

# Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

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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 the plan.

**Benefited land:** As set out in the plan.

**Covenants: Definitions (if any):**

**Design Guidelines** means the Aspire Design Guidelines as amended from time to time a copy of which can be obtained from the website at [www.aspirefraserrise.com.au](http://www.aspirefraserrise.com.au);

**Responsible Authority** means the Melton City Council.

**Covenants:**

The registered proprietor or proprietors for the time being of a lot on plan of subdivision PS905653H, his, her, their or its heirs, executors, administrators and transferees must not at any time on the said lot or any part or parts thereof:

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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.

91ATLA

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# Memorandum of common provisions

## Section 91A Transfer of Land Act 1958

- (i) Build or cause to be built or allow to be built or allow to remain standing more than one private dwelling-house (which expression shall include a house, apartment, unit or flat) prior to 31 December 2031;
- (ii) Build or cause to be built or allow to be built or allow to remain built a dwelling-house 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 31 December 2031 unless:
  - (A) copies of building plans, elevations, roof plan, site plan (incorporating set-back from all boundaries, building envelope, existing contours, 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, at the address in the Design Guidelines (as amended from time to time); and
  - (B) the plans comply with the Design Guidelines and Building Envelopes that deal with all siting and other matters that would otherwise be regulated by Part 5 of the Building Regulations 2018 (or any superseding regulation), a copy of which can be obtained from the website at [www.aspirefraserrise.com.au](http://www.aspirefraserrise.com.au); and
  - (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 prior to the commencement of works; and
  - (D) any building or construction works are carried out in accordance with the approved plans.
- (iii) Build or cause to be built or allow to be built or allow to remain a dwelling-house with a floor area of less than:
  - (A) 160 square metres in the case of a lot having an area of 500 square metres or greater; or
  - (B) 130 square metres in the case of a lot having an area of 400 square metres or greater but less than 500 square metres; or
  - (C) 100 square metres in the case of a lot having an area of 300 square metres or greater but less than 400 square metres; or
  - (D) 75 square metres in the case of a lot having an area of less than 300 square metres.

For the purposes of calculating the floor area of a dwelling-house the area of the garages, terraces, pergolas or verandahs shall be excluded.

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- (iv) Build or cause to be built or allow to be built or allow to remain any fencing:
  - (A) along a front street boundary; or
  - (B) between the front street boundary and the building line; or
  - (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.

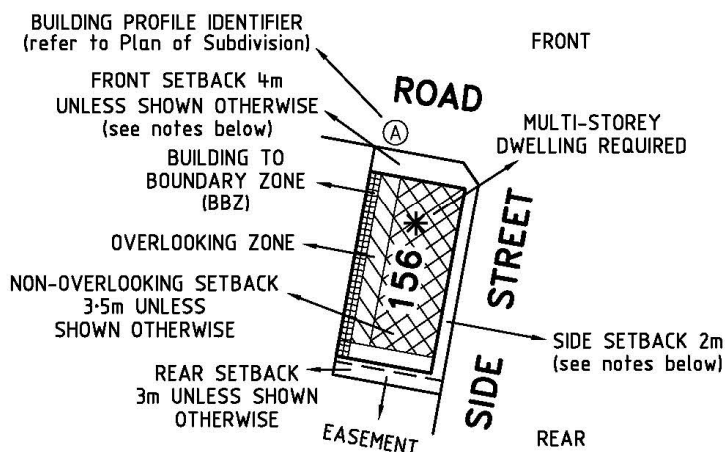
The foregoing restriction shall not apply during any period that the lot is being used as a display home.

- (v) Build or cause to be built or allow to be built or allow to remain standing any buildings constructed on a lot containing a building envelope that does not conform to the relevant building envelope as shown in the attached Building Envelope Schedule, profile diagram and written notes contained therein except the written consent of the Responsible Authority.
- (vi) Subdivide or cause to subdivide or allow to be subdivided the lot prior to 31 December 2031.

**BUILDING ENVELOPE SCHEDULE**  
 See Plan of Subdivision PS905653H

LEGEND

EXAMPLE OF TYPICAL BUILDING ENVELOPE SETBACKS



Notations

- The front and side setbacks are measured to the outermost walls of the buildings.
- Garages must be setback a minimum of 5.0m from the front street boundary unless otherwise noted.
- Walls less than 1.0m from the boundary must be within 200mm of the boundary.
- The 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.
- Where the minimum front setback is 3.0m or more, porches, verandahs and architectural features can encroach into the front setback by up to 1.5m.
- Where the minimum front setback is less than 3.0m, porches, verandahs and architectural features can encroach into the front setback by up to 1.0m.
- Two storey dwellings must be setback a minimum of 5.5m from the rear boundary unless otherwise noted.
- The building regulations apply to construction of dwellings and need to be adhered to in relation to design principles.


Refer "Diagrams and Plans" in this document for further definitions


**Single Storey Building Envelope hatch types**

 Single storey Building Envelope (wall height not exceeding 3.6m)

 Building to Boundary Zone

**Double Storey Building Envelope hatch types**

 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

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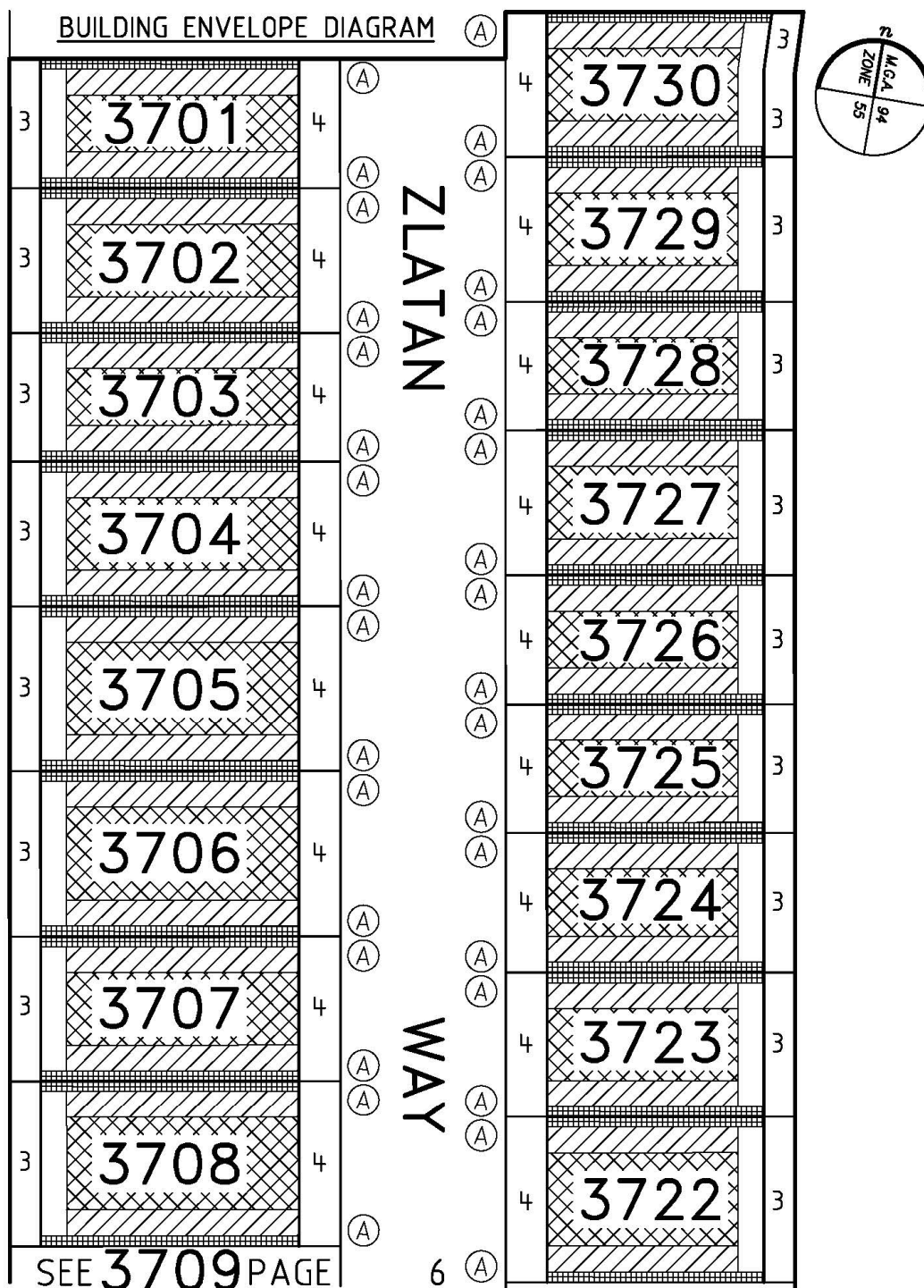
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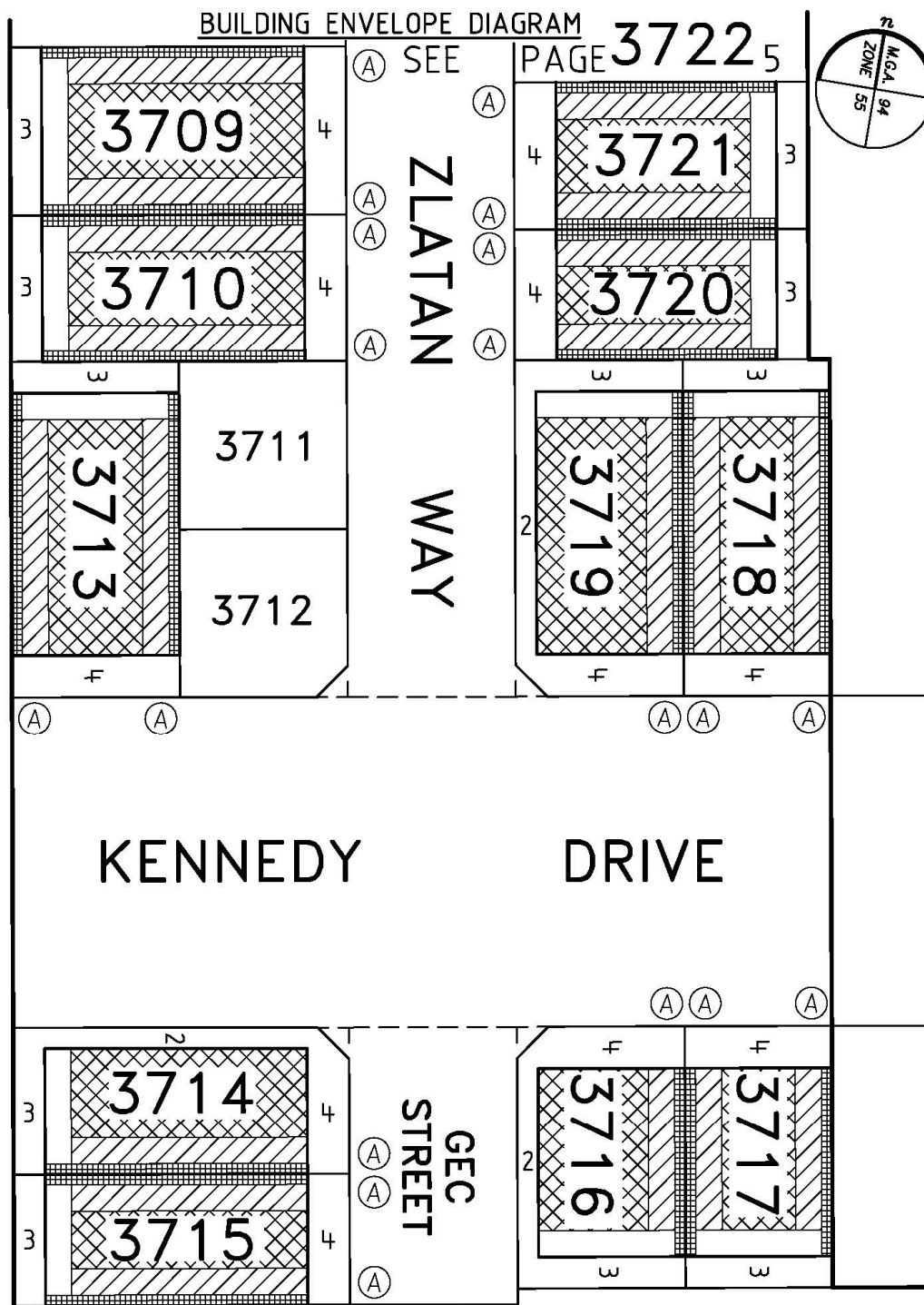
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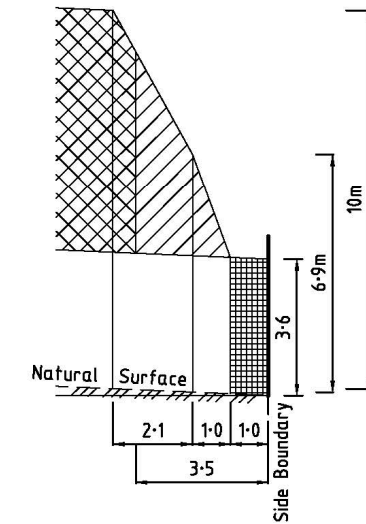
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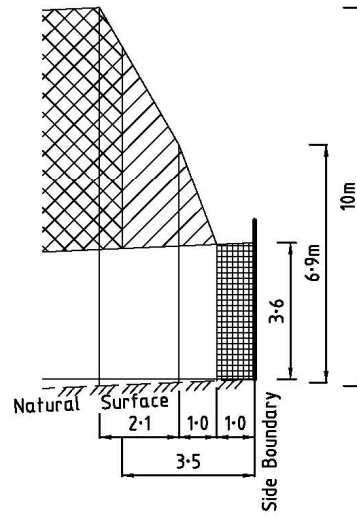
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PROFILE DIAGRAM

(A) Profile



Natural surface rising from side boundary



Natural surface falling from side boundary

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