

## **Memorandum of Common Provisions**

Any building on lots 501, 504 to 537 (all inclusive) within subdivision plan PS 744877D must be contained within the building envelopes shown in this memorandum of common provisions in Diagram 1 herein and defined by the associated setback profiles and written notes contained herein. The building envelopes are part of planning permit WYP 6864/13, issued by Wyndham City Council on 18<sup>th</sup> November 2014, being created as a condition of that permit.

### **1 TEXT OF RESTRICTIONS**

The matters which are restricted by the building envelopes are:

#### **1.1 Minimum street setback**

Buildings on the lot must be set back from the main street frontage by the minimum distance noted on the plan, or if no front setback dimension is shown on the plan, at least 4 metres from the main street frontage.

Garages / Carports are to be setback a minimum of 5 metres from the main street frontage and at least 0.50 metres behind the front façade of the dwelling.

In the case of corner lots, buildings must be setback a minimum of 2 metres from the secondary frontage or, if applicable, the minimum distance noted on plan.

#### ***Encroachments:***

The following may encroach into the setback distance required above by not more than 1.5m

- a. Verandahs and porches that have a maximum height of not more than 3.6m metres above the natural ground
- b. Unroofed balconies that have a maximum height of not more than 4.0 metres above the natural ground
- c. Eaves, fascia and gutters
- d. Screens referred to in regulations 419(5) (d) or 419(5) of the Building Regulations 2006
- e. Decks, steps or landings - less than 800 mm in height

#### **1.2 Building height**

The height of a building must not exceed the maximum building height shown in setback profiles. Heights are measured vertically from natural ground level.

Any part of a building on lots 517 to 529 (all inclusive) must be double storey for that part of the building envelope shown in Diagram 1 and noted as "Mandatory Double Storey Building Envelope."

### 1.3 Site coverage

For lots 501, 504 to 517 (all inclusive), 520 to 523 (all inclusive) and 526 to 537 (all inclusive) regardless of the extent of the building envelope, buildings must not occupy more than 65 per cent of the lot. In calculating site coverage, eaves, fascia and gutters not exceeding 600mm in total width, and unroofed swimming pools, terraces, patios, decks and pergolas may be disregarded.

For lots 518, 519, 524 & 525 regardless of the extent of the building envelope, buildings must not occupy more than 75 per cent of the lot. In calculating site coverage, eaves, fascia and gutters not exceeding 600mm in total width, and unroofed swimming pools, terraces, patios, decks and pergolas may be disregarded.

### 1.4 Side and rear setbacks

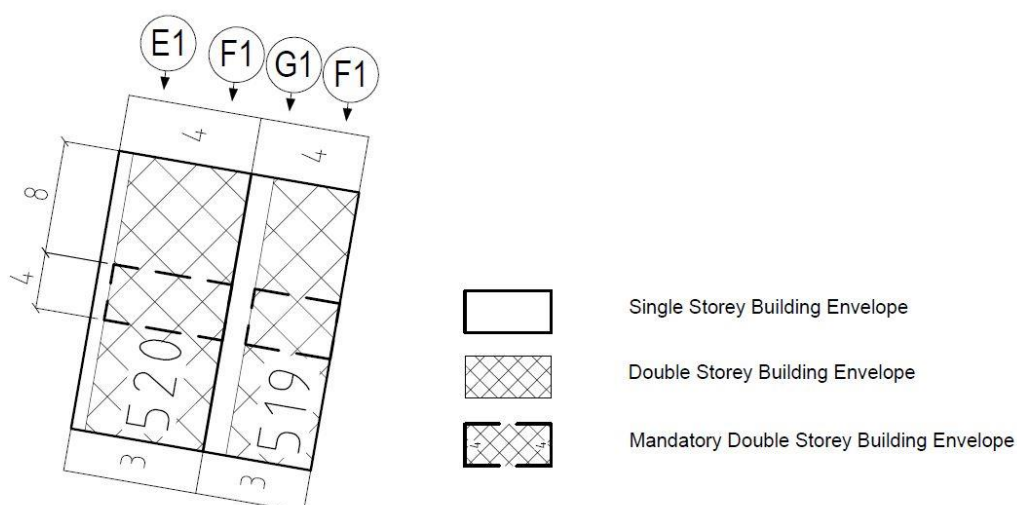
#### **Side setbacks**

A building on the lot must be set back from a side boundary not less than the distances specified in setback profiles described in this document or the distance specified in a side setback dimension written on the plan.

That part of a building on lots 517 to 529 (all inclusive) within the Mandatory Double Storey Building Envelope defined in Diagram 1 herein must;

- Be built to the maximum width of the side boundary setbacks of the Double Storey Building Envelope as defined in Diagram 1 and the profiles herein and have a wall length on the subject side boundaries, at second floor level, within the Mandatory Double Storey Building Envelope of at least 4 metres.

This is illustrated in the diagram below



**Rear setbacks**

Rear setbacks apply to any wall of a building where the wall is not facing the front or side boundary of the lot.

A rear wall of a building not exceeding 3.6 metres in height must be set back from the rear boundary by not less than the distance shown on the plan in diagram 1.

A rear wall of a building exceeding 3.6 metres in height must be set back from the rear boundary by not less than the distance shown on the plan in diagram 1.

**Encroachments**

The following may encroach into the specified side and rear setback distances by not more than 500mm:

- Porches and verandahs
- Masonry chimneys
- Sunblinds
- Screens, but only to the extent needed to protect a neighbouring property from a direct view
- Flues and pipes
- Domestic fuel tanks and 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 1 metre high
- Unroofed stairways and ramps
- Pergolas
- Shade sails
- Eaves, fascia, gutters not more than 600mm in total width

Side and rear setbacks from boundaries that are shared with lots, which are not beneficiaries of this restriction, are not dealt with by this building envelope except where annotated on plan.

**1.5 Walls on boundaries**

Walls less than 1m from the boundary must be within 200mm of the boundary and be contained within the side and rear setbacks permitted by the building envelope.

Walls on boundaries are to comply with the following:

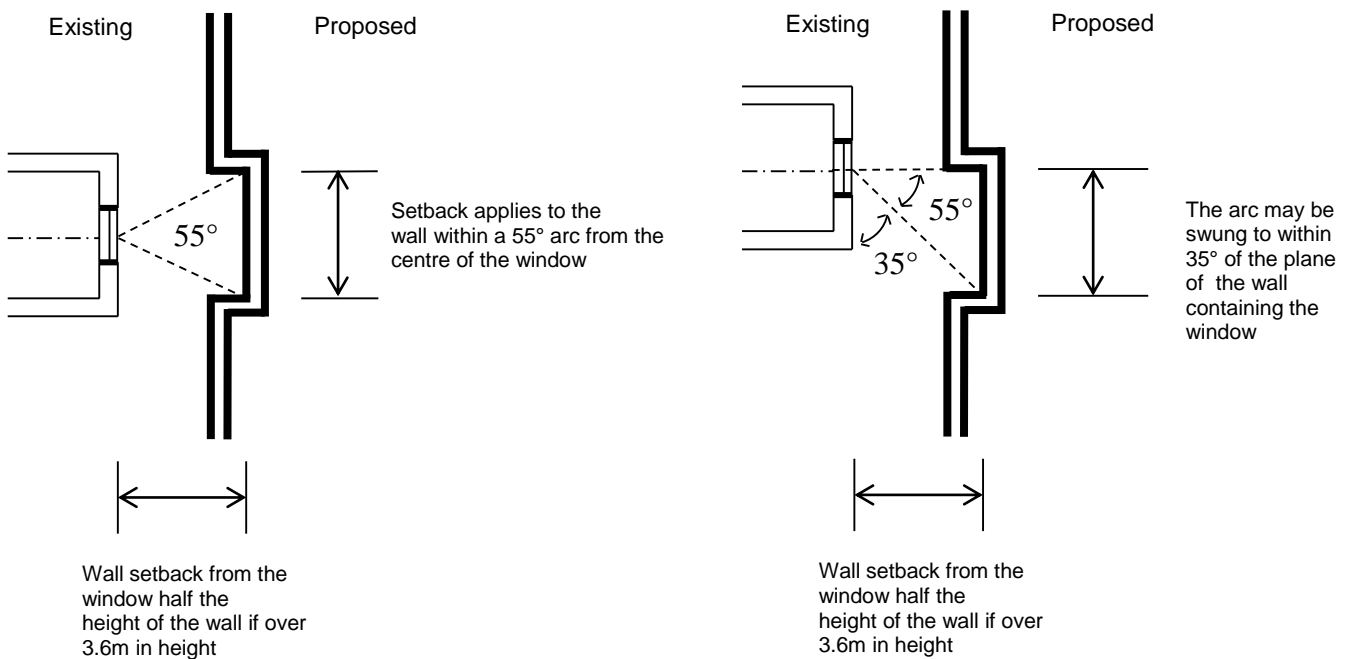
- Restricted to a total length of 19.50m
- Maximum height of a wall must not exceed that permitted by the applicable setback profile set out herein.

## 1.6 Daylight to existing habitable room windows

Unless a habitable room window is obscured a building must be set back from a habitable room window in an existing building on an adjoining lot to provide for a light court to the existing window that has a minimum area of 3 square metres and a minimum dimension of 1m clear to the sky. The area of the light court may include land on the adjoining lot.

A wall or carport with an average height of more than 3.6 metres opposite a habitable room window in an existing dwelling on an adjoining lot must be setback from the window at least half the height of the wall or carport if the wall or carport is within a 55 degree angle in the horizontal plane about a vertical axis through the centre of the window. The angle may be swung to not less than 35 degrees from the plan of the wall containing the window.

This is illustrated in the two diagrams below.



If the existing habitable room window is above ground level, the wall or carport height is measured from the floor level of the room containing the window.

Daylight to habitable room windows in buildings on lots, which are not beneficiaries of this restriction, is not dealt with by this building envelope except where annotated on plan.

### **1.7 Overshadowing of recreational private open space**

Refer to Building Regulations 2006 for Overshadowing requirements

### **1.8 Overlooking**

Refer to Building Regulations 2006 for Overlooking requirements.

Views from Habitable room windows, decks or raised open spaces.

- If a habitable room window, deck or raised open space is within an overlooking zone in a setback profile or indicated on the plan, and has a floor level of 800mm or greater above natural ground level, it must be screened to 1.7 metres above the floor level. In the case of a rear boundary then the above rule applies within 5.5 metres of the boundary.

Screening a view.

- A view can be screened by the use of fencing, obscure glazing and other screening devices approved as per the building regulations.

### **2.0 Notes on the Restrictions:**

1. Ground level after engineering works associated with subdivision is to be regarded as natural ground level,
2. In the case of conflict between the plan or profile diagrams and these written notations, the specifications in the plan or profile diagrams prevail,
3. Buildings must not cover registered easements unless provided for by the easement.

### **3.0 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

In Part 1 & 4 of *Building Regulations 2006*:

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

- Raised open space
- Secluded private open space
- Setback
- Site coverage
- Single dwelling
- North (true north)
- Allotment

In the *Victoria Planning Provisions, 31 October 2002*:

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

### **Additional definitions**

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

The street frontage that allows the most direct access to the front door.

#### **Side boundary**

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

#### **Street**

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

#### **Standard lot**

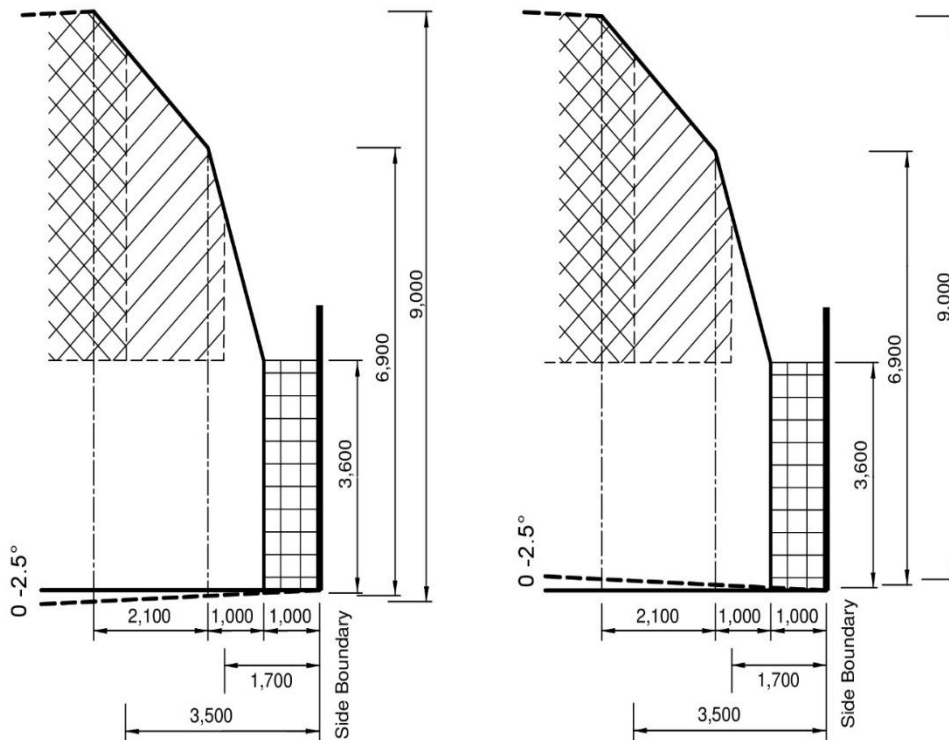
A single lot that accommodates a freestanding house detached from adjoining houses and of an individual style. A standard lot can also include provision for single storey non-common boundary walls and which do not have to be in contact with an adjoining structure.

#### **Terrace lot**





One of a row of 2 or more lots where the houses are attached, generally 2 storeys in height and of a uniform style. The terrace houses are built to the side boundaries on the individual allotments and are joined together with two-story common walls or abutting boundary walls.

0 - 2.5° Slope  
STANDARD ALLOTMENT:

A1



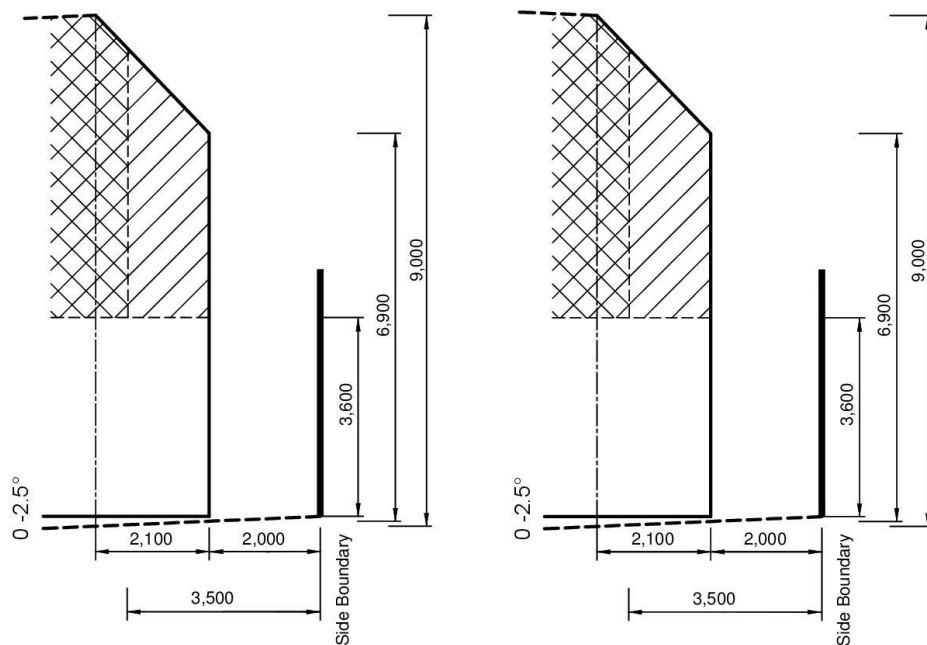
NORTH, EAST or WEST Boundary

-  Single Storey Building Envelope
-  Overlooking Zone  
Habitable room windows/Raised open spaces are a source of overlooking.
-  Non Overlooking Zone  
Habitable room windows/Raised open spaces are not a source of overlooking.
-  Building to Boundary Zone

# 0 - 2.5° Slope

## STANDARD ALLOTMENT:

A2



### SIDE Boundary



Single Storey Building Envelope



Overlooking Zone  
Habitable room windows/Raised open spaces are a source of overlooking.

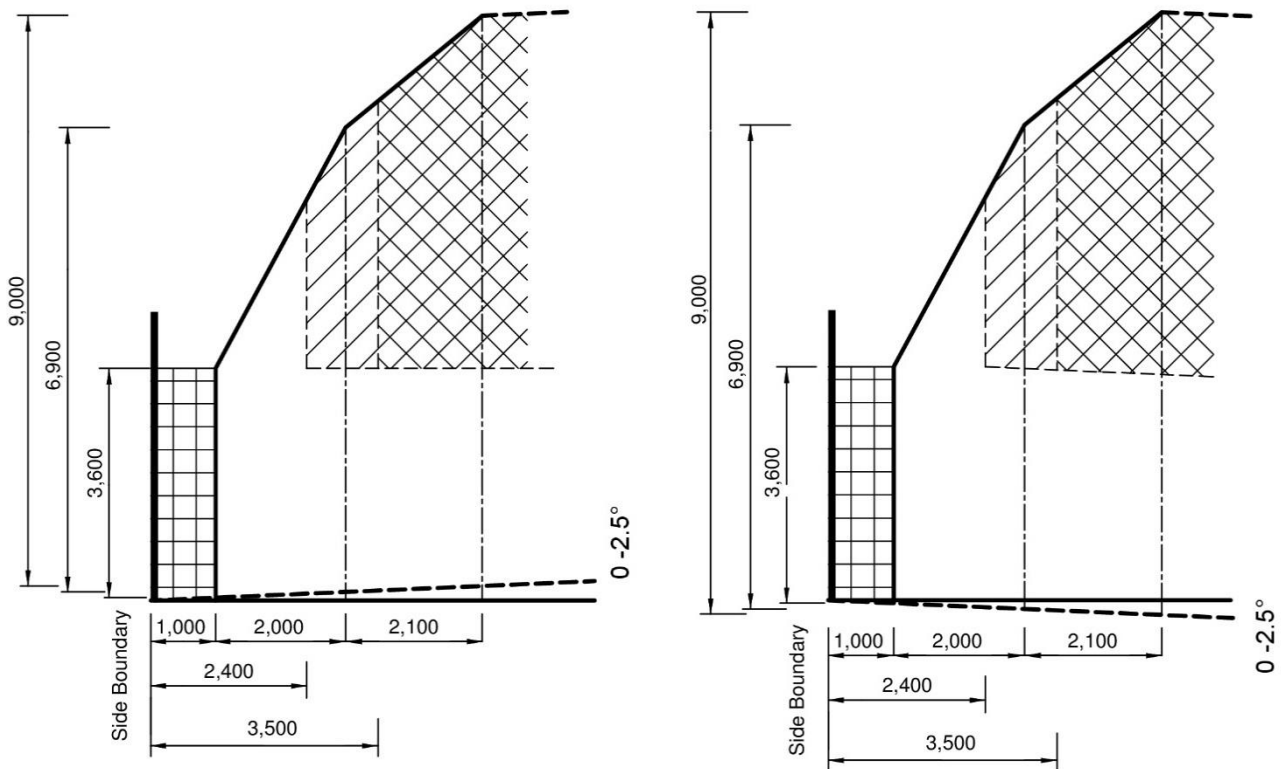


Non Overlooking Zone  
Habitable room windows/Raised open spaces are not a source of overlooking.







0 - 2.5° Slope  
STANDARD ALLOTMENT:

B1

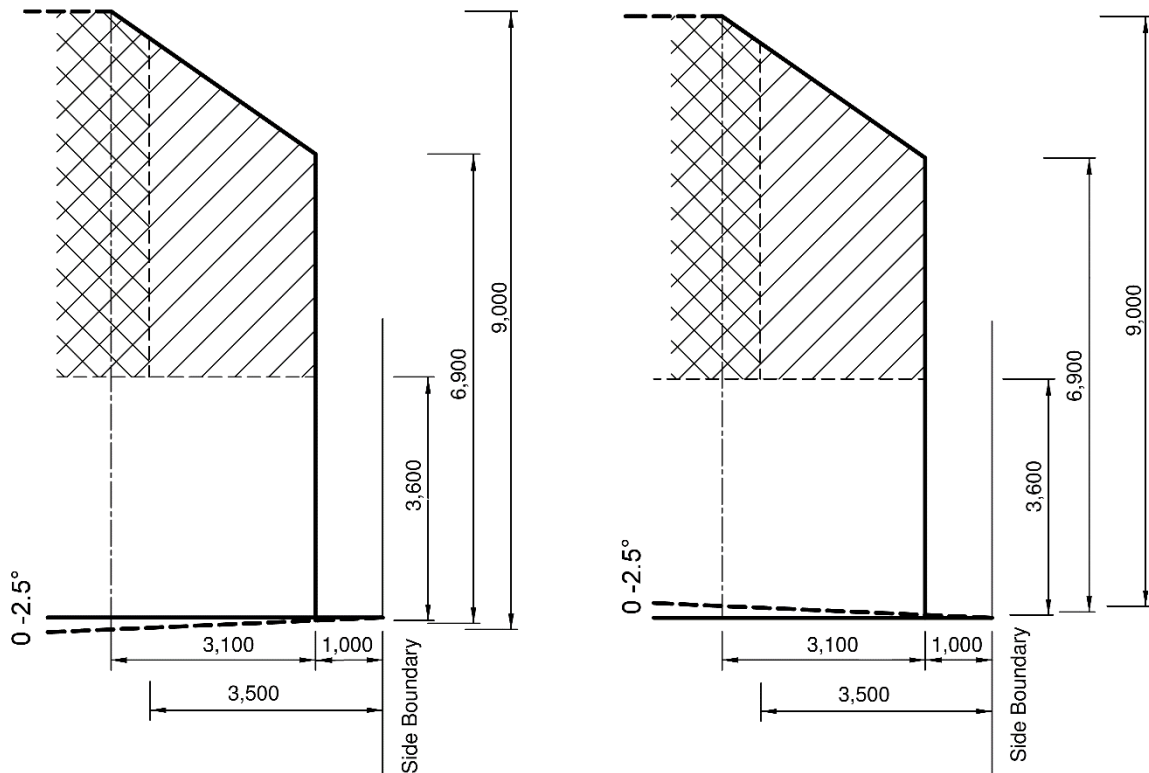


South Boundary




-  Single Storey Building Envelope
-  Overlooking Zone  
Habitable room windows/Raised open spaces are a source of overlooking.
-  Non Overlooking Zone  
Habitable room windows/Raised open spaces are not a source of overlooking.
-  Building to Boundary Zone

0 - 2.5° Slope  
STANDARD ALLOTMENT:

D1

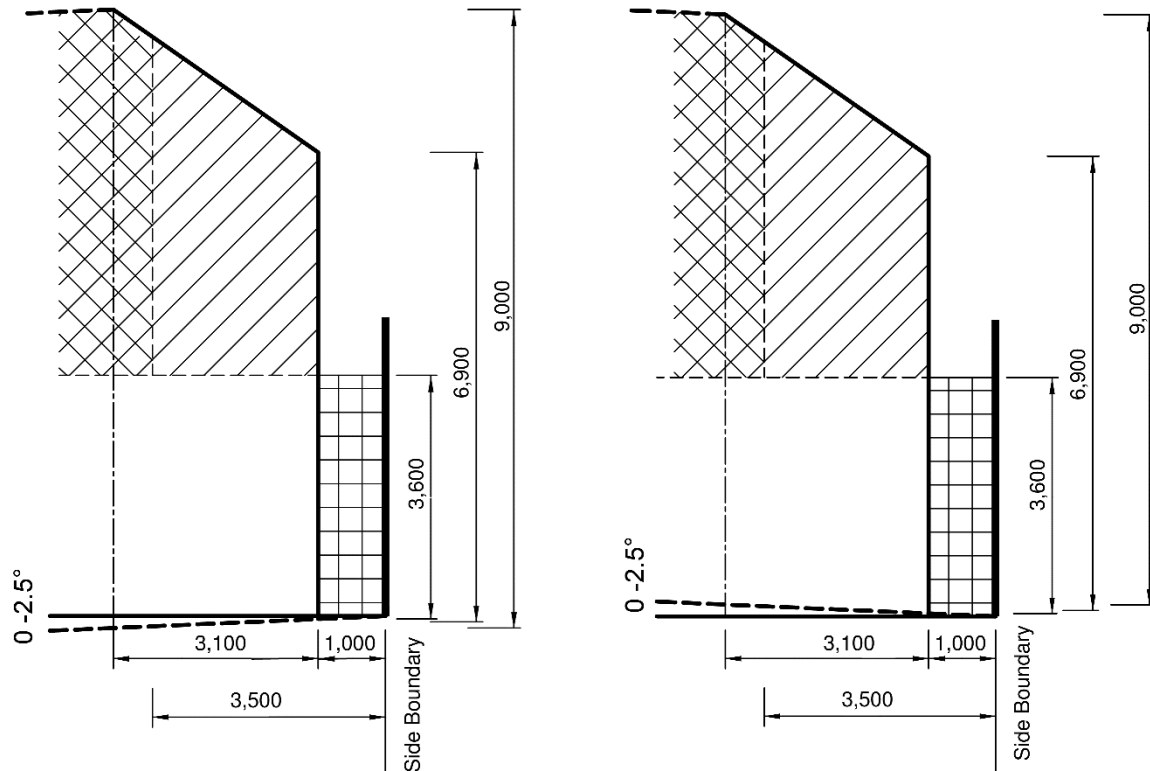


NORTH, EAST or WEST Boundary





-  Single Storey Building Envelope
-  Overlooking Zone  
Habitable room windows/Raised open spaces are a source of overlooking.
-  Non Overlooking Zone  
Habitable room windows/Raised open spaces are not a source of overlooking.

0 - 2.5° Slope  
STANDARD ALLOTMENT:

E1

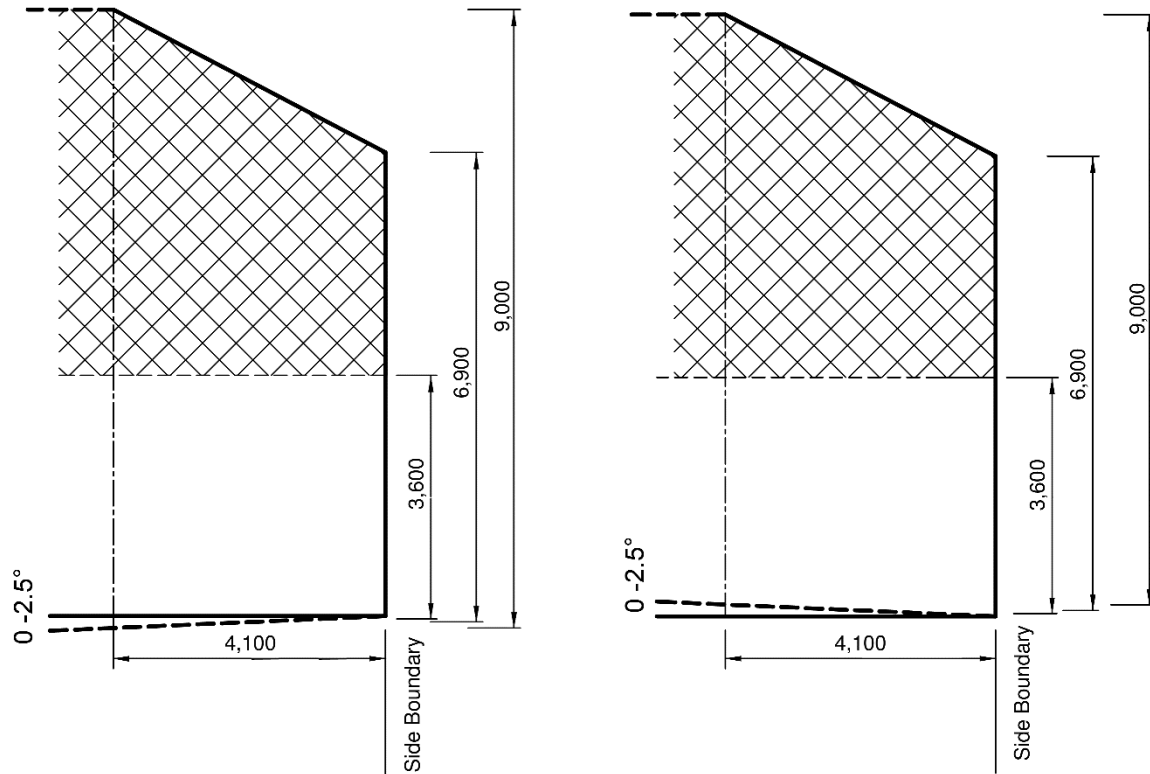


NORTH, EAST or WEST Boundary



-  Single Storey Building Envelope
-  Overlooking Zone  
Habitable room windows/Raised open spaces are a source of overlooking.
-  Non Overlooking Zone  
Habitable room windows/Raised open spaces are not a source of overlooking.
-  Building to Boundary Zone for garage only

0 - 2.5° Slope  
STANDARD ALLOTMENT:

F1

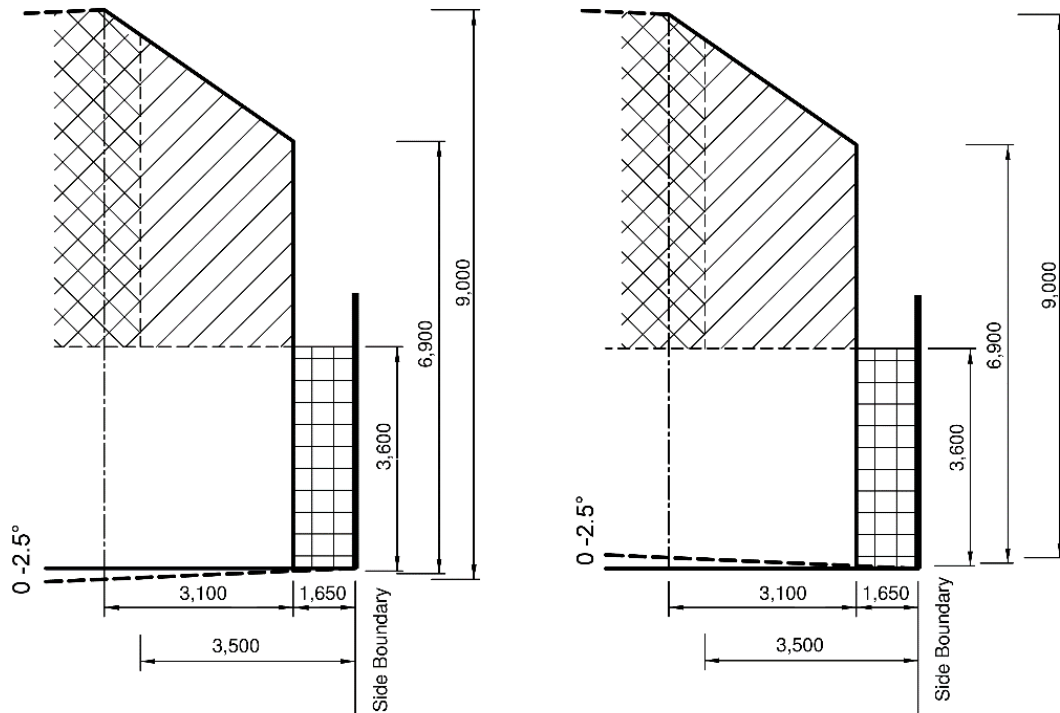


NORTH, EAST or WEST Boundary





-  Single Storey Building Envelope
-  Non Overlooking Zone  
Habitable room windows/Raised open spaces are not a source of overlooking.

0 - 2.5° Slope  
STANDARD ALLOTMENT:

G1

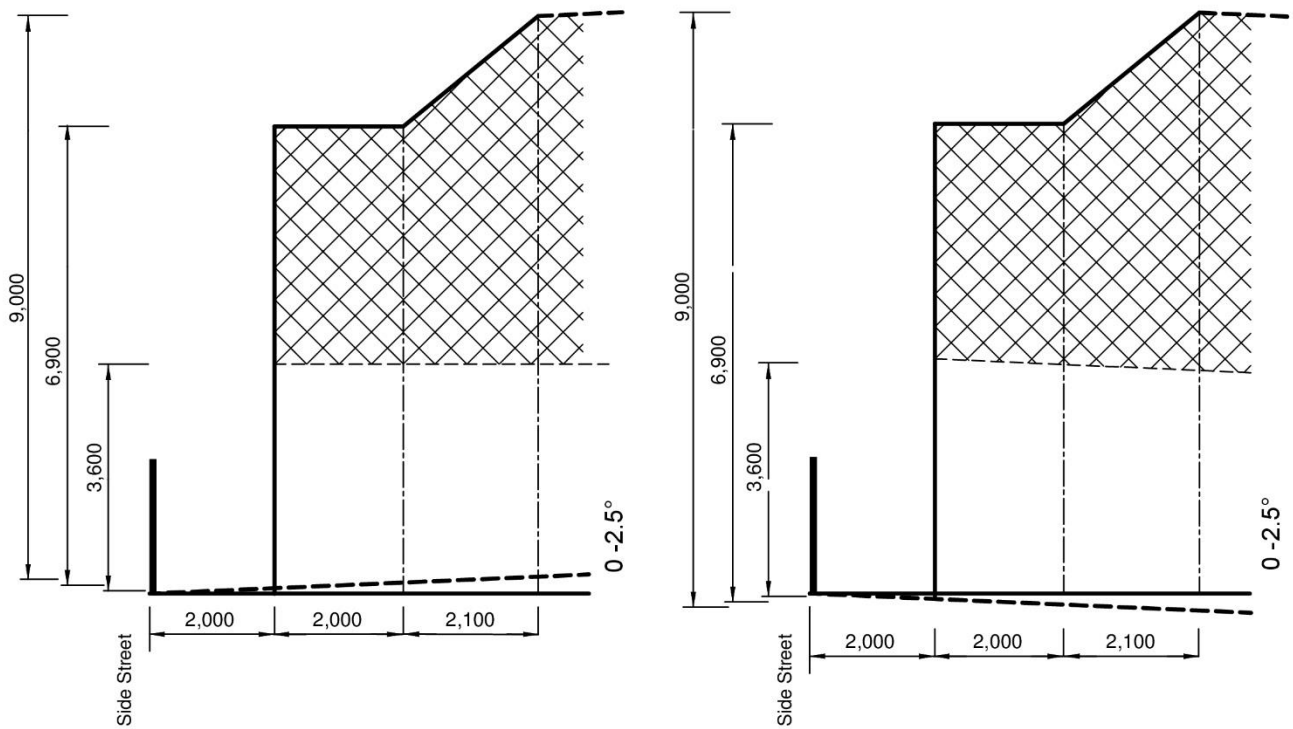


NORTH, EAST or WEST Boundary

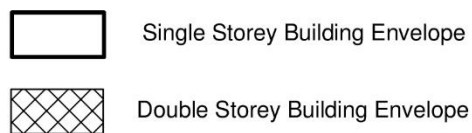
-  Single Storey Building Envelope
-  Overlooking Zone  
Habitable room windows/Raised open spaces are a source of overlooking.
-  Non Overlooking Zone  
Habitable room windows/Raised open spaces are not a source of overlooking.
-  Building to Boundary Zone for garage only

0 - 2.5° Slope  
STANDARD ALLOTMENT:

S1



Side boundary abuts street



### Diagram 1

