

# Memorandum of common provisions

## Restrictive covenants in a plan

### Section 91A Transfer of Land Act 1958

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|----------------|----------------------------------|
| Lodged by      |                                  |
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| Customer code: | 16984L                           |

This memorandum contains provisions which are intended for inclusion in plans under the Subdivision Act 1988 to be subsequently lodged for registration.

**Operative words including words to bind the burdened land and words of annexation must not be included.**

Provisions to apply to the plan:

**Burdened land:** As set out in PS923393F/S4

**Benefited land:** As set out in PS923393F/S4

**Expiry:** As set out in PS923393F/S4

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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 plans.

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**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

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### Covenants:

### 1. DEFINITIONS

- 1.1 A reference to **Society 1056 Design Guidelines** in this MCP means the design guidelines maintained and amended from time to time by the transferor, a copy of which can be obtained from the Urbtech Management Design Review Panel by request to email [mike@urbtech.com.au](mailto:mike@urbtech.com.au) or by post to Urbtech Pty Ltd, PO Box 394, Donvale Victoria 3111.
- 1.2 A reference to **Developer** means 1056 TR Development Pty Ltd ACN 653 758 215.
- 1.3 A reference to **Envelope Diagram** means the building envelope diagram contained in the clause 2.3 of this Memorandum of Common Provisions.

### 2. COVENANTS:

#### 2.1 Restrictive Covenants

- 2.1.1 The transferee of the Burdened Land, without the prior written consent of the transferor, shall not:
  - 2.1.1.1 construct more than one dwelling on the Burdened Land;
  - 2.1.1.2 build a dwelling on the Burdened Land unless copies of building plans, elevations, site plans, landscaping plans and a schedule of colours and materials (**Construction Plans**), have been submitted to the transferor or its delegated agent and the Developer or its delegated agent has given its written approval to the Construction Plans prior to the commencement of any building works;
  - 2.1.1.3 subdivide the Burdened Land;
  - 2.1.1.4 carry out on the Burdened Land any site-works, excavation, filling or construct any fencing or retaining walls or to remove, interfere with or compromise or do anything on the Burdened Land that may tend to interfere with or compromise:
    - 2.1.1.4.1 any batter or retaining wall on the Burdened Land; or
    - 2.1.1.4.2 any batter or retaining wall on the adjoining or neighbouring land;
  - 2.1.1.5 erect or allow to be erected any improvements on or in the Burdened Land other than those improvements permitted pursuant to the terms of the Society 1056 Design Guidelines;

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- 2.1.1.6 stockpile or store in large quantities on the Burdened Land:
  - 2.1.1.6.1 waste or refuse; and
  - 2.1.1.6.2 untidily kept materials and objects;
- 2.1.1.7 interfere with or otherwise obstruct the prompt commencement and completion of any works on the Burdened Land that have been approved by the transferor;
- 2.1.1.8 vary any building, works or landscaping that have been approved by the transferor;
- 2.1.1.9 construct a "for sale" sign on the land prior to the completion of the dwelling upon the Land;
- 2.1.1.10 remove or in any way alter any fence that has been constructed in compliance with these covenants or the Society 1056 Design Guidelines on the Burdened Land or in any way interfere with or attempt to change or modify the colour of such fence; and
- 2.1.1.11 the restrictions described under covenant 2.1.1 shall expire 10 years from the date of registration of the plan by the registrar of titles.

### 2.2 Building Envelopes

The registered proprietor or proprietors for the time being of any Burdened Land must not construct or allow to be constructed or remain on the Burdened Land any building or garage outside the building envelope shown hatched in the Envelope Diagram (excluding allowable projecting building elements that project outside the building envelope as contained in Part 5 Regulation 74(3), 79(3) & 79(4) of the Building Regulations 2018).

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### 2.3 Diagrams and plan

#### LEGEND



Building Envelope

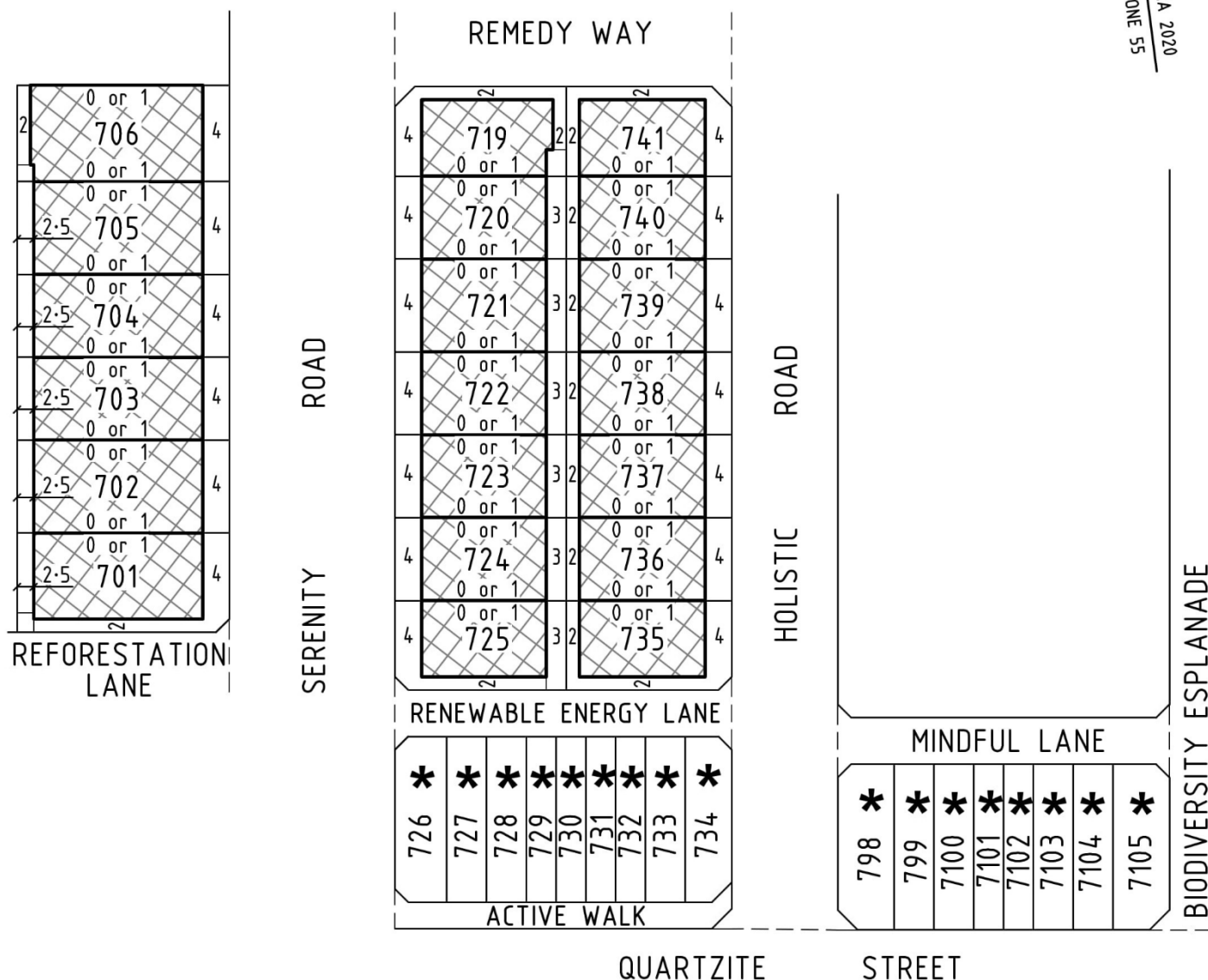


Subject to the provisions of the small lot housing code

#### BUILDING ENVELOPE DIAGRAM

1. The Building envelopes on this plan are shown enclosed by continuous thick lines.
2. Where more than one Side Boundary Profile has been assigned to a Side Boundary, only one Side Boundary Profile is to apply to the lot having regard to the clauses in the notice of restriction affecting the lot.

REF : 309675-007 REVISION : 8



## Section 91A Transfer of Land Act 1958

## LEGEND



## Building Envelope

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Subject to the provisions of the  
small lot housing code

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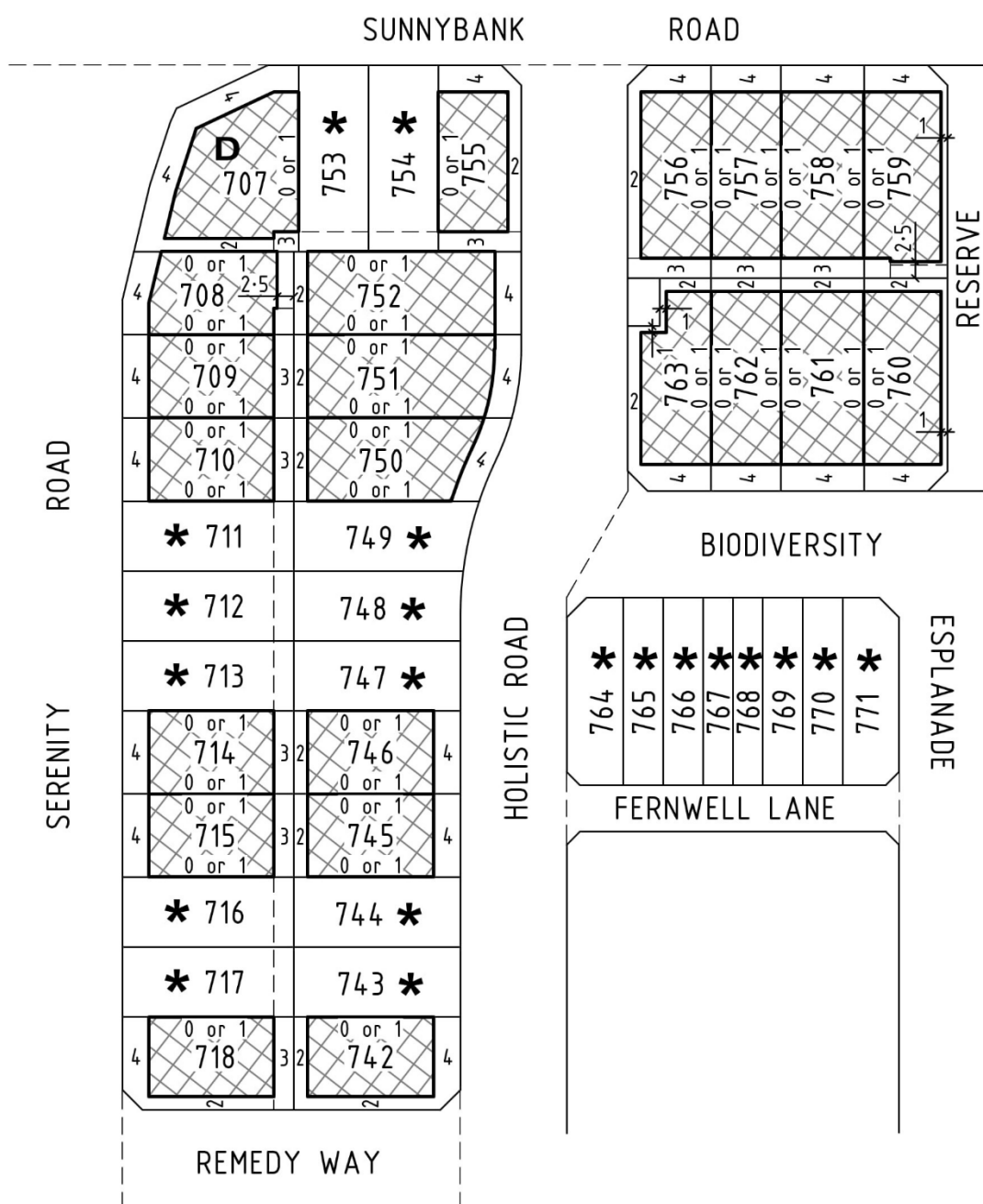
Two storey dwelling is mandatory

## BUILDING ENVELOPE DIAGRAM

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2. Where more than one Side Boundary Profile has been assigned to a Side Boundary, only one Side Boundary Profile is to apply to the lot having regard to the clauses in the notice of restriction affecting the lot.

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