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30 Apr, 2004 16:30:00 Perth



REG. \$ 77.00

LODGED BY

ADDRESS

JAN SIMPSON SETTLEMENTS
PO BOX 7199, CLOISTERS SQUARE
PERTH WA 6850
TELEPHONE: 9481 6333
FAX: 9481 6644

PHONE No.

FAX No

REFERENCE No.

ISSUING BOX No.

196C

PREPARED BY

Wojtowicz Kelly (CB/16614)

ADDRESS

Level 4, 160 St Georges Tce, Perth
PO Box 7432, Cloisters Square
PERTH WA 6850

PHONE No.

08 9322 2203

FAX No.

08 9322 2204

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TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

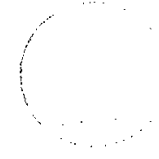
1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	
6. _____	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

[Signature]

[Signature]



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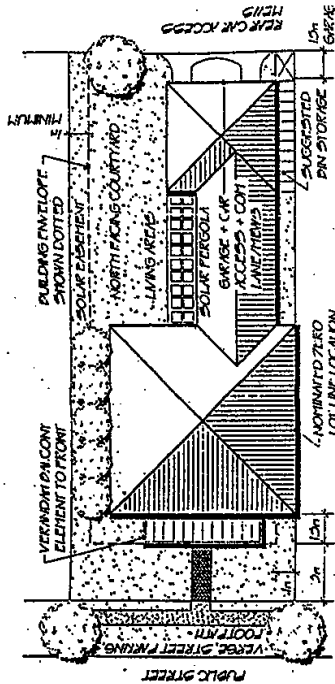
- (3) Not to construct, erect or install or permit to be constructed, erected or installed on the Lot without the prior written approval of the Developer or its agent:
- (a) refuse or a bin storage area which is visible from any primary or secondary road;
 - (b) clothes line or area used for clothes drying, hot water heater or rainwater tank which is visible from any primary or secondary road;
 - (c) two way radio or other aerial, any satellite dish or any other media or electronic communication aerial or device which is visible from any primary or secondary road;
 - (d) externally mounted air-conditioning or evaporative cooling unit devices that are visible from any primary or secondary road;
 - (e) solar collectors that are visible from any primary or secondary road. The solar collector must be in the same plane as the roof;
 - (f) shade cloth or clear roofing/walling which is visible from any primary or secondary road.
- (4) Not to damage, alter, extend, build up or affect the visual appearance of any retaining wall or fence erected by the Developer, without the prior approval of the Developer.
- (5) Not to remove any tree planted by the Developer adjacent to the Lot, without the prior approval of the Developer.
- (6) Not to construct any retaining wall on the boundary of the Lot without the prior written consent of the relevant adjacent land owner.
- (7) Unless otherwise approved in writing by the Developer, not to erect or display on the Lot any sign hoarding or advertising of any description whatsoever, except for one professional sign advertising the sale or lease of a fully completed dwelling house constructed on the Lot.

SCHEDULE – RESTRICTIVE COVENANTS

The Registered Proprietor for the time being of each the Lots ("the Lot") covenants:

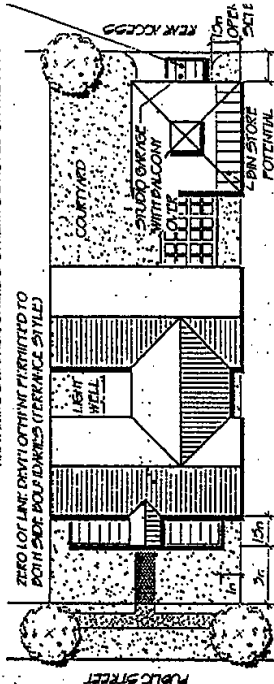
- (1) Not to construct, erect or install or permit to be constructed, erected or installed on the Lot without the prior written approval of the Developer or its agent:
 - (a) any dwelling, other than a single dwelling house and associated outbuilding;
 - (b) any dwelling on Lot 344-347 that is not predominantly two storey development;
 - (c) any dwelling on Lots 344-347 that does not have a metal roof finish in accordance with The Wharf Design Guidelines materials and colour palette;
 - (d) any dwelling on Lots 344-347 that does not have walls that are predominantly colour rendered in accordance with The Wharf Design Guidelines materials and colour palette;
 - (e) any dwelling house not in accordance with the setbacks and site coverage as defined in Table 1 of the Detailed Area Plan 1 (DAP No.1), contained within the Harbourside Village Structure Plan;
 - (f) any dwelling house not in accordance with the height as defined in Table 1 of the Detailed Area Plan 1 (DAP No.1), contained within the Harbourside Village Structure Plan;
 - (g) any dwelling house with external wall colours and materials which are not substantially of masonry with a bagged, rendered or textured paint finish, dressed limestone, cladding (timber or weatherboards), rammed earth/limestone, clay face brick, or limestone style clay brick construction as noted in The Wharf Design Guidelines materials and colour palette;
 - (h) any two-storey dwelling house that is not constructed in accordance with the 'Coastal Village' architectural character noted in The Wharf Design Guidelines;
 - (i) any dwelling house having a principle roof pitch of less than 27 degrees or any dwelling with a roof constructed of zincalume or any other significantly reflective material. Lower roof pitches are permitted for ancillary roofs, such as verandahs;
 - (j) any dwelling house with roof finish materials and colours which are not in accordance with The Wharf Design Guidelines materials and colour palette;
 - (k) any dwelling house having a principle roof eaves overhang of not less than 450mm in width, except for a wall on a nil lot line condition;
 - (l) any dwelling with windows that are not of a vertical proportion on the visible elevations that face the primary and secondary streets;
 - (m) any dwelling house with door and window materials and colours which are not in accordance with The Wharf Design Guidelines materials and colour palette;
 - (n) any fence unless it complies with The Wharf Design Guidelines section (h);
 - (o) any free-standing structure (including a garden shed), unless such structure matches and complements the dwelling house in respect of materials used, design and external appearance including colour and quality of construction;
 - (p) any structure attached to the dwelling house, unless such structure matches and complements the dwelling house in respect to materials used, design and external appearance including colour and quality of construction, unless it is concealed from public view; and
 - (q) no less than a total of two (2) car parking spaces shall be provided within the Lot that are accessed from the rear lane as defined on DAP No.1, contained within the Harbourside Village Structure Plan and a minimum of one (1) car parking space must be enclosed in a structure that matches or complements the dwelling house in respect to materials used, design and external appearance including colour and quality of construction.
- (2) Not to park or allow to be parked on the road, including the rear lane, next or adjacent to the Lot any commercial vehicles including trucks, utilities, caravans, trailers, boats or any other mobile machinery ("Commercial Vehicles") unless such Commercial Vehicles are housed or contained wholly within the Lot and concealed from public view.

TYPICAL SITE LAYOUT



Lots greater than 10m wide

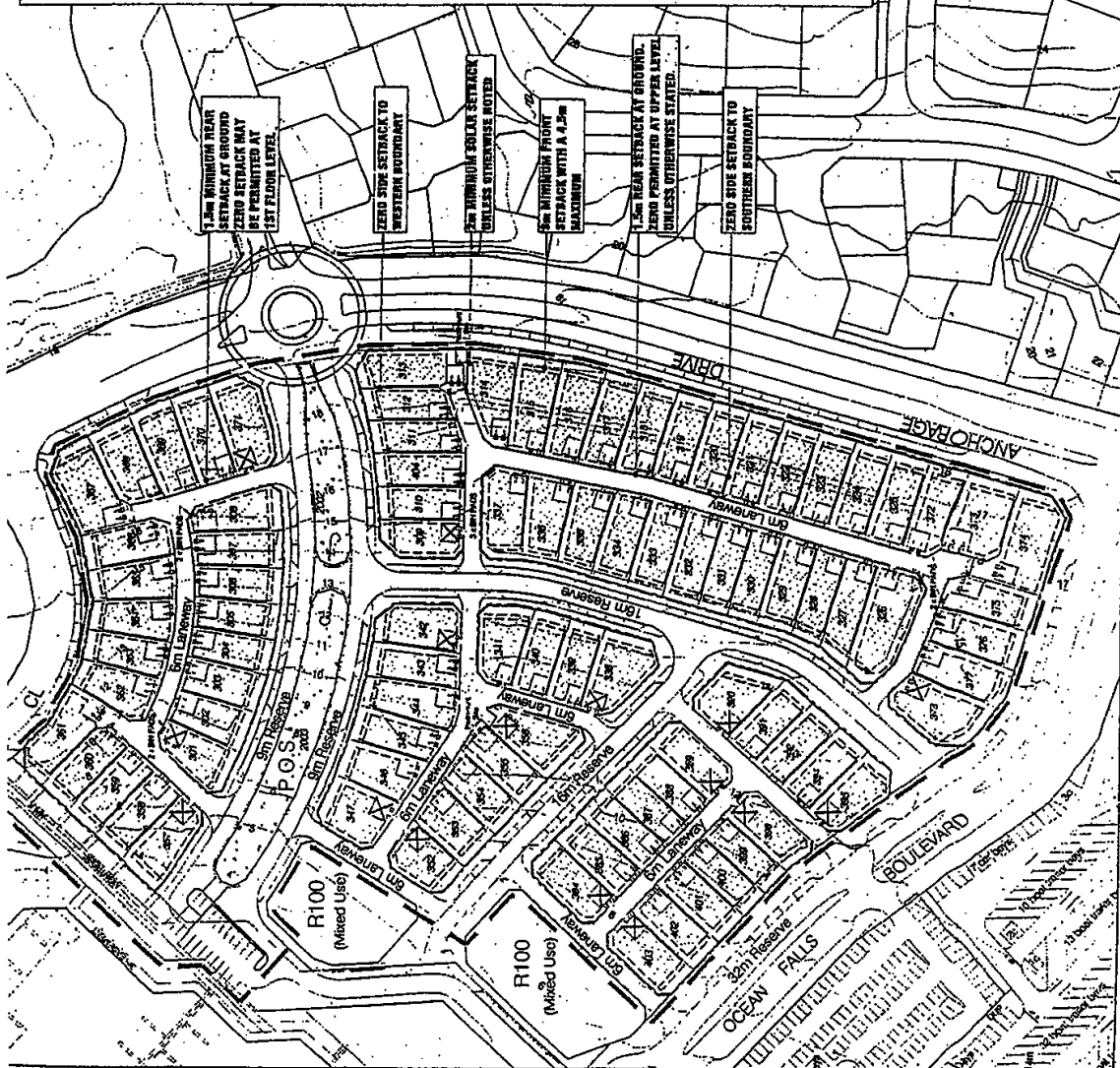
PALCOV'S OVER GARAGE AT THE 2nd STOREY ARE PERMITTED TO 10m. ZERO SETBACK UNLESS OTHERWISE NOTED ON THE DAP.



Lots less than 10m wide

LEGEND

- D.A.P. No 1 BOUNDARY
- PREFERRED GARAGE LOCATION
- DESIGNATED GARAGE LOCATION
- BUILDING ENVELOPES
- EASEMENTS
- NO VEHICULAR ACCESS PERMITTED
- ZERO SIDE SETBACK LOCATION
- NO ZERO REAR SETBACK PERMITTED AT FIRST FLOOR LEVEL



DETAILED AREA PLAN No. 1
MINDARIE KEYS HARBOURSIDE VILLAGE
CITY OF WANNEROO

CHAPPELL & CAMPBELL
TOWN PLANNING
URBAN DESIGN
11/11/2000
DATE 23/07/02
COMPLETED
NAPS, SPS
REVIEWED 27/08/02
PLAN 17957

LEGEND

PLAN 1: STRUCTURE PLAN MAP

- Zones of Influence
- Breakwater Overlapping Line
- 0.1m wide P.A.W.
- 3m Wide P.A.W.
- 24 hour public access easement pursuant to section 195 and 196 of the Land Administration Act 1997. 3 metres wide
- Public Open Space

NOTES:

- * Site Guidelines for Precincts are in Table 1 of the Structure Plan
- * Residential Planning Code Density codes are as shown on plan
- * Zone of Influence
The Zone of Influence establishes the relationship of the lot boundary to the adjacent breakwater in terms of ground conditions and the ability of the lot to accommodate development.
- * Breakwater Overlapping Line
The breakwater overlapping line identifies the limit of splashing resulting from a 1 in 100 year storm event. The line is located 20 metres back from the coast of the breakwater as determined by Sinclair, Knight and Merz and Department of Transport.

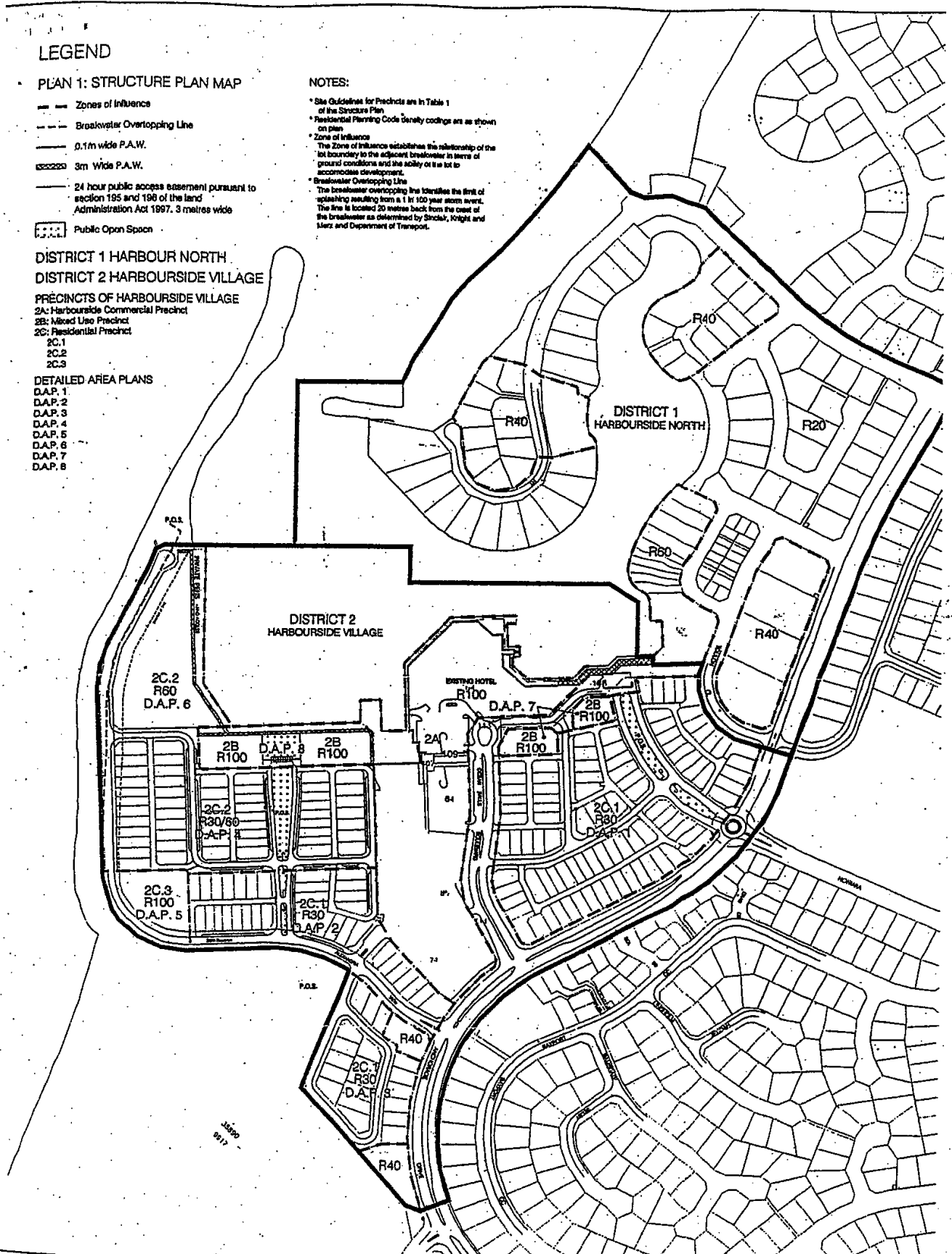
DISTRICT 1 HARBOUR NORTH
DISTRICT 2 HARBOURSIDE VILLAGE

PRECINCTS OF HARBOURSIDE VILLAGE

- 2A: Harbourside Commercial Precinct
- 2B: Mixed Use Precinct
- 2C: Residential Precinct
- 2C.1
- 2C.2
- 2C.3

DETAILED AREA PLANS

- D.A.P. 1
- D.A.P. 2
- D.A.P. 3
- D.A.P. 4
- D.A.P. 5
- D.A.P. 6
- D.A.P. 7
- D.A.P. 8



STRUCTURE PLAN
MINDARIE KEYS HARBOURSIDE VILLAGE
CITY OF WANNEROO



SCALE
N.T.S.

DATE
03.07.02

COMPILED
C&L, J.C.Y.

REVISED
09.08.02

PLAN NO.
700-700

TABLE 1

SITE GUIDELINES FOR DISTRICT 2 HARBOURSIDE VILLAGE

Sub Precinct	Lot Size (m ²)	No. Dwellings per lot	SET BACKS				Max Height (m)	Max Site Coverage (%)	Max Plot Ratio	Other Considerations
			Front Min (m)	Front Max (m)	Side (m)	Rear (m)				
2A Commercial (Refer Note 1)	Varies	As per density coding shown on Plan 1	Nil	Nil	Nil	-	12m/3st	-	-	-
2B Mixed Use (Refer Note 1)	Varies	As per density coding shown on Plan 1	3.0 (Refer Note 3)	4.5	Nil	1.5m (Refer Note 4)	12m/3st	60%	1.50	-
2C.1 Residential (Refer Note 1)	Under 350	As per density coding shown on Plan 1	3.0	4.5	Nil	1.5m (Refer Note 4)	9.5m	70%	Refer Residential Planning Codes	-
	350 & Over	As per density coding shown on Plan 1	3.0	4.5	Nil	1.5m (Refer Note 4)	9.5m	60%	Refer Residential Planning codes	-
2C.2 (Refer Note 1)	Varies	As per density coding shown on Plan 1 (Refer Note 2)	3.0	4.5	Nil	1.5m (Refer Note 4)	12m/3st	70%	0.70	-
2C.3 (Refer Note 1)		As per density coding shown on Plan 1	3.0	4.5	Refer Residential Planning Codes	Refer Residential Planning Codes	16m	80%	2.00	Entry Statement Building

Notes - 1: Refer to Detailed Area Plans (DAPS) for Specific Site Planning Issues for Each Precinct.

2: Where land has a dual coding, the higher coding shall apply for lots that are 1800m² and above. The lower coding shall apply when the lot area is less than 1800m².

3: Verandas, colonnades, awnings, pergolas and other projections to improve the amenity of a Mixed Use building are permitted to encroach into the front setback area to a maximum of 1.5 metres from the front boundary.

4: Rooms, lofts, balconies and other dwelling elements over the garage (at the 2nd storey) will be permitted to have nil setbacks to the rear boundary, unless otherwise noted on the DAPS.

3.5.3 Retail Floorspace

The maximum retail floorspace in the Structure Plan area is 2000 square metres net leasable area.

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- (iv) Any on site parking is to be screened from public view, with the preferred location to be at the rear of dwellings or within a basement / undercroft. Occupants must be able to access any basement parking from within the building.
- (v) External areas and parking areas should be well lit and secure, to ensure safe after hours use.
- (vi) Building forms are required to be articulated. Projections such as verandas, awnings, canopies, balconies and bay windows are encouraged and should be used to provide visual interest.
- (vii) The combined heights of solid retaining walls and fences are not to exceed 1.8m, when measured from the adjacent footpath and any such wall should be detailed to minimise the sense of bulk and scale.
- (viii) Generally, the roof is to be pitched where visible, at a minimum of 25 degrees. Lower pitches are permitted to awnings and veranda roofs. The provision of a parapet or low skillion roof may be considered where integral to the architectural design.

3.4.3 Zone of Influence

The zone of influence establishes the relationship of the lot boundary to the adjacent breakwater, in terms of ground conditions and the ability of the lot to accommodate development.

No development will be permitted beyond the line of the "Zone of Influence" as shown on Plan 1 Structure Plan Map, without the prior approval of the Department of Transport and the City of Wanneroo.

3.5 Other Structure Planning Issues

3.5.1 Jetties

Proposed jetties are subject to Department of Transport and Western Australian Planning Commission approval.

3.5.2 Parking

In addition to the provisions contained in this Structure Plan regarding parking, the following should be clearly identified at the development application stage: public car parking, private car parking for patrons of the hotel and the mixed use precinct, boat trailer parking (temporary and permanent), boat pen parking, boat ramp parking, the cross utilisation of parking and how this is to be managed, and on street parking for visitors.

A legal agreement is to be made between the City of Wanneroo and the owner/s of the land to be used for public parking in the Structure Plan area to ensure public access and utilisation of all public parking areas.

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- (iii) The development plot ratio and maximum allowable site coverage, building heights and setbacks shall be as set out in Table 1.
- (iv) Garages shall be set back at least 1.5 metres from the rear boundary with a 45 degree visibility splay provided to the sides of the garage opening. A level bin pad shall be provided.
- (v) Rooms, lofts, balconies and other dwelling elements over the garage (at the 2nd storey) will be permitted to have nil setbacks to the rear boundary, unless otherwise noted on the DAPS.
- (vi) Generally, the benched ground levels shall not be increased by more than 50mm. All retaining walls shall be shown in the Application to Commence Development.
- (vii) Where a rear lane is provided for single residential lots, car parking and access shall be from the rear. Particular locations (eg corner lots) may provide for an alternative choice of access as nominated on the DAPS. The garage must be constructed in the same materials and style of the house.
- (viii) Where the main roof is visible from the street (not including the rear laneway and public open space), roof pitch shall be a minimum of 25 degrees. Lower pitches are permitted for verandas and awnings. Use of the roof space is encouraged.
- (ix) In order to encourage solar access and energy efficiency, zero lot line development will be permitted as nominated on the DAPS. Where lots are 10m wide or less, zero setbacks to both side boundaries may be permitted, provided that adequate private open space and solar access can be demonstrated.
- (x) If front fencing is required, then any fencing forward of the building line shall be 50% visually permeable to a maximum height of 1.2m. Any rear or dividing boundary fence (behind the building line) may be solid to a maximum height of 1.8 metres.

3.4.2.2 Medium – High Density Development Criteria (R40 – R100)

- (i) Buildings shall address the street. Lots which front public open space shall provide for buildings which address the public open space. Corner buildings shall be designed to address the front boundary, corner truncation and portion of the secondary street.
- (ii) The development plot ratio and maximum allowable site coverage, building heights and setbacks shall be as set out in Table 1.
- (iii) Dual Coding R30/60: Where land has a designated dual coding, the higher coding and the associated provisions and criteria relevant to that code shall apply for lots that are 1800m² and above, while the lower code shall apply to lots less than 1800m².

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3.4 2C: Residential Precinct

The predominant land uses in this precinct shall be Residential. The precinct also contains two linear areas of public open space. Uses permitted and general provisions for the precinct are the same as those which apply to the Residential zone in the Scheme unless otherwise specified in this section. In addition to the uses permitted or prohibited under the Scheme in a Residential zone, the following uses shall be "X" (Prohibited) uses:

- "X Uses: Caravan Park, Park-Home Park.

3.4.1 Objectives

General objectives for the Residential Precinct are:

- (i) To encourage a diversity of housing types, including single residential, grouped and multiple dwellings.
- (ii) To promote layouts that provide passive surveillance of public streets and open spaces, such as parks and foreshore.
- (iii) To ensure that energy efficient and solar conscious designs are facilitated.

3.4.2 Criteria

In order to ensure consistency of approach, all residential development shall be guided by the Detailed Areas Plans (DAPS). These DAPS will nominate zero lot line positions, location of solar easements, setbacks, garages, access and any other strategic consideration pertaining to residential lots. A DAP satisfactory to the City of Wanneroo, shall be submitted by the subdivider prior to the City issuing subdivision clearance. No development shall be undertaken on land within the residential precinct unless a DAP has been adopted by the City of Wanneroo.

Development Criteria to be satisfied in the Residential Precinct have been divided into Single Residential Criteria and Medium – High Density Development Criteria:

3.4.2.1 Single Residential Development Criteria (R30 / R40)

- (i) Buildings shall address the street. Lots which front public open space shall provide for buildings which address the public open space. Corner buildings shall be designed to address the front boundary, corner truncation and portion of the secondary street.
- (ii) All single residential dwellings are to have ground level private open space in addition to the front setback, with at least one area of private open space directly accessible from a living area with a minimum dimension of 4 metres and a minimum area of 24m². The open space provision may be provided in the form of a roof terrace or deck over a lower level laneway garage.

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- (iii) Buildings shall address the street, and have entries highlighted by architectural or landscaping features.
- (iv) Buildings shall be designed to have active frontages with no blank facades fronting the street and boardwalk.
- (v) Buildings on corner sites shall be developed as landmarks within the overall urban fabric.
- (vi) Entries to buildings, pedestrian walkways, and car parking areas shall be clearly defined elements in the "urban wall" frontage.
- (vii) Roof mounted mechanical equipment, if required, shall be screened from view by the roof form, parapet walls, or other measures that are compatible with the design.
- (viii) On site car parking is to be screened from public view, with the preferred location to be at the rear of the lots, or within basement areas. Occupants must be able to access any basement parking from within the building.
- (ix) Bin and material storage and service areas shall be located away from public areas and screened from view by an enclosure in the style and material of the building.
- (x) Any signage that is required should be simple in format and appropriate to the scale of the street and adjacent buildings. Separate development approval is required for any signage not included in the original submission.
- (xi) Where building development is to be residential, it shall comply with the requirements of Clause 3.4 "2C" Residential Precinct.
- (xii) The development plot ratio, site coverage, building lengths and setbacks shall be as set out in Table 1.
- (xiii) Verandas, colonnades, awnings, pergolas and other projections to improve the amenity of a Mixed use building are permitted to encroach within the front setback area, to a maximum of 1.5 metres from the front boundary.
- (xiv) All Commercial / Mixed Use Buildings shall be well lit to ensure safe use after hours.
- (xv) Pedestrian access should be provided throughout the precinct as required by easements or public accessways as shown in Plan 1, being the Structure Plan Map.

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- (ix) Pedestrian access shall be provided throughout the precinct, as required by easements or public accessways as shown in Plan 1, being the Structure Plan Map.
- (x) All Commercial Buildings shall be well lit to ensure safe use after hours.

3.3 2B: Mixed Use Precinct

This Precinct is intended to accommodate a mixture of residential development with small scale businesses in a primary residential scale environment.

Uses permitted and the general provisions for this precinct are the same as those which apply to the Mixed Use zone in the Scheme, unless otherwise specified in this section. In addition to the uses permitted under the Scheme in the Mixed Use zone, the following shall be "D" (Discretionary Use), subject to approval of Council) in this Precinct:

- "D" Uses: Shop with floorspace not exceeding 100 square metres gross leasable area.

3.3.1 Objectives

General development objectives for the Mixed Use Precinct are:

- (i) Provide a diversity of land use and housing types.
- (ii) Allow appropriate businesses to locate and develop in close proximity to residential areas.
- (iii) Allow for services to be provided locally.
- (iv) Provide a high level of amenity.

3.3.2 Criteria

Criteria to be satisfied in this Precinct are:

- (i) In order to ensure consistency of approach, all mixed use development shall be guided by the Detailed Areas Plans (DAPS). These DAPS will nominate zero lot line positions; location of solar easements, setbacks, garages, access and any other strategic consideration pertaining to mixed use lots. A DAP satisfactory to the City of Wanneroo, shall be submitted by the subdivider prior to the City issuing subdivision clearance. No development shall be undertaken on land within the mixed use precinct unless a DAP has been adopted by the City of Wanneroo.
- (ii) Lots which front public open space shall provide for buildings which address the public open space. Corner buildings shall be designed to address all street frontages.

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3.2.2.1 Objectives

General objectives of the Harbourside Commercial Precinct are:

- (i) Create an active focus for the community with a balance of viable uses and a diversity of retail and commercial uses and leisure opportunities that generate day and evening activity.
- (ii) Encourage high standards of built form.
- (iii) Provide continuity of activity along streets and around the harbour.
- (iv) Provide efficient vehicle access with pedestrian priority.

3.2.2.2 Criteria

Criteria to be satisfied in this precinct:

- (i) Buildings shall be a maximum of 3 storeys in height to create a well-scaled street and boardwalk frontage and shall have nil front and side setbacks to create an urban wall to the street boundary and boardwalk boundary.
- (ii) Buildings shall be designed to have active frontages with no blank facades fronting the street and boardwalk.
- (iii) Buildings on corner sites shall be developed as entry statements within the overall urban fabric.
- (iv) Entries to buildings, pedestrian walkways, and car parking areas shall be clearly defined elements in the "urban wall" frontage.
- (v) Car parks shall be designed to provide good pedestrian movements towards buildings, whilst minimising their visual impact on the amenity of the street. Shade trees shall be planted at the rate of one tree to every four cars in ongrade parking areas and shall be protected from damage by vehicles.
- (vi) Service areas, material storage areas and services such as air conditioners, compressors and other machinery shall be located away from public areas and screened from view from streets and public areas by an enclosure in the style and material of the building.
- (vii) Roof mounted mechanical equipment, if required, shall be screened from view by the roof form or parapet walls.
- (viii) Signage shall be integrated with buildings and shall be appropriate in character. Development approval is required for any signage not included in the original submission.

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level and any setback from a marina frontage, provided that Council is satisfied that:

- (a) there will be an improved architectural amenity resulting from a minimal setback distance between building and the marina frontage in the particular case.
- (b) the overall amenity and appearance of the marina frontage will be maintained or improved.
- (c) no structural weakness will result.
- (d) no erosion or soil instability will result.

3.1.2 District 1 – Height Guidelines

Development on Lot 51 Saint Malo Court / Anchorage Drive, Mindarie, may be up to four storeys but shall not exceed 12 metres in height (above natural ground level) across the site.

3.2 District 2: Harbourside Village

3.2.1 Development Control Provisions

The provisions are divided into *objectives*, which describe in general terms the intentions to be addressed in each precinct; and *criteria*, which set out built form requirements (“shall”) and preferred treatments (“should”). These are augmented by Detailed Area Plans (DAPS), which detail specific planning, design and constructional requirements for development within each Precinct or part of a Precinct.

3.2.2 2A: Harbourside Commercial Precinct

This Precinct comprises predominantly hotel and short stay accommodation uses with areas for boat trailer and car parking. Supporting uses are retail, office, restaurant, café and takeaway food.

Resort facilities are to be provided in this precinct and shall contain public facilities and may contain some private recreation facilities.

Uses permitted and the general provisions for this precinct are the same as those which apply to the Commercial zone in the Scheme unless otherwise specified in this section. In addition to the uses permitted and prohibited under the Scheme in a Commercial zone, the following shall be “D” (Discretionary Use, subject to the approval of Council) and “X” (Prohibited) in this Precinct:

- “D” Uses: Holiday Village / Resort.
- “X” Uses: Drive Through Food Outlet, Funeral Parlour, Restricted Premises.

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- “Urban Wall” shall mean the facades of a building and / or additional structure that define the principal edge of the lot fronting onto the main public street that adjoins the lot. Entries to buildings, pedestrian walkways and car parking areas are to be clearly defined as separate elements in the frontage, which may include setbacks in the façade.

2.5 The Scheme

Unless provided for by specific requirements in this Structure Plan, all requirements shall be in accordance with the Scheme.

3.0 PROVISIONS

3.1 District 1: Harbour North

3.1.1 Development Control Provisions

- (i) The provisions of the Residential zone in the Scheme shall apply to District 1 unless otherwise specified in this section.
- (ii) Where development is proposed within 7.5m landwards of a marina frontage, the Council shall refer the development application to the Department of Transport (DOT) for its consideration and the Council shall take into account any comments received in making its determination. The proponents of any development requiring referral by Council to DOT will be liable for payment of additional fees to cover the cost of the assessment by DOT.
- (iii) All dwellings shall be set back a minimum of 6.0 from a road frontage.
- (ix) No retaining wall or fencing shall be erected along the marina frontage or within 1.0m of the top of a marina wall, whichever is the greater distance as determined by the Council.
- (x) No retaining wall (other than a marina wall) situated more than 1.0m, but less than 7.5m, from a marina frontage shall exceed 1.0m above the natural ground level.
- (xi) No retaining wall (other than a marina wall) situated more than 7.5, but less than 9.0m, from a marina frontage shall exceed 1.5m above the natural ground level.
- (xii) No fence situated within 7.5m of a marina frontage shall exceed 1.0m above the natural ground level.
- (xiii) No fence situated more than 7.5m from a marina frontage shall exceed 2.0m above the natural ground level.
- (ix) Unless otherwise specified in Part 3.1.2, Council may permit any dwelling or structure (including retaining wall, marina wall or fencing, building or outbuilding) to be erected at any height above or below the natural ground

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2.0 STATUTORY PROVISIONS

2.1 Subject Area

The Structure Plan area District 1 (refer Plan 1) is bounded by Rosslare Promenade to the north, Anchorage Drive to the east, Toulon Circle and Lot 55 Itea Place to the south, and all lots on Clarecastle Retreat to the west. The Structure Plan area District 2 (refer Plan 1) comprises approximately 23 hectares, and is bounded by Anchorage Drive to the east, Toulon Circle, Montrose Walk and the Marina to the north, the coast to the west and Alexandra View and Reserve 35890 to the south.

2.2 Districts

Plan 1: "The Structure Plan Map" indicates the land use Districts 1 & 2 being Harbourside North and Harbourside Village respectively.

2.3 Precincts

2.3.1 Plan 1

"The Structure Plan Map" indicates the Precincts within District 2, which are as follows:

- Precinct A: Harbourside Commercial Precinct.
- Precinct B: Mixed Use Precinct.
- Precinct C: Residential Precinct.

2.3.2 Sub-Precincts of Precinct C

Plan 1: "The Structure Plan Map" indicates within District 2, Mindarie Keys Harbourside Village, three Residential Sub-Precincts of Precinct C.

The development requirements of each of these Residential Sub-Precincts vary: refer to Table 1 attached and Detailed Area Plans, which must be read as part of, and in conjunction with the Structure Plan, for the development requirements of these Residential Sub-Precincts.

2.4 Definitions

The term used shall have the interpretations set out hereunder:

- "Entry Statement Buildings" shall mean special building form and elevation that draws attention to the location, including such means as distinctive roof forms, balconies, articulation of corner wall elements, materials and colour.
- "Short Stay Holiday Accommodation" shall mean two or more detached dwellings on one lot, let for holiday purposes, none of which is occupied by the same tenant for a continuous period of more than 4 months.

706:Aug02:Rep27-02:TL

1.0 OVERVIEW

1.1 Parts of the Structure Plan

This Structure Plan comprises two parts:

- Part 1: Statutory Planning Section.
- Part 2: Explanatory Report.

Clause 9.8 of the City of Wanneroo District Planning Scheme No. 2 (hereinafter called "the Scheme") provides, amongst other things, that a provision, standard or requirement of a Structure Plan approved under Part 9 the Scheme shall be given the same force and effect as it was a provision, standard or requirement of the Scheme. It is hereby provided that such a force and effect shall only be given to Part 1 of this Structure Plan. Part 2 of this Structure Plan is for explanatory purposes only, providing a descriptive analysis of the Structure Plan.

Subclause 9.8.3 (f) of the Scheme states that where, *"in the event of there being any inconsistency or conflict between any provision, requirement or standard of the Scheme and any provision, requirement or standard of an Agreed Structure Plan, the provision, requirement or standard of the Scheme shall prevail."*

1.2 Summary

This Structure Plan refers to two Districts of development within the Marina zone. District 1 is bounded by Rosslare Promenade to the north, Anchorage Drive to the east, Toulon Circle and Lot 55 Itea Place to the south, and all lots on Clarecastle Retreat to the west. The Harbourside Village is District 2, and is bounded by Anchorage Drive to the east, Toulon Circle, Montrose Walk and the Marina to the north, the coast to the west and Alexandria View and Reserve 35890 to the south.

The subject area is zoned Marina Zone under District Planning Scheme No. 2. Clause 3.10 The Marina Zone details the objectives and general provisions pertinent to such a zone.

District 1 is an existing residential subdivision, containing 79 single residential lots and 17 multi residential sites. An approximate total of 200 dwellings is possible.

District 2 is currently proposed to include uses of Hotel, Resort Facilities, Mixed use (Commercial and Apartments) and single residential, grouped and multiple dwelling developments at densities between R30 & R100. The total site area of the Harbourside Village is approximately 23ha. In seeking to create a vibrant Harbourside Village, the Mixed Use areas include tourist-oriented retail, restaurants and cafes, as well as office and residential uses.

The Structure Plan defines the two proposed districts of urban development. District 1, named Harbourside North, and District 2, which is divided into three precincts, which accommodate broad land use groupings. Detailed Area Plans provide further detail about the intended design constraints.

705:Aug02:Rep27-02:TL

RECORD OF AMENDMENTS MADE TO THE AGREED STRUCTURE PLAN
MINDARIE KEYS HARBOURSIDE VILLAGE

No.	Description of Amendment	Resolution of Council	WAPC Endorsed Advice
1.	Recoding of lots within Sub-Precinct RC.5 fronting the north/south road near Toulon Circle from R30 to R40 (Chappell & Lambert)	W187-06/00	21 November 00 Ref: 801-2-30-22 PT 13
2.	<ul style="list-style-type: none"> Inserting at the beginning of part 3.1.1 i) the words "Unless otherwise specified in Part 3.1.2". Inserting a new part titled "Part 3.1.2 District Height Guidelines". Inserting new guidelines under Part 3.2.1 for Lot 51 (1) St Malo Court, Mindarie as follows: "a maximum height of 3 storeys or 9 metres above natural ground level measured to the eaves for a pitched roof dwelling of 10 metres above natural ground level for a flat roof dwelling. 	W326-10/00	
3.	<ul style="list-style-type: none"> Recoding of Lot 51 Anchorage Drive / Saint Malo Court, Mindarie from R40 to R60. <p>Inserted Clause:</p> <ul style="list-style-type: none"> 3.1.2 District 1 – Height Guidelines – Development on Lot 51 Saint Malo Court / Anchorage Drive, Mindarie may be up to four storeys, but shall not exceed 12 metres in height (above natural ground level) across the site. 	Ministers Appeal Determination dated 14 February 2001 (upheld)	15 August 2001 WAPC Ref: 801/2/30/22813 U2
4	<ul style="list-style-type: none"> Modify various residential density codes in the Harbourside Village. Introduce a split R30/60 coding. Modify 'use' permissibility. Modify design provisions. Provide for the adoption of DAPs 		

706: Aug02:Rep27-02:TL

CERTIFICATION OF AGREED STRUCTURE PLAN

(SCHEDULE 10)

**CERTIFIED THAT AGREED STRUCTURE PLAN 13 MINDARIE KEYS
HARBOURSIDE VILLAGE WAS ADOPTED BY RESOLUTION OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION ON 28 JANUARY 2000.**

Chairperson, Western Australian Planning Commission

**AND BY RESOLUTION OF THE COUNCIL OF THE CITY OF WANNEROO ON
14 MARCH 2000 AND THE SEAL OF THE MUNICIPALITY WAS PURSUANT
TO THE COUNCIL'S RESOLUTION HERETOR AFFIXED IN THE PRESENCE
OF:**

Mayor, City of Wanneroo

Chief Executive Officer, City of Wanneroo

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3.0 PROVISIONS

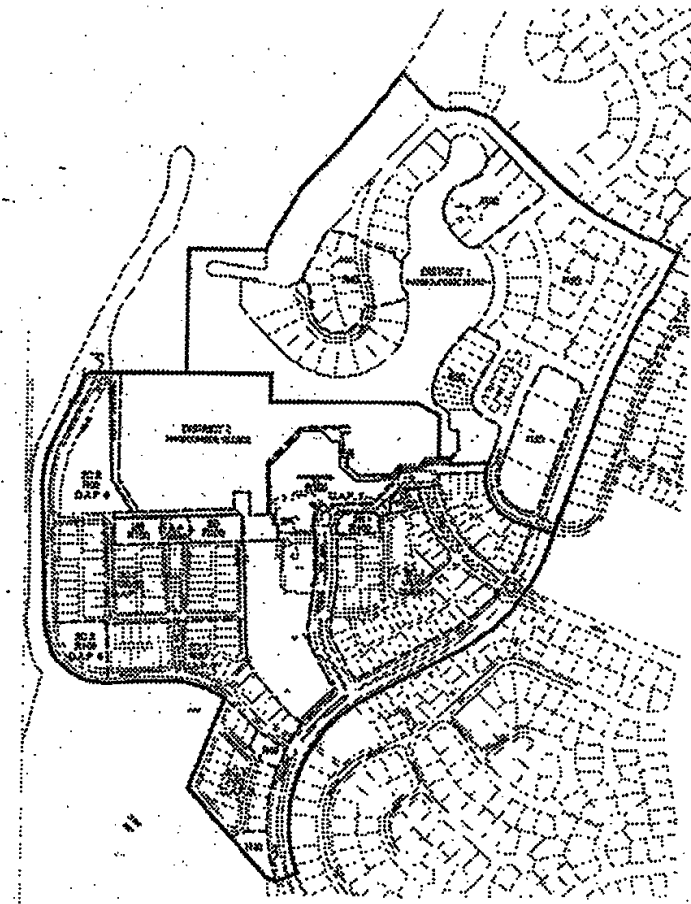
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ANNEXURE "C"

LOCAL STRUCTURE PLAN

MINDARIE KEYS HARBOURSIDE VILLAGE

PART 1 – STATUTORY PLANNING SECTION



Structure Plan No. 13
Adopted: 14 March 2000

**This Structure Plan is prepared under the provisions of Part 9
of the City of Wanneroo District Town Planning Scheme No. 2**

Project No. 706:Aug02:Rep27-02:TL
November 2002

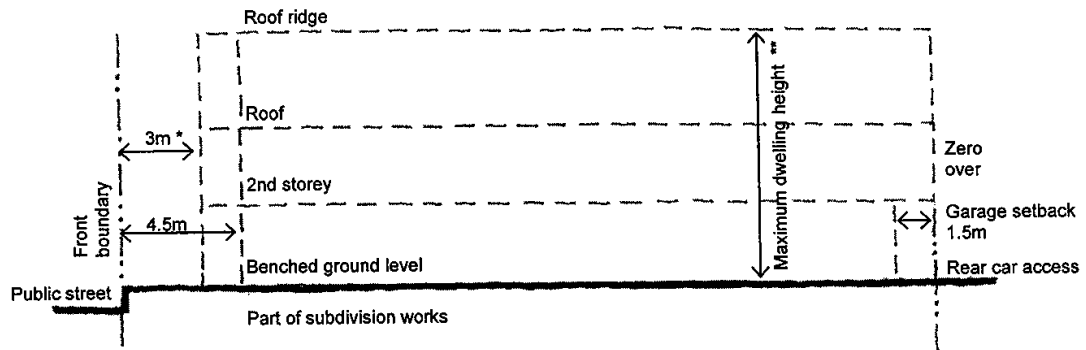
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APPENDIX 5: GLOSSARY OF ARCHITECTURAL TERMS

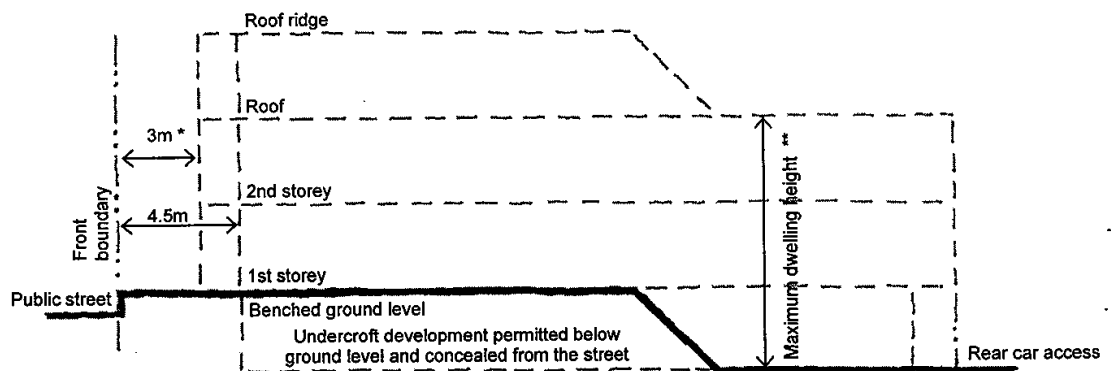
- Contrasting keystone
Differently coloured central and larger stone of a semi-circular arch.
- Corbel
A projecting course.
- Ornate moulding
A contoured decorative element.
- Pre-cast scroll
Ornament shaped like a scroll of paper, usually at the top of a column.
- Quoin block
Stone that wraps around the corner of a building.

Signed: _____ 20
Dated: _____

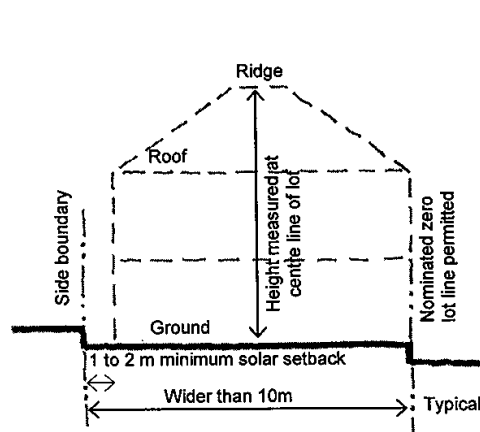
APPENDIX 4: TYPICAL BUILDING ENVELOPES



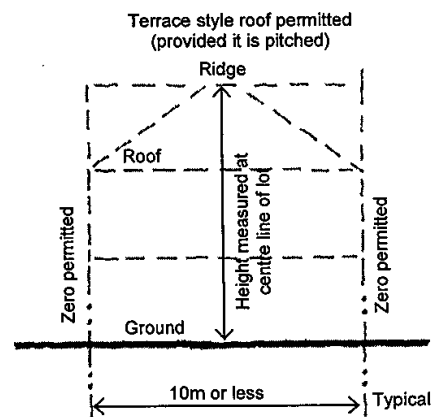
Side elevation: Benched



Side elevation: Part sloping



Front elevation
Width: Lots more than 10m wide



Width: Lots 10m wide, or less

Notes:

- * Please refer to section 1(c) under "Site Planning" for details of the front minimum setback for a lot.
- ** Please refer to section 2(a) under "Site Planning" for details of the maximum height of a building on a lot.

Signed: _____

Dated: _____

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Setbacks (Refer note 1)								
Lot no.	Lot size (m ²)	Front setback (m) min - max	Min. side setback (m) N(north), S(south), E(east), W(west)	Garage rear setback (m) (Refer note 2) FFL(first floor level)	Max. height (m)	Max. site coverage (%)	Gateway dwelling	Other factors
383	1732	Mixed use/residential						
384	369	3 - 4.5	E- nil permitted, W- 1.5m	1.5m, no nil rear setback permitted at FFL	9.5	60		
385	336	3 - 4.5	E- nil permitted, W- 2m	1.5m, nil rear setback at FFL permitted	9.5	70		
386	336	3 - 4.5	E- nil permitted, W- 2m	1.5m, nil rear setback at FFL permitted	9.5	70		
387	280	3 - 4.5	E and W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		
388	280	3 - 4.5	E and W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		
389	355	3 - 4.5	E- 1m, W- 2m	1.5m, no nil rear setback permitted at FFL	9.5	60		
390	396	3 - 4.5	N- 1.5m, S- nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60		
391	334	3 - 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		
392	335	3 - 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		
393	335	3 - 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		
394	356	3 - 4.5	N- 2m, S- 1.5m	1.5m, no nil rear setback permitted at FFL	9.5	60	See note 3	
398	362	3 - 4.5	E- 1m, W- 2m	1.5m, no nil rear setback permitted at FFL	9.5	60		
399	278	3 - 4.5	E and W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		
400	278	3 - 4.5	E and W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		
401	334	3 - 4.5	E- nil permitted, W- 2m	1.5m, nil rear setback at FFL permitted	9.5	70		
402	334	3 - 4.5	E- nil permitted, W- 2m	1.5m, nil rear setback at FFL permitted	9.5	70		
403	366	3 - 4.5	E- nil permitted, W- 1.5m	1.5m, no nil rear setback permitted at FFL	9.5	60		
404	332	3 - 4.5	E- 1m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4

Notes:

1. Refer to Appendix 1: Detailed Area Plan (DAP) No. 1, for specific site planning issues.
2. Rooms, lofts, balconies and other dwelling elements over the garage at the first floor level (FFL) will be permitted to have nil rear setback, unless otherwise noted on the DAP.
3. Dwellings on lots 309, 313, 357, 361, 367, 371, 374, 378 and 394 shall be Gateway Dwellings. The buildings on these lots will be on prominent corners and will help therefore to create the design character for The Wharf. The Gateway Dwellings shall address both streets and identify the corner through the use of feature elements such as a distinct roof form, a tower or wall feature or a corner bay window.
4. For Swansea Promenade the main entry into the estate, predominantly two storey dwellings must be built on lots 301 to 313, 342 to 347, 357, 371 and 404 to ensure a harmonious scale and consistent street enclosure. Dwellings on these lots shall have sheet metal roofs and predominantly colour rendered walls.
5. The postbox for lots 357 to 361 shall be located on the rear laneway fence. The house number for lots 357 to 361 shall be clearly displayed at both the front of the dwelling and to the rear adjacent to the postbox.

Signed:

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Dated:

APPENDIX 3: TABLE OF SITE GUIDELINES FOR EACH LOT

Setbacks (Refer note 1)									
Lot no.	Lot size (m²)	Front setback (m) min - max	Min. side setback (m) N(north), S(south), E(east), W(west)	Garage rear setback (m) (Refer note 2) FFL (first floor level)	Max. height (m)	Max. site coverage (%)	Gateway dwelling	Other factors	
301	348	3 – 4.5	E-1m, W-1m	1.5m, no nil rear setback permitted at FFL	9.5	70		See note 4	
302	341	3 – 4.5	E-1m, W-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4	
303	344	3 – 4.5	E-1m, W-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4	
304	310	3 – 4.5	E-1m, W-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4	
305	318	3 – 4.5	E-1m, W-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4	
306	330	3 – 4.5	E-1m, W-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4	
307	342	3 – 4.5	E-1m, W-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4	
308	362	3 – 4.5	E-1m, W-nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60		See note 4	
309	359	3 – 4.5	E-1m, W-1.5m	1.5m, no nil rear setback permitted at FFL	9.5	70	See note 3	See note 4	
310	318	3 – 4.5	E-1m, W-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70		See note 4	
311	340	3 – 4.5	E-1m, W-nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	70		See note 4	
312	322	3 – 4.5	E-1m, W-nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	70		See note 4	
313	454	3 – 4.5	E-1.5m, W-nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60	See note 3	See note 4	
314	442	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
315	446	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
316	436	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
317	384	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
318	371	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
319	364	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	8.5	60			
320	364	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	8.5	60			
321	364	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	8.5	60			
322	364	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	8.5	60			
323	364	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
324	364	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
325	364	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	8.5	60			
326	559	3 – 4.5	N-2m, S-1m	1.5m, no nil rear setback permitted at FFL	9.5	60			
327	349	3 – 4.5	N and S - nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70			
328	317	3 – 4.5	N and S - nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70			
329	371	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
330	309	3 – 4.5	N and S - nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70			
331	309	3 – 4.5	N and S - nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70			
332	371	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
333	371	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
334	367	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
335	382	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
336	391	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
337	426	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
338	443	3 – 4.5	N-2m, S-1.5m	1.5m, no nil rear setback permitted at FFL	9.5	60			
339	347	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70			
340	347	3 – 4.5	N-2m, S-nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70			
341	400	3 – 4.5	N-1.5m, S-nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60			
342	411	3 – 4.5	E- 1.5m, W- nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60		See note 4	
343	365	3 – 4.5	E- 2m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60		See note 4	
344	415	3 – 4.5	E- 1m, W- nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60		See note 4	
345	358	3 – 4.5	E- 2m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60		See note 4	
346	381	3 – 4.5	E- 2m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60		See note 4	
347	393	3 – 4.5	E- 2m, W- 1.5m	1.5m, no nil rear setback permitted at FFL	9.5	60		See note 4	
348	1249	Mixed use/residential							
352	332	3 – 4.5	E- nil permitted, W- 1.5m	1.5m, no nil rear setback permitted at FFL	9.5	70			
353	371	3 – 4.5	E- nil permitted, W- 2m	1.5m, nil rear setback at FFL permitted	9.5	60			
354	352	3 – 4.5	E- nil permitted, W- 2m	1.5m, nil rear setback at FFL permitted	9.5	60			
355	350	3 – 4.5	E- nil permitted, W- 2m	1.5m, no nil rear setback permitted at FFL	9.5	60			
356	425	3 – 4.5	E- 1m, W- 2m	1.5m, no nil rear setback permitted at FFL	9.5	60			
357	392	3 – 4.5	N- 2m, S- 1.5m	1.5m, no nil rear setback permitted at FFL	9.5	60	See note 3	See note 4 & 5	
358	359	3 – 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60		See note 5	
359	359	3 – 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60		See note 5	
360	354	3 – 4.5	N- 2m, S- nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60		See note 5	
361	467	3 – 4.5	N- 1.5m, S- nil permitted	1.5m, no nil rear setback permitted at FFL	8.5	60	See note 3	See note 5	
362	366	3 – 4.5	E- 1m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
363	324	3 – 4.5	E- 1m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	70			
364	351	3 – 4.5	E- 1m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
365	357	3 – 4.5	E- 1m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
366	359	3 – 4.5	E- 1m, W- nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60			
367	490	3.3 – 4.5	N- 1.5m, S- nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60	See note 3		
368	404	3.3 – 4.5	N- 2m, S- nil permitted	1.5m, no nil rear setback permitted at FFL	9.5	60			
369	416	3.3 – 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
370	415	3.3 – 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
371	468	3.3 – 4.5	N- 2m, S- 1.5m	1.5m, no nil rear setback permitted at FFL	9.5	60	See note 3	See note 4	
372	356	3 – 4.5	N- 2m, S- nil permitted	1.5m, no nil rear setback permitted at FFL	8.5	60			
373	445	3 – 4.5	N- 2m, S- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
374	546	3 – 4.5	N- 2m, S- 1.5m	1.5m, nil rear setback at FFL permitted	9.5	60	See note 3		
375	353	3 – 4.5	E- 2m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
376	371	3 – 4.5	E- 2m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
377	380	3 – 4.5	E- 2m, W- nil permitted	1.5m, nil rear setback at FFL permitted	9.5	60			
378	470	3 – 4.5	E- 2m, W- 1.5m	1.5m, nil rear setback at FFL permitted	9.5	60	See note 3		

Signed:

17

Dated:

APPENDIX 2: TABLE 1 OF THE DETAILED AREA PLAN NO. 1

Sub-Precinct	Lot Size (m²)	S E T B A C K S (Refer note 1)				Max Height (m)	Max Site Coverage (%)
		Front Min (m)	Front Max (m)	Side (m)	Rear (m)		
2C.1 Residential	Under 350	3.0	4.5	Nil (Refer note 3))	1.5 (Refer note 5)	9.5 (Refer note 6)	70%
	350 & Over	3.0 (Refer note 2)	4.5	Nil (Refer note 4)	1.5 (Refer note 5))	9.5 (Refer note 6)	60%

Notes:

1. Refer to Appendix 1: Detailed Area Plan No.1 for specific site planning issues.
2. The minimum front setback for the dwelling to the primary street boundary is 3m, except for lots 367 to 371 where the minimum setback is 3.3m.
3. For narrower lots (eg. 8m to 10m wide), nil side setbacks to both sides may be considered, provided that adequate solar access to dwelling and private open space can be demonstrated (eg. light wells and courtyards should be located to allow adequate winter solar gain). Refer to Appendix 1: Detailed Area Plan No.1 for specific setback requirements.

To ensure against encroachment, walls constructed on the boundary must be set out by a licensed surveyor and certification lodged with the City of Wanneroo.

Any nil side setback allowance must not begin until 4.5m back from the street boundary. Any building element forward of this point must have a side setback of 1m (single storey) to 1.5m (2 storeys) at least.

No wall constructed to a nil side setback may contain any opening unless that side boundary faces a public street or rear laneway.

4. In general, where the wider small lots (eg. 10m to 13m wide) are east-west orientation, the nil side setback is nominated on the southern boundary (with a 1m to 2m solar setback to the north). Where the lot is orientated north-south the nil side setback is to the western boundary with a 1m to 2m solar setback to the east. Refer to Appendix 1: Detailed Area Plan No.1 for specific setback requirements.

To ensure against encroachment, walls constructed on the boundary must be set out by a licensed surveyor and certification lodged with the City of Wanneroo.

Any nil side setback allowance must not begin until 4.5m back from the street boundary. Any building element forward of this point must have a side setback of 1m (single storey) to 1.5m (2 storeys) at least.

No wall constructed to a nil side setback may contain any opening unless that side boundary faces a public street or rear laneway.

5. Rooms, lofts, balconies and other dwelling elements over the garage (at the first floor level) will be permitted to have nil setbacks to the rear boundary, unless otherwise noted on the DAP.
6. The maximum height permitted for a dwelling is two storeys or 9.5m from ground level to the highest ridge point of the roof. The maximum building height for lots 319 to 322, 325, 361 and 372 is 8.5m.

Minor projections outside the building envelope, such as chimneys or dormer windows may be permitted, if they significantly contribute to the overall streetscape (refer to Appendix 4: Typical Building Envelopes. The building form must be contained within the Building Envelopes defined. Note that the building forms shown in the diagrams are indicative only).

Signed: _____ 16
Dated: _____

APPENDICES

APPENDIX 1: DETAILED AREA PLAN NO.1

Signed: _____ 15
Dated: _____

3 STORMWATER

All dwellings shall collect stormwater within the lot. Details of the drainage system must be provided with all Building Licence applications.

4 RUBBISH BIN STORAGE

A concealed storage area and level bin pad for 1 (240 litre) PVC wheeled bin shall be provided at the rear of the Lot. This bin storage area must be screened from view, and access provided to it from the rear laneway.

5 STORAGE AREA

Each dwelling must provide a secure storage area of at least 4m². This space may be integrated into the dwelling or the garage, in a style to match the dwelling.

Signed: _____ 14
Dated: _____

2 HEIGHTS AND GROUND LEVEL

a) Height

Particular lots shall be two-storey development [refer to section 1(c) under 'Coastal Village Character']. In general, two storey or single storey dwellings with 'loft rooms' are encouraged throughout The Wharf to emphasis a vertical proportion to the streetscape.

- The maximum height permitted for a dwelling is two storeys or 9.5m from ground level to the highest ridge point of the roof. The maximum building height for Lots 319 to 322, 325, 361 and 372 is 8.5m.
- Minor projections outside the building envelope, such as chimneys or dormer windows may be permitted, if they significantly contribute to the overall streetscape (refer Appendix 4: Typical Building Envelopes. The building form must be contained within the Building Envelopes defined. Note that the building forms shown in the diagrams are indicative only).

b) Ground level

The nominated "ground level" for measurement of the height envelope, must coincide with the 'as constructed' benched and part sloping levels retained as part of subdivisional works undertaken by Mirvac Fini.

The ground level as benched by Mirvac Fini may not be increased by more than 50mm. The finished internal floor level of the dwelling may be raised by a maximum height of 150mm.

3 GARAGES AND ACCESS

Each dwelling must provide at least two car parking bays on site that are accessible from the rear laneway. A minimum of one bay must be covered and screened from view. The garage must be constructed in the same materials and style as the house.

Commercial vehicles, including caravans, boats, etc. shall not be parked or stored on the Lot unless contained within a garage or screened from public view.

SERVICES

The following points outline the final details that need to be considered when designing your home. These elements include pipes, wiring, air conditioners, solar panels, drainage systems and storage areas.

These Design Guidelines establish the best way to locate items that are essential for everyday living, but may not contribute to an appealing environment. To create an attractive neighbourhood we have suggested ways in which such items can be concealed or positioned in a non-intrusive way.

1 PLANT AND SERVICE AREAS

All pipes, wired services, clothes drying areas, hot water storage tanks and such plant items are to be concealed from the street and public view. Air conditioners and solar hot water systems must be acoustically and visually screened from primary and secondary streets. Solar collectors must not be seen from primary and secondary streets. Solar collectors must be in the same plane as the roof.

2 REAR LANEWAY SERVICES AND LANDSCAPE

The service easements (power, telecommunications and sewer), rear laneway lighting, landscaping and bin hard stand necessary to ensure the efficient daily use of the rear laneways will generally be located within a designated 1.5m setback zone from the rear boundary.

Signed: _____

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Dated: _____

SITE PLANNING

This section details specific measurements relating to how close you are allowed to build in relation to the boundaries of your lot, the percentage of space on your lot that your home may cover, the height of your home, and specifications for the garage and access to your property.

In the preparation of these guidelines special consideration was given to factors such as maintaining an attractive streetscape, maximising each homes access to sunlight and providing access to each home in a way that is both convenient and results in an uncluttered and attractive environment.

1 SETBACKS

Appendix 2: Table 1 of the Detailed Area Plan No.1 outlines the setbacks permitted within The Wharf. For more detailed information on each Lot refer to Appendix 3: Table of Site Guidelines for each Lot. Mirvac Fini has nominated the nil setback locations and core site planning requirements on a Detailed Area Plan (DAP) approved by the City of Wanneroo (refer to Appendix 1: Detailed Area Plan No.1).

a) Side setback on Lots more than 10m wide

A general range of 2m to nil side setback is permitted (unless noted otherwise in Appendix 1: Detailed Area Plan No.1) dependant on the lot orientation and lot width.

In general, where the wider small lots (eg. 10m to 13m wide) are east-west orientation, the nil side setback is nominated on the southern boundary (with a 1m to 2m solar setback to the north).

Where the lot is orientated north-south, the nil side setback is to the western boundary with a 1m to 2m solar setback to the east. Refer to Appendix 1: Detailed Area Plan No.1 for specific setback requirements.

b) Side setback on Lots 10m wide or less

For narrower lots (eg. 8m to 10m wide), nil side setbacks to both sides may be considered, provided that adequate solar access to the dwelling and private open space can be demonstrated (eg. light wells and courtyards should be located to allow adequate winter solar gain). Refer to Appendix 1: Detailed Area Plan No.1 for specific setback requirements.

- To ensure against encroachment, walls constructed on the boundary must be set out by a licensed surveyor and certification lodged with the City of Wanneroo.
- Any nil side setback allowance must not begin until 4.5m back from the street boundary. Any building element forward of this point must have a side setback of 1m (single storey) to 1.5m (2 storeys) at least.
- No wall constructed to a nil side setback may contain any opening unless that side boundary faces a public street or rear laneway.

c) Front

The minimum front setback for the dwelling to the primary street boundary is 3m, except for Lots 367 to 371 where the minimum setback is 3.3m. The maximum front setback for all Lots is 4.5m.

d) Rear

The garage opening must be setback 1.5m from the rear lot boundary. A 45 degree sight truncation must be either side of the garage opening. Rooms, a loft, balcony and other dwelling elements over the garage (at the first floor level) will be permitted to have nil setback to the rear boundary (unless noted otherwise on the DAP). This is to promote surveillance and visual interest to the rear laneway elevation.

e) Corner lots

The requirements for corner lots or other special streetscape considerations may alter the above nominations. (Refer to Appendix 1: Detailed Area Plan No.1 for specific setback requirements).

Signed:

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Dated:

m) **Front garden landscape**

The following is a recommended plant species list for gardens in a marina environment:

Groundcovers

<i>Arctotis hybrids</i>	African daisy
<i>Carex sp.</i>	
<i>Cerastium tomentosum</i>	Snow-in-summer
<i>Conostylis candicans</i>	Grey cotton head
<i>Coprosma repens</i>	Mirror plant
<i>Dianella revoluta</i>	Native flax
<i>Festuca glauca</i>	Sheep's fescue
<i>Grevillea seaspray</i>	Grevillea
<i>Juniperus conferta</i>	Juniper
<i>Lantana montevidensis</i>	Lantana
<i>Myoporum parvifolium</i>	Boobialla
<i>Scaevola sp.</i>	

Shrubs

<i>Agonis flexuosa "nana"</i>	Dwarf peppermint
<i>Calocephalus brownii</i>	Cushion bush
<i>Chrysanthemum</i>	Marguerite daisy
<i>Cineraria maritima</i>	Dusty millar
<i>Correa reflexa</i>	Native fuchsia
<i>Eremophila glabra</i>	Emu bush
<i>Euryops pectinatus</i>	Yellow daisy bush
<i>Hebe sp.</i>	Veronica
<i>Isolepis nodosa</i>	Knotted club rush
<i>Lavandula sp.</i>	Lavender
<i>Olearia axillaris</i>	Saltbush
<i>Pimilea ferruginea</i>	Rye flower
<i>Plumbago capensis</i>	Ledwort
<i>Raphiolepis delacourii</i>	Indian hawthorn
<i>Ricinocarpus glaucous</i>	Wedding bush
<i>Rosmarinus officinalis</i>	Rosemary
<i>Santolina chamaecyparissus</i>	Lavender cotton
<i>Templetonia retusa</i>	Cockies tongues
<i>Thyptomene saxicola</i>	Heath myrtle
<i>Tulbaghia violacea</i>	False garlic
<i>Westriolia fruticosa</i>	Coastal rosemary

Trees

<i>Agonis flexuosa</i>	WA peppermint
<i>Callitris pressii</i>	Rottnest pine
<i>Casuarina equisetifolia</i>	Horsetail sheoak
<i>Lagunaria patersonia</i>	Norfolk Island hibiscus
<i>Metrosideros excelsa</i>	New Zealand Christmas tree
<i>Olea europea</i>	Olive
<i>Sapium sebiferum</i>	Chinese tallow
<i>Ulmus parvifolia</i>	Chinese elm

Choosing the right selection of trees, shrubs and groundcovers is a most important design consideration in the marina environment of The Wharf.

The sandy alkaline soils of Mindarie are ideal for growing native plants as well as many plants from other areas. The soils are free draining and do not hold water and nutrients for long, therefore, softer exotic species will require considerable soil preparation to survive.

When selecting plants consideration needs to be given to the mature size of the plants, shape, spread, fruit, flowers, foliage and ease of maintenance.

Signed: _____

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Dated: _____

- Face brick for a special feature element:
(eg. a tower, column or bay window)
'Character' bricks shall be permitted. (For example Midland Brick Company Handmade Sandstock - Caversham, or a similar appearance and high quality brick)
- Clay 'limestone style' face brick:
Manufacturer: Midland Brick, or similar
Type: Centenary Limestone

Manufacturer: Metro Brick, or similar
Type: Geographe Limestone preferably with a bagged finish

2. Roof finish

- Metal:
Manufacturer: BHP Steel "Lysaght", or similar
Profile: Custom orb
Colours: Colorbond XRW Steel
 - > Surfmist
 - > Shale Grey
 - > Classic Cream
 - > Paperbark
 - > Dune
- Flat shingle style tile:
Manufacturer: CSR Monier Wunderlich, or similar
Profile: Cambridge or Georgian
Colour: Arctic Grey

Manufacturer: BGC, or similar
Profile: Manor Shingles
Colour: Dusk
- Gutters:
Manufacturer: BHP Steel "Lysaght", or similar
Profile: OG or Miscellaneous WA (quarter round, half round, quad)
Colours: As for metal roof finish colours, including Woodland Grey and Windspray

3. Door/window frames

For any door and window that faces and is visible from the primary and secondary streets.

- Metal:
Profile: Vertical proportion frame only. Window opening lights shall be operable by hinges or sash.
Colours: Dulux powder coated finish, or similar. All colours are permitted except in the red and yellow ranges.
- Natural timber:
Profile: Vertical proportion frame only. Window opening lights shall be operable by hinges or sash.
Colours: As for painted brick or blockwork colours, or a clear stain.

4. Timber/Steel trims (balustrades, pergolas, fascia boards etc)

Colours for metal: Dulux powder coated range, or similar. All colours are permitted except in the red and yellow ranges.

Colours for timber: As for painted brick or blockwork colours, or a clear stain.

Signed: _____

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Dated: _____

- i) **Site coverage**
Lots of under 350m² are permitted 70% site coverage. Lots of 350m² or more are permitted 60% site coverage (refer Appendix 2: Table 1 of the Detailed Area Plan No.1). For detailed information on each Lot refer Appendix 3: Table of Site Guidelines for each Lot.
- j) **Private open space**
All dwellings must have a ground level private open space from a habitable room (other than a bedroom) with a minimum dimension of 4m, and a minimum area of 24m². The private open space provision may be a roof terrace or deck over a rear laneway garage at a lower ground level.
- k) **Privacy**
Lot owners should ensure their dwellings are designed for acoustic and visual privacy. Noise transmission can be minimised through careful planning of the dwelling on the site, and use of appropriate materials and construction. To avoid overlooking of neighbouring lots, windows at the second storey should be appropriately designed and located.
- l) **Materials and colours**
Lot owners who select any newly introduced building products, or other products that are similar to or match the manufacturers, materials and colours listed below must submit specifications to The Wharf Design Committee for approval.

Lot owners are advised that all building products selected should be durable and constructed in accordance with any technical requirements for coastal conditions.

1. Wall finish (including any wall on the nil lot line condition)

- Painted brick or blockwork:
Manufacturer: Solver Duraguard (low sheen) 100% acrylic exterior paint, or similar.
Colours:

Yellow hue

- > Brolga
- > Soft Slipper
- > Coorong Sands
- > Wiluna
- > Sandbelt
- > Rich Apricot

Neutral hue

- > Off White
- > Stone White
- > Soft Skin
- > Blanche Water
- > Lace Cream
- > Bumblebee
- > Tempest

Green hue

- > Cottonseed
- > Reedbed
- > Mountain Ash
- > Weathered Cedar
- > Seal Grey
- > Campaspe
- > Mountain High

Blue hue

- > Belair
- > Alaska
- > Oriental Blue
- > Rhino
- > Indian Ocean
- > Atlantic

- Render, bagged, or textured finish brickwork:
Colours: As for painted brick or blockwork colours
- Natural timber boards:
Colours: As for painted brick or blockwork colours, or a clear stain
- Weatherboard:
Manufacturer: James Hardie – Primeline Newport 170mm wide profile, or similar.
Colours: As for painted brick or blockwork colours
- Natural dressed limestone
- Rammed earth or rammed limestone

Signed: _____

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Dated: _____

- iii. The rear laneway fence, including any truncation for a corner Lot, shall be a maximum nominal height of 1.8m. The fence shall be constructed in materials and colours selected from The Wharf Design Guidelines materials and colours palette to match and complement the dwelling. At least 25% of the fence shall be visually permeable to aid surveillance of the rear laneway. (Refer Figure 5 below)

The post box for Lots 357 to 361 shall be located on the rear laneway fence. The house number for Lots 357 to 361 shall be clearly displayed at both the front of the dwelling and to the rear adjacent to the post box.

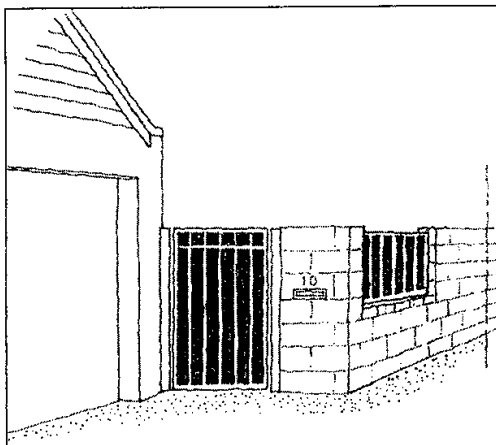


Figure 5: Example of a visually permeable rear lane fence (the post box and a house number are located at the rear of this Lot)

- iv. The side boundary fence that faces the rear laneway and that is forward of the front building line shall match the design of the front boundary fence at The Wharf.

The side boundary fence that faces the rear laneway and that is behind the front building line shall be a maximum nominal height (i.e. excluding any retaining wall on which the fence is constructed) of 1.8m. The fence shall be constructed in materials and colours selected from The Wharf Design Guidelines materials and colours palette to match and complement the dwelling.

- v. The side boundary fence on a corner lot that faces the secondary street shall match the front boundary fence provided by Mirvac Fini for at least 50% of the secondary street frontage commencing from the primary street. A solid limestone fence of a maximum nominal height (i.e. excluding any retaining wall on which the fence is constructed) of 1.8m is permitted thereafter.

The dimensions and positions of all proposed minor retaining walls must be provided to Mirvac Fini and to the City of Wanneroo with the application for a Building Licence. Any new retaining walls are to be constructed in the same materials and colours as the existing retaining walls built by Mirvac Fini. Copies of the engineering criteria for the existing retaining walls can be obtained from Mirvac Fini or the City of Wanneroo.

No retaining wall or fence installed by Mirvac Fini can be altered without first obtaining approval from Mirvac Fini.

Signed: _____

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Dated: _____

f) **Façade**

The front of the building facing the street shall include a focal point such as a porch, colonnade, verandah, balcony, awning, pergola, tower or a combination to provide visual interest to the neighbourhood. To enliven the street, the building's façade must include diversity within the choices of material, colour or texture [refer section (I)].

g) **Roof**

The principle roof visible from the street must be at a pitch of at least 27 degrees (maximum of 45 degrees) with overhanging eaves of at least 450mm width (except for a wall on a nil lot line condition). BHP Steel recommends that eaves in coastal locations be lined.

An ancillary roof (eg. a separate verandah roof) may be at a pitch of at least 18 degrees. The use of the roof space for rooms is encouraged, particularly for single storey development.

h) **Fences**

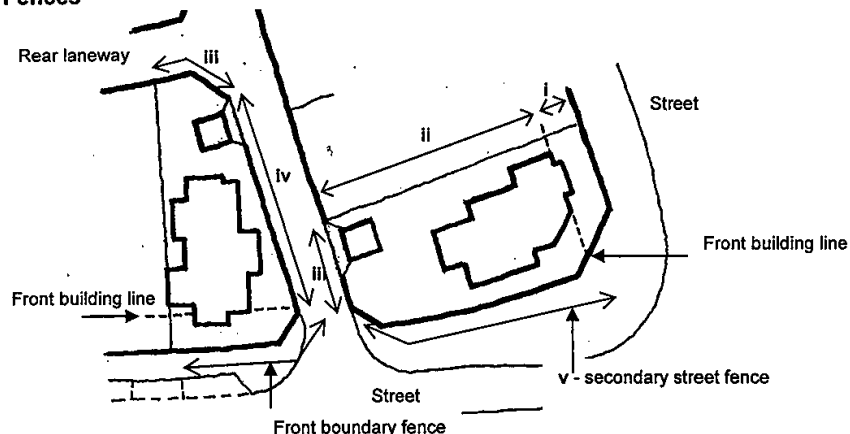


Figure 3: Fence location diagram (refer to the text below for details on fences i to v)

- i. The side dividing fence forward of the front building line shall be in solid limestone and at a nominal height (i.e. excluding any retaining wall on which the fence is constructed) of 900mm. The side dividing fence forward of the front building line shall terminate at a limestone pier at a nominal height (i.e. excluding any retaining wall on which the fence is constructed) of 1.8m to enable a satisfactory connection to any remaining side dividing fence behind the front building line (refer Figure 4 below).
- ii. The side dividing fence behind the front building line shall be at a maximum nominal height (i.e. excluding any retaining wall on which the fence is constructed) of 1.8m (refer Figure 4 below). The fence shall be constructed in materials and colours selected from The Wharf Design Guidelines materials and colours palette to match and complement the dwelling. Fibrous cement (i.e. Supersix), corrugated metal sheeting (i.e. Colorbond), and timber pinelap is not permitted.

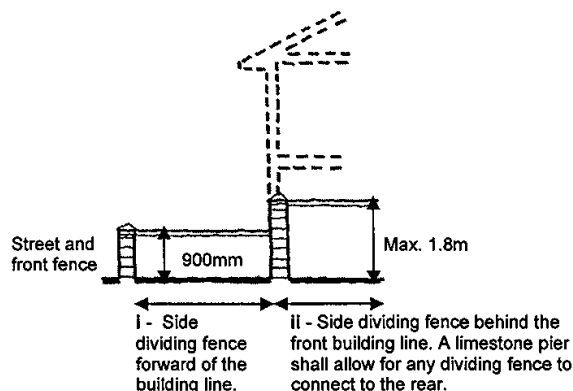


Figure 4: Side dividing fence (details for fences i and ii)

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b) Environmental response

Lot owners must comply with the statutory provisions of the Building Code of Australia (BCA). Changes to be introduced in July 2003 to the BCA will mean that careful attention must be given to ensuring that the shape and layout of the dwelling makes it more energy efficient and suited to the climatic conditions of Perth.

- Lot owners are encouraged to incorporate best practice passive solar design in the dwelling layout, such as natural ventilation by maximising breezes through the house. Ancillary elements such as pergolas and vegetation, particularly deciduous trees, provide shade to the western and northern building facades during summer months.
- Lot owners are encouraged to install energy efficient and water saving devices. Rainwater from roofs may be collected in tanks and used for example, on gardens. Lot owners are encouraged to plan 'water wise' gardens and to minimise large areas of lawn.

c) Building use and scale

For The Wharf Stage 1, a single dwelling only shall be permitted on each Lot.

For Swansea Promenade, the main entry into The Wharf, predominantly two storey dwellings must be built on Lots 301 to 313, 342 to 347, 357, 371 and 404 to ensure a harmonious scale and consistent street enclosure. Dwellings on these lots shall have sheet metal roofs and predominantly colour rendered walls *[refer to section (l)]*.

d) Streetscape

Dwellings shall face the street and any public open space (POS). The windows and doors of living areas shall be orientated to the street.

e) Gateway dwelling

Buildings on Lots 309, 313, 357, 361, 367, 371, 374, 378 and 394 shall be gateway dwellings. The dwellings on these Lots will be on prominent corners, and will help, therefore to enhance the design character for The Wharf.

The gateway dwelling shall address both streets and identify the corner through the use of a feature element such as a distinct roof form, a tower or wall feature, or a corner bay window *(refer Figure 2 below)*.

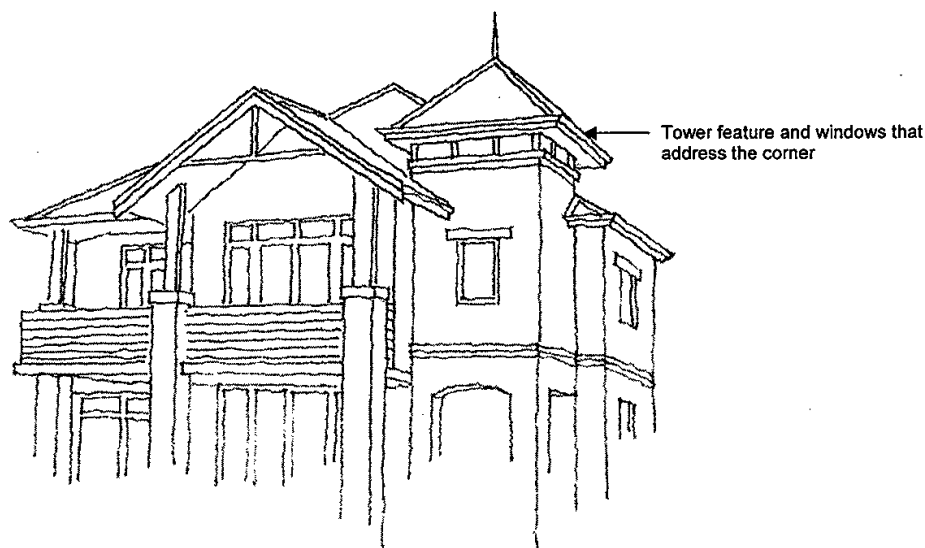
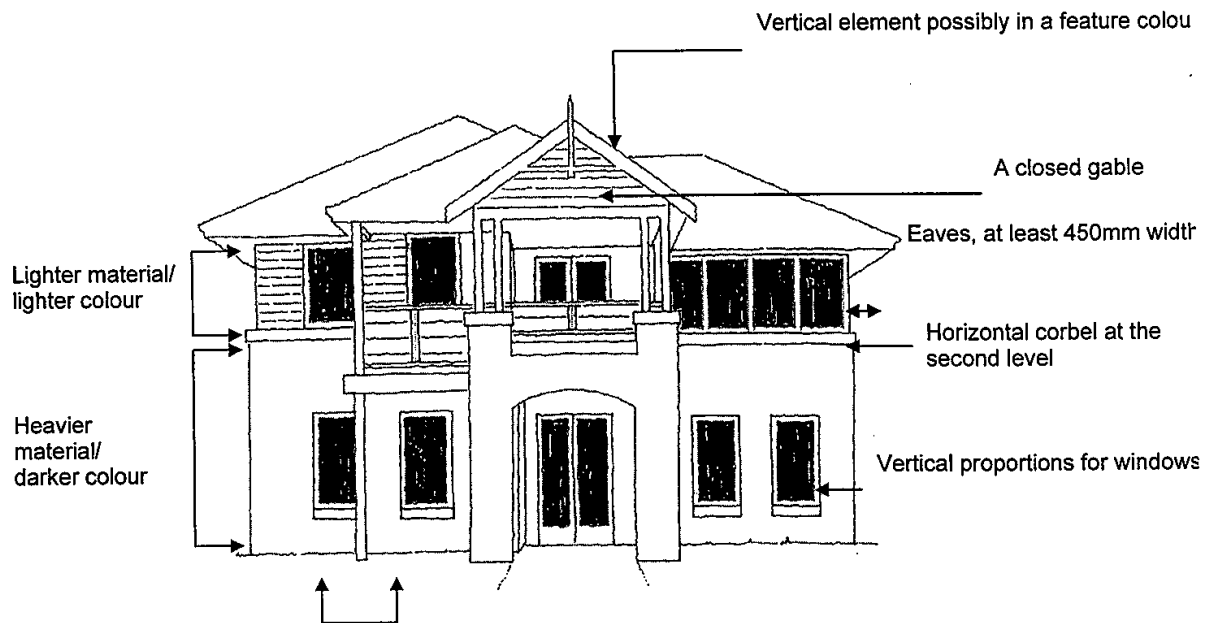


Figure 2: Example of a 'Gateway Dwelling'

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Upper level feature - length is equal to or more than one third of the width of the elevation
1.5m depth

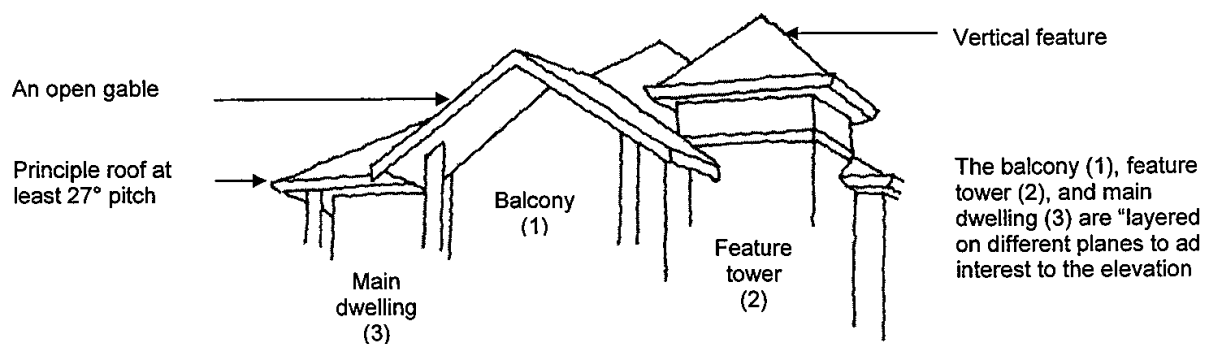
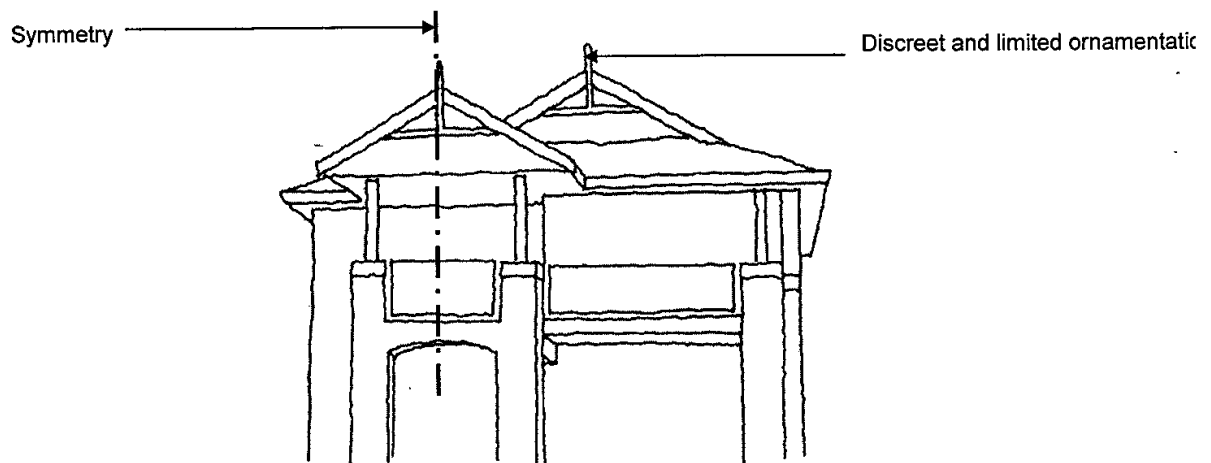


Figure 1: Typical 'Coastal Village' building elements

Signed:

Dated:

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5 DOCUMENTATION

For Steps Two and Three, the minimum design or construction drawings to be submitted shall be two copies of the following:

1. Site plan (showing levels, dimensions, garage location etc)
2. Floor plans of each level, and one section showing any changes in level
3. Coloured elevations

The drawings and specifications must be in sufficient detail to describe the design and technical elements, and materials and colour palette. All drawings shall be at a minimum 1:100 scale and shall include a north point, bar scale, and full annotation. The Wharf Design Committee may request any additional information or clarification to support the application.

For Step Four, the applicant shall contact the City of Wanneroo for the requirements for a Building Licence application. The application must include one endorsed copy of the plans approved by The Wharf Design Committee, the assessment table and approval letter.

COASTAL VILLAGE CHARACTER

The vision for The Wharf is to create a memorable neighbourhood that reflects its unique marine surroundings and has an urban character that contributes to a relaxed village lifestyle. The elements detailed below will ensure a high quality living environment incorporating design principles that are conducive to maintaining a seaside feel throughout the development. In general, the elements are: architecture; individual buildings and their relationship to the street; materials and colours; and landscape.

BUILT FORM ELEMENTS

For The Wharf, controls and recommendations will define and guide the following:

- built form (articulation of the elevation, roof, walls, openings, ancillary items, private outdoor space provision and its location)
- street enclosure (scale, setbacks, height, levels, retaining walls, vehicular access and location of garages, and the design of fences)
- building appearance (palette of materials and colours)
- front garden design (list of recommended plant species for a marina environment).

a) 'Coastal Village' architectural character

The desired built form and architectural character for The Wharf shall have a distinct 'Coastal Village' identity. The visual language shall evoke a strong affinity to the architecture of waterside communities. The characteristics of a 'Coastal Village' dwelling include (*refer Figure 1 overleaf*):

- Symmetry and 'layering' as a composition tool for the elevation.
- Simple pitched roof with continuous wide eaves of at least 450mm width (except for a wall on a nil lot line condition), and no more than one ancillary roof to the visible street frontage.
- Ancillary roof that may be at a lower pitch.
- A tower or other type of vertical element, possibly in a feature colour or material.
- An open or closed gable.
- A substantial balcony, verandah or gallery (a length equal to or more than 1/3 of the width of the façade, and a minimum depth of 1.5m) to the visible street elevation.
- A balcony at the second level, with shutters or louvres either side.
- Balcony balustrades that consist of trellis, stainless steel wire, painted metal or timber.
- Vertically proportioned doors and windows with feature sills, shutters or louvres either side. Curved and highly reflective window glass is unacceptable.
- Expression of building height through the use of a horizontal corbel at the second level (in line with the upper storey window sills, top of balcony balustrade, etc), and use of a different material or colour to emphasise height.
- Minimum use of two colours and/or materials.
- A 'heavier' material/darker colour to create a base, with a 'lighter' material/lighter colour at the second level.
- Discreet and limited ornamentation. Pre-cast scrolls, ornate mouldings, contrasting keystones, quoins, and wide round 'classical' columns are unacceptable.

[Refer to Appendix 5: Glossary of Architectural Terms]

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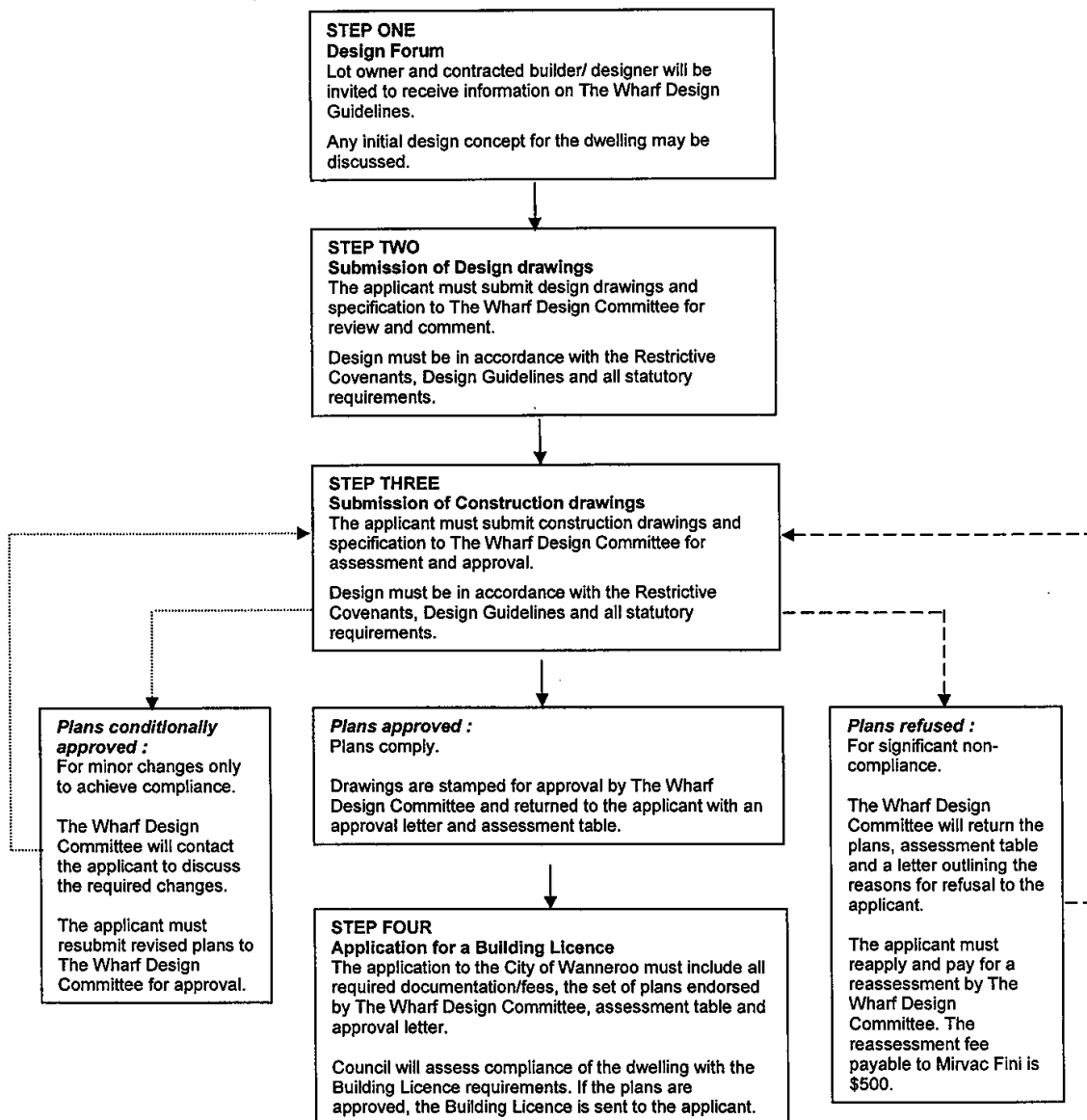
Mirvac Fini has built The Wharf to a high quality of design; therefore to maintain the standard already set, it is vital that the amenity of other residents is preserved while a Lot owner's home is being constructed.

Access to a lot for building construction purposes shall be from the rear lane where retaining walls and fences have been built at the front boundary and any secondary boundary. During construction, the Lot owner shall ensure that their builder is responsible for the storage and regular removal of any waste generated from the Lot.

4 BUILDING APPROVAL PROCESS

The Lot owner must first obtain building approval from The Wharf Design Committee for all design and construction drawings and specifications (eg. for the main residence, ancillary elements and fences) prior to the lodgement of a Building Licence application with the City of Wanneroo. The Wharf Design Committee will guide the initial design development of every dwelling within their contract of sale conditions.

The four steps in the building approval process are:



Note that any improvements to the Lot that infringe the Restrictive Covenants, Design Guidelines and statutory requirements must be removed or rectified at the Lot owners expense upon notification.

Signed: _____

Dated: _____

3

INTRODUCTION

As noted in the contract of sale for a Lot at The Wharf, these Design Guidelines and the pertinent Restrictive Covenants must be met prior to the issue of a Building Licence by the City of Wanneroo.

These Design Guidelines provide supportive background information to the Restrictive Covenants, and set the 'performance standard' for The Wharf in terms of the construction and maintenance of homes, best practice residential urban design, and a high quality environmental response to the unique marina context.

Residential lot development at The Wharf has been carefully planned to harmonise with site conditions. Particular features of development at The Wharf are:

- a range of lot types with opportunities for water views
- quality public streetscapes to ensure attractive public areas
- lot designs that allow winter solar access
- provision of accessible parkland
- a legible estate layout that supports public and private safety and security.

GENERAL

The following points outline the objectives of the Design Guidelines, recommendations for consultation with your new neighbours to ensure a smooth process during the building of your home, the documentation that you will need to prepare, and the process you will need to undertake to have your building plans approved. The steps are clearly outlined and have been designed to achieve the results you want within a minimum timeframe and at the least cost to you.

1 AREA COVERED BY THE DESIGN GUIDELINES

These Design Guidelines have been carefully developed to create an estate that exists in harmony with the unique coastal environment of Mindarie. These guidelines apply to all the residential lots within the Detailed Area Plan (*refer Appendix 1: Detailed Area Plan No. 1*). Where discrepancies may occur, the terms and concepts presented in the Design Guidelines shall be as interpreted by The Wharf Design Committee (nominated by the Estate Manager, Mirvac Fini).

The Design Guidelines must be read in conjunction with, and comply with, the Local Structure Plan (Mindarie Keys Harbourside Village), the Residential Design Codes of WA, and the City of Wanneroo's Town Planning Scheme No.2. The Wharf Design Guidelines must also be read in conjunction with, and comply with, The Wharf Restrictive Covenants.

2 PURPOSE OF THE DESIGN GUIDELINES

The purpose of this document is to prescribe a set of comprehensive building design guidelines to promote the creation of appropriate design solutions for development at The Wharf.

The Design Guidelines seek to provide protection for the Lot owner's interest and investment, and to further enhance a 'Coastal Village' housing style and streetscape that will be promoted at The Wharf.

Specifically, this document encourages:

- Development that has regard for the amenity of adjacent lots and surrounding public areas
- A strong sense of architectural character that is harmonious and reflects the marina setting
- Residential development that is energy efficient.

3 CONSIDERATION OF NEIGHBOURS DURING DESIGN AND CONSTRUCTION

Lot owners are encouraged to contact and consult with immediate neighbours during the design stage to ensure that each property is designed with due consideration for its neighbours.

Signed: _____

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Dated: _____

CONTENTS

INTRODUCTION

GENERAL

- 1 AREA COVERED BY THE DESIGN GUIDELINES
- 2 PURPOSE OF THE DESIGN GUIDELINES
- 3 CONSIDERATION OF NEIGHBOURS DURING DESIGN AND CONSTRUCTION
- 4 BUILDING APPROVAL PROCESS
- 5 DOCUMENTATION

COASTAL VILLAGE CHARACTER

Built form elements:

- a) 'Coastal Village' architectural character
- b) Environmental response
- c) Building use and scale
- d) Streetscape
- e) Gateway dwelling
- f) Façade
- g) Roof
- h) Fences
- i) Site coverage
- j) Private open space
- k) Privacy
- l) Materials and colours
- m) Front garden landscape

SITE PLANNING

- 1 **Setbacks:**
 - a) Side setback on Lots more than 10m wide
 - b) Side setback on Lots 10m wide or less
 - c) Front
 - d) Rear
 - e) Corner lots
- 2 **Heights and ground level:**
 - a) Height
 - b) Ground level
- 3 **Garages and access**

SERVICES

- 1 PLANT AND SERVICE AREAS
- 2 REAR LANEWAY SERVICES AND LANDSCAPE
- 3 STORMWATER
- 4 RUBBISH BIN STORAGE
- 5 STORAGE AREA

APPENDICES

- 1 DETAILED AREA PLAN NO.1
- 2 TABLE 1 OF THE DETAILED AREA PLAN NO.1
- 3 TABLE OF SITE GUIDELINES FOR EACH LOT
- 4 TYPICAL BUILDING ENVELOPES
- 5 GLOSSARY OF ARCHITECTURAL TERMS

Signed: _____

1

Dated: _____

ANNEXURE “B”

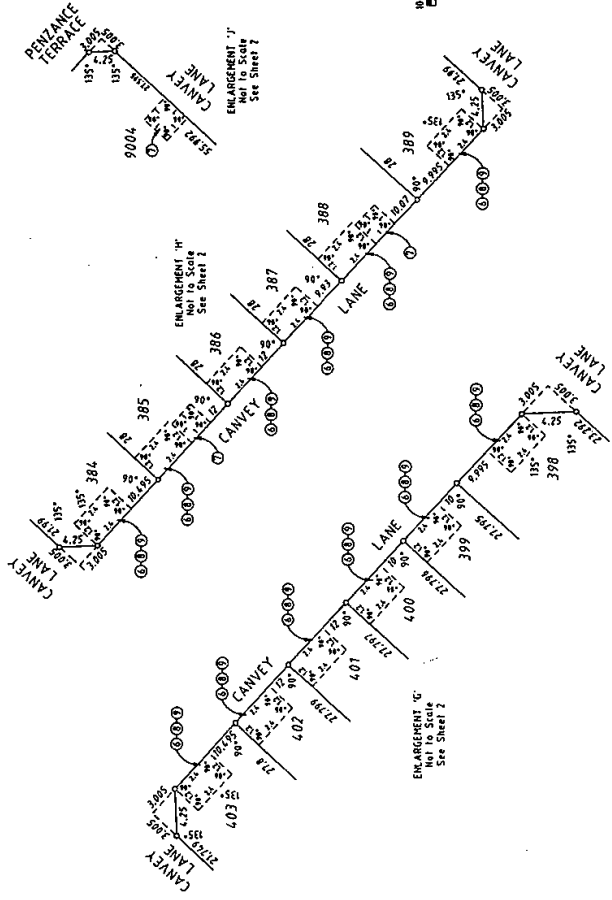
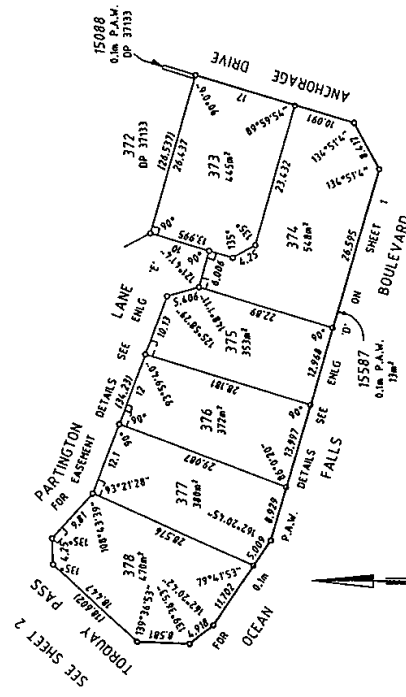
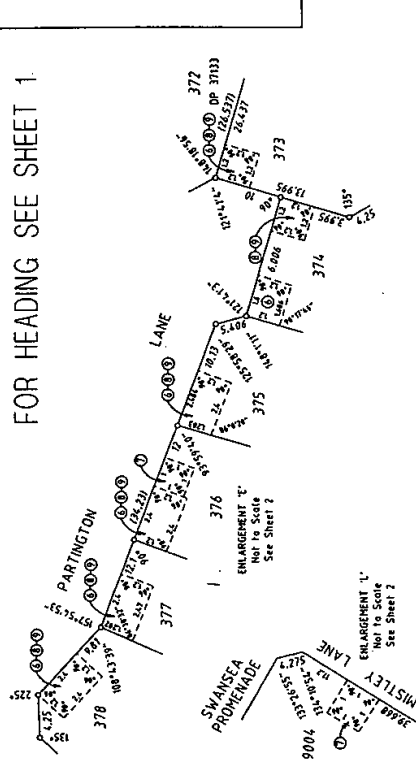
THE WHARF AT MINDARIE KEYS

DESIGN GUIDELINES

May 2003

FOR HEADING SEE SHEET 1

INTERESTS AND NOTIFICATIONS				
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED
①	EASEMENT (Sewerage)	SEC 27A, REG 6, T.P. & DACT	THIS PLAN	LOTS 344-347, 352-356, 373-378, 384-394, 398-403
②	EASEMENT (Aboveground Power)	SEC 27A, REG 7, T.P. & DACT	THIS PLAN	LOTS 344, 355, 374, 385, 389, 391, 9004
③	EASEMENT (Underground Power)	SEC 27A, REG 8, T.P. & DACT	THIS PLAN	LOTS 344-347, 352-356, 373-378, 384-394, 398-403
④	EASEMENT (Gas)	SEC 27A, REG 9, T.P. & DACT	THIS PLAN	LOTS 344-347, 352-356, 373-378, 384-394, 398-403
	RESTRICTIVE COVENANT	SEC 13AD OF THE T.L.A	THIS PLAN & DOK	ALL LOTS EXCEPT 9004, 15587-15589
LOTS 15587, 15588 & 15589	P.A.W.	TO VEST IN CROWN UNDER SEC 20A OF THE T.P. & D ACT	THIS PLAN	LOTS 344-347, 352-356, 373-378, 384-394, 398-403
	MEMORIAL	SEC 67B OF THE WATER AGENCIES POWER ACT 1984	THIS PLAN	LOTS 344-347, 352-356, 373-378, 384-394, 398-403

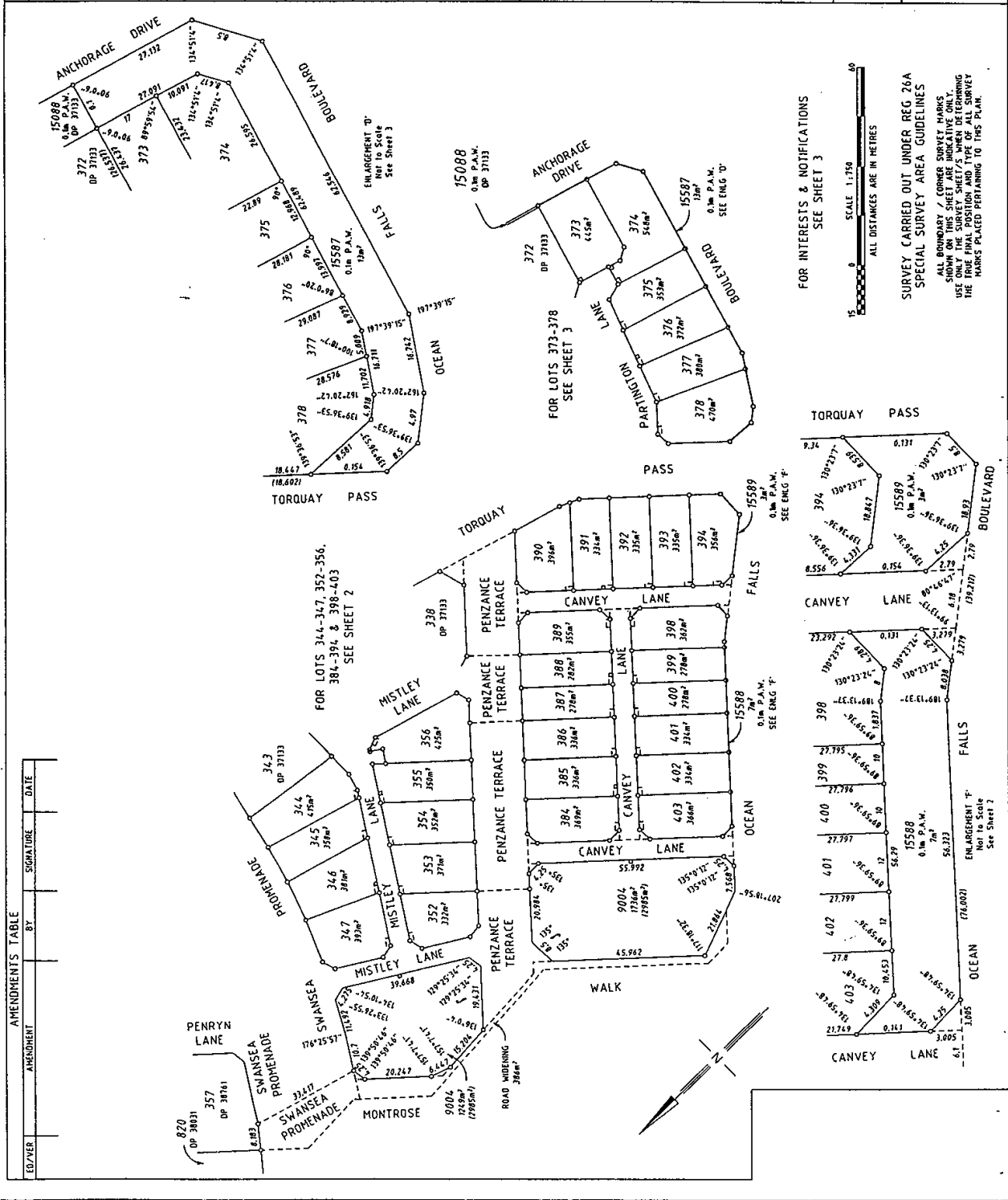


McMULLEN MAPS Ref 931006-0386 DP 51018.50
 SCALE: 1 : 500
 ALL DISTANCES ARE IN METRES
 APPROVED BY
 WESTERN AUSTRALIAN
 LAND INFORMATION COMMISSION
 FILE 119707
 SHEET 3 OF 3 SHEETS
 DEPOSITED PLAN
 40524
 Department of
 Land Information
 EDITION 1 VERSION 1

SCALE 1:500
 ALL DISTANCES ARE IN METRES

SURVEY CARRIED OUT UNDER REG 26A
 SPECIAL SURVEY AREA GUIDELINES
 ALL BOUNDARY / CORNER SURVEY MARKS
 SHOWN ON THIS SHEET ARE INDICATIVE ONLY.
 USE ONLY THE POSITION KEY TO DETERMINE
 THE ROLE OF EACH MARK IN THE BOUNDARY
 MARKS PLACED PERTAINING TO THIS PLAN.

TYPE	FREEHOLD
PURPOSE	SUBDIVISION
PLAN OF	
LOTS 344-347, 352-356, 373-378 384-394, 398-403, 9004, 15587-15589 ROAD WIDENINGS, ROADS EASEMENTS AND RESTRICTIVE COVENANT	
DISTRICT	SWAN
TOWNSITE	
DOLA FILE	
LOCALITY	MINDARE
LOCAL AUTHORITY	CITY OF WANNEROO
FIELD BOOKS	
MECK	BP 35 (21.04.13) BP 35 (21.04.14)
88673	
SURVEYOR'S CERTIFICATE - Reg 54 I, William S. GUEST, being duly sworn, depose and say that the plan is a correct representation of the survey and/or subdivision of the land shown on the plan and that it complies with the relevant section 54(1) of the Land Act 1934 and is adopted for the purposes of this plan and that it complies with the relevant section 54(1) of the Land Act 1934.	
Approved by THE REGISTRAR SCALE: 1 : 750 ALL DISTANCES ARE IN METRES APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION DATE 19/07/2021 REG. NO. 119707	
IN ORDER FOR DEALINGS SUBJECT TO APPROVED REG 26A(4)	
FOR INTERESTS & NOTIFICATIONS SEE SHEET 3	
DEPARTMENT OF LAND INFORMATION 40524 DEPOSITED PLAN SHEET 1 OF 3 SHEETS	



ANNEXURE "A"

"Specified Encumbrances" means:

- (a) Except and Reserving Metals, Minerals, Gems and Mineral Oil specified in Transfer 7033/1940;
- (b) Mortgage G147206 to the Bank of Western Australia Ltd;
- (c) Mortgage H835369 to Mirvac Fini (WA) Pty Ltd; and
- (d) Easements Burden Created under section 27A of the T. P & D Act – See Deposited Plan 37133.

1.2 Interpretation

In this document unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing any gender include the other genders;
- (c) references to persons include corporations;
- (d) references to a party hereto or to any other person include the legal personal representatives, successors and permitted assigns of that party or person;
- (e) if a word or phrase is defined cognate words and phrases have corresponding definitions;
- (f) any obligation incurred by two or more parties shall bind them jointly and severally and an obligation incurred in favour of two or more parties shall be enforceable by them jointly and severally; and
- (g) headings shall be ignored in construing this document.

2. RESTRICTIVE COVENANTS


Each of the Lots is to be encumbered by the Restrictive Covenants. The burden of the Restrictive Covenants shall run with each of the Lots for the benefit of each and every other of the Lots and the Restrictive Covenants shall be enforceable against the registered proprietor of each of the Lots by the Developer and every subsequent registered proprietor of every other of the Lots.

3. TERM OF RESTRICTIVE COVENANTS

The Restrictive Covenants shall expire and cease to have effect from and including 30 June 2020

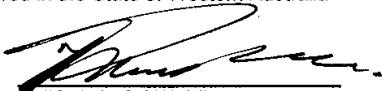
EXECUTED AS A DEED:

Executed for and on behalf of Fini Group Pty Ltd (ACN 062 720 601), Landrow Ltd (ACN 009 285 287), Crosscut Pty Ltd (ACN 062 078 844), Sanctus Nominees Pty Ltd (ACN 008 722 165), Schaffer Properties Pty Ltd (ACN 008 722 165), Chalet Nominees Pty Ltd (ACN 008 800 833), The Sports Café Australia Pty Ltd (ACN 057 245 379) and Mannwest Group Pty Ltd (ACN 008 729 575) by its duly appointed Attorneys pursuant to Power of Attorney No. 1189780 registered in the State of Western Australia


ATTORNEY SIGNATURE

DARREN JOHN COOPER

ATTORNEY PRINT NAME


ATTORNEY SIGNATURE

TERENCE JOHN PRINDIVILLE

ATTORNEY PRINT NAME

In the Presence of: 

Witness Name: ADAM CALGINIARI

Witness Address: 5 KINGSMILL GROS WINTHROP

Witness Occupation: ASSISTANT DEVELOPMENT MANAGER

BLANK INSTRUMENT FORM**RESTRICTIVE COVENANT**

(Note 1)

BY:

Finis Group Pty Ltd (ACN 062 720 601), Landrow Ltd (ACN 009 285 287), Crosscut Pty Ltd (ACN 062 078 844), Sanctus Nominees Pty Ltd (ACN 008 722 165), Schaffer Properties Pty Ltd (ACN 008 722 165), Chalet Nominees Pty Ltd (ACN 008 800 833), The Sports Café Australia Pty Ltd (ACN 057 245 379) and Mannwest Group Pty Ltd (ACN 008 729 575) all care of the Finis Group of Companies, 2nd Floor, 1002 Hay Street, ("Developer")

RECITALS

- A. The Developer is registered as the proprietor of the Land.
- B. The Land is subject to the Specified Encumbrances but otherwise free of all encumbrances.
- C. Where applicable, the parties who hold the Specified Encumbrances have consented to the terms of this Deed.
- D. The Developer intends to subdivide the Land in the manner shown on the Plan and has obtained the approval of the Commission to such subdivision.
- E. In accordance with section 136D of the Act the Developer requires the Lots to be encumbered by the Restrictive Covenants so that the Restrictive Covenants will be noted on the Plan and when separate certificates of title issue for the Lots the burden of the Restrictive Covenants will be noted on each such certificate of title.

REG: 66 012 372 627
ACN 062 078 844 STAMP DUTY
DATE: 16/04/04 15:00 0021032-7-001
TEL: * 8888888888888888

OPERATIVE PART**1. DEFINITIONS AND INTERPRETATION****1.1 Definitions**

In this Deed the following words and expressions shall have the following meanings:

"Act" means the Transfer of Land Act 1893 as amended;

"Commission" means the Western Australian Planning Commission;

"Harbourside Village Structure Plan" means the Local Structure Plan, Mindarie Keys Harbourside, a copy of which is annexed to this Deed and marked with the Annexure "C", as amended from time to time;

"Land" means Lot 9003 on Deposited Plan 39554 and being the whole of the Land contained in Certificate of Title Volume 2559 Folio 136;

"Lots" means each of the Lots on the Plan excepting only Lots 15587, 15588, 15589 and 9004;

"Plan" means the Office of Titles Deposited Plan 40524 attached to this Deed as Annexure "A";

"Restrictive Covenants" means the restrictive covenants set out in the Schedule to this Deed;

"The Wharf Design Guidelines" means the "The Wharf" at Mindarie Keys, Design Guidelines, May 2003, a copy of which is attached to this Deed as Annexure "B", as amended from time to time;