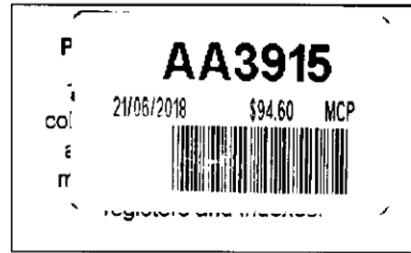


Memorandum of common provisions
Section 91A Transfer of Land Act 1958



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

Provisions:

1. Definitions

In this memorandum, unless the context otherwise requires:

Benefitted Land means all land in the Plan of Subdivision, other than the Land;

Building means any permanent or semi-permanent structure on the Land, together with any fencing, landscaping or gardens surrounding any part of such a structure (and includes a dwelling);

Design Review Panel means the Transferor or its nominee from time to time;

Land means the land transferred by the Transfer Form;

Plan of Subdivision means the plan of subdivision which, upon registration, created a separately disposable title for the Land;

Responsible Authority means any authority exercising statutory rights, powers or duties with respect to the Land or any person exercising such rights, powers or duties;

Street Frontage means any boundary of the Land which abuts a roadway or other area reserved for public use;

Sunset Date means the date which is 5 years after the date of the registration of the Transfer Form;

Transfer Form means the transfer of land form approved in Victoria, that when registered, will record on the folio of the Register for the land, the restrictive covenants contained in this memorandum of common provisions.

Transferee means the person named in the "Transferee" panel in the Transfer Form for the Land including any executor, administrator, successor, assignee or transferee of the Transferee and, if there is more than one Transferee, each of them, and the registered proprietor or proprietors for the time being of the Land;

Transferor means the person named in the "Transferor" panel in the Transfer Form for the Land and if there is more than one Transferor, each of them, and their respective executors, administrators, successors, assignees and transferees; and

Waste means any refuse, rubbish or building debris.

2. Ongoing obligations

The Transferor covenants with the Transferee that the restrictive covenants described in clause 3:

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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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Page 1 of 2

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- 2.1 are intended to burden the Land and to run at law and in equity with the Land; and
- 2.2 are intended to benefit the Benefitted Land and to run at law and in equity with the Benefitted Land; and
- 2.3 will be noted and appear on every future folio of the register for the Land or any part of it.

3. Creation of restrictive covenants

The Transferee covenants with the Transferor and the registered proprietor or proprietors for the time being of each and every part of the Benefitted Land that the Transferee will not at any time on the Land or any parts thereof:

- 3.1 build, construct or erect or cause to be built, constructed or erected or allow to remain on the Land any Building unless it has been constructed in accordance with the prior written approval of the Design Review Panel. This covenant will expire on the Sunset Date;
- 3.2 build, construct or erect or cause to be built, constructed or erected or allow to remain on the Land:
 - a. more than one dwelling. This covenant will expire on the Sunset Date;
 - b. any transportable or relocatable dwelling or any dwelling other than one which was constructed on the Land;
 - c. any Building with external television or other antennae, satellite dish, clothesline, evaporative cooling unit or any part of an air conditioning system which are not positioned to minimise visibility from any Street Frontage;
- 3.3 remove any crossover or access to a cross-over relating to the Land;
- 3.4 plant or allow to be planted any flora the species of which is noxious or which is included in any list of a responsible authority as a prohibited species or weed in the area in which the land is located;
- 3.5 permit any commercial vehicle, recreational vehicle, boat or caravan to be visible from any Street Frontage;
- 3.6 do, or omit to do, anything which may lead to the deterioration of any Building on the Land in a manner that may cause damage or loss to any other land in the Plan of Subdivision or land adjoining the Plan of Subdivision;
- 3.7 deposit or allow to be deposited on the land any Waste other than in a suitable receptacle for containing and disposing of Waste; or
- 3.8 subdivide the Land.