

**Memorandum of common provisions**  
**Section 91A 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:**

The benefited land is all the land in PS838004U other than Reserve No1 and Reserve No 2 and the land the subject of the transfer into which these terms are incorporated

The registered proprietors covenant not to:

- a) Erect or permit to remain erected on the Land any buildings other than one single dwelling house and the usual outbuildings.
- b) Erect or permit to remain erected such a dwelling house unless:
  - i) At least 75% of the face of each of the outer walls thereof (excluding windows and doors) are of brick, brick veneer, stone masonry render or like material, painted weatherboard or other materials agreed by the Transferor; and
  - ii) the floor area is at least 160 square metres including the outer walls thereof, such area being calculated by excluding the area of carports, garages, terraces, pergolas and/or verandahs; and
  - iii) the whole of the exterior facings of the dwelling house are of material not previously used in building construction; and
  - iv) the dwelling house has not been erected or constructed on any other Land prior to its erection or construction on the Land

(the burden of clauses i), ii) and iii) shall not apply to the Land when 10 years has elapsed from the grant of a Certificate of Occupancy to a single dwelling house on the Land, first erected or constructed after the date of the transfer into which these terms are incorporated).

- c) Permit to remain erected on the Land any outbuilding which has a floor area exceeding eight square metres unless not less than 75% of the face of each of the outer walls (excluding windows and doors) are brick, brick veneer, stone masonry render or like material, painted weatherboard, or colourbond or the same materials as the dwelling house;
- d) Erect or leave erected any fence within 4 metres of the street boundary of the said Lot;
- e) Permit the nature strip at the street boundary of the land to be kept in other than a neat and tidy condition or permit any rubbish and or building debris to be placed on the nature strip;
- f) Erect or permit to remain erected on the lot any double storey or attic style dwelling house or a dwelling house with a mezzanine floor (being a dwelling house where the floor of any habitable area is directly above the floor of another habitable area of the dwelling house).

END

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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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