

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

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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: ALL LOTS ON PLAN OF SUBDIVISION PS911005L

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 INTEGRA (VIC) PTY LTD 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.

91ATLA

Page 1 of 4

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AA010299

Memorandum of common provisions
Section 91A Transfer of Land Act 1958

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

91ATLA

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Page 2 of 4

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AA010299

Memorandum of common provisions
Section 91A Transfer of Land Act 1958

MONTHS OF THE ISSUE OF THE OCCUPANCY PERMIT.

- O) WHICH WILL BE USED AS A DISPLAY HOME WITHOUT OBTAINING THE APPROVAL OF INTEGRA (VIC) PTY LTD IN WRITING.
2. NOT TO CONSTRUCT OR ALLOW TO BE CONSTRUCTED ON THE BURDENED LAND ANY FENCE OR UNLESS OTHERWISE APPROVED BY THE INTEGRA (VIC) PTY LTD IN WRITING:
 - (A) UNLESS THE MATERIAL USED IN CONSTRUCTION OF ANY SIDE AND REAR FENCING IS COLOURBOND FENCING IN WOODLAND GREY COLOUR AND IS TO A HEIGHT NOT MORE THAN 1.8 METRES ABOVE NATURAL GROUND LEVEL;
 - (B) FOR FRONT BOUNDARIES UNLESS THE FENCE IS TO A HEIGHT OF NOT MORE THAN 1.2 METRES ABOVE NATURAL GROUND LEVEL AND UNLESS THE MATERIALS USED IN CONSTRUCTION OF THE FENCE MATCHES THE STYLE OF THE DWELLING;
 - (C) FOR SIDE BOUNDARIES UNLESS THE FENCE IS RAKED OR STEPPED FROM A HEIGHT OF 1.8 METRES TO A HEIGHT OF NOT MORE THAN 1.2 METRES FROM 1 METRE BEHIND THE FRONT BUILDING LINE OF THE BUILDING TO THE FRONT BOUNDARY LINE; AND
 - (D) UNLESS THE BURDENED LAND IS SHOWN ON THE PLAN AS A CORNER LOT, THEN ALONG THE SIDE STREET FRONTAGE BOUNDARY THE FENCE STARTS AT A POINT NOT LESS THAN 3 METRES BEHIND THE FRONT BUILDING LINE AT A HEIGHT OF NOT MORE THAN 1.8 METRES.
3. NOT TO PERMIT OR ALLOW THE NATURE STRIP TO BECOME UNKEMPT OR UNTIDY AND NOT TO ALLOW ANY TREE PLANTED IN THE NATURE STRIP OF THE BURDENED LAND TO BE REMOVED UNLESS APPROVED BY THE RESPONSIBLE AUTHORITY.
4. NO DRIVEWAY OR PEDESTRIAN PATHWAY WILL BE COVERED IN MATERIALS OTHER THAN BRICK, CONCRETE OR OTHER SIMILAR SEALED MATERIAL UNLESS APPROVED BY INTEGRA (VIC) PTY LTD IN WRITING AND WILL BE COMPLETED PRIOR TO THE OCCUPATION OF THE DWELLING.
5. NO PREFABRICATED BUILDING SHALL BE ERECTED ON THE BURDENED LAND OR ANY PART OF IT AND NO CONSTRUCTED HOUSE OR PARTLY CONSTRUCTED HOUSE MAY BE MOVED ONTO THE BURDENED LAND WITHOUT OBTAINING APPROVAL FROM INTEGRA (VIC) PTY LTD IN WRITING.
6. NOT TO USE OR SUFFER TO HAVE USED OR PERMIT THE BURDENED LAND TO BE USED FOR THE FOLLOWING PURPOSES:
 - (A) PANEL BEATING; OR
 - (B) MOTOR VEHICLE REPAIRS.
7. NOT TO PERMIT OR ALLOW THE BURDENED LAND HEREBY TRANSFERRED TO BECOME OR REMAIN IN AN UNSIGHTLY, UNTIDY, UNCLEAN OR UNWHOLESOME CONDITION OR APPEARANCE OR BE USED IN ANY MANNER WHICH CONSTITUTES AN ANNOYANCE, NUISANCE OR DISTURBANCE TO THE REGISTERED PROPRIETOR OR PROPRIETORS AND OCCUPIERS FOR THE TIME BEING OF THE LAND COMPRISED IN THE PLAN.
8. NOT TO FURTHER SUBDIVIDE OR CONSOLIDATE THE BURDENED LAND HEREBY TRANSFERRED, OR UNLESS OTHERWISE APPROVED BY INTEGRA (VIC) PTY LTD IN WRITING.
9. NOT TO PARK OR ALLOW TO BE PARKED ANY VEHICLES, INCLUDING CARS, TRUCKS, MOTOR BIKES, BOATS, TRAILERS, BUSES, CARAVANS AND RECREATIONAL VEHICLES ON ANY NATURE STRIP OR FRONT YARD OF THE BURDENED LAND.
10. NOT TO ALLOW ANY WATER TANKS INSTALLED ON THE BURDENED LAND TO BE LOCATED IN FRONT OF THE FRONT BUILDING LINE OF THE DWELLING AND TO ENSURE THAT ANY WATER TANK IS SCREENED SO AS NOT TO BE VISIBLE FROM THE STREET, UNLESS OTHERWISE APPROVED BY INTEGRA (VIC) PTY LTD IN WRITING.
11. NOT TO ALLOW ANY ANTENNAS, AIR CONDITIONING UNITS, SATELLITE DISHES, SOLAR HEATING STORAGE DRUMS OR RADIO AERIALS TO BE INSTALLED OR ALLOWED ON THE BURDENED LAND UNLESS THEY ARE LOCATED AT THE REAR OF ANY ROOF STRUCTURE AND ARE NO HIGHER THAN

91ATLA

V3

Page 3 of 4

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AA010299

Memorandum of common provisions
Section 91A Transfer of Land Act 1958

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 INTEGRA (VIC) PTY LTD 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 INTEGRA (VIC) PTY LTD IN WRITING.
14. NOT TO CONSTRUCT OR ALLOW TO BE CONSTRUCTED MORE THAN ONE VEHICULAR CROSSOVER PER STREET FRONTAGE UNLESS OTHERWISE APPROVED BY INTEGRA (VIC) PTY LTD 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 PUBLIC ACCESS WHATSOEVER TO THE PROTECTED VEGETATION - SITUATED IN THE AREA TO THE WEST OF MCINTOSH STREET.
16. 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.
17. 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 INTEGRA (VIC) PTY LTD IN WRITING.
18. THE COVENANTS CONTAINED IN THIS MEMORANDUM OF COMMON PROVISIONS DO NOT AND WILL NOT APPLY TO INTEGRA (VIC) PTY LTD OR ANY RELATED ENTITY OR RELATED BODY CORPORATE OF INTEGRA (VIC) PTY LTD 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 2044 AND (B) ANY PERSON OUTLINED IN PARAGRAPH 20 ABOVE BECOMES THE REGISTERED PROPRIETOR OF THE BURDENED LAND.

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.

91ATLA

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Page 4 of 4

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