

Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

PLANNING AND ENVIRONMENT ACT 1967

This Endorsed Plan forms part of

Permit No. P24194

Sheet No. 1 of 4

Date: 15/04/2024

AA9418

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Lodged by		Signature for the Responsible
Name:	HWL Ebsworth	Authority:
Phone:	03 8644 3533	Max Williams
Address:	Level 8, 447 Collins Street, Melbourne 3000	
Reference:	JLB:1104278 (Stage 5)	
Customer code:	0985X	

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 PROVISIONS AND PREPARED BY ROSEDUST PTY LTD A.C.N. 618 257

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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>Contact us

Doc ID 1069898143/v1

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

- PLANNING AND ENVIRONMENT ACT 1987**
- This Endorsed Plan forms part of
 686 AND COPPERDUST PTY LTD A.C.N. 618 875 433 AS AMENDED FROM
 TIME TO TIME.
- (E) "MERRIFIELD LIVING DESIGN GUIDELINES" MEANS THE MERRIFIELD
 LIVING DESIGN GUIDELINES PREPARED BY ROSEDUST PTY LTD A.C.N.
 618 257 686 AND COPPERDUST PTY LTD A.C.N. 618 875 433 AS
 AMENDED FROM TIME TO TIME
- (F) "PLAN OF SUBDIVISION" MEANS THE PLAN OF SUBDIVISION NO.
 PS906536G AS AMENDED FROM TIME TO TIME.
- (H) "TRANSFEROR" MEANS ROSEDUST PTY LTD A.C.N. 618 257 686 AND
 COPPERDUST PTY LTD A.C.N. 618 875 433.

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

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(H) USE ANY DWELLING FOR DISPLAY HOME PURPOSES WITHOUT THE TRANSFEROR'S PRIOR WRITTEN CONSENT; AND

(I) CAUSE OR PERMIT TO BE CAUSED THE PROVISIONS OF THIS RESTRICTIVE COVENANT TO BE VARIED WITHOUT THE CONSENT OF ROSEDUST PTY LTD A.C.N. 618 257 686 AND COPPERDUST PTY LTD A.C.N. 618 875 433.

Signature for the Responsible Authority:
Max Williams

Expiry:

THE COVENANT SHALL CEASE TO APPLY OR AFFECT THE BURDENED LAND ON 31 DECEMBER 2043

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.

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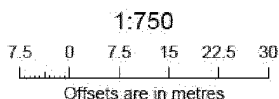
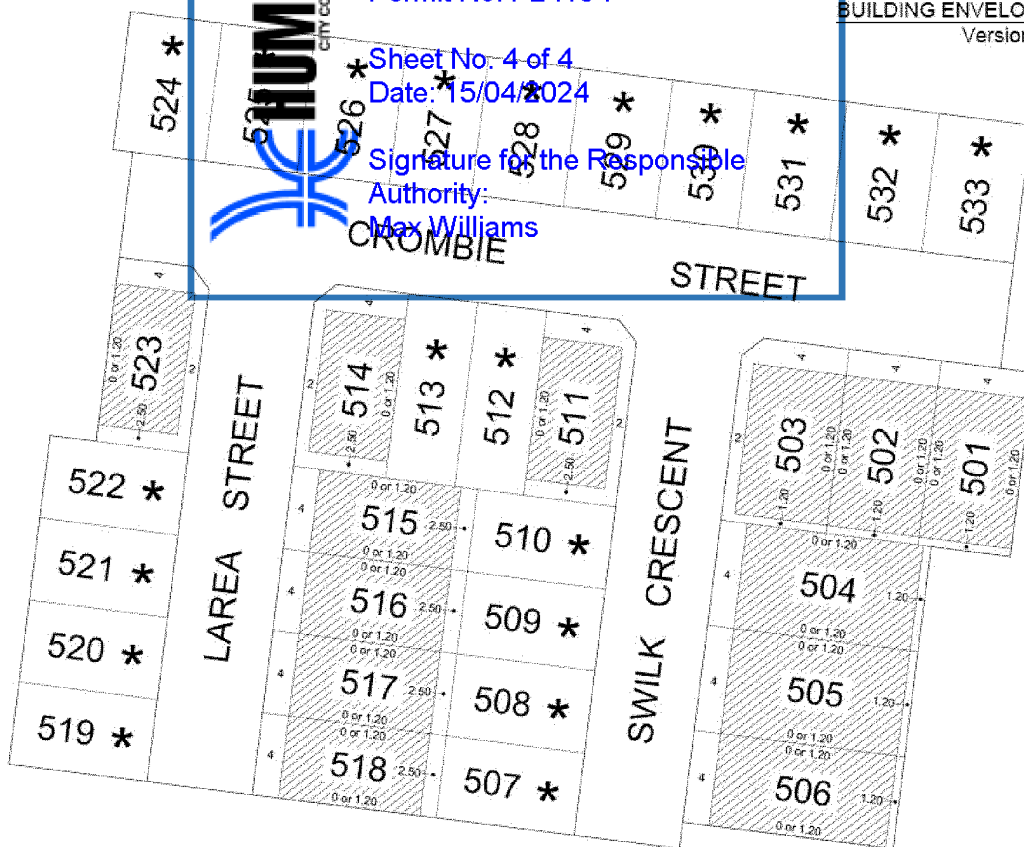
BUILDING ENVELOPE SCHEDULE
 Version 2

PLANNING AND ENVIRONMENT ACT 1987

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 Permit No. P24194

Sheet No. 4 of 4
 Date: 15/04/2024

Signature for the Responsible
 Authority:
 Max Williams



* 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

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