

MINDARIE KEYS HARBOURSIDE VILLAGE

AGREED STRUCTURE PLAN

**Structure Plan No. 13
Agreed: 14 March 2000**

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

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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

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 2C.5 fronting the north/south road near Toulon Circle from R30 to R40 (Chappell & Lambert)	W167-06/00	21 November 00 Ref: 801-2-30-22 PT 13
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 	PD07-11/02	4 March 2005
5.	<ul style="list-style-type: none"> • Modify residential density codes, reconfiguration of the road layout and amendment to a Detailed Area Plan area in the southern-most precinct. 	5 January 2005	16 March 2005
6.	Amends Table 1 as it relates to setbacks and height limits for Mixed Use lots	10 October 2006	19 January 2007
7.	<ul style="list-style-type: none"> • Recoding of Lot 418 Alexandria View, Mindarie from R100 to R160. <p>Inserted Clause:</p>	19 October 2010	23 December 2010

No.	Description of Amendment	Resolution of Council	WAPC Endorsed Advice
	<ul style="list-style-type: none"> • 3.4.2.2 (ix) – In considering any development application for R160 development at Lot 418 Alexandria View, the Council shall have regard to appropriate distribution of traffic between Medway Lane and Stockton Lane to ensure there is no undue impact on either Lane. • Element 3.4.2.2 being modified to read “Medium – High Density Development Criteria (R40-R160)”; 		

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 & R160. 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.

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.

- **“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

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.

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.

- (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.

- (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.

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.

- (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 – R160)

- (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.

- (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.
- (ix) In considering any development application for R160 development at Lot 418 Alexandria View, the Council shall have regard to appropriate distribution of traffic between Medway Lane and Stockton Lane to ensure there is no undue impact on either Lane.

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.

3.5.3 Retail Floorspace

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

TABLE 1
SITE GUIDELINES FOR DISTRICT 2 HARBOURSIDE VILLAGE

Sub Precinct	Lot Size (m ²)	No. Dwellings per lot	S E T B A C K S				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	-	-	-
2B Mixed use (Refer Note 1)	Varies	As per density coding shown on Plan 1	3.0 (Refer Note 3)	5.0	Nil	1.5m (Refer Note 4)	12m	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 Notes 1 & 5)	Varies	As per density coding shown on Plan 1 (Refer Note 2)	3.0	4.5	Nil	1.5m (Refer Note 4)	12m	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.
 - 5: Where lots are affected by the line of the zone of influence and/or the water line, the setbacks shall be in accordance with the Detailed Area Plans (DAPS).