

# 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 lodged for registration.

**Operative words including words to bind the burdened land and words of annexation must not be included.**

Provisions to apply to the plan:

**Burdened land:** As set out in the plan.

**Benefited land:** As set out in the plan.

#### Covenants:

#### Definitions

If not defined, the words below shall have the meaning attributed to them in the document identified.

In the *Building Act 1993*:

- Building
- Lot

In Part 5 of *Building Regulations 2018*:

- Clear to the sky
- Height
- Private open space
- Recreational private open space
- Raised open space
- Setback

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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 plans.

91ATLA

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**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

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- Site coverage
- Window
- Single dwelling
- North (true north)

In the Victoria Planning Provisions, 31 October 2002:

- Frontage (Clause 72)
- Dwelling (Clause 74)
- Habitable room (Clause 72)
- Storey (Clause 72)

### ***Additional Definitions***

#### **DAP**

DAP means the Design Assessment Panel appointed by Villawood responsible for approving designs to be in accordance with this MCP.

#### **Front street or Main Street frontage**

Front Street means the street or road that forms the frontage to the lot concerned. Where there is more than one road which adjoins a lot or where it may be otherwise unclear, the Front Street may be identified by the letter “F” in the Building Envelope Plan or will be as agreed in writing by the DAP.

#### **MCP**

This Memorandum of Common Provisions.

#### **Natural ground level**

Natural ground level means the ground level after engineering works associated with the subdivision have been completed.

#### **Side boundary**

A boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot.

#### **Site coverage**

Site coverage includes roofed areas of the dwelling, in addition to roofed terraces, patios, decks and pergolas. Eaves, fascia and gutters not exceeding 600 mm in total width, and unroofed swimming pools, terraces, patios, decks and pergolas should be disregarded.

#### **Standard lot**

A single lot that accommodates a freestanding dwelling detached from adjoining dwellings and of an individual style.

#### **Street**

For the purposes of determining street setbacks, street means any road other than a lane, footway, alley or right of way.

#### **Villawood**

Villawood Properties.

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### Covenants:

#### 1 Preliminary

All Provisions not addressed in this Memorandum of Common Provisions (MCP) are as required in the current Building Regulations.

This MCP cannot be changed or amended unless with the written consent of the Responsible Authority.

#### Approved Building Envelopes

Any building on Lot 101 to Lot 122 (inclusive) within subdivision plan PS 842444Q must be contained within the building envelopes shown on the attached plan and defined by the associated setback profiles and written notes contained therein.

#### 2. Text of restrictions:

The matters which are restricted by the building envelopes are:

##### 2.1 Minimum street setback

###### **Building Regulations 2018 Part 5 – Siting, Regulation 74**

The front street setback is designated on the specified Building Envelope for each allotment. All dwellings must be set back from the main street frontage by the minimum distance indicated. Garages must be located or set back behind the front façade of the dwelling.

Unless noted on the plan, the minimum front setback on a splayed or curved corner between two street frontages is on an arc connecting the front street setback line to the side street setback line commencing at the points that are perpendicular to the points where the street alignment commences to arc.

Garages must be located or setback behind the front façade of the dwelling.

##### 2.2 Building height

###### **Building Regulations 2018 Part 5 – Siting, Regulation 75 Hume Planning Scheme Clause 54.03-2**

The height of a building must not exceed the maximum building height shown in the profile diagrams specified in the Building Envelope Schedule. Maximum building heights between specified points on a setback profile lie on a straight line drawn between the two specified points within a profile. Maximum building heights between profiles lie on a straight line drawn between the closest parts of the two profiles.

##### 2.3 Site coverage

###### **Building Regulations 2018 Part 5 – Siting, Regulation 76 Hume Planning Scheme Clause 54.03-3**

Unless otherwise specified in the notations to the Building Envelopes as they apply to particular allotments, buildings must not occupy more than 50 per cent of the lot.

##### 2.4 Side and rear setbacks

###### **Building Regulations 2018 Part 5 – Siting, Regulation 79 Hume Planning Scheme Clause 54.04-1**

The side setback is designated on the specified Building Envelope for each allotment. A building must be setback from a side boundary not less than the distances specified in the Profile Diagrams and shown on

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the Building Envelopes by a setback identifier code. The measurements are taken from the natural surface levels to the top of the wall.

The side street setback is designated on the specified Building Envelope for each allotment.

The maximum height of a building facing a rear boundary must not exceed the maximum building height allowed by the side envelope profile as shown in the Profile Diagrams, or a height limit for a rear setback as dimensioned on the Building Envelope plan.

### 2.5 Walls on boundaries

#### **Building Regulations 2018 Part 5 – Siting, Regulation 80 Hume Planning Scheme Clause 54.04-2**

Unless otherwise noted on the Building Envelopes, walls and associated parts of a building within 1.0 metre of a boundary are not permitted.

### ***Encroachments***

Side, Side Street and Rear: The following may encroach into the specified setback distances by not more than 600 mm:

- Porches, eaves, verandahs
- Masonry chimneys
- Screens, but only to the extent needed to protect a neighbouring property from a direct view
- Water tanks
- Heating and cooling equipment and other services

The following may encroach into the specified setback distances:

- Landings with an area of not more than 2 square metres and less than 0.8 metres high from natural ground level
- Unroofed stairways and ramps
- Pergolas
- Shade sails
- Eaves, fascia, gutters

Front: The following may encroach into the specified front street setback distances by no more than 1500 mm: For the purposes of these guidelines, gutters are not a measured item.

- Porches and verandahs to a maximum height of 5.5 metres.
- Decks and uncovered landings of not more than 2 square metres and less than 0.8 metres high from natural ground level
- Eaves.

For the purposes of these guidelines, gutters are not a measured item.

### 2.6 Daylight to existing habitable room windows

#### **Building Regulations 2018 Part 5 – Siting, Regulation 81 Hume Planning Scheme Clause 54.04-3**

This item is covered within the building envelope plan and profile diagrams.

Building Regulation 81 is superseded by this MCP.

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### **2.7 Solar access to existing north-facing habitable room windows Building Regulations 2018 Part 5 – Siting, Regulation 82 Hume Planning Scheme Clause 54.04-4**

This item is covered within the building envelope plan and profile diagrams.

Building Regulation 82 is superseded by this MCP.

### **2.8 Overshadowing of recreational private open space Building Regulations 2018 Part 5 – Siting, Regulation 83 Hume Planning Scheme Clause 54.04-5**

This item is covered within the building envelope plan and profile diagrams.

Building Regulation 83 is superseded by this MCP.

### **2.9 Overlooking Building Regulations 2018 Part 5 – Siting, Regulation 84 Hume Planning Scheme Clause 54.04-6**

This item is covered within the building envelope plan and profile diagrams.

Building Regulation 84 is superseded by this MCP.

### **2.10 Daylight to habitable windows Building Regulations 2018 Part 5 – Siting, Regulation 85 Hume Planning Scheme Clause 54.04-6**

This item is covered within the building envelope plan and profile diagrams.

Building Regulation 85 is superseded by this MCP.

### ***Building regulations***


Building regulations 73, 74, 75, 79, 81, 82, 83, 84 & 85 are superseded by the approved building envelopes.

### ***Notes on Restrictions***

- Ground level after engineering works associated with the subdivision is to be regarded as natural ground level.
- In the case of a conflict between the Building Envelope plan or Profile Diagrams and these written notations, the specifications in the written notations prevail.
- Buildings must not cover registered easements unless provided for by the easement.

3. Diagrams and plan

NOTATIONS

	Note the setback distances and easement width is designated on the plan
7	Setback (front, rear, side boundaries)
- - - - -	Easement (refer to the plan of subdivision)
▲	Special lot requirements (refer text)
101	Lot number
	Designated vehicle crossover to lot (no other vehicular access point is permitted to a lot, except with the approval of Villawood and the Hume City Council)
Ø	Dwellings on these lots must be two storey
□	Dwellings on these lots to have a double garage
◆	Dwellings on these lots to have a single or double garage

PARTICULAR LOT REQUIREMENTS FOR STAGE 1

Nil

The front and side setbacks are measured to the outermost walls of the buildings.

The setback to a side street boundary for a corner lot is 2m unless noted otherwise.





Garages must be set back behind the front facade of the dwelling.

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

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

All details subject to approval by Hume City Council.

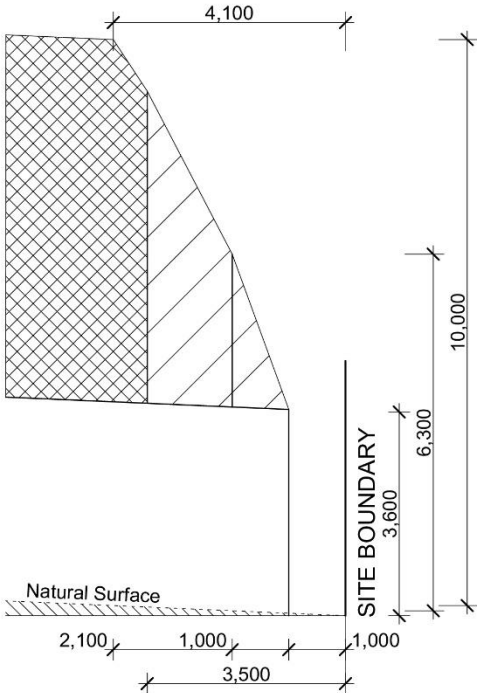
Refer "Diagrams and Plans" in this document for further definitions.

	Single Storey Building Envelope
	Overlooking Zone - Habitable room windows or raised open spaces are a source of overlooking
	Non-Overlooking Zone - Habitable room windows or raised open spaces are not a source of overlooking
	Double Storey Building Requirement

The registered proprietor or proprietors of the lot are required to build in accordance with the approved building envelopes shown hereon and in accordance with the "Profile Diagrams" in this document.

This plan forms part of the "Sherwood Grange Design Guidelines". Please refer to these Guidelines for further information.

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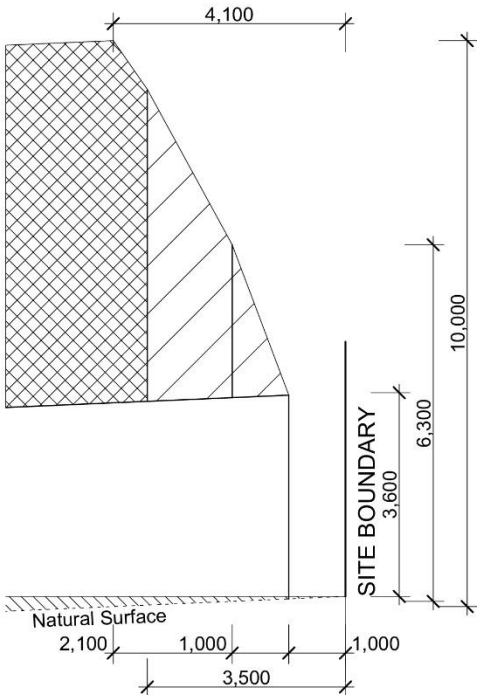


PROFILE A

SINGLE STOREY BUILDING  
ENVELOPE HATCH TYPES

Single Storey Building Envelope  
(wall height not exceeding 3.6m)

Natural surface rising from side boundary



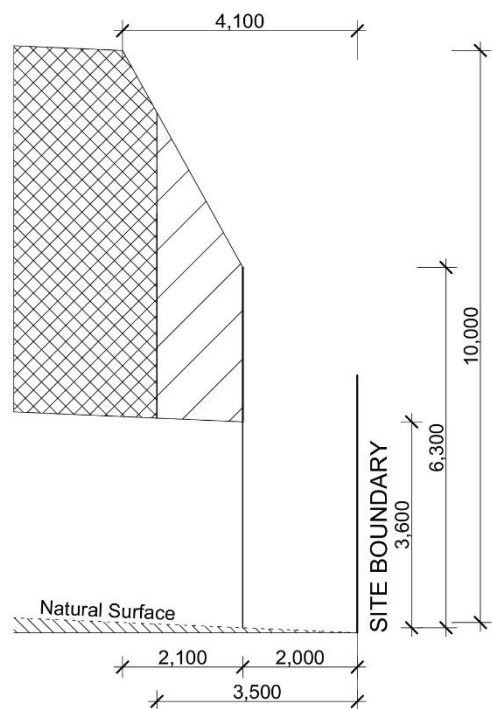
DOUBLE STOREY BUILDING  
ENVELOPE HATCH TYPES

Overlooking Zone  
Habitable room windows or  
raised open spaces are a source  
of overlooking

Non Overlooking Zone  
Habitable room windows or  
raised open spaces are not a  
source of overlooking

Natural surface falling from side boundary

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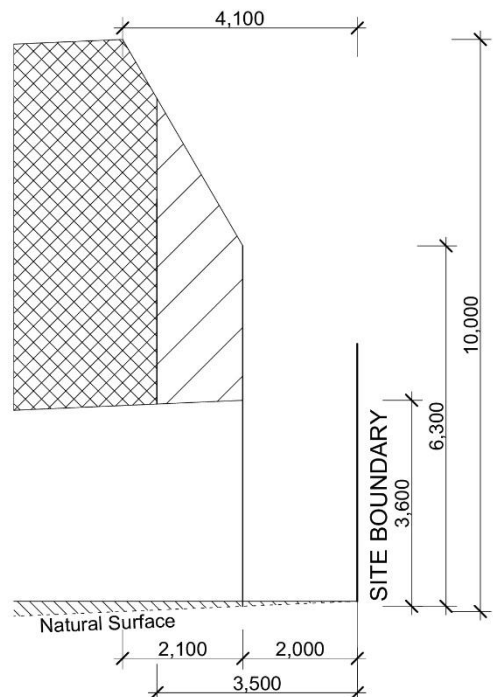


PROFILE B


SINGLE STOREY BUILDING  
ENVELOPE HATCH TYPES


 Single Storey Building Envelope  
(wall height not exceeding 3.6m)

Natural surface rising from side boundary



DOUBLE STOREY BUILDING  
ENVELOPE HATCH TYPES

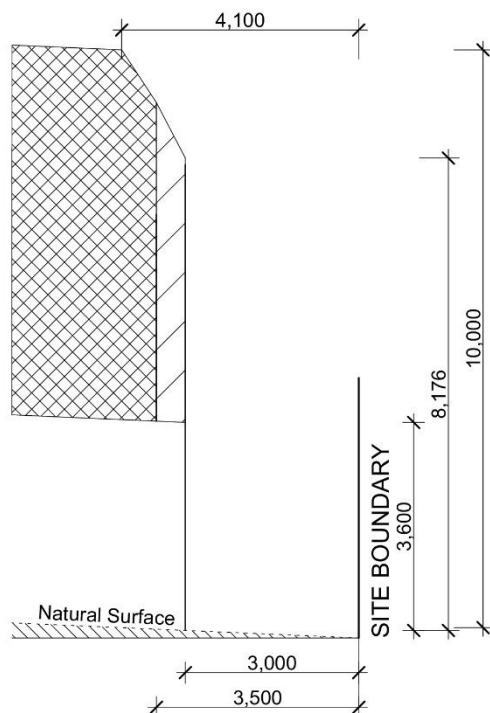
 Overlooking Zone  
Habitable room windows or  
raised open spaces are a source  
of overlooking

 Non Overlooking Zone  
Habitable room windows or  
raised open spaces are not a  
source of overlooking

Natural surface falling from side boundary



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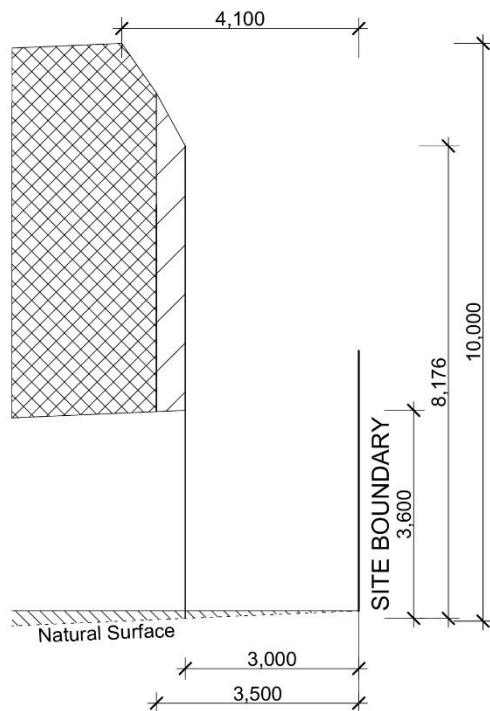


PROFILE C


SINGLE STOREY BUILDING  
ENVELOPE HATCH TYPES


 Single Storey Building Envelope  
(wall height not exceeding 3.6m)

Natural surface rising from side boundary



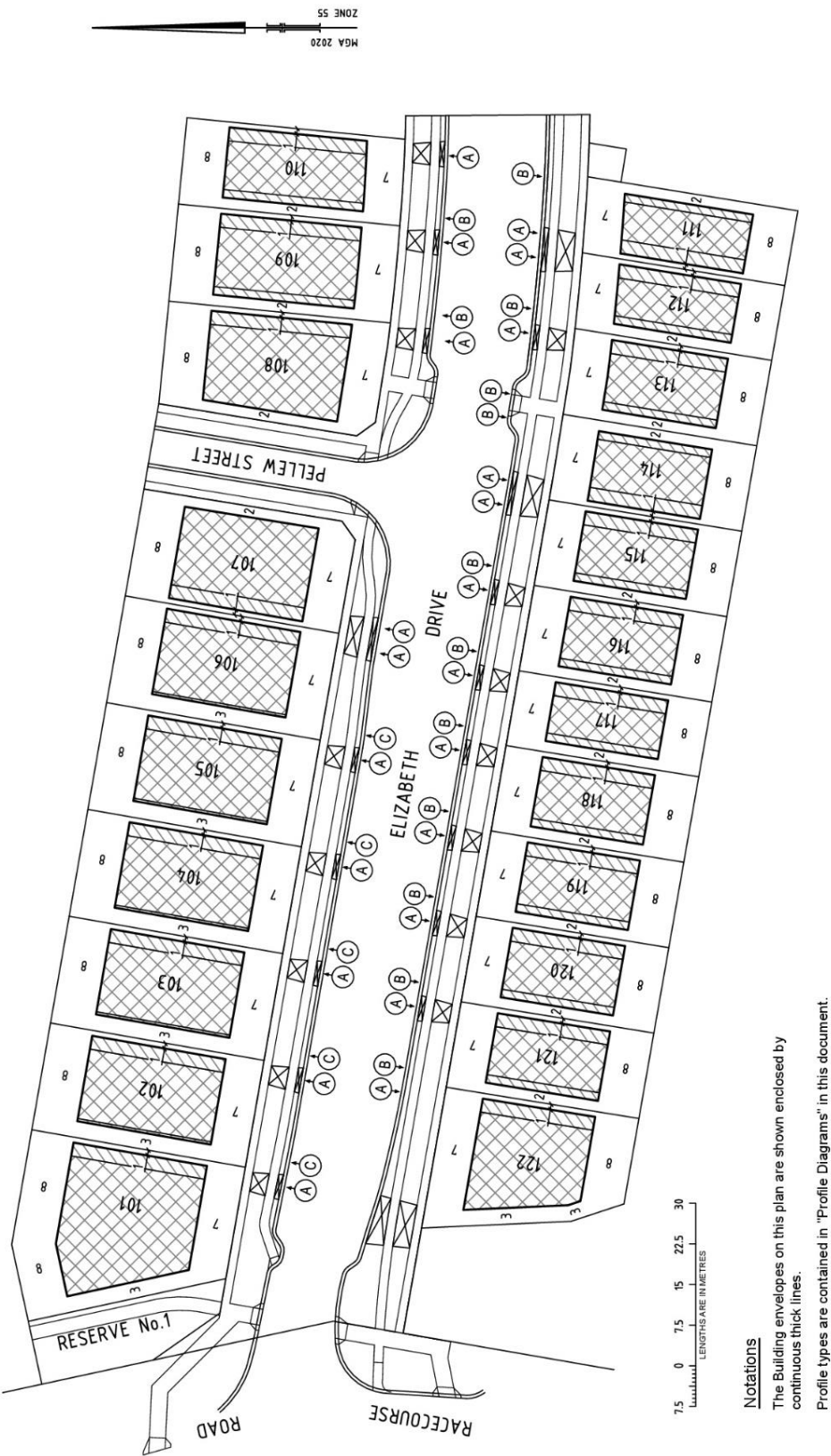
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**Notations**  
The Building envelopes on this plan are shown enclosed by continuous thick lines.  
Profile types are contained in "Profile Diagrams" in this document.

**Expiry:** 10 years after the issue of an Occupancy Permit under the Building Act 1993 is issued for the whole dwelling on the burdened lot.