

MEMORANDUM OF COMMON PROVISIONS

Section 91A Transfer of Land Act 1958

Lodged by:

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Ref.: MDB:111438

Customer Code: 1666K



This memorandum (containing 2 pages) contains provisions which are intended for inclusion in instruments to be subsequently lodged for registration.

ELPIS TRUGANINA

1 Introduction

This Memorandum of Common Provisions (MCP) has been prepared by the legal representative for the Vendor (lodging party) to regulate the siting, form and design of residential dwellings to be constructed within the Elpis Estate and to encourage contemporary and energy efficient house designs with a high level of amenity for occupants.

2 Definitions

In this MCP:

- 2.1 'Elpis Estate' means the residential development comprising the land derived from lot 1 on plan of subdivision 538853T being the land in certificate of title volume 10703 folio 118 and lot 2 on plan of subdivision 631841G being part of the land in certificate of title volume 10703 folio 119 generally located on the corner of Leakes and Woods Roads, Truganina.
- 2.2 'Elpis Design Review Committee (EDRC)' means the person or corporation which from time to time is nominated by the Vendor to act as the Elpis Design Review Committee for the purposes of this MCP.
- 2.3 'Design Guidelines' means the Elpis Truganina Design Guidelines approved or amended from time to time and regulated by EDRC.
- 2.4 'Planning Scheme' means the Wyndham Planning Scheme.
- 2.5 'Plan of Subdivision' means a plan of subdivision which subdivides the Elpis Estate into individual and separate residential allotments.
- 2.6 'Regulations' means the Building Regulations (Vic) 2006.

Approval No. 1994109A

MCP

- 1. The provisions are to be numbered consecutively from number 1.
- 2. The back of this form is not to be used.
- 3. Further pages may be added but each page should be consecutively numbered.
- 4. To be used for the inclusion of covenants and easements in mortgages, transfers and leases.

Land Registry, 570 Bourke street, Melbourne, 3000, Phone 8636 2010

**PLAN / DOCUMENT AS REQUIRED UNDER CONDITION OF PERMIT
PLANNING AND ENVIRONMENT ACT 1987
WYNDHAM PLANNING SCHEME**

**Permit No: WYP6214/12.11
Condition No: 22
Sheet: 1 of 2
Approved by: Caitlin Spratling
WYNDHAM CITY COUNCIL
Date: 16 April 2018**

2.7 **'Vendor'** means Woods Road Development Pty Limited ACN 601 791 164 or such other individual or entity as may own the land comprising the Elpis Estate from time to time.

3 Requirements

3.1 The owner of any individual residential lot comprising part of the Elpis Estate or Plan of Subdivision must comply with the provisions of the Design Guidelines.

3.2 No building or other construction works may be commenced or carried out on a lot unless prior written approval is obtained from EDRC.

3.3 Subject to any advice from the Vendor to the contrary, contact details for EDRC are:

Email: Elpis@sheltonfinis.com.au

Post: Elpis Design Review Committee, Shelton Finnis, 339 Ferras Street, Albert Park Vic 3206.

3.4 The requirements of this MCP apply in addition to the Regulations and Planning Scheme. In the event of any conflict or inconsistency the provisions of this MCP shall prevail to the extent that such conflict or inconsistency is lawful.

3.5 Except for any mandatory set back requirements contained in this MCP or required by the Regulations and Planning Scheme, the provisions of this MCP may only be waived or varied by prior written approval of EDRC.

3.6 While EDRC is responsible for approval of building works, the owner of any individual residential lot in the Elpis Estate or Plan of Subdivision is liable for compliance with the Regulations and Planning Scheme.

4 Expiry

This MCP will lapse in respect of any individual residential lot in Elpis Estate or Plan of Subdivision ten (10) years after the date of registration of any Plan of Subdivision.

5 Interpretation

In this MCP unless contrary:

5.1 The singular includes plural and vice versa.

5.2 Reference to an individual or person includes a partnership, corporation, government authority or agency and vice versa.

5.3 Words relating to one gender include other genders.

5.4 Grammatical forms of defined words or expressions have corresponding meaning.

5.5 Reference to a statute, code, regulation or other law includes any consolidations, amendments, re-enactments or replacements.

5.6 Reference to an authority, institution or other entity that has ceased to exist (or been reconstituted, renamed or replaced or whose powers have been transferred to another entity) is a reference to the entity that most currently and closely serves the purposes or objects of the original entity.

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