

PARK VIEW ESTATE
RESTRICTIVE COVENANT



The Transferee for himself his heirs executors administrators and transferees hereby covenants with the Transferor its successors and transferees the registered proprietor or proprietors for the time being of ALL THOSE pieces and land being Lots 41 to 54 inclusive and 80 to 100 inclusive and Lot S2 on Plan of Subdivision No. PS634287Q (Stage 1) (but excluding the land hereby transferred) and each and every part thereof that he shall not without the previous consent in writing of the Transferor:-

- 1 erect or re-erect or allow to be erected or re-erected on the land hereby transferred any building or part of a building which has previously been erected in another location nor use any second hand building materials in the construction of any building on the land hereby transferred;
- 2 erect or cause or suffer to be erected on the land hereby transferred any building other than one private dwelling house with outbuilding, carport or garage in accordance with clauses 3, 4 or 5 hereof respectively and such dwelling house shall:
 - 2.1 not to be constructed without a carport or garage being constructed at the same time and in accordance with clauses 4 or 5 hereof respectively; and
 - 2.2 not have a floor area of less than 120 square metres within the outer walls thereof, calculated by excluding the area of all eaves, carports, pergolas, verandahs and garages; and
 - 2.3 not be constructed of external wall cladding material wherein brick or stone comprises less than seventy per centum (70%) of the external wall area, and the remaining external wall area shall not be constructed of unfinished fibro cement sheeting or timber weatherboards which do not have a painted or rendered finish; and
 - 2.4 notwithstanding the provisions of clause 2.3 above, the Transferee will not be prevented from using light weight approved & certified systems such as Hebel aerated concrete, Exsulite polystyrene systems as an external wall cladding material, provided that the base sheets have a coated and painted finish not less than 5mm in thickness; and
 - 2.5 not be roofed with any material other than non-reflective colourbond steel sheeting, concrete tiles, slate tiles or terracotta tiles; and
 - 2.6 not be used as other than a private residence, unless it is a display home.

- 3 erect or cause or suffer to be erected on the land hereby transferred any outbuilding (other than a carport or garage) which:
 - 3.1 has a floor area of more than 60 square metres or a height of more than 4 metres;
 - 3.2 is constructed of material other than brick, stone or non-reflective colourbond steel sheeting (unless that outbuilding has a floor area of 10 square metres or less);
 - 3.3 is not fully enclosed;
 - 3.4 has a roof with more than a 16 degree pitch;
 - 3.5 is additional to any outbuilding already erected on the land hereby transferred which has a floor area of more than 10 square metres.
- 4 erect or cause or suffer to be erected on the land hereby transferred any carport which:
 - 4.1 has a roof, the pitch of which is not identical to the roof pitch of the private dwelling house erected or to be erected on the land hereby transferred;
 - 4.2 is not constructed of the same materials used in the construction of the private dwelling house erected or to be erected on the land hereby transferred;
 - 4.3 is additional to any carport already erected on the land hereby transferred.
- 5 erect or cause or suffer to be erected on the land hereby transferred any garage which:
 - 5.1 is not fully enclosed;
 - 5.2 has a roof, the pitch of which is not identical to the roof pitch of the private dwelling house erected or to be erected on the land hereby transferred;
 - 5.3 is not constructed of the same materials used in the construction of the private dwelling house erected or to be erected on the land hereby transferred;
 - 5.4 is additional to any garage already erected on the land hereby transferred.
- 6 use or allow to be used any reflective material as internal or boundary fencing or as external wall cladding or roofing on any building erected or to be erected on the land hereby transferred;

- 7 erect or allow to be erected any fence on a side or rear boundary which is greater in height than 1.95 metres and which is constructed of any materials other than brick or non-reflective colourbond steel;
- 8 in the case of any lot with an area of 520 square metres or less, erect or allow to be erected any wall (other than a brick wall forming part of the structure of a garage) on a side or rear boundary which is greater in height than 1.95 metres and which is constructed of any materials other than brick or non-reflective colourbond steel;
- 9 use or cause or suffer to be used on the land hereby transferred any outbuilding, mobile home, caravan, tent or other moveable accommodation for living or residential accommodation;
- 10 keep or cause or suffer to be kept on the land hereby transferred any animals or birds other than those permitted by local government authority or authorities for the time being;
- 11 use or cause or suffer the land hereby transferred to be used for any of the following purposes:
 - 11.1 road transport terminal depot;
 - 11.2 bus terminal depot;
 - 11.3 displaying goods for hire or sale;
 - 11.4 panel beating or motor repair workshop;
 - 11.5 wood yard, boat yard, marina or marine depot;
 - 11.6 commercial storage;
 - 11.7 recreational motor cycling;
 - 11.8 bed and breakfast accommodation.
- 12 subdivide or allow to be subdivided the land hereby transferred or any building erected or to be erected on the land hereby transferred;
- 13 pending erection of a dwelling house on the land hereby transferred, allow that land to become a fire hazard or be in a condition which has a detrimental effect on the amenity of the neighbourhood;

AND IT IS HEREBY AGREED that the benefit of the foregoing covenants and each of them shall be attached to and run at law and in equity with the land comprised in the Lots aforementioned (except the land hereby transferred) and that the burden thereof shall be annexed to and run at law and in equity with the land hereby transferred.