

**Memorandum of common provisions**  
**Restrictive covenants in a plan**  
**Section 91A Transfer of Land Act 1958**

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Lodged by	
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Reference:	104718 Stage 16-20 Estuary
Customer code:	17512A

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):

**Estuary Design Guidelines** means the guidelines prepared by the transferor, as amended from time to time.

**Fence** has the meaning given to it in Part 4 of the Building Regulations.

**Lot** means a lot on the Plan.

**MCP** means this memorandum of common provisions.

**Plan** means the relevant plan of subdivision for a particular Lot which incorporates this MCP.

**Villawood** means Villawood Properties of 47 Queen Street, Bendigo Vic 3550.

35402012

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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 instruments and plans.

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**Covenants:**

The registered proprietor of the Burdened Land must not without the written consent of Villawood:-

1. Erect on the Burdened Land or cause to be erected or allow to remain erected on the Burdened Land:
  - a. Any dwelling house, garage, fence, landscaping or improvement constructed on the Burdened Land not in accordance with the Design Guidelines as amended from time to time.
  - b. Any more than one private dwelling house (which expression shall include a display home, a house, apartment, unit or flat);
  - c. Any dwelling house which has a floor area of:
    - i. less than 160 square metres where the Burdened Land has an area of 500 square metres or greater; or
    - ii. less than 130 square metres where the Burdened Land has an area of 400 square metres or greater but less than 500 square metres; and
    - iii. less than 100 square metres where the Burdened Land has an area of 300 square metres or greater but less than 400 square metres; and
    - iv. less than 75 square metres in the case of a lot having an area of less than 300 square metres.

Floor area is calculated including the outer walls but excluding the area of carports, garages, terraces, pergolas or verandahs;

  - d. Any Fence unless such fence complies with the Design Guidelines as amended from time to time.
  - e. Any building that is not contained within the building envelopes shown on the attached plan and defined by the associated setback profiles and written notes contained therein.
2. Subdivide the Burdened Land.
3. Use the Burdened Land for any trade, industry, or commerce save and except for a display home.
4. Allow any rubbish including site excavations and building materials to accumulate on the Burdened Land or adjacent land (unless neatly stored in a suitable sized industrial bin or skip) or allow excessive growth of grass or weeds upon it.

**Interpretation**

In this MCP, unless the contrary intention appears:

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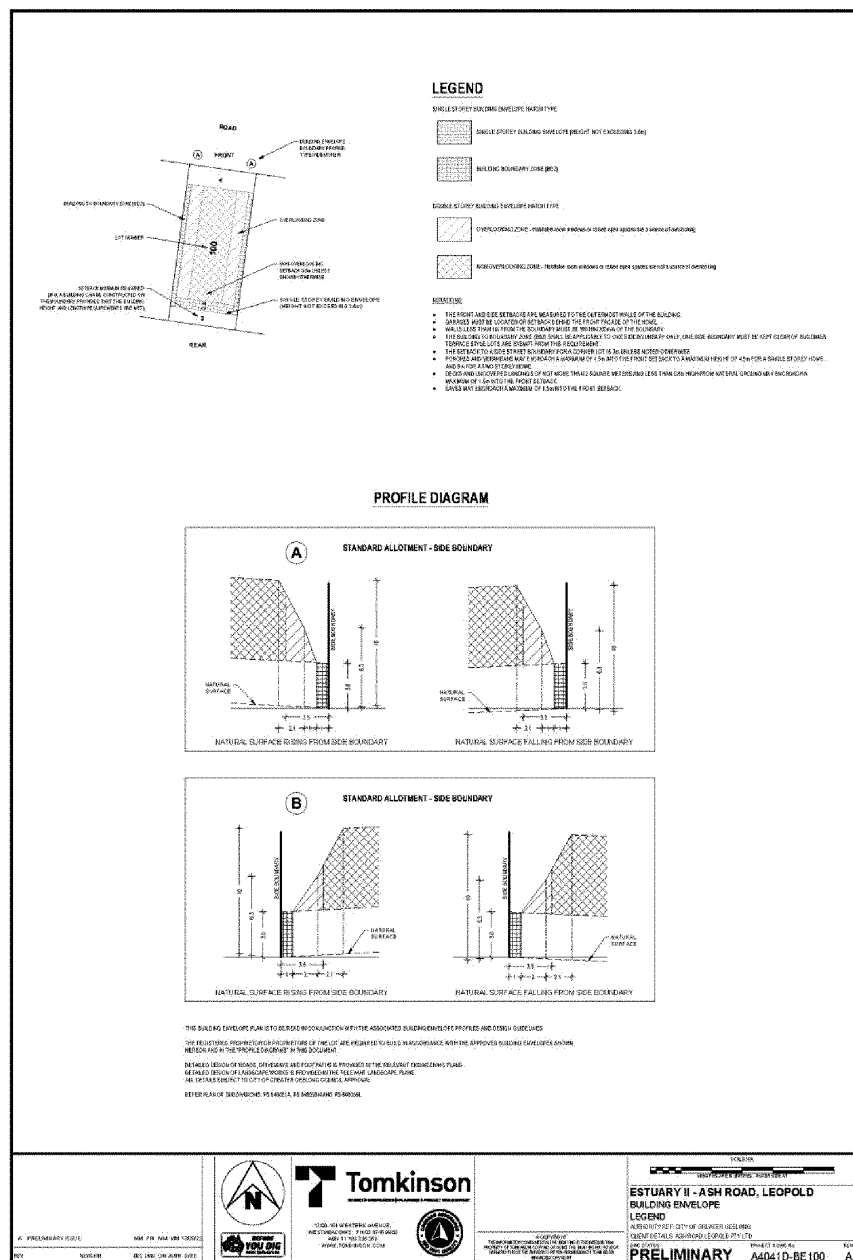
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1. a reference to a person includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
2. a reference to any document is to that document as varied, novated, ratified or replaced from time to time;
3. a reference to any statute or to any statutory provision includes any statutory modification or re-enactment of it or any statutory provision substituted for it, and all ordinances, by-laws, regulations, rules and statutory instruments (however described) issued under it;
4. words importing the singular include the plural (and vice versa), and words indicating a gender include every other gender;
5. where a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning; and
6. the word "includes" in any form is not a word of limitation.

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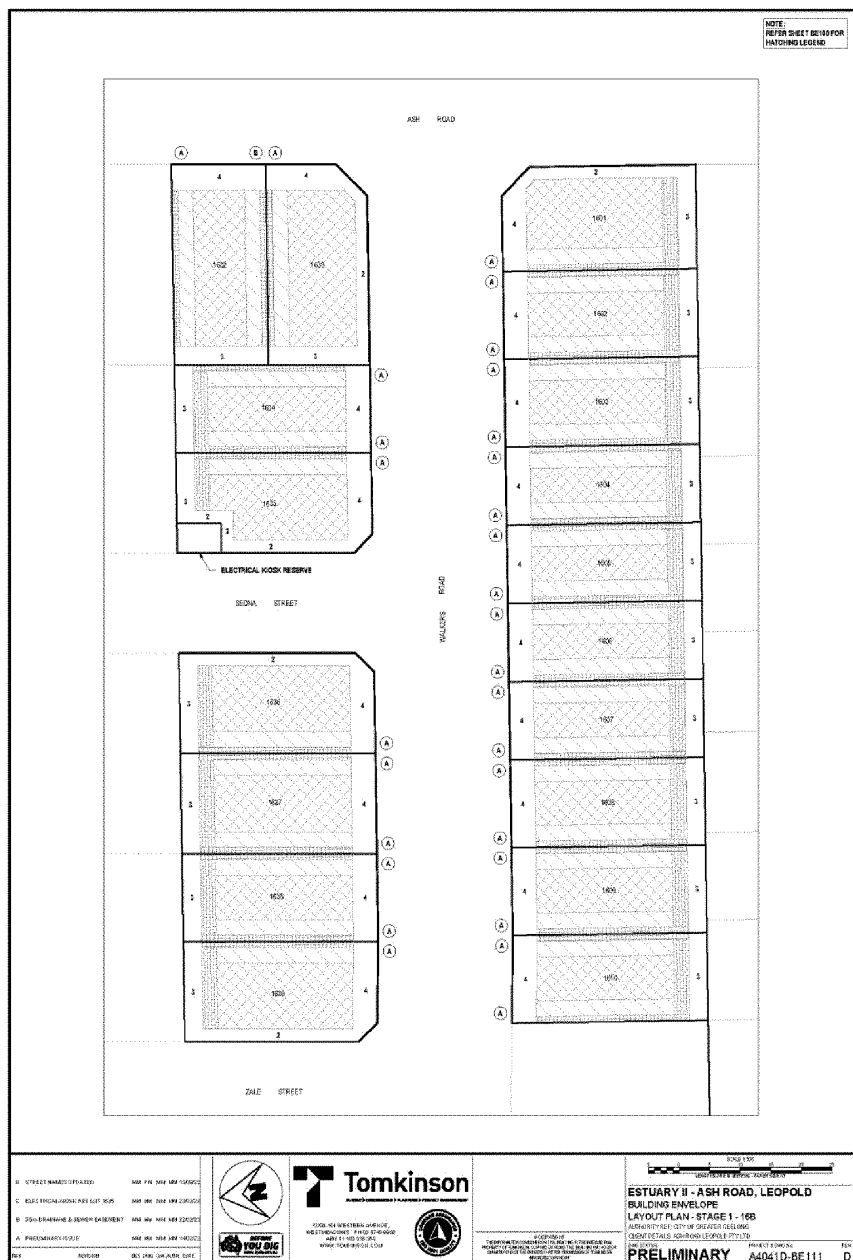




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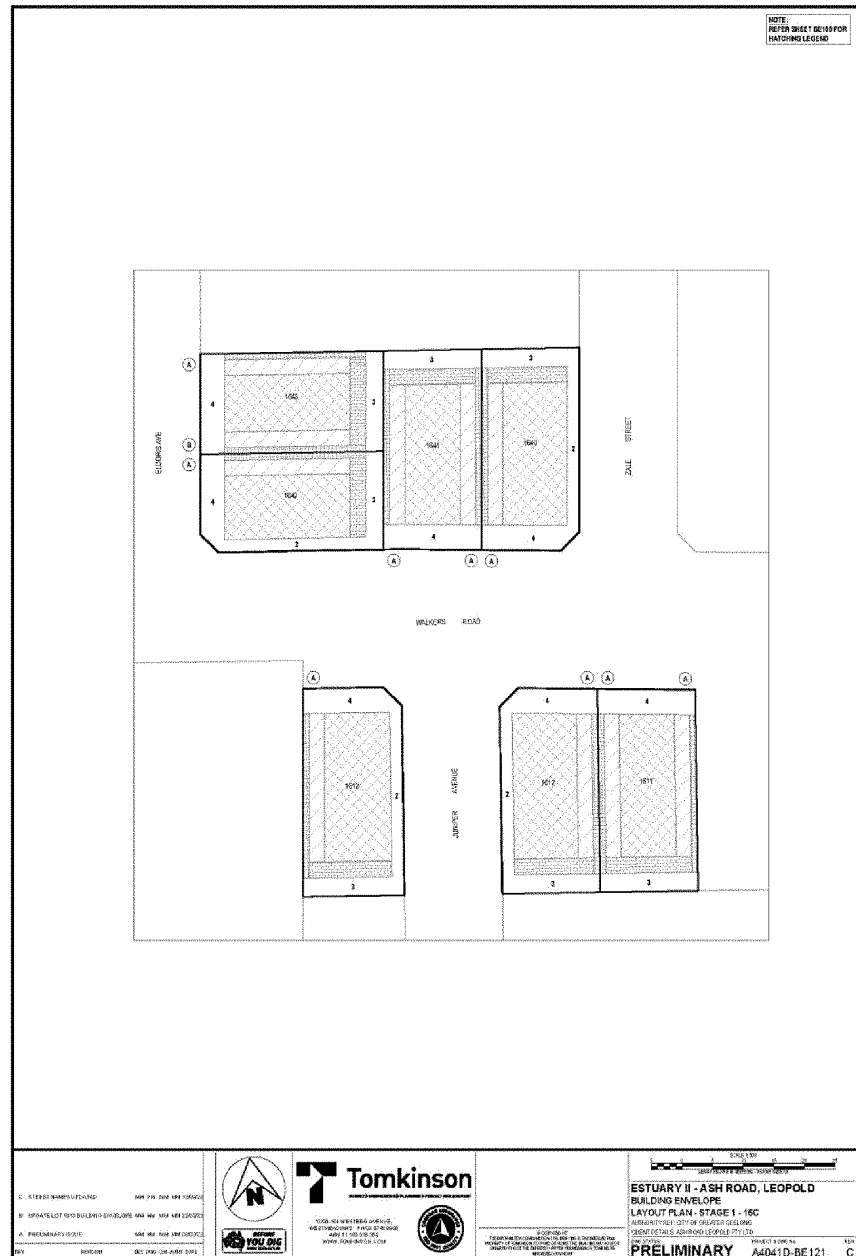
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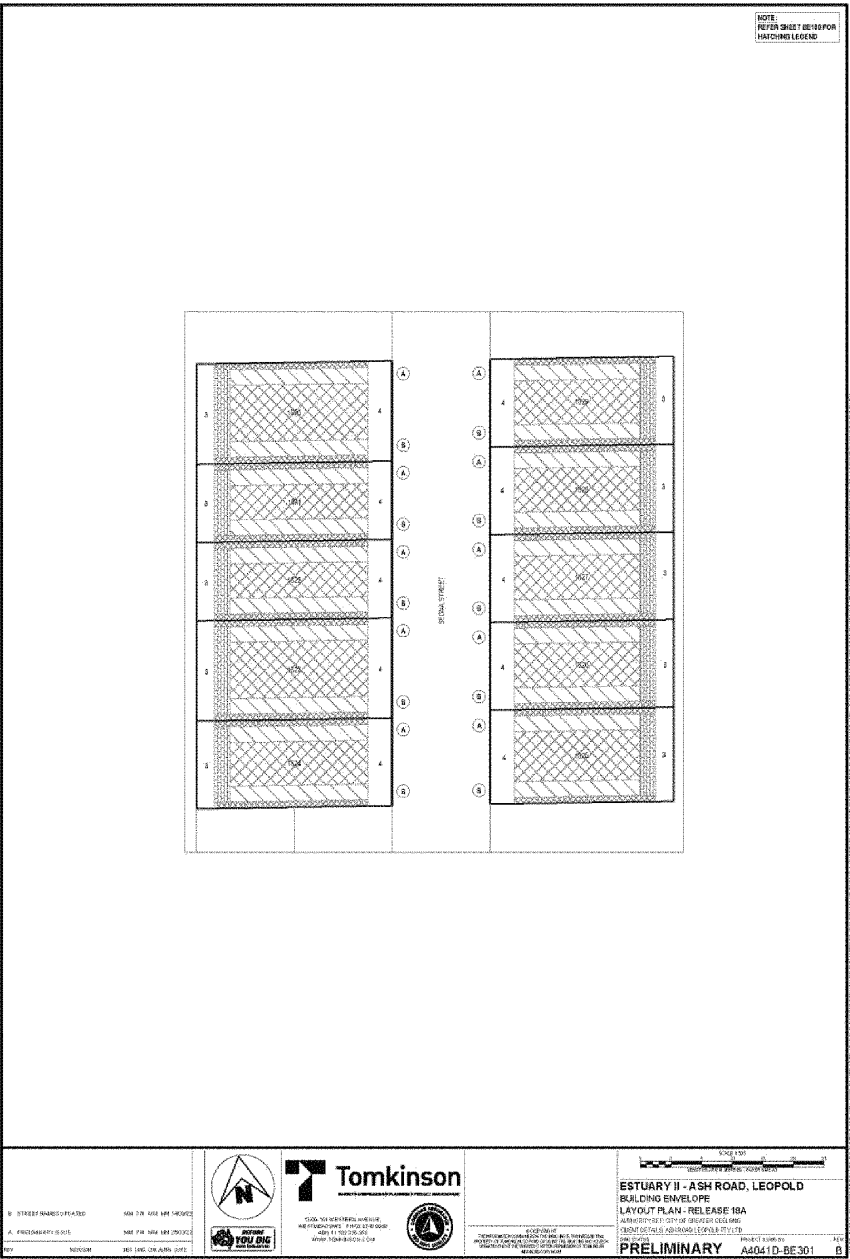
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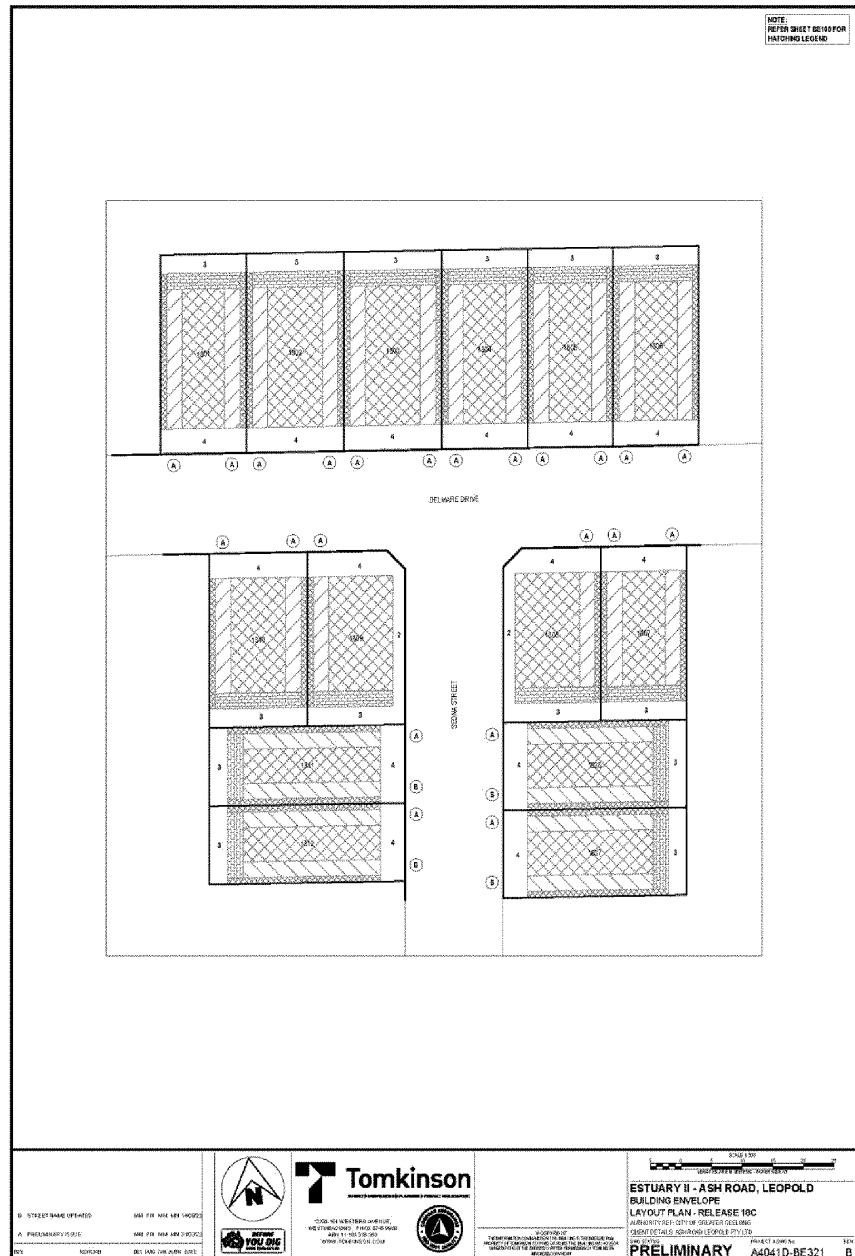
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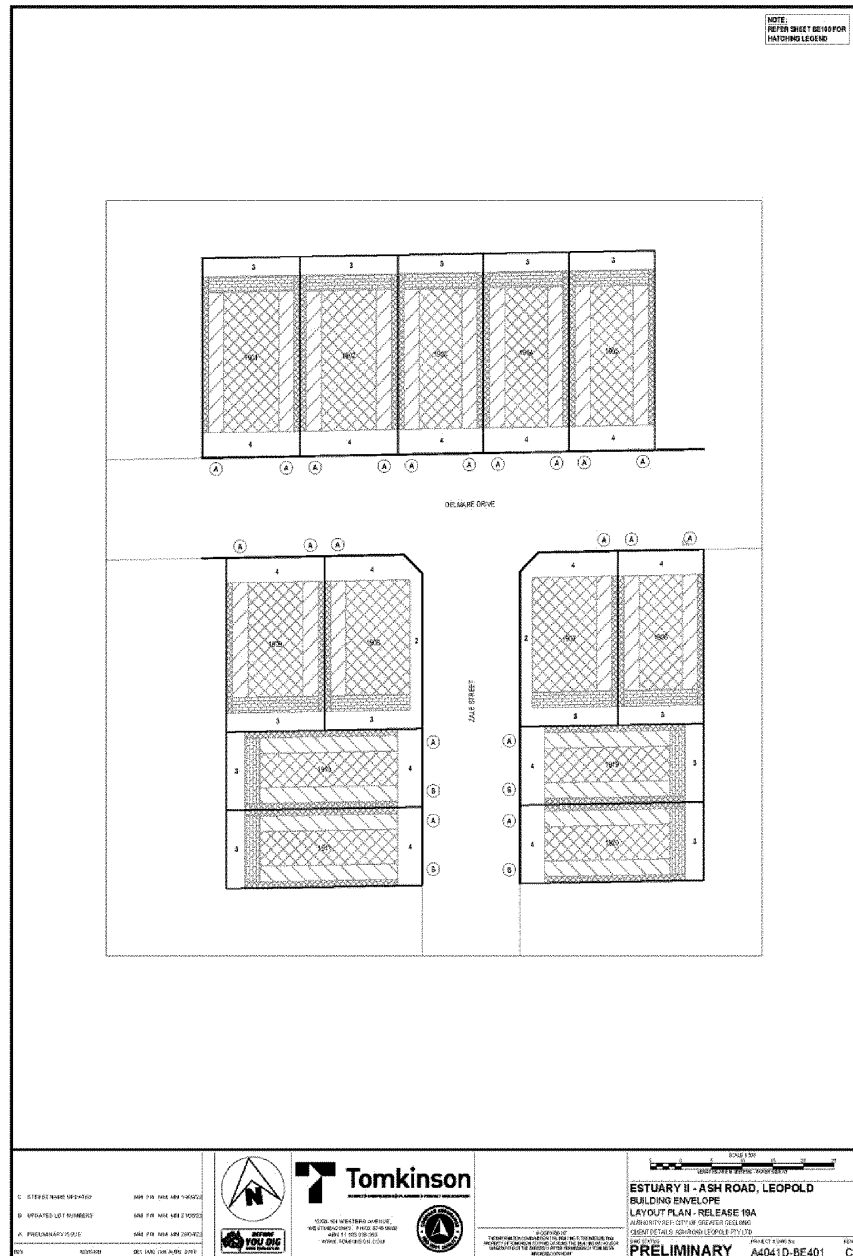
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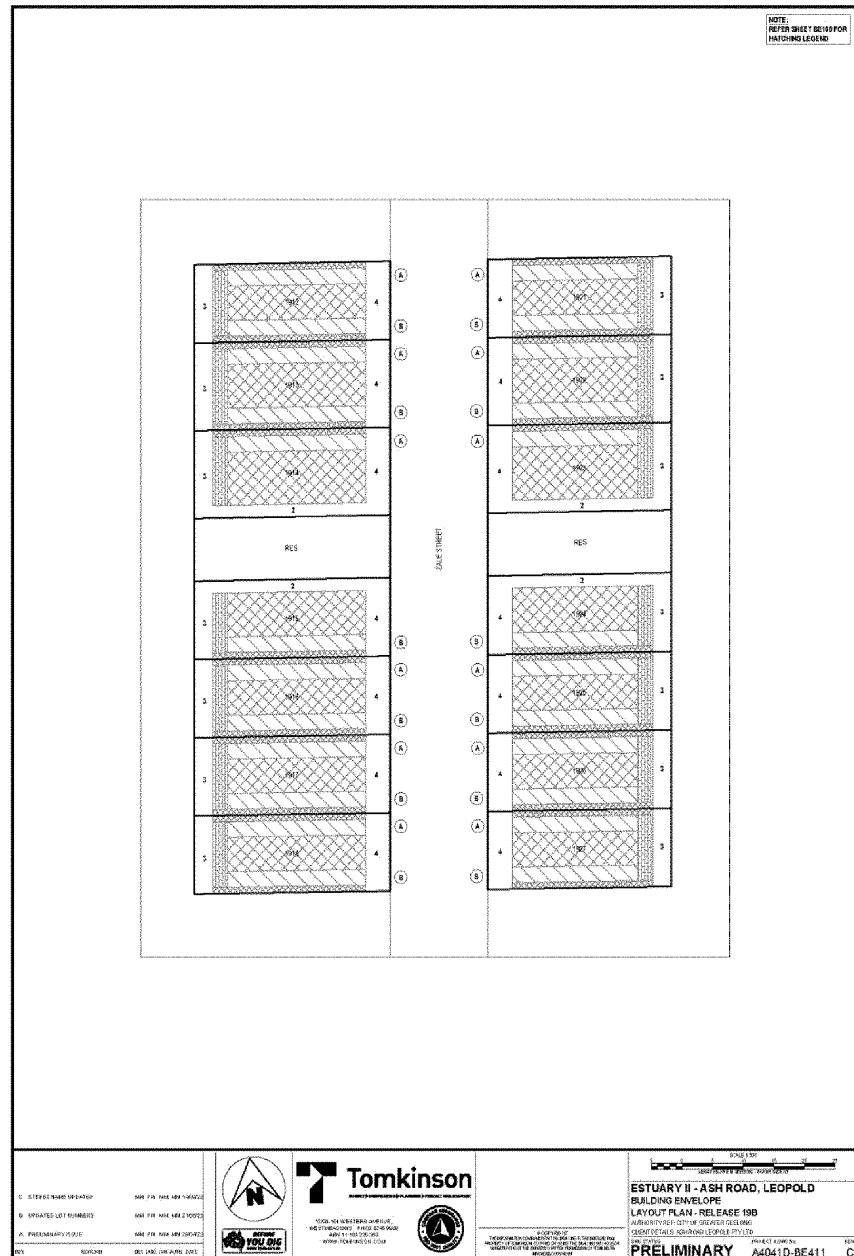
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NOTE:  
REFER SHEET BE100 FOR  
HATCHING LEGEND

C. ALTERED NAME OF ROAD    ASH RD, 100M WIDE

D. UNPAVED LOT ROADS    ASH RD, 100M WIDE

A. PRELIMINARY PLAN    ASH RD, 100M WIDE

KEY    SEE LAND USE PLAN 100

**Tomkinson**  
ARCHITECTS & ENGINEERS

1000-100 WILSON STREET, SUITE 100  
MELBOURNE, VIC 3000  
PH: 03 9594 1000  
WWW.TOMKINSON.COM.AU

ESTUARY II - ASH ROAD, LEOPOLD

**BUILDING ENVELOPE**

**LAYOUT PLAN - RELEASE 100**

LAND AND CITY OF MELBOURNE

**PRELIMINARY**    A4041 D-BE421

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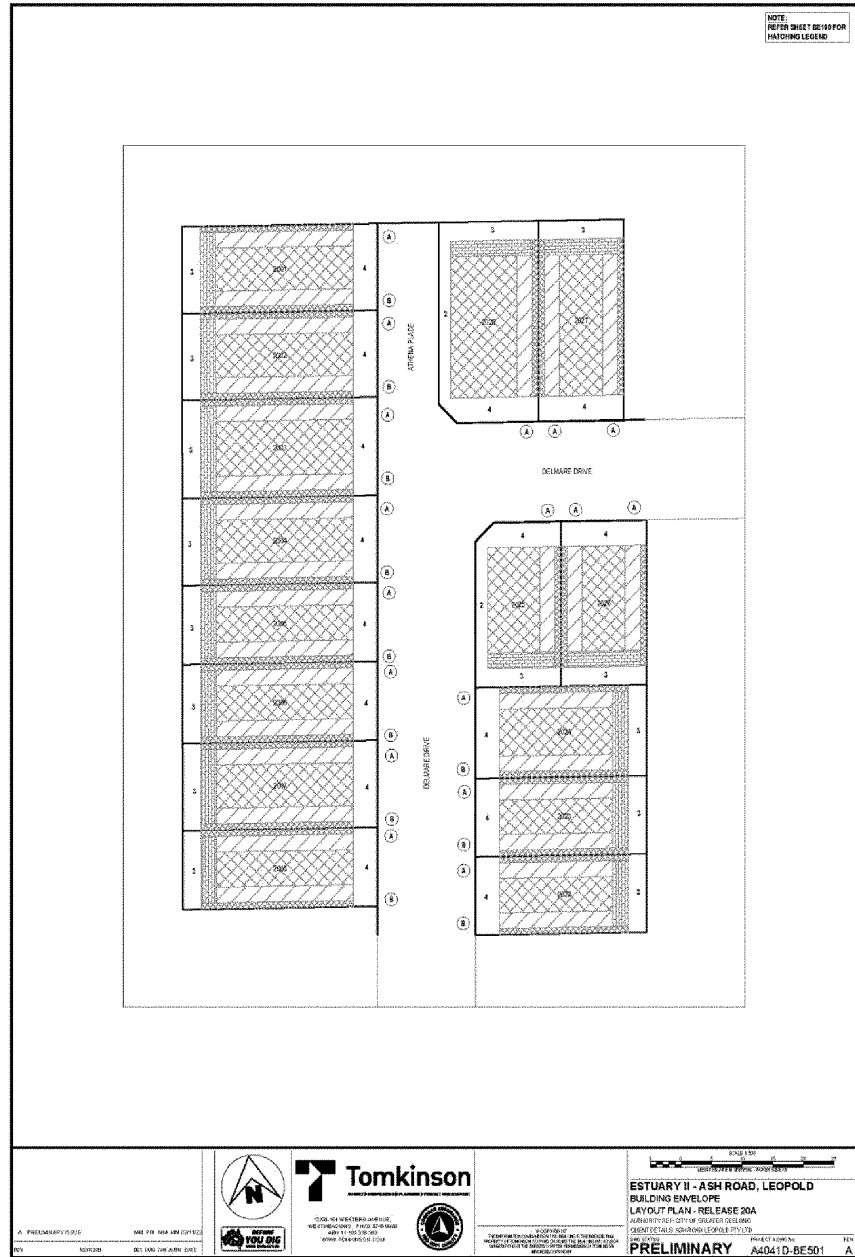
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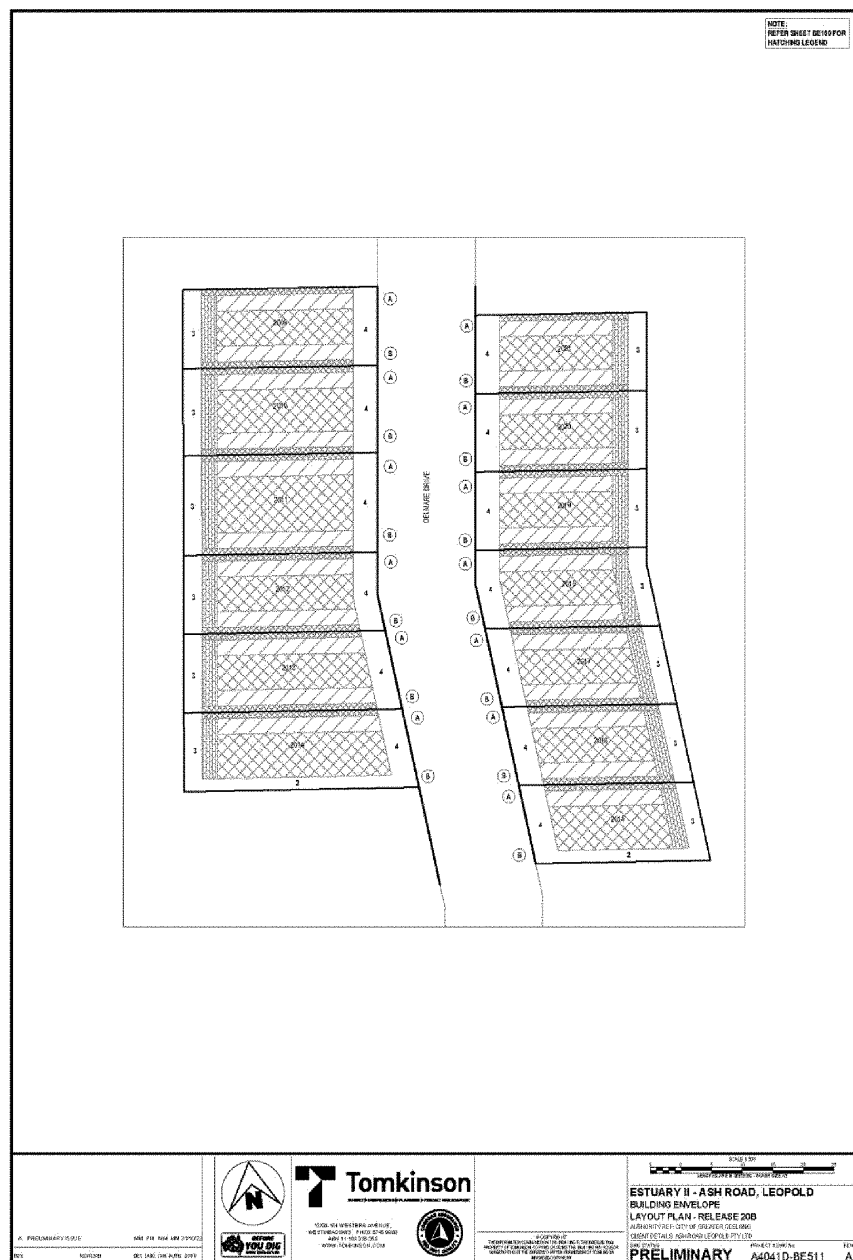
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Expiry: 10 years from registration of the Plan

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