



# Department of Environment, Land, Water & Planning

## Electronic Instrument Statement

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Status	Registered	Dealing Number	AA011273
Date and Time Lodged	30/01/2026 09:48:17 AM		

### Lodger Details

Lodger Code	19208S
Name	HWL EBSWORTH LAWYERS
Address	
Lodger Box	
Phone	
Email	
Reference	JLB:1104278 STG 10 M

## APPLICATION TO REQUEST ACTION BY THE REGISTRAR

Jurisdiction	VICTORIA
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### Privacy Collection Statement

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### Estate and/or Interest

### Land Title Reference

### Instrument and/or legislation

ACTION - RETAIN MCP  
Transfer of Land Act - section 91A

### Applicant(s)

Name	ROSEDUST PTY LTD AND COPPERDUST PTY LTD
Address	
Floor Type	LEVEL
Floor Number	8
Street Number	447
Street Name	COLLINS
Street Type	STREET
Locality	MELBOURNE
State	VIC
Postcode	3000

### Additional Details



# Department of Environment, Land, Water & Planning

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## Electronic Instrument Statement

Refer Image Instrument

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The applicant requests the action by the Registrar.

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### Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
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 law and any Prescribed Requirement.

Executed on behalf of	ROSEDUST PTY LTD AND COPPERDUST PTY LTD
Signer Name	FRANK XENOS
Signer Organisation	PARTNERS OF HWL EBSWORTH LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	30 JANUARY 2026

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### File Notes:

NIL

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This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

# Imaged Document Cover Sheet

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# Memorandum of common provisions

## Restrictive covenants in a plan

### Section 91A Transfer of Land Act 1958

#### 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.

Lodged by	
Name:	HWL Ebsworth
Phone:	03 8644 3533
Address:	Level 8,447 Collins Street, Melbourne 3000
Reference:	JLB:1104278 (Stage 10)
Customer code:	19208S

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. 618 257 686 AND COPPERDUST PTY LTD A.C.N. 618 875 433 AS AMENDED FROM TIME TO TIME.

91ATLA

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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](http://www.delwp.vic.gov.au/property)>Contact us

## Memorandum of common provisions

### Section 91A Transfer of Land Act 1958

- (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. PS922176U 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 ANYTIME:

- (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;

## Memorandum of common provisions

### Section 91A Transfer of Land Act 1958

- (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.

**Expiry:**

THE COVENANT SHALL CEASE TO APPLY OR AFFECT THE BURDENED LAND

ON 31 DECEMBER 2043

*Optional.*

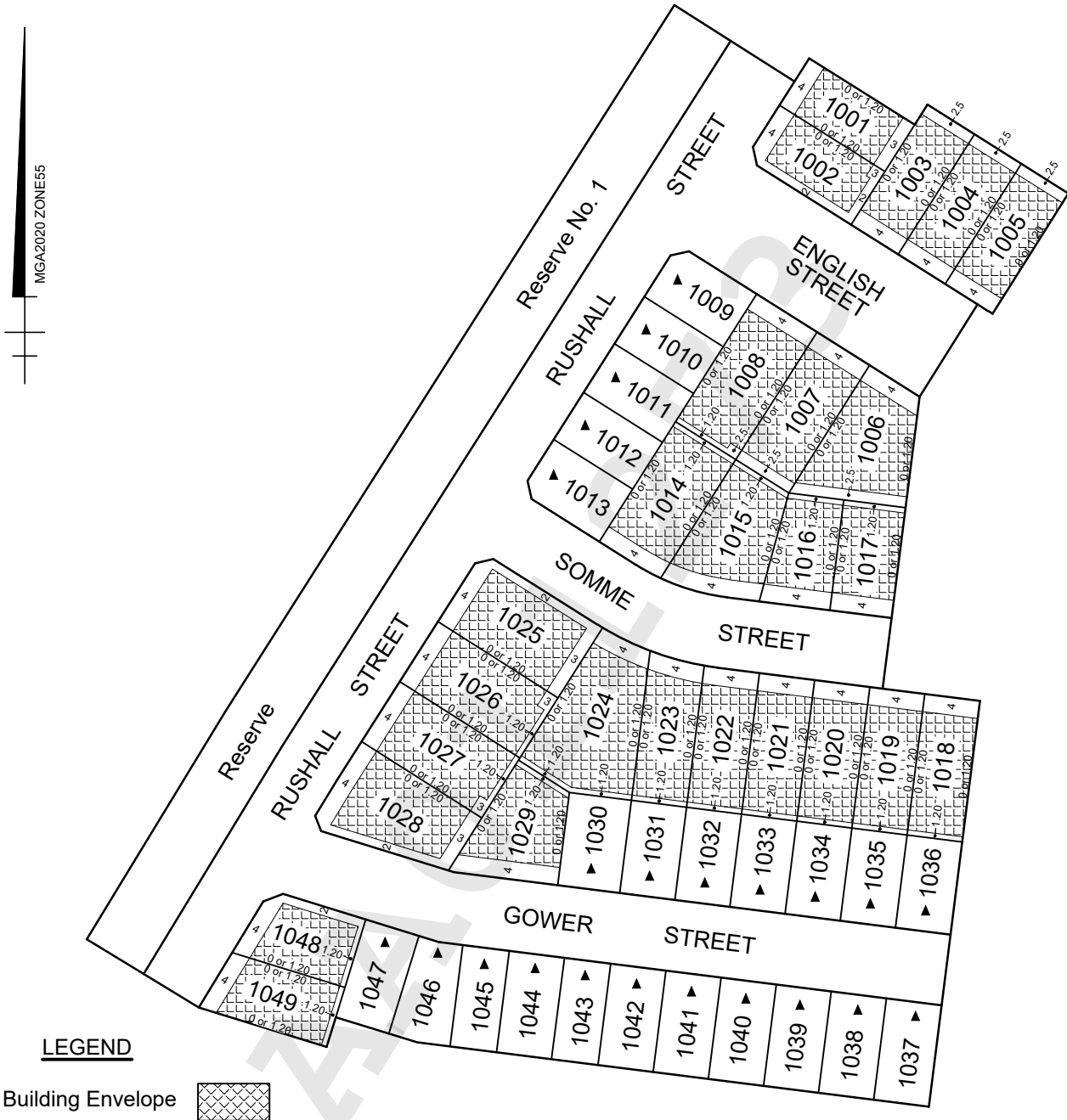
*Specify the date the covenants are to expire or if the covenants are to expire on the happening of a particular event, specify the event. If the expiry only applies to particular covenants or specific lots/folios, this must be clearly specified*

# Memorandum of common provisions

## Section 91A Transfer of Land Act 1958

### Diagrams and Plans

#### BUILDING ENVELOPE PLAN



**LEGEND**

Building Envelope 

1. The Building Envelopes on this plan are shown enclosed by continuous thick lines
2. Lots shown '▲' are subject to the provisions of the Small Lot Housing Code (SLHC).
3. For all lots containing easements, affected envelopes are to abut the easement and not encroach into it.

**ENLARGEMENT**  
SCALE 1:1000

