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

Privacy Collection Statement

The information in this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by	
Name:	Melville & Hicks Lawyers
Phone:	03 5483 0200
Address:	201 Hare Street Echuca 3564
Reference:	20220398
Customer code:	24365V

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 (if any):

covenants:

The registered proprietor for the time being of the burdened land ("the land") or any part or parts thereof **shall not**:-

1. erect or re-erect or allow to be erected or re-erected on the land any building or part of a building which has previously been erected in another location or use any second-hand building materials in the construction of any building on the land;

2. erect or cause or suffer to be erected on the land any building other than one dwelling house with outbuilding, carport or garage in accordance with clauses 3, 4 or 5 hereof respectively and such dwelling house shall;

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.

THE BACK OF THIS FORM MUST NOT BE USED
Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us
\\MHE-AP01\Lawdocs\Docs\20210660\4068812.docx
OFFICIAL

2.1. not be erected without a carport or garage being erected in conjunction with the construction of the dwelling house and in accordance with clauses 4 or 5 hereof respectively; and

2.2 not have a floor area of less then 200 square metres within the outer walls thereof, calculated by excluding the area of all eaves, carports, pergolas, verandahs and garages; and

2.3 not be constructed of external wall cladding material of unfinished fibro cement sheeting or timber weatherboards which do not have a painted or rendered finish or any reflective material; **provided that** the transferee will not be prevented from using light weight approved and certified systems such as hebel aerated concrete or exsulite polystyrene systems as an external wall cladding material unless such cladding would be considered by the Victorian Building Authority or any successor thereof to be combustible cladding and provided that the base sheets have a coated and painted finish not less than 5 millimetre in thickness; and

2.4 not be roofed with any material other than non-reflective colorbond steel sheeting, concrete tiles, slate tiles or terracotta tiles; and

2.5 not be used as other than a private residence; and

2.6 not have any of the following items visible from the front boundary: -

2.6.1 air conditioners and/or evaporative coolers; and

2.6.2 water systems; and

2.6.3 rainwater tanks; and

2.6.4 any clothesline or clothes hoist; and

2.6.5 any swimming pool, spa and/or sauna related filtration and/or heating equipment; and

2.6.6 external antennae, aerials or satellite dishes; and

2.6.7 hot water tanks; and

2.6.8 refuse bins; and

2.6.9 external waste plumbing (but not including down pipes and guttering);

and

2.7 not have any swimming pool, spa and/or sauna related filtration and/or heating equipment located, on or next to, an external wall of such dwelling house which faces a side boundary of the land unless such equipment is colour matched to that wall surface and fitted with a noise baffle.

3. erect or cause or suffer to be erected on the land any outbuilding (other than a carport or garage) which:

   3.1 is to be erected prior to the erection of the dwelling house; and

   3.2 has a floor area of more than 180 square metres or a wall height of more than 3.9 metres or a total height of more than 5 metres; and

   3.3 is constructed of material other than brick, stone or non-reflective colorbond steel sheeting (unless that outbuilding has a floor area of 10 square metres or less); and

   3.4 if constructed of non-reflective colorbond steel sheeting such sheeting must be of one single colour (including doors) of “colorbond woodland grey” or “colorbond monument” or manufacturer's equivalent; and

   3.5 is not fully enclosed; and

   3.6 has a roof with less than a 10 degree pitch and more than a 16 degree pitch; and

   3.7 is contained within the outbuilding envelopes shown on the annexed "Proposed Outbuilding Envelope Plan";; and

   3.8 is additional to any outbuilding already erected on the land which has a floor area of more than 10 square metres.

4. erect or cause or suffer to be erected on the land any carport which:

   4.1 is not erected in conjunction with the erection of a dwelling house; and

   4.2 has a roof, the pitch of which is not identical to the roof pitch of the dwelling house being erected on the land; and

   4.3 is not constructed of the same materials used in the construction of the dwelling house being erected on the land; and

   4.4 is additional to any carport already erected on the land; and

   4.5 is located any further forward than the front building line of the dwelling house being erected on the land; and

   4.6 can accommodate more than two (2) motor vehicles (not being any motor vehicles referred to in clauses 11.1 and 11.2 hereof).

5. erect or cause or suffer to be erected on the land any garage which:

   5.1 is not erected in conjunction with the erection of the dwelling house; and

   5.2 is not fully enclosed; and

   5.3 has a roof, the pitch of which is not identical to the roof pitch of the dwelling house erected on the land; and

THE BACK OF THIS FORM MUST NOT BE USED
Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us
\\MHE-AP01\Lawdocs\Docs\20210660\4068812.docx
OFFICIAL

5.4 is not constructed of the same materials used in the construction of the dwelling house erected on the land; and

5.5 is additional to any garage already erected on the land; and

5.6 is wider than the width necessary to accommodate two (2) motor vehicles side by side and which is deeper than the depth necessary to accommodate a further two (2) motor vehicles side by side (not being any motor vehicles referred to in clauses 11.1 and 11.2 hereof).

6. use or allow to be used on any internal fencing or building erected on or to be erected on the land-

6.1 any internal fence or wall on the road frontage boundary or between the road frontage boundary and the dwelling house; and

6.2 any reflective material on any internal fencing and if constructed of non-reflective colorbond steel sheeting such sheeting must be of one single colour (including gates) of "colorbond woodland grey" or manufacturer's equivalent; and

6.3 any internal fence of a height greater than 1.8 metres measured from ground level to the top of the fence PROVIDED THAT this clause shall not apply to an internal fence which is to surround a tennis court or swimming pool; and

6.4 any reflective material.

7. erect or allow to be erected on the land any boundary fence which is constructed of any materials other than;

7.1 a post and wire fence not exceeding 1.2 metres height measured from ground level to the top of the fence with treated timber posts or colorbond steel post which colour must be "colorbond woodland grey";

7.2 a swimming pool security fence within the boundaries of the land in conjunction with the construction of an inground swimming pool on the land;

7.3 a standard black mesh tennis court fence within the boundaries of the land in conjunction with the construction of a tennis court on the land.

8. use or cause or suffer to be used on the land any outbuilding, mobile home, caravan, tent or other moveable accommodation for living or residential accommodation purposes;

9 cause or allow to be placed on the land any shipping container.

10 erect or re-erect or allow to be erected or re-erected on the land any above- ground swimming pool.

11. use or cause or suffer the land to be used for any of the following purposes:

11.1 road transport terminal depot or any purpose ancillary thereto, or for the purpose of parking, storing or garaging thereon any articulated vehicle or heavy vehicle as defined in any relevent legislation or otherwise according to accepted useage of such terms; and

11.2 bus terminal depot or any purpose ancillary thereto, or for the purpose of parking, storing or garaging thereon any articulated vehicle or heavy vehicle as defined in any relevant legislation or otherwise according to accepted usage of such terms; and

11.3 displaying goods for hire or sale; and

11.4 panel beating or motor repair workshop; and

11.5 wood yard, boat yard, marina or marine depot; and

11.6 commercial storage; and

11.7 recreational motor cycling or similar vehicles; and

11.8 bed and breakfast accommodation or air bnb accommodation or holiday accommodation and/or letting; and

11.9 commercial or business activity and the installation on the land of any plant or material connected with a commercial or business activity.

12 allow any plant, machinery, recreational or commercial vehicle, caravan, boat, trailer, commercial trailer or car trailer to be left or parked on the roadway, or nature strip adjoining the land unless it is stored in a garage, carport or outbuilding.

13 allow any plant, machinery, recreational or commercial vehicle, caravan, boat, trailer, commercial trailer or car trailer to be left or parked on the land unless it is stored in a garage, carport or outbuilding.

14 subdivide or allow to be subdivided the land or any building erected or to be erected on the land.

15 remove or lop any trees or plantations established by the transferor; and

16 remove or lop any native vegetation without planning approval from the responsible authority unless the removal or lopping is otherwise exempt from permit requirements.

17 keep or allow to be kept on the land any goats, pigs, horses, cattle, sheep, roosters, pigeons and no more than two dogs, two cats, six chickens or birds other than those permitted by the responsible authority or authorities.

18 allow the land and any structure thereon to become a fire hazard or be used for any purpose which in the opinion of the transferor may have a detrimental effect on the amenity of the neighbourhood.

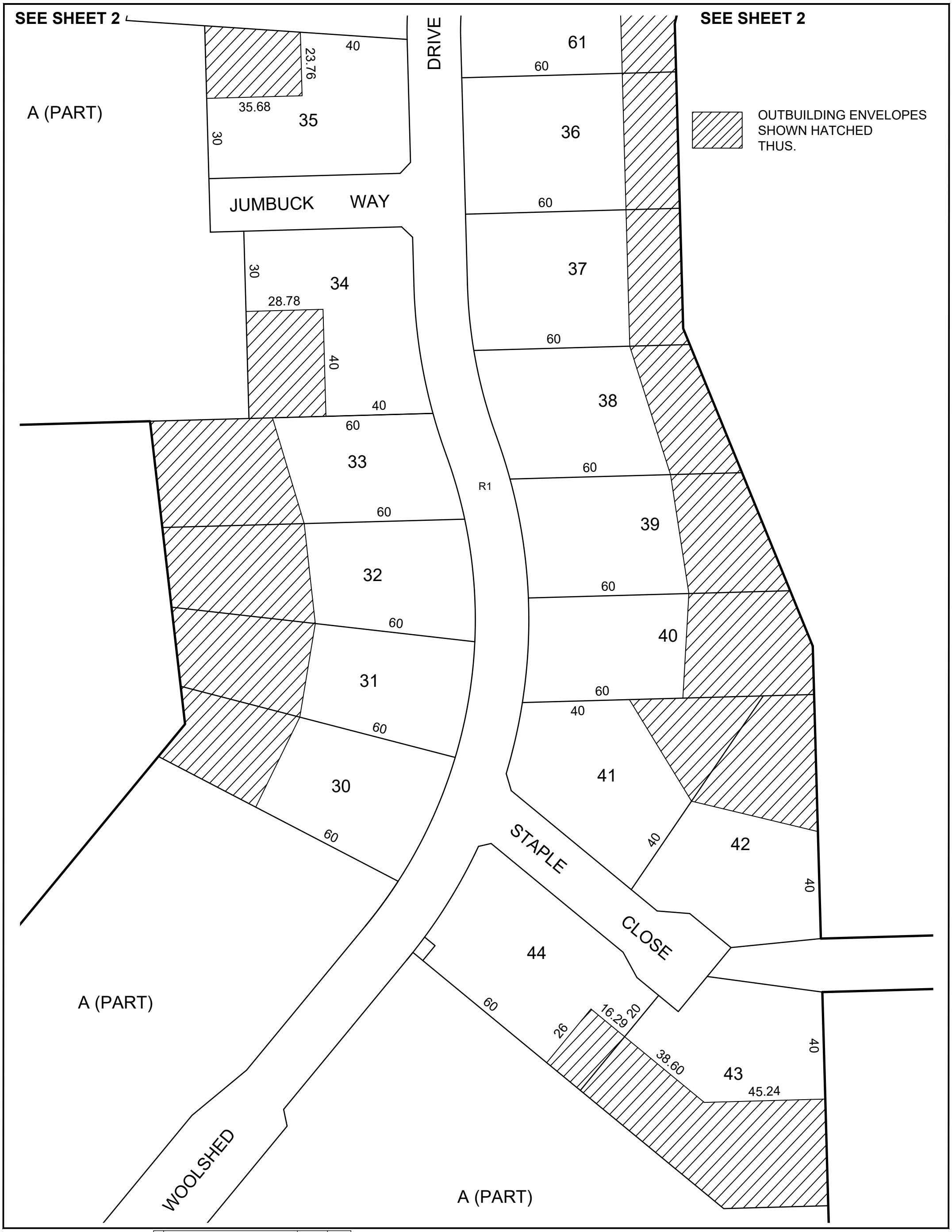
PROVIDED always that Wharparilla West Pty Ltd ACN 630 942 639 reserves the right to release, vary, add to or modify these covenants in relation to the other land in the Plan of Subdivision.

1.
2.
Mandatory
Covenants to be listed here.

Expiry:

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.

THE BACK OF THIS FORM MUST NOT BE USED
Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us
\\MHE-AP01\Lawdocs\Docs\20210660\4068812.docx
OFFICIAL



REVISION	DATE	ZONE

APPROX NORTH

0 6.25 12.5 25

Scale 1:1250 @ vA3

Chris Smith & ASSOCIATES PTY LTD
· CIVIL ENGINEERS · LAND SURVEYORS
· URBAN & REGIONAL PLANNERS · PROJECT MANAGERS
LEVEL 1 / 135 FRYERS STREET, SHEPPARTON, VIC. 3630
PH: (03) 5820 7700 FAX: (03) 5822 4878 www.csmith.com.au

Designed
Drawn
Checked
Approved

Wharparilla West Pty. Ltd.
Proposed Outbuilding Envelopes

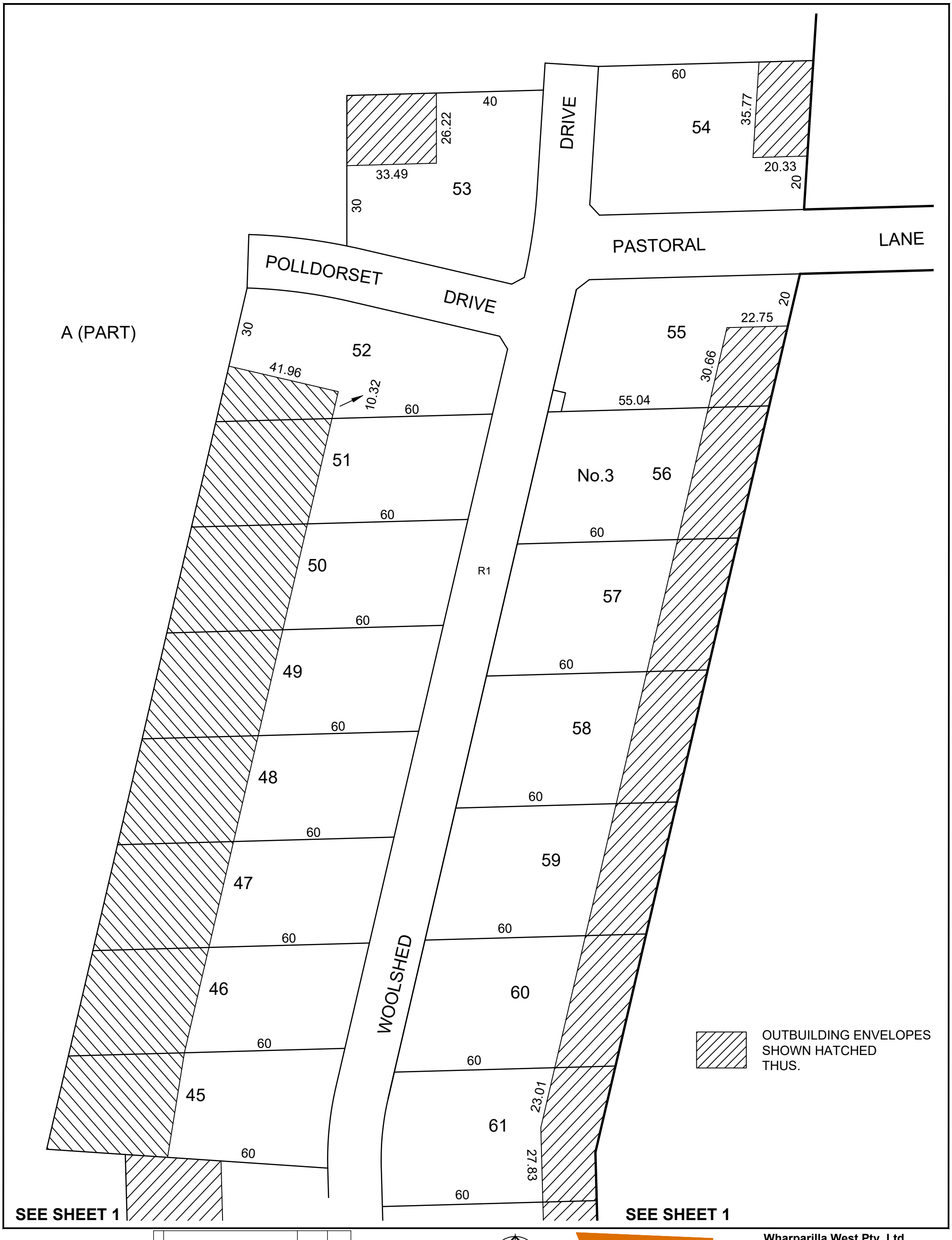
Plan of Outbuilding Envelopes

Drawing No. 21199/03 **Rev. 01**

Sheet No. 1 of 2 2119903v1.dwg

A3

© Chris Smith & Associates ABN 14 627 882 064
THIS DOCUMENT IS COPYRIGHT AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. UNAUTHORISED USE PROHIBITED. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON THE PROJECT BEFORE COMMENCING ANY WORKS OR SHOP DRAWINGS. DRAWINGS NOT TO BE SCALED.



REVISION	DATE	ZONE

APPROX NORTH

0 6.25 12.5 25

Scale 1:1250 @ vA3

Chris Smith & ASSOCIATES PTY LTD
· CIVIL ENGINEERS · LAND SURVEYORS
· URBAN & REGIONAL PLANNERS · PROJECT MANAGERS
LEVEL 1 / 135 FRYERS STREET, SHEPPARTON, VIC. 3630
PH: (03) 5820 7700 FAX: (03) 5822 4878 www.csmith.com.au

Designed
Drawn
Checked
Approved

Wharparilla West Pty. Ltd.
Proposed Outbuilding Envelopes

Plan of Outbuilding Envelopes

Drawing No. 21199/03 **Rev. 01**

Sheet No. 2 of 2 2119903v1.dwg

A3

© Chris Smith & Associates ABN 14 627 882 064
THIS DOCUMENT IS COPYRIGHT AND MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. UNAUTHORISED USE PROHIBITED. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON THE PROJECT BEFORE COMMENCING ANY WORKS OR SHOP DRAWINGS. DRAWINGS NOT TO BE SCALED.