

AA 3068

Memorandum of Common Provisions

Section 91A Transfer of Land Act 1958

AA3068

23/08/2016 \$92.70 MCP



Lodged by:

Name: McHarg's Solicitors
Phone: 02 6024 1677
Address: 81 High Street, Wodonga
Reference: WDJAL
Customer Code: 1223W

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

Provisions

STREETS DEVELOPMENTS PTY LTD
WATTLE VIEWS ESTATE STAGES 3 and 5.1
RESTRICTIVE COVENANTS (V3 19/08/2016)
(Page 1 of 4)

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 with the registered proprietor or proprietors for the time being of every lot and of every road or street shown on Plans of Subdivision No. PS733807N (being stage 3) and PS714042D (being Stage 5.1) 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. No Multiple Occupancy Dwellings

No building may be erected on the land except one single occupancy dwelling house with the usual and necessary garage carport and/or outbuildings and no buildings so erected may be used for any purpose other than as a single occupancy dwelling house and residential purposes reasonably incidental thereto ("Single occupancy dwelling house" means a detached dwelling the whole of which is designed for occupation as a residence by a family or one or more persons pursuant to a single right of exclusive occupancy and does not include flats, a hostel, a boarding house, home units or similar multiple occupancy residences).

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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.

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THE BACK OF THIS FORM MUST NOT BE USED

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

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STREETS DEVELOPMENTS PTY LTD - WATTLE VIEWS ESTATE STAGES 3 and 5.1
RESTRICTIVE COVENANTS (Page 2 of 4)

2. Minimum Size of Dwellings

No main building may be erected on the land the roofed and wholly enclosed floor area of which is less than 120 square metres exclusive of the area of any car accommodation (whether wholly enclosed or not), verandahs, external landings, porches and patios.

3. Cladding and Roofing Materials for Buildings

(i) No building may be erected on the land (including attached or detached garages, sheds and outbuildings) with external walls made of any materials other than clay or coloured concrete brick, masonry, stone, or painted cement rendered polystyrene sheet ("the permitted materials") except that:

(a) the walls of dwellings may be constructed of a composite of the permitted materials and other materials including timber, fibre cement sheet or glass bricks on the proviso that no less than two thirds of the external walls of any such dwellings are constructed of the permitted materials and

(b) (1) one garden shed not exceeding 25 square metres in area and two metres in wall height and

(2) one storage shed located entirely behind the dwelling on the land such that it is not visible from any street which abuts a boundary of the land

may be constructed of steel or aluminium sheet the external surface of which has permanently bonded to it by factory process an earthy colour.

(ii) No garage, shed or other outbuilding, other than a garden shed and a storage shed permitted by sub-clause (i)(b) of this clause may be built with walls and roof made from materials which are not of the same materials and colour as the wall and roofing materials from which the main building on the land is constructed nor may any such building have a flat roof (which for the purposes of these covenants means a roof the pitch of which is less than 12 degrees) unless the main building on the land has a flat roof.

(iii) As an exception to sub-clause (ii) a garage, shed or other outbuilding which does not comply with the exceptions in sub-clause (i)(b), and which is visible from any street which abuts a boundary of the land, may be clad with coloured metal sheeting on the parts which are not seen from the street, if the parts of the building which are visible from such a street are covered with a material which has the appearance of cement rendering and which is painted in a tone similar to the tone of the main building on the land.

(iv) No building erected on the land may be roofed or clad with any material having a metallic lustre or appearance, a highly reflective surface or a highly reflective colored surface which description includes uncoloured Zinalume sheet.

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RESTRICTIVE COVENANTS (Page 3 of 4)

4. No Overshadowing by Two Storey Dwellings

No two storey dwelling or two storey part of a dwelling may be erected on any part of the land if such dwelling or part thereof throws a shadow further into the adjoining land than 1 metre from the common boundary.

5. Fences

- (i) The restriction in sub-clause (ii) applies to the land even if it abuts more than one street (commonly called a "corner block").
- (ii) No fence or wall may be erected on or within "the frontage of the land", which for the purposes of this covenant means the area bounded by -
 - * a line drawn on the land parallel to the abutting street boundary (or the abutting street boundaries, for a corner block) which intersects the main building on the land at its closest point to the abutting street boundary (or boundaries) and
 - * the abutting street boundary (or boundaries) of the land,
 - * and includes the boundaries of the land.
- (iii) As an exception to sub-clause (ii), for the purpose of creating a private courtyard, a fence or wall may be constructed on a part or parts of the boundaries of the land or within the frontage of the land to enclose no more than one half of the area of the frontage of the land, of materials which are identical to the cladding materials of the dwelling erected on the land (for example of red brick if the dwelling is clad with red brick) and of between 1.5 metres and 1.8 metres in height.

6. No Secondhand Buildings or Materials

No building may be erected on the land which is not constructed entirely of new materials or which has been wholly or substantially assembled off the land whether as a previously occupied building or otherwise.

7. Fence Framework and Rails not to Face Roads or Reserves

No boundary fence may be constructed on the land on which the framework, posts or rails are on the same side as any road, reserve or pathway abutting the land.

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8. Specifications for Fences

No fence may be erected on any part of the land including the boundaries of the land other than a steel sheet fence of any brand with similar characteristics to the type of fence made by BlueScope Steel called Lysaght "Neetascreen" and unless the surface of such sheet has permanently bonded upon it by factory process a non-reflective colour similar to the colour known as "Summershade®" on the said Lysaght brand fencing products and where such fence abuts a reserve unless the upper most horizontal end of such fence has been capped.

9. No trade or business

No trade or business or activity of any kind whatsoever which might be offensive or injurious to the amenity of the neighborhood may be carried out upon or from any part of the land.

10. No advertising signs

No advertising sign may be erected on the land unless -

- (i) it complies with any requirements of the planning scheme for the area in which the land is located and
- (ii) the prior written approval of Streets Developments Pty Ltd Pty Ltd has been obtained before the sign is erected.

11. Headings are for Reference Only

Headings used in this document are for ease of reference and are not to be used to aid interpretation.

And this Covenant shall appear on the Folio of the Register for the land and shall run with the land.

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CIVILTEST ALBURY WODONGA
SOILS ENGINEERING LABORATORY
PO Box 876, Wodonga, Vic, 3689
ABN 31413178755

19 May 2018
18CT583

Streets Developments P/L
C/-Nordcon Land
PO Box 107
Wodonga, VIC, 3689

Wattle Views Estate, Stage 5.2, Wodonga

SUMMARY OF SITE CLASSIFICATIONS

| Lot No. | Classification |
|----------------|-----------------------|
| 502 | CF/M-D |
| 503 | CF/M-D |
| 504 | M-D |
| 505 | M |
| 506 | M-D |
| 507 | M-D |
| 508 | M-D |
| 509 | M-D |
| 510 | M |
| 511 | CF/M |
| 512 | M |
| 513 | CF/M |
| 514 | CF/M |

** CF denotes **level 1 controlled fill**. The site classification has been undertaken in accordance with **AS 2870-2011**.

If more information is required about the contents of this report please contact the undersigned.

Yours Sincerely



Peter Vella