

# Development Control Plan

## Marrangaroo Forest Estate



COUNCIL OF THE CITY OF GREATER LITHGOW

December 1988



# **DEVELOPMENT CONTROL PLAN**

## **FOR**

# **MARRANGAROO FIELDS ESTATE**

**Council of the City of Greater Lithgow**  
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## **FOREWORD**

In creating the Marrangaroo Fields Estate, Council has responded to an enduring demand for greater rural living opportunities within close proximity to the Lithgow township. It is the Council's intention to provide a prestigious rural residential estate whilst not compromising the rural character of the area.

The adoption of a Development Control Plan will allow a flexible planning approach directed at maintaining the rural integrity and amenity of the development and future use of the land.

This Development Control Plan includes standards and guidelines directed towards assisting with the design of the development in the area which is intended essentially for rural residential purposes. Guidelines have been incorporated in the plan as advice to developers in an attempt to encourage imaginative design based on sound principles. The incorporation of such design principles should ensure that development will preserve and enhance the rural character of the area, being a contributing factor in attracting such development.

This Development Control Plan has been prepared and presented in a "plain English" format, enabling its use and understanding by both laypersons and professionals alike.

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## **EXPLANATORY NOTES**

### **FOR DEVELOPMENT CONTROL PLAN AND DOCUMENT NO. 1 KNOWN AS "MARRANGAROO FIELDS".**

This Development Control Plan (D.C.P.) will become a legal document upon formal adoption by Council. Many of the terms and provisions of the document reflect the need to conform to an acceptable legal format. Be that as it may, the D.C.P. document has been prepared and presented in a plain English format, enabling its use and understanding by both laypersons and professionals alike.

These notes have been prepared as a simple aid to be used in understanding the document by people not familiar with planning procedures on a day-to-day basis.

Bearing the above in mind, the explanatory notes use the same format as the D.C.P. document and should be read in conjunction with such.

## **FOREWORD**

The Foreword details Council's reasons for preparing a Development Control Plan and highlights the broad policies adopted for the plan.

## **PART A**

### **GENERAL**

Part A of the plan is divided into six sections which relate to the use of the land.

**1.0 INTRODUCTION** — details the necessary legal provisions of the plan.

**2.0 AIMS AND OBJECTIVES** — details the aims and objectives the Council wishes to achieve by implementing the plan.

**3.0 PERMITTED LAND USES & 4.0 PREFERRED LAND USES** — refers to, and details, the permitted and preferred landuses which may be carried out on the land.

**5.0 RESTRICTIONS AND DEVELOPMENT STANDARDS** — details the various development standards pertaining to building and living in the Marrangaroo Fields Estate.

**6.0 BUILDING DESIGN AND GENERAL GUIDELINES** — details a number of guidelines which aim to enable landowners and developers to take the best advantage of any building site and avoid potential problems.

## **PART B**

### **GENERAL**

Part B of the plan is divided into three sections which relate to the development of land within the boundaries of the D.C.P.

**7.0 DEVELOPMENT/SUBDIVISION STANDARDS FOR UNDEVELOPED AREAS** — ensures land will only be developed when highest levels of amenity can be maintained.

**8.0 SUBDIVISION DESIGN CONSTRAINTS** — details the design standards for future land development within the D.C.P. area. This aims to ensure the high standards of the initial subdivision are maintained when adjoining development is proposed.

**9.0 SECTION 94 CONTRIBUTIONS** — recognises the fact that development of adjoining lands and subsequent stages will require extension and/or an upgrading of existing utilities and community facilities and that such upgrading or extensions will require contribution by developers for the provision of these amenities and services.

The contribution may take the form of either a monetary contribution, the dedication of land, or both, depending on Council's assessment of the need.

## PART A

### 1.0 INTRODUCTION.

#### 1.1 NAME OF PLAN.

This plan is called "Greater Lithgow Development Control Plan No. 1 — Marrangaroo Fields Estate". It is a Development Control Plan under the provision of Section 72 of the Environmental Planning and Assessment Act, 1979.

#### 1.2 DATE OF PLAN:

This plan was formally adopted by Council on 17th October, 1988.

#### 1.3 LAND TO WHICH THIS PLAN APPLIES.

This plan applies to all of Lot 1, D.P. 325188, and part of Lot 2, D.P. 577347 as shown edged heavy black on the map marked "Greater Lithgow Development Control Plan No. 1 — Marrangaroo Fields Estate".

#### 1.4 STATUTORY PLANNING PROVISIONS.

This plan is made under and conforms to the provisions of Greater Lithgow Local Environmental Plan No. 18 (hereinafter referred to as L.E.P. No. 18) and Interim Development Order No. 1 — Shire of Blaxland, which contain the local planning controls for the development of the area to which this plan applies.

#### 1.5 PURPOSE OF PLAN.

This plan provides more detailed provisions than contained in L.E.P. No. 18. The purpose of this plan is to give detailed guidance to people wishing to develop the land to which it applies and to indicate Council's policies with respect to development.

#### 1.6 APPLICATION OF PLAN.

Council shall take the provisions of this plan into consideration when determining any development over the subject land. (Section 90 (1)(a)(iv).)

Council shall also take into consideration those matters listed under Section 90(1) of the Environmental Planning and Assessment Act, 1979 and the provisions of Greater Lithgow Environmental Plan No. 18.

Council may consent to an application which departs from the provisions of this plan, where it is considered that such departure complies with the intent of this document and where strict compliance is considered unreasonable in the circumstances.

#### 1.7 RELATIONSHIP TO OTHER PLANS.

Where there is an inconsistency between this plan and an environmental planning instrument, the provisions of the environmental planning instrument shall prevail. An environmental planning instrument includes a State Environmental Planning Policy, a Regional Environmental Plan, a Local Environmental Plan and a deemed environmental planning instrument (Interim Development Order No. 1 Shire of Blaxland).

The provisions of this Development Control Plan can be superseded by amending Development Control Plans and the provisions of the latter shall then prevail.

#### 1.8 DEFINITIONS.

In this plan:

"Development Control Plan" — means "Greater Lithgow Development Control Plan No. 1 — Marrangaroo Fields Estate".

"Dual Occupancy Buildings" — means one building containing two dwellings only. It may take the form of a new building, such as two attached dwelling units, or may be the alteration, extension or addition to an existing dwelling to enable occupation as two separate dwellings.

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

"Dwelling-house" — means a building containing one but not more than one dwelling.

"Home Occupation" — means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:-

- a) the registration of the building under the Factories, Shops and Industries Act, 1962;
- b) the employment of persons other than those residents;
- c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
- d) the display of goods, whether in a window or otherwise; or
- e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident).

"Place of public worship" — means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.

"Recreation Area" — means:

- a) a children's playground
- b) an area used for sporting activities or sporting facilities
- c) an area used by the Council to provide recreational facilities for the physical, cultural or intellectual welfare of the community or
- d) an area used by a body of persons associated for the purpose of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes, but does not include a racecourse or a showground.

"Undeveloped Areas" — All lands covered by this plan prior to its formal adoption by Council.

## 2.0 AIMS AND OBJECTIVES.

- The aims and objectives of this plan are:
- To provide a residential environment which has a distinctly rural atmosphere in which all buildings, structures and development generally are complementary and in harmony with the natural surrounds.
  - To ensure that all development takes account of the amenity of adjoining and surrounding lands with respect to sunlight, views, privacy, convenience and safety.
  - To provide purchasers, landowners and developers with a document which sets out in detail Council's policies for all development and land uses within the land to which the plan applies.
  - To restrict the density of development within the area so as to maintain its rural character.

## 3.0 PERMITTED LAND USES.

L.E.P. No. 18 (see appendix No. 1) details the statutory land uses permitted without consent; permitted with consent; and land uses which are prohibited.

## 4.0 PREFERRED LAND USES.

Notwithstanding the provisions of Greater Lithgow Local Environmental Plan No. 18, the following is a statement of preferred land uses for land to which this Development Control Plan applies.

All development requires development consent.

The following land uses will be permitted, subject to Council assessment and consideration:

- Dwelling houses or any purpose ordinarily incidental thereto i.e. domestic garage.
- Dual occupancy dwelling.
- Public Hall.
- Home occupation.
- Recreation areas.

A deviation from the above preferred land use policy will only be considered following an approved amendment of the "Greater Lithgow Development Control Plan No. 1 — Marrangaroo Fields Estate".

## 5.0 RESTRICTIONS AND DEVELOPMENT STANDARDS.

The following development standards and land use restrictions are designed to ensure the highest rural residential amenity possible is maintained for landowners and residents.

Notwithstanding the provisions of L.E.P. No. 18, the following development standards will apply to development on lands within this Development Control Plan.

### 5.1 MINIMUM LOT SIZE.

- A person shall not erect, or commence to use a building for the purpose of a dwelling house on an allotment of land to which this Development Control Plan applies, unless the allotment has an area of not less than 2,000 square metres.

- Only one dwelling house may be erected on an allotment of land referred to in (a) above.
- Each dwelling may include a dual occupancy in accordance with Council's Dual Occupancy Code as may be amended from time to time.

## 5.2 BUILDING MATERIALS.

All external materials will, subject to the constructional requirements of Ordinance 70 under the Local Government Act, 1919, as amended, be considered on merit with regard to design, appearance and the prevention of dilapidation.

Owing to the rural nature of the area, external materials of a low reflective nature are preferred.

## 5.3 TREE PRESERVATION ORDER.

To ensure that the rural character of the land is maintained, all trees shall be retained where they do not reasonably interfere with development. Applications to develop shall indicate the location of trees on the land and shall state those trees to be removed as a result of the development. Council may require as a condition of consent for an application to develop, in accordance with this plan, that defined trees are to be retained.

## 5.4 BUILDING SETBACKS.

The objectives of the building setback policy in this Development Control Plan are to:

- maintain and ensure reasonable access to views for all
- maintain sight distance for vehicular safety
- provide privacy and areas for landscaping.

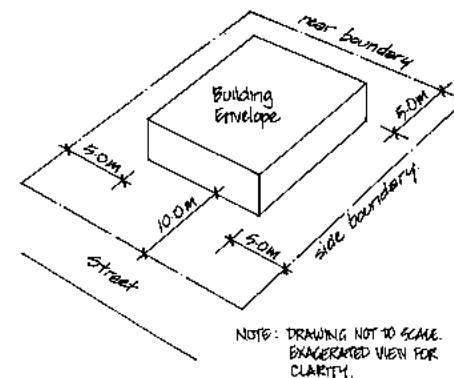
### EXPLANATION.

Council has adopted building line controls for front, rear and side boundaries to enable the above objectives to be attained.

### CONTROL

- Front building line — 10 metres. However if the objectives of a pleasant streetscape and adequate privacy are ensured a departure from the above will be considered.
- Side or rear boundary setbacks (including Estate side streets) — 5 metres to external walls.

Example:



### 5.5 ORIGINAL DAM SITES.

Dams situated within the developed lots, (Nos. 20,21,28 & 65) will be filled and compacted and certified by a qualified Engineer. However, Council reserves the right to require a geotechnical investigation to be carried out if development approval is sought to build on an original dam location.

### 5.6 BUILDING COVENANTS.

In addition to the above, restrictions as to user (covenants) also pertain to the use of the land. Reference should be made to title restrictions.

### 5.7 DEVELOPMENT APPLICATIONS.

- a) In determining an application for development on land the subject of this plan, Council shall take into consideration those general matters listed under Section 90 of the Environmental Planning and Assessment Act, 1979 and/or Section 333 of the Local Government Act, 1919 (as amended) as appropriate. Council shall also take into consideration its current standards for development in addition to matters specifically in this plan.
- b) Minimum requirements are contained herein which shall be required for all applications for development. Compliance with these minimum requirements shall not, of itself, constitute sufficient reason for approval of an application as each application shall be considered in accordance with the matters stated above and with the plan's stated aims and objectives.
- c) The following information shall be required with every application for development subject to the plan where relevant:
  - (i) completed development application form
  - (ii) owner's consent to the lodgement of the application
  - (iii) prescribed fee
  - (iv) a minimum of three (3) copies of plans which shall indicate where relevant:
    - \* Appropriate scale, north point, site area.
    - \* Location of subject land with respect to adjoining lots and roads, etc.
    - \* The relationship of the proposed development with surrounding development and properties.
    - \* Details of any existing and/or proposed encumbrances on the land i.e. rights of way, easements, restrictions to use, etc.
    - \* Dimension of existing and proposed lots, roads, easements, etc. and areas.
    - \* Contour lines or spot levels indicating the general terrain before and after development.

- \* Proposed method of draining site including stormwater and sewer.
- \* Soil conservation measures to prevent soil movement and sedimentation.
- \* In those areas having, in the opinion of Council, geophysical constraints, the proposed steps to overcome any geotechnical problems associated with building sites, road and drainage construction shall be certified by a qualified Geotechnical Engineer.
- \* Method and location of access to the land.
- \* Location of all substantial trees, identifying those to be removed.
- \* Where the application is for development other than for subdivision, each copy of plans shall include a site plan showing clearly the location of proposed and existing buildings in relation to boundaries.

- d) The granting of consent for a development carried out in accordance with this plan does not relieve the applicant of the obligation to obtain approval under the Local Government Act, 1919 (as amended) and Ordinances (including approval of plans for building and engineering works) or any other Act, before any work is commenced.

### 6.0 BUILDING DESIGN AND GENERAL GUIDELINES.

#### 6.1 DESIGN PRINCIPLES AND OBJECTIVES.

- a) The creation of a rural residential environment, the character of which relies mainly on natural elements and the integration of new development with those natural features.
- b) The avoidance of development which would detract from the rural landscape value of the subject land.
- c) The provision of all services for modern living, including sealed roads, reticulated water, electricity, gas, telephone, waste disposal and sewerage facilities connected to the Lithgow Sewage Treatment Works.
- d) Consideration of the physical characteristics of the site in the design to minimise soil erosion and provide adequate drainage.
- e) The provision of adequate buffer zones between the development and adjoining land uses including quarrying and the transport of quarry products.

The objectives of building design and principles in this Development Control Plan are:

- (i) To encourage a variety of building styles which are sympathetic in design and building mediums with the existing landscape.

- (ii) To complement and blend with the general topography and streetscape.
- (iii) To maintain and ensure reasonable access to sunlight, daylight and views for all.
- (iv) To preserve the existing landscape.
- (v) To protect a neighbour's rights to aural and visual privacy within their dwellings.

### 6.2 EXPLANATION.

All buildings should be designed so as to minimise overlooking of neighbour's windows and private open space and provide a reasonable degree of privacy while blending with the surroundings.

Building design and aesthetic appearance of all proposed developments will be assessed on their ability to comply with the above objectives.

Failure to substantially meet one or more of the above objectives will result in the applicant being requested to submit amended design plans, or development refusal.

### 6.3 DWELLING HOUSE DESIGN GUIDELINES.

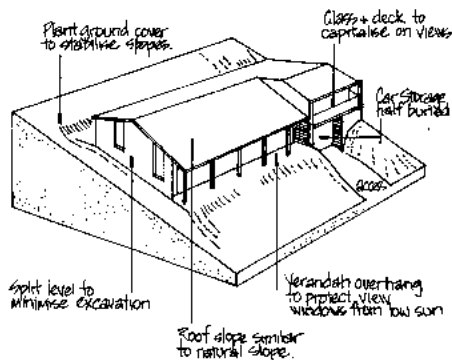
Before choosing a final house plan it is important to consider the whole of the site, how it will be used and how the house and garden will be laid out to suit the owner's needs. Consideration should also be given to how the house and garden will relate to the rest of the street to ensure it is compatible with neighbouring houses.

Accordingly, a scaled site plan should be prepared, prior to choosing a house plan.

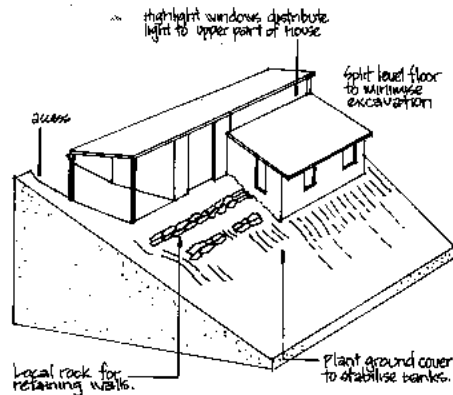
#### (A) BUILDING ON SLOPING SITES.

Consider the following:

- (i) Let the building shape follow the natural contours, for example with a split level floor plan.
- (ii) Try to minimise the amount of excavation. If "cut" equals "fill" no earth has to be removed from the site.



- (iii) If the main access is from the higher side the need for external steps and stairs is reduced.



#### (B) DESIGN.

A dwelling house does not have to be a completely different shape and colour from the neighbours' to be distinctive. If all the houses in a road are of similar (not necessarily the same) colours and materials for example, that road tends to take on an overall character and harmony which does not exist in other areas.

Consider the design of all the buildings on the allotment including carports, garages and sheds. The overall visual impression of a dwelling house is improved if these buildings are of similar design and materials as the house.

Having decided on orientation, the different uses for the land will have to be determined and location of the following will have to be decided.

- (i) Patio or courtyard
- (ii) Lawns and garden
- (iii) Vegetable garden and fruit trees
- (iv) Carport or garden
- (v) Shed or workshop
- (vi) Swimming pool
- (vii) Clothes drying area
- (viii) Storage of boats, caravans, trailers, etc.

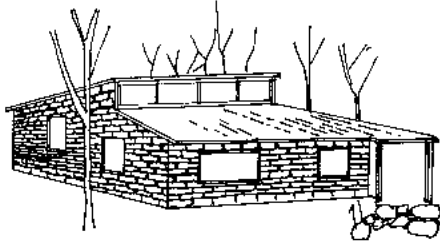
These uses should be screened from view from the road and preferably from living areas on the site.

As a design consideration vehicular access to the rear should be maintained at all times.

#### (C) BUILDING MATERIALS.

In rural areas buildings should be designed to blend with local surroundings. The most successful building materials will be those which reproduce the natural colours and textures of earth, rock and vegetation, for example:

- (i) **Bricks** — Earthy colours such as red, light brown or buff blend well with the natural landscape. It is best to avoid cream or white bricks as these colours stand out and usually clash with rural colours.



- (ii) **Natural Timber** — Timbers such as treated pine, cedar or oregon are suitable for rural areas. These may be finished in stains or oils and will require little further maintenance.
- (iii) **Mud Bricks** — Mud bricks have good insulating quality and, where on-site material is used, have great harmony with their setting. Great care must be used in shielding mud bricks from weathering and in providing a stable structure. Expert advice must be obtained.
- (vi) **Roofs** — Terra cotta and cement tiles of low pitched, coloured galvanised iron or steel decking in the brown/green colour range of the setting are appropriate matches for simple timber or brick structures. Flat roofs look out of place in a sloping or undulating rural setting. Dark coloured tiles may be too heavy looking and very light, bright or shiny roofs are not allowed.

**(D) FLOOR CONSTRUCTION.**

A slab on ground floor will have advantages over an aboveground timber floor.

- (i) **Appearance** — a house with a timber floor often looks unpleasant because it is several feet higher than a similar house on a slab.

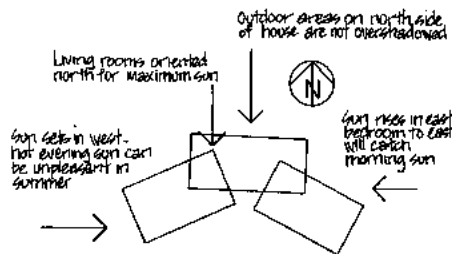


- (ii) **Use of outdoor space** — it is difficult to build a ground level patio area outside the living room and have easy indoor/outdoor access when the floor of the house is several feet above ground level. Steps are needed, which cost money and which make movement more difficult.
- (iii) **Thermal Insulation** — slab floors have a superior insulation value and can result in lower heating bills.
- (iv) **Sound proofing** — slab floors result in a quieter environment as they transmit very little sound from one part of the house to another.

**(E) ORIENTATION.**

The direction in which the building and its windows face is very important. Orientation should take account of:

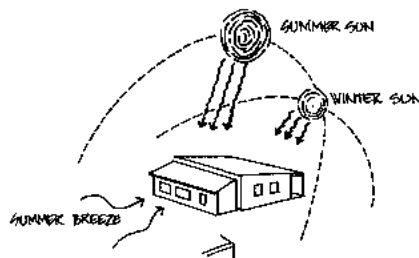
- (i) The best use of sunlight
- (ii) The best views
- (iii) Protection from the worst winds.



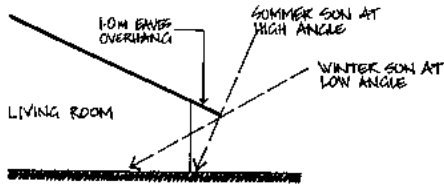
DIAGRAMMATIC PLAN VIEW OF A RANGE OF IDEAL HOUSE ORIENTATIONS - NOTE THE LONG AXIS OF THE HOUSE GENERALLY E-W EXPOSES MORE ROOMS TO THE NORTH.

**SUNLIGHT**

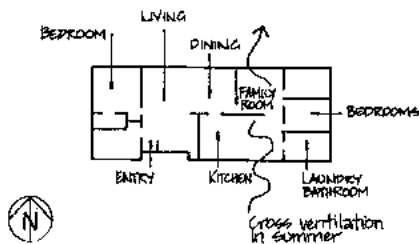
Sunlight in the house can be pleasant on a winter's afternoon but very uncomfortable in summer. West facing windows will receive direct sunlight as the sun gets low and need to be avoided or protected. Bedroom windows which face east will receive early morning sunshine, which is an advantage in winter but should be protected in summer.



In summer the sun is higher in the northern sky so that, with eaves, verandahs and pergolas, the problem of direct sunlight is avoided.

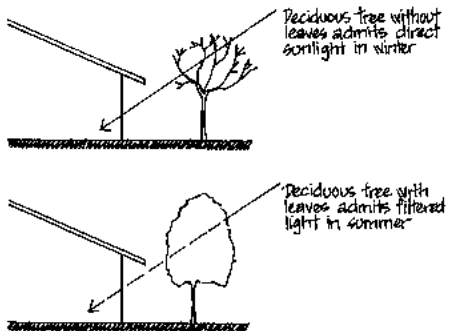


It is desirable if all living rooms face north and that outdoor living areas such as patios and balconies are located on the northern side of the house.



South and east are the next most desirable aspects for windows and may be appropriate for rooms such as kitchens and bedrooms if all the northern aspect has been taken up with living rooms. West facing walls should have small windows, if at all.

Eaves, verandahs, pergolas and deciduous trees can be used to shade the intense summer sun from windows but allow winter sun to penetrate.



Living areas facing a northern view are ideal. If the view is to the south try to get both north and south windows in the living areas. Windows to an easterly view are acceptable, but if the best view is west, windows should be screened.

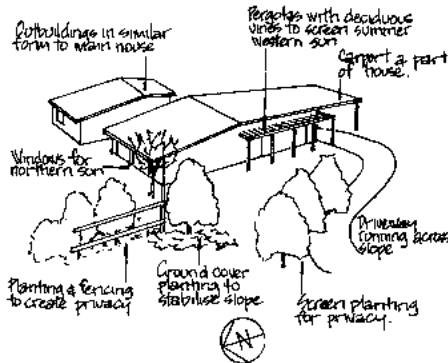
If solar heating panels are to be used, a sloping roof facing north is most suitable.

It is desirable that setback be different from that of each adjoining neighbour and that a generous area be allowed between the front of the house and the road for landscaping purposes.

**(F) HOUSE SURROUNDS.**

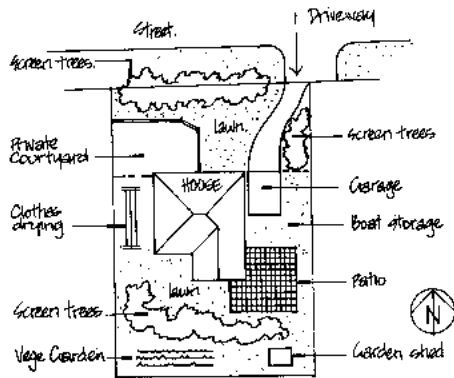
For a "total" design consider the following:

- (i) Eaves, pergolas and verandahs provide a space where indoor and outdoor space can merge.
- (ii) Outbuildings, fences and garages should blend with the house and create private and semi-private spaces around the house.
- (iii) On steeply sloping sites a curving driveway which crosses the slope at an angle is most likely to blend with the site.
- (vi) Planting of ground cover, shrubs and trees can achieve many things:
  - \* Screen the house from view from the road (but choose trees of the right height if a view is to be protected)
  - \* Shade house in summer (deciduous)
  - \* Screen out severe winds
  - \* Create private spaces around house
  - \* Stabilise steep slopes
  - \* Attract native birds.



- (v) Trees and shrubs can be effectively used to screen utility areas from view and to define spaces for patios, pools, courtyards, etc.
- (vi) Drive-through carports or garages provide access to the rear of sites for storage of boats, trailers, caravans, etc.

- (vii) Clothes drying areas need to be handy to the laundry but are unsightly and should be screened.
- (viii) Living areas, patios, etc. can be created between the house and the street by screen planting of shrubs and trees. Where a lot faces north this is important.



## PART B

### 7.0 DEVELOPMENT/SUBDIVISION STANDARDS FOR UNDEVELOPED AREAS.

#### 7.1 EXPLANATION.

Development of the land on Local Environmental Plan No. 18 will only be allowed when the highest level of amenity can be maintained.

#### 7.2 RESTRICTED AREAS FOR DEVELOPMENT.

Land cross hatched on Local Environmental Plan No. 18 shall not be used for any purpose other than related to the maintenance of an effective buffer area between the residential area and the adjoining land used for quarry purposes until such time as quarry operations that affect this area permanently cease, in which case, the provisions of this Development Control Plan shall apply.

### 8.0 SUBDIVISION DESIGN CONSTRAINTS.

#### 8.1 OBJECTIVES.

The objectives of the subdivision policy are to:

- ensure all lots have access to utility services such as water, sewerage, power and drainage
- encourage a high level of neighbourhood amenity and traffic safety
- to encourage a design which will maintain the rural character of the area.

#### 8.2 LOT DESIGN STANDARDS.

##### (A) ALLOTMENT SIZE.

- (i) A person shall not subdivide land, to which this Development Control Plan applies, unless:

- \* Each allotment thereby created has an area not less than 2,000 square metres.
- \* The average size of allotment thereby created is not less than 3,000 square metres.
- \* The area of any allotment created is not more than 1 hectare (10,000 square metres) except where Council is satisfied that the allotment will not be further subdivided.

- (ii) Notwithstanding the above, a person shall not further subdivide an approved allotment to which this Development Control Plan applies.

##### (B) UTILITY SERVICES.

The following services shall be required to be provided to each lot created:

- (i) **Water** — All lots are to be served with a water supply which satisfies the requirements of the Greater Lithgow City Council.
- (ii) **Sewerage** — All lots are to be served by a sewerage system connected by Carrier Main to the Lithgow Sewage Treatment Works to the requirements of the Public Works Department.
- (iii) **Drainage** — Concrete pipe culverts with stone pitched headwalls are to be provided under roads where required and drainage retention structures constructed to prevent scouring or excessive discharge on to adjoining properties.
- (iv) **Electricity** — All lots are to be serviced with an underground low voltage electricity supply, which satisfies the requirements of the Prospect County Council.
- (v) **Telephone** — All lots are to be served by telephone to the requirements of Telecom Australia.
- (vi) **Natural Gas** — All lots are to be capable of being connected to a mains gas system which satisfies the requirements of AGL Western Limited.
- (vii) **Street Lighting** — Street lighting is to be provided to the Estate to the requirements of both the Greater Lithgow City Council and Prospect County Council. The design of the lights and supporting poles shall be in keeping with the rural character of the Estate.
- (viii) **Installation** — All service mains are to be located between the road pavement and property boundary and satisfactory arrangements are to be made for installation of either service conduits or steel mains crossing in the public road prior to the construction of road pavement.

##### (C) OTHER CONSIDERATIONS.

The plan of subdivision will be required to be consistent with the policies and requirements of:

- (i) The Soil Conservation Service.
- (ii) Any relevant Public Authority.

**(D) ROADS.**

- (i) All allotments are to be served with bitumen sealed public roads, six metres wide. Table drains are to be of earthen construction and top soiled and grassed. Concrete invert crossings of the table drains are to be provided at vehicular entries to allotments.
- (ii) Road design is to be curvilinear to the satisfaction of Council's City Engineer.

**9.0 CONTRIBUTION TO SERVICES AND FACILITIES (UNDER THE PROVISIONS OF SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT).**

**9.1 GENERAL EXPLANATION:**

Council has identified that development within the subject land will generate the need for the provision of a number of essential services and amenities including, open space, water and sewerage, drainage and community facilities.

Council will require a contribution on new development for the provision of those amenities and services.

The contribution may take the form of either a monetary contribution, the dedication of land, or both, depending on Council's assessment of the need.

Contributions may be applied to works including:

- a) Water supply headworks and augmentation.
- b) Sewage treatment and augmentation.
- c) Stormwater drainage, headworks and augmentation.
- d) Construction and landscaping of drainage structures, including drainage swales, retention basins, inlet-outlet systems, culverts and piping systems.
- e) Local roads construction and landscaping of local roads.
- f) Access.
- g) Buffer zone.
- h) Community facilities.
- i) Embellishment of local open space.

# APPENDIX I

## GREATER LITHGOW LOCAL ENVIRONMENTAL PLAN NO. 18



[Published in Government Gazette No. 110 of 20th August, 1982.]

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

GREATER LITHGOW LOCAL ENVIRONMENTAL PLAN NO. 18  
I, the Minister for Planning and Environment, in pursuance of section 70 of the Environmental Planning and Assessment Act, 1979, hereby make the local environmental plan set out hereunder. (80-10673)

ERIC BEDFORD,

Minister for Planning and Environment.

Sydney, 20th August, 1982.

### GREATER LITHGOW LOCAL ENVIRONMENTAL PLAN NO. 18

#### Callon

1. This plan may be cited as "Greater Lithgow Local Environmental Plan No. 18".

#### Aims, objectives, etc.

2. This plan aims—

- (a) to amend the current zoning of certain land in the City of Greater Lithgow to provide additional land for residential and directly related purposes; and
- (b) to amend the current zoning of certain other land in the City of Greater Lithgow to provide additional land for residential purposes.

#### Land to which the plan applies

3. This plan applies to the land within the City of Greater Lithgow, as shown by distinctive colouring or edging or in some distinctive manner on the map marked "Greater Lithgow Local Environmental Plan No. 18" deposited in the office of the Council of the City of Greater Lithgow but does not apply to land shown on that map uncoloured with the word "Deferred" written thereon, being excluded from the application of this plan under section 70 (4) of the Environmental Planning and Assessment Act, 1979.

### Relationship to other environmental planning instruments

4. This plan amends Interim Development Order No. 1—Shire of Blaxland in the manner set out in clause 5.

5. Interim Development Order No. 1—Shire of Blaxland is amended—

- (a) (i) by inserting in clause 3 (1) before the definition of "Appointed day" the following definition:  
"Amusement parlour" means a building or place open to the public for which the dominant use is the operation, playing or viewing of amusement devices that are coin operated.
- (ii) by inserting in clause 3 (1) after the definition of "Arterial road" the following definition:  
"Caravan park" means land used for the accommodation of caravans or other moveable dwellings within the meaning of section 288A of the Local Government Act, 1979.
- (iii) by inserting in clause 3 (1) after the definition of "Existing use" the following definition:  
"Feed lot" means a building or place in or on which cattle, sheep or any other livestock are held for the purpose of nurturing either wholly or partly by a feeding method other than natural grazing, but does not include a piggery.
- (iv) by inserting in the definition of "I.D.C. Map" in clause 3 (1) after the last word occurring in that definition the words, "as amended by the map marked "Greater Lithgow Local Environmental Plan No. 18" deposited in the office of the Council of the City of Greater Lithgow";
- (b) by inserting in the Table to clause 4 after the matter relating to Zone No. 2 in Columns I, II, III, IV and V, respectively, the following matter:

<p>(e) Residential "E". Light scarlet with heavy black edging and lettered 2 (e).</p>	<p>Development other than that referred to in Column V.</p>	<p>Advertising structures; amusement parlours; bulk stores; car repair stations; clubs; commercial premises; extractive industries; general stores; helipads; hotels; industries; institutions; intensive animal farming or agriculture (including pigs, poultry, dog breeding and boarding kennels, cattle feed lots and horse stalls); junk yards; within 90 metres of a main road; liquid fuel depots; mines; motels; motor showrooms; offensive or hazardous industries; refreshment rooms; retail plant nurseries; road transport terminals; roadside stalls; rural industries; taverns; warehouses.</p>
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(c) by inserting after clause 37, the following clauses:

38. (1) For the purpose of this clause, "area", in respect of a hatchet-shaped allotment, does not include the area of the access corridor of the allotment.

(2) A person shall not erect, or commence to use, a building for the purpose of a dwelling-house on an allotment of land within Zone No. 2 (e), unless the allotment has an area of not less than 625 square metres and a width of not less than 19 metres, the width being measured—

- (a) where the allotment has a frontage to only one road, in respect of that point of the dwelling-house which is closest to the frontage;
- (b) where the allotment has frontage to more than one road, in respect of that point of the dwelling-house which is closest to the shorter or shortest of the frontages; or
- (c) in any other case, in respect of that point of the dwelling-house which is closest to the alignment of the road to which the allotment has access.

39. (1) In this clause—

"floor space", in relation to a dwelling, does not include the thickness of any external wall of the building in which the dwelling is situated;

"landscaped area", in relation to an allotment of land on which a residential flat building is erected, means that part of the allotment—

- (a) which is planted with lawns, shrubs, or trees or occupied by a swimming pool or open air recreation facility; and

(b) which is available for the use and enjoyment of the occupants of the building,

but does not include any part of the allotment used as a driveway, parking area or drying yard;

"large dwelling" means a dwelling the floor space of which is more than 80 square metres;

"medium dwelling" means a dwelling the floor space of which is not less than 55 square metres and not more than 80 square metres;

"small dwelling" means a dwelling the floor space of which is less than 55 square metres.

(2) A person shall not erect, or commence to use, a building for the purpose of a residential flat building on an allotment of land within Zone No. 2 (e), unless the allotment contains—

- (a) for each large dwelling in the building—
  - (i) an area not less than 140 square metres; and
  - (ii) a landscaped area not less than 65 square metres;
- (b) for each medium dwelling in the building—
  - (i) an area not less than 120 square metres; and
  - (ii) a landscaped area not less than 50 square metres; and
- (c) for each small dwelling in the building—
  - (i) an area not less than 100 square metres; and
  - (ii) a landscaped area not less than 40 square metres.

40. A person shall not erect, or commence to use a building for the purpose of a residential flat building within Zone No. 2 (c) if the height of the building exceeds 7 metres.

41. (1) A person shall not erect, or commence to use, a building for the purpose of a residential flat building on an allotment of land within Zone No. 2 (c) unless provision is made on the allotment for—  
(a) 2 vehicular parking spaces (one of which is fully enclosed) for each dwelling in the building; and  
(b) vehicular access to the parking spaces which, in the opinion of the Council, is satisfactory and which is separated from pedestrian access to the parking spaces.

(2) A parking space required by or under this clause shall be not less than 5.3 metres by 2.3 metres.

42. Pursuant to section 30 (4) of the Environmental Planning and Assessment Act, 1979, the provisions of section 84, 85, 86, 87 (1) and 90 of that Act shall apply to and in respect of development, being the erection or use of a building on land within Zone No. 2 (c) for any purpose other than for the purpose of dwelling-houses or subdivision, in the same way as those provisions apply to and in respect of designated development.

43. (1) This clause applies to the land shown by distinctive colouring or shading or in some distinctive manner (other than the land shown uncoloured with the word "Deferred" written thereon) on the map marked "Greater Lithgow Local Environmental Plan No. 18" deposited in the office of the Council of the City of Greater Lithgow.

(2) As a consequence of the carrying out of development on the land to which this clause applies, this clause identifies a likely increased demand for public amenities and public services as specified in Schedule 6 and stipulates that dedication or a contribution under section 94 (1) of the Environmental Planning and Assessment Act, 1979, or both, may be required as a condition of any consent to that development.

44. (1) This clause applies to land within Zone No. 2 (c).

(2) Notwithstanding clause 12, the council shall not grant consent to an application to subdivide land to which this clause applies unless a plan has been adopted by the council showing how the subdivision will complement future urban development, the plan showing—

- (a) future and existing major roads and their inter-sections;
- (b) future and existing open space;
- (c) sites of particular environmental and heritage value;
- (d) major service corridors and sites;
- (e) the planned staging of future urban development; and
- (f) any other locations of proposed or existing land uses which are considered relevant.

(3) A plan adopted as referred to in sub-clause (2) shall be based on an assessment of the environment carried out at a level of detail that is appropriate to the purpose and environmental significance of the plan.

(4) The plan adopted as referred to in sub-clause (2) shall take into account the comments of the Soil Conservation Service of New South Wales in relation to any proposed land uses shown on the plan.

45. (1) The council shall not consent to the development of land shown by black hatching on the map marked "Greater Lithgow Local Environmental Plan No. 18" deposited in the office of the Council of the City of Greater Lithgow, unless it has made an assessment of the likely effect of noise and vibration on the development.

(2) In making the assessment referred to in sub-clause (1), the council shall have regard to the development standards set out in Schedule 7.

46. The council shall not grant its consent to the carrying out of any development on any land unless—

- (a) a water supply and facilities for the removal or disposal of sewage and drainage are available to that land; or

- (b) arrangements satisfactory to it have been made for the provision of that supply and those facilities.

47. The council, in respect of an application made to it under the Environmental Planning and Assessment Act, 1979, for its consent to carry out development by the Crown, a Government Department, a statutory authority, a public utility undertaking or the Totalizer Agency Board—

- (a) shall not refuse to grant its consent to the application; and
  - (b) shall not attach any conditions to its consent; except with the approval of the Minister.
- (d) by inserting after Schedule 5 the following Schedules.

#### SCHEDULE 6

1. Water supply, headworks and augmentation.
2. Sewerage treatment and augmentation.
3. Stormwater drainage, headworks and augmentation.
4. Construction and landscaping of drainage structures including drainage swales, retention basins, inlet-outlet systems, culverts and piping systems.
5. Local roads construction and landscaping of local roads.
6. Public car parking and landscaping areas in business centres, construction and embellishment of public car parks and landscaped areas.
7. Access.
8. Buffer zone.
9. Community facilities.
10. Community facility structures; child care centres, community meeting rooms and halls, community art centre, community library, community health and welfare offices, interim community houses.
11. Embellishment, landscaping and infrastructure provisions for passive, active and other public open space, routes and areas for walkways, cycleways and parking systems, lighting and amenities, active outdoor recreation facilities and structures, sports court facilities, playing fields, swimming facilities, sports grounds and facilities and amenity structures, active indoor recreation structures, facilities and land requirements.

#### SCHEDULE 7

##### Environmental Controls—Noise and Vibration

1. Noise
  - 1.1 Dwellings shall not be constructed in an area where blast overpressure levels, propagating from the nearby quartzite quarry, are likely to exceed 120 dB linear and 90 dB (A) when measured with precision sound level meters set to the peak hold mode.
  - 1.2 Further, dwellings shall not be constructed in an area where the noise levels from nearby quartzite crushing plants and associated equipment, are likely—
    - (a) to exceed—
      - (i) 45 dB (A) for 90% of the time (L90); and
      - (ii) 55 dB (A) for 10% of the time (L10), during day-time hours between 0700 hours and 1900 hours; or
    - (b) to exceed—
      - (i) 35 dB (A) for 90% of the time (L90); and
      - (ii) 40 dB (A) for 10% of the time (L90), during night-time hours between 1900 hours and 0700 hours.
2. Vibration
  - 2.1 Dwellings shall not be constructed in an area where ground vibration levels propagating from the nearby quartzite quarries are likely to exceed 10 mm per second velocity when measured as the vector resultant of the three normal modes of vibration.

(2175)



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September, 1982.]

**ERRATUM**

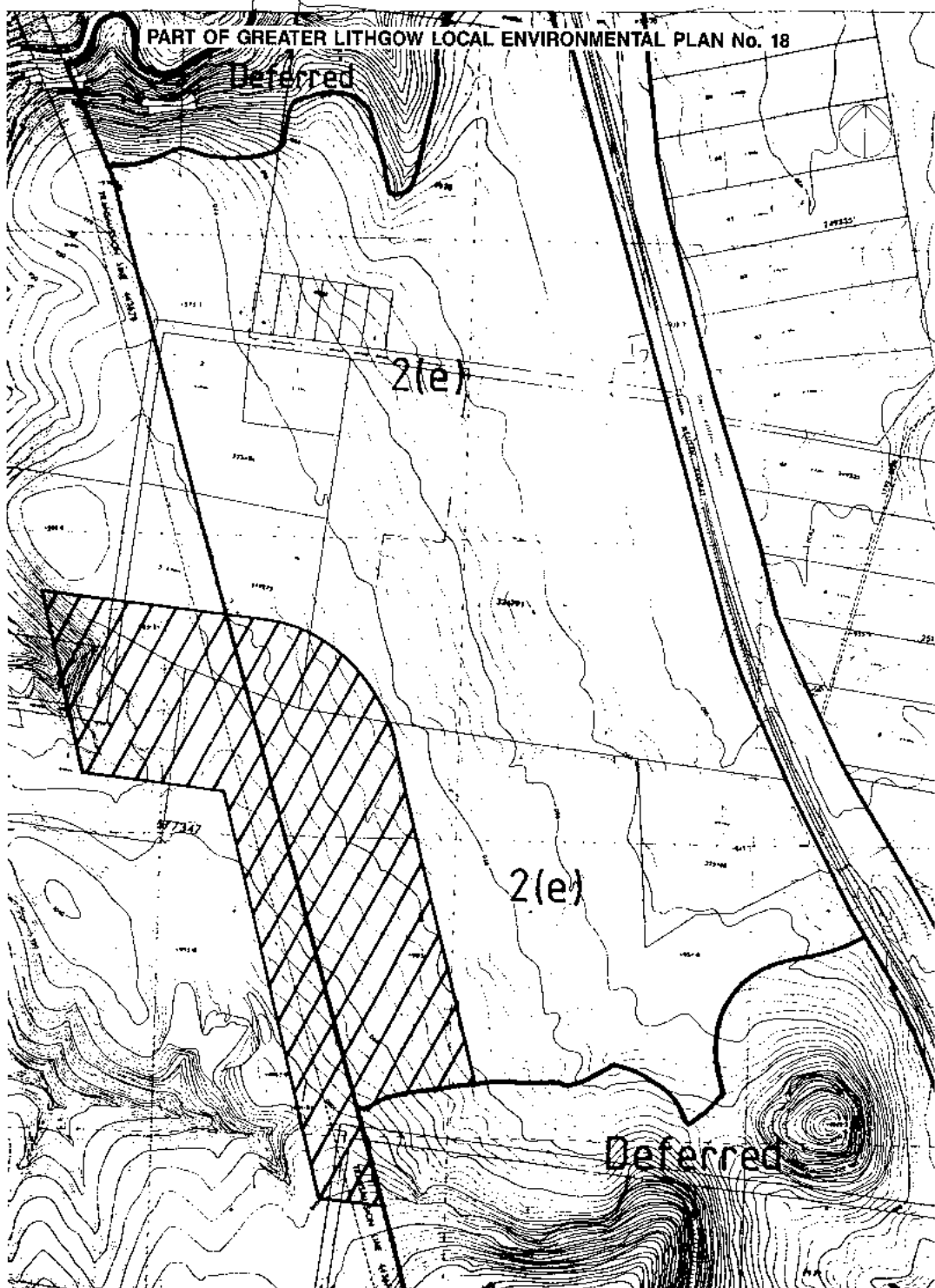
Greater Lithgow Local Environmental Plan No. 18  
Gazette No. 110 of 20th August, 1982

THE reference to the heading Schedule—Environmental Controls—Noise and Vibration, on page 3796 should have been and shall always be taken to be a reference to Schedule 7—Environmental Controls—Noise and Vibration. (80-10673)

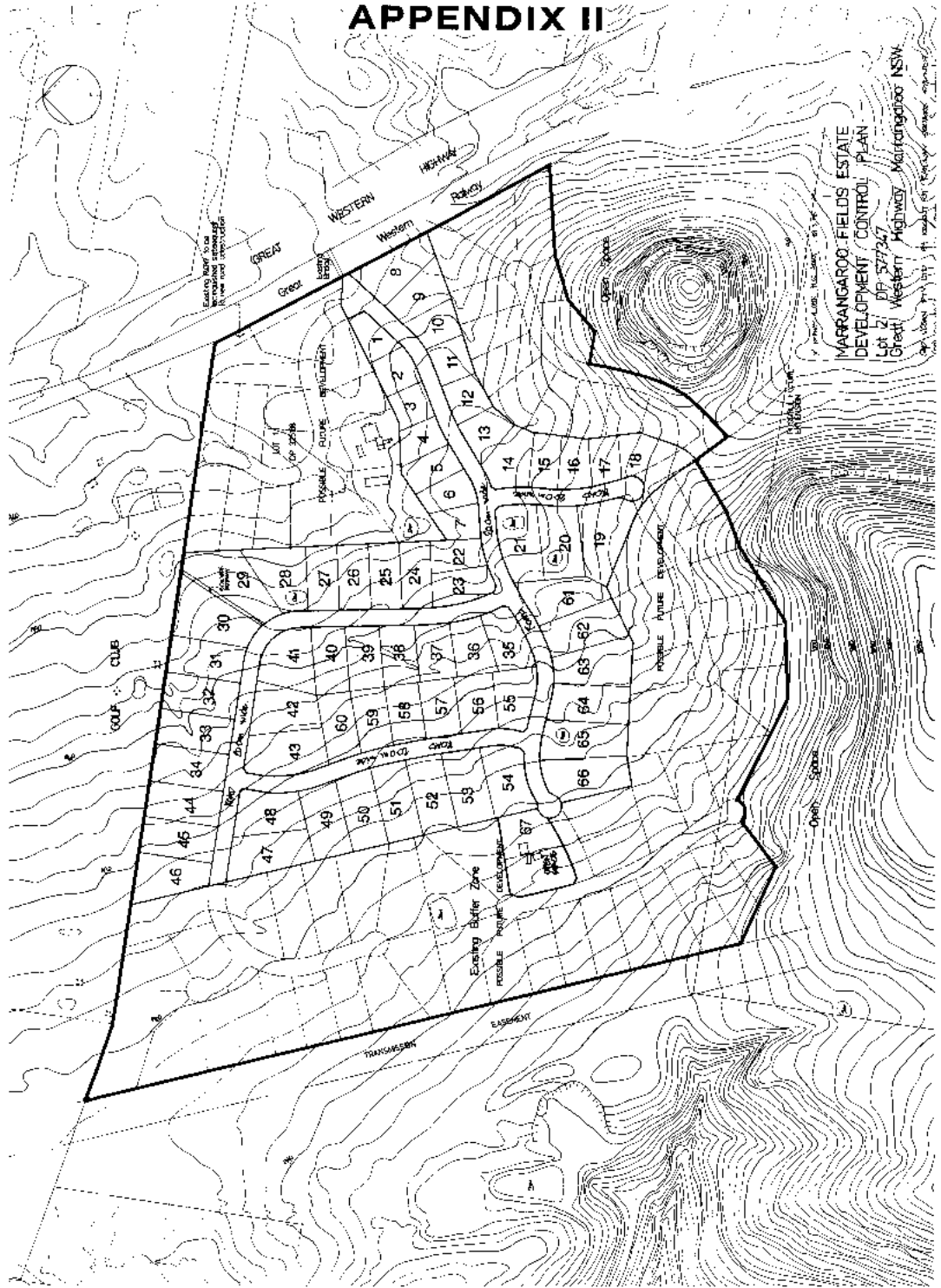
ERIC REDFORD,  
Minister for Planning and Environment.  
Sydney, 3rd September, 1982. (2742)

D. West, Government Printer, New South Wales—1982

PART OF GREATER LITHGOW LOCAL ENVIRONMENTAL PLAN No. 18



# APPENDIX II



# APPENDIX III

## COVENANTS

### RESTRICTIONS AS TO USER

**Lots Burdened**  
each lot

**Lots Benefited**  
every other lot

**Terms of Restrictions as to User referred to in Greater Lithgow Development Control No. 1 Plan**

- a) That not more than one (1) main building shall be erected on the land hereby burdened.
- b) That no garage or outbuildings shall be erected on the land hereby burdened, except until after or concurrently with the erection of any such main building.
- c) That no main building shall be erected on the land hereby burdened unless the same shall be connected to Council's water and sewer service.
- d) That no main building erected on the land hereby burdened shall have a minimum living area, excluding any attached garage or carport under the main roof, of less than 150 square metres.
- e) That any dividing fence erected along the boundaries of the land hereby burdened which extend from the building alignment of the main building to the street frontage shall not exceed 760mm (2'-6") in height.
- f) That for the benefit of any adjoining land owned by the vendor, but only during the ownership thereof by the vendor, its successors and assigns other than purchasers on sale, no fence shall be erected on the land hereby burdened, to divide the same from such adjoining land without the consent of the vendor, but such consent shall not be withheld if such fence is erected without expense to the vendor and in favour of any person dealing with the purchasers, such consent shall be deemed to have been given in respect of every such fence for the time being erected.
- g) That the purchaser shall not excavate, carry away or remove or permit to be excavated, carried away or removed from the land hereby burdened, earth, clay, stone, gravel, soil, land sand, except so far as may be necessary for the erection in accordance with the covenants herein contained of any house, building, structure or swimming pool thereon or for any purposes incidental and/or ancillary thereto.
- h) That no outbuildings shall be constructed of materials other than of a non-reflective nature to the satisfaction of the Council of the City of Greater Lithgow and to be of earth-tone colours considered by such Council to be sympathetic with the surrounding environment.
- i) That no dwelling shall be erected on the land hereby burdened with external wall or walls or materials, other than brick, stone, concrete, glass or timber or any other combination of the same provided that timber or other materials shall not be used in external walls, except as infill panels in conjunction with all or any of the other materials in this Clause referred to and the proportion of timber so used in relation to the total external wall area shall not exceed 50 per cent thereof PROVIDED THAT nothing in this covenant contained shall preclude or prohibit a building having the inner framework of its external walls constructed of timber or other materials with an external brick face or veneer.
- j) With the exception of vehicles used in connection with the erection of a dwelling on any lot burdened no motor truck, lorry or semi-trailer with a load carrying capacity of exceeding two (2) tonnes shall be parked or permitted to remain on any lot burdened.
- k) No fence will be permitted between the building line and the front boundary made of post and wire, corrugated iron or second-hand materials.

**Name of person empowered to release, vary or modify Restrictions as to User.**

The Council of the City of Greater Lithgow, provides that any such release, variation or modification if consented to shall be at the cost and expense of the person or persons requesting such consent.