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PRIVATE PLANNING IN NSW – ALIVE & WELL!

First home buyers and others buying vacant blocks of land in NSW will be well acquainted with the usual situation where the developer of the land will have ensured that the development documentation, usually in the form of a “Section 88B” Instrument puts in place certain positive and/or negative covenants applying to the land.

The effect of these covenants is that following the purchase of the block of land, the purchaser is prohibited from doing certain things (negative covenants) in relation to the land, or alternatively, must do certain things in relation to the land (positive covenants).

For example, it is not uncommon for restrictive or negative covenants to include matters such as:-

- Certain minimum dwelling sizes.
- Dwellings to be constructed of

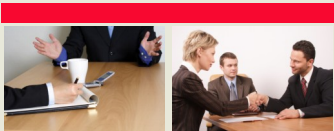


certain materials e.g. roof of colour bond or exterior walls of brick.

- Restrictions in relation to the fencing.

These covenants can be very important in the decision whether to buy the land. Importantly, the covenants apply to subsequent purchasers of the land (they “run with the land”).

If you have any questions about covenants or restrictions applying to your land, please contact us.



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