

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

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odged by	
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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 Preliminary

The provisions of this MCP are incorporated into the covenants created by the transfer of land.

2 Text of covenants

The registered proprietor of the Burdened Land covenants for themselves, their executors administrators and assigns and as a separate covenant with the registered proprietor or proprietors for the time being of the Benefited Land that without the prior written consent of the transferor they:-

- 2.1 Must not erect on the Burdened Land or cause to be erected or allow to remain erected on the Burdened Land:
- (i) any dwelling house, garage, fence, landscaping or improvement constructed on the Burdened Land not in accordance with the Design Guidelines as amended from time to time, a copy of which can be obtained from the website villawoodproperties.com.au/community/estuary/;
 - (ii) any building that is not contained within the building envelopes shown on the attached plan and defined by the associated setback profiles and written notes contained therein;
 - (iii) any more than one private dwelling house (which expression shall include a display home, a house, apartment, unit or flat);
 - (iv) any dwelling house which has a floor area of:
 - a. less than 160 square metres where the Burdened Land has an area of 500 square metres or greater, or
 - b. less than 130 square metres where the Burdened Land has an area of 400 square metres or greater but less than 500 square metres, or
 - c. less than 100 square metres where the Burdened Land has an area of 300 square metres or greater but less than 400 square metres, or

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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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- d. less than 75 square metres where the Burdened Land has an area less than 300 square metres,

Floor area is calculated including the outer walls but excluding the area of carports, garages, terraces, pergolas or verandas;

- (v) any building or other structure which is constructed wholly or partly of galvanized iron cladding or aluminium cladding;
- (vi) any detached garage, shed or outbuilding having an area in excess of 20 square metres or a height exceeding 3 metres;
- (vii) any fence unless such fence complies with the Design Guidelines as amended from time to time.

2.2 Must not subdivide the burdened land.

2.3 Must not use the burdened land for any trade, industry, or commerce save and except for a display home.

3 Definitions

Benefited Land means all Lots on the Plan other than the Burdened Land.

Burdened Land means the land hereby transferred.

Design Guidelines means Estuary Design Guidelines prepared by the transferor, as amended from time to time.

Fence has the meaning given to it in Part 4 of the Building Regulations.

Lot means a lot on the Plan.

MCP means this memorandum of common provisions.

Plan means the relevant plan of subdivision for a particular Lot which incorporates this MCP.

Transferor means the transferor on the transfer of land which incorporates this MCP.

4 Interpretation

In this MCP, unless the contrary intention appears:

- (a) a reference to a person includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
- (b) a reference to any document is to that document as varied, novated, ratified or replaced from time to time;
- (c) a reference to any statute or to any statutory provision includes any statutory modification or re-enactment of it or any statutory provision substituted for it, and all ordinances, by-laws, regulations, rules and statutory instruments (however described) issued under it;
- (d) words importing the singular include the plural (and vice versa), and words indicating a gender include every other gender;
- (e) where a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning; and
- (f) the word "includes" in any form is not a word of limitation.

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NOTATIONS:

- THE FRONT AND SIDE SETBACKS ARE MEASURED TO THE OUTERMOST WALLS OF THE BUILDING.
- GARAGES MUST BE SETBACK A MINIMUM OF 3.0m FROM THE FRONT STREET BOUNDARY UNLESS OTHERWISE NOTED.
- OVERLOOKING ZONES ARE APPLICABLE TO ALL BUILDINGS.
- THE BUILDING TO BOUNDARY ZONE (BBZ) SHALL BE APPLICABLE TO ONE SIDE BOUNDARY ONLY, ONE SIDE BOUNDARY MUST BE KEPT CLEAR OF BUILDINGS, TERRACE STYLE LOTS ARE EXEMPT FROM THIS REQUIREMENT.
- THE SETBACK TO A SIDE STREET BOUNDARY FOR A CORNER LOT IS 2m UNLESS NOTED OTHERWISE.
- THE SETBACK TO A SIDE STREET BOUNDARY FOR A CORNER LOT IS 2m UNLESS NOTED OTHERWISE.
- EGRESS TO A SIDE STREET BOUNDARY FOR A CORNER LOT IS 2m UNLESS NOTED OTHERWISE.
- HEIGHTS OF UP TO 3.0m FOR A TWO-STORY HOME AND HEIGHTS OF UP TO 1.5m AT HEIGHTS OF UP TO 4.5m FOR A SINGLE STOREY HOME AND WHERE THE MINIMUM FRONT SETBACK IS LESS THAN 3.0m PORCHES, VERANDAS, AND ARCHITECTURAL FEATURES CAN ENROACH INTO THE FRONT SETBACK BY UP TO 1.0m AT HEIGHTS OF UP TO 1.5m FOR A SINGLE STOREY HOME AND HEIGHTS OF UP TO 3.0m FOR A TWO-STORY HOME.

LEGEND

SINGLE STOREY BUILDING ENVELOPE HATCH TYPE

SINGLE STOREY BUILDING ENVELOPE (HEIGHT NOT EXCEEDING 3.0m)

BUILDING BOUNDARY ZONE (BBZ)

DOUBLE STOREY BUILDING ENVELOPE HATCH TYPE

OVERLOOKING ZONE - Habitable room windows or raised open spaces are a source of overlooking

NON-OVERLOOKING ZONE - Habitable room windows or raised open spaces are not a source of overlooking

PROFILE DIAGRAM

A

STANDARD ALLOTMENT - SIDE BOUNDARY

B

STANDARD ALLOTMENT - SIDE BOUNDARY

THIS BUILDING ENVELOPE PLAN IS TO BE READ IN CONJUNCTION WITH THE ASSOCIATED BUILDING ENVELOPE PROFILES AND DESIGN GUIDELINES.

THE REGISTERED PROPRIETOR OR PROPRIETORS OF THE LOT ARE REQUIRED TO BUILD IN ACCORDANCE WITH THE APPROVED BUILDING ENVELOPE PLAN AND IN THE "PROFILE DIAGRAMS" IN THIS DOCUMENT.

DETAILED DESIGN OF ROADS, DRIVEWAYS AND FOOTPATHS IS PROVIDED IN THE RELEVANT LANDSCAPE PLANS. ALL DETAILS SUBJECT TO CITY OF GREATER GEELONG COUNCIL APPROVAL.

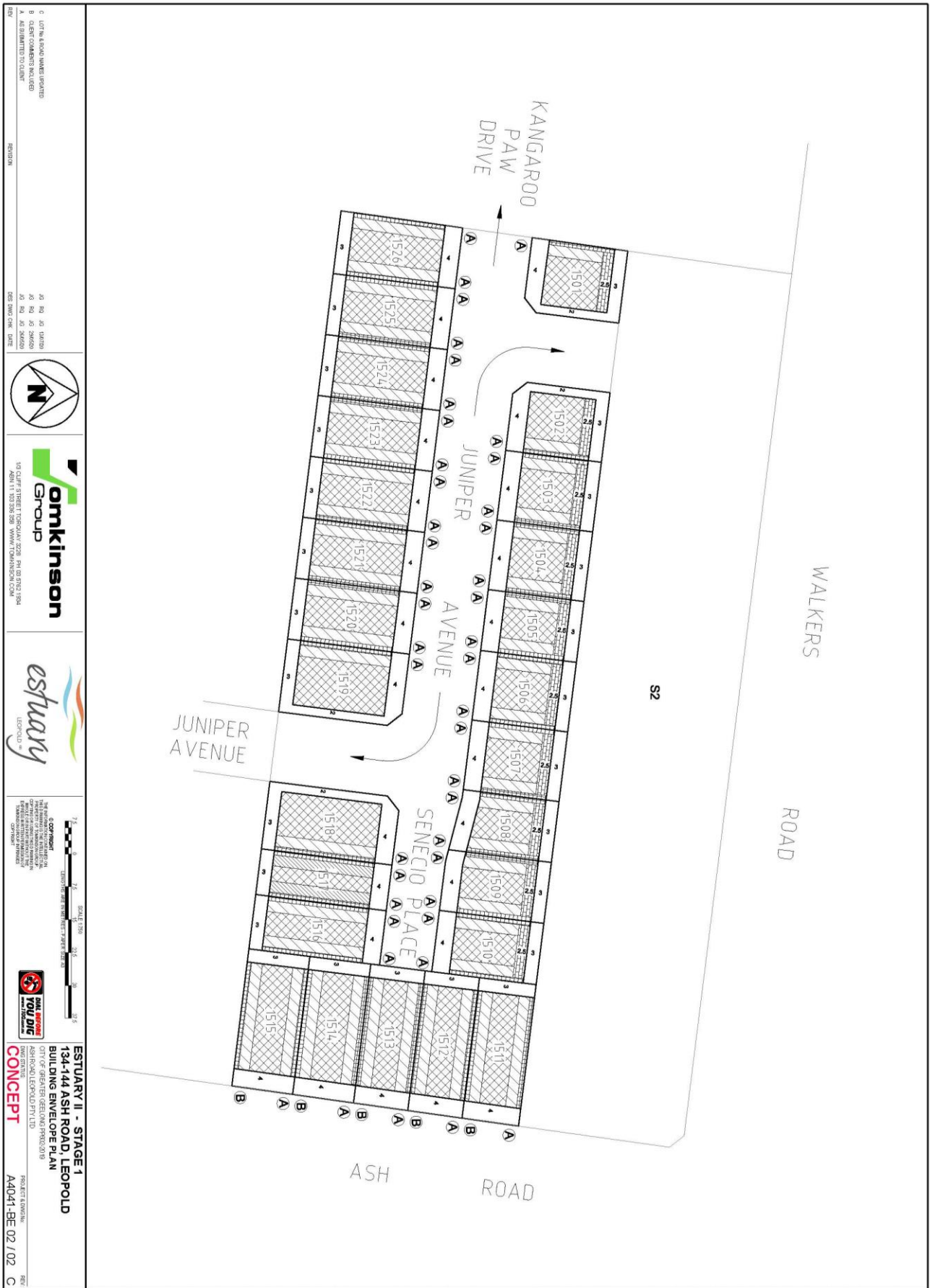
REFER PLAN OF SUBDIVISION PS 899684M

CONCEPT

ESTUARY II - STAGE 1
134-144 ASH ROAD, LEOPOLD
BUILDING ENVELOPE PLAN - LEGEND
13/02/2019
ASB ROAD (LEOPOLD) PT. 1 D

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 PLOT DATE: 13/02/2019 FILE: C:\ZDD\DATA\TOM\630-1235\74041 - ASH ROAD (LEOPOLD) C-VILLAROOD BENEVO, LEOPOLD, 9888\ENGINEERING\3\3\1\CURRENT DESIGN\BUILDING ENVELOPE PLAN\4041 BUILDING ENVELOPE PLAN.DWG

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 PLOT DATE: 13/07/2020 FILE: C:\132\DATA\TOM\1300-12050\W4041-ASH ROAD LEOPOLD C-VILLARWOOD BENDIGO LEOPOLD_088\ENGINEERING\KVL\CURRENT DESIGN\BUILDING ENVELOPE PLAN\4041 BUILDING ENVELOPE PLAN.DWG