

**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 PS917378L excluding Lot 1

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:

Covenants:

1. No single storey dwelling erected on the lot shall be other than of new materials with not less than seventy percent of the outer walls (excluding windows) in clay brick, clay brick veneer, stone, brick cement render, concrete masonry with rendered finish or lightweight cladding material with rendered finish.
2. No multi storey dwelling erected on the lot shall be other than of new materials with not less than fifty percent of the outer walls (excluding windows) in clay brick,

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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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clay brick veneer, stone, brick cement render, concrete masonry with rendered finish, stone or lightweight cladding material with rendered finish.

3. No dwelling shall be erected on the lot which has a floor area of less than 180 square meters including the outer walls thereof such area being calculated by excluding the area of garages, carports, terraces, pergolas and/or verandahs.
4. No improvements to be erected on Lot 2 unless:-
 - (a) Copies of building plans (addressing both street frontages), elevations, site plan (incorporating set-back from all boundaries, building envelope, all proposed driveways and paths and details of outbuildings) and fencing diagrams have been submitted to 11 & 13 Monsants Road Pty Ltd of 61 Bull Street, Bendigo, 3550; and
 - (b) 11 & 13 Monsants Road Pty Ltd has given approval in writing to the plans prior to the commencement of works, with 11 & 13 Monsants Road Pty Ltd reserving the right to withhold approval of plans at its absolute discretion.
5. No improvements to be erected on Lot 14 unless:-
 - (a) Copies of building plans (addressing both street frontages with the dwelling fronting Solera Court with a frontage of no less than 25 metres), elevations, site plan (incorporating set-back from all boundaries, building envelope, all proposed driveways and paths and details of outbuildings) and fencing diagrams have been submitted to 11 & 13 Monsants Road Pty Ltd of 61 Bull Street, Bendigo, 3550; and
 - (b) 11 & 13 Monsants Road Pty Ltd has given approval in writing to the plans prior to the commencement of works, with 11 & 13 Monsants Road Pty Ltd reserving the right to withhold approval of plans at its absolute discretion.
6. No shed shall be erected on the lot unless it has: -
 - (a) A maximum floor area of 200m²;
 - (b) A maximum wall height of 4.2m;
 - (c) A maximum height of 5.4m at peak of the roof ridge;
 - (d) Constructed from same materials as the dwelling or colorbond material in 'Woodland Grey' or 'Monument' colours; and
 - (e) Is screened from any street and/or public view and located behind dwelling.
7. No dwelling erected on the lot shall have solar panels placed on the front orientation of the house to the street or facing a public space, unless the dwelling roof is a dark colour to blend with the panels.
8. No fence, shed, water tank or other outbuilding constructed partly or wholly of galvanized iron cladding, aluminum cladding or zincalume cladding shall be erected on the lot.

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9. No driveway shall be left unconstructed for more than three months from issue of the certificate of occupancy.
10. No driveway shall be constructed on the lot unless it is constructed of concrete, clay paving or bitumen and set back a minimum of 600mm from the closest side boundary.
11. No dividing fence on the lot shall have a height exceeding a total of two metres.
12. No dividing fence shall be erected on the lot other than of new materials consisting of double sided colorbond steel panels of color 'Woodland Grey' or 'Monument' or equivalent SAVE AND EXCEPT for any temporary fencing for any permitted display home which temporary fencing must be powder coated aluminum or steel balustrading or builders temporary fencing used during the construction process.
13. No side dividing fence shall be erected within 3m of the front boundary of the lot SAVE AND EXCEPT for a side dividing fence which forms part of the rear boundary of an adjoining which is erected within 1.5 metres of the front boundary.
14. No fencing for Lot 2 and Lot 14 shall be constructed other than as per the fencing diagram below.
15. No double garage shall be constructed within 1 metre of the front of the dwelling and for a three car garage the first two garages shall not be within 1 metre of the front of the dwelling and the third garage area shall not be within 1.5 metres of the front of the dwelling.
16. No shipping containers shall be allowed to be kept or stored on the lot unless it is painted woodland grey or monument in colour and screened from any street or public view.
17. No dwelling shall be erected on any lots unless such dwelling has an enclosed garage (of a minimum size to accommodate no less than two vehicles) constructed with roller or tilt panel door under the roof structure of any dwelling erected on the lot.
18. No shed or other outbuilding erected on the lot or any tent, caravan or other portable accommodation (including shipping containers) standing on the lot shall be used for the purpose of residential accommodation or for the operation of a business.
19. No lot shall be further subdivided.

Expiry: 31 December 2034

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<p>----- COLORBOND 1.8m</p> <p>===== COLORBOND 1.8m TO 1.5m</p> <p>----- OPEN STYLE 1.8m</p> <p>----- OPEN STYLE 1.2m</p>		
<p>NOTE: ALL CORNER FENCES FRONTING EITHER MONSANT'S ROAD OR SOLERA COURT MUST BE AT LEAST 50% PERMEABILITY.</p>		
FRONT	<p>(A) 1.5M OPEN STYLE NO MORE THAN 28m SETBACK MIN 1.5M</p> <p>(B) 1.8M OPEN STYLE NO MORE THAN 28m SETBACK MIN 4.5M</p>	
	<p>MIN 5M SETBACK FROM FRONT FACADE</p> <p>(A) 1.5M OPEN STYLE NO MORE THAN 28m SETBACK MIN 3M</p> <p>(B) 1.8M OPEN STYLE NO MORE THAN 28m SETBACK MIN 4.5M</p>	
<p>FRONT</p> <p>1.5</p> <p>3.0</p> <p>1.5</p> <p>COLORBOND 1.8m TO 1.5m</p>		
<p>SURVEYOR'S FILE REF: 321276SV00_FENCING</p> <p>spiire</p> <p>18 D'Esplanade PO Box 1064 Dandenong Vic 3150 Tel 03 5445 2040 spiire.com.au</p>		<p>ORIGINAL SHEET SIZE: A3</p> <p>SHEET 3</p>
<p>Licensed Surveyor: James Philip Tyrrell Version: 3</p>		

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