

**ANNEXURE 2**  
**CLEMENTINE, UPPER SWAN**  
**STAGE 2**  
**RESTRICTIVE COVENANTS**

The Owner (which expression includes the transferees, successors and assigns of the Owner) covenants:

- (1) NOT to construct, erect or install or permit to be constructed, erected or installed on a lot (**Land**):-
- (a) A residence which is not a permanent non-transportable residence.
  - (b) A residence, garage, outbuilding, or fence which does not comply with the mandatory requirements of the **Clementine, Upper Swan Design Guidelines**;
  - (c) A residence, unless a driveway and the cross over between the road and the parking area on the Land are constructed and completed prior to occupation of the residence;
  - (d) A driveway which is:
    - (i) wider than six (6) metres at the street boundary of the Property, is less than 0.6 metres from any side boundary of the Property; or
    - (ii) which is not constructed of brick or block paving; or
    - (iii) which is constructed of or comprises grey or painted in-situ concrete unless these is exposed aggregate.
  - (e) A residence which does not have the following features:
    - (i) a front door that is visible to the primary street or park as applicable;
    - (ii) windows to the primary street elevation or park as applicable subject to not being highlight windows;
    - (iii) a minimum of one major opening that is visible to the secondary street for a corner lot; and
    - (iv) a second storey window to a habitable room that is visible from a rear laneway if the lot is serviced by a laneway to its rear boundary.
  - (f) A residence which does not have a front façade containing at least one of the following features:
    - (i) a verandah or pergola that is a minimum 4 metres long; or
    - (ii) a covered porch or portico.
  - (g) A residence which does not have a front façade containing at least one of the following features:
    - (i) a roof gable; or
    - (ii) an expressed timber or face brickwork window sills; or
    - (iii) a single blade wall;
  - (h) A residence which does not have a front facade comprising of a minimum of two (2) materials such that there is a substantial feature material or colour in contrast to the predominant wall material or colour with one material or colour to be no more than 90% of the wall area of the front facade with a maximum area of face brick to be 75%. For residences on corner lots, the appearance and materials of the front façade must wrap around to the secondary street for a minimum of 3 metres, or to the secondary street fence line, whichever is the greater.
  - (i) A residence which does not contain a carport or garage making provision for parking of at least two motor vehicles where the Land has a frontage of more than 10 metres;
  - (j) A residence which does not contain a carport or garage making provision for parking of one motor vehicle where the Land has a frontage of less than 10 metres;
  - (k) A carport or garage which:
    - (i) is to be setback at least one (1) metre behind the front of the dwelling excluding verandas, pergolas, porches and porticos; and

- (ii) does not match or complement the residence, in respect of the pitch of the roof, materials used, the design and external appearance including colour and the quality of construction.
- (l) A residence unless it has a ceiling height across the full width of the front elevation to a minimum of 32 vertical brick courses (2.7 metres) for a single storey residence which has vehicle access from a laneway to its rear boundary.
- (m) A residence unless it has a roof designed with the following features:
  - (i) a pitch of a minimum of 24 degrees for a traditional roof and 5 degrees minimum for a skillion roof; and
  - (ii) a minimum eave of 450mm deep to the front elevation of the dwelling where applicable, except for the garage or carport.
- (n) A residence which has a flat roof unless screened from public view by a parapet wall and has shade devices to windows to habitable rooms.
- (o) Any outbuilding structure unless the structure is made of the same materials as the residence and the structure otherwise matches or complements the residence in respect of materials used, the design and external appearance, including colour and the quality of construction.
- (p) Any side and rear dividing fencing shall be consistent with the Owners specification as outlined in the fencing rebate package provided to all buyers.
- (q) Any fence which extends forward of the building frontage set back line unless it:
  - (i) is constructed of the same materials as the walls of the residence, limestone or is otherwise consistent with the **Clementine, Upper Swan Design Guidelines** a copy or a summary of which has been provided or is available from [www.clementine-estate.com.au](http://www.clementine-estate.com.au); and
  - (ii) is visually permeable above 750mm in height to a maximum height of 1750mm.
- (r) A residence unless all boundary fencing is constructed and completed at the same time as or prior to occupation of the residence.
- (s) A letter box which is not located adjacent to the driveway, is not clearly numbered or does not match or complement the residence.
- (t) An air conditioner or evaporative cooler, unless: -
  - (i) contained wholly within the residence; or
  - (ii) is installed generally below the ridge line of the roof and is of similar colour to the roof; or
  - (iii) contained within the roof space between the ceilings of the residence and the underside of the roof of the residence.
- (u) A solar hot water system or photo-voltaic system, unless it is screened from public view (where possible without adversely impacting on the solar efficiency of same) or otherwise located in the least visibly obtrusive location from the street or public open space areas and, fits the roof profile and is not elevated at any angle to the roof profile and otherwise matches or complements the residence.
- (v) A clothesline or rainwater tank except in accordance with the manufacturer's instructions and which is not screened from public view.
- (w) TV antennas and satellite dishes unless screened from public view or otherwise located in the least visibly obtrusive location from the street or public open space areas.

NOT to:

- (x) park or allow to be parked on the land or on the road or on any other land near to or next to the land, any commercial vehicles (which have an aggregate weight greater than 3.5 tonnes or a height greater than 2.0 metres) or caravans, trailers, boats or any other mobile machinery ("vehicles") unless the vehicles are housed or contained wholly within a carport or garage on the land or are screened from public view; or
- (y) carry out any repairs to or restoration of any vehicles parked on the land or on the road or on any other land near to or next to the land unless such repairs or restoration is carried out wholly within a

carport or garage on the land or is screened from public view;

- (3) That where retaining walls or fences have been erected on any of the boundaries of the land by the Owner, NOT to alter or remove any or the retaining walls or fences, NOT to allow or permit the retaining walls or fences to fall into a state of disrepair, and NOT to repair or renew such retaining walls or fences except in the same style and colour as the existing retaining walls and fences.
- (4) That if retaining walls or fences have been erected on any of the boundaries of the land by the Owner, NOT to alter the level of the surface of the land by elevating the level by more than one half of the one metre.
- (5) Erect or display or cause to be erected or displayed on the Property any sign hoarding or advertising of any description whatsoever other than a sign erected by a builder of the residence in accordance with the Builders Registration Act during the period of construction of the residence or a "FOR SALE" sign which may be erected after completion and occupation of a residence on the Property or after a period of one year from the date of sale and transfer of each of the lots on the deposited plan by the Seller.
- (6) Not to breach or cause to be breached the **Clementine, Upper Swan Design Guidelines**, a copy or a summary of which has been provided or is available from [www.clementine-estate.com.au](http://www.clementine-estate.com.au).
- (7) For the purposes of these covenants:-
- (a) **Gable** means a triangular portion of the external wall between the enclosing lines of a pitched roof
  - (b) **outbuilding** means a building or buildings erected or constructed on the land which is not part of the residence, the carport or the garage.
  - (c) **Portico** means a narrow verandah or colonnade projecting from the front entrance of the residence;
  - (d) **primary street** means the street which is directly opposite the main front door of the residence; and
  - (e) **residence** means a building constructed for private residential occupation which may be a single residence or part of a duplex or triplex development and may be more than one storey in height, depending on the density requirements of the City of Swan and the Western Australian Planning Commission.
  - (f) **secondary street** means a street which runs along the side of the residence and is not a primary street.
- (8) The restrictive covenants herein contained shall operate and be enforceable until 31 December 2030 after which date the restrictive covenants will cease to have any further effect.

Signed by the Buyer:

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Buyer Signature

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Buyer Signature

.....  
Date

.....  
Date