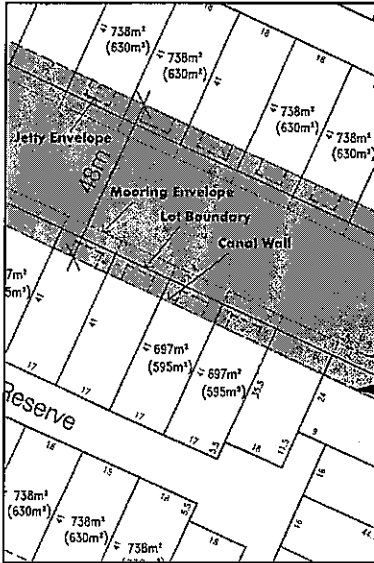


1. APPROVALS AND CONSTRUCTION

1.1 APPROVALS



Prior to construction or other improvements being carried out on any lot or in the waterways at The Islands at Mariners Cove, approvals must be sought from:

- (a) **City of Mandurah:** The City of Mandurah requires all buildings and other improvements to comply with development standards contained in its Town Planning Scheme and any other relevant policies
- (b) **Cedar Woods Properties Limited ('Cedar Woods'):** Cedar Woods requires all buildings and improvements to comply with these building guidelines and the restrictive covenants on the lot title.
- (c) **Department for Planning & Infrastructure:** The Department for Planning and Infrastructure must approve all structures outside the canal wall and within the jetty and mooring envelopes. The City of Mandurah's approval is also required for all such structures.

Approval must be sought for initial building construction and any other improvements that may follow from time to time.

The requirements of these approving authorities may change, and any clarifications and updates should be sought directly from them prior to seeking approval.

The required approval application forms and fees must accompany plans, specifications and other documents submitted to these authorities.

A certificate from a structural engineer must also accompany the application for approval from Cedar Woods for works where certification is required by the building guidelines and restrictive covenants. Information on the Geo-technical site conditions for each lot will be available from Cedar Woods upon completion of the civil works construction. It is anticipated that all lots should achieve a 'S' classification under Australian Standards AS 2870 (Residential slabs and footings – Construction). Purchasers should make enquiries with suitably qualified builders with respect to expected site costs associated with construction on these lots.

Cedar Woods may, at its discretion, allow departure from these building guidelines where it is satisfied that there is a good reason to do so, and where the amenity, privacy or enjoyment of neighbouring properties is considered to be unaffected.

All purchasers are encouraged to contact and consult with their adjoining owners during the design of their new home to ensure that each property is designed with due consideration for its neighbours.

1.2 HOME CONSTRUCTION

To maintain the high quality of the environment that Cedar Woods has created at The Islands at Mariners Cove, and to preserve the amenity of other residents whilst your home is being built, it is important to ensure that construction is carefully managed.

The lot owner is responsible for the repair of any damage to the adjacent roadways, footpaths, street trees, the canal footpath and the canal wall caused by, or derived from, building construction works on the lot.

During construction, owners are required to ensure that their builder is responsible for the removal of all rubbish and debris. Special care should be taken to ensure no debris or rubbish enters the canal.

Your builder should maintain a large waste bin on the building site and ensure that at least daily, and more frequently in windy weather, all waste materials that may blow into the canal waters or onto adjoining blocks are collected and properly stored in the bin. If possible, refuse and bin storage areas should be screened from public view during any building or other construction works.

It is also recommended that during construction, your builder erect a temporary fabric screen at the canal edge to avoid debris and sand from entering the waterway.

As a lot owner, you will be held responsible for any costs incurred by the City of Mandurah, the Department for Planning & Infrastructure and/or Cedar Woods in removing rubbish emanating from your lot into the waterways or onto adjacent lots or roadways, and for rectifying any damage caused during construction.

2. BUILDING DESIGN

2.1 BUILDING USE AND SCALE

To maintain the calibre of residential development within The Islands at Mariners Cove, only a single dwelling will be permitted on each lot, except where grouped-dwelling sites have been already identified.

Larger family homes are encouraged. Therefore, each dwelling must be at least 220 square metres in area, exclusive of garages, ancillary structures, external storage or entertaining areas, and other open-sided covered areas such as verandahs. For 'landmark' lots being lots 638, 642-645 (inclusive), 656, 665, 670, 674, 689, and 693 a minimum area of 300 square metres applies.

To provide a streetscape that is befitting of a prestigious development, some dwellings must have a two-storey design element. Lots 631, 632, 638, 642-645 (inclusive), 656, 665, 670, 674, 689, and 693 are all required to have a second storey component to the street and canal elevation. The term "second storey" may refer to a mezzanine level where the external walls to the street and the canal are two storeys high, but shall not refer to a loft space with dormer windows or roof lights.

No kit homes are permitted in The Islands at Mariners Cove.

2.2 BUILDING ENVELOPE AND SETBACKS

Building Envelope

The term building envelope describes where on the lot your home can be built to enhance the appearance from both the street and the canal, and to provide privacy between you and your neighbour. This building envelope is determined by setbacks from each boundary.

In terms of site coverage or the percentage of the lot area that can be built upon the City of Mandurah and the R Codes determine this requirement. The Residential Design codes stipulate that a minimum of 50% of the total site area (which includes the water component of the lot title) is allocated to private open space; that is, cannot form part of the building footprint.

Setbacks

Setbacks from the side, front and rear boundaries of your lot are controlled by the City of Mandurah under the residential R Codes and its Town Planning Scheme, Development Controls and Policies. Further controls are set and administered by Cedar Woods to protect the quality of the streetscape and the unique canal setting.

Building heights are controlled by the City of Mandurah.

The main façade of the dwelling shall be set back by at least 3 metres from the primary street (front) boundary.

Garages shall be set back by at least 4.5 metres from the primary street boundary to permit on-site parking in front of the garage.

The City of Mandurah requires an average building setback of 6.0 metres and a minimum setback of 4.0 metres from the water face of the canal wall.

To protect your neighbours' views from adjoining sites, no structures extending above the nominated finished level of your site are to be constructed within a truncation from any side boundary from a point on the boundary 4.0 metres from the canal wall that meets the canal wall 4.0 metres into the property ("the view truncation"). This includes cantilevered balconies at ground level, pergolas and any other part of the building or ancillary structures, but excludes fences and retaining walls.

Unroofed, cantilevered balconies at ground level should also be set back no less than 2.0 metres from the canal wall. Undercroft storerooms should be set back no less than 4.0 metres from the canal wall. These structures shall not be included in the rear average setback calculation.

Structural Certification

Any buildings or major structures within 6.0 metres of the canal wall require the approval of and certification by a structural engineer with respect to any potential loading that might be placed upon the canal wall.

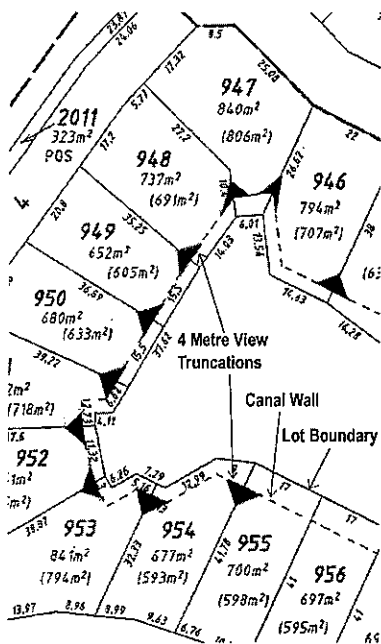
The existing levels on the property (ie; as developed by Cedar Woods) should be generally maintained to protect views from adjacent properties and reduce the need for retaining walls.

The site generally must remain at the nominal finished level ± 0.45 metres.

The ground floor of your home should sit as close to the nominal finished property level as possible. There may be an opportunity for a storeroom to be constructed below this level (ie. at basement level) and for habitable rooms to be constructed at a lower level (but no lower than specified hereunder).

The prescribed levels are:

The lot is nominally to be finished between	AHD 2.2 & 2.8 metres
Minimum habitable room floor level	AHD 2.1 metres
Minimum floor level of basement storerooms	AHD 1.14 metres



2.3 SITE AND FLOOR LEVELS

Maximum size and floor to ceiling height of basement storerooms is controlled by the City of Mandurah. Any storeroom should be located such that the ceiling is below the finished floor level of the home.

Unless otherwise approved by the company, no fill is to be imported. Cutting and filling should be limited so as to minimise the height of banks and retaining walls. In undertaking cutting or filling works, the owner must construct any retaining wall entirely within the lot and not cause any disturbance to adjoining property owners.

2.4 MATERIALS

Selection of high quality materials that are sympathetic with the other homes in your street can add value to your investment and help to provide a unique sense of quality and identity to The Islands at Mariners Cove.

Materials should also be chosen that do not cause nuisance to neighbouring properties through excessive reflective glare.

Materials are generally at the owners discretion, however, you are encouraged to adhere to a common set of standards for building materials that will provide The Islands at Mariners Cove with a unique quality and identity. Within these standards, individuality is encouraged. These standards define:

ROOFSCAPE:

Dwellings shall have either clay or concrete tiles, or pre-finished-corrugated metal sheeting. Light colours other than white or zincalume finish are preferred. Dark colours can significantly increase the running costs of your home and are, therefore, discouraged.

A roof pitch of at least 30 degrees is recommended to enhance the character of your home. Dwellings shall have a pitched roof of no less than 25 degrees, or 30 degrees for a second storey.

Roof elements such as verandas and window awnings may be reduced to a pitch of no less than 18 degrees.

The use of feature elements such as towers, roof lanterns, gables, and finials is encouraged to provide interest and richness.

Fully hipped roofs are not permitted.

WALLS:

All external walls shall have an emphasis on craftsmanship and be constructed predominantly of clay brick, rendered and painted masonry, rammed earth /limestone or natural limestone.

Street and canal façades shall incorporate a secondary wall material to add interest to your home and to enhance any feature elements. Permissible secondary wall materials are the same as per the permissible primary wall materials but with the inclusion of timber or fibre cement cladding where the cladding is treated to resemble rendered masonry construction or timber weatherboards, mini and custom orb or other materials as approved by Cedar Woods. Where rendered and painted masonry is the primary wall material, the use of a second accent colour is an acceptable alternative to a secondary wall material.

The secondary wall material shall be limited to no more than 25% of the street and canal elevations.

Features such as projecting brick courses, and projecting or applied external windowsills are encouraged to provide a greater richness to the façade.

WINDOWS AND DOORS:

Windows and doorways are the 'eyes and mouth' of a building, and their design can significantly affect the appearance of your home.

To create a sense of traditional elegance, window shall be vertically proportioned rather than horizontal. Where wide openings are required; the window shall be divided in to a series of vertical panels.

Sliding windows are discouraged on the street and canal elevations. In these locations, opening lights should be either hinged, hung or casement.

Aluminium and other types of metal windows shall have either a painted or powder-coated finish.

External roller shutter screens or fabric awnings are discouraged on any window visible from the street or canal, although traditional Mediterranean style side-hung timber shutters may be used as an alternative.

To avoid nuisance glare to neighbouring properties, reflective or curved glass is not permitted.

COLOURS:

Wall colours should reflect your home's unique location where the land and the sky meet the water. Walls should generally be light to medium tones of earth, sky or marine colours. Dark wall colours should be avoided because of their tendency to absorb an excessive amount of heat during summer.

Bolder accent colours should be restricted to highlighting special features of your home such as projecting bays, entrance porches, doors, window frames and surrounds, veranda posts and other structural elements. Accent colours are also recommended for elements such as eave fascias, bargeboards and finials to highlight the delineation between the roof and the wall of your home.

2.5 MECHANICAL EQUIPMENT

Mechanical equipment is often unattractive and should be located where it has the least impact on the adjoining properties, the streetscape and the canal.

Mechanical equipment includes all air-conditioning units, hot water systems, satellite dishes and other communications equipment and other such items external to the house. However, it should be noted that Cedar Woods has established a cable access television system for the estate, which avoids the need for unsightly TV antennae and other communication devices.

No mechanical equipment, except roof-mounted evaporative units, shall be visible from either the street or the canal.

If air-conditioning is required, consideration should be given to more energy efficient systems.

Roof mounted evaporative air-conditioning units must not be mounted on the street or canal elevations, shall be mounted below the nearest adjacent ridge line, and shall be finished in the nearest available colour to the roof material.

External condenser units for reverse cycle or refrigerated air conditioning should be located at ground level, and screened from neighbouring properties by a fence or wall at least 1.8 metres in height.

No freestanding aerials or communication towers are permitted.

3. EXTERNAL WORKS AND LANDSCAPE DESIGN

3.1 CANAL SIDE EXTERNAL WORKS

The design of the area adjacent to the canal wall has considerable impact on your neighbours.

There are unique issues to consider such as the canal views enjoyed by your neighbours and the treatment of the level changes on your property.

Any buildings or major structures within 6 metres of the canal wall require the approval of the City of Mandurah and Cedar Woods, and certification by a structural engineer.

3.2 RETAINING WALLS

Due to the level differences between the canal wall and the nominated finished level of the lot, retaining walls may be necessary in the design of your property.

You are encouraged to contact adjoining owners to co-ordinate the design and finished levels where retaining walls meet your respective side boundaries.

Retaining walls shall either be constructed in limestone to match the canal walls, or in a material that matches the primary wall material of your home.

The separation between retaining walls may be averaged to provide curves and an interesting design in the terracing of your lot.

3.3 LANDSCAPING

Landscaping in publicly visible areas such as the street and in the vicinity of the canal is particularly important. Soft landscape adds to the overall appearance of your property but should be carefully designed to preserve views of the canal.

Property owners shall maintain the road verge areas adjoining their lot to a reasonable standard at all times.

Trees have been provided by Cedar Woods in the streets and parks to enhance the quality of the environment at The Islands at Mariners Cove. You are not permitted to remove, or cause damage, to any trees, whether wilfully or through neglect, that are not on within your lot.

Any street tree in your verge that is damaged during construction works on your lot will be replaced with a similar size and species of tree at your expense.

Road verges adjacent to your lot shall be turfed and reticulated.

All garden areas within public view are to be landscaped within three months of occupation of the dwelling.

Property owners should refer to section 4.1 of the Building Guidelines for controls on use of fertilizers.

Driveways shall be of clay or concrete paviour, rather than in situ concrete, to allow better infiltration of stormwater and reduce stormwater runoff into the street.

Driveways colours should generally reflect one of the wall materials of your home. Light colours are discouraged because of their tendency to show oil stains and tyre marks. Medium-toned materials with some variation in colour are recommended.

To help create a leafy residential neighbourhood character to your street, you are encouraged to plant at least one tree between the front of the home and the street verge. If the street side of your lot is your northern boundary, any trees planted should be deciduous to allow winter sun to reach your home.

External lights on neighbouring properties can be a major source of complaint. All external lights shall be selected and mounted to minimise disturbance and glare to adjoining properties.

3.4 ANCILLARY STRUCTURES

Ancillary structures such as sheds, bin enclosures, clothes hoists and clotheslines can be unsightly elements.

Metal or timber sheds are not permitted unless they are less than 8 square metres and screened from public view. Storage areas (with a minimum area of 4 square metres) should be incorporated into the design of the dwelling. If a freestanding storage area is constructed, it should not exceed 20 square metres in area and shall be constructed substantially of the same materials as the dwelling.

Pergolas, external covered entertaining areas and bin enclosures should be designed to integrate with the dwelling.

The incorporation of alfresco entertainment areas under the main roof of the house is strongly encouraged.

Clotheslines, Clothes hoists and bin storage areas shall be located so as not to be visible from either the street or the canal.

Refuse bins shall remain out of sight of the street except on designated refuse collection days.

3.5 VEHICLE ACCOMMODATION

To maintain the attractiveness of the streetscapes of The Islands at Mariners Cove, you are required to accommodate all vehicles including cars, boats, trailers and caravans on your property.

A double garage shall be provided on each single residential lot, having a minimum floor area of 40 square metres. No open carports are permitted.

Trailers, caravans and boats stored on the property should be screened from view of the street.

3.6 SIGNAGE

No signage is permitted on your lot or adjacent street reserve other than:

- signs provided by Cedar Woods;
- builders signs during construction; and
- real estate 'for sale' signs once your home is constructed.

3.7 FENCING

Fencing is one of the largest sources of aggravation between neighbours. Appropriate fencing can also create a more attractive streetscape and canal aspect.

To maintain the high quality of finish at The Islands at Mariners Cove, fences, walls and screens shall only be constructed of natural stone, rammed earth/limestone, rendered masonry, handmade face brick, painted timber picket, wrought iron or painted tubular metal.

Wall finishes shall match either the primary or secondary wall material of the dwelling.

Fences, walls and screens shall be designed and constructed to minimise the visual impact when viewed from outside the lot. Refer to sections 3.1 - 3.2 for guidance on how to minimise disruption of your, and your neighbour's, view of the canal.

High walls to the primary street frontage are discouraged as they can lead to increased crime, a loss of community interaction, and a hostile streetscape.

You are encouraged to delineate street boundaries of your property with an appropriate wall, fence, screen or hedge. For a primary street frontage, and any part of the boundary forward of the main building line, an appropriate treatment is deemed to be:

- a wall no greater than 900 mm high, with piers of no more than 1,800 mm high.
- a wrought iron or painted timber picket fence of no more than 1,200 mm high.
- a combination of the above.
- a hedge of no more than 1,800 mm high.

Timber pickets shall be spaced no less than 25 mm apart.

In the few cases where a lot has two street frontages, you may build a wall, or use closely-spaced painted timber pickets, up to 1800 mm high, but not extending forward of the nearest part of the front elevation.

Meter boxes are not permitted on the front boundary wall of your property. If your driveway is gated, a recessed meter box housing shall be constructed with the meter boxes mounted perpendicular to the street boundary.

A letterbox to Australia Post standards shall be incorporated into any wall, screen or fence that has been constructed at the front of your property.

Where there is no wall, screen or fence at the front of your property, a letterbox to Australia Post standards shall be incorporated into a structure no higher than 1200mm and constructed from the same wall materials as your home.

Barbed wire, broken glass or any other injurious materials are not permitted on any boundary walls, fences or screens.

Except for natural stone, face brick or rammed earth/limestone, all fences or screen walls are to be painted on both sides within one month of erection. If there is no adjoining private property then the lot owner will paint both sides of the fence.

3.8 CANAL WALL MAINTAINANCE

The appearance and structural integrity of the canal wall are vital to the unique high quality environment that all residents will enjoy at The Islands at Mariners Cove.

Repair and maintenance of the canal wall within your property is the responsibility of the property owner.

It is important that no structures (for example: boat hoists, gazebos, or swimming pools) are added to the canal wall or are constructed in close proximity to the canal wall that they may affect its structural integrity. Where structures are permitted, certification from a structural engineer is required prior to construction.

The property owner shall remove any graffiti or paint or other unnatural markings from the canal wall within one month of written notice from Cedar Woods or the City of Mandurah. If the property owner fails to take the required action within the prescribed time the company may undertake the required action at the cost of the lot owner.

4. THE CANAL

4.1 POLLUTION

Water-based environments, such as the canals, the nearby wetlands and the Peel Inlet are fragile ecological systems. Therefore, preservation of water quality is an important consideration in maintaining the quality of life in The Islands at Mariners Cove. Property owners are responsible to ensure that no materials deleterious to the water quality enter the canal.

The shape and function of the canal edge paving and porous drain provided on the canal frontage of each lot is designed to stop fertilisers entering the canal waters. It shall be maintained by the property owner and not be changed in any way.

No fertilisers, other than slow release granular fertilisers specially formulated to reduce nutrient run-off and nutrient infiltration into the water table, shall be used. Applications of fertiliser should be minimised by applying smaller quantities at regular intervals in lieu of heavy applications at infrequent intervals.

No boats or other structures are to be painted or maintained in the canal waters unless measures are taken to prevent paint or other materials entering the canal waters or floating on the water. Such measures should include installation of drop sheets and floating barriers as deemed necessary, and measures to prevent spillage of paint or other materials.

Toilet water, sewerage, bilge or other pollutant wastes must not be discharged into the canal waters. Boat wastes are to be disposed of at boat water disposal units provided by the relevant authorities or otherwise where specified and permitted by the authorities. The discharge of waste in to the canal is not permitted as it can attract seagulls and cause significant nuisance to neighbours.

4.2 JETTIES AND OTHER STRUCTURES WITHIN THE CANAL

Jetty envelopes have been designated in the canal to control the location of boats, jetties and other structures to ensure the visual amenity of the canal.

Jetties should be constructed only in accordance with plans and specifications approved by the Department for Planning & Infrastructure and the City of Mandurah.

Boat lifts, davits and other structures are discouraged as they potentially detract from the views of the canal from adjoining properties. They may also be discouraged or prohibited by Council policy and inquiries in this regard should be directed to the City of Mandurah.

4.3 BOATS AND MOORINGS

Boats are an important part of the attraction of living on a canal. Some limits exist as to the size and nature of boats and moorings. Mooring envelopes have been designated within the canal to control the location of boats to ensure the visual amenity of the canal.

No boat shall be moored in a manner that causes any part of the boat to extend outside the approved mooring envelope.

NOTE: In these Covenants:

"Canal Wall" means a Canal Wall adjacent to any canal fronting or bordering the Property.

"Property" means a Lot in the Islands Stage 5CA Mariners Cove.

"Transferor" means Esplanade (Mandurah) Pty Ltd ACN 008 851 616.

"Transferee" means the purchaser of the Property.

The Transferee covenants with the Transferor and the Transferor's successors in title for the Transferee and the Transferee's successors in title the registered proprietor from time to time of the Property:

- 1 Not to erect or *construct*, or permit to be erected or constructed, on the Property:
 - a) anything other than a single residential dwelling ("residence") and associated outbuildings;
 - b) a dwelling having a floor area (measured using the outside dimensions of the walls enclosing the dwelling) less than 220 square metres exclusive of patios, balconies, verandas, alfresco areas, storage areas, workshops, pergolas and any attached garage or outbuildings;
- 2 Not to erect or cause to be erected on the Property any structures except open fencing and retaining walls within a View Truncation. A "View Truncation" is an area bordered by:
 - a) a side boundary of the Property;
 - b) the water face of the Canal Wall; and
 - c) a line from a point on the side boundary which is 4.0 metres from the junction of the boundary with the water face of the Canal Wall (measured towards the road adjacent to the Property) to a point on the water face of the Canal Wall which is 4.0 metres from that junction.
- 3 Not to erect or construct, or permit to be erected or constructed, on the Property:
 - a) any room with a floor level below 1.14 AHD;
 - b) any habitable room with a floor level below 2.1 AHD;
 - c) any room which is not a habitable room and which has an internal ceiling level above the lowest finished ground floor level of the residence on the Property as approved by the local or other relevant authority.
- 4 Not to erect or construct, or permit to be erected or constructed, on the Property:
 - a) any building with external wall materials which are not substantially of masonry construction or which are of highly reflective materials such as mirror glass, zincalume roofing or unpainted galvanised sheet steel and which are not screened from view from adjacent dwellings, roads and canals;
 - b) any building which has less than two different colours or Approved Materials on each street and canal facing façade. The "façade" is to be treated as exclusive of the roof, gutters and downpipes but as including any gables. "Approved Materials" are rendered brickwork, face brickwork, timber boarding, painted profiled cement boards, painted flat cement cladding, custom orb or mini orb, and other materials approved in writing by the Transferor.
 - c) any building that has any roof, excluding a roof to a verandah, which roof is:
 - i. visible from any street or canal adjacent to the property; and
 - ii. has a pitch of less than 25 degrees for the first storey or less than 30 degrees for any second or subsequent storey.
- 5 Not to erect or construct, or permit to be erected or constructed, on the Property any:
 - a) two way radio or other aerial, any satellite dish or any other media or electronic communication aerial or device which may be visible from any street or canal adjacent to the Property;
 - b) externally mounted air-conditioning, evaporative cooling unit or device or any other plant and equipment which is not in a similar colour as the predominant colour of the adjacent or surrounding roofing or building material on which the unit or device is mounted, or whose highest point is higher than the peak ridge of the roof of the main building on the Property.
- 6 Not to erect or construct, or permit to be erected or constructed, on the Property any buildings or major structures within 6.0 metres of the water face of any Canal Wall which are not designed, engineered and constructed so as not to impose any adverse loading on the Canal Wall. "Major structures" means swimming pools, boat davits, steps, retaining walls, pergolas, gazebos or any other structures that may cause wind or weight loadings to be imposed on a Canal Wall.
- 7 Not to erect or construct, or permit to be erected or constructed, on the Property:
 - a) any retaining wall within 2.0 metres of the Canal Wall with a height greater than 1.0 metre above the Canal Wall;
 - b) any other retaining wall with a height greater than 1.5 metres above the finished level of the Property;
 - c) any terracing where successive retaining walls are separated (on average) by less than 1.0 m of landscaping or lawn, or any retaining wall closer than 1.0 m to a building wall;
- 8 Not to place or create, or permit to be placed or created, any garden bed or any area of sand or soil unstabilised by landscaping, lawn or paving in the area 6 metres from the water side face of any Canal Wall.
- 9 Not to erect or construct, or permit to be erected or constructed, on the Property:
 - a) any outbuildings whose design, appearance and external colours and textures are not integrated and substantially matched with the main building on the Property;
 - b) any outbuildings with galvanised iron, timber or unpainted fibrous cement walls except for sheds with a floor area of less than 8 square metres and which are not visible from any canal, road or adjoining Property;
 - c) any refuse or bin storage area that is visible from any canal or road;
 - d) any clothes hoist or clothesline or area used for clothes drying or airing which is visible from any canal or road.
- 10 Not to erect or construct, or permit to be erected or constructed, on the Property any building without:

- a) a driveway for motor vehicle access built to specifications complying with all relevant by laws and requirements of all relevant authorities and which is made from clay or concrete paving; and
 - b) a double closed garage with an internal floor area of at least 40-square metres.
- 11 Not to erect or construct, or permit to be erected or constructed, any fence on the Property which is:
- a) made of corrugated fibre cement or metal sheet, treated pine or brushwood; or
 - b) not painted or anodised, except for natural stone or finished masonry walls; or
 - c) within 4.0 metres from the water side face of any Canal Wall and which has a surface area of more than 50% opaque construction; or
 - d) on an external boundary or is for an internal screen and which is not:
 - i. a stone or masonry wall; or
 - ii. made of wrought iron, painted timber picket or tubular steel railings either built into a masonry, brick or stone wall or supported by stone or masonry pillars; or
 - e) a swimming pool fence (other than an external boundary fence) and which is not:
 - i. a tubular steel fence with infills of transparent material; or
 - ii. an anodised or painted wrought iron or tubular steel fence supported by steel uprights.
- 12 Acknowledging that the Canal Wall is constructed inside the boundary of the Property, not to:
- a) place any adverse structural loading on the Canal Wall of any kind; or
 - b) paint or alter the finish of the Canal Wall in any way; or
 - c) in any other way interfere with the structure or integrity of the Canal Wall,
 - d) nor permit any of the matters in (a), (b) or (c) to occur, provided that this Covenant does not prevent the undertaking of any works or repairs to the Canal Wall within the Property where properly required for safety or maintenance or by any relevant authority.
- 13 In order to maintain proper pollution controls, not to contravene any requirement of any relevant authority having jurisdiction over the canal or waterway adjacent to the Property and in particular (but subject to any requirements of relevant authorities) not to:
- a) use any fertilizers on the Property except slow release granular type fertilisers;
 - b) use fertilizers except as permitted by regulations or requirements of all relevant authorities;
 - c) allow any fertilizer run-off, contaminants, or nutrients to enter any canal or waterway;
 - d) change the structure, layout, shape or function of the canal edge paving or gutter or drainage system abutting any canal or waterway and not to:
 - i. allow any accrual of dirt, debris, rubbish or other material in the canal edge paving or gutter which hinders or prevents its efficient operation;
 - ii. allow any stormwater or other water, except from a closed pipe system draining any roofed areas and with no contaminants or nutrients, to overflow into any canal or waterway;
 - iii. allow the canal edge paving or any gutter to deteriorate so as to hinder or prevent its efficient operation.
- 14 Each of these Covenants is a separate and distinct covenant, and if any Covenant or its application to any person or circumstance is or becomes invalid or unenforceable then the remaining Covenants will not be affected and each remaining Covenant will be valid and enforceable to the fullest extent permitted by law.
- 15 These covenants expire at, and are of no force and effect except in relation to antecedent breaches after, midnight on 31 December 2015.

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