

PLAN OF SUBDIVISION

Under Section 37 of the Subdivision Act 1988

PLAN NUMBER
PS841640V

CREATION OF RESTRICTION A

The following Restriction is to be created upon registration of Plan of Subdivision PS841640V by way of a restrictive covenant and as a restriction as defined in the Subdivision Act 1988.

Table of Land Burdened and Land Benefited:

BURDENED LOT No.	BENEFITING LOTS
101	102
102	101, 103, 112, 113
103	102, 104, 111, 112
104	103, 105, 106, 110, 111
105	104, 106
106	104, 105, 107, 109, 110
107	106, 108, 109
108	107, 109
109	106, 107, 108, 110
110	104, 106, 109, 111
111	103, 104, 110, 112
112	102, 103, 111, 113
113	102, 112
114	115, 116
115	114, 116
116	114, 115, 117
117	116, 118
118	117, 119
119	118, 120, 121, 122, 123

BURDENED LOT No.	BENEFITING LOTS
120	119, 121
121	119, 120, 122
122	119, 121, 123
123	119, 122
124	125, 136, 137
125	124, 126, 135, 136
126	125, 127, 134, 135
127	126, 128, 134
128	127, 129, 130, 131, 134
129	128, 130
130	128, 129, 131
131	128, 130, 132, 134
132	131, 133, 134
133	132, 134
134	126, 127, 128, 131, 132, 133, 135
135	125, 126, 134, 136
136	124, 125, 135, 137
137	124, 136

DESCRIPTION OF RESTRICTION

The registered proprietor or proprietors for the time being of any burdened lot on the Plan of Subdivision must not without the consent of the Responsible Authority build or allow to be built on the lot:

Memorandum of Common Provisions (MCP)

- Any building other than a building which has been constructed and sited in accordance with the Memorandum of Common Provisions registered in Dealing No. AA7682 and which Memorandum of Common Provisions is incorporated in this plan.

Small Lot Housing Code

- Any building in the case of lots less than 300 square metres unless in accordance with the Small Lot Housing Code or unless a specific Planning Permit for the building has been obtained from Wyndham City Council.

The restrictions in paragraphs 1 and 2 shall cease to burden any lot on the Plan of Subdivision with affect from 1st January 2031.

APPROVED AMENDED PLAN
PLANNING AND ENVIRONMENT ACT 1987
WYNDHAM PLANNING SCHEME

Permit No: WYP10107/17.18
Sheet: 1 of 9
Approved by: Caitlin Spratling
WYNDHAM CITY COUNCIL
Date: 12 October 2021



2070S-01 VER J.DWG SB/AA

SCALE



ORIGINAL SHEET
SIZE: A3

SHEET 9

Digitally signed by: Gabrielle McCarthy, Licensed Surveyor,
Surveyor's Plan Version (J),
08/09/2021, SPEAR Ref: S165145J

Digitally signed by:
Wyndham City Council,
30/09/2021,
SPEAR Ref: S165145J

Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

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Name:	
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Address:	
Reference:	
Customer code:	

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 of Subdivision PS841640V

Benefited land: As set out in the Plan of Subdivision PS841640V

Covenants: **General Definitions**

If not defined above, 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
- Site coverage
- Window
- Single dwelling
- North (true north)

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SMEC Ref: 2070s-01 Alamora Ver F

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.

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**APPROVED AMENDED PLAN
PLANNING AND ENVIRONMENT ACT 1987
WYNDHAM PLANNING SCHEME**

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Sheet: 2 of 9

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Memorandum of common provisions

Section 91A Transfer of Land Act 1958

Covenants:
(continued) 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.

Covenants:

Approved Building Envelopes

Any building on Lot 101 to Lot 137 (inclusive) within subdivision plan PS 841640V must be contained within the building envelopes shown on the attached plan and defined by the associated setback profiles and written notes contained therein.

1. Text of restrictions:

The matters which are restricted by the building envelopes are:

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Memorandum of common provisions

Section 91A Transfer of Land Act 1958

Covenants:
(continued)

1.1 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.

Garages must be constructed within the Building Envelope and sited a minimum of 5 metres from the front street boundary.

Setbacks for single garages for lots less than 12.5 metres in width, are nominated on the building envelopes.

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

1.2 Building height Building Regulations 2018 Part 5 – Siting, Regulation 75 Wyndham 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.

1.3 Side and rear setbacks Building Regulations 2018 Part 5 – Siting, Regulation 79 Wyndham 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 the Building Envelopes by a setback identifier code. Garages may be built to the side boundary if provided for on the Building Envelope plan and adjacent buildings allow. The measurements are taken from the natural surface levels to the top of the wall.

A rear wall of a building not exceeding 3.6 metres in height must be set back from the rear boundary a minimum of 3 metres, and a rear wall of a building exceeding 3.6 metres in height must be set back from the rear boundary a minimum of 5.5 metres for standard lots.

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.

1.4 Walls on boundaries Building Regulations 2018 Part 5 – Siting, Regulation 80 Wyndham 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 restricted to areas within a Building to Boundary Zone (BBZ). The BBZ spans the length of the side boundary between the front and rear setbacks permitted by this Building Envelope. The total length of walls in the BBZ is limited to 60% of the length of the boundary except for terrace style lots where walls are permitted to the extent of the nominated BBZ.

Within the BBZ, the following apply:

- Walls within the BBZ are allowed.
- Carports and verandahs are not permitted to be built to the boundary.
- Maximum height of a wall in the BBZ is restricted to 3.6 metres.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

- Covenants:
(continued)
- Walls less than 1.0 metre from the boundary must be within 200 mm of the boundary.
 - BBZ is permitted to one side only.

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 4.5 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.

1.5 Daylight to existing habitable room windows Building Regulations 2018 Part 5 – Siting, Regulation 81 Wyndham 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.

1.6 Solar access to existing north-facing habitable room windows Building Regulations 2018 Part 5 – Siting, Regulation 82 Wyndham 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.

1.7 Overshadowing of recreational private open space Building Regulations 2018 Part 5 – Siting, Regulation 83 Wyndham 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.

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Covenants:
(continued)

1.8 Overlooking
Building Regulations 2018 Part 5 – Siting, Regulation 84
Wyndham 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 74, 75, 79, 80, 81, 82, 83 & 84 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.

Expiry:

As set out in the Plan of Subdivision PS841640V

Memorandum of common provisions

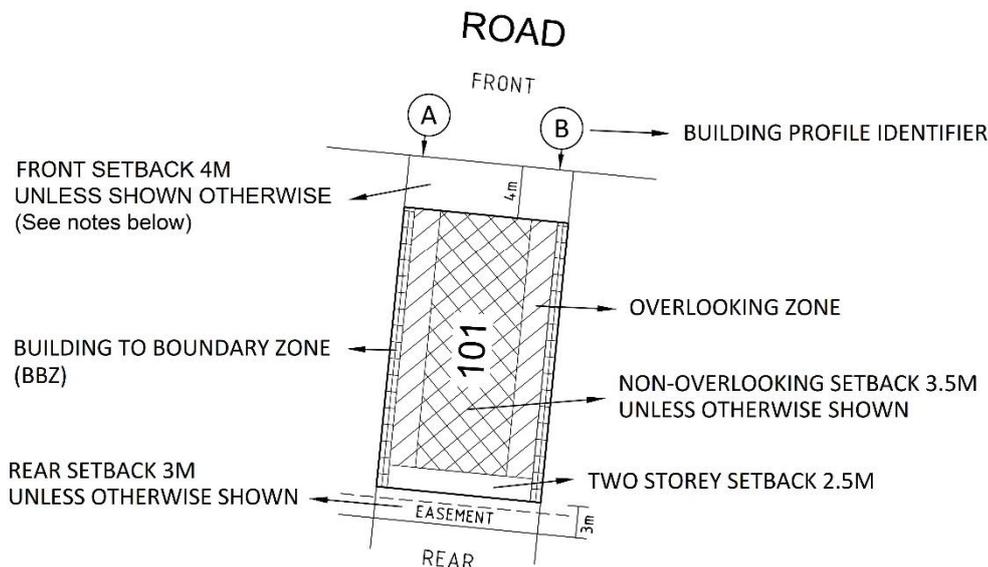
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Diagrams and plans:

BUILDING ENVELOPE PLAN

LEGEND

EXAMPLE OF TYPICAL BUILDING ENVELOPE SETBACKS



NOTATIONS

- The front and side setbacks are measured to the outermost walls of the buildings.
- Garages must be setback a minimum of 5.0m from the front street boundary unless otherwise noted.
- Walls less than 1.0m from the boundary must be within 200mm of the boundary.
- Two storey setback within the building envelope at the rear of the properties is 2.5m
- Building to Boundary Zone to one boundary only unless terrace profile nominated.

ADDITIONAL NOTATIONS (for Lots marked with *):

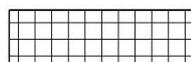
- With the exception of garages with access from a laneway, garages must be located or setback behind the front facade of the home.
- Minimum Open Space required is 25 square metres with a 3m minimum width.
- Maximum building site coverage of 60% is permitted.

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



Single Storey Building Envelope

Note: Garages must be setback a minimum 5m from main street frontage



Building to Boundary Zone



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 "Alamora Design Guidelines". Please refer to these Guidelines for further information.

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NOTATIONS

- Where a profile when applied covers an easement, the portion of the profile within the easement cannot be considered for approval / built upon. This may vary in the circumstances where building on the easement receives prior written consent by the relevant authority.
- The Building Envelopes on this plan are shown enclosed by continuous thick lines.
- Profile types (A) and (B) are contained in "Profile Diagrams" in this document.
- TYPE A denotes Small Lot Housing Code Type A



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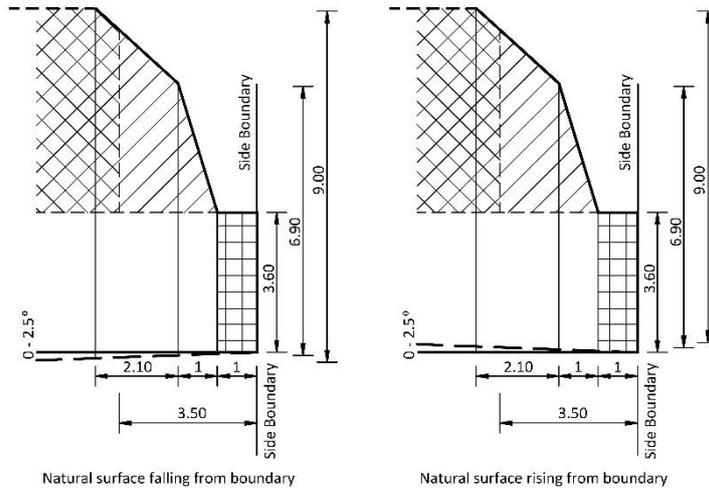
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PROFILE DIAGRAMS

A



B

