

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

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

Provisions:

1. Hillstowe - Officer

This MCP applies to Lots 401 - 437 of PS839251V (also known as Stage 4 of Hillstowe) approved under Cardinia Planning Permit: T130581

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.

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

2. Purpose

To maintain the high amenity standards at Hillstowe and to secure its future lifestyle benefits and investment appeal, all purchasers are required to comply with the Design Guidelines.

The Design Guidelines aim to enhance the visual amenity and urban design quality of Hillstowe, while ensuring that all who build around you are committed to maintaining similarly high standards.

3. Design Review Panel

The Design Review Panel (DRP) has been created to evaluate all proposed home designs within Hillstowe. Purchasers or their selected Builders must submit their house design for review and approval.

The design guidelines may be amended from time to time at the Developer's discretion to reflect changes in design and building trends and/or amendments to legislation affecting building approvals.

Applications will be assessed against (and must comply with) the current version of the design guidelines. The final decision regarding all aspects of the design guidelines will be at the discretion of the DRP and written consent from the Cardinia Shire Council.

The DRP also reserve the right to waive or vary any requirements of the design guidelines

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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.

91ATLA

Page 1 of 7

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

4. The Process

One set of plans and external colour schedule should be submitted via email in PDF format.

Applications should consist of:

1. Application Form
2. Builders Checklist
3. Greenhouse Gas Emissions Reduction Checklist
4. Site Plan (scale 1:200)

Showing boundary setback dimensions, building envelopes, total site coverage and floor areas, site contours, natural ground levels and finish ground level, proposed earthworks and retaining wall, north point, vehicle crossover, driveway, fencing details, ancillary items, any proposed outbuildings.

5. Floor Plans (scale 1:100)

Must indicate key dimensions and window positions.

6. Elevations (scale 1:100)

Must include all 4 elevations and indicate building heights, finished floor to ceiling levels, roof pitch, eaves depth, external finishes, existing ground levels and any excavation, fill and proposed finished ground levels and retaining walls. (Alternatively, the latter can be indicated on a cross section at a minimum scale of 1:100.)

7. External Colour and Material Selection

Including brands, colour names and colour swatches where possible.

Send submissions to:

designapprovalvic@avid.com.au

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

5. Statutory Obligations

It is the responsibility of the purchaser/builder/ Building Surveyor to ensure compliance with any applicable statutory requirements (such as Building Regulations, planning requirements and current Victorian energy rating standards).

Approval from the DRP is not an endorsement that submitted plans comply with such requirements.

6. Allowable Land

No more than one dwelling may be constructed on the lot. Lots are not permitted to be further subdivided.

7. Service Connections

Your home must be connected to all available in ground services according to the service provider's standards.

8. Setbacks

If a building envelope is shown within a restriction on the Plan of Subdivision or within a Memorandum of Common Provisions (MCP), it must be adhered to.

All dwellings, garages and outbuildings must be constructed within the Building Envelope specified within the restriction on the Plan of Subdivision or the relevant Memorandum of Common Provisions (MCP).

Where a building envelope is not specified for a lot, minimum setbacks must be in accordance with ResCode in the most current Building Regulations.

Encroachments into the minimum setback must be in accordance with ResCode in the most current Building Regulations.

9. ResCode

All dwellings must comply with all requirements of ResCode in the most current Building Regulations.

10. Small Lot Housing Code

Lots less than 300m² in size must comply with the requirements of the Officer Small Lot Housing Code. Should a Design Guideline contradict an Officer Small Lot Housing Code requirement, the Officer Small Lot Housing Code will take precedence.

11. Sustainability

Hillstowe is being designed and built to meet the Urban Development Institute of Australia's 'EnviroDevelopment' certification. This provides independent verification of Hillstowe's sustainability performance, which includes the performance of homes built in the Hillstowe community.

Each home is strongly recommended to achieve a minimum 7-star National House Energy Rating Scheme (NatHERS) Rating, by using NatHERS accredited software tools such as AccuRate, B.E.R.S or FirstRat5.

Refer to www.nathers.gov.au for more details.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

12. Identical Façades

Two dwellings with the same front facade must not be built within three house lots. This includes lots either side, opposite and encompassing other street frontages, where applicable.

13. Ceiling Heights

Ceiling heights to the ground floor of double storeys and all single storey homes must be a minimum 2590mm.

14. Façade Features

To create interest and give your facade unique character, your facade must be articulated and include the following features:

- Entries must project from the main building line;
- Entries must have a minimum 1.5m depth and a minimum 1.6m width;
- One habitable room window to the facade.

15. External Materials

External walls of your home must be constructed from a combination of materials. A minimum of two materials is required and both materials must equate to a minimum 30% each unless:

- the home is solely finished in a rendered material, then the facade must have a minimum of two colours with both equating to a minimum of 30%.

Materials used on the facade must return a minimum 3m to non-corner lots.

Lightweight infill is not permitted above windows and doors visible to the public. The material used above windows and doors is required to match the adjoining surface.

16. External Colours

External colours must be of muted tones that complement the surrounds. Colours should be from the lighter end of the spectrum with darker tones as a contrast to assist with articulation.

17. Roofing

Skillion, Gable or Pitched roof forms are encouraged to add visual interest to the streetscape. Flat roofs with parapets, and curved will be reviewed on architectural merit.

Where a pitched roof is provided the roof pitch must be a minimum 22°.

A minimum 450mm eaves must be provided to the roof where visible to the public and the entire roof line on double storey's.

Eaves must return a minimum 3m on non-corner lots and must return the entire roof line on secondary frontage lots.

Where there is a parapet wall eaves are not required to that section of roof line.

Roofing materials must be of low-reflectivity.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

18. Corner and Reserve Treatment

Elevations that face a side street or reserve must address the secondary frontage through the use of windows that match the primary facade, articulation including similar features used on the facade and continuous material.

Where a wall exceeds 10m in length on a secondary frontage, the wall must step in a minimum 300mm for a minimum 1m in length or a contrasting material or colour for a minimum of 2m in length.

At least one habitable room window must be forward of the side boundary fence and where the dwelling is a double storey. One habitable room window on each level must be provided.

At least 50% of the rooms to the side street or reserve must have windows facing that boundary.

Blank walls for its entire secondary frontage or reserve are not permitted.

Treatment is required to continue until the return fence on that boundary.

Meter boxes should (where possible) be located on the opposite side on the secondary frontage or reserve.

In the instant where the meter box cannot be located on the opposite side it must be colour coordinated to the wall it is attached to.

19. Vehicle Accommodation

All homes must have a garage which is incorporated into the dwelling roof line.

The garage must be setback a minimum 5m from the frontage and a minimum 840mm behind the main building line.

The garage door must be sectional or panel lift. Roller doors are not permitted where visible to the public.

Carports are not permitted.

Lots over 12.5m wide:

For single storey dwellings, garage openings must be no more than 40% of the width of the lot frontage. In the case of a double storey dwelling, a garage opening must not exceed 25% of the area of the front façade of the dwelling.

Lots less than 12.5m wide:

Single storey dwellings are restricted to single garages. In the case of a double storey dwelling, a garage opening must not exceed 25% of the area of the front facade of the dwelling.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

20. Driveways

Each lot must have only one driveway unless it is a corner lot in which two crossovers may be permitted with consent from the responsible authority.

The driveway must not exceed 4m in width of the crossover except where they form part of the turning or reversing area required for access to/from a garage.

Driveways must be finished in Exposed Aggregate, Concrete Pavers or Colour Through Concrete.

Coloured concrete must complement the facade of your home. Plain coloured concrete, painted concrete or gravel driveways are not permitted.

Driveways must be fully constructed prior to the Certificate of Occupancy being issued.

A landscaping strip between the driveway and closest side boundary must be provided to a minimum 500mm, except where the crossover is a double crossover.

21. Fencing

Front fencing is not permitted.

Side and rear fencing must be constructed of 1.9m high timber palings and finish a minimum 2m behind the main building line.

Corner and reserve fencing must be constructed of 1.9m high timber palings with exposed posts and capping and must not exceed 50% of the length of the lot.

The remaining fence must not exceed 1m in height and must be 20% transparent and finish 4m behind the main building line.

Gates must be setback a minimum 1m from the boundary.

22. Outbuilding, Utilities and Facilities

Sheds must not exceed:

- 15m² or
- have a height to the ridge line of 3.6m

Sheds must not be visible to the public.

Bin storage areas, drying areas, air conditioning units, caravans, trailers and boats must not be visible to the public and solar hot water systems, satellite dishes,

TV antennae's where placed on the roof should be at the rear and below the ridge line.

Where a rainwater tank is visible to the public, it must be incorporated well into the design or appropriately screened.

Outbuildings including but not limited to pergolas and verandahs must be approved by the Hillstowe DRP and be sited within the applicable building envelope.

Colours and materials of the outbuildings must complement the dwelling.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

23. Landscaping and Site Works

Any retaining structures required for your home construction or landscaping visible to the public must not exceed 1.2m in height and must be constructed from suitable materials that complement the dwelling.

Retaining walls constructed by the Developer are not permitted to be altered or removed.

Unpainted timber panels/boards are not permitted unless they are of a high architectural quality such as recycled sleepers.

Unfinished concrete walls/blocks are prohibited.

Side fencing constructed on top of a retaining wall may not exceed a combined height of 2.9m.

Where cutting and filling is greater than 1m, the utilisation of planted and landscaped embankments (maximum 1:3 ratio) must be constructed.

Landscaping to your front yard should consist of local indigenous plants, hard surfaces should be kept to a minimum.

If a canopy tree is included within your front yard, the canopy tree should have a maximum height and diameter at full maturity of 6m and must be planted a minimum 3m away from your home.

Further details on approved planting species can be found at:

www.cardinia.vic.gov.au/indigenousplantguide

Letterboxes with street numbering must be installed prior to occupation and comply with the Australian Postal Standards. A letterbox on a single post will not be permitted.

Roller shutters are not permitted where visible to the public.