

Memorandum of Common Provisions

Section 91A Transfer of Land Act 1958

AA2463

07/07/2014

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MCP



Lodged by

Name: **K&L Gates**
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Melbourne VIC 3000
Reference: MMCK.JTL.7380628.01668(RW_s8)
Customer Code: 1255H

This memorandum (containing 17 pages) contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

Provisions

1. RECITALS

- 1.1. 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.
- 1.2. The provisions of this MCP are incorporated into a restriction created by the Plan of Subdivision.
- 1.3. This MCP provides details of approved building envelopes.
- 1.4. This MCP provides information necessary to interpret the approved building envelopes.
- 1.5. 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.
- 1.6. 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.
- 1.7. Some matters addressed in this MCP are not covered by the Building Regulations.

2. DEFINITIONS

- 2.1 '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.
- 2.2 'Building' has the same meaning as in the Building Act.
- 2.3 'Building Act' means the Building Act 1993 as amended from time to time.
- 2.4 '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.
- 2.5 '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.
- 2.6 'Building Permit' means a building permit in terms of the Building Act.

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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 instruments and plans.

Page 1 of 17

THE BACK OF THIS FORM MUST NOT BE USED

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- 2.7 **'Building Regulations'** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which regulate the siting of a Building.
 - 2.8 **'Dwelling'** means a building and any associated outbuildings (including garages and carports) used for the purposes of a single domestic residence.
 - 2.9 **'Finished Surface Level'** means the finished surface level of the ground at the time of registration of the Plan of Subdivision.
 - 2.10 **'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.
 - 2.11 **'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.
 - 2.12 **'Habitable Room'** has the same meaning as in the Building Code of Australia.
 - 2.13 **'MCP'** means this Memorandum of Common Provisions.
 - 2.14 **'Places Victoria'** means the Urban Renewal Authority Victoria created pursuant to the Urban Renewal Authority Victoria Act 2003.
 - 2.15 **'Plan of Subdivision'** means the relevant plan of subdivision for a particular allotment which incorporates this MCP.
 - 2.16 **'Riverwalk Residential Design Controls'** means the Riverwalk Design Standards (and associated referenced documents) prepared by Places Victoria, as amended from time to time.
 - 2.17 **'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).
 - 2.18 **'Side Street'** means a street or road which abuts an allotment other than a Front Street.

3. SITING AND DESIGN

3.1 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:

- 3.1.1 Minimum Street Setback (regulation 409);
- 3.1.2 Site Coverage (regulation 411);
- 3.1.3 Side Setback and rear Setback (regulation 414);
- 3.1.4 Walls on boundaries (regulation 415);
- 3.1.5 Daylight to existing Habitable Room windows (regulation 416); and
- 3.1.5 Daylight to Habitable Room windows (regulation 420).

3.2 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.



3.3 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 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.

3.4 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 1.0 metre.

3.5 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:

- 3.5.1 A porch;
- 3.5.2 A verandah;
- 3.5.3 A portico;
- 3.5.4 A pergola;
- 3.5.5 A masonry chimney;
- 3.5.6 A sunblind;
- 3.5.7 A flue or pipe; and
- 3.5.8 Decks, steps or landings less than 800 millimetres in height.

None of the above structures may be greater than 6.5 metres in height.

Eaves (including fascias and gutter) may encroach into a Front Street or Side Street Setback by not more than 500 millimetres provided a 500 millimetre gap is retained between the boundary and gutter.

Domestic water tanks, domestic fuel storage tanks, hot water storage tanks and heating/cooling equipment may encroach into a Front Street or Side Street Setback by not more than 500 millimetres.

3.6 Encroachments into side and rear Setback

3.6.1 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:

- (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
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(h) An eave (including fascias and gutter).

3.6.2 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.

3.7 Site Coverage

The site coverage of:

3.7.1 front loaded buildings must not occupy more than 70% of an allotment; and

3.7.2 side or rear loaded buildings must not occupy more than 75% of an allotment.

3.8 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 3.12). 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.

3.9 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 500 millimetres clear to the sky (not encroached by eaves, fascias and gutters), and not including land on an adjoining allotment.

3.10 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.

3.11 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.

3.12 Front Street Setback of Garages

A Garage must have a Front Street setback from the street of not less than 5.5 metres.

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3.13 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.

3.14 Compliance and Discretion

Places Victoria may in its absolute discretion 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 by Places Victoria pursuant to this clause shall only be provided in circumstances where Places Victoria in its absolute discretion considers 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.

4. 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 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.

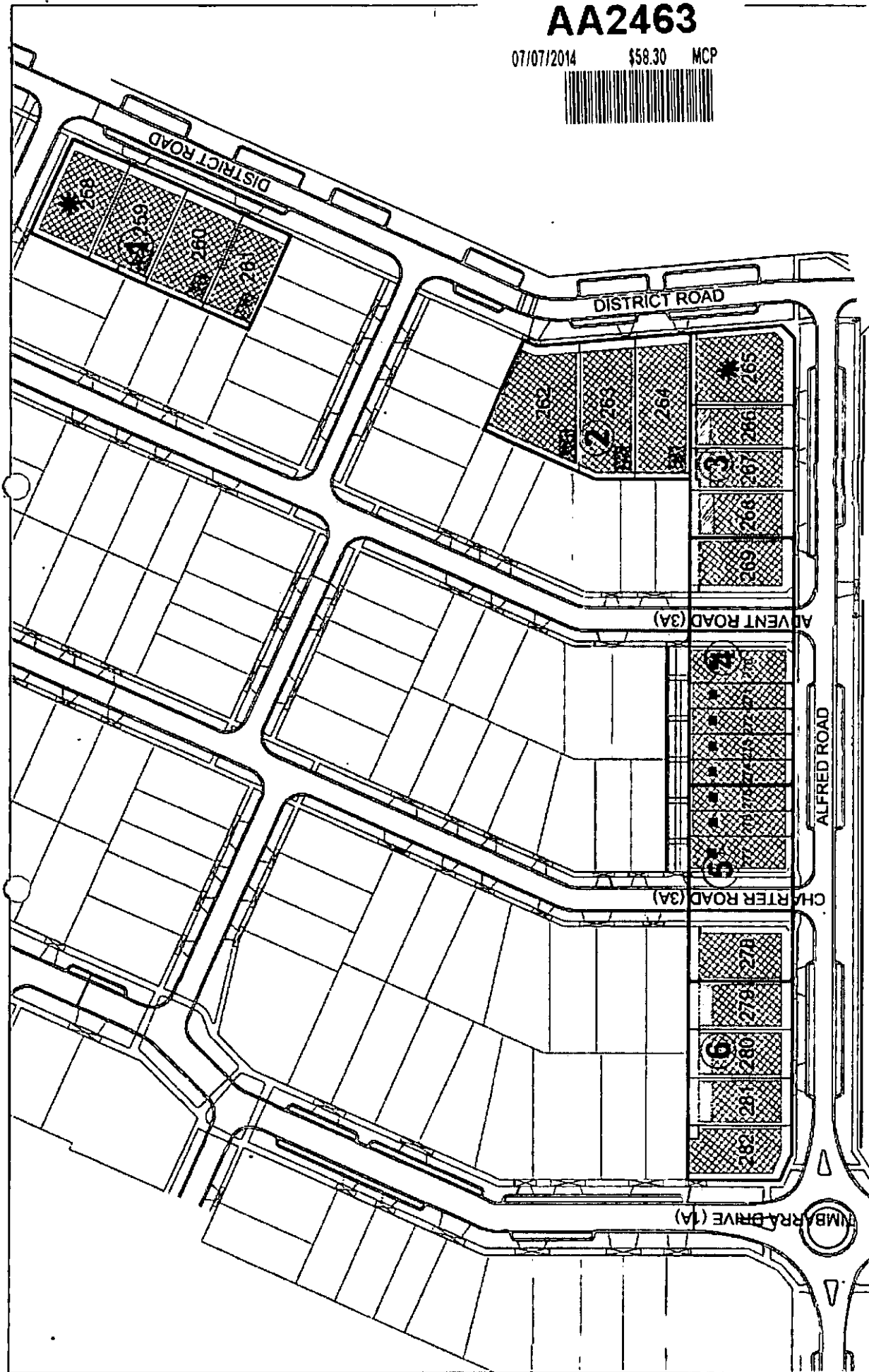
5. INTERPRETATION

In this MCP, unless the contrary intention appears:

- 5.1 The singular includes the plural and vice versa;
- 5.2 A reference to an individual or person includes a partnership, body corporate, government authority or agency and vice versa;
- 5.3 Words importing one gender include other genders;
- 5.4 Other grammatical forms of defined words or expressions have corresponding meanings;
- 5.5 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;
- 5.6 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;
- 5.7 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;
- 5.8 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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Places Victoria
 RIVERWALK STAGE 7
 GEELONG ROAD, WERRIBI
 BUILDING ENVELOPE PLANS
 Drawing No. 10888881 Rev B
 Block No. 10888881
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Scale: 1:1000
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 Author: MCA
 Layout: JAD
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 Date: 07/07/2014

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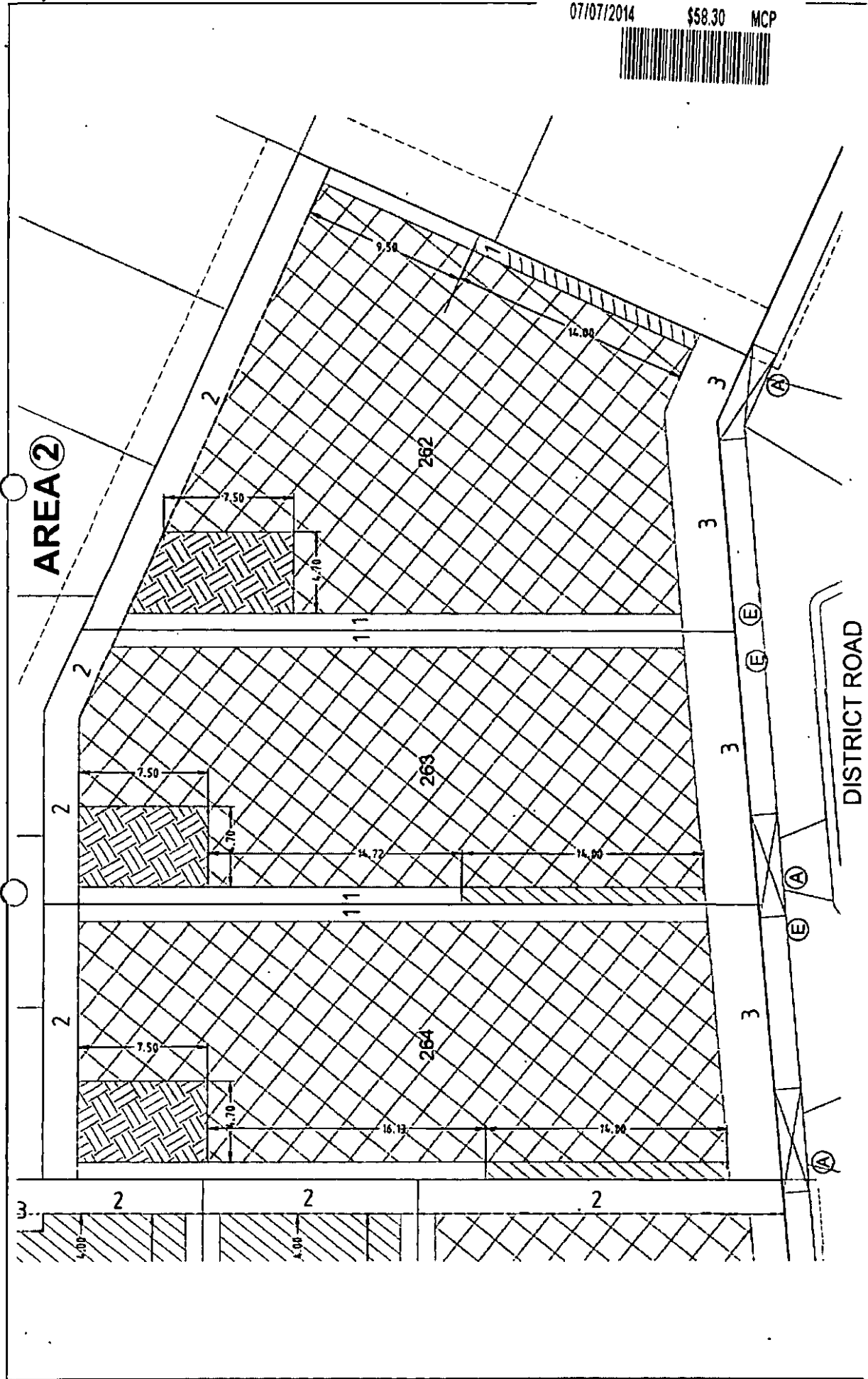
- 3 BUILDING ENVELOPE CORNER PLANS
- * BUILDING ENVELOPE FIRST FLOOR
- 118 BUILDING ENVELOPE FIRST FLOOR RELIEF
- 118 FLOOR AND CEILING
- 118 1:1.5 LATER AND LARGER
- 118 LOT DIMENSIONS

NOT TO BE USED FOR CONSTRUCTION

NO.	REVISIONS	DATE
1	ISSUED FOR CONSTRUCTION	07/07/2014
2	REVISIONS	
3	REVISIONS	

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design consulting engineers

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Places Victoria
RIVERWALK - STAGE 7
GEOLONG ROAD, WERRIBI
BUILDING ENVELOPE PLANS

Drawing No. 10000103
Sheet No. 03 PRELIMINARY

Scale: 1:100
Date: 07/07/2014

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DATE: 07/07/2014

BY: [Signature]

FOR: [Signature]

LEGEND

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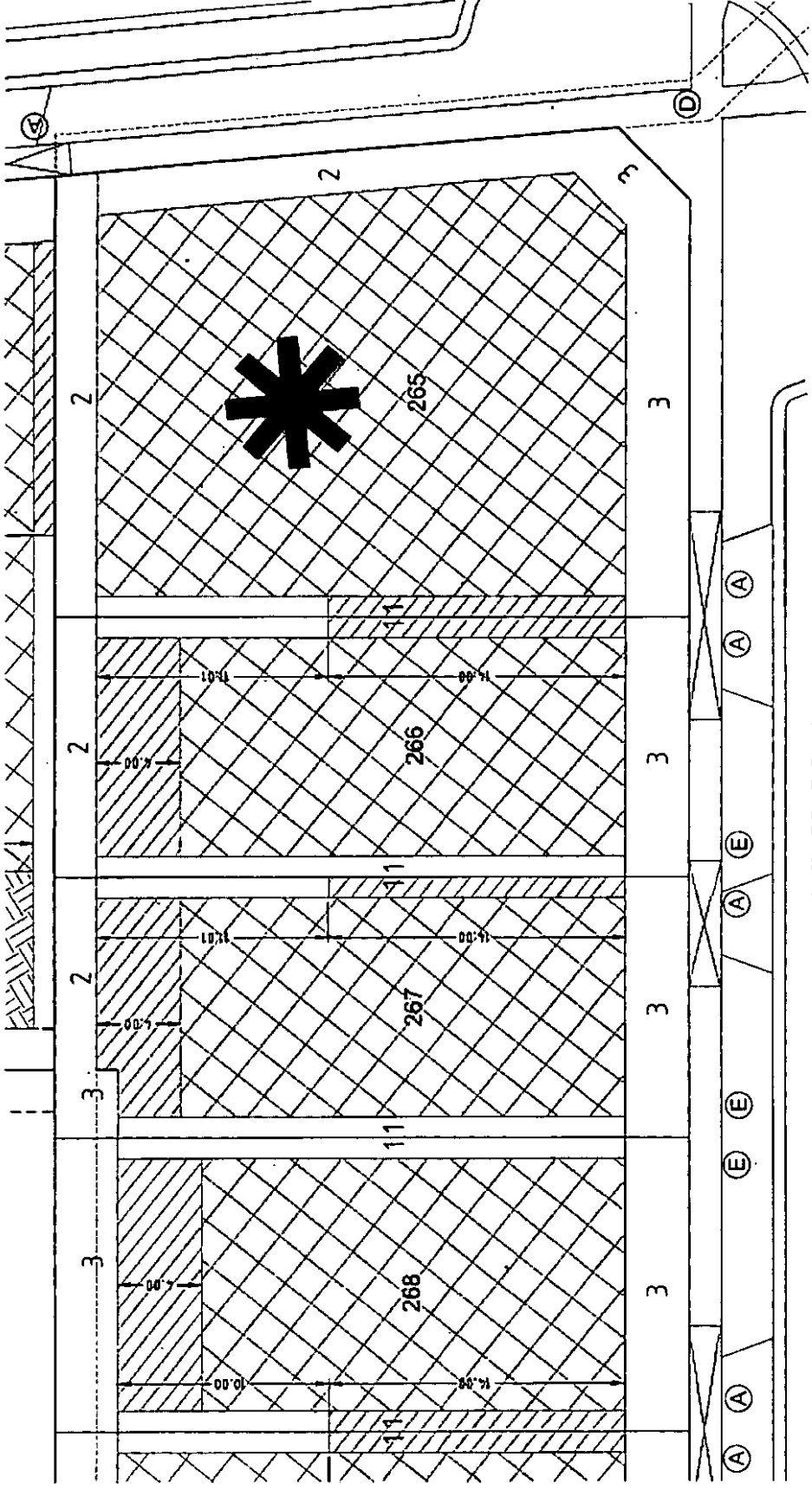
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AREA 3

DISTRICT ROAD

ALFRED ROAD



DCE
 DESIGN CONSULTING ENGINEERS
 40 DUNDAS STREET WEST
 SUITE 1000
 TORONTO, ONTARIO M5G 1C5
 TEL: 416-593-8888
 FAX: 416-593-8889
 WWW.DCEENGINEERS.COM

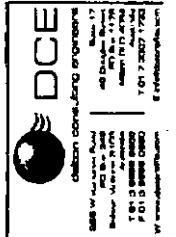
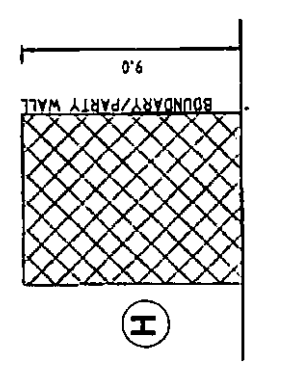
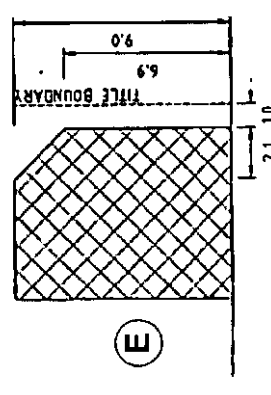
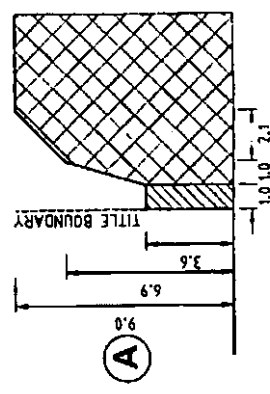
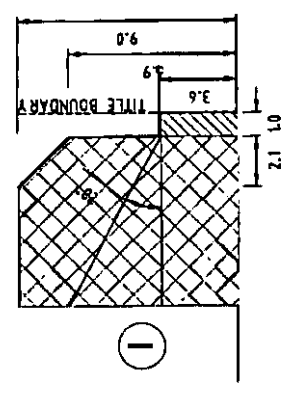
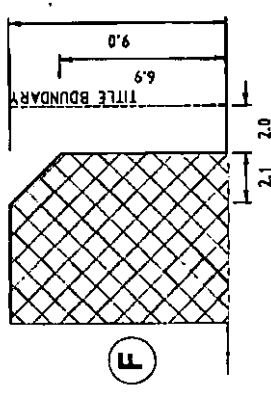
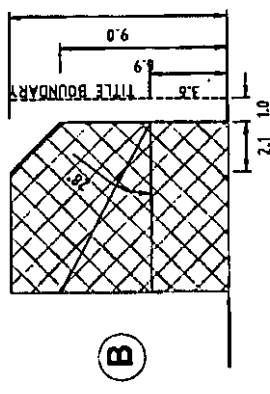
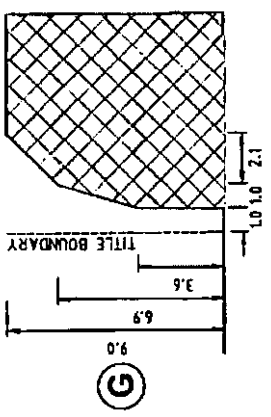
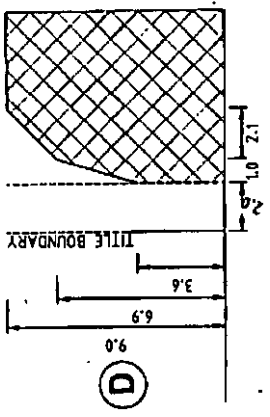
Places Victoria
 RIVERWALK - STAGE 1
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 BUILDING ENVELOPES PLANS
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 1. MATCH MEMORANDA
 2. ISSUED FOR CONSULTANTS
 3. PRELIMINARY
 4. DESIGN CONSULTING ENGINEERS INC. 10088624

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 BUILDING ENVELOPE - GENERAL PLANS
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 BUILDING ENVELOPE - REAR ELEVATION
 BUILDING ENVELOPE - SIDE ELEVATION
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Places Victoria
 RIVERWALK - STAGE 7
 QUEENSLAND ROAD, WERRIBEE
 BUILDING ENVELOPES PLANS

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 Title No. 000000000
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INDICATE EXISTING BUILDING PLANS
 INDICATE EXISTING EXIST PLANS
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2	ISSUE FOR CONSTRUCTION		

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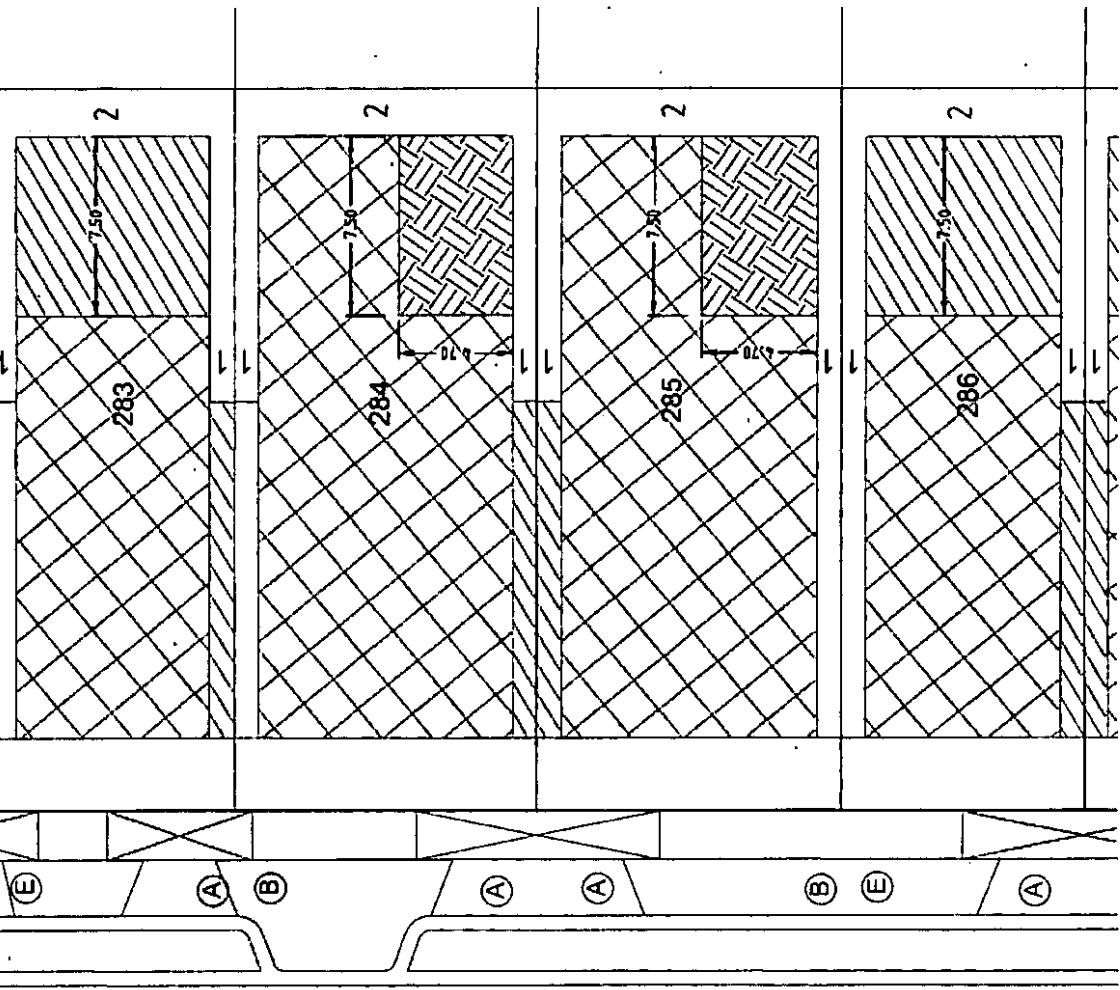
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AREA 1

BENDOC LANE (5A)

TIMBARA DRIVE (1A)



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 DESIGN CONSULTING ENGINEERS
 40 Collins Street
 Melbourne VIC 3000
 T 03 9419 1111
 F 03 9419 1122
 www.dcegroup.com.au

Places Victoria
 RIVERWALK - STAGE 3
 GEELONG ROAD, WERRIBEE
 BUILDING ENVELOPE PLAN
 Drawing No. 16080B02 - Bay B
 Sheet No. 07 - PRELIMINARY
 © Crown Copyright © Geelong Pty Ltd
 10/08/2014

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 THESE AREAS SHOWN IN A SHADING ARE TO BE CONSTRUCTED IN THE INSTANTANEOUSLY AVAILABLE MATERIALS AND FINISHES. THE AREA SHALL BE FINISHED TO THE STANDARD OF THE VICITRA CITY COUNCIL.
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 90. 1 METRE WIDE LANDSCAPE
 91. 1 METRE WIDE LANDSCAPE
 92. 1 METRE WIDE LANDSCAPE
 93. 1 METRE WIDE LANDSCAPE
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 97. 1 METRE WIDE LANDSCAPE
 98. 1 METRE WIDE LANDSCAPE
 99. 1 METRE WIDE LANDSCAPE
 100. 1 METRE WIDE LANDSCAPE

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REV	DESCRIPTION	DATE
1	ISSUED FOR CONSTRUCTION	07/07/2014
2	REVISIONS	
3	REVISIONS	

AA2463

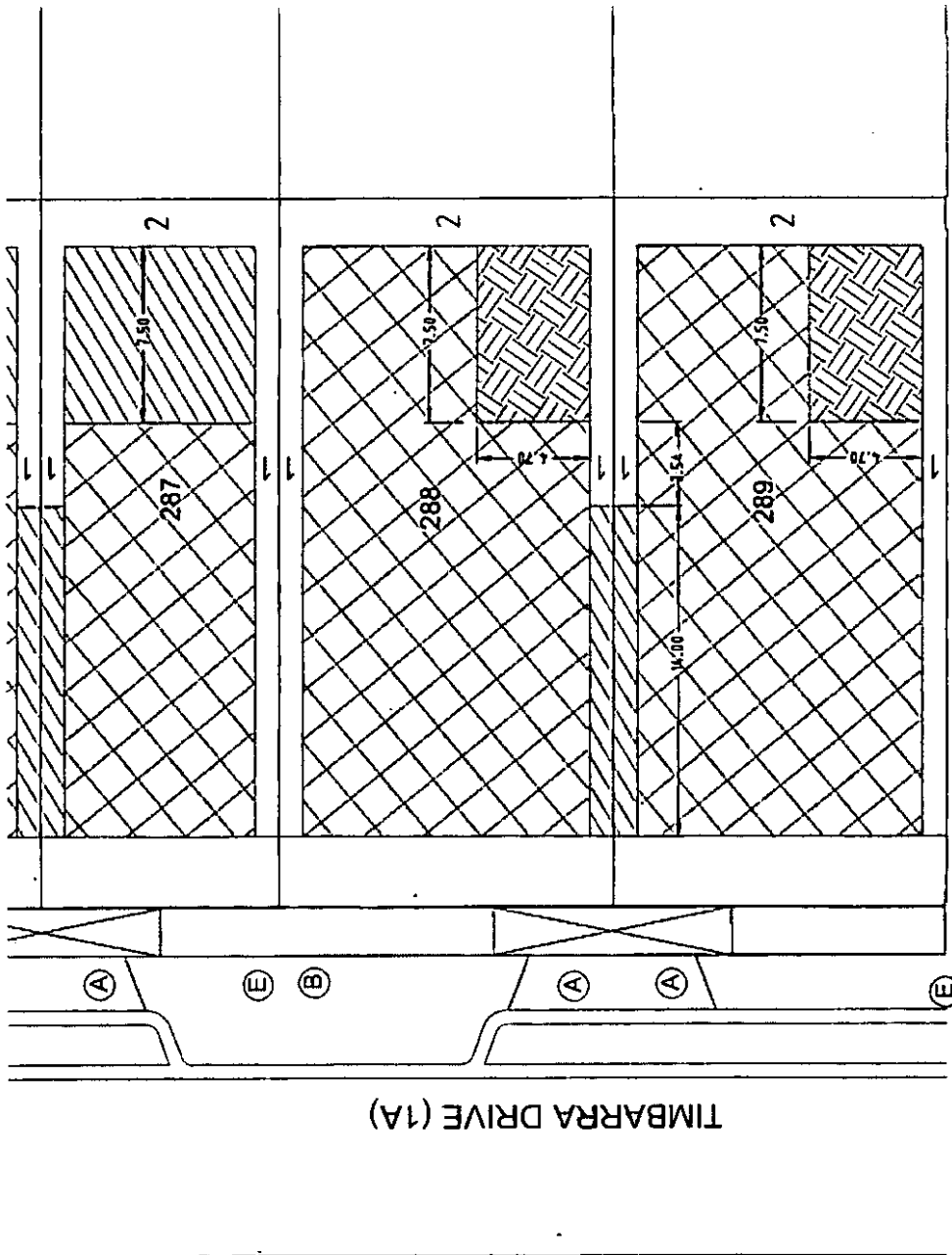
07/07/2014

\$58.30

MCP



AREA 2



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DATE: 07/07/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SCALE: 1:1000
 PROJECT: [Project Name]

LEGEND

- [Hatched Pattern] BUILDING ENVELOPE
- [Cross-hatch Pattern] BUILDING ENVELOPE FIRST FLOOR
- [Diagonal Lines] BUILDING ENVELOPE FIRST FLOOR WALKWAY
- [Dotted Pattern] 1. SITE AND LANDSCAPE
- [Horizontal Lines] 2. SITE AND LANDSCAPE
- [Vertical Lines] 3. SITE AND LANDSCAPE

118

Placed Victoria
 RIVERWALK - STAGE 4
 QUEENSLAND ROAD, WERRIBEE
 BUILDING ENVELOPES PLAN

Drawing No. 100000000
 Sheet No. 05 PRELIMINARY REV B

DCE
 DESIGN CONSULTANTS ENGINEERS
 45 CHURCH STREET
 WERRIBEE VIC 3340
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 F 03 9 320 0001
 E info@dce.com.au

3

118

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DATE: 07/07/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SCALE: 1:1000
 PROJECT: [Project Name]

LEGEND

- [Hatched Pattern] BUILDING ENVELOPE
- [Cross-hatch Pattern] BUILDING ENVELOPE FIRST FLOOR
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- [Vertical Lines] 3. SITE AND LANDSCAPE

118

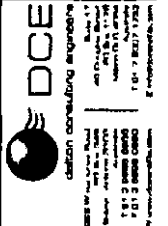
Placed Victoria
 RIVERWALK - STAGE 4
 QUEENSLAND ROAD, WERRIBEE
 BUILDING ENVELOPES PLAN

Drawing No. 100000000
 Sheet No. 05 PRELIMINARY REV B

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Places Victoria
 RIVERWALK - STAGE 8
 GEELONG ROAD, WERRIBEE
 BUILDING ENVELOPE PLAN

Drawing No. 188828M Rev D
 Sheet No. 18 PRELIMINARY
 © Urban Connections Engineering Pty Ltd
 10/10/2014 11:07:30

Scale: 1:100
 Date: 10/10/2014
 Project: RIVERWALK - STAGE 8
 Drawing: BUILDING ENVELOPE PLAN
 Sheet: 18 PRELIMINARY

INCLUDE EXTERIOR FINISHES
 INCLUDE EXTERIOR FLOOR FINISHES
 INCLUDE EXTERIOR FLOOR FINISHES

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DATE: 10/10/2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

DATE	10/10/2014
DRAWN BY	[Name]
CHECKED BY	[Name]
APPROVED BY	[Name]
PROJECT	RIVERWALK - STAGE 8
DRAWING	BUILDING ENVELOPE PLAN
SHEET	18 PRELIMINARY

