

# PLAN OF SUBDIVISION

# PS826438B

## LOCATION OF LAND

PARISH : BELLARINE  
 TOWNSHIP : - - - -  
 BLOCK : 2  
 CROWN ALLOTMENT : - - - -  
 CROWN PORTION : 39 (PART)  
 TITLE REFERENCE : VOL.11957 FOL.842  
  
 LAST PLAN REFERENCE : TP964962W (LOT 1)  
 POSTAL ADDRESS : 44-50 CLARENDON ROAD  
 (At time of subdivision) DRYSDALE, 3222

COUNCIL NAME: CITY OF GREATER GEELONG

MGA94 Co-ordinates  
 (of approx centre of land  
 in plan) E 287 800 ZONE: 55  
 N 5771 678 GDA 94

## VESTING OF ROADS AND/OR RESERVES

## NOTATIONS

IDENTIFIER	COUNCIL/BODY/PERSON	DEPTH LIMITATION DOES NOT APPLY
ROAD R1 ROAD R2 RESERVE No.1	CITY OF GREATER GEELONG CITY OF GREATER GEELONG CITY OF GREATER GEELONG	SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No.PP-909-2017 This survey has been connected to permanent marks No(s).13, 40, 50, 88 In Proclaimed Survey Area No.150
NOTATIONS		

CREATION OF RESTRICTION  
 SEE SHEET 5 FOR RESTRICTION DETAILS.

## EASEMENT INFORMATION

LEGEND		A - Appurtenant Easement	E - Encumbering Easement	R - Encumbering Easement (Road)
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-4	DRAINAGE	2	BOOK 891 NO.35	SEE BOOK 891 NO.35
E-2, E-3, E4	PIPELINES OR ANCILLARY PURPOSES	SEE PLAN	THIS PLAN & SECTION 136 WATER ACT 1989	BARWON REGION WATER CORPORATION
E-3	DRAINAGE	SEE PLAN	THIS PLAN	CITY OF GREATER GEELONG

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SURVEYORS FILE REF: 16988-101  
 DATE: 04/11/2019

ORIGINAL SHEET  
 SIZE: A3

Sheet 1 of 5 Sheets

DAVID RENDLE / VERSION 2

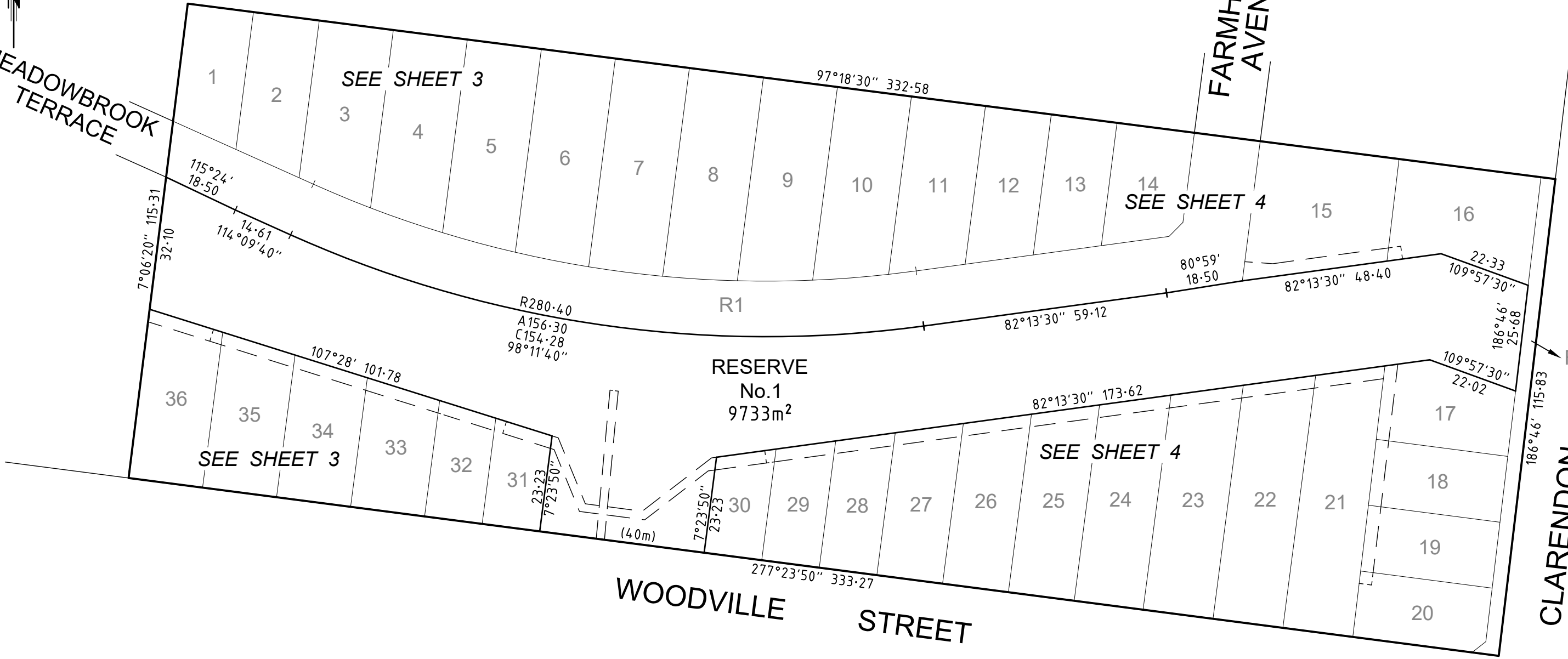
M.G.A.94  
ZONE 55

MEADOWBROOK  
TERRACE

FARMHOUSE  
AVENUE

ROAD

CLARENDON



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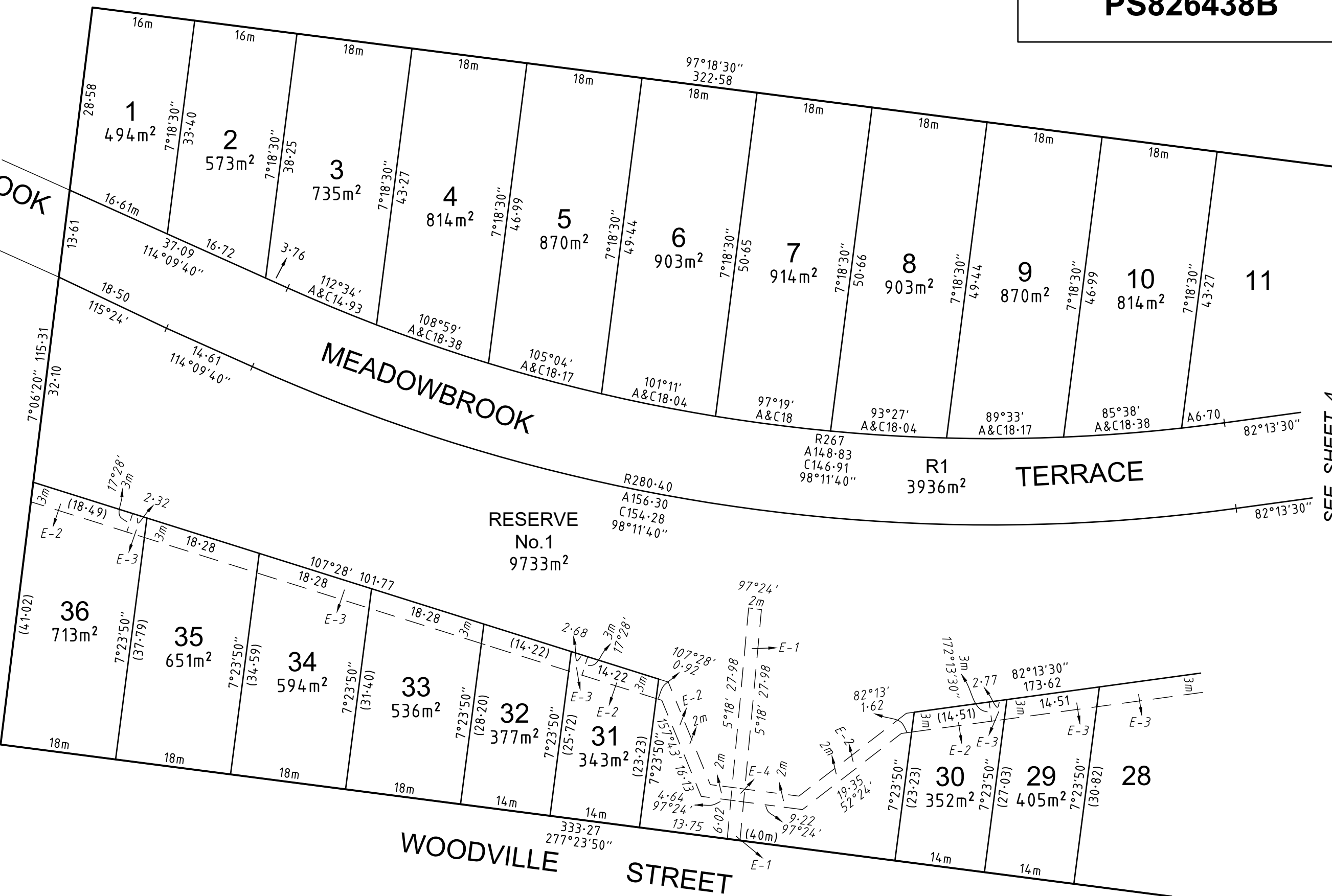
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LENGTHS ARE IN METRES

ORIGINAL SHEET  
SIZE: A3

SHEET 2

DAVID RENDLE / VERSION 2

MEADOWBROOK  
TERRACE



SEE SHEET 4



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SCALE  
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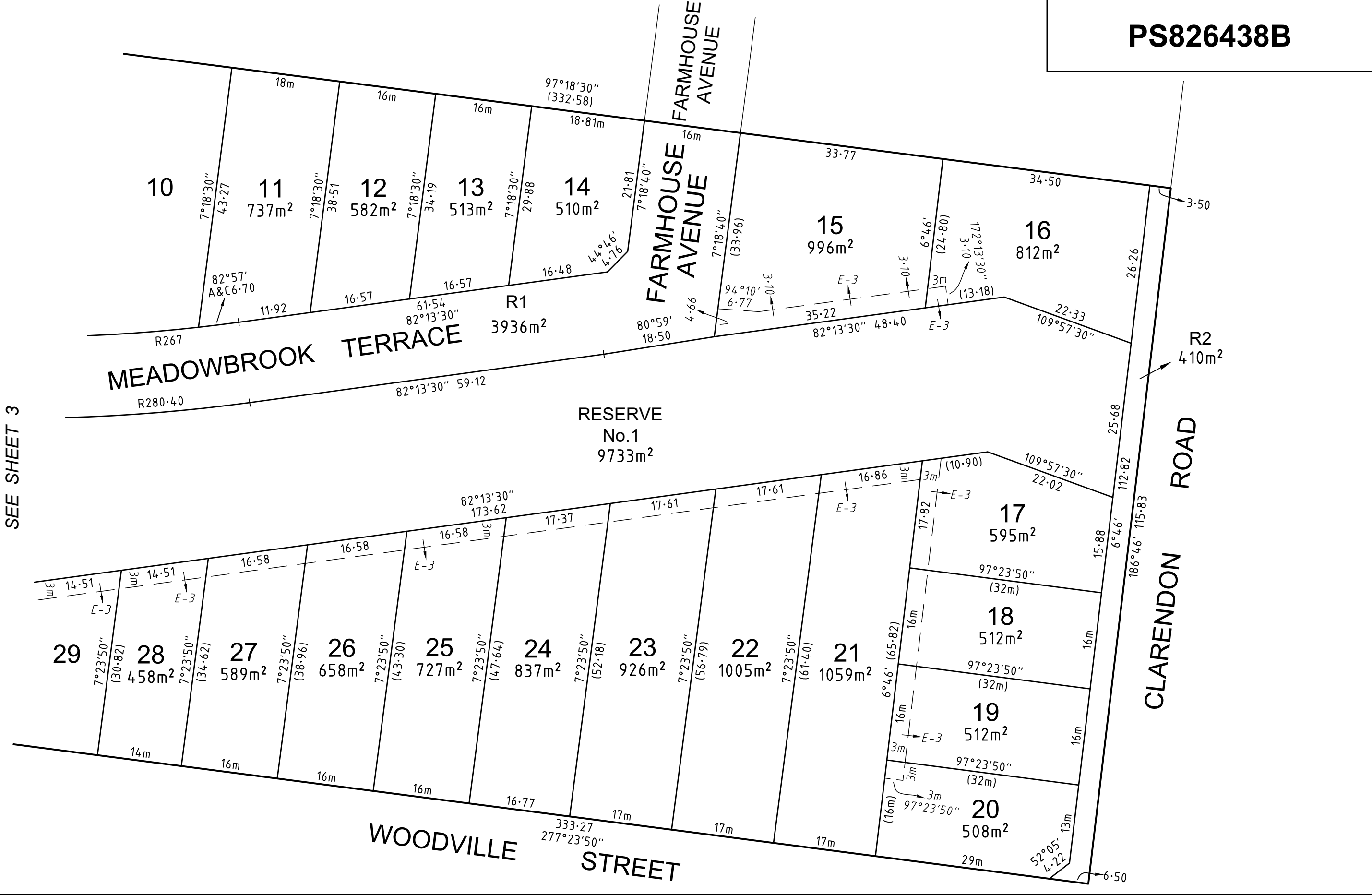
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LENGTHS ARE IN METRES

ORIGINAL SHEET  
SIZE: A3

SHEET 3

DAVID RENDLE / VERSION 2

M.G.A.94  
ZONE 55



SEE SHEET 3

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SCALE 1:600  
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LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE: A3  
SHEET 4


DAVID RENDLE / VERSION 2

**CREATION OF RESTRICTION A:**

Upon registration of this Plan of Subdivision (PS826438B) the following restriction is created:

Lot burdened	Lot/s benefited	Lot burdened	Lot/s benefited
14	13	28	27, 29
20	19, 21	29	28, 30
21	17, 18, 19, 20, 22	30	29
22	21, 23	31	32
23	22, 24	32	31, 33
24	23, 25	33	32, 34
25	24, 26	34	33, 35
26	25, 27	35	34, 36
27	26, 28	36	35

**DESCRIPTION OF RESTRICTION A:**

Buildings shall not be located in the area shown thus  except for allowable encroachments listed in the Building Regulations 2006.

**CREATION OF RESTRICTION B:**

Upon registration of this Plan of Subdivision (PS826438B) the following restriction is created:

Land to be benefited: Reserve No.1 on this Plan (PS826438B)  
 Land be burdened: Lots 15 - 17 (both inclusive) & 21 - 36 (both inclusive) on this Plan (PS826438B)

**DESCRIPTION OF RESTRICTION B:**

Except where specified with the written consent of the Developer, the registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of the burdened lot on this Plan of Subdivision (PS826438B) must not:

- a) Remove the semi-permeable boundary fencing along any boundary between the Reserve and the adjoining lot, or
- b) Alter the semi-permeable boundary fencing along the boundary between any Reserve and the adjoining lot, if the alterations would mean that the fencing was no longer semi-permeable.

**CREATION OF RESTRICTION C:**

Upon registration of this Plan of Subdivision (PS826438B) the following

Land to be benefited: Lots 1 - 36 (both inclusive) on this plan (PS826438B)  
 Land to be burdened: Lots 1 - 36 (both inclusive) on this plan (PS826438B)

**DESCRIPTION OF RESTRICTION C:**

Except with the prior consent of the Developer, the burdened land must not be used or developed other than in accordance with the provisions recorded in the Memorandum of Common Provision (MCP) with Dealing Number AA4746 .  
 The Provisions of the said MCP are incorporated into this Restriction.  
 restriction is created:

**PS826438B**

**DEFINITIONS**

For the purpose of the restrictions above the following definitions apply:

"Building" means any structure

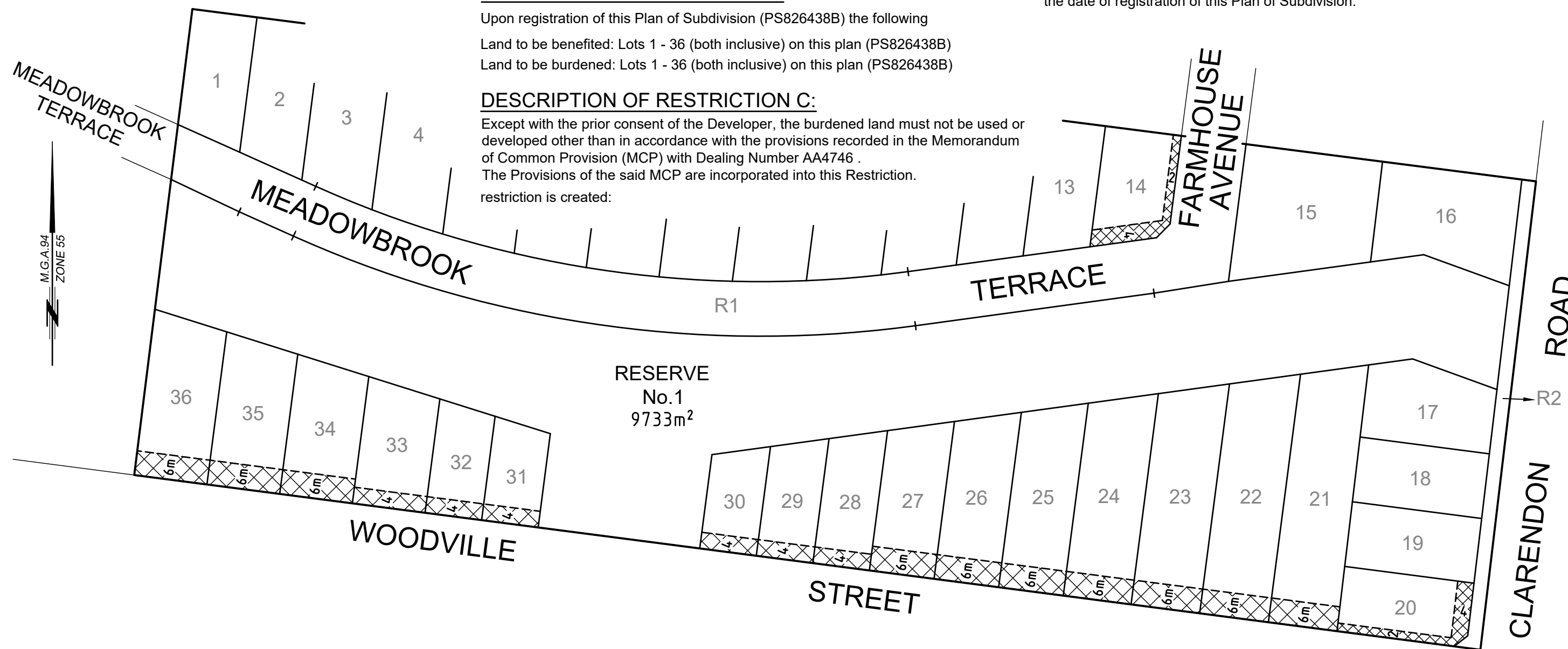
"Burdened Lot" means a Lot on the Plan

"the Reserve" means Reserve No. 1 on the Plan

"Developer" means Linmar Properties Pty Ltd (ACN 097 930 535) of 195 Forest Road South, Lara, VIC 3212 or any of its related bodies corporate within the meaning of section 50 of the Corporations Act 2001 (Cth) (as amended from time to time) and its successors, substitutes, permitted assigns, executors and administrators.

**EXPIRY DATE**

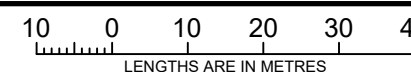
The above Restrictions A-C (all inclusive) shall cease to have effect 20 years after the date of registration of this Plan of Subdivision.



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SCALE  
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ORIGINAL SHEET  
 SIZE: A3

SHEET 5

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

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Lodged by	
Name:	Redman Lynch Washington
Phone:	(03) 4245 2020
Address:	Level 1, 77 Yarra Street, Geelong, Victoria 3220
Reference:	2018:0246
Customer code:	21067V

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

**Provisions:**

Except with the prior written consent of the Developer, the registered proprietor or proprietors from the time being of any Lot on the Plan of Subdivision must not:

**Subdivision**

1. Subdivide or consolidate the Lot or allow the Lot to be subdivided or consolidated, with any other lot or part thereof.

**Dwelling construction**

2. Construct any Dwelling unless the external walls (except windows and doors) are constructed from items in the following tables A, B and C provided that the sum of items in each table shall not exceed the corresponding percentages of the total external walls of the Dwelling (excluding windows and doors):

Table	Materials	Maximum % of the total external walls of a Dwelling (excluding windows and doors)
A	<ul style="list-style-type: none"><li>• Brick</li><li>• Brick veneer</li><li>• Stone</li><li>• Rendered concrete</li><li>• Rendered brick</li></ul>	100
B	<ul style="list-style-type: none"><li>• Timber</li><li>• Painted fibre cement weatherboard</li><li>• Rendered foam board</li><li>• Rendered fibre cement sheet</li></ul>	40
C	<ul style="list-style-type: none"><li>• Concrete</li><li>• Painted fibre cement siding</li><li>• Cladding</li></ul>	20

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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 3

**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

3. Construct, use or place on a Lot any relocated, pre-constructed or second-hand Dwelling.
4. Use any second-hand materials on the exterior of any Dwelling or Buildings constructed on a Lot.
5. Allow any rubbish, waste or debris to be deposited or remain on a Lot (including during construction of a Dwelling or Building) other than in a suitable receptacle for containing or disposal of rubbish.
6. Use or develop the Lot for any other purpose than one Dwelling with a garage and any outbuildings or external fixtures or improvements allowed under this MCP.
7. Use any shipping container or part thereof in the construction of the external walls of a Dwelling or Building.

### Garages

8. Construct any carport on a Lot.
9. Construct any freestanding garage other than a garage ordinarily used for the parking of Vehicles as the principle garage of the Dwelling and constructed of the same external materials as the Dwelling on the Lot.

### Vehicle Accommodation

10. Allow any recreational or commercial Vehicles to be parked on a Lot unless it is housed or contained wholly within a garage or screened from public view from the street or otherwise parked behind the wing fencing, except on a temporary basis for the purposes of delivering goods to an occupier of the Dwelling or in connection with the construction of improvements on the Lot.
11. Allow any caravan to be parked, stored or remain on the Lot unless it is not visible from the street.
12. Carry out any dismantling, assembling, repair or restoration of a Vehicle unless carried out at the rear of the Dwelling in a location which is screened from public view.

### Vehicle Access

13. Construct any driveway unless it is constructed of paving blocks, patterned concrete, exposed stone concrete, brick or concrete.
14. Construct any crossover from crushed rock.
15. Leave any driveway and/or crossover construction on the Lot to be incomplete for more than 21 days after the date of issue of the certificate of occupancy for the Dwelling constructed on the Lot.
16. Construct any crossover unless it is constructed to the standard and requirements of the Responsible Authority.

### Sheds and External Fixtures

17. Construct any storage or other shed on a Lot which:
  - (i) exceeds 3.6 meters in height from the natural ground level of a Lot;
  - (ii) is constructed from materials other than pre-coated steel or brick with a pitched pre-coated steel or tiled roof; and
  - (iii) is within 25 meters of the frontage of a Lot with an area greater than 800m<sup>2</sup>.

### Definitions

For the purposes of this MCP:

“**Building**” means any structure except a fence.

“**Developer**” means Linmar Properties Pty Ltd (ACN 097 930 535) of 195 Forest Road South, Lara, Victoria 3212 or any of its related bodies corporate within the meaning of section 50 of the *Corporations Act 2001* (Cth) (as amended from time to time) and its successors, substitutes, permitted assigns, executors and administrators.

“**Dwelling**” means a residential house.

## Memorandum of common provisions

### Section 91A Transfer of Land Act 1958

“**Lot**” means a lot in the Plan of Subdivision.

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

“**Plan of Subdivision**” means the relevant plan of subdivision for a particular allotment which incorporates this MCP.

“**Responsible Authority**” means the City of Greater Geelong or other such related authority.

“**Vehicle**” means any car, utility, truck, van, motorbike, speedboat or other watercraft or other motorised form of transport.