

## LINCOLN DALE PROTECTIVE COVENANTS

### (A) The Transferee shall not:

1. Permit any works to be carried out on the site (including site preparation) prior to the erection and completion of all side and rear boundary fences in accordance with clause 11 below, furthermore the berm and kerb crossing up to and including road metalling must be completed prior to construction of the dwelling.
2. Permit the said land to be occupied or used as a residence either prior to the dwelling being completed (including driveways, pathways, letterbox, landscaping and seeding of lawns visible from the road boundary frontage) and a Code Compliance Certificate has been issue by the Selwyn District Council or by the erection of temporary structures or by the placing thereon of caravans and/or vehicles used for human habitation.
3. Erect or permit to be erected or placed on the land any dwelling house<sup>i</sup>:
  - a) on sections of 750m<sup>2</sup> or above, having a floor area of less than 220m<sup>2</sup> (including garage) under one roof;
  - b) on sections of 700m<sup>2</sup> to 749m<sup>2</sup>, having a floor area of less than 200m<sup>2</sup> (including garage) under one roof;
  - c) on sections of 600m<sup>2</sup> to 699m<sup>2</sup>, having a floor area of less than 190m<sup>2</sup> (including garage) under one roof;
  - d) on sections of 550m<sup>2</sup> to 599m<sup>2</sup>, having a floor area of less than 180m<sup>2</sup> (including garage) under one roof;
  - e) on sections of 500m<sup>2</sup> to 549m<sup>2</sup>, having a floor area of less than 170m<sup>2</sup> (including garage) under one roof;
  - f) on sections of 499m<sup>2</sup> or less, having a floor area of less than 160m<sup>2</sup> (including garage) under one roof;
  - g) with garage facilities for less than two vehicles (minimum floor area of 30m<sup>2</sup>);
  - h) greater than two storeys on Lots 3, 6, 8, 12, 16, 20, 28, 33, 40, 41, 47, 50, 53, 66, 70, 73, 75, 76 & 92 (optional single or two-storey lots);
  - i) less than two storeys on Lots 1, 61, 67, 86 & 94 (mandatory two-storey lots as a minimum);
  - j) greater than one storey on all Lots except for those listed in Clauses 3 (h) & 3(i) above
  - k) erect any building within 5.0m of Lot 12 DP 78578 (Millstream Drive).
4. Further subdivide or build more than one dwelling unit on any allotment. This Clause 4 shall expire and be of no further effect on 31<sup>st</sup> December 2010.
5. Use as a roofing material anything other than tiles (clay, ceramic, concrete, decromastic, pre-coated pressed steel), cedar, slate or bitumen shingles or painted/zincalume long-run pressed steel with less than a 28-degree roof pitch<sup>ii</sup>. Lots 51 & 52 shall be no greater than 33-degree roof pitch. This Clause 5 shall expire and be of no further effect on 31<sup>st</sup> December 2010.

6. Use as exterior cladding material other than clay brick, recycled brick, stained or painted weatherboard, painted concrete block masonry, natural stone, stucco, plaster, coated zincalume, glazing or any combination of the above<sup>ii</sup>. This Clause 6 shall expire and be of no further effect on 31<sup>st</sup> December 2010.
7. Erect any building other than a dwelling house or ancillary buildings in accordance with plans (including site plan, landscape plan, letterbox plan and external colour scheme) that have been approved by the Transferor in its sole discretion prior to the commencement of building. In considering plans for approval the Vendor shall take into account Architectural Merit, Colours, and Visual Appearance. This Clause 7 shall expire and be of no further effect on 31<sup>st</sup> December 2010.
8. Construct a driveway of materials other than of fixed solid materials such as coloured stamped/stencilled or exposed aggregate concrete, asphaltic concrete, concrete cobblestones or pavers or similar. The maximum width of the road crossing shall be 4.5m and should be off-set 0.75m from the side boundary to allow for landscaping. Such driveway to be completed in accordance with clause 2 above. Where a swale or other feature exists between the road and the allotment, the driveway crossing the swale shall be constructed in the location, manner and form directed by the Transferor and/or the SDC. Where the Transferor has constructed a sealed driveway to the lot, this access point must be used by the Transferee as the primary driveway entry. This entry point may not be removed or relocated prior to 31<sup>st</sup> December 2010.
9. Attach to the front (or the side within 10 metres of the road boundary) of the dwelling house, garage or other structure any fixture including but not limited to television or radio aerials, satellite dishes, and/or solar panels that in the Transferors sole discretion are obtrusive.
10. Permit storage of Gas or the installation of control equipment for gas or meter boxes visible on the road front elevation of the dwelling;
11. Erect or permit to be erected on the land any fence or boundary wall:
  - a) within 3.0 metres of the legal road boundary except on lots fronting an Access Lot or Right of Way or Lots which have frontage to two Public Roads where fencing on the secondary road frontage may be permitted on the boundary<sup>iii</sup>. Street front fencing on such lots shall be of similar materials to the dwelling and may include 'piers' with infill timber panels. Where the secondary road frontage is fenced on the boundary, such fencing shall be finished at least 1.0 metre behind the main building line. All road frontage and Access Lot/Right of Way frontage fence designs shall be consistent with the design and exterior materials of the dwelling. Approval of fence design may be declined at the Transferor's sole discretion if the planned fencing is seen to potentially cause detriment to the subdivision;

- b) on boundaries fronting a public reserve or waterway that has not received specific design approval of the Transferor. Approval of fence design may be declined at the Transferor's sole discretion if the planned fencing is seen to potentially cause detriment to the subdivision or neighbouring amenity. Fencing fronting public reserves shall be of 'open' style for a minimum of 50% of the reserve boundary;
- c) on the internal boundaries of a height greater than 2.0m above the surrounding finished ground level and of materials other than new timber. All internal boundary fences shall be constructed in the form of a Paling Fence with timber palings on the same side of the rails as the posts and timber capping unless otherwise approved by the Transferor;

however the Transferor retains the right at all times to erect boundary fencing on the main road boundary of any lot where access is restricted by a Link Strip or other device as shown on the Subdivision Application Plan and any right of way boundary of any lot.

- 12. Cause any damage to landscaping, irrigation, berms and kerbs contained within the legal road reserve either in front of or adjacent to the said lot. Should damage occur, the Transferee shall immediately repair such damage. If such damage is not immediately repaired, the Transferor shall have the right to rectify such damage with reasonable costs being passed onto the Transferee.
- 13. Remove or relocate any tree or shrub from the property that is within 2.0 metres of the legal road frontage without the prior written consent of the Transferor. This Clause 13 shall expire and be of no further effect on 31<sup>st</sup> December 2010.
- 14. Permit any rubbish, including Builders waste materials to accumulate or to be placed upon the land or any adjoining land or permit grass or weeds to grow to a height exceeding 150mm. The Transferor shall have the right to remove any building materials from the site or any adjoining site that in their sole discretion, if left in their state, may be detrimental to the subdivision with reasonable costs to be met by Transferee.
- 15. Permit the erection of any sign on the property other than a professionally sign written and installed sign marketing the dwelling or section for sale. The erection of signage indicating a business will only be permitted by the Transferor if such signage is acceptable in the sole discretion of the Transferor and prior written consent is obtained. The transferor shall have the right to remove any sign, which in their sole discretion is unacceptable without prior warning.

## **General Covenants:**

16. In the event that the Transferee disagrees with an exercise of discretion by the Transferor under clause 7 above then the matter shall be referred to an architect nominated by the Transferor. The consent of the Transferor shall be deemed to be given if such Architect certifies that the proposed buildings and improvements on the land are appropriate and suitable for a high quality residential subdivision and will not have any adverse effect on the other lots.
17. The Transferor shall neither be required nor be liable to enforce such above Covenants.

---

<sup>i</sup> *Floor area measurements shall be based on the outside slab dimensions. The lot areas stated are net areas (exclusive of area of Access Lot, Right of Way or Driveway shared with any other Lot or any area that is not zoned for residential purposes).*

<sup>ii</sup> *Alternative roofing materials & external cladding materials and roof pitch may be permitted if in the opinion of the Transferor, those materials and pitch will not adversely effect the development.*

<sup>iii</sup> *The Transferor retains the right to approve fencing within 3.0m of the legal road frontage due to the irregular shape, size or orientation of the lot.*