

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

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Lodged by	
Name:	Taits Legal
Phone:	(03) 5560 2142
Address:	121 Kepler Street, Warrnambool VIC 3280
Reference:	LMM/MJM:210341 Ample
Customer code:	18386W

This memorandum contains provisions which are intended for inclusion in transfers of land under the Transfer of Land Act 1958 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 transfer:

Burdened land: THE LAND

The land being transferred.

Benefited land: All lots as set out in the plan of Subdivision 840513J except Lot 54.

The benefited land does not include the land being transferred.

Set out the specific folios, range of folios or some or all the lots in the registered plan(s) or plan(s) to be lodged for registration that take the benefit of the covenants.

Covenants: Definitions (if any):

Approved Species means a plant species that is included on the list of approved plant species attached to this Memorandum of Common Provisions

Building Envelope Plan means the plan endorsed under the Permit

Bushfire Management Plan means the plan prepared by South Coast Bushfire Consultants (Version 6 dated 10 November 2021) and endorsed under the Permit.

Developer means Arches Port Campbell Pty Ltd ACN: 647 662 280

Display Home has the same meaning as Home display centre set out in the Land Use Terms of the Planning Scheme.

Dwelling has the same meaning as set out in the Land Use Terms of the Planning Scheme.

Fencing Guidelines means the guidelines attached to this Memorandum of Common Provisions setting out construction requirements for fencing of a Lot boundary.

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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.

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Main Street frontage means the street frontage that allows the most direct access to the front door of a Dwelling.

Occupancy Permit means an occupancy permit issued under the *Building Act 1993 (Vic)*.

Permit means planning permit No. PP2020/179 (and includes any amendments to the Permit) issued by the Corangamite Shire Council.

Land means the land contained in a Lot.

Lot has the same meaning as in the *Subdivision Act 1988 (Vic)*, being a lot created by the Plan of Subdivision and if permitted, includes any lot created by further subdivision.

Plan of Subdivision means the relevant plan of subdivision to which this memorandum of common provisions applies, either by incorporation by way of restrictions on that plan of subdivision or a restrictive covenant created under the *Transfer of Land Act* that describes the benefited and burdened land as the land in the relevant plan of subdivision.

Planning Scheme means the local government planning scheme that applies to the Land.

Secondary Street frontage means the boundary of a corner allotment that is not the Main Street frontage of the lot.

Side boundary means a boundary of a lot that runs between and connects the Main Street Frontage of the lot to the rear boundary of the lot.

Transferee is the Transferee/s named in the Transfer of Land creating a covenant and referring to this Memorandum of Common Provisions

Transferor is the Transferor/s named in the Transfer of Land creating a covenant and referring to this Memorandum of Common Provisions

Covenants:

1. Use of Land

- 1.1 No building may be erected or permitted to remain on the Land, except a Dwelling, garage, outbuilding, or shedding.

2. Building Envelope plan

- 2.1 No dwelling, garage, outbuilding, including gutters and eaves, (excluding garden shed) can be constructed outside the building envelope, as identified on the Building Envelope Plan.

3. Design Requirements

No Dwelling must be built or substantially altered unless it complies with the following guidelines numbered 3.1 to 3.9:

3.1 Built form

- 3.1.1 No Dwelling must be constructed unless it faces and addresses the Main Street frontage. Where a corner allotment, no Dwelling must be constructed unless it faces and addresses the Main Street Frontage and Secondary Street Frontage;
- 3.1.2 No brick must be visible from any street frontage;
- 3.1.3 Imitation stone, Alucobond or other highly reflective materials, and ceramic roof tiles are not permitted;
- 3.1.4 Historical and Replica heritage design such as Georgian, Victorian or Federation are not permitted;
- 3.1.5 Dwelling design repetition throughout the estate is not permitted. Each

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dwelling must contain unique qualities that distinguish it from other dwellings, or significant separation applied between dwellings of same design so as not to be visually associated;

3.2 Service Locations

No Dwelling is permitted to have the following items visible from the Main Street frontage:

- 3.2.1 air conditioners and/or evaporative coolers;
- 3.2.2 water systems;
- 3.2.3 rain water tanks;
- 3.2.4 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);
- 3.2.5 swimming pool, spa and/or sauna related filtration and heating equipment;
- 3.2.6 external antennae, aerials or satellite dishes;
- 3.2.7 hot water tanks;
- 3.2.8 refuse bins; or
- 3.2.9 external waste plumbing (but not including down pipes and guttering).

3.3 Driveways

- 3.3.1 No driveway must be constructed unless it is constructed of permeable materials such as crushed rock or decomposed granite, or permeable paver such as Turf-Grid™, Roocycle Permeable Paver, or similar;
- 3.3.2 Construction of a driveway and crossover must be completed before the date of issue of the certificate of occupancy for the Dwelling constructed on the land;
- 3.3.3 the Transferee/s will not call on or demand that the Transferor/s contribute to any part of the cost of construction of any drive way or crossover.

3.4 Garage or Carport Design

No garage or carport must be constructed unless its design is integrated into the design of the Dwelling and constructed of the same or similar materials.

3.5 Dwellings, outbuildings, and sheds

- 3.5.1 Any Dwelling, outbuilding or shed of any type must not exceed 4 metres in height from the natural surface level of the Land unless the prior written consent of the Developer is obtained.
- 3.5.2 Any outbuilding or shed of any type must not exceed a footprint of 100 square metres unless the prior written consent of the Developer is obtained.

3.6 Landscape design requirements

- 3.6.1 No flora is to be planted or allowed to remain planted in the first 4m of the Main Street frontage unless it is an Approved Species.
- 3.6.2 No flora is to be planted or allowed to remain planted in the first 4m of

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- Secondary Street Frontage unless it is an Approved Species.
- 3.6.3 The Landscaping must incorporate minimum one (1) Large Tree between the Dwelling and the Main Street Frontage;
- 3.6.4 Where a corner Lot, the landscaping must also incorporate minimum one (1) Large Tree between the Dwelling and the Secondary Street Frontage;
- 3.6.5 Front yards and nature strips must not be allowed to become or remain unkempt or untidy;
- 3.6.6 Vacant lots must be maintained to an acceptable level with grass no higher than 200mm.
- 3.7 Water tank
- 3.7.1 Any Dwelling constructed on a Lot with an area greater than 1000m² must not be connected to mains water supply unless a rain water tank with a minimum capacity of 10,000 litres is installed and plumbed to the Dwelling on the Lot, and complies with the Bushfire Management Strategy.
- 3.7.2 Any Dwelling constructed on the Lot with an area less than 1000m² must not be connected to mains water supply unless a rain water tank with a minimum capacity of 5,000 litres is installed and plumbed to the Dwelling on the Lot, and complies with the Bushfire Management Strategy (BMS).
- 3.8 Electricity Supply
- 3.8.1 Any Dwelling constructed on the Lot must not be connected to a mains electricity supply unless a solar PV power system with a minimum generating capacity of 3kW is identified and planned for install.
- 3.8.2 Install of solar PV power system must not be completed later than three (3) months after the issue of the Occupancy Permit for the Dwelling on the Land.
- 3.8.3 If an electricity supplier states that the electricity network supplying the Lot is not suitable for export, clause 3.8.1 and 3.8.2 still apply and the solar PV power system must be installed with zero export.
- 3.9 Fencing
- 3.9.1 No fence is to be constructed or allowed to remain constructed unless it complies with the Fencing Guidelines;
- 3.9.2 No fence is to be constructed on the Main Street frontage;
- 3.9.3 No fence is to be constructed between the Building Envelope and the Main Street frontage;
- 3.9.4 Subject to clause 3.9.5 no fence is to be constructed on a Secondary Street frontage;
- 3.9.5 Where a corner Lot (Lots 3, 4, 7 10, 13, 17, 20, 27, 28 35, 36, and 42) up to ten (10) metres of fencing on the Secondary Street frontage (for the protection of Private Open Space) may be permissible, if prior written consent of the Developer is obtained;
- 3.9.6 No fence is to be constructed to a height greater than 1.8m from natural ground level.

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4. Use of the Land after construction of dwelling

The Transferee and any other occupier of the Land, but excluding the Transferor, must not:

- 4.1 house or store vehicles on the Land other than in a garage or driveway on the Land;
- 4.2 permit any trailer, caravan, or such similar items to be visible from the Main Street Frontage;
- 4.3 permit any Dwelling constructed on the Land to be used as a Display Home unless the prior written consent of the Developer is obtained; and
- 4.4 erect or allow to remain erected on the land any sign, hoarding or similar structure unless it is for the sale or lease of the Dwelling or promotion of a Display home for which consent has been obtained under clause 4.3 and it complies with any requirements under the Planning Scheme.

5. Construction requirements

Construction must not commence on the Land unless:

- 5.1 A temporary fence is constructed on site on all street frontages;
- 5.2 Waste receptacles are placed wholly on site and not on nature strips; and
- 5.3 Cages are provided on the construction site for storing and containing waste product.

6. Construction timeline requirements

- 6.1 A driveway or crossover must not be left incomplete or partially constructed after the date of issue of the Occupancy Permit for the Dwelling;
- 6.2 The nature strip in front of the Lot, including grassing, any planting, and pre-existing levels must not be left damaged or untidy after the issue of the Occupancy Permit for the Dwelling; and
- 6.3 Landscaping works to the Main Street Frontage and Secondary Street Frontage of the Dwelling must be completed within three (3) months after the Occupancy Permit is issued.

7. Pets

- 7.1 Cats are not permitted to be kept on the Lot.

*Mandatory
Covenants to be listed here.*

Expiry:

31 December 2042

*Optional.
Specify the date the covenants are to expire or if the covenants are to expire on the happening of a particular event, specify the event. If the expiry only applies to particular covenants or specific lots/folios, this must be clearly specified.*

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FENCING GUIDELINES

These guidelines direct the construction of all fencing, where it is permissible to install.

Timber Paling

- Posts 125 x 75mm hardwood or similar, suitable for in ground use
- Paling 150 x 12mm (under) 100 x 12mm (over) fine sawn treated pine, overlapped
- Palings must face south and west. Where up to 10m of fencing is permitted on a street frontage, palings must face the street
- Capping is not permitted
- Maximum height of 1.8m

Brush Panel

- Posts 125 x 75mm hardwood or similar, suitable for in ground use
- Panels must face south and west. Where up to 10m of fencing is permitted on a street frontage, panels must face the street
- Maximum height of 1.8m

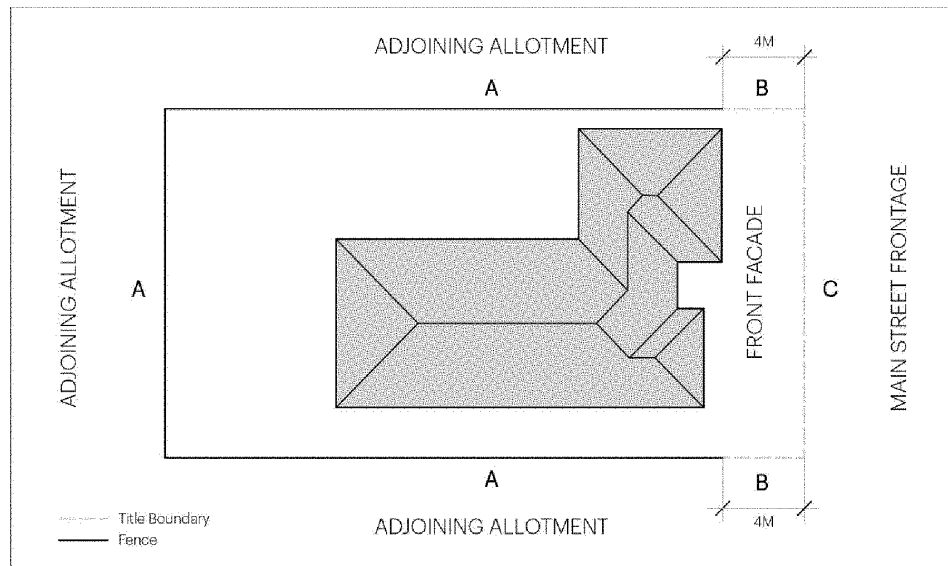
Post and Wire

- Posts 125 x 75mm hardwood or similar, suitable for in ground use
- Wire or wire mesh is permissible
- Barbed wire is not permissible
- Maximum height of 1.2m

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Fencing plan for lots (non-corner lots)



A: Standard fencing no greater than 1.8m

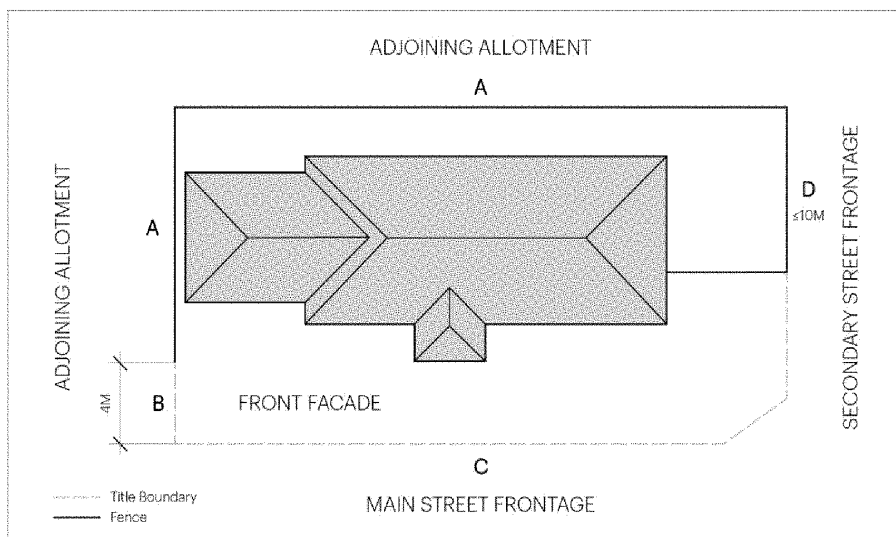
B: No fence must be constructed between the Building Envelope and the Main Street frontage

C: No fence must be constructed on the Main Street frontage

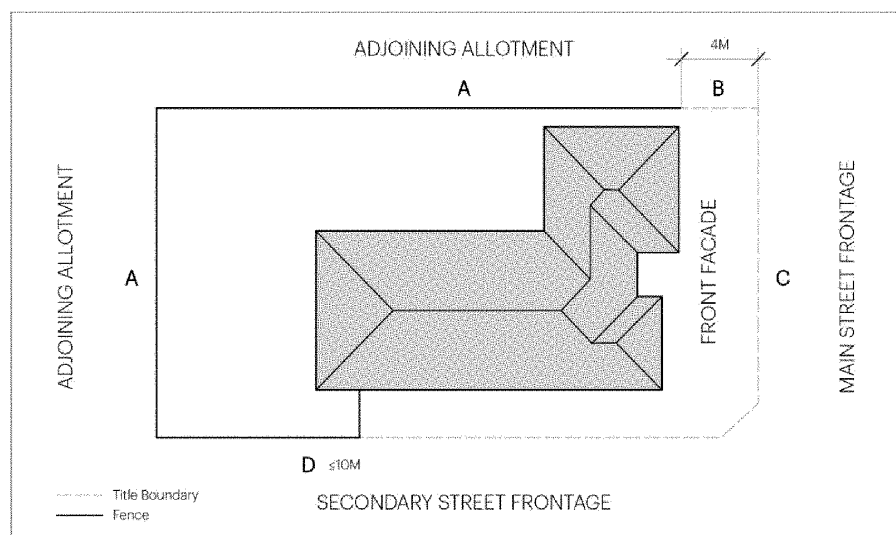
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Fencing plan for a corner lot (dwelling facing the long frontage)



Fencing plan for a corner lot (dwelling facing the short frontage)



A: Standard fencing no greater than 1.8m

B: No fence must be constructed between the Building Envelope and the Main Street frontage

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C: No fence must be constructed on the Main Street frontage

D: No more than ten (10) metres of fencing may be constructed on the Secondary Street Frontage with prior written consent from the Developer. (Applicable to Lots 3, 4, 7 10, 13, 17, 20, 27, 28 35, 36, 42, and 53 only)

Plans are not drawn to scale

APPROVED SPECIES LIST

Large Trees

Acacia melanoxylon	Blackwood	9 x 8m
Allocasuarina verticillata	Drooping Sheoke	10 x 6m
Eucalyptus obliqua	Messmate	60 x 15m
Eucalyptus ovata	Swamp Gum	8 x 6m
Eucalyptus viminalis	Manna Gum	10 x 8m
Eucalyptus willisii	Shining Peppermint	4 x 2m
Leptospermum lanigerum	Wooly Tea Tree	4 x 2m
Leptospermum continentale	Prickly Tea-tree	3 x 2m
Malaleuca lanceolata	Coastal Moonah	7 x 5m
Acacia stricta	Hop wattle	3m x 1.5m
Acacia mucronata	Narrow Leaf Wattle	3m x 1.5m
Allocasuarina paludosa	Scrub She Oak	2.5m x 1m
Melaleuca squarrosa	Scented Paperbark	3m x 1m
Myoporum Insulare	Boobialla	3m x 3m

Shrubs

Acacia verticillata	Prickly Moses	4 x 3m
Banksia marginata	Silver Banksia	5 x 3m
Bursaria spinosa	Sweet Bursaria	4 x 3m
Cassinia aculeata	Dogwood	3 x 2m
Correa reflexa	Correa reflexa	2 x 2m
Correa alba	White Correa	2 x 2m
Dillwynia cinerascens	Grey Parrot-pea	1 x 1m
Goodenia ovata	Hop Goodenia	2 x 2m
Gynatrix pulchella	Hemp bush	3 x 2m
Hymenanthera dentata	Shrub Violet	3 x 2m
Indigofera australis	Austral Indigo	1 x 1m
Leptospermum scoparium	Manuka	2 x 2m
Olearia ramulosa	Twiggy Daisy-bush	2 x 1m
Pomaderris racemosa	Pomaderris	3 x 2m
Rhagodia candolleana	Sea Berry Saltbush	2 x 2m
Senecio odoratus	Scented Groundsel	1 x 1m
Solanum laciniatum	Kangaroo Apple	2 x 2m

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Viminaria juncea	Golden Spray	3 x 2m
Acacia myrtifolia	Myrtle Wattle	1 x 1m
Lasiopetalum baueri	Slender Velvet Bush	1 x 1m
Ozathamnus turbinatus	Coast Everlast Tough	2 x 1m
Pimelea humilis	Common Rice Flower	1 x 1m
Groundcovers & Native Grasses		
Austrodanthonia Caespitosa	Common Wallaby Grass	1.2 x 0.5m
Carex appressa	Tall Sedge	1 x 1m
Dianella tasmanica	Tasman Flax Lily	1 x 1m
Dianella revoluta	Flax Lily	1 x 1.5m
Dichondra repens	Kidney Weed	.2 x 1.5m
Poa poiformis	Blue Tussock Grass	0.5 x 1m
Poa labillardieri	Tussock Grass	0.8 x 0.8m
Lomandra longifolia	Spiny Headed Mat-Rush	1 x 1m
Leucophyta brownii	Cushion Bush	.6 x 1m
Isolepis nodosa	Knobby Club-sedge	1 x 0.5m
Themeda triandra	Kangaroo Grass	1.5 x 0.5m
Carpobrotus rossii	Pigface	0.2 x 1m
Chrysocephalum apiculatum	Common Everlasting	0.2 x 1m
Calcocephalus lacteus	Milky Beauty Heads	0.3 x 1m
Dianella Maritima	Blue Flax Lily	0.4m x .04m
Stylidium graminifolium	Trigger Plant	0.2m x 0.2m
Tetragona implexicoma	Bower Spinach	Groundcover

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