




## SUBDIVISION ACT 1988 CREATION OF RESTRICTION

Upon registration of this plan, the following restriction is to be created.
Land to benefit: Lots 2001 to 2018 (both inclusive) and 2023 to 2040 (both inclusive).
Land to be burdened: Lots 2001 to 2018 (both inclusive) and 2023 to 2040 (both inclusive).
For the purpose of description:
(i) Primary frontage means
(A) In the case of a lot where only one boundary of that lot abuts a road, the boundary that abuts the road.
(B) In the case of a corner lot where two boundaries of a lot abut a road, the boundary with the greater offset on the building envelopes within the Delaray Building Design Guidelines.

## Description of Restriction:

The registered proprietor or proprietors for the time being of a lot on this plan of subdivision his/her heirs, executors, administrators and transferees shall not at any time on the said lot or any part or parts thereof;
(i) Build or cause to be built or allow to be built or allow to remain more than one private dwelling (which expression shall include a house, apartment, unit or flat);
(ii) Build or cause to be built or allow to be built or allow to remain a dwelling or any other improvements, or carry out cause to be carried out or allow to be carried out any building or construction works on the lot prior to 1 January 2025 unless:
(A) copies of building plans, elevations, roof plan, site plan (incorporating setback from all boundaries, building envelope, existing contour, proposed finished floor levels and site levels, all proposed driveways and paths, details of fences and outbuildings and landscaping) and schedule of external colours and materials ("plans") have been submitted to the Design Assessment Panel care of Stephan P Kosa \& Associates Pty Ltd 27 Church Street, Hawthorn. Vic 3122 (email dap@kosaarchitects.com.au) or such other entity as may be nominated by the Design Assessment Panel from time to time;
(B) the plans comply with the Delaray Building Design Guidelines, a copy of which can be obtained from website at www.delaray.com.au/guidelines.htm
(C) the Design Assessment Panel or such other entity as may be nominated by the Design Assessment Panel from time to time has given its written approval to the plans as being in accordance with the "Delaray Building Design Guidelines" prior to the commencement of works;
(iii) Build or cause to be built or allow to be built or allow to remain a dwelling with a floor area of less than:
(A) 150 square metres in the case of a lot having an area of 500 square metres or greater; or
(B) 110 square metres in the case of a lot having an area of less than 500 square metres, excluding terrace allotments.
(C) 85 square metres in the case of terrace allotments as defined in the Design Guidelines. For the purpose of calculating the floor area of a dwelling-house the area of the garages, terraces, pergolas or verandahs shall be excluded.
(iv) Build or cause to be built or allow to be built or allow to remain any fencing:
(A) Along a front street boundary; and
(B) Between the front street boundary and the building line; and
(C) Upon a side or rear boundary of a lot except a fence:
(a) Which is constructed of timber palings with exposed posts capped across the top of the palings; and
(b) Which does not exceed 1.8 metres in height excluding a screen erected to meet the requirements of Part 5 of the Building Regulations 2018 in relation to overlooking.
(v) In the case of lots less than 250 square metres any dwelling unless in accordance with the Small Lot Housing Code or unless a specific planning permit for the said dwelling has been obtained from Casey City Council.
(vi) Use the said lot in any way that is not in accordance with the "Delaray Building Design Guidelines."

| SCALE |  | ORIGINAL <br> SHEETSIZE A3 | SHEET 5 |
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|  |  |  | REF: 8974/20 |
| LICENSED SURVEYOR: SIMON COX |  |  |  |

