

AA8457

**Memorandum of common provisions
Section 91A Transfer of Land Act 1958**

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

Provisions:

RECITALS

- A. This MCP has been prepared by Development 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 PS836279N known as 15-29 Coomoora Road, Springvale South.
- C. The MCP imposes restrictions on the use and development of the allotments within the Plan of Subdivision as set out in this MCP, including but not limited to 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.
- D. Where the siting restrictions in this MCP are contrary to regulations 74, 76, 79, 80, 81 and 85 of the Building Regulations, no consent and report of the relevant council is required, as this MCP has been prepared with regard to regulation 71 of the Building Regulations.
- E. Some matters addressed in this MCP are not covered by the Building Regulations.

1. DEFINITIONS

- 1.1 'Building' has the same meaning as in the Building Act.
- 1.2 'Building Act' means the Building Act 1993 (Vic) as amended from time to time.
- 1.3 'Building Permit' means a building permit in terms of the Building Act.
- 1.4 'Building Regulations' means the Building Regulations 2018 (Vic) or any subsequent regulations made pursuant to the Building Act which regulate the siting of a Building.

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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.

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- 1.5 **'Development Plan'** means Development Plan 15-29 Coomoora Road, Springvale South approved on 25/05/2020.
- 1.6 **'Development Victoria'** means Development Victoria created pursuant to the Development Victoria Act 2003 (Vic).
- 1.7 **'Dwelling'** means a building and any associated outbuildings (including garages and carports) used for the purposes of a single domestic residence.
- 1.8 **'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.
- 1.9 **'Habitable Room'** has the same meaning as in the Building Code of Australia.
- 1.10 **'MCP'** means this Memorandum of Common Provisions.
- 1.11 **'Plan of Subdivision'** means the relevant plan of subdivision for a particular allotment which incorporates this MCP.
- 1.12 **'Responsible Authority'** means Greater Dandenong City Council.
- 1.13 **'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. RESTRICTIONS

The following restrictions apply to the extent they are to the satisfaction of the Responsible Authority.

2.1 Side Setback

Lots 1-16 (inclusive) must provide a one metre Setback from one side boundary.

2.2 No further subdivision

Lots 1 to 16 (inclusive) must not be further subdivided and must be developed within four years of the first settlement after registration of the Plan of Subdivision.

2.3 Detached Dwellings and height

Lots 1 to 16 (inclusive) must not be developed with more than one detached Dwelling on each lot and to be no more than two stories in height.

2.4 Minimum Garage door Setback

The Garage door of Dwellings located on Lots 1 to 16 (inclusive) must not be less than five metres from the front boundary with the common property.

2.5 Minimum car parking spaces

Not less than two car parking spaces are to be provided to each Dwelling on Lots 1 to 16 (inclusive) with no more than one double Garage.

2.6 Privacy of adjoining areas

The privacy of adjoining areas of secluded private open space and Habitable Room windows must be protected in accordance with Standard A15 at Clause 54.04-6 of the Greater Dandenong Planning Scheme.

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2.7 Restrictions on blank and windowless walls

Blank and windowless walls must not be provided on the southern elevation of any Dwelling on Lot 1 and Lot 5, and on the northern elevation of any Dwelling on Lot 4.

2.8 Minimum private open space

Dwellings located on Lots 1 to 16 (inclusive) must not provide less than 60 square metres of total private open space, including one part provided as secluded private open space to the side or rear of the Dwelling, with an area of at least 40 square metres and a minimum dimension of 5 metres.

2.9 Minimum fence Setback

Any fence on the south boundary of Lot 1 and Lot 5 and on the northern boundary of Lot 4 must not be located within 3 metres of the front building line of the Dwelling on that lot and must be of a high quality design.

2.10 Solid fencing limits

A maximum of 50% of the fencing along south boundary of Lot 1 and Lot 5 and on the northern boundary of Lot 4, must be solid, with the remainder to be visually permeable. Fencing required to provide privacy to areas of secluded private open space is excluded from this calculation.

2.11 Maximum fence height

Any fence forward of the front elevation, including along the Front Street of Lots 1-16 (inclusive) must have a maximum height of 1.2 metres.

2.12 Minimum canopy trees

At least one canopy tree must be planted in the secluded private open space to each Dwelling on Lots 1-16 (inclusive) to the satisfaction of the City of Greater Dandenong.

2.13 Orientation of roof forms

Roof forms of Dwellings on Lots 1-16 (inclusive) should be oriented towards the north generally, and to consider accommodating solar panels.

2.14 Clothesline

Each Dwelling on Lots 1-16 (inclusive) must be provided with an external, folding clothesline within the secluded private open space and in a location such that it is not visible from the public realm, including common roads and common open space.

2.15 Dwelling services

All Dwelling services on Lots 1-16 (inclusive) must be located and / or screened to avoid visibility from the public realm, including common roads and common open space.

2.16 Minimum storage

All Dwellings on Lots 1-16 (inclusive) must be provided with at least 6 cubic metres of external and secure storage (this may include within the Garage).

2.17 Bin storage areas and enclosures

Bin storage areas / enclosures on Lots 1-16 (inclusive) must not be located within the front Setbacks.

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2.18 Development Plan

All Dwellings must be developed in accordance with the approved Development Plan or any subsequent or amended Development Plan.

2.19 Rainwater Tanks & Re-use

All Dwellings must be provided with on-site water storage tanks of :3 kilolitres capacity consisting of 1 kilolitre capacity for re-use and the balance for detention prior to discharge off-site.

3. 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 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; and
- 4.7** Headings and the provision of a table of contents are for convenience only and do not affect the interpretation of this MCP.