



Terms of restriction on the use of land

These clauses in no way are to be used in place of the contract. Please refer to contract for complete details.

- 1 (a) No building shall be erected or be permitted to remain erected on each lot burdened to be used for any other purpose than for residential purposes.
 - (b) No building shall be erected or be permitted to remain erected on each lot burdened unless the external walls thereof are constructed predominantly of brick, stone, glass, concrete, hardboard sheeting or any combination thereof, PROVIDED THAT any external walls constructed of brick, other than face brick which may represent up to 25% of the total wall area, concrete, hardboard sheeting or any combination thereof shall be cement rendered or treated with an applied finish with the appearance of cement render. Any applied finish that gives bagged or uncreeded appearance will not be considered as rendered finish.
 - (c) No main building shall be erected or be permitted to remain erected on each lot burdened having a total floor area of less than 300 square meters for a two storey dwelling and 240 square meters for a single storey dwelling, exclusive of car accommodation, external landings and patios.
 - (d) No main building shall be erected or be permitted to remain erected on each lot burdened unless such building is setback a minimum of (6) meters from the primary street frontage and, in the case of corner lots, four (4) meters from the secondary street frontage. Minor variations to these setbacks may be permitted but only if the building is considered to comply with the requirements of clause (e) below.
 - (e) No building shall be erected or be permitted to remain erected on each lot burdened without the prior written consent of Mulpha Norwest Pty Limited to the plans for the building. Such consent will be withheld unless Mulpha Norwest Pty Limited in its absolute discretion considers that:
 - (i) the design has a distinctiveness or uniqueness which contributes positively to the overall impression of the Bella Vista Waters Estate (being all of the land formerly contained within Lot 7074 DP 1015434) as an up-market and exclusive estate in which houses are either custom designed by an architect/building designer or are boutique quality project home models from low volume builders. In this regard houses which are high volume project home models from major or national builders will not be considered to be distinctive or unique;
 - (ii) the plans demonstrate architectural merit through skilful massing and composition of the building's parts, height, proportion, roof elements and window/door/garage openings to create an integrated whole of building design which looks aesthetically appealing from all angles and which relates to its site and topography. In this regard houses which are box-like buildings having a simple roof and having special design features, if any, only on the front façade will not be considered to demonstrate architectural merit;
 - (iii) the underlying architectural design them must be contemporary and should not contain either in overall concept or detail any historical style or expression. Design must generally avoid historical reproductive style, such as Georgian, Colonial, Italianate, Victorian and Federation, including the use of stylistic, ornamental or decorative devices.
 - (iv) the plans incorporate substantial and interesting detailing to elevations (moulds, bands, grooves, corbels, recesses, projections, and the like), and use a range of building elements (such as entry features, impressive front doors, gables, verandahs, porches, balconies, awnings, shade devices, chimneys, pergolas, balustrades and the like) to enrich the form of the building;
 - (v) the design contributes positively to the streetscape and to the view from any other public space, such as a park, creek or detention lake. In the case of corner lots and lots with frontage both to a road and to another public space, equal attention must be given to the design and architectural treatment of all frontage elevations;
 - (vi) a high quality landscape setting has been provided for the building, with substantial softscape works (such as garden beds, hedges/borders, lawns, shrubs and feature trees) and incorporating hardscape elements (such as fences, masonry piers and walls, retaining walls, planters, paving, and steps), with particular emphasis on treatment of entries, frontages and side boundaries;
- Provided further that such consent shall be required within a period of five years from the date of registration of the plan.
- (f) No dwelling shall be erected or permitted to remain on any lot burdened unless the area between the building and the front boundary is landscaped in a manner approved by Mulpha Norwest Pty Limited and in accordance with restriction (d) above. Such landscaping is to be completed within 3 months of occupation of the residence.
 - (g) No driveway or entrance to any building erected on the lot burdened shall be permitted unless the finished surface is constructed in pavers or concrete with exposed aggregates, stamped or decorative finish.
- 2 Restricting fill operations for all works to a maximum of 600mm fill from existing natural surface level, to provide that filling does not exceed 1.5 meters, a concealed dropped edge beam is required to contain fill above 600mm, with the remainder to be retained external to the building.

Where site constraints necessitate filling in excess of 600mm for dwelling construction, and provided that filling does not exceed 1.5 meters, a concealed dropped edge beam is required to contain fill above 600mm, with the remainder to be retained external to the building.
- 3 (a) No fence shall be erected or be permitted to remain erected on the front street alignment and the building line as fixed by The Hills Shire Council unless such fence does not exceed 0.8 meters in height or unless it be primarily constructed of pre-finished metal fencing material having vertical rods or bars so that is essentially see-through in character and does not exceed 1.8 meters in height, provided that, in the case of a lot having more than one street frontage, the erection of such fences shall only be restricted for a distance of 2 meters from the second and subsequent street frontages.
- (b) Rear fencing and side fencing behind the building line of any lot burdened shall not be permitted in material other than treated pine with a capped top or a type approved by Mulpha Norwest Pty Ltd and shall be a minimum height of 1.8m above surrounding ground level. Colourbond fencing shall not be permitted.
- (c) No fence shall be erected on each lot burdened to divide it from any adjoining land owned by Mulpha Norwest Pty Limited without the consent of Mulpha Norwest Pty Limited but such consent shall not be withheld if such fence is erected without expense to Mulpha Norwest Pty Limited provided that this restriction shall remain in force only during such time as Mulpha Norwest Pty Limited is the registered proprietor of any land in the plan or any land immediately adjoining the land in the plan whichever is the later.
- (d) No retaining wall shall be constructed forward of the front building setback line on each lot burdened unless such retaining wall be constructed of masonry, brick or stone and matches or complements the external wall material and colour of any house erected on the lot.
- 4 Residential development on burdened lots is not to exceed a maximum site coverage (ground floor, garage/carport, outbuilding/s, driveway, deck/patio, tennis court and pool as a percentage of the area of the lot) of 60% for two storey dwellings and 65% for single storey dwellings, or such other percentage as may be applicable to the land pursuant to a Development Control Plan adopted by The Hills Shire Council in accordance with Section 72 of the Environmental Planning and ASSESSMENT Act 1979.