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

AA9156

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Lodged by	
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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: Lots 1001 to 1031 (inclusive) on Plan of Subdivision PS842299W

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:

Definitions (if any):
Transferee means the transferee, their heirs, executors, administrators and transferees the registered proprietor or proprietors for the time being of burdened land and every part thereof.
Transferor means Montham Pty Ltd.

Covenants:

1. The Transferee must not erect, cause or permit to be erected or allowed to remain on the burdened land more than one private dwelling house together with the usual outbuildings;

2. The Transferee must not, unless the prior written consent of the Transferor has been obtained, erect, cause or permit to be erected or allowed to remain on the burdened land a dwelling (excluding garages and balconies) other than:
   (i) a dwelling of a minimum size of 120 square metres on allotments less than 600m2;
   (ii) a dwelling of a minimum size of 140 square metres for allotments 600m2 and greater;
   being that area measured within the external face of the external walls, unless the prior written consent of the Transferor has been obtained;

3. The Transferee must not erect, cause or permit to be erected or allowed to remain on the burdened land any

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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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dwelling other than a dwelling:

(i) having external walls of not more than twenty five percent weatherboard with the balance constructed of brick stone rendered masonry or similar material;

(ii) with a roof laid with flat tile or colourbond;

unless the prior written consent of the Transferor has been obtained;

4. The Transferee must not erect, cause or permit to be erected or allowed to remain on the burdened land any garage being not less than a double garage unless the Transferor's prior written consent is obtained;

5. The Transferee must not erect, cause or permit to be erected or allowed to remain on the burdened land any outbuilding, carport or similar construction over 10 square metres unless the same is constructed of colourbond, brick, stone, rendered masonry or similar material without the Transferor's prior written consent;

6. The Transferee must not erect, cause or permit to be erected or allowed to remain on the burdened land side or rear boundary fences unless the same is constructed of treated pine with continuous capping at 1.8 metres in height without the Transferor's prior written consent;

7. The Transferee must not construct a driveway of any material other than a driveway constructed of coloured concrete, exposed aggregate, asphalt bordered by brick or similar material unless the Transferor's prior written consent is obtained. Any requirements for road opening permits or other works approvals remain the responsibility of the purchaser with crossover street access to be completed prior to occupancy;

8. The Transferee must not fail to ensure the maintenance of nature strips, or fail to prevent the accumulation of rubbish, weeds or debris on the burdened land or on the nature strip of the burdened land;

9. The Transferee must not permit recreational or commercial vehicles including but not limited to commercial vehicles with a carrying capacity of two tonnes or more, boats, caravans and trailers of any kind to be parked forward of the dwelling or within view from the street;

10. The Transferee must not fail to ensure that the builder and all tradesmen engaged in the construction of a dwelling or building on the burdened land keep it free of all unnecessary rubbish and waste material and use a builder's cage on the building site.

Expiry: *31 January 2033*

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