

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

AA9371

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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 (if any):**

Building restriction zone means all of the area situated to the east of Sweenies Creek and within 100 metres west of the top of the bank of Sweenies Creek.

Developer means Villawood Properties.

Fence has the meaning given to it in Part 4 of the Building Regulations.

Lot means a lot on the Plan.

MCP means this memorandum of common provisions.

Plan means the relevant plan of subdivision for a particular Lot which incorporates this MCP.

35402012

V3

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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Covenants:

The registered proprietor of the Burdened Land their executors administrators and assigns must not without the written consent of the Developer:-

1. Erect on the Burdened Land or cause to be erected or allow to remain erected on the Burdened Land:
 - a. Any more than one private dwelling house (which expression shall include a display home but not a flat or unit);
 - b. Any dwelling house, garage, shed, outbuilding or Fence using other than new materials;
 - c. Any building or other structure which is constructed wholly or partly of galvanized iron;
 - d. Any dwelling house which has a floor area of less than 200 square metres including the outer walls thereof, such area being calculated by excluding the area of carports, garages, terraces, pergolas or verandahs;
 - e. Any dwelling house within the Building restriction zone.
2. Subdivide the Burdened Land.
3. Use the Burdened Land for any trade, industry, or commerce save and except for a display home.
4. Allow any rubbish including site excavations and building materials to accumulate on the Burdened Land or adjacent land (unless neatly stored in a suitable sized industrial bin or skip) or allow excessive growth of grass or weeds upon it.

Interpretation

In this MCP, unless the contrary intention appears:

1. a reference to a person includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
2. a reference to any document is to that document as varied, novated, ratified or replaced from time to time;
3. a reference to any statute or to any statutory provision includes any statutory modification or re-enactment of it or any statutory provision substituted for it, and all ordinances, by-laws, regulations, rules and statutory instruments (however described) issued under it;

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4. words importing the singular include the plural (and vice versa), and words indicating a gender include every other gender;
5. where a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning; and
6. the word "includes" in any form is not a word of limitation.

Expiry: 10 years from the date of registration of the Plan

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