



## BUILDING COVENANT & DESIGN GUIDELINES

### PART A

#### 1. Preamble

- 1.1 The Forest Gardens Estate Building Covenant & Design Guidelines are intended to promote and maintain a quality development to protect the investment of buyers in the estate. Creativity and diversity in design and construction is encouraged and any departure from the Covenant for those reasons will be considered on individual merit.
- 1.2 This is the Building Covenant referred to in the contract for the sale of land in the Estate.

#### 2. Buyer's Acknowledgement

- 2.1. The Buyer acknowledges that the Property is part of a premier residential development and, accordingly, hereby covenants with the Seller as outlined in Part B below.
- 2.2. These covenants form part of the legal agreement for purchase between the developer and purchaser. A copy of these covenants must form part of any future sales contracts for this property.

### PART B

#### 3. General Requirements

- 3.1. Temporary structures will not be erected on the Property unless associated with the construction of the Dwelling approved by the Design Review Panel (DRP) and may only be present for the duration of the construction period.
- 3.2. No improvement which is in the course of construction is to be left longer than 1 month without substantial work being carried out.
- 3.3. Construction works will commence within 24 months from the date of settlement for the initial Buyer of the Property, unless this period is extended by the DRP, and completed within 18 months from commencement.
- 3.4. The Buyer will not accumulate or allow to be accumulated any rubbish on the Property.
- 3.5. The Buyer will not remove any existing trees from the Property without the written permission of the DRP and, where necessary, the relevant local authority.

#### 4. Building Height, Setbacks & Scale

- 4.1. The height, setbacks and site coverage of the Dwelling are to be in accordance with the Queensland Building Code. Any applications for relaxation of the statutory requirements will be submitted in the first instance to the DRP for endorsement prior to lodgement of the relaxation application to Cairns Regional Council.

#### 5. Home Design & Materials

- 5.1. Dwellings need to be designed appropriately for the tropical location of the estate and contribute positively to the overall character and amenity of the estate including considering the path of the sun over the lot.

- 5.2. Designed to avoid exposure to summer heat particularly the western sun particular to living areas and bed rooms
- 5.3. Each dwelling must have clearly identifiable pedestrian entry from the street.
- 5.4. All dwelling to be new and of high quality
- 5.5. Housing diversity is encouraged with no 2 houses with same front elevation design to be within 2 houses each side
- 5.6. Heritage replica and federation adaptations are not encouraged.
- 5.7. The Dwelling will have a minimum internal floor area (including garage, porch and under-cover *al fresco* areas but excluding pergolas and outbuildings) of 190sq.m.
- 5.8. Covered outdoor living area is required adjoining the living area of the main dwelling and has to be integrated into the overall design with consistent roof pitch to dwelling
- 5.9. Minimum eaves of 600mm to all habitable areas. Dwellings without eaves or overhang are not encouraged. Approval is at the discretion of the DRP and will be considered on individual merit.
- 5.10. The external walls of the Dwelling will be finished in materials as follows:
  - 5.10.1. Brickwork or painted cladding will not comprise more than 80% of the non-glazed exterior surface of the home; or
  - 5.10.2. Masonry with a painted render and/or bagged & painted finish; or
  - 5.10.3. Sheeted material with a rendered and painted finish; or
  - 5.10.4. Stone either as a structural material or as a cladding (e.g. sandstone tiles).
- 5.11. Roofing will be clay or concrete tile or non-reflective pre-finished metal (e.g. Colorbond) and the minimum pitch will be 21 degrees. Alternate roof design approval is at the discretion of the DRP and will be considered on individual merit.
- 5.12. No sub-standard materials will be used in the construction of the Dwelling.
- 5.13. Other materials will be considered by the DRP on their merits.

#### 6. Car Accommodation

- 6.1. Garages are not to dominate the view from the street and set back behind front of building.
- 6.2. Dwellings are required to provide 2 enclosed parking spaces to be built concurrently with the Dwelling.
- 6.3. The garage will be built in a style and using finishes consistent with the approved Dwelling.



### 7. Roads, Driveways & Pathways

- 7.1. Generally only one driveway and crossover will be permitted and should be no wider than 4 metres at the front boundary. Finishes of driveways are to be one of the following:
- Exposed aggregate;
  - Stamped concrete;
  - Stencilled coloured concrete; or
  - Masonry/ clay pavers.
- 7.2. Undecorated grey, broom finished concrete driveways **are not** an acceptable design solution
- 7.3. Driveways shall be constructed prior to occupation of the Dwelling.

### 8. Fencing

- 8.1. No fence will be constructed on the street frontage(s) forward of the Dwelling setback unless approved by the DRP. Consideration will be given to proposals for fencing forward of the building alignment to provide for pools or active recreational space.
- 8.2. All fences must be constructed using materials similar and compatible with the Dwelling. This may include masonry, brickwork, colorbond sheeting, CCA treated timber or double sided battened timber. Corrugated fencing, fibro-sheeting and metal **are not** acceptable design solutions.
- 8.3. Any alternatives to the Covenants 8.1 to 8.3 will be at the discretion of the DRP.
- 8.4. Any fencing by the developer must be maintained in its original form and maintained to high standard.
- 8.5. The Seller shall not be obliged as an adjoining owner to make any contribution to the Buyer under the Dividing Fences Act towards any dividing fence.

### 9. Landscaping

- 9.1. Within 90 days following completion of the Dwelling, the Buyer will undertake landscaping as shown in the Landscape Plan. The minimum landscaping will be as follows:
- Turf to the front of the Property;
  - Driveway from the front curb to the garage entry;
  - Planting an appropriate quantity of trees, shrubs and other greenery; and
  - Generally clean and tidy the Property, removing any residual debris from construction of the Dwelling.
- 9.2. All landscaping must be appropriate for the tropical climate
- 9.3. Where retaining walls exceed 1.2m in height engineer drawing must be provided to DRP prior to seeking any approvals or certification of any plan for building approval.

### 10. Outdoor Structures

- 10.1. Outdoor structures including gazebos, pergolas, storage sheds and shade structures will be allowed if constructed in materials that complement the Dwelling.

- 10.2. Storage sheds, water tanks and clothes lines will be screened or located in positions so as not to be visible from any road. Wall mounted clothes lines will be mounted at a height lower than the surrounding wall or fence.
- 10.3. Pool filtration systems or any other noise-producing equipment will be enclosed within a suitable noise abatement structure in order to cause minimal disturbance to neighbours.

### 11. Engineering

- 11.2. Any applications for Building Works shall be accompanied by a Structural Engineer's Certificate certifying that the proposed structures have been designed in accordance with the abovementioned requirements.

### 12. Development Review

- 12.1. The Buyer shall not seek approval or certification of any plans for building approval until such time as the Buyer has received written approval from the DRP.
- 12.2. Applications for DRP approval under this Covenant must contain:
- 12.2.1. Property address, owner's name and date
- 12.2.2. Site Plan showing:
- North point
  - Property boundaries with dimensions
  - Building setback dimensions
  - Building footprint with entries, porches, balconies, terraces, pergolas, overhangs, and pools shown
  - Location of parking and garages
  - Driveways, paths, landscaping and retaining walls
- 12.2.3. Floor plans and roof plans (1:100)
- 12.2.4. Elevations (1:100) showing colours, height to eaves and overall height from existing ground level and indicative materials and colour schedule of external finishes.
- 12.2.5. Landscape plans showing a general overview of proposed landscaping and type of plants to be used.
- 12.3. Applications for approval under this Covenant are to be submitted to the DRP, C/- Kerdc Homes Pty Ltd, PO Box 3324, Darra QLD 4076. Within 15 business days of the DRP receiving all the documents referred to in Clause 12.2, it may either:
- 12.3.1. request any further information it needs to consider the application (in which case this Clause 12.3 will apply once that information is received);
- 12.3.2. approve the application, with or without conditions; or,
- 12.3.3. reject the application and give reasons for the rejection.



### 13. Approval of Authorities

- 13.1. These requirements are complimentary to statutory requirements and in no way exempts any Building Works from the need for compliance with local or other authority requirements.
- 13.2. If the Buyer transfers the Property it must obtain from the transferee a deed of covenant in favour of the Seller (in such a form as the Seller requires) so that the transferee agrees to be bound by these Covenants as if it was the Buyer. If the Buyer fails to do that, it indemnifies the Seller against all loss and damage incurred by the Seller as a result.

### 14. General Guidelines

- 14.1. Ancillary Structures: All bins, storage areas, garden sheds, rain water tanks, air conditioning units, clotheslines, external plumbing, television antennae and satellite dishes are not to be visible from any street frontage or park.
- 14.2. Signage: Signs and hoarding advertising products are not permitted on residential allotments with exception of approved display homes and Construction safety signage (up to 0.6m). No real estate advertising signage (other than developer) while land is being sold by developer.
- 14.3. All lots must be maintained free of excessive weeds, rubbish or garbage. All turf and garden are to always be presentable.
- 14.4. No parking of Vehicles allowed on adjoining lots except in designated driveway location.

### 15. Definitions

*DRP* means the Design Review Panel established to review proposed building plans to ensure compliance with the Building Covenant.

*Seller, Buyer and Property* means Seller, Buyer and Property respectively as specified in the Contract of Sale to which this document may be annexed.

*Dwelling* means any dwelling and, where the context permits or requires, other Improvements on the relevant Lot which are ancillary to the Dwelling.

*Building Works* means any construction, alteration, additions, extensions or repairs of, for or to improvements on a Lot.