

MEMORANDUM OF COMMON PROVISIONS


Section 91A Transfer of Land Act 1958

Approved Form MCP

Lodged by:

Name: Stockland Development Pty Ltd
Customer Code: Conveyancing
7/452 Flinders St Melbourne VIC 3000

AA2742
29/07/2015 \$59.80 MCP



2944C 03 9095 5187

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

PRELIMINARIES

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

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 409)

- 1.1.1 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, facias and gutters

1.2 Side and rear Setbacks (refer regulation 414)

- 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 (refer to the plan of subdivision). The setback profile identifier codes are noted on the building envelope plans contained in the plan of subdivision.

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- 1. The provisions are to be numbered consecutively from number 1.
- 2. The back of this form is not to be used.
- 3. Further pages may be added but each page should be consecutively numbered.
- 4. To be used for the inclusion of covenants and easements in mortgages, transfers and leases.

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1.2.2 If a lot is shown with the profile identifier codes A and B 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 415)

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.

1.4 Solar access to existing north-facing habitable room windows (refer regulation 417)

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 417.

1.5 Overshadowing of recreational private open space (refer regulation 418)

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 419)

1.6.1 The overlooking control area is identified in the relevant setback identifier profile codes shown on the building envelope plan.

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 Garages

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

1.7.2 One dwelling on a lot:

Only one dwelling may be constructed on the lot.

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1.8 Design Approval

- 1.8.1 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 plan of subdivision and this MCP, the MCP supersedes the plan.

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 Easements

- 2.3.1 Buildings must not cover registered easements unless approved by the relevant authority.

2.4 Edge Lots

- 2.4.1 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.

- 2.4.2 Regulation 406 applies to an edge lot regardless of Section 1 of this MCP.

2.5 Driveway Crossovers

- 2.5.1 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 Wyndham 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.

2.6 General Definitions

- 2.6.1 **Approved building envelope** means the building envelope for a particular lot contained in the plan of subdivision.

- 2.6.2 **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.

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- 2.6.3 **Building envelope plan** means the plan which is contained in the plan of subdivision related to this MCP showing dwelling setbacks and other related matters.
 - 2.6.4 **Corner lot** means a lot sited at the intersection of two streets (excluding laneways) where those streets form boundaries of the lot.
 - 2.6.5 **Front Fence** means a fence forward of the side boundary fence or along the front boundary.
 - 2.6.6 **Front Building Line** means the front façade wall excluding any façade treatment or engaged pier.
 - 2.6.7 **Private Open Space** has the same meaning as in the building regulations.
 - 2.6.8 **Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act.
 - 2.6.9 **Secluded Private Open Space** has the same meaning as in the building regulations.
 - 2.6.10 **Stockland** means Stockland Development Pty. Ltd.