

Restrictive Covenant

Introduction

- 1 In order to ensure a high standard and to encourage efficient home design at Whitby Estate, these guidelines set out the minimum standards and conditions under which residential development within the estate will normally be approved. These guidelines will form the basis of a restrictive covenant which will be registered on the certificate of title to the Property. The restrictive covenant will be subject to minor alterations required to effect its registration at Landgate. The restrictive covenant is intended to enhance the quality of the Estate and maximise the value of your investment. Departure from these guidelines will generally not be supported and Buyers should be aware that any relaxation will only be considered with the approval of the Shire of Serpentine-Jarrahdale.

Building plan approval

- 2 A copy of the site plan, floor plan, elevations and finishes schedule must be submitted in pdf format or hard copies to the Seller's Covenants Manager, of care of *Restrictive Covenant Management WA, Attention: Judy Burnett, Email: RCMWA@bigpond.com, Address: 144 Emerald Drive, Carabooda, Western Australia 6033 (Covenants Manager)* or such other person advised by the Seller, prior to lodging these plans with the Shire of Serpentine-Jarrahdale for building approval.
- 3 The Covenants Manager will assess the plans against the restrictive covenant on the title to the Property and these guidelines and if considered to comply will return an approved stamped set of plans to the applicant for submission to the Shire of Serpentine-Jarrahdale.
- 4 The Shire of Serpentine-Jarrahdale will assess the plans against the Building Code of Australia and relevant Council policies and if deemed to comply will return an approved set of plans to the applicant.
- 5 If the Shire of Serpentine-Jarrahdale requires the applicant to amend their plans, the amended plans will need to be resubmitted to the Covenants Manager for assessment.
- 6 No development is to be commenced on any lot without the plans and specification having been approved in writing as set out above.

Note: Approval from one of the above does not constitute approval from the other.

Building form

Minimum Dwelling Site Coverage

- 7 A dwelling must have a minimum living area site coverage (excluding verandas, garage and alfresco) of:
- 8 If the lot is a cottage lot (ie with an area less than 400 m²) - a minimum living area site coverage 120m².
- 9 If the lot is a single residence block (with an area greater than 400m²) - a minimum living area site coverage 135m².

Front Facades

- 10 External wall finishes of all dwellings are to feature predominantly brickwork, painted render or stonework complemented by minor elements which enhance the character of each dwelling.
- 11 All dwellings must use a combination of materials in the primary facade facing the street. The front facade must provide visual interest and must use a minimum of two colours or materials and include one or more of the following features:
- 11.1 **(Gables)** A minimum of one gable on the front street elevation;
 - 11.2 **(Portico)** An entry feature with a separate roof and supported by posts, piers or pillars;
 - 11.3 **(Projecting Blade Wall)** A wall that projects forward of the adjacent walls and extends past the gutter line by a minimum of 300mm;
 - 11.4 **(Verandah)** A verandah with a minimum depth of 1.5 metres; or
 - 11.5 **(Awnings)** Awnings applied to windows on the front elevation.

Secondary Street Elevations

- 12 All dwellings on corner lots are required to address both the primary and secondary street elevations. The forward portion of the secondary street elevation is to be made detailed and feature a window to habitable rooms which is consistent with the primary street elevation.

Materials

- 13 Materials
- 13.1 **(Walls)** All external walls must be predominately constructed, unless otherwise approved, with concrete, clay bricks, limestone or similar material finished in face brickwork or render.
 - 13.2 **(Roofing)** Clay or concrete tiles, colorbond sheeting (zincalume is not permitted) and with a minimum roof pitch of 25° is to be used on all dwellings and garages.
 - 13.3 **(Driveways)** Each dwelling is to be provided with a driveway and crossover to be completed at the same time as the dwelling and before occupation. **Minimum width of driveway shall be 5.0 metres with a maximum width of 6.0 metres.** All driveways and crossovers must be constructed of either brick paving or coloured concrete that match the character of the dwelling unless otherwise approved by the Seller.

Garages, stores & outbuildings

- 14 All dwellings constructed must incorporate a double (side by side) garage with garage door, constructed of the same materials as the wall and roof of the dwelling.
- 15 Lots with an area of 375m² or less must have a store with a minimum area of 4m² provided under the main roof of the dwelling and accessible from either inside the garage or outside the dwelling.
- 16 Any outbuildings visible to the street or public area must be built of materials to match the dwelling.

Setbacks

- 17 For setback requirements refer to the Shire of Serpentine-Jarrahdale approved Local Development Plan – a copy of which is attached to the Contract. If the Local Development Plan does not apply to the Property, the provisions of the Residential Design Codes (R-Codes) will apply to the Property. If the Property is within the Bushfire Management Zone, the requirements of the Bush Fire Management Plan apply.

Fencing

- 18 All side and rear boundary fencing must be fully installed on completion of construction of the dwelling prior to occupation if not already supplied by the Seller.

No Colorbond fencing may be constructed forward of the front building line of the dwelling.

- 19 All boundary fencing behind the front building line shall be constructed of Colorbond “Riversand®” coloured sheets/panels with Colorbond “Greyridge®” coloured capping, posts and rails to a maximum height of 1.8 metres from the ground level up.
- 20 Fencing to a secondary street must be set back at least 20% of the length of the secondary side street from the corner truncation, be constructed of Colorbond “Riversand®” coloured sheets/panels with “Greyridge®” coloured capping, posts and rails (unless otherwise approved by the Covenants Manager) and be a maximum height of 1.8 metres. The construction of side fencing permitted along a secondary street is reduced to allow the dwelling to address both street frontages. Please note any lots that have been identified on the sales plan as being exempt from this condition.

Site levels

- 21 The general level of the site may not be altered by more than 200mm without the written approval of the Seller.

Retaining walls

- 22 Any limestone retaining or other walls provided by the Seller shall NOT be altered in any way, unless prior written approval of the Covenants Manager has been obtained.

Drainage

- 23 All dwelling sites shall provide for adequate on-site stormwater drainage (soakwells). Stormwater disposal must be directed at least 1.5 metres away from building areas.

Air conditioning or cooling unit/solar hot water units/solar panel

- 24 Air conditioning or cooling units must be of a similar colour to the roof and must not be installed on the primary street elevation. Solar hot water units and solar cells must be integrated with and match the roof profile and pitch of the dwelling and must not be installed on the primary street elevation.

Landscaping

- 25 All garden areas within public view including rear landscaping to lots abutting public open space with visually permeable fencing and side verge areas on corner lots are to be completely landscaped within 3 months of occupation of the dwelling.

Letterboxes

- 26 Letterboxes are to be located on the primary street boundary (adjacent to driveways where applicable), constructed of materials that match or complement the dwelling and clearly display the house number.

Street trees

- 27 The Seller will provide a street tree to enhance the streetscape of the suburb. These trees are not to be removed.

Windblown litter and sand

- 28 For the benefit of tidiness a provision is to be made on building sites for the containment of builder's materials that would otherwise be likely to be blown by the wind. The minimum requirement is a "Pen" constructed of 4 star pickets and wire mesh secured to all sides and a top, located on each lot, during the construction period.
- 29 In respect of windblown sand prior to and during construction, the lot owner shall take all steps necessary to stabilise the soil and prevent litter accumulating. Should the Covenants Manager be forced to carry out this exercise they reserve the right to claim the cost of this back from the lot owner.

Signs

- 30 Except for the Seller's signage NO advertising or business signage of any description shall be erected or displayed on the property other than professional signage for the sale of a completed dwelling or professional signage of dimensions not exceeding 500mm high by 500mm wide which advertises a business operating from the Property.
- 31 Any sign or advertising material erected or displayed on the Property in breach of this covenant may be removed, without notice, by the Seller.

Washing lines/rubbish bins

- 32 All washing lines and rubbish bins shall be screened from the street and public view.

Commercial vehicles/boats, etc

- 33 All commercial vehicles shall not be parked or stored on a property unless contained within a garage or screened from public view. Commercial vehicles include but are not limited to any boat, caravan, trailer or bus.

Display homes

- 34 The completed dwelling shall not be used for display purposes without the written approval of the Seller or its Covenants Manager.

No residential unit development

- 35 Unless specified on the Mundijong Local Structure Plan adopted by the Shire of Serpentine-Jarrahdale, the Property shall be used for a single residential dwelling development only.

Amalgamation/resubdivision

- 36 Subdivision of the land or amalgamation of lots is not permitted unless agreed to by the Seller.