



TOOGOOM SHORES

Building Covenant & Guidelines v1.1

TOOGOOM SHORES

10 JEPPESEN RD, TOOGOOM. QLD 4655



Introduction

Toogoom Shores sits in the beautiful coastal hamlet of Toogoom, just 10 minutes from the heart of Hervey Bay. These modern home designs are located just 80m from the beach and offer the lifestyle we all dream of.

This document is prepared in accordance with the development approvals of the Fraser Coast Regional Council (FCRC). It aims at assisting the lot buyers (the **Buyer**) to comply with the relevant conditions (DA) and Plan of Development when building their house. It also serves as a Building Covenant binding to the Contract of Sale for the lots at Toogoom Shores at 10 Jeppesen Road, Toogoom, QLD, 4655.

Scope

The covenant exists as a legally binding document between the Buyer and the Seller. The Seller reserves the right at its discretion to vary or exclude any of the requirements under the Covenant. This discretion will be exercised only in keeping with the relevant conditions and Plan of Development.

The Buyer absolves the Seller from any liability whatsoever for any action taken in the variation or exclusion of any requirement detailed in this covenant.

The operation of this Covenant and the Seller's approval of any building plans does not alleviate the Buyer from any requirements under State or Local law. For example, you or your builder will have to engage a Building Certifier to issue a Building Permit for any assessable building works. In some circumstances, an application to Council may also be required.

Building Setbacks

Dwelling houses are to be setback a minimum of:

- a. 5.5 metres from the outermost projection of the garage of a Dwelling house and/or ancillary outbuilding from the nominated road frontage boundary; and
- b. 4.5 metres from any other outermost projection of any part of building or structure from the nominated road frontage boundary; and
- c. 1.5 metres from the outermost projection of the Dwelling house and/or ancillary outbuilding to the rear boundary; and
- d. 1.5 metres from the outermost projection of the Dwelling house and/or ancillary outbuilding to either side boundary.

Seller's Obligations

The administration of the Covenant will cease two (2) years after the settlement of the last sale by the Seller. Following the cessation of the Seller's obligations under the Covenant all necessary approvals will defer to the relevant authorities.

Use of Land

The Buyer must not use the Land for more than one house per lot.



Building Time

The buyer must commence building construction within 12 months from the date of settlement and must complete it within 36 months from the date of settlement.

Occupancy

The Buyer must not occupy the house until construction has been completed and a Certificate of Occupancy or Final Certificate has been issued by the Fraser Coast Regional Council (FCRC) or a registered Building Certifier.

Care and Maintenance

The Buyer must keep the Land in a neat and tidy condition, free of rubbish and weeds, before, during and after construction works. Prior to the completion and occupation of the house, the Buyer must slash the grass and vegetation no less frequently than every two months, or so often as required for the grass not to exceed 50 mm at any time.

No excavation material, landscaping materials, rubbish, builders' waste, or other materials or pollutants of any kind shall be allowed to move onto, or be deposited on, neighbouring land.

In the event that the Buyer does not maintain the land as described above, including in relation to rubbish and vegetation, the Seller may employ a contractor to carry out the required cleaning and maintenance at the expense of the Buyer.

During the building of the house construction vehicles must not be parked on footpaths or verges and articulated vehicles must not be parked on roadways. Development construction must not be hindered in any way.

Environmental Maintenance

No trees or other assessable vegetation may be removed or relocated without the written consent of the Seller and the Fraser Coast Regional Council (FCRC). Footpath trees that are required to be relocated to enable the construction of driveways, etc. are required to be transplanted and maintained, or replaced by the Buyer with an equivalent species and size of tree at the expense of the Buyer.

The Buyer, Builder and other Agents employed during the construction of the house must be responsible for the implementation and maintenance of appropriate sediment and erosion control measures as required by the Local and State laws.

Signage

The Buyer must not place or permit to be placed upon the land any signs, except as follows:

- prior to and during the construction of the house – a builders' identification and information sign that does not exceed one (1) square metre in area; and
- with written consent of the Seller.

Bushfire Management

All households should take precautions and be prepared for the risk of fire. Knowing how to prepare your property for a bushfire will give your family peace of mind. Although the risk of bushfire in developed areas is low, the Seller encourages all Buyers to have in place a Bushfire Management Plan.



National Broadband Network (NBN) – Telecommunications and the Internet

It has been agreed that the development will be a National Broadband Network (NBN) Ready Estate, which means you will benefit from high-speed broadband. In order that your new home can be connected to this new infrastructure it is imperative that your home be set up to meet the NBN specifications. Your builder must install conduits and a power point in accordance with the NBN requirements which are available on the internet

<http://www.nbnco.com.au/assets/documents/keyinformation-forbuilders-and-cablers.pdf>

Compliance

The building shall comply with the approved parameters of the Plan of Development such as (but not limited to) site coverage, setbacks, height, open space and access.

Rubbish Bin Storage

Permanent bin storage must not be located within the building structure, unless the structure has a purpose-built storage area for the sole storage of waste containers (i.e. air locked from the remainder of the building).

Permanent bin storage points for waste and recycling wheelie bins must be provided. These must have a minimum area of 2 m² per dwelling and must be a constructed hardstand area located or screened such that containers are not visible to passing vehicles, pedestrian traffic, or inhabitants of neighbouring properties.

Sustainability

Designing your home to suit the climate and site will make it more comfortable all year round, reduce your energy bills for heating and cooling and help the environment.

A sustainable home uses as little energy and water as possible and can adapt to the changing lifestyles of its occupants.

Construction

Existing ground levels must be maintained to all lot boundaries. The construction of the house must be carried out to a high standard, using new and quality materials and products.

Building works must not be suspended for a period of more than two months after construction has commenced.

Construction Hours

The developer shall ensure that the construction of all works to be carried out pursuant to these conditions or as a result of this approval is carried out only between the hours of 7.00am and 6.00pm, Monday to Saturday inclusive. No works will be carried out outside these hours or on Sundays or public holidays.

Materials

Materials for construction are to be varied, complementary material and textures and must be approved by the Seller before being submitted for final Council / registered Building Certifier approval.

Plumbing Fixtures and Fittings

External plumbing fixtures and fittings are required to be screened or obscured from the street frontage and visible areas of the sides. All second storey plumbing must be concealed.



Garages

It is recommended that, where possible, home designs should try to accommodate at least two cars in a garage that is part of the house and constructed of the same materials. Parking in front of a garage is not permitted unless the garage door is set back at least 5.4m from the lot frontage.

Driveways

Driveways must be constructed from the kerb to the garage and designed in a manner that complements the dwelling and landscape design. Driveways should be constructed of exposed aggregate, stenciled concrete, coloured or plain concrete. Asphalt is not acceptable.

Driveways must be located so as not to clash with the services including electricity connection pillars, water meters, sewer manholes, stormwater manholes and entry pits, communication (NBN) pits and streetlights.

Jeppesen Road Access

Vehicular access directly from Jeppesen Road to Lots 1 to 6 is prohibited for traffic management and safety reasons.

Note: A property condition will be attached to the affected lots to advise landowners of this restriction.

Dwelling House Retaining Walls

The use of excavation should be minimised, reducing the need for structural retaining walls. Where retaining walls are included in the design, they must ensure outdoor functionality and visual amenity for the Buyer, their neighbours and the public.

All retaining wall structures, including footings, constructed between new lots, must be wholly located within the lot it serves. Where retaining walls are constructed between new lots and existing lots, the entire structure, including footings, backfill and associated drainage infrastructure, must be wholly located within the new lot being created by a minimum of 300mm.

Fencing

The fencing design must be stained timber with hardwood battens fixed in an architectural pattern or Colorbond Aluminum style to provide a high-quality visual outcome.

All buyers are required to install a perimeter fence on their property that adheres to the following specifications: the fence must be constructed using timber, aluminum, or a similar material that is in keeping with the aesthetic standards of the development.

The developer will supply (at no cost to the buyers) a property boundary fence design that presents a consistent appearance for the development for the length of the Jeppesen Road frontage except where such fence would interfere with driveway location for Lot 7. The fence will include pedestrian gates to facilitate pedestrian access to Jeppesen Road.

Landscaping

All garden areas within public view must be landscaped with a combination of trees, shrubs and turf prior to the occupation of your dwelling. It is highly recommended that plants suited to the local conditions be selected.

Planting with large or invasive root systems are not permitted over or within a Council public utility easement.



Screening

All air conditioning units, hot water units and other building services must be screened from view and the screening should form part of the overall architectural outcome.

Contacting The Developer

The developers can be contact via their representatives as follows:

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