Memorandum of Common Provisions

Section 91 Transfer of Land Act 1958

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This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

Provisions

RIVERSIDE ESTATE STAGE 1 RESTRICTIVE COVENANTS
(Page 1 of 5)

The transferees for themselves, their successors, assigns and transferees, the registered proprietor or proprietors for the time being of the land hereby transferred ("the land") and of every part thereof hereby covenant(s) with the transferor its successors, assigns and transferees and as a separate covenant, covenant with the registered proprietor or proprietors for the time being of every lot and of every road or street shown on Plan of Subdivision No. PS 636968D lodged in the Office of Titles, whether transferred by the transferor before or after the transfer of the land to the intent that the burden of these covenants shall run with and bind the land and every part thereof and that the benefit of these covenants shall be annexed to and run with each and every lot and road or street shown on the said Plan of Subdivision (other than the land) whether transferred by the transferor before or after the transfer of the land as part of and for the purpose of effectuating a general building scheme affecting the whole of the lots and roads or streets shown on the said Plan of Subdivision, as follows namely:

1. **Architectural & Landscape Design Guidelines**

1.1 No structure shall be erected or permitted to be erected on the lot unless the proposed plans, specifications and design of that building:-

1.1.1 describes clearly the form, size, layout, materials, colour and proposed siting of the building on the lot (including provision for the orientation of any dwelling) and

1.1.2 have been previously submitted to and approved in writing by:-

1.1.2.1 the Transferor or its nominee, provided that such approval is not unreasonably withheld, and

1.1.2.2 The City of Wodonga (as the relevant Planning Authority), where applicable.

1.2 No building may be erected or permitted to remain on the lot, except a single, private, residential dwelling which is constructed entirely of new materials and not from pre existing or

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formerly occupied residential buildings or structures, whether in whole or in part, and moved onto the lot from a former location.

1.3 No building may be erected or permitted to remain on the lot, except one single occupancy dwelling which has a minimum floor area of 160sqm (meaning the internal habitable area, excluding the floor area of garages, verandas, eaves and any outbuildings). If a lot purchased is less than 550sqm then the minimum floor area is to be at least 120sqm.

1.4 The external walls of any building must not be constructed of any materials other than brick, stone, cement, coloured or painted concrete brick or clay, providing that timber or metal of a non reflective nature, may be used in external walls as infill panels provided that it does not exceed 25% of the total area of the external walls, unless otherwise approved by the Transferor in its absolute and unfetted discretion.

1.5 No building erected on the lot may be roofed or clad with any material having a metallic lustre or appearance or a highly reflective surface.

1.6 All rooms in the main residence must have a ceiling height of not less than 2.4 metres above the finished floor level.

1.7 No garage may be erected or permitted to remain on the lot, unless:

1.7.1 Such garage is attached to the house and built with the same colour and type of material as the main residence.
1.7.2 Such garage must be situated 500mm behind the front building line of the main residence.
1.7.3 Such garage is situated at least 5 metres from any street frontage
1.7.4 Such garage must be fully enclosed and able to accommodate at least two cars.

Should a secondary garage be required it must be set back from the primary garage and attached to the main residence.

Battle axe and rear loaded (laneway) blocks may be exempted from being attached to the house subject to receipt of approval from the Transferor.

Lots with street frontages of less than 16 metres are permitted to have a single car garage.

1.8 No outbuilding, other than a garden shed, which has a floor area no greater than three metres by three metres (9sqm) may be erected or permitted to remain on the lot. If a larger shed is required, approval in writing must be sought from the Transferor and it must be built of the same colours and materials as the perimeter fence.

1.9 Buildings on a lot must not be erected or permitted to remain unless they have the following minimum set backs:

1.9.1 Set back from the main street frontage - 4.5 metres
1.9.2 Set back from the rear boundary abutting another residential lot - 2.0 metres
1.9.3 Set back from the side boundary abutting another residential lot - 1.0 metre

1.10 The owner of any lot shall not be able to make any claim for contribution toward the erection or maintenance of any dividing fence if the adjoining lot is owned by the Transferor or abuts reserves and/or reserve areas.

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1.11 No fence shall be erected forward of the main residence's front building line.

1.12 Where side and rear fences are required on a lot, the fence shall:

1.12.1 Have a height of 1.8 metres.
1.12.2 Be constructed of a non-reflective metal infill panel known as Colourbond colour "Grey Ridge".
1.12.3 Have a level finish with no protruding caps.
1.12.4 Be of an identical colour and finish on both sides.

1.13 The following restrictions apply to lot 2 and prevail to the extent of any inconsistencies with other restrictions herein:

1.13.1 Buildings and fencing must be set back at least 4.5 metres from Klim Street and 4.5 metres from Riverside Boulevard.

1.14 The following restrictions apply to lots 9 and 12 and prevail to the extent of any inconsistencies with other restrictions herein:

1.14.1 Buildings and fencing must be set back at least 2.5 metres from Brooks Terrace and 4.5 metres from Riverside Boulevard.

1.15 The following restrictions apply to lot 10 and prevail to the extent of any inconsistencies with other restrictions herein:

1.15.1 Buildings and fencing must be set back at least 4.5 metres from Thorpe Avenue and 4.5 metres from Riverside Boulevard.

1.16 The following restrictions apply to lot 16 and prevail to the extent of any inconsistencies with other restrictions herein:

1.16.1 Buildings and fencing must be set back at least 2.5 metres from Brooks Terrace and the splay frontage to Brooks Terrace.
1.16.2 Buildings and fencing must be set back at least 4.5 metres from the reserve frontage.

1.17 The following restrictions apply to lot 17 and prevail to the extent of any inconsistencies with other restrictions herein:

1.17.1 Buildings and fencing must be set back at least 2.5 metres from the north western boundary facing Brooks Terrace.
1.17.2 Buildings and fencing must be set back at least 4.5 metres from the south eastern boundary facing Brooks Terrace.

1.18 The following restrictions apply to lots 25, 26 and 30 and prevail to the extent of any inconsistencies with other restrictions herein:

1.18.1 Buildings and fencing must be set back at least 3 metres from Thorpe Avenue.

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1.19 Should the owner of Lot 30 subdivide that lot, then the following restrictions shall apply to those newly subdivided lots which were formerly lot 30, and shall prevail to the extent of any inconsistencies with other restrictions herein:

1.19.1 No building or fencing may be erected or permitted to remain on the lot unless:
- 1.19.1.1 for a lot fronting Thorpe Street - set back from the main street frontage - 3.0 metres.
- 1.19.1.2 for a lot fronting Klim Street - set back from the main street frontage - 4.5 metres.

1.19.2 No building may be erected or permitted to remain on the lot unless it is set back at least 2.0 metres from the rear boundary abutting another residential lot.

1.19.3 No building may be erected or permitted to remain on the lot unless it is set back at least 1.0 metres from the side boundary abutting another residential lot.

1.19.4 No building may be erected or permitted to remain on the lot, except one single occupancy dwelling which has a minimum floor area of 120sqm (meaning the internal habitable area, excluding the floor area of garages, verandas, eaves and any outbuildings).

1.19.5 No garage may be erected or permitted to remain on the lot, unless it complies with 1.7 herein. A single car garage is permitted.

1.20 Corner allotments being lots numbered 2, 9, 10, 12, 16, 17, 26 and 30 are to have dual frontages and therefore side fences parallel to the streetscape are not permitted other than to provide courtyard fencing which must not extend in front of either the primary or secondary building facade.

1.21 The following fencing requirements are to apply to lots fronting reserves being lots 14, 15 and 16 and prevail to the extent of any inconsistencies with other restrictions herein:

1.21.1 No fence shall be erected or permitted to remain on the lot unless:
- 1.21.1.1 Such fence has pillars that are situated at the intersection of the front and side boundaries and thereafter spaced between 2 to 3 metres apart with tubular fencing between, as approved by the Transferor.
- 1.21.1.2 Such fence can have a brick border at the base of the fence, which must be five standard bricks above ground level.
- 1.21.1.3 Such pillars must be 1.5 bricks square (standard house brick) in diameter from top to bottom and 1.5 metres in height, with either a flat finish on top or with a capped pier on top,
- 1.21.1.4 The finish of the pillars must be of materials and colours consistent with that of the main residence.
- 1.21.1.5 If the pillar has a flat top, the tubular fencing must be recessed 80 mm below the top of the pillar in a style approved by the Transferor. If the pillar has a capped pier then the top of the tubular fencing must be in line with the base of the capped pier, in a style approved by the Transferor.

1.21.2 Side fences must have a height of 1.8 metres to the building line and graduate evenly to 1.5 metres and join the pillars on the fence fronting the reserve.

1.22 Letterboxes must be constructed of materials consistent with that of the main residence.

1.23 The owner of a lot, except with the written consent of the Transferor, must landscape the area of the lot facing a street, reserve or park within seven (7) months of receiving a certificate of occupancy.

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2. Maintenance of lot prior to construction of residence and during the construction period

For any period of time during which an owners lot remains vacant, the owner must maintain the lot in a clean and tidy condition, and:

2.1 Not allow any vegetation on the Lot to exceed a height of 10 centimetres;

2.2 Not park or allow others to park any cars, trailers, caravans, or such similar items on the Lot.

2.3 During the construction period, the owner will keep the site tidy and clear of rubbish and must make good any damage caused to the surrounding public land, land owned by the Transferor or infrastructure, by the owner or its contractors.

3. Use of lot after construction of residence

3.1 Owners and occupiers, but excluding the Transferor, must:

3.1.1 house vehicles in a garage or driveway on the owner or occupiers lot,
3.1.2 garage or otherwise screen from public view, all boats, trailers, caravans or such similar items.

3.2 Owners or occupiers must keep all garbage and recycling bins on their lot secure and screened using either screen fences or landscaping or a combination of both so as not to be visible from other lots, from the street frontage.

3.3 The owner or occupier of a lot must not, except with the prior written consent of the Transferor, allow the following to be visible from the street frontage:

3.3.1 Any television, radio or other aerial, antenna, satellite dish or tower or any other transmitting or receiving device, or
3.3.2 Any energy conservation equipment,
3.3.3 Air conditioners and/or evaporative coolers,
3.3.4 Water systems,
3.3.5 Rainwater tanks,
3.3.6 Any clotheslines or hoist (or hang any washing, towels, bedding, clothing or other articles or a similar nature from any clothesline, hoist or railing),
3.3.7 Swimming pool and/or sauna related heating equipment, and
3.3.8 Solar hot water tanks.

Only solar power panels which are required in connection with items 3.3.2 and 3.3.8 may be erected on the front roof line if necessary.

Definitions

Main street frontage

The street frontage that allows the most direct access to the front door.

Side boundary

A boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot.

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Reserve

The public land to the north-east boundary of Lots 14, 15 and 16.

Front Building Line

Means the front wall of any room of the dwelling, For the purposes of this definition, nib walls, porticos, verandahs and other architectural features are not defined as a wall.

Facade

Means a wall of a building running parallel, or mostly there to the street boundary and comprising a design element of floor to ceiling or full length windows to all habitable rooms.

Primary Facade

Means that facade which is located parallel to the street boundary to which Council defines as the street address of the land.

Secondary Facade

Means that facade on a corner lot which is located parallel to a side street (i.e. not the street address for the land).

And this Covenant shall appear on the Certificate of Title for the land and shall run with the land. Such covenant shall expire and be of no further force or effect after 1st July 2021.

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