

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

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

Provisions:

**Plan of Subdivision PS826722E**

The registered proprietor or proprietors for the time being of a lot on this plan of subdivision his heirs, executors, administrators and transferees:

1. Shall not at any time on the said lot or any part or parts therefore build or cause to be built or allow to remain more than one dwelling, unless noted otherwise depicted on the relevant Plan of Subdivision.
2. Shall not at any time subdivide the said lot or any part of that lot.
3. Shall not at any time on the said lot or any part or parts therefore build or cause to be built or allow to remain a dwelling that does not have at least one habitable room window that addresses the primary street frontage. A habitable room is a living room or a bedroom.
4. Shall not at any time on the said lot or any part or parts therefore build or cause to be built or allow to remain a building that does not comply with the minimum street setback in accordance with Regulation 74 (Minimum street setbacks) in Part 5 of the Regulations, except as specified below:
  - A building on a lot must be set back from a street boundary not less than the distance specified in respect of that boundary on the Building Envelope Plan and not more than 6.5m, unless noted otherwise depicted on the relevant Plan of Subdivision.
  - Balconies, verandas, open porches, covered walkways and porticos that are less than 4.5 metres high and eaves, fascias and gutters, may encroach not more than 2.5 metres into the minimum front setback and 1 metre into the setback on a side street or laneway for a building or garage. Facade treatments and / or covered balconies or verandas on the second storey of a building that are less than 6.6 metres high may encroach not more than 1 metre into the minimum front setback.
  - A garage on a lot where facing the front street must be set back at least 5.5 metres from the front boundary of the lot, unless noted otherwise depicted on the relevant Building Envelope Plan.

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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](http://www.delwp.vic.gov.au/property)>Contact us

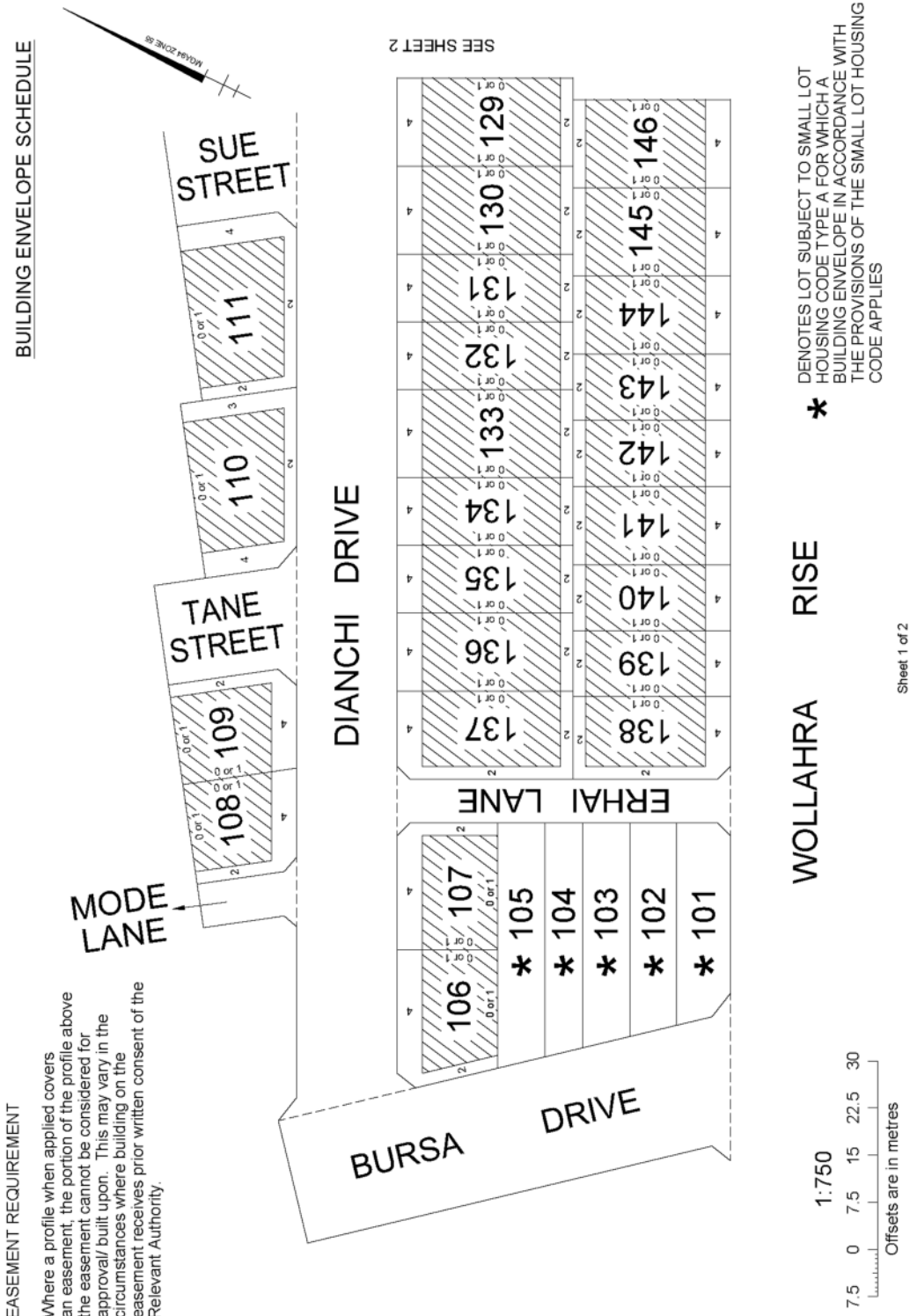
# Memorandum of common provisions

## Section 91A Transfer of Land Act 1958

5. Shall not at any time on the said lot or any part or parts therefore build or cause to be built or allow to remain a building that does not comply with the side and rear setbacks in accordance with Regulation 79 (Side and rear setbacks) in Part 5 of the Regulations, except as specified below:
  - Construct any building or garage on a side boundary of a lot unless the building or garage is set back a minimum of 1 metre from the other side boundary of that lot.
  - Outbuildings (other than a garage) not exceeding 10 square metres in area and 2.4 metres in height may encroach into the minimum side and rear setback specified.
6. Definitions
  - a. **Regulations** means *Building Regulations 2018 (SR NO 38 of 2018)*
  - b. **Building Envelope Plan** means the plan contained in this Memorandum of Common Provisions

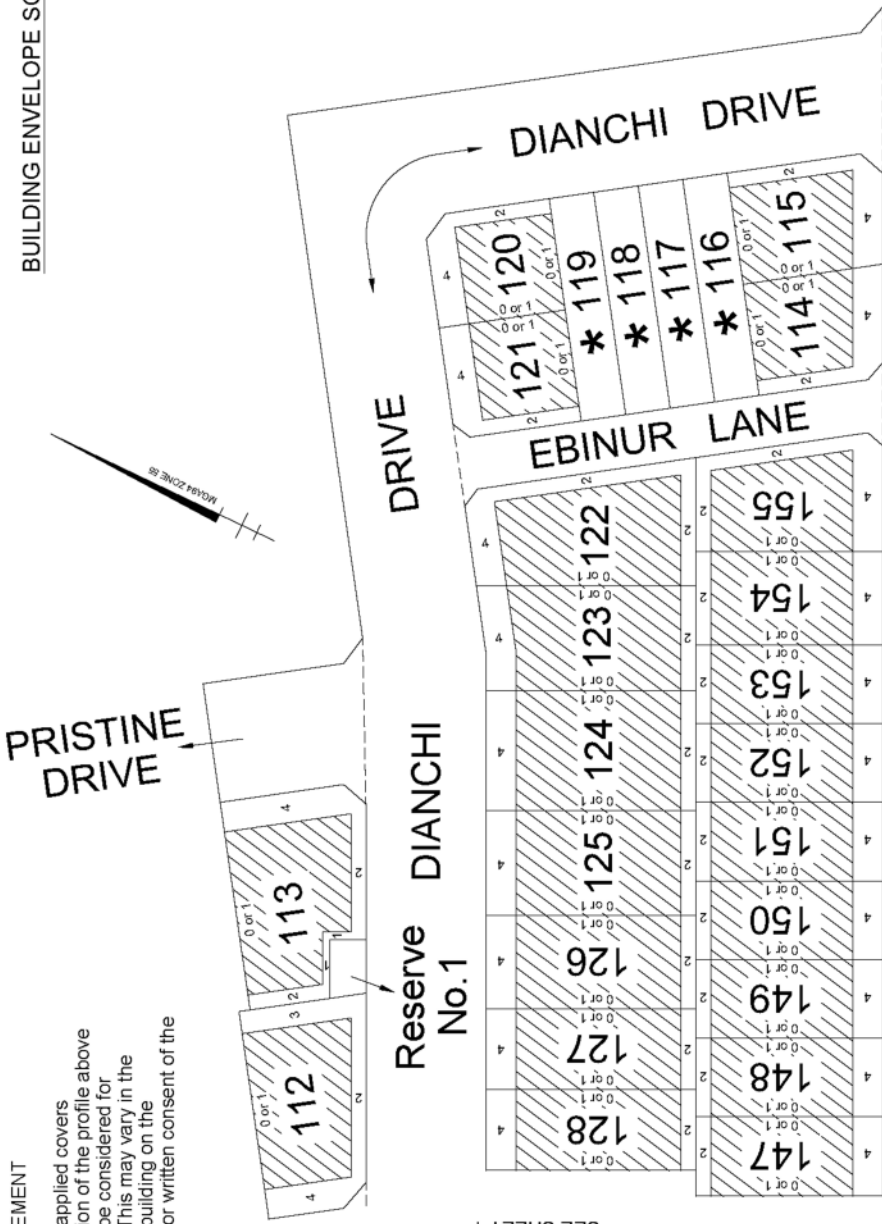
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7. Diagrams and plans



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BUILDING ENVELOPE SCHEDULE

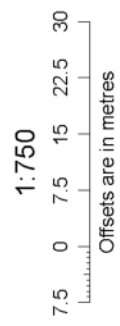


**EASEMENT REQUIREMENT**  
 Where a profile when applied covers an easement, the portion of the profile above the easement cannot be considered for approval/ built upon. This may vary in the circumstances where building on the easement receives prior written consent of the Relevant Authority.

SEE SHEET 1

\* DENOTES LOT SUBJECT TO SMALL LOT HOUSING CODE TYPE A FOR WHICH A BUILDING ENVELOPE IN ACCORDANCE WITH THE PROVISIONS OF THE SMALL LOT HOUSING CODE APPLIES

**WOLLAHRA RISE**



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