



DEVELOPMENT CONTROL PLAN 2001

THE OBERON COUNCIL DEVELOPMENT CONTROL PLAN 2001

Adopted by Oberon Council
January and February 2002
Prepared by the Planning Policy Committee and the
Development and Environmental Services Department

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“GENERAL”

1. INTRODUCTION

Oberon is in an unusual location in New South Wales and is known as much for its valuable natural environment as for its lifestyle and sub-alpine climate characteristics.

In order to manage the rapid growth of the town and encourage economic development of the area, the Council has prepared a planning package that will guide development through the new millennium.

The Oberon Local Environmental Plan, 1998 gazetted on 13th March 1998, provides the statutory framework and determines development opportunities to maintain the balance between human made and natural systems. Such a balance is essential if the area is to continue to offer its rare qualities.

To complement the Local Environmental Plan, Council has prepared a package of design controls and guidelines that are intended to assist in the achievement of the aims and objectives adopted by Council with regard to the Local Environmental Plan. The Development Control Plan 2001 provides detailed guidance for the development and redevelopment of land within the Council area.

Development Control Plan 2001 was compiled following a review and consolidation of The Oberon Council's existing Development Control Plans.

2. CITATION

This plan may be cited as the "Oberon Development Control Plan 2001." It constitutes a Development Control Plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979 and shall apply to land within the Oberon Council area.

3. COMMENCEMENT DATE

This plan shall be effective from 15 January 2001 being the date on which it was formally adopted by Council.

4. APPLICATION

This plan shall apply, from the commencement date, to all development consents relating to, or affected by, the matters contained in the following parts of the plan:

Part A Rural Development 1(a)

Part B Subdivision

Part C Residential Development

Part D Commercial & Industrial Development

Part E Advertising

Part F Vehicle Circulation and Parking

Part G Tourism

Part H Notification - Development Control

Part I Rural Development

Part J Titania Park Heights Estate

Part K Riverdale and Llambeda

Part L Cunynghame Park Estate

Part M Complying Development

Part N Exempt Development

Part O Wind Power Generation 2005

Part P Cunynghame Park Estate 2

5. RELATIONSHIP

This plan shall apply to all land within the Oberon Council Area.

In the event of any inconsistency between this Development Control Plan and Council policies, or Development Control Plans made prior to adoption of this document, this Development Control Plan shall prevail. However, interpretation of this plan may be defined more specifically in future Development Control Plans relating to specific areas.

6. OBJECTIVES

The general objectives of this plan are:

To provide development controls and guidelines which will assist in achieving the objectives of the Oberon Local Environmental Plan, 1998.

To provide development controls and guidelines that are flexible, in order to promote innovative and imaginative building and development that will relate well to its surroundings both man made and natural.

To promote and encourage a high quality of design and amenity for all developments in the area.

To provide for and require well considered development that is environmentally and economically sustainable.

7. PREFERRED LAND USE CATEGORIES

Council proposes that the Villages of Oberon and Black Springs be divided into six preferred land use categories for the purpose of this plan. They are:

Oberon Residential
Residential (Black Springs)
Commercial
Industrial
Special Uses
Open Space.

It is envisaged that proposed Part P of this Plan will detail the preferred land use categories within the Villages of Oberon and Black Springs. Until Part P is drafted and ultimately adopted by Council, all applications within the Village zone must be compatible with adjoining land uses and conserve and enhance the amenity of the Village. All applications will be considered on their merits.

PART A - “RURAL DEVELOPMENT”- Rural 1(a) Zone.

A.1 INTRODUCTION

A.1.1 Citation

This Plan may be cited as the Oberon Development Control Plan 2001– Part A “Rural Development 1(a) Zone”,

A.1.2 Purpose

The purposes of this Development Control Plan are:-

- a) To provide more details about rural development issues than are contained in the Oberon Local Environmental Plan 1998, and to provide guidelines on the way in which the objectives of the LEP can be achieved.
- b) To assist people who intend to make development applications or applications for subdivisions and construction certification under the Environmental Planning and Assessment Act, by advising them about the sorts of issues Council is required to consider.
- c) To recognise that land and its likely development will vary in different parts of the Shire, and to ensure that Council has the flexibility to adapt policies to the circumstances.
- d) To enable policies on local development issues to be modified locally, as required from time to time.

A.1.3 Application of Development Control Plan (DCP)

The applicant will need to take this DCP into consideration when designing the proposed development. Council will take this DCP in to consideration when it deals with development applications in the 1(a) zone.

Proposals that are consistent with this DCP are more likely to be quickly and favourably determined. However, Council recognises that a policy cannot apply equally in every situation. Therefore, a proposal that does not comply with the policy will be considered and may be approved by Council, depending on the circumstances.

A.1.4 Development Applications

All applications for development consent should be made on the appropriate form available from the Council offices and should be accompanied by the prescribed fee, and three (3) copies of a site plan and building / development plan, a statement of Environmental effects and a clear concise description of the proposed development.

The plans should indicate, where applicable:-

- a) The location of the property, boundary dimensions and site area;
- b) The location of existing vegetation and trees on the land;
- c) The location and uses of all existing buildings on the land;
- d) The location and uses of buildings on sites adjoining the land;

- e) The location of proposed new buildings or works in relation to boundaries of the land;
- f) Sketch plans of any proposed new dwellings indicating floor layouts and proposed external finishes and heights;
- g) Proposed vehicular access points; and
- h) Proposed methods of draining the land.

The Development Department staff are available to assist people who need to make an application, and to advise on the sort of supporting information that may be needed. It is strongly recommended that Council be contacted before design work is finalised and applications are prepared and lodged.

A.1.5 Amendment of DCP

This DCP may be amended from time to time, following advertisement of proposed amendments and consideration of any submissions. Amendments will, however, need to be consistent with the objectives of the LEP and the objectives of the 1(a) zone.

A.2 RURAL DEVELOPMENT GENERALLY

A.2.1 General Policy

Council is concerned to ensure that development in the rural zones is carried out in a way that protects and promotes agricultural activities. To this end, the following general policies apply:—

- a) Non agricultural development, including dwellings, should be located on land that is not prime crop and pasture land, unless there are no alternative suitable sites.
- b) Non agricultural development, particularly dwellings, should be sited and carried out so that it is unlikely to inhibit or give rise to complaints about normal farming and forestry practices (eg pine harvesting, crop and weed spraying, separation from noxious odours etc).
- c) Non agricultural development should be carried out in a way that minimises any adverse effects on adjoining land – particularly by way of:-
 - i) Land degradation.
 - ii) Alteration of drainage patterns.
 - iii) Pollution of ground water.
 - iv) Spread of noxious plants and animals.
 - v) Increased fire hazard.
- d) Development which assists the process of farm build-up and the strengthening of the family farm unit, including development which enables revenue to be raised for farm build up, is encouraged.
- e) Non agricultural development should be located and carried out in a manner that minimises the likelihood of added costs to ratepayers of the Shire as a result of the development.
- f) Sustainable development that generates employment in the Shire is encouraged.

A.2.2 Basic Information Requirements

For Council to appropriately assess an application in the rural zones certain basic information need to be provided. Applicants should ensure that the following information has been provided.

- a) Completed development application form including signatures of the land owner;
- b) Three copies of completed plans;
- c) Any additional information that may assist Council in determination of the application;
- d) A simple clear and concise statement clarifying what the application is for. *"Eg. My application is for a subdivision to excise two lots for dwellings from the original holding. The two excised lots will be 3 hectares each and the remainder of the original holding will be consolidated for continued agricultural use as a grazing property. The work involved in the development consists of construction of a 500 metre access road, construction of front boundary accesses, cattle grids, gates, provision of rural dams on the two excised lots and rural boundary fences."*

Applicants are required to pay a fee prior to lodging a development application. The schedule of fees is attached to the Council management plan. It is in the applicant's interest to provide as much information as is available to support the application. It is strongly recommended that the Development Department be consulted regarding the need for additional supporting information. Applications with all the necessary details are more likely to be quickly processed.

A.2.3 Application for Buildings

Applicants may be required to lodge a development application and consult the Development prior to commencement of building construction. Information packages are available for different types of proposed building works and should be requested from the Development Department. Reference should be made to the Council Exempt and Complying development control plans as the building may have the option of not obtaining Council consent.

A.2.4 Applications for Subdivision

Applicants are advised to consult the Development Department staff prior to finalising the design of their rural land subdivision. Information packages are available for proposed subdivision applications from the Development Department, reference should be made to the Oberon Local Environmental Plan 1998.

A.2.5 Applications for On-site Effluent Disposal

Specific on-site investigations are required for on-site effluent disposal and Council will accept and approve designs that comply with either AS1547 – 1994 or AS 1547 – 2000. It should be noted that absorption trenches in accordance with AS1547 – 1994 are the most popular satisfactory system for most of the rural areas in the Oberon area. There are inherent problems with aerated treatment system that discharge treated effluent to the ground surface in areas above 900 metres AHD due to snowfalls, unfavourable winter water balance, very cold winters and on-going maintenance problems. The disposal sites should be chosen with appropriate consideration given to:

- i) Proximity to property boundaries;
- ii) Steep slope gradients;
- iii) Proximity to water courses;
- iv) Seepage;
- v) Soil suitability (depth, permeability etc.)
- vi) Consideration of the altitude in relation to snowfalls;
- vii) Location of the dwelling

Effluent disposal is generally by way of an approved sub-surface on-site disposal system using a septic tank and an absorption trench for which an adequate water supply is essential. Written application must be made to Council for permission to install a septic tank system and standard forms are available for this purpose. Applications will be assessed and determined by Council's Environmental Health and Building Surveyors.

A.2.6 Specific Aspects

a) Prime Crop and Pasture Land

In considering whether development (ie dwelling and subdivision) would fragment or otherwise affect prime crop and pasture land, the Council will have regard to the definition in the Oberon LEP 1998.

b) Concentration of Non Agricultural Use

In considering a development application involving a concentration of non-agricultural uses (Eg. more than three dwellings) or which has the effect of creating such a concentration through a series of individual developments (including previous approvals and existing development), the Council will have regard to whether the concentration is likely to have the effect of:-

- i) Inhibiting or restricting farming or forestry practices in the area by way of increased complaints, land management problems or otherwise, and
- ii) Increasing demands for the Council to spend ratepayer's money providing services to the land.

c) Dwellings

In addition to policies and guidelines elsewhere in this DCP relating to dwellings in the rural zones, the designer must consider and Council will have regard to the following considerations where relevant:-

- i) Whether adequate water supply is available.
- ii) Whether adequate arrangements are proposed for disposal of domestic waste and garbage.
- iii) Whether adequate access is available, including the location of access points to public roads in a safe position.
- iv) Whether the land is liable to slip or is otherwise potentially unstable.

d) Land Degradation

Although applicants are encouraged to seek the advice of the Department of Land and Water Conservation in preparing proposals likely to alter landform, vegetation or drainage patterns, this section provides some basic design principles to ensure that developments are designed to minimise the potential for land degradation.

In general, developments should have regard to the following principles:

- i) Try as much as possible to use natural features in any development. In particular, for subdivisions, lot boundaries should be located with regard to the topography and site conditions. This will eliminate the need for large areas of clearing, stripping or excavation.
- ii) Developments should be phased so that the area exposed at any one time is confined to an area of workable size.
- iii) Where areas to be worked are to be stripped of topsoil it should be stockpiled for respreading after final landscaping has taken place to help in the revegetation of the area.
- iv) Drainage works should be planned and installed as one of the first steps in development. These should be designed to divert surface runoff around disturbed

areas to minimise the potential for erosion and not adversely impact adjoining premises.

- v) Sediment and erosion control structures such as sediment or retarding basins, perimeter banks etc may be necessary on larger projects to prevent possible land degradation. Where necessary, these structures should be installed before any land disturbance takes place.
- vi) All sediment and erosion control structures should be revegetated or mulched as soon as they are built to prevent erosion of the structures. Similarly, all disturbed areas should be revegetated within thirty days of final landscaping.

e) Siting of Water Tanks

Water tanks should generally be sited away from visually prominent areas. However, where this is not practical, the water tank should be suitably screened by appropriately planted tree screens, or appropriately coloured to blend into the surrounding landscape.

f) Buffer Distances

In order to minimise land use conflicts and avoid undue interference with the living amenity of residents, residential development shall be located so as to ensure the following minimum buffer areas around intensive agriculture establishments, the Oberon Industrial area, quarries, sewerage treatment plants and the other existing land uses with a nuisance potential:

Existing Major Industry	750 metres (from boundaries of site)
Extractive Industry (as defined in Standard LEP)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area. Council may consider less stringent conditions based on partial use and/or annual production volume having regard for public benefit)
Intensive Livestock Agriculture (as defined in Standard LEP – see below*)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area)
Intensive Plant Agriculture (as defined in Standard LEP – see below **)	150 metres (from footprint of operations) unless a tree buffer has been approved.
Garbage Tips	500 metres (from footprint of operations)
Inert Landfill	250 metres (from boundaries of site)
Animal Dips	200 metres (from actual dip site)
Sewerage Treatment Plant	400 metres (from boundaries of site)
Albion Street and proposed Western bypass	50 metres

* Intensive Livestock Agriculture – means the keeping or breeding of livestock, poultry or other birds that are fed wholly or substantially on sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but excludes operation of facilities for drought or similar emergency relief.

** Intensive Plant Agriculture means:

- the cultivation of irrigated crops (excluding irrigated pasture and fodder crops),
- horticulture, or
- turf farming

for commercial purposes.

A.3 HAZARDS

A.3.1 Flooding

Where development of a type that is susceptible to damage by floodwaters, or involves a risk to life in the event of a flood, is proposed on land that is liable to flooding according to information available to the designer, Council or the owner:-

The designer must consider and Council will have regard to:-

- a) Whether it is feasible to alter the location of the proposal to minimise the risk.
- b) Whether it is feasible to require the elevation of floors one metre above known 1:100 year flood levels.
- c) Whether evacuation or refuge is possible in the event of a flood.
- d) Whether the proposal is likely to alter floodwater patterns in a way that increases risks to other land or buildings.

A.3.2 Bush Fire

The whole of the Rural 1(a) zone in Oberon Shire is susceptible and or liable to bush fires and grass fires, the Council will have regard to:-

- a) Whether it is feasible to require a perimeter road or fire radiation zone.
- b) Whether evacuation or on-site refuge measures are feasible.
- c) Whether any buildings are sited so as to minimise fire risk.
- d) Measures available to ensure the property can be managed to minimise the risk to it and to other land and buildings.
- e) Whether building materials and any proposed planting should be of a fire resistant type.

A.4 OTHER ASPECTS

A.4.1 Road Contributions

Council may require the developer to make contributions to Council for the upgrading of public roads to the appropriate standard related to the traffic generated by the development.

A.4.2 Stormwater Drainage

Applications should include details of the proposed method of disposing of stormwater drainage. Generally, stormwater should be disposed of safely onto stable areas. Where necessary, drainage channels should be stabilised with introduced grasses or legumes, with a vegetative cover being maintained to prevent scouring.

A.4.3 Building Setback from Roads

The Oberon LEP 1998 has significant boundary setback provisions for dwellings and should be referred to.

To maintain rural aesthetic amenity and to minimise any potential traffic conflicts, a minimum building line of 20 m will apply to all land zoned rural (1a).

A.4.4 Development Fronting Main Roads

Development, which has the effect of creating ribbon development beside main roads, is generally discouraged on traffic safety grounds. Where there is no alternative to a main road location, particular consideration will be given to the number, location and design of access points to main roads. Generally, the number of accesses should be minimised, and all accesses proposed should be located and designed to avoid any conflict with other traffic.

The designer and Council are required to consult with the Roads and Traffic Authority on all traffic generating developments fronting main roads and to seek the advice of the local Traffic Committee in many other cases.

A.4.5 Consultation with other Authorities

Applicants are advised to consult with servicing authorities such as Electricity supplier, Telecommunications supplier and Upper Macquarie County Council (weeds) to determine the availability and cost of providing services to the development.

PART B – “SUBDIVISION”

B.1 INTRODUCTION

B.2 CITATION

This plan may be cited as the Oberon Development Control Plan 2001 – Part B “Subdivision”.

B.3 APPLICATION

This policy shall apply to all development consents relating to the subdivision of land within The Oberon Council area for:-

- Urban Subdivision – Torrens Title and/or Community Title
- To maintain the rural amenity of the Rural Zones.
- Commercial Subdivision
- Industrial Subdivision
- Rural Subdivision

B.4 OBJECTIVES

In adopting this policy, Council has the following objectives which will be taken into consideration with regard to subdivision development:-

- To promote high quality subdivision within the Oberon Council area which minimises adverse impacts on the environment.
- To encourage the use of innovative design and engineering principles which enhance the physical environment and the social fabric.
- To optimise the provision of infrastructure services in the most efficient and effective manner.

B.5 SERVICES and FACILITIES

Applicants for subdivision will be required to contribute monetary funds in accordance with the Development Contributions Plan 2000 towards the provision of community facilities, public reserves and open space, Bush Fire Services, Urban and/or rural roads, town drainage, car parking and contributions for water and sewer.

The level of contributions will be assessed with reference to the specific characteristics of each proposal in accordance with the Development Contributions Plan 2001 and the Annual Management Plan and Fees and Charges.

B.6 DEVELOPMENT CONTROL PLAN

Where required by the provisions of the Oberon Local Environmental Plan 1998 and in other such cases as required by Council, a Development Control Plan shall be prepared for major subdivisions (i.e. subdivision involving 4 or more lots) prior to the lodgement of any application for subdivision. The Development Control Plan may relate to land in one or more ownerships and may specify such matters as:-

- Maximum density of lots
- Approximate road layout
- Areas suitable for dwelling sites
- Location of public open space and or community facilities
- Environmental management

- Contributions for roads and services
- Building line and height plane
- Solar orientation
- Bushfire protection plan
- Weeds management plan.
- Fencing, any other matters determined by Council's Director of Development and Environmental Services, or
- Matter listed in Part A.2.c of this plan.

Land owners and/or applicants will be required to provide their own plan, or offset Council's costs to enable preparation of such a plan.

B.7 DESIGN GUIDELINES

B.7.1 General

The provisions of this policy relate to the layout of subdivisions, the size, shape and orientation of allotments, the provision of road access and services and other relevant matters.

The subdivision of land will be in accordance with the provisions of the Oberon Local Environmental Plan, 1998 and with the provisions of this Plan and any other adopted Development Control Plan which applies to the area to be subdivided.

All engineering works shall be in accordance with the standards of Council, and designers need to contact Council's Engineering Department.

The requirements and provisions of this plan will apply to all subdivisions but each application will be considered by Council on its merits.

Applicants should examine the Plan carefully before designing and submitting an application for subdivision and should accompany the application with all relevant information including reasons supporting any claim for special consideration. This section applies to all consents to subdivision applications in rural areas and the townships of Oberon and Black Springs.

B.7.2 Design Guidelines

Applicants are advised to familiarise themselves with the matters contained in other parts of this Development Control Plan, since good subdivision design cannot be achieved without proper consideration of the way in which the land will be developed.

B.7.3 Site Design

The following elements are to be given full consideration in the overall site design of any proposed subdivision:-

- Climate Control (wind and sun)
- Landform
- Aspect and Views
- Geology and Soils
- Drainage
- Surface Water
- Vegetation
- Orientation
- Bushfire Protection
- Weeds Management
- Hydrology
- Waste Water Disposal

Subdivision layout should be designed in such a way so that it minimises the adverse effects of the natural elements. Applicants will be required to demonstrate how the subdivision proposal takes the following elements into account:-

- Accessibility to community and recreational facilities
- Road and transport networks
- Site access
- Physical and human services
- Developed and underdeveloped land in the vicinity
- Existing buildings and improvements on the site

Similarly, the selection of vegetation types and location of buffers and shelter belts can be used to ameliorate adverse climatic conditions on the site. The site layout and landscaping should avoid funnelling unfavourable winds.

B.7.4 Climate Control

Design of the proposed subdivision should gain the most advantage of reducing the impact of adverse winds in winter by effective site layout and use of landscaping. Topographical features such as valleys and ridges can serve to channel or block prevailing winds.

B.7.5 Aspect

Part B7.5 is to be read as a guideline only.

Aspect is a major factor in designing the subdivision layout in regard to optimising solar access. The following principles are a basic guide:-

- Buildings can be sited so that the main living areas are oriented towards the north.
- Overshadowing, of or by other buildings, is minimised.

Shadows are small on a north facing slope so dwelling sites can be closer together. On East or West facing slopes, dwellings need to be stepped back to maintain solar access. Lots with a main North-South axis give the most flexibility in the siting of dwellings and reduce problems of overshadowing. Lots with a main East-West axis may need to be wider than normal. On a South facing slope, shadow length is increased so dwelling sites should be further apart. Lots with a NW-SE or NE-SW axis are less favourable and may need to be specially designed or larger than normal to allow the siting of a house which is not parallel to the boundaries.

These guidelines should be considered integrally with the particular topography and vegetation of the site, to achieve a layout that optimises solar access and site characteristics together.

B.7.6 Drainage

Designs for stormwater drainage, which is harmonious with natural drainage patterns, soils and other relevant site conditions, are more likely to reduce both construction and maintenance costs. Therefore, the natural drainage pattern of the site should be a basic element in subdivision layout and road design.

Applications are generally encouraged to make use of open spaces and other unsealed surfaces to contain drainage surcharge. Section B.8.6 suggests some options in stormwater drainage treatment which should be given consideration and incorporated in subdivision design where appropriate.

B.7.7 Landscaping

Part B.7.7 is to be read as a guideline only.

The effective use of landscaping can make a significant contribution to climate control, to the overall appearance of the subdivision and to the residential environment, which is ultimately created.

Screen planting may be required adjacent to arterial roads. The applicant may be required to carry out and maintain planting until it is established to Council's standards.

Council will generally require plantings to be completed prior to registration of the plan of subdivision.

B.7.8 Street Signs

The applicant is required to supply and erect street signs to Council's standards.

B.7.9 Street Names

Any street name nominated MUST be approved by Council resolution.

B.8 DEVELOPMENT GUIDELINES

B.8.1 General

This section is to assist those involved in the subdivision process and the development industry, to consider innovative alternatives to conventional practice and standards, which may offer real advantages in design, cost, function and safety.

The Council stresses that its intention is not to reduce or erode development standards, but rather to suggest new and better ways of achieving the real objectives of these standards and so to enhance the quality of development.

Therefore, the principles outlined within this section shall be taken into consideration in all subdivision designs. Although each principle is discussed separately, they are closely related and will not achieve optimum results in isolation from each other.

B.8.2 Road Hierarchy

In development of subdivisions road standards are a prime consideration and in all circumstances will be to a standard nominated by Council. The standards as set by Council for rural and urban / village roads are detailed in section B.11 of this DCP.

B.8.3 Public Open Space

The real value of public open space is determined by how easy it is to get to, how well it is used and how pleasant it is to be there.

Public open space within a subdivision should form part of a pedestrian/cycleway network which connects residential areas and other facilities. Where appropriate, landscaping of open space should be integrated with street and private landscaping to bring the whole landscape environment together.

- Open space should be safe to use for access or leisure.
- It should act as a landscape linking element.
- Only land which is in a suitable location and which is able to be used for active or passive recreation will be considered as suitable to meet the requirements for public open space.

B.8.4 Lot Size

The Council wishes to encourage a range of all allotment sizes to meet the needs, affordability and preferences of different household types. Therefore this plan provides for a range of lot sizes in each subdivision to be integrated throughout the development.

For the Oberon Village residential subdivision a normal sized house, together with car parking space, private open space and ancillary buildings, can be accommodated on a site of 600 square metres. For the Village of Black Springs the on-site waste-water disposal will require a significantly larger lot size. (Refer to Section B 9.2 and B 10.2 for minimum Lot sizes).

If the size of the site is reduced, good site planning and the relationship between sites becomes increasingly important to ensure each dwelling site has an appropriate aspect, useable private open space and protection from overshadowing and overlooking.

B.8.5 Shape Of Lot

Conventional practice has concentrated on wide street frontages which result in larger block sizes, increased road lengths and servicing requirements, and this results in higher costs per lot. With increasing diversity in housing preferences, there can be more flexibility in lot shapes to optimise the use of each lot in terms of aspect, house siting and private open space.

This policy provides controls over the shape of lots rather than specifying a minimum frontage, consideration will be given to the orientation of each lot and its ability to provide a suitable house site with good aspect, useable private open space, adequate vehicle access, and maintenance of the rural amenity and/or rural village amenity.

B.8.6 Stormwater Drainage

The subdivision designer will need to prepare an appropriate stormwater design. Conventional practice requires the maximum stormwater flow to be contained within the road pavement and kerb area.

Greater use of the reserves as a defined overland floodway can have some advantages in cost savings, maintenance and environmental impact.

Greater use of retarding basins will lower peak stormwater flows and can be integrated with open space for efficient land use.

- Slower run off means lower velocity, less siltation and less downstream erosion.
- Less reliance on pipes reduces the possibility of localised flooding through pipe failure or blockage.

B.9 VILLAGE SUBDIVISION

B.9.1 General

This section applies to all consents to subdivision applications in the Oberon and Black Springs Villages - Zones 2(V) - under Oberon Local Environmental Plan 1998.

B.9.2 Village Zones

Subdivision of land within zones 2(V) village shall be in accordance with any adopted Development Control Plan relating specifically to the land which may make provision for subdivision standards, including the minimum size of lots, for any particular village area.

The preferred minimum area of lots within zones 2(V) village shall be:

- | | | | |
|---|--|-------------|----------------------|
| ➤ | In the case of Oberon -sewer serviced areas | 600 | square metres |
| ➤ | In the case of Black Springs un-sewered areas | 2000 | square metres |

Larger lot sizes may be required depending on the particular characteristics of each area and lot, and it will be the applicants responsibility to demonstrate to Council, the suitability of the proposed lot size. (Refer to part 10.2 of this plan).

B.9.3 Waste Water Disposal

Each allotment created in the Oberon Village shall be connected to Councils sewerage reticulation system.

For all dwelling approvals in Black Springs, the building site is to have an adequate area nearby with the necessary absorption qualities for septic effluent, being away from any water course, steep slope or rocky ground. Site specific details verifying suitability for effluent disposal are to be submitted with subdivision development application.

Where reticulated sewerage is available Council will require connection to the system at full cost to the developer.

B.9.4 Drainage Easements

Council will encourage the use of existing established overland drainage flows. However, in some circumstances, Council may require the dedication of drainage reserves to accommodate concentrated flows.

B.9.5 Road Construction

Construction and drainage of roads is required for all subdivisions. The roads MUST be bitumen sealed, provided with kerb and gutter or of a higher standard. The design of such works shall comply with the standards of Council: -

Urban/Village Road Standards set by Council are:

BITUMEN

Bitumen	AADT* greater than 50 vehicles per day	10 metre pavement width
	Bitumen Road Standard minimum 80 kph (*Average Annual Daily Total)	(8 metre seal width)

B.9.6 Design Of Roads

Council may consider narrower pavement widths in particular instances, where the applicant can demonstrate to the reasonable satisfaction of Council that:-

- Safety requirements are not compromised.
- The proposed road will not carry more than 60 vehicle movements per day.
- Visibility is not impaired from the start to finish of the road along its centre lines.
- Traffic movements along the road will not damage the grassed verge of the proposed road.
- An adequate manoeuvring area is provided to accommodate the turning of a large rigid truck at the end of the road or cul-de-sac.
- The proposed narrow pavement be no longer than 120 metres in length.
- Where the proposed narrow pavement is at the end of a standard road, a manoeuvring area to accommodate the turning of a large rigid truck is to be provided at the end of the standard road.

B.9.7 Corner Splays

Council requires the provision and dedication of corner splays at existing and new road intersections at the junction of all local roads and at the junction of a local road with a main road of sufficient size to maintain the footpath width of the adjoining major road.

B.9.8 Un-Constructed Access

Where an allotment to be subdivided has access via an unsealed or un-constructed road, the following requirements will apply in addition to the provisions of Clauses B.9.5 to B.9.7;

- The applicant is to provide constructed “approved” road access to service the land involved in the subdivision.
- In addition, the applicant will be required to provide driveway access from the proposed subdivision to Councils road system.
- A Construction Certificate is required prior to the commencement of work.

B.10 LOT CHARACTERISTICS

B.10.1 General

This section applies to all subdivision applications in the village zone. The following standards for subdivision are based on the objectives of this Development Control Plan.

The particular qualities of the townships have been considered, together with these principles and guidelines, to achieve standards which allow for a variety of dwelling types in appropriate locations. Subdivision in the townships shall be in accordance with these standards and with any Development Control Plan applying specifically to the land to be subdivided, but each case will be considered on its merits.

B.10.2 Size Of Lots

An adopted Development Control Plan may make provision for subdivision standards, including the size of lots, for any particular area. The following table indicates Councils minimum requirements for lot sizes in the Oberon village.

TYPE OF LOT	MINIMUM AREA	MINIMUM LOT FRONTAGE
General Lot	600 sq.m.	20 metres
Corner Lot	650 sq.m.	20 metres
Hatchet Shape Lot Excluding access handle handle)	800 sq.m.	6 m (No more than 2lots off a single access)
Hatchet Shape Lot adjacent To public reserve, excluding access handle.	650 sq.m.	6 m (No more than 2lots off a single access)
Fan shaped Lot	650 sq.m.	6 metres

B.10.3 Infill Subdivision

In residential areas, which are already substantially developed, Council will encourage infill subdivision which achieves the optimum use of serviced residential land, which provides for different housing types and which will enhance residential character.

Land which is generally considered suitable for infill housing, may be shown in Development Control Plans applying to specific areas. However, each case will be considered on its merits, having regard to:

- Minimum lot size (see B10.2)
- Topography of the site.
- Proposed building envelope.
- Provision of useable private open space.
- Relationship to adjacent development.
- Adequacy and safety of car parking and vehicle access.

Within areas designated for infill subdivision, Council may consent to the subdivision of land for the erection of a single dwelling house where:

- a) the size of each lot created, including a residual lot is no less than the size of lots contained in B 10.2.
- b) no more than 2 lots are created from any one existing parcel, including any residual lot.
- c) the provisions of Clause B 10.4 are complied with to Councils satisfaction, and
- d) safe and adequate vehicle access can be provided to each lot to Councils satisfaction.

B.10.4 Shape Of Lots – Building Envelope

Each lot shall be capable of containing a rectangular building envelope with minimum dimensions of 12 metres on the north south axis by 16 metres on the east west axis, within which the main residential building shall be contained.

B.10.5 Battleaxe Lots

Battleaxe lots are permitted provided they comply with B 10.4 and landscaping of the access handle is provided.

B.11 ROADS

B.11.1 General

This section applies to all subdivision applications in the Oberon Council area. The planning, location and the design of each new road shall conform with the Civil Engineering AUSSPEC specifications in order to provide a simple, logical and safe road network which enables users to find their way readily to any destination. Development Consent and a Construction Certificate are both required prior to the commencement of work.

B.11.2 Road Widths

The roads shall be in accordance with the Councils standards for roads as in the Table B.11.2. Any submission to vary road standards will be considered on its merits and should be accompanied by full supporting information. No minor access road or access way shall provide a through traffic distribution function.

TABLE B11.2 Road Standards for Subdivision in the Rural Zones

Type of Subdivision and Road	Reserve Width in metres	Gravel Pavement Width in metres	Bitumen Seal	Compacted gravel Depth	Design Standard	Design Speed

1. Dedicated Easements or Right of Carriageway						
ROW serving 1 or 2 lots	10	4	In Environmentally Sensitive Areas	100 mm	Design to be submitted to and approved by Council	60kph
ROW Serving 3, 4 or 5 lots	20	6	In Environmentally Sensitive Areas	150mm	Design to be submitted to and approved by Council	80kph
ROW Serving 6 or more Lots	20	8	In Environmentally Sensitive Areas	200 mm minimum	Design to be submitted to and approved by Council	80kph

Type of Subdivision and Road	Reserve Width in metres	Seal Width In metres	Bitumen Seal	Compacted gravel Depth	Design Standard	Design Speed
2. Gazetted Roads (Public Roads) to be maintained by Council						
Local Road serving 1 or 2 lots	10	4	If coming off a sealed road or road to be sealed within 25 years, subject to Council's program.	100mm	Design to be submitted to and approved by Council	60kph
Local Road serving 3, 4 or 5 lots	20	6	If coming off a sealed road or road to be sealed within 25 years, subject to Council's program.	150mm	Design to be submitted to and approved by Council	80kph
Local Road serving 6 or more lots	20	8	If coming off a sealed road or road to be sealed within 25 years, subject to Council's program.	200mm	Design to be submitted to and approved by Council	80kph

NOTES

- A) Any road to be dedicated to Council is to be constructed at the Developer's cost.
A bitumen seal is to be provided by the Developer where the road to be dedicated
- i. Connects to an existing sealed road
 - ii. Connects with a road planned to be sealed in Council's projected works program to 2030.
- B) Council may accept Dedicated Public Roads, which are constructed to the above Council standards.
- C) An unconstructed Crown Road Reserve providing sole access to any existing property may be accepted by Council as a Public Road following construction of the road to the above Council standards.
- D) Any existing property having access by a Crown Road Reserve maintained by another Government Agency may be accepted if suitable agreement is made to maintain full-time access at no cost or responsibility to Council.
- E) Access through Public Land (e.g. State Forest) cannot be accepted unless some form of legal Right of Way and guaranteed construction and maintenance to Council standards at no cost to Council, is provided.
- F) Council may accept appropriate legal agreements for the management of roads over Right of Ways from property owners on an "area in common" type arrangement similar to Community Title. This legal agreement is to be incorporated in the Land Title and a copy of the legal agreement is to be submitted to Council with the Subdivision Certificate Application.

Definition of Environmentally Sensitive Area – is land:

- (a) that is identified as rural land capability Class VII or VIII on a map prepared by or on behalf of the former Department of Land and Water Conservation, or
- (b) that has a slope or gradient in excess of 1 vertical in 3 horizontal, or
- (c) that is within, or within 100 metres of, the bed or bank of a dam, river, stream, creek or other water body listed in Schedule 1 of the Oberon Local Environmental Plan 1998.
- (d) where the longitudinal grade of the proposed road is in excess of 5%.

If subdivision is proposed in the Rural 1(a) or 1(c) zone and the existing road is not up to the required standard the developer will be required to upgrade the road to the minimum standard. Alternatively Council may accept a capital contribution towards the upgrading of the road if other property owners would clearly benefit from the upgrade and other subdivision or likely. The contribution would be for the developers fair and reasonable portion of the actual cost required to upgrade the road as determined by the Council.

If a rural road is to be constructed off bitumen sealed road, to facilitate subdivision, it must be bitumen sealed as a minimum standard.

If a Crown Road is to be used, the approval of the Department of Land & Water Conservation is to be obtained beforehand and details submitted with the application. The standard of construction for these roads is to be in accordance with Councils standard for rural roads.

Urban/Village Roads

Urban/Village Road Standards set by Council are:

BITUMEN

Bitumen	AADT* greater than 50 vehicles per day Bitumen Road Standard minimum 80 kph (* Average Annual Daily Total)	10 metre pavement width (8 metre seal width)
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B.11.3 Footpath, Nature Strip, Kerb And Gutter

Council wishes to encourage footpath and nature strip treatment that reflects the particular road function and provides a safe and pleasant people orientated environment for pedestrians and cyclists.

The alignment of footpaths should be designed to serve the needs of safety and pedestrian access to dwellings, open space and other facilities to retain existing vegetation and to contribute to the overall landscape planning of the subdivision.

In the case of local access roads, minor access roads or access ways, the provision of a footpath on one side of the road only may be approved where it is demonstrated to Councils satisfaction that the proposal enhances the residential environment and provides adequate safety and convenience for pedestrians.

In the Oberon Village Zone Council requires footpaths, kerb and gutter to be provided for the full length of the road frontage of the subdivision, at the applicants cost. (Not applicable in Black Springs).

B.11.4 ACCESS In Village Zone

Individual vehicle access is required to each lot, created by the subdivision, by means of full lay back kerb, or as proposed in the approved specification.

B.11.5 Turning Areas

Where a turning area is required, the applicant is to provide an area with a minimum radius of 9 metres.

B.11.6 Road Shoulders

Road shoulders shall be sealed for the full length of the road frontage of the subdivision, from the edge of the existing seal to the lip of the kerb and gutter, at the applicants cost.

B 11.7 Corner Splays

Council requires the provision and dedication of corner splays at existing road intersections in accordance with the following:-

- a) at the junction of a local road with a main road – as determined by the Roads and Traffic Authority, and
- b) cross roads (6 metres).
- c) At “T” intersections (5 metres).

B.11.8 Service Conduits

Where required by a service authority, the applicant shall provide service conduits or sub mains in road crossings prior to construction of the kerb and gutter.

B.11.9 Roadworks

Construction Certificates are required for all roadworks in the Oberon Council area for subdivisions. Roads should be located and designed to minimise interference with natural drainage and reduce risk of soil erosion. All surfaces disturbed during road construction shall be stabilised to avoid unnecessary erosion.

All new roads shall be constructed by the subdivider to a standard determined by Council having regard to existing and future levels of use. A Development Consent and subsequent Construction Certificate must be issued prior to any road works commencing

Council will require that road surfaces be sealed as detailed in the “Road Standards for Subdivision” attached to this DCP. Construction of drainage structures and works on new or existing roads affecting the subdivision will be in accordance with minimum standards provided by Council.

Where development results in increased traffic flow along existing roads Council may require developer to upgrade that road to a standard appropriate to the traffic generation potential of the development.

B.11.10 Property Access In The Rural Zones

Multiple accesses will be discouraged on all major roads including Shooters Hill Road, Edith Road, Abercrombie Road, O’Connell Road, Lowes Mount Road and Hazelegrove Road. The designer should seek concurrence of the RTA if access is proposed off a main road.

Council requires that public road access be provided to all allotments who can on the plan of subdivision. Where the natural surface slopes steeply to or from the road, the access to an allotment shall be given special consideration. Council may consider access via rights of way or dedicated easements for access that service one or two lots only in total..

The designer should, by consultation with Council Engineering Department, determine if special treatment of access points are required. Construction of culverts or special treatment table drain crossings are often required in the rural area. Where necessary, applicants will be required to clear vegetation or other visual obstructions at points of access to ensure adequate driver sight distances.

B.12 URBAN SERVICES

B.12.1 General

This section applies to all subdivision applications in the Oberon Council area.

B.12.2 Major Sewer Drainage

Where a development requires sewer drainage reserves or easements, they shall be provided within the subdivision by the developer, together with any direct augmentation required downstream of the development.

Council will also require a monetary contribution towards the upgrade of major drainage lines in the Oberon town area. This is a one-off contribution in accordance with the Oberon Development Contributions Plan 2000 Part C.9 “Sewerage”, and is based on per lot formulae.

B.12.3 Stormwater And Surface Water Drainage

The applicant shall construct stormwater and surface water drains as required and provide all easements and where necessary, transfer to Council any necessary drainage reserve.

Council has a Development Contribution Plan for town drainage (Oberon Development Contributions Plan 2000 Part C.8 "Drainage and Stormwater"). Release of plans of subdivision and the Subdivision Certificate would be subject to pre-payment of the prescribed amount.

B.12.4 Common Drainage

The applicant shall provide common drainage lines and easements to Councils specifications. Easements shall be created in favour of those lots served by the drainage line and burdening those so affected by the drainage line. The point of disposal for common drainage lines shall be as determined by Council. The purpose of such lines is for the carriage of roof stormwater only, not inter allotment drainage.

Plans shall be submitted in triplicate for approval prior to commencement of work.

B.12.5 Public Reserves

Public open space areas should be functional, well located and distributed appropriately throughout the subdivision to maximise usage and provide for a variety of leisure opportunities.

The following works will be required for public reserves, with all costs to be met by the applicant.

- a) for active recreation areas – clearing, draining and surface grading; and
- b) for passive recreation areas – retention of all trees and native vegetation, drainage and surface grading.

Public open space shall be provided at the rate of 3 hectares per 1000 EP (Equivalent People), as calculated by the maximum servicing requirement of the subdivision, by transfer to Council by dedication as public reserve; or, where it is not possible or reasonable to dedicate land as public reserve, be a monetary contribution for the acquisition to embellishment of public reserves within the village or release area.

Contributions will be in accordance with the Scale of Fees, charges and Contributions. The level of contributions may vary from time to time, in line with the Annual Management Plan.

All road construction and associated drainage works fronting the public reserve are to be undertaken at the applicant's cost. A Construction Certificate approval shall be obtained prior to the commencement of work.

B.12.6 Sewer

Sewer shall be provided to all lots within the township of Oberon and satisfactory arrangements shall be made with Council prior to the lodgement of any application for subdivision.

A contribution shall be required towards the upgrading of treatment works to which the subdivision will drain and amplification of Headworks, i.e. Pump stations, carrier mains, and rising mains. The contribution will be calculated on the basis of equivalent tenements as detailed in Councils Section 94 Contribution Plan.

Reticulation shall be carried out at the applicant's cost either by the Council or an approved contractor. Road crossings shall be installed prior to the construction of kerb and gutter.

All works are to be carried out under the supervision of Councils Works Manager in accordance with approved plans.

B.12.7 Water

Water shall be provided to all lots within the township of Oberon. Satisfactory arrangements shall be made with Council before lodgement of any application for subdivision.

An amplification contribution is required for the provision of water to each lot and will be levied on the basis of Councils Sections 94 Contribution Plan.

Reticulation shall be carried out at the applicants cost and by the Council or an approved contractor. Road crossings are to be installed prior to the construction of kerb and gutter.

B.12.8 Electricity Supply

Applicants are required to consult the appropriate Energy Authority to ascertain the cost and availability of reticulation of power supply.

NOTE: In Urban areas, all new connections will be required to be underground from existing poles or a completely underground reticulation if no existing poles service the area.

B.12.9 Telephone

Written evidence shall be submitted, indicating that the proposed subdivision can be served by underground telephone cabling.

B.12.10 Natural Gas

In the Village of Oberon written evidence of satisfactory arrangements for installation of reticulated natural gas shall be submitted with the application, indicating that the proposed subdivision will be served by underground natural gas lines.

B.12.11 Common Trenching

Subdivision design shall provide for the common trenching where possible of services to reduce the number of trenches and the amount of land required and to reduce costs and disruption due to maintenance.

B.12.12 Geotechnical Report

The designer will need to verify: -

- 1) that a building site of adequate size and shape exists on each lot and is not subject to slip or subsidence and: -
- 2) that each Lot is suitable for sewer connection via a gravity line or alternatively it is suitable for on-site waste-water disposal. For any Lot less than 4 hectares a report in accordance with A.S.1547 "Disposal Systems for Domestic Effluent from Premises" IS REQUIRED.

NB. Council will reserve the right to refuse to accept any report, which does not comply with this policy and may, under special circumstances, require a second report or an alternative opinion on the technical detail of a report.

Every designer preparing reports for the consideration of Council should hold an insurance policy to the value of \$2 Million indemnifying him / her against professional negligence. Council may require written evidence of this insurance.

B.13 COMMERCIAL AND INDUSTRIAL

B.13.1 General

This section applies to subdivision applications for Commercial and Industrial developments in the Oberon Council area.

B.13.2 Standards

Subdivision shall be in accordance with the provisions of the relevant Environmental Planning Instruments applying to the area.

B.14 DEVELOPMENT APPLICATIONS FOR SUBDIVISION

B.14.1 General Information

- a) An application must be made in writing on the prescribed form.
- b) If the applicant is not the owner of the land, the application must be accompanied by a written statement signed by the owner of the land, authorising the applicant to submit the application and act in the matter on behalf of the owner. If the land is owned by a company, then the applicant shall submit the application with the company stamp endorsed on the front of the Development Application.

Note: If there is more than one owner then **ALL** parties with interest in the land must sign.

- c) The application must state the following details:
 - A simple clear and concise statement clarifying what the application is for.
 - Name and postal address of the applicant/s.
 - Name and postal address of the owner/s.
 - Full description of the land to be subdivided.
 - Street in which the land is situated and the nearest house number.
 - Whether the application is for the opening of a new road in addition to the subdivision of land.
- d) Three (3) copies of the proposed subdivision plan must accompany the application to allow thorough examination by Council and if necessary, other authorities. Council depending on the number of referrals needed may request additional copies. This plan must be in accordance with the provisions of Clause B14.5.
- e) Any re-submission requiring fresh consideration by Council, constitutes a separate application and fees shall be paid accordingly.
- f) Any amended application, other than one arising from conditions imposed by Council constitutes a separate application and fees shall be paid accordingly.

Where the application is for rural subdivision, the applicant should also:

- a) Identify the proposed legal and practical access to all proposed Lots; and
- b) Identify any allotment on which it is intended to erect a dwelling-house and state whether or not the dwelling-house is the primary purpose for which the allotment is being created; and
- c) Show the approximate location of any dwelling house and all other buildings erected on the land at the date of the application.
- d) Clearly show the "Original Holding" and the areas of prime crop and pasture land if the application is for a subdivision under the terms of Clause 14 of the Oberon LEP 1998.

B.14.2 Statutory Provisions

An application for subdivision shall conform with all statutory requirements as to road widening, certificates, easements or other restrictions, existing or proposed, and shall be in accordance with the provisions of any declaration, proclamation or order made by any statutory authority or governing body.

B.14.3 Boundary Adjustment

Where a subdivision application provides for making 2 existing lots of different size by adjustment of a common boundary, it should be submitted as a re-subdivision of both lots concerned, not as a subdivision of one existing lot with provision made for transferring a part to the adjoining lot.

The applicants attention is drawn to the provisions made under Councils Complying Development Control Plan.

B.14.4 Plans

Plans accompanying an application for subdivision of land shall:

- a) be in ink or suitably reproduced prints on paper, of a size not less than A4 (29.6cm by 21cm);
- b) be of a suitable scale, (preferably 1:100 or 1:200 for the Village Zone to enable dimensions and other necessary information to be shown clearly;
- c) be identified with the written application by a notation: **“This is the plan of the proposed subdivision accompanying the application by (name of applicant) dated.....; designed by (full name of designer)**
- d) show the boundaries of existing allotments in broken lines, with the lot or portion numbers of existing allotments in broken line lettering;
- e) show all proposed allotments numbered consecutively with their boundaries shown in solid line and dimensions and area of each proposed allotment shown clearly;
- f) show the width of all streets and the position of the nearest cross street/s
- g) A simple clear and concise statement clarifying what the application is for. Eg. *My application is for a subdivision to excise two lots for dwellings from the original holding. The two excised lots will be 3 Hectares each and the remainder of the original holding will be consolidated for continued agricultural use as a grazing property. The work involved in the development consists of construction of a 500 metre access road, construction of front boundary accesses, cattle grids, gates, provision of rural dams on the two excised lots and rural boundary fences.*

B.14.5 SITE PLAN

A site plan must be submitted with the application showing sufficient detail to allow the impact of the proposed subdivision on the environment to be adequately assessed. At least one plan must show:

- The location of the subdivision and how it is proposed to fit in with the surrounding area.
- North point, plan scale, plan number and plan date.
- The owners of adjoining land (*if known*)
- Name of person who prepared the plan and designed the subdivision.
- The current land use activities carried out on the land and the adjoining land.
- Details, including location and width of adjoining roads.
- Existing buildings, driveways, fences or other improvements on the land to be subdivided, with distances to boundary fences.
- The distance from proposed boundaries to existing improvements on the land and the adjoining land (*these may require verification by a registered surveyor*).

- Position of landscape features such as ridges and rock outcrops, which could have some bearing on the development.
- The position of creeks, rivers, streams or dams, natural depressions, swampy areas, (*and their names, if any*), and any part of the land subject to high water table or flooding.
- Existing vegetation on the land and location of any large stands of native vegetation (*including trees*).
- The proposed pattern and all proposed land uses with dimensions and areas.
- Locations and widths of easements, existing and proposed.
- Approximate location and sizes of existing and proposed utility services (eg *water, sewer, electricity, gas, etc*).
- Proposed entry and exit points for each proposed lot.
- Existing levels of the land including contours at an interval appropriate to adequately indicate the fall of the land.
- Where it is applicable, an indication of how it is proposed to drain the land together with drainage routes.
- Any other information, which may assist staff in assessing the application.
- The application must be submitted with a sufficiently detailed Statement of Environmental Effects.

B.14.6ENGINEERING PLANS

Where a subdivision application involves road and drainage works and / or site works or any civil works, plans must be drawn in accordance to the requirements of the Council. Applicants should ensure that they are fully conversant with the requirements in order to avoid delays in processing the Construction Certificate.

When an applicant proposes to use an alternative standard for any civil works, early discussions are encouraged with Council staff prior to the preparation of engineering plans and submission of a Construction Certificate.

B.14.7WORKS AS EXECUTED

Where civil works and/or drainage works are carried-out, works-as-executed plans are to be submitted under the signature of a registered surveyor, works supervisor or engineer, indicating that all works have been carried out in accordance with those plans as at the day of inspection by that person.

The works-as-executed plans should show all necessary information as required by the Council.

Where engineering works are involved, the Subdivision certificate can not be issued until works-as-executed plans have been submitted and approved as satisfactory by Council.

B.14.8APPLICATION FOR SUBDIVISION CERTIFICATE

Seven (7) copies of the final plan of survey must accompany the Subdivision Certificate application. At least one copy must show the location of all buildings and / or other permanent improvements. Where necessary, the signed 88 BA instrument shall be submitted in two (2) sections:

- a) For all those statutory requirements imposed by Council which Council is empowered to release, vary or modify; and
- b) For all those restrictions imposed as private restrictions.

In such cases, provision shall be made for the General Manager's signature to appear only on the first section of the instrument.

B.14.9FINAL INSPECTION

Following submission of the Application for Subdivision Certificate, the works-as-executed plans and the final plan of survey, an inspection will be carried out by Council to ensure that all works have been completed and all conditions have been complied with. If a re-inspection is required the appropriate re-inspection fee will be levied

B.14.10 MAINTENANCE BOND

Where subdivision involves engineering or works, a maintenance bond may be required by Council. Management Plan will be calculated by the Council Works Manager, at the time of final inspection, in accordance with Councils current "Fees and Charges Schedule"

B.14.11 STAGED DEVELOPMENT

Where staging of development is proposed, an application is to be lodged for the total development and stage release of final plans applied for separately, at the appropriate times. Should the scale of

development be so large that staging may take several years, then alternative arrangements may be made.

B.14.12 ASSESSMENT OF APPLICATIONS FOR RURAL SUBDIVISION

In assessing any application for the creation of rural lots with residential entitlement, Council is required to take into account the statutory considerations of Section 79 of the Environmental Planning & Assessment Act, 1979. However, the following general matters will be required to be addressed by applicants in any such development application:-

- a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created;
- b) the desirability of providing a range and mixture of allotment sizes;
- c) the capacity of the land to provide an adequate domestic water supply without adversely affecting the existing surrounding and downstream water supply;
- d) the capability of the land to accommodate disposal of domestic wastewater;
- e) the standard of public roads servicing the lot to be created;
- f) the likely impact the development will have on other land, whether any source of pollution in the locality requires larger allotments to enable separation of dwellings from the source; and
- g) the need to maintain a rural character in the area.

B.14.12.1 WATER SUPPLY

All dwellings are to have a minimum reserved storage of 10,000 litres, or access to permanent water for fire fighting.

In addition to the above, domestic water storage is to be a minimum of 10,000 litres.

B.14.12.2 Sewerage Disposal

Council requires that all residential development on rural land be serviced by an adequate on-site wastewater disposal system.

B.14.12.3 Access

Access from the pavement of the public road to the gateway of the new lots shall be constructed at the subdivision stage. Sketch plans submitted with subdivision applications will indicate at least one preferred point of access to each lot. Refer to Table B11.2

B.14.12.4 Fencing Of Boundaries

Council requires that the lot boundaries be fenced as a condition of subdivision approval. Council has a plan that specifies an acceptable standard of fence, which is available on request.

B.14.12.5 Development Consent For Dwellings

Development consent under the requirements of the Environmental Planning and Assessment Act, 1979, is required for the erection of new dwellings and buildings.

B.14.12.6 Access And Roads

In the case of new allotments, roads and access to the allotment boundary will be developed at subdivision stage.

Where the allotment has no approved and formed access, such will be required as a condition of Councils development approval. The application should include a sketch depicting the preferred point of access, however, final location will be to the satisfaction of Council.

The finished surface required from the carriageway to the gate shall be the same standard as that of the roadway to which the lot gains access-viz-gravel if a gravel road and bitumen if bitumen road.

B.14.12.7 Electricity And Telephone

Connection of these services to the dwelling will be at the homebuilders cost. It is advisable to consult with the relevant authorities at an early stage in the building process so that an indication of cost can be determined.

B.14.12.8 Disposal Of Domestic Wastewater

For any site or proposed Lot less than 4 Hectares that proposes on-site waste-water disposal a design report in accordance with AS1547 verifying that the site is suitable for the erection of a dwelling. A wastewater envelope, separate to the dwelling envelope must be clearly shown on the plan .

B.14.12.9 Dwelling Setbacks And Buffers

RURAL 1(a) Zone

The dwelling setback and buffer provisions of the Oberon LEP 1998 are designed to protect the agricultural use of prime crop and pasture land and maintain the rural amenity of the Rural 1(a) zone. It is intended that dwellings on adjoining Lots not be close to one another in order to provide a high level of privacy, and the relative isolation expected in the rural area.

- Smaller lots proposed to be developed adjoining/adjacent to established forestry are unlikely to be supported if suitable buffers are not able to be provided.
- A 150 metre buffer must be provided between the nearest external wall of a proposed dwelling and the boundary of an adjoining or adjacent lot, allotment, portion or parcel of land comprising state or private forestry activities.
- A buffer of 150 metres is to be provided between the nearest external wall of any proposed dwelling and the boundary of an adjoining or adjacent lot, allotment, portion or parcel of land comprising Class 1, 2 or 3 prime crop and pasture land (as defined by the Oberon LEP 1998). The distance may be reduced to 50 metres if a Buffer Management Plan (BMP) incorporating acceptable natural/or artificial buffers between the proposed dwelling and the adjoining agricultural lands is submitted to and approved by Council and implemented to the satisfaction of Council prior to the occupation of the dwelling and issue of the Occupation Certificate.
- A buffer of 50 metres is to be provided between the nearest external wall of any proposed dwelling and the boundary of an adjoining or adjacent lot, allotment, portion or parcel of land comprising Class 4 or 5 non-prime crop and pasture land (as defined by the Oberon LEP 1998). This distance may be reduced in exceptional circumstances only if a Buffer Management Plan (BMP) incorporating acceptable natural and/or artificial buffers between the proposed dwelling and the adjoining agricultural lands is submitted to and approved by Council and implemented to the satisfaction of Council prior to the occupation of the dwelling and issue of the Occupation Certificate.

N.B. Any setback of less than 40 metres is unlikely to be approved.

1. Acceptable **natural buffers** in a Buffer Management Plan, referred to above, may be one or a combination of the following;_
 - a) land which has a slope of 18 degrees or more above and between the “building envelope” and any adjoining land used for agricultural purposes and extends for a distance of 150 metres or more from the “building envelope”; and / or
 - b) existing barriers such as creeks or rivers and trees 10 metres or more in height above the “building envelope” that are located between any proposed “building envelope” and any land used for agricultural purposes, which are within 150 metres of the “building envelope” and provide a sufficient buffer from the land being used for agricultural purposes; and / or

- c) a “building envelope” adjacent to and, or adjoining non-agricultural land.
2. Acceptable **artificial buffers** in a Buffer Management Plan referred to above may be one or a combination of the following (it should be noted that any artificial buffer must be maintained or the consent is rendered invalid):-
- a) plantings of trees, (preferably advanced) between the “building envelope” and adjoining land used for agricultural purposes that, when mature, would provide a vegetation barrier of at least 10 metres in height above the “building envelope” and extending beyond the “building envelope”. Any planting is to be provided with acceptable protection from stock or other hazards and maintained in such a way as to provide a permanent barrier from land adjoining or adjacent used for agricultural purposes. The trees must be at least 20 metres, or the mature height of the tree, from the closest wall of the dwelling; and / or
- b) the provision of a vegetated earth berm, or a series of non residential buildings or the like, a minimum of 10 metres in height above the “building envelope”, extending beyond the “building envelope” and between the “building envelope” and any land adjoining used for agricultural purposes.

Note: if the size of the dwelling is unknown at the time of subdivision, “building envelope” for the purposes of this clause, is an area sixteen (16) metres on the east west axis and twelve (12) metres on the north south axis, within which a dwelling house could be located.

B.14.12.10 Buffer Distances (for Proposed new Rural 1(c) Zone Candidate Sites)

In order to minimise land use conflicts and avoid undue interference with the living amenity of residents, residential development in new Rural/Residential 1(c) or similar candidate sites shall be located so as to ensure the following minimum buffer areas around certain land use activities with a nuisance potential, as follows:

Existing Major Industry	750 metres (from boundaries of site)
Extractive Industry (as defined in Standard LEP)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area. Council may consider less stringent conditions based on partial use and/or annual production volume having regard for public benefit)
Intensive Livestock Agriculture (as defined in Standard LEP – see below*)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area)
Intensive Plant Agriculture (as defined in Standard LEP – see below **)	150 metres (from footprint of operations) unless a tree buffer has been approved.
Garbage Tips	500 metres (from footprint of operations)
Inert Landfill	250 metres (from boundaries of site)
Animal Dips	200 metres (from actual dip site)
Sewerage Treatment Plant	400 metres (from boundaries of site)
Albion Street and proposed Western bypass	50 metres

* Intensive Livestock Agriculture – means the keeping or breeding of livestock, poultry or other birds that are fed wholly or substantially on sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but excludes operation of facilities for drought or similar emergency relief.

** Intensive Plant Agriculture means:

- d) the cultivation of irrigated crops (excluding irrigated pasture and fodder crops),

- e) horticulture, or
 - f) turf farming
- for commercial purposes.

B.14.12.11 Allotment Sizes

Oberon Local Environmental Plan requires that for a lot created for the purpose of a dwelling the minimum lot size is 2 Hectares. In selection of lot sizes the designer of the subdivision should consider:

- 1) The purpose for which the land is to be used after subdivision;
- 2) The desirability of providing a range of allotment sizes – it is not appropriate to have all 2 Hectare allotments in a rural residential subdivision;
- 3) The nature of the topography and any geographical constraints that may restrict use of any part of the land.
- 4) Maintenance of the Rural vista.

Larger than minimum lot sizes should be provided:

- a) Where topographical or geographical features limit the amount of useable land;
- b) Where increased area is required to meet setbacks from adjacent land use or boundaries.
- c) Where it is necessary to preserve or enhance the rural vista.

PART C – “RESIDENTIAL DEVELOPMENT” - 2(v) Zone

C.1 INTRODUCTION

The form of the built environment and its relationship to the natural environment will be a crucial factor in determining the future development of the townships of Oberon and Black Springs.

Oberon Council has recognised the need to plan for residential and tourism development which will be in harmony with its surroundings, both natural and constructed and which will enhance the physical context valued by the community and by the increasing number of visitors.

Council recognises that there is a growing diversity in residential and tourist needs, reflecting changing household types and incomes, lifestyles and recreational pursuits. It is aware of the need to promote a higher quality of design within a more cost efficient development framework.

This residential development policy has been adopted by Council to incorporate controls complementing the Oberon Local Environmental Plan and as a guide to design principles to be encouraged. The controls aim at sufficient flexibility to promote the development of innovative and imaginative building forms which are related to each other and to their surroundings by careful attention to orientation, forms, materials and landscaping. Each application will be treated on its merits and strict compliance with mathematical standards will not, by itself, be sufficient to meet the objectives underlying such standards.

Any and all proposals which are at variance with the provisions of this policy will be assessed on their merits and may be approved only where it can be demonstrated to Council's satisfaction that the particular proposal meets Council's objectives.

This policy should be read in conjunction with any adopted Development Control Plans which provide details of Council's adopted policies for the control of development in the Villages of Oberon and Black Springs. (Zone 2(v) Village Zone).

C.2 CITATION

This section of Oberon Development Control Plan 2001 updates and replaces “The Oberon Village and Black Springs Village Development Control Plan No 4, Part C. It shall apply in all respect as the previous plan to all land zoned as Village 2(v) in the Villages of Oberon and Black Springs.

C.3 APPLICATION

This policy shall apply to all development approvals relating to the erection of, or additions or alterations to, or use of residential development in Zone 2(v) Village Zone within the Villages of Oberon and Black Springs and shall include:

- Residential flat buildings;
- Group dwelling developments including home units, villa homes, town;
- houses, terraces, cluster housing and the like;
- Duplex or semi detached dwellings;
- Hotels, motels and hostels;
- Holiday cabins;
- Residential parks;
- Caravan parks and camping grounds;
- Dwelling-houses;
- Dual occupancy development;
- Bed and Breakfast.

All dwellings, residential units, duplexes, motels and hotels and caravan parks require development consent.

Adopting this policy, Council has the following objectives, which will be taken into consideration with regard to residential development.

To promote residential development, including tourist accommodation which is of a high design standard and which is sensitive to and enhances the physical environment and the social fabric particular to Oberon.

To accommodate a variety of residential forms to reflect the growing diversity of household types and incomes, lifestyles and tourist needs.

To encourage infill residential development, which is, compatible with the existing character and which enhances it's surroundings.

To optimise the provision of infrastructure services in the most efficient and most effective manner.

To ensure adequate access for the disabled, particularly to medium density and non private residential accommodation.

C.4 DEFINITIONS

In this policy, except in so far as the context or subject matter otherwise indicates or requires:

A.S.A. means: Australian Standards Association standard.

B.C.A. means: The Building Code of Australia.

BED AND BREAKFAST ESTABLISHMENTS means: a class 1a dwelling-house which incorporates no more than 5 bedrooms for the use, enjoyment and overnight accommodation of the travelling public.

BUILDING HEIGHT means: the vertical distance between natural ground level and the finished level of the uppermost ceiling in the building or where there is no ceiling or a "cathedral" ceiling, the level at which the main roof beams meet the top plate.

BUILDING HEIGHT PLANE means: the plane projected at an angle of 45° over the actual land to be built upon, from a distance of 1.5 meters above the natural ground level at the boundary of the site.

CARAVAN PARK means: a property used for the placement of caravans and other moveable dwellings.

COMMON LANDSCAPED AREA means: that part of the site area not occupied above natural ground level by any building except swimming pools at or below natural ground level, which part is predominantly landscaped by way of planting trees, gardens, lawns or shrubs and which is available for common use and enjoyment by the occupants of the building erected on the site.

DUAL OCCUPANCY DEVELOPMENT means:

- (a) the conversion of a dwelling house into 2 dwellings by alteration or addition; or,
- (b) the erection of a building containing 2 dwellings; but only if not more than 2 dwellings will be created or result on the allotment.
- (c) the erection of a separate dwelling on an allotment of land on which a dwelling house is already situated; or
- (d) the erection of 2 separate dwellings on an allotment of land; but only if not more than 2 dwellings will be created or result on the allotment.

DWELLING OR FLAT means: a room or suite of rooms occupied or used or so designed, constructed or adapted as to be capable of being occupied or used as a separate domicile.

EXPANDED HOUSE means: a group of buildings which are joined physically or conceptually to form a single dwelling where:

- (a) all habitable structures are contained within a circle of diameter no greater than 60 metres;

- (b) *habitable structures are connected by paths by an all weather surface;*
- (c) *only one kitchen and only one laundry is included;*
- (d) *an identifiable common living room is included.*

FLOOR PLAN AREA means: *the area contained within the outer face of the external enclosing walls of a storey including the area of balconies, but excluding:*

- (a) *columns, fin walls, sun control devices and any elements outside the general line of the outer face of the external wall.*
- (b) *lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air conditioning ducts;*
- (c) *car parking needed to meet any requirements of council and any internal access thereto;*
- (d) *space for the loading and unloading of goods.*

FLOOR SPACE RATIO means: *the ratio of gross floor area of buildings to site area.*

GROUP DWELLING means: *that part of a building designed or constructed or adapted for use as a single dwelling, having an individual entrance and access to private open space and which forms part of a group of 3 or more dwellings such as are commonly known as group houses, villa homes, town houses, terraces or cluster houses or the like.*

GROSS FLOOR AREA means: *the sum of the floor plan areas of all floors of a building.*

HOLIDAY CABIN means: *a building containing a room or a suit of rooms used or intended to be used for the provision of holiday accommodation only.*

HOSTEL OR GUESTHOUSE means: *a building or buildings incorporating bedrooms or dormitory accommodation and / or shared bathroom facilities, substantially used or intended for use for over night accommodation of travellers and their vehicles.*

MOTEL means: *a building or buildings incorporating no less than 6 motel units, substantially used or intended for use for the overnight accommodation of travellers and their vehicles, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.*

MOTEL UNIT means: *a room or suite of rooms incorporating self contained bathroom facilities which is substantially used or intended to be used for the overnight accommodation of travellers.*

RESIDENTIAL FLAT BUILDING means: *a building containing 3 or more dwellings.*

SITE (OR ALLOTMENT) means: *the area to which title is held, excluding any land zoned or reserved for any other purpose.*

SITE AREA OR ALLOTMENT AREA means: *the area contained within the title boundaries of the site but in the case of a hatchet shape site, excludes the area of the access corridor.*

Note: Refer to “**Part B – Subdivision**” for minimum requirements for access.

S.T.C. means: *the Sound Transmission Class as required by the Building Code of Australia.*

STORE means: *the space within a building between one floor level and the other floor level next above or where there is no floor above, the ceiling or roof.*

It excludes drying yards, garbage collection and handling spaces and any spaces used for the movement or parking of vehicles.

Where Council deems it appropriate in terms of accessibility, treatment and appearance, the common landscape area may include rooftop spaces, terrace steps, walkways, swimming pools, pergolas or other built elements.

C.5 RESIDENTIAL DEVELOPMENT

C.5.1 General

The provisions of this part relate to the Siting and orientation of residential buildings; the manner in which the buildings relate to the climate, environment and streetscape; provisions for landscaping, vehicular movement and parking on site; and other relevant matters.

Attention is drawn also to other parts of this plan which contains Council's adopted policies and Development Control Plans and which will be taken into consideration regarding any residential development or building application.

C.5.2 Drawings Or Models

Any application for development and/or with development/building costs in excess of \$500,000 is to be accompanied by suitable isometric or axonometric drawings or a model to an appropriate scale.

C.5.3 Height Of Buildings

Council will not consent to the erection of any building which has a building height greater than 5.5 metres.

C.5.4 Buffer Zones

***Please note Section C.5.4 was adopted by Council at the February Council Meeting
Buffer distance requirements were adopted by Council at the 14 March 2006 Ordinary Meeting of Council.***

In order to minimise land use conflicts and avoid undue interference with the living amenity of residents, residential development shall be located so as to ensure the following minimum buffer areas around intensive agriculture establishments, the Oberon Industrial area, quarries, sewerage treatment plants and the other existing land uses with a nuisance potential:

Existing Major Industry	750 metres (from boundaries of site)
Extractive Industry (as defined in Standard LEP)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area. Council may consider less stringent conditions based on partial use and/or annual production volume having regard for public benefit)
Intensive Livestock Agriculture (as defined in Standard LEP – see below*)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area)
Intensive Plant Agriculture (as defined in Standard LEP – see below **)	150 metres (from footprint of operations) unless a tree buffer has been approved.
Garbage Tips	500 metres (from footprint of operations)
Inert Landfill	250 metres (from boundaries of site)
Animal Dips	200 metres (from actual dip site)
Sewerage Treatment Plant	400 metres (from boundaries of site)
Albion Street and proposed western bypass	50 metres

* Intensive Livestock Agriculture – means the keeping or breeding of livestock, poultry or other birds that are fed wholly or substantially on sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but excludes operation of facilities for drought or similar emergency relief.

** Intensive Plant Agriculture means:

- a) the cultivation of irrigated crops (excluding irrigated pasture and fodder crops),
- b) horticulture, or
- c) turf farming

for commercial purposes.

Each case will however, be treated on its merits and consideration will be given to the operational characteristics of the activity or facility, the topography, vegetation, prevailing wind conditions and other matters relevant to the particular situation.

Comment: The aim of the buffer zone is to restrict any increase in density (eg. residential flat buildings, villa unit and town house complexes, dual occupancy and the like) within the specified setbacks and to ensure that noise, odour or other issues identified are appropriately dealt with. Additions and alterations to existing dwellings involving the construction of a “habitable room” as defined by the Building Code of Australia located within the 750 metre “Zone” of existing major industry must also comply with this clause.

Council may approve single dwellings on existing vacant lots within the specified setbacks subject to necessary design criteria being satisfied in respect of noise, odour or other issues identified relative to the existing environment of the locality.

Note: For the purposes of measuring the above distances from a dwelling, the provisions of Part 4 of the Environmental Planning and Assessment Regulation “How are distances measured for the purposes of this Schedule?” apply. Specifically the definition relating to Dwelling as produced below:

Dwelling: The distance from a dwelling is to be measured as the shortest distance between the edge of the dwelling and the boundary of the development or works to which the development application applies.

C.5.5 Building Height Plane

The building height plane, in combination with building height limits, forms the maximum building envelope for all residential development except as provided in Clause C5.6 - Exemptions.

Council's objectives in this regard are to ensure that a residential development will not significantly:

- (a) increase the overshadowing of adjoining properties;**
- (b) reduce the level of privacy enjoyed by adjoining properties; or**
- (c) affect the amenity of the Rural Village**

obstruct views from adjacent existing buildings, and that the occupants of the building or buildings will enjoy the optimum use of winter sunlight.

In this Clause, a reference to a building or development includes any point on the external walls of the building, but may exclude climate control elements which are of an open character and form part of the landscape treatment of the building. Pergolas, verandahs and lattice walls are examples of such elements.

C.5.6 Exemptions

An exemption from the building height plane may also be considered in relation to one or more boundaries, in the following circumstances:

- (a) where clear advantages are achieved in other aspects of the design;**
- (b) on an existing narrow allotment; or**
- (c) where the floor level is required to be significantly above ground level for the purpose of flood protection in a locality.**

C.5.7 Setback From The Street

Setback requirements are designed to be flexible in order to achieve more varied and interesting orientation of residential developments with regard to sun, shade, wind and neighbouring development, and better use of allotments to create private open space and courtyards.

The street face of a building and any open space between it and the street, should contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping. A reasonable degree of integration with the existing pattern of setbacks should be balanced with the need to provide variety in the streetscape.

Private open space and common landscaped areas of the site should be as useable as part of the living environment. Council will discourage the provision of bare spaces between buildings and the street, which are unusable.

Strict compliance with a minimum setback will not, by itself, be sufficient to meet these objectives.

The setback from a street frontage for a building, which is part of a residential development, will be determined on its merits having regard to:

- (a) ***the provisions of any development control plan applying to the specific location;***
- (b) ***the position of any existing buildings in the locality;***
- (c) ***the size and shape of the allotment.***
- (d) ***the effect on vehicular safety and visibility, particularly on corner sites.***
- (e) ***the orientation of the allotment and the proposed dwelling with regard to the sun and prevailing winds.***
- (f) ***the proposed location of any private open space, courtyard or landscaped areas.***
- (g) ***the facade of the proposed building or buildings which will face the street and the***
- (h) ***proposed landscape treatment of that part of the allotment which is visible from the street.***
- (i) ***the location and treatment of any car parking areas or car parking structures on the site.***

In any case, no residential building, dwelling or associated building shall be set within 3 metres of the street. Typically, a minimum 6 metre setback from the street boundary would be acceptable.

C.5.8 Design Principles

Council wishes to ensure the incorporation of design principles appropriate to the local climate and environment into all forms of residential development. Such principles relate to siting and orientation, passive solar architecture, relationship to the surrounding built and natural environment, landscaping, visual impact, building materials, and vehicular movements.

C.5.9 Orientation

Buildings should be oriented to maximise the sites positive characteristics and incorporate the principles of passive solar architecture. It is the most important factor to be considered in a comfortable energy efficient house.

Buildings should not necessarily face the street, but should be oriented with the main indoor living spaces and major window areas facing towards the North.

Appropriate orientation can:

- Minimise energy costs and facilitate more comfortable indoor/outdoor living by maximising winter sun and access to solar energy, and minimising summer sun.
- Reduce uniformity and add character to private open spaces and the street;
- Maximise site advantages for best use of house and private open space areas.

To optimise orientation and exploit the sites potential, compromise may be required.

C.5.10 Climate Control

The cold winters and the relatively high rainfall are two important aspects of the local climate which need to be addressed in the building design within Oberon and Black Springs.

Appropriate building forms and materials, location of glazed areas, roof shape and overhangs, and the use of pergolas, suitable landscaping and earth berming will assist in producing energy efficient residential development which is pleasant to inhabit and visually appealing.

The following are basic guidelines to appropriate climate control in building design, and these should be taken into consideration regarding residential development.

North facing glazed walls should provide major glazed areas for winter sun penetration.

South facing walls should provide minimal glazing to reduce winter heat loss;

Erect attached garages on the southern or western elevations and ***NOT Northern and Eastern to permit solar access when and where wanted and to protect the living areas from harsh weather conditions;***

Moderate the interior climate in both summer and winter by providing adequate wall and ceiling insulation. **Additional insulation a minimum of R2 for vertical walls and R4 for ceilings is required in Oberon, although now this is controlled by BASIX for the majority of new dwellings and additions and alterations.**

Consider steeper pitched roofs to provide insulating air space between roof and ceiling;

Plan landscaped areas and vegetation species to enhance the climate control features of the building and outdoor spaces.

Provide internal thermal mass to minimise rapid temperature fluctuations and to store and radiate heat in winter. Zoning of areas allows for the shutting off of rooms to isolate the effects of hot and cold weather conditions.

NB. Councils Building Surveyors are available for advice in regard to passive solar architecture and energy efficient housing.

C.5.11 Visual Impact

The visual impact of any development is a product of many factors. Some of these factors will be mainly determined by the provisions of various instruments and of this and other Development Control Plans, such as building height and bulk, vehicle and servicing areas, and landscaping.

However, the actual materials of a building, the nature of its external elements, and their relationship to each other, to adjacent buildings, to the street, and to the environment can have a significant impact on the visual appearance. Therefore, Council has determined some basic principles regarding the appearance of residential buildings, which should be taken into consideration regarding any residential development:

- Site, buildings and landscaping design shall address the climate;
- The street face of a building, and any open space between it and the street, should contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping;
- There should be a reasonable degree of integration with the existing built and natural environment, balanced with the need to provide a variety of landscapes;
- Long straight wall areas will be discouraged and should be broken up visually by a combination of building materials or changes in the wall plane;
- Appropriately designed overhanging eaves should be provided to allow winter sun penetration (Maximum 250 mm is recommended for the northern walls, and minimum of 450mm for the eastern, western and Southern walls – NB. Northern Verandahs should be discouraged as they obstruct the sun from entering the house in winter) ;
- No roof should have a highly reflective surface; any metal roof shall be baked enamel finish in an earth tone colour which compliments the visual amenity of the area;
- Details of wall colours and type shall be stated at the time of submitting the development application. Earth tone colours considered appropriate are green, gold, autumn reds or beige.

C.5.12 Ridgetops

No development can be carried out on or near any ridgeline where that development is likely to detract substantially from the visual amenity of the area.

C.6 SINGLE DWELLINGS

C.6.1 General

In this section, a reference to a single dwelling includes a reference to a house or a single house to be used as bed and breakfast establishment except where specifically stated otherwise.

C.6.2 On Site Car Parking

Refer to Part F – “Vehicle Circulation and Parking” for detailed provisions regarding car parking and vehicle access.

Note: Car parking spaces shall not be provided within 5.5 metres of the street alignment of any residential development.

C.6.3 Density Control

A single dwelling shall have a floor space ratio no greater than 0.4:1 gross floor area to site area.

C.6.4 Carports And Garages

Council may issue a development consent for a garage or carport such that it does not comply with the building height plane in relation to a boundary, having regard to the matters contained in Clause C.5.8 and to the adequacy and safety of vehicular access.

Car parking structures, including garages and carports that are visible from the street shall be integrated with the dwelling in terms of design and materials and where possible, form part of the dwelling structure. Fibrous cement, fibreglass, plastic, imitation masonry and steel cladding to garages or carports should generally not be used.

The maximum total floor of garages and/or carports is to be 60m².

C.6.5 Landscaping

In order to enhance the visual quality and improve the residential amenity of the townships of Oberon and Black Springs, Council encourages the landscaping of dwelling house allotments.

In cases where a dwelling is to be erected closer than 4 metres to the street alignment, Council will require landscaping to be provided to the street frontage of the lot prior to occupation of the dwelling. Such landscaping is to be designed and constructed to conserve and enhance the visual amenity of the streetscape.

C.6.6 Infill Housing

In residential areas which are already substantially developed, Council will encourage "infill housing" development to achieve optimum use of serviced residential land to provide for different household types and to enhance the residential character.

C.6.7 Zero Lot Line

Walls with no windows may be constructed along one boundary with no side setbacks.

Council may consent in residential areas to the construction of one or more building walls on a side or rear boundary, such that the building does not comply with the building height plane where:

- such wall or walls contain no openings;
- it is demonstrated to Council's satisfaction that the development if carried out would improve the siting or orientation of the dwelling or the provision of private open space and would not significantly increase the overshadowing of adjoining properties or reduce the level of privacy enjoyed by adjoining properties and in the opinion of Council, no well founded objection is raised to the proposed development by persons likely to be affected by that development; and
- the proposed building complies with the Building Code of Australia.

C.7 DUPLEXES AND DUAL OCCUPANCY

C.7.1 General

Council recognises the role of duplexes and dual occupancy development in contributing to infill development, making better use of existing services, adding to the stock of rental accommodation and widening the range of housing options. Council will encourage Duplex and Dual Occupancy development on vacant lots.

Any reference to a dual occupancy development includes a reference to a duplex, attached or detached development consisting of 2 separate dwellings but only if not more than 2 dwellings will be created or result on the allotment.

C.7.2 On Site Car Parking

The provisions of Part F shall apply. On corner lots, there may be an advantage in providing access to each dwelling from a different street frontage, paying particular attention to the need to make the best use of the site and to orient buildings and landscaped areas to maximise climatic advantages.

C.7.3 Considerations

In assessing any proposal for a Duplex or a Dual Occupancy development, particular consideration will be given to the topography and slope of the site, design to minimise loss of privacy, the visual impact of the proposal and the likely impact on water flows and drainage.

To encourage better visual quality and greater public acceptance, any attached Duplex development should be designed as far as possible to look like a single dwelling. Mirror- image Duplexes or Dual Occupancies are not favoured.

Private open space shall be specifically designed to be easily accessible to each dwelling.

C.7.4 Minimum Lot Size

The minimum allotment size for a Duplex or a Dual Occupancy development will be:

- (a) where the development will result in the creation of 2 detached dwellings; 900 sq metres,
- (b) where the development will result in the creation of 2 attached dwellings; 700 sq. metres.

C.7.5 Density Control

A dual occupancy development will have a floor space ratio no greater than 0.4:1 gross floor area to site area.

C.7.6 Sound Proofing

Division between walls shall comply with Part 3.8.6 Sound Insulation of the Building Code of Australia. The floors in single storey residential buildings of two or more dwellings or group dwelling development consisting of attached dwellings shall be so constructed or treated as to minimise the conduct of sound between dwellings.

If dwellings are located above each other the dividing floors shall be of concrete construction and comply with Part F5 Sound Transmission and Insulation of the Building Code of Australia

C.7.7 Private Open Space

Each dwelling shall have access to a minimum of 40 square metres of private open space at natural ground level with effective solar access. This open space shall be useable with a regular shape and consist of at least one dominant area within which privacy can be provided and which is not overlooked by adjoining development, is accessed from within each individual unit and have a northerly aspect with sustainable solar access.

C.8 MEDIUM DENSITY

C.8.1 General

The Council wishes to encourage variation in medium density development by providing simple, flexible controls which are intended to produce more attractive and innovative use of outdoor spaces, more privacy and better access to sunlight and shade.

This section applies to residential flat buildings and group dwelling developments.

C.8.2 Density Control

A residential flat building or a group dwelling development shall have a floor space ratio no greater than 0.8:1 but not cover more than 50% of the site.

C.8.3 Private Open Space

Each dwelling shall have access to an individual courtyard at ground level having a minimum area of 30 square metres and a minimum length and width each of 4 metres, not including any area used exclusively for the circulation or parking of vehicles. The courtyard shall be landscaped, have a significant northerly aspect and sustainable winter solar access to provide reasonable user comfort, privacy and enhance the amenity of the area.

C.8.4 Open Space Balcony

Where dwellings are situated or have access entirely above ground level, Council may consent to the provision of private open space by a balcony which is of sufficient size and which is located so as to provide a useable private outdoor area.

A private open space balcony will have a minimum area of 25 square metres and a minimum length and width of 3 metres each. A private open space balcony shall be demonstrated to have northerly orientation and adequate provision for winter sun.

Balconies and or eaves may overhang the minimum length and width of private courtyards or private open space balconies, subject to compliance with the building height plane, and adequate access to winter sun is demonstrated.

C.8.5 Common Open Area

The common open area of the site will be not less than the total of the areas required for each dwelling unit, calculated from the following table, less the total of the areas of approved private courtyards and approved private open space balconies in accordance with Clauses C.8.3 and C.8.4 (these areas are therefore EXCLUSIVE of private open space).

<u>DWELLING SIZE</u>	<u>LANDSCAPED AREA</u>
Small (under 75 sq m in floor area)	25 sq m
Medium (75-100 sq m in floor area)	35sq m
Large (over 100 sq m in floor area)	50 sq m

A minimum of 75% of the total common open area of the site should be of an absorbent finish such as grass, gardens or the like.

Particular consideration will be given to:

- the retention and provision of appropriate trees on the site.
- Sustaining solar access to the site and adjoining premises.
- the use of earth mounding and terraced areas to create useful and visually pleasing recreation areas and to assist screening.
- the orientation of landscaped areas with regard to sunlight and prevailing winds.

C.8.6 On Site Car Parking

Refer to Part F – “Vehicle Circulation and Parking” for detailed provisions regarding vehicle numbers, access, dimensions and layout of car parking spaces. Large areas of car parking shall be broken up by landscaping, mounding or other means. Car parking shall be provided on the site for residents and visitors in accordance with the table in Part F, in a manner both convenient and visually satisfactory.

Screening from adjacent streets of on site car parking shall be provided. Screening may be achieved by the location of car parking areas beneath, beside or behind buildings, by fencing, landscaping, mounding or a combination of these, or by other means. Council may consent to the location of uncovered car parking areas between the building alignment and a site boundary where the screening and treatment of such areas is satisfactory.

C.8.7 Residential And Commercial

Access for residents and their vehicles shall be separate from pedestrian or vehicle access to the commercial areas of the development. Privacy, amenity and security of residents shall be demonstrated to Council's satisfaction.

C.8.8 Sound Proofing

Division between walls shall be of a Standard Transmission Class as prescribed by the Building Code of Australia. The floors in single storey residential buildings of two or more dwellings or group dwelling development consisting of attached dwellings shall be so constructed or treated as to minimise the conduct of sound between dwellings.

If dwellings are located above each other the dividing floors shall be of concrete construction and of a Standard Transmission Class in accordance with the relevant provisions of the Building Code of Australia

C.9 OTHER MATTERS

C.9.1 General

This section applies to all residential development within the Villages of Oberon and Black Springs - Zone 2v (Village Zone).

C.9.2 Clothes Drying Facilities

The minimum provision of clothes drying facilities per dwelling shall be at the rate of 10 metres of line per dwelling in suitably screened external drying areas having a minimum area of 10 sq metres. These facilities shall be located in areas which provide adequate solar access and **shall not be attached to the southern wall of any building** or be in shade for more than 2 hours a day during the winter.

C.9.3 Garbage

One Mobile Garbage Bin shall be provided for each dwelling. Mobile Garbage Bins are to be located so as to facilitate ease of servicing and to minimise nuisance.

Installation of incinerators is not permitted.

C.9.4 Hot Water

Council encourages residents to install solar hot water heating systems on the roof of dwelling houses. Solar hot water systems shall comply with the requirements of the appropriate Australian Standard and be designed with Oberon's sub-alpine climate considered. All hot water service pipes shall be appropriately insulated to prevent freezing and failure.

C.9.5 Satellite Dishes And Aerials

Satellite dishes erected on the roof of a building shall be no greater than 1 metre in diameter and the colour is to match that of the existing building.

All residential flats and dwellings shall be provided with a suitable television antenna system.

C.9.6 Water Tanks

Council encourages applicants to erect water tanks on the side of the single dwelling houses to catch rainwater from the roof of the dwelling to reduce the overall household consumption of water. This is highly advantageous during droughts as the water collected can be used to water lawns. Some roofwater storage water tank installations may not require an approval - refer to the Oberon Council's Development Control Plan – Exempt Development.

C.9.7 Service Pipes

All service pipes and vents shall be concealed within the walls of buildings. Access is to be provided as required by the relevant authorities. However, provision of recessed service pipes in external walls may be acceptable subject to individual assessment.

C.9.8 Space Heating

Installation of wood fired heating in dwellings other than single dwelling-houses is discouraged. Connection to the reticulated natural gas service and installation of gas heating in the Village of Oberon will be encouraged for ALL dwellings.

C.10 TOURISM DEVELOPMENT

Refer to Part G of this DCP.

C.11 MOTELS, HOSTELS AND HOLIDAY CABINS

C.11.1 General

This section applies to motels, holiday cabins, hostels and other tourist developments.

The development of motels, holiday cabins and hostels represents an important part of the provision of low key tourist accommodation. Council recognises that these forms of tourist development are similar in nature. Thus a motel may consist of a grouping of cabins rather than a single building containing attached motel units. Controls are flexible to accommodate various and innovative design forms for this type of tourist development.

C.11.2 Density Control

A motel, holiday cabin development or hostel shall have a floor space ratio no greater than 1.2:1. and ground area coverage no greater than 50%.

C.11.3 Motel Units And Cabins

Each motel unit or holiday cabin shall contain eating and living areas adequate for the proposed number of occupants. This is to be clearly detailed in any application.

Each motel unit or holiday cabin shall have access to an outdoor sitting area adequate for the proposed number of occupants, which shall be adjacent to the units or cabins living areas and which shall provide adequate access to winter sun. The outdoor area may, where appropriate, form part of the common access balconies.

C.11.4 On Site Parking

The provisions of Clause C.8.6 shall apply except that:

The minimum number of car parking spaces shall be determined from the following:

- (a) additional car parking spaces shall be provided for employees and restaurant or function rooms in accordance with the provisions of Part F - Vehicle Circulation and Parking;
- (b) covered car parking spaces are not be required in the case of a motel, hostel or holiday cabin development;
- (c) nothing in this plan requires that a car parking space shall be located directly adjacent to a unit or a cabin.

C.11.5 Hostels

Council requires that hostel accommodation be of quality design and provides a level of amenity to occupants which is equivalent to that generally available in other forms of tourist accommodation.

C.11.6 Hostel Access

Each hostel bedroom or dormitory shall have access to an outdoor sitting area adequate for the proposed number of occupants, which shall be adjacent to the bedroom or dormitory. The outdoor sitting area shall be oriented towards the northern sun and the outdoor area may, where Council considers it appropriate, form part of common access balconies.

C.11.7 Landscaped Area

Motels and Holiday Cabins:

The provisions of Clause C.8.5 shall apply except that the landscaped area of the site available for common use will be not less than the total of the areas required for each motel unit or holiday cabin, calculated from the table contained in Clause C.8.5.

Hostels:

The landscaped area of the site available for common use will not be less than 8 square metres for each bed contained in the hostel.

C.11.8 Garbage

The provisions of Clause C 9.3 apply. Provision may be made for bulk bins catering for the entire hostel.

C.11.9 Vehicle Movements

Vehicle driveways shall be designed to allow for dual transit adjacent to the office or reception area.

C.11.10 Pedestrian Movements

External pedestrian access between motel units, holiday cabins and hostel dormitories and other facilities provided as part of the development including car parking spaces, shall consist of appropriate connecting pathways or access balconies with an all weather surface and shall form part of and be integrated with the overall landscape plan for the development.

When, owing to the particular characteristics of the site or the siting of buildings relative to each other and to other facilities provided as part of the development, any or all-connecting pathways shall be appropriately paved to

C.11.11 Sound Proofing

Division walls between attached units, cabins or dormitories shall be constructed so as to comply with the Building Code of Australia Standard Transmission Class requirements pertaining to all residential separations

The floors in single storey buildings consisting of attached units or dormitories shall be separated and so constructed or treated as to minimise the conduct of sound between units or dormitories. The floors of any motel or hostel building consisting of attached units or dormitories shall be of reinforced concrete above the first floor.

C.11.12 Other Matters

The provisions of Clause C9.6 shall apply with respect to service pipes and vents and to common television antenna and satellite dishes and any associated cabling.

C.11.13 The Environmental Planning And Assessment Act Model Provisions

The provisions of Section 5(2) of the Environmental Planning and Assessment Act Model Provisions are to be referred to.

C.12 CARAVAN PARKS AND CAMPING GROUNDS

C.12.1 General

This policy makes provisions regarding the siting and development of caravan parks and camping grounds within Oberon with these objectives:

- (a) to ensure that the quality of design and amenity available to long and short term occupants is consistent with that available to residents and tourists within the townships generally;

- (b) to ensure that caravan park and camping ground development is consistent with Council's adopted principles regarding family oriented, low key development in harmony with the natural environment;
- (c) the reserved area shall not include any site, campsite, roadway or other area designated for any other purpose, but may be improved by trees or other plants or used to an approved extent as the site of a building devoted to recreation or communal activities.

Council may approve a building devoted to recreation or communal activities where:

- (a) the building occupies no more than 10% of the total recreation area;
- (b) it is demonstrated that the proposed activities for which the building is designed are appropriate to the proposed mix of long term and short term occupants;
- (c) the building is integrated with the overall landscaping plan for the recreation area.

C.12.2 Allotment Size

The minimum allotment size for a Caravan Park and Camping Ground shall be 2 hectares.

C.12.3 Recreation Areas

10% of the total area of a caravan park or camping ground (not being an existing park) is to be reserved for recreation and communal activities.

C.12.4 Landscaping

The area reserved for recreation and communal activities shall be common landscaped area as defined in the plan. Council requires particular attention to be given to landscaping of street frontages and site boundaries, screening of amenities buildings and parking areas, and landscaping to increase the privacy and amenity of occupants. A landscaped plan shall be prepared for the whole of the proposed site to address the above specific matters and to enhance climate control and the visual appearance of the development.

Particular consideration will be given to:

- The retention and provision of appropriate trees on the site;
- The use of existing topographical features, earth mounding and terrace areas to create useful and visually pleasing recreation areas, and to assist screening where necessary;
- The orientation of recreation areas and landscaped areas with regard to sunlight and the prevailing winds.
- The provision of sufficient areas to allow for adequate penetration of the winter sun.
- Any other matters contained in Part H – "Landscape".

C.12.5 Siting

Council will consider carefully the appropriateness of the proposed location of any caravan park or camping ground and in this regard, applicants are referred to the Department of Planning Circular No 108 – "*Guidelines for the Location of Caravan Parks Accommodating Long Term Residents*".

Parks accommodating long term residents are best located in areas suitable for conventional housing.

Steep slopes should be avoided because of drainage, slip and potential damage to the environment.

Watercourses should not be disturbed and caravan parks should not be located in low-lying areas with poor drainage.

Existing vegetation should be protected. Sites that are difficult to landscape and integrate into the visual environment are unsuitable. Site layout and landscaping should break up or conceal the repetitive image of caravans and moveable dwellings.

Climatically or visually exposed sites such as ridges are unsuitable. Location adjacent to incompatible landuses is unacceptable.

Sites should not form a barrier to adjacent public lands. Sites with long term residents should have good access to services.

PART D – “COMMERCIAL & INDUSTRIAL DEVELOPMENT”

D.1 CITATION

This plan may be cited as Oberon Development Control Plan 2001 Part “D”– Commercial and Industrial Development.

D.2 AIMS and OBJECTIVES

The aim of this plan is to control development within the the town of Oberon so as to create a business area with a special atmosphere and streetscape. It also applies to the other areas of the Council area when commercial and/or industrial development is proposed.

- (a) The aim of this plan is promote the development of a visually pleasing and appealing development of the Commercial Centre and industrial area.
- (b) The objectives of this plan are to:
 - i) control the material to be used in the façade of commercial and industrial development.
 - ii) apply specific controls for the setback of development.
 - iii) apply requirements for traffic management and parking.
 - iv) allow flexibility in the application of the controls.

D.3 LAND TO WHICH THIS PLAN APPLIES

This plan applies to land within the Village of Oberon and to the other areas of the Council area when commercial and/or industrial development is proposed.

D.4 DEVELOPMENT CONTROLS

Except as provided in Clause D.5, all developments will be required to:

D.4.1 Building Setback

Provide a building setback minimum of 6 metres from the Street and 4.5 metres from any side street. This area is not in any circumstance to be utilised for car parking. Where an existing development provides for parking within an existing setback area, where practicable, provision should be made for that parking to be provided on the rear of the site, upon the redevelopment or extension of the development.

Where there is an existing development which is built to the front boundary along the Street, the Plan does not require that building to be set back upon redevelopment or extension.

If there is a development proposed which adjoins an existing development built to the front boundary, or closer than 6 metres to the front boundary, the setback requirement may be reduced having regard to the adjoining development and the overall appearance of the proposed development in the streetscape.

D.4.2 Building Façade

The building facade should be designed to enhance the visual amenity of the area. The building designer will be required to give special consideration to the building facade and the site landscaping.

D.4.3 Setback Area Use

Each development will be considered on its merits and having regard to the adjoining development and the development when considered within the existing streetscape.

D.4.4 Parking

The development will be required to provide for car parking at the rear of the development site in accordance with Council's Parking Code.

D.4.5 Access Driveways

The access driveways must be designed in accordance with appropriate Engineering Specifications at full cost to the Developer to Councils satisfaction. The access crossing over the footpath from the kerb of the road/street to the gateway of the development is to be concreted.

D.4.6 Site Access

The design of the driveways and manoeuvring areas are to be, wherever possible, accessible to rigid trucks for loading and unloading and will enable on site reversing movements for the **forwards direction entry and exit of all vehicles**, including the rigid trucks. Council will require turning circles to be detailed on the site plan. Council may consider a variation to this standard for minor commercial &/or industrial development that is not serviced by heavy vehicles.

D.4.7 Signs

The development will be required to ensure that no sign is projecting over the front boundary of the lot. Refer to State Environmental Planning Policy 64 – Advertising and Signage for the requirements for signage. The SEPP 64 provides for business and building identification signs.

Development consent is required for signage. NB. Signage design/details may be included in the Development application submission for the commercial or industrial activity.

D.4.8 Awnings

Council will require all commercial development in the Oberon Street to provide awnings over the adjacent footpath to provide weather protection for pedestrians.

D.5 OTHER MATTERS

The above provisions are to be considered and provided for in each development where possible, having regard to site and surrounding circumstances. The design of the development should contribute to the enhancement of the Oberon's visual amenity. The design should allow for the development to be neat and tidy. Landscape design forms a crucial part of this – accordingly Council would like the designer to consider and specify the proposed landscaping to include vegetation types, carparking, retaining walls, surface drainage, vehicle access and turning circles.

PART E - “ADVERTISING and SIGNAGE”

E.1 PRELIMINARY NOTES

E.1.1 Preface

Outdoor advertising receives a mixed reaction in the community. Some people maintain that signs are the best way to inform people of directions, facilities and products, while others say there are too many signs and they can be unsightly and dangerous.

Clearly, there is middle ground in the management and control of outdoor advertising, whereby the vitality and economic importance of advertising can be balanced with visual amenity interests as well as quality of life issues. Outdoor advertising is more readily accepted if it is of good quality and appearance and is appropriately located.

Good advertising therefore focuses on sending a clear positive message about the advertised product or facility whilst avoiding negative responses due to poorly designed or inappropriately located advertisements.

As the authority responsible for outdoor advertising Oberon Council intends to guide the use of outdoor advertising to compliment the vision for the Oberon Council Area in creating progress, opportunities and quality lifestyle for our residents.

E.2 SEPP64 – ADVERTISING AND SIGNAGE REQUIREMENTS

State Environmental Planning Policy 64 has recently been implemented and applies to the Oberon Council area. For the Council to grant consent to an application to display signage it must be consistent with the objectives of the SEPP 64 and has satisfied certain assessment criteria.

PART F – “VEHICLE CIRCULATION & PARKING”

F.1 INTRODUCTION

F.2 CITATION

This plan, which may be cited as the "Oberon Development Control Plan 2001, Part F: "Vehicle Circulation and Parking" or as the "Oberon Car Parking Code", and constitutes part of a development control plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979.

F.3 OBJECTIVES

To outline the vehicle parking requirements relating to all forms of development.

To encourage the creation of car parking and service vehicle areas that enhances the function and appearance of the development.

To ensure that adequate provision is made for off street parking and vehicle access in accordance with the volume and turnover of traffic likely to be generated by the development.

To assist those involved in the design of service and parking areas to provide efficient, useable space for those activities.

To preserve the safety and efficiency of the existing road system as a carrier of through traffic.

F.4 PERFORMANCE STANDARDS

In determining the position of car parking, vehicle access and associated works, the designer must take the following matters into account.

The location, types and scale of the proposed development

While this code provides detailed standards relating to the provision of car parking and vehicle access, each proposal must recognise the inherent characteristics of the site and/or the development that may necessitate some variation of standard requirements.

The availability and accessibility of existing public car parking areas

Under certain circumstances, it may be of greater benefit to utilise, enhance or expand existing public parking areas, than to provide on site parking. In such cases, Council may require a monetary contribution in lieu of on site provision of parking via Council's Contributions Plan 2000.

The compatibility of the car parking location and design with adjoining properties

Small fragmented parking areas are often not as efficient as larger, consolidated layouts. Accordingly, the developer should attempt where possible, to integrate parking areas in order to minimise traffic interference, maximise parking yields and ensure good car park design.

The existing level of on site car parking, when the proposal is for redevelopment

Council will consider the amount of car parking provided for any existing development or on street parking which complements the development.

F.5 PARKING SCHEDULES

F.5.1 General

The total parking requirement of a development will be assessed on the cumulative basis of all activities to be carried out on the site. The schedules in this section show the minimum requirement for parking spaces for different types of activity.

Applicants should also refer to other parts of this plan which give parking requirements specific to particular activities.

The requirements for any use or activity, not specifically listed in these schedules, will be determined according to the merits of the proposal and/or the guidelines provided by the NSW Roads and Traffic Authority.

Council will consider the availability of existing car parking that is not generally utilised during the peak usage times of the subject development.

F.5.2 Gross Floor Area

In this section, except in so far as the context or subject matter otherwise indicates or requires:

Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 mm above each floor level, excluding:

- (a) Columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall;
- (b) Lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air conditioning ducts;
- (c) Car parking needed to meet any requirements of Council and any internal access thereto;
- (d) Space for the loading and unloading of goods.

F.5.3 Parking Schedules

In the following schedules, where reference is made to car parking spaces per rooms, units, beds, the reference should be taken to mean that number or a part thereof, eg; 1 per 2 bedrooms, means 1 car parking space for every 2 bedrooms or part thereof.

Where the number of spaces is expressed as a decimal, eg. 1.25 per unit, the total number of spaces so determined will be rounded up to the next whole number.

For example, if 1.25 spaces are required per unit, then for 5 units, the requirement will be 6.25 spaces, i.e. when rounded up equals 7 spaces. Similarly, 7 units at 1.25 per unit will require 9 car parking spaces.

F.5.4 Residential

<u>Type of Development</u>	<u>Minimum Car Parking Spaces</u>
Dwelling Houses Under 200 m ² .	2 per Dwelling (outside any min. building line).
Dwelling Houses Over 200 m ² .	3 per Dwelling (outside any min. building line).
Duplex	As for Residential Flats below.

Residential Flat Building or Group Dwelling Development:

Small Unit (under 75 m ²)	1.00 per Unit – plus 1:4 for Visitors (or part thereof)
Medium Unit (75 - 100 m ²)	1.25 per Unit – plus 1:4 for Visitors (or part thereof)
Large Unit (over 100 m ²)	1.50 per Unit – plus 1:4 for Visitors (or part thereof)

F.5.5 Housing For The Aged And Disabled**Type of Development****Minimum Car Parking Spaces**

Self Contained Units	2 per 3 Units plus 1 per 5 Units for Visitors
Hostel, Nursing and Convalescent Home	1 per 10 Single Beds for Visitors plus 1 per 2 Employees plus 1 Ambulance space

F.5.6 Tourist Accommodation**Type of Development****Minimum Car Parking Spaces**

Bed and Breakfast Establishments	1 covered per Dwelling, plus 1 per Guest room.
Caravan Park	1 per Caravan Site or Camping Site, plus 1 per 10 sites for Visitors plus 1 for Manager

Motel, Motel Units or Holiday Cabins:

- (a) *Manager's Accommodation as per F5.4*
(b) *Restaurant/Function Room as per F5.8*
(c) *plus 1 per 2 Employees*

THEN :

Small Unit (under 20 m ²)	1 per Unit
Medium Unit (20 - 30 m ²)	1.5 per Unit
Large Unit (over 30 m ²)	1.5 per Unit plus 1.5 per 10 m ² over 30 m ² gross floor area or 1 per 3 single beds; whichever is the greater
Hostel	1 per 5 Single Beds.
Recreation Establishment	Determined on merit

F.5.7 Industrial**Type of Development****Minimum Car Parking Spaces**

Retailing of Bulky Goods	1 per 50 m ² gross floor area
Bulk Store Warehouse	1 per 300 m ² gross floor area or 0.75 per employee (rounded up) whichever is the lesser.
Factory	1 per 100 m ² gross floor area or 2 per factory unit, or 0.75 per employee per shift (rounded up), whichever is the greater
Transport Terminal	1 truck space for each truck associated with the development. plus 1 car space per Driver

plus 1 per 2 on site Employees

The number of truck parking spaces must recognise both fleet vehicles and contract operators vehicles.

F.5.8 Commercial

<u>Type of Development</u>	<u>Minimum Car Parking Spaces</u>
Commercial / Retail Premises	1 per 70 m ² floor area.
Home Office	1 per Practitioner plus 1 per Employee (in addition to parking requirements for the dwelling.)
Professional Consulting Room	3 per Surgery or Consulting Room
Refreshment Room /Restaurant	1 per 20 m ² gross floor area or 1 per 6 seats, whichever is greater.
Drive-in / Takeaway Outlet	1 per 50 m ² plus 1 per 5 seats or 1 per 20 m ² whichever is the greater
Service Station	4 per work bay plus 1 per 50 m ² gross floor area of Convenience Store.

F.5.9 Other Development

<u>Type of Development</u>	<u>Minimum Car Parking Spaces</u>
Club	1 per 6 m ² public area in Bars and Lounges plus 1 per 10 m ² public area in Dining Rooms plus 1 per 3 seats in Auditorium plus 1 per 2 Employees
Educational Establishment	1 per Staff member plus 1 per 10 Students aged 17 and over. Additional requirements at Council's discretion.
Hospital	1 for Visitors plus 2 for Employees per 10 beds plus 1 Ambulance space.
Hotel	1 per 5 m ² public area In Bars and Lounges plus 1 per Bedroom.
Hall	1 per 10 seats
Place of Worship	1 per 10 seats
Bowling Club	30 per Bowling Green
Squash / Tennis Courts	3 per Squash or Tennis Court
Gymnasium	1 per 20 m ²
Recreation Facility	Determined on merit

NOTE: Council will take into consideration the availability of existing car parking that is not generally used during peak usage times of the subject development.

F.6 CAR PARKING LAYOUTS

F.6.1 General

Many factors will influence the design and layout of parking areas. The minimum standards that will be acceptable for approval are contained in AS. 2890.1 (1993 or equivalent).

Where a dimension range is shown, the greater dimension must be adopted for areas of high turnover (parking for less than three hours).

F.7 DESIGN, ACCESS AND CONSTRUCTION

F.7.1 Materials

All internal roads and car parking access aisles shall be constructed of hard standing all weather surface and shall be drained and marked to the appropriate Australian Standard. A Construction Certificate is to be obtained for the design plans and specifications prior to work commencing.

Wheel stops in the form of extended kerbing shall be provided to protect walls, landscaping, shade trees and pedestrian areas from vehicle encroachment.

F.7.2 Design For Disabled

Disabled parking shall be provided where practical, as close as possible to the entry and exit points of buildings where appropriate and comply with the appropriate Australian Standard.

F.7.3 Landscaping

Suitable landscaping shall need to be provided. Detailed plan and specifications are to accompany the application.

F.7.4 Visibility

On corner sites, applicants shall ensure that there is no loss or restriction of visibility by motorists on adjacent lands. The dedication of a 3 metres by 3 metres corner splay is suggested.

F.7.5 Signs And Marking

Parking areas shall be well signposted to indicate the availability of off street parking. The location and signposting of entry and exit points shall be clearly visible from both the street and within the site.

Vehicle circulation shall be clearly indicated by pavement arrows. Parking spaces for specific uses, eg. disabled employees, visitors shall be clearly signposted. Pedestrian and other hazard areas should be clearly indicated.

Where car parking areas are used frequently at night, signposting and line marking using reflective background materials or paint shall be used. Adequate lighting will be required during normal hours of operation.

Signs shall be simple in character and be well designed so that it is not out of character with the surrounding area.

Details of proposed signs are to be detailed on the Development Application.

F.7.6 Vehicle Access

In determining the suitability of proposed locations for vehicle entry and exit points, Council will consider the following principles:

- (a) Parking areas should have a limited number of entry points;

- (b) Good lighting should be provided;
- (c) Exit and entry point shall not be closer than 6 metres to an intersection.

All vehicles must move in a forward direction when entering and leaving the site and entry and exit points are to be separated in major developments..

F.7.7 Existing Access Points

All new entry and exit points shall achieve a minimum of potential conflict with existing access points

F.7.8 Sight Distance

The maximum sight distance should be utilised.

F.7.9 On Street Queuing / Street Intersections

Design and location of access should ensure the minimum potential for on street vehicle queuing.

F.7.10 Pedestrian Movements

Parking areas shall be designed to minimise conflict with vehicles and pedestrians.

F.7.11 Coach, Bicycle And Motor Cycle Parking

Adequate provision shall be made for access, safe manoeuvring and parking of coaches in proposals for tourist, commercial and recreational developments.

Provision should also be made for the parking of bicycles and motor cycles as appropriate.

F.8 SERVICE, LOADING AND GARBAGE AREAS.

F.8.1 General

As the size of service vehicles varies considerably, it is not possible to specify parking and access dimensions which will be suitable for all situations. Accordingly, the design of service areas will have to be tailored to each particular site, type of development and the anticipated types of service vehicles. **Loading and unloading from the street and laneways must comply with current traffic regulations and is generally discouraged for new development.**

F.8.2 Design Principles

Council shall give consideration to the following principles in determining the appropriateness of service areas:

The service area should be physically defined, screened from public view and not used for purposes other than servicing, loading and unloading.

Requirements for storage and collection of waste should be taken into account in service area design.

All service vehicles should be able to enter and leave the site in a forward direction and therefore, adequate manoeuvring space is required on site.

Internal roadways should be of a size adequate for the largest vehicle likely to use the site.

F.9 MONETARY CONTRIBUTION

F.9.1 General

For commercial and/or industrial development, Council may accept a cash contribution in lieu of the provision of on site car parking spaces as per Council's Development Contribution Plan 2000. Such cases will be considered on merit with reference to:

- (a) The size of the development.
- (b) The sites proximity to and the accessibility of existing or proposed public car parking areas.
- (c) The demand for car parking generally in the locality.
- (d) The general flow of traffic in the area.
- (e) On street parking in the vicinity
- (f) Hours of operation in the light of demand in the vicinity for on-street parking during those hours.
- (g) Provision for "staff" on site parking at all times.

In the commercial area, Council may favour the development and use of public car parks in preference to small parking areas associated with individual developments. Where Council considers it appropriate in such circumstances, a contribution will be required in accordance with the charges applicable at the time, notwithstanding the availability of adequate areas on site for parking.

In locations away from the centre of town or where no public car parks are available, on-site parking shall be provided with the development unless it can be demonstrated that on-street parking is adequate and does not inconvenience any residents or other activity in the vicinity.

F.9.2 Rate Of Contribution

The required contribution will be made at the rate applicable in the schedule of fees and charges at the date of lodgement of the development application.

The monies shall be placed in the Contribution Fund by Council and must be spent solely on the provision of car parking.

F.10 DESIGN / DIMENSIONS

F.10.1 Car Spaces

Parking spaces are not normally permitted to be between the building line and the property boundary.

F.10.2 Driveways

A minimum driveway width adjacent to garages is to be 6.5 metres to allow for manoeuvring.

A combined entry / exit driveway is to be a minimum 6 metres (*minor road*) and a minimum 9 metres (*major road*) in width at the footpath crossing.

Internal driveway widths are to be minimum 3.5 metres (*25 vehicles per day*) and 5 metres (*over 25 per day*).

Passing bays are to be provided on longer lengths of driveways where necessary.

Adequate visibility is to be provided at corners and intersections.

As a minimum requirement, vehicle parking and manoeuvring areas are to be constructed of all weather, compacted, and decomposed granite or, similar hard stand approved material.

The access crossing over the footpath from the kerb of the road/street to the gateway of the development is to be concreted.

Maximum driveway grades for ramps shall be 1:20 for the first 3 metres from the property boundary and then 1: 7.

Recommended Minimum parking Dimensions – insert sketch.

PART G – “TOURISM”

G.1 CITATION

This plan may be cited as “Development Control Plan 2001 Part G “Tourism”.

G.1.1 Introduction

Council's objective with regard to tourist accommodation within Oberon is to enable the development of a diverse tourism industry, which complements the Oberon and Black Spring villages the rural area, the national parks, the Jenolan Caves precinct and the Oberon area in general so as to strengthen the economic base. Council encourages development that supports low rise, family oriented low-key development that is in harmony with the surrounding environment. Council will encourage appropriate development for tourism purposes, which meets these objectives.

Particular consideration will be given to the appropriateness of the scale of any proposed tourism development to ensure that such development makes a positive contribution to the locality in visual, social and environmental terms.

G1.2 Tourism Development

Where tourism development is proposed in the form of a residential flat building or a group dwelling development, applicants should refer to the general sections of this plan and to Section C.8 - Medium Density, in particular. For other forms of tourism development such as motels, hostels, cabins, caravan parks and camping grounds, the provisions of Sections C of this DCP apply. In the rural zones SEPP 15 should be referred to. For **proposed Bed and Breakfast establishments &/ or single dwelling tourist accommodation** reference should be made to criteria in the relevant section of the Council Exempt Development DCP as the proposed use may be “exempt development”.

G.2 AIMS and OBJECTIVES

G.2.1 The Aims Of This Plan Are:

- a) recognise that Bed & Breakfast accommodation is in a home environment as guests of the host and may be exempt development;
- b) recognise that Tourism development can be an economic benefit to the area and tourist industry in the Oberon Shire;
- c) provide for an alternative form of tourist accommodation within the Oberon Council Area by encouraging the establishment of small scale “Bed and breakfast establishments and Farmstay establishments”,
- d) to ensure that the standard of accommodation is attractive to visitors, and maintains an adequate standard of service.

G.2.2 The Objectives Of This Plan Are:

- A. maintain the residential amenity of the property and locality where a tourism establishment is situated. In order to do so designer of the development and Council shall consider the following matters:-
 - 1. the location and number of tourism establishments within any given urban or rural neighbourhood;

2. within rural area serviced by an on-site waste water disposal system, that the capacity and efficiency is adequate.
- B. maintain a satisfactory standard of management and service; and
- C. ensure that the premises meet acceptable community health and fire safety standards.

G.3 LAND TO WHICH THIS PLAN APPLIES

This plan applies to the whole of the Oberon Council Area.

G.4 BED AND BREAKFAST AND SINGLE DWELLING TOURIST ACCOMMODATION

For proposed Bed and Breakfast establishments &/ or single dwelling tourist accommodation reference should be made to criteria in the relevant section of the Council Exempt Development DCP as the proposed use may be “exempt development”.

Bed and breakfast accommodation establishments, in existence at the commencement of this policy are permitted a period of (12) months in which to comply with the terms of the policy

G.5 DEFINITIONS

A Bed & Breakfast or Farmstay establishment, that is not “exempt development”, is either a “Boarding House” or a “Motel”. In no circumstance may an establishment be permitted as a Bed & Breakfast or Farmstay development if it also is defined as “Residential Flat Building”.

The above terms are defined under the 1980 Environmental Planning & Assessment Model Provisions as follows:

“boarding-house” includes a house let in lodgings or a hostel but does not include a motel;

“motel” means a building or buildings (other than a hotel, boarding house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also in the provision of meals to those travellers or the general public;

“residential flat building” means a building containing 2 or more dwellings;

G.6 DEVELOPMENT CONSIDERATIONS

Consideration will be given to the following matters:

- a) The proposed tourism development is to have some element of building design, location or feature of appeal to tourists and visitors; i.e. heritage architecture, streetscape amenity, rural ambience.
- b) For urban sites, off-street car parking is to be provided at the rate of 1 space for resident parking and 1 space for each two guest rooms. Care is to be taken with the siting of car park areas, so as to retain the residential character of the area, and to reduce noise impact upon neighbouring properties. The stack parking of vehicles is acceptable.
- c) Meals are to be able to be provided for guests. Approval to operate a tourist accommodation does not incorporate approval to operate refreshment rooms. Such use will need to register with the Council as food premises.

G.7 HEALTH STANDARDS

Consideration will be given to the following matters:

- A. Unless otherwise approved by Council toilet and bathroom facilities for guests and residents shall be provided at the rate of 1 toilet and bathroom for each 3 bedrooms within the establishment.
- B. For guest bedrooms, a minimum of 5.5 m², (approx. 1.5 m x 3.6 m) of floor area is required for each person excluding children under the age of five (5) years.
- C. The tourist establishment shall be operated in a manner which has regard to the amenity of the neighbourhood. It is expected that noise levels generated by the development proceeding shall be in keeping with those normally experienced in the locality.
- D. On-site waste water disposal system. The capacity and efficiency of existing or proposed septic tank/waste water disposal system is to be adequate for the approved occupancy rate
- E. Sound transmission. To minimise disturbance, walls separating guest rooms from other habitable rooms should have a Sound Transmission Class of 45. Walls separating bedrooms from either a bathroom, water closet, kitchen or laundry, other than an ensuite bathroom attached to and opening only to the guest bathroom, should have a sound transmission class of 50.
- F. Kitchen. Where a kitchen provides for a maximum occupancy rate of 10 persons in the establishment the kitchen should be upgraded or constructed to comply with the following minimum requirements:
 - Voids such as kitchen cupboard kickboards to be eliminated. A variety of methods of are available and should be detailed on the plans and specifications by the designer.
 - Refrigerator to be on wheels to facilitate easy cleaning.
 - Hand basin must be provided with a towel and liquid soap dispenser within reasonable proximity of the kitchen and eating areas.
 - Double bowl sink or dishwasher to be provided.
 - Floor covering to be smooth and impervious – such as a commercial grade vinyl or equivalent with welded joints, or glazed ceramic tiles or slate and terracotta sealed with commercial sealant are acceptable alternatives. A variety of methods of are available and should be detailed on the plans and specifications by the designer.
 - Ceiling and walls to be rigid smooth faced non-absorbent material and painted with a washable paint of light colour.
 - Provide 450 mm tiles to wall above bench tops.
 - Fly proofing to kitchen external openings.
 - Benches, draining boards, table tops etc., are to be of rigid smooth faces non-absorbent durable material, free of cracks, crevices or cavities, such as stainless steel or other approved material. Joints in Laminex or Formica are permitted.
 - Thermometers shall be provided to dishwashers, bowl sinks, and all hot or cold food storage equipment. **NB:** The water temperature of the dishwasher rinsing cycle is not to be less than 70 deg C, and double bowl sinks with one bowl not less than 44 deg C with the rinsing bowl 75 deg C.

Where an establishment provides for the accommodation of more than 10 people (residents and visitors) the building is classified differently under the Building Code of Australia and will require full compliance with the Food Act and Council's Food Premises Code. The building designer must demonstrate full compliance in the submitted plans and specifications.

G.8 FIRE SAFETY

The building must comply with the Building Code of Australia. If it is an existing building it needs to be upgraded to comply with the BCA or a BCA audit completed and any deficiencies reasonably addressed to ensure the objectives of the building code have been adequately addressed.

Kitchen. A 1.2 x 1.2.m fire blanket and a 2.0kg ABE dry power Portable Extinguisher are to be suitably wall mounted within the kitchen area, with clear instructions for use of each item.

Smoke Detectors. Approved single-station smoke detector alarms (connected to a permanent 240 volt electricity supply with a battery operated backup device are to be installed in all bedrooms and associated hallways. (This is a requirement of the Building Code of Australia.)

G.9 SUBMISSION OF A DEVELOPMENT APPLICATION

A development application will be required for Council's consideration if the use is not considered to be 'Exempt Development'. If the use is 'exempt development' a notification form must be issued and submitted to the Council.

Development Application forms may be obtained from Council. Each application will be treated on its merits. Construction Certification may also be required for developments that require renovations, extensions or new buildings. Further inquiry should be made to Council to determine requirements in these instances.

G.10 ADVERTISING SIGNS

The S.E.P.P. 64 may permits one building/business identification sign for the tourist establishment which may include the name of the property and / or the name of the proprietor. Any such sign shall be designed to reflect the character / style of the dwelling, and be limited in size to a maximum of 1m² in area.

G.11 INSPECTIONS

The premises should be inspected annually to verify minimum fire safety and health requirements are adhered to.

G.12 EARLY DISCUSSION

It is recommended that persons interested in undertaking a tourism development business contact Council's Development Department at the earliest opportunity to discuss the development proposal, and to ascertain the requirements for each individual development and / or application. It may also be of benefit to discuss the proposal with the Oberon Council's Promotions Officer.

G12.1 Other Information For Applicants

Home Hosting for Rural Tourist Accommodation, Accommodating the "Country Holiday Experience", NSW Farm & Country Holiday Association Inc., 1997.

Guidelines on Government Approvals for B & B's, Farmstays and Other Tourist Accommodation provided within the home..

Purpose Built Rural Tourist Accommodation, Accommodating the "Country Holiday Experience:" NSW Farm & Country Holiday Association inc., 1997

Guidelines on Government Approvals for Farm Holiday Resorts, Rural Retreats, Guesthouses, Cabins and Other Purpose Built Rural Tourist Accommodation.

ROAD SIDE STALLS

G.13 DEVELOPMENT CONSIDERATIONS

The Building or place used for the Roadside Sales must form an integral part of the holding from which the produce originates and must be comprised wholly within its boundaries.

The intent of the planning provision for Roadside Stalls is to allow produce grown locally to be marketed locally on agricultural holdings associated with produce growing.

Size of Stall

The size of the stall should be kept to a minimum.

Building Design

The building used for the Roadside Stall should complement the character of the locality.

Health Requirements

Premises must be kept clean and tidy at all times to comply with the Food Act and Council's satisfaction.

Access and Car Parking

- The access to the property from a Roadway should be sited in a manner that gives motorists clear direction to allow safe turning in or out of the property.
- Car Parking should be provided for sufficient spaces to meet demand wholly within the property.
- A minimum of 4 car parking spaces is to be provided.

Advertising Signs

- To maintain the Rural Character of the area proposed signage should be kept to a minimum and approval sought under the provisions of S.E.P.P. 64. A single well designed advertising sign within the property is deemed to provide effective identification of the Roadside Stall.
- Advertising signs in road reserves are **not** permitted.

Other Approvals

Building works that are not exempt development require Council development consent and must comply with the Building Code of Australia Standards.

Public Notification of Proposals

Council shall give notice of applications to establish Roadside Stalls and will consider any submissions received as consequences of the public notices. Notification fees may apply.

G.14 SUBMISSION OF A DEVELOPMENT APPLICATION

A development consent for any roadside stall within Oberon Council Area. The following information to be submitted in conjunction with the lodgement of the development application:

1. Type and quantity of produce / good for sale
2. Hours of operation of the development.
3. Detailed diagram of proposed site layout with dimensions, indicating access / egress, parking provisions, location of any proposed advertising structures.
4. Detail of size and content of advertising structure.
5. Detail of proposed buildings including plan and elevation drawings and proposed construction materials.
6. Reasons for proposing to establish.
7. Hours of operation and length of time proposed (eg. Two month seasonal stall only)

The fee for a Development Application for Roadside Stall should be verified with Council and each application will be treated on its merits.

G.15 EARLY DISCUSSIONS

It is recommended that persons interested in undertaking a Roadside Stall Business contact Council at the earliest opportunity to discuss the development proposal.

G.16 RTA GUIDELINES

- The stall is to be located outside the road reserve;
- All parking associated with the development is to be located outside the road reserve;
- A barrier is to be provided between the development and the road reserve;
- Ingress and egress to and from the site is to be clearly signposted;
- All advertising associated with the development is to be located outside the road reserve;
- The minimum requirements for the turnout from the development should align with Council's requirements for rural property access. Within the requirements should be the provision of pavement seal for a minimum of 6 metres when the turnout connects to a bitumen roadway;
- The location of the turnout to the development should be such that maximum sight distance is available to vehicles travelling along the through road to slow and turn into the development as well as permitting those vehicles leaving the site to have maximum visibility for gap acceptance. As a guide for cars to reduce speed to enter a property at a turn speed of 5km/h from 100km/h travel speed at a distance of some 180 metres is required;
- The provision of signposting warning approaching motorists of encountering possible slowing, stopping and turning manoeuvres should also be out in place. Within the Australian Standards provision has been made for warning approaching motorists with signs which have the legend "Entering Traffic" and / or "Concealed Driveways" etc;
- Any works associated with the design and / or construction of turnout to this type of development is to be carried out to the approval of but at no costs to the Authority in respect of classified roads.

PART H – “NOTIFICATION –Development Control”

H.1 INTRODUCTION

H.1.1 Name Of Plan

This Plan is called The Oberon Council Development Control Plan Part –H “Notification of Development applications.

H.1.2 Land To Which This Plan Applies

This Plan applies to all land in the Oberon Council Area to which the Oberon Local Environmental Plan 1998, applies.

H.1.3 Operation Of The Plan

This Plan has been prepared in accordance with Section 72 of the EP & A Act, 1979, and accompanying Regulations.

H.1.4 Relationship With Other Plans

Where there is a discrepancy or inconsistency between this Plan and any environmental planning instrument** applying to the same land, the provisions of the environmental planning instrument shall prevail.

*** An environmental planning instrument includes State Environmental Planning Policy (SEPP), Regional Environmental Plan (REP), Local Environmental Plan (LEP) and a deemed Environmental Planning Instrument.*

Where there is an inconsistency between this Plan and any other Development Control Plan in force, the provisions of the latter Development Control Plan shall prevail.

H.2 AIMS & OBJECTIVES

This Development Control Plan outlines Council’s policy for community consultation in the assessment of development applications and the formulation of development guidelines and policies. The Plan also outlines the necessary procedures involved in undertaking such consultations.

The objectives of this Plan are to:

- Establish a transparent and consistent approach to community consultations;
- Ensure that the community is appropriately consulted;
 - during the decision making process regarding development applications;
 - during the formulation of development guidelines & policies;and that submissions received are taken into account by Council.
- Ensure that decision making and policy formulation is conducted on a wider and more informal context, with regard in particular, to environmental, social and economic impacts associated with development;
- To outline who will be notified and under what circumstances notification will occur;
- To outline the period during which a person may inspect plans and the period during which submissions concerning a development application may be made;

- To outline the matters to which Council will have regard as to whether or not the enjoyment of adjoining and or adjacent land may be affected by proposed development;
- To outline how submissions received will be considered by Council; and
- To outline how persons who made submissions/objections in the appropriate format will be notified of the determination made.

H.3 COMMUNITY CONSULTATION - DEVELOPMENT APPLICATIONS

H.3.1 Statutory Situation

Council has certain obligations under the Local Government Act, 1993 and the Environmental Planning and Assessment Act 1979, (EPA Act) and The Oberon Local Environmental Plan 1998 to notify owners of land whose enjoyment of that land may be effected by proposed development.

Certain categories of development (i.e. Designated Development, State Significant Development, Integrated Development and Advertised Development) are required to be exhibited in accordance with the procedures for notification prescribed by Section 79 of the EPA Act and Divisions 6 & 7 of Part 6 of the Regulations. Notice of the public exhibition of an Environmental Impact Statement prepared under Part V of the EPA Act in respect of an 'activity' for which development consent is not required, must be given in accordance with Division 3 of Part 8 of the Regulations. This Plan must be read in addition to those requirements.

H.3.2 Public Notification

All adjoining and adjacent property owners, who in the opinion of Council's Environmental Health Officer, Building Surveyor and/or Development Control Officers, may be significantly effected by a development proposal shall be notified in writing. In this regard certain activities are generally considered to be minor and unlikely to adversely affect adjoining owners, or are identified exempt or complying development. These may be exempt from notification (refer section 3.12). The following person(s) may be notified:

- Those persons who own land either adjoining to the side and rear boundaries, or adjacent to the subject land.
- An association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act, 1989 or a body corporate for a parcel within the meaning of the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986.
- If in the opinion of Council or its delegated officers, the enjoyment of any other land may be affected by the proposed development, the owners of such other land;
- The owners of land separated only by a pathway, driveway or similar thoroughfare from the proposed development.

The Developer shall, in accordance with the fees and charges schedule in Council's Management plan, meet the costs of the notification.

NOTE: (a) When a development application is received for Dual Occupancy development, Medium or High Density development in the Oberon village area, adjoining owners are to be notified of the application by registered mail.

(b) When a development application is received for a Wind Monitor, Council and property owners within a radius of 2 kilometres are to be notified.

(c) Development Applications received for Wind Monitors must be referred to Council prior to determination.

H.3.3 Notification In Local Newspaper - Advertised Development

Notification will also be given in a local newspaper (The Oberon review on at least two (2) occasions for the following advertised development.

- ▶ Boarding Houses;
- ▶ Brothels;
- ▶ Demolition of a heritage item;
- ▶ Heritage Items;
- ▶ Extractive Industries;
- ▶ Hotels / Motels;
- ▶ Intensive Livestock Keeping;
- ▶ Industries- other than in the industrial area of the Oberon Village;
- ▶ Liquid Fuel depots;
- ▶ Medium & high density housing;
- ▶ Junk yards;
- ▶ Residential Flat Buildings and duplexes;
- ▶ Sawmills;
- ▶ Stock & Sale yards; and
- ▶ Tourist Facilities.

In addition where Council's Environmental Health Officer, Building Surveyor, Development Control Officer or other delegate considers that community interest in a development proposal may be wider than the immediate vicinity of the development site, notification may also be given in a local newspaper.

H.3.4 Criteria For Neighbour Notification

The extent of neighbour notification will be determined by Councils staff having regard to the following:

- ▶ The siting of the building/development and its proximity to boundaries;
- ▶ The design of the building/development, and in particular its height bulk and scale and its relationship to the character of existing development in the vicinity and the street scape;
- ▶ The use of proposed rooms and the possible effect on adjoining land, due to overlooking and loss of privacy;
- ▶ The views to and from adjoining land;
- ▶ Any overshadowing of adjoining and;
- ▶ Natural drainage of the site and possible changes in response to the proposed works and the impacts that this may have on adjoining properties;
- ▶ The likelihood of the adjoining land being detrimentally affected by noise;
- ▶ Any relevant matter for consideration under section 79C of the EPA Act.

H.3.5 Form Of Notice

A written notice shall contain the following information:

- ▶ The property description and address of the site affected by the application;
- ▶ A description of the specific development for which approval is being sought;
- ▶ The name of the applicant;
- ▶ An Invitation to inspect the application;
- ▶ Details of where the application can be inspected;
- ▶ A statement that any person may make a submission in writing;
- ▶ The time within which written submissions will be received.

Advice that:

- the substance of written submissions may be made available to the applicant and may also be included in a report to Council;

- Council is subject to Freedom of Information legislation and that copies of written submissions may be made available to any persons entitled to lodge an application under that legislation.
- indicating that an objector **does not have the power of veto** over the development.

H.3.6 Signs

A sign may be erected to identify those sites the subject of a development application, if the Council or its delegate considers such a sign to be appropriate having regard to the nature of the application or the location of the site.

H.3.7 Plans To Accompany Notice

- A notice of a development application may be accompanied by plans of the proposal in an approved form, or alternatively the recipient advised that the plans may be viewed at Council office. The plans will need to show the height and external configuration of any building/structure in relation to the building site. Such plans must:
 - Be clearly drawn to a suitable scale.;
 - Include all elevations sufficient to delineate the height and external configuration of the proposed building;
 - Include a site plan showing the relationship of the proposed building to the boundaries of that allotment, indicating existing features such as trees, fences and structures;
 - Identify any new buildings or additions to existing buildings by means of colouring or cross hatching or otherwise;
 - Be clearly labelled and dimensioned to indicate size, height, and position of building;
 - Indicate the levels of floors, ceilings and ridges in relation to the levels of the site and accurate ground levels adjacent to the elevations of the building being shown;
 - Include any other information Council, or its delegated officer, considers appropriate;

Should the form of plan and details defined and described be inappropriate to the circumstance of the case of the proposal, the plan shall be in a form approved by Council's Building Surveyor.

To enable the distribution of plans to persons required to be notified, the applicant shall submit a minimum of four (4) A4 or A3 copies of the plan in the approved form or such further copies as may be required in the circumstances.

H.3.8 Exhibition Period

An application shall be available for inspection from the date of notice of the application for a minimum period of fourteen (14) days or such additional period as determined by the Council Building Surveyor.

During the exhibition period, any person may inspect by appointment, free of charge, during the ordinary office hours of Council an application which has been notified whether or not that person has been, or is entitled to be, given notice under the provisions of this Plan.

Extracts of a development application relating to the erection of a building will be made available, upon request, to interested persons free of charge. This information shall include:

- ▶ details of the applicant and the land to which the application relates; and
- ▶ a plan of the building that indicates its height and external configuration, as erected in relation to the site on which it is to be erected.
- Copies of statements of Environmental Effects or the like which accompany development applications or extracts thereof may be available at copy cost.
- Copies of Environmental Impact Statements, which accompany designated developments, are available for purchase from Council for a price as set by Regulation.

H.3.9 Submissions

Submissions in respect of an application must be received by Council within fourteen (14) days of the date appearing on the notice of the application or alternatively, within such additional period as may be determined by the Council.

Any person may make a submission. Submissions must be made in writing and if by way of objection, must state the reasons for objection. All submissions must be addressed to the General Manager.

It may be possible to address Council through Open Forum at an ordinary Meeting of Council or Council's Planning Policy Committee by arrangement with Council staff.

H.3.10 Council Must Consider All Submissions

In determining applications Council and/or delegated officers of Council, will consider all submissions before the application is determined.

Nothing in this Plan prevents Council or its delegated officers from considering submissions that are received outside of the fourteen (14) day period, provided the application has not already been determined.

H.3.10.1 How will Submissions be Considered

- If a written submission is an objection then the submission and the application will be referred to the Council for consideration.
- Should no objection be lodged then the application will be processed under delegation by Council staff.

H.3.11 Notification Of Determination Of Application - Persons Making Submissions

Any person who makes a submission in relation to an application will be notified, in writing, of Council's determination.

H.3.12 Exemptions From Notification Procedure

If, in the opinion of Council's Building Surveyor or other delegated officers, a development is routine or minor and persons will not be significantly detrimentally affected by a proposal, then Council may not follow the notification procedure. The circumstances that may give rise to Council not following the notification procedure include:

- The proposal is identified as exempt development or similar to exempt development under Council's Local Environmental Plan and therefore, does not require Council approval for the work to be carried out;
- The proposal is identified as being complying development or similar to complying development under Council's Local Environmental Plan, and therefore complies with predetermined and accepted development standards;
- The occupation of retail, commercial or Industrial premises (other than those considered to have a significant effect on the surrounding owners or the community);

*Note: (in some circumstances, the change in use at a premise does not require development consent
eg: Change of retail use to another retail use)*

- Applications for the erection of an advertising sign below awning level located on a site in the CBD area upon which the business is located in accordance with Council policy;
- Application for internal alterations to a building;
- Application for construction of a dwelling other building work which is typical for the zone;

- Applications for renovation such as re-cladding of buildings, replacement of windows, doors or shop fronts where the works are contained entirely within the building envelope;
- Applications where in the opinion of Council the amenity of adjoining and or adjacent properties is not affected;
- Subdivision applications involving minor boundary adjustments or strata subdivisions;
- Minor commercial and industrial additions that are considered to be in keeping with surrounding developments and the local environment;
- Amendments made in response to objections received;
- Amendments which are the result of conditions imposed on an application previously notified.

H.4 PUBLIC MEETINGS

H.4.1 Resident Meetings

Where Council has received numerous objections to a development proposal a resident meeting may be organised following an exhibition period. Council may decide to receive submissions after the resident meeting.

The aim of a resident meeting will be to provide a forum within which concerned residents, the applicant, Councillors and Council staff can meet to discuss a proposal, review concerns and examine possible solutions in an informal manner.

A resident meeting involves only those residents who have objected/raised concerns regarding a proposal and the applicant. It is not necessarily a public meeting. In this regard, only those persons who have made submissions will be notified of the meeting, in addition to the applicant.

H.4.2 Public Meetings

Where it is considered a development proposal will generate significant community interest, Council may arrange a public meeting so that:

- ▶ Details of the proposal can be more fully explained;
- ▶ Community concerns can be discussed; and
- ▶ Conflicts can be identified and possibly resolved.

Councillors, Council staff, the applicant and interested parties, attend public meetings, which will generally be publicly notified in a local newspaper at least five (5) days prior to the meeting. Furthermore any person objecting to the development or local community forum or precinct committee may be individually invited to attend the public meeting as well as the applicant.

H.4.2.1 Focus Meeting

As part of the Public Meeting process, wherein the opinion of Council or its delegate a development proposal will generate significant interest Council may prior to formal notification or simultaneously arrange a Focus Meeting to detail the proposal more fully to interested parties to avoid misinformed and inappropriate submissions.

H.5 THE FORMULATION OF DEVELOPMENT GUIDELINES

H.5.1 Development Control Plans

Development Control Plans (DCPs) are prepared under section 72 of the EPA Act, 1979, and Part 3 of the regulations. The following consultation provisions apply for the preparation of a draft DCP. Council must:

- Give public notice in a local newspaper of the places, dates and times for inspection of the draft DCP;
- publicly exhibit at the places, on the dates and during the times set out in the notice:
 - a copy of the draft DCP;
 - a copy of the relevant local environmental plan or deemed environmental planning Instrument;
- specify in the notice the period during which submissions about the draft DCP may be made to Council. Such must include the period during which the plan is publicly exhibited;
- publicly exhibit the Draft DCP for a minimum period of 28 days.

In addition to the legislative requirements for public exhibition and notification, the following consultation procedures are also required to be undertaken;

- Where a draft DCP refers to development guidelines a copy of the draft DCP may be referred to those who may have an interest in the particular development guidelines including:
 - Development industry representatives such as architects, designers, builders, surveyors, real estate institute, planning consultants and engineers;
 - Resident groups and precinct committees;
 - The Oberon Business Association, The Oberon Tourist Association or the like;
 - Tourist attractions.
- Where a draft DCP relates to a specific geographical area, owners of land within, and immediately adjoining the area affected by the draft DCP may be notified.

H.5.2 Council Policies

Where Council has prepared Development Guidelines or Policies, these must be exhibited for a minimum period of twenty eight (28) days. Public Notice must be given in a local newspaper(s). The notice must:

- Detail the places, dates and times for inspection of the draft guidelines/policy;
- Specify the period during which submissions may be made.

H. 5.3 Workshops

If substantial interest is generated from the public exhibition of a draft development control plan, or draft policy, Council may hold a workshop to provide:

- An opportunity to explain draft guidelines;
- An appropriate forum where Community concerns can be discussed;
- Opportunity to identify and possibly resolve potential and perceived conflicts.

The following procedure will be followed when organising a workshop:

- Workshops may be attended by Councillors, staff and interested parties;
- Workshops are required to be publicly notified in a local newspaper at least five (5) days prior to the meeting. Persons who make submissions in regard to a policy will be individually invited by letter to attend the workshop.

The need for a workshop must be identified early in the process. The following matters should be considered:

- Interest in Guidelines (are guidelines used by wider community);
- History of concerns by community over issues addressed in guidelines;
- * Level of interest shown during exhibition process.

The results of the exhibition and workshops will be reported to Council with the nature of submissions received and proposed actions outlined in the report.

PART I – “RURAL DEVELOPMENT”

I.1 INTRODUCTION

This Plan is called The Oberon Council Development Control Plan Part “I” - “Rural Development”.

I.1.1 Land To Which This Plan Applies

This Plan applies to all Rural 1(a) and 1(c) zoned land in the Oberon Council Area to which the Oberon Local Environmental Plan 1998 applies. The part should be read in conjunction with part A.2 – Rural Development generally of Development Control Plan 2001.

I.1.2 Purpose

The purpose of this Development Control Plan is to: -

- (a) Provide standards and guidelines directed towards guiding development of the Rural 1(a) and 1(c) zone;
- (b) Provide standards and guidelines directed towards guiding development and rezoning applications to change Rural 1(a) zoned land to Rural 1(c);
- (c) Assist people in design of their development and the making of applications under the Environmental Planning and Assessment Act, by advising them about the issues Council is required to consider.

I.1.3 Specific Aims And Objectives

The specific aims and objectives of this Plan with regard to development are:

- (a) To ensure lots created by subdivision are adequately serviced;
- (b) To minimise land degradation;
- (c) To encourage development that will preserve and enhance the rural environment;
- (d) To ensure minimum conflict between different land uses;
- (e) To guide designers of Rural 1(c) rezoning applications and implement the “Oberon Council Rural Residential Strategy 1(c) Rural C Rezoning”.

I.2 APPLICATION

In accordance with Section 79 of the Environmental Planning and Assessment Act 1979, this Plan will be taken into consideration by Council when it deals with development application in the 1(c) zone where development consent is required under the Oberon Local Environmental Plan 1998.

Where development consent is not required, relevant policies and guidelines set out in this Plan will be taken into consideration when Council is dealing with applications for subdivision and Construction Approvals under the Environmental Planning and Assessment Act. Council requires that the fees for a rezoning application as required by the Council Management Plan be paid on receipt of the application.

Council may, where it considers the situation appropriate, depart from the provisions of this Plan. Any application seeking departure from these provisions will be required to submit to Council reasons for such departure. Council requires a Development application for any proposed rezoning.

I.3 GENERAL DEVELOPMENT POLICY

Council is concerned to ensure that development in the 1(a) and 1(c) zones is carried out in a way that maintains rural/residential amenity, and minimises land degradation while enabling a range of land uses.

Development should be carried out in a way that minimises any adverse effects on the site or adjoining or surrounding land particularly by way of:

- i) Soil erosion;
- ii) Alterations of drainage patterns;
- iii) Pollution of ground water and watercourses;
- iv) Offensive noises or odours;
- v) Air pollutants including drift aerial sprays;
- vi) Preservation of the rural vista.

Development, which is sustainable, and generates employment and income in the Oberon is encouraged.

I.4 BUILDINGS

I.4.1 Considerations

Council will have regard to the following considerations with respect to an application to construct a building on lots within 1(c) zone:

- i) Whether adequate provisions have been made for domestic water supply;
- ii) Whether adequate arrangements are to be made for disposal of domestic waste and garbage;
- iii) Whether adequate access is available including the location of access points along a public road in a safe position;
- iv) Whether adequate arrangements have been made for on-site disposal of sewage;
- v) Whether adequate consideration have been given to the risk of flooding from creeks and areas of poor drainage in the location and floor levels of buildings.
- vi) Whether the location of a building is likely to impact upon the agricultural potential of adjacent or surrounding lands;
- vii) Whether the building is sited and designed to minimise visual impact and disturbance to the landscape through clearing, earthwork or access roads.

I.4.2 Guidelines For Siting Of Buildings

Location of buildings on each allotment should be based on an assessment of constraints and opportunities both man-made and natural. Development should be excluded from prominent areas such as ridgelines or immediately adjacent to roads or other dwellings.

I.4.3 Building Lines

Council may establish building lines or otherwise encourage the setback of buildings or works from roads or property boundaries to:

- a) Minimise potential conflicts with adjacent lands use;
- b) Minimise visual impact of a building or work on passing vehicular traffic.

I.4.4 Building Standards

Buildings are to comply with minimum standards set down in the Building Code of Australia. Some basic standards relating to building dimensions have been included in the sections that follow. Applicants are to consult with Council regarding compliance with the full range of standards.

I.5 SUBDIVISION

Refer to Part B – “Subdivision” of the Oberon Council Development Control Plan 2001.

I.6 RURAL 1(C) REZONING APPLICATIONS

I.6.1

In considering applications for rezoning Council will not approve applications that are merely attempts to gain additional Lots for the purpose of dwellings in the 1(a) zone over those that are permitted in the provisions of the Oberon LEP 1998.

I.6.2

The applicants submission must be legitimate and well reasoned with due consideration of the provisions of :-

- ▶ The EP&A Act, particularly Section 79(c)
- ▶ The Oberon LEP 1998 as amended
- ▶ The objectives in this Development Control Plan
- ▶ The Oberon Oberon Council Rural Residential Development Strategy 1(c) rezoning.

Council would expect that a development site specific Development Control Plan be drafted to address all the practical issues particular to the site to guide ongoing landuse in the proposed Rural residential zone and meet the objectives of this DCP.

1.6.3 Rural Land Resources

The Objectives are:-

- ▶ To Minimise the loss or fragmentation of prime crop and pasture land holdings in the Rural 1(c) Zone.
- ▶ To maintain and promote a variety of sustainable agricultural activities
- ▶ To protect the productive capacity of agricultural land.
- ▶ To minimise land use conflicts and adverse environmental impacts
- ▶ To protect, maintain and/or enhance the scenic and landscape values of the rural area.

1.6.4 Settlement

The Objectives are:-

- ▶ To ensure the supply of Rural 1(c) housing relates to a demonstrable demand
- ▶ To plan for rural residential development strategically.
- ▶ To maximise the existing infrastructure in the provision of rural residential Lots.
- ▶ To provide a variety of Lot sizes and rural living opportunities
- ▶ To ensure settlements relates to the physical, social and service catchments.

1.6.5 Preferred Areas For Rural 1(C) Rezoning

The preferred areas in the Oberon Council area for the re-zoning of Rural 1(a) land to Rural 1(c) land are:-

- ▶ Land that is not *prime crop and pasture land* as described in the Oberon Local Environmental Plan 1998 as amended.
- ▶ Land within close servicable travel distance to the Oberon Village or the O'Connell road bridge over the Fish River – up to 15 kilometres travel distance via road in a conventional car.
- ▶ Land that if developed will not adversely impact upon the sustainable agricultural landuse of adjoining or adjacent land.
- ▶ Land that if developed will not adversely impact upon the native flora and fauna of adjoining or adjacent land.
- ▶ Land that is capable of being fully and adequately serviced for the proposed rural residential development. Eg. Bitumen sealed roads, garbage services, suitable water supply, power supply, transport facilities, proximity to schools and community services.
- ▶ Land development that provides additional beneficial public open space,
- ▶ Land that promotes a local identity and local community focus.

I.7 PROVISION OF SERVICES

I.7.1 General Policy

Council shall not consent to the carrying out of any development on any land unless it is satisfied that adequate arrangements have been and for the provision of:

- i) All weather vehicle access;
- ii) Water, telephone and electricity services; and
- iii) Stormwater drainage and sewage disposal services to the land.

Where a development results in an increased demand for a service the developer will be required to pay for the provision, extension or upgrading of that service.

I.7.2 Drainage

Applications for development should include details of proposed method of disposing of stormwater drainage. Internal stormwater drainage shall be paid for by the developer along with roadwork requirements. External stormwater drainage facilities must be adequate before Council is able to will approve the subdivision.

I.7.3 Electricity Supply

Applicants are required to consult Advance Energy to ascertain the cost and availability of reticulation of power supply.

I.7.4 Telephone Service

Applicants are to arrange for receipt by Council of Certification of compliance from Telstra/ Optus or another telecommunications provider.

I.7.5 Garbage

In the 1(c) zone collection of household garbage by Council is unlikely to be feasible. Appropriate arrangements shall be made for garbage disposal by future residents.

I.8 EROSION CONTROL

All surfaces during development, road construction or site preparation shall be stabilised by revegetation or other means as soon as practicable. Developers should take all measures possible to ensure that disturbed sites are exposed for a minimum period and that water pollution does not occur. Applicants are encouraged to seek the advice of the Department of Land and Water Conservation and refer to Councils erosion and sedimentation guidelines in preparing proposals likely to alter landform, vegetation or drainage patterns.

The development designer must provide appropriate plans and specification for erosion and sedimentation control of the development site which utilise a range of general sediment and erosion control measures.

I.9 BUSHFIRE CONTROL GUIDELINES

Individuals can reduce the bushfire risk to which buildings are exposed. The whole of the Oberon rural area is considered to be a bushfire prone area. All building must be designed in accordance with the appropriate requirements of the BCA in relation to the assessed bush fire risk. The inherent risk of the development site may be improved by:

- a) Attention to the choice of the building site, considering the slope of the ground and the direction of prevailing hot winds.
- b) The use of a low slope roof; avoid the entry of ember and sparks by; enclosing underfloor spaces and eaves; screen windows, chimneys etc; choosing a well-sealed roof cladding.
- c) providing a radiation belt of well watered shrubs, or a cleared area., well maintained will reduce risk.
- d) Provision of water for fire fighting purposes.
- e) Secondary sources of fire – precautions
 - keeping wood heaps, storage out-building and fuel storage well away from a dwelling
 - removing long grass and highly flammable trees and shrubs for a distance of 20 metres from a building.
 - keeping gutters and other areas of the roof free from debris accumulation.

I.10 VEGETATION AND TREE PLANTING

I.10.1 The Need For Vegetation

Vegetation in general, and trees in particular, provide many benefits to the landholder:

- i) Increase soil stability and reduce erosion and siltation;
- ii) Trees provide need shade for stock;
- iii) If selection and location are adequate trees can create valuable wind breaks which protect the site from prevailing winds;
- iv) Trees stands can provide corridors for wildlife;
- v) Vegetation cover reduces pea discharges of surface storm water, and encourages rainwater infiltration into the soil.

These species should be selected to suit the area, and be located away from the dwellings to reduce fire hazard. Fire risk is also reduced if dry ground litter and flammable shrubs are removed within the vicinity of buildings.

I.10.2 Selection Of Plants

Information on selection of plants may be obtained by contacting any of the NSW Forestry Offices and referring to the list of trees and shrubs suitable for the Oberon climate available from the Council foyer.

PART J – “TITANIA PARK ESTATE”

J.1 INTRODUCTION

J.2 CITATION

This Plan may be cited as "The Oberon Council Development Control Plan 2001 – Part J “Titania Park Heights Estate”.

J.3 AIM

The aim of this Plan is to control development of the Rural Residential Small Holding Lots shown on The Oberon Local Environmental Plan 1998, zoned 1(c) (Rural 'C' Zone).

J.4 LAND TO WHICH THIS PLAN APPLIES

This Plan applies to the Rural Residential Small Holding Lots Zoned Rural 1(c) in the following streets:

Titania Road, Harris Road, Wilson Drive, Fairview Drive, Fawcett Drive, Briens Road, Oram Close, Marks Crescent and Whitely Road.

J.5 DEFINITIONS

In this Plan, unless the context or subject matter otherwise indicates or requires:-

"Development Control Plan Map" means the map marked.

"Dwelling" means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

"Storey" means the number of storeys, floors or levels which a building contains, shall be the maximum number of storeys, floors or levels, as the case may be.

"Ancillary Buildings" means buildings greater than 10 m² in floor area or 2.4 metres in height, erected in conjunction with dwellings for the storage of machinery or other matter associated with the use of the land for dwelling purposes.

Definitions for other applicable words used in this plan shall be firstly taken to be those so listed in the Environmental Planning and Assessment Model Provisions, 1980

J.6 CONTROL OF THE USE OF THE LAND

J.6.1 Objective

To promote the sustainable development of land identified as suitable for rural residential purposes only.

- A. Subject to this Plan and to any Environmental Planning Instrument, or deemed Environmental Planning Instrument, Council may grant consent only to developments which involve the provision of housing and ancillary buildings for the express use for dwelling purposes.

- B. In addition to uses which are prohibited in the zone by the Oberon Local Environmental Plan, 1998, the following are also not permitted on the land controlled by this instrument:

places of assembly, bus depot, car repair station, club, education establishment, forestry, helipad, hospital, industry of any type, institution, places of public worship, recreation facility or establishment, retail or wholesale plant nursery, rural industry, tourist facility.

J.7 CONTROL OF THE SUBDIVISION OF THE LAND

J.7.1 Objective

To minimise the cost to the community of providing, extending and maintaining public amenities and services, and to ensure that the interests of agricultural practices in the vicinity are not prejudiced.

Subject to this Plan or to any Environmental Planning Instrument, Council shall not encourage further approval to the subdivision of land within the controlled land use area.

J.7.2. Special Provisions

J.7.2.1 Water Supply & Storage

Objective: To enable the provision of an adequate water supply.

- i) Domestic storage of roof water, 10,000 litres minimum, must be provided for the dwelling. All buildings over 10 m² in floor area should direct roof water into a rain water tank or dam.
- ii) Storage for bush fire purposes only, 10,000 litres minimum, with access for the local brigade, for the first building requiring consent, must be provided for each occupancy.
- iii) Surface water supply and runoff to dams to be protected by at least 70% grass ground cover in the catchment area. Septic tank installations only to be within the disposal envelope to safeguard the purity of the surface runoff water. A catch drain is to be installed up slope of the disposal/evapotranspiration/absorption area to divert rainfall runoff.

Note: Each lot is to be provided with a water bore by the land developer.

J.7.2.2 Septic Tank and Effluent Disposal

Objective: To ensure the disposal of domestic waste waters on the site is done in an Environmentally acceptable manner that does not pollute groundwater or surface waters and does not present a public health risk and to ensure compliance with the Clean Waters Act.

- i) Each lot has an accompanying waste water design in accordance with Australian Standard 1547, that is acceptable to the Council; or
- ii) prior to occupation of the dwelling and commissioning of evapotranspiration/absorption systems, the area within the Zone of Influence of the evapotranspiration area is to be planted with those appropriate species of vegetation/trees in accordance with both AS. 1547 and those suitable for the climatic conditions experienced within the area or covered with vibrant turf.

J.7.2.3 Bush Fire Mitigation

Objective: To ensure that adequate water supplies are available for fire fighting purposes; and

To ensure that the design of future buildings comply with the Building Code of Australia. It is noted that:

- i) The subdivision is covered by open woodland stands and scrub, together with grasslands.
- ii) The Back Creek Bush Fire Brigade will serve the development. Each lot will have 10,000 litre storage exclusively for bush fire purposes supplied with the first approved building erected on site; and
- iii) Council shall not grant consent to the erection of a building on any lot unless the applicant can adequately demonstrate the following are provided:
 - (a) adequate provision is made for fire- fighting vehicles; and
 - (b) adequate safeguards are adopted in the form of fire breaks, reserves and fire radiation zones; and
 - (c) adequate water supplies are available for fire-fighting purposes; and
 - (d) the development will not add unacceptable risks to people or property.

J.7.2.4 Access to the Lots

Objective: To ensure that each lot has adequate access at all times in all seasons and to minimise the creation of traffic hazards.

Access to the lots will be provided by the developer at locations suitable to Council.

J.7.2.5 Soil Erosion Control

Objective: To control land degradation and prevent sedimentation of receiving waters.

It is suggested that this may be achieved by incorporating the following:

- i) Any disturbed land surface area or existing drainage lines should be protected from soil erosion; and
- ii) any development application should be accompanied by an erosion and sedimentation control plan, in accordance with the Environmental Protection Authority Guidelines for controlling stormwater pollution from building sites.

J.7.2.6. Building Setback

Objective: To encourage the siting of dwellings to maximise solar access, establish privacy and minimise adverse impacts on adjoining premises.

Any buildings or structures shall not be erected within 10 metres of the lot boundaries, with the exception of Lots 88, 89, 90 and 91, which can have buildings or structures erected no closer than 3 metres from the front boundary to Marks Crescent.

J.7.2.7. Ancillary Buildings

Objective: To discourage the erection of numerous outbuildings on the lots.

Only two (2) buildings ancillary to a dwelling, shall be permitted on each allotment. The ancillary buildings are to have a total aggregate floor area of less than 150m².

J.7.2.8 Building Materials

Objective: To encourage good quality, well designed buildings.

It is suggested that this may be achieved by incorporating the following:

- i) Materials used externally on buildings should be those that have durable surface, require minimal maintenance to preserve their appearance, be of good

appearance to harmonise with and, if possible, enhance both the developed and natural environments of the area; and

- ii) no second-hand materials shall be used in the construction of dwellings unless prior approval has been granted by Council; and
- iii) only earth-tone coloured materials should be used for external cladding of dwellings and ancillary buildings larger than 10 m².

J.7.2.9. Insulation

Objective: To ensure that allowances are made in building design to take into account the sub-alpine climatic conditions.

All external walls of dwellings are required to be insulated with additional thermal material that has a minimum rating in accordance with Australian Standard 2627.1, as amended.

J.8 SOLID WASTE DISPOSAL

J.8.1 Objective

To enable effective disposal of domestic waste.

- A. All solid waste is to be disposed of at the Oberon Council Solid Waste Disposal Depot; and
- B. solid waste must not be disposed of on site.

J.9 LIMIT OF RESTRICTIONS

This Development Control Plan does not restrict any matter not specifically included within this plan or specifically excluded from this plan.

PART K – “RIVERDALE” and “LLAMBEDA”

K.1 INTRODUCTION

K.2 CITATION

This Plan may be cited as Oberon Council - Development Control Plan 2001- Part K “Riverdale” & “Llambeda”.

K.3 AIM

The aim of this Plan is to control development of the Rural Smallholdings Lots shown on The Oberon Local Environmental Plan No. 1998 Zoned No.1(c) (Rural 'C' Zone) designated as “Riverdale” and “Llambeda”.

K.4 LAND TO WHICH THIS PLAN APPLIES

This Plan applies to the land situated in the Local Government Area of Oberon shown edged by a heavy black line on the map marked "Oberon Local Environmental Plan 1998 amendments No. 9 and 10" deposited in the office of The Oberon Council.

K.5 DEFINITIONS

In this Plan, unless the context or subject matter otherwise indicates or requires:

"Controlled Land Use Area" means an area in which development is restricted by this Plan.

"Development Control Plan Map" means the map marked "Development Control Plan 2001 Part K – “Riverdale and “Llambeda”.

"Local Environmental Plan" means any Local Environmental Plan or deemed Local Environmental Plan applying to all or part of the land to which this plan applies.

"Dwelling" means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

"Storey" means the number of storeys, floors or levels which a building contains, shall be the maximum number of storeys, floors or levels, as the case may be.

"Ancillary Buildings" means buildings erected in conjunction with dwellings for the storage of machinery or other matter associated with the use of the land.

K.6 CONTROL OF THE USE OF THE LAND

- (a) subject to this Plan and to any Environmental Planning Instrument, or deemed Environmental Planning Instrument, Council may grant consent only to certain developments within the controlled land use area: and
- (b) the Table to this Clause specifies the types of controlled land use area in Column I and development to which, in these areas, Council may grant consent, are respectively shown below in Column II.

TABLE

<u>Column I</u>	<u>Column II</u>
Type of Controlled Land Use Area	Development to which Council may grant Consent
All land to which the Plan applies	Housing and ancillary buildings single storey or double storey dwellings with development implied by or associated with the use of a dwelling.

K.7 CONTROL OF THE SUBDIVISION OF THE LAND

Subject to this Plan and to any Environmental Planning Instrument, Council shall not grant further approval to the subdivision of land within the controlled land use area.

K.7.1 SPECIAL PROVISIONS

K.7.1.1 Water Supply and Storage

Independent storage for:

- (i) Domestic storage of roof water 20,000 litres minimum to be provided to service the dwelling.
- (ii) 10,000 litres minimum storage for bush fire purposes only, with compatible couplings suitable for access by the local brigade to be provided at all times.
- (iii) with specific reference to "Llambeda" Surface water supply and runoff to dams to be protected by at least 70% grass ground cover in the catchment area. Septic tank installations only to be within the wastewater disposal envelope to safeguard the purity of the surface runoff water. A catch drain to be installed up slope of the evapotranspiration area to divert rainfall runoff.

K.7.1.2 Septic Tank and Effluent Disposal "Riverdale"

Septic tank and effluent disposal to be provided for each dwelling in the form of an aerated waste water system or an evapotranspiration process in accordance with "Blue Mountains Geological and Environmental Services" recommendations contained in report Ref. No. 941205.

K.7.1.3 Septic Tank and Effluent Disposal "Llambeda"

- (i) An evapotranspiration/absorption system is to be the preferred method of effluent disposal (as specified in AS 1547 or other standard applying at the time).
- (ii) A geo-technical study is to be carried out prior to dwelling consent and the assessment is to comply with AS 1547 or standard applying at the time.
- (iii) Effluent disposal areas to have a minimum of 1 metre of soil cover over rock.
- (iv) The evapotranspiration/absorption system is to be constructed in accordance with AS1547 or appropriate standard applicable at that time.
- (v) In the event of an evapotranspiration/absorption system being deemed not to be adequate by Council, then a Lined Evapotranspiration System is to be constructed to prevent septic tank effluent contaminating the surface water supply and/or other remedial measures to be taken as determined by Council.
- (vi) Prior to occupation of dwellings and commissioning of evapotranspiration systems, the area within the Zone of Influence of the evapotranspiration area is

to be planted with those appropriate species of vegetation/trees in accordance with both AS 1547 and those suitable for the climatic conditions experienced within the area covered by the DCP.

K.7.1.4 Soil Erosion Control

Drainage from new roadworks or existing drainage lines are to be protected from soil erosion in accordance with an erosion management plan in accordance with the Department of Land and Water Conservation (Soil Conservation Service) guidelines.

K.7.1.5 Ancillary Buildings

Only two (2) ancillary buildings shall be permitted on each allotment with a maximum total aggregate floor area of 150 square metres. Council will consider any reasonable variation based on the circumstances of the case.

K.7.1.6 Building Materials

- (i) Materials used externally on buildings shall be those, which in the opinion of the Council, have durable surface, require minimal maintenance to preserve their appearance, be of good appearance to harmony with and, if possible, enhance both the developed and natural environments of the area; and
- (ii) No second-hand materials shall be used in the construction of dwellings unless prior approval has been granted by Council; and
- (iii) No highly reflective materials shall be used for external cladding or for roofing of dwellings and ancillary buildings larger than ten (10) square metres.

K.7.1.7 Contingency Plan for Effluent Disposal

An annual inspection by a Council or a Council approved person is to be carried out on the waste water disposal system to evaluate the effectiveness of the system and a report provided to Council. Any associated costs to be borne by the owner of the lot.

The contingency plan for failure of any evapotranspiration/absorption system is outlined in paragraph 7(b)(v) in the form of a lined system.

K.7.1.8 Access to Lots

Access to the lots will be provided by the developer at suitable locations approved by Council and the Roads and Traffic Authority.

K.7.1.9 Access Roads

Access road construction to the dwellings are to be provided prior to the erection of a dwelling and shall satisfy the requirements of the Department of Land and Water Conservation. Access road construction is to be as follows:

- (i) topsoil stripped back and located on the lot in a manner which will not impact on adjoining allotments.
- (ii) road to be crowned or given an outfall grade in order to prevent water traversing along the alignment of the road, thus avoiding scouring of soil. No water run off from the road is to impact on the adjoining allotments.
- (iii) regular mitre drains or road humps will be installed to aid drainage from the road.
- (iv) Roads are to be bitumen sealed and otherwise sealed to prevent dust nuisance.

K.7.1.10 Water Quality

A 100 metre riparian buffer zone on all lots to be retained in original condition or restored as the case may be adjacent to Fish River under the control of the Department of Water Resources.

K.7.1.11 Building Setback

A dwelling shall only be erected within the proposed building envelopes and not closer than 100 metres from the Fish River and no effluent disposal area shall be located within 200 metres from the Fish River.

K.7.1.12 Ancillary Buildings

Only two (2) ancillary buildings shall be permitted on each lot with a maximum total floor area of 100 square metres each.

K.7.1.13 Building Materials

- (i) materials externally on buildings shall be those which have durable surface, require minimal maintenance to preserve their appearance, be of good appearance to harmonise with and, if possible, enhance both the developed and natural environments of the area; and
- (ii) no second-hand materials shall be used in the construction of dwellings unless prior approval has been granted by Council; and
- (iii) no highly reflective materials shall be used for external cladding or for roofing of dwellings and ancillary buildings larger than ten (10) square metres.

K.7.1.14 Siting of Buildings

- (i) Buildings shall be sited within the building envelopes and to Council's satisfaction so as to permit optimal disposal of septic tank effluent and sullage waste waters.
- (ii) No building construction and/or septic tank and/or wastewater disposal system shall take place within 20 metres of centre lines of natural drainage lines located within any proposed building envelope. As to what constitutes a natural drainage line will be determined by the Council or the Soil Conservation Service of the Department of Land and Water Conservation.

K.8 SOLID WASTE DISPOSAL

Solid waste must be disposed of at an approved solid waste depot.

K.9 LIMIT OF RESTRICTION

This Development Control Plan does not restrict any matter not specifically included within this plan or specifically excluded from this plan.

PART L – “CUNYNGHAME PARK ESTATE”

L.1 INTRODUCTION

L.2 CITATION

This plan is called The Oberon Council Development Control Plan 2001 – Part L “Cunynghame Park”.

L.3 LAND TO WHICH THIS PLAN APPLIES

This plan applies to all allotments within the Cunynghame Park Estate as shown on the accompanying map.

L.4 AIMS

This plan aims to encourage people to develop the residential estate in a manner, which is:

- compatible with the residential use of the land,
- environmentally sensitive,
- ecologically sustainable,
- diversified

and will provide for:

- social cohesion of the residents of the estate,
- a high level of residential amenity,

as well as to give guidelines to achieve these aims.

L.5 OTHER RELEVANT PLANNING INSTRUMENTS

This plan should be read in conjunction with the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policies and the Oberon Local Environmental Plan 1998. Where any inconsistency occurs the provisions of those planning instruments shall prevail over this plan.

L.6 AMENITY

Objective: To provide a high standard of residential amenity within the estate.

Council wishes to achieve a high level of residential amenity within the subdivision and is concerned that a number of activities which are suitable in other areas of the community are restricted in this locality.

L.6.1 INDUSTRIAL, COMMERCIAL OR BUSINESS ACTIVITIES

Council will not support any activity other than "home occupations" carried on in a dwelling only by the residents of that dwelling.

Council will not support any activity which will result in the parking, either in the street or on any allotment, of a vehicle having a gross weight of more than 2 tonne.

L.6.2 KEEPING OF ANIMALS, BIRDS OR POULTRY

A maximum of 2 (two) dogs and/or 2 (two) cats shall be kept on any allotment.

No birds other than domestic birds shall be kept on any allotment and the maximum size of any aviary shall not exceed 10 sq. metres in area.

No other animals are permitted without prior Council consent. In granting such consent, Council will consider:-

- (a) the size of the animal:
- (b) the housing for the animal:
- (c) the amenity of the adjoining premises, and
- (d) the nuisance potential of the animal.

L.7 SITING OF BUILDINGS

Objective: To encourage the siting of buildings to maximise solar access, to establish privacy and minimise adverse impacts on existing adjoining homes and future home sites.

Front Boundary Setbacks are to be a minimum of 3 metres from the allotment frontage. New dwellings are to have a minimum 1metre variation of front setback from any existing adjacent dwelling.

Side Boundary setbacks may be zero (0) where there are no windows on the boundary in accordance with the provisions of the Building Code of Australia.

L.8 SOLAR ACCESS

Objective To ensure that each allotment and dwelling has adequate solar access particularly in cooler periods of the year and appropriate allowances are made in building design to take into account the sub alpine climate conditions.

In order to ensure reasonable access to solar energy no building may protrude beyond the solar envelope as defined by the Building Height at L.8.1. (see diagram for assistance)

L.8.1 BUILDING HEIGHT

The maximum number of storeys is limited to two (2) with any ceiling height not to be greater than 6 metres above the natural surface of the land.

The maximum height of any solid wall or roof of a building is to be 1.5 metres at the southern and western boundary of any allotment and below a 45° angle upwards from that height on those boundaries into the allotment.

The above provisions do not apply to any open walled and unroofed areas e.g. pergolas.

L.8.2 INSULATION

All walls are required to have a minimum rating of R 2.0 and ceilings R 3.5.

L.8.3 TREE PLANTINGS

To preserve solar access when, within ten metres of a dwelling yard, trees are not to exceed the maximum height of 1.5 metres at the side and rear boundary of any allotment and below a 45° angle upwards from that 1.5m height on those boundaries into the allotment.

L.9 HEATING

Objective To encourage the installation of environmentally appropriate heating methods which do not produce unacceptable odours and emissions.

The climate in Oberon requires the provision of heating in buildings and Council supports the installation and use of all forms of heating the only exception being those capable of coal burning which Council, due to the emissions of odour and air contamination, will not approve.

L.10 DRIVEWAYS

Objective To ensure adequate access at all times in all seasons, aid visual amenity, maintain water quality and minimise private and public maintenance.

Driveways to each dwelling are to be constructed to an all weather surface and be of material **other than gravel and loose stone**.

Details of driveways are to be incorporated into the design of any dwelling and submitted with any development application to Council.

L.11 CAR PARKING

Objective To encourage adequate provision for on site parking .

Each dwelling is to provide a minimum number of off street parking spaces within the property in accordance with the following table.

Table

Minimum Off Street Car Parking Requirements

No. of Bedrooms in Dwelling	Covered Car Space	All weather Car Space 2.5m x 5.5m
1 - 2	1	Nil
3 +	1	1

L.12 SITE COVERAGE

Objective To ensure that adequate space is available on the allotment for personal recreation, solar access, clothes drying, gardens, landscaping, driveways and parking.

The total area of all buildings erected on any allotment site shall not exceed 50% of the total area of the allotment.

L.13 FENCING

Objective To assist in creating, visual amenity, streetscape, and traffic safety, particularly for children.

Council encourages the use of vegetation and natural fencing material such as brush and palings to define property boundaries. If metal fences are used they shall be of non reflective earth tone material.

Council will not consent to the erection of stock fences within the subdivision.

The maximum height of any boundary fence erected in the subdivision is limited to 1.8m

Any fence shall only be erected behind the front of any dwelling on any allotment with the exception of corner allotments

L.13.1 Corner Allotments

No fencing is to be erected on the narrow frontage of any allotment closer to the street than the front of any dwelling.

Any fence erected along the long frontage of any corner allotment is to be erected only along that frontage to within 10 metres of the street intersection of the allotment.

L.14 PRIVACY

Objective To create awareness of the need for privacy between neighbours and to incorporate privacy consideration into the design process.

Council is increasingly aware of the concerns of many residents that their privacy be maintained when new dwellings or facilities are being provided.

In order for privacy to be maintained it is desirable that new development take into account the locations of windows and outdoor living areas of existing dwellings and be designed so that windows and outdoor living areas in the new dwelling do not provide direct visual access into the these areas of existing dwellings.

Any application to build must be accompanied by a sketch plan showing the relationship of existing windows and outdoor living areas in adjoining dwellings to those proposed in the new building.

Council shall not consent to any application unless it has been provided with such a sketch plan and taken into account the relationship between existing and proposed windows and outdoor living areas.

L.15 BUILDING DESIGN & MATERIALS

Objective To encourage good quality, well designed dwellings to reflect the aspirations and diversity of the community within the subdivision.

L.15.1 Design

Council sees the erection of a dwelling on any allotment as only part of the overall design of the allotment and as such will require applications to include an overall allotment design, which may include the footpath area, incorporating the following matters:

- Dwelling location
- Other buildings proposed (immediate or future)
- Driveways
- Paths
- Garden areas eg. flower and vegetable gardens
- Tree planting areas
- Personal recreation areas eg lawns
- Clothes drying areas
- Car parking locations
- Wood storage areas

Council encourages a high standard and diversity of architectural design of buildings within the subdivision and the principal of solar passive design, which can substantially reduce the costs of heating and cooling dwellings.

The orientation of dwellings with the main living and bedroom areas having a northerly aspect and windows which allow solar penetration can assist, as can limiting exposure to the cooler prevailing winds in autumn and winter towards this end. (see diagrams)

The minimum floor area of any dwelling is to be 100 sq m. not including garages, pergolas, verandahs or external living areas.

Consideration should be given to existing dwellings in choosing a design so as to avoid repetition of design, materials and colours.

L.15.2 Landscaping

The effective use of landscaping can contribute to the overall quality of design by reducing wind, softening hard areas, providing a pleasant outlook and streetscape as well as enhancing the value of a property.

The use of evergreen trees and shrubs will be effective in lessening the impact of winter winds while deciduous trees will allow winter sunlight and provide shade in summer.

L.15.3 Materials

All buildings will be constructed of new earth toned material or other good quality second hand materials as approved of by Council in respect of any particular proposal.

L.15.4 Relocated Buildings

Council shall not consent to the erection of any relocated building within the subdivision.

L.16 ON SITE STORAGE

Objective To ensure that visual amenity is maintained within the subdivision.

L.16.1 Building Materials

No building materials are to be stored on any allotment prior to the approval by Council of a development application. All building materials are to be located entirely within the site and are to be maintained in a tidy manner.

L.16.2 Caravans

A Caravan may be stored on any allotment after the erection of a dwelling provided that it is located behind the building line, is not generally visible from the street and does not interfere with an adjoining neighbour.

Council shall not consent to the use of a caravan for residential use.

L.17 MISCELLANEOUS

L.17.1 Building Approval

Council shall not accept or consider any application submitted to it unless, the information as detailed in this plan is provided and, Council has taken into consideration the aims and objectives of this plan.

L.17.2 Future Subdivision

Other than by way of strata or community title, Council will not support the creation by subdivision of any new allotments. Any subdivision application will be required to demonstrate that the solar envelope and privacy from any existing building and any proposed building will not be materially affected.

L.17.3 **Dual Occupancies**

Council will not support dual Occupancies other than on lots 1, 20, 21 and 25.

L.17.4 **Medium Density**

Lot 4 has been set aside for residential flat building or medium density residential development. Clauses 10, 11 and 16.2 do not apply to this lot if it is used for a residential flat building.

L.18 REVIEW

Objective To ensure that this development control plan is meeting its objectives, is effective and meeting the needs of the Council and the community.

This plan may be reviewed within six months after any full Council election.

Council shall publicly advise of the review, seek and consider community comments prior to finalising such review.



DEVELOPMENT CONTROL PLAN - **PART M**

COMPLYING DEVELOPMENT

Adopted by Council on 12 December 2006

Notes added regarding the SEPP (Exempt and Complying Development Codes) 2008 on 27
February 2009

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OBERON COUNCIL

DEVELOPMENT CONTROL PLAN COMPLYING DEVELOPMENT

NOTE: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain types of complying development. This SEPP, known as the Codes SEPP, applies throughout NSW. It commenced on 27th February 2009.

Should the SEPP and Council's existing Complying Development policy specify the same works, a person will have the option, until the 27th February 2010 to nominate which Code they want to use.

As at the 27th February 2010, the Council's code will no longer apply.

A copy of the Codes SEPP is available at:

www.planning.nsw.gov.au/housingcode.

Further information on the General Housing Code is available at

www.planning.nsw.gov.au/housingcode.

For further information please email planningreform@planning.nsw.gov.au or call the NSW Department of Planning's Information Centre on Freecall 1300 305 695 or 02 9228 6333.

M.1 NAME OF PLAN

This plan is called Oberon Development Control Plan - Complying Development as adopted on the 12 December 2006

M.2 EFFECTIVE DATE

This plan was adopted following the Resolution of Council dated 12 December 2006 and is effective following gazettal of the Oberon Local Environmental Plan, 1998 (Amendment No. 4) on 20 April 2007.

M.3 AIMS/OBJECTIVES OF THE PLAN

The aims and objectives of this plan are to:

- (a) outline, within each specified zone, those activities, which are classified as complying development under clause 10A of Oberon Local Environmental Plan 1998, (Amendment No. 4)
- (b) specify the development standards applicable to each category of complying development;
- (c) specify the conditions of consent that must be applied to complying development; and
- (d) provide guidance for potential developers in Oberon.

M.4 LAND TO WHICH PLAN APPLIES

This plan applies to all land within the Oberon local government area.

M.5 RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

This plan controls development under Oberon Local Environmental Plan 1998, (Amendment No. 4).

M.6 DEFINITIONS

Definitions applicable to this Development Control Plan shall be those contained in Oberon Local Environmental Plan 1998, as amended.

M.7 USE OF THIS PLAN

Oberon Local Environmental Plan 1998, (Amendment No. 4) makes provision for certain categories of development which may, or may not be carried out. These are summarised in the table below:

Category of Development	Circumstances
Exempt Development	May be carried out without the need to obtain development consent provided it meets the criteria set by the Development Control Plan – Exempt Development.
Complying Development	Development that may be carried out with consent provided it meets certain criteria. The criteria that a development must meet are set by this Development Control Plan. An approval for a Complying Development is called a Complying Development Certificate. A Complying Development Certificate may be obtained from either Council or an accredited certifier.
Development for which consent is required	Certain categories of development may only be carried out with the consent of Council. These categories of development are outlined in the zoning table for each specified zone within The Oberon Local Environmental Plan 1998, as amended.
Prohibited Development	Certain categories of development may not be carried out within each specified zone.

This Development Control Plan specifies the categories of development that may be considered as complying development under clause 10A of Oberon Local Environmental Plan 1998, (Amendment No. 4). There is, however, certain criterion, which must be strictly satisfied in order that a development can be considered as complying development.

In the event that the development does not comply with the development standards specified in this Plan, it will require development consent.

Details of which types of development fall within the Local Development category are provided within the zoning table applicable to each zone in clause 9 of the Oberon Local Environmental Plan 1998, (Amendment No. 4). In the event that you are unsure which category of development yours may fall within please contact Oberon Council's Development Department.

M.7.1 Summary Table

Development may be considered complying development if it is outlined in the table below and all standards for that development as outlined in Parts 8.0 to 21.0 of this Development Control Plan are met.

Description of Development	1(a) Zone	1(c) Zone	1(d) Zone	2(v) Zone	8 Zone	1(e) Zone	Page No
Additions to shops, commercial & industrial premises,	X	X	X	✓	X	X	101
Additions to dwelling houses	✓	✓	X	✓	X	✓	108
Boundary adjustments	✓	✓	X	✓	X	✓	112
Single Dwelling houses	X	X	X	✓	X	X	114

✓ denotes complying development within the specified zone

X denotes that development is not complying development within the specified zone.

Note: State Environmental Planning Policy No. 4 (SEPP 4) – Development Without Consent states, under Part 3, that the conversion of fire alarms is Complying Development.

M.8 BROAD EXEMPTION CRITERIA

Section 76A(6) of the Environmental Planning and Assessment Act 1979 provides that in certain circumstances development may **not** be considered as complying development notwithstanding their compliance with other criteria contained in this Development Control Plan. For ease the criteria specified in Section 76A(6) are repeated below.

- “The development is designated development for the purposes of section 77A of the Environmental Planning and Assessment Act 1979.
- The development to be carried out, requires the concurrence of any person other than the Council or the Director General of the National Parks and Wildlife as referred to in section 79B(3) of the Environmental Planning and Assessment Act 1979.
- The land to which the development relates is critical habitat.
- The land to which the development relates is, or is part of, a wilderness area within the meaning of the Wilderness Act 1987.
- The land to which the development relates contains a Heritage Item listed under an Environmental Planning Instrument.
- The land to which the development relates is identified in an Environmental Planning Instrument as an environmentally sensitive area.”

In addition to the exclusion criteria specified above development **must comply** with the following criteria for it to be considered as complying development.

- The building complies with the **deemed to satisfy provisions of the Building Code of Australia**.
- The building or work complies with all requirements of the Oberon Local Environmental Plan 1998, as amended, and any Development Control Plan relating to the development and /or the site.
- Where the land on which the development is to be undertaken does *not* contain a relic or Aboriginal place within the meaning of the **National Parks and Wildlife Act 1974** and consent would be required under Section 90 of that Act.
- Where the development does **not** involve an extension, enlargement, alteration intensification or change of use to a building which is only lawful because of the **existing use rights** provisions of Section 106 of the Environmental Planning and Assessment Act 1979, as amended.
- The development is not **integrated development** for the purposes of section 91 of the Environmental Planning and Assessment Act 1979.
- The development is not subject to the provisions of the State Environmental Planning Policies (SEPP) listed below:

- a) **SEPP No.11** – Traffic Generating Developments,

- b) **SEPP No.33** – Hazardous and Offensive Development,
- c) **SEPP No.44** – Koala Habitat Protection,
- d) **SEPP No.55** – Managing Contaminated Land.
- e) **SEPP No 58** – Protecting Sydney’s Water Supply.
 - The land on which the building/works is to be erected/carried out is *not* located in **Environmentally Sensitive Land** as identified by Clause 6 of the Oberon Local Environmental Plan 1998, as amended, or does not contain a Heritage Item.
 - The land on which the building/works is to be erected/carried out is *not* located within a **flood affected** area.
 - The building does *not* exceed a height limitation of 6 metres above ground level.
 - Section 94 **contributions** are to be paid to Council in accordance with the Development Contributions and Water Management Works Plan (Amendment) 2004 prior to any work commencing.
 - The land to which the development relates is not, or has not in the past, been used for a purpose identified in the Department of Planning’s **Contaminated Land Guidelines**.
 - The land is not, in part or fully, **contaminated land** under the terms of the Contaminated Land Management Act 1997.
 - If the work involves building the building site has been inspected and classified for :-
 - a- **Wind load**, AS 1170.2 or AS 4055.
 - b- **Snow load** AS 1170.3.
 - c- **Building Foundations** AS 2870.
 - The land on which the building/works is to be erected/carried out is not Bush Fire Prone land as identified on the Bush Fire Prone Land Map held in Council’s Office.

M.9 CONDITIONS OF APPROVAL

Schedule 1 to this Development Control Plan provides conditions of consent that must be applied to all Complying Development Certificates. Additional conditions that apply to individual categories of development are provided in the body of the Development Control Plan.

All Complying Development Certificates are issued subject to compliance with the prescribed conditions of consent in schedule 1 and those individual conditions contained in the section to each category of development. It is the developers’ responsibility to comply with these conditions of consent as part of the development. The person or authority responsible for the issue of a complying development certificate should inform the applicant of the relevant conditions of consent.

M.10 ADDITIONS to SHOPS, COMMERCIAL & INDUSTRIAL PREMISES

Additions to shops, industrial and commercial premises may be considered as complying development, but only where it complies with the provisions listed below.

M.10.1 GENERAL PROVISIONS

- The proposal is for additions or alterations to an existing premises that holds a current valid consent approved by Council. **NB.** This does **NOT** include any premises relying on an **existing use right**
- The land is located within the Village **2(v) Zone** under Oberon Local Environmental Plan 1998, as amended and Oberon Local Environmental Plan 1998 (Amendment No. 4).
- The operations do not involve the showing, exhibition, display, selling or otherwise render accessible or available to the public, restricted publications within the meaning of the Indecent Articles and Classified Articles Act 1975.
- A Building Code of Australia audit of the existing building is to be completed by or on behalf of the Building Designer.
- A Complying Development Audit Report is to be completed by or on behalf of the Building Designer.

M.10.2 DEVELOPMENT STANDARDS

M.10.2.1 Floor space ratios

- The floor space ratio, as a result of the development, must not exceed a ratio of 0.5:1.

M.10.2.2 Setbacks

- The setback from the front, rear and side boundaries is to complement and be not less than the existing setbacks of surrounding buildings in the vicinity or on the site.

M.10.2.3 Designated Road Reserves

- No work is permitted on or within 10 metres of a designated road reserve.

M.10.2.4 Height of buildings

- The additions proposed are not to include the creation of an additional storey, are not to exceed the height of the existing building, and are to be single storey only.

M.10.2.5 Floor area

- The maximum floor area of the development following the additions is not to exceed 500 square metres and is to be no greater than 30% of the existing gross floor area of the existing building.

M.10.2.6 Building Materials

- Building materials should complement and blend in with existing materials and colours used on surrounding buildings and those of the existing building.
- Appropriate building height, form and bulk are to be established to preserve the character of the streetscape.
- The elevational appearance to the street is to preserve the character and visual amenity of the existing streetscape.
- All materials shall be non-reflective and of an earth-tone colour.
- If concrete blocks are used, the front portions and returns of the building shall be suitably treated, or painted in earth-tone colours to match the existing building.

M.10.2.7 Parking

- Vehicular parking shall be provided on-site at the rate specified by the Oberon Council DCP 2001.

- All vehicular parking areas are to be constructed of a hard standing, sealed with concrete, bitumen or other approved dust free and weather proof surface and are to be appropriately line marked as specified by the Oberon Council DCP 2001.
- Vehicular parking areas are to be provided behind the building line.

M.10.2.8 Access and manoeuvring areas

- Minimum access width to be provided at the property boundary must comply with DCP 2001.
- No direct access shall be obtained from either, Albion Street, Oberon Street, Carrington Avenue, Ross Street, Edith Road, Duckmaloi Road, O'Connell Road, Abercrombie Road, except for those lands that maintain an existing access.
- The entrance to a site shall not be located in close proximity to an intersection. A minimum distance of 6 metres is to be provided between an entrance and an intersection.
- Loading and unloading facilities are to be provided on-site such that service vehicles are located wholly within the site and do not create conflicts with parking areas.
- All vehicle movements on and off the site are to be in a forward direction. All manoeuvring areas are to be adequate for, the proposed delivery vehicles that will deliver materials or products to the site. Appropriate truck turning circle diagrams are to be included in the site layout plans to clearly demonstrate that delivery, service vehicles and garbage trucks can move on and off the site in a forward direction.
- All off street parking and manoeuvring areas are to comply with AS2890 and Council's Guidelines for Engineering Works – AUSPEC-1.
- All impervious areas are to be drained to an appropriate stormwater disposal system in accordance with the provisions of AS/NZ3500 and Council's Guidelines for Engineering Works – AUSPEC _ 1.

M.10.2.9 Landscaping

- The existing landscaping must not be disturbed.
- The site is to be landscaped or existing landscaping upgraded in accordance with the provisions of DCP 2001.
- The following areas must be appropriately landscaped:
 - (a) between the property boundaries and the buildings, screen walls, fences, open work areas and vehicular movement areas; and
 - (b) vehicular parking areas shall contain tree planting to provide shade for vehicles and to soften the visual impact of parking facilities.
- Quality landscaping is to be provided and maintained to enhance the appearance of the subject development and must consist of:
 - (a) suitable sized trees,
 - (b) shrubs and ground cover,
 - (c) earth shaping and mounding, where appropriate,
 - (d) special features, such as rockeries and the like, where appropriate, and
 - (e) Suitable plantings that when mature do not inhibit spring, autumn and winter solar access to the buildings on site, the public road, or to any adjoining premises.
- A fixed barrier or kerb is to be constructed between all landscaped gardens and grassed areas and areas for the standing or manoeuvring of vehicles on the site.
- Screen tree planting, to a height of 8 metres, is to be included in the landscape treatment of developments facing a highway or a nearby residential area and, where applicable, such landscape treatment is to complement existing landscaping in the surrounding area.
- All cut scars, fill batters and retaining walls shall be fully re-vegetated with shrubs, trees and ground covers to integrate them with the landscape.

M.10.2.10 Advertising

- Development consent is required for advertising signs except where the particular sign is classified as exempt development under the Oberon Council Exempt Development DCP. A Complying Development Certificate cannot override the requirement to obtain consent for an advertising sign.

M.10.2.11 Open areas and fencing

- All loading/unloading, storage, garbage or open work areas are to be located behind the building alignment and are to be fully screened only if they can be viewed from any adjoining residential premises.

M.10.2.12 Clearance of services

- The building is to be clear of any service main (water, sewer, drainage, gas, electricity) by at least two metres.
- The building is to be located clear of any easements and beyond the zone of influence of any pipeline or service conduit which may affect the land.
- The building is to be clear of the zone of influence of any sewer main, in accordance with Oberon Council's standard drawing.

M.10.2.13 Egress and fire safety

- The works are not to reduce the existing level of egress and fire safety to the occupiers, the existing level of fire resistance of the structure and the existing safeguards against the spread of fire to adjoining buildings.
- *All Essential and other Fire Safety Measures* are to be inspected and certified as being fully operational prior to occupation of the proposed building works or development.

M.10.2.14 Overshadowing

- The provision of solar access to living areas and useable open space of the development is a priority. At least two hours sunlight to an indoor and outdoor living area is to be maintained between 9.00am and 3.00pm.
- Development should not significantly affect access to sunlight of existing or likely future development on other property between 8.00am and 3.30pm. The preservation of solar access to living areas and useable open space is a priority.
- At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm.

M.10.2.15 Loadings

- If the work involves building the building site has been inspected and classified for :-
- d- **Wind load**, AS 1170.2 or AS 4055.
 - e- **Snow load** AS 1170.3.
 - f- **Building Foundations** (to be classified by Structural Engineer).

M.10.3 CONDITIONS OF CONSENT – Additions to Shops, Commercial & Industrial Buildings.

The following conditions, as well as those listed in Schedule 1, must be applied to a Complying Development Certificate for additions to Shops, Commercial and Industrial Buildings. Conditions 4 and 6 must be satisfied prior to work commencing.

1. The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, The earthworks on the site are to be such that there is the required minimum cover over the house drainage line, in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.
REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Water, Sewerage and Drainage) Regulation, 1993 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act, 1979, as amended.
2. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council or an accredited certifying authority, certifying that the plumbing work identified in column 1, where applicable, has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the compliance certificates the accredited certifying authority must inspect the plumbing works at the times specified in column 2.

	COLUMN 1	COLUMN 2
A	Internal Drainage	When all internal plumbing work is installed and prior to concealment.
B	External Drainage	When all external plumbing work is installed and prior to concealment.
C	Stack Work	When all work is installed and prior to concealment.
D	Final	Prior to occupation of the building.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

3. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.
REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

4. Prior to the release of the Complying Development Certificate, payment of Section 94 contributions in accordance with the schedule below, or those applicable at the time of payment, as prescribed in Council's Annual Fees and Charges Schedule

Service	Required Contribution
Sewer Supply Headworks	\$
Water Supply Headworks	\$
Public Open Space	\$
Emergency Services	\$
Stormwater Drainage	\$
Urban Roads	\$
TOTAL	\$

REASON: To advise that under Part B.11 of Council's Development Contributions and Water Management Works Plan (Amendment) 2004 developer contributions are payable for the expansion of, or the addition to existing commercial or industrial premises where no contribution towards services and/or amenities in the locality has previously been made or determined.

5. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Solid Waste Disposal Depot. The container shall be erected on the building site prior to work commencing.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway or road.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area

6. If the structural frame is to be timber a complete frame tie down and wall bracing detail certified to comply with Australian Standard 1720, Australian Standard 1684 or the NSW Timber Framing Manual, is to be submitted to The Principal Certifying Authority for approval prior to any work commencing.

REASON: To ensure that the proposed method of tie down and bracing for the wall and roof frame is adequate for the wind classification of the site.

7. All redundant plumbing and drainage is to be capped off in accordance with AS/NZS3500 and the NSW Code of Practice, Plumbing and Drainage.

REASON: To protect the plumbing and drainage systems and to prevent unhealthy conditions on site.

8. The existing sewerage drainage pipelines are laid under the proposed Access to the existing inspection openings in the drainage is to be maintained at all times. Care is to be taken when excavating for footings to avoid damage to the drainage pipelines. The is not to be enclosed unless the drainage pipelines are re-laid outside the proposed building.

REASON: To ensure the house sewerage drainage is accessible at all times for access and maintenance purposes.

9. The existing sewerage drainage pipeline is laid under the proposed Care is to be taken when excavating to avoid damage to this pipeline.

REASON: To ensure the house sewerage drainage pipeline is not damaged during construction works.

10. The premises are to be maintained in a clean and tidy condition at all times.

REASON: So that the development does not reduce the amenity of the area.

11. Any exterior lighting associated with the development shall be designed and installed so that no light will be cast onto any adjoining property.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land.

12. If an excavation associated with the erection/demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved method, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected/demolished.
- NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.
- REASON: To comply with the requirements of the Building Code of Australia and prevent unacceptable impact on adjoining premises.
13. If the work involved in the erection or demolition of a building:
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
- a hoarding, awning or fence must be erected between the work and the public place. Further, the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- REASON: To prevent any substance, from or in connection with the work, falling into the public place. To provide an acceptable level of public safety.
- NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.
- NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.
14. All excavation and backfilling associated with the erection/demolition of the building must be executed safely and in accordance with appropriate professional standards, and be properly guarded and protected to prevent them from being dangerous to life or property.
- REASON: To ensure the work is structurally stable to prevent it from being dangerous to life or property.
15. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- REASON: To minimise the risk of noise nuisance due to work on the site and to protect the amenity of the noise environment of the area.
16. All roofed and paved areas are to be drained. The water from those areas, and from any other drainage is to be conveyed to an appropriate stormwater disposal system in accordance with Australian Standard 3500, free of nuisance without causing an erosion and or sedimentation problem. Stormwater is not to be discharged to adjoining premises or at the foundation of any building.
- REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
17. Stormwater disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal. Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.
- REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
18. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.

19. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with The Environment Protection Authority, Environmental Management Guidelines for Building Sites.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
20. The developer is to relocate, if necessary, at the developer's cost any utility services.
REASON: To ensure the developer relocates any utility services and pays for their relocation. pays for them.
21. All conditions contained in any previous consent issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993 continues to be complied with.
REASON: To ensure all conditions contained in any previous consent issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993 continues to be complied with.
22. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.
REASON: To comply with the requirements of the Environmental Planning and Assessment Act 1979.
23. The development is to be carried out in accordance with the approved stamped plans prepared by (), numbered () and dated (), except as otherwise provided by the conditions of this determination. (Note: - modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
REASON: To confirm and clarify the terms of Council's approval.

M.11 ADDITIONS TO DWELLING HOUSES

Additions to dwelling houses may be considered as Complying Development but only where it complies with the provisions listed below.

M.11.1 GENERAL PROVISIONS

- The proposal is for the addition to an existing dwelling previously approved by Council.
- The land is located within the following zones: - 1(a), 1(c), 1(e) and 2(v) zones under Oberon Local Environmental Plan 1998, as amended and Oberon Local Environmental Plan 1998 (Amendment No. 4).
- The land on which the building work is to be done does not contain a Heritage item, or is Environmentally Sensitive Land as identified by Schedule 2 Part 6 of the Oberon Local Environmental Plan 1998, as amended.
- The addition cannot be used as a separate domicile.

M.11.2 DEVELOPMENT STANDARDS

M.11.2.1 Floor Space Ratio

- The floor space ratio, as a result of the development, must not exceed a ratio of 0.3:1.

M.11.2.2 Siting considerations

1(a), 1(c) and 1(e) Zones.

- The external wall of the existing dwelling or the proposed addition is to be located at least 40m from any side or rear boundary.
- No additions to buildings are erected within 40 metres of any public road.
- No additional vehicular access to the public road is to be created to give access directly onto a major road.

2(v) Zone

- The setback from the front alignment to the external front wall is to be no closer than the existing building or 6 metres - whichever is the lesser.
- In the case of a building on a corner allotment the combined distance of the two building line setbacks to the two roads is to be not less than 10 metres, provided that neither building line setback is less than 3 metres.
- The external wall of the dwelling is to be located at least one (1) metre from any side or rear boundary.

M.11.2.3 Height of buildings

- The additions proposed are not to include the creation of an additional storey and are to be single storey only.

M.11.2.4 Overshadowing

- The provision of solar access to living areas and useable open space of the development is a priority. At least two hours sunlight to an indoor and outdoor living area is to be maintained between 9.00am and 3.00pm.
- Development should not significantly affect access to sunlight of existing or likely future development on other property between 8.00am and 3.30pm. The preservation of solar access to living areas and useable open space is a priority.
- At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm.

M.11.2.5 Clearance of services

- The building is to be clear of any service main (water, sewer, drainage, gas, electricity) by at least two metres.
- Any building work or excavation is to be clear of the zone of influence of any pipeline, sewer main or service conduit in accordance with the Building Code of Australia.
- The building is to be located clear of any easements and beyond the zone of influence of any pipeline, sewer main or service conduit, which may affect the land.

M.11.2.6 Designated Road Reserves

- Any additions are to be located at least 10 metres from any future road or Crown Road Reserve.

M.11.2.7 Energy Efficiency

- Where applicable, the development is to be accompanied by a BASIX Certificate with all commitments shown on the plans.

M.11.2.8 Loadings

➤ If the work involves building the building site has been inspected and classified for :-

- g- **Wind load**, AS 1170.2 or AS 4055.
- h- **Snow load** AS 1170.3.
- i- **Building Foundations** AS 2870.

M.11.3 CONDITIONS OF CONSENT – Additions to Dwellings.

The following conditions, as well as those listed in Schedule 1, must be applied to a Complying Development Certificate for additions to dwelling houses. Condition 8 must be satisfied prior to work commencing.

1. The external building material (if sheet metal cladding) proposed to be used on the walls and roof of the building is to be non-reflective. White colour bond is not acceptable.
REASON: To preserve/enhance the visual amenity of the site and the locality.
2. The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main. The earthworks on the site are to be such that there is the required minimum cover over the house drainage line, in accordance with AS/NZS 3500 - National Plumbing and Drainage Code and New South Wales Code of Practice Plumbing and Drainage.
REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Water, Sewerage and Drainage) Regulation, 1993 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act, 1979, as amended.
3. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council or an accredited certifying authority, certifying that the plumbing work identified in column 1, where applicable, has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the compliance certificates the accredited certifying authority must inspect the plumbing works at the times specified in column 2.

	COLUMN 1	COLUMN 2
A	Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
B	External House Drainage	When all external plumbing work is installed and prior to concealment.
C	Stack Work	When all work is installed and prior to concealment.
D	Final	Prior to occupation of the building.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

4. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.
REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.
5. The external materials to be used in the proposed development are to match those used on the existing building.
REASON: To maintain, preserve and enhance the visual amenity of the site and the locality.
6. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Solid Waste Disposal Depot. The container shall be erected on the building site prior to work commencing.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway or road.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area.

7. The building foundation must be effectively drained. There must be a minimum distance between the floor level and the adjacent ground level of 150mm with a well draining fall away from the building.
REASON: To maintain a consistent table building foundation, to prevent surface water inundation and permit post - construction landscaping from adversely impacting upon the building.
8. A complete frame tie down and wall bracing detail certified to comply with Australian Standard 1684 or the NSW Timber Framing Manual, is to be submitted to The Principal Certifying Authority for approval for approval prior to any work commencing.
REASON: To ensure that the proposed method of tie down and bracing for the wall and roof frame is adequate for the wind classification of the site.
9. All redundant plumbing and drainage is to be capped off in accordance with AS/NZS3500 and the NSW Code of Practice, Plumbing and Drainage.
REASON: To protect the plumbing and drainage systems and to prevent unhealthy conditions on site.
10. The existing house sewerage drainage pipelines are laid under the proposed Access to the existing inspection openings in the house drainage is to be maintained at all times. Care is to be taken when excavating for footings to avoid damage to the house drainage pipelines. The is not to be enclosed unless the house drainage pipelines are re-laid outside the proposed building.
REASON: To ensure the house sewerage drainage is accessible at all times for access and maintenance purposes.
11. The existing house sewerage drainage pipeline is laid under the proposed, care is to be taken when excavating to avoid damage to this pipeline.
REASON: To ensure the house sewerage drainage pipeline is not damaged during construction works.
12. If soil conditions require it:
 - a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
 - b) adequate provision must be made for drainage.REASON: To prevent control erosion and sedimentation problems.
13. If the work involved in the erection or demolition of a building:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,a hoarding, awning or fence must be erected between the work and the public place. Further, the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
REASON: To prevent any substance, from or in connection with the work, falling into the public place. To provide an acceptable level of public safety.
NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.
NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.
14. All excavation and backfilling associated with the erection/demolition of the building must be executed safely and in accordance with appropriate professional standards, and be properly guarded and protected to prevent them from being dangerous to life or property.
REASON: To ensure the work is structurally stable to prevent it from being dangerous to life or property.
15. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.

REASON: To minimise the risk of noise nuisance due to work on the site and to protect the amenity of the noise environment of the area.

16. All roofed and paved areas are to be drained. The water from those areas, and from any other drainage is to be conveyed to an appropriate stormwater disposal system in accordance with Australian Standard 3500, free of nuisance without causing an erosion and or sedimentation problem. Stormwater is not to be discharged to adjoining premises or at the foundation of any building.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
17. Stormwater disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal. Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
18. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
19. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with The Environment Protection Authority, Environmental Management Guidelines for Building Sites.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
20. The developer is to relocate, if necessary, at the developer's cost any utility services.
REASON: To ensure the developer relocates any utility services and pays for their relocation. pays for them.
21. All conditions contained in any previous consent issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993 continues to be complied with.
REASON: To ensure all conditions contained in any previous consent issued under the Environmental Planning and Assessment Act 1979 or the Local Government Act 1993 continues to be complied with.
22. Residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates has given the Council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under part 6 of that Act
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
REASON: To comply with the requirements of the Environmental Planning and Assessment Regulation 2000.
23. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.
REASON: To comply with the requirements of the Environmental Planning and Assessment Act 1979.
24. The development is to be carried out in accordance with the approved stamped plans prepared by (), numbered () and dated (), except as otherwise provided by the conditions of this determination. (Note: - modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
REASON: To confirm and clarify the terms of Council's approval.

M.12 BOUNDARY ADJUSTMENTS

Boundary adjustments may be considered as complying development but only where it complies with the provisions listed below.

M.12.1 GENERAL PROVISIONS

- That as a result of the subdivision no additional allotments are created.
- There is to be no building work involved.
- Each lot created by the boundary adjustment is at least 90% of its area prior to the adjustment being made.
- The land on which the boundary adjustment is undertaken is *not* within the Heritage Conservation Area identified in The Oberon Local Environmental Plan 1998, as amended.
- Any buildings and structures contained on any of the allotments are to comply with the siting and setback requirements of the Building Code of Australia.
- Any buildings and structures contained on any of the allotments are to comply with the siting and setback requirements of the Oberon Local Environmental Plan 1998, or alternatively be setback further than the situation in existence prior to the proposed complying development boundary adjustment.

M.12.2 DEVELOPMENT STANDARDS

M.12.2.1 Allotment size

Rural 1(a), Rural 1(e), Rural (Residential) and 1(c) Zones

As a result of the boundary adjustment each allotment created is to have a minimum area in accordance with the requirements of the Oberon Local Environmental Plan.

2(v) Zone – Existing Residential Use only

- As a result of the boundary adjustment each allotment created is to have a minimum area in accordance with the following table for the class of housing which currently exists on each allotment.

Class of Housing	Normal Lot (Connected to Reticulated sewer)	Battle-axe lot (Connected Reticulated Sewer)	General lot (unsewered areas)
Dwelling House	600m ²	650m ²	2000m ²
Dual occupancy	Attached Dwelling - 700m ² Detached Dwelling – 900m ²	800m ²	4000m ²
Residential unit development	700m ²	1000m ²	2000m ² per dwelling

Note: The minimum area of a battle-axe shaped allotment excludes the area of the access corridor.

M.12.2.2 Access and manoeuvring areas

- No additional access points are to be created onto any public road as a result of the boundary adjustment.
- In the case of a battle-axe allotment a minimum Reserve driveway width of 6 metres is maintained.
- Each allotment created retains sufficient manoeuvring areas to enable vehicles to enter and leave the site

M.12.2.3 Drainage

2(v) Zone Existing Residential use.

- Inter allotment drainage is to be constructed to serve all allotments not draining naturally to a public road. The drainage system is to include grate inlet pits with a 100mm diameter pipe connection to all lots. All drainage works are to comply with the provisions of AS/NZ3500.3 and Oberon Council's Engineering Works Specification AUS-SPEC#1.

M.12.3 CONDITIONS OF CONSENT – Boundary adjustments.

The following conditions must be applied to a Complying Development Certificate for a boundary adjustment.

1. The applicant is to obtain a subdivision certificate pursuant to Section 109C of the Environmental Planning and Assessment Act, as amended from Council. The final survey plan and seven paper copies are to be submitted to Council along with the application for the subdivision certificate prior to its lodgement with the NSW Land and Property Information.

Note: Council will only consider issuing a subdivision certificate in relation to the boundary adjustment when it is satisfied that all conditions of the complying development certificate have been complied with and the appropriate fee paid.

REASON: A subdivision certificate is required prior to the plans being lodged with the NSW Land and Property Information.

Conditions 2 to 5 must be complied with where the allotments are serviced by Oberon Council's reticulated water and sewer supply.

2. The construction of sewer mains such that there is a separate and distinct sewer connection wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation 1993 and in accordance with Oberon Council's Guidelines for Engineering Works and Civil Engineering Construction Specification.
REASON: To ensure sewer service is available to each lot following the boundary adjustments.
3. Plumbing and drainage work is to be carried out so that each lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of the lot by a licensed tradesman in accordance with the Local Government (Water, Sewerage and Drainage) Regulation 1993.
REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.
4. The construction of any necessary water mains, at the owners cost, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation 1993 and in accordance with Oberon Council's Guidelines for Engineering Works and Civil Engineering Construction Specification – AUS-SPEC#1.
REASON: To ensure that there is a separate and distinct water main connection wholly within the boundary of each lot following the boundary adjustment.
5. The developer is to furnish the principal certifying authority with documentary evidence that arrangements, satisfactory to Country Energy and the appropriate telecommunications authority, for the provision of electrical power and telephone lines respectively, to fully serve the development, have been made.
REASON: To ensure electrical power and telephone are available to each lot following the boundary adjustment.
6. The developer is to relocate, if necessary, at the developer's cost any utility services.
REASON: To ensure any necessary utility services are available to each lot following the boundary adjustment.
7. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the 'Notice of Commencement of Subdivision Works and Appointment of Principal Certifying Authority' form.
REASON: To comply with the requirements of the Environmental Planning and Assessment Act and inform Council who is the Principal Certifying Authority for the proposed work.
8. Rural Fencing of the boundaries of the proposed lots in accordance with the approved plans and specifications. Construction Certificate approval is required for this work, unless the fencing meets the Exempt Development criteria of Oberon Development Control Plan 2001. A Rural Fencing Certification Form obtainable from Council shall be completed and returned to Council after all work has been completed and prior to or with the application for a Subdivision Certificate.
REASON: To ensure that the boundary fencing of a suitable standard is provided to avoid disputes between adjoining property owners and to contain stock within each property.

M.13 DWELLING HOUSES

A single dwelling house may be considered as complying development but only where it complies with the provisions listed below.

M.13.1 **GENERAL PROVISIONS**

- The proposal involves the construction of one but not more than one dwelling on an allotment of land, the lot being currently vacant of an existing dwelling.
- The dwelling house is only capable of being used as a single dwelling.
- The land is located within the 2(v) zone under Oberon Local Environmental Plan 1998, as amended.
- The land on which the building is to be erected is *not* within a Heritage Conservation Area identified in the Oberon Local Environmental Plan 1998, as amended.

M.13.2 **DEVELOPMENT STANDARDS**

M.13.2.1 Allotment size

- The allotment on which the dwelling is located is to be 600m² for a normal lot, or 650m² for a battle axe lot in areas where the dwelling is serviced by reticulated sewer. In unsewered areas, the minimum allotment is to be 2000m².
Note: The minimum area of a battle-axe shaped allotment excludes the area of the access corridor. The building to site area floor space ratio, as a result of the development, must not exceed 0.4:1.

M.13.2.2 Siting considerations

- The setback from the front alignment is to be a minimum of 6 metres or alternatively in accordance with the setback requirements of a Development Control Plan applicable to the site.
- In the case of a building on a corner allotment the combined distance of the two building line setbacks to the two roads is to be not less than 10 metres, provided that neither building line setback is less than 3 metres.
- The external walls of the dwelling are to be located at least 1 metre from any side or rear boundary.

M.13.2.3 Height of buildings

- The proposed dwelling house is single storey only.

M.13.2.4 Overshadowing

- New development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and useable open space.
- At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.

M.13.2.5 Clearance of Services

- The building is to be clear of any service main (water, sewer, drainage, gas, electricity) by at least two metres.
- Any building work or excavation is to be clear of the zone of influence of any pipeline, sewer main or service conduit in accordance with the Building Code of Australia.
- The building is to be located clear of any easements and beyond the zone of influence of any pipeline, sewer main or service conduit, which may affect the land.

M.13.2.6 Energy Efficiency

- The Development Application is to be accompanied by a BASIX Certificate with all commitments shown on the plan.

M.13.2.7 Loadings

- If the work involves building the building site has been inspected and classified for :-
 - j- **Wind load**, AS 1170.2 or AS 4055.
 - k- **Snow load** AS 1170.3.
 - l- **Building Foundations** AS 2870.

M.13.3 CONDITIONS OF CONSENT – Dwelling House.

The following conditions, as well as those conditions listed in schedule 1, must be applied to a Complying Development Certificate for dwelling houses. Conditions 7 and 23 must be satisfied prior to work commencing.

1. The external building material (if sheet metal cladding) proposed to be used on the walls and roof of the building is to be non-reflective. White colour bond is not acceptable.
REASON: To preserve/enhance the visual amenity of the site and the locality.
2. The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main. The earthworks on the site are to be such that there is the required minimum cover over the house drainage line, in accordance with AS/NZS 3500 - National Plumbing and Drainage Code and New South Wales Code of Practice Plumbing and Drainage.
REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Water, Sewerage and Drainage) Regulation, 1993 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act, 1979, as amended.
3. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council or an accredited certifying authority, certifying that the plumbing work identified in column 1, where applicable, has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the compliance certificates the accredited certifying authority must inspect the plumbing works at the times specified in column 2.

	COLUMN 1	COLUMN 2
A	Internal House Drainage	When all internal plumbing work is installed and prior to concealment.

B	External House Drainage	When all external plumbing work is installed and prior to concealment.
C	Stack Work	When all work is installed and prior to concealment.
D	Final	Prior to occupation of the building.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

4. All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.
REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Water, Sewerage and Drainage) Regulation, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.
5. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Solid Waste Disposal Depot. The container shall be erected on the building site prior to work commencing.
NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway or road.
REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area.
6. The building foundation must be effectively drained. There must be a minimum distance between the floor level and the adjacent ground level of 150mm with a well draining fall away from the building.
REASON: To maintain a consistent table building foundation, to prevent surface water inundation and permit post - construction landscaping from adversely impacting upon the building.
7. A complete frame tie down and wall bracing detail certified to comply with Australian Standard 1684 or the NSW Timber Framing Manual, is to be submitted to The Principal Certifying Authority for approval for approval prior to any work commencing.
REASON: To ensure that the proposed method of tie down and bracing for the wall and roof frame is adequate for the wind classification of the site.
8. If soil conditions require it:
 - a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
 - b) adequate provision must be made for drainage.
 REASON: To prevent control erosion and sedimentation problems.
9. If the work involved in the erection or demolition of a building:
 - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
 a hoarding, awning or fence must be erected between the work and the public place. Further, the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
REASON: To prevent any substance, from or in connection with the work, falling into the public place. To provide an acceptable level of public safety.
NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.
NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.
10. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

- a) must be a standard flushing toilet, and
- b) must be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
 - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

REASON: To provide toilet facilities for all persons on the work site.

11. All excavation and backfilling associated with the erection/demolition of the building must be executed safely and in accordance with appropriate professional standards, and be properly guarded and protected to prevent them from being dangerous to life or property.
REASON: To ensure the work is structurally stable to prevent it from being dangerous to life or property.
12. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
REASON: To minimise the risk of noise nuisance due to work on the site and to protect the amenity of the noise environment of the area.
13. All roofed and paved areas are to be drained. The water from those areas, and from any other drainage is to be conveyed to an appropriate stormwater disposal system in accordance with Australian Standard 3500, free of nuisance without causing an erosion and or sedimentation problem. Stormwater is not to be discharged to adjoining premises or at the foundation of any building.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
14. Stormwater disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal. Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
15. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
16. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with The Environment Protection Authority, Environmental Management Guidelines for Building Sites.
REASON: To ensure adequate, environmentally acceptable stormwater drainage is provided to the site.
17. The developer is to relocate, if necessary, at the developer's cost any utility services.
REASON: To ensure the developer relocates any utility services and pays for their relocation pays for them.
18. Residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates has given the Council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under part 6 of that Act
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

REASON: To comply with the requirements of the Environmental Planning and Assessment Regulation 2000.

19. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.

REASON: To comply with the requirements of the Environmental Planning and Assessment Act 1979.

20. A building number shall be displayed in a position clearly visible from the street having a height not less than 75mm (3 inches). The number must be in a contrasting colour to the background on which it is placed. The correct building number is stated on the building permit.

REASON: Because it is in the public interest that the building be easily identifiable.

21. The development is to be carried out in accordance with the approved stamped plans prepared by (), numbered () and dated (), except as otherwise provided by the conditions of this determination. (Note: - modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

REASON: To confirm and clarify the terms of Council's approval.

22. Prior to the release of the Complying Development Certificate, payment of Section 94 contributions in accordance with the schedule below, or those applicable at the time of payment, as prescribed in Council's Annual Fees and Charges Schedule

Service	Required Contribution
Sewer Supply Headworks	\$
Water Supply Headworks	\$
Public Open Space	\$
Emergency Services	\$
Stormwater Drainage	\$
Urban Roads	\$
TOTAL	\$

REASON: To advise that under Part B.11 of Council's Development Contributions and Water Management Works Plan (Amendment) 2004 developer contributions are payable for the expansion of, or the addition to existing commercial or industrial premises where no contribution towards services and/or amenities in the locality has previously been made or determined.

SCHEDULE 1

PRESCRIBED CONDITIONS OF CONSENT

The following conditions are prescribed for the purposes of a Complying Development Certificate issued under this Development Control Plan.

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
REASON: To comply with the Environmental Planning and Assessment Regulation 2000 requirements.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
REASON: To comply with the requirements of the Environmental Planning and Assessment Regulations, 2000.
3. The commitments listed in the relevant BASIX certificate for the development must be fulfilled.
REASON: To comply with the requirements of the Environmental Planning and Assessment Regulation 2000.
NOTE: The attached BASIX form is to be completed and returned to Council with the request to occupy the building.
4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name , address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside work hours, and
 - (c) stating that unauthorised entry to the site is prohibited.

Any sign is to be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that are to be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: To prevent unauthorised access and advise the public of the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours.



DEVELOPMENT CONTROL PLAN – PART N
EXEMPT DEVELOPMENT

Adopted by Council on 12 December 2006

Notes added regarding the SEPP (Exempt and Complying Development Codes) 2008 on 27
February 2009

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OBERON COUNCIL

DEVELOPMENT CONTROL PLAN – EXEMPT DEVELOPMENT

NOTE: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies certain types of exempt development. This SEPP, known as the Codes SEPP, applies throughout NSW. It commenced on 27th February 2009.

As a result of the SEPP, some exempt development works that were previously covered in Council's Exempt Development Code will no longer apply.

A copy of the Codes SEPP is available at:

www.planning.nsw.gov.au/housingcode

Further information on the General Housing Code is available at

www.planning.nsw.gov.au/housingcode.

For further information please email planningreform@planning.nsw.gov.au or call the NSW Department of Planning's Information Centre on Freecall 1300 305 695 or 02 9228 6333.

N.1.1 NAME OF PLAN

This plan is called Oberon Development Control Plan – Exempt Development – as adopted on the 12 December 2006.

N.1.2 EFFECTIVE DATE

This plan was adopted following the Resolution of Council dated 12 December 2006 and is effective following gazettal of the Oberon Local Environmental Plan 1998 – (Amendment No. 4), on 20 April 2007.

N.1.3 AIMS/OBJECTIVES OF THE PLAN

The aims and objectives of this plan are to:

- (a) Outline, within each specified zone under Oberon Local Environmental Plan 1998 and Oberon Local Environmental Plans NO. 9 and No. 10, those categories of development that are exempt from the need to obtain Council approval;
- (b) Specify the criteria in which those categories of development may be carried out without the need to obtain development consent from Council; and
- (c) Provide guidance for potential developers in Oberon with respect to exempt development.

N.1.4 LAND TO WHICH THIS PLAN APPLIES

This plan applies to all land within the Oberon local government area.

N.1.5 RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

This plan controls development under Oberon Local Environmental Plan 1998 – (Amendment No. 4) and Oberon Local Environmental Plans No. 9 and No. 10. Development that is applicable under this plan must also meet the relevant requirements of the Oberon Council Development Control Plans applicable to the site. NB. A list of the current Development Control Plans in the Oberon Shire is attached as an appendix to this plan.

N.1.6 USE OF THIS PLAN

Oberon Local Environmental Plan 1998 – (Amendment No. 4), makes provision within each zone for certain categories of development which may, or may not be carried out. These are summarised in the table below.

Category of Development	Circumstances
Exempt Development	May be carried out without the need to obtain development consent provided it meets the criteria set by this Development Control Plan. The development must be certified, either by, or on behalf of the owner, and a notification is to be submitted to Council prior to work commencing.
Complying Development	Development that may be carried out with consent provided it strictly meets certain criteria. The criteria that a development must meet are set by Oberon Development Control Plan – Complying Development. An approval for a Complying Development is called a Complying Development Certificate. A Complying Development Certificate may be obtained from either Council or an accredited certifier.
Development for which consent is required – Local Development	Certain categories of development may only be carried out with development consent from Council. These categories of development are outlined in the zoning control table to clause 9 of Oberon Local Environmental Plan 1998, as amended.
Prohibited Development	Certain categories of development may not be carried out within each specified zone. These categories of development are outlined in the zoning control table to clause 9 of Oberon Local Environmental Plan 1998, as amended.

Within each zone identified in Oberon Local Environmental Plan 1998, as amended, certain types of development may be carried out without Council consent (i.e. exempt development). There are, however, certain criteria, which must be satisfied in order that a development can be considered as an exempt development.

This Development Control Plan specifies the criteria which development must comply with for it to be considered as exempt development under clause 10A of Oberon Local Environmental Plan 1998, as amended.

In the event that the development is not exempt development for the purposes of this Plan, it will require consent. Consent may take the form of either Complying Development or Local Development (development for which consent is required).

Details of which types of development fall within the Complying Development category are provided in Oberon Development Control Plan – Complying Development.

Details of which types of development fall within the Local Development category are provided within the zoning control table applicable to each zone under Oberon Local Environmental Plan 1998, as amended, and Oberon Local Environmental Plans No. 9 and No. 10.

In the event that you are unsure which category of development applies please contact Oberon Council's Development Department.

N.2 DEFINITIONS

The definitions used in this Development Control Plan have the meaning attributed to them under Oberon Local Environmental Plan 1998 or as outlined in the description of development provided in section 5.0 of this plan.

N.3 SUMMARY OF EXEMPTIONS

The following Table provides a summary of the categories of development that are exempt development for the purposes of this Development Control Plan and clause 10A of Oberon Local Environmental Plan 1998. It is important to note, however, that the exemption may only be granted if the development is designed to strictly comply with certain requirements or conditions listed in this plan. In the event that the development does not comply with the preset requirements or conditions then a development or complying development application will need to be lodged with Council and consent obtained prior to work commencing.

Section 4.0 provides general conditions that must be satisfied for all categories of development in order for a development to be considered exempt development.

Section 5.0 of this Development Control Plan lists the specific conditions that must be satisfied for certain categories of development for it to be considered as exempt development.

Development is only exempt where it meets the general conditions established under section 4.0 of this plan and the specific conditions established under section 5.0 of this plan for that category of development.

Table 3

□□ denotes exempt development within the specified zone

□□ denotes that development is not exempt development within the specified zone

Development may be considered exempt development if it is outlined in the table and all standards for that development as outlined in Parts 4.0 and 5.0 of this Development Control Plan are met.

General Description of Zone

Zone No 1(a) (Rural 'A' Zone)	Agriculture Land
Zone No 1(c) (Rural 'C' Zone)	Rural Small Holdings/Rural Residential
Zone No 1(d) (Non Urban 'D' Zone)	Jenolan Caves Reserve Land
Zone No 2(v) (Village Zone)	Townships of Oberon and Black Springs
Zone No 8 (National Parks Zone)	National Parks and Nature Reserves
Zone No 1(e) (Rural 'E' Zone)	Agriculture Land

Description of Development	1(a) Zone	1(c) Zone	1(d) Zone	2(v) Zone	8 Zone	1(e) Zone	Page No.
Access ramps for people with disabilities	□	□	□	□	□	□	126
Advertising Structures and Displays	□	□	□	□	□	□	126
Air conditioning units	□	□	□	□	□	□	126
Ancillary commercial or industrial component	□	□	□	□	□	□	127
Ancillary dwelling or rural component	□	□	□	□	□	□	128
Bed & Breakfast Tourist Accommodation	□	□	□	□	□	□	129
Buildings ancillary to the residential use of the land	□	□	□	□	□	□	130
Buildings site preparation, benching and leveling	□	□	□	□	□	□	131
Carports	□	□	□	□	□	□	128
Cubby houses and playground equipment	□	□	□	□	□	□	131
Demolition of buildings	□	□	□	□	□	□	132
Different Use of a Building	□	□	□	□	□	□	132
Domestic oil & solid fuel heating appliances	□	□	□	□	□	□	132
Driveways and footway crossings	□	□	□	□	□	□	132
Farm Sheds	□	□	□	□	□	□	135
Fences – rural	□	□	□	□	□	□	132
Fences – residential, commercial and industrial	□	□	□	□	□	□	133
Flagpoles	□	□	□	□	□	□	133
Garages	□	□	□	□	□	□	130
Goal posts, sight screens and similar sporting structures	□	□	□	□	□	□	133
Hoardings	□	□	□	□	□	□	134
Home Occupations	□	□	□	□	□	□	134
Lighting Structure (External)	□	□	□	□	□	□	134
Livestock handling Facilities	□	□	□	□	□	□	134
Minor internal alterations to dwellings	□	□	□	□	□	□	134

Description of Development	1(a) Zone	1(c) Zone	1(d) Zone	2(v) Zone	8 Zone	1(e) Zone	Page No.
Minor internal alterations to industrial buildings, rural industry buildings, shops and commercial premises including shop fitouts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	135
Outbuildings – Class 10 – ancillary to the agricultural use of the land such as Farm sheds and hay sheds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	135
Park and street furniture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	136
Places of public entertainment – use of temporary structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	136
Playground Equipment on Community land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	136
Public Meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	136
Retaining walls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	137
Roofwater storage tanks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	137
Satellite dishes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	138
Scaffolding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	138
Skylights in dwellings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	138
Solar hot water systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	138
Street signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	139
Water heaters (other than solar hot water heaters)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	129
Water supply works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	139
Water supply, sewerage and drainage works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	139
Windows, glazed areas and exterior doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	139
Woodchipping in Private Forests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	139
Woodchipping in State Forests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	139
Windmills (not Wind Turbines or Wind Farm Developments)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	140

☐ denotes exempt development within the specified zone

☐ denotes that development is not exempt development within the specified zone

Development may be considered exempt development if it is outlined in the table above and all standards for that development as outlined in Part 4.0 and 5.0 of this Development Control Plan are met.

N.4 EXEMPT DEVELOPMENT – GENERAL CRITERIA

Notwithstanding the specific exemption criteria provided in Section 5.0 of this Development Control Plan, development shall only be considered to be exempt development under the following circumstances:

- N.2.1 Where the land on which the development is to be undertaken is not in an area identified as **wilderness area, critical habitat** or is likely to significantly affect **threatened species populations** or **ecological communities** or their **habitats**, and
- N.2.2 Where the land on which the development is to be undertaken does not contain a **relic or Aboriginal place** within the meaning of the National Parks and Wildlife Act 1974 and consent would be required under Section 90 of that Act, and
- N.2.3 Where the development does not involve an extension, enlargement, alteration intensification or change of use to a building which is only lawful because of the **existing use rights provisions** of Section 106 of the Environmental Planning and Assessment Act 1979, as amended, and
- N.2.4 Where the development does not involve the erection of a structure for which an **existing structure of the same type located on the land has already been erected** without Council approval in accordance with this Development Control Plan or in accordance with Oberon Local Approvals Policy/Development Control Plan 1998. That is where an existing building of the same or similar type has already been erected as an exempt development. (For example if a garden shed has already been erected as an exempt development a second or any subsequent garden shed, or the like, must have either a complying development Certificate or a Development consent), and
- N.2.5 The owner or owners agent of the property has given **notification** of the proposed work on **Council's standard form prior to work commencing** on the development.
- N.2.6 Where the site does not contain a Heritage Item, or is not **Environmentally Sensitive Land** as identified by Clause 6 of the Oberon Local Environmental Plan 1998, as amended, and
- N.2.7 Where the site on which the component is to be erected is not **flood affected**, and
- N.2.8 Where the site on which the component is to be erected is not **Bush Fire Prone** in accordance with the Bush Fire Prone Land Map unless the component is constructed of non-combustible or fire retardant materials.
- N.2.9 It does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or otherwise, and
- N.2.10 It complies with any deemed-to-satisfy provision of the Building Code of Australia relevant to the development, and
- N.2.11 It complies with any relevant standards set for the development by this plan and by current Development Control Plans adopted by the Council.
- N.2.12 It does not contravene any condition of a development consent applying to the land, and
- N.2.13 It does not obstruct drainage of the site on which it is carried out, and
- N.2.14 It does not restrict any vehicular or pedestrian access to or from the site, and
- N.2.15 It is carried out at least 1.2 metres from any easement or public sewer main and the footings are clear of the zone of influence of the sewer or other service line, and
- N.2.16 Any building work carried out is behind the existing building line.
- N.2.17 Any permanent gas supply and/or gas fitting is to be connected or carried out by an appropriately qualified and licensed tradesman.
- N.2.18 Any permanent electrical supply and or electrical work is to be connected or carried out by an appropriately licensed tradesman.
- N.2.19 Any sewer drainage works or water service plumbing work is to be connected or carried out by an appropriately licensed tradesman.

N.5 EXEMPT DEVELOPMENT – SPECIFIC CRITERIA

Notwithstanding the general exemption criteria provided in Section N4 of the Development Control Plan, development shall not be considered exempt development unless it meets the specific criteria listed for that development type under this Section.

Description of development	Zone No.	Criteria
Access ramps for people with disabilities	1(a), 1(c), 1(d), 2(v), 8, 1(e)	<ul style="list-style-type: none"> • The maximum grade of the Access Ramp is 1:14. • The access ramp and handrail complies with the requirements of AS 1428.1. • The access ramp is not erected within 300mm of any property boundary • The access ramp is not erected over an easement or within 1.2 metres of Council's sewer main, drainage pipes or any house drain and the footings are clear of the zone of influence of the sewer main. • Other than the balustrade, no structure is erected on or over the access ramp. • The access ramp is no longer than 20 metres. • The access ramp is constructed of new materials.
Description of development	Zone No.	Criteria
The erection and display of an advertising structure and advertisement , or the display of an advertisement that is not on an advertising structure (but not an illuminated sign in a residential zone) that satisfies any of the requirements.	2(v), 1(a), 1(e)	<p>(a) The advertisement displays a message relating to the premises or goods and services that are available from the premises on which the advertisement is situated and the advertisement and any structure together have an area not exceeding:</p> <ul style="list-style-type: none"> (i) 6 square metres (eg. 2m x 3m) in a village or rural 1(a) zone, (NB. Development Department staff to check for consistency with SEPP64), or (ii) 25% of the front elevation of a building on which it is displayed for an approved commercial business, with a maximum height of 3m or the height of the underside of any awning measured at the line at which it is attached to the building, whichever is the greater. <p>If the advertisement or advertising structure is above a public road it must be at least 2.6 metres above ground level.</p> <ul style="list-style-type: none"> (b) The advertisement is behind a shop window. (c) The advertisement is a temporary advertisement for a social, cultural, political or recreational event that is displayed no more than 28 days before the event. The advertisement must be removed within 14 days after the event. (d) The advertisement is a public notice displayed by a public authority giving information about a service. (e) The advertisement is a real estate sign advertising that the premises on which it is displayed are for sale or lease, and the advertisement and any structure have a total maximum area of 2.5 square metres. (f) The advertisement replaces one of the same, or a larger, size lawfully displayed on the same structure. (g) The advertisement and any structure are not visible from outside the site on which they are displayed.
Description of development	Zone No.	Criteria
Air conditioning units	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The air conditioning unit does not exceed 2 metres in height. • The unit is located a minimum of 3 metres from any property boundary. • The condensation from the unit is disposed of in such a manner that damage or nuisances are not caused to adjoining properties, including Council roads or public places. • The installation of the unit must not reduce the structural integrity of the building. • Any opening created is adequately weatherproofed.

		<ul style="list-style-type: none"> • The unit does not generate a noise level that exceeds 5dBA above the background noise level at the nearest property boundary.
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Description of development	Zone No.	Criteria
Ancillary commercial or industrial component (being awnings, canopies, storm blinds, barbecues, cabanas / gazebos, car parking areas, carports, clothes hoists, clothes lines, decks attached to buildings, loading docks, patios, patio covers, unroofed pergolas, radio aerials, re-cladding of roofs and walls, television antennas, vehicle manoeuvring areas, water heaters and the like).	2(v),	<ul style="list-style-type: none"> • In the case of re-cladding of walls and roofs the materials used are to match the existing materials used on the walls and roof. • The component is not erected within 1 metre of the boundary of the property. • With the exception of blinds and awnings the component is not erected between the road alignment and the alignment of any wall of the main building on the land facing a road and is not visible from a public road. • Any stormwater (from any developed area such as roof or paved ground) shall be conveyed by means of pipes or drains to Council's kerb and gutter. Alternatively, the stormwater is disposed of entirely on the land in such a manner that damage or nuisance is not caused to any buildings on site, or adjoining properties or, it does not cause an erosion or sedimentation problem. • All vehicle manoeuvring and parking areas are to be paved and line marked in accordance with AUSPEC-1. • Any ancillary component is to be constructed so that there is no obstruction of the movement of traffic on the site, no reduction in the number of parking spaces provided and there is no reduction in the safety and utility of driveways. • The component is constructed of new materials. • The component has a maximum height of 3.0 metres above the natural surface of the ground on which it is erected or, in the case of a component attached to a building, the height of the component is equal to or less than the adjacent part of the building to which it is fixed. • The floor area of the building does not exceed 25 square metres or 50 square metres in the case of a Carport. • In the case of a clothesline or the re-cladding of a building the work is carried out in accordance with the manufacturer's specifications. • The component is constructed and installed in accordance with the AS 1170, Building Code of Australia and in accordance with the manufacturers specifications. NB: - Significant Snow-loads apply to many areas in the Oberon Shire. • The component is constructed of non-reflective materials, or appropriately painted to be non-reflective, so that it blends in with the visual amenity of the area. • Any work involving lead paint removal must not cause lead contamination of the air or ground. • In the case of re-cladding of walls, sub-floor ventilation shall be retained for the building at the rate required by the Building Code of Australia. • The size of any timber members complies with AS 1684. • In the case of a deck or any other floor, where the floor level is more than 1 metre above the natural ground level, a balustrade and handrail is to be provided complying with the requirements of the clause 2.16 and clause 2.17 of the Building Code of Australia. • Any work involving asbestos cement shall comply with the Workcover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". • In the case of a single radio aerial/television antenna the structure supporting the aerial/antenna is fixed to the building in which the radio/television antenna is installed. The antenna is of a single vertical pipe together with the necessary clamps, guide wires and other fittings. The structure supporting the antenna is to be structurally sound and capable of supporting the dead and live (wind) loads which may be imposed upon them. The highest part of any antenna is to be not more than 2.5 metres above the highest part of the ridge of the building to which it is attached. • In the case of water heaters, a licensed person in accordance with AS/NZ3500 and the NSW Code of Plumbing Practice installs it.

		<ul style="list-style-type: none"> • In the case of a carport; it has no enclosed walls and it is located behind the front building alignment; is attached to the main building or setback more than 3 metres from the building; it is setback more than 1 metre from the property boundary and the colouring of materials used are non-reflective and matches those used on the main building and the visual amenity of the area. • In the case of a patio, pergola or deck, the floor level is not more than 2 metres above the natural ground level. • Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council. • Where the site on which the component is to be erected is not flood affected.
Description of development	Zone No.	Criteria
Ancillary dwelling or rural components (being awnings, canopies, storm blinds, barbecues, cabanas / gazebos, carports, clothes hoists, clothes lines, decks attached to buildings, patios and patio covers, unroofed pergolas, radio aerials, re-cladding of roofs and walls, television antennas and water heaters).	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The component has a maximum height of 3.0 metres above the natural surface of the ground on which it is erected or, in the case of a component attached to a building, the height of the component is equal to or less than the adjacent part of the building to which it is fixed. • The floor area of the building does not exceed: - Zone 2(v) 25 square metres or, in the case of a Carport or gazebo, Zone 2(v) 50 square metres, Zone 1(c) 120 square metres, Zone 1(a) 250 square metres. • In the case of a clothesline or the re-cladding of a building the work is carried out in accordance with the manufacturers specifications. • The component is constructed and installed in accordance with the AS 1170, Building Code of Australia and in accordance with the manufacturers specifications. NB: - Significant Snow-loads apply to many areas in the Oberon Shire. • The floor area under the component is not enclosed. • Other than the Rural 1(a) zone, the component is constructed of non-reflective materials, or appropriately painted to be non-reflective, so that it blends in with the visual amenity of the area. • Any work involving lead paint removal must not cause lead contamination of the air or ground. • In the case of re-cladding of walls, sub-floor ventilation shall be retained for the building at the rate required by the Building Code of Australia. • The size of any timber members complies with AS1684. • In the case of a deck or any other floor, where the floor level is more than 1 metre above the natural ground level, a balustrade and handrail is provided complying with the requirements of the clause 2.16 and clause 2.17 of the Building Code of Australia. • Any work involving asbestos cement shall comply with the Workcover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". • In the case of a single radio/television antenna the structure supporting the aerial/antenna is fixed to the building in which the radio/television antenna is installed. The antenna is of a single vertical pipe together with the necessary clamps, guide wires and other fittings. The structure supporting the antenna is to be structurally sound and capable of supporting the dead and live (wind) loads which may be imposed upon them. The highest part of any antenna is to be not more than 2.5 metres above the highest part of the ridge of the building to which it is attached. • In the case of a carport; it has no enclosed walls; it is located behind the front building alignment, is attached to the main building or setback more than 1 metre from any building; it is setback more than 1 metre from the property boundary in the 2(v) zone or 5 metres in the 1(a), 1(c), 1(d), 1(e) or 8 zones, and the colouring of pitched roof materials used are non-reflective (other than in the Rural 1(a) zone) and matches those used on the main building and the visual amenity of the area. • In the case of a patio, pergola or deck, the floor level is not more than 2 metres above the natural ground level.

		<ul style="list-style-type: none"> • The component complies with any relevant restrictions/standards applicable to the development under Council's Development Control Plans which apply to the site. • In the 2(v) zone the component is not erected within 1 metre of the boundary of the property. In the 1(a), 1(c), 1(d), 1(e) or 8 zones the component is not erected within 5 metres of the property boundary. • With the exception of blinds and awnings the component is not erected between the road alignment and the alignment of any wall of the main building on the land facing a road and is not visible from a public road. • In the case of re-cladding of walls and roofs the materials used are to match existing materials used on the walls and roof. • Any stormwater (from any developed area, roof or paved ground) shall be conveyed by means of pipes or drains to Council's kerb and gutter. Alternatively the stormwater is disposed of entirely on the land in such a manner that damage or nuisance is not caused to any buildings on site or adjoining properties or it does not cause an erosion or sedimentation problem. • With the exception of blinds and awnings the component is not erected between the road alignment and the alignment of any wall of the main building on the land facing a road and is not visible from a public road. • Any stormwater (from any developed area, roof or paved ground) shall be conveyed by means of pipes or drains to Council's kerb and gutter. Alternatively the stormwater is disposed of entirely on the land in such a manner that damage or nuisance is not caused to any building on site or adjoining properties, or it does not cause an erosion or sedimentation problem. • Any ancillary component is to be constructed so that there is no obstruction to the movement of traffic on the site, no reduction in the number of parking spaces provided and there is no reduction in the safety and utility of driveways. • The component is constructed of new materials, or second hand materials in "as new" condition.
Description of development	Zone No.	Criteria
Bed & Breakfast & / or Single dwelling Tourist Accommodation	1(a), 1(c), 1(e) & 2(v)	<ul style="list-style-type: none"> • The class 1(a) dwelling is not located in a bushfire prone area as determined by a map under Section 146 of the Environmental Planning and Assessment Act. • The Bed & Breakfast accommodation is located in an existing class 1a dwelling of less than 300 square metres capable of being occupied lawfully by the permanent residents. • The operation is for the temporary accommodation of visitors for commercial purposes. • Any proposed building work is either exempt development or the subject of Development Consent. • There are no more than 4 guest Bedrooms. • There is at least one Bathroom for exclusive use of the guests. • There is a Maximum of one advertising sign per dwelling, it is sympathetic to the amenity of the streetscape and it is exempt development. • For Bed & Breakfast dwellings the building is a registered food premises with the Oberon Council and satisfactorily inspected at least once annually and prior to operation. • The dwelling complies with AS 3786-1993 – Smoke alarms and AS3000-1991 – Electrical Installation for Buildings, Structures and Premises. • The dwelling has a fire extinguisher and fire blanket in the kitchen. • In the 2(v) and the 1(c) zone, <ul style="list-style-type: none"> ◦ There is a 1.8 metre fence on or near the boundary of the premises to maintain and provide privacy to the rear yard or private open space of any and/or all adjoining premises.

		<ul style="list-style-type: none"> ○ There is off street parking available on site for all guest vehicles and the permanent occupier. ○ There are no guest pets permitted. ○ The adjoining and adjacent property owners are advised in writing and supplied with a copy of the completed exempt development form.
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Description of development	Zone No.	Criteria															
Freestanding buildings ancillary to the residential use of the land being bird aviaries, clothes hoists / lines, garages, green houses, poultry houses, stables, garden/tool sheds. Class 10 structures.	1(a), 1(c), 1(e), 2(v)	<ul style="list-style-type: none">• The development or component complies with any relevant restrictions/standards applicable to the development under Council's Development Control Plans which apply to the site.• Where the development involves the keeping of animals the development complies with Schedule 5 of the Local Government (Orders) Regulation 1993.• The building, other than a garage or stable is to have a maximum height of 3.0 metres above the natural surface of the ground on which it is erected. A garage or stable is to have a maximum roof gutter height of 3 metres and ridge height of:															
		<table><tr><td></td><td>2(v) Zone</td><td>1(c) Zone</td><td>1(a) Zone</td><td>1(e) Zone</td></tr><tr><td>Max Roof Gutter Height</td><td>3m</td><td>4.5m</td><td>6m</td><td>6m</td></tr><tr><td>Max Ridge Height</td><td>4.5m</td><td>6m</td><td>7.5m</td><td>7.5m</td></tr></table>		2(v) Zone	1(c) Zone	1(a) Zone	1(e) Zone	Max Roof Gutter Height	3m	4.5m	6m	6m	Max Ridge Height	4.5m	6m	7.5m	7.5m
			2(v) Zone	1(c) Zone	1(a) Zone	1(e) Zone											
		Max Roof Gutter Height	3m	4.5m	6m	6m											
		Max Ridge Height	4.5m	6m	7.5m	7.5m											
		<ul style="list-style-type: none">• The building is constructed of new materials or second hand materials in good condition.• In the 2(v) or the 1(c) zones the building exterior is constructed of non-reflective materials, or appropriately painted to be non-reflective, so that it blends in with the visual amenity of the area.• Any work involving lead paint removal must not cause lead contamination of the air or ground.• The size of any timber members complies with AS1684.• In the case of a deck or any other floor, where the floor level is more than 1 metre above the natural ground level, a balustrade and handrail is provided complying with the requirements of the clause 2.16 and clause 2.17 of the Building Code of Australia.• The component complies with any relevant restrictions/standards applicable to the development under Council's Development Control Plans which apply to the site.• In the 2(v) zone the building is not erected within 1 metre of the boundary of the property or any buildings on site. In the 1(a), 1(c) or 1(e) zones the building is not erected within 5 metres of the boundary of the property or within 1 metre of any building on the site.• Any stormwater (from any developed area, roof or paved ground) shall be conveyed by means of pipes or drains to Council's kerb and gutter. Alternatively the stormwater is disposed of entirely on the land in such a manner that damage or nuisance is not caused to adjoining properties, or it does not cause an erosion or sedimentation problem.• The building is not used for any commercial gain.• In the case of a property zoned 1(c), or 2(v) the building is not erected between the road alignment and the alignment of any wall of the main building on the land facing a road.• The building is located an appropriate distance from adjoining properties to ensure that it does not cause nuisance (in terms of noise, odour or vermin) to neighbouring properties.• The floor area of the building does not exceed:- Zone 2(v) 50 square metres in the case of a Garage, 25 metres for all other buildings. Zone 1(c) 120 square metres, Zone 1(a) 250 square metres.• The building is constructed and installed in accordance with the Building Code of Australia and in accordance with the manufacturers specifications.• The building does not include a toilet or shower facility.• The building is not used for habitable purposes.• The building is not used for commercial or industrial purposes.• In the case of a stable, the stable is located at least 10 metres from any dwelling, school, shop, office, factory, workshop, church, public hall or premises used for the manufacture, production or storage of food.															

Description of development	Zone No.	Criteria
Buildings site preparation, benching and levelling	1(a), 1(c), 1(e)	<ul style="list-style-type: none"> • The development or component complies with any relevant restrictions / standards applicable to the development under Council's Development Control Plans that apply to the site. • The benching and levelling, if it involves the construction of retaining walls, such walls are "exempt development", or if it involves battering of the excavated ground such that the ground is structurally stable and not subject to erosion and or sedimentation problems. The maximum excavation depth or fill height is to be 1500mm. • The proposed building site is graded and drained so that all surface waters are directed away from the building site. • Any stormwater is to be disposed of entirely on the land in such a manner that damage or nuisance is not caused to adjoining properties or it does not cause an erosion or sedimentation problem. • The disturbed area for the building site, other than for a dwelling house, is not to be within 2 metres of any side boundary of the property, or within 100 metres of a water course listed in Schedule 1 of the Oberon Local Environmental Plan 1998. • The disturbed area for a dwelling house building site is to be located in accordance with the siting requirements of the Oberon Local Environmental Plan 1998. • In the case of a property zoned 1(c), the building site is not erected either, between the road alignment and the alignment of any wall of the main building on the land facing a road and / or within 30 metres of the front boundary. • The building is located an appropriate distance from adjoining properties to ensure that its use does not cause nuisance (in terms of noise, odour or vermin) to neighbouring properties. • The surface area of the disturbed ground does not exceed 500 square metres. • The building site and excavated area is not used for commercial or industrial purposes.
Description of development	Zone No.	Criteria
Cubby houses and playground equipment	1(a), 1(c), 1(e), 2(v)	<ul style="list-style-type: none"> • The development or component complies with any relevant restrictions / standards applicable to the development under Council's Development Control Plans which apply to the site. • The building has a maximum height of 3.0 metres above the natural surface of the ground on which it is erected. • The building is constructed of new materials or second hand materials in good condition. • Any permanent gas or electricity supply is to be connected by a licensed gas fitter or electrician. • The building is constructed of non-reflective materials, or appropriately painted to be non-reflective, so that it blends in with the visual amenity of the area. • Any work involving lead paint removal must not cause lead contamination of the air or ground. • The size of any timber members complies with AS1684. • In the case of a deck or any other floor, where the floor level is more than 1 metre above the natural ground level, a balustrade and handrail is provided complying with the requirements of the clause 2.16 and clause 2.17 of the Building Code of Australia. • The building is not erected within 1 metre of the boundary of the property. • The stormwater is disposed of in such a manner that damage or nuisance is not caused to adjoining properties or it does not cause an erosion or sedimentation problem. • In the case of a property zoned 1(c), or 2(v) the building is not erected between the road alignment and the alignment of any wall of the main building on the land facing a road. • The floor area of the building does not exceed 20 square metres.

		<ul style="list-style-type: none"> • The building does not include toilet or shower facilities. • The building is not used for habitable purposes. • All playground equipment is constructed in accordance with the relevant Australian Standards and in accordance with the Building Code of Australia and the manufacturer's specifications.
Description of development	Zone No.	Criteria
Demolition of buildings	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The building or structure to be demolished is less than 1 storey in height and of a floor area of less than 150 square metres. • The building or structure is demolished in a safe manner and in accordance with the requirements of Australian Standard – AS2601-1991 – Demolition of Structures. • The demolition site is appropriately fenced to prevent unauthorised access to the demolition site. • All work involving asbestos cement complies with the Workcover Authority "Guidelines for Practices involving Asbestos in Buildings". • All work involving lead paint removal does not cause lead contamination of air or ground.
Description of development	Zone No.	Criteria
A new use of a lawfully existing building that continues to comply with all other development consent conditions.	2(v)	<p>(a) the new use is consistent with the classification of the building under the Building Code of Australia and replaces a former use being carried out in accordance with a development consent, and:</p> <ul style="list-style-type: none"> (i) it is not actually or potentially a hazardous or offensive industry, and (ii) it does not involve the handling, preparation or storage of food for sale or consumption, and (iii) it is not prohibited by any provision in an environmental planning instrument applying to the land, or <p>(b) the new use results from a change of building use from a shop to an office or from an office to a shop that is not in the business of handling, preparing or storing food for sale or consumption, where:</p> <ul style="list-style-type: none"> (i) the new use replaces a former use being carried out in accordance with a development consent, and (ii) not more than 200 square metres of floor space is changed in use, and (iii) the new use is not prohibited by any provision of an environmental planning instrument applying to the land.
Description of development	Zone No.	Criteria
Domestic oil and solid fuel burning appliances	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • Installation of the domestic oil or solid fuel burning appliance in the building complies with part 3.7.3 of the Building Code of Australia or in accordance with the manufacturer's specifications.
Description of development	Zone No.	Criteria
Driveways and footway crossings	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The work is carried out in accordance with Oberon Council's adopted Guidelines – AUSPEC 1. • For Zone 2(v) the driveway over and leading onto the public road is constructed in accordance with access levels issued by Oberon Council Director of Engineering and is to be satisfactorily inspected by an officer of the Council's Engineering Department prior to pouring of the concrete. • Stormwater is not to be directed onto adjoining property.
Description of development	Zone No.	Criteria
Fences – Rural	1(a), 1(c), 1(d),	<ul style="list-style-type: none"> • The fence is constructed of traditional rural fencing materials, or of pipe, steel mesh, timber, masonry or the like.

	1(e), 2(v), 8	<ul style="list-style-type: none"> Where the fence is erected on a boundary not adjoining a public road, it does not exceed 1.8 metres in height above the surface of the ground upon which it is to be erected. Where the fence is erected on or within 3 metres of a boundary adjoining a public road, it does not exceed 1.2 metres in height above the natural surface of the ground upon which it is to be erected. The fence does not encroach onto a public road reserve. The fence is constructed in such a manner that the natural flow of surface water is not obstructed. The fence does not create a danger to the public. If the fence is of masonry construction, it must not exceed 1 metre in height above the natural surface ground level upon which it is to be erected and must comply with the requirements of the Building Code of Australia. The site on which the fence is to be erected is not flood affected.
Description of development	Zone No.	Criteria
Fences residential, commercial and industrial	2(v), 8	<ul style="list-style-type: none"> The fence is constructed of traditional rural fencing materials, or of pipe, steel, timber, colorbond, masonry or the like. Fences are not to include barbed wire or similar manproofing materials other than in approved industrial premises not adjacent to residential premises. Where the fence is erected behind the building line and on a boundary not adjoining a public road, it does not exceed 1.8 metres in height above the surface of the ground on which it is to be erected. In the case of security fencing on land utilised for non-residential use and not adjoining residential land, the fence may be erected up to a height of 3 metres above the surface of the ground upon which it is to be erected and is not erected forward of the building line to any public road. Security fencing is not exempt development on land adjoining residential land use. Where the fence is built forward of the building line to any public road the fence is constructed of masonry, timber or wire, or a combination thereof and does not exceed 900mm. Colorbond fencing erected forward of the building line is not exempt development. In the case of a fence forward of the building line to a public road the land on which the fence is erected is not a corner allotment. The fence does not encroach onto a public road reserve. The fence does not create a danger to the public. The fence is constructed in such a manner that the natural flow of surface water is not obstructed. If the fence is of masonry construction, it must not exceed 1 metre in height above the natural surface ground level upon which it is to be erected and must comply with the requirements of the Building Code of Australia.
Description of development	Zone No.	Criteria
Flagpoles – up to a maximum of 3 flag poles per premises / site	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> In the case of a free standing flagpole it does not exceed, for Zone 2(v) 6 metres, or for other zones 10 metres, above the natural surface of the ground on which it is erected. The flagpole is designed and constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed upon it. The flagpole is not constructed over an easement or within 1.2 metres of Council's sewer, drainage pipes or any house drainage. The bottom edges of any flags suspended from the flagpole are at least 3.6 metres above the pathway level of the road. The flagpole does not project over any carriageway of the road. The flagpole and flags attached to it do not interfere with public services. The flag is not used for commercial advertising purposes.
Description of development	Zone No.	Criteria

Goal posts, sight screens and similar sporting structures	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The structures are erected only on parks or recreation areas under the control and management of Oberon Council or approved sporting or playing fields for use in the playing or performance of sporting events. • The structures are constructed and installed in accordance with the relevant Australian Standard and in accordance with the Building Code of Australia. • Any lighting structures in the vicinity of an airstrip are to be positioned so as to comply with the CASA guidelines for lighting in the vicinity of airports.
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Description of development	Zone No.	Criteria
Hoardings	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> Any hoarding erected complies with Workcover Authority requirements. All care is to be taken to safeguard the general public and to ensure that safe public access is available where a hoarding encroaches onto a public road, footway or thoroughfare. The hoarding is constructed of solid materials to a height not less than 3 metres above the level of the footpath or thoroughfare. Appropriate signage is to be erected in accordance with AS 1319. The hoarding is to be structurally adequate. The hoarding is to be removed immediately following the completion of works. The site on which the component is to be erected is not flood affected.
Description of development	Zone No.	Criteria
Home occupations	1(a), 1(e), 1(c), 2(v)	<ul style="list-style-type: none"> The development involves no change in the classification of the building within the meaning of the Building Code of Australia. The development complies with the definition of home occupation contained in the Oberon Local Environmental Plan Dictionary.
Description of development	Zone No.	Criteria
Lighting structures and fittings (external)	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> The light fitting is not more than 3.0 metres above the natural surface of the ground on which the structure is erected. The lighting does not involve the lighting of tennis courts or sporting facilities. The light fitting and supporting structure are designed and located so that the light from the fitting does not cause any nuisance to the residents or users of adjoining properties. Any lighting structures in the vicinity of an airstrip are to be positioned so as to comply with the CASA guidelines for lighting in the vicinity of airports.
Description of development	Zone No.	Criteria
Live-stock handling facilities	1(a), 1(e), 1(c)	<ul style="list-style-type: none"> The facilities are used for stock grazed on the rural premises only and not used for the commercial sale of livestock.
Description of development	Zone No.	Criteria
Minor internal alterations to dwellings – <i>non structural alterations such as painting, plastering, cement rendering, cladding, attaching fittings, replacement of doors, or linings for walls, floors, and ceilings, replacement of deteriorated frame members with materials of equivalent or improved quality, renovations of kitchens, bathrooms and inclusion of</i>	1(a), 1(c), 1(d), 1(e), 2(v)	<ul style="list-style-type: none"> Any work involving asbestos cement shall comply with the Workcover “Guidelines for Practices involving Asbestos Cement in Buildings”. The works do not alter the existing footprint of the building. All work involving lead paint removal does not cause lead contamination of air or ground. The work does not involve changes or additions to the house sewer drainage and plumbing work unless an approval has been issued by Oberon Council under the provisions of the Local Government Act 1993 and all work is carried out by a licensed plumber in accordance with AS/NZ3500 and the NSW Code of Plumbing Practice. All primary building elements, as defined in the Building Code of Australia, are protected from termite attack in accordance with the requirements of the Building Code of Australia. The work does not involve structural alterations to the building. The proposed building works do not change that part of the building from a non-habitable to a habitable use. There is no reduction in the areas provided for light and ventilation to the room or area served by any window, glazed area or door. Any replacement glazing materials used comply with AS1288, AS2208 and AS 2047.

<i>fixtures such as vanities, cupboards and wardrobes.</i>		
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Description of development	Zone No.	Criteria
Minor internal alterations to industrial buildings, rural industry buildings, shops and commercial premises including shop fit-outs	1(a), 1(c), 1(d), 1(e), 2(v)	<ul style="list-style-type: none"> • The floor area of the building does not exceed 300 sq.m. (NOTE: Not applicable to the Oberon Timber Complex where it can be demonstrated that the internal alterations do not reduce the existing level of fire safety and egress). • The areas of the premises where the work is to be done are not to be used for the storage, preparation or serving of food. • The work does not involve or result in a change of use of the building. • The works do not involve the removing, re-positioning or increasing of the number of internal floor levels. • The works will not reduce the existing level of fire safety and egress, the existing level of fire resistance, and the existing safeguards against spread of fire to adjoining properties • The works do not alter the existing footprint of the building. • All works comply with the requirements of the Building Code of Australia and meets with Workcover requirements. • The work does not involve changes or additions to the sewer drainage and plumbing work, unless an approval has been issued by Oberon Council under the provisions of the Local Government Act 1993 and all work is carried out by a licensed plumber in accordance with AS/NZ3500 and the NSW Code of Plumbing Practice. • All works consist of non-structural internal works only, unless a Structural Engineers Detail for the proposed works is submitted and is to the satisfaction of Council's Building Surveyor. • Any work involving asbestos cement shall comply with the Workcover Authority "Guidelines for Practices involving Asbestos Cement in Buildings". • All work involving lead paint removal does not cause lead contamination of air or ground.
Description of development	Zone No.	Criteria
Outbuildings – Class 10 – ancillary to the agricultural use of the land but does not include a dwelling house, a building used for or in association with a rural industry, or a roadside stall. This section of exempt development includes farm sheds, hay sheds, silos and the like and additions thereto such that the completed building meets the criteria for "exempt development".	1(a), 1(c), 1(e)	<ul style="list-style-type: none"> • The development or component complies with any relevant restrictions / standards applicable to the development under Council's Development Control Plans which apply to the site. • Where the development involves the keeping of animals the development complies with Schedule 5 of the Local Government (Orders) Regulation. • The building has a maximum roof gutter level height of 6 metres for Zone 1(a), or 4.5 metres for Zone 1(c), above the natural surface of the ground on which it is erected, when measured at the normal roof gutter level of the structure. • In the 1(c) zone the building exterior is constructed of non-reflective materials, or appropriately painted to be non-reflective, so that it blends in with the visual amenity of the area. • The building is constructed of new materials or second hand materials in good condition. • Any work involving lead paint removal must not cause lead contamination of the air or ground. • The size of any timber members complies with AS1684. • In the case of a deck or any other floor, where the floor level is more than 1 metre above the natural ground level, a balustrade and handrail is provided complying with the requirements of the clause 2.16 and clause 2.17 of the Building Code of Australia. • The building is not erected within 5 metres of the boundary of the property. • The building is not constructed over an easement or within 1.2 metres of Council's sewer (2.0 metres if a carrier main), drainage pipes or any house drainage drain and the footings are clear of the zone of influence of the sewer main. • Any stormwater (from any developed area, roof or paved ground) shall be conveyed by means of pipes or drains to Council's kerb and gutter. Alternatively the stormwater is disposed of entirely on the land in such a

		<p>manner that damage or nuisance is not caused to adjoining properties or, it does not cause an erosion or sedimentation problem.</p> <ul style="list-style-type: none"> • The building is not used for any commercial gain other than on-site non-intensive rural production. • In the case of a property zoned 1(c), the building is not erected between the road alignment and the alignment of any wall of the main building on the land facing a road. • The floor area of the building does not exceed, for Zones 1(a) and 1(e) 300 square metres, for Zone 1(c) 120 square metres. • The building is constructed and installed in accordance with the Building Code of Australia and in accordance with the manufacturers specifications. • The building does not include toilet or shower facilities. • The building is not used for habitable purposes. • The building is not used for intensive agricultural purposes and not for commercial or agricultural industrial purposes. • Where the building structure is to be made of structural steel it is to be designed by a practicing Structural Engineer in accordance with the appropriate Australian Standards. • The building designer is to appropriately consider the dead and live load <i>AS1170</i> (including wind and snow loads for the actual building site after the site has been appropriately classified by a competent person). • Where the building, or part is prefabricated, it is to be erected in strict accordance with the manufacturers specifications and instructions. • Silo's must comply with the following: <ul style="list-style-type: none"> - Erected in accordance with manufacturers specifications and/or Engineers details. - No closer than 200 metres to a road boundary or 50 metres from side or rear boundaries. - Clearance from power lines and transmission lines in accordance with the relevant electricity authority requirements. - No closer than 50 metres to a dwelling.
Description of development	Zone No.	Criteria
Park and street furniture	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The structures are erected only on parks, recreation areas, public footpaths, sporting facilities or playing fields under the control and management of Oberon Council. • The structures are constructed by or for Council and installed in accordance with the relevant Australian Standard and in accordance with the Building Code of Australia.
Description of development	Zone No.	Criteria
Public Meetings	1(a), 2(v), 1(d), 1(e)	The use of a class 9b building under the Building Code of Australia for the purpose of a public meeting that is conducted so that there is no interference with the neighbourhood.
Description of development	Zone No.	Criteria
Places of public entertainment – use of temporary structures	1(a), 1(c), 1(d), 1(e), 2(v), 8.	<ul style="list-style-type: none"> • The installation of the temporary structure on the land in which it is situated is the subject of an approval under the Local Government Act 1993, as amended. • The temporary structure is accredited under Division 5 of Part 1 of the Chapter 7 of the Local Government Act 1993, as amended. • Any conditions to which the accreditation is subject are complied with at all times while the temporary structure is being used as a place of public entertainment. • The provisions of Schedule 2 of the Local Government (Approvals) Regulations are complied with at all times while the temporary structure is being used as a place of public entertainment.
Description of development	Zone No.	Criteria

Playground equipment on land classified as community land	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> Construction by or for Council and designed, fabricated and installed in accordance with AS1924, AS2155 and DR94007-DR94010.
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Description of development	Zone No.	Criteria
Retaining walls	1(a), 1(c), 1(d), 1(e), 2(v), 8.	<ul style="list-style-type: none"> • The retaining wall complies with any relevant restrictions/standards applicable to the development under Council's Development Control Plans which apply to the site. • The height of the retaining wall does not exceed, for Zone 2(v) 1 metre, or 1.5 metres in other zones, above the finished surface of the ground. • The retaining wall is provided with drainage of sufficient design and capacity to prevent a build up of hydrostatic pressure behind the wall. • The retaining wall shall, where constructed of masonry, comply with: <ul style="list-style-type: none"> a) AS3700 – Masonry Code b) AS3600 – Concrete Structures, and c) AS1170 – Loading Code. • The retaining wall, where constructed of timber, complies with: <ul style="list-style-type: none"> a) AS1720 – Timber Structures, and b) AS1170 – Loading Code. • All water and seepage from the retaining wall shall be disposed of entirely on the land in such a manner that damage or nuisance is not caused to adjoining properties. • The retaining wall is constructed in such a manner so as not to encroach onto or interfere with adjoining properties, including Council roads. • The site on which the retaining wall is to be erected is not flood affected. • The structure is constructed in accordance with the Building Code of Australia and in accordance with the manufacturer's specifications.
Description of development	Zone No.	Criteria
Roofwater and other water storage tanks	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The tank installation complies with any relevant restrictions/standards applicable to the development under Council's Development Control Plans which apply to the site. • The tank has a maximum height above the natural and/or finished surface of the ground on which it is erected (whichever is the lowest), of; for Zone 1(a) and 1(e) – 10 metres, Zone 1(c) – 5 metres, Zone 1(d) – 10 metres, Zone 2(v) – 3 metres, Zone 8 – 10 metres. • The tank is constructed of new materials. • The tank is constructed of non-reflective materials, or appropriately painted to be non-reflective, so that it blends in with the visual amenity of the area, or alternatively the tank is visually screened so it is not visible from any dwelling on adjoining premises, or, a public road. • If located in Zone 1(c) the tank volume does not exceed 22000 litres. • If located within the Village Zone 2(v) the tank does not exceed <ul style="list-style-type: none"> a) 2500 litres capacity, if on a tank stand, or b) 5000 litres if placed on a platform on or in the ground. • The tank is installed behind the approved front building alignment in Zone 1(c) or Zone 2(v). • All overflow from the roofwater drainage tank shall be conveyed by means of pipes or drains to Council's kerb and gutter. Alternatively the stormwater is disposed of entirely on the land in such a manner that damage or nuisance is not caused to a building on site or adjoining properties or an erosion and/or sedimentation problem is not caused. • The roofwater storage tank and the supporting structure are prefabricated by an established manufacturer and installed in accordance with those manufacturer specifications. • The roofwater storage tank and any pipes connected to the tank are not connected to any water supply provided by the Council. • The tank is installed in accordance with the requirements of AS/NZ3500 and the NSW Code of Practice.

Description of development	Zone No.	Criteria
Satellite dishes	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> Where attached to a dwelling or building the highest part of the satellite dish is below the highest part of the ridge of the building. Where the satellite dish is attached to a free standing structure the maximum height of the satellite dish does not exceed 2.2 metres above the natural surface of the ground on which it is to be erected. The satellite dish does not exceed 1 metre in diameter. For Zones 1(c) or Zone 2(v) the satellite dish and any supporting structure is erected behind the front building line or in the rear yard and is set back a minimum of 100mm from the side and/or rear boundaries. The satellite dish and supporting structure do not project over a public road. The satellite dish and supporting structure are structurally sound and capable of supporting the dead and live (wind) loads which may be imposed upon them.
Description of development	Zone No.	Criteria
Scaffolding	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> The development or component complies with any relevant restrictions/standards applicable to the development under Council's Development Control Plans which apply to the road or site. All services required (water, sewer, drainage, electricity, gas, telephone) to service each lot remain located wholly within the boundary of the allotment which they serve. All scaffolding meets with Workcover Authority requirements and complies with AS1576. The scaffolding does not encroach onto the footpath or public thoroughfare. The scaffolding has sufficient strength to withstand and be impenetrable to the impact of falling rubble. The scaffolding encloses the work area. The scaffolding is removed immediately after the purpose for which it is initially provided has concluded and no safety problem will result due to removal. The scaffolding does not obstruct access to Council's water and sewer infrastructure (sewer mains, manholes, water meters, stormwater pits etc).
Description of development	Zone No.	Criteria
Skylights in Single Dwelling Houses	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> The maximum area of the skylight does not exceed 2 square metres. Not more than one installation is provided per 25 square metres of roof area. Each skylight is located not less than 1 metre from a property boundary and not less than 1 metre from a wall separating attached dwellings. The building work does not reduce the structural integrity of the building or involve structural alterations. Any opening created by the installation is adequately weatherproofed. The skylight is constructed and installed in accordance with the manufacturer's specifications.
Description of development	Zone No.	Criteria
Solar hot water systems	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> Where attached to a dwelling or building the highest part of the solar hot water system is below the highest part of the ridge of the building. The roof upon which the system is to be installed is structurally adequate to support the additional loads to be imposed upon it, and in this regard must comply with the requirements of AS1684 The solar hot water system and all supporting structures are structurally adequate to support the loads imposed upon them, and in this regard must comply with the requirements of AS1170 Part 1-1989 Dead and Live Load Combinations, and AS1170 Part 2-1989 Wind Loads, AS1170 Part 3-1989 Snow Loads.

		<ul style="list-style-type: none"> • All plumbing complies with the requirements of AS/NZ3500 and the NSW Code of Plumbing Practice and insulated to protect the plumbing from freezing. • Any opening in the building created by the installation is adequately weatherproofed.
Description of development	Zone No.	Criteria
Street signs	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • The street sign is erected by, or with consent from the Council or the RTA. • The street sign is structurally sound. • The street sign is designed, fabricated and installed in accordance with relevant SAA standards
Description of development	Zone No.	Criteria
Water supply works	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • Water may be drawn from Council's water supply if the water is passed through a property service pipe and approved back-flow prevention device connected to that system or in accordance with a right or license conferred by or under any Act. • Water may be drawn from the Council water supply system or Council stand-pipe if the water is drawn by a Council employee acting in the course of his or her employment.
Description of development	Zone No.	Criteria
Water supply, sewerage and drainage works	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • Water supply, sewerage or stormwater drainage work may be carried out if the work is permitted by, and in accordance with rule 2.1.3 of the NSW Code of Practice – Plumbing and Drainage and the necessary consent under the provisions of the Local Government Act has been issued by the Council.
Description of development	Zone No.	Criteria
Windows, glazed areas and exterior glazed doors	1(a), 1(c), 1(d), 1(e), 2(v), 8	<ul style="list-style-type: none"> • Replacement in residential premises with materials that comply with AS1288, AS2208 and AS2047. • No reduction in the area provided for light and ventilation is permitted and structural support members in the wall concerned cannot be removed.
Description of development	Zone No.	Criteria
Woodchipping in Private pine tree Plantations	1(a), 1(e)	<ul style="list-style-type: none"> • The woodchipping operations/works site is totally within a plantation site. • The woodchipping operations/works site does not contain a Heritage Item, or is not on Environmentally Sensitive Land as identified by Schedules 2 or Part 6 of the Oberon Local Environmental Plan 1998, as amended. • The woodchipping contractor holds a current Contractor licence to harvest forest products from State Forests of NSW Softwood plantations. • Full and strict compliance with sections 19 and 20 of the State Forests of New South Wales Forest Practice Code, Part One, Timber Harvesting in State Forests Plantations, July 1995. • Full and strict compliance with a Harvesting Plan which addresses sections 19 and 20 of the State Forests of New South Wales Forest Practice Code, Part One, Timber Harvesting in State Forests Plantations, July 1995. • A competent person monitors all works. • All operations are not to cause a noise nuisance at the nearest likely affected residence.
Description of development	Zone No.	Criteria
Woodchipping in Forests NSW	1(a), 1(e)	<ul style="list-style-type: none"> • The woodchipping operations/works site is totally within a State Forests of NSW Softwood Plantation and written consent has been obtained from Regional Office.

Softwood Plantations		<ul style="list-style-type: none"> • The woodchipping contractor holds a current Contractor licence to harvest forest products from State Forests of NSW Softwood plantations. • Full and strict compliance with the relevant requirements of the State Forests of NSW, Forests Practice Code, Part One, Timber Harvesting in State Forests Plantations, July 1995. • Full and strict compliance with the requirements of a pollution control license issued by the Environment Protection Authority. • Full and strict compliance with the State Forests of NSW, Softwoods Division, Harvesting Plan for the particular State Forest. • All works are monitored by the State Forest of NSW staff • All operations are not to cause a noise nuisance at the nearest likely affected residence.
Description of development	Zone No.	Criteria
Windmills (Not Wind Turbines or Wind Farm Developments)	1(a), 1(e)	<ul style="list-style-type: none"> • Sited wholly within the boundaries of the property and not to encroach onto any registered easement. • Clearance from power lines and transmission lines in accordance with the requirements of relevant electricity authority. • Installed in accordance with the manufacturers specification and/or Engineers details. • The bore or well is to be licensed by the appropriate State Government authority. • Must be freestanding and not rely on other structures for support.



DEVELOPMENT CONTROL PLAN Part O Wind Power Generation 2005

Adopted by Oberon Council at its 13 September 2005 Ordinary Meeting
Clause 9h) amended by Oberon Council at its 11 September 2007 Ordinary Meeting

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“General”

O.1 Introduction

Oberon Shire sits on the Great Dividing Range of NSW and much of it is windy. Oberon is known as much for its valuable natural environment as for its lifestyle and sub-alpine climate.

The wind regime of some locations makes it viable for the installation and operation of commercial wind power generation facilities.

For several years the Oberon Council has consulted with the local community, the wind power industry, SEDA, Department of Infrastructure, Planning and Natural Resources and other local Councils concerning the opportunities and threats due to the likely construction and operation of several wind farms in the Shire and the central tablelands region.

Wind farm installations have had a mixed reception by local communities in other parts of Australia and the world. Some installations have polarised their local communities, whilst others have been thoughtfully planned and well received. It is Oberon Council's intention to keep its community well informed and encourage the well-planned wind farms that will be well received and a positive environmental contribution locally and nationally.

O.2 Vision

The Oberon Council vision for wind generation is:

“To promote well planned and considered development of wind energy development in Oberon that recognises, promotes and enhances the Oberon Shire as a desirable place to live in, invest in and visit.”

In order to manage the potential rapid growth of the wind power generation industry and encourage economic development of the area, the Council has prepared this Development Control Plan. It will sit alongside the Council's existing Development Control Plans that will guide development through the new millennium.

The Oberon Local Environmental Plan 1998, gazetted on 13 March 1998 provides the statutory framework and determines development opportunities to maintain the balance between human made and natural systems. Such a balance is essential if the area is to continue to offer its rare and valued qualities.

O.3 Citation

This plan may be cited as the “Oberon Development Control Plan – Part O – Wind Power Generation 2005” It constitutes a Development Control Plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979 and shall apply to land within the Oberon Council area.

O.4 Commencement Date

This plan shall be effective from 13 September 2005 being the date on which it was formally adopted by Council.

O.5 Application

This plan shall apply, from the commencement date, to development relating to commercial wind power generation in Oberon Council area/shire. NB. Commercial wind power generation includes wind power generation turbine/s, tower/s with a peak capacity of power rated output of greater than **10kW**.

The applicant will need to take this Development Control Plan into consideration when designing the proposed development and preparing the application.

Proposals that are consistent with this Development Control Plan are more likely to be quickly and favourably determined. However, Council recognises that a policy cannot apply equally in every situation. Therefore, a well presented viable proposal that does not comply with the policy will be considered and may be approved by Council, depending on the circumstances following an appropriate rigorous merit assessment.

O.6 Objectives

The objectives of this plan are in relation to Wind Power Generation proposals:

- To provide development controls and guidelines that will assist in achieving the objectives of the Oberon Local Environmental Plan, 1998 as amended.
- To provide development that will relate well to its surroundings both man made and natural.
- To promote and encourage a high quality of design and amenity.
- To restrict development to the Rural 1(a) zone only.
- To provide for, and require well considered development that is environmentally and economically sustainable.
- To minimise the likelihood of added costs to ratepayers of the Shire as a result of the development.
- To promote sustainable energy.

O.7 Development Applications

Commercial wind power generation facilities are only permissible in the **Rural 1(a) zone** and require development consent under the provisions of the Oberon Local Environmental Plan. All applications for development consent should be made on the appropriate form available from the Council offices and should be accompanied by the prescribed fees, and three (3) copies of the site plan and building/development plan, a Statement of Environmental Effects or Environmental Impact Statement and a clear concise description of the proposed development. NB. Due to the scale of some developments they may be deemed to be State Significant and the Development Application may be dealt with by the NSW Planning Minister via Planning NSW.

Development consent is required for the installation of wind monitors and associated towers.

Council staff have delegation to approve temporary wind monitoring towers only after the matter has been referred to the Council. Further, property owners within a radius of two (2) kilometres of wind monitors will be notified upon the receipt of a Development Application for the erection of a temporary wind monitoring tower. The approval summary for the wind monitors will be included in the list of approvals attached to the monthly Council business paper and advertised in the local press.

All construction work will require a Construction Certificate to be obtained prior to works commencing. The applicant may choose to lodge a Construction Certificate Application with the Development Application.

The Development Application, Statement of Environmental Effects or Environmental Impact Statement and plans should indicate, where applicable:

- a) The location of the property, boundary dimensions and site area. This should include a map of 1:25000 scale showing the location of the proposed development, the route of transmission lines to the electricity grid, the service roads on and to the site, and the proximity to significant features such as housing, environmentally sensitive land, prime crop and pasture land, forests, national parks, heritage items and aircraft facilities.
- b) The site plan or plans showing positions of the proposed wind turbines, site boundaries, native vegetation, the proposed vehicular access points, the location of existing and proposed vegetation and trees on the land, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
- c) A description of the proposed wind turbine/s, including all relevant details such as number, dimensions, generation capacity, materials and colour.
- d) A landuse description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact. NB. Council will notify all likely affected owners and/or landowners within 2kms, during the development application assessment process. Applicants are encouraged to keep the local community fully informed throughout their design process.
- e) A noise impact statement including the existing background noise data and the predicted likely noise levels due to the wind turbines for all likely noise receivers.
- f) A description of the visual effects including shadow flicker/glinting, photomontages, computer assisted photo simulations or other graphic representations of the appearance of the wind turbines and transmission lines. View shed modelling via the use of a suitable GIS (Eg. "Mapinfo") is encouraged. Steps to be taken to mitigate any possible negative visual effects are to be included.
- g) An evaluation of the electromagnetic radiation and/or interference from the wind turbines and/or transmission lines. This should include human health impacts and on local television and radio reception.
- h) A construction program environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls heavy vehicle movements, site access including all service roads, transmission towers, substation, underground wiring, weed control, farm impacts and all other works.
- i) A decommissioning and site restoration plan and program.
- j) All of the relevant issues in the **Planning NSW EIA Guidelines and the NSW Wind Energy Handbook** current at the time of the application.

The Development Department staff are available to assist people who need to make an application and to advise on the sort of supporting information that may be needed. It is strongly recommended that Council be contacted before design work is finalised and applications are prepared and lodged.

O.8 Amendment of the Development Control Plan

This Development Control Plan may be amended from time to time following advertisement of proposed amendments and consideration of any submissions. Amendments will, however, need to be consistent with the objectives of the Oberon Local Environmental Plan and the objectives of the relevant zone.

O.9 Planning and Environmental Controls

Council is concerned to ensure that wind power generation facilities and development in the rural 1(a) zone is carried out in a way that protects and promotes agricultural activities and meets the objectives of the Oberon Local Environmental Plan. Council also wishes to ensure that the development achieves maximum benefit for both the developer and the community. To this end, the following general policies apply:

- a) Development should when located on agricultural land, minimise the adverse impact on the future use of “prime crop and pasture land” (as defined in Clause 6 of the Oberon Local Environmental Plan 1998) and agricultural use in general.
- b) Development should be sited and carried out so as to minimise adverse impacts on, and not restrict, normal grazing, farming, forestry practices and tourism.
- c) Development should be carried out in a way that minimises any adverse effects on adjoining land and the development site – particularly by way of:
 - (i) Land degradation.
 - (ii) Alteration of drainage patterns.
 - (iii) Pollution of ground water.
 - (iv) Spread of noxious plants and animals.
 - (v) Bushfire hazard.
 - (vi) Effects on existing tourist operations.
- d) Development that assists the process of farm build up, diversification and the strengthening of the family farm unit, including development that enables revenue to be raised for farming activities is encouraged.
- e) Wind power generation facilities and development should be located and conducted in such a manner, whereby there are no added costs to the ratepayers of the Shire as a result of the development.
- f) Environmentally and financially sustainable development that generates employment in the shire is encouraged.
- g) Development should not be located at sites recognised as having high scenic value or impact adversely on vista of high scenic value. The developer must assess visual impact and consult with the Council and the community on appropriate visual impact measures.
- h) Development is to be located at a minimum setback of
 - 1,500 metres (**plus 10 metres for every one (1) metre that the Wind Turbines exceed 120 metres in height**) from the nearest likely affected residence not associated with the development.
 - 1,500 metres (**plus 10 metres for every one (1) metre that the Wind Turbines exceed 120 metres in height**) from any building envelope on any registered lot that has been created for the purpose of a dwelling. If the registered lot does not have an approved building envelope, then the distance is measured from the lot boundary.

The above distances apply to the whole of the Oberon Local Government Area. The operation of this provision may be relaxed if the Council determines that the relaxation would not adversely affect residential amenity. In assessing whether to allow a relaxation the Council should have regard to the criteria to be addressed pursuant to Clause 7 of this Development Control Plan and the views expressed by the owners of any affected lot”.

- i) Development designers should consider and refer to the **Planning NSW EIA Guidelines and the NSW Wind Energy Handbook**.
- j) Developments are required to provide a well designed, serviced and safe designated public viewing and information area/s that allow safe roadside public viewing of the facility. Applications will be referred to the traffic committee for concurrence in relation to road safety.
- k) To maintain rural aesthetic amenity and to minimise any potential traffic conflicts, a minimum setback from public roads (building line) of the tip height of the turbine, plus 20% will apply. Where there is development adjacent to a main road location, particular consideration will be given to the number, location and design of access points to main roads. Generally, the number of accesses should be minimised, and all accesses proposed should be located and designed to avoid any conflict with other traffic.
- l) As soon as the Wind Turbine Generators become redundant, they are to be fully dismantled and removed from the site and Council is to obtain a suitable legal guarantee that the developer or landholder will be able to comply with this clause.

Applicants are required to pay fees prior to lodging a Development Application. The schedule of fees is attached to the Council Management Plan. It is in the applicant’s interest to provide as much information

as is available to support the application. It is strongly recommended that the Development Department be consulted regarding the need for additional supporting information. Applications with all the necessary details are more likely to be quickly processed.

In considering a Development Application involving a concentration of wind power generation facilities and development or which has the effect of creating such a concentration through a series of individual developments (including previous approvals and existing development), the designer and Council will have regard to whether the concentration is likely to have the effect of:

- a) Inhibiting or restricting grazing, farming, *tourism* or forestry practices in the area by way of increased complaints, land management problems or otherwise, and
- b) Increasing demands for the Council to spend ratepayer's money providing services to the land.

O.10 Other Aspects

Contributions

Council will require the developer to make contributions in accordance with the Council Contributions Plan. A reasonable and adequate road and infrastructure bond will be required to be paid to Council. It will be used by Council to repair any damage to Council roads and/or infrastructure due to the construction of the development. Council will refund the bond following satisfactory inspections and full commissioning of the development.

Consultation with other Authorities

Applicants are advised to consult with public authorities that may have a role in assessing the applications, servicing authorities such as electricity supplier and telecommunications supplier to determine the availability, environmental impact and cost of providing services to the development.

The designer and Council are required to consult with the Roads and Traffic Authority on all traffic generating developments fronting main roads and to seek the advice of the local Traffic Committee in many other cases.

O.11 Review

It is Council's intention that that this Development Control Plan is meeting its objectives, is effective and meeting the needs of the Council and the community.

This plan may be reviewed within six months after any full Council election. Council shall publicly advise of the review, seek and consider community comments prior to finalising such review.

PART P – “TASMAN ESTATE”

P.1 CITATION

This plan is called the Oberon Council Development Control Plan – Part P “Tasman Estate” and was adopted by Council at its 17th March 2009 Ordinary Meeting.

P.2 LAND TO WHICH THIS PLAN APPLIES

This plan applies to all allotments within the Tasman Estate as shown on the accompanying map.

P.3 AIMS

This plan aims to encourage people to develop the residential estate in a manner, which is:

- compatible with the residential use of the land,
- environmentally sensitive,
- ecologically sustainable,
- diversified

and will provide for:

- social cohesion of the residents of the estate,
- a high level of residential amenity,

as well as to give guidelines to achieve these aims.

P.4 OTHER RELEVANT PLANNING INSTRUMENTS

This plan should be read in conjunction with the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policies and the Oberon Local Environmental Plan 1998. Where any inconsistency occurs the provisions of those planning instruments shall prevail over this plan.

P.5 AMENITY

Objective: To provide a high standard of residential amenity within the estate.

Council wishes to achieve a high level of residential amenity within the subdivision and is concerned that a number of activities which are suitable in other areas of the community are restricted in this locality.

P.5.1 INDUSTRIAL, COMMERCIAL OR BUSINESS ACTIVITIES

Council will not support any activity other than "home occupations" carried on in a dwelling only by the residents of that dwelling.

Council will not support any activity which will result in the parking, either in the street or on any allotment, of a vehicle having a gross weight of more than 2 tonne.

P.5.2 KEEPING OF ANIMALS, BIRDS OR POULTRY

A maximum of 2 (two) dogs and/or 2 (two) cats shall be kept on any allotment.

No birds other than domestic birds shall be kept on any allotment and the maximum size of any aviary shall not exceed 25 sq. metres in area.

No other animals are permitted without prior Council consent. In granting such consent, Council will consider:-

- (a) the size of the animal:
- (b) the housing for the animal:
- (c) the amenity of the adjoining premises, and
- (d) the nuisance potential of the animal.

P.6 SITING OF BUILDINGS

Objective: To encourage the siting of buildings to maximise solar access, to establish privacy and minimise adverse impacts on existing adjoining homes and future home sites.

Front Boundary Setbacks are to be a minimum of 3 metres from the allotment frontage. New dwellings are to have a minimum 1metre variation of front setback from any existing adjacent dwelling.

Side Boundary setbacks may be zero (0) where there are no windows on the boundary in accordance with the provisions of the Building Code of Australia.

P.7 SOLAR ACCESS

Objective To ensure that each allotment and dwelling has adequate solar access particularly in cooler periods of the year and appropriate allowances are made in building design to take into account the sub alpine climate conditions.

In order to ensure reasonable access to solar energy no building may protrude beyond the solar envelope as defined by the Building Height at P.8.1.

P.7.1 BUILDING HEIGHT

The maximum number of storeys is limited to two (2) with any ceiling height not to be greater than 6 metres above the natural surface of the land.

The maximum height of any solid wall or roof of a building is to be 1.5 metres at the southern and western boundary of any allotment and below a 45° angle upwards from that height on those boundaries into the allotment.

The above provisions do not apply to any open walled and unroofed areas e.g. pergolas.

P.8 HEATING

Objective To encourage the installation of environmentally appropriate heating methods which do not produce unacceptable odours and emissions.

The climate in Oberon requires the provision of heating in buildings and Council supports the installation and use of all forms of heating the only exception being those capable of coal burning which Council, due to the emissions of odour and air contamination, will not approve.

P.9 DRIVEWAYS

Objective To ensure adequate access at all times in all seasons, aid visual amenity, maintain water quality and minimise private and public maintenance.

Driveways to each dwelling are to be constructed to an all weather surface and be of material **other than gravel and loose stone**.

Details of driveways are to be incorporated into the design of any dwelling and submitted with any development application to Council.

P.10 CAR PARKING

Objective To encourage adequate provision for on site parking .

Each dwelling is to provide a minimum number of off street parking spaces within the property in accordance with the following table.

Table

Minimum Off Street Car Parking Requirements

No. of Bedrooms in Dwelling	Covered Car Space	All weather Car Space 2.5m x 5.5m
1 - 2	1	Nil
3 +	1	1

P.11 SITE COVERAGE

Objective To ensure that adequate space is available on the allotment for personal recreation, solar access, clothes drying, gardens, landscaping, driveways and parking.

The total area of all buildings erected on any allotment site shall not exceed 50% of the total area of the allotment.

P.12 FENCING

Objective To assist in creating, visual amenity, streetscape, and traffic safety, particularly for children.

Council encourages the use of vegetation and natural fencing material such as brush and palings to define property boundaries. If metal fences are used they shall be of non reflective earth tone material.

Council will not consent to the erection of stock fences within the subdivision.

The maximum height of any boundary fence erected in the subdivision is limited to 1.8m

Any fence shall only be erected behind the front of any dwelling on any allotment with the exception of corner allotments

P.12.1 Corner Allotments

No fencing is to be erected on the narrow frontage of any allotment closer to the street than the front of any dwelling.

Any fence erected along the long frontage of any corner allotment is to be erected only along that frontage to within 10 metres of the street intersection of the allotment.

P.13 PRIVACY

Objective To create awareness of the need for privacy between neighbours and to incorporate privacy consideration into the design process for two storey dwellings, split-level dwellings and dwellings where the proposed floor level differs significantly from natural ground level.

Council is increasingly aware of the concerns of many residents that their privacy be maintained when new dwellings or facilities are being provided.

In order for privacy to be maintained it is desirable that proposed dwellings referred to above take into account the locations of windows and outdoor living areas of existing dwellings and be designed so that windows and outdoor living areas in the new dwelling do not provide direct visual access into the these areas of existing dwellings.

Any application to build the above style of dwelling must be accompanied by a sketch plan showing the relationship of existing windows and outdoor living areas in adjoining dwellings to those proposed in the new building.

Council shall not consent to any application unless it has been provided with such a sketch plan and taken into account the relationship between existing and proposed windows and outdoor living areas.

P.14 BUILDING DESIGN & MATERIALS

Objective To encourage good quality, well designed dwellings to reflect the aspirations and diversity of the community within the subdivision.

P.14.1 Design

Council sees the erection of a dwelling on any allotment as only part of the overall design of the allotment and as such will require applications to include an overall allotment design, which may include the footpath area, incorporating the following matters:

- Dwelling location
- Other buildings proposed
- Driveways
- Clothes drying areas
- Car parking locations

Council encourages a high standard and diversity of architectural design of buildings within the subdivision and the principle of solar passive design, which can substantially reduce the costs of heating and cooling dwellings.

The orientation of dwellings with the main living and bedroom areas having a northerly aspect and windows which allow solar penetration can assist, as can limiting exposure to the cooler prevailing winds in autumn and winter towards this end.

The minimum floor area of any dwelling is to be 100 sq m. not including garages, pergolas, verandahs or external living areas.

Consideration should be given to existing dwellings in choosing a design so as to avoid repetition of design, materials and colours.

P.14.2 Landscaping

The effective use of landscaping can contribute to the overall quality of design by reducing wind, softening hard areas, providing a pleasant outlook and streetscape as well as enhancing the value of a property.

The use of evergreen trees and shrubs will be effective in lessening the impact of winter winds while deciduous trees will allow winter sunlight and provide shade in summer.

P.14.3 Materials

All buildings will be constructed of new earth toned material or other good quality second hand materials as approved of by Council in respect of any particular proposal.

P.14.4 Relocated Buildings

Council shall not consent to the erection of any relocated building within the subdivision.

P.15 ON SITE STORAGE

Objective To ensure that visual amenity is maintained within the subdivision.

P.15.1 Building Materials

No building materials are to be stored on any allotment prior to the approval by Council of a development application. All building materials are to be located entirely within the site and are to be maintained in a tidy manner.

P.15.2 Caravans

A Caravan may be stored on any allotment after the erection of a dwelling provided that it is located behind the building line, is not generally visible from the street and does not interfere with an adjoining neighbour.

Council shall not consent to the use of a caravan for residential use.

P.16 MISCELLANEOUS

P.16.1 Development Application

Council shall not accept or consider any application submitted to it unless the information as detailed in this plan is provided and Council has taken into consideration the aims and objectives of this plan.

P.16.2 Future Subdivision

Other than by way of strata or community title, Council will not support the creation by subdivision of any new allotments. Any subdivision application will be required to demonstrate that the solar envelope and privacy from any existing building and any proposed building will not be materially affected.

P.16.3 Dual Occupancies and Duplex Development

Council will not support Dual Occupancies or Duplex Developments other than on lots 3, 9, 10, 12 and 15.

P.17 REVIEW

Objective To ensure that this development control plan is meeting its objectives, is effective and meeting the needs of the Council and the community.

This plan may be reviewed within six months after any full Council election.

Council shall publicly advise of the review, seek and consider community comments prior to finalising such review.