

# 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.

### 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,.
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.

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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

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**THE BACK OF THIS FORM MUST NOT BE USED**

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3. That no dwelling shall be constructed on any lot, excepting lots 243-244 and 265-266, 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 lots 243-244 and 265-266, 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 100 square metres.
5. 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.
6. 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,.
7. That no dwelling shall be constructed on a lot unless the airconditioning units and exposed componentry are located below the roof line and mounted on the rear aspect of the dwelling.
8. 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.
9. 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.
10. 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 140, 203, 204, 208 and 209, which may have a shed of up to 54 square metres.
11. That no fence shall be erected on a lot unless it complies with the Golden Grove Stages 7B-8 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.
12. 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.
13. 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 239, 240, 241 and 242 which may have a fence on the Bushland Way and Mulla Mulla Way frontage and except for Lot 140 which may have a fence on the Bushland Way

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frontage for part of its frontage length in accordance with the Golden Grove Stages 7B-8 Fencing Guidelines as amended from time to time.

14. That no fence erected on a lot shall exceed the height of two (2) metres.
15. 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.
16. That no shipping containers or relocatable buildings shall be allowed to be kept or stored at the lot.
17. 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.
18. 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.
19. 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.
20. 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.

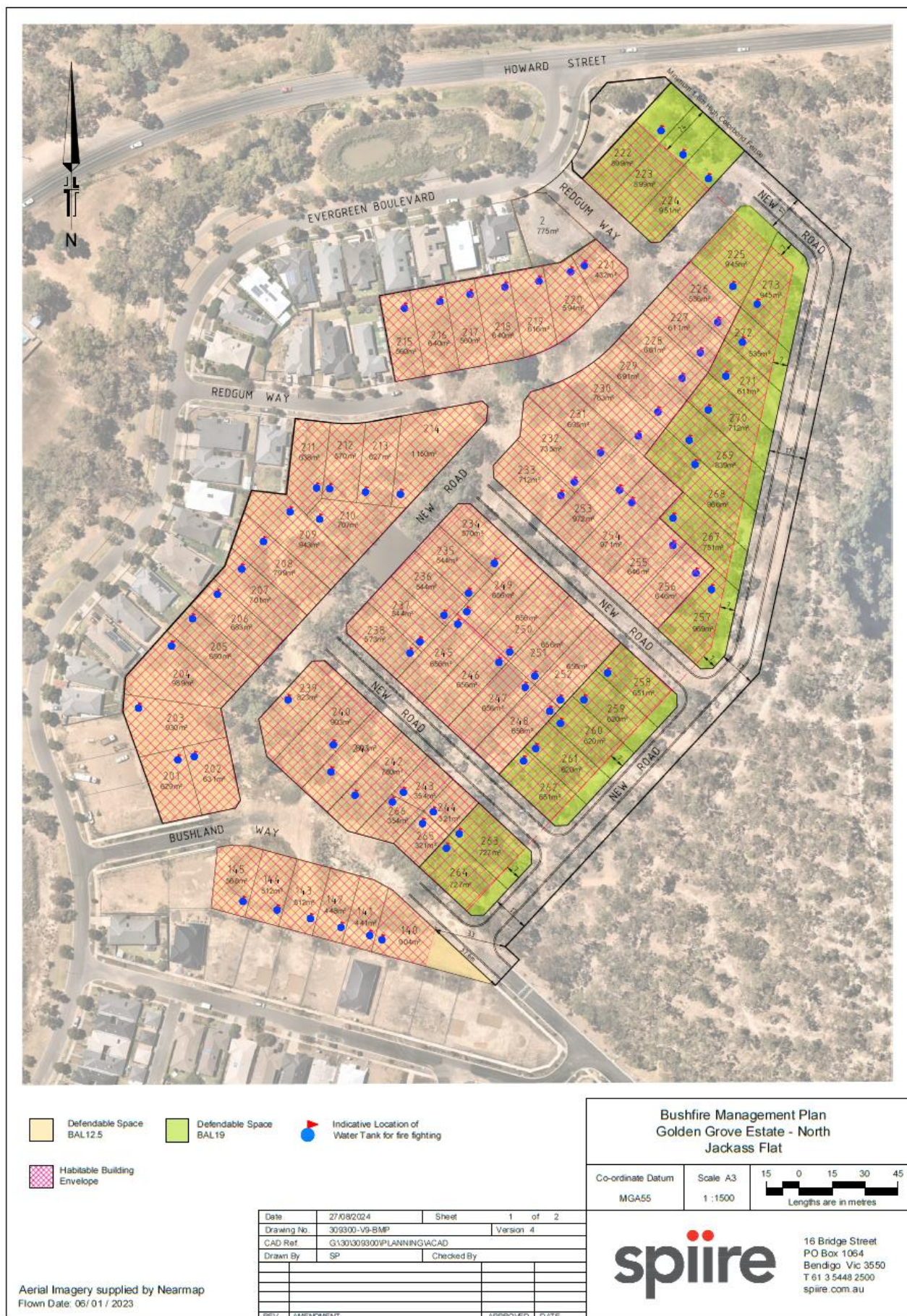
It is agreed that the foregoing covenants shall:

- (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 2034**.

**ANNEXURE A – BUSHFIRE MANAGEMENT PLAN**

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### GENERAL

1. All dimensions shown are in metres.
2. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### DEFENDABLE SPACE

3. Defensible space is to be provided for a distance of 33 metres within and around the building envelopes (or to the property boundary, whichever is the lesser distance) for Lots 140-145, 201-221, 226-256 and 265-266.
- And
4. Defensible space is to be provided for a distance of 24 metres within and around the building envelopes (or to the property boundary, whichever is the lesser distance) for Lots 222-225, 257-264 and 267-273.
5. Vegetation (and other flammable materials) for all Lots will be modified and managed in accordance with the following requirements:
  - Grass must be short cropped and maintained during the declared fire danger period.
  - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
  - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
  - Plants greater than 10 centimetres in height must not be placed within 3m of a window or other glass feature of the building.
  - Shrubs must not be located under the canopy of trees.
  - Individual and clumps of shrubs must not exceed 5sq metres in area and must be separated by at least 5 metres.
  - Trees must not overhang or touch any elements of the building.
  - The canopy of trees must be separated by at least 5 metres.
  - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

### CONSTRUCTION STANDARDS

6. Dwellings within Lots 140-145, 201-221, 226-256 and 265-266 must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL12.5).
7. Dwellings within Lots 222-225, 257-264, and 267-273 must be constructed to a minimum Bushfire Attack Level of 19 (BAL19).

### WATER SUPPLY

8. 2,500 litres of effective water supply for fire fighting purposes must be provided within Lots 141-142, 243, 244, 265 & 266 which meets the following requirements:
  - Stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
  - Include a separate outlet for occupant use (the water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies).
9. 5,000 litres of effective water supply for fire fighting purposes must be provided within Lots 140, 143-145, 215-242, 245-264, 267-273 which meets the following requirements:
  - Stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
  - Include a separate outlet for occupant use (the water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies).
10. 10,000 litres of effective water supply for fire fighting purposes must be provided within Lot 214 which meets the following requirements:
  - Stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
  - Include a separate outlet for occupant use (the water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies).
  - Be located within 60 metres of the outer edge of the approved building.
  - The outlet(s) of the water tank must be within 4 metres of the accessway and unobstructed.
  - Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
  - Incorporate a separate ball or gate valve (British Standard Pipe - BSP65mm) and coupling (64mm CFA 3 thread per inch male fitting).
  - Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling).

### ACCESS

11. Access for fire fighting purposes must be provided within Lot 214 which meets the following requirements:
  - Access must have a load limit of at least 15 tonnes.
  - Curves must have a minimum inner radius of 10m.
  - The average grade must be no more than 1 in 7 (14.4 percent) (8.1 degrees) with a maximum of no more than 1 in (20 percent) (11.3 degrees) for no more than 50m.
  - Have a minimum trafficable width of 3.5m of all-weather construction.
  - Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
  - Dips must have no more than a 1 in 8 (12.5 percent) (7.1 degrees) entry and exit angle.

### Bushfire Management Plan Golden Grove Estate - North Jackass Flat

Co-ordinate Datum

MGA55

Scale A3

1 : 1500

15 0 15 30 45

Lengths are in metres

Date	27/08/2024	Sheet	2	of	2
Drawing No	309300-V9-BMP	Version	4		
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Drawn By	SP	Checked By			
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