

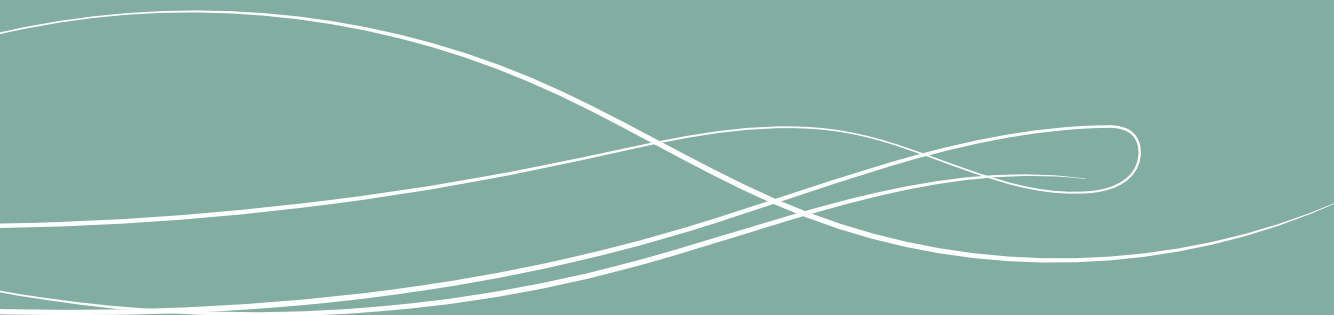
THE  
ARBOUR

BURLEIGH



SUNCOVE

EDITION



Design Covenants  
V1.1

# Introduction

## Purpose of the Covenants

The DESIGN COVENANTS have been prepared to ensure desirable standards for both the dwellings and landscape of the HOMES, so as to ensure that THE ARBOUR is a high quality, sustainable and environmentally sensitive community.

These covenants will be focused on form, style and detailing of all dwellings to ensure that sustainable, quality HOMES are constructed and maintained to a standard that enhances the neighbourhood and protects all BUYER'S/HOME OWNER'S investment into the future.

Adherence to a consistent covenant will ensure the HOME OWNER'S use, and enjoyment of their HOME is not interfered with as a consequence of other LOT owner's building activities in THE ARBOUR.

The implementation of these DESIGN COVENANTS will be monitored by The Arbour Design Panel (TADP). However, it is essential that future residents and/or potential purchasers are committed to adopting these standards to promote and protect the character of THE ARBOUR community.

Plans, elevations, colours and materials selection will require approval by TADP. The Council of the City of Gold Coast (COGC) will be the relevant authority for separate planning and building approvals.

Please ensure that you include the following in your online application:

- Site plan, including; setback dimensions (refer to your Disclosure Plan and Plan of Development), slope contours in AHD, extent of earthworks, dwelling ground/pad and floor level information, location of existing trees, retaining wall details, fencing details, driveway details, rainwater tank location and shed location/details;
- Landscape plan including; planting areas, species and size of planting, drying area, nominated rubbish bin location, letterbox location and style;
- Floor plans and a schedule of areas in m<sup>2</sup>;
- Elevations and sections with natural surface levels shown;
- Roof plan; and
- Schedule of materials and colour selections.

Failure to submit all of the required information may slow the approval assessment process and possibly require resubmission or result in rejection by the TADP.

## Building and Landscape Approval Process

### STEP 1 Design Stage

If desirable, the architect/designer/builder can meet with a TADP representative to discuss their proposed design and the DESIGN COVENANTS prior to or during the design process.

This communication will be helpful with regards to addressing planning issues such as driveways, building placement, setbacks, fencing, pools, SHEDS, ANCILLARY STRUCTURES etc prior to preparing detailed design plans to be submitted to TADP/COGC.

### STEP 2 Approval Stage

The BUYER'S designer or builder will prepare the design and construction documentation and submit this via the Villawood Builder Portal at [villawoodproperties.com.au/builder-portal](http://villawoodproperties.com.au/builder-portal)

The TADP will automatically be notified of the application and will advise its final approval of the working drawings within 10 working days of receipt thereof or require that the BUYER amend them to comply with the DESIGN COVENANTS. The TADP will indicate its approval or otherwise within 10 working days after receiving any amendments. TADP must act reasonably.

Despite approval from TADP, the BUYER/HOME OWNER may require additional approval from the COGC or any other competent authority. The BUYER/HOME OWNER acknowledges that no approval granted by TADP will constitute any representation that the plans and specifications will be approved by the local authority or any other competent authority.

### STEP 3 Local Authority Approval

Upon the BUYER receiving formal covenant approval from TADP, the BUYER shall submit identical documents to the local authority, or private certifier, to obtain planning approval building certification.

### STEP 4 Build your home

Ensure that a copy of the DESIGN COVENANT approval issued by TADP and a copy of 'Appendix 3 Builder Responsibility' is provided to the builder prior to construction commencing.

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# Residential Character

“ THE ARBOUR is a rare and unique lifestyle opportunity to build your dream Burleigh Heads home, unlimited by space. An aspirational residential development, this boutique community offers an architectural blank canvas for buyers to bring their vision to life.”

The vision for THE ARBOUR is to provide a blank canvas to build your architecturally designed home in a premium community, in an idyllic location close to world class dining, shopping, popular beaches and natural landmarks of beautiful Burleigh Heads.

THE ARBOUR architecture aims to be climatically responsive and display the best of Australian contemporary architectural design. The HOME designs are to respond to the subtropical location and natural environment in a way that helps provide a distinctive community.

In your discussions with TADP, you will be encouraged to incorporate simple architectural design principles with ARTICULATED elements such as terraces, balconies, verandahs and pergolas to promote interest and variety to the streetscape.

HOMES shall be up-market using simple architectural design elements to create enjoyable and comfortable living environments. The HOMES will maximise the potential of the LOT but will not encroach on the privacy of neighbouring HOME OWNERS. HOMES will adopt a palette of natural colours and materials complementary to the natural setting. Roofs are to be a simple composition of shapes with the use of architectural feature elements to create interest to the building façade.



HOMES are to reflect an Australian contemporary architecture.  
\*image provided by James Hardie.



HOMES are to provide interest and variety to the front façade and streetscape through the use of ARTICULATED elements such as terraces, balconies, verandahs and pergolas.  
\*image provided by Plantation Homes.



HOMES are to reflect an Australian contemporary architecture.  
\*image provided by Sky Architects Studio.



Roofs are to be a simple composition of shapes.  
\*image provided by Metricon Homes.

# Building Envelope

## 1. Building Siting

Each HOME should be designed to maximise the natural characteristics of its surroundings. Important characteristics to consider are:

- Site orientation and prevailing breezes.
- Solar access.
- Topographic characteristics and drainage lines.
- Points of access.
- Views and vistas.
- The relationship to the adjoining allotments and HOMES (existing or proposed).

All HOMES are to address streets and public open spaces (when applicable) in order to provide opportunities for passive surveillance. HOMES should have a width addressing the street appropriate for each LOT, to the satisfaction of TADP.

TADP strongly encourages the use of balconies, pergolas, verandahs and living areas with windows facing the PRIMARY STREET FRONTAGE, SECONDARY STREET FRONTAGE and public open spaces.

HOMES, GARAGES and any ANCILLARY STRUCTURES are required to comply with the minimum requirements as presented on Table 1 (page 6).

## 2. Articulation

The design of HOMES are encouraged to incorporate a high level of ARTICULATION to provide an interesting and varied streetscape. Walls on the second level and facing the primary / secondary / park frontages must be a maximum length of wall in one plane of 10.0m with a minimum step of 0.6m between planes.

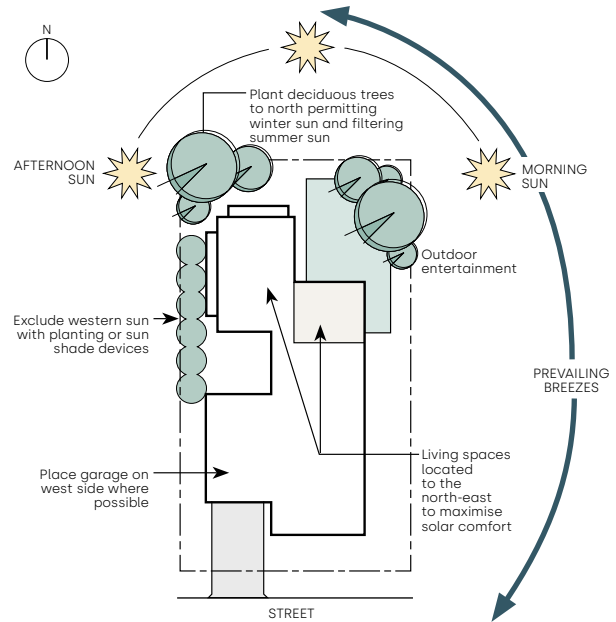
Corner and park front LOTS are to address both street frontages by providing the following on SECONDARY STREET FRONTAGES and park frontages: windows from habitable rooms, decorative fencing, quality landscaping, and wall and roof alignment variation.



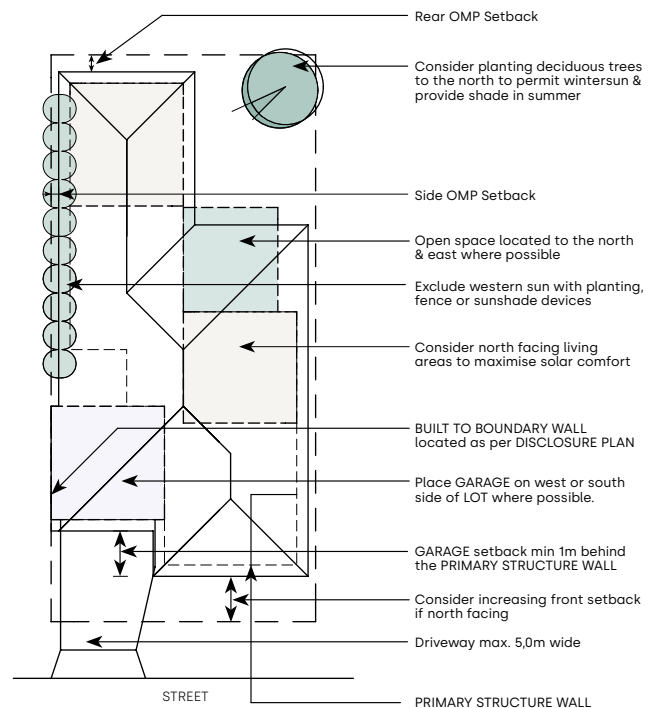
ARTICULATE upper floor walls.

\*image provided by James Hardie.

### BUILDING ORIENTATION AND CLIMATE GUIDE



### BUILDING CONSTRAINTS & OPPORTUNITIES



# Building Envelope

TABLE 1

## 3. Residential Design & Siting Guidelines

Item	Requirement *Unless shown otherwise on the POD			
	LOTS 400M <sup>2</sup> TO 550M <sup>2</sup>	LOTS 551M <sup>2</sup> TO 650M <sup>2</sup> (INCLUDING LOT 84)	LOTS 651M <sup>2</sup> AND ABOVE	
<b>SITE COVER</b>				
Including GARAGES, CARPORTS (an additional 10% of SITE COVER is allowed for porches, patios & covered outdoor areas)	55%	50%	50% (No additional SITE COVER is permitted)	
<b>Minimum Floor Areas (M<sup>2</sup>)</b>				
Including GARAGES, CARPORTS & covered outdoor areas but excluding SHEDS	180m <sup>2</sup>	220m <sup>2</sup>	250m <sup>2</sup>	
<b>Building Setbacks (M)</b>				
	LOTS 67 - 70, 86 - 91	LOTS 71 - 83, 85, 92, 94 - 98	LOT 84	LOT 93
<b>PRIMARY STREET FRONT</b>				
Outer Most Projection (OMP)	3.4m	3.4m	4.4m	3.4m
PRIMARY STRUCTURE WALL (PSW)	4.0m	4.0m	5.0m	4.0m
<b>SECONDARY STREET FRONT</b>				
Outer Most Projection (OMP)	2.4m	3.4m	N/A	N/A
PRIMARY STRUCTURE WALL (PSW)	3.0m	4.0m	N/A	N/A
<b>GARAGE</b>				
PRIMARY and SECONDARY STREET FRONTAGE	6.0m	6.0m	6.0m	6.0m
<b>SIDE (LEVEL 1)</b>				
Outer Most Projection (OMP)	0.9m	0.9m	0.9m	0.9m
PRIMARY STRUCTURE WALL (PSW)	1.5m	1.5m	1.5m	1.5m
<b>SIDE (LEVEL 2)</b>				
Outer Most Projection (OMP)	0.9m	0.9m	0.9m	0.9m
PRIMARY STRUCTURE WALL (PSW)	1.5m	1.5m	1.5m	1.5m
<b>REAR</b>				
Outer Most Projection (OMP)	4.4m	0.9m	0.9m	3.4m
PRIMARY STRUCTURE WALL (PSW)	5.0m	1.5m	1.5m	4.0m
<b>PARK</b>				
Side or rear setback to public open space (POS)	1.5m	1.5m	1.5m	1.5m
<b>BUILT TO BOUNDARY WALL</b>	To be located as indicated on the DISCLOSURE PLAN. Maximum 3.5m height (ground floor level only). Maximum length of 10.0m			
<b>EAVES</b>	600mm			
<b>BUILDING HEIGHT</b>	2 storeys maximum			
Number of storeys	2 storeys maximum			
Height from NATURAL GROUND LEVEL	9.0m maximum to the upper most projection			
<b>CAR ACCOMMODATION</b>	2 cars per dwelling of which both are covered			
Minimum size of GARAGE	2 cars per dwelling of which both are covered			
Maximum GARAGE internal width	Maximum internal width of the greater of 6m or 50% of the LOT width, less setbacks			
<b>DRIVEWAYS</b>	Minimum 3m wide, maximum 6m wide			
Driveways	Minimum 3m wide, maximum 6m wide			
<b>PRIVATE OPEN SPACES</b>	<p>HOMES with their main living area at ground level must have a minimum area of private open space of at least 25m<sup>2</sup> and a minimum dimension of 4m, preferably accessible from the main living area</p> <p>HOMES with their main living areas located above ground level must have a minimum area of private open space, in the form of a balcony, consisting of 16m<sup>2</sup> and a minimum dimension of 3m, preferably accessible from the main living area</p> <p>Patios and covered outdoor living or recreation areas are included in the above private open space requirements</p>			
Minimum private open space to be provided	<p>HOMES with their main living area at ground level must have a minimum area of private open space of at least 25m<sup>2</sup> and a minimum dimension of 4m, preferably accessible from the main living area</p> <p>HOMES with their main living areas located above ground level must have a minimum area of private open space, in the form of a balcony, consisting of 16m<sup>2</sup> and a minimum dimension of 3m, preferably accessible from the main living area</p> <p>Patios and covered outdoor living or recreation areas are included in the above private open space requirements</p>			

\*Setbacks are measured to the outer edge of the wall or balcony. Eaves, hoods, screens and projected architectural elements may extend a maximum of 0.6m into the setbacks. For LOTS 71, 85 and 92 please refer to the Plan of Development for the full extent of the rear setback alignment.

# Building Guidelines

## 4. Variation of Housing Style

Two HOMES with the same or similar elevations must not be established in close proximity. Close proximity is defined as being separated by six LOTS or less, whether on the same or opposite side of the street. A minimum of eight differences from the following list must be provided to distinguish between similar elevations:

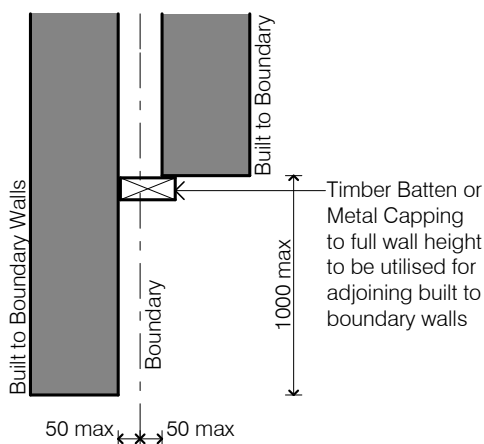
- Roof line / design
- Entry arrangement
- Fencing
- Window location and sizes
- Colours
- Gable treatment
- Cladding and materials
- Porch size and arrangement
- GARAGE door profile
- Front door design
- External fixed screens, hoods and awnings.

## 5. Built to Boundary Walls

BUILT TO BOUNDARY WALLS are optional. The location of the BUILT TO BOUNDARY WALLS are to be located as indicated on the DISCLOSURE PLAN.

Where a BUILT TO BOUNDARY WALL could be built adjoining a BUILT TO BOUNDARY WALL on the neighbouring LOT, then the wall has to be setback a maximum of 50mm from the boundary. The maximum 100mm gap between the adjoining BUILT TO BOUNDARY WALLS is to be covered with a fence post, timber batten or capping.

There is to be a maximum of 1m difference between the setback from the street for 2 adjoining BUILT TO BOUNDARY WALLS.



## 6. Building Colours & Materials

HOMES are to be constructed to reflect contemporary Australian architecture and have regard to the climatic conditions of the area. HOMES should incorporate a variety of materials to the façade so as to provide contrasting of lightweight and solid materials in order to provide ARTICULATION. No more than 75% (excluding roofs, windows and GARAGE doors) of the front façade is to be of any one material.

The exterior wall, roof, window and trim colour of the HOME must complement the natural environment. Earthy, natural, muted hues and tones are to be used in conjunction with complementary trim colours and materials or feature elements to create a harmonious blend with the natural environment. Bold, bright colours or materials are not acceptable. This requirement is to ensure that any reflection or glare from any exterior surfaces to the surrounding houses is kept to a minimum. Raw and/or untreated materials will not be permitted for external building materials or fencing. This includes: unfinished and unpainted block work, fibre cement sheeting, polystyrene cladding or plain grey concrete. Face brick is only permitted for feature elements or where architectural merit is displayed and will only be approved at the discretion of TADP. Face brick must be applied with coloured mortar, natural/grey is not permitted.

Two or more of the following materials and/or finishes to be used on the PRIMARY STREET FRONTAGE, SECONDARY STREET FRONTAGE and Park Frontage façades:

- Rendered masonry (bagged finish is acceptable)
- Stone
- Timber columns or cladding
- Feature tiles
- Textured fibre cement cladding
- Aluminium battens and louvers
- Weather boards
- Face Brick feature elements (or where architectural merit is displayed)
- Other materials approved by TADP

“Crimsafe®”, style security window grilles are permitted but diamond grilles are not permitted.

The use of external materials and colours is subject to approval by TADP and a schedule must be submitted as part of the application.

# Building Guidelines

## 7. Streetfront Design

All HOMES must incorporate a highly visible and well defined front entry (this includes suitable features such as front facing entry doors, oversized entry doors, gatehouses, separate pedestrian entry porch, or feature walls defining the entrance to the HOME). HOMES are also to be designed to provide casual surveillance of the adjoining streets and open space to improve the safety of the community.

All HOMES must incorporate three of the following features to the street frontages of the HOME;

- Architectural fins or blades extending minimum 300mm forward of the main building line.
- Wall and roof alignment variation by at least 1m.
- Light and shadow recesses (e.g. window and door recesses) (minimum 200mm).
- Full height front windows or three quarter windows when incorporated with planter boxes or other architectural details, to allow for passive surveillance to the street.
- Full length covered front verandah/terrace to a minimum depth of 1.5m (excluding the GARAGE).
- A verandah or first floor projection built out over GARAGE for two storey HOMES.
- A hood or horizontal element to be provided around the garage to eliminate a blank garage façade.
- Window hoods that extend a minimum of 300mm for all habitable room windows (window hoods to be constructed of durable materials as part of the HOME, not canvas or retractable awnings).
- A vertical step in the EAVES line of minimum 400mm for part of the roof (commonly for the porch).

In addition:

- The HOME should include sufficient glazing (10% minimum recommended) to allow for passive surveillance of public areas.
- HOMES should have a width addressing the street appropriate for each LOT, to the satisfaction of TADP.
- It is required that the GARAGE is not the closest part of the home to the street and is setback at least 1m behind the PRIMARY STRUCTURE WALL so that the GARAGE door does not dominate the front façade.



Simple composition of colours and building elements.  
\*image provided by Home Zone.



Limit face brick to smaller detail elements only.  
\*image provided by Simonds.



Recess GARAGE 1m behind PRIMARY STRUCTURE WALL.



# Building Guidelines

## 8. Roof Form & Materials

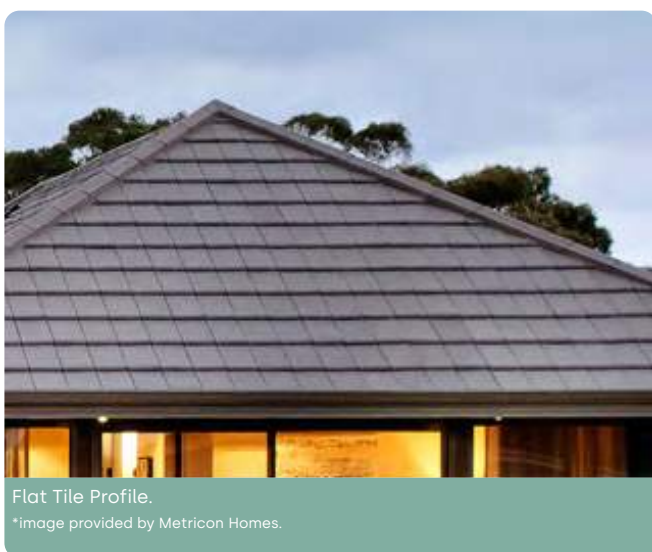
Roofs are to be a simple composition of shapes with the use of architectural elements to create interest in the elevations. Roof materials are limited to Colorbond® profiled metal or flat shingle profile concrete and terracotta tile roofing of a natural non-reflective colour that must be approved by TADP. All other roof tile profiles will not be permitted.

Overly bright and bold colours will also not be permitted as they cause reflection and a lack of visual amenity to adjoining HOME OWNERS and may interfere with a person's use and enjoyment of another HOME, by causing glare.

Roof pitches for the main building must be a minimum of 22.5 degrees for pitched roofs and a minimum of 10 degrees for SKILLION roofs. Other roof pitches may be considered and approved based upon architectural merit for secondary parts of the building such as verandahs, patios and secondary roof elements.

Flat roofs and gables shall be considered based upon architectural merit.

HOMES are to provide eaves with a minimum depth of 600mm to the majority of the HOME. Parapets are acceptable and different roof pitches are acceptable if hidden from view by a parapet. All gutter and down pipe treatments must complement the HOME design.



# Building Guidelines

## 9. Driveways

Only one driveway is permitted per HOME, and is to be a minimum of 3m wide and a maximum of 6m wide. The driveway must be constructed of either pavers, coloured concrete, textured concrete, stencil concrete or exposed aggregate finishes. Gravel, grass, concrete track, timber sleeper, loose dirt and turf cell are unacceptable driveway finishes. The use of other driveway finishes not listed above shall be considered by TADP based upon architectural merit.

The driveway must be located a minimum of 0.5m from the side boundary with landscaping between the driveway and the boundary.

## 10. Additions & Extensions

Any additions and extensions to occur within the LOT are subject to approval by TADP and require compliance to the DESIGN COVENANTS in the same manner as the original HOME application. Additions and extensions include new verandahs, pergolas, outbuildings, SHEDS, swimming pools, retaining walls and garden structures as well as any other changes to the existing covenant approval.

## 11. Ancillary Structures, Garages, Carports & Sheds

All ANCILLARY STRUCTURES, GARAGES, CARPORTS and SHEDS are required to be complementary to the character of the HOME in colour, material and form. CARPORTS will only be permitted if architectural merit is demonstrated. All the LOTS should carefully address the criteria as described below:

- Rainwater tanks, hot water systems, pool filtration pumps, clotheslines, barbeques, rubbish bins and satellite dishes are to be screened from the street and public view. They must not be located on the PRIMARY STREET FRONTAGES and SECONDARY STREET FRONTAGES.
- Opticomm will be available throughout the community and as such no TV antennae and other aerials will be required or permitted.
- Solar panel installation must be integrated with the roof design and located to the back of the HOME/ LOT where possible.
- Incinerators are not permitted within THE ARBOUR.
- Air-conditioning outdoor units are to be located below EAVES-lines and concealed from public view.

- If a SHED is permitted it must be screened from public view (can be screened with landscaping) and be a maximum of 10m<sup>2</sup> and maximum 2.5m high unless otherwise approved by TADP where larger LOT sizes may permit. Galvanized or highly reflective materials should not be used. The colour of the walling and roof should be chosen from the shed colour palette or an alternative colour that compliments the HOME and is approved by TADP.

### COLORBOND® SHED COLOUR PALETTE



*\*Alternate colours may be considered that compliment the HOME, as approved by TADP*



Example of screening Ancillary Structures from view.

# Building Guidelines

## 12. Retaining Walls & Earthworks

When planning your HOME you should minimise the earthworks and retaining required. This will result in a number of benefits including reduced impact on neighbouring LOTS, existing structures and services, better LOT drainage and reduced visual amenity of the retaining wall to the street.

- No cut or fill of more than 1m is permitted and should result in equal cut and fill volumes.
- Proposed retaining walls are located wholly within the subject LOT and designed so as to not impact upon the neighbouring properties.
- Retaining walls are to be a maximum of 1.0m high. This excludes retaining walls within the building.
- Retaining walls are to be constructed of stone or masonry only.
- Retaining walls that are visible from the street are to have a minimum of 0.6m of landscaping between the proposed wall and the street to soften the appearance of the wall.
- Where retaining walls extend forward of the front building wall, they must be tapered to meet the finished ground level.
- All retaining walls are to be constructed in accordance with local government requirements and Australian Standards.
- Fencing must be located on the high side of the retaining wall where possible.
- Full details of heights, materials and location of all retaining walls and embankments are to be submitted for review by TADP.



Retaining visible from the street are to be landscaped.  
\*image provided by Seed Landscapes.



Terraced retaining wall.  
\*image provided by Seed Landscapes.

# Building Guidelines

## 13. Landscaping

Landscaping is fundamental to the visual amenity and character of THE ARBOUR. The landscaping should be a dominant part of the LOT and streetscape improving both the appearance of your HOME and the streetscape environment.

A landscape plan must be submitted to TADP for approval as part of the covenant application, which shows the landscaping, in detail, for the entire LOT.

The landscaping for THE ARBOUR LOTS has been broken into 3 zones as per the Landscape Zones Diagram with all areas to be detailed on the landscape plan.

Rear of Lot (Backyard) includes:

- All areas to be stabilised with turfing or landscaping.

Sides of Lot includes:

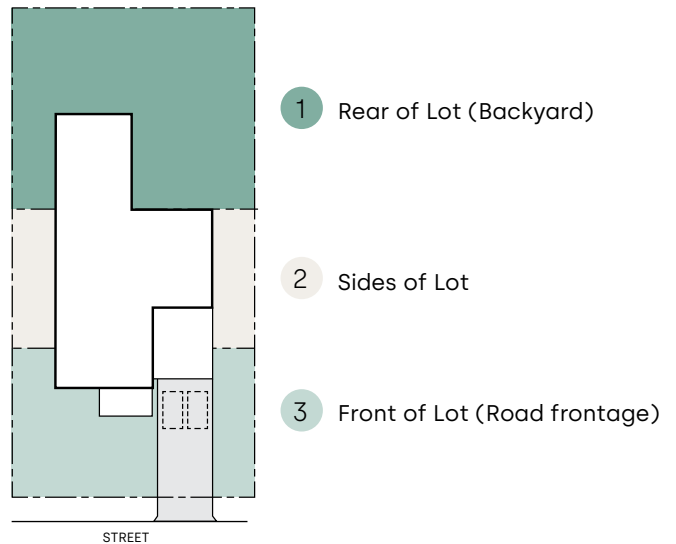
- All areas to be neat and tidy grass and ground covers or other landscaping, or non-permeable surfaces including pavers, pathways and aggregate or other surface as approved by TADP.

Front of Lot (Road frontage) includes:

- High quality grass cover to all areas not mulched or paved.
- A minimum of 10m<sup>2</sup> of mass planting areas that are mulched edged to define boundary and maintained, free of weeds and rubbish.
- A minimum of 500mm of landscaping (mass planting area) between the driveway and side boundary.
- SECONDARY STREET FRONTAGES are to be similarly landscaped to the PRIMARY STREET FRONTAGE.
- At least three trees (minimum 2m high) are required to be included to each street frontage, and must be planted in edged and mulched garden beds or otherwise approved by TADP.
- Non permeable surfaces are to be limited to driveways, patios and footpaths and cannot dominate the road frontage.
- Access for battleaxe LOT (84) are to be turfed or landscaped and kept neat and tidy between driveway edges and property boundaries.

New plantings on the LOT will not include plant species prohibited by the local council. Artificial turf is not permitted on street verges, as well as primary and secondary street frontages.

### LANDSCAPE ZONES



Landscape should be designed to fit into the natural context.  
\*Image provided by Homes to Love.

# Building Guidelines

## 14. Fencing

TADP will only approve fencing materials, forms and colours as demonstrated in Appendix 2 'Fencing Types', unless otherwise approved by TADP on architectural merit, but the fence height cannot be increased nor can the transparency of fencing be reduced.

Side boundary fencing is to return a minimum of one meter behind the front wall of the dwelling, and is not to extend forward of the side gate.

## 15. Signs

Site signage will not exceed two square meters in area and should be of a professional design. Only one "For Sale" sign and one "Builders" sign may be installed on the LOT.

## 16. Letter Boxes

Letter boxes are to be a simple, rendered masonry pillar with a metal inset for the mail. Letter boxes must be of a colour to complement the dwelling and its surrounds. Letter boxes of a unique design, specifically coordinated with the design of the HOME and fencing will be considered.



Examples of letter box design.



Examples of letter box design.

## 17. Sustainability

The HOME OWNER is encouraged to make efforts to reduce household impacts on the environment by limiting the overall energy and water consumption for the household. Consideration of the following principle of sustainable design is encouraged:

- Orientate HOME to take advantage of solar aspect and prevailing breezes.
- Maximise north facing glazing with considered sun shading.
- Minimise west facing glazing and insulate west facing walls.
- Incorporate EAVES in the HOME design
- Higher ceilings.
- Plan the HOME to facilitate cross ventilation.
- Higher energy rated fixtures and appliances.
- Higher water efficiency rated fixtures.

## 18. Refuse Bins

Refuse Bins for Lots 72, 73, 82, 83, 84, 97 and 98 are only permitted to be stored in the allocated collection locations adjacent to the road on collection days. Refuse bins are to be located behind the building line and screened from public view on all other days.

# Building Guidelines

## 19. General

The HOMEOWNER acknowledges that:

- THE ARBOUR is a boutique residential community, and that the SELLER and other owners have invested a great deal of money in creating and maintaining THE ARBOUR as such.
- They are bound by the sale contract by which they acquired their site in THE ARBOUR to abide by these DESIGN COVENANTS and by the decisions of the TADP, acting reasonably.
- Under the sale contract by which the HOMEOWNER acquired their site in THE ARBOUR, the SELLER is entitled to vary, exclude, elect not to enforce and to interpret these DESIGN COVENANTS in any way it determines in its discretion.
- The HOMEOWNER has limited rights to object to any variation or interpretation of these DESIGN COVENANTS by the SELLER.

LOTS cannot be subdivided. Duplex or secondary dwellings are not permitted unless otherwise approved by TADP.

HOMES may not be used as a DISPLAY HOME unless approved by TADP.

Unless otherwise agreed to in writing by the SELLER, HOMES are not to be rented to tenants or otherwise used as investment properties for a period of 12 months after the HOME is completed. During that period, each HOME must be occupied only by a single family, being that of the HOMEOWNER.

If the HOMEOWNER uses the HOME as an investment property in breach of this DESIGN COVENANT, they will be liable to pay liquidated damages to the SELLER of \$20,000.00, on which interest will accrue at the rate specified in the sale contract for money due.

Relocated homes, manufactured homes defined by the Manufactured Homes (Residential Parks) Act 2003 (QLD) and recycled materials are not permitted unless otherwise approved by TADP.

Driveways, fencing, landscaping and letterboxes must be completed prior to occupation of the HOME.

Construction must be completed and a Form 21 – Final Inspection Certificate issued within 24 months from the date of land settlement. Once commenced, construction must be continuous.

## 20. Care & Maintenance of Your Lot

### NORMAL MAINTENANCE

The BUYER must:

- Maintain the LOT, free of excessive weeds, rubbish or garbage and keep all turfed garden areas presentable.
- Not store car bodies, mechanical equipment, machinery, tanks, construction materials (after construction completed), etc on the LOT.
- Bin storage will be screened from view from public areas. Location and detail to be provided on a Landscape Plan.

### OBLIGATORY SLASHING, MAINTAINING AND CLEARING

Should TADP or the SELLER notify the BUYER that mowing, maintaining or clearing of the LOT is necessary to maintain the tidy presentation of THE ARBOUR; the BUYER must carry out the work within 14 days.

If the BUYER fails to comply with the request to mow, maintain or clear the LOT, TADP or the SELLER may employ a contractor to carry out the request and the BUYER must pay to the SELLER the costs reasonably incurred by the SELLER.

### CARAVANS, CAMPERVANS, TRAILERS, COMMERCIAL VEHICLES AND BOATS

Caravans, campervans, trailers, commercial vehicles and boats may not be parked in the street, footpath or driveway. If stored on the LOT these vehicles are to be parked in the GARAGE or suitably screened to the satisfaction of TADP. Unregistered cars must be garaged.

Provisions must be allowed for the proper screening and housing of watercraft.

### TEMPORARY STRUCTURES

No temporary or re-locatable structures are to be erected or located on the LOT, unless for use in conjunction with the construction of the HOME or ANCILLARY STRUCTURES and then must be removed immediately on completion of construction.

### ACCESS

In exercising any of its rights under these DESIGN COVENANTS to access the LOT, the Seller will have regard to:

- (a) the reasonable interests of the Buyer and any neighbouring owners;
- (b) the purpose and objective of the DESIGN COVENANTS.

# Appendix

## APPENDIX 1 Definitions

**ANCILLARY STRUCTURES** are structures that are not part or attached to the body of the HOME, i.e. SHEDS, pergolas, pools, tanks, pool pump, retaining walls, pool shelters, etc.

**ARTICULATION/ARTICULATED** as used in this document, refers to the distribution and variation of elements in a building façade to create visual interest and character. ARTICULATION may be achieved through stepping of walls, incorporating building elements such as balconies, verandahs, pergolas, varying setbacks, window shades, awnings and feature walls in combination with a variety of building finishes, textures, and materials.

The **BUYER** means the BUYER defined in the CONTRACT subject to these DESIGN COVENANTS and includes any successors and assignees.

A **CARPORT** is defined as a car accommodation space that is not fully enclosed on all sides.

**COGC** (City of Gold Coast) refers to the Council of the City of Gold Coast.

**CONTRACT** means the contract for the sale of the LOT by the SELLER to the BUYER.

**DESIGN COVENANTS** means these DESIGN COVENANTS and includes the ENFORCEMENT PROVISIONS.

**DISCLOSURE PLAN** means the DISCLOSURE PLAN given by the SELLER to the BUYER in or in conjunction with the CONTRACT relevant to your LOT.

**DISPLAY HOME** has the meaning given to that term in Domestic Building Contracts Act 2000 Qld'.

**EAVES** are the portion of a roof that overhangs the external wall of the HOME.

**ENFORCEMENT PROVISIONS** means the enforcement provisions for the DESIGN COVENANTS contained in the CONTRACT.

A **FASCIA** is a flat horizontal board used to conceal the end of roof rafters.

A **GARAGE** is defined as a roofed car accommodation space that is fully enclosed on all sides including the street front.

The **HOME** is the residential dwelling to be built on the LOT.

**HOME OWNERS** are the registered proprietor on the title of the LOT or mortgagee in possession of a LOT within THE ARBOUR other than the BUYER.

A **LOT** is land that the BUYER/HOME OWNER owns in THE ARBOUR.

**NATURAL GROUND LEVEL** is the level of the ground when the BUYER completes the purchase of the LOT.

**OMP (Outer Most Projection)** is defined as the most outer point of a building or structure. In the case of a roof, this applies to the outside face of a FASCIA, but does not include retractable blinds, fixed screens, rainwater fittings or ornamental attachments.

**POD** refers to the City of Gold Coast approved Plan of Development given by the SELLER to the BUYER in or in conjunction with the CONTRACT.

The **PRIMARY STRUCTURE WALL (PSW)** is measured as the main wall of the HOME. It excludes EAVES, awnings, verandahs, balconies, entry or shade structures.

For corner allotments, the **PRIMARY STREET FRONTAGE** is the frontage with the shortest dimension and the **SECONDARY STREET FRONTAGE** is the frontage of the greater dimension or as otherwise indicated on the DISCLOSURE PLAN / POD.

**THE ARBOUR** means the residential land development known as "THE ARBOUR", situated at Cowell Drive, Burleigh Heads Qld 4220.

**TADP** is THE ARBOUR Design Panel which is the responsibility of Burleigh Heads Estate Pty Ltd ABN 11 637 675 604 (or its successors and assigns) to manage.

**ROAD VERGE** is the strip of land forming part of the public road reserve from the road kerb to the LOT boundaries.

A **SECONDARY DWELLING** is defined as a dwelling used in conjunction with, and subordinate to, a HOME on the same LOT.

**SELLER** is Burleigh Heads Estate Pty Ltd ABN 11 637 675 604 and includes successors and assigns.

A **SHED** is a simple enclosed structure that is separate to the HOME and is used primarily for storage purposes. These structures are to be hidden from view from the street.

**SITE COVER** is expressed as a percentage of the area of your LOT that the footprint of your HOME covers. The total area/footprint of your HOME includes enclosed spaces including the outside wall and unenclosed spaces where covered to a line 600mm in from the LOT perimeter of the covered space.

A **SKILLION** is a sloping roof without a ridge or a peak.

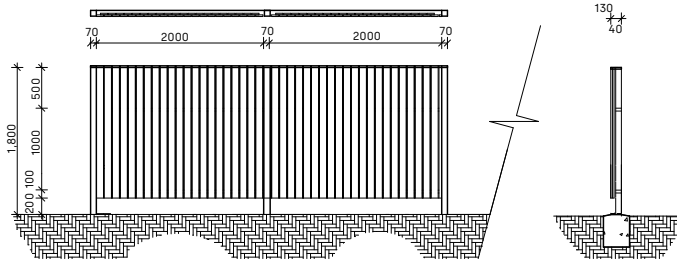
# Appendix

## APPENDIX 2 Fencing Types

### SIDE AND REAR LAPPED AND CAPPED

1800mm height.  
100% solid, with capping rail at top and timber sleeper at base.

Timber Fence  
Colour: compliment HOME exterior colour.

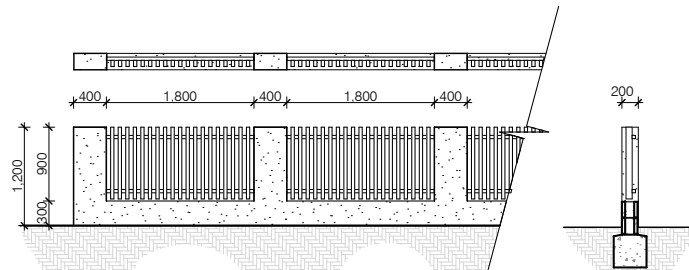


\*image provided by Roseville Fencing.

### FRONT FENCE OPTION 1

1200mm masonry pier fence.  
50% transparency.

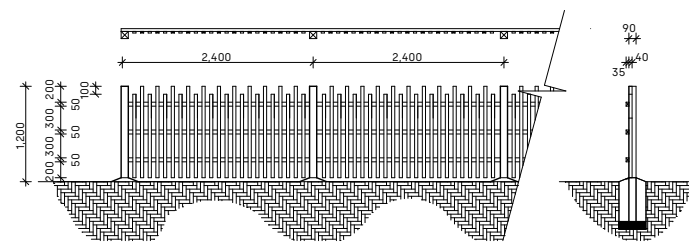
Rendered masonry with metal infill.  
Colour: compliment HOME exterior colour.



### FRONT FENCE OPTION 2

1200mm modern  
staggered height  
50% transparency.

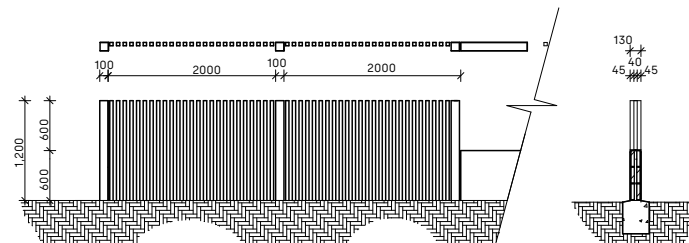
Timber fence.  
Colour: compliment HOME exterior colour.



### FRONT FENCE OPTION 3

1200mm height timber  
batten fence. 50%  
transparency.

Timber batten fence.  
Colour: compliment HOME exterior colour.



\*image provided by BR Platinum Landscaping.

Note: Fence height cannot be increased and the transparency of fencing cannot be reduced.



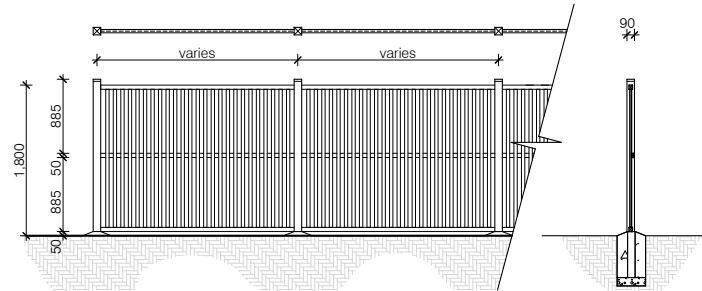
# Appendix

## APPENDIX 2 Fencing Types - cont.

### CORNER LOT SIDE FENCE OPTION 1

1800mm height, vertical aluminium battens.  
25% transparency.

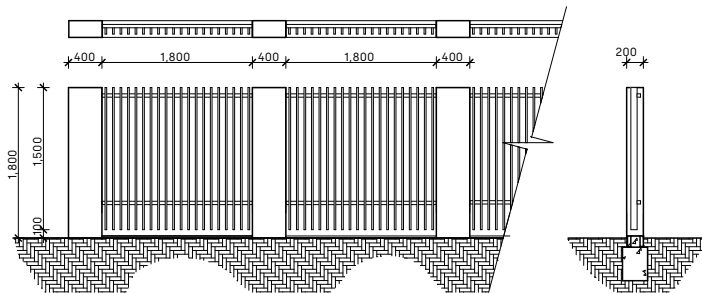
Aluminium Fence  
Colour: compliment HOME exterior colour.



### CORNER LOT SIDE FENCE OPTION 2

1800mm height masonry pier fence with aluminium batten infill.  
25% transparency.

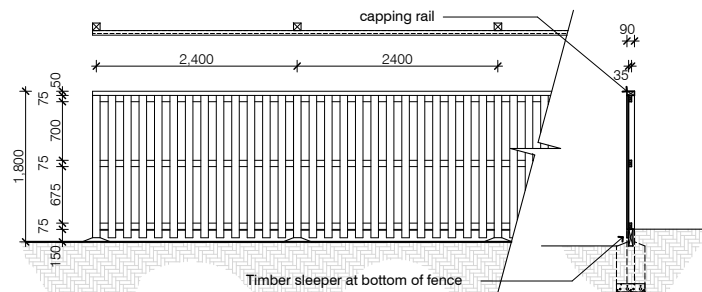
Aluminium masonry fence  
Colour: compliment HOME exterior colour.



### CORNER LOT SIDE FENCE OPTION 3

1800mm height, hit and miss pailings, with capping rail at top and timber sleeper at base  
25% transparency.

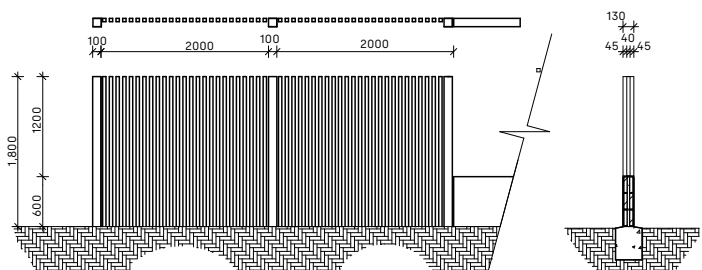
Timber Fence  
Colour: compliment HOME exterior colour.



### CORNER LOT SIDE FENCE OPTION 4

1800mm height timber batten fence. 25% transparency.

Timber Batten Fence  
Colour: Compliment HOME exterior colour.



## Additional Notes

- Fencing to the primary road frontage to be at least 50% transparent and not to exceed 1.2 meters in height
- Fencing to public open space to be at least 50% transparent and not to exceed 1.8 meters in height.
- Fencing on secondary street frontages to be at least 25% transparent, and maximum 1.8m in height.
- Side and rear boundary fencing to be a maximum of 1.8m in height.

Note: Fence height cannot be increased and the transparency of fencing cannot be reduced.

# Appendix

## APPENDIX 3

### Builder Responsibility

In order to successfully deliver a first class community we require cooperation by all parties involved throughout the development and construction process.

Listed below are "The Arbour Home Owners & Builders' Site Guidelines". These guidelines have been created to benefit the aesthetic look and feel of THE ARBOUR.

All HOME OWNERS/BUYERS must comply with, and procure that their builders comply with, the following:

- HOME OWNERS/BUYERS and their builders have an obligation to keep THE ARBOUR tidy.
- Comply with plans, specifications and all legal requirements.
- Construction should be performed with reasonable diligence.
- It is the HOME OWNER'S/BUYER'S responsibility, prior to the commencement of construction of the HOME on the LOT, to ensure the builder complies with and is provided with a copy of the DESIGN COVENANTS.
- All HOME OWNERS/BUYERS and their builders must ensure that all overburden, building materials and fittings are stored wholly within the LOT at all times and that no building materials or overburden are stored on the nature strip of the LOT.
- HOME OWNERS/BUYERS and their builders must provide a bin on the LOT for the storage of all site refuse generated by works on the LOT and keep all such site refuse within such bin and ensure that it is emptied whenever full.
- The HOME OWNER'S/BUYER'S builder must erect and maintain at their own cost and keep in good condition a sign at least 600mm x 400mm and not >2m<sup>2</sup> on the LOT during the period of construction works on the LOT that is clearly visible and legible from the road. The sign must include the name and registration number of the builder, name and contact details of the site supervisor and the LOT number.
- TADP will impose a non-littering requirement as a standard clause of any approval granted by TADP in respect of building works. The builder will be required to be diligent in the control of all site litter and to protect adjoining LOTS and verges from use by on-site construction workers and sub-contractors.
- HOME OWNERS/BUYERS and their builders must, prior to commencing construction on the LOT, provide a working toilet and running water, until completion of the building works.
- HOME OWNERS/BUYERS and their builder, prior to the commencement of any building work, must ensure that a site fence is erected on each LOT.
- HOME OWNERS/BUYERS and their builders must ensure that access to and from the LOT for any purpose related to the construction works on the LOT is to be only at the allocated crossover point.
- HOME OWNERS/BUYERS and their builders must not access or park vehicles on adjoining LOTS, parkland and/or footpath for any purpose related to construction works on the LOT.
- HOME OWNERS/BUYERS and their builders must ensure a temporary vehicle crossing of crushed rock is placed where the crossover is to be located between the back of kerb and LOT boundary or footpath, prior to commencement of construction. Maintain the crossing during construction and ensure that all vehicles access to the building site occurs only over this temporary vehicle crossing. If footpaths have been constructed they must be protected by a temporary wooden vehicle crossing.
- HOME OWNERS/BUYERS and their builders must comply with any notice issued by or on behalf of the SELLER/TADP specifying breaches of the "Builders' Site Guidelines" and rectify such breaches, failing which the SELLER may take action, including under the ENFORCEMENT PROVISIONS.
- HOME OWNERS/BUYERS and their builders must ensure that all building works use best environmental practices to minimise dust and sedimentation runoff, to contain all hard rubbish and to prevent runoff into the stormwater drainage system of any hazardous substances and domestic chemicals and detergents.

# Appendix

## Building Contract

### **Additional clause for building CONTRACT to bind builder to comply with this DESIGN COVENANTS.**

It is recommended that the BUYER include in the Special Conditions of the building CONTRACT entered into by the BUYER for the construction of a HOME, GARAGE, SHED, fence, swimming pool, or ANCILLARY STRUCTURE to any of the foregoing shall contain a clause which states:

The builder shall comply with the requirements of the DESIGN COVENANT for the LOT for the duration of works under this building CONTRACT and will not commence work on the site unless the builder has sighted or is in possession of a copy of the DESIGN COVENANTS approval issued by the TADP and a copy of the "Builder Responsibility - Appendix 3."

An approval issued under these DESIGN COVENANTS is not an approval under the requirements of the Building Act 1975 (Qld), or any other legislation. The documents provided by the BUYER to TADP have not been checked for compliance with any structural, health or planning requirements or for the suitability of the building for the use to which it may be put. Accordingly, TADP or its representatives do not accept any responsibility for the suitability or soundness of construction of the completed structures or buildings or the associated development works.

## Sale By Buyer

If the BUYER (or any successor in title of the BUYER) on-sells their LOT (or an interest in their LOT), they must obtain a deed of covenant from the subsequent BUYER to be bound by the DESIGN COVENANTS and the relevant CONTRACT provision prior to disposing of their interest in the LOT - refer to the special conditions in the CONTRACT.

**These DESIGN COVENANTS are subject to change at any time by the SELLER.**

**The SELLER reserves the right to vary, alter, remove, or disregard any of these DESIGN COVENANTS at any time in respect of the sale or development of any other LOT in THE ARBOUR if the SELLER considers (acting reasonably) that any variation, alteration, removal or disregard of the DESIGN COVENANTS would not materially and detrimentally affect the BUYER or HOME OWNER. The Seller will provide reasonable notice to the BUYER or HOME OWNER that the SELLER intends to effect such variation, alteration, removal or disregard.**

**The BUYER and the HOME OWNER have no claim against the SELLER or any of the SELLER'S agents in respect of any changes made by the SELLER to the DESIGN COVENANTS.**

**The SELLER is not liable for any action resulting in the alteration of these DESIGN COVENANTS.**

**The SELLER may, acting reasonably, elect not to enforce the DESIGN COVENANTS on any HOME OWNER/BUYER. These DESIGN COVENANTS are valid and enforceable until 12 months after the SELLER has sold all of the LOTS it owns in THE ARBOUR.**

**Any void, voidable or illegal term of these DESIGN COVENANTS may be severed unless to do so will result in a change to the basic nature of these DESIGN COVENANTS.**

**If there is any contradiction between the terms of this document and the CONTRACT, the CONTRACT will supersede this document.**

**In exercising its rights under these DESIGN COVENANTS, the SELLER will have regard to:**

- (a) the reasonable interests of the BUYER or HOME OWNER and any neighbouring property owners;**
- (b) the purpose and objective of the DESIGN COVENANTS as described under the heading "Purpose of the Covenants" of these DESIGN COVENANTS; and**
- (c) the extent that:
  - (i) any variation, alteration, removal or disregard; or**
  - (ii) the exclusion or non-enforcement of the DESIGN COVENANTS (or parts of them) will materially and detrimentally affect the Buyer and/or the Property and/ or the Estate.****



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