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Lodged by	
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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.

Benefited land: As set out in the plan.

Covenants:	1	GENERAL
	1.1	This MCP is incorporated in a restriction in the Plan of Subdivision.
	1.2	This MCP is intended to give effect to the exceptions available under Regulation 71 of the Building Regulations.
	1.3	In respect of a Small Lot, where the siting of a building complies with the Small Lot Housing Code, a particular siting requirement under the applicable Approved Building Envelope, and this MCP, no report and consent of the relevant council is required. For the purposes of Regulation 71, the restriction created by the Plan of Subdivision constitutes an approved building envelope.
	1.4	This MCP also imposes restrictions on the development of a Lot not related to Regulation 71 of the Building Regulations.

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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 plans.

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2 DEFINITIONS

2.1 Unless otherwise defined in this MCP, the words in *italics* below have the meaning attributed to them in the instrument identified:

2.1.1 In the Building Act:

(a) *building*;

2.1.2 In the Building Regulations:

(a) *height*;

(b) *private open space*;

(c) *recreational private open space*;

(d) *raised open space*;

(e) *secluded private open space*;

(f) *setback*; and

(g) *site coverage*.

2.1.3 In the Planning Scheme:

(a) *frontage* (clause 72 of the Planning Scheme);

(b) *dwelling* (clause 74 of the Planning Scheme);

(c) *habitable room* (clause 72 of the Planning Scheme); and

(d) *storey* (clause 72 of the Planning Scheme).

2.1.4 In the Small Lot Housing Code:

(a) *front wall*.

2.2 In this MCP:

2.2.1 “**Approved Building Envelope**” means a building envelope for the purposes of Regulation 71 of the Building Regulations that comprises a Building Envelope Plan and the matters in this MCP, and has the same meaning as the same term in the Regulations.

2.2.2 “**BBZ**” means that part of a Lot shown as Building to Boundary Zone in the Building Envelope Plan.

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- 2.2.3 **"Building Act"** means the *Building Act 1993* as amended from time to time.
- 2.2.4 **"Building Envelope Plan"** means a building envelope plan shown on the Plan of Subdivision. The Building Envelope Plan forms part of the Approved Building Envelope, prepared for the purposes of Regulation 71.
- 2.2.5 **"Building Regulations"** means the *Building Regulations 2018* as amended from time to time.
- 2.2.6 **"Front Boundary"** means:
- (a) in the case of any Lot where only one boundary of that Lot abuts a road, the boundary which abuts the road; and
 - (b) in the case of any Lot where two boundaries of that Lot abut a road, the shorter boundary which abuts the road, ignoring any corner boundary created by a splayed corner.
- 2.2.7 **"Lot"** means a lot on the Plan of Subdivision.
- 2.2.8 **"MCP"** means this memorandum of common provisions and includes all diagrams, plans and annexures attached to this memorandum of common provisions.
- 2.2.9 **"Natural Ground Level"** means the ground level after the engineering works associated with works associated with the subdivision have been completed.
- 2.2.10 **"Non-Small Lot"** means a Lot on the Plan of Subdivision which is not a Small Lot.
- 2.2.11 **"Planning Scheme"** means the Wyndham Planning Scheme prepared under the *Planning and Environment Act 1987*.
- 2.2.12 **"Plan of Subdivision"** means the plan of subdivision that includes the restriction that incorporates this MCP.
- 2.2.13 **"Regulation"** means a regulation of the Building Regulations, unless specified otherwise.
- 2.2.14 **"Side Boundary"** means a boundary of a Lot that runs between and connects the street frontage of the Lot to the rear boundary of the Lot.
- 2.2.15 **"Small Lot"** means a Lot on the Plan of Subdivision which has a land area of less than 300 square metres in area, and which may be identified on the Building Envelope Plan as a lot which is either

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"Type A" or "Type B" for the purposes of the Small Lot Housing Code.

2.2.16 **"Small Lot Housing Code"** means the planning initiative of that name designed to apply to lots of less than 300 square metres in area, and which is incorporated into the Planning Scheme.

2.2.17 For the purposes of determining street setbacks, **"Street"** means any road other than a lane, footway, alley or right of way.

3 REQUIREMENTS

3.1 Fencing

3.1.1 Front fences

- (a) If a front fence is constructed, the design should complement the design of the dwelling and any front fences on adjoining properties.
- (b) A front fence must not exceed a height of 1.2 metres above Natural Ground Level.
- (c) A front fence includes any fence within the front building setback dimension as specified in the Small Lot Housing Code.

3.1.2 Side fencing

- (a) A side fence must not exceed a height of 2.0 metres above Natural Ground Level.
- (b) Where a Side Boundary is adjacent to an open space reserve, side fencing must be more than 1.2 metres in height for a minimum of 25% of the length of the relevant Side Boundary measured from the lot's Front Boundary.

3.1.3 Rear fencing

- (a) A rear fence of a Small Lot must not exceed a height of 2.0 metres above Natural Ground Level.

3.1.4 Corner fences

Where a Small Lot is located on the corner of two street frontages, the Small Lot must address both streets with:

- (a) boundary fencing to not exceed a height of 1.2 metres above Natural Ground Level forward of the front wall of the dwelling; or

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- (b) low fences up to a minimum of 5 metres behind the front wall of the dwelling.

3.1.5 Materials and construction

Fences must be constructed as follows:

- (a) a front fence, or side fence located forward of the front wall of the dwelling, must be constructed with blade or battened painted timber or powder coated metal blades and include a minimum 20% transparency; and
- (b) side and rear fences must be constructed with exposed posts, timber palings and a timber cap,

unless otherwise specified in writing by the developer of the estate in which the Small Lot is located.

3.2 Home Design

3.2.1 Design

- (a) Dwelling designs must feature a quality contemporary architectural style.
- (b) Dwellings must have a minimum two storey-built form.
- (c) Dwellings must positively address the primary street frontage; and must:
 - (1) include a substantial covered verandah or balcony; or
 - (2) include a minimum of two different wall materials to provide variety and interest; and
 - (3) consider variation in roof forms and front entry designs.
- (d) Dwellings fronting public realm interfaces must:
 - (1) include a balcony to address the front street; and/or
 - (2) include habitable rooms with large windows at the ground and first storey to maximise activation and passive surveillance of the public realm; and
 - (3) not include service rooms or similar non-habitable rooms within the front facade

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3.2.2 Garages in laneways

- (a) Should consider the use of alternative rooflines, heights, variations in material and alternative garage doors to create visual interest.

3.2.3 Façade Duplication

- (a) One in every five dwellings must provide a different design element to the front façade being either height, architectural blades, projections, roof form, colour or materials, to provide diversity and interest.

3.2.4 Corner Dwellings

- (a) Corner dwellings must provide a design that addresses and activates the secondary street frontage or any frontage visible from public open space areas. Activation may be articulated through:
 - (1) use of feature windows to habitable rooms; or
 - (2) wrap around balconies; or
 - (3) varied wall materials and recessed and protruding elements in the built form.

A consistent architectural style must be used for all visible facades.

3.3 Resolving conflicts -Small Lots

In the case of:

- 3.3.1 a siting matter in the text of this MCP also being addressed by the Small Lot Housing Code, the more restrictive provision prevails (unless this would cause the Small Lot Housing Code exemptions to not apply to the siting or dwelling, in which case the Small Lot Housing Code prevails); and

- 3.3.2 any other conflict between a siting matter in the text of this MCP and the Small Lot Housing Code, the Small Lot Housing Code prevails.

3.4 Council report and consent

The siting of a building on a Small Lot that does not comply with this MCP must be subject to the report and consent of the relevant council.

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4 SMALL LOTS

All Lots are Small Lots under this MCP.

Unless the design and siting of all buildings on a Small Lot are subject to a planning permit issued under the *Planning and Environment Act 1987*, any building on a Small Lot must be designed and sited in accordance with the Small Lot Housing Code.

5 BUILDING ENVELOPE PLAN

The following legend and symbols have been used in the Building Envelope Plan.

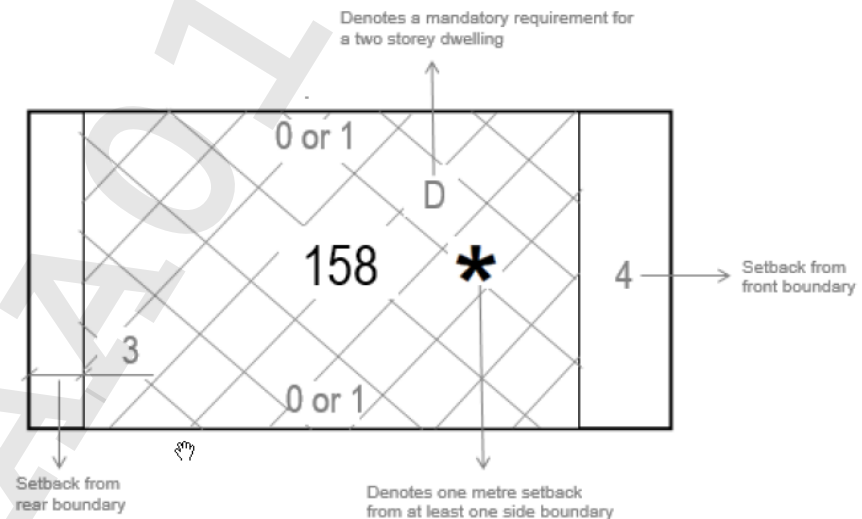
LEGEND

Lots shown thus ▲ are subject to the provisions of the small lot housing code

For lots shown thus **D** a two storey dwelling is mandatory

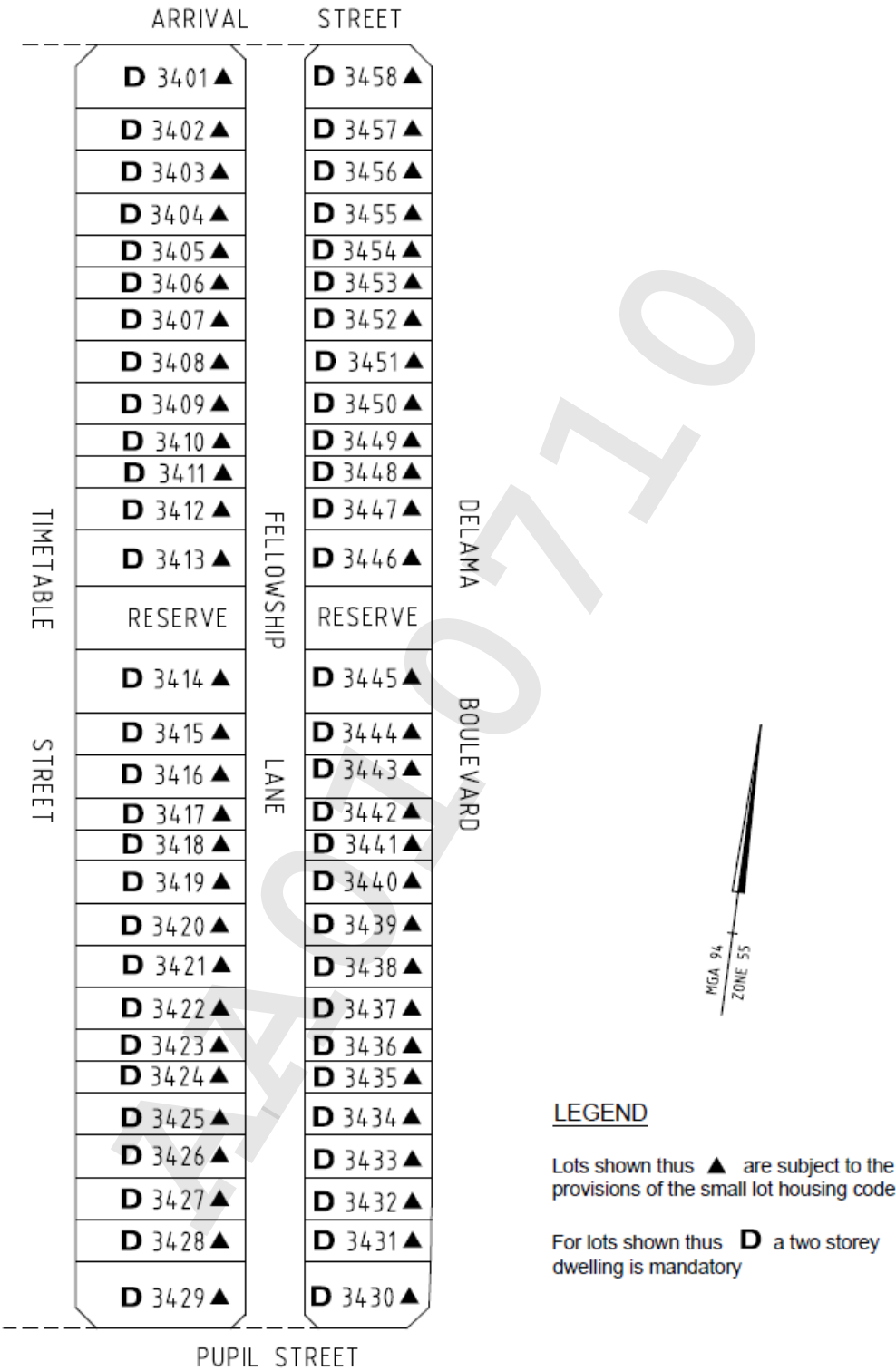
5.1 Interpretation of a Building Envelope Plan

Diagram illustrating the interpretation of a building envelope plan



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5.2 Building Envelope Plan



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