

# Memorandum of common provisions

## Restrictive covenants in a plan

### Section 91A Transfer of Land Act 1958

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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:** The burdened land cannot be used except in accordance with the provisions recorded in this MCP

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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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### Provisions:

#### **1 Savana, Wyndham Vale**

This MCP applies to allotments 1201 - 1266 of PS839245Q (also known as Stage 12 of Savana) approved under Wyndham Planning Permit No. WYP9847/17.

All care has been taken to ensure that this MCP complies with current Building Regulations. However, the owner is responsible for ensuring compliance with all statutory requirements.

In the event that requirements in this document contradict the provisions of the SLHC or ResCode, the SLHC and ResCode will prevail.

Owners, Designers and Builders should review this MCP and the current Design Guidelines in conjunction with the land sales contract.

#### **2 Developer Approval**

The siting and design of homes at Savana is to be approved by The Savana Building and Design Approval Committee (SBDAC). Approval by the SBDAC is required before applying for a building permit for the construction of a new dwelling. Approval by the SBDAC is not a building approval nor does it imply compliance with the building code, Building Regulations or Wyndham Planning Scheme.

The SBDAC also reserves the right to approve applications based on architectural merit.

It is the applicant's responsibility to ensure that plans meet the relevant planning and building requirements, in addition to these design guidelines.

Only a fully scaled set of application documents will be considered. No concept designs will be accepted.

The SBDAC will assess all designs and if they are compliant with the Design Guidelines, provide a letter of approval along with an endorsed copy of the plans and external colour schedule. Applications that substantially comply with the Design Guidelines may be given a letter of approval with conditions requiring the rectification of minor deviations. These deviations may also be noted on the plans. The SBDAC may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the SBDAC will advise the applicant of the reasons of non-compliance and suggest amendments. Applicants will then be required to re-submit amended plans in order to gain approval.

The final decision of all aspects of the Design Guidelines will be at the discretion of the SBDAC.

The SBDAC will endeavour to process applications as quickly as possible, generally within 7 business days of receipt. Once approval is obtained from the SBDAC, an application for a building permit may be lodged with the City of Wyndham or an accredited building surveyor.

#### **3 Medium and High Density Allotments**

This MCP and the design guidelines do not cover integrated development sites that require a separate planning permit. Medium or high density allotments cannot be developed without obtaining a planning permit from Council. Prior to a planning application being lodged with Council for the development of a medium or high density allotment, the plans must be assessed and approved by the SBDAC.

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All allotments with an area of 300m<sup>2</sup> or less are subject to the provisions set out in the SLHC incorporated into the Wyndham Planning Scheme.

### 4 Planning Permit

A planning permit is not required to construct or extend one dwelling on an allotment with an area of 300m<sup>2</sup> or less where the dwelling is constructed in accordance with the SLHC incorporated in the Wyndham Planning Scheme

If a dwelling is to be built outside of the provision in the SLHC, an additional planning permit is required for the proposal prior to obtaining a Building Permit. Before applying for a planning permit approval must be obtained from the SBDAC.

### 5 Covenants

In the event that requirements under the Design Guidelines contradict covenants defined within the Plan of Subdivision or this MCP, the Plan of Subdivision or this MCP will prevail.

### 6 Statutory Obligations

It is the purchaser's responsibility to ensure all submitted documents comply with the Victorian Building Regulations, ResCode and all other planning and authority requirements, along with current Victorian energy rating standards prior to construction.

### 7 Dwellings

Only one dwelling is permitted per property for allotments under 600m<sup>2</sup>.

On an allotment greater than 600m<sup>2</sup>, an additional dwelling may be permitted subject to approval from the SBDAC and City of Wyndham.

No further subdivision is permitted without the approval of the SBDAC.

### 8 Identical Façade Assessment

In order to uphold the integrity of all new homes, two dwellings of the same front facade shall not be built within five contiguous allotment spaces of the original allotment. Provision includes allotments either side, opposite and encompassing other street frontages where applicable.

On allotments less than 300m<sup>2</sup>, two dwellings with identical facades shall not be built within two contiguous allotment spaces of the original allotment. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical facade.

This provision will not apply to integrated housing developments.

### 9 Architectural Characteristics

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Savana.

Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

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Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

### 10 Corner Allotment Characteristics

Dwellings constructed on corner allotments and on allotments that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the SBDAC to determine acceptable corner treatment for each corner allotment submission.

Entries and/or garages facing the secondary street frontage may be considered by the SBDAC where they are located adjoining open space and linear pedestrian open space links.

### 11 Porches and Entries

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

### 12 Dwelling Size

The siting and proportion of the dwelling on the allotment should be a well thought out response to the site.

### 13 Building Heights

Maximum building heights must be in accordance with ResCode requirements and where relevant, the SLHC.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the SBDAC but is not encouraged.

### 14 Roofs

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22° while skillion and accent sections may have a minimum pitch of 16°.

Eaves with a minimum overhang of 450mm must be provided on dwellings to any street face of single storey dwellings and to all faces of double storey dwellings. On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or coloured steel. Other non-reflective materials may be considered for review by the SBDAC.

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### 15 Garages

A lockup garage for two vehicles must be provided on all properties with frontages greater than 10.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for allotments with a street frontage of 10.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.

Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where the garage door is located to the front of a dwelling, the door or opening of any garage must occupy less than 50% of the width of the allotment's street frontage to a maximum of 6.0m.

On two storey dwellings with garages that exceed 40% of the allotment frontage, balconies or windows above the garage are required.

For allotments with areas less than 300m<sup>2</sup>, refer to the SLHC incorporated into the Wyndham Planning Scheme.

Refer to the Streetscape and Siting section for garage setback requirements.

### 16 Small Allotment Setback

Small Allotments setbacks must be in accordance with the SLHC incorporated into the Wyndham Planning Scheme.

### 17 Standard Allotment Setbacks

A standard allotment is an allotment which has an area greater than 300m<sup>2</sup>.

Dwellings on all standard allotments must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with ResCode.

Double storey dwellings must be setback from side boundaries in accordance with ResCode.

Rear setbacks are to be in accordance with ResCode.

These requirements may be varied with the written approval of the SBDAC and the City of Wyndham.

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### 18 Standard Corner Allotment Setbacks

Where applicable, standard corner allotments must comply with the setback requirements listed in Item 17, as well as the following.

Setbacks from the secondary street frontage must comply with ResCode.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the allotment cannot be built over, and the garage may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the allotment boundary but are not permitted adjacent to boundaries abutting public open space.

### 19 Building Envelopes

All dwellings must be constructed in accordance with ResCode and where relevant the SLHC.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the SBDAC.

### 20 Materials

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the SBDAC and City of Wyndham. New building materials based on recycled content is permitted.

Unless otherwise approved by the SBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

### 21 Colour Schemes

A harmonious colour palette consisting of natural, subdued hues which are complimentary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

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### 22 Driveways

There must be only one driveway per allotment, located to align with the crossover. Garages should be sited on the allotment in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stencilled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

### 23 Boundary Fencing

Fencing type will be consistent throughout Savana. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the SBDAC for approval.

In addition to meeting the requirements within Section 23 of this MCP, if an allotment has been identified on the Plan of Subdivision as an allotment where the SLHC applies then all fencing must also be in accordance with the provisions set out in the SLHC.

#### 23.1 Front Fencing

Front fencing is not permitted on corner allotments and allotments fronting Brightvale Boulevard. Front fencing on all other allotments is permitted subject to approval.

Proposed front fences that are up to 1.2m in height and are largely transparent (ie. 50% or more) in construction are preferred. It is expected that any front fences will return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m height which complement the façade of the building will be permitted.

Front fencing on all lots adjacent to and fronting public open space must not exceed 1.2m in height.

#### 23.2 Side and Rear Fencing

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/-50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the SBDAC. Wing fencing must be 1900mm (+/-50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the

rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged. Fencing constructed along the side boundary forward of the dwelling or along the front boundary is not encouraged.

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### 23.3 Side Street Fencing

On an allotment with a side boundary that forms the rear boundary of an adjoining allotment, the side fence on that boundary can continue to the front boundary. On corner allotments, fencing to the secondary street frontage should be setback a minimum of 3.0m from the primary street frontage.

For fencing on boundaries abutting a reserve and on corner allotments, a minimum of 30% of the length of the secondary street frontage must be transparent fencing or be unfenced. All fencing should be consistent with the fencing along the primary street frontage. For the remaining length along the side boundary, a solid fence must not exceed 30% and the remaining side fence must be semi-transparent and must provide a minimum of 25% transparency.

Solid and semi-transparent fencing must be constructed from timber palings to a height of 1900mm ( $\pm 50$ mm). Exposed posts on both sides of the palings are encouraged and palings must be on the external side fronting the street.

### 24 Front Landscaping

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling. Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilising appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 advanced tree (2.0m minimum height).

### 25 Letterboxes

Letterboxes should be designed to match and compliment the dwelling design. Single post supporting letterboxes are discouraged.



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### 26 Liveability Considerations

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of an allotment will determine the best siting of the house on the allotment. A building's orientation plays a large part in achieving the optimum solar access for a home during winter.

Allotments on the north side of a street will have sunny backyards – good for private outdoor living.

Allotments on the south side of a street will have sunny front yards – good for show piece gardens.

Allotments facing east-west will have sunny side yards to the north – these houses should be sited to leave the largest possible outdoor living space along the northern boundary.

Dwellings can become more liveable by taking into account the orientation of rooms and windows, shading of windows and walls, ceiling heights, sustainable building materials, cross flow ventilation, covered open spaces, insulation and water efficient fixtures. Eave design can act as excellent shading devices during warmer months. Implementing these features can also result into substantial financial savings for the home owner.

Double storey homes must respect the privacy of neighbouring dwellings, including potential overshadowing issues that may arise as a result of siting choices. It is the responsibility of applicants with double storey proposals to ensure their design has demonstrated these factors and to receive approval from the relevant authority and/or Building Surveyor prior to construction.

### 27 Solar Heating Panels

Solar heating panels must be located on roof planes preferably not visible from public areas.

The panels should follow the roof pitch.

Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

### 28 Rainwater Tanks

Rainwater storage is encouraged. The rainwater tank and all accessories must not be located in front of the dwelling or be visible from the street and public spaces. The rainwater tank and all accessories must be coloured to match the dwelling.

To help calculate the size of water storage that may be required please contact the Department of Environment and Primary Industries for appropriate storage requirements in relation to the collection area provided.

### 29 Recycled Water

Recycled water will be in use at Savana for toilet flushing and garden usage. All dwellings are required to connect to this service to reduce the consumption of potable water.

### 30 Energy Ratings

It is the applicant's responsibility when building a home to comply with Victoria's energy rating requirements. Dwelling designs should be assessed by a licensed energy rating company, and they in turn will make recommendations regarding insulation and other resource saving measures. Dwellings must achieve the minimum standard as currently legislated.

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### 31 NBN Co.

The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's.

### 32 Sheds

Sheds should be constructed of materials and colours consistent with and complimentary to, the materials used for the dwelling. Coloured Steel and similar products are acceptable materials.

Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view must be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and not exceed a maximum height of 2.5m.

### 33 Pergolas, Patios & Decking

Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the SBDAC for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission.

The SBDAC will assess these on their merits. Please note that later date stand-alone submissions will incur an additional assessment fee.

### 34 Ancillary Items

All external plumbing must be out of public view, with the exception of gutters and downpipes.

Downpipes must not be located on the front façade of the dwelling.

External TV antennae and other aerials must be unobtrusive and located towards the rear of the dwelling.

Satellite dishes will only be approved if out of public view. Clothes lines must not be visible from public areas.

Externally mounted spa equipment attached to side boundary walls of any dwelling must be positioned out of public view, be painted in a colour matching the adjoining wall surface and fitted with noise baffles.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

Metal security shutters are not permitted.

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### 35 Maintenance of the Allotment

Prior to the occupation of a dwelling, the allotment must be maintained by keeping the grass cut, and the allotment free from rubbish. Builder's waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. If any allotments are not maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the allotment owner.

After occupation of the dwelling, front yards must be maintained to an acceptable level.

Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the SBDAC to determine if allotments are being maintained to an acceptable level.

### 36 Commercial Vehicles

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

### 37 Signs

Signs (other than a 'Home for Sale' or a builder's sign) must not be erected without the prior approval of the SBDAC.

'Home for Sale' signs may only be erected after the completion of construction of the dwelling and only with the prior approval of the SBDAC.

Builder's signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign is permitted per dwelling at any one time and these signs must be removed once the property is sold.

The SBDAC reserves the right to access and remove signs that do not comply without providing notice to the allotment owner.

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### 38 Definitions

**Allotment** has the same meaning as in the Building Regulations.

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**SBDAC** means the Savana Building and Design Approval Committee that includes AVID Property Group Nominees Pty Ltd as the developer/owner of Savana Residential Estate.

**Building** has the same meaning as in the Building Regulations.

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993.

**Building Envelope** means an area within each allotment (defined by the particular allotment setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme

**Building Permit** means a building permit in terms of the Building Regulations.

**Corner Allotment** means an allotment with a corner where each boundary connects to a street or public open space.

**Design Guidelines** mean the Design Guidelines which may be amended on occasions at the developer's discretion, subject to Wyndham City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

**Developer** means AVID Property Group Nominees Pty Ltd.

**Dwelling** means a building used as a self-contained residence which must include:

- A kitchen sink;
- Food preparation facilities;
- A bath or shower; and
- A closet pan and wash basin.

It includes out-buildings and works normal to a dwelling.

**Frontage** means the road alignment at the front of an allotment. If an allotment abuts two or more roads, the one to which the building or proposed building faces.

**Front Garden** includes any area between the building line and the front boundary of an allotment and side street boundary or boundary abutting public open space of a corner allotment that is visible from a street.

**Height** has the same meaning as in the Building Regulations.

**On the Boundary** includes a setback of up to 200 millimetres from the allotment/property boundary.

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool.

**Regulations** mean the Building Regulations 2018 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building.

**ResCode** means the residential development provisions incorporated into the Wyndham Planning Scheme and the Building Regulations.

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**Scheme** means the Wyndham Planning Scheme.

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner.

**Setback** means the minimum distance from any allotment boundary to a building.

**Side Boundary** means a boundary of an allotment that runs between and connects the street frontage of the allotment to the rear boundary of the allotment.

**Site Coverage** means the proportion of a site covered by buildings.

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

**Street**, for the purposes of determining setbacks, street means any road other than a footway or carriageway easement.

**Window** has the same meaning as in the Building Code of Australia.

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