



# **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 27<sup>th</sup> February 2009.**

**Should the SEPP and Council's existing Complying Development policy specify the same works, a person will have the option, until the 27<sup>th</sup> February 2010 to nominate which Code they want to use.**

**As at the 27<sup>th</sup> 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](http://www.planning.nsw.gov.au/housingcode).**

**Further information on the General Housing Code is available at**

**[www.planning.nsw.gov.au/housingcode](http://www.planning.nsw.gov.au/housingcode).**

**For further information please email [planningreform@planning.nsw.gov.au](mailto: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:

<b>Category of Development</b>	<b>Circumstances</b>
<b>Exempt Development</b>	May be carried out without the need to obtain development consent provided it meets the criteria set by the Development Control Plan – Exempt Development.
<b>Complying Development</b>	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.
<b>Development for which consent is required</b>	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.
<b>Prohibited Development</b>	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.

<b>Description of Development</b>	<b>1(a) Zone</b>	<b>1(c) Zone</b>	<b>1(d) Zone</b>	<b>2(v) Zone</b>	<b>8 Zone</b>	<b>1(e) Zone</b>	<b>Page No</b>
Additions to shops, commercial & industrial premises,	r	r	r	a	r	r	101
Additions to dwelling houses	a	a	r	a	r	a	108
Boundary adjustments	a	a	r	a	r	a	112
Single Dwelling houses	r	r	r	a	r	r	114

a denotes complying development within the specified zone

r 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.

- Ø “The development is designated development for the purposes of section 77A of the Environmental Planning and Assessment Act 1979.
- Ø 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.
- Ø The land to which the development relates is critical habitat.
- Ø The land to which the development relates is, or is part of, a wilderness area within the meaning of the Wilderness Act 1987.
- Ø The land to which the development relates contains a Heritage Item listed under an Environmental Planning Instrument.
- Ø 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.

- Ø The building complies with the **deemed to satisfy provisions of the Building Code of Australia**.
- Ø 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.
- Ø 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.
- Ø 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.
- Ø The development is not **integrated development** for the purposes of section 91 of the Environmental Planning and Assessment Act 1979.
- Ø 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**

- Ø 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**
- Ø 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).
- Ø 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.
- Ø A Building Code of Australia audit of the existing building is to be completed by or on behalf of the Building Designer.
- Ø 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**

- Ø The floor space ratio, as a result of the development, must not exceed a ratio of 0.5:1.

### **M.10.2.2              Setbacks**

- Ø 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**

- Ø No work is permitted on or within 10 metres of a designated road reserve.

### **M.10.2.4              Height of buildings**

- Ø 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**

- Ø 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**

- Ø Building materials should complement and blend in with existing materials and colours used on surrounding buildings and those of the existing building.
- Ø Appropriate building height, form and bulk are to be established to preserve the character of the streetscape.
- Ø The elevational appearance to the street is to preserve the character and visual amenity of the existing streetscape.
- Ø All materials shall be non-reflective and of an earth-tone colour.
- Ø 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**

- Ø Vehicular parking shall be provided on-site at the rate specified by the Oberon Council DCP 2001.

- Ø 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.
- Ø Vehicular parking areas are to be provided behind the building line.

#### **M.10.2.8 Access and manoeuvring areas**

- Ø Minimum access width to be provided at the property boundary must comply with DCP 2001.
- Ø 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.
- Ø 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.
- Ø 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.
- Ø 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.
- Ø All off street parking and manoeuvring areas are to comply with AS2890 and Council's Guidelines for Engineering Works – AUSPEC-1.
- Ø 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**

- Ø The existing landscaping must not be disturbed.
- Ø The site is to be landscaped or existing landscaping upgraded in accordance with the provisions of DCP 2001.
- Ø 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.
- Ø 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.
- Ø 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.
- Ø 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.

- Ø 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**

- Ø 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**

- Ø 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**

- Ø The building is to be clear of any service main (water, sewer, drainage, gas, electricity) by at least two metres.
- Ø 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.
- Ø 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**

- Ø 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.
- Ø *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**

- Ø 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.
- Ø 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.
- Ø 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

- Ø 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.

	<b>COLUMN 1</b>	<b>COLUMN 2</b>
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

<b>Service</b>	<b>Required Contribution</b>
Sewer Supply Headworks	\$
Water Supply Headworks	\$
Public Open Space	\$
Emergency Services	\$
Stormwater Drainage	\$
Urban Roads	\$
<b>TOTAL</b>	<b>\$</b>

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:
- must preserve and protect the building from damage, and
  - if necessary, must underpin and support the building in an approved method, and
  - 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:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - 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.

- Ø No additional vehicular access to the public road is to be created to give access directly onto a major road.

#### 2(v) Zone

- Ø 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.
- Ø 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.
- Ø 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**

- Ø 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**

- Ø 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.
- Ø 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.
- Ø 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**

- Ø The building is to be clear of any service main (water, sewer, drainage, gas, electricity) by at least two metres.
- Ø 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.
- Ø 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**

- Ø Any additions are to be located at least 10 metres from any future road or Crown Road Reserve.

#### **M.11.2.7 Energy Efficiency**

- Ø Where applicable, the development is to be accompanied by a BASIX Certificate with all commitments shown on the plans.

### M.11.2.8 Loadings

Ø 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.

	<b>COLUMN 1</b>	<b>COLUMN 2</b>
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 <sup>2</sup>	650m <sup>2</sup>	2000m <sup>2</sup>
Dual occupancy	Attached Dwelling - 700m <sup>2</sup> Detached Dwelling – 900m <sup>2</sup>	800m <sup>2</sup>	4000m <sup>2</sup>
Residential unit development	700m <sup>2</sup>	1000m <sup>2</sup>	2000m <sup>2</sup> 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.*

- Ø 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 600m<sup>2</sup> for a normal lot, or 650m<sup>2</sup> for a battle axe lot in areas where the dwelling is serviced by reticulated sewer. In unsewered areas, the minimum allotment is to be 2000m<sup>2</sup>.

**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**

- Ø 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.
- Ø 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**

- Ø The building is to be clear of any service main (water, sewer, drainage, gas, electricity) by at least two metres.
- Ø 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.
- Ø 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**

- Ø The Development Application is to be accompanied by a BASIX Certificate with all commitments shown on the plan.

#### **M.13.2.7 Loadings**

- Ø 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.

	<b>COLUMN 1</b>	<b>COLUMN 2</b>
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

<b>Service</b>	<b>Required Contribution</b>
Sewer Supply Headworks	\$
Water Supply Headworks	\$
Public Open Space	\$
Emergency Services	\$
Stormwater Drainage	\$
Urban Roads	\$
<b>TOTAL</b>	\$

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.