

## **ARCHITECTURAL AND LANDSCAPE CODE**

1. In accordance with s.6(b) of the Body Corporate and Community Management Act (SM) Regulations 1997 the following provisions shall apply to all development within the scheme lots. To this end each of the owners within the scheme, their successors and assigns agree to construct all improvements on their lots and comply with all of the covenants set out herein.

### **Overview**

2. (1) Botanica has been planned so as to :-
  - i) preserve as much of the natural bushland within the development as possible.
  - ii) ensure all occupiers are aware of the value of these natural attributes.
  - iii) put in place a code by which all occupiers must abide in order that any development within Botanica is undertaken in accordance with these provisions.
- (2) The purpose of the following conditions is to provide the basis of building architectural and landscape controls in Botanica.
- (3) The provisions of this schedule will be known as the Architectural and Landscape Code ("the Code").

### **Building and Renovation Controls**

3. General
  - (1) Only one private dwelling for residential purposes may be erected on the lot together with at least a double lock-up garage or carport.
  - (2) No building of any type or excavation shall be commenced unless these conditions have been complied with and the relevant approval has been issued by the Whitsunday Shire Council.
  - (3) The owner must forward a copy of these Building Standards to the builder engaged by the owner before commencement of construction and must instruct the builder to comply with these Building Standards.

### **Earthworks**

4. (1) Construction work shall observe the following requirements:-
  - (a) disturbed areas shall be rehabilitated no later than 5 days after completion of

works.

- (b) drainage control measures shall be maintained during disturbance of the ground.
- (c) temporary silt trap barriers combining hay bales and mesh fencing shall be installed down hill prior to excavation to prevent soil and detritus being washed onto the access road or into the esplanade area, whichever shall apply.
- (d) footings shall be founded on weathered rock.
- (e) detailed foundation investigations shall be undertaken by a recognised geotechnical engineer and shall be undertaken once the locations of structures are finalised.
- (f) a recognised geotechnical engineer shall inspect cut batters at the construction stage and prior to any fill being placed. The engineer shall prepare a report addressing any geotechnical matter that may require remediation and provide that report together with recommendations to both the "Building Certifier" as defined in the Standard Building regulations 1993 and the lot owner, who shall then become responsible for any remediation works. Upon completion of any such remediation works, the engineer shall again inspect the works and again report to both the "Building Certifier" and lot owner, advising that compliance with the recommendations has been obtained

### **Covenants and Waste Water**

1. Each Lot owner:-

- (1) Must build their dwelling and any other approved structures in accordance with any Covenants registered on the title to their lot.
- (2) May, subject to local authority laws, remove trees and growth in order to undertake such construction , although such removal shall be minimised where possible by site sensitive design and construction.
- (3) Must construct the land application facility of their waste water treatment system anywhere within that part of their lot as designated under the Covenant, or where applicable, within that part of the common property the subject of the exclusive use area attaching to their lot, as provided for in Schedule E of the Community Management Statement.

### **Construction Obligations**

(6) General

- (1) No temporary, partial or relocated buildings or structures (excluding any temporary structures required during the construction period) shall be erected for use in connection with the building of the dwellings.

- (2) The building time of the dwelling shall not exceed twelve months from commencement of work (being the pouring of footings) and no building works will be left uncompleted for a period longer than three months. Landscaping and driveways must be completed within two months of completion of construction.
- (3) The owner shall be liable for the cost to repair any damage to conduits, cables, pipes or services installed by or on behalf of the Body Corporate caused by the owner and/or his contractors, agents, or employees in the course of construction of the dwelling.
- (4) Where practical, any tradesperson working on the structure or performing repairs, shall park their vehicle and equipment within the boundaries of the relevant lot.

### **Allotment Planning and Housing Construction**

7. (1) All architectural elements should display predominantly horizontal lines and dark or subdued colours appropriate to the immediate environment.
- (2) The minimum size of the house, excluding the carport, garage or verandahs, shall not be less than 120 square meters.
- (3) External walls may be of timber, stone, rendered and/or bagged besser block or brick. Fibro sheeting, exposed brick/brick veneer shall not be used for external walls. The roof shall have a pitch of which shall not be less than 20 degrees. In the case of roofs that incorporate two or more different pitches, the minimum pitch may be reduced to 17.5 degrees with the minimum difference between pitches of 5 degrees. Materials to be used on the roof include terracotta, slate or concrete tiles or dark, non-reflective colorbond. White, bare metal, galvanised, zinalume or any other light coloured or reflective material is specifically prohibited.
- (4) Building heights shall be restricted to 2 storeys maximum (8 metres above natural surface), subject always to any height restrictions set out in any covenant registered on the title to an Owner's lot.
- (5) The colour scheme of each dwelling and of ancillary facilities shall comprise non-reflective colours and materials so as to be non-offensive in visual impact to other lots and the scheme generally.
- (6) Garages or car ports plus covered walkway(s) to dwelling entrances shall be of an architectural style (in terms of height, roof form, detailing, materials and colours) directly resembling the residence. Structures shall be modest, adopt a vertical and horizontal alignment of the topography and be well landscaped.
- (7) Any garage door or multiple doors facing the road shall be no more than 7 metres wide and/or no more than one-third the total street frontage width of the

buildings, and dark or subdued in colour. They shall be positioned to minimise their visual impact from the common property and common access and should be accessed, where feasible, by a serpentine or curved driveway which enables landscaping to obscure or soften their visual impact.

- (8) Areas between each dwelling and the common access, including the surrounds of carports/garages/parking areas, and all areas disturbed during construction, must be extensively landscaped with appropriate layers of shrub and tree plantings to effectively screen them from other lots.
- (9) Extensions and additions must in addition to the requirements of the Whitsunday Shire Council be in a style (form, materials, colour, design characteristics) and scale compatible with the existing dwelling and landscape settings.
- (10) All utility meters, valves and associated elements shall be discreetly located within a natural landscape setting.
- (11) Storage sheds and other outbuildings including water tanks and lawn lockers are to be designed and built in sympathy with the dwelling and shall be positioned or screened by vegetation so not to be visible from public areas or adjoining allotments. No large colorbond or other steel structures shall be located at the front of the lots or otherwise in highly visible locations.
- (12) Letter boxes shall not be of the freestanding pole type and must be integrated into a garden or wall feature at the front boundary of the lot in stone, block or timber, with design and construction to be approved by the body corporate.
- (13) Clothes drying facilities shall not be visible from any public area. Discreetly located wall mounted systems are preferred to inground style devices. Outdoor clothes drying areas should be screened from view by other owners of lots on the scheme land and from common roadways.
- (14) Awnings, tarpaulins, shade cloth must be in bush duplicative colours and not impact visually on other owners of lots on the scheme land or from the common roadway.

### **Materials and Structural Design**

8. (1) Building finishes with a high degree of natural timbers and approved colour schemes are recommended.
- (2) Roofing shall be subdued, non reflective darker greys or rainforest green colours with guttering and trim to match.
- (3) White, metallic or other light coloured roofs are not permitted within the estate.
- (4) Windows should be screened with sufficient overhang to reduce glare and glass

reflectivity.

- (5) Preference is given to the collection of rainwater from all roofs in approved storage tanks established beneath the building. Excess rain water from roofs and tank overflows must be carefully dispersed into the natural environment, or otherwise into any stormwater drainage system.
- (6) Roofwater overflow and other on site discharges should be directed away from waste water treatment areas and towards planted areas where possible, or into any stormwater drainage system.
- (7) In addition to extensive re-forestation between lots, privacy from other owners of lots on the scheme land should be achieved by blinds or louvres associated with the residence and landscape plantings within the lot. Solid masonry brick walls (which are not part of the house walls), may be permitted up to a total of 16m<sup>2</sup> per allotment. Architecturally compatible trellises or other screens are permitted to provide privacy from common areas. Such screens should be open structures, with screening obtained by dense vegetation.

### **Climate and Energy Considerations**

9. (1) Where used, solar panels should where possible be located so as not to be visible from the common property or adjoining lots and if necessary screened from view.
- (2) Air conditioning units must not be visible from the common access and should generally be located beneath the house.
- (3) Housing designs should be open to permit cooling breezes to improve the home environment. All external walls visible from any common area including the common roadway must be kept free of air-conditioning and other units.
- (4) Windows and other openings shall be located, sized, shaded and screened to take advantage of sea breezes, facilitate cooling and enhance liveability with minimal reliance on air conditioning.
- (5) Satellite dishes and aerials should, reception permitting, be located away from the view of the common roadway and screened from view by vegetation where possible.
- (6) Roofs shall be designed, pitched, coloured and if necessary divided into sections in order to avoid sight of, or the visual impact of large areas of roof material as viewed from any external viewpoint, including future development further upslope.

### **On Site Car Parking**

10. (1) In addition to a double garage or carport a maximum of two carparking spaces (max 6.0 meters wide) per allotment will be permitted. These should intergrate with overall landscaping requirements.
- (2) On the high side the garages shall be roofed with, as a minimum, solid walls at the rear and along those parts of the two sides which are below natural ground level. Walls above natural ground may be open sided, timber lattice or batten screens if desired. If inclinators are used, then roof lines shall be parallel to the natural hill slope. Dark colours, natural materials, subdued lighting, variation in surface treatments and intensive landscape planting shall be used to ensure that these garages, stairways and inclinators are well integrated with and disguised by appropriate landscaping.
- (3) Car park hardstands should be gravelled or paved so as to complement the site and other design details.
- (4) If visible from the roadway, concrete areas in excess of 10 sq. meters should be pigmented with oxides to minimise highly visible areas of light coloured (natural) concrete.

### **Visitor and/or Boat Parking**

11. Provision for two open (unroofed) visitor or boat parking bays may be constructed within the lot. Such bays must be sealed with bitumen, concrete or pavers and constructed in accordance with Council requirements.

### **Signage**

12. (1) Residence names and numbering shall be of first quality.
- (2) Signage should be simple in design and reflect the character of the surrounding landscaping and will be only placed on the letter box structure and/or entrance wall of the residence.
- (3) No advertisement, sign or boarding of a commercial nature or otherwise shall be erected on any lot unless in accordance with the By-laws applying to this scheme.
- (4) The placement of signage or any other visual elements on or in trees is prohibited.

### **Landscaping and Fencing**

13. (1) Subject to Clause 13(3) landscaping and gardens may be minimal or extensive but must be of a well maintained standard and design to prevent weed growth.
- (2) Retaining walls and pool walls in positions visible from external viewpoints shall be constructed in or faced with natural rock (excluding cracked blue stone).
- (3) The height of any planted vegetation or landscaping established east of the covenanted areas in Lots 1 - 11 must not exceed three (3) metres above Natural Surface as defined in the Local Authority Planning Scheme, except for coconut and other species of single trunk palm trees, and then only where such varieties are planted no closer than three meters apart.
- (4) Any boundary fences constructed shall not exceed two (2) metres in height.

### **Lighting**

14. Where visible from an external view point external lighting on dwellings and within each allotment, shall be low glare and/or shielded to reduce spillage and impact on any adjacent lots or common area. Any uplighting of tree canopies and external walls must be low voltage.

### **Private and Recreational Facilities**

15. Tennis courts and swimming pools are permitted and a natural landscaped setting requiring minimal earthwork and land disturbance is encouraged. Owners should be mindful of any structure or object which has the potential to obstruct the view of a neighbouring lot including: tennis court fencing, gazebos, and must ensure that these do not offend the provisions of any Covenant registered on the title to their lots.

### **Erosion and Sediment Control Restrictions**

16. The constructions site shall be immediately rehabilitated on completion of all work stages, ensuring a high standard of erosion and sediment control during and after works.

### **Geotechnical Maintenance**

17. Lot owners shall be responsible for maintaining the stormwater, water supply and sewerage on their lot. All systems must be maintained regularly to ensure that no leakage occurs that could compromise the stability of the ground either on their lot or adjoining lots. Any breakage in any of the systems must be repaired by a licensed plumber within 24 hours of being identified. If a leak or breakage is not repaired within 24 hours, it must be reported to the body corporate by any lot owner becoming aware of the leak or breakage.

## **This Code and Requirements of Authorities**

18. (1) This Code is to be read in conjunction with and subject to the lawful requirements of any authority including without limit the Whitsunday Shire Council (“the Local Authority”). If there is any inconsistency between these guidelines and the Local Authority’s requirements, the Local Authority’s requirements will prevail to the extent of such inconsistency. For clarity, any aspect of this Code that is not unlawful in relation to the requirements of the Local Authority and is not inconsistent therewith, shall remain valid & binding.
- (2) Without limiting the generality of the foregoing, and any other requirements of the Local Authority, the following shall apply to all development on all lots within the scheme land:-
- (a) Access driveways to all dwellings are to be constructed at the time of building application . They are to be designed and constructed at grades not exceeding 25%. The surface of each driveway shall be constructed with a non-erodible material (ie asphalt, concrete, pavers etc). Side drains are to be lined and batter slopes protected so as to prevent erosion. All internal access driveways are to be constructed and maintained thereafter to an all-weather standard and to be the responsibility of the landowner.
  - (b) Colours used shall be natural earth bush tones such as green, brown, grey and designed to ensure that all colours blend with the existing environment.
  - (c) On-site waste disposal shall be undertaken in accordance with the Local Authority's On-site and Waste Treatment and Disposal Policy. Effluent disposal for the site shall be undertaken in accordance with the proposed system as detailed and recommended by the Bowler Geotechnical C.Q Report dated 24 May 1999 and the requirements of the Environmental Protection Agency. Additional wet weather storage may be required to be supplied for rain periods. A copy of this report can be obtained from the Vendor if required.

Additional assessment for effluent disposal shall be provided at the time of application for the Development Permit for Building Works. Assessment shall comply with the Local Authority's Policy and the Interim Code of Practice for On-site Sewerage Facilities - 2 July 1999.