


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

**AA4210**

09/08/2018 \$96.10 MCP



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

Provisions:

**Provisions**

**1. Definitions**

In this Memorandum:

**Benefited Land** means each lot on the Plan;

**Burdened Land** means each lot on the Plan;

**Covenants** means the covenants contained in this Memorandum;

**CSR** means CSR Building Products Limited ACN 008 631 356 of Trinita 3, level 5, 39 Delhi Road, North Ryde NSW;

**CPCC** means Chirnside Park Country Club Limited ABN 290 05 070 468 of 68 Kingswood Drive, Chirnside Park VIC;

**Estate** means any titles derived from this parent title, certificate of title volume 11393 folio 581, volume 8436 folio 242 and volume 8436 folio 243;

**Land** means the relevant individual lot on the Plan; and

**Plan** means plan of subdivision PS809254J.

**2. Benefit of Covenants**

The Burdened Land must comply with all Covenants for the benefit of the Benefited Land.

**3. Use of Land**

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

Land Use Victoria contact details: see [www.delwp.vic.gov.au/property>Contact us](http://www.delwp.vic.gov.au/property>Contact us)

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The Land must not be used for any dwelling other than a single unit private dwelling and cannot be further subdivided. This covenant does not apply in relation to any super lot created as part of the staged subdivision of the Estate.

**4. Building Construction Program**

4.1 Construction of dwelling must not commence later than 24 months after settlement of the Land purchase and must not be completed later than 42 months after settlement of land.

**5. Care and Maintenance of the Property**

- 5.1 No rubbish shall be allowed to accumulate or be placed upon the Land.
- 5.2 During building construction, trade and delivery vehicles must not be parked on footpath, verges or on park reserves or hinder development construction in any way.
- 5.3 No trees may be removed, without the written consent of the relevant authority.
- 5.4 Construction on the dwelling shall not occur without the implementation and maintenance of all sediments and erosion control measures as required by the local or state laws.

**6. Detach Garages, Garden Sheds and Other Buildings**

- 6.1 The Purchaser must not construct, or move an existing garage or outbuilding of any type onto the Land as a sole structure without first obtaining from the relevant authority its written permission to do so.
- 6.2 There shall not at any time be erected on or placed or remain on the Land any caravan, tent, temporary building or structure or other installation or any thing of a like nature except sheds, workshops or office rooms to be used in connection with works for a permanent building in the course of construction and in no instance shall any structure be used as a temporary dwelling. All temporary structures must be removed upon completion of the permanent building.
- 6.3 All ancillary structures to the house including garden sheds, solar hot water systems, solar energy panels, air conditioning units, satellite dishes, TV antennas, clothes lines and rainwater tanks are required to be concealed when viewed from the street frontage and side of all houses. No structures are permitted to extend above the roof ridgeline or highest point of the roof of the home.
- 6.4 Uncoated galvanised or zincalume steel sheeting must not be used on the Land under any circumstances.

**7. Previously Erected and Prefabricated / Relocatable Buildings**

No building previously erected on other land or any relocatable or prefabricated building or part thereof may be erected or placed upon the Land as part of a new building.

**8. Property Fencing**

8.1 Side and rear boundary fences must not be constructed of material other than timber.

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- 8.2 All side and rear boundary fences must not be less than 1800mm (or 5' 11") high above ground level.
- 8.3 Side boundary fencing must be set back no less than 1.0 metre behind the front façade of the house.
- 8.4 Fencing to side streets (secondary frontage) on corner allotments must finish no less than 3.0 metres behind the main building line, i.e. behind the forward-most part of the house.
- 8.5 Any fencing which abuts parkland must be visually permeable for not less than 50% of the length of such fencing.
- 8.6 All boundary fencing must be completed prior to occupation of the dwelling.
- 8.7 No boundary fencing is permitted on the front boundary of the Land or anywhere within the front yard of the Land.

**9. Right to Vary or Exclude Covenant(s)**

CSR/CPCC reserves the right at its discretion to vary or exclude any of the requirements under the Covenants.

**10. Dwelling Design Guidelines**

No dwellings shall be built unless they comply with the following guidelines 10.1 to 10.2:

**10.1 Exterior Appearance and Streetscape**

- (a) All front elevations for any house on any allotment must be articulated.
- (b) No painted compressed sheeting over any door, garage or window openings is permitted to front facades.
- (c) Each façade must contain not less than two distinct building materials (e.g. face brick and render, face brick and timber cladding, rock and render etc.).

**10.2 Building Materials**

- (a) Home designs must ensure that there are no broad flat walls without any variety of variations in texture on street facings facades. This may be achieved by using some or all of the following materials:
  - (i) Sections of texturing masonry
  - (ii) Painted and stained timber weatherboard
  - (iii) Corrugated metal finishes such as prefinished corrugated metal (except zincalume or galvanised)
  - (iv) Window variations such as louvers
  - (v) Inclusion of battens and slats

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- (vi) Face brick and / or natural stone
  - (vii) Render
  - (viii) Bagged and painted (not to front façade)
- (b) The materials shall be used as feature elements and no one single element should be adopted as the primary material for a home.

**10.3 Corner Allotments**

- (a) Corner allotments must be designed to have facades that address both street frontages. In addition, two or more of the following features must be provided on the secondary street frontage:
- (i) Feature window or similar to match the front elevation
  - (ii) Roof gables or detailing complementing the architectural style
  - (iii) Façade articulation
  - (iv) Variety in materials
  - (v) Duplication of front façade elements
- (b) Landscaping must be provided to the secondary street frontage. A density of no less than 8 plants per square meter in 150 mm pots for covers and grasses is required.

**10.4 Allotments facing Parkland or Council Reserves**

- (a) Allotments that front, side or back onto parkland must address both the road and park frontage. This is achieved by façade (front, side and rear) detailing, which should include:
- (i) Replicating façade detailing or elements
  - (ii) Dwelling living areas which open onto private open space fronting the parkland
  - (iii) Front floor windows and or verandahs overlooking the park to provide design detail

**10.5 Plumbing Fixtures and Fittings**

- (a) External plumbing fixtures and fittings (excluding guttering) must not be visible when viewed from the street frontage and side of all houses.
- (b) All allotments within the development have been provided with access to Class A recycled water (purple pipe) when made available by the responsible authority Yarra Valley Water Limited. The purchaser must install access to recycled water for each property. Enquiries with regard to timing can be made by contacting Yarra Valley

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Water. All toilets must be connected to the recycled water main (purple line) installed in the development.

10.6 External Colour Schemes

Highly reflective and bright colours must not be used as major roof and wall colours.

10.7 Roofing

- (a) The main roof of a dwelling with a hipped roof must have a roof pitch of not less than 22 degrees.
- (b) Skillion roofing must not be incorporated unless it complies with the following standards:
  - (i) Must have a minimum pitch of 5 degrees
  - (ii) Must include significant overhangs
  - (iii) Must not be attached to a hip roof to form part of the main roof of the house
- (c) Roofing must be non-reflective and may be either tiles (terracotta, concrete, clay or slate) or corrugated metal sheets ("prefinished corrugated metal (except zincalume or galvanised)" or similar).
- (d) Flat roofs are not permitted to single storey dwellings.

10.8 Garages

- (a) Garages that are front facing must not protrude more than 3 metres past the front wall of the house.
- (b) Garages must be set back from the front boundary by 5.5 metres measured in a straight-line perpendicular from the centre of the garage door to the lot boundary.
- (c) On corner allotments, garages facing the secondary street boundary must be set back by a minimum 2.0 metres.

10.9 Driveways

- (a) The following standards must be adhered to:
  - (i) Driveways must be constructed in accordance with the requirements of the local authority
  - (ii) Existing footpaths must not be damaged or removed
  - (iii) Car tracks or gravel driveways of any kind are not permitted
  - (iv) Driveways must be completed by the date of issue of the Certificate of Occupancy

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- (v) Driveways and paths facing any primary or secondary street frontage or parklands must not be constructed of plain concrete. Permitted materials are coloured or stamped or stencilled or fauxbrick or exposed aggregate concrete or bricks pavers.
- (b) During construction of a dwelling, any existing vehicle crossovers must be protected and any damage repaired by the purchaser / builder at its cost.

10.10 Protection of Street Trees and Nature Strips

Any damage or removal of street trees outside allotments will be the responsibility of the purchaser and its builder. Street trees must be re-planted at the cost of the purchaser / builder, if found broken or damaged.

10.11 Building Construction Access to the Allotment

Building works will not be permitted unless the purchaser and its builder provide a temporary fence within the lot boundaries for the duration of the building works to contain wind-blown litter on the allotment. Rubbish must only be placed in approved receptacles subject to the Regulations of the relevant authority.

10.12 Landscaping

Landscaping works to the front of the dwelling must not be completed later than 3 months after the issue of a certificate of occupancy.

At least one third of the front yard (excluding driveway) is to be garden beds with the remaining grassed.

Garden beds to include at least 2 x 45 ltrs trees and 2-3 plants per square metre of garden bed