

**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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Page 1 of 5

**THE BACK OF THIS FORM MUST NOT BE USED**

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## Memorandum of common provisions

### Section 91A Transfer of Land Act 1958

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 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.
18. That no house shall be constructed on lot 22 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)
19. That no house shall be constructed on Lots 1, 21, or 23 unless designed to be oriented towards the longer street frontage with a "Ranch" style house design.

## Memorandum of common provisions

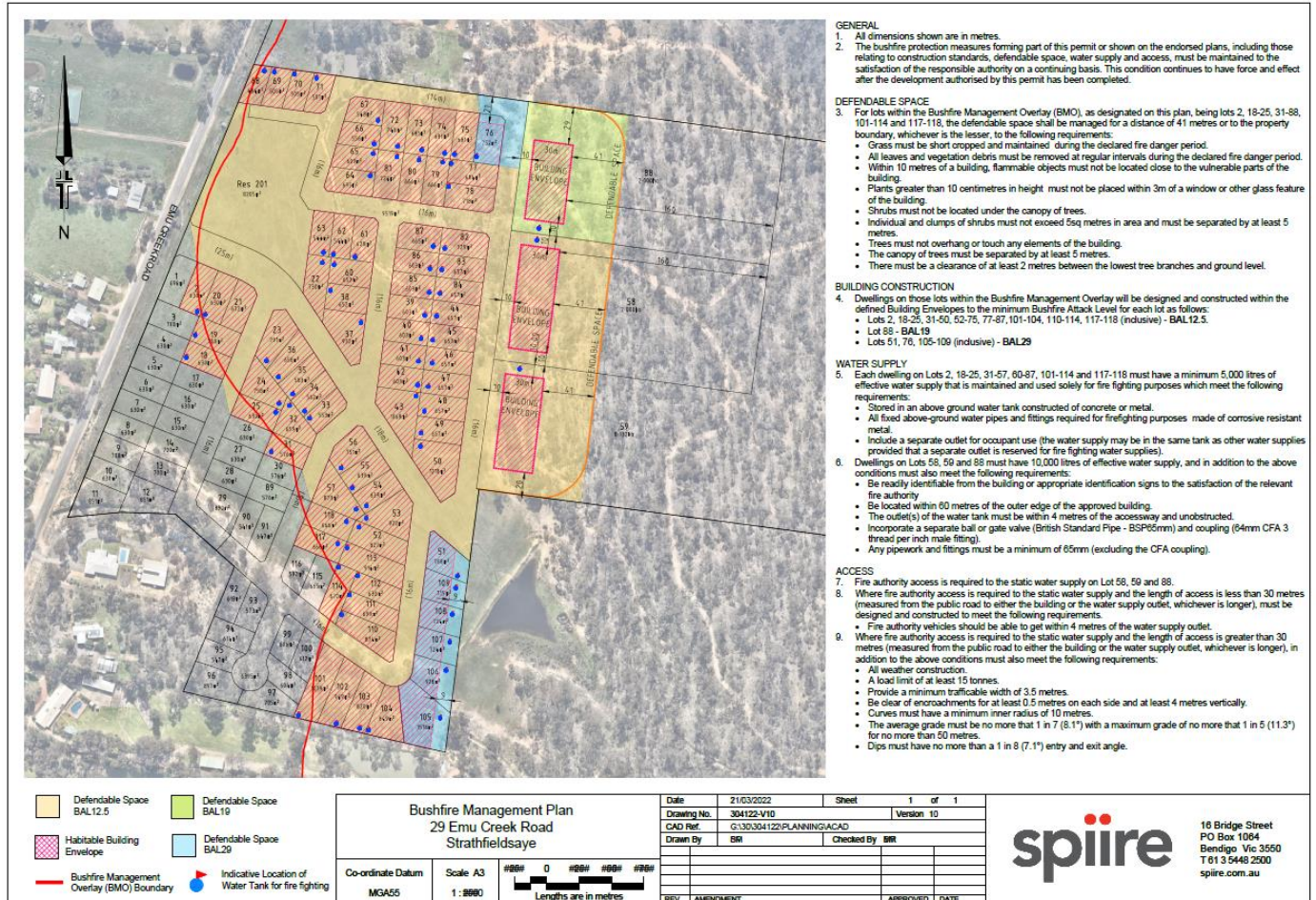
### Section 91A Transfer of Land Act 1958

20. That no house shall be constructed on Lots 1, 21, 22 or 23 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 PS903665L by Land Use Victoria

**ANNEXURE A – BUSHFIRE MANAGEMENT PLAN**



- GENERAL**
- All dimensions shown are in metres.
  - The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
- DEFENDABLE SPACE**
- For lots within the Bushfire Management Overlay (BMO), as designated on this plan, being lots 2, 18-25, 31-88, 101-114 and 117-118, the defendable space shall be managed for a distance of 41 metres or to the property boundary, whichever is the lesser, to the following requirements:
    - Grass must be short cropped and maintained during the declared fire danger period.
    - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
    - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
    - Plants greater than 10 centimetres in height must not be placed within 3m of a window or other glass feature of the building.
    - Shrubs must not be located under the canopy of trees.
    - Individual and clumps of shrubs must not exceed 5sq metres in area and must be separated by at least 5 metres.
    - Trees must not overhang or touch any elements of the building.
    - The canopy of trees must be separated by at least 5 metres.
    - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- BUILDING CONSTRUCTION**
- Dwellings on those lots within the Bushfire Management Overlay will be designed and constructed within the defined Building Envelopes to the minimum Bushfire Attack Level for each lot as follows:
    - Lots 2, 18-25, 31-50, 52-75, 77-87, 101-104, 110-114, 117-118 (inclusive) - BAL12.5.
    - Lot 88 - BAL10
    - Lots 51, 76, 105-109 (inclusive) - BAL20
- WATER SUPPLY**
- Each dwelling on Lots 2, 18-25, 31-57, 60-87, 101-114 and 117-118 must have a minimum 5,000 litres of effective water supply that is maintained and used solely for fire fighting purposes which meet the following requirements:
    - Stored in an above ground water tank constructed of concrete or metal.
    - All fixed above-ground water pipes and fittings required for firefighting purposes made of corrosion resistant metal.
    - Include a separate outlet for occupant use (the water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies).
  - Dwellings on Lots 58, 59 and 88 must have 10,000 litres of effective water supply, and in addition to the above conditions must also meet the following requirements:
    - Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
    - Be located within 60 metres of the outer edge of the approved building.
    - The outlet(s) of the water tank must be within 4 metres of the accessway and unobstructed.
    - Incorporate a separate ball or gate valve (British Standard Pipe - BSP65mm) and coupling (4mm CFA 3 thread per inch male fitting).
    - Any pipework and fittings must be a minimum of 65mm (excluding the CFA coupling).
- ACCESS**
- Fire authority access is required to the static water supply on Lot 58, 59 and 88.
  - Where fire authority access is required to the static water supply and the length of access is less than 30 metres (measured from the public road to either the building or the water supply outlet, whichever is longer), must be designed and constructed to meet the following requirements:
    - Fire authority vehicles should be able to get within 4 metres of the water supply outlet.
  - Where fire authority access is required to the static water supply and the length of access is greater than 30 metres (measured from the public road to either the building or the water supply outlet, whichever is longer), in addition to the above conditions must also meet the following requirements:
    - All weather construction.
    - A load limit of at least 15 tonnes.
    - Provide a minimum trafficable width of 3.5 metres.
    - Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
    - Curves must have a minimum inner radius of 10 metres.
    - The average grade must be no more than 1 in 7 (8.1%) with a maximum grade of no more than 1 in 5 (11.3%) for no more than 50 metres.
    - Dips must have no more than a 1 in 8 (7.1%) entry and exit angle.

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