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DX 30258 Werribee Vic  
ABN: 38 393 903 860

10 March 2017

Places Victoria  
710 Collins Street Docklands  
MELBOURNE VIC 3008

Dear Sir/Madam,

**Planning Permit Application:** WYP4474/10.21  
**Description:** Satisfaction of Conditions 29 and 49 - MCP and Building Envelope Plans for Stage 5 Riverwalk  
**Location:** 1 Hamlet Street WERRIBEE VIC 3030  
V 10513 F 533 L P PS 401725 Mambourin Parish

I refer to your recent correspondence requesting the Memorandum of Common Provisions (MCP) and Building Envelope Plans for Stage 5 of the Riverwalk Estate be endorsed under conditions 29 and 49 of the above permit.

Your request to endorse these plans/documents has now been granted by Council.

Please find attached a copy of the endorsed MCP and Building Envelope Plans which now form part of the Planning Permit.

If you have any queries, please contact me on 9742 0831 or [danielle.kos@wyndham.vic.gov.au](mailto:danielle.kos@wyndham.vic.gov.au) quoting the planning permit application number.

Yours faithfully,

Danielle Kos  
**Team Leader Subdivisions**

# MEMORANDUM OF COMMON PROVISIONS

Privacy Collection Statement

Section 91A Transfer of Land Act 1958

the information from this form is  
**PLAN / DOCUMENT AS REQUIRED UNDER CONDITION OF PERMIT  
PLANNING AND ENVIRONMENT ACT 1987  
WYNDHAM PLANNING SCHEME**

Lodged by:

Name:

Customer Code:

**Permit No: WYP4474/10.21**

**Condition No: 29 and 49**

**Sheet: 1 of 12**

**Approved by: Danielle Kos**

**WYNDHAM CITY COUNCIL**

This memorandum (containing page/s) contains provisions intended for inclusion in instruments to be subsequently lodged for registration.  
Date: 10 March 2017

## PROVISIONS

### RECITALS

- A. This MCP has been prepared by Places Victoria in order to regulate the siting, form and design of the residential development in accordance with the requirement to ensure a high level of amenity for owners and residents of the allotments within the Plan of Subdivision.
- B. The provisions of this MCP are incorporated into a restriction created by the Plan of Subdivision being PS 641304D known as 'Stage 5' of the Riverwalk Estate, Werribee.
- C. This MCP provides details of approved building envelopes.
- D. This MCP provides information necessary to interpret the approved building envelopes.
- E. The MCP imposes restrictions on the design and siting of buildings which in some cases may be different to those in the Building Regulations. In some cases the restrictions in this MCP may be stricter than the Building Regulations, and in other cases, the siting restrictions may be contrary to the Building Regulations.
- F. Where the siting restrictions in this MCP are contrary to regulations 409, 411, 414, 415, 416 and 420 of the Building Regulations, no consent and report of the relevant council is required, as this MCP has been prepared with regard to regulation 406 of the Building Regulations.
- G. Some matters addressed in this MCP are not covered by the Building Regulations.

### 1. DEFINITIONS

- 1.1 **'Approved Building Envelope'** means the building envelope shown for a particular allotment in the attached Building Envelopes Plan and has the same meaning as in regulation 402 of the Building Regulations.
- 1.2 **'Building'** has the same meaning as in the Building Act.
- 1.3 **'Building Act'** means the Building Act 1993 as amended from time to time.
- 1.4 **'Building Envelopes Plan'** means the plan that forms part of this MCP and which shows the Approved Building Envelopes and other related matters for the lots within the Plan of Subdivision.

Approval No.

# MCP

Page 1



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4. To be used for the inclusion of covenants and easements in mortgages, transfers and leases.

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

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Permit No: WYP4474/10.21

Condition No: 29 and 49

Sheet: 2 of 12

Approved by: Danielle Kos

WYNDHAM CITY COUNCIL

Date: 10 March 2017

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- 1.5 'Building Envelope Profiles' means the profile section plans relevant to the Building Envelope. The applicable building envelope profile sections are marked on the Building Envelope Plan.
- 1.6 'Building Permit' means a building permit in terms of the Building Act.
- 1.7 'Building Regulations' means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which regulate the siting of a Building.
- 1.8 'Dwelling' means a building and any associated outbuildings (including garages and carports) used for the purposes of a single domestic residence.
- 1.9 'Finished Surface Level' means the finished surface level of the ground at the time of registration of the Plan of Subdivision.
- 1.10 'Front Street' means the street or road which forms the frontage to the lot concerned. Where there is more than one road which adjoins a lot or where it may otherwise be unclear, the Front Street is identified by the location of the vehicular crossover to the lot on the building envelope plan.
- 1.11 'Garage' means a domestic garage or a domestic carport constructed primarily for the purpose of storage of motor vehicles, trailers, caravans, campervans, boats and the like.
- 1.12 'Habitable Room' has the same meaning as in the Building Code of Australia.
- 1.13 'MCP' means this Memorandum of Common Provisions.
- 1.14 'Plan of Subdivision' means the relevant plan of subdivision for a particular allotment which incorporates this MCP.
- 1.15 'Riverwalk Residential Design Controls' means the Riverwalk Design Standards (and associated referenced documents) prepared by Places Victoria, as amended from time to time.

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# MCP

Page 2



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WYNDHAM PLANNING SCHEME**  
  
**Permit No: WYP4474/10.21  
Condition No: 29 and 49  
Sheet: 3 of 12  
Approved by: Danielle Kos  
WYNDHAM CITY COUNCIL  
Date: 10 March 2017**

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- 1.16 ‘**Setback**’ means the shortest horizontal distance from a particular boundary or building to another boundary or building (excepting matters specifically referred to in this MCP).
- 1.17 ‘**Side Street**’ means a street or road which abuts an allotment other than a Front Street.
- 1.18 ‘**Places Victoria**’ means the Urban Renewal Authority Victoria created pursuant to the Urban Renewal Authority Victoria Act 2003.

## 2. SITING AND DESIGN

### 2.1 Exemption from the need for the Consent and Report of the relevant Council.

The restriction in the Plan of Subdivision which incorporates this MCP exempts a design from requiring the consent and report of the relevant council with regard to a design which does not comply with the Building Regulations in respect of the following:

- 2.1.1 Minimum Street Setback (regulation 409);
- 2.1.2 Site Coverage (regulation 411);
- 2.1.3 Side Setback and rear Setback (regulation 414);
- 2.1.4 Walls on boundaries (regulation 415);
- 2.1.5 Daylight to existing Habitable Room windows (regulation 416);
- 2.1.6 Daylight to Habitable Room windows (regulation 420).

### 2.2 Approved Building Envelopes

A Building (other than a boundary fence or other specific tolerable encroachments pursuant to this MCP) must be sited within the Approved Building Envelope and Building Envelope Profiles. The siting of a building within the Approved Building Envelope is subject to any further restriction or modification imposed by this MCP or any other applicable control.

### 2.3 Building Envelope Profiles

The heights specified with the Building Envelope Profiles are to be taken from the relevant spot “Finished Surface Level” of the site. Maximum building heights between specified points on a

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Page 3



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# MEMORANDUM OF COMMON PROVISIONS

Privacy Collection Statement

Section 91A Transfer of Land Act 1958

The information from this form is UNDER CONDITION OF PERMIT

**PLAN / DOCUMENT AS REQUIRED UNDER CONDITION OF PERMIT  
PLANNING AND ENVIRONMENT ACT 1987  
WYNDHAM PLANNING SCHEME**

**Permit No: WYP4474/10.21  
Condition No: 29 and 49  
Sheet: 4 of 12  
Approved by: Danielle Kos  
WYNDHAM CITY COUNCIL  
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Setback profile lie on a straight line drawn between two specified points within a profile. The delineation of the profiles is demonstrated on the Building Envelopes plans. The Building Envelope Profiles are defined only by means of the side Setbacks of the Building Envelope. Rear Setback are to accord with the specifications outlined in Table 414 of the Building Regulations.

## 2.4 Minimum Front and Side Street Setbacks

No Dwelling shall be Setback from the Front Street less than 3.0 metres and Side Street less than 2.0 metres, unless otherwise reflected on the Approved Building Envelope.

## 2.5 Encroachments into Front Street Setback

The following may impose beyond the Approved Building Envelope and Building Envelope Profiles and encroach in to a Front Setback by not more than 1.50 metres:

- (a) An eave (including fascias & gutter);
- (b) A porch;
- (c) A verandah;
- (d) A portico;
- (e) A pergola;
- (f) A masonry chimney;
- (g) A sunblind;
- (h) A flue or pipe; and
- (i) Decks, steps or landings less than 800 millimetres in height.

None of the above structures may be greater than 3.6 metres in height.

## 2.6 Encroachments into side and rear Setback

**2.6.1** The following may impose beyond the Approved Building Envelope and Building Envelope Profiles and encroach in to a side or rear Setback by not more than 500 millimetres:

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# MCP

Page 4



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- (a) A porch or verandah;
- (b) A masonry chimney;
- (c) A sunblind;
- (d) A screen which prevents direct overlooking;
- (e) A flue or pipe;
- (f) A domestic fuel tank;
- (g) Heating and cooling equipment or other services; and
- (h) An eave (including fascias and gutter).

**2.6.2** The following may impose beyond the Approved Building Envelope and Building Envelope Profiles and encroach in to a side or rear Setback:

- (a) A landing with an area of not more than 2.0 metres and which is less than 800 millimetres in height above "Finished Surface Level";
- (b) An unroofed stairway or ramp;
- (c) A pergola;
- (d) Shade sails; and
- (e) A domestic watertank.

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**Permit No: WYP4474/10.21**

**Condition No: 29 and 49**

**Sheet: 5 of 12**

**Approved by: Danielle Kos**

**WYNDHAM CITY COUNCIL**

**Date: 10 March 2017**

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Approval No.

# MCP

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**Permit No: WYP4474/10.21  
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Approved by: Danielle Kos  
WYNDHAM CITY COUNCIL  
Date: 10 March 2019**

## 2.7 Site Coverage

The site coverage of:

- (a) front loaded buildings must not occupy more than 70% of an allotment; and
- (b) side or rear loaded buildings must not occupy more than 75% of an allotment.

## 2.8 Walls on boundaries

Where a Building Envelope allows construction of a building on the boundary of the lot, a wall or carport on the boundary may have a maximum length equivalent to the length of the envelope abutting the boundary (subject to the Building providing an adequate Garage Setback as required by Clause 2.11). The height of a wall or carport must not exceed a maximum height of 3.6 metres. The average height of a wall or carport may be a maximum of 3.6 metres.

## 2.9 Daylight to Habitable Room windows

A Habitable Room window of a Building on an allotment must face an outdoor space or light court with a minimum dimension of 1.0 metre clear to the sky (not encroached by eaves, fascias and gutters), and not including land on an adjoining allotment.

## 2.10 Daylight to existing Habitable Room windows

Only where a Building Envelope allows construction on or within 150 millimetres of the boundary may a Building (including eaves, fascias and gutter) be constructed on or within 150 millimetres of the boundary. In this instance only, Buildings do not have to provide a Setback to accommodate a Habitable Room window in an existing Dwelling.

## 2.11 One Dwelling on a lot

With the exception of those lots identified with a \* and ♦ and marked as “Dual Occupancy Site” or “Medium Density Site” on the “Building Envelopes Plan”, only one Dwelling may be erected on a lot within the Plan of Subdivision.

Approval No.

# MCP

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**Permit No: WYP4474/10.21  
Condition No: 29 and 49  
Sheet: 7 of 12  
Approved by: Danielle Kos  
WYNDHAM CITY COUNCIL  
Decision Date: 2017**

Lodged by:

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## 2.12 Minimum Garage Setbacks

A Garage on a lot, except for lots 508, 509, 510, 511 and 512 must be setback not less than 5.5 metres from the front boundary of the lot measured from the centrepoint of the garage to the centrepoint of the crossover.

A Garage on lots 508, 509, 510, 511 and 512 must be setback not less than 5 metres from the front boundary of the lot measured from the centrepoint of the garage to the centrepoint of the crossover.

## 2.13 Location of Crossovers

The locations of the crossovers are fixed and must not be altered unless explicit consent is granted by Places Victoria or proxy.

## 2.14 Compliance and Discretion

Places Victoria or Wyndham City Council may authorize in writing the siting of a Building which does not comply with the restriction created by the Plan of Subdivision which incorporates this MCP, provided that such siting complies with the requirements of the Building Regulations and / or is subject to the report and consent of the relevant reporting authority in terms of the Building Regulations. Approval pursuant to this clause shall only be provided in circumstances where Places Victoria or Wyndham City Council consider that the siting is desirable in terms of achieving a better planning outcome in terms of the Riverwalk Residential Design Controls that may otherwise be achieved and will not result in any significant detriment to abutting owners or occupiers.

## 3. APPROVAL OF HOUSE DESIGN

The explicit approval of the design and siting of a Dwelling to be built on any lot on the Plan of Subdivision PS 641304D must be granted by Places Victoria (or proxy) prior to making a formal application for a Building Permit. The design and siting of a Dwelling must be in accordance with and meet the requirements of the Riverwalk Residential Design Controls.

Approval No.

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Page 7



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#### 4. INTERPRETATION

In this MCP, unless the contrary intention appears:

- 4.1 The singular includes the plural and vice versa;
- 4.2 A reference to an individual or person includes a partnership, body corporate, government authority or agency and vice versa;
- 4.3 Words importing one gender include other genders;
- 4.4 Other grammatical forms of defined words or expressions have corresponding meanings;
- 4.5 A reference to a statute, code or other law includes regulations and other instruments made under it and includes consolidations, amendments, re-enactments or replacements of any of them;
- 4.6 A reference to the Riverwalk Residential Design Controls is reference to that document or subsequent or amended documents (whether they are named as such) that are prepared to guide and control the development of land within the Plan of Subdivision;
- 4.7 A reference to an authority, institution, association or body ('original entity') that has ceased to exist or been reconstituted, renamed or replaced or whose powers or functions have been transferred to another entity, is reference to the entity that most closely serves the purposes or objects of the original entity;
- 4.8 Headings and the provision of a table of contents are for convenience only and do not affect the interpretation of this MCP.

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**WYNDHAM PLANNING SCHEME**

**Permit No: WYP4474/10.21**

**Condition No: 29 and 49**

**Sheet: 8 of 12**

**Approved by: Danielle Kos**

**WYNDHAM CITY COUNCIL**

**Date: 10 March 2017**

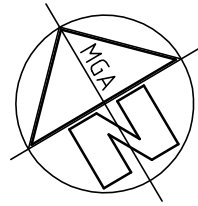
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Page 8



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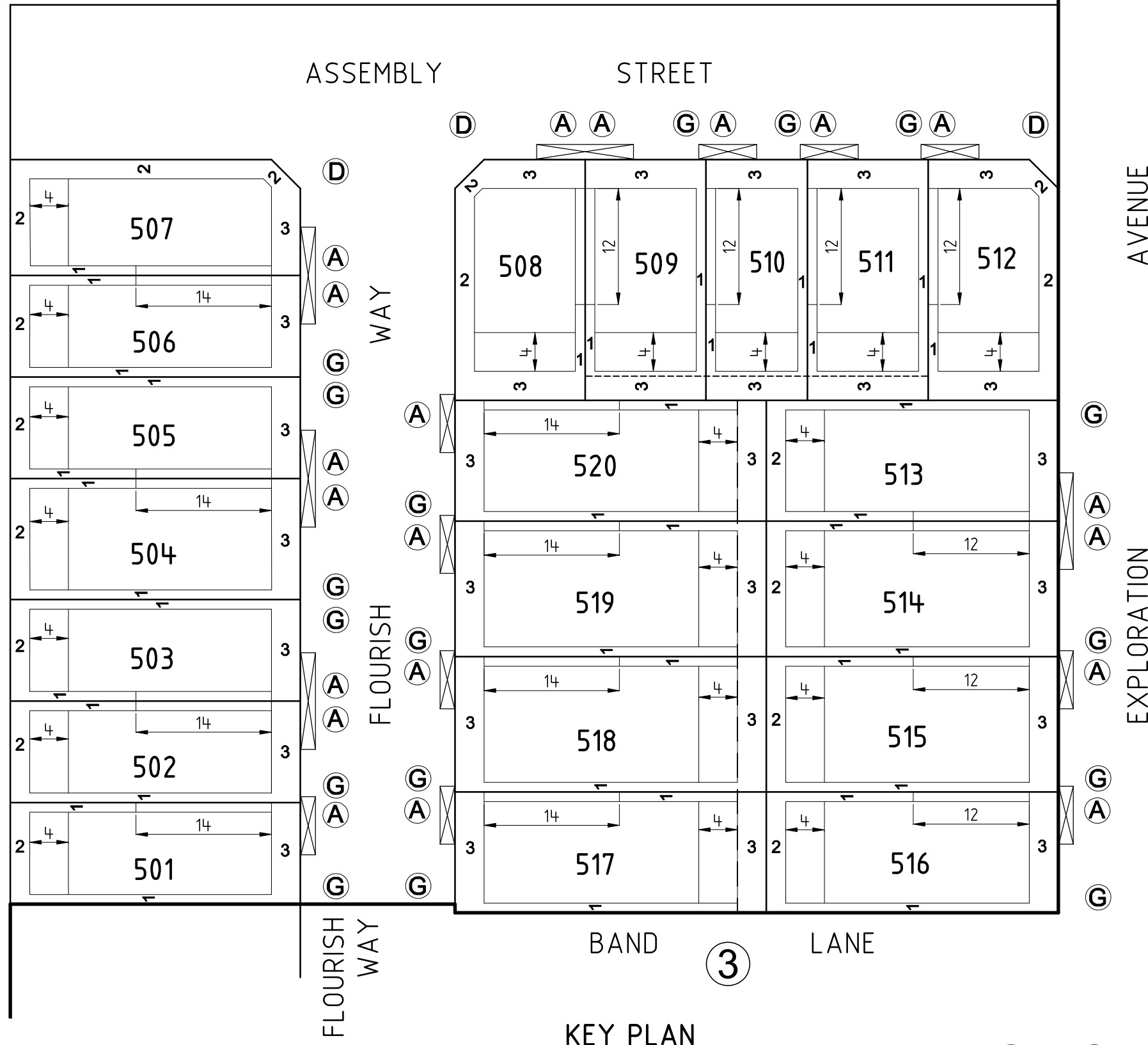


PS 641304D

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Permit No: WYP4474/10.21  
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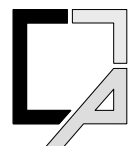
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3



KEY PLAN

2 - 3 DENOTES REFERENCE SHEET NUMBER

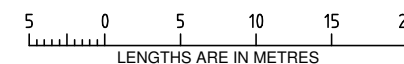


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LAND SURVEYORS TOWN PLANNERS  
DEVELOPMENT CONSULTANTS  
7A/346 Belmore Road office@crsurvey.com.au  
Balwyn Vic 3103 Tel: 03 9890 0933

REF: 3936BE5

VERSION: 1 (14.09.16)

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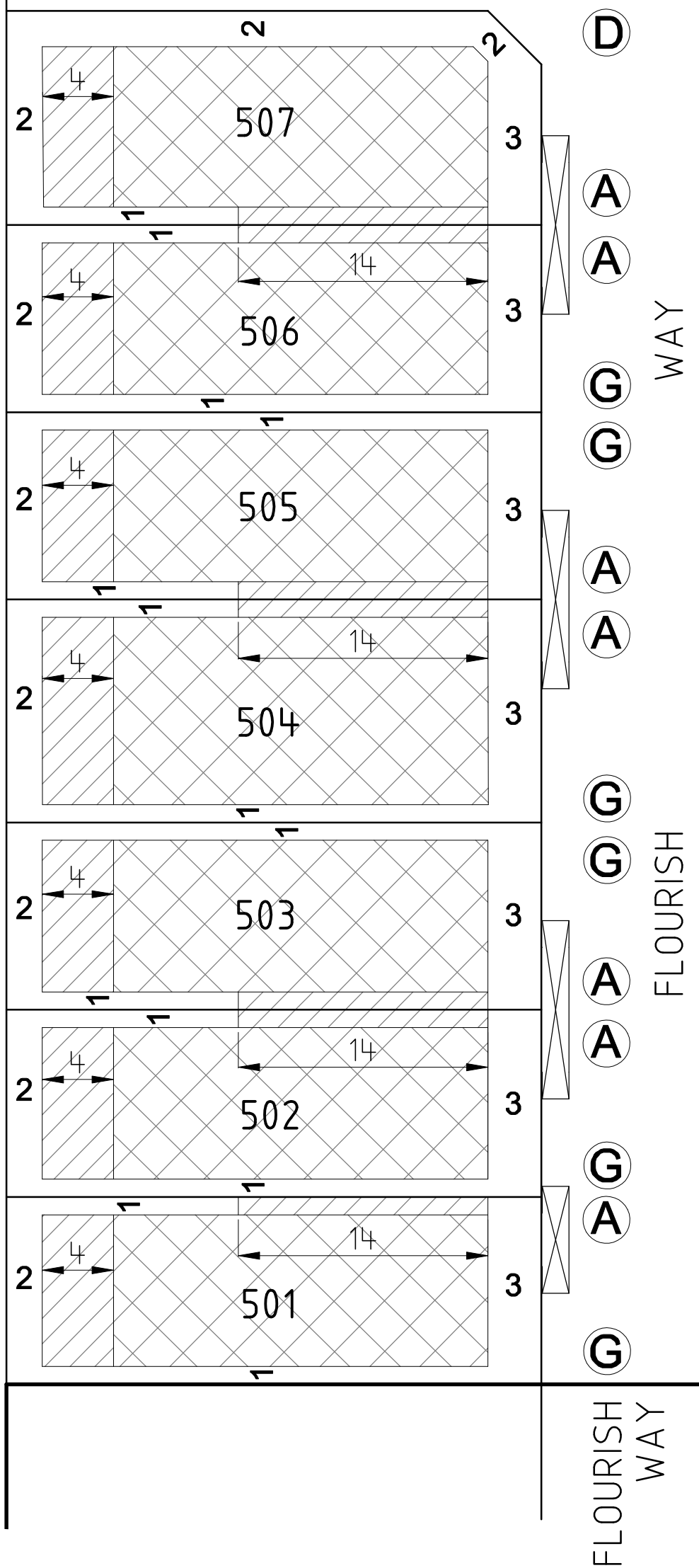
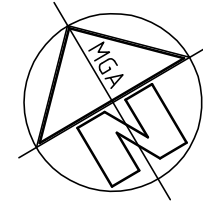
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SHEET 1 OF 4



RIVERWALK RELEASE 5  
BUILDING ENVELOPE PLANS

ASSEMBLY STREET



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WYNDHAM PLANNING SCHEME**

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 WYNDHAM CITY COUNCIL  
 Date: 10 March 2017

- BUILDING ENVELOPE (GROUND FLOOR)
- BUILDING ENVELOPE (FIRST FLOOR)
- 3 METRE WIDE EASEMENT
- 2.5 METRE WIDE EASEMENT
- 520 LOT NUMBER
- BUILDING ENVELOPE BOUNDARY PROFILE TYPE
- 3 SETBACK MINIMUM REQUIRED (IF NONE SHOWN, A BUILDING CAN BE CONSTRUCTED ON THE BOUNDARY PROVIDED THAT THE BUILDING HEIGHT AND LENGTH REQUIREMENTS ARE MET)
- DESIGNATED VEHICLE CROSSOVER TO LOT (NO OTHER VEHICULAR ACCESS POINT IS PERMITTED TO A LOT, EXCEPT WITH THE APPROVAL OF PLACES VICTORIA AND WYNDHAM CITY COUNCIL)

REF: 3936BE5

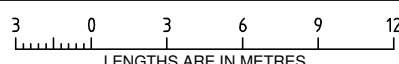
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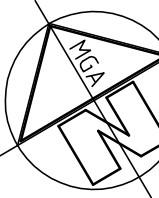


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SHEET 2 OF 4

Places Victoria

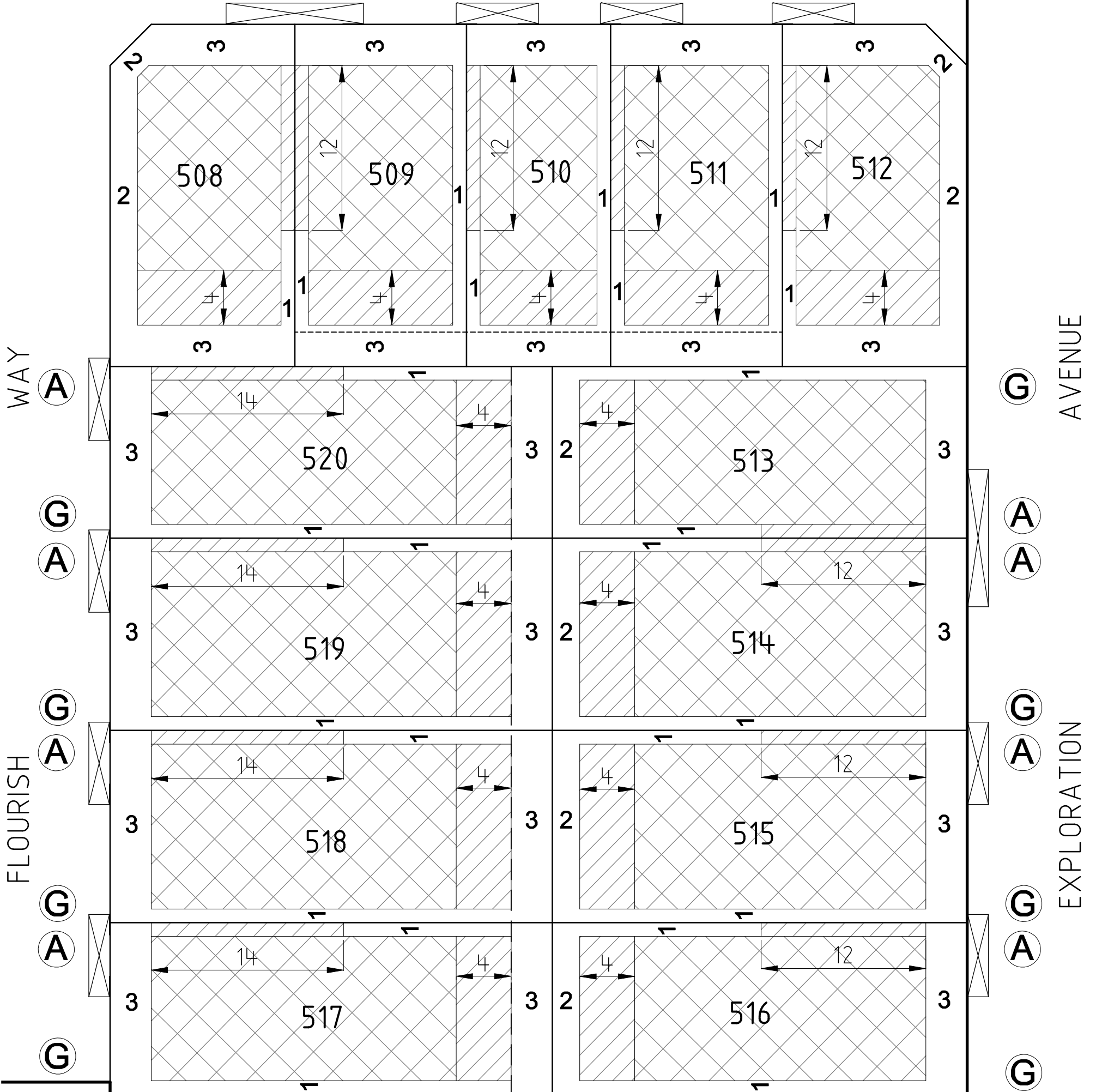
**RIVERWALK RELEASE 5  
 BUILDING ENVELOPE PLANS**



Permit No: WYP4474/10.21  
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ASSEMBLY STREET

(D) (A) (A) (G) (A) (G) (A) (G) (A) (D)



WAY

FLOURISH

AVENUE

EXPLORATION

BAND LANE

<p>DESIGNATED VEHICLE CROSSOVER TO LOT (NO OTHER VEHICULAR ACCESS POINT IS PERMITTED TO A LOT, EXCEPT WITH THE APPROVAL OF PLACES VICTORIA AND WYNDHAM CITY COUNCIL)</p>	<p><b>A</b> BUILDING ENVELOPE BOUNDARY PROFILE TYPE</p>	<p><b>3</b> SETBACK MINIMUM REQUIRED (IF NONE SHOWN, A BUILDING CAN BE CONSTRUCTED ON THE BOUNDARY PROVIDED THAT THE BUILDING HEIGHT AND LENGTH REQUIREMENTS ARE MET)</p>	<p>BUILDING ENVELOPE (GROUND FLOOR)</p>	<p>BUILDING ENVELOPE (FIRST FLOOR)</p>	<p>520 LOT NUMBER</p>

REF: 3936BE5 VERSION: 1 (14.09.16)

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 DEVELOPMENT CONSULTANTS  
 7A/346 Belmore Road office@crsurvey.com.au  
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SCALE 1:300

LENGTHS ARE IN METRES

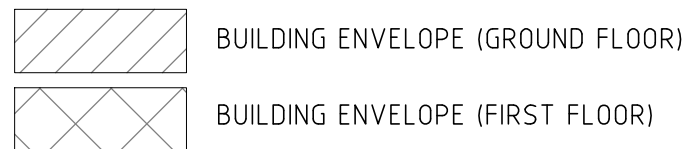
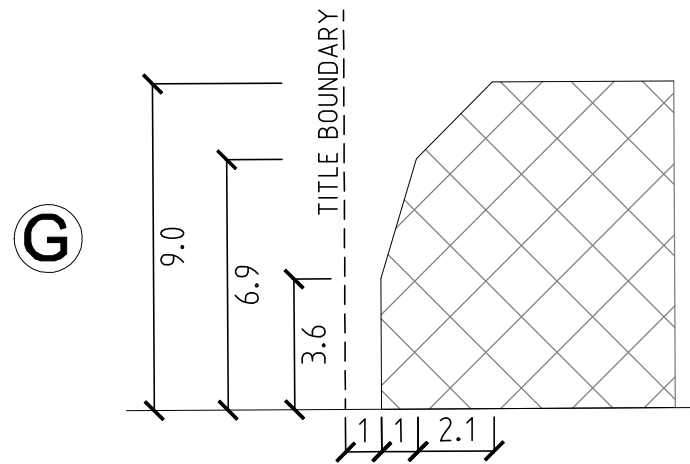
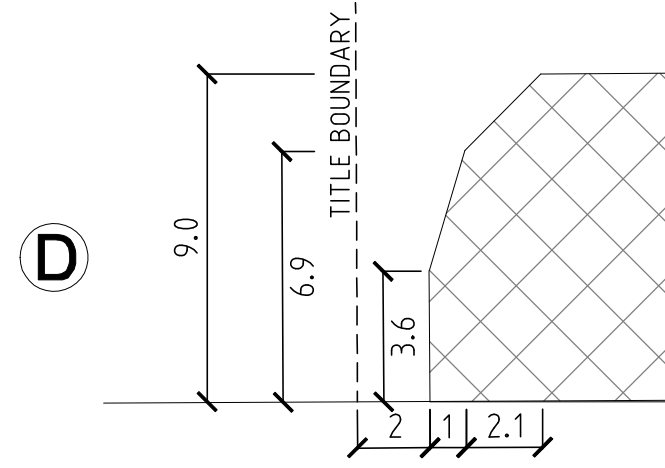
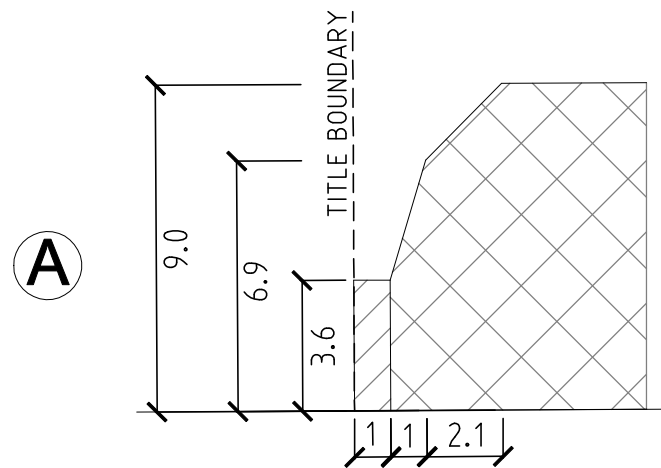


ORIGINAL SHEET SIZE: A3 SHEET 3 OF 4

**RIVERWALK RELEASE 5  
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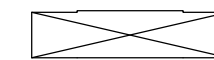
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 WYNDHAM CITY COUNCIL  
 Date: 10 March 2017



520 LOT NUMBER

**A** BUILDING ENVELOPE BOUNDARY PROFILE TYPE  
**3** SETBACK MINIMUM REQUIRED (IF NONE SHOWN, A BUILDING CAN BE CONSTRUCTED ON THE BOUNDARY PROVIDED THAT THE BUILDING HEIGHT AND LENGTH REQUIREMENTS ARE MET)



DESIGNATED VEHICLE CROSSOVER TO LOT (NO OTHER VEHICULAR ACCESS POINT IS PERMITTED TO A LOT, EXCEPT WITH THE APPROVAL OF PLACES VICTORIA AND WYNDHAM CITY COUNCIL)