



New South Wales

Albury Local Environmental Plan 2000 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00086/PC)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2005 No 397

Clause 1 Albury Local Environmental Plan 2000 (Amendment No 4)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Albury Local Environmental Plan 2000 (Amendment No 4)*.

2 Aims of plan

This plan aims:

- (a) to rezone certain land to which this plan applies from the Employment Area Zone to the Living Area Zone, and
- (b) to rezone certain land to which this plan applies from the Urban Fringe Zone to the Living Area Zone, and
- (c) to rezone certain land to which this plan applies from the Environment Protection Zone to the Living Area Zone, and
- (d) to rezone certain land to which this plan applies from the Urban Fringe Zone to the Environment Protection Zone, and
- (e) to rezone certain land to which this plan applies from the Urban Fringe Zone to the Employment Area Zone, and
- (f) to rezone certain land to which this plan applies from the Environment Protection Zone to the Open Space Zone, and
- (g) to apply the provisions of clause 18 (2) and (3) of *Albury Local Environmental Plan 2000* relating to the erection of dwelling-houses and development for the purpose of medium density housing and integrated housing to certain land to which this plan applies, and
- (h) to make it clear that development carried out on certain land to which this plan applies may be complying development, and
- (i) to make further provision with respect to complying development.

3 Land to which plan applies

- (1) This plan applies:
 - (a) in relation to the aim set out in clause 2 (a)—to Lot 18, DP 10432, Lot 17, DP 10432 and Lot 1, DP 107393, and

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- (b) in relation to the aim set out in clause 2 (b)—to Part Lot 3, DP 1014892, Part Lot 2, DP 1014892 and Lot 21, DP 625950, and
 - (c) in relation to the aim set out in clause 2 (c)—to Part Lot 3, DP 1014892 and Part Lot 2, DP 1014892, and
 - (d) in relation to the aim set out in clause 2 (d)—to Lot 1, DP 1014892, and
 - (e) in relation to the aim set out in clause 2 (e)—
 - (i) to Lot 20, DP 862667, Lot 21, DP 862667, Lot 22, DP 862667, Lot 32, DP 871025, Lot 31, DP 871025, Lot 12, DP 235671, Lot 13, DP 235671, Lot 1, DP 129993, Lot Y, DP 415049, Lot 1, DP 129967, Lot 1, DP 327302, Lot A, DP 399390 and Part Lot 1, DP 655536, and
 - (ii) to the railway line and the land on which it is situated adjacent to the above-mentioned land, and
 - (f) in relation to the aim set out in clause 2 (f)—to Lots 1, 2, 3, 4, 6, 7, 8, 9 and 10, Section 112, DP 758013, Crown Reserve 620083 (excluding Lots 5, 8, Part Lot 6 and Part Lot 10, DP 1005404) and Lots 2, 3, 4, Part Lot 6 and Part Lot 10, DP 1005404,

being the land shown with distinctive colouring on Sheets 1 and 2 of the map marked “Albury Local Environmental Plan 2000 (Amendment No 4)” deposited in the office of Albury City Council.

- (2) In relation to the aims set out in clause 2 (g) and (h), this plan applies to the land as shown by black square hatching on Sheet 1 of the map marked “Albury Local Environmental Plan 2000 (Amendment No 4)” deposited in the office of the Council of the City of Albury.
- (3) Schedule 1 [6] and [10] to this plan apply to the land bordered to the north by Lot 1, DP 241503 and Part Lot 1, DP 130037, to the west by the 260 metre contour AHD, to the south by Lot 16, DP 10432 and Wagga Road/Hume Highway and to the east by the Hume Highway.
- (4) Schedule 1 [7]–[9] to this plan apply to all of the land to which the *Albury Local Environmental Plan 2000* applies.

4 Amendment of Albury Local Environmental Plan 2000

Albury Local Environmental Plan 2000 is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Definitions

Insert “(or sheets of maps)” after “amended by the maps” in the definition of *the map* in clause 5 (1).

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Albury Local Environmental Plan 2000 (Amendment No 4)—
Sheets 1 and 2

[3] Clause 18 Dwelling-houses in the Living Area Zone

Omit “and Allambie Road” from clause 18 (2).

Insert instead “, Allambie Road and Ettamogah.”

[4] Clause 18 (3)

Omit “and Allambie Road”.

Insert instead “, Allambie Road and Ettamogah”.

[5] Clause 39 What is complying development?

Insert “but not including the Ettamogah area,” after “(shown on the map by black square hatching),” in clause 39 (3) (i).

[6] Clause 39 (6) and (7)

Insert before the Table to clause 39:

- (6) A reference in the Table to this clause to the Ettamogah Rural Residential Estate is a reference to the land bordered to the north by Lot 1, DP 241503 and Part Lot 1, DP 130037, to the west by the 260 metre contour AHD, to the south by Lot 16, DP 10432 and Wagga Road/Hume Highway and to the east by the Hume Highway.
- (7) A reference in the Table to this clause to *Albury Development Control Plan 2000* is a reference to that plan as in force on the commencement of *Albury Local Environmental Plan 2000 (Amendment No 4)*.

[7] Clause 39, Table

Omit the matter relating to Streetscape from the second column of the matter relating to Detached dwelling-house on allotments over 1500 square metres.

Insert instead:

Streetscape/building siting

- Complies with:
 - (a) the minimum street setbacks and building envelopes provided in Schedule 4, or
 - (b) any setback required by a building envelope for the site specified by the *Albury Development Control Plan 2000*, or
 - (c) if it is a dwelling in the Ettamogah Rural Residential Estate, a setback of at least 70 metres from the Hume Highway carriageway, or
 - (d) a setback of at least 25 metres from Lot 21, DP 625950 being the property known as “Muniong”,
whichever is or provides the greater setback
- In the case of a two storey dwelling-house, despite the requirements of Schedule 4, the side setbacks comply with:
 - (a) buildings being at least 2 metres from the side boundary, or
 - (b) any setback required by a building envelope for the site specified by the *Albury Development Control Plan 2000*, or
 - (c) a setback of at least 25 metres from Lot 21, DP 625950 being the property known as “Muniong”,
whichever is or provides the greater setback
- Any dwelling-house facing a public street has a front door and:
 - (a) a window to a habitable room facing the street, or
 - (b) a window or windows totalling at least 1.5 square metres facing the street
- Any carport or garage facing a public street has a width of not more than 7 metres or 50% of the frontage, whichever is the lesser
- A minimum of one sealed, uncovered car parking space, of minimum dimensions 2.5 metres × 5.0 metres, is provided on-site, behind the required building setback

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Schedule 1 Amendments

Building design

- All ancillary buildings are to be located behind the front building line of the dwelling-house in the Ettamogah Rural Residential Estate
- The total area of detached ancillary buildings is to be not more than 80 square metres in the Ettamogah Rural Residential Estate
- Fencing in the Ettamogah Rural Residential Estate:
 - (a) in the case of boundary fencing—is to be of post and wire construction, and
 - (b) in the case of internal fencing—is to be of impervious fencing material such as brick or timber palings and only used to contain an area of not more than 40 square metres,but metal fences (including colorbond) are not permitted in any circumstances

[8] Clause 39, Table

Insert “or achieves at least a 3½ star rating under the *House Energy Rating Scheme* (NatHERS)” after “energy in a building” in the matter under the heading “Energy efficiency” in the second column of the matter relating to Detached dwelling-house on allotments over 1500 square metres.

[9] Clause 39, Table

Omit the matter relating to Bulk and scale from the second column of the matter relating to Detached dwelling-house on allotments over 1500 square metres.

Insert instead:

Bulk and scale

- The ground floor level of the structure at any point is not more than 1 metre above natural ground level
- The distance between the floor level and the underside of the eaves is not more than 2.7 metres for a single storey house and not more than 5.5 metres for a two storey house
- The distance between the floor level and the underside of the eaves is not more than 2.7 metres for a single storey house and not more than 5.0 metres for a two storey house in the Ettamogah Rural Residential Estate
- The roof pitch is not more than 30 degrees and any openings are flush with the roof

[10] Clause 39, Table

Insert before the matter relating to Spas and swimming pools:

Detached dwelling-house on allotments over 4000 square metres in the Ettamogah Rural Residential Estate

Any of the following development on allotments over 4000 square metres in the Ettamogah Rural Residential Estate:

- (a) the erection of a detached dwelling-house,
- (b) alterations and additions to a detached dwelling-house,
- (c) development (including single storey garages) ancillary to or incidental to a detached dwelling house

General requirements

- One dwelling-house per allotment
- In the Living Area Zone only

Building siting

- Front setback complies with:
 - (a) buildings being setback at least 10 metres from the front boundary of the property, or
 - (b) any setback required by a building envelope for the site specified by the *Albury Development Control Plan 2000*,
whichever is the greater setback
- Side setback complies with:
 - (a) buildings being set back at least 5 metres from side boundaries, or
 - (b) any setback required by a building envelope for the site specified by the *Albury Development Control Plan 2000*,
whichever is the greater setback

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Schedule 1 Amendments

- Rear setback complies with:
 - (a) buildings being setback at least 10 metres from rear property boundary, or
 - (b) any setback required by a building envelope for the site specified by the *Albury Development Control Plan 2000*, or
 - (c) no building being permitted above the 240 metre AHD contour, or
 - (d) no building being permitted within the Fire Protection Zone, or
 - (e) dwellings being erected no closer than 70 metres to the Hume Highway carriageway, or
 - (f) buildings being erected not closer than 25 metres to Lot 21, DP 625950 being the property known as "Muniong",whichever is the greater setback or building restriction
- No building being erected at a place where slope exceeds 20 degrees

Bulk and scale

- The ground floor level of the structure at any point is not more than 1 metre above natural ground level
- The distance between the floor level and the underside of the eaves is not more than 2.7 metres for a single storey house and not more than 5.0 metres for a two storey house

Building design

- All ancillary buildings are to be located behind the front building line of the dwelling-house
- The total area of detached ancillary buildings is not more than 80 square metres
- Fencing:
 - (a) in the case of boundary fencing—is to be of post and wire construction, and
 - (b) in the case of internal fencing—is to be of impervious fencing material such as brick or timber palings and only used to contain an area of not more than 40 square metres,
but metal fences (including colorbond) are not permitted in any circumstances

Energy efficiency

- The dwelling-house complies with the *Victoria Additions: Vic 1—Energy Efficiency*, to the *Building Code of Australia*, in respect of the use of energy in a building or achieves at least a 3 star rating under the *House Energy Rating Scheme* (NatHERS)

Open space and landscaping

- Tree and shrub species are planted along side and rear boundaries achieving a minimum height of not less than 3 metres at maturity
- Tree and shrub species are planted to screen outdoor living areas, impervious fences and ancillary buildings from public view