

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. 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, except with the consent of the transferor.
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 a 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, except with the consent of the transferor.
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, except with the consent of the transferor.
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, except with the consent of the transferor.
6. 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, 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.

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THE BACK OF THIS FORM MUST NOT BE USED

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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. In relation to Lots 45 and 46 only, 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 but excluding any porches, porticos and verandas.
9. In relation to Lots 47 to 65 inclusive and Lot 68, that no dwelling shall be constructed on a lot unless it is constructed within the building envelope shown on the Building Envelope Plan contained at **Annexure B**, which forms part of this Memorandum of Common Provisions.
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 54 square metres, except with the consent of the transferor.
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, except with the consent of the transferor.
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 with the consent of the transferor.
13. That no fence erected on a lot shall exceed the height of two (2) metres.
14. That no fence shall be erected on a lot unless it complies with the Fencing Guidelines contained at **Annexure C**, which form part of this Memorandum of Common Provisions, except with the consent of the transferor.
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, except with the consent of the transferor.
16. That no shipping containers or relocatable buildings shall be allowed to be kept or stored at the lot, except with the consent of the transferor.
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.

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19. That no lot shall be further subdivided or have more than one (1) dwelling constructed on the lot.
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.

The following covenants affect Lots 47 to 57 inclusive only:

21. Lots 47 to 57 inclusive with the front boundary abutting the Lancaster Drive public reserve are 'rear loaded lots'.
22. Vehicle access through the Lancaster Drive public reserve is not permitted.
23. Dwellings on lots 47 to 57 must be designed to address the reserve, with pedestrian access (the entry) facing this frontage. Garages must be located at the rear of these lots to allow vehicle access from the rear laneway (Reef Lane).
24. The dwelling must be setback from the Lancaster Drive public reserve frontage by a minimum of 2.0m and a maximum of 4.0m. Porches, porticos and verandas less than 3.6m in height may encroach up to 1.0m into the minimum front setback.
25. A garage or carport can be detached from the dwelling and must be setback from the rear boundary by a minimum of 0.0m and a maximum of 1.0m. On a corner allotment the garage must be located at the furthest point practicable from the intersection of the streets. The design, colour and materials used for the garage must be in keeping with the dwelling.
26. Fencing along the rear lane boundary must be constructed of Colorbond in the colour of "Woodland Grey" face brick or rendered masonry not more than 2m in height. For pedestrian access, a gate should be accommodated within the rear boundary.
27. Fencing along the boundary with the Lancaster Drive public reserve must not exceed 1.2m in height and must be a minimum of approximately 30% visually permeable. Colorbond along this boundary is not permitted.

The following covenants affect Lots 62 to 65 inclusive only:

28. That dwellings on Lot 62 to 65 inclusive must be designed and constructed to address Eucalyptus Street.
29. That if Reef Lane is to be used for rear access any garage or carport can be detached from the dwelling and must be setback from the rear boundary by a minimum of 0.0m and a maximum of 1.0m. On a corner allotment the garage must be located at the furthest point practicable from the

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intersection of the streets. The design and materials used for the garage must be in keeping with the dwelling.

30. Fencing along the rear lane boundary must be constructed of Colorbond in the colour of "Woodland Grey", face brick or rendered masonry not more than 2m in height. For pedestrian access, a gate should be accommodated within the rear boundary.

The following covenants affect Lot 68 only:

31. The dwelling on Lot 68 must be designed and constructed to address Oakwood Avenue.
32. Vehicle access through the Oakwood Avenue public reserve is not permitted.
33. The dwelling on this lot must be designed to address the reserve, with pedestrian access (the entry) facing this frontage. Garages must be located at the side of this lot to allow vehicle access from the laneway (Reef Lane).
34. The dwelling must be setback from the Oakwood Avenue public reserve frontage by a minimum of 2.0m and a maximum of 4.0m. Porches, porticos and verandas less than 3.6m in height may encroach up to 1.0m into the minimum front setback.
35. A garage or carport can be detached from the dwelling and must be setback from the side boundary (Reef Lane) by a minimum of 0.0m and a maximum of 1.0m. The garage must be located at the furthest point practicable from the intersection of the streets. The design, colour and materials used for the garage must be in keeping with the dwelling.
36. Fencing along the lane boundary must be constructed of colorbond in the colour of "Woodland Grey" face brick or rendered masonry not more than 2m in height. For pedestrian access, a gate should be accommodated within the side boundary.

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 2029**.

ANNEXURE A – BUSHFIRE MANAGEMENT PLAN



Date		14/12/2017	Sheet	1	of	3
Drawing No.		30359-VI-BMP	Version 1			
CAD Ref.		G:\303039\9\PLANNING\ACAD	Created By CC			
Drawn By		SP	Checked By CC			
REV.		AMENDMENT	APPROVED DATE			
Co-ordinate Datum		MGA55	Scale A3			
		1:2000	Lengths are in metres			

Bushfire Management Plan
Golden Grove Estate
Lancaster Drive, Jackass Flat

spire
18 Bridge Street
PO Box 1064
Bendigo Vic 3550
T 61 3 5448 2500
spire.com.au

Aerial imagery supplied by Viewmap
From Date: 05/10/2017

ANNEXURE B – BUILDING ENVELOPE PLAN



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ANNEXURE C – FENCING GUIDELINES

1. That no dividing fence shall be erected on the lot other than of new materials consisting of double sided Colorbond steel panels of the colour “Woodland Grey” or equivalent colour SAVE AND EXCEPT for any builders' temporary site safety fencing or temporary fencing for any permitted display home for which temporary fencing must be powder coated aluminium or steel balustrading;
2. That no side dividing fence shall be erected within 4.0 metres of the front boundary SAVE AND EXCEPT for a side dividing fence which forms part of the rear boundary of an adjoining lot and SAVE AND EXCEPT for builders' temporary site safety fencing or a temporary dividing fence for any permitted display home;
3. That no fence shall be erected on the front boundary of any lots SAVE AND EXCEPT for builders' temporary site safety fencing or any temporary fencing for any permitted display home or builders' temporary site safety fencing; and
4. That no fence erected on the lot shall have a height exceeding two metres.