

B 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 PS839338H

Benefited land: As set out in PS839338H

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

Expiry: 31/12/2026

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.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

Provisions

1. Bloomdale, Diggers Rest

These Design Guidelines apply to residential lots 3301 to 3341 on Plan of Subdivision PS839338H (also known as Stage 33 of Bloomdale Estate) approved under Melton Planning Permit No. PA2017/5553.

These Design Guidelines have been prepared to assist Land or Homeowners, Designers and Builders by guiding the design of the built environment within Bloomdale. These Design Guidelines present a series of measures designed to protect the design integrity of Bloomdale and ensure a high standard of innovative, contemporary and environmentally compatible design that will support the value of the investment in your home.

The Design Guidelines will also support the creation of the character of the neighbourhood, and to achieve an appropriate level of quality for housing and streetscape development at Bloomdale.

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

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Land or Homeowner is responsible for ensuring compliance with all statutory requirements.

Land or Homeowners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

2. Developer Approval

The siting and design of homes at Bloomdale is to be approved by The Bloomdale Building and Design Approval Committee (BBDAC). Approval by the BBDAC is required before applying for a building permit for the construction of a new dwelling.

Approval by the BBDAC is not a building approval nor does it imply compliance with the building code, building regulations or the Melton Planning Scheme.

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

It is the applicant's responsibility to ensure 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 BBDAC 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 BBDAC may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the BBDAC 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 BBDAC. The BBDAC will endeavour to process applications as quickly as possible, generally within 7 business days of receipt. Once approval is obtained an application for a building permit may be lodged with the City of Melton or an accredited building surveyor. Applications submitted to the BBDAC for approval, must be emailed to: designapprovalvic@avid.com.au.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

3. Medium and High Density Lots

The requirement contained in the design guidelines do not cover integrated development sites which require a separate planning permit from Council. Prior to a planning application being lodged with Council for the development of a medium or high density lot, the plans must be assessed and approved by the BBDAC.

4. Planning Permit

A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m² where:

- the lot is identified as a lot where the provisions of the Small Lot Housing Code apply, via a restriction on title;
- the dwelling is constructed or extended in compliance with the building envelope.

Lots with an area of 300m² or less which do not comply with the building envelope defined in the Small Lot Housing Code, or other any requirements of the Small Lot Housing Code are required to obtain a planning permit from Melton City Council prior to obtaining a Building Permit. These lots must also comply with the relevant requirements of these design guidelines and obtain approval from the BBDAC before applying for a Planning Permit.

For information on how to apply for a Planning Permit, please refer to the Council's website (www.melton.vic.gov.au) or contact the Council's Planning Department on 9747 7200.

5. Covenants

In the event that requirements under the Design Guidelines (endorsed under the planning permit) 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 Code, 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 lots under 600m².

On a lot greater than 600m², an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons' unit on lots greater than 600m²;
- (b) Corner lots and
- (c) Lots identified as integrated housing sites.

No further subdivision is permitted without the written approval of the BBDAC.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

8. Identical Façade Assessment

In order to uphold the integrity of all new homes, two dwellings with identical facades must not be built within five contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

On lots less than 300m², two dwellings with identical façades must not be built within two contiguous lot spaces of the original lot. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical façade.

This provision does not apply to integrated housing development sites.

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 Bloomdale.

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.

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

10. Corner Lot Characteristics

Dwellings constructed on corner blocks and on lots which 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.

In addition to incorporating a habitable room window of a similar proportion as the front of the dwelling, one or more of the following building elements must be incorporated into the design and wrap around from the front to the side as a corner feature:

- Verandah, pergola or balcony;
- Articulated feature walls;
- Roof feature;
- Materials used on the front façade continuing around the secondary street frontage to the length of 3m or one room (whichever is greater);

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

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

Lots with side abuttal to a linear reserve will be classified as a corner lot and the requirements set out above will apply.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

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 edge of the façade. 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 lot should be a well thought out response to the site.

13. Building Heights

Maximum building heights must be in accordance with Rescode requirements.

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 BBDAC but is not encouraged.

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.

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 degrees while skillion roofs and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- all faces of the dwelling (for 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 Colorbond. Other non-reflective materials may be considered for review by the BBDAC.

15. Garages

A lockup garage for two vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m 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 located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

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

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

For lots with frontages less than 8.5m, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to provisions 17, 18 and 19 for garage setback requirements.

16. Building Envelopes

If a building envelope is shown on a plan of subdivision or within a Memorandum of Common Provisions, it must be adhered to.

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

17. Small Lot Setbacks

Small Lots are lots with an area less than 300m².

The setbacks for all dwellings garages and encroachments into setbacks must be in accordance with Small Lot House Code.

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

On corner lots, garages may face the secondary street frontage, however, the secondary façade must demonstrate articulation.

18. Standard Lot Setbacks

Standard lots are lots that are greater than 300sqm in area.

All dwellings on standard lots 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.

Garages located on the main street frontage must be setback a minimum 4.9 metres from the front boundary and a minimum of 560mm behind the main façade of the dwelling.

Double-storey homes which incorporate a minimum width 1.5m covered verandah/ balcony to the first floor for at least 40% of the home width do not require the setback between the front wall and garage.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

Double-storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

All other setbacks must be in accordance with Rescode and/or any other governing authority requirements.

Eaves, fascias, gutters, chimneys, flue pipes, water tanks and heating or cooling or other services may encroach no more than 0.5m into the setback around the whole dwelling excluding garage walls on the boundary.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

19. Standard Corner Lot Setbacks

Where applicable, standard corner lots must comply with the setback requirements listed in Item 18, as well as the following.

The setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

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 lot cannot be built over, and the garage may have to be setback from the rear boundary to accommodate the easement.

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.

A combination of complementary materials and colours must be used to all walls facing a street or park – with a minimum of two and up to a maximum of four materials used to compose these facades.

The material at the front of the dwelling must wrap around a minimum of 840mm to the side where the dwelling is not built to the boundary.

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 BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, 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.

Infill and lightweight panels may be permitted above garage openings if finished as a rendered surface to match with the adjoining garage wall.

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 all relevant information is provided when applying for design approval.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

22. Driveways

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. Driveways shall not exceed 3.5 metres in width at the street crossover.

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 Bloomdale. 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 BBDAC for approval.

23.1 Front Fencing

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (i.e. 50% or more) in construction. The proposed front fences must return along the side boundary and extend to meet the side fence. Low masonry walls not exceeding 0.9m in height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.

23.2 Side and Rear Fencing

All side and rear boundary fencing must be constructed from timber palings, to a height of 1800mm.

Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence which returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1800mm (+/-50mm) in height with timber capping and posts exposed to the street.

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 the garage. Side gates must be timber or have a timber look finish and must appear harmonious with the dwelling and landscape materials. Side gates must not be wider than 2.6m.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

23.3 Side Street Fencing

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve, facing a street and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1800mm (+/-50mm). The fencing must have exposed posts on both sides of the palings and the palings must be on the external side fronting the street and timber capping is required.

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 utilizing 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 one mature tree (2.0m minimum height).

25. Retaining Walls

Retaining walls should not exceed 600mm in height.

Where a level change exceeds 600mm, two or more retaining walls separated by garden bed must be provided.

Retaining walls should be designed to have an appearance, colours and textures that are sympathetic with that of the house and landscaping. They must be made of durable materials that are fit for purposes.

26. Letterboxes

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

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

27. Liveability Considerations

Applicants are encouraged to submit designs which are environmentally responsible.

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

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

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

Lots facing east-west will have sunny side yards – 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 homeowner.

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.

28. 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.

29. Rainwater Tanks

To conserve water resources, improve and protect the environment and to ensure Bloomdale is a liveable community, the installation of a rainwater storage tank is a mandatory requirement for all Standard Lots with an area of 300m² or greater. Rainwater storage tanks on Small Lots (less than 300m²) are encouraged but not mandatory. The owner of a Standard Lot must not build, or seek a permit to build a dwelling, garage or carport unless the roof drainage system is connected to an on-site rainwater storage tank.

A rainwater tank installed on a Standard Lot, must comply with the following requirements:

- Lots with an area of 300 - 399m², the tank must have a minimum 1,000 litre storage capacity, or
- Lots with an area of 400 - 499m², the tank must have a minimum 2,000 litre storage capacity, or
- Lots with an area greater than or equal to 500m², the tank must have a minimum 3,000 litre storage capacity.
- All tanks and accessories must not be located in front of the dwelling or be visible from the street and public spaces.
- All tanks and accessories must be coloured to match the dwelling.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

30. Energy Ratings

It is the applicants' 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.

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.

For more information, please refer to www.nbnco.com.au.

32. Sheds

The colours and materials selected for sheds should be consistent with and complementary to, the materials used for the dwelling. Colorbond® 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 should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m² and must 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 BBDAC 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 BBDAC will assess structures/applications 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.

Window screening located on a dwellings primary or secondary frontage will not be approved. Security screens on the front entry door must be contemporary in style and compliment the façade colours. Diamond style security screens, or similar will not be permitted.

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

35. Maintenance of the Lot

Prior to the occupation of a dwelling, the lot must be maintained by keeping the grass cut, and the lot free from rubbish. Builders' waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. Should lots not be 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 lot 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 BBDAC to determine if lots 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

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

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

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

38. Definitions

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

BBDAC means The Bloomdale Building and Design Approval Committee that includes AVID PROPERTY GROUP NOMINEES PTY LTD as the developer/owner of Bloomdale Residential Estate.

Building has the same meaning as in the Building Act.

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

Building Envelope Plan means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision.

Building Permit means a building permit in terms of the Building Act.

Corner Lot means a lot with a corner where each boundary connects to a street or public open space.

Design Guidelines Design Guidelines mean the building design guidelines endorsed under Permit No. PA2017/5553 which may be amended from time to time.

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 a lot. If a lot 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 a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street.

Height has the same meaning as in the Building Regulations.

Integrated Site is a site which is a development area that ensures pedestrian connectivity and uniform built form character, and requires development consent from Melton City Council;

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

On the Boundary means on the boundary or a setback of up to 200 millimetres from the lot/property boundary;

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

Regular Lots are lots where the front boundary dimension is the same as the rear boundary dimension.

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

Memorandum of common provisions

Section 91A Transfer of Land Act 1958

Scheme means the Melton 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 lot boundary to a building.

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.

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

Small Lots are lots with an area less than 300m².

Standard Lots are lots with an area greater than 300m².

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 National Construction Code of Australia.