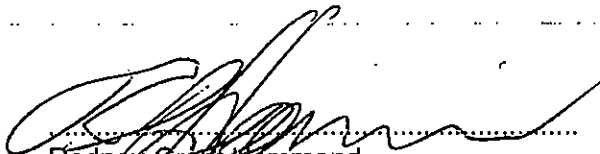


BY-LAWS
COMMUNITY CORPORATION NO. 25691 INC
PURSUANT TO SECTION 34 OF THE COMMUNITY TITLES
ACT 1996

COMMUNITY DIVISION
POINT BOSTON

Certified correctly prepared in accordance with the requirements of the
Community Titles Act, 1996 by the person who prepared the document.



.....
Rodney Grant Hammond
306 Urley Road
Hyde Park SA 5061

This is a copy of the By Laws referred to in the attached Certificate.



.....
Ian Derek Crossland, Presiding Officer

COMMUNITY CORPORATION NO. 25691 INCORPORATED

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APPENDIX 1

COMMUNITY TITLES ACT 1996

BY-LAWS

COMMUNITY CORPORATION NO. 25691 INC

IMPORTANT NOTICE

These By-Laws bind the Community Corporation, the owners of the Community Lots and any persons entering the Community Parcels.

These By-Laws relate to the control and management of the Common Property and the Community Lots and as such may only be amended or revoked by special resolution by the Community Corporation in accordance with Section 39 of the Community Titles Act and Regulations.

PART 1 - DEFINITIONS

1. BY-LAW 1 - DEFINITION

The definitions and interpretations set out herein and set out in section 3 of the Community Titles Act 1996 shall apply to these By-Laws and unless the context otherwise requires, the expressions:

- 1.1 "the Act" means the Community Titles Act 1996 as amended;
- 1.2 "Common Property" means the Common Property created by Community Plan No. 25691 including without limitation all beaches within the Community Parcel;
- 1.3 "Corporation" means the Community Corporation No. 25691 Incorporated constituted in accordance with Part 9 of the Act and includes an officer, agent, servant, contractor or representative of the corporation appointed in writing;
- 1.4 "Design Guidelines" means the Design Guidelines annexed as Appendix 1 as varied from time to time by the Corporation by notice in writing to the Lot Holders from the Corporation;
- 1.5 "Community Parcel" means the whole of the land comprised in Community Plan No. 25691;
- 1.6 "Lot" means a Community Lot comprised in Community Plan No. 25691;
- 1.7 "Lot Holder" means the owner of a lot;
- 1.8 "Occupier" of a lot includes, if a lot is unoccupied, the owner of the lot;" and
- 1.9 "Tourist Facility Lot" means that Lot to be created from Development Lot 3003 in Community Plan No. 25691.

Unless the contrary intention appears the following applies:

- (a) a reference to an instrument includes any variation or replacement of it;
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) the singular includes the plural and vice versa;
- (d) the word "person" includes a firm, a body corporate, an association or an authority;
- (e) words of any gender include every gender;
- (f) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, without limitation persons taking by novation) and assigns;
- (g) a reference to a day is the reference to the period of time commencing at midnight and ending 24 hours later; and
- (h) headings are inserted for convenience and do not effect the interpretation of these By-Laws.

If the whole or any part of a provision of these By-Laws are invalid, unenforceable or illegal, it is severed. The remainder of these By-Laws will have full force and effect.

PART 2 - MANDATORY BY-LAWS

2. BY-LAW 2 - RESPONSIBILITY OF CORPORATION

- 2.1 The Corporation is responsible for the administration, management and control of the Common Property.
- 2.2 The Corporation is responsible for the maintenance operation repair and replacement of all improvements and service infrastructure on or forming part of the Common Property including without limitation:
 - 2.2.1 the waste water treatment facility forming part of the Land;
 - 2.2.2 the potable water domestic top up water supply system;
 - 2.2.3 all pedestrian walkways and internal roadways forming part of the common property

and for that purpose the Corporation must enter into appropriate arrangements with third party consultants or contractors for the purpose of ensuring that it complies with its obligations pursuant to this by law in accordance with all relevant statutory requirements, authorities and approvals.

2.3

- 2.3.1 Without limiting the provisions of By-Law 2.2 the Corporation is responsible to undertake the following:
- (a) coordination of the installation, annual inspection, repair and maintenance of the on-site waste water treatment units on each lot the cost of which shall be borne by each lot owner in addition to Corporation levies;
 - (b) operation, repair, maintenance and monitoring of the waste water treatment system;
 - (c) compilation of the annual monitoring, management and contingency plan for the waste water and where necessary submission of same of the Department of Health and EPA; and
 - (d) settlement and collection of individual levies in addition to other Corporation levies on all lot owners sufficient to meet the provision of the above services (except where the cost is to be borne directly by the lot owner) including the establishment of a sinking fund to adequately cover non-current expenditure.
- 2.3.2 The Corporation must keep the Common Property including all beaches within the Community Parcel tidied and in a state of good and serviceable repair and shall always properly maintain all chattels, fixtures and fittings plant and equipment held by the Corporation or used or intended, adapted or designed for use in connection with the Common Property or the enjoyment thereof by the Lot Holders or Occupiers or by their families or visitors.
- 2.3.3 The Corporation may enter into appropriate agreements with a third party or parties for such party or parties to provide services for the benefit of Lot Holders on behalf of the Corporation in respect of the matters the subject of By-law 2.3.1 including the appointment by the Corporation of a caretaker if such appointment is reasonably required.
- 2.3.4 The Corporation shall be responsible to maintain all bushfire buffers situated upon the Scheme Land including any bushfire buffers which are situated on any Lots in accordance with the requirements of the Bushfire Management Plan and in accordance with the requirements of the Country Fire Service or the Council from time to time.

3. **BY-LAW 3 - USE AND ENJOYMENT OF THE COMMON PROPERTY**

The Common Property is subject to the Act and these By-Laws for the common use and enjoyment of the residents in the community scheme and their visitors.

PART 3 - COMMUNITY PARCEL

4. BY-LAW 4 - PROHIBITED ACTIVITIES

A person bound by these By-Laws must not on the Community Parcel without the consent of the Corporation:

- 4.1 make or allow their visitors to make undue noise in or about the Community Parcel;
- 4.2 interfere or allow their visitors to interfere with other's use or enjoyment of the Community Parcel;
- 4.3 be inappropriately or inadequately clothed when upon the Community Parcel as to be visible from another lot or the Common Property;
- 4.4 use any language or behave in a manner likely to cause offence or embarrassment to others when on the Community Parcel;
- 4.5 damage or deface any building, sign, structure, plant or equipment on the Community Parcel;
- 4.6 disobey any reasonable directions or requests from an officer of the Corporation;
- 4.7 without written consent of the Corporation use any portion of the Community Parcel as a business premises at which services are provided to the public or to which the public is invited to negotiate for the sale of services. This By-Law shall not apply to the Tourist Facility Lot;
- 4.8 without written consent of the Corporation carry, use, discharge or expose any firearm, explosive, fireworks, airgun or other weapon on the Community Parcel including a Lot;
- 4.9 play cricket, golf or any other game on any portion of the Common Property in such a manner as to interfere with the safety or comfort of any other person;
- 4.10 without written consent of the Corporation walk on any portion of the Common Property comprising native vegetation except on designated pedestrian walkways;
- 4.11 without written consent of the Corporation camp on any part of the Community Parcel including a Lot;
- 4.12 without written consent of the Corporation allow a caravan to be used on the Community Parcel including a Lot for the purpose of accommodation;
- 4.13 without written consent of the Corporation drive a motor vehicle on any portion of the Community Parcel other than designated internal roadways forming part of the Common Property;
- 4.14 perform the work or repairing, painting, panel beating or other work of any nature on any vehicle or other equipment on any portion of the Common Property (except in any area provided for such activities) provided that this paragraph shall not extend to running repairs in the case of breakdown;
- 4.15 obstruct any person's lawful access to any lot or to the Common Property;

- 4.16 without written consent of the Corporation ride any off road motorbikes, quad bikes or buggies on the Community Parcel including a Community Lot; and
- 4.17 without written permission of the Corporation operate an incinerator on a Lot or otherwise allow any burning off to occur;

PART 4 - USE OF COMMUNITY LOTS

5. BY-LAW 5 - USE OF LOTS

A person bound by these By-Laws:

- 5.1 must not use the Lot, or permit the Lot to be used, for any unlawful purpose;
- 5.2 must not do or permit or cause permit or suffer to be done or permitted on or about the Lot, any act, matter or thing whatsoever which is or may in the opinion of the Corporation be an offence under any act of the State of South Australia or the Commonwealth of Australia or regulation or By-Law thereunder for the time being in force;
- 5.3 the Corporation shall be permitted by each Lot Holder or Occupier and shall have the right at all reasonable times; and on giving the Lot Holder or the Occupier reasonable notice (except in cases of emergency when no such notice shall be required), to enter upon the Lot for the purpose or in the course of carrying out the functions or duties of the Corporation or exercising its powers which, without limiting the generality of the foregoing, shall be deemed to include the power:
 - 5.3.1 to inspect the Lot;
 - 5.3.2 to carry out maintenance repairs or work; and
 - 5.3.3 to enter upon and inspect any part of the Lot for the purpose of ensuring that the Act and these By-Laws are being observed;
- 5.4 must pay upon all rates, taxes, charges, outgoings and assessments in respect of their Lot as they become due and payable;
- 5.5 must, subject to the Act and these By-Laws notify the Corporation of any repairs and maintenance required to their Lot or to any Common Property;
- 5.6 must ensure that all vehicles (including cars) and all boats and caravans on a Lot are stored wholly within the lot holders Lot.

6. BY-LAW 6 - NATURE OF IMPROVEMENTS

- 6.1 No Occupier shall erect any building or improvements on the lot or make any alteration or addition in or to the lot or any improvement thereon unless:
 - 6.1.1 All approvals from the Design Review Architect have been obtained as required by the Design Guidelines; and

6.1.2 such building improvements, alterations or additions as the case may be are designed, sited and constructed in accordance with the Design Guidelines.

6.2 No Occupier shall permit a shed or other structure to be erected upon a Lot unless such shed or structure is:

6.2.1 constructed contemporaneously with the construction of a dwelling on the Lot; and

6.2.2 is constructed in accordance with the Design Guidelines and the Design Review Architect approval.

7. BY-LAW 7- OWNER OF LOT MUST MAINTAIN AND REPAIR

7.1 The owner of a Lot must maintain and keep in good repair all buildings and structural improvements to the Lot (including paintwork and external finishes) together with all services and service infrastructure situated within a Lot.

7.2 The owner of a Lot must carry out any work ordered by a council or other public authority in respect of the Lot.

7.3 The owner of a Lot must carry out any work required by the Corporation in respect of the Lot.

8. BY-LAW 8 - OCCUPIER/OWNER OF LOT MUST KEEP LOT CLEAN AND TIDY

8.1 The Occupier of a Lot must keep the Lot in a clean and tidy condition.

8.2 The Occupier of a Lot must:

8.2.1 store garbage in an appropriate container that prevents the escape of unpleasant odours;

8.2.2 comply with any requirements of the Council (if any) for the disposal of garbage; and

8.2.3 If required by the Corporation separate all garbage into recyclables including plastics and glass and ensure that those items other than the domestic waste to be collected by the Council or other party appointed by the Corporation are taken to that part of the Common Property set aside for the receipt of such items.

8.2.4 the owner or Occupier of a Lot must comply with all requirements of the Corporation with respect to the storage of rubbish and waste materials including without limitation any requirements of the Corporation with respect to the type of receptacle in which rubbish or waste must be stored, the location of such receptacle and the separation of different classes of rubbish and waste.

9. BY-LAW 9 -THIRD PARTY PROPERTY AND BODILY INJURY INSURANCE

9.1 Each Lot Holder shall carry their own third party property and bodily injury insurance on the Lot extending to cover any person occupying the Lot Holder's Lot.

9.2 The policy of insurance to be carried by the Lot Holder shall be issued by a company approved by the Corporation and shall give such cover as the Corporation

in its absolute discretion may require, the minimum requirement being that such a policy of insurance shall give cover for loss or damage to property or person of third parties to a minimum of \$10,000,000 in respect of any accident or event.

- 9.3 Proof of coverage by way of a copy of the Lot Holder's current receipted insurance schedule or policy shall be supplied to the Corporation on request.

10. BY-LAW 10 - PROHIBITION OF DISTURBANCE

10.1 The Occupier of a Lot must not engage in conduct that unreasonably disturbs the Occupier of another Lot or others who are lawfully on a Lot or the Common Property.

10.2 The Occupier of a Lot must ensure as far as practicable that persons who are brought or allowed on to the Lot or the Common Property by the Occupier do not engage in conduct that unreasonably disturbs the Occupier of another Lot or others who are lawfully on a Lot or the Common Property.

11. BY-LAW 11 - KEEPING OF PETS

11.1 A person bound by these By-Laws must not, without the written consent of the Corporation, keep any animal in, or in the vicinity of a Lot other than:

11.1.1. one (1) cat per lot which cat must at all times wear a bell; and the cat should be kept within the boundary of the Lot between 7pm and 7am; and

11.1.2 one (1) dog provided that dog must be on a leash at all times that a dog is on the Community Parcel other than a Community Lot (private Lot) or within any area designated and identified as a dog off leash area by the Corporation.

11.2 Where an Owner or Occupier of a lot or any other person who is on the Common Property with an Owner or Occupier of a lot's consent (express or implied) brings or keeps a pet on the lot or any other part of the Common Property, that Owner or Occupier:

11.2.1 is liable to the Owner or Occupier of their lots and all other person lawfully on the Common Property for any noise which is disturbing to an extent which is unreasonable and for damage to or loss of property or injury to any person caused by the pet;

11.2.2 is responsible for cleaning up after the pet has used any part of another lot or any part of the Common Property; and

11.2.3 must if required by an ordinary resolution of the Corporation arising from a breach of By-Law 11.2.1 cease to keep the pet on the Lot or other part of the Common Property.

12. BY-LAW 12- CHANGE IN OWNERSHIP

A Lot Holder must immediately notify the Corporation of:

12.1 any change in ownership of the Lot, or any change in address of a Lot Holder; and

12.2 any change in the occupancy of the Lot.

PART 5 - GENERAL PROVISIONS

13. BY-LAW 13 - DISPLAY OF SIGNS AND ADVERTISEMENTS

A person must not display a sign or advertisement on a Lot or the Common Property without the written approval of the Corporation.

14. BY-LAW 14 - OBSERVE SPEED LIMITS

All Lot Holders and Occupiers must comply with all speed limits proposed from time to time by the Community Corporation and approved by the relevant government, municipal or statutory body or authority in respect of those parts of the Community Property comprising roads.

15. BY-LAW 15 - INDEMNITY AND RELEASE

A person bound by these By-Laws shall:

15.1 indemnify and forever hold harmless the Corporation from and against any actions, claims, demands, losses, damages, costs and expenses which the Corporation shall or may become liable in respect of or arising out of any loss or injury personal or in respect of property (suffered by any person in on or about the Lot or Common Property) except and to the extent that such loss or injury was caused or contributed to the negligence of the Corporation; and

15.2 occupy and use and keep the Lot at the risk in all things of the Lot Holder and the Lot Holder hereby releases to the full extent permitted by the law the Corporation from any and all claims, demands and damages of every kind resulting from any accident, damage or injury occurring therein except at to the extent that any such claims, demands and damages arise from or as a consequence of the negligence of the Corporation or any servant or agent of the Corporation.

16. BY-LAW 16 - SERVICES

Notwithstanding any implication or rule of law to the contrary, the Corporation shall not in any circumstances be liable to the Lot Holder for any loss or damage suffered by the Lot Holder for any malfunction, failure to function or interruption of or to the water, gas, electricity, power, telephone or other services to the Lot or for the blockage of any drains, or stormwater drains from any cause whatsoever.

17. BY-LAW 17- PERMITS

17.1 In any By-Law of the Corporation, unless the contrary intention is clearly indicated, the words "the consent of the Corporation" means the permission of the Corporation given in the form of a written permit.

17.2 The Corporation shall have the power to grant permits in respect of any activity in or on the Community Parcel.

17.3 The Corporation may attach such conditions to a permit as it thinks fit and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.

17.4 The Corporation may grant a permit for a term of up to twelve (12) months for an identified activity as it thinks appropriate.

- 17.5 A permit holder shall comply with each and every condition of the permit.
- 17.6 Each event which is a breach of the permit shall constitute a separate offence under these By-Laws.
- 17.7 A permit holder shall pay to the Corporation in advance, such fee as may be determined by the Corporation for the Corporation issuing the permit to the permit holder.
- 17.8 Subject to the terms of the permit, the Corporation may cancel, suspend or revoke the permit at any time by notice in writing to the permit holder.

18. BY-LAW 18 - OFFENCES

A person who contravenes or fails to comply with the provisions of these By-Laws is guilty of an offence.

Maximum Penalty: The maximum prescribed under the Act.

19. BY-LAW 19 - BREACH

Where a person bound by these By-Laws has acted in breach thereof and the Corporation has incurred expense in remedying such breach, the Corporation shall be entitled to recover such expense from such person.

20. BY-LAW 20 - REMOVAL OF PERSONS

The Corporation may remove any person from a part of the Community Parcel who is found committing a breach of a By-Law in that part.

21. BY-LAW 21 - WAIVER

No waiver by the Corporation of one breach of any rule, covenant, obligation or provision herein contained or implied shall operate as a waiver of another breach of the same or any other rules, covenants, obligations or provisions herein contained or implied.

22. BY-LAW 22 - NOTICE

Any notice required to be served under these By-Laws shall be sufficiently served on the lot Holder if left on the lot addressed to the Lot Holder or if addressed to the Lot Holder at the last known address of the Lot Holder and forwarded by pre-paid post and if notice is given by post it shall be deemed to be served at the time when in the ordinary course of post it would be delivered at the address to which it was sent.

23. BY-LAW 23 - NOTIFICATION OF DEFECTS

A proprietor or Occupier of a Lot must promptly notify the Corporation on becoming aware of any damage to or defect in the Common Property or any personal property vested in the Corporation.

24. BY-LAW 24 - COMPENSATION TO CORPORATION

The proprietor or Occupier of a Lot shall compensate the Corporation in respect of any damage to the Common Property or personal property vested in the Corporation caused by that proprietor or Occupier or their respective tenants, licensees or invitees.

25. BY-LAW 25 - COMPLAINTS AND APPLICATIONS

Any complaint or application to the Corporation must be addressed in writing to the Manager, or where there is no Manager, the secretary of the Corporation.

26. BY-LAW 26 - BUSH FIRE MANAGEMENT PLAN

The Corporation shall at all times maintain and implement a Bush Fire Management Plan, which plan shall at all times be in accordance with and subject to the requirements of the Country Fire Service.

27. BY-LAW 27- MISUSE OF WASTE WATER TREATMENT FACILITY

27.1 A Lot Holder or Occupier must not permit any oil or caustic material or any other material detrimental to the waste water treatment system to enter the waste water treatment system and must ensure that guidelines provided by the Corporation from time to time in respect to the operation of the waste water treatment system are complied with.

27.2 The Corporation shall be entitled in the event of a breach of By-Law 27.1 to disconnect the relevant Lot from the waste water treatment system.

28. BY-LAW 28 - WEED CONTROL

28.1 All Lot Holders and Occupiers must ensure that all weeds on a Lot are at all times controlled and when necessary eradicated.

28.2 To protect the Native Vegetation surrounding each residential area, the Corporation encourages Lot Holders to plant Australian Natives whenever possible and discourages Lot Holders from planting exotic or invasive plant species.

28.3 A list of recommended and prohibited plant species will be maintained by the Corporation.

29. BY-LAW 29 - WATER SUPPLY

29.1 In respect of any water supplied to a Lot from the SA Water supply to the Community Parcel the Lot Holder shall be obliged to pay for such supply at the rate charged by SA Water to the Corporation for the supply to the Community Parcel plus ten percent (10%).

29.2

29.2.1

(a) The Corporation shall construct and install a waste water treatment facility and shall provide a connection point on such boundary of the lot determined by the Corporation;

(b) The Corporation shall permit the District Council of Lower Eyre Peninsula access to the Common Property for the purpose of exercising its rights to undertake any works in respect of the construction and installation of the waste water treatment facility granted by the Council pursuant to a certain Bonding Agreement prior to the deposit of the community plan in respect of the Community Parcel.

- 29.2.2. The Corporation shall construct and install a potable water supply system and a potable water domestic top-up supply system and shall provide connection points on such boundary of the lot.
- 29.2.3. Each individual Lot Holder must install, at the Lot Holder's cost, separate water meters and backflow prevention valves within the Lot Holder's Lot for potable water in accordance with all statutory requirements;
- 29.2.4. Individual Lot Holders must install at the Lot Holder's cost a waste water treatment system in accordance with the Design Guidelines which will connect at a boundary point nominated by the Corporation to the waste water treatment facility.

30. BY-LAW 30 - SATELLITE DISHES

If a Lot Holder at its own cost and expense arranges for connection to satellite television, satellite dishes must comply with the Design Guidelines.

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

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BY-LAWS
Development No. 932/C029/06

APPENDIX 1
DESIGN GUIDELINES

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

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BY-LAWS
Development No. 932/C029/06

POINT BOSTON

DESIGN GUIDELINES
2022

EAST BAY
RESIDENTIAL DEVELOPMENT

1 INTRODUCTION

Point Boston will set a benchmark in architectural and environmental excellence for residential development.

These Design Guidelines have been prepared for a residential estate located on a pristine peninsula environment surrounded by Port Lincoln's Boston Bay. As a 'green-field' site, the project will be sensitively designed to incorporate the most advanced thinking in terms of construction and environmental standards.

Every housing allotment will be within five minutes walk to clear white sandy beaches and native vegetation conservation areas.

The residential estate has been designed as a pedestrian orientated community with a network of meandering paths between allotments, and connections to the coast and vegetated areas. Each allotment has been carefully designed, sited and orientated to capture views either towards the coast or towards the intact stands of native vegetation.

As the land comprising the residential estate is deemed to be a medium fire risk area, purchasers must comply with the Building Code of Australia requirements for medium fire risk areas and all specific CFS requirements.

2. DEFINITIONS

Contract	The contract to which the Design Guidelines are attached.
Design Review Architect (DRA)	The Architect appointed by the committee to review all prospective residential development proposals and check building compliance against the approved plans and specifications.
Building Line	The line beyond which no part of any building will be permitted to project.
Front Boundary	The allotment boundary generally closest to the coast, and from which vehicular access <u>will not</u> be gained.
Rear Boundary	The allotment boundary generally the most distant from the coast, and from which vehicular access will be gained from the adjacent private road.
Side Boundary	The allotment boundary generally shared with an adjacent allotment.
Corner Boundary	Any allotment abutted by two intersecting private roads.
Site Coverage	The combined area of the building footprint, calculated as a percentage of the allotment area, where the building footprint is inclusive of the floor area of any carport, garage, verandah, porch and outbuilding, but is exclusive of pergolas and other unroofed structures.
Hardstand	All impervious paved ground level areas. This shall not exceed 30 percent of the allotment area.
Floor Level (AHD)	The floor level of each floor of a structure expressed in relation to Australian Height Datum (AHD).

Footprint	The area, measured between all external walls, which encloses a building and includes the area of any carport, garage, verandah, porch or outbuilding
Building Envelope	The horizontal and vertical space within each allotment beyond which no part of any building or structure may protrude.

3. ARCHITECTURAL APPROACH

A high standard of modern contemporary design, with emphasis on environmental sustainability, is required for each allotment. Prospective purchasers are therefore encouraged to seek the advice of talented professional architects and designers at the commencement of the building design process.

Architects should refer to these guidelines in establishing the design. Advice may be provided by the DRA

The aim of this approach is buildings of the highest architectural and environmental quality, where each residence adds value to that of its neighbour and to the community as a whole.

Building designs will be '360' in nature, with all elevations sensitively and carefully designed and constructed to the highest standards, to be attractive when looked at from every direction.

4. APPROVAL PROCEDURE

To ensure that approvals are expedited as quickly as possible and with minimum expense, prospective purchasers are required to provide documentation as follows.

Step 1: Schematic Design Review:

- Complete and submit 'Schematic Design Review Application' form, which can be downloaded from the website together with a sketch design plan of the proposed residence which has been designed in accordance with these guidelines.
- Upon examination and approval of the Schematic Design Review Application by the **Design Review Architect (DRA)**, permission will be either given to submit a formal development application (District Council of Lower Eyre Peninsula-DCLEP), to build on the allotment in accordance with the sketch design provided or advice will be provided as to any alterations required to achieve consistency with the design guidelines
- Any required alterations, such as:
 - alterations to buildings, fences and landscaping;
 - additions to buildings;
 - repainting – colours, etc; and
 - ancillary structures,must be resubmitted to and approved by the **DRA**.
- The **DRA** may approve minor variations to the Design Guidelines on a case-by-case basis, but such minor variations as may be approved will not necessarily be accepted as setting a precedent for other or future approvals.

Please submit a digital / electronic file per email of all documents suitable **ANNOTATED** and **COLOURED** to:

POINT BOSTON DESIGN REVIEW ARCHITECT
E+MQ Architect
Email: dm@dmadesign.com.au
7 Hermitage Crescent
Port Lincoln SA 5606

together with payment of \$500.00 + GST to cover the cost of assessment and pre-completion review. All developments will be reviewed for "as constructed" compliance against the submitted and approved plans and specifications. Builders (Lot holders) will be required to rectify non-compliance before homes are certified for occupancy. Penalties may be applied.

- All documents submitted must be clearly marked with the owner's name, address and contact details, including the address of the allotment and allotment number for which **DRA** approval is sought.

Important Notes

*Obtaining **DRA** approval under these Design Guidelines is not a substitute for obtaining planning and building approval from the District Council of Lower Eyre Peninsula. The Council has a statutory requirement under the Development Act 1993 to administer the Development Plan for its area and is the relevant planning authority for all development (building and land division) matters. A separate and subsequent development application must be submitted to and approved by the District Council of Lower Eyre Peninsula. Development must not proceed until the Council has issued development approval planning and building consent).*

Statutory obligations (local, State and federal) may change from the time to time. As such, amendments to the Architectural Design Guidelines may be required as a consequence of those changes.

Documents Required (A3 Format)

- Schematic Design Review Application form.
- Schematic design drawings, all drawn to scale.
- Site Plan drawn to scale of 1:200, showing the position of every proposed building, and including all dimensions and setbacks, north point, paths and retaining walls shown.
- Outline the permitted building envelope and the position of all buildings within the horizontal design envelope (shown dotted).
- Building Plan of each storey showing doors, windows, overhangs and roof shape (roof pitch in degrees to be included).
- Plan of every outbuilding.
- Material types, finishes and colour schemes for all external surfaces.
- Section through allotment and building(s) indicating relationships of floor level(s) to site levels.
- Coloured elevations of each façade indicating material selections drawn in a true representation of scale and colour and how those facades will fit within the vertical design envelope (shown dotted).
- Details of fencing extent and type. Elevational drawing of detail required
- Stormwater management system.
- Upon receiving the DRA submission an invoice will be sent out to the owner to the amount of \$500.00 + GST. Review of the submission will commence upon receipt of payment

Step 2: Provisional Development Plan Consent (PDPC) & Building Rules Consent (BRC) applications to the District Council of Lower Eyre Peninsula (DCLEP)

After receiving schematic design approval from the *DRA*, owners must then submit their application to a standard necessary for formal lodgement with the District Council of Lower Eyre Peninsula as a development application, in accordance with the Development Act 1993. The development application process involves documentation necessary to obtain what is known as Provisional Development Plan Consent (*planning approval*) and Provisional Building Rules Consent (*building approval*).

Both consents amount to what is then referred to as *Development Approval*. (DA) Building approval can be obtained either from the Council or from a Private Certifier, but whatever arrangement is adopted, the documentation submitted for building approval must correspond with the documentation submitted for planning approval.

Building works (including site excavation) must not commence until development approval (DA) has been obtained, in writing, from the District Council of Lower Eyre Peninsula.

Step 3: Pre- Completion inspection

Upon the completion of construction works and before occupation of the building by the owner the *DRA Architect* shall be contacted (at least 1 weeks' notice) to arrange a visit to the site to check compliance with the *DRA approval* documentation. A formal letter will be issued thereafter as to successful compliance or items to be remediated to gain final approval.

5. GENERAL BUILDING REQUIREMENTS

5.1 Siting and Building Height (*refer -Appendix B1*)

- Building residences (i.e., those residences closest to the coast) shall be single storey structures
- The highest point of any single storey structure shall be 5.5metres, measured from the finished ground *floor level* to the highest point of the roof.
- No building shall be greater than two storeys in height
- The highest point of any two-storey structure shall be 8.2metres.
- No building shall be sited closer to any *side or front boundary* than 2.0 metres. -
- Building *site coverage* should not exceed 40 percent of the allotment area.
- Building setback from the *rear boundary* should be no less than 4.0 metres
- Buildings, while oriented to take advantage of coastal or native vegetation views, should be designed to maximise northern winter sunlight penetration into living areas.

The upstairs to each double storey dwelling should be no wider than 65% of the average of the width of the allotment at the front and rear of the dwelling. This does not apply to the high set dwellings on specified lots where normal 2m offsets from boundaries apply. The specified high set lots for stage one is lots 1, 2, 3,122-124,128,127,153-159, 180-183, and 200-207.

5.2 Architectural Style

- Contemporary Australian coastal architectural designs (*see examples attached for reference- Appendix B2*) are encouraged for every residence and ancillary structures. Period reproduction styles such as Tudor, Federation, Tuscan and Heritage and adaptations of these design themes are strongly discouraged and can be rejected at the discretion of the *DRA*

- 5.3 Roof decks and balconies for viewing purposes will be allowed, provided that they are contained within the building envelope.
- A covered stair access, no greater than 4.0 square metres in area, will be allowed to exceed the building height (vertical) envelope, at the discretion of the *DRA*.
 - Roof decks and balconies are required to be incorporated entirely within the main roof structure, and designed as an integrated component of the overall residential design

5.4 Materials and Construction

- All building materials shall be selected to withstand exposure to coastal conditions.
- All building materials must be approved by the CFS Development Assessment Unit.
- Ferrous materials must be either pre-coated, hot dip galvanised or stainless steel to achieve the highest standard of corrosion resistance. All steel sheet roofing shall be proprietary factory colour coated metal profiles approved to provide optimal corrosion resistance
- All stainless steel fittings shall be of marine standard.
- Brick veneer homes must have either a rendered façade or face brick / blockwork that is in keeping with a coastal themed surface finish/colour (in accordance with 5.8 walls)
- Metal cladding shall not exceed more than 50 percent of any wall surface unless approved on architectural merit basis by the *DRA* (see 5.8).
- Recycled materials with the approval of the *DRA*

5.5 Roofing

- Roof materials shall be:
 - Proprietary factory coated steel sheeting profiles, noting coastal conditions
 - Flat profile shingle tiles, or
 - Other materials by approval of the *DRA*

5.6 Lightweight Constructed Dwellings

- Dwellings on stumps or poles up to and including two storeys will be permitted, provided they are filled in with cladding to ground level and constructed on site
- Lightweight construction, including prefabricated homes, with timber floors on joists and cladding will be approved based on their architectural merit as per 3 & 5.2 above.

5.7 Walls

Walls shall be clad with materials as listed in 5.5 in such a way as to provide textural and or colour variation over each facade. Material variation may also be considered in regard to directional change of profiles on an individual façade. The *DRA* reserves the discretion to give advice and request re-design if necessary.

5.8 Colour

- External colours should generally be complimentary and or provide good backdrop to the surrounding landscape including the water. For two storey residences the lower level may be of a darker hue than the upper level.

5.9 Sun Control

- All windows facing north and west should be protected from direct sunlight by eaves, screens or awnings.

5.10 Overlooking/Privacy

- As per SA Planning Authority regulations

5.11 Acoustic and visual Privacy

- The siting of air-conditioning compressors shall be carefully located to minimise the impact on neighbouring residences. All services to be designed to be visually hidden as far as practicable from all adjacent neighbouring properties.

5.12 Decks and Verandahs

- All deck and verandah supports must be timber, galvanised steel or masonry /concrete construction and shall be pre-treated, painted or stained to match or compliment the colour of the dwelling or be an appropriate trim colour
- Verandah roofs must be compatible in colour, material and form with the main roof
- Verandahs should contain detailing elements to enhance their appearance from the road. Shutters or retractable windows will be effective in attenuating solar and acoustic impacts

5.13 Driveways

- No wider than 2 vehicle access per allotment (max 6.0m).
- Approved materials and finishes may include:
 - Masonry/clay pavers
 - Exposed aggregate concrete finish
 - Compacted gravel
 - EcoRaster or similar

Driveway access is only permitted via the rear boundary (street side).

- A landscaping strip of 0.75 metres in width should be planted with screen planting or groundcover between the driveway and the side boundary.

5.14 Outdoor structures

- Outdoor free standing structures including gazebos and storage sheds will be allowed provided they are located within the building envelope and provided they are constructed in materials and designed to complement the dwelling.
- The combined floor area of any outdoor freestanding structure will be included in the calculation of the site coverage.

5.15 Fencing

Fencing, although not mandatory, will have an integral role in the appearance and character of the residential estate. For this reason, considerable emphasis is placed on the design, size and appearance of fences. (see *Appendix B2*)

- There shall be no fencing to any *rear* boundary, being the boundary of an allotment, which is to the street access side of the main building line of the dwelling.
- Fencing to any front boundary shall be no higher than 1.2 m and shall be constructed of rural post & wire. The DRA reserves discretion to give advice on submitted details of fencing intentions by the owner. The fencing colour and type shall be complimentary to the building in colour and material selection.
- Fencing to any side boundary shall be no higher than 1.8m. The extent of this height shall relate to the further most extremes of the building to the front and rear boundaries. Thereafter it shall continue at 1.2 m in height.
- Fencing options include:
 - Proprietary coated steel profile fencing panel with inserts of timber or timber composite panelling.

- rendered masonry piers and inserts i.e. timber slats,
- Slatted timber
- rural post + wire or other wire/mesh type pet friendly fencing

Where fencing options (excluding rural post + wire) are chosen the fence will serve primarily for the screening of external services such as air conditioner compressors, pumps tanks etc. The fence shall have a maximum height of 1.8m and not protrude past the house extremities. The fencing selection shall compliment and relate to material choices and colours of the main building.

5.16 Appurtenances and Ancillary Structures

- Roof mounted evaporative coolers and air-conditioners shall be designed in such a way as to be part of the house design and made as unobtrusive as possible to the view of adjacent neighbours, and shall not skyline without appropriate screening complimentary to the house design. when viewed from any direction.
- Antennas and or Satellite dishes need careful placement so as to maximise reception but minimise visual disturbance
- Clotheslines shall be retractable type, located in private screened courtyards and concealed from public view.

5.17 Excavation and filling

- Sites shall be excavated rather than filled i.e., cut only, or cut and fill
- No excavation or fill to exceed 1200mm in depth
- Site and house levels to be included in DRA approval process

5.18 Bushfire and Resistance

- Every application for new housing must be sent to Country Fire Service (CFS) for assessment by the District Council of Lower Eyre Peninsula. Application will not be approved unless it:
 - Includes fire water storage details that meet the requirements of the CFS, namely a supply of 4000 litres of water (this can be a designated supply within the rainwater supply tanks), which is available at all times for bushfire fighting purposes on each allotment. This supply is to be connected to a 5.5hp petrol pump capable of pressuring water for bush fire fighting purposes, with 30 metres of fire fighting hose. The dedicated water supply must be stored separately and backed up by mains supply. A label marked "Fire Water" is to be affixed. The diameter of all fittings and flexible reinforced suction hose connecting the water supply to the fuel driven pump shall be no smaller than the diameter of the pump inlet valve.
 - All supporting structures (tank stands) for bushfire fighting water tanks shall be constructed of non-combustible material.
 - All non metal fire fighting water supply pipes other than flexible connections to fire fighting pumps shall be buried at least 300mm below finished ground level.
 - All above ground bush fire fighting water supply pipes shall be metal.
 - Hose(s) 30 metres length and minimum 19mm internal diameter and metal, spray jet nozzle (s) capable of withstanding the pressures of the supplied water and the sufficient length to reach all parts of the building, shall be readily available at all times.
 - The building shall incorporate the construction requirements.

- The bushfire site attack category has been assessed as MEDIUM.
- Meets the minimum bushfire safety requirements of the Building Code of Australia (BCA) Australian Standards AS 3959, including the use of materials of construction that conform with the requirements of that code.
- A separate free standing or integrated fire water tank is required provided with a LONDON fitting.
- Trees and shrubs should not be planted closer to buildings than the distance to their mature height.
- Grasses within 20 metres of a dwelling, must be reduced to a height of 10cm within the fire danger season.
- Understorey plants and shrubs within 10 metres of the dwelling (or to the boundary properties – whichever comes first) shall be maintained at a density such that when considered overall a maximum coverage of 50% is attained, and so that the leaf area of shrubs within this area is not continuous. Understorey is defined as plants and bushes up to 2 metres in height. Careful selection and landscaping planning will permit the 'clumping' of shrubs where desirable, for species diversity and privacy and yet achieve the overall maximum density of 50%.
- In addition to the above, the vegetation within each allotment shall be managed in accordance with the Point Boston Corporate Bushfire Prevention and Management Guidelines.

5.19 Waste Management

- The Purchaser must install at his own cost an approved waste treatment system which will connect at a boundary point on the land purchased by the owner .
- The purchaser will pay an \$8,000 connection fee to the Point Boston Community Corporation for connection to the water treatment system. This fee will be payable from all connections from the 1st March 2022.
- The purchaser must install a rainwater tank or tanks in accordance with all statutory requirements relating to the development of a Lot together with a rainwater tank overflow pit of not less than two cubic metres which must be filled with forty-millimeter (40mm) rock.
- The Purchaser must install at its own cost a pump on each individual allotment as follows:
 - Lots 1-5 and 153-207 – Low lift Pedrollo Sumo 2/5; or similar approved
 - Lots 6-152 – High lift Pedrollo Sumo 2/7; or similar approved.

5.20 Water Services Plumbing - (Refer also to Appendix A)

- The purchaser will install for household use:
 - A primary drinking water supply from roof rainwater tanks with a supply pump, micro-filter and ultraviolet (UV) disinfection.
 - A trickle feed back up drinking water supply delivering to the rainwater tanks from a mains water reticulation in the street.
 - A 4000 litre standalone or integrated fire service tank, filled and maintained by a trickle feed from the mains reticulation in the street.

- o An approved waste water treatment unit with pumped connection to a treated effluent collection network in the street.

6. ENVIRONMENTAL CONSIDERATIONS

Development at Point Boston will reflect and incorporate into its design, siting and construction an understanding and commitment to the principles of environmental sustainability. To this end, and in addition to current statutory requirements, it will be 'requirement' for each homeowner to commit to these principles by achieving an acceptable energy 'star' rating as per current requirements via the mandatory energy rating assessment for the council building rules approval.

Also, the owner must nominate items listed in the table below which are to be incorporated in their design so as to achieve a minimum 50 points

Item		Points
1	Roof top Solar PV	10
2	Battery backup storage (for PV)	10
3	Homeowner commitment to purchase green power	5
4	Domestic Lighting- LED fittings	5
5	Boosted Solar hot water system	5
6	Clothes drying lines	5
7	Ceiling fans	3
8	Rainwater tanks	mandatory
9	AAA water fittings	5
10	Dripper irrigation in lieu of sprays	5
11	North facing windows to living areas	10
12	Structure predominantly renewable plantation timber	5
13	Solar shading to northerly, west and east aspects	10
14	Maximum star rating to all electrical appliances	5
15	Install insulation to the walls, floors and ceiling/roof to mandated rating as per the NCC	mandatory
Total		83

Appendix A

East Bay Plumbing Guide February 2022

PREFACE

The East Bay Estate is an innovative benchmark urban water conservation development designed to be partially independent of mains water. The water services are owned and operated by the Point Boston Community Corporation 25691 Inc. [PBCC]).

All dwellings have special water conservation services as follows:

- The primary drinking water supply from roof rainwater tanks with a supply pump, micro-filter and ultraviolet (UV) disinfection.
- A trickle feed back-up drinking water supply delivering to the rainwater tanks from SA Water sourced mains drinking water.
- An on-site wastewater treatment unit with a pumped connection to a treated effluent collection network in the street.
- A 4,000 L fire service tank for all houses, filled and maintained by a trickle feed from the mains drinking water in the street. This tank may be accessed by the Country Fire Service (CFS) in a fire emergency. This can be part of a combined tank.

In some streets there is a fire service main charged with mains drinking water but this is not connected to the household allotment fire service tanks.

Built-in, buried and exposed pipework for the above services is colour differentiated as follows:

- Untreated rainwater – green or green striped black
- Drinking water – blue or blue striped black
- Pumped effluent – cream or cream striped black
- Fire tank fittings – red
- *NB- A de-commissioned reticulated water network (Purple pipe) runs underground throughout the East Bay Estate. Purple pipes will have been installed in homes built before 2021. These pipes have never been used for recycled water.*

1. Rainwater and Fire Systems

1.1 Introduction

The East Bay community is committed to the sustainable use of water and supporting the community to become more water efficient.

Rainwater tanks are required to be the primary drinking water supply source and to have a mains supplementary drinking water connection as a back-up supply. The objective is for the East Bay Estate to be partially independent of mains drinking water.

1.2 Rainwater tank household drinking water supply system features

The residential buildings within East Bay Estate collect and make maximum use of rainwater. Each property captures, stores, filters and disinfects rainwater to be used on that property.

1.2.1 Minimum rainwater tank volumes

The minimum total volume of rainwater tanks required for each dwelling is:

- **One bedroom** - 22,000 L
- **Two bedrooms** - 44,000 L
- **Three bedrooms (and above)** - 66,000 L

Runoff from all roof areas on the allotment shall be collected in interconnected rainwater tanks. The rainwater tank shall be equipped with an electric pump, cartridge micro filter and UV disinfection unit to supply all drinking water quality requirements.

1.2.2 Micro filtration and UV disinfection

First flush diverters shall be used on downpipes to direct roof litter and dust away from rainwater tank inlets. The harvested rainwater shall be drawn from the final tank and pumped through a micro filter, to remove sediment, bacteria and parasites and then through a UV disinfection unit to make it safe for drinking water uses.

Filtered and UV disinfected rainwater is used for drinking water; all hot water; kitchen water; bathroom showers, baths and basins; laundry troughs; bidets and dishwashers, toilet flushing, cold water supply for clothes washing machines and garden dripper irrigation and car washing.

The UV unit has a visual display monitor to warn occupants if the unit is not functioning. If the UV unit has malfunctioned, the drinking water supply valve at the tank shall be turned off until the unit is serviced by an authorised service person.

1.2.3 Mains water back-up

Mains water (SA Water) is provided for rainwater tank back up supply during low rainfall periods. The mains supplementary drinking water supply is restricted to 0.4 L/minute by a flow controller located on a branch from the property connection service pipe.

In addition to backflow protection at the meter household supplementary mains water supply connections shall have a backflow protection air gap between the float or level switch control valve inlet and the tank overflow level.

Tank arrangements (including fire service tank)

Where a property has a buried final tank supplying the drinking water pump, filter and UV unit, a testable backflow protection device is required on the supplementary mains water supply line to the tank in addition to a non-testable dual check valve at the meter.

Tanks shall be a minimum of 500 mm below the gutters of the roof areas they service.

The 4,000 L fire service tank is filled and maintained by a 2.8 L/minute trickle feed connection from the mains supplementary drinking water connection. The fire service water storage cannot be a compartment within the drinking water tank system as long as 4000L is maintained solely for firefighting. All fire service storage tanks shall be non-combustible tanks with a backflow protected connection. This is to prevent the risk of contamination of the mains supplementary drinking water supply by backflow from the fire tanker suction hose, as in almost all cases the fire appliance would be sucking up hill.

The stored water is there for the fire protection of your property using the specified petrol fueled pump. It can also be accessed by a CFS tanker for general firefighting. The tank shall be located not more than 20 m hose-on-ground distance from the edge of road bitumen.

1.2.4 Drinking water pump set pressure

Under no circumstances is there to be a direct pressure connection between the mains water supply and the household drinking water plumbing. Mains water is only permitted to enter via the final rainwater tank serving the drinking water system.

The rainwater micro-filter element shall be replaced annually or more frequently as per the manufacturers' recommendations and the UV disinfection unit will need regular maintenance and parts replacement. It is the responsibility of householders to consult with the manufacturers of equipment to determine the frequency of maintenance.

Pipework colour coding

The colours applying to the rainwater tank and drinking water pipework, whether exposed, built-in or buried, and fire service tank fittings are:

- Untreated rainwater – green
- Drinking water – blue
- Fire tank fittings – red

Often it is not possible to obtain colour coded fittings and, except for water meters and fire tank fittings, non colour coded fittings are acceptable. However, miscoloured fittings are not acceptable, e.g. purple fittings on blue drinking water pipework. An exception is black polythene fittings which are allowed on blue striped drinking water.

Pipe marking and signs at taps

In addition to colour coding, pipe markings and signs are an important defence against cross connections. For drinking water it is not usual to have drinking water pipe marking and signs as the water is safe for all purposes.

System description

The on-site primary wastewater treatment system is an aerobic treatment unit. Treated effluent is discharged by a small allotment pump to a Community Corporation installed boundary kit connected to the pumped effluent reticulation system.

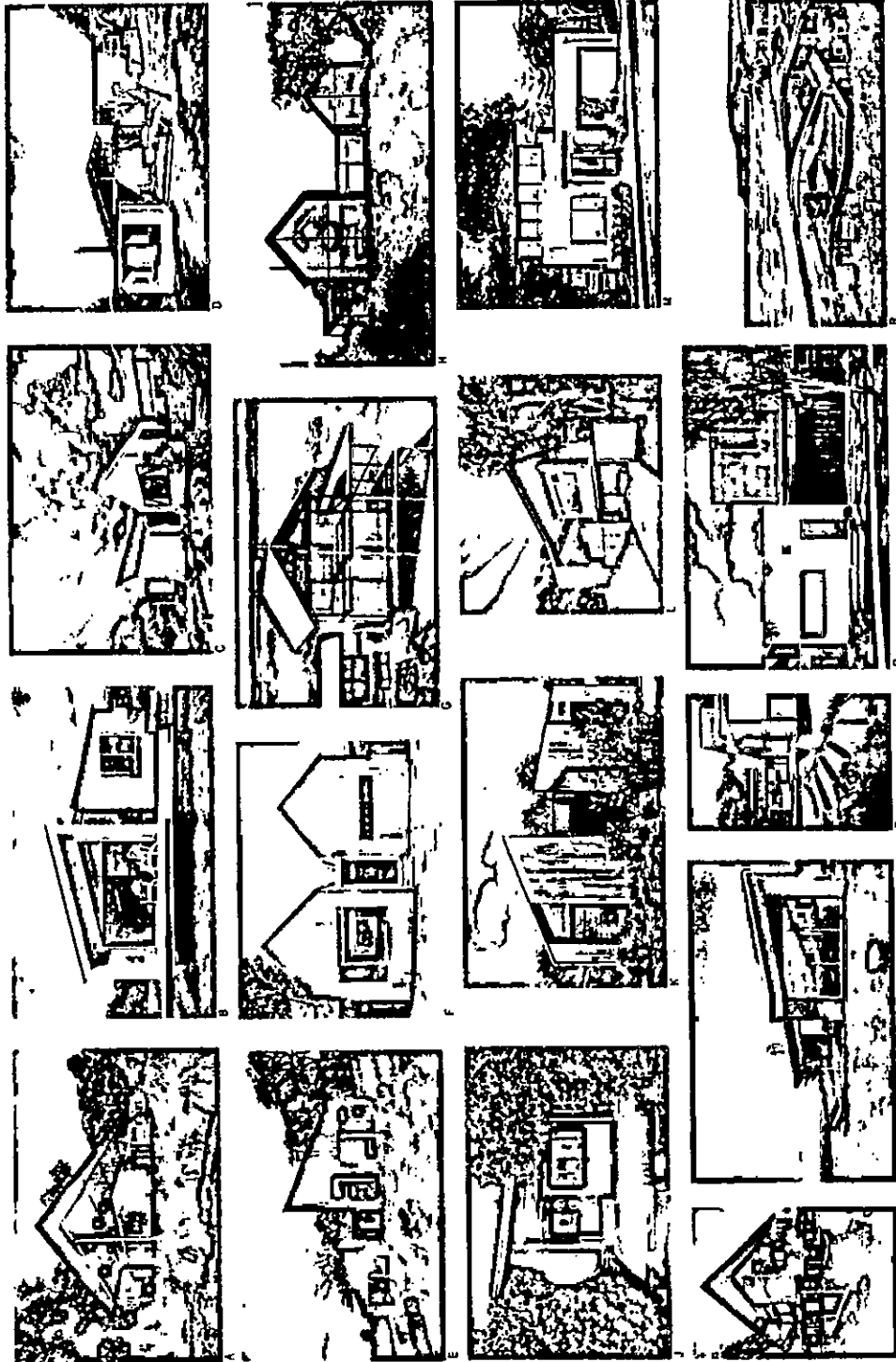
1.3 Installation, operation, repairs and maintenance

PBCC will arrange quarterly servicing for Lot holders utilising Biolytix systems (installed prior to July 2021). The cost of the servicing will be added to body corporate fees for the premises concerned.

The responsibility for callouts and general maintenance lies with the owner or occupier.

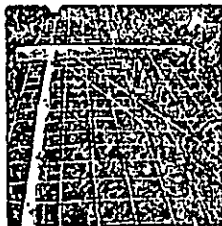
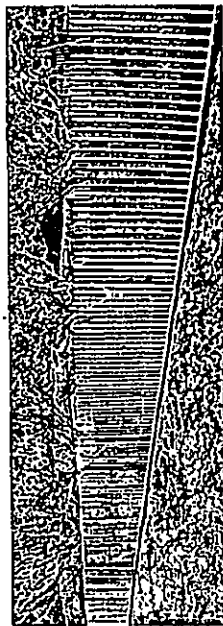
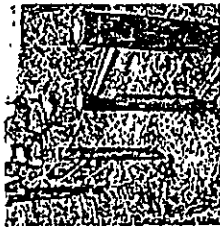
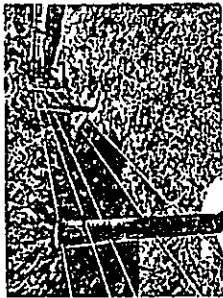
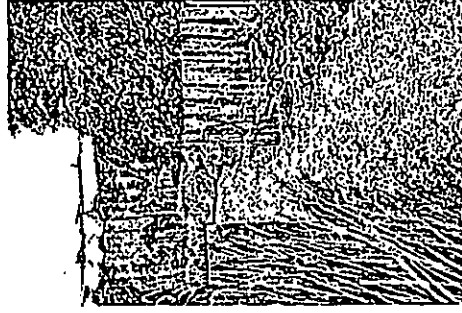
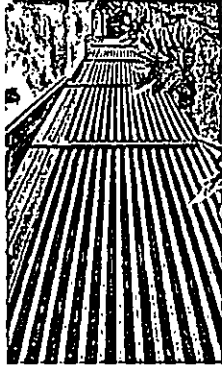
1.4 Plumber certification and works approvals

Water services plumbers installing new, or making alterations to existing wastewater and/or waste water pumped effluent plumbing are required to be inducted and certified by PBCC before commencing design or installation work on houses within East Bay Estate. Plumbing designs shall be submitted to the Council which is the regulatory body for plumbing approvals. Copies of the certificate and as-installed drawings of the rain water, drinking water, wastewater and pumped effluent pipework shall be provided to the owner/occupier, the Council and PBCC with the original retained by the plumbing contractor.



APPENDIX B2-A
ARCHITECTURAL EXAMPLE REFERENCES

POINT BOSTON DESIGN GUIDELINES
SEPTEMBER-2021



APPENDIX 82-B
FENCING EXAMPLE REFERENCES

POINT BOSTON DESIGN GUIDELINES
SEPTEMBER-2021