



AlburyCity Council

Albury Development Control Plan 2010

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AlburyCity

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Albury DCP 2010

1 INTRODUCTION TO THE DEVELOPMENT CONTROL PLAN

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1 INTRODUCTION TO THE DEVELOPMENT CONTROL PLAN

1.1 NAME OF THIS PLAN

This Plan is called the Albury Development Control Plan 2010 (DCP).

1.2 LAND TO WHICH THIS PLAN APPLIES

This DCP applies to all land within the Local Government Area (LGA) of Albury.

1.3 DATE OF COMMENCEMENT

This DCP commenced operation on 13 August 2010, which coincided with the gazettal of *Albury Local Environmental Plan 2010* (LEP).

1.4 RELATIONSHIP TO OTHER PLANS AND POLICIES

This DCP is to be read in conjunction with the LEP and any other relevant Environmental Planning Instrument, such as a State Environmental Planning Policy (SEPP) or Regional Environmental Plan (REP) (deemed SEPP) applying to the land. Where there is an inconsistency between this DCP and any Environmental Planning Instrument applying to the same land, then the provisions of the Environmental Planning Instrument shall prevail.

This DCP repeals the previous *Albury Development Control Plan 2000* and the following DCPs adopted by the former Hume Shire Council:

- Consideration of Applications;
- Guidelines for Living in Rural Areas;
- Commercial Development;
- Industrial Development;
- Building Setbacks;
- Developer Contributions Plan.

1.5 AIMS OF THIS PLAN

The aims of this DCP are to:

- provide a comprehensive document that contains all the development controls, standards and provisions that apply to land in the Albury LGA, and that satisfies the legislative requirements with regards to the preparation and content of Development Control Plans;

- clearly set out the processes, procedures and responsibilities for the involvement of applicants, the community and key stakeholders in the development of land, and the guidelines and considerations, against which development proposals can be consistently measured and assessed;
- set out procedures to ensure that the heritage significance of sites and/or areas are considered as part of the development application process;
- encourage innovative and high quality designs with particular emphasis on the integration of buildings with both the streetscape and landscaped areas that add to the character of neighbourhoods;
- ensure that developments are economically, socially and environmentally sustainable and contribute to the quality of the natural and built environments;
- ensure that development will not detrimentally affect the environment of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development.
- provide for an urban environment that is active, attractive and safe for residents, workers and visitors;
- preserve areas of environmental significance, through the promotion of Ecologically Sustainable Development and biodiversity measures and the implementation of the *Thurgoona Threatened Species Conservation Strategy 2004*, *Albury Ranges Threatened Species Conservation Strategy 2006* and the *Hamilton Valley Strategy 2002*.

1.6 STRUCTURE OF THIS PLAN

The DCP consists of a written document and associated maps that contain the detailed planning controls for the use of land across the Albury LGA. Together, the statutory zoning provisions of the LEP and this DCP represent the blueprint for the development of Albury.

The DCP is divided into a number of Parts and within each Part are a number of Sections. The Table of Contents provides a comprehensive guide to the format and location of each Part and Section and the following list provides an overview of each Part:

- **Parts 1 – 4** contain preliminary and administrative information relating to all forms of development, including an Introduction to the Development Control Plan, Information Requirements for Applications, Notification Requirements and Developer Contributions. All development must refer to these Parts.
- **Parts 5 – 7** contain provisions relating to Tree Preservation, Planning for Hazards and Heritage. Development must refer to these Parts (when affected by such issues).
- **Parts 8 – 15** contain provisions for development in the Environmental, Rural, Residential, Commercial, Industrial, Recreation, Special Uses and Waterways Zones. Development must refer to these Parts when located in these zones.

- **Parts 16 – 17** contain provisions relating to Outdoor Advertising and Off Street Car Parking. Development must refer to these Parts when affected by such issues.
- **Part 18** contains provisions relating to development in proximity to the Albury Airport. Development must refer to this Part when affected by such issues.

The development controls as contained within this DCP are structured to ensure that zone objectives of the LEP are achieved. The development controls contained within each Part and Section seek to achieve desired land use and/or built outcomes on-site consistent with corresponding objectives.

As such, the structure of each Section of this DCP includes:

- **Objectives**, which clearly state what AlburyCity is seeking to achieve and the desired outcomes, and
- **Controls**, which prescribe the requirements for achieving an outcome consistent with the corresponding objectives.

Council acknowledges, however, that it is not possible for this DCP to account for all possible situations and development scenarios. Accordingly, a process whereby the consideration of departures from this DCP is available upon request. As such it is recommended that any departure to DCP controls, or any proposal not catered for within this document be discussed at the earliest possible stage with AlburyCity staff to ensure that information/procedural requirements are understood to facilitate assessment of your development proposal.

1.7 DEVELOPMENT

Development falls into a number of categories pending development type and the applicable land use zone. The LEP land use zones assigned across the Albury LGA specifies the permissibility of development types within each zone.

Development may therefore be:

- permitted without consent;
- permitted with consent; or
- prohibited.

1.7.1 Development Permitted Without Consent

Development that is permitted without consent is either listed by the Land Use Table of the LEP as ‘Permitted without consent’ and/or by Clause 3.1 and Schedule 2 of the LEP as ‘Exempt development’.

Exempt Development

Exempt development is development that does not need the consent of Council. Such development is considered to be of minimal environmental impact. Exempt development must comply with the general standards specified in Clause 3.1 and any standards specified for that development in Schedule 2 of the LEP.

The onus is on the applicant to ensure that compliance with relevant standards is achieved. Where compliance is not achieved, development is no longer 'Exempt development' and either a Complying development certificate or development consent is required.

Notation

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. The Policy has State-wide application and commenced on 27 February 2009. Schedule 2 contains additional exempt development not specified in that Policy.

Exempt development may be carried out without the need for development consent under the *Environmental Planning and Assessment Act 1979*. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

1.7.2 Development Permitted With Consent

In the event that the proposed development is not exempt, Council requires the lodgement of a complying development certificate or a development application for assessment and determination purposes.

Complying Development

Complying development is development that requires certification by either Council or a private certifier that general standards specified in Clause 3.2 and any standards specified for that development in Schedule 3 of the LEP has been complied with.

Where compliance is not achieved, development is no longer 'Complying development' and development consent is required.

Development is not 'Complying development' if it is carried out on any environmentally sensitive area as identified within Clause 3.3 of the LEP.

Notation

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development under that Policy. The Policy has State-wide application and commenced on 27 February 2009. Schedule 3 contains additional complying development not specified in that Policy.

Complying development may be carried out without the need for development consent under the *Environmental Planning and Assessment Act 1979*. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Development Application

Where a development application is required, any development will be assessed according to the zone objectives and relevant provisions of the LEP, *Environmental Planning and Assessment Act*, including the provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this DCP.

When issuing a development consent, Council may decide to approve the development application (with or without conditions) or refuse such an application.

Where development, although not satisfying particular requirements, satisfies the objectives of the LEP and this DCP, Council may decide to issue a development consent (with or without conditions) subject to a departure request being submitted and supported.

1.7.3 Prohibited Development

Development that is listed by the Land Use Table of the LEP as 'Prohibited' is prohibited development. Therefore, Council cannot accept an application for prohibited development and any such application submitted will be returned to the applicant.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

Council provides a free advisory service for all forms of development (phone 02 6023 8111) and also guarantees approval times (conditions apply).

Please do not hesitate to contact AlburyCity staff (phone 02 6023 8111) should you wish to discuss any aspect of the LEP, this DCP, or general town planning matters.

1.8 BIODIVERSITY CERTIFICATION

The LEP is pending biodiversity certification (with the exception of some excluded areas), in accordance with Section 126G of the *Threatened Species Conservation Act, 1995*. This certification was issued in recognition of an up front strategic assessment of conservation values undertaken by Council and measures included in the LEP to protect these values.

The primary effect of receiving bio-diversity certification on the LEP is that any development requiring consent (or any activity under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) not requiring consent) is taken to be development that is not likely to significantly affect threatened species. This removes the need to address the Assessment of Significance for threatened species (s.5A of the EP&A Act), prepare species impact statements or meet concurrence/consultation requirements involving the Director General of the NSW Department of Environment, Climate Change & Water (DECCW) or Minister for Climate Change and the Environment.

All development is however required to comply with the biodiversity protection measures of the LEP, including Land Use Table zone objectives and related provisions, Clauses 2.6(f), 5.9, 6.3, 7.2, 7.3 and 7.5 which outlines the preservation requirements for native vegetation. Any development, which does not meet these requirements, will be subject to the provisions of the *Threatened Species Conservation Act, 1995*. In this regard, Council may require additional information, including an Assessment of Significance as part of its consideration of proposed development.

A plant is native if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the Albury LGA before European settlement, including, but not limited to:

- Yellow Box (*Eucalyptus Melliodora*),
- White Box (*Eucalyptus Albens*),
- Red Gum (*Eucalyptus Blakelyi*),
- River Red Gum (*Eucalyptus Camaldulensis*),
- Red Box (*Eucalyptus Polyanthemos*),
- Long-leaved Box (*Eucalyptus Goniocalyx*),
- Red Stringybark (*Eucalyptus Macrorhyncha*),
- Apple Box (*Eucalyptus Bridgesiana*),
- Drooping She-oak (*Allocasuarina Verticillata*),
- Hickory Wattle (*Acacia Implexa*),
- Silver Wattle (*Acacia Dealbata*),

- Kurrajong (*Brachychiton Populneus*),
- Black-anther Flax-lily (*Dianella Revolute*),
- Bluebell (*Wahlenbergia* spp.),
- Bulbine Lily (*Bulbine Bulbosa*),
- Common Fringe Lily (*Thysanotus Tuberosus*),
- Kangaroo Grass (*Themeda Australis*),
- Wallaby Grass (*Austrodanthonia* spp.),
- Spear Grass (*Astrostipa* spp.), and
- Variable Glycine (*Glycine Tabacina*).

Notation

Further information may be obtained in relation to the biodiversity certification of the LEP in the *Biodiversity Certification for the Albury Local Environmental Plan 2010* (Albury Biodiversity Certification Report) or by contacting AlburyCity.

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2 INFORMATION REQUIREMENTS FOR APPLICATIONS

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2 INFORMATION REQUIREMENTS FOR APPLICATIONS

There are a number of steps that an application must go through prior to a determination being made by Council. The level of general and specific information to be supplied varies depending on the development type, the development site, as well as, the relevant legislation and acts that need to be satisfied.

Appendix A of this DCP provides a guide to Information Requirements for Applications and the general conditions that must be met by all applications for Development Consent in regards to particular development types or where an application is non-compliant with a Planning Provision. It is advised however that this list is not comprehensive and that additional information may be required by the Council.

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3 DEVELOPMENT NOTIFICATION POLICY

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3 DEVELOPMENT NOTIFICATION POLICY

Public participation is an essential component of the development assessment process, with AlburyCity committed to ensuring that public participation is facilitated in an orderly and transparent manner when dealing with development applications and related matters. The main aim is to set out the procedures for determining under what circumstances persons are to be notified of proposed developments and when advertisements will be placed in the local newspaper.

Appendix B of this DCP contains the provisions relating to Council's Development Notification Policy and the controls required as part of the application process.

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4 DEVELOPER CONTRIBUTIONS PLANS

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4 DEVELOPER CONTRIBUTIONS PLANS

Subdivisions, residential developments, industrial developments and any other development that will, in the opinion of Council, result in an increased demand being placed upon its infrastructure and services will generally require (by condition of consent) monetary contributions being paid by developers under Section 94 of the *Environmental Planning and Assessment Act* and/or Section 64 of the *Local Government Act 1993*, to provide Council with funds to provide coordinated infrastructure and services for the City.

The following plans set out the developer contributions and associated infrastructure requirements of Council:

- i. The *Albury Section 94 Development Servicing Plan, 2005 (as amended)* comprises the following component plans.
 - Strategy Plan – Water Management.
 - Strategy Plan – Open Space and Recreation.
 - Strategy Plan – Community.
 - Strategy Plan – Roads, Traffic and Transport.
 - Strategy Plan – Car Parks.
- ii. The *Albury Section 64 Development Servicing Plan: Water and Sewer 2004 (as amended)* comprises the following component plan.
 - Strategy Plan – Water Supply and Sewerage Infrastructure.

The individual strategy plans provide the rationales and calculation methods for the various contributions. Copies of these plans can be obtained by contacting AlburyCity.

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5 TREE PRESERVATION

5.1 INTRODUCTION

Trees within the urban and rural context improve the liveability, appearance and biodiversity of localities by contributing to the character and scenic values of streetscapes, landscapes or urban and rural environments. It is noted that, trees are often one of the key elements of the Heritage Conservation Areas in Albury.

This Part of the DCP seeks to ensure that adequate protection is provided for existing trees, including those trees adjoining land subject to construction and demolition works. This Part further seeks to encourage new plantings, maintenance, retention, growth, the prevention of degradation and the controlling of weeds as part of development works.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

5.2 TREE PRESERVATION ORDER

Objectives

1. To conserve and enhance the existing aesthetic character and public amenity of Albury.
2. To control the management and/or removal of unsuitable trees.
3. To assist the retention and ongoing protection of native vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species.

Controls

- i. Clause 5.9 of the LEP provides that trees as prescribed by this DCP must not be ringbarked, cut down, topped, lopped or wilfully destroyed without the Council's approval and landowners consent.
- ii. Clause 5.9 of the LEP and this Section applies to all trees over 4.5 metres in height and 3 metres in spread.
- iii. An application for the Council's approval must be accompanied by an appropriately qualified specialist (i.e. Arborist) report outlining the following information:
 - The location, size, species and condition (i.e. diseased, healthy, etc).
 - A statement that details any anticipated impacts on vegetation that may have derived from endangered ecological communities and/or that may be habitat for threatened species.

- The purpose of removal and whether the pruning of the tree would be a more practical and desirable alternative.
- Whether a replacement tree or trees should be planted.
- The location, size and species of any trees proposed to replace those intended for removal.
- The owners consent to the application being lodged.
- Any other relevant information regarding the tree to be removed (i.e. photographs).

Notation

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 and E3 Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

Clause 6.3 of the LEP requires the preparation of an overall landscaping strategy for the protection and enhancement of riparian areas, remnant vegetation, and scarred trees including visually prominent locations, and detailed landscaping requirements for both the public and private domain for development on Urban Release Areas.

5.3 GUIDELINES FOR THE PROTECTION OF TREES DURING CONSTRUCTION

Objectives

1. To ensure safeguards are in place to ensure the protection of existing on-site trees during the site planning and construction stages.

Controls

- i. Prior to commencement of development/building works, (at the site analysis stage) a comprehensive assessment of each tree on the site should be undertaken by an appropriately qualified specialist.
- ii. Where possible, no excavation or soil addition should take place within the Tree Protection Zone (TPZ) as specified in the Australian Standard – Protection of trees on development sites (AS 4970-2009). This protection may be achieved by defining the area to be protected with fences and barriers throughout the construction period. The underboring of a tree, as opposed to open trenching, may also avoid damage to the root system.

No damage (either through trenching, earthworks or soil compaction) to the TPZ is permitted within the E3 Environmental Management or E4 Environmental Living zones, as trees in these areas have been counted as part of the offsets for tree losses within the ‘development’ areas as part of the biodiversity certification of the *Albury Local Environmental Plan 2010*.

- iii. Avoid drainage changes that may cause waterlogging or excess loss of soil moisture.
- iv. Avoid the spillage of chemicals, oil, fuel, detergent and other contaminants.
- v. Provide access to trees for the purposes of maintenance and irrigation.

5.4 SELECTION AND SITING OF TREES

Objectives

1. To ensure that any new development enhances its surroundings.
2. To maintain a healthy biodiversity within the City through appropriate management and reinstatement of vegetation.
3. To reinforce the gateways into Albury.
4. To contribute to the liveability of Albury.

Controls

- i. The selection of trees should take into account (as a minimum) the following matters:
 - Environmental tolerance and impact,
 - Drought tolerance,
 - Appearance and size,
 - Performance record,
 - Resistance to disease, and
 - Maintenance costs.

Notation

In selecting and siting trees, compliance must be achieved with all relevant Parts of this DCP, including any sections that contain specific landscaping requirements.

Appendix I of this DCP contains a list of trees that are recommended for the Albury district.

Further information may be obtained in the *AlburyCity Garden Guide for Albury-Wodonga* or by contacting AlburyCity.

5.5 THE MURRAY RIVER

Clause 7.5 of the LEP provides that all development including tree removal within 400 metres of the Murray River requires the consent of the Council. Many of the guidelines for development along the River are also contained within *Murray Regional Environmental Plan No 2 (MREP No 2)*.

Objective

1. To conserve and protect Riverine corridors, including native vegetation.

Controls

- i. All development applications within 400m of the Murray River must demonstrate that the development has been designed to avoid the removal of native vegetation.
- ii. Where it is not possible to avoid the removal of native vegetation the development application must demonstrate that it has been designed to minimise the removal of native vegetation.
- iii. Any development application which will directly or indirectly result in the removal of trees within 400m of the high bank of the Murray River, must include a plan to offset the loss of trees (and any hollows within those trees) at a ratio of 10:1 in accordance with the requirements for Biodiversity Certification.
- iv. Any offset plan required by control (iii) must include a Property Vegetation Plan approved by the Murray Catchment Management Authority, as required under the *Native Vegetation Act 2003*.

Notation

It is recommended that advice is sought from Council when considering any kind of development(s) along the Murray River.

5.6 THREATENED SPECIES

The LEP is pending biodiversity certification (with the exception of some excluded areas), in accordance with Section 126G of the *Threatened Species Conservation Act, 1995*. This certification was issued in recognition of an upfront strategic assessment of conservation values undertaken by Council and measures included in the LEP to protect these values.

The primary effect of receiving bio-diversity certification on the LEP is that any development requiring consent (or any activity under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) not requiring consent) is taken to be development that is not likely to significantly affect threatened species. This removes the need to address the Assessment of Significance for threatened species (s.5A of the EP&A Act), prepare species impact statements or meet concurrence/consultation requirements involving the Director General of the NSW Department of Environment, Climate Change & Water (DECCW) or the Minister for Climate Change and the Environment.

All development is however required to comply with the biodiversity protection measures of the LEP, including Land Use Table, zone objectives and related provisions and Clauses 2.6(f), 5.9, 6.3, 7.2, 7.3 and 7.5, which outlines the preservation requirements for native vegetation. Any development, which does not meet these requirements, will be subject to the provisions of the *Threatened Species Conservation Act, 1995*. In this regard, Council may require additional information, including an Assessment of Significance as part of its consideration of proposed development.

Notation

Further information may be obtained in relation to the biodiversity certification of the LEP in the draft Albury Biodiversity Certification Report or by contacting AlburyCity.

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6 PLANNING FOR HAZARDS

6.1 INTRODUCTION

In order to protect properties and landowners from potential hazards, this Part of the DCP seeks to minimise the risks associated with development for the protection of human life and property, whilst also having due regard to development potential, on-site amenity levels and the protection of any environmentally significant features of the site.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

6.2 FLOODING

Albury has been the subject of a number of destructive floods in the past. Despite having undertaken a number of major flood mitigation works, the threat of another flood event cannot be totally eliminated.

Albury's flood mitigation works have been designed to withstand the 1 in 100 year flood event, which is generally considered to be an acceptable level of risk. There will undoubtedly be occasions when this flood level is exceeded. This may be the result of a particularly heavy storm event, or an unforeseen obstruction to the drainage channel by floating debris, wave motion or localised ponding. The following controls provide additional protection against a breach of the Council's flood mitigation measures, as well as, minimising the influx of floodwater into the sewerage system.

'Flood Referral Area' means an area of land shaded blue on the AlburyCity Flood Referral Area Map (refer to Figure 6.1 – consisting of sheets 001-010) of this Part. These maps indicate the areas in which development requires the consent of the Council and may be subject to a minimum floor level to Australian Height Datum.

Notation

Clause 7.4 of the LEP defines land that is subject to flooding, as well as the requirements relating to development on land subject to flooding.

Only those sheets that contain Flood Referral Area information have been provided in Figure 6.1.

6.2.1 Flood Referral Areas

Objectives

1. To ensure consideration of the appropriateness of certain development types within identified Flood Referral Areas.
2. To ensure that development/s proposed within Flood Referral Areas are capable of withstanding flooding events and additional safeguards against flood damage are incorporated into development plans.

Controls

- i. The Council's development consent is required for all development proposed on land that is within a Flood Referral Area, as identified on the AlburyCity Flood Referral Area Map (refer to Figure 6.1 – consisting of sheets 001-010), unless a certificate from a registered surveyor is supplied showing that the existing ground level of the development site (disturbed area) is not less than Council's Flood Referral Level (500 millimetres above the 1 in 100 year flood level Australian Height Datum), and no excavation and/or land fill is proposed as part of the development.
- ii. If deemed necessary, the Council will generally provide a minimum floor level for a building that is based on a certain freeboard level above the 1 in 100 year flood or storm event, if that information is available.
- iii. Development will not be permitted on land that is designated by the Council to be within a floodway (this includes the filling of land).

Notation

A floodway is an area in which a significant volume of water flows during floods (and which is often aligned with obvious naturally defined channels).

- iv. The Council will not issue an Occupation Certificate for a building that is subject to a minimum floor level unless a Registered Surveyor has certified the floor level.
- v. The Council will refer to Australian Height Datum (AHD) when issuing minimum floor levels.
- vi. For all Flood Referral Areas, the minimum floor level of a new building is to be at least 500mm above the 1 in 100 year flood level (or as may be determined by the Council).

Notation

When issuing advice about minimum floor levels, the Council will provide a minimum floor level that is inclusive of the 500mm freeboard required for that particular Flood Referral Area.

- vii. For areas North of the levee bank system, and between Macauley Street and the Railway Drain and between Nurigong and Hume Streets, the minimum floor level of a new building is to be at least 300mm above the 1 in 100 year flood level. The South Albury Flood Referral Area can be seen in Figure 6.1 of this Part.
 - viii. Alterations and additions to existing individual buildings in Flood Referral Areas, which comprise less than 50% of the gross floor area of the existing building, may be carried out at the same floor level as the existing building.
- Notation**
- This floor level concession may only be utilised once, and applies to all concessions granted before the commencement of this DCP. The concession does not apply to detached buildings connected to an existing building by a covered walkway, verandah or awning. Individual dwelling units under the same roofline are to be treated as individual buildings for the purpose of this Part.
- ix. Alterations and additions which are 50% or greater than the gross floor area of the existing building are to comply with the minimum floor level referred to in (vi) above.

6.3 CONTAMINATED LAND

Historically a number of sites within Albury have been used for the storage and handling of potentially hazardous materials and goods, and as such, may be subject to potential contamination. This Section seeks to minimise the risks to land owners and developers, which may be the result of site disturbances relating to the use and/or development of potentially contaminated sites. Accordingly, Council has a policy for the management of contaminated land, with this policy included as Appendix J to this DCP, as well as, a map detailing *Unhealthy Building Lands*, which may be inspected at Council offices.

6.3.1 Key Principles

The Policy is based upon the following three key principles:

1. If the contamination status of land is unknown, no change of use should occur which may increase the risk of harm to persons or the environment until the land has been investigated, and if necessary, the risk of harm has been reduced to an acceptable level.
2. If the contamination status of land is known or becomes known to the Council, but, in the opinion of the Council, the land is suitable in its contaminated state for all the purposes for which land in the zone concerned is permitted to be used, or the land is suitable for the development proposed to be carried out, the contamination of the land should be investigated if a change of use is proposed which may lead to an increased risk of harm to persons or the environment.

3. If the contamination status of the land is known or becomes known to the Council and, in the Council's opinion, the risk of harm to persons or the environment is unacceptable; the Council may take action to have the risk of harm reduced to an acceptable level. This may include reporting the matter to the NSW Environment Protection Authority (EPA) under Section 60 of the *Contaminated Land Management Act, 1997*.

6.3.2 Investigating the Contamination Status of Land

The key principles of the policy require that the contamination status of land be investigated prior to a change of use occurring.

Therefore, most development applications, complying development certificates, and some forms of exempt development will require the Council or principal certifying authority to consider the question of whether past or present land uses, or adjoining land uses may have led to the contamination of the subject land.

State Environmental Planning Policy No. 55 – Remediation of Land and associated *Contaminated Land Planning Guidelines* outline the requirements for addressing contaminated land. The policy requires Council to be made aware of potential existing land contamination, where:

- the proposed development would result in a change of use to residential, educational, recreational or child care or hospital purposes; and
- there is no or incomplete knowledge of whether the previous use or development of the land involved potentially contaminating activities (refer to Table 1 of the *Contaminated Land Planning Guidelines*).

The Council may, therefore, ask an applicant to provide a detailed site history for a particular property or properties, and the Council may also require a preliminary investigation of land which may include soil testing.

In cases where the land is found to be contaminated (and all other aspects of the proposal are satisfactory) the Council may issue a deferred commencement condition as part of the development consent requiring the remediation of the site prior to the development proposal proceeding.

6.3.3 Remediation

In the event the land requires remediation, this work may also require development consent from Council. *State Environmental Planning Policy No. 55 – Remediation of Land* provides a complete explanation of the categories of remediation work which may require consent and the basis on which this consent may be granted.

6.3.4 Council Disclosure of Information

The Council will accept written requests for information relating to the use of land. Refer to Council's Policy at Appendix J.

Notation

For this reason, the Council has adopted a cautionary approach for information provided on Section 149 Certificates. The general notation upon Certificates is provided within the Policy at Appendix J.

6.4 BUSHFIRE

The physical features of Albury include significant areas of native vegetation and steep terrain. These features, in addition to hot dry climatic conditions in the summer period may result in many locations being prone to bushfire. Consequently, Council has identified and mapped bushfire prone land and associated buffers from these areas on the *Albury LGA – Bush Fire Prone Land Map*. All properties either wholly and/or partly affected by both bushfire prone land and associated buffers will be subject to special considerations for bushfire protection. Copies of this map may be obtained or inspected by contacting the Council.

More specific information regarding bushfire protection measures shall be consulted in the event subdivision and development is proposed in bushfire prone areas. These are contained in:

- *Planning for Bushfire Protection, NSW Rural Fire Service, 2006.*
- Section 79BA of the *Environmental Planning and Assessment Act, 1979.*
- Section 100B of the *Rural Fires Act, 1997.*

Objectives

1. To ensure, where consent is required for subdivision and development, that the following occurs in bushfire prone areas:
 - Occupants of any building are afforded with adequate protection from exposure to a bushfire.
 - A defendable space is located around buildings.
 - Appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition.
 - Safe operational access and egress for emergency service personnel and residents is available.
 - Ongoing management and maintenance of bushfire protection.
 - Measures, including fuel loads in the Asset Protection Zone (APZ), are established.
 - Utility services are adequate to meet the needs of firefighters (and others assisting in bushfire fighting).

Controls

- i. Applicants seeking consent for subdivision and development on bushfire prone land shall ensure that the requirements of *Planning for Bushfire Protection, NSW Rural Fire Service 2006* has been satisfied.
- ii. Applications for consent shall contain sufficient information to demonstrate how these requirements have been satisfied.
- iii. Council may consult with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to subdivision or development to protect persons, property and the environment from any danger that may arise from a bushfire.
- iv. A Bushfire Safety Authority shall be obtained separately from the Commissioner of the NSW Rural Fire Service for the following:
 - Subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes.
 - Development of bushfire prone land for a special fire protection purpose.

Notation

A bushfire safety authority authorises subdivision or development to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bushfire.

A special fire protection purpose means the purpose of the following:

- A school.
 - A child care centre.
 - A hospital (including a hospital for the mentally ill or mentally disordered).
 - A hotel, motel or other tourist accommodation.
 - A building wholly or principally used as a home or other establishment for mentally incapacitated persons.
 - Seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
 - A group home within the meaning of *State Environmental Planning Policy (Infrastructure) 2007*.
 - A retirement village.
 - Any other purpose prescribed by the Regulations.
-
- v. The following bushfire hazard reduction work is permitted by Council without seeking development consent. This work consists of:
 - Emergency bush fire hazard reduction work on any land.

- Managed bushfire hazard reduction work on land other than E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living Zones.

Notation

Managed bushfire hazard reduction may require Environmental Assessment under Part 5 of the *Environmental Planning and Assessment Act, 1979*, and applicants should consult directly with the NSW Department of Planning regarding these requirements

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Albury DCP 2010

Figure 6.1
FLOOD REFERRAL AREA MAPS

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7 HERITAGE CONSERVATION

7.1 INTRODUCTION

Albury is an exceptionally attractive city. Its attractiveness stems from a number of factors including:

1. The very beautiful natural setting (river crossing and river flats, surrounded by hills and low mountain ranges).
2. The richness and diversity of its architecture (resulting from successive periods of growth and affluence and the significance of Albury as a border city and regional centre).
3. The historic associations remaining from days as a river crossing, a river port, a gold town, a border town, a regional growth centre, and designated growth centre.
4. The wide grid road system running north-south and east-west.
5. The extensive mature avenues of exotic trees to all major roads.
6. The beautiful parks, gardens and recreational facilities which lie between the city centre and the river.

There are many fine buildings in Albury, which are reminders of a proud heritage. Encouragement and advice is needed to ensure that these buildings have a continued economic use and are conserved and/or restored to enhance the character of the area. This Part has been prepared having regard to the character and qualities which contribute strongly to the uniqueness and attractiveness of the urban fabric of Albury. It also provides a guide for maintaining and altering Albury's older existing building stock, whilst at the same time retaining the integrity and historical importance of these buildings as elements of earlier streetscapes and ways of life.

This Part of the DCP is supplementary to existing LEP provisions relating to heritage conservation, and provides objectives and controls for the management and conservation of heritage items and heritage conservation areas. These objectives and controls do not aim to prevent development; rather they ensure that future development occurs in a way that does not detract from recognised heritage values.

Notation

Clause 5.10 of the LEP that relates to heritage conservation specifies, the circumstances under which development consent is and/or is not required, relevant assessment matters, information requirements, notification requirements relating to archaeological sites, places of aboriginal heritage significance and demolition of items of State significance and conservation incentives.

Schedule 5 of the LEP lists all heritage items and heritage conservation areas in the Albury LGA.

The Heritage Map in the LEP shows the spatial location and extent of all listed heritage items and heritage conservation areas in the Albury LGA.

AlburyCity has a digital inventory of all heritage items in the Albury LGA. Persons are welcome to view the inventory during normal office hours, or alternatively may view this inventory on the NSW Heritage Office Website (www.heritage.nsw.gov.au).

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

7.2 OBJECTIVES

The general objectives of Albury's heritage controls are:

1. To identify heritage buildings and areas within Albury, and encourage the conservation and enhancement of these items.
2. To maintain and enhance the overall streetscape and environmental quality of the city.
3. To promote public awareness of the significance of heritage items.
4. To provide for public involvement in matters relating to the conservation of Albury's environmental heritage.
5. To identify heritage conservation areas and to seek to conserve and enhance these areas.
6. To preserve and maintain landscaping and vegetation, which contributes to the heritage significance of particular heritage items and heritage conservation areas.
7. To ensure that alterations, additions and infill developments are sympathetic and respectful of the values of the heritage sites.
8. To control the demolition of heritage items or buildings located within a heritage conservation area and archivally record these buildings in circumstances of demolition.
9. To have regard to the recommendations of the *Albury Mainstreet Study*, the *Albury City Wide and Lavington Heritage Studies*, and to relevant provisions of Part 11 of this DCP, which relates to Development in Commercial Zones.

7.3 DEFINITIONS

The following definitions are sourced from the LEP and are included for reference in relation to the provisions of this Part of the DCP:

demolish in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

heritage conservation area means an area of land:

- i. shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
- ii. the location and nature of which is described in Schedule 5 of the LEP, and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- i. a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- ii. an assessment of the impact that proposed development will have on that significance, and
- iii. proposed measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object:

- i. shown on the Heritage Map as a heritage item, and
- ii. the location and nature of which is described in Schedule 5 of the LEP, and
- iii. specified in an inventory of heritage items that is available at the office of the Council.

Heritage Map means the Albury Local Environmental Plan 2010 Heritage Map.

heritage significance means historical, scientific, cultural social, archaeological, architectural, natural or aesthetic value.

maintenance in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

relic means any deposit, object or other material evidence of human habitation:

- i. that relates to the settlement of the area of Albury, not being Aboriginal settlement, and
- ii. that is more than 50 years old, and
- iii. that is a fixture or is wholly or partly within the ground.

7.4 GENERAL DEVELOPMENT CONTROLS

7.4.1 Development Application Information Requirements

In support of an application for development in relation to a heritage item, or a building or work located within a heritage conservation area, it will be necessary for the applicant to supply written evidence prepared by an appropriately qualified specialist:

- Demonstrating that due consideration has been given to the significance of the heritage item or the building or work concerned and/or relevant heritage conservation area objectives and controls.
- Detailing the significance of the heritage item or building or work, both individually, and in the context of the environmental heritage of Albury.
- Setting out any steps to be taken to mitigate any likely adverse impact on the heritage significance of the item and its setting or on the building or work in the relevant heritage conservation area.

Notation

The Council may request additional information in support of an application before it makes a decision. This may include an assessment of the history of the building, a report on the structural condition both internal and external; or details of any unusual features). In certain instances a heritage impact statement and/or a heritage conservation management plan, prepared by an appropriately qualified specialist, may be required to enable the Council to fully consider the significance of the building and the impact of the proposed development on the building and its setting.

Apart from considering this DCP, applicants are also advised to consult with AlburyCity staff prior to preparing development applications, for guidance on the supporting information and document requirements.

7.4.2 Matters for Consideration

In assessing a development proposal, Council will consider the following:

- i. The heritage significance of the building, work or Aboriginal object to Albury.
- ii. The extent to which the carrying out of development in accordance with the consent would affect the significance of the building, work or Aboriginal object and its setting.
- iii. Whether the application relates to an item located within a heritage conservation area, and the extent to which carrying out of development in accordance with the consent would affect the heritage significance of the area.

- iv. Whether any stylistic, horticultural or archaeological features of the building or work or its setting should be retained.
- v. Whether the building or work constitutes a danger to the users or occupiers of that item or to the public.
- vi. The colour, texture, style, size and type of finish of any materials (or signage) to be used on the exterior of the building compared to other period buildings in the vicinity.
- vii. The style, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development.
- viii. The pitch and form of any roof.
- ix. The appropriate management, establishment or reinstatement of landscape features; and the style, type and height of any fencing.

7.4.3 Demolition

Objectives

1. To control demolition of heritage items and buildings and works within heritage conservation areas and archivally record these buildings in circumstances of demolition.

Controls

- i. An application to demolish a heritage item or a building or work within a conservation area must be accompanied by detailed plans of the building which is proposed to take its place. Council will have regard to this proposal in considering the application for demolition.

Notation

The proposed new building(s) is to have regard to the existing streetscape and conservation values of the area.

- ii. An application for demolition shall also address in the statement of environmental effects:
 - The historic, aesthetic and/or social significance of the building, its nature and degree, and its relationship to the overall character and significance of the locality.
 - The impact of the removal of the building or work on the overall significance of the area.
 - The reason for the proposed removal, especially why it is considered, and to what extent, the building/site can no longer be used in its existing form or with appropriate adaptation.

Notation

An application for consent for the demolition of a heritage item or a building or work within a heritage conservation area will be advertised by notice in the local paper for public comment.

Council cannot grant consent to an application to demolish a heritage item listed in Schedule 5 of the LEP as being of State significance until it has notified the NSW Heritage Council and taken into account any response received from the NSW Heritage Council within 28 days after the notice has been sent.

Section 7.4.3 does not apply in relation to the partial demolition of a heritage item or a building or work within a conservation area, where if in the opinion of the Council the partial demolition is:

- of a minor nature;
- will not adversely affect the heritage significance of the Item or area; and
- is likely to facilitate the sympathetic redevelopment of the remainder of the heritage item, building or work.

7.4.4 Subdivision

Objectives

1. To ensure appropriate heritage curtilages are maintained as part of any subdivision of land containing a heritage item.

Controls

- i. Any proposal to subdivide land (or adjoining land) on which a heritage item is located must include a conservation assessment or management plan prepared by an appropriately qualified specialist prior to consideration of any development application.

Notation

The impact of any subdivision on the curtilage of the heritage item or the actual item is to be evaluated in this conservation assessment or management plan.

- ii. A conservation assessment or management plan must:
 - Provide evidence that the integrity of the heritage item and its surroundings will be conserved using an appropriate curtilage.
 - Ensure that the fabric of the building as a whole is protected and maintained.

- Address any additional matters raised by the Council related to heritage significance or the potential impacts of the subdivision are considered.

Notation

Section 7.4.4 does not apply to a proposal to subdivide land (or adjoining land) on which a heritage item is located where if in the opinion of the Council the subdivision is:

- of a minor nature; and
- will not adversely affect the curtilages of the heritage Item.

7.4.5 Development in the vicinity of a Heritage Item or Conservation Area

In assessing a development proposal, Council will consider the impact of the development on the heritage significance of the heritage item, work, Aboriginal object or character, objectives and controls of the relevant heritage conservation area.

7.4.6 Conservation Incentives

Clause 5.10 of the LEP enables the consideration of land uses for heritage items that would otherwise not be permissible subject to specific requirements being met to the satisfaction of the consent authority.

Applicants should contact Council prior to the drafting of development plans to discuss development proposals and to ensure proposals are fully compliant with the intent and specific requirements of Clause 5.10 of the LEP.

Notation

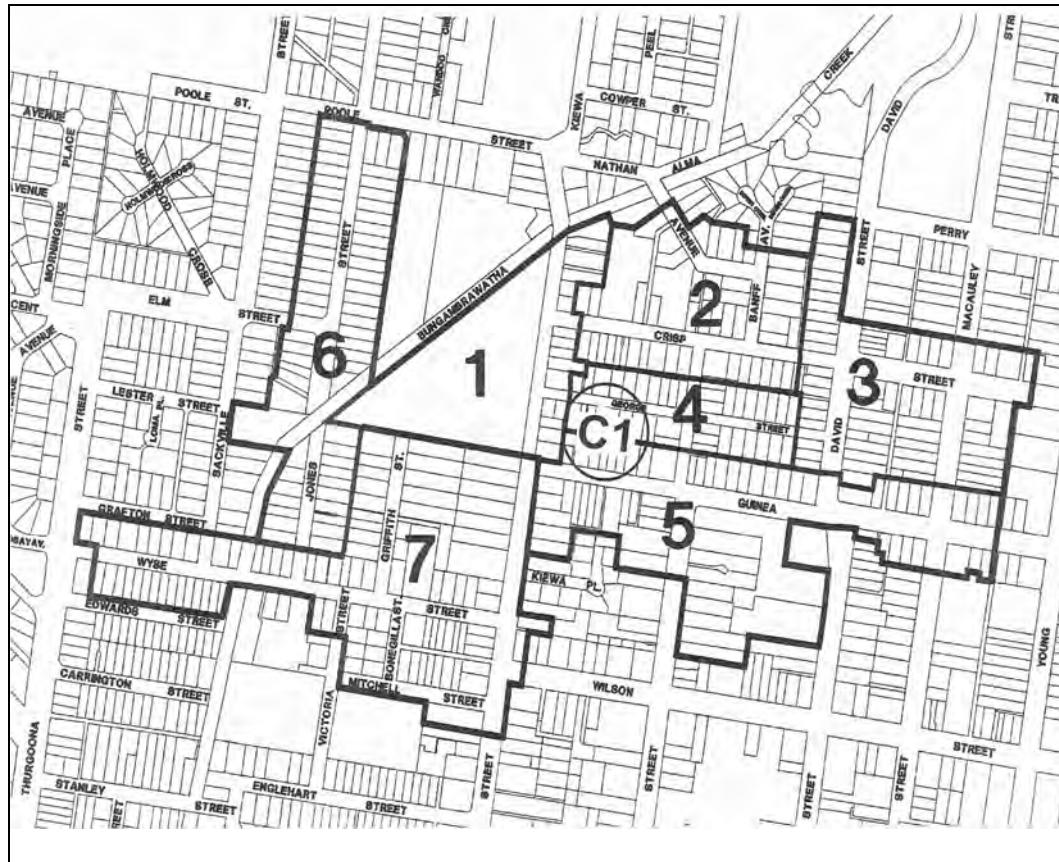
Council can waive in part or in whole the requirement for car parking to encourage the conservation of a heritage item. In determining if standard car parking requirements are waived Council must be satisfied that alternative parking is available in public car parks in the vicinity or as on street parking, in a manner that will not unreasonably interfere with the amenity of the area or the function of the street.

7.5 HERITAGE CONSERVATION AREAS

Following a survey and analysis carried out in conjunction with relevant heritage studies, the Council has identified a number of conservation areas, each with their own development theme and built character. These areas and their controls are detailed in this section.

- C1 Bonegilla Conservation Area, which comprises the Albury High School, Crisp Street, David Street (North), George Street, Guinea Street, Jones Street and Wyse Street precincts.
- C2 Botanic Gardens Conservation Area.
- C3 Bungambrawatha Conservation Area, which comprises the Carrington Street, Englehardt Street and Wilcox Street precincts.
- C4 St Davids Conservation Area.
- C5 David Street (South) Conservation Area.
- C6 Dean Street Conservation Area, which comprises the Dean Street and St Mathews precincts.
- C7 Forrest Hill Estate Conservation Area.
- C8 Hanel Street Conservation Area.
- C9 Kenilworth Street Conservation Area.
- C10 Monument Hill Parklands Conservation Area.
- C11 Mount Street Conservation Area.
- C12 St Patricks Conservation Area.
- C13 Railway Conservation Area.
- C14 South Albury Conservation Area, which comprises Charles Street and Fleming Street.
- C15 Swift Street Conservation Area.
- C16 Holmwood Cross Conservation Area.

7.5.1 C1 - Bonegilla Conservation Area



Character

The Bonegilla Conservation Area is predominantly residential in character. It is a large area that can be divided in seven (7) separate precincts, namely:

1. Albury High School.
2. Crisp Street.
3. David Street (North).
4. George Street.
5. Guinea Street.
6. Jones Street.
7. Wyse Street.

C1 - 1. Albury High School Precinct

This precinct is located in Kiewa Street between Bungambrawatha Creek and Guinea Street. It can be divided into two sub-areas reflecting the different land uses within the area:

i. *West side of Kiewa Street:*

This section contains the finely detailed, two storey high school building (1927) and the Headmaster's cottage built in the late 1880s. Also of importance are the landscaping elements adjacent to the creek, the garden and fence of the Headmaster's cottage, the palms in front of the school, and the street trees adjacent.

ii. *East side of Kiewa Street:*

This section is residential in character with houses dating from the 1890s. Of importance are 638 and 644 Kiewa Street, the palms in the front garden of 682 Kiewa Street, and the street trees. There exists a small shop across from the school that has been renovated for residential/commercial use.

C1 - 2. Crisp Street Precinct

Whilst the Crisp Street precinct is residential in character it also displays significant landscape values. The predominant feature of the area is the intact avenue of mature trees, which form a canopy over the roadway. The houses are single storey displaying a variety of building styles and materials. They also represent a cross-section of periods dating from 1870s through to 1920s.

Three heritage items are located within the area, namely 511 Crisp Street and 494 Nathan Avenue, as well as a palm tree located in the road reserve of Banff Avenue.

Unfortunately, three unsympathetic residential flat buildings at the North Western end of Crisp Street intrude into an otherwise intact precinct. The colour scheme of the Child Care Centre also detracts from the significance of this section of the precinct.

C1 - 3. David Street (North) Precinct

This precinct has been identified for its streetscape values, and accordingly, the main elements of this area include mature street trees, the terrace houses at the corner of Crisp and David Streets and the corner store at 643 David Street.

C1 - 4. George Street Precinct

This residential precinct contains a variety of housing styles dating from the 1870s through to the 1920s with the predominant form of housing single storey. Furthermore the layout of George Street is seen as unusual as it is only 13.4 metres wide, resulting in an absence of large street trees.

Unfortunately, three residential flat buildings at the western end of George Street, as well as, a number of high brick front fences detract from the precinct and streetscape values of this area.

C1 - 5. Guinea Street Precinct

Whilst the Guinea Street area is predominantly residential, containing a diversity of housing styles, there are a number of commercial and educational buildings within the locality. The area has been identified mainly for its streetscape values. The precinct can be broken into three sub-areas which reflect both land uses and zone changes. These are:

i. Young Street to David Street

Main features include houses (particularly 442 Guinea) street trees and some mature gardens. Also included in this section are the street trees in Macauley Street between Guinea and Wilson Streets.

ii. David Street to Olive Street

Main features include a mixture of residential, commercial (particularly 462 Guinea - formerly "Reids Butcher Shop"), educational buildings (i.e. Charles Sturt University - Murray Campus) as well as mature-aged street trees. The buildings in Olive Street which are part of the University Campus were built in the 1880s and display individual qualities of design. Unfortunately some of the renovations carried out have been inappropriate, detracting to a small extent from the overall site. A residential flat building located at 634 Olive Street, built in 1972, breaks up this section of the precinct.

iii. Olive Street to Kiewa Street

Main features include houses (particularly 513-529 Guinea Street and 633-645 Olive Street) as well as mature-aged street trees. This section contains a number of items which reflect the "local developer" identified within the Physical Evidence Report of the Albury Central Area Heritage Study.

C1 - 6. Jones Street Precinct

The Jones Street Precinct is a good example of an intact central Albury residential street dating from the 1920s. Whilst the dwellings in this section are of a variety of styles, there is similarity in building materials, set-back and landscaping elements. This section has also been identified within the Landscape Analysis Report of the Albury Central Area Heritage Study as containing significant street trees.

C1 - 7. Wyse Street Precinct

The Wyse Street Precinct has been identified for its landscape and streetscape values. Apart from the mature street trees, the precinct also contains a mixture of single and two storey residential buildings. Of particular importance are "Bonegilla" and "Bellevue" located opposite each other in Kiewa Street, the single storey row houses at the corner of Wyse and Bonegilla Streets and the two storey residential flat building at the corner of Wyse and Wilson Streets. The Fire Station is also located at the corner of Mitchell and Kiewa Streets. Within the precinct, a number of residences in Mitchell Street have been converted to commercial premises, which has resulted in some sympathetic renovations being carried out.

Objectives

1. To conserve and enhance the existing residential streetscapes by ensuring any new development respects the existing low scale character and complements architectural features of adjoining buildings.
2. To preserve significant landscape features within the area.
3. To ensure any new development within the commercial section of the Guinea Street Precinct respects the existing low scale development of the area.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Advertising Structures

- iii. Advertising Structures shall not be erected without the consent of Council. Council will have regard to the impact of an advertising structure on the precinct and/or a heritage item.

Refer also to Part 16 of this DCP, which relates to Outdoor Advertising.

Renovation/Infill Development

- iv. New development, including extensions, should complement the existing by matching building materials, scale and proportions.

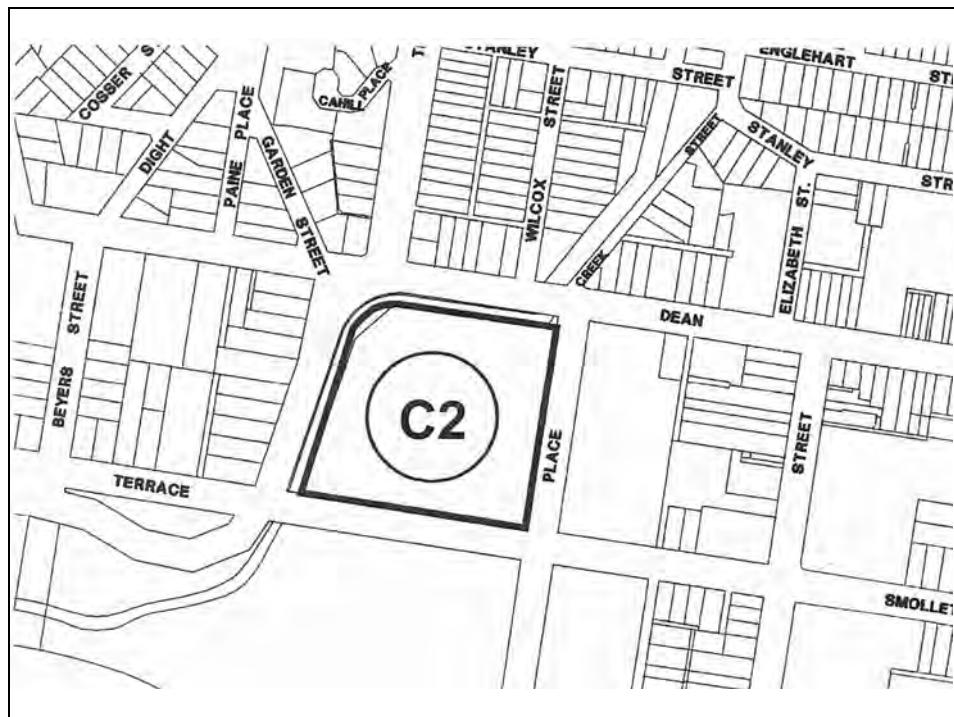
Streetscape

- v. Development, particularly when viewed from the street shall be compatible with the character and scale of buildings in the immediate vicinity and generally the predominant building theme within the conservation area.

Front Fences (forward of the building line)

- vi. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vii. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent).
- viii. Minimum distance between piers – 2.4m.

7.5.2 C2 - Botanic Gardens Conservation Area



Character

Apart from the obvious aesthetic values of the Botanic Gardens, the site is also important for its historical and cultural significance. The original Government Grant in 1864 was 50 acres (20 ha) of land. The first trees were planted in 1877 along what is known today as the Elm Avenue. In 1887-88 Smollett Street was extended through the Botanic Reserve and the bridge over Bungambrwatha Creek was built. The gardens were then given their present boundaries, with an area of approximately 10 acres (4ha).

Initially the gardens were laid out with straight paths and rows of pines, elms and other trees. With the appointment of the curator Mr J Fellows in 1901, the gardens were slowly transformed with curved and rounded paths and shrub beds, giving a softer, less formal appearance. Despite some minor changes since, the layout of the Gardens remains basically the same today.

The Gardens contain a variety of structures that reflect the history of the development of Albury and the surrounding district. They also provide an excellent example of the traditional style of Botanic Gardens and contribute a significant landscape element to the central area.

Objectives

1. To prepare a master plan for the Gardens to guide long term maintenance and development and to coordinate minor works.
2. To ensure development within or adjacent to the area respects and where possible enhances the landscape and heritage values of the area.
3. To preserve significant landscape features and to conserve the historic values of the precinct.

Controls

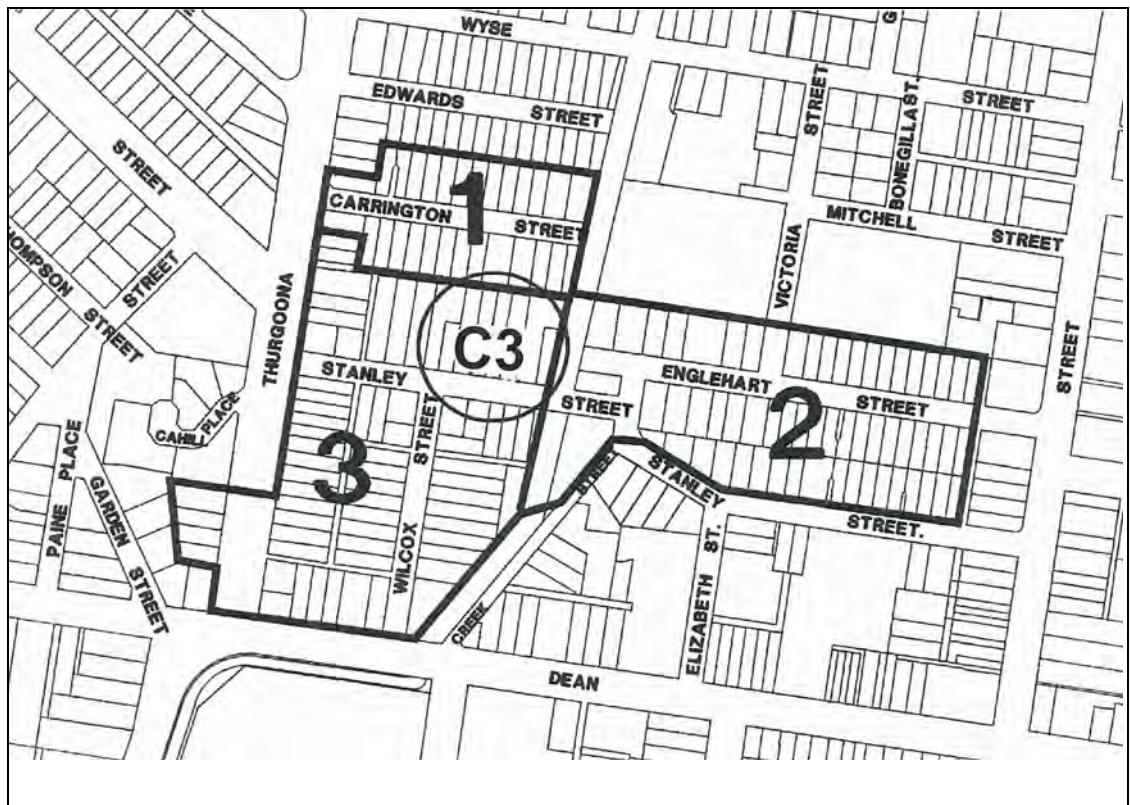
Maintenance and Landscaping

- i. Works carried out within the area should be generally in accordance with an approved master plan. This includes minor works, long term maintenance and future development within the area.

Development within the Vicinity of the Precinct

- ii. Particular regard will be had to any development within the vicinity of this precinct, particularly in regard to building height, bulk and scale.

7.5.3 C3 - Bungambrawatha Creek Conservation Area



Character

The Bungambrawatha Creek Conservation Area is residential in character, containing a good variety of dwelling house styles and building materials. The area can be divided into three precincts, namely:

1. Carrington Street.
2. Englehardt Street.
3. Wilcox Street.

C3 - 1. Carrington Street Precinct

The Carrington Street Precinct contains an intact group of well maintained single storey residential buildings dating from the 1890s to 1920s.

A feature of the street is that it has no through traffic. The street trees aligning the road reserve are nicely understated by the kerbing and paving. At the eastern end of the street there is a cluster of palms and a desert ash which are dominated by a single cotton palm. This provides an effective backdrop to the dead end, as well as, a link to the pedestrian way along Bungambrawatha Creek.

Unfortunately, there are a number of high brick front fences within the precinct which detract from the heritage significance of this area. Furthermore, the colour scheme of the units located at 564 Thургона Street also detracts from the significance of this precinct. Heritage and interpretive values would be enhanced by the removal and replacement of high fences with more sympathetic fence types, as well as, the reinforcement of more appropriate colour schemes.

C3 - 2. Englehardt Street Precinct

The area contains a good example of single storey central Albury cottages dating from the 1880s, displaying various architectural styles. The eastern end of the street was subdivided in 1888 and began to be developed from that time. In particular house numbers 582-606 Englehardt are a relatively intact group, with some mature gardens. This group displays a good relationship with the nearby creek.

Whilst the precinct displays character, the area has become an extension of the nearby commercial area with the conversion of dwellings to professional chambers. This has seen a number of dwellings being renovated generally in sympathy with the original character and scale of the locality.

Unfortunately, a number of intrusive elements have emerged in this area, including the erection of a large sign on a gable element at 588 Stanley Street, severely detracting from the appearance of this precinct. Furthermore, two vacated properties at 552-554 Stanley could be the subject of development pressures through the possible re-development of these sites. Any re-development of these sites shall have particular regard to the heritage significance of the area.

C3 - 3. Wilcox Street Precinct

This precinct is residential in character displaying streetscape and landscape values. The original subdivision, which dates from the 1880s, provides all the properties within this precinct with rear lane access. A feature of these rear lanes include some remaining red brick outhouses with curved corrugated iron roofs, which predate the sewer system of the central area of Albury.

Whilst there are a number of intrusive elements within the precinct, including the colour scheme of the old corner store in Thургона Street and residential flat buildings in Stanley Street, the precinct still provides a good variety of housing styles, materials and form. Of particular interest are the small cottages in Thургона Street which are set well back from the front boundary.

Objectives

1. To conserve and enhance the existing residential streetscapes by ensuring any new development respects the existing low scale character and complements the architectural features of adjoining buildings.
2. To preserve significant landscape features within the area.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Setbacks

- ii. Minimum setbacks for new buildings will be determined by a line drawn between adjoining buildings.

Advertising Structures

- iii. Advertising Structures shall generally not be erected without the consent of the Council. The Council will have regard to the impact of an advertising structure on the precinct and/or an item of the environmental heritage.

More detailed advertising controls are contained within Part 16 of this DCP, which relates to Outdoor Advertising.

Car Parking

- iv. Car parking required as a result of development within the areas shall be provided behind the main building alignment. Parking areas and access driveways should be visually discreet.
Refer also to Part 17 of this DCP, which relates to Off Street Car Parking.

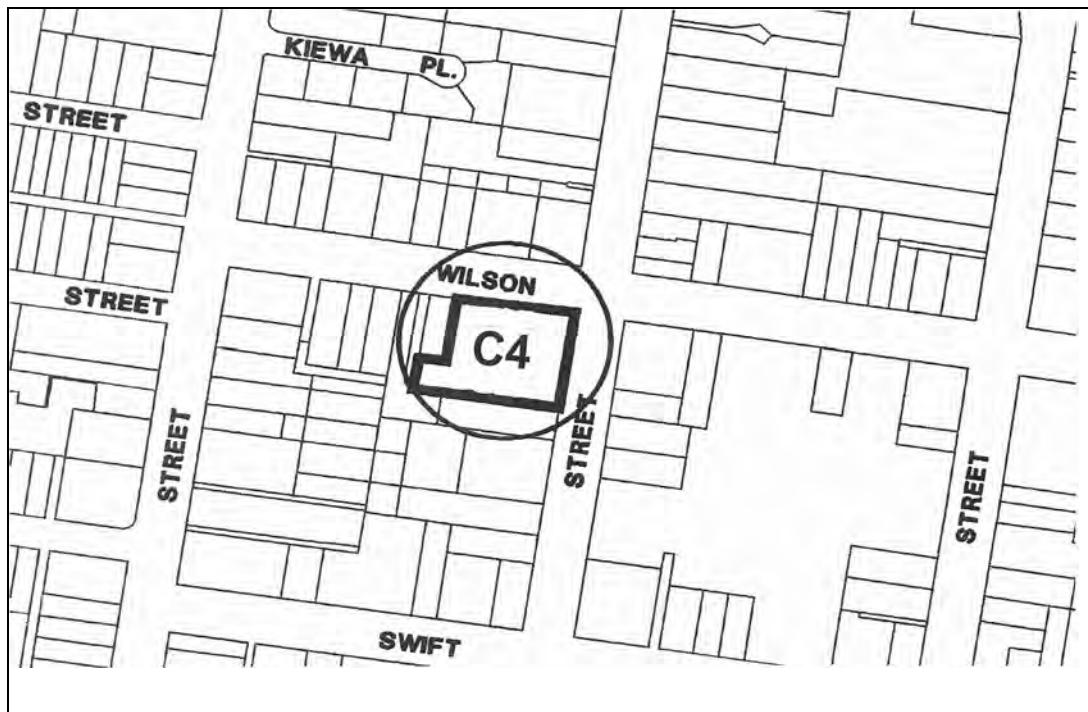
Renovation/Infill Development

- v. New development, including extensions, should complement the existing by matching building materials, scale and proportions. Development, particularly when viewed from the street shall be compatible with the character and scale of the buildings in the immediate vicinity.

Front Fences (forward of the building line)

- vi. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vii. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent).
- viii. Minimum distance between piers – 2.4m.

7.5.4 C4 - St David's Conservation Area



Character

This is a small precinct located at the corner of Olive and Wilson Streets. It contains three heritage items, namely St David's Church (1906), Church Hall (1905) and Manse (1924).

The church and church hall are excellent examples of their respective styles, and together with the two storey manse, form an exceptional group. The precinct also provides significant streetscape values.

Objectives

1. To conserve and enhance the existing church precinct and to ensure any development within the vicinity of the area complements the scale and appearance of the area.
2. To encourage continued use of the buildings for church, public or community related uses.

Controls

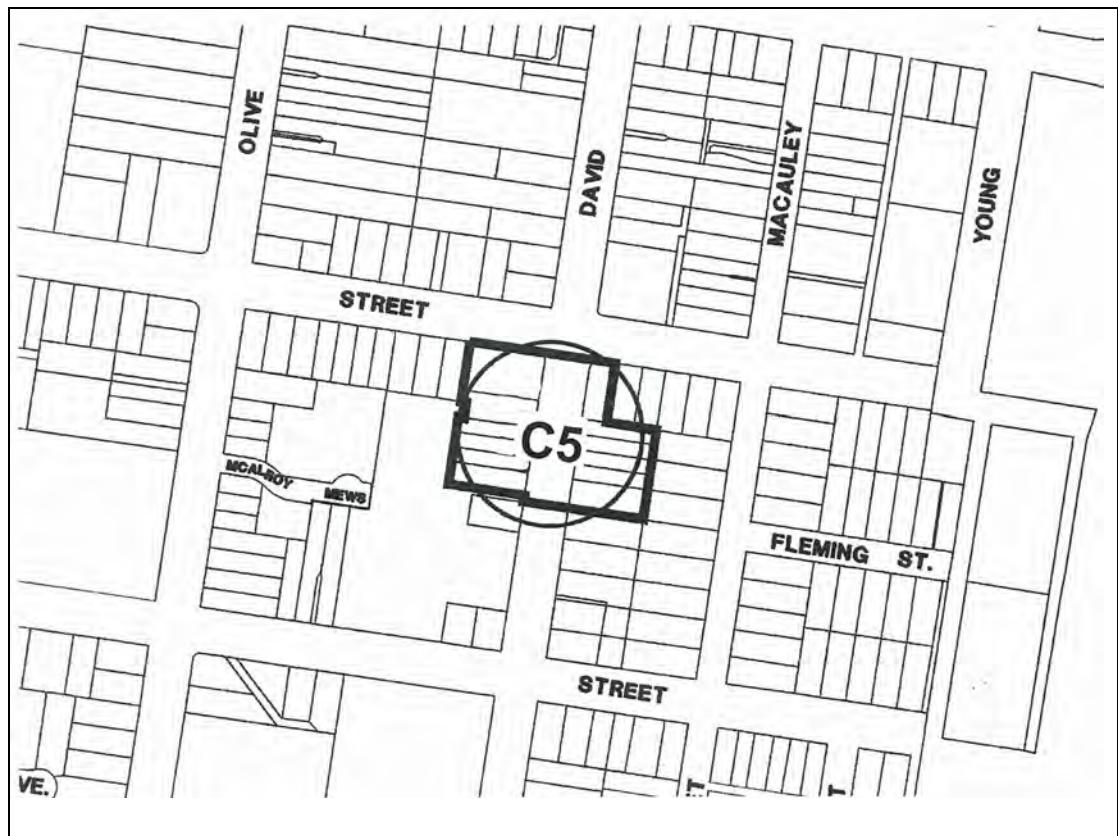
Renovation/Infill Development

- i. New development, including extensions to a building should complement the existing by matching building materials, scale and proportions.

Streetscape/Development within the Vicinity of the Area

- ii. Particular regard will be had to any development within the vicinity of this precinct, especially in relation to building height, bulk and scale. Development when viewed from the street shall be compatible with the character and scale of buildings within the precinct.

7.5.5 C5 - David Street Conservation Area



Character

This small residential area contains a relatively intact group of dwellings dating from the 1880s to the 1920s. It displays significant streetscape qualities and landscape elements.

The Western side of David Street contains a group of houses (403-411) that form a cohesive element with consistent quality and regularity of building style and materials. The corner site (419) is also particularly important given its location to the former highway and the adjoining dwelling at 415 has been sympathetically renovated and converted into a commercial businesses. The houses on this side effectively screen the cheese factory located behind them.

On the Eastern side of David Street, the houses are older and display a greater variety of styles and materials. Also located within this precinct are excellent examples of modern sympathetic infill buildings, including two dual occupancy developments at 418 and 412 David Street and a multi-dwelling housing development at 402 David Street.

Objectives

1. To conserve and enhance the existing residential streetscape of this area.
2. To ensure new development in the vicinity of the area respects the existing scale of the locality.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

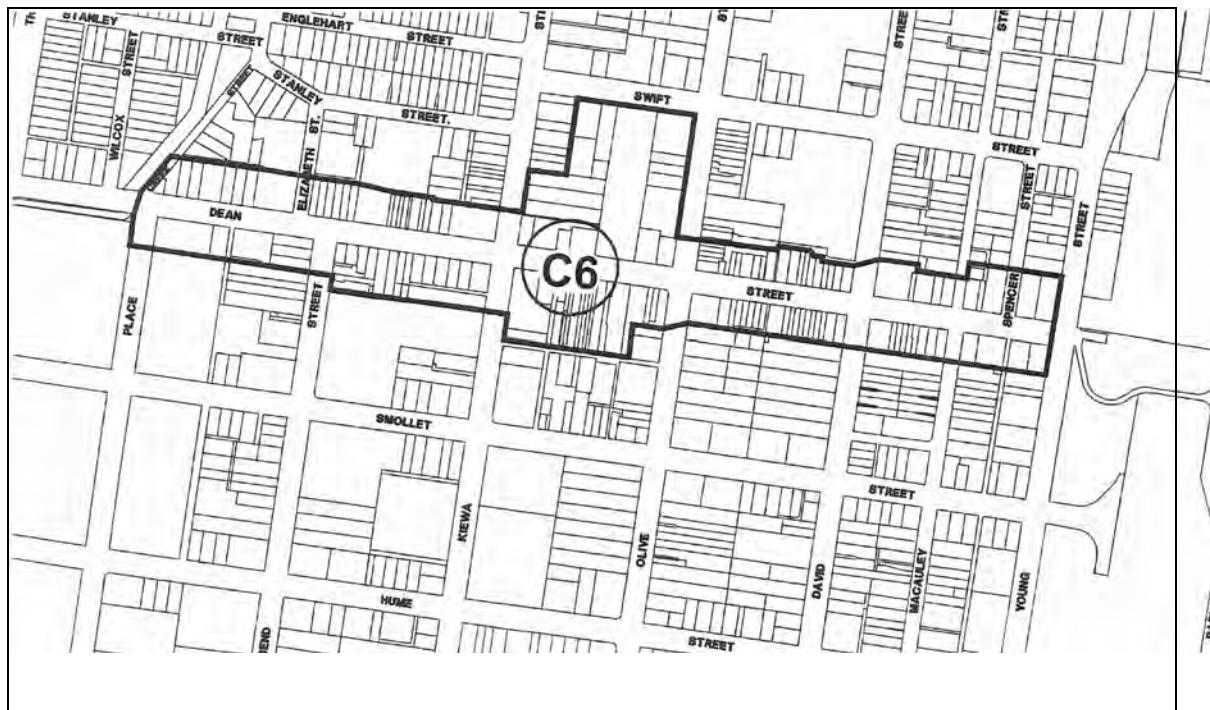
Streetscape

- iv. Development, particularly when viewed from the street shall be compatible with the character and scale of buildings in the immediate vicinity.

Front Fences (forward of the building line)

- v. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vi. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),
- vii. Minimum distance between piers – 2.4m.

7.5.6 C6 - Dean Street Conservation Area



Character

The Dean Street Conservation Area comprises two precincts:

1. Dean Street.
2. St Matthews.

C6 - 1. Dean Street

The Dean Street precinct is commercial in character, containing shops and offices located between Macauley Street and Wodonga Place. The area contains over 20 significant heritage items including the Court House, the former Albury Council Chambers (now used as the Regional Art Gallery) and Burrows House. The most prominent buildings are located around the three Dean Street intersections of David, Olive and Kiewa Street.

The field work undertaken has identified that much of the character of the precinct is located above the awning level. Whilst many premises have modern shop frontages at the street level, many buildings have not been altered at the first floor level.

While this precinct contains mainly two storey buildings, the streetscape is punctuated by a number of spires, namely the CML Building, T&G Building, the Post Office and the New Albury Hotel.

Also located within this precinct is a civic square known as Queen Elizabeth II Square (QEII Square). This provides a focus for the central business district and acts as a meeting place and rest area within the City Centre.

Located at the corner of Swift and Olive Streets, are two remaining heritage items namely the Methodist Church (1875), and the Church Hall (1965 and 1925). The Manse (1906) was demolished in 1993 as part of the redevelopment of the site for Police purposes. This is an important corner site close to the City Centre, which provides not only important heritage values but streetscape values as well.

Other highlights of the precinct include the Western vista which leads all the way to the Monument.

C6 - 2. St Matthews

This is a small precinct that contains two important items of Albury's heritage, St Matthews Church and Rectory.

The church comprises three sections. (1) The smaller gabled West Wall containing a Norman-style doorway with three lancet windows above, are constructed of Albury gneiss from Western Hill. This and the tower base are part of the original plan designed by Edmund Blacket in 1857. (2) The Gothic Revival transepts, chancel and vestries were designed by William Boles in 1875 and joined Blacket's nave. They were made of Rocky Hill granite from near One Tree Hill and Table Top sandstone for dressings. (3) The tower, spire, nave roof and larger gabled West Wall were designed by Ian O'Connor for the restoration of St Matthews (completed in 1994) following a devastating fire in 1992. This work included widening Blacket's nave while seeking to fulfil his original design. The stained-glass windows are by Kevin Little.

This building has a good relationship with the neighbouring rectory, which is of Victorian Gothic design. The two contribute significantly to the precinct and adjoining streetscape. The rear of the precinct opens out onto the adjacent QEII Square.

The precinct is also punctuated on either side by the Post Office and Belbridge Hague buildings that are both built to the front boundary, and are of similar scale. In particular the red brick side wall of the Belbridge Hague building provides a sympathetic backdrop to the rectory (1869-1870).

The adjoining Belbridge Hague building was originally an Oddfellows Hall opened in 1874.

Objectives

1. To conserve and enhance the existing commercial streetscape of the Dean Street precinct, especially above the awning level. Any new development should match the scale and complement the features of adjoining buildings.
2. To conserve and enhance the existing church precincts and to ensure any development within the vicinity of these precincts complements the scale and appearance of the precinct.
3. Original features such as balconies, verandahs and windows, should, where possible and appropriate, be reinstated.
4. Painting of buildings in appropriate colour schemes should also be encouraged.

Controls

Building Height

- i. A building shall not be erected to a height greater than 4 storeys within the area unless Council is satisfied the building will not unnecessarily or unreasonably intrude upon the area or on a heritage item.

Refer also to Part 11 of this DCP, which relates to Development in Commercial Zones, in particular, building height and floor space ratio controls. Where there is an inconsistency between this Part and Part 11 of this DCP, applying to the same land, then Part 11 shall prevail.

- ii. Decorative towers, spires etc may be erected if they will complement the streetscape.
- iii. All development within the Dean Street Conservation Area will be subject to Council being satisfied that the building will enhance, and not unduly intrude upon:
 - Nearby heritage items.
 - The existing character of other buildings in the locality.
 - Significant streetscapes or vistas.
 - Public amenity and convenience.

Advertising Structures

- iv. Certain advertisements do not require the Council's consent. Refer to Clause 3.1 and Schedule 2 of the LEP and Part 16 of this DCP, which relates to Outdoor Advertising. All other advertisements shall not be erected without the consent of the Council.

Notation

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. The Policy has State-wide application and commenced on 27

February 2009. Schedule 2 contains additional exempt development not specified in that Policy.

Exempt development may be carried out without the need for development consent under the *Environmental Planning and Assessment Act 1979*. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

- v. Advertising structures shall not be erected above an awning unless the Council is satisfied that the sign will not unnecessarily or unreasonably intrude upon the precinct; or obstruct architectural features of a heritage item.

More detailed advertising controls are contained within Part 16 of this DCP, which relates to Outdoor Advertising.

- vi. If an advertising structure is to be attached to a building, the plans accompanying the application should provide elevations of the building showing windows, verandahs, awnings or other major architectural features in relation to the sign.

Building Colours

- vii. Consideration shall be given to building colours to ensure that new developments, restorations and renovations enhance the character of the area.

Maintenance and landscaping

- viii. Works carried out within Queen Elizabeth II Square should be generally in accordance with any applicable endorsed Masterplan or Council Policy relevant at the time. This includes minor works, long term maintenance and future development within the area.

Streetscape

- ix. Development particularly when viewed from the street should be compatible with the character and scale of building in the immediate vicinity.

Development within the Vicinity of the Precinct

- x. Particular regard will be had to any development within the vicinity of this precinct, particularly in regards to building heights, bulk and scale.

Renovation/Infill Development

- xi. New development, including extensions to a building, should complement the existing by matching or suitably contrasting materials, scale and proportions.

7.5.7 C7 - Forrest Hill Conservation Area



Character

Albury's first "high class residential subdivision" was developed by the Stedman and Griffith families. Features of the subdivision layout include the "orientation of blocks to take advantage of the slopes to provide drainage, views and interesting vistas and the lack of rear lane ways to eliminate the likelihood of the estate being marred by untidy lanes".

The Forrest Hill area is an excellent, intact residential estate dating from the 1920s to 1930s. The estate was first laid out in 1928. It has mature gardens and street trees, and very little intrusion or modification. While it contains a variety of styles of architectural and streetscape interest, there is a similarity of building materials, setbacks and landscaping elements. The houses are mainly single storey, however there are a number of two storey buildings scattered throughout the area, including the original house at 730 Fellowes Crescent which dates from the 1870s.

The area is considered to be at least as significant as Braddon (ACT) which is on the Register of the National Estate. The Physical Evidence Report of the Albury Central Heritage Study states that "*this is perhaps Albury's finest example of a development that expressed very plainly the values of an architecturally distinctive era*".

Objectives

1. To conserve and enhance the existing residential streetscapes by ensuring new development respects the existing low scale and complements architectural features of the area.
2. To undertake an architectural assessment of the area to determine the comparative importance of the estate.
3. To preserve significant landscape elements.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

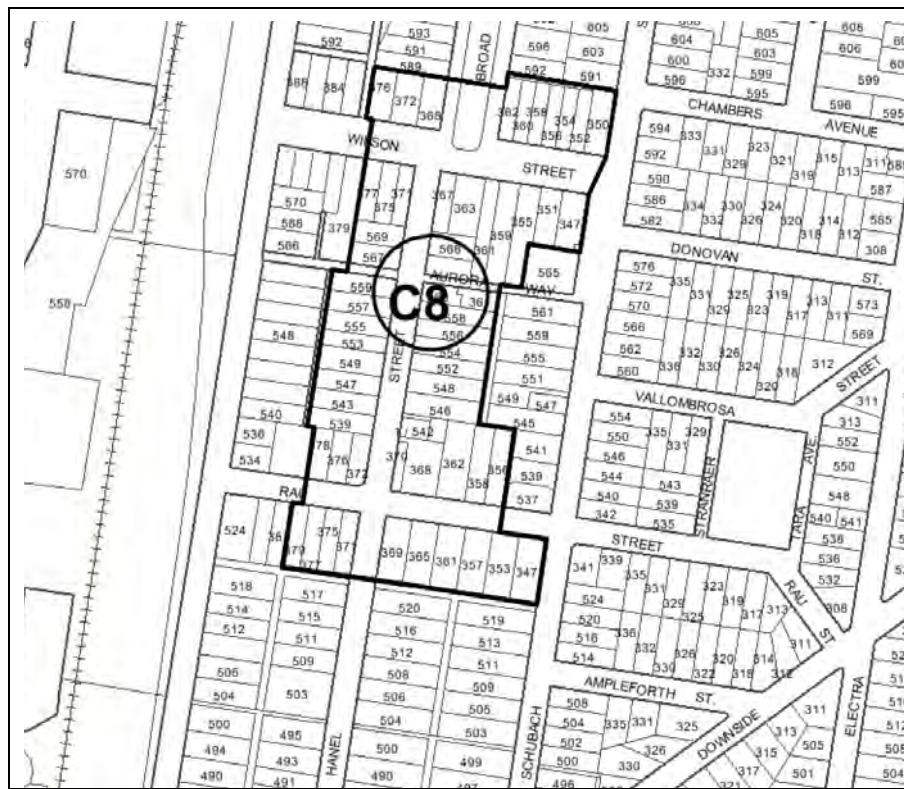
Streetscape

- iv. Development, particularly when viewed from the street should be compatible with the character and scale of buildings in the immediate vicinity.

Front Fences (forward of the building line)

- v. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vi. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),
- vii. Minimum distance between piers – 2.4m.

7.5.8 C8 - Hanel Street Conservation Area



Character

The Hanel Street area comprises a variety of dwelling styles which date from 1885 to the 1920s. Included within the area are examples of classic late Victorian style, Queen Anne style and more modest timber clapboard residences. Also located at the corner of Rau and Hanel Streets is a renovated corner store converted for residential purposes, and an original cast iron post box.

The precinct is residential in character and contains a number of heritage items which have both architectural and streetscape importance. Also within the area are a number of important landscape elements including Canary Date and Cotton Palms, mature private gardens and intact street trees.

Throughout the precinct are a number of good examples of infill development, which maintain and contribute to the significance of the area. Unfortunately, however a number of established residential flat buildings within the precinct, as well as, a number of intrusive elements throughout detract from the areas overall heritage significance. These elements are not to be replicated and where possible removed through redevelopment activities.

Objectives

1. To conserve and enhance the existing residential streetscape by ensuring new development respects the existing low scale and complements architectural features of adjoining buildings.
2. To minimise the impact of future proposed road works on the remainder of the area.
3. To remove where possible intrusive elements within the area through redevelopment.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

Streetscape

- iv. Development, particularly when viewed from the street should be compatible with the character and scale of buildings in the immediate vicinity.

Front Fences (forward of the building line)

- v. Matching low brick or timber picket fences are preferred, consistent with existing similar structures in the surrounding area.
- vi. Fences must not be erected to a height greater than 1.2 metres unless, where a fence is proposed above this height, must not exceed a maximum height of 1.6m and must be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent,
- vii. Minimum distance between piers – 2.4m.

7.5.9 C9 - Kenilworth Street Conservation Area



Character

The Kenilworth Street area has been identified for its landscape values and for the group of houses (347-381) located on the south side of the street. Dating from the 1920s, these dwellings are predominantly red brick with corrugated iron roofs. The front facade of No. 369 Kenilworth has however been unsympathetically painted, which breaks up the cohesion of the group.

There are a number of established gardens and original brick fences within the precinct. Also of importance is the corner store located at the South Eastern corner of Kenilworth and Schubach Streets.

It is further noted that the Western end of the street has been closed due to the construction of the *Albury Wodonga Hume Freeway*.

Objectives

1. To conserve and enhance the existing residential streetscapes by ensuring new development respects the existing low scale domestic character and complements architectural features of adjoining buildings.
2. To minimise the impact of future proposed road works on the remainder of the area.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

Streetscape

- iv. Development, particularly when viewed from the street should be compatible with the character and scale of buildings in the immediate vicinity.

Front Fences (forward of the building line)

- v. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vi. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),
- vii. Minimum distance between piers – 2.4m.

7.5.10 C10 - Monument Hill Parklands Conservation Area



Character

The *Landscape Analysis Report* of the *Albury Central Heritage Study* describes in some detail the character and importance of the Monument Hills Conservation Area. The area displays special landscape character with varying degrees of scenic quality. It comprises a number of precincts, namely:

1. The Obelisk Area.
2. The Natural Parkland.
3. Roper Street Linkage.
4. Memorial Bowl Area.
5. Dean Street Pathway.

A number of heritage items are located within the area including Greer's wine cellar excavation (1847), the monument obelisk (1925), the memorial bowl (1954) and a number of significant trees including the palm grove at the western end of Dean Street.

(For more details relating to the Monument Hill Area and its various precincts, refer to the *Monument Hills Parklands Study* prepared for the Council by Alan Grant and Associates and Bruce Mackenzie and Associates). Copies of which may be inspected at Council offices.

Objectives

1. To conserve and enhance the environs of the precinct, as well as, the original design intent of the Grand Avenue extending from Dean Street to the Monument.
2. To integrate the Monument Hill precinct with the riverside parks area and the City Centre.
3. To preserve significant landscape elements within the precinct.
4. To have regard to views of the Monument, as well as, views from the Hill and Memorial Bowl Area onto the City environs below.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Renovation/Infill Development

- ii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

Landscaping

- iii. Landscaping should only be carried out in accordance with an approved landscape master plan for the area.

Car Parking

- iv. Car parking areas should be visually discreet, and judiciously landscaped.
Refer also to Part 17 of this DCP, which relates to Off Street Car Parking.

Advertising Structures

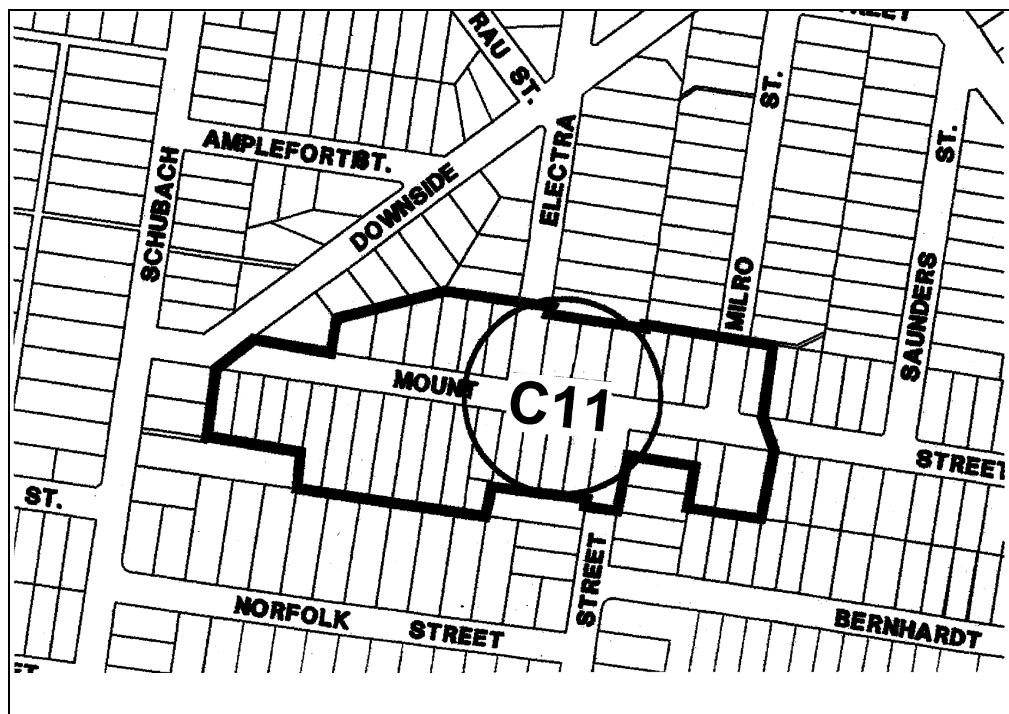
- v. Advertising structures other than directional and/or information signs will not be approved within the precinct. Council may however consider temporary advertising that may result from future use of the Memorial Bowl area, where Council is satisfied the temporary sign will not unreasonably or unnecessarily intrude upon the precinct or a heritage item.

Refer also to Part 16 of this DCP, which relates to Outdoor Advertising.

Front Fences (forward of the building line)

- vi. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vii. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),
- viii. Minimum distance between piers – 2.4m.

7.5.11 C11 - Mount Street Conservation Area



Character

The Mount Street conservation area is located between Downside and Milro Streets and has been identified for its streetscape qualities. The precinct is residential in character containing excellent examples of 1930s - 1940s housing with very little modifications to the buildings. The mature street trees are also of significance, forming a tunnel like effect upon entering the precinct, particularly from the Eastern end.

The housing in this area is predominantly red brick with corrugated iron roofing. A few houses (316) have feature brickwork which enhances the front facades and contribute to the streetscape. There are also a number of original front fences.

Objectives

1. To conserve and enhance the existing residential streetscape by ensuring new development respects the existing low scale domestic character and complements architectural features of adjoining buildings.
2. To preserve significant landscape elements within the area.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

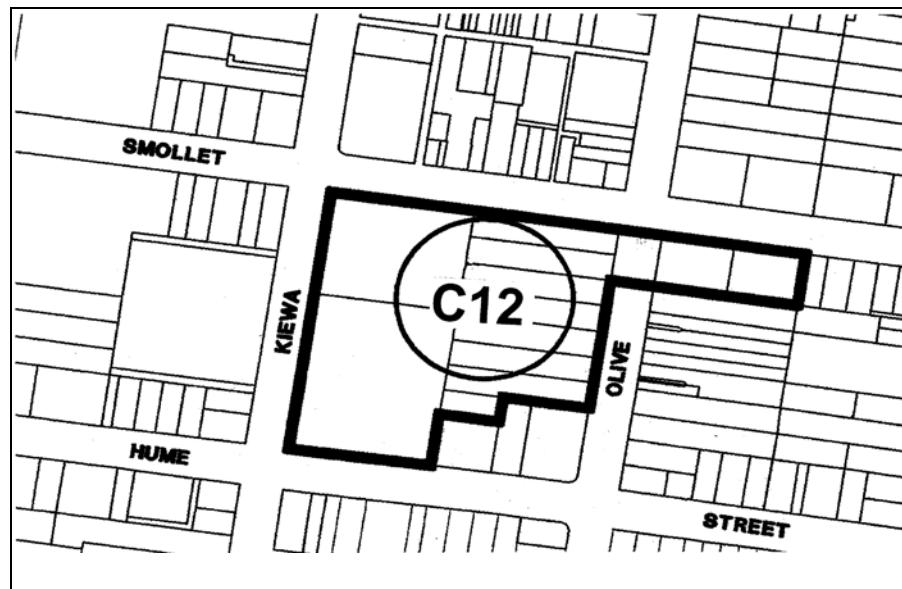
Streetscape

- iv. Development, particularly when viewed from the street should be compatible with the character and scale of buildings in the immediate vicinity.

Front Fences (forward of the building line)

- v. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vi. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),
- vii. Minimum distance between piers – 2.4m.

7.5.12 C12 - St Patricks Conservation Area



Character

This area contains an important group of church related buildings including St Patricks Church, Hall and Presbytery, School buildings (including the sympathetic conversion of 499 Smollett Street to a commercial office), Monastery and a Convent.

The area is of considerable architectural interest, as well as, displaying significant streetscape values. The major element is the large stone Gothic Revival style church (1870-1872) located at the south western corner of Smollett and Olive Street. An impressive feature of this building is the tower with its terminating cupola and arched belfry.

Also of significance is a Moreton Bay Fig tree located within the school grounds. This is a very old, large tree which is in need of regular maintenance, the cost of which is currently met by the school. Given the significance of the tree, the maintenance issue warrants further investigation.

Objectives

1. To conserve and enhance the existing church precinct and ensuring any new development within the vicinity of the precinct complements the scale and appearance of the precinct.
2. To preserve significant landscape elements within the area.
3. To investigate, avenues for funding for the on-going maintenance and care of the Moreton Bay Fig.

Controls

Renovation/Infill Development

- i. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

Streetscape/Development within the Vicinity

- ii. Particular regard will be had to any development within the vicinity of this precinct, especially in relation to building height, bulk and scale. Development when viewed from the street should be compatible with the character and scale of buildings within the precinct.

Notation

Refer also to Part 11 of this DCP, which relates to Development in Commercial Zones, in particular, building height and floor space ratio controls.

7.5.13 C13 - Railway Conservation Area



Character

The Railway Area contains a variety of building styles and functions. There are a number of heritage items within the area including bridges, a flour mill, a number of houses, the magnificent Railway Station and ancillary railway buildings such as the signal box and storage sheds.

The area is bounded to the West by the Young Street (former Hume Highway) and to the East by the *Albury Wodonga Hume Freeway*. Two prominent features of the precinct are the tower of the Railway Station and the silos of Bunge Mill.

The railway station was built in Victorian Italianate style, designed by John Whitton, Chief Engineer for the NSW Railways in 1880 and opened in 1883. He also designed the railway houses in Young Street recently restored by John Potter. The main platform (1494 feet) is reputed to be the longest covered platform in the Southern Hemisphere.

Objectives

1. To conserve and enhance the existing built forms by ensuring any new development is in scale and character with adjacent heritage items.
2. To retain and enhance the vista and streetscape values of the Railway Station by restricting future development between that building and the former highway road reserve.
3. To ensure that advertising structures are not erected on or near heritage buildings.

Controls

Building Height

- i. Due to the diversity of scale within the precinct, building heights in relation to new structures will be determined having regard to the scale and proximity of individual heritage items within the precinct. Refer also to Part 11 of this DCP, which relates to Development in Commercial Zones, in particular, building height and floor space ratio controls. Where there is an inconsistency between this Part and Part 11 of this DCP, applying to the same land, then Part 11 shall prevail.

Advertising Structures including Billboards

- ii. Advertising structures shall not be erected without the consent of the Council. The Council will have regard to the impact of an advertising structure on the precinct, including the impact on views of major elements within the precinct from outside of the precinct. Structures that aim to advertise to persons or motorists using the *Albury Wodonga Hume Freeway* will not be permitted. Refer also to Part 16 of this DCP, which relates to Outdoor Advertising.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

7.5.14 C14 - South Albury Conservation Area



Character

This area is residential in character, and contains a representative example of modest houses including workers cottages dating from the 1870s - 1890s. The houses display a variety of styles, building materials, and colour schemes. They are also in varying states of repair.

The only heritage item within this precinct is located on the western side of Charles Street, which contains a group of houses (355-369) that provide a cohesive element with consistent regularity of building style and materials. Important streetscape elements of the precinct include building form, height and bulk, some front fences and the street trees.

A feature of the original Charles Street subdivision is the rear lane access provided to all dwellings.

Objectives

1. To conserve and enhance the existing residential streetscapes by ensuring new development respects the existing low scale and complements architectural features of adjoining buildings.
2. To preserve significant landscape elements within the precinct.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

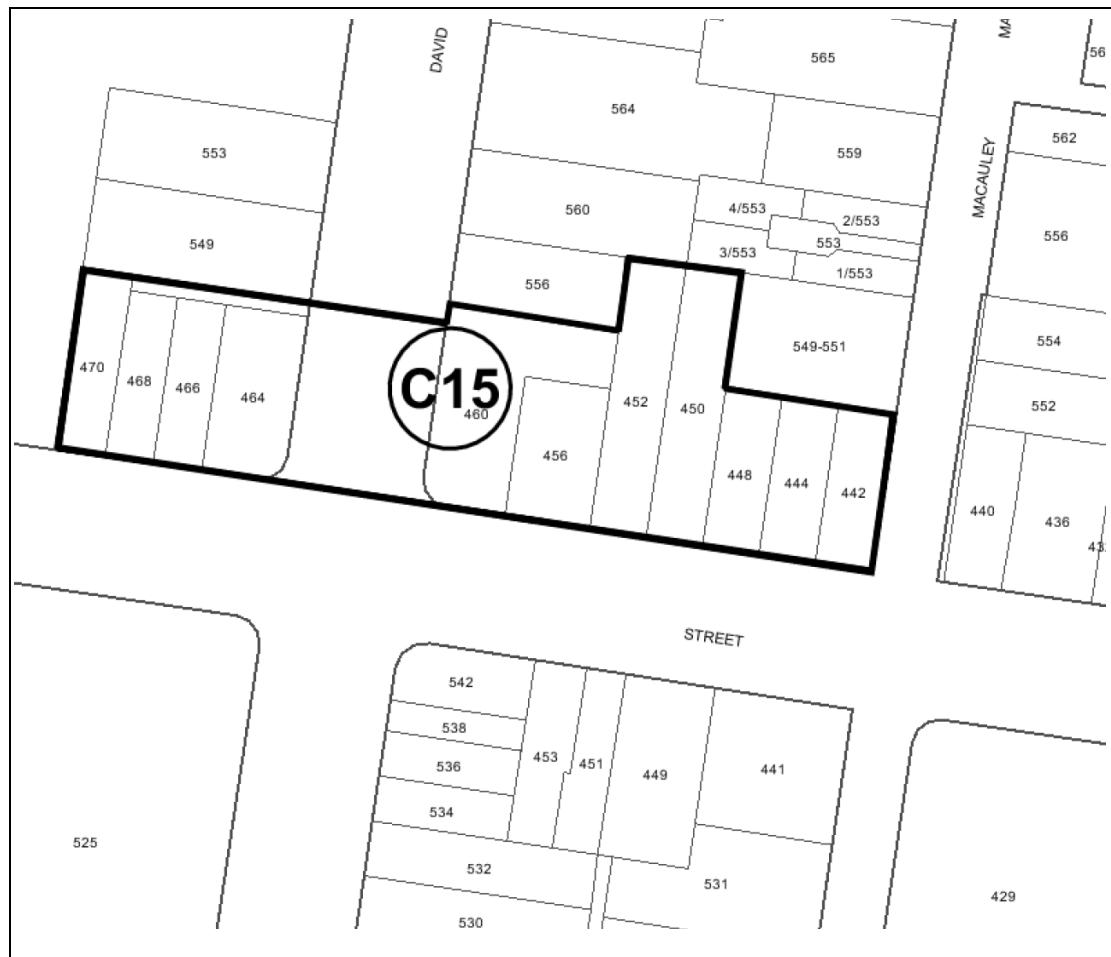
Streetscape

- iv. Development, particularly when viewed from the street should be compatible with the character and scale of buildings in the immediate vicinity.

Front Fences (forward of the building line)

- v. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- vi. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),
- vii. Minimum distance between piers – 2.4m.

7.5.15 C15 - Swift Street Conservation Area



Character

This is a small precinct located either side of the Northern intersection of Swift and David Streets. Whilst the buildings located within this precinct are residential in character, they have all been recycled for commercial purposes.

The buildings date from the 1890s and display streetscape qualities relating to scale and form. The renovations which have occurred in the past vary in their impact - from the relatively intact terrace houses at 454-456 to the completely unsympathetic works to the facade of the building at 452, which include painted brickwork and the erection of a projecting front wall.

The heritage inventory identifies opportunities for the heritage items within this precinct to be further enhanced.

Objective

1. To conserve and enhance the existing streetscape by ensuring new development respects the existing low scale character and complements architectural features of adjoining buildings.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Setbacks

- ii. Minimum setbacks for new buildings shall be determined by a line drawn between adjoining buildings.

Car Parking

- iii. Parking within the precinct shall be provided behind the main building alignment. Parking areas and access driveways should be visually discreet.

Refer also to Part 17 of this DCP, which relates to Off Street Car Parking.

Renovation/Infill Development

- iv. New development, including extensions to a building, should complement the existing by matching or suitably contrasting building materials, scale and proportions.

Streetscape

- v. Development, particularly when viewed from the street should be compatible with the character and scale of buildings in the immediate vicinity.

Advertising Structures

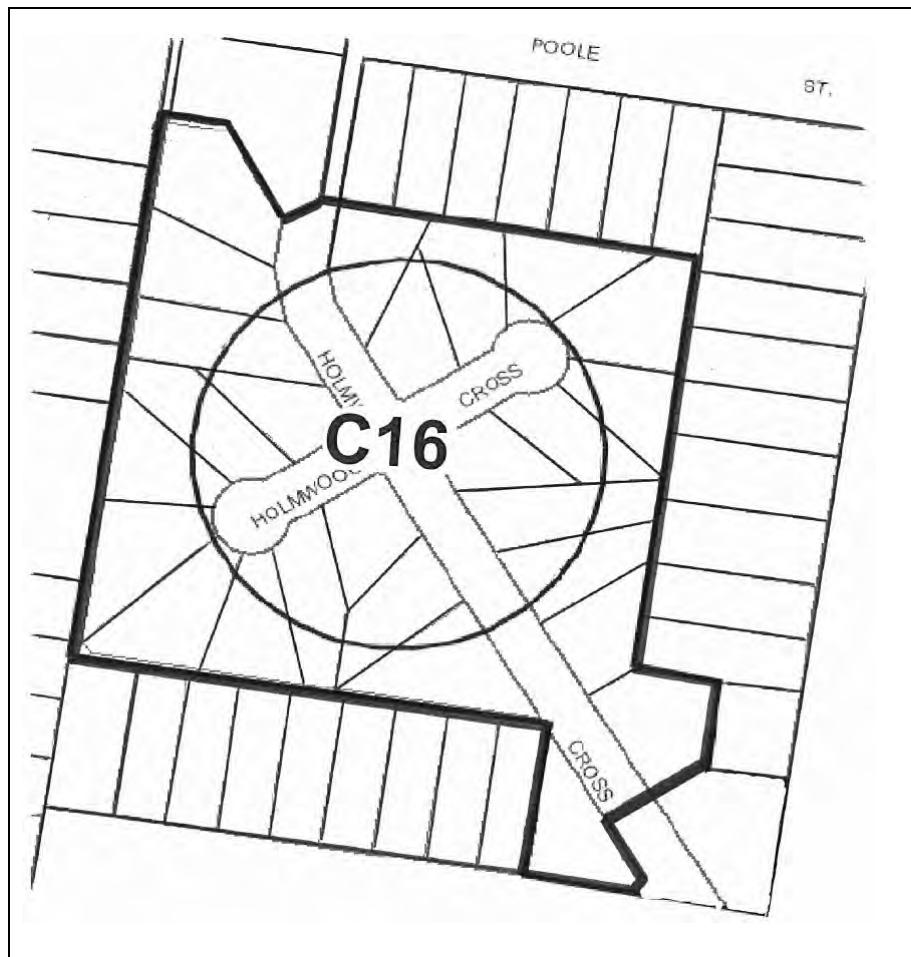
- vi. Advertising structures shall generally not be erected without the consent of the Council. The Council will have regard to the impact of an advertising structure on the precinct and/or an item of the environmental heritage.

Refer also to Part 16 of this DCP, which relates to Outdoor Advertising

Front Fences (forward of the building line)

- vii. Matching low brick or timber picket fences that are erected to a height not greater than 1.2 metres are preferred,
- viii. Where a fence is proposed above this height, it must not exceed a maximum height of 1.6m and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent),
- ix. Minimum distance between piers – 2.4m.

7.5.16 C16 - Holmwood Cross Conservation Area



Character

Holmwood Cross is a post-war (WWII) development area opened to provide additional housing for prospective residents to the Albury area in the 1950s, and is based on a post-war planning subdivision model of the State and Federal Government. This area is composed of various styles of architecture ranging from the 1950s onward and the streetscape has remained similar to that of the 1950s with few properties housing high fences or walls. The most prominent feature of this area is the NW to SE aspect, particularly the perpendicular cross running North East to South West.

Significant aesthetic values exist in this area due to minimal alterations and additions in the streetscape, character/style of housing and high maintenance of gardens and landscaping. In addition the TAFE and Mercy Hospital were built in the vicinity to further develop the area as a community and as such adds to its significance.

Objectives

1. To conserve and enhance the existing residential streetscape by ensuring new development respects the existing low scale domestic character and complements architectural features of adjoining buildings.
2. To undertake an architectural assessment of the area to determine the comparative importance of the estate.
3. To preserve significant landscape elements.

Controls

Building Height

- i. Any application for a second storey within the conservation area must satisfactorily address the following requirements:
 - The design and appearance of the second storey addition is compatible with the existing dwelling on-site in terms of materials, finishes and the like,
 - The second storey addition is setback from the front building line of the dwelling to minimise its impacts upon the streetscape, and
 - That the second storey addition does not result in significant overlooking and overshadowing concerns.

Roof Forms

- ii. Hipped or gable roof forms are appropriate with a preferred pitch of 30-45°.

Renovation/Infill Development

- iii. New development, including extensions to a building, should complement the existing by matching building materials, scale and proportions.

Streetscape

- iv. Development, particularly when viewed from the street should be compatible with the character and scale of buildings in the immediate vicinity.

Front Fences (forward of the building line)

- v. Low fencing to a maximum height of 1.2m, or preferably none is to be used in keeping with the lack of front fences and walls in the area.

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8 DEVELOPMENT IN THE ENVIRONMENTAL ZONES

8.1 INTRODUCTION

Albury enjoys a rich diversity of environmental and scenic qualities thanks to the location of the Murray River flood plain that traverses the Albury-Wodonga area, the surrounding hillscapes, as well as, the low mountain ranges, which are considered to be amongst the Albury LGAs greatest natural resources.

This Part applies to the E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living Zones.

Where development consent is required, any development located in the Environmental Zones will be assessed according to the zone objectives and relevant provisions of the LEP, *Environmental Planning and Assessment Act*, including the provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this DCP.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

8.2 GENERAL OBJECTIVES & MATTERS FOR CONSIDERATION IN THE ENVIRONMENTAL ZONES

Objectives

1. To ensure that development in these zones is carried out in a way that is sensitive to the land and environmental characteristics.
2. To ensure that development does not create unreasonable or uneconomic demands for the provisions of services, including roads.
3. To provide a development buffer for the flight path of aeroplanes utilising the Albury Airport.
4. To provide a buffer to the Albury Landfill, and to regulate development, which may be adversely affected by the operations of the Albury Landfill (so as to maintain its operational capacity and viability).

Matters for Consideration

- i. The impact of the development on the natural scenic backdrops of the City or the rural character of the land.

- ii. The effect of the development on the Murray River floodplain and other natural drainage systems, as well as, any measures to control stormwater run-off, soil sedimentation and erosion.
- iii. The availability of an adequate water supply and, where a reticulated supply is unavailable, the source and capacity of any alternate water supply intended to service the needs of the development.
- iv. The availability of facilities for the removal or disposal of sewage effluent and wastes, including, where appropriate, the ability of the land to accommodate on-site disposal.
- v. The availability of other public utility services and social facilities having regard to the likely demand for those services or facilities and the cost of their provision.
- vi. The standard and capacity of public roads serving the land.
- vii. The need for all-weather vehicular access to and from the development site.
- viii. The impact of any proposed land clearing or surface modification on the physical and visual environment and any measures proposed for the protection of the environment, site rehabilitation or reafforestation.
- ix. The need for the retention or reinstatement of vegetation to protect the physical and visual environment and to reduce the risk of soil erosion.
- x. The risk from flooding, landslip, bushfire or any other natural hazard, and the adequacy of any measures proposed for the prevention or mitigation of risk.
- xi. The physical characteristics of the land, including slope, aspect, topography and land capability attributes as related to the intensity of development.
- xii. The siting and design of any building, structures or works proposed.
- xiii. Whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development.
- xiv. The nature of other land/s in the locality.
- xv. Whether the proposed development is likely to adversely restrict the operation and expansion of the Albury Landfill site, or whether that development will be adversely affected by the operation of the facility.
- xvi. Whether the proposed development is consistent with the *Thurgoona Threatened Species Conservation Strategy 2004*, the *Albury Ranges Threatened Species Conservation Strategy 2006*, or the *Hamilton Valley Strategy 2002*.

8.3 SUBDIVISION

The objectives and controls relating to the subdivision of land in the Environmental Zones are outlined in this Section.

Objectives

- 1. To ensure that subdivision and subsequent development enhances and does not spoil the natural backdrop of hills, valleys and tree lines to the urban area of Albury and Wodonga.

2. To ensure that all subdivision and subsequent development of the Murray River flood plain is compatible with the natural conservation and landscape values of the Riverine environment.
3. To provide limited environmental living opportunities on land having ready access to urban facilities and services, and to ensure that such development does not prejudice the future development of urban land.

8.3.1 Lot Sizes

Objectives

1. To provide lots with areas and dimensions which protect environmental features and take account of site constraints.
2. To maintain the existing function and character of the environmental lands of Albury.
3. To minimise the fragmentation of rural lands

Controls

- i. The minimum lot size for dwelling house purposes must comply with Clause 4.1 and the Lot Size Map of the LEP.
- ii. Where 'battleaxe' lots or similar are permitted, the access corridor is not to be considered in the calculation of lot sizes.

Notation

Clause 4.2A of the LEP prevents the creation of additional opportunities for dwellings on undersized lots by prohibiting strata and community title subdivisions that would create a lot of a size less than the minimum size shown on the Lot Size Map in relation to land in the E3 Environmental Management and E4 Environmental Living Zones.

Clause 2.6(f) of the LEP allows for the excising of land that is intended to be used for public purposes (environmental reserve), including drainage purposes or the like, to create a lot of a size less than the minimum size shown on the Lot Size Map in relation to land, without creating opportunities for dwellings on undersized lots.

8.3.2 Services

General Objectives

1. To ensure utility services meet minimum standards for the intended use of the lot.
2. To make provision for utility services and natural resource management in a manner that sustainably meets the needs of individual properties.

3. To ensure any hazards or risks to ongoing service provision are minimised.
4. To ensure service corridors are located to minimise the impact on the environment.

8.3.3 Wastewater Management

Objectives

1. To ensure that the environmental implications of wastewater systems are fully considered.
2. To install a wastewater management system that suits the environmental conditions present on individual sites.

Controls

- i. Where reticulated sewerage is available:
 - Sewerage utility services shall be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.
- ii. Where reticulated sewerage is not available:
 - Development proposals for on-site management are to be consistent with the *Environment and Health Protection Guidelines: On-site Sewage Management for Single Households, NSW Government 1998*. Appendix H to this DCP contains extracts from the guidelines, dealing with site assessment, buffer distances, soil assessment and a site report for on-site sewage management.
 - Before installing a septic tank or similar approved system, written approval is required from Council. Prior to deciding upon a wastewater disposal system for any environmental development, applicants should consult with relevant AlburyCity staff.
 - Details of the locality and system design are to be submitted with the development application, along with any other information specified by Council.
 - No building or works including waste disposal absorption lines are permitted within 40 metres of watercourses, creeks or other natural water bodies.
 - All effluent must be retained and disposed of on-site within the boundaries of the lot. The disposal of effluent utilising pump-out for new lots is unacceptable. Systems are to also be located so they do not contaminate the environment, cause deterioration of vegetation or unreasonably interfere with quality of life.

- A land assessment report that demonstrates that climate, geology, hydrology, topography, soil composition and vegetation renders the land capable of disposing of effluent on-site must be submitted and supported by Council.
- The main factors in the planning, design and management of a waste system that need to be considered and documented in the application to Council are:
 - Soil conditions: Can the soil on the lot adequately absorb the wastewater?
 - Slope: Is the slope adequate to ensure the efficient movement of waste into the absorption trenches?
 - Vegetation: Is planting needed to 'soak up' the waste near the absorption trenches?
 - Topography: Is the site too steep for the trenches to be dug by machine?
 - Water supply: Is the available water supply, reticulated or non-reticulated, adequate to maintain the system?
 - Layout and space: Is there enough room on the lot for all proposed buildings, driveways and the disposal system without interfering with one another? Can the absorption trenches be located as part of the garden/outdoor area and/or in the adjoining rural paddock alongside the house block?
 - System design: Has the disposal system been designed, tested and tried for the site conditions elsewhere in the locality? Council may be able to assist in this regard.
 - System operation: Regular maintenance and pump-out is necessary to ensure the efficiency and longevity of the system.
- After installation, please check with relevant AlburyCity staff whether inspection and approval by Council is required before the system can be used.

Notation

Clause 7.6 of the LEP requires that development consent must not be granted unless Council is satisfied that adequate arrangements have been made regarding the supply of water, electricity, roads, stormwater drainage and the disposal and management of sewage for that development.

Where a proposed environmental development is considered by Council to be a logical extension of the existing reticulated sewerage network and/or servicing program, Council reserves the right to

determine whether a development is required to connect to and/or extend the existing reticulated sewerage network or rely upon an off-site effluent disposal system or on-site effluent treatment and disposal system.

8.3.4 Water Supply

Objective

1. To make provision for reticulated water services or on-site rainwater harvesting in a manner that sustainably meets the needs of individual properties.

Controls

- i. Where reticulated water supply is available:
 - Utility services shall be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards and the NSW Rural Fire Service Planning for Bushfire Protection Guidelines*, in addition to control (vii)(viii)(ix) and (xi).
- ii. Where reticulated water supply is not available:
 - Utility services shall be provided in accordance with the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines*, in addition to the following supplementary controls (with the exception of control (ix)).
 - Subdivision and/or new dwellings are to be provided with an adequate water supply at a preferred pressure of 30 metres head and a minimum pressure of 20 metres head at peak instantaneous demand.
 - A land assessment report that demonstrates that the land concerned and the water collection area proposed is sufficient to provide water for domestic, stock and fire fighting purposes must be submitted and supported by Council.
 - Council requires that there be a domestic water supply storage of at least 100,000 litres storage, available for domestic purposes for each dwelling in an environmental area, based upon a four-person household.
 - Drinking water shall comply with current water quality standards (as outlined in the *Australian Drinking Water Guidelines*)
 - If a well, creek or spring water is potentially available for drinking water supply, its quality and reliability needs to be tested and assessed for suitability for drinking purposes.

- A gravity water system is preferred to avoid reliance on electricity or other powered systems.
- Environmental lots may be connected to a public water supply, if available, however flow rates will be limited and controlled by the connection infrastructure installed for dwellings.
- Each new lot and/or dwellings are to have a separate supply for non-domestic uses such as lawns, gardens, stock and fire fighting purposes.
- Dams are prohibited in the Environmental Zones.
- Environmental lots may be connected to a public water supply, if available, however flow rates will be limited and controlled by the connection infrastructure installed for dwellings.

Notation

Clause 7.6 of the LEP requires that development consent must not be granted unless Council is satisfied that adequate arrangements have been made regarding the supply of water, electricity, roads, stormwater drainage and the disposal and management of sewage for that development.

Where a proposed environmental development is considered by Council to be a logical extension of the existing reticulated water supply network and/or servicing program, Council reserves the right to determine whether a development is required to connect to and/or extend the existing reticulated water supply network or rely upon on-site water supply storage and collection systems.

8.3.5 Existing Service Lines

Controls

- i. Existing electricity lines and poles should be identified at the site analysis stage. Any augmentation and extension details need to be discussed in the early stages with the relevant service provider.
- ii. The nearest telecommunications connection needs to be identified and located and costs considered for house connection.
- iii. Power lines should be kept away from trees and not be located in areas where extensive tree clearing is required.
- iv. Swathes cut through trees for service lines should take into account their visual impact in visually prominent areas such as ridgelines.
- v. Landscaping should be used to screen service lines in visually prominent locations.
- vi. Only low growing trees should be planted near power lines.
- vii. Trees should be positioned at a distance from power lines such that if they fall when fully grown, they do not touch wires.

8.3.6 Building Envelopes/ Site Analysis

Objectives

1. To site buildings to take account of site features, constraints and hazards.
2. To ensure dwellings and other buildings do not detract from the visual dominance of the natural features either on the site or in surrounding areas.

Controls

- i. Every application for an environmental subdivision is to be accompanied by a building envelope to be included upon the title, which is informed by the site analysis and includes outbuildings and water tanks.
- ii. Building envelopes for dwellings in an Environmental Zone are to be a minimum of 500 metres apart, unless the applicant can provide evidence that the dwelling site location will not result in the agglomeration of dwellings adjoining roadways or upon exposed hillside areas. Site analysis and building envelopes are critical in this regard.
- iii. The building envelope location is to comply with the following requirements:
 - Locating the building envelope away from steep slopes which may be highly visible from a public road or exposed against the hillside or skyline.
 - Mature trees must be retained on-site, non-mature trees should be retained where possible.

Notation

Refer to Appendix A of this DCP, which relates to Information Requirements for Applications.

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 Environmental Conservation and E3 Environmental Management Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

8.3.7 Bushfire Protection

Objectives

1. To ensure, where consent is required for subdivision and development, that the following occurs in bushfire prone areas:
 - Occupants of any building are afforded with adequate protection from exposure to a bush fire.
 - A defendable space is located around buildings.
 - Appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition.
 - Safe operational access and egress for emergency service personnel and residents is available.
 - Ongoing management and maintenance of bush fire protection
 - Measures, including fuel loads in the Asset Protection Zone (APZ), are established.
 - Utility services are adequate to meet the needs of firefighters (and others assisting in bush fire fighting).

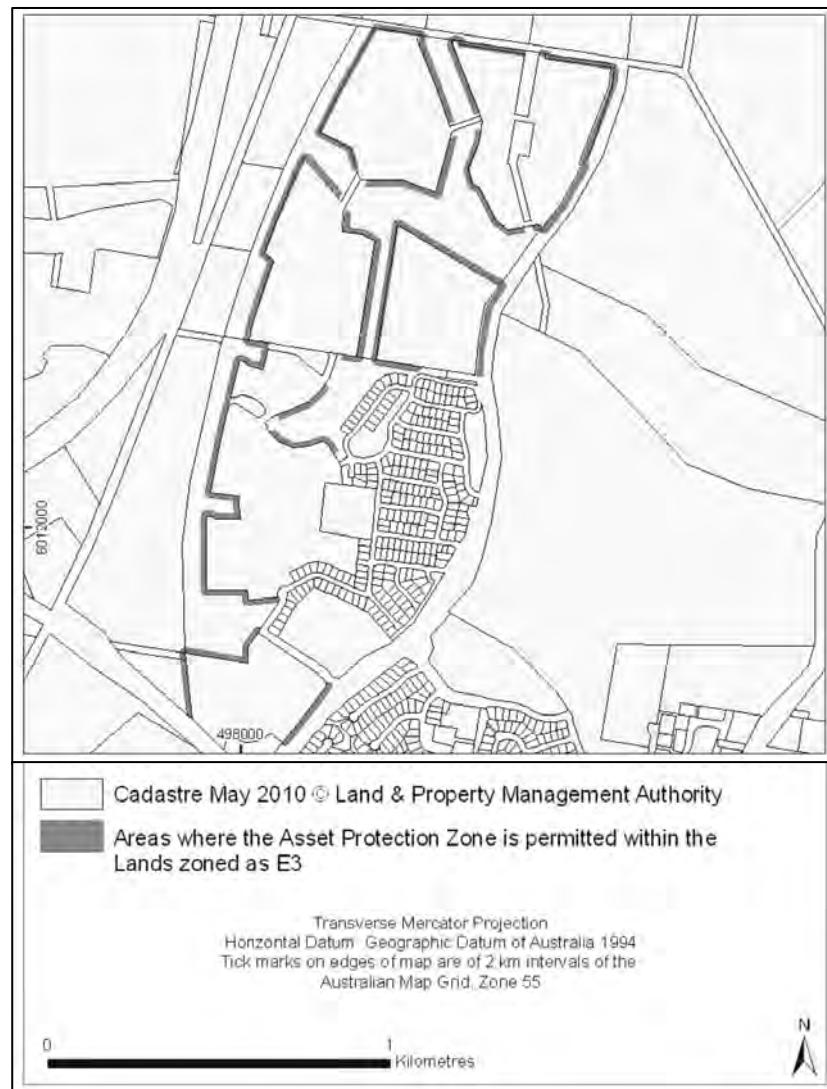
Controls

- i. Development on bushfire prone land shall satisfy the requirements of the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines, NSW Government*.
- ii. Key matters to consider in reducing bushfire risk include:
 - Design and siting of the building.
 - Safe access to and from areas of potentially high fire risk.
 - Managing the reduction of fire fuel including management of bushland to the North and West of on-site buildings.
 - Having regard to vegetation type and location in relation to buildings and power lines.
 - Use of windbreaks.
 - Dedicated water supply.
 - Availability and ease of accessibility to water to fight fires.
- iii. A dwelling is encouraged to provide an additional storage supply of water for fire fighting purposes either by tank storage or a dam in close proximity to the building.
- iv. Any development shall comply with the bushfire controls contained in Part 6 of this DCP, which relates to Planning for Hazards.
- v. Asset Protection Zones for residential development(s) in zones adjoining the E2 Environmental Conservation or E3 Environmental Management Zones must not be located within those environmental zones. Exceptions are shown in Figure 8.1.

For other development(s) in zones adjoining the E2 Environmental Conservation or E3 Environmental Management Zones, bushfire protection measures shall be in accordance with the policies and guidelines of the *NSW Rural Fire Service* as set out in the document *Planning for Bushfire Protection Guidelines, NSW Government* (as in force from time to time).

- vi. The building envelopes and their associated Asset Protection Zone should be sited to avoid impacts on mature trees, and to avoid and minimise impacts on native vegetation generally.

Figure 8.1 Map of Mitchell Park Estate, showing areas where Asset Protection Zones are permitted within the land zoned as E3



Notation

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 Environmental Conservation and E3 Environmental Management Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

8.3.8 Land Rehabilitation

Objectives

1. To maximise opportunities for reducing land degradation.
2. To facilitate at the subdivision stage any necessary rehabilitation of land to standards required for its safe development or use.

Controls

- i. If Council determines that the land to be subdivided or developed is not fit for the intended purpose, rehabilitation works will need to be carried out by the applicant. These works shall be carried out to the satisfaction of Council prior to the linen plan being signed in the case of subdivision or prior to issuing a construction certificate in the case of development.
- ii. Subdivision will only be considered where the land is capable of being used in a sustainable manner for the purposes intended by the creation of new lots (e.g. dwellings or agriculture).
- iii. Opportunities for revegetation will be pursued as part of the subdivision process to enhance visual amenity, landscape elements and/or rehabilitate degraded land.

8.3.9 Roads and Access

Objectives

1. To provide safe vehicular access and egress to newly subdivided lots.
2. To ensure roads and access arrangements meet minimum standards.
3. To design private roads as part of a subdivision in a manner that minimises disturbances to existing environmental features and visual features on the site.
4. To ensure road designs provide safe and efficient vehicular evacuation during bushfire events.

Controls

- i. Roads and access arrangements shall be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* and the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines*, in addition to the following supplementary standards and requirements.

The *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* contain requirements for the width of new roads to be undertaken in consultation with Council and generally be in accordance with Table 8.1:

Table 8.1 Rural/Rural Residential

AADT*	Road Reserve	Carriage way	Shoulder	Formation
<100	20	5.5	1.2	7.9
100-500	20	6.0	1.2	8.4
500-1000	20	6.5	1.2	8.9
1000-2000	20	6.5	1.8	10.1
>2000 (and all B double routes)	25	7.0	1.8	10.6

NB

- In all cases AADT* (Annual Average Daily Traffic) is that predicted at the end of the design period (usually 20 years);
- The designed pavement thickness is to extend for the full formation; and
- The road reserve width is nominal only and consideration is to be given to the extent of cut and fill batters, catch drains, intersection layout requirements, and provision for public utilities adjacent to the road reserve boundary. A minimum allowance of three metres from the batter point to the boundary is to be provided.

Notation

Table 8.1 is an extract of the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* and has been provided in the interests of making relevant information available to assist the preparation of development applications for environmental subdivision. Please note that this table may be revised without notice subject to any review and/or amendment to the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.

- ii. Where available, the main access point for the property shall be from a sealed public road.
- iii. Each lot created is to have access from a public road, whether existing or proposed as part of the subdivision.
- iv. Proposed roads shall be constructed at the cost of the developer to Council's standards.
- v. Roads and driveways should respond to the contours of the land as far as possible to manage stormwater and flood events, and avoid excessive cut and fill and potential erosion problems. Steep slopes and natural drainage lines are to be avoided.
- vi. Roads and driveways both within and external to the site are to have any slope and bank works stabilised with grass and trees, especially in areas where erosion problems are likely.
- vii. Roads and driveways crossing gullies and streams, both within and external to the site, should be constructed using a culvert to the satisfaction of Council.
- viii. Roads below dams could be affected by water seepage or represent a risk if the wall fails, and should be avoided.
- ix. The length of cul-de-sacs shall be no greater than 150 metres.
- x. Council approval is required for the naming of any new public road.

8.3.10 Lot Layout

Objectives

- 1. To provide lots with areas and dimensions which protect environmental features and take account of site constraints.
- 2. To ensure new lots are of a sufficient size to maximise opportunities for rainwater harvesting.

Controls

- i. Where possible, the shape of lots should be simple and the boundaries should run parallel with the contour/s of the slope or perpendicular to it, not diagonally across it.
- ii. Where possible, existing fence lines should be used as lot boundaries.
- iii. Each lot should consider the location of the existing electricity lines and other services.
- iv. Each lot shall contain house sites that require minimal cut and fill.
- v. A width to depth ratio between 1:1 to 1:4 must be achieved. Long narrow lots are to be avoided.
- vi. Council will only permit the creation of battle-axe lots in special circumstances. Battle-axe lots where allowed shall have an access handle not less than 10 metres wide, a maximum length not exceeding 200 metres, and a carriageway width not less than four metres.

8.3.11 Incompatible Uses

Objectives

1. To ensure the subdivision of land reduces potential land use conflicts between land use activities on Environmental and other surrounding zones.
2. Provision is to be made for appropriate buffers from possible sources of noise, odours and emissions.

Controls

- i. Council shall require that a site analysis for the land include information clarifying the presence of adjacent or nearby agricultural activities and any potential off-site impacts these may have on potential development within the proposed subdivision.
- ii. In considering applications for subdivision consent in the Environmental Zones, Council shall take into account the potential of further fragmentation of environmental lots on the capacity for adjacent or nearby activities to continue operating unfettered by risks of impact, or perceived impact, on dwellings and other sensitive uses.
- iii. Council may determine that the presence of adjacent or nearby agricultural impacts is such that the application should be refused. Council may also determine that the proposal should be altered to respond to these constraints, including adjustments to the proposed boundaries and the location of building envelopes on the proposed lots.

8.3.12 Protection and Management of Resources and Landscape Character

Objective

1. To ensure subdivision of land in the Environmental Zones provides for the protection and management of natural resources and landscape character.

Controls

- i. In considering applications for subdivision consent in the Environmental Zones, Council shall take into account the potential impacts on the further fragmentation of environmental lots on the capacity to protect, manage and harness the natural resources present on the land and/or the landscape character of the site and its surrounds.

- ii. Council shall require that a site analysis for the land include information clarifying the presence of natural resources, and may determine the application in a manner which seeks to protect or appropriately manage these resources, including, but not limited to:
 - High value agricultural resources determined through a land capability assessment for a range of agricultural activities.
 - Water resources, both groundwater and surface water patterns and how these relate to the surrounding catchment and any existing catchment wide initiatives to improve water resource management.
 - The presence of minerals or basic raw materials that potential future extraction could result in community and economic benefits for the City, or provide basic raw materials for local industry processes, road and other construction needs.
 - The presence of ecological resources, such as remnant vegetation, habitat corridors, threatened flora and fauna species which contribute to the City's network of ecological resources.
 - A landscape character assessment, identifying natural and modified landscape features, the value of these features, including the existing viewsheds to and from the site, and an assessment of how the proposal will protect or enhance these values and views.
- iii. Council may determine that the natural resources present on the site present sufficient constraint on the land to warrant an application for subdivision consent to be refused. Council may also determine that the proposal should be altered to respond to these constraints, or may apply conditions on the consent relating to rehabilitation, revegetation, protection and/or use and management of the resources and values.

8.4 DEVELOPMENT IN THE ENVIRONMENTAL ZONES

The objectives and controls relating to the development of land in the Environmental Zones are outlined in this Section. Development in the Environmental Zones applies to all land uses listed as permitted with or without consent in the Land Use Table of the LEP.

Notation

Clause 4.2B of the LEP identifies those circumstances under which the erection of a dwelling house is permitted in the Albury LGA.

8.4.1 Building Siting and Design

Objectives

1. To ensure dwelling houses and outbuildings do not detract from the visual prominence of natural features on or surrounding the site.
2. To maximise the energy efficiency of the development.
3. To avoid development on environmentally constrained parts of the site.
4. To retain and promote design elements which contribute to the built character of the City's environmental areas.

Controls

- i. House siting plans need to consider orientation with the main axis lying east-west, where possible.
- ii. House siting plans should consider direction of views and slopes, protection from winds, privacy and noise, vegetation and existing trees, and the occupiers intended use and enjoyment.
- iii. Development on slopes greater than 27% or 15° is discouraged.
- iv. Buildings should be oriented to make appropriate use of solar energy, be sited and designed to ensure energy efficiency of existing dwellings is not unreasonably reduced.
- v. Living areas and private open space should be located on the North side of development where practicable.
- vi. Developments should be designed so that solar access to North facing windows is maximised.
- vii. Buildings should be constructed of materials, and using designs, which improve thermal mass.
- viii. Buildings should provide for natural cross-ventilation.
- ix. A basic landscaping plan shall be submitted to Council. This plan should show all existing trees within the building envelope. Indigenous vegetation should be retained on the site, as far as practical.
Refer also to Section 8.4.6 of this Part, which relates to landscaping.
- x. Applicants should ensure development meets the requirements of Part 5 of this DCP, which relates to Tree Preservation.
- xi. Where appropriate, dwellings should incorporate verandahs or pergolas in the design.
- xii. The roof space should be insulated and, where possible, ventilated to allow cross-flow air currents.
- xiii. The building envelopes and their associated Asset Protection Zone should be sited to avoid impacts on mature trees, and to avoid and minimise impacts on native vegetation generally.

- xiv. The house and any ancillary structure location must comply with the following:
- Locating the house and/or ancillary structure away from steep slopes which may be highly visible from a public road or exposed against the hillside or skyline.
 - Minimising vegetation loss and maximising the use of existing vegetation for house screening purposes.

Notation

Refer to Appendix A of this DCP, which relates to Information Requirements for Applications.

Clause 4.2B of the LEP identifies those circumstances under which the erection of a dwelling house is permitted in the Albury LGA.

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 Environmental Conservation and E3 Environmental Management Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

Section 8.6.2 provides specific siting requirements for buildings located in the Albury Landfill Buffer Area shown on the Albury Landfill Buffer Maps A and B (Figures 8.3 and 8.4). Where there is an inconsistency between this Section and Section 8.6.2 applying to the same land, then Section 8.6.2 shall prevail.

8.4.2 Setbacks

Objectives

1. To encourage consistency and uniformity in building setbacks.
2. To ensure adequate separation between buildings on adjoining land.
3. To protect streetscapes and vistas.
4. To protect residential, rural and environmental amenity.
5. To ensure the function of streets and roads are not compromised.
6. To protect watercourses.

Controls

- i. Setbacks from Public Reserves, Local Roads and adjoining properties must be:
 - A minimum setback of 20 metres to buildings adjoining public reserves and local roads
 - A minimum setback of 10 metres to buildings from side and rear boundaries.
- ii. Setbacks from Main Roads (including Wagga Road, Urana Road, Riverina Highway, Hume Highway, Olympic Highway, Table Top Road/ Old Sydney Road, Jindera/ Table Top Road) must be:
 - A building setback of 30 metres applies.
 - The first 15 metres from the road reservation is to be suitably landscaped at the applicants expense
- iii. Setbacks from Watercourses and Water Storages must be:
 - 100 metres from the Murray River
 - 100 metres from Lake Hume
 - 40 metres from any other watercourse

Notation

In the case of rivers or any watercourses this setback applies to the top of the bank, in the case of lakes or water storages, from the high water mark.

Specific requirements for the Doctors Point and Padman Drive Residential Precincts:

- iv. The minimum setback required between the front boundary and the forward most wall must be:
 - 10 metres;
 - The building envelope; or
 - Any setback specified by Section 8.7 – Area Specific Development Plans.

Whichever is the greater setback.

- v. The minimum setback required from the side boundaries to the nearest wall (excluding eaves) of the dwelling house must be:
 - 5 metres;
 - The building envelope; or
 - Any setback specified by Section 8.7 – Area Specific Development Plans.

Whichever is the greater setback.

- vi. The minimum setback required from the rear boundary to the nearest external wall (excluding eaves) of the dwelling house is 10 metres, unless otherwise specified by a building envelope or by an Area Specific Development Plan referred to in Section 8.7, whichever is the greater setback.
- vii. Buildings at boundaries (zero setbacks) are not permitted in the Environmental Zones.

Notation

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 Environmental Conservation and E3 Environmental Management Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

8.4.3 Building Height

Objectives

1. To control the scale of buildings in order to retain the visual prominence of the natural features on or surrounding the site.

Controls

- i. No dwelling shall be erected with a height of more than two storeys or 8 metres above natural ground level.
- ii. All outbuildings ancillary to the dwelling are to be of single storey construction and with a height of no more than 5.5 metres.

8.4.4 Building Materials

Objectives

1. To reflect the colours and textures of the surrounding environmental landscape in the selection of materials and colours used in the development.
2. To use development designs that complement items of heritage significance on the site or on adjoining lands.

Controls

- i. Applicants should incorporate the use of natural colours that reflect soils, timbers and vegetation.
- ii. The following key building materials prevail in the area:
 - Bricks: Generally, Council prefers the use of red, light brown or earth toned coloured bricks, either standard or tumbled.
 - Timber: Timbers such as treated pine, cedar or redwood are suitable for environmental areas, especially if stained or oiled in natural colours.
 - Masonry blocks: Traditional grey blocks are now often rendered with cement and can be painted in earthy colours.

- Mud bricks: Verandahs should be used with mud brick structures for adequate weather protection.
 - Cement sheets: Are satisfactory if painted in a colour suited to the surrounding environment.
- iii. Colorbond, zincalume and tiles are all suitable roofing materials if matched with the appropriate building style, setting and building materials. Other roof materials such as unpainted galvanised iron are acceptable if being used to match existing materials.
- iv. Large expanses of glazing shall be avoided.
- v. New work (alterations or additions) to any heritage item should respect the building fabric and significance of that item. Refer to Part 7 of this DCP, which relates to Heritage Conservation for guidance on development proposals involving heritage items.
- vi. Development in the vicinity of a heritage item should compliment the original item by its form, scale, proportions, materials and colours. This can be achieved by using modern design with a careful blend of traditional and modern materials.

8.4.5 Energy Alternatives

Objectives

1. To maximise opportunities to conserve energy through the siting of buildings and the positioning of other built and landscaping features on an environmental property.

Controls

- i. Orientation of buildings can maximise the effective use of the sun for solar energy.
- ii. Dam placement should be higher than the house site where possible to use gravity feeding and avoid the need for electric pumps.
- iii. Shading of buildings in summer time by proper landscaping will improve comfort in the house and reduce the need for mechanical cooling.

8.4.6 Landscaping

Objectives

1. To enhance the setting of buildings and the environmental quality of the surrounding environment.
2. To establish and reinforce native vegetation corridors and clusters.

Controls

A landscape plan for any proposed development shall as a minimum:

- i. Consider the suitability of landscaping to soils and climate.
- ii. Attempt to enhance positive aspects of the development and screen aspects with a detrimental visual impact.
- iii. Be clumped, not planted in rows and should avoid single species.
- iv. The establishment or reinforcement of native vegetation corridors and clusters should also be pursued where possible.

Notation

Refer to Appendix A of this DCP, which relates to Information Requirements for Applications.

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 Environmental Conservation and E3 Environmental Management Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

8.4.7 Ancillary Structures

Objective

1. To encourage the coordinated siting and visual appearance of rural and environmental buildings.

Controls

- i. Ancillary structures such as water tanks, garages, farm sheds and similar structures should form part of the overall site planning to ensure an attractive and functional grouping of buildings.
- ii. Colours, style and general proportions of farm storage sheds, as well as the garages, should be complementary to the design of the main dwelling.

Notation

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 Environmental Conservation and E3 Environmental Management Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

8.4.8 Bushfire Protection

Bushfire Protection must be in accordance with bushfire protection controls for environmental development contained within Section 8.3.7.

8.4.9 Services

Wastewater Management

Wastewater management for environmental development must be in accordance with wastewater management controls within Section 8.3.3.

Water Supply

Water supply for environmental development must be in accordance with the water supply controls within Section 8.3.4.

Existing Service Lines

Existing service lines for environmental development must be in accordance with the existing service line controls within Section 8.3.5.

8.4.10 Incompatible Uses

The popularity of rural lifestyle opportunities has resulted in residential development locating in environmental areas adjacent to land used for primary industry. Where dwelling houses are proposed to be located in environmental areas Council will need to be satisfied that normal farming practices on adjacent land are not inhibited. Measures may be required to ameliorate potential conflicts between rural residents and primary producers.

Objectives

1. To provide for environmental living opportunities which do not reduce the potential for productive primary industries to operate.
2. To reduce potential land use conflicts between land use activities on Environmental and other surrounding zones.
3. Provision is to be made for appropriate buffers from possible sources of noise, odours and emissions.

Controls

- i. Dwelling houses should be located the maximum practical distance, taking into account lot configurations, property characteristics and all other development influences, from nearby rural and environmental activities that can generate noise, dust, odour and chemical spray drift.
- ii. In consideration of the appropriate buffer, restrictions upon aerial spraying within 150 metres of the curtilage of a dwelling house are to be enforced through any development plans in compliance with the *Pesticides Act 1999*.
- iii. A vegetation “biological” buffer is required for spray drift of chemicals applied by ground based jets or boom sprays.
- iv. The buffer should:
 - Have a minimum width of 30 metres and attain a height of up to 15-20 metres.
 - Comprise a range of fine leaf native trees and shrubs, in a variety of shapes with leaf cover to the ground level and located in a manner that provides for airflow through the buffer vegetation, not as an “impermeable” windbreak.
 - Use vegetation with a mature height at least 1.5 times the height of the adjacent spray.
 - Use plant species and varieties that are locally indigenous to the Albury area.
 - Be maintained to provide an effective buffer at all times, including replacing dead or dying plants as required.

Notation

Appendix I of this DCP contains a list of trees that are recommended for the Albury district.

Further information may be obtained in the *AlburyCity Garden Guide* for Albury-Wodonga or by contacting AlburyCity.

8.5 THE MURRAY RIVER

Clause 7.5 of the LEP provides that all development including tree removal within 400 metres of the Murray River requires the consent of the Council. Many of the guidelines for development along the River are also contained with *Murray Regional Environmental Plan No 2 (MREP No 2)*.

Objective

1. To conserve and protect Riverine corridors, including native vegetation.

Controls

- i. All development applications within 400m of the Murray River must demonstrate that the development has been designed to avoid the removal of native vegetation.
- ii. Where it is not possible to avoid the removal of native vegetation the development application must demonstrate that it has been designed to minimise the removal of native vegetation.
- iii. Any development application which will directly or indirectly result in the removal of trees within 400m of the high bank of the Murray River, must include a plan to offset the loss of trees (and any hollows within those trees) at a ratio of 10:1 in accordance with the requirements for Biodiversity Certification.
- iv. Any offset plan required by control (iii) must include a Property Vegetation Plan approved by the Murray Catchment Management Authority, as required under the *Native Vegetation Act 2003*.

Notation

It is recommended that advice is sought from Council when considering any kind of development(s) along the Murray River.

8.6 ALBURY LANDFILL BUFFER AREAS

The LEP stipulates an Albury Landfill Buffer Area around the Albury landfill site, as this buffer generally seeks to control inappropriate land uses in close proximity to the Albury Landfill.

Clause 7.7 Albury Landfill Buffer provisions contained in the LEP and the additional buffers and requirements provided in the Albury Landfill Buffer Map A (see Figure 8.3) and the Albury Landfill Buffer Map B (see Figure 8.4) are in part based upon the recommendations of an environmental study of the landfill site and its surrounds, carried out for the Council by *Habitat Planning* in September 1999. This study is available in full from the Council.

These maps relevant to the Albury Landfill Buffer Area and associated provisions are discussed in detail below, and the provisions contained within this Part should be read in conjunction with Clause 7.7 of the LEP.

8.6.1 Albury Landfill Buffer Map A

Objectives

1. To restrict further development within the primary landfill buffer area.
2. To have regard to the LEP and the Albury Landfill Buffer Area on the *Albury Local Environmental Plan 2010 - Landfill Buffer Map*.

Controls

- i. The Albury Landfill Buffer Map A (see Figure 8.3) shows the 'primary land fill buffer area'.
- ii. The 'future landfill expansion buffer', outlined in red, acknowledges that the facility will expand towards the North of its existing site. The expansion buffer also acknowledges that the Council has purchased land in the Northern part of the valley for the future purposes of inert waste landfill.
- iii. Council will not favourably consider residential development within the 'future landfill expansion buffer', as such development would be directly affected by the operation of the landfill site as it expands to the North, hence limiting the expansion potential of the facility.
- iv. Figure 8.3 also shows a 'secondary landfill buffer area' by bold blue line. The 'secondary landfill buffer area' represents privately owned land zoned for residential development, but still within the recommended 700-metre buffer. The land in the 'secondary landfill buffer area', therefore, is within the R5 Large Lot Residential Zone in the LEP and has a minimum lot size of 1 hectare to ensure that residential densities resulting from subdivision remain low.

8.6.2 Specific Dwelling and Development Provisions

Objectives

1. To enable limited dwelling house development in a manner that minimises the potential for conflict with the Albury Landfill site.
2. To recognise past and current development approvals on identified lands.
3. To have regard to the LEP and the Albury Landfill Buffer Area on the *Albury Local Environmental Plan 2010 - Landfill Buffer Map*.

Controls

- i. Council will not permit any residential development within the primary landfill buffer area, unless it is satisfied that:
 - The development or persons associated with the development will not be unduly (excessively) affected by the existing and continued operation of the landfill site.
 - Approval of the development is unlikely to adversely affect the viability or efficient operation of the facility and its future expansion within the primary landfill buffer area.
- ii. Each existing lot within the primary landfill buffer area (except for Council owned and Crown Land and that land known as Lot 8, DP 872525 - 636 Mudge Street, Hamilton Valley) has an entitlement of one dwelling house (this includes any existing dwelling house).

Notation

Lot 8, DP 872525 - 636 Mudge Street, Hamilton Valley was subdivided from a larger parcel for the purposes of horse agistment under a previous environmental plan where provision existed to create a lot of any size for any purpose other than a dwelling or agriculture. Consequently, a dwelling house entitlement is not available for this lot.

- iii. Council will not permit the development of a dwelling house unless the applicant has provided enough evidence that the available soils within the lot are suitable for on-site effluent disposal.
- iv. Council will not permit the development of a dwelling house unless the applicant has provided enough evidence that the lot has a catchment of sufficient size to provide for the collection of water for stock, fire fighting and domestic purposes.
- v. The applicant shall site the dwelling-house on the land so as to maximise the house's distance from the landfill site, minimise the view of the facility from the house site, and attempt to avoid siting the house on an elevated or exposed hillface area.

Notation

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

Clause 7.3 of the LEP identifies regrowth in the E2 Environmental Conservation and E3 Environmental Management Zones as protected regrowth as defined in the *Native Vegetation Act 2003*.

8.6.3 Subdivision within the Primary Landfill Buffer Area

Objectives

1. To prevent the creation of either additional lots or additional dwelling entitlements in the primary landfill buffer area.
2. To have regard to the LEP and the Albury Landfill Buffer Area on the *Albury Local Environmental Plan 2010 - Landfill Buffer Map*

Controls

- i. Subdivision for one or more of the following is permitted:
 - Widening a public road,
 - Minor realignment of boundaries that:
 - does not create additional lots or the opportunity for additional dwellings, or
 - does not compromise any existing on-site effluent disposal and water supply requirements.

Notation

Any application to create a new vacant lot by subdivision will only be considered by the Council concurrently with full dwelling house and building envelope plans.

- A consolidation of lots that does not create additional lots or the opportunity for additional dwellings.
- ii. Any application for subdivision must satisfy the house siting provisions of Clause 7.7 of the LEP and Sections 8.4.1, 8.4.2 and 8.6.2 of this Part.

8.6.4 Council and Crown land

Objective

1. To prevent the use of public land holdings in the vicinity of the Albury Landfill site for any use that is incompatible with the ongoing operation of the facility.

Control

- i. Land owned by the Council, and Crown land in the vicinity of Albury Landfill site is to be used for purposes related to the orderly and efficient operation of the Albury Landfill facility.

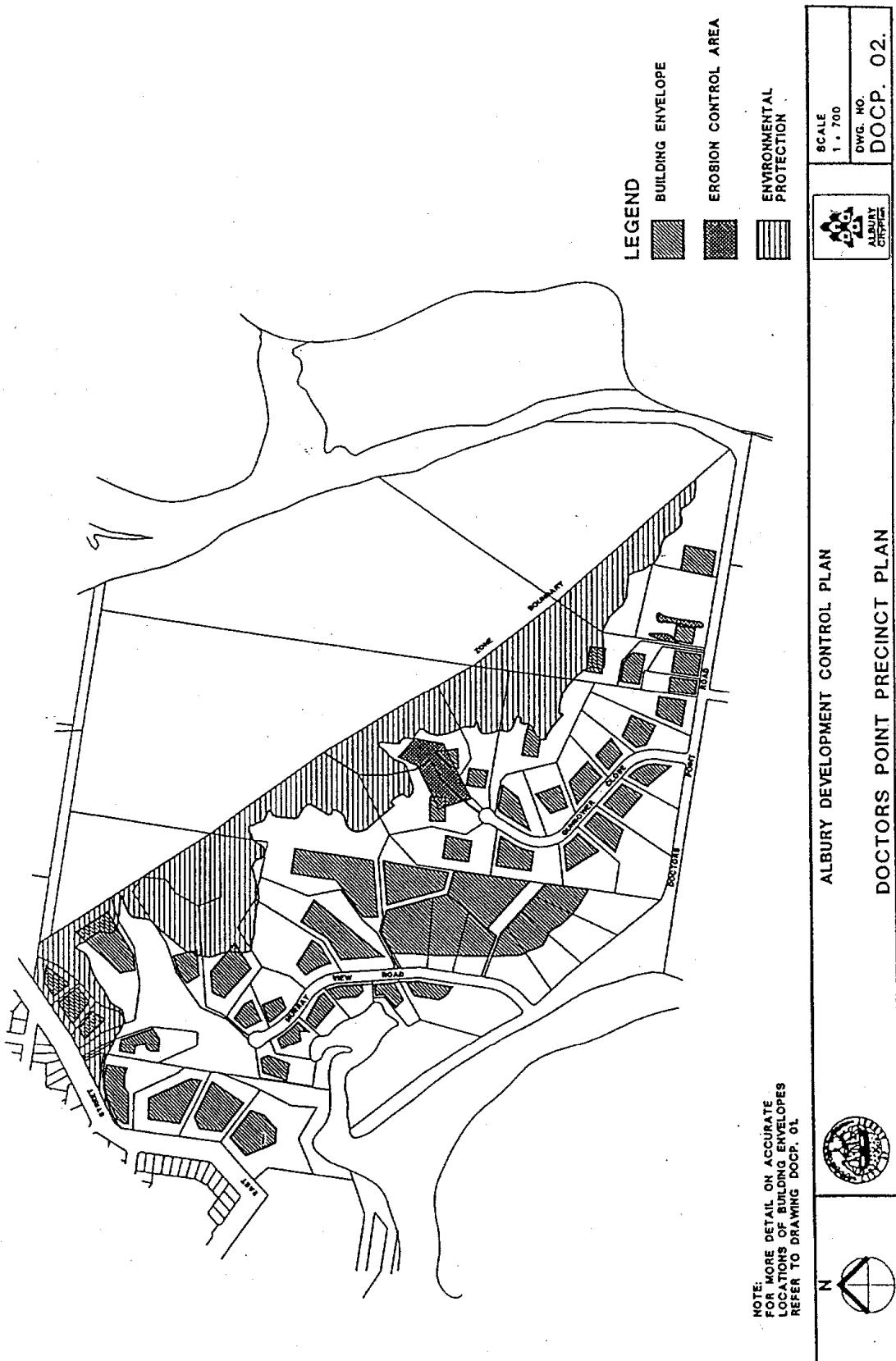
8.7 AREA SPECIFIC DEVELOPMENT PLANS

Development within the following specific areas shall be undertaken in accordance with any relevant additional site specific controls listed below. Where there is an inconsistency between this Section and any other Part or Section of this DCP, the requirements of this Section shall prevail to the extent of the inconsistency.

- Doctor's Point Development Plan. See Figure 8.2

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Figure 8.2
DOCTOR'S POINT DEVELOPMENT PLAN



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Figure 8.3
ALBURY LANDFILL BUFFER MAP A

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Figure 8.4
ALBURY LANDFILL BUFFER MAP B

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9 DEVELOPMENT IN THE RURAL ZONES

9.1 INTRODUCTION

The rural areas of Albury have been traditionally used for agricultural and primary resource production, and in turn provide a key economic base for the Albury economy. The controls in this Part do not seek to inhibit the continuation of these economic activities. Moreover, they seek to retain sufficient flexibility in the use and development of rural properties and to ensure the needs of specific agricultural and primary production sectors are met. The controls also aim to promote energy efficiency and effective natural resource management in rural development/s to ensure the ongoing sustainability of rural activities in Albury.

This Part applies to the RU1 Primary Production, RU2 Rural Landscape, RU4 Rural Small Holdings and RU5 Village Zones.

Where development consent is required, any development located in the Rural Zones will be assessed according to the zone objectives and relevant provisions of the LEP, *Environmental Planning and Assessment Act*, including the provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this DCP.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

9.2 SUBDIVISION

The objectives and controls relating to the subdivision of the land in the Rural Zones are as outlined in this Part.

9.2.1 Lot Sizes

Objectives

1. To maintain the existing function and character of the rural areas of Albury.
2. To ensure lots have appropriate areas and dimensions for the siting and construction of a dwelling (where permitted) and any other ancillary structures, farm buildings and buildings or works associated with a permitted use on the lot.
3. To provide a variety and range of lot sizes to suit agricultural land uses permitted in the respective zone, as well as, to meet user and servicing requirements.
4. To minimise the fragmentation of rural lands.

Controls

- i. The minimum lot size for dwelling house purposes must comply with Clause 4.1 and the Lot Size Map of the LEP.
- ii. Where ‘battleaxe’ lots or similar are permitted, the access corridor is not to be considered in the calculation of lot sizes.

Notation

Clause 4.2 of the LEP provides flexibility in the subdivision of land in the RU1 Primary Production, RU2 Rural Landscape and RU4 Rural Small Holdings Zone to create a lot of a size less than the minimum size shown on the Lot Size Map in relation to land for primary production purposes without creating opportunities for dwellings on undersized lots.

Clause 4.2A of the LEP prevents the creation of additional opportunities for dwellings on undersized lots by prohibiting strata and community title subdivisions that would create a lot of a size less than the minimum size shown on the Lot Size Map in relation to land in the RU1 Primary Production, RU2 Rural Landscape and RU4 Rural Small Holdings Zones.

Clause 4.6 of the LEP provides flexibility in the subdivision of land in the RU5 Village Zone to create a lot of a size less than the minimum size shown on the Lot Size Map.

9.2.2 Services

General Objectives

1. To ensure utility services meet minimum standards for the intended use of the lot.
2. To ensure that all lots are provided with electricity, gas, telephone, water and sewerage facilities.
3. To make provision for utility services and natural resource management in a manner that sustainably meets the needs of individual properties.
4. To ensure any hazards or risks to ongoing service provision are minimised.
5. To ensure service corridors are located to minimise the impact on the environment.

9.2.3 Wastewater Management

Objectives

1. To ensure that the environmental implications of wastewater systems are fully considered.
2. To install a wastewater management system that suits the environmental conditions present on individual sites.

Controls

Where reticulated sewerage is available:

- i. Sewerage utility services shall be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.

Where reticulated sewerage is not available:

- ii. Where a lot size is less than 2 hectares, the lot shall be connected to an off-site effluent disposal system.

Notation

Additional requirements for subdivision within the RU5 Village Zone are contained within Section 9.2.13 of this Part.

- iii. Where a lot size is more than 2 hectare, the lot shall be either connected to an off-site system or provided with an approved on-site disposal of effluent treatment and disposal system.
- iv. All effluent must be retained and disposed of on-site within the boundaries of the lot. The disposal of effluent utilising pump-out for new lots is unacceptable. Systems are to also be located so they do not contaminate the environment, cause deterioration of vegetation or unreasonably interfere with quality of life.
- v. Development proposals for on-site management are to be consistent with the Environment and Health Protection Guidelines: *On-site Sewage Management for Single Households, NSW Government 1998*. Appendix H to this DCP contains extracts from the guidelines, dealing with site assessment, buffer distances, soil assessment and a site report for on-site sewage management.
- vi. Before installing a septic tank or similar approved system, written approval is required from Council. Prior to deciding upon a wastewater disposal system for any environmental development, applicants should consult with relevant AlburyCity staff.
- vii. Details of the locality and system design are to be submitted within the development application, along with any other information specified by Council.
- viii. No building or works including waste disposal absorption lines are allowed within 40 metres of watercourses, creeks or other natural water bodies
- ix. A land assessment report that demonstrates that climate, geology, hydrology, topography, soil composition and vegetation renders the

- land capable of disposing of effluent on-site must be submitted and supported by Council.
- x. The main factors in planning, design and management of a waste system that need to be considered and documented in the application to Council are:
- Soil conditions: Can the soil on the lot adequately absorb the wastewater?
 - Slope: Is the slope adequate to ensure the efficient movement of waste into the absorption trenches?
 - Vegetation: Is planting needed to 'soak up' the waste near the absorption trenches?
 - Topography: Is the site too steep for the trenches to be dug by machine?
 - Water supply: Is the available water supply, reticulated or non-reticulated, adequate to maintain the system?
 - Layout and space: Is there enough room on the lot for all proposed buildings, driveways and the disposal system without interfering with one another or adjoining lots? Can the absorption trenches be located as part of the garden/outdoor area and/or in the adjoining rural paddock alongside the house block?
 - System design: Has the disposal system been designed, tested and tried for the site conditions elsewhere in the locality? Council may be able to assist in this regard.
 - System operation: Regular maintenance and pump-out is necessary to ensure the efficiency and longevity of the system.
- xi. After installation, please check with relevant AlburyCity staff whether inspection and approval by Council is required before the system can be used.
- xii. All sewerage, waste treatment works and effluent disposal systems are to comply with the requirements of the NSW Department of Environment, Climate Change & Water and appropriate licences where necessary.
- xiii. Effluent treatment systems are to be designed to include effective nutrient removal facilities.

Notation

Clause 7.6 of the LEP requires that development consent must not be granted unless Council is satisfied that adequate arrangements have been made regarding the supply of water, electricity, roads, stormwater drainage and the disposal and management of sewage for that development.

Where a proposed rural subdivision is considered by Council to be a logical extension of the existing reticulated sewerage network and/or servicing program, Council reserves the right to determine whether a development is

required to connect to and/or extend the existing reticulated sewerage network or rely upon an off-site effluent disposal system or on-site effluent treatment and disposal system.

9.2.4 Water Supply

Objective

1. To make provision for reticulated water services or on-site rainwater harvesting in a manner that sustainably meets the needs of individual properties.

Controls

Where reticulated water supply is available:

- i. Utility services shall be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* and the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines* in addition to controls (ix), (x), (xi) and (xii).
- ii. Private water supply schemes are to be designed in accordance with (i) above.

Where reticulated water supply is not available:

- iii. Utility services shall be provided in accordance with the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines*, in addition to the following supplementary controls (with the exception of control (xi)).
- iv. A land assessment report that demonstrates that the land concerned and the water collection area proposed is sufficient to provide water for domestic, stock and fire fighting purposes must be submitted and supported by Council.
- v. It is essential that a reliable domestic water supply is available. Some rural areas have the ability to be connected to a reticulated water supply. However, many areas will need to rely upon on-site collection and storage system.
- vi. Each new lot is to have a separate supply for non-domestic uses such as lawns, gardens, stock and fire fighting purposes.
- vii. Council requires that there be a domestic water supply storage of at least 100,000 litres storage, available for domestic purposes for each dwelling in a rural area, based upon a four-person household.
- viii. Drinking water shall comply with current water quality standards (as outlined in the *Australian Drinking Water Guidelines*)
- ix. If well, creek or spring water is potentially available for drinking water supply, its quality and reliability needs to be tested and assessed for suitability for drinking purposes.

- x. A gravity water system is preferred to avoid reliance on electricity or other powered systems.
- xi. Rural lots may be connected to a public water supply, if available, however flow rates will be limited and controlled by the connection infrastructure installed for dwellings.
- xii. Dams should be designed and constructed to a standard that minimises the risk of failure. Some factors to consider are:
 - Permeability of the soil to be used in construction of the dam.
 - The size of dam required for household and rural uses.
 - The size of the dam catchment to ensure that sufficient water will be available to fill the dam.
 - Reliability of rainwater.
 - Slope of the ground.
 - Local evaporation rates.
 - Disposal of soil.
 - Slope of batter and revegetation of dam banks.
 - Vegetation cover on the site and in the sub-catchment.
 - Dam banks should not be planted with trees or be in close proximity to trees.
- xiii. The size of dams may be restricted by water harvesting limits imposed by the NSW Department of Water and Energy. Applicants are advised to liaise with the Department to determine what restrictions may apply.
- xiv. Dams will not be permitted where the flow of water, in the event of dam failure, would be in the path of dwellings or public roads.

Notation

Clause 7.6 of the LEP requires that development consent must not be granted unless Council is satisfied that adequate arrangements have been made regarding the supply of water, electricity, roads, stormwater drainage and the disposal and management of sewage for that development.

Where a proposed rural subdivision is considered by Council to be a logical extension of the existing reticulated water supply network and/or servicing program, Council reserves the right to determine whether a development is required to connect to and/or extend the existing reticulated water supply network or rely upon on-site water supply storage and collection systems.

9.2.5 Existing Service Lines

Controls

- i. Existing electricity lines and poles should be identified at the site analysis stage. Any augmentation and extension details need to be discussed in the early stages with the relevant service provider.
- ii. The nearest telecommunications connection needs to be identified and located and costs considered for house connection.

- iii. Power lines should be kept away from trees and not be located in areas where extensive tree clearing is required.
- iv. Swathes cut through trees for service lines should take into account their visual impact in visually prominent areas such as ridgelines.
- v. Landscaping should be used to screen service lines in visually prominent locations.
- vi. Only low growing trees should be planted near power lines.
- vii. Trees should be positioned at a distance from power lines such that if they fall when fully grown, they do not touch wires.

9.2.6 Building Envelopes/ Site Analysis

Objectives

- 1. To site buildings to take account of site features, constraints and hazards.
- 2. To ensure dwellings and other buildings do not detract from the visual dominance of the natural features either on the site or in surrounding areas.

Controls

- i. Every application for a rural subdivision is to be accompanied by a building envelope to be included upon the title, which is informed by the site analysis and includes outbuildings and water tanks.
- ii. Building envelopes for dwellings in Rural Zones (except for RU5 Village Zone) must not result in the agglomeration of dwellings adjoining roadways, upon exposed hillside areas or impact on the visual amenity of the rural environment and surrounding area. Site analysis and building envelopes are critical in this regard.
- iii. The building envelope location is to comply with the following requirements:
 - Locating the building envelope away from steep slopes which may be highly visible from a public road or exposed against the hillside or skyline.
 - Minimising vegetation loss and maximising the use of existing vegetation for building envelope screening purposes.

Notation

Refer to Appendix B of this DCP, which relates to Information Requirements for Applications.

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

9.2.7 Bushfire Protection

Objectives

1. To ensure, where consent is required for subdivision and development, that the following occurs in bushfire prone areas:
 - Occupants of any building are afforded with adequate protection from exposure to a bush fire.
 - A defendable space is located around buildings.
 - Appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition.
 - Safe operational access and egress for emergency service personnel and residents is available.
 - Ongoing management and maintenance of bush fire protection
 - Measures, including fuel loads in the Asset Protection Zone (APZ), are established.
 - Utility services are adequate to meet the needs of firefighters (and others assisting in bush fire fighting).

Controls

- i. Development on bushfire prone land shall satisfy the requirements of the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines, NSW Government*.
- ii. Key matters to consider in reducing bushfire risk include:
 - Design and siting of the building.
 - Safe access to and from areas of potentially high fire risk.
 - Managing the reduction of fire fuel including management of bushland to the north and west of on-site buildings.
 - Having regard to vegetation type and location in relation to buildings and power lines.
 - Use of windbreaks.
 - Dedicated water supply.
 - Availability and ease of accessibility to water to fight fires.
- iii. A dwelling is encouraged to provide an additional storage supply of water for fire fighting purposes either by tank storage or a dam in close proximity to the building.
- iv. Any development shall comply with the bushfire controls contained in Part 6 of this DCP, which relates to Planning for Hazards.

Notation

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

9.2.8 Land Rehabilitation

Objectives

1. To maximise opportunities for reducing land degradation.
2. To facilitate at the subdivision stage any necessary rehabilitation of land to standards required for its safe development or use.

Controls

- i. If Council determines that the land to be subdivided or developed is not fit for the intended purpose, rehabilitation works will need to be carried out by the applicant. These works shall be carried out to the satisfaction of Council prior to the linen plan being signed in the case of subdivision or prior to issuing a construction certificate in the case of development.
- ii. Subdivision will only be considered where the land is capable of being used in a sustainable manner for the purposes intended by the creation of new lots (e.g. dwellings or agriculture).
- iii. Opportunities for revegetation will be pursued as part of the subdivision process to enhance visual amenity, landscape elements and/or rehabilitate degraded land.

9.2.9 Roads and Access

Objectives

1. To provide safe vehicular access and egress to newly subdivided lots.
2. To ensure roads and access arrangements meet minimum standards.
3. To design public roads as part of a subdivision in a manner that minimises disturbance to existing environmental features on the site.
4. To ensure road designs provide safe and efficient vehicular evacuation during bushfire events.

Controls

- i. Roads and access arrangements shall be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* and the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines*, in addition to the following supplementary standards and requirements.

The *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* contain requirements for the width of new roads to be undertaken in consultation with Council and generally be in accordance with Table 9.1 below:

Table 9.1 Rural/Rural Residential

AADT*	Road Reserve	Carriage way	Shoulder	Formation
<100	20	5.5	1.2	7.9
100-500	20	6.0	1.2	8.4
500-1000	20	6.5	1.2	8.9
1000-2000	20	6.5	1.8	10.1
>2000 (and all B double routes)	25	7.0	1.8	10.6

NB

- In all cases AADT* (Annual Average Daily Traffic) is that predicted at the end of the design period (usually 20 years);
- The designed pavement thickness is to extend for the full formation; and
- The road reserve width is nominal only and consideration is to be given to the extent of cut and fill batters, catch drains, intersection layout requirements, and provision for public utilities adjacent to the road reserve boundary. A minimum allowance of three metres from the batter point to the boundary is to be provided.

Notation

Table 9.1 is an extract of the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* and has been provided in the interests of making relevant information available to assist the preparation of development applications for rural subdivision. Please note that this table may be revised without notice subject to any review and/or amendment to the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.

- ii. Where available, the main access point for the property shall be from a sealed public road.
- iii. Each lot created is to have access from a public road, whether existing or proposed as part of the subdivision.
- iv. Proposed roads shall be constructed at the cost of the developer to Council's standards.
- v. Roads and driveways should respond to the contours of the land as far as possible to manage stormwater and flood events, and avoid excessive cut and fill and potential erosion problems. Steep slopes and natural drainage lines are to be avoided.
- vi. Roads and driveways both within and external to the site are to have any slope and bank works stabilised with grass and trees, especially in areas where erosion problems are likely.

- vii. Roads and driveways crossing gullies and streams, both within and external to the site, should be constructed using an adequately-sized culvert to the satisfaction of Council.
- viii. Roads below dams could be affected by water seepage or represent a risk if the wall fails, and should be avoided.
- ix. The length of cul-de-sac shall be no greater than 150 metres.
- x. Council approval is required for the naming of any new public road.

9.2.10 Lot Layout

Objectives

- 1. To provide lots with areas and dimensions which protect environmental features and take account of site constraints.
- 2. To ensure new lots are of sufficient size to maximise opportunities for rainwater harvesting.

Controls

- i. Where possible, the shape of lots should be simple and the boundaries should run parallel with the contour/s of the slope or perpendicular to it, not diagonally across it.
- ii. Where possible, use existing fence lines as lot boundaries.
- iii. Each lot should consider the location of the existing electricity lines and other services.
- iv. Each lot shall contain house sites that require minimal cut and fill.
- v. A width to depth ratio between 1:1 to 1:4 must be achieved. Long narrow lots are to be avoided.
- vi. Council will only permit the creation of battle-axe lots in special circumstances. Battle-axe lots where allowed shall have an access handle not less than 10 metres wide, a maximum length not exceeding 200 metres, and a carriageway width not less than four metres.

9.2.11 Incompatible Uses

Objectives

- 1. To ensure the subdivision of land reduces potential land use conflicts between land use activities on Rural and other surrounding zones.
- 2. Provision is to be made for appropriate buffers from possible sources of noise, odours and emissions.

Controls

- i. Council shall require that a site analysis for the land include information clarifying the presence of adjacent or nearby agricultural activities and any potential off-site impacts these may have on potential development within the proposed subdivision.
- ii. In considering applications for subdivision consent in the Rural Zones, Council shall take into account the potential of further fragmentation of rural lots on the capacity for adjacent or nearby activities to continue operating unfettered by risks of impact, or perceived impact, on dwellings and other sensitive uses.
- iii. Council may determine that the presence of adjacent or nearby agricultural impacts is such that the application should be refused. Council may also determine that the proposal should be altered to respond to these constraints, including adjustments to the proposed boundaries and the location of building envelopes on the proposed lots.

9.2.12 Protection and Management of Resources and Landscape Character

Objective

1. To ensure subdivision of land in the Rural Zones provides for the protection and management of natural resources and landscape character.

Controls

- i. In considering applications for subdivision consent in the Rural Zones, Council shall take into account the potential impacts on the further fragmentation of rural lots on the capacity to protect, manage and harness the natural resources present on the land and/or the landscape character of the site and its surrounds.
- ii. Council shall require that a site analysis for the land include information clarifying the presence of natural resources, and may determine the application in a manner which seeks to protect or appropriately manage these resources, including, but not limited to:
 - High value agricultural resources determined through a land capability assessment for a range of agricultural activities.
 - Water resources, both groundwater and surface water patterns and how these relate to the surrounding catchment and any existing catchment wide initiatives to improve water resource management.
 - The presence of minerals or basic raw materials that potential future extraction could result in community and economic

- benefits for the City, or provide basic raw materials for local industry processes, road and other construction needs.
 - The presence of ecological resources, such as remnant vegetation, habitat corridors, flora and fauna species which contribute to the City's network of ecological resources.
 - A landscape character assessment, identifying natural and modified landscape features, the value of these features, including the existing viewsheds to and from the site, and an assessment of how the proposal will protect or enhance these values and views.
- iii. Council may determine that the natural resources present on the site present sufficient constraint on the land to warrant an application for subdivision consent to be refused. Council may also determine that the proposal should be altered to respond to these constraints, or may apply conditions on the consent relating to rehabilitation, revegetation, protection and/or use and management of the resources and values.

9.2.13 Additional Requirements for Subdivision within the RU5 Village Zone

Objectives

1. To provide a low density subdivision pattern that enhances the Rural Village character of the Tabletop and Lake Hume Villages.
2. To provide for the use of alternative, approved waste water disposal systems.

Controls

- i. New lots created are to incorporate a 'depth to frontage' ratio no greater than 4 to 1, having regard to the purpose for which the land is intended to be used.
- ii. Adequate public utility services must be available to each new lot created within the RU5 Village Zone as required in Section 9.2.2, 9.2.4 and 9.2.5 above. In the absence of connection to a reticulated sewerage system, connection to an alternative package treatment plant may be approved for subdivision in this zone provided Council is satisfied that the package treatment plant can achieve long term financial and environmental viability without Council or other agency involvement.
- iii. Each new lot is to have a frontage to a formed public road.

Notation

Clause 4.6 of the LEP provides flexibility in the subdivision of land in the RU5 Village Zone to create a lot of a size less than the minimum size shown on the Lot Size Map.

9.3 DEVELOPMENT IN THE RURAL ZONES

The objectives and controls relating to the development of land in the Rural Zones are outlined in this Section. Development in the Rural Zones applies to all land uses listed as permitted with or without consent in the Land Use Table of the LEP.

Notation

Clause 4.2B of the LEP identifies those circumstances under which the erection of a dwelling house is permitted in the Albury LGA.

9.3.1 Building Siting and Design

Objectives

1. To ensure dwelling houses and outbuildings do not detract from the visual prominence of natural features on or surrounding the site.
2. To maximise the energy efficiency of the development.
3. To avoid development on environmentally constrained parts of the site.
4. To retain and promote design elements which contribute to the built character of the City's rural areas.

Controls

- i. House siting plans need to consider orientation with the main axis lying East-West, where possible.
- ii. House siting plans should consider direction of views and slopes, protection from winds, privacy and noise, vegetation and existing trees, and the occupiers intended use and enjoyment.
- iii. Development on slopes greater than 27% or 15° is discouraged.
- iv. Buildings should be oriented to make appropriate use of solar energy, be sited and designed to ensure energy efficiency of existing dwellings is not unreasonably reduced.
- v. Living areas and private open space should be located on the North side of development where practicable.
- vi. Developments should be designed so that solar access to North facing windows is maximised.
- vii. Buildings should be constructed of materials, and using designs, which improve thermal mass.
- viii. Buildings should provide for natural cross-ventilation.
- ix. A basic landscaping plan shall be submitted to Council. The plan should show all existing trees within the building envelope. Indigenous vegetation should be retained on the site, as far as practical.
- x. Applicants should ensure development meets the requirements of Part 5 of this DCP, which relates to Tree Preservation.

- xi. Where appropriate, dwellings should incorporate verandahs or pergolas in the design.
- xii. The roof space should be insulated and, where possible, ventilated to allow cross-flow air currents.
- xiii. The house and any ancillary structure location must comply with the following:
 - Locating the house and/or ancillary structure away from steep slopes which may be highly visible from a public road or exposed against the hillside or skyline.
 - Minimising vegetation loss and maximising the use of existing vegetation for house screening purposes.

Notation

Section 9.5 of this Part contains additional siting and design requirements for development in the RU2 Rural Landscape Zone.

Clause 4.2B of the LEP identifies those circumstances under which the erection of a dwelling house is permitted in the Albury LGA.

Refer to Appendix B of this DCP, which relates to Information Requirements for Applications.

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

9.3.2 Setbacks

Objectives

1. To encourage consistency and uniformity in building setbacks.
2. To ensure adequate separation between buildings on adjoining land.
3. To protect streetscapes and rural vistas.
4. To protect residential and rural amenity.
5. To ensure the function of streets and roads are not compromised
6. To protect watercourses.

Controls

Setbacks from Public Reserves, Local Roads & adjoining properties must be:

- i. A minimum setback of 20 metres to buildings adjoining public reserves and local roads.
- ii. A minimum setback of 10 metres to buildings from side and rear boundaries.

Setbacks from Main Roads (including Wagga Road, Urana Road, Riverina Highway, Hume Highway, Olympic Highway, Table Top Road/Old Sydney Road, Jindera/Table Top Road) must be:

- iii. A building setback of 30 metres applies.
- iv. The first 15 metres from the road reservation is to be suitably landscaped at the applicants expense.

Setbacks from Watercourses and Water Storages must be:

- v. 100 metres from the Murray River.
- vi. 100 metres from Lake Hume.
- vii. 40 metres from any other watercourse.

Notation

Section 9.5 of this Part contains additional setback requirements for development in the RU2 Rural Landscape Zone.

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

9.3.3 Building Height

Objectives

- 1. To control the scale of rural buildings in order to retain the visual prominence of the natural features on or surrounding the site.

Controls

- i. No dwelling shall be erected with a height of more than two storeys or 8 metres above natural ground level.
- ii. All outbuildings ancillary to the dwelling are to be of single storey construction and with a height of no more than 5.5 metres.

9.3.4 Building Materials

Objectives

- 1. To reflect the colours and textures of the surrounding rural landscape in the selection of materials and colours used in the development.
- 2. To use development designs that complement items of heritage significance on the site or on adjoining lands.

Controls

- i. Applicants should incorporate the use of natural colours that reflect soils, timbers and vegetation.
- ii. The following key building materials prevail in the area:
 - Bricks: Generally, Council prefers the use of red, light brown or earth toned coloured bricks, either standard or tumbled.
 - Timber: Timbers such as treated pine, cedar or redwood are suitable for rural areas, especially if stained or oiled in natural colours.
 - Masonry blocks: Traditional grey blocks are now often rendered with cement and can be painted in earthy colours.
 - Mud bricks: Verandahs should be used with mud brick structures for adequate weather protection.
 - Cement sheets: Are satisfactory if painted in a colour suited to the surrounding environment.
- iii. Colorbond, zincalume and tiles are all suitable roofing materials if matched with the appropriate building style, setting and building materials. Other roof materials such as unpainted galvanised iron are acceptable if being used to match existing materials.
- iv. New work (alterations or additions) to any heritage item should respect the building fabric and significance of that item. Refer to Part 7 of this DCP, which relates to Heritage Conservation for guidance on development proposals involving heritage items.
- v. Development in the vicinity of a heritage item should complement the original item by its form, scale, proportions, materials and colours. This can be achieved by using modern design with a careful blend of traditional and modern materials.

Notation

Section 9.5 of this Part contains additional design requirements for development in the RU2 Rural Landscape Zone.

9.3.5 Energy Alternatives

Objectives

1. To maximise opportunities to conserve energy through the siting of buildings and the positioning of other built and landscaping features on a rural property.

Controls

- i. Buildings should be orientated to maximise the effective use of the sun for solar energy.

- ii. Dam placement should be higher than the house site where possible to use gravity feeding and avoid the need for electric pumps.
- iii. Shading of buildings in summer time by proper landscaping will improve comfort in the house and reduce the need for mechanical cooling.

9.3.6 Ancillary Structures

Objective

- 1. To encourage the coordinated siting and visual appearance of rural buildings.

Controls

- i. Ancillary structures such as water tanks, garages, farm sheds and similar structures should form part of the overall site planning to ensure an attractive and functional grouping of buildings.
- ii. Colours, style and general proportions of farm storage sheds, as well as the garages, should be complementary to the design of the main dwelling.

Notation

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

9.3.7 Bushfire Protection

Bushfire Protection for rural development must be in accordance with the controls contained within Section 9.2.7.

9.3.8 Services

Wastewater Management

Wastewater management for rural development must be in accordance with the controls contained within Section 9.2.3.

Water Supply

Water supply for rural development must be in accordance with the controls contained within Section 9.2.4.

Existing Service Lines

Existing service lines for rural development must be in accordance with the existing service line controls contained within Section 9.2.5.

9.3.9 Incompatible Uses

The popularity of rural lifestyle opportunities has resulted in residential development locating in rural areas adjacent to land used for primary industry. Where dwelling houses are proposed to be located in rural areas Council will need to be satisfied that normal farming practices on adjacent land are not inhibited. Measures may be required to ameliorate potential conflicts between rural residents and primary producers.

Objectives

1. To provide for rural living opportunities which do not reduce the potential for productive primary industries to operate.
2. To reduce potential land use conflicts between land use activities on Rural and other surrounding zones.
3. Provision is to be made for appropriate buffers from possible sources of noise, odours and emissions.

Controls

- i. Dwelling houses should be located the maximum practical distance, taking into account lot configurations, property characteristics and all other development influences, from nearby rural and environmental activities that can generate noise, dust, odour and chemical spray drift.
- ii. In consideration of the appropriate buffer, restrictions upon aerial spraying within 150 metres of the curtilage of a dwelling house are to be enforced through any development plans in compliance with the *Pesticides Act 1999*.
- iii. A vegetation “biological” buffer is required for spray drift of chemicals applied by ground based jets or boom sprays.
- iv. The buffer should:
 - Have a minimum width of 30 metres and attain a height of up to 15-20 metres.
 - Comprise a range of fine leaf native trees and shrubs, in a variety of shapes with leaf cover to the ground level and located in a manner that provides for airflow through the buffer vegetation, not as an “impermeable” windbreak.

- Use vegetation with a mature height at least 1.5 times the height of the adjacent spray.
- Use plant species and varieties that are locally indigenous to the Albury area.
- Be maintained to provide an effective buffer at all times, including replacing dead or dying plants as required.

Notation

Appendix I of this DCP contains a list of trees that are recommended for the Albury district.

Further information may be obtained in the *AlburyCity Garden Guide* for Albury-Wodonga or by contacting AlburyCity.

9.4 THE MURRAY RIVER

Clause 7.5 of the LEP provides that all development including tree removal within 400 metres of the Murray River requires the consent of the Council. Many of the guidelines for development along the River are also contained with *Murray Regional Environmental Plan No 2 (MREP No 2)*.

Objective

1. To conserve and protect Riverine corridors, including native vegetation.

Controls

- i. All development applications within 400m of the Murray River must demonstrate that the development has been designed to avoid the removal of native vegetation.
- ii. Where it is not possible to avoid the removal of native vegetation the development application must demonstrate that it has been designed to minimise the removal of native vegetation.
- iii. Any development application which will directly or indirectly result in the removal of trees within 400m of the high bank of the Murray River, must include a plan to offset the loss of trees (and any hollows within those trees) at a ratio of 10:1 in accordance with the requirements for Biodiversity Certification.
- iv. Any offset plan required by control (iii) must include a Property Vegetation Plan approved by the Murray Catchment Management Authority, as required under the *Native Vegetation Act 2003*.

Notation

It is recommended that advice is sought from Council when considering any kind of development(s) along the Murray River.

9.5 ADDITIONAL DEVELOPMENT CONSIDERATIONS IN THE RU2 RURAL LANDSCAPE ZONE

Objectives

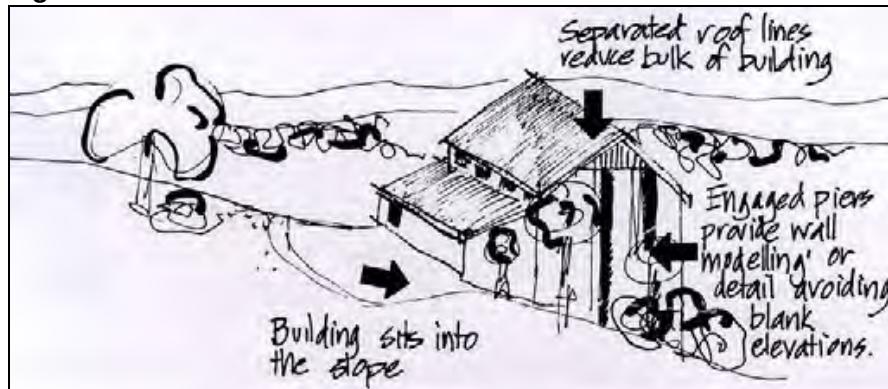
1. To maintain the visual prominence of the surrounding landscape as part of development/s within the RU2 Rural Landscape Zone.
2. To ensure building designs respond to the rural environment and to the character of any significant existing buildings.
3. To incorporate appropriate landscaping as an integral part of new development/s using local native species in a manner that reinforces the identity of the landscape.

9.5.1 Development Siting and Design

Controls

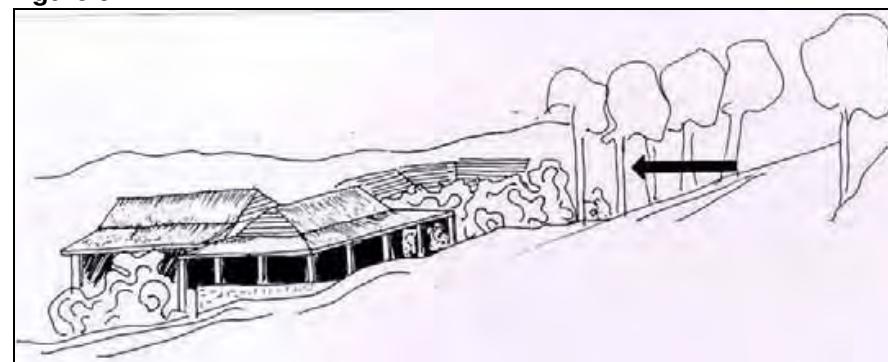
- i. The siting of any development should not be visually prominent when viewed from public areas and roads within the RU2 Rural Landscape Zone (Refer Figure 9.1).

Figure 9.1



- ii. Major ridges and high points should be free of development so as not to interrupt the natural skyline, as illustrated in Figure 9.2.

Figure 9.2



- iii. A visual assessment addressing provisions (i) and (ii) above, comprising a photographic survey, should be supplied as part of any development application.
- iv. The front setback from the road boundary for all new built development is to be a minimum of 75 metres.
- v. The side setback from adjoining property boundaries for all new built development is to be a minimum of 50 metres.
- vi. The standards at (iv) and (v) above may be varied in the following circumstances and subject to Council approval:
 - To avoid development directly impacting sensitive environmental features or topographical constraints.
 - To comply with statutory chemical/noise spray drift separation distances. Refer to Section 9.3.2 of this Part.
- vii. Large expanses of glazing shall be avoided.

9.5.2 Landscaping

Controls

The landscaping plan for a proposed development shall as a minimum:

- i. Consider suitability of landscaping to soils and climate.
- ii. Attempt to enhance positive aspects of the development and screen aspects with a detrimental visual impact.
- iii. Be clumped, not planted in rows and should avoid single species.
- iv. The establishment or reinforcement of native vegetation corridors should also be pursued where possible.

Notation

Refer to Appendix B of this DCP, which relates to Information Requirements for Applications.

Any actions taken to satisfy the requirements of this Section, does not release proponents from the responsibility of satisfying the requirements of the *Native Vegetation Act 2003*.

9.5.3 Special Development Restrictions in South Albury

Objectives

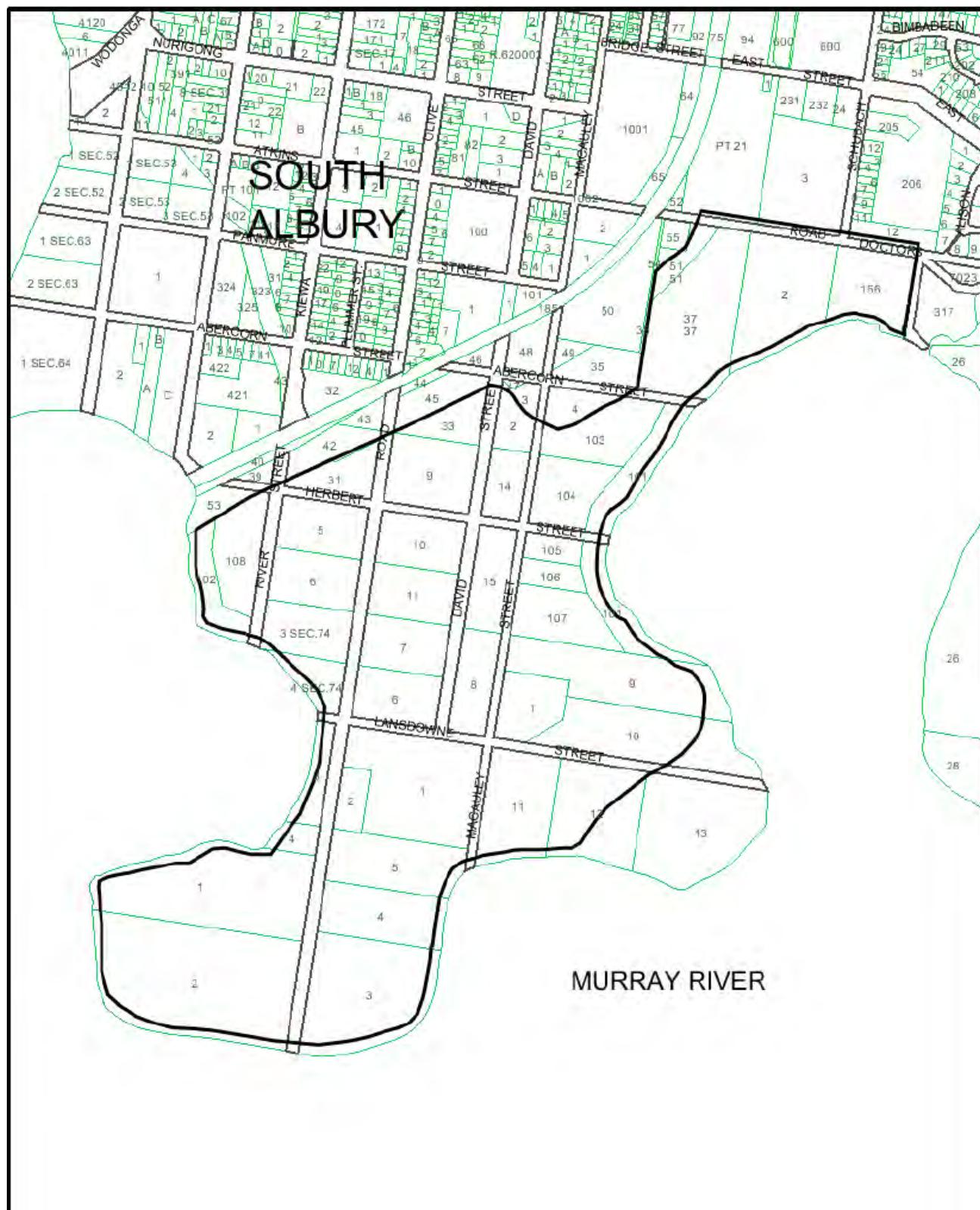
- 1. To prevent further dwelling house development upon the identified land due to the risk of flood inundation and existing incompatible primary production activities.

Controls

- i. Dwellings are not permitted within the RU2 Rural Landscape Zone in South Albury shown in Figure 9.3.
- ii. The restriction on dwellings in this area is due to the following factors:
 - The land being on the floodplain of the Murray River, and specifically within the 1 in 100 year flood area.
 - The present arrangement of numerous small parcels of land with individual titles.
 - The isolated nature of the land titles within the floodplain, and the likely significant impact upon emergency services resources which would eventuate during a flood event, should the land be developed.
 - The changes in flood levels which may arise due to the construction of the adjacent *Albury Wodonga Hume Freeway*.
 - The presence of a continuing extractive industry in the southern portion of the area.
 - The scenic qualities of the (presently undeveloped) land.

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**Figure 9.3
SOUTH ALBURY RU2 RURAL LANDSCAPE ZONE**



9.6 DEVELOPMENT OF CATTLE FEEDLOTS OR PIGGERIES

The development of cattle feedlots and piggeries has the potential to impact on the environment, particularly in relation to effluent disposal, impacts on surface and groundwater, land degradation and odour. Council shall require an application for development consent for cattle feedlots or piggeries to be assessed in accordance with the requirements of *State Environmental Planning Policy No. 30—Intensive Agriculture*.

Objectives

1. To define the size of establishments that should be assessed.
2. To provide for public participation in the consideration of development applications for cattle feedlots or piggeries.
3. To ensure that, in determining a development application for cattle feedlots or piggeries, various matters have been addressed.

Controls

- i. Development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows require development consent.
- ii. Council shall process the application in accordance with the requirements of *State Environmental Planning Policy No. 30—Intensive Agriculture*, including the procedures for public participation.
- iii. A Statement of Environmental Effects shall be prepared in accordance with the *Environmental Planning and Assessment Act, 1979*, to accompany a development application and must include a description of the design features of the proposed feedlot or piggery and an outline of proposed management practices intended to address the matters set out in *State Environmental Planning Policy No 30—Intensive Agriculture*.
- iv. In determining the application, Council shall consider:
 - The adequacy of the information provided in the Statement of Environmental Effects or Environmental Impact Statement accompanying the development application.
 - The potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site.
 - The potential for the pollution of surface water and ground water.
 - The potential for the degradation of soils.
 - The measures proposed to mitigate any potential adverse impacts.
 - The suitability of the site in the circumstances.
 - Whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals.

- The consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of cattle feedlots or piggeries published by the Department of Agriculture and approved by the Director of Planning.

9.7 DEVELOPMENT OF BED AND BREAKFAST ACCOMMODATION

Notation

For the purposes of this Section, *Bed and breakfast accommodation* is defined within the dictionary of the LEP.

Objectives

1. To minimise the potential traffic, noise and amenity impacts of bed and breakfast accommodation in established rural residential areas.
2. To ensure the size of proposed bed and breakfast accommodation sites are sufficient to fully accommodate their normal operational requirements.

9.7.1 Site Selection and Management

Controls

- i. Bed and breakfast accommodation is only to be located in a dwelling house. Council will not consider applications for this use within multi dwelling housing or residential flat buildings, due to the likelihood of traffic, noise and other amenity impacts for surrounding residents.
- ii. Bed and breakfast accommodation shall be located on a site that has a total area of 1,200m² or greater.
- iii. Bed and breakfast accommodation must be operated by the permanent resident of the dwelling house but this need not be the owner of the property.
- iv. Each paying guest shall reside at the establishment for not less than one day and not more than fourteen days in any month.
- v. There must not be more than six (6) visitor residents at any one time.
- vi. The dwelling house must be connected to sewer. However, consideration may be given to lots of more than 2 hectare in size with appropriate on-site effluent disposal.
- vii. Any works to allow the use of the dwelling house for bed and breakfast accommodation must be consistent with the predominant character of the street and adjoining development.

9.7.2 Car Parking

Controls

- i. Car parking shall be provided in accordance with Part 17 of this DCP, which relates to Off Street Car Parking.
- ii. No bed and breakfast accommodation shall operate so as to generate additional on street car parking than that already present.
- iii. Guest vehicles should enter and leave the property in a forward direction.
- iv. Off-street car parking should be constructed and landscaped so as to reduce, as far as possible, the noise of vehicles entering and leaving the property.
- v. Car parking spaces are not permitted within the front setback area, however one stacked car park may be considered. Consideration will be given to varying the location where it is desirable for environmental reasons.
- vi. Any visitor parking must be clearly identifiable and easily accessed.

9.7.3 Signage

Controls

- i. Business signage for bed and breakfast accommodation shall be provided in accordance with Part 16 of this DCP, which relates to Outdoor Advertising.

Notation

Managers of bed and breakfast accommodation should give careful consideration to the expectations of adjoining landowners. Attention should be paid to minimise the disturbance to neighbours of late night arrivals and early morning departures of visitors.

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10 DEVELOPMENT IN THE RESIDENTIAL ZONES

10.1 INTRODUCTION

Historically, Albury has enjoyed a variety of housing stock, styles and designs, across a number of zones within the City. Densities tend to be generally low scale in nature, and this is particularly true of those areas located away from the CBD Cores of Albury and Lavington.

This Part applies to the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential Zones and any other zones where residential type development is proposed. This Part also applies to the subdivision of land intended for residential development.

Land use and development in the Residential Zones includes both residential and other compatible uses such as bed and breakfast accommodation, child-care centres, places of public worship, home businesses, educational establishments, aged and disabled persons accommodation, health services facilities, parks, neighbourhood shops and public utilities. Each of these uses contributes to the overall liveability of the Residential Zones and must be designed to be compatible with residential living. This means that the design and siting of buildings and the operation of a land use must not adversely affect the amenity of residents.

Where development consent is required, any development located in the Residential Zones will be assessed according to the zone objectives and relevant provisions of the LEP, *Environmental Planning and Assessment Act*, including the provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this DCP.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

10.2 RESIDENTIAL ZONES

The main objective of the Residential Zones is to identify land for residential and *residential compatible* uses.

The LEP provisions facilitate various categories of residential development in a manner consistent with the intended density outcomes for each zone. In this regard the LEP provisions indicate the categories of development which are permitted without consent, permitted with consent or prohibited in each zone. The residential development and subdivision controls outlined in this Part apply within all zones where the subject development or subdivision is permitted, with or without consent. The controls also apply where residential development may be permitted, with or without consent, in other non-residential zones.

10.3 RESIDENTIAL SUBDIVISION

10.3.1 Residential Subdivision – Lot and Road Layout

Objectives

1. To encourage a diversity of lot sizes, housing forms and densities.
2. To provide a range of lot sizes to suit a variety of dwelling and household types, with areas and dimensions that meet user requirements.
3. To provide lots with areas and dimensions which protect environmental features and take account of site constraints.
4. To identify appropriate opportunities for higher residential densities in circumstances where the land use zoning permits.
5. To provide residential land buyers with more certainty as to the types of development that may be proposed within their street.
6. To assist in facilitating an appropriate and aesthetic interface between the built edge and arterial roads, buildings are encouraged to front and address the arterial roads through the provision of service roads (where appropriate).

Controls

- i. The minimum lot size for dwelling house purposes must comply with Clause 4.1 and the Lot Size Map of the LEP.
- ii. Greenfield subdivisions, shall be consistent with local and district structure plans adopted for the subject locality. In the absence of such plans, Council may require the proponent to prepare a structure plan, or contribute to the cost of preparing a structure plan, prior to granting consent to a subdivision proposal. For the purposes of this DCP, a greenfield subdivision is defined as the subdivision of any land title, or the aggregate of more than one land title, equal to or greater than 10,000m². Council may waive this requirement, if it is satisfied that integration of the proposed subdivision with the surrounding locality can be achieved in the absence of structure planning.
- iii. Greenfield subdivisions shall contain a variation in lot sizes and locations for dwelling houses, multi-dwelling developments, attached dwellings or residential flat buildings shall be provided, with medium density development generally located adjacent or in proximity to commercial and community facilities, major public and private transport routes and adjacent to linear open spaces which provide access to the central elements of the pedestrian and cycle network.
- iv. Greenfield lots and street layouts shall be designed to achieve pedestrian, cycle and vehicular permeability, legibility, safety and long term urban design flexibility, in addition to integrated transport and land use planning outcomes, sustainability objectives (during

- construction and post-construction), water and energy efficiency design initiatives, including orientation, dimensions and configuration of lots to maximise solar access.
- v. Greenfield subdivisions shall include a drainage management plan, including water sensitive urban design measures, to maximise the reuse of stormwater and/or convey stormwater in a manner which reduces the rate of flow and improves the quality of water discharged into receiving or storage bodies. This may include underground stormwater storages in road reserves for irrigating landscaped areas.
 - vi. Greenfield subdivisions shall provide sufficient and centrally located lots for the development of commercial and community facilities, in accordance with structure plans for the locality.
 - vii. Proposed subdivisions in greenfield areas (excluding land listed in this DCP or within the LEP which is subject to special low density residential subdivision controls) are to nominate 10% of all lots as potential multi dwelling housing and residential flat building sites.
 - viii. Building envelopes are to be defined on subdivision plans where zero setbacks area proposed for lots less than 600m² in area.
 - ix. The following minimum lot widths and areas apply to detached dwelling lots (Table 10.1).

Table 10.1

Lot Type	Minimum Width	Minimum Area
<i>450m² - 1,500m² lot size area</i>		
Non-corner lots	15 metres	450m ²
Corner lots	15 metres	500m ²
Battle-axe lot (within the lot – not including the access handle)	15 metres	500m ²
Lots containing land where slopes exceed 12%	25 metres	1200m ²
<i>Greater than 1,500m² lot size area</i>		
Corner and non-corner lots	25 metres	-
Battle-axe lot (within the lot – not including the access handle)	25 metres	-

- x. Nominated multi dwelling housing sites within greenfield subdivisions, approved by the Council prior to the commencement of this DCP, are not required to comply with the minimum lot widths in Table 10.1. All other provisions, however, are to be fully satisfied.
- xi. Nominated multi dwelling housing and residential flat building sites within greenfield subdivisions, approved by the Council after the commencement of this DCP, must comply with the minimum lot widths in Table 10.1.
- xii. Proposed multi dwelling and residential flat building sites are generally not to be irregular in shape or have uneven boundary lengths.

- Innovative use of sites with irregular boundaries, however, may be negotiated at pre-application meetings.
- xiii. For battle-axe lots, the minimum access handle width is to be 3.5 metres and the maximum length to the handle is to be 30 metres.
 - xiv. Shared access handles must be a minimum of 5 metres in width.
 - xv. No more than 2 battle-axe lots should adjoin one another, or share an access handle.
- Notation**
- Council discourages the creation of battleaxe lots, unless it can be demonstrated that the subdivision site characteristics and configuration constrain the provision of full street frontage to all lots. Clause 4.2A of the LEP prevents the creation of additional opportunities for dwellings on undersized lots by prohibiting strata and community title subdivisions that would create a lot of a size less than the minimum size shown on the Lot Size Map in relation to land in the R2 Low Density Residential and R5 Large Lot Residential Zones.
- xvi. Asset Protection Zones for development(s) in Residential Zones must not extend into any neighbouring E2 Environmental Conservation or E3 Environmental Management Zones. Exceptions are shown in Figure 8.1 of Part 8 of this DCP.

10.3.2 Residential Subdivision - Lot and Road Orientation

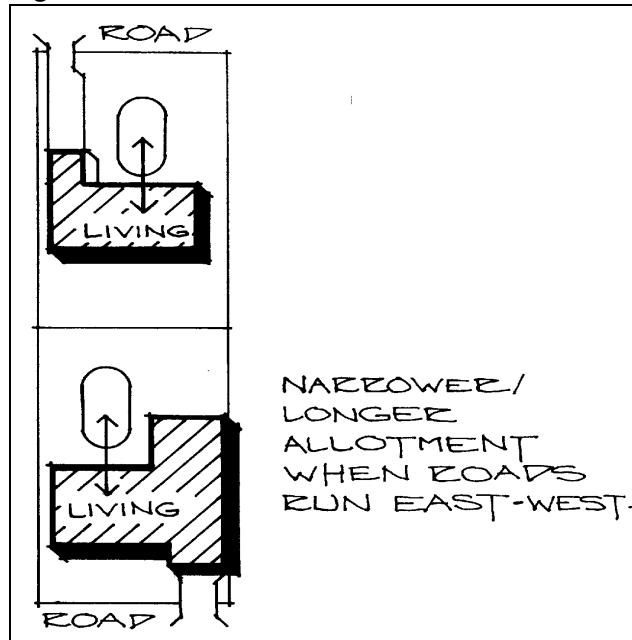
Objectives

1. To have regard to energy conservation principles in the orientation of lots.
2. To maximise the opportunity for the Northern orientation of lots.
3. To provide a subdivision layout where at least 70% of the lots will have favourable solar orientation.
4. To allow dwelling orientations to respond to streetscape.
5. To maximise opportunities for energy efficiency through subdivision design/s and resulting dwelling/s.

Controls

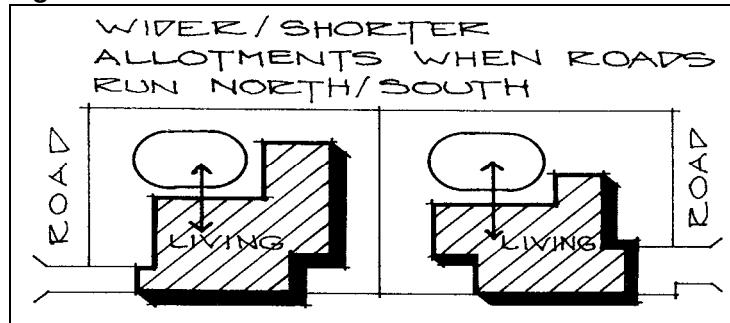
- i. The long axis of lots should be located within the North 20° West to North 30° East orientation range when fronting roads running north-south and within the East 20° North to East 30° South orientation range when fronting roads running east-west.
- ii. At least 70% of lots in a subdivision are to have a northern orientation.
- iii. Lots orientated in a North-South direction (i.e. having an East-West road) can provide good solar access to yards and living areas. These lots can also be longer and narrower than regular lots. See Figure 10.1.

Figure 10.1



- iv. Lots that are orientated in an East-West direction (i.e. having a North-South road) should have a width greater than its length to provide greater opportunity for solar access to yards and living areas. See Figure 10.2.

Figure 10.2



10.3.3 Residential Subdivision - Public Open Space

Objectives

1. To provide a highly accessible mix of local and district public open space areas and community facilities.
2. To ensure public open space, of appropriate quantity and quality, is provided to meet the recreational and social needs of the community.

Controls

- i. A public open space network shall be provided which protects areas of significant habitat, other ecological or significant environmental features, places and items of archaeological or cultural heritage value, damplands, wetlands and watercourses - preserved, rehabilitated, or constructed, and how these relate to a drainage management plan. Sufficiently located and dimensioned areas within the open space network should be available for usable public access to formal and informal recreation facilities. Proposals should contain linear arrangements within the network designed to create permeability and connectivity, and provide interface treatments between the network and other land uses.
- ii. All detached dwelling subdivisions and most multi dwelling housing and residential flat building proposals will result in the Council levying developer contributions under Section 94 of the *Environmental Planning and Assessment Act 1979* and Section 64 of the *Local Government Act, 1993*. The Council's *Section 94 Development Servicing Plan* fully details the relevant contributions.
- iii. In the case of detached dwelling subdivisions, an open space contribution may be set aside by the Council, in whole or in part, where the physical public open space is not considered sufficient within the proposed subdivision.
- iv. Persons wishing to dedicate land in lieu of contributions should first discuss the proposal with Council.
- v. The dedication of land will be assessed according to the following criteria:
 - A Council plan or DCP which outlines the provision and location of future open space areas.
 - The developer contribution plan relating to open space.
 - The size and proximity of other open space areas to the subject land, and the travel paths between them.
 - The existing attributes of the land (e.g. views, vegetation, natural features) and any negative features of the land (e.g. size, shape, location, maintenance costs).
 - Dual usage of the land for drainage purposes and/or easements.

10.3.4 Residential Subdivision - Utilities and Infrastructure

Objectives

1. To ensure all public utilities for the development of new lots are adequately planned as part of the subdivision stage.
2. To provide potable water, sewerage, drainage and garbage collection services for the maintenance of public health.

3. To ensure the provision of utilities and infrastructure meets minimum standards.

Controls

- i. A Drainage Management Plan shall be provided by the proponent, which includes water sensitive urban design measures used to maximise the re-use of stormwater and/or convey stormwater in a manner which reduces the rate of flow and improves the quality of water discharged into receiving or storage bodies. This may include underground stormwater storages in road reserves for irrigating landscaped areas.
- ii. AlburyCity Council is the responsible water and sewerage authority. The Council's requirements for those services, as well as stormwater provision and road construction, are provided in the document *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*. Utilities and infrastructure shall be provided in accordance with these standards and the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines*, in addition to the following supplementary standards and requirements. For more information, contact the Council.
- iii. Utilities and infrastructure provision in the R5 Large Lot Residential Zone must comply with Part 9 of this DCP, which relates to Development in Rural Zones, in particular Section 9.2.2, 9.2.3, 9.2.4 and 9.2.5, which relates to rural services.
- iv. Evidence should be provided to Council stating that adequate network capacities for electricity, natural gas and telephone services exist. The relevant service providers should be contacted for their servicing requirements.
- v. Council shall only grant subdivision consent where it is satisfied that the provision of utility service and community infrastructure would be a logical extension of the existing network and/or servicing program.

Notation

Clause 7.6 of the LEP requires that development consent must not be granted unless Council is satisfied that adequate arrangements have been made regarding the supply of water, electricity, roads, stormwater drainage and the disposal and management of sewage for that development.

10.3.5 Residential Subdivision - Street Network

Objectives

1. To provide a road network that places a high priority upon vehicular and pedestrian safety, public transport, and connectivity.
2. To require sealed footpaths and public lighting, so as to improve access and safety for pedestrians and people with a disability.
3. To ensure the provision of a network of roads and streets that meets minimum standards.

Controls

- i. A Traffic Impact Assessment and Traffic Management Plan shall be provided by the proponent that provides for a proposed road system and its integration into the City-wide transport system, and (in the context of integrated transport and land use planning principles) includes measures deployed to encourage transit and pedestrian oriented development.

All requirements for the width and construction of roads shall be in accordance with the Council's *Engineering Guidelines for Subdivisions and Development Standards* and the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines*, in addition to the following supplementary standards and requirements.

The *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* contains requirements for the width of new roads to be undertaken in consultation with Council and generally in accordance with Table 10.2 below:

Table 10.2 - Road Standards, Urban Street Network

Classification of Road	Local Distributor	Collector	Local Access	Cul-De-Sac & minor access
Maximum traffic Volume (vehicles/day)	5000-7000	3000	1000	150
Number of dwellings	500-750	300	100	15
Carriageway Width (m)	13	11	8	6
Footway Width (m)	2 x 5.5	2 x 5.5	2 x 3.5 or 2x 5.5	2 x 3.5
Road Reserve (m)	24	22	15	13

Classification of Road	Local Distributor	Collector	Local Access	Cul-De-Sac & minor access
Lane Provision	2 Moving Parking	2 Moving Intermittent Parking	2 Moving Intermittent Parking	2 Moving Intermittent Parking
Maximum desirable speed (km/h)	60	50	20-30	15-25
Maximum design speed (km/h) (for sight distance calculations)	60	60	40	30
Footpaths	Both sides	Both sides	One side	Not required
Cycle Ways	2.5m wide shared cycleway footpath on one side	Marked	On road shared	On road shared
Kerb and Channel	150 mm high integral barrier	150 mm high integral barrier	Integral barrier or semi mountable	Semi mountable

NB Roads used as bus routes are usually designed to local distributor standards, i.e. 13-metre carriageway width or provision for two moving and two parking lanes.

Notation

Table 10.2 is an extract of the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* and has been provided in the interests of making relevant information available to assist the preparation of development applications for residential subdivision. Please note that this table may be revised without notice subject to any review and/or amendment to the *AlburyCity Engineering Development Standards*.

- ii. Standard road widths are measured between kerb inverters as shown on the standard drawings.
- iii. Cul-de-sac or court roads that service 15 or more dwelling sites are to be provided with paved or sealed parking spaces (6 metres x 2.5 metres) within the road reserve (but not within the carriageway) for 50% of the dwelling sites. The parking spaces are to be accessible by semi-mountable kerb.
- iv. Within greenfield subdivisions, a 1500mm wide, 80mm deep, reinforced concrete footpath is to be provided at the developer's expense along the length of new roads constructed. All points of an intersection are to have pram ramps constructed into the kerb, also at the developer's expense. The Council will determine, by condition of consent, the footpath and pram ramp locations.

Notation

The developer need not construct the required footpath until 75% of the lots in the subdivision have been developed. The Council will accept a bond for the value of the work to facilitate this requirement and timing of construction.

10.3.6 Residential Subdivision - Bicycle Path Network

Objectives

1. To provide opportunities for a range of non-vehicular transportation in order to access local and district public open space areas, commercial and community facilities and other local destinations.
2. To encourage the use of other transport modes as an alternative to motor vehicle transport.

Controls

- i. The Council has an established bicycle path network within the City, and this network is being progressively expanded via the annual Works Program. New bicycle paths shall be provided to integrate with Council's existing and planned future bicycle path network.
- ii. The provision of an off-carriageway (shared) bicycle path or on-carriageway designation may be required for residential subdivisions located in proximity to the identified bicycle network and pedestrian generating land uses including schools, neighbourhood shops, open space and public reserves and facilities.

Notation

AlburyCity staff are available to assist in any enquiries regarding the Council's bicycle path network.

10.4 RESIDENTIAL DEVELOPMENT – DWELLING HOUSES

10.4.1 Dwelling Houses

Dwelling houses are defined in the LEP as a building containing only one dwelling. The residential areas of Albury are predominantly characterised by this form of development, interspersed and supported by a range of residential compatible uses. The controls in this Section are in place to ensure the ongoing amenity of existing residential areas and to create pleasant and environmentally friendly residential developments in the growing parts of the City.

Notation

Clause 4.2B of the LEP identifies those circumstances under which the erection of a dwelling house is permitted in the Albury LGA.

10.4.2 Dwelling Houses – Building Siting and Design

Notation

Section 10.4.5 of this Part contains siting and design requirements for development in the R2 Low Density Residential and R5 Large Lot Residential Zones.

Objectives

1. To promote consistent, coordinated and attractive streetscapes through consistent application of setback provisions.
2. To discourage garages and carports which dominate the appearance of dwellings.
3. To site buildings to meet projected user requirements for privacy and daylight access.
4. To site and design buildings to promote energy efficiency.
5. To ensure the scale, height and length of a building and walls relative to front, side and rear boundaries are appropriate to the surrounding residential character.
6. To site buildings to take account of site features, constraints and hazards.

Controls

Energy Efficiency

- i. Buildings should be oriented to make appropriate use of solar energy, be sited and designed to ensure energy efficiency of existing dwellings is not unreasonably reduced.
- ii. Living areas and private open space should be located on the North side of development where practicable.
- iii. Developments should be designed so that solar access to North facing windows is maximised.
- iv. Buildings should be articulated with appropriate vertical and horizontal variations to ensure an appropriate year round variation of shade and sunlight according to the heating/cooling needs and shadow patterns across glazed surfaces during seasonal changes through the year.
- v. Buildings should be constructed of materials and using designs which improve thermal mass.
- vi. Buildings should provide for natural cross-ventilation.

Front Setback

- vii. The minimum setback required between the front boundary and the forward wall must be:
 - 4 metres;
 - the building envelope;

- the average of the setback of the structures on either side of the subject property; or
- any setback specified for the relevant land by Section 10.15 – Area Specific Development Plans; whichever produces the greater setback.

Side Setbacks

- viii. The minimum setback required from the side boundaries to the nearest external wall (excluding eaves) of the dwelling house must be:
- 0.9 metres;
 - the building envelope; or
 - any setback specified for the relevant land by Section 10.15 – Area Specific Development Plans; whichever produces the greater setback.

Rear Setbacks

- ix. The minimum setback required from the rear boundary to the nearest external wall (excluding eaves) of the dwelling house is 2 metres, unless otherwise specified by a building envelope or Area Specific Development Plan referred to in Section 10.15.

Garage Setback

- x. Garages must be set back from the primary street boundary frontage at least 0.5 metres behind the forward most wall of the dwelling house.

Open Carport Setback

- xi. The minimum setback required from the primary street boundary frontage to the carport is 3.5 metres.

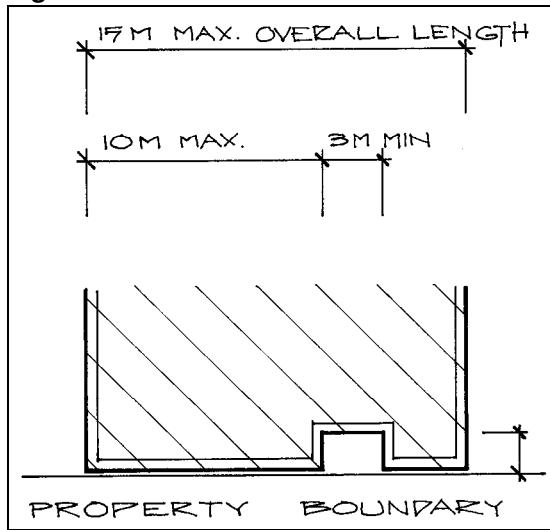
Corner Lot to Secondary Streets

- xii. The minimum setback required from the secondary street boundary of the site to the forward most wall (excluding balconies, verandahs and like structures) of the dwelling house area is 2 metres.
- xiii. Garages must be set back from the secondary street boundary at least 0.5 metres behind the forward most wall of the dwelling house.
- xiv. The minimum setback required from the secondary street boundary of the site to an open carport is 1 metre.

Build to Boundary (zero setbacks)

- xv. A wall with a zero setback is to be of masonry construction, have no openings, have a total height of not more than 3 metres, have an unbroken length of not more than 10 metres, and have a maximum length of 15 metres - provided that the wall contains at least one break of 3 metres. For an example see Figure 10.3.

Figure 10.3



- xvi. The wall with the zero setback shall not front a public road.
- xvii. Notwithstanding any other provision of this DCP, a dwelling adjacent to a wall with a zero setback is to be set back 1.5 metres from the common boundary. A garage or carport in this situation may be set back 1 metre from the common boundary.

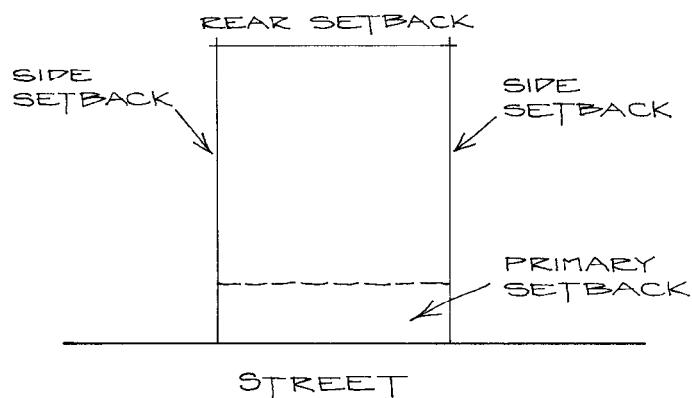
Notation

Infill dwellings in established areas may not be able to meet the zero setback requirement.

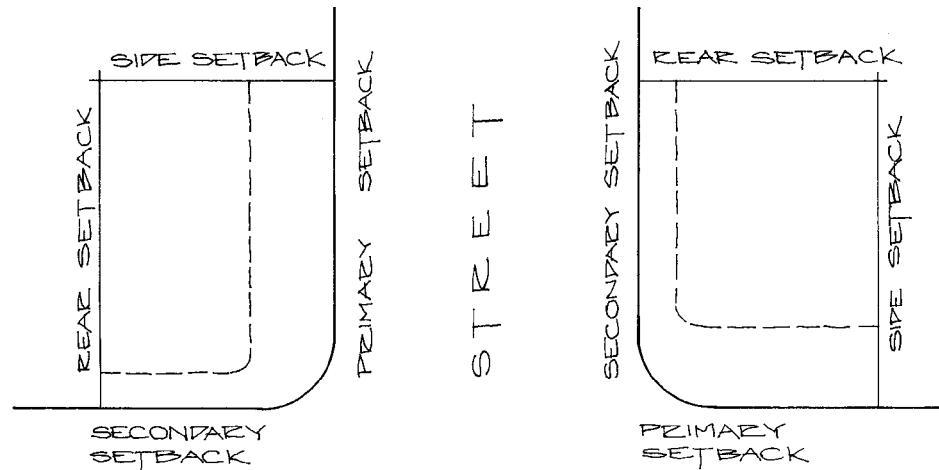
- xviii. Zero setbacks will only be considered for two storey development, where the ground floor wall has the zero setback and the second storey is set back at least 2 metres from the common boundary.
- xix. Zero setback walls are only to be located on the side boundary of lots.
- xx. Zero setback walls are generally to face south, within the range South 30° East to South 30° West.
- xxi. The various setbacks for corner and non-corner sites are shown diagrammatically in Figure 10.4 below.
- xxii. Asset Protection Zones for development(s) in a Residential Zone must not extend into any neighbouring E2 Environmental Conservation or E3 Environmental Management Zones. Exceptions are shown in Figure 8.1 of Part 8 of this DCP.

Figure 10.4

NON-CORNER SITES N.T.S.



CORNER SITES N.T.S.



EXAMPLE 1.

OR

EXAMPLE 2.

10.4.3 Dwelling Houses – Private Open Space

Objectives

1. To provide the potential for each lot to be landscaped to the benefit and amenity of occupants, to reinforce the environmental attributes of the neighbourhood and to enhance the streetscape.
2. To ensure that development has sufficient site area to provide useable private open space to meet reasonable requirements for outdoor activities and use and car access.
3. To provide a satisfactory balance between open space and buildings.

Controls

- i. At least 30% of each lot is to be unbuilt upon private open space area. Private open space includes driveways, pathways, outdoor entertainment/cooking areas, sheds less than 30m² in floor area; and pergolas (covered or otherwise), terraces, balconies, shade structures, awnings or other impertinences which are designed to extend the living area of the dwelling.
- ii. Of the 30% unbuilt upon area, a minimum of 35m² primary open space is to be provided, with minimum dimensions of 5 metres x 7 metres, directly accessible from the living room, lounge room, meals room, kitchen or similar room of the dwelling. In the event the primary open space area is covered, it shall remain unenclosed on at least one complete length of wall.
- iii. The primary open space area is generally to have a maximum grade of 10% (1 in 10).

10.4.4 Dwelling Houses – Car Parking

Objectives

1. To ensure that parked vehicles do not obstruct the passage of vehicles on the carriageway or create traffic hazards.
2. To ensure that facilities do not detract from streetscape amenity and surveillance of the street.

Controls

- i. Each detached dwelling is to be provided with designated car spaces behind the front building line (forward most wall) in accordance with the standards outlined in Part 17 of this DCP, which relates to Off Street Car Parking.

- ii. Car parking is to be provided at the rate of 1 space per 1 and 2 bedroom dwelling house, and 2 spaces per 3 or more bedroom dwelling house.
- iii. Single garages are to be at least 3 metres wide (between the internal piers) and 6 metres in length.
- iv. Double garages are to be at least 6 metres in length.
- v. The maximum width of a fully enclosed garage structure that faces a public road is to be 7 metres, or 50% of the width of the property frontage to that public road, whichever is the lesser.

Notation

The Council discourages triple fronted garages, unless the garage or building design significantly reduces the bulk and monotony of the structure.

- vi. The footpath crossing of a residential driveway is to be a minimum of 2.5 metres wide. Vehicular crossovers generally are to follow *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.

10.4.5 Dwelling Houses – Building Siting and Design in the R2 Low Density Residential and R5 Large Lot Residential Zones

Objectives

1. To promote consistent, coordinated and attractive large lot development character through consistent application of setback provisions.
2. To site buildings to meet projected user requirements for privacy and daylight access.
3. To site and design buildings to promote energy efficiency.
4. To ensure scale, height and length of a building and walls relative to front, side and rear boundaries are appropriate to the large lot development character.
5. To site buildings to take account of site features, constraints and hazards.

Controls

- i. Dwelling houses located in the R5 Large Lot Residential Zone shall comply with the requirements of Section 9.3.1 (Rural Development - Building Siting and Design) and this Section.
Where there is an inconsistency between this Section and Section 9.3.1 of this DCP applying to the R5 Large Lot Residential Zone, then Section 9.3.1 shall prevail.

Front Setback (Including Garages and Carports)

- ii. The minimum setback required between the front boundary and the forward wall must be:
- 10 metres;
 - the building envelope; or
 - any setback specified for the relevant land by Section 10.15 – Area Specific Development Plans;
- whichever produces the greater setback.

Side Setbacks

- iii. The minimum setback required from the side boundaries to the nearest external wall (excluding eaves) of the dwelling house must be:
- 5 metres;
 - the building envelope; or
 - any setback specified for the relevant land by Section 10.15 – Area Specific Development Plans;
- whichever produces the greater setback.

Rear Setbacks

- iv. The minimum setback required from the rear boundary to the nearest external wall (excluding eaves) of the dwelling house is 10 metres, unless otherwise specified by a building envelope or Area Specific Development Plan referred to in Section 10.15.

Corner Lot to Secondary Streets

- v. The minimum setback required from the secondary street boundary of the site to the forward most wall (excluding balconies, verandahs and like structures) of the dwelling house is 5 metres.
- vi. Garages must be set back from the secondary street boundary at least 5 metres behind the forward most wall of the dwelling house.
- vii. The minimum setback required from the secondary street boundary of the site to an open carport is 5 metres.

Build to Boundary (zero setbacks)

- viii. Buildings at boundaries (zero setbacks) are not permitted in the R2 Low Density Residential Zone and R5 Large Lot Residential Zone.

10.4.6 Building Materials in the Residential Zones

Applicants should be aware that some building materials, such as reflective glazing or zocalume/galvanised iron roofing, have the potential to adversely affect adjoining persons. The use of these materials will not be permitted except where it can be demonstrated that the materials will have a minimal effect upon adjoining persons.

10.4.7 Fencing in the Residential Zones

Most fencing within the Residential Zones does not require the Council's approval, and are classified as *Exempt Development*. The exact requirements for Exempt Development fence types are contained within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

All fencing that does not fully satisfy the conditions within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* will require development consent.

Notation

Greater attention is paid by Council to fencing within Heritage Conservation Areas and sites individually listed as a Heritage Item (please refer to Part 7 of this DCP for these requirements). Where there is an inconsistency between this Part and Part 7 of this DCP, applying to the same land, then Part 7 shall prevail.

10.5 RESIDENTIAL DEVELOPMENT – ATTACHED DWELLINGS

Attached dwellings are buildings containing 3 or more dwellings, where:

- each dwelling is attached to another dwelling by a common wall,
- each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- none of the dwellings is located above any part of another dwelling.

Attached dwellings offer an alternative building type in the R1 General Residential and R3 Medium Density Residential Zones, which contribute to the diversity of housing availability in the City, maximise opportunities for increased densities in appropriate locations, and offer design solutions to sites, which may have difficulty in offering other design responses.

Objectives

1. To provide for attached dwellings in appropriate locations and situations within the R1 General Residential and R3 Medium Density Residential Zones in the City.
2. To ensure that attached dwelling developments are subject to appropriate design standards.

Controls

- i. Attached dwelling lots and attached dwellings shall only be approved as integrated housing, to ensure:
 - The subdivision and development of land results in attached dwellings that are oriented to allow for North facing exposure to the rear of buildings, or alternatively that the building design provides for adequate rooftop suntraps oriented North to deliver sunlight and natural heat to all living zones of the dwellings, and fitted with shade devices to limit summer sun where required.
 - That common party walls between attached dwellings are appropriately constructed and indicated on land titles.

10.6 RESIDENTIAL DEVELOPMENT – MULTI DWELLING HOUSING

Multi dwelling housing means development that results in three or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building (see Section 10.8 of this Part). This form of residential development seeks to increase the number of residents living in locations with high accessibility to commercial and retail services, community services, public transportation and open spaces. Multi dwelling housing also provides a greater diversity of housing choice. This form of development should actively seek to enhance and protect the amenity of new areas.

Notation

All provisions for multi dwelling development are contained within this Section. However, in drafting development proposals for residential development within any of the Commercial Zones, reference should also be made to Part 11 of this DCP, which relates to Development in the Commercial Zones to ensure that an approach is developed that integrates and complies with its objectives and desired development outcomes.

10.6.1 Multi Dwelling Housing – Neighbourhood and Development Character

Objectives

1. To design multi dwelling housing that respects or enhances existing streetscape and neighbourhood character.
2. To create a pleasant and attractive street environment that reinforces the functions of the street and enhances the amenity of dwellings.

3. To promote the design of multi dwelling housing that has regard to adjacent development, which ensures harmony with existing streetscapes.
4. Provide a mix of multi dwelling housing types and sizes to suit the local population.

Controls

- i. Design the multi dwelling housing development to suit the scale, setbacks and character of the neighbourhood.
- ii. Council may allow a variation to the requirements of this Section of the DCP to ensure the character of heritage buildings or heritage conservation areas within or surrounding the site, adjacent or in proximity to the site are preserved.

10.6.2 Multi Dwelling Housing - Greenfield and Established Area Siting Requirements

Objective

1. To ensure a satisfactory mix of multi dwelling housing, dwelling houses and other forms of residential development in greenfield subdivisions and established areas.

Controls

- i. In greenfield areas, multi dwelling housing sites within the same street are to be at least 50 metres, or 3 lots apart, whichever is the greater. The separation distance is measured by the closest point of each lot to and along the road frontage.
- ii. In established areas, with the exception of the R3 Medium Density zone, the minimum separation distance between multi dwelling housing schemes is one lot. Exemption from the separation requirement in established areas may be available if the applicant can provide evidence that the multi dwelling housing scheme is within 400 metres of "weekly" shopping facilities.
- iii. Access to shopping facilities shall not be impeded by physical barriers including major roads and railway lines without safe crossing points, such as pedestrian over/underpasses or traffic signals. Access shall occur using established footpaths, public pedestrian spaces or pedestrian malls (24 hour accessible).
- iv. Multi dwelling housing sites are not to be located within the last 120 metres of a court (cul-de-sac) or dead-end street - measured from the centre of the court bulb back to the intersection point of the court and adjoining street.

10.6.3 Multi Dwelling Housing - Minimum Lot Widths

Objectives

1. To ensure nominated multi dwelling housing lots within greenfield subdivisions are configured to allow an appropriate site/building layout and quality design.
2. To avoid multi dwelling housing development on lots with dimensions that constrain quality design and environmental performance.

Controls

- i. Multi dwelling housing proposals in greenfield subdivisions are to be located upon lots with the following minimum frontages and block widths:
 - 21 metres - in the case of development with an offset accessway and dwellings on one side of the lot.
 - 33 metres - in the case of development with a centralised accessway and dwellings either side.

Notation

Table 10.1 in Section 10.3.1 sets out the minimum lot widths for lots accommodating dwelling houses. Multi dwelling housing proposals in greenfield areas which fail to meet the minimum lot width requirements in Section (i) above will be discouraged.

10.6.4 Multi Dwelling Housing – Streetscape Design Principles

Objectives

1. To create a pleasant and attractive street environment that reinforces the functions of the street and enhances the amenity of dwellings.
2. To promote design of multi dwelling housing that has regard to adjacent development to ensure harmony with existing streetscapes.
3. To cater for the interaction between public and private spaces.

Controls

- i. Driveways and garages shall not dominate the internal or external face of a multi dwelling housing development.
- ii. No more than three (3) dwellings are to be provided within any one building; except on a corner site, where at least one dwelling must face each street frontage, and a maximum of four (4) dwellings may be attached overall.

- iii. The dwelling(s) forming the front building line to a public road (including corner sites) are to be designed to “address” the public road. Blank walls with little or no articulation and/or fenestration fronting public roads are not acceptable.
- iv. Any garage or carport which addresses a public road is to be single car width only and set back at least 0.5 metres behind the forward most wall of the dwelling.
- v. Maximum height of brick and pier front fences must not exceed 1.8 metres and shall be open in style (i.e. masonry piers and/or steel or timber posts with metal rail infill and/or timber infill material that is at least 50% transparent).
- vi. Minimum distance between piers – 2.4m.
- vii. Fences will be required to internal accessways, the side boundaries (behind the front building line), the rear boundaries of the site and between each dwelling’s private open space areas. These fences are to be 1.8 metres in height (above the sites finished ground level) and are to be constructed of lapped and capped timber, brick, or colorbond metal, in a colour complementary to the dwellings.

10.6.5 Multi Dwelling Housing – Site Landscaping

Objectives

- 1. To create a pleasant, safe and attractive living environment.
- 2. To integrate new development into the streetscape and neighbourhood.
- 3. To provide shade and privacy.
- 4. To maintain and enhance any significant qualities of the character of a street or neighbourhood.

Controls

- i. A landscape strip at least 5 metres x 1.5 metres (7.5m^2) is to be provided within the main (primary) building setback to a public road. The strip should be densely planted with shrubs (mature height of around 1.5 metres) and groundcovers. A reticulated sprinkler system is to be provided - to encourage maintenance.
- ii. The landscape strip is to be located to partially screen the windows/doors of the front dwelling(s). The landscape strip may be mounded to provide increased screening height whilst plants are maturing.
- iii. Where an accessway is located adjacent to a side boundary, the accessway is to be separated from the fence by a one metre wide landscaping strip. The strip should be densely planted with shrubs

- (mature height of around 1.5 metres) and groundcovers. A reticulated sprinkler system is to be provided - to encourage maintenance.
- iv. The Western side boundary of a multi dwelling housing development, whether it is a landscape strip, courtyard area, common open space, private open space, or a dwelling setback, is to be planted with an advanced tree (minimum 1.5 metres high) every 5 metres. The tree species should be indigenous and fast growing with a mature height of around five metres and a spread of at least three metres.
 - v. The required accessway setback to the dwellings in a multi dwelling housing development should be landscaped with the emphasis upon screening the windows of habitable rooms. Fixed screening structures will be considered on merit and aesthetic appeal.
 - vi. A landscaping plan detailing the site features, hardstand areas, number and type of plant species and planting locations is to be submitted to the Council's satisfaction prior to the issue of the Construction Certificate.

Notation

Appendix I of this DCP contains a list of trees that are recommended for the Albury district. Further information may be obtained within AlburyCity Council's *Garden Guide for Albury-Wodonga* publication or by contacting the AlburyCity.

10.6.6 Multi Dwelling Housing – Site Facilities

Objectives

- 1. To ensure development has access to adequate utility services.
- 2. To design facilities to be physically convenient, promote safety and visually attractive, blend with the development and street character and require minimal maintenance.
- 3. To provide for site facilities such as garbage bin enclosures, mail boxes, service meters, clothes drying areas and external storage.

Controls

- i. The proponent should make contact with Council regarding water and sewer and the relevant providers of gas, electricity and telephone services at the earliest possible stage, in order to determine available services, easements and other requirements for servicing.
- ii. Each multi dwelling housing proposal is to be accompanied by a stormwater drainage plan. Where a property cannot be drained directly to a public road, the proponent will be required to obtain the written permission of all private landowners between the subject property and the public road drainage point – to the construction of a drainage line and drainage easement through those properties. The

drainage line must be constructed and the easement registered prior to any other building work commencing.

Notation

Should the Council issue a development consent for such a multi dwelling housing proposal, the consent will be for deferred commencement pending the construction of the drainage infrastructure and the registration of any associated easements.

- iii. Multi dwelling housing developments are to be provided with bollard lighting at 10 metre intervals alongside the vehicular accessway. The lighting is to be placed on an electronic timer system to activate at sunset.
- iv. Garbage bins associated with dwellings in a multi dwelling housing development are to be stored in the rear yard, side setback or garage of the dwelling (i.e. not visible from the accessway). Bin enclosures within the accessway area or street setback are not acceptable.
- v. Multi dwelling housing proposals should pay particular attention to the position and height of mailboxes. Australia Post should be contacted for their requirements. The mail box design should be complementary to the front setback landscaping and the dwelling design.

10.6.7 Multi Dwelling Housing – Open Space and Solar Access

Objectives

1. To provide sufficient outdoor private open space for the reasonable recreational, service and storage needs of residents.
2. To ensure that private open space is designed and located to receive sunlight and is well integrated with a living area of a dwelling.
3. To ensure that communal open space or recreation facilities provided for the use of residents is of real benefit and can be economically and effectively maintained.

Controls

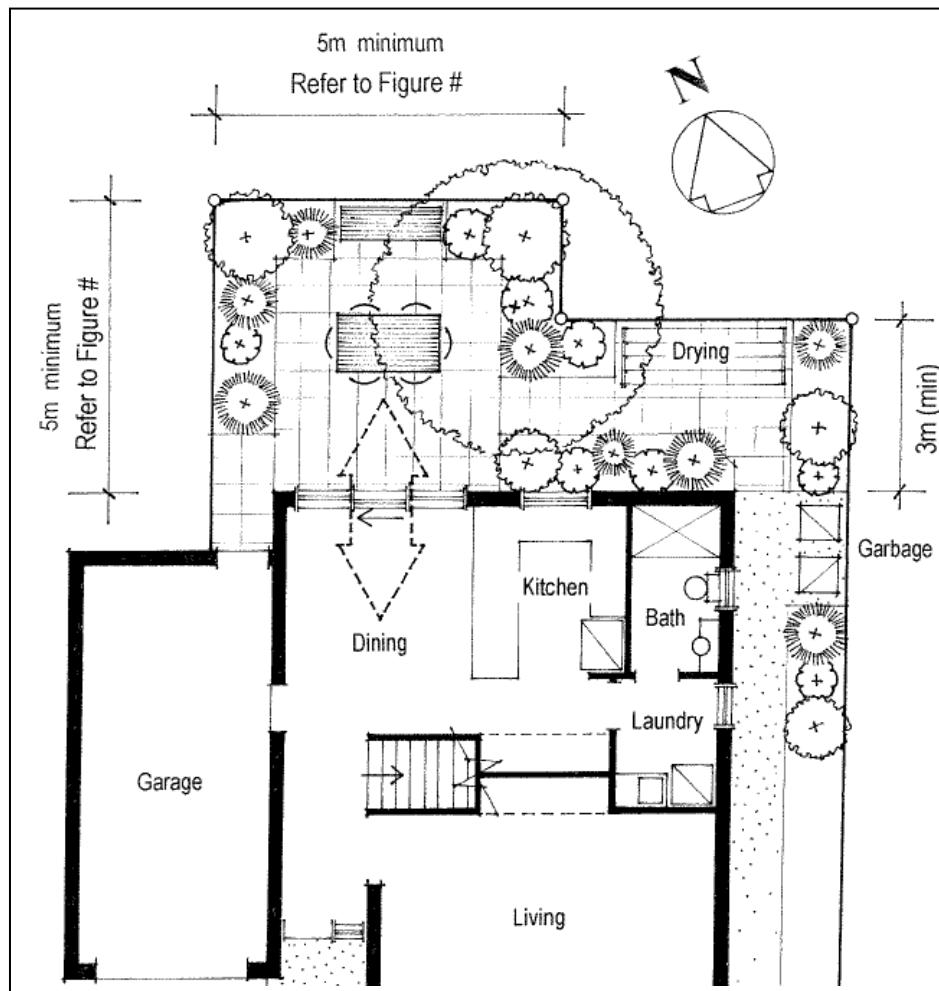
- i. Private open space (i.e. unbuilt upon area) is to be provided at the rate of:
 - 30m² for a one bedroom dwelling.
 - 50m² per two or more bedroom dwelling.
- ii. The accessway setback to the dwelling may be included in the total private open space, however side and rear setbacks must be at least 3 metres wide to be included as private open space.
- iii. Each dwelling, as part of the total private open space area, must provide a ground level, primary private open space area, of minimum dimensions of 5 metres x 5 metres, which is directly accessible from

the main living area of the dwelling (see Figure 10.5 below). In the event the primary open space area is covered, it shall remain unenclosed on at least one complete length of wall.

Notation

A clothes drying area can be included within the courtyard area as part of the private open space.

Figure 10.5 Open Space and Solar Access



(Source: Maitland City Council, 2008).

- iv. The principal private open space area may be located within the primary public road building setback, provided that the subject dwelling has a privacy fence, which:
 - Occupies not more than 40% of the original lot's street frontage, to a maximum 10 metres length; and
 - Has a maximum unstaggered length of 5 metres, with the remainder of the fence staggered, or indented, at 2.5 metre intervals, and

- Has a maximum height of 1.6 metres above ground level (existing) allowing for filtered views of the dwelling behind, and
- Utilises landscaping to soften the appearance of fencing (particularly in the setback areas), whilst maintaining privacy.

Notation

Figures 10.6 and 10.7 provide a graphic illustration of these requirements.

Figure 10.6

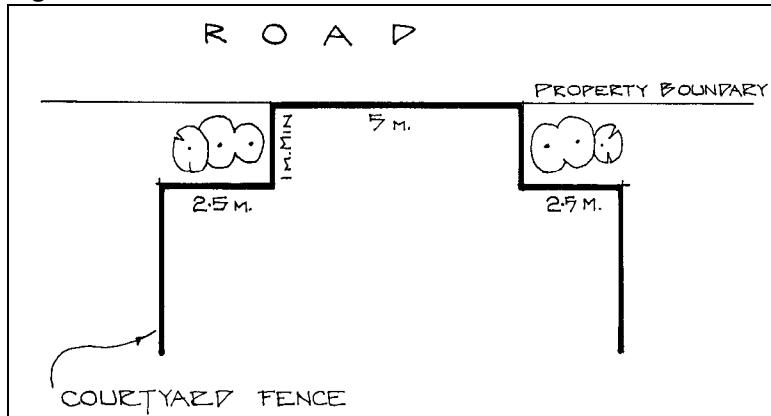
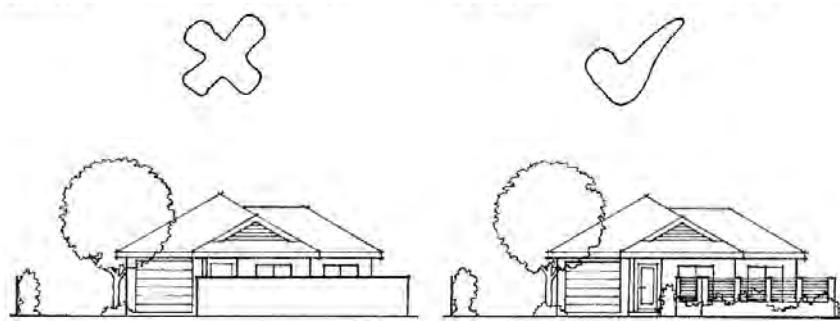


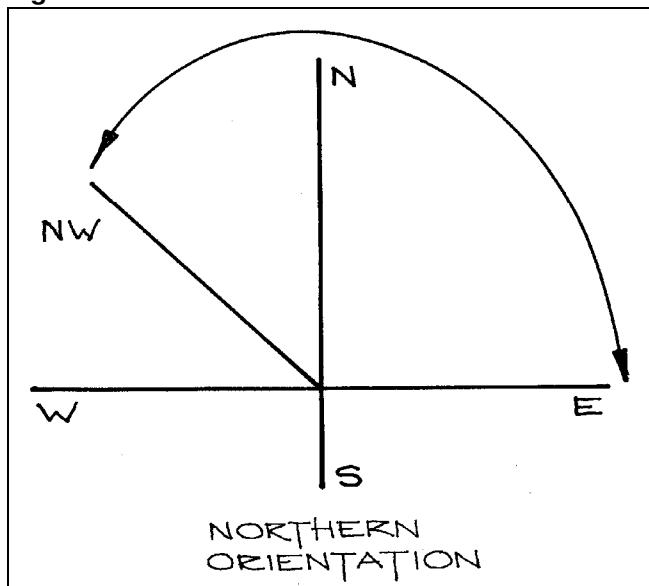
Figure 10.7



(Source: Maitland City Council, 2008).

- v. For corner lots, the private open space may have privacy fencing located within the secondary building setback, however if a dwelling faces that secondary street frontage, or gains vehicular access from it, the provisions of Control (iv) applies.
- vi. The primary private open space area must have a Northern orientation. Northern orientation means a courtyard or private open space area that faces a point between Northwest and East without obstruction (within the property) apart from privacy or boundary fencing. Dwellings that do not have a primary private open space area with Northern orientation will be strongly discouraged – this includes West and South facing courtyards. See Figure 10.8.

Figure 10.8



Notation

The compass points referred to are based on Magnetic North.

- vii. The Council will only consider primary open space areas which do not comply with the above requirements where a True North based shadow diagram, provided by the applicant, shows that the primary open space area receives a minimum of 3 hours direct sunlight between 9.30am and 2.30pm at the Winter Solstice.

Notation

True North is approximately 12° west of Magnetic North.

- viii. Where a dwelling's entrance or windows face Northwest or West, a sun shading device such as an eave, roofed or louvred pergola or awning will be required along that wall face. The sunshading device, unless it wholly covers the particular opening, should project at least 1.2 metres from the building wall at a height of 2.4 metres above the finished ground level (or at eave level).

Notation

The most effective way of controlling solar heat gain through a window is by a roofed pergola, inclined awning or close fitting louvres or vertical screens.

- ix. Where a multi dwelling housing development has more than 6 dwellings, a common open space area is to be provided.
- x. The common open space is to have a Northern orientation, is to be centralised within the lot and is to have minimum dimensions of 8 metres x 8 metres and a minimum area of 100m².
- xi. The common open space is to be embellished with seating, BBQ facilities, and children's play equipment (provided that 50% or more of the development contains two or more bedroom dwellings).

10.6.8 Multi Dwelling Housing – Setbacks and Privacy

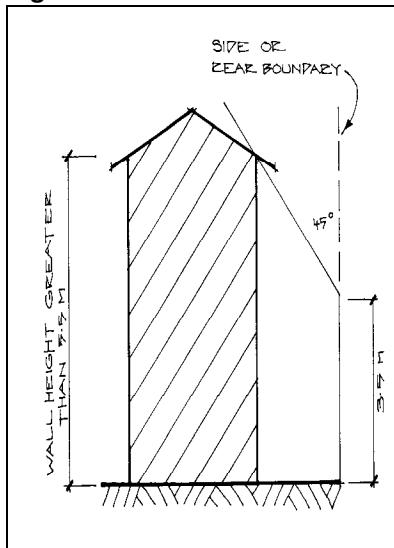
Objectives

1. To limit overlooking of private open space and to enable residents to effectively control outlooks between rooms in adjacent dwelling.
2. To contain noise within each dwelling and to ensure noise from communal areas or shared facilities has minimal transmission to nearby dwellings.
3. To protect internal living and sleeping areas from high levels of off-site noise.

Controls

- i. Dwellings within a multi dwelling housing development are to comply with the following minimum setbacks:
 - 4.0 metres - from the front (primary) property boundary.
 - 2.5 metres - from the side and rear property boundaries.
 - 2.5 metres - to the second property frontage on a corner site (does not apply to detached dwellings which face the second frontage).
 - 2.0 metres - from the vehicular accessway.
 - 8.0 metres - between the main entrance of a dwelling and the main entrance of another dwelling which is visible by direct line of sight.
 - 2.0 metres - between each group of dwellings or each detached dwelling.
 - 1.0 metre - from a single car, single storey garage or carport to a side or rear boundary.
- ii. Infill multi dwelling housing development is to apply a front (primary) property boundary setback that is the average of the setbacks of the adjoining buildings.
- iii. Bedrooms are not to be located next to vehicular accessways, parking areas, air conditioning units or other noise sources.
- iv. Notwithstanding (i) above, where the external wall height of a dwelling exceeds 5.5 metres, the dwelling should not encroach upon the building envelope provided in Figure 10.9.

Figure 10.9



Notation

The building envelope is obtained by vertically rising 3.5 metres from the side or rear boundary or the building wall of another dwelling in the development, and travelling inward (or toward the other dwelling) at an angle of 45° to the horizontal plane.

- v. Dwellings are not to have their main entrance doors directly opposite one another unless the doors are offset a minimum of 3 metres (to the door centreline) or if the doors are more than 8 metres apart by straight line distance. Alternatively, either entrance door must be set at a minimum angle of 45° to the opposite entrance.

- vi. The windows of habitable rooms in dwellings on opposite sides of an accessway are to be screened by dense landscaping. The landscaping should reach a mature height of 1.5 metres. Alternatively, the windows should be located or designed to respect the privacy of other dwellings. Techniques include window offsetting, angling to the accessway, minimum sill heights of 1.5 metres or opaque glass to 1.5 metres.

Notation

The Council recommends the use of both landscaping and the alternative design techniques mentioned above to protect resident's privacy.

- vii. The windows in habitable rooms facing side/rear boundaries are to be made private by fence lines, screening or alternative techniques other than landscaping.
- viii. A second floor window of a habitable room, a deck, or balcony, that will overlook the primary private open space area of another dwelling (whether part of the proposed development or not) is to be permanently screened to promote privacy by utilising one or more of the techniques outlined in control (vi) above.

10.6.9 Multi Dwelling Housing – Car Parking and Access

Objectives

1. To provide sufficient and convenient parking for residents, visitors and service vehicles.
2. To ensure streets and accessways provide safe and convenient vehicle access to dwellings.
3. To minimise the impact of car parking and access on the amenity of the development, the streetscape and the neighbourhood.
4. To integrate vehicle access and landscape design.
5. To have regard to pedestrian safety and the need to reduce potential conflicts with vehicle movement on the street network.

Controls

- i. Each detached dwelling is to be provided with designated car spaces behind the front building line (forward most wall) in accordance with the standards outlined in Part 17 of this DCP, which relates to Off Street Car Parking .
- ii. Car parking is to be provided at the following rates:
 - 1 car space per 1 or 2 bedroom dwelling.
 - 2 car spaces per 3 or more bedroom dwelling.
 - 1 designated visitor space per 1-4 dwellings.
 - 2 designated visitor spaces per 5-8 dwellings.
 - More than 8 dwellings - 2 designated visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.

Notation

A Bedroom is defined by Council as:

Any room in a dwelling that is capable of being used as a separate bedroom is defined as a bedroom for the purposes of determining carparking requirements, and in the case of new dwellings, any room designated or capable of use for that purpose. Rooms with robes, closed openings or which are defined as a study, theatre, library, studio, den, home office, gymnasium, sewing room and/or any other room, which in the opinion of Council, is by its physical design capable of being used as a bedroom for the purposes of this Part will be defined so.

Visitor spaces cannot be stacked and are not to be used by residents.

- iii. Single garages are to be at least 3 metres wide (between the internal piers) and 6 metres in length.
- iv. Double garages are to be at least 6 metres in length.

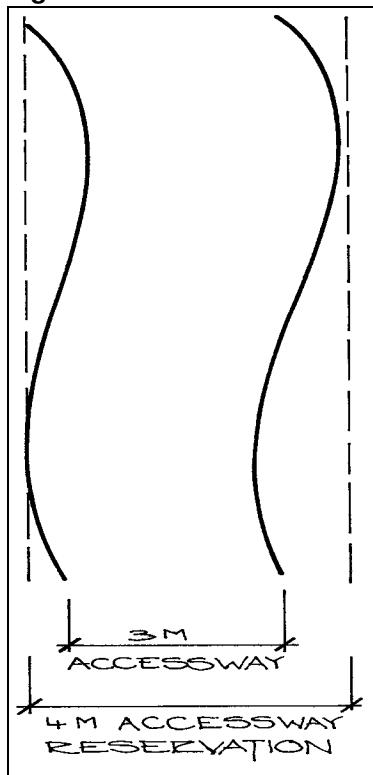
- v. The maximum width of a fully enclosed garage structure that faces a public road is to be 7 metres, or 50% of the width of the property frontage to that public road, whichever is the lesser.

Notation

The Council discourages triple fronted garages, unless the garage or building design significantly reduces the bulk and monotony of the structure.

- vi. The footpath crossing of a residential driveway is to be a minimum of 2.5 metres wide. Vehicular crossovers generally are to follow the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.
- vii. The vehicular accessway within the development is to be a minimum of 3 metres wide, and is not to be constructed in a straight line. The accessway is to be designed to meander through a reservation that is 1 metre wider than the accessway. This requirement will assist in providing adequate manoeuvring room for vehicles. Refer to Figure 10.10.

Figure 10.10



- viii. Break up the driveway/accessway with pockets of landscaping, particularly adjacent to parking areas.
- ix. Provide different hardwearing colours and materials to distinguish visitor parking and private (open) parking areas.

- x. Driveways are not to be located close to the walls of habitable rooms or close to common and private open space areas.
- xi. Car spaces are to have the following minimum dimensions.
 - Garage and carport - 6 metres x 3 metres, with 3 metres internal clearance between piers.
 - Open car space and visitor space - 5.2 metres x 2.6 metres.
- xii. Car parking may be provided in a double garage or carport, provided that the garage/carport complies with the setback requirements outlined in control (xiii) of this Section. The second car space may also be provided as a stacked space in front of a garage or carport or as a drive-through space behind a garage or carport. In any multi dwelling housing development, no more than 2 fully enclosed garages, or 2 carports may be attached (including rooflines), regardless of the dwelling(s) to which they are attached or related. The minimum separation between 2 garages/carports and another single or double set is to be 1 metre (including roofline).
- xiii. Garages and carports are to be set back 1 metre behind the forward most wall of the respective dwelling (except where the garage or carport faces a public road, in which case the setback behind the forward most wall is 0.5 metre).
- xiv. Visitor parking is to be located centrally within developments containing 5 or more dwellings. Visitor parking is not to be located within the front building setback.
- xv. All vehicle turning circles to visitor parking spaces, garages and carports are to comply (as a minimum) with the turning template for an 85th percentile design vehicle. Car turning templates contained within the relevant current *Australian Standard 2890.1 (Parking Facilities)* should be used to ensure compliance with this requirement.
- xvi. All accessway areas, visitor parking spaces and individual dwelling driveway areas (the common vehicular areas) are to be drained away from the dwellings to an approved drainage point.
- xvii. All accessway areas adjacent to dwelling building walls are to be finished with a roll kerb or similar at least 100 mm high.
- xviii. The accessway is not to be finished in plain concrete.
- xix. Driveways are to be located at least 6 metres from road intersection points.
- xx. Vehicles are to exit the development in a forward direction.
- xxi. The accessway is to splay at the building line to 6 metres width at the property boundary.
- xxii. Refer also to Part 17 of this DCP, which relates to Off Street Car Parking to ensure the car parking requirements for any non-residential components of the development have been satisfied.

10.7 RESIDENTIAL DEVELOPMENT – INTEGRATED HOUSING

Integrated housing consists of the concurrent subdivision of land into 3 or more allotments (not less than 300m²) and the erection of a single detached dwelling-house on each of the lots created by the subdivision, to achieve integrated multi dwelling housing.

An integrated housing application to the Council requires the concurrent submission of a subdivision plan and a single detached dwelling design for each of the proposed lots. Because the lots are smaller than conventional lots (not less than 300m²), the location and type of home located upon the lot is predetermined to take best advantage of the existing streetscape, solar access, views, land gradient and adjoining buildings or vegetation, resulting in a quality development.

Notation

Clause 4.1A of the LEP enables the erection of integrated housing in the R1 General Residential and R3 Medium Density Residential Zones on lots less than the minimum lot size specified for these zones.

10.7.1 Integrated Housing - Lot Size

Objectives

1. To provide an alternative housing product, on smaller than average lots, that integrates well with the existing streetscape and appears much the same as conventional housing.
2. To provide more affordable housing by providing lots of smaller than average size, homes of slightly smaller than average size and economies of scale in constructing three or more dwellings at once.
3. To provide lots with areas and dimensions that protect environmental features and take account of the site constraints.

Controls

- i. Each integrated housing site is to be less than 450m² (that is less than the land area which the Council considers to be the minimum of conventional housing).
- ii. Each house lot is to be at least 300m².
- iii. Each house lot is to have a minimum width of 12 metres.
- iv. Each house lot is to have a maximum length to width site boundary ratio of 2.5:1.
- v. Each house lot must have regard to the slope of the site to ensure that the extent of cut and fill is minimised so as not to impact on the visual amenity of the streetscape, the ecology of the site and on adjoining land.

10.7.2 Integrated Housing - Building Setbacks

Objectives

1. To ensure scale, height and length of a building and walls relative to front, side and rear boundaries are consistent with existing residential character.
2. To allow dwelling side setbacks to be varied to achieve consistency with the existing scale and pattern of residential development on adjoining lands.

Controls

- i. Building setbacks for integrated housing are to comply with setback requirements for dwelling houses. The only exception is that where a dwelling is to be located at the minimum setback to the street, any fully enclosed garage associated with the dwelling is to be set back at least 1 metre behind the forward most wall of the dwelling.
- ii. Zero setbacks may be employed for integrated housing proposals where they present an opportunity to maintain the residential character of an existing area, or for greenfield subdivision if the applicant can provide evidence that the integrated housing scheme is within 400 metres of "weekly" shopping facilities. Refer to setback requirements for dwelling houses when using zero setbacks.

10.7.3 Integrated Housing - Private Open Space

Objectives

1. To ensure that private open spaces are useful, accessible and have adequate sunlight and privacy.
2. To ensure that development has sufficient site area to provide useable private open space to meet reasonable requirements for outdoor activities and use and car access.
3. To provide a satisfactory balance between open space and buildings.

Controls

- i. Each dwelling is to provide a minimum of 80m² of private open space, behind the building (street) alignment. The private open space area must include a primary private open space area of minimum dimensions of 5 metres x 7 metres, which is directly accessible from the main living room of the dwelling. The open space must be at least 2 metres wide.

10.7.4 Integrated Housing - Solar Access

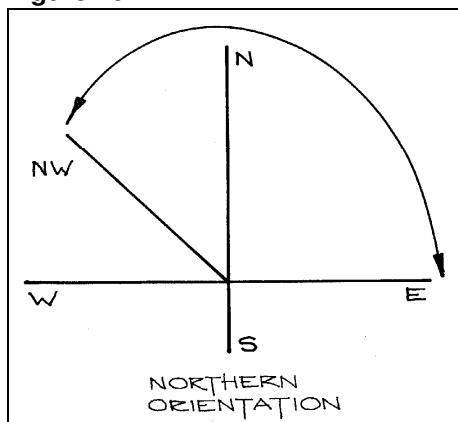
Objectives

1. To ensure that private open space is designed and located to receive sunlight and is well integrated with a living area of a dwelling.
2. To reduce environmental impacts and to maximise the energy efficiency of dwellings.

Controls

- i. The primary private open space area must have a Northern orientation. Northern orientation means a courtyard or private open space area that faces a point between Northwest and East without obstruction (within the property) apart from privacy or boundary fencing. Dwellings that do not have a primary private open space area with northern orientation will be strongly discouraged – this includes West and South facing courtyards. See Figure 10.11.

Figure 10.11



10.7.5 Integrated Housing – Streetscape

Objectives

1. To design integrated housing which respects or enhances existing streetscape and neighbourhood character.
2. To create a pleasant and attractive street environment that reinforces the functions of the street and enhances the amenity of dwellings.
3. To promote design of integrated housing which has regard for adjacent development to ensure harmony with existing streetscapes.
4. To cater for interaction between public and private spaces.

Controls

- i. Integrated housing is to be designed so that each dwelling is detached and directly fronts a dedicated public road. The dwellings within such developments are not to face or have vehicular access to an internal private road (including a battle-axe driveway).
- ii. The street façade of each dwelling is to vary significantly from its neighbour within the development. This could involve the use of varying setbacks, roof forms, verandahs, garage or carport location and window/entrance door location. Mirror-reverse, and identical or similar façade designs are not acceptable.
- iii. Dwellings are to have single garage or carports only, unless the dwelling lot is more than 15 metres wide at the street property frontage. Garages and carports with flat roofs are not acceptable. Garages are to be located at least 1 metre behind the forward most wall.
- iv. Dwellings are generally to be single storey.
- v. Integrated housing sites shall be nominated on a subdivision plan submitted to the Council. The subdivision plan is to nominate (by dotted line) the number and width of proposed lots. Nominated integrated housing sites are to be located within a subdivision plan so as to satisfy the solar access requirements for multi-dwelling housing in this Part.
- vi. Integrated housing sites within the same street are to be at least 50 metres, or 3 lots apart, whichever is the greater. This separation distance is measured by the closest point each lot to and along the road frontage. The separation distance applies to multiple lot housing on either side of the street.
- vii. Exemption from the separation requirement in (vi) above may be available if proposed as a greenfield subdivision and the applicant can provide evidence that the integrated housing scheme is within 400 metres of “weekly” shopping facilities.
- viii. Integrated housing sites are not to be located within the last 120 metres of a court (cul-de-sac) or dead-end street (measured from the centre of the court bulb back to the intersection point of the court and adjoining street).

10.8 RESIDENTIAL DEVELOPMENT – RESIDENTIAL FLAT BUILDINGS

A Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing development (see Sections 10.5 & 10.6 of this Part). They differ from other forms of residential development due to the inclusion of dwellings which do not have direct access to the ground level.

Residential flat buildings have traditionally not been commonplace in Albury. Although the LEP allows for this type of development in some circumstances and the demand for such dwellings is likely to increase due to lifestyle and demographic changes. It is not however envisaged that they will dominate the urban landscape of the City.

Residential flat buildings contribute to:

- The availability and diversity of housing types.
- The affordability of housing by easing the demand on available land supplies.
- The improved access of community and commercial facilities and transport options.
- If well located, a reduction on the reliance on the motor vehicle and related impacts on the environment.

Residential flat buildings are permitted, with consent, only in the R1 General Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core (as part of a mixed use development only), and B4 Mixed Use Zones.

Notation

All provisions for residential flat buildings are contained within this Section. However, in drafting development proposals for residential development within any of the Commercial Zones, reference should also be made to Part 11 of this DCP, which relates to Development in the Commercial Zones to ensure that an approach is developed that integrates and complies with its objectives and desired development outcomes.

Objectives

1. To ensure residential flat buildings achieve:
 - A diversity of housing types.
 - Improved residential amenity.
 - Higher design quality and presentation to the street.
2. To ensure the design and development detail of residential flat buildings are consistent with established design codes.
3. To ensure that development sites have sufficient areas to provide adequate access, parking, landscaping and building separation.
4. To reduce any potential adverse impacts of development on adjoining lands.

General Controls

- i. Residential flat buildings shall be designed and assessed in accordance with the requirements of *State Environmental Planning Policy No. 65: Design Quality of Residential Flat Buildings*.

Notation

State Environmental Planning Policy 65 (Design Quality of Residential Flat Development) requires that Council prior to determination of a development application for consent to carry out a residential flat building development must take into consideration, any advice received from a relevant design review panel (if any), an evaluation of the design quality of the residential flat building development in accordance with the design quality principles contained in the SEPP, and the *Residential Flat Design Code, NSW Government, 2002*.

In addition to *State Environmental Planning Policy 65 (Design Quality of Residential Flat Development)* the following local controls must be satisfied.

Site Requirements

Controls

- ii. Lot size must exceed 1000m² (larger and wider sites preferred to long narrow sites).
- iii. The minimum lot width must be 24m.
- iv. Ingress/egress by access handles or right of ways will not be permitted.

Locational Requirements

Controls

- v. Residential flat buildings shall be a minimum distance of 500m apart (the separation distance is measured by the closest point between each lot)

Notation

The R3 Medium Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, and B4 Mixed Use Zones are exempt from complying with this control.

Bulk and Scale

Controls

in the R1 General Residential, B1 Neighbourhood Centre and B2 Local Centre Zone

- vi. Must comply with Section 10.6.8 control (iv) in relation to building height envelope requirements relating to multi dwelling housing.

in the R3 Medium Density Residential Zone

- vii. The maximum building height shall not exceed 16m as contained within the *LEP – Height of Buildings Map*.
- viii. The maximum floor space ratio shall not exceed 2:1 as contained within the *LEP – Floor Space Ratio Map*.

Notation

All applications for Residential Flat buildings must undertake a pre-application meeting with relevant AlburyCity staff prior to lodging an application to determine any likely issues that may arise.

Refer to Part 17 of this DCP, which relates to Off Street Car Parking.

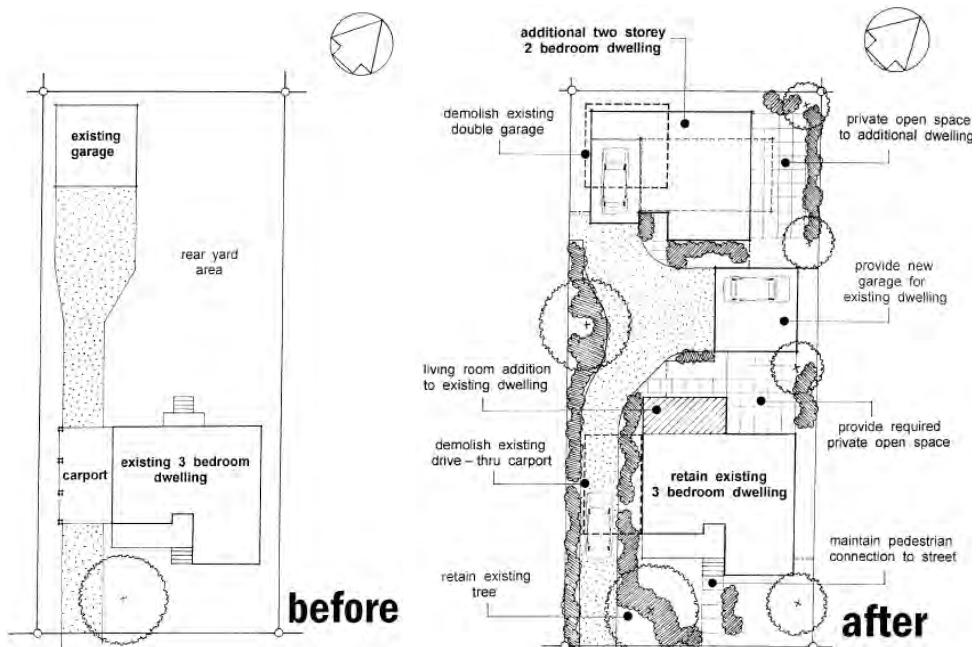
Refer to Appendix B of this DCP, which relates to Information Requirements for Applications.

10.9 RESIDENTIAL DEVELOPMENT – DUAL OCCUPANCY

Dual occupancy development is defined in the LEP as two dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling. Similar to multi dwelling housing, this form of residential development contributes to the containment of residential development within existing areas and in locations that are accessible to transportation and services. An example of a dual occupancy development can be seen in Figure 10.12.

The design issues that warrant consideration in drafting plans for dual occupancy development are largely covered by the controls in place for multi dwelling developments. Therefore, each of the controls set out in Sections 10.6.1 to 10.6.9 shall be applied to all dual occupancy development with the exception of the specific controls listed in the controls below.

Figure 10.12



(Source: Maitland City Council, 2008).

Objectives

1. Refer to objectives for multi dwelling developments in Sections 10.6.1 to 10.6.9.

Controls

- i. All controls applicable to multi dwelling development apply to dual occupancy development, except the following:
 - Greenfield Area and Established Area Siting Requirements in Section 10.6.2.
 - Minimum Lot Widths in Section 10.6.3.
 - Site Landscaping in Section 10.6.5.
 - Side setback requirements in Section 10.6.8.
 - Visitor space and accessway splay requirements in Section 10.6.9.
- ii. The second car space required in Section 10.6.9 for a three or more bedroom dwelling may be stacked in front of a garage or carport provided vehicle manoeuvring is not affected.

10.10 RESIDENTIAL DEVELOPMENT – SHOP TOP HOUSING AND MIXED USE DEVELOPMENT

Shop top housing and mixed use development provide land use and development outcomes which encourage greater interaction between residential and commercial activities. This assists in creating more vibrant communities and provides for a diversity of lifestyle needs. These developments also contribute to a more robust commercial sector and assist in extending the daily interactions between people and commercial and community services, within and adjacent to selected commercial zones and developments.

Shop Top housing is permitted, with consent, in the: RU5 Village, R1 General Residential, R3 Medium Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Park and B6 Enterprise Corridor Zones.

A mixed use development, containing separate elements of residential and commercial development not necessarily vertically separated (as in the case of shop top housing), may be permitted, with consent, in any of the LEP zones where the relevant development categories may be permitted separately.

Notation

All provisions for shop top and mixed use development are contained within this Section. However, in drafting development proposals for residential development within any of the Commercial Zones, reference should also be made to Part 11 of this DCP, which relates to Development in the Commercial Zones to ensure that an approach is developed that integrates and complies with its objectives and desired development outcomes.

Objectives

1. To facilitate appropriately located and designed developments which provide for a mix of residential and commercial uses.

Controls

- i. The location and design of shop top housing shall be subject to the relevant controls applicable to the building or development type within which the proposal is located.

Notation

Where shop top housing (vertically separated) is part of a proposed new development, it shall be regarded as a residential flat building development, and is subject to the relevant DCP provisions for this development type.

- ii. Where shop top housing is retro-fitted to existing commercial buildings, setback, private open space and site coverage requirements may be waived by Council, provided overlooking and privacy matters have been addressed. All other residential flat building requirements of this DCP and the *Building Code of Australia* apply.
- iii. Occupant access to car parking shall be directly from the designated car bay to the building, without the need to exit and re-enter the development site.
- iv. Entry facilities to shop top housing shall be separate from the ground floor commercial facilities; unless a shared communal lobby area with 24 hour access to all occupants is provided.
- v. Sufficient external clothes drying, storage, and mail box facilities shall be provided.
- vi. The dwelling components of mixed use developments, where residential and commercial development are proposed on the same site, but are not vertically separated, shall be subject to the relevant DCP controls applicable to the building or development type which the proposal represents.

Notation

Where shop top housing (not vertically separated) is part of a proposed new development, it shall be regarded as either an attached dwelling, multi dwelling housing, dual occupancy or integrated housing development, and is subject to the relevant DCP provisions for this development type.

- vii. Mixed use developments require adequate separation of residential and commercial activity, including all pedestrian and vehicular entries, car parking, and private open space.
- viii. Council may require a variation to the requirements of this Section of the DCP to ensure the character of heritage buildings or heritage conservation areas within or surrounding the site, adjacent or in proximity to the site is preserved.

10.11 RESIDENTIAL DEVELOPMENT – HOUSING FOR SENIORS AND PEOPLE WITH DISABILITIES

AlburyCity recognises the need to provide housing designed and located specifically for the needs of seniors and people with disabilities. Seniors are defined as:

- People aged 55 or more years.
- People who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997 of the Commonwealth*) is provided.

- People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

Seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- a residential care facility,
- a hostel,
- a group of self-contained dwellings, or
- a combination of these,

but does not include a hospital.

Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Seniors housing may be used for the accommodation of the following:

- Seniors or people who have a disability.
- People who live within the same household with seniors or people who have a disability.
- Staff employed to assist in the administration of and provision of services to housing provided under this Section.

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

Housing for seniors and disabilities may be provided and located in situations which require additional considerations that would not usually apply to other forms of residential development.

Objectives

1. To encourage the provision of housing (including residential care facilities) that will:
 - increase the supply and diversity of residences that meet the needs of seniors or people with a disability,
 - make efficient use of existing infrastructure and services.

Controls

- i. Council will assess applications for development consent in accordance with the requirements of *State Environmental Planning Policy – Housing for Seniors or People with a Disability*.

10.12 RESIDENTIAL DEVELOPMENT - SECONDARY DWELLINGS

A secondary dwelling is a dwelling located on the same lot as a primary dwelling to provide the means for extended families to live in proximity but with autonomy. This is essentially an independent secondary dwelling which may or may not be physically attached to the primary dwelling. They are sometimes referred to as "granny flats" or "rear studios".

Objectives

1. To provide secondary dwellings which accommodate the needs of large or extended families without compromising the amenity of adjoining properties.

Controls

- i. Secondary dwellings shall not be permitted on lots less than 450m².
- ii. Lots containing secondary dwellings shall not be subdivided unless the requirements of the LEP and this DCP in relation to minimum lot sizes and residential developments can be satisfied.
- iii. The development requirements for dwelling houses as contained within Sections 10.4.1 to 10.4.7, relating to, but not limited to, setbacks and open space shall continue to apply to the entire lot and be satisfied by the development of the secondary dwelling.
- iv. The total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
 - (a) 60 square metres,
 - (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.
- v. One additional car parking space shall be provided.

10.13 BED AND BREAKFAST ACCOMMODATION

Notation

For the purposes of this Section, ***Bed and breakfast accommodation*** is defined within the dictionary of the LEP.

Objectives

1. To ensure the size of proposed bed and breakfast accommodation sites are sufficient to fully accommodate their normal operational requirements.
2. To minimise the potential traffic, noise and amenity impacts of bed and breakfast accommodation in established residential areas.

Controls

Site Selection and Management

- i. Bed and breakfast accommodation is only to be located in a dwelling house. Council will not consider applications for this use within multi dwelling housing or residential flat buildings, due to the likelihood of traffic, noise and other amenity impacts for surrounding residents.
- ii. Bed and breakfast accommodation shall be located on a site that has a total area of 1,200m² or greater.
- iii. Bed and breakfast accommodation must be operated by the permanent resident of the dwelling house but this need not be the owner of the property.
- iv. Each paying guest shall reside at the establishment for not less than one day and not more than fourteen days in any month.
- v. There must not be more than six (6) visitor residents at any one time.
- vi. The dwelling house must be connected to sewer. However, consideration may be given to lots of more than 2 hectare in size with appropriate on-site effluent disposal.
- vii. Any works to allow the use of the dwelling house for bed and breakfast accommodation must be consistent with the predominant character of the street and adjoining development.

Car Parking

- viii. Car parking shall be provided in accordance with Part 17 of this DCP, which relates to Off Street Car Parking.
- ix. No bed and breakfast accommodation shall operate so as to generate additional on street car parking than that already present.
- x. Guest vehicles should enter and leave the property in a forward direction.
- xi. Off-street car parking should be constructed and landscaped so as to reduce, as far as possible, the noise of vehicles entering and leaving the property.
- xii. Car parking spaces are not permitted within the front setback area, however one stacked car park may be considered. Consideration will be given to varying the location where it is desirable for environmental reasons.
- xiii. Any visitor parking must be clearly identifiable and easily accessed.

Signage

- xiv. Business signage for bed and breakfast accommodation shall be provided in accordance with Part 16 of this DCP, which relates to Outdoor Advertising.

Notation

Managers of bed and breakfast accommodation should give careful consideration to the expectations of adjoining landowners. Attention should be paid to minimise the disturbance to neighbours of late night arrivals and early morning departures of visitors.

10.14 NON RESIDENTIAL USES IN THE RESIDENTIAL ZONES

Non-residential uses in the Residential Zones can generally be classified as large or small scale development.

Large scale development includes schools, community halls or facilities, serviced apartments, places of public worship and child care centres or any other use which is significantly different from the surrounding residential development by way of bulk, scale, design, traffic/noise generation, or other operational factors.

Small scale development includes home businesses, health consulting rooms, boarding houses and other development with a scale of operation and built form which is similar to the surrounding residential area.

Non-residential uses must provide facilities and services to meet the day-to-day needs of residents and will be assessed according to the LEP zone objectives and related provisions, as well as, any other Part of this DCP.

Any land use development that does not service the daily convenience needs of the surrounding neighbourhood will not be permitted.

Notation

Clause 2.5 and Schedule 1 of the LEP enables and lists particular development on land as permitted with consent, or as the Schedule so provides, permitted without consent, despite anything to the contrary in the LEP or this DCP.

It is recommended that if you have a property identified within this Schedule or that is now no longer permitted within the designated zone that you make contact with relevant AlburyCity staff to discuss development potential.

10.14.1 Non Residential Uses in the Residential Zones - Setbacks and Siting

Objectives

1. To maintain a scale of development that is compatible with its surrounding neighbourhood.
2. To ensure that the design and siting of non-residential development minimises any effect on the local environment.

Controls

- i. Small scale developments are to match the setbacks of surrounding residential developments. Where a development will appear as being excessively bulky or dominating, the setbacks are to be as per large scale developments.

- ii. Large scale developments are to be set back to adjoining residences a distance which is 1.5 times the height of that development's external building wall. This is the minimum setback.
- iii. The building setback on large scale developments should be significantly increased around activity areas which are likely to generate noise – for example, main entrance doors, food preparation and delivery areas, auditorium or like rooms.
- iv. The building should be sited and designed to face activity/noise generating areas away from adjoining residences.
- v. All non-residential developments should protect the visual and acoustic privacy, solar access, visual amenity and residential character/design of surrounding homes.
- vi. Apart from home businesses, non-residential uses will not be permitted within courts (cul-de-sacs) due to the limited off-street parking available and the likelihood of decreased amenity to residents.

10.14.2 Non Residential Uses in the Residential Zones - Vehicle Parking

Objectives

- 1. To provide adequate parking for the safe and efficient movement of people and goods.
- 2. To protect the amenity of adjoining residential areas.
- 3. To ensure that the location of parking areas and facilities does not adversely affect the amenity of the area.
- 4. To ensure that adequate and safe public access is provided to and from developments.

Controls

- i. Car parking and service vehicle parking is to be provided as per the requirements of Part 17 of this DCP, which relates to Off Street Car Parking.
- ii. Large scale developments are likely to require more parking than outlined in Part 17 if the expected maximum number of occupants of a building – compared to their method of transport to the premises, is more than the Part 17 requirements.

10.14.3 Non Residential Uses in the Residential Zones – Landscaping

Objectives

- 1. To reinforce the residential nature of streets and enhance the streetscape quality.

2. To enhance the setting of buildings and the environmental quality of the surrounding neighbourhood.
3. To provide visual privacy.

Controls

- i. A minimum two metre wide landscape strip is to be located immediately inside the front property boundary,
- ii. Comprehensive landscape plans will be required to show all areas of vegetation, pathways, ground-based lighting and vehicle access areas,
- iii. Site areas not containing hardstand areas or not used for vehicle access should be grassed.

10.15 AREA SPECIFIC DEVELOPMENT PLANS

Development within the following specific areas shall be undertaken in accordance with any relevant additional site specific controls listed below. Where there is an inconsistency between this Section and any other Part or Section of this DCP, the requirements of this Section shall prevail to the extent of the inconsistency.

- Racecourse Estate Development Plan. See Figure 10.13.
- Easternview Estate Development Plan. See Figure 10.14.
- Ettamogah Development Plan. See Appendix E.
- Hamilton Valley Development Control Plan. See Appendix F.
- Kremur Street Aged Care Accommodation Site & Surrounds. See Appendix G.
- Charles Sturt University – Albury CBD Development Control Plan 2010. See Appendix N.
- 219 Corrys Road, Thургоона (Ex Stargazer Site) Development Control Plan. See Appendix O.

Notation

Clauses 6.1-6.4 of the LEP require the preparation of a site specific Development Control Plan that addresses specified matters prior to development consent being granted for development on land in an urban release area.

Where a site specific development control plan has been prepared, submitted and supported by Council, this site specific DCP will be listed in this Section and inserted into this DCP as an amending Area Specific Development Plan.

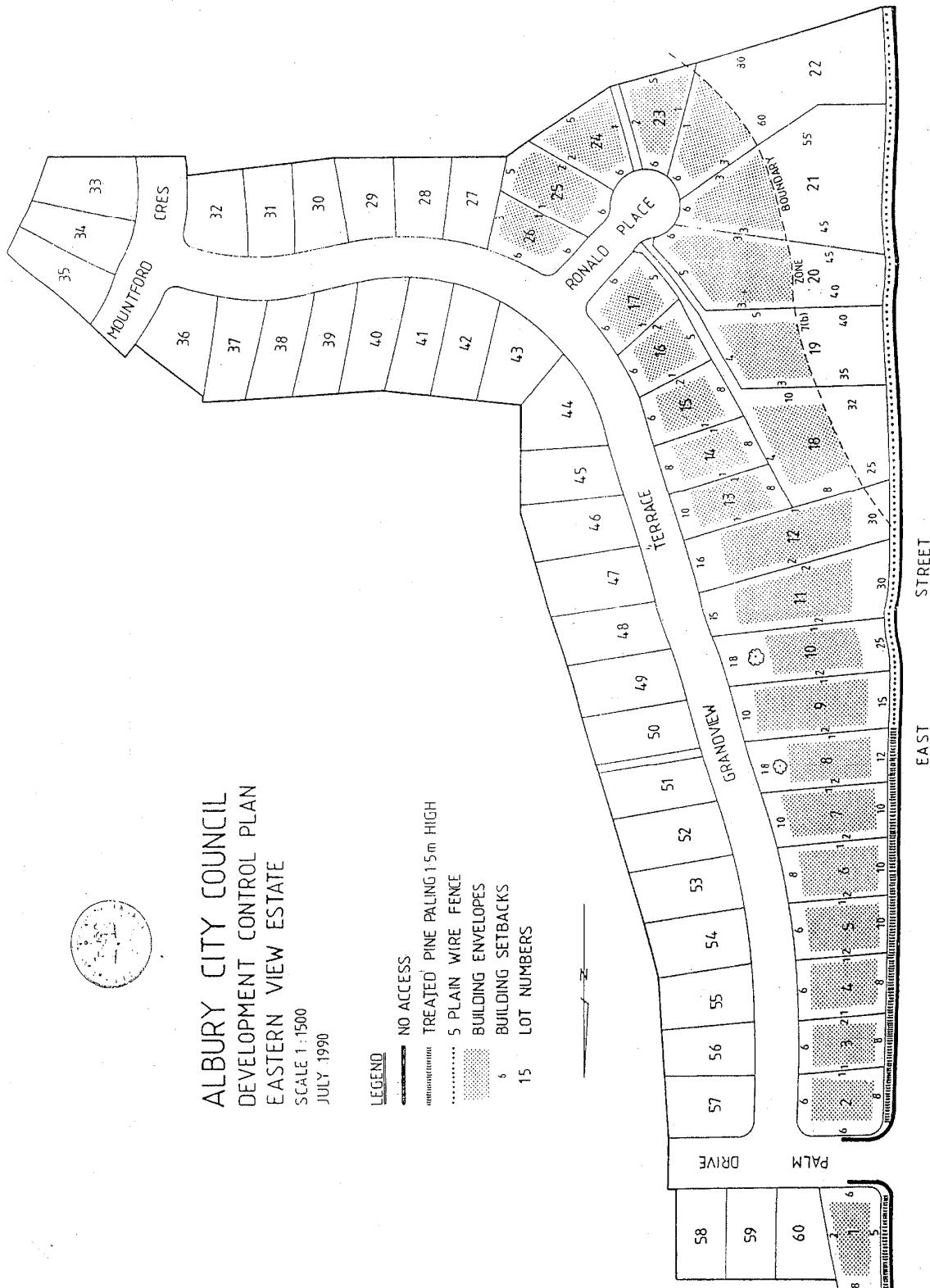
Albury DCP 2010

Figure 10.13
RACECOURSE ESTATE DEVELOPMENT PLAN



Albury DCP 2010

Figure 10.14
EASTERNVIEW ESTATE DEVELOPMENT PLAN



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11 DEVELOPMENT IN THE COMMERCIAL ZONES

11.1 INTRODUCTION

This Part primarily addresses development located within the various Business Zones as prescribed within the LEP. Accordingly, the *Albury Land Use Strategy 2007* highlights the importance of ongoing economic development and employment growth within these areas as one of the key strategic priorities for the City in the coming decades. Central to ensuring this strategic direction is realised, is ensuring sufficient land supply to foster this growth and a set of planning controls that aim to improve the function and appeal of future development. Accordingly, these controls aim to work toward achieving this strategic direction by:

- Creating well designed, vibrant and centralised places of office, retail and community activity within the Albury and Lavington B3 Commercial Core and B4 Mixed Use Zones (as they apply to the CBD's), using tailored place-based development controls that are underpinned by the *Albury CBD Masterplan 2009 and the Lavington CBD Masterplan 2009*.
- Guiding future development in the smaller, supporting commercial centres within the B1 Neighbourhood Centre and B2 Local Centre Zones.
- Promoting contemporary and attractively designed development within the highly visible B5 Business Development, B6 Enterprise Corridor and B7 Business Park Zones.

This Part applies to the B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor and the B7 Business Park Zones and any other zones where commercial type development is proposed.

Where development consent is required, any development located in the Commercial Zones will be assessed according to the zone objectives and relevant provisions of the LEP, *Environmental Planning and Assessment Act*, including the provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this DCP.

It is important to note that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

11.2 BROAD DEVELOPMENT OBJECTIVES

The main objective of the Commercial Zones is to identify land for commercial and *commercial compatible* uses, whilst the specific objectives of each Commercial Zone are contained within the LEP. This Part of the DCP provides controls for commercial and commercial compatible uses in the Commercial Zones.

11.3 SUBDIVISION IN THE COMMERCIAL ZONES

Objectives

1. To ensure that commercial subdivision caters for a variety of needs generated by the commercial centres hierarchy.
2. To ensure lot configurations contribute toward the achievement of high-quality, integrated, planned and coordinated development outcomes for the Commercial Zones.
3. To provide for each lot, a sufficient area for the siting of development, the circulation, parking and access of vehicles, and the provision of loading and other service facilities.
4. To provide effective levels of access, safety and convenience for all road users in commercial areas.
5. To encourage, where possible, the consolidation of smaller allotments, allowing for a more efficient lot configuration and development site.

Controls

- i. Subdivision and/or development of commercial areas shall be in accordance with the *Albury CBD Masterplan 2009* and the *Lavington CBD Masterplan 2009* or any other Council endorsed strategy, policy or development guideline relevant at the time of lodgement for each commercial area.
- ii. Any proposed lot configuration within these zones shall achieve coordinated and integrated building and public domain designs that are consistent with the LEP objectives for the Commercial Zones and the requirements of this Part.

Notation

Should subdivision for residential purposes be pursued within this zone, the minimum lot sizes will be determined based upon the ability of each lot to fully satisfy all requirements of Sections 10.4.1 to 10.4.4 (Dwelling houses) or Sections 10.6.1 to 10.6.9 (Multi Dwelling Housing) as contained within Part 10 Development in Residential Zones, as appropriate to the specific development.

- iii. AlburyCity Council is the responsible water and sewerage authority. The Council's requirements for those services, as well as stormwater provision and road construction, are provided in the document *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*. Utilities and infrastructure shall be provided in accordance with these standards and the NSW Rural Fire Service Planning for Bushfire Protection Guidelines, in addition to the following supplementary standards and requirements. For more information, contact the Council.
- iv. Evidence should be provided to Council stating that adequate network capacities for electricity, natural gas and telephone services exist. The relevant service providers should be contacted for their servicing requirements.

- v. Council shall only grant subdivision consent where it is satisfied that the provision of utility service and community infrastructure would be a logical extension of the existing network or servicing program.
- vi. Subdivision in the Ettamogah B7 Business Park Zone shall be in accordance with the parameters expressed in Appendix E Ettamogah Development Plan as contained within this DCP.
- vii. Roads in the Ettamogah B7 Business Park shall be constructed in accordance with the pavement designs recommended in the Ettamogah Development Plan (Appendix E).
- viii. Council may, at its discretion, and based on the merits of each proposal, vary the subdivision controls of this section.

11.4 RESIDENTIAL DEVELOPMENT IN THE COMMERCIAL ZONES

Objectives

- 1. To allow for a diversity of housing types and forms within Commercial Zones.
- 2. To ensure that residential uses are compatible with surrounding land uses.
- 3. To increase the permanent population within certain Commercial Zones.
- 4. To integrate and promote the occurrence of mixed use, shop top and other like residential and commercial compatible uses within close proximity to services and facilities.

Controls

- i. The following residential type developments are permitted with consent in the B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use Zones:
 - Dwelling houses*,
 - Secondary dwellings*,
 - Semi-detached dwellings*,
 - Dual occupancies*,
 - Attached dwellings*,
 - Multi dwelling housing developments*,
 - Residential flat buildings*,
 - Seniors housing,
 - Hostels*,
 - Boarding houses,
 - Group homes*,
 - Shop top housing
(also permitted within the B3 Commercial Core, B5 Business Development and B6 Enterprise Corridor Zones),
 - Hotel or motel accommodation
(also permitted within the B3 Commercial Core and B6 Enterprise Corridor Zone),
 - Serviced apartment (also permitted within the B3 Commercial Core),
 - Bed and breakfast accommodation,
 - Backpackers accommodation

- (except within the B1 Neighbourhood Centre Zone),
- Other similar residential type developments as prescribed in the Land Use Tables of the LEP.
- ii. Where a residential type development is permitted with consent within a particular zone, it shall be compliant with the requirements contained within Part 10 of this DCP, which relates to Development in the Residential Zones.
- iii. Development for the purposes of Multi Dwelling Housing shall be compliant with subclause (ii) except in regards to:
- Greenfield Area and Established Area Siting Requirements
 - Minimum Lot widths

Notation

Where there is an inconsistency between this Part and Part 10 of this DCP, the requirements of this Part shall prevail to the extent of the inconsistency.

* The above residential type developments were prohibited within the B4 Mixed Use Zone upon gazettal of the LEP. It is anticipated that these will become permissible upon gazettal of an amendment to the LEP.

11.5 DEVELOPMENT IN THE B1 NEIGHBOURHOOD CENTRE ZONE

The B1 Neighbourhood Centre Zone applies to land/s that provide commercial and community services to the low-density residential neighbourhoods in their immediate vicinity. The purpose of the zone is to provide for 'convenience' community services and shopping needs and is not to compete with or detract from the core business activities of the City located in the Albury and Lavington B3 Commercial Core and B4 Mixed Use Zones. Accordingly, development is to be of a scale that reflects the intended low-scale, convenience services provided by this zone.

11.5.1 Building Envelope – B1 Neighbourhood Centre Zone

Objectives

1. To promote consistency in the scale of development with that of the surrounding low-density residential landscape.

Controls

- i. Buildings are not to exceed a maximum building height of 8 metres.
- ii. The minimum front setback is to be within 20% of the average front setback of adjoining residential lots, or where there is no adjoining development, a minimum front setback of 4 metres applies.
- iii. Side setbacks to adjoining properties in the B1 Neighbourhood Centre Zone shall respond to the adjoining development and may include a nil setback.
- iv. Side setbacks to zones, other than the Commercial Zones, shall be a minimum of 6 metres.
- v. Rear setbacks to zones, other than the Commercial Zones, shall be a minimum of 2 metres.

11.5.2 Design Considerations – B1 Neighbourhood Centre Zone

Objectives

1. To ensure designs and landscaping treatments are coordinated with that of any Residential Zone/s surrounding the centre.
2. To minimise the visual, traffic and noise impacts of the centre upon the surrounding residential area.

Controls

- i. All visible walls shall be articulated with appropriate design elements.
- ii. Visible retail or commercial activity shall be provided at a minimum of 50% of a frontage to a public road or pathway.
- iii. Car parking shall be concealed behind commercial premises, or screened by landscaping or an architectural treatment that is consistent with the building/s adjoining the point of access. Car parking shall be provided in accordance with the standards outlined in Part 17 of this DCP, which relates to Off Street Car Parking.
- iv. Commercial signage and shop front designs shall be coordinated and integrated into the overall commercial premises.
- v. Local design themes that reflect the local character should predominate over corporate signage.

11.5.3 Additional Design Principles for the Hamilton Valley – B1 Neighbourhood Centre Zone

Objectives

1. To identify the key principles that will assist the success of a B1 Neighbourhood Centre in Hamilton Valley.
2. To identify the key land use mix and co-locations of land uses.

Controls

- i. The Hamilton Valley B1 Neighbourhood Centre shall incorporate a residential component that will contribute to the life, safety and social dynamics of the centre.
- ii. The Hamilton Valley B1 Neighbourhood Centre is encouraged to incorporate community services through the establishment of a multi-functional community centre initially providing visiting services (paediatric through aged care), with specific “medical and social” components linked to the staged residential development of the valley.
- iii. The Hamilton Valley B1 Neighbourhood Centre is to be staged commensurate with residential growth.

- iv. Noise sources within the Hamilton Valley B1 Neighbourhood Centre are to be insulated from adjacent residential precincts using appropriate buffer zones within the complex design.

Notation

When fully developed the Hamilton Valley B1 Neighbourhood Centre should be anchored by a supermarket (e.g. IGA 1500 – 2000sqm GLA) and supported by several specialty outlets including a selection of the following: newsagent, chemist, café, hairdresser, butcher, takeaway food, restaurant, fresh food, video, liquor and nursery plus a range of service providers.

Appendix F provides a graphic representation of the possible form of the Hamilton Valley B1 Neighbourhood Centre.

11.6 DEVELOPMENT IN THE B2 LOCAL CENTRE ZONE

The B2 Local Centre Zone applies to land that currently services, or is earmarked to service, the local-level retail, office, community and employment needs of the suburbs of Albury. The zone also facilitates residential development opportunities to enable residents to readily access these services.

11.6.1 Building Envelope – B2 Local Centre Zone

Objectives

- 1. To promote consistency in the scale of development with that of the surrounding low-density residential landscape.

Controls

- i. Buildings are not to exceed a maximum building height of 9 metres.
- ii. The minimum setback to the primary street frontage is nil.
- iii. Side setbacks to adjoining properties in the B2 Local Centre Zone shall respond to the adjoining development and may be a nil setback.
- iv. Side setbacks to zones, other than the Commercial Zones, shall be a minimum of 6 metres.

11.6.2 Design Considerations – B2 Local Centre Zone

Objectives

1. To promote active and attractive business activity within the zone.
2. To ensure designs and landscaping treatments are coordinated with that of any Residential Zone/s surrounding the centre.
3. To minimise the visual, traffic and noise impacts of the centre upon the surrounding residential area.

Controls

- i. The continuity of retail, business premises and shop fronts in the existing local centres are to be maintained.
- ii. New retail development within this zone is to promote an enhanced pedestrian environment through attractive façades and frontage treatments that open up onto the street.
- iii. Car parking shall be accessed only from the rear or side of buildings via existing public car parks, laneways or secondary streets, and should be concealed from view. Off-street car parking areas shall be provided in accordance with the standards outlined in Part 17 of this DCP, which relates to Off Street Car Parking.
- iv. Continuous weather-protection is to be provided above shop fronts in the form of awnings or overhanging balconies.
- v. Passive surveillance of all public places is to be promoted by ensuring appropriate orientation of shops, offices and dwellings.
- vi. Development on large lots should distribute floor space into well-articulated structures that are composed of separate wings or interconnected buildings.

11.7 DEVELOPMENT IN THE B3 COMMERCIAL CORE AND B4 MIXED USE ZONES

The B3 Commercial Core Zone has been assigned to the two predominant retail and commercial areas of the City, being the Albury and Lavington Central Business Districts (CBDs). This zone allows for a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community, creating the social hubs of Albury and its surrounds.

Likewise, the B4 Mixed Use Zone has been assigned to the land bordering the Albury and Lavington B3 Commercial Core Zones. This zone allows for a mix of commercial and residential land uses that co-exist compatibly within close proximity to the City Centre, whilst seeking to provide a transition between the Commercial Zones and adjacent Residential Zones. Notwithstanding the regional role of the Albury and Lavington CBDs, there has traditionally been an oversupply of office and retail floor-space. Attracting new commercial businesses to locate within the B3 Commercial

Core Zones will continue as a key Council strategic priority through both the *Albury Land Use Strategy 2007* and the *Albury and Lavington CBD Masterplans 2009*. The LEP reinforces this priority through its objectives for the B4 Mixed Use Zone, which seeks “*to identify areas in close proximity to the commercial core where commercial and retail uses may be considered*”.

The *Albury CBD Masterplan, 2009* and the *Lavington CBD Masterplan, 2009* form the basis of development provisions, urban design principles and guidelines for land located within the B3 Commercial Core and B4 Mixed Use Zones. These plans seek to ensure the efficient development of these zones, as well as, minimising the impacts upon adjoining lower-scale land use types.

Consequently, this Section has been derived from both the *Albury and Lavington CBD Masterplans 2009* and contains the controls and requirements that need to be satisfied for development in these areas. As such this Section has been divided into Albury and Lavington in lieu of the two CDB Strategies.

11.7.1 Development in the B3 Commercial Core and B4 Mixed Use Zones

General objectives

- To maintain and enhance Albury and Lavington’s economic, social and cultural role in the region.
- To reinforce the structure and legibility of Albury and Lavington through a clear street hierarchy and urban form.
- To promote and encourage a high design quality of buildings.
- To ensure that the siting of new developments are appropriate to their setting and use, particularly in regards to overlooking and overshadowing of residential areas.
- To manage the transition in building use and scale within low-scale residential and multi-use areas.
- To provide a high level of pedestrian amenity to create vibrant, safe and easy-to-navigate streets.
- To promote the amalgamation of small sites to deliver better quality development and adequate on-site parking.
- To respect the existing scale and view corridors of heritage streetscapes in regards to new development.
- To improve and promote the use and safety of laneways for both vehicle service access and pedestrian access to building frontages.
- To promote and encourage safer public spaces.
- To promote landmark buildings at gateways and entry points.
- To simplify visual clutter, enhance tree planting and identify areas for public art and new public spaces.
- To create a destination for tourists from which to experience and enjoy Albury.

ALBURY

11.7.2 Land Use Precincts - Albury

Objectives

1. To promote a variety of uses within the CBD and its surrounds that increases its role as a regional retail, commercial and civic centre, while encouraging an active, liveable centre for all ages.
2. To encourage where possible mixed use buildings that operate during the day and night.
3. To consolidate the retail and commercial functions of the Albury CBD.
4. To enhance and augment the cultural and civic uses centred around QEII Square.
5. To protect and maintain the existing heritage streetscape of Dean Street and its surrounds.
6. To create a vibrant, urban living precinct along the Murray River and its associated parklands with some supporting commercial suites.
7. To promote the incremental change of the B4 Mixed Use Zone that surrounds and supports the CBD with complimentary uses, including, small commercial uses, mixed-use buildings and residential uses (townhouses/terraces and apartments).
8. To promote the retention of and sensitive re-use of the Englehardt Street Heritage Conservation Area and the existing residential edge to the CBD in the form of the adaptive re-use of houses, low-scale infill for commercial suites and single office home offices)(SOHO's).
9. To encourage commercial development to the North-East of the Albury CBD for large floor plate commercial buildings that compliment and increase employment opportunities within the CBD.
10. To concentrate showrooms and large format retail uses, outside of the existing shopping centres, along the former Riverina Highway to maximise their visibility and accessibility for motorists.

Controls

- i. Land uses are to comply with the Land Use Plan contained in Figure 11.7 and the Land Use Table contained within the LEP.
- ii. Any form of residential development, shall comply with Part 10 of this DCP, which relates to Development in the Residential Zones.
- iii. Mixed-use developments shall provide retail and commercial uses at ground floor level and residential uses above this.
- iv. In areas characterised by heritage listed detached residential dwellings, land uses shall continue the trend of adapting buildings for commercial use/s such as professional offices or small businesses and single office home office (SoHo).

11.7.3 Building Heights - Albury

Objectives

1. To ensure the height of buildings complement the streetscape or the historic character of the area in which the buildings are located.
2. To ensure the height of buildings protect the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.
3. To nominate heights that will provide a transition in built form between varying land use intensities.
4. To mediate between existing buildings and new buildings by defining a street wall datum.
5. To ensure buildings do not create obstacles in the transmission of radio signals within and from the B3 Commercial Core and B4 Mixed Use Zones.
6. To ensure buildings do not create obstacles in the operation of the Albury airport and its flight paths.

Controls

- i. Building heights are to comply with the Building Height Plan contained in Figure 11.8.
- ii. Detached houses should retain a single storey building form to the street with a maximum two storey height permitted to the rear.
- iii. Midblock infill site areas shall achieve an overall maximum height of 7 storeys permitted that a minimum site frontage of 24m exists to accommodate parking.
- iv. Terrace houses should be 2 to 3 storey with a pitched and/or parapet roof.
- v. Buildings shall not obstruct radio transmissions between local transmission structures.
Albury City Staff may be consulted regarding the location of radio transmission structures and associated height limitations.
- vi. All buildings and structures must comply with the Obstacle Limitation Surface Plan as contained within Part 18 of this DCP, which relates to the Albury Airport. This Plan indicates the height that buildings and other structures must not exceed to ensure the safe operation of the Albury Airport.
- vii. Overall building heights shall be compliant with the Street Wall Heights and Upper Level Setback requirements contained within Section 11.7.4 below.

Notation

Clause 4.3 of the LEP stipulates the Height of Buildings requirements and the LEP Height of Buildings Map spatially depicts the designated heights.

11.7.4 Street Wall Heights and Upper Level Setbacks - Albury

Objectives

1. To maintain the scale of streets as incremental change occurs.
2. To protect the scale of Dean Street by requiring deeper upper level setbacks for the overall building heights.

Controls

- i. Street wall heights shall comply with the Street Wall Height Plan contained within Figure 11.9.
- ii. Upper level setbacks shall comply with the following:
 - Along Dean Street – minimum 6 metres.
 - Along other streets – minimum 3 metres.

11.7.5 Floor Space Ratio (FSR) - Albury

Objectives

1. To ensure that the density, bulk and scale of development is appropriate for a site and integrates with the streetscape and character of the area in which the development is located.
2. To encourage lot consolidation to promote the efficient location of buildings and the minimisation of building bulk.

Controls

- i. Floor Space Ratios shall comply with the FSR Plan contained within Figure 11.10.
- ii. Large or consolidated sites are subject to the following maximum FSR's:
 - Maximum of 2:1 for sites between 5000m² and 10,000m².
 - Maximum of 1.5:1 for sites between 10,000m² and 15,000m².
 - Maximum of 1:1 for sites greater than 15,000m².
- iii. FSR's for the railway precinct have been deferred, and will be subject to special consideration by the Council.

Notation

The FSR's shown on the FSR Plan are maximums; however, not all sites within the CBD will be able to achieve this maximum due to site constraints. These sites include:

- Sites with a street frontage under 24m, which will not be able to achieve the maximum FSR due to parking requirements,

- Sites adjacent to heritage buildings or conservation areas due to their potential impacts, and
- Large or consolidated sites greater than 5,000m².

Clause 4.4 and 4.5 of the LEP stipulates the Floor Space Ratio requirements and the calculation processes used in determining applications, whilst the LEP Floor Space Ratio Map spatially depicts the designated floor space ratio's for particular sites.

11.7.6 Building Design - Albury

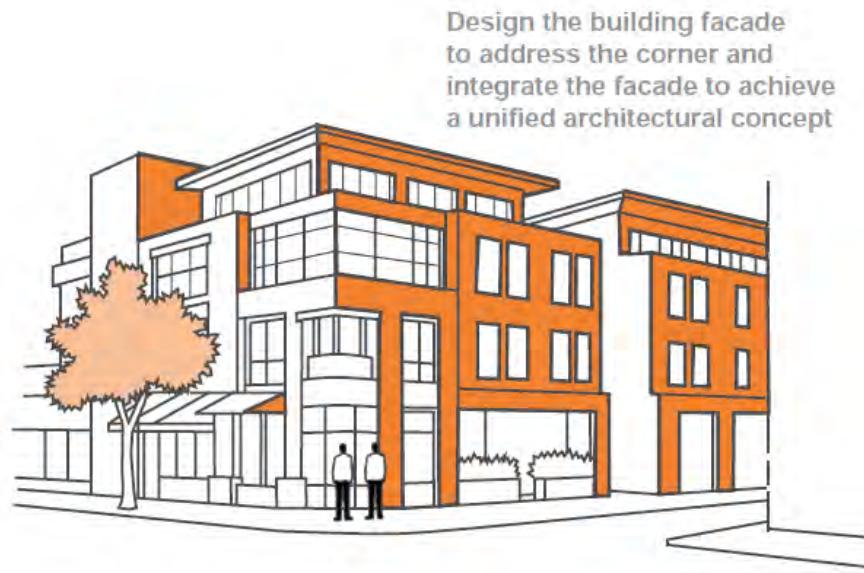
Objectives

1. To improve the built form of new buildings, whilst having regard to items and places of heritage significance and established residential areas.
2. To promote design quality by promoting a loose fit between overall height, carparking, building envelope and floor space.
3. To encourage the use of a combination of materials, articulation, fenestration and landscaping when designing buildings.
4. To encourage energy efficiency, Environmentally Sustainable Development (ESD) and Safer by Design Principles.

Controls

- i. New building facades shall include articulation such as punctuations, openings and repetition of architectural elements that contribute to the streetscape.
- ii. Buildings shall comply with the relevant requirements of this Section in regards to setbacks, heights, FSR, landscaping, open space and other like requirements relating to building design.
- iii. Buildings shall create interest and activity along street edges through the use of mixed land uses.
- iv. New buildings edging public open spaces shall incorporate active edges to increase the vibrancy of these spaces and to provide opportunities for passive surveillance.
- v. Buildings on corner sites shall be articulated to address each street frontage and are to define prominent corners as shown in Figure 11.1.

Figure 11.1 Building Articulation on Corner Sites



(Source: Parramatta City Council, 2005).

11.7.7 Building Setbacks - Albury

Objectives

1. To protect and enhance the existing streetscape character.
2. To encourage buildings built to the street boundary, which provide better street definition, active frontages and awnings in the Dean Street area.
3. To maintain predominant landscape setbacks on residential streets so as to manage change as it occurs.

Controls

- i. Street wall setbacks and build to lines are to comply with the Street Setback and Build to Lines Plan as contained within Figure 11.11.
- ii. Street setbacks where appropriate should follow the predominant setback along the street.
- iii. Buildings setback within landscaped settings shall provide associated open space and landscaping.
- iv. Where there is not a predominant setback (i.e. large sites or where a significant change in building use/type) is present, a 3 metre street setback should be provided.
- v. Terrace houses should have a 2 metre landscape street setback or ground floor level up to 1 metre above the footpath, with a 2 metre landscaped terrace.

- vi. Party wall construction methods should be incorporated for terraces, retail streets and streetwall building types where it is consistent with the adjacent context.
- vii. Terrace house party wall lengths should not exceed 12 to 14 metres.
- viii. For additions to residential houses, a minimum side setback of 1.2 metres and minimum rear setback of 6 metres shall apply.
- ix. For residential apartments and residential components of mixed-use buildings, the following rear setbacks apply:
 - Minimum 6 metres, where building height is 4 storeys or less.
 - Minimum 9 metres, where building height is 5 storeys or greater.
- x. For commercial uses with windows facing the front and rear of a lot, a minimum 3 metre side setback applies.
- xi. Bulky good premises may be built to one side and to the rear boundary of a lot, where the adjoining property is not a house, mixed-use development or commercial office building with facing windows.
- xii. Buildings built to the secondary street boundary should cover a minimum distance of 50% of the length of the site.

11.7.8 Building Depth - Albury

Controls

- i. Residential buildings are limited in depth to 18m from glass line to glass line. Narrower buildings are encouraged to improve natural daylight access and energy performance/efficiency.
- ii. Building depths for commercial office uses are limited in depth to 30m as this limits the distance from the core to glass and improves energy performance/efficiency.

11.7.9 Building Separation - Albury

Controls

- i. For commercial buildings with windows to offices, a minimum building separation of:
 - 12 metres is required between buildings facing each other on a site, where the building height is 4 storeys or less.
 - 18 metres is required between buildings facing each other on a site, where the building height is 5 storeys or greater.
 - 9 metres for commercial buildings perpendicular to each other, where the maximum façade of one building does not exceed 20 metres.

- ii. Where building separation cannot be met due to existing adjacencies or site configurations the following applies:
 - For free standing residential buildings on narrow sites, side setback controls regulate building separation. In these, instances habitable rooms should be oriented to the front and rear of a lot.
 - For terraces, orientate rooms and windows to maximise building separation and utilise other details such as louvered screens, translucent windows, and high-set windows to minimise overlooking and increase privacy.

Notation

Building separation requirements will be assessed against *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* for multi-unit residential or mixed use buildings over 4 storeys tall.

11.7.10 Open Space and Landscaping - Albury

Objectives

1. To encourage the maintenance and enhancement of existing and proposed public open spaces within the City Centre and its surrounds.
2. To ensure appropriate access to all public spaces is available and to 'activate' these spaces through passive surveillance.
3. To promote green roofs and their use not only for the better environmental performance of buildings but also as communal open space/s.

Controls

- i. Public open space areas shall be developed in a cohesive and coordinated manner for the benefit of the public.
- ii. Development adjoining public open spaces shall address and overlook these areas to encourage use and provide passive surveillance.
- iii. Communal open spaces for mixed use buildings, commercial offices and residential buildings shall be provided for those occupants of the building.
Communal open space areas above ground level (green roofs) are desirable for mixed use residential buildings.
- iv. Where car parking structures are proposed it is encouraged that communal open space may be located above these on a podium.

- v. Any development or redevelopment of a site shall seek to retain significant existing trees, where possible.
- vi. Landscape plantings shall be provided for large scale developments and incorporated within the front setback, particularly for residential type developments.

Notation

The *Albury CBD Masterplan, 2009* and *Lavington CBD Masterplan, 2009* provide guidelines for the enhancement of existing public open spaces, as well as, the creation of new public open spaces, which shall be consulted in the development of these areas.

11.7.11 Car Parking, Traffic and Access – Albury

Objectives

- 1. To consolidate car parking areas into a series of concentrated central locations as identified in the *Albury CBD Masterplan 2009* and the *Lavington CBD Masterplan 2009*.
- 2. To locate car parking areas on main transport links and to clearly inform and direct motorists as to the location of car parking facilities.
- 3. To contribute to the provision of a compact, accessible and connected retail core.
- 4. To ensure that developments that are known to produce significant parking demands, make sufficient car parking provision on the actual development site.
- 5. To ensure car parking facilities are both pedestrian and motorist friendly.

Controls

- i. Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets. Refer to the *Albury CBD Masterplan 2009* and *Lavington CBD Masterplan 2009* for guidance regarding desired locations and access arrangements.
- ii. Future car parking should consist of a combination of spaces provided specifically to service new development with both private spaces and publicly accessible spaces, which maximise shared parking opportunities at different times of the day.
- iii. Car parking areas shall be landscaped to provide shade.
- iv. Advertising, signage, landscaping and physical barriers shall be provided for the efficient movement of pedestrians.

- v. On-grade parking shall be provided at the rear of properties and should incorporate stormwater collection and re-use into their design.
- vi. On sites with a minimum 24m frontage, parking above ground level or underground may be possible.
- vii. Terrace buildings shall have garages located along a rear laneway or if viable under the building footprint.
- viii. Developments, which are likely to be significant customer attractors, must provide a minimum of two-thirds of the required parking on-site. The remaining one-third may be provided by a monetary contribution. Developments, which are likely to be specific customer "attractors" are as follows:
 - Office complexes and shopping centres over 1,500m² gross floor area (including malls).
 - Supermarkets.
 - Department stores.
 - Shopping centres containing supermarkets or department stores.
 - Retail bulky goods, warehouses or like retail premises.
 - Freestanding take-away food restaurants.
 - Hotels, motels and clubs.
 - Reception/conference centres.
 - Industrial uses.
 - Places of public worship.
 - Hospitals and schools.
 - Similar land uses as determined by the Council.
- ix. Multi-level parking (basement or deck) may be appropriate provided that it:
 - Supports the objective of keeping the centre compact.
 - Is attractively designed.
 - Reinforces continuity of pedestrian activity rather than creating or exacerbating any sense of separation between commercial uses.
- x. Car parking should be provided in accordance with the standards and rates provided for in Part 17 of this DCP, which relates to Off Street Car Parking for various uses. Council may consider a reduction in the ratio of car parking provision if satisfactory evidence is provided to indicate that one or more of the following circumstances apply:
 - The ability to "share" spaces between different land uses at different times.
 - It can be demonstrated that the use in question will not generate the numbers required.
 - The use proposed is currently not represented in the precinct and is desirable from the point of view of economic activity or community need but to apply the full car parking requirement would make it unviable.

11.7.12 Streetscape - Albury

Objectives

1. To encourage and promote a consistent streetscape in terms of building bulk, height, setbacks, street furniture, signage and building designs.
2. To retain buildings of significance and promote the erection of additional significant buildings.
3. To have regard to established residential streetscapes.

Controls

- i. New buildings shall avoid extensive blank walls to street frontages by incorporating display windows and landscaped street setbacks for mixed use and commercial developments.
- ii. Continuous box awnings are to be provided at the same height and depth as adjoining buildings in commercial areas, if applicable.
- iii. Active frontages are to be located on the primary street frontage and for a minimum of 50% of the secondary street frontage.
- iv. Building height, bulk and setbacks shall be consistent with the surrounding structures.
- v. Ground level retail and commercial uses shall be maintained through vertical articulation.
- vi. For detached residential dwellings, developments should maintain the pattern of front setbacks, porches and verandahs typically located on the street facade.
- vii. New development should retain the use of face brick, timber details, doors and windows.

11.7.13 Urban Design and Pedestrian Circulation – Albury

Objectives

1. To provide a consistent and high visual quality public domain that provides excellent amenity and encourages extended patronage.
2. To reinforce a clear framework of pedestrian routes which are highly “legible” - understandable and direct, which provide easy connections.
3. To encourage street blocks to be more permeable and promote through site links for pedestrian access at the time of redevelopment.
4. To promote new site links in the form of new streets, laneways, open air pedestrian links or arcades that follow Safer by Design Principles.
5. To incorporate active edges or building entries off new links to minimise the impact of service access on pedestrians.

6. To encourage outdoor dining and interaction between pedestrians.
7. To provide for bicycle racks within the CBD, particularly in proximity to open space areas.

Controls

- i. Any breaks in the continuity of active shop fronts and services, including those created by car parks or activities with low public interaction, shall be avoided.
- ii. All public and pedestrian areas shall be designed in a manner that maximises view lines between destinations and is embellished with highly attractive and consistent paving, lighting and planting (including shade-providing trees in unsheltered areas).

11.7.14 Outdoor Advertising – Albury

Objectives

1. To allow for the adequate identification of businesses.
2. To recognise that advertising signs can help express the character of the commercial environment.
3. To ensure there is an equitable distribution of signage and that the number of, and positioning of signs, does not detract from existing or proposed structures.
4. To improve legibility and reduce visual clutter associated with signage.
5. To provide signage that clearly identifies and directs pedestrians and motorists to car parking facilities/areas.
6. To minimise signage in established residential areas, and where proposed ensure they do not detract from the character of surrounding residential areas.

Controls

- i. Schedule 2 of the LEP provides that most advertisements do not require the consent of the Council (including some above-awning signs) provided that certain basic conditions can be met.
- ii. Refer to Part 16 of this DCP, which relates to Outdoor Advertising, for the design consideration of advertisements that require Council's consent.
- iii. Within the B3 Commercial Core and B4 Mixed Use Zones there are a large number of heritage items, and several conservation areas. Particular attention should be paid to advertisements in these areas to ensure that they do not detract from the style and character of individual buildings and places. Applicants should refer to Part 7 of this DCP, which relates to Heritage Conservation.

11.7.15 Key Sites - Albury

Within the *Albury CBD Masterplan 2009* two (2) areas have been identified as 'Key Sites' of which specific building controls (inclusive of structure plans/diagrams and indicative building forms) apply to provide guidance on their future redevelopment. These sites are the Railway Precinct (inclusive of the Railway Precinct North and South) and the Council Depot site.

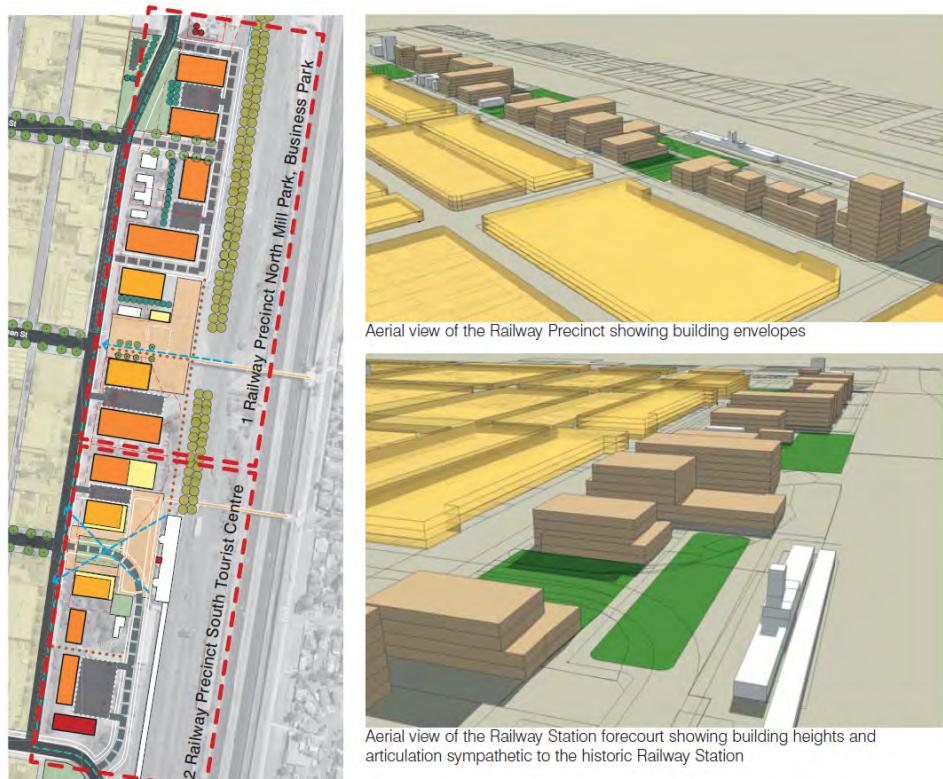
Notation

Where there is an inconsistency between this Section and any other requirement of this DCP, applying to the same land, then this Section shall prevail to the extent of the inconsistency.

1. Railway Precinct

The Railway Precinct is comprised of 2 parts being the Railway Precinct North – Mill Park, Business Park and the Railway Precinct South – Tourist Centre as contained in Figure 11.2:

Figure 11.2: Railway Precinct – Overall Structure Plan



A. Railway Precinct North - Mill Park, Business Park

The role of the Mill Park, Business Park (see Figure 11.3) is to revitalise the northern end of Young Street and to better connect the Railway Precinct to the CBD, whilst creating a premier location for large floor-plate commercial office buildings, similar to Dean Street's role as the premier retail street. The Precinct will become a mixed use area and will predominantly be used for commercial development with showrooms and retail uses at street level.

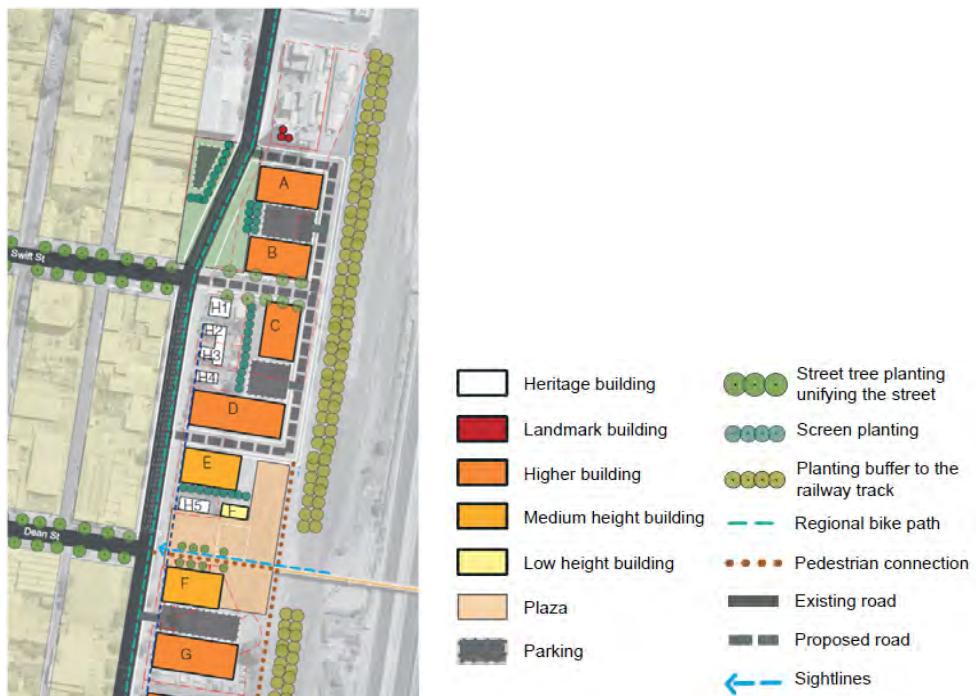
Objectives

1. To review the leasehold boundaries of the precinct to optimise its development potential.
2. To create new streets to increase the permeability of the Railway precinct connecting this precinct to the CBD, as well as providing street frontages and an address for new buildings.
3. Maintain the vista from the pedestrian footbridge to Dean Street.

Controls

- i. Overall building heights around the Mill Park are to be a maximum height of 6 storeys comprising a 4 storey streetwall to Young Street with an upperlevel setback of 3 metres for the remaining 2 storeys. The exceptions are:
 - Building A – where 7 storeys is permitted at the corner to provide a landmark to the Mill Park.
 - Buildings E & F – have a maximum height of 4 storeys ensuring a sympathetic scale to the adjoining single-storey heritage item.
- ii. New buildings are to be built to the predominant setback of 3 metres along Young Street. The exceptions are Buildings A & B as these buildings are located to create an edge to the Mill Park.
- iii. On-grade parking areas shall be screened with trees.

Figure 11.3: Railway Precinct North – Structure Plan



B. Railway Precinct South - Tourist Centre

The predominant role of the Tourist Centre (see Figure 11.4) is to provide a dedicated precinct for tourists to Albury; allowing them to navigate their way through the CBD and surrounding areas. The other key role of this mixed use precinct is to provide for the needs of the ARTC in terms of accommodation for its workers and administrative and maintenance requirements.

Objectives

1. To create a new entry point into the precinct from Atkins Street for tourists exiting from the freeway.
2. To connect this new entry point to the extension of Smollet Street, allowing for the integration of this precinct to the CBD and providing an address to the former Station Master's Residence (H8).
3. Provide a tourist information centre in either the historic Railway Station (H7) or former Station Master's Residence (H8).

Controls

- i. For Buildings H, K & L, the overall maximum building height is 6 storeys comprising a 4 storey streetwall to Young street with an upperlevel setback of 3m for the remaining 2 storeys.
- ii. Building H has a maximum building height of 2 storeys to the rear ensuring a sympathetic scale to the historic Railway Station (H7).
- iii. Building M is a landmark or 'gateway' building and is permitted to have a maximum building height of 12 storeys at the corner of Hume Street and Young Street.
- iv. For buildings I & J the overall maximum building height is 4 storeys comprising a 2 storey base with a 6m upperlevel setback for the remaining 2 storeys, where indicated.
- v. Buildings I & J shall respect the setback covenant or 'no build zone' either side of the extension of Smollett Street.
- vi. New buildings shall be built to the predominant setback of 3m along Young Street. This is a 'build-to' line.

Figure 11.4: Railway Precinct South – Structure Plan



2. Council Depot Site

The AlburyCity Council Depot site (see Figure 11.5) represents a significant opportunity for infill development within the City Centre of Albury. The site benefits from its close proximity to the CBD and the Murray River and Parklands located nearby. Accordingly, any development of this Precinct should be controlled and structured to ensure that it is developed in a coordinated and efficient manner.

Objectives

1. To create a vibrant urban residential precinct along Noreuil Park, by encouraging some commercial and/or retail uses at streetlevel which provide active frontages.
2. To provide landmark buildings at the corners of Smollett Street and Wodonga Place to create an entry point into the CBD when approaching from the south-west (4).
3. To ensure a curtilage around the heritage sewer building (1) by creating a square/plaza.
4. Encourage greater permeability through the creation of small streets that act as through site links.
5. To allow residential uses along these small streets to provide a frontage and address for new developments.
6. Provide clear entry points and lobbies to residential above.

Controls

- i. The public domain interface (edges) of the square are to have:
 - Active frontages to enliven the space and to provide safety and security.
 - Awnings, colonnades or pergolas. These elements are to provide pedestrian amenity and a transition zone between the square and the buildings.
 - Public domain interface elements which are co-ordinated between the staging of buildings providing a consistent outcome of proportion, materials and finishes.
 - Colonnades should generally have a ratio of 1.6:1 height to width with a minimum width of 4.5m.
- ii. Streetwall Heights, Upper Level Setbacks and Street Setbacks shall comply with Sections 11.7.4 and 11.7.7.
- iii. A landscape setback of 4m should be provided along Wodonga Place to contribute to the parkland setting.
- iv. Buildings are permitted to be built to the street boundary for a maximum of 30m in length where indicated along Wodonga Place by Section 11.7.7.
- v. Car parking shall be concealed by providing active frontages to Wodonga Place and new small streets that 'sleeve' the car parking contained in the podium of the building (3)

Figure 11.5: Council Depot Structure Plan



11.7.16 Opportunity Sites - Albury

Like the 'Key Sites' identified in Section 11.7.15, 'Opportunity Sites' have also been indentified within the *Albury CBD Masterplan 2009* as areas that may be subject to possible redevelopment. The difference between 'Key Sites' and 'Opportunity Sites' is that there has been no detailed investigations undertaken regarding the site constraints and possible use and/or building forms should the site become redeveloped.

Nevertheless, 'Opportunity Sites' are sites where the existing development or on-grade parking areas could be redeveloped or adapted over time to improve their relationship to the streetscape, pedestrian environment and function of the public realm. As such the following sites have been identified as Opportunity Sites (see Figure 11.12):

- Albury Centro,
- Gasworks,
- Volt Lane Precinct,
- SS&A Club,
- Myer City Centre,
- IGA Carpark.

Care should be taken when developing any of these sites due to their significance and the impacts that any likely future redevelopment may have on the wider Albury CBD area. It is encouraged that contact be made with relevant AlburyCity staff with regard to the redevelopment of these sites.

11.7.17 Masterplan Requirement - Albury

Sites or consolidated sites over 10,000m² are required to prepare a site specific Masterplan. Masterplan sites are subject to merit assessment and are required to demonstrate that the FSR's are achieved by responding to:

- An Economic Impact Report which details floor space and the impacts on existing uses within the CBD.
- Details of proposed public benefits such as through site links, open spaces, and/or sustainability initiatives.
- The interface between residential, commercial buildings and heritage curtilages.

11.7.18 Future Character Areas - Albury

Albury is comprised of many different 'character' areas. The zoning for the CBD of Albury and its surrounds allows for a variety of uses from residential to commercial. Character areas that contribute to Albury's identity are a result of:

- Consistent street setbacks either built to the street or landscape setbacks.
- Consistent elements such as roof forms and pitch, or the use of parapets and awnings.
- Consistent scale and form, resulting from building envelopes; height, width, depth floor to floor heights.
- Consistent building expression such as any vertical or horizontal articulation, materials and colours.

The intent of the Future Character Areas are to:

- Protect the intact streetscapes that contribute to the identity of Albury, such as Heritage Conservation Areas and Dean Street.
- Improve streetscapes under transition such as the fringe of the CBD.
- Create new streetscapes where opportunities exist, such as the railway land along Young Street.

As change occurs over time, the infill strategy will manage the contribution of new buildings to existing streetscapes. Refer to Figure 11.13 for Future Character Areas.

11.7.19 Heritage – Albury

Objectives

1. To have regard to the Heritage Items and Heritage Conservation Areas as contained within Schedule 5 of the LEP and as stipulated in the *Albury Local Environmental Plan 2010 Heritage Map*.
2. To ensure that heritage conservation is an integral part of the planning for the Commercial Zones.

3. To ensure that heritage-listed buildings have a continued economic use and are conserved to enhance the character of the area.
4. To have regard to the heritage requirements as contained within Part 7 of this DCP, which relates to Heritage Conservation.

Controls

- i. Refer to Part 7 of this DCP, which relates to Heritage Conservation as well as the provisions of the *Albury Mainstreet Study* and the *AlburyCity Wide Heritage Study 2004*.
Applicants should contact AlburyCity to obtain copies of these documents in preparing development applications.
- ii. In some cases, a conservation report on a heritage item may be required in order to detail its significance and reuse, and the curtilage required to adequately maintain its setting.

11.7.20 Awnings, Verandahs and Balconies – Albury

Objectives

1. To increase pedestrian amenity by the provision of weather protection.
2. To enhance the appearance of buildings and developments lining Dean Street.

Controls

Building Line

- i. Upon redevelopment of buildings along Dean Street, any proposed awnings, verandahs or balconies must be constructed to the building lines shown in the Awnings, Verandahs and Balconies Map (refer to Figure 11.6 consisting of Sheets 01-06) of this Part.
- ii. The building line must conform to the Awnings, Verandahs and Balconies Map (refer to Figures 11.6 – consisting of Sheets 01-06) of this Part. Corner sites, special sites A and B and Dean Street pedestrian crossings will be treated on their merit.
- iii. Awnings, verandahs and balconies may extend into the road reserve in other locations within the Albury B3 Commercial Core and B4 Mixed Use Zones, at the discretion of Council and in conjunction with the other requirements of this Section.

Notation

Dean Street is the only precinct where required building lines for awnings, verandahs and balconies are outlined in building line maps. Notwithstanding the above, Section 11.7.20 applies to similar structures elsewhere in the B3 Commercial Core and B4 Mixed Use Zones.

Footpath Clearance

- iv. A minimum of 3 metres of footpath at ground level must be clear of columns or other structures associated with the overhead structure.
- v. Support columns are to be no more than 440mm in diameter.
- vi. The overhead structure should match adjoining structures in height (at floor level if a balcony) or otherwise match the average height of the awning, verandah, roof of the nearest like structure on either side of the proposed structure.
- vii. Support columns must not obstruct Dean Street pedestrian crossings or laneway access.

Balcony Enclosure

- viii. Balustrades should be 1000mm in height and should be at least 50% open construction in any given side.
- ix. Sliding clear glass panels may be fixed to the top of the balustrade and up to the ceiling level of the balcony. The glass panels must not comprise fixed panes. Panel frames must be minimal and subdued in design to retain the feeling of openness.
- x. High quality clear plastic roll-down blinds may be provided for weather protection.
- xi. Above the balustrade level, a maximum 200mm high top fascia panel (at ceiling height above the first floor level) is permitted.

Signage

- xii. Advertisements upon awnings or verandahs are to comply with Part 16 of the DCP, which relates to Outdoor Advertising.
- xiii. Balcony signage is to be limited to a fixed panel, maximum 400mm high (measured from the underside of the awning, verandah or balcony).
- xiv. No advertisements painted or otherwise, are to be located upon any blinds, glass panels or the top balcony fascia.

Design

- xv. Awnings, verandahs and balconies must be architecturally complementary to the buildings to which they are attached. Design elements should complement period architecture.
- xvi. Columns, balustrades and roof designs should be in character with the building. Where necessary, historical photographs or drawings will be used for reference purposes.

Land Use

- xvii. The use of any balcony under this DCP is limited to "outdoor" dining or bar seating. The balcony area is not to be used for entertainment (i.e. locating bands or performers), storage, retail, display or commercial floor space, or any other use not being dining or bar seating.
- xviii. Music or other noise from within the premises must not be intentionally or unduly emitted to the street from the balcony area.

Rental of Balcony “Floor/Air Space”

- xix. The applicant will be required to take out an annual lease with the Council under the *Roads Act, 1993* for the balcony area. The rental fee will be indexed on an annual basis the results of which will be printed into the *Albury City Council Annual Fees and Charges Booklet*.

Insurance

- xx. Applicants will be required to hold \$5 million public liability insurance for the balcony structure and must provide evidence of the Certificate of Insurance prior to an annual lease being granted by Council permitting the use of balcony areas within road reserves.

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11.7.21 Land Use Precincts - Lavington

The Lavington CBD is quite diverse in nature and is accordingly comprised of the following 3 precincts:

- CBD Fringe.
- Supporting CBD Precinct (Wagga and Urana Roads).
- The Retail Core.

These precincts will help define roles for each part of the CBD and concentrate on stimulating development in the Retail Core. This will encourage Griffith Road to develop as a main street to become the premier street in Lavington for businesses such as medical centres, banks etc. Likewise, the Supporting CBD Precinct provides for other uses that support the Retail Core. These uses include factory outlets that have a shopfront, residential and seniors living. On the other hand the CBD Fringe plays an important role for destination retail uses and the precinct controls and accommodates for these uses whilst promoting better built form outcomes. Refer to Figure 11.14 for the Lavington CBD Precincts Plan.

Objectives

1. To promote a variety of uses within the CBD that increases its role as a regional retail, commercial and civic centre, while encouraging an active, liveable centre for all ages.
2. To encourage where possible mixed use buildings that operate during the day and night.
3. To enhance and augment the cultural and civic uses centred around the Lavington Town Square.
4. Promote incremental change of fringe areas of the CBD that support the Core and respect adjoining residential properties.
5. To consolidate the retail and commercial functions of the Lavington CBD.
6. To provide Precinct based planning controls.

Controls

- i. Land uses are to comply with the Land Use Table contained within the LEP.
- ii. Any form of residential development, shall comply with Part 10 of this DCP, which relates to Development in Residential Zones.
- iii. Mixed-use developments shall provide retail and commercial uses at ground level and residential uses above this.
- iv. Land uses within the CBD Fringe Precinct shall:
 - Encourage destination retail uses with good exposure to a major Road in Wagga Road, and easy car access to ensure that the Lavington CBD remains competitive with other shopping destinations.
 - Encourage retail, bulky goods, car yards, workshops and storage facilities within this Precinct.
- v. Land uses within the Supporting CBD Precinct shall:
 - Encourage uses that support the Retail Core of the CBD. This can include factory outlets, bulky goods premises and showrooms, plus residential and seniors housing developments.
- vi. Land uses within the Retail Core Precinct shall:
 - Encourage primary retail uses that contribute to a vibrant Core such as café's, restaurants, entertainment uses, shop front commercial, office and professional services.
 - Encourage shop top housing and mixed use residential developments to be located above ground floor level in the Retail Core.
 - Reinforce existing active retail along Mate Street and Urana Road, South of Sanders Street.
 - Encourage retail and commercial uses on Griffith Road, with community uses concentrated around the proposed Lavington Town Square.

11.7.22 Building Heights - Lavington

Objectives

1. To ensure the height of buildings protect the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy.
2. To nominate heights that will provide a transition in built form between varying land use intensities.
3. To stimulate redevelopment in the Retail Core.
4. To allow additional building heights for key sites that deliver public benefit in the form of through site links, public car parking or open spaces.

5. To allow additional building heights for landmark and opportunity sites (see Figure 11.20) that spatially define the new Lavington Town Square and 5 ways that improve the identity of the Lavington CBD.

Controls

- i. Building heights are to comply with the Building Height Plan contained in Figure 11.15.
- ii. If development is adjacent to residential uses then building heights shall ‘step down’ to 2 storeys to protect the amenity of adjoining houses.
- iii. A maximum 3 storey building height is permitted along Wagga Road.
- iv. Infill residential developments shall have a maximum building height of 2 storeys.
- v. In the Retail Core, buildings adjacent to residential development shall have a maximum height of 3 storeys to the rear.
- vi. Landmark sites shall have a maximum height of 7 storeys with the exception of the Telstra Building (maximum 5 storeys) and the Council car park site (maximum 12 storeys).
- vii. Opportunity sites have a maximum height of 7 storeys.

Notation

Clause 4.3 of the LEP stipulates the Height of Buildings requirements and the LEP Height of Buildings Map spatially depicts the designated heights.

11.7.23 Street Wall Heights and Upper Level Setbacks - Lavington

Objective

1. To maintain and improve the scale of streets as incremental change occurs.
2. To protect the amenity of established residential areas.

Controls

- i. Street wall heights shall comply with the Street Wall Height Plan contained within Figure 11.16.
- ii. Street wall heights and Upper level setbacks in the Retail Core are required to achieve the following heights:
 - Minimum of 3 metre upper level setback for buildings that have an overall building height that exceeds the street wall height.
 - Maximum street wall height of 3 storeys plus parapet.
 - An upper level setback of 3 metres from the street wall for 5 storey buildings.

11.7.24 Floor Space Ratio (FSR) - Lavington

Objectives

1. To ensure that the density, bulk and scale of development is appropriate for a site and integrates with the streetscape and character of the area in which the development is located.
2. To encourage lot consolidation to promote the efficient location of buildings and the minimisation of building bulk.
3. To stimulate development in specific locations that will improve the liveability of the Lavington CBD.
4. To allow additional FSRs for landmark and opportunity sites (see Figure 11.20) that spatially define the new Lavington Town Square and 5 ways that improve the identity of the Lavington CBD.

Controls

- i. Floor Space Ratios shall comply with the FSR Plan contained within Figure 11.17.
- ii. The CBD Fringe Precinct has a maximum FSR of 0.5:1.
- iii. The Retail Core Precinct has a maximum FSR of 2:1 for sites that can achieve a minimum site frontage of 24 metres.
- iv. The Supporting CBD Precinct has a maximum FSR of 1:1 for sites for infill commercial and retail buildings and a maximum FSR of 0.5:1 for houses.
- v. Sites over 5,000m² requiring a Masterplan have a base FSR of 0.5:1.
- vi. When public benefits are delivered on sites located within the Retail Core and Supporting CBD Precinct, the following FSR bonuses apply:
 - 0.5:1 FSR for sites between 5000m² - 15,000m².
- vii. Landmark sites must comply with the following:
 - Maximum FSR is 2.5:1 for these sites with the exception of Council's car park site and the landmark building located on the Coles site.
 - No FSR's will be determined for landmark buildings located on sites over 5,000m² that require a Masterplan. These sites require a merit assessment in keeping with the intent and principles of the *Lavington CBD Masterplan, 2009*.
 - Council's car park site can achieve a maximum FSR of 3:1 if it provides a public forecourt, through site links and public parking.
- viii. Opportunity sites have a maximum FSR of 2.5:1 provided these sites can achieve:
 - Site amalgamation to achieve Council's parking requirements,
 - Provide public benefits in the form of through site links with active frontages with a minimum 5 metres in width and 7 metres in height when incorporated into a building. The minimum height of 7 metres does not apply if the through site links have a skylight over, with access to natural daylight preferred.

Notation

Maximum FSR's may only be achievable on larger infill sites or consolidated sites over 24 metres in frontage.

FSR's assume aboveground parking, should underground parking be feasible the FSR's will be lower to reflect the potential increase in gross floor area within the proposed heights.

Clause 4.4 and 4.5 of the LEP stipulates the Floor Space Ratio requirements and the calculation processes used in determining applications, whilst the LEP Floor Space Ratio Map spatially depicts the designated floor space ratio's for particular sites.

11.7.25 Building Design - Lavington

Requirements relating to building design must be in accordance with Building Design controls contained within Section 11.7.6 of this Part.

11.7.26 Building Setbacks - Lavington

Objectives

1. To improve the built form and character of Lavington.
2. To encourage buildings built to the street boundary, which provide better street definition, active frontages and awnings to streets in the Retail Core.
3. To maintain predominant landscape setbacks on residential streets so as to manage change as it occurs.
4. Buildings setback within landscaped settings shall provide associated open space and landscaping.

Controls

- i. Street wall setbacks and build to lines are to comply with the Street Setback and Build to Lines Plan as contained within Figure 11.18.
- ii. Street setbacks where appropriate should follow the predominant setback along the street.
- iii. Where there is not a predominant setback (i.e. large sites or where a significant change in building use/type) is present, a 3 metre street setback should be provided.
- iv. For additions to residential houses, a minimum side setback of 1.2 metres and minimum rear setback of 6 metres shall apply.
- v. For residential apartments and residential components of mixed-use buildings, the following rear setbacks apply:
 - Minimum 6 metres, where building height is 4 storeys or less.
 - Minimum 9 metres, where building height is 5 storeys or greater.

- vi. For commercial uses with windows facing the front and rear of a lot, a minimum 3 metre side setback applies.
- vii. Bulky goods premises may be built to one side and to the rear boundary of a lot, where the adjoining property is not a house, mixed-use development or commercial office building with facing windows.
- viii. In the Retail Core Precinct:
 - Buildings are required to be built to the street boundary.
 - For streetwall building types, adopt party wall construction where it is consistent with the adjacent context.
- ix. In the CBD Fringe Precinct
 - Building types such as showrooms/sheds, workshops, bulky goods are required to be built to the street boundary for a minimum of 50% of the site frontage to provide street enclosure and definition. The remaining 50% of the site frontage can be setback to allow for the display of goods and/or customer parking. The part of the site frontage that is setback is required to be landscaped with shrubs and/or trees at the street boundary.
 - Maintain the predominant landscape setback of Griffith Road in this precinct to ensure that incremental change is sympathetic to the residential character of this part of Griffith Road.
- x. In the CBD Supporting Precinct
 - Building types such as showrooms/sheds, workshops, bulky goods are required to be built to the street boundary for a minimum of 50% of the site frontage to provide street enclosure and definition. The remaining 50% of the site frontage can be setback to allow for the display of goods and/or customer parking. The part of the site frontage that is setback is required to be landscaped with shrubs and/or trees at the street boundary.
 - Maintain the predominant landscape setback for residential development on Parnall, Breen and Prune Streets.

11.7.27 Building Depth - Lavington

Requirements relating to Building depth must be in accordance with the controls contained within Section 11.7.8 of this Part.

11.7.28 Building Separation - Lavington

Notation

Building separation requirements will be assessed against *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* for multi-unit residential or mixed use buildings over 4 storeys tall.

11.7.29 Open Space and Landscaping - Lavington

Requirements relating to Open space and landscaping must be in accordance with the controls contained within Section 11.7.10 of this Part.

11.7.30 Car Parking, Traffic and Access - Lavington

Requirements relating to Car parking, traffic and access must be in accordance with the controls contained within Section 11.7.11 of this Part.

11.7.31 Streetscape - Lavington

Objectives

1. To encourage and promote a consistent streetscape in terms of building bulk, height, setbacks, street furniture, signage and building designs.
2. To promote the redevelopment of individual sites and streets for the improvement of the streetscape.
3. To have regard to established residential streetscapes.

Controls

- i. New buildings shall avoid extensive blank walls to street frontages by incorporating display windows and landscaped street setbacks.
- ii. In the Supporting CBD Precinct awnings are required for the 50% of the street wall built to the street boundary.
- iii. All buildings are required to provide active frontages at ground level. This includes shop fronts, cafes, restaurants, lobbies, showrooms etc.
- iv. All buildings are required to provide box awnings with a minimum width of 3 metres at a height consistent to existing adjacent awnings.
- v. Awnings are required for bulky goods building types.
- vi. All buildings edging the new Lavington Town Square shall incorporate active edges to increase the vibrancy of this space and to provide opportunities for passive surveillance.
- vii. Where possible, infill development shall occur along Centro's Griffith Road frontage with active retail uses.

11.7.32 Urban Design and Pedestrian Circulation – Lavington

Requirements relating to Urban design and pedestrian circulation must be in accordance with the controls contained within Section 11.7.13 of this Part.

11.7.33 Outdoor Advertising – Lavington

Requirements relating to Outdoor Advertising must be in accordance with the requirements contained within Section 11.7.14 of this Part.

11.7.34 Masterplan Requirement - Lavington

Sites or consolidated sites over 5,000m² are required to prepare a site specific Masterplan (refer to Figure 11.19 for the spatial extent of these areas). Masterplan sites are subject to merit assessment and are required to demonstrate that the FSR's are achieved by responding to:

- An Economic Impact Report which details floor space and the impacts on existing uses within the CBD.
- Details of proposed public benefits such as through site links, open spaces, and/or sustainability initiatives.
- The interface between residential, commercial buildings and heritage curtilages.

11.8 DEVELOPMENT IN THE B5 BUSINESS DEVELOPMENT ZONE

The B5 Business Development Zone in Albury applies to land/s designated for commercial development and uses that:

- Do not detract from the viability of the B3 Commercial Core Zones; and
- Accommodates commercial uses that would not be appropriate in the B3 Commercial Core Zones.

The B5 Business Development Zone applies to land on the South-West corner of the Fallon and Mate Streets intersection, which has traditionally been zoned and developed for commercial purposes. The zone is surrounded by low-density residential development and, in this context, future commercial within the zone must incorporate design and landscaping features that contribute to maintaining and enhancing residential amenity on these adjoining lands.

11.8.1 Building Envelope – B5 Business Development Zone

Objectives

1. To ensure consistency with the building heights of adjoining low-density residential development.
2. To enable sufficient space on site to ensure satisfactory space for landscaping.
3. To prevent excessive building bulk.

Controls

Building Height

- i. The maximum building height is 8 metres.

Building Setbacks

- ii. The minimum setback to the Mate and Fallon Street road reserves is to be consistent with the setbacks required within the adjoining R1 General Residential Zone. Refer to Part 10 of this DCP, which relates to Development in Residential Zones.
- iii. The minimum side setback to adjoining residential land is 6 metres.

Site Building Coverage

- iv. The maximum site coverage for buildings is 60% of the total lot.
- v. A minimum area of 10% of the total lot is to be retained as soft, pervious or landscaped areas (excluding hard surfaces).

11.8.2 Car Parking – B5 Business Development Zone

Objective

1. To ensure that developments provide sufficient car parking on the development site.

Controls

- i. Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets.
- ii. Future car parking shall be provided in a coordinated manner, for each component land use and in accordance with the standards and rates outlined in Part 17 of this DCP, which relates to Off Street Car Parking.

11.8.3 Development within Proximity to the R1 General Residential Zone

Objective

1. To ensure the level of residential amenity of adjoining residential land is maintained and enhanced through future redevelopment.

Controls

- i. Development within the B5 Business Development Zone is to address the following matters to the satisfaction of Council:
 - The relative building scale, bulk, design and height and the siting of the proposed development.

- The retention of acoustic and visual privacy of residents of properties in the R1 General Residential Zone, including the incorporation of landscaping buffers within the setbacks to these adjoining properties.
- The hours of operation of the proposed development.
- Levels of traffic generation of the proposed development.
- Any noise, light, dust and odour nuisance likely to be generated by the proposed development.
- Over-shadowing of, and retention of solar access by, properties in Residential Zones. The siting and design of buildings within the proposed development shall allow for reasonable solar access to adjoining buildings, streets and places.

11.9 DEVELOPMENT IN THE B6 ENTERPRISE CORRIDOR ZONE

Albury contains a B6 Enterprise Corridor Zone, located on the Riverina Highway in East Albury, within proximity to the Albury Airport. Its location at this eastern gateway to the city provides an important strategic and visually prominent entry point to the central Albury area for highway related vehicular traffic, as well as, arrivals from the Albury Airport. The B6 Enterprise Corridor Zone also adjoins an existing R1 General Residential Zone to the immediate west. Accordingly, the intent of the zone is to promote commercial development that does not detract from the functions of the predominant Central Business Districts of Albury, is visually attractive in design and landscaping and is compatible with the residential uses adjoining these lands.

11.9.1 Preferred Land Uses – B6 Enterprise Corridor Zone

Objectives

1. To ensure the B3 Commercial Core and B4 Mixed Use Zones of the Albury and Lavington CBD's maintain their primacy as the predominant commercial and retail locations of Albury.
2. To encourage bulky good and homemaker related businesses to locate within this zone.

Controls

- i. Land Use Types shall be bulky goods and homemaker related businesses. Such uses considered appropriate include:
 - Furniture, bedding and floor covering outlets.
 - 'Whitegood' outlets.
 - Bathroom and Kitchen retailers.
 - Doors, windows and blind outlets.
 - Other like bulky good and homemaker businesses.

- ii. Land Use Types that Council deems inappropriate within the B6 Enterprise Corridor Zone include:
 - Retail and clothing outlets.
 - Offices.
 - Automotive accessories.
 - Food produce industries.
 - Sporting equipment and leisure goods.
 - Toys and game outlets.
 - Any other land use type that Council considers not bulky goods or homemaker related.

Notation

Such uses shall be in accordance with the definition of bulky goods premises in the LEP dictionary.

11.9.2 Development within Proximity to the R1 General Residential Zone

Objective

1. To ensure the level of residential amenity of adjoining residential land is maintained and enhanced through future redevelopment.

Controls

- i. Development within the B6 Enterprise Corridor Zone is to address the following matters to the satisfaction of Council:
 - The relative building scale, bulk, design and height and the siting of the proposed development.
 - The retention of acoustic and visual privacy of residents of properties in the R1 General Residential Zone, including the incorporation of landscaping buffers within the setbacks to these adjoining properties.
 - The hours of operation of the proposed development.
 - Levels of traffic generation of the proposed development.
 - Any noise, light, dust and odour nuisance likely to be generated by the proposed development.
 - Over-shadowing of, and retention of solar access by, properties in the R1 General Residential Zone. The siting and design of buildings within the proposed development shall allow for reasonable solar access to adjoining buildings, streets and places.

11.9.3 Building Envelope – B6 Enterprise Corridor Zone

Objectives

1. To ensure consistency with the building heights of adjoining low-density residential developments.
2. To enable sufficient space on site for high quality landscaping.
3. To prevent excessive building bulk.

Controls

Building Height

- i. The maximum building height is 8 metres.

Building Setbacks

- ii. The minimum setback to the Riverina Highway road reserve and any other internal roads created 8 metres.
- iii. The minimum side setback is 4 metres.

Site Building Coverage

- iv. The maximum site coverage for buildings is 50% of the total lot.
- v. A minimum area of 30% of the total lot is to be retained as soft, pervious or landscaped areas (excluding hard surfaces).

11.9.4 Car Parking – B6 Enterprise Corridor Zone

Objective

1. To ensure that developments provide sufficient car parking on the development site.

Controls

- i. Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets.
- ii. Future car parking shall be provided in a coordinated manner, for each component land use and in accordance with the standards and rates outlined in Part 17 of this DCP, which relates to Off Street Car Parking.

11.9.5 Landscaping Requirements – B6 Enterprise Corridor Zone

Objective

1. To ensure that development is of a high quality presentation through appropriate landscaping.

Controls

- i. Development in the B6 Enterprise Corridor Zone is to incorporate the following:
 - The planting of vegetation.
 - Screening of the bulk of the buildings when viewed from the adjoining land uses, where relevant.
- ii. All non-residential development in the zone is to be accompanied with a detailed landscape plan, excluding development that, in the opinion of the Council, consists of minor additions and alterations to an existing building. The landscaping plans should address the following as a minimum:
 - The location, size and species of existing vegetation to be affected by the development, including trees, hedges, large shrubs, shrub beds and any areas of natural vegetation.
 - Replacement planting for any vegetation which is proposed to be removed.
 - A planting plan showing the location and expected size within 10 years of each tree and large shrub.
 - A schedule (table) indicating the common name, botanic name, expected ultimate height and width and planting size (pot size and height), if relying on planting of trees or large shrubs for privacy.
 - A planting plan showing location and indicative planting for mid/low shrubs and ground covers.

Notation

Refer to Appendix A of this DCP, which relates to Information Requirements for Applications, in particular landscape plans.

11.10 DEVELOPMENT IN THE B7 BUSINESS PARK ZONE

The B7 Business Park Zone applies to land located on the northern outskirts of the City and is identified within the Albury Land Use Strategy as having an important strategic role as a transport interchange and employment generator for the City. Like the B6 Enterprise Corridor Zone, this site requires the creation of a well-designed and highly attractive development as it is highly visible from a key road entry point to Albury.

11.10.1 Services and Infrastructure – B7 Business Park Zone

Objective

1. To provide the Zone with the full range of services and infrastructure necessary to cater for the needs of the preferred types of land uses.

Controls

- i. Reticulated water and sewerage, underground power and telecommunication facilities shall be provided by the applicant as part of any subdivision.
- ii. Services shall be designed to accommodate the range of preferred land uses and the full development of the Zone.
- iii. All wastes generated from the site shall be removed and disposed in accordance with the requirements of the consent authority and if necessary, the EPA.

11.10.2 Preferred Land Uses – B7 Business Park Zone

Objective

1. To attract 'clean' industries which have a low impact on the amenity of the surrounding area.

Controls

- i. Land use and development shall be consistent with the objectives of the B7 Business Park Zone in the LEP.
- ii. Land use and development shall be consistent with the objectives of any Outline Development Plan prepared for the zone.
- iii. Offensive and hazardous industries are prohibited by the LEP.
- iv. Retail land uses and development shall only be granted consent where they are ancillary to the principal use of the site or principally servicing other activities in the Zone.
- v. In considering all other development, Council shall only grant consent if it is satisfied that it will not impact negatively on other activities being undertaken in the Zone, or that it will not prejudice the likelihood of attracting other 'clean' industries to the Zone.
- vi. In considering all other development, Council shall only grant consent if it is satisfied that it will not impact negatively on the amenity of residents opposite or the Ettamogah Sanctuary (e.g. hours of operation, noise, odour, appearance etc.).

11.10.3 Building Envelopes – B7 Business Park Zone

Objective

1. To ensure that buildings are sited to provide sufficient area for landscaping, car parking and separation from adjoining land uses.

Controls

- i. Buildings shall not occupy more than 50% of the site area.
- ii. Buildings shall be located at least:
 - 20 metres from a watercourse.
 - 10 metres from the front boundary of the property.
 - 3 metres from side boundaries.
 - 50 metres from the Ettamogah Sanctuary.
 - 15 metres from the boundary with the railway reserve.

11.10.4 Building Design – B7 Business Park Zone

Objective

1. To present an image for the zone of 'clean' industry through buildings of appropriate scale, construction materials, colours and energy efficiency.

Controls

- i. Development shall avoid the use of metal cladding (including colorbond) for walls of buildings, unless utilised as an architectural element in the design.
- ii. Development shall avoid 'box-style' industrial buildings.
- iii. Development shall take into account the siting and design of adjoining buildings (if any).
- iv. Development shall avoid large expanses of uninterrupted walls in favour of alternative building materials or treatment of the wall with architectural features.
- v. The front facades of buildings shall be designed in a manner that provides interest to the streetscape.
- vi. Development shall use colours which complement or highlight the style of the building.
- vii. The use of large areas of glass or other reflective material will only be permitted where glare is not created as a result.
- viii. Buildings shall be designed and located so that no fencing is necessary forward of the building façade.
- ix. Buildings should be oriented to make appropriate use of solar energy, be sited and designed so that the energy efficiency of existing buildings are not unreasonably reduced.
- x. Developments should be designed so that solar access to north facing windows is maximised.
- xi. Buildings should be articulated with appropriate vertical and horizontal variations to ensure an appropriate year round variation of shade and

- xii. sunlight according to the heating/cooling needs and shadow patterns across glazed surfaces during seasonal changes through the year.
- xiii. Buildings should be constructed of materials and using designs which improve thermal mass.
- xiv. Buildings should provide for natural cross-ventilation.
- xv. Development shall have regard to the Hume Highway and its role as the northern entrance to Albury-Wodonga at this location.

11.10.5 Landscaping Requirements – B7 Business Park Zone

Objective

- 1. To enhance the appearance of the zone and northern entrance to Albury-Wodonga along the Hume Highway and Great Southern Railway.

Controls

- i. A minimum of 15% of any lot shall be dedicated to landscaping.
- ii. A minimum of 4 metres from the front boundary and 6 metres from the rear boundary for the width of the property (excluding driveways), shall be dedicated to landscaping.
- iii. A minimum of 2 metres along the sides of the lot shall be dedicated to landscaping.
- iv. Landscaped ‘screens’ shall be provided to outdoor storage areas, fences or undesirable visual aspects of the building (e.g. loading bays).
- v. Shade to outdoor public and employee areas shall be provided.
- vi. The Hume Highway frontage shall be provided with designed landscaping, having regard to its contribution to the visual amenity of road users.
- vii. Landscape islands and bays shall be utilised in large car parking areas.
- viii. Landscaping shall be maintained and enhanced.
- ix. Existing trees shall be retained where possible (including dead specimens if they represent potential native bird habitat).
- x. Native indigenous species of flora shall be utilised.

11.10.6 Signage – B7 Business Park Zone

Objective

- 1. To effectively convey a message without intruding on the visual amenity of the surrounding area or affecting the function of the Hume Highway.

Controls

- i. Developers shall be encouraged to achieve a high quality in design and construction of signs.
- ii. The number of signs per building and site shall be minimised to avoid clutter and visual confusion.
- iii. Signs shall be integrated into the design of buildings.
- iv. Signage shall generally be restricted to corporate and/or product identification where appropriate (i.e. restrict general advertising).
- v. The content of signage shall be related to the activity being conducted on the land where it is located.
- vi. Billboard type signage shall not be permitted.
- vii. Signage shall not be directed specifically towards the railway line.
- viii. Signage shall be for the purposes of site and/or building identification rather than promotion.
- ix. Signage shall be in proportion to the scale of the building and the size of the site (i.e. avoid the use of whole walls for signage etc.).
- x. It is preferable that approval for signage be sought simultaneously with the development and/or use of the land.
- xi. Applicants shall have consideration for the impact of signage on the entrance to Albury-Wodonga.
- xii. Signage for multiple tenanted buildings shall be co-ordinated and consolidated into one sign.
- xiii. Applications shall be compliant with Part 16 of this DCP, which relates to Outdoor Advertising.

11.10.7 Access and Parking – B7 Business Park Zone

Objective

1. To ensure that development is designed to allow for the safe movement of all vehicles in and around the site, and that the supply of car parking spaces meets the demand generated by the use of the land.

Controls

- i. Intersections with the Hume Highway shall be upgraded to a standard necessary to accommodate traffic generated by the zone.
- ii. In the absence of a car parking demand analysis being submitted with an application for development, car parking shall be provided in a coordinated manner, for each component land use and in accordance with the standards and rates outlined in Part 17 of this DCP, which relates to Off Street Car Parking.

- iii. Future car parking should be concentrated into consolidated off-street locations and accessed primarily from internal circulation streets.
- iv. Employee car parking shall be located behind the front building line.
- v. Sufficient parking shall be provided for the number and turnover of visitors generated by the activity on the site.
- vi. Car parking shall not be located within the building setback.
- vii. Visitor car parking shall be clearly sign posted and made available for this purpose at all times.
- viii. All access, manoeuvring and parking areas shall be constructed of concrete, asphalt or some other form of hardstand material approved by Council.
- ix. Applicants shall ensure sufficient manoeuvring area on site so all vehicles exit the site in a forward direction.
- x. Entrances and exits shall be located and designed to provide sufficient view of passing traffic.
- xi. Vehicle crossovers shall be designed and constructed in accordance with Council's standard for the type of land use.
- xii. Car parking areas shall be screened from public view as much as possible.

11.10.8 Open Space – B7 Business Park Zone

Objective

- 1. To maximise the area available for both formal and informal outdoor use and provide a high level of amenity for the zone.

Controls

- i. A landscaped open space buffer shall be maintained between the zone, the Great Southern Railway and the Ettamogah Sanctuary.
- ii. Open space in the zone shall be linked with the Albury-Wodonga Regional Parklands network.
- iii. Open space shall be incorporated into the overall design of each development in the zone.
- iv. The remains of the old Ettamogah Winery shall be incorporated into the open space network if not required for commercial development.
- v. The existing natural landscape features shall be utilised in the zone.
- vi. Landscaped outdoor recreation areas shall be provided for employees on each site.
- vii. Open space areas shall be maintained to a high standard to reinforce an image of quality and professionalism for the zone.

11.10.9 Drainage and Watercourses – B7 Business Park Zone

Objectives

1. To ensure that no detrimental affects to the environment are caused by the discharge of stormwater from individual lots and the zone as a whole, and the watercourses and water quality are maintained at the standard experienced prior to development of the zone.

Controls

- i. Development applications shall have regard to Council's *Soil and Water Management Policy* (including the need for a Soil and Water Management Plan).
- ii. Recommendations for drainage in the *Ettamogah Environmental Study* shall be implemented.
- iii. Applicants shall be responsible for all stormwater generated on the site and by the development.
- iv. Watercourses shall be regarded as living environments rather than just drains.
- v. Watercourses and drainage lines shall be incorporated into the overall design of the development sites.
- vi. On-site storage and treatment of stormwater is encouraged.
- vii. No polluted drainage shall be discharged from the zone.
- viii. Integration of drainage and open space areas is encouraged for development within the zone.

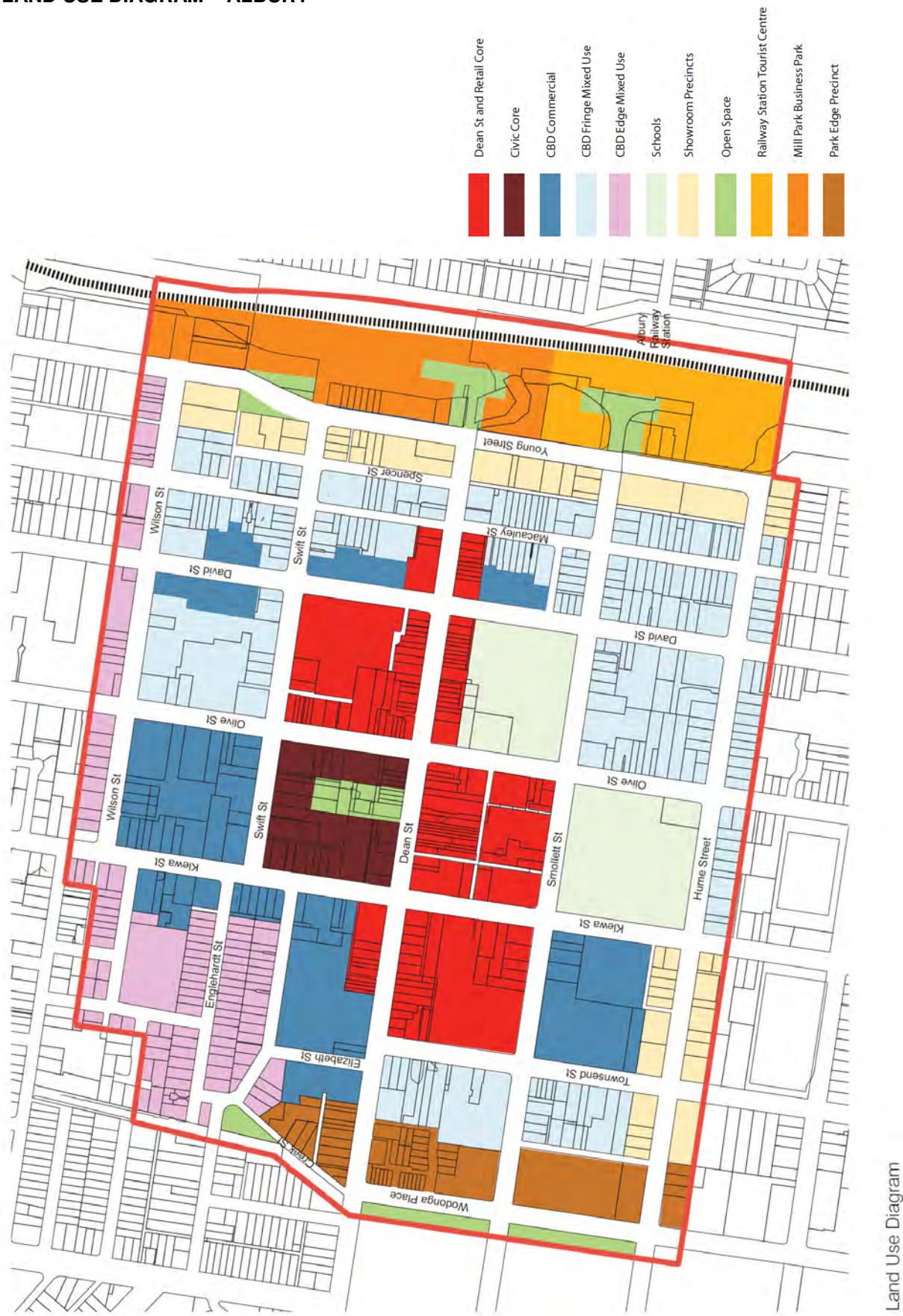
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Figure 11.6
AWNINGS, VERANDAHS, BALCONIES MAPS

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Figure 11.7
LAND USE DIAGRAM – ALBURY



Land Use Diagram

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Figure 11.8
BUILDING HEIGHT MAP – ALBURY



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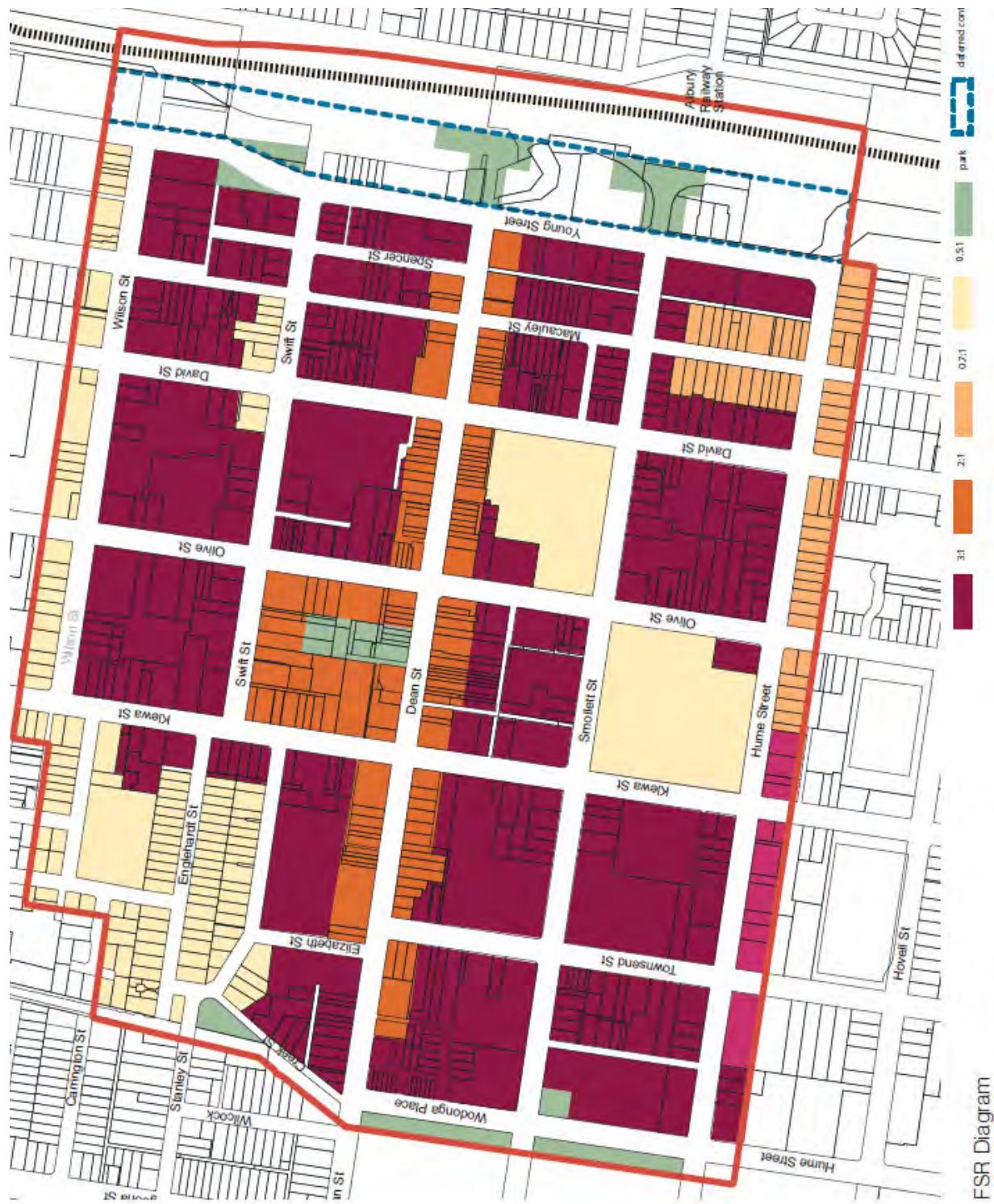
Figure 11.9
STREETWALL HEIGHTS AND UPPER LEVEL SETBACKS – ALBURY



Streetwall Heights and Upper Setback Diagram

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Figure 11.10
FLOOR SPACE RATIO MAP – ALBURY



FSR Diagram

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Figure 11.11
STREET SETBACKS – ALBURY



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Figure 11.12
OPPORTUNITY SITES – ALBURY

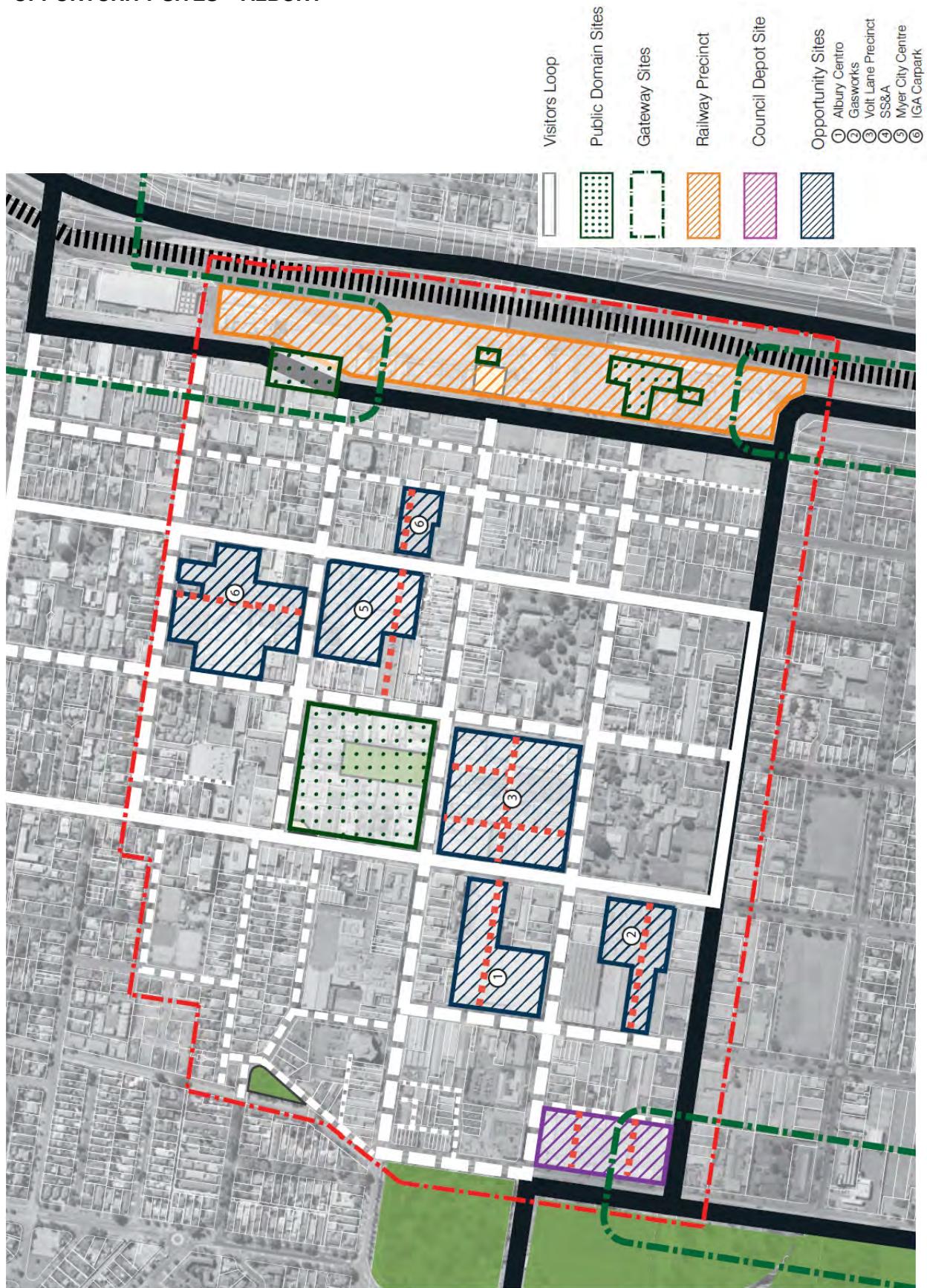
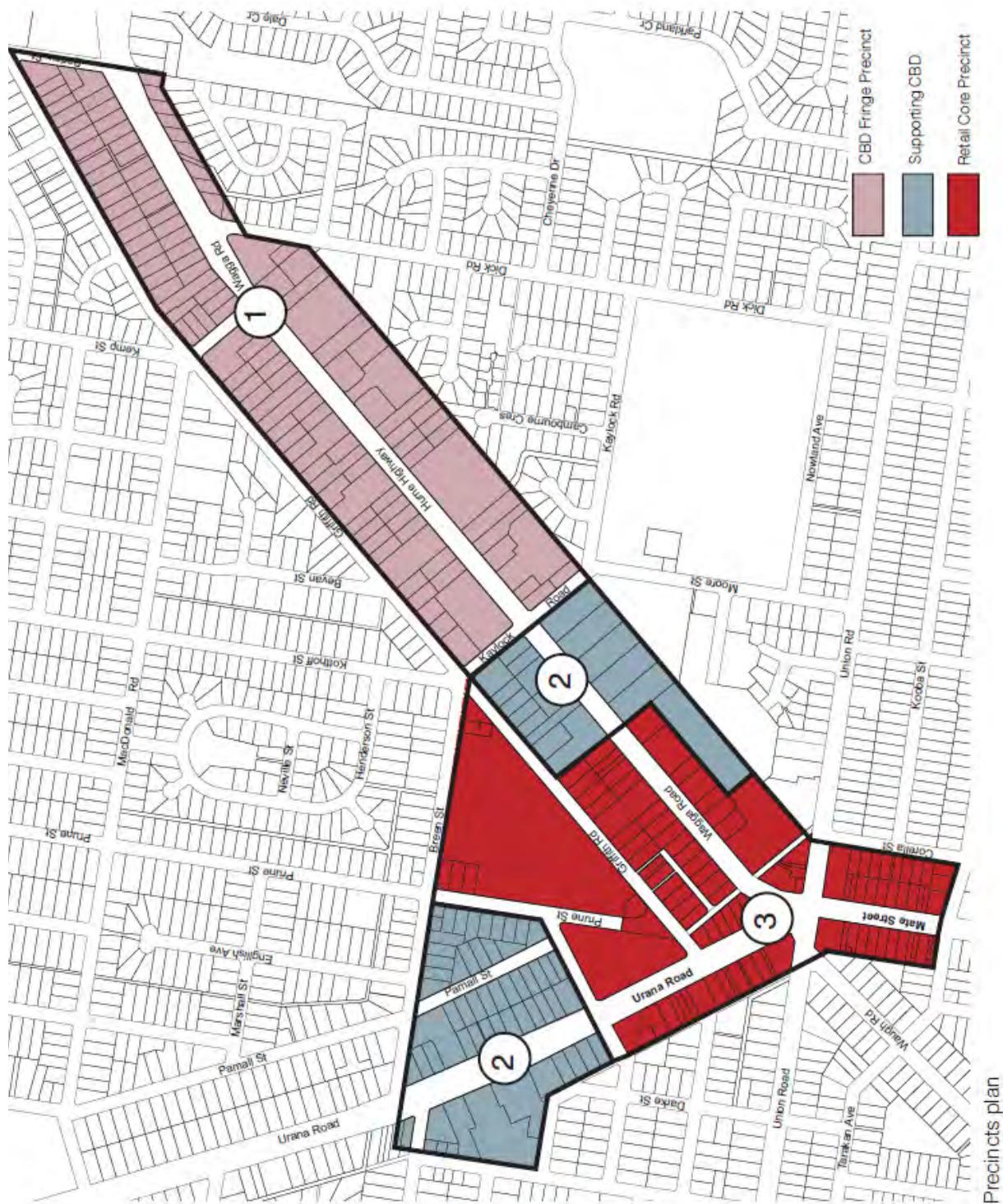


Figure 11.13
FUTURE CHARACTER AREAS – ALBURY



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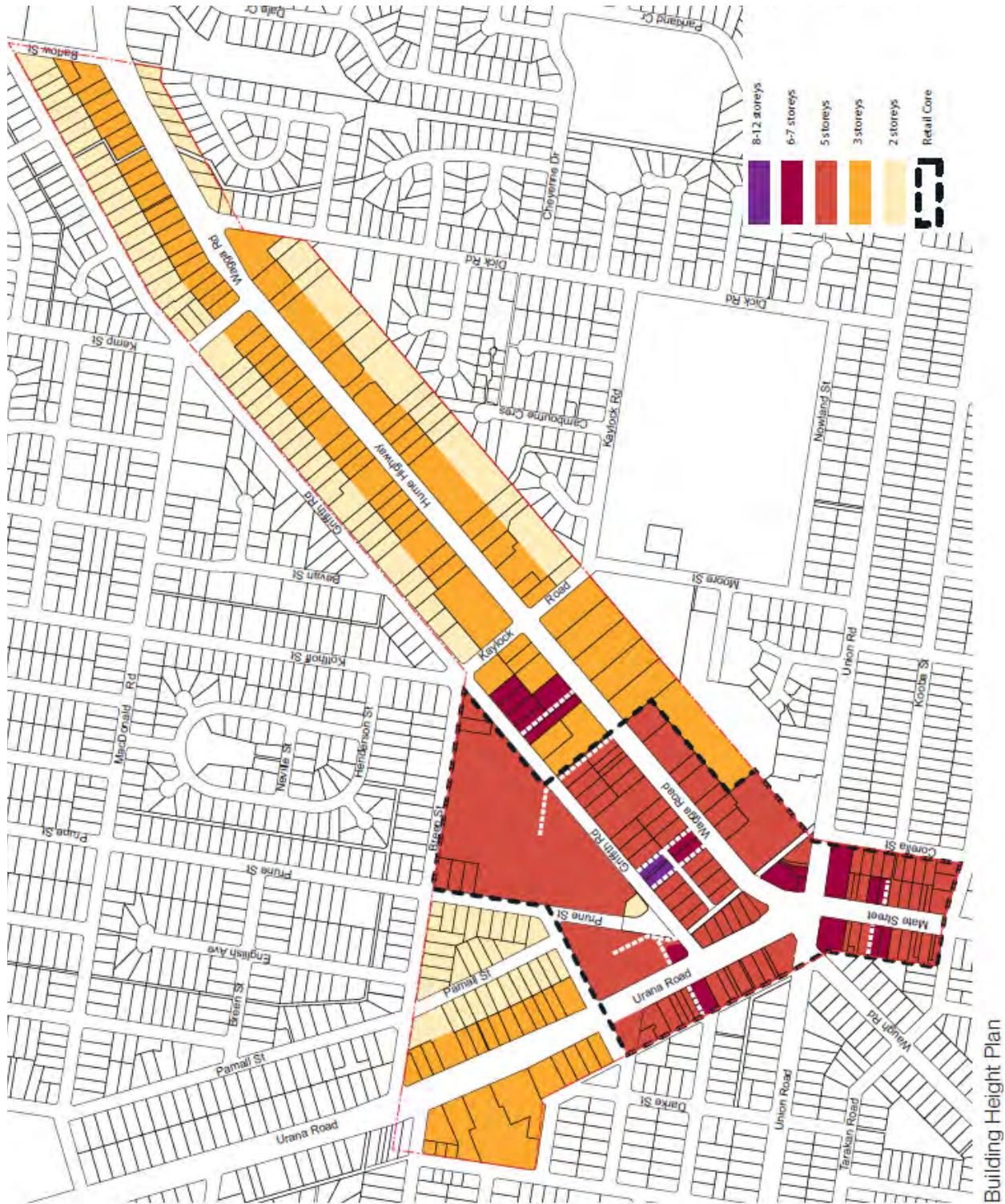
Figure 11.14
PRECINCTS – LAVINGTON



Precincts plan

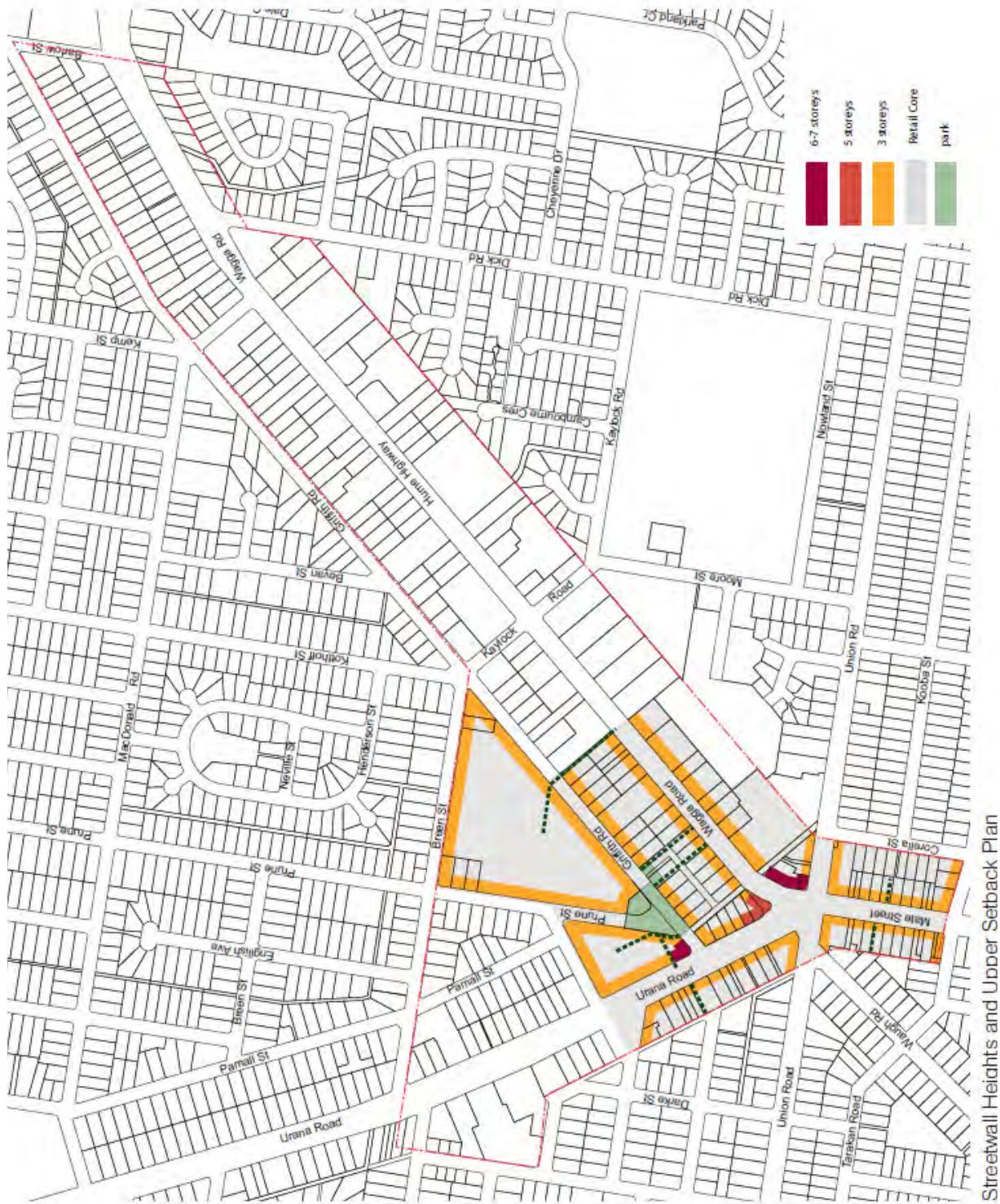
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Figure 11.15
BUILDING HEIGHT MAP – LAVINGTON



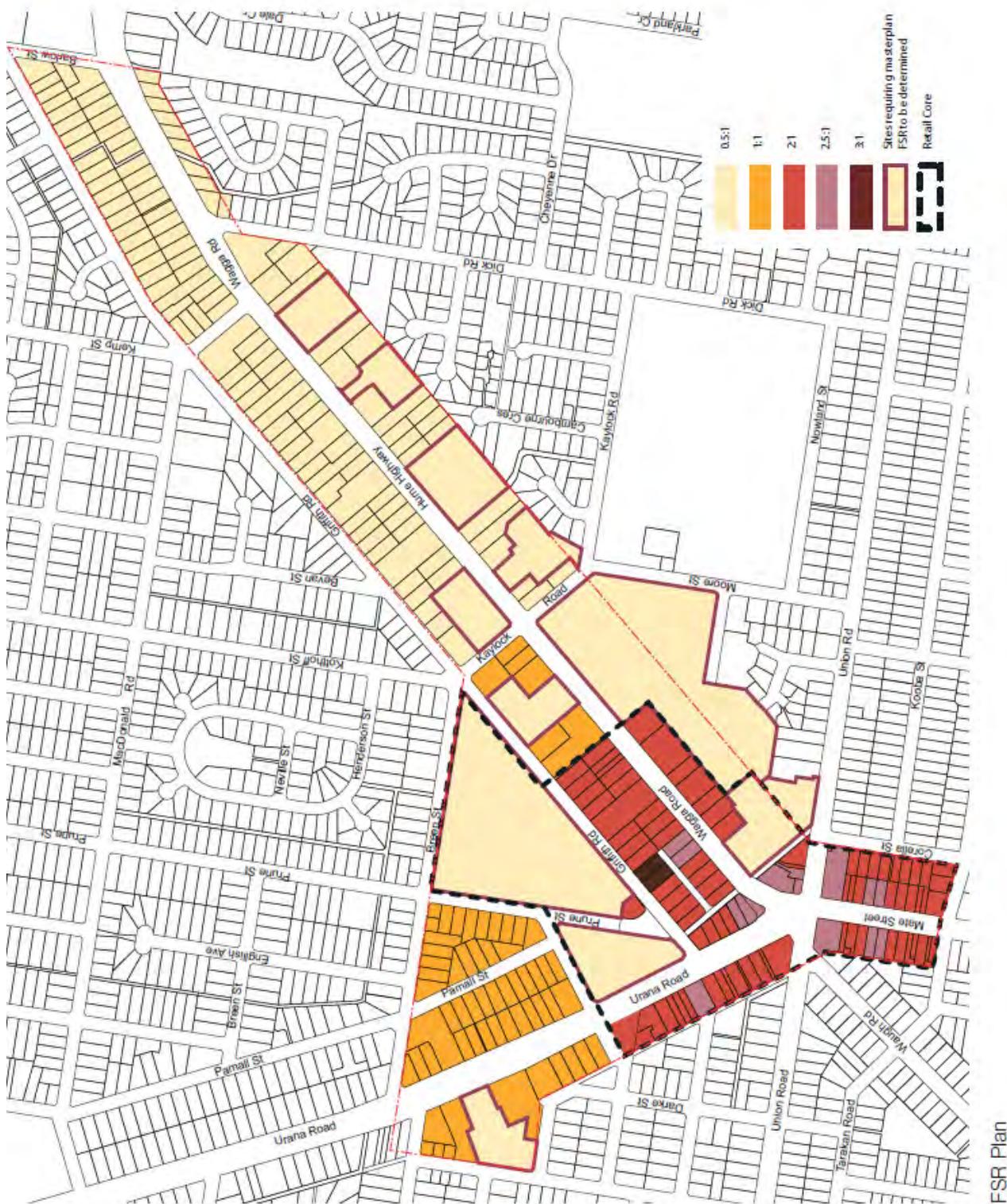
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Figure 11.16
STREETWALL HEIGHTS AND UPPER LEVEL SETBACKS – LAVINGTON



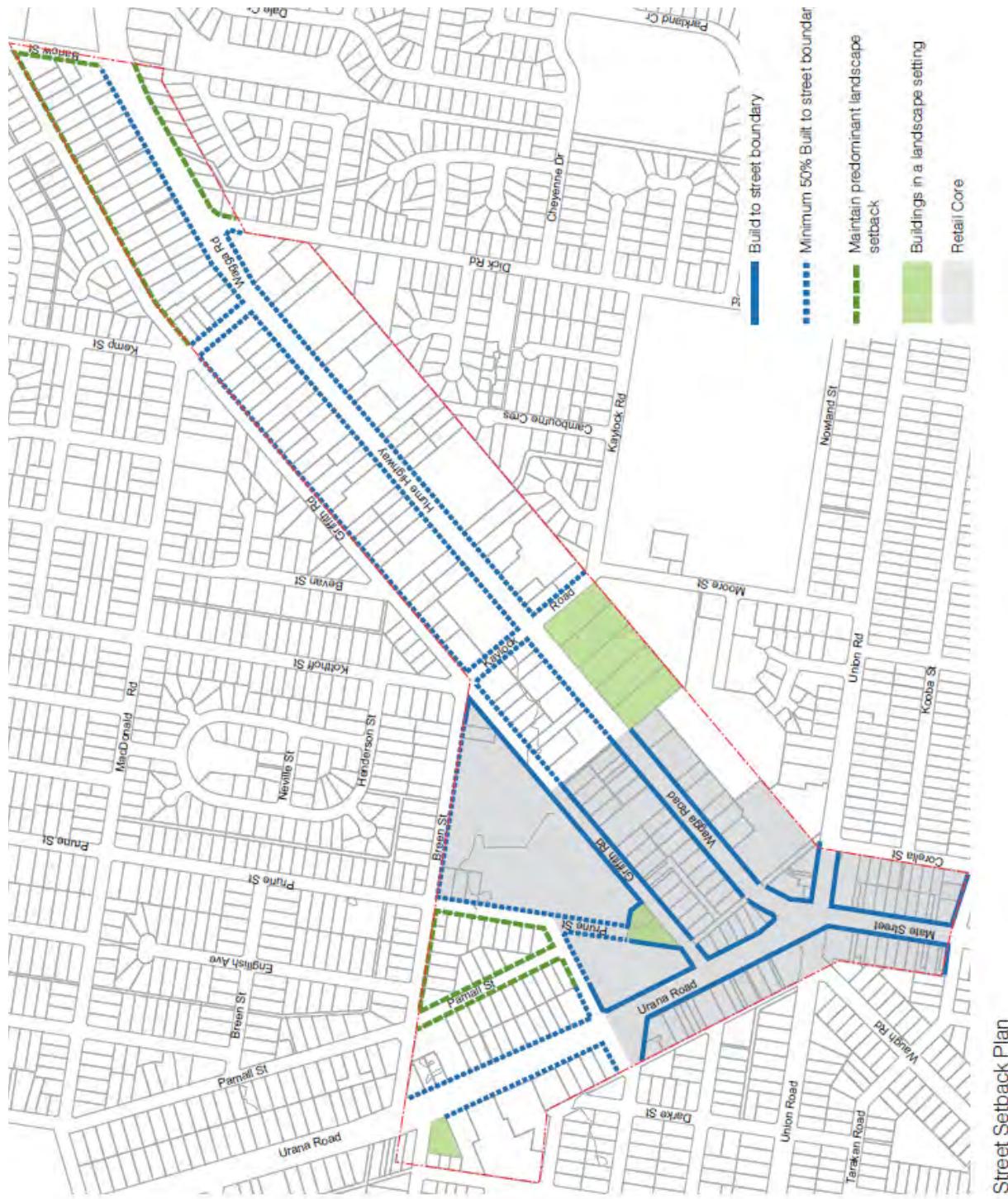
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Figure 11.17
FLOOR SPACE RATIO MAP – LAVINGTON



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Figure 11.18
STREET SETBACKS – LAVINGTON



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Figure 11.19
SITES REQUIRING A MASTERPLAN – LAVINGTON



Sites identified over 5000m² will be required to prepare a site specific masterplan

Albury DCP 2010

Figure 11.20
LANDMARK AND OPPORTUNITY SITES – LAVINGTON



12 DEVELOPMENT IN THE INDUSTRIAL ZONES

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12 DEVELOPMENT IN THE INDUSTRIAL ZONES

12.1 INTRODUCTION

Industrial development is seen as a key contributor to the local employment and economic base for the Albury LGA. This Part seeks to ensure industrial type developments are appropriately designed to respond to any existing and/or preferred surrounding neighbourhood character. This Part of the DCP provides objectives for industrial development in Albury, as well as, any relevant controls to be met.

This Part applies to the IN1 General Industrial and IN2 Light Industrial Zones and any other zones where industrial type development is proposed.

The main aim of the Industrial Zones is to identify land for employment generating uses. These uses are not limited to traditional industries, such as manufacturing, vehicle repair and warehousing, but include development for the purposes of data processing, indoor sports facilities, information technology uses and call centres.

Three of Albury's four Industrial Areas (Dallinger, Airport and South Albury) directly adjoin residential areas and lands used for community purposes. There is a need to ensure that new industrial development minimises its potential to create land use conflicts and decreased amenity for adjacent residential areas. The Industrial Zones can operate effectively at the industrial/residential interface, provided that the Council and the proponent pay sufficient attention to the siting, design and operational characteristics of existing and proposed industrial uses. The controls within this Part of the DCP specifically address this issue and the development of industrial land generally.

Where development consent is required, any development located in the Industrial Zones will be assessed according to the zone objectives and relevant provisions of the LEP, *Environmental Planning and Assessment Act*, including the provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this DCP.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

12.1.1 Broad Development Objectives

In addition to the LEP zone objectives for the IN1 General Industrial and IN2 Light Industrial Zones, the broad objectives for industrial development in Albury are:

1. To provide opportunities to:
 - Expand the local employment base by providing for a wide range of industrial, service industrial, highway business, wholesale trades, materials recycling, warehousing, scientific and computer based-businesses, and other related uses.
 - Support and not detract from the functions of the main business centres.
 - Contribute to improvements in the built environment.
 - Improve traffic access and safety conditions.
 - Protect the amenity of the public domain and residential areas in the vicinity.
 - Soften the appearance of industrial developments through landscaping works.
2. To provide suitable areas for a range of special industries and uses that, by the nature of the processes involved, the scale or type of use or the material used and produced, need large areas of land that are physically separated from other more sensitive land uses.

12.2 INDUSTRIAL SUBDIVISION

Objectives

1. To ensure subdivision, and subsequent development, of new industrial estates occurs in a planned and coordinated manner.
2. To protect the amenity of the adjacent land uses where necessary from the effects of industrial development. See Section 12.3.5.
3. To ensure that industrial subdivision caters for a variety of needs generated by the industrial sector.
4. To provide each lot with sufficient area for the siting of the development, the circulation, parking and access of vehicles, as well as, the provision of loading and other service facilities.
5. To provide for the safe and efficient movement of traffic to and from each proposed lot within the industrial areas to facilitate effective levels of access, safety and convenience for all road users in industrial areas.
6. To provide for infrastructure services consistent with the operational needs of industries.
7. To assist in facilitating an appropriate and aesthetic interface between the built edge and arterial roads, buildings are encouraged to front and address the arterial roads through the provision of service roads (where appropriate).

Controls

- i. Industrial land uses should be compatible with adjacent commercial and/or residential land uses.
- ii. Reticulated water and sewer provision must be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.
- iii. Council shall only grant subdivision consent where it is satisfied that the provision of utility services and community infrastructure would be a logical extension of the existing network or servicing program.
- iv. Stormwater provision must be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.
- v. Despite control ii. the Ettamogah Industrial Area (North of Central Reserve Road and west of Wagga Road/Hume Highway) may dispose of sewerage on-site subject to a land assessment report being submitted and endorsed by Council demonstrating that climate, geology, hydrology, topography, soils composition and vegetation renders the land capable of disposing effluent on-site.
- vi. Utilities shall be provided in accordance with the *NSW Rural Fire Service Planning for Bushfire Protection Guidelines*.
- vii. The minimum lot size for industrial development is 1,000m² and the minimum lot width is 20 metres.
- viii. The minimum lot size for a corner lot is 1,500m² and the minimum width for a corner lot is 40 metres.

Notation

Lots of 1,500m² or less in area are generally not suitable for articulated vehicles.

- ix. The size of lots should provide sufficient space to accommodate the industrial operations and buildings envisaged and allow the site to function properly and efficiently in terms of development requirements. These requirements may relate to factors such as safe egress, vehicular movements within the curtilage of the site, parking, deliveries, storage and bin areas, boundary setback requirements and landscaped areas.
- x. Road design and construction provision must be provided in accordance with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.
- xi. Driveways shared between lots are to be a minimum of 10 metres wide.
- xii. Public roads within the Industrial areas are to have a minimum 24 metre road reserve width, a minimum 13 metre carriageway width, and equal width footway/service reserves.
- xiii. Evidence should be provided to Council stating that adequate network capacities for electricity, natural gas and telephone services exist. The relevant service providers should be contacted for their servicing requirements.

Notation

Industrial subdivisions that result in culs-de-sac will be discouraged. Where permitted they shall have a minimum kerb radii of 13.5 metres and boundary radius of 17 metres.

Subdividers will be required to comply with the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards*.

12.3 INDUSTRIAL DEVELOPMENT

12.3.1 Building Setbacks

Objectives

1. To ensure that adequate land is available for landscaping, parking and vehicle circulation.
2. To enable flexibility in building location.
3. To provide a buffer to adjoining land uses, reducing adverse impacts on surrounding land uses and residential amenity.

Controls

- i. The primary setback to the street frontage is to be a minimum of 7 metres or the average of the setbacks of adjoining buildings, whichever is the greater.
- ii. The secondary setback (for corner sites) is to be a minimum of 3 metres.
- iii. Side and rear setbacks (where a building adjoins a residence, community facility, public park or Residential Zone) are to be a minimum of 5 metres.

Notation

Greater setbacks may be required for bulky, hazardous and noise or odour generating activities.

12.3.2 Car Parking and Vehicular Access

Objectives

1. To ensure that adequate areas are provided for off-street car parking, vehicular access, on-site circulation and loading facilities.
2. To ensure car parking, circulation and loading areas are integrated with the form and layout of buildings on the site.
3. To ensure all vehicles can enter and exit a site in a forward direction.
4. To avoid road conflicts and traffic congestion.

5. To ensure the safe movement of vehicles and pedestrians.
6. To ensure parking and access ways do not become unsightly or affect the amenity of the area by way of dust or uncontrolled run-off.

Controls

- i. Part 17 of this DCP contains the full set of requirements for off street car parking, including land use related parking rates, turning circles, aisle widths and parking bay configurations.

However, an extract of car parking rates for typical Industrial area uses is as follows (Table 12.1).

Notation

As a general rule the number of car spaces provided on site should not be less than the total number of employees present at any one time (including overlapping shift workers).

Table 12.1

Use	Car parking spaces
Industry (including light industry)	1 space per 80m ² GFA
Warehousing	1 space per 100m ² GFA
Industry & Warehousing (Office component)	1 space per 40m ² GFA of office area
Industry & Warehousing (Ancillary Retail component)	1 space per 40m ² GFA of ancillary retail area
Disabled persons parking	At least 1 space, then 1 additional space per 15 spaces or part thereof
Visitor parking	Minimum 1 space, otherwise 1 space per 500m ² GFA (capped at 5 visitor spaces)

- ii. Disabled persons and visitor car parking spaces are to be clearly marked or signposted.
- iii. All car spaces are to be clearly linemarked.
- iv. The preferred location for car parking is between the front landscaped area and the proposed building. Unless located in a zone other than IN1 General Industrial and IN2 Light Industrial where off street car parking is to be provided behind the front building line. This is to encourage employees to park off the street. The car parking area should be separated from the activity areas on site (e.g. loading, storage, heavy vehicle manoeuvring).
- v. All vehicles are to enter and exit the site in a forward direction.
- vi. The heavy vehicle manoeuvring areas, especially at loading and unloading points should be designed to accommodate a three-point-turn or semi-circular turn. As a general rule, the minimum (unobstructed) width of a manoeuvring area should be at least as wide

as the anticipated heavy vehicle where the vehicle fully enters the building.

- vii. Where the vehicle meets an external loading point or partially recessed dock, the Council may request the submission of vehicle movement templates. In these cases, the unobstructed three-point-turn/semi-circular turn rule will apply. The Council will generally refer to the vehicle movement templates published by the RTA.

Notation

Heavy vehicles are those which are designed to carry more than 10 passengers or which are designed to carry more than 1.5 tonnes of cargo.

- viii. Internal roadways and driveways utilised by heavy vehicles are to be a minimum of 7 metres wide (two way movement) or 5 metres (one way movement). Internal roadways/driveways for non-heavy vehicles are to be 6 metres and 3.5 metres wide respectively.
- ix. All internal roadways, and loading areas are to be fully sealed and drained via a system of surface inlet pits.
- x. Refuelling and workshop areas are to be adequately sealed and bunded and are not to be connected to the stormwater system.
- xi. New vehicular access to classified/main roads will require the prior approval of the RTA.
- xii. All vehicular manoeuvring areas must permit forward vehicle ingress and egress to a public road.
- xiii. All loading and unloading operations shall be carried out wholly within the confines of the site at all times.
- xiv. All loading docks, car parking spaces and access driveways shall not be used for storage purposes, including garbage storage and must be kept clear of goods at all times.

12.3.3 Building Design

Objectives

1. To promote the development of buildings which enhance the quality of the streetscape when viewed from public land and adjoining properties.
2. To encourage innovative, contemporary and sustainable building designs.
3. To encourage the quality design of buildings, including the use of low maintenance building materials and energy efficient designs and layout.

4. To encourage design that is of a type, scale, height, bulk and character that is compatible with and will enhance the streetscape characteristics of the surrounding area.
5. To ensure building materials mitigate noise impacts to adjoining developments, particularly residential areas.
6. To protect and enhance the visual amenity of the major entry points to the City.

Controls

- i. The Council will require a high standard of appearance for buildings within the Industrial Zones. Monotonous front facades consisting of one plane and colour are discouraged.
- ii. Building entrances should be clearly defined and well articulated through form, materials and colour and provide level or ramped access.
- iii. Building walls to the primary street frontage shall have a minimum 3 metre return and must be constructed of face brick, decorative concrete blocks or suitable treated and painted concrete panels (for example "granosite" or similar product).
- iv. Office components shall be located at the street frontage of the structure to enable the placement of windows and doors to break up the façade.
- v. The office and/or administration areas of any building are to be architecturally differentiated from the remainder of the building by the use of fenestration, materials of construction and differing horizontal/vertical planes. The Council will not permit office/administration areas clad in metal, or designs with little fenestration, colour, or dimensional detail.
- vi. Highly reflective materials are to be avoided.
- vii. Factory units are to be designed with particular attention to materials, the articulation of the façade, the practical placement of loading areas and the location of car parking close to each particular unit.
- viii. Buildings should incorporate energy-saving measures, where possible, in the design to reduce the possible environmental impacts of that development.

12.3.4 Landscaping

Objectives

1. To require a high standard of landscaping for the environmental quality of developments, whilst enhancing the general streetscape and amenity of industrial areas.

2. To provide landscaped areas that screen and shade storage, parking and loading areas.
3. To enhance the appearance of well-designed buildings and lessen the impact of less attractive existing developments.
4. To enhance the streetscape by unifying buildings of diverse function and appearances.
5. To provide a landscape buffer between industrial developments and adjoining or adjacent non-industrial land uses.
6. To enhance the appearance of developments when viewed from public places including the street, open space areas, adjacent railway lines or transport corridors.
7. To enhance stormwater management by minimising hard non-porous surfaces.

Controls

- i. Landscaping areas are to be identified on development application plans submitted to Council, with comprehensive landscape plans required to show all areas of vegetation, pathways, ground-based lighting and vehicle access areas.
- ii. Pursuant to the AlburyCity Tree Preservation Order existing trees should be retained on site wherever possible. Refer to Clause 5.9 of the LEP and Part 5 of this DCP that relate to the preservation of trees or vegetation for more information.
- iii. A minimum 3-metre wide landscape strip is to be located immediately inside the front property boundary. The Council encourages this area to be mounded, whilst the remainder of the setback to the building not occupied by car parking or other vehicular access areas is to be grassed.
- iv. Site areas not containing hardstand areas or not used for vehicle access areas should be grassed.
- v. Advanced (minimum 1.2 metres in height) trees are to be planted in the front landscaping strip at the rate of 1 tree every 4 metres. These trees are to be accompanied by plantings of shrubs and/or groundcovers.
- vi. Native species are preferred, and generally the species chosen should be fast growing, low maintenance and water hardy.
- vii. Secondary street frontages are required to be landscaped in accordance with the above controls, although the extent of landscaping required will be assessed on merit.
- viii. Where a development will provide more than 10 parking spaces in any one area, advanced trees are to be planted (at the top corner of the space) at the rate of one tree every third car space.

- ix. Landscaping areas are to be protected from vehicle activity areas by a minimum 100mm high kerb, wheel stops or other similar barrier devices to prevent the damage to these vegetated areas.

Notation

Appendix A of this DCP contains the information requirements for applications, including landscape plans.

Appendix I of this DCP contains a list of trees that are recommended for the Albury area.

AlburyCity staff are available to recommend appropriate species.

12.3.5 Impacts on Adjoining Land

Objectives

1. To encourage a development layout, design and function that minimises impact on activities in other zones.
2. To protect the amenity of adjoining properties.

Controls

- i. Development in the Industrial Zones is to have regard to the following matters relating to adjoining land:
 - The emission of any form of pollutant, including noise and vibration, air, water, dust or odour pollution, which is not to affect the amenity of adjoining land/s.
 - Sources of noise, where practicable, should be sited away from adjoining properties and where necessary, be screened by acoustic treatments.
 - The proposed development shall not unreasonably cause overshadowing of adjoining properties.
 - The appearance of the development from adjoining land shall have regard to these areas. It is advised that long blank walls which may adversely affect adjoining land/s will not be favoured.
 - The development is not to incorporate the use of highly reflective building materials such as zincalume, aluminium and galvanised iron.
 - Light sources shall be directed away from adjoining residential properties.
 - Should development be proposed on land adjoining an Environmental Zone, the application to Council is to incorporate evidence to the satisfaction of Council that

appropriate mitigation measures are in place to ensure any environmental impacts are minimised as far as practical.

Notation

High-intensity noise generating industries are not favoured by Council in close proximity to residential areas.

12.3.6 Open Storage Areas

Objectives

1. To avoid unsightly or visually intrusive development.
2. To enhance the setting of buildings and the environmental quality of the locality.
3. To screen storage areas as seen from the street and neighbouring areas.

Controls

- i. Open storage areas must be screened from public places, including public roads, and are to be sealed to prevent the emission of dust.
- ii. Screen fences are to be a maximum of 2.4 metres in height and goods are not to be stacked higher than the actual fence.
- iii. Open storage areas are to be located behind the building or another part of the site that cannot be seen from the street or from adjoining properties.
- iv. Landscaping is generally not an acceptable method of screening, unless it is already well established and the applicant can demonstrate that the storage area will be effectively screened.

Notation

Landscaping may only be used for screening purposes when undertaken in conjunction with fencing, and other screening devices.

12.3.7 Outdoor Advertising

Objectives

1. To permit the adequate display of information concerning the identification of premises (including street number), the name of the occupier and the activity conducted on the land.
2. To encourage signage that avoids clutter, untidiness or visual distraction.
3. To locate advertising signs that enhance the architectural and landscape presentation of the industry and that appear proportional to the scale of the building or space within which they are located.

4. To improve the appearance of buildings through the appropriate design and placement of signs.
5. To encourage a coordinated approach to advertising where there are multiple occupancies on site.

Controls

- i. Specific controls relating to all advertising structures are contained in Part 16 of this DCP, which relates to Outdoor Advertising.

Any advertising signage component of an industrial development, or the erection of any new signage within the Industrial Zones is to be compliant with the provisions of Part 16.

12.3.8 Security Fencing

Objectives

1. To improve the safety and security of the site.
2. To improve the visual amenity of industrial areas.
3. To enhance the streetscapes in the Industrial Zones.

Controls

- i. Security fencing is required for the protection of property and is not usually required to protect non-productive areas of a site such as car parking and landscaping areas.
- ii. Security fencing should not obstruct the view of landscaping from the street and should preserve driver's sightlines.
- iii. Security fencing should incorporate landscaping to reduce its visual impact, particularly on large sites, and must be powder-coated black or dark green only.
- iv. Cyclone mesh security fencing should not be located in front of the main building wall towards the street and must not be erected to a height greater than 2.4 metres.
- v. Security fencing should not be an electric fence or incorporate barbed wire due to the visual appearance of these fence types.

12.3.9 Utility Services

Objectives

1. To ensure development is adequately serviced.
2. To recognise stormwater as a resource and to facilitate its reuse on site.
3. To provide an effective and efficient drainage system to safeguard life and property.
4. To ensure adequate protection against environmental degradation due to increased water volume, flow velocity, and pollution discharge associated with industrial development.

Controls

- i. All developments within the Industrial Zones are to be fully serviced by reticulated water and reticulated sewerage.
- ii. Despite control i. the Ettamogah Industrial Area (North of Central Reserve Road and West of Wagga Road/ Hume Highway) may dispose of sewerage on-site subject to a land assessment report being submitted and endorsed by Council demonstrating that climate, geology, hydrology, topography, soils composition and vegetation renders the land capable of disposing effluent on-site.
- iii. The applicant should make contact with AlburyCity regarding water and sewer requirements
- iv. The applicant should make contact with relevant providers of gas, electricity and telephone services at the earliest possible stage, in order to determine available services, easements and other requirements for servicing.
- v. Overhead power connection will not be permitted where the street service is presently underground.
- vi. Development is to incorporate techniques such as leaky wells, gravel filled trenches and rainwater tanks to capture roof run-off and disposal on-site, thereby reducing peak flows and the volume of polluted water flowing downstream.
- vii. Any surplus roof and stormwater drainage collected is to be piped to the nearest adequate Council drainage system. This on-site piping system is to be designed to the satisfaction of Council and shall be approved prior to the release of the Construction Certificate.

12.3.10 Flooding

Objectives

1. To minimise any hazards to life and property in the event of flooding.

Controls

- i. The development is not to be located within a floodway.
- ii. The development shall not adversely affect the efficiency of, or unduly restrict the capacity of the flood fringe to carry and discharge flood waters.
- iii. The development shall not significantly increase the level of flooding on adjoining land/s.
- iv. The floor level of any part of the building is to be at least 300mm or 500mm above the 1 in 100 year flood level (refer to Part 6 for the required freeboard level).
- v. The development proposal is to be accompanied by relative levels to AHD, details of all trees and structures on the site and any areas of known or suspected filling.

Notation

Full details of flood-affected land in the Albury LGA are contained in Part 6 of this DCP, which relates to Planning for hazards.

12.3.11 Potentially Hazardous or Offensive Industry

Objectives

1. To reduce the impact of hazardous and offensive industries.
2. To have regard to the provisions of *State Environmental Planning Policy (SEPP) No. 33 - Hazardous and Offensive Development*.

Controls

- i. The development must comply with *State Environmental Planning Policy (SEPP) No 33 – Hazardous and Offensive Development*
- ii. SEPP 33 uses a screening threshold approach to determining whether a development is likely to be potentially hazardous or offensive (e.g. threshold relating to the volume of goods stored or used-vs-distance to a site boundary).
Council will require the preparation of a Preliminary Hazard Analysis where development exceeds a screening threshold. This requirement should be investigated early in the development process.

Notation

After all measures have been employed to minimise the impact of a development on the locality and the development remains classed as any of the following listed land use activities under SEPP 33, Council will be unlikely to grant consent to:

- A hazardous industry.
- A hazardous storage establishment.
- An offensive industry.
- An offensive storage establishment.

In relation to LPG gas outlets in service stations, applicants are advised to read the NSW Department of Planning publication: *Liquefied Petroleum Gas Automotive Retail Outlets – Hazardous Industry Locational Guidelines No 1*.

12.4 HAZARDOUS AND OFFENSIVE INDUSTRIES

Council will consider applications for development consent for hazardous and offensive industries or potentially hazardous or offensive industries in accordance with *State Environmental Planning Policy No 33—Hazardous and Offensive Development*.

Objectives

1. To ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account.
2. To ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.
3. To undertake public participation as part of determining applications for development consent for potentially hazardous or offensive development.

Controls

- i. In determining whether a development is:
 - a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or
 - an offensive storage establishment, offensive industry or other potentially offensive industry,Council shall consider current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development.
- ii. A development application to carry out development for the purposes of a potentially hazardous industry shall be accompanied by a preliminary hazard

- analysis in accordance with the current circulars or guidelines published by the Department of Planning.
- iii. In determining an application to carry out development, Council shall consider (in addition to any other matters outlined in the relevant Acts, the LEP or DCP):
- Current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.
 - Whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply.
 - In the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant.
 - Any feasible alternatives to the carrying out of the development and the reasons for choosing the development, which is the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and
 - Any likely future use of the land surrounding the development.

12.5 LIGHT INDUSTRY

The Dictionary of the LEP defines Light industry for the purposes of this DCP.

Objectives

1. To restrict the use of land and development for industrial uses likely to produce significant impacts upon local amenity for adjoining developments and zones.

Controls

- i. The following uses are not considered to be light industry and are not permitted within the Light Industrial Zone:
 - Asbestos cement products manufacturing.
 - Bitumen manufacturing or processing.
 - Boilermaking.
 - Brick, tile, pipe and fire clay products manufacturing.
 - Cement, cement product manufacturing and concrete batching works.
 - Chemical factory or works involving chemical processes or involving the use of toxic, radioactive or flammable or otherwise volatile unstable materials.
 - Chemical storage establishments (other than the storage of inert, non-toxic, non-flammable and non-radioactive materials or products).

- Cutting, crushing and grinding of rocks, ore or minerals.
- Drum reconditioning works.
- Glass, fibreglass and associated products manufacturing.
- Hardboard manufacturing.
- Heavy engineering, boilermaking and heavy machine manufacturing.
- Liquid, chemical, oil or petroleum waste works.
- Metallurgical works involving the processing of metals or their ores.
- Motor body building and motor vehicle manufacturing.
- Panel beating and spray painting.
- Paper or pulp works.
- Petroleum products refineries.
- Hazardous or potentially hazardous developments.
- Offensive or potentially offensive developments.
- Rubber (including tyres) or plastics manufacturing.
- Extractive industries.
- Liquid fuel depots.

12.6 COMMERCIAL ACTIVITIES IN THE INDUSTRIAL ZONES

12.6.1 Retailing and Display

Objectives

1. To provide for limited retailing in Industrial Zones in a manner that does not detract from the primary retailing role and function of the Albury and Lavington B3 Commercial Core and B4 Mixed Use Zones.

Controls

- i. Retailing and the display of goods in Industrial Zones will only be considered where it is ancillary to the principal industrial land use on-site,
- ii. Only those goods that have been manufactured on the land that the industry is carried out can be retailed or displayed on-site.
- iii. The amount of retail/display area must not exceed:
 - 20% of the total combined building GFA of the building or place on which the relevant industry is carried out, or
 - 200 square metres,whichever is the lesser.

12.6.2 Shops or Services

Objectives

1. To ensure limited convenience shopping to service the immediate needs of the workforce in the Industrial Zones.

Controls

- i. Neighbourhood shops, take away food and drink premises or like developments are permitted within Industrial Zones where they provide for the daily convenience needs of the workforce in the surrounding industrial area.
- ii. Council will have regard to the number of similar convenience uses in the area and the singular or cumulative effect of each proposed business on the trading performance of the Albury or Lavington B3 Commercial Core and B4 Mixed Use Zones.

12.6.3 Office Space

Objective

1. To ensure office uses in the Industrial Zones are ancillary to industrial activity.

Controls

- i. Office space is to be ancillary to the principal industrial land use on-site, and to be occupied only by employees for that particular business.
- ii. The size of the office area and number of office employees will be treated on a merits-based assessment.
- iii. The office shall not detrimentally affect the trading performance, singularly or cumulatively, of the Albury or Lavington B3 Commercial Core and B4 Mixed Use Zones.

Notation

Clause 2.5 and Schedule 1 of the LEP enables and lists particular development on land as permitted with consent, or as the Schedule so provides, permitted without consent, despite anything to the contrary in the LEP or this DCP.

It is recommended that if you have a property identified within this Schedule or that is now no longer permitted within the designated zone that you make contact with relevant AlburyCity staff to discuss development potential.

12.7 BROTHELS AND SEX SERVICES PREMISES

Notwithstanding that sex services premises are permitted with consent in the Industrial Zones, Clause 7.10 of the LEP requires that consent must not be granted for development for the purposes of sex services premises if the premises will be located on land that adjoins, or that is separated only by a road from land in the R1 General Residential, R2 Low Density Residential, R3 Medium Density and RE1 Public Recreation Zones, or land used for community, school or church uses. In deciding whether to grant consent to any such development, the consent authority must take into account the impact that the proposed development would have on children who adjoin the proposed development, and which can view the proposed development.

12.8 AREA SPECIFIC DEVELOPMENT PLANS

Development within the following specific areas shall be undertaken in accordance with any relevant additional site specific controls listed below. Where there is an inconsistency between this Section and any other Part or Section of this DCP, the requirements of this Section shall prevail to the extent of the inconsistency.

- Albury Industrial Hub Master Plan. See Appendix K;
- East Albury Industrial Precinct Master Plan. See Appendix P.

Notation

Where a site specific development control plan has been prepared, submitted and supported by Council, this site specific DCP will be listed in this Section and inserted into this DCP as an amending Area Specific Development Plan.

13 DEVELOPMENT IN THE RECREATION ZONES

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13 DEVELOPMENT IN THE RECREATION ZONES

13.1 INTRODUCTION

The primary function of the Public and Private Recreation Zones is to identify the major open space areas in the Albury LGA. These open space areas are either owned, controlled or managed by Council (RE1 Public Recreation Zone) or are either privately owned and/or leased by a private organisation (RE2 Private Recreation Zone), or have been identified by the Council for future acquisition from private owners for local open space purposes, particularly along the Murray River foreshore as part of the *Murray River Experience*.

This Part applies to the RE1 Public Recreation and RE2 Private Recreation Zones and any other zones where land is either reserved and/or being used for public and private recreational pursuits.

The Recreation Zones in the LEP do not attempt to identify all parks, drainage reserves and community land under the *Local Government Act, 1993*, but rather identify the major public parks, creek areas and major private open space holdings.

In the Recreation Zones all development requires Council consent, apart from bushfire hazard reduction and environmental protection works and other minor works of minimal environmental impact prescribed by *State Environmental Planning Policy (Infrastructure) 2007* as exempt development.

Notation

State Environmental Planning Policy (Infrastructure) 2007 (SEPP) seeks to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. The SEPP provides a consistent planning regime under the *Environmental Planning and Assessment Act 1979* that, provides greater flexibility in the location of infrastructure and services by identifying a broad range of zones where types of infrastructure are permitted, allows for efficient development, redevelopment or disposal of Government owned land, outlines the approval process and assessment requirements for infrastructure proposals, and identifies works of minimal environmental impact as exempt or complying development to improve turnaround times for maintenance and minor upgrades.

Works of minimal environmental impact, prescribed by the SEPP, may include (but are not limited to), works carried out by or on behalf of Council on a public reserve under the control of or vested in the Council such as, roads, cycleways, single storey car parks, viewing platforms, playing fields, sporting facilities and structures (goals posts, sight screens etc), play equipment, information boards and facilities, and other like developments.

Clause 5.12 of the LEP states that the LEP does not restrict, prohibit, or enable the restriction or prohibition of, the carrying out of any development , by or on behalf of a public authority, that is permitted to be carried out without under *State Environmental Planning Policy (Infrastructure) 2007*.

Where Council consent is required, any development located in Recreation Zones will be assessed according to the zone objectives and relevant provisions of the LEP, the *Environmental Planning and Assessment Act*, including provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this Part or any other Part of this DCP, and the relevant community land provisions of the *Local Government Act 1993*, *Local Government Regulations, 2005* and associated legislation.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

13.2 DEVELOPMENT IN THE RECREATION ZONES

Objectives

1. To protect and enhance open space areas within the Albury area, including the Albury-Wodonga Regional Parklands.
2. To maximise the value of open space areas and, where appropriate, promote their use for; a mix of drainage, recreation, landscaping, walkways, cycleways and any other similar uses.
3. To offer a variety of opportunities for public and private recreational pursuits and tourist facilities.
4. To provide public access to the foreshore of the Murray River.
5. To allow for alternative uses of open space areas for community purposes compatible with surrounding areas to enable increased economical use of community facilities.
6. To manage, protect and enhance the natural environment for recreational purposes.
7. To allow for the alternative use of open space that is privately owned.

Controls

- i. In considering a development application within the Recreation Zones, Council will consider the following:
 - The need for the development of the land.
 - The impact of the development on the existing and likely future use of the land.

- The imminence of any acquisition.
- The costs of reinstatement of the land for the purposes for which the land is to be, or has been acquired.
- The physical characteristics of the land, including slope, aspect, topography, land capability, drainage, vegetation and landscape attributes.
- Whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development.
- Any other relevant circumstances, including the need to retain the land for its existing or likely future use.
- Any applicable Plan of Land Management or Masterplan.

Notation

Clause 2.6BB of the LEP enables and sets out the conditional requirements for the temporary use of land (subject to development consent).

Clause 2.6BB sets out conditional requirements including, the maximum period by which a temporary use may be carried out in any 12 month period (whether or not consecutive days), the temporary use must not compromise future development on the land or have a detrimental economic, social, amenity or environmental impact, and that at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Clause 7.2 of the LEP both references and enables the Natural Resources Sensitivity Map – Water and sets out requirements relating to development on land identified as a sensitive area on the Natural Resources Sensitivity Map – Water. It is recommended that advice is sought from Council when considering any kind of development(s) that is affected by the Natural Resources Sensitivity Map – Water.

13.3 ACQUISITION OF LAND FOR PUBLIC PURPOSES

Clause 5.1 and the Land Reservation Acquisition Map in the LEP identifies land reserved by Council and/or any other public authority for certain public purposes and establishes the process for the acquisition of reserved land.

Notation

AlburyCity staff are available to discuss matters relating to the acquisition of reserved land for local open space purposes.

13.4 THE MURRAY RIVER

Clause 7.5 of the LEP provides that all development including tree removal within 400 metres of the Murray River requires the consent of the Council. Many of the guidelines for development along this River are also contained within *Murray Regional Environmental Plan No 2 (MREP No 2)*.

Objective

1. To conserve and protect Riverine corridors, including native vegetation.

Controls

- i. All development applications within 400m of the Murray River must demonstrate that the development has been designed to avoid the removal of native vegetation.
- ii. Where it is not possible to avoid the removal of native vegetation the development application must demonstrate that it has been designed to minimise the removal of native vegetation.
- iii. Any development application which will directly or indirectly result in the removal of trees within 400m of the high bank of the Murray River, must include a plan to offset the loss of trees (and any hollows within those trees) at a ratio of 10:1 in accordance with the requirements for Biodiversity Certification.
- iv. Any offset plan required by control (iii) must include a Property Vegetation Plan approved by the Murray Catchment Management Authority, as required under the *Native Vegetation Act 2003*.

Notation

It is recommended that advice is sought from Council when considering any kind of development(s) along the Murray River.

14 DEVELOPMENT IN THE SPECIAL PURPOSE ZONES

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14 DEVELOPMENT IN THE SPECIAL PURPOSE ZONES

INTRODUCTION

The Special Purpose Zones are generally intended for, in the case of the SP1 Special Activities Zone, special land uses or sites with special characteristics that can not be accommodated in other zones such as a major scientific research facility, a major defence or communications establishment or an international sporting facility, in the case of the SP2 Infrastructure Zone, a wide range of physical and human infrastructure uses such as transport (e.g. roads and railway, utility undertakings and works , community uses, educational establishments (e.g. schools) and hospitals.

This Part applies to the SP1 Special Activities and SP2 Infrastructure Zones.

Where Council consent is required, any development located in the SP1 Special Activities Zone and/or SP2 Infrastructure Zone will be assessed according to the zone objectives and relevant provisions of the LEP, the *Environmental Planning and Assessment Act*, including provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this Part or any other Part of this DCP.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

Notation

State Environmental Planning Policy (Infrastructure) 2007 (SEPP) seeks to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. The SEPP provides a consistent planning regime under the *Environmental Planning and Assessment Act 1979* that, provides greater flexibility in the location of infrastructure and services by identifying a broad range of zones where types of infrastructure are permitted, allows for efficient development, redevelopment or disposal of Government owned land, outlines the approval process and assessment requirements for infrastructure proposals, and identifies works of minimal environmental impact as exempt or complying development to improve turnaround times for maintenance and minor upgrades.

Clause 5.12 of the LEP states that the LEP does not restrict, prohibit, or enable the restriction or prohibition of, the carrying out of any development , by or on behalf of a public authority, that is permitted to be carried out without under *State Environmental Planning Policy (Infrastructure) 2007*

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15 DEVELOPMENT IN THE RECREATIONAL WATERWAYS ZONE

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15 DEVELOPMENT IN THE RECREATIONAL WATERWAYS ZONE

15.1 INTRODUCTION

The primary function of the W2 Recreational Waterways Zone is to provide for waterways that are used primarily for recreational purposes such as boating, fishing and waterskiing, but which may also have ecological, scenic or other values that require protection. A limited number of low impact uses that do not have an adverse effect on the natural value of the waterway can be permitted in this zone.

This Part applies to the W2 Recreational Waterways Zone.

Where Council consent is required, any development located in the W2 Recreational Waterways Zone will be assessed according to the zone objectives and relevant provisions of the LEP, the *Environmental Planning and Assessment Act*, including provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this Part or any other Part of this DCP.

Notation

Clause 7.4 of the LEP defines land that is subject to flooding, as well as the requirements relating to development on land subject to flooding.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

15.2 W2 RECREATIONAL WATERWAYS ZONE OBJECTIVES

Objectives

1. To protect the ecological, scenic and recreational values of recreational waterways.
2. To allow for water-based recreation and related uses.
3. To provide for sustainable fishing industries and recreational fishing.
4. To prevent development that would have an adverse affect on the natural values of waterways.

15.3 THE MURRAY RIVER

Clause 7.5 of the LEP provides that all development including tree removal within 400 metres of the Murray River requires the consent of the Council. Many of the guidelines for development along this River are also contained within *Murray Regional Environmental Plan No 2 (MREP No 2)*.

Notation

It is recommended that advice is sought from Council when considering any kind of development(s) along the Murray River.

15.4 SENSITIVE WATERWAYS

Clause 7.2 of the LEP both references and enables the Natural Resources Sensitivity Map – Water and sets out requirements relating to development on land identified as a sensitive area on the Natural Resources Sensitivity Map – Water .

Notation

It is recommended that advice is sought from Council when considering any kind of development(s) that is affected by the Natural Resources Sensitivity Map – Water.

16 OUTDOOR ADVERTISING

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16 OUTDOOR ADVERTISING

16.1 INTRODUCTION

Advertisements and signage play a very important role in the visual appearance and character of an area. There is a growing awareness in the community of the impact of outdoor advertising upon the City's streetscapes. Poorly placed or excessive advertisements and signage clutter, often reduces the effectiveness of the intended message. It is preferable to have a few consolidated signs rather than a multitude of small signs. In addition, developers should aim to place advertisements and signage in unobtrusive locations that integrate into the overall design of the development.

AlburyCity seeks to control advertisements and signage in order to ensure clear communications, protect public amenity and safety, and ensure that streetscapes and the public domain are not adversely affected by the proliferation of inappropriate signage. This Part will also assist developers, advertisers and sign manufacturers in the preparation of proposals for the erection and display of outdoor signs and advertisements, which are consistent with this Part.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

16.2 DESIGN PRINCIPLES FOR ADVERTISEMENTS AND SIGNAGE

The following design principles should be considered in the design and placement of advertisements and signage. Advertisements and signage that does not require development consent (refer to Table 16.1: Advertising signs that do not require development consent) should consider the design principles prior to the design and placement of advertisements and signage. All other advertisements and signage that do require development consent must comply with the design principles.

16.2.1 Design Principles

Communication of information to the public

- Advertisements and signage are to provide a clear, well communicated, uncluttered, organised level of identification to businesses and other facilities.
- Generally one or a few, clear, suitably sized advertisements and signage on a property are preferred rather than a multitude of small signs.

It is noted that information conveyed in an organised and coordinated manner can be processed easier, causing less confusion, reducing visual distraction and minimising the risk of traffic hazard.

Figure 16.1 illustrates an uncoordinated approach compared to a coordinated approach to the design and placement of advertisements and signage and the resultant outcomes in relation to the effective communication of information to the public.

Figure 16.1 Uncoordinated versus coordinated communication approach



Visual Impact

- Advertisements and signage need to enhance the architectural and landscape presentation of the building and be proportional in scale to the building or space within which they are located.
- Advertisements and signage need to be compatible with the existing or desired future character of the area in which it is proposed to be located and be of a colour, scale, design and position that complements and integrates with the building design to which it is attached. This includes the painting of buildings and other corporate signage with colour schemes that would detract from its surrounds.
- Advertisements and signage shall not adversely impact on heritage buildings or obscure the view of attractive landscapes, streetscapes, or significant buildings.
- Advertisements and signage shall minimise any cumulative impacts on the character of an area or route.

16.2.2 Public Safety

Principles

- Advertisements and signage can not adversely impact on the safety and security of pedestrians, motorists or the general public.
- Advertisements and signage can not cause a hazard to the health and safety of the general public.
- Advertisements and signage can not cause excessive glare, compete with existing road signs, obscure views of pedestrians and drivers, or lead to the physical obstruction of footpaths or thoroughfares.

16.3 ADVERTISEMENTS THAT DO NOT REQUIRE DEVELOPMENT CONSENT

Objective

1. To allow for the erection of certain advertisements with minimal environmental impacts that do not require development consent.

Controls

- i. Advertisements and associated structures that fully satisfy the conditions of Schedule 2 of the LEP as duplicated in Table 16.1 are exempt from the requirement for development consent.
- ii. Advertisements and associated structures that do not fully satisfy the conditions of Schedule 2 of the LEP as duplicated in Table 16.1 below shall be subject to development consent in accordance with the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage*.

Notation

Applicants are encouraged, to satisfy the ‘Additional design criteria’ listed in Table 16.1 (where applicable), in addition to those conditions also contained in Table 16.1.

Table 16.1 Advertising signs that do not require development consent

TYPE OF ADVERTISEMENT	CONDITIONS THAT MUST BE MET
Above awning** in the B3 Commercial Core Zone	<p><u>General conditions</u></p> <ul style="list-style-type: none"> (1) Must not cover windows or doors above awning level (2) Must be non-illuminated (3) Must not cover more than 50% of the above awning building face (4) Must be centred on the wall (5) If located on or in, or in relation to, a heritage item or a draft heritage item – must obtain Council consent (6) Maximum number – 1 per lot (7) Maximum projection – 100mm <p><u>Additional design criteria:</u></p> <ul style="list-style-type: none"> (8) One larger sign is preferred in lieu of a number of smaller or signs (9) The use of a symbol, or symbols, which represent the subject business is strongly encouraged. Symbols are an effective way of delivering a message without excessive wording
Bracket sign**	<p><u>Conditions</u></p> <ul style="list-style-type: none"> (1) Maximum number – 1 per lot (2) Maximum dimensions – 0.6m long and 0.3m wide (3) Must be at least 2.7m above ground level (existing) (4) Must be located less than 3m above ground level (existing) or must be below fascia, whichever is the lesser (5) Maximum projection – 300mm
Drop-awning sign*	<p><u>Conditions</u></p> <ul style="list-style-type: none"> (1) Must not cover more than 50% of the blind (2) Must be a sign that is painted onto, fixed flush to or part of a roll down blind, which is secured to an awning (3) Must be non-illuminated

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TYPE OF ADVERTISEMENT	CONDITIONS THAT MUST BE MET
Fascia sign**	<p><u>General conditions</u></p> <p>(1) Must be painted onto or attached to the fascia or return of an awning and not exceed the height of the fascia or return (2) Must be non-illuminated (3) Must not extend more than 100mm from the fascia or return end of the awning</p> <p><u>Additional design criteria:</u></p> <p>(4) The colour scheme of any signage should complement the building (5) The size and location of signs on adjoining properties should be considered when placing signs in order to achieve a coordinated, organised pattern of advertising which is more complimentary to the streetscape.</p>
Flush wall sign**	<p><u>General conditions</u></p> <p>(1) Must be attached to the wall of a building (other than the transom of a doorway or display window) (2) Must not cover more than 50% of the wall surface (3) The upper and lower 1 metre of the wall must be free of signage (4) Maximum number in residential and environmental zones – 1 per lot (5) Maximum number in rural, business, industrial and recreational zones – 2 per lot</p> <p><u>Additional design criteria:</u></p> <p>(6) Must not extend laterally beyond the wall to which it is attached.</p>
Real estate sign*	<p><u>Conditions</u></p> <p>(1) Must be non-illuminated (2) Must be removed within 14 days of sale or lease (3) If advertising an entire estate or complex, must be removed at sale or lease of 90% of the lots or tenancies, or within 5 years, whichever occurs first (4) Maximum number – 2 per lot (5) Maximum area for a residential site – 3m² (6) Maximum area for business or industrial – 5m²</p>
Top hamper sign**	<p><u>Conditions</u></p> <p>(1) Must be attached to the transom of a doorway or display window (2) Maximum number – 2 per frontage (3) Must not extend below the head of the doorway to which it is attached (4) Must be non-illuminated</p>

TYPE OF ADVERTISEMENT	CONDITIONS THAT MUST BE MET
Under awning sign**	<p><u>General conditions</u></p> <p>(1) Must not project beyond the awning edge (2) Must be at least 2.7m above ground level (existing) (3) Maximum number – 1 per lot</p> <p><u>Additional design criteria:</u></p> <p>(4) A 3 metre spatial separation between the centre of the proposed sign and that on adjoining properties should be maintained (5) Signs should be erected at right angles to the building and horizontal to the ground (6) The size of signs should not exceed 0.4m in width and 0.5m in height</p>
Window sign**	<p><u>General conditions</u></p> <p>(1) Must be painted or displayed on the interior or exterior of the window (2) Must not occupy more than 50% of the window surface</p> <p><u>Additional design criteria:</u></p> <p>(3) Should not be illuminated in any way</p>

Notation

* Refer to Section 16.6 for a definition of the type of advertisement.

** Refer to Section 16.6 for a definition and Figure 16.2 for a graphic illustration of the type of advertisement.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 contains the provisions relating to signage that does not require development, including the Replacement of Identification Signage.

16.4 ADVERTISEMENTS THAT DO REQUIRE DEVELOPMENT CONSENT

All advertisements and signage that do not fully satisfy the conditions of Schedule 2 of the LEP as duplicated in Table 16.1 or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* require development consent.

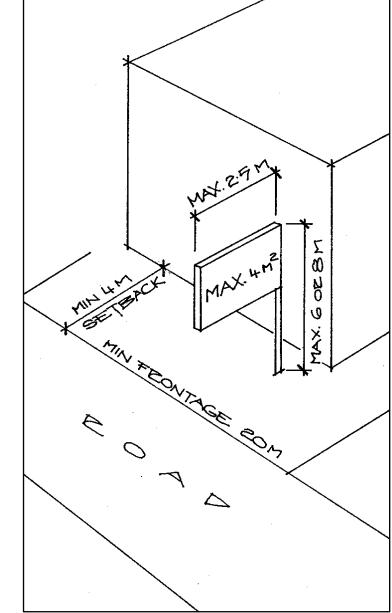
All advertisements and signage that do require development consent will be considered against the design principles outlined in Section 16.2 and in accordance with the provisions of *State Environmental Planning Policy No. 64 – Advertising and Signage*.

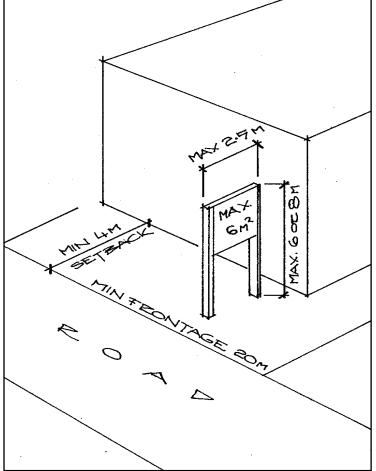
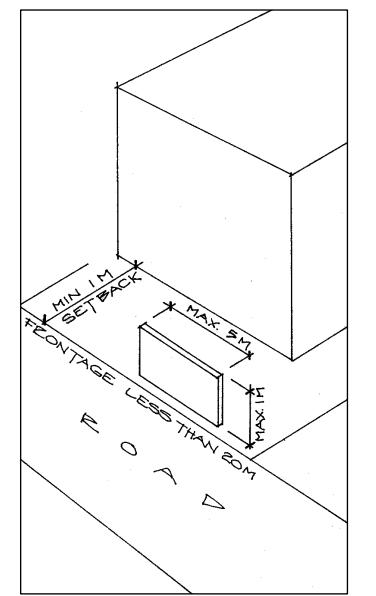
Table 16.2 lists the conditions that must be met for development applications involving Pole Signs for Single Occupancy Buildings, Pole Signs for Multiple Occupancy Buildings and Low Height Pole or Wall Signs.

Notation

Compliance with conditions listed in Table 16.2 does not guarantee approval.

Table 16.2 Advertisements that do require development consent

TYPE OF ADVERTISMENT	CONDITIONS THAT MUST BE MET
Pole Signs for Single Occupancy Buildings* 	<p><u>General conditions:</u></p> <ul style="list-style-type: none">(1) In Business and Industrial zones only(2) Pole signs are permitted on the site of a building with a single occupancy where set back at least 4 metres from the street property boundary, and the road frontage of the property is at least 20 metres.(3) The maximum message face for a pole sign is 4.0m².(4) The maximum width for a pole sign is 2.5 metres.(5) The message face may be double-sided, but must not overhang the property boundary(s)(6) The maximum height is 8 metres above existing ground level (for properties fronting a road classified by the RTA). For all other roads, maximum height is 6 metres above existing ground level.(7) Maximum number – 1 per lot

TYPE OF ADVERTISMENT	CONDITIONS THAT MUST BE MET
Pole Signs for Multiple Occupancy Buildings* 	<u>General conditions:</u> <ul style="list-style-type: none"> (1) In Business and Industrial zones only (2) Pole signs are permitted on the site of a building with multiple occupants where set back at least 4 metres from the street property boundary, and the road frontage of the property is at least 20 metres. (3) Maximum message face for a pole sign is 6m², with a maximum message face per occupancy of 2.0m². (4) Maximum width for pole sign is 2.5 metres. (5) Maximum height is 8 metres above existing ground level (for properties fronting a road classified by the RTA). For all other roads maximum height is 6 metres above existing ground level.
Low Height Pole or Wall Signs* 	<u>General conditions:</u> <ul style="list-style-type: none"> (1) In Business and Industrial zones only (2) Low height pole or wall signs are permitted on sites which have a building setback of more than 4 metres or street frontage more than 20 metres. (3) Maximum height for a freestanding wall sign is 1.0 metre. (4) A minimum distance of 1.0m between the street property boundary and the sign is required. (5) A low level sign should not occupy more than 50% of the length of the frontage, to a maximum of 5 metres in length. (6) The provisions of 5 above apply equally to each frontage of a corner site. In general only one freestanding sign per street frontage may be erected. Sites with extended frontages will be treated upon their merits, as will proposals that incorporate a mix of low level and higher-level signs.

Notation

* Refer to Section 16.6 for a definition of the type of advertisement.

16.5 OUTDOOR ADVERTISEMENTS THAT WILL NOT BE PERMITTED

Objectives

1. To avoid the erection of signage deemed to produce an adverse visual impact.
2. To avoid the erection of signage adjacent to, and within transport corridors, designed to advertise to motorists, creating a visual cluttering of these corridors for both safety and amenity reasons.

Controls

The following signs will not be permitted by the Council due to their impact upon the skyline and streetscape, and include:

- i. Roof signs or sky signs.
- ii. The use of neon, flashing, reflectorised or glitter type signs on the exterior of buildings or where they are located internally but visible from the outside.
- iii. A frame signs attached to the roof or awning.
- iv. Pole/pylon signs above 8 metres in height.
- v. Banner signs – unless installed on purpose built structures erected by the Council.
- vi. Inflated balloon, animal or figure signs – particularly those located above roof level or upon awnings/verandah roofs.
- vii. Projecting wall signs and on-awning signs.
- viii. Animated signs in areas other than Industrial Zones.
- ix. Signs which are likely to affect the amenity of an area by way of visual intrusion, clutter, illumination, safety (including competition with road signs), distraction to motorists, unacceptable language, symbols or pictures.
- x. Signs (particularly free standing signs) whose primary purpose is to advertise to persons and motorists using the SP2 Infrastructure (Transport Infrastructure) Zone, despite being located on adjoining and/or adjacent land within another zone.
- xi. Signs made of canvas, calico or the like (other than a temporary sign).
- xii. Billboards.
- xiii. Promotional Signs (of a temporary nature e.g. posters) attached directly onto walls, hoardings, roof structures, trees or any street furniture.
- xiv. Signs mounted on vehicles, trailers (both registered and unregistered) where the principal purpose of the vehicle is not for the transportation of goods or people but is parked in a location and position as an advertising medium.
- xv. A-frame or sandwich board signs (except where approval has been granted under Council's Street and Outdoor Activities Policy).
- xvi. Signs that do not relate to the lawfully business on-site.
- xvii. Signs of a height greater than 1.8 metres within residential zones.
- xviii. Advertisements and advertising structures that do not complement natural features and result in the trimming and lopping of significant trees.
- xix. Corporate signage of a colour inconsistent with the surrounding buildings that would detract from the streetscape (this includes the painting of a building).

16.6 GLOSSARY

A-Frame (or sandwich board) sign means an advertisement that:

- a. indicates the lawful purpose for which the land or premises are used and the persons carrying out that use,
- b. has a minimum dimension of 300mm width and maximum 600mm width,
- c. has a minimum dimension of 500mm height and maximum 1000mm height above ground level, and
- d. complies with Council's *Street and Outdoor Activities Policy*.

Above-awning sign means any advertisement located on the wall above the awning level of a building but not sitting on or attached to the awning that does not project more than 100mm from the wall.

Advertisement means a sign, notice device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising structure means a structure used or to be used principally for the display of an advertisement, and includes the pole or poles on which any pole or pylon sign is erected.

Animated sign means a sign that is designed to be moved by the wind or a mechanical device or is inflated, which may or may not be permanently fixed in position and which may make use of flashing, revolving or synchronised lights or sirens or other noise generators.

Area (message face) in relation to each face of an advertisement means the area within a line drawn around the outer edge of all letters, symbols, pictures, colours and construction materials associated with the advertisement (but does not include the poles or pylons in the case of a pole or pylon sign).

Awning level means the underside of an existing awning or verandah, or a point 3.5 metres above existing ground level if no awning or verandah exists.

Bracket sign means any advertisement suspended from, or fixed to, a wall, by a bracket or similar device, below the awning level.

Commercial sign means an advertisement that:

- a. indicates the lawful purpose for which the land or premises are used and the persons carrying out that use, and
- b. has maximum dimensions 1.2 metres length and 0.6 metre width, and
- c. is located no more than 1.8 metres above ground level,

Directional sign means any advertisement, not of a commercial nature, that directs or manages vehicular or pedestrian traffic.

Drop-awning sign means an advertisement painted, fixed flush, or part of, a roll down blind or similar device, secured to the underside of an awning of a building.

Fascia sign means any advertisement attached to or painted on the fascia or return of an awning.

Flush wall sign means any advertisement below the awning level that is fixed flush or painted directly onto the exterior wall of a building.

Illuminated sign means any advertisement illuminated internally or externally in order to make the message readable.

Internal advertisement means a sign within a sporting or recreational facility or place that is not intended to be viewed from a public street or adjacent properties.

Pole or pylon sign means an advertisement erected on a single pole, or on poles, independent of any building or structure, of a total height of no less than 1.8 metres and no more than 8 metres above the existing ground level.

Projecting wall sign means any advertisement that is fixed to and projects more than 100 millimetres from the wall of a building above the awning level.

Real estate sign means any advertisement that contains a notice relating to the sale or letting of the place or premises to which it is affixed.

Roof sign means a sign erected above or attached to the roof line of a building.

Temporary sign means any advertisement that is:

- a. erected or created to advertise community or Council projects, construction projects, special events or community information for a period not exceeding 3 calendar months, and
- b. removed or demolished within one calendar month after the event has occurred,

Top hamper sign means a sign attached to the transom of a doorway.

Tourism sign means any sign that directs the public to tourist facilities or activities or to places of scientific, historical, cultural or scenic interest.

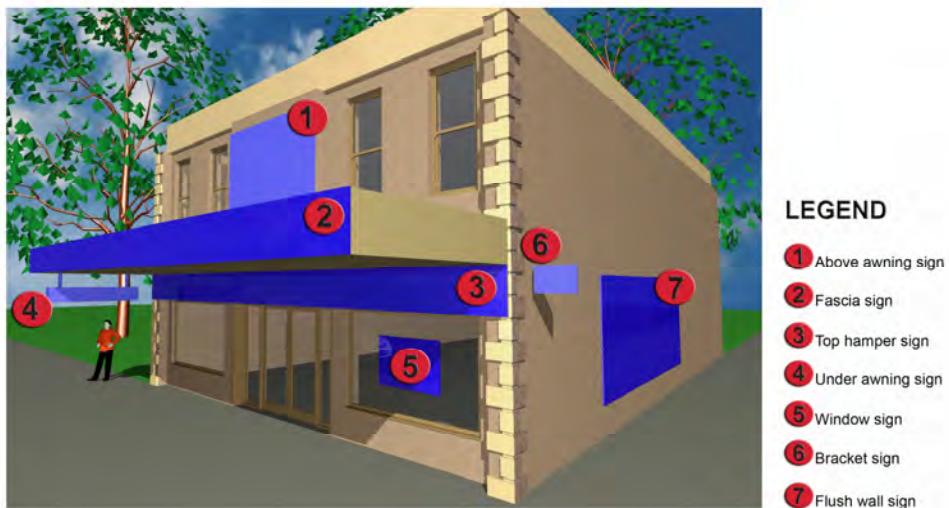
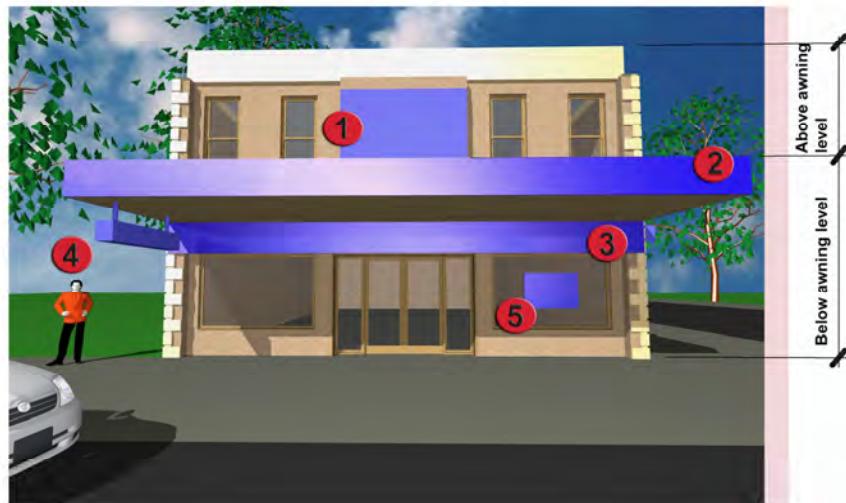
Under awning sign means any sign attached to the underside of an awning.

On-awning sign means any sign that is fixed to, sits on, rests on, or is attached to the top (horizontal) face of an awning or verandah roof, but does not include a sign affixed to the fascia or return end of an awning.

Window sign means a sign fixed flush or painted onto either side of a display window of commercial premises.

Figure 16.2

TYPES OF ADVERTISEMENTS AND SIGNAGE



17 OFF STREET CAR PARKING

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17 OFF STREET CAR PARKING

17.1 INTRODUCTION

This Part establishes the car parking supply requirements for various land uses and other requirements relating to the operation and embellishment of parking areas.

Development proposals that significantly impact existing road systems or are traffic or service vehicle intensive (e.g. supermarkets or shopping developments, or major buildings on main roads) may require a traffic impact statement prepared by a qualified person.

All development proposals will, according to their size, have to consider some or all of the following points:

- Amount of traffic generated by the use.
- Impact of traffic generation on surrounding road network.
- Driveway location and service vehicle access.
- Traffic circulation pattern and parking layout.
- Safety of pedestrians and pedestrian circulation patterns.

It is important that development complies with all relevant Parts of the DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

17.2 PARKING PROVISION BY LAND USE

Objectives

1. To ensure that the provision of parking is appropriate for the proposed use or development of the land.
2. To protect amenity, enhance streetscapes and provide shade.
3. To maintain traffic flow efficiency, improve safety and protect the environment.
4. To ensure convenient and safe provision of off street car parking for disadvantaged persons.
5. To allocate adequate bicycle and motorcycle standing areas.
6. To ensure convenient and safe space is provided for loading and unloading of goods.
7. To provide convenient and safe access to car parking areas, minimising disruption to traffic and maximising pedestrian safety.
8. To permit the payment of monetary contributions in certain areas for any short fall in off-street car parking.

Controls

- i. Car parking spaces are to be provided in accordance with the standards set out in Table 17.1. For land uses not specifically listed, the car parking must be provided as per the most similar use of equivalent intensity, or otherwise in accordance with the requirements of the Council and/or RTA (whichever is the greater).
- ii. Where a combination of uses is intended, the total parking requirements shall be the sum of the requirements for the various uses. This may be reduced at the Council's discretion in cases where the proponent can demonstrate that the lesser amount will satisfy the expected demand.

Table 17.1
Car Parking Provision by Land Use

Land Use	Minimum Parking Spaces Required (GFA refers to gross floor area)
Agricultural produce industry	1 per employee
Agriculture	At Council's discretion
Airport	At Council's discretion
Amusement centre	1 per 40m ² GFA
Animal boarding or training establishment	At Council's discretion
Backpackers accommodation	At Council's discretion
Bed and breakfast accommodation	1 per guest room
Boarding house	1 per 3 beds plus 1 per operator
Boat repair facility	1 per employee
Bulky goods premises	1 per 50m ² GFA
Business premises	1 per 40m ² GFA
Caravan park/camp site	1 per site plus 1 per 10 sites for visitors
Car rental	1 per 5 rental vehicles on-site plus 1 per employee
Cellar door premises	1 per 50m ² GFA
Cemetery	At Council's discretion
Charter and tourism boating facility	At Council's discretion
Child care centre	1 per employee plus 1 per 10 children plus set down and pickup points for cars
Commercial port facility	At Council's discretion
Community facility	1 per 5 seats or per 10m ² of GFA, whichever is the greater
Correctional centre	At Council's discretion
Crematorium	At Council's discretion
Dual occupancy	1 per 1 and 2 bedroom dwelling house 2 per 3 bedroom dwelling house
Dwelling house	1 per 1 and 2 bedroom dwelling house 2 per 3 bedroom dwelling house

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Land Use	Minimum Parking Spaces Required (GFA refers to gross floor area)
Education establishment	
a. preschools, infants and primary school	a. 1 per staff member
b. secondary schools and tertiary institutions	b. 1 per staff member plus 1 per 10 Year 12 students
Electricity generating works	1 per employee
Entertainment facility	At Council's discretion
Environmental facility	At Council's discretion
Farm Stay Accommodation	1 per guest room
Food and drink premises	1 per 5 seats or 1 per 10m ² GFA, whichever is the greater, plus 1 per 2 employees (or 1 space per 40m ² GFA for development in the B3 Commercial Core & B4 Mixed Use Zones)
Freight transport facility	1 per employee
Function centre	1 per 5 seats or 1 per 4m ² GFA, whichever is the greater.
Funeral chapel	At Council's discretion
Funeral home	At Council's discretion
Group home	1 per 1 and 2 bedroom dwelling house 2 per 3 bedroom dwelling house
Health consulting rooms	3 per surgery, consultation or treatment room
Health services facility	3 per surgery, consultation or treatment room
Heliport	At Council's discretion
Highway service centre	1 per 5 customer seats or 1 per 10m ² GFA (whichever is the greater) plus 1 per 2 employees
Home-based child care or family day care home	1 per employee 1 per 2 child intake capacity
Home business	1 per employee not resident at the site
Home industry	1 per employee not resident at the site
Home occupation	Nil
Home occupation (sex services)	1 per person offering sex services, in addition to the number required for the residential accommodation
Hospital	1 per 4 beds plus 1 per 2 employees
Hostel	At Council's discretion
Hotel or motel accommodation	1 per unit plus 1 per 2 employees
Industry (hazardous, heavy, light, offensive & retail outlets)	1 per 80m ² GFA (minimum 2 spaces per single occupation)
Kiosk	1 per employee Any additional at Council's discretion
Landscape and garden supplies	1 per 2 employees, plus 1 per 100m ² display area
Liquid fuel depot	1 per employee plus tanker parking
Marina	At Council's discretion
Market	2.5 per stall for customers plus 1 per stall operator

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Land Use	Minimum Parking Spaces Required (GFA refers to gross floor area)
Materials recycling or recovery centre	1 per 2 employees plus 1 per 200m ² site area
Medical centre	3 per surgery, consultation room or treatment room or 1 per 25m ² GFA (whichever is the greater)
Mine	At Council's discretion
Mixed use development	As required for each land use within the development
Mortuary	At Council's discretion
Moveable dwelling	1 per 1 and 2 bedroom dwelling 2 per 3 bedroom dwelling 1 per dwelling if the dwelling is temporary and is not present on the site for more than 6 in every 12 months
Multi dwelling housing	1 car space per 1 or 2 bedroom dwelling. 2 car spaces per 3 or more bedroom dwelling. 1 designated visitor space per 1-4 dwellings. 2 designated visitor spaces per 5-8 dwellings. More than 8 dwellings - 2 designated visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.
Neighbourhood shop	1 per 20m ² GFA plus 1 per 3 employees
Office premises	1 per 40m ² GFA
Passenger transport facility	At Council's discretion
Place of public worship	1 per 5 seats or per 10m ² GFA, whichever is the greater
Pub	1 space per 3.5m ² GFA
Public administration building	1 per 40m ² GFA plus 1.5 per 100m ² public area
Recreation facility	(also include 1 space per 2 staff for all uses below) <ul style="list-style-type: none"> • Billiard room • Bowling alley • Bowling greens • Dance studio • Golf course • Gymnasium • Indoor cricket • Skating rinks • Squash courts • Swimming pool • Tennis courts <ul style="list-style-type: none"> • per table • per lane • 30 per first green plus 15 per additional green • 1 per 30m² • per hole plus 1 per 3.5m² licensed club house area • 1 per 25m² • 14 per pitch • 1 per 30m² • 3 per court • 1 per 10m² of pool area • 3 per court
Registered club	1 per 5 seats or 1 per 10m ² GFA, whichever is the greater, plus 1 per 2 employees
Residential accommodation	1 per unit plus 1 per 2 employees
Residential care facility	1 per unit plus 1 per 2 employees

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Land Use	Minimum Parking Spaces Required (GFA refers to gross floor area)
Residential flat building	1 car space per 1 or 2 bedroom dwelling. 2 car spaces per 3 or more bedroom dwelling. 2 designated visitor space per 1-4 dwellings. 3 designated visitor spaces per 5-8 dwellings. More than 8 dwellings - 3 designated visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.
Restaurant	1 per 5 seats or 1 per 10m ² GFA, whichever is the greater, plus 1 per 2 employees (or 1 space per 40m ² GFA for development in the B3 Commercial Core & B4 Mixed Use Zones)
Restricted premises	1 per 40m ² GFA
Retail premises	
(a) <3000m ² GFA	(a) 1 per 40m ² GFA
(b) >3000m ² GFA	(b) 1 per 30m ² GFA
Roadside stall	4 spaces
Rural industry	At Council's discretion
Rural supplies	1 per 40m ² GFA
Rural workers dwelling	1 per 1 and 2 bedroom dwelling 2 per 3 bedroom dwelling
Seniors housing	1 per 1 and 2 bedroom dwelling 2 per 3 bedroom dwelling
Sex services premises	1 per person offering sex services, in addition to the number required for the residential accommodation
Serviced apartment	1 per unit plus 1 per 2 employees
Service station	4 per service bay plus 1 per 200m ² site area, and 1 per 20m ² GFA of convenience store area
Shops/shopping centres	
(a) <3000m ² GFA	(a) 1 per 40m ² GFA
(b) >3000m ² GFA	(b) 1 per 30m ² GFA
Shop top housing	1 per 1 and 2 bedroom dwelling 2 per 3 bedroom dwelling
Stock and sale yard	At Council's discretion
Take away food or drink premises	1 per 5 customer seats or 1 per 10m ² GFA (whichever is the greater) plus 1 per 2 employees
Timber and building supplies	1 per 2 employees, plus 1 per 100m ² display area
Tourist and visitor accommodation	1 per unit plus 1 per 2 employees
Transport depot	1 per employee
Truck depot	1 per employee
Turf farming	1 per employee
Vehicle body repair shop	4 per service bay plus 1 per 200m ² outdoor active use area
Vehicle repair station	4 per service bay plus 1 per 200m ² outdoor active use area
Vehicle showroom	At Council's discretion
Veterinary hospital	3 per surgery

Land Use	Minimum Parking Spaces Required (GFA refers to gross floor area)
Warehouse or distribution centre	1 per 100m ² GFA
Waste management facility	At Council's discretion
Wholesale supplies	1 per 50m ² GFA

17.3 CAR PARKING CONTROLS

17.3.1 Car Parking Design

Objectives

1. To protect amenity, enhance streetscapes and provide landscaped areas that screen and shade parking and loading areas.
2. To provide convenient and safe access to parking areas, minimising disruption to traffic and maximising pedestrian safety.

Controls

- i. Access, car bay dimensions and orientation, and aisle width must comply with requirements for car parking areas contained in Austroads *Guide to Traffic Management; Part 11: Parking*.
- ii. Car parking areas are to be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops compliant with the requirements contained in the *AlburyCity Engineering Guidelines for Subdivisions and Development Standards* and the Austroads *Guide to Traffic Management; Part 11: Parking*.
- iii. Appropriate landscaping which responds to the site conditions and surrounding context, particularly the transition between public and private spaces must be provided on-site. Landscaping shall include trees that provide shade, but do not have a growth characteristic that sheds limbs or significant fruit or nuts.
- iv. Pedestrian and vehicular connections with adjacent public roads and footpaths, and other adjacent private car parking areas shall ensure integration of vehicle and pedestrian configurations and movement patterns.
- v. Car parking entrances shall be located in consultation with AlburyCity staff, to ensure the safe and efficient integration with the local road network, and shall be configured and signposted, containing adequate site lines as outlined in Austroads *Guide to Traffic Management; Part 11: Parking*.

Notation

Council reserves the right to depart from the Austroads *Guide to Traffic Management; Part 11: Parking requirements* where either the land use proposal merits and/or site circumstances warrant a departure.

Refer also to Part 10 of this DCP, which relates to Development in Residential Zones, Part 11 of this DCP, which relates to Development in Commercial Zones and Part 12 of this DCP, which relates to Development in Industrial Zones for additional provisions relating to car parking design and landscaping requirements.

A notional car park design showing car parking bay dimensions for 30°, 45°, 60° and 90° parking are illustrated in Figure 17.1.

17.3.2 Disabled Persons Parking

Objective

1. To ensure the convenient and safe provision of off-street car parking for disadvantaged persons.

Controls

- i. Disabled persons parking spaces are to be provided at the rate of 1 space (minimum) for all development/s and an additional 1 space per 33 spaces or part thereof.
- ii. The spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.
- iii. Disabled spaces shall be in accordance with the design and dimensions required by the relevant current *Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities*.
- iv. Disabled spaces should be indicated by a permanent sign as specified in *Australian Standard AS 1428.1 – (General Requirements for Access – Buildings)*.
- v. Disabled parking spaces are to be constructed in accordance with the minimum dimensions provided in *AS2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities*. This includes a clear space, which may be shared, of minimum dimension 5.4 metres long by 2.4 metres wide adjacent to every dedicated space.

17.3.3 Bicycle Racks and Motorcycle Parking Spaces

Objective

1. To allocate adequate bicycle and motorcycle standing areas.

Controls

- i. Car parks with 30 or more spaces are to provide 1 bicycle rack space for each 10 spaces.
- ii. Car parks with 30 or more spaces are to provide 1 motorcycle space per 30 car parks or part thereof.

17.3.4 Off Street Loading Facilities

Objectives

1. To ensure that convenient and safe space is provided on the site for the loading and unloading of goods.

Controls

- i. Adequate provision is to be made within the site area for loading, unloading and access area facilities.
- ii. If a building has access to a rear lane, the loading and unloading facilities are to be provided from that lane unless the lane is considered inadequate for the purpose.
- iii. The dimensions of a loading bay will depend upon the vehicles to be accommodated. The minimum dimensions should be 4 metres x 9 metres and 3.8 metres high clear of all obstructions.
- iv. Design of off-street parking facilities for commercial vehicles shall have regard to the current *Australian Standard AS 2890.2 – (Commercial Vehicle Facilities)* published 1989.
- v. Provision should be made in the design of loading bays so that delivery vehicles do not conflict with customer traffic. These areas should be in a physically defined location that is not used for other purposes such as the storage of goods and equipment.
- vi. Loading provisions will not apply to development being minor alterations to an existing building if, in the opinion of the Council, the size and shape of the land or the existing building render the provision of facilities impracticable.
- vii. All service vehicles are to enter and leave a site in a forward direction.

17.3.5 Pedestrian Movements

Objective

1. To maintain traffic flow efficiency and improve safety for both motorists and pedestrians.

Controls

- i. Pedestrian safety and permeability is to be a primary consideration in the design of car parking. Aisle designs shall include obvious surface treatments, signage and other markers to ensure motorists and pedestrians understand the likely movements of both parties within car parking areas.
- ii. Pedestrian movements should be separated from vehicular traffic as much as physically possible. Where possible pedestrian thoroughfares within the parking area should be provided. Such areas are to be suitably integrated with the landscaping proposals for the parking area.

17.3.6 Contributions in Lieu of Physical Provision of Car Parking

Objective

1. To permit the payment of monetary contributions in the Albury and Lavington CBD areas for car parking spaces not provided on a development site.

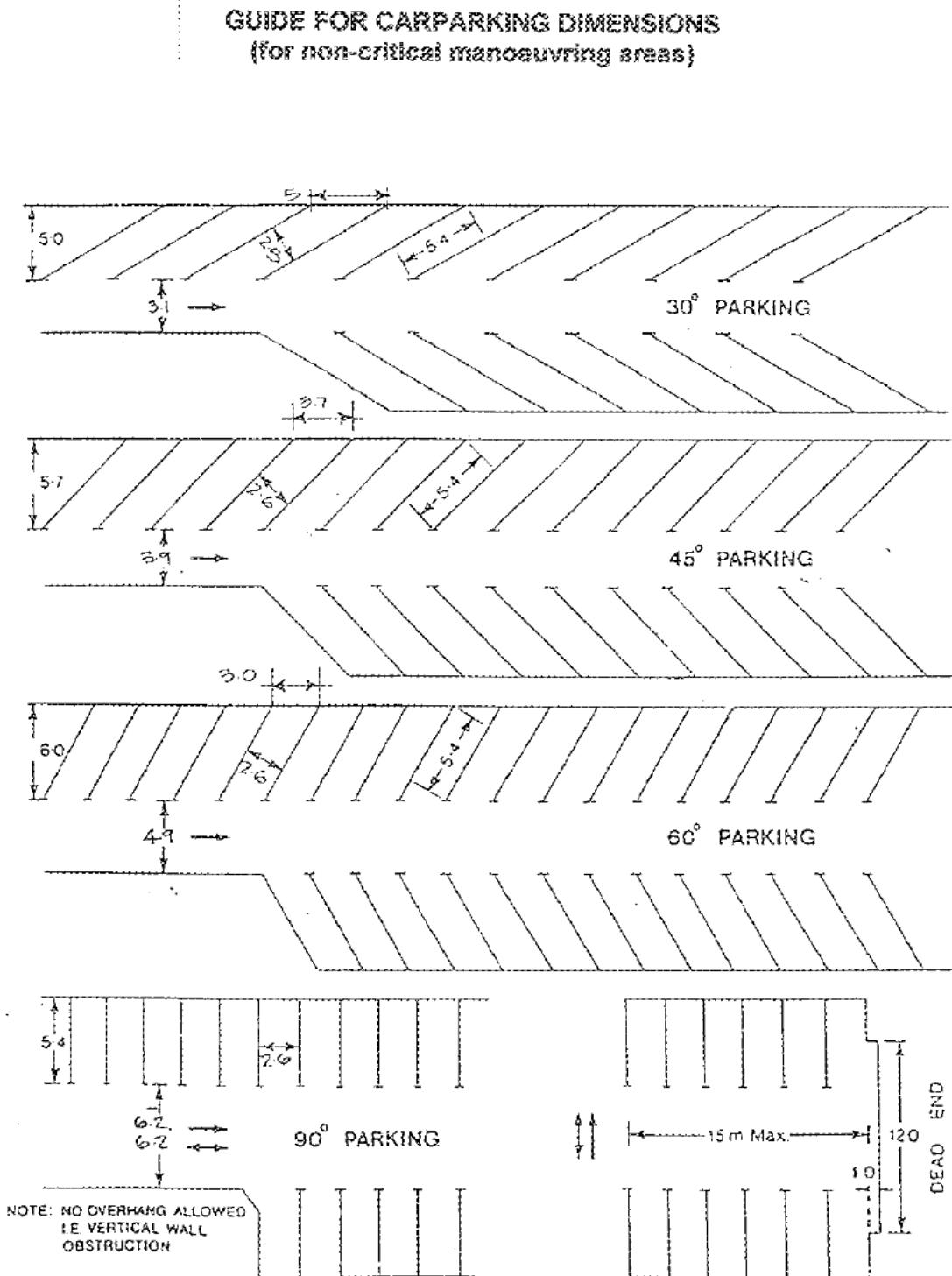
Controls

- i. In cases of development where, off street car parking does not meet the requirements of this DCP (shortfall), or where in the opinion of the Council, the provision of off-street parking is not physically possible, and where the Council has established or proposes to establish car parking facilities in the vicinity, the Council will give consideration to the acceptance of a cash contribution in satisfaction of part, or all, of the requirements under this DCP. Where the Council agrees to accept a cash contribution under these circumstances, the amount of such contribution shall be as set by the Council in its Developer Contributions Plans.

Notation

Part 4 of this DCP sets out the developer contributions and associated infrastructure requirements of Council. Subsequently car parking contributions shall be levied in accordance with the *Albury Section 94 Development Servicing Plan, 2005* (as amended).

Figure 17.1
GUIDE FOR CAR PARKING DIMENSIONS



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18 ALBURY AIRPORT

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18 ALBURY AIRPORT

18.1 INTRODUCTION

In a strategic planning context, the Albury Airport is an important regional facility not only to the residents of Albury-Wodonga, but also to the wider regional community, business sector and governments. This importance will increase further over time given the demands on transport, travel, accessibility and convenience. Therefore, the long term viability of the airport must be protected and strengthened, as surrounding land uses are developed to recognise this priority and not adversely affect the ongoing safety and operational efficiency of this facility.

The protection of the airport should have regard to both its existing and possible future operational capability, including the 24-hour scenario. In protecting future operations, consideration will also be given to technological improvements, as well as any new or modified standards that may be of relevance.

Where Council consent is required, any development located in proximity to the Albury Airport will be assessed according to the zone objectives and relevant provisions of the LEP, the *Environmental Planning and Assessment Act*, including provisions of Section 79C (see Appendix D) and any other relevant objectives and controls in this Part or any other Part of this DCP.

It is important that development complies with all relevant Parts of this DCP. Applicants should ensure that all Parts of the DCP have been checked for relevance, not just the Part that refers to the relevant zone, the predominant development category or the most obviously relevant list of controls.

18.2 BUILDING HEIGHT AND OTHER OBSTACLES

Objectives

1. To protect and strengthen the long-term future of the airport.
2. To recognise the importance of the airport in the planning for land uses and developments both within the airport area and surrounding environs.
3. To ensure the existing and future operations of the airport are protected.

Controls

- i. All buildings and structures must comply with the Obstacle Limitation Surface Map (refer to Figure 18.5 - consisting of Sheets 001-034) of this Part. The Obstacle Limitation Surface Map indicates the maximum height that buildings and other structures must not exceed to ensure the safe operation of the Albury Airport. It should be recognised that trees are also a potential obstruction and therefore controls over landscaping will also apply, where relevant.

Notation

Only those Sheets that contain Obstacle Limitation Surface Map information have been provided in Figure 18.5.

Clause 7.8 of the LEP sets out requirements for development in proximity to the Albury Airport that relates to building and landscaping height.

18.3 NOISE IMPACT

Notation

ANEF – the *Australian Noise Exposure Forecast* is a scientific measurement of the level of noise generated from airport operations. It can be used to assess the average community response to aircraft noise.

ANEC -- the *Australian Noise Exposure Concept* is the expected ANEF around an airport based on future operating levels.

For the purposes of this Section and development around the Albury Airport, the Council will refer to the current ANEF Map (refer to Figure 18.1) which demonstrates known conditions and also the ANEC Map (refer to Figure 18.2), which represents the predicted future noise conditions for the year 2011.

Objectives

1. To ensure that land uses within the vicinity of the airport and designated flight paths are not adversely affected by noise.
2. To ensure that land uses within the vicinity of the airport and designated flight paths do not place an operational limitation on the activities of the airport.

Controls

- i. Council will take into account the noise exposure standards in Table 18.1 when assessing any application in proximity to the Albury Airport.
- ii. Building types located within an ANEF Zone subject to conditional requirements must:
 - include an analysis of building noise reduction requirements by an acoustic consultant that details any necessary noise control features to be incorporated into the design of the building, and
 - incorporate suitable noise control measures as part of the building design to help mitigate any future adverse impacts (affected development(s) must consult the current *Australian Standard AS 2021 (Acoustics - Aircraft Noise Intrusion, Building, Siting and Construction)* for more details)

Table 18.1 ANEF Noise Exposure Standards

Building Type	ANEF Zone		
	Acceptable	Conditional	Unacceptable
Houses, home units, flats, caravan park	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hotels, motels, hostels	Less than 25 ANEF	20 to 30 ANEF	Greater than 30 ANEF
Schools, universities	Less than 25 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hospitals, Nursing Homes	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Public buildings	Less than 20 ANEF	20 to 30 ANEF	Greater than 30 ANEF
Commercial buildings	Less than 25 ANEF	30 to 35 ANEF	Greater than 35 ANEF
Light industrial buildings	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other	All ANEF zones		

(Source: Standards Association of Australia AS 2021-1994).

Notes:

- The actual location of the ANEF 20 contour is difficult to define due to aircraft and flight path variations
- Within the 20 to 25 ANEF, some people may find the land is not compatible with residential use. Authorities may determine that alterations to building designs are required to control noise impacts (further details are available in AS 2021-1994)

Notation

Clause 7.9 of the LEP sets out requirements for development in proximity to the Albury Airport that relates to location restrictions and acoustic measures for noise sensitive development pending ANEF contour exposure.

18.4 OTHER AIRPORT RELATED NOISE

An aircraft warm-up area is located to the south west of the Airport Terminal building and an engine testing area is located adjacent to the runway. These facilities have the ability to generate noise that may affect adjoining property.

18.4.1 Future Development in and around the Albury Airport

The Council owns and controls much of the land to the immediate south and east of the airport runway. This land is zoned IN1 General Industrial and has been designated as an industrial estate for airport compatible, but not necessarily airport related, uses.

A *Sterile Zone* is located within the Airport site on Commonwealth-owned land surrounding a doplar radar unit. Figure 18.3 shows the location of the *Sterile Zone*, which comprises a 300-metre radius around the facility.

Objectives

1. To regulate the location of development/s within hazardous areas of the Airport site.

Controls

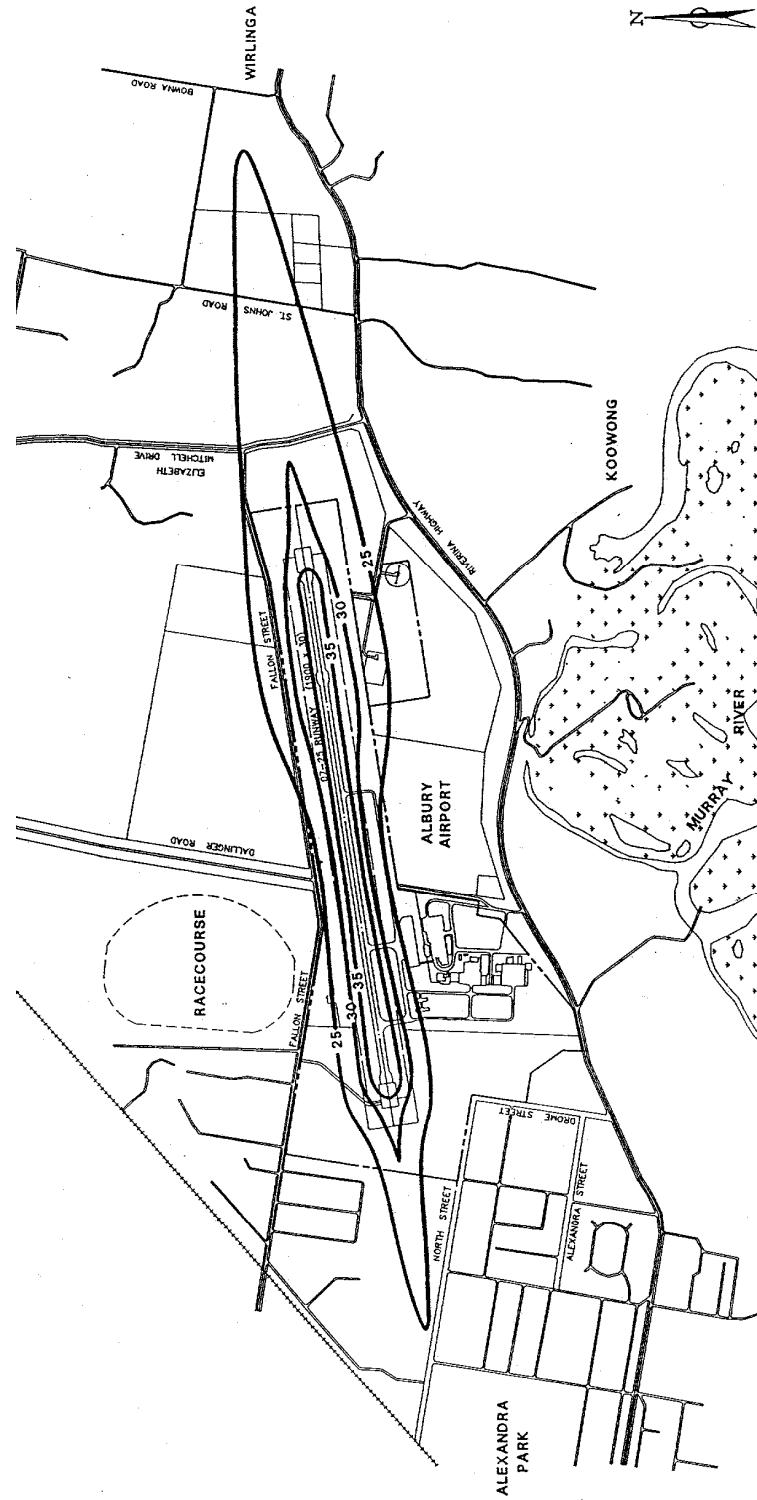
- i. When considering a development proposal on land surrounding the airport, Council may refer to the *Albury Airport Masterplan*, *Albury Airport Noise Impact Plan (1994)* and the *Albury Airport Development Strategy 2005*, or any other relevant document or plan at the time of lodgement. Copies of these documents are available at the Council offices.
- ii. No building may encroach into the Sterile Zone for Navigational Aids shown in Figure 18.3 whilst the existing doplar radar unit remains in operation.
- iii. Any adjoining land owners located within the Airport Crane Notification Area (see Figure 18.4) must notify Air Services Australia and/or the Albury Airport Operations Supervisor, at least 24 hours prior to the use of machinery or equipment (cranes or other lifting machinery, scaffolding and the like) which may potentially affect airport operations. Information to be provided should include as a minimum the location of the development, the type and intended height of the equipment to be used and the duration of the potential incursion.
- iv. No part of any structure or lifting equipment used within the site area is to protrude into the Obstacle Limitation Surface (OLS) of the Albury Airport (see Figure 18.6).

Notation

Clauses 7.8 of the LEP sets out requirements for development in proximity to the Albury Airport that outlines consideration matters that seek to protect the continued operation and development of the Albury Airport.

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Figure 18.1
YEAR 1990 ANEF MAP



1990 ANEF
DRAWING No. 6.1

**ALBURY AIRPORT
MASTER PLAN**

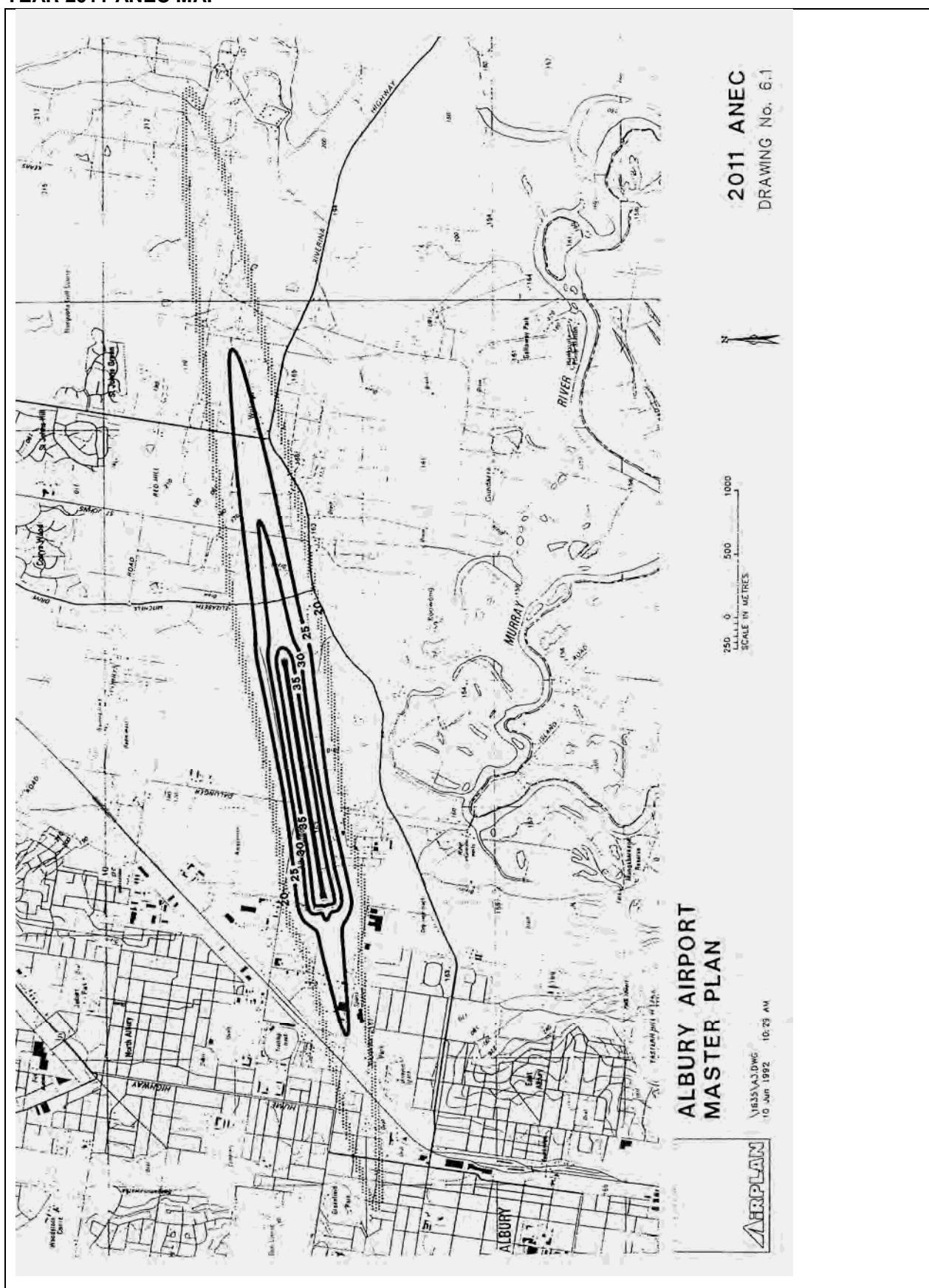
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250 0 500
SCALE IN METRES

AIRPLAN

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Figure 18.2
YEAR 2011 ANEC MAP



Albury DCP 2010

**Figure 18.3
STERILE ZONE RADAR SITE**

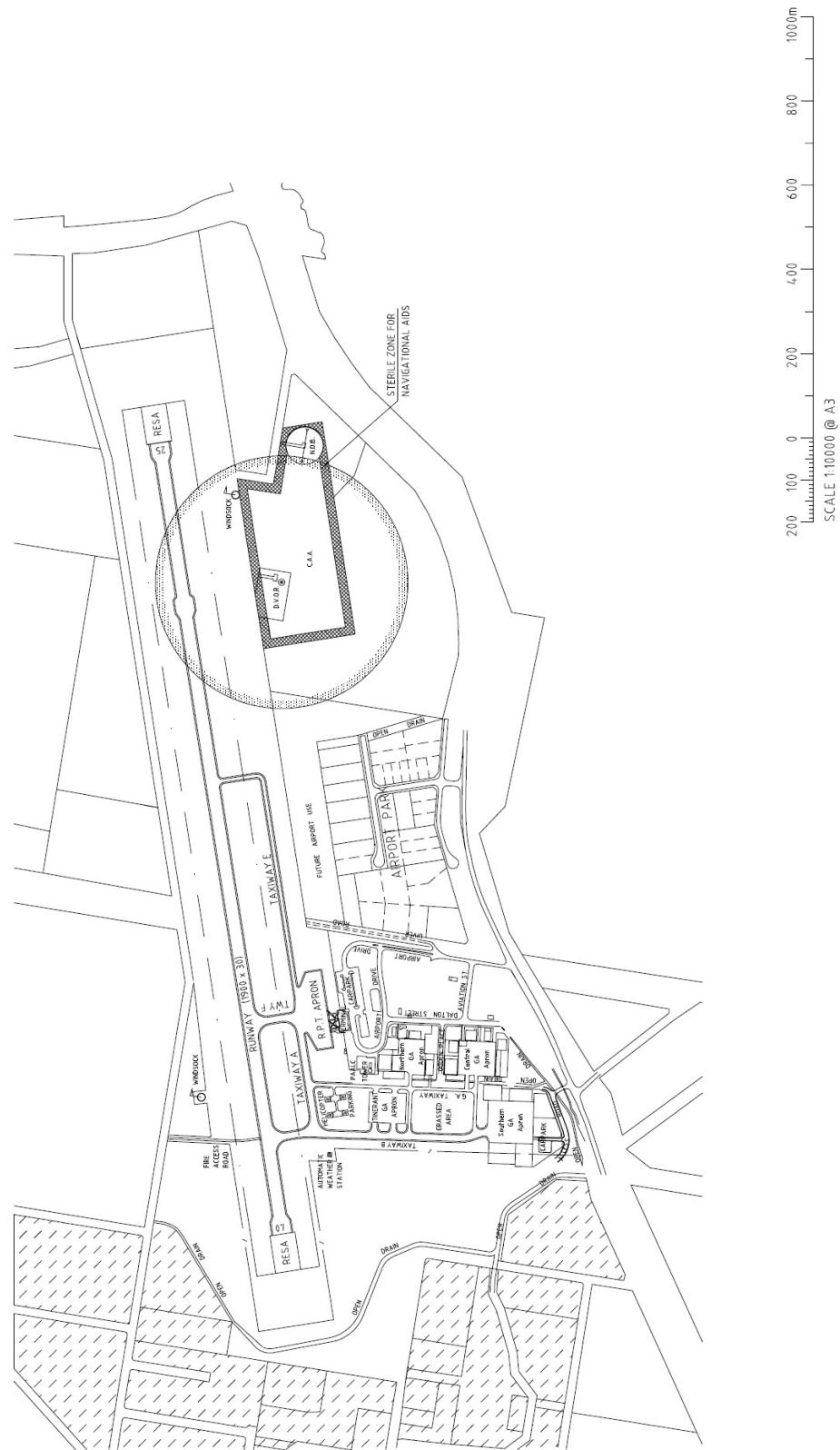


Figure 18.4
AIRPORT CRANE NOTIFICATION AREA

AIRPORT CRANE NOTIFICATION AREA



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Figure 18.5
OBSTACLE LIMITATION SURFACE MAPS

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19 URBAN RELEASE AREAS

19.1 INTRODUCTION

The purpose of this Part is to outline relevant objectives, controls and recommendations that must be addressed for land in the Thurgoona/Wirlinga Urban Release Area in the preparation and submission of Development Application(s) and other supporting documentation to enable consideration, assessment and determination by Council.

19.2 APPLICATION

This Part of the *Albury Development Control Plan 2010* (ADCP 2010) applies to land shown on the Urban Release Area (URA) Map of the *Albury Local Environmental Plan 2010* (ALEP 2010) (refer to Figure 19.1).

19.3 RELATIONSHIP WITH THE ALEP 2010

Land identified as a URA triggers compliance with Part 6 of the ALEP 2010, which seeks to ensure that development on land identified as a URA occurs in a logical and cost-effective manner. In this regard, Part 6 of the ALEP 2010 requires:

- (a) Satisfactory arrangements to be made for public infrastructure before land in an URA can be subdivided for the proposed urban purpose, and
- (b) The preparation of a development control plan for any land so identified, before consent can be granted for the development (including subdivision) of the land.

Notation:

Clause 6.3(4) of the ALEP 2010 waives the requirement to prepare a site specific development control plan for those development proposals outlined as follows:

- (a) subdivision for the purpose of a realignment of boundaries that does not create additional lots,
- (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
- (c) a subdivision of land in a zone in which the erection of structures is prohibited,
- (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

19.4 RELATIONSHIP WITH OTHER PLANS AND POLICIES

This Part should be read in conjunction with other Parts of the ADCP 2010 and relevant Council policies, particularly the Thurgoona Wirlinga Precinct Structure Plan (TWPSP).

The TWPSP sets out the strategic land use directions for future growth in Thurgoona/Wirlinga (inclusive of that land identified in ALEP 2010 as an URA – refer to Figure 19.1).

Albury DCP 2010

The TWPSP provides an urban development structure, pattern and land use designations that will facilitate a coordinated approach to land development and determine the type and location for infrastructure provision including; utilities, road networks, open space facilities, community services into the future.

Development in the URA will be guided by the TWPSP recommendations and the broad statutory framework provided by the ALEP 2010 and ADCP 2010.

An extract of the Thurogona Wirlinga Precinct Structure Plan is provided for reference purposes (refer to Figure 19.2). This figure is deemed to be the URA Development Control Plan Map applicable by which all development proposals must address and be considered against.

19.5 DEVELOPMENT CONTROL PLAN REQUIREMENTS

Part 6 of the ALEP 2010 requires the preparation of a development control plan that addresses the following specified matters:

- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
- (d) a network of passive and active recreational areas,
- (e) stormwater and water quality management controls,
- (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
- (g) detailed urban design controls for significant development sites,
- (h) measures to encourage higher density living around transport, open space and service nodes,
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.

Many of the above listed matters duplicate those objectives, controls and recommendations already contained in ADCP 2010 and other Council policies including the TWPSP.

Accordingly, compliance with Part 6 of the ALEP 2010, in particular the requirement to prepare a development control plan addressing specified matters, is deemed to be satisfied by this Part as it provides a cross-reference to relevant TWPSP recommendations and ADCP 2010 objectives/controls as outlined below.

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19.5.1 STAGING & INFRASTRUCTURE

URA DCP Requirement

- (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,

Relevant Objectives/Controls/Recommendations

General

1. Refer to recommendations set out in TWPSP, in particular, Part 12 – Sections 12.0 to 12.6 relating to Utilities and Infrastructure (including Staging).
2. All development applications for subdivision must include a staging plan, where development is intended to be released sequentially.

Where residential land use zoning applies:

3. Refer to objectives/controls set out in ADCP 2010 – Part 10 – Section 10.3.4 relating to Utilities and Infrastructure.

Where business land use zoning applies:

4. Refer to objectives/controls set out in ADCP 2010 – Part 11 – Section 11.2 relating to Broad Development Objectives and Section 11.3 relating to Subdivision in the Commercial Zones.

Exemptions

No response to objectives/controls relating to staging is required where no staging is proposed.

19.5.2 TRANSPORT

URA DCP Requirement

- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

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Relevant Objectives/Controls/Recommendations

General

1. Refer to recommendations set out in TWPSP, in particular, Part 8.0 – Section 8.1 relating to movement network and Part 11.0 – Sections 11.0 to 11.7 relating to Transportation Plan Summary.

Where residential land use zoning applies:

2. Refer to objectives/controls set out in ADCP 2010 – Part 10 – Sections 10.3.1, 10.3.2, 10.3.5 and 10.3.6 relating to residential subdivision and associated transport outputs.

Where business land use zoning applies:

3. Refer to objectives/controls set out in ADCP 2010 – Part 11 – Section 11.3 relating to Subdivision in the Commercial Zones.

Exemptions

None.

19.5.3 LANDSCAPING STRATEGY

URA DCP Requirement

- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,

Relevant Objectives/Controls/Recommendations

General

1. Refer to recommendations set out in TWPSP, in particular, Part 5 – Section 5.6 Environment and Biodiversity and Part 8.0 – Section 8.4 relating to character elements.
2. Refer to objective/controls set out in ADCP 2010 – Part 1 – Section 1.8 relating to Biodiversity Certification and Part 5 relating to Tree Preservation.
3. Refer to requirements set out in ADCP 2010 – Appendix A – Section 1.7 relating to general information requirements for Landscape Plans.

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Where residential land use zoning applies:

4. Refer to objectives/controls set out in ADCP 2010 – Part 10 relating to landscaping requirements.

Where business land use zoning applies:

5. Refer to objectives set out in ADCP 2010 – Part 11 relating to landscaping requirements.

Exemptions

None.

19.5.4 PUBLIC OPEN SPACE

URA DCP Requirement

- (d) a network of passive and active recreational areas,

Relevant Objectives/Controls/Recommendations

1. Refer to recommendations set out in TWPSP, in particular, Part 8 – Section 8.6 relating to Sports and Open Space Facilities.
2. Refer to objectives set out in ADCP 2010 – Part 10 – Section 10.3.3 relating to Residential Subdivision – Public Open Space.

Exemptions

No response to controls relating public open space is required where Council endorsed planning policy (including the TWPSP) has not designated a Local Recreational Park, Local & District Sports Ground and Informal Park on subject land.

19.5.5 STORMWATER & WATER QUALITY

URA DCP Requirement

- (e) stormwater and water quality management controls,

Requirements for Compliance – Objectives/Controls/Recommendations

General

Albury DCP 2010

1. Refer to recommendations set out in TWPSP, in particular, Part 10 – Section 10.0 relating to Integrated Water Management and Section 10.1 relating to Stormwater Treatment.

Where residential land use zoning applies:

2. Refer to objectives/controls set out in ADCP 2010 – Part 10 – Section 10.3.1 relating to Lot and Road Layout and Section 10.3.4 relating to Utilities and Infrastructure.

Where business land use zoning applies:

3. Refer to objectives/controls set out in ADCP 2010 – Part 11 – Section 11.2 relating to Broad Development Objectives and Section 11.3 relating to Subdivision in the Commercial Zones.

Exemptions

None.

19.5.6 NATURAL & ENVIRONMENTAL HAZARDS

URA DCP Requirement

(f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,

Relevant Objectives/Controls/Recommendations

1. Refer to recommendations set out in TWPSP, in particular, Part 5 – Section 5.3 relating to Bushfire Prone Land and Section 5.5 relating to Flooding , Sections 12.0 to 12.6 relating to Utilities and Infrastructure (including Staging).
2. Refer to objectives/controls set out in ADCP 2010 – Part 6 – Sections 6.1 to 6.4 relating to Planning for Hazards.

Exemptions

No response to controls relating to flooding is required where the subject land is mapped as not being flood affected on the *[cite relevant flood documentation/map title]*.

No response to controls relating to bushfire is required where the subject land is mapped as not being affected by bushfire hazard and/or associated buffers on the *Albury LGA – Bushfire Prone Land Map*.

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No exemptions apply to controls relating to contaminated land.

19.5.7 URBAN DESIGN

URA DCP Requirement

(g) detailed urban design controls for significant development sites,

Relevant Objectives/Controls/Recommendations

General

1. Refer to recommendations set out in TWPSP, in particular, Part 6 relating to Potential Land Use Conflicts and Part 8 – Sections 8.2 (Activity Centres), 8.3 (Village Centres), 8.4 (Character Elements) relating to urban design outputs.

Where residential land use zoning applies:

2. Refer to objectives/controls set out in ADCP 2010 – Part 10 – Sections 10.3 to 10.12 relating to residential development and associated urban design outputs.

Where business land use zoning applies:

3. Refer to objectives/controls set out in ADCP 2010 – Part 11 – Section 11.5 (Development in the B1 Neighbourhood Centre Zone), Section 11.6 (Development in the B2 Local Centre Zone) relating to Broad Development Objectives, Section 11.7.13 (Urban Design and Pedestrian Circulation – Albury) and Section 11.3 relating to urban design outputs.

Exemptions

No response to objectives and controls relating to the urban design outputs is required where Council endorsed planning policy (including the TWPSP) has not identified any land use designations (listed as follows) as being either contained within and/or directly adjoining the subject land:

- Activity Centres;
- Community Facilities (including schools and other educational establishments);
- Medium or high density residential housing areas; and
- Interface/transition areas between different land use designations and with existing adjoining development;
- Areas identified as requiring Interface/transition area urban design treatment for the purposes of mitigating potential land use conflict.

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19.5.8 DENSITY

URA DCP Requirement

(h) measures to accommodate higher density living around transport, open space and service nodes,

Relevant Objectives/Controls/Recommendations

Where residential land use zoning applies:

1. Refer to recommendations set out in TWPSP, in particular, Part 8 – Section 8.7 relating to Residential Typologies and Land Budget.
2. Refer to objectives/controls set out in ADCP 2010 – Part 10 – Sections 10.3 to 10.12 relating to residential development and higher urban density outputs.

Exemptions

No response to objectives and controls relating to higher urban development densities is required where Council endorsed planning policy (including the TWPSP) has not identified any land use designations (including transport, open space and/or service nodes) as being contained within and/or directly adjoining the subject land.

19.5.9 COMMERCIAL & RETAIL

URA DCP Requirement

(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,

Relevant Objectives/Controls/Recommendations

General

1. Refer to recommendations set out in TWPSP, in particular, Part 8 – Section 8.2 (Activity Centres), Section 8.3 (Village Centres), Section 8.4 (Character Elements) and Part – 9 Section 9.0 (Employment Plan and Travel to Work) relating to commercial and retail outputs.

Where residential land use zoning applies:

2. Refer to objectives set out in ADCP 2010 – Part 10 – Section 10.14 relating to Non Residential Uses in the Residential Zones.

Where business land use zoning applies:

3. Refer to objectives set out in ADCP 2010 – Part 11 – Sections 11.3 (Subdivision in Commercial Zones), 11.5 (Development in the B1 Neighbourhood Centre Zone) and 11.6 (Development in the B2 Local Centre Zone) relating to commercial and retail outputs.

Exemptions

No response to objectives and controls relating to the provision of commercial and retail uses where Council endorsed planning policy (including the TWPSP) has not identified any land use designations (including Major Neighbourhood Centre and/or Village Centre) as being contained within and/or directly adjoining the subject land.

19.5.10 PUBLIC FACILITIES & SERVICES

URA DCP Requirement

- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking,

Relevant Objectives/Controls/Recommendations

General

1. Refer to recommendations set out in TWPSP, in particular, Part 8 – Section 8.5 relating to Schools and Community Facilities.

Where residential land use zoning applies:

2. Refer to objectives/controls set out in ADCP 2010 – Part 10 – Section 10.14 relating to Non Residential Uses in the Residential Zones.

Where business land use zoning applies:

3. Refer to objectives/controls set out in ADCP 2010 – Part 11 – Sections 11.3 (Subdivision in Commercial Zones), Section 11.5 (Development in the B1 Neighbourhood Centre Zone) and Section 11.6 (Development in the B2 Local Centre Zone) relating to public facilities and services.
4. Refer to objectives/controls set out in ADCP 2010 – Part 17 relating to Off Street Car Parking.

Exemptions

No response to controls relating to the provision of public facilities and services is required where Council endorsed planning policy (including the TWPSP) has not identified any land

Albury DCP 2010

use designations (including schools and community facilities) as being contained within and/or directly adjoining the subject land.

19.6 SUPPORTING DOCUMENTATION

Additional studies, investigations and assessments (and associated scope of works) that may be required in support of a development proposal(s) is to be determined in liaison with AlburyCity prior to submitting a Development Application (pending site specific circumstances and location issues).

Consequently, submission requirements may include (but are not limited to) the following:

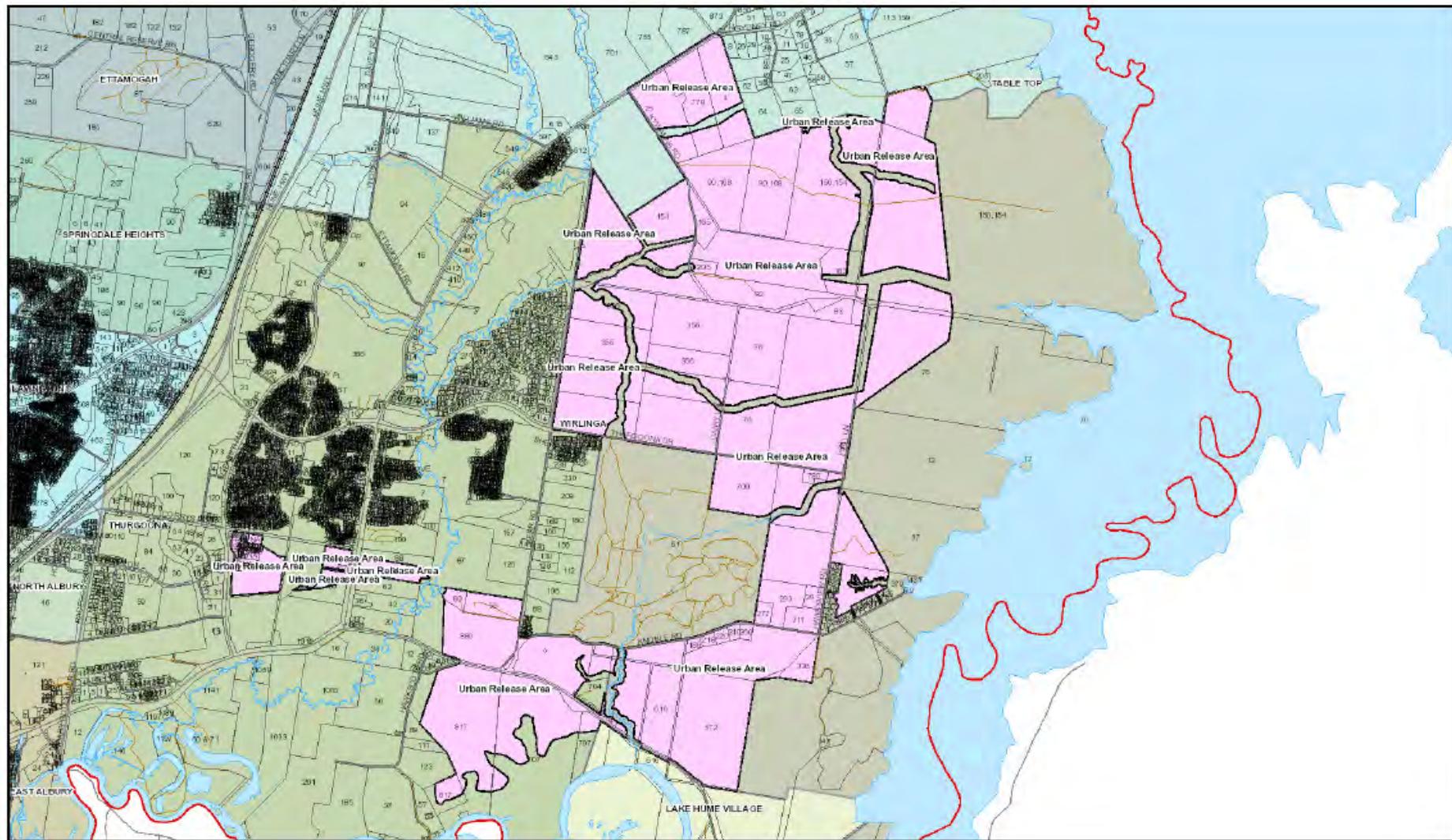
- Water & Sewer Infrastructure Provision Assessment;
- Traffic & Transport Assessment, including:
 - Traffic and Transport Study/Analysis/Investigation;
 - Traffic Impact Assessment;
 - Local Area Traffic Management Strategy;
- Local Environmental Study/Investigation/Assessment, including:
 - Biodiversity Assessment;
 - 7 Part Test (Audit/Statement of Significance);
 - Scenic/Visual Impact Assessment;
- Stormwater Drainage Study/Investigation/Strategy;
- Sediment and Erosion Control Plan;
- Natural & Environmental Hazard Assessment, including:
 - Bushfire Hazard Risk Assessment;
 - Flood Study & Hazard Risk Assessment;
 - Local Geotechnical Assessment (including salinity, acid sulphate soils, instability, land contamination and mine subsidence);]
- Urban Design Study/Investigation/Assessment;
- Social Impact Study/Investigation/Assessment;
- European & Aboriginal Cultural Heritage Study/Investigation/Assessment.

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Figure 19.1
Thurgoona/Wirlinga Urban Release Area

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Thurgoona/Wirlinga Urban Release Area



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Figure 19.1
URA DCP MAP – PRECINCT STRUCTURE PLAN

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