

FERNGROVE BALLINA

BUILDING & DESIGN PHILOSOPHY

DEFINITIONS

Lot Owner:	The Purchaser of the Land
Lot Owner:	Rayshield Pty Ltd
Land:	Lot owned by a Lot Owner
Dwelling:	Standard house, duplex, courtyard or villa
Property:	Land with or without improvements
Development:	Residential development known as 'Ferngrove Ballina'
Improvements:	Any building and/or landscaping works
Council:	Ballina Shire Council
Instrument:	Section 88B Instrument contained in the Contract

1. THE PURPOSE OF BUILDING COVENANTS

The purpose of the Building Covenants contained in the Section 88B Instrument of each Stage of the Development is to ensure that the Developer's vision for Ferngrove is fulfilled and that Lot Owners can feel confident that standards will be achieved and that the quality of development will be maintained.

2. ACKNOWLEDGEMENT

The Lot Owner acknowledges that the Developer has or is in the process of subdividing and developing a large master planned residential development at Ballina known as 'Ferngrove Ballina', the object of which is to establish a modern and well designed residential housing estate and that the land forms part of the Development. The Lot Owner further acknowledges that it is desirable for the protection and in the interests of all Purchasers of Land situated within the Development for the Developer to make decisions in relation to the nature and type of construction or improvement that may be erected on all Lots within the Development. Accordingly the Lot Owner agrees to the obligations set out in these Building Covenants.

3. PLAN SUBMISSION REQUIREMENTS

- 3.1 *The Lot Owner shall submit drawings and specifications of the proposed dwelling, Landscaping and other improvements, to the Developer for approval. The Developer will Endeavour to approve, reject or give notice of amendments to the drawings and specifications within two weeks after receipt by the Developer. However, the Lot Owner agrees that time is not of the essence with respect to the Developer approving the drawings and specifications.*
- 3.2 *Any drawings and specifications submitted to the Developer must provide for and comply with the Instrument and requirements contained in the Sale Contract. The Developer may reject or request amendments to drawings and specifications if they do not comply.*
- 3.3 *The drawings and specifications are required to be approved by the Developer before they are submitted to the Council and/or a Private Certifier for building approval assessment. The improvements constructed on the Land must be according to and comply with the drawings and specifications approved by the Developer and Council and/or a Private Certifier.*
- 3.4 *Site plans shall be fully dimensioned and include the following information:*
- a) *Location plan indicating the features of adjoining properties, north point, solar orientation, lot size, lot configuration, DP number, special setback requirements, existing levels, new levels, etc;*
 - b) *Location of dwelling on the site, including garage, porches, etc;*
 - c) *Setbacks to all improvements;*
 - d) *The location of underground and surface water drainage for the discharge of roof and stormwater;*
 - e) *The extent and levels of all proposed earthworks in relation to natural surface levels and distance from the site boundaries, including locations and details of any proposed retaining walls;*
 - f) *Location of any proposed ancillary structures;*
 - g) *View corridors;*
 - h) *External hot water units and heat pumps.*

- 3.5 *Floor plans for the dwelling shall be fully dimensioned and shall be prepared including the following information: -*
- a) *Calculated square metres of internal living areas, garage and roof covered outdoor living areas;*
 - b) *Layout of dwelling spaces, room names and sizes;*
 - c) *Floor levels;*
 - d) *Window locations and sizes.*
- 3.6 *Elevations for each facade of the dwelling shall be fully dimensioned and include the following information: -*
- a) *Wall, roof, door, window and trim materials and colours;*
 - b) *Roof lines and pitches;*
 - c) *Positions of windows and sliding doors including operation;*
 - d) *Architectural detailing;*
 - e) *Relative position of natural surface level and proposed earthworks;*
 - f) *External wall construction and finishes.*
- 3.7 *A minimum of two cross sections of the dwelling shall be prepared including the following information: -*
- a) *Internal ceiling heights (minimum 2400 mm);*
 - b) *Position of slab and/or floors in relation to the natural surface level and proposed earthworks; and*
 - c) *General construction notes and details.*
- 3.8 *A landscape plan shall be prepared which must include the location and specification of the following items: -*
- a) *The dwelling on the site and the private outdoor open space in relation to the dwelling, including terraces;*
 - b) *Driveway and other external hard surface areas;*
 - c) *Surface stormwater drainage routes;*
 - d) *Fencing;*
 - e) *Existing trees;*
 - f) *Location of ancillary structures, e.g. BBQ's, garden sheds, etc;*
 - g) *Swimming pool location and swimming pool pump location;*
 - h) *Water tank location;*
 - i) *Mailbox, clothes drying area and ancillary structures;*
 - j) *Street front curb, gully pits, utilities, street lights and street trees; and*
 - k) *Proposed landscaping including plant species and sizes, ground covers, turf and other landscaping features, i.e. Pergolas, screens and trellis, etc;*
 - l) *Retaining walls.*
 - m) *Turf to the curb.*
- 3.9 *The Lot Owner shall not commence any improvements to the Land or excavation on the Land unless plans and designs for those improvements have been approved in writing by the Developer and Development Consent has been issued by the Council.*

4. STATUTORY AUTHORITIES

- 4.1 *It is the Lot Owners responsibility to comply with the requirements of all relevant Statutory Authorities including Council and NSW Government and in particular is responsible for obtaining a Construction Certificate for construction works. The Lot Owners attention is drawn to issues such as Setbacks, levels, site coverage, plumbing and drainage requirements and BASIX (The Building Sustainability Index), etc.*

5. DESIGN REQUIREMENTS

- 5.1 *The Lot Owner shall obtain from the Developer copies of design guidelines which will include typical layouts for the various dwelling types and landscape guidelines. The Lot Owner shall ensure that the correct dwelling type, i.e. Standard house, duplex, courtyard or villa is designed and constructed on the land designated for that purpose by the Developer.*
- 5.2 *The Lot Owner shall ensure that dwelling designs include the following requirements:-*
- a) *Roofs shall:-*
 - i) *Be designed with an interesting profile incorporating outdoor covered areas, articulated features and overhangs;*
 - ii) *Have a predominant roof slope between 22.5 and 45 degrees;*
 - iii) *Be designed with eaves overhangs of a minimum of 450 mm. 600 mm eaves overhang is preferred for two storey dwellings. Any variance to this requirement proposed by the Lot Owner shall be assessed by the Developer on its architectural merit.*
 - b) *Floor areas:-*
 - i) *Standard house dwellings shall have a minimum internal floor area excluding any attached garage, verandah, pergola, terrace and/or connection breezeway, etc, of 175 m² and have a minimum of three bedrooms.*
 - ii) *Duplex dwellings shall have a minimum floor area of 110 m² excluding any attached garage, verandah, pergola, terrace and/or connection breezeway, etc, and have a minimum of three bedrooms.*
 - iii) *Courtyard dwellings shall have a minimum floor area of 135 m² excluding any attached garage, verandah, pergola, terrace and/or connection breezeway, etc, and have a minimum of three bedrooms.*
 - iv) *Villa dwellings shall have a minimum floor area of 135 m² excluding any attached garage, verandah, pergola, terrace and/or connection breezeway, etc, and have a minimum of three bedrooms.*
 - c) *Two storey dwellings:-*
 - i) *Two storey dwellings shall be designed so as to protect the privacy of neighbouring occupiers, particularly in relation to visibility from second storey balconies, decks and windows.*
 - ii) *Two storey dwellings shall not exceed a height of 9 m from the ground to the ridge line.*
 - iii) *Two storey dwellings shall comprise living spaces at ground floor and shall not have ground floor areas which are not built in.*
- 5.3 *All dwellings shall be articulated with a covered entry porch, visible from the street, which is either recessed or projects from the dominant line of the building façade.*
- 5.4 *The façade or front elevation of dwellings shall be articulated, present more than one building line to the street, and incorporate detailed design of architectural elements. In addition, the façade shall contain decorative details including at least one of the following:*
- a) *Brick columns and capitals*
 - b) *Shutters*
 - c) *Flat arches*
 - d) *Gable vents*
 - e) *Window hoods*

- 5.5 *Significant areas of glass and windows are to be provided to eastern and particularly northern elevations of the dwelling to maximise solar access, light and ventilation, and the major areas of glazing shall be protected by a roof overhangs or under roof covered areas. Tinted windows should be used in walls having high sun exposure.*

In addition, windows shall be of similar size on the front façade and positioned in a formal or symmetrical arrangement; and be of predominantly a vertical rectangular proportion.

- 5.6 *To create an interesting and acceptable built form which enhances the streetscape, external dwelling walls shall: -*
- a) *Be predominantly of brick veneer, brick, stone, concrete or 2 mm texture coated concrete block with infills of glass, timber, composition board and other quality building materials; and*
 - b) *Only be of elements which either have a natural, pre-coloured, painted, or otherwise protected finish in a colour that complements the environment and surrounding development.*

6. LANDSCAPING

The Lot Owner shall before entering into occupation of the dwelling, complete all landscaping in accordance with approved landscape plans, including the planting of a substantial quantity of shrubs and trees and the laying of good quality turf up to the street kerbside. Purchasers are also directed towards the Publication 'Ballina Shire's Urban Guide' which is available from Council's offices.

7. ACOUSTIC REQUIREMENTS

The Lot Owner shall provide acoustic treatment to the dwelling to comply with AS3671-1989 — Road Traffic Noise Intrusion in Building Siting and Construction and as set out in the CRG Acoustic Report dated December 2009 available from the Developer.

8. EXTERNAL PLUMBING

External sanitary plumbing pipes must be concealed so as not to be visible.

9. USABLE OPEN SPACE AND PRIVATE OPEN SPACE

- 9.1 *Usable open space of a minimum of 25% site area shall be provided for each dwelling.*
- 9.2 *Private open space is to be provided and is to be capable of containing a rectangle of 6m x 4 m exclusive of service areas, driveways and the like. This area is to be generally located as shown on the plan so as not to be overlooked by living areas of the adjacent dwelling. In the alternative, it may be provided with privacy screening to ensure visual privacy. It is to be located so as to be accessible from living areas of the dwelling. This area shall generally be located away from street frontage, unless adequately screened from the street.*
- 9.3 *Open space less than the 2.5 m in minimum dimension shall be excluded from the usable open space calculations.*
- 9.4 *For duplex dwellings private open space shall be located approximately equally between the two dwellings.*

10. TREES

- 10.1 *The Lot Owner acknowledges that the Developer may plant trees on the Development in and around the various public areas including the footpaths in an endeavour to enhance the environment and by way of general beautification and the Lot Owner agrees not to damage or remove any of these trees. Should such damage or removal be caused either by the Lot Owner or his/her/its Builder or subcontractors, the same are to be replaced immediately by the Lot Owner at the Lot Owner's expense.*

11. FURTHER IMPROVEMENTS

- 11.1 Any proposed improvements to the Property, whether they be in conjunction with construction of the dwelling house or separate to the dwelling house, shall be in accordance with the Instrument and the Lot Owner will submit plans of any such improvements to the Developer for approval prior to starting construction. All improvements must be made in accordance with plans approved by the Developer including improvements such as: -
- a) Fencing, landscaping and site works including swimming pools and other ancillary structures;
 - b) Building additions, alterations and extensions.
- 11.2 The Developer will not unreasonably refuse consent to plans for improvements where the improvements are complimentary to and not inconsistent with the style and colour scheme of the dwelling and are aesthetically consistent with the dwelling.

12. CONSTRUCTION

- 12.1 Notwithstanding anything else contained in the Instrument, the Lot Owner is bound to construct a dwelling on the land. The Lot Owner agrees to commence construction of the dwelling on the Property by no later than 12 months after the Settlement Date.
- NOTE — Should the Lot Owner wish to vary the times stipulated, the Lot Owner shall submit a written request to the Developer. The Developer shall approve or reject the request within seven days of receipt of the request.*
- 12.2 The construction of the dwelling shall be completed by no later than nine months after the commencement of construction.
- NOTE — Should the Lot Owner wish to vary the times stipulated, the Lot Owner shall submit a written request to the Developer. The Developer shall approve or reject the request within seven days of receipt of the request.*
- 12.3 The Developer may enter upon the Property at any time whether before, during or after construction of any building work and whether before or after the completion of this transaction to ensure compliance by the Lot Owner with its obligations under this Contract.
- 12.4 During construction, the Lot Owner shall at all times keep the building site clean and position a bin on the site commencing when the ground slab has been cast until the dwelling is complete.
- NOTE — All construction traffic shall enter the development site only from the areas designated by the Developer.*
- 12.5 During construction, the Lot Owner shall comply with requirements of Council. The Lot Owner indemnifies and agrees to keep indemnified the Developer against any claims which are made against the Developer for damages, costs and expenses suffered or incurred by the Developer as a result of the Lot Owner not complying with the requirements of Council.

13. EASEMENTS

- 13.1 The Lot Owner shall comply with the requirements of easements over the Property.