

720390553

\$95.00

12/11/2020 10:46

BE 470

1. **Nature of request** **Lodger** (Name, address, E-mail & phone number) **Lodger Code**  
Request to record a new Community Management Statement for Sunrise at 1770 Community Titles Scheme 32536  
**WILKINSON & BOYNTON** OIBA  
*for Hynes legal*

2. **Lot on Plan Description** **Title Reference**  
Common Property for Sunrise at 1770 Community Titles Scheme 32536 50497906

3. **Registered Proprietor/State Lessee**  
Body Corporate for Sunrise at 1770 Community Titles Scheme 32536

4. **Interest**  
NOT APPLICABLE

5. **Applicant**  
Body Corporate for Sunrise at 1770 Community Titles Scheme 32536

6. **Request**  
I hereby request that: I hereby request that the New Community Management Statement deposited herewith which amends Schedule C of the existing Community Management Statement be recorded as the Community Management Statement for Sunrise at 1770 Community Titles Scheme 32536.

7. **Execution by applicant**

*19, 10, 2020*

**Execution Date** **Applicant's or Solicitor's Signature**

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

FRANK CHARLES HIGGINSON  
Solicitor

32536

This statement incorporates and must include the following:

- Schedule A - Schedule of lot entitlements
- Schedule B - Explanation of development of scheme land
- Schedule C - By-laws
- Schedule D - Any other details
- Schedule E - Allocation of exclusive use areas

1. Name of community titles scheme

SUNRISE AT 1770 COMMUNITY TITLE SCHEME  
32536

2. Regulation module

ACCOMMODATION

3. Name of body corporate

BODY CORPORATE FOR SUNRISE AT 1770 COMMUNITY TITLES SCHEME 32536

4. Scheme land

Lot on Plan Description	County	Parish	Title Reference
See <b>Enlarged Panel</b>			

5. #Name and address of original owner

NOT APPLICABLE

6. Reference to plan lodged with this statement

NOT APPLICABLE

# first community management statement only

7. Local Government community management statement notation

NOT APPLICABLE PURSUANT TO s60(6) OF THE BODY CORPORATE AND COMMUNITY MANAGEMENT ACT 1997

..... signed

..... name and designation

..... name of Local Government

8. Execution by original owner/Consent of body corporate



14/10/2020  
Execution Date

PETER KEMP  
CHAIRPERSON

GARY MITCHELL  
COMMITTEE MEMBER

\*Execution

Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

Privacy Statement

Collection of this information is authorised by the [Body Corporate and Community Management Act 1997](#) and is used to maintain the publicly searchable registers in the land registry. For more information about privacy in DERM see the Department's website.

Title Reference 50497906

BODY CORPORATE FOR SUNRISE AT 1770 COMMUNITY TITLES SCHEME 32536

4. Scheme land

Lot on Plan Description	County	Parish	Title Reference
Common Property for Body Corporate for Sunrise at 1770 Community Titles Scheme 32536			50497906
Lots 1 to 42 on SP150901	Flinders	Uxbridge	50497907 to 50497948
Lot 44 to 79 on SP150901	Flinders	Uxbridge	50497950 to 50497985
Lots 85 to 94 on SP150901	Flinders	Uxbridge	50497786 to 50497995
Lots 105 to 121 on SP150901	Flinders	Uxbridge	50497996 to 50498012
Lot 122 on SP178171	Flinders	Uxbridge	50568137
Lots 80 to 84 on SP171151	Flinders	Uxbridge	50577096 to 50577100
Lots 95 to 104 on SP171151	Flinders	Uxbridge	50577101 to 50577110
Lots 123 to 172 on SP171151	Flinders	Uxbridge	50577111 to 50577160
Lot 173 on SP193640	Flinders	Uxbridge	50729651
Lot 174 on SP193640	Flinders	Uxbridge	50729652

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot	on Plan	Contribution	Interest
Lot 1	on SP150901	1	1
Lot 2	on SP150901	1	1
Lot 3	on SP150901	1	1
Lot 4	on SP150901	1	1
Lot 5	on SP150901	1	1
Lot 6	on SP150901	1	1
Lot 7	on SP150901	1	1
Lot 8	on SP150901	1	1
Lot 9	on SP150901	1	1
Lot 10	on SP150901	1	1
Lot 11	on SP150901	1	1
Lot 12	on SP150901	1	1
Lot 13	on SP150901	1	1
Lot 14	on SP150901	1	1
Lot 15	on SP150901	1	1
Lot 16	on SP150901	1	1
Lot 17	on SP150901	1	1
Lot 18	on SP150901	1	1
Lot 19	on SP150901	1	1
Lot 20	on SP150901	1	1
Lot 21	on SP150901	1	1
Lot 22	on SP150901	1	1
Lot 23	on SP150901	1	1
Lot 24	on SP150901	1	1
Lot 25	on SP150901	1	1
Lot 26	on SP150901	1	1
Lot 27	on SP150901	1	1
Lot 28	on SP150901	1	1
Lot 29	on SP150901	1	1
Lot 30	on SP150901	1	1
Lot 31	on SP150901	1	1
Lot 32	on SP150901	1	1
Lot 33	on SP150901	1	1
Lot 34	on SP150901	1	1
Lot 35	on SP150901	1	1
Lot 36	on SP150901	1	1
Lot 37	on SP150901	1	1
Lot 38	on SP150901	1	1
Lot 39	on SP150901	1	1
Lot 40	on SP150901	1	1
Lot 41	on SP150901	1	1
Lot 42	on SP150901	1	1
Lot 44	on SP150901	1	1
Lot 45	on SP150901	1	1
Lot 46	on SP150901	1	1

Lot	on Plan	Contribution	Interest
Lot 47	on SP150901	1	1
Lot 48	on SP150901	1	1
Lot 49	on SP150901	1	1
Lot 50	on SP150901	1	1
Lot 51	on SP150901	1	1
Lot 52	on SP150901	1	1
Lot 53	on SP150901	1	1
Lot 54	on SP150901	1	1
Lot 55	on SP150901	1	1
Lot 56	on SP150901	1	1
Lot 57	on SP150901	1	1
Lot 58	on SP150901	1	1
Lot 59	on SP150901	1	1
Lot 60	on SP150901	1	1
Lot 61	on SP150901	1	1
Lot 62	on SP150901	1	1
Lot 63	on SP150901	1	1
Lot 64	on SP150901	1	1
Lot 65	on SP150901	1	1
Lot 66	on SP150901	1	1
Lot 67	on SP150901	1	1
Lot 68	on SP150901	1	1
Lot 69	on SP150901	1	1
Lot 70	on SP150901	1	1
Lot 71	on SP150901	1	1
Lot 72	on SP150901	1	1
Lot 73	on SP150901	1	1
Lot 74	on SP150901	1	1
Lot 75	on SP150901	1	1
Lot 76	on SP150901	1	1
Lot 77	on SP150901	1	1
Lot 78	on SP150901	1	1
Lot 79	on SP150901	1	1
Lot 85	on SP150901	1	1
Lot 86	on SP150901	1	1
Lot 87	on SP150901	1	1
Lot 88	on SP150901	1	1
Lot 89	on SP150901	1	1
Lot 90	on SP150901	1	1
Lot 91	on SP150901	1	1
Lot 92	on SP150901	1	1
Lot 93	on SP150901	1	1
Lot 94	on SP150901	1	1
Lot 105	on SP150901	1	1
Lot 106	on SP150901	1	1
Lot 107	on SP150901	1	1
Lot 108	on SP150901	1	1
Lot 109	on SP150901	1	1

Lot	on Plan	Contribution	Interest
Lot 110	on SP150901	1	1
Lot 111	on SP150901	1	1
Lot 112	on SP150901	1	1
Lot 113	on SP150901	1	1
Lot 114	on SP150901	1	1
Lot 115	on SP150901	1	1
Lot 116	on SP150901	1	1
Lot 117	on SP150901	1	1
Lot 118	on SP150901	1	1
Lot 119	on SP150901	1	1
Lot 120	on SP150901	1	1
Lot 121	on SP150901	1	1
Lot 122	on SP178171	1	1
Lot 80	on SP171151	1	1
Lot 81	on SP171151	1	1
Lot 82	on SP171151	1	1
Lot 83	on SP171151	1	1
Lot 84	on SP171151	1	1
Lot 95	on SP171151	1	1
Lot 96	on SP171151	1	1
Lot 97	on SP171151	1	1
Lot 98	on SP171151	1	1
Lot 99	on SP171151	1	1
Lot 100	on SP171151	1	1
Lot 101	on SP171151	1	1
Lot 102	on SP171151	1	1
Lot 103	on SP171151	1	1
Lot 104	on SP171151	1	1
Lot 123	on SP171151	1	1
Lot 124	on SP171151	1	1
Lot 125	on SP171151	1	1
Lot 126	on SP171151	1	1
Lot 127	on SP171151	1	1
Lot 128	on SP171151	1	1
Lot 129	on SP171151	1	1
Lot 130	on SP171151	1	1
Lot 131	on SP171151	1	1
Lot 132	on SP171151	1	1
Lot 133	on SP171151	1	1
Lot 134	on SP171151	1	1
Lot 135	on SP171151	1	1
Lot 136	on SP171151	1	1
Lot 137	on SP171151	1	1
Lot 138	on SP171151	1	1
Lot 139	on SP171151	1	1
Lot 140	on SP171151	1	1
Lot 141	on SP171151	1	1
Lot 142	on SP171151	1	1

Lot	on Plan	Contribution	Interest
Lot 143	on SP171151	1	1
Lot 144	on SP171151	1	1
Lot 145	on SP171151	1	1
Lot 146	on SP171151	1	1
Lot 147	on SP171151	1	1
Lot 148	on SP171151	1	1
Lot 149	on SP171151	1	1
Lot 150	on SP171151	1	1
Lot 151	on SP171151	1	1
Lot 152	on SP171151	1	1
Lot 153	on SP171151	1	1
Lot 154	on SP171151	1	1
Lot 155	on SP171151	1	1
Lot 156	on SP171151	1	1
Lot 157	on SP171151	1	1
Lot 158	on SP171151	1	1
Lot 159	on SP171151	1	1
Lot 160	on SP171151	1	1
Lot 161	on SP171151	1	1
Lot 162	on SP171151	1	1
Lot 163	on SP171151	1	1
Lot 164	on SP171151	1	1
Lot 165	on SP171151	1	1
Lot 166	on SP171151	1	1
Lot 167	on SP171151	1	1
Lot 168	on SP171151	1	1
Lot 169	on SP171151	1	1
Lot 170	on SP171151	1	1
Lot 171	on SP171151	1	1
Lot 172	on SP171151	1	1
Lot 173	on SP193640	1	1
Lot 174	on SP193640	1	1
<b>TOTALS</b>		<b>173</b>	<b>173</b>

**SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND**

N/A

**SCHEDULE C BY-LAWS**

**OVERALL INTENT**

***Vision Statement***

"To preserve a conservation and coastal residential project which will continue to embrace good environmental practice and excellence in design and technology whilst achieving social equity."

The Scheme occupies land in an environmentally significant setting. The environmental objective of this Community Management Statement is to encourage the rehabilitation and conservation of the Scheme Land for the long-term benefit of the environment and the Owners and to create a quality residential community designed to provide a pleasant residential amenity for people who have a high level of appreciation for environmental values.

***Environmental Objective***

The environmental objective is to retain, rehabilitate, conserve and manage the Scheme Land in accordance with the principles of ecologically sustainable development for the long term benefit of the environment and the Lot Owners of Sunrise at 1770 and to achieve the objectives stated in the Reedy Creek Conservation Management Plan.

***Residential Objective***

The residential objective is to create and maintain a quality residential community designed to provide an exceptional residential amenity for all owners, occupiers and invitees who are encouraged to adhere to the Vision Statement and the Environmental Objective.

***Scheme Land***

The scheme land will be managed, conserved and rehabilitated in accordance with the principles and to achieve the objectives contained in the Reedy Creek Conservation Management Plan, a copy of which forms Annexure 1 to this Community Management Statement.

These by-laws, other controls on the development and Owner behaviour contained in the Community Management Statement including without limitation the Design and Operations Manual, the Reedy Creek Conservation Management Plan, the conditions of the Assessing Authority Approvals, the Local Authority Planning Scheme as it relates to Sunrise at 1770 and such rules as may from time to time be made under these by-laws all impose special duties and obligations on the Body Corporate and on owners aimed at achieving the environmental and residential objective and achieving an exceptional residential amenity.

**BY-LAW 1 - DEFINITIONS AND INTERPRETATIONS**

1.1 The terms set out in these by-laws means:

"**Accountant**" means the Accountant appointed by the Body Corporate.

"**Act**" means the Body Corporate & Community Management Act 1997 or legislation which replaces it.

"**Assessing Authority Approvals**" means the development approvals (including conditions of approvals) given under the Integrated Planning Act in connection with the development of the Scheme.

"**Bed and Breakfast, Rooming House**" Rooms let out individually to unrelated parties

"**Body Corporate**" means the Body Corporate of Sunrise at 1770 Community Management Scheme.

"**Body Corporate Asset**" means the assets of the Body Corporate.

"**Body Corporate Compound**" means a security fenced area on Springs Road on the Common Property to house services infrastructure (including waste water treatment and recycled water storage, potable water treatment and storage), sheds and open space for general and administrative use by the Body Corporate and the Manager, the contractors' set down area and the nursery.

"**Buildings**" means Class 1a as defined in the National Construction Code (NCC) or its replacement.

"**Caretaker**" means an entity or persons who have been engaged by the Body Corporate pursuant to the Caretaking Agreement.

"**Class 1a**" means buildings as defined in the National Construction Code (NCC) or its replacement.

"**Club**" means either or both the Springs Club and the China Beach Club as the context permits.

"**Club Rules**" means such rules as are adopted from time to time by the Body Corporate for the control of activities in and access to the Springs Club and or the China Beach Club.

"**Committee**" means committee (as that term is defined in the Act) of the Body Corporate.

"**Common Property**" has the meaning given to it in the Act.

"**Community Management Statement**" or "**CMS**" means this document.

"**Concept Design Approval**" has the same meaning as set out in Schedule D, Part 2, Clause 5.3A.

"**Conservation Agreement**" means a conservation agreement that is entered into with the State of Queensland under The Nature Conservation Act in respect to any part of the common property or in respect of any Body Corporate Asset, that asset.

"**Design and Operations Manual** means the manual contained in Schedule D to this Statement.



“**Design Review Panel**” means the panel established by the Body Corporate to decide applications for Concept Design Approval and Final Design Approval.

“**Development**” means in relation to the Scheme Land or any Lot, development as defined under the *Integrated Planning Act 1997* and includes:

- (a) construction, alteration, addition, modification decoration, redecoration, painting, repainting or reconstruction of any improvements;
- (b) excavation, filling or landscaping;
- (c) planting or removal of any vegetation, trees or shrubs; or
- (d) installation of infrastructure, such as water supply, electricity and sewerage services;

“**Development Improvements**” means the erection of a building, dwelling(s) or dwelling house(s) a structural change or a non-structural change of any kind or the carrying out of any constructed or building works or any other works on a lot or common area.

“**Development Requirements**” as referred to in by-laws 5 and 6 means all statutory provisions, local authority and government agency policies and conditions of development approvals and the provisions of the Design and Operations Manual which are relevant to the particular subject matter.

“**Dwelling(s)**” and “**Dwelling House(s)**” means Classification as Class 1a building(s) as stated in the National Construction Code (NCC).

“**Ecologically Sustainable Infrastructure**” means any infrastructure specified in By-law 5 and in the Design and Operations Manual.

“**Environmental Documentation**” means:

- if a Conservation Agreement is entered into between Sunrise at 1770 Pty Ltd and the State of Queensland in respect to any part of the common property or in respect of any Body Corporate Asset; that agreement.
- the Reedy Creek Conservation Management Plan – See Annexure 1.
- the Reedy Creek Management Agreement.
- any agreement or rules made by the Body Corporate for the conservation, management, maintenance or repair of the Common Property or Body Corporate Assets.
- the Site Based Management Plan for the Water Reclamation and Sewage Treatment Plant.

“**Environmental Objective**” is as set out in the overall intent of this Statement.

“**Final Design Approval**” has the meaning set out in Schedule D, Part 2, clause 5.3B.

“**Infrastructure Agreement**” means the agreement on the management of infrastructure services in compliance with the Consolidated Development Approval and the management of access, security, traffic and such other matters as may be included in it to be executed by Sunrise at 1770 Body Corporate and the owners of Lot 2 SP 150900 and subsequent Lot Owners within the Body Corporate to be formed on that property.

“**Local Authority**” means the Gladstone Regional Council.

“**Local Authority Approvals**” means the development approvals (including conditions of approvals) given under the Sustainable Planning Act in connection with the development of the Scheme.

“**Local Authority Development Codes**” means the development codes adopted by the Gladstone Regional Council to aid in the assessment of applications for development approvals for development within the Scheme.

“**Lot**” means a lot on the Survey Plan for the Sunrise at 1770 Community Title Scheme.

“**Lot owner**” means lot owners in the Sunrise at 1770 Community Title Scheme and occupiers of Caretakers Houses.

“**Management Plans**” means the management plans that form part of the Reedy Creek Conservation Management Plan.

“**Management Rules**” means such rules as are adopted by the Body Corporate from time to time for the management of the Scheme Land and governing relationships between Owners, the Body Corporate and the Manager and Caretaker.

**NCC “National Construction Code”** The National Construction Code (NCC) sets out the minimum requirements for design and construction of new building work (including in existing buildings) or its replacement.

**QBCC “Queensland Building and Construction Commission** or its replacement. The QBCC is the building industry regulator in Queensland or its replacement.

“**Original Owner**” means Sunrise at 1770 Pty Ltd.

“**Owner**” means the registered owner or owners of a Lot in the Scheme and, where the context permits, includes occupiers of Lots and invitees of owners of Lots.

“**Rare Vine Forest Areas**” are those areas designated on the plan in Annexure 2.

“**Reedy Creek Conservation Area**” means all lands, the conservation of which is regulated by the Reedy Creek Conservation Management Plan.

**“Reedy Creek Conservation Management Plan”** means a plan for the conservation of the land in the Reedy Creek Conservation Area.

**“Reedy Creek Environmental Fund”** means the fund referred to in by-law 3 imposed annually on each Owner to provide funds to support the Environmental Objective.

**“Reedy Creek Management Agreement”** means the agreement executed by Australian Bush Heritage Fund and the Sunrise at 1770 Body Corporate.

**“Reedy Creek Management Committee”** means a Committee created by the Reedy Creek Management Agreement to implement the Reedy Creek Conservation Management Plan.

**“Regulation Module”** means the Body Corporate and Community Management Regulation 1997 (Accommodation Module).

**“Road Rules”** means The National and State Road Rules to be followed by all road users.

**“Rooming House”** Rooms in house let out individually to unrelated parties.

**“Scheme”** means the Sunrise at 1770 Community Titles Scheme 32536.

**“Scheme Land”** means all the land contained in the Scheme

**“Security Access Device”** means a key, fob, fob, swipe or other device used to gain access to something that is otherwise inaccessible.

**“Sewage Treatment Plant” (STP)** means the water reclamation and sewage treatment plant existing for the benefit of Owners under the Scheme

**“Short Term (Rental)”** means accommodation in dwellings is permitted provided that:

- (i) It complies with Federal, State and Local legislations.
- (ii) the use does not adversely impact on the amenity of the surrounding land uses and local character
- (iii) the maximum number of persons permitted to stay in a dwelling being used for Short term accommodation is no more than 10.
- (iv) the maximum continuous period of any stay is not to exceed 3 months.
- (v) amplified music audible outside the boundaries of the premises is not permitted between the hours of 10.00pm and 9.00am

**“Smoke”** means –

- (i) for a smoking product other than a personal vaporiser or a hookah—smoke, hold or otherwise have control over an ignited smoking product; or
- (ii) for a personal vaporiser—inhale through the vaporiser; or
- (iii) for a hookah—inhale through the hookah.

**“Social Function”** means a gathering of number of people that cause other Owners or Occupiers to be excluded from the use and enjoyment of part or all the Common Property.

**“Vehicle”** includes but is not limited to all types of automobiles, motor cycles, scooters, trucks, bicycles, boats, trailers, caravans, campers, camper vans, mobile homes, golf buggies, Segways, skateboards, rollerblades or any other means of transportation whether road, sea, or air.

**“Vision Statement”** is as set out in the Overall Intent.

1.2 In the interpretation of these by-laws, terms used in these by-laws may be interpreted by reference to how those terms are defined in the Act and Regulation Module.

1.3 If there is an inconsistency between a by-law and the Act or Regulation Module, the Act or Regulation Module prevails to the extent of the inconsistency.

1.4 The singular includes the plural and vice versa.

1.5 Wording importing a gender includes the other gender.

**BY-LAW 2 - GENERAL**

## 2.1 Each Owner must observe:

- the terms and provisions of these by-laws including the Design and Operations Manual and the Reedy Creek Conservation Management Plan.
- applicable codes adopted by the Local Authority.
- conditions of Assessing Authority Approvals given in respect to the development of the Scheme Land.
- the Environmental Documentation.
- the Management Rules.
- the Club Rules.
- Road Rules as per National and State Road Rules
- Estate Road Rules
- such other rules as may from time to time be made by the Committee under By-Law 2.4

## 2.2 Each Owner is directly responsible for the behaviour and actions of the occupiers of the Owners' Lot and for that of the invitees and specifically for their compliance with these by-laws. To ensure that Owners are fully aware of these by-laws and the Environmental objective each Owner is required to:

- (a) display in a prominent position in the owner's dwelling, updated copies of:
- a summary of these by-laws as provided by the Body Corporate;
  - the Environmental Documentation;
  - the Club Rules;
  - the Design and Operations Manual;
  - the Management Rules;
  - any other Rules adopted by the Body Corporate.
- (b) draw the attention of any occupiers and invitees to these documents and to explain to them the importance of understanding and complying with their requirements.
- (c) If an Owner lets their Lot for a term of three months or more, the Owner must, as soon as practicable, give the Body Corporate notice of:
- (i) the name of the tenant and all Occupiers;
  - (ii) the service address of the tenant;
  - (iii) the term of the tenancy;
  - (iv) the name and service address of the Owner's letting agent for the tenancy; and
  - (v) any other information the Body Corporate may reasonably require.

2.3 **Recovery of Costs (Levies)**

An Owner shall pay on demand the whole of the Body Corporate costs and expenses (including Solicitor and own client costs if applicable) and any tax payable on such levies including Goods and Services Tax (if any) which amounts shall be deemed to be a liquidated debt due, in recovering all and any levies or monies duly levied upon such Owner by the Body Corporate pursuant to the Act.

2.4 **Power of Committee**

The committee of the Body Corporate may make rules relating to the Scheme Land, Common Property and Body Corporate Assets consistent with these by-laws and the same shall be observed by the Owners of Lots unless and until such rules are disallowed or revoked by a majority resolution at a general meeting of the Body Corporate.

2.5 **Office Bearers**

Every member for the time being of the committee of the Body Corporate shall be insured or otherwise indemnified by the Body Corporate out of its funds and assets against personal liability for the acts, omissions, neglects or defaults of any other members of the Committee or for any loss or liability occasioned to the Body Corporate by any judgment or oversight on his or her part or for any loss, damage or misfortune whatsoever which shall happen during the course of the execution of the duties of his or her office or in relation thereto and shall be further indemnified in similar manner against any liability incurred by him or her in defending any proceedings, whether criminal or civil, in respect of any such act, omission, neglect, default, error or oversight.

2.6 **Power of Body Corporate to Enter into Agreement**

The Body Corporate shall have the power by ordinary resolution of an annual general meeting or extraordinary general meeting of its members convened in accordance with the provisions of the Act to enter into agreements:

- (i) for the purpose of supply of electricity to the Scheme Land and/or the sale of surplus electricity generated on the Scheme Land;
- (ii) for the maintenance of any security system or firefighting system on the Scheme Land;

- (iii) for the management, maintenance, caretaking and repair of the Body Corporate Assets, the Common Property, Common Property amenities on the Scheme Land;
- (iv) for the gardening, vegetation maintenance and cleaning of the Common Property on the Scheme Land;
- (v) for the installation, management, maintenance, repair and upgrading of the bore water supply and its treatment, storage, reticulation and quality;
- (vi) for the installation, management, maintenance, repair and upgrading of the sewage treatment plant;
- (vii) for the installation, management, maintenance, repair and upgrading of the recycled water facility and its treatment, storage, reticulation and quality;
- (viii) for the installation, management, maintenance, repair and upgrading of the communications network;
- (ix) for leasing vehicles and equipment to enable the Body Corporate to perform its duties;
- (x) for the conservation of any part of the Common Property and Body Corporate Assets including a conservation agreement and the Reedy Creek Management Agreement.
- (xi) including an Infrastructure Services and Management Agreement with the owners of Lot 2 SP150900 and subsequent Lot Owners within the Body Corporate to be formed on that property.

### BY-LAW 3 - ENVIRONMENT

#### 3.1 Each Owner must:

- (a) Be aware of the contents of the Environmental Documentation;
- (b) Comply with the requirements of the Environmental Documentation;
- (c) Support and promote the Environmental Objective.
- (d) Comply with the requirements of the Conservation Agreement (if any).
- (e) Specifically treat the Rare Vine Forest Areas with respect.

#### 3.2 Environmental Management Funding:

- (a) As part of the administrative fund contribution each Owner must contribute to pay the Reedy Creek Environmental Fund as it falls due for payment;
- (b) The Reedy Creek Environmental Fund is held and administered by the Body Corporate and will be expended in fulfilment of the Environmental
  - in the manner provided under the Environmental Documentation.
- (d) The Reedy Creek Environmental Fund shall be adjusted annually in accordance with the Consumer Price (Brisbane All Ordinaries) Index and shall be subject to review on each fifth anniversary of the date of registration of this Community Management Statement.
- (e) The review shall be undertaken by the Accountant of the Body Corporate. In undertaking the review, the Accountant shall assess the amount of money required to provide the same level of financial support for the Environmental Objective as is represented by a fund of \$650.00 per annum per Lot as at the date of the first registration of the Sunrise at 1770 Community Title Scheme.

### BY-LAW 4 - COMMON PROPERTY

#### 4.1 Statement of Intent

The Common Property comprises all land in the Scheme other than in any Lot. In keeping with the Vision Statement and the Overall Intent, the Environmental Objective in respect to the Common Property is to retain, rehabilitate, maintain and manage the Common Property in its natural state, having regard to the necessity to disturb the Common Property for Development purposes essential to the future development, maintenance and upgrading of Sunrise at 1770, including the provision of infrastructure and recreational facilities. It is the aim of the By-laws to achieve that intent.

#### 4.2 Infrastructure and Recreational Facilities located in the Common Property will include: -

- roads, footpaths, walls and boardwalks;
- Clubs such as Springs Club and China Beach Club
- manager and caretakers' residences and facilities
- Body Corporate Compound
- services infrastructure, including wastewater treatment and recycled water storage, potable water treatment and storage;
- potable water, recycled water and sewerage reticulation;
- mains electricity reticulation;
- stormwater drainage;
- solar electricity generation and use;
- communications facilities both externally and internally sourced;

- security facilities;
- solid waste management facilities;
- firefighting facilities;
- community car wash;
- nursery;
- contractor's set down area
- tennis courts
- children's playground
- street lighting
- auto security and personnel access gates
- security camera's
- native identification trail and bird watching areas.

#### 4.3 Use of the Common Property and Body Corporate Assets

(a) General Requirements:

An Owner must:

- (i) use the Common Property or any Body Corporate Asset for the purpose for which it was designed or intended;
- (ii) comply with all directions and rules of the Body Corporate relating to conduct on the Common Property or use of any Body Corporate Asset;
- (iii) observe all relevant requirements in connection with the Common Property or Body Corporate Assets;
- (iv) comply with the Environmental Documentation;
- (v) comply with the Management Rules;
- (vi) comply with the Club Rules; and
- (vii) comply with any agreement made by the Body Corporate for the management, maintenance and repair of the Common Property, Common Property amenities on the scheme land and any Body Corporate Asset or for the conservation of any part of the Common Property or any Body Corporate Asset including a Conservation Agreement and the Reedy Creek Management Agreement.
- (viii) Comply with Caretakers directives.

(b) Specific Requirements:

An Owner, Occupier or Visitor:

- (i) must not enter the Rare Vine Forest Areas so marked on Annexure 2 to this CMS except in an emergency such as firefighting.
- (ii) subject to (i) whilst having the freedom to walk onto and enjoy the Common Property, must always respect the Environmental Objective and should generally confine movements to designated footpaths (for pedestrians only) and roads.
- (iii) must only access the foreshore from the Common Property using designated constructed access paths except in an emergency or with the express permission of the Body Corporate which may be given only in exceptional circumstances and subject to such conditions as the Body Corporate sees fit
- (iv) must not take motor vehicles, bicycles or any other means of conveyance upon any part of the Common Property except roads and parking areas designated by the Body Corporate.
- (v) must not:
  - (a) damage any tree, shrub, plant or flower situated on the Common Property;
  - (b) except with the consent in writing of the Body Corporate (which is unlikely to be given and may be refused, without reasons, in the absolute discretion of the Body Corporate) use, for the Owner's own purposes, any portion of the Common Property;
  - (c) interfere with the natural amenity of the Common Property;
  - (d) erect any improvements on the Common Property;
- (vi) must not deposit anything, throw anything or clean anything on any part of the Common Property.
- (vii) must not obstruct lawful use of the Common Property by another person and without limitation, not obstruct access to:
  - (a) the Common Property, or any Body Corporate Asset; or
  - (b) any easement giving access to a Lot or the Common Property.
- (viii) must not light fires on the Common Property or allow or cause any accumulation of combustible material on the Common Property.
- (iv) must not create noise on the Common Property likely to interfere with the peaceful enjoyment of another resident.

- (x) must not keep or discharge a firearm on the Common Property.
- (xi) must not take or permit any domestic animal to be taken onto the Common Property.
- (xii) must, in exercising any rights which constitute a Body Corporate Asset comply with the provisions of paragraphs (i) to (xi) in relation to that Body Corporate Asset
- (xiii) An Owner or Occupier must not Smoke, or permit any Visitors to Smoke:
  - a) in pool enclosures, amenities and cabana's
  - b) in a completely or substantially enclosed area on the Common Property;
  - c) on the Common Property such that it unreasonably interferes with the use or enjoyment of another person in a Lot or the Common Property; or
  - d) in their Lot such that it unreasonably interferes with the use or enjoyment of another person in a Lot or the Common Property.

#### 4.4 Improvements to the Common Property

- (a) An Owner must not make any improvements or alterations to the Common Property without the prior written consent of the Body Corporate and must observe the applicable provisions of the Act and the Regulation Module for the Scheme for the making of improvements.
- (b) In giving its consent to any improvement or alteration, the Body Corporate may:
  - (i) obtain advice from consultants; and
  - (ii) recover the cost of obtaining advice from consultants from the person seeking the Body Corporate's consent;
- (c) Any improvement made or sought to be made by an Owner:
  - (i) must be maintained and repaired by the Owner unless the Body Corporate agrees to the contrary by resolution in general meeting; and
  - (ii) must comply with all Body Corporate requirements.
- (d) The Body Corporate may remove any unauthorised improvement or amendment and recover the costs of doing so from the person responsible for the improvement or alteration.

#### 4.5 Springs Club and China Beach Club

- (a) Statement of Intent.

The Clubs are owned and managed by the Body Corporate at the cost of the Owners to provide recreational facilities for the Owners.
- (b) The Springs Club shall comprise at least:
  - a 25-metre swimming pool with an attached recreation deck;
  - a children's wading pool with an attached recreation deck;
  - four (4) covered cabanas containing barbecue, outdoor bar and kitchen facilities;
  - amenities including male and female toilets, change rooms and showers
  - interconnecting decks and walkways;
  - stores, equipment and plant rooms;
  - a surf tower facility including one change room, 2 showers and 2 toilets, a surf observation deck and a beach equipment store on the path to Springs Beach;
  - four (4) tennis courts and a half basketball court (all unlit) with synthetic grass surfacing;
  - a tennis pavilion adjacent to the tennis courts to provide shelter, one toilet and hand washing facilities;
  - car parking for thirty-nine (39) vehicles.
- (c) The China Beach Club will comprise at least:
  - a 25-metre swimming pool with an attached recreation deck;
  - four (4) covered cabanas containing barbecue, outdoor bar and kitchen facilities;
  - amenities including male and female toilets, change rooms and showers;
  - interconnecting decks and walkways;
  - stores, equipment and plant rooms;
  - a beach equipment store;
  - car parking for twenty-two (22) vehicles
- (d) Each Owner shall always use the Clubs only in accordance with the Club Rules.

**4.6 Access to Common Property and Rights of Use of Body Corporate Facilities for Owners of Lot 2 on SP 150900**

- (1) The Body Corporate for Lot 3 (Sunrise at 1770 CTS 32536) may enter into Supply Agreement with the Body Corporate of the proposed Lot 2 should there be a development application and consent orders obligate The Body Corporate of Sunrise at 1770 CTS 32536;
- (2) Lot 2 on SP 150900 holds development approval with conditions for up to (8) separate residences lots;
- (3) Easement A on SP 150900 has been given to the Owners of Lot 2 and subsequent Lot Owners within the Body Corporate to be formed on that property;
  - (i) for access purposes including electricity and communication connections south from Springs Road;

**4.7 Rights of User of Body Corporate Facilities for Owner of Lot 4 SP150900 DETETED. NO DEVELOPMENT APPLICATION.****BY-LAW 5 - INFRASTRUCTURE****5.1 Statement of Intent**

A key element of the Environmental Objective of the Scheme is the embracing of the principles of ecologically sustainable development and the achievement of a high level of independence from external services.

**5.2 Original Owner Provided Infrastructure**

The Original Owner has provided infrastructure to assist in this aim, including:

- (a) Water
  - provision of water from an underground bore field on the Common Property, its treatment, storage and reticulation throughout the Scheme to provide the secondary water supply for the scheme.
- (b) Sewerage Treatment Plant
  - a plant to accept and treat liquid wastes generated by Lots and Common Property and to recycle treated water for use in Lots and on Common Property.
- (c) Stormwater Drainage
- (d) Energy
  - installation of an underground mains electricity reticulation system from the grid throughout the Scheme.
  - installation of an energy system to facilitate the sale of excess energy by Owners and the Body Corporate to the relevant energy authority.
- (e) Communications
  - a communications network on the Common Property to deliver access for Owners to the national communications network;
- (f) Security.
  - installation of a security system to which Owners must connect;
- (g) Solid Waste Management
  - facilities for internal collection of waste from Lots and community facilities and disposal to recycling agents or to Council's waste management facility;
- (h) Fire Fighting
  - fire hydrants along roads using recycled water.
  - booster pumps as required to achieve the required pressures and flow rates.
- (i) Community Car Wash
  - a facility containing appropriate environmental safeguards which is the only permitted location for the washing of vehicles within the scheme.
- (j) Body Corporate Compound
  - a security fenced area on Springs Road on the Common Property to house services infrastructure (including waste water treatment and recycled water storage, potable water storage treatment and storage), sheds and open space for general and administrative use by the Body Corporate, the contractors' set down area, the nursery and for storage of Lot Owner's boats, trailers, caravans or other vehicles
- (k) Contractors' Set Down Area
  - an area within the Body Corporate Compound to be used for the short-term storage of large building components requiring special methods for delivery to Lots.
- (l) Nursery
  - a facility located within the Body Corporate Compound for the propagation and cultivation of endemic plant species to be provided to Lot Owners at costs set from time to time by the Body Corporate and to be used by the Body Corporate for vegetation rehabilitation and landscaping

### 5.3 General Duty of Owners

Each Owner must play a part in achieving the Environmental Objective by: -

- (a) Designing of dwellings and use of dwelling so as to minimise the use of services and the impact upon infrastructure and the environment.
- (b) Incorporation into dwellings of the ecologically sustainable infrastructure as specified in the Design and Operations Manual.
- (c) compliance with the Development Requirements.
- (d) maintaining and repairing of the ecologically sustainable infrastructure to ensure that it is in optimum operating condition at all times and to prevent waste.
- (e) using the ecologically sustainable infrastructure in accordance with the Design and Operations Manual.

### 5.4 Water

#### (a) Statement of Intent

The Original Owner has proven what appears to be an adequate supply of bore water for supplementary use by Sunrise at 1770, whilst retaining a fair level of supply for surrounding land uses and for Council supply to Agnes Water/1770. To encourage the sustainability of this bore water supply, it is a requirement that each resident install rainwater tanks and use them as the primary source of potable water supply as provided for in the Design and Operations Manual. Each resident is also required by these by-laws to exercise restraint in the use of water and to avoid waste.

#### (b) An Owner must:

- (i) use rainwater as the primary supply for kitchen, laundry and bathroom use;
- (ii) use bore water supplied by the Body Corporate as the secondary supply for kitchen, laundry and bathroom use;
- (iii) use recycled water supplied by the Body Corporate as the supply for toilet and external use;
- (iv) install and use only water efficient fixtures and appliances in accordance with the Design and Operations Manual;
- (v) install and maintain the ecologically sustainable infrastructure for water supply to facilitate such use as specified in the Design and Operations Manual.

#### (c) An Owner must pay Body Corporate Invoices for the use of reticulated bore water at the rate of \$2.80 + GST per kilolitre or such other cost as the Body Corporate may decide adjusted by annually to take into account:

- changes in the cost of providing the water;
- the availability of supply to the intent that where supply levels so warrant, water charge rates should act as a disincentive to over-use of the resource.

Usage per Lot will be recorded on a water meter installed by the Body Corporate at Owners' cost.

#### (d) An Owner must pay Body Corporate Invoices for the use of recycled water at the rate of \$2.80 + GST per kilolitre or such other rate as the Body Corporate may decide for each kilolitre that is used in excess of an owner's allowance of 37.5 kilolitres per six (6) months (this allowance is not cumulative). This charge and the allowance of kilolitres per six (6) months may be adjusted by the Body Corporate annually to take into account:

- changes in the cost of providing water;
- availability of supply to the intent that where supply levels so warrant, water charge rates should act as a disincentive to over-use of the resource.

### 5.5 Waste Water

#### (a) Owners must discharge all liquid wastes generated on Lots (sewerage) to the sewerage reticulation system provided and operated by the Body Corporate. Such discharge may be by gravity or by pumping depending on the relative levels of particular Lots or on the design of residences or on both of those factors. The Body Corporate shall be responsible for the management, maintenance, repair and upgrading of the Sewerage Treatment Plant for the production of recycled water of sufficient quality to be used on Lots and/or Common Property or to be used for aquifer recharge.

#### (b) To ensure effective coordination of Sewerage Treatment Plant operating process, private swimming pools must not be emptied by lot Owners/occupiers without written permission of the Body Corporate committee. Failure to comply will result in the owner being responsible for call out costs associated with additional Sewerage Treatment Plant processing.



## 5.6 Energy

(a) Statement of Intent.

The intent is to:

- (i) minimise use of mains energy generated from non-renewable resources by generating clean energy within the Scheme Land using natural resources.
- (ii) minimise the cost of energy to the Owners and to the Body Corporate in the long term.

The Body Corporate and each Owner shall play their part in achieving these intents.

- (b) Each Owner must install in residences the ecologically sustainable infrastructure as specified in the Design and Operations Manual to provide electricity from solar energy and hot water from solar energy or such other energy efficient means approved by the Design Review Panel and operate and maintain that infrastructure at all times.
- (c) Each Owner must install and use only energy efficient appliances and equipment and keep them in good operating condition in accordance with the Design and Operations Manual.
- (d) Each Owner must install and use equipment and meters to facilitate the sale of surplus solar-generated electricity and the purchase of grid electricity from an external electricity supplier.
- (e) If the Body Corporate decides that the objective of energy cost minimisation may be best achieved by the collective sale and purchase of energy, each Owner shall pay to the Body Corporate on demand the cost of energy attributable by meter to the Owner's Lot.
- (f) Owners acknowledge that the Body Corporate may install on the Common Property wind energy generators and/or solar energy generators designed to service all or part of Sunrise at 1770 and or surrounding lands (collective energy generators).
- (g) Each Owner must bear the Owner's proportion of the cost of operating the mains electricity reticulation system and collective energy generators.
- (h) The Body Corporate shall be responsible for the management, maintenance, repair and upgrading of the mains electricity reticulation system which has been provided to deliver standard domestic use single phase power throughout the Scheme Land.

## 5.7 Communications

(a) Statement of Intent.

It is the intent to ensure that Sunrise at 1770 enjoys a high level of communications for voice data, internet and external services locally, nationally and internationally. It is intended that a communications network be provided by and is maintained by a national carrier.

(b) Owners must connect to the communications network to access the security system. They may then:

- use the communications network to access the external service provider of their choice, or for
- use a mobile telephone network or an internet network through a service provider of their choice

for external communications, data and internet services.

(c) Communications systems or equipment other than the communications network may only be installed or used in accordance with the Design and Operations Manual

## 5.8 Security System

Each Owner must connect to the security system provided to the lot boundary and maintained by the Body Corporate. This system may include:

- monitoring of individual residence security and fire alarm systems;
- monitoring of individual residence plant and equipment;
- monitoring of Body Corporate plant and equipment;
- entry gate operation and visitor communication.

video surveillance of selected areas conducted by the Body Corporate; The security system may be operated as part of the communications network

## 5.9 Solid Waste

(a) Statement of Intent

The intent is to ensure that solid waste is managed and disposed of in an environmentally appropriate manner without detrimental impact on the health and amenity of other Owners.

(b) The Body Corporate will establish a solid waste management system in accordance with the Waste Management Plan in the Reedy Creek Conservation Management Plan and with the Design and Operations Manual. The disposal system will provide for:

- the regular collection of solid waste from or near each Lot.
- the provision of a receptacle or receptacles at a designated location on each lot near to its vehicular entrance.

The disposal system may provide for:

- a solid waste recycling program.
- facilities on Common Property for the disposal of large or particular items.

(c) The Gladstone Regional Council will provide each Owner with the following:

- (i) A bin clearly marked for the deposit of recyclable waste; and
- (ii) A bin clearly marked for the deposit of all other solid wastes.

(d) Each Owner must keep the bins in their approved bin enclosure, not visible from the Common Property or other Lots, until a maximum of 48 hours prior to their scheduled collection and must promptly return the bins to the approved bin enclosure not more than 48 hours after collection on each designated collection day.

A charge may be applied by the BC if bins are left on the roadside after being emptied

- (e) Each Owner must place all solid waste in the appropriate bins provided by the Body Corporate or dispose of excess or large items directly to Council's waste management facility.
- (f) Each Owner must comply with the Development Requirements.
- (g) Each Owner must ensure that the health, hygiene and comfort of other persons are not adversely affected by the storage or disposal of solid waste.

#### 5.10 Fire Fighting

(a) Statement of Intent

Sunrise at 1770 is situated in a timbered locality susceptible to bush fires. It is the intent to:-

- (i) reduce the impact of this susceptibility by appropriate management as defined in the Fire Management Plan in the Reedy Creek Conservation Management Plan; and
- (ii) provide fire-fighting facilities.

(b) Each Owner must install and maintain chemical fire extinguishers as required by the Design and Operations Manual in locations where they are easily accessible to other Owner's and the Caretaker

(c) Each Owner must maintain a selectively cleared area four metres from the external eaves of dwellings and out buildings in accordance with the Design and Operations Manual.

(d) Each Owner must not plant or encourage within the Lot vegetation species of excessive combustibility.

(e) Each Owner must not start any fires on the Lot or on adjacent Common Property. Barbeques must be packaged gas or electrically operated and located on a balcony or well away from vegetation.

(f) Each Owner must not

- (i) accumulate combustible material in any place on their Lot or on the Common Property.
- (ii) Owners must not allow fallen timber or fire fuel load on Lots. Owners will remove all fallen timber and fire fuel loads from lots when requested by the Body Corporate within 30 days from written notice. Should an owner not remove fallen timber or fire fuel load in this time frame the Body Corporate, or their employees or contractors may enter the property to remove the fallen timber or fire fuel load and charge the owner the cost of removal.

(g) Each Owner must comply with the Development Requirements.

(h) Each Owner must attend fire training programs arranged by the Body Corporate whilst in residence.

(i) Each Owner must keep all water supply equipment in good operating condition.

#### 5.11 Contractors Set Down Area

Semi-trailers and some large trucks as identified in the Design and Operations Manual delivering building material are not permitted to enter the internal road network due to its restricted geometry. Those vehicles must unload in the Contractors Set Down Area within the Body Corporate Compound (with access directly off Springs Road) by arrangement with the Body Corporate. The Contractors Set Down Area must only be used for the purpose of prompt transit of loads to a building site on an Owner's Lot or on the Common Property.

#### 5.12 Community Car Wash

This facility is provided on the Common Property and is operated and maintained by the Body Corporate. Owners must use this facility for the washing of all vehicles, boats and trailers. Such washing is not permitted on Lots or on any other part of the Common Property due to ground and aquifer contamination risks.

## BY -LAW 6 - USE OF LOTS

### 6.1 Statement of Intent

- (a) It is the intent that Owners use their Lots and conduct themselves in such a way as to afford a high level of amenity and enjoyment to the Owners as a whole. Each Owner acknowledges:
- the right of all Owners to enjoyment of the Scheme.
  - that the Owner is required to conduct themselves in a sensitive and restrained manner mindful of the rights of others and in compliance with these by-laws.
- (b) The Body Corporate may approve of a home occupation provided that:
- (i) a development approval for the home occupation if required is obtained from the Local Authority after the Body Corporate approval.
- (ii) the occupation is carried on by the Owner of the Lot and/or a spouse or child of the Owner and no other person.
- (iii) the occupation is carried on within the dwelling or within an enclosed ancillary outbuilding and is a secondary use in association with the residential use.
- (iv) the occupation:
- is quiet.
  - does not impose any load on infrastructure in excess of that of a dwelling house.
  - attracts a low level of visitation and generates a demand for no more than 10 vehicle trips to and from the Lot per day plus one delivery truck not exceeding 2.5 tonnes in weight per week
  - is conducted only between 7am and 7pm Monday to Friday and 7am to 1pm Saturday.
  - has not more than two vehicles associated with the home-based business parked on the Lot at any one time
  - does not include uses such as industry, shop or bed and breakfast or rooming house.
- (c) **“Short Term (Rental) accommodation** in dwellings is permitted provided that:
- (i) It complies with Federal, State and Local legislations.
- (ii) the use does not adversely impact on the amenity of the surrounding land uses and local character
- (iii) the maximum number of persons permitted to stay in a dwelling being used for Short term accommodation is no more than 10.
- (iv) the maximum continuous period of any stay is not to exceed 3 months.
- (v) amplified music audible outside the boundaries of the premises is not permitted between the hours of 10.00pm and 9.00am
- (d) In the use and occupation of Lots each owner shall comply with the Development Requirements.

### 6.2 Car parking

Motor vehicles may only be parked in driveways or on a properly constructed parking area on the Lot or in a designated car park on Common Property.

### 6.3 Storage of Flammable Liquids

An Owner shall not store or use any flammable liquids in quantities greater than required for normal domestic use.

### 6.4 Cleanliness

An Owner shall ensure that at all times the Lot is kept in a clean and tidy condition. All solid waste must be kept in the approved receptacles which must be kept clean. Fallen timber must be cleared away to the Body Corporate facility for disposal of vegetation and undergrowth kept under control. Owners shall also ensure that their lots are kept clear of under-story vegetation thus eliminating fire fuel load potential.

### 6.5 Disease

An Owner must comply with the Development Requirements.

### 6.6 No Illegal Use

An Owner shall not use a lot for any purpose which may be illegal or injurious to the reputation of the Scheme or of the Owners of other Lots in the Scheme or which may interfere with the peaceful enjoyment of another Lot or the management of the Common Property.

**6.7 Keeping of Animals and Birds****(i) Statement of Intent**

The Environmental Objective is paramount and this By-law is designed to uphold this objective.

(ii) Subject to section 181 of the Act, no cats or dogs shall be kept or allowed within the Scheme at any time.

(iii) Birds of a species normally kept in cages may be kept in a secure cage within the walls or on a balcony of a dwelling but not otherwise.

(iv) No other animals, birds or reptiles may be kept or allowed within the Scheme at any time.

(v) Native animals are to be allowed to roam freely and must not be restrained in any way. Feral and domestic animal sightings must be reported to the Caretaker or to the Body Corporate.

**6.8 Noise**

An Owner must at all times be mindful of the interests of other residents and shall not engage in activities which create noise at unreasonable hours. All noise caused by musical instruments, electrical devices, pumps, meters, compressors, filtration equipment or otherwise shall be such as to not be a cause of annoyance to other Owners.

An Owner must comply with the development requirements and specifically the Environmental Protection (Noise) Policy under the Environmental Protection Act.

Amplified music audible outside the boundaries of the premises is not permitted between the hours of 10.00pm and 9.00am.

Spas are not permitted between the hours of 8.00pm and 8.00am.

**6.9 Caravans, Trucks, Boats, Machinery, Trailers, Motor Homes, Campers, Camper Vans**

Single boats on trailers and car trailers may be parked on a Lot if they are housed in a shed or covered space and screened from view from other lots and common areas, in spaces in addition to the mandatory car parking spaces and approved by the Body Corporate through the Building Design Review Process.

Caravans, motor homes, campers, camper trailers, trucks and machinery must not be parked on a Lot.

Subject to space being available caravans, motor homes, boats on trailers, campers, camper trailers, trailers and trucks. They may be permitted to park in a designated area (compound or similar area) within the Common Property with the written permission of the Body Corporate.

**6.10 Signage**

No signs shall be erected so that they are visible from the Common Property or any other Lot without the written permission of the Body Corporate. House identification signs should be of modest dimensions and should not contain materials or colours out of keeping with the approved colour scheme of the dwelling.

**6.11 Vehicle Washing**

The washing of vehicles may be undertaken only in the designated community car wash located on the Common Property.

**6.12 Swimming Pools** In recognition of the provision of swimming pools at the Springs Club and the China Beach Club and of the objective of minimising the consumption of water, swimming pools must not be constructed on Lots without the approval of the Body Corporate which will only be given where the swimming pool complies with the criteria set out in the Design and Operations Manual.

## **ANNEXURE 1**

### **REEDY CREEK CONSERVATION MANAGEMENT PLAN**

## REEDY CREEK CONSERVATION MANAGEMENT PLAN

### CONTENTS

Section	Page
<b>1 BACKGROUND</b>	<b>1</b>
1.1 Overview	1
1.2 Management Issues and Objectives	2
1.3 Key Performance Indicators	2
<b>2 MANAGEMENT MEASURES</b>	<b>3</b>
<b>3 IMPLEMENTATION</b>	<b>3</b>
APPENDICES	
A Locality Plan	4
B Reedy Creek Conservation Area	6
C Definitions	8

## 1. BACKGROUND

### 1.1 OVERVIEW

#### 1.1.1 Context

The Reedy Creek Conservation Management Plan (RCCMP) has been prepared to provide a plan for the management of lands in the Reedy Creek Conservation Area (RCCA).

The Reedy Creek Conservation Area (RCCA) contains the following lands;

- Bush Heritage Australia Land - Lot 1 SP 150 900,
- Red Rock Land - Lot 2 SP 150 900,
- Sunrise at 1770 Land - Lot 3 SP150900 (Also shown on SP150901 and SP171151)
- Land - Lot 4 (SP 150 900), and
- Lot 5 (SP 150 900).

The RCCMP applies only to those lands in the RCCA where landholders have elected to adopt it by;

- entering into a Conservation Agreement with the State of Queensland in accordance with the Nature Conservation Act, and/or
- becoming parties to the Reedy Creek Management Agreement (RCMA),
- being forced to do so by development approval conditions being imposed by Gladstone Regional Council.

The RCCMP also applies to the lots created or proposed to be created by the Community Titles Schemes over Lots 2 and 3. Compliance with it will be achieved and managed by its inclusion in the Community Management Statements for the Bodies Corporate for those Schemes.

A Locality Plan for the RCCA and the RCCA Map are attached as Appendices A and B respectively.

#### 1.1.2 Definitions

The definitions of the terms used in this document and in the associated Management Plans are provided in Appendix C.

#### 1.1.3 Statutory Context

The RCCMP is to be used in conjunction with and where appropriate, in addition to the;

- *Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)*
- *Environmental Protection Act 1994*
- *Nature Conservation Act 1992*
- *Sustainable Planning Act 2009*
- *Coastal Protection and Management Act 1995)*
- *Gladstone Regional Council Planning Scheme*
- *Assessing Authority Approvals.*

Where any conflict arises, the provisions of the legislation and/or documents set out above will take precedence.

## 1.2 MANAGEMENT ISSUES AND OBJECTIVES

The objectives of the RCCMP on RCCA lands are to;

- Maintain the integrity of the RCCA freshwater system, by ensuring as far as possible that the current extent, depth and drainage regime are not harmed by activities inside the area, or in the case of bushfires from without.
- Protect all landforms and geological features and processes that sustain them.
- Contain the impacts of development.
- Maintain and enhance the value of vegetation communities that currently exist.
- Maintain and enhance native plant species, emphasising rare and threatened species and those with a key role in the vegetation community structure as in the rare vine forest behind Sunrise Beach.
- Maintain and enhance viable populations of native fauna species, with an emphasis on those that are particularly vulnerable to human disturbance.



- Provide a variety of recreation opportunities, such as bushwalking and bird watching.
- Provide assets to implement management strategies for the conservation of key environmental values on surrounding lands including turtle rookeries and the adjoining beaches, rare vine forests on the esplanade, coastal freshwater systems including springs and the wetlands and the aquifer to the south along Reedy.
- Rehabilitate existing degraded areas.
- Provide assets to facilitate the development and operation of public infrastructure including walking trails, viewing platforms, and bird hides dedicated to environmental education concerning the immediate environs of the RCCA.

### 1.3 KEY PERFORMANCE INDICATORS

- Minimise adverse environmental impacts as a result of any construction works.
- Cultural Heritage values to be identified and preserved.
- No detrimental impact on the water quality and aquatic environment as a result of the discharge of stormwater run-off.
- No detrimental impact to groundwater quality.
- Sustainable groundwater extraction and minimal impact on coastal springs.
- Minimal downstream impact on the Reedy Creek surface and subsurface flows in terms of both quantity and quality.
- Existing vegetation values and diversity retained and enhanced.
- Minimisation of the extent and density of weed populations.
- Reduction in the numbers of feral animals and feral animal species.
- Control over all bushfire events, with a major reduction in actual and perceived risk of fire as it affects ecological values and human life and property.
- Minimal waste being generated and being taken to land fill.
- Ongoing monitoring and management of the turtle rookeries in conjunction with best practice programs developed elsewhere.

## 2. MANAGEMENT MEASURES

A set of Management Plans form part of this document. These Plans describe or include references to a baseline situation, set management objectives and key performance indicators, define management measures and corrective actions to be employed and assign roles and responsibilities. These documents will be updated as required to reflect progress being made in their implementation and any change in circumstances.

The Management and implementation measures included in the current edition of these plans are to be employed within the RCCMP as required and must be adhered to at all times during the construction and operation of any development and during any other human activity. A complete list of the Management Plans is included below.

- Construction Environmental Management Plan
- Cultural Heritage Management Plan
- Stormwater/Groundwater Management Plan
- Vegetation Management Plan
- Non-Native Plant Management Plan
- Feral Animal Management Plan
- Fire Management Plan
- Waste Management Plan

Management Plans may be obtained from the Body Corporate of the Sunrise at 1770 Community Management Scheme. They will be maintained, updated and published by the parties to the Reedy Creek Management Agreement (RCMA)

Management measures are discussed in detail within each of these individual Management Plans.

## 3. IMPLEMENTATION

Compliance with the RCCMP will broadly be achieved through adherence to each of the component Management Plans. Implementation measures and responsibilities are discussed in detail within each specific plan.

It is not possible to identify every management issue which may arise. All development and other human activity must therefore be undertaken in such a manner that existing environmental values are protected. In cases where degradation has occurred as a result of inappropriate activities or human error, efforts will be needed to restore and where possible enhance.



The objective of the RCMA is to set up mechanisms to achieve sustainable outcomes for the environmental management of the RCCA. This will be accomplished in part through deriving relevant Key Performance Indicators (KPI's) and monitoring / management practices to measure the adherence to and / or continuing achievement of the management objectives identified in each of the Management Plans. The role applies likewise for new management objectives as they may be identified in the future. In measuring performance against the determined KPI's the parties to the RCMA will establish Corrective Actions by the parties to the RCMA to be applied where performance is failing to meet agreed KPI's.

However, the responsibility for day to day management and compliance with the objectives of the RCCMP rests with those landholders to whom the RCCMP applies.

Education of those landholders and the public on environmental values and of the conservation and management objectives for the RCCA is therefore a critical part of the implementation of the RCCMP.

It is important that residents and all users of the RCCA are aware of risks to environmental values associated with their activities, in preventative measures and in opportunities to contribute to the conservation objectives. The opportunity for education in more general terms exists, including collaboration with the Department of Environment and Resource Management.

It will be necessary for landholders to delegate that responsibility by such measures as:

- including compliance of the RCCMP in the Community Management Statements for the Community Management Schemes on Lots 2 and 3 on SP 150900;
- including compliance with the Construction Environmental Management Plan in all contracts for development works within the RCCA.

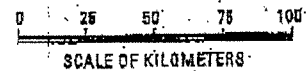
In addition, the body Corporate for Sunrise at 1770 will allocate funds as agreed in the RCMA from the administration fund and make those funds available for the implementation of management strategies within Sunrise at 1770, throughout the RCCA generally and on surrounding lands where key environmental values exist.

# Appendix A

## Locality Plan



BODY CORPORATE FOR SUNRISE AT 1770 COMMUNITY TITLES SCHEME 32536



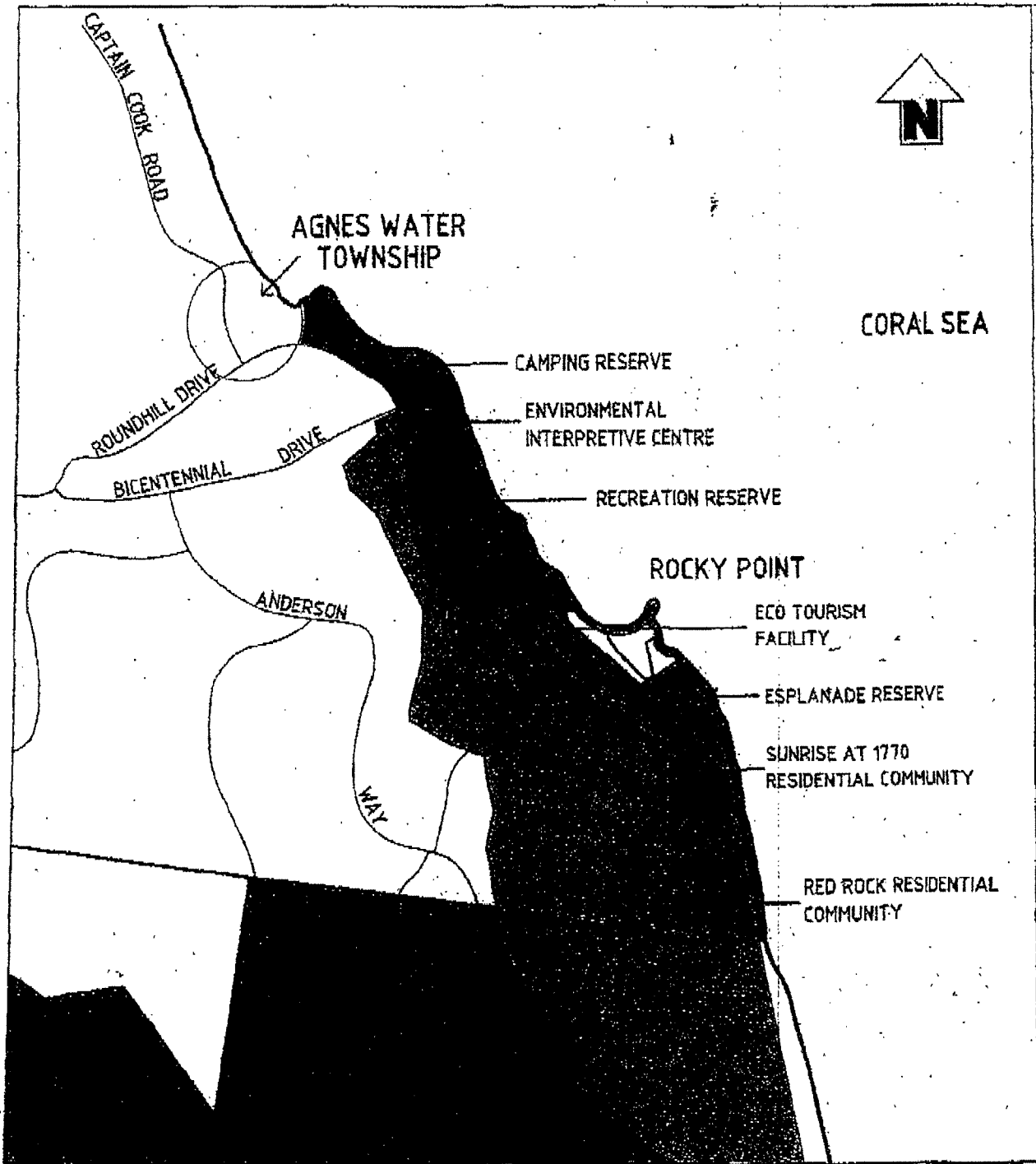
LOCALITY PLAN

REEDY CREEK CONSERVATION  
MANAGEMENT PLAN  
FIGURE 1



BMM001-100  
7 November 2002

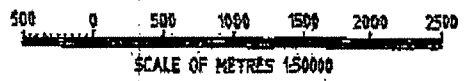
## Appendix B

### Reedy Creek Conservation Area



**LEGEND**

-  INITIAL REEDY CREEK CONSERVATION AREA
-  DESIRABLE ADDITIONS TO REEDY CREEK CONSERVATION AREA



REEDY CREEK CONSERVATION AREA MAP  
REEDY CREEK CONSERVATION  
MANAGEMENT PLAN  
FIGURE 2

## Appendix C

### Definitions



**REEDY CREEK CONSERVATION MANAGEMENT PLAN**

**APPENDIX C**

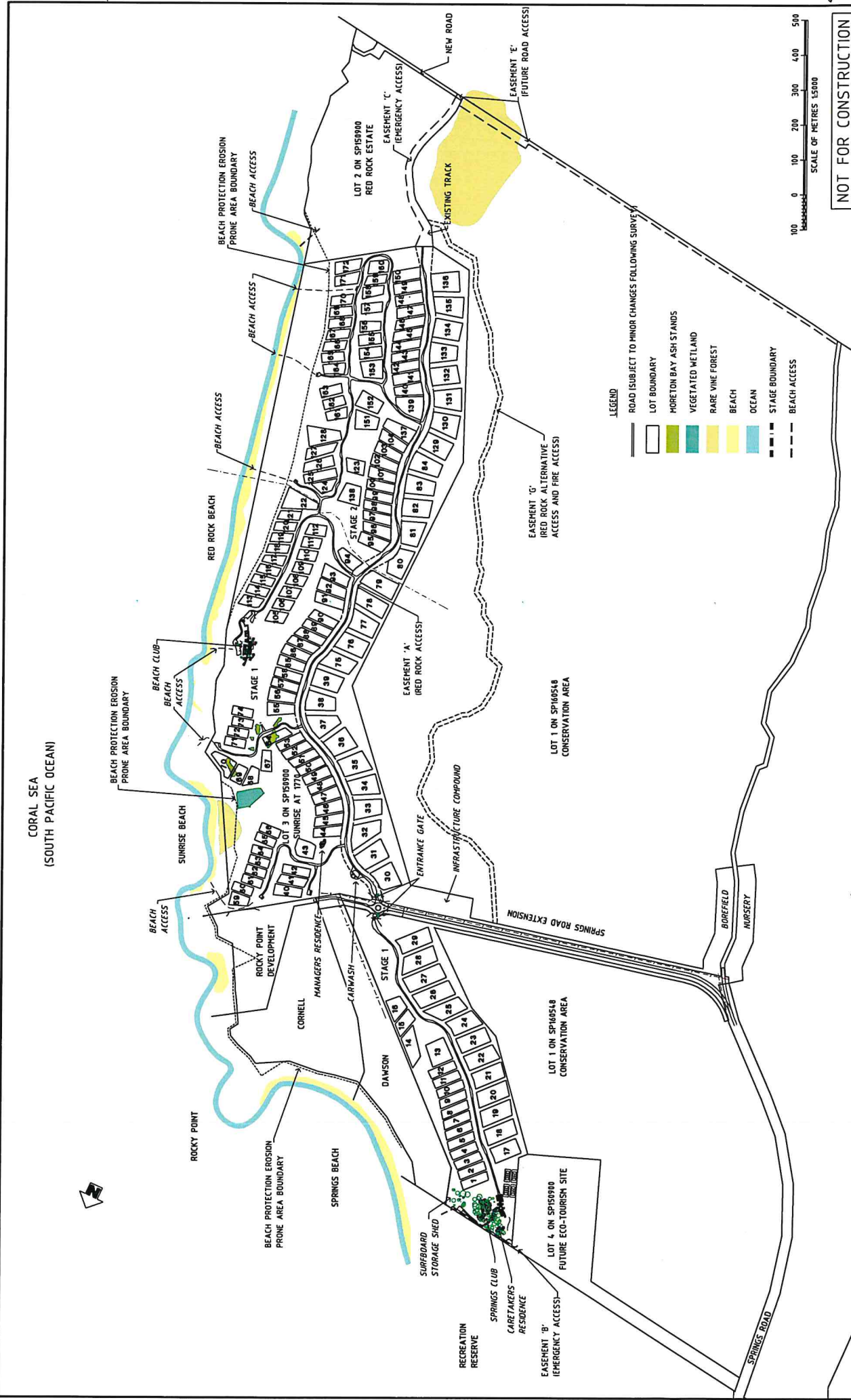
**DEFINITIONS**

<b>Body Corporate</b>	means the Body Corporate of the Sunrise at 1770 Community Management Scheme
<b>Conservation Agreement (CA)</b>	means an Agreement under Section 45 of the Nature Conservation Act entered into with the State by a Landholder of land in the Reedy Creek Conservation Area.
<b>Development</b>	means development as defined under the <i>Sustainable Planning Act 2009</i> and includes:  (a) construction, alteration, addition, modification decoration, redecoration, painting, repainting or reconstruction of any improvements;  (b) excavation, filling or landscaping;  (c) planting or removal of any vegetation, trees or shrubs; or  (d) installation of infrastructure, such as water supply, electricity lines and sewerage services.
<b>Landholder</b>	means one or more registered owners of land located in the Reedy Creek Conservation Area and includes a Body Corporate.
<b>Local Authority</b>	means the Gladstone Regional Council.
<b>Local Authority Approvals</b>	means the Development Approvals (including conditions of approvals) given under the Integrated Planning Act in connection with the development of the Scheme.
<b>Local Authority Development Codes</b>	means the development codes adopted by the Gladstone Regional Council to aid in the assessment of applications for development approvals for development within the Scheme.
<b>Lot</b>	means a lot on the Survey Plan for the Schemes.
<b>Owner</b>	means the registered owner of a lot in the Schemes and, where the context permits, includes occupiers of lots and invitees of owners of lots.
<b>Red Rock Land</b>	means Lot 2 on SP150900
<b>Red Rock Community Management Scheme Land</b>	Means the Community Management Scheme created in respect to the Red Rock Land Lot 2 on SP150900 located within the Reedy Creek Conservation Area
<b>Reedy Creek Management Agreement (RCMA)</b>	means an agreement between landholders in the Reedy Creek Conservation Area who have agreed to subject their land to the provisions of the Reedy Creek Conservation Management Plan.
<b>Sunrise at 1770 Community Management Scheme</b>	means the Community Management Scheme created in respect to the Sunrise at 1770 Land.
<b>Sunrise at 1770 Land</b>	means Lot 3 of SP 150900 located within the Reedy Creek Conservation Area.
<b>The Schemes</b>	means the Community Management Schemes of the Sunrise at 1770 Land and the Red Rock Land



**ANNEXURE 2**  
**PLAN TEV201-100-DJ-001/1**





NOT FOR CONSTRUCTION



<b>CLIENT</b> KBR Kellogg Brown & Root Pty Ltd Level 1, 25, Stirling Street MELBOURNE VIC 3000		<b>PROJECT No.</b> TEV201.100		<b>PROJECT No.</b> TEV201.100	
<b>DATE</b> 16.06.18		<b>DATE</b> 16.06.18		<b>DATE</b> 16.06.18	
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**SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED**

**SCHEDULE D – PART 1**  
**SERVICE LOCATION DIAGRAMS**

The following Schedule of Statutory Easements below on Lot 3.

Statutory Easement	Lot	Service Location Diagram
Stormwater	Common Property for Sunrise at 1770 Community Title Scheme No. 32536	A
Electricity	Common Property for Sunrise at 1770 Community Title Scheme No. 32536	A
Telstra	Common Property for Sunrise at 1770 Community Title Scheme No. 32536	A
Water	Common Property for Sunrise at 1770 Community Title Scheme No. 32536	A
Recycled	Common Property for Sunrise at 1770 Community Title Scheme No. 32536	A

**SCHEDULE D – PART 2**

**BUILDING DESIGN REVIEW PROCESS**

1. In the siting and construction of buildings on a Lot an Owner shall comply in all respects with the Development Requirements and the Design and Operations Manual except with the express permission in writing of the committee of the Body Corporate in those few exceptional cases where topography or other special circumstances dictate otherwise.
2. No Owner will undertake any development or place or allow to be placed any sign on a Lot until the Body Corporate's approval has been obtained and, where necessary, Assessing Authority Approval or Private Certification has been obtained.
3. All development must be undertaken in a manner which ensures minimum disruption to other Owners.
4. No Owner can occupy any completed development unless and until all necessary certificates or other requirements for lawful occupation have been issued and complied with.
5. **Body Corporate Approval Process**
  - 5.1 All development must be approved by the Body Corporate as a condition precedent to the seeking of Assessing Authority approvals and to the commencement of work;
  - 5.2 The Body Corporate must set up and monitor a Design Review Panel to assess applications for development approval under this clause.
  - 5.3 Written applications for approval for any development, which may only be made by the Owner or a person with the written consent of the Owner ("Applicant"), is to be made in two stages, firstly for Concept Design Approval and secondly for Final Design Approval.

**A. CONCEPT DESIGN APPROVAL**

- (a) The application for Concept Design Approval must be accompanied by:
  - (i) Three hard copies and one electronic copy of:
    - an accurate site plan showing the proposed building footprints, access paths and driveways, vegetation to be cleared, vegetation to be retained, surface cut and fill details and stormwater drainage;
    - concept floor plans, elevations and cross-sections clearly showing existing tree heights to 20 metres from each side of the building footprint;
    - a geotechnical report from a suitably qualified engineer including the results of the site investigation and certifying the suitability of the proposed design to the site conditions.
  - a Concept Design Compliance Report (in the template provided by the Body Corporate which may be amended from time to time) and signed by the Applicant warranting that the proposed design, construction and operation of the building will comply in all respects with the Development Requirements.
  - The Concept Design Approval fee as fixed by the Body Corporate.
    - an indication as to the intended date of the commencement of construction of the buildings and an approximate completion date.
- (b) The Body Corporate must refer the application for Concept Design Approval to the Design Review Panel, obtain its response and notify the Applicant in writing within twenty (20) working days of receipt of the application that it has been:
  - refused with written reasons for refusal; or
  - approved subject to any special conditions or amendments;
- (c) A member of the Design Review Panel may communicate directly with the Applicant for the purpose of clarification during the review.

**B. FINAL DESIGN APPROVAL**

- (a) The application for Final Design Approval must be accompanied by three hard copies and one electronic copy of:
  - the site plan;

- detailed building design drawings including floor plans, elevations, cross-sections and construction and engineering details of all proposed building works, access and swimming pools;
- an Engineer's report certifying the structural design for compliance with the relevant Australian Standards.
- the Final Design Compliance Report (in the template provided by the Body Corporate which may be amended from time to time) and signed by the Applicant warranting that the proposed design, construction and operation of the buildings and all associated infrastructure as built will comply in every respect with the Development Requirements and all relevant legislation and approvals.
- A Development Approval Decision Notice under the Building Act 1975 in the form of plans and/or other documents stamped or signed as certification by a registered private building certifier or by Gladstone Regional Council. If these stamped or signed documents are not available before the Final Design Approval is given, they must be forwarded to the Design Review Panel before building commences.
- The Final Design Approval fee as fixed by the Body Corporate.
- A declaration as to the intended date of the commencement of construction of the buildings and an approximate completion date, such date of commencement to be no later than two years from the date of final design approval.

- (b) The Body Corporate must refer the application for Final Design Approval to the Design Review Panel, obtain its response and notify the Applicant in writing within twenty (20) working days of the receipt of the application that it has been:
- refused with written reasons for refusal; or
  - approved subject to any special conditions or amendments.
- (c) A member of the Design Review Panel may communicate directly with the Applicant for the purpose of clarification during the review.

5.4 The Design Review Panel is to assess applications against the Development Requirements.

5.5 The Design Review Panel may give its approval conditional upon the making of amendments to the plans and specifications and/or the provision of additional information and where deemed necessary for good reason, the provision of a bond or bank guarantee by the Owner in such sum as the Design Review Panel may deem necessary to remediate the site and/or remove uncompleted or non-complying works. Such a bond or bank guarantee may also be required from an Owner where the Owner's nominated builder has previously caused a non-compliance at Sunrise at 1770 per Section 7 of this Schedule.

## 6. Compliance

The Owner must undertake development in accordance with the Design Review Panel approval.

## 7. Non-compliance

- (a) If the Body Corporate determines that the Development has not been completed in accordance with the Design Review Panel approval, the Body Corporate will:
- notify the owner in writing of the non-compliance;
  - specify the particulars of non-compliance; and
  - require the Owner to remedy the non-compliance within thirty (30) days of receipt of the notice or
  - if the Body Corporate determines that the non-compliance is a serious non-compliance it may require the Owner to rectify that non-compliance immediately including attendance to any workplace health or safety issues and occupation of the development may not be permitted
- (b) **Breach of the Design Panel Approval.**
- (i) If the Owner does not rectify the non-compliance with the Design Review Panel approval and/or does not comply with the Development Requirements within the period set out in the notice delivered pursuant to By-Law Clause 7(a) above the Body Corporate (by itself, its agents, employees or contractors) may, at the Owners expense, enter the Lot and remove the non-complying Development or any part of the Development and the Body Corporate may recover the expense of removal as a liquidated debt from the Owner or may deduct the expense from the Bond or Bank Guarantee referred to in Clause 5.5 above.
- (ii) The Body Corporate may take any other action it considers necessary to remedy a breach of the Design Review Panel approval or of the Development Requirements and may recover any expense the Body Corporate may incur as a result from that Owner as a liquidated debt or may require all work on the Development site to cease and may restrict the access of agents, employees or contractors.
- (c) Where there has been non-compliance with the Body Corporate approval or of the Development Requirements, the Owner will indemnify and keep indemnified the Body Corporate, any agent, employee or contractor of the Body

Corporate against all losses, claims, demands and expenses whatsoever and howsoever arising, which the Body Corporate sustains or incurs due to the non-compliance or due to any action taken pursuant to this Section 7.

#### **8. Non-commencement or non-completion of development**

a) In the event that pursuant to final Design Approval the Development has not commenced within two years of the intended date of commencement included in the final application for Design Approval, the Design Approval shall lapse in its entirety; unless an extension of a maximum of a further two years has been approved by the Body Corporate.

b) In the event that the Development once commenced is not completed and is not in all respects ready for occupation within two years from the date of final approval that shall constitute non-compliance with the Design Approval within the meaning of Clause 7 above and the provisions of that clause shall apply.

#### **9. As Constructed Drawings**

Should there be any deviation from the approved design during construction, the approved drawings shall be so amended and certified if necessary and a copy of the as constructed drawings shall be submitted to the Body Corporate for assessment by the Design Review Panel. Approval of such amendments or any non-compliance shall be dealt with in accordance with this Schedule D Part 2.

#### **10. Modifications to Approved or Completed Dwellings**

Any proposed extension or modification to approved or completed development on a Lot that requires certification or approval under the Building Act, the National Construction Code or by Council shall require an amended or new approval by the Body Corporate in accordance with the provisions of this Schedule D Part 2. A fee for processing such amended or new approval shall be as fixed by the Body Corporate

## SCHEDULE D - PART 3

## DESIGN AND OPERATIONS MANUAL

## CONTENTS

Section	Page
<b>1 PURPOSE OF MANUAL</b>	<b>1</b>
1.1 Principles and Objectives	1
1.2 Place in Community Management Scheme	1
1.3 Development Codes	1
1.4 Sunrise at 1770 Building Design Review Panel	1
1.5 Definitions	1
<b>2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES</b>	<b>1</b>
2.1 Objective	1-2
2.2 The Sustainable Smart House	2
2.3 The Water Strategy	2
2.4 The Energy Strategy	2-3
2.5 The Waste Strategy	3
<b>3 BUILDING DESIGN CODE</b>	<b>3</b>
3.1 Scope of Section	3
3.2 Boundary Setback Controls	3
3.3 Building Footprint and Curtilage	3-4
3.4 Earthworks, Erosion and Runoff Management	4
3.5 Height and Bulk	4
3.6 Colours and Reflections	4
3.7 Energy Efficient Envelope	4
3.8 Swimming/Plunge Pools	5
3.9 Relocatable Dwellings	5
3.10 Car Parking	5
<b>4 BUILDING SERVICES DESIGN &amp; OPERATION</b>	<b>5</b>
4.1 Rain Water and Reticulated Water Supply	5
4.2 Water Demand Management	6
4.3 Waste Water System	6
4.4 Electricity Supply and Generation	6
4.5 Electricity Demand Management	6
4.6 Communications	7
4.7 Security	7
4.8 Solid Waste Management	7
4.9 Building Fire Protection	7
4.10 Packaged Gas Fuels	8
4.11 Black Sky Policy	8
4.12 Noise Policy	8
<b>5 LANDSCAPE DESIGN AND VEGETATION MANAGEMENT</b>	<b>8</b>
5.1 General Provisions	8
5.2 Bush Fire Management	9
5.3 Vegetation Management Practices	9
<b>6 RESIDENTIAL CONSTRUCTION CODE</b>	<b>9-10</b>
<b>APPENDIX A</b>	
Development Codes	11

## 1. PURPOSE OF MANUAL

### 1.1 PRINCIPLES AND OBJECTIVES

The Sunrise at 1770 Design and Operations Manual (Manual) is designed to provide guidance and direction to Owners and Body Corporate management for the design of all components of the community to ensure that the Vision Statement and the Environmental and Residential Objectives set out in the Community Management Statement are achieved on an ongoing basis.

### 1.2 PLACE IN COMMUNITY MANAGEMENT SCHEME

This Manual is incorporated as a schedule to the Sunrise at 1770 Community Management Statement (CMS) which provides the legal and administrative framework for its implementation and enforcement. In this way, the benefits and the responsibilities of all parties in achieving a nature conservation-based lifestyle can be realised. The CMS also incorporates Environmental Documentation including the Reedy Creek Conservation Management Plan (RCCMP) with which Owners are obliged to comply.

### 1.3 DEVELOPMENT CODES (GENERAL DEVELOPMENT CODE AND DWELLING HOUSE CODE)

The Development Codes are the guidelines and controls by which all development at Sunrise at 1770 is undertaken. They form part of the Local Authority Approvals. The General Development Code sets the parameters for all forms of construction whilst the Dwelling House Code deals specifically with the design and construction of all dwellings. They are designed to ensure that the ecologically sustainable development (ESD), conservation and harmonious living objectives of the Sunrise at 1770 community are met. They include guidelines and controls on vegetation clearing, earthworks, building height, bulk, colour and reflectivity, ESD principles, water and energy efficiency and landscaping. The General Development Code and the Dwelling Code are incorporated in this Manual and copies are included in this document as Appendix A. All building and civil/infrastructure design and construction works must comply with the Development Codes, Local Authority Codes (where applicable) and Environmental Documentation as provided for in the CMS. All design and construction must also comply with current editions of the National Construction Code (NCC), Building Code of Australia, all relevant Australian Standards, State and Local Legislation and the State Coastal Management Plan guidelines.

### 1.4 SUNRISE AT 1770 BUILDING DESIGN REVIEW PANEL

A Design Review Panel appointed by the Body Corporate in accordance with the CMS will review all construction proposals for compliance with this Manual. The review will be carried out in two stages. A concept design will be submitted to the Panel for Concept Design Approval prior to detailed design being undertaken. The detailed design and specifications will then require Final Design Approval by the Panel before any site preparation or construction commences. Obtaining of a development permit for building works under the Standard Building Regulations is a separate process that remains the responsibility of the Owner and should not be undertaken until the approval of the Body Corporate is obtained as an application for a development permit must be accompanied by the approval of the Body Corporate.

### 1.5 DEFINITIONS

Where the context permits, words and expressions used in this Manual have the meaning ascribed to them in the By-Laws in Schedule C of this Community Management Statement.

## 2. ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

### 2.1 OBJECTIVE

All dwellings, the community recreation facilities and infrastructure will be constructed, operated and maintained to Ecologically Sustainable Design (ESD) principles in accordance with the provisions of this Manual and with the principles of ecological sustainability as defined in Sections 8 and 11 the Sustainable Planning Act 2009.

The Body Corporate and Lot Owners are required to adopt all of the principles and objectives outlined in the CMS and Sections 2.2, 2.3, 2.4 and 2.5 of this Manual and are encouraged to adopt future sustainability and new technology even where they are not covered by specific obligations included in Sections 3, 4, 5 and 6 of this Manual.

### 2.2 THE SUSTAINABLE SMART HOUSE

A Sustainable House in the Sunrise at 1770 context is a dwelling which minimises its impact on its immediate environment and on the planet by:

- selection of building materials which are renewable (e.g. plantation timber) or do not generate toxic waste or other pollutants during their manufacture and do not release toxic chemicals once installed or at the end of their life;
- selection of fittings, fixtures and appliances which minimise water and energy consumption;
- collecting its main water supply from roof rainwater;
- using recycled water in toilet cisterns and for all external uses to minimise total water consumption;
- discharges all of its wastewater to a community wastewater treatment plant which produces recycled water to a quality which enables its re-use within the community or its return to the natural environment;
- uses indigenous plant species and controlled irrigation in landscaping to minimise total water consumption;

- generates electricity from the sun and/or wind;
- is energy efficient in both its construction and operation.

A Smart House is one based on sustainability principles and which:

- uses off the shelf thoroughly tested technology to operate and control its water, wastewater and energy systems whether the owners are in residence or not;
- achieves sustainability objectives whilst looking, feeling and functioning as a normal safe and hygienic dwelling;
- retains and enhances its market value through being a desirable asset.

All buildings at Sunrise at 1770 will be designed and constructed as Sustainable and Smart.

The adopted architectural style for Sunrise at 1770 is contemporary, "light in the landscape" design that reflects the special eco nature of the development in its Queensland coastal context and differentiates it from "usual" suburban construction and development.

### 2.3 THE WATER STRATEGY

There are three key components to the residential water cycle - water supply, waste water and storm water systems. The water strategy for the Sunrise at 1770 community aims to integrate all aspects of the water cycle in a sustainable manner. This is achieved by:

- using rain water as the principal source of supply on a lot by lot basis;
- incorporating water demand management practices and devices in all residences and community facilities to reduce total consumption;
- using reticulated recycled water for toilet flushing, firefighting, car washing and external landscaping within individual residences and community facilities;
- collection of all waste water in a reticulated sewerage system for delivery to a central treatment plant;
- treatment of the effluent at a central treatment plant on site to a standard which allows it to be used as recycled water or to be returned to the underground aquifer;
- control of stormwater runoff to limit concentration, prevent contamination and erosion and facilitate infiltration to the aquifer;
- ongoing resident and management education focusing on demand management.

### 2.4 THE ENERGY STRATEGY

Connection to the grid is the conventional electricity supply method for residential communities. Grid connection is available close to the property and the grid provides a constant and reliable power supply at relatively low cost.

However, the majority of energy supplied to the grid at present is sourced from non-renewable fossil fuel resources. The electricity is used great distances from the source and is subject to large energy losses. The result is an inefficient use of a non-renewable resource.

Conventional electricity supply does not meet the ESD objectives of Sunrise at 1770 and therefore alternative renewable energy sources are to be incorporated combined with energy demand management practices in all residences and community facilities as follows:

- reduction of total energy consumption through design and construction of energy efficient buildings and mandatory use of energy efficient electrical equipment and appliances;
- photovoltaic (solar) cells incorporated into the roof of each residence and community/body corporate building with the energy produced being traded with the supply authority for grid energy credits on an individual lot basis;
- meeting day to day demand by drawing from the grid and purchasing the power from the supply authority in a conventional manner on a lot by lot basis;
- compulsory use of a recognised energy efficient system approved by the Design Review Panel
- maintain as an objective becoming a net energy supplier to the grid on an individual lot and on a community basis.

### 2.5 THE WASTE STRATEGY

Whilst it is not considered possible to operate the community in a totally sustainable manner in terms of waste, current best practice waste management principles are to be incorporated and maintained in all stages of development. These principles (in descending priority) are:

- reduce
- reuse
- recover
- dispose

A Waste Management Plan provides for and obliges Lot Owners and the Body Corporate to:

- set up a waste management system, including provision for segregation and storage on lots, internal collection and disposal to recycling agents or to Council's waste management facility.



- minimise waste (reduce and reuse) through community education on how to reduce waste before it becomes rubbish by selective purchasing of goods and products with low environmental impact, reusable and recyclable and potential for long term use and/or recycling;
- maximise recycling (recover) through a community scale scheme incorporating allotment scale sorting, kerb-side collection and disposal to recycling agents or to Council's waste management facility;
- impose a collection strategy based on at source sorting, programmed collection and transportation to a waste management facility operated by the Body Corporate on or near the Body Corporate Compound or by a professional contractor or Local Authority off site.
- Dispose of recyclable waste to a local authority recyclable waste management facility or through a professional recyclable waste management contractor.
- dispose of waste vegetation by Lot Owners and the Caretaker transporting it to and stockpiling it on the cleared Common Property adjacent to the water supply bore sites off Springs Road where, under the control of the Caretaker and at the direction of the Body Corporate, it may be mulched for use on Lots and Common Property, sold externally or burned when there is an excess quantity.

### 3. BUILDING DESIGN CODE

#### 3.1 SCOPE OF SECTION

The design criteria set out in this section are to be incorporated in all Body Corporate buildings, facilities and infrastructure and in all single dwellings and their associated outbuildings and facilities on privately owned Lots within the Sunrise at 1770 community, Lot 3 on SP 150900.

Owners are required to maintain their buildings and their associated outbuildings and facilities (including the immediate landscape) in good order and condition at all times.

it is the intent of this Section to comply with the provisions of the General Development Code and the Dwelling House Code in Appendix D Development Codes to this Manual and where there is any discrepancy, the Development Codes will apply.

#### 3.2 BOUNDARY SETBACK CONTROLS

The Body Corporate may fix particular set-backs in excess of four (4) metres from any Lot boundary to the outermost projection of any building including eaves and gutters. For the purpose of fixing particular set-backs from any Lot boundary the Body Corporate may without limitation, consider the following:

- i. Protection of the surrounding environment;
- ii. Protecting views from other Lots;
- iii. Ensuring the privacy of other Lots;
- iii. Geotechnical reasons;
- iv. To ensure suitability of infrastructure connections;
- v. Any other reasonable purpose.

In any event the minimum set back from any Lot boundary to the outermost projection of any building including eaves and gutters shall not be less than four (4) metres.

#### 3.3 BUILDING FOOTPRINT AND CURTILAGE

- A Building Footprint on a residential Lot is defined in this Manual as that area of a residential Lot upon which dwellings, garages, carports, open car parks, swimming pools, garden sheds and clothes drying areas may be constructed without an exemption approved by the Body Corporate. Locations and dimensions of proposed Building Footprints for each Lot will be submitted for approval to the Body Corporate as part of the Concept Design.
- The maximum Building Footprint of all buildings on residential Lots is 400m<sup>2</sup> on Lot sizes 800m<sup>2</sup> - 1499m<sup>2</sup>, 450m<sup>2</sup> on Lot sizes 1500m<sup>2</sup> - 2499m<sup>2</sup> and 500m<sup>2</sup> on Lot sizes 2500m<sup>2</sup> - 5000m<sup>2</sup>.
- The curtilage is an area four (4) metres wide measured outward from the outermost projection including eaves and gutters of any building within which selective removal of the under-story vegetation and mowing of naturally occurring grasses is permitted for fire mitigation purposes.
- Vegetation removal for access driveways from Scheme roads to Building Footprints shall, without specific approval from the Body Corporate be no wider than 3.5m through the boundary set back strip and the Common Property with allowance for turning at car parking areas and at its junction with the Scheme road.
- Subject as above, vegetation in the Lot may only be removed with the consent of the Body Corporate. In considering requests to remove vegetation the Body Corporate shall take into consideration the Environmental Objective, and the Development Requirements, balanced against safety, fire safety and privacy issues and the intent that reasonable views should be able to be enhanced and maintained. (Refer Also Clause 5.3)

#### 3.4 EARTHWORKS, EROSION AND RUNOFF MANAGEMENT

- no development will be permitted on natural slopes exceeding 25% without Body Corporate approval and an engineering justification and certification for such works;



- cut or cut to fill is not permitted on natural slopes in excess of 10% outside of the building footprint;
- cut and fill is to be minimised and retaining walls will not exceed two metres in height;
- all stormwater from roofs and tank overflows will be discharged to rubble pits with a minimum depth of 0.5 metres, a minimum width of 1.0 metres and a surface area of 4.0 square metres for each 100 square metres of roof serviced. Rubble shall be as approved by local government in Queensland for use in septic trenches and shall not be covered. The downhill side of the pit shall be mounded and level to create ponding above it and sheet overflow out of it. The mound will be protected from scouring by vegetation and/or rock facing incorporated into the landscape.
- stormwater runoff from paved areas will be either discharged to rubble pits sized and constructed as for roof water or distributed as sheet flow to prevent scouring.
- where a natural watercourse traverses a lot, either all building works will be outside the watercourse or construction will not enclose or obstruct that watercourse and all earthworks will be outside of the watercourse;
- all earthworks and drainage work required during construction shall be carried out in accordance with the Construction Environmental Management Plan;
- building footings are to be designed to minimise ground disturbance;
- areas on which vehicles are driven or parked are kept to the minimum reasonably required unless otherwise approved by the body corporate
- areas on which vehicles are driven or parked will be properly constructed as pavements and specifications, including pavement edge treatments, must be submitted for approval with dwelling designs. For driveways on slopes, run-off prevention to scheme roads must be provided;
- driveways are formed or sealed with a dark material or a material that has a colour commonly existing on the site;
- driveways should be designed and constructed to be as unobtrusive as possible;
- driveways and areas on which vehicles are to be driven or parked will be designed to minimise grades and cut and fill is not more than one metre above or below natural ground level. areas on which vehicles are driven or parked that have a fall in any direction of more than 10% are constructed and sealed.
- driveways and access must not encroach on any easement or the Common Property unless, in exceptional circumstances where topography dictates otherwise, the Body Corporate has given express permission in writing as part of Final Design Approval. Driveway specifications must be supplied with design approval documents and include edge treatment. For driveways on slopes, run-off prevention to Scheme roads must be specified.
- care should be taken during construction not to encroach on neighbouring Lots or the Common Property without the express permission of the neighbouring lot owner and the body corporate.
- where driveways or cross-overs are constructed on common property, two 100 millimetre diameter pvc sewer pipe conduit are to be provided for common property irrigation lines and other Body Corporate services.

### 3.5 HEIGHT AND BULK

- no development will protrude above any horizon, ridge or spur line when viewed from any place on the coastline (beaches or headlands) or from the ocean;
- no building or structure will be higher than nine metres above natural ground level measured vertically from any point on the lot;
- building designs are to include variations in wall and roof lines to minimise the appearance of building bulk;
- covered decks and shaded areas must comprise a feature of each dwelling;
- no external face of a building in a single plane will have a surface area of more than 100 square metres;
- all buildings shall comply with the relevant provisions of the State Coastal Management Plan guidelines.

### 3.6 COLOURS AND REFLECTIONS

- the external colours of all buildings, structures and paved areas will have a subdued natural note that compliments the predominant colours of the landscape;
- the external finishes of all buildings and structures (including solar energy collection panels and frames) will have a low level of light reflectivity as viewed from any lot or from any part of the common property. Colours similar to Colourbond; Surfsmist, Even Haze, Dune or Shale Grey and materials such as Zinalume or similar of a shiny aluminium appearance will be classed as having a high level of reflectivity.
- Repainting or replacement of any building structure or paved areas if not in the originally approved colours materials or finishes shall be subject to the approval in writing of the Body Corporate and shall in the absence of such approval constitute a non-compliance in accordance with this CMS Schedule D Part 2

### 3.7 ENERGY EFFICIENT ENVELOPE

Building envelopes are to:



- use energy efficient glazing practices including minimising areas, use of double glazing and external shading;
- have insulated roofs/ceilings, walls and, where appropriate, floors;
- facilitate internal air circulation and transfer.

### 3.8 SWIMMING/PLUNGE POOLS

Swimming pools and plunge pools will:

- be considered for approval as a permitted use by the Body Corporate at the concept design approval stage. (Any such approval will remain current for a period of twelve months from the date of final design approval and then lapse unless the approved pool construction has been commenced beforehand).
- be limited to one of either to each private dwelling;
- only be permitted on lots where the topography and foundation conditions are suitable;
- be constructed of concrete, concrete masonry or fibreglass;
- not be of the demountable/transportable type;
- have a water capacity of not more than 60,000 litres;
- use only potable or rainwater and any pool so installed will be connected to its own independent rainwater storage equal in capacity to the capacity of the pool and dedicated to the pool's replenishment requirements.;
- Use only potable water for initial filling or for topping up when dedicated on site storage is depleted. Such use is to be pre-approved by the Body Corporate
- be maintained by the Owner or a specialist pool contractor at the Owner's expense to meet statutory safe health standards at all times.
- incorporate water quality control equipment suitably sized for the capacity and designed by a reputable manufacturer;
- have their filter backwash discharge to the sewerage reticulation system,
- be a non-salt chlorinated pool.

### 3.9 RELOCATABLE DWELLINGS

Architectural designed modular/factory-built buildings that have strong architectural and aesthetic value as determined by the Body Corporate's Design Review Panel, do not require destruction of mature trees or other significant vegetation on the Common Property or outside of the Building Footprint for their delivery, installation and erection and otherwise comply with this Design and Operations Manual will be permitted.

### 3.10 CAR PARKING

Not less than two and not more than three vehicle parking spaces (of a minimum size of 2.8 x 5.5 metres each) per dwelling will be provided within lots. At least two parking spaces within garages or carports or in open spaces must be located within the Building Footprint.

If a vehicle parking space is an open-air car park and does not require removal of significant vegetation, then that parking space need not fall within the building footprint. The construction provisions of Section 3.4 of this Manual will apply to such parking spaces but generally a permeable pavement will be required (to minimise runoff and erosion and maximise infiltration of rain water).

Parking of other vehicles, boats, trailers, caravans, machinery and the like will not be permitted anywhere on the common property other than in areas designated for the purpose by the Body Corporate.

## 4. BUILDING SERVICES DESIGN & OPERATION

### 4.1 RAIN WATER AND RETICULATED WATER SUPPLY

Lot Owners must design and operate their dwellings to:

- collect rain water from a minimum roof area of 150 square metres and store it in a tank(s) of a capacity of not less than 48,000 litres;
- ensure that rain water storage tanks are not conspicuous in accordance with building design controls set out in Section 3 of this Manual;
- incorporate a first flush diversion device (for the first two millimetres of rain) in the collection system before the storage tank(s);
- ensure that rainwater storage tanks are vermin and insect proof;
- connect the rainwater tank(s) to the dwelling's reticulation system for kitchens, laundries and bathrooms only and pressurise that system to normal household pressure using pumps or gravity;
- connect at the Owner's cost the rainwater storage tanks to the reticulated potable (bore water supply) at the point provided in the Common Property through a flow meter and back flow prevention device obtained from the Body Corporate. Such flow meter and back flow prevention device shall be maintained by the Owner in good working order and condition and be replaced by the Owner at the end of its useful life.

- provide valves and/or switches to the rainwater storage tanks so that rainwater is used first and that reticulated potable water is only used to supplement that supply and only to a maximum stored volume of 5000 litres when the rain water tanks levels drop down to 2000 litres thus allowing 43,000 litres of rain water collection in the event of rain;
- provide separate reticulation system in dwellings to service toilet systems and hose cocks and connect that system to the reticulated recycled water supply at the point provided in the Common Property through a flow meter provided by the Body Corporate;
- Lot Owners must pay on demand the Body Corporate for all potable and recycled water used at the rates prescribed from time to time.

#### 4.2 WATER DEMAND MANAGEMENT

To ensure that water usage is kept to a minimum, Lot Owners must:

- install water efficient devices including faucet aerators on all internal tap sets, flow limiting showers and low (dual flush) toilet cisterns;
- only use water efficient appliances including dishwashers and washing machines;
- use timer controlled trickle irrigation or hand-held hoses for landscape watering;
- ensure that the complete water collection, storage and reticulation system is properly serviced and maintained at all times including immediate repair of leaking taps, fixtures and appliances, whether the owner is in residence or not. In the event that a leak or system failure occurs when the Owner is not in residence and cannot attend to its repair, the Body Corporate may carry out emergency repairs to save water loss at the Owner's expense.

#### 4.3 WASTE WATER SYSTEM

Lot Owners must:

- design and operate their dwellings to discharge all waste water to the waste treatment plant owned and operated by the Body Corporate. The design and method of operation are to be approved by the Body Corporate.
- use gravity house drains where directed by the Body Corporate and connect to the sewerage reticulation system at the connection point provided in the Common Property;
- supply, install and maintain an approved automatic dial-up sewerage pump failure warning system connected either to the communications (telephone) network or to a mobile telephone network. The system will alert an owner - contracted monitoring/security service of a pump malfunction or failure which will in turn immediately advise the Body Corporate Caretaker so that remedial action can be taken prior to the sewerage storage tank filling and over-flowing. (The Body Corporate will stock standard pump units for interchange if required at the owner's expense).

The dial-up pump failure warning system shall also include a flashing warning light visible from the road frontage of the dwelling to the approval of the Body Corporate.

The dial-up pump failure warning system may also be expanded to provide fire, burglary and other warnings to the monitoring/security service.

- meet the cost of an alternative connection to the sewerage reticulation system should their dwelling design not allow connection at the point provided.
- ensure that only bio-degradable soaps and detergents are used in these dwellings;
- ensure that hazardous or other waste deleterious to the proper functioning of the sewerage reticulation system and treatment plant are not discharged to the sewer;
- ensure that the complete wastewater collection and discharge system within their lot is properly serviced and maintained at all times.

#### 4.4 ELECTRICITY SUPPLY GENERATION

Lot Owners must arrange with the supply authority to connect their residence to the grid supply network and arrange for a purchase of their generated power by the Supply Authority.

Lot Owners must design and operate their dwellings to:

- connect their electrical reticulation system through an individual supply authority meter to the single phase supply authority point of supply provided on the Common Property;
- produce electricity from photovoltaic cells with a combined minimum output of 3.0 kilowatts, convert that electricity to alternating current and feed the unused portion of it into the grid through an individual meter to the supply authority requirements.

#### 4.5 ELECTRICITY DEMAND MANAGEMENT

Lot Owners must:

- produce reticulated hot water from a suitably sized and recognised energy efficient system approved by the Design Review Panel installed to manufacturers' specifications and to acceptable aesthetic having regard to the principles and objectives set out in 1.1;

- use only appliances (refrigerators, freezers, washing machines, dishwashers, air-conditioners, heaters, clothes dryers) carrying an Energy Smart Appliance label from the Sustainable Development Energy Authority;
- use properly sized and certified energy efficient motors and fans;
- maximise use of natural lighting;
- use certified energy efficient light fittings and lamps;
- use an energy efficient building envelope and building orientation to reduce energy consumption.

#### 4.6 COMMUNICATIONS

An underground internal communications network has been provided and is maintained by a national service provider.

Lot Owners must arrange with service providers of their choice to connect their residence to:

- at least one PSTN (analogue) or ISDN (digital) telephone line at the point provided on the common property, or
- a mobile telephone network or internet network telephone service.

This service will be used to communicate through the normal telephone systems with:

- external contacts and callers;
- internal Community contacts and callers;
- the Body Corporate manager and care taker;
- the entrance gates security systems for residents and visitors operated and maintained by the Body Corporate;
- the sewerage pump failure monitoring system described in Section 4.3;
- other automated external residence monitoring and controls as individual owners may require.

Additional PSTN or ISDN (digital) lines may be installed by arrangement with service providers.

Lot Owners must provide for any other voice, data, television and internet access not available through the communications network independently on their own lots at their own cost. Associated antennae and satellite dishes will be installed to Body Corporate approval to comply with the visual impact and quality provisions of this Manual and to avoid electrical or electronic interference with equipment operated by other lot owners.

#### 4.7 SECURITY

Lot Owners must install and maintain equipment in dwellings connected to the community communication system or a mobile telephone or internet network provider of their choice to:

- operate on-site entry facilities installed at the entry gates;
  - alert Body Corporate management through a contracted monitoring/security service in the event of pump failure in sewerage pump out stations (where they are incorporated in the dwelling - refer Sections 4.3 and 4.6);
  - provide communication with Body Corporate management.

Lot owners shall provide keys or electronic access codes to all parts of all buildings on their lots to Body Corporate Management for use for access in emergency situations.

#### 4.8 SOLID WASTE MANAGEMENT

Lot Owners must:

- comply with the provisions of the Waste Management Plan;
- respect the waste management system operated by the Body Corporate and minimise all waste brought into the community;
- separate waste, place in bins provided by the Body Corporate and leave at the road-side to the prescribed schedule;
- deliver vegetation waste to the Body Corporate vegetation processing area on the Common Property or mulch and compost it on their lot for future use as a landscaping medium.

#### 4.9 BUILDING FIRE PROTECTION

Lot Owners must:

- comply with the provisions of the Fire Management Plan as they affect individual lots and common property;
- maintain minimal fuel in the curtilage area to reduce risk from bush fire;
- keep roofs and gutters clear of leaves and any other vegetation;
- install and maintain a fire blanket in all kitchens; Recommended regular service six-monthly;



- install and maintain a hand held fire extinguishers minimum **Dry Chemical Powder (ABE) 9 litre fire extinguisher** in all dwellings and to normal domestic standards in appropriate locations easily accessed by residents and Body Corporate caretaking staff. Recommended regular service six monthly;
- not use timber fired barbeques or fire pits;
- install and maintain fire authority approved spark arresters on any chimney or flue,
- ensure that buildings are sited and designed to minimise life and property risks due to bushfire.

#### 4.10 PACKAGED GAS FUELS

Packaged LPG will be permitted on lots as a source of energy for cooking for fireplaces or for auxiliary heating of solar hot water units only.

Cylinders will be stored in a shaded inconspicuous area and protected from radiant heat with convenient access for the supplier and their servicing, maintenance and safety will be the responsibility of the lot owner.

#### 4.11 BLACK SKY POLICY

For the enjoyment of residents of Sunrise at 1770 and to assist in the conservation of wildlife and the protection of the turtle rookeries on the adjoining beaches, a black sky environment is imposed. Body Corporate facilities and common property generally will incorporate such lighting as to achieve this policy and each dwelling will be assessed at design approvals stage for compliance.

Individual fittings and groups of fittings will not exceed 900 lumens in brightness whether internal or external and no fittings will be directed more than 15 degrees outwards from facing vertically downwards. Floodlighting of gardens, trees and exterior surfaces of buildings is not permitted.

All interior and exterior lighting within Sunrise at 1770 will have its light source (e.g. the bulb/lamp) shielded to ensure that direct light from this source is not visible from the adjoining beaches, headlands, sky and the ocean.

At night during turtle nesting and hatching (November to March) Owners are obliged to minimise house lighting as far as is reasonably practical

Exterior lighting for paths and driveways will be permitted but not more than 1.5 metres above natural ground level on louvred standalone bollard style fittings.

#### 4.12 NOISE POLICY

Lot Owners must:

- keep noise levels generally from personal activity to limits which will not impact on the quiet enjoyment of occupation by other Lot Owners;
- keep noise levels at the outer boundary of their curtilage area from pumps, motors, fans or any portable machinery used on their lot below the levels described in the Environmental Protection (Noise) Policy under the Environmental Protection Act;
- not allow vehicles used by themselves, their family, occupants or guests with offensively loud motors exhausts or music systems to enter the community.
- The Caretaker and their employees and contractors must also comply with the intent of this Section 4.12.

### 5. LANDSCAPE DESIGN & VEGETATION MANAGEMENT

#### 5.1 GENERAL PROVISIONS FOR LOTS

Lot Owners must comply with the provisions of the current edition of the Introduced Plants Management Plan and the Vegetation Management Plan as they affect individual lots and common property. Also:

- subject to Section 3.3 of this Manual, any development on a lot will be designed, constructed and managed to retain as much native vegetation as practicable;
- all external landscaping and planting will use only local endemic species sourced from the nursery operated by the Body Corporate on the Common Property;
- all buildings and structures are to be visually screened from Scheme roads by existing or planted vegetation but only to the extent that such screening breaks up the outlines of structures, tanks, etc and does not create a complete visual barrier and affords reasonable views;
- internal landscaping of courtyards, patios, decks and the like with contained Australian native plant species. Potted citrus trees and internal potted herbs will be permitted and it will be the responsibility of the Owner to ensure that such plants do not propagate in the natural vegetation;
- irrigation of landscaping by installed reticulation by garden hose or by any other means and landscape water features will

- only be permitted using recycled water;
- surfaces for driveways and parking areas are to be of a dark coloured material or a material that has a colour commonly existing in the immediate vicinity;
- lawns using introduced grass species are not permitted. Naturally occurring grasses may be mowed within a lot but such grasses should not be irrigated in line with water conservation objectives;
- lot perimeter fencing is not permitted in the interests of enhanced wildlife passage and mobility and as an aesthetic natural landscape measure;
- swimming pool and plunge pool fencing are permitted as required by law and regulation.

## 5.2 BUSH FIRE MANAGEMENT

Lot Owners must:

- comply with the provisions of the current edition of the Fire Management Plan incorporated in the Reedy Creek Conservation Management Plan and the current Bushfire Attack Level (BAL) as they affect individual lots and common property;
- take all precautions for dwellings in forested rural locations recommended by the Rural Fire Brigade;
- install external hose cocks and keep and maintain garden hoses fitted with nozzles of sufficient number and length to reach every point at eaves level on all building perimeters.

## 5.3 VEGETATION MANAGEMENT PRACTICES

In this Manual the word 'removal' as it applies to vegetation refers to and includes the following:

- clearing, being total removal of all vegetation from a designated area;
- selective clearing, being removal of introduced (non-local native) species, wattle re-growth (pioneer native) species and under-storey species but not native grasses or sedges;
- pruning, being removal of limbs from trees and shrubs to an extent which does not result in permanent damage or death;
- mowing, being cutting of native grasses and sedges to an extent which does not cause permanent damage or death.
- Vegetation removal must be approved and supervised by the Body Corporate except where:
- ongoing maintenance pruning is required in curtilage areas to create reasonable clearance between the vegetation and buildings; and
- ongoing maintenance pruning or mowing is required within or outside the curtilage where it has previously occurred as approved by the Body Corporate to maintain views, fire mitigation, or open car parking and driveways.
- Ongoing maintenance as required to maintain development approval for a specific BAL rating for fire mitigation as approved.

## 6. RESIDENTIAL CONSTRUCTION PRACTICES

All development must be undertaken in a manner which ensures minimum disruption to owners and, in particular, the following conditions must be complied with.

- (a) All contractors must comply with the provisions of the Construction Environmental Management Plan, current edition; and comply with the Design Review Panel (DRP) Consent Approvals, National Construction Code NCC, Queensland Building and Construction Commission QBCC and Local Council legislation.
- (b) the site must remain in a tidy, orderly and safe condition throughout the construction process;
- (c) vacant lots are always to be maintained, and kept free from rubbish and fallen trees and fire fuel loads;
- (d) adjoining vacant lots are not to be used for the storage or dumping of any construction materials or debris unless prior arrangements have been made with the owner of the lot or the Body Corporate;
- (e) for security reasons, the owner must give the Body Corporate a list of all contractors associated with the development prior to the commencement of the development;
- (f) Owners must provide the Body Corporate with a 24-hour emergency contact number for the development;
- (g) ablution facilities, in accordance with Local Authority By-laws, are to be provided at the commencement and for the total period of the development;
- (h) the doors of the ablution facilities must face away from neighbouring residences and scheme roads and the facilities must be cleaned on a weekly basis;
- (i) construction hours are Monday to Saturday 7.00 a.m. to 6:00 p.m. excluding Good Friday, Anzac Day, Christmas Day, Boxing Day and New Year's Day;
- (j) the Body Corporate must be notified immediately of any damage to an area outside the lot;

- (k) Owners must ensure that contractors provide suitable facilities, such as a rubbish skip for the temporary storage of building material from the commencement of construction on the lot;
- (l) rubbish must not be allowed to blow off the lot and the Body Corporate reserves the right to remove any such rubbish at the owner's expense;
- (m) no building debris can accumulate on any vacant lot;
- (n) costs associated with rubbish removal will be met by the Owner;
- (o) the scheme roads must be kept clear of all building materials, rubbish and equipment;
- (p) Owners must ensure that its contractors do not bring dogs onto the Scheme and contractors with dogs will not be given access and will be instructed to leave the Community;
- (q) dirt, gravel or any other material must not be left on Common Property;
- (r) soil, sand and other building and landscaping materials must not be stockpiled on a site for more than 7 days other than that which is to be used on site;
- (s) excavated soil and other material must be removed from site within 7 days after excavation other than that which is to be used on site;
- (t) radios, tape recorders, compact disc players and other broadcast or noise reproduction systems must not be played on a site at a volume over 40 decibels, measured within 1 meter in front of the speakers;
- (u) the speed limit throughout Community land is 30 kilometres per hour and 20 kilometres per hour for trucks-Owners must ensure compliance with this requirement by their contractors. Failure to comply with these speed limits will result in the banning of the offending vehicle and its driver from the Scheme land;
- (v) excavated soil must not be stockpiled on the lot, adjacent lots or on any common property and it must be removed from the Scheme; and
- (w) This Clause shall apply to all vehicles entering the estate whether they are associated with residential construction or for any other purpose.

All contractors must generally allow for all building materials and components to be delivered directly to construction sites on vehicles suitably sized and equipped to manoeuvre safely on the internal roads. The Scheme roads have been designed for a standard Austroads Service Vehicle (clause 3 – 8.8 metres long, 15 tonnes gross) and vehicles larger than this are not permitted to enter the Community without prior approval of the Body Corporate or its Caretaker. Long or bulky loads which must use semi-trailers or larger trucks on State and Local Authority roads must be unloaded and temporarily stored in the contractor's set down area (with the approval of the Body Corporate) prior to delivery to site by a permitted vehicle (truck, crane or all-terrain forklift/loader).

Applications for an access permit for non-standard vehicles shall be made in accordance with the Vehicle Access Management Plan on the related Application Form copies of which may be obtained from the Body Corporate or its Caretaker.

Such permits may require the lodgement of a Security Deposit by the related Lot Owner in the amount specified on the Application Form in the form of a bank guarantee or cash deposit with the Body Corporate for Sunrise at 1770 seven calendar days before the use of the permit. The users of such permits must comply with the conditions of the Traffic Management Plan and the Community Management Statement whilst on the common property of Sunrise at 1770 and further must authorise the Body Corporate to use that part of the Security Deposit which may be required to pay for the repair of damage to the common or private property caused by the user of the permit. The residual amount of the Security Deposit will be returned by the Body Corporate to the Lot Owner within seven days of the subject access operations having been completed.

Once a permit is issued for a specific vehicle requiring regular access the one permit may be used on a continual basis with the need for a Security Deposit being at the discretion of the Body Corporate or its Caretaker.





## Appendix A (to Design and Operations Manual)

### Development Codes

AS APPROVED BY GRC AND THE P & E COURT ON 29/10/15.  
AMENDMENTS CAN ONLY BE MADE IF RETURNING TO THE P & E COURT TO AMEND THE  
DA

### CONTENTS

Section		Page
1	INTRODUCTION	3
2	PERFORMANCE CRITERIA	3
3	ACCEPTABLE SOLUTIONS	3
4	INTERPRETATION	3
5	TABLE OF ASSESSMENT	3
6	GENERAL DEVELOPMENT CODE	4
7	DWELLING HOUSE CODE	7

## DEVELOPMENT CODES

### 1. INTRODUCTION

The development codes are intended to be adopted as the guidelines and controls by which all development on the Sunrise at 1770 project is undertaken. They can be adopted by Gladstone Regional Council and by the body corporate for the Sunrise at 1770 Community Management Scheme as the checklist against which each proposal for construction is assessed.

Only two codes are considered necessary. The General Development Code will set the parameters for all forms of construction whilst the Dwelling Code will deal specifically with the design and construction of dwellings. They are designed to ensure that the conservation objectives of the project are achieved.

Each outlines an approach, which encompasses these objectives and sets principles covering the general planning intent. They also dictate that 'A development application for assessable development will only be favourably considered where the proposed development is compatible with the approach and principles and that all potential impacts of the proposed development have been appropriately mitigated'. They include schedules of Performance Criteria and Acceptable Solutions.

### 2. PERFORMANCE CRITERIA

Performance Criteria are statements of the outcomes to be achieved in satisfying the stated purpose. They provide an opportunity for a variety of responses to the design of assessable development.

There will be situations where not all Performance Criteria are relevant. Development is not required to meet any Performance Criteria that are not relevant.

There will also be situations where not all relevant Performance Criteria can be met (e.g. where one criterion may conflict with another). In such cases, the development application may be approved where Council is satisfied that there are sufficient planning grounds to justify the decision having regard to the purpose of the code and code element.

### 3. ACCEPTABLE SOLUTIONS

Acceptable Solutions are presented as a means of meeting the relevant Performance Criteria. For assessable development, they are not to be interpreted as prescriptive nor do they preclude other ways of meeting the criteria. They do, however, offer a degree of certainty to applicants, Council and the community.

Assessable development may be designed in accordance with the Acceptable Solutions, or using other measures which still meet the Performance Criteria. Indeed, applicants may prefer to design using alternative measures for some aspects of the development and Acceptable Solutions for others.

Where Acceptable Solutions are not used, the Council must be satisfied that the alternative measures satisfactorily meet the Performance Criteria in keeping with the purpose of the code and code element.

For development to remain self-assessable development then all applicable acceptable solutions must be fully complied with. If self-assessable development cannot comply with all applicable acceptable solutions, then it becomes assessable development against the provisions of the Planning Scheme.

### 4 INTERPRETATION

A term used in the Development Codes has the meaning assigned to that term by one of the following:

- (a) the Sustainable Planning Act
- (b) the *Sustainable Planning Regulation 2009* (the Regulation)
- (c) the definitions in Queensland Planning Provisions version 3.0
- (d) the *Acts Interpretation Act 1954*
- (e) the ordinary meaning where that term is not defined in the Act, the Regulation, Queensland Planning Provisions or the *Acts Interpretation Act 1954*.

### 5 TABLE OF ASSESSMENT

The process for determining the level of assessment under this Development code is:

- (1) For a Material Change of use, establish the use by reference to the use definitions in the Queensland Planning Provisions version 3.0 definitions;
- (2) Identify if the use is listed in the Table of Assessment – Material Change of Use;
- (3) If the use is listed in the Table of Assessment – Material Change of Use the level of assessment is that prescribed by the code table of assessment subject to compliance with the assessment criteria specified. No other provisions of the

current Local Government Planning Scheme are applicable for the purpose of determining level of assessment unless specified in the level of assessment and assessment criteria;

**TABLE OF ASSESSMENT – MATERIAL CHANGE OF USE**

Use	Level of assessment	Assessment criteria
	<b>Self-Assessable</b>	
Dwelling house	If complying with all self – assessable acceptable outcomes	General Development Code Dwelling House Code
Home Based Business	Only when undertaken on Lot 3 and in an existing dwelling and undertaken by a person or persons living in the Dwelling House and employing not more than one non-resident person, for an occupation, trade or profession and is a secondary use in association with the residential use. This criterion does not include uses such as <i>Industry, Shop or Bed and Breakfast</i> .	General Development Code Dwelling House Code
Short Term Accommodation	Only when undertaken on Lot 3 and in an existing dwelling house. (holiday letting)	General Development Code
Outdoor Sport and Recreation	Only on Lot 3 and when undertaken on common property of the Sunrise at 1770 CMS32536	General Development Code
Any other use not listed in this table. Any use listed in the table and not complying with the criteria in the level of assessment column. Any other undefined use.	As specified by the Planning Scheme	General Development Code Dwelling House Code The Planning Scheme and codes called up by Planning Scheme

## 6. GENERAL DEVELOPMENT CODE

This Code applies to making a material change of use and/or carrying out building or construction work as defined in the Proposal Assessment Report. It is to be used to assess applications in accordance with the approval of the body corporate of the Sunrise at 1770 Community Management Scheme.

The purpose of this code is to ensure that the development of the site is consistent with the following approach and principles:

### Approach

1. Protect the unique environment and character of the locality and the adjacent coastal waters;
2. Constrain human activity on the site;
3. Apply ecological sustainability principles and maintain environmental integrity.

### Principles

1. Ground water is to remain free from any contamination caused by human activity on the site.
2. Provision made for refuse to be disposed of in a manner that supports a sustainable environment.
3. Access ways and parking areas are to be designed to minimise visual and ecological impacts.
4. Development is to be self-sufficient with respect to water collection. It includes energy supplies from renewable sources.
5. Protect native vegetation by minimising site clearance and reinstating native vegetation from endemic stock.

### Approval of assessable development

A development application for assessable development will only be favourably considered where:

- the proposed development is compatible with the approach and principles;
- all potential impacts of the proposed development have been appropriately mitigated.

## Performance criteria and acceptable solutions

Performance criteria	Acceptable solutions
<p>P1 The development must be inconspicuous.</p>	<p>All the following:</p> <p>A1 The proposal:</p> <ul style="list-style-type: none"> <li>• does not protrude above any horizon or ridge line when viewed from any place readily accessible to the public except for two wind power generators;</li> <li>• is not higher than 9.0 metres above natural ground level except for wind power generators and water reservoirs;</li> <li>• minimises disturbance to native vegetation.</li> </ul> <p>A2 The proposal includes variations in wall and roof lines to minimise the appearance of building bulk. No external face of the building in a single continuous plane has a surface area of more than 100 square metres.</p> <p>A3 The external colours of all buildings, structures and paved areas have a subdued natural tone that complements the predominant colours of the landscape.</p> <p>A4 The external finishes of the building or structure have a low level of light reflectivity.</p> <p>A5 All external lighting is directed downwards from a low intensity source situated not more than 1,500 mm above natural ground level.</p>
<p>P2 Development must have minimal impact on the natural environment.</p>	<p>All the following:</p> <p>A6 The building:</p> <ul style="list-style-type: none"> <li>is connected to a reticulated effluent collection system;</li> <li>is connected to a rainwater collection system from all roof areas that incorporates a storage capacity of at least 48,000 litres;</li> <li>is connected to a power generation system in which electricity is produced from a renewable source.</li> </ul> <p>A7 The proposed development is designed, constructed and managed to retain as much native remnant vegetation as practicable.</p> <p>A8 No perceptible dust or smoke is generated by any activity facilitated by the development.</p> <p>A9 All landscaping and planting uses only local endemic species.</p>
<p>P3 All weather access for motor vehicles must be provided between access ways and all new dwellings and areas on which vehicles will be parked.</p>	<p>A10 Areas on which vehicles are driven or parked are designed to minimise grades and cut or fill is not more than 1.0 metres below or above natural ground level.</p> <p>AND</p> <p>A11 Areas on which vehicles are driven or parked that have a fall in any direction of more than 10% are constructed and sealed.</p> <p>AND</p> <p>A12 Areas on which vehicles are driven or parked are kept to the minimum reasonably required unless otherwise approved by the Body corporate.</p>
<p>P4 Development must not cause or contribute to erosion or sediment loss</p>	<p>A13 Erosion and sediment control measures are established and maintained in accordance with an approved Environmental Management Plan</p>
<p>P5 Buildings must be sited and designed to minimise life and property risks due to bushfire.</p>	<p>All the following:</p> <p>A14 Water for firefighting purposes is provided for all residential buildings in a reservoir/storage/hydrant system.</p> <p>A15 Safe and convenient access for fire fighting vehicles is provided.</p> <p>A16 Any external gas cylinder is shielded from possible exposure to radiant heat.</p> <p>A17 A Fire Management Plan for the whole development is to be formulated and adopted by the body corporate.</p>

Performance criteria	Acceptable solutions
<p>P6 Development maintains or enhances the natural processes of the Esplanade and beachfront dune area and the protective function of coastal landforms and vegetation, particularly those features that mitigate risks from coastal hazards.</p>	<p>A18 No development or disturbance of natural vegetation shall occur within 10 metres of the eastern boundaries of the Common Property as marked on SP150901 and SP171151 except for activities associated with the construction, maintenance and use of walking tracks providing access from the same Common Property across the adjoining Public Use Land (where it exists) and the Esplanade to the foreshore</p>
<p><b>Use - Home Based Business</b></p>	
<p>P7 Development is of a scale and intensity similar to surrounding dwellings does not adversely impact on the amenity of area.</p>	<p>A19 Development generates a demand for no more than 10 vehicular trips to and from the site per day.</p> <p>A20 Development generates a demand for no more than 1 delivery per week from a delivery vehicle not exceeding 2.5 tonnes in weight</p> <p>A21 The home-based business is conducted by:                      (a) 1 or more of the permanent residents of the principal dwelling house, and                      (b) no more than 1 non-resident employee at any time.</p> <p>A22 Development is wholly contained within the dwelling house or ancillary outbuilding on the site</p> <p>A23 The home-based business is conducted between the hours of:                      (a) 7am to 7pm on weekdays, and                      (b) 7am to 1pm on Saturdays.</p> <p>A24 Not more than 2 vehicles associated with the home-based business is parked on the site at any one time.</p>
<p><b>Use – Short term Accommodation</b></p>	
<p>P8 The use does not adversely impact on the amenity of the surrounding land uses and local character</p>	<p>A27 Maximum number of persons permitted to stay in a dwelling being used for Short term accommodation is no more than 10.</p> <p>A28 Maximum continuous period of any stay is not to exceed 3 months.</p> <p>A29 Amplified music audible outside the boundaries of the premises is not permitted between the hours of 10.00pm and 9.00am.</p>

**7. DWELLING HOUSE CODE**

This code applies to making a material change of use and/or carrying out building or construction work for a 'dwelling house as defined in the Proposal Assessment Report. It is to be used to assess applications in accordance with the approval of the body corporate of the Sunrise at 1770 Community Management Scheme.

The purpose of this code is to ensure that dwellings are developed in a manner that is consistent with the following approach and principles:

**Approach**

1. Develop houses that respect the unique environment and character of the site;
2. Minimise changes to the natural environment;
3. Apply ecological sustainability principles.

**Principles**

1. Dwelling houses should be inconspicuous and minimise impact on the amenity of the locality or other residential lots.
2. Dwelling houses should protect and enhance the landscape values of the locality.
3. Dwelling houses should be located and designed so that they will not create any significant impact on the natural environment, including water quality values.
4. Dwelling houses should be water and energy efficient.
5. Dwelling houses should be located and designed to be free from significant hazards.
6. General Development Code applies

**Approval of assessable development**

A development application for assessable development will only be favourably considered where:

- the proposed development is compatible with the approach and principles;
- all potential impacts of the proposed development have been appropriately mitigated.

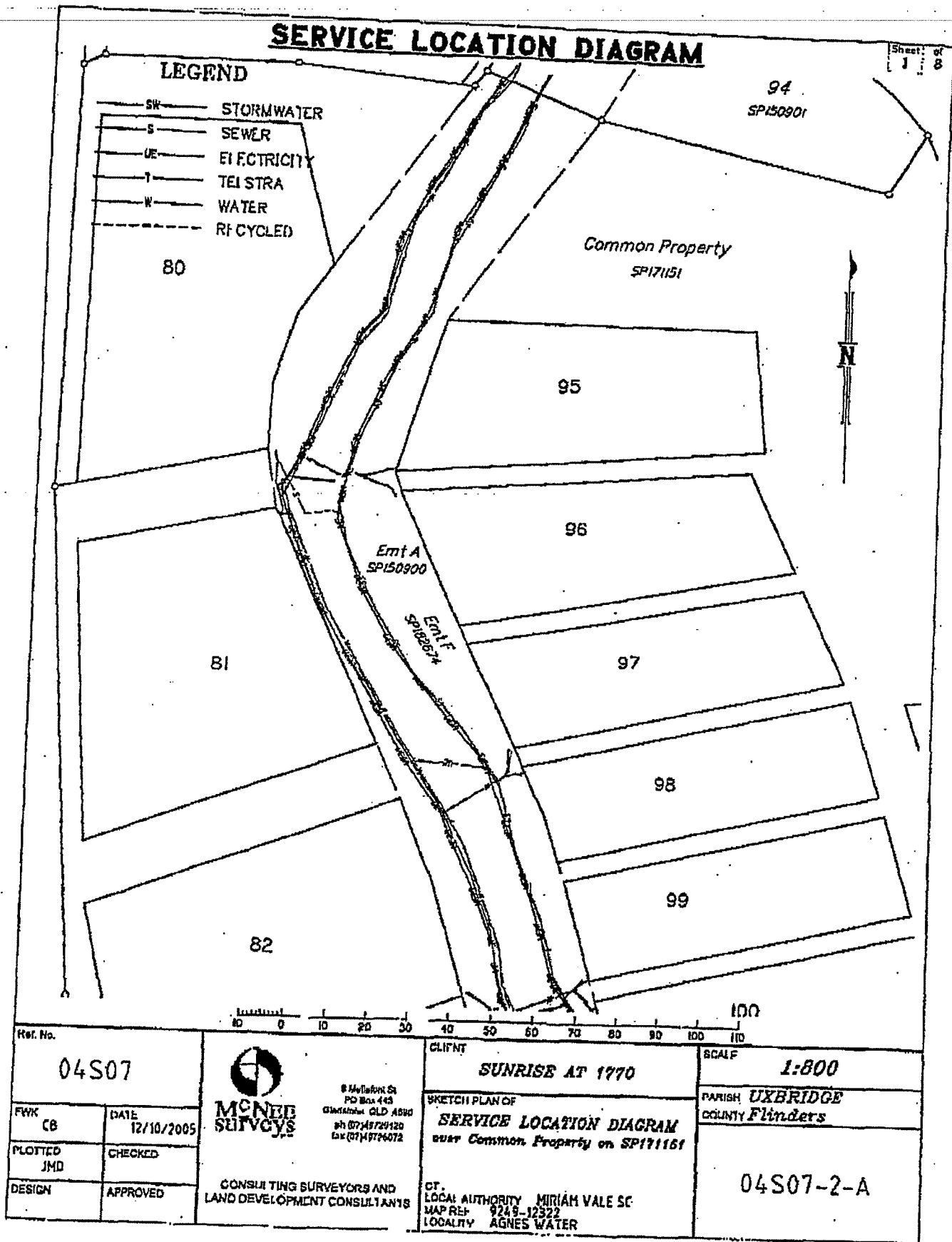
**Performance criteria and acceptable solutions**

Note: A building footprint on a residential lot is defined in this code as that area of a residential lot upon which dwellings, garages, car ports, open car parks, swimming pools, garden sheds and clothes drying areas may be constructed without an exemption approved by the body corporate.

Performance criteria	Acceptable solutions
<p>P1 Buildings and structures must be inconspicuous.</p>	<p>All the following:</p> <p>A1 The footprint of all buildings on a residential lot is less than 400 m<sup>2</sup> on lot sizes 800–1,499 m<sup>2</sup>; 450 m<sup>2</sup> on lot sizes 1,500–2,499 m<sup>2</sup>; 500 m<sup>2</sup> on lot sizes 2,500–5000 m<sup>2</sup>.</p> <p>A2 No building is higher than 9 m above natural ground level measured from any point on the site.</p> <p>A3 All buildings and structures are visually screened from the access roadway adjacent to the residential lot on which the dwelling house is to be erected.</p> <p>A4 All buildings and structures gutters and eaves are not less than 4 m from any boundary of the residential lot on which the dwelling house is to be erected.</p>
<p>P2 Development must have minimal impact on the natural environment.</p>	<p>A5 The proposed development is designed, constructed and managed to retain as much native remnant vegetation as practicable.</p> <p>A6 Clearing of the understorey vegetation and mowing of naturally occurring grasses to no more than 4 m outside the permitted building footprint will be permitted for fire control purposes.</p>
<p>P3 Residents' and visitor's vehicles must be able to be accommodated within the lot.</p>	<p>A7 Not less than two and not more than three vehicle parking spaces (of a minimum size of 2.8 x 5.5 metres each) per dwelling will be provided within lots.</p>
<p>P4 All weather access for motor vehicles must be provided between access ways and all new dwellings and areas on which vehicles will be parked.</p>	<p>A8 Driveways and areas on which vehicles are driven or parked are designed to minimise grades and cut or fill is not more than 1 m below or above natural ground level. AND</p> <p>A9 Driveways are formed or sealed with a dark material or a material that has a colour commonly existing on the site.</p>

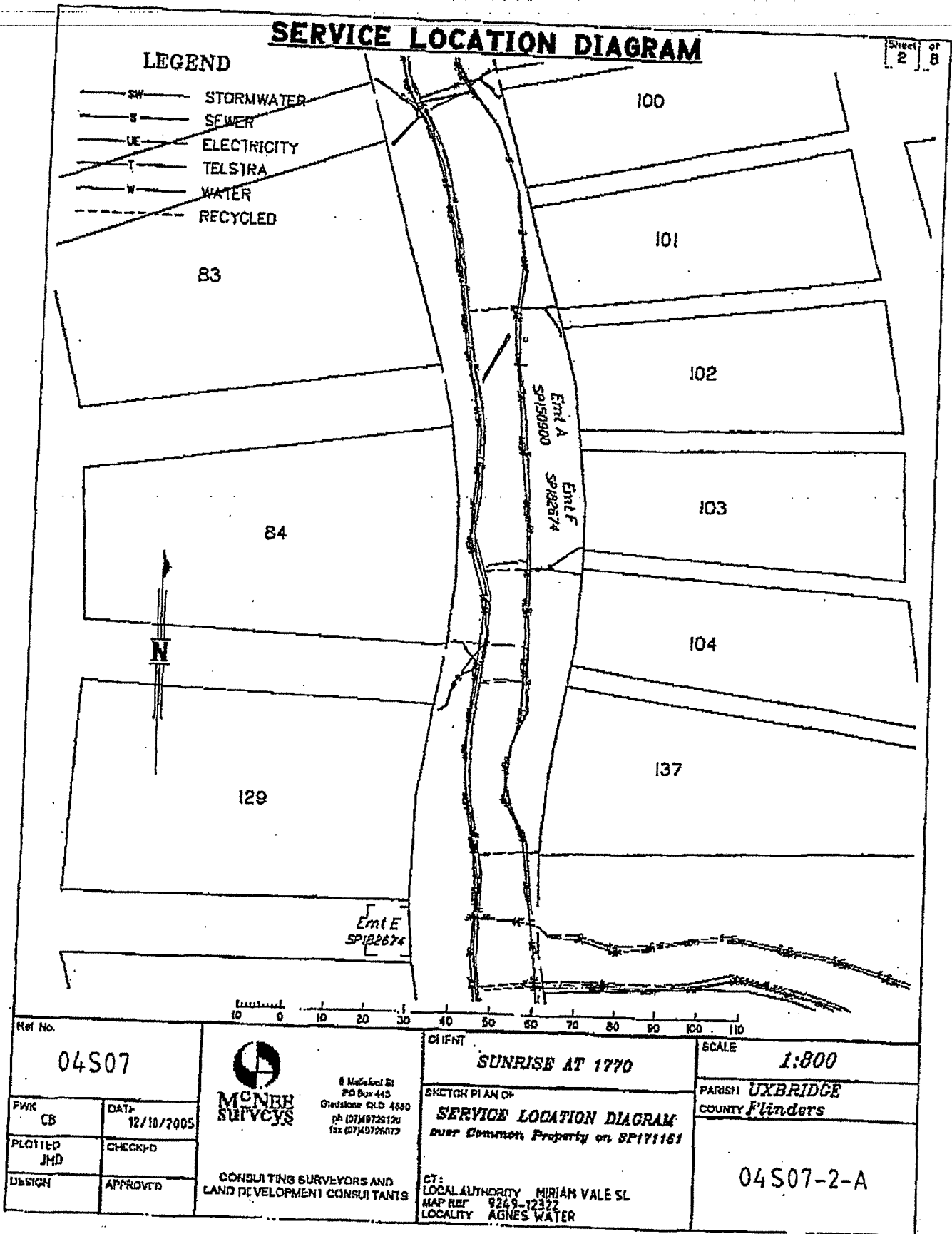
Performance criteria	Acceptable solutions
<p>P5 Development must not cause or contribute to erosion or sediment loss</p>	<p>All the following:</p> <p>A10 The house and associated work is sited to maximise the retention of mature and other significant vegetation.</p> <p>A11 Foundations are designed to minimise ground disturbance.</p> <p>A12 Cut to fill is not permitted on natural slopes in excess of 10% outside of building footprint</p> <p>A13 Cut and fill is minimised and retaining walls are less than 2 m high.</p> <p>A14 Revegetation and rehabilitation is progressively carried out as works are carried out.</p>
<p>P6 Development must not significantly interfere with the quality, movement or detention of stormwater or other natural functions of a watercourse.</p>	<p>A15 Where a watercourse traverses the lot:</p> <ul style="list-style-type: none"> <li>* either all building works are outside the watercourse, or the house does not enclose the watercourse;</li> <li>* earthworks are outside of the watercourse.</li> </ul>


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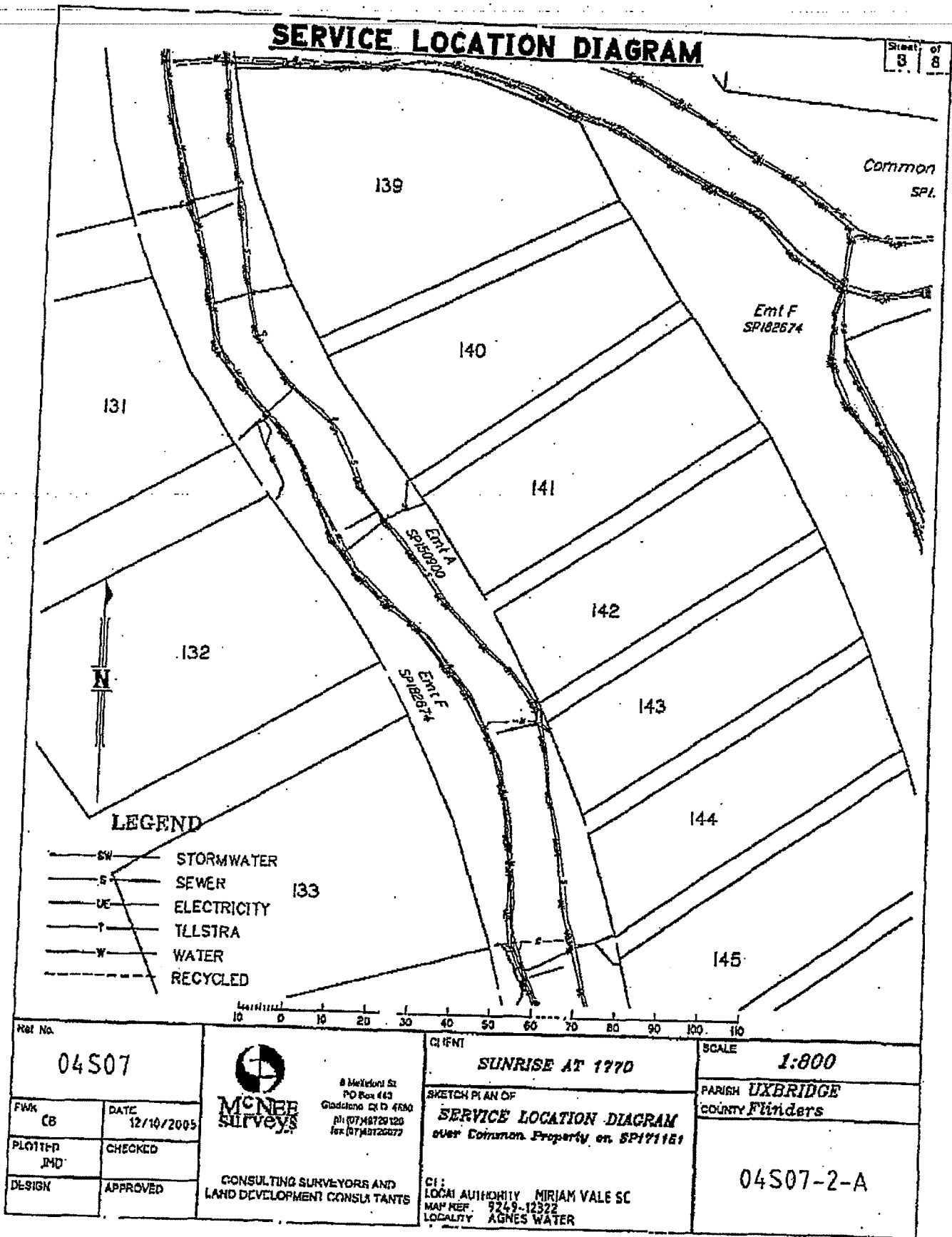


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Ref No. <b>04S07</b>		 <b>MCNEE SURVEYS</b> 8 Macleod St PO Box 410 Gladstone QLD 4680 ph (07)48726120 fax (07)48726079	CLIENT <b>SUNRISE AT 1770</b>	SCALE <b>1:800</b>
FWIC CB	DATE 12/10/2005		SKETCH PLAN OF <b>SERVICE LOCATION DIAGRAM</b> <i>Over Common Property on SP171161</i>	PARISH <b>UXBRIDGE</b> COUNTY <b>Flinders</b>
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DESIGN	APPROVED		CONSULTING SURVEYORS AND LAND DEVELOPMENT CONSULTANTS CT: LOCAL AUTHORITY <b>MIRIAM VALE SL</b> MAP REF <b>9249-12322</b> LOCALITY <b>AGNES WATER</b>	

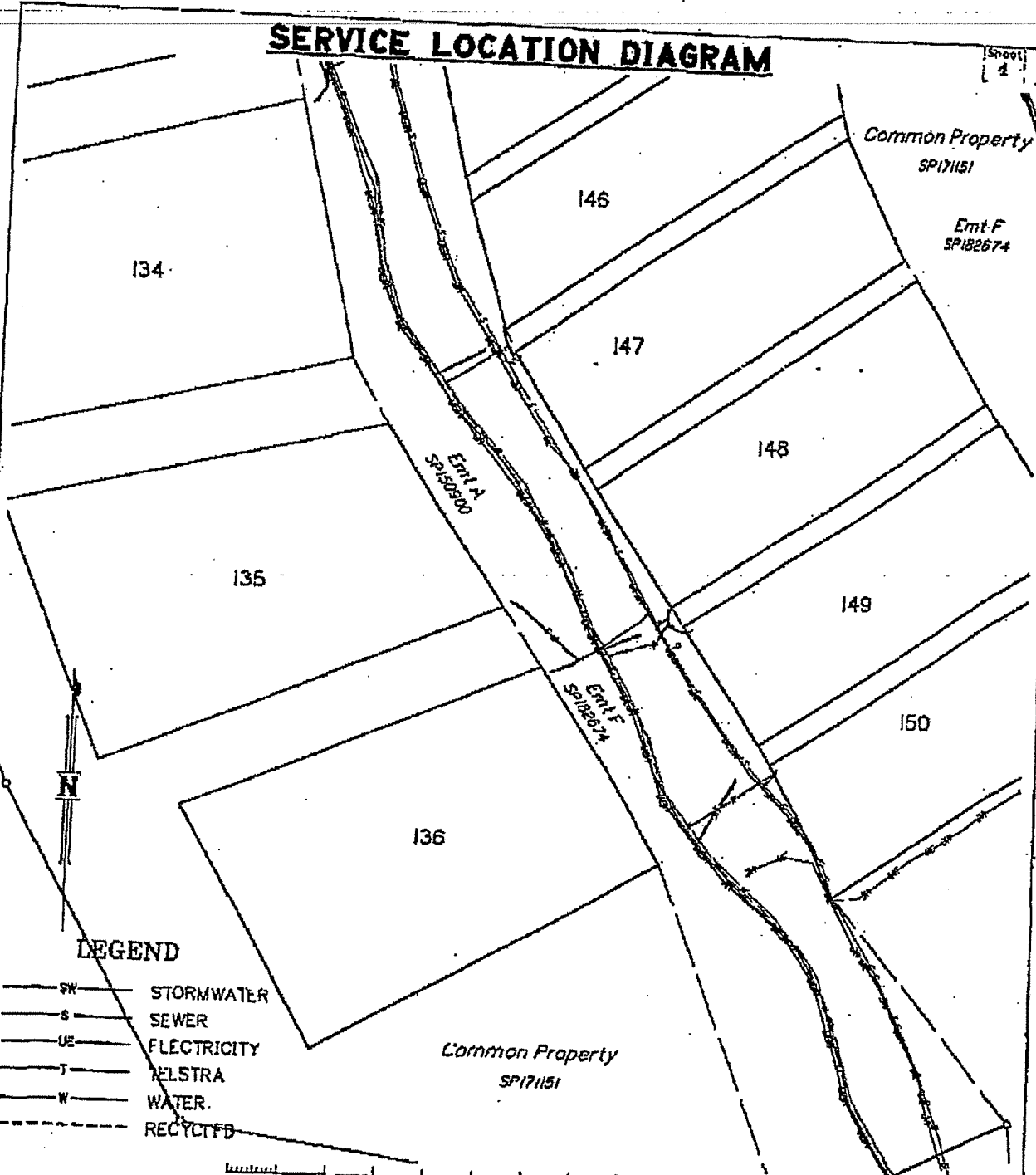
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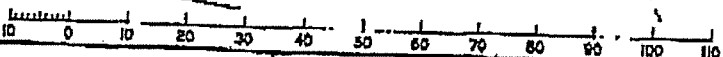
# SERVICE LOCATION DIAGRAM


Sheet 4 of 8



## LEGEND

- SW — STORMWATER
- S — SEWER
- UE — ELECTRICITY
- T — TELSTRA
- W — WATER
- - - R — RECYCLED



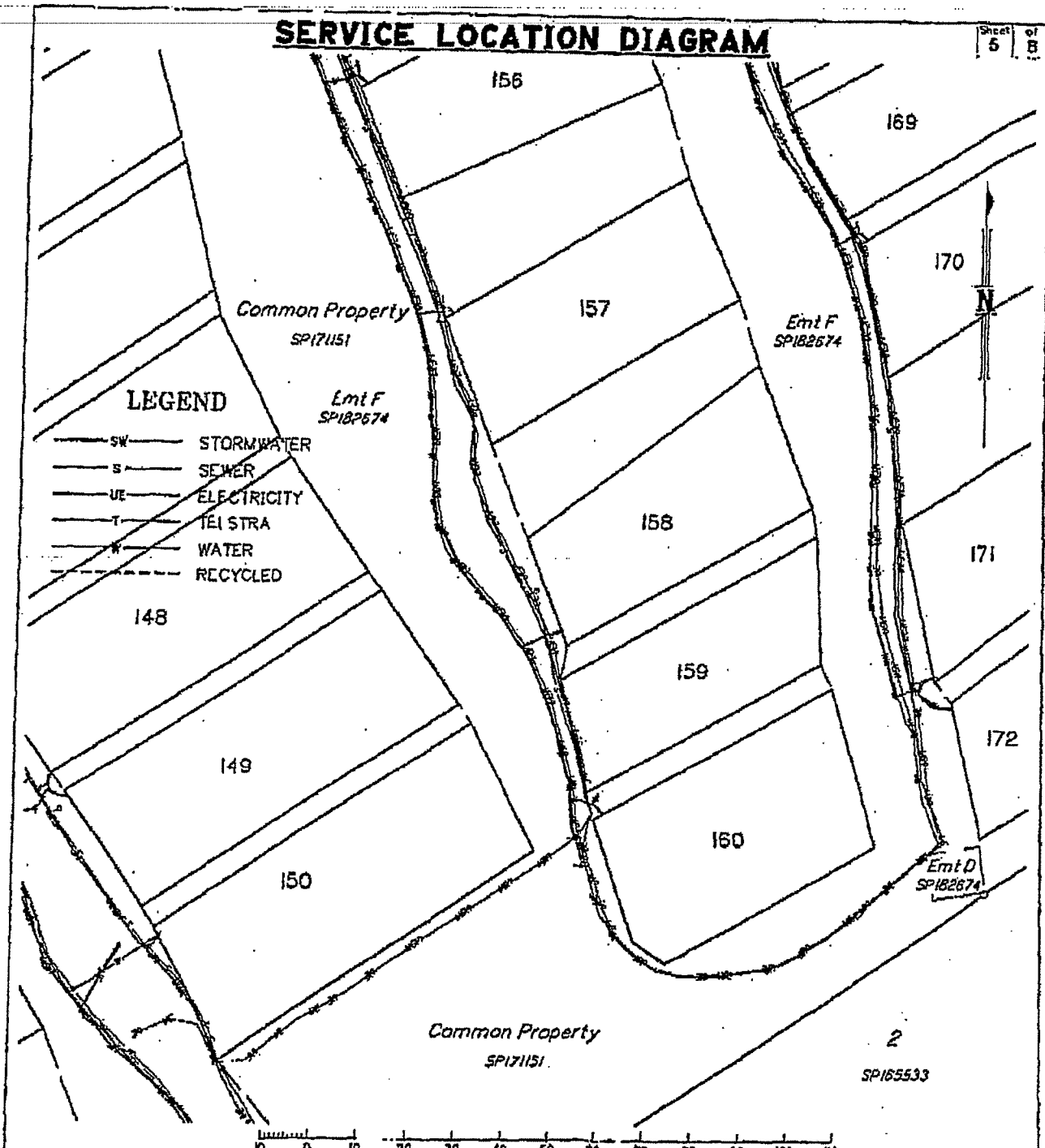
Ref. No. <b>04507</b>		 <p><b>McNEE SURVEYS</b> CONSULTING SURVEYORS AND LAND DEVELOPMENT CONSULTANTS</p> <p>A Millfield St PO Box 443 Gardenvale QLD 4610 ph (07) 49 25 120 fax (07) 49 25 172</p>	CLIENT <b>SUNRISE AT 1770</b>	SCALE <b>1:800</b>
FWK CB	DATE 12/10/2005		SKETCH PLAN OF <b>SERVICE LOCATION DIAGRAM</b> over Common Property on SPI17151	PARISH <b>UXBRIDGE</b> COUNTY <b>Ftlanders</b>
PLOTTED JMD	CHECKED			
DESIGN	APPROVED			<b>04507-2-A</b>


LOCAL AUTHORITY MIRIAM VALE SC  
MAP REF 9243-12322  
LOCALITY AGNES WATER

A

# SERVICE LOCATION DIAGRAM

Sheet 5 of 8



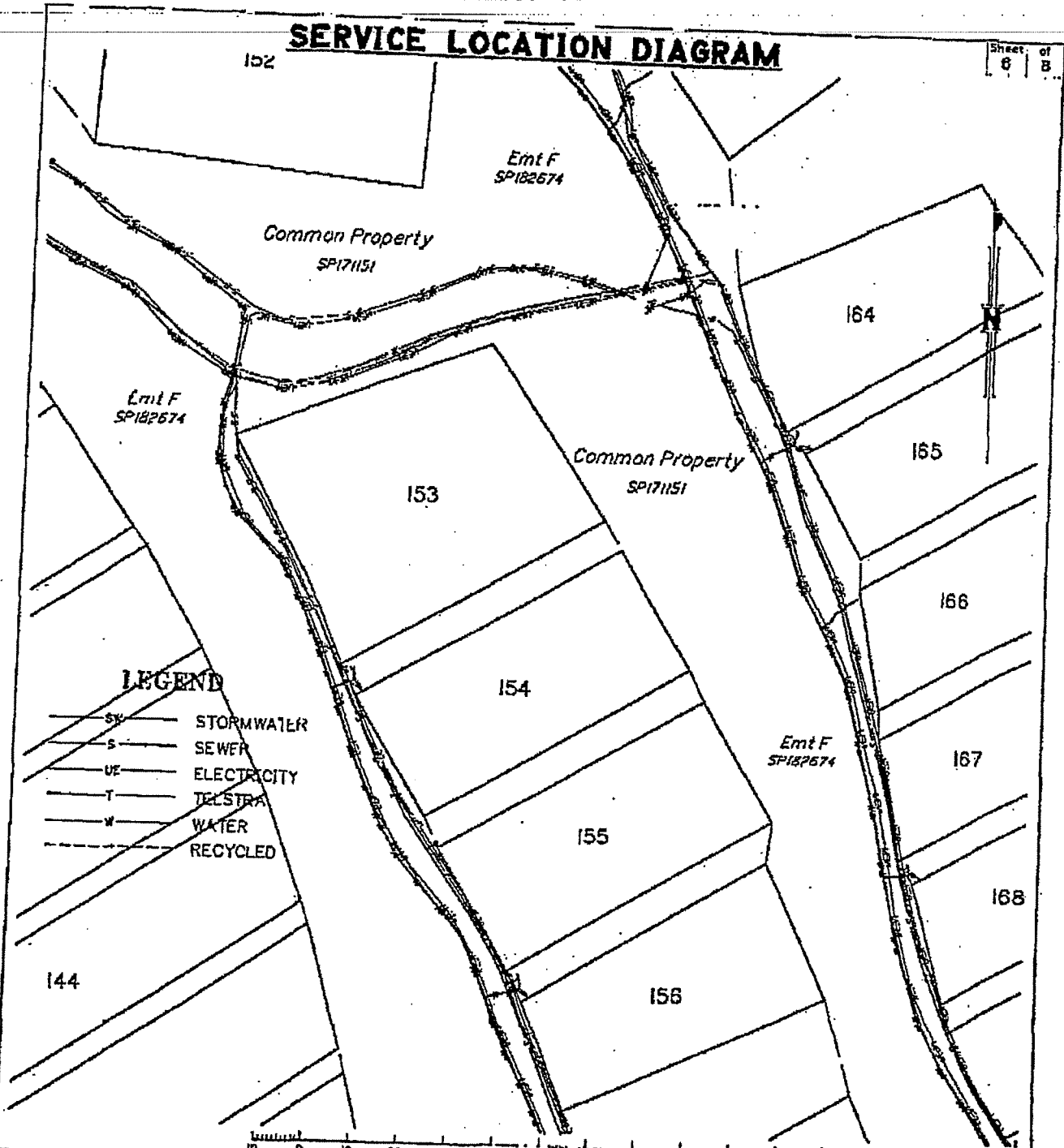
Ref. No. <b>04S07</b>		 <b>McNEE SURVEYS</b> 8 Macintosh St PO Box 448 Gladstone QLD 4680 ph (07)40723120 fax (07)40726079	CLIENT <b>SUNRISE AT 1770</b>	SCALE <b>1:800</b>
FWK CB	DATE 12/10/2005		SKETCH PLAN OF <b>SERVICE LOCATION DIAGRAM</b> over Common Property on SPI171151	PARISH <b>UXBRIDGE</b> COUNTY <b>Flinders</b>
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DESIGN	APPROVED			

CONSULTING SURVEYORS AND LAND DEVELOPMENT CONSULTANTS

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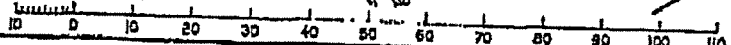
# SERVICE LOCATION DIAGRAM


Sheet of 8 B



## LEGEND

- SY — STORMWATER
- S — SEWER
- UE — ELECTRICITY
- T — TELSTRA
- W — WATER
- - - RECYCLED

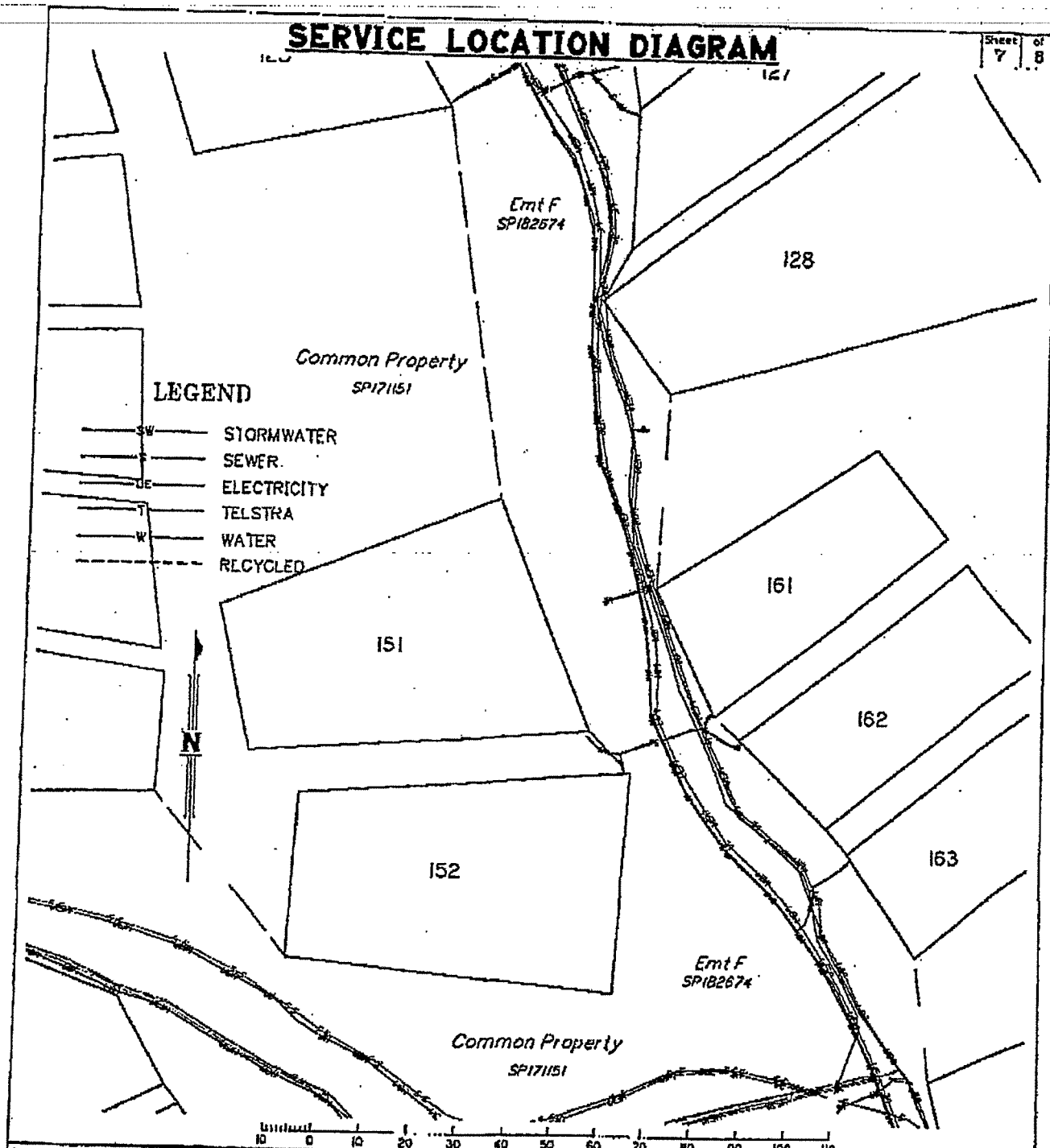



Rpt. No. <b>04507</b>		 <b>MCNEE SURVEYS</b> 8 Melton Rd PO Box 443 Ghazalee Ct Fl 458n ph (07) 43729120 fax (07) 43726079	CLIENT <b>SUNRISE AT 1770</b>	SCALE <b>1:800</b>
AWK CB	DATE 12/10/2005		SKETCH PLAN OF <b>SERVICE LOCATION DIAGRAM</b> over Common Property on SP171151	PARISH <b>UXBRIDGE</b> COUNTY <b>Plinders</b>
PLOTTED JMD	CHECKED		CONSULTING SURVEYORS AND LAND DEVELOPMENT CONSULTANTS	<b>04507-2-A</b>
DESIGN	APPROVED			

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# SERVICE LOCATION DIAGRAM

Sheet 7 of 8



Ref No <b>04507</b>		 <p>McNBB Surveys</p> <p>11 Melbourne St PO Box 445 Gladstone QD 4850 ph (07) 48729120 fax (07) 48720072</p> <p>CONSULTING SURVEYORS AND LAND DEVELOPMENT CONSULTANTS</p>	CLIENT <b>SUNRISE AT 1770</b>	SCALE <b>1:800</b>
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		CT: LOCAL AUTHORITY <b>MIRIAM VALE SC</b> MAP REF <b>9249-12322</b> LOCALITY <b>AGNES WATER</b>		

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# SERVICE LOCATION DIAGRAM

Sheet of 8 8

## LEGEND

- SW — STORMWATER
- S — SEWER
- UE — ELECTRICITY
- T — TELEPHONE
- W — WATER
- - - RECYCLED

Common Property  
SP171151

Emt F  
SP182674

122  
SP178171

138

124

125

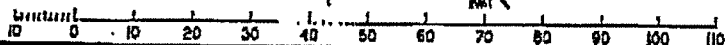
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123

127

Emt F  
SP182674

128



Ref No <b>04507</b>		 8 Millerton St PO Box 443 Cleburne QLD 4000 ph (07) 40729170 fax (07) 40729077	CLIENT <b>SUNRISE AT 1770</b>	SCALE <b>1:800</b>
FWK CB	DATE 12/10/2005		SKETCH PLAN OF <b>SERVICE LOCATION DIAGRAM</b> over Common Property on SP171151	PARISH <b>UXBRIDGE</b> COUNTY <b>Flinders</b>
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DESIGN	APPROVED			
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