

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

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Lodged by	
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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: A lot or lots as set out in the plan.

Benefited land: A lot or lots as set out in the plan.

Covenants: 1. DEFINITIONS

- 1.1 A reference to **Authority** means any governmental, administrative, statutory, municipal, public, commission or other body having jurisdiction over or regarding the Burdened Land or any aspect of its use or occupation.
- 1.2 A reference to **Design Guidelines** means the Officer Fields Design Guidelines, a copy of which can be obtained from the Officer Fields Design Review Panel by request to email mike@urbtech.com.au or by post to Urbtech Pty Ltd, 1304/20 Rakai Way, Docklands Victoria 3008.
- 1.3 A reference to **Developer** means Officer North Properties Pty Ltd ACN 649 179 313.

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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 plans.

91ATLA

Page 1 of 5

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

1.4 A reference to **Envelope Diagram** means the building envelope diagram contained in the clause 2.3 of this Memorandum of Common Provisions.

1.5 A reference to **Responsible Authority** means Cardinia Shire Council.

2. COVENANTS:

2.1 Restrictive Covenants

2.1.1 The registered proprietor of the Burdened Land, without the prior written consent of the Developer, shall not:

2.1.1.1 build a dwelling on the Burdened Land unless copies of building plans, elevations, site plans, landscaping plans and a schedule of colours and materials (**Construction Plans**), have been submitted to the transferor or its delegated agent and the Developer or its delegated agent has given its written approval to the Construction Plans prior to the commencement of any building works;

2.1.1.2 subdivide the Burdened Land;

2.1.1.3 carry out on the Burdened Land any site-works, excavation, filling or construct any fencing or retaining walls or to remove, interfere with or compromise or do anything on the Burdened Land that may tend to interfere with or compromise:

2.1.1.3.1 any batter or retaining wall on the Burdened Land; or

2.1.1.3.2 any batter or retaining wall on the adjoining or neighbouring land;

2.1.1.4 erect or allow to be erected any improvements on or in the Burdened Land other than a dwelling approved in accordance with clause 2.1.1.1 unless those improvements are permitted pursuant to the terms of the Design Guidelines;

2.1.1.5 erect or allow others to erect a "for sale" sign on the land prior to the completion of the dwelling upon the Land;

2.1.1.6 remove or in any way alter any fence that has been constructed:

2.1.1.6.1 in compliance with these covenants;

2.1.1.6.2 the Design Guidelines; or

2.1.1.6.3 in accordance with the requirements of an Authority,

on the Burdened Land or in any way interfere with or attempt to change or modify the colour of such fence; and

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

- 2.1.1.7 the restrictions described under covenant 2.1.1 shall expire 10 years from the date of registration of the plan by the registrar of titles.

2.2 Building Envelopes

- 2.2.1 All Provisions not addressed in this Memorandum of Common Provisions (**MCP**) are as required in the current Building Regulations. This MCP cannot be changed or amended unless with the written consent of the Responsible Authority

- 2.2.2 Any building on Lot 701 to Lot 736 (inclusive) on the plan must be contained within the building envelopes shown on the Envelope Diagram and defined by the associated setbacks and written notes contained therein.

- 2.2.3 The matters which are restricted by the building envelopes are:

- 2.2.3.1 this MCP applies to Burdened Land in Restriction No.1 on the plan as approved under Cardinia Shire Council Planning Permit T210305;

- 2.2.3.2 except with the written consent of the Responsible Authority, the registered proprietor or proprietors for the time being of any Burdened Land to which this restriction applies must not:

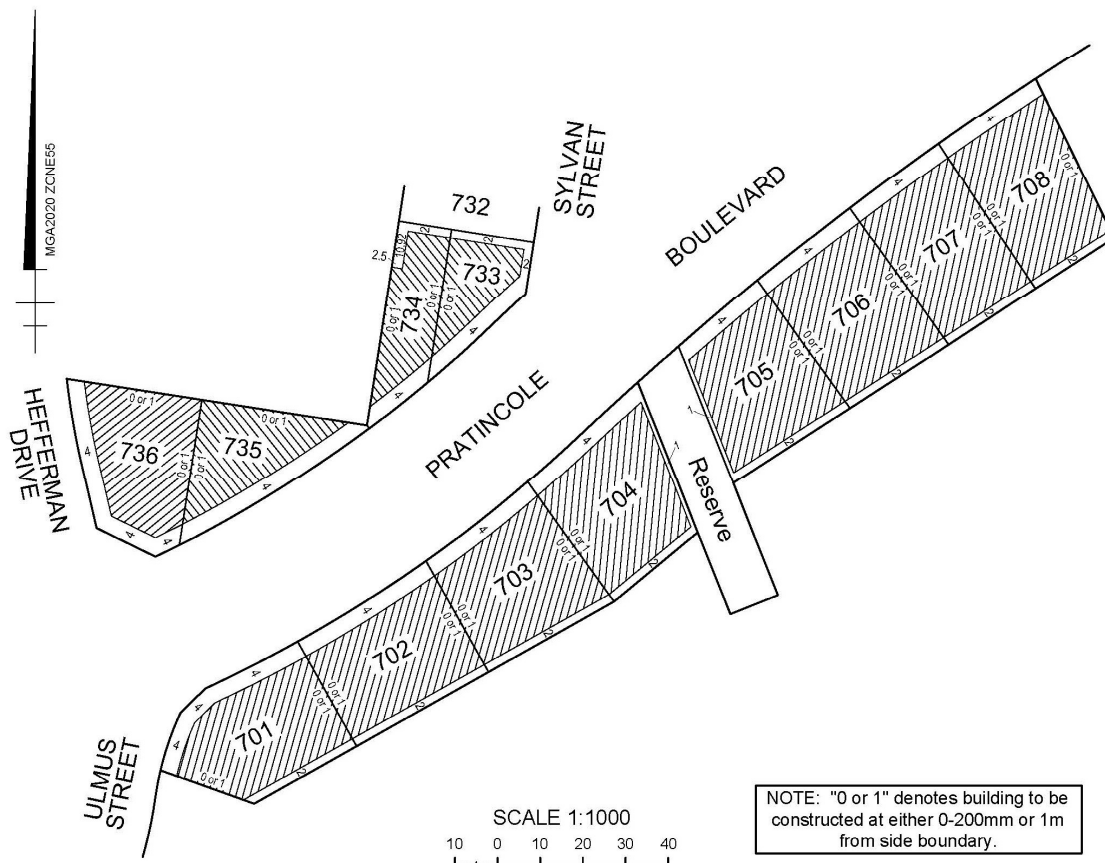
- 2.2.3.2.1 construct or allow to be constructed or remain on the lot any dwelling or garage outside the building envelope shown hatched in the diagram overleaf (excluding allowable projecting building elements that project outside the building envelopes as contained in Part 5 Regulations; 74(3), 79(3) & 79(4) of the Building Regulations 2018);

- 2.2.3.2.2 construct any dwelling or garage on a side boundary of a lot unless the dwelling or garage is set back a minimum of 1 metre from the other side boundary of the lot; or


- 2.2.3.2.3 construct a building which, notwithstanding the extent of the building envelope, fails to otherwise meet the requirements of Part 5 of the Building Regulations 2018.

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

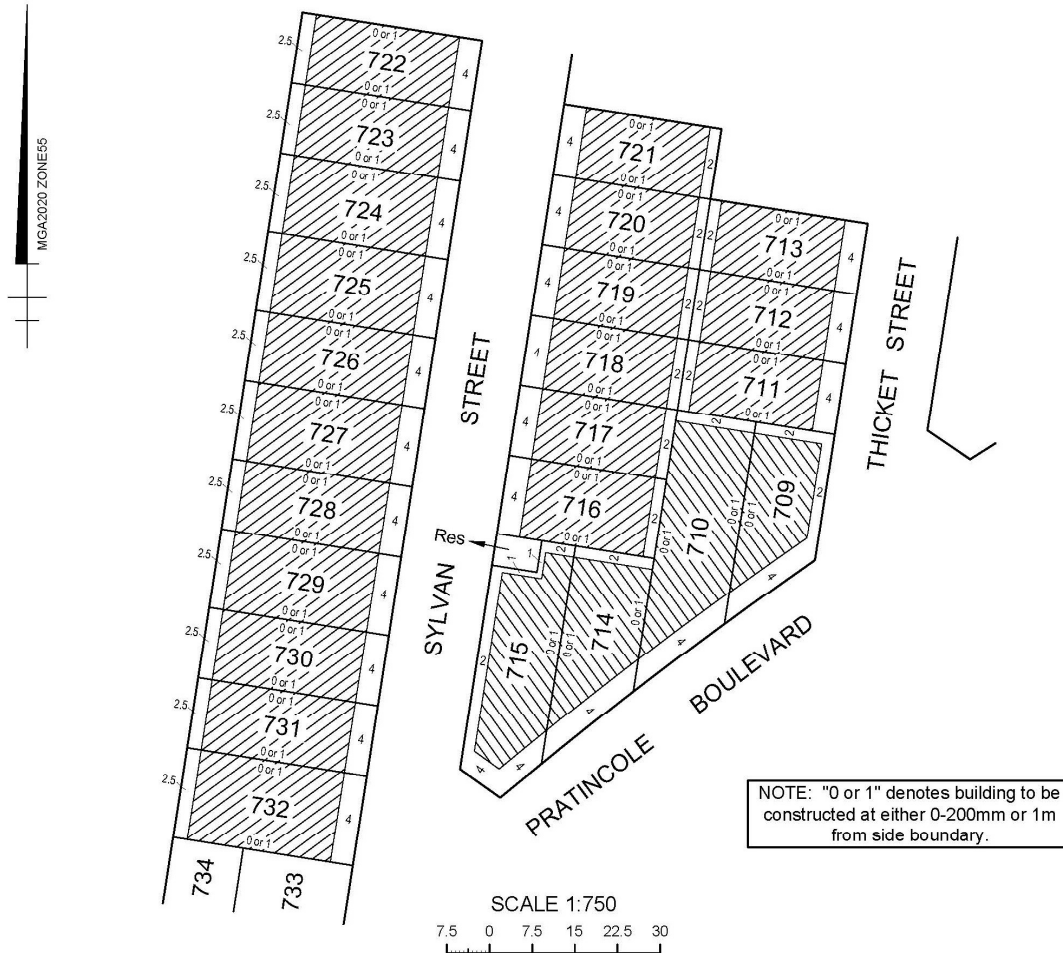
2.3 Diagrams and plan




LEGEND

1. The Building Envelopes on this plan are shown thus: 
2. For all lots containing easements, affected envelopes are to abut the easement and not encroach into it.

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



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