

# **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:-

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

- Ø To promote high quality subdivision within the Oberon Council area which minimises adverse impacts on the environment.
- Ø To encourage the use of innovative design and engineering principles which enhance the physical environment and the social fabric.
- Ø 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:-

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

- Ø Contributions for roads and services
- Ø Building line and height plane
- Ø Solar orientation
- Ø Bushfire protection plan
- Ø Weeds management plan.
- Ø Fencing, any other matters determined by Council's Director of Development and Environmental Services, or
- Ø 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:-

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

- Ø Accessibility to community and recreational facilities
- Ø Road and transport networks
- Ø Site access
- Ø Physical and human services
- Ø Developed and underdeveloped land in the vicinity
- Ø 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:-

- Ø Buildings can be sited so that the main living areas are oriented towards the north.
- Ø 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.

- Ø Open space should be safe to use for access or leisure.
- Ø It should act as a landscape linking element.
- Ø 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.

- Ø Slower run off means lower velocity, less siltation and less downstream erosion.
- Ø 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:

- |   |  |             |               |
|---|--|-------------|---------------|
| Ø | <b>In the case of Oberon -sewer serviced areas</b>   | <b>600</b>  | <b>square</b> |
|   | <b>metres</b>  |             |               |
| Ø | <b>In the case of Black Springs un-sewered areas</b> | <b>2000</b> | <b>square</b> |
|   | <b>metres</b>  |             |               |

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: -

<b>Urban/Village Road Standards set by Council are:</b>		
<b>BITUMEN</b>		
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:-

- Ø Safety requirements are not compromised.
- Ø The proposed road will not carry more than 60 vehicle movements per day.
- Ø Visibility is not impaired from the start to finish of the road along its centre lines.
- Ø Traffic movements along the road will not damage the grassed verge of the proposed road.
- Ø 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.
- Ø The proposed narrow pavement be no longer than 120 metres in length.
- Ø 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.

<b>TYPE OF LOT</b>	<b>MINIMUM AREA</b>	<b>MINIMUM LOT FRONTAGE</b>
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:

- Ø Minimum lot size (see B10.2)
- Ø Topography of the site.
- Ø Proposed building envelope.
- Ø Provision of useable private open space.
- Ø Relationship to adjacent development.
- Ø 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



<b>1. Dedicated Easements or Right of Carriageway</b>						
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
<b>2. Gazetted Roads (Public Roads) to be maintained by Council</b>						
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:
  - o A simple clear and concise statement clarifying what the application is for.
  - o Name and postal address of the applicant/s.
  - o Name and postal address of the owner/s.
  - o Full description of the land to be subdivided.
  - o Street in which the land is situated and the nearest house number.
  - o 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:

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

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

### **B.14.6 ENGINEERING 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.14.7 WORKS 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.14.8 APPLICATION 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.14.9 FINAL 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 waste-water 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.