

27/05/2019  
C160mari**SCHEDULE 4 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO4**.

**ROSAMOND ROAD, BIRDWOOD STREET AND MEPHAN STREET MARIBYRNONG****1.0**27/05/2019  
C160mari**Requirement before a permit is granted**

Before a permit for residential subdivision or development on land at 20 Rosamond Road, Maribyrnong, can be issued, a “development plan” must be prepared to the satisfaction of the responsible authority. Before the development plan can be prepared:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environmental Protection Act 1970, or
- An environmental auditor appointed under the Environmental Protection Act 1970 must make a statement in accordance with Part IXD of the Act that the environmental conditions of the land are suitable for a residential use.

**2.0**27/05/2019  
C160mari**Requirements and conditions for a development plan****2.1**27/05/2019  
C160mari**Open Space and Acoustic Barrier Agreement**

Prior to the commencement of any development the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 for:

- The provision of landscaping including a landscape concept plan identifying vegetation to be retained; removed; and planted.
- An open space contribution generally in accordance with the 20 Rosamond Road Concept Plan, February 2002 (The Concept Plan).
- The construction of an acoustic fence at the rear boundary of Lots 1-14 of The Concept Plan. The fence must be designed to protect the ground floor rooms facing east. Its effect will be specified in a report provided by the owner authorised by an acoustic engineer who is a member of the Institute of Engineers Australia. The report will demonstrate compliance with SEPP Noise NI.

**2.2**27/05/2019  
C160mari**Other requirements and conditions of the Development Plan**

The development plan must show:

- A detailed site analysis plan showing existing conditions on the subject land and adjoining properties.
- The proposed linkages between the land and adjoining land.
- The subdivision layout generally in accordance with The Concept Plan.
- The proposed road network and hierarchy, and pedestrian and bicycle paths.
- The provision of public open space and road verges.
- The dimension and area of all new allotments.
- Three-dimensional building envelopes generally in accordance with the envelopes shown on The Concept Plan, and for all other lots.
- The provision for major physical infrastructure to accommodate the subdivision including the provision of water, sewerage, drainage, electricity, gas and telecommunication services.
- Electricity and Telecommunication lines provided underground.
- The maximum height of buildings to be not more than shown on the Concept Plan, the top 3metres being only used as a roof attic.

## MARIBYRNONG PLANNING SCHEME

- For all other dwellings, a maximum height of 9 metres, the top 3metres being only used as a roof attic.
- For all buildings shown as Lots 1-14 on The Concept Plan:
  - The rear walls to form a continuous wall with adjoining buildings so that the height of the wall is not less than 5.5 metres above ground level
  - No openable windows on the rear wall above ground floor level
  - All windows on the rear walls to be double-glazed or constructed to a suitable design to the satisfaction of the responsible authority. Any habitable room for a dwelling, which adjoins the rear wall, will have a second aspect that provides external air to that room.

If the first requirement is not to be complied with, a report will be provided by the owner, authorised by an acoustic engineer who is a member of the Institute of Engineers Australia. The report will demonstrate compliance with SEPP Noise N1. for the subject land and for all land capable of being used for a dwelling to the west of Lots 1-15.

If the other requirements are not to be complied with, a report will be provided by the owner authorised by an acoustic engineer who is a member of the Institute of Engineers Australia. The report will demonstrate compliance with SEPP Noise N1. for the subject land.

- Location of garages/carports and car spaces on site so that the structures are largely located to the rear of the sites or recessed behind the main building line so as not to dominate the streetscape. No garages, carports or car spaces to occupy more than 40 percent of the allotment's frontage.
- Tree protection.
- The maximum number of dwellings on the sites identified on The Concept Plan as Possible Apartments Site and Possible Mixed Use Site.
- Access to sites and turning movements for service and emergency vehicles.
- The staging of development so that lots 1-15 of The Concept Plan, is developed first to provide a noise barrier between the industrial activity to the east and the remainder of the land.

Alternatively, if development on Lots 1-15 has not been fully completed, the proponent of a development of a lot on the land to the west of the prolongation of Merlyn St must submit an acoustic report, which identifies sound levels at critical points to show compliance with the requirements of SEPP Noise N1. This report must be authorised by an acoustic engineer who is a member of the Institute of Engineers Australia and be to the satisfaction of the responsible authority. Such report may be used by the responsible authority as proof of compliance with SEPP Noise N1. for other developments further to the west of the lot tested.

- Supporting technical information including traffic assessment, provision of services and drainage assessment.
- Siting and Design Guidelines that address the following:
  - The elevations, corners and rooflines of buildings, particularly as seen from the street and as related to the neighbourhood character
  - The general style of buildings, including articulation, fenestration, use of contemporary or modern forms rather than fake styles, and use and colour of materials
  - Fencing height, form, colour and materials, including gates
  - Location and concealment of garages and design of driveways, carports and car spaces and garage doors
  - Address of buildings to the street
  - Ancillary structures and service fixtures

- Details of the location of rear walls of Lots 1-14 to encourage modulation of the elevations
- Landscaping front gardens and spaces
- Landscaping the rear yards of Lots 1-14 shown in The Concept Plan so as to form a canopy planting resulting in a green vista between the rear of the buildings and the neighbouring industrial premises
- Solar access and ecologically sustainable design including energy rating approaches
- The need for each dwelling to have at least two aspects
- Maximum number of dwellings of one, two and three bedrooms on the Possible Apartments Site and Possible Mixed Use Site
- The specific means of acoustic protection for the Possible Mixed Use site for any dwellings with an easterly aspect.

### 3.0

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#### **Consent to vary the development plan**

The development plan may be amended at the request or with the consent of the owner of the land. Any amendment must be to the satisfaction of the responsible authority.

### 4.0

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#### **Display of development Plan**

The responsible authority must display the development plan at the Maribyrnong Municipal offices:

- For at least 21 days.
- By giving written notice of the display to the owners and occupiers of lots adjoining the land and any other person or agency that, in the opinion of the responsible authority, maybe materially affected.

The responsible authority may request further information before displaying the application.

Any amendment (other than a minor amendment) to the development plan is required to be displayed.

Before making a decision on the development plan, or any amendment to an approved development plan, the responsible authority must consider any submissions received as a result of the display of the development plan.

#### **Background document**

20 Rosamond Road Concept Plan (February 2002) (referred to as The Concept Plan in this schedule)