

**Memorandum of common provisions  
Restrictive covenants in a plan  
Section 91A Transfer of Land Act 1958**

**AA9798**  
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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: Definitions**

For the purposes of this restriction:

- (a) **Minimum Front Boundary Setback** means, in respect of each lot, the distance between the Front Boundary and the front of the building envelope.
- (b) **Building Envelope** means the building envelope shown in the attached diagram.
- (c) **Front Boundary** means:
  - (i) in the case of any lot where only one boundary of that lot abuts a road, the boundary which abuts the road; and
  - (ii) in the case of any lot where two boundaries of that lot each abut a road, the shorter boundary which abuts the road.

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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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- (d) All distances are to be measured at right angles.

**Description of Restriction**

The registered proprietor or proprietors for the time being of any burdened lot to which the following restriction applies shall **not**:

- (1) Construct or cause or permit to be constructed or remain erected on any burdened lot any building forward of the Minimum Front Boundary Setback.
- (2) Construct or cause or permit to be constructed on any burdened lot:
- (i) any building other than one dwelling house with the usual outbuildings, such dwelling house having a minimum floor area (excluding any verandah, carport or garage) of:
- 170 square metres excluding garage for allotments with an area 600 square metres or greater;
  - 150 square metres excluding garage for allotments with an area between 500 and 599 square metres;
  - 120 square metres excluding garage for allotments with an area of between 400 and 499 square metres;
  - 100 square metres excluding garage for allotments with an area of 399 square metres or less,
- (2)(i) does not apply to any lot created upon further subdivision of Lots;
- (ii) any dwelling (including garage and carport) of which less than fifty percent (50%) of the external walls (excluding windows) is constructed of brick, brick veneer, stone, masonry or masonry veneer;
- (iii) any outbuildings other than a garage or carport having external walls constructed of materials other than brick, stone, rendered concrete, concrete sheet, timber or coloured non-reflective metal;
- (iv) any dwelling with roof of other than masonry or terracotta tiles or coloured non-reflective metal roofing material;
- (v) any dwelling having external plumbing (stormwater drainage downpipes excepted) which shall be visible from an adjoining street and in the case where lots front on to parkland, must not be visible from the park.

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- (3) Erect or cause or permit to be erected or to remain erected:
- (i) on either side boundary or the rear boundary of any burdened lot any fence of a height more than 1.8 metres;
  - (ii) any fence on either side boundary or the rear boundary of any burdened Lot except a fence of timber palings with a timber cap, and exposed posts on both sides of the fence;
  - (iv) any fence on either side boundary of any burdened Lot between the Front Boundary and the Minimum Front Boundary Setback; or
  - (iv) any fence along the front boundary.
- (4) At any time park or store on or within any burdened lot any vehicle having a carrying capacity of one tonne or more or any boat, caravan or trailer in such a way as to be visible from any street adjacent to or abutting that burdened lot.
- (5) At any time keep, place or maintain any outside clothes drying or airing facility on any burdened lot to be visible from any street adjacent to or abutting that burdened lot.
- (6) keep any more than:
- (i) two domestic birds on the burdened lot at any one time; and
  - (ii) two of any kind of animal or bird on the burdened lot at any one time.
- (7) Construct any building outside the land shown hatched on the attached building envelope diagram other than:
- a porch, portico or verandah no more than 3.6 metres in height and encroaching no more than 1.0 metre into the Front Setback Zone;
  - deck steps or landing no more than 500mm in height encroaching no more than 1.0 metre into the Front Setback Zone;
  - a pergola, eaves, fascia and/or gutters encroaching no more than 1.0 metre into the Front Setback Zone;
  - a balcony not more than 4.5 metres high encroaching no more than 1.0 metre into the Front Setback Zone; or
  - encroachments into the nominated Side and Rear Setback Zones as provided for under Regulation 414(3) of the *Building Regulations 2006* except to where a wall is on a boundary.
- (8) Construct any garage door or doors which occupy more than 40% of the width of the lot frontage width without the discretionary approval of the design assessment panel due to site constraints.

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(9) Construct any garage closer than 5.5 metres to the street.

(10) Construct or allow to be constructed any more than one dwelling per lot.

Building Regulations apply to all matters which are not addressed in this restriction. Further setback restrictions may apply where a lot is affected by an easement or easements.

The **Front Setback Zone** is defined as the land located between the building envelope and the front boundary of the allotment.

The **Rear Setback Zone** is defined as the land located between the building envelope and the rear boundary of the allotment.

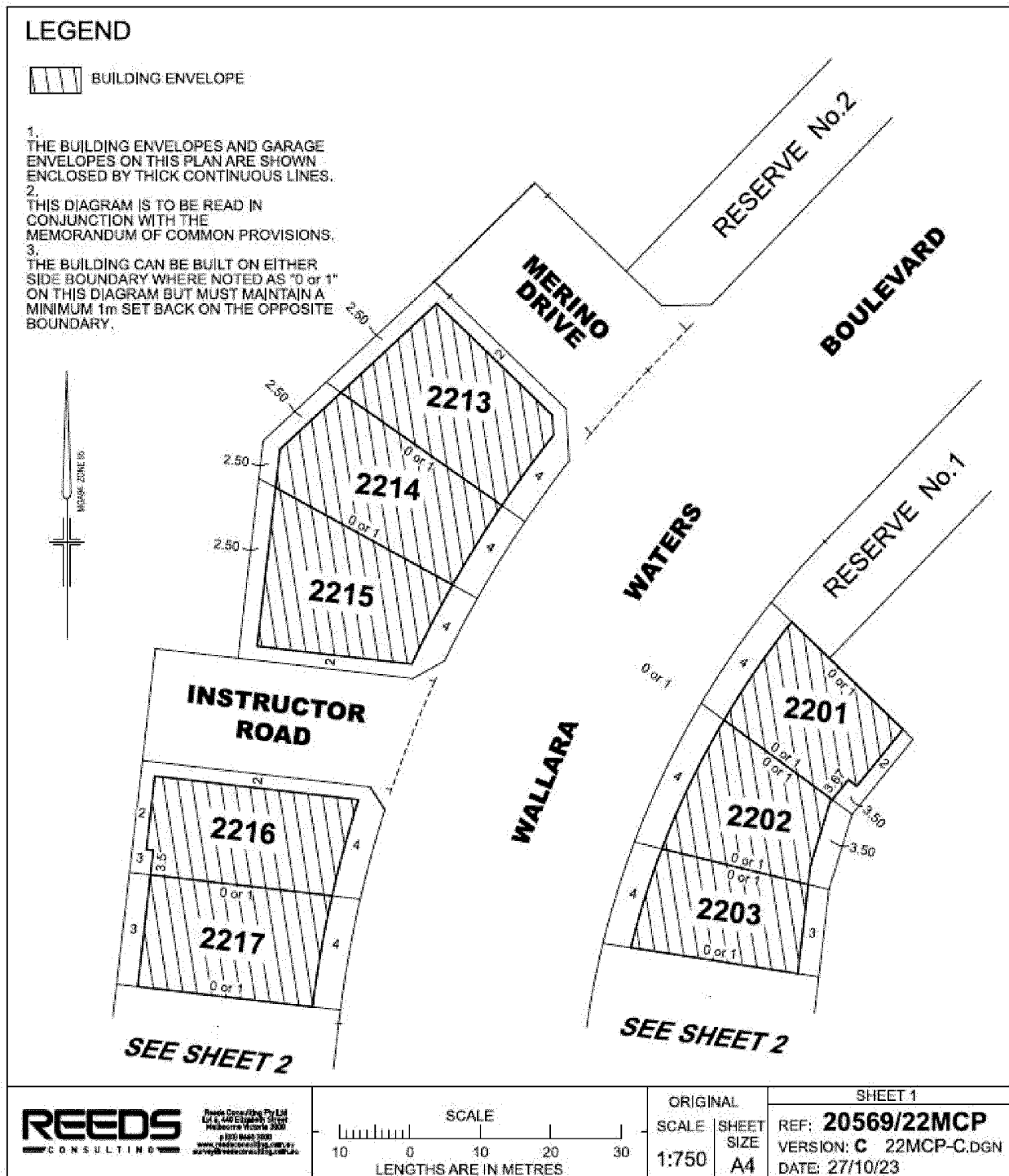
The **Side Setback Zone** is defined as the land located between the building envelope and the side boundary of the allotment.

The building envelope applies to the ground floor level only and is limited in height to 3.60 metres.

Additional setbacks will apply to upper floors in accordance with the *Building Regulations 2006*.

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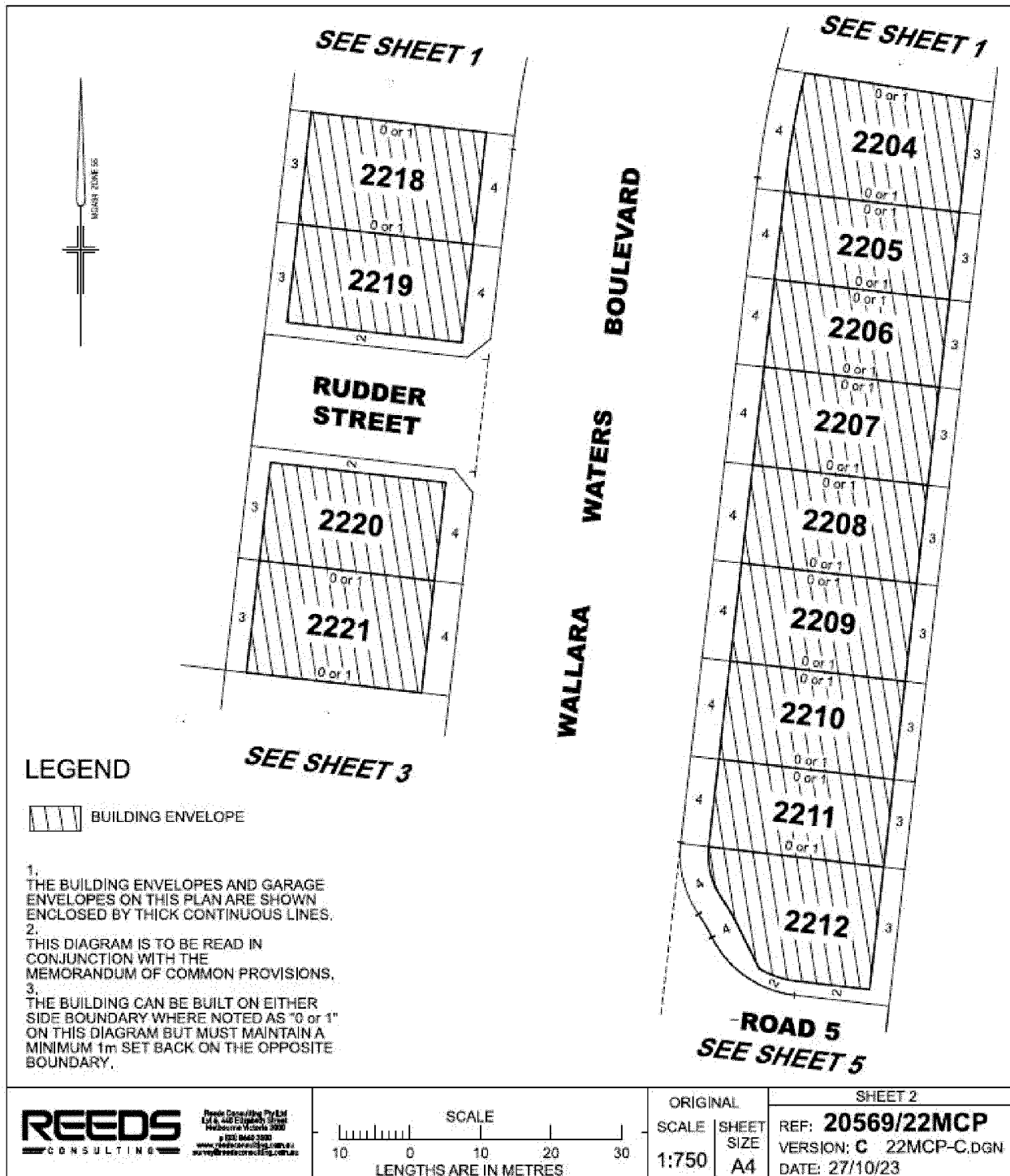
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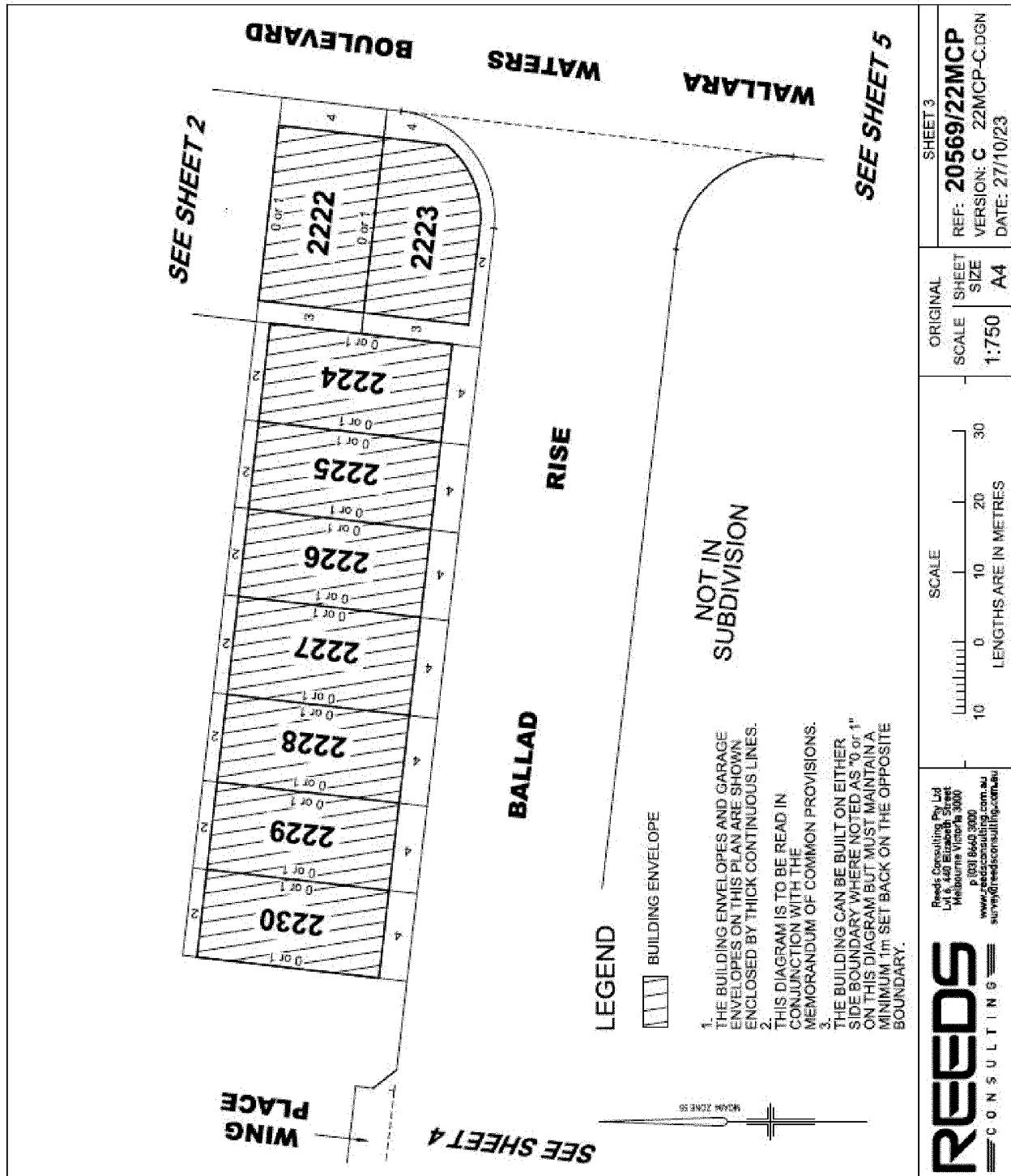
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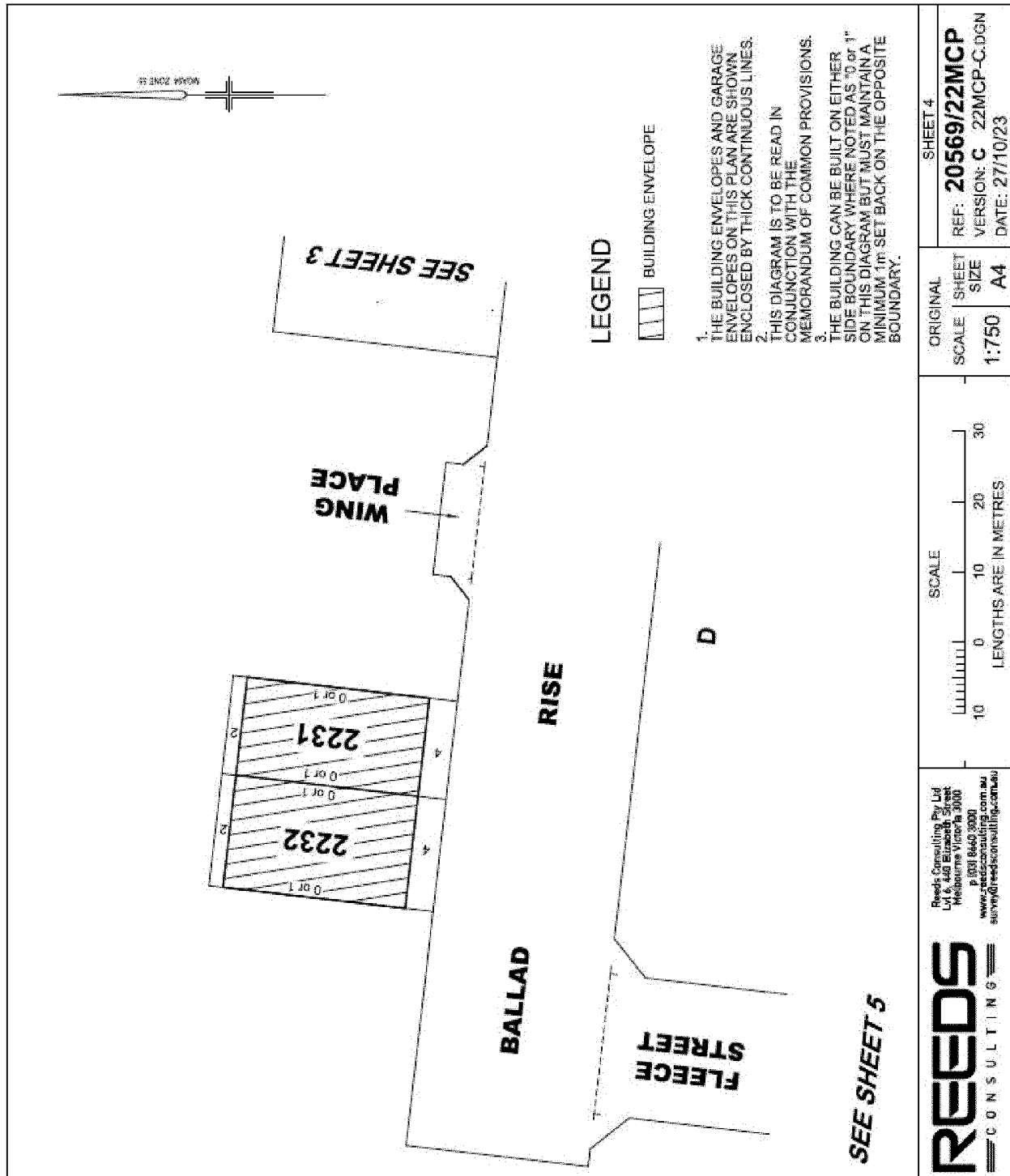
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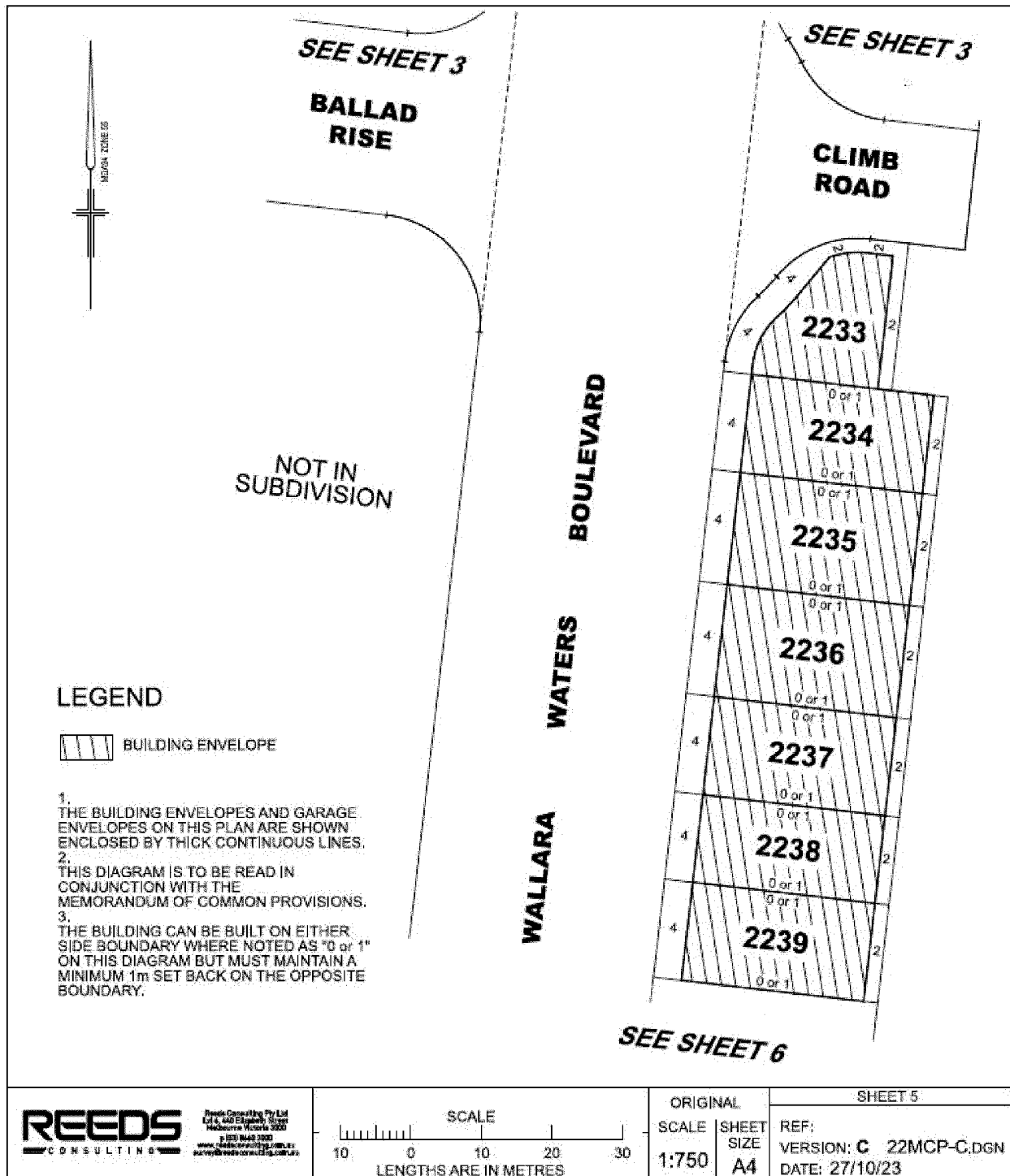
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