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: Lots 3001 to 3016 (inclusive) on Plan of Subdivision PS849366V

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 ACN 609 389 942

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 erect, cause or permit to be erected or allowed to remain on the Burdened Land a dwelling (excluding garages and balconies) other than:
   (a) a dwelling of a minimum size of 120 square metres on allotments less than 600m2;
   (b) a dwelling of a minimum size of 140 square metres on allotments 600m2 or greater in size;
   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 dwelling other than a dwelling:
   (a) having external walls of not more than twenty five percent weatherboard with the balance constructed of brick stone rendered masonry or similar material;

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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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(b) with a roof laid with tile or colourbond or other non-reflective roofing material;
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 prior written consent of the Transferor has been 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 structure over 10 square metres unless:
   (a) said structure is constructed of colourbond, brick, stone, rendered masonry or similar material; or,
   (b) the prior written consent of the Transferor has been obtained;
6. The Transferee must not erect, cause or permit to be erected or allowed to remain on the Burdened Land any fence unless said fence:
   (a) in the case of lots 3007 to 3016 (inclusive):
      i. is side fencing constructed of treated pine with continuous capping at 1.8 metres in height; or,
      ii. is rear boundary fencing constructed of timber posts and five strand galvanised wire; or,
      iii. is constructed with the prior written consent of the Transferor.
   (b) in the case of all other lots:
      i. is side and rear boundary fences constructed of treated pine with continuous capping at 1.8 metres in height: or,
      ii. is constructed with the prior written consent of the Transferor;
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. Any requirements for road opening permits or other works approvals remain the responsibility of the Transferee with crossover street access to be completed prior to occupancy;
8. The Transferee must not fail to maintain the nature strips, or cause or permit the accumulation of rubbish, weeds or debris on the Burdened Land or on the nature strip of the property;
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 property keep the Burdened Land free of all unnecessary rubbish and waste material and use a builders cage on the building site.

Mandatory
Covenants to be listed here.

Expiry: 31 December 2033

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Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us
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