

SUBDIVISION ACT 1988
CREATION OF RESTRICTION

Upon registration of this plan, the following restriction is to be created.

Land to benefit: Lots 1701 to 1783 (both inclusive).
Land to be burdened: Lots 1701 to 1783 (both inclusive).

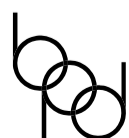
For the purpose of description:

- (i) Primary frontage means
 - (A) In the case of a lot where only one boundary of that lot abuts a road, the boundary that abuts the road.
 - (B) In the case of a corner lot where two boundaries of a lot abut a road, the boundary with the greater offset on the building envelopes within the Delaray Building Design Guidelines.

Description of Restriction:

The registered proprietor or proprietors for the time being of a lot on this plan of subdivision his/her heirs, executors, administrators and transferees shall not at any time on the said lot or any part or parts thereof;

- (i) Build or cause to be built or allow to be built or allow to remain more than one private dwelling (which expression shall include a house, apartment, unit or flat);
- (ii) Build or cause to be built or allow to be built or allow to remain a dwelling or any other improvements, or carry out cause to be carried out or allow to be carried out any building or construction works on the lot prior to 1 January 2025 unless:
 - (A) copies of building plans, elevations, roof plan, site plan (incorporating setback from all boundaries, building envelope, existing contour, proposed finished floor levels and site levels, all proposed driveways and paths, details of fences and outbuildings and landscaping) and schedule of external colours and materials ("plans") have been submitted to the Design Assessment Panel care of Stephan P Kosa & Associates Pty Ltd 27 Church Street, Hawthorn. Vic 3122 (email dap@kosaarchitects.com.au) or such other entity as may be nominated by the Design Assessment Panel from time to time;
 - (B) the plans comply with the Delaray Building Design Guidelines, a copy of which can be obtained from website at www.delaray.com.au/guidelines.htm
 - (C) the Design Assessment Panel or such other entity as may be nominated by the Design Assessment Panel from time to time has given its written approval to the plans as being in accordance with the "Delaray Building Design Guidelines" prior to the commencement of works;
- (iii) Build or cause to be built or allow to be built or allow to remain a dwelling with a floor area of less than:
 - (A) 150 square metres in the case of a lot having an area of 500 square metres or greater; or
 - (B) 110 square metres in the case of a lot having an area of less than 500 square metres, excluding terrace allotments.
 - (C) 85 square metres in the case of terrace allotments as defined in the Design Guidelines. For the purpose of calculating the floor area of a dwelling-house the area of the garages, terraces, pergolas or verandahs shall be excluded.
- (iv) Except in the case of lots 1737 to 1747 (both inclusive) and 1753 to 1765 (both inclusive), build or cause to be built or allow to be built or allow to remain a garage;
 - (A) Which contains a garage door or doors of which the garage opening/s occupy more than 40% of the width of the primary frontage unless in the case of dwellings of two or more storeys on lots between 250 square metres and 300 square metres whereby the garage opening must not exceed 30% of the area of the front facade of the dwelling, with the area of the front facade measured from a two dimensional elevation plan excluding any roof area of the dwelling.
 - (B) Which is sited closer to the primary frontage than the dwelling-house or 5.5 metres which ever is the greater, except in the case of lots 1721 to 1724 (both inclusive), 1748 to 1752 (both inclusive) and 1766 to 1772 (both inclusive) where the garage must not be setback between 3.0 metres and 5.0 metres from primary frontage.
- (v) Build or cause to be built or allow to be built or allow to remain any fencing:
 - (A) Along a front street boundary; and
 - (B) Between the front street boundary and the building line; and
 - (C) Upon a side or rear boundary of a lot except a fence:
 - (a) Which is constructed of timber palings with exposed posts capped across the top of the palings; and
 - (b) Which does not exceed 1.8 metres in height excluding a screen erected to meet the requirements of Part 5 of the Building Regulations 2018 in relation to overlooking.
- (vi) In the case of lots less than 250 square metres any dwelling unless in accordance with the Small Lot Housing Code or unless a specific planning permit for the said dwelling has been obtained from Casey City Council.
- (vii) Use the said lot in any way that is not in accordance with the "Delaray Building Design Guidelines."



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SCALE

ORIGINAL
SHEET SIZE A3

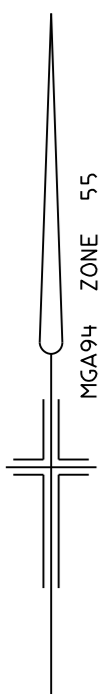
SHEET 7

REF: 8974/17

VERSION: 4

LICENSED SURVEYOR: SIMION COX

**DELARAY STAGE 17
BUILDING ENVELOPE PLAN INCLUDING HEIGHT
AND SETBACK PROFILE IDENTIFIER CODE**



SCALE 1:500 AT A3

LENGTHS ARE IN METRES
SHEET 1 OF 4 SHEETS
8974/17 VERSION B

NOTATIONS

'F' DENOTES PRIMARY STREET FRONTAGE OF CORNER LOTS

- * LOTS UNDER 250m² DO NOT INCLUDE BUILDING ENVELOPES AS THEY ARE SUBJECT TO EITHER THE SMALL LOT HOUSING CODE OR REQUIRE A SPECIFIC SEPARATE PERMIT FOR A DWELLING. SEE SMALL LOT HOUSING CODE IN RELATION TO TYPE A AND B LOTS

THIS PLAN FORMS PART OF THE "DELARAY BUILDING DESIGN GUIDELINES." PLEASE REFER TO THESE GUIDELINES FOR FURTHER INFORMATION

THE BUILDING ENVELOPES ON THIS PLAN ARE SHOWN ENCLOSED BY CONTINUOUS THICK LINES

PROFILE TYPES (A) (B) (C) (S) (T) (V) ARE CONTAINED IN THE DELARAY BUILDING DESIGN GUIDELINES

ON LOTS WHERE MORE THAN ONE BUILDING TO BOUNDARY ZONE (CROSS HATCHED ON THIS PLAN) IS SHOWN A BUILDING CONSTRUCTED ON THE SAID LOT MUST ONLY BE CONSTRUCTED WITHIN ONE OF THE BUILDING TO BOUNDARY ZONES. (I.E. BUILDING MAY NOT BE CONSTRUCTED FROM BOUNDARY TO BOUNDARY)

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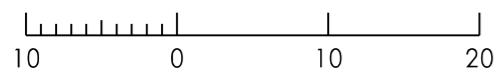
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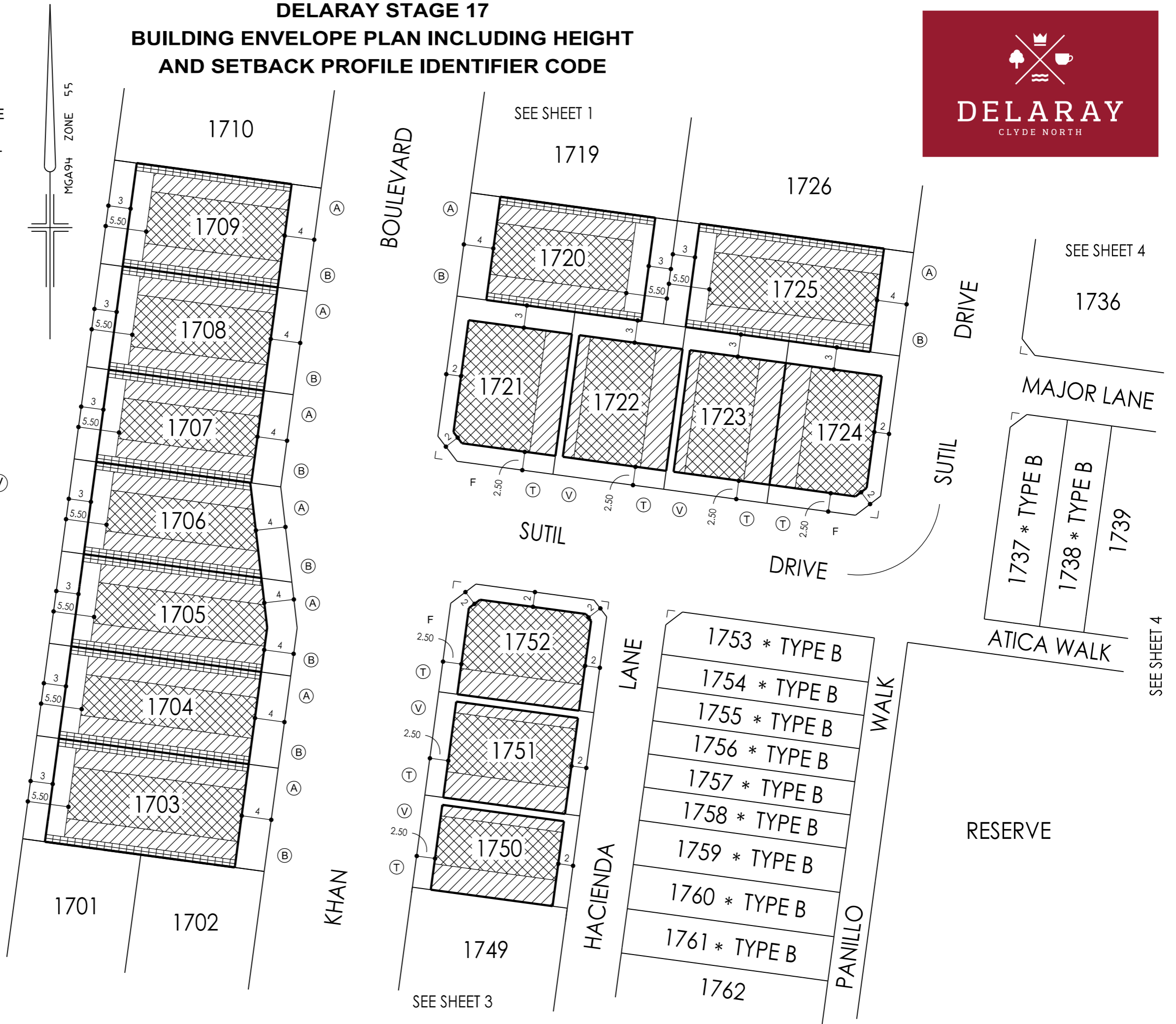
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LENGTHS ARE IN METRES

SHEET 2 OF 4 SHEETS
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DELARAY STAGE 17 BUILDING ENVELOPE PLAN INCLUDING HEIGHT AND SETBACK PROFILE IDENTIFIER CODE



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Casey Planning Scheme Endorsed in accordance with condition(s) 4 and 5 on 12/10/2018 under Permit No. PlnA00753/14.D Sheet 3 of 7 by phobbs

SEE SHEET 4

NOTATIONS

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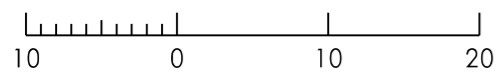
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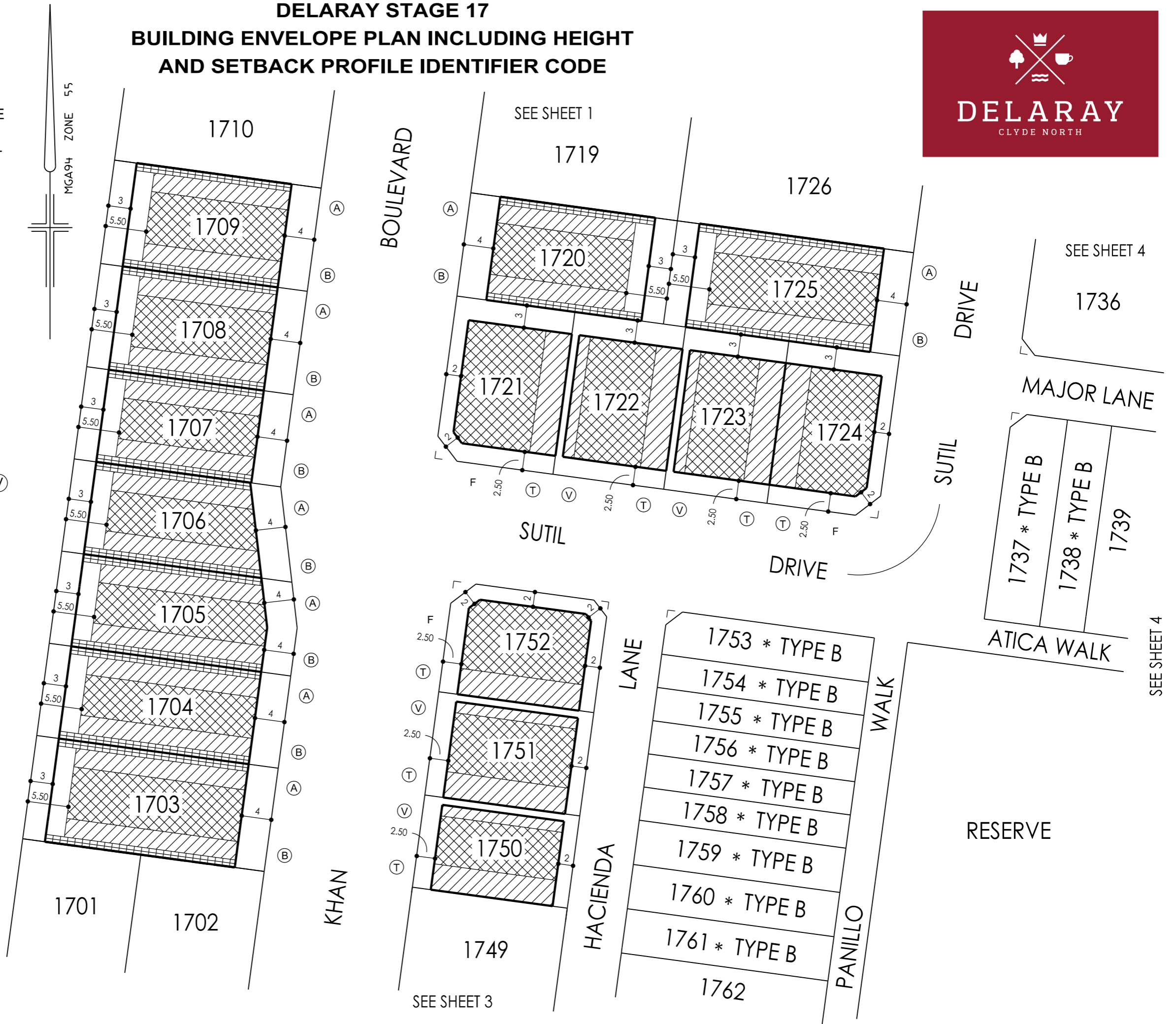
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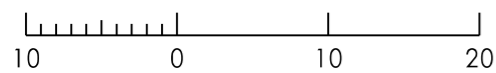
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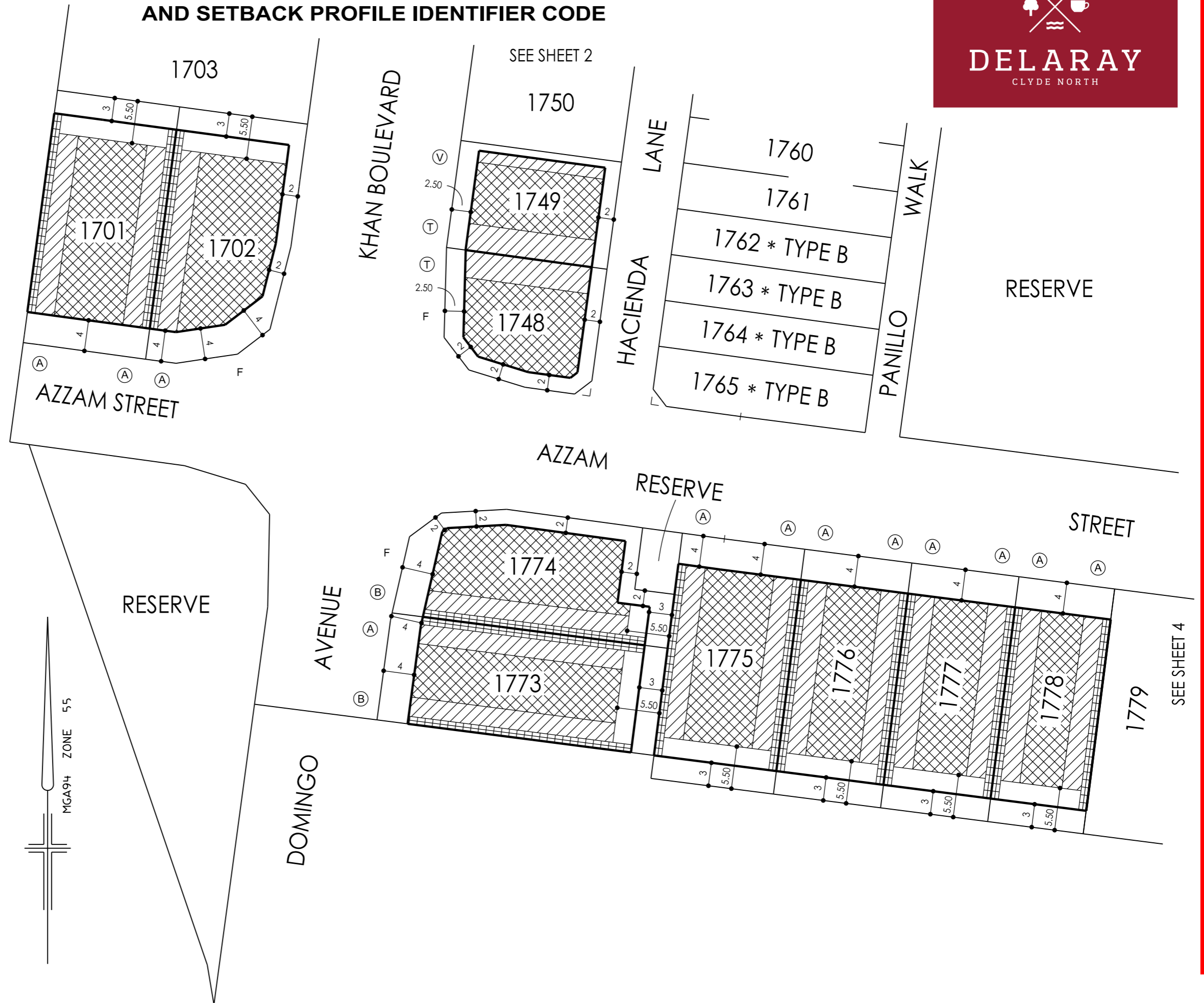
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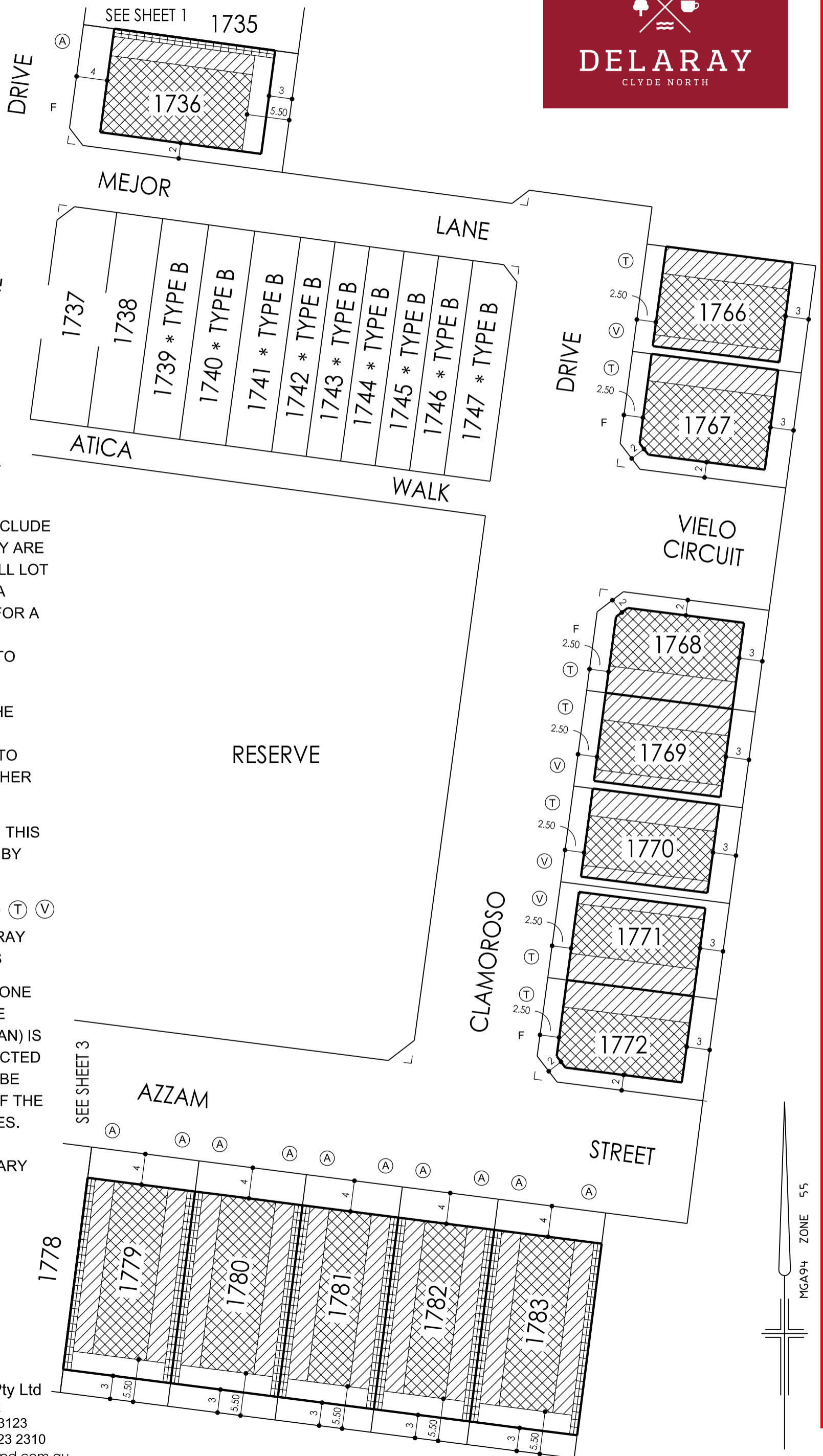
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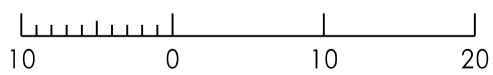
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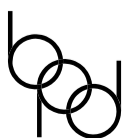
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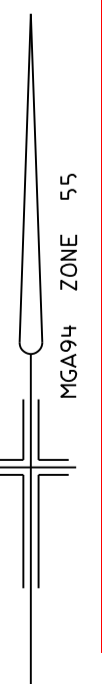


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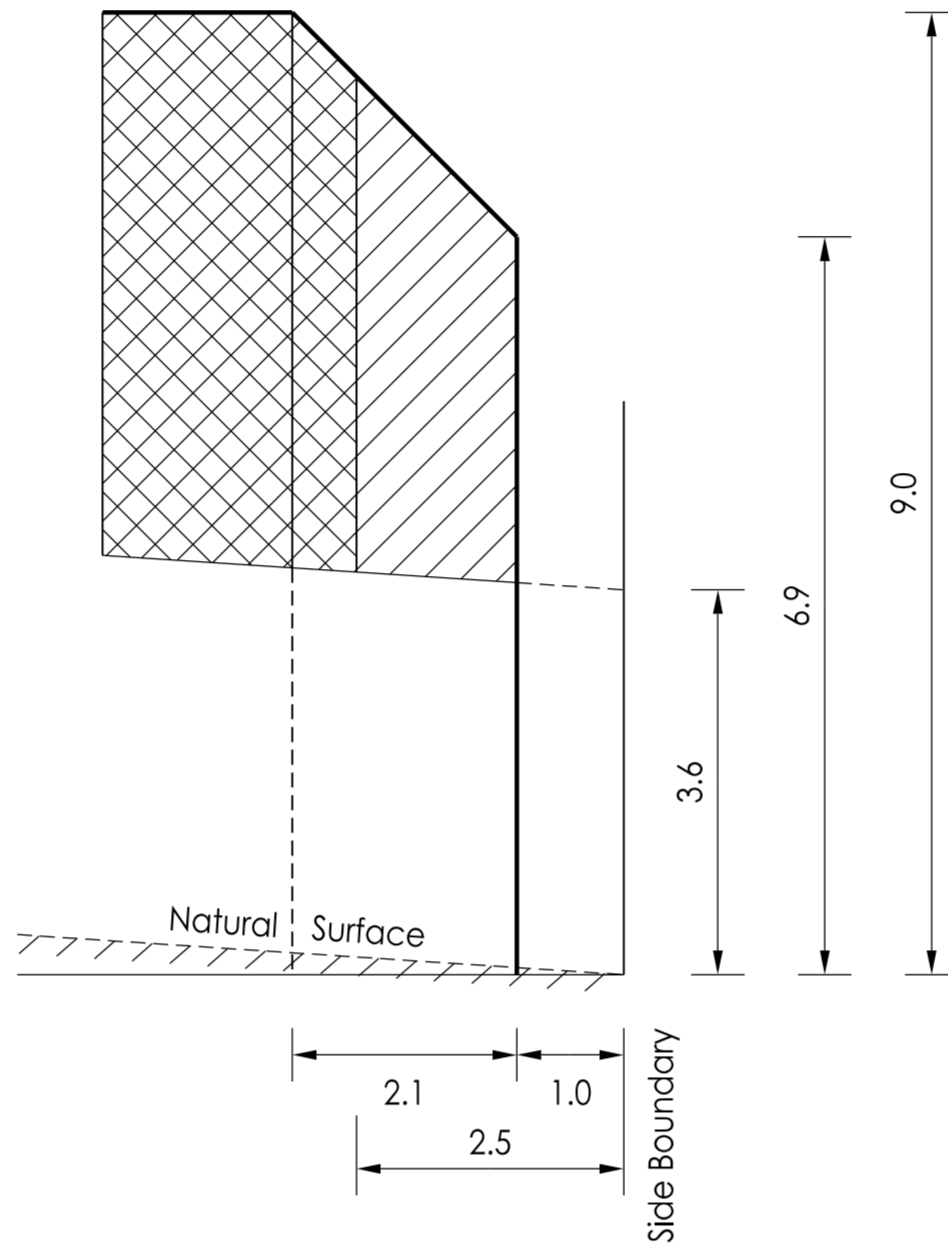
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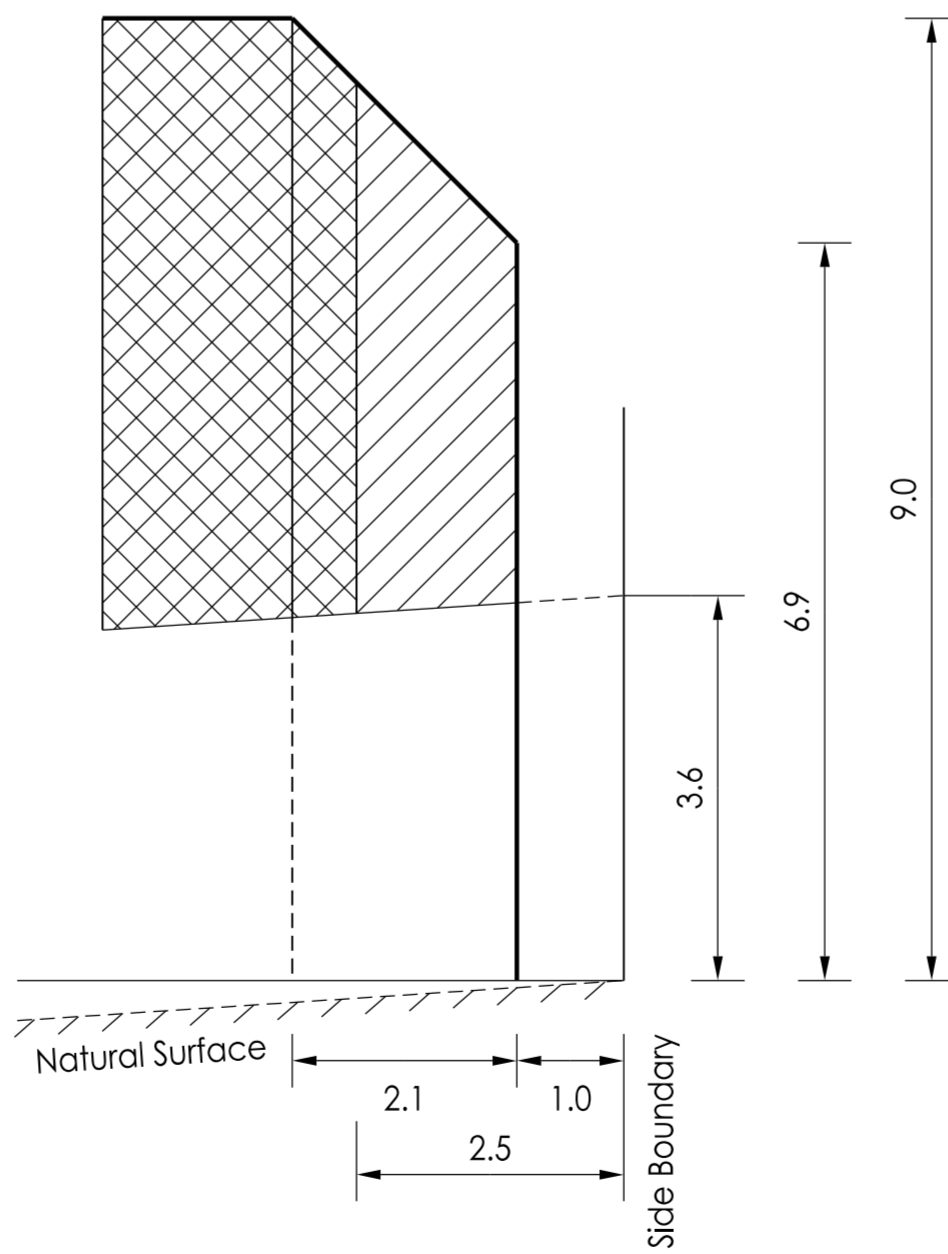
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SETBACK PROFILES

V Profile - NORTH, SOUTH, EAST or WEST Boundary



Natural Surface rising from side boundary



Natural Surface falling from side boundary



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