

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

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**AA4305**

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

**PROVISIONS:**

This memorandum of common provisions (**MCP**) contains provisions which are intended for inclusion in instruments to be subsequently lodged for registration.

**1. INTRODUCTION**

- 1.1 This MCP has been prepared in order to regulate the use, siting, form and design of the residential development of the land being Lots 1 to 23 inclusive on Plan of Subdivision PS810185T (**Plan**) and each and every part thereof, so as to create a high level of amenity for owners and residents of allotments within the Plan.
- 1.2 The provisions of this MCP are incorporated into the restrictions created by any plan of subdivision expressed to be subject to the terms of this MCP.
- 1.3 The Plan and this MCP restrict certain owners from developing an allotment other than in accordance with this MCP.
- 1.4 This MCP is retained by the Registrar of Titles pursuant to section 91A of the Transfer of Land Act 1958.
- 1.5 A reference to "land" in this MCP means any allotment on the Plan.

**2. TEXT OF RESTRICTIONS**

The registered proprietor or proprietors for the time being of any Lot on Plan of Subdivision No. PS810185T and each and every part thereof as follows:

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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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Page 1 of 4

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Land Use Victoria contact details: see [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

Creation of Restriction 1

For the purpose of this restriction:

- (a) A dwelling means a house.
- (b) A building means any structure except a fence.
- (c) The building envelope diagram means the plan attached to this MCP.
- (d) Developer means Merrimu Views Pty Ltd ACN 147 782 634 of 8 Gordons Road Lower Templestowe Vic. 3107 or any of its related bodies corporate within the meaning of section 50 of the Corporations Act 2001 (Cth) and its successors, substitutes, permitted assigns, executors and administrators.

The registered proprietors of the burdened land covenant with the registered proprietors of the benefited land as set out in the restriction with the intent that the burden of the restriction runs with and binds the burdened land and the benefit of the restriction is annexed to and runs with the benefited land.

Burdened Land: Lots 1 to 9 (both inclusive)

Benefited Land: Lots 1 to 9 (both inclusive)

Description of Restriction

The registered proprietor or proprietors for the time being of any lot on this plan for which the following restriction applies must not:

1. Except with the approval of the Developer of any variations, construct any dwelling unless that dwelling accords with the provisions recorded in the Golden Grove Estate Design and Siting Guidelines and any plans approved by the Developer from time to time.
2. Build or erect any dwelling or structure other than a dwelling or structure which is built in accordance with the building envelopes shown in the building envelope diagram shown on the plan attached to this MCP.
3. For those boundaries indicated as 0 or 1 on the building envelope diagram shown on the plan attached to this MCP, construct a dwelling within 1 metre of the boundary unless that dwelling is built on the boundary.
4. Build or erect any dwelling on lots 1 to 7 both inclusive unless that dwelling has its front façade facing Lancaster Drive as shown in the building envelope diagram shown on the plan attached to this MCP.
5. Build or erect any dwelling on lots 8 and 9 unless that dwelling has its front façade facing Quartz Street as shown in the building envelope diagram shown on the plan attached to this MCP.
6. Build or erect a garage or carport on lots 1 to 7 that is accessed from Lancaster Drive.
7. Allow any of the above restrictions to be changed or amended unless the change(s) or amendment(s) have been approved in writing by the Responsible Authority and the Developer.

Creation of Restriction 2

The registered proprietor or proprietors for the time being of ALL THOSE pieces of land being Lots 1 to 23 inclusive on Plan of Subdivision No. PS810185T and each and every part thereof and he shall not without the previous consent in writing of the Developer:

1. Erect or allow to be erected on the land hereby transferred any building other than one private dwelling house with outbuildings and such dwelling shall not:

- 1.1 have a floor area of less than 130 square meters within the outer walls thereof, calculated by excluding the area of all eaves, carports, pergolas, verandahs and garages; and
  - 1.2 be constructed of external wall cladding material wherein brick, stone, masonry, rammed earth, glass, painted weatherboard or combination thereof comprises less than seventy-five percent (75%) of the external wall area; and
  - 1.3 notwithstanding the provisions of sub-clause 1.2, not to be constructed of unfinished fibro cement sheeting which does not have a painted or rendered finish unless such cement sheeting is an architectural product which feature is that it remains raw; and
  - 1.4 be roofed with any material other than profiled coloured steel sheeting, concrete tiles, slate tiles or terracotta tiles; and
  - 1.5 be used as other than a private residence, unless it is a display home.
2. Erect or allow to be erected on the land hereby transferred any outbuilding which is constructed of external wall cladding material other than brick, stone, masonry, rammed earth, colorbond steel sheeting or unfinished fibro cement sheeting or timber weatherboards which do not have a painted or rendered finish.
  3. Use or allow to be used any reflective material:
    - 3.1 as external wall cladding on any building and outbuilding on the land;
    - 3.2 as internal or boundary fencing;
    - 3.3 for the construction of garage doors.
  4. Erect or allow to be erected or re-erected on the land hereby transferred any building or part of a building which has been previously erected on another location nor use any second-hand building material in the construction of any building.
  5. Subdivide or allow to be subdivided the land hereby transferred or any building erected or to be erected on the land hereby transferred in any way whatsoever.
  6. Use or allow to be used on the land hereby transferred any outbuildings, mobile home, caravan, tent or other moveable accommodation for living or residential accommodation.
  7. Erect or cause to be erected any side or boundary fence with any material other than steel colorbond sheeting (non reflective).

