

AA7985

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

Privacy Collection Statement

The information in this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by:

Name: BECK LEGAL, Solicitors
Phone: 03 5445 3333
Address: 177 View Street Bendigo VIC 3550
Reference: NDI:9551374-127
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 the plan.

Benefited land: As set out in the plan.

Covenants: PRELIMINARIES

- A. Details of the approved building envelopes are contained within this MCP.
- B. This MCP provides the information necessary to interpret the approved building envelopes.
- C. This MCP includes:
 - i Any varied design parameters from the Building Regulations.
 - ii Matters not covered by the Building Regulations.
- D. Any matter not addressed in this MCP will still need to be addressed as required by the Building Regulations 2018.
- E. This MCP is retained by the Registrar of Titles pursuant to section 91 (A) of the Transfer of Land Act.

PROVISIONS

Any building requiring a building permit to be constructed on a lot to which this MCP applies must be sited within the approved building envelope.

This MCP will specify any encroachments allowed outside the approved building envelope.

35402012

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.

91ATLA

Page 1 of 8

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

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

1 TEXT OF RESTRICTIONS

1.1 Minimum street setbacks (refer regulation 74)

- 1.1.1 The following may encroach a maximum of 1.5 metres into the minimum front street setback and 1 metre into the setback on a side street or laneway:
- a Façade treatments, balconies, verandahs, open porches, covered walkways and porticos that are less than 6.6 metres high
 - b Eaves, fascias and gutters

1.2 Side and rear Setbacks (refer regulation 79)

- 1.2.1 Side and rear setbacks for building elements (such as wall and roof coverings) must comply with the requirements specified in the height and setback profiles (refer to page 6). The setback profile identifier codes are noted on the building envelope plans contained herein.
- 1.2.2 If a lot is shown with the profile identifier codes A and B on opposite boundaries, the codes can be interchanged.
- 1.2.3 In addition to the allowable encroachments in the Building Regulations, the following can encroach into the minimum side and rear setback specified by the relevant setback profile identifier code:
- a Outbuildings not exceeding 10 square metres in area and 3 metres in height.

1.3 Walls on Boundaries (refer regulation 80)

- 1.3.1 A dwelling wall on a rear boundary must be setback 1 metre except for a garage which may be constructed on the rear boundary.

1.4 Solar access to existing north-facing habitable room windows (refer regulation 82)

- 1.4.1 Reference to an existing north-facing habitable room window refers to ground floor windows only.
- 1.4.2 Any proposed north-facing habitable room window at ground level in a proposed dwelling on a lot must be clear to the sky and setback more than 3 metres from the north boundary of that lot if it is to be considered, once constructed, as an 'existing' north-facing habitable room window for the purposes of regulation 82.

1.5 Overshadowing of recreational private open space (refer regulation 83)

- 1.5.1 If sunlight to the secluded private open space of an existing dwelling on an adjoining lot is to be reduced by the construction of a dwelling, then at least 25 square metres with a minimum dimension of 3 metres of secluded private open space should receive a minimum of 5 hours of sunlight between 9am and 3pm on 22 September.
- 1.5.2 The 25 square metres minimum area with a minimum dimension of 3 meters can be measured in different locations during the day provided the area is always secluded private open space.

1.6 Overlooking (refer regulation 84)

- 1.6.1 The overlooking control area is identified in the relevant setback identifier profile codes shown on the building envelope plan.

AA7985

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

- 1.7 Lots 300 square metres in area or greater**
 - 1.7.1 **Garages**

A garage on a lot must be set back at least 5 metres from the front boundary of the lot.

- 1.8 Design Approval**
 - 1.8.1 The design of a dwelling must be in accordance with the Riverdale Village Design Guidelines. A copy of the building design guidelines is available by request via email: mike@urbtech.com.au or by post Urbtech PTY LTD PO Box 394 Donvale Victoria 3111.
 - 1.8.2 Copies of building plans, elevation, roof plans, site plans (incorporating setbacks from all boundaries, existing contours, proposed finished floor levels and site levels, all proposed driveways and paths, details of fences and outbuildings and landscaping) and schedules of external colours and materials must be submitted by email to mike@urbtech.com.au or by post: Urbtech PTY LTD PO Box 394 Donvale Victoria 3111 or such other entity as may be nominated by the design assessment panel from time to time.
 - 1.8.3 Prior to the commencement of works, the design assessment panel or such other entity as may be nominated by the design assessment panel from time to time must provide its written approval to the plans.

- 2 Notes on this MCP**
 - 2.1 Conflicting Annotation**
 - 2.1.1 In the case of a conflicting annotation between the plan of subdivision and this MCP, the MCP supersedes the plan.

 - 2.2 Natural Ground Level**
 - 2.2.1 Ground level after engineering works associated with the subdivision is to be regarded as natural ground level.

 - 2.3 Easements**
 - 2.3.1 Buildings must not cover registered easements unless approved by the relevant authority

 - 2.4 Edge Lots**
 - 2.4.1 Edge lots are those lots that are part of the same certified plan of subdivision but share one or more common boundaries with or otherwise adjoin a lot that is not part of the same certified plan of subdivision.
 - 2.4.2 Regulation 71 applies to an edge lot regardless of Section 1 of this MCP.

 - 2.5 General Definitions**
 - 2.5.1 **Approved building envelope** means the building envelope for a particular lot contained in the plan of subdivision.

 - 2.5.2 **Building envelope** means an area within each lot where development of a dwelling is allowed subject to the provisions of this MCP, but does

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

not include any garage whether attached to the dwelling or not.

2.5.3 **Building envelope plan** means the plan which is contained herein showing dwelling setbacks and other related matters.

2.5.4 **Corner lot** means a lot sited at the intersection of two streets (excluding laneways) where those streets form boundaries of the lot.

2.5.5 **Front Fence** means a fence forward of the side boundary fence or along the front boundary.

2.5.6 **Front Building Line** means the front façade wall excluding any façade treatment or engaged pier.

2.5.7 **Private Open Space** has the same meaning as in the building regulations.

2.5.8 **Regulations** means the Building Regulations 2018 or any subsequent regulations made pursuant to the Building Act.

2.5.9 **Secluded Private Open Space** has the same meaning as in the building regulations.

3 Report and Consent

3.1 The siting of a building on a lot that does not comply with this MCP must be subject to the report and consent of the relevant Council.

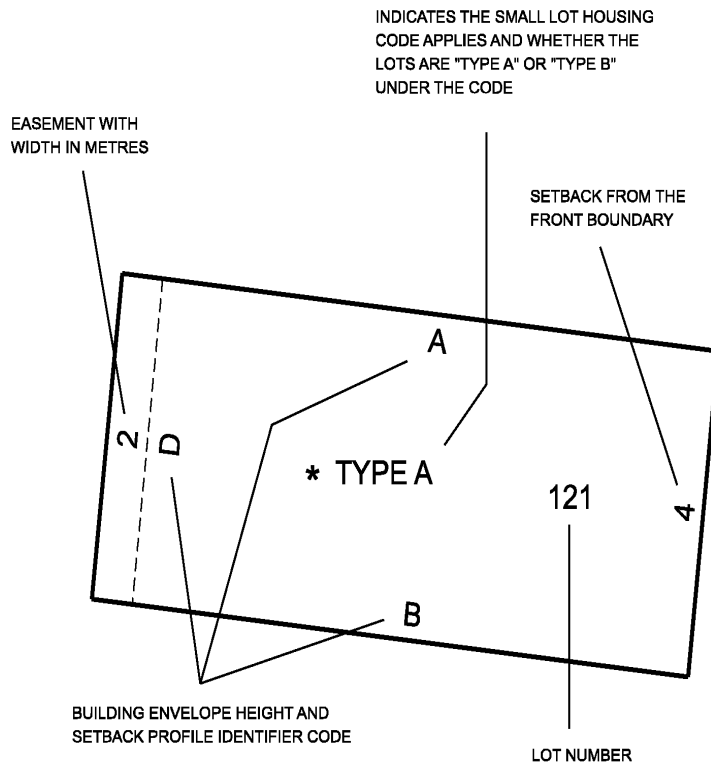
Expiry:

Seven years from the date of registration of the plan of subdivision 811267L by the Registrar of Titles this MCP is recorded on.

AA7985

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

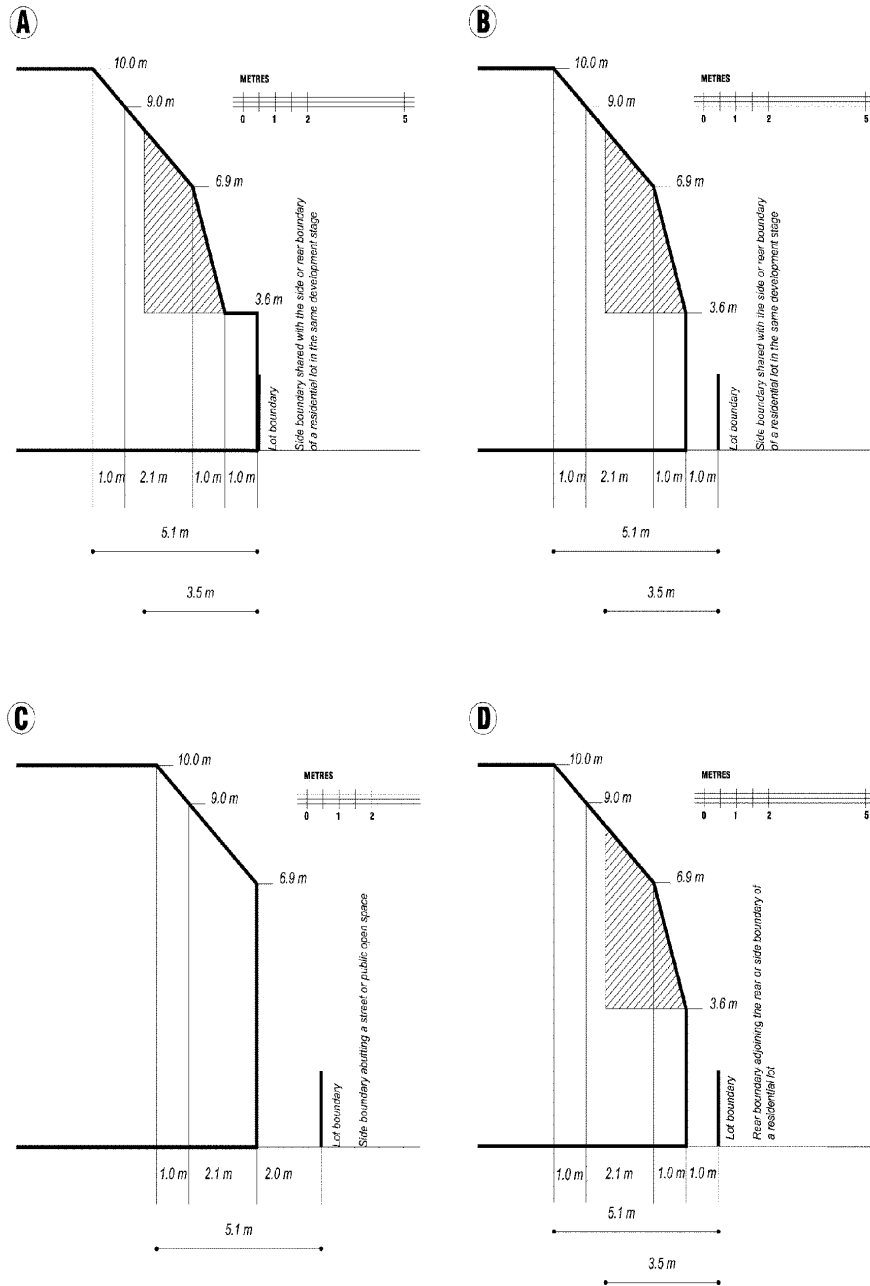
**DIAGRAMS ILLUSTRATING THE INTERPRETATION OF THE BUILDING ENVELOPE AND THE
ANNOTATION WITH RESPECT TO ALL EDGE LOTS IN THIS STAGE DEVELOPMENT**



Breese Plitt Dixon Pty Ltd
 1/19 Cato Street
 Hawthorn East Vic 3123
 Ph: 8823 2300 Fax: 8823 2310
 www.bpd.com.au info@bpd.com.au
 8554/22, SURVEYORS VERSION B

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

BUILDING HEIGHT AND SETBACK PROFILES REFERENCED IN BUILDING ENVELOPE DIAGRAM



EASEMENT REQUIREMENT

WHERE A PROFILE WHEN APPLIED COVERS AN EASEMENT, THE PORTION OF THE PROFILE ABOVE THE EASEMENT CANNOT BE CONSIDERED FOR APPROVAL / BUILT UPON. THIS MAY VARY ONLY IN THE CIRCUMSTANCES WHERE BUILDING ON THE EASEMENT RECEIVES PRIOR WRITTEN CONSENT OF THE RELEVANT AUTHORITY.

m METRES



OVERLOOKING CONTROL AREA (refer 'overlooking' in MCP)

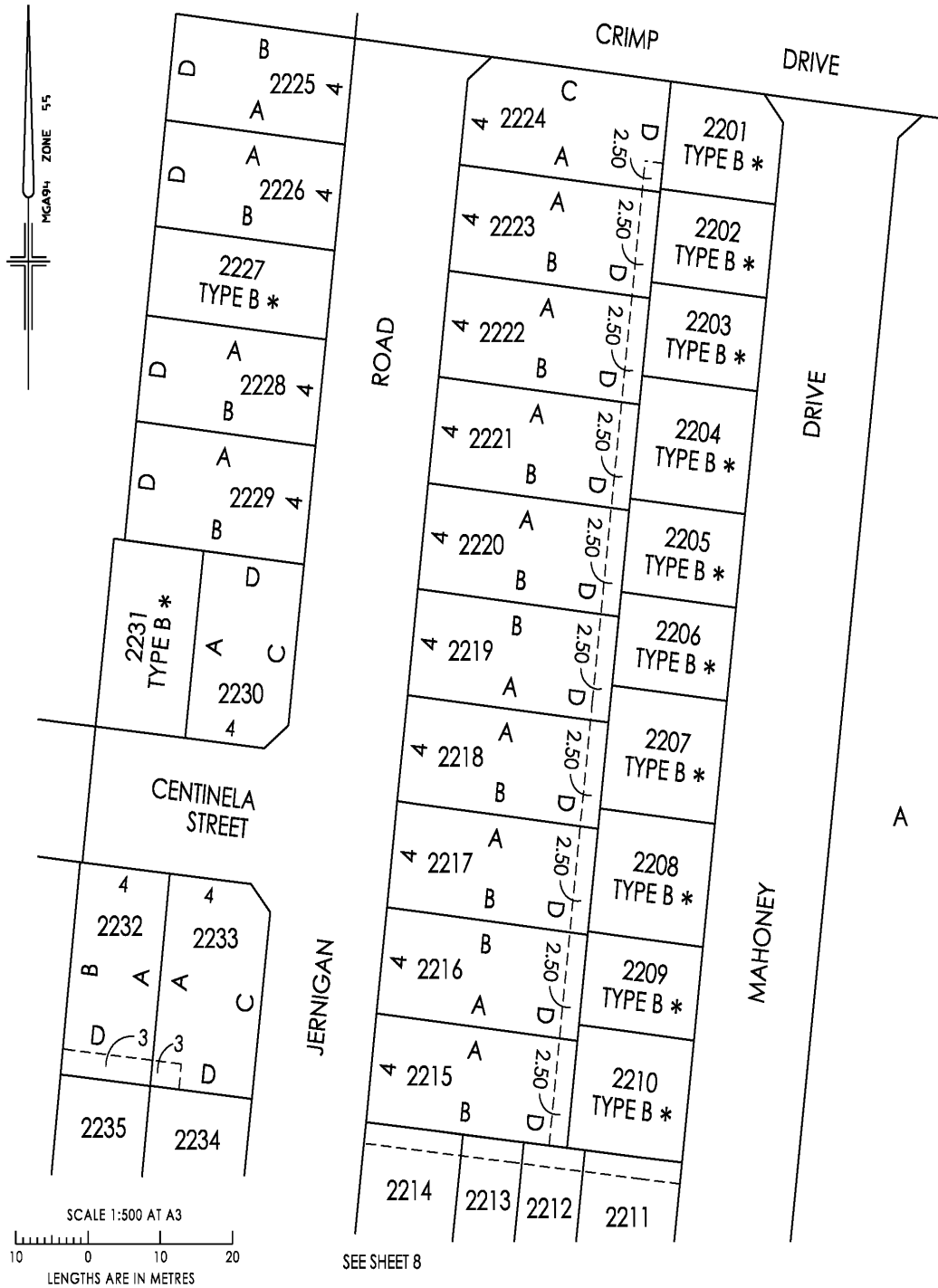


Breese Plitt Dixon Pty Ltd
1/19 Cato Street
Hawthorn East Vic 3123
Ph: 8823 2300 Fax: 8823 2310
www.bpd.com.au info@bpd.com.au
8554/22, SURVEYORS VERSION B

AA7985

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

BUILDING ENVELOPE DIAGRAM INCLUDING HEIGHT AND SETBACK PROFILE IDENTIFIER CODE



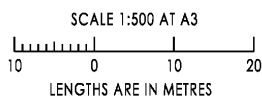
Breese Pitt Dixon Pty Ltd
1/19 Cato Street
Hawthorn East Vic 3123
Ph: 8823 2300 Fax: 8823 2310
www.bpd.com.au info@bpd.com.au
8554/22, SURVEYORS VERSION B

* LOTS UNDER 300m² DO NOT INCLUDE BUILDING ENVELOPES AS THEY ARE SUBJECT TO EITHER THE SMALL LOT HOUSING CODE OR REQUIRE A SPECIFIC SEPARATE PERMIT FOR A DWELLING. SEE SMALL LOT HOUSING CODE IN RELATION TO TYPE A AND B LOTS.

AA7985

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

BUILDING ENVELOPE DIAGRAM INCLUDING HEIGHT AND SETBACK PROFILE IDENTIFIER CODE



Breese Plitt Dixon Pty Ltd
 1/19 Cato Street
 Hawthorn East Vic 3123
 Ph: 8823 2300 Fax: 8823 2310
 www.bpd.com.au info@bpd.com.au
 8554/22, SURVEYORS VERSION C

* LOTS UNDER 300m² DO NOT INCLUDE BUILDING ENVELOPES AS THEY ARE SUBJECT TO EITHER THE SMALL LOT HOUSING CODE OR REQUIRE A SPECIFIC SEPARATE PERMIT FOR A DWELLING. SEE SMALL LOT HOUSING CODE IN RELATION TO TYPE A AND B LOTS.

91ATLA

V3

Page 8 of 8

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us