

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

AA010374

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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.**

**Burdened Land:** As set out in the Plan of Subdivision

**Benefited Land:** As set out in the Plan of Subdivision

**Covenants:**

**A. Preliminary**

- A. A This MCP provides details of the approved building envelopes and the information necessary to interpret the approved building envelopes for Lots 1 to 3 (both inclusive), 27 on PS907297S and Lots 4, 5, 6, 22, 28, 29, 30 on PS907238K.
- B. This MCP includes:
  - i. Any varied design parameters from the Building Regulations.
  - ii. Matters not covered by the Building Regulations.
- C. Any matter not addressed in this MCP will still need to be addressed as required by the Building Regulations.
- D. This MCP is retained by the Registrar of Titles pursuant to section 91 (A) of the Transfer of Land Act.

**B. Provisions**

Any building requiring a building permit to be constructed on a lot to which this MCP applies must be sited in accordance with the requirements herein. This MCP will specify any encroachments allowed outside the approved building envelope.

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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.

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

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**1. TEXT OF RESTRICTIONS**

**1.1. Lots front Strathfieldsaye Road**

1.1.1. For absolute clarity, where lots front Strathfieldsaye Road in this case Lots 1 to 3 (both inclusive) on PS907297S and Lots 4 to 6 (both inclusive) on PS907238K, the Main Street Frontage is defined as Strathfieldsaye Road. For these lots, clauses referencing Main Street Frontage means Strathfieldsaye Road Frontage.

**1.2. Minimum street setbacks (refer regulation 74)**

1.2.1. Dwellings on Lots 1 to 3 (both inclusive) on PS907297S and Lots 4 to 6 (both inclusive) on PS907238K should be set back 9 metres from the Main Street Frontage.

1.2.2. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

1.2.3. Dwellings on corner lots must also be set back 2 metres from the side street.

**1.3. Dwelling size requirements and Site Coverage**

1.3.1. The maximum site coverage for a dwelling should be 50%.

1.3.2. The maximum building and dwelling height should be 7 metres above Natural Ground Level.

1.3.3. Buildings should be designed to follow the contour of the land to minimise site disturbance.

**1.4. Dwelling design requirements for Lots 1 to 3 (both inclusive) on PS907297S & Lots 4 to 6 (both inclusive) on PS907238K**

1.4.1. All dwellings for the lots noted in Clause 1.4 must face and address the Main Street Frontage (Strathfieldsaye Road).

1.4.2. The following items for the lots noted in Clause 1.4 must not be visible from the Main Street Frontage (Strathfieldsaye Road).

- a. air conditioners and/ or evaporative coolers
- b. water systems, rain water tanks
- c. any clothes line or hoist (or hang any washing, towels, bedding, clothing or other articles of a similar nature from any clothes line, hoist or railing),
- d. swimming pool, spa and/or sauna related filtration and heating equipment
- e. external antennae, aerials or satellite dishes
- f. hot water tanks
- g. refuse bins
- h. external waste plumbing (but not including down pipes and guttering)

1.4.3. Buildings constructed of concrete tilt panels should be coloured or broken up with decorative cladding or other appropriate treatments.

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- 1.4.4. For the lots noted in Clause 1.4, no outbuilding is to be constructed further south west than the front wall of any dwelling i.e. within the street setback of the dwelling.
- 1.5. **Access**
- 1.5.1. No vehicle access is permitted to Lots 1 to 3 (both inclusive) on PS907297S and Lots 4 to 6 (both inclusive) on PS907238K from Strathfieldsaye Road.
- 1.5.2. Vehicle access points specified on the endorsed plan of subdivision must not be altered for Lot 27 on PS907297S and Lots 22 and 28 to 30 (both inclusive) on PS907238K.
- 1.6. **Fencing**
- 1.6.1. **Front Fencing**  
If a front fence is required, the front fence must not exceed 1.2 metres in height and must have a minimum permeability of 75 per cent.
- 1.6.2. **Side Fencing**  
Side fencing should be constructed from timber or post and wire and must not exceed 1.8 metres in height.  
Where side boundary fencing is proposed within 9 metres of the Strathfieldsaye Road Frontage, fencing must be post and wire.
- 1.7. **Landscaping**
- 1.7.1. All lots to be landscaped in accordance with the endorsed Thomson Hay Landscape Plan, Drawing No. 2158-D01.
- 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. **General Definitions**
- 2.4.1. **Front Fence** means a fence forward of the side boundary fence or along the front boundary.
- 2.4.2. **Front Building Line** means the front façade wall excluding any façade treatment or engaged pier.
- 2.5. **Private Open Space** has the same meaning as in the building regulations.

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- 2.6. **Regulations** means the Building Regulations 2018 or any subsequent regulations made pursuant to the Building Act.
- 2.7. **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:**

As set out in the Plan of Subdivision (if applicable)