

Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

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Lodged by	
Name:	J + K Law
Phone:	03 5446 2353
Address:	20 Panton Street, Eaglehawk VIC 3556
Reference:	EMU RISE ESTATE – S2
Customer code:	20523B

This memorandum contains provisions which are intended for inclusion in plans under the Subdivision Act 1988 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 plan:

Burdened land: As set out in the plan.

Benefited land: As set out in the plan.

- Covenants:**
1. That no single storey dwelling shall be constructed on the lot unless not less than 70% of the external walls (excluding windows) are constructed of clay brick, clay brick veneer, brick cement render, concrete masonry or lightweight cladding with a rendered finish.
 2. That no multi-storey dwelling shall be constructed on the lot unless not less than 50% of the external walls (excluding windows) are constructed of clay brick, clay brick veneer, brick cement render, concrete masonry or lightweight cladding with a rendered finish.
 3. That no dwelling shall be constructed on a lot unless the floor area of the dwelling (including the outer walls but excluding the area of garages, carports, terraces, pergolas and/or verandas) is not less than
 - a. 160 square metres where the Burdened Land has an area of 700 sq.m or greater
 - b. 140 square metres where the Burdened Land has an area of less than 700 sq.m
 - c. 125 square metres where the burdened land has an area of less than 500 sq.m

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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 plans.

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4. That no dwelling shall be constructed on a lot unless such dwelling has an enclosed garage (of a minimum size to accommodate not less than two (2) motor vehicles) under the roof structure of the dwelling, of new materials and a roller door or panel lift door.
5. That no dwelling shall be constructed on a lot with roofing of a reflective material of any type and must consist of Colorbond type material or roofing tiles.
6. That no dwelling shall be constructed on a lot unless the airconditioning units and exposed componentry are located below the roof line and mounted on the rear aspect of the dwelling or located at the rear half of the dwelling if dwelling has flat roof.
7. That no dwelling shall be constructed on a lot unless it complies with the Bushfire Management Plan contained at **Annexure A**, which form part of this Memorandum of Common Provisions.
8. That no dwelling shall be constructed on a lot unless it is constructed fully within the building envelope shown on the Bushfire Management Plan for the lot.
9. That no shed or other outbuilding constructed on the lot shall be other than of new materials and not partly or wholly of reflective material of any type, including galvanised iron cladding, aluminium cladding or zincalume cladding and shall not be larger than
 - a. 54 square metres where the Burdened Land has an area of 700 sq.m or greater
 - b. 40 square metres where the Burdened Land has an area of less than 700 sq.m
10. That no fence shall be erected on the front boundary of any lot except for any temporary builder's fencing required at law during the construction of a dwelling on the lot.
11. That no fence shall be erected on a lot unless it complies with the Emu Rise Stage 2 Fencing Guidelines as amended from time to time, except for any temporary builder's fencing required at law during the construction of a dwelling on the lot.
12. That no water tank installed on a lot shall be other than of new materials and consisting of Colorbond steel or painted concrete water tank and in accordance with the Bushfire Management Plan.
13. That no shipping containers or relocatable buildings shall be allowed to be kept or stored at the lot.
14. That no tent, caravan, camper trailer or other form of portable accommodation be kept or stored at the lot, unless the said tent, caravan, camper trailer or other form of portable accommodation is not visible from the street boundary of the lot.
15. That no shed or other outbuilding constructed on the lot or any tent, caravan, camper trailer or other form of portable accommodation kept or stored at the lot be used for residential or business purposes, except for any permitted home office approved by the relevant authority.
16. That no rubbish will be allowed to accumulate on the Burdened Land or adjacent land, unless neatly stored in an appropriately sized industrial bin or skip, and that excessive grass and weed growth will not be allowed.
17. That no lot shall be further subdivided or have more than one (1) dwelling constructed on the lot.

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Expiry:

It is agreed that the foregoing covenants shall:

- (a) be noted on and appear on every further Certificate of Title for the lots as an encumbrance affecting the lots; and
- (b) expire in ten years from registration of plan of subdivision **PS922740R** by Land Use Victoria

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.

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ANNEXURE A – BUSHFIRE MANAGEMENT PLAN

