

# **TIMBERLAKES**

## **ARCHITECTURAL CONTROL GUIDELINES**



ARCHITECTURAL CONTROL COMMITTEE  
GUIDELINES  
(revised 1996)

## **PREFACE:**

The strength of a deed restricted community lies not only in its rules and regulations but in the communities willingness and ability to enforce its rules.

The Lakes is comprised of three separate homeowners associations and one condo association. The contents of this document do not apply to the condominium association. This document also does not attempt to rewrite any associations documents and covenants. The stated prohibitions of these documents and covenants are not debatable. Enclosed, herein, is a revised and condensed set of ACC (Architectural Control Committee) Guidelines.

With strict attention and adherence to any unique language or provisions of each association, this combined set of ACC regulations draws from the best of each association with the intent to simplify language and scope.

Since enforcement of these guidelines will still rest with each individual association, this document recognizes the integrity and sovereignty of each association. Clearly, the intent of this document is to create one set of Architectural Guidelines that properly enforced will enhance our sense of community.

These Architectural Guidelines, adopted by the respective homeowners associations, supersedes all previous Architectural Guidelines in effect prior to the date of this document. Architectural changes granted to an individual homeowner, under preceding guidelines of each Association, shall remain in effect and unchallenged. However, approvals granted under previous guidelines, shall not be construed as implied approval for changes after the date of this document: application for changes after the date of this document must be in accordance with the guidelines set forth herein.

The success of this document is predicated on one simple fact...if in doubt, ask! The guidelines are a framework on which to continue building a successful community.

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## INTRODUCTION

All residents benefit from the planning and design that has been an important part of the development of The Lakes.

The purpose for design controls is to assure residents that the standards of design quality will be maintained. This, in turn, protects property values and enhances the overall community.

This manual is directed to any and all exterior alterations, additions, improvements, and changes (hereinafter sometimes collectively referred to as "alterations") and the removal of any existing exterior improvements, structures and landscaping.

## ARCHITECTURAL CONTROL COMMITTEE FORMATION

Basic control for maintaining the quality of design in The Lakes comes through the Protective Covenants which are a part of every deed of home ownership.

The covenants establish The Lakes Homeowners Association and the Architectural Control Committees (ACC). The ACC insures that proposed exterior alterations comply with the standards set forth in the covenants. This involves the regular review of all applications for exterior alterations submitted by residents. The ACC shall have the right to refuse to approve any plans which in its sole discretion, are not suitable or desirable.

## WHAT MUST HAVE ACC APPROVAL?

Any and all proposed exterior alterations, additions and improvements to the property of any type or kind whatsoever and any and all removal of existing exterior improvements or structures, landscaping or grounds on the property of any type or kind whatsoever (including but in no way limited to, alteration or removal pertaining to air conditioners, antennas, attic ventilators, awnings, basketball backboards and hoops, buildings, canopies, chimneys/metal flues, clothes lines, decks and balconies, dog houses/dog runs, driveways/parking pads, fences, flag poles, fountains, grounds, landscaping, exterior lighting, exterior painting, patios, recreational and play equipment, roofing, screened enclosures, sheds, shutters, skylights, spas/jacuzzis, storm windows and doors, structures, swimming pools, terraces, tree planting and removal, walls, etc.), shall not be commenced until approved in writing by the ACC, pursuant to the procedures hereinafter set forth.

Applications to the ACC for approval of a proposed alteration shall be submitted in prescribed form to include plans and specifications showing the nature, kind, shape, height, materials and location of the proposed alteration or removal. If such alteration or removal is approved by the ACC, it must be adhered to. **Finally, please be aware that ACC approval is required unless specifically exempted by these guidelines,** when such things as color and materials of existing improvements, structures or landscaping are altered or removed by homeowners. Each application is reviewed upon an individual basis. There are no "automatic approvals".

## **FAILURE TO SECURE ACC APPROVAL**

The Declaration of Protected Covenants and Restrictions provides that owners failure to seek review or ACC approval may result in, but may not be limited to, the following remedies. fine, lien, and/or injunctive relief.

## **VARIANCES**

The ACC may authorize variances from compliance with any of the design review criteria when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations require. Such variances must be evidenced in writing from the ACC. The granting of such a variance shall not, however, operate to waive any of the terms and provisions of Protective Covenants for any purpose except as to the particular property and particular provisions covered by the variances, nor shall it affect in any way the Owner's obligations to comply with all governmental laws and regulations affecting the Owner's use of the premises.

## **MAINTENANCE**

Property ownership includes the responsibility for maintenance of all structures and grounds which are a part of the property. This includes but is not limited to, items such as mowing grass, removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety.

## **ACC REVIEW CRITERIA**

The ACC evaluates all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another.

Design decisions made by the ACC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are based on the following criteria which represent in more specific terms the general standards of the Protective Covenants.

Relation to the Open Space Concept. Fencing, in particular, can have damaging affects on open space. Other factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off also adversely affect open space.

Conformance with Covenants. All applications are reviewed to confirm that the project is in conformance with the Protective Covenants

Validity of Concept. The basic idea must be sound and appropriate to its surroundings.

Design Compatibility. The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

Location and Impact on Neighborhoods. The proposed alterations should relate favorably to the landscape, the existing structure and the neighborhood.

When a proposed alteration has possible impact on adjacent properties, the ACC will contact affected neighbors for comments.

Timing. Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must include estimated completion dates. If such time period is considered unreasonable, the ACC may disapprove the application.

## **HOW TO MAKE APPLICATION TO ACC**

Enclosed you will find an ACC application. Completed applications should be sent to The Lakes Association Management office who will then forward them to the ACC for review.

Two (2) complete sets of plans and specifications shall be submitted to the ACC.

A sample application is included in this manual and it indicates the information the ACC requires. For some homeowners the most difficult part of the application is adequately describing their request. If the request is not clear, the ACC may defer its decision and request that the homeowner resubmit a clarified application.

Site Plan - A site plan if required must be provided and is most easily prepared by submitting a copy of the property plat. Proposed alterations or removals should be indicated, including dimensions and distances from adjacent property and houses.

Materials and Color - Samples of the materials and colors to be used and an indication of the existing colors and materials should be provided. In most cases, a statement that the proposed deck, for example, is to be painted to match existing house trim or major house color is sufficient. Where materials and/or colors are compatible but different from those of existing structures, samples or color chips should be submitted for clarity.

Drawings and Photographs - A graphic description should be provided. A graphic description may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. In all cases, the sketch or photograph should be accompanied by a written description.

Third Party Comments - Written comments from neighbors and other residents about proposed changes may be sent to the ACC. These comments will be considered during the review process. The ACC, however, still must make its decisions based on the standards set forth in the Covenants and further described in this document.

### **DESIGN GUIDELINES**

The guidelines, which follow, address a broad, but by no means exclusive, range of exterior alterations or removals for which homeowners frequently make application to the ACC. These guidelines indicate the limits of the size, location, quality of construction, materials and color based on intended use and relationship to adjoining properties and surrounding areas, rather than a particular construction detail or specific design alternatives.

The individual merits of each application are always considered. The use of these guidelines should assist the homeowner in gaining timely ACC review. The applicant who follows the guidelines should increase the likelihood of approval, but in no way guarantees the approval of the proposed alteration or removal. Should a proposed alteration or removal be denied, the ACC will make every attempt to explain such denial in writing, although such explanation is not required.

### **SETBACK CRITERIA**

Refer to County Zoning Department for applicable setback criteria.

### **GRADING AND DRAINAGE**

No bulldozing or clearing of trees shall commence until plans and specifications showing the nature, kind, shape and location of work have been submitted and approved by the ACC. Fill shall not be deposited at any location without prior ACC approval. Cut or fill shall be replanted with plant materials that blend with native vegetation. Cuts and fills should be designed to compliment the natural topography of the site. Grading should be done so that surface waters are collected at intervals in a manner that will not obstruct the movement of vehicular or pedestrian traffic and will not create puddles or ponding in paved or swaled areas.

### **CASUALTY DESTRUCTION AND STRUCTURE REPLACEMENT**

Refer to individual homeowner documents in event of casualty destruction and structure replacement.

### **SPECIAL NOTE .....COUNTY APPROVALS**

Many items require county review and permits. It is the homeowner's responsibility to obtain all county approvals. Sarasota County authorities should be contacted prior to beginning any work in order to verify what procedures must be followed and what permits are required. County approval does not preclude the need for ACC approval and vice versa.



**\* All language set forth in the following sections, regarding various categories of exterior alteration or removal is advisory only and application must still be made, and approved, by the ACC before the commencement of the project.**

## **EXTERIOR ALTERATIONS**

The guidelines, which follow, address a broad range of exterior alterations for which homeowners frequently make application to the ACC. These guidelines define the limits of the size, location, quality of construction, materials and color based on intended use and relationship to adjoining properties and surrounding areas, rather than a particular construction detail or specific design alternatives.

The individual merits of each application will be considered. The use of these guidelines should assist the homeowner in gaining timely ACC approval. The applicant who follows the guidelines should expect approval or rationale as to why application was not approved.

Alterations are generally considered to be those which alter the existing structure either by subtraction and/or addition. However, other site changes such as driveway modifications are also included.

The design of alterations should be compatible in scale, materials, and color with applicant's house and adjacent houses.

The location of alterations should not impair the views, or amount of sunlight and natural ventilation on adjacent properties.

Pitched roofs should match the slope of the roof on the applicant's house.

New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well with the location of exterior openings in the existing house.

If changes in grade, or other conditions which will affect drainage are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

Construction materials should be stored so that the impairment of views from neighboring properties is minimized. Excess material and debris should be immediately removed after completion of construction.

## FENCES AND WALLS

As a matter of intent, fences and walls of any nature are prohibited. It is the expressed desire of the ACC to maintain the open and wooded atmosphere of The Lakes Estates and to avoid the construction of barriers that would have a visual and physical impact on the boundaries of common land and property of adjacent homeowner's.

Remember, there are alternatives to fencing that may achieve the needed result. Careful consideration should be given to natural landscaping. Privacy can be achieved without significant impact on adjoining properties and community open space.

In the event a variance is considered by the ACC, the following guidelines shall apply:

- \* The height and design of fences should generally conform to other fencing in the area.
- \* The preferred design is "shadow box".
- \* The tops of all fences will run horizontal to the ground.
- \* Materials and colors of fencing shall be compatible with those of the applicant's house and those of adjacent houses.
- \* Finished sides of fencing will face out.
- \* Gates shall match fencing in design, material, height and color.
- \* Masonry may be used in a fencing scheme, however, it shall match the masonry used in the applicants house.
- \* All fences must be recessed from the front of the home.
- \* Side yard fencing is strongly discouraged, except for small enclosures to hide mechanical equipment.
- \* A landscape plan must be included with each petition.
- \* Fences must be installed by a licensed professional fence company unless other installation is approved by the ACC.

Please Note: Certain prohibitions/exceptions do exist and they are as follows:

1. Chain link and barbed wire fencing shall not be permitted.
2. Long lengths of continuous solid fencing will not be approved.
3. Front yard fencing shall not be permitted.
4. No fencing shall be allowed on lake view or lakefront lots.
5. Perimeter lots on McIntosh Road may not be fenced parallel to the berm and McIntosh Road. Fences may extend only to the bottom of the berm.

Conclusion: All petitions for fencing will be considered on an individual basis. Existing fences are not to be construed as an endorsement. Beyond any and all strict prohibitions, the ACC, when rendering a decision, will first consider the physical and visual impact a fence might have on adjoining and common properties. Special attention will be given to alternatives.

## **AWNINGS AND SHUTTERS**

Awnings, canopies and shutters shall be prohibited unless a variance is sought and approved by the ACC.

Hurricane storm shutters shall not be stored in a down or closed position on the exterior of a residence, unless in response to an active hurricane.

## **DECKS AND BALCONIES**

Decks and balconies are an extension of the house and thus have significant impact on its appearance. They may also affect the privacy of adjacent properties. These two factors are weighted heavily in the review of the applications.

Modifications to existing decks or balconies should provide continuity in detailing such as material, color, and the design of railings and trim.

Deck or balcony configurations should relate to the plan outline and window and door openings of the house.

Decks or balconies are to be located in the rear yard, however, other locations will be evaluated according to their respective merits.

## **PATIO, TERRACES AND GROUND LEVEL DECKS**

Patios should be located in rear yards. Front and side yard locations will be evaluated according to their respective merits.

Materials should have natural weathering qualities such as brick, wood, stone, and concrete.

Wood in ground level decks must match the trim or dominant color of the applicant's house. Certain kinds of wood may be left to weather naturally.

If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

## **SCREEN ENCLOSURES**

All screen enclosures must be in the rear of the house. Lanai, balcony, terrace locations on the side of the house may be approved for screening, if compatible with the residence. Screening should not be visible from the road way.

All screening and screen enclosures shall be constructed utilizing anodized aluminum. Green screens and raw aluminum are expressly prohibited.

Front screen doors must be approved by the ACC.

## **RECREATION AND PLAY EQUIPMENT**

All recreational and play equipment and facilities, included but not limited to, basketball backboards, fixed game and play structures (volleyball, trampoline, tetherball, swing sets, etc.), shall be located to the rear of the residence or on the inside portion of the corner lots within the set back lines. Ramps or structures for the riding of skateboards, bicycles, go-carts and the like are strictly prohibited.

Portable basketball goal posts, backboard and rim must be stored out of sight when not in use.

Generally, such equipment should be placed in rear yards. Consideration will be given to lot size, equipment size and design, amount of visual screening, etc.

Use of recreational equipment is to be confined to the hours of 8:00 a.m. thru 10:00 p.m.

### Materials and Color

Equipment utilizing natural materials is encouraged.

Metal play equipment, exclusive of the wearing surfaces (slide poles, climbing rungs, etc.) should be painted to blend with the natural surroundings.

## **SWIMMING POOLS**

Swimming pool design and construction details must be submitted for review and approval by the ACC. Details pertaining to privacy or visual separation must be included in the submittal. Screen cages are encouraged. No screening of pool area may extend beyond a line extended and aligned with the side walls of the dwelling unless specifically approved by the ACC.

Above ground swimming pools shall not be permitted. Swimming pools shall not be permitted on the street side of the residence. Pools should be located in rear yards, although considerations will be given to property of unusual configuration or unusual topographic features. Pools can not extend beyond side of house into side yard.

Removal or disturbance of existing trees should be avoided or minimized. The impact of screening pools is significant and must be carefully related to adjacent property. In addition, the homeowner should consider safety within the pool area as well as the impact of increased noise levels on adjacent property.

It is suggested that proposed swimming pools be discussed with adjacent property owners.

Pool equipment must be concealed by low fencing, screening or landscaping.

The pool cage and pool equipment screening are considered a part of the swimming pool. Plans for these are required along with pool application.

Screening may not be visible from the street in front of the dwelling. Green screens and raw aluminum are expressly prohibited.

## **GARAGES, DRIVEWAYS, AND WALKWAYS**

All homes shall have a minimum of a two car garage. Carports are not permitted. Automatic garage door openers are required. Garages must not be rendered structurally incapable of storing two automobiles.

No curbside parking areas may be created by extending any portion of the street pavement.

Where possible, access to corner lots shall be from the least traveled street.

Only chattahoochee, finished concrete, patterned concrete, brick, or interlocking pavers will be approved and asphalt and blacktop will not be approved.

Care must be exercised in any drainage areas.

## **MAILBOXES AND HOUSE NUMBERS**

To assure compatibility with the community theme, no mailbox other than the approved one, no paperbox, or other receptacle of any kind shall be erected on any lot. Only the mailbox supplied with the sale of the home will be allowed. Mailbox lights must be maintained in good operable condition and be lighted during night time hours.

Only the house numbers visible on the approved mailboxes will be allowed.

## **SIGNS**

All signs, billboards, and advertising structures are prohibited on any lot except with the written permission of the ACC. The ACC shall determine size, color, content and location of any sign. No sign shall be nailed or attached to a tree, house, or mailbox.

If location of home necessitates a house number a variance will be considered.

## **WINDOWS AND DOORS**

Bright finished or plated metal exterior doors, windows, window screens, louvers, exterior trim or structural members shall not be permitted.

The use of reflective tinting or mirror finishes on windows is prohibited.

## **ANTENNAS**

No exterior antennas are permitted. Satellite dishes greater than 24 inches will not be permitted. Satellite dishes must not be seen from the street.

## **AIR CONDITIONERS**

Air conditioning units extending from windows will not be allowed.

Compressors for central air conditioning units must be protected by architectural treatment or appropriate landscaping. They should not be visible from any street or adjacent property.

Exterior air conditioners units may be added or relocated only when they do not interfere visually and acoustically with neighbors and only with prior ACC approval.

## **ATTIC VENTILATORS**

Attic ventilators, or other mechanical apparatus requiring penetration of the roof, should be as small in size as functionally possible and should be painted to match the roof. They should be located on the least visible side of the roof and not extend above the ridge line.

## **CHIMNEY AND METAL FLUES**

Metal flues, which penetrate the roof, must be painted to match the structure. Masonry chimneys and wood flue enclosures may be used when compatible in design, location, and color with the existing house.

## **CLOTHESLINE**

Use of exterior clothesline is prohibited.

## **ACCESSORY STRUCTURES**

Accessory structures such as playhouses, tool sheds, etc. shall not be permitted.

No decorative objects such as sculptures, birdbaths, fountains, and the like shall be placed or installed on any lot without approval of the ACC.

Dog houses are to be approved by the ACC. Dog houses should be compatible with the applicant's house in color and material, and should be located where they will be visually unobtrusive, such as in rear yards or in wooded areas.

## **EXTERIOR LIGHTING**

Exterior lighting shall be directed so as not to create a nuisance to the adjoining property. Light fixtures, which are proposed in place of the original fixtures, should be compatible in style and scale with the applicant's house.

However, lighting which is part of the original structure must not be altered without ACC approval. Applications for exterior lighting should include wattage, height of light fixture above ground, and a complete description, including descriptive material of the light fixture and location on the property.

## **EXTERIOR PAINTING**

Repainting or staining to match original colors need not be submitted. Color change must be submitted to the ACC for approval. Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior color should relate to the colors of other houses in the immediate area. **BRIGHT COLORS AS THE DOMINANT COLORS ARE PROHIBITED.** Color chips are required.

## **FLAGPOLES**

A temporary flagpole for display of a flag honoring appropriate holidays shall be permitted, subject to ACC approval of placement and design. No flagpole shall be used as an antenna. Rules of display for the American Flag must be followed.

## **TREE REMOVAL**

No live tree, 4 inches in diameter or more, measured 2 feet above ground level shall be removed without the approval of the ACC.

## **SIDEWALKS**

Sidewalks must be submitted for approval on a site plan. Areas between sidewalks and curb must be sodded or have appropriate plantings approved by the ACC and must be kept edged.

## **MISCELLANEOUS**

There are numerous exterior modifications which are of a smaller scale than the previously noted items which still require ACC approval. The same basic principles of compatibility of scale, materials, and color apply. Consideration must also be given to impact on neighboring properties.

## **LANDSCAPING**

All sodded and landscaped areas must be equipped with a fully automatic irrigation system.

All nonpaved areas not left in a natural state must be sodded or landscaped with one of the following: St. Augustine or Argentine Bahia Grass. Sod must be carried to the edge of pavement of all adjacent streets and must meet sod placed around lake banks by the developer.

Any deviation from the original landscape plan would require ACC approval.



## Landscaping cont

Landscaping can be effectively used to accent entryways, define space, create, "living" privacy screens, etc. Since landscaping is a design element, the same consideration should be given to relationships to the applicant's house and to adjacent houses as apply to other design elements.

Care should be exercised in the planting and maintenance of trees and shrubs to prevent obstruction of sight lines required for vehicular traffic.

Also, views from neighboring units, shade patterns of larger trees, and possible physical damage by encroaching plantings should always be considered. Planting should not encroach upon walkways or block walkway lighting. If plantings are found detrimental by the Board, homeowners may be required to abate the problem.

Impeding a view will be considered detrimental under the following circumstances:

1. The view adversely affected by the planting must have been a concept of the original plan.
2. The ACC will consider the density of the offending plantings and amount of view blocked.
3. Other factors will be considered by ACC as the circumstances of the situation require, such as cutting off light and air, physical intrusions, offending odors, over maturity or over planting.

Care should be exercised in selecting plant materials which upon maturity will be of an appropriate size in height and breadth for its intended use and location. Mature size, both in height and diameter should always be in consideration, especially when planting close to walkways and houses.

Due to the necessity of stemwall construction in some areas, care should be taken to select plantings large enough to soften the height of the foundation.

Consideration must be given to the effect which planting will have on views from neighboring houses and property.

Plantings should be clustered rather than widely spaced.

Massing, the three dimensional appearance of planting, may be improved by augmenting trees and taller shrubs with low spreading shrubs and/or ground cover.

## SOLAR GUIDELINES

### Solar Collectors

Each request to the ACC for such an exterior change will be considered on its own merits because of differing styles of architecture and land use in The Lakes, and because of new developments in solar technology which may result in new collector designs and size requirements.

Panels laid on the same plane as, and close to the roof are likely to be most compatible with the rest of the building.

Collector installations which are more highly visible from neighboring properties, roadways, and public spaces will require a higher degree of architectural integration with the structure than those located out of general view.

Under no circumstances will solar panels be allowed on the front of the house.

The collectors should be located in such a way as to minimize the need to trim trees.

Subject to the above, collectors should be located where they will not be visible from a street.

No part of the installation should be visible from other property above the ridge line of a sloped roof on which it is placed.

Support racks and the frames of the collectors must be painted to match the background, or in some cases enclosed and painted to match an architectural building element.

Installations should be placed so as to minimize or eliminate spaces between collectors.

Piping, wiring, and control devices must be concealed or designed in an unobtrusive manner.

## INSTRUCTIONS FOR APPLICANTS :

1. Prepare a sketch , a written description, including such items as dimensions, material, color, design, etc , and other data such as photographs (of existing conditions), of the proposed alteration or removal.
2. Provide site plan (including existing house location and other improvements) indicating where on the property the alteration or removal is to be located. If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. (Generally, approval will be denied, if adjoining properties are adversely affected by changes in drainage)
3. Proposal for fencing to be installed must include comments from immediate neighbors.
4. Estimated completion date should be selected to provide applicant a reasonable time to accomplish the proposed alteration or removal. Brief explanation for estimated excessive delay should be provided. The ACC may disapprove an application, if work project is to be carried on for an unreasonable length of time.
5. If you have not received a response after three weeks, call The Lakes Management Office.