

Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

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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.

Provisions to apply to the plan:

Burdened land: As set out in the plan.

Benefited land: As set out in the plan.

Covenants:

1. Preliminary

All Provisions not addressed in this Memorandum of Common Provisions (MCP) are as required in the current Building Regulations. This MCP cannot be changed or amended unless with the written consent of the Responsible Authority.

2. Approved Building Envelopes

Any building on Lot 401 to Lot 453 (inclusive) within subdivision plan PS918489V must be contained within the building envelopes shown on the attached plan and defined by the associated setbacks and written notes contained therein.

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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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Page 1 of 3

THE BACK OF THIS FORM MUST NOT BE USED

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Memorandum of common provisions

Section 91A Transfer of Land Act 1958

3. Text of restrictions:

The matters which are restricted by the building envelopes are:

1. This MCP applies to burdened lots in Restriction No.1 on PS918489V (Plan of Subdivision) as approved under Frankston City Council Planning Permit No. 400/2021/P.
2. Except with the written consent of the Responsible Authority, the registered proprietor or proprietors for the time being of any burdened lot to which this restriction applies must not:
 - a) Construct or allow to be constructed or remain on the lot any dwelling or garage outside the building envelope shown hatched in the diagram overleaf (excluding allowable projecting building elements that project outside the building envelopes as contained in Part 5 Regulations; 74(3), 79(3) & 79(4) of the Building Regulations 2018).
 - b) Construct any dwelling or garage on a side boundary of a lot unless the dwelling or garage is set back a minimum of 1 metre from the other side boundary of the lot.
 - c) Construct a building which, notwithstanding the extent of the building envelope, fails to otherwise meet the requirements of Part 5 of the Building Regulations 2018.
3. Except with the written consent of the Responsible Authority, the registered proprietor or proprietors for the time being of any burdened lot to which this restriction applies must comply with the following:
 - a). the side wall of any wall above the ground level of a dwelling on a corner lot must not be constructed:
 - i) less than 900mm from the external façade of the ground level wall that faces a side street; or
 - ii) with less than 30% glazing for the area of the wall and the remainder of the wall must be constructed in contrasting material finishes to that of the ground floor wall.
 - b) any garage on a burdened lot must not be constructed less than 5.4 metres from the road alignment at the front of the lot;

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4. Diagrams and plan



Expiry:

As set out in plan.