

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

1. SUBDIVISION, MULTIPLE DWELLINGS AND DWELLING SIZES

The Registered Proprietor or proprietors for the time being of land subject to this Memorandum of Common Provisions shall not:

- a) further subdivide the lot, unless the lot is lot 133, 148 or 149 on plan of subdivision PS847171X (Dual Occupancy Lot), which can be further subdivided into 2 lots; or
- b) construct more than one dwelling on the lot, unless the lot is a Dual Occupancy Lot, in which case a dwelling can be erected on any lot created by the subdivision of a Dual Occupancy Lot; or
- c) build or allow to be built a dwelling (excluding garages, balconies, verandas, garages or eaves) of an area of less than 150 square metres, or 100 square metres in the case of a Dual Occupancy Lot; or
- d) use the lot other than as a dwelling.

2. DWELLING DESIGN, SITING AND CONSTRUCTION

The Registered Proprietor or proprietors for the time being of land subject to this Memorandum of Common Provisions shall not:

DESIGN AND CONSTRUCTION

For all lots

- a) Build or allow to be built a dwelling unless:
 - i) the design has been assessed & approved by Duvoux Pty Ltd; and
 - ii) the dwelling is built entirely of new materials and/or recycled 'old reds' bricks;
 - iii) the external walls are constructed of brick, stone, cement, concrete or cement composite cladding, with timber or non-reflective metal permitted to be used as infill panels on not more than 50% of the total area of the external walls;
 - iv) the external walls contain at least two approved wall cladding materials;
 - v) the roof is constructed of a non-reflective material;

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- vi) the dwelling includes a garage which:
 - a. is attached to the dwelling;
 - b. is setback at least 500mm behind the front building line of the dwelling;
 - c. is fully enclosed and can accommodate at least two cars;
 - d. has a panel or sectional opening door; and
 - e. in the case of a Dual Occupancy Lot, be set back at least 5 metres from the nearest street boundary;
- b) ancillary structures such as water tanks, clothes lines, air conditioning units and solar panels are not unduly visible from any street or park;
- c) Build or allow to be built more than one garden shed which must:
 - i) be no more than 15 square metres in area and 2 metres in wall height;
 - ii) be constructed of new materials being steel or aluminium sheet; and
 - iii) have an external colour of Colorbond colour 'Monument'.
- d) Build or allow to be built more than one storage shed which must:
 - i) be no more than 70 square metres in area and 3.5 metres in wall height;
 - ii) not be visible from the street which the dwelling faces;
 - iii) be constructed of new materials being steel or aluminium sheet; and
 - iv) have an external colour Colorbond colour 'Monument'.
- e) Relocate an existing building onto the lot.

Additional requirement for lots that are corner lots

- f) Build or allow to be built a dwelling unless:
 - i) it has a primary and secondary facade, both of which must contain articulation to create depth by using features such as columns, verandas, recessed windows or window bays.

SITE SETBACKS

For lots that are not corner lots

- g) Build or allow to be built a dwelling which is not set back at least:
 - i) 4.5 metres from the title boundary to the main street frontage;
 - ii) 2.0 metres from the rear title boundary; and
 - iii) 1.0 metres from any side title boundary.

For lots that are corner lots (excluding a Dual Occupancy Lot)

- h) Build or allow to be built a dwelling which is not set back at least:
 - i) 4.0 metres from the title boundary to the main street frontage;
 - ii) 2.0 metres from the rear title boundary; and
 - iii) 3.0 metres from the secondary street frontage.

For a Dual Occupancy Lot

- i) Build or allow to be built a dwelling which is not set back at least:
 - i) 3.0 metres from the title boundary to the north-facing street frontage;
 - ii) 2.0 metres from the title boundary to the east-facing street frontage;
 - iii) 0 metres from the any side or rear boundary which adjoins another lot, provided that a wall constructed on or within 200 millimetres of such a boundary must not abut the boundary of an adjoining lot for a length of more than 12 metres nor exceed a height of 3.6 metres above the surface level of the land.

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Exceptions to site setbacks

- j) Porticos, porches, verandas and al fresco areas may encroach into a specified setback by no more than 1.5 metres, or in the case of the dual Occupancy Lot, 500 millimetres.

FENCING

For lots that are not corner lots

- k) Erect any front fence or any part of a side fence forward of the dwelling's front building line;
- l) Erect a side or rear fence which is not:
 - i) at least 1.8 metres in height;
 - ii) constructed of Colorbond steel;
 - iii) in the colour of Colorbond Monument;
 - iv) of a level finish with no protruding caps; and
 - v) of an identical colour and finish on both sides.

Additional requirements for lots that are corner lots (excluding the Dual Occupancy Lot)

- m) Erect a fence on the primary building façade boundary;
- n) Erect a fence on the secondary building façade boundary which:
 - i) is more than 1.8 metres in height;
 - ii) is in front of the secondary building facade;
 - iii) occupies more than one third of the secondary building façade boundary.

CONTINUITY OF CONSTRUCTION

Construction of Dwelling

- o) Allow the land to remain vacant for more than 24 months from the date the Registered Proprietor is registered on the title to the land;
- p) Once construction of a dwelling has commenced, allow any such construction to remain incomplete for more than 24 months from the date the Registered Proprietor is registered on the title to the land.

Completion of Landscaping

- q) Allow landscaping to remain incomplete for more than 12 months from the date of issue of a Certificate of Occupancy for the dwelling.

EXPIRY OF RESTRICTIONS

- r) These restrictions will cease to affect a lot on the date that is 10 years after the plan of subdivision which created that lot was registered.

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