

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

MURRUMBIDGEE COUNCIL

DRAFT DEVELOPMENT CONTROL PLAN NO. 1

"VILLAGE"

1. INTRODUCTION

1.1. This plan is Development Control Plan No. 1 - Murrumbidgee Council approved by Council pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and Clauses 19 to 25 of the accompanying Regulations.

1.2. This plan was approved by Council on the and applies from

It may be amended by Council in the manner set out in Environmental Planning and Assessment Act Regulations, 1980.

1.3. This plan consists of this written instrument and attached Maps 1 and 2. The plan is based on analysis by Council staff and Brian Mitsch, Town and Country Planner for the Murrumbidgee Council.

1.4. This plan applies to those parts of the Villages of Coleambally, Darlington Point, and shown on Maps 1 and 2.

1.5. The environmental planning instrument applying to the Murrumbidgee Area is -

Murrumbidgee Local Environmental Plan, 1994

2. OBJECTIVES

2.1. The Village zone at Coleambally, Darlington Point, offers no guidance as to the desired location for various types of development within the Village area.

2.2. The objectives of this Development Control Plan are to improve the future amenity and environment of Coleambally and Darlington Point by -

(a) defining an area within the Village zones for future retail, commercial, residential and open-space purposes;

(b) defining an area within the Village zone for industrial development;

(c) promoting a high standard of amenity and convenience of residential development by informing the public, owners and developers of Council's requirements for

future residential subdivision; and

(d) promoting orderly development of residential land to ensure that provision of services to that land is adequate.

3. PERMISSIBLE USES

3.1. The aims and objectives of this plan represent the policy which Council will direct its efforts in pursuing objectives for each land use precinct.

3.2. To achieve the objectives, areas of the Villages of Coleambally, and Darlington Point have been set aside for specific land use activities. The respective precincts in the Villages are -

Residential 2(a)

Commercial 3

General Industrial 4(a)

Light Industrial 4(b)

Special Use 5

Public Open Space 6

Environmental Protection 7

3.3. The objectives of the respective precincts are set out below :

(a) **RESIDENTIAL PRECINCT**

The objectives of the residential precinct are -

i. to set aside land for the purposes of housing and associated facilities;

ii. to allow a variety of housing types within existing and new residential areas;

iii. to encourage greater visual amenity by requiring landscaping and permitting a greater variety of building materials and flexibility of design;

vi. to allow development for purposes other than housing within the zone only if it does not detrimentally affect the character or amenity of the locality.

All development, other than the erection of dwelling-houses, requires a development application to be submitted

to Council.

(b) **COMMERCIAL PRECINCT**

The objectives of the commercial precinct are -

- i. to encourage the development and expansion of business activity which will contribute to the economic growth and employment opportunities within the Murrumbidgee Area;
- ii. to encourage a wide range of retail, commercial and tourist facilities within the central business district;
- iii. to accommodate the establishment of retail, commercial and professional services for local residents in convenient locations within the residential neighbourhoods where that scale and type of development is compatible with the amenity of the surrounding residential areas;
- iv. to ensure there is adequate provision for car parking facilities in the vicinity of the central business district; and
- v. to minimise conflicts between pedestrians and vehicular movement systems within the central business district.

All development within the commercial precinct requires a development application to be submitted to Council.

(c) **GENERAL INDUSTRIAL PRECINCT**

The objectives of the general industrial precinct are -

- i. to encourage the establishment of industries outside of areas zoned for residential or business purposes by setting aside an area of land to be used for a broad range of general industrial purposes;
- ii. to ensure industrial development creates areas which are pleasant to work in, safe and efficient in terms of transportation, and utilisation and service distribution;
- iii. to enhance and improve the physical environment of the Murrumbidgee Area by minimising disturbances caused by air, water, noise

and other pollutants; and

iv. to allow commercial or retail development only where it relates to the use of land within the zone for industrial purposes.

All development within the general industrial precinct requires a development application to be submitted to Council.

(d) **LIGHT INDUSTRIAL PRECINCT**

The objectives of the light industrial precinct are -

- i. to encourage the establishment of light industries outside of areas zoned for residential or business purposes by setting aside an area of land to be used for a range of light industrial purposes;
- ii. to ensure light industrial development creates areas which are pleasant to work in, safe and efficient in terms of transportation, land utilisation and service distribution;
- iii. to enhance and improve the physical environment of the Shire by minimising disturbances caused by air, water, noise and other pollutants; and
- iv. to allow commercial or retail development only where it relates to the use of land within the zone for industrial purposes.

All development within the light industrial precinct requires a development application to be submitted to Council.

(e) **SPECIAL USE PRECINCT**

The objectives of the special use precinct are to identify areas -

- i. which are now owned or used for public or community purposes; and
- ii. which will be acquired by a public authority for the particular public or community purpose shown on the map.

Developments, other than those indicated on the local environmental plan, require a development application to be submitted to Council.

(f) **PUBLIC OPEN SPACE**

The objectives of the public open space precinct are -

- i. to ensure there is provision of adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environmental quality of

the Shire; and

- ii. to identify land which is now owned by the Council or which will be dedicated as condition of development consent or subdivision approval to the Council for open space or public recreation purposes.

All development, other than for the purpose of landscaping, gardening or bush fire hazard reduction work, requires a development application to be submitted to Council.

(g) **ENVIRONMENTAL PROTECTION PRECINCT**

The objectives of the environmental protection precinct are to identify and protect land which is environmentally sensitive and in particular -

- i. to protect significant wildlife habitats within the flood plains of the Murrumbidgee River;
- ii. to preserve hillsclapes and ridgelines; and
- iii. to promote the preservation, conservation and enhancement of major landscape features and indigenous fauna and flora in the Murrumbidgee Area.

All development within the environmental protection precinct requires a development application to be submitted to Council.

- 3.4. (a) Except as otherwise provided by this plan, in relation to land within a precinct specified in the Table to this clause, the purposes (if any) for which -

i.development may be carried out without development consent;

ii.development may be carried out only with development consent;

iii.development may be carried out only with consent and with severe restrictions; and

iv.development is prohibited;

are specified under the headings "Without development consent", "Only with development consent", "Restricted Development" and "Prohibited" respectively, appearing in the matter relating to the precinct.

(b)Except as otherwise provided by this plan, the Council shall not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the carrying out of the development is consistent with the objectives of the precinct within which the development is proposed to be carried out.

TABLE

PRECINCT 2(a) - RESIDENTIAL

1. WITHOUT DEVELOPMENT CONSENT

Nil

2. ONLY WITH DEVELOPMENT CONSENT

Any purpose other than a purpose included in Item 1, 3 or 4.

3. RESTRICTED DEVELOPMENT

Airline terminals; bulk stores; car repair stations; commercial premises; educational establishments; gas holders; generating works; hospitals; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; places of public worship; refreshment rooms; residential flat buildings (other than units for aged persons not exceeding 2 storeys); roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; transport terminals; warehouses.

4. PROHIBITED

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries

PRECINCT 3(a) - GENERAL BUSINESS

1. WITHOUT DEVELOPMENT CONSENT

Nil.

2. ONLY WITH DEVELOPMENT CONSENT

Any purpose other than a purpose included in Item 3 or 4.

3. RESTRICTED DEVELOPMENT

Abattoirs; dwelling houses or residential buildings (other than those used in conjunction with commercial premises or shops); gas holders; generating works; hospitals; industries (other than those referred to in Schedule 1); institutions; junk yards; liquid fuel depots; places of public worship; roadside stalls; sawmills; stables; stock and sale yards; timber yards; transport terminals.

4. PROHIBITED

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries

PRECINCT 4(a) - GENERAL INDUSTRIAL

1. WITHOUT DEVELOPMENT CONSENT

Nil.

2. ONLY WITH DEVELOPMENT CONSENT

Any purpose other than a purpose included in Item 3 or 4

3. RESTRICTED DEVELOPMENT

Amusement parks; boarding houses; commercial premises; dwelling-houses or residential buildings (other than those used in conjunction with industry and situated on land on which such industry is conducted; educational establishments; extractive industries; hospitals; hotels; institutions; motels; places of assembly; places of public worship; roadside stalls; stock and saleyards.

4. PROHIBITED

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries

PRECINCT 4(b) - LIGHT INDUSTRIAL

1. WITHOUT DEVELOPMENT CONSENT

Nil.

2. ONLY WITH DEVELOPMENT CONSENT

Any purpose other than a purpose included in Item 3 or 4

3. RESTRICTED DEVELOPMENT

Amusement parks; boarding houses; commercial premises; dwelling houses or residential buildings (other than those used in conjunction with industry and situated on land on which such industry is conducted; educational establishments; gas holders; generating works; hospitals; hotels; institutions; junk yards; liquid fuel depots; motels; places of assembly; places of public worship; roadside stalls; sawmills; shops; stock and saleyards.

4. PROHIBITED

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries

PRECINCT 5(a) - SPECIAL USES

1. WITHOUT DEVELOPMENT CONSENT

Nil.

2. ONLY WITH DEVELOPMENT CONSENT

The particular purpose indicated by black lettering on the map; drainage; roads; utility installation (other than gas holders or generating works).

3. RESTRICTED DEVELOPMENT

Any purpose other than a purpose included in Item 2 or 4.

4. PROHIBITED

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries.

PRECINCT 6(a) - OPEN SPACE (PUBLIC RECREATION)

1. WITHOUT DEVELOPMENT CONSENT

Works for the purpose of bushfire hazard reduction; gardening; landscaping.

2. ONLY WITH DEVELOPMENT CONSENT

Racecourses; recreation areas; showgrounds; utility installations (other than gas holders or generating works).

3. RESTRICTED DEVELOPMENT

Any purpose other than a purpose included in Item 1, 2, or 4

4. PROHIBITED

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries

PRECINCT 7(a) - ENVIRONMENTAL PROTECTION

1. WITHOUT CONSENT

Nil.

2. ONLY WITH DEVELOPMENT CONSENT

Dwelling houses; open space; roads; subdivision; utility installations other than gas holders or generating works.

3. RESTRICTED DEVELOPMENT

Any other purpose other than a purpose included in Item 2 or 4

4. PROHIBITED

Extractive industries; intensive livestock keeping establishments; mines; offensive and hazardous industries

4. SPECIFIC AREAS

4.1. RESIDENTIAL PRECINCTS - [Labelled 2(a)]

(a) Development of residential lots has continued at an increasing rate in the Shire, particularly in Coleambally, and this development is likely to continue during the lifespan of the Plan. To allow for orderly development and provision of services it is proposed to have a supply not greater than four years demand available for development at any time.

The Murrumbidgee Local Environmental Plan 1994 will increase the area available for residential use within the Villages of Coleambally and Darlington Point, however development of this land will be restricted to comply with the above criteria.

(b) RESIDENTIAL LOT SIZES

To preserve and improve the amenity of the Villages of Coleambally and Darlington Point the Murrumbidgee Shire Council has adopted the following standards for residential lot sizes -

The net density of a subdivision, i.e. exclusive of roads, public reserve, etc., shall not exceed fifteen (15) lots per hectare and the average lot size shall have dimensions to the order of 18 metres x 36 metres where feasible. In all cases the minimum dimensions of any lot shall be -

i. Rectangular shape :

Frontage - 16 metres

Square width - 16 metres

Depth - 30 metres

Area - 600 square metres

ii. Radial Shape :

Frontage - 12 metres

Chord width at 6 metres from street alignment
tangential to curve - 16 metres

Area - 600 square metres

iii. Battleaxe shape :

In general, these will only be permitted where the following conditions are met :

- The access corridor is a minimum of 4.5 metres wide.
- The lot has a minimum area of 700 square metres.
- Where, in the opinion of the Council, the access corridor will not constitute a nuisance to adjoining dwellings.
- The lot has a frontage to a public reserve or waterway.

iv. Re-subdivision of older blocks :

Council will consider applications for re-subdivision in the context of the Lots surrounding in the following manner -

- if the surrounding area is substantially developed in accordance with original lot sizes, which are larger than Council's current requirements the subdivision will not be approved if Council considers it to be out of character with the existing development of the surrounding area; or
- if the general pattern of lot sizes in the surrounding area is similar to that proposed and the subdivision would not prejudice the interests of other owners, then the subdivision may be approved even if it does not strictly comply with the current minimums.

(d) PUBLIC RESERVE CONTRIBUTION

Where the gross area of land being subdivided is 0.5 hectares or more, Council will require the provision of suitably located public reserve at the rate of ten percent (10%) of the gross area of the subdivision.

Council may alternatively require a cash contribution in lieu of public reserve to be calculated at five percent (5%) of the estimated sale price of the lots.

(e) CONTRIBUTION FOR HEADWORKS - WATER RETICULATION

A cash contribution based on the number of newly created lots in a subdivision will be required to be paid by the subdivider to provide adequate water supply to the Village area.

(f) CONTRIBUTION FOR HEADWORKS - SEWERAGE

A cash contribution based on the number of newly created lots in a subdivision will be required to be paid by the subdivider to provide adequate sewer service to the Village area.

(g) ROAD CONSTRUCTION

Full construction of road works to sealed standards including necessary drainage and kerbing and guttering is required to be provided for all subdivisions at the subdivider's expense.

(h) SERVICES

Water and sewerage services will be provided to all subdivided lots at full cost to the subdivider. This is in addition to headwork charges as outlined in 4.1.(6) and 4.1.(7) above. Provision for Telecom and electricity supply shall be made for all subdivided lots.

(i) RESIDENTIAL FLAT BUILDINGS

Residential flat buildings will be required to comply with standards set out in State Environmental Planning Policy No.20.

(j) FLOOD PLAIN DEVELOPMENT

The Flood Plain Development Manual published by the New South Wales Government in December, 1986, reference P.W.D. 86919 ISBN 724030115 is adopted for the purpose of development under this plan.

4.2. **COMMERCIAL PRECINCT - [LABELLED 3(a)]**

(a) OFF STREET PARKING

Council in considering development within the commercial precinct will require the provision of off-street parking in accordance with the schedule set out below -

<u>vehicles</u>	<u>Land Use</u>	<u>Required accommodation for</u>
	Dwelling house	One space
	Residential Buildings	One space per two bedrooms
one	Residential Flat	One covered car space for each
	Buildings & Dual	bedroom flat. 1.5 spaces per two
		Occupancy Buildings bedroom flat. Two spaces per three bedroom flat. Visitor parking of one space for each three units or part thereof.
of	Commercial premises Offices, Professional Chambers, Shops	One space per 37 square metres gross floor area
	Industry, Warehouse, Stores,	One space per 90 square metres of Bulk gross floor area or one space per
		Industrial Area two employees, whichever is the greater number of spaces. Visitors' parking as required
<u>vehicles</u>	<u>Land Use</u>	<u>Required accommodation for</u>
	Factory Units	One space per 50 square metres of gross floor area for each factory unit
	Bowling Alleys, Squash Courts	Three spaces per lane or court

	Licensed Hotel	One space per 3 square metres of public bar area plus one space per 6 square metres of public lounge and dining area plus one space per motel type accommodation unit plus one space per two employees
	Motel	One space per unit plus one space per two employees plus one space for every three seats if a public restaurant and/or function room is included
	Licensed Club	One space per 6 square metres of public bar, lounge and dining room
plus	Non-Licensed Hotel	One space per bedroom or suite one space per two employees
	Restaurant	One space per 6 square metres of service area or one space per 3 seats whichever is the greater
	Drive-in take-away food outlet	Thirty spaces plus one space per two employees
	Bowling Clubs	Thirty spaces per green
	Motor showrooms	Four spaces per 1000 square metres new and used car of site area plus one space per sales yard employee
	Service Station without restaurant	Six spaces
	Churches, church halls, places of public worship, public halls, stadia, theatre, places of assembly	One space per ten seats
	Reception centres	Thirty spaces plus one space for every three seats over sixty seats Mortuary, One space per five seats funeral parlours
<u>vehicles</u>	<u>Land Use</u>	<u>Required accommodation for</u>
	Hospitals, nursing and convalescent homes	One space per five beds plus one space per two employees

NOTE : In a commercial area where Council is providing or intending to provide public parking areas and/or intending to improve existing parking areas and the developer is unable to provide adequate off-street parking spaces to the above requirements, Council may accept a contribution in lieu of the deficient spaces at the rate applicable in the Schedule of Fees and Charges at the time the development application is lodged.

Where any person wishes to extend existing premises onto land used (or capable of being used) for off-street parking and the remaining vacant land available for off-street parking would not meet Council's requirements under its Code for the floor area of the existing and new extensions (as if it was all a new development proposal) then the developer shall contribute Council's current requirement for each space (or part thereof including access) removed from availability by the extension.

That where an existing development undergoes a change of use, that existing use be taken into consideration and the contribution charge to be adjusted accordingly.

4.3. **INDUSTRIAL - [LABELLED 4(a) AND 4(b) ON ATTACHED MAPS]**

(a) To avoid conflict between industrial land use and other uses Council will seek to concentrate industrial activities in the areas indicated on the Development Control Map for that purpose.

(b) PERMISSIBLE USES

Within these areas Council will not grant consent to uses other than those of an industrial, warehouse or distribution nature. Those uses considered appropriate for the industrial precinct are listed below -

bulk store; car repair stations; industry; liquid fuel depots; motor showrooms; refreshment rooms; road transport terminals; rural industries; service stations; shops and dwellings ancillary to and associated with one or more of the above uses and located on the same site.

(c) MINIMUM LOT SIZES

- | | |
|---------------------|----------------------------|
| - Rectangular | - frontage 25 metres |
| | - area 1100 m ² |
| (corner) | - frontage 25 metres |
| | (to one main road) |
| | - area 1200 m ² |
| - Irregular Blocks | - frontage 27 metres |
| (fan-shaped) | (at building line) |
| | - area 1200 m ² |
| - Battle-axe Blocks | - area 1300 m ² |
| | - side access 5.5 metres |

(d) LANDSCAPING AND TREE PRESERVATION

Where the estimated cost of industrial development exceeds \$50,000 -

- i. A landscape plan shall be submitted with the Development Application. A development application will not be accepted by

Council if the accompanying landscape plan contains insufficient detail.

ii. Landscape plans shall contain the following information :

- outline of the proposed building;
- existing trees (height and location);
- trees to be removed;
- proposed planting (quantity, species and expected mature height);
- proposed earth mounding;
- paths and paving (location and materials); and
- method of planting and the proposed maintenance program.

iii. Landscaping should be of a scale that will match the scale of the development. Landscaping should be designed to complement and enhance the development, and where applicable, screen such features as open storage areas, carparks, loading docks, garbage storage areas, etc.

iv. Landscaping to be completed in accordance with the approved plans, and a landscape bond assessed at the rate of 0.5% of the expected cost of the proposed development to be paid to Council prior to the issue of a certificate of compliance.

v. Such landscape bond will be refunded to the original applicant twelve months after the issue of the certificate of compliance providing that the landscaping has been maintained to the satisfaction of Council. Should the applicant dispose of the property within the twelve month period it shall be his responsibility to include in the contract of sale a condition granting him access to the property to maintain the landscaping or alternatively to make suitable arrangements with the purchaser to take over the responsibility for the bond for the maintenance of the landscaping.

(d) SET BACKS

A person shall not carry out development other than for the purposes of landscaping on any land within Precincts 4(a) and 4(b) -

- i. which is within 10 metres of the building alignment of any road; or
- ii. where the land is a corner allotment is within 15 metres of the alignment of the road to which the land has frontage. A secondary building line of 5 metres will apply to the second road.

(e) OPEN STORAGE

The use of unbuilt upon areas of the site for the storage of any goods or materials will not be permitted by Council unless screened from view from the road and suitably surfaced. Open storage areas will only be allowed on the side and rear portions of the site where these do not abut streets.

(f) CAR PARKING

There shall be provided within the site off-street parking in the ratio of not less than one car parking space for each two employees or one car parking space for each 50 square metres or floor area whichever is the greater.

Council requires that car parking spaces be a minimum of 5.5 x 2.6 metres with adequate turning access thereto, to be permanently marked and that car parking areas and driveways be concreted or suitably paved.

Car parking areas are to be suitably located to serve all sections of the factory and large areas shall be broken up by landscaped strips, a minimum of 2 metres wide and separated from the surfaced area by dwarf walls or kerbs.

A number of visitors' car parking spaces related to the proposed use of the site shall be provided and clearly indicated as such.

(g) ROAD WORKS

Where the development fronts onto an existing road and it is not subject to road widening, then the developer / subdivider shall be required to construct, or suitably bond where it is not considered practical to undertake the roadworks, the kerb and gutter and half width road adjacent to the entire frontage of the property.

Such roadworks to be to a standard appropriate to the industrial area, i.e. a heavy wheel loading. Such works shall not be commenced until detailed engineering plans have been submitted to and approved by Council.

Where the development fronts onto a major road, the extent of road construction overall will be limited to the equivalent of 6.5 metres of road pavement.

Where land is dedicated for road widening, in accordance with the Development Control Plan, appropriate allowance will be made for the cost of the kerb and gutter and road construction to be offset in part or in full.

Where the development proposes to open the new road, including a service road, the developer shall be responsible for full width construction of the new roads, or the lodgement of a suitable bond to cover such construction where it is not practical to construct and isolated section of road. Such new roadworks shall not be commenced until detailed engineering plans have been submitted to and approved by Council.

(h) Buildings erected in this precinct must have prior building approval. Buildings shall be of a construction not less than colourbond type finish with breaks in the run of line construction. Council expects construction to be of a high standard and prior to occupation of any individual unit the consent of Council to the specific use must be obtained.

4.4. SPECIAL USE PRECINCT

The Special Use Precinct is introduced into the Development Control Plan to identify areas that are used for public or community purposes. This precinct allows the continuation of existing public uses and to indicate to adjoining land holders the proposed use of the site.

4.5. PUBLIC OPEN SPACE

Public Open Space is introduced into the Development Control Plan to identify the needs for open space and to reserve adequate land for this purpose in localities where such land will be required.

Lack of forward planning for open space will result in added costs of acquisition when the value of land increases due to development in the vicinity thereof. Reservation of open space allows Council to make landowners aware of this requirement and to develop an integrated open space plan.

4.6. ENVIRONMENTAL PROTECTION PRECINCT

Heritage and Conservation Branch of the Department of Environment and Planning have provided a schedule of heritage items identified in the Shire of Murrumbidgee.

The Environmental Protection precinct will also serve to identify areas of natural flora and fauna within the Village Zones.

5. TREE PRESERVATION

Council has adopted the provisions of Clause 8 of the model provisions made under the Environmental Planning and Assessment Act, 1980 which provides for the making of a tree preservation order for land within the Shire.

This Clause applies to the land zoned Village within the Shire.

A person shall not on land to which this Clause applies ring bark, cut down, top, lop, remove, injure or cause wilful destruction to any tree having a height in excess of 2.5 metres except with the consent of Council.

Council shall not grant consent to an application under this clause unless it has considered the following:

- 1.The effect of the proposal on the potential for wind erosion;
- 2.The effect of the development on the landscape and scenic quality of the land;
- 3.Whether the tree or trees or other vegetation on the land ought to be preserved;
- 4.The topography of the site and adjoining land, in particular the level of the land in relation to surrounding properties.

5.1.APPLICATIONS

Application for consent must be accompanied by a plan showing:

- 1.The location of the affected trees;
- 2.The location of existing improvements on the property;
- 3.The number, position, type, height, and span of trees to

be removed;

4. The proposed method of restoration of the land including tree plantation.

6. Development for certain additional purposes

6.1 Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 1 for a purpose specified in relation to that land in that Schedule subject to such conditions (if any) as are so specified.

6.2 Subclause (1) does not affect the application to or in respect of development to which that subclause applies of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of any such development.