

Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

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This memorandum contains provisions which are intended for inclusion in plans under the Subdivision Act 1988 to be subsequently lodge for registration.

Provisions to apply to the plan:

- Burdened land:** Refer to plan of subdivision 845622B.
Benefited land: Refer to plan of subdivision 845622B.
Covenants: As set out in this MCP.
Expiry: Refer to plan of subdivision 845622B.

PRELIMINARIES

- A. This MCP provides the information necessary to interpret the approved building envelopes.
- B. This MCP includes:
- i Any varied design parameters from the Building Regulations and the municipal planning scheme.
 - ii Matters not covered by the Building Regulations and the municipal planning scheme.
- C. Any matter not addressed in this MCP will still need to be addressed as required by the Building Regulations and the municipal planning scheme.
- D. This MCP is retained by the Registrar of Titles pursuant to section 91 (A) of the Transfer of Land Act.

RESTRICTIONS

The registered proprietor or proprietors for the time being of any burdened lot specified in the relevant plan of subdivision:

- A. Shall not make an application to amend a building envelope unless with the written consent from Stockland and the responsible authority.
- B. Shall not erect any buildings on the lot unless the plans for such buildings are endorsed by Stockland Development Pty Ltd prior to the issue of the building permit.
- C. The requirement for such endorsement shall cease to have effect on the lot one year after an occupancy permit under the Building Act 1993 is issued for the whole of the dwelling on that lot.

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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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PROVISIONS

Any building requiring a building permit to be constructed on a lot to which this MCP applies must be sited within the approved building envelope.

This MCP will specify any encroachments allowed outside the approved building envelope.

1 TEXT OF RESTRICTIONS

1.1 Minimum street setbacks (refer regulation 74 and clause 54.03-1)

1.1.1 Setbacks of building elements (such as walls and roof coverings) from streets including laneways must comply with the setbacks specified on the building envelope plan, except for a garage which may be constructed on or within 200 millimetres of a laneway.

1.1.2 The following may encroach a maximum of 1.5 metres into the minimum front street setback and 1 metre into the setback on a side street or laneway:

- a Facade treatments, balconies, verandahs, open porches, covered walkways and porticos that are less than 6.6 metres high
- b Eaves, fascias and gutters

1.2 Side and rear Setbacks (refer regulation 79 and clause 54.04-1)

1.2.1 Side and rear setbacks for building elements (such as walls and roof coverings) must comply with the requirements specified in the height and setback profiles. The setback profile identifier codes are noted on the building envelope plans.

1.2.2 If a lot is shown with the profile identifier codes **SP-A-1** and **SP-B-1** on opposite side boundaries, the codes can be interchanged.

1.2.3 In addition to the allowable encroachments in the Building Regulations, the following can encroach into the minimum side and rear setback specified by the relevant setback profile identifier code:

- a Outbuildings not exceeding 10 square metres in area and 3 metres in height.

1.3 Walls on boundaries (refer regulation 80 and clause 54.04-2)

1.3.1 A dwelling wall on a rear boundary must be setback 1 metre except for a garage which may be constructed on the rear boundary.

1.3.2 For lots where a retaining wall is located along a side or rear boundary a dwelling wall, except for a garage, must be setback 1 metre from the boundary. When constructing a garage on a boundary with a retaining wall, the structural integrity of the retaining wall and its drainage must be protected to the satisfaction of the building surveyor.

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1.4 Solar access to existing north-facing habitable room windows (refer regulation 82 and clause 54.04-4)

1.4.1 Reference to an existing north-facing habitable room window refers to ground floor windows only.

1.4.2 Any proposed north-facing habitable room window at ground level in a proposed dwelling on a lot must be clear to the sky and setback more than 3 metres from the north boundary of that lot if it is to be considered, once constructed, as an 'existing' north-facing habitable room window for the purposes of regulation 82 and clause 54.04-4.

1.5 Overshadowing of recreational private open space (refer regulation 83 and clause 54.04-05)

1.5.1 If sunlight to the secluded private open space of an existing dwelling on an adjoining lot is to be reduced by the construction of a dwelling, then at least 25 square metres with a minimum dimension of 3 metres of secluded private open space should receive a minimum of 5 hours of sunlight between 9am and 3pm on 22 September.

1.5.2 The 25 square metres minimum area with a minimum dimension of 3 metres can be measured in different locations during the day provided the area is always secluded private open space.

1.6 Overlooking (refer regulation 84 and clause 54.04-6)

1.6.1 The requirements of regulation 84 and clause 54.04-6 apply to any habitable room window, balcony, terrace, deck or patio of a dwelling on a lot within the specified overlooking control area (as identified in the relevant setback identifier profile codes shown on the building envelope plan), that has a direct view into an adjoining lot.

1.7 Lots 300 square metres in area or greater

The following additional clauses apply to lots that are 300 square metres in area or greater:

1.7.1 Walls on Boundaries

The height of a wall constructed on or within 200 millimetres of a side or rear boundary, except for a garage wall as specified in this clause, must not exceed an average of 3.2 metres with no part higher than 3.6 metres, unless abutting a higher existing or simultaneously constructed dwelling wall in which case it may be constructed to the same height as that wall.

A garage wall may be constructed on or within 200 millimetres of a side or rear boundary to a maximum height of 3.6 metres provided that the length of garage wall on the boundary with a height of 3.6 metres does not exceed 6 metres.

1.7.2 Garages

A double garage on a lot must be set back at least 5 metres from the front boundary of the lot.

1.7.3 Car Parking

Where a second car parking space is required and it is to be provided in tandem, an additional 500 millimetres in length must be provided between each space.

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1.7.4 One dwelling on a lot:

Only one dwelling may be constructed on the lot.

1.8 Lots less than 300 square metres in area

The following additional clauses apply to lots that are less than 300 square metres in area:

1.8.1 Car Parking

Where a second car parking space is required and it is to be provided in tandem, an additional 500 millimetres in length must be provided between each space.

1.8.2 Site Coverage:

Buildings can occupy a maximum of 90 per cent of the total lot area.

1.8.3 Permeable Surfaces:

The area of impermeable surfaces including the driveway can be a maximum of 90 per cent of the total lot area.

1.8.4 Walls on Boundaries

- a The height of a wall constructed on or within 200 millimetres of a side boundary must not exceed a maximum average of 6.9 metres, unless abutting a higher existing or simultaneously constructed dwelling wall in which case it may be constructed to the same height as that wall.
- b Walls constructed on a side boundary of a lot can extend a maximum total length of 20 metres, or the length of any simultaneously constructed abutting wall, whichever is greater.

1.8.5 Private Open Space:

A minimum area of 38 square metres of private open space must be provided, including 25 square metres of secluded private open space.

1.9 Multiple Storeys

1.9.1 A building on a lot marked with a 'M' must have at least two storeys above natural ground level.

1.10 Design Approval

1.10.1 The design of a dwelling must be in accordance with the Stockland Design Essentials and any building or part of a building that is visible from a road reserve or other reserve must be approved by Stockland before lodging an application for a building permit.

2 Notes on this MCP

2.1 Conflicting Annotation

2.1.1 In the case of a conflicting annotation between the building envelope plan and this MCP text, the MCP text supersedes the plan.

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2.2 Natural Ground Level

- 2.2.1 Ground level after engineering works associated with the subdivision is to be regarded as natural ground level.

2.3 Edge Lots

- 2.3.1 Edge lots are those lots that are part of the same certified plan of subdivision but share one or more common boundaries with or otherwise adjoin a lot that is not part of the same certified plan of subdivision.
- 2.3.2 Regulation 71 and clause 56.04-2 apply to an edge lot regardless of Section 1 of this MCP.

2.4 Driveway Crossovers

- 2.4.1 Relocation of a driveway crossover or addition of a driveway crossover to a corner lot is permitted with written approval from Stockland and Council. Relocated crossovers must be constructed at the lot owners expense in accordance with [Hume](#) City Council specifications and be of the same finish as that originally provided by Stockland. The existing crossover must be removed and the verge, kerb and footpath constructed to the same standard as the adjoining verge, kerb and footpath at the expense of the lot owner.

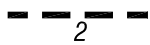
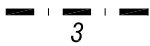



2.5 General Definitions

- 2.5.1 **Approved building envelope** means the building envelope for a particular lot contained in the plan which is attached to this MCP.
- 2.5.2 **Building envelope** means an area within each lot where development of a dwelling, shed and garage is allowed subject to the provisions of this MCP.
- 2.5.3 **Building envelope plan** means the plan which is attached to this MCP showing dwelling setbacks and other related matters.
- 2.5.4 **Corner lot** means a lot sited at the intersection of two streets (excluding laneways) where those streets form boundaries of the lot.
- 2.5.5 **Front Fence** means a fence forward of the side boundary fence or along the front boundary.
- 2.5.6 **Front Building Line** means the front façade wall excluding any façade treatment or engaged pier.
- 2.5.7 **Private Open Space** has the same meaning as in the building regulations.
- 2.5.8 **Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act.
- 2.5.9 **Secluded Private Open Space** has the same meaning as in the building regulations.
- 2.5.10 **Stockland** means Stockland Development Pty. Ltd.

3 *Diagrams and plans*

3.1 *Explanation of symbols and terms in diagrams and plans*

NOTATIONS

SP-A-1 SP-D-1 SP-B-1 RP-A-1 SP-A-3 SP-B-3 RP-A-2	Building envelope profile (refer 3.2 and 3.3 following) to be applied to the particular boundary (refer plans in 3.5).
	Note the frontage setback and easement width is designated on the plan.
	2 metres wide easement
	3 metres wide easement
	Frontage setback
36603	Lot number
	Lots less than 300 square metres in area (refer text) (note: lots less than 300 square metres in area may not occur in every plan)
	Designated vehicle crossover to lot (no other vehicular access point is permitted to a lot, except with the approval of Stockland and Hume City Council).

PARTICULAR LOT REQUIREMENTS FOR STAGE 366

Nil.

Detailed design of roads, crossovers and footpaths is provided in the relevant Engineering Plans.

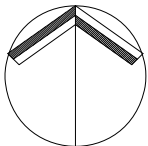
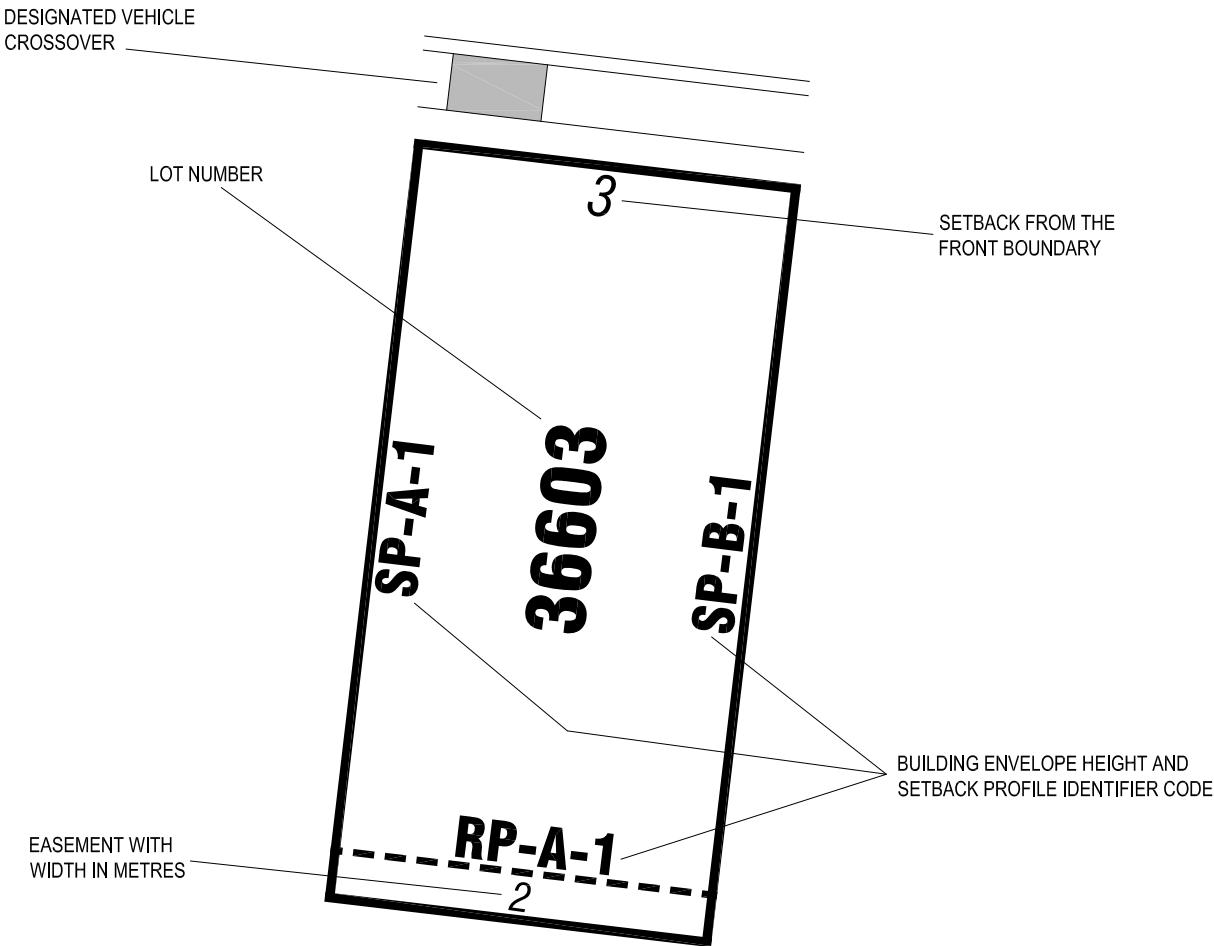
Additional easements may be required subject to detailed engineering and survey assessment.

Detailed design of landscape works is provided in the relevant Landscape Plans.

All details subject to Hume City Council approval.

3.2 *Diagrams illustrating the interpretation of the building envelope and the annotation with respect to all edge lots in this stage development*

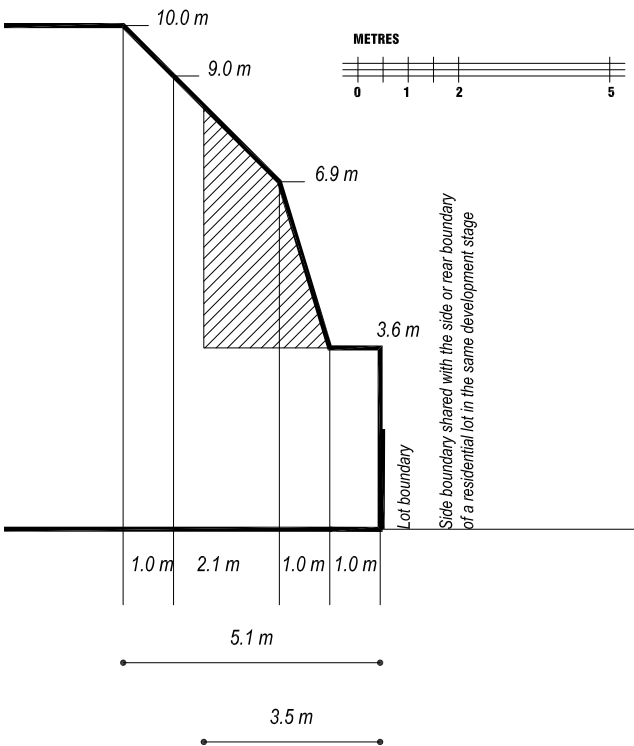
THE BUILDING ENVELOPES ON ALL LOTS LOCATED ON THE BOUNDARY OF THIS DEVELOPMENT STAGE (EDGE LOTS) ARE ENDORSED BY HUME CITY COUNCIL AS APPROVED BUILDING ENVELOPES.



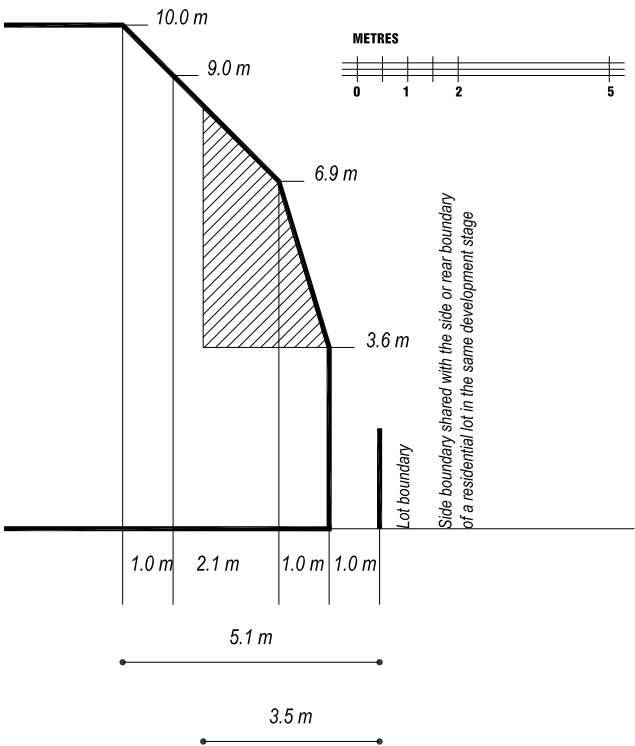
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3.3 Profiles referenced in the building envelope plan

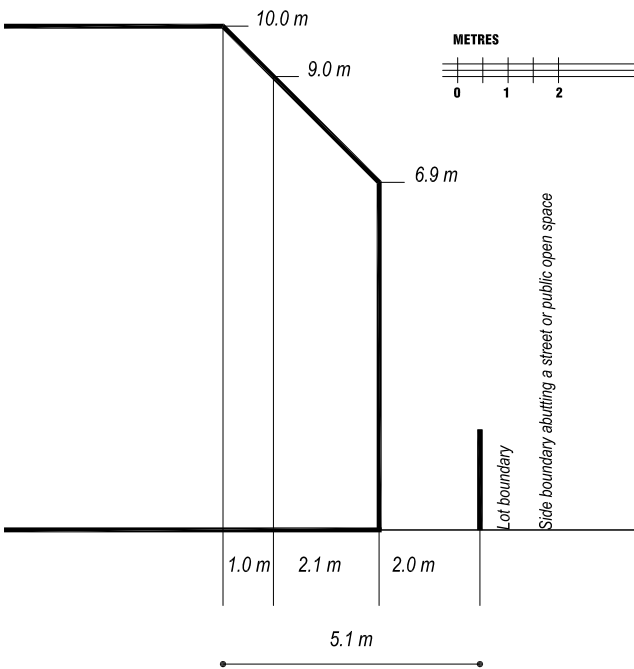
SP-A-1



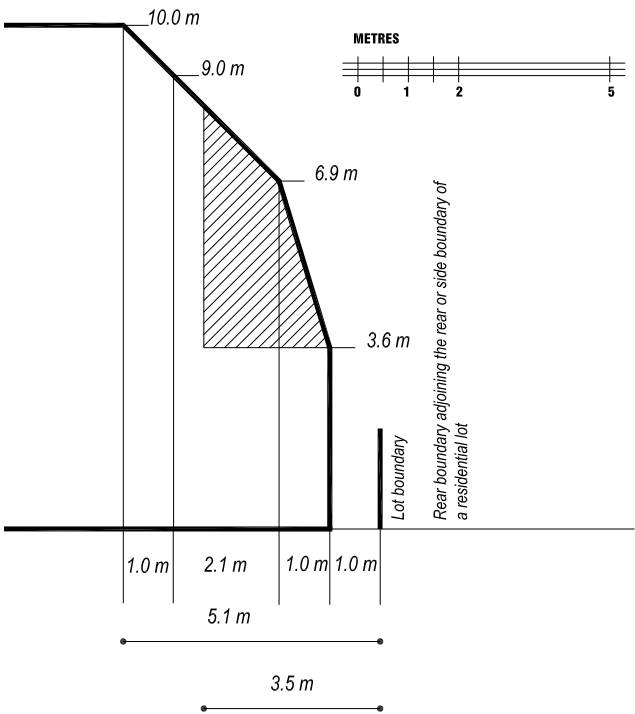
SP-B-1



SP-D-1



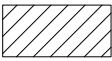
RP-A-1



EASEMENT REQUIREMENT

WHERE A PROFILE WHEN APPLIED COVERS AN EASEMENT, THE PORTION OF THE PROFILE ABOVE THE EASEMENT CANNOT BE CONSIDERED FOR APPROVAL / BUILT UPON. THIS MAY VARY ONLY IN THE CIRCUMSTANCES WHERE BUILDING ON THE EASEMENT RECEIVES PRIOR WRITTEN CONSENT OF THE RELEVANT AUTHORITY.

m METRES

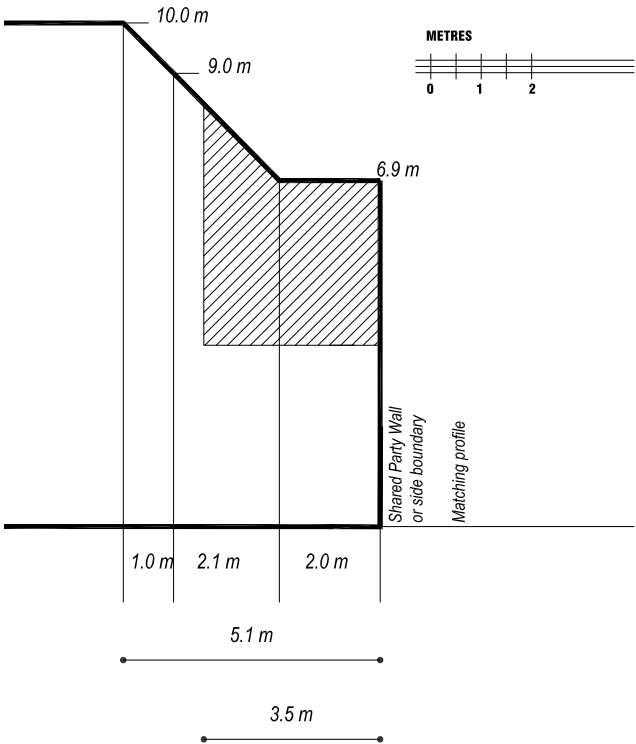


OVERLOOKING CONTROL AREA
(refer 'Overlooking' in text)

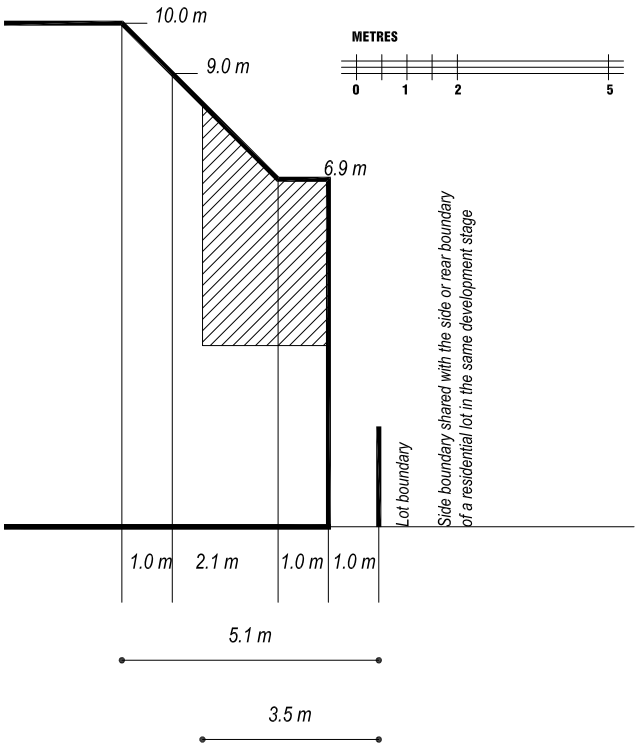
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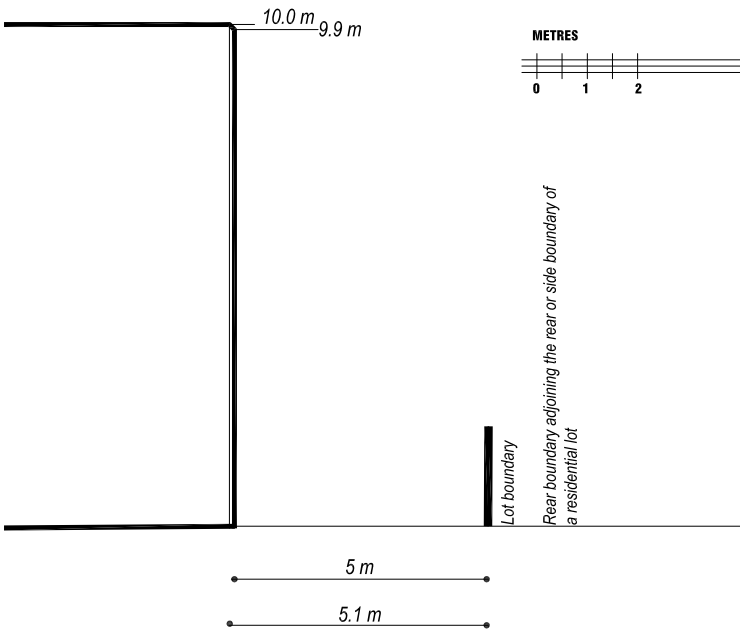
SP-A-3



SP-B-3



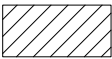
RP-A-2



EASEMENT REQUIREMENT

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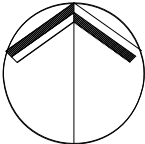
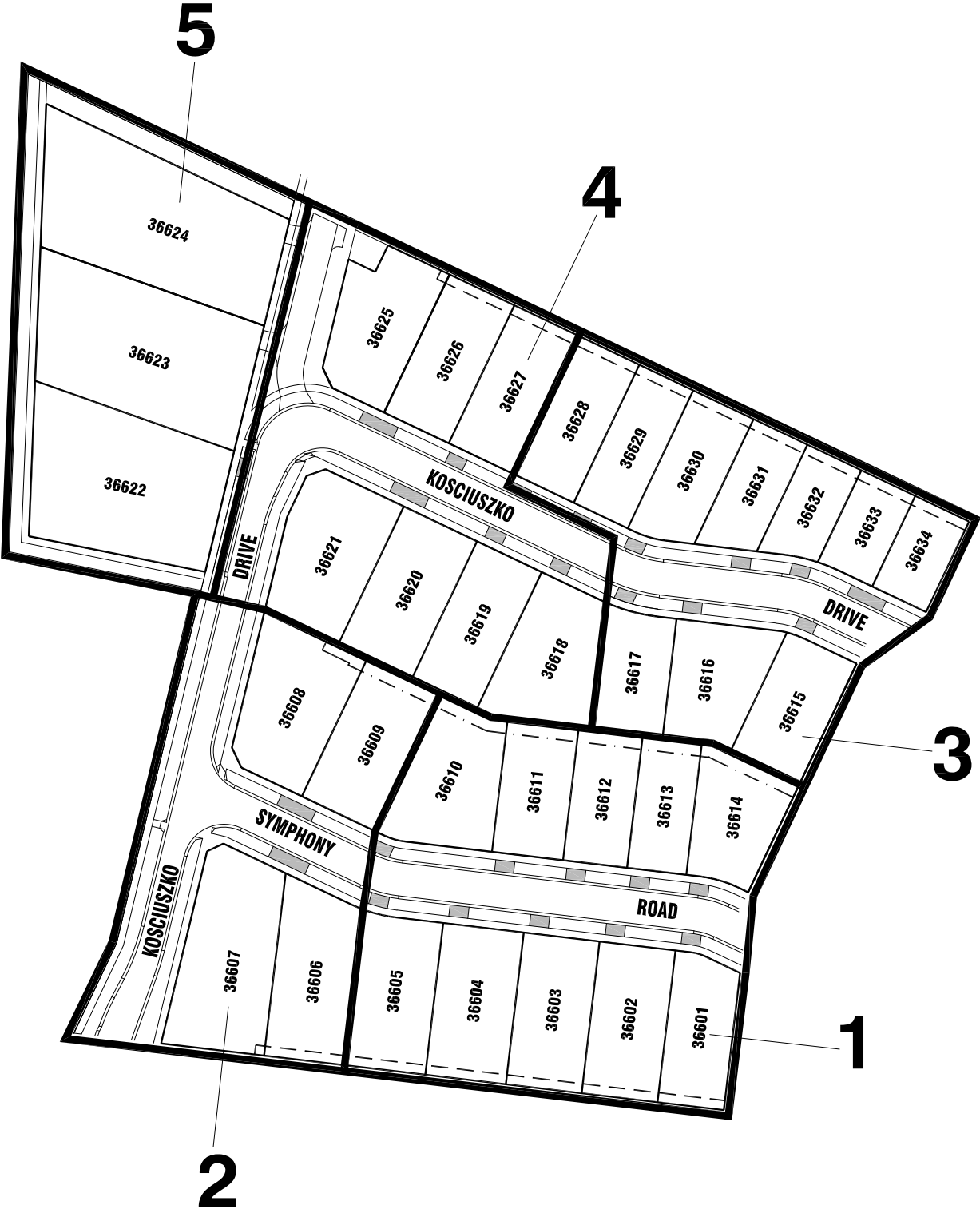
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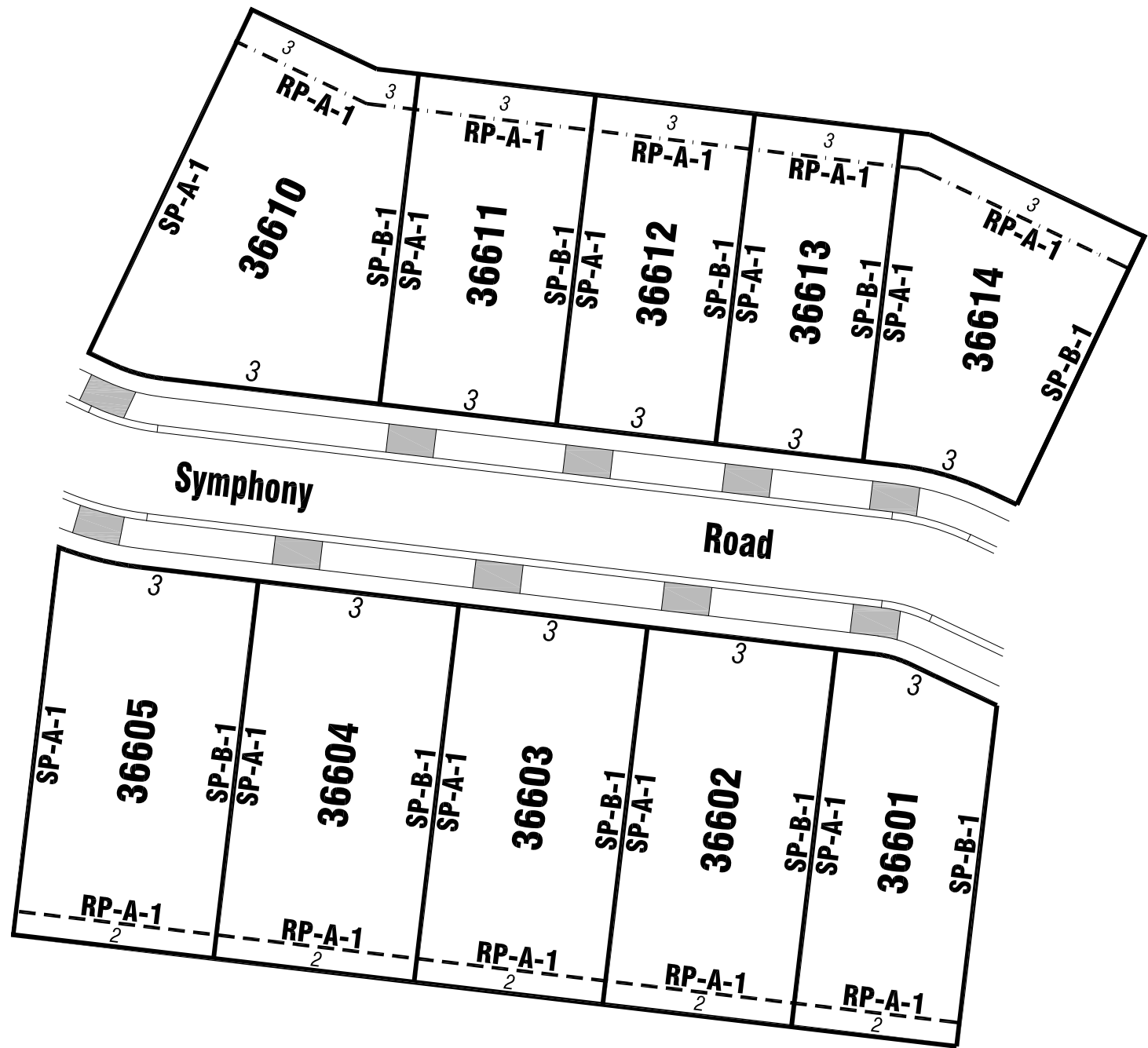
OVERLOOKING CONTROL AREA
(refer 'Overlooking' in text)

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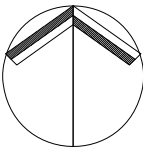
3.4 Plan of subdivision showing key to sheets



3.5 Plan of subdivision showing building envelope height and setback profile identifier code

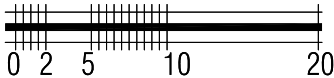


SHEET 1



METRES

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All dimensions are shown in metres

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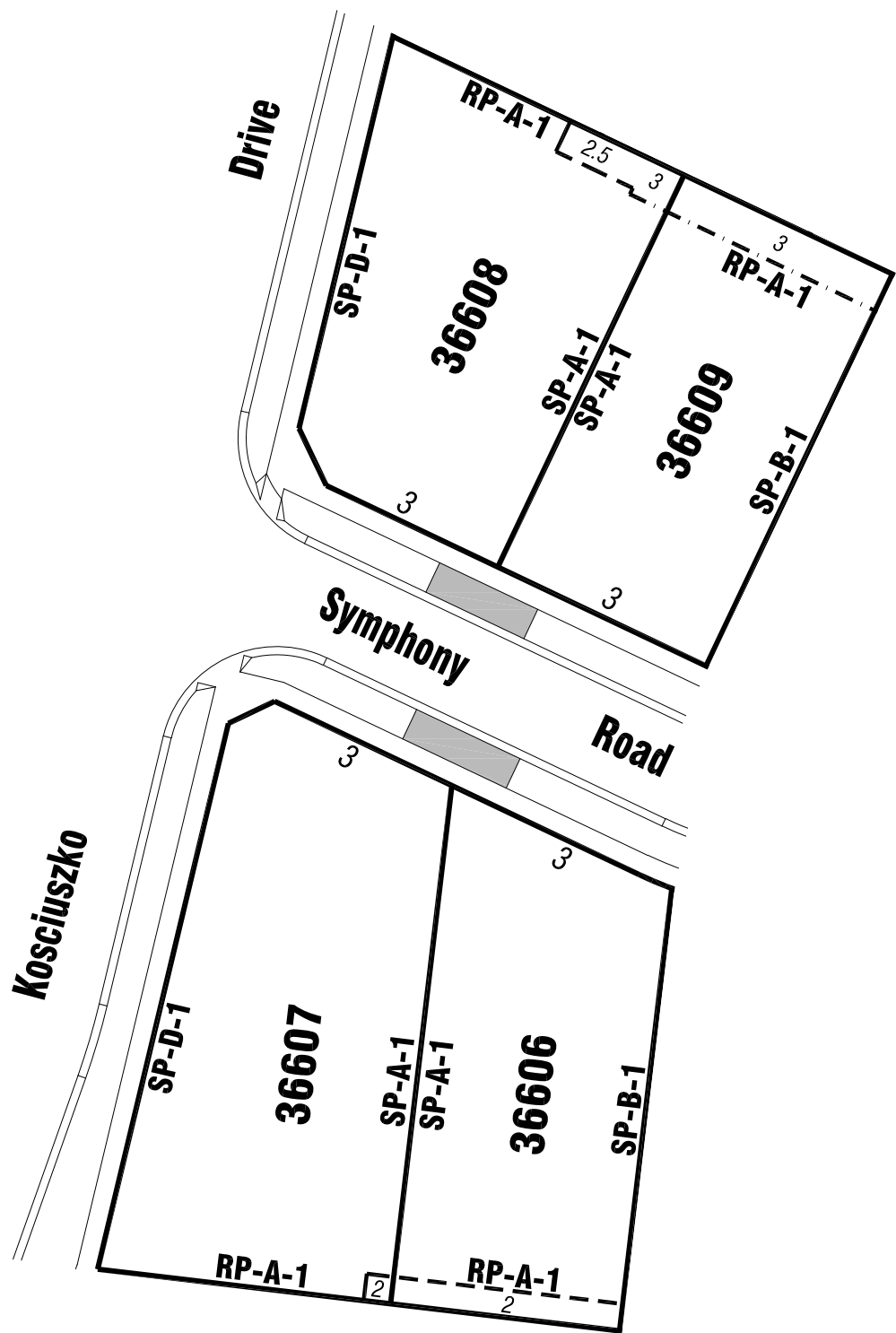
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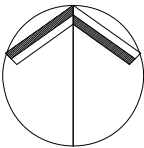
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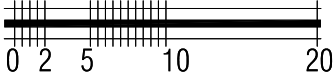


SHEET 2



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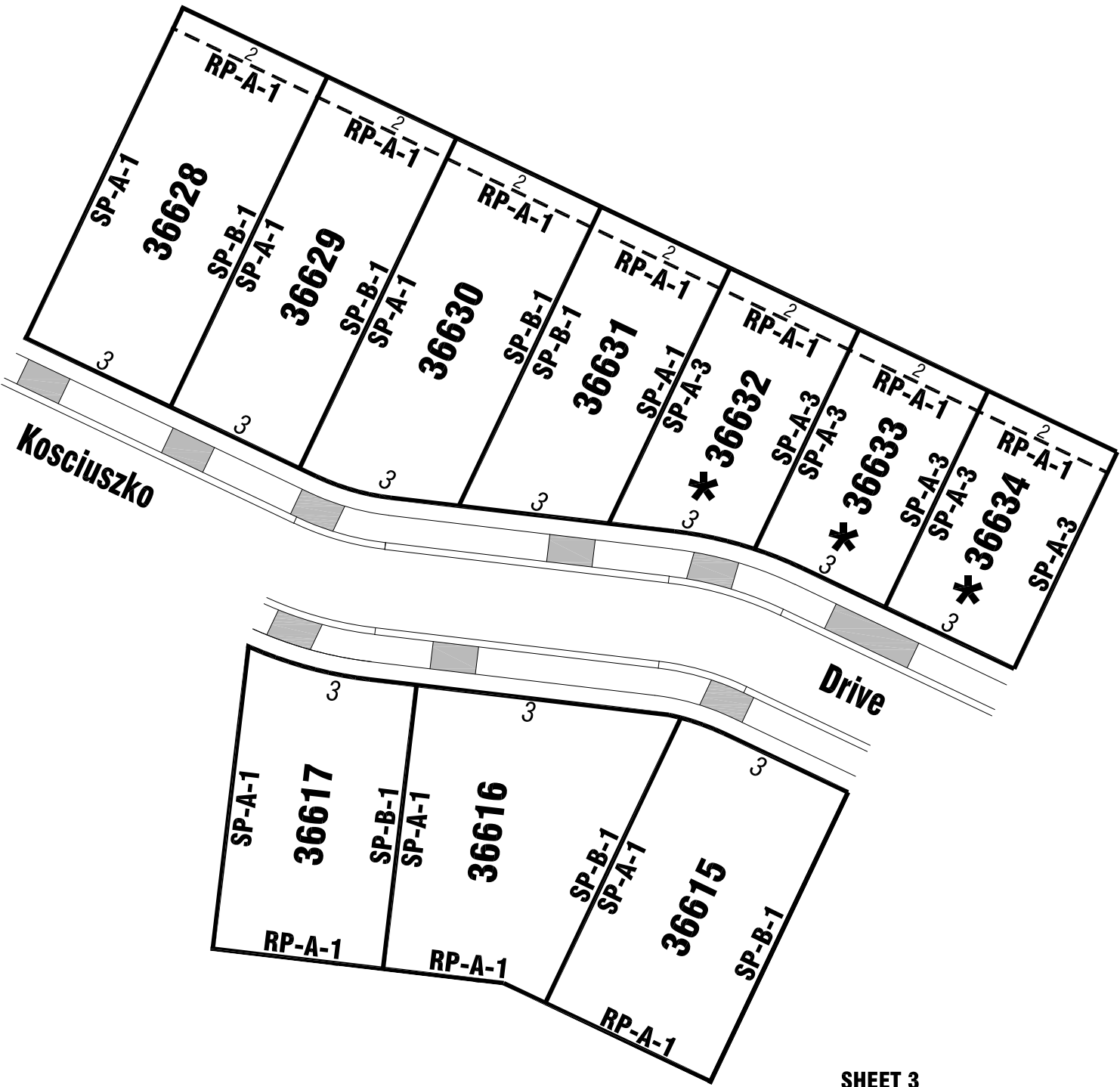
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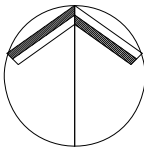
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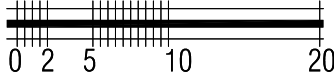


SHEET 3



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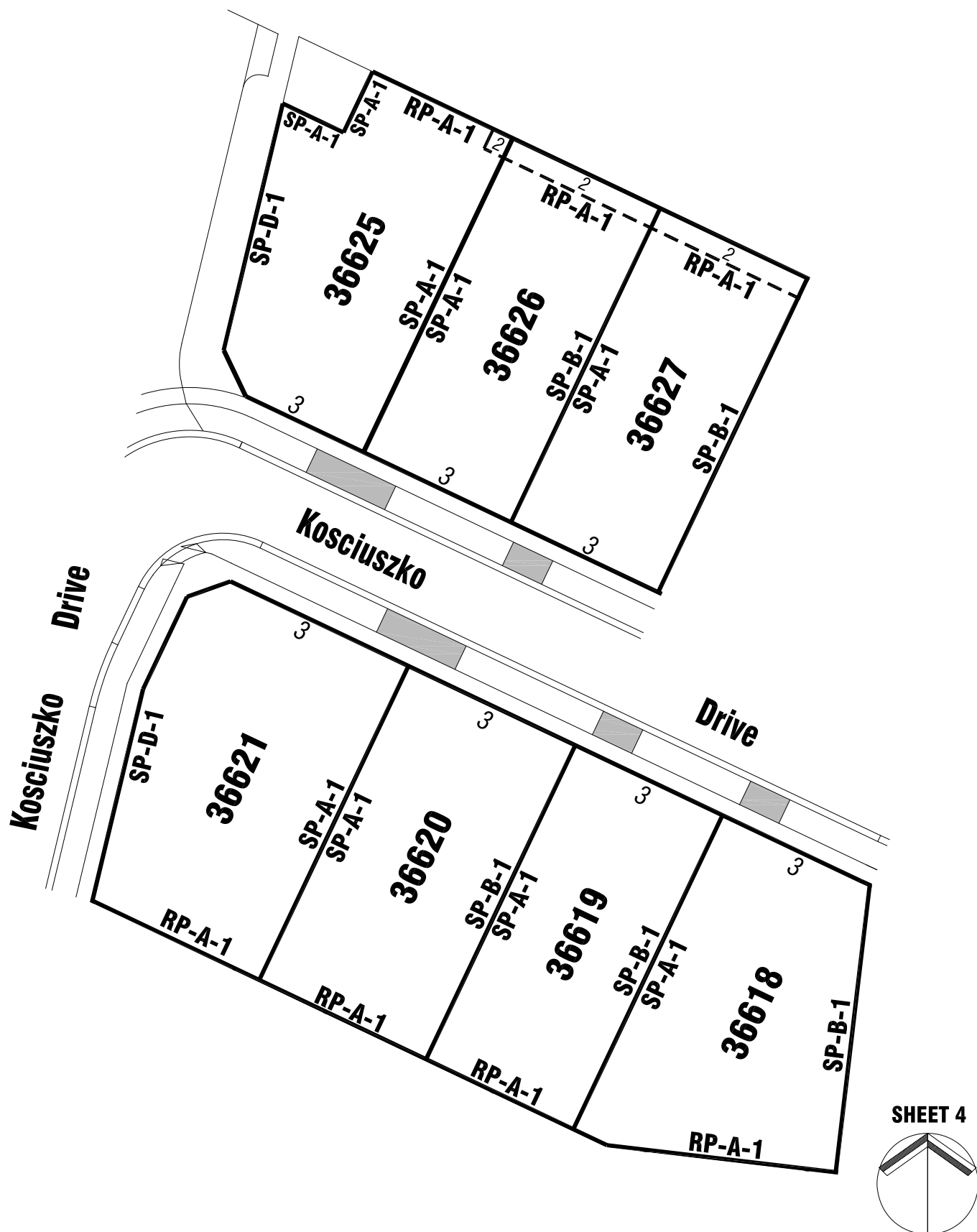
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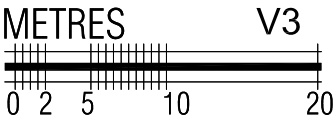
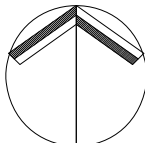
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SHEET 4



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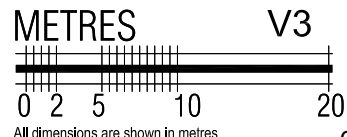
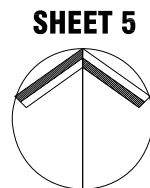
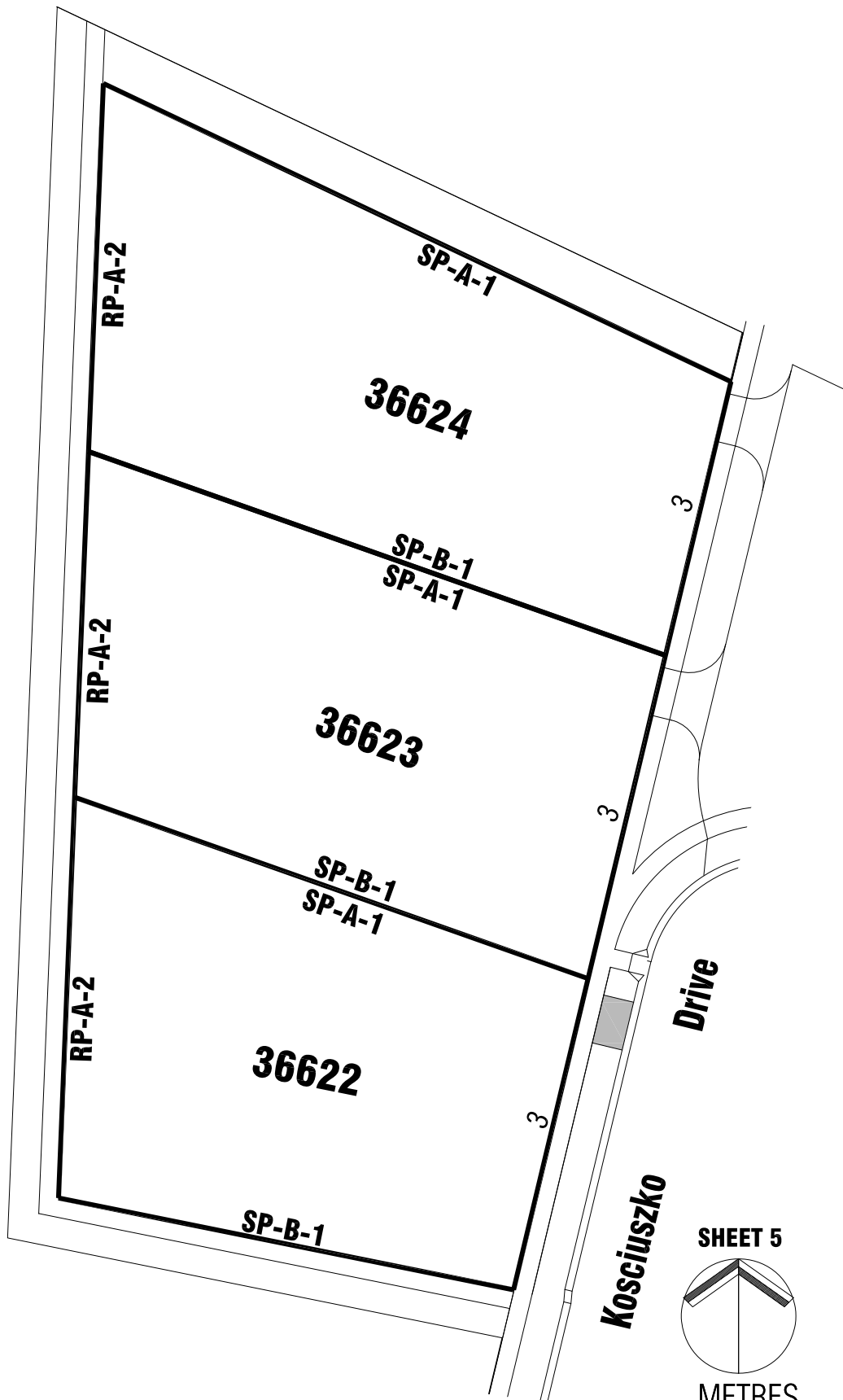
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