

**Memorandum of common provisions
Restrictive covenants in a transfer
Section 91A Transfer of Land Act 1958**

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This memorandum contains provisions which are intended for inclusion in transfers of land under the Transfer of Land Act 1958 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 the plan

Benefited Land: As set out in the plan

The benefited land does not include the land being transferred.

Covenants: Definitions (if any):

Estuary Design Guidelines means the 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.

Villawood means Villawood Properties of 47 Queen Street, Bendigo Vic 3550.

35271702A

V3

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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Covenants:

The registered proprietor of the Burdened Land must not without the written consent of Villawood:-

1. Erect on the Burdened Land or cause to be erected or allow to remain erected on the Burdened Land:
 - a. 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.
 - b. Any more than one private dwelling house (which expression shall include a display home, a house, apartment, unit or flat);
 - c. Any dwelling house which has a floor area of:
 - i. Less than 160 square metres where the Burdened Land has an area of 700 square metres or greater; or
 - ii. less than 140 square metres where the Burdened Land has an area of 500 square metres or greater but less than 700 square metres; and
 - iii. less than 120 square metres where the Burdened Land has an area of 400 square metres or greater but less than 500 square metres; andFloor area is calculated including the outer walls but excluding the area of carports, garages, terraces, pergolas or verandahs;
 - d. Any detached garage, shed or outbuilding having an area of:
 - i. more than 20 square metres or a height exceeding 4 metres where the Burdened Land has an area of 500 square metres or less; or
 - ii. more than 40 square metres or a height exceeding 4 metres where the Burdened Land has an area of 500 square metres or greater but less than 750 square metres; or
 - iii. more than 60 square metres or a height exceeding 4 metres where the Burdened Land has an area of 750 square metres or greater but less than 1,000 square metres.
 - e. Any Fence unless such fence complies with the Design Guidelines as amended from time to time.
 - f. 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.

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2. Subdivide the Burdened Land.
3. Use the Burdened Land for any trade, industry, or commerce save and except for a display home.
4. Allow any rubbish including site excavations and building materials to accumulate on the Burdened Land or adjacent land (unless neatly stored in a suitable sized industrial bin or skip) or allow excessive growth of grass or weeds upon it.

Interpretation

In this MCP, unless the contrary intention appears:

1. 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;
2. a reference to any document is to that document as varied, novated, ratified or replaced from time to time;
3. 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;
4. words importing the singular include the plural (and vice versa), and words indicating a gender include every other gender;
5. 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
6. 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 WITH RETIQUES A MINIMUM OF 1.5M FROM THE FRONT STREET BOUNDARY UNLESS OTHERWISE NOTED.
- THE BUILDING TO BOUNDARY ZONE (BZ) SHALL BE APPLICABLE TO ONE SIDE BOUNDARY ONLY, ONE SIDE BOUNDARY MUST BE SET BACK TO A BUILDING TO BOUNDARY ZONE (BZ) WHICH IS NOT LESS THAN 3M.
- WHERE THE MINIMAL FRONT SETBACK IS 3.0M OR MORE, PORCHES, VERANDAH AND ARCHITECTURAL FEATURES CAN BE SET UP TO 1.5M FROM A TWO-STORY HOME.
- WHERE THE MINIMAL FRONT SETBACK IS LESS THAN 3.0M PORCHES, VERANDAH, AND ARCHITECTURAL FEATURES CAN BE SET UP TO 1.5M FROM A TWO-STORY HOME.

LEGEND

SINGLE STORY BUILDING ENVELOPE HATCH TYPE

SINGLE STORY BUILDING ENVELOPE (HEIGHT NOT EXCEEDING 3.0M)

BUILDING BOUNDARY ZONE (BZ)

DOUBLE STORY BUILDING ENVELOPE HATCH TYPE

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

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

(A) STANDARD ALLOTMENT - SIDE BOUNDARY

(B) STANDARD ALLOTMENT - SIDE BOUNDARY

THE BUILDING ENVELOPE PLAN IS TO BE READ IN CONJUNCTION WITH THE ASSOCIATED BUILDING ENVELOPE PROFILES AND DESIGN GUIDELINES. THE REGISTERED INSPECTOR OR PROMOTIONS OF THE LOT ARE REQUIRED TO BUILD IN ACCORDANCE WITH THE APPROVED BUILDING ENVELOPE FROM HEREON AND IN THE PROFILE PROVIDED IN THIS DOCUMENT. THE DETAILED DESIGN OF ROADS, DRIVEWAYS AND FOOTPATHS IS PROVIDED BY THE RELEVANT ENGINEERING PLANS. THE DETAILED DESIGN OF UTILITIES IS PROVIDED BY THE RELEVANT ENGINEERING PLANS. ALL DETAILS SUBJECT TO CITY OF ORANIERE COUNCIL APPROVAL.

HEBET PLAN OF SUBDIVISION PS 89884M

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Expiry: 6 years from registration of the Plan

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