

# Memorandum of common provisions

## Section 91A Transfer of Land Act 1958

### Privacy Collection Statement

The information in this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

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.
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.

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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 8

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

Land Use Victoria contact details: see [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

# Memorandum of common provisions

## Section 91A Transfer of Land Act 1958

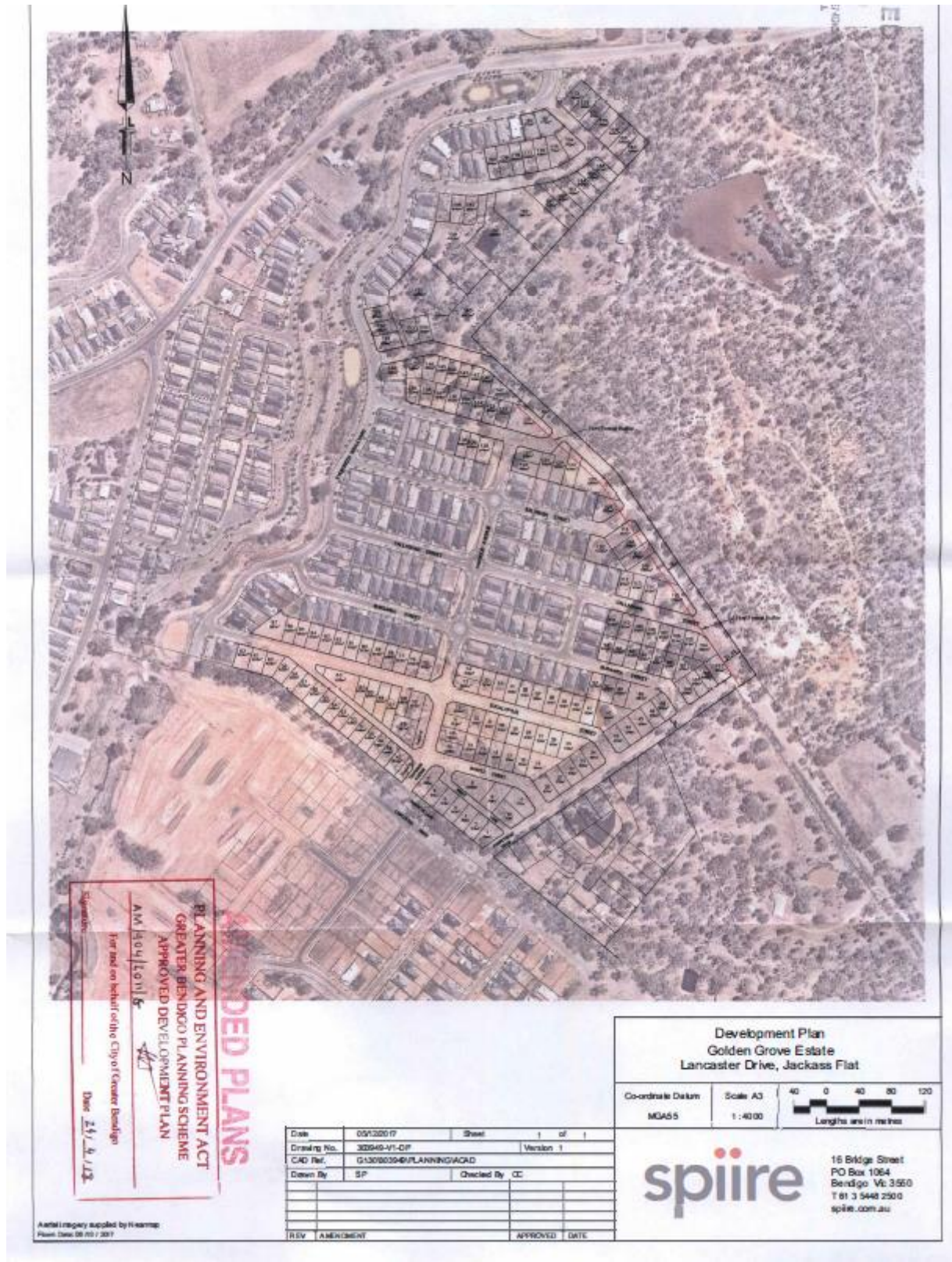
8. That no dwelling shall be constructed on a lot unless it is constructed fully within the building envelope shown on the Bushfire Management Plan for the lot.
9. That no shed or other outbuilding constructed on the lot shall be other than of new materials and not partly or wholly of reflective material of any type, including galvanised iron cladding, aluminium cladding or zincalume cladding and shall not be larger than 54 square metres, except with the consent of the transferor.
10. 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.
11. 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.
12. That no fence erected on a lot shall exceed the height of two (2) metres.
13. That no fence shall be erected on a lot unless it complies with the Fencing Guidelines contained at **Annexure B**, which form part of this Memorandum of Common Provisions, except with the consent of the transferor.
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, except with the consent of the transferor.
15. 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.
16. That no tent, caravan, camper trailer or other form of portable accommodation be kept of 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 of 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.
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.

**Memorandum of common provisions**  
**Section 91A Transfer of Land Act 1958**

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 2031**.

**ANNEXURE A – BUSHFIRE MANAGEMENT PLAN**



# Memorandum of common provisions

## Section 91A Transfer of Land Act 1958

**GENERAL**

- All dimensions shown are in metres.

**DEFENDABLE SPACE**

- 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 50q 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.

**BUILDING CONSTRUCTION**

- Buildings will be designed and constructed to the minimum Bushfire Attack Level designated for the site in accordance with AS3908-2009.

**WATER SUPPLY**

- Each dwelling must have 5,000 litres of effective water supply that is maintained and used solely for fire fighting purposes which will meet 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 corrosion 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).

**ACCESS**

- For driveways that are less than 30 metres in length (measured from the public road to either the building or the water supply outlet, whichever is longer) there are no design and construction requirements.

PLANNING AND ENVIRONMENT ACT  
GREATER BENDIGO PLANNING SCHEME  
PLANS REFERRED TO IN PLANNING PERMIT

No. **PA 1904/2016** *CKA*

For and on behalf of the City of Greater Bendigo  
Date: **22.11.16**

**DEFENDABLE SPACE**

**BALD3**

**BAL79**

**BAL29**

**BUILDING ENVELOPE**

**Bushfire Management Plan**  
Golden Grove Estate  
Lancaster Drive, Jackass Flat

Co-ordinate Datum: **MGA55**

Scale: **A3**

1:2000

Lengths are in metres

Date: **14/12/17** Sheet: **1** of **3**

Drawing No: **3000-01-01-01** Version: **1**

Drawn By: **SP** Checked By: **CC**

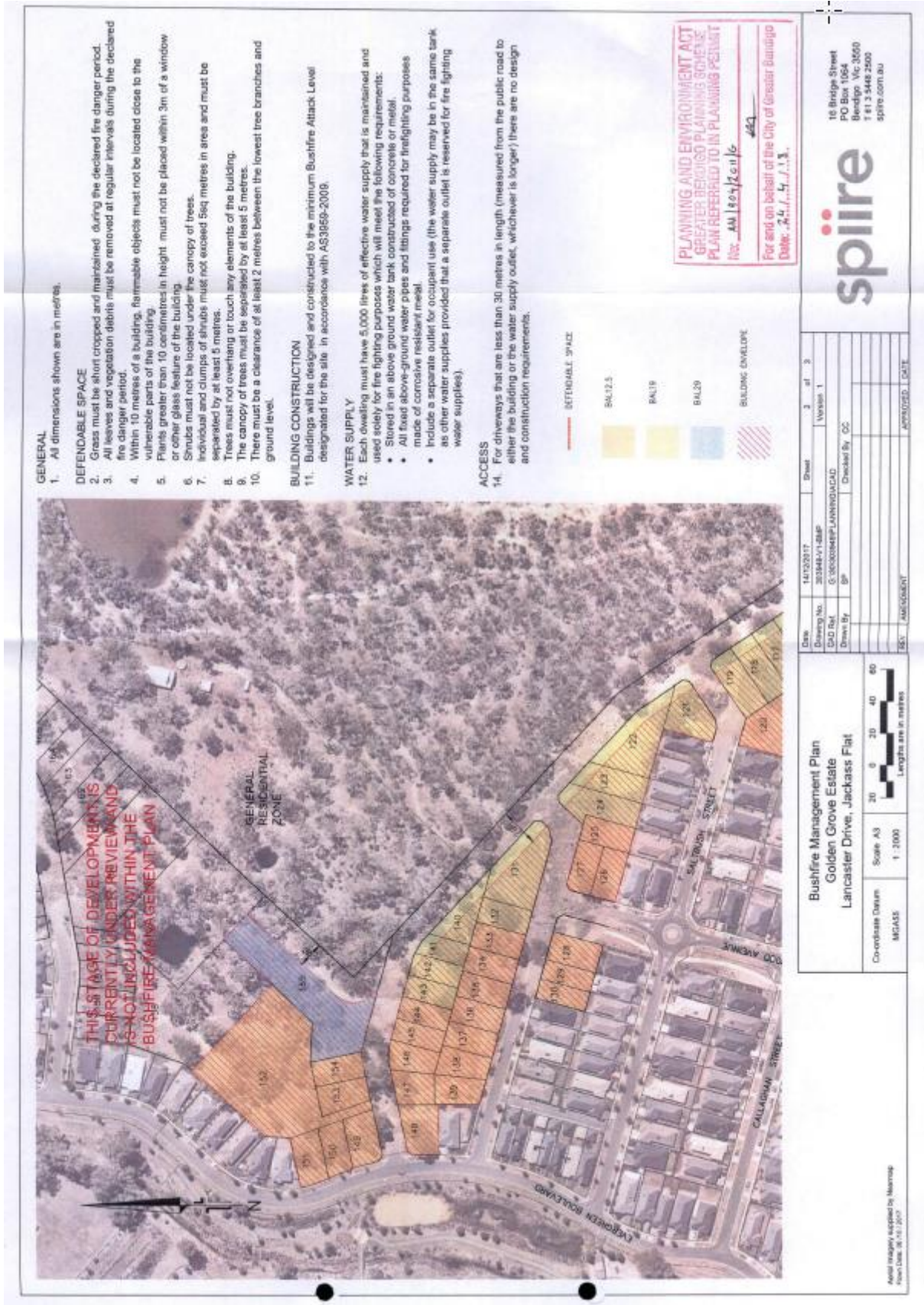
Approved By: **SP** Multiplier: **1**

APPROVED DATE

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PO Box 1064  
Bendigo, Vic 3550  
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**Memorandum of common provisions**  
**Section 91A Transfer of Land Act 1958**



- GENERAL**
- All dimensions shown are in metres.
- DEFENDABLE SPACE**
- 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 the 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 9sq 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.
- BUILDING CONSTRUCTION**
- Buildings will be designed and constructed to the minimum Bushfire Attack Level designated for the site in accordance with AS3889-2009.
- WATER SUPPLY**
- Each dwelling must have 5,000 litres of effective water supply that is maintained and used solely for fire fighting purposes which will meet 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 corrosion 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).
- ACCESS**
- For driveways that are less than 30 metres in length (measured from the public road to either the building or the water supply outlet, whichever is longer) there are no design and construction requirements.

**PLANNING AND ENVIRONMENT ACT**  
**GREATER BENDIGO PLANNING SCHEME**  
**PLAN REFERRED TO IN PLANNING PERMIT**  
 No: AM 1804/KSL/C  
 For and on behalf of the City of Greater Bendigo  
 Date: 24/04/2017

**spire**

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 PO Box 1024  
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Date	14/12/2017	Sheet	3	of	3
Drawing No.	201944-V-040	Version	1		
DWG DIM	0:100000000P-LANNING/UCD	Checked By	CC		
Drawn By	BP	Author			
EST	AM/SC/STY	APPROVED	DATE		

**Bushfire Management Plan**  
 Golden Grove Estate  
 Lancaster Drive, Jackass Flat

Coordinate Datum: MGA85  
 Scale: A3  
 1:2000  
 Lengths are in metres

**ANNEXURE B – 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.

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