## Stage 2 **Development Controls**

## **Draft Version by Mulpha Sanctuary Cove Developments** (MSCD)

Issue 7 27.8.2019

Sanctuary Cove Resort Act 1985

## SANCTUARY COVE PRINCIPAL BODY CORPORATE **BY-LAWS NOTIFICATION (NO.) 2017 TABLE OF PROVISIONS**

Section	n Page	
1.	Short title	1
2.	Commencement	1
3.	Approval	1
	Schedule	1

#### **Short Title**

This notification may be cited as the Sanctuary Cove Principal Body Corporate By-laws Notification (No.) 2018.

#### Commencement

2. This notification commenced on the day of publication in the Government Gazette.

## **Approval**

3. Pursuant to section 95 of the Sanctuary Cove Resort Act 1985, the Minister for Infrastructure and Planning approved on [ 2019, the Adjacent Site Development Control By-laws made by the Sanctuary Cove Principal Body Corporate as set out in the Schedule.

#### **SCHEDULE**

#### ADJACENT SITE DEVELOPMENT CONTROL BY-LAWS

The By-laws are arranged as follows:

PART 1	TRANSITIONAL AND DEFINITIONS
1.1 1.2 1.3 1.4	Transitional Definitions Interpretation Statement of Objectives
PART 2	BUILDING CONTROLS
2.1	Application
2.2	Principal Structures
2.3	Height controls
2.4	Site Coverage Controls
2.5	Floor Space Ratio Controls

2.6 2.7 2.8 2.9 2.10 2.11 2.12 2.13 2.14 2.15 2.16 2.17 2.18 2.19 2.20	Thoroughfare Alignment Building Line Controls Side Boundary Building Line Controls Rear Boundary Building Line Controls Parking and Driveway Controls Controlled Aspect Wall Controls Gatehouse & Pool Fence Controls Exterior Finishes and Colour Controls Tennis Courts Screened Enclosures & Roofed Shade Structures General Controls Swimming Pools Landscape Controls/Ground Level General Restrictions Security Fences
PART 3	ARCHITECTURAL REVIEW COMMITTEE
3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 3.10 3.11 3.12	Appointment of Architectural Review Committee Review of Plans and Specifications Publication of Rules, Guidelines and Codes Decisions of the PBC Meetings of the ARC No Waiver of Future Approvals Appeal Certification and Inspection of Work Non-liability of Members Variance General Provisions Notifiable Applications

## **PART 1 - TRANSITIONAL AND DEFINITIONS**

#### **TRANSITIONAL** 1.1

**GENERAL** 

Severability

Cost Recovery

Inconsistency

Precinct Plan

Runs with Land

PART 4

4 1

4.2

4.3

4.4

4.5

1.1.1 A design or development in the Residential Area which was approved by the Company or the PBC on behalf of the Company prior to the commencement of these Adjacent Site DCBLs (clause 2), continues to be a lawful design or development for so long as the relevant premises are so designed or developed notwithstanding any provision of these Adjacent Site DCBLs or amendment of these Adjacent Site DCBLs to the contrary.

1.1.2 Where an application for Approval of plans and specifications has not been decided prior to the date that these Adjacent Site DCBLs commence to apply, the PBC in deciding the application may give such weight as it considers appropriate to these Adjacent Site DCBLs.

#### 1.2 **DEFINITIONS**

In these By-laws unless the contrary intention appears:

"Act" means the Sanctuary Cove Resort Act 1985.

"Adjacent Lot" means the Lot adjacent to a Controlled Aspect Boundary, other than the Controlled Aspect Lot.

"Adjacent Site" has the same meaning as that term defined in the Act.

"Adjacent Site DCBLs" means these DCBLs applicable to Building Unit Lots, Group Title Lots, and Registered Secondary Lots within the Adjacent Site.

"Approval" means stamped plan together with any written consent, including any conditions, given by the PBC in respect of the carrying out Development.

"ARC" means the Architectural Review Committee established by the PBC.

"Architectural Attachments" means finials, metalwork, chimneys, vents and other building attachments as may from time to time be designated as such by the PBC.

"Australian Height Datum" means the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

"Authority" means any:

- government or governmental, semigovernmental or judicial entity or authority; or
- (b) minister, department, office, commission, delegate, instrumentality, agency, board, authority or organisation of any government.

"Basement" means any room which is fully enclosed and the top of the floor level above the Basement does not exceed 1.0m above the Natural Ground Level at any point.

"Batter Zone" means the constructed batter slope at time of registration above the high water mark that falls towards any lake, harbour or river'.

"BCA" or "Building Code of Australia" means the edition; current at the relevant time, of the Building Code of Australia (including the Queensland Appendix) published by the body known as the Australian Building Codes Board and includes the edition as amended from time to time by amendments published by the said Board.

"Building Certifier" has the meaning given under the Building Act 1975.

"Building Line" means a line,

- beyond which no part of a building, excluding guttering and Architectural Attachments, may be erected or may project towards any boundary without the Approval in writing of the PBC, in the case of
- i) any Rear Boundary, or

- ii) any Side Boundary for Lots with a width of less than 12.5m; and
- b) beyond which only eaves, guttering and Architectural Attachments may be erected or may project towards a boundary without the Approval in writing of the PBC, in the case of;
  - i) any Front Boundary, or
  - ii) any Side Boundary for Lots with a width of 12.5m greater than;

in these cases, eaves, guttering and Architectural Attachments may extend max.500mm beyond the Building Line.

"BUGTA" means the *Building Units and Group Titles Act 1980* (Qld).

"Building Reference Level" means the average Natural Ground Level (at the time of registration of the Lot) on the Front Boundary or on the Rear Boundary, whichever is the highest.

"Certificate of Classification" has the meaning given in the *Building Act 1975* (Qld).

"Class 10 Building" means a non-habitable building used as a private garage, carport, for storage or the like, which is separated from the Principal Structure by a minimum of 1.5metres.

A Class 10 Building may be connected to the Principal Structure by means of a roofed unenclosed link, walkway, pergola, shade or similar structure. If the connection to the Principal Structure is enclosed or if the Class 10 Building is attached to the Principal Structure, then it forms part of the Principal Structure and ceases to be a Class 10 Building.

"Common Property" means so much of a Parcel of land or building as from time to time is not comprised in any Lot.

"Company" means Mulpha Sanctuary Cove (Developments) Pty Ltd A.C.N. 098 660 318, its successors and assigns.

"Controlled Aspect Boundary" means the controlled aspect boundary of a Controlled Aspect Lot.

"Controlled Aspect Lot" or "CA" means a lot designated as such on the Plan.

"Controlled Aspect Wall" means the wall on a Controlled Aspect Boundary.

"Conventional Aspect Lot" means a lot designated as such on the Plan.

"Covered Parking Space" means a space within a fully enclosed Class 10 Building or integrated within a Principal Structure and includes a Basement provided for the purpose of garaging or storing a motor vehicle.

"DCBL" means Development Control By-laws made for Sanctuary Cove Principal Body Corporate.

"Development" is any of the following:

(a) carrying out Development Work;

(b) Reconfiguring a Lot.

"Development Work" means:

- building, altering, moving or demolishing the exterior or part of the exterior of a building or other structure; or
- (b) excavating or filling -
  - (i) for, or incidental to, the activities mentioned in paragraph (a); or
  - (ii) that may adversely affect the stability of a building or other structure, whether on the land on which the building or other structure is situated or on adjoining land; or
- (c) work regulated under the Building *Regulation* 2006 (Qld); or
- (d) installing, altering or removing any service or utility for, or incidental to, the activities mentioned in paragraph (a); or
- (e) clearing substantial vegetation on land; or
- (f) any similar or like work specified by the PBC;or
- (g) changing the external appearance of a Lot, including building or other structure.

"Executive Committee" means the executive committee of the PBC constituted under the Act.

"Family Accommodation" means any premises used or intended for use within the curtilage of a Principal Structure for occupation by:

- (a) a member or members of a Resident's Immediate Family; or
- (b) personal staff or servants necessary for the health and wellbeing of a member or members of a Resident's Immediate Family.

"Final Inspection Certificate" has the meaning given in the *Building Act 1975* (Qld).

"Floor Space Ratio" or "(FSR)" means the total floor area of all buildings and structures on a Lot, divided by the area of such Lot. For the purpose of calculation, the total floor area shall be the sum of:

- (a) the area of each Storey of all Principal Structures and enclosed Class 10 Buildings, measured to the outermost limit of the exterior walls or balustrades, but excluding any void spaces at the level of a particular Storey; and
- (b) the area of all Covered Parking Spaces at ground level on the Lot in excess of 55 square metres for each Principal Structure on the Lot measured to the outermost limit of the exterior walls; and
- (c) 50% of the area of Roof Terrace, covered balconies, covered decks, covered verandahs, covered porches, covered Porte cocheres and similar covered structures; and
- (d) 50% of the area of roofed but unenclosed Class 10 Buildings.

(e) where a Basement does not extend more than 1.0 metres above the Natural Ground Level it shall be excluded from the Floor Space Ratio.

"Front Boundary" means a boundary of a Lot that adjoins and has a frontage to a Street.

"Gatehouse" means a Class 10 Building used for the purpose of sheltering pedestrians at the point of entry, or an entry statement.

"Golf Course" means either of the two golf courses established within the Adjacent Site or the Site.

"Finished Ground Level" means, subject to the provisions specified in these By-laws for altering Natural Ground Levels, the ground level that will exist on the Lot at the conclusion of the proposed works or Landscaping on the Lot, and include the finished levels of decks, terraces or any hard and soft scaped areas.

"Group Title Plan" means a plan which-

- (a) is described in the title or heading thereto as a group titles plan; and
- (b) shows the land comprised therein as being divided into Lots and Common Property; and
- (c) complies with the requirements of section 9 of BUGTA and includes a plan of resubdivision of a Lot or Common Property or a Lot and Common Property in a group titles plan registered under the Act.

"Immediate Family" means the spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the Resident or a child, parent, grandparent, grandchild or sibling of the Resident's spouse or defacto partner.

"Initial Lots" has the same meaning as defined in the Art.

"Initial Plan of Survey" has the same meaning as defined in the Act.

"Initial Plan of Survey of the Adjacent Site" has the same meaning as defined in the Act.

"Landscape Open Space" means that area of a Lot not covered by Principal Structures, Class 10 Buildings, driveways, hardscape paths, swimming pools, tennis courts (except grass tennis courts) or similar structures. Landscape open space may consist of areas that are landscaped with trees, shrubs, grasses and other items of soft Landscaping and shall include areas of landscape over podium slabs.

"Landscaping" means the enhancement or protection of amenities on a Lot, or the locality in which a Lot is situated by any means including:

- (a) screening by fences, walls or vegetation; or
- (b) planting of trees, shrubs, ground covers or grass; or
- (c) formation of banks, terraces or other earth works; or
- (d) laying out of gardens, courts or pathways; or
- (e) construction of other amenity features.

"Laws" means the provisions of all statutes, the provisions of all rules, regulations, ordinances, bylaws, instruments and proclamations made pursuant to the authority direct or indirect of any statute and rules of common law and equity.

"Local Authority" means the Gold Coast City Council or such other local government as may from time to time have jurisdiction over the Adjacent Site.

"Lot" means a Parcel of land designated as a Lot on:

- (a) the Plan; or
- (b) a Registered Plan,

"Lot Owner" means the registered owner, or mortgagee in possession of any Lot.

"Main Street Frontage" means a Street frontage as defined and established in clause 2.6.6

"Natural Ground Level" ("NGL") for a Lot means:

- (a) the ground levels on the Lot at the time of titling.
- (b) if the ground level under (a) is not known, the ground level determined by the PBC from time to time applies.

"Notifiable Application" means an application made at the applicant's expense for Approval:

- (a) to construct more than one (1) Principal Structure on a Lot; or
- (b) which requires a variation of these By Laws pursuant to By-Law 2.3.5, 2.6.5, 2.8.1 (n), and (o), 2.9.5, 2.11.4, 2.14.3.

"Outermost Projection" means any part of a Principal Structure or Class 10 Building including roof overhangs, fascia's, columns, parapets, soffits, patios, porticos, balconies, decks exceeding 1.0 metres above the Natural Ground Level, but excluding guttering and Architectural Attachments.

"Parcel" means the land comprised in a Plan.

"PBC" means the Sanctuary Cove Principal Body Corporate constituted under the Act, and for the purposes of making decisions under, and administering, these By-laws, includes the Executive Committee.

"Plan" means the Precinct Plan.

"Precinct" means a precinct within the Adjacent Site as shown on the Precinct Plan.

"Precinct Plan" means the Precinct Plan attached in Schedule 1 to these Adjacent Site DCBLs.

"Primary Thoroughfare" means the lot or lots that comprises or together comprise the primary thoroughfare as shown at the material time on the Initial Plan of Survey and on the Initial Plan of Survey of the Adjacent Site.

"Principal Structure" means a single building designed, constructed or adapted for activities normally associated with domestic living of a maximum of one Sole-occupancy Unit or one Family Accommodation and:

- (a) includes:
  - (i) all normal interior floor areas including Basement areas; and
  - (ii) attached verandahs, decks, balconies, porches, garages and similar structures; but
- (b) excludes Class 10 Buildings.

"Reconfiguring a Lot" means:

- (a) creating Lots by subdividing another Lot; or
- (b) amalgamating 2 or more Lots; or
- (c) rearranging the boundaries of a Lot by registering a plan of subdivision; or
- (d) creating an easement giving access to a Lot from a constructed road.

"Rear Boundary" means a boundary to a Lot that;

- (a) extends from the end of a Side Boundary to the end of another Side Boundary of a Lot; and
- (b) is located on the opposite side to the Front Boundary of that Lot; and
- (c) forms a boundary to an adjoining Lot, Primary Thoroughfare, Secondary Thoroughfare or Common Area.

"Registered Plan" means a plan registered under the provisions of the Act.

"Resident" means a Lot Owner, lessee or tenant of a Lot.

"Residential Area" means the land (other than Secondary Thoroughfares) in the Residential Zones of the Adjacent Site.

"Residential Body Corporate" means a body corporate constituted under the BUGTA for a Parcel in the Adjacent Site, and when used in the context of describing a "Resident's Residential Body Corporate" means the Residential Body Corporate for the Parcel in which the particular Resident's Lot is located.

"Residential Zone" has the meaning given to that term in the Act.

"Residual Area" means the area of a Lot less the maximum Site Coverage allowed for the Lot.

"Roof Terrace" means an unroofed deck, terrace or landing constructed at roof level. Trellis, shade structures, pergolas and sails or similar structures are not permitted on a Roof Terrace unless the Roof Terrace is counted as a Storey.

"Sanctuary Cove Home Cabling Requirements" means the:

- (a) cabling standards to be applied to all new residences; and
- (b) minimum requirements for all residences to be connected to the 'fibre to the home' network,

as determined and published from time to time by or on behalf of the PBC.

"Secondary Thoroughfare" means the lots within the Residential Zones that comprise the secondary thoroughfare as shown on—

- (a) the plans of survey subdividing or resubdividing Initial Lots; and
- (b) any group titles plans subdividing or resubdividing a secondary lot; and
- (c) any group titles plans resubdividing a lot or Common Property or a lot and Common Property shown on a group titles plan.

"Side Boundary" means a boundary to a Lot that;

- (a) extends from a Front Boundary to a Rear Boundary; and
- (b) forms a boundary to an adjoining Lot, Primary Thoroughfare, Secondary Thoroughfare or Common Area.

"Site" has the same meaning as that term defined in the Act.

"Site Coverage" means the percentage ratio of the total area of all enclosed buildings and roofed structures on a Lot, measured at any level above ground and to the outermost limit of the exterior walls or where no walls exist along a line 600 mm in from the external perimeter of the roof, to the total area of that Lot. Basements less than 1.0m above ground level are excluded in calculation.

"Sole-occupancy Unit" means a room or rooms and any other part of a building for occupation by one owner, lessee, tenant or other occupier to the lawful exclusion of any other owner, lessee, tenant or other occupier.

"Storey" means:

- (a) habitable or non-habitable space within a Principal Structure or Class 10 Building which is situated between the top of one floor level and the top of the floor level next above, or if there is no floor above, the ceiling or roof above; and
- (b) a Basement which is more than 1.0 metre out of Natural Ground; and
- (c) any part of a storey where the floor of that storey does not extend to external or internal walls.

"Street" means a Primary Thoroughfare, Secondary Thoroughfare or Common Property that is reserved for use as a street, road or laneway providing vehicular access to Controlled Aspect or Conventional Aspect Lots.

"Subordinate Street Frontage" means a Street frontage as defined and established in clause 2.6.6

"Uncovered Parking Space" means a space within the Lot provided for the purpose of parking a motor vehicle.

## 1.3 INTERPRETATION

Unless the contrary intention appears:

(a) terms used in these Adjacent Site DCBLs have the same meaning as they have in the Act;

- (b) references to any instrument, policy, guideline, code, standard or document are references to the instrument, policy, guideline, code, standard or document as varied, modified or replaced, notwithstanding any change in the identity of the parties;
- (c) a reference to any Authority, associations, bodies and entities whether statutory or otherwise shall, in the event of such Authority, association, body or entity ceasing to exist or being reconstituted, replaced or the powers or functions thereof being transferred to or taken over by any other Authority, association, body or entity be deemed to refer respectively to the Authority, association, body or entity established, constituted or substituted in lieu thereof or which exercises substantially the same powers or functions in lieu thereof:
- (d) a reference to these Adjacent Site DCBLs includes all attachments and Schedules to these Adjacent Site DCBLs';
- the provisions of these Adjacent Site DCBL's apply to the extent of any inconsistency between these Adjacent Site DCBL's and any attachment to or Schedules to these Adjacent Site DCBLs;
- (f) a reference in the Adjacent Site DCBLs to a By-law is a reference to a By-law contained in the Adjacent Site DCBLs.

#### 1.4 STATEMENT OF OBJECTIVES

It is of benefit to proprietors of all Lots for these Adjacent Site DCBLs set development parameters in order to protect the character and value of the Adjacent Site as a first-class resort community.

The purpose of these Adjacent Site DCBLs is to regulate the quality of design and development within the Residential Areas by application and enforcement of the standards and design objectives listed below:

- to create a first-class resort community in terms of external design which is functional, contemporary in style and aesthetically pleasing;
- (b) to preserve and enhance natural features of the Lot;
- to ensure compatibility of scale, height and style with the Lot and its surrounding environs;
- (d) to provide appropriate level of privacy for surrounding Lots through considered placement of windows, doors, decks, screens, fences, plantings and screens;
- (e) to establish harmonious relationships between adjacent buildings, and between a Principal Structure and its frontage to Streets, Primary Thoroughfares, Secondary Thoroughfares, Common Areas, golf course or water bodies in terms of general style and use of landscape within the Site and the Adjacent Site;

(f) adhere to the codes and guidelines published in accordance with By Law 3.3.

#### **PART 2 - BUILDING CONTROLS**

#### 2.1 APPLICATION

- 2.1.1 The building controls specified in these By-laws apply to all Lots within the Adjacent Site.
- 2.1.2 The building controls specified in these By-laws apply to all Conventional Aspect Lots and Controlled Aspect Lots.
- 2.1.3 Notwithstanding anything contained in these By -laws to the contrary, these Stage 2 DCBLs do not apply to:
  - (a) Reconfiguring a Lot within the Adjacent Site by the Company or PBC; or
  - (b) infrastructure works by or on behalf of the Company which are necessary or desirable for Reconfiguring a Lot including all earthworks, landform, Landscaping, roadworks, water supply and sewerage, electricity, gas and communications; or
  - (c) Development by or on behalf of the PBC or the Company. No such Development requires an application to the PBC for or the issue of an Approval; or
  - (d) Development approved in writing by the Company, providing the written approval is issued by the Company to the Lot Owner not later than 24 calendar months after the Transfer Date.

For the purpose of this clause 2.1.3(d), the Transfer Date is the date of settlement of the sale/transfer of the Lot (the subject matter of such approved Development) by the Company to the Lot Owner.

No such Development requires an application to the PBC for or the issue of an Approval.

This clause 2.1.3 (d) applies even if the approved Development is not carried out within that 12 calendar month period.

- 2.1.4 The PBC may, subject to these By-laws:
  - (a) Approve an application for Approval without conditions; or
  - (b) Approve an application for Approval subject to such conditions as the PBC resolves; or
  - (c) Refuse to approve an application for Approval;
  - (d) Refer an application to the ARC for review and recommendation.
- 2.1.5 Applications may be made for Development where the Development comprises, in whole or part, Development of existing Development for which there is an Approval whether or not the existing Development complies or does not comply with the Approval.

#### 2.2 PRINCIPAL STRUCTURES

2.2.1 Only one Principal Structure may be erected on a

#### 2.3 **HEIGHT CONTROLS**

- 2.3.1 The maximum building height above the Building Reference Level for Principal Structures on a Lot must not exceed: -
  - (a) in Precinct 21, the lesser of 2 Storeys or 10.5 metres.
  - (b) in Precinct 22, the lesser of 2 Storeys or 8.5 metres.
  - (c) in Precinct 23, the lesser of 2 Storeys or 8.5 metres.
  - (d) in Precinct 24, the lesser of 2 Storeys or 8.5 metres.
  - (e) in Precinct 25, the lesser of 2 Storeys or 8.5 metres. The height of the Principal Structure may be increased to the lesser of 3 Storeys or 10 metres provided that any enclosed area on the top storey is less than 50m<sup>2</sup>.
  - (f) in Precinct 26, the lesser of 2 Storeys or 8.5 metres.
  - (g) in Precinct 27, the lesser of 2 Storeys or 10.5 metres.
  - (h) in Precinct 28, the lesser of 3 Storeys or 10.5 metres.
  - (i) in Precinct 30, the lesser of 2 Storeys or 8.5 metres.
  - (j) in Precinct 31, the lesser of 1.5 Storeys or 6.5 metres.
  - (k) in Precinct 32, the lesser of 2 Storeys or 8.5 metres.
  - (I) in Precinct 33, the lesser of 2 Storeys or 8.5 metres.
  - (m) in Precinct 34, the lesser of 2 Storeys or 8.5 metres.
  - (n) in Precinct 35, the lesser of 2 Storeys or 8.5 metres.
  - (o) in Precinct 36, the lesser of 2 Storeys or 8.5 metres.
  - (p) in Precinct 37, the lesser of 2 Storeys or 8.5 metres.
  - (q) in Precinct 38, the lesser of 2 Storeys or 8.5 metres.
  - (r) in Precinct 39, the lesser of 2 Storeys or 8.5 metres.
  - (s) in Precinct 40, the lesser of 2 Storeys or 8.5 metres.
  - (t) in Precinct 41, the lesser of 1 Storey or 5.5 metres.
  - (u) in Precinct 42,

- (i) at the front of the Lot, 1 Storey provided that the height of the building anywhere on the Lot cannot protrude into the airspace higher than 5.5 metres in height measured from height of the frontage of the Lot; and (ii) towards the rear of the Lot, 1 or 2 Storeys (following the slope of the Lot falling from the Lot frontage to the rear) providing that the height of the building anywhere on the Lot cannot protrude into the airspace higher than the 5.5 metres in height measured at the frontage of the Lot.
- in Precinct 43, the lesser of 2 Storey or 8.5 metres.
- (w) in Precinct 44, the lesser of 2 Storeys or 8.5 metres.
- in Precinct 45, the lesser of 2 Storeys or 8.5 (x) metres.
- in Precinct 46, the lesser of 2 Storeys or 8.5 (y) metres.
- (z) in Precinct 47, the lesser of 2 Storeys or 8.5 metres.
- in Precinct 48, the lesser of 2 Storeys or 8.5 (aa) metres.
- in Precinct 49, the lesser of 2 Storeys or 8.5 (bb)
- in Precinct 50, the lesser of 2 Storeys or 8.5 metres.
- (dd) in Precinct 51, Controlled Aspect, the lesser of 2 Storeys or 8.5 metres.
- in Precinct 52, Controlled Aspect, the lesser of 3 Storeys or 10.5 metres.
- in Precinct 53, Controlled Aspect, the lesser (ff) of 3 Storeys or 10.5 metres.
- in Precinct 54, Controlled Aspect, the lesser of 2 Storeys or 8.5 metres for a house.
- (hh) in Precinct 55, Controlled Aspect, the lesser of 3 Storeys or 10.5 metres.
- 2.3.2 The maximum building height above the Ground Level for Class 10 Buildings must be:
  - for a garage or carport, the lesser of 1 Storey or 4.5 metres above the Natural Ground Level;
  - (b) for all other Class 10 Buildings, no more than 3 metres above the Natural Ground Level, being a relaxation subject to PBC approval.
- 2.3.3 For the purpose of calculating the number of Storeys, where a half Storey is allowed above the Building Reference Level, the floor level of the first Storey directly above the Building Reference Level must be less than 1.5 metres above the Building Reference Level. In all other instances, no part of any Storey greater than the number of Storeys allowed shall project above the Building Reference Level.

- 2.3.4 No portion of any building except Architectural Attachments may project beyond the horizontal plane established as the maximum allowable building height.
- 2.3.5 Where:
  - (a) (i) the levels or depth of the Lot; or
    - (ii) the conditions of the Lot; or
    - (iii) the amenity of the locality,

make it necessary or appropriate to relax the maximum allowable building height of a Principal Structure; and

the PBC approves, in writing, the relaxation, (b)

then the maximum allowable building height of a Principal Structure will be as set out in the PBC's Approval.

2.3.6 Any finished floor levels of habitable areas must be a minimum height above flood level as specified by the Local Authority or as otherwise required by Laws, whichever is the greater.

#### **SITE COVERAGE CONTROLS**

- 2.4.1 The maximum Site Coverage must not exceed:
  - in Precinct 21 = 45%. (a)
  - (b) in Precinct 22 = 45%.
  - (c) in Precinct 23 = 45%.
  - in Precinct 24 = 45%. (d)
  - in Precinct 25 = 45%. (e)
  - in Precinct 26 = 45%. (f)
  - in Precinct 27 = 45%. (g)
  - in Precinct 28 = 45%. (h)
  - in Precinct 30 = 45%. (i)
  - in Precinct 31 = 50%. (i)
  - (k) in Precinct 32 = 50%.
  - in Precinct 33 = 45%. (I)
  - (m) in Precinct 34 = 50%.
  - (n) in Precinct 35 = 50%.
  - (o) in Precinct 36 = 50%.
  - in Precinct 37 = 45%. (p) in Precinct 38 = 45%.
  - (q)
  - in Precinct 39 = 45%. (r)
  - in Precinct 40 = 45%. (s)
  - in Precinct 41 = 50%. (t)
  - in Precinct 42 = 60%. (u)
  - in Precinct 43 = 60%. (v)
  - in Precinct 44 = 45%. (w)
  - in Precinct 45 = 50%. (x)
  - in Precinct 46 = 50%. (y)

- (z) in Precinct 47 = 60%. A relaxation may be permitted to 65% subject to the PBC's prior written approval.
- (aa) in Precinct 48 = 50%.
- (bb) in Precinct 49 = 50%.
- (cc) in Precinct 50 = 50%.
- (dd) in Precinct 51 = 75%.
- (ee) in Precinct 52 = 75%.
- (ff) in Precinct 53 = 75%.
- (gg) in Precinct 54 = 75%.
- (hh) in Precinct 55 = 75%.
- 2.4.2 Buildings on Lots may exceed the allowed Site Coverage ratio to a maximum 120% of the allowed Site Coverage ratio if there is no more than 1 Storey and the building height does not exceed 6 metres, measured from the Building Reference Level;

### 2.5 FLOOR SPACE RATIO CONTROLS

- 2.5.1 Floor Space Ratios must not exceed: -
  - (a) in Precinct 21 = 0.60.
  - (b) in Precinct 22 = 0.60.
  - (c) in Precinct 23 = 0.75.
  - (d) in Precinct 24 = 0.60.
  - (e) in Precinct 25 = 0.60.
  - (f) in Precinct 26 = 0.60.
  - (g) in Precinct 27 = 0.75.
  - (h) in Precinct 28
    - (i) Lots less than  $1000m^2 = 0.6$ .
    - (ii) Lots greater than  $1000 \text{m}^2 = 1.5$ .
  - (i) in Precinct 30 = 0.60.
  - (j) in Precinct 31 = 1.0.
  - (k) in Precinct 32 = 1.0.
  - (I) in Precinct 33 = 0.60, calculated on maximum  $1000\text{m}^2$  lot area.
  - (m) in Precinct 34 = 1.0.
  - (n) in Precinct 35 = 1.0.
  - (o) in Precinct 36 = 1.0.
  - (p) in Precinct 37 = 0.75.
  - (g) in Precinct 38 = 0.75.
  - (r) in Precinct 39 = 0.75.
  - (s) in Precinct 40 = 0.75.
  - (t) in Precinct 41 = 0.60.
  - (u) in Precinct 42 = 1.0.
  - (v) in Precinct 43 = 1.0.
  - (w) in Precinct 44 = 0.60.
  - (x) in Precinct 45 = 1.0.

- (y) in Precinct 46 = 1.0.
- (z) in Precinct 47 = 1.0.
- (aa) in Precinct 48 = 1.0.
- (bb) in Precinct 49 = 1.0.
- (cc) in Precinct 50 = 1.0.
- (dd) in Precinct 51 = 1.0.
- (ee) in Precinct 52 = 1.0.
- (ff) in Precinct 53 = 1.0.
- (gg) in Precinct 54 = 1.0.
- (hh) in Precinct 55 = 1.0.

## 2.6 FRONT BOUNDARY BUILDING LINE CONTROLS

- 2.6.1 The Building Line for a Principal Structure on a Lot is: -
  - (a) in Precinct 21 = 6m from the Front Boundary
  - (b) in Precinct 22 = 6m from the Front Boundary
  - (c) in Precinct 23 = 6m from the Front Boundary
  - (d) in Precinct 24 = 6m from the Front Boundary
  - (e) in Precinct 25 = 6m from the Front Boundary
  - (f) in Precinct 26 = 4m from the Front Boundary
  - (g) in Precinct 27 = 4m from the Front Boundary
  - (h) in Precinct 28 = 6m from the Front Boundary
  - (i) in Precinct 30 = 6m from the Front Boundary
  - (j) in Precinct 31 = 6m from the Front Boundary
  - (k) in Precinct 32 = 4m from the Front Boundary
  - (I) in Precinct 33 = 6m from the Front Boundary
  - (m) in Precinct 34 = 4m from the Front Boundary
  - (n) in Precinct 35 = 4m from the Front Boundary
  - (o) in Precinct 36 = 4m from the Front Boundary
  - (p) in Precinct 37 = 6m from the Front Boundary
  - (q) in Precinct 38 = 6m from the Front Boundary
  - (r) in Precinct 39 = 6m from the Front Boundary
  - (s) in Precinct 40 = 6m from the Front Boundary
  - (t) in Precinct 41 = 6m from the Front Boundary
  - (u) in Precinct 42 = 4m from the Front Boundary
  - (v) in Precinct 43 = 4m from the Front Boundary
  - (w) in Precinct 44 = 6m from the Front Boundary
  - (x) in Precinct 45 = 4m from the Front Boundary
  - (y) in Precinct 46 =
    - (i) Lot 1-5, 7-8, 10 = 6 metres from the Front Boundary
    - (ii) Lot 6, 11 = 5.6 metres with 6 metre average from the Front Boundary
    - (iii) Lot 9 = 4 metres from the Front Boundary

- (z) in Precinct 47 = 4m from the Front Boundary
- (aa) in Precinct 48 = 4m from the Front Boundary
- (bb) in Precinct 49 = 4m from the Front Boundary
- (cc) in Precinct 50 = 4m from the Front Boundary
- (dd) in Precinct 51= 4m from the Front Boundary
- (ee) in Precinct 52= 4m from the Front Boundary
- (ff) in Precinct 53= 4m from the Front Boundary
- (gg) in Precinct 54= 4m from the Front Boundary
- (hh) in Precinct 55=4m front the Front Boundary
- 2.6.2 The Building Line for a Class 10 Building) is: -
  - (a) In Precinct 21 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (b) In Precinct 22 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (c) In Precinct 23 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (d) In Precinct 24 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (e) In Precinct 25 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (f) In Precinct 26 = 4.0 metres from the Front Boundary except for a Gatehouse where there is no Building Line requirement.
  - (g) In Precinct 27 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (h) In Precinct 28 = 6.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (i) In Precinct 30 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (j) In Precinct 31 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (k) In Precinct 32 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
  - (I) In Precinct 33 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
  - (m) In Precinct 34 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.

- (n) In Precinct 35 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
- (o) In Precinct 36 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
- (p) In Precinct 37 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (q) In Precinct 38 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (r) In Precinct 39 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (s) In Precinct 40 = 4.0 metres from the Front Boundary except for a Gatehouse where there is no Building Line requirement.
- (t) In Precinct 41 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (u) In Precinct 42 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
- (v) In Precinct 43 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
- (w) In Precinct 44 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (x) In Precinct 45 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
- (y) In Precinct 46 = 6.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (z) In Precinct 47 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
- (aa) In Precinct 48 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (bb) In Precinct 49 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.

- (cc) In Precinct 50 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (dd) In Precinct 51 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement. 1.5 metres for a side entry garage with screen planting to frontage.
- (ee) In Precinct 52 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (ff) In Precinct 53 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- (gg) In Precinct 54 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement
- (hh) In Precinct 55 = 4.0 metres from the Front Boundary, except for a Gatehouse where there is no Building Line requirement.
- 2.6.3 If a Class 10 Building or that part of a Principal Structure used solely as a Covered Parking Space and complying with clause 2.7.4 is proposed to be located between a Side Boundary and the side boundary Building Line, and the neighbouring Lot already has a building on this same Side Boundary, then;
  - (a) the Class 10 Building or that part of a Principal Structure needs to be offset from the Street facing wall of the neighbouring structure by a minimum of 1.0 metre and be behind the Building Line; or
  - (b) the access to the Class 10 Building or that part of a Principal Structure is to be located on the side, and the front wall has to be suitably screened from the Front Boundary with Landscaping; or
  - (c) the Class 10 Building is of similar appearance as the neighbouring building, including same roof construction, height, materials and colours.
- 2.6.4 Walls facing the Front Boundary must be no longer than 10 metres in length before a step of a minimum of 1 metre, and a separation of a minimum of 2.5 metres. Walls with stepping less than 1 metre deep and 2.5 metres wide are assessed as having no step.
- 2.6.5 Where: -
  - (a)
    - (i) the levels or depth of the Lot; or
    - (ii) the condition of the Lot; or
    - (iii) the amenity of the locality,

make it necessary or expedient to relax the minimum allowable Building Line from the Front Boundary; and

(b) the PBC approves, in writing, the relaxation, then the minimum allowable Building Line

from the Front Boundary must be as set out in the PBC's approval.

2.6.6 Where a Lot has two or more Street frontages, the Lot owner can propose, and the PBC shall assign, one of the frontages with the status of the Main Street Frontage and the other, or others, the status of the Subordinate Street Frontage for frontages. The Main Street Frontage shall comply with the Building Line controls stipulated in Parts 2.6.1 (a) to (gg). For the Subordinate Street Frontage, the distance of a Building Line of a Principal Structure to the Lot boundary shall be a minimum of 2.5m, unless noted otherwise on the precinct map.

### 2.7 **SIDE BOUNDARY BUILDING LINE CONTROLS**

- 2.7.1 For a Principal Structure on a Conventional Aspect Lot the minimum distance from a Side Boundary of the Lot to the Building Line is: -
  - (a) for Principal Structures not exceeding 4.5 metres above Natural Ground Level (at the time of registration), 1.5 metres; or
    - (i) for Principal Structures over 4.5 metres but not exceeding 7.5 metres above Natural Ground Level (at the time of registration), 2 metres; or
    - (ii) for Principal Structures exceeding 7.5 metres above Natural Ground Level (at the time of registration), 2 metres plus 0.5 metres for every 3 metres or part thereof by which the Principal Structure exceeds 7.5 metres above Natural Ground Level (at the time of registration).
  - (b) In the case of a Principal Structure which is erected so that its length is stepped, this Bylaw 2.7.1 must apply as if each step of the Principal Structure were a separate building.
- 2.7.2 For a Principal Structure on a Controlled Aspect Lot on the controlled aspect boundary in Precinct 45,46,48,49,50,51, 52, 53, 54 and 55: -
  - (a) the Principal Structure may be built to the Controlled Aspect Boundary and if not sited on the Controlled Aspect Boundary must be a minimum of 1.0m from the Controlled Aspect Boundary at the ground floor. The upper floor may be built at any setback from the Controlled Aspect Boundary; and
  - (b) the Controlled Aspect Wall must: -
    - (i) have no openings; and
    - (ii) be constructed of rendered masonry or brick with a minimum fire resistance rating in compliance with the BCA; and
    - (iii) a 2.0-metre-high built-to-boundary wall must be erected in the no-build area.
    - (iv) be no longer than 12 metres in one length. Walls adding to longer than 12 metres must have a 6sqm no build area with a minimum 1.5m dimension except in Precinct 52, 8934-8955 The Point Circuit where this bylaw will not apply.

- (c) any part of a Principal Structure excluding a Class 10 building that is within 2.0m of the zero-lot side boundary must be not more than 2 levels and maximum height of 7.5m above natural ground;
- (d) any windows facing a Controlled Aspect Lot must be 75% screened or the sill height must be above 1500mm above the floor; and
- (e) no part of the Principal Structure is permitted to project onto the Adjoining Lot whether the projection is above, at or below Ground Level.
- 2.7.3 The minimum distance from the Outermost Projection of the Principal Structure on a Controlled Aspect Lot, to the Side Boundary opposite the Controlled Aspect Boundary of the Lot: -

(a)

- (i) for Principal Structures not exceeding 4.5 metres above Natural Ground Level (at the time of registration), 1.5 metres; or
- (ii) for Principal Structures over 4.5 metres but not exceeding 7.5 metres above Natural Ground Level (at the time of registration), 2.0 metres; or
- (iii) for Principal Structures exceeding 7.5 metres above Natural Ground Level (at the time of registration), 2.5 metres plus 0.5 metres for every 3 metres or part thereof by which the Principal Structures exceeds 7.5 metres above Natural Ground Level (at the time of registration).
- (iv) Where the average width of the Lot is less than 12m then roofs, hoods and shading devices may encroach the minimum side boundary setbacks by a maximum of 500mm.
- (b) In the case of a Principal Structure which is erected so that its length is stepped, this By Law 2.7.3 must apply as if each step of the Principal Structure was a separate building.
- 2.7.4 The minimum distance of a Building Line to a Side Boundary for any Class 10 Building or part of a Principal Structure used solely as a garage (and not to be of any habitable use) is 1.5 metres.
  - (a) A Class 10 Building (garage) or part of a Class 1 building used solely as a garage (and not to be of any habitable use) may be built within 1.5 metres of a Side Boundary and cannot exceed 4.5m in height. Any Class 10 Building within 1.5 metres of the boundary;
    - (i) must have no openings on the wall facing the Side Boundary;
    - (ii) must have a maximum total length of up to 9 metres;
    - (iii) must have no neighbouring buildings within 1.5 metres of the same Side Boundary, unless the front of the neighbouring building that is within 1.5

- metres of the boundary is sited offset 1 metre from the proposed building; and
- (iv) The applicant must provide details of the location of neighbouring properties when applying to build within 1.5m of the common boundary.
- (b) All other Class 10 Buildings must be setback a minimum of 1.5 metres from a Side Boundary and not attached to the Principal Structure.
- 2.7.5 Walls facing a Side Boundary must not exceed in length;
  - (a) in Precinct 21, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (b) in Precinct 22, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (c) in Precinct 23, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (d) in Precinct 24, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (e) in Precinct 25, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (f) in Precinct 26, 12 metres in before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (g) in Precinct 27, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (h) in Precinct 28, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
  - (i) in Precinct 30, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.

- (j) in Precinct 31, 12 metres before a minimum 0.5 metre step occurs and a separation of a minimum of 3 metres in length. Walls with stepping less than 0.5 metres deep and 3 metres wide are assessed as having no step.
- (k) in Precinct 32, 12 metres before a minimum 0.5 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 0.5 metres deep and 3 metres wide are assessed as having no step.
- (I) in Precinct 33, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (m) in Precinct 34, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 2.5 metres in length occurs. Walls with stepping less than 1 metre deep and 2.5 metres wide are assessed as having no step.
- (n) in Precinct 35, 12 metres before a minimum 0.5 metre step occurs and a separation of a minimum of 2.5 metres in length occurs. Walls with stepping less than 0.5 metres deep and 2.5 metres wide are assessed as having no step.
- (o) in Precinct 36, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 1 metre deep and 3 metres wide are assessed as having no step.
- (p) in Precinct 37, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (q) in Precinct 38, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (r) in Precinct 39, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (s) in Precinct 40, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (t) in Precinct 41, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (u) in Precinct 42, 12 metres before a minimum 0.5 metre step occurs and a separation of a

- minimum of 3 metres in length occurs. Walls with stepping less than 0.5 metres deep and 3 metres wide are assessed as having no step.
- (v) in Precinct 43, 12 metres before a minimum 0.5 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 0.5 metres deep and 3 metres wide are assessed as having no step.
- (w) in Precinct 44, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (x) in Precinct 45, 16 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (y) in Precinct 46, 22 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (z) in Precinct 47, 12 metres before a minimum 0.5 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 0.5 metres deep and 3 metres wide are assessed as having no step.
- (aa) in Precinct 48, 12 metres before a minimum 0.5 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (bb) in Precinct 49, 16 metres before a minimum 1 metre step occurs and a separation of a minimum of 5 metres in length occurs. Walls with stepping less than 1 metre deep and 5 metres wide are assessed as having no step.
- (cc) in Precinct 50, 16 metres before a minimum 1 metre step occurs and a separation of a minimum of 2.5 metres in length occurs. Walls with stepping less than 1 metre deep and 2.5 metres wide are assessed as having no step.
- (dd) in Precinct 51, 12 metres before a minimum 1.0 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 1 metre deep and 3 metres wide are assessed as having no step.
- (ee) in Precinct 52, 22 metres before a minimum 1 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 1 metre deep and 3 metres wide are assessed as having no step.
- (ff) in Precinct 53, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls

- with stepping less than 1 metre deep and 3 metres wide are assessed as having no step.
- (gg) in Precinct 54, 16 metres before a minimum 1 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 1 metre deep and 3 metres wide are assessed as having no step.
- (hh) in Precinct 55, 12 metres before a minimum 1 metre step occurs and a separation of a minimum of 3 metres in length occurs. Walls with stepping less than 1 metre deep and 3 metres wide are assessed as having no step.

#### 2.8 REAR BOUNDARY BUILDING LINE CONTROLS

- 2.8.1 The minimum rear Building Line for any Principal Structure, or Class 10 Building, on a Lot is;
  - (a) in Precinct 21, 6 metres from the Rear Boundary.
  - (b) in Precinct 22, 6 metres from Rear Boundary.
  - (c) in Precinct 23, 6 metres from the Rear Boundary.
  - (d) in Precinct 24, 6 metres from the Rear Boundary.
  - (e) in Precinct 25, 10 metres from the Rear Boundary.
  - (f) in Precinct 26, 6 metres from the Rear Boundary.
  - (g) in Precinct 27, 6 metres from the Rear Boundary.
  - (h) in Precinct 28, 6 metres from the Rear Boundary.
  - (i) in Precinct 29, 6 metres from the Rear Boundary.
  - (j) in Precinct 30, 10 metres from the Rear Boundary.
  - (k) in Precinct 31, 6 metres from the Rear Boundary.
  - (I) In Precinct 32, 6m from the Rear Boundary.
    - (i) Relaxations may be permitted to 4 metres for 50% of the width of the lot provided sufficient articulation is applied to the Principal Structure, and the average rear Building Line is a minimum of 6 metres from the Rear Boundary.
  - (m) in Precinct 33, 6 metres from the Rear Boundary.
  - (n) in Precinct 34, 6 metres from the Rear Boundary,
    - (i) Relaxations may be permitted to 4 metres for 50% of the width of the Lot provided sufficient articulation is applied to the Principal Structure, and the average rear Building Line is a minimum of 6 metres from the Rear Boundary.
  - (o) in Precinct 35, 6 metres from the Rear Boundary,

- (i) Relaxations may be permitted to 4 metres for 50% of the width of the lot provided sufficient articulation is applied to the Principal Structure, and the average rear Building Line is a minimum of 6 metres from the Rear Boundary.
- (p) in Precinct 36, 6 metres from the Rear Boundary,
  - (i) Relaxations may be permitted to 4 metres for 50% of the width of the lot provided sufficient articulation is applied to the Principal Structure, and the average rear Building Line is a minimum of 6 metres from the Rear Boundary
- (q) in Precinct 37, 8 metres from the Rear Boundary.
- (r) in Precinct 38, 8 metres from the Rear Boundary.
- (s) in Precinct 39, 8 metres from the Rear Boundary.
- (t) in Precinct 40, 8 metres from the Rear Boundary.
- (u) in Precinct 41, 8 metres from the Rear Boundary.
- (v) in Precinct 42, 4 metres from the Rear Boundary.
- (w) in Precinct 43, 4 metres from the Rear Boundary.
- (x) in Precinct 44,
  - (i) Banksia Lakes Drive Lots 1-16, 2 metres from the Rear Boundary.
  - (ii) Banksia Lakes Drive Lots 18-38, 5 metres from the Rear Boundary.
  - (iii) Banksia Lakes Drive Lot 17, 2 metres from the Rear Boundary to The Pines Golf Course frontage, 5 metres from the Rear Boundary to The Palms Golf Course frontage.
- (y) in Precinct 45, 6 metres from the Rear Boundary.
- (z) in Precinct 46,
  - (i) Lots 1-4, 8-11, and 8 metres from the Rear Boundary.
  - (ii) Lots 5-7, 6 metres from the Rear Boundary.
- (aa) in Precinct 47, 4 metres from the Rear Boundary.
- (bb) in Precinct 48, 4 metres from the rear boundary to 50% with remaining 50% of width to be 6 metres from the Rear Boundary.
- (cc) in Precinct 49, 6 metres from the Rear Boundary.
- (dd) in Precinct 50, 4 metres from the rear boundary to 50% with remaining 50% of

- width to be 6 metres from the Rear Boundary.
- (ee) in Precinct 51, 4 metres from the Rear Boundary.
- (ff) in Precinct 52, in Precinct 52, 4 metres from the Rear Boundary.
- (gg) in Precinct 53, 6 metres from the Rear Boundary.
- (hh) in Precinct 54, 6 metres from the Rear Boundary, except for 8820-8825 and 8956-8962 which can be 4m to the principle structure and 2m to a roofed shade structure.
  - (ii) in Precinct 55, 6 metres from the Rear Boundary.
- 2.8.2 Walls facing a Rear Boundary must not exceed 10 metres in length before a minimum 1.5 metre step occurs and a separation of a minimum of 5 metres in length, unless covered by an outdoor roofed area (not enclosed) with minimum dimension of 1.5 metres by 5 metres. Walls with stepping less than 1.5 metres deep and 5 metres wide are assessed as having no step.

#### 2.9 PARKING AND DRIVEWAY CONTROLS

- 2.9.1 Each Conventional Aspect Lot must have the following number of car spaces: 2 Covered Parking Spaces and 2 Uncovered Parking Spaces.
- 2.9.2 All Uncovered Parking Spaces must be constructed with good quality masonry or concrete, brick pavers, or tiles and be constructed with first class workmanship and finish.
- 2.9.3 (a) The Lot Owner must construct a driveway with good quality masonry, exposed aggregate (excluding plain concrete), concrete, brick pavers, or tiles and be constructed with first class non-slip finish between the Street kerb line and the fence or boundary line of that Lot.
  - (b) The Street kerb may be modified to provide a lay back only with the approval in writing of the PBC.
  - (c) Any sewer or stormwater access hole or turning point must be flush mounted in the driveway.
- 2.9.4 For Conventional Aspect Lots the maximum number of driveways between the Street kerb and the Street Front Boundary of a Lot is;
  - (a) one driveway with a maximum width of 7m or;
  - (b) two driveways with a maximum width of 3.5m

The width of a driveway or driveways, to a Lot shall not exceed 50% of the width of the Street Front Boundary of that Lot

- 2.9.5 In relation to Conventional Aspect Lots where:
  - (a)

- (i) the levels or depths of the Lot; or
- (ii) the conditions of the Lot; or
- (iii) the amenity of the locality

make it necessary or appropriate to relax the location of the un-covered visitor parking; and

(b) the PBC approves, in writing, the relaxation,

then the maximum number and width of driveways between the Street Front Boundary and the kerb line for Conventional Aspect Lots must be as set out in the PBC's Approval.

- 2.9.6 Parking spaces must comply with the dimensional requirements;
  - (a) for a single Uncovered Parking Space, 5 metres long by 2.6 metres wide internally.
  - (b) for a single open carport, 6 metres long by 3 metres wide internally.
  - (c) for a double open carport, 6 metres long by 6 metres wide internally.
  - (d) for a single Covered Parking Space, 6 metres long by 3 metres wide internally.
  - (e) for a double Covered Parking Space, 6 metres long by 5.7 metres wide internally.

#### 2.10 CONTROLLED ASPECT WALL CONTROLS

- 2.10.1 The Lot Owner of a Controlled Aspect Lot (for the purpose of this By-law 2.10, referred to as "Owner A") must finish the Adjacent Lot side of the Controlled Aspect Wall compatible with the Principal Structure on their Lot. Owner A must ensure and maintain the structural soundness and waterproofing of their Controlled Aspect Wall.
- 2.10.2 If the Lot Owner of an Adjacent Lot (for the purpose of this By-law 2.10, referred to as "Owner B") chooses to finish the side of the Controlled Aspect Wall facing their Lot with material and colour that is compatible with their Principal Structure, they must first submit to the Owner A, a plan showing the proposed material and colour and how the finish is to be applied to the Controlled Aspect Wall so that is does not adversely affect the structural soundness or waterproofing of the wall and;
  - (a) must maintain the finish of the Controlled Aspect Wall facing his/her Lot so as not to adversely affect the structural soundness or waterproofing of the walls; and
  - (b) must not affix anything to the Controlled Aspect Wall facing his/her Lot.

Owner B's request must not be unreasonably refused by Owner A.

- 2.10.3 Where a Controlled Aspect Wall abuts a Common Area, the painting, finish and maintenance of both sides of that wall is the responsibility of Owner A.
- 2.10.4 For Controlled Aspect Lots, the finished floor level of the building abutting the Controlled Aspect Boundary must be a minimum of 0.23 metres and a

maximum of 1.0 metre above the Natural Ground Level at any point in the boundary.

#### 2.11 GATEHOUSE & POOL FENCE CONTROLS

- 2.11.1 Gatehouses located adjacent to a Front Boundary must be constructed:
  - (a) to a maximum height of 3.5 metres above Natural Ground Level; and
  - (b) must be wholly contained within the lot;
  - of either rendered masonry or brick with a first-class finish and may include panels or sections of open metalwork construction; and
  - (d) to maximum dimensions of 3 metres wide by 3 metres in length or 4 metres x 4 metres maximum if used as a buggy park; and
  - (e) with walls that are no higher than adjacent fences; and
  - (f) to match the materials and style of the Principal Structure.
- 2.11.2 Swimming pools and spa's must be fenced in accordance with the requirements of the applicable Laws. Lot Owners with swimming pools must procure and maintain any certificate required by the applicable Laws (e.g. a Pool Safety Certificate).
- 2.11.3 Existing or new fences, Gatehouses and gates that:
  - (a) abut or face a Front Boundary, Common Area or Golf Course; or

must not be altered nor the fence-line changed, nor altered or re-created closer to a Street than where the existing fence is located, without the Approval of the PBC.

- 2.11.4 No existing:
  - (a) fence may be altered; or
  - (b) fence line re-created,

closer to a Street than where the existing fence is located, except as approved by the PBC and only as set out in the PBC's Approval.

## 2.12 EXTERIOR FINISHES AND COLOUR CONTROLS

- 2.12.1 Exteriors of Principal Structures and Class 10 Buildings must be finished in any, or a combination, of:
  - (a) glazing; or
  - (b) face masonry; or
  - (c) stone; or
  - (d) rendered masonry; or
  - (e) timber; or other lightweight material as approved by the PBC from time to time; or
  - (f) applied monolithic fine-textured finish; or
  - (g) off form concrete; or
  - (h) copper or zinc cladding; or

- (i) any other high-quality material or finish as approved by the PBC from time to time.
- 2.12.2 Exterior finishes of Principal Structures, Class 10 Buildings and fences must be within the specified colour range and be of light subdued tones or white to muted mid earth tones. Vibrant primary colours may be permitted in small areas if approved by the PBC.
- 2.12.3 Fascia boards, trim and exposed metalwork must be:
  - (a) painted or stained timber; or
  - (b) painted or powder coated metal; or
  - (c) high quality metal such as stainless steel, copper or zinc.
- 2.12.4 Fascia boards, trim and exposed metal work must be finished in a colour which is colour co-ordinated with the Principal Structure and be within the specified range of colours as determined by the PBC from time to time.
- 2.12.5 Principal Structures and Class 10 Buildings must be roofed in any, or a combination of:
  - (a) finished metal; or
  - (b) clay or concrete tiles; or
  - (c) waterproof concrete slab.
- 2.12.6 Roofed shade structures must not be roofed in straw, thatch or other similar materials.
- 2.12.7 A resident must not fit any windows with mirrored glass or coat any windows with aluminium foil, reflected films, or similar material, unless approved by the PBC.
- 2.12.8 The provisions in respect of initial finishing and subsequent maintenance of Controlled Aspect Walls set out in By-laws 2.10.1 and 2.10.2 apply to any wall of a Principal Structure or Class 10 Building, or fence constructed within the side alignment of a Conventional Aspect Lot.

### 2.13 **TENNIS COURTS**

- 2.13.1 The perimeter fencing of a tennis court must not be closer than 3.0 metres to any Lot boundary for full size tennis courts and 2.0 metres to any Lot boundary for half size tennis courts. The setback area must be densely planted with shrubs and other vegetation so as to prohibit the use of a wall on an adjoining Lot as a rebound wall.
- 2.13.2 Approval must be obtained from Local Authority for any tennis court as required by Laws, which must also comply with the applicable Local Authority code or minimum requirements for construction of tennis courts.

# 2.14 SCREENED ENCLOSURES AND ROOFED SHADE STRUCTURES

2.14.1 Where exterior amenity areas, such as (though not limited to) pools and courtyards, are screened enclosures:

- (a) the materials and design used for the screens must be compatible with the materials and design of the Principal Structure; and
- (b) attached to the Principal Structure, they must be considered as part of the Principal Structure for Building Line control purposes; and
- (c) detached from the Principal Structure, they must be considered as Class 10 Buildings for the purpose of establishing Building Line controls and separation from the Principal Structure; and
- (d) 50% of the area of the screened enclosures is to be included in the calculation of the maximum Floor Space Ratio for the Lot.
- 2.14.2 In relation to roofed shade structures: -
  - a roofed shade structure or pavilion without any walls may be erected between the rear Building Line and the Rear Boundary of a Lot; and
  - (b) no part of the structure may be closer than 1.5 metres to the Rear Boundary; and
  - (c) the area of this structure must not be included in the landscape area calculation; and
  - (d) all shade structures must have a 1.5 metre separation to the Principal Structure; and
  - (e) shade structures must not exceed 3.5 metres above the Natural Ground Level; and
  - (f) the Side Boundary clearances must not be less than the Principal Structure Side Building Line, and
  - (g) the area covered by roof must not exceed 20m².
- 2.14.3 The Lot Owner may erect or attach a screened enclosure which does not satisfy the requirements of By-law 2.14.1 and 2.14.2 if:
  - (a) the amenity of adjoining Lot Owners is not adversely affected by the screened enclosure; and
  - (b) the screened enclosure is adequately screened from view of adjoining Lots, and Primary Thoroughfare, Secondary Thoroughfare or Common Property by soft Landscaping; and
  - (c) the Lot Owner's Residential Body Corporate consent by way of an adopted design standard; and
  - (d) the PBC approves, in writing, the screened enclosure.

## 2.15 LANDSCAPE CONTROLS/GROUND LEVEL

2.15.1 Landscaping must not unreasonably interfere with the amenity of other Lots or Residential Common Areas. Such amenity includes, but is not limited to, views, access to natural light, privacy, absence of

- intrusive noise, absence of glare and access to significant natural features.
- 2.15.2 Lot Owners are responsible for the provision and maintenance of Landscaping on their Lots. Lots must be landscaped outside any structures.
- 2.15.3 Screens and shading structures must be coloured and finished in the same manner as is required for the Principal Structure.

#### 2.15.4

- (a) The Ground Level of any Lot must not be raised or lowered from the Natural Ground Level by more than 0.5 metres within 1.5 metres of any boundary or by more than 1.5 metres for the remainder of the Lot. Where Lots abut a Controlled Aspect Wall the level of the ground adjacent to that wall must be no higher than 0.23 metres below the finished floor level to the adjoining building,
- (b) Where the Ground Level is varied pursuant to By-law 2.17.4(a), the resulting cut and fill areas must be either retained by walls or other structures or contoured and Landscaped such that the land is structurally stable and not subject to erosion.
- (c) Retaining walls or other devices used to alter the Natural Ground Levels must not exceed a maximum of 1.0 metre in height.
- (d) The void below a deck and/or similar structure must be screened.
- (e) Retaining walls or other devices used to alter the Natural Ground Levels must be constructed of high quality workmanship and good finish.
- (f) The PBC may relax these controls on Ground Levels, if warranted by the topography with the Lot, on application by the owner of a Lot.
- 2.15.5 The area of Landscape Open Space for any Lot must not be less than 30% of the Residual Area.
- 2.15.6 Lot Owners must not plant or keep on, and must remove from a Lot any tree or plant species which is a declared noxious weed or is not permitted as it is not on the list of trees and plant species that can be planted in Residential Areas under By Law 3.3(d).

#### 2.16 FENCES

### 2.16.1 Side fences;

(a) in Precinct 21, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.

- (b) in Precinct 22, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
- (c) in Precinct 23, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
- (d) in Precinct 24, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
- (e) in Precinct 25, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (f) in Precinct 26, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
- (g) in Precinct 27, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2

- metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
- (h) in Precinct 28, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2.0 metres above the ground level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
- (i) in Precinct 30, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (j) in Precinct 31, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (k) in Precinct 32, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (I) in Precinct 33, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (m) in Precinct 34, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (n) in Precinct 35, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (o) in Precinct 36, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (p) in Precinct 37, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully

- rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (q) in Precinct 38, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (r) in Precinct 39, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (s) in Precinct 40, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (t) in Precinct 41, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (u) in Precinct 42, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (v) in Precinct 43, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (w) in Precinct 44, must be constructed from first class cladding materials or composite structure clad with monolithic finish or fully rendered tilt-up / precast concrete fence panels. Side fence height is to be a maximum of 2.0 metres above the ground level at the time of tilting.
- (x) in Precinct 45, must be constructed from fully rendered blockwork or fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2.0metres above the Ground Level at the time of tilting and must not extend in front of the Principal Structure. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall in

- Precinct 46, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2metres above the ground level at the time of tilting.
- (y) in Precinct 47, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (z) in Precinct 48, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting.
- (aa) in Precinct 49, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting and must not extend in front of the Principal Structure. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
- (bb) in Precinct 50, must be constructed from either fully rendered blockwork of fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2 metres above the ground level at the time of tilting. Fence within 6m of waterfront/lake to be no more than 1.2 metres in height and of black metal pool fence type contained within a landscape hedge.
- (cc) in Precinct 51, must be constructed from fully rendered blockwork or fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2.0 metres above the Ground Level at the time of tilting
- (dd) in Precinct 52, must be constructed from fully rendered blockwork or fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2.0 metres above the Ground Level at the time of tilting. Side fences within 1.2 metres of the Rear Boundary must be 1.2 metre high fully rendered blockwork or fully rendered tilt-up / precast concrete fence panels.
- (ee) in Precinct 53, must be constructed from fully rendered blockwork or fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2.0 metres above the Ground Level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall

- (ff) in Precinct 54, must be constructed from fully rendered blockwork or fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2.0 metres above the Ground Level at the time of tilting
- (gg) in Precinct 55, must be constructed from fully rendered blockwork or fully rendered tilt-up / precast concrete fence panels. Side fence to be a maximum of 2.0 metres above the Ground Level at the time of tilting. Side fences within 6m of the Rear Boundary must be 1.2 metres high black powder coated flat top style pool fence and must be contained within a landscape hedge. Must not be attached to a revetment wall.
  - (ii) fences within the Batter Zone must comply with the requirements for flood mitigation as defined by the Local Authority and such other relevant Authority that holds jurisdiction over this subject matter.

#### 2.16.2 Front Fences;

The Precinct front fences shall be as follows:

- (a) in Precinct 21, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb.
- (b) in Precinct 22, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (c) in Precinct 23, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (d) in Precinct 24, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (e) in Precinct 25, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the

- Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (f) in Precinct 26, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (g) in Precinct 27, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (h) in Precinct 28, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (i) in Precinct 30, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (j) in Precinct 31, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap

- between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
- (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (k) in Precinct 32, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (I) in Precinct 33, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (m) in Precinct 34, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (n) in Precinct 35, must be constructed from fully rendered;
  - 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels

- (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
- (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (o) in Precinct 36, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (p) in Precinct 37, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (q) in Precinct 38, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (r) in Precinct 39, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (s) in Precinct 40, must be constructed from fully rendered masonry or brick of a first-class finish to a height of 2 metres above the

- Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (t) in Precinct 41, must be constructed from fully rendered masonry or brick of a first-class finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.
- (u) in Precinct 42, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (v) in Precinct 43, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (w) in Precinct 44, must be constructed from fully rendered masonry or brick of a firstclass finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level. Front fences must be constructed no closer than 2.5 metres to back of kerb line.

- (x) in Precinct 45, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (y) in Precinct 46, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (z) in Precinct 47, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (aa) in Precinct 48, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels

- (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
- (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (bb) in Precinct 49, must be constructed from fully rendered;
  - 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (cc) in Precinct 50, must be constructed from fully rendered;
  - 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (dd) in Precinct 51, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be

- fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
- (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (ee) in Precinct 52, 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels to a maximum of 50% of the frontage;
  - (i) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed to a maximum of 50% of the frontage
  - (ff) in Precinct 53, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (gg) in Precinct 54, must be constructed from fully rendered;
  - (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels
  - (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
  - (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.
- (hh) in Precinct 55, must be constructed from fully rendered;

- (i) 2.0-metre-high masonry piers of minimum 400mm x 400mm size with metal infill panels.
- (ii) 1.8-metre-high blockwork or tilt-up / precast fence with alternative panels articulated 1.0 metres apart with a maximum panel length of 3.6 metres and minimum overlap of 200mm. Gap between articulated panels may only be fenced in black pool fencing. Recessed fence panel must have 1.0-metre-wide planting bed.
- (iii) 1.8-metre-high blockwork or tilt-up / precast fence panels with a minimum 20% opening in solid fence area, excluding gates.

Other fences that the PBC determines are appropriate materials and colours and compatible with the above stipulations may be approved by the PBC.

#### 2.16.3 Rear fences;

Where a Lot's Rear Boundary abuts another Lot's Rear Boundary, a 2.0m high rendered block work or tilt up fence must be constructed, subject to the following:

- (a) in Precinct 21, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (b) in Precinct 22, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (c) in Precinct 23, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (d) in Precinct 24, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (e) in Precinct 25, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (f) in Precinct 26, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (g) in Precinct 27, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.

- (h) in Precinct 28, must be constructed from Semi-frameless toughened clear glass fence panels with;
  - Glass panels 1200mm high with polished top edge, and;
  - (ii) Black powder coated posts 900mm high, and;
  - (iii) Must not be attached to the revetment wall.
- in Precinct 30, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (j) in Precinct 31, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (k) in Precinct 32, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (I) in Precinct 33, must be constructed from fully rendered masonry or brick of a first-class finish to a height of 2 metres above the Ground Level. Panels or sections of open metalwork may be included provided the masonry or brick component is at least 400mm high above Natural Ground Level.
- (m) in Precinct 34, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (n) in Precinct 35, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (o) in Precinct 36, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (p) in Precinct 37, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (q) in Precinct 38, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (r) in Precinct 39, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black

- powder coated aluminium fence screened by planting.
- (s) in Precinct 40, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (t) in Precinct 41, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (u) in Precinct 42, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (v) in Precinct 43, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (w) in Precinct 44, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (x) in Precinct 45, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (y) in Precinct 46, must be constructed from Semi-frameless toughened clear glass fence panels with;
- (z) in Precinct 47, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (aa) in Precinct 48, must be constructed from Semi-frameless toughened clear glass fence panels with;
  - Glass panels 1200mm high with polished top edge, and;
  - (ii) Black powder coated posts 900mm high,
  - (iii) Must not be attached to the revetment wall.
- (bb) in Precinct 49, must be constructed from Semi-frameless toughened clear glass fence panels with;
  - Glass panels 1200mm high with polished top edge, and;
  - (ii) Black powder coated posts 900mm high, and;

- (iii) Must not be attached to the revetment wall.
- (cc) in Precinct 50, must be constructed from 1.2-metre-high black powder coated flat top pool fence or equal 'Flat Top' style black powder coated aluminium fence screened by planting.
- (dd) in Precinct 51, must be constructed from;
  - (i) 1.2-metre-high or equal 'Flat Top' style black powder coated aluminium fence where it abuts a Secondary Thoroughfare; (ii) 2.0-metre-high tilt-up fence where it abuts an adjoining Lot.
- (ee) in Precinct 52, must be constructed from
  - (i) 1.2-metre-high 'Flat Top' style black powder coated aluminium fence screened by planting; or
  - (ii) Semi-frameless toughened clear glass fence panels with;
    - (i) Glass panels 1200mm high with polished top edge; and
    - (ii) Black powder coated posts 900mm high, and;
    - (iii) must not be attached to the revetment wall.
- (ff) in Precinct 53, must be constructed from Semi-frameless toughened clear glass fence panels with;
  - (i) Glass panels 1200mm high with polished top edge; and
  - (ii) Black powder coated posts 900mm high, and;
  - (iii) must not be attached to the revetment wall.
- (gg) in Precinct 54, must be constructed from 1.2-metre-high 'Flat Top' style black powder coated aluminium fence screened by planting or 2.0m tilt-up fence.
  - (i) 1.2-metre-high or equal 'Flat Top' style black powder coated aluminium fence where it abuts a Secondary Thoroughfare;(ii) 2.0-metre-high tilt-up fence where it abuts an adjoining Lot.
- (hh) in Precinct 55, must be constructed from semi-frameless toughened clear glass fence panels with;
  - (i) Glass panels 1200mm high with polished top edge, and;
  - (ii) Black powder coated posts 900mm high, and;
  - (iii) must not be attached to the revetment wall.

### 2.17 SWIMMING POOLS

2.17.1 Swimming pools and spa's as measured to the water's edge must be: -

- (a) no closer than 1.5 metres to a Side or Rear Boundary; and
- (b) no closer than 2.5 metres to a Lot boundary which abuts a body of water.
- 2.17.2 Swimming pools which abut the Coomera River are subject to compliance with the swimming pool Laws of the Local Authority or such other Authority as may have jurisdiction in the siting and design of these structures.
- 2.17.3 Independant spa's and spa's where separate from pool must be:-
  - (a) no closer than 750mm to any boundary.
  - (b) not more than 500mm above NGL if within 1.5m of any boundary.
- 2.17.4 Swimming pool and spa equipment such as filter pump motors must: -
  - (a) comply with requirements of the Local Authority and all Laws; and
  - (b) be sufficiently screened and not visible from any Primary Thoroughfare, Secondary Thoroughfare, Common Areas, golf course, body of water or neighbouring Lots; and
  - (c) must be located within 5 metres of the pool surrounds; and
  - (d) must be as far away from an adjoining lot as possible and not be within 2 metres of a boundary of an adjoining lot unless acoustically treated; and
  - (e) must be adequately sound insulated; and
  - (f) pool filters must be suitably enclosed.
- 2.17.5 Any balustrade or swimming pool fencing facing a Primary Thoroughfare, Secondary Thoroughfare, and Common Areas and located on a structure more than 1.0m above Natural Ground Level shall be made predominantly of glass. The maximum height from the Natural Ground Level to the top of the balustrade must not exceed 2.4 metres.

## 2.18 **SECURITY**

- 2.18.1 Each Principal Structure must have a fire and security system connected and compatible to the integrated on-site monitoring system. The Principal Structure's system must include:
  - (a) connection to an active telephone line at all times; and
  - (b) motion detectors; and
  - (c) duress facility; and
  - (d) smoke and heat detectors.
- 2.18.2 The Principal Structure's system referred to in Bylaw 2.18.1 must be maintained, updated and replaced as necessary to comply with and be compatible to the integrated on-site monitoring system.
- 2.18.3 Cards, transmitters and similar devices for residential gate access must be compatible with the Site's present electronic access facility.

2.18.4 Electronic opening devices fitted to the Lots and all openers, transmitters and like devices must be passed (on the transfer of the Lot) from one Lot Owner to another.

#### 2.19 **GENERAL CONDITIONS**

- 2.19.1 All external meters and services must be fully screened or enclosed where visual. External meters and services to be colour matched to the Principal Structure.
- 2.19.2 The Lot Owner must provide an area for all (minimum of 2) wheeled garbage containers that is fully screened or enclosed and that is directly accessible from the Street Front Boundary and is no more than 12.0 metres from the Street Front Boundary.
- 2.19.3 All exterior finishes, Landscaping and light fittings must be of good quality and design.
- 2.19.4 The Lot Owner must provide address numbers which:
  - (a) are of first class quality and design; and
  - (b) are located so as to be clearly visible from the adjoining Street front boundary; and
  - (c) are externally illuminated at night by reflected light; and
  - (d) comply with the following requirements:
    - (i) be of a minimum 100mm and a maximum 200mm in height; and
    - (ii) be made of brass or other similar metal; and
    - (iii) not be painted.
- 2.19.5 The Lot Owner must provide a letter box complying with Australia Post regulations and located so as to be accessible from the adjacent Street Front Boundary.
- 2.19.6 Any deck or Roof Terrace constructed at roof level must only be accessed from within the Principal Structure and must be no closer than 2.5 metres to the side and rear walls of the Principal Structure.
- 2.19.7 The following provisions apply in relation to wharves, pontoons and jetties:
  - (a) all wharves, pontoons and jetties must be constructed to first class standards utilising designs approved, in writing, by such Authority as may have jurisdiction in the siting and design of these structures ('Jetty Authority"); and
  - (b) the wharf, jetty or pontoon and gang plank (including a 1.5m x 0.75m maximum size concrete fixing pad) must be designed by a competent person such that it is independent of and does not apply structural load to the revetment wall or edge structure; and
  - (c) covered or enclosed structures are not permitted on any wharf, pontoon or jetty; and

- (d) all wharves, pontoons and jetties are not to exceed the width prescribed from time to time by the Local Authority or Jetty Authority; and
- the length of the jetty or wharf must not exceed the dimensions prescribed from time to time by the Local Authority or Jetty Authority; and
- (f) removal and reinstatement of wharf, jetty or pontoon and gang plank components including fixing pad that may be required to carry out maintenance or repairs to the revetment wall shall be the Lot Owner's responsibility and at the Lot Owners cost.
- 2.19.8 The following provisions apply in relation to construction within the Batter Zone:
  - (a) the Lot Owner must secure a building permit in accordance with the BCA; and
  - (b) the Lot Owner must secure certification from a Geotechnical Engineer / Civil Engineer that the integrity of the Batter Zone and the revetment wall will not be compromised; and
  - (c) the volumetric building capacity of the Batter Zone must not be diminished; and
  - (d) any exposed unfinished surfaces must not be visible from the water or neighbouring Lots; and
  - (e) engineering Approval is required for any penetrations through or fixings to the revetment wall; and
  - (f) excluding approved open pool type fencing on the Side Boundary and approved pontoon anchors, nothing must be built within 1.5 metres of a revetment wall (loose finishes such as stepping stones are permitted).
- 2.19.9 Boatsheds and boat ramps are not permitted on any water body within the Residential Zone.
- 2.19.10 In respect of Basements,
  - any portion of a Basement that is fully underground must be no closer than 500mm to any Boundary;
  - (b) ramps to a Basement must not exceed 40% of the width of the Lot, or 6 metres (whichever is less).
- 2.19.11 Any construction within 6 metres of a boundary abutting:
  - (a) a retaining wall must be accompanied by a certification from a registered structural engineer confirming that construction will have no adverse effect on the retaining wall and its footings and foundation material; or
  - (b) a revetment wall must be accompanied by a certification from a registered structural engineer confirming that construction will have no adverse effect on the revetment wall and its footings and foundation material.

- 2.19.12 In relation to solar panels (unless not visible from the Street): -
  - (a) solar panels must be low profile and flush to the roof;
  - (b) frame colours must blend with the roof colours.
- 2.19.13 In relation to solar heating drums:
  - the heating drum colours must blend with the colours of the roof; and
  - (b) brand names must be no larger than 100mm; and
  - (c) the heating drums must to be screened from the Street or not placed on the roof.
- 2.19.14 Nothing in By-law 2.15.13 or 2.15.14 shall be construed to operate to prevent or restrict the installation of solar panels or solar heating drums (as the case may be) where the effect of such By-law is to minimise potential adverse effects on the external appearance of the building and/or to prevent unreasonable interference with a person's use and enjoyment of the building or another building.
- 2.19.15 In Precinct 32 and Precinct 42 the average height of the top of the gutter must be a minimum of 2.1 metres above the Building Reference Level.

#### 2.20 GENERAL RESTRICTIONS

- 2.20.1 A Lot Owner must not, unless:
  - (a) the Lot Owner's Residential Body Corporate consents; and
  - (b) the PBC approves, in writing,

do any of the following:

- (1) erect any external blinds or awnings; or
- (2) fit any windows with mirrored glass or coat any windows with aluminium foil, reflected films, or similar material provided that this By-law will not operate to prevent the fitting of any energy efficient window if the window to be used or the treatment minimises potential adverse effects on the external building and does not unreasonably prevent or interfere with a person's use and enjoyment of the building or another building; or
- (3) provide on his/her Lot, clothes-drying facilities that are visible from another Lot, body of water, Primary Thoroughfares, Secondary Thoroughfares, Common Areas or Golf Course; or
- (4) erect any sign or billboard of any kind on the
- 2.20.2 No Class 10 Building shall be erected on a Lot that does not also have constructed on it one Principal Structure.
- 2.20.3 All improvements constructed on a Lot must comply with the Sanctuary Cove Home Cabling Requirements in place from time to time.

#### **PART 3 - ARCHITECTURAL REVIEW COMMITTEE**

## 3.1 APPOINTMENT OF ARCHITECTURAL REVIEW COMMITTEE

- 3.1.1 Pursuant to section 50 of the Act, the PBC has established the ARC to advise and make recommendations to the PBC on applications for Approval of plans and specifications under the Stage 1 DCBLs and Adjacent Site. The ARC will also advise and make recommendations to the PBC on applications for Approval of plans and specifications under these Adjacent Site DCBLs.
- 3.1.2 Members of the ARC must disclose any conflict of interest that its member(s) may have in considering an application.
- 3.1.3 The PBC may pass on to a Lot Owner the PBC's cost of engaging a design professional or other advisor to assist the PBC, or the ARC, to determine compliance with the Adjacent Site DCBLs. Any amount payable by an applicant may be recovered as a liquidated debt in a court of competent jurisdiction.

#### 3.2 REVIEW OF PLANS AND SPECIFICATIONS

- 3.2.1 The PBC must consider all applications for Approval having regard to the requirements of these Adjacent Site DCBLs.
- 3.2.2 No Development which requires Approval under these Adjacent Site DCBLs can be commenced on any Lot in the Residential Area until:
  - (a) plans and specifications showing the Development including, if applicable, the nature, kind, shape, height, width, colour, material and location of the proposed construction, alteration or improvements together with relevant Landscaping and security details and calculations determining compliance with these Adjacent Site DCBLs for:
    - (i) Site Coverage;
    - (ii) Floor Space Ratio;
    - (iii) Landscape Open Space;
    - (iv) Building Reference Level and maximum building height (By-law 2.3) relevant to the Australian Height Datum;
    - (v) Sanctuary Cove Home Cabling Requirements;
    - (vi) Landscaping;
    - (vii) Private mooring quay lines and specifications; and
    - (viii) A volumetric capacity calculation of the batter zone for any lot adjacent to a water body.

have been submitted to the PBC together with independent evidence that the Development will comply with the applicable fire safety standards; and

- (b) the PBC has issued an Approval for those plans and specifications; and
- (c) the PBC has served the applicant with written notice of its Approval; and
- (d) a copy of the plans, drawings, specifications and other documents and information (which comply with the Approval) lodged by the applicant with the Building Certifier, stamped approved or otherwise endorsed by the Building Certifier has been submitted to the PBC; and
- (e) all assessment fees payable to the PBC pursuant to these By-laws have been paid; and
- (f) a building approval number has been issued by the PBC to the applicant.

### 3.2.3 The ARC must:

- (a) when any plans and specifications are referred to it by the PBC in respect of Development, consider whether those plans and specifications comply with these Adjacent Site DCBLs; and
- (b) make recommendations to the PBC, on plans and specifications referred to the ARC in respect of Development; and
- (c) perform such other duties as it may consider reasonably necessary and as may be requested of it by the PBC (including the inspection of construction in progress to ensure conformity with plans approved by the PBC).
- 3.2.4 Plans and specifications submitted to the PBC for its Approval under these Adjacent Site DCBLs must be fully detailed including in the case of building work floor plans, site plans, drainage plans, landscape plans, elevation drawings, security layout plans and descriptions or samples of exterior materials and colours and compliance with the Sanctuary Cove Home Cabling Requirements.
- 3.2.5 The address for submission of plans and specifications for Approval of the PBC is the address for service of the PBC as defined in the Act or such other address as may be fixed from time to time by resolution of the PBC.
- 3.2.6 The ARC's recommendation to the PBC on plans and specifications referred to the ARC under these Adjacent Site DCBLs must be based on the matters set forth in these DCBLs.
- 3.2.7 The ARC may recommend that the PBC impose a condition on an Approval of an application, that:
  - additional plans and specifications or such other information as recommended, be submitted; or
  - (b) changes be made to the plans and specifications, provided those changes are consistent with the *Building Act 1975* (Qld), the *Building Regulation 2006* (Qld) and these By-laws; or

- (c) the proposed construction or alteration be completed within a reasonable time specified in the recommended condition which cannot be greater than 18 months.
- 3.2.8 Plans and specifications referred to the ARC for review must meet the standards of the relevant statutory requirements.
- 3.2.9 Notwithstanding anything contained in these Adjacent Site DCBLs to the contrary, the applicant shall ensure that the buildings, structures and other works submitted for Approval to the PBC shall also comply with all applicable Laws. Any Approval is not to be taken that the Development complies with all applicable Laws.

## 3.3 PUBLICATION OF RULES, GUIDELINES AND CODES

The PBC may from time to time publish rules, guidelines and codes, and variations of previously published rules, guidelines and codes, not inconsistent with these Adjacent Site DCBLs, dealing with:

- (a) procedures and requirements for the submission of plans and specifications, for Approval; and
- a scale of fees payable, upon an application for Approval, to the PBC or the PBC's consultants; and
- (c) a list of tree and plant species that can be planted in the Residential Area; and
- (d) a set of rules governing construction activities in the Residential Area, which may include but not be limited to working hours, parking, noise, waste storage and removal, fencing, hoardings and scaffolding, signage, environment and erosion control; and
- (e) any procedure or requirements relevant to the administration of these By-laws.

### 3.4 **DECISIONS OF THE ARC**

- 3.4.1 A recommendation of the ARC and the reasons for that recommendation must be given by the ARC to the PBC within 30 days after receipt of all details required by the ARC to make its recommendations.
- 3.4.2 The ARC will be deemed to recommend approval of an application unless within 30 days after receipt of the application, or where additional information is requested by the ARC, within 30 days of receipt of additional information by the ARC:
  - the ARC requests, from the applicant, additional information or details of materials proposed to be used; or
  - (b) the ARC sends to the PBC its recommendation to refuse the application.

#### 3.5 MEETINGS OF THE ARC

3.5.1 The ARC may meet from time to time (as necessary) to perform its duties under these DCBLs.

- 3.5.2 Three members of the ARC will constitute a guorum.
- 3.5.3 At any meeting at which a quorum of the ARC is present, the decision by a majority of ARC members voting on a particular matter, will be the decision of the ARC.
- 3.5.4 If there is an equality of votes, in addition to the Chairperson's ordinary vote, the ARC's chairperson has a casting vote.
- 3.5.5 The ARC may by an unanimously adopted resolution in writing, designate one or more of its members to investigate or perform any duties for and on behalf of the ARC, and report that person's finding to the ARC.

#### 3.5 NO WAIVER OF FUTURE APPROVALS

Where the PBC approves or imposes conditions on any proposals, plans and specifications, or drawings for any work done (or proposed) in connection with any other matter requiring the Approval of the PBC that Approval or condition shall be deemed not to constitute a waiver of any right of the PBC to withhold its Approval or consent to any similar proposals, plans and specifications, drawings or other matter whatsoever subsequently or additionally submitted for Approval.

#### 3.6 APPEAL

- 3.6.1 Where plans and specifications submitted to the PBC are not unconditionally Approved, the Lot Owner making the submission may appeal in writing to the PBC, provided the written appeal (and the grounds for the appeal) are received within 45 days after notice of the PBC's decision on the application is sent to the applicant.
- 3.6.2 The PBC may submit any appeal against its decision, to the ARC for review, and request the ARC's written recommendations for the PBC.
- 3.6.3 Within 60 days after receiving a request for appeal, the PBC must notify its written Approval or disapproval of the application. Where the PBC fails to notify its decision within that 60-day period, the decision shall be deemed to be a decision in favour of the Lot Owner.

### 3.7 **CERTIFICATION AND INSPECTION OF WORK**

- 3.7.1 Inspection of work and correction of any defects in respect of Development Works which require Approval under these Adjacent Site DCBLs must proceed as follows:
  - (a) on completion and before occupancy of any Development Works the Lot Owner must (as applicable to the works):
    - (i) give written notice of completion of the Development Works to the PBC (or, if so resolved by the PBC, the ARC); and
    - (ii) provide to the PBC certification from a lawfully qualified certifier that the home cabling meets the Sanctuary Cove Home Cabling Requirements; and

- (iii) provide to the PBC a copy of the Final Inspection Certificate or Certificate of Classification (as the case may be) for the Development Works; and
- (iv) provide certification by the Building Certifier that the Development Works have been completed in accordance with the Approval, noting, where applicable, any variation or non-compliance with that Approval; and
- (v) without limiting By-law 3.8.1(a) (iv), provide evidence satisfactory to the PBC that:
  - the security has been completed and commissioned, so that it is fully functional, in accordance with the Approval; and
  - (2) the Landscaping has been completed substantially in accordance with the plans approved in the Approval.
- within 30 days after receiving notice of (b) completion of the Development Works or within 30 days after the time limit for completing the Development Works has expired, whichever is the earlier to occur, the PBC (or, if so resolved by the PBC, the ARC) by its duly authorised representative, will inspect the Development Works. If the PBC finds that the Development Works have not been completed in compliance with the Approval, the PBC may notify the Lot Owner in writing of such non-compliance within the 30-day inspection period, specifying the particulars of the non-compliance and requiring the Lot Owner to remedy the noncompliance; and
- (c) if the Lot Owner fails, within 30 days from the date the PBC gives the Lot Owner a notice of non-compliance, to remedy the non-compliance, then the PBC may, at its option, peacefully remove the non-complying Development Works or otherwise peacefully remedy the non-compliance and the Lot Owner must reimburse the PBC upon demand, for the PBC's expenses incurred in connection with removing or remedying the non-compliance.
- 3.7.2 By-laws 3.8.3, 3.8.4, 3.8.5 and 3.8.6 apply notwithstanding By-law 3.8.1.
- 3.7.3 A Lot Owner must cease all Development Works where the Lot Owner is given written notice (detailing the extent of the non-compliance) from the PBC, expressed to be given under this By-law that the Development Works do not comply with the Approval or any one or more of these Adjacent Site DCBLs in whole or part.
- 3.7.4 A Lot Owner, having received written notice from the PBC under By-law 3.8.3, must not re-commence Development Works, exclusive of any works

- required to rectify the non-compliance detailed in the written notice given under By-law 3.8.3.
- 3.7.5 If the Lot Owner fails within 30 days from the date the PBC gives the Lot Owner written notice under By-law 3.8.3 to remedy the non-compliance, then the PBC may, at its option, peaceably enter the premises to remove the non-complying works or otherwise peaceably remedy the non-compliance and the Lot Owner must reimburse the PBC upon demand for the PBC's expenses incurred in connection with removing or remedying the non-compliance.
- 3.7.6 The PBC may follow the procedure detailed in Bylaws 3.8.3 to 3.8.6 on multiple occasions and in respect of the same non-compliance without restriction.
- 3.7.7 The PBC may:
  - (a) refuse any request to connect a service to any Lot; or
  - (b) disconnect any service to any Lot,

where there has been non-compliance with these DCBLs.

#### 3.8 **NON-LIABILITY OF MEMBERS**

- 3.8.1 Neither:
  - (a) the ARC or any member of it; nor
  - (b) the PBC or its duly authorised representatives,

shall be liable to any Lot Owner for any loss, damage or injury arising out of or in any way connected with the performance of the PBC's or the ARC's obligations under these Adjacent Site DCBLs, unless that arises out of the wilful misconduct or bad faith of the PBC or ARC as the case may be.

- 3.8.2 Neither the ARC nor the PBC are responsible for reviewing, nor will any Approval of any plan or design be deemed Approval of any plans or design for the purposes of:
  - (a) structural safety approval; nor
  - (b) conformity with all Laws.

#### 3.9 **VARIANCE**

- 3.9.1 Subject to the provision of By-law 3.10.2 the PBC may not approve any Development unless it fully complies with these By-laws, except where the PBC approves a relaxation under By-laws 2.3.5, 2.6.5, 2.7.5, 2.8.1 (n), and (o), 2.9.5, 2.11.4, 2.14.3. The PBC may permit the non-compliance of an application within Adjacent Site DCBLs at the request in writing of a Lot Owner of the PBC provided the non-compliance is of a minor nature in accordance with section 96 of the Act.
- 3.9.2 Where the PBC authorises non-compliance with any of these By-laws, the authorisation applies only to the extent specified in writing by the PBC, and it will not affect in any way the Lot Owner's obligation to comply with all Laws and regulations, including but not limited to requirements imposed by the Local

Authority, affecting the Lot Owner's use of the Lot and any improvements on the Lot.

#### 3.10 GENERAL PROVISIONS

- 3.10.1 The establishment of the ARC and the procedures for architectural or other Approvals must not be construed as changing any rights or restrictions on Lot Owner to maintain, repair or alter the Lot Owner's Principal Structure (and other improvements on the Lot Owner's Lot) as may otherwise be specified in Laws and regulations binding Lot Owner, including but not limited to requirements imposed by the Local Authority.
- 3.10.2 The ARC may refuse to consider any application where, in its opinion, the construction, alteration or addition:
  - (a) would adversely affect the amenity or the likely amenity of the neighbourhood or adjoining Lots; or
  - (b) would result in the aesthetics of the building or other structures not being in keeping with the character of the neighbourhood or adjoining Lot(s)
- 3.10.3 Any Approval given by the PBC pursuant to these Development Control By Laws for the Adjacent Site will lapse and be void unless there has been substantial completion of approved Development Works within 18 months of the date of the Approval. In the case of an Approval for a building, substantial completion means completion of:
  - (a) construction of the floor slab and footings;and
  - (b) the erection of external walls and wall finishes; and
  - (c) the installation of roof framing and sheeting; and
  - (d) the Landscaping.
- 3.10.4 The Lot Owner must ensure that the Lot
  - (a) is maintained in a neat and tidy manner; and
  - (b) has a covered food scrap receptacle; and
  - (c) is kept free from pests and vermin; and
  - (d) does not pond water; and
  - (e) does not have stacked or cut vegetation or soil; and
  - (f) has approved security fences; and
  - (g) has an approved construction rubble strip; and
  - (h) has an approved silt barrier; and
  - (i) has an approved single-entry point to any Residential Zone Common Areas;

Any of the above can be rectified by the PBC at the Lot Owners cost.

## 3.11 **NOTIFIABLE APPLICATIONS**

3.11.1 In respect of Notifiable Applications, the PBC must:

- (a) place a notice on the Lot the subject of the application; and
- (b) give notice to the Lot Owners of all land adjoining the Lot the subject of the application,

indicating that an application for Approval has been lodged with the PBC.

- 3.11.2 The notice placed on the Lot must remain on the Lot for at least 21 days. Each notice given to the Lot Owners of land adjoining the Lot must be given at or about the same time as the notice is placed on the Lot.
- 3.11.3 For the purpose of By-law 3.12.1(b), roads, land below the high-water mark and the beds of banks of rivers are to be taken not to be adjoining land.

#### **PART 4 - GENERAL**

#### 4.1 **SEVERABILITY**

The provisions of these By-laws shall as far as possible, be construed as severable provisions to the intent that where any such provision would, but for this By-law, be invalid or unenforceable, then the remaining provisions of these By-laws shall nevertheless be valid and enforceable.

#### 4.2 **COST RECOVERY**

- 4.2.1 A person must pay (on demand) the whole of the PBC's costs, charges and expenses (including legal costs on a full indemnity basis or solicitor and own client basis, whichever is the higher) incurred in:
  - (a) enforcing these By-laws against; or
  - (b) recovering levies, fees or other costs payable by,

that person through litigation or other lawful means.

4.2.2 Any amount payable under By-law 4.2.1 may be recovered against that person as a liquidated debt in a court of competent jurisdiction.

#### 4.3 RUNS WITH LAND

An Approval attaches to the land the subject of the application, and binds the Lot Owner, the Lot Owner's successors in title and any occupier of the land.

### 4.4 **INCONSISTENCY**

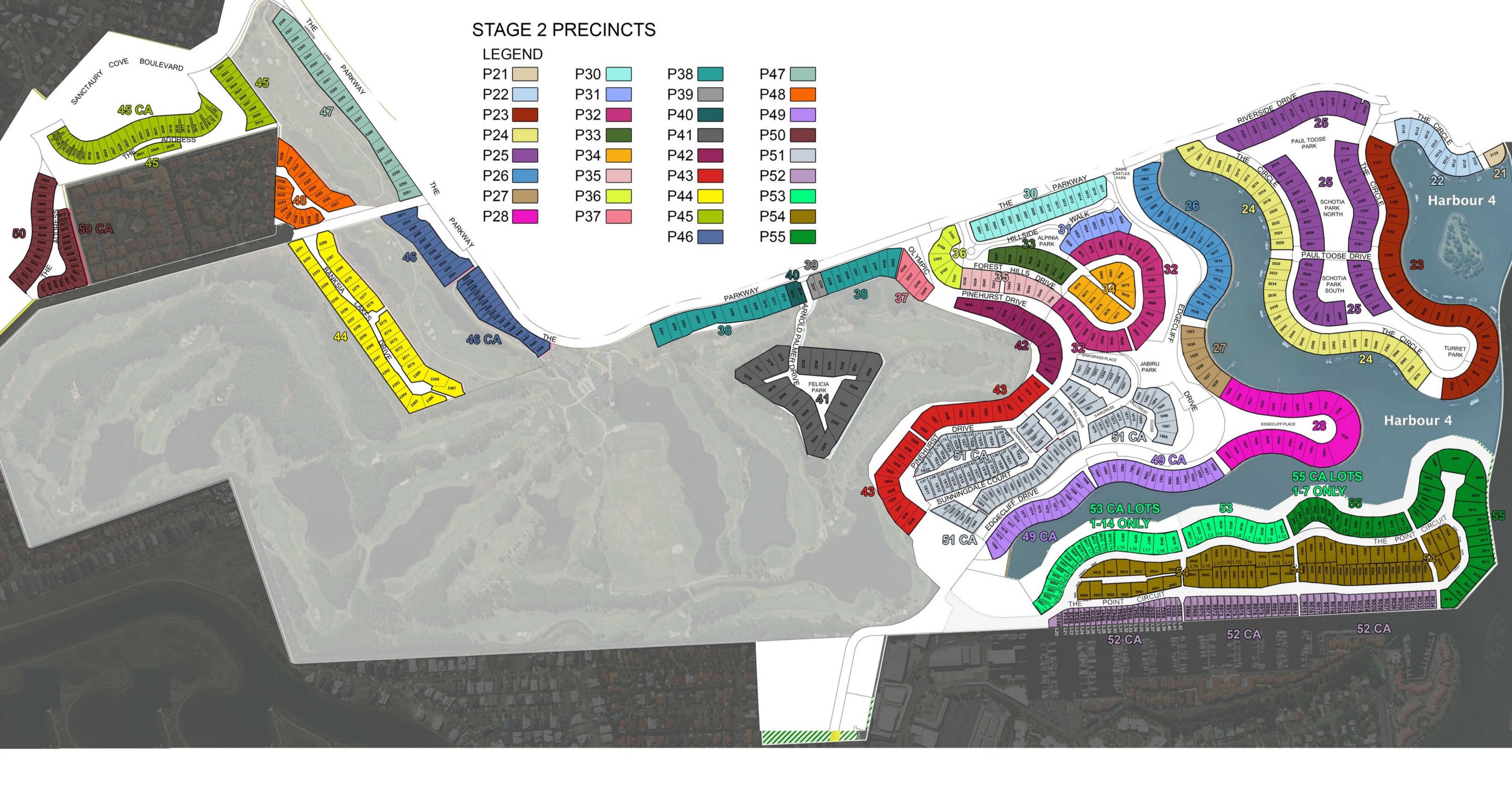
- 4.4.1 Any inconsistency between these By-laws and any law shall be determined by the Law prevailing to the extent of the inconsistency.
- 4.4.2 To the extent of any inconsistency the Law applies and the By-law shall remain in full force and effect other than to the extent of the inconsistency.

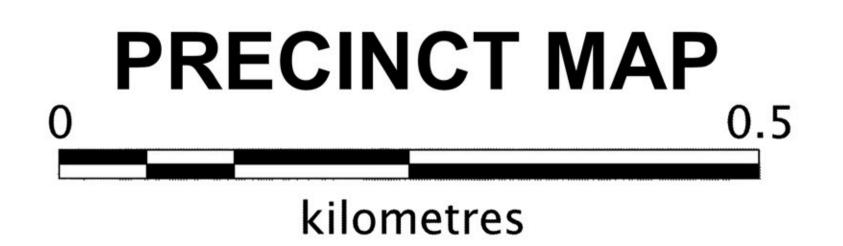
**ENDNOTES** 

- 1. Made by Sanctuary Cove Principal Body Corporate on [ ].
- 2. Published in the Gazette on [ ].
- 3. Not required to be laid before the Legislative Assembly.
- 4. The administering agency is the Department of Infrastructure and Planning.

## Schedule 1

Precinct Plan







## Schedule 2

Quaylines

