

19/01/2006  
VC37

## SCHEDULE 3 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO3**

### NATIONAL ROUTE 8 (WESTERN FREEWAY/HIGHWAY) ENVIRONS

#### 1.0

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#### Design objectives

- To ensure that the development of land or the display of advertising signs near the alignment of the Western Freeway does not prejudice the levels of service, safety and amenity of the Western Freeway/Highway.
- To minimise any adverse effects of noise on noise sensitive uses from traffic using the Western Freeway/Highway.

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#### Buildings and works

##### Permit requirement and exemptions

A permit is not required to construct buildings ancillary to an existing dwelling if all the following requirements are met:

- The building is located over 50 metres from the boundary of the Western Freeway/Highway Reserve or any proposed Western Freeway Reserve.
- The building does not exceed 5.4 metres in height above natural ground level to the highest point excluding chimneys, flues, antennae and the like.
- The external wall and roof cladding is of non-reflective materials to the satisfaction of the responsible authority.
- The building is set back from the Western Freeway/Highway in order to obtain a visual and acoustic buffer, ensuring that future works within the Freeway/Highway reserve to minimise any adverse effects are not necessary.
- Landscaping is provided around any proposal to suitably screen the proposal from the Western Freeway/Highway.

A permit is required to construct a fence on a property boundary, or internal fencing unless the fence is one of the following:

- A rural post and wire type fence (which may include wire netting), not exceeding 1.5metres in height.
- Constructed in accordance with building regulations to enclose a swimming pool.
- Constructed in accordance with the Code of Practice - Private Tennis Court Development, August 1996.

##### Application requirements

An application to construct a building or to carry out or construct works must be accompanied by plans and a report that show how the proposal responds to the decision guidelines detailed in this schedule and by information that demonstrates that the development would be constructed or carried out in accordance with the following requirements:

- Any new dwelling must be:
  - sited where the noise level does not exceed 70dB(A) ; and

- designed and constructed to acoustic standards as set out in AS3671-1989 “Acoustic – Roads Traffic Noise Intrusion – Building Siting and Construction” where noise level is in excess of 60dB(A). (Noise levels quoted are free field L<sub>1</sub>[1.8hr] )
- Any other building providing for a noise sensitive use listed below must be designed and constructed to acoustic standards with interior noise levels not greater than those set out in any appropriate Australian Standard in relation to road traffic noise intrusion.
  - Accommodation(other than a dwelling)
  - Art and craft centre
  - Brothel
  - Child care centre
  - Display home
  - Education centre
  - Funeral parlour
  - Hospital
  - Indoor recreation facility
  - Office
  - Place of assembly
  - Retail premises
  - Research centre
  - Veterinary centre
  - Warehouse
  - Winery
- Any buildings must be set back from the Western Freeway/Highway in order to create a visual and acoustic buffer, ensuring that future works within the Freeway/Highway reserve to minimise any adverse effects are not necessary
- Landscaping must be provided around any buildings or works to suitably screen the development from the Western Freeway/Highway.

### **Exemption from notice and appeal**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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### **Subdivision**

A permit is required to subdivide land.

Subdivision of land must contribute to the long-term objective of maintaining the Western Freeway/Highway environs and not prejudice the levels of service, safety and amenity of the Western Freeway/Highway.

### **Application requirements**

An application to subdivide land must be accompanied by the following information, as appropriate:

- The boundaries and dimensions of the land.
- Location and description of adjoining roads.

- The location of buildings on adjoining land.
- The boundaries and dimensions of the proposed subdivision and lots within the subdivision.
- A building envelope that is located more than 100 metres from the Freeway/Highway reserve for each lot in the proposed subdivision.
- A report demonstrating how the proposed subdivision would achieve the long-term objective of maintaining the Western Freeway/Highway environs and would not prejudice the levels of service, safety and amenity of the Western Freeway/Highway.
- A report stating how the proposed subdivision responds to the decision guidelines detailed in this schedule.

#### **Exemption from notice and appeal**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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#### **Advertising signs**

A permit is required for any advertising sign that is located within 100 metres of the Western Freeway/Highway unless the sign is not visible from any part of the road reservation.

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#### **Referral**

All applications under this schedule must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

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#### **Decision guidelines**

Before deciding on an application the responsible authority must consider:

- Whether the proposal will enhance the environs of the Western Freeway/Highway.
- Whether the proposal will prejudice the levels of service, safety and amenity of the Western Freeway/Highway.
- Whether proposed landscaping will suitably screen the proposal from the Western Freeway/Highway.
- Whether the proposed development adversely affects skyline and landscape values.
- The effect of the proposed development or advertising sign on the amenity of surrounding properties.
- Comments of the Roads Corporation.