

PART C: GENERAL DEVELOPMENT CONTROLS

14. Notification of Developments

Public participation is an important component of the development process. This process allows to provide submissions that are considered by Council when determining an application.

Council recognises that the majority of development will consist of development types that are relevant to the zone whilst also being consistent with existing development. For example, it should be expected that a parcel of land within the RMB zone will most likely be developed into a property consisting of a single residential dwelling, a shed/garage (with an eave height of 2.7m or less) and in some cases a swimming pool.

In part, this section aims to capture those development proposals that do not align with the objectives of the zone but are nevertheless permitted within a particular zone.

14.1 Objectives:

The objectives of these controls are to:

- ◁ Ensure notification of any development is undertaken in accordance with the requirements required by legislation.
- ◁ Provide for public participation in the development application decision-making process.
- ◁ Identify development applications that will be advertised and those persons that are to be notified.
- ◁ Detail the form in which notification and advertisement will take place.
- ◁ Specify circumstances where notification and advertisement of applications is not required.
- ◁ Facilitate the efficient processing of applications without unreasonably compromising the opportunity for public participation.

14.2 Application not notified:

The following applications will not be notified:

- Development that is consistent with the objectives of the zone
- Exempt development
- Complying development
- Any application deemed by Council to be of a minor nature with little potential for adverse impacts

14.3 Application of Controls:

Notification will apply to the following types of development proposals that are likely to have significant adverse effects on adjoining or near-adjacent parcel of land or building by way of:

- Views to and from the surrounding land and buildings.
- Potential overshadowing and loss of solar access to surrounding land and buildings.
- Potential impact on privacy of surrounding land and buildings.
- Potential noise, odour, dust, vibration, light or other emissions of the like being emitted to the surrounding land and buildings.

- Environmental amenity.
- The likely visual impact of the proposed development upon a streetscape, and/or view and across a site, including consideration of scale.
- Potential traffic generation and/or parking requirements.
- Drainage.
- Social, environmental and economic sustainability.
- Any other potential impact that may be caused by the development or the enjoyment of land to be compromised.
- Houses in village zones seeking to vary setback height restrictions
- Development in Heritage Conservation Areas or the forward of the existing building

14.4 Who will be notified?

Upon receipt of an application, Council will provide notice to the owner of an adjoining parcel of land or building and to an owner of any nearby land or building if the development triggers any of the matters identified in 14.3 (above) Refer Figure 14.1 below.

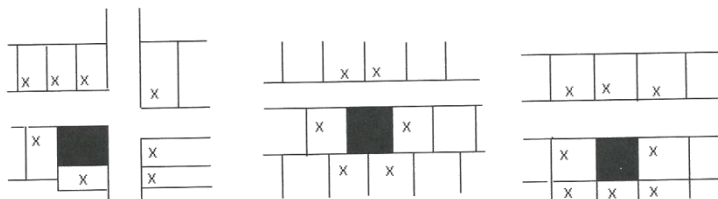


Figure 14.1

Council officers will be able to determine who is detrimentally affected in terms of the above listed matters for consideration. The Council may also broaden the notification following inspection of the development site, or if there is any potential for wider ranging impacts (e.g. traffic generation or noise).

If a person becomes aware of a Development Application without receiving any direct notification they should participate in the process and make a submission.

14.5 Form of Notification

Council will notify all parties identified in 14.4 (above) in writing, providing as a minimum the name of the applicant, a description of the proposal and copies of the site plan, elevations and the statement of environmental effect information may be included at the discretion of Council. However any additional information provided is to be provided with a view to protecting the privacy of any current occupant.

Advisory Note

The State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 does not require development that does not require development that meets the criteria of being either exempt or complying to be notified. In some circumstances the SEPP require a developer or applicant to notify neighbours and/or adjoining landholders prior to commencement of work. In these instances, Council is not responsible for ensuring the developer or applicant follows through with this commitment.

Should the proposal fit into any of the categories below, Council will notify the wider community advertisement placed in ~~The~~ *Terrora Independent* newspaper. These include:

- ◁ Non-residential proposals located near or adjacent residential areas.
- ◁ Proposals that consist of the altering or demolishing of a Heritage item.
- ◁ Multi-unit residential developments.
- ◁ Development for purposes other than those listed which, in the opinion of the Council, requires comment.

14.6 Notification Period

Any Development Application required by this part to be notified will be done so for a period of at least 14 days. This period may be lengthened at the discretion of Council staff if the type, size or scale of proposal is inconsistent with the nature or character of the surrounding area of predominant use.

If the Development Application is for a Designated Development and involves an Environmental Impact Statement the notification period will be a minimum of 28 days.

14.7 Submissions

Any submissions made must be done so by the closing date of the notification period. Submissions received by Council after this date may not be considered.

Written submissions cannot remain confidential and may

- ◁ Referred to the applicant as they may be used in negotiations with the owner/applicant for the proposal,
- ◁ The subject of Freedom of Information requests under the *Government Information (Public Access) Act 2009* and
- ◁ Included in Council business papers.

Where a submission is received, Council will respond to the determination of the application or any aspect that may have been raised within the submission period.

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14.8 Amendments to a Development Application

If a development application is amended following notification, Council will re-notify the proposal with full details of the amendment as required.

14.9 Modification of an approval

If a Development Consent is modified following approval, Council will re-notify the proposal with full details of the amendment as required.



Left:
Coolamon silos at
(2013)

15. General Housing & Ancillary Structures

General Housing & Ancillary Structures relate to the most common forms of residentially typically single dwellings, sheds and swimming pools. Ancillary development can also include development types such as fencing.

The development types identified within this section are those that should be ordinarily residential areas or within close proximity to a residential use (such as a farm house). It also identifies the minimum standard for other key development standards such as utility and setback, among others.

151 Objective

The objectives of these controls are to:

- ◁ To ensure development of this kind is compatible with surrounding uses and streetscapes.
- ◁ Outline generic development types that are ordinarily expected within residential areas or in close proximity to a residential use (such as a house).
- ◁ To ensure new developments are serviced appropriately without burdening existing development.
- ◁ To ensure new developments have sufficient access to utility infrastructure.
- ◁ To ensure new developments do not adversely impact existing service and utility infrastructure.

152 Application of Controls

These controls apply to the following types of development:

- ◁ All residential development and ancillary development across all zones unless otherwise noted.

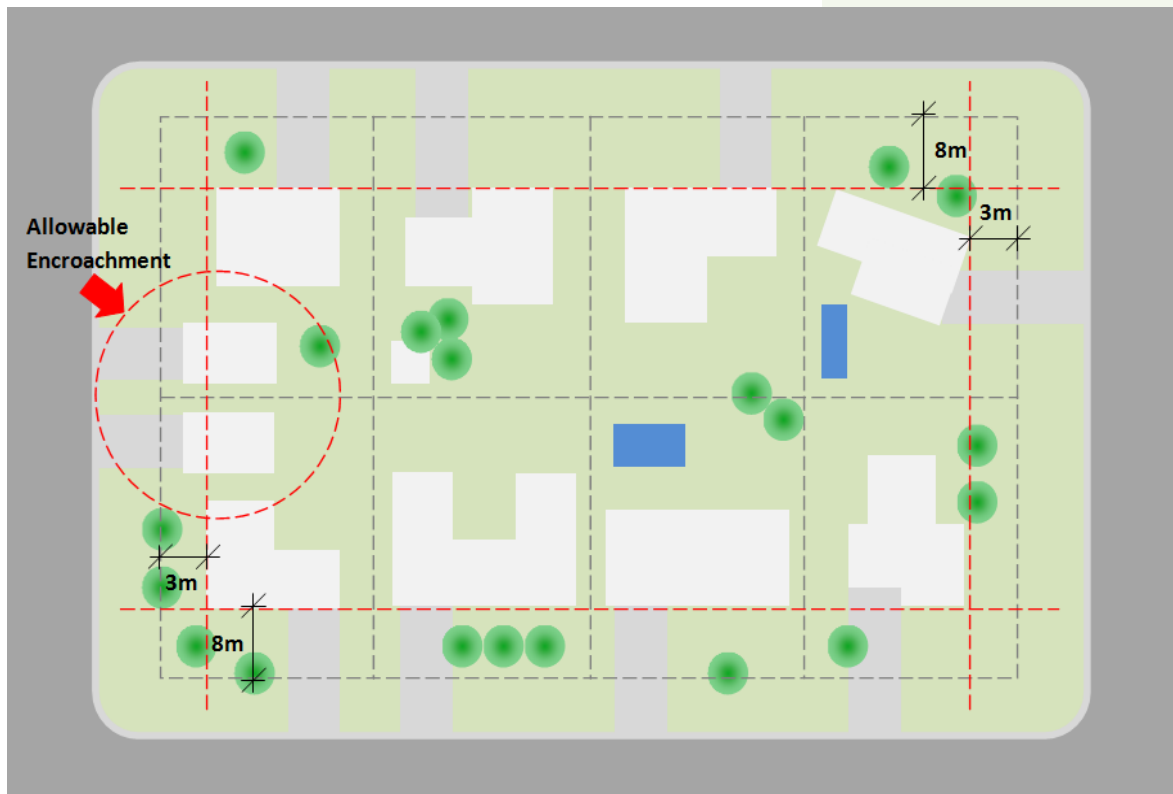
153 Building Setback

Development on residential allotments shall observe the following setbacks:

RU5 Village

- ◁ Front 8.0m
- ◁ Side 0.9m
- ◁ Rear Development is permitted to the rear boundary however garages, carports and the like that are attached to the house with direct access from a rear lane observe a rear setback of 1.0m.

NOTE: In the case of corner allotments, the minimum setback permitted from the secondary street frontage for ancillary structures such as sheds and garages may be permitted to the secondary street setback in instances where the structure is constructed in the rear yard and consists of a corresponding street setback (see figure 151).



RU4 Primary Production Small Lots

- < Front 20.0m
- < Side 10.0m
- < Rear 10.0m

RU1 Primary Production

- < Front 20.0m
- < Side 10.0m
- < Rear 10.0m

Minor variations to the minimum setback distances presented in this section may be considered by Council on individual merit and onsite conditions. Additional variations may also be considered subject to compliance with the Building Code of Australia, considering any variations Council will have to:

- < The nature, scale and function of buildings
- < The general amenity and character of the area
- < The maximisation of sight distances for drivers on the road, including visibility of points of access to the road and pedestrians utilising the footpath area.
- < Any possible need to alter the road alignment in

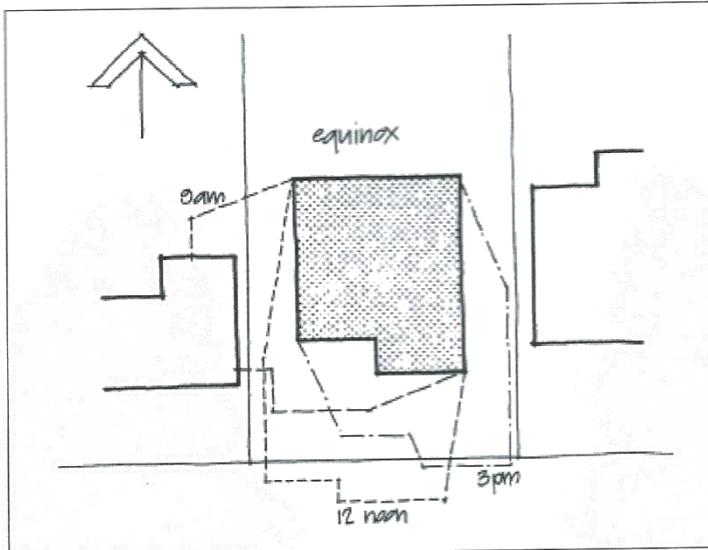
Figure 15.1

General setback scenario for areas zoned RU5/village.

15.4 Solar Access

To ensure reasonable solar access is maintained, the controls apply:

- < For any adjacent dwellings that have north facing areas, maintain 4 hours sunlight access to the living areas between 9am and 3pm in winter (June 22).
- < Maintain solar access to 50% of the private open space of adjacent dwellings for a minimum of 4 hours between 9am and 3pm in winter (June 22).



Advisory Note:

The siting of dwellings to optimise solar access to the main living areas of the home not only provides a more enjoyable living environment, but also reduces demands on artificial lighting, heating and cooling with consequent financial and environmental benefits.

Figure 15.4(left): Shadows at 9am, 12 noon & 3pm

15.5 Privacy

- < Single storey development meeting the prescribed setback distances in 15.3 do not require specific controls.
- < Development of more than one storey should locate windows to habitable rooms to avoid facing windows, balconies or courtyards of adjoining dwellings.

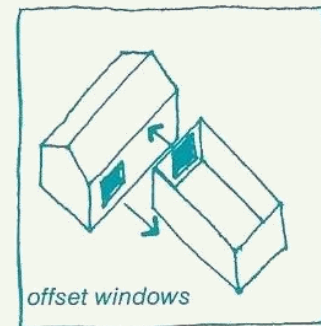


Figure 15.5(above): Offset windows for privacy

15.6 Fences

Fences are an important element for providing privacy. Poorly designed fences can however detrimentally impact streetscapes, interfere with traffic and limit passive surveillance. The following controls aim to balance these factors:

Front Fences

- < Fences and gates forward of the building line in Village zoned areas may be no higher than:
 - 1.2m for

Rear Fences

- < A maximum allowable height of 1.8m regardless of construction type.

Explanatory Note:

Perforated material refers to the material used to construct a particular fence or gate.

Continuous material refers to a material that is either perforated or non-perforated in its construction, for example timber pickets, wire netting or pool fencing.

Solid material generally refers to a material that is generally solid in construction and appearance, for example a brick wall or corrugated iron fence.



Figure 15.6

Garages should not dominate street

Side Fences

- < Height of side fences forward of the building line:
 - 1.2m for
- < Height of side fences behind the building line:
 - 1.8m regardless of construction type.
- < A height transition no longer than 3m is allowed forward of the building line.

Fencing of Vacant Land

- < Vacant land shall be fenced either for future development, and must therefore comply with section.



Figure 15:

Garages should not dominate streetscape (top row). The bottom row demonstrates a more appropriate solution.

15.7 Carports & Garages

Carports and garages should not dominate the front of the dwelling. To ensure this does not occur, carports and garages:

- < Are not permitted within the building setback area
- < Should not be located in front of the dwelling on a lot < 4000m².
 - If in front of the dwelling, the carport, must be constructed to appear like part of the dwelling (for example, pitched roof and/or columns and/or cladding to match dwelling)

15.8 Swimming Pools

Swimming pools provide an excellent lifestyle addition to your home. Equally so, swimming pools can create a number of issues for surrounding landholders, such as pump noise, user noise and/or lighting. Earthworks excavations can also impact upon neighbouring properties with ground stability and surface drainage issues being a primary concern.

Advisory Note:

Owners are advised to contact Goldenfields Water Council or Riverina Water prior to filling swimming pools or spa pools to ensure that water restrictions are not in place.

The following standards have been put in place by Council to ensure minimal impact on adjoining properties

- < Where visible from a public place or road, de screening are to be provided as part of the applicati
- < Any associated retaining walls/decks are not exceed 1.0m above the natural surface level.
- < Pool pump enclosure to be placed greater than 1.0 metres from a habitable room in a dwelling on a property or within a soundproof enclosure.

Swimming Pool Safety Policy
The policy details the responsibilities of both swimming pool owners with regards to swimming pool safety, as well as informing prospective pool owners when Council consent is required to install a swimming pool.

Advisory Note:
In accordance with the Swimming Pools Act
Swimming Pool Safety Policy
swimming pools are subject to the following mandatory inspections:
-At least once every 3 years for backyard swimming pools and spas
-At the time of sale, leasing or renting of premises with a swimming pool or spa.
-Annually for motels and public swimming pools and spas.

159 Dual Occupancy
Council does not support dual occupancy development (two independent dwellings on the one parcel of land) at the same time.

Refer to Section 26 regarding multiple residential development containing more than 1 occupancy.

15.10 Services & Utilities
The following services and utilities are to be provided for new residential developments:

Electricity
Electricity to a voltage standard approved by the relevant energy authority. Where a grid connection is not available, stand alone solar systems may be permitted following a thorough assessment by Council.

Advisory Note:
Useful contact details for service and utility providers:

Essential Energy:
132 391
Goldenfields Water:
(02) 6977 3200

Water
Potable water, connected to a reticulated main where available.

Riverina Water:
(02) 69220608

- < Where a reticulated supply is not available, at least 45,000 litres (approximately 10,000 gallons) of water shall be provided for domestic purposes.

Telstra:
132 200

- ! A minimum of 10,000 litres (approximately 2,600 gallons) shall be reserved for firefighting purposes. Such supply may be part of the 45,000 litres

Coolamon Shire Council:
(02) 6930 1800

- ! 7 days notice shall be given to the fire authority of the homestead/dwelling and adjacent structures (e.g. garage, etc).

- ! Where the number and location of structures warrants, additional storage capacity may be required (e.g. Multiple Occupancy).

- ! Where in ground/below ground storage provided, access for firefighting vehicles is provided to enable drafting of water firefighting unit with said units and equipment. In this regard, the standard hose is usually 6m in length.
- ! Where above ground storage is provided:
 - § The outlet for domestic supplies shall be located at a level above that of the litres served for firefighting purposes
 - § The outlet for firefighting purposes shall be fitted with a stop valve and standard 65mm storz outlet.
 - § The outlet above shall be located such that access for firefighting units be provided i.e. Directly where there is vehicle access to the outlet or via ramping where such direct access is not possible. Such ramping should be on the opposite side to the dwelling or building.

Telecommunications

Provision of telephone services to a standard as required by a recognised telecommunications carrier.

Access

An all-weather network to the boundary of the subject property. Access design and construction is subject to approval.

Sewage

Adequate means of sewage disposal in accordance with section 26 Sewage Management

15.11 Flood Liable Land

Clause 6.5 of the Coolamoor LEP 2014 states that the consent authority is required for the erection of a building or the carrying out of work on land identified as flood liable land.

Dwellings may only be erected upon flood liable land subject to the following:

- < The finished floor level of any habitable room must observe a minimum height of 500mm above the known 1:100 year flood level.
- < 7m above the dwelling.
- < Where flood free vehicle access is not possible, the development must be able to achieve safe access criteria (refer Figure 15.8 from NSW Floodplain Development Manual)

Explanatory Note

Even though advances in technology have made mobile telephone and internet technology more accessible, fixed telephone networks are still considered more reliable. For this reason, Council still require the adequate provision of fixed telephone services to most developments.

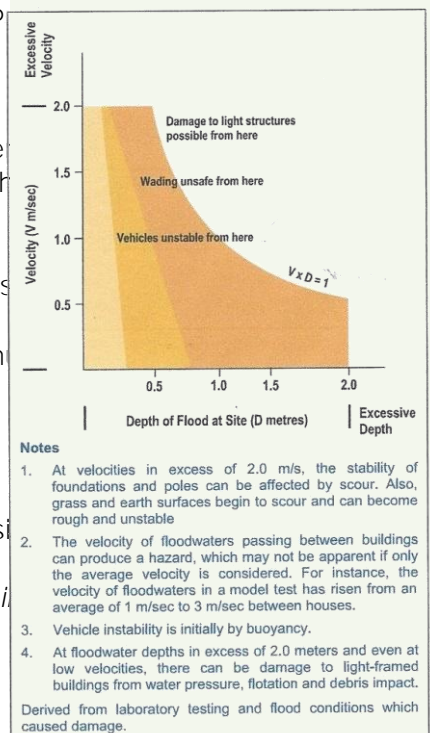


Figure 15.8:

Wading depth

- ◁ A connection to a reticulated sewerage network available. If such a network is not available, an Aerobic Wastewater Treatment System (AWTS) may be considered by Council following a thorough assessment of the proposal. An AWTS must meet the requirements identified under section 20 Sewage Management

Any proposed ancillary structure must not:

- ◁ Cause the path or storage patterns of floodwater to be altered in a manner that detrimentally affects properties or infrastructure

1512 Bushfire Prone Land

Dwellings and ancillary structures proposed upon land identified as being bushfire prone shall comply with:

- ◁ Section 79B of the EP&A Act
- ◁ *Planning for Bushfire Protection* published by the NSW Rural Fire Service.
- ◁ *Australian Standard 3959:09: Construction of Buildings in bushfire prone areas*

16. Heritage & Conservation

Heritage Items and Heritage Conservation Areas have special qualities that make their Development needs to take particular care to ensure that the particular themes, features that make the item or area significant are not lost by change. This can include:

- ◁ Retaining Heritage Items and encouraging changes to occur away from significant sections of heritage items.
- ◁ Ensuring new work has suitable bulk, scale, proportions and detailing so that it does not compromise the ability to interpret Heritage Items (including adjacent or nearby Heritage Conservation Area).
- ◁ Encouraging suitable materials.
- ◁ New development being designed to be sympathetic with or complementary to adjacent her

Heritage Items are mostly buildings but can include structures, places or relics. Other types of structures or environmental features may also be considered to have heritage significance. Listing applies to the whole property as the heritage significance of the item is normally reflected in the facade. The controls for Heritage Items are included in this section.

161 Objectives

The objectives of these controls are to:

- ◁ To conserve items and places of heritage significance throughout the Shire in accordance with the purposes of the Burra Charter.
- ◁ Provide guidance and the relevant development controls to assist with the conservation of individual heritage items within Coolamon Shire.
- ◁ Provide guidance and specify those development controls that apply to the Coolamon Heritage Conservation Area.

162 The Burra Charter

The Burra Charter is a document which was developed by the Australian Chapter of the International Council on Monuments and Sites (ICOMOS) for the conservation of cultural heritage. It is a statement of conservation principles which are applicable to Australia designed to provide sound guidance on heritage assessment and management practices.

Coolamon Shire Council adopts the principles of the Burra Charter in this plan. Any development application requiring supporting heritage documentation must be prepared in accordance with the Burra Charter principles. Council applies these principles in assessing any proposed development on land containing a heritage item or within a Heritage Conservation Area or any land adjacent to a heritage item or Heritage Conservation Area.

163 Heritage Advisor

Council offers a free Heritage Advisor Service and can assist with preliminary advice on proposals affecting heritage items and sites within Conservation Areas.

All Development Applications received by the Council to

out development within a Conservation Area or in relation to a heritage item identified within the Coolamon LEP 2014 will be referred to the Heritage Advisor for review and advice on the consideration of an application.

164 Local Heritage Grants

The Coolamon Shire Local Heritage Assistance Fund provides support for works that will help to conserve Shire heritage. The fund is available to support works that will conserve existing character, restore buildings or enhance the streetscape.

For more information regarding the fund, including the rules, contact Council.

165 Alterations and/or Additions to Existing Heritage Items

Alterations and/or additions to items of heritage significance shall give consideration to the following:

- < Destruction of important elements such as chimneys, windows and gables will not be permitted.
- < Original details such as panelling, ceilings, skirting, architraves or remaining door and window furniture must be retained.
- < Fire safety upgrading of buildings must be undertaken in accordance with NSW Heritage Office manual for heritage buildings = 7
- < Extensions or alterations to heritage items should not project beyond the front building line.
- < Side additions should not compromise the ability to provide driveway access to the front of the block.
- < Front and side setbacks should be typical of those between buildings located in the vicinity of the development (refer Figure 16.1)

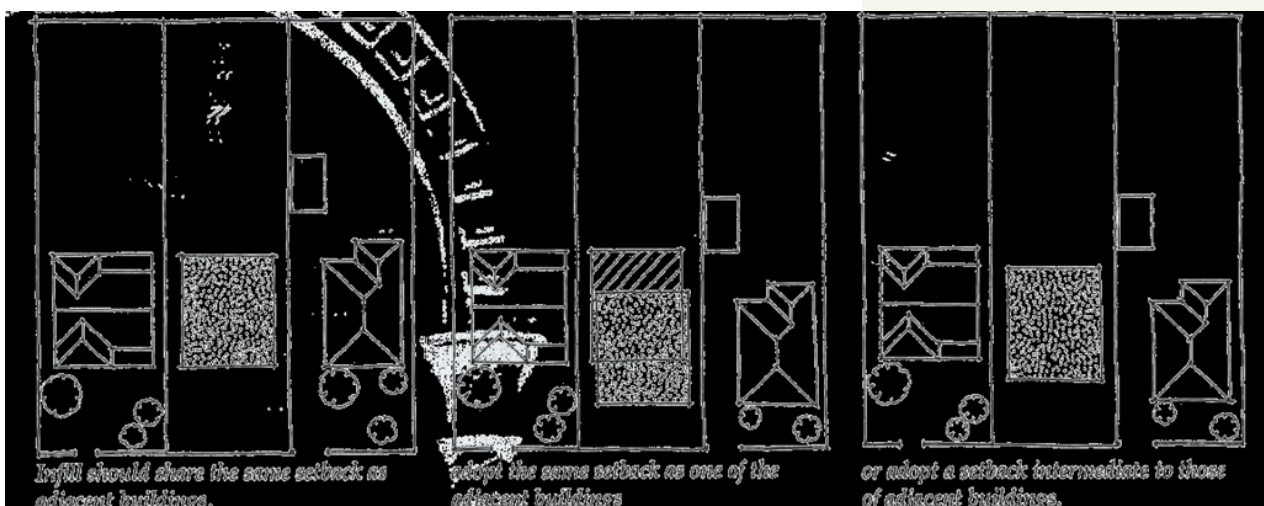


Figure 16.1
Acceptable setback patterns for infill development.

