

AA8567

Memorandum of common provisions 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:	K & C LAW GROUP
Phone:	(03) 9670 6484
Address:	LEVEL 14, 350 QUEEN STREET, MELBOURNE, VICTORIA 3000
Reference:	GZ:161195:ARTEMIS
Customer code:	18931X

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

Provisions:

Definitions:

Except where the context requires otherwise, the following definitions apply to words used in this document:

- a. **ADAP** means the Allanvale Design Assessment Panel and its successors or lawful agents.
- b. **Building Act** means the *Building Act 1993* (Vic) as currently in force and as amended, modified, codified or replaced from time to time.
- c. **Building Regulations** means the *Building Regulations 2018* (Vic) as currently in force and as amended, modified, codified or replaced from time to time.
- d. **Design Guidelines** means the "Allanvale Design Guidelines" as amended from time to time.
- e. **MCP** means this Memorandum of Common Provisions, as amended or varied from time to time.
- f. **Planning Permit** means planning permit number PLnA00439/16 issued by Casey City Council and dated 20 December 2016.
- g. **Planning Scheme** means the Casey Planning Scheme as currently in force and as amended, modified, codified or replaced from time to time.
- h. **Plan of Subdivision** means plan of subdivision PS 818608X as proposed, amended and registered.
- i. **Plans** means all design concepts, site and elevation plans, material and colour selection documents, landscape plans, structural plans, architectural drawings, sketches, building plans, proposals or other like documents that are required to construct, modify or demolish a dwelling on the Relevant Lots as required by the ADAP or set out in the Design Guidelines.
- j. **Primary Street Frontage** has the same definition as given in the Design Guidelines.
- k. **Relevant Lots** means lots 401 – 478 (inclusive) on the Plan of Subdivision.
- l. **Responsible Authority** means Casey City Council, their successors, agents, nominees or replacements from time to time.

35271702A

V3

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.

91ATLA

Page 1 of 9

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

Covenants:

1. Interpretation

This MCP applies in addition to any requirements of the Planning Scheme, Building Regulations and Building Act. Where lawful to do so, this MCP is to prevail to the extent of any inconsistency with those requirements.

2. Restriction A

- 2.1 Restriction A as specified in the Plan of Subdivision provides for approved building envelopes in accordance with regulation 71 of part 5 of the Building Regulations to be incorporated into the Plan of Subdivision by way of this MCP.
- 2.2 **Clause 7** of this MCP contains the building envelope plans to which Restriction A relates between pages 4 to 9 (all inclusive).
- 2.3 Restriction A and the building envelope plans set out in **clause 7** have been created as a condition of the Planning Permit.
- 2.4 Any building on the Relevant Lots affected by Restriction A and constructed prior to 11:59 pm on 31 December 2026 must be contained within the building envelopes set out in **clause 7** and defined by the associated setback profiles and written notices contained in this MCP.

3. Building envelopes

All relevant setbacks, offsets and other aspects of a building envelope not otherwise dealt with by Restriction A and/or the building envelope plans set out in **clause 7** are contained in:

- 3.1 the Design Guideline;
- 3.2 Building Regulations;
- 3.3 Building Act;
- 3.4 the Planning Permit; and
- 3.5 the Planning Scheme,

and to the extent permissible by law, in that specific order of priority in the event of any inconsistency.

4. Exemptions

- 4.1 The Responsible Authority may, at their absolute and sole discretion, exempt a lot owner from compliance with all or part of the building envelopes or restrictions created by this MCP pursuant to the Planning Permit (but expressly excluding those requirements contained in **clause 5** below and in the Design Guidelines).
- 4.2 Such an exemption may be with or without conditions of any nature determined by the Responsible Authority at their absolute and sole discretion.
- 4.3 The lot owner seeking exemption is solely liable for all costs in applying for that exemption from the Responsible Authority, including the costs to comply with any conditions imposed by the Responsible Authority.

5. Approval by ADAP

- 5.1 Any building on the Relevant Lots must comply with the requirements set out in the Design Guidelines, unless otherwise waived by ADAP at their absolute discretion where such discretion is permissible by law.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

- 5.2 No building works whatsoever (including those to remove, demolish or extend a current structure or dwelling) may take place without ADAP approval, which must be given in writing.
- 5.3 Notwithstanding **clause 5.1** above, a lot owner may undertake internal renovations without the prior written approval of the ADAP.
- 5.4 Plans must be approved by the ADAP and endorsed as complying with this MCP, the Design Guidelines and all other lawful requirements of the ADAP prior to the application of a lot owner for any building permit.
- 5.5 Approval and endorsement by the ADAP do not in any way confirm (either expressly or by implication) that the Plans meet the requirements of the Planning Scheme, the Building Act, the Building Regulations or other requirements of, or determinations made by, the Responsible Authority in force at the time of approval. The lot owner must submit the Plans to the Responsible Authority and engage a building surveyor at their own cost to obtain all necessary and relevant building permits before commencing any works.
- 5.6 In the event that the Responsible Authority or the lot owner's building surveyor makes (or requests to be made) changes to the Plans, the lot owner must seek re-approval of the amended Plans by the ADAP in accordance with the Design Guidelines before commencing any works.

6. Additional Matters

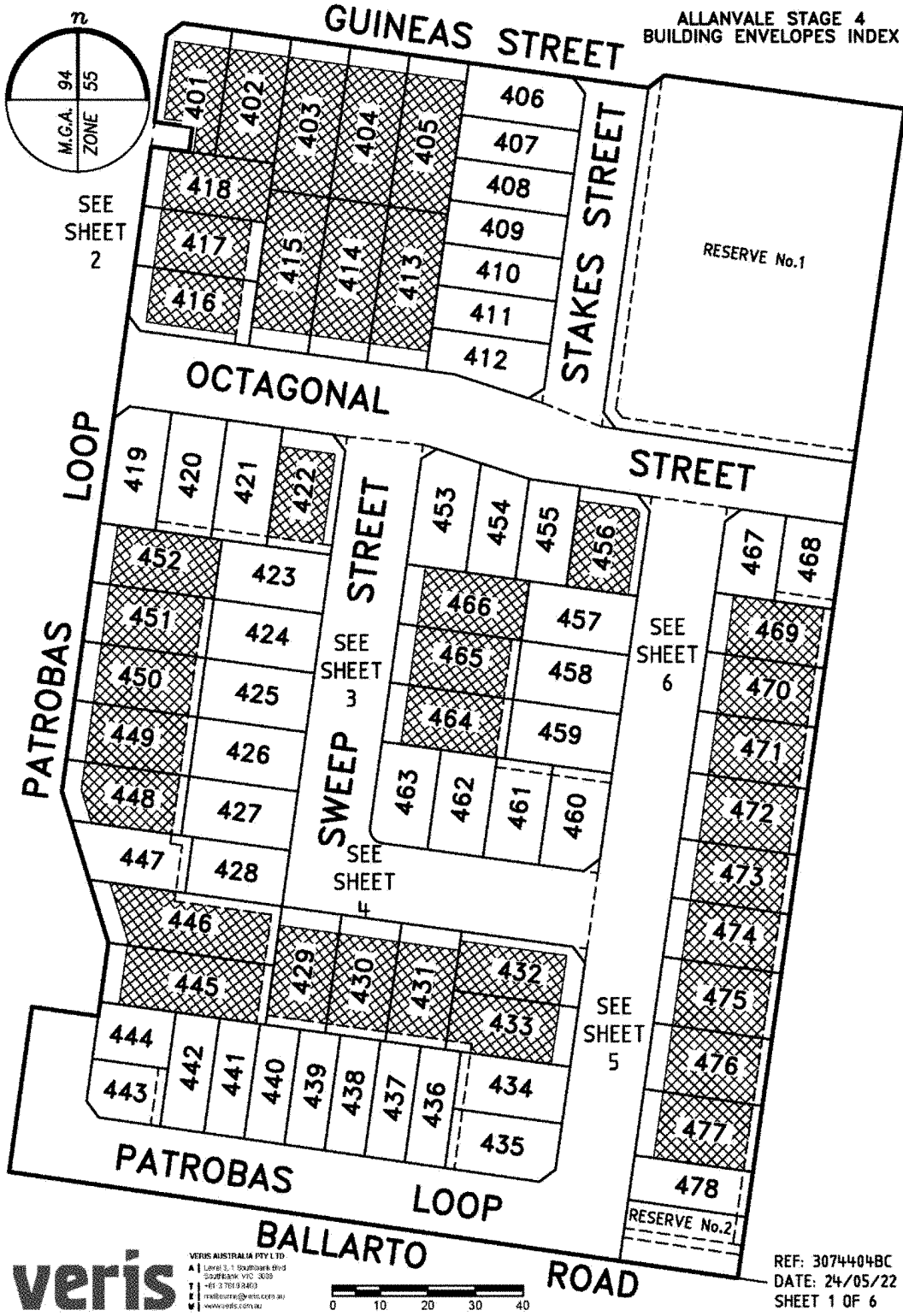
All other relevant matters not addressed in this MCP are as set out in the Building Regulations, Building Act, Design Guidelines or as otherwise directed by the Responsible Authority or the ADAP.

7. Building Envelope Plans

The following pages 4 to 9 (all inclusive) of this MCP contains the full set of building envelope plans to which Restriction A relates.

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

SHEET 1

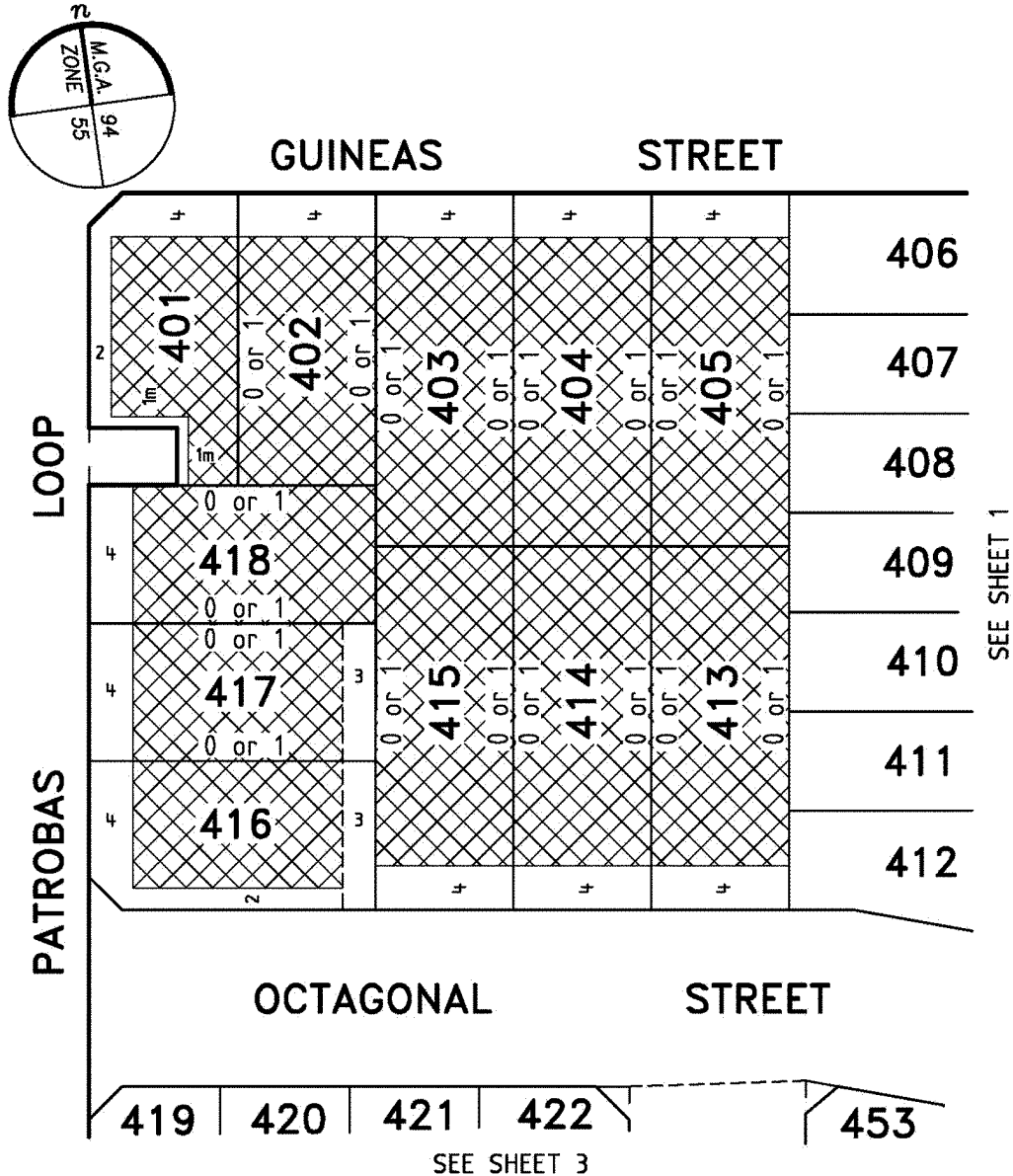


THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

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

SHEET 2



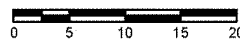
- Single or Double Storey dwelling permitted.
- 0 or 1 Dwelling may be built on the side boundary within a Building Envelope adjacent to the vehicle cross overs provided for that lot, however other side boundary must be a minimum of 1.0m setback.

The building envelopes of lots 416, 417, 422, 429, 430, 431, 433, 445, 446, 448, 449, 450, 451, 464, 465 and 469 to 477 (both inclusive) are partially defined by easement boundaries which are shown in PSB18617W.



VERIS AUSTRALIA PTY LTD
 A | Level 3, 1 Southbank Blvd
 Southbank VIC 3006
 T | +61 3 7919 8400
 E | melbourne@veris.com.au
 W | www.veris.com.au

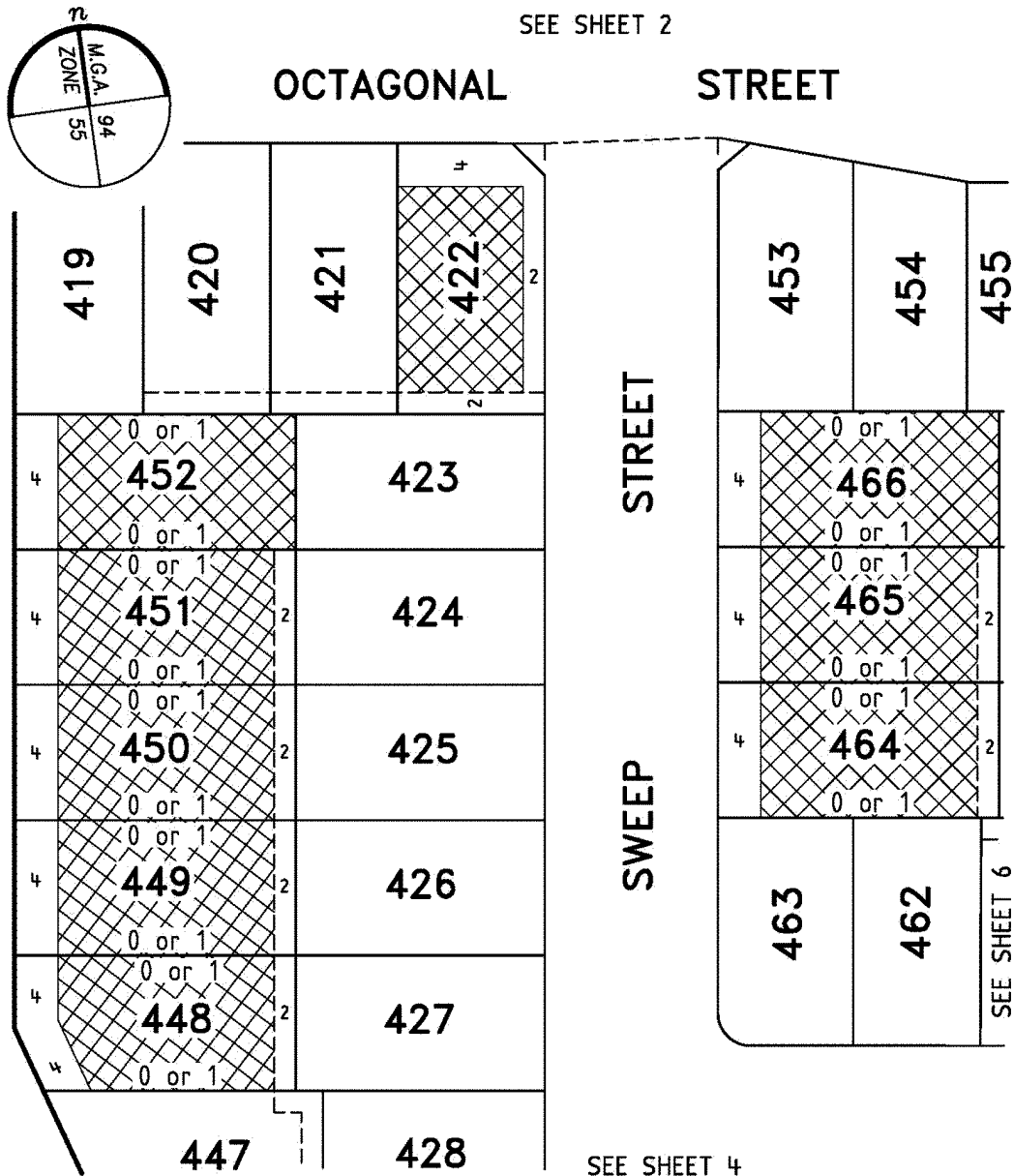
ALLANVALE STAGE 4
BUILDING ENVELOPES



REF: 3074404BC
 DATE: 24/05/22
 SHEET 2 OF 6

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

SHEET 3



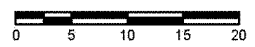
Single or Double Storey dwelling permitted.
 0 or 1 Dwelling may be built on the side boundary within a Building Envelope adjacent to the vehicle cross overs provided for that lot, however other side boundary must be a minimum of 1.0m setback.

The building envelopes of lots 416, 417, 422, 429, 430, 431, 433, 445, 446, 448, 449, 450, 451, 464, 465 and 469 to 477 (both inclusive) are partially defined by easement boundaries which are shown in PS818617W.



VERIS AUSTRALIA PTY LTD
 A | Level 3, 1 Southbank Blvd
 Southbank VIC 3006
 T | +61 3 7019 8400
 E | melbourne@veris.com.au
 W | www.veris.com.au

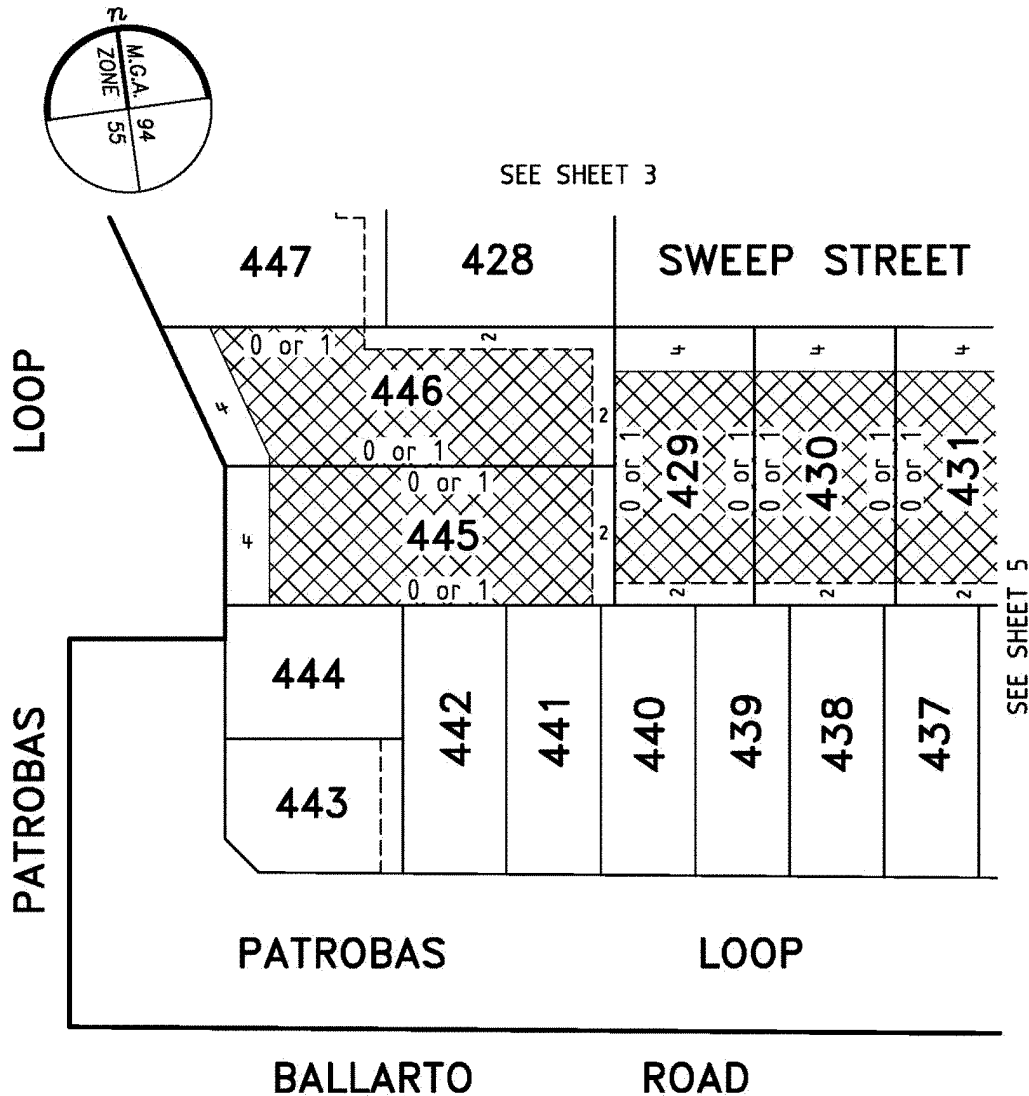
**ALLANVALE STAGE 4
BUILDING ENVELOPES**



REF: 3074404BC
 DATE: 24/05/22
 SHEET 3 OF 6

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

SHEET 4

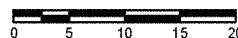


- Single or Double Storey dwelling permitted.
 - 0 or 1 Dwelling may be built on the side boundary within a Building Envelope adjacent to the vehicle cross overs provided for that lot, however other side boundary must be a minimum of 1.0m setback.
- The building envelopes of lots 416, 417, 422, 429, 430, 431, 433, 445, 446, 448, 449, 450, 451, 464, 465 and 469 to 477 (both inclusive) are partially defined by easement boundaries which are shown in PS818617W.



VERIS AUSTRALIA PTY LTD
 Level 3, 1 Southbank Blvd
 Southbank VIC 3006
 T | +61 3 7019 8400
 E | melbourne@veris.com.au
 W | www.veris.com.au

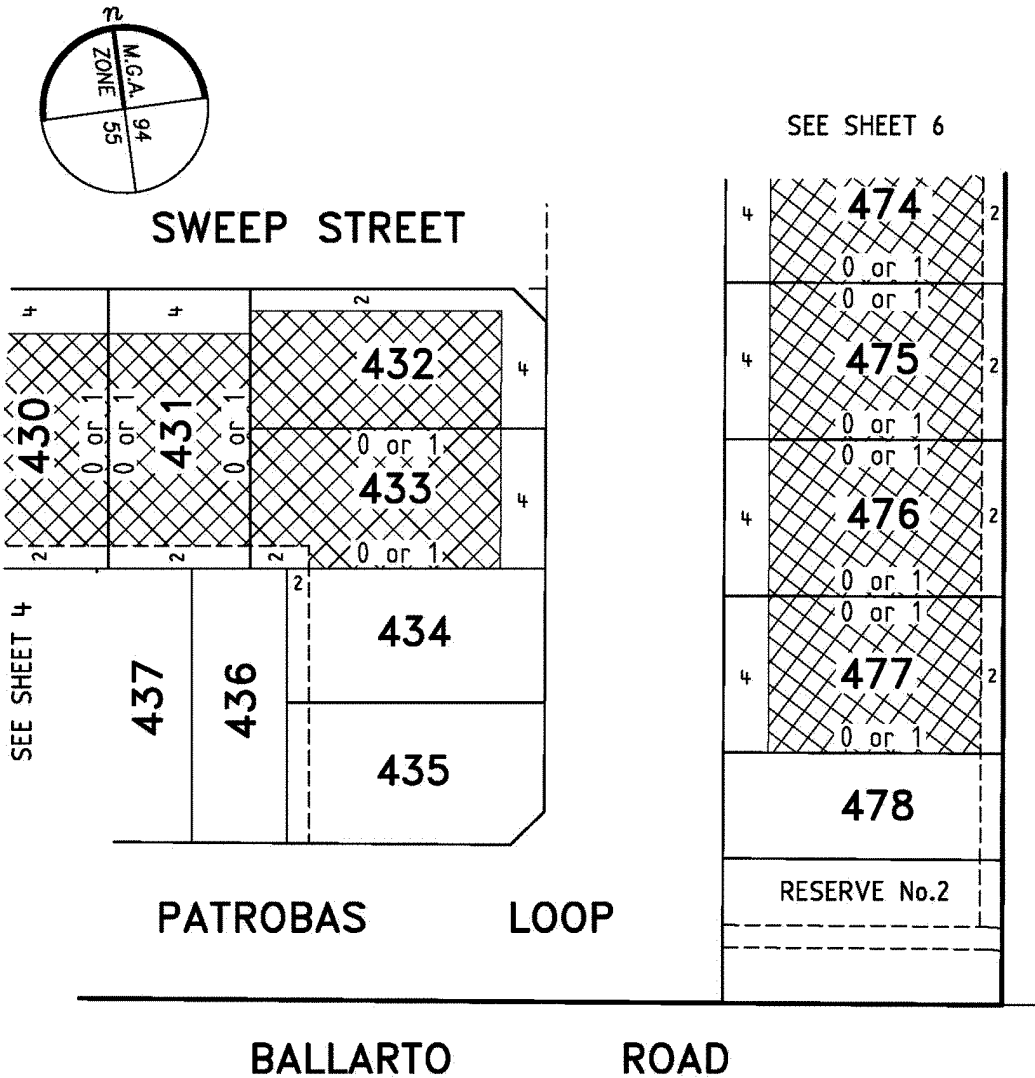
ALLANVALE STAGE 4
BUILDING ENVELOPES




REF: 3074404BC
 DATE: 24/05/22
 SHEET 4 OF 6

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

SHEET 5

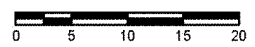


 Single or Double Storey dwelling permitted.
 0 or 1 Dwelling may be built on the side boundary within a Building Envelope adjacent to the vehicle cross overs provided for that lot, however other side boundary must be a minimum of 1.0m setback.
 The building envelopes of lots 416, 417, 422, 429, 430, 431, 433, 445, 446, 448, 449, 450, 451, 464, 465 and 469 to 477 (both inclusive) are partially defined by easement boundaries which are shown in PS818617W.



VERIS AUSTRALIA PTY LTD
 A | Level 3, 1 Southbank Blvd
 Southbank VIC 3006
 T | +61 3 7019 8400
 E | melbourne@veris.com.au
 W | www.veris.com.au

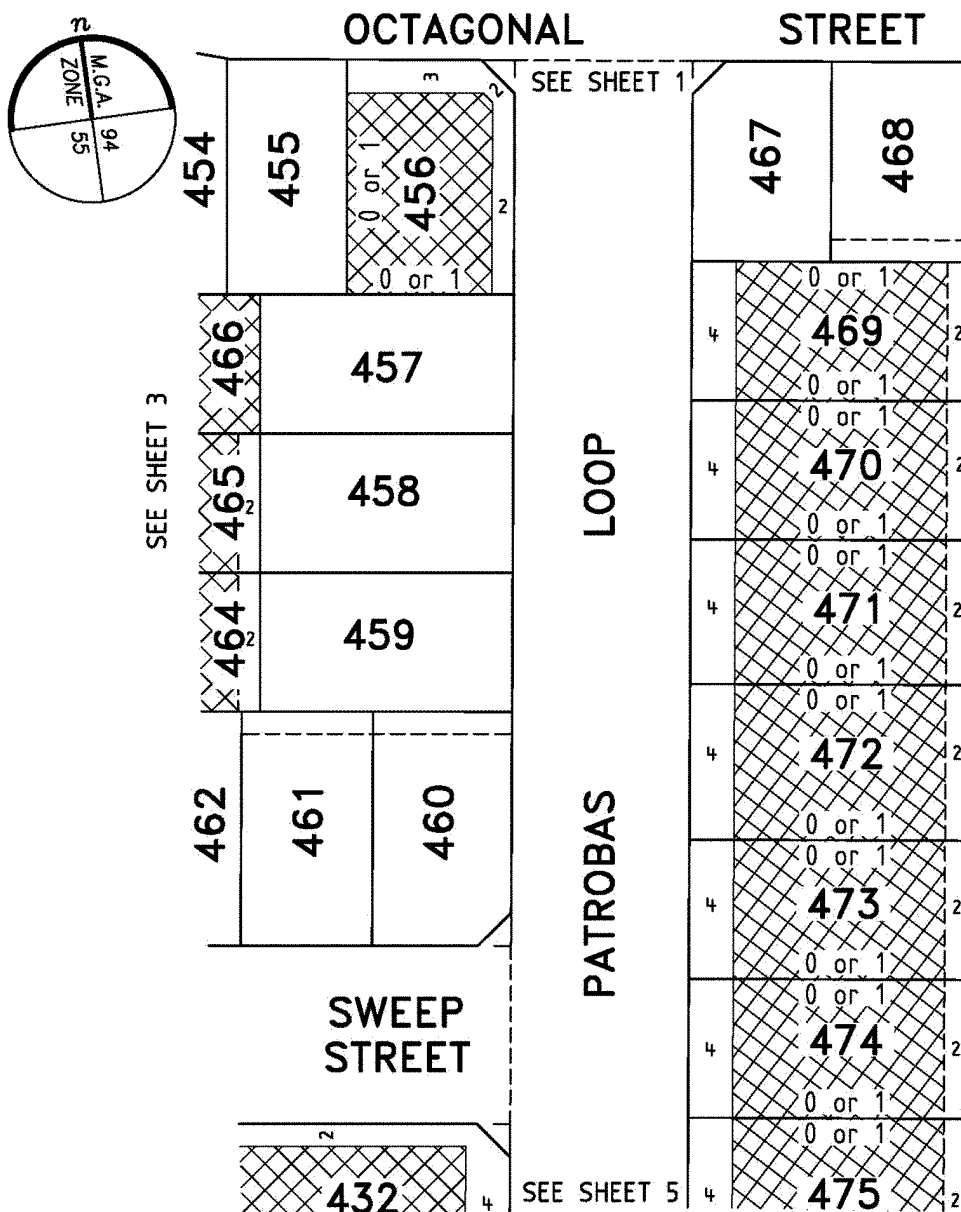
**ALLANVALE STAGE 4
BUILDING ENVELOPES**



REF: 3074404BC
 DATE: 24/05/22
 SHEET 5 OF 6

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

SHEET 6

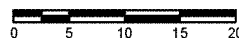


- Single or Double Storey dwelling permitted.
 - 0 or 1 Dwelling may be built on the side boundary within a Building Envelope adjacent to the vehicle cross overs provided for that lot, however other side boundary must be a minimum of 1.0m setback.
- The building envelopes of lots 416, 417, 422, 429, 430, 431, 433, 445, 446, 448, 449, 450, 451, 464, 465 and 469 to 477 (both inclusive) are partially defined by easement boundaries which are shown in PS818617W.



VERIS AUSTRALIA PTY LTD
 Level 3, 1 Southbank Blvd
 Southbank VIC 3006
 T | +61 3 7019 8400
 E | melbourne@veris.com.au
 W | www.veris.com.au

ALLANVALE STAGE 4
BUILDING ENVELOPES



REF: 3074404BC
 DATE: 24/05/22
 SHEET 6 OF 6