



*Sanctuary Cove resort Act 1985
Section 27
Buildings Units and Group Titles Act 1980
Building Units and Group Titles Regulations 1998*

NOTICE OF THE EXTRAORDINARY GENERAL MEETING OF THE SANCTUARY COVE PRINCIPAL BODY CORPORATE GTP 202

**Notice of business to be dealt with at the
EXTRAORDINARY GENERAL MEETING of the Sanctuary
Cove Principal Body Corporate GTP 202, to be held at
Meeting Room 1, Sanctuary Cove Body Corporate Services,
Shop 1A, Marine Village, Masthead Way,
Sanctuary Cove, QLD 4212, on
Thursday 30th November 2023, 11:00AM**

A proxy form and a voting paper have been included to give you the opportunity to be represented at the meeting. Please read the attached General Instructions, to ensure that all documents are completed correctly as failure to do so may jeopardise your entitlement to vote.

INDEX OF DOCUMENTS

- 1. NOTICE AND AGENDA OF MEETING**
- 2. INSTRUCTIONS FOR VOTING**
- 3. PROXY FORM**
- 4. VOTING [MOTIONS FROM AGENDA]**

The following agenda sets out the substance of the motions to be considered at the meeting. The full text of each motion is set out in the accompanying Voting Paper. An explanatory note by the owner proposing a motion may accompany the agenda.

Please take the time to complete and return the voting paper to the reply address below or submit a valid proxy to the PBC Secretary prior to the meeting.

Sanctuary Cove Body Corporate Services Pty Ltd, for the Secretary

Reply To PO Box 15, SANCTUARY COVE QLD, 4212
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Sanctuary Cove Resort Act 1985

Section 27

Building Units and Group Titles Act 1980

Building Units and Group Titles Regulations 1998

NOTICE OF THE EXTRAORDINARY GENERAL MEETING OF THE Sanctuary Cove Principal Body Corporate GTP 202

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Meeting Room 1, Sanctuary Cove Body Corporate Services,
Shop 1A, Marine Village, Masthead Way,
Sanctuary Cove, QLD 4212, on
Thursday 30th November 2023, 11:00AM**

To avoid delaying commencement of the meeting, it would be appreciated if proxies and voting papers could be received by this office at least 24 hours prior to the meeting. However, proxies and voting papers will be accepted prior to the commencement of the meeting.

AGENDA

1. Attendance record including admittance of proxies and voting papers
2. Quorum
3. Financial status of RBC's
4. Recording of the meeting
5. Motions
 1. Approval of PBC EGM Minutes 26th October 2023 **Pg 7**
 2. Body Corporate – Election of EC positions be an open ballot
 3. Facilities – Landscape Upgrade **Pg 13**

6. Correspondence for Information

Pg 26

For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1	20 October 2023	PBC	BCCM	Application # 0252-2023 Waller 7100, requesting more information. Pg 27
2	24 October 2023	BCCM	PBC	Referee's Order for Waller 7100, dismissing the application #0252-2023. Pg 39
3	25 October 2023	PBC Secretary	Zieria Resident	Correspondence for 1862 from PBC regarding decision on parking relaxation. Pg 47
4	30 October 2023	Grace Lawyers	Mahoneys	Correspondence regarding 4638 Pg 48
5	17 November 2023	PBC Secretary	PBC EC	Correspondence regarding VOC 14 November 23 – Legal Expenditure Pg 50
6	20 November 2023	PBC Chairperson	PBC Member Nominees	Communication to Members Nominees Pg 52
7	20 November 2023	PBC Chairperson	Brogan Watling	Vote outside committee meeting correspondence Pg 54
8	24 November 2023	DSDILGP	PBC	Correspondence advising DCBLs stage 1 has been gazetted Pg 56
9	24 November 2023	SCCSL	PBC	Formal Correspondence from Dale St George Pg 128

Correspondence for Action

Pg 129

For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1	26 October 2023	Alyxia Resident	PBC	Resident 8981 requesting extension on water levy outstanding. Pg 130
2	2 November 2023	Tristania RBC	PBC	Request for more plants in front of 1053-1051 Edgecliff Drive. Pg 132
3	12 November 2023	Livingstonia Resident	Livingstonia RBC & PBC	Formal request for information regarding Florida Enclosures. Pg 137

7. Business Arising

7.1 Asset Improvement Programme Update

7.2 Village update from MSCD

7.3 PBC Motions – December 202

7.4 Next meeting to be held AGM 11th December 2023 @ 11:00am.

8. Closure of Meeting

GENERAL INSTRUCTIONS

EXTRAORDINARY GENERAL MEETING NOTICE

INTERPRETATIONS

Section 39 of the *Sanctuary Cove Resort Act 1985* sets out the following interpretations for:

VOTING RIGHTS Any powers of voting conferred by or under this part may be exercised:

- (a) in the case of a proprietor who is an infant-by the proprietor's guardian;
- (b) in the case of a proprietor who is for any reason unable to control the proprietor's property by the person who for the time being is authorised by law to control that property;
- (c) in the case of a proprietor which is a body corporate-by the person nominated pursuant to section 38 by that body corporate.

Part 3, Section 22 of the *Sanctuary Cove Resort Act 1985*, sets out the following interpretation for:

SPECIAL RESOLUTION

'Special Resolution' means a resolution, which is:

- (a) passed at a duly convened general meeting of the principal body corporate by the members whose lots (whether initial lots, secondary lots, group title lots or building unit lots) have an aggregate lot entitlement of not less than 75% of the aggregate of all lot entitlements recorded in the principal body corporate roll.

Part 3, Division 2B, 47D of the *Sanctuary Cove Resort Act 1985*, sets out the following for proxies for General meetings of the Principal Body Corporate:

APPOINTMENT OF PROXY

- (a) must be in approved form; and
- (b) must be in the English language; and
- (c) cannot be irrevocable; and
- (d) cannot be transferred by the holder of the proxy to a third person; and
- (e) lapses at the end of the principal body corporate's financial year or at the end of a shorter period stated in the proxy; and
- (f) may be given by any person who has the right to vote at a general meeting; and
- (g) subject to the limitations contained in this division, may be given to any individual; and
- (h) must appoint a named individual.

Proxy form for Body Corporate meetings

Building Units and Group Titles Act 1980

Section 1 – Body corporate secretary details

Name: The Secretary
Address of scheme: C/- Sanctuary Cove Principal Body Corporate, PO Box 15,
SANCTUARY COVE, 4212

Section 2 – Authorisation

Notes: The Regulations set out a number of restrictions on the use of proxies, including an ability for the body corporate to further restrict their use including prohibition. If there is insufficient space, please attach separate sheets.

I/we

Name of owner 1:

Signature: **Dated:** ___ / ___ / ___

Name of owner 2:

Signature: **Dated:** ___ / ___ / ___

being the Proprietor/s of the following Lot/s

Lot number/s: **Plan number:**

Name of Body Corporate:

.....

hereby appoint,

Proxy (full name):

as my/our proxy to vote on my/our behalf (*including adjournments*) at (please tick **one**)

The body corporate meeting to be held on ___ / ___ / ___

All body corporate meetings held before ___ / ___ / ___ (*expiry date*)

All body corporate meetings held during the rest of the body corporate's financial year unless I/we serve you with a prior written withdrawal of the appointment.

unless I/we serve you with a prior written withdrawal of the appointment of Proxy.

Signature of proxy holder: **Dated:** ___ / ___ / ___

Residential address:

Suburb: **State:** **Postcode:**

Postal address:

Suburb: **State:** **Postcode:**

Information about Proxies

This page is for information only and not part of the prescribed form.

Lot Owners can appoint a trusted person as their representative at meetings, to vote in ballots or represent them on the committee. This person is your proxy.

To authorise a proxy, you must use the prescribed form and deliver it to the owner's corporation secretary. If appointing a Power of Attorney as a proxy, you should attach a copy of the Power of Attorney.

Proxies automatically lapse 12 months after the form is delivered to the secretary, unless an earlier date is specified.

Proxies must act honestly and in good faith and exercise due care and diligence. Proxies cannot transfer the proxy to another person.

A Lot Owner can revoke the authorisation at any time and choose to vote on a certain issue or attend a meeting.

It is illegal for someone to coerce a Lot Owner into making another person their proxy.

Owners' corporations must keep the copy of the Proxy authorisation for 12 months.



MINUTES OF PBC EXTRAORDINARY GENERAL MEETING for Sanctuary Cove Principal Body Corporate GTP 202

Location of meeting: Meeting Room 1, Body Corporate Services Office
Masthead Way, Sanctuary Cove QLD 4212

Date and time of meeting: Thursday 26th October 2023

Meeting time: 11:01AM – 11:18AM

Chairperson: Chairperson – Stuart Shakespeare

ATTENDANCE

The following members were Present in Person at the meeting:

Lot: Adelia GTP107360 Owner: Adelia GTP 107360 Rep: Mr Gary Simmons
Lot: Alpinia GTP 107209 Owner: Alpinia GTP 107209 Rep: Mrs Dianne Taylor
Lot: Araucaria GTP 1790 Owner: Araucaria GTP 1790 Rep: Mrs Caroline Tolmie
Lot: Alyxia GTP 107456 Owner: Alyxia GTP 107456 Rep: Mr Stephen Anderson
Lot: Alphitonia GTP 107509 Owner: Alphitonia GTP 107509 Rep: Mr Stephen Anderson
Lot: Justicia GTP 107472 Owner: Justicia GTP 107472 Rep: Mr Stephen Anderson
Lot: Banksia Lakes GTP 107278 Owner: Banksia Lakes GTP 107278 Rep: Mr Andrew Brown
Lot: Bauhinia GTP 1701 Owner: Bauhinia GTP 1701 Rep: Mr Richard Sherman
Lot: Caladenia GTP 107399 Owner: Caladenia GTP 107399 Rep: Mr Tony McGinty
Lot: Felicia GTP 107128 Owner: Felicia GTP 107128 Rep: Mr Stuart Shakespeare
Lot: Harpullia GTP 107045 Owner: Harpullia GTP 107045 Rep: Mr Paul Kernaghan
Lot: Livingstonia GTP 1712 Owner: Livingstonia GTP 1712 Rep: Mr Brian Earp
Lot: Molinia GTP 107442 Owner: Molinia GTP 107442 Rep: Mr Peter Game
Lot: Roystonia GTP 1769 Owner: Roystonia GTP 1769 Rep: Mrs Cheryl McBride
Lot: Schotia Island GTP 107106 Owner: Schotia Island GTP 107106 Rep: Mr Wayne Bastion
Lot: 20 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson
Lot: 81 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson
Lot: 83 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Mr Mick McDonald

The following members present by Voting Paper and In Person:

Lot: Bauhinia GTP 1701 Owner: Bauhinia GTP 1701 Rep: Mr Richard Sherman

The following members present by Voting Paper:

Lot: Tristania GTP 107217 Owner: Tristania GTP 107217 Rep: Mr Mark Winfield
Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut
Lot: Corymbia GTP 107406 Owner: Corymbia GTP 107406 Rep: Mrs Shawlene Nefdt

The following members were present by Proxy:

The following members were present by Proxy however unable to vote:

Present by Invitation:

Mr Dale St George, PBC Secretary

Ms Jodie Cornish, Manager Body Corporate, SCBCS (Minute Taker)

Apologies:

Mr Mark Winfield

Mr Nicholas Eisenhut

Mr Michael Longes

Mr Peter Cohen

Mr Robert Nolan

Mrs Shawlene Nefdt

Mrs Jane Burke

Mr Nabil Issa

Mr Anthony Ellingford

Mr Gary Peat

The following members were not financial for the meeting:

A quorum was present.

The Meeting was recorded.

Motions

1	Body Corporate - Approval of Previous General Meeting Minutes – 28th September 2023 (Agenda Item 5.1)	CARRIED
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Proposed by: Statutory Motion

RESOLVED That the Minutes of the PBC Extraordinary General Meeting held on 28 th September 2023 be accepted as a true and correct record of the proceedings of the meeting.	Yes	16
	No	0
	Abstain	5

Members Name	Yes	No	Abstain	Members Name	Yes	No	Abstain
Acacia				Fuschia			
Adelia			X	Justicia	X		
Alpinia	X			Harpullia			X
Alyxia	X			Livingstonia	X		
Alphitonia	X			Molinia	X		
Araucaria	X			Plumeria	X		
Ardisia				Roystonia	X		
Banksia Lakes			X	Schotia Island	X		
Bauhinia	X			Tristania	X		
Caladenia			X	Washingtonia			
Cassia				Woodsia			
Colvillia				Zieria			
Corymbia			X	MSCD Lot 20 (S)	X		
Darwinia				MSCD Lot 81 (S)	X		
Felicia	X			MSCD Lot 83 (M)	X		

6. Correspondence for Action:

7.1 – Zieria 1862 requesting carparking relaxation:

The Chair mentioned that generally residents have 4 spots available within their property for parking, 2 garage and 2 on the driveway. The visitor bays provided within the secondary thoroughfare are for visitor overflow, not for residents. Body Corporate Services to respond back to the resident at 1862 on behalf of the PBC.

7.2 – Schotia Island 2024 complaint regarding Bamboo fence:

The Chair mentioned that there appears to be a privacy issue with the deck encroaching well out into the batter zone where a high solid boundary fence is not permitted. BCS decision prior to this was to allow Bamboo screening to stay in the interim until the plant screening has a chance to grow. BCS to re-access in 6-12 months. BCS to respond to 2024 and 2026 on behalf of the PBC with the decision.

7.3 – Corymbia 1825 Crusher/cracker dust issue:

Building Approvals Manager (BAM) to call builders of vacant blocks surrounding 1825 and request they water down the block before departing for the day.

7.4 – Bauhinia 4634 Flagpole and Camera complaint:

The flagpole not considered a violation. The cameras are currently being dealt with through lawyers.

7.5 – Bauhinia 4636 amendment to PBC EGM minutes:

A response has already been communicated to 4636.

7. Business Arising

- DSG tabled a map showing the planned traffic diversion while the new village gate location and works are being done. Work is programmed to start next week. This information will also be published in the newsletter.

7.1 Asset Improvement Programme Update DSG reported.

- Fence coming down from around the A Class Water project, and contractors will be moving off site. Waiting for Energex to install a transformer next June.
- Members commented that the visual appearance of the above ground irrigation mains and valves being an eyesore and that the only practical solution to conceal them from view is to replace the installed chain wire fence with a painted aluminium louvre screen or similar. DSG to attend.
- PRV bloggers been in operation now for two months. These will continue to tested; because they provide good data on pressure into the system. This will assist in the detection of water loss and leaks.

7.2 Village and other updates from MSCD – The Chair mentioned there will be a presentation late November, date to be confirmed. There will be an invitation to a community presentation soon after.

7.3 PBC Motions – November 2023

7.4 Next meeting to be held 30 November 2023 @ 11:00.

MEETING CLOSED @ 11:18am

Three members requested permission to speak after the meeting was closed –

The MN for Mulpha Sanctuary Cove Developments expressed his view that there seemed to be some negativity about the performance of SCCSL. His view is it is doing a good job and that the report it recently circulated to RBC chairs/MNs supports this.

The MN for Roystonia mentioned that drones are flying around at night in Corymbia. DSG advised it to be reported to security if it occurs again for their follow up.

MN for Bauhinia made a comment on the proposed Village Gate project.

Chairperson:

VOTING PAPER

Extraordinary General Meeting for the Sanctuary Cove Principal Body Corporate GTP 202

Location of meeting: Meeting Room 1, Sanctuary Cove Body Corporate Services,
Shop 1A, Marine Village, Masthead Way, Sanctuary Cove, QLD 4212

Date and time of meeting: Thursday 30th November 2023 – 11:00AM

Instructions

If you want to vote using this voting paper, then **circle or tick** either **YES, NO** or **ABSTAIN** opposite each motion you wish to vote on. You may vote for as few or as many motions as you wish. It is not necessary to vote on all motions.

After signing the completed voting paper, forward it promptly to the Secretary at the address shown at the end of the agenda.

Motions

1 Body Corporate - Approval of Previous General Meeting Minutes – 26th October 2023 (Agenda Item 5.1)

Proposed by: Statutory Motion

RESOLVED That the Minutes of the PBC Extraordinary General Meeting held on 26th October 2023 be accepted as a true and correct record of the proceedings of the meeting.

Yes	
No	
Abstain	

2 Body Corporate – Election of EC positions be an open ballot (Agenda Item 5.2)

Proposed by: PBC Chairperson

RESOLVED The PBC approves the forthcoming election of EC positions be conducted as an open ballot in accordance with the SCRA Schedule 3 (three), Sections 2 (two) and 6 (Six) and a motion be put to the November PBC EGM seeking its agreement to do so.

Yes	
No	
Abstain	

3 Body Corporate – Landscaping Upgrade (Agenda Item 5.3)

Proposed by: PBC Chairperson

RESOLVED That the PBC agrees to expend \$72,249.80 Inc GST plus a 10% contingency in the amount of \$7,224.90 Inc GST for the engagement of The Plant Management Company for the costs associated with undertaking Landscaping upgrade works at P52 – Marine Drive North Buffer Garden. Funds to be expensed to Sinking Fund – 22280 – Landscape.

FURTHER RESOLVED That the PBC agrees to expend \$58,712.50 Inc GST plus a 10% contingency in the amount of \$5,871.25 Inc GST for the engagement of The Plant Management Company to supply and install Hoop Pine Mulch at the P52 – Marine Drive North Buffer Garden. Funds to be expensed to Admin – 12421 – Mulch

Yes	
No	
Abstain	

GTP: 202

Lot Number: _____

Unit Number: _____

I/We require that this voting paper, completed by me/us be recorded as my/our vote in respect of the motions set out above.

Name of voter: _____

Signature of voter: _____

Date: _____



5.3

LANDSCAPE UPGRADE – MARINE DRIVE NORTH BUFFER

DISTRIBUTION:	ATTACHMENTS:	DATE:
<p>MOTION</p> <p>RESOLVED That the PBC agrees to expend \$72,249.80 Inc GST plus a 10% contingency in the amount of \$7,224.90 Inc GST for the engagement of The Plant Management Company for the costs associated with undertaking Landscaping upgrade works at P52 – Marine Drive North Buffer Garden. Funds to be expensed to Sinking Fund – 22280 – Landscape.</p> <p>FURTHER RESOLVED That the PBC agrees to expend \$58,712.50 Inc GST plus a 10% contingency in the amount of \$5,871.25 Inc GST for the engagement of The Plant Management Company to supply and install Hoop Pine Mulch at the P52 – Marine Drive North Buffer Garden. Funds to be expensed to Admin – 12421 – Mulch</p>		

Objective

To design and undertake landscaping works in conjunction with Form Landscape Architects- Landscape Management Plan (LMP) to improve the overall look, appearance, and health of the landscaping assets at P52 – Marine Drive North Buffer Garden within Sanctuary Cove. (As pictured below)



Background

The Landscape Management Plan (LMP) provides the comprehensive framework for landscape upgrade works and serves as a guiding document to outline the objectives, strategies, and actions necessary to enhance and maintain the landscape in a specific area whilst considering various factors such as environmental considerations, site conditions, user requirements, and budgetary constraints.

Within the plan, all areas were ranked from -10 to 20, forming the basis for the phasing plan of future works. The areas were categorised into proposed precinct works or "itemized scope categories" and



LANDSCAPE UPGRADE – MARINE DRIVE NORTH BUFFER

assigned a works percentage. This percentage allowed Management to calculate and allocate tasks based on the estimated budgets for each area's proposed works.

After considering the itemised scope categories and the requirements outlined in the three-year landscaping maintenance contract, extensive site inspections were conducted for the aforementioned PBC areas. These inspections, along with the input from the Roystonia and Colvillia Bodies Corporate, helped to finalise the scope of works that includes detailed information on plant species, sizes, and quantities.

Scope of works

The proposed landscape upgrade encompasses the following key elements:

- Plant Selection and Arrangement: Introducing native and drought-resistant plant species to improve sustainability and visual appeal.
- Arborist Works: Addressing the existing trees' health and safety concerns through careful pruning.
- Design Aesthetics: Incorporating a cohesive design that complements the surrounding environment and meets the expectations of our community.

Item 7	Item 7: Notes
<ul style="list-style-type: none"> • Remove existing weed species and self-seeded species where required. • Remove all Acalphas and Melaleuca Claret Tops 	<ul style="list-style-type: none"> • Any tree removal and pruning works to be completed by qualified arborist. <i>No large trees removal unless they are dead/unhealthy or posing any risk to health and safety</i>
<ul style="list-style-type: none"> • Leave existing trees in place. Lift/ prune and remove deadwood/lower branches where required. 	<ul style="list-style-type: none"> • Tree trimming waste to be chipped and removed from site.
<ul style="list-style-type: none"> • Prune existing species that are remaining where required. 	<ul style="list-style-type: none"> • Supply and install 12m³ x premium garden soil and wetting agent.
<ul style="list-style-type: none"> • Existing concrete edging to remain in place. 	<ul style="list-style-type: none"> • Supply and install 25 x 100L Backhousia citriodora.
<ul style="list-style-type: none"> • Install premium organic garden soil and wetting agent with plantings. 	<ul style="list-style-type: none"> • Supply and install 25 x 100L Brachychiton acerifolius.
<ul style="list-style-type: none"> • Install a mix of Backhousia citriodora and Flame trees throughout garden. 	<ul style="list-style-type: none"> • Supply and install 50 x 200mm Leptospermum scoparium Burgundy Queen.
<ul style="list-style-type: none"> • Install a mix of Leptospermum throughout garden. 	<ul style="list-style-type: none"> • Supply and install 50 x 200mm Leptospermum petersonii white.
<ul style="list-style-type: none"> • Install Callistemon Citrinus throughout garden. 	<ul style="list-style-type: none"> • Supply and install 25 x 45L Golden Pendas
<ul style="list-style-type: none"> • Install Golden Pendas throughout gardens. 	<ul style="list-style-type: none"> • Supply and install 100 x 200mm mixed Callistemon
<ul style="list-style-type: none"> • Install Gynea Lilys throughout garden. 	<ul style="list-style-type: none"> • Supply and install 25 x 200mm Lomandra Longifolia.
<ul style="list-style-type: none"> • Install a mix of Lomandra and Green Fountain Grass throughout garden. 	<ul style="list-style-type: none"> • Supply and install 25 x 200mm Lomandra Verde.
<ul style="list-style-type: none"> • Shrub pruning waste/ debris to be removed and disposed of in green waste bin. 	<ul style="list-style-type: none"> • Supply and install 25 x 200mm Lomandra Little Con.
<ul style="list-style-type: none"> • Pruning to be completed to promote longevity and enhance species growth. 	<ul style="list-style-type: none"> • Supply and install 25 x 200mm Lomandra Tilga.



LANDSCAPE UPGRADE – MARINE DRIVE NORTH BUFFER

<ul style="list-style-type: none"> Pruning not to open up existing batter as to impact screening between top residence and lower side. 	<ul style="list-style-type: none"> Supply and install 25 x 200mm Doryanthes/Gynea Lilys
	<ul style="list-style-type: none"> Supply and install 25 x 140mm Fountain Grass.
	<ul style="list-style-type: none"> Waste to be removed and dumped in onsite green waste bin

Concept design




Pricing (ex GST)

Company	Upgrade Works	Mulch (Hoop Pine)	Total
The Plant Management Co	\$ 65,681.63	\$ 53,375.00	\$ 119,056.63
Landscape Solutions	\$ 63,426.18	\$ 62,608.14	\$ 126,034.32
BLC	\$ 75,638.00	-	\$ 75,638.00

Attachments

1. QU1215 - Plant Management Company - Garden Upgrade
2. Quote 2680 - Plant Management Company - Mulch
3. VR02-511-0194 - Landscape Solutions - Garden Upgrade
4. VR02-511-0201 - Landscape Solutions - Mulch
5. MW - BLC - Garden Upgrade

To:	Sharyn Fox	
Company:	Sanctuary Cove	
E-mail:	sharyn.fox@scove.com.au	
Mobile:	0431 094 524	
Attachment :	N/A	

Project : P39- Marine Drive West Buffer

Reference no 105 229

Quote no 1

Revision no 1

Description of work

Various days works as described below.

Item	Description	Action	Quantity	Unit	Unit Rate	Amount (\$)
1	Works conducted by an arborist	add	1	item	\$ 43,230.00	\$ 43,230.00
	Remove existing weed species and self seeded spec					\$ -
	Remove all acalphas and melaleuca claret tops					\$ -
	Leave existing trees in place, lift/ prune and remove deadwood/ lower branches where required.					\$ -
						\$ -
2	Landscaper- prune existing species that are retaining where required	add	6	hour	\$ 72.00	\$ 432.00
3	Install premium organic garden soil and wetting agent with plantings	add	12	m3	\$ 226.00	\$ 2,712.00
4	Landscaper- shrub pruning waste/ debris to be removed and disposed off in greenwaste bin	add	6	hour	\$ 72.00	\$ 432.00
5	Landscaper- pruning to be completed to promote longevity and enhance species growth	add	6	hour	\$ 72.00	\$ 432.00
6	100lt tree	add	50	each	\$ 320.00	\$ 16,000.00
7	45lt tree	add	25	each	\$ 176.00	\$ 4,400.00
8	200mm pot plant	add	325	each	\$ 24.00	\$ 7,800.00
9	140mm pot plant	add	25	each	\$ 8.00	\$ 200.00
					Subtotal	\$ 75,638.00
					GST	\$ 7,563.80
					Total	\$ 83,201.80

Duration of work N/A

Exclusions and clarification

N/A



QUOTATION

Customer

Sanctuary Cove Principal G.T.P. 202
C/- Sanctuary Cove Principal
PO Box 15
Sanctuary Cove QLD 4212
Shanyn Fox

Quote No: QU1215
Quote Date: 19 September 2023
Quote Valid: 18 October 2023
Site: Marine Drive North
Hope Island QLD 4212
Pages: Page 1 of 3

Quote | SCR Roystonia Buffer Garden Works

Dear Shanyn,

Thank you for the opportunity to supply the following quotation for SCR Roystonia Buffer Garden Works located at Marine Drive North as requested.

The work would be carried out by our professional uniformed staff. If you would like works to proceed or have any queries, please contact me when convenient as per the details below.

Regards,

Dale Godfrey
Area Supervisor
The Plant Management Company
Tel: 0732684101

QUOTATION

Customer

Sanctuary Cove Principal G.T.P. 202
C/- Sanctuary Cove Principal
PO Box 15
Sanctuary Cove QLD 4212
Shanyn Fox

Quote No: QU1215
Quote Date: 19 September 2023
Quote Valid: 18 October 2023
Site: Marine Drive North
Hope Island QLD 4212
Pages: Page 2 of 3

Quote | SCR Roystonia Buffer Garden Works

Quote Breakdown:

- Tree Works - As per scope.
- Garden Clean Up Works Incl general tidy up, debris removal, weeding/ weedspraying, pruning where required.
- Install 12m³ x Organic Garden Soil & Wetting Agent
- Supply and Install 25 x 100L Backhousia citriodora
- Supply and install 25 x 100L Brachychiton acerifolius
- Supply and install 50 x 200mm Leptospermum Burgundy Queen
- Supply and install 50 x 200mm Leptospermum petersonii white
- Supply and install 25 x 45L Golden Penda
- Supply and install 100 x 200mm mixed Callistemon
- Supply and install 25 x 140mm Lomandra longifolia
- Supply and install 25 x 200mm Lomandra Verde
- Supply and install 25 x 200mm Lomandra Little Con
- Supply and install 25 x 200mm Lomandra Tilga
- Supply and install 25 x 200mm Doryanthes
- Supply and install 25 x 140mm Fountain Grass Nafray
- Waste to be removed and dumped in onsite green waste bin.

Investment

Subtotal:	\$65,681.63
GST:	\$6,568.17
Total:	\$72,249.80



QUOTATION

Customer

Sanctuary Cove Principal G.T.P. 202
C/- Sanctuary Cove Principal
PO Box 15
Sanctuary Cove QLD 4212
Shanyn Fox

Quote No: QU1215
Quote Date: 19 September 2023
Quote Valid: 18 October 2023
Site: Marine Drive North
Hope Island QLD 4212
Pages: Page 3 of 3

Quote | SCR Roystonia Buffer Garden Works

.....
Agreement and Contract Notes

Notes:

- All works to be performed as per our standard terms and conditions, a copy of which is available upon request.

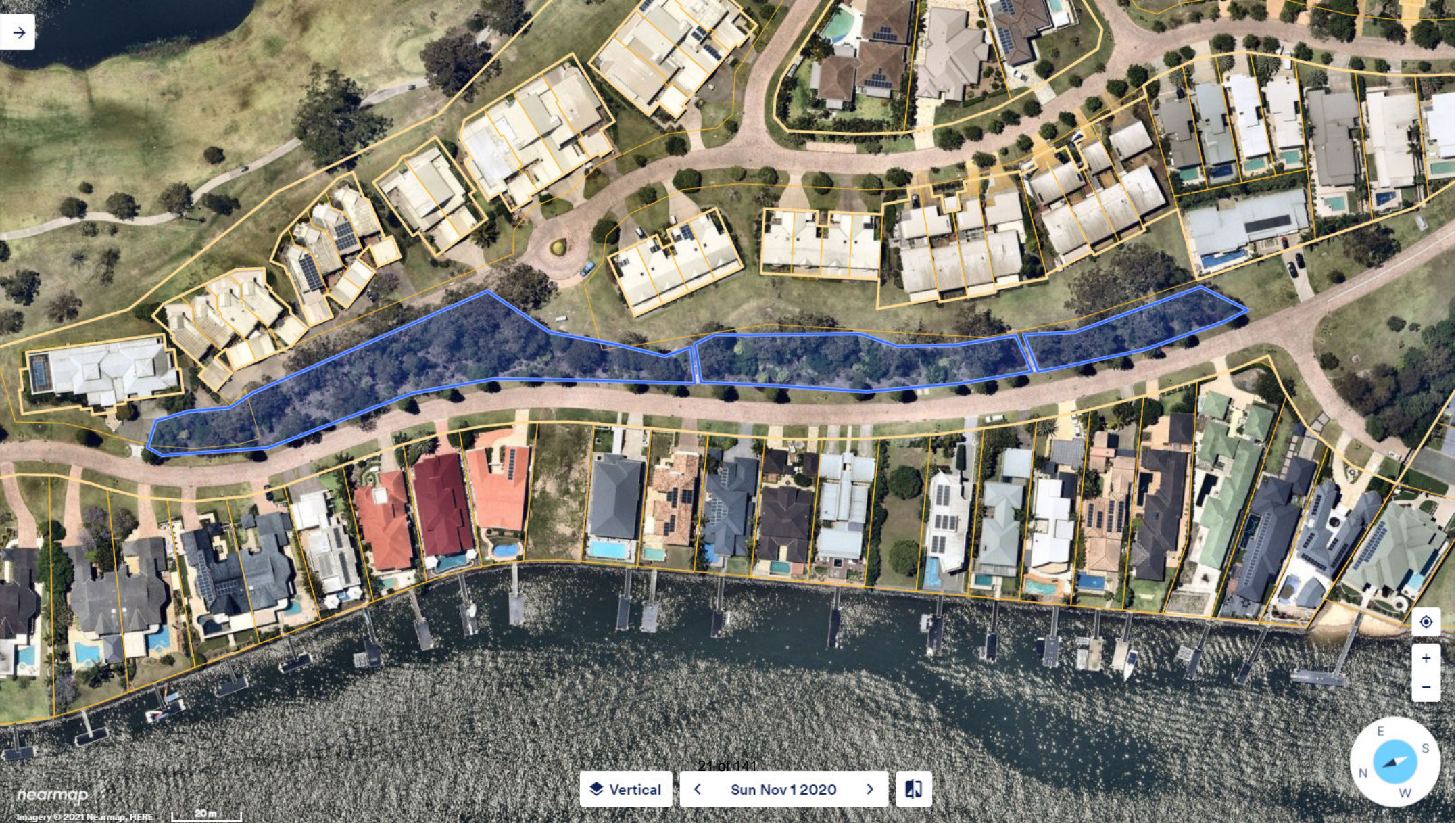
----- END -----

Landscape Proposal

SCR PBC Quote 2680



April 04, 2023



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Vertical Sun Nov 1 2020



The Plant Management Company
1298 Wynnum Rd
Tingalpa, Brisbane, 4173
07 3268 4101
ABN 18 065 340 052



Quote 2680

Customer

Sanctuary Cove Resort PBC / Shanyn Fox
PO Box 15, Office 6, Building 5 Masthead W:
Gold Coast, 4212
07 5500 3333

Customer Number 6
Quote Date April 04, 2023
Expiration Date May 03, 2023
Proposal Number 2023-1825

Size/Unit	Description	Quantity
m3	Mulch	350.00

Notes: Roystonia Batter Garden Mulch Install
Please refer to attached map for location
Supply and install "A" grade 1 inch hoop pine.

Subtotal	\$53,375.00
Tax	\$5,337.50
Total	\$58,712.50

Thank you for the opportunity to supply the following quotation for mulch installation to the Roystonia/ Colvillia garden batter as requested.

The work would be carried out by our professional uniformed staff. If you would like work to proceed or have any queries please contact me or Mason Howarth at your convenience.

Dale Godfrey

Area Supervisor Gold Coast
The Plant Management Company
E: dgodfrey@pmhort.com.au
P: 0421 384 049

Mulch

Mulch 1 inch hoop pine



Classification	Groundcover, Mulch
Height	
Width	
Color	
Flower Color	
Flower Season	
Sun	
Soil	
Climate Zones	1,2,3,4,5,6,7,8,9,10
Care Information	

Description Attractive brown bark mulch. Interlocks to form a stable mulch layer. Ideal for sloping sites or high profile gardens. Will not wash away easily. Suitable for most situations..

Excellent choice for high profile sites. The open form of this mulch allows for good water penetration and retention, weed suppression and nutrient availability. For optimum results, 1" Hoop Bark should be installed to a depth of approximately 7.5 - 10 cm.

Enhancement Request



To :

Company : Sanctuary Cove Principal

Address : Body Corporate GTP 202
PO Box 15
Sanctuary Cove, QLD 4212

Landscape Solutions Maintenance Pty Ltd
ABN : 60097217493
PO Box 669, Seven Hills, NSW 1730
Ph : 1300 653 013 Fax: +61 2 8805 6299

Enhancement No VR02-5151-0194

Date: 19/10/2023

Originator: Brendan Day

Project : 02-5151 (Sanctuary Cove Residential)

Enhancement Title: Marine Drive North Buffer Garden Upgrade

Contract Value Amendment

Enhancement Request No	Description	Price
VR02-5151-0194	Marine Drive North Buffer Garden Upgrade as per scope sent by Shanyn Fox.	\$ 63,426.18

Please note all prices are excluding GST.
Landscape Solutions requires the response as soon as possible to avoid any potential delay.

Please approve above works in order to proceed.

Client Approval Signature

Printed Name

Reference
Docs

Brendan Day

QLD Maintenance

Enhancement Request



To :

Company : Sanctuary Cove Principal

Address : Body Corporate GTP 202
PO Box 15
Sanctuary Cove, QLD 4212

Landscape Solutions Maintenance Pty Ltd
ABN : 60097217493
PO Box 669, Seven Hills, NSW 1730
Ph : 1300 653 013 Fax: +61 2 8805 6299

Enhancement No VR02-5151-0201

Date: 6/11/2023

Originator: Brendan Day

Project : 02-5151 (Sanctuary Cove Residential)

Enhancement Title: Marine Drive North Buffer Garden - Mulch installation

Contract Value Ammendment

Enhancement Request No	Description	Price
VR02-5151-0201	- Supply and install 350m3 x 1" Hoop pine muclh to large buffer garden along Marine Drive North. - Mulch will be spread out by both man and bobcat.	\$ 62,608.14

Please note all prices are excluding GST.
Landscape Solutions requires the response as soon as possible to avoid any potential delay.

Please approve above works in order to proceed.

Client Approval Signature

Printed Name

Reference
Docs

Brendan Day

QLD Maintenance

**CORRESPONDENCE
FOR
INFORMATION**



20 October 2023

Office of the Commissioner for Body Corporate
and Community Management
GPO Box 1049
SOUTH BRISBANE QLD 4001

Dear Sir/Madam,

RE: APPLICATION REF NO. 0252-2023

In response to your letter dated 21 September 2023, please see below explanation for requested information:

1. Copy of annotated GTP Plan attached. Please note that the section highlighted in yellow is Principal Body Corporate Secondary Thoroughfare and the pink is the designated parking area for Lot 71 Plumeria.
2. Copy of annotated images attached.
3. Please be advised that between April 2023 to September 2023, we confirm that 125 Reminder Notices have been issued to vehicles within Marine Drive East and The Parkway per below:

Marine Drive East – 16

The Parkway – 109
4. We confirm the respondent continues to park in the same manner, images attached.

We trust that this satisfies all requested information and ask you please reach out should you require any additional evidence.

For and on behalf of
Sanctuary Cove Principal Body Corporate GTP 202

Dale St George
Chief Executive Officer
Sanctuary Cove Body Corporate Services Pty Ltd

1. Annotated GTP Plan

Building Units and Group Titles Act 1980 — 1990
 BUILDING UNITS AND GROUP TITLES REGULATIONS 1980
 AS MODIFIED BY THE SANCTUARY COVE RESORT ACT 1985 - 1989

Name of Parcel: PLUMERIA

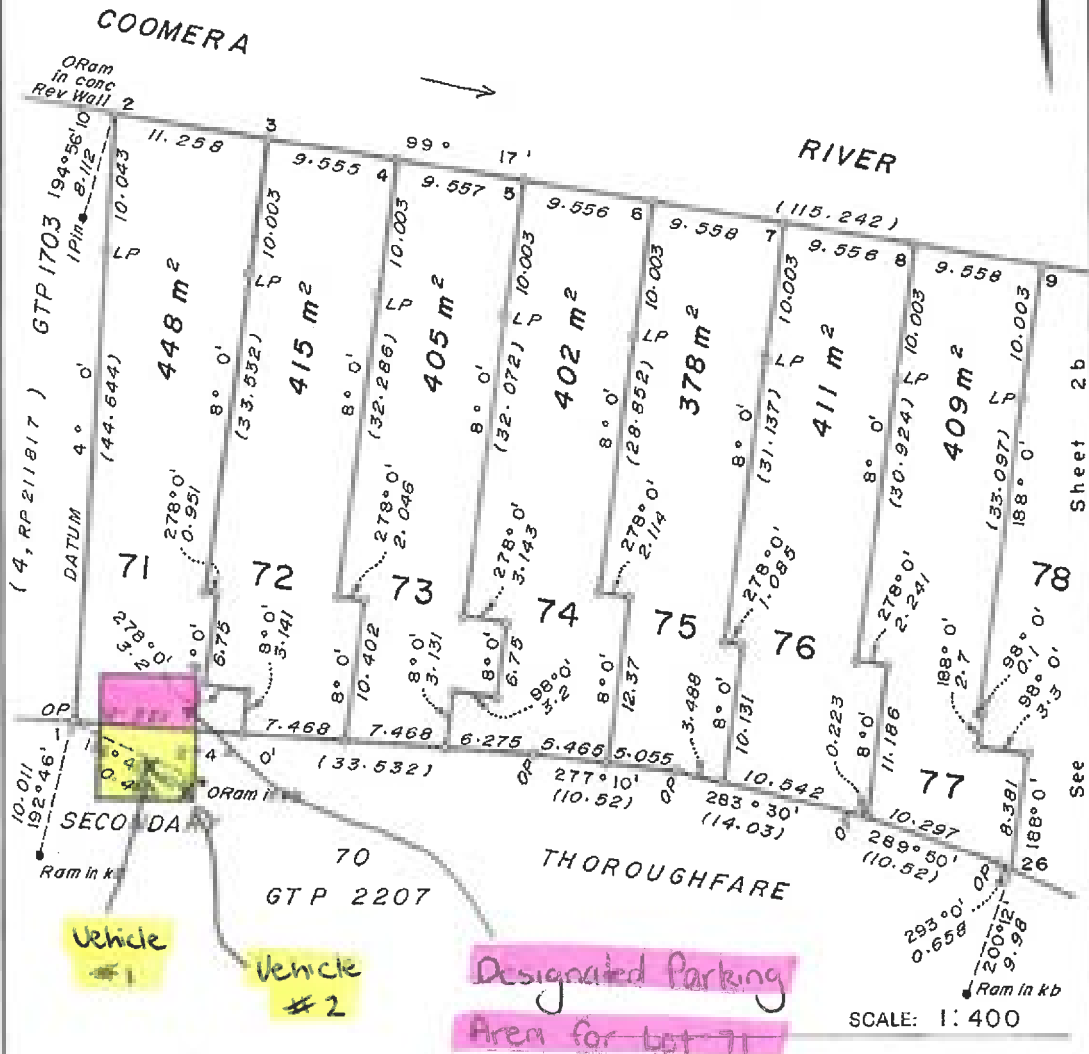
Regulation 8(1)
 Sheet No. 2 of 9

Sheets

OF RESUBDIVISION

GROUP TITLES PLAN NO. 3441

NOTE - Ramset in conc Rev Wall placed at stns 3 - 9



SIGNATURE OF REGISTERED PROPRIETOR:

THE COMMON SEAL OF DISCOVERY BAY
 DEVELOPMENTS PTY LTD WAS HEREUNTO
 AFFIXED IN THE PRESENCE OF:

Jennifer L. Olive JP
 Director
 Secretary



[Signature]
 Shire Clerk
 Town

COUNCIL OF THE SHIRE OF ALBERT



EXHIBIT O

LOT 71 - 13/03/2023



Front Boundary
of Lot 71

LOT 71 – 26/02/2023

22 Feb 2023 at 23:03:22



LOT 71 – 22/02/2023

4. Evidence Respondent continues to park in the same manner



4. Evidence Respondent continues to park in the same manner



4. Evidence Respondent continues to park in the same manner



4. Evidence Respondent continues to park in the same manner



4. Evidence Respondent continues to park in the same manner



4. Evidence Respondent continues to park in the same manner



4. Evidence Respondent continues to park in the same manner



ITEM 2

REFEREE'S ORDER

Office of the Commissioner
for Body Corporate and Community Management

CITATION: *Sanctuary Cove Principal Body Corporate* [2023] QBCCMCmr 414

PARTIES: Sanctuary Cove Principal Body Corporate (**applicant**)
David and Carolyn Waller, proprietors of Lot 71 (**respondent**)

PLAN: -

JURISDICTION: Section 77 of the *Building Units and Group Titles Act 1980* (Qld) (**Act**)
Section 104A of the *Sanctuary Cove Resort Act 1985* (**SCR Act**)

APPLICATION NO: 0252-2023

DECISION DATE: 24 October 2023

DECISION OF: I Rosemann, Referee

CATCHWORDS: BY-LAWS – whether owners in a subsidiary body corporate have breached the residential zone activities by-laws relating to vehicles.
BUGT Act, s 77

ORDERS MADE:

1. The application is **dismissed**.

REASONS FOR DECISION

Overview

- [1] This application is about the respondents' compliance with parking by-laws.
- [2] The applicant Sanctuary Cove Principal Body Corporate (**PBC**) has Residential Zone Activity By-laws (**RZABL**).¹ The RZABL bind the PBC and its members, as well as proprietors, occupiers and others in residential zones within the Sanctuary Cove Resort.² RZABL 4.4 relates to vehicles and includes, in clause 4.4.1, that vehicles must not be parked, stored or kept on a lot other than within the lot's 'designated parking area'.
- [3] The respondents own Lot 71 within the Body Corporate for Plumeria.³ The PBC says the respondents have not kept their vehicles within their lot's designated parking area. It says the carefully designed amenity of the scheme and property values could be jeopardised if the master plan is ignored. It says it must enforce the by-laws because otherwise others will not comply and attempts to enforce the by-laws against others will be seen as discriminatory.
- [4] The PBC seeks orders that the respondents have breached RZABL 4.4.1 and that they comply with it. The question to decide then is whether the respondents are breaching that by-law.

Preliminaries

- [5] The Sanctuary Cove Resort is a layered development established under the SCR Act, and the PBC operates under that legislation.⁴ Plumeria Group Titles Plan (**GTP**) 2207 is a subsidiary body corporate within the residential zone of that development. The respondents Lot 71 is within group title plan of resubdivision 3441.
- [6] This application was lodged on 16 March 2023, pursuant to resolutions passed by the PBC executive committee on 26 September 2022 and 20 February 2023. It seeks the following:
 - a. A declaration that the respondents have breached by-law 4.4.1 of the Residential Zone Activities By-Laws by parking, storing and/or keeping a vehicle on their lot other than wholly within the lot's designated parking area;
 - b. Pursuant to by-law 4.4.1, the respondents must ensure all vehicles parked, stored or kept on their lot are wholly contained within their lot's designated parking area, being the lot's covered garage and the uncovered parking spaces on the driveway, and that any vehicle which is not able to be wholly contained within the lot's designated parking area be relocated.

Jurisdiction

- [7] The SCR Act is one of several pieces of legislation defined as a 'specified Act' under the *Body Corporate and Community Management Act 1997* (the **BCCM Act**).⁵ The BUGT Act continues to apply to plans registered under the BUGT Act for a specified Act.⁶ Section 104A of the SCR Act provides for the application of the BUGT Act to disputes about the operation of the SCR Act or the rights and obligations of persons under the SCR Act.
- [8] Part 5 of the BUGT Act concerns disputes, and sections 75 to 94B provide for orders to be made by a referee. Section 77 of the BUGT Act sets out the general power of a referee to make an order for the "...settlement of a dispute, or rectification of a complaint, with respect to the exercise or performance of, or the failure to exercise or perform, a power, authority, duty or function conferred or imposed by this Act in connection with that parcel.". An order can be made in respect of an application lodged by certain parties, including a body corporate, and against parties including a proprietor.

¹ Section 96A(1) of the SCR Act; *Sanctuary Cove Principal Body Corporate By-laws Notification (No. 1) 1994* as amended

² Section 96A(6) of the SCR Act, see also By-law 2 of the Plumeria by-laws recorded on 10 January 2006, Titles dealing number 799275152

³ Lot 71 has the street number 7100 and is referred by that number in some of the submitted material

⁴ Noting section 23 of the SCR Act

⁵ Section 326 of the BCCM Act

⁶ Section 325(2)(a) of the BCCM Act and section 5A of the BUGT Act

[9] This application has been lodged by the PBC, naming proprietors of lots in the subsidiary Body Corporate for Plumeria as the respondents. The Tribunal has determined that a referee has jurisdiction to determine a dispute between the PBC and subsidiary lot owners.⁷

Procedural matters

[10] Before determining this application, and as required by the BUGT Act,⁸ I invited submissions from the respondents and all owners. The respondents made a submission, and 9 other submissions were received. I gave the applicant with a copy of the submissions, but it did not avail itself of the opportunity to respond to them.

[11] I then investigated the application; including reviewing the submitted material and titles records and seeking further information from the body corporate as detailed below.⁹

Submissions

[12] The respondents dispute that they are contravening the by-laws. They say:

- a. Two uncovered parking spaces must be provided on each lot, which may be in tandem and located between the covered parking spaces and the 'Thoroughfare Alignment'.
- b. Given that, the designated parking area is between the covered area and the Thoroughfare Alignment.
- c. The Thoroughfare Alignment is defined as the direction through which the road passes and is the positioning of the centre line of the highway or road.
- d. Given this, the designated parking area exists between the covered parking space and the road kerb edge of the driveway, being the full extent of the driveway.
- e. In correspondence in 2021 the body corporate noted that a vehicle, being a boat with trailer, was parked in the designated parking area. It was in the same location as the vehicles mentioned in this complaint. They now contend that area is not within the designated parking area. That seems to be a strong contradiction.
- f. They sought clarification of the designated parking area and were given a copy of GTP 3441 which indicates their lot extents to the boundary of the Secondary Thoroughfare.
- g. It is alarming and confusing that, at the time of the submission, over 10 vehicles a night were parked on the secondary thoroughfare and had been for over 7 months. According to the applicant, that breaches the by-laws. From their observation and communication with vehicle owners, there has been no action against those owners.
- h. This goes against the applicant's idea that disregarding the by-laws would be unjust and inequitable. It appears the action against them is discriminatory.
- i. They previously raised the irregularity regarding the issuing of breach notices for this by-law without any response from the body corporate.

[13] A submission from owners of a lot in the same street support the application. They say the respondents continually store and park their boat and cars on the nature strip and street rather than being wholly contained within their property. They say it is a blight on the street appeal and they do not believe the respondents should be allowed an exemption from the by-laws.

[14] Another owner says the by-laws should be complied with.

[15] A further owner submission questions why owners have been asked to make submissions and says there has been a clear and ongoing failure to comply with the by-laws. They say decisive action is warranted to enforce compliance.

⁷ *Sanctuary Cove Principal Body Corporate v Nakahara et al* (Unreported, Magistrates Court of Queensland, Magee K, MAG – 0056211/19(5), 12 February 2020)

⁸ Section 73(1)(c) of BUGT Act

⁹ Section 73(1)(f) of BUGT Act

- [16] A submission made by the chairperson of the Body Corporate for Plumeria the application, consistent with its commitment to the by-laws and the importance of compliance. Submission made by the chairpersons of the Body Corporate for Araucaria and Roystonia, which are other residential subsidiaries, also support the application.
- [17] Two submissions 'cover sheets' were provided by owners who did not then comment on the dispute. Another submission from an owner does not appear to relate to this dispute.

Investigation

- [18] After reviewing the submitted material I sought further information from the PBC. I requested plans annotated to illustrate the asserted designated parking area of Lot 71 and the approximate location of vehicles asserted to be in breach of the by-laws. I also sought a response to the respondents' claim that others are parking in similar locations but with no similar action has been taken, and evidence the respondents are continuing to park in this way.
- [19] In response, the PBC provided annotated plans and images. It said it had issued 125 reminder notices to vehicles in Marine Drive East and The Parkway from April to September 2023. It confirmed the respondents continue to park in the same manner, with numerous further photographs provided.

Analysis

- [20] The issue here is whether the respondents are in breach of the vehicle by-law. In deciding this question, I will consider the relevant by-laws and the evidence of the alleged conduct.

Applicable by-laws

- [21] RZABL 4.4 provides:

4.4 VEHICLES

- 4.4.1 No vehicle may be parked, stored or kept on a Lot other than wholly within the Lot's designated parking area.
- 4.4.2 A recreational vehicle (which includes, but is not limited to a camper unit, house car, motorhome, boat or boat trailer) may be parked, stored or kept elsewhere on a Lot (other than on the Lot's designated parking area) if the recreational vehicle is screened so it is not visible from any other Lot.
- 4.4.3 Commercial vehicles (which includes but is not limited to a dump truck, cement mixer truck, coach, bus, inoperable vehicle equipment, whether mobile or otherwise) must not be parked, stored or kept in the Eastern Neighbourhood or the Northern Neighbourhood except for the purpose of commercial deliveries.
- 4.4.4 A Resident must not conduct repairs or restorations of any motor vehicle, boat, trailer, aircraft, or other vehicle on any portion of any Lot (or on any common Property) except within the Resident's garage and then only if the activity is determined by the Principal Body Corporate not to be an unreasonable nuisance.
- 4.4.5 Except where the Principal Body Corporate approves in writing, garages may only be used for garage and general storage purposes and must not be converted to other uses.
- 4.4.6 Each Resident must to the extent possible, ensure the Resident's garage can accommodate the number of car parking spaces designated for the Resident's Lot under the Development Control By-laws.
- 4.4.7 Recreational vehicles referred to in By-law 4.4.2 and vehicles for sale and items associated with them must only be parked, stored or kept in such areas as designated by the Principal Body Corporate on approval of an application by the owners of those vehicles or items.
- 4.4.8 The restrictions in this By-law 4.4 must not be interpreted in such a manner so as to permit any activity which would be contrary to any applicable By-laws of the Local Authority.

- [22] The terms "Lot" and 'designated parking area' in RZABL 4.4.1 are not defined in the RZABL. The applicant says it the lot's covered garage and uncovered parking spaces on the driveway.
- [23] The applicant refers to the PBC's Development Control By-Laws (**DCBL**),¹⁰ particularly DCBL 2.9 which states:

¹⁰ Section 95(1) of the SCR Act; *Sanctuary Cove Principal Body Corporate By-laws Notification (No. 2) 1994* as amended

2.9 PARKING AND DRIVEWAY CONTROLS

2.9.1 Two covered parking spaces must be provided on each Residential Lot or Estate Lot.

2.9.2 Two uncovered parking spaces must be provided on each Residential Lot or Estate Lot.

These parking spaces may be in tandem and located between the covered parking spaces and the Thoroughfare Alignment.

2.9.3 ...

2.9.4 ...

2.9.5 The owner or any Lot must construct a driveway with good quality masonry paving and with first class non-slip finish between the thoroughfare kerb line and the fence or boundary line of that Lot.

2.9.6 The maximum number and width of driveways between the Thoroughfare Alignment and the kerb line for Residential and Estate Lots must not exceed:

(a) for Lots with one Thoroughfare Alignment, one driveway of 5.5 metres or two driveways of 3.5 metres; and

(b) for Lots with more than one Thoroughfare Alignment, one driveway of 5.5 metres from one Thoroughfare Alignment and one driveway of 3.5 metres from another Thoroughfare Alignment.

[24] The DCBL include (in DCBL 1.2) the following relevant definitions:

'covered parking space' means a space fully enclosed in a Class 10 Building or integrated with a Principal Structure, provided for the purpose of garaging or storing a motorised vehicle.

'Residential Lot' means any lot within the Eastern or Northern Neighbourhoods that are used or to be used for residential purposes, other than an Estate Lot or Development Parcel.

'Thoroughfare Alignment' means the alignment to the Primary Thoroughfare or Secondary Thoroughfare.

[25] The term 'uncovered parking space' is not further defined in the DCBL.

[26] The SCR Act includes the following definitions:¹¹

'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.

'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

'thoroughfare' means any land used or intended for use to facilitate the traffic of vehicles usually passing on public roads.

'vehicular parking area' means premises used or intended for use solely for the parking or storage of motor vehicles, other transport vehicles, recreation vehicles and boat trailers.

[27] The by-laws for Plumeria contain By-law 2 which requires proprietors and occupiers to comply with the RZABLs and DCBLs as well as the primary and secondary thoroughfare by-laws applying to Sanctuary Cove from time to time. Plumeria By-law 4 also provides for vehicles. Its By-law 4.1 is the same as RZABL 4.4.1. Plumeria By-laws 4.3 to 4.6 are similar to RZABL 4.4.2 to 4.4.5. Plumeria By-law 4.2 additionally provides:

4.2 An Occupier of a Lot must not, and must not permit any invitee to park a vehicle, or allow a vehicle to stand on any part of the Common Property, other than a designated parking area and then for short-term parking only.

Submitted evidence

[28] I note the PBC previously brought an application against the respondents specifically relating to the parking of a boat and boat trailer in the driveway of their lot.¹²

¹¹ Schedules 1 and 9 of the SCR Act

¹² Application reference 0153-2022

- [29] The referee in that matter dismissed the application on the basis that RZABL 4.4 did not prohibit the boat and trailer, as recreational vehicles, from being kept in the designated parking area under sub-clause 4.4.1.¹³
- [30] The current issue is that applicant says the respondents have breached RZABL 4.4.1 by parking vehicles, or allowing vehicles to be parked, on their lot other than within the lot's designated parking area.¹⁴ The applications refer to alleged non-compliance occurring on 11, 15, 18 and 23 December, where vehicles that did not constitute recreational vehicles were not parked in the lot's designated parking area.
- [31] On 22 July and 1 August 2022 the applicant wrote to the respondents about the issue. It says no response was received. After a third letter on 22 August, the respondents sought clarification of the designed parking area, and noting that many vehicles are parked on their driveway overnight in similar positions. The applicant provided clarification on 7 September. On 23 September the respondents disputed they were contravening the by-laws. The PBC maintained its assertion in a letter on 11 October. It says the respondents have not complied.
- [32] The application did not explicitly describe what vehicles it asserts are being parked in breach of the by-laws or how the location of the vehicles is not within the confines of the designated parking area. The application also does not describe or substantiate the alleged non-compliance on 11, 15, 18 and 23 December.
- [33] The photographs included with the notices sent to the respondents in July and August are taken at night and appear to show a small green hatchback and a small white hatchback in various locations at the front of a property, including on or just inside the kerb, along with a large boat on a trailer and a white van.
- [34] The application included (without further explanation) the following:
- a. A photograph date stamped 22 February 2023 with a label indicating it is Lot 71 on 22 February 2023 showing a white van and a white hatchback parked in tandem on the driveway and a green hatchback next to them on the driveway, including on that part of the driveway in front of the front garden.
 - b. A photograph with a label indicating it is Lot 71 on 26 February 2023 showing a white van and a white hatchback parked in tandem on the driveway and a green hatchback next to them on the driveway in front of a garage door, with the hatchbacks at least in front of the front garden.
 - c. A photograph with a label indicating it is Lot 71 on 11 March 2023 showing a white van and a white hatchback parked in tandem on the driveway and a green hatchback next to them on the driveway in front of a garage door, with the hatchbacks at least in front of the front garden.
- [35] The PBC has now provided 14 further photographs dated 4, 6, 13, 14, 16, 17, 19, and 20 October. These show the white van, green hatchback and the boat all on the driveway and some also show the white hatchback on or in front of the driveway and onto the nature strip.
- [36] The PBC has also now provided a plan showing the 'designated parking area' as an area at the front of the lot and adjacent to the area on the secondary thoroughfare that it asserts vehicles are being parked. It further provides photographs marked as being taken on 22 and 26 February and 13 March 2023, with the front boundary of the lot marked.
- [37] GTP 3441 shows the boundaries of Lot 71. The plan identifies that the lot is bordered by the Coomera River to the north and the 'secondary thoroughfare' to the south. The application includes an arial photograph of Lot 71 and adjacent lots with an overlay showing the lot boundaries. This indicates the roadside boundary is set back from the road, with a verge or 'nature strip' and a portion of the driveway to each lot located on the secondary throughfare rather than within the lot boundaries.

¹³ *Sanctuary Cove Principal Body Corporate* [2022] QBCCMCmr 207

¹⁴ While RZABL 4.4.1 refers to vehicles being variously parked, stored and kept, there is no issue raised in this case about the difference in those terms and so I have referred generally to 'parked'.

Designated parking area

- [38] It does not appear to be disputed that respondents' lot is a residential lot within the 'Eastern Neighbourhood'. Notwithstanding the lack of description in the application, the submitted photographs appear to show vehicles parked in the driveway and at the front of Lot 71. The respondents do not appear to dispute that these are their vehicles or that they are parking them in those locations. However, they say those areas are within the designated parking area for the lot and so they are entitled to park there.
- [39] The substantive question in this application then is what the extent of the 'designated parking area' for Lot 71 and, specifically, the extent or location of the 'uncovered parking spaces'. The by-laws are not necessarily clear on this point.
- [40] I consider there is sufficient basis from the wording of the relevant by-laws and definitions identified above to accept that the 'designated parking area' of a lot for the purposes of RZABL 4.4.1 means collectively the covered and uncovered parking spaces required for that lot under DCBL 2.9. A referee has previously accepted that.¹⁵
- [41] On one side the uncovered parking spaces are bordered by the covered parking spaces, being the garage for the lot. However, the question is the exact location of the 'Thoroughfare Alignment', as the other boundary.
- [42] Respondents provide internet searches referring to the meaning of 'road alignment', which indicate that a road alignment is the centre of the road or highway. However, the term in question is 'Thoroughfare Alignment' and not road alignment. Although a 'throughfare' could include a road or highway, the term in question must be interpreted as defined in the DCBL rather than any general meaning or broader usage.
- [43] The term here relates to alignment to the primary thoroughfare or secondary thoroughfare. The secondary thoroughfare, as is relevant here, is not just a road but is all that land that is designated as 'secondary thoroughfare' on the survey plan. I consider the ordinary meaning of 'alignment' is something arranged in a straight line or in parallel. On that basis, and in the context of the submitted material, I consider the 'Thoroughfare Alignment' refers to the line that is parallel to or borders the secondary thoroughfare. Accordingly, I consider the border of the uncovered parking spaces (and therefore the designated parking area) is the border between Lot 71 and the secondary thoroughfare.
- [44] That interpretation is consistent with DCBL 2.9.5 and 2.9.6 which relate to driveways between the fence or boundary line of a lot and the thoroughfare kerb line.
- [45] Furthermore, I consider the reference in DCBL 2.9 that uncovered parking spaces must be provided on each lot (rather than, for example, for each lot) indicates the uncovered parking spaces are to be within the boundaries of the lot. RZABL 4.4.1 does not specify that a lot's designated parking area must be wholly within the boundaries of the lot (although it only relates to parking on a lot). However, I consider that is required by virtue of DCBL 2.9. Accordingly, I consider that parking outside the boundary of a lot will be outside the designated parking area.
- [46] My interpretation of the plans is consistent with the annotated plan and photographs provided by the PBC. That indicates that the area at the front of Lot 71, including the verge or nature strip and the end of the driveway is part of the secondary thoroughfare and not the lot. The respondents did not dispute the submitted material in that regard or suggested that the boundary of Lot 71 extends to the edge of the roadway.
- [47] Where the respondents are parking within the boundary of Lot 71, it would appear they are parking within the designated parking area for the lot. However, to the extent that the respondents are parking on verge or nature strip and the end of the driveway outside the front boundary of Lot 71, I find that they are not parking on designated parking area for the lot.
- [48] However, that is not the end of the matter.

¹⁵ *Sanctuary Cove Principal Body Corporate* [2022] QBCCMCmr 207

[49] On the submitted evidence, where the respondents are not parking within the designated parking area for the lot, I find that they are not parking on the lot at all. Rather, they are parking on the secondary thoroughfare. That may be contrary to by-laws that bind the respondents, such as Plumeria By-law 4.2. However, the PBC has only alleged a breach of RZABL 4.4.1. RZABL 4.4.1 only regulates parking on a lot and does not relate to residents parking vehicles on the secondary thoroughfare. It is not contrary to RZABL 4.4.1 to park on the secondary thoroughfare. While the PBC has not alleged a breach of other clauses of RZABL 4.4, it is also not evident on the submitted material that the respondents' conduct would breach any other part of RZABL 4.4.

Conclusion

[50] The PBC has satisfied me that the respondents are parking vehicles outside the designated parking area for Lot 71. However, to the extent that they are doing so, they are parking outside the boundaries of Lot 71 and not on the lot. RZABL 4.4.1 only regulates parking on a lot. Accordingly, the applicant has not established a breach of RZABL 4.4.1. It follows that I have dismissed the application.

[51] The PBC and the Body Corporate for Plumeria may wish to consider whether the respondents' parking on the secondary thoroughfare contravenes any other by-laws that regulate them. If it does, they may have recourse to pursue that matter with the respondents.



25 October 2023

Mr Steven Goltman
1862 Hillcrest Place
SANCTUARY COVE, QLD 4212
Transmission via email: jsgoltman@gmail.com

Dear Steven,

**REQUEST FOR TEMPORARY PARKING RELAXATION
PROPERTY: 1862 HILLCREST PLACE, LOT 12 ZIERIA GTP 107434**

We are writing to provide an update on the request for temporary parking relaxation in Zieria.

We confirm after discussion in the PBC EC meeting held today 23rd October 2023 at 9:00am, it was decided by the committee that such relaxation cannot be given to protect the esthetics of Sanctuary Cove and adhering to the below.

RZABLs 4.4 Vehicles:

4.4.1 – No vehicle may be parked, stored, or kept on a Lot other than wholly within the Lot’s designated parking area.

RBC Zieria By-Laws Schedule 3:

2. - Save where a by-law made pursuant to section 30(7) of this Act authorises a proprietor or occupier so to do, the proprietor or occupier of a lot shall no park or stand any motor or other vehicle upon common property except with the consent in writing of the body corporate.

Thank you for your understanding and cooperation in this matter. If you have any questions or concerns, please do not hesitate to contact the office on (07) 5500 3333 or via email at pbc@scove.com.au.

For and on behalf of
Sanctuary Cove Principal Body Corporate GTP 202

A handwritten signature in blue ink, appearing to read 'Dale St George'.

Dale St George
Secretary
Sanctuary Cove Body Corporate Services Pty Ltd



30 October 2023

Mahoneys
Level 18, 167 Eagle Street
Brisbane QLD 4000

Email: lvalentine@mahoneys.com.au

Know. Act. Resolve

Dear Colleagues

**SANCTUARY COVE PRINCIPAL BODY CORPORATE - 4638
THE PARKWAY**

Our Ref: 230479
Your Ref: MAH-Matters.FID213438

Partners

Colin Grace
Daniel Radman
Peter Ton
Jason Carlson
Jessica Bates
Jessica Cannon
Brenton Schoch

We refer to your correspondence dated 17 October 2023.

ARC

1. The Architectural Review Committee (**ARC**) reviews matters that come within the narrow ambit of its terms of reference. The recommendations it makes are from that narrow frame.
2. It is ultimately the Principal Body Corporate (**PBC**) that must make decisions. It must comply with the legislation that governs it, and the by-laws that are binding on it, in doing so.

New South Wales

Level 12, 160 Sussex Street
Sydney NSW 2000
PO Box Q112
QVB NSW 1230

PH 02 9284 2700

Victoria

Level 23, HWT Tower, 40 City Road
Southbank VIC 3006

PH 03 9674 0474

Brisbane

Level 9, 179 North Quay
Brisbane QLD 4000
PO Box 12962
George Street QLD 4003

PH 07 3102 4120

Gold Coast

Level 3, Suite 1D
Emerald Lakes Town Centre Commercial
3027 The Boulevard
Carrara QLD 4211
PO Box 12962

George Street QLD 4003

PH 07 5554 8560

Australian Capital Territory

Level 9, Nishi Building
2 Phillip Law Street
Canberra ACT 2601

PH 02 6243 3652

Western Australia

Level 28, AMP Tower
40 Georges Terrace
Perth WA 6000

PH 08 9288 1870

Guest bedroom side window

3. The PBC has not rejected the recommendations of the ARC in relation to the installation of slats over guest bedroom side windows. Those recommendations will be considered once there is a properly made application before it pursuant to Development Control By-law (**DCBL**) 2.18.1 and section 96 of the *Sanctuary Cove Resort Act 1985* (Qld) (**SCRA**).
4. Please provide an update on the efforts your client has made to procure this request.

Bullnose awning material

5. We are instructed that this item is resolved.

Moored vessel

6. Please provide that report from the pontoon engineer.

CCTV cameras

7. The PBC considers that CCTV cameras are a security system and require its approval under Residential Zone Activity By-

EM enquiries@gracelawyers.com.au

W www.gracelawyers.com.au

ABN 55 116 196 500



law 4.10. Indeed, they are described as a system in the letter dated 18 July 2023 from Instant Security Systems.

8. Your clients' lot includes part of the waterway upon which their vessel is moored.
9. The PBC has engaged Secure Access Systems to assist its efforts to resolve any concerns about the CCTV cameras your clients have installed, along with the concerns your clients have raised about the CCTV cameras installed at 4636 The Parkway.
10. A representative of Secure Access Systems will reach out to your clients directly to arrange a time to inspect the CCTV cameras and report back to the PBC. The same approach will be taken with respect to the neighbouring property. We trust your clients will co-operate with this.

Return of bond

11. The letter dated 27 May 2004 issued by the then Minister for Local Government and Planning is not determinative of the validity of Development Control By-law (DCBL) 3.3(c).
12. That letter post-dated DCBL 3.3(c) receiving Ministerial approval and being gazetted.
13. Moreover, the current version of the DCBLs are noted as having been approved by the Minister on 21 June 2006.
14. We are instructed that it is the PBC's intention to return the bonding when the works are completed in accordance with the DCBLs and approvals, to ensure no remedial works damage the secondary thoroughfare.

We await your reply.

Yours sincerely

Grace Lawyers Pty Ltd

A handwritten signature in black ink, appearing to read 'Jason Carlson', written over a faint circular stamp or watermark.

Contact: Jason Carlson, Partner
Email: jason.carlson@gracelawyers.com.au
Phone: 07 3102 4120

17 November 2023

PBC Executive Committee

PO Box 15

Sanctuary Cove QLD 4212

Transmission via email: psc@scove.com.au

Dear Executive Committee,

VOTE OUTSIDE COMMITTEE MEETING – 14 NOVEMBER 2023

I refer to the motion “Legal Expenditure” proposed by the Principal Body Corporate Executive Committee (the PBC EC) at the recent Vote Outside Committee Meeting on 14 November 2023.

Accompanying the voting paper was correspondence from the Secretary and Treasurer of the Principal Body Corporate (the PBC) that raised concerns with the validity of the motion for members to consider before casting their vote.

Despite the concerns that were raised, the PBC EC did not seek to amend or revoke the motion and it was passed by a majority of the PBC EC on 16 November 2023.

This correspondence is issued on behalf of Sanctuary Cove Community Services Limited (the Company) and details how the Company will be dealing with this decision of the PBC EC.

The Company’s position is that the decision of the PBC EC is ultra vires for the following reasons:

1. The PBC EC does not have the statutory power to authorise the Company to undertake expenditure and engage a law firm on behalf of the PBC. This direction must be given by the PBC in general meeting. However, the resolution proposes that the PBC EC will be approve expenditure within particular limits.
2. The PBC EC cannot seek to alter the Shareholders Agreement (the Agreement) by restricting the Company from entering into contracts for the provision of services (including legal services) in the way the Agreement contemplates when the PBC, in general meeting, agreed to enter into and be bound by the Shareholders Agreement. However, the resolution proposes to place a ban on the Company from obtaining legal advice under the Agreement unless the Company obtains the PBC EC’s approval.

In accordance with section 45 of the *Sanctuary Cove Resort Act 1985* (Qld), the Company will not be treating this resolution as a decision of the PBC given that the PBC EC did not have the statutory power to pass the motion.

Each member of the PBC EC is put on notice that should it disregard this correspondence and engage a law firm without obtaining the PBC's approval in general meeting, the protection afforded by section 47A of the *Sanctuary Cove Resort Act 1985* (Qld) will not apply. That is because the decision of some PBC EC members to vote in favour of the motion in circumstances where they were made aware that it would be contrary to legislation and beyond power, is demonstrative of bad faith and/or negligence.

If I have misunderstood the PBC EC's intention behind the resolution, I would welcome a response to clarify its position so that I may revise the Company's stance if necessary.

Yours Sincerely,

BWatling

Brogan Watling

In-House Counsel

COMMUNICATION TO MEMBERS NOMINEES

Issue No 1

20 November 2023

Dear Members Nominee

At the 28th September Principal Body Corporate meeting, Dr Greg Herring announced his retirement from the PBC and the Executive Committee. In his farewell speech, he outlined the corporate history of Sanctuary Cove, from the early 2000's to the present. He identified that the commercial interests and relationships have changed between the key stakeholders (the Principal Body Corporate, PBC; the Primary Thoroughfare Body Corporate, PTBC; and Sanctuary Cove Community Services Ltd, SCCSL) who are jointly responsible for the governance of Sanctuary Cove.

The PBC represents all the owners of dwellings within the gated residential areas (ie the Residential Zones). The PTBC represents all the integrated components of the Sanctuary Cove Resort. (ie the Residential Zones, the golf courses, the village, the recreation club and the other commercial uses). SCCSL is a management company owned equally by the PBC and the PTBC to provide body corporate and asset management services to the Residential Body Corporates (RBCs), the PBC and the PTBC.

Over time, aspects of the governance structure have become redundant and others require reshaping to bring them in line with current and future requirements. At the last PBC Executive Committee meeting, the CEO acknowledged the existence of these flaws and omissions and indicated a willingness to work with us to achieve better outcomes for lot owners.

One of the most recent and significant changes is a result of the lot owners' opposition to the PTBC's application to change land zoned 'Golf Course' to 'Recreation Club' (Lot 52) for the development of residential units. The unknown plans for the proposed rezoning have resulted in insecurity and confusion, and are of major concern to lot owners, as reflected in the large number of 2021 submissions by them to Qld government and the re-affirmation of opposition at the August PBC meeting.

The PBC has the largest single membership on the PTBC (47%) yet can be outvoted by the other stakeholders, including Mulpha. At the PTBC, the lot owners, represented by the PBC chairperson, have little or no real opportunity to impact the decisions and actions unless representatives from Sanctuary Cove Golf & Country Club Holdings (SCGCCH) and/or Mulpha agree. Currently, Mulpha and the SCGCCH are united in their determination to rezone Lot 52 as both parties have a significant financial stake in the outcome.

SCCSL is structured so that the PBC and PTBC each have a 50% shareholding. The two shareholders are currently represented by one director each plus an appointed independent executive director, who may be appointed if the shareholders agree. Where there is a deadlock or difference of view between the PBC and PTBC at a shareholders' meeting, no decision can be taken, despite the PBC's and RBC's (ie the lot owners') financial contribution to SCCSL being close to 90%.

Currently, two joint subcommittees, 'Finance' and 'Contracts', oversee key matters pertaining to the PBC, the PTBC and SCCSL. It's possible that a conflict can occur when the governance bodies are in dispute, as is the current situation. The sharing of confidential information relevant to the respective bodies can be challenging. Currently, the PBC EC has little or no access to the working papers and records of these subcommittees yet is expected to support and oversee their recommendations to the

PBC. In no way is this a reflection on the competence or integrity of the volunteers who are members of these committees. Their time and effort are greatly valued. However, with the passage of time, the changed situation, a lack of updated delegations and processes and a scarcity of shared documentation, the ability of the PBC EC and Members Nominees to make evidence-based recommendations is significantly reduced.

Similarly, the CEO, who holds the roles of secretary and treasurer on the PBC, the PTBC, and SCCSL is placed, through no fault of his own, in a potentially difficult position. Currently, the PBC EC would prefer to keep some PBC information in confidence from the other entities. This is challenging when one person holds similar positions on all three entities.

I am participating in informal discussions with representatives from the primary stakeholders – Mulpha and SCOCCH and endeavouring to do the same with SCCSL. The discussions are respectful and informative. Representatives do recognise the need to build relationships and work toward a preferred set of outcomes. Hopefully these meetings will become more formalised and I will then be able to report progress to you. I am seeking to work more closely with the CEO to lessen the impediments that are constantly arising as we seek to find a positive way forward.

Many of the actions undertaken by the PBC EC in 2023 have been postponed or impeded by outdated aspects of the current governance structure. I am not suggesting it is in anyway unlawful and it may have served us well in the past. However, I am recommending that it is no longer meeting current needs, and alternative structures and processes need to be considered that reflect the reality of the changed environment. The original authors did not foresee our current situation, whereby the PBC and PTBC are in conflict as their interests diverge and the lot owners, who are the major contributors of funds, have largely lost influence.

I am writing to you with some purpose.

1. To establish a regular channel of communication, as together, we plan how, what and when change may take place.
2. To share our communications with your constituents through your RBC committees so that our lot owners are informed and are confident that the PBC members are working to ensure they have an influential voice in the future of Sanctuary Cove.
3. To include you in the decision-making process, at each stage, and at your 'comfort level'. eg you may choose to join a focus group or provide verbal/written feedback, etc

I am happy to hear your thoughts and ideas as we continue to represent the best interests of the Sanctuary Cove lot owners.

Yours sincerely,



Stuart Shakespeare
Chairperson, Principal Body Corporate
pbc@scove.com.au

20 November 2023

WITHOUT PREJUDICE

Ms Brogan Watling
In- House Counsel
SANCTUARY COVE COMMUNITY SERVICES LTD (the Company)
PO Box 15 Sanctuary Cove QLD 4212

(transmission via email to the secretary of the Company at dale.stgeorge@scove.com.au)

Dear Ms Watling,

We refer to your correspondence dated 17 November 2023.

The Executive Committee wishes to advise that you have misunderstood its intention with respect to the motion resolved via VOC 14 November 2023.

1. The motion recommended by the EC will be submitted to the PBC at a general meeting. It is intended to clarify the process with respect to the commissioning of legal advice and the resultant expenditure. Concern about the spiralling cost and quantum of legal advice is widespread amongst the PBC members. The PBC EC members are acting in good faith to protect the interests of the Sanctuary Cove lot owners.
2. S 46 of SCRA prohibits the PBC EC from "undertaking" expenditure ie, the EC cannot initiate expenditure. The resolution which has been passed by the PBC EC for recommendation to the PBC does not allow the EC to "undertake" expenditure. It imposes control on the expenditure of legal expenses in a PBC approved budget, as is an expected fiduciary duty.
3. The PBC EC motion, if passed by the PBC, will be a decision of the PBC. SCRA 47(AB) clearly states that the PBC may revoke any instrument of delegation which will include the Shareholders Agreement and the Administration and Management agreements. QLD legislation (SCRA) will take precedence over any instrument of delegation, therefore any approved PBC motion will not be "out of order".
4. You advise that the Company will refuse to abide by the resolution of the PBC EC and PBC (should it be passed). We find your response unacceptable. In doing so the company will be in breach of its contractual obligations and we will consider invoking the Dispute Resolution Procedure should the Company's position not change. Please note that the Company exists to fulfill the requirements of the PBC and not the reverse.
5. The suggestion that the PBC cannot monitor and approve the services that the Company provides to the PBC is not accepted. Note that the lot owners, represented by the PBC, provide up to 90% of funding to the Company.
6. We note your threats regarding statutory protection afforded PBC EC members. Your opinion is worded as a statement of fact. You may wish to reconsider your claim.

7. The reissue of 34 pages of legal advice by the Secretary and Treasurer of the PBC is of no value to the PBC EC members, as not one piece addresses the core purpose of the motion ie, to control and monitor the escalating costs of legal services.

This confused mixture of documentation was previously presented to the PBC on a different matter.

The time and resources expended by the SC Body Corporate Manager and yourself, in making known your opinions to the PBC EC, provide no benefit to the PBC members and are a highly questionable use of PBC resources.

The PBC EC members now consider this matter closed.

Yours sincerely,



Stuart Shakespeare
Chairperson, Principal Body Corporate
(for and on behalf of the Executive Committee)

Our ref: MBN23/810

24 November 2023

Mr Dale St George
Secretary
Sanctuary Cove Principal Body Corporate
dale.stgeorge@scove.com.au

Dear Mr St George

Thank you for your letter of 4 August 2023 to the Department of State Development, Infrastructure, Local Government and Planning (the department) about the Sanctuary Cove Principal Body Corporate's (PBC) amendments to the Sanctuary Cove Development Control By-laws.

I am pleased to advise that on 15 November 2023 I approved the revised Development Control By-laws.

A copy of the approved amendments and the Queensland Government Gazette Notice, notifying of the approval, are enclosed for your information and records.

I have asked for Mr Leon Doutre, Director, Policy and Statutory Planning, Planning Group, in the department to assist you with any further queries. You may wish to contact Mr Doutre on (07) 3452 7619 or by email at leon.doutre@dsdilgp.qld.gov.au.

Yours sincerely



STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on
Olympic and Paralympic Games Infrastructure

Enc (2)

*Aboriginal and Torres Strait Islander Land Holding Act 2013***NOTICE REGARDING OWNERSHIP OF
STRUCTURAL IMPROVEMENTS ON LAND SUBJECT TO
A GRANTED LEASE OR LEASE ENTITLEMENT UNDER THE
1985 LAND HOLDING ACT (No 06) 2023****Short Title**

1. This notice may be cited as the *Notice regarding ownership of structural improvements on land subject to a Granted Lease or Lease Entitlement under the 1985 Land Holding Act (No 06) 2023* and is made pursuant to section 61 of the *Aboriginal and Torres Strait Islander Land Holding Act 2013*.

Ownership of structural improvements [s.61 of the Act]

2. Notice is given by the housing chief executive under s.61 of the *Aboriginal and Torres Strait Islander Land Holding Act 2013* that –
 - 2.1 Lessee (Trustee Lease No 715636346) is the owner of the improvements located on 56 Putchirn Street, Pompokuraaw, (Lot 56 on SP270888)
 - 2.2 Lessee (Trustee Lease No 715636346) has no obligation to pay any further amount under the agreement or arrangement entered into under the *Land Holding Act 1985*
 - 2.3 The agreement or arrangement may be taken to be completed.

ENDNOTES

1. Made by the housing chief executive on 19 October 2023.
2. Published in the Gazette on 24 November 2023.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Housing.
5. File Reference – 2023/06

*Education (General Provisions) Act 2006***STATE SCHOOL ENROLMENT MANAGEMENT PLAN
(State school EMP)**

This Gazettal Notice supersedes all previous gazettal notices for the State schools listed below. In accordance with Chapter 8, Part 3, Section 170, of the *Education (General Provisions) Act 2006*, a State school EMP for the State schools listed below has been prepared by a delegate of the Chief Executive of the Department of Education.

Region: Metropolitan South
School: Ipswich North State School
 Runcorn Heights State School
 Wynnum West State School

Copies of the State school EMPs are available for public inspection, without charge, during normal business hours at the department's head office and accessible on the department's website at <https://education.qld.gov.au/parents-and-carers/enrolment/management-plans/>

*Integrated Resort Development Act 1987***INTEGRATED RESORT DEVELOPMENT (APPROVAL OF
AMENDMENT TO BY-LAWS) NOTIFICATION (NO. 1) 2023****Short Title**

1. This Notification may be cited as the *Integrated Resort Development (Approval of Amendment to By-laws) Notification (No. 1) 2023*.

Commencement

2. This Notification commences on 24 November 2023.

Approval

3. On 15 November 2023, the Minister approved the amendment to the development control by-laws made of the Hope Island Resort scheme under section 176 of the *Integrated Resort Development Act 1987*.
4. The approved amendments amends by-law 3.11 applying to 'The Gallery' residential precinct.

ENDNOTES

1. Approved by the Minister on 15 November 2023.
2. Notified in the Government Gazette on 24 November 2023.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of State Development, Infrastructure, Local Government and Planning.

*Sanctuary Cove Resort Act 1985***SANCTUARY COVE RESORT (APPROVAL OF
AMENDMENT TO BY-LAWS) NOTIFICATION (NO. 1) 2023****Short Title**

1. This Notification may be cited as the *Sanctuary Cove Resort (Approval of Amendment to By-laws) Notification (No. 1) 2023*.

Commencement

2. This Notification commences on 24 November 2023.

Approval

3. On 15 November 2023, the Minister approved the amendment to the Development Control By-laws under section 95(5) of the *Sanctuary Cove Resort Act 1985* which were gazetted on 22 August 1987 and amended on various subsequent dates.
4. The approved amendment is a new version of the Development Control By-laws replacing the entirety of the previous version.

ENDNOTES

1. Approved by the Minister on 15 November 2023.
2. Notified in the Government Gazette on 24 November 2023.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of State Development, Infrastructure, Local Government and Planning.

STAGE 1 Development Control By-Laws

Sanctuary Cove Resort Act 1985

SANCTUARY COVE PRINCIPAL BODY CORPORATE
BY-LAWS NOTIFICATION (NO.....) 2023

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SHORT TITLE

1. This notification may be cited as the *Sanctuary Cove Principal Body Corporate By-Laws Notification (No.) 2023*.

COMMENCEMENT

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

BY-LAW REPEALED

3. The Sanctuary Cove Principal Body Corporate Development Control By-Laws (“DCBLs”) as set out in the Schedule repeal the existing Sanctuary Cove Body Corporate Development Control By-laws which were published in the Government Gazette on 18 July 1994.

APPROVAL

4. Pursuant to section 95 of the *Sanctuary Cove Resort Act 1985*, the Minister approved on [] 2023, the Stage 1 Development Control By-Laws made by the Sanctuary Cove Principal Body Corporate as set out in the Schedule.

SCHEDULE

STAGE 1 DEVELOPMENT CONTROL BY-LAWS

The Development Control By-Laws are arranged as follows:

PART 1 - DEFINITIONS AND INTERPRETATION

- 1.1 Transitional
- 1.2 Definitions
- 1.3 Interpretation

PART 2 - BUILDING CONTROLS

- 2.1 Application
- 2.2 Development Parcels, Lot Entitlements and Principal Structures
- 2.3 Height controls
- 2.4 Lot Coverage Controls
- 2.5 Floor Space Ratio Controls
- 2.6 Front Boundary Building Setback Line Controls
- 2.7 Side Boundary Building Setback Line Controls
- 2.8 Rear Boundary Building Setback Line Controls
- 2.9 Parking and Driveway Controls
- 2.10 Zero Line Wall Controls
- 2.11 Fence Controls
- 2.12 Exterior Finishes and Colour Controls
- 2.13 Tennis Courts
- 2.14 Screened Enclosures, Roofed Shade Structures, Screening and Secondary Structures
- 2.15 Landscape and Ground Level Controls
- 2.16 Swimming Pools & Spas
- 2.17 Security
- 2.18 General Conditions
- 2.19 Privacy for Neighbouring Lots
- 2.20 Character Zones
- 2.21 General Restrictions

PART 3 – BUILDING APPROVAL PROCESSES

- 3.1 Appointment of Architectural Review Committee
- 3.2 Review of Plans and Specifications
- 3.3 Published Rules and Guidelines
- 3.4 Recommendations of the ARC
- 3.5 Meetings of the ARC
- 3.6 No Waiver of Future Approvals
- 3.7 Compensation of ARC Members
- 3.8 Appeal
- 3.9 Certification and Inspection of Work
- 3.10 Lawful Compliance Not To Be Assumed
- 3.11 Variance
- 3.12 Notifiable Applications
- 3.13 General Provisions

PART 4 – GENERAL

- 4.1 Severability
- 4.2 Runs with Land
- 4.3 Inconsistency

PART 1 - DEFINITIONS AND INTERPRETATION

1.1 TRANSITIONAL

- 1.1.1 A design or development in the Residential Area which was lawful prior to the day when these Development Control By-Laws ("By-Laws") commence to apply, continues to be lawful design or development for so long as the relevant premises are so designed or developed notwithstanding any provision of these By-Laws or amendment of these By-Laws 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 By-Laws commence to apply, the Principal Body Corporate in deciding the application, may give such weight as it considers appropriate to these By-Laws.

1.2 DEFINITIONS

In these By-Laws unless the contrary intention appears:

"Act" means the *Sanctuary Cove Resort Act 1985* (Qld).

"Adjacent Lot" means the Lot adjacent to a Zero Line Lot Line Boundary, other than the Zero Line Lot.

"Amenity" means the quality and character of the surroundings which are enjoyed by the occupier of a Lot. Unless stated otherwise, in these By-Laws the application of this term is limited to a situation where a relaxation of a bylaw is being considered for Approval.

"Approve, Approves, Approved and Approval" means PBC stamped plans and any written consent, including any conditions, given by the PBC in respect of carrying out the Development Work.

"ARC" means the Architectural Review Committee established under Part 3 of these By-Laws.

"Architectural Attachments" means finials, decorative metalwork, chimneys, vents, hoods, screens and the like.

"As-Built" means the drawings and specifications of the completed Development Work, where the completed Development Work is at variance to the originally Approved drawings and specifications.

"Attached Lot" means a Residential Lot where one or each Side Boundary is a Shared Boundary.

"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:

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

that has jurisdiction over the Site.

"Basement" means any room which is fully enclosed and the top of the floor level above the room does not exceed 1 metre above the Building Reference Level at any point.

"Batter Zone" means the portion of a Lot adjacent to a waterway that inclines down to the top of the Revetment Wall to accommodate the inundation of water from a flood and exceptional tide levels from the waterway.

"Boat" means a vessel for travelling over or under water, including a jet ski.

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

"Building Certifier" has the meaning given under the *Building Act 1975* (Qld).

"Building Reference Level" means a level relative to the Australian Height Datum defining a horizontal plane over the whole of the Lot determined by the higher of either:

- (a) the average of the height of the two points where the Side Boundaries meet the Front Boundary; or

- (b) the average of the height of the two points where the Side Boundaries meet the Rear Boundary or the height of the point where the side boundaries meet in the case of Lots with no rear boundary.

“Building Setback Line” means a setback line from a front, side, or rear boundary of a Lot beyond which a nominated part of a building may not be erected or project.

“Carport Parking Space” means a space for parking a vehicle which is roofed but not enclosed.

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

“Character Overlay Plan” means the Sanctuary Cove Stage 1 Character Overlay Plan attached to these DCBLs as Addendum “C”.

“Character Zone” means an area within the Site designated and denoted on the Character Overlay Plan and as “Character Zone x” where “x” is the unique number allocated to that Character Zone.

“Character Zone Design Standards” means the supplementary development controls applicable to a Character Zone contained in Addendum “D” that is attached to and forms part of these DCBLs.

“Common Area” means the Primary Thoroughfare, Secondary Thoroughfare, and those areas described as common property on Registered Plans.

“Completion Certificate” means the certificate issued by the PBC noting that all By-Law requirements in connection with a Development Work (including without limitation, all obligations stipulated in the Development Works Deed) have been completed.

“Conventional Lot” means a Lot designated as such on the Precinct Plan.

“DCBLs” or “By-Laws” means these Development Control By-Laws.

“Demolition” means the removal or re-construction of any part of a Principal Structure, Secondary Structure, Residential Unit Structure, hard scape structure, fence, deck, or other building elements. It includes removal of significant Architectural Attachments except where such attachments are being replaced for maintenance purposes with an attachment matching that which previously existed.

“Designated Parking Space” means an Enclosed Parking Space, a Carport Parking Space, or an Uncovered Parking Space.

“Development Parcel” means a parcel of land that has not been subdivided, or has been partially subdivided, into Lots and is designated and denoted as such on the Precinct Plan that is attached to and forms part of these DCBLs.

“Development Work” means:

- (a) the construction and completion of a new residential building, associated structures, and other related works;
- (b) the construction and completion of modifications to an existing residential building and associated structures which alters their size or appearance;
- (c) the construction or completion of modifications to a mooring (floating pontoon);
- (d) any Demolition works not associated with repairs and maintenance of an existing structure;
- (e) earthworks that substantially alter the existing ground conditions of a Lot;
- (f) civil works that substantially alter or remove an external service or utility; and
- (g) external works that substantially alter existing Landscaping.

“Development Work Deed” means a deed that the PBC requires a Lot Owner enter into prior to commencement of any Development Work.

“Dwelling” means a building or part of a building, designed, constructed, or adapted for activities normally associated with domestic living for one household.

“Enclosed Parking Space” means a motor vehicle parking space that is either:

- (a) within a fully enclosed Secondary Structure; or
- (b) integrated within a Principal Structure or within a basement provided for the purpose of garaging or storing a motor vehicle.

“Executive Architect” means an Architect that:

- (a) is registered with the Board of Architects of Queensland in accordance with the Architects Act 2002 (QLD); and
- (b) is competent in the assessment of Development Work applications for compliance with control by-laws or similar codes.

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

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

“Finished Ground Level” means the ground level that will exist on the Lot at the conclusion of the proposed Development Work or Landscaping on the Lot, and include the finished levels of decks, terraces, hardscaped pathways, driveways, and soft landscaped areas.

“Floor Space Ratio” means the total floor area of all buildings and structures on a Lot, represented as a percentage of the area of the Lot. For the avoidance of doubt, the total floor area shall be the sum of:

- (a) the area of each Storey of all Principal Structures and enclosed Secondary Structures, measured to the outermost limit of the exterior walls or balustrades, but excluding any void spaces at the level of a particular Storey;
- (b) 50% of the area of a Roof Terrace, covered balconies, covered decks, covered verandas, covered porches, covered port cochere, screened enclosures and similar covered structures; and
- (c) 50% of the area of roofed but unenclosed Secondary Structures.

Note that a Basement shall be excluded from the calculation of the total floor area which is used to calculate the Floor Space Ratio.

“Front Boundary” means a boundary of a Lot that adjoins and has a frontage to a Street, or if the Lot has more than one frontage, the boundary designated as such on the Precinct Plan.

“Gatehouse” means a Secondary Structure that may be constructed to the Front or Side Boundary and used for the purpose of sheltering pedestrians at the point of entry, or an entry statement.

“Golf Course” means the golf course established within the Site, known as “The Palms”.

“Landscape Open Space” means that area of a Lot not covered by Principal Structures, Secondary Structures, driveways, hardscape paths, swimming pools, tennis courts (except grass tennis courts) or similar structures. Landscape Open Space shall 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, excluding 50% of any synthetic turf.

“Landscaping” means the making of a garden on a Lot by adding or altering trees, shrubs, grassed areas, ornamental features, and pavements.

“Laws” means the provisions of all statutes, the provisions of all rules, regulations, ordinances, instruments, and proclamations made pursuant to an 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 Site.

“Lot” means a parcel of land designated on the Precinct Plan as a Residential Lot or a Residential Unit Lot:

“Lot Coverage” means the portion of a Lot that will be covered by buildings, expressed as a percentage of the area of that Lot. The coverage is measured to:

- (a) the outermost face of the external walls at any level of a building;
- (b) a line 0.6 metres in from the external perimeter of a roof where no external walls exist; and
- (c) the external walls of a basement that are more than 1 metre above the Natural Ground Level of the Lot.

“Lot Owner” means the registered owner, and mortgagee in possession of any Lot.

“Main Street Frontage” means a Street frontage as defined and established in By-Law 2.6.7.

“Minister” has the meaning given to that term in the Act.

“National Construction Code” means the edition of the Building Code of Australia (including the Queensland Appendix) and the Plumbing Code of Australia published by the body known as the Australian Building Codes Board that is current as at the time of the proposed Development Work and includes the edition as amended and published from time to time by the said Board.

“Natural Ground Level” for a Lot means:

- (a) the ground levels of the Lot at the time of titling or registration of that Lot, before any ground disturbance; or
- (b) if the ground level under (a) is not known, the ground level determined by the PBC from time to time applies.

“No Build Area” means an area on the Zero Line Lot, adjacent to the Zero Line Wall where no construction is permitted other than boundary fencing.

“Notifiable Application” means an application for Variance of a By-Law that requires public notification.

“Open Roofed Structure” means a freestanding building with a solid roof and no enclosing walls.

“Outermost Projection” means any part of a Principal Structure or Secondary Structure including roof overhangs, fascia’s, columns, parapets, screens, soffits, patios, porticos, balconies, and decks exceeding 1 metre above Natural Ground Level but excluding an eaves gutter.

“Precinct Plan” means the Sanctuary Cove Stage 1 Precinct Plan in Addendum “A” that is attached to and forms part of these DCBLs.

“Precinct Type” means a unique combination of permitted building height, number of storeys, Lot Coverage and Floor Space Ratio. The extent of each Precinct Type is depicted on the Precinct Plan in Addendum “A” and examples of buildings in each Precinct Type are depicted in Addendum “B”.

“Primary Thoroughfare” means the lot or lots that comprises or together comprise the primary thoroughfare as defined in the Act.

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

“Principal Structure” means a building containing a single Dwelling being –

- (a) a detached house, which may include a Subsidiary Dwelling; or
- (b) one of a group of two or more attached houses, each separated by a Shared Boundary and includes a duplex house, terrace house, row house or the like, and includes –
 - (i) all internal floor and basement areas; and
 - (ii) an appended veranda, deck, balcony, porch, garage, or similar attachment.

“Rear Boundary” means the boundary of a Lot on the opposite side to the Front Boundary unless there is a boundary which is designated as the Rear Boundary for a Lot on the Precinct Plan in which case that boundary is the Rear Boundary. Note that triangular, corner, and dual frontage lots may have no Rear Boundary.

“Registered Plan” means the proposed use plan, or any other plan registered under the Act.

“Residential Area” means the land (other than Secondary Thoroughfares) in the Residential Zone.

“Residential Body Corporate” means a body corporate constituted under the BUGTA, and when used in the context of describing a “Lot Owner’s Residential Body Corporate” it means the Residential Body Corporate in which the particular Lot is located.

“Residential Lot” means any Lot used, or to be used, for residential purposes, other than a Residential Unit Lot or a Development Parcel.

“Residential Unit Lot” means a Lot containing a Residential Unit Structure.

“Residential Unit Structure” means a building containing two or more Dwellings located on a lot in a Building Units Plan

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

“Residual Area” means the area of a Lot less the area of the Lot covered by the Principal Structure and all Secondary Structures.

“Revetment Wall” means a permanent structure or structures designed to prevent the types of subsidence that commonly occur adjacent to waterways and is commonly constructed in structural concrete and rockwork and supported by rock armory on the water side.

“Roof Terrace” means an accessible uncovered area at the roof level of a Principal Structure.

“Secondary Structure” means a detached non-habitable building or structure being a domestic garage, carport, pergola, trellis, gazebo, garden shed, deck, or similar structure.

“Secondary Thoroughfare” has the same meaning as that term defined in the Act.

“Screened Enclosure” means an enclosure consisting of a screening fabric supported by a metal framed support system intended to provide insect protection or shade to an outdoor area.

“Shared Boundary” means a Side Boundary where there are Principal Structures on each side that abut a common party wall centered on that boundary.

“Side Boundary” means any boundary of a Lot that is neither the Front Boundary nor the Rear Boundary.

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

“Storey” means:

- (a) habitable or non-habitable space within a Principal Structure or Secondary Structure that is situated on one continuous level. A Storey is comprised of, and commences from, the bottom of one floor level to the bottom of an above floor level, or if there is no floor above, to the roof above the said level; and
- (b) a basement which extends more than 1 metre above the Building Reference Level.

“Street” means that part of a Common Area that is reserved for use as a street, road or laneway providing vehicular or pedestrian access to Lots.

“Subordinate Street Frontage” means a Street frontage as defined and established in By-Law 2.6.7.

“Subsidiary Dwelling” means self-contained living accommodation, with one bedroom, within the curtilage of a Principal Structure on a Conventional or Zero Line Lot, for no more than two people being –

- (a) a member, or members, of the household; or
- (b) housekeeping or maintenance personnel providing services to the household; or

- (c) a personal carer or carers.

“Uncovered Parking Space” means an unroofed space within the Lot provided for the purpose of parking a motor vehicle.

“Variance” means the relaxation of any part of a By-Law that is permitted under these By-Laws to be relaxed.

“Zero Line Boundary” means a Side Boundary of a Residential Lot where a Principal Structure is permitted to be located on that boundary provided no part of the Principal Structure protrudes over that Side Boundary.

“Zero Line Lot” means a Lot where a Side Boundary of that Lot is designated on the Precinct Plan as a Zero Line Boundary.

“Zero Line Wall” means a wall on a Zero Line Boundary.

1.3. INTERPRETATION

Unless the contrary intention appears:

- (a) terms used in these By-Laws have the same meaning as they have in the Act;
- (b) references to any Laws, instrument, policy, guideline, code, standard or document are references to the Laws, 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 By-Laws includes all attachments and Schedules to these By-Laws;
- (e) the provisions of these By-Laws apply and override any inconsistency between these By-Laws and any attachments to these By-Laws or any supplementary documents referred to in these By-Laws;
- (f) a reference in these By-Laws to a By-Law is a reference to a By-Law contained in the By-Laws;
- (g) words in the singular include the plural and vice versa;
- (h) “person” includes a corporation, association, partnership, joint venture, or Authority;
- (i) a reference to:
 - (i) a law includes regulations and instruments under it and changes to any of them;
 - (ii) a document includes any changes to or replacements of it; and
 - (iii) a person includes their personal representatives, assigns and successors; and
- (j) where a list is said to be “including”, it is not limited to those items in the list or to items of a similar kind.

PART 2 - BUILDING CONTROLS

2.1 APPLICATION

- 2.1.1 (a) The controls and standards specified in these By-Laws apply to any proposed building structure and a Development Work on the Site.
- (b) The By-Law controls for each individual Lot within the Residential Zone is determined by the Lot's allocated type, namely:
- (i) Conventional Lots;
 - (ii) Zero Line Lots;
 - (ii) Attached Lots;
 - (iv) Residential Unit Lots; or
 - (v) Development Parcels.
- 2.1.2 (a) The By-Law controls apply to a Development Parcel as a whole and to each existing or proposed Residential Lot or Residential Unit Lot within that Development Parcel.
- (b) Where a Development Parcel is subdivided into Residential Lots or Residential Unit Lots in stages, then the By-Laws apply to the new Lots from the date of registration of those Lots, and the By-Laws apply to the Development Parcel as a whole for any remaining portion.
- (c) When all land within a Development Parcel has been subdivided for residential use, then that Development Parcel shall cease to exist on the date that the subdivision is registered, and the lots shall then be classified and controlled as one or more of the four Lot types nominated in By-Law 2.1.1(b) (i) to (iv).
- 2.1.3 These By-laws must be read in conjunction with the addendums that are attached to and form part of these By-laws.

2.2 DEVELOPMENT PARCELS, LOT ENTITLEMENTS AND PRINCIPAL STRUCTURES

- 2.2.1 Only one Principal Structure may be erected on a Residential Lot.
- 2.2.2 The maximum number of Principal Structures that may be erected on a Development Parcel must not exceed the Development Parcel's Lot entitlements specified in the relevant Registered Plan for that Development Parcel.
- 2.2.3 A Conventional Lot and a Zero Line Lot in Precinct Type P11 must not be less than 350 square metres in area.

2.3 HEIGHT CONTROLS

- 2.3.1 By-Law 2.3 must be read in conjunction with the Precinct Plan in Addendum "A" and the explanatory diagrams in Addendum "B".
- 2.3.2 Subject to clause 2.3.3, the building height above the Building Reference Level must not exceed:
- (a) the lesser of 1 Storey or 5.5 metres in Precinct Type P1.
 - (b) the lesser of 1.5 Storeys or 6.5 metres in Precinct Type P2.
 - (c) the lesser of 1.5 Storeys or 6.5 metres in Precinct Type P3.
 - (d) the lesser of 2 Storeys or 8.5 metres in Precinct Type P4.
 - (e) the lesser of 2 Storeys or 8.5 metres in Precinct Type P5.

- (f) the lesser of 2 Storeys or 10.5 metres in Precinct Type P6.
 - (g) the lesser of 2 Storeys or 10.5 metres in Precinct Type P7.
 - (h) the lesser of 2 Storeys or 10.5 metres in Precinct Type P8.
 - (i) the lesser of 3 Storeys or 12.5 metres in Precinct Type P9.
 - (j) the lesser of 3 Storeys or 12.5 metres in Precinct Type P10.
 - (h) the lesser of 2 Storeys or 8.5 metres in Precinct Type P11.
- 2.3.3 At any point on a Lot where the Building Reference Level is more than 3 metres above Natural Ground Level the building height must not exceed a height above Natural Ground Level which is the height in metres specified in clause 2.3.2 plus 3 metres.
- 2.3.4 The building height above Natural Ground Level for Secondary Structures must not exceed:
- (a) the lesser of 1 Storey or 4.5 metres for a garage or carport; or
 - (b) 3 metres for all other Secondary Structures.
- 2.3.5 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 1.8 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.
- 2.3.6 No portion of any building (except Architectural Attachments) may project above the horizontal plane established as the maximum allowable building height.
- 2.3.7 Where:
- (a) the levels or depth of a Lot;
 - (b) the conditions of a Lot; or
 - (c) the Amenity of the surrounding area where a Lot is located,
- make it necessary or appropriate to relax the maximum allowable building height controls within Part 2.3 and Approval is issued for that relaxation, then the maximum allowable building height of a Principal Structure on the associated Lot will be as stated in that Approval.
- 2.3.8 The finished floor levels of a Principal Structure must be a minimum height above the designated flood level as specified by the Local Authority or as otherwise required by other Laws, whichever is the greater.

2.4 LOT COVERAGE CONTROLS

- 2.4.1 By-Law 2.4 must be read in conjunction with the Precinct Plan in Addendum "A" and the explanatory diagrams in Addendum "B".
- 2.4.2 The Lot Coverage must not exceed:
- (a) 45% in Precinct Type P1.
 - (b) 45% in Precinct Type P2.
 - (c) 40% in Precinct Type P3.
 - (d) 40% in Precinct Type P4 except for Street address numbers 5428, 5430, 5432, and 5434 where the Lot Coverage must not exceed 45%.
 - (e) 40% in Precinct Type P5 (subject to Character Zone Design Standards).
 - (f) 100% in Precinct Type P6.
 - (g) 40% in Precinct Type P7.

- (h) 40% in Precinct Type P8.
- (i) 35% in Precinct Type P9.
- (j) 40% in Precinct Type P10.
- (k) 50% in Precinct Type P11

2.5 FLOOR SPACE RATIO CONTROLS

2.5.1 By-Law 2.5 must be read in conjunction with the Precinct Plan in Addendum “A” and the explanatory diagrams in Addendum “B”.

2.5.2 Floor Space Ratios must not exceed:

- (a) 55% in Precinct Type P1.
- (b) 75% in Precinct Type P2.
- (c) 45% in Precinct Type P3.
- (d) 60% in Precinct Type P4.
- (e) 75% in Precinct Type P5.
- (f) 100% in Precinct Type P6.
- (g) 60% in Precinct Type P7.
- (h) 75% in Precinct Type P8.
- (i) 50% in Precinct Type P9.
- (j) 75% in Precinct Type P10.
- (k) 100% in Precinct Type P11

2.6 FRONT BOUNDARY BUILDING SETBACK LINE CONTROLS

2.6.1 A Front Boundary Building Setback Line applies to the outer face of a Street facing wall of a Principal Structure or Residential Unit Structure. The distance from a Front Boundary to the Building Setback Line is:

- (a) 8 metres where the Street is at that point more than 18 metres wide; or
- (b) 6 metres where the Street is at the point more than 16 metres wide and not more than 18 metres wide; or
- (c) 5 metres where the Street is at that point more than 14 metres wide and not more than 16 metres wide (unless By-Law 2.6.1(e) applies); or
- (d) 6 metres where the Street is at that point not more than 14 metres wide (unless By-Law 2.6.1(e) applies); or
- (e) 4.0 metres for the Outermost Projection for a Lot in Precinct Type P11.

The PBC will provide the relevant Street width information upon the request of a Lot Owner.

2.6.2 On any Residential Lot the outer face of the Street-facing wall of a Secondary Structure may not extend over the Building Setback Line for a Secondary Structure, which is 4 metres from the Front Boundary, except for a Gatehouse where, subject to Approval, it may be built beyond this Building Setback Line requirement.

2.6.3 Where the Front Boundary of a Residential Lot or Residential Unit does not coincide with the boundary of the Secondary Thoroughfare, and the gap between the Front Boundary of the Lot and the boundary of the Secondary Thoroughfare is common property on the Registered Plan, then the Building Setback Line may be calculated as if the boundary of the Secondary Thoroughfare was the Front Boundary, provided that any development is contained entirely within the boundaries of the Lot.

2.6.4 If a Secondary Structure, or a part of a Principal Structure, used solely as an Enclosed Parking Space is proposed to be located between a Side Boundary Building Setback Line and a neighbouring Lot which already has a building on that same Side Boundary, then:

- (a) the Secondary Structure, or that part of a Principal Structure, must be offset from the Street facing wall of the neighbouring structure by a minimum of 1 metre and be behind the Building Setback Line; or
- (b) the access to the Secondary Structure, or that part of a Principal Structure, must be located on the side, and the front wall must be suitably screened from the Front Boundary with Landscaping; or
- (c) the Secondary Structure must be of similar appearance to the neighbouring building, including the same roof construction, height, materials, and colours.

2.6.5 The external wall of a Principal Structure facing a Front Boundary must be no longer than 10 metres in length, without an offset in the plane of that wall of at least 1 metre, for a minimum horizontal distance of 2.5 metres.

2.6.6 Where:

- (a) the ground levels or depth of a Lot;
- (b) the condition of a Lot; or
- (c) the Amenity of the surrounding area where a Lot is located,

make it necessary to relax the Front Boundary Building Line required by By-Law 2.6 then the Approval will state the Front Boundary Building Line that is to apply to a Principal Structure or a Secondary Structure on that Lot.

2.6.7 Where a Lot has two or more Street frontages, one of the frontages will be assigned the status of the Main Street Frontage and the other, or others, the status of the Subordinate Street Frontage. The Main Street Frontage shall comply with the Building Setback Line controls stipulated in the above By-Law 2.6.1. For the Subordinate Street Frontage, the distance from the Lot boundary to the Building Setback Line for a Principal Structure shall be 2.5 metres, unless noted otherwise on the Precinct Plan.

2.6.8 Development Work that involves the renovation or replacement of a Principal or Secondary Structure on an Attached Lot or Residential Unit Lot must maintain the same building line as the existing structure.

2.7 SIDE BOUNDARY BUILDING SETBACK LINE CONTROLS

2.7.1 For Conventional Lots, Residential Unit Lots and Attached Lots (except for a Shared Boundary), the distance from a Side Boundary to the Building Setback Line is:

- (a) 1.5 metres for any part of the structure not exceeding 4.5 metres above Natural Ground Level (unless By-Law 2.7.1 (d), (e), or (f) applies);
- (b) 2 metres for any part of the structure exceeding 4.5 metres but not exceeding 7.5 metres above Natural Ground Level (unless By-Law 2.7.1 (d), (e), or (f) applies);
- (c) 2 metres plus 0.5 metres for every 3 metres or part thereof for any part of the structure which exceeds 7.5 metres above Natural Ground Level;
- (d) for a Conventional Lot in Precinct Type P11 where the Front Boundary is less than 13.5 metres in length:
 - (i) 1.2 metres for any part of the structure not exceeding 4.5 metres above Natural Ground Level; and
 - (ii) 1.6 metres for any part of the structure exceeding 4.5 metres to a maximum of 7.5 metres above Natural Ground Level.

- (e) for a Conventional Lot in Precinct Type P11 where the Front Boundary is at least 13.5 metres and less than 14.5 in length:
 - (i) 1.3 metres for any part of the structure not exceeding 4.5 metres above Natural Ground Level; and
 - (ii) 1.7 metres for any part of the structure exceeding 4.5 metres to a maximum of 7.5 metres above Natural Ground Level; and
- (f) for a Conventional Lot in Precinct Type P11 where the Front Boundary is at 14.5 metres and less than 15.5 metres in length:
 - (i) 1.4 metres for any part of the structure not exceeding 4.5 metres above Natural Ground Level; and
 - (ii) 1.8 metres for any part of the structure exceeding 4.5 metres to a maximum of 7.5 metres above Natural Ground Level.

2.7.2 Notwithstanding the Building Setback Line requirements in By-Law 2.7.1, a part of a Principal Structure on a Conventional Lot that is used solely as a garage, may be located closer to or on a Side Boundary provided that no part of the garage structure protrudes over that boundary and:

- (a) no part of the garage exceeds 4.5 metres in height above Natural Ground Level;
- (b) there are no openings in the wall facing the Side Boundary;
- (c) the wall facing the Side Boundary does not exceed 9 metres in length;
- (d) the wall facing the Side Boundary is fire-rated in compliance with the National Construction Code; and
- (e) there are no Principal Structures or Secondary Structures within 1.5m of the same Side Boundary on the adjacent lot.

2.7.3 For a Principal Structure on a Zero Line Lot:

- (a) subject to the below By-Law 2.7.3(b), the Principal Structure may be built to the Zero Line Boundary;
- (b) A Zero Line Wall:
 - (i) must have no openings;
 - (ii) must be constructed with a minimum fire resistance rating in compliance with the National Construction Code;
 - (iii) must not have any straight sections longer than 12 metres before a recess or step of at least 500mm and a separation of at least 3m is required;
 - (iv) for walls adding to longer than 12 metres, there must be an intervening No Build Area of at least 6 square metres with minimum 1.5 metres length in each direction; and
 - (v) for walls adding to longer than 12 metres, there must be a built-to-boundary fence erected in the No Build Area that is 2 metres high relative to Natural Ground Level;
- (c) any part of a Principal Structure that is within 2 metres of a Zero Line Boundary must be no more than a maximum height of 7.5 metres above Natural Ground Level unless stated otherwise in By-Laws 2.3.2 or 2.3.3 in which case the lesser shall apply; and
- (d) any windows located in the No Build Area on the second level, within 2 metres of the Zero Line Boundary must be 75% screened or the sill height must be 1.5 metres above floor level and any windows facing the Zero Line Boundary must be at least 2 metres from the Zero Line Boundary.

2.7.4 On a Zero Line Lot for the Side Boundary opposite the Zero Line Boundary the Outermost Projection of a Principal Structure must not extend over the Building Setback Line, which is:

- (a) 3 metres from the Side Boundary for any part of a Principal Structure not exceeding 5 metres above Natural Ground Level;
 - (b) 3.5 metres from the Side Boundary for any part of a Principal Structure over 5 metres but not exceeding 8 metres above Natural Ground Level; and
 - (c) 3.5 metres plus 0.5 metres from the Side Boundary for every 3 metres or part thereof for any part of the Principal Structure which exceeds 8 metres above Natural Ground Level.
- 2.7.5 The Side Boundary Building Setback Line for any Secondary Structure may be 0 metres from one Side Boundary per Lot provided that for any Secondary Structure located within 1.5 metres of a Side Boundary:
- (a) no part of that Secondary Structure projects over the Side Boundary; and
 - (b) the side of the Secondary Structure that faces the Side Boundary is a fire-rated wall in accordance with the National Construction Code.
- 2.7.6 Where a Secondary Structure (including shading devices, trellises, and similar structures) is located between the side Building Setback Line for a Principal Structure and the Side Boundary, the distance separating the Outermost Projection of the Principal Structure and the Side Boundary of the Lot required in By-Laws 2.7.1. or 2.7.4 must be maintained between the Outermost Projection of the Principal Structure as if the Secondary Structure were the Side Boundary of the Lot for the purposes of By-Laws 2.7.1 or 2.7.4. This does not preclude the erection of a covered or enclosed link between a garage or a carport and the Principal Structure.
- 2.7.7 The maximum length of all Secondary Structures for a particular Lot, facing and within 1.5 metres of any one Side Boundary, must not exceed:
- (a) 4 metres for the Side Boundary opposite the Zero Line Boundary of a Zero Line Lot; or
 - (b) 9 metres in any other case.
- 2.7.8 The external wall of a Principal Structure or Secondary Structure facing a Side Boundary must be no longer than 12 metres in length, without an offset in the plane of that wall of at least 1 metre, for a minimum horizontal distance of 3 metres.
- 2.7.9 By-Law 2.7.8 shall not apply to Attached Lots.
- 2.7.10 Development Work that involves the renovation or replacement of a Principal or Secondary Structure on an Attached Lot or Residential Unit Lot must maintain the same building line as the existing structure.

2.8 REAR BOUNDARY BUILDING SETBACK LINE CONTROLS

- 2.8.1 A Rear Boundary Building Setback Line applies to the Outermost Projection of a Principal Structure or a Residential Unit Structure. The distance from a Rear Boundary to the Building Setback Line is:
- (a) 8 metres where the Rear Boundary abuts a Golf Course, unless By-Law 2.8.1(d) applies or Approval for a relaxation is granted to 5 metres in accordance with Notifiable Application By-Law 3.12;
 - (b) 6 metres where the Rear Boundary abuts a body of water, unless By-Law 2.8.1(d) applies;
 - (c) 10 metres from the Rear Boundary in all other cases, unless By-Law 2.8.1(d) applies; or
 - (d) 5 metres for a Conventional Lot in Precinct Type P11.
- 2.8.2 Where the Rear Boundary of a Residential Lot or Residential Unit Lot does not coincide with the boundary of the Residential Body Corporate in which those lots reside, and the gap between the Rear Boundary of the Lot and the boundary of the Residential Body Corporate is common property on the Registered Plan, then the Building Setback Line may be calculated as if the boundary of the Residential Body Corporate was the Rear Boundary, provided that any development is contained entirely within the boundaries of the Lot.
- 2.8.3 Shading devices, trellises, or similar structures at the rear of a Lot that are not connected to a Principal Structure or a Secondary Structure:
- (a) must be a minimum distance of 1.5 metres from a Rear Boundary;

- (b) must be setback from a Side Boundary in accordance with By-Laws 2.7.1 or 2.7.4;
- (c) must not exceed 3 metres in height above the Natural Ground Level; and
- (d) must not be longer than 50% of the length of the Rear Boundary.

2.8.4 Where:

- (a) the ground levels or depth of a Lot;
- (b) the condition of the Lot; or
- (c) the Amenity of the surrounding area where the Lot is located,

make it necessary to relax the Side Boundary Building Line required by By-Law 2.8, then the Approval will state the Side Boundary Building Setback Line that is to apply to a Principal Structure or the Secondary Structure on that Lot.

2.8.5 The external wall of a Principal Structure facing a Rear Boundary must be no longer than 10 metres in length, without an offset in the plane of that wall of at least 1.5 metre, for a minimum horizontal distance of 5 metres.

2.8.6 Development Work that involves the renovation or replacement of a Principal or Secondary Structure on an Attached Lot or Residential Unit Lot must maintain the same building line as the existing structure.

2.9 PARKING AND DRIVEWAY CONTROLS

2.9.1 Except for Character Zone 1, each Conventional, Attached and Zero Line Lot must have a minimum of 2 Enclosed Parking Spaces and 2 other Designated Parking Spaces. A roofed and screened buggy parking space is permitted within a Gatehouse provided the buggy cannot be seen from the Street.

2.9.2 In Character Zone 1, each Attached Lot must have a minimum of 2 Enclosed Parking Spaces. A roofed and screened buggy parking space is permitted within a Gatehouse provided the buggy cannot be seen from the Street.

2.9.3 Carport Parking Spaces and Uncovered Parking Spaces must be constructed with good quality masonry or exposed aggregate concrete (excluding plain concrete), brick pavers, stone, or tiles and be constructed with good quality workmanship and finish.

2.9.4 The following provisions shall apply to all Lot driveways:

- (a) the Lot Owner must construct a driveway with non-slip and good quality masonry, exposed aggregate concrete (excluding plain concrete), brick pavers, or tiles between the Street kerb line and Designated Parking Spaces;
- (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, flow control valve, irrigation box, or water meter must be flush mounted in the driveway; and
- (d) a service conduit must be provided under all driveways.

2.9.5 For Conventional Lots, Zero Line Lots, and Attached Lots the maximum number of driveways between the Street kerb and the Front Boundary of a Lot is:

- (a) one driveway with a maximum width of 7 metres; or
- (b) two driveways with a maximum width of 3.5 metres; and

the width of a driveway or driveways to a Lot shall not exceed 50% of the width of the Front Boundary of the Lot, or 5.5 metres where the Front Boundary is less than 11 metres wide.

2.9.6 Parking spaces must comply with the following minimum dimensional requirements:

- (a) for a single Uncovered Parking Space, 5.4 metres long by 2.6 metres wide;
- (b) for a single Carport Parking Space, 6 metres long by 3 metres wide;

- (c) for a double Carport Parking Space, 6 metres long by 6 metres wide internally;
- (d) for a single Enclosed Parking Space, 6 metres long by 3 metres wide internally; and
- (e) for a double Enclosed Parking Space, 6 metres long by 5.7 metres wide internally.

2.10 ZERO LINE WALL CONTROLS

- 2.10.1 The Lot Owner of a Zero Line Lot (for the purpose of this By-Law 2.10, referred to as the “Owner A”) must finish the Adjacent Lot side of their Zero Line Wall compatible with the Principal Structure on their Lot. Owner A must ensure and maintain the structural soundness and waterproofing of their Zero Line Wall.
- 2.10.2 If the Lot Owner of an Adjacent Lot (for the purpose of this By-Law 2.10, referred to as “Lot Owner B”) chooses to finish the side of the Zero Line Wall facing their Lot with material and colour that is compatible with their Principal Structure, they must first submit to the Lot Owner A, a plan showing the proposed material and colour and how the finish is to be applied to the Zero Line Wall so that it does not adversely affect the structural waterproofing of the Zero Line Wall and Lot Owner B:
- (a) must maintain the finish of the Zero Line Wall facing his/her Lot so as not to adversely affect the structural soundness or waterproofing of the wall in question; and
 - (b) must not affix anything to the Zero Line Wall facing his/her Lot.
- Lot Owner B’s request must not be unreasonably refused by Lot Owner A.
- 2.10.3 Where a Zero Line Wall abuts a Common Area, then the painting, finish, and maintenance of both sides of that wall is the responsibility of Lot Owner A.
- 2.10.4 For Zero Line Lots, the finished floor level of the building abutting the Zero Line Boundary must be a minimum of 0.23 metres and a maximum of 0.5 metres above Natural Ground Level at any point on the boundary.
- 2.10.5 Where a Secondary Structure, wall or other structure is constructed on a Lot abutting a Zero Line Wall it must be structurally independent of and must not adversely affect the structural soundness, finish, and waterproofing of the Zero Line Wall in any way.

2.11 FENCE CONTROLS

- 2.11.1 The owner of a Zero Line Lot must construct a fence on the Zero Line Boundary that is:
- (a) of the same material, finish, and colour as the Zero Line Wall on that Lot;
 - (b) centered on the Zero Line Boundary of that Lot; and
 - (c) 2 metres in height above Natural Ground Level except where:
 - (i) the fence encloses a courtyard contained within the Principal Structure, the height may be increased in line with the adjoining gutter or parapet; or
 - (ii) within 3 metres of the Rear Boundary where it abuts a Golf Course, body of water or park area, the fence must be stepped to a maximum of 1.25 metres in height above Natural Ground Level to the Rear Boundary.
- 2.11.2 If the distance from the Principal Structure to the Rear Boundary on a Zero Line Lot is greater than 6 metres, the section of the fence further than 6 metres from the Principal Structure may be of open metal work construction or replaced with suitable planting.
- 2.11.3 On a Zero Line Lot, a temporary fence complying with By-Law 2.11.5 may be constructed on the Side Boundary opposite the Zero Line Boundary if there is no building constructed on the Lot adjoining that boundary. The temporary fence must be removed when construction proceeds on that adjoining Lot.

2.11.4 A fence:

- (a) between Conventional Lots, must be constructed on a Side Boundary from the Front Boundary Setback Line for the full length of that Side Boundary and along the full length of the Rear Boundary; and
 - (i) be constructed in painted finished tilt-slab or rendered masonry; and
 - (ii) be 2 metres in height from the Natural Ground Level.
- (b) black flat top, 1.2 metres high, regulatory aluminium pool fencing can only be used for a fence:
 - (i) within a Batter Zone;
 - (ii) adjacent to a Golf Course; or
 - (iii) adjacent to a body of water.
- (c) aligned and adjacent to a Street:
 - (i) must not exceed 2 metres in height above Natural Ground Level;
 - (ii) must have a good quality finish;
 - (iii) must be constructed in either face brickwork or rendered masonry;
 - (iv) must not be any closer than 2.5 metres from the back of a Street kerb; and
 - (v) may include panels or sections of open metalwork that must finish at least 0.4 metres above the Natural Ground Level.

2.11.5 Swimming pools must be fenced in accordance with the requirements of the appropriate Authority.

2.11.6 Any alteration to existing fences, gates in fences and gatehouses requires prior Approval.

2.11.7 A fence must not be used as a retaining wall on a Side Boundary or Rear Boundary.

2.12 EXTERIOR FINISHES AND COLOUR CONTROLS

2.12.1 Unless otherwise Approved, the exterior of a Principal Structure, a Residential Unit Structure, or any Secondary Structures of a Lot:

- (a) must be constructed and finished in any, or a combination, of:
 - (i) glazing;
 - (ii) face masonry;
 - (i) stone;
 - (iv) rendered masonry;
 - (v) timber or other lightweight material as Approved in writing by the PBC from time to time;
 - (vi) applied monolithic fine-textured finish;
 - (vii) off form concrete; or
 - (viii) any other good quality material or finish as Approved in writing by the PBC from time to time; and
- (b) In the case of Principal Structures that are part of a similar group of attached houses, detached houses, Residential Unit Structures and their associated Secondary Structures, the finishes, detailing, colours, and building materials must be consistent with the associated group of which they are a part.

2.12.2 All predominant colours on a Lot (including a Principal Structure, Secondary Structures, Residential Unit Structure, and fences) should be of light subdued tones including greys or white to muted mid earth tones.

Vibrant colours including charcoal and black may be acceptable in small sections or areas if Approval has been issued by the PBC.

2.12.3 Fascia boards, trim and exposed metalwork on a Lot must be:

- (a) painted or stained timber;
- (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 on a Lot must be finished in a colour which is colour coordinated with the primary colours.

2.12.5 Principal Structures, Secondary Structures, and Residential Unit Structures on a Lot must be roofed in any or a combination of:

- (a) finished metal;
- (b) clay or concrete tiles;
- (c) waterproof concrete slab; or
- (d) any other high-quality material or finish as Approved by the PBC from time to time.

2.12.6 Secondary Structures, and particularly Open Roofed Structures, must not be roofed in straw, thatch, or similar materials.

2.12.7 No windows on any Lot may be fitted with mirrored glass or coated with aluminum foil, reflective films, or similar material, unless Approved in writing by the PBC.

2.12.8 The provisions in respect of initial finishing and subsequent maintenance of Zero Line Walls set out in By-Laws 2.10.1 and 2.10.2 and 2.10.3 shall apply to any wall of a Principal Structure or Secondary Structure, or fence constructed beyond the Side Boundary Building Setback Line of a Conventional Lot or Development Parcel.

2.13 TENNIS COURTS

The perimeter fencing of a tennis court must not be closer than 3 metres to any Lot boundary for full size tennis courts and 2 metres to any Lot boundary for half size tennis courts. The setback area must be densely planted with shrubs and other vegetation to prohibit the use of a wall on an adjoining Lot as a rebound wall.

2.14 SCREENED ENCLOSURES, OPEN ROOFED STRUCTURES AND SECONDARY STRUCTURES

2.14.1 A Screened Enclosure is only permitted on a Conventional Lot, Zero Line Lot, or Residential Unit Lot and:

- (a) its design must be compatible with the design and materials of the associated Principal Structure or Residential Unit Structure on that Lot;
- (b) when attached to a Principal Structure or Residential Unit Structure must be treated as part of that structure with respect to the required Building Setbacks to the Lot boundaries;
- (c) when detached from a Principal Structure or Residential Unit Structure must be treated as a Secondary Structure with respect to the required Building Setbacks to Lot boundaries; and
- (d) 50% of the enclosed area of the enclosure must be included in the Floor Space Ratio for that Lot.

2.14.2 Where the conditions of a Lot or the Amenity of the locality where the Lot is situated make it necessary or appropriate to apply a minor relaxation to any part of By-Law 2.14.1, then that relaxation will take effect provided it is Approved and the Screened Enclosure is adequately concealed from the view of adjoining Lots and Common Areas by Landscaping.

2.14.3 An Open Roofed Structure:

- (a) must not cover an area under the roof exceeding 30 square metres;
- (b) must not be closer than 1.5 metres to a Rear Boundary or Side Boundary;
- (c) must have a 1.5 metre separation from a Principal Structure or Residential Unit Structure;
- (d) must not exceed 3.5 metres in height above the Natural Ground Level; and
- (e) must have the ground area under the extremities of the roof excluded from the Landscaped Open Space for the Lot.

2.14.4 Where:

- (a) a vertical screen is freestanding or attached to a building or a fence and is located between a Lot boundary and a Building Setback Line, then that screen must not exceed 2 metres in height.
- (b) a vertical screen is freestanding or attached to a building and exceeds 2 metres in height, then that screen must comply with the Building Setback Lines and associated height limitations for Principal Structures and Secondary Structures for the Lot it is located within.
- (c) a vertical screen is required for privacy under By-Law 2.19, then it must comply with parts (a) and (b) of this By-Law.

2.14.5 A Secondary Structure must be separated from a Principal Structure by at least 1.5m and may be connected to a Principal Structure by an enclosed passageway or an unenclosed pathway which may incorporate a pergola, shade, or similar structure.

2.15 LANDSCAPE AND GROUND LEVEL CONTROLS

2.15.1 Landscaping development work includes the:

- (a) planting of trees, shrubs, and grass;
- (b) contouring of the ground to create embankments and terraces;
- (c) installation of planter beds and boxes;
- (d) construction of retaining walls;
- (e) construction pathways and pavements;
- (f) installation of irrigation systems and associated conduits;
- (g) installation screens and fences;
- (h) installation of water features; and
- (i) installation sculptures or similar features.

2.15.2 All Landscaping elements must be good quality and fit for purpose.

2.15.3 Landscaping must not interfere with or intrude into adjacent Lots or Common Areas.

2.15.4 All trees and shrubs must be located in areas where their matured size can fit within the composition of the garden and be contained within the Lot boundaries.

2.15.5 All trees, shrubs, and grassed areas must be irrigated.

2.15.6 The Finished Ground Level of a Lot:

- (a) must not be 0.5 metres higher than the Natural Ground Level within 1.5 metres of a Lot boundary or more than 1.5 metres higher than the Natural Ground Level for any other part of the Lot (refer to the explanatory diagram in Addendum "G"; and

- (b) must not be less than 0.23 metres below the floor level of a neighbouring building that has a Zero Line Wall that abuts a Lot boundary and must provide natural surface drainage away from the Zero Line Wall within 1.5m of the Zero Lot Boundary.
- 2.15.7 Where the Finished Ground Level of a Lot is varied pursuant to By-Law 2.15.5 (a) and (b), any resulting cut and fill areas must incorporate waterproofed retaining walls, contouring, terracing, and Landscaping such that the land is properly drained, structurally stable, and not subject to erosion.
- 2.15.8 Retaining walls or embankments that exceed 1.0 metre in height must incorporate plants to screen these elements from view.
- 2.15.9 Retaining walls:
- (a) must be painted rendered masonry, concrete or rockwork with a good quality finish;
 - (b) must have footings that are not exposed and positioned below the Finished Ground Level of the Lot and the neighbouring Lot;
 - (c) must be wholly contained within the Lot;
 - (d) must be structurally adequate; and
 - (e) must be properly drained into the stormwater system.
- 2.15.10 Open void areas to the underside of a deck or similar structure in a Batter Zone or elsewhere, must be adequately screened from view using decorative screens with 50% openings and shrubs.
- 2.15.11 No part of a fence to a Side or Rear Boundary can be used for ground retention.
- 2.15.12 No part of a retaining wall can form part of a fence to a Side or Rear Boundary.
- 2.15.13 The area of Landscape Open Space for any Conventional Lot or Zero Line Lot must not be less than 30% of the Residual Area. Refer to the explanatory diagrams in Addendum "F".
- 2.15.14 Trees or shrubs must not be planted or retained on a Lot that are classified as noxious weeds by the Local Authority.
- 2.15.15 Unless Approved otherwise, all trees, shrubs and grass used for Landscaping must be selected from the document titled 'Sanctuary Cove Planting Palette for Residential Lots'.
- 2.15.16 Synthetic Turf may be used in Landscaping provided:
- (a) it complies with the document titled the 'Sanctuary Cove Synthetic Turf Policy; and
 - (b) where used within a Lot on the Street frontage, it must be separated from the adjacent Common Area grass by a 1.0 metre wide shrub bed.
- 2.15.17 The existing Natural Ground Levels and the Finished Ground Levels relative to the Australian Height Datum must be depicted on the plans included in an application for Approval of Development Work.
- 2.15.18 Due to the unusual topography of a Lot, the PBC may relax any part of By-Law 2.15. by an application of the Lot Owner to do so.
- 2.15.19 Irrigation PVC conduit must be installed underneath each Driveway to the below specifications:
- (a) 150mm diameter PVC Conduit; and
 - (b) 500-600mm from the inside of the kerb; and
 - (c) 300mm depth to the top of the pipe; and
 - (d) 300mm protrusion from both ends of the driveway.

2.16 SWIMMING POOLS AND SPA POOLS

- 2.16.1 Swimming pools and spa pools, as measured to their water's edge must be no closer than 1.5 metres to a Lot Boundary and must be no closer than 2.5 metres to a body of water.

- 2.16.2 The design, siting and enclosure of swimming pools and spa pools must comply with the requirements of the Local Authority, or such other Authority as may have jurisdiction.
- 2.16.3 Where the height of a swimming pool, a spa pool or surrounding pavements and decks exceed 0.5 metres above Natural Ground Level, then screens or landscaping must be incorporated to provide adequate privacy to adjoining Lots.
- 2.16.4 Swimming pools and spa pools that extend above Natural Ground Level:
- (a) must have rendered external finishes; and
 - (b) must have all plumbing concealed; and
 - (c) must have the underside of all surrounding concourses and decking screened from view; and
 - (i) must be of concrete construction; and
 - (ii) must not have surrounding deck or pavement within 1.5 metres of a Lot boundary that is more than 0.5 metres above Natural Ground Level; and
 - (f) must be set back from an adjacent boundary in accordance with the Building Setback Line for that Lot.
- 2.16.5 Swimming pool and spa pool equipment such as filter pump motors must:
- (a) comply with requirements of the appropriate Local Authority and applicable Laws; and
 - (b) be sufficiently screened and not be visible from any Common Area or neighbouring Lots; and
 - (c) 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
 - (d) be adequately sound insulated; and
 - (e) have suitably enclosed pool filters.
- 2.16.6 Any balustrade or swimming pool fencing facing a Common Area must be made predominantly of glass. The height from Natural Ground Level to the top of the balustrade must not exceed 2.4 metres.

2.17 DETECTION AND COMMUNICATION SYSTEMS

- 2.17.1 All detection and communication systems related to Development Work:
- (a) must be compatible with and connected to the Sanctuary Cove fibre-to-the-home system; and
 - (b) in accordance with By-Law 2.22, must comply with the Sanctuary Cove Home Cabling Requirements.
- 2.17.2 The detection and communications systems that must connect to the Sanctuary Cove fibre-to-the-home system include:
- (a) security monitoring via movement detectors back to the Sanctuary Cove security monitoring system;
 - (b) fire detection via smoke and heat detectors back to the Sanctuary Cove security monitoring system; and
 - (c) panic button alert back to the Sanctuary Cove security monitoring system.
- 2.17.3 All detection and communications systems must be maintained, updated, or replaced as necessary to be compatible with the current Sanctuary Cove fibre-to-the-home system.

2.18 GENERAL CONDITIONS

- 2.18.1 Where visible, all external meters and services must be fully screened or enclosed, and the screen or enclosure must be coloured to match the Principal Structure or Residential Unit Structure.
- 2.18.2 An outside area must be provided for storage of all wheeled garbage containers that must be:
- (a) fully screened (excluding Landscaping screening) or enclosed;
 - (b) directly accessible from the Street; and
 - (c) positioned no more than 12 metres from the Street Front Boundary.
- 2.18.3 All exterior finishes, Landscaping and light fittings must be of good quality and design.
- 2.18.4 All approvals are conditional upon all external lighting being placed so as not to create a nuisance to neighbouring Lots. Low wattage lighting which does not cause excessive illumination, glare, or light spillage should be used. Security lighting must be angled so as not to shine directly into a neighbouring Lot.
- 2.18.5 Street address numbers for each Residential Lot must be provided which:
- (a) are of good quality and design;
 - (b) are located so as to be clearly visible from the Street;
 - (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;
 - (ii) be made of brass or other similar metal; and
 - (iii) not be painted.
- 2.18.6 A letter box complying with Australia Post regulations must be provided and it must be located so as to be accessible from the Street.
- 2.18.7 A proposed or existing Roof Terrace:
- (a) must be an integral part of a Principal Structure;
 - (b) must be accessed from within the Principal Structure;
 - (c) must not be closer than 2.5 metres from the outermost face of the external walls of the Principal Structure of which it is a part; and
 - (d) unless defined as a Storey of the Principal Structure, must not have an overhead structure of any kind such as a roof, shade structure, fabric sail, trellis, or the like.
- 2.18.8 All jetty installations:
- (a) unless Approved otherwise, must be of the type that commonly consists of a floating pontoon secured to concrete piles with access provided by a gangway from a concrete abutment block located within the Lot that the jetty services;
 - (b) must be constructed to good quality standards and durability using a design that complies with the relevant Qld Authority standards and the Specification for Private Moorings (Floating Pontoons) in Addendum "H" that is attached to and forms part of these DCBLs;
 - (c) must be designed and certified by a qualified engineer with competency in the design of jetty installations;
 - (d) must have the gangway abutment block located so it does not impose any structural load on a Revetment Wall;
 - (e) must be designed so that the jetty and a Boat or Boats that are moored to it, are contained within the quay line allocated for the jetty by the relevant Qld Authority or the PBC;

- (f) must not have a building structure of any kind located on it;
- (g) must not have a Boat or Boats moored to it, or stored on it, that exceed the specifications that were applied in the Approved design; and
- (h) must be maintained in good structural condition and appearance.

2.18.9 For Development Work within a Batter Zone:

- (a) the Lot Owner must obtain Approval and a building permit in accordance with the Building Act 1975 (Qld) and the National Construction Code;
- (b) the Lot Owner must obtain certification from a suitably qualified geotechnical engineer or civil engineer certifying that:
 - (i) the integrity of the Batter Zone and the Revetment Wall will not be compromised; and
 - (ii) any proposed penetrations through or fixings to the Revetment Wall will not affect its function or structural integrity;
- (c) the volumetric building capacity of the original Batter Zone must not be compromised;
- (d) any exposed unfinished ground surface must be suitably stabilized and not be visible from the adjacent water body or Lots;
- (e) the only fence permitted is the black flat top, 1.2 metre high, regulatory aluminium pool fence, unless otherwise Approved; and
- (f) only the following are permitted within 1.5 metres of the Revetment Wall:
 - (i) approved pontoon anchors;
 - (ii) an Approved abutment block for the attachment of a jetty gangway;
 - (iii) a fence in accordance with By-Law 2.18.9 (e);
 - (iv) loose paving elements;
 - (v) natural synthetic turf; and
 - (vi) Approved low shrubs or screened planting.

For guidance, refer to the explanatory diagrams in Addendum "E".

2.18.10 Boatsheds and boat ramps are not permitted on any water body within the Residential Zone.

2.18.11 In respect of Basements:

- (a) any portion of a Basement that is fully underground must be no closer than 0.5 metres to any Lot boundary; and
- (b) ramps to a Basement must not exceed 40% of the width of the Lot, or 6 metres (whichever is less).

2.18.12 Any construction within 6 metres of a Lot 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; and/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.

2.18.13 Roof mounted solar panels that are visible from a street:

- (a) must be low in profile; and
- (b) must have a frame colour that blends with the colour of the roof.

- 2.18.14 A roof mounted solar hot water storage unit:
- (a) must blend in with the colour of the roof; and
 - (b) must not have brand signage attached that is visible from the Finished Ground Level.
- 2.18.15 An external freestanding or wall mounted hot water unit must have an enclosure that fully conceals it from view.

2.19 PRIVACY FOR NEIGHBOURING LOTS

- 2.19.1 This By-Law applies to Development Work:
- (a) within a new subdivision of a Development Parcel;
 - (b) where a relaxation of these By-Laws would impact the privacy of a neighbouring Lot; or
 - (c) where a change to, or a rebuild of, an existing Principal Structure or a Residential Unit Structure diminishes the existing privacy of a neighbouring Lot.
- 2.19.2 Without compromising its distant views, a Principal Structure or a Residential Unit Structure that overlooks the private open space of a neighbouring Lot, or looks directly into a window of neighbouring house, shall respect the privacy of that neighbouring Lot by:
- (a) having windowsills with a minimum height of 1.5 metres above floor level;
 - (b) providing external fixed screening that is 75% closed; and/or
 - (c) providing screen planting within the external landscaping.

2.20 CHARACTER ZONES

Character Zones are indicated on the Character Overlay Plan. An Application for Approval to carry out Development Work on a Lot which is in a Character Zone:

- (a) must have a design which is consistent with the architectural theme, style and elements that exist in that Character Zone; and
- (b) must comply with the Character Zone Design Standards.

2.21 GENERAL RESTRICTIONS

- 2.21.1 The following is not permitted, unless Approved otherwise:
- (a) the attachment of an external blind or awning to the façade of a building that significantly alters the external appearance of that building;
 - (b) the use of mirrored glass or the installation of mirrored film on glass;
 - (c) the installation of a clothesline that is:
 - (i) not discreetly located to minimize it being seen from an adjacent Lot; and
 - (ii) located so it cannot be seen from a body of water, Street, Common Area, or Golf Course; or
 - (d) the installation of a sign or billboard of any kind apart from:
 - (i) required regulatory signage; or
 - (ii) a temporary sign to promote the sale of a Lot.
- 2.21.2 No Secondary Structure shall be erected on a Lot unless a Principal Structure has been, or will at the same time be, constructed on that Lot.

2.21.3 The overall collective appearance of a Residential Unit Structure and a building consisting of Principal Structures and/or Secondary Structures on Attached Lots, must be maintained with the same predominant colour and the same common architectural elements. This does not preclude minor built form variations or the use of sympathetic colours in minor areas which may be Approved by the PBC.

2.22 SUPPLEMENTARY INFORMATION

The PBC publishes documents that contain supplementary information relating to these By-Laws which provide guidance to the standards expected for Approval. These documents include, but are not limited to:

- (a) The Sanctuary Cove Planting Palette for Residential Lots
- (b) The Sanctuary Cove Home Cabling Requirements
- (c) Approved Quayline Plan
- (d) Synthetic Turf Policy

PART 3 – BUILDING APPROVAL PROCESSES

3.1 APPOINTMENT OF ARCHITECTURAL REVIEW COMMITTEE

3.1.1 Pursuant to section 50 of the Act, the PBC may establish and retain an ARC to advise, make recommendations and report to it (and/or the Executive Committee) on applications for the Approval of any Development Work.

3.1.2 The ARC:

- (a) shall consist of no less than five and no more than seven Lot Owners of Residential Lots in any Residential Body Corporate that is a member of the PBC;
- (b) shall be appointed by the PBC following a calling for expressions of interest to Lot owners to be members of the ARC;
- (c) shall have a chairperson appointed by the PBC:
 - (i) who is a voting member; and
 - (ii) who may be recommended for this position by a majority vote of the ARC; and
- (d) shall also have non-voting members appointed by the PBC, including:
 - (i) a suitably qualified Executive Architect; and
 - (ii) such other non-voting member(s) as deemed appropriate for its efficient operation.

3.2 REVIEW OF PLANS AND SPECIFICATIONS

3.2.1 An application for Approval of Demolition or Development Work (as applicable) must:

- (a) be submitted to the PBC by the Lot Owner; or
- (b) be submitted to the PBC by an applicant along with evidence supporting the applicant having authority from the Lot Owner to submit the said application.

For the avoidance of doubt, a Demolition application may be submitted separately or as part of a Development Work application to the PBC for Approval.

3.2.2 When a fully completed application for Approval is made the PBC must notify the immediate neighbours and refer the application to the ARC. In the case of applications for Development within a Character Zone the PBC must also notify the associated Residential Body Corporate.

3.2.3 The ARC may delegate under the oversight of the PBC, one or more ARC appointed officers in conjunction with the Executive Architect, authority to recommend for Approval fully compliant applications for Development Work for:

- (a) Minor cosmetic changes involving landscaping, driveway, awnings, and similar
- (b) Solar panels
- (c) Exterior paint colours
- (d) Pontoons

3.2.4 The ARC must:

- (a) when any plans and specifications are referred to it by the PBC in respect to any Demolition or Development Work (as applicable), consider whether those plans and specifications comply with these By-Laws;
- (b) take into consideration any submission made in response to that Application;
- (c) make recommendations to the PBC, on plans and specifications referred to the ARC; and

- (d) perform such other duties as the PBC 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 and specifications Approved by the PBC).
- 3.2.5 No requisite Local Authority or other governmental approval should be sought for the construction or alteration of any structures, nor should any Demolition or Development Work commence on any Lot in the Residential Zone until:
- (a) the applicant submits a duly completed application to the PBC for the proposed Demolition or Development Work (including plans and specifications for the said work);
 - (b) the PBC has Approved the proposed Demolition or Development Work;
 - (c) the PBC has served the applicant with written notice of its Approval;
 - (d) a copy of the plans, specifications and any other reasonably requested documents are lodged by the applicant with a Building Certifier;
 - (e) a copy of the plans, specifications, and other documents (which comply with the Approval) lodged by the applicant with the Building Certifier are stamped Approved, or otherwise endorsed, by the Building Certifier;
 - (f) a copy of the plans, specifications, and other documents endorsed by the Building Certifier have been submitted to the PBC; and
 - (g) a building Approval number has been issued by the PBC to the applicant.
- 3.2.6 Where changes have been made to the Approved plan during Development Works, an As-Built plan amending the Approved plan to reflect all changes made, must be submitted to the PBC before a Completion Certificate on the Development Work can be issued.
- 3.2.7 The address for submission of plans and specifications for Approval of the PBC is the address for the service of the PBC as defined in the Act or other such address as may be fixed from time to time by resolution of the PBC.
- 3.2.8 The ARC must recommend that the PBC Approve the Development Work (with or without conditions) if the plans and specifications submitted in connection with the proposed construction or alteration of a Lot complies with these DCBLs.
- 3.2.9 The ARC may recommend that the PBC impose a condition on an Approval of an application, that:
- (a) additional plans and specifications or such other information, as deemed reasonably necessary, be submitted;
 - (b) changes be made to the plans and specifications, provided those changes are consistent with the Building Act, 1975 (Qld), these DCBLs and any other applicable laws; and/or
 - (c) the proposed construction or alteration must be completed within a reasonable time from commencement of the Development Work.
- 3.2.10 The proposed Development Work must be substantially completed within the reasonable time frame specified in the PBC's Approval documents which in any case cannot be greater than 18 months for a New Dwelling or Major Alteration and 6 months for all other applications, from the date of the building approval number being issued by the PBC, unless:
- (a) a written application requesting an extension to completion of the Approved Development Work is provided to the PBC no later than 3 months prior to the date the proposed Development Work should have been completed; and
 - (b) the extension is Approved by the PBC in writing.
- 3.2.11 The PBC requires that the Lot Owner enter into a Development Work Deed as part of the application process and before any Demolition or Development Work commences. The subject matter covered in the said deed may include, without limitation, procedures and requirements regarding (as applicable):

- (a) submission of Demolition plans, Development Work plans, Landscaping plans, stormwater plans, elevations, contours, colour selections and specifications;
- (b) security monitoring and Sanctuary Cove Home Cabling Requirements;
- (c) provision of a construction program together with a traffic and parking management plan; and
- (d) progressive compliance checks to ensure these By-Laws are being adhered to;
- (e) permissible working hours, parking, noise, waste storage and removal, fencing, hoardings, scaffolding, and signage during the Demolition or Development Work (as applicable);
- (f) environment protection and erosion control;
- (g) liability for damage to any Common Area, path, or Street; and
- (h) provision of an As-Built plan where required.

3.3 PUBLISHED RULES AND GUIDELINES

The PBC publishes documents relating to the application process and construction work which may change, or be added to, from time to time. These documents include:

- (a) procedures and requirements for the submission of plans and specifications for approval; and
- (b) matters relating to building construction activity such as working hours, parking, noise, waste management, hoardings, scaffolding, signage, and erosion control.

3.4 RECOMMENDATIONS OF THE ARC

A recommendation of the ARC and the reasons for that recommendation must be given by the ARC to the PBC within 60 days after receipt of all details required by the ARC to make its recommendations.

3.5 MEETINGS OF THE ARC

- 3.5.1 The ARC will meet from time to time (as necessary) to perform its duties under these By-Laws.
- 3.5.2 Three voting members of the ARC will constitute a quorum.
- 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 and constitutes an act of the ARC.
- 3.5.4 If there is an equality of votes including the ARC's chairperson's ordinary vote, the ARC's chairperson has a casting vote.

3.6 NO WAIVER OF FUTURE APPROVALS

Where the PBC Approves or imposes conditions on any proposals, plans and specifications, or drawings for any Demolition and/or Development 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.

3.7 COMPENSATION OF ARC MEMBERS

The members of the ARC may receive reimbursement for expenses incurred by them in the performance of their duties, and such other sums as the PBC may from time to time determine by resolution, as compensation for services rendered.

3.8 APPEAL

- 3.8.1 Where plans and specifications submitted to the PBC are not Approved, the applicant making the submission may appeal in writing to the PBC, provided the written appeal (and the grounds for the appeal) are received within 30 days after notice of the PBCs decision on the application is sent to the applicant.
- 3.8.2 The PBC shall submit any appeal against its decision to the ARC for review and request the ARC's written recommendations for the PBC.
- 3.8.3 Within 60 days after receiving a request for appeal, the PBC must notify its written Approval or disapproval of the application.
- 3.8.4 Even though a decision made by the PBC in accordance with By-Law 3.8.3 is final for the purposes of these By-Laws, an appeal may be taken in any forum of competent jurisdiction by an applicant or affected party in accordance with the procedures for resolving civil disputes in Queensland.

3.9 CERTIFICATION AND INSPECTION OF WORK

- 3.9.1 Inspection of work and correction of any defects in respect of a Development Work which require Approval under these By-Laws must proceed as follows:
 - (a) on completion and before occupancy of any Development Work the applicant must (as applicable to the said work):
 - (i) give written notice of completion of the Development Work to the PBC (or, if so resolved by the PBC, to the ARC);
 - (ii) provide to the PBC certification from a lawfully qualified Building Certifier that the home cabling meets the Sanctuary Cove Home Cabling Requirements;
 - (iii) provide to the PBC a copy of the Final Inspection Certificate or Certificate of Classification (as the case may be) for the Development Work;
 - (iv) provide evidence that the security system has been completed and commissioned, and that it is fully functional and in accordance with the Approval; and
 - (v) provide evidence satisfactory to the PBC that the Landscaping has been completed in accordance with the plans and specifications Approved in the Approval; and
 - (b) within 30 days after receiving notice of completion of the Development Work or within 30 days after the time limit for completing the Development Work 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 Work; and
 - (c) during the inspection, conducted pursuant to the above By-Law 3.9.1(b), the PBC may either:
 - (i) find that the Development Work had not been completed in compliance with the Approval, in which case the PBC will 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 non-compliance; or
 - (ii) find that the Development Work had been completed in compliance with the Approval, in which case the PBC will then (subject to any other condition stated in these By-Laws or the Development Works Deed being satisfied) issue a Completion Certificate within the 30-day from the inspection date.
- 3.9.2 By-Laws 3.9.3, 3.9.4, 3.9.5 and 3.9.6 apply notwithstanding By-Law 3.9.1.
- 3.9.3 A Lot Owner must immediately cease all Development Work, aside from any work to make the Development Work safe, 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 Work does not comply with the Approval or any one or more of these By-Laws in whole or part.

- 3.9.4 A Lot Owner, having received written notice from the PBC under By-Law 3.9.3, must not recommence Development Work, exclusive of any works required to rectify the non-compliance detailed in the written notice given under By-Law 3.9.3.
- 3.9.5 The PBC may follow the procedure detailed in By-Laws 3.9.3 and 3.9.4 on multiple occasions and in respect of same non-compliance without restriction.

3.10 LAWFUL COMPLIANCE NOT TO BE ASSUMED

Any Approval of any plan, design, or part of a Development Work by the PBC under these By-Laws can only be considered as constituting approval of the terms of these DCBLs and must not in any way be deemed to be approval for the purposes of:

- (a) structural safety approvals;
- (b) conformity with any other applicable Laws; or
- (c) conformity with any Authority requirements.

3.11 VARIANCE

3.11.1 Subject to the provisions of By-Laws 3.11.2 and 3.11.3 the PBC may not Approve any Development Work if it is not fully compliant with these By-Laws.

3.11.2 An application for Development Work that is not fully compliant with these by-Laws is non-notifiable where the PBC is satisfied that:

- (a) any adverse effects from the proposed relaxation of the By-Laws are no more than minor; and
- (b) any affected persons (usually neighbours) have agreed in writing to the proposed relaxation of the By-Laws;

in which case the ARC may recommend Approval and the PBC may Approve the application. In all other cases the application is a Notifiable Application and must be processed in accordance with By-Law 3.12.

3.11.3 Where the PBC authorises relaxation of any of these By-Laws, the authorisation applies only to the extent specified in writing by the PBC, and the PBC's authorisation will not affect in any way the Lot Owner's obligation to comply with all Laws and regulations, including requirements imposed by the Local Authority, affecting the Lot Owner's use of the Lot and any improvements on the Lot.

3.12 NOTIFIABLE APPLICATIONS

3.12.1 In respect of Notifiable Applications, the PBC must:

- (a) give notice, by certified mail within 30 business days of the date of the ARC's recommendation, to the Owners of all Lots where amenity may be adversely affected, indicating that an application for Approval has been lodged with the PBC; and
- (b) advertise details of the Notifiable Application on the Sanctuary Cove notice board.

3.12.2 For the purpose of By-Law 3.12.1(a), roads, land below the high-water mark, and the banks and beds of rivers are to be taken as not adversely affected.

3.12.3 Submissions regarding a Notifiable Application must be made within 20 business days of the notice being given by certified mail and advertised on the Sanctuary Cove notice board.

3.12.4 All submissions lodged regarding a Notifiable Application shall be assessed by the ARC and a recommendation made to the PBC. The recommendation shall be communicated to all submitters in writing and the submitter shall have another 10 business days to make a further submission to the PBC before the PBC decides on the application.

3.12.5 Decisions made by the PBC in accordance with By-Law 3.12.4 shall be final and no further submissions will be considered. The final decision of the PBC will be communicated to all applicants in writing.

3.12.6 Even though a decision made by the PBC in accordance with By-Law 3.12.4 is final for the purposes of these By-Laws, an appeal may be taken in any forum of competent jurisdiction by an applicant or affected party in accordance with the procedures for resolving civil disputes in Queensland.

3.13 GENERAL PROVISIONS

3.13.1 The operation and effect of these By-Laws must not be construed as changing any of the rights Lot Owners may have 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 the Lot Owner, including but not limited to requirements imposed by the Local Authority.

3.13.2 The PBC may refuse to Approve, and the ARC may refuse to consider, an application for Development Work, where:

- (a) the proposed works are non-compliant with these By-Laws and require a significant relaxation, or relaxations, that would adversely affect the privacy, Amenity, or likely Amenity of neighbouring or adjoining Lots;
- (b) the external aesthetics of a building or structure on a Lot is not in keeping with the Character Zone in which it is located; or
- (c) the documentation provided is insufficient to make an assessment of the application.

3.13.3 Any Approval given by the PBC pursuant to these By-Laws will lapse and be void unless there has been substantial completion of Approved Development Work within 18 months of the date of the Approval. In the case of an Approval for a Principal Structure or any other structure or building, substantial completion means completion of:

- (a) construction of the floor slab and footings;
- (b) the erection of external walls and wall finishes;
- (c) the installation of roof framing and sheeting;
- (d) the alarm system commissioning;
- (e) the Landscaping; and
- (f) the completed works are fit for occupancy.

3.13.4 The Lot Owner must ensure that the Lot, for the duration of the Development Work:

- (a) is maintained in a neat and tidy manner;
- (b) has a covered food scrap receptacle;
- (c) is kept free from pests and vermin;
- (d) does not pond water;
- (e) does not have stacked or cut vegetation or soil;
- (f) has Approved security fences;
- (g) has an Approved construction rubble strip;
- (h) has an Approved silt barrier; and
- (i) has an Approved single-entry point from the Street.

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 valid or enforceable, then the remaining provisions of these By-Laws shall nevertheless be valid and enforceable.

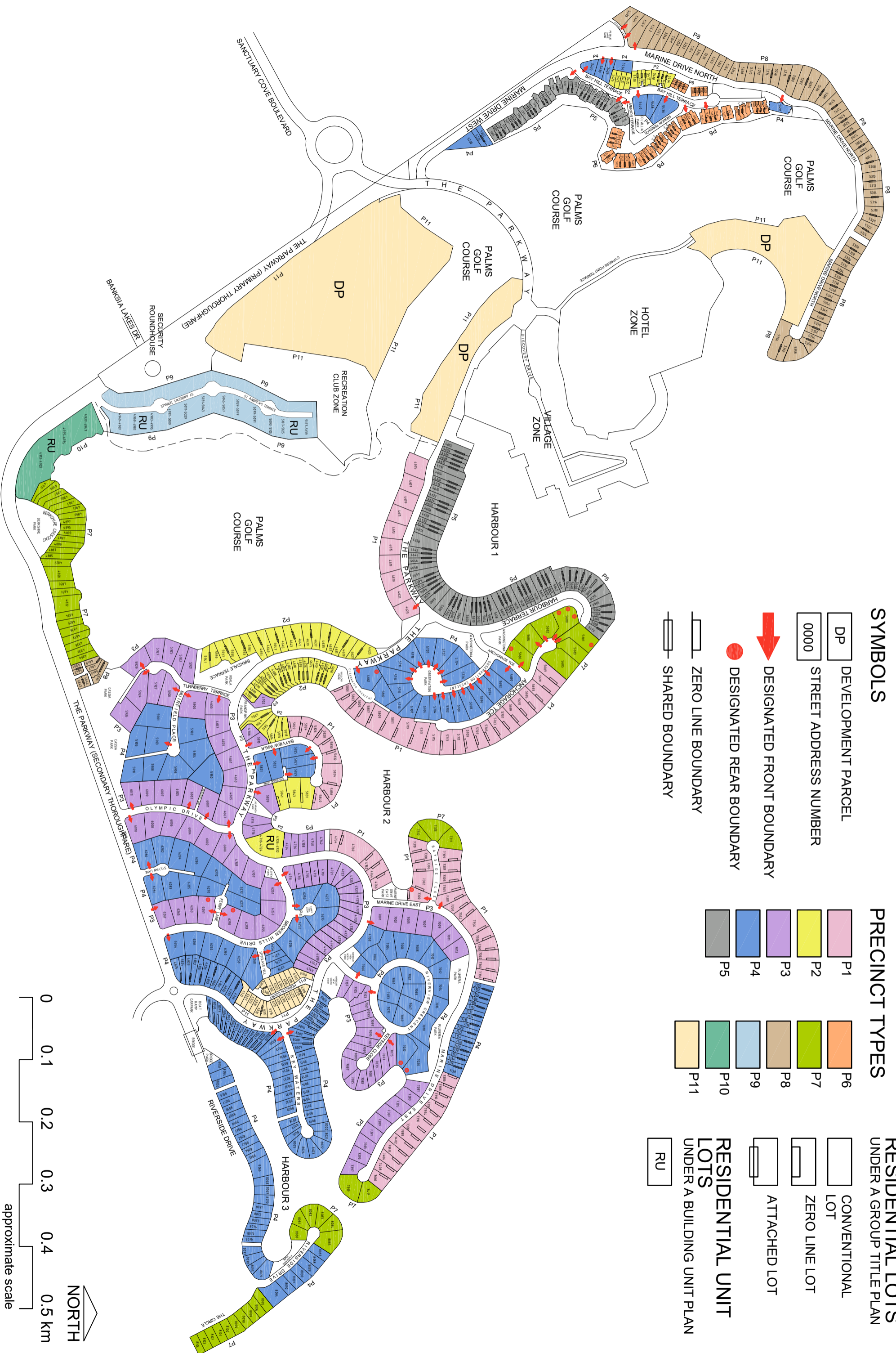
4.2 RUNS WITH LAND

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

4.3 INCONSISTENCY

4.3.1 Any inconsistency between these By-Laws and any Laws shall be determined by the Law prevailing to the extent of the inconsistency.

4.3.2 To the extent of any inconsistency the Law applies, and the By-Laws shall remain in full force and effect other than to the extent of the inconsistency.



SYMBOLS

- DP DEVELOPMENT PARCEL
- 0000 STREET ADDRESS NUMBER
- DESIGNATED FRONT BOUNDARY
- DESIGNATED REAR BOUNDARY
- ZERO LINE BOUNDARY
- SHARED BOUNDARY

PRECINCT TYPES

- P1
- P2
- P3
- P4
- P5
- P6
- P7
- P8
- P9
- P10
- P11

RESIDENTIAL LOTS UNDER A GROUP TITLE PLAN

- CONVENTIONAL LOT
- ZERO LINE LOT
- ATTACHED LOT

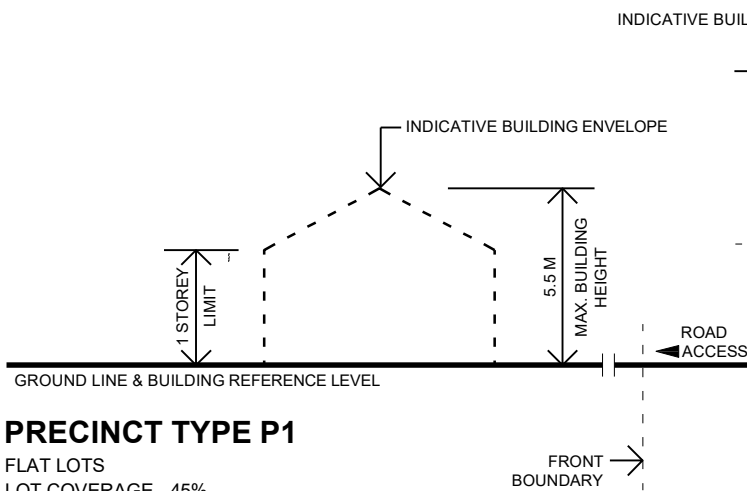
RESIDENTIAL UNIT LOTS UNDER A BUILDING UNIT PLAN

- RU

Addendum B - EXPLANATORY DIAGRAMS - PRECINCT TYPES

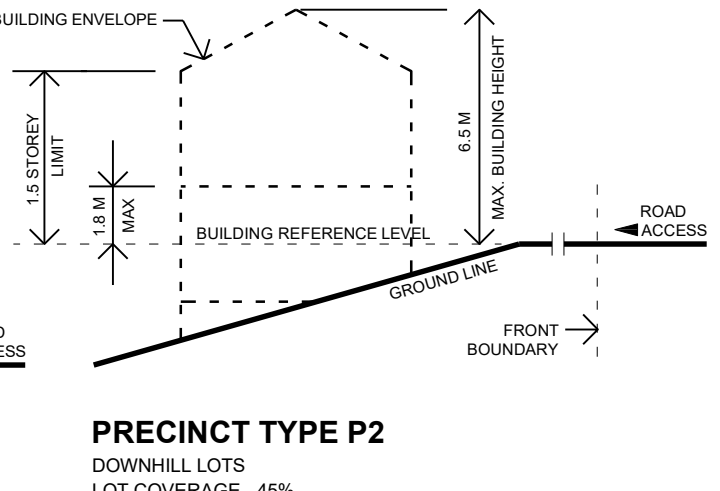
NOT TO SCALE

REFER BY- LAWS 2.3.1, 2.3.2, 2.3.4, 2.4 and 2.5



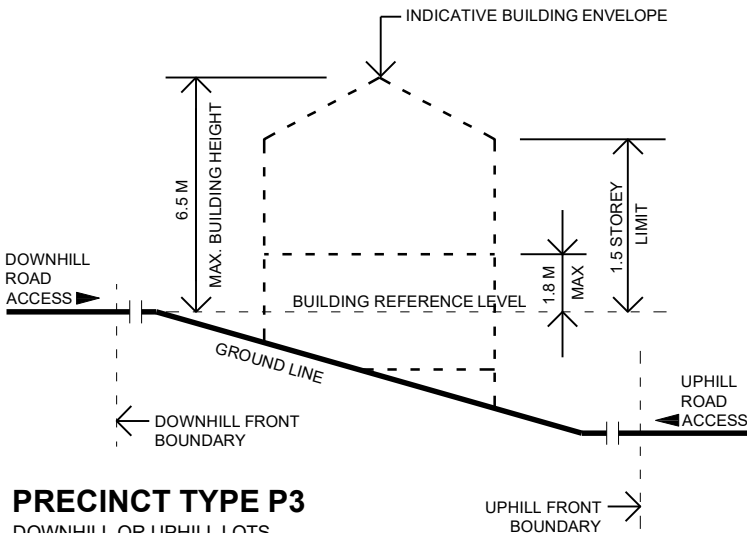
PRECINCT TYPE P1

FLAT LOTS
 LOT COVERAGE - 45%
 FLOOR SPACE RATIO - 55%



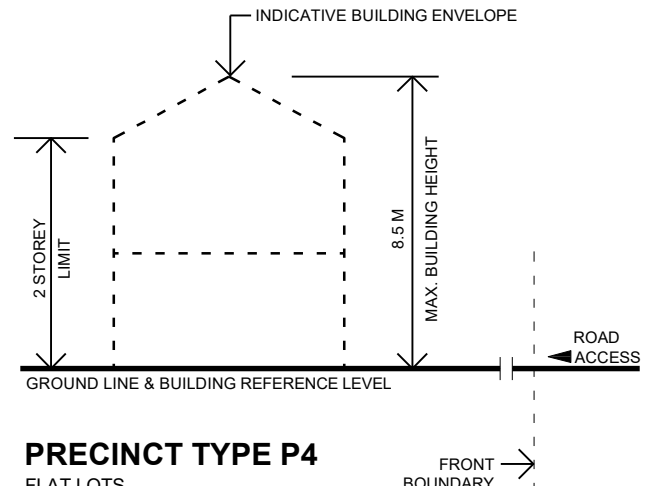
PRECINCT TYPE P2

DOWNHILL LOTS
 LOT COVERAGE - 45%
 FLOOR SPACE RATIO - 75%



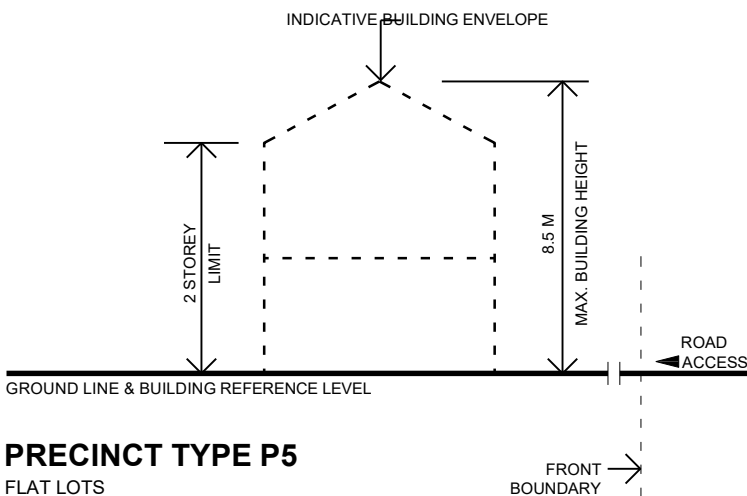
PRECINCT TYPE P3

DOWNHILL OR UPHILL LOTS
 LOT COVERAGE - 40%
 FLOOR SPACE RATIO - 45%



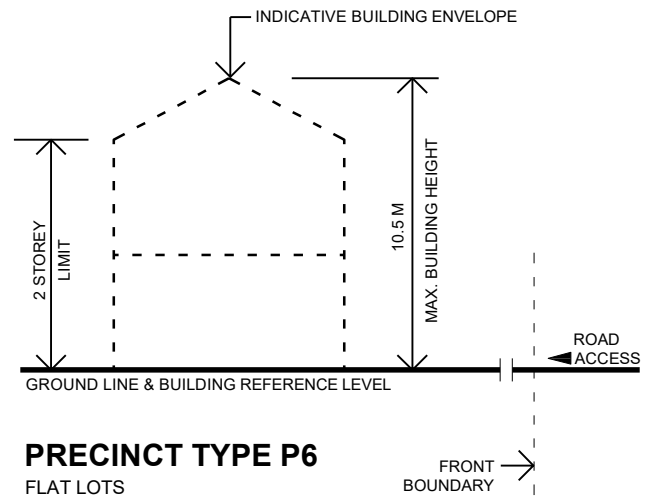
PRECINCT TYPE P4

FLAT LOTS
 LOT COVERAGE - 40%
 FLOOR SPACE RATIO - 60%



PRECINCT TYPE P5

FLAT LOTS
 LOT COVERAGE - 40%
 FLOOR SPACE RATIO - 75%



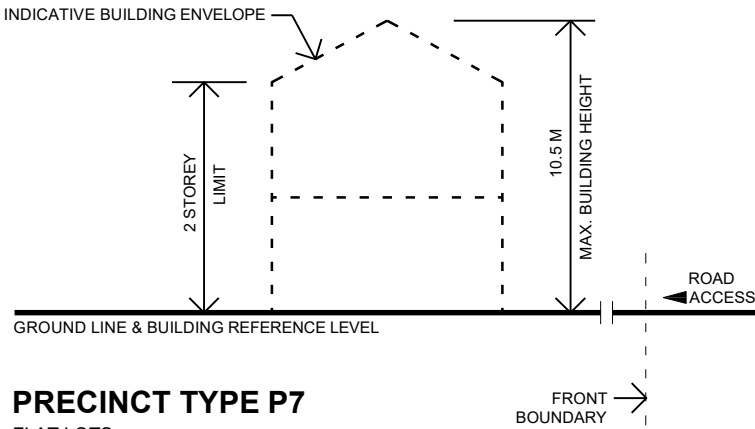
PRECINCT TYPE P6

FLAT LOTS
 LOT COVERAGE - 100%
 FLOOR SPACE RATIO - 100%

EXPLANATORY DIAGRAMS - PRECINCT TYPES

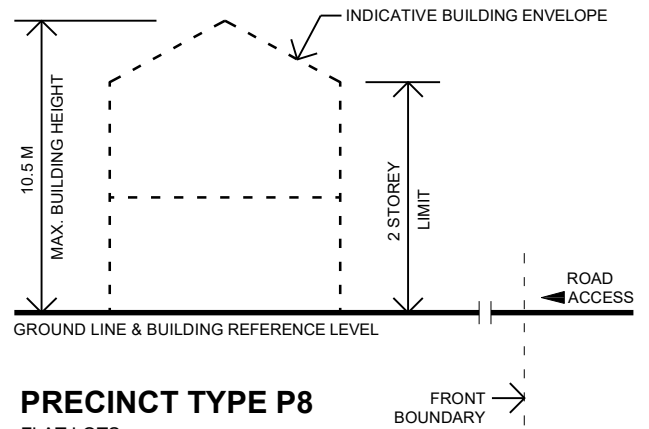
NOT TO SCALE

REFER BY- LAWS 2.3.1, 2.3.2, 2.3.4, 2.4 and 2.5



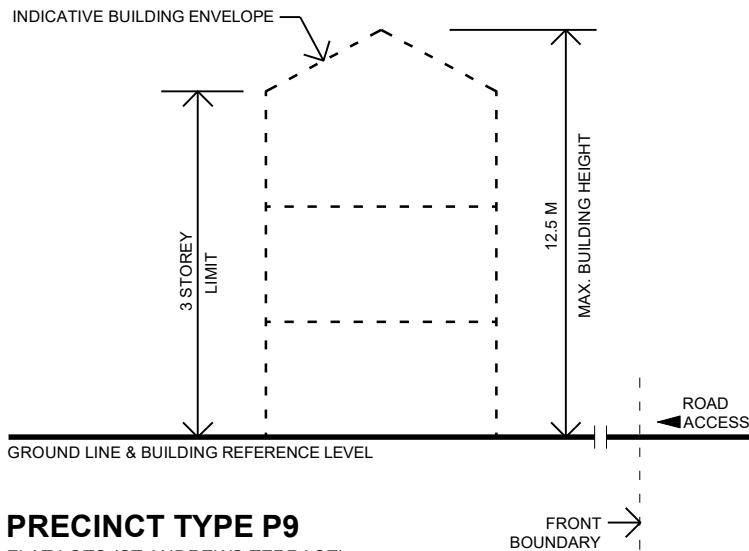
PRECINCT TYPE P7

FLAT LOTS
 LOT COVERAGE - 40%
 FLOOR SPACE RATIO - 60%



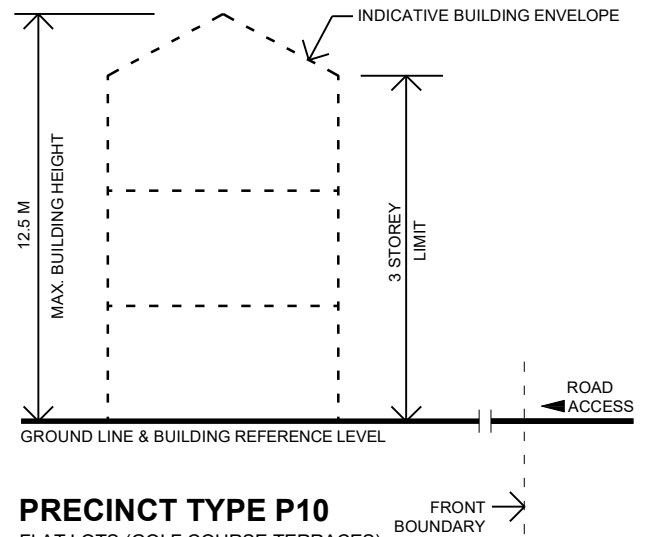
PRECINCT TYPE P8

FLAT LOTS
 LOT COVERAGE - 40%
 FLOOR SPACE RATIO - 75%



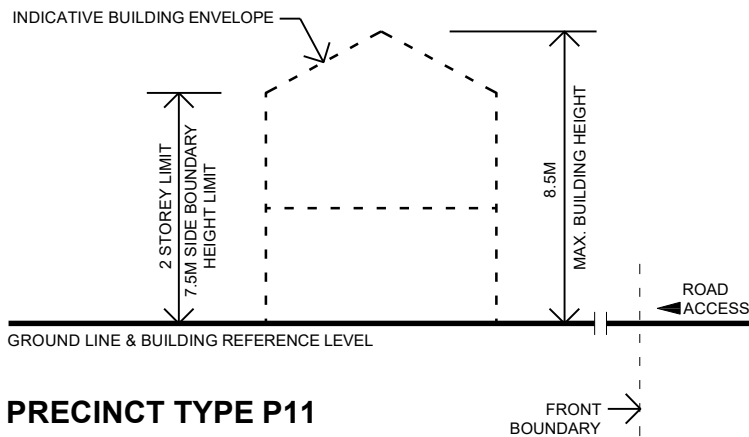
PRECINCT TYPE P9

FLAT LOTS (ST ANDREWS TERRACE)
 LOT COVERAGE - 35%
 FLOOR SPACE RATIO - 50%



PRECINCT TYPE P10

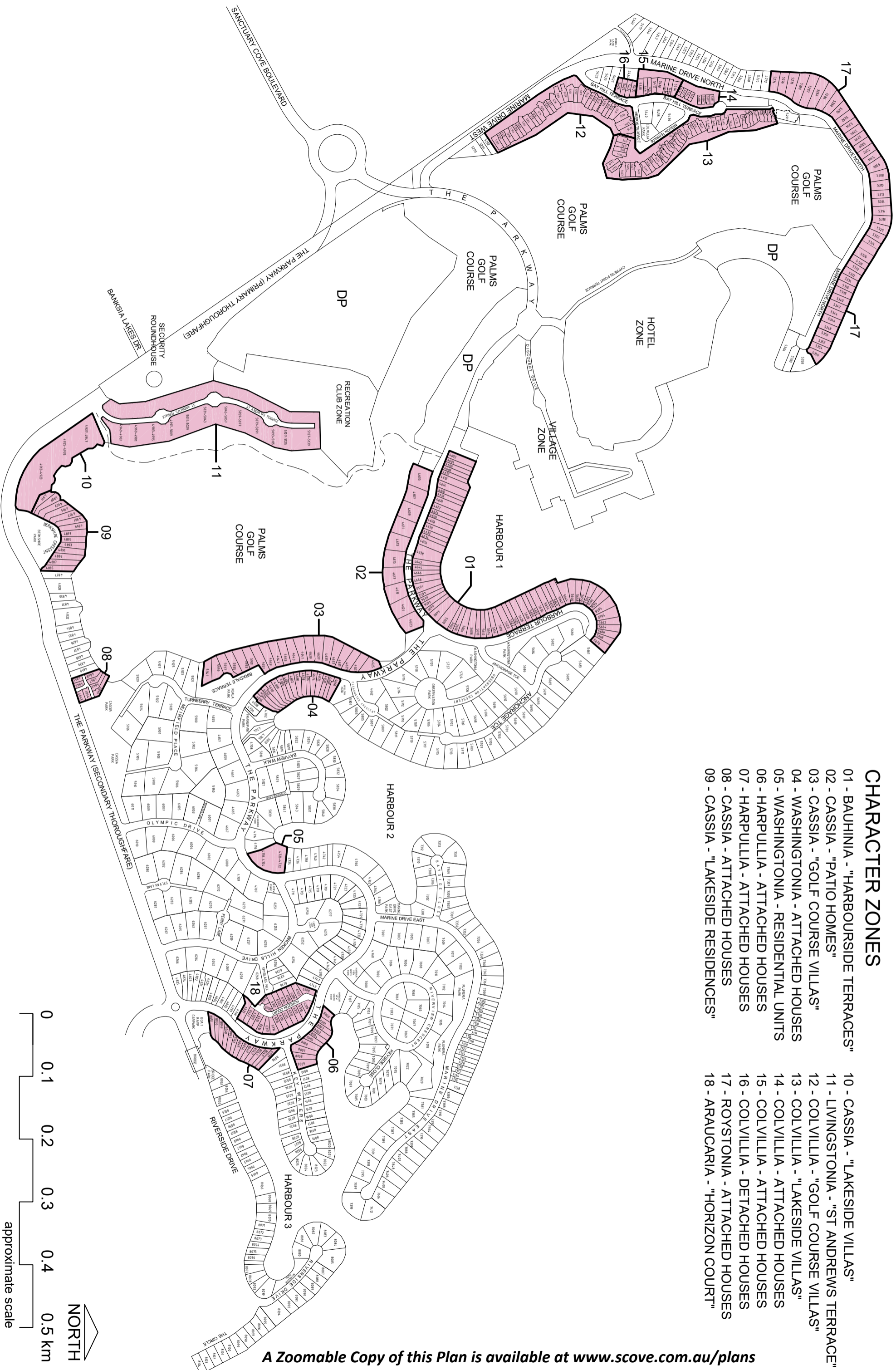
FLAT LOTS (GOLF COURSE TERRACES)
 LOT COVERAGE - 40%
 FLOOR SPACE RATIO - 75%



PRECINCT TYPE P11

FLAT LOTS
 LOT COVERAGE - 50%
 FLOOR SPACE RATIO - 100%

Addendum "C" - CHARACTER OVERLAY PLAN



CHARACTER ZONES

- 01 - BAUHINIA - "HARBOURSIDE TERRACES"
- 02 - CASSIA - "PATIO HOMES"
- 03 - CASSIA - "GOLF COURSE VILLAS"
- 04 - WASHINGTONIA - ATTACHED HOUSES
- 05 - WASHINGTONIA - RESIDENTIAL UNITS
- 06 - HARPULLIA - ATTACHED HOUSES
- 07 - HARPULLIA - ATTACHED HOUSES
- 08 - CASSIA - ATTACHED HOUSES
- 09 - CASSIA - "LAKESIDE RESIDENCES"
- 10 - CASSIA - "LAKESIDE VILLAS"
- 11 - LIVINGSTONIA - "ST ANDREWS TERRACE"
- 12 - COL VILLA - "GOLF COURSE VILLAS"
- 13 - COL VILLA - "LAKESIDE VILLAS"
- 14 - COL VILLA - ATTACHED HOUSES
- 15 - COL VILLA - ATTACHED HOUSES
- 16 - COL VILLA - DETACHED HOUSES
- 17 - ROYSTONIA - ATTACHED HOUSES
- 18 - ARAUCARIA - "HORIZON COURT"

A Zoomable Copy of this Plan is available at www.scove.com.au/plans

Addendum “D” - CHARACTER ZONE DESIGN STANDARDS

CHARACTER ZONE 1

Bauhinia “Harbourside Terraces”

even numbers 4602-4660 The Parkway and

even numbers 5600-5670 Harbour Terrace

1. General

1.1 The Lots within Character Zone 1 are classified as Attached Lots in the DCBLs.

Each Lot has a Principal Structure and associated Secondary Structures. Most of the Principal Structures are attached to the Principal Structure of an adjoining Lot. The boundary between these Lots is classified as a Shared Boundary in the DCBLs.

This Character Zone consists of a long series of buildings. Each building contains four to eight dwellings. The dwellings that occupy the ends of each building have Side Boundaries between their Lot and the end Lot of the adjoining building.

1.2 The Character Zone has an architectural style that is closely associated with the iconic and historic imagery of the Sanctuary Cove Resort. There is an overall consistency in appearance however there are three variants in house design depending on the shape of each Lot.

1.3 If an existing building or structure is to be demolished, it must be rebuilt with the same footprint, in the same location and to the same design as the original building. Any alterations and additions to the original building and structures must meet the requirements of these Design Standards.

2. A rear (meaning the water side) alteration or addition:

2.1 must retain the location and extent of the original two-storey gable element on the façade, which originally contained (or still contains) a balcony on the upper level;

2.2 must retain one of the original design features within the gable which existed (or exists) above the original upper-level balcony;

2.3 must emphasise the appearance of the upper-level balcony gable feature by either an Approved contrasting colour to the rear of the gable feature, or by the setting back of any glazing, screen or wall element behind the gable feature and existing post line by 300mm;

2.4 must not have any balconies on the upper floor on either side of the main original gable balcony;

2.5 must retain the original form and extent of the bull nose window canopy elements to the upper floor level;

2.6 may enclose the original balcony on the upper level, within the gable element provided:

(a) the enclosure is in glazed or louvre shutter elements;

(b) no part of the enclosure has solid walls;

(c) the enclosure is set back behind and clear of the two vertical corner support columns of the original two-storey gable element; and

(d) the balustrade of the original balcony is maintained for the full length of the front and sides of the gable element.

2.7 may, in compliance with the regulatory requirements:

(a) be permitted to retain the existing upper-level balustrade;

(b) replace the existing upper-level balustrade with another of very similar design and colour as the original balustrade; or

(c) replace the existing balustrade with a frameless glass type with stainless fittings.

2.8 must retain the existing external wall line and general appearance of the upper level, including the original upper-level balcony gable feature;

- 2.9 may be permitted to add ground floor extensions on either side of the two storey gable element that extends toward the rear boundary provided such extensions:
- (a) have a low gradient metal roof concealed behind a fascia that matches in size and appearance to similar fascias on adjoining properties; and
 - (b) no part of the extension goes beyond the back face of the two vertical supports of the original two-storey gable element;
- 2.10 may have a deck, patio, built-in furniture, barbeques, planter boxes, fences and the like provided that any such elements that are climbable and within 1200mm of a side boundary must be designed and constructed so that the pool fence compliance of all adjacent properties' pools is not compromised;
- 2.11 may include shade sail structures provided:
- (a) no supporting posts nor any part of the sail structure is fixed to a boundary wall or fence without the written consent of the adjacent property owners;
 - (b) no part of the sail structure is within 1.5 metres of a Lot boundary without the written consent of the adjacent property owners;
 - (c) the colour of the whole structure is Approved and is a neutral tone in keeping with its surroundings; and
 - (d) no part of the sail is higher than the floor level of the upper floor; and
- 2.12 may include pool fencing which must be a frameless glass type with stainless steel fittings.

3. A proposed extension for a garage or carport may be Approved provided:

- 3.1 its maximum length does not exceed 6.5 metres;
- 3.2 its maximum height does not exceed 4.5 metres above the Natural Ground Level;
- 3.3 its architectural design is consistent with the original building; and
- 3.4 it must have a low-pitched metal roof concealed behind a fascia.

4. A proposed alteration or addition adjacent to a Shared Boundary:

- 4.1 must be wholly contained within the Lot making the alteration or addition;
- 4.2 must not affect the neighbouring Principal Structure or associated Secondary Structures; and
- 4.3 any anticipated impact on the adjoining property owner must be notified and any required agreement made regarding that impact.

5. An alteration or extension between the main structure of the dwelling or Principal Structure and the back of the garages or the gatehouse may be permitted:

- 5.1 if the intention is to construct an unenclosed covered link between the gatehouse and the main entry to the dwelling by an extension of the roof shape of the gatehouse;
- 5.2 if the intention is to construct an extension of the gable roof above the main entry door into the dwelling and provided the extension does not exceed 3 metres in length and uses the same shape materials and the design of the original gable is maintained to the extension; and/or
- 5.3 if the intention is for the enclosure, but not the expansion, of the original patio located between the garage or carport and the main dwelling and provided the enclosure matches the style and appearance of the original buildings and the enclosure has a low pitch roof concealed from view at the surrounding ground level.

6. The area between the Front Boundary and the face of the front fence:

- 6.1 is not permitted to have any buildings, structures, fences or the like;

- 6.2 must not have a driveway for a golf buggy that exceeds 2 metres in width; and
- 6.3 must where space permits, have one tree (either a Gold Panda or a Little Gem Magnolia) or another Approved selection from the Sanctuary Cove Planting Palette for Residential Lots.

7. Proposed alterations or extensions generally:

- 7.1 must maintain the original roof sheet profile;
- 7.2 must maintain the original gatehouse roof shape, support columns and appearance;
- 7.3 may retain the same gate design or propose a sympathetic alternative design for Approval;
- 7.4 must retain the original upper-level bullnose shading elements on the rear of the Principal Structure;
- 7.5 must retain the upper-level gable roof features, except for the front gable over the main entry door which may have the original gable element removed provided the fixed glazing behind the original feature is maintained;
- 7.6 must provide doors with recessed door handles to conceal the waste bins and be in a colour matched to the adjacent walls;
- 7.7 must have insect screens with white frames and grey or black mesh;
- 7.8 must have window and door frames in white powder-coated aluminium;
- 7.9 must have Approved external paint colours;
- 7.10 may incorporate retractable awnings and screens provided the associated frames, pelmets and the like are white and black or dark grey;
- 7.11 must not incorporate outdoor Balinese-styled structures;
- 7.12 must retain or match the original Side Boundary or Shared Boundary fences which are painted cement render or bagged masonry to match the external colour of the Principal Structure;
- 7.13 may increase the height of the Side Boundary or Shared Boundary fencing to a maximum of 2.5 metres above the level of the existing boardwalk and to a maximum of 2.5 metres towards the harbour beyond the line of the original rear gable;
- 7.14 must have Side Boundary or Shared Boundary fencing to the original boardwalk constructed in a vertical slat style with slats having 50mm width and 25mm depth, with a maximum spacing of 50mm; and
- 7.15 may incorporate fencing in frameless glass on the boardwalk only where the fence faces Harbour 1.

8. Fences Facing the Street:

- 8.1 must not be altered or realigned to be any closer to the Front Boundary with the exception of even Street numbers 4602-4636 and 5620-5642 where the fence may be realigned toward the street to expand the garbage containment area by up to 360mm. This will place the fence in line with the back pillars;
- 8.2 must be painted in the same external colours Approved for the Principal and Secondary Structures; and
- 8.3 must be painted cement render or bagged masonry to match the existing finish and external colour of the Principal Structure.

CHARACTER ZONE 2

Cassia "Patio Homes"

odd numbers 4605-4623 The Parkway

1. Building shape, roof shape, glazing details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design but may have minor alterations and extensions. This includes partial and full demolitions.
2. No rear extensions are permitted beyond the line of the original rear pergola excluding the free-standing garden pavilion.
3. Alterations and additions must maintain the same side setbacks as the original house.
4. The rendered front fence height and finishes are to remain consistent, and no other fence typology is permitted. The fence location may be altered.
5. General wall colours will be assessed on merit and must be generally consistent but not necessarily an exact match. The roof colour must match the original colour. The fascia and gutter colour may vary.
6. Garage door variation is permitted but must be generally consistent.
7. The entry portico roof must be maintained.
8. Secondary Structures located between the Principal Structure and the Street may be connected with an enclosed link to the Principal Structure.
9. Front and rear columns are to be retained in the original form. Columns may be square rather than round.
10. Front and rear pergolas may be roofed with a parapet and concealed gutter in generally the same plan and location as the original pergola.
11. The rear gable feature of the centre roof is to be retained and generally not altered.
12. The surface of driveways must remain as paving.
13. Driveway gates are permitted, and driveway fence pillars may be altered in height.
14. The frontage landscape hedge must be maintained but the remaining landscape between Principal Structure and Street may vary.
15. The curved courtyard wall at the front of the property may be removed.

CHARACTER ZONE 3

Cassia "Golf Course Villas"

odd numbers 4625-4651 The Parkway and

even numbers 5931-5941 Birkdale Terrace

1. Building shape, roof shape, glazing details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design but may be altered and extended. This includes partial and full demolitions.
2. Alterations and additions must maintain the same side setbacks as the original house.
3. No relaxation is permitted to the designated Floor Space Ratio or Lot Coverage controls.
4. The rendered front fence height and finishes are to remain consistent and no other fence typology is permitted. The fence location may be altered.
5. Colours will be assessed on merit and must be generally consistent but not necessarily be an exact match.
6. Garage door variation is permitted but must be generally consistent.
7. Front gates may vary in design.
8. Secondary Structures located between the Principal Structure and the Street must be single level with the same side setbacks as the Principal Structure.

CHARACTER ZONE 4

Washingtonia – attached houses
even numbers 4666-4696 The Parkway

1. Garage location, shape, height, roof, materials, and details must not be changed.
2. No upper-level extensions are permitted to the front or the rear of the Principal Structure.
3. The building shape, roof shape, glazing details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design but may be altered and extended behind the garage line and at the rear.
4. The roof levels cannot be raised.
5. Alterations and additions must maintain the same side setbacks as the original house.
6. Additions that are below the height of the garage and located behind the garage are permitted.
7. Gates and gatehouses must match one of the original designs.
8. Both halves of a duplex must have a matching roof, garage door, gutter, and fascia colours.
9. Accent colours on other minor building elements may vary.
10. No relaxation is permitted to the designated Floor Space Ratio or Lot Coverage controls.
11. The rendered front fence height and finishes are to remain consistent and no other fence typology is permitted.
12. Colours are to be assessed on merit and must be generally consistent but not necessarily an exact match.
13. Garage door variation is permitted but must be generally consistent.
14. Driveways must maintain the same exposed aggregate colour.
15. Front gates may vary in design.
16. No rear extension to the Principal Structure is permitted past the original building line.
17. Existing rear ground level roofed patios may be enclosed.
18. Retractable awnings with a width of 3.5 metres are permitted on the rear of the existing building.
19. Closable umbrellas are permitted between the rear building line and the rear boundary.
20. Upper-level rear balconies may be enclosed with glazing behind the post line.
21. Rear post size and position must be maintained.
22. Rear balustrades must be made of glass.
23. Either one of the two gable styles at the rear must be retained.
24. Rear boardwalk levels may be raised to house ground floor level subject to suitable privacy being provided to neighbouring properties. Applications must include sufficient details of neighbouring properties.
25. The pool level concourse can extend up to 1.5 metres from the inside face of the revetment wall at the same height as the pool subject to suitable privacy being provided to neighbouring properties. Applications must include sufficient details of neighbouring properties.

CHARACTER ZONE 5

Washingtonia – residential units
4718-4732 The Parkway

1. Building shape, roof shape, glazing details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design but minor alterations may be considered on merit.
2. No alterations or additions may impede the view lines, reduce privacy, or create additional overshadowing of adjoining residences.
3. Alterations and additions must not exceed the maximum Floor Space Ratio and Lot Coverage allowances.
4. The rendered front fence height and finishes are to remain consistent, and no other fence typology is permitted.
5. Colours are to remain matching and can only be changed if the entire grouping is painted.
6. The garage door must be the same design.
7. Front gates may vary in design.

CHARACTER ZONE 6

Harpulia – attached houses
8000-8009 The Parkway

1. No upper-level extensions are permitted to the front of the Principal Structure.
2. Building shape, roof shape, architectural character, and iconology, glazing details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design to the portions of the building visible from the Street.
3. Alterations and additions must maintain the same side setbacks as the original house.
4. Alterations and additions must not exceed the maximum Floor Space Ratio and Lot Coverage allowances.
5. The rendered front fence height and finishes are to remain consistent, and no other fence typology is permitted.
6. Colours will be assessed on merit and must be generally consistent but not necessarily be an exact match.
7. Garage door variation is permitted but must be generally consistent.
8. Front gates may vary in design.
9. Rear boardwalk levels may be raised to house ground floor level subject to suitable privacy being provided to neighbouring properties and views from adjoining properties not being impeded.
10. Rear boardwalks must have a minimum of 1.5 metres setback from the land side of the revetment wall.
11. The rear building line must be a minimum of 6 metres to any structure other than a boardwalk.
12. Extensions to the rear of the Principal Structure are permitted and do not have to maintain the same look and feel as the front section of the building.

CHARACTER ZONE 7

Harpullia – attached houses
8039–8051 The Parkway

1. No upper-level extensions are permitted to the front of the Principal Structure.
2. Building shape, roof shape, architectural character, iconology, glazing details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible the original design to the portions of the building visible from the Street.
3. Side setbacks may have minor relaxations.
4. Alterations and additions must not exceed the maximum Floor Space Ratio and Lot Coverage allowances.
5. The rendered front fence height and finishes must be generally consistent.
6. Colours will be assessed on merit and must be generally consistent with the streetscape.
7. Garage door variation is permitted but must be generally consistent.
8. Front gates may vary in design.
9. Rear boardwalk levels may be raised to house ground floor level subject to suitable privacy being provided to neighbouring properties and views from adjoining properties not being impeded.
10. Rear boardwalks must have a minimum of 1.5 metres setback from the land side of the revetment wall.
11. The rear building line must be a minimum of 6 metres to any structure other than a boardwalk.

CHARACTER ZONE 8

Cassia – attached houses
4841-4848 The Parkway

1. Roof shape (pitched or parapet), glazing details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design. Alterations will be considered on merit.
2. No alterations or additions may impede the view lines, reduce privacy, or create additional overshadowing of adjoining residences.
3. Alterations and additions must not exceed the maximum Floor Space Ratio and Lot Coverage allowances or extend beyond the current building footprint.
4. The rendered front fence height and finishes must remain consistent, and no other fence typology is permitted.
5. Colours must be generally consistent and both units of duplexes must be the same colour.
6. Window frame colours must remain the same as the original colour.
7. The garage door must be generally consistent with the existing type.
8. Front gates may vary in design.

CHARACTER ZONE 9

Cassia – “Lakeside Residences”
4885–4911 Berkshire Crescent

1. Roof shape, roof tiles, roof pitch, glazing proportions, size, window trims and banding, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design. Alterations will be considered on merit.
2. No extensions are permitted above the garage.
3. No alterations or additions may impede the view lines, reduce privacy, or create additional overshadowing of adjoining residences.
4. Rear roof forms may vary but must have consistent shapes and colours.
5. Alterations and additions must not exceed the maximum Floor Space Ratio and Lot Coverage allowances or extend beyond the current building footprint.
6. The rendered front fence height and finishes must remain consistent, and no other fence typology is permitted.
7. Colours must be generally consistent and compatible.
8. The fascia and gutter colour may vary but it must be sympathetic and compatible with the original colour.
9. Window frame colours must remain the same as the original colour.
10. The garage door must be one of the two existing types.
11. Front gates may vary in design.

CHARACTER ZONE 10

Cassia – “Lakeside Villas” – residential units
4913–4947 The Parkway

1. Roof shape, roof tiles, roof pitch, glazing proportions, size, balustrades, gable details, proportions, materials, colours and building scale must remain consistent, sympathetic, and compatible with the original design. Alterations will be considered on merit.
2. No extensions are permitted above the garage.
3. No alterations or additions may impede the view lines, reduce privacy, or create additional overshadowing of adjoining residences.
4. Alterations and additions must not exceed the maximum Floor Space Ratio and Lot Coverage allowances or extend beyond the current building footprint.
5. The rendered front fence height and finishes must remain consistent, and no other fence typology is permitted.
6. Colours must be generally consistent and compatible.
7. Carports may be enclosed with matching materials to the garages.
8. Window frame colours must remain the same as the original colour.
9. The garage door must be one of the two existing types.
10. Front gates may vary in design.
11. Single level extensions may be built between the back of the garage and the Principal Structure.
12. Bin enclosures are to remain as per the original design.

CHARACTER ZONE 11

Livingstonia – “St Andrews Terrace”
St Andrews Terrace

On the golf course side:

1. All new work must be wholly contained within the lot including the egress step. External steps, footings, building structure or projections must not extend over the Lot boundaries.
2. Balcony balustrades are part of common property and cannot be altered by the Lot owner.
3. All new work must match the existing building finishes and materials.
4. Any support posts added to balconies must be located on the inside of the balustrade and may vary from 50x50mm to 75x75mm in size.
5. The post colour visible from the outside must be Woodland Grey.
6. All insect screen frames, and glazing frames must be located behind the balustrade line (not in between or in front of the balustrade) and must be set back behind the existing cast-in drip groove.
7. All insect screen frames must be Woodland Gray.
8. The mesh must be black in size 20/20 or 20/30.
9. Pet flaps are not permitted in fixed screens and screen doors.
10. Insect screen doors may be hinged or sliding.
11. Balcony balustrades must maintain the original design or any altered design installed for the building generally by the Livingstonia body corporate.
12. The balcony balustrade colour must match the existing colour.
13. The Residential Body Corporate is responsible for the compliance of the balcony balustrades to the National Construction Code or any other regulatory requirements.
14. Downpipes may be square profile and must be colour matched to the adjacent wall colour.
15. Downpipes must be connected to a legal point of discharge.
16. Downpipes must be painted to match the adjacent wall or surface colour.
17. Downpipes from roofs constructed over the top level balconies must descend to the floor slab level, then return along the slab edge back to the main building façade and connect to an existing downpipe or spreader on an adjacent roof.
18. The gutter profile must be square and match the existing gutter profile.
19. Ground floor roofs must be of a low pitch equal to Trimdek Colorbond metal roofs attached to the slab edge (not the beam face).
20. Top level roofs added to balconies must attach to the wall (not the eave fascia).
21. Roofs must have a maximum height above the balcony of 2.65 metres.
22. The roof beam must be set at 2.35 metres above the balcony floor.
23. The roof beam must be 200mm maximum depth.
24. Overhangs to roofs constructed over the top level balconies must not extend any further than 280mm beyond the front edge of the balcony floor slab and must not extend at all beyond the face of the external wall.
25. The roof beam, rafter/fascia and roof/gutter total depth must not exceed 350mm.
26. Retractable awnings are permitted provided they have Woodland Grey frames and black fabric.
27. Vergolas are permitted provided they are finished in Colorbond Surfmist colour.
28. Roll-down blinds in plastic, canvas or similar material are not permitted.

29. Glazed enclosures to balconies or patio areas are not permitted.
30. Glass screens are permitted to the sides of balconies within the balustrades or to the sides of patios.
31. Existing privacy screens:
 - (a) may be maintained within a screened enclosure;
 - (b) must be maintained in the same colour;
 - (c) must remain in the same position of the existing screen in relation to the balustrade;
 - (d) may have their top panel, or top and bottom panels removed; and
 - (e) must not be replaced with any other type of privacy screen.

On the garage/entry side:

32. External roller shutters and louvre screens are permitted to windows in Colorbond Surfemist colour.

External Building Colours and Finishes:

33. Dulux Woodland Grey colour to guttering and fascias.
34. Dulux Mt Aspiring colour to the sides of walkways and stairs, downpipes, walls, walkway and stair supports.
35. Dulux Lexicon Quarter to the underside of walkways and stairs and to the eaves and soffits.
36. Colorbond colour Surfemist to unit doors, garage doors, aluminium screen frames and rubbish disposal enclosures.
37. Balustrades generally in glass with chrome spigots.
38. Floor finish to walkways and stairs in ceramic tiles with a silver travertine appearance.
39. Metal roof sheeting in Custom Orb profile with Colorbond Dune colour

CHARACTER ZONE 12

Colvillia – “Golf Course Villas” – Attached Lots
5203-5235 Marine Drive West, Bay Hill Terrace, Merion Terrace

Generally

1. There are two types of buildings. One type contains two dwellings (a duplex) the other type contains four dwellings (a fourplex).
2. All exterior finishes, materials and colours of new structures are to match the existing finish, material, and colour, including fascias, render, trims, roofing and exposed metal finishes.

Front Side (facing the Street)

3. All the external walls of each building must be one colour, as agreed between the owners within the building and as Approved.
4. Minor highlight and accent colours must be generally consistent.
5. Garage doors must be matching 180mm profile and either a specific selected timber colour or a specific selected paint colour.
6. The entry portal pergola may vary in design.
7. Batten elements must be aluminium or treated timber 65x18mm with 10mm to 20mm gaps and must be horizontal in Classic Cream or another Approved colour.
8. All driveway colours must be either Tuscan Straw or Berger colour Taupe.
9. The roof type and colour must be the same for all buildings.
10. No extensions on the upper level are permitted.
11. The courtyard behind the garage may be built in on the ground floor but the enclosure cannot exceed the height or width of the garage.

Rear Side (to the golf course)

12. The upper-level balustrade must not change.
13. No upper-level extensions or enclosing of balconies is permitted.
14. Upper-level door blinds must be a type and colour that blend with the external colour scheme.
15. The ground floor screened enclosure:
 - (a) glazing frame colour must be black or white;
 - (b) fascia and gutter must match the existing house;
 - (c) downpipe must be located against the party wall;
 - (d) walls must be rendered and painted to match the main building;
 - (e) roof must be a 3-degree pitch with an eave gutter or a parapet or concealed gutter;
 - (f) may have clear glass sliding or stacker doors with fly screens on the exterior of doors;
 - (g) fly screens must use size 30/20 mesh; and
 - (h) stormwater must discharge to a natural overflow path.
16. No extensions are permitted to the sides of the end dwellings except for a single level dwelling which may have a minor extension provided it is not within 3 metres of the rear of the Principal Structure and no closer than 1.5 metres to a Side Boundary.

17. The whole of the external walls of each building must be one colour, as agreed between the owners within the building and as Approved.
18. Minor highlight and accent colours must be the same for each dwelling within a building.

External Building Colours – 5232 to 5235

19. The wall and trim colours must be Dulux Candlebark 80%.
20. The feature wall colour must be Dulux Jasper Colorbond.
21. The accent colour must be Dulux Linseed (*to be used in small areas such as in courtyards and entrance areas*).

External Building Colours – 5221 to 5223 (as approved by Colvillia body corporate)

22. The wall colour must be Taubmans Arctic Cotton and Dulux Dune, alternating as required.
23. The fascia and gutter must be in Colorbond as existing.

External Building Colours – 5228 to 5231 (as approved at Colvillia EGM August 2022)

24. The roof gutter colour must be Taubmans Viking Grey full strength.
25. The colour of the main walls and downpipes must be Taubmans China White full strength.
26. The feature wall colour must be Taubmans Viking Grey full strength.
27. The colour of the soffits and eaves must be Taubmans China White full strength.
28. The garage door colour must be Taubmans Viking Grey full strength.
29. The patio roof colour must be Surfsmist Colorbond.
30. The meter box colour must be Taubmans China White full strength.

Driveway Colours – 5203 to 5235 (as approved at Colvillea EGM August 2022)

31. All parts of the driveways must be Berger colour Tuscan Straw or Berger colour Taupe, subject to:
 - (a) being a clear non-slip sealer product;
 - (b) any amendment to the existing driveway colour by an owner within the Colvillia body corporate must encompass the whole driveway;
 - (c) circumstances where adjoining properties have separate driveways, all owners within the building (in 2, 3 or 4 attached dwellings) must agree on the proposed paint colour prior to an application being made for Approval; and
 - (d) circumstances where the driveway is shared by more than one owner, all owners must agree to the application for Approval being made and to the proposed paint colour. All owners must sign the application for Approval.

CHARACTER ZONE 13

Colvillia – “Lakeside Villas”

odd numbers 5411-5489 Merion Terrace, Bay Hill Terrace, Marine Drive North

General

1. There are three different building types –
Type 1 - four attached lots (a fourplex having a large upper-level roof gable) with odd numbers 5411 to 5417, 5423 to 5437, 5455 to 5469.
Type 2 - two attached lots (a duplex having a large upper-level roof gable) with numbers 5419 and 5421, 5471 and 5473.
Type 3 - four attached lots (a fourplex having an upper roof parapet with a pediment) with numbers 5439 to 5453, 5475 to 5489.
2. All exterior finishes, materials and colours of new structures are to match the existing Principal Structure including fascia, render trims, roofing, and exposed metal finishes.

Front Side (facing the Street)

3. Entry portal roof options are:
 - (a) flat roof;
 - (b) original curve roof; or
 - (c) no roof
4. The panelift garage door must have 180mm wide panels and match the existing profile and colour.
5. The entry portal gate design may vary with the approval of the PBC.
6. No building extensions are permitted above the garage.
7. No building extensions to the upper level are permitted.
8. The courtyard behind the garage may be built in on the ground floor but the enclosure cannot exceed the height or width of the garage.
9. Front setbacks must be as per the original building footprint.
10. Driveways must be exposed aggregate concrete matching the original surface.
11. No side extensions are permitted to the end dwellings.
12. Pergolas may be considered on the side of the end dwellings.
13. All window frames must be white.

Rear Side Facades (to the golf course) - Building Types 1 and 2

14. The design and extent of the original Principal Structure envelope must be maintained.
15. The upper-level balcony must not be enclosed.
16. The upper-level balustrade must match the existing metal or the existing glass balustrade design. No other balustrades are permitted.
17. No extensions are permitted to the upper level.
18. For ground floor screened enclosures:
 - (a) the glazing frame colour must be black or white;
 - (b) the fascia and gutter must match the existing house;
 - (c) the downpipe must be located against the party wall;

- (d) the walls must be rendered and painted to match the main building;
 - (e) the roof must be a 3-degree pitch with an eave gutter or a parapet or concealed gutter;
 - (f) the exterior doors may be clear glass sliding or stacker doors with fly screens;
 - (g) the fly screens must use 30/20 mesh; and
 - (h) the stormwater must discharge to a natural overflow path.
19. No extensions are permitted to the sides of the end dwellings except for a single level dwelling which may have a minor extension provided is not within 3 metres of the rear of the Principal Structure and no closer than 1.5 metres to a Side Boundary.
 20. The whole of the external walls of Type 1, 2 and 3 buildings must be one colour, as agreed between the owners within the building and as Approved.
 21. Minor highlight and accent colours must be the same for each dwelling within a building.

Rear Side (to the golf course) Façade Type B - Pediment Roof Style

22. The upper-level balcony may be enclosed but no change to the upper-level balcony roof is allowed.
23. The upper-level balustrade must match the existing metal or the existing glass balustrade design. No other balustrades are permitted.
24. Screening can be added to the upper-level 45 degree angle wall but it must be constructed of matching horizontal battens.
25. The upper-level pediment cannot be altered or removed.
26. Screened enclosures must have a low-pitched roof concealed with a parapet to match the height of the fascia and the gutter of the existing house and must have:
 - (a) a glazing frame colour to match the existing dwelling colour (white) or black (provided another house in same block already has black) to maintain the look and feel of the block and precinct;
 - (b) the downpipe located against the party wall;
 - (c) walls rendered to match the main building;
 - (d) clear glass sliding or stacker doors installed with fly screens on exterior of doors;
 - (e) fly screens manufactured from 30/20 mesh; and
 - (f) stormwater outlets that discharge to a natural overflow path.
27. No extensions are allowed to the sides of the end villas except at ground level and of a minor nature and not within 3 metres of the rear of the main building wall line and must maintain a minimum of 1.5 metres side boundary clearance.
28. The whole of the external walls of each building must be one colour, as agreed between the owners within the building and as Approved.
29. Minor highlight and accent colours must be generally consistent with the adjacent buildings.

External Building Colours – odd numbers 5431 to 5437

30. The roof, gutter, and capping colour must be consistent with full or half strength Colorbond “Windspray”.
31. The eaves and soffit colour must be full or half strength Colorbond “Windspray”.

32. The fascia and main wall exterior colour must be consistent with Dulux Colorbond "Shale Grey".
33. The colour of the garage doors and panels above the peak roof must be consistent with Dulux Colorbond 'Surfmist'.

External Building Colours – odd numbers 5411 - 5489

34. The roof, gutter, and capping colour must be consistent with 3/4 strength Colorbond "Woodland Grey".
35. The eaves and soffit colour must be consistent with 3/4 strength Colorbond "Woodland Grey".
36. The fascia and main wall exterior colour must be consistent with Dulux Colorbond "Surfmist".

Rear step and adjacent garden bed - 5461, 5459, 5457 & 5455 (as approved at EGM August 2022)

37. The installation of a step and small adjacent garden bed, immediately off the properties screened or glazed patio, at the rear of the property (on the golf course side) is permitted, subject to:
 - (a) the tiles on the step having appropriate non-slip properties; and
 - (b) any garden bed installed to either side of the step must not extend further than the step into common property and must be no wider than the screened or glazed enclosure.

CHARACTER ZONES 14 AND 15

Colvillia – attached houses

even numbers 5370-5384, 5404-5418 Bay Hill Terrace

1. There is one building type. It contains four dwellings (a fourplex).
2. No changes to the façades which face the Street are permitted.
3. In each Character Zone, each building's main colour must be the same for all dwellings.
4. Minor highlight and accent colours must be generally consistent for each building.
5. There is a choice of two selected garage door colours.
6. The garage door profile must not to be changed.
7. The rear upper level cannot be changed or modified.
8. Lower-level screened enclosures are permitted and must have:
 - (a) a 3-degree roof with parapet and the parapet height must match others;
 - (b) a fascia and gutter to match the existing house;
 - (c) a glazing frame colour to match the existing frames;
 - (d) a downpipe located against the party wall;
 - (e) walls rendered to match the main building;
 - (f) clear glass sliding or stacker doors installed with fly screens on the exterior of doors;
 - (g) fly screens manufactured from 30/20 mesh; and
 - (h) a stormwater outlet which discharges to natural overflow path.
9. Driveways colours must be limited to Berger "Tuscan Straw" and Berger "Taupe".

External Building Colours – even numbers 5378 to 5384

10. The colour of the walls must be "Woodland Grey".
11. The colour of the roof must be Colorbond Shale Grey.
12. All existing white on the building must remain white, including the garage doors.

CHARACTER ZONE 16

Colvillia – detached houses

even numbers 5420-5426 Bay Hill Terrace

1. The original built form and shape must be maintained on the side facing the Street.
2. The garage doors must retain the same profile.

CHARACTER ZONE 17

Roystonia – attached houses

even numbers 5274-5356 Marine Drive North

General

1. Unless stated otherwise these Design Standards only apply to the building facades and structures facing the Street.
2. There are three different duplex building types:
Type 1 (having two small upper-level roof gables with no windows below) with numbers 5274 to 5292, 5306 to 5316, 5342 to 5348;
Type 2 (having two large upper-level roof gables with windows below) with numbers 5294 to 5304, 5318 to 5340
Type 3 (having one central upper-level roof gable) with numbers 5350 to 5356.

The following applies to all three duplex building types

3. The ridge lines, profiles, shapes, detailing and general appearance of the main upper-level roofs that are unique to each building type, must be maintained.
4. The original grey or black roof tiles are to be maintained. Alternatives may be Approved provided the Approved selection is used on the whole duplex (that is both dwellings).
5. The gutter colour must match the roof colour.
6. Low pitched metal roofed structures such as covered walkways or the like are permitted at ground level provided the roofs are concealed from view behind a parapet or fascia, do not exceed 20% of the frontage and conform with the By-Laws.
7. Pergolas and similar structures are permitted at ground level provided they are compatible with the colour and character of the Principal Structure and conform with these By-Laws.
8. Window replacements must be white in colour, consistent in frame proportion and type, to match the original windows.
9. External walls are to be rendered and painted. Small areas of alternative materials are permitted provided they are generally in keeping with the architectural style of the Principal Structure.
10. The primary wall colour of each dwelling in a duplex may be a different colour provided the colours are a compatible match to each other.
11. A dwelling in a duplex may have individual highlight, feature and accent colours provided they are limited to garage doors, entry gates and features in a front fence.
12. Garage doors may vary in type.
13. Gatehouses must have 350x350mm rendered and painted columns with a pitched roof to match the roof of the Principal Structure.
14. Only one driveway is permitted per dwelling with a width in accordance with these By-Laws.
15. Where the owner or owners of both dwellings in a duplex intend to make alternations to the design of the whole façade of the two dwellings or to re-develop the whole building under one Approval and under the scope of one construction process, then Approval may be given to alternative designs provided the following are consistent with the Character Zone:
 - (a) external wall finishes;
 - (b) roof pitches, tile selections, roof gables, eave gutters and the like;
 - (c) window proportions, materials and colours; and

(d) the prevailing architectural style.

16. Two Attached Lots may be amalgamated into one Lot for the development of that lot for one dwelling. In this instance, the newly created Lot will be classified as a Conventional Lot and Design Standard 15 will apply to the design of the improvements on that Conventional Lot.

The following applies to a Type 1 duplex building

17. The ground floor pitched tile roof may be removed and replaced with a balcony to the upper floor, provided a pitched tile roof is added over the balcony below the eave line of the main tile roof above. The balustrade must be either an open or glass type in keeping with the architectural style of the Principal Structure.
18. Only one two-car garage is permitted per dwelling.

The following applies to a Type 2 duplex building

19. A low-pitched metal roof may be constructed over the golf-buggy parking bay provided it is concealed from view behind a fascia. A garage door can be installed to enclose the buggy parking bay provided the door and the general appearance matches the adjacent car garage.
20. The pitched roof over the car garage may be extended across the adjacent golf-buggy parking bay to meet the party wall. A garage door can be installed to enclose the buggy parking bay provided the door and the general appearance matches the adjacent car garage.
21. Where a duplex dwelling has installed a golf-buggy parking bay roof in accordance with Design Standard 16 or 17, the adjoining dwelling must use the same Design Standard if the enclosure of the buggy parking bay is proposed.
22. The upper balcony may have a solid balustrade or a solid balustrade with a rail on top which may also incorporate a decorative feature in keeping with the architectural style of dwelling.
23. Only one two-car garage plus parking for one golf buggy is permitted per dwelling.
24. Except for 5294 to 5304 the upper floor balconies must be maintained and not enclosed.

CHARACTER ZONE 18

ARAUCARIA – “Horizon Court”- detached and attached houses 6300-6322 Horizon Court

1. No upper-level extensions are permitted to the front of the Principal Structure.
2. Main facade colour and window colour must be maintained. Trim colours may vary but must be in keeping with the general colour palette.
3. Garage door and adjacent wall battening must be maintained and the colours may vary but must be in keeping with the general colour palette.
4. The upper-level roof line, batten infill and upper-level side walls projecting in front of the building line must be maintained as per the original building types as follows:
 - Type A with numbers 6302 to 6307
 - Type B with numbers 6311 to 6316 and 6319 to 6322
 - Type C with number 6308
 - Type D with numbers 6309 and 6310
 - Type E with numbers 6317 and 6318
 - Type F with numbers 6300 and 6301
5. The garage parapet wall must be maintained.
6. The Building Setback Line is 6 metres from the Front Boundary.
7. The Building Setback Line is 8 metres from the Rear Boundary.
8. The Side Boundary Building Setback Line for the Principal Structure, Secondary Structures and roofed open structures may be relaxed as follows for:
 - (a) 6300 and 6301 (Northwest lot boundary)
1.5 metres for buildings up to 7.5 metres in height.
 - (b) 6311 to 6316 and 6319 to 6322
1.75 metres on the non-garage side for buildings up to 7.5 metres in height.
1.95 metres on the garage side for buildings up to 7.5 metres in height.
A single level built-to-boundary wall with a maximum length of 10 metres is permitted on the garage side.
 - (c) 6302 to 6307
0.9 metres on the non-garage side for buildings up to 4.5 metres in height.
1.5 metres to the upper floor on the non-garage side for buildings up to 7.5 metres in height.
2.0 metres to both levels on the garage side for buildings up to 7.5 metres in height.
A single level built-to-boundary wall with a maximum length of 10 metres is permitted on the garage side.
 - (d) 6309 and 6310
1.5 metres on the southern boundary to the ground floor of buildings up to 4.5 metres in height.
2.0 metres on the southern boundary to the upper floor of buildings up to 7.5 metres in height.
6 metres to any wall on the northern boundary.
 - (e) 6317 and 6318
1.5 metres to the ground floor of buildings up to 4.5 metres in height.
2.0 metres to the upper floor of buildings up to 7.5 metres in height.Side boundary setbacks for buildings over 7.5 metres in height must increase by 0.5 metres.
9. For 6308 the boundary setbacks may be relaxed as follows:
 - (a) on the northern side: 8 metres to all walls.
 - (b) on the east, south and western sides:
1.5 metres to the ground floor for buildings up to 4.5 metres in height.
2.0 metres to the upper floor for buildings up to 7.5 metres in height.
10. For 6307 the side extensions must be located behind the rear wall of the original building entry.
11. For 6300 and 6301 the southwest lot boundary must be considered as a Rear Boundary.

Addendum "E" - EXPLANATORY DIAGRAMS - BATTER ZONES

NOT TO SCALE

REFER BY- LAW 2.18.9

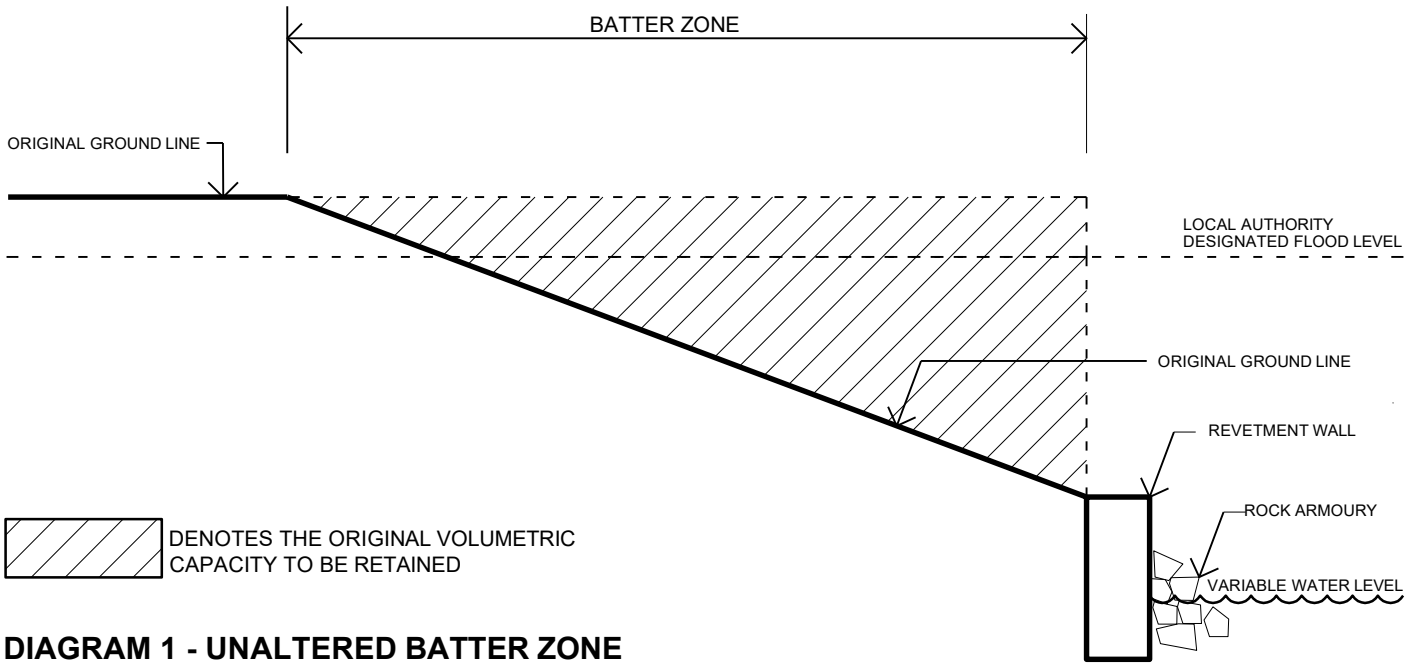


DIAGRAM 1 - UNALTERED BATTER ZONE

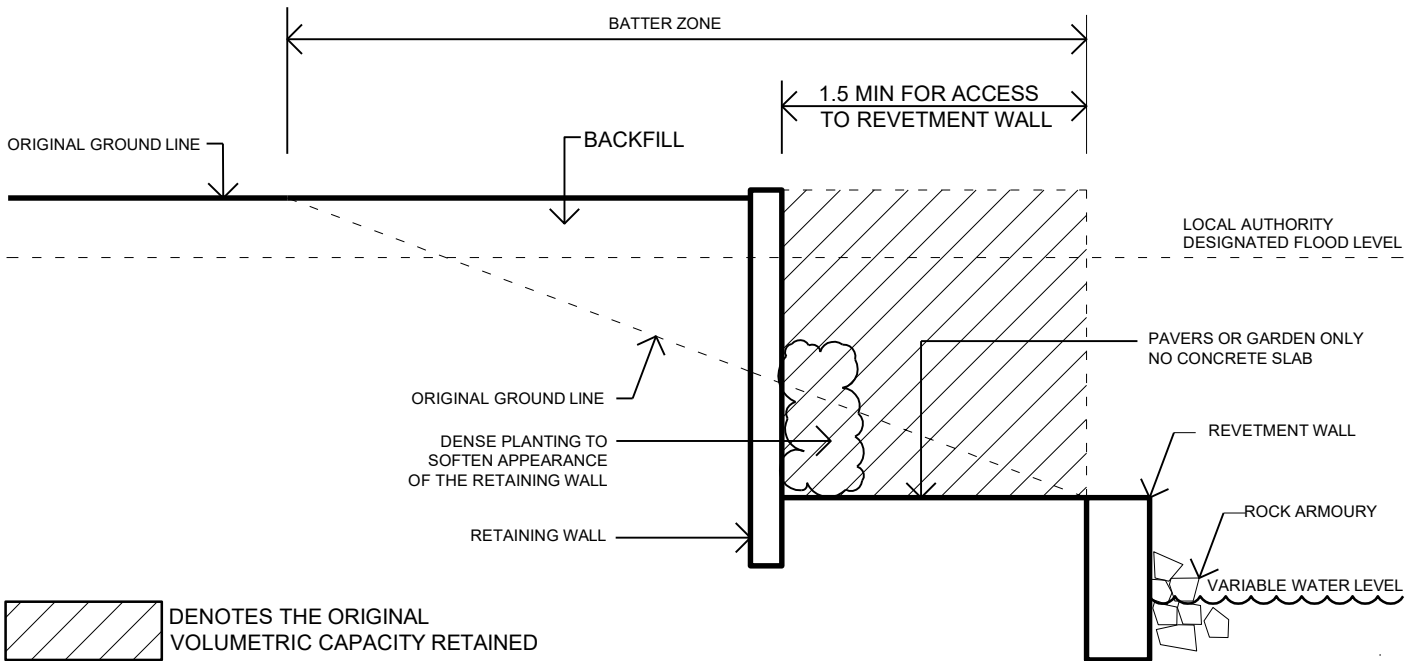


DIAGRAM 2 - EXAMPLE OF BATTER ZONE ALTERATION BY INCLUSION OF A RETAINING WALL

Addendum "E" - EXPLANATORY DIAGRAMS - BATTER ZONES

NOT TO SCALE

REFER BY- LAW 2.18.9

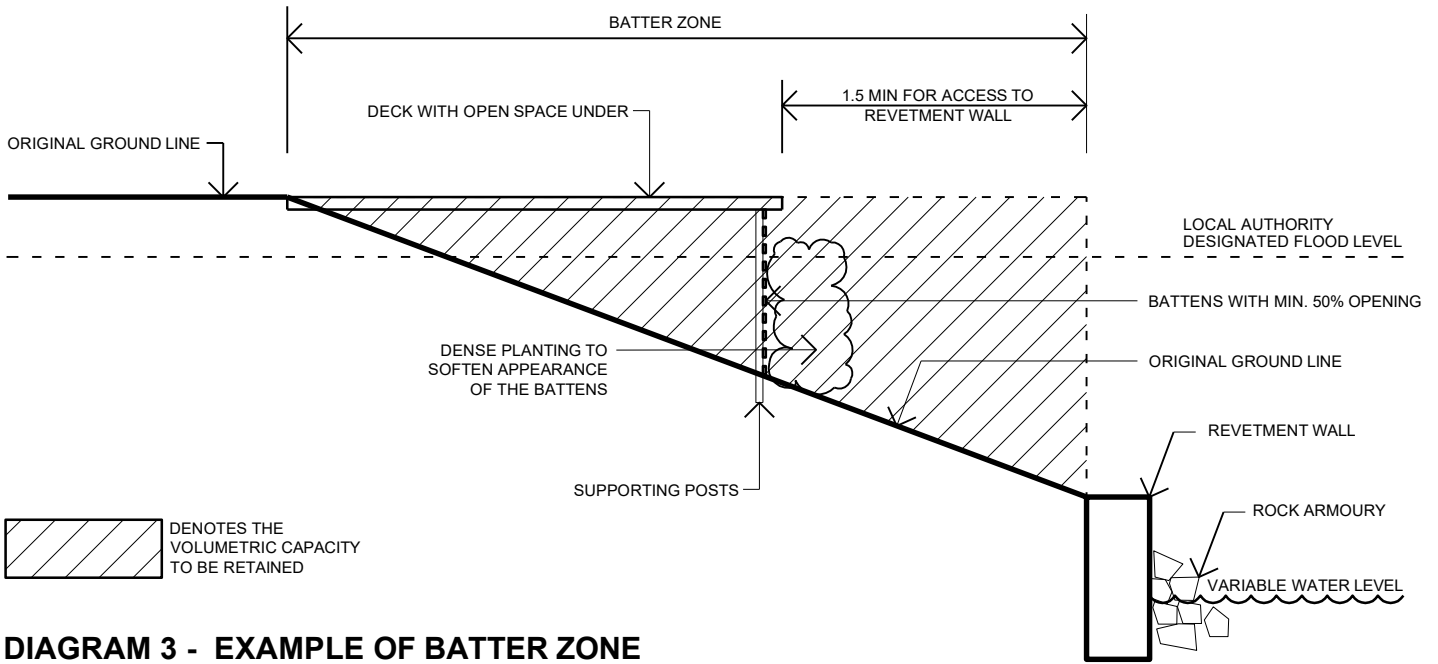


DIAGRAM 3 - EXAMPLE OF BATTER ZONE ALTERATION BY INCLUSION OF A SUSPENDED DECK

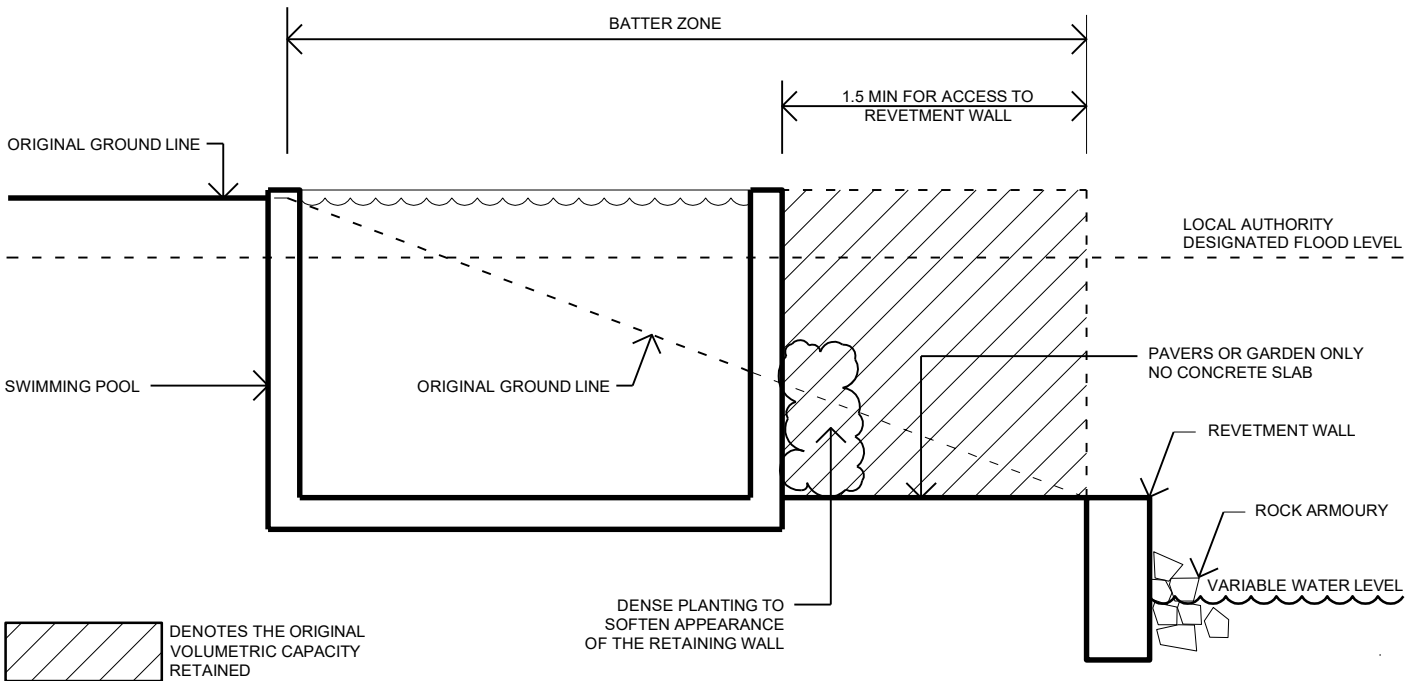
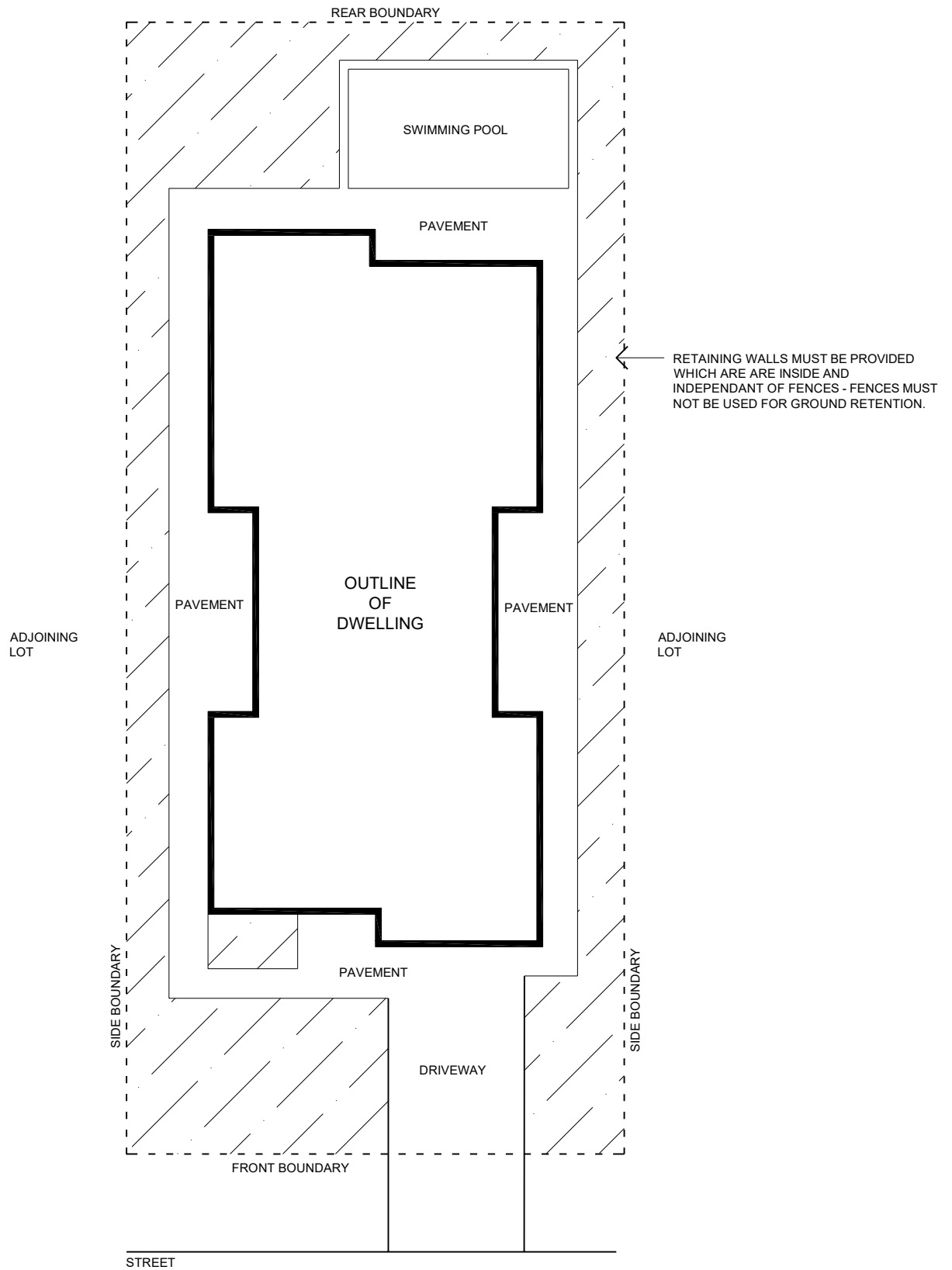



DIAGRAM 4 - EXAMPLE OF BATTER ZONE ALTERATION BY INCLUSION OF A SWIMMING POOL

Addendum "F" - EXPLANATORY DIAGRAMS - LANDSCAPE OPEN SPACE

NOT TO SCALE

REFER BY-LAW 2.15.5

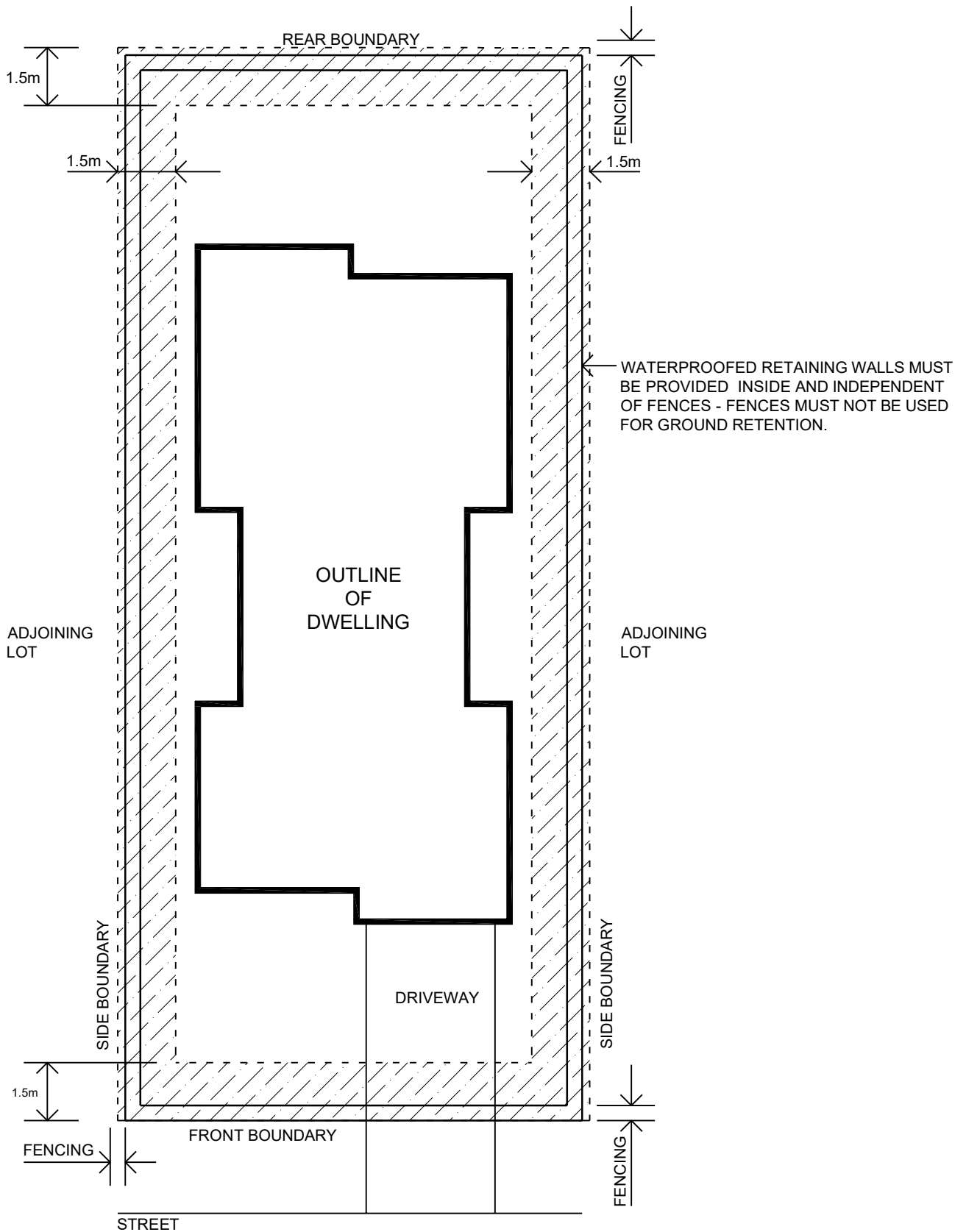



 DENOTES THE AREA LANDSCAPE OPEN SPACE THAT MUST BE EQUAL TO OR GREAT THAN 30% OF THE AREA OF THE LOT

Addendum "G" - EXPLANATORY DIAGRAMS - FINISHED GROUND LEVELS TO BOUNDARIES

NOT TO SCALE

REFER BY-LAW 2.15.4



 DENOTES THE AREA WHERE THE FINISHED GROUND LEVEL CANNOT BE MORE THAN 0.5m ABOVE THE NATURAL GROUND LEVEL

Addendum “H” - Specification for Private Moorings (Floating Pontoons)

Residential private moorings (floating pontoons) shall be designed, constructed, and installed in accordance with the following Sections of this specification:

1. Works Description
2. Design Criteria
3. Materials Specification
4. Installation
5. Certification

1.0 WORKS DESCRIPTION

A description of works shall be completed by the contractor and include the following:

- 1.1 A description of works and the programme.
- 1.2 A plan at a scale of 1:100 showing the location of the structures to be installed in relation to the real property boundaries and any existing marine structures.

Drawings shall also include a side elevation, an end elevation and typical sections showing mean high water springs and mean low water springs, as well as the nature and level of the proposed founding material. All works shall be related to Australian Height Datum (AHD).
- 1.3 A drawing or drawings at a scale of 1:100 showing the pontoon dimensions, gangway dimensions, pile locations, gangway abutment fixings and pile guide system.
- 1.4 Description of pontoon gangway and piling materials and structural system.
- 1.5 Description of floatation system including description of exterior coating system and float dimensions.
- 1.6 Description of pontoon deck finish.
- 1.7 Description of gangway, decking material and deck finish.
- 1.8 Description and plan showing the location of mooring cleats and other required fittings and accessories.
- 1.9 Details of any access or work area required on or through any property during the works.
- 1.10 Method of maintaining the integrity of the revetment during pile installation and reinstatement of revetment rock protection layer after pile installation.
- 1.11 Description of maximum vessel size and vessel mass to be accommodated by the structure.
- 1.12 Materials specification.
- 1.13 Design certificate by currently Registered Professional Engineer Qld (R.P.E.Q.).

2.0 DESIGN CRITERIA

Private Residential Pontoons, Gangways, Piling and Attachments shall be designed and installed such that they satisfy the following minimum design criteria:

2.1 DESIGN LOAD CRITERIA

- (a) Wind Loads
Terrain Category 2 in accordance with Australian Standards AS1170.2 and AS3962.
- (b) Wave Loads
 - (i) Internal Canals
0.5m wave height with a corresponding wave period of 2 seconds.
 - (ii) Coomera River Frontage
0.6m wave height with a corresponding wave period of 3 seconds.

Resultant vertical and horizontal forces due to the above wave criteria on the vessels and structure are to be calculated for wave propagation directions from parallel to the revetment line to 30 degrees to the revetment line.
- (c) Live Loads
 - (i) Pontoons and gangway decking are to be designed for a minimum of 2.0kPa uniformly distributed live load.
 - (ii) 1.4 kN concentrated load.
- (d) Current and Debris Loads
The structures and mooring system shall be designed to accommodate the following:
 - (i) Internal Canals - shall be designed for a current velocity of not less than 1.5 metres per second parallel to the revetment line with a debris mat of 1.2m depth over the width of the moored vessel pontoon and half the length of the gangway. Forces are to be calculated in accordance with AS3962.
 - (ii) Coomera River Frontage - as per 2.1 (d) (i) with a current velocity not less than 3 metres per second.
- (e) Berthing Impact Loads
The structure shall be designed to accommodate impact loads resulting from the vessel striking the structure with a perpendicular velocity not less than 0.3 metres per second.

2.2 PONTOON BUOYANCY

Pontoon buoyancy shall be such that it can support a minimum of 2kPa uniformly distributed over the entire deck area combined with the structure deadload with a minimum of 100mm freeboard.

2.3 PONTOON STABILITY

The pontoon's minimum rotational stability shall be such that a line load of 2 kN/m located 100mm from the edge applied along one side of the deck, will not produce a deck inclination of greater than 5 degrees. (If rotational stability is provided by floatation width, a minimum continuous float width of 2.8m is required for deck width not greater than 110% of the float width).

2.4 FREEBOARD

Deck freeboard with deadload only shall be not less than 350mm.

2.5 PONTOON TRIM

The pontoon trim shall be such that under deadload (including deadload of gangway), no part of the deck has a slope greater than 2% in any direction.

2.6 LOAD COMBINATIONS

In addition to the individual wind, wave and current loadings, the following load combinations shall also be satisfied:

Wind and Wave Combined Load

(i) Internal Canals

65% of Wind Load as calculated in 2.1 (a) plus a 0.3m wave height with a corresponding wave period of 1.5 seconds, both acting in the same direction, parallel to the revetment alignment.

(ii) Coomera River Frontage

65% of Wind Load as calculated in 2.1 (a) plus a 0.5m wave height with a corresponding wave period of 2 seconds both acting in the same direction, parallel to the revetment line.

2.7 DESIGN LOADS AND WATER LEVELS

Water levels to be used for the design load cases are as follows:

Case	Water Level (to AHD)
Wind Loads	+1.1m
Wave Loads	+1.1m
Current & Debris Loads	+2.4m
Wind & Wave Combined Loads	+1.1m
Berthing Impact Loads	Between -0.5 to +1.1m

2.8 MOORING SYSTEM

It is recommended that all structures be moored using an appropriately designed pile system.

2.9 PILES

(a) Piled pontoons must be installed along floodways (e.g., Coomera River). The pontoon structure must be designed for Q100 stream velocity and flood level together with debris loads.

(b) Pile embedment is to be sufficient to carry loads as specified in this section and shall have a minimum embedment of 3.0m.

- (c) Piles and pile guide systems are to be designed to accommodate all design loads. No horizontal loads from the structure or moored vessel are to be transmitted to the gangway or revetment wall.
- (d) Timber piles are not considered acceptable.
- (e) "Anti-Bird" conical pile tops shall be installed over the tops of piles. Pile tops are to be manufactured from UV resistant materials.

(f) Pile Installation

Piles shall be installed by driving, jetting and/or drilling such that the embedment is sufficient to accommodate the design loads without permanent deflection. Piles shall be embedded a minimum depth of 3.0m. Piles shall be installed such that the pile, in its final position, does not deviate from the vertical by more than 0.4%. Also the top of the pile is not less than the greater of RL 3.0m (AHD) or 0.6m higher than pile bracket level at Q100 flood level.

Before pile installation, the contractor shall determine whether revetment rock armour and/or geotextile, extends seaward of the location of pile installation. If so, the rock shall be removed by divers and a neat hole cut in any geotextile present such that the pile can be installed without interference to the surrounding rock or geotextile. A geotextile boot shall be fabricated and placed around the pile before the replacement of rock, such that after pile installation this boot will be located to provide at least a 300mm overlap with the existing geotextile and a 300mm continuous sleeve around the pile. Rock removed shall be put back around the pile to reinstate its continuity and integrity as an armour protection layer.

The contractor must ensure that undermining, destabilisation, or damage to surrounding structures does not occur. On completion of the pile installation, any local depressions caused by such installation shall be refilled to level with granular backfill whose particles have a specific gravity greater than 2.0.

2.10 FLOATATION SYSTEM

The floatation system shall consist of solid foam units with a water absorption of less than 5%.

The foam shall be protected from the environment by a 100% UV resistant encasement system that is also resistant to degradation by hydrocarbons. The foam encasement system shall have sufficient structural integrity such that it will not suffer damage due to debris loading or organism attack.

2.11 PONTOON AND GANGWAY DECK FINISH

The deck finish on the gangway and pontoon is to be synthetic outdoor carpet or timber dressed to a "ripple deck finish". If a timber deck finish is designated for the pontoon, the decking timber shall be placed on and secured to transverse battens or bearers such that there is a clear drainage space directly under the timber decking.

The timber decks shall not be designed so as to form a necessary structural element of the system.

2.12 PONTOON LENGTH

It is recommended that the pontoon deck length shall be not less than 0.75 times the length of the vessel proposed to be moored to it unless additional mooring piles are provided with a spacing measured parallel to the vessel mooring orientation of not less than 0.75 times the vessel length.

2.13 PONTOON MASS

The mass of the floating pontoon system (excluding gangways and piling) shall be not less than 200kg per square metre of deck area.

2.14 GANGWAYS

Gangways shall be designed for a minimum deck live load of 2.0kPa with handrails each side designed in accordance with AS1170-1.

Minimum gangway deck width shall be 800mm.

Gangways shall be constructed and installed in accordance with Sections 1 and 3 of this specification.

The gangway shall be designed and installed such that the slope shall be no greater than 1 Vertical to 4 Horizontal with a water level at mean low water springs.

The gangway and fixings shall be such that no horizontal loads from the pontoon or moored vessel are transmitted back to the revetment wall.

2.15 WATER LEVELS

The design drawing must incorporate the design loads caused by a Q100 flood event.

2.16 STRUTS AND ANCHORS

Land anchors for both gangway and struts are to continue down to the existing revetment wall toe and extend into the existing batter by a minimum 1800mm from the back face of the existing revetment wall. Please note that when piles are utilised, strut anchor and tie back are not required. However, a land anchor block is still required to continue down to the existing revetment toe. In the case where rollers are proposed on the land abutment, a rectangular reinforced concrete block 200mm thick is required.

The existing revetment wall is to be protected by placement of a compressible material between the wall and anchor.

2.17 LIGHTING

Adequate lighting should be provided for safe pedestrian access to the berths, security of vessels and shore facilities, and safe navigation within the marina area.

All lighting should be designed and located to minimise glare for vessels navigating in the vicinity and nearby residences.

2.18 FUTURE VARIANCE

Any variance (add-ons) including dry berth rollers to an existing pontoon structure must be certified by an R.P.E.Q and approved before commencement of works.

3 MATERIALS SPECIFICATIONS

3.1 CONCRETE

All reinforced concrete components shall be constructed using Grade N50 concrete with a minimum cement content of 400 kg/cu.m. and a maximum water/cement ratio of 0.45.

All concrete and its constituent materials shall comply with the following:

AS1129	Fly Ash for use in Concrete
AS1130	Code of Practice for use of Fly Ash in Concrete
AS1315	Portland Cement
AS1317	Blended Cement
AS1379	Ready Mixed Concrete
AS1478	Chemical Admixtures for use in concrete
AS1479	Code of Practice for the use of Chemical Admixtures in Concrete
AS2350	Methods of Testing Portland and Blended Cements
AS2758.1	Concrete Aggregate
AS3600	Concrete Structures Code

The concrete shall be placed in such a manner as to avoid segregation or loss of materials. Concrete shall not be placed using any method which involves a vertical free fall greater than two metres. Concrete placement shall be carried out in a continuous operation and in such a manner that a plastic edge is maintained at all times. The compaction shall be such that all air or stone pockets which may cause honeycombing, pitting or places of weakness are eliminated.

Curing of concrete shall be in accordance with AS3799.

Freshly cast concrete shall be protected from premature drying in excessively hot or cold temperatures. In windy conditions, windbreaks shall be erected to shield the concrete surface during and after placing. The concrete shall be maintained at a reasonably constant temperature with minimum moisture loss for the curing period.

The responsibility for the curing of the concrete shall rest entirely with the Contractor.

Reinforcement shall be securely held in position by using spacers or stools made of concrete, plastic or other approved means. Reinforcement shall not be held in position by bare steel supports which extend to the surface of the concrete. Reinforcement shall not be supported on pieces of wood, brick aggregate, or like material.

Reinforcement shall be placed in its intended position with the cover, within tolerances set out in AS3600 and shall be securely fastened and maintained in position.

3.2 TIMBER

Timber shall comply with AS1720, AS2082, AS2858, AS1604 and the Queensland Timber Users Protection Act.

Timber used for decking shall be either Kwila or Jarra, kiln dried prior to fabrication and dressed to a ripple deck finish on the upper face.

Timber shall have a moisture content of less than 25% prior to installation.

Any plywood used shall be structural or marine grade C-C A bond F14 minimum.

3.3 METALWORK.AND METAL FASTENERS

Bolts, nuts and washers shall be Grade 316 stainless steel or galvanised steel with a galvanised coating thickness in accordance with table 5.2, AS1650.

Steelwork shall conform to AS1250.

Hot dip galvanising shall be in accordance with AS1650 to a coating mass not less than 600g/sqm.

Aluminium shall be of a grade suitable for a marine environment. All workmanship and materials shall be in accordance with AS1664, AS1665, AS1866 and AS1734.

Stainless Steel shall be Grade 316 and in accordance with AS1449 and AS2837.

3.4 BUOYANCY FOAM

Buoyancy foam shall be protected from chemical and organism attack and have a water absorption level not exceeding 5% by volume when tested in accordance with ASTM C272. Glue used in the fabrication of floats shall be insoluble in water and cover the complete surface of any joint.

3.5 FENDERING

Fendering material shall be UV resistant extruded PVC.

3.6 ALUMINIUM

Aluminium componentry shall be of a grade suitable for an outdoor/marine environment and fabrication in accordance with AS1664 - Aluminium Structures Code.

4 POSITIONING OF PONTOONS

The floating system shall be installed such that the pontoon satisfies the typical berthing plan for the lot/property.

4.1 Wet Berth (Parallel)

The pontoon is approximately central along the lot canal frontage, with the vessel being moored parallel to the existing revetment wall. The pontoon (including rollers) offset from either extended side boundary must be greater than 3.0m.

4.2 Wet Berth (Perpendicular)

The pontoon is installed with a minimum offset of 500mm respectively, from either extended side boundary, with the vessel being moored perpendicular to the existing revetment. Dry berth rollers must also be within the quayline.

4.3 Dry Berth (Parallel)

The pontoon and the docked vessel are to be parallel to the existing revetment wall. The offset from the pontoon structure (including rollers) to the extended boundary, on the side where the vessel is to be launched, shall be no less than the vessel length plus a minimum 1.0m. The other side of the pontoon shall correspond to the minimum specified offset of 3.0m.

24 November 2023

To All Members Nominees,

The Chair of the PBC recently published a newsletter that contains an inference that the CEO agreed that there are flaws in the corporate structure and governance arrangements that operate at Sanctuary Cove for all parties. As the CEO, this is my response to the comments made by the Chair.

1. *“Over time, aspects of the governance structure have become redundant and others requiring reshaping to bring them in line with current and future requirements. At the last PBC Executive Committee meeting, the CEO acknowledged the existence of these flaws and omissions and indicated a willingness to work with us to achieve better outcomes for owners.” - Stuart Shakespeare*

- This is not factually correct and was never stated by me as the CEO.
- It is my belief that the current structure of sub-committees and the Company are very much an essential part in the corporate governance and continued success of Sanctuary Cove Resort.
- The current governance model has achieved great results for all residents including:
 - Despite CPI increasing by 31.2% (cumulative) from 2016 to 2023, PBC levies have only seen a 2.1% increase in this time. This increase over 7 years would be the lowest in Australia.
 - The completion of another vibrant year (2023) for Sanctuary Cove, with a surplus for the PBC of \$376,655 for the administration fund, which will be credited to Residents levies for 2024/2025.

- PBC Sinking fund is also in a strong financial position, after expenditures of \$5,043,280. We have a strong balance moving forward of \$6,326,422 in 2023. These funds are invested with Macquarie Bank and Bank of Queensland with \$204,297 earned through investments at 4.6%.
- The PTBC administration fund also completed the year with a surplus of \$126,056, again credited to stakeholders in the 2024/2025 levies.
- The PTBC Sinking fund after expenditure of \$1,763,841 has a balance of \$1,578,838, earning interest of \$48,893.
- There is a monthly operations report prepared for all Members Nominees and residents to peruse that outlines these key results we were able to obtain for all residents.

2. *“Currently, two joint subcommittees, “Finance” and “Contracts”, oversee key matters pertaining to the PBC, the PTBC and SCCSL. It’s possible that a conflict can occur when governance bodies are in dispute, as is the current situation. The sharing of confidential information relevant to the respective bodies can be challenging. Currently, the PBC EC has little or no access to the working records of these sub-committees yet is expected to support and oversee their recommendations to the PBC.” - Stuart Shakespeare*

- There is no conflict between these sub-committees (Finance and Contracts) in the corporate overview of the PBC, PTBC and Company ensuring governance. In fact due to the commonalities of some contracts (road sweeping, landscaping, street lighting, road paving, kerbing), the combined total of the expenditure of the PBC and PTBC lends itself to obtaining the best pricing and quality contractors available.
- The Finance committee, over the years, has been responsible in working with the Company to ensure that best practise financial guidance is provided at all times, as demonstrated in item 1 above.

- The PBC and PTBC are externally audited by PKF, and the Company is externally audited by Dickfos Dunn.
- The minutes and financial documentation from these committees are included in the PBC and PTBC monthly agendas.

3. *“Similarly, the CEO who holds the roles of secretary and treasurer on the PBC, the PTBC and SCCSL is placed, through no fault of his own, in a potentially difficult position. Currently, the PBC EC would prefer to keep some PBC information in confidence from other entities. This is challenging when one person holds similar positions on all three entities.”* - Stuart Shakespeare

- The PBC EC cannot withhold information from the PBC and residents.
- The PBC EC cannot make decisions involving financial expenditure without seeking the approval of the PBC at General meeting.
- If the proposed expenditure by the EC is UNBUDGETED – a Special Resolution and additional levies need to be raised against all Lot owners in the Resort.
- The PBC EC is subservient to the PBC, i.e., ALL Members Nominees, lot owners’ representatives.
- There is NO conflict of interest, there is no degree of difficulty in performing all the Duties in the role of the CEO.

4. *“I am seeking to work more closely with the CEO to lessen the impediments that are constantly arising as we seek to find a positive way forward.”* - Stuart Shakespeare

- I have been the CEO of the Company now for over eight (8) years and during this time we have worked co-operatively with and proactively with all stakeholders within Sanctuary Cove and have implemented all recommendations of the site-wide review conducted in 2014 by residents.

- Security has undergone three external professional reviews, and the Company (your company) has undergone two external reviews and benchmarking exercises. All recommendations from these reviews have been implemented and the current structure is by far the most efficient and in the best interests of the residents. It should be noted that Hope Island Resort are looking to mirror image the Sanctuary Cove structure.

It is not clear what the impediments are that the PBC EC feels are constantly arising by the current governance model and no examples have been provided in its correspondence. These concerns have never been brought to my attention by the PBC EC so that I may assist it in clarifying any matters or helping them to understand their role.

Kind Regards



Dale St George

Chief Executive Officer

Sanctuary Cove Community Services Limited & Sanctuary Cove Security Services Pty Ltd

5 CERTIFICATION

- 5.1 The certifying engineer shall be responsible to determine the appropriate criteria applicable to the particular site and structure however, in no circumstance shall the criteria used be less than those stated in this specification.
- 5.2 Engineering certification shall be by a currently Registered Professional Engineer Qld. (R.P.E.Q.) and is to cover all elements of design and installation.
- 5.3 If land anchors are incorporated within the mooring system design, the certifying engineer shall provide a letter with the submission, certifying that this design will not cause any instability or damage to the revetment wall.

6 SPECIFICATIONS

The PBC can provide illustrations of the various wall profiles adopted at Sanctuary Cove and these can be utilised to correctly identify the typical wall profile of the lot/property in question.

CORRESPONDENCE FOR ACTION

ITEM 1

From: [PBC](#)
To: sez_2001@yahoo.com
Cc: [Accounts: Water](#)
Subject: FW: Sanctuary Cove Body Corporate – Water payment reminder
Date: Wednesday, 1 November 2023 7:38:00 AM
Attachments: [image001.png](#)

Good Morning Sarah,

Thank you for your email regarding an extension on your water bill from the PBC.

The PBC next meeting, unfortunately is not until Monday 27th November 2023, I will table it on the agenda for consideration.

Kind Regards,

JODIE CORNISH

Manager Body Corporate

Direct 07 5500 3326 | jodie.cornish@scove.com.au

Main 07 5500 3333 | enquiries@scove.com.au

Address PO Box 15 | Shop 1A, Building 1, Masthead Way Sanctuary Cove Q 4212

Web stratamax.com.au/Portal/login



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From: sarah watkinson

Sent: Thursday, 26 October 2023 5:00 PM

To: Water <water@scove.com.au>

Subject: Re: Sanctuary Cove Body Corporate – Water payment reminder

Hi,

I was hoping to get a extension on waterbill as we are just waiting for plumber to come back and require to apply for water relief on this bill.

Property - 8981 The Point Circuit, Hope Island

Please let me know.

Many Thanks,

Sarah Watkinson

On Thursday, 26 October 2023 at 04:14:35 pm AEST, Sanctuary Cove Body Corporate Services <water@scove.com.au> wrote:

Dear Owner

This is a courtesy reminder that the water invoice issued on 18 October 2023 is due for payment on 3 November 2023.

If you have already made payment or have a direct debit, please disregard this reminder.

Please do not respond to this email if you have paid your water invoice or do not require further assistance - this is a global message sent to all owners and serves as a reminder only. This message is not an indication that you are in arrears.

If you require assistance, please do not hesitate to contact us on 07 5500 3333 or by reply email.

Main 07 5500 3333 | enquiries@scove.com.au

Address PO Box 15 | Shop 1A, Building 1, Masthead Way Sanctuary Cove Q 4212

Web stratamax.com.au/Portal/login

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ITEM 2

From: [Sonya Lowrie](#)
To: [PBC](#)
Cc: [RBC - Tristania](#); [Jodie Cornish](#); [mark winfield](#)
Subject: Tristania GTP 107217 - Request for Trees on PBC land from the resident of 1053
Date: Friday, 3 November 2023 2:42:44 PM
Attachments: [proposed trees 1053\[83\].pdf](#)
[Bismark 1053.eml](#)
[image001.png](#)

Dear PBC Secretary,

Could you please include the email correspondence from the resident from 1053 Edgecliff Drive, as correspondence for action at the upcoming PBC EGM.

The Committee and the Members Nominee for Tristania would like this to be tabled please.

Your assistance with this request is much appreciated.

For and on behalf of the Tristania Committee.

Warm regards,

Sonya Lowrie

Body Corporate Manager

Direct 07 5500 3325 | sonya.lowrie@scove.com.au

Main 07 5500 3333 | enquiries@scove.com.au

Address PO Box 15 | Shop 1A, Building 1, Masthead Way Sanctuary Cove Q 4212

Web stratamax.com.au/Portal/login



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From: Sonya Lowrie <Sonya.Lowrie@scove.com.au>

Sent: Thursday, November 2, 2023 12:05 PM

To: Sally

Cc: RBC - Tristania <tristania@scove.com.au>; PBC <psc@scove.com.au>

Subject: FW: Small trees Edgecliff Drive - Request from 1053

Good morning, Sally,

I hope this email finds you well!

The PBC has communicated that any correspondence intended for discussion at the PBC EGM must first pass through the RBC Committee, specifically the Tristania RBC.

Shall I proceed to forward your inquiries to the Members Nominee and Committee for Tristania for their review and consideration?

Thank you for your understanding with this matter and I look forward to your reply.

Warm regards,

Sonya Lowrie

Body Corporate Manager

Direct 07 5500 3325 | sonya.lowrie@scove.com.au

Main 07 5500 3333 | enquiries@scove.com.au

Address PO Box 15 | Shop 1A, Building 1, Masthead Way Sanctuary Cove Q 4212

Web stratamax.com.au/Portal/login



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From: Sally

Sent: Thursday, November 2, 2023 10:16 AM

To: PBC <psc@scove.com.au>

Subject: Small trees Edgecliff Drive

Dear Sir/Madam,

I have been advised to contact you with regard to planting trees on the common lawn area in front of Numbers 1053-1051 Edgecliff Drive.

Sanctuary Cove is beautifully landscaped in the common areas however our particular location with large lawn expanses is barren.

There is a precedent at 1056 Edgecliff – a Bismark Palm – enormous – with raphiolepis hedges under. This is perhaps a little on the large side, has many seeds and requires pruning of spent leaves.

I am aware of the utilities underground however there is a gap where small trees with non invasive small root systems could be planted without and causing problems. These would:-

- *Improve the aesthetics

- *Deter parking and driving on the grass...rife!!

- *Form a continuity of vegetation throughout the estate

- *Help in drought conditions - where there is shade from existing trees the grass is enduring better

- *make me happy

From: [Angus Jackson](#)
To: [Angus Jackson](#)
Subject: [The](#)
Date: Thursday, 2 November 2023 10:10:08 AM



Regards,
Angus Jackson / Executive Engineer
International Coastal Management



CLIFF DRIVE

1050

1051

1052

1053

1054

1055

1056

PROPOSED

EXISTING

12 November 2023

To the Livingstonia Body Corporate Committee,

A meeting of owners who were contacted by the PBC in relation to their Florida Rooms on 15 August 2023 was held on 10 November 2023.

The following requests were endorsed by the owners named below.

A copy of this communication has been sent to the PBC as they are involved in items (1) and (3).

Our Requests:

- 1) The Principal Body Corporate and Livingstonia Body Corporate agree that all existing Florida Rooms are compliant.
- 2) Livingstonia Body Corporate agrees that the cost of any work required to be carried out on existing Florida Rooms will be charged to the budget for the refurbishing project, rather than to the individual owners.
- 3) The Principal Body Corporate and Livingstonia Body Corporate agree that any work done to Florida Rooms as per (2) above will include the reinstatement of any previously existing fixtures and fittings regardless of any changes to design rules subsequent to their original installation.
- 4) Livingstonia Body Corporate is to provide a detailed explanation of how balustrading on the eastern side of the buildings will be fixed in a manner that:
 - a) allows for convenient ongoing cleaning and maintenance,
 - b) provides a mechanism to divert water from the fascia of the building, and
 - c) does not interfere with the existing property rights of proprietors.
- 5) Livingstonia Body Corporate agrees to provide monthly progress reports to proprietors detailing:
 - a) project milestones or percentage completed as at date of report,
 - b) project milestones or percentage that were scheduled for completion by the date of the report,
 - c) indicated project completion date,
 - d) project costs incurred to date,
 - e) project costs that were anticipated to date, and
 - f) indicated project completion cost.
- 6) Livingstonia Body Corporate is to ensure improved Occupational Health and Safety around the site.
- 7) Livingstonia Body Corporate agrees to meet with affected owners as a group to respond to our requests.

Christine Hargreaves, Tamara Sheeran, Shaun Mahoney, Ernest Finberg, Colleen Turk, Ian Turk, Barry Grimsey, Judy Grimsey, Ka Magloire, Paula Jones, Howard Hughes, Simone Hughes, Peter Bath, Judi Young, Carolyn Matis, Craig Hutson, Melissa Atkins, and Michael Lonorgan.