

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

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

Provisions:

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 101 to Lot 127 (inclusive) within subdivision plan PS 909596V must be contained within the building envelopes shown on the attached plan and defined by the associated setbacks and written notes contained therein.

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 PS 909596V (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

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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

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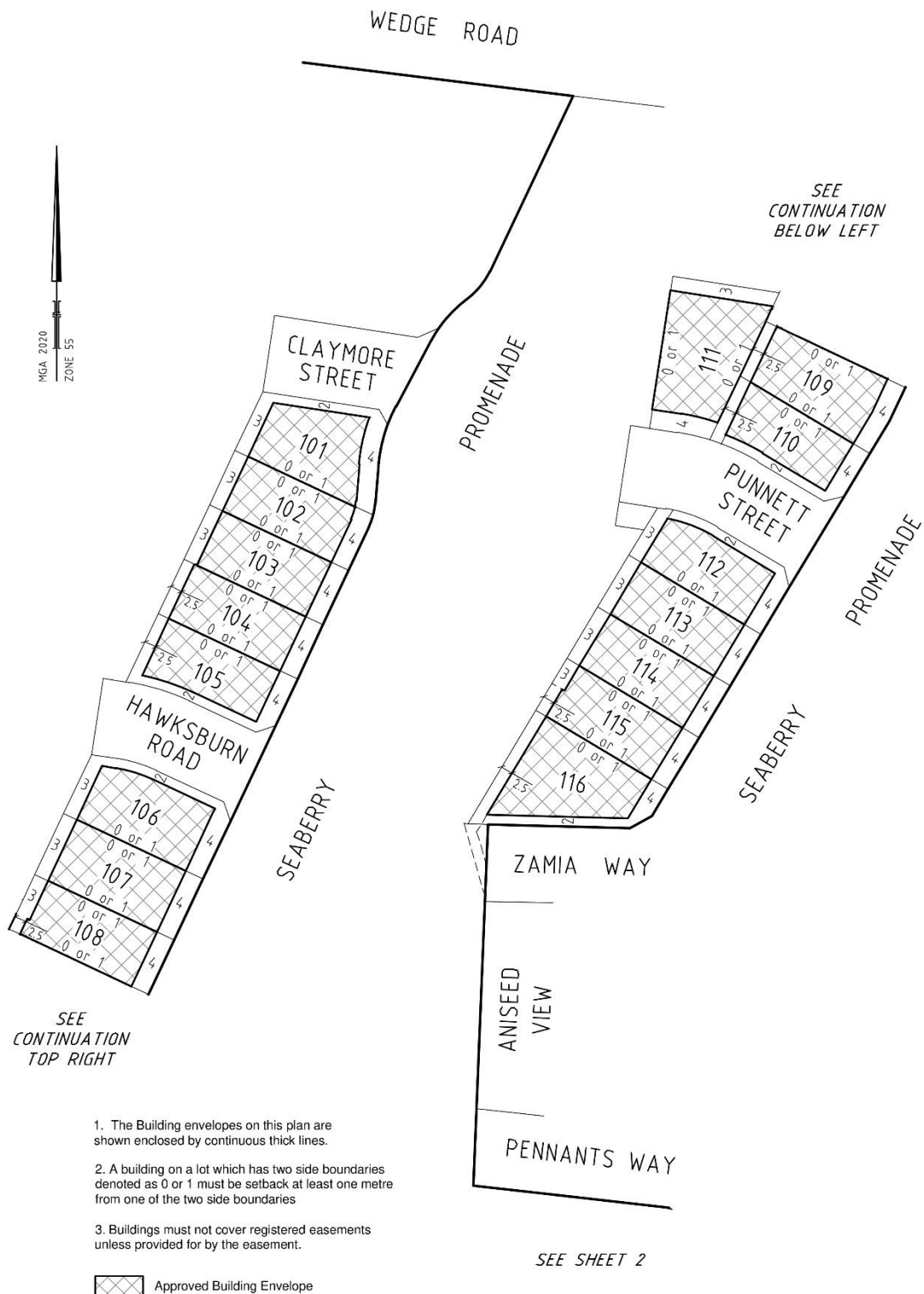
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building elements that project outside the building envelopes as contained in Part 5 Regulations; 74(3), 79(3) & 79(4) of the Building Regulations 2018).

- 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;
 - c) any dwelling on a lot with side or rear boundaries to open space reserves within the subject land must not be constructed unless a minimum of two (2) storeys in height, and with habitable room windows or balconies at the second storey fronting to the open space reserves.

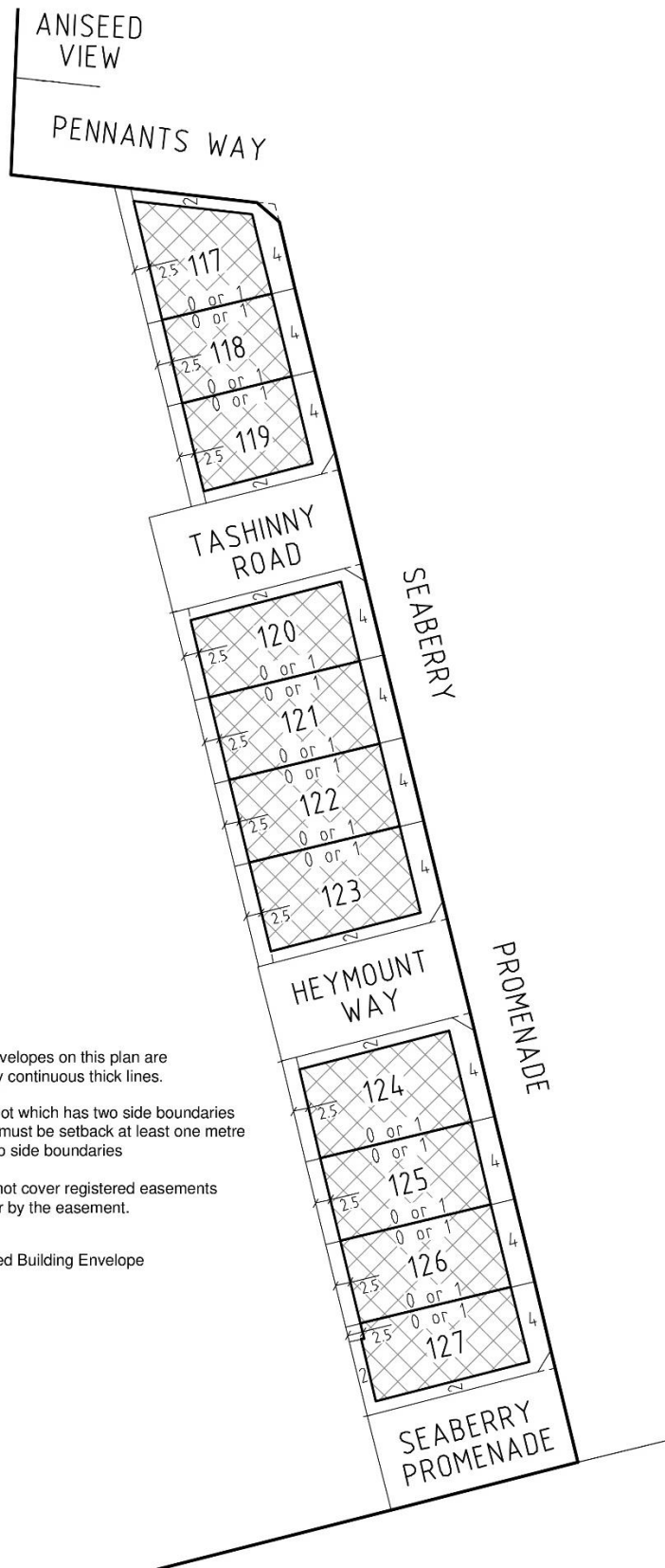
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4. Diagrams and plan




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SEE SHEET 1



1. The Building envelopes on this plan are shown enclosed by continuous thick lines.
2. A building on a lot which has two side boundaries denoted as 0 or 1 must be setback at least one metre from one of the two side boundaries
3. Buildings must not cover registered easements unless provided for by the easement.

 Approved Building Envelope