

Memorandum of common provisions

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.

This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

Provisions:

1. That no single storey dwelling shall be constructed on the lot unless not less than 70% of the external walls (excluding windows) are constructed of clay brick, clay brick veneer, brick cement render, concrete masonry or lightweight cladding with a rendered finish.
2. That no multi-storey dwelling shall be constructed on the lot unless not less than 50% of the external walls (excluding windows) are constructed of clay brick, clay brick veneer, brick cement render, concrete masonry or lightweight cladding with a rendered finish.
3. That no dwelling shall be constructed on a lot unless the floor area of the dwelling (including the outer walls but excluding the area of garages, carports, terraces, pergolas and/or verandas) is not less than
 - a. 160 square metres where the Burdened Land has an area of 700 sq.m or greater
 - b. 140 square metres where the Burdened Land has an area of less than 700 sq.m
4. That no dwelling shall be constructed on a lot unless such dwelling has an enclosed garage (of a minimum size to accommodate not less than two (2) motor vehicles) under the roof structure of the dwelling, of new materials and a roller door or panel lift door.
5. That no dwelling shall be constructed on a lot with roofing of a reflective material of any type and must consist of Colorbond type material or roofing tiles.
6. That no dwelling shall be constructed on a lot unless the airconditioning units and exposed componentry are located below the roof line and mounted on the rear aspect of the dwelling or located at the rear half of the dwelling if dwelling has flat roof.
7. That no dwelling shall be constructed on a lot unless it complies with the Bushfire Management Plan contained at **Annexure A**, which form part of this Memorandum of Common Provisions.
8. That no dwelling shall be constructed on a lot unless it is constructed fully within the building envelope shown on the Bushfire Management Plan for the lot.

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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.

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9. That no shed or other outbuilding constructed on the lot shall be other than of new materials and not partly or wholly of reflective material of any type, including galvanised iron cladding, aluminium cladding or zincalume cladding and shall not be larger than
 - a. 54 square metres where the Burdened Land has an area of 700 sq.m or greater
 - b. 40 square metres where the Burdened Land has an area of less than 700 sq.m
10. That no fence shall be erected on the front boundary of any lot except for any temporary builder's fencing required at law during the construction of a dwelling on the lot.
11. That no fence shall be erected on a lot unless it complies with the Emu Rise Stage 3 Fencing Guidelines as amended from time to time, except for any temporary builder's fencing required at law during the construction of a dwelling on the lot.
12. That no water tank installed on a lot shall be other than of new materials and consisting of Colorbond steel or painted concrete water tank and in accordance with the Bushfire Management Plan.
13. That no shipping containers or relocatable buildings shall be allowed to be kept or stored at the lot.
14. That no tent, caravan, camper trailer or other form of portable accommodation be kept or stored at the lot, unless the said tent, caravan, camper trailer or other form of portable accommodation is not visible from the street boundary of the lot.
15. That no shed or other outbuilding constructed on the lot or any tent, caravan, camper trailer or other form of portable accommodation kept or stored at the lot be used for residential or business purposes, except for any permitted home office approved by the relevant authority.
16. That no rubbish will be allowed to accumulate on the Burdened Land or adjacent land, unless neatly stored in an appropriately sized industrial bin or skip, and that excessive grass and weed growth will not be allowed.
17. That no lot shall be further subdivided or have more than one (1) dwelling constructed on the lot save and except for a "granny flat" or small dwelling in accordance with the City of Bendigo planning scheme excepting for lots 72, 76, 87 & 89 which may have a multi-dwelling, single building to the satisfaction of the developer.
18. That no house shall be constructed on lot 63 unless it is designed to be oriented towards the reserve and in accordance with the Reserve Lots Design Guidelines endorsed under the planning permit for Emu Rise Estate (Permit no. DS/337/2017)

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19. That no house shall be constructed on Lot 63 unless the house design has received prior written approval from the developer.

It is agreed that the foregoing covenants shall:

- (a) be noted on and appear on every further Certificate of Title for the lots as an encumbrance affecting the lots; and
- (b) expire in ten years from registration of plan of subdivision PS937438G by Land Use Victoria

ANNEXURE A – BUSHFIRE MANAGEMENT PLAN

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