



PARKLAND HEIGHTS

STAGE 3

ANNEXURE C

RESTRICTIVE COVENANTS

DEED OF RESTRICTIVE COVENANT

THIS DEED IS MADE THE _____ DAY OF _____ 20__

BY

ROCKINGHAM PARK PTY LTD (ACN 008 687 965) of PO Box 907, Claremont, Western Australia 6910 (“the Developer”)

RECITALS

- A. The Developer is the registered proprietor of the Land.
- B. The Developer intends to register the Deposited Plan in relation to the Land.
- C. Pursuant to section 136D of the *Transfer of Land Act 1893* (WA), the Developer wishes to create restrictive covenants which burden the Lots in accordance with the terms and conditions of this deed for the benefit of the Lots.
- D. Those parts of the Land burdened by the restrictive covenants contained in this deed are subject to the encumbrances noted in the schedule to this deed and where necessary, the Developer has obtained the encumbrancers’ consent to this deed.

OPERATIVE PART

1. **Construction**

Definitions

- (a) In this deed, unless the context otherwise requires:
 - (i) **Construct** means to construct, erect or install or permit to be constructed, erected or installed;
 - (ii) **Deposited Plan** means deposited plan 400283;
 - (iii) **Floor Area** means the total internal floor area of a residence which, for the avoidance of doubt, excludes the area of all garages, verandas, alfrescos and other unenclosed areas;
 - (iv) **Land** means lot 9004 on deposited plan 77078 being the whole of the land contained in certificate of title volume TBA folio TBA;
 - (v) **Premium Lots** means Lot 748 and Lot 749;

- (vi) **Lots** means lots 732 to 790 (inclusive) on the Deposited Plan;
- (vii) **Main Building Line** means the forward most wall of a habitable room of the residence excluding any wall attachments. For the avoidance of doubt, porticos and other minor attachments do not form part of the "Main Building Line" however full width verandas do form part of the "Main Building Line";
- (viii) **Public View** means the view from all public streets, public thoroughfares and public open spaces; and
- (ix) **Value Lots** means Lot 732 to 747 (inclusive) and Lots 750 to 790 (inclusive).

Interpretation

- (b) In this deed, unless the context otherwise requires:
 - (i) the single includes the plural and vice versa;
 - (ii) an agreement, representation or warranty on the part of two (2) or more persons shall bind them jointly and severally; and
 - (iii) headings are for reference purposes only and do not affect the interpretation of this deed.

2. **Restrictive Covenants - Construction**

Permanent Residence

- (a) The registered proprietor shall not Construct a residence on the Lot unless it is a permanent and non-transportable residence that is constructed on site.

Minimum Area

- (b) If the Lot is a Premium Lot and is 440 square metres or more in area, the registered proprietor shall not Construct on the Lot a residence unless the residence has a Floor Area of 160 square metres or more.
- (c) If the Lot is a Premium Lot and is 600 square metres or more in area, the registered proprietor shall not Construct on the Lot a residence unless the residence has a Floor Area of 190 square metres or more.

Street Elevations

- (d) The registered proprietor shall not Construct on the Lot a residence unless the primary street front elevation contains a defined entry feature such as a portico, veranda, blade wall, pergola or other gateway structure.
- (e) If the Lot is a Premium Lot, the registered proprietor shall not Construct on the Lot a residence unless the primary street front elevation contains a step in the wall and associated roofline not including the garage of at least 600 millimetres.
- (f) If the Lot is a corner lot, the registered proprietor shall not Construct on the Lot a residence unless the front four (4) metres of the secondary street elevation (measured from the Main Building Line) contains a window opening with a sill height no greater than 1200 millimetres above floor level.
- (g) If the Lot is a Premium Lot and a corner lot, the registered proprietor shall not Construct on the Lot a residence unless the front four (4) metres of the secondary street elevation (measured from the Main Building Line) contains an additional wall feature such as a blade wall extending vertically past the nearest eaves or fascia level, contrasting panel of wall, an integrated planter box or a return veranda, pergola or other shading device.

Colours & Materials

- (h) The registered proprietor shall not Construct on the Lot a residence or any alteration or addition to a residence unless the primary materials used are brick, external brick veneer, limestone, stone, finished or rendered masonry or cladding.
- (i) The registered proprietor shall not Construct on the Lot a residence unless the wall elements on the primary street front elevation comprise of at least two (2) different colours and/or materials.
- (j) If the Lot is a corner lot, the registered proprietor shall not Construct on the Lot a residence unless the wall elements on the front 4 metres of the secondary street (measured from the Main Building Line) comprise of at least two (2) different colours and/or materials.

Roof

- (k) The registered proprietor shall not Construct on the Lot a residence unless the residence has a roof that is:
- (i) constructed from concrete tiles, clay tiles or 'Colorbond';
 - (ii) painted or otherwise coated, sealed or treated in one colour; and
 - (iii) not highly reflective (for the avoidance of doubt, zincalume is not permitted);
- (l) If the Lot is a Premium Lot, the registered proprietor shall not Construct on the Lot a residence unless the residence has a roof that:
- (i) is pitched at an angle of more than twenty five (25) degrees in relation to traditional pitched/hipped rooves (excluding any part of the roof that covers veranda areas) or pitched at an angle of more than eight (8) degrees in relation to skillion/mono pitch rooves; and
 - (ii) contains a roof feature on both the primary street elevation and secondary street elevation (if the Lot is a corner Lot) such as a gable or gambrel or other feature.

Garages

- (m) The registered proprietor shall not Construct on the Lot a carport.
- (n) The registered proprietor shall not Construct on the Lot a residence unless the residence has a garage that is:
- (i) a double car garage capable of housing two (2) cars (carports are not permitted);
 - (ii) located under the main roof of the residence; and
 - (iii) constructed from like materials to the residence.
- (o) If the Lot is a Value Lot, the registered proprietor shall not Construct on the Lot a residence unless the residence has a garage that is constructed no more than 2.1 metres in front of the Main Building Line of the residence.
- (p) If the Lot is a Premium Lot, the registered proprietor shall not Construct on the Lot a residence unless the residence has a garage that is constructed no more than 1.1 metres in front of the Main Building Line of the residence.

Crossover/Driveway

- (q) The registered proprietor shall not Construct on the Lot a residence, unless the residence has a driveway and crossover constructed of segmental clay or concrete brick pavers or monolithic exposed aggregate concrete.

Passive Solar Design

- (r) The registered proprietor shall not Construct on the Lot a residence unless the residence utilises passive solar design principles by:
- (i) locating primary living areas on the Northern side of the residence;
 - (ii) minimising the number of west facing windows; and
 - (iii) protecting any west facing windows to habitable rooms by eaves or other shading devices.

Letterboxes

- (s) If the Lot is a Value Lot or a Premium Lot, the registered proprietor shall not Construct on the Lot a letterbox unless it is:
- (i) adjacent to the driveway on the Lot; and
 - (ii) clearly numbered.

Solar Water Heaters and Solar PV Panels

- (t) The registered proprietor shall not Construct on the Lot a solar water heater panel or any solar PV panels unless they:
- (i) are located on the roof of the residence; and
 - (ii) follow the profile of the roof surface.
 - (iii) is screened from Public View.

Air Conditioners

- (u) The registered proprietor shall not Construct on the Lot an air conditioner located on the exterior of the residence, unless it:
- (i) is installed below the ridge line of the roof;
 - (ii) matches the colour of the roof; and
 - (iii) is screened from Public View.

Antennas

- (v) The registered proprietor shall not Construct on the Lot a television or radio antennae unless it is wholly contained within the roof space of the residence between the ceiling and the underside of the roof or, if that is not possible and the antenna has to be mounted on the roof of the residence, then unless the antenna is mounted on a rear facing section of the roof of the residence such that the antenna is completely screened from Public View.

Satellite Dishes

- (w) The registered proprietor shall not Construct on the Lot a satellite dish unless it is screened from Public View.

Clothes Lines

- (x) The registered proprietor shall not Construct on the Lot a clothes line; hoist or other drying or airing facility unless it is screened from Public View.

Outbuildings

- (y) The registered proprietor shall not Construct on the Lot an outbuilding unless it is screened from Public View.
- (z) If the Lot is a Value Lot or a Premium Lot, the registered proprietor shall not Construct on the Lot an outbuilding unless it is:
- (i) less than sixty (60) square metres in floor area or, if ten percent (10%) of the area of the Lot is less than sixty (60) square metres, then unless the floor area of the outbuilding is less than ten percent (10%) of the area of the Lot;
 - (ii) less than 2.4 metres in height; and
 - (iii) constructed behind the Main Building Line of the residence.

Fencing

- (aa) If the Lot is a Value Lot or a Premium Lot, the registered proprietor shall not Construct on the Lot any boundary fence forward of the Main Building Line of the residence.
- (bb) The registered proprietor shall not Construct on the Lot any boundary fence unless it is:
- (i) constructed of Riversand coloured 'Colorbond' fencing with a 'Sameside' profile, brick, brushwood, limestone or timber slats; and
 - (ii) 1800 millimetres or more in height.

Retaining

- (cc) The registered proprietor shall not Construct on the Lot any precast concrete panel and post retaining wall unless;
- (i) it is constructed behind the Main Building Line of the residence; and
 - (ii) it is screened from Public View.

3. Restrictive Covenants - Use

The registered proprietor shall not:

Domestic Pets

- (a) raise, breed, keep or permit to be raised, bred or kept more than four (4) domestic pets on the Lot;

Signage

- (b) erect or permit to be erected any signage or advertisements on the Lot unless it is a builder's sign required during construction and is no more than 600 millimetres x 600 millimetres or a real estate sign associated with the sale of an established residence. For the avoidance of doubt, signs for the sale of vacant land are not permissible however this restriction in no way prevents the registered proprietor from selling the Lot in the event an established residence has not yet been constructed on the Lot);

Vehicles

- (c) repair or maintain or permit to be repaired or maintained on the Lot any motor vehicle, boat, trailer or any other vehicle or machinery unless it occurs behind the Main Building Line of the residence and is screened from Public View;
- (d) park or permit to be parked commercial vehicles including trucks, buses and tractors (excluding panel vans and utilities) unless screened from Public View;

Rubbish

- (e) permit any rubbish disposal containers on the Lot to be in Public View except on days allocated by the local authority for rubbish collection;

Gardens

- (f) permit garden areas on the Lot within Public View to remain unlandscaped for four (4) months from the date of completion of a residence on the Lot;

Fencing

- (g) do or permit any act or thing which may cause the removal, alteration, marking or defacement of any existing fence or retaining wall on the Lot;
- (h) permit any existing fence or retaining wall on the Lot to fall into a state of disrepair or to become unsafe;
- (i) permit any tree, plant, building or any other thing to cause an existing fence or retaining wall on the Lot to become structurally unsound; and/or
- (j) permit any existing fence or retaining wall on the Lot to be repaired or replaced unless the repair or replacement is in the same material, style and colour as the existing fence or retaining wall.

4. Miscellaneous Provisions

- (a) The registered proprietor acknowledges that the burden of the restrictive covenants contained in this deed runs with the Lot for the benefit of the registered proprietors of all other Lots and shall be enforceable against the registered proprietor of the Lot and every subsequent registered proprietor of the Lot.
- (b) The registered proprietor acknowledges that each restrictive covenant contained in this deed is separate from the other and therefore if any restrictive covenant becomes invalid or unenforceable then the remaining restrictive covenants will not be affected and each remaining restrictive covenant will be valid and enforceable to the fullest extent permitted by law.
- (c) The registered proprietor acknowledges that the restrictive covenants contained in this deed must not be modified, surrendered, released or abandoned whether wholly or partially.
- (d) The registered proprietor shall not make an application to any Court or the Registrar of Titles for the partial or complete modification, removal or extinguishment of the restrictive covenants contained in this deed.
- (e) The restrictive covenants contained in this deed shall expire and cease to have effect from and including 31 December 2026.