

**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.

**DRAFT ONLY – subject to review and Land Registry registration**

Definitions:

**benefited land** means all lots on the plan other than the burdened land.

**burdened land** means the land hereby transferred.

**lot** means a lot on the plan.

**plan** means the relevant plan of subdivision for a particular lot which incorporates this memorandum of common provisions.

**transferor** means the transferor on the transfer of land which incorporates this memorandum of common provisions.

Provisions:

The provisions of this memorandum of common provisions are incorporated into the covenants created by the transfer of land.

The owner of the burdened land covenants for himself or herself, his or her executors, administrators and assigns and as a separate covenant with the owner or owners for the time being of the benefited land that:

1. That no single storey dwelling constructed on the lot shall be other than of new materials with not less than 70% of the external walls (excluding windows) being clay brick, clay brick veneer, brick cement render, concrete masonry with a rendered finish or lightweight cladding material,.

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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.

91ATLA

Page 1 of 5

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# Memorandum of common provisions

## Section 91A Transfer of Land Act 1958

2. That no multi-storey dwelling constructed on the lot shall be other than of new materials with not less than 50% of the external walls (excluding windows) being clay brick, clay brick veneer, brick cement render, concrete masonry with a rendered finish or lightweight cladding material, except with the consent of the transferor.
3. That no dwelling shall be constructed on any lot unless the floor area of the dwelling (including the outer walls but excluding the area of garages, carports, terraces, pergolas and/or verandas) is not less than 120 square metres.
4. That no dwelling shall be constructed on a lot unless such dwelling has an enclosed garage (of a minimum size to accommodate not less than two (2) motor vehicles) under the roof structure of the dwelling, of new materials and a roller door or panel lift door.
5. That no dwelling shall be constructed on a lot with roofing of a reflective material of any type and must consist of Colorbond type material or roofing tiles,.
6. That no dwelling shall be constructed on a lot unless the air conditioning units and exposed componentry are located below the roof line and mounted on the rear aspect of the dwelling.
7. That no dwelling shall be constructed on a lot unless it complies with the Bushfire Management Plan contained at **Annexure A**, which form part of this memorandum of common provisions.
8. That no dwelling shall be constructed on a lot unless it is constructed within the building envelope shown on the Bushfire Management Plan for the lot.
9. That no shed or other outbuilding constructed on the lot shall be other than of new materials and not partly or wholly of reflective material of any type, including galvanised iron cladding, aluminium cladding or zincalume cladding and shall not be larger than 40 square metres except for lots 214 & 222-224, which may have a shed of up to 54 square metres.
10. That no fence shall be erected on a lot unless it complies with the Golden Grove Stages 9A-9B Fencing Guidelines as amended from time to time, except for any temporary builder's fencing required at law during the construction of a dwelling on the lot.
11. That no fence erected on a lot shall be other than of new materials consisting of double sided Colorbond steel panels in the colour of "Woodland Grey" in matt finish except for any temporary builder's fencing required at law during the construction of a dwelling on the lot.
12. That no fence shall be erected on the front boundary of any lot except for any temporary builder's fencing required at law during the construction of a dwelling on the lot, except for lots 214 & 225, which may have a fence on the lot frontage for part of its frontage length in accordance with the Golden Grove Stages 9A-9B Fencing Guidelines as amended from time to time.

## Memorandum of common provisions

### Section 91A Transfer of Land Act 1958

13. That no fence erected on a lot shall exceed the height of two (2) metres.
14. That no water tank installed on a lot shall be other than of new materials and consisting of Colorbond steel or painted concrete water tank and in accordance with the Bushfire Management Plan.
15. That no shipping containers or relocatable buildings shall be allowed to be kept or stored at the lot.
16. That no tent, caravan, camper trailer or other form of portable accommodation be kept or stored at the lot, unless the said tent, caravan, camper trailer or other form of portable accommodation is not visible from the street boundary of the lot.
17. That no shed or other outbuilding constructed on the lot or any tent, caravan, camper trailer or other form of portable accommodation kept or stored at the lot be used for residential or business purposes, except for any permitted home office approved by the relevant authority.
18. That no lot shall be further subdivided or have more than one (1) dwelling constructed on the lot save and except for a "granny flat" or small dwelling in accordance with the City of Bendigo planning scheme excepting for lots 211, 218 & 236 which may have a multi-dwelling, single building to the satisfaction of the developer.
19. That no dwelling shall be constructed on any lot unless the dwelling is connected to Coliban Water's recycled water system for the purposes of toilet flushing and all fixed and mobile gardening watering devices and otherwise comply with Conditions of connections for dual pipe areas within Coliban Water.

It is agreed that the foregoing covenants shall:

- (a) be noted on and appear on every further Certificate of Title for the lots as an encumbrance affecting the lots; and
- (b) expire on **31 December 2036**.

**ANNEXURE A – BUSHFIRE MANAGEMENT PLAN**

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**Section 91A Transfer of Land Act 1958**