

Memorandum of Common Provisions

Section 91A Transfer of Land Act 1958

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publicly searchable registers and indexes.

Lodged by

Name:

GIBNEY + CUNSON

Phone:

Address:

Reference:

Customer Code:

3127G

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

Provisions

RIVERSIDE ESTATE STAGE 2 RESTRICTIVE COVENANTS
(Page 1 of 6)

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. PS645681Y 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 formerly occupied residential buildings or structures, whether in whole or in part, and moved onto the lot from a former location.

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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 and plans.

Page 1 of 6

THE BACK OF THIS FORM MUST NOT BE USED

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

- 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).
- 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 unfettered 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, except for lots 25, 26, 49, and 50 where the garage set back is at least 3.5 metres if the garage fronts Thorpe Avenue.
 - 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.
Garages on battle axe blocks may be exempted from being attached to the house subject to receipt of approval from the Transferor.
- 1.8 The proprietors of lots 41, 42, 43 and 44 are not permitted to access Gould Place from those lots, either by vehicle, foot or otherwise.
- 1.9 The proprietors of lots 45, 46, 47 and 48:
 - 1.9.1 Shall be responsible for the maintenance of the plantings on their respective lots fronting Gould Place;
 - 1.9.2 Are not permitted vehicular access to the boundary fronting the reserve but are permitted to have a personal access gate;
 - 1.9.3 Shall not erect or allow to remain a garage (and supporting pillars) unless it is set back a minimum of 0.5 metres from the boundary fronting Gould Place;
 - 1.9.4 Shall not allow fencing which fronts Gould Place to be erected or remain unless it is set back no further forward than the main residence's front building line;
 - 1.9.5 Shall permit the transferor to carry out initial planting of the area between the fence and Gould Place; and
 - 1.9.6 Shall be permitted to erect up to two gates to the fence fronting Gould Place, provided that not more than one of those gates is a personal access gate of not more than 1.2 metres in width, and not more than one of those gates is designed to permit vehicular access, and that the set back of the gates from Gould Place is as defined in 1.9.4 herein.
- 1.10 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.
- 1.11 Buildings on a lot must not be erected or permitted to remain unless they have the following minimum set backs:
 - 1.11.1 Set back from the main street frontage - 4.5 metres, except for lots 25, 26, 49 and 50 where the set back is 3.0 metres

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- 1.11.2 Set back from the rear boundary abutting another residential lot - 2.0 metres
- 1.11.3 Set back from the side boundary abutting another residential lot - 1.0 metre
- 1.12 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.
- 1.13 No fence shall be erected forward of the main residence's front building line.
- 1.14 Where side and rear fences are required on a lot, the fence shall:
 - 1.14.1 Have a height of 1.8 metres.
 - 1.14.2 Be constructed of a non-reflective metal infill panel known as Colourbond colour "Grey Ridge".
 - 1.14.3 Have a level finish with no protruding caps.
 - 1.14.4 Be of an identical colour and finish on both sides.
- 1.15 The following restrictions apply to lot 35 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 Riverside Boulevard and 4.5 metres from Henry Close.
- 1.16 The following restrictions apply to lot 36 and prevail to the extent of any inconsistencies with other restrictions herein:
 - 1.16.1 Buildings and fencing must be set back at least 4.5 metres from Riverside Boulevard and 4.5 metres from Rooney Avenue.
- 1.17 The following restrictions apply to lot 44 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 northern boundary of Gould Place.
- 1.18 The following restrictions apply to lot 49 and prevail to the extent of any inconsistencies with other restrictions herein:
 - 1.18.1 Buildings and fencing must be set back at least 3.0 metres from Thorpe Avenue
 - 1.18.2 No building may be erected or permitted to remain on the lot unless it is set back at least 1.0 metre from the rear boundary abutting another residential lot.
 - 1.18.3 No building may be erected or permitted to remain on the lot, except one single occupancy dwelling which has a minimum floor area of 100sqm (meaning the internal habitable area, excluding the floor area of garages, verandas, eaves and any outbuildings).
 - 1.18.4 No garage may be erected or permitted to remain on the lot, unless it complies with 1.7 herein.
- 1.19 The following restrictions apply to lot 50 and prevail to the extent of any inconsistencies with other restrictions herein:
 - 1.19.1 Buildings and fencing must be set back at least 4.5 metres from Klim Street and 3.0 metres from Thorpe Avenue.
 - 1.19.2 No building may be erected or permitted to remain on the lot unless it is set back at least 1.0 metre from the rear boundary abutting another residential lot.
 - 1.19.3 No building may be erected or permitted to remain on the lot, except one single occupancy dwelling which has a minimum floor area of 100sqm (meaning the internal habitable area, excluding the floor area of garages, verandas, eaves and any outbuildings).
 - 1.19.4 No garage may be erected or permitted to remain on the lot, unless it complies with 1.7 herein.

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- 1.20 Corner allotments being lots numbered 35, 36, 44 and 50 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 front fencing requirements are to apply to lots fronting reserves being lots 31, 32, 33, 45, 46, 47 and 48 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 a pillar at the intersection of the front and side boundaries and tubular fencing (powder coated steel or aluminium, coloured grey or black) between, to a height of not less than 1.2 metres and not more than 1.5 metres high.
- 1.21.1.2 Such pillars must be a minimum of 1.5 bricks square (standard house brick) in diameter from top to bottom with either a flat finish on top or with a capped pier on top.
- 1.21.1.3 The finish of the pillars must be of colours consistent with that of the main residence.
- 1.21.1.4 As long as the above is complied with, such fence can have a combination of pillars and tubular fencing (powder coated steel or aluminium, coloured grey or black) spaced between 2 to 3 metres apart.
- 1.21.1.5 Such fence can also have a brick border at the base of the fence.
- 1.21.2 Side fences must have a height of 1.8 metres to the front building line and graduate evenly to between 1.2 metres and 1.5 metres (depending on the front fence height) and join the pillars on the fence fronting the reserve.
- 1.21.3 Are not permitted vehicular access to the boundary fronting the reserve but are permitted to have a personal access gate of a type to match the front fence.
- 1.21.4 The transferor may consent in writing to vary the fencing restrictions for the reserve fronted lots.
- 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.

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, and
- 3.1.2 Garage or otherwise screen from public view, all boats, trailers, caravans or such similar items.

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- 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.

Reserve

The public land to the north-eastern boundary of Lots 31, 32 and 33, the western boundary of lots 45, 46, 47 and 48 and the northern boundary of lot 45.

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).

Battle Axe Block

Means a block of land behind another, with access from the street through a narrow drive.

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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 2022.

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