

Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

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This memorandum contains provisions which are intended for inclusion in plans under the Subdivision Act 1988 to be subsequently lodged for registration.

Operative words including words to bind the burdened land and words of annexation must not be included.

Provisions to apply to the plan:

Burdened land: As set out in the plan.

Benefited land: As set out in the plan.

Covenants: Definitions (if any):

Covenants:

The transferee must not:

- erect or re-erect or allow to be erected or re-erected on the land hereby transferred any building or part of a building which has previously been erected in another location nor use any second-hand building materials in the construction of any building on the land hereby transferred;
- erect or cause or suffer to be erected on the land hereby transferred any building other than one private dwelling house with outbuilding, carport or garage in accordance with clauses 3, 4 or 5 hereof respectively and such dwelling house shall:
 - not to be constructed without a carport or garage being constructed at the same time and

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- The provisions are to be numbered consecutively from number 1.
- Further pages may be added but each page should be consecutively numbered.
- To be used for the inclusion of provisions in plans.

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- 2.2 in accordance with clauses 4 or 5 hereof respectively; and
- 2.3 for Lots less than 900 square metres, not have a floor area of less than 130 square metres within the outer walls thereof, calculated by excluding the area of all eaves, carports, pergolas, verandas and garages; and
- 2.4 for Lots of or more than 900 square metres, not have a floor area of less than 150 square metres within the outer walls thereof, calculated by excluding the area of all eaves, carports, pergolas, verandas and garages; and
- 2.5 not to be constructed of external wall cladding material wherein brick or stone comprises less than seventy per centum (70%) of the external wall area, and the remaining external wall area shall not be constructed of unfinished fibro cement sheeting or timber weatherboards which do not have a painted or rendered finish; and
- 2.6 notwithstanding the provisions of clause 2.4 above, the Transferee will not be prevented from using light weight approved and certified systems such as Hebel aerated concrete, exsultite polystyrene systems as an external wall cladding material, provided that the base sheets have a coated and painted finish not less than 5mm in thickness; and
- 2.7 not to be roofed with any material other than non-reflective Colorbond steel sheeting, concrete tiles, slate tiles or terracotta tiles; and
- 2.8 not to be used as other than a private residence, unless it is a display home;
3. erect or cause or suffer to be erected on the land hereby transferred any outbuilding (other than a carport or garage) which:
 - 3.1 for any Lot between 601-899 square metres, has a floor area of more than ~~72~~ 90 square metres or a height of more than 4 metres;
 - 3.2 for any Lot between 900-1599 square metres, has a floor area of more than 150-square metres or a height of more than 4 metres;
 - 3.3 is constructed of material other than brick, stone or non-reflective Colorbond steel sheeting (unless that outbuilding has a floor area of 10 square metres or less);
 - 3.4 is not fully enclosed;
 - 3.5 has a roof with more than a 16 degree pitch;
 - 3.6 is additional to any outbuilding already erected on the land hereby transferred which has a floor area of more than 10 square metres;
 - 3.7 not be constructed on a boundary.
4. erect or cause or suffer to be erected on the land hereby transferred any carport which:

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- 4.1 has a roof, the pitch of which is not identical to the roof pitch of the private dwelling house erected or to be erected on the land hereby transferred;
 - 4.2 is not constructed of the same materials used in the construction of the private dwelling house erected or to be erected on the land hereby transferred;
 - 4.3 is additional to any carport already erected on the land hereby transferred;
5. erect or cause or suffer to be erected on the land hereby transferred any garage which:
 - 5.1 is not fully enclosed;
 - 5.2 has a roof, the pitch of which is not identical to the roof pitch of the private dwelling house erected or to be erected on the land hereby transferred;
 - 5.3 is not constructed of the same materials used in the construction of the private dwelling house erected or to be erected on the land hereby transferred;
 - 5.4 is additional to any garage already erected on the land hereby transferred;
6. use or allow to be used any reflective material as internal or boundary fencing or as external wall cladding or roofing on any building erected or to be erected on the land hereby transferred;
7. erect or allow to be erected any fence:
 - 7.1 on the street frontage boundary or between the street frontage boundary and the dwelling house;
 - 7.2 on a side or rear boundary:
 - (i) which is greater in height than 1.95 metres and which is constructed of any materials other than timber paling unless:
 - (a) the fence or wall is to surround a tennis court or swimming pool; or
 - (b) the wall forms part of a structure of a garage to be erected on a side or rear boundary of the land hereby transferred; or
8. use or cause or suffer to be used on the land hereby transferred any outbuilding, mobile home, caravan, tent or other moveable accommodation for living or residential accommodation;
9. keep or cause or suffer to be kept on the land hereby transferred:
 - 9.1 any animals or birds other than those permitted by local government authority or authorities for the time being;
 - 9.2 notwithstanding the provisions of clause 9.1 above, any pigs, goats, poultry; horses, cattle or any large animals or more than 3 dogs;
10. use or cause or suffer the land hereby transferred to be used for any of the following purposes:
 - 10.1 road transport terminal depot;

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- 10.2 bus terminal depot;
 - 10.3 displaying goods for hire or sale;
 - 10.4 panel beating or motor repair workshop;
 - 10.5 wood yard, boat yard, marina or marine depot;
 - 10.6 commercial storage;
 - 10.7 recreational motor cycling;
 - 10.8 bed and breakfast accommodation.
- 11. subdivide or allow to be subdivided the land hereby transferred or any building erected or to be erected on the land hereby transferred;
 - 12. pending erection of a dwelling house on the land hereby transferred, allow that land to become a fire hazard or be in a condition which has a detrimental effect on the amenity of the neighbourhood

Expiry:

Optional.

Specify the date the covenants are to expire or if the covenants are to expire on the happening of a particular event, specify the event. If the expiry only applies to particular covenants or specific lots/folios, this must be clearly specified.