

# Memorandum of common provisions

## Restrictive covenants in a plan

### Section 91A Transfer of Land Act 1958

#### Privacy Collection Statement

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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:** Definitions (if any):

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**PDRP** means the Provenance Design Review Panel that includes Huntly Property Holdings Pty Ltd ACN 612 975 407 as the developer/owner of Provenance Residential Estate.

**Building** has the same meaning as in the Building Regulations.

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993.

**Building Envelope** means an area within each allotment (defined by the particular allotment setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme

**Building Permit** means a building permit in terms of the Building Regulations.

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

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**Corner Allotment** means an allotment with a corner where each boundary connects to a street or public open space.

**Design Guidelines** mean the Design Guidelines which may be amended on occasions at the developer's discretion, subject to Greater Bendigo City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

**Dwelling** means a building used as a self-contained residence which must include:

- A kitchen sink;
- Food preparation facilities;
- A bath or shower; and
- A closet pan and wash basin.

It includes out-buildings and works normal to a dwelling.

**Frontage** means the road alignment at the front of an allotment. If an allotment abuts two or more roads, the one to which the building or proposed building faces.

**Front Garden** includes any area between the building line and the front boundary of an allotment and side street boundary or boundary abutting public open space of a corner allotment that is visible from a street.

**Height** has the same meaning as in the Building Regulations.

**Allotment** has the same meaning as in the Building Regulations.

**On the Boundary** includes a setback of up to 200 millimetres from the allotment/property boundary.

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool.

**Regulations** mean the Building Regulations 2019 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building.

**ResCode** means the residential development provisions incorporated into the Greater Bendigo Planning Scheme and the Building Regulations.

**Scheme** means the City of Greater Bendigo Planning Scheme.

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner.

**Setback** means the minimum distance from any allotment boundary to a building.

**Side Boundary** means a boundary of an allotment that runs between and connects the street frontage of the allotment to the rear boundary of the allotment.

**Site Coverage** means the proportion of a site covered by buildings.

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**SLHC** means the Small Lot Housing Code.

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

**Street**, for the purposes of determining setbacks, street means any road other than a footway or carriageway easement.

**Window** has the same meaning as in the Building Code of Australia.

**Covenants:**

### 1 Provenance, Huntly

This MCP applies to Lots 701 - 768 (also known as Stage 7 of Provenance) on PS848616E approved under the City of Greater Bendigo Planning Permit No. DS/514/2017. All care has been taken to ensure that this MCP complies with current Building Regulations. However, the owner is responsible for ensuring compliance with all statutory requirements. In the event that requirements in this document contradict the provisions of ResCode, ResCode will prevail.

Owners, Designers and Builders should review this MCP together with the Landscape guidelines, fencing guidelines and the Premium Street colour palette in conjunction with the land sales contract.

### 2 Developer Approval

The siting and design of homes at Provenance is to be approved by Provenance Design Review Panel (PDRP). Approval by the PDRP is required before applying for a building permit for the construction of a new dwelling. Approval by the PDRP is not a building approval nor does it imply compliance with the building code, Building Regulations or City of Greater Bendigo Planning Scheme.

The PDRP also reserves the right to approve applications based on architectural merit.

It is the applicant's responsibility to ensure that plans meet the relevant planning and building requirements, in addition to these design guidelines. Only a fully scaled set of application documents will be considered. No concept designs will be accepted.

The PDRP will assess all designs and if they are compliant with the Design Guidelines, provide a letter of approval along with an endorsed copy of the plans and external colour schedule. Applications that substantially comply with the Design Guidelines may be given a letter of approval with conditions requiring the rectification of minor deviations. These deviations may also be noted on the plans. The PDRP may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the PDRP will advise the applicant of the reasons of non-compliance and suggest amendments. Applicants will then be required to re-submit amended plans in order to gain approval. The final decision of all aspects of the Design Guidelines will be at the discretion of the PDRP.

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The PDRP will endeavour to process applications as quickly as possible, generally within 10 business days of receipt. Once approval is obtained from the PDRP, an application for a building permit may be lodged with the City of Greater Bendigo or an accredited building surveyor.

### 3 Covenants

In the event that requirements under the Design Guidelines contradict covenants defined within the Plan of Subdivision or this MCP, the Plan of Subdivision or this MCP will prevail.

### 4 Statutory Obligations

It is the purchaser's responsibility to ensure all submitted documents comply with the Victorian Building Regulations, ResCode and all other planning and authority requirements, along with current Victorian energy rating standards prior to construction.

### 5 Dwellings

Only one dwelling is permitted per property.

No further subdivision is permitted without the approval of the PDRP.

The lot/dwelling must not be used for any other purpose than as a residence (excluding home office).

The lot/dwelling cannot be used as a display home without consent from the PDRP.

The lot/dwelling is not permitted to maintain pigs, birds, dog kennels, cat kennels or poultry.

A dwelling must not cover greater than 70% of the lot, except for lots marked with a ■. Lots marked with a ■ are subject to requirements of the City of Greater Bendigo and the SLHC.

### 6 Identical Façade Assessment

In order to uphold the integrity of all new homes, two dwellings of the same front facade shall not be built within three contiguous allotment spaces of the original allotment, except for lots marked with a ■. Provision includes allotments either side, opposite and encompassing other street frontages where applicable. Lots marked with a ■ are subject to requirements of the City of Greater Bendigo and the SLHC and may have repetitive facades.

### 7 Architectural Characteristics

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Provenance.

Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

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Street facing windows are required on both primary and secondary streetscape interfaces.

Buildings should have at least 70% frontage onto the street. Except where noted on the MCP Plan.

### 8 Corner Allotment Characteristics

Dwellings constructed on corner allotments and on allotments that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the PDRP to determine acceptable corner treatment for each corner allotment submission.

Entries and/or garages facing the secondary street frontage may be considered by the PDRP where they are located adjoining open space and linear pedestrian open space links.

### 9 Porches and Entries

The front entry of the house must face the main street and be easily identifiable. The front entry must take the form of a portico, porch, verandah or other feature.

### 10 Dwelling Size

The dwelling must have a minimum house size of:

140 square metres (15 squares) on Premium street lots,  
and 110 square metres (11.8 squares) on all other lots.

This excludes lots marked with a ■. Lots marked with a ■ are subject to requirements of the City of Greater Bendigo and the SLHC.

This excludes garages, verandahs, porticos, balconies and alfresco areas.

The siting and proportion of the dwelling on the allotment should be a well thought out response to the site.

### 11 Eaves

Eaves with a minimum overhang of 300mm must be provided on dwellings to any street face of single storey dwellings and to all faces of double storey dwellings.

On single storey dwellings eaves must wrap around a minimum of 1500mm along the side of the dwelling from any street frontage (except where built to the boundary).

Corner lots must also have eaves on the street facing side façade facing the public realm. Roof materials must be non-reflective and submitted for review by the PDRP.

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### 12 Garages

A lockup garage for two vehicles must be provided on all properties.

Triple garages will not be permitted.

Garages must not exceed 7 metres on lots greater than 14 metres or 6 metres on lots less than 14 metres.

Garages must be set back a minimum 5.5 metres from the front boundary of the lot and a minimum of 840mm from the front of the dwelling.

### 13 Standard Allotment Setbacks

The dwelling must be setback a minimum of 4m from the front wall to the property boundary (excepting any entry porch, verandah, balcony, pergola and/or eaves)

Dwellings on lots with a frontage 16 metres or greater must have a minimum setback of 1 metre on both side boundaries (including garages).

Dwellings on a corner block require a minimum setback of 2 metres to the secondary frontage.

This excludes lots marked with a ■. Lots marked with a ■ are subject to requirements of the City of Greater Bendigo and the SLHC. Refer to building envelope plan for these setbacks as applicable.

### 14 Materials

The front façade must be finished with a mixture of at least 2 different materials or finishes. Brick and rendered brick are strongly encouraged. Rendered cement sheeting is not to be used on the front façade without approval of the PDRP. The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements.

Infill fibre sheet panels are not permitted above window and door openings where visible from the street. Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

### 15 Colour Schemes

All external colour choices should complement the natural environment of the estate and must be approved by the PDRP. Lots on Premium Streets must select at least two colours additional to a brick cladding from the Premium Street colour palette. Lots marked with a ● denote premium lots.

### 16 Driveways

All driveways, porches and any other concreted areas within the front yard or rear laneways must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stencilled masonry surface. The colour selection must complement the building design and external colour scheme. No plain concrete will be permitted unless it is out of public view.

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Garages should be sited on the allotment in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 500mm of screen planting between the driveway and the adjacent side boundary. This is not applicable to rear loaded properties accessed from a common accessway.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

If the PDRP approves a secondary driveway it must be located on the opposite side of the house to the first driveway unless on a corner block. Secondary driveways on corner lots must be located on the side street.

Each allotment is provided with a single or shared crossover. Relocation of crossovers is only permitted with prior approval from the PRDP and the City of Greater Bendigo. Relocated crossovers must be constructed at the owner's expense in accordance with the City of Greater Bendigo's specifications and be of the same finish as that originally provided. The existing crossover must be removed and the verge, kerb and footpath constructed to the same standard as the adjoining verge, kerb and footpath at the expense of the allotment owner.

### 17 Fencing

All lots must comply with the Fencing Guidelines and must be completed within 6 months of issue of the Occupancy Permit.

Lots marked with a ● are required to meet premium fencing requirements.  
Lots marked with a ▲ are required to meet bush front fencing requirements.  
Lots marked with a ○ are required to meet park lot fencing requirements.

All fencing must be shown on plans submitted to the PDRP for approval.

### 18 Front Landscaping

Landscaping of your front garden must comply with the Landscape Guidelines and be completed within 6 months of issue of the Occupancy Permit.

All landscaping must be shown on plans submitted to the PDRP for approval.

This excludes lots marked with a ■. Lots marked with a ■ are required to be discussed with PDRP regarding requirements and approvals.

### 19 Roof Mounted Building Services

Solar heating panels must be located on roof planes preferably not visible from public areas. The panels should follow the roof pitch. Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

### 20 NBN Co.

Each home must be wired in accordance with NBN requirements.

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### 21 Sheds

Sheds should be constructed of materials and colours consistent with and complimentary to, the materials used for the dwelling and must not be constructed partly or wholly of galvanised iron , aluminium or zincalume claddings.

Any shed or outbuilding must be constructed at the rear of the dwelling and not be directly visible from the street.

Sheds must not cover an area greater than 42m<sup>2</sup>.

### 22 Pergolas, Patios & Decking

Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the PDRP for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission. The PDRP will assess these on their merits. Please note that later date stand-alone submissions will incur an additional assessment fee.

### 23 Ancillary Items

Ancillary elements must be located or screened so that they are not in direct view from the public realm. These include water tanks, washing lines, hot water service and external plumbing, with the exception of gutters and downpipes.

Roll down security shutters are not permitted.

### 24 Maintenance of the Allotment

The landowner must not allow any rubbish to accumulate on the lot or allow excessive growth of grass or weeds upon the lot.

During the construction period, the owner will keep the site tidy and clear of rubbish and must make good any damage caused to the surrounding public land, land owned by the Transferor or infrastructure, by the owner or its contractors.

It is the responsibility of the landowner to ensure that any street trees and/or nature strips are protected during building works.

If any allotments are not maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the allotment owner.

It will be at the discretion of the PDRP to determine if allotments are being maintained to an acceptable level.

### 25 Vehicles

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.



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No vehicles (including cars, trucks, motor bikes, boats, buses, caravans and recreational vehicles) are to be parked on the nature strip or in the front yard.

### **26 Signs**

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

Builder's signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction.

Only one advertising sign is permitted per dwelling at any one time and these signs must be removed once the property is sold.

*Mandatory  
Covenants to be listed here.*

### **Expiry:**

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*Optional.  
Specify the date the covenants are to expire or if the covenants are to expire on the happening of a particular event, specify the event. If the expiry only applies to particular covenants or specific lots/folios, this must be clearly specified.*