

Part 2

The statutory framework for building envelopes

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1 Planning scheme provisions

Residential development provisions are set out in clauses 54, 55 and 56 of all Victorian planning schemes. These clauses apply to the following categories of residential development:

- Clause 54 One dwelling on a lot
- Clause 55 Two or more dwellings on a lot and residential buildings
- Clause 56 Residential subdivision

The provisions of these clauses contain:

- **Objectives:** An objective describes the desired outcome to be achieved in the completed subdivision.
- **Standards:** A standard contains the requirements to meet the objective.
- **Decision guidelines:** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Within clause 56 'Residential Subdivision' standard C21 of clause 56.06-4 sets out the requirements for building envelopes applying to residential subdivisions.

Clause 56.06-4 sets out the objective and standard for lot area and dimensions for new lots created in residential subdivisions. The objective of this clause is:

To provide lots with area and dimensions to enable the appropriate siting and construction of a dwelling, private open space and vehicle access and parking.

Standard C21 sets out requirements for lot area and dimensions, and for applying building envelopes. This standard facilitates improved scrutiny and more flexibility in the creation of building envelopes through the subdivision planning permit process. This standard provides that:

- Building envelopes should be applied to lot between 300 square metres and 500 square metres in area.
- Building envelopes may be applied to lots greater than 500 square metres in area.
- Building envelopes may incorporate any relevant siting and design requirements of the clause 54 standards.
- Building envelopes should meet the relevant standards of clause 54.
- Building envelopes may meet the relevant objectives of clause 54, rather than meeting the relevant prescribed standards of clause 54.
- Where a building envelope is designed to meet the objectives of the relevant standards (rather than the standards), the building envelope should be shown as a restriction on a plan of

subdivision registered under the *Subdivision Act 1988*, or be specified as a covenant in an agreement under section 173 of the *Planning and Environment Act 1987*.

- Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not part of the same agreement relating to the relevant building envelope, the building envelope must meet standards A10 (Side and rear setbacks) and A11 (Walls on boundaries) of clause 54 in relation to the adjoining lot, but must not regulate siting matters covered by standards A12 to A15 (inclusive) of clause 54.

Reference should be made to the Victoria Planning Provisions (VPPs) or the relevant planning scheme for the specific wording of the Clause 56 provisions relating to building envelopes.

2 Building Regulation provisions

Part 4 of the Building Regulations 1994 (the Regulations) regulates the siting of buildings. Division 2 of Part 4 of the Regulations regulates the siting and design of single Class 1 buildings and associated Class 10a buildings. Refer to the Building Code of Australia for information on Class 1 and Class 10a buildings. These regulations generally provide that where a design does not comply with a regulation the consent and report of the relevant council must be obtained.

Part 4.2A of the Regulations provides that where an ‘*approved building envelope*’ applies to an allotment, the consent and report of the relevant council is not required where a design does not comply with a regulation if the design of the building complies with the building envelope.

The term ‘approved building envelope’, as defined for the purposes of this regulation, requires a building envelope:

- to be in a planning permit for subdivision; and
- to be in an agreement under section 173 of the Planning and Environment Act 1987; or
- to be shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988; and
- the agreement or restriction to be registered on the title of the land.

The exemption from the requirement to obtain the consent and report of the relevant council does not apply where an adjoining allotment is not subject to the same agreement or is not shown on the same certified plan or subdivision.

Reference should be made to the Building Regulations 1994 for the specific wording of the regulations relating to building envelopes.

3 Creation of building envelopes

Many methods used to date to create building envelopes result in the envelopes not being given effect by the Building Regulations. To facilitate the recognition of building envelopes by the Building Regulations for single dwelling developments, building envelopes should be created in accordance with the planning scheme and building regulation requirements.

The key elements of building envelopes recognised under the Building Regulations are:

- documented design parameters that deal with a siting matter/s regulated by Part 4 of the Regulations;
- they are in a planning permit for subdivision issued on or after 1 July 1994; and
- in an agreement under section 173 of the *Planning and Environment Act 1987*; or
- shown as a restriction on a plan of subdivision registered under the *Subdivision Act 1988*; and
- the agreement or restriction is registered on the title of the land.

Building envelopes that are intended to be recognised by the Building Regulations should therefore be created in accordance with these criteria.

The key components for the creation of building envelopes are:

- the **planning permit** for subdivision;
- the **plan of subdivision**;
- the **agreement** under section 173 of the *Planning and Environment Act 1987*; or
- the **restriction** on the plan of subdivision; and
- the **title** of the land.

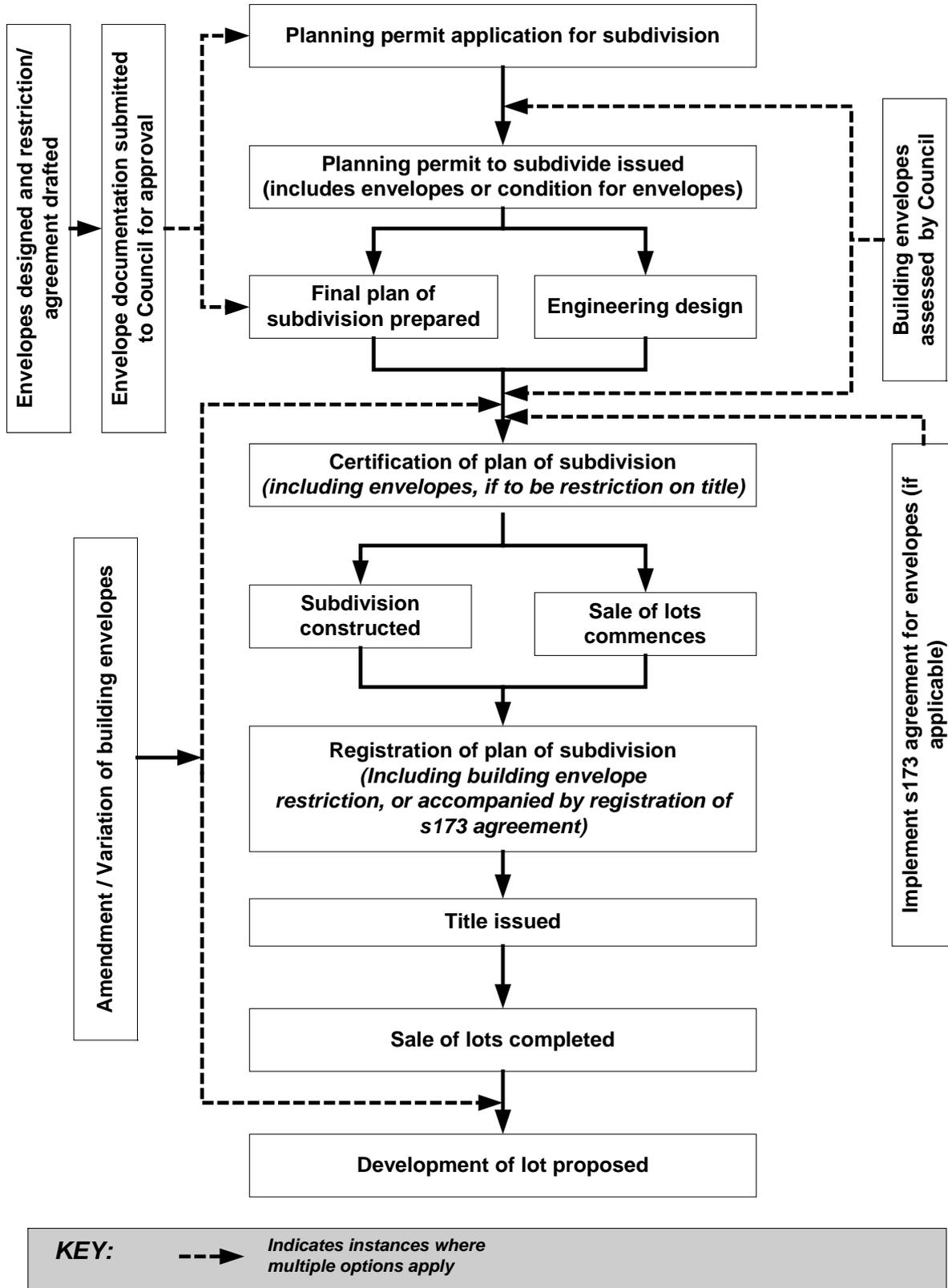
The recommended approach to each of these components, to ensure that building envelopes conform to the definition of ‘approved building envelope’ for the purposes of the Building Regulations, is set out in the following information.

The following diagram sets out the general process in the creation of building envelopes. The chart is indicative of the general steps in the process, and is not intended to reflect all possible combinations within the overall process.

Please note:

The following information is not a comprehensive summary of the planning permit and land subdivision processes in general, but rather information relevant to the creation of building envelopes as part of these processes. The information assumes an understanding of the planning permit and land subdivision processes.

PROCESS FOR CREATING BUILDING ENVELOPES



3.1 Planning permit process

Planning permit application

The planning permit for subdivision should include building envelopes that are to apply to the allotments being created, or make provision for envelopes to be submitted and approved before certification of the plan of subdivision. To ensure that building envelopes form part of the planning permit for subdivision, the planning permit application documentation should include:

- Reference to the building envelopes in the description of the matter applied for on the planning permit application form.
- Plans / diagrams / written descriptions proposing the envelopes for all lots to be affected by a building envelope.

Planning permit application assessment

The proposed building envelopes should be assessed as part of the planning permit application assessment. Standard C21 of clause 56.06-4 of all Victorian planning schemes sets out the parameters for the assessment of building envelopes.

Planning permits

To ensure that building envelopes form part of the planning permit for subdivision, the planning permit should include:

- Reference to the building envelopes in the description of what the permit allows on the planning permit.
- Plans / diagrams / written descriptions setting out the building envelopes for all lots to be affected by a building envelope endorsed as part of the planning permit.
- Permit conditions (as appropriate) regarding the building envelopes, including provision for envelopes to be submitted and endorsed if they are not with the plan of subdivision.

If the planning permit for the subdivision does not accommodate the building envelopes, it could be difficult to amend the permit at a future date to include them, particularly if the land has been subdivided in accordance with the planning permit and sold.

Planning permit conditions

A range of planning permit conditions may be required to be included in the planning permit for subdivision to support the creation and operation of the building envelopes. This range includes planning permit conditions that address the following matters (as appropriate):

- Provision for the building envelopes to be endorsed by Council once the detailed subdivision design has been completed. If the building envelopes are not written into or endorsed as part of the planning permit they will not conform with the definition of an approved envelope for the purposes of the Building Regulations 1994
- Provision for building envelope documentation to be submitted in stages coinciding with the staged development of the subdivision, if applicable

- Specification of particular requirements that must form part of the building envelopes, such as a sunset clause.
- A requirement that the envelopes be specified as a covenant in an agreement under section 173 of the Planning and Environment Act 1987; or shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, and that the section 173 agreement or the restriction be registered on the title of the applicable new lots created by the subdivision.

The publication *Writing Planning Permits* (Department of Sustainability and Environment and Municipal Association of Victoria, June 2003) contains a general guide to writing planning permit conditions, including for subdivisions.

Endorsement of planning permit plans

Plans / diagrams / written descriptions setting out the building envelopes for all lots to be affected by a building envelope should be endorsed as part of the planning permit.

Where plans / diagrams / written descriptions setting out the building envelopes are required to be prepared or have to be revised before Council certifies the subdivision, the building envelope documentation will need to be submitted or re-submitted for assessment and endorsement under the planning permit.

3.2 Process for plans of subdivision

Plans of Subdivision must be prepared in accordance with the *Subdivision Act 1988*.

Certification of plans of subdivision

Plans of Subdivision must be duly certified by a responsible municipality. A council will certify a plan if the matters specified under the *Subdivision Act 1988* are met. These matters include whether the plan complies with the requirements of the planning scheme and any permit that relates to the boundaries of roads, lots, common property and reserves and the form and content of the plan.

If a planning permit requires that building envelopes are part of the plan of subdivision of the land this requirement will need to be met to enable the council to certify the plan of subdivision.

Where a restriction is to be included on a plan of subdivision, this restriction must be noted on the plan of subdivision that is to be certified by the responsible municipality. Therefore, if it is intended that building envelopes be applied to new lots as part of the subdivision of land, and the building envelopes are to be created as a restriction on the plan of subdivision, this restriction must be included on the plan of subdivision that is certified by the council. This will necessitate the assessment and approval of the building envelopes prior to or concurrently with the certification of the plan of subdivision.

Registration of plans of subdivision

A plan of subdivision must be registered by the Registrar of Titles for a title to be created for land. The *Subdivision Act 1988* sets out the requirements for the registration of a plan of subdivision. Any plan of subdivision lodged with the Registrar of Titles for registration needs to be certified by the council and will require the presentation of a correct Statement of Compliance from the municipality prior to registration being effected.

3.3 Restrictions on plans of subdivision

Restrictions on a plan of subdivision may be applied under the provisions of the *Subdivision Act 1988*. The term ‘restriction’ is defined in the Subdivision Act as “*a restrictive covenant or a restriction which can be registered or recorded in the Register under the **Transfer of Land Act 1988***”.

The standard format of the plan of subdivision includes a section for restrictions applying to the land to be listed. If it is intended that building envelopes are to be applied via a restriction on the plan of subdivision, this restriction must be included in the appropriate section on the plan of subdivision that is certified by the council. The land surveyor who prepares the plan of subdivision will need to include such a restriction on the plan of subdivision. It is important for the land subdivider or land owner to ensure that the land surveyor is properly informed of any restrictions that are to be included on the plan of subdivision.

Where building envelopes are to be created by a restriction on a plan of subdivision, the building envelopes must be assessed and approved prior to or concurrently with the certification of the plan of subdivision, so as to enable the building envelopes to be included as a restriction on the plan of subdivision.

Restrictions on plans of subdivision must be ‘negative’ in their effect. They cannot require the land owner to take ‘positive’ action. A negatively worded restriction may not necessarily be negative in effect, if it requires the landowner to take some action. Where building envelopes are created via a restriction on a plan of subdivision, the substance of the restrictions in the envelope must be negative.

It is recommended that appropriate legal advice be sought in the preparation and execution of the restriction, including checking that the building envelope restrictions will be negative in their effect.

A licensed land surveyor can provide the necessary information about applying restrictions as part of the plan of subdivision registration process.

Memoranda of common provisions

A memorandum of common provisions (MCP) is a document lodged with the Registrar of Titles that is given a dealing number and can then be referred to in one or a number of restrictions on land titles. Putting provisions that are common to a number of restrictions in an MCP saves space in the documentation of each title and can streamline the process of drawing up numerous similar restrictions.

A number of aspects of building envelopes that are common across subdivisions could be put into memoranda of common provisions and then referred to in each restriction. These matters could include:

- Common definitions and encroachments
- Reference documents
- Common profiles of envelopes.

It is important for any memoranda that will be referred to in a restriction on a plan of subdivision to be endorsed by Council as part of the building envelope documentation endorsed under the planning permit for subdivision.

3.4 Section 173 agreements

Section 173 of the *Planning and Environment Act 1987* provides a mechanism for a responsible authority (usually the municipal council) to enter into an agreement with an owner (or purchaser) of land. Agreements made under this section are commonly referred to as 'Section 173 Agreements'. Section 173 Agreements can provide for a range of matters, including:

- The prohibition, restriction or regulation of the use or development of the land; and
- The conditions subject to which the land may be used or developed for specified purposes.

This scope provides for Section 173 agreements to restrict or specify the conditions for the development of land through the application of building envelopes.

A section 173 agreement can include 'positive' measures, rather than only 'negative' restrictions.

Further information regarding Section 173 Agreements is contained within the document '*Using Victoria's Planning System*' (Department of Infrastructure, June 2001).

Before agreements are registered, they should be checked to ensure:

- The responsible authority, registered proprietors and the title details of the land are clearly shown
- The requirements are clearly and unambiguously stated
- It is clear when the agreement begins and ends.

After execution of the agreement by all parties the responsible authority may apply to the Registrar of Titles to register the agreement under the *Transfer of Land Act 1958*.

The agreement must be registered if the building envelopes are to be recognised through the building permit application process.

There are charges related to registration of the agreement on the title or titles and for a search of the title to confirm the registered proprietor. The responsible authority may wish to recover from the land owner reasonable costs it incurs in preparing and registering the agreement.

A Section 173 agreement is a legal agreement. It is therefore recommended that appropriate legal advice be sought in the preparation and execution of the agreement.

3.5 Land titles

To ensure that building envelopes conform to the definition of 'approved building envelope' for the purposes of the Building Regulations, either:

- the agreement under section 173 of the *Planning and Environment Act 1987*; or
- the restriction on the plan of subdivision registered under the *Subdivision Act 1988*;

whichever is applicable, must be registered on the title for the land (the new lots created by the subdivision).

3.6 Staged subdivisions and edge lots

Larger subdivisions may be developed in various stages that are then certified and registered at different times. If adjoining lots with envelopes are in the same subdivision but in different agreements or restrictions, they must be treated as 'edge' lots. That is, the building envelopes must be drawn up so that the Building Regulations will apply where they interface with adjoining lots registered under a different agreement or restriction.

The effect of having a number of adjoining lots within a staged subdivision in different agreements or restrictions can be reduced by:

- Using roads or public open space to separate lots that will be in different agreements or restrictions
- Combining lots to be created in several stages into the one agreement or restriction

Designing the building envelopes for adjoining lots that are not part of the same agreement or restriction so that each building can meet the Building Regulations in relation to their shared boundary.

4 Adding or amending building envelopes

The way in which building envelopes must be created so as to be recognised as approved building envelopes for the purposes of the Building Regulations 1994 affects the way in which these building envelopes may be amended.

For building envelopes to be approved under the Building Regulations, they must be “in” the planning permit for subdivision. If building envelopes are to be put on lots, it is important to provide for them in the planning permit. Building envelopes may be included in planning permits through conditions within the planning permit and plans endorsed as part of the planning permit.

Depending on what stage has been reached in the process of creating a building envelope, adding or changing an envelope may require documentation to be amended in:

- The planning permit for subdivision, and
- The plan of subdivision, and
- The agreement under s.173 of the P&E Act 1987, or the restriction on the plan of subdivision which is registered on title.

The Planning and Environment Act 1987 provides for the responsible authority to:

- Under s.62(3), approve an amendment to any plans, drawings or other documents approved under a planning permit, in prescribed circumstances
- Under s.73, amend a planning permit, in prescribed circumstances.

Reference should be made to the Act for the specific provisions relating to the amendment of planning permits and the specific circumstances in which a responsible authority may amend a permit or plans/drawings/documents approved under a permit.

4.1 Amending building envelopes before registration on title

The process for adding or amending envelopes before the subdivision plan is certified and proceeds to registration of the new titles will depend on what was provided for in the planning permit for subdivision. This is illustrated in the following scenarios.

Scenario 1: Planning permit includes approved building envelopes

The planning permit and the building envelopes in the permit have been approved, but a change is needed to an envelope before certification of the plans.

In this situation, Council can be asked to approve a change to the building envelope under s.62(3) or s.73 of the *Planning and Environment Act 1987*.

Scenario 2: Planning permit is approved but building envelopes need amendment

Building envelopes have been submitted with the application to subdivide, but Council considers the envelopes will need to be changed before the subdivision is certified.

In this case, Council could issue a permit to subdivide, with a condition to the effect that amended building envelope plans/diagrams/notations be submitted to Council for approval and endorsement before certification of the subdivision. The condition can specify particular design and siting features that must be shown for the building envelopes to be approved.

Scenario 3: Planning permit is approved with building envelopes to be submitted

In this situation, building envelopes are not submitted with the planning permit application, but the subdivider supports or council requires building envelopes to be prepared before certification of subdivision.

Council can issue a permit subject to a condition requiring building envelopes to be prepared. The building envelopes can then be finalised after the subdivision permit is granted, and submitted and then approved and endorsed by Council before certification of the plan of subdivision.

This will be a common situation, as building envelopes might need to be drawn up in conjunction with finalising the engineering designs, after the planning permit is granted. The conditions on the planning permit should include provision:

- for building envelopes to be submitted and approved at or before the date of certification of the subdivision, and
- that, when endorsed, the envelopes form part of the permit, and
- that dwellings built on affected lots must conform with the building envelopes.

Scenario 4: The planning permit does not contain provision for building envelopes

This situation envisages adding envelopes to a planning permit rather than amending them. It is decided after a planning permit for subdivision has been granted and subdivision plans approved under the permit, but before plans are certified, or after certification but before lodgement for registration, that building envelopes should apply. Building envelopes have not been approved as part of the subdivision permit or required through a condition on the permit.

The planning permit would need to be amended, by one of the following methods:

- The responsible authority amending the permit (see s.73 of the P&E Act) and then amending plans, drawings or other documents approved under the permit if the amendment is consistent with the permit (see s.62(3) of the P&E Act), or.
- VCAT amending the permit (see s. 87(1) of the P&E Act).

If already certified, the plans will need to be re-certified by Council before proceeding to registration.

The permit change would have to meet the relevant tests, depending on the process used. The change would need to amend the permit and the plans to include the building envelopes (or a condition that envelopes be approved before certification) and also a condition requiring a s.173 agreement or restriction on title.

There are also circumstances when the Minister for Planning can amend a planning permit after a call-in or referral, but this would be unlikely in the case of an amendment to a building envelope in a subdivision permit.

4.2 Amending building envelopes after registration on title

The process for amending envelopes after they have been registered on the title of the land, either as a restriction or through a s.173 agreement, involves a number of steps. These steps are outlined in the diagram at the end of this section. The process needs to incorporate amendments to the planning permit and to the s.173 agreement or restriction if the building envelope is to be subsequently recognised as an approved envelope in the Building Regulations.

4.2.1 Amending section 173 agreements

Section 173 agreements are made under the Planning and Environment Act. Section 181 provides for the responsible authority (usually the Council) to register the agreement, so that the burden of any covenant in the agreement runs with the land affected. The agreement may be enforced by the responsible authority against any subsequent owners, and any person can seek an enforcement order against a person who does not comply with the agreement. It is therefore important not to depart from an envelope in an agreement unless the agreement has been amended.

If the building envelopes have been created by a s.173 agreement and the agreement has been registered, the agreement and the registration of the agreement will need to be amended where an envelope is to be amended. Section 178 of the P&E Act provides for amendment of s.173 agreements.

An agreement may be amended by agreement between the responsible authority and ‘all the persons who are bound by any covenant in the agreement. Ministerial consent is also needed.

It is thus advisable to prepare agreements carefully so that they avoid the need for variations after the land has been subdivided and sold off. The requirement that all the persons bound by any covenant in a s.173 agreement agree to amend the agreement could make the amendment process complex if the new lots created by the land subdivision have been sold.

To ensure that an amended envelope will continue to be recognised as an approved building envelope in the Building Regulations (that is, that it is “in” the permit), the envelopes should also be amended in the planning permit for subdivision. The Council could amend the envelopes under the subdivision planning permit before or at the same time as agreeing to alter the s173 agreement. Section 180 of the P&E Act specifies that an agreement must not require or allow anything that would breach a planning scheme or permit.

It could amend plans, drawings or other documents approved under the permit if the amendment is consistent with the permit (see s.62(3) of the P&E Act) or amend the permit (see s. s.73 of the P&E Act).

When a s.173 agreement has been amended, and the agreement was previously registered with the Registrar of Titles, the responsible authority must advise the Registrar of Titles of the amendment to the agreement, in the prescribed manner. This requirement is set out in s.183 of the P&E Act. The Registrar will then record the amendment to the agreement.

Reference should be made to the P&E Act for the specific provisions relating to the amendment of s.173 agreements.

4.2.2 Amending registered restrictions on a plan of subdivision

The P&E Act and the VPP provide two clear processes for variation of a restriction. Firstly, a permit may be granted to vary a restriction. Secondly, a planning scheme may authorise the variation to a restriction.

If an owner wishes to design and site a single dwelling which does not conform with an envelope in a restriction, the owner must therefore:

- Apply for and obtain a permit to vary the restriction, or
- Ask a relevant planning authority to prepare an amendment to a scheme to authorise the variation of the restriction (and the amendment must be subsequently approved)

and the owner must then lodge a certified plan for registration.

Amendment through a permit

If proceeding by the planning permit option, the *Planning and Environment Act 1987* (section 6A(2)) and the Victoria Planning Provisions (Clause 52.02) together provide that a planning permit is required before proceeding under s.23 of the Subdivision Act to create, vary or remove a restriction. Owners and occupiers of land benefiting from the restriction would have to be notified.

In relation to a restriction created on or after 25 June 1991 the responsible authority may not grant a permit unless it is satisfied that an owner of land benefited by the restriction will be unlikely to suffer loss or detriment (P&E Act s. 60(2)).

Amendment through a planning scheme

Alternatively the relevant planning authority can be asked to prepare an amendment to the planning scheme to authorise the variation of the restriction. The amendment must then be approved before proceeding under s.23 of the Subdivision Act to obtain and lodge a certified plan.

Notice of an amendment would have to be given to all owners and occupiers of land benefited by the restriction. The P&E Act does not require the owners and occupiers to consent before an amendment is prepared or approved.

The Supreme Court may also have jurisdiction under s 84 of the Property Law Act 1958 to discharge or modify a restriction on a registered plan of subdivision. If so, the owner of the burdened lot on the plan may also be able to proceed under that Act if the removal or variation of a restriction is sought. In most cases, the procedures for removal or amendment of restrictions under Planning and Environment Act 1987 would involve less cost and delay.

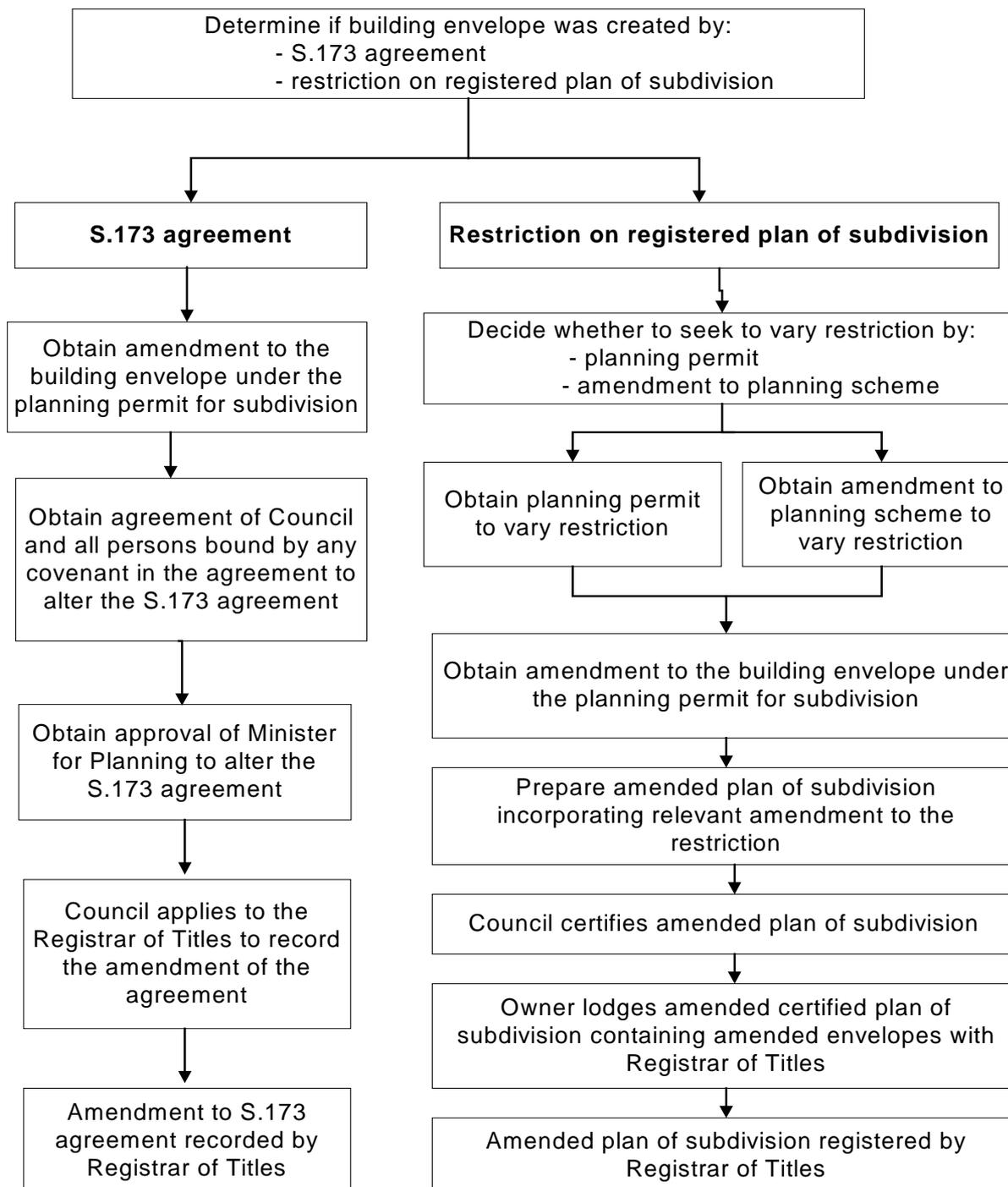
To ensure that an amended envelope will continue to be recognised as an approved building envelope in the Building Regulations (that is, that it is “in” the permit), the subdivision planning permit under which the envelope was made should also be amended.

The Council could amend the envelope under the subdivision planning permit after granting a permit or having a planning scheme amended to alter the restriction.

It could amend plans, drawings or other documents approved under the permit if the amendment is consistent with the permit (see s.62(3) of the P&E Act) or amend the permit (see s.73 of the P&E Act).

An amended plan of subdivision must be submitted to the Council for certification, and when certified, submitted for registration.

AMENDING A BUILDING ENVELOPE AFTER SUBDIVISION



Caveat

Legal advice should be sought before seeking to amend any approved envelopes. It is necessary to ensure that any amendments or consent to departures from the envelope are legally authorised, will not precipitate enforcement action, and will continue to be recognised as approved building envelopes under the Building Regulations.

5 Cessation of building envelopes

Agreements / restrictions that create building envelopes should include a 'sunset' provision to cease the effect of building envelopes once their purpose in guiding the siting and design of new development has been fulfilled. Unless specific provision is made for a building envelope to cease to have effect, or it is removed, the building envelope will apply forever.

There are a number of issues associated with the continuing building envelopes, including that they could:

- unnecessarily constrain the future development of land
- not envisage the social, economic and environmental factors that will affect development in future
- refer to documents (such as regulations, planning scheme provisions and policies) that have been superseded or ceased to exist.

Building envelopes are best used to guide the initial development of land, after which time the relevant planning and/or building controls of the time should be the applicable mechanism for controlling development.

It is recommended that a sunset provision be provided for all building envelopes.

If a sunset provision is to be applied to an approved building envelope, the provision should be included in either:

- the agreement under section 173 of the *Planning and Environment Act 1987*; or
- the restriction on the plan of subdivision registered under the *Subdivision Act 1988*;
- whichever is applicable.

Sunset provisions that will be included in a restriction on title should identify a fixed date at which they cease to have an effect, or a date which is easily determined by reference to the records of the Land Registry. Otherwise it may be difficult to evidence to Land Registry that the restriction has ceased to have effect. It may not be clear to the Registrar that a sunset clause that depends on completion of a stage or a building has actually expired.

6 Application of building envelopes

6.1 Sale of lots with building envelopes

When allotments are sold, the existence and details of any building envelope applying to that allotment will be important information for the land purchaser to know and understand.

They may turn to information sources such as the vendor, the council, their selected builder/building company and their selected building surveyor. All of these stakeholders can help inform land purchasers about the effect of the building envelope.

The existence of a building envelope applying to an allotment will be clearly indicated if the building envelope has been created by either an agreement under section 173 of the *Planning and Environment Act 1987*, or by a restriction on the title under the *Subdivision Act 1988*, once the agreement or restriction has been registered on the title of the land.

If the building envelope has been created in this way, the land title will indicate that there is an agreement under section 173 of the *Planning and Environment Act 1987*, or by a restriction under the *Subdivision Act 1988* applying to the land.

Information that will assist land purchasers in understanding the details and implications of building envelopes at the time they purchase the land includes:

- a copy of the planning permit for subdivision and the associated endorsed plans; and
- a copy of the registered plan of subdivision and relevant attachments (or a copy of the certified plan, obtainable from Council, if lot is being pre-sold before registration of the title is complete); and
- a copy of the agreement under section 173 of the Planning and Environment Act 1987 (if applicable); and
- a copy of a plan or diagram showing the building envelope for the individual allotment. This plan or diagram should be accurately dimensioned, and show the building envelope in plan view, side view/s and front and rear view. If drawn at a scale of 1:100 it can be used to compare the envelope with standard house plans.

It is desirable, and may be essential, for this information to be available to the land purchaser prior to or at the time of sale of the land.

To minimise workload and achieve consistency in advice, councils may wish to develop standard responses and information to be made available to enquiries from consumers regarding land affected by building envelopes. They must make available, on request, a copy of the planning permit for subdivision. An information pack for consumers should include:

- a copy of the planning permit for subdivision and the associated endorsed plans; and
- a copy of the registered plan of subdivision and relevant attachments (or a copy of the certified plan if the registered plan is not yet available); and
- a copy of the agreement under section 173 of the Planning and Environment Act 1987 (if applicable).

6.2 Designing within building envelopes

Where building envelopes apply to land, dwellings should be designed within the parameters of the building envelope.

When designing a dwelling for an allotment that is affected by a building envelope, designers should ensure they have all relevant information regarding the building envelope, including any plans / diagrams / written descriptions setting out the building envelope.

Dwelling designers and builders / building companies can assist in the process of determining a dwelling design's conformity with a building envelope by providing consumers with copies of dwelling plans drawn at a scale of 1:100, accurately dimensioned, and showing the dwelling design in plan view, side elevation and front and rear elevation/s. Envelopes drawn at a scale of 1:100 can be readily compared to standard format house plans to check conformity of the dwelling design with the parameters of the building envelope.

Whether housing designs are 'one-off' or 'site specific' designs or 'standard' designs offered by a builder or building company they should be flexible enough to fit common building envelopes. Some modifications may be required to a standard dwelling design to achieve conformity with a specific building envelope. Dwelling designs for specific allotments should be designed to comply with the building envelope in the first instance, rather than relying on amendments or variations to the building envelope.

Builders who offer standard house designs can help property owners select house designs that fit their building envelope by:

- Directing buyers to appropriate standard dwelling designs that will best fit their specific site and the building envelope constraints.
- Recommending appropriate modifications or alternative approaches to a standard dwelling design if it does not conform with the building envelope.
- Providing a range of standard dwelling designs that respond to various lot and building envelope configurations. This will improve the ability for standard dwelling designs to be applied to individual allotments containing building envelopes.

6.3 Dwelling approvals and building envelopes

Building envelopes created by an agreement under section 173 of the *Planning and Environment Act 1987*, or by a restriction on the title under the *Subdivision Act 1988*, are legally binding restrictions that the owner of the land is responsible for complying with when building on the land.

In addition to an envelope, there could be other restrictions or conditions on buildings on that land in the planning scheme, the Building Regulations, in the subdivision permit or in another planning permit.

The relevant Council can advise on whether a planning permit is required for a single dwelling on the relevant lot, or whether only a building permit is required.

Planning schemes and Building Regulations differ in their provisions for recognition of building envelopes as part of a planning or building permit application for development. The extent to which building envelopes are recognised in the planning permit application process and the building permit application process is set out in the following information.

Information that will assist the relevant assessing authority to determine if a dwelling design conforms with an envelope includes:

- all relevant information regarding the building envelope, including any plans / diagrams / written descriptions setting out the building envelope; and
- a copy of a plan or diagram showing the building envelope for the individual allotment, drawn at a scale of 1:100, accurately dimensioned, and showing the building envelope in plan view, side view/s and front and rear view/s; and
- a copy of the dwelling plans drawn at a scale of 1:100, accurately dimensioned, and showing the dwelling design in plan view, side elevation and front and rear elevation/s.

This information should be provided by the permit applicant at the time of applying for a building or planning permit.

Relevant information regarding the building envelope includes:

- a copy of the planning permit for subdivision and the associated endorsed plans.
- a copy of the registered plan of subdivision and any relevant attachments (or the certified plan if the plan has not yet been registered).
- a copy of the agreement under section 173 of the Planning and Environment Act 1987 (if applicable).

Building envelope plans and dwelling plans can be easily compared to determine if a proposed building complies with the outline set by an envelope by:

- making each plan at the same scale (e.g. 1:100)
- copying one or both plans onto transparencies
- overlaying the transparencies and plans to show whether the specific dwelling design fits within the parameters of the building envelope

Planning permit applications

The Victoria Planning Provisions (VPPs) do not currently make specific reference to the recognition of building envelopes in the consideration of planning permit applications. This means that where a planning permit is required to construct a dwelling, the planning scheme provisions relating to the grant of that permit apply in addition to an approved envelope.

Where building envelopes have been created in accordance with the provisions of a planning scheme (such as under standard C21 of clause 56.06-4), the building envelopes will have been approved by the responsible authority as part of the planning permit for the subdivision of the land. The responsible authority will have an interest in enforcing / upholding the provisions of that planning permit.

The provisions of clause 65 of all planning schemes set out the decision guidelines that a responsible authority must consider before deciding on an application or approval or a plan. While not making specific reference to the consideration of building envelopes, these decision guidelines provide scope for building envelopes to be considered when the responsible authority is deciding on a planning permit application.

Reference should be made to the Victoria Planning Provisions (VPPs) or the relevant planning scheme for the specific wording of provisions.

Building permit applications

Part 4 of the Building Regulations makes clear provision for the recognition of building envelopes in regard to building permit applications for single Class 1 and associated Class 10a buildings. The Building Regulations provide that where an ‘*approved building envelope*’ applies to an allotment, the consent and report of the relevant council is not required where a design does not comply with a regulation if the design of the building complies with the building envelope.

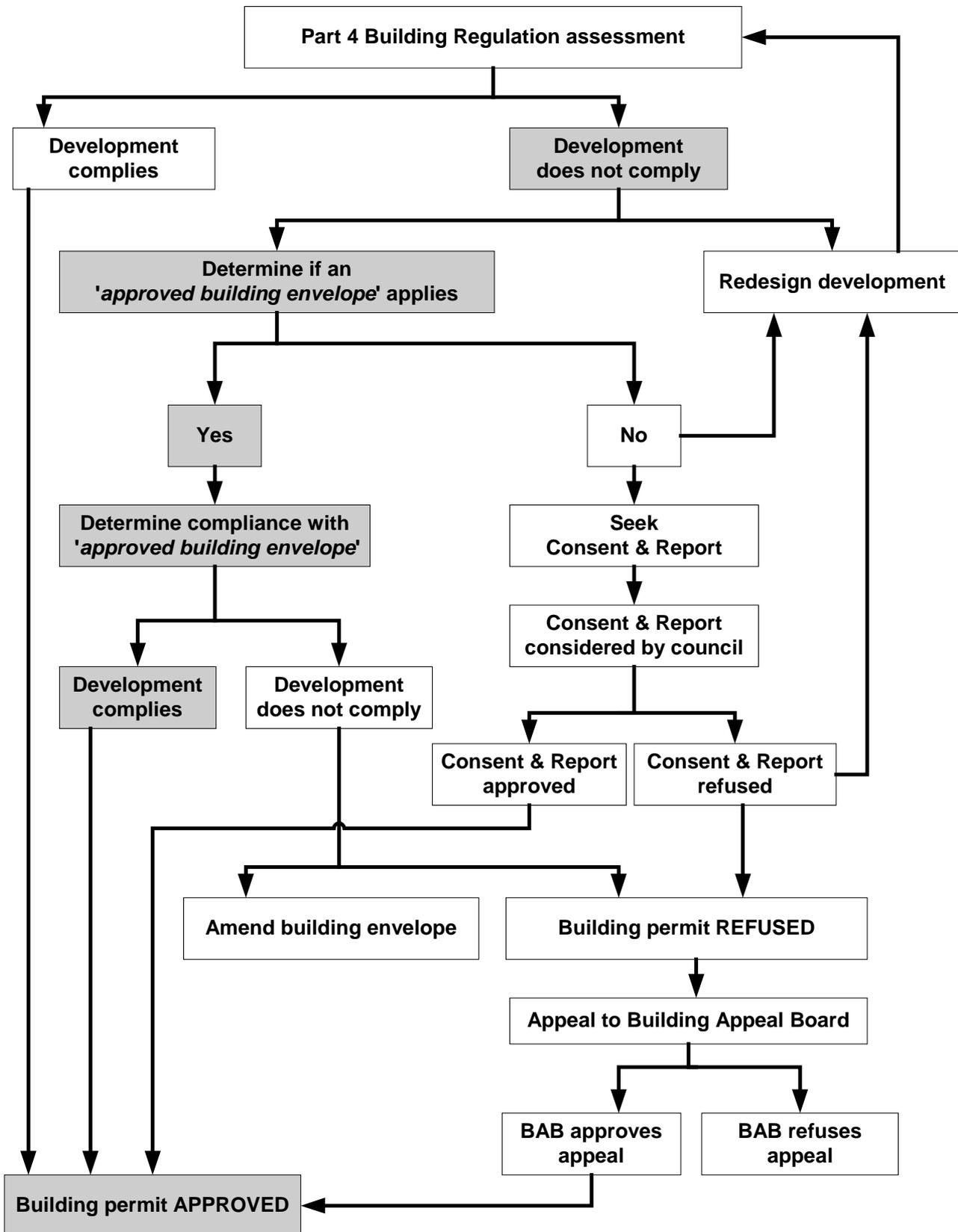
The provisions of the Building Regulations do not provide for an approved building envelope to supersede the Regulations. Assessment of a development against Part 4 of the Regulations is mandatory. Consideration of any building envelope applying to the land will only be given effect where a development does not comply with a regulation under Part 4.

The consideration of the building envelope is given effect by exempting the need for a consent and report where a development does not comply with a regulation and that siting matter is dealt with by the building envelope, and the development complies with the building envelope.

The following chart sets out the general process in the recognition of ‘approved building envelopes’ as part of consideration of building permit applications against Part 4 of the Building Regulations. The shaded path shows the process by which building envelopes are given effect by the Building Regulations.

Reference should be made to the Building Regulations 1994 for the specific wording of the regulations relating to building envelopes.

BUILDING ENVELOPES AND PART 4 BUILDING REGULATIONS ASSESSMENT



6.4 Questions & answers on applying building envelopes

i. Is there an alternative to creating building envelopes through a planning permit?

Building envelopes can be created in a wide variety of ways, including

- Planning permits for subdivision
- Section 173 agreements (Planning & Environment Act 1987)
- Restrictions on plan of subdivision
- Private covenants on title
- Contract of sale of land
- Specifications in an overlay or incorporated document in a planning scheme.

Many of these methods for the creation of building envelopes will result in the building envelopes not being given effect by the Building Regulations. One of the key components for building envelopes that are given effect by the Building Regulations is that the building envelope is in a planning permit for subdivision.

If agreement cannot be reached between a land developer and the Responsible Authority about the application of building envelopes to new allotments as part of the land subdivision, building envelopes can still be applied to the land by private agreement (for instance through the application of a private covenant or through the contract of sale for the land). These building envelopes, however, would not be given effect through the application of the Building Regulations.

In such cases, the building envelopes should be designed to ensure that single dwellings that are built in accordance with the building envelopes will also comply with the Building Regulations. Otherwise a conflict between the building envelopes and the Building Regulations could occur.

It is good practice to advise potential purchasers of allotments with building envelopes that will not be recognised by the Building Regulations of the status of the envelope in regard to both the building envelope and the Building Regulations.

ii. Can a planning permit that does not accommodate building envelopes be amended to include building envelopes?

The *Planning and Environment Act 1987* does accommodate amendments being made to planning permits. There are constraints applied to the amendment of planning permits under this Act. The amendment of a planning permit is at the discretion of the responsible authority (usually the council).

This section provides some summary information on amendment of planning permits, but legal advice should be sought on the best method of amending a permit.

iii. Can a planning permit indicate building envelopes will be added to an approved subdivision?

Planning permit conditions should be clear about what will need to be done to comply with the permit. It should be clear from reading the permit conditions whether building envelopes will be put on lots as a result of the granting of the permit.

Where plans / diagrams / written descriptions setting out the building envelopes will be submitted after the planning permit is granted, the planning permit should accommodate submission and approval of such documentation at a later date. This could be achieved by appropriate planning permit conditions regarding the submission and approval/endorsement of building envelope documentation. Section 62(3) of the Planning and Environment Act provides for the responsible authority to approve an amendment to any plans, drawings or other documents under a permit if the amendments are consistent with the planning scheme and the permit.

However an approved envelope under the Building Regulations must be 'in' a planning permit, and must comprise 'documented design parameters'. If the subdivision permit condition merely requires envelopes to be in an agreement or restriction (but not in the subdivision permit), the envelopes would not be given effect to as an approved envelope under the regulations. An envelope in a planning permit should be specific about what the design parameters are.

iv. What information do land purchasers need regarding building envelopes?

Information that will assist land purchasers in understanding the details and implications of building envelopes at the time they purchase the land includes:

- a copy of the planning permit for subdivision and the associated endorsed plans; and
- a copy of the registered plan of subdivision and relevant attachments such as memoranda of common provisions (or the certified plan from the Council if the registered plan is not yet available); and
- a copy of the agreement under section 173 of the *Planning and Environment Act 1987* (if applicable), and
- a copy of a plan or diagram showing the building envelope for the individual allotment. This plan or diagram should be drawn at a scale of 1:100, be accurately dimensioned, and show the building envelope in plan view, side view/s and front and rear view.

Land purchasers should ensure that all relevant information regarding a building envelope that applies to the land is provided with the documentation for the sale of land. It would be desirable for the vendor to make this information available to the potential land purchaser as early as possible. Vendors also need to have regard to the information requirements under s.32 of the Transfer of Land Act.

Land purchasers should keep the information provided at sale about building envelopes, as they will need to provide it to the house designer, builder and building surveyor when they proceed to build on their land.

v. *How can the details of a building envelope be simply communicated to a land purchaser?*

Land subdividers can simplify the presentation of building envelopes to land buyers by providing a plan or diagram showing the building envelope for the individual allotment. This plan or diagram should show the building envelope in plan view, side view/s and front and rear view. These plans / diagrams should be drawn at a scale of 1:100, and should be accurately dimensioned and labelled. Any information describing the building envelope that cannot be shown in plan or diagram form should be clearly noted in an attachment to the plans / diagrams

vi. *How can compliance of a development be simply assessed against the requirements of a building envelope?*

Comparing the envelope and the plans for a proposed building can be simplified by:

- making copies of plans or diagrams for both the envelope that applies to the lot and the proposed dwelling, with both sets of copies drawn at a scale of 1:100, accurately dimensioned, and including a plan view and side, front and rear elevations
- copying one or both sets of plans onto transparencies and overlaying them to show whether the specific dwelling design fits within the parameters of the building envelope.

vii. *Will a project home fit into the building envelope on a particular lot?*

Generic or 'project home' designs will not necessarily comply with the parameters of a building envelope in the first instance. By their nature these dwelling designs are 'standard' designs that may need to be adapted to fit specific site constraints such as building envelope requirements.

Land purchasers should not assume that a standard project home will fit within any building envelope. Some standard dwelling designs will suit particular lot and building envelope configurations better than others will. Modifications may be required to a standard dwelling design to conform with a specific building envelope. This could be preferable to seeking to amend the envelope once the title to the lot has been issued.

Home building companies can assist land owners to choose the most appropriate dwelling design for a specific site with a building envelope and advise of any modifications to the standard design to achieve conformity with the building envelope.

Professional advice on whether a standard dwelling design can be built within a building envelope can be obtained from registered building practitioners, including architects, building designers and building surveyors.

viii. How can a building surveyor find out if an ‘approved building envelope’ applies to an allotment?

The tests for determining if a building envelope is an ‘approved building envelope’ for the purposes of the Building Regulations are that the building envelope:

- is part of a planning permit for subdivision; and
- is in an agreement under section 173 of the *Planning and Environment Act 1987*; or
- is shown as a restriction on a plan of subdivision registered under the *Subdivision Act 1988*; and
- is registered on the title of the land.

Building surveyors should ensure that they view a copy of the title to the land and note any registered agreements under section 173 of the *Planning and Environment Act 1987*, or restrictions under the *Subdivision Act 1988*.

Where an agreement under section 173 of the *Planning and Environment Act 1987*, or a restriction under the *Subdivision Act 1988*, is registered on the title, the building surveyor should obtain a copy of the relevant agreement or restriction documentation to determine if this agreement or restriction relates to a building envelope (i.e. design parameters for the siting and design of buildings).

The building surveyor must also check whether the building envelope is part of a planning permit for subdivision. This can be established by checking the planning permit that approved the subdivision of the land that created the subject allotment.

The permit applicant should provide to the building surveyor all relevant information relating to the building permit application, including the relevant building envelope documentation. If this information is not submitted as part of the building permit application, the building surveyor should request this information be submitted. The building surveyor should be as specific as possible in their request for further information.

Relevant building envelope information that should be provided as part of the building permit application includes:

- a copy of the planning permit for subdivision and the associated endorsed plans.
- a copy of the registered plan of subdivision and any relevant attachments such as memoranda of common provisions (or the plan certified by Council, if the registered plan is not yet available).
- a copy of the agreement under section 173 of the *Planning and Environment Act 1987* (if applicable).

If the permit applicant does not hold this information, the permit applicant and/or the building surveyor could seek the information from the owner of the land or the relevant council. Registered plans of subdivision are available through Land Victoria.

7 Format of building envelopes

Building envelopes can be described by diagrams, plans or written descriptions, or a combination of these methods. The format and presentation of a building envelope will depend on the circumstances.

Simple building envelopes could be described by a written description with applicable dimensions (such as where the building envelope addresses only one or two matters, like maximum building height or minimum front setback).

Other building envelopes will need to be described on plan (such as where the building envelope addresses multiple matters including street setbacks, building height, side and rear setbacks and walls on boundaries). Complex 3-dimensional building envelopes will probably need a plan supported by written descriptions/notations.

Irrespective of the format of proposed building envelopes, there are general principles that will assist in achieving a consistent approach to the description of building envelopes, compliance with the statutory provisions for creation and recognition of building envelopes and ‘readability’ of building envelopes for land developers, councils, purchasers, building surveyors and builders. The following principles will help achieve consistent and clear building envelope documentation.

7.1 General guide to building envelope documentation

- Ensure each piece of documentation, such as notes and plans, refers to the number of the planning permit for subdivision that the envelopes are made under.
- List in the building envelope documentation all the matters that the building envelope addresses, using the same titles as the corresponding provisions in clause 54.
- To provide clarity and certainty for consumers and building surveyors, limit the matters that the building envelope covers to siting and design matters applying to single dwellings in Part 4 of the Building Regulations, and omit matters dealt with in the regulations that a building envelope does not need to cover.
- Any matters not dealt with in Part 4 of the Building Regulations for single dwellings that are to be included in a section 173 agreement or a restriction on the plan of subdivision should be kept separate from the building envelope documentation.

e.g. Where the land developer wants to control the building materials used in new developments (such as specifying brick construction, or tiled roofing), to achieve a particular character outcome for the new subdivision, this requirement should be included in a separate section of the section 173 agreement or as a separate restriction or covenant on the plan of subdivision.

- If there is to be a limit on the number of dwellings that may be developed on a lot, that restriction or agreement should be kept separate from the restriction or part of the agreement that describes the building envelope.
- Do not include information in the building envelope documentation that is not specifically required to interpret the building envelope restrictions.

e.g. It is not necessary to say within the building envelope documentation that it is an ‘approved building envelope’ under the Building Regulations, as it will still need to meet the tests in the Regulations.

- Building envelopes do not have to deal with all the matters covered by the Building Regulations for single dwellings. Envelopes can concentrate on the main built form features of future dwellings, such as height, setbacks and amenity impacts. Some matters covered in the Building Regulations are not readily expressed as negative restrictions. They can be dealt with through the Building Regulations at the time that a building permit is sought.
- Avoid duplication within plans and notes that form the building envelope documentation.
 - e.g. Where the building envelope describes the height and setback profile for building setbacks from side and rear boundaries in a building envelope plan, the details of the height and setback profiles should not be included in the written description / notation section of the building envelope documentation.*
- Clearly show which lot boundaries relate to edge lots and which matters are not covered by the building envelopes because the lot is an edge lot.
- The documentation should list all lots included in a s173 agreement or affected by the building restriction on a plan of subdivision.
- A restriction on a plan of subdivision must be headed ‘Creation of Restriction’ and must specify which lots are benefited and which are burdened by the restriction, by reference to a lot on plan or to volume and folio numbers.
- Neighbouring lots which are not part of the same certified plan of subdivision or agreement, but are protected by a provision for some aspects of the standard envelope not to apply to ‘edge’ lots, cannot be listed as beneficiaries (or burdened by) a restriction on a plan of subdivision or an agreement.
- The restriction or agreement should show which ‘non-restricted’ lots adjoin edge lots. This will indicate to future owners of edge lots those adjoining non-restricted lots where the building regulations or any applicable planning scheme provisions will protect the amenity of an adjoining non-restricted lot.
- The building envelope documentation should clarify which details / dimensions will prevail if there is a conflict between a diagram / plan and a written description / notation.
- If the building envelopes will be registered on a plan of subdivision, the wording of the building envelopes (including related annotations) should be in the form of restrictions on the land (i.e. phrased in the ‘negative’), rather than positive directions regarding the form of development on the land.
- Provision should be made in the documentation for a date or dates when the building envelopes will lapse / expire.
- Where the building envelope documentation makes reference to other documents, ensure that the references are to identifiable documents and are the correct documents to be referencing.
 - e.g. References to ‘ResCode’ will not be valid. ‘ResCode’ is a common term used to refer to related residential development provisions within planning schemes and the Building Regulations. It is not a document as such*
- Specific regulations and definitions within the Building Regulations can be referenced in envelope documentation. This can save space in the documentation. When referencing building regulatory matters, ensure that the references to the Building Regulations or the Building Code of Australia are the correct references. Incorrect references may mean the building envelope cannot be given effect to.

- Building envelope documentation should not purport to amend or supersede the requirements of a planning scheme or the Building Regulations. A building envelope simply establishes design and siting parameters for development. Planning schemes or the Building Regulations will determine how the building envelope is given effect to when issuing planning or building permits.

7.2 Diagrams and plans

- Details, dimensions and notations on diagrams / plans should be easily readable.
- If details, dimensions or notations on diagrams / plans would not be easily readable, they should be included in a written description / notation to the building envelope.
- Building envelope diagrams and envelopes drawn on subdivision plans should be at a readable scale. Notations and dimensions shown on plans and diagrams should be clearly readable even when photocopied.
- The location of each envelope in relation to all the boundaries of the lot should be easily determined. Distances between each boundary and envelope setbacks should be shown using readable numerical dimensions. Whether setback distances for envelopes from boundaries are in notes or on the plan, it should be clear which boundary they relate to.
- Particular care should be given to clearly dimensioning splay corners of envelopes or setbacks of envelopes on irregular lots, as they may not have been considered in drawing up standard envelopes for regular-shaped lots.
- Multiple hatching styles within diagrams or plans should be avoided. The meaning of all hatched areas should be identified by a key or label.
- Diagrams and plans must distinguish clearly between lines showing the boundary of the lot and lines showing the boundary of a building envelope.
- The plans or accompanying notes should clearly indicate any lots which are not part of the same agreement or restriction but which adjoin 'edge lots' covered by the restriction or agreement. A definition of 'adjoining' should be included.

7.3 Written descriptions and notes

- Where using written descriptions and/or notations, the titles for the matters addressed should use the same as the titles as the corresponding provisions in clause 54.
- Natural ground levels should be based on the finished level of earthworks that are part of the subdivision construction. The point at which ‘natural ground level’ should be measured for the purposes of the building envelope should be included in the building envelope documentation.
- If the restrictions applied by the building envelope are dependent on a particular maximum, minimum or absolute boundary fence height, the building envelope documentation should specify the required boundary fence height.
e.g. If the building envelope has been designed to deal with overlooking, and the restrictions to achieve compliance with the overlooking standard or objective are based on there being a 1.8m high boundary fence along side and rear boundaries, this should be covered within the building envelope documents.
- Lists of benefiting and burdened lots within the restriction on plan of subdivision or agreement should use specific lot references.

7.4 Terms, definitions and encroachments

- The building envelope documentation should clarify what buildings the building envelope restrictions apply to (such as to all buildings, or only to dwellings, or only to dwellings and garages/carports)
e.g. Building envelopes can be designed to only apply to a sub-set of ‘buildings’, such as dwellings and garages / carports, and not to other ‘buildings, such as outbuildings or retaining walls. Buildings, walls and fences not controlled by the building envelope would be subject to the Building Regulations (or a planning scheme requirement) as applicable. Where a building envelope is only intended to apply to a sub-set of ‘buildings’, the building envelope should clearly specify which buildings the building envelope affects.
- The building envelope documentation should clearly state how terms are to be defined for the purposes of the building envelope, including terms such as adjoining lot, building, garage, carport, side boundary, and front boundary.
- A definition of ‘adjoining lot’ should clarify if lots that only touch at one point or at a corner are defined as adjoining.
- Definitions of terms should be consistent with the definitions contained within the Building Regulations.
- Building envelopes should not create unique definitions for standard terms for which the definitions within the Building Regulations, planning schemes or the ordinary dictionary definition would be adequate.
- The building envelope documentation should clearly state the allowable encroachments (if any) for applicable siting matters included within the building envelope.
- Allowable encroachments should be consistent with those contained within the corresponding standards in the Building Regulations.

- There are two basic approaches for clarifying the definition of terms or prescribing allowable encroachments through a notation to the building envelope - inclusion or in the text, or use of a reference document.
 - Option 1: Including the definitions / allowable encroachments within the building envelope documentation.
The definitions / allowable encroachments as applied by this option will remain static (i.e. they will not keep pace with any changes to the equivalent definitions / allowable encroachments in the Building Regulations).
 - Option 2: Making reference to the definitions / allowable encroachments in the Building Regulations within the building envelope documentation.
Depending on the wording of the reference to the Building Regulations, the definitions / allowable encroachments applied by this option may be dynamic, and any change to the definitions / allowable encroachments in the Building Regulations may affect the definitions / allowable encroachments for the purposes of the building envelope. To address this issue, and to ensure the definitions / allowable encroachments remain static for the purposes of the building envelopes, the reference to the Building Regulations should specify the relevant version and date of the Building Regulations.
- When including definitions or allowable encroachments from the Building Regulations within the building envelope, the wording of the definitions / allowable encroachments should be identical to the equivalent provision within the Building Regulations. This will ensure all the key elements of a definition are included, and will greatly assist building surveyors to check a proposed single dwelling for compliance with the envelope.

7.5 Memoranda of common provisions

A memorandum of common provisions under the *Transfer of Land Act 1958* can be lodged with the Land Registry and then referred to in a building envelope plan. A memorandum of common provisions could be referenced by one or more restrictions in order to make the restrictions more compact documents and to promote the consistent treatment of common elements in building envelopes.

A memorandum of common provisions could include generic setback profiles for building envelopes, standard definitions of terms, standard notes on the interpretation of building envelopes, or other matters that will be common to all lots in a subdivision or subdivisions,

The form used to apply for a memorandum of common provisions is available from the Land Registry, Department of Sustainability and Environment, 570 Bourke Street Melbourne. An MCP can be lodged before the restriction which cites it.

Any memorandum of common provisions that will be part of an approved envelope will need to be endorsed by Council in conjunction with the endorsement of the other building envelope documentation under the planning permit for subdivision.

7.6 Checklist for preparing building envelope documentation

	Applicable?		Included?	
	Yes	No	Yes	No
General requirements				
▪ List of matters addressed by the building envelope	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Matters not relevant to siting and design matters in the Building Regulations are included in a separate section of the 173 Agreement or separate restriction on the plan of subdivision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Description (diagrams / plans / written descriptions / notations) of applicable siting and design matters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Dimensions in plans/notes clearly locate the envelope and any cross-sectional or profile in relation to lot boundaries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Numerical dimensions on plan for all dimensions not specified in notes e.g. splayed corner setbacks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Reference to the relevant planning permit number for the land subdivision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Provision for building envelopes not to have effect at interface of 'edge lots' with adjoining lots not part of the same agreement or not in certified plan of subdivision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Specification of which details / dimensions will take precedence if building envelope documentation conflicts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Sunset provision exists and does not refer to documents or actions not included with the plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Specification of types of buildings the building envelope does or does not apply to.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Specification of how terms are to be defined, including 'adjoining lot', building, side boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Specification of allowable encroachments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Specification of the point at which 'natural ground level' should be measured.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Specification of boundary fence height requirements, if required.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Referenced documents are clearly described with document name and number and indicate where they can be obtained	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Requirements for restrictions on plans of subdivision				
▪ Include heading "Creation of restriction".	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Benefited and burdened lots are described by reference to specific lots on the plan or by volume and folio references.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Siting and design parameters are negative restrictions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>