

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

- (1) **NOT TO** construct, erect or install or permit to be constructed, erected or installed on the lot:
  - (a) a residence which is not a permanent non-transportable private residence (“a residence”);
  - (b) a residence with a roof pitch of less than 25°, unless the residence presents as double story to the front elevation;
  - (c) a residence with less than one architectural feature to the front elevation;
  - (d) a residence with less than two feature colours and two feature building materials to the front elevation;
  
- (2) **NOT TO** construct, erect or install or permit to be constructed, erected or installed on the lot:
  - (a) A residence or any alteration or addition to a residence:-
    - (i) subject to paragraph (2)(a)(ii), using wall materials which are not either predominantly concrete, clay bricks, stone rammed earth, rammed limestone, limestone, timber, weatherboard or other similar materials finished in face brick or render;
    - (ii) using roof materials which are not concrete or clay tiles, slate, colorbond metal or zinalume.
  - (b) A carport or garage, which, if not located under the main roof of the residence:-
    - (i) is not made of the same materials as the residence; or
    - (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.
  - (c) Any structure with walls and a roof exceeding 20 square metres in area or which exceeds two (2) metres in height, which has a flat roof or which does not match or complement the residence in respect of materials used, the design and external appearance, including colour and the quality of construction.
  - (d) Any structure with walls and a roof of less than 20 square metres in area or which is less than two (2) metres in height which is constructed of zinalume or other reflective materials or does not match or complement the residence in respect of materials used, the design and external appearance, including colour and the quality of construction.
  - (e) A residence, unless a driveway and the crossover between the road and the parking area on the land are constructed and completed prior to occupation of the residence.
  - (f) A driveway which is wider than 6 metres at the street boundary of the land, is less than 0.6 metres from any side boundary of the land, or which is not constructed of brick paving or decorative concrete or, where the nature of the land makes brick paving or decorative concrete paving impractical, concrete or bitumen.

- (g) Subject to clauses 2(k), 2(m) and 2(n), any front boundary fence which is:
  - (i) constructed of steel or cement sheets; or
  - (ii) a solid wall exceeding 750 millimetres in height.
- (h) Subject to paragraphs 2 (i), (j), (k), (l), (m) and (n), any internal fence behind the building set back line or along any rear laneway boundary which is less than 1500 millimetres or more than 1800 millimetres in height and which is not capped and painted on both sides in a colour equivalent to “Wheat” and constructed of super six fibro cement or HardiFence.
- (i) (If the land is a corner lot or a lot which adjoins public open space), any fence which adjoins the public open space or is constructed on the boundary of any secondary street frontage (being the street to which the front of the residence does not face) unless it is not less than 1500 millimetres in height and is constructed of brushwood constructed in accordance with Shire of Capel policy 18.2 fencing guidelines for residential lots.
- (j) Any fence which:-
  - (i) extends forward of the building frontage set back line unless it is constructed in a masonry or brick render or a wrought iron pool type finish;
  - (ii) is less than 1500 millimetres in height; or
  - (iii) does not match or complement the residence.
- (k) Any front boundary fence which exceeds 1200 millimetres in height and any part of the fence above 600 millimetres in height unless that part of the fence is constructed of materials such as wrought iron, aluminium slat, or pool type fencing so that it is visually permeable and not to construct any brick piers forming part of the fence which exceed 1400 millimetres in height.
- (l) Any fence to a rear laneway boundary which exceeds 1800 millimetres in height or is located less than 1000 millimetres from the rear boundary.
- (m) Any fence to street frontages for R40 Grouped dwelling sites which are not visually permeable except for fencing on a laneway where one third of the laneway frontage for each residence can be screened behind a solid wall to a maximum height of 1800 millimetres.
- (n) (If the land has a retaining wall of the front boundary), any fence on the front boundary unless the height and construction is in accordance with the Retaining Wall, Fence and Stair Details for Cottage Lots implemented by the Shire of Capel.
- (o) A letterbox which is not clearly numbered or does not match or complement the residence.
- (p) An air conditioner or evaporative cooler, unless:-
  - (i) contained wholly within the residence; or
  - (ii) screened from public view from the street at the front of the residence, and is installed 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.
  - (q) A solar hot water heater, unless it is screened from public view from the street at the front of the residence, fits the roof profile and is not elevated at an angle to the roof profile and otherwise matches or complements the residence.
  - (r) A clothes line or rain water tank except in accordance with the manufacturer's instructions and which is not screened from public view from the street at the front of the residence.
  - (s) A television or radio antenna and satellite dish unless located on a rear elevation and installed below the ridge line of the roof with a maximum protrusion above the ridge line of 100 millimetres.
- (3) NOT to 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 (being vehicles which have an aggregate weight greater than 3.5 tonnes or a height greater than 2.0 metres), 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 otherwise screened from public view.
- (4) That where retaining walls or fences have been erected on any of the boundaries of the land by the Transferor, NOT to alter or remove any of 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.
- (5) That if retaining walls or fences have been erected on any of the boundaries of the land by the Transferor, NOT to alter the level of the surface of the land by elevating the level by more than 300 millimetres.
- (6) NOT to erect or display or cause to be erected or displayed on the land 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 1939 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 land or after a period of two years from the date of registration of this Transfer of Land where a residence has not been completed and occupied.
- (7) NOT to breach or cause to be breached the:
- (a) **Dalyellup Beach Estate** Development Conditions and Building guidelines relating to the land a copy of which is attached hereto and mark Annexure 3; or
  - (b) Development Design Guidelines and Detailed Area Plans implemented by Shire of Capel (if any).