

SECTION 9 – LOCAL CENTRE DEVELOPMENT

Overview

This Section contains the following sub-sections:-

9.1 - Built Form

9.2 – Urban Landscape

9.1 BUILT FORM

9.1.1 Building Design

Objectives

- a) To provide for the integration of new development into local centres.
- b) To ensure the design of buildings complements and enhances existing local centres.
- c) To maintain the heritage character/ value and streetscape of the business centre of Muswellbrook.

Controls

- (i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area)
- (ii) Building design should relate to its retail/commercial/office function.
- (iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.
- (iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres
- (v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.
- (vi) Buildings should provide for ‘activated street frontages’ by incorporating active uses at street level including cafes and other retail activities.
- (vii) Blank building facades to streets or public places are to be avoided.
- (viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.
- (ix) Building designs should allow for passive surveillance of public places and streets.
- (x) Building entrances should be well defined and well lit.
- (xi) New residential development shall be located above street level.
- (xii) Incorporate areas for future signage into the building design.

- (xiii) Shop top housing and serviced apartment development complies with relevant provisions within the Residential Flat Design Code published by the Department of Planning.

9.1.2 Building Height

Objectives

- a) To ensure the height and scale of buildings is consistent with the character of the streetscape.
- b) To maintain solar access to public places and adjoining properties.

Controls

- (i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.
- (ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.
- (iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.

9.1.3 Setbacks

Objectives

- a) To provide setbacks that complement the streetscape.
- b) To ensure the siting of buildings provides for adequate separation between buildings for the amenity of the development and adjoining properties.

Controls

- (i) The front of buildings should be aligned to provide a continuous street frontage.
- (ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.
- (iii) New development should respect the setbacks of other buildings along the streetscape.
- (iv) Separation fencing is provided between development land and any rail corridor.
- (v) Development adjacent to rail corridors identified in clause 31 of the LEP will require an acoustic report to be submitted to Council to address and indicate measures to mitigate potential impacts from noise and vibration. Relevant publications available from "Railcorp" for consideration are:-

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- *Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning*
- *Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process*
- *Guidelines for applicants - consideration of rail noise and vibration in the planning process*

9.1.4 Accessibility

Objectives

- a) To ensure that equitable access is provided to new commercial buildings and existing buildings undergoing a change of use or alterations and additions.
- b) To ensure that developments comply with the provisions of the Disability Discrimination Act 1992.

Controls

- (i) New buildings or buildings undergoing alterations and additions or a change of use are required to provide equitable provision of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS 1428.1.
- (ii) Continuous accessible paths of travel shall be provided:
 - from parking spaces, public streets and walkways to building entrance(s);
 - between buildings, facilities and spaces that are on the same site;
 - to connect the building entrance(s) with all spaces and facilities within the building; and
 - to minimise travel distance between each accessible element of the building and of facilities within it.
- (iii) For the purposes of subsection 9.1.4(ii), access shall be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.
- (iv) Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation. Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:
 - Whether there is a benefit or a detriment to any person concerned;
 - How it affects the disability of the person concerned; and
 - The financial cost.

And considering the following circumstances:

- technical limits;
- topographical restrictions;
- safety, design and construction issues; and
- does not rely on the 'public domain' to solve access issues within the site.

9.2 URBAN LANDSCAPE

9.2.1 Landscaping

Objectives

- a) To enhance the character of the town centre.
- b) To provide landscaping which enhances the amenity of a development by allowing for adequate open space, sunlight and shade.

Controls

- (i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.
- (ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area.
- (iii) Landscaping should be used to soften the impact of hard surfaces where necessary.
- (iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application.

9.2.2 Car Parking

Objectives

- a) To ensure the safe and efficient movement of pedestrians and vehicles through the town centre.
- b) To ensure that developments provide simple, safe and direct vehicular access.
- c) To provide sufficient and convenient parking for employees and visitors.

Controls

- (i) Car parking and loading facilities is to be provided in accordance with the parking rates prescribed by Section 17 – Car Parking.
- (ii) The provision of parking spaces for people with disabilities is to be in accordance with AS 1428.1.
- (iii) All vehicles should be able to enter and exit a site in a forward direction.
- (iv) Car parking should be screened from residential areas.
- (v) Vehicular access to properties fronting the New England Highway should be from laneways or shared driveways.
- (vi) Parking areas shall be sealed in accordance with Section 16.4.6 Construction Materials.

9.2.3 Outdoor Eating Areas

Objectives

Muswellbrook Shire Development Control Plan
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Local Centre Development

- a) To enhance the character of the town centre.
- b) To provide lively and active streetscapes without compromising the safe and efficient movement of pedestrians.

Controls

- (i) Any outdoor eating areas should be located directly adjacent to cafes or restaurants.
- (ii) A clear space is required to be provided on the footpath to allow free flow of pedestrian traffic.
- (iii) Outdoor eating areas are required to comply with section 19 of this DCP.

9.2.4 Signage and Advertising

Objectives

- a) To ensure signage is compatible with the scale of surrounding buildings and the locality.
- b) To maximise the effectiveness of advertising whilst minimising visual clutter through the proliferation of signs.
- c) To ensure signage complements the character and amenity of the locality and the development on which advertisements are displayed.

Controls

- (i) Proposed signage to be in accordance with Section 15 – Outdoor Advertising.
- (ii) Signage should be compatible with the scale and character of development in the area and the number and size of signs should be limited to avoid clutter and unnecessary repetition.
- (iii) Signage should form an integrated part of the building façade, architectural design and scale of the building.
- (iv) No signage is permitted on a building wall abutting or facing a residential area.

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