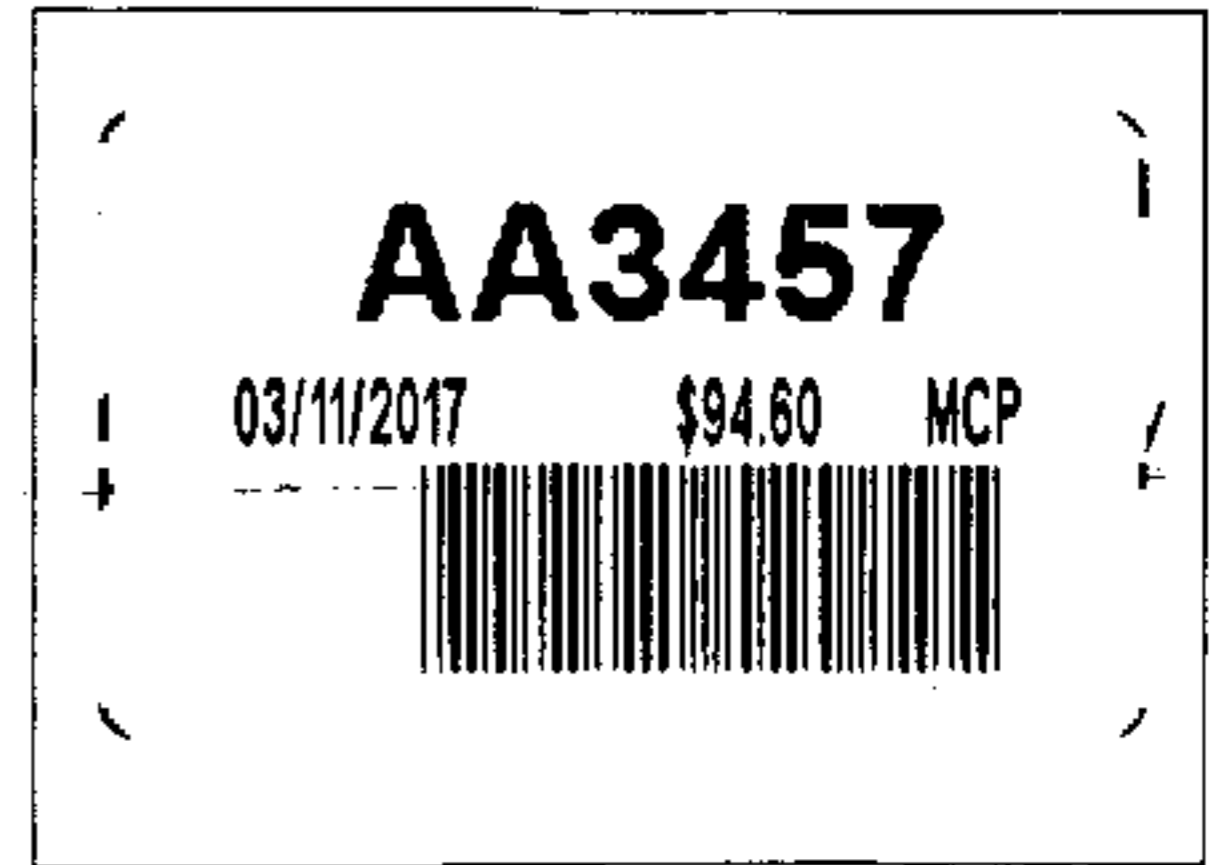


Memorandum of common provisions
Section 91A Transfer of Land Act 1958



Lodged by

Name: KEATING AVERY SOLICITORS PTY LTD
Phone: 02 6056 5533
Address: DX 35868 WODONGA
Reference: H&H
Customer code: 12596S

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

Provisions:

ALL THOSE PROVISIONS IN THE ATTACHED PAGED NUMBERED 2 - 7

Signing:

DAVID MICHAEL AVERY
B.COMM LLB
71 High Street Wodonga 3690
Australian Legal Practitioner
Under the meaning of the Legal
Profession Uniform Law (VIC)

13/10/2017

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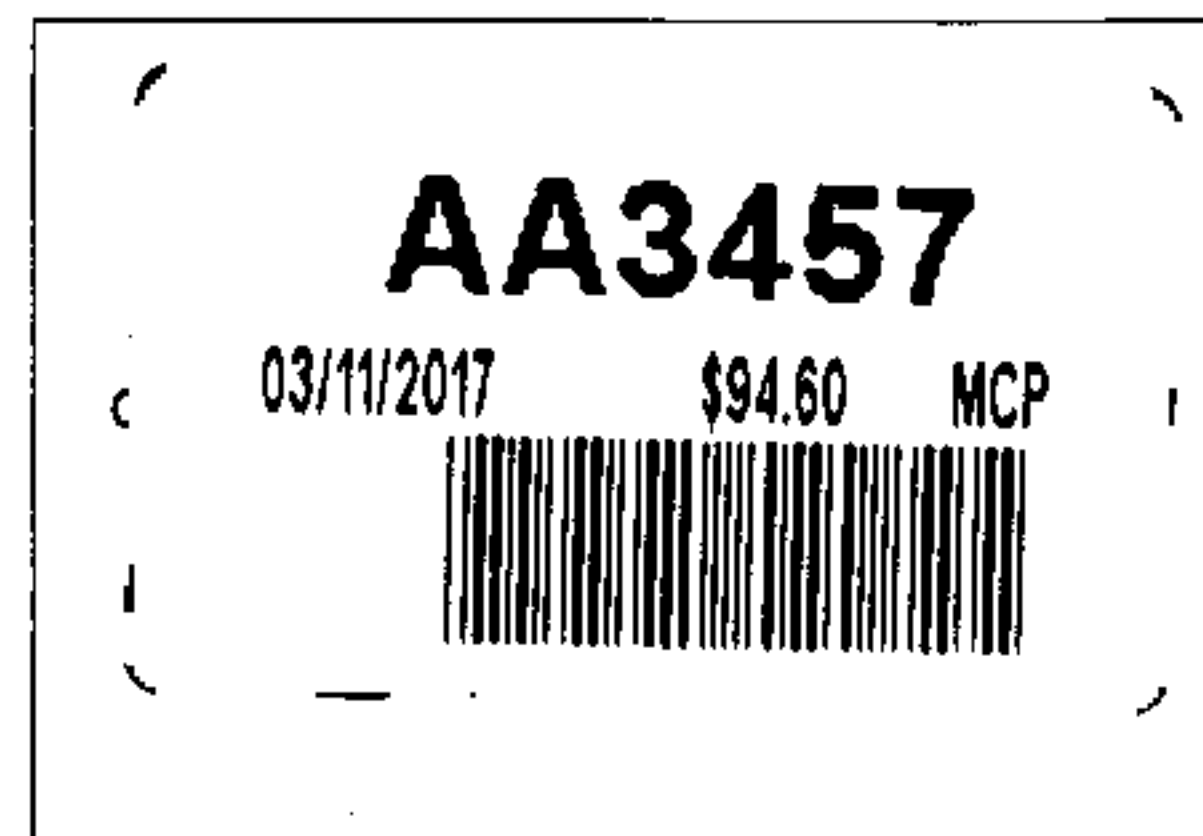
1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

Page 1 of 2

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Certifications

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of HEAD & HUMPHREYS PTY LTD

Signer Name *DAVID MICHAEL AVERY*

Signer Organisation *KEATINGE AVERY SOLICITORS PTY LTD*

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature

Execution Date *13/10/2017*

DAVID MICHAEL AVERY
 B.COMM LLB
 72 High Street Wodonga 3690
 An Australian Legal Practitioner
 Within the meaning of the Legal
 Profession Uniform Law (VIC)

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Page 2 of 2

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All those provisions in the attached pages numbered 2 – 7

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Any building on lots within a plan of subdivision affected by this Memorandum must be contained within the building envelopes and associated setback profiles shown on the plan of subdivision and must comply with the written notes contained herein.

Text of restrictions.

The matters which are restricted by the building envelopes are:

1. Minimum street setback.

Buildings on the lot must be set back from the main street frontage by the minimum distance noted on the plan, or if no front setback dimension is shown on the plan, at least 4m from the main street frontage except garages or carports which are to be set back at least 5m from the main street frontage.

On lots with more than one street frontage, buildings must be set back at least 2m from any frontage other than the main street frontage or, if applicable, the minimum distance noted on the plan.

Front entrances are to be easily accessible from the main street frontage.

Encroachments.

In accordance with regulation 409(3) in Part 4 of the *Building Interim Regulations 2017*, the following may encroach into the specified street setback distance by not more than 2.5m:

- Porches, verandas and pergolas that have a maximum height of less than 3.6m above natural ground level
- Eaves, fascia and gutters
- Sunblinds and shade sails
- Screens referred to in regulation 419(5)(d) or 419(6) in Part 4 of the *Building Interim Regulations 2017*
- Decks, steps or landings less than 800mm in height

2. Building height.

The height of a building must not exceed the lesser of 10m and the maximum building height shown in the setback profiles specified on the plan. Maximum building heights between specified points on a setback profile lie on a straight line drawn between the two specified points within a profile. Maximum building heights between profiles lie on a straight line drawn between the closest parts of the two profiles.

3. Site coverage.

Site coverage is not dealt with by this building envelope.

4. Side and rear setbacks.

Side setbacks.

A building on the lot must be set back from a side boundary not less than the distance specified in the setback profiles described in this document and shown on plan by a profile identifier, or the distance specified in a side setback dimension noted on the plan.

If no side setback profile or dimension on a plan indicates the minimum side setback, any building on the lot must be set back from its side boundaries in accordance with Regulations 409 (corner lots), 414 and 415 in Part 4 of the *Building Interim Regulations 2017*.

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Rear setbacks.

Rear setbacks apply to any wall of a building where a setback is not indicated by a setback profile identifier and the wall is not facing the side boundary of the lot.

A rear wall of a building not exceeding 3.6m in height must be set back from the rear boundary not less than 3m.

A rear wall of a building exceeding 3.6m in height must be set back from the rear boundary not less than 5.5m or, if applicable, the minimum distance noted on the plan.

The maximum height of a building facing a rear boundary must not exceed the maximum building height allowed by the side boundary profile, or a height limit for a rear setback as noted on the plan.

Encroachments.

The following may encroach into the specified side and rear setback distances by not more than 500mm:

- Porches and verandas
- Masonry chimneys
- Sunblinds
- Screens, but only to the extent needed to protect a neighbouring property from direct view
- Flues and pipes
- Domestic fuel tanks and water tanks
- Heating and cooling equipment and other services.

The following may encroach into the specified side and rear setback distances:

- Landings with an area of not more than 2m² and less than 1m high
- Unroofed stairways and ramps
- Pergolas
- Shade sails
- Eaves, fascia, gutters not more than 600mm in total width
- Carports, walls and buildings within the Building to Boundary Zone.

Side and rear setbacks from boundaries that are shared with lots which are not beneficiaries of this restriction are not dealt with by this building envelope except where noted on the plan.

5. Walls on boundaries

Walls, associated parts of a building and carports within 1m of a boundary are restricted to areas within a Building to Boundary zone (BBZ). The BBZ spans the length of the side boundary between the front and rear setbacks permitted by the building envelope, except where the perimeters of a BBZ are specifically noted on the plan.

Within the BBZ, the following apply:

- Walls and carports within 1m of a boundary must not exceed a total length of 12m.
- The maximum height of a wall or side of a carport must not exceed 3.2m, or 3.6m if the total length of wall is not more than 7m.
- Building height must not exceed 3.6m.
- Walls less than 1m from the boundary must be within 200mm of the boundary.
- Carports may be built within 1m of a boundary if the side of the carport facing the boundary is open.

Side and rear setbacks from boundaries that are shared with lots which are not beneficiaries of this restriction are not dealt with by this building envelope except where noted on the plan.

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6. Daylight to existing habitable room windows

A building must be set back from a habitable room window in an existing building on an adjoining lot only to the extent shown on the profile diagrams.

Daylight to habitable room windows in buildings on lots which are not beneficiaries of this restriction are not dealt with by this building envelope except where noted on the plan.

7. Solar access to north-facing habitable room windows

Any north-facing habitable room windows shall be located within the building envelope as described by setback profiles, plans and notes for each lot.

Solar access to north-facing habitable room windows on lots which are not beneficiaries of this restriction are not dealt with by this building envelope except where noted on the plan.

8. Overshadowing of recreational private open space

Overshadowing of recreational private open space is not dealt with by this building envelope except where noted on the plan.

9. Overlooking

From habitable room windows

If a habitable room window is in part of the building within an overlooking zone indicated in a setback profile or indicated by dimensions on the plan, any part of the window that is more than 3.6m above natural ground level must not allow a direct view to an adjoining lot. This does not apply to windows in a rear wall which complies with the specified rear setbacks.

From raised open spaces

A raised open space within an overlooking zone indicated in a setback profile or indicated by dimensions on the plan with a floor level of more than 2m above natural ground level must not allow a direct view to an adjoining lot.

A direct view is:

1. **From a habitable room window**, any line of sight measured from a height of 1.7m above the floor level of the habitable room and contained within the space enclosed by:
 - a. a vertical plane measured at an angle of 45° from each side of the window, and
 - b. a horizontal plane 1.7m above the floor level of the habitable room, and
 - c. the ground level below, and
 - d. a horizontal distance of 9m from the window.

2. **From a raised open space**, any line of sight measured from a height of 1.7m above the floor level and along the perimeter of the raised open space to any point within a horizontal distance of 9m from the raised open space and extending 45° beyond any point where the perimeter of the raised open space meets a wall of a building.

Overlooking of lots which are not beneficiaries of this Restriction are not dealt with by this building envelope except where noted on the plan.

10. Daylight to new habitable room windows

Daylight to new habitable room windows is not dealt with by this building envelope.

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Notes on the Restrictions:

1. Ground level after engineering works associated with the subdivision is to be regarded as natural ground level.
2. In the case of conflict between the plan, the profile diagrams and these written notations, they shall rank in priority in the following descending order:
 - a. the plan;
 - b. the profile diagrams; and
 - c. the specifications in the written notations.
3. Buildings must not cover registered easements unless provided for by the easement or unless approval to do so is granted by the Relevant Authority.

General Definitions.

If not defined above, the words below shall have the meaning attributed to them in the document identified:

In the *Building Act 1993*:

- Building
- Lot

In the *Building Interim Regulations 2017*:

- Clear to the sky
- Height
- Private open space
- Recreational open space
- Raised open space
- Secluded private open space
- Setback
- Site coverage
- Window
- Single dwelling
- North (true north)

In the *Victorian Planning Provisions*, 26th September 2017:

- Frontage (Clause 72)
- Dwelling (Clause 74)
- Habitable room (Clause 72)
- Storey (Clause 72)

Additional Definitions.

Front street or Main street frontage

The street frontage that allows the most direct access to the front door.

Side boundary

A boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot.

Street

For the purposes of determining street setbacks, street means any road other than a lane, footway, alley or right-of-way.

Standard lot

A single lot that accommodates a freestanding house detached from adjoining houses and of an individual style.

Terrace lot

One of a row of 2 or more lots where the houses are attached, generally 2 storeys in height and of a uniform style. The terrace houses are built to the side boundaries on the individual lots and are joined together with common walls or abutting boundary walls.

Zero lot

A standard lot which includes provision for single-storey non-common boundary walls and which do not have to be in contact with an adjoining structure.

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Diagrams and plans.

1. Explanation of symbols and terms in profile diagrams and plans

The following symbols have been used in the templates:-

Building Envelope Profile Identifier	Components of Building Envelope Profile Identifier
	<p>A Building Envelope Profile Type</p> <p>Site slope range between 0° and 15° for all lots</p>



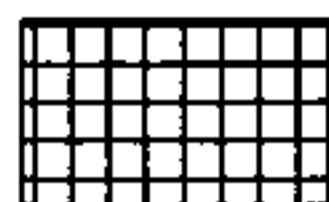
Single Storey Building Envelope (wall height not exceeding 3.6m)



Overlooking Zone - Habitable room windows or raised open spaces are a source of overlooking. Overlooking to be addressed by screens, opaque glass or sill heights.



Non Overlooking Zone - Habitable room windows or raised open spaces are not a source of overlooking



Building to Boundary Zone



Planimetric Building Envelope Boundary -see profiles for relevant controls

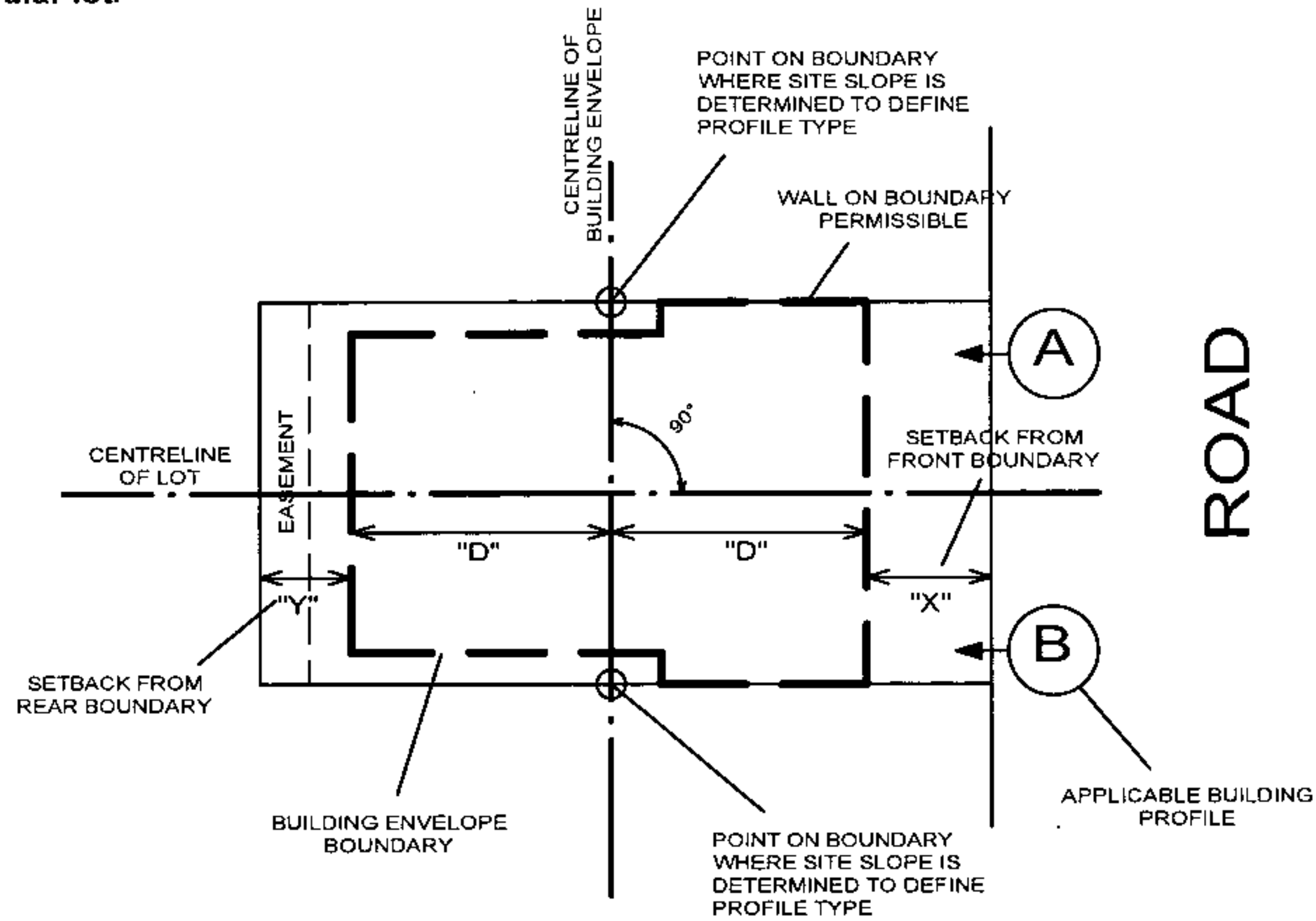
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Diagrams and plans.

2.1 Diagram illustrating the interpretation of the building envelope on the plan of subdivision - for a regular lot.



2.2 Diagram illustrating the interpretation of the building envelope on the plan of subdivision - for an irregular lot.

