

**Memorandum of common provisions  
Restrictive covenants in a transfer  
Section 91A Transfer of Land Act 1958**

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This memorandum contains provisions which are intended for inclusion in transfers of land under the Transfer of Land Act 1958 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 transfer:

**Burdened land:** THE LAND

*The land being transferred.*

**Benefited land:** ALL LOTS ON PLAN OF SUBDIVISION PS911036Y

The benefited land does not include the land being transferred.

*Set out the specific folios, range of folios or some or all the lots in the registered plan(s) or plan(s) to be lodged for registration that take the benefit of the covenants.*

**Covenants:**

1. THE REGISTERED PROPRIETORS FOR THE TIME BEING OF THE BURDENED LAND MUST NOT (AND MUST NOT CAUSE, ALLOW OR PERMIT ANY OTHER PERSON TO) CONSTRUCT OR ALLOW TO BE CONSTRUCTED ON THE BURDENED LAND ANY DWELLING OR UNLESS OTHERWISE APPROVED BY DEVELOPER IN WRITING:
  - A) OTHER THAN ONE ONLY SINGLE STOREY OR TWO STOREY PRIVATE DWELLING (WHICH WHEREVER APPEARING IN THIS COVENANT SHALL BE TAKEN TO MEAN A DWELLING INCLUDING AN INTEGRATED GARAGE) WITH THE USUAL OUTBUILDINGS WITH A MINIMUM DWELLING SIZE (EXCLUDING INTEGRATED GARAGE) OF 120.78 SQUARE METRES (13 SQUARES)
  - B) UNLESS THE EXTERIOR WALLS OF THE DWELLING ARE CONSTRUCTED OF NEW MATERIALS BEING EXPOSED BRICK, BRICK VENEER OR RENDER, TIMBER OR MANUFACTURED TIMBER-LOOK PRODUCTS OR NON-REFLECTIVE CORRUGATED IRON CLADDING PROVIDED THAT IF TIMBER, MANUFACTURED TIMBER LOOK PRODUCTS OR NON-REFLECTIVE CORRUGATED IRON CLADDING ARE USED, THEY SHALL NOT COVER AN

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

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AREA OF MORE THAN 50% OF THE EXTERNAL WALLS OF THE DWELLING.

- C) UNLESS IT IS CONSTRUCTED NOT LESS THAN 4 METRES FROM THE FRONT BOUNDARY OF THE BURDENED LAND (EXCEPTING ANY ENTRY PORCH, VERANDA, BALCONY, PERGOLA AND EAVES) AND:
  - (I) IF THE BURDENED LAND HAS A FRONTAGE LESS THAN OR EQUAL TO 14 METRES, THEN NOT LESS THAN 1 METRE FROM ONE SIDE BOUNDARY; OR
  - (II) IF THE BURDENED LAND HAS A FRONTAGE GREATER THAN 14 METRES, THEN NOT LESS THAN 1 METRE FROM BOTH SIDE BOUNDARIES; AND
  - (III) IF THE BURDENED LAND IS ALSO SHOWN AS A CORNER LOT ON THE PLAN, THEN NOT LESS THAN 2 METRES FROM THE SIDE BOUNDARY HAVING A STREET FRONTAGE AND 1 METRE FROM THE REMAINING SIDE BOUNDARY.
- D) UNLESS:
  - (I) IT HAS EAVES WITH A MINIMUM WIDTH OF 200 MILLIMETRES AND THAT RETURN A MINIMUM 3 METRES ALONG THE SIDES OF THE DWELLING BUT EXCLUDING THE GARAGE IF THE BURDENED LAND HAS A FRONTAGE EQUAL TO OR LESS THAN 14 METRES; OR
  - (II) IT HAS PARAPET WALLS THAT RETURN A MINIMUM 3 METRES ALONG BOTH SIDES OF THE CONNECTING RETURN WALLS FROM THE FRONT OF THE DWELLING; OR
  - (III) THE FAÇADE IS A COMBINATION OF PARAPET WALLS AND 200 MM EAVES THAT RETURN A MINIMUM 3 METRES ALONG BOTH SIDES OF THE DWELLING.
  - (IV) ON CORNER LOTS WITH A PITCHED ROOF HAVING EITHER A CONTINUOUS MINIMUM EAVE WIDTH OF 200 MILLIMETRES OR PARAPET WALL ON THE PRIMARY AND SECONDARY STREET FRONTAGES.
- E) UNLESS IT IS CONSTRUCTED IN ACCORDANCE WITH THE BUSHFIRE MANAGEMENT PLAN RELATING TO THE BURDENED LAND;
- F) UNLESS A NON-COMBUSTIBLE RAINWATER TANK IS PROVIDED TO ANY DWELLING ON THE BURDENED LAND IN COMPLIANCE WITH THE BUSHFIRE MANAGEMENT PLAN RELATING TO THE BURDENED LAND, AND WHICH IS SCREENED FROM VIEW;
- G) UNLESS THE GARAGE IS CONSTRUCTED AT LEAST 450 MILLIMETRES BEHIND THE FRONT BUILDING LINE OF THE DWELLING EXCEPTING ANY ENTRY PORCH, VERANDA, BALCONY OR PERGOLA.
- H) UNLESS, IF THE BURDENED LAND IS A CORNER LOT SHOWN ON THE PLAN, THE DWELLING ADDRESSES BOTH STREET FRONTAGES.
- I) UNLESS ALL PLUMBING PIPES, APART FROM STORMWATER PIPES, ARE INSTALLED IN THE INTERNAL WALLS OF ANY BUILDING.
- J) OR OUTBUILDING THAT DOES NOT MATCH THE STYLE OF THE DWELLING HOUSE. GARDEN SHEDS SHALL NOT BE CONSTRUCTED OF ANY MATERIALS OTHER THAN COLOURBOND, TIMBER, BRICK OR RENDER.
- K) UNLESS THE ROOF OF ANY BUILDING IS CONSTRUCTED OF ROOF TILES, COLOURED STEEL ROOFING MATERIAL OR SHINGLES.
- L) UNLESS THE FLOOR OF ANY VERANDA IS CONSTRUCTED OF TIMBER, CONCRETE, BRICK OR PAVING STONES.
- M) UNLESS THE STUMPS TO ANY VERANDA ARE NOT LEFT IN AN EXPOSED STATE.
- N) UNLESS THE CONSTRUCTION OF THE DWELLING IS COMPLETED NOT MORE THAN TWELVE MONTHS AFTER THE DATE OF THE ISSUE OF A BUILDING PERMIT AND LANDSCAPING OF THE AREA IN FRONT OF THE BUILDING LINE AND FENCING IS COMPLETED WITHIN SIX

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THE HIGHEST POINT OF THE ROOF OF THE BUILDING AND FURTHER WILL NOT INSTALL ANY RADIO OR SIMILAR MAST ON THE LAND, UNLESS OTHERWISE APPROVED BY DEVELOPER IN WRITING.

12. NOT TO USE OR SUFFER TO HAVE USED OR PERMIT THE BURDENED LAND TO BE USED FOR THE CARRYING OUT OF ANY NOXIOUS OR OFFENSIVE TRADE WITHIN THE MEANING OF THE HEALTH ACT 1958 (AS AMENDED) OR FOR THE KEEPING OR MAINTENANCE OF:
  - (A) GREYHOUNDS; OR
  - (B) PIGS; OR
  - (C) PIGEONS OR PIGEON LOFTS; OR
  - (D) DOG BOARDING KENNELS; OR
  - (E) CAT BOARDING KENNELS; OR
  - (F) POULTRY.
13. NOT TO PERMIT OR ALLOW THE INSTALLATION OR USE OF SECURITY ROLLER SHUTTERS TO WINDOWS AND DOORS FACING THE STREET, UNLESS OTHERWISE APPROVED BY DEVELOPER IN WRITING.
14. NOT TO CONSTRUCT OR ALLOW TO BE CONSTRUCTED MORE THAN ONE VEHICULAR CROSSOVER PER STREET FRONTAGE UNLESS OTHERWISE APPROVED BY DEVELOPER IN WRITING, AND NOT TO OCCUPY ANY BUILDING CONSTRUCTED ON THE BURDENED LAND UNTIL THE CROSSOVER HAS BEEN CONSTRUCTED.
15. NOT TO PERMIT OR ALLOW TO PERMIT ANY DIRECT VEHICULAR OR CONSTRUCTION ACCESS FROM THE REAR OF THE BURDENED LAND, OR ACROSS THE BOUNDARY OF ANY ADJACENT LAND TO OR FROM THE BURDENED LAND.
16. NOT TO ERECT OR ALLOW TO BE ERECTED ON THE BURDENED LAND WHILST IT IS STILL VACANT ANY ADVERTISEMENT, SIGN OR HOARDING OF ANY NATURE WHATSOEVER WHICH ADVERTISES THE BURDENED LAND AS BEING FOR SALE WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM DEVELOPER IN WRITING.
17. UNLESS THE COVENANTS CONTAINED IN THIS MEMORANDUM OF COMMON PROVISIONS DO NOT AND WILL NOT APPLY TO DEVELOPER OR ANY RELATED ENTITY OR RELATED BODY CORPORATE OF DEVELOPER AS THOSE TERMS ARE SO DEFINED AND USED IN THE CORPORATIONS ACT 2001 (CTH).

#### Expiry:

ALL OF THE ABOVE COVENANTS EXPIRE ON THE EARLIER OF (A) 1 JANUARY 2040 AND (B) ANY PERSON OUTLINED IN PARAGRAPH 17 ABOVE BECOMES THE REGISTERED PROPRIETOR OF THE BURDENED LAND.

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#### *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.*

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