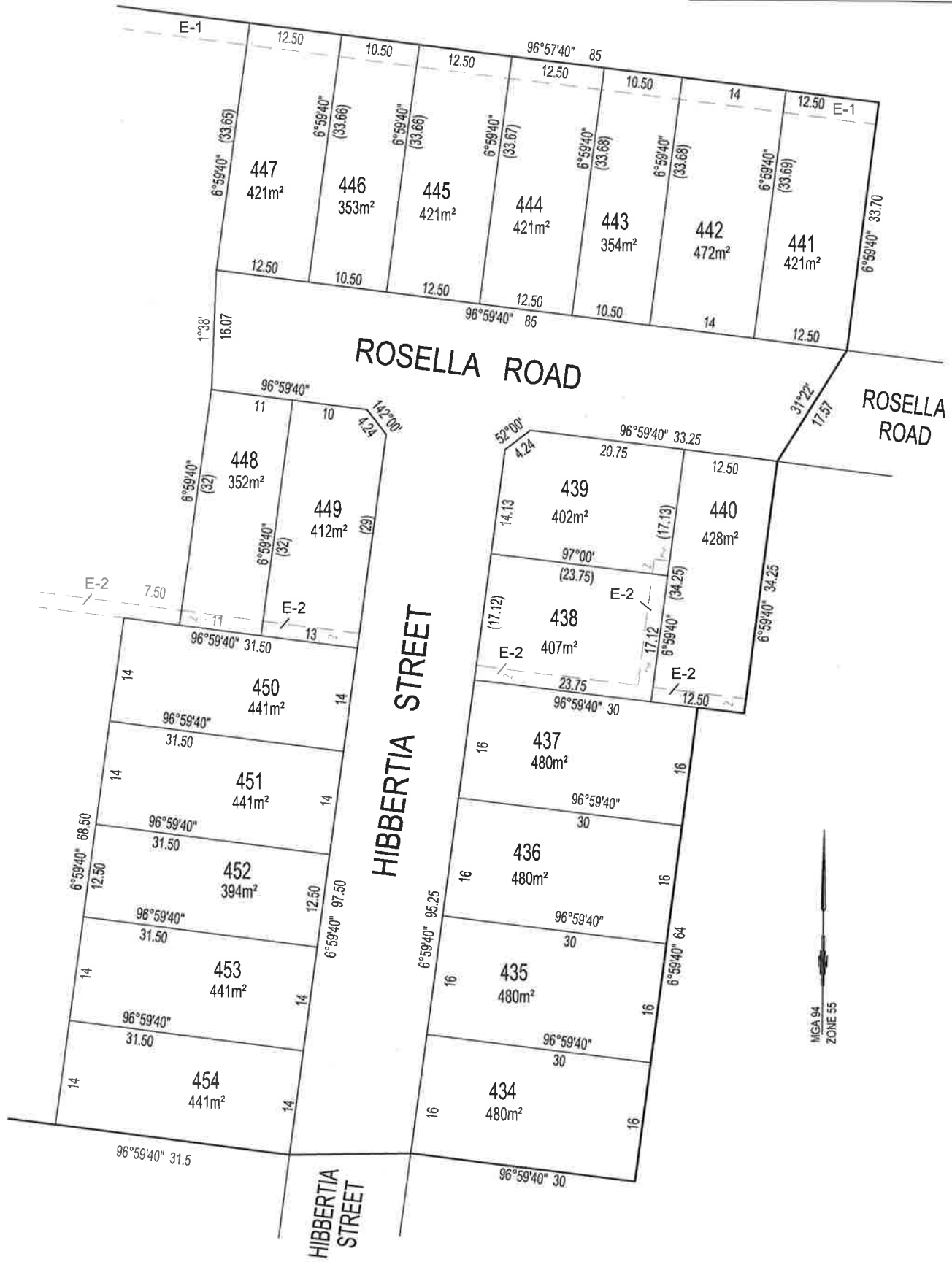


<b>PLAN OF SUBDIVISION</b>		EDITION 1	<b>PS742066E</b>	
<b>LOCATION OF LAND</b> PARISH: PUEBLA  CROWN ALLOTMENT : 62(Part)  TITLE REFERENCE : VOL.11852 FOL.335 (Part)  LAST PLAN REFERENCE: PS 742065G (LOT AM)  POSTAL ADDRESS: No. 1160 HORSESHOE BEND ROAD, (at time of subdivision) TORQUAY, 3228  MGA CO-ORDINATES: E: 266 400                      ZONE: 55 (of approx centre of land in plan)                      N: 5 756 520                      GDA 94				
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>		
IDENTIFIER	COUNCIL/BODY/PERSON			
ROADS, R1	SURF COAST SHIRE COUNCIL			
<b>NOTATIONS</b>		LOT NUMBERS 1 TO 433 HAVE BEEN OMITTED FROM THIS PLAN.  SEE ALSO MCP No : AA  <u><b>LOTS 434 to 454 (both inclusive) ARE EFFECTED BY A RESTRICTION - see SHEET 4</b></u>		
DEPTH LIMITATION : 15.24m  SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision. Planning Permit No.: 15/0316  This survey has been connected to permanent marks No.'s In Proclaimed Survey Area No.  SPEAR REFERENCE : S102450P				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	PIPELINES OR ANCILLARY PURPOSES	3m	PS647751T, SECTION 136 WATER ACT 1989	BARWON REGION WATER CORPORATION
E-2	PIPELINES OR ANCILLARY PURPOSES	2m	THIS PLAN	BARWON REGION WATER CORPORATION
E-3	PIPELINES OR ANCILLARY PURPOSES	2m	PS727250X, SECTION 136 WATER ACT 1989	BARWON REGION WATER CORPORATION
Land Development Consulting Pty Ltd Suite 20, 255 Drummond Street CARLTON, 3053 Ph : 9347 5655    E-mail : ldc@landevco.net.au		SURVEYORS REF: 3770 Stage 10 Version : B  Licensed Surveyor : Mark Charles Tomkinson		ORIGINAL SHEET SIZE: A3  SHEET 1 OF 4 SHEETS

The Dunes, TORQUAY  
 Lot No.'s : 434 to 454  
 Stage 10 : 21 lots

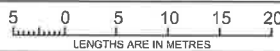




Land Development Consulting Pty Ltd  
 Suite 20, 255 Drummond Street  
 CARLTON, 3053 Ph : 9347 5655  
 E-mail : ldc@landevco.net.au

The Dunes, Torquay  
 Lot No's 434 to 454  
 Stage 10 - 21 lots

SCALE  
 1 : 500



ORIGINAL SHEET  
 SIZE: A3

SHEET 3

Licensed Surveyor : Mark Charles Tomkinson  
 Reference : 3770 Stage 10 Version : B

# Memorandum of Common Provisions

## Section 91A Transfer of Land Act 1958

**Privacy Collection Statement**  
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Lodged By:

Name: ROY MORRIS & CO PTY LTD

Phone: (03) 5261 4707

Address: 26 Pearl Street  
Torquay

Reference: RM:170617

Customer Code: 1624C

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This memorandum containing 5 pages contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

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### Provisions

#### Recitals

- A. This MCP has been prepared in order to regulate the siting and form of residential development for the benefit of owners and residents within The Dunes, Torquay.
- B. The provision of this MCP is incorporated into the restriction created by the Plan of Subdivision.
- C. Any building on lots 434 to 454 (both inclusive) within the Plan of Subdivision must be contained within the building envelopes shown on the attached plan and defined by the associated setback profiles and written notes contained therein.
- D. The building envelopes are part of the Planning Permit and are being created as a condition of that permit.
- E. This Memorandum of Common Provisions (MCP) is retained by the Registrar of Titles pursuant to Section 91A of the Transfer of Land Act 1958.

### Operative Part

#### 1. Definitions

In this Memorandum of Common Provisions (MCP):

- 1) **Approved Building Envelope** means the building envelope shown for a particular lot in the Building Envelope Plan and has the same meaning as in regulation 402 of the Building Regulations.
- 2) **Building** has the same meaning as in the Building Act.
- 3) **Building Act** means the act of the Victorian Parliament known as the *Building Act* 1993 and any re-enactment or replacement of that Act.
- 4) **Building Envelope Plan** means the plan which forms part of this MCP and which shows the Approved Building Envelopes, certain setbacks and other related matters for the lots within the Plan of Subdivision.

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# MCP

- 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.

- 5) **Building Permit** means a building permit in terms of the Building Act.
- 6) **Building Regulations** means the *Building Regulations* 2006 or any subsequent regulations made pursuant to the Building Act which relate the siting of a Building.
- 7) **Corner Lot** means a lot on the Plan of Subdivision of which a street or road, other than a lane identified on the Building Envelope Plan, forms the frontage to two or more sides, including at least one side boundary, of the lot concerned.
- 8) **Finished Surface Levels** means the finished surface level of the ground at the time of registration of the Plan of Subdivision.
- 9) **Front Street** means the street or road which forms the frontage to the lot concerned. Where there is more than one road which adjoins a lot or where it may otherwise be unclear, the Front Street will be identified by a letter "F" in the Building Envelope Plan.
- 10) **Lot** means a lot on the Plan of Subdivision.
- 11) **MCP** means this memorandum of common provisions.
- 12) **Plan of Subdivision** means the plan of subdivision which incorporates this MCP, namely, PS742066E.
- 13) **Planning Permit** means permit 15/0316 (amended 20 July 2016) issued by Surf Coast Shire Council on 2 December 2015.
- 14) **Setback** means the shortest horizontal distance from a particular boundary or building to another boundary or building excepting matters specifically referred to in this MCP.
- 15) **Side Street** means, where there is a Corner Lot, the street not identified by a letter "F" in the Building Envelope Plan, other than a lane identified on the Building Envelope Plan.

## 2. Application

This MCP applies to Lots 434 to 454 (both inclusive) on the Plan of Subdivision.

## 3. Building envelopes, encroachments, setbacks and siting

### A. Approved Building Envelope

Any Building (other than a boundary fence) for which the construction would require a Building Permit, must be sited within the Approved Building Envelope, apart from specific encroachments allowed outside the Approved Building Envelope pursuant to this MCP.

### B. Encroachments into Setback from Front Street

The following may encroach into the Setback from the Front Street shown by the Approved Building Envelope by not more than 1.8m:

- a. porches, verandas, pergolas & balconies. These must have a maximum height of less than 3.6 metres above the Finished Surface Level
- b. eaves, fascias & gutters

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# MCP

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- c. sunblinds & shade sails
- d. decks, steps & landings. These must have a maximum height of less than 3.6 metres above the Finished Surface Level

**C. Encroachments into Setback from Side Street**

The following may encroach into the Setback from the Side Street shown by the Approved Building Envelope by not more than 1.5m:

- a. porches, verandas, pergolas & balconies. These must have a maximum height of less than 3.6 metres above the Finished Surface Level
- b. eaves, fascias & gutters
- c. sunblinds & shade sails
- d. decks, steps & landings. These must have a maximum height of less than 3.6 metres above the Finished Surface Level

**D. Minimum Street Setback**

Buildings on Lots 434 to 454 (both inclusive) shall have a setback no less than 4.0 metres from the Front Street, other than Encroachments as set out in B. above.

Buildings on Lot 439 shall have a setback no less than 3.0 metres from the Side Street, other than Encroachments as set out in C. above.

Buildings on Lot 448 shall have a setback no less than 2.0 metres from the Side Street, other than Encroachments as set out in C. above.

**E. Rear Setback**

Save for Lots 439 and 448, Buildings on Lots 434 to 454 (both inclusive) shall have a setback no less than 3.0 metres from the rear boundary.

Buildings on Lots 439 and 448 shall have a setback no less than 2.0 metres from the rear boundary.

**F. Side Setback**

Where a Building is not located on the boundary, or within 0.15 metres of an abutting lot, the dwelling must be setback in accordance with the Building Regulations.

**G. Wall length on Boundary**

No wall or walls of a Building may total greater than 15 metres in length along a boundary on or within 0.15 metres from a lot boundary.

**H. Two Storey Buildings**

The second level component of any Building must not exceed 60% coverage of the Approved Building Envelope.

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**I. Garages and carports**

Garages and carports must be set back a further 0.3m (minimum) from the main building line on a lot.

**J. Corner Lots**

Any building constructed on a Corner Lot must:

- (a) address both street frontages with habitable rooms and façade treatments similar to the principle street frontage to avoid having blank walls facing the street; and
- (b) be designed to include elements of the front facade for at least 6m of the façade facing the side street. These may include window features, roof form, return verandahs, balconies or feature material finishes.

**K. Fencing**

- (a) Any front fencing must not exceed 1m in height; and
- (b) Any side fencing on a Corner Lot over 1m in height must be located behind the street building line.

**4. General**

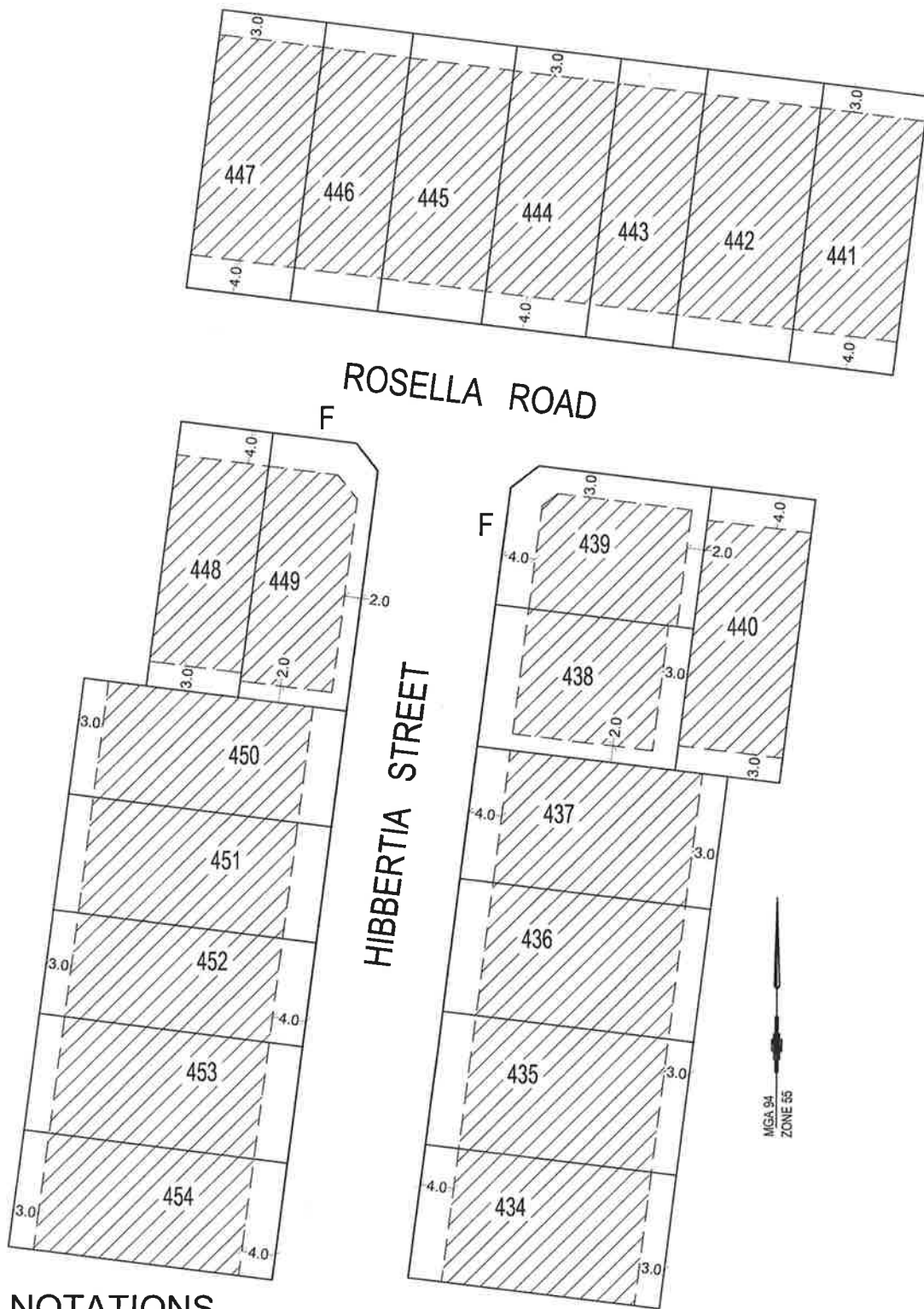
- 1) Other than in respect of a Lot identified on the endorsed plans forming part of the Planning Permit as a Lot which may be further subdivided or which may have more than one (1) dwelling constructed on it, a Lot may not be subdivided to create additional lots and not more than one (1) dwelling may be constructed on each Lot.
- 2) No sheep, pigs, poultry, geese or ducks may be kept on a Lot or any part of a Lot.
- 3) The extent to which Buildings may be built on the Lot shall be determined by reference to the relevant planning & building requirements including, but not limited to, the Planning & Environment Act 1987, the Surf Coast Shire Council Planning Scheme, applicable building codes & regulations, 'Rescode' and this MCP.
- 4) A swimming pool or spa is exempt from complying with this MCP.
- 5) This MCP is to be read in conjunction with the Planning Permit and the Plan of Subdivision. Where a conflict exists, the order of priority is:
  - (a) the Planning Permit prevails, to the extent of the inconsistency, over the Plan of Subdivision and
  - (b) the Plan of Subdivision prevails, to the extent of the inconsistency, over this MCP.

---

**MCP**

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# BUILDING ENVELOPE PLAN



## NOTATIONS

- 1 - THE BUILDING ENVELOPES ON THIS LAND ARE SHOWN HATCHED
- 2 - SECOND LEVEL BUILDINGS MUST NOT EXCEED 60% COVERAGE OF THE BUILDING ENVELOPE
- 3 - THE DWELLINGS ON LOTS 439 & 449 ARE TO ADDRESS BOTH STREET FRONTAGES.

Stage 10