

AA9545

Memorandum of common provisions

Restrictive covenants in a plan
Section 91A Transfer of Land Act 1958

This plan/document is endorsed in
accordance with Condition No. 9 of Permit
No. P21549.01

Sheet No. 1 of 9
Date: 14/08/2023

Signature for the Responsible Authority
Max Williams

Lodged by	HWL Ebsworth
Name	
Phone:	03 8644 3533
Address:	Level 8, 447 Collins Street, Melbourne 3000
Reference:	JLB 1161501
Customer code:	19208S

Privacy Collection Statement

The information in this form is
collected under statutory authority
and is used for the purpose of
maintaining publicly searchable
registers and indexes.

~~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):

- (A) JOINT AND SEVERAL OBLIGATIONS: AN AGREEMENT, REPRESENTATION OR WARRANTY IN FAVOUR OF 2 OR MORE PERSONS IS FOR THE BENEFIT OF THEM JOINTLY AND SEVERALLY AND AN AGREEMENT, REPRESENTATION OR WARRANTY ON THE PART OF 2 OR MORE PERSONS BINDS THEM JOINTLY AND SEVERALLY.
- (B) PERSONS: UNLESS THE CONTRARY INTENTION APPEARS, THE WORD "PERSON" INCLUDES A FIRM, A BODY CORPORATE, AN UNINCORPORATED ASSOCIATION OR AN AUTHORITY AND INCLUDES THAT PARTY'S SUCCESSORS, PERSONAL REPRESENTATIVES AND PERMITTED ASSIGNS.
- (C) REFERENCES TO STATUTES: A REFERENCE TO A STATUTE, ORDINANCE, CODE OR OTHER LAW INCLUDES ANY REGULATIONS AND OTHER INSTRUMENTS UNDER IT AND CONSOLIDATIONS, AMENDMENTS, RE-ENACTMENTS OR REPLACEMENTS OF ANY OF THEM OCCURRING AT ANY TIME BEFORE OR AFTER THE DATE OF THE CREATION OF THE RESTRICTIVE COVENANT.
- (D) "BUILDING ENVELOPE PLANS" MEANS THE BUILDING ENVELOPE PLANS SET OUT WITHIN THIS MEMORANDUM OF COMMON

91ATLA

V3

Page 1 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

PLANNING AND ENVIRONMENT ACT 1987



This plan/document is endorsed in
accordance with Condition No. 9 of Permit
No. P21549.01

Sheet No. 2 of 9
Date: 14/09/2023

Signature for the Responsible Authority
Max Williams

- PROVISIONS AND PREPARED BY ASCOTOWN PASTORAL COMPANY
PTY LTD ACN 116 959 365 AS AMENDED FROM TIME TO TIME.
- (E) "MERRIFIELD LIVING DESIGN GUIDELINES" MEANS THE MERRIFIELD
LIVING DESIGN GUIDELINES PREPARED BY ASCOTOWN PASTORAL
COMPANY PTY LTD ACN 116 959 365 AS AMENDED FROM TIME TO
TIME.
- (F) "PLAN OF SUBDIVISION" MEANS THE PLAN OF SUBDIVISION NO.
PS900039E AS AMENDED FROM TIME TO TIME.
- (G) "TRANSFEROR" MEANS ASCOTOWN PASTORAL COMPANY PTY LTD
ACN 116 959 365.

Covenants:

INTRODUCTION:

- (A) THE PROVISIONS OF THIS MCP ARE INCORPORATED INTO THE
RESTRICTIONS CREATED BY THE PLAN OF SUBDIVISION.
- (B) THIS MCP IS RETAINED BY THE REGISTRAR OF TITLES PURSUANT TO
SECTION 91(A) OF THE TRANSFER OF LAND ACT.
- (C) THE REQUIREMENTS IN THIS MCP APPLY IN ADDITION TO THE
REQUIREMENTS IN THE REGULATIONS AND THE PLANNING SCHEME. IN THE
EVENT OF CONFLICT OR INCONSISTENCY, THE PROVISIONS OF THIS MCP
SHALL PREVAIL, TO THE EXTENT THAT SUCH CONFLICT OR INCONSISTENCY
IS LAWFUL.
- (D) THE REQUIREMENTS IN THIS MCP MAY ONLY BE WAIVED OR VARIED BY
WRITTEN NOTICE ISSUED BY TRANSFEROR.

SHALL NOT AT ANY TIME:

- (A) ERECT OR CAUSE TO BE ERECTED MORE THAN A SINGLE DWELLING;
- (B) ERECT OR CAUSE TO BE ERECTED ANY DWELLING OR WORKS OTHER
THAN A DWELLING OR WORKS THAT COMPLY WITH:
- (I) THE MERRIFIELD LIVING DESIGN GUIDELINES; AND
- (II) THE BUILDING ENVELOPE PLANS, PROVIDED THAT ARCHITECTURAL
FEATURES, PORCHES, PERGOLAS, VERANDAS AND EAVES WHICH
ARE LESS THAN 3.6 METRES IN HEIGHT MAY BE CONSTRUCTED TO A
DISTANCE OF NO MORE THAN 2.5 METRES BEYOND THE BUILDING
ENVELOPE SHOWN ON THE BUILDING ENVELOPE PLANS;
- (C) ERECT OR CAUSE TO BE ERECTED ANY DWELLING OR WORKS OTHER
THAN A DWELLING OR WORKS THAT COMPLY WITH PLANS APPROVED
BY THE MERRIFIELD DESIGN REVIEW COMMITTEE;
- (D) ERECT OR CAUSE TO BE ERECTED ANY DWELLING AND / OR GARAGE
UNLESS ALL BUILDING RUBBISH WASTE DEBRIS AND LITTER IS
CONTAINED WITHIN THE LOT HEREBY TRANSFERRED;
- (E) ERECT OR CAUSE TO BE ERECTED ANY BOUNDARY FENCE OTHER
THAN AS APPROVED IN THE MERRIFIELD LIVING DESIGN GUIDELINES
(IF SPECIFIED);
- (F) PARK ANY MOTOR VEHICLE WITH A LOAD CAPACITY IN EXCESS OF 1
TONNE AND USED FOR COMMERCIAL PURPOSES BETWEEN THE
FRONT BOUNDARY OF THE LOT HEREBY TRANSFERRED AND THE

91ATLA

V3

Page 2 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

PLANNING AND ENVIRONMENT ACT 1987



This plan/document is endorsed in
accordance with Condition No. 9 of Permit
No. P21549.01

(G)

Sheet No. 3 of 9

Date: 14/09/2023

Signature for the Responsible Authority:
Max Williams

FRONT BUILDING LINE OF THE HOUSE ERECTED THEREON OR ON THE
ROAD RESERVE;

USE ANY DWELLING FOR DISPLAY HOME PURPOSES WITHOUT THE
TRANSFEROR'S PRIOR WRITTEN CONSENT; AND
CAUSE OR PERMIT TO BE CAUSED THE PROVISIONS OF THIS
RESTRICTIVE COVENANT TO BE VARIED WITHOUT THE CONSENT OF
ASCOTOWN PASTORAL COMPANY PTY LTD.

91ATLA

V3

Page 3 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

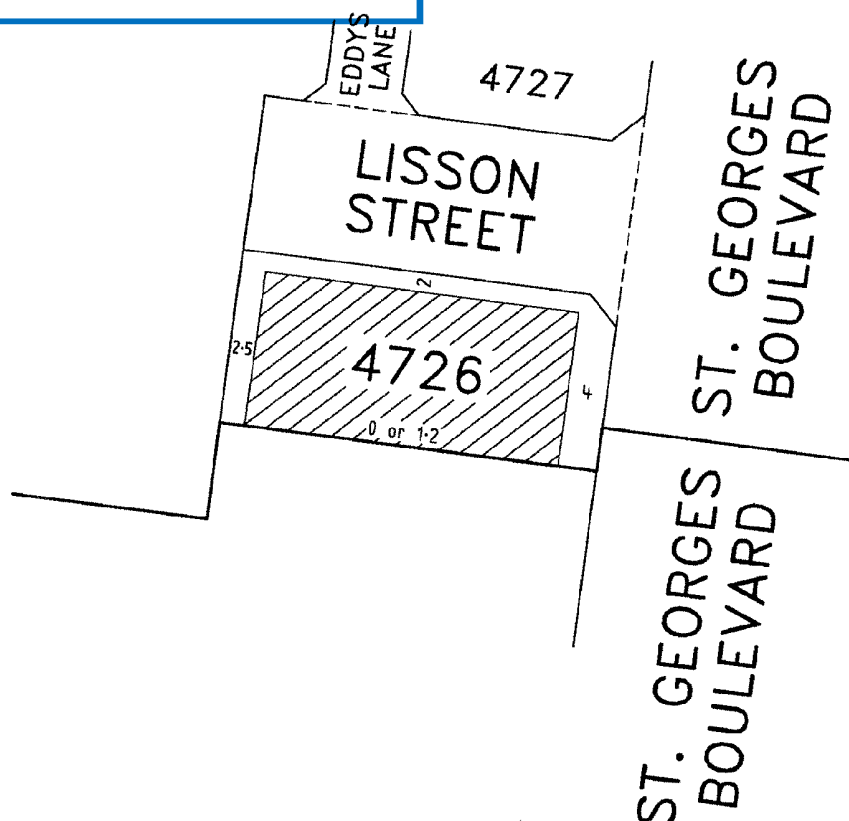
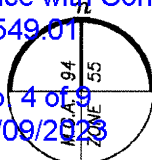
PLANNING AND ENVIRONMENT ACT 1987



This plan/document is endorsed in
accordance with Condition No. 9 of Permit
No. P21549-01

Sheet No. 4 of 9
Date: 14/09/2023

Signature for the Responsible Authority:
Max Williams

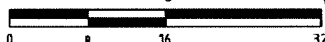


BUILDING ENVELOPE

NOTE

FOR FULL LOT & EASEMENT
DIMENSIONS REFER TO SHEET 4
ON PS900039E.

Date: 1 March 2023
Dwg: 329005-ST47-BE



veris

VERIS AUSTRALIA PTY LTD
Level 3, 1 Southbank Blvd
Southbank, VIC 3006
T +61 3 7019 6400
E info@veris.com.au
W www.veris.com.au

91ATLA

V3

Page 4 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

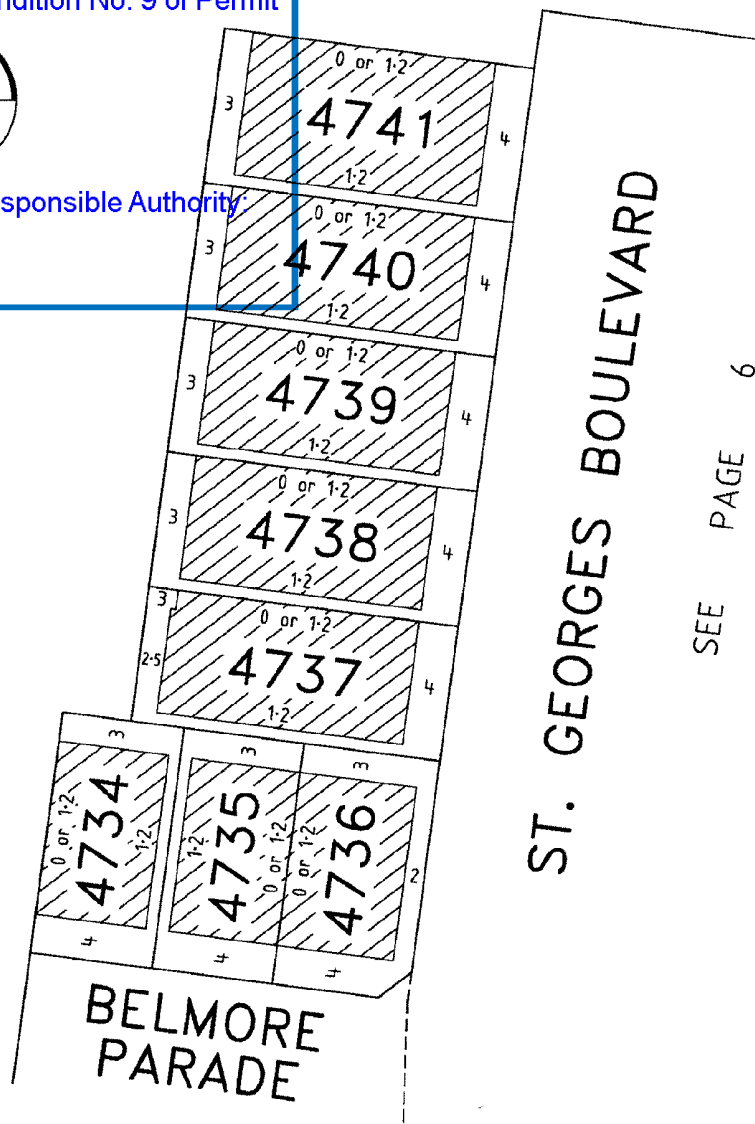
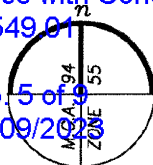
PLANNING AND ENVIRONMENT ACT 1987



This plan/document is endorsed in accordance with Condition No. 9 of Permit No. P21549.01

Sheet No. 5 of 9
 Date: 14/09/2022

Signature for the Responsible Authority:
 Max Williams



SEE PAGE 6

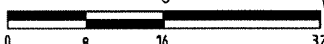
NOTE

THE BUILDING ENVELOPE OF LOT 4737 IS PARTIALLY DEFINED BY EASEMENT BOUNDARIES. FOR FULL LOT & EASEMENT DIMENSIONS REFER TO SHEET 4 ON PS900039E.



BUILDING ENVELOPE

Date: 1 March 2023
 Dwg: 329005-ST47-BE



veris

VERIS AUSTRALIA PTY LTD
 Level 3, 1 Southland Blvd
 Southbank VIC 3005
 T 03 9370 19 6400
 E info@veris.com.au
 W www.veris.com.au

91ATLA

V3

Page 5 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

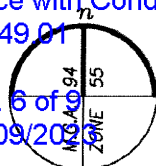
PLANNING AND ENVIRONMENT ACT 1987



This plan/document is endorsed in accordance with Condition No. 9 of Permit No. P21549.01

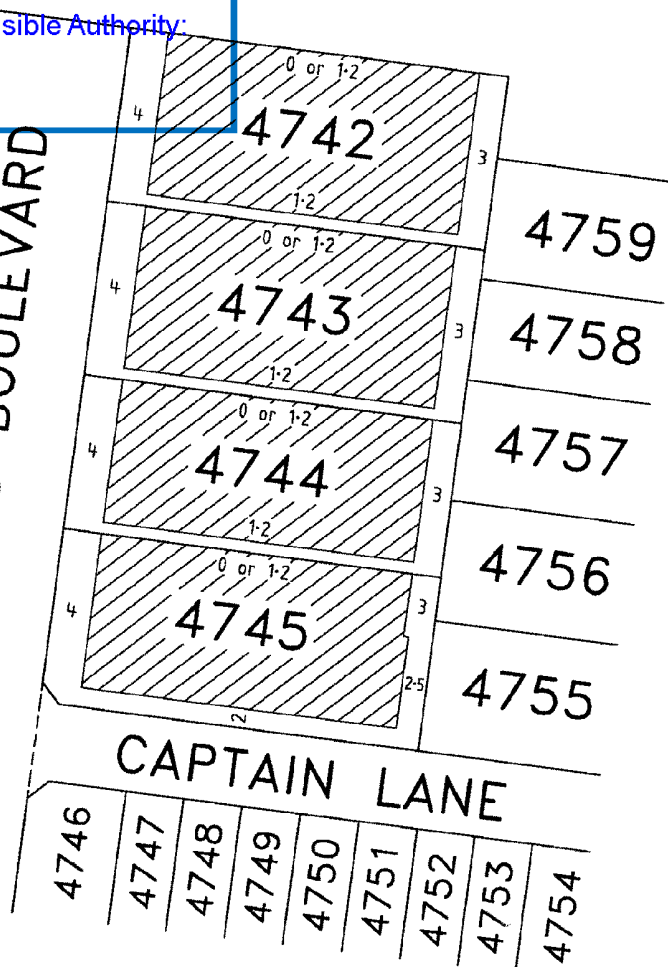
Sheet No. 6 of 9
Date: 14/09/2023

Signature for the Responsible Authority:
Max Williams



SEE PAGE 5

ST. GEORGES BOULEVARD



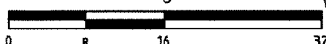
NOTE

THE BUILDING ENVELOPE OF LOT 4745 IS PARTIALLY DEFINED BY EASEMENT BOUNDARIES. FOR FULL LOT & EASEMENT DIMENSIONS REFER TO SHEET 4 ON PS900039E.



BUILDING ENVELOPE

Date: 1 March 2023
Dwg: 329005-ST47-BE



veris

VERIS AUSTRALIA PTY LTD
A | Level 3, 1 Southbank Blvd
Southbank VIC 3006
T | +61 3 7019 0400
E | info@veris.com.au
W | www.veris.com.au

91ATLA

V3

Page 6 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

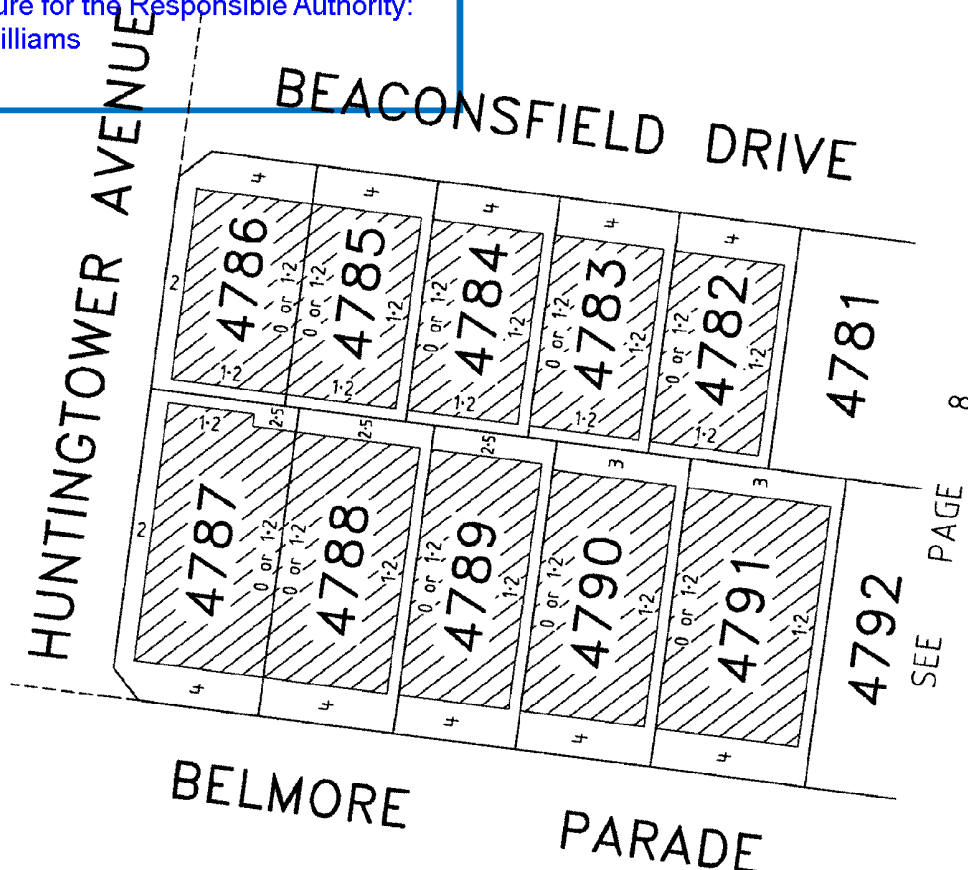
PLANNING AND ENVIRONMENT ACT 1987



This plan/document is endorsed in accordance with Condition No. 9 of Permit No. P21549.01

Sheet No. 7 of 9
 Date: 14/09/2023

Signature for the Responsible Authority:
 Max Williams



SEE PAGE 8

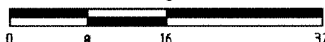
NOTE

THE BUILDING ENVELOPE OF LOT 4787 IS PARTIALLY DEFINED BY EASEMENT BOUNDARIES. FOR FULL LOT & EASEMENT DIMENSIONS REFER TO SHEETS 4 AND 5 ON PS900039E.



BUILDING ENVELOPE

Date: 1 March 2023
 Dwg: 329005-ST47-BE



veris

VERIS AUSTRALIA PTY LTD
 Level 3, 1 Southbank Blvd
 Southbank, VIC 3006
 T +61 3 (0)3 9440
 E melbourne@veris.com.au
 W www.veris.com.au

91ATLA

V3

Page 7 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

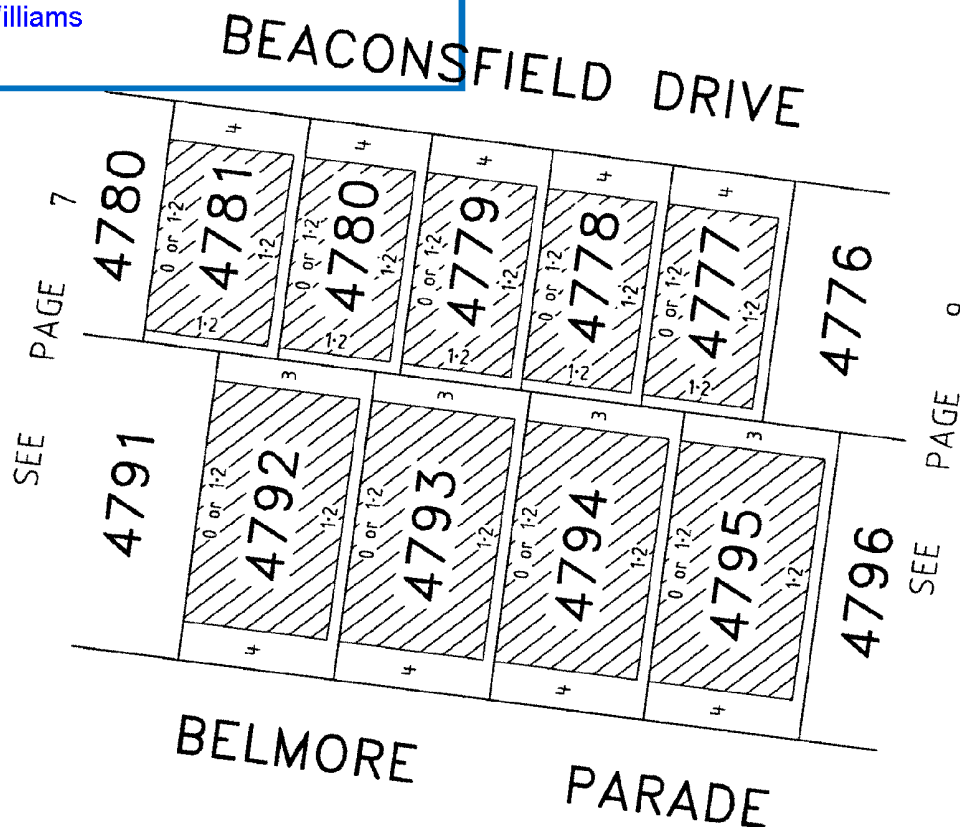
PLANNING AND ENVIRONMENT ACT 1987



This plan/document is endorsed in accordance with Condition No. 9 of Permit No. P21549.01

Sheet No. 8 of 9
 Date: 14/09/2023

Signature for the Responsible Authority:
 Max Williams

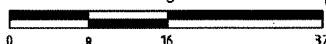


BUILDING ENVELOPE

NOTE

FOR FULL LOT & EASEMENT
 DIMENSIONS REFER TO SHEET 5
 ON PS900039E.

Date: 1 March 2023
 Dwg: 329005-ST47-BE



veris

VERIS AUSTRALIA PTY LTD
 A | Level 2, 1 Southbank Drive
 Southbank VIC 3006
 T | +61 3 7019 0400
 E | melbourne@veris.com.au
 W | www.veris.com.au

91ATLA

V3

Page 8 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA9545

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

PLANNING AND ENVIRONMENT ACT 1987

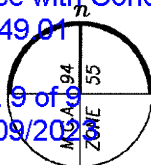


This plan/document is endorsed in accordance with Condition No. 9 of Permit No. P21549/01

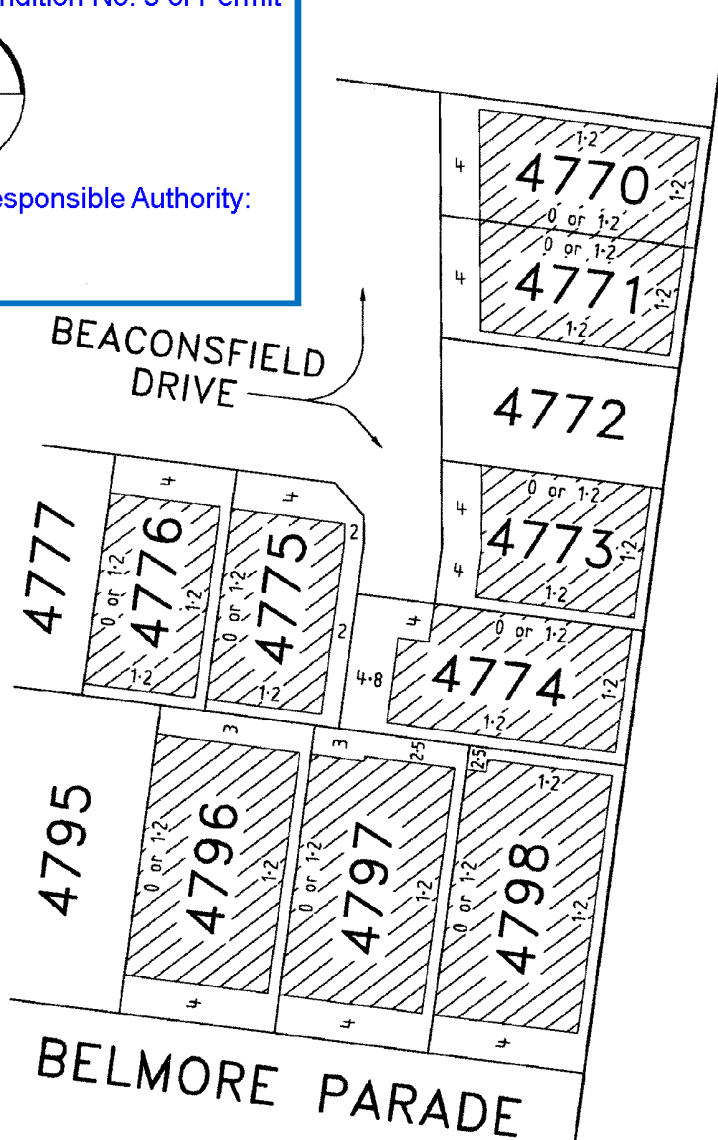
Sheet No. 9 of 10

Date: 14/09/2023

Signature for the Responsible Authority:
 Max Williams



SEE PAGE 8



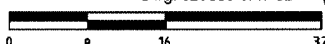
NOTE

THE BUILDING ENVELOPES OF LOTS 4797 & 4798 ARE PARTIALLY DEFINED BY EASEMENT BOUNDARIES. FOR FULL LOT & EASEMENT DIMENSIONS REFER TO SHEET 5 ON PS900039E.



BUILDING ENVELOPE

Date: 1 March 2023
 Dwg: 329005-ST47-BE



veris

VERIS AUSTRALIA PTY LTD
 A | Level 3, 1 Southern Blvd
 Southbank VIC 3006
 T | 03 9709 6400
 E | melb@veris.com.au
 W | www.veris.com.au

91ATLA

V3

Page 9 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us