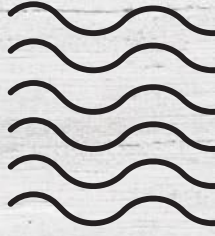




THE ORCHARD



# Building Guidelines & Covenants



**ELEMENTS**  
NORTH QUEENSLAND

**SINCE**  
**1988**

COMMITTED TO TOWNSVILLE FOR OVER 30 YEARS

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# Purpose

## Elements North Queensland (Elements) believes it has a responsibility to the communities it creates and to its residents.

Elements ensures they protect their investment and lifestyle by the binding Design Standard and Estate Covenants (DS and EC). These standards and covenants protect the quality of the estate for the preservation of the environment and of course, enhance the development of the community.

The DS and EC offer peace of mind to buyers by providing knowledge that surrounding neighbours are expected to meet the same level of standards. Elements administers these DS

and EC on behalf of all of our communities for the life of the project. Elements encourages diverse, innovative and sustainable design solutions. An application seeking approval for a design that is not strictly within the DS and EC will be considered on its merits. Please note that some Design Standards and Estate Covenants will vary between estates.

The DS and EC are accepted by the Buyer/s who agree to comply with and be bound by them. In the interpretation and enforcement of these DS and EC, Elements reserves the right to exercise their full discretion in the refusal or acceptance of any proposal without creating any legal obligations to a third party.

## The protective building covenant relating to the property

### STEP 1

#### **Purchase your land allotment and begin designing your new home**

When selecting your allotment and designing your new home please ensure that your builder and/or architect has a copy of these Building Guidelines.

### STEP 2

#### **Settle on your allotment**

Initially you may place a Deposit to 'secure' your preferred allotment, however, you will then pay the balance of the Sales Price when the land Title is transferred to your name.

### STEP 3

#### **Submit your house plans for approval**

Complete the online Approval Form and you will receive an email outlining how to submit your house plans for approval. House design and plans that comply with these guidelines will be approved without delay.

### STEP 4

#### **Design and review**

Where the house designs and plans do not comply with these guidelines Elements NQ will assist you and your builder and/or architect to identify amendments that will help to achieve compliance.

### STEP 5

#### **Review design approval**

Anticipated timeframe for approval, subject to any required design review, is five (5) working days.

### STEP 6

#### **Building application**

Submit a Building Application to an accredited Certifier.

### STEP 7

#### **Obtain building approval and start building your home**

Construction of your home and driveway must start within 24 months of the date of settlement of your land.

### STEP 8

#### **Move into your new home**

Once your home is complete, and you have obtained a Certificate of Occupancy from either Townsville City Council or an accredited private Building Certifier, you can move in.

**LANDSCAPING, INCLUDING FENCING & DRIVEWAY, MUST BE COMPLETE WITHIN THREE (3) MONTHS OF OBTAINING YOUR CERTIFICATE OF OCCUPANCY**

# Positioning your new home

Your new home should be in proportion to the area of land on which you're building. Typically there should be enough room for a more than generous back yard, a landscape front garden and adequate space to create privacy between neighbours.

**When considering the best location to position your home you should be mindful of the following:**

- Encourage private living space on the North and East sides of your home where possible
- Due to the North Queensland climate, the cost benefit of designing your home to maximise energy efficiencies and minimise power consumption i.e. cross ventilation
- Minimise overlooking and overshadowing of your neighbours
- Solar orientation and minimising heating of living areas

**When positioning your home you will need to comply with the Building Envelope Plan specific to your allotment. These plans are available online from the relevant website.**

The Building Envelope Plan provides the minimum setbacks, however, we encourage designs that incorporate a variety of setbacks to provide maximum visual interest from the street.

## Typical lots

### **Minimum set-back from Front Property Boundary**

- 6.0m from Building Line
- 7.0m from Garage Door

### **Minimum set-back from Side Property Boundaries**

- 1.5m to Building Line for a Single Storey dwelling
- 2.0m to the Upper Level Building Line of a double storey dwelling

### **Minimum set-back from Rear Property Boundary**

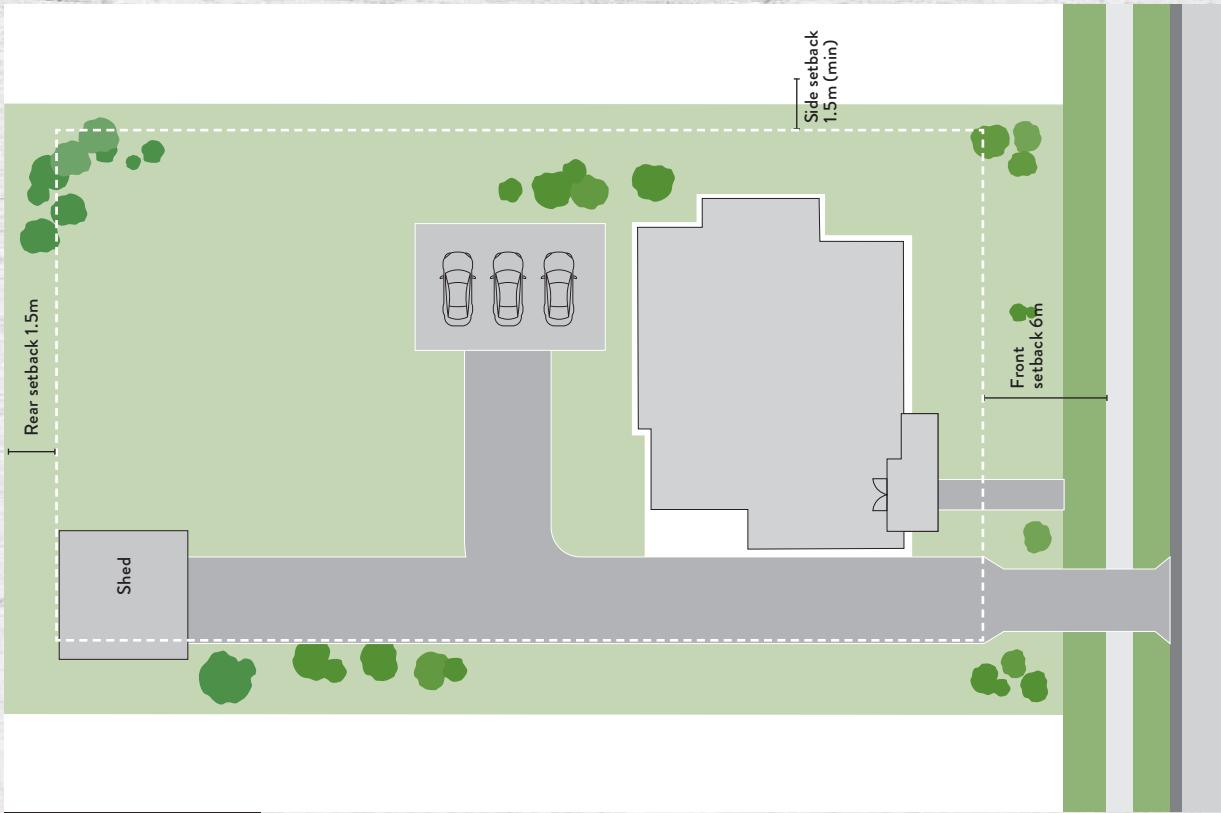
- 1.5m to Building Line for a Single Storey dwelling
- 3.0m to the Upper Level Building Line of a double storey dwelling



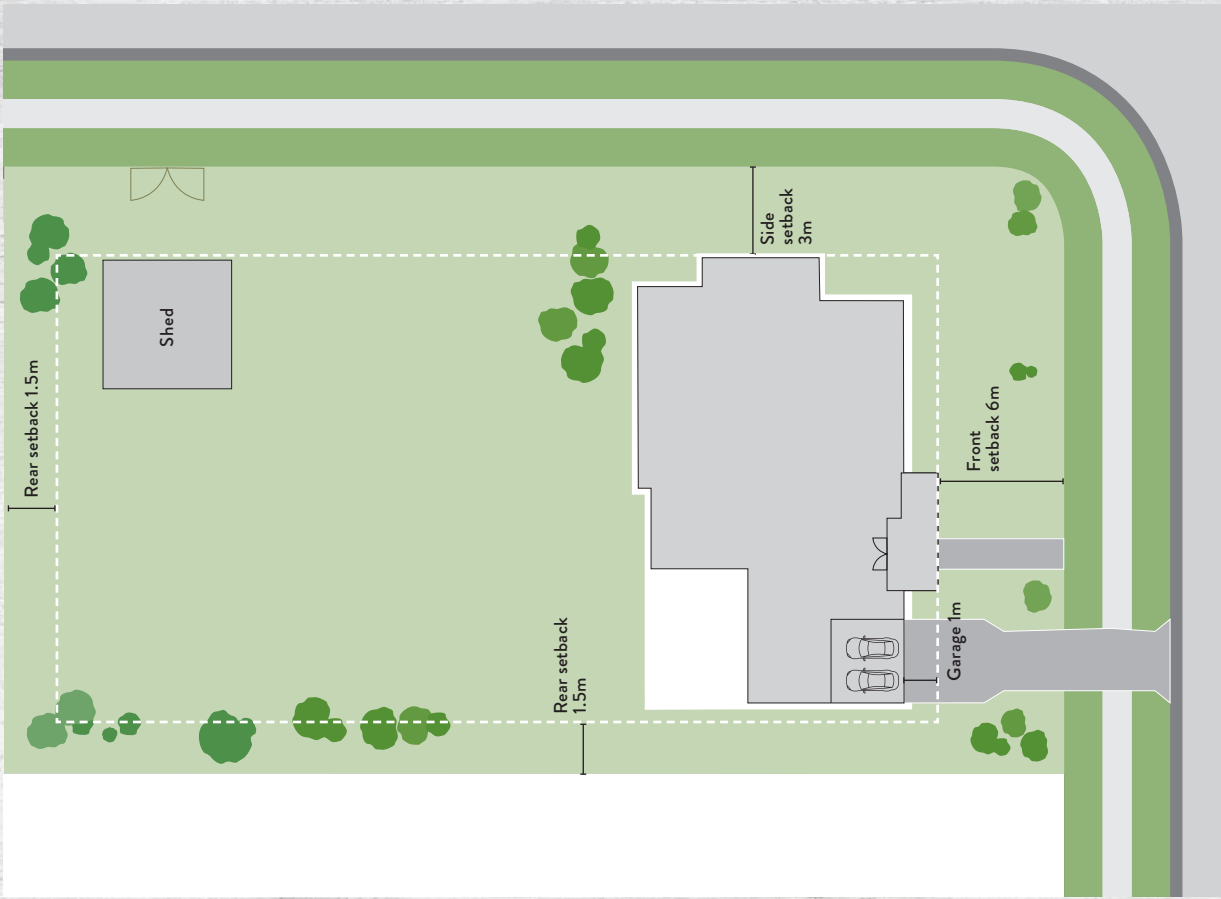
**LEGEND**

— Setbacks

- - - Building Area



Typical Lot



Corner Lot



# Home presentation and frontage to the street

## Your Front Facade

Must incorporate at least two feature elements such as a wall, portico or feature wall clad in face brick, natural stone or clear finished timber material. The feature cannot be painted **1**.

Should achieve variety through the use of diverse materials and textures **2**.

Typically dimensions of a front porch should be minimum 1.5m deep by minimum 2.0m in width **3**. The porch can be roofed, have a pergola or be partially uncovered, provided the front door is covered (please refer to examples of front porch elements on this page). The porch can be located in the articulation zone and must address both street frontages on corner lots.

Garage doors are to be a maximum width of 50% of the front facade and set back 1.0m from the building line/main facade frontage **4**.

Roller doors are not allowed to the Garage. Panel lift door are encourage.

Triple Garages will only be allowed to be visible from the street on lots with frontage greater than 20.0m. The third garage must be setback a minimum of 1 meter from the double garage.

Must have at least one (1) window to a habitable room facing the street **5**.

Front doors must face the street and incorporate either glazing or a side light window **6**.

Garages are encouraged however, car ports with architectural merit will be considered.



# Key elements of your new home

## Roofs

Roof design can be skillion, hipped and gable. Roofs may not be curved or butterfly and must not incorporate decorative elements such as finials.

Roof design is to be simple in form with a maximum of four (4) hips.

Flat roofs are encouraged and should include a parapet wall.

Must contain eaves with a minimum width of 450mm exclusive of fascia and gutter, including to Garages, to increase shade.

All downpipes must be plumbed to the kerb or directly into any drainage easements within the property by the builder. These works must be completed before the owners move into the property.

## Parking and Driveways

The minimum number of parking spaces per dwelling to comply is 2 car accommodation in a garage attached to the house or an in-closed shed not visible to the street.

Driveways should be a minimum of 5.4m wide at the kerb.

Driveway finish must be either:

- Exposed Aggregate Concrete;
- Stamped Coloured Concrete;
- Stencilled Coloured Concrete;
- Textured Coloured Concrete; OR
- Coloured Concrete.

Broomed Concrete finish will not be accepted, however, other materials may be considered and approved by Elements North Queensland during Design Review.

# Building materials and colours

## Materials

The front of your home should have:

- A variation of materials (lightweight and masonry) minimum two (2), exclusive of doors and windows.
- A variation of colours and textures.
- Natural (clear finish) timber front doors are encouraged.
- Must have a feature material, either natural stone (minimum 150mm wide stone pieces), face brick and/or natural timber elements.

The façade should NOT:

- Be all exposed facebrick (80% maximum to front façade); OR
- Include mock historical or ornate features.

## Colour Palette

Colour palette should reflect muted earthy tones, with accents of colours to architectural features only.

Colours should take their hue from the Australian rural environment.

Tones which are earthy and in harmony with Australian natural flora are encouraged.

Some brighter colours may be used for 'feature elements' or front doors, preferably using hues from Australian flora.

# Landscaping

## Landscaping

Landscaping softens the appearance of dwellings, provides screening for privacy, offers shade during the summer months to reduce heating and compliments the greater landscaping within The Orchard.

- Native plants should dominate your new landscape in order to reduce reliance on water and to compliment the natural environment. These Guidelines should be read in conjunction with Townsville City Council's Plant Information Fact Sheets.
- All landscaping is to be completed within three (3) months of moving into your new home. Drawn plans must be submitted before the house is handed over from the chosen builder.

## Area visible from the street

Landscaping should include:

- Fully automated domestic irrigation system to the area forward of the building line or any other area visible from the street; and
- High quality turf should be laid to the area forward of the building line or any other area visible from the street. All turving in the back yard must be completed within 3 months of moving in.

## Outbuildings

All outbuildings such as sheds, gazebo's, granny flats and pool (including equipment housing) are permitted subject to local Government regulations.

All building materials and finishes for these fixtures are to be in keeping with the construction style, colour and finish of your Home.

## Front fencing

Front fencing is to be constructed of a material that compliments the design of the home.

Fencing can be in the form of timber pickets or masonry piers with infill timber panels, and can be further enhanced by planting.

Fence height is a maximum of 1.2m above the adjoining verge/footpath.

Fencing should not have ornamental features.

Letterboxes are to be incorporated into the fencing design.

Automatic gates are acceptable but must be submitted for approval.

## Side and rear boundary fencing

Fencing to the side and rear boundaries is to be 1.8m high.

Materials used for the side and/or rear fencing is to be either masonry, or flat top standard timber fencing.

Side fencing is to be setback 2.0m from the front facade or 10.0m for corner lots.

Front fencing, if desired, can return to meet the side fencing along the boundary.

Elevated Land - All elevated hillside lots require minimal fencing requirements. Contact developer for further specifications and requirements.



# Occupation

**The ensure a harmonious area to live, control of both construction and inhabitation of the dwelling carry equal importance.**

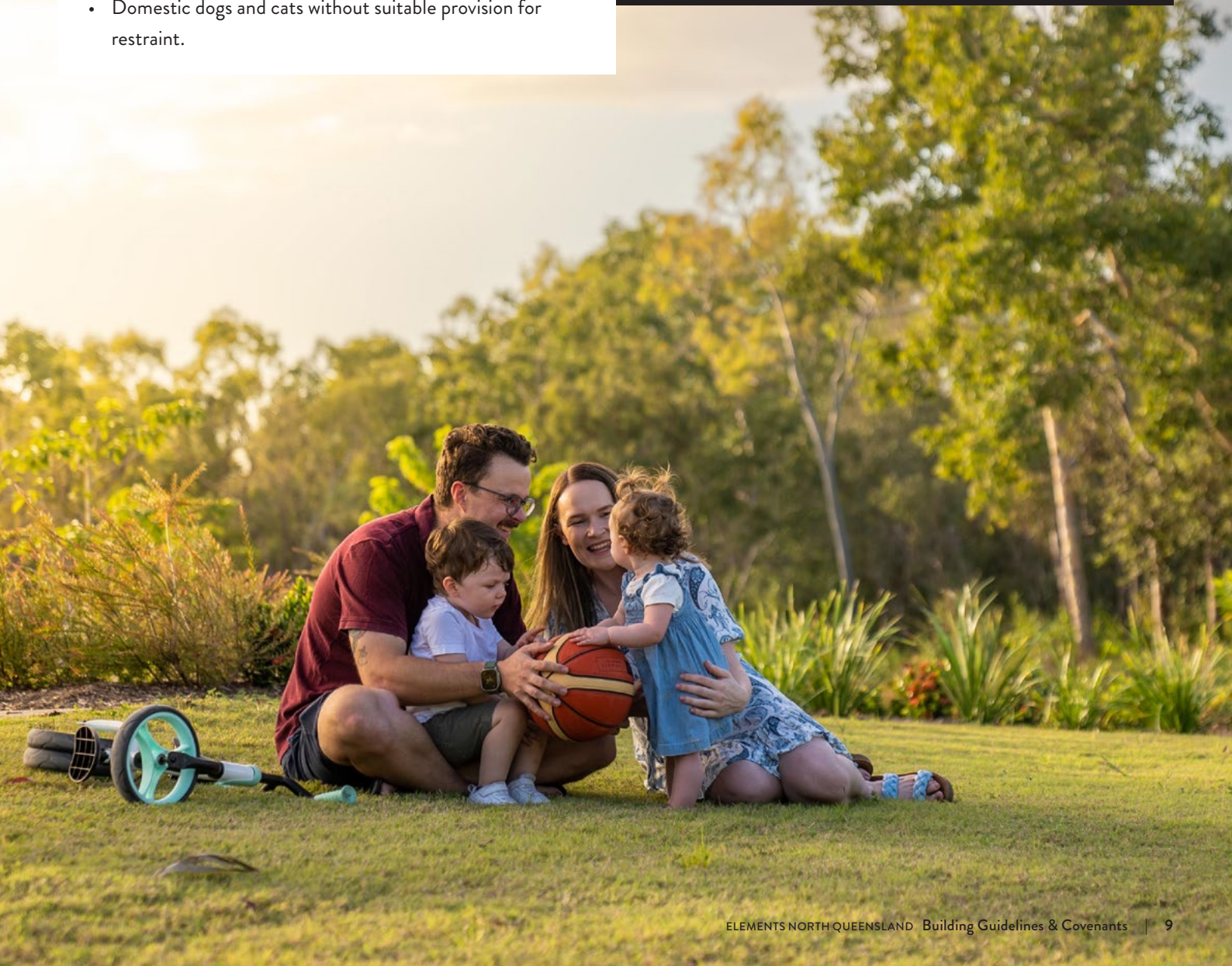
Therefore occupation of a property within a Elements NQ estate shall be excluded to:

- All persons and property prior to the Form 21 Final Inspection Certificate being issued from a qualified and registered building certifier.
- All persons and property prior to the completion of the driveway and the provision of suitable purpose/made window dressings to the street fronts.
- Business uses unless approved in writing by Elements NQ and the Townsville City Council.
- Livestock, poultry and any other animals kept for breeding and or commercial purposes.
- Domestic dogs and cats in excess of a total of two (2) per lot.
- Domestic dogs and cats without suitable provision for restraint.

# Marketing

In order to ensure the visual quality and maintenance of a community within Element NQ estates, properties that are for sale will in regards to advertising signage and hoardings must:

- Not be of a commercial nature other than real estate signs.
- Not to be erected on a vacant lot without permission being granted by Elements NQ
- Be limited to only one (1) "For Sale" sign on the lot at any one time.
- Be removed by Elements NQ at the cost and expense of the Buyer who grants their right of entry upon the land for that purpose in the event that the advertisement, sign or hoarding was erected on the lot without prior approval.





## Covenant duration

These Covenants shall not extinguish on completion of the Works or transfer of the property but shall endure in full force and effect and remain binding on the Buyer and the Buyers heirs, executors, administrators, successors and assigns.

Should the Buyer sell the Lot, the Buyer must attach a current copy of the covenants contained in the Land Contract of Sale in favour of Elements NQ whereby the transferee agrees to be bound by the terms of these Design Standards and Estate Covenants.

## Maintenance of vacant land

To provide the best possible residential environment at all stages of development, all sold vacant lots must meet the following before construction:

- Always be kept and maintained in a neat and tidy condition.
- Maintained free of weeds, rubbish and vermin before, during and after construction of the works.
- If the property is deemed to be untidy by Elements NQ or adjoining property owners. The Buyer grants right of entry upon the land for Elements NQ to at the Buyer cost and expense to make it tidy.

## Maintenance of dwelling and gardens

All residents must ensure their yards are mowed and snipped on a regular basis. Tree debris such as leaves and broken branches are also to be removed on a monthly basis.

Gardens are to be weed free and items such as boats, caravans, and personal belongings are not to be seen in the front yard of the residents property for any length of time.

Wheelie bins must be put away with 48 hours of bin collection and cannot be seen from the street frontage.

If the property is deemed to be untidy by Elements NQ or adjoining property owners, the Buyer grants right of entry upon the land for Elements NQ to at the Buyers cost and expense to make it tidy.



# Compliance assurance

## The assurance of full compliance with the Design Standard and Estate Covenants Requirements detailed in the Contract of Sale is the best way to maintain the quality and lifestyle of all estates.

In order to encourage and enforce these Covenants, Elements NQ has defined range of damages applicable to these Covenants which is included the agreement between the Buyer and Elements NQ (“seller”) to the following purpose:

- a)  
In the event of a breach by the Buyer of any of the provision of this Covenant, the Seller shall suffer loss, which each of the parties hereto estimate to be an amount of not less than fifteen thousand dollars (\$15,000) and the Buyer hereby covenants in the event if such a breach, the Buyer shall pay Elements NQ the sum of fifteen thousand dollars (\$15,000) (by way of liquidated damages and not as a penalty), or the election of the Seller, such sum may represent the actual loss and damage suffered by the Seller as a result of the breach.

- b)  
The Buyer also acknowledges that the Seller may enforce its right against him, his agents, servants, contractors or workman under this or any other Clause in this Contract by way of an injunction issues by the Supreme Court of Queensland or other court of competent jurisdiction on the application of the Seller in respect of any breach thereof or any attempts so to do by the Buyer, their agent, servant, contractor or workman.







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