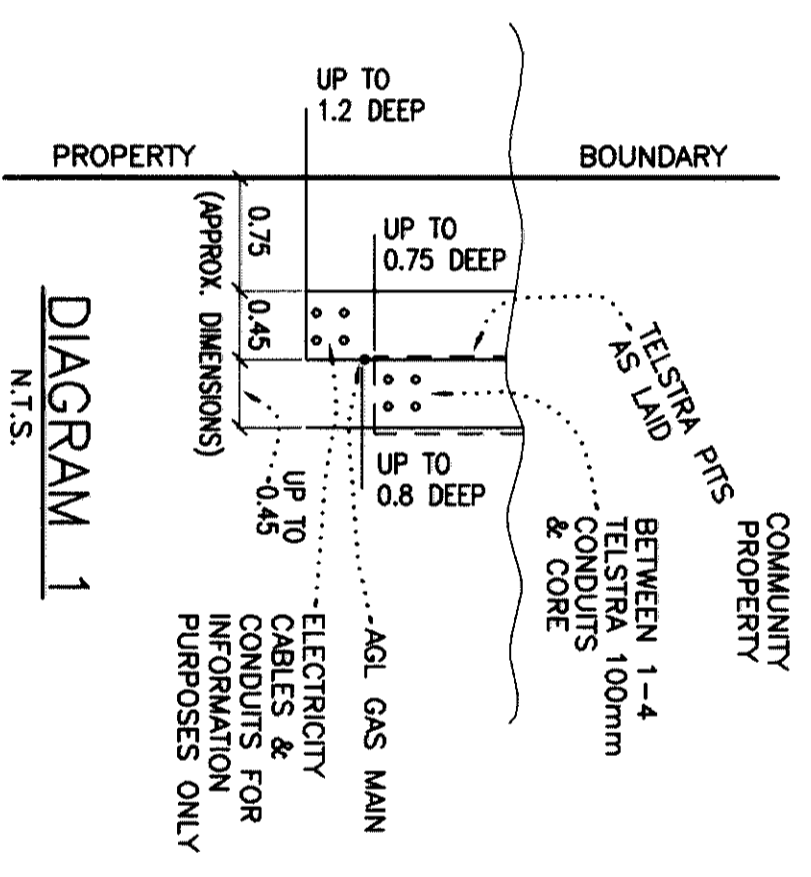
— G — G — TRENCH COMPRISING 1) A.G.L. GAS MAINS

— SW — SW — STORMWATER DRAINAGE PIPELINE INCLUSIVE OF PIPES AND PIT STRUCTURE. PIPE SIZES BETWEEN 0.1 METRES TO 0.6 METRES WITH DEPTH UP TO 2 METRES



OTHER SERVICES

COUNCIL STORMWATER PIPELINE SHOWN FOR INFORMATION PURPOSES ONLY. THIS PIPELINE IS WITHIN DRAINAGE EASEMENT VIDE D.P.1025319



AMENDMENT OF MANAGEMENT STATEMENT

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales
Section 39

Community Land Development Act 1989

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE

1/270299

(B) LODGED BY

Document
Collection
Box

495R

Name, Address or DX, Telephone, and LLPN if any

LLPN: 123354Y

BY-LAW EXPRESS

GPO BOX 751, SYDNEY NSW 2001

PHONE: 9252 0107

Reference:

CODE

CS

(C) APPLICANT

Community

Association

Deposited Plan No. 270299

(D)

The applicant certifies that by a **CLICK & PICK** resolution passed on 12 August 2015 and in accordance with section 14 of the Community Land Management Act 1989 it amended the management statement as follows:

(E) BY-LAWS

Repealed

Added

See below

as fully set out below

(F) TEXT OF ADDED BY-LAW

Added:

Specially resolved to add By-laws 3.7 to 3.15 inclusive.

Unanimously resolved to add Architectural and Landscape Standards.

(See annexure hereto)



(G) The common seal of the Community association deposited plan 270299 was affixed hereto in the presence of a person authorised by section 8 of the Community Land Management Act 1989 to attest the affixing of the seal.

Signature of witness:

m. dom.

Name of witness:

MITE DOMAZETONSKI

Date:

25/9/15

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PLEASE PRINT AND DISCARD

THE FOLLOWING PAGES COMPRISE THE ANNEXURE TO THE BY-LAW

COMMUNITY ASSOCIATION DP270299
ANNEXURE TO AMENDMENT OF MANAGEMENT STATEMENT

By-law 3 is amended as follows:

In by-law 3, following the existing provisions, add the following:

- 3.7 An approval granted by the Executive Committee may contain conditions, not inconsistent with this Management Statement (or any other applicable law), and in that event those conditions must be complied with by any person relying on that approval according to their terms.
- 3.8 In addition to any conditions imposed on an approval under the preceding clause, any person who does Building Modification, New Construction or Landscape Modification (together, "**Building Works**") must comply with the Building Works Conditions, except to the extent that such an approval provides otherwise.
- 3.9 General conditions applying to Building Works

Building Works must:

- (a) be carried out in accordance with and comply with any applicable law or Approval and any applicable provisions of an approval granted by the Executive Committee under this by-law;
- (b) be carried out in a proper and workmanlike manner and only by persons who are duly licensed to do so;
- (c) comply with the National Construction Code and the Building Code of Australia;
- (d) be fit for their purpose;
- (e) be carried out with due diligence and expedition and within a reasonable time;
- (f) cause a minimum of disruption to the use of the Community Parcel;
- (g) in any event, not occasion the occupation or use of Community Property except as otherwise specifically approved in writing by the Executive Committee;

THE COMMON SEAL of THE COMMUNITY ASSOCIATION DEPOSITED PLAN 270299 was affixed hereto in the presence of a person authorised by Section 8 of the Community Land Management Act 1989 to attest the affixing of the seal

Signature:-----
M. Domazetovski

Name:-----
MITE DOMAZETOVSKI

Date:-----
25/9/15



- (h) except as otherwise approved by the Executive Committee, be carried out only between the hours of 7:30am and 5:30pm (excluding on any day that is a Saturday, Sunday or public holiday in New South Wales) or between 8:30 am and Midday on a Saturday;
- (i) not cause damage the Community Parcel or any part of the Community Parcel otherwise than authorised under an approval granted by the Executive Committee under this by-law;
- (j) not adversely affect the structure or support of the Community Parcel except strictly in accordance with an approval granted by the Executive Committee under this by-law; and
- (k) not cause or amount to a nuisance or hazard to other owners or occupiers of Lots or interfere unreasonably with the use or enjoyment of the Community Parcel by other owners or occupiers of Lots.

3.10 Cleanliness, protection and rectification

A person who does Building Works must:

- (a) ensure the Community Parcel is adequately protected from damage that may be caused by Building Works;
- (b) ensure any part of the Community Parcel affected by Building Works is kept clean and tidy and is left clean and tidy on completion of Building Works; and
- (c) if Building Works cause damage to the Community Parcel, rectify that damage, including doing any necessary Building Works.

3.11 Insurance

A person who does Building Works must effect and maintain the following insurance (or ensure the same is effected and maintained):

- (a) any insurance required by law in connection with Building Works; and

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Signature:-----
 Name:-----
 Date:-----

m. dom.

MITE DOMAZETOVSKI

25/9/15



- (b) contractors all-risk insurance (including public liability insurance to a limit of not less than \$20,000,000 per event) in respect of the conduct of the Building Works naming the Community Association as a beneficiary.

3.12 Indemnity

A person who does Building Works will indemnify the Community Association and each other owner or occupier of a Lot (the “**Indemnified Party**”) immediately on demand for any damage, cost, loss, claim, demand, suit or liability howsoever incurred by or brought against the Indemnified Party in connection with Building Works or their use, except to the extent that such damage, costs, loss, claim, demand suit or liability is caused by the negligence of the Indemnified Part.

3.13 Default

If a person fails to comply with any obligation under this by-law the Community Association may carry out that obligation and recover the cost of so doing from that person.

3.14 Conflict

- (a) To the extent that any term of this by-law is inconsistent with any act or law it is to be severed and this by-law will be read and be enforceable as if so consistent.
- (b) To the extent that this by-law is inconsistent with any other by-law in this Management Statement the provisions of this by-law prevail to the extent of that inconsistency.

3.15 In this by-law, unless the context otherwise requires:

Approval means, in connection with the Work or the Property:

- (a) an approval or certificate as may be required by law (or under the terms of an Approval) to be obtained from or provided by an Authority;
- (b) a development consent or complying development certificate within the meaning of the Environmental Planning and Assessment Act 1979;
- (c) a “Part 4A certificate” within the meaning of section 109C of the Environmental Planning and Assessment Act 1979;
- (d) any order, direction or other requirement given or made by an Authority;

THE COMMON SEAL of THE COMMUNITY ASSOCIATION DEPOSITED PLAN 270299 was affixed hereto in the presence of a person authorised by Section 8 of the Community Land Management Act 1989 to attest the affixing of the seal

Signature:-----
 Name:-----
 Date:-----



- (e) an order made under Division 2A of Part 6 of the Environmental Planning and Assessment Act 1979; and
- (f) an order made under Part 2 of Chapter 7 of the Local Government Act 1993;

Authority means, in connection with Building Work or the Community Parcel:

- (a) any Commonwealth, state or local government, semi-government, statutory, public or other body or person (or body or person otherwise authorised by law) having jurisdiction;
- (b) a consent authority or principal certifying authority within the meaning of the Environmental Planning and Assessment Act 1979;
- (c) the council having the relevant regulatory functions under Chapter 7 of the Local Government Act 1993; and
- (d) an authorised fire officer within the meaning of section 121ZC of the Environmental Planning and Assessment Act 1979;

Building Code of Australia has the meaning given to it under the Environmental Planning and Assessment Act 1979;

Building Works includes a reference to:

- (a) ancillary works, products and services that it is reasonably necessary to do or supply to facilitate the doing of those building works, and the supply of those products and services; and
- (b) as the context may require, a reference to the result of Building Works being done and supplied.

Building Works Conditions means the conditions in clauses 3.9 to 3.13 inclusive of this by-law; and

National Construction Code means the National Construction Code published by the Australian Building Codes Board from time to time.

THE COMMON SEAL of THE COMMUNITY ASSOCIATION DEPOSITED PLAN 270299 was affixed hereto in the presence of a person authorised by Section 8 of the Community Land Management Act 1989 to attest the affixing of the seal

Signature:-----
m. dom.

Name:-----
 MITE DOMAZETOVSKI

Date:-----
 25/9/15



Fairwater Community
BREAKFAST POINT

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

PART 1 – INTRODUCTION

Purpose

The purpose of these Standards is to provide guidance on the further development and maintenance of the Fairwater Community in accordance with its essence and theme, and to provide consistency with the remainder of Breakfast Point.

Application

These architectural and landscape standards apply to all development, modifications, additions and all external maintenance work within the site of Community Plan No DP270299 Dated 17 May 2002 located at Breakfast Point NSW. The intention is for repairs, maintenance and/or replacement to replicate the existing design, materials and finishes selections. Where alterations or additions are proposed, these shall be consistent with existing selections. An alternative may be proposed which is considered equal or superior to the existing selection in appearance and quality, however a sample must be submitted for approval.

Relationship to other Development Controls

All development at Breakfast Point requires prior Development Consent from City of Canada Bay Council. Prior to commencing planning or design work for new buildings or alterations to existing buildings or committing any external maintenance work residents should fully acquaint themselves with the provisions of the Fairwater Community Management Statement, and all relevant current Development Standards adopted by the Council. In particular, clause 3.2 of the Community Management Statement requires that no building modification, new construction or landscape modification be started or put in place without the approval of the Community Executive Committee.

Variations from these Standards

Variations from these standards may be considered where, in the opinion of the Executive Committee, a varying proposal equally or better meets the aesthetic or quality objectives of the standards. Where a variation is proposed an application should include full background information, including photographs and samples. The Community Association has the right to review, modify or adjust these standards from time to time in accordance with the Community Management Statement.

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

PART 2 - SITE PLANNING STANDARDS

Site Analysis

Objective: To ensure building planning and design is sensitive to the constraints and opportunities of its physical site, its surrounding environment and its neighbours amenity and welfare.

Privacy and Security

Objectives: To ensure siting and design of buildings provides visual and acoustic privacy to residents and their neighbours in dwellings and private open space. To provide personal and property security to residents and visitors and enhance perceptions of Community safety.

Privacy between windows of habitable rooms	Windows to be located a minimum 6m apart or outside a view angle of 45° unless approved alternate screening solutions are incorporated.
Privacy between windows of habitable rooms and balconies	Windows and Balconies to be located a minimum 12m apart or outside a view angle of 45° unless approved alternate screening solutions are incorporated.
Privacy between balconies, habitable rooms and outdoor living areas	Structure or Landscape screening is to be provided for all neighbouring outdoor living areas within 9 metres and a view angle of 45° of the edges of the window or balcony.
Security	Casual surveillance, through placement of windows overlooking streets, lanes and community spaces is encouraged

Site Access and Circulation

Objectives: To provide convenient and safe access and parking consistent with the needs of residents and visitors. To plan access and circulation to minimise conflicts, visual and environmental impacts. To facilitate and encourage walking and cycling wherever possible.

Vehicle access from lane	Where lots have frontages from lanes ALL vehicle access is to from the lane
Resident Parking	All dwellings shall include a 2-car fully enclosed garage. Garage structures are not to exceed 7 metres wide. No additional garage spaces, open parking spaces or carports are permitted on house lots.
Visitor Parking	The master-planned Community includes on-street visitor parking at a rate of 1 space per 5 dwellings.
Driveway Widths	Maximum width across community land (nature strip): 3.6metres Maximum width between a rear access lane kerb and garage door: 6 metres
Driveway Gradients	Maximum: 20% (1 in 5), Maximum change in gradient: 12 1/2 % (1 in 8)

18 September 2015

Page 2 of 16

This document has been developed using extensive content from Giles Tribe documents "Architectural and Landscape Standards for Fairwater Community Plan No. 202-201" in Boulevard Home contracts, and "Architectural and Landscaping Standards – Fairwater Community" provided by Breakfast Point Pty Ltd.

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Water and Soil Erosion Management

Objectives: To control and minimise the impact of stormwater run-off and soil erosion on the adjacent property and the waterways.

Management Plan	A Stormwater and Erosion Management Plan must be submitted for approval with applications indicating permanent and temporary management measures during construction.
-----------------	---

Open Space and Landscaping

Objectives: To ensure sufficient, accessible, and well-sited private open space to meet the needs of residents and to enhance the appearance, amenity and energy and water efficiency of the community through integrated landscape design.

Landscape Plan	Minimum requirements for Landscape Plans to be submitted with applications are detailed in PART 3
Landscaped Area	A minimum of 20% of the site area is to be unpaved soft landscape treated eg grass, ground cover, shrubs and trees.

Site Facilities

Objectives: To ensure the siting and design of buildings includes adequate consideration waste disposal, clothes drying, composting and outdoor storage and other facilities in a manner which retains reasonable amenity to other residents.

Application Plans are to show location of waste bin storage and outdoor drying and storage areas
--

PART 3 - ARCHITECTURAL AND LANDSCAPE STANDARDS

Streetscape and Architectural Objectives

The objectives of the Breakfast Point Masterplan include the adoption of traditional neighbourhood planning principles, the provision of a high level of continuity between existing and new development, the achievement of quality urban design, high levels of amenity, create a sense of community, give definition to public domain by ensuring buildings address streets and give form to public spaces.

Architectural Style

The Breakfast Point architectural style evolves in part from traditional and vernacular styles of the local area, Sydney's history and international precedents in residential neighbourhoods combining coastal temperate/subtropical climate location influences with strong associations with the meaning and sense of Community. The precedents allow a wide palette of architectural styles and detail and significant scope for variety and interest.

The key elements, providing the necessary perception of community cohesion, unity, and variety within the theme necessary to engender a visual sense of place, neighbourhood and community with a sense of uniqueness sufficiently strong to ensure sameness is avoided and a point of difference is maintained, are:

- Two storey Apartment and Townhouse Blocks
- Repetition of steeper pitched 'traditional' roof forms and shapes, and predominantly simple rectilinear building forms modulated and adorned by secondary elements
- Traditional use of detailed joinery and masonry elements further modulating secondary elements.
- Emphasis on lighter, warm colours generally but particularly on detailed and modelled elements to catch light and catch the eye and reveal subtleties of detail modulation and texture
- The reflection of light, through the predominant use of light warm wall colours to provide a mood and sense of warmth, comfort cheerfulness, brightness, and security
- Landscape and Planting solutions for sun control, weed control, privacy management, to filter adverse climatic elements and glare in addition to landscapes overriding role in providing a sense of continuity, visual relief, encouragement of native fauna and screening of any less attractive built elements.

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

External Finishes and Details

External finishes and details where repaired, modified or replaced shall be consistent with existing

Walls	Flush jointed painted brickwork, lower part of wall to have recessed grooves in brickwork
Window surrounds	Corbelled brick to townhouses. Heavy duty "Futuretech" mouldings with sand textured paint finish to Apartment buildings
Wall and gable end cladding Apartments & Townhouses	James Hardie Primeline cladding -"Newport" with timber trim Roof: Boral Insignia "Grange" colour-through concrete shingle pattern roof tiles with matching accessories, colours "Slate" and "Charcoal"
Amenities Building & Pavilions	Lysaghts Kliplok profile with folded metal cappings and flashings to match, colour "Gull Grey"
Gutters	Half-round Colorbond gutters to match existing, colour: Off-White.
Downpipes	Circular
Garage doors	B & D Slimpanel, panel lift doors, colour: White powdercoat

Roof Design

External finishes and details where repaired, modified or replaced shall be consistent with existing

Roof Shape (inc garages)	Traditional Hipped or Gable Forms, Min 27.5° pitch. Max 45° pitch.
Roof Materials	Apartment and Townhouse blocks - Boral Insignia "Grange" colour-through concrete shingle pattern roof tiles with matching accessories, colours "Slate" and "Charcoal" Amenities Building and Pavilions - Lysaghts Kliplok profile with folded metal cappings and flashings to match, colour "Gull Grey"
Roof Windows, Skylights	Solar tube with flashings, accessories and rear of reflector painted to match roof colour. Roof windows to be of flush glass type with flashings to match roof colour
Gutters	Half-round Colorbond gutters to match existing, colour: Off-White.
Roof Services	TV antennae, Satellite Dishes, solar collectors and similar not allowed on roof surfaces or other building structures facing Breakfast Point Boulevard. Sanitary plumbing vents to be painted to match roof

18 September 2015

Page 5 of 16

This document has been developed using extensive content from Giles Tribe documents "Architectural and Landscape Standards for Fairwater Community Plan No. 270299" in Boulevard Home contracts, and "Architectural and Landscaping Standards – Fairwater Community" provided by Breakfast Point Pty Ltd.

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Exterior Walls

External finishes and details where repaired, modified or replaced shall be consistent with existing

Walls	Flush jointed painted brickwork, lower part of wall to have recessed grooves in brickwork
Window surrounds	Corbelled brick to townhouses. Heavy duty "Futuretech" mouldings with sand textured paint finish to Apartment buildings
Wall and gable end cladding	James Hardie Primeline cladding -"Newport" with timber trim
Separation of openings	Where visible from the street, the minimum horizontal distance between openings, and between openings and corners of walls, is to be 900mm
Lintels & window heads	To be in same material as main walls, sheet infill is prohibited between the window head and eaves.
Wall Detail	Subject to appropriate detail and fit with design, the following wall adornments are encouraged: Base or Plinth Storey Bands and Expressed Coursing Quoins / Corner Boards Cornices and corbelling
Rainwater Downpipes	Circular Colorbond downpipes to match existing, colour: Off-White
Sanitary, gas, water plumbing and wiring or conduits of any kind.	Prohibited anywhere to walls externally

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Windows, Window Coverings and Doors

Windows to be of similar proportion to the existing and fabricated to match existing aluminium sections.
Windows shall be white.

Opening Area	No more than 30% of the surface area of a wall is to be window or door opening. Any area of wall behind an approved balcony, verandah, pergola or portico is excluded from this requirement. No opening is to be closer than 900mm from a building corner and openings are to be at least 900mm apart.
Opening Proportion	Opening are to vertically or square proportioned with the width of not exceeding 3/4 the height.
Materials	Frames, and sashes are to be White Powdercoat Aluminium. No removable or false glazing bars are permitted.
Sash styles	Double hung windows
Architraves Reveals	Simple 100-150mm constant dimension section around each opening is to be provided in render, or composite material.
External Shutters	Louvre shutters are to be fully functional and operable
Security Bars, Grilles	Are not to be visible from the street If required, they are to be mounted internally
Insect Screens	Insect screens shall be in a white aluminium frame to which black insect screen is attached.
Internal Window Coverings	Plantation shutters, venetian blinds, vertical blinds and curtain material/ backing facing the outside of the building shall be white/off white
Garage Doors	B & D Slimpanel, panel lift doors, colour: White powdercoat

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Balconies, Terraces, Balustrades, Screens, Porches, Porticos, Verandahs, Pergolas and External Sunshading Devices

These form the important transition between community and private space visually they belong both to the private space and the Community. They are major contributors to streetscape providing variety in light and shadow, texture, depth, and relief. Balustrades and screens shall match existing. External shading devices such as umbrellas, awnings, sails and pergolas selected from below, may be considered.

Balconies/Terraces	To be open
Balustrades	Aluminium picket 40 x 20 with handrail, square intermediate supports with shaped capping and square aluminium posts Powdercoat Dulux 'Satin White' 32312
Privacy Screens	Slatted timber privacy screens, 40 x 20 slats in dressed timber perimeter frame, installed above handrails at ends of balconies, painted white to match Dulux 'Satin White' powdercoat V-jointed tongue & groove boarding in dressed timber perimeter frames, installed between balconies & ground floor terraces, painted white to match Dulux 'Satin White' powdercoat
Balcony/Verandah Screens	Where necessary for privacy, adjustable louvre screens may be incorporated in verandahs, or balconies. The screen frames are to be setback from the face of posts
Security Screens	On doors opening onto private courtyards - should be of a plain or diamond pattern. Heavy ornamentation, curved and diagonal motives are to be avoided On doors opening to Breakfast Point Boulevard – shall be plain
Umbrellas	To be Market umbrella style - White/Off white preferred. Other solid colours may be used but are subject to prior approval by the Executive Committee.
Retractable Awnings	White/Off white preferred. Other solid colours may be used but are subject to prior approval by the Executive Committee.
Sails	White/Off white preferred. Other solid colours may be used but are subject to prior approval by the Executive Committee.
Pergolas, Beams & Rafters	Pergolas to be consistent with existing. Beams & Rafters are to be min 200mm deep, spaced max 600mm apart cantilevered min 450mm with ends simply chamfered or shaped. Painted White
Piers	Brick, Masonry piers are to be single storey height, min. 450mm wide, 220 deep and to be spaced no further apart than 1 1/2 x height All piers are to include a simple base and capital detail.
Posts	Timber or Metal posts are to be single storey height, min 125x125 and spaced apart no further than 1 1/2 x height Paired posts are to spaced apart no further than 3x post width. All posts are to have a simple base and capital detail
Valance	If used, are to be of simple rectilinear detail consistent with balustrading detail

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Amenities Buildings and Pavilions

Pavilions within the external area are to be of compatible style with the existing. These generally have a simple form with pitched roof. Window treatments to be consistent. Materials and Colours to be:

Posts	Timber - square with stop chamfered edges - Painted white
Walls	Brick with header capping course painted to match adjacent building
Walls	Boarding - James Hardie "Primeline – Newport" or timber of same profile
Roof	Metal roof sheeting - Kliplok profile, Colorbond "Gull Grey"
Guttering	Half-round gutter, Colorbond "Off White"
Downpipes	Colorbond - painted white
Internal Floor Tiles	Ceramic Tiles Royal Tiles "Terra" (27D Almond)
Internal Wall Tiles	White

Fences and Letterboxes

Where fencing is replaced or additional fencing proposed the fencing shall match existing selections.

Apartment Courtyards:	
Timber fences	Timber paling fences 1.8m high with decorative posts and capping, painted Dulux Timbercolour 4OYY441095 "Dry Goods"
Picket Fencing	Aluminium picket fence with button tops and square intermediate posts - Eclipse or equal, colour "Charcoal"
Townhouse Courtyards/Terraces:	
Timber fences:	Dressed timber panelled fences 1.6m high, painted White
Picket Fencing	Aluminium picket fence with button tops and square intermediate posts - Eclipse or equal, colour "Charcoal"
Letterboxes	No letterboxes or collection boxes other than those provided shall be allowed. Letterboxes shall be white.

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Paving

Where paving is replaced or additional paving proposed the paving shall match existing selections

Townhouse Courtyards	300x300 Ceramic Tile, Diamond pattern with border - Royal Tiles "Terra"
Balconies	300x300 Ceramic Tile, Diamond pattern with border - Royal Tiles "Terra"
External paved areas	
Steps	Brick riser – Brick Tread - Boral Pavescape profiled coping brick
Paths	Concrete pavers Rocia Trupave "Sierra", laid with stack bonded edging and diagonal basketweave pattern infill
Pool area	Clay pavers Boral Pavescape "Tan", laid with stack bonded edging and diagonal basketweave pattern infill
Pool coping	Clay paver Boral Pavescape "Merino" coper
Driveways	Concrete: broomed concrete

Signage

Signage throughout the development shall be consistent.

Font	Times New Roman small caps
Colours	"Charcoal" powdercoat externally, satin chrome or brushed aluminium internally Letterbox numbers shall be consistent
Street Numbers	House numbers are to be located on the letterbox in accordance with the Design Manual standard detail
House Names	House names, if required, may only be fixed to the main walls of the house. Letters must be no higher than 60mm and be individual screw fixed metal letters
Other signs	No other signage is permitted within view of the street. Real Estate marketing/sales signs are not permitted without written consent

Exterior Lighting

External lighting shall reflect the existing selections

External Building Lights	Wall mounted Light – consistent with existing. Colour: White Soffit Bunker light - consistent with existing. Colour: White
Community Area Lighting	Bollard - to match existing. Colour: Black Brick lights - to match existing. Colour: Black

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Mechanical Equipment and Exterior Facilities

Air-conditioning and other plant	No mechanical equipment is to be located in front of dwellings or be within view of the street
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Exterior Colour Schedule

A core theme of Breakfast Point is to present a light bright, warm and cheerful mood and atmosphere. The maximum reflection of light and the avoidance of dark gloomy shadowy areas is critical to the achievement of this character and a sense of comfort and security.

Warm light, pastel wall colours are required. Dark or Strong colours especially cool greens and blues are strongly discouraged.

Psychological relief from summer heat and glare, and vibrant colour will be provided by planned landscape. The exception to this theme is controlled use of traditional face brick, reflecting local urban traditions.

In applying this theme to Fairwater, the following principles apply:

Lower wall:	Generally a darker tone of wall colour
Upper wall:	Wall colour
End buildings:	Single colour to upper and lower parts
Garage Doors:	White
Trims, Vents:	White
Windows:	White
Doors:	White
Balustrades:	White
Eaves, Soffit:	White
Balcony edges:	White
Downpipes:	To match wall colours
Front Doors:	White
Gables:	White or to match upper wall colour

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Schedule of Colours - Apartment Buildings

Item	6-12 Fairwater Close (Block A)	14-16 Fairwater Close (Block B)	Amenities
Roof	Boral Insignia Grange Tiles "Slate"	Boral Insignia Grange Tiles "Charcoal"	Kliplok Colorbond "Gull Grey"
Cupolas, vents etc	Painted to match roof	Painted to match roof	Painted to match roof
Gutters	Off-White Colorbond	Off-White Colorbond	Off-White Colorbond
Fascias & Barges	Off-White Colorbond	Off-White Colorbond	Off-White Colorbond
Eaves & Soffits	White	White	White
Walls – body Balcony columns	4OYY 65/061 "Canvas Cloth"	PW1.B7 "Frock"	White
Walls - base	4OYY 51/084 "Burmese Beige"	PW1.B7 "Frock"	White
Walls, storey band & applied trim - in recesses	4OYY 51/084 "Burmese Beige"	na	na
Downpipes	Painted in with background	Painted in with background	Painted in with background
Storey band, applied trim	White, except in recesses	White	White
Bay window FC cladding & cover boards	White	White	White
Gable end cladding	4OYY 651061 "Canvas Cloth", white trim	PW1.B7 "Frock", white trim	na
Entry Porches (walls adjacent entry door & returning to main wall of building)	4OYY 51/084 "Burmese Beige"	PW1.B7 "Frock"	na
Entry porch columns & pediment	White	White	na
Window & doorframes	White powdercoat	White powdercoat	White powdercoat
Balcony balustrades & aluminium posts	White powdercoat	White powdercoat	na
Stair balustrades	Charcoal powdercoat	Charcoal powdercoat	na
Pergolas	White	White	White
Driveway retaining walls	4OYY 51/084 "Burmese Beige"		na
Raised planters	4OYY 511084 "Burmese Beige"	PW1.B7 "Frock"	na
Carpark entry doors	White powdercoat	White powdercoat	na

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This document has been developed using extensive content from Giles Tribe documents "Architectural and Landscape Standards for Fairwater Community Plan No. 2009" in Boulevard Home contracts, and "Architectural and Landscaping Standards – Fairwater Community" provided by Breakfast Point Pty Ltd.

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Schedule of Colours – Townhouses

Item	16-26 Breakfast Point Boulevard (Block C)	4-14 Breakfast Point Boulevard (Block D)
Roof	Boral Insignia Grange Tiles "Charcoal"	Boral Insignia Grange Tiles "Slate"
Vents etc	Painted to match roof	Painted to match roof
Gutters	Off-White Colorbond	Off-White Colorbond
Fascias & Barges	Off-White Colorbond	Off-White Colorbond
Eaves & Soffits generally	White	White
Walls - body	P13.B1 "Limed White" No 18 & No 20 P10.B3 "Natural Stone" No 16 & No 26	3OYY 601104 "Buffy" No 6 & No 8 3OYY 391130 "Sahara" No4 & No 14
Walls - face brick	Boral "Amber Blaze" 50 mm No 22 & No 24	Boral "Amber Blaze" 50 mm No 10 & No 12
Walls – base	P10.B3 "Natural Stone"	3OYY 391130 "Sahara"
Downpipes	Painted in with background Downpipe pair painted to match painted townhouse at face brick/ painted brick junction	Painted in with background Downpipe pair painted to match painted townhouse at face brick/ painted brick junction
Upper floor Hardiplank cladding (end townhouses)	White No 16 P1 3.B1 "Limed White" No 26	White No 4 3OYY 601104 "Buffy" No 14
Trims to upper floor Hardiplank cladding	White	White
Storey band, window margins, applied trim - painted townhouses	White	White
Storey band, window margins - face brick townhouses	Unpainted	Unpainted
Bay window FC cladding & cover boards, gable end cladding & trims	White	White
Entry Porches – columns & pediment	White	White
Window & doorframes	White powdercoat	White powdercoat
Balcony & terrace balustrades	Charcoal powdercoat	Charcoal powdercoat
Stair balustrades	Charcoal powdercoat	Charcoal powdercoat
Window shutters	White	White
Privacy screens	White	White
Garage doors	White powdercoat	White powdercoat

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ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Landscaping

Any additional and/or replacement planting is to be consistent with the intent of the original planting scheme as defined previously in Architectural Style.

Community Planting

Community Pathway	Hedges are preferred to a height of 900mm
Hedging along fencelines	Where hedging is used with fences, hedge height is to be maintained to a maximum of 400mm above the highest point of any boundary fence of the respective lot, along the fenceline

Landscaping Plans

Where detailed landscape plan is to be submitted for approval, it is to show details of all paved surfaces and facilities and the minimum mandatory functional planting including species, and mature size including:

Landscaped Area	A minimum of 20% of the site area is to be soft landscaping
Retaining , Garden walls and embankments	Full details required
Fencing	Details of types and extent in compliance with the standards
Front Fence	Continuous shrub planting behind front fence and returning to the line of the main front wall of the dwelling
Landscape structures	Full detail
Shade Tree	At least one suitable shade tree to each major outdoor living space
Privacy Screening and sun control	All planting necessary to meet privacy standards or to meet energy efficiency standards
Swimming Pool and paved outdoor entertaining area screening	All planting to minimise impact on neighbours or to screen view from community areas
Turfed Areas	All grassed areas are to be turfed

ARCHITECTURAL AND LANDSCAPE STANDARDS - COMMUNITY PLAN NO DP270299

Design guidelines for privacy screens, awnings and blinds in strata scheme based on registered strata plan number 67959

Despite any other provision of these Architectural and Landscape Standards, the provisions of the Louvre Guidelines are incorporated into these Architectural and Landscape Standards and must be complied with.

In this item, "Louvre Guidelines" means:

- (a) The document "Design Guidelines for the Installation of External Privacy Screens, Awnings and Blinds" prepared by Giles Tribe Architects and appended to these Architectural and Landscape Standards; and
- (b) The plans DG-01 and DG-02 prepared by Giles Tribe Architects, reduced copies of which are appended to these Architectural and Landscape Standards.

PART 4 - ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES

The following provides a guide to ESD principles generally.
Applicants should familiarise themselves with Council's current policy.

Energy Efficiency

To achieve energy efficient housing using passive solar design, that provides residents with year-round comfort and reduces energy consumption

Solar Access & Orientation

- Buildings are to be oriented to maximise solar access to living areas
- Dwellings are to achieve a minimum rating of 3 V2. stars under the Housing Energy Rating Scheme (NatHERS)
- Windows are to be located and shaded to reduce summer heat load and permit entry of winter sunlight.
- Exterior shading devices are to be used, eg caves, balconies, verandahs, pergolas, window shutters, adjustable louvres, landscape devices.
- Living areas are to be located to the north side of the dwelling
- Sun is to be available to a living area for at least three hours between 9am and 5pm on 21 June.

Building Materials & Landscape

- High thermal mass materials are to be used for living areas and to receive maximum sun during cooler months
- Insulation is to achieve an 'R' value of: R2.0 for roofs and ceilings and R2.0 for walls - except where the construction materials used embody an equivalent total R value. (AS 2627.1993)
- Deciduous trees are to be planted to provide summer shading and allow winter sun entry.
- Outdoor clothes drying areas are to be provided with sun and breeze access
- Details of finishes, materials and colours are to be submitted to Council with the Development Application.
- The applicant is to demonstrate that materials used in construction: maximise renewable resources; are energy efficient (low embodied energy); are generally non-polluting, durable, recyclable or reusable
- No rainforest timbers or timbers cut from old growth forests are to be used. All timber used on site is to be stamped accordingly.
- Porous pavers or similar which increase infiltration and reduce stormwater runoffs are to be used on driveways, and pathways wherever possible. The impervious pavement is not to exceed 25% site area.

Ventilation

- Dwellings are to be oriented to catch cooling summer breezes
- Window and door openings are to be located to facilitate cross-ventilation

Services & Appliances

Development Applications are to demonstrate how energy conservation measures are incorporated in the design including:

- Hot water systems using renewable, or low pollutant energy sources.
- Energy efficient reticulation planning and insulation.
- Energy efficient appliances.
- Energy efficient lighting

Fairwater Community SP 67959
Fairwater Close, Breakfast Point

Job No: 15001-010

Design Guidelines for the Installation of External Privacy Screens, Awnings, and Blinds.

1.0 INTRODUCTION

The purpose of this document and the accompanying drawings is to provide a set of guidelines for the installation of external privacy screens, awnings, blinds and other sun shading devices to windows, doors, balconies, terraces and courtyard at the Fairwater Apartments.

The Design Guidelines hereby assists the Executive Committee in maintaining a consistent architectural appearance for the apartment buildings and inform applicants proposing to install external privacy screens and/ or shading devices within their lots.

2.0 DESIGN PRINCIPLES

The design guidelines set out below are based on the following principles:

2.1 SLATTED TIMBER PRIVACY SCREEN

Generally, slatted timber privacy screen installations must integrate with the existing handrail, post and header beam, similar to existing ones installed throughout the building.

They are to be located on the side of the projecting balcony when abutting another apartment. *Refer to the Drawings.*

Specifications:

- 40 x 20 mm slats in dressed timber perimeter frame installed above handrails at ends of balconies.
- To be painted white to match Dulux Vivid White.



Image 1. Slatted timber screen on the side of balcony.

2.2 ADJUSTABLE LOUVRE SCREENS

Generally, adjustable louvre screens installations must be full height and integrate with the existing post or columns. Shutter tracks must be fixed behind the header beam and behind the balustrade of the balcony. On Ground level, the sliding shutters will be supported from a track fixed to the underside of the balcony slab above.

Louvre screens must not enclose more than 50% of the space between the columns on ground level and between posts on First Floor, except in specified locations where privacy is an issue, full enclosure of the opening will be permitted. *Refer to the Drawings.*

Unless they are fixed, generally 1 or 2 shutters will be mounted on a single track which spans the full width of the bay, allowing shutters to be moved to any location. Additional shutter will be mounted on another parallel track to allow stacking. Alternatively, shutters may be hinged singly or in a bi-folding arrangement to suit the particular requirements of individual owners. Hinged & bi-folding shutters may not require a bottom track, making them especially suitable for Ground Level installations where there is paving.

On the First Floor balconies, blades below the transom must be fixed in the closed position to prevent climbing and to ensure compliance with the Building Code of Australia. The top edge of the transom must align with the top of the handrail. Install bottom track so as to allow for water drainage.

On completion of installation, the installer must supply a certificate from a structural engineer attesting to the structural adequacy of the installation.

Specifications:

- Generally, louvre shutters must be either 800mm or 900mm. However, where shutters are permitted to fully enclose a bay, they must be sized to suit the opening.
- 60mm aluminium frame with fully adjustable 90mm elliptical blades.
- Shutters, tracks and brackets must be finished in powder coat, colour Dulux Duratec "White Satin" 32312.
- Visible fixings must be finished to match.
- All fixings must be Grade 316 stainless steel. When fixing to concrete or masonry, chemical anchors must be used – do not use expansion type anchors.

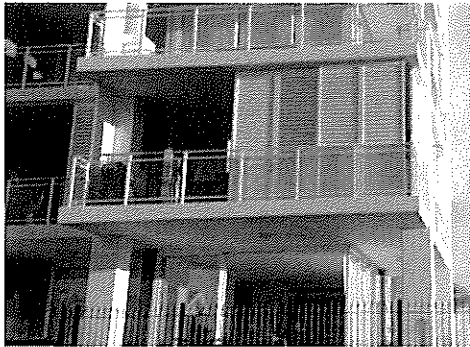


Image 2. Adjustable louvre screen on balcony.

2.3 PATIO / PERGOLA AWNING

The installation of awning is generally intended to provide cover from rain and reduce direct sunlight & heat. There are three types of awning that have been installed throughout the strata scheme;

- a. Pivot arm awning – may be installed above windows or doors at ground level. *Refer to the Drawings.*
- b. Folding arm awning – may be installed at ground level, above the door opening, below the timber pergola (if there is any) or the external side of patio wall leading into the courtyard area. *Refer to the Drawings.*

- c. Conservatory awning – may be installed at ground level over any existing pergola, without compromising its structural integrity. The installer must supply a certificate from a structural engineer attesting to the structural adequacy of the installation.

Specifications:

- Pivot arm and folding arm type awnings are to be without visible guides.
- The blinds' fabric is to be white.
- Associated hardware and fittings are to be painted to match Dulux Duratec "White Satin" 32312.

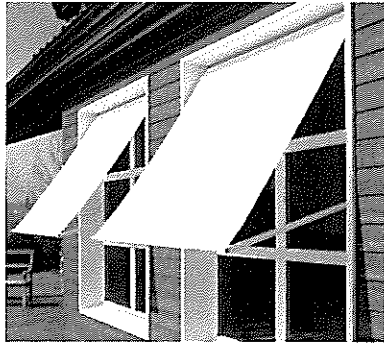


Image 3. Pivot arm awning on window

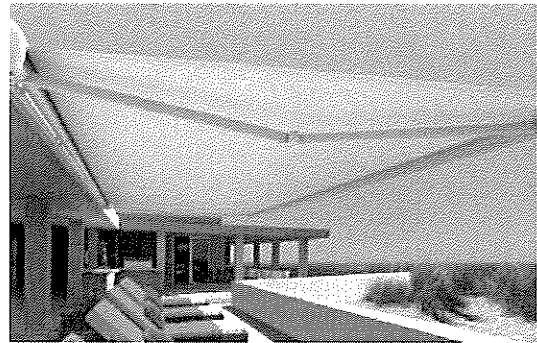


Image 4. Retractable folding arm awning.

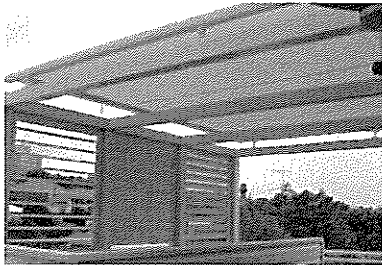


Image 5. Conservatory awning above pergola.

2.4 DROP DOWN BLINDS

Generally, drop down blinds are installed on the edge of balcony or ground floor patio, behind the face of the external wall, under the slab or header beams. *Refer to the Drawings.*

It is a practical design solution to aid privacy, control glare, heat and rain blown into the outdoor living areas, as it enables the shading device to be fully retracted and only used when necessary.

Specifications:

- The blinds' fabric is to be white.
- Associated hardware and fittings is to be painted to match Dulux Duratec "White Satin" 32312.
- When fitted outside windows, they are not to have visible guides.

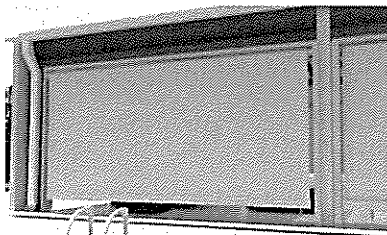
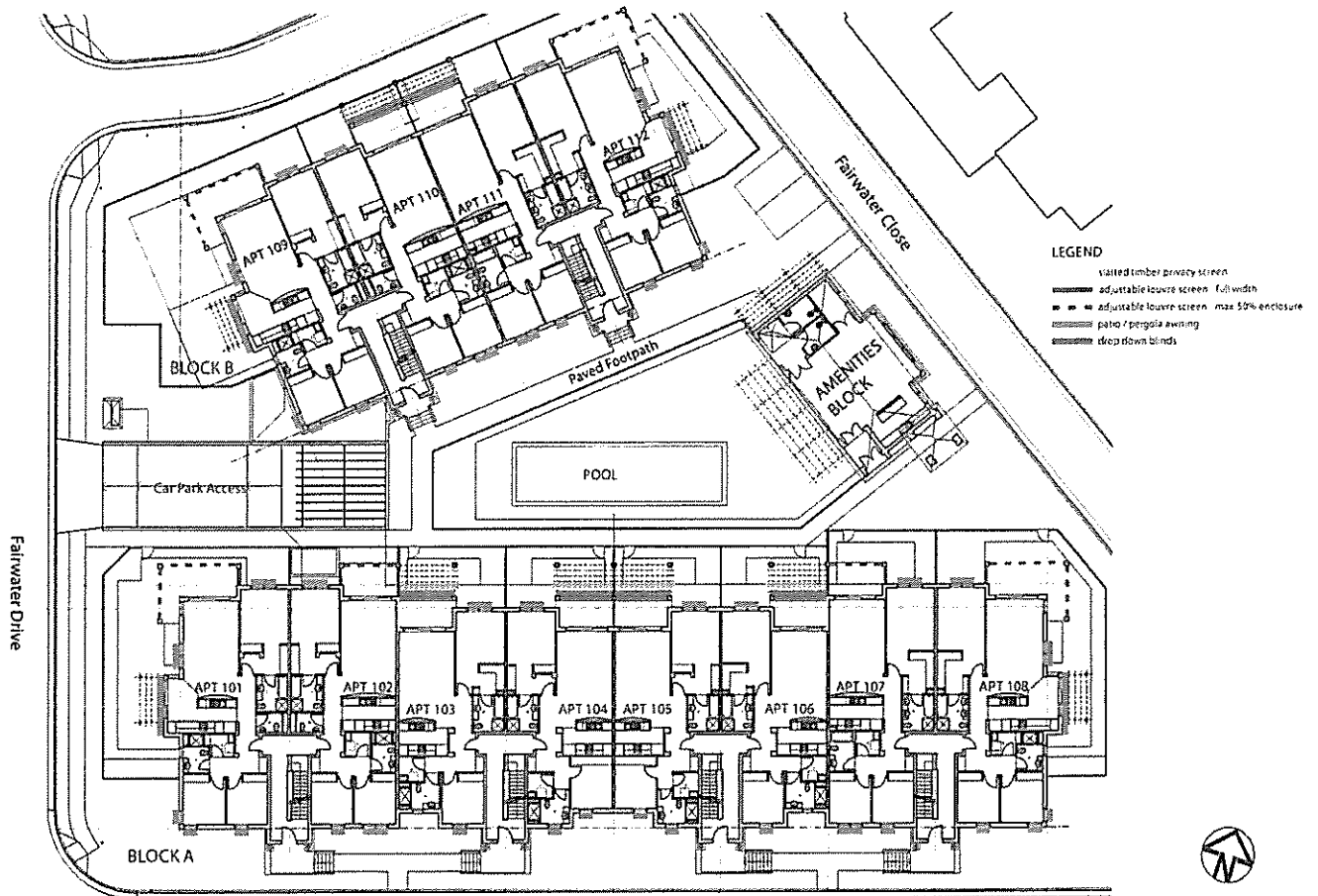


Image 6. Drop down blinds on patio.



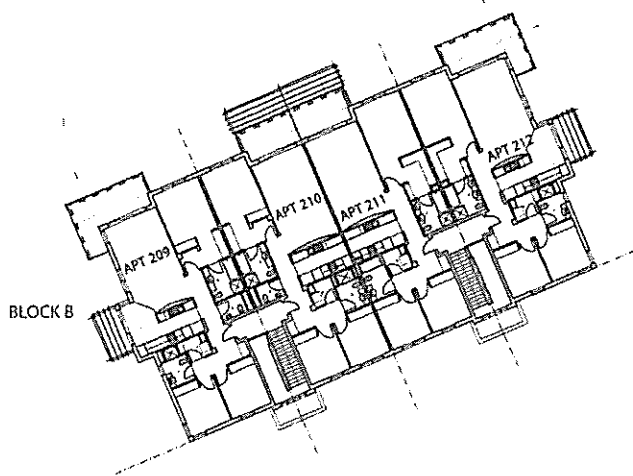
Level 8, 763 Chatterbox Street, Sturtville, QLD 4000
 19 Bora Quay, Queen Victoria Building, QLD 4000
 07 5500 7700
 07 5500 7700
 07 5500 7700

GILES TRIBE ARCHITECTS
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101
FAIRWATER APARTMENTS SP 67959
FAIRWATER CLOSE
BREAKFAST POINT

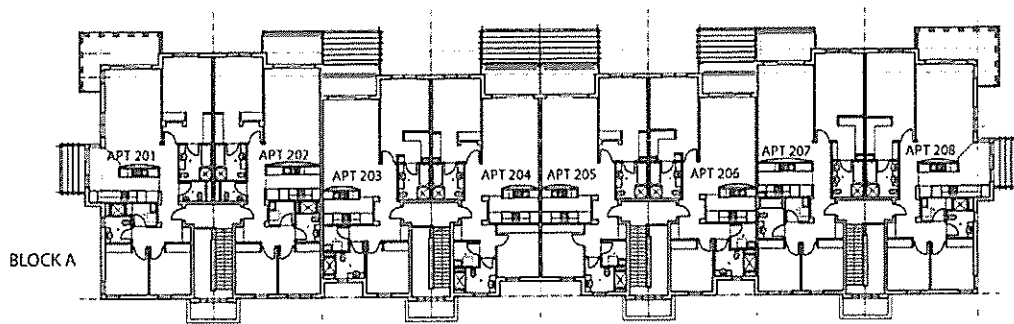
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 15001-010

INSTALLATION GUIDELINES
GROUND FLOOR
 101
DG-01



LEGEND

-  statted timber privacy screen
-  adjustable louvre screen - full width
-  adjustable louvre screen - max 50% enclosure
-  patio / pergola awning
-  drop down blinds



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GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project: **FAIRWATER APARTMENTS SP 67959**
FAIRWATER CLOSE
BREAKFAST POINT

Client: **FAIRWATER**
 Date: **15/01/2010**
 Ref No: **15001-010**

Revision: **1**
INSTALLATION GUIDELINES
FIRST FLOOR
 Drawing ID: **DG-02**