

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.