



RESIDENTIAL DESIGN GUIDELINES

THESE SPECIAL CONDITIONS ARE INCORPORATED IN AND FORM PART OF THE CONTRACT OF SALE:

Between: Echochaff Pty Ltd ACN 111 226 432 of c/- Level 1 City Plaza, 45 Wood Street, Mackay QLD 4740 ("the Seller")

AND:.....("the Buyer")

Dated the _____ day of _____, 202

Proposed Lot: _____, Miraflores Estate, Beaconsfield.

INTRODUCTION

1. Introduction

Miraflores Estate is located 7.5km north of Mackay CBD and its western boundary is adjacent to Mackay Golf Course. This well planned development offers quality community living within a convenient location of retail, schools, infrastructure and recreational facilities.

Miraflores is about excellence. Excellence in design, innovation, construction, landscaping and lifestyle. These elements promote excellence in creation and maintenance of a unique community, protecting and enhancing your investment and your lifestyle.

The Miraflores Design Guidelines outlined in this document are put in place to create a consistency throughout the development. Individuality in every house design is promoted, but at the same time, a well-balanced streetscape and safe public surrounds is fundamental. The Seller's objective is to deliver a housing community that is contemporary in style, with careful considerations to sustainability and the surrounding environment.

2. Design Approval Process

A Design Review Committee (DRC) will provide the means to create and maintain a premier residential community by ensuring adherence to defined standards for building and landscape designs. The standards, which are detailed in The Miraflores Design Guidelines, will maintain, protect and enhance your most valuable asset, your home. It is therefore vital that all residents of Miraflores are committed to the implementation of The Miraflores Design Guidelines.

The Buyer agrees not to commence, carry out, erect, construct or alter any improvement on a lot without applicable plans being first prepared and submitted to and approved by the DRC. To avoid unnecessary expense the owner can submit preliminary design drawings to the DRC for approval prior to proceeding to final building plans, together with the information noted on the application form at the rear of the Design Guidelines. The DRC will issue a statutory approval where the plans appropriately comply with the Design Guidelines. Where not suitably complying, the DRC will identify the items requiring further consideration. Where amendments are necessary, revised plans are to be submitted to the DRC for approval before you can build.

Council approval must be obtained before the commencement of construction of any improvement.

YOUR HOME AND YOUR STREET

1. Construction Requirements - Building Setbacks & Building Envelope

Building setbacks exist to control overshadowing and privacy to adjoining properties. Proper sitting and orientation of the house in accordance with these Design Guidelines is required to improve amenity as well as minimise impact on adjacent dwellings. Building setbacks from main street frontage exist to improve the visual appeal of the built form from the street and must comply with all relevant Mackay Regional Council codes and/or building setback requirements.

The building envelope for all dwellings constructed on lots in Miraflores Estate must allow for the front elevation (measured from gutter to gutter) of the dwelling to take up a minimum of seventy percent (70%) of the lot's frontage (after the building setback is taken into consideration), with the minimum site coverage required for each lot set out as follows:

For Land with an area greater than 600m²

The minimum dwelling size is 210m² (including garage, porch and under cover areas but excluding pergolas and outbuildings).

For Land with an area between 500m² to 600m²

The minimum dwelling size is 190m² (including garage, porch and under cover areas but excluding pergolas and outbuildings).

For Land with an area less than 500m²

The minimum dwelling size is 170m² (including garage, porch and under cover areas but excluding pergolas and outbuildings).

Certain allotments within the Miraflores Estate have been identified as potential zero lot line boundary lots. If developed as a zero-boundary allotment, the building wall is to be located along the boundary as depicted by the heavy dashed line shown on the plan attached to these Design Guidelines. Mackay Regional Council's planning scheme requirements and Queensland Development Code requirements

still apply, and Mackay Regional Council will be a concurrence agency for any development requesting relaxations on boundary setbacks. This plan attached to these Design Guidelines defines the side boundary for this type of development on these allotments. For the avoidance of any doubt, the eligible zero lot line boundary lots are: Lots 135, 136, 141, 146, 149, 158 and 159.

To enable a harmonious construction process for Miraflores owners, a full copy of this document must be provided to the builder prior to signing a building contract, in order to avoid any conflicts or variations that may arise.

Construction of the dwelling on the allotment must be completed within one (1) year from the Settlement Date and no dwelling under construction is to be left without substantial work being carried out on it for longer than one (1) month. The intent of this section of the Design Guidelines is to ensure that lots are kept in a neat and tidy state at all times throughout the entire construction phase. This will minimise the potential for any adverse impacts on adjoining lots, existing residents or common property.

2. Elevations

All dwelling must address the public street/s in a clear and attractive manner. Buildings are to be designed to promote a positive relationship to the streetscape and the front elevation is to be articulated with clearly defined architectural elements.

Facades should respond to the local climate, explore different elevational treatments related to orientation, incorporate external shading components such as verandahs and utilise high quality, durable materials and finished suitable for tropical conditions.

All front elevations are to be articulated such that the mass of buildings is minimized by variation in walls, materials, openings and roof lines resulting in the creation of shadows and depth to create visual interest. Form of articulation include feature walls, steel and natural timber posts, feature windows,

entries, porticos, balconies, verandahs, pergolas, screens, awnings, and a combination of external materials.

Mandatory Requirements

(a) A minimum of two (2) architectural features must be used in the primary street elevation (excludes windows and doors). These may include:

- Feature entry statement including porch/portico with separate roof (minimum dimension of 1.5m) or entry pergola;
- Verandah with separate roof and supporting posts, pillars or piers (minimum of one third of the front elevation excluding the garage/carport. At least 1.2m in depth);
- Balcony;
- Blade wall in feature material (not within 1.0m of side boundary and extends a minimum of 150mm above the top of the gutter and a minimum of 300mm forward of the roofline of the structure into which it is incorporate);
- Secondary feature material for example timber cladding, limestone, weatherboard, stone, rammed earth, ornamental tiles (minimum of 20% of the elevation);
- Any other architectural feature that creates visual interest may also be acceptable to the Miraflores DRC.

(b) Where a two-storey dwelling is proposed on a corner lot, the upper-level elevations facing the public street/s are to be of equal status to both the primary and secondary streets. This principle shall also apply where a dwelling has corner frontage with a pedestrian access way of public open space.

(c) Walls that a greater than 9.0 meters in length and are visible from the secondary street of a corner lot shall be articulated or contain windows;

(d) No two adjacent homes are to be constructed with matching front facades, with the same materials and colours unless it is part of a grouped dwelling development;

(e) Where a lot directly abuts public open space, the dwelling must provide surveillance of the public open space through the location of a major opening from a habitable room on the ground level facing the open space. Where a two-storey dwelling is proposed, surveillance from at least one habitable room on the upper floor is required to face the open space in addition to the ground floor.

(f) where a lot directly abuts public open space, the dwelling shall be set back a minimum distance of 1 metre from any public open space boundary including side boundaries.

3. Construction Materials & Colours

Attention should be given to materials and colours selected to warrant resistance to the elements and ease of maintenance ensuring longevity. All primary external walls (excluding windows) are to be rendered brick / block.

Street appeal can be generated by the use of composition of exterior materials, colours and finishes. Diversity and fine detailing are contributing to the dwelling's visual interest and the streetscape.

Miraflores Estate includes areas of green belt and landscaped parks and dwellings should therefore include elements that reflect this setting. This can include the use of textured and small scale materials (particularly timber, stone, lightweight panels and bricks) and combinations of colours.

Mandatory Requirements

(a) Elevations addressing streets, shall include a minimum of two different materials (not including windows, doors, balustrading, and similar fixtures). A combination of face brick and render is not guaranteed to be approved and is subject to review by Miraflores DRC;

(b) One type of material cannot exceed 80% of the front elevation (openings and doors are to be excluded from the calculation);

(c) All materials/finishes should feature light or muted colours (bright or primary colours are not

permitted). All colours and finishes are to be included with the submission to the Miraflores DRC.

4. Roof, Eaves & Guttering

Roof forms have a strong visual prominence and are integral to the architecture statement of your home. It is desired that traditional roofs such as such as hip or gables are designed and detailed with a contemporary approach. Miraflores Estate has such a diverse range of allotment type, with varying frontages and lot size, and in order to promote consistency of residential development, roof pitches must be as follows:

(a) For dwellings constructed on land larger than 500m², the minimum roof pitch will be twenty-two point five degrees (22.5°).

(b) For dwellings constructed on land smaller than 500m², the minimum roof pitch will be twenty-five degrees (25°) is required.

Skillion roofs will be considered on their merit, with a maximum pitch of fifteen (15°) degrees for a primary roof and a minimum pitch of five (5°) degrees for a secondary roof.

All guttering visible from the street must be colour matched to the roof.

All downpipes visible from the street must be colour matched or consistent in colour with the facade.

5. Garages & Visitor Parking

All dwellings have constructed at least one roofed garage capable of accommodating a minimum of one (1) passenger vehicle with one (1) visitor car parking space within the lot. Garage doors are to be of a smooth line / slim line contemporary style, or similar look and finish, and shall complement the style and design of the home on the Lot. The garage width shall not exceed seven (7) metres in width without being suitably articulated.

All occupant and visitor car parking within the lot must be confined to the roofed garage of the

dwelling or the driveway directly adjoining the roofed garage. Occupant and visitor car parking is not permitted on any other part of the lot between the building line and the front boundary.

6. Driveways

Driveways are to be a minimum of 600mm from the side boundary where the driveway traverses the front boundary. The minimum width of any driveway at main street frontage boundary of a Lot is to be 4m. All crossovers and driveways are to be completed in a timely manner and in accordance with Mackay Regional Council regulations. If a footpath has been constructed along the frontage of Lot the driveway must abut and not cut through the footpath. The balance of the driveway between the kerb and footpath must match the colour & finish of the footpath.

Materials of driveways must be of a neutral tone and complimentary to the overall colour of the dwelling.

7. Antennas / Satellite Dish

TV antennas, satellite dishes and the like shall be located either within the roof space or at the rear of your home below the roofline and must not be visible from any street. Where possible these devices should not be visible from park frontages. Antenna's need to have digital compatibility and be similar in style, size and design to herringbone style antenna. Nonstandard antennae or dishes more than 500mm in diameter or height are not permitted without the approval of the Seller. Antennas must not protrude above the ridgeline of your home.

8. Solar

Solar water heaters must be located to minimise visibility from public areas. Solar collector panels must be fitted flat on the roof with no supporting frames.

9. Letterbox

Letterboxes must be consistent with the use of materials and detail of your home. Letter boxes must

meet the minimum Australia Post standard of 330mm deep x 230mm wide x 130mm high in size and be located beside driveways and be clearly numbered.

10.Air Conditioners

Air- conditioning units for the dwelling shall be located below the eave line of the dwelling and concealed from public view.

11.Clotheslines

Clothesline shall be located behind the building line of the dwelling and screened from public view.

12.Landscaping

In order to minimize topsoil erosion and run-off that will cause damage to Miraflores Estate stormwater system and the general environment, it is strongly recommended that turf between the front building line and kerb be laid as soon as possible after the dwelling is completed.

In order to assist the energy rating of each dwelling, it is recommended that each lot shall have a minimum of one (1) and a maximum of three (3) trees planted between the front boundary and the home. The home owner shall encourage the trees to develop a 'clean trunk' and shall not encourage the trees to screen out the view of the neighbourhood from the home. All trees must be located a minimum three (3) metres from house walls (your own & your neighbours) and minimum 600mm inside your front boundary.

13.Street Tree Obligations

Each lot is provided with one (or more) street trees. Street trees are an important part of the urban design of Miraflores Estate. It is the Owner's obligation to ensure that the street trees:

(a) are protected during the construction period;

(b) are not damaged during construction;

(c) are kept as part of the front landscaping of the dwelling.

Owners should discuss with their builder the protection of street tree/s located on a lot.

Should a street tree be removed or damaged during construction, the tree must be replaced by the Owner at their cost (a replacement tree can be ordered through Mackay Regional Council).

14.Fencing

Fencing that is well designed has a positive impact on your home and street. Generally it is preferred that your landscape flows from the street to the front of your home; however, if fencing forward of your home creates usable outdoor space, you may choose to fence the space in a way that adds quality and activation to the street.

Front fences will be allowed to be constructed provided they do not exceed 1.2 metres in height, measured from the finished surface level. Front fences will need to be constructed of rendered brick / block and colour coordinated with the dwelling erected on the lot. Infill panels may be permitted intermittently between rendered columns, provided that each column is spaced no further than 2.4 metres apart. Infill panels are to be manufactured from painted or stained timber or powder coated aluminium, or an alternative material approved by the Seller upon application.

Privacy fencing shall be required on the side and rear alignment of a lot. Treated pine fencing with capped top rail & 15mm gap between palings is recommended and must not include any unfinished materials, including unfinished common bricks. Side boundary fence shall finish 1m behind the building line of the dwelling, except where front fencing of an approved style is provided for. Maximum height for rear and side fencing should be 1.8 meters, measured from the finished surface level.

In order to maximise flexibility and potential savings, rear and side boundary fences should be designed and constructed so its support rails are in accordance with current pool fence legislation. This simple

approach avoids extra costs in duplicating or removing and reconstructing fences, in order to be compliant should a pool be constructed in the future.

Fences to secondary boundary and public open space (park) must not exceed 1.8 meters in height, measured from the finished surface level. Treated pine fencing with capped top rail & 15mm gap between the palings is recommended and must be finished one (1) metre behind the front building line. It is recommended that the secondary boundary fence is articulated with a step of 500mm at equal intervals of not more than six (6) metres in length. Planting of drought tolerant native shrubs and ground cover are recommended in each of the intervals. Fences to secondary boundary and public open space (park) must not include any unfinished materials including unfinished common bricks.

Where a home is not constructed hard up to a nominated zero lot line, resulting in a gap between the building and the side boundary fence; this shall be closed off by return fencing. It is strongly recommended that all return fencing be finished with treated timber or powder coated (metal) aluminum fencing and be color matched or consistent in color with the front facade.

Notwithstanding the provisions of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld), the Buyer shall not make any claim, demand or request to the Seller to contribute to the erection of any fence or fences which the Buyer may wish to erect. It is expressly agreed between the parties hereby that the provisions of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld) shall have no application herein.

The Buyer shall not sell, transfer or otherwise dispose of the lot hereby sold without first obtaining from the intended Buyer of the lot a covenant whereby the intended Buyer will agree that it will not make any claim or demand upon the Seller to contribute to the construction of any dividing fence between the lot hereby sold and any other adjoining land owned by the Seller notwithstanding any rights to do so under the Neighbourhood Dispute (Dividing Fences and Trees) Act 2011 (Qld). Should the Seller fail to satisfy this condition or should any transferee of the lot hereby sold from the Buyer fail to satisfy its

obligations under this covenant, then the Buyer shall indemnify and keep the Seller indemnified against all claims, demands and costs associated therewith. This covenant shall not merge on completion of this contract.

15.Outbuildings

All outbuildings on lot (including any garage, workshop, garden shed, storage shed or other outbuilding) must have roofs constructed of tile or non-reflective colour bond type steel or any combination of those materials which is a similar or complimentary colour to that of the dwelling house.

All outbuildings must be constructed minimum of one (1) metre behind the front and secondary building line unless it can be shown that they can be adequately screened from the adjacent street or public area. Garbage bin enclosures must be screened from public view and located behind the front building line.

15. Storage of Building Waste

All building waste is required to be stored on a lot in a manner that minimises material loss or pollution caused by wind or water. This must be done using skip bins, which must be emptied when the maximum fill line is reached. Owners/builders are required to separate building waste (e.g. timber, bricks etc.) to enable recycling where possible. Any rubbish on the lot is to be cleaned up immediately. Any material blown from the lot onto adjoining lots or land is the responsibility of the owner and must be cleared immediately.

The Buyer shall comply with the provisions of the Environmental Protection Act so far as it relates to his/her/their obligations in respect of the allotment both prior, during and subsequent to the construction of any works including those related to the construction of the dwelling.

Whilst undertaking any works including the construction of the dwelling on an allotment, it is recommended the Buyer and/or building contractor erect, keep and maintain such devices as are necessary to prohibit the escape of silt, soil, water,

paint, oils, debris etc. from the allotment. Accidental spills of soil or other materials onto adjoining lots or roadway must be removed immediately.

16. Lot Maintenance

Each lot owner is responsible for maintaining their lots to an acceptable standard prior to commencing, during, and after completion of, construction of the dwelling. This primarily relates to grass, weeds, gardens, rubbish, building materials and waste.

17. Removal of Existing Items

The Buyer must not mutilate or remove in whole or part from a lot or a reserve (without the written approval of the Seller) any tree, fence, irrigation pipe, underground pipe or conduit. Where the Seller has constructed an entry statement or retaining wall, it is to be maintained by the owner to the standard as it was constructed.

18. Recreational Vehicles

The owner of a lot will not allow any plant or machinery or recreational vehicle or commercial motor vehicle, (including without limitation a caravan, boat, boat trailer, and car trailer) to be left or parked on the lot between the building line and the front boundary (unless this occurs during the normal course of business by a visiting trades person).

19. Sale by Registered Proprietor

The Buyer agrees not to sell, transfer, dispose of, lease or in any other way part with possession of the land, without first delivering to the Seller a deed in favour of the Seller signed by the assignee. The deed must contain:

(i) A covenant by the assignee agreeing to be bound by and to comply with these Building Guidelines, and

(ii) A covenant that the assignee will ensure any subsequent assignee will obtain a further deed on these terms.

20. Variations

The Seller shall have the right to vary, exclude, or elect not to enforce any of these conditions herein set out in respect of the subject land or any other land within the residential estate. The Buyer specifically absolves the Seller from any liability whatsoever for any action taken in varying, or electing not to enforce or excluding any conditions

21. Compliance

Failure to meet the requirements specified herein may result in legal action that necessitates the removal, demolition or correction of the infringement at the Buyer's expense.

The Buyer, or the Buyer's heirs, trustees, administrations, successors or assigns (as the case may be) shall be in default under any of the provisions of these Design Guidelines, then the Seller may upon giving the Buyer, or the Buyer's heirs, trustees, administrations, successors or assigns (as the case may be) written notice to remedy the default or breach, and upon such default or breach remaining unremedied by the Buyer for a period of seven (7) days from the receipt of the Notice to Remedy then without prejudice to the Seller's other rights and remedies and powers stated herein or otherwise, the Seller shall be entitled to recover from the Buyer or the Buyer's heirs, trustees, administrations, successors or assigns (as the case may be) by way of agreed liquidated damages, the sum of Twenty Five Thousand Dollars (\$25,000.00) being the sum representing the reasonable and ascertainable damages incurred by the Seller on account of such default or breach by the Buyer or the Buyer's heirs, trustees, administrations, successors or assigns (as the case may be).

SELLER: _____

BUYER: _____

WITNESS: _____

WITNESS: _____

