

# PART 4 SUBDIVISION

## 1.0 INTRODUCTION

### 1.1 Objectives of this Chapter

This part aims to provide direction on the subdivision application process by means of the following objectives:

- To identify the submission requirements for a development application for subdivision
- To provide information on the expected standards of subdivision design
- To encourage subdivision design of high quality, which controls and mitigates the potential environmental impacts arising from subdivision which may be detrimental to the proper use of the land
- To allow for an appropriate mix of lot sizes to provide for a mix of housing types and business opportunities
- To promote development that uses, conserves and enhances the community's resources so that ecological processes are maintained and the quality of life for both present and future generations is enhanced
- To identify, protecting and appropriately managing any threatened species, populations, endangered ecological communities and their habitats

### 1.2 Land to which this Chapter Applies

All land within Wyong Shire to which Wyong Local Environmental Plan 2013 (WLEP 2013) applies.

### 1.3 Relationship to other Chapters and Policies

This Part is to be read in conjunction with other relevant Chapters of this Development Control Plan, including, but not limited to:

- Chapter 2.11 – Carparking and Access
- Chapter 3.1 – Waste Management
- Chapter 3.3 – Floodplain Management
- Chapter 3.6 – Tree and Vegetation Management
- Chapter 3.10 – Wetlands Management
- Part 6 – Location Specific Development Controls (where relevant)
- Council's Civil Works – Design Guideline and Construction Specification

## 1.4 Glossary

*Note: Generally, the terms used in this Part have the same meaning as those terms are defined within the WLEP 2013. Where a term is defined within the WLEP 2013, it is not repeated here. The following additional terms are relevant to this Part:*

**allotment** means an area of topographical space shown on an approved plan of subdivision and on which it may be intended to construct a building(s) (also referred to as a lot).

**Australian Height Datum (A.H.D.)** is a measurement reference to a national common plane of level. 0.0m AHD corresponds approximately to mean sea level at Fort Denison in Sydney Harbour.

**battle-axe access handle** means the area of land containing the carriageway entry for a battle-axe allotment.

**battle-axe allotment** means an allotment of land with a minimum site area of 750 square metres (excluding the access handle), which has no direct street frontage and is accessible through a carriageway.

**benching** means where the natural slope of land is excavated and/or filled and levelled to create flat building sites and the works are either retained by a manmade structure or a slope is provided between the flat sites. It does not include excavations within the confines of a building on individual sites to allow for basements, garages or similar structures.

**boundary adjustment** means the creation of new lots through the movement of their common boundary, where no additional lots are created and each lot maintains compliance with the required minimum area within the relevant zone.

**building envelope** means a predetermined area to which all building must be confined, generally determined at subdivision stage due to specific constraints which have been identified. Generally shown on deposited plans and identified on the Certificate of Title.

**Certificate of Title** means the legal document which gives title to a particular parcel of land under the Torrens Title System.

**Consolidation of Title** means the process of creating one lot where previously two or more lots existed. A new Certificate of Title is issued.

**corner allotment** means an allotment, not being a battle-axe shaped allotment, having two or more frontages to adjoining roads, used or intended for use by vehicular traffic (also referred to as a corner **lot**).

**easement** means a right to use or travel over a specified strip of land belonging to another. For example, easements for drainage and electricity easements, or a right of way.

**restriction as to user** means a burden or control on the title to the land which restricts the way in which a piece of land may be used.

**right of way** means the legal right of access over a lot to another lot, as provided for through the creation of easements under the Conveyancing Act 1919.

**small lot housing development (formerly integrated housing)** refers to subdivision of five (5) or more lots where overall site planning and individual dwelling designs are provided concurrently with the subdivision application.

**subdivision of land** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition.

## 1.5 Subdivision Types

### 1.5.1 Torrens Title Subdivision

- a All **new** Land Titles in NSW are issued under the Torrens Title System, introduced in 1863. Prior titles, e.g., original Portions, were issued under Old System (or Common Law) Title.
- b The Torrens system is based on a plan of survey, or a plan compiled from a survey, which defines the boundaries of a parcel of land at the date upon which it was registered. When new land parcels are created (e.g., by Deposited Plan subdivision) or when all or part of an existing parcel is to be used for a specific purpose (e.g., easement, lease or Strata Plan), a survey plan must be prepared, lodged and registered with the Land and Property Information Division (LPI) of the, NSW Department of Finance and Services.. In defining new parcel boundaries, the plan creates the legal identity of the land and contains information regarding any relevant restrictions.
- c The main plan types, explained in the sections below, include:
  - i deposited plans: which most commonly depict a subdivision of a parcel of land;
  - ii strata plans: which depict the subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units, e.g. home unit and town house developments; and
  - iii community plans: which depict the development of planned communities of any type where the use of some land is shared.

### 1.5.2 Deposited Plan Subdivision

Often referred to as land subdivision, this is the most common form of title issued in NSW and the title most people are familiar with for residential housing lots.

### 1.5.3 Strata Plan Subdivision

The Strata Titles Act 1973 applies principally to the subdivision of buildings into separate parts/units, with additional areas of land designated as common property. Those owning lots within the Scheme have a proportional entitlement to use the common property and also a proportional responsibility for its maintenance. Examples are buildings such as townhouses, flats, industrial units and shops, with outside areas such as gardens, driveways and car parking spaces usually being part of the common property lot.

### 1.5.4 Community Plan Subdivision

- a Land may be subdivided to establish a Community Scheme (Plan) under the Community Land Development Act, 1989. The operation of the Scheme comes under the requirements of the Community Land Management Act, 1989. Community Plans combine the advantages of Deposited Plan and Strata Plan ownership and use.
- b Property may be subdivided to establish a Community Scheme that involves the creation of common property e.g. private and public roads or recreation facilities which are used by all owners of lots within the Scheme. The shared property is administrated by the collective owners and not the wider community, i.e. Local or State government. Community Title subdivision differs from strata subdivision in that it is not only the subdivision of building space, but the creation of defined land areas for different ownership, as well as including shared areas for common (or community) facilities. Individual owners pay maintenance fees to the Community Association for the upkeep of the roads and other facilities such as tennis courts, swimming pools, open space and gardens. Community Plan subdivision is often used to establish a private housing estate.

## 1.6 Subdivision Process

### 1.6.1 General

The process for implementing a Development Consent for subdivision is explained in detail within Appendix C to this Part.

### 1.6.2 Staged Subdivision

- a Where it is proposed to carry out a subdivision, or particular elements of a subdivision in stages, it is necessary to identify these details within the Development Application. In this way the Development Consent issued can be structured so that relevant conditions and developer contributions are applied at the appropriate time.
- b Any staging of development is to take into account providing immediate access for public transport.

## 2.0 APPLICATION REQUIREMENTS

### 2.1 Required Information

#### 2.1.1 General Requirements

#### OBJECTIVE

- To ensure intending applicants are aware of the information requirements for all subdivision development applications

#### REQUIREMENT

Development applications for subdivision shall include the following information detailed within Table 1 and all plans and supporting information must be consistent within and between documents. Further details on the required plans are included within Sections 2 and 3 of this Part.

Information	Required with Applications for:
Development Application Form, Land Owner's written consent and required fees.	All applications
Statement of Environmental Effects explaining the proposal and submitted plans, including measures proposed to mitigate likely adverse environmental impacts.	All applications
Site Analysis Plan – Refer s. 2.2.	All applications
Vegetation Management Plan - the level of detail required will be determined during pre-lodgement consultation. (An Arborist Report will be required for applications which propose the removal of trees on site or are likely to impact trees on adjoining properties) – Refer sections 2.3 & 3.9.	All applications.
Service Plan – Refer s.2.4.	All applications
Street Plan - including existing and proposed levels, cross and longitudinal sections – Refer s.2.5.	Subdivisions that propose new roads, footpaths and cycleways.
Lot Layout Plan – Refer s.2.6	All applications
Transport Report – Refer s.2.7.4	All applications

Information	Required with Applications for:
Traffic Assessment Report – Refer s.2.7.5	All developments requiring referral to Regional or Local Development Committees and developments generating more than 50 trips per hour (e.g., 50 residential lots).
Stormwater Management Plan/Water Sensitive Urban Design (WSUD) Assessment – Refer s.3.1.1	All Applications
Erosion and Sediment Control – Refer s.3.1.2.	All Applications
Landscape Assessment and Design Report, in accordance with this chapter and Chapter 3.6 – Tree Management (incorporating the Street Tree Planting Plan) is to be prepared by a suitably qualified professional – Refer s.2.3 & s.3.6.	All applications
Ecological Assessment Report including threatened species conservation assessment – Refer s.3.9.2.	For all development that has potential to impact native vegetation.
Bushfire Assessment Report required under the provisions of Planning For Bushfire Protection – Refer s.3.9.3 & s.5.4.	Development in bushfire prone land.
Geotechnical Report that provides characteristics of the site and adjoining properties, including required access location restrictions – Refer s.4.1 & Table 3.	Development on land that is steep (>15%) or prone to land slip, non-sewered areas or battle-axe lots.
Building Envelope on Plan – Refer s.4.1.1 & Table 3.	For Slope Categories B, C, & D (refer Table 2); for Rural, Scenic and Conservation zones; and for any land that adjoins significant vegetation.

**Table 1 General requirements for development applications**

*Notes:*

- *All plans and sections shall be drawn to scale and include a graphic scale bar and a true north point.*
- *Applications for subdivision in bush fire prone land must include a Bushfire Assessment Report in accordance with the New South Wales Rural Fire Service's 'Planning for Bush Fire Protection Guidelines' as well as payment of the applicable Integrated Development fees for referral to the New South Wales Rural Fire Service.*
- *Council may require additional information to accompany a development application; dependant on the site characteristics and the proposed development. Such information may include, but is not limited to, a Traffic Management Report or Acid Sulphate Soils Assessment Report.*

## 2.2 Site Analysis

- a The Site Analysis Plan is the first step in preparing an application and shall be submitted with any Development Application.
- b The site analysis plan identifies and records the opportunities and constraints of a particular site and the surrounding area, and becomes the basis for the development of the subdivision design. It can also be used to assist in the development of the required Vegetation Management Plan and Landscape Assessment Report for the site.
- c The site analysis plan does not need to be to draftsman standard.
- d The following is an indicative checklist of issues to be addressed by the Site Analysis Plan:
  - i **orientation:** north point and aspect. The subsequent design should consider the movement of the sun, particularly at winter solstice;

- ii **topography:** contours of the land at 1.0m intervals, direction of fall, natural drainage;
- iii **streetscape:** elements which establish the character of the streetscape – fencing, trees, structures;
- iv **context:** location of the site in relation to adjoining or nearby infrastructure, roads, development, transport, nearby schools, community facilities or shops;
- v **Vegetation:** existing trees and vegetation on the land, on adjoining land and in the street / locality and their true canopy spread within or onto the site;
- vi **natural habitat:** any watercourses, wetlands, other drainage patterns, location of rock outcrops, trees, and tree hollows;
- vii **heritage:** any Aboriginal sites or listed Heritage items;
- viii **noise and light:** location and extent of nearby sources of noise or light impacts (e.g. major roads, intersections, railway lines, sports fields or commercial and industrial areas);
- ix **views:** identify view corridors to and from the site. The design should enable view retention and display consideration of likely impacts on neighbours' views;
- x **prevailing winds:** orientation of lots to take advantage of prevailing breezes for natural ventilation can add greatly to comfort levels within the future buildings on the site(s);
- xi **services:** location of services (including stormwater drainage lines, electricity poles, phone lines, gas, etc.);
- xii **vehicle access:** identify the best position for a driveway on the proposed lot, particularly for steep sites, on curves or near intersections;
- xiii **site survey constraints:** surveyed location of any easements, rights of way or other relevant restrictions;
- xiv **security:** any natural surveillance opportunities to and from the site;
- xv **existing structures:** including details of existing fences, retaining walls and buildings on site;
- xvi **landuse:** previous land use and approved development of the site;
- xvii **contamination:** details of the location and extent of any recorded contaminated soils or filled areas on the site.

## 2.3 Landscape Assessment Report and Vegetation Management Plan

### OBJECTIVE

- To minimise site disturbance and maximise retention of native vegetation where possible, on sites which are the subject of proposed subdivision

### REQUIREMENTS

- a Existing plant cover on development sites needs to be surveyed and identified on the Vegetation Management Plan (VMP), as it forms an important factor in Threatened Species assessment and the final subdivision design. The VMP is an integral part of the Landscape Assessment Report, which shall provide:

- i a survey plan of existing vegetation on site (the VMP) detailing all trees and vegetation (including species, height, girth, condition, and species category according to Chapter 3.6 and
  - ii an arborists' report prepared in accordance with Chapter 3.6 and based on the VMP, providing details on the health of all existing trees and vegetation and an assessment of their significance in terms of retention for amenity as habitat, conservation of species or any other reason.
- b The Arborist's Report may identify a building envelope for the site in order to enable designated clearing works to occur with the subdivision works, and outside which trees are to be retained.
- c The development consent issued will identify the vegetation which may be removed and will include permission for removal of that vegetation.

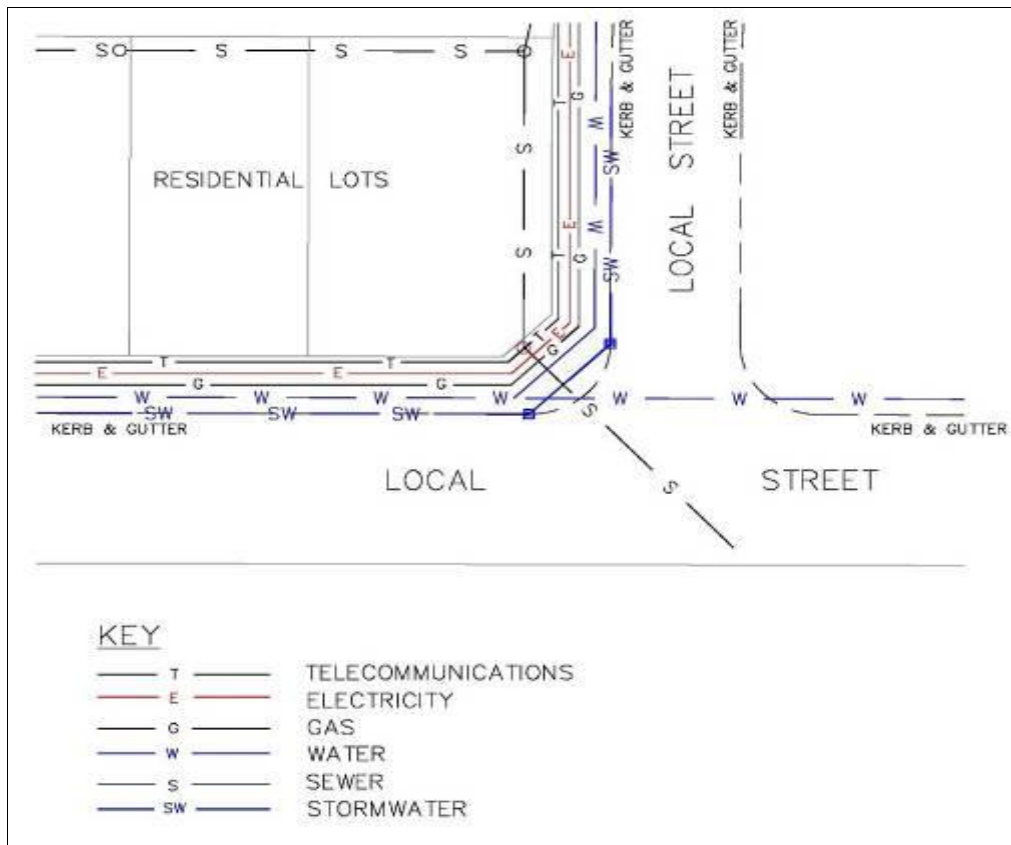
## 2.4 Service Plan

### OBJECTIVES

- To ensure that all proposed lots have adequate services to cater for future occupants
- To ensure that services provided on public land cater for the development of the adjoining land

### REQUIREMENTS

- a All sites shall be provided with adequate water and sewer services; the details of which are to be provided with the application. For all forms of subdivision the preferred method of sewerage disposal is gravity-fed connection to the reticulated sewer system.
- b All sites shall be provided with adequate telephone, broadband and power services. Connection to gas is encouraged where a reticulated gas supply is available.
- c All applications shall provide details of potential impacts on existing services, for example nearby drainage, water or sewer lines.
- d Where kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages does not exist, they shall be required to be constructed as part of the subdivision works.
- e All services are to be underground in new subdivisions. Exceptions will be provided for small and infill subdivisions where overhead electricity / telecommunications exist.
- f All services provided within the subdivided area shall cater for future development on adjoining allotments.



**Figure 1** Typical service plan

## 2.5 Street Plan

### OBJECTIVE

- To ensure the development provides a legible network for infrastructure, cycle, pedestrian and motor vehicle movement

### REQUIREMENTS

- a The Site Analysis, including the lot orientation, layout, and natural topography shall inform and aid the design of the street pattern.
- b The street plan shall provide:
  - i street network, including those existing (adjacent or opposite);
  - ii cycleways and pathway network;
  - iii indicative gradients and cross-sections of roads, cycleways and pathways, particularly those with steep slopes that may present access and mobility constraints. Provide notional road batters for steep areas;
  - iv general intersection traffic dampening, related landscape features and constriction points;
  - v notional drainage pattern and works where affected by roadworks;
  - vi carparking;
  - vii consideration of existing and proposed street trees; and
  - viii existing and proposed Fire Trails.



- c The size of the proposed subdivision will affect the level of information and detail required. For smaller subdivisions in established areas, or infill subdivisions, it is likely that there are already established locations for roads, drainage and services. In these situations, the required Street and Service Plans will need to show how the proposal will integrate with the existing system.
- d Blind bends are not permitted for new subdivisions. Consideration may be given to these for infill development provided a suitable traffic control treatment is provided.
- e Where kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages does not currently exist, they shall be required to be constructed as part of the subdivision works, unless:
  - i it is technically impractical to construct kerb and guttering due to uncertainty as to the appropriate levels to be adopted or an isolated section will present a hazard to road traffic safety; or
  - ii the street drainage necessary to provide kerb and guttering is an unreasonable imposition on the development; or
  - iii an alternative treatment is preferred by Council having regard to Water Sensitive Urban Design (WSUD) principles; or
  - iv kerb and guttering is not the most suitable streetscape treatment for the area on the basis of existing and anticipated development.
- f In these cases, an alternative treatment to kerb and gutter such as mountable kerb, concrete dish drain, cemented paving stones or other treatment will be required with the exact type based upon the characteristics of the site.

## 2.6 Lot Layout Plan

The Lot Layout Plan is a response to the site's topography, the character, constraints and advantages. It is a detailed plan of the subdivision, identifying of proposed easements, rights of carriageway or restrictions as to user; lot sizes and dimensions.

### OBJECTIVE

- To ensure the Lot Layout Plan reflects the site's opportunities and constraints as well as identifying service requirements and vegetation retention for the site

### REQUIREMENTS

- a The Lot Layout Plan is to include:
  - i lot boundaries including dimensions and area of each lot;
  - ii for lots where the average slope of the development site is equal to, or exceeds 16% (slope category C, s.4.1), indicative road and driveway grades are required demonstrating satisfactory access; and
  - iii the lot layout plan shall overlay the Landscape Assessment VMP so that the extent of affected vegetation and level of potential site disturbance can be easily identified.
- b Council will favourably consider a mix of lot sizes which exceed the minimum requirements in order to accommodate a variety of housing types.
- c For smaller subdivision proposals, the Lot Layout Plan may be incorporated with the Service Plan and the Street Plan, providing clarity of information is able to be retained.

- d The Lot Layout Plan needs to address the relevant Design Objectives and Requirements for each subdivision category.

## 2.7 Other Requirements

### OBJECTIVE

- To provide applicants with other relevant information in relation to subdivision

### REQUIREMENTS

#### 2.7.1 Developer Contributions

- a Section 94 of the Environmental Planning and Assessment Act 1979 provides that where development increases the need or demand for services or facilities in an area, Council may require developers to contribute to the costs associated with the provision of such services. Contributions are usually in the form of a monetary levy, or in some circumstances Council may accept that a developer may provide appropriate “works in kind.”
- b Exhibited and adopted Contributions Plans identify the required works and services and the costs associated with their provision. For more information, applicants are invited to contact Council’s Customer Service Centre. Alternatively, Council’s current contributions plans can be viewed on Council’s web page at <http://www.wyong.nsw.gov.au/>.
- c Wyong Shire Council (in its capacity as the Gosford/Wyong Water Supply Authority) is authorised under the Water Management Act 2000 to levy contributions for water supply and sewer services on developments, via adopted Development Servicing Plans. This enables the economic provision of water supply and sewerage services.
- d Contribution rates will be identified at development consent stage and will include the type and value of “works in kind” if any are proposed.
- e Contributions are payable in full prior to endorsement by Council of the final Subdivision Certificate (Refer Appendix C). For staged subdivision, contributions relating to the stage being released are to be paid prior to the endorsement of the subdivision certificate.
- f Contributions rates are adjusted in accordance with the requirements of each Contributions Plan or Development Servicing Plan. The final amount payable will be the rate applicable at the time of payment.

#### 2.7.2 Specialised Advice

- a Applicants should have regard to the size and complexity of the development when selecting consultants.
- b Good subdivision design recognises contributing elements, such as the physical characteristics of the land, the streetscape, open space, bushland corridors and other character aspects of a local community and ensures the integration of the new proposal with the locality.
- c A primary objective in planning for the subdivision of land is the creation of a design that is safe and efficient and provides a range of interesting, innovative, affordable and sustainable development opportunities.
- d Applicants and developers are required to employ the services of appropriately qualified and experienced practitioners for each stage of the subdivision design and construction. The benefit of

using personnel with demonstrated capacity to create attractive and innovative subdivisions will generally reflect a smoother and more straightforward approval, construction and marketing process.

### 2.7.3 Mine Subsidence

- a Mine Subsidence Districts cover large areas of Wyong Shire. Applicants should check to see if the site is within a Mine Subsidence District by consultation with the Mine Subsidence Board and Council before submitting an application.
- b Where the site is located within a Mine Subsidence District, subdivision works shall be constructed to a standard that minimises Council's maintenance liability and the Mine Subsidence Board's rectification liability. The use of "soft" engineering techniques is encouraged.
- c Where the site is located within a Mine Subsidence District, it will need approval from the Mine Subsidence Board before final release of the Subdivision Certificate by Council.

### 2.7.4 Transport Report

#### OBJECTIVES

- To identify how people from the proposed development will be encouraged to walk, cycle and use Public Transport in lieu of the motor car
- To promote 'Healthy By Design' principles in subdivision design, in accordance with the guidelines issued by the Premiers Council for Active Living (PCAL), the NSW Heart Foundation and NSW Health

#### REQUIREMENTS

A report is required to identify how people from the proposed development will be encouraged to walk, cycle and use public transport in lieu of the motor car. The report is to include, but not be limited to the following:

- a identify existing bus stops and routes and whether bus shelters are provided;
- b identify pedestrian/cycleway desire lines to Public Transport, schools, shops, parks etc. and distances to these facilities;
- c identify demand from proposed developments on the above facilities;
- d recommend actions/facilities required to encourage walking, cycling and use of public transport in lieu of the motor car.

### 2.7.5 Traffic Assessment Report

#### OBJECTIVE

- To identify and minimise traffic impact from proposed developments

#### REQUIREMENTS

- a The Traffic Report should be prepared by a Traffic Engineer, entitled to membership of the Australian Institute of Traffic Planning & Management (AITPM).
- b The report is to include but not be limited to:
  - i existing conditions and details of the proposed development;

- ii traffic generated by proposed development for AM and PM peak hours;
- iii projected background traffic for a 10 year period. Include other developments in the report whose traffic will impact on the calculations/assessment;
- iv assignment/distribution of peak traffic flows to intersections and access points;
- v assessment on traffic impact by proposed development on adjacent and nearby intersections and roads;
- vi recommended access design and road and intersection improvements.

## **3.0 GENERAL DESIGN PRINCIPLES**

The process of subdivision has obvious impacts on the environment by increasing densities and enabling development to use existing resources and infrastructure. The subdivision design and the construction of associated works shall seek to minimise that impact and provide for development that has overall high quality, is water and energy efficient and environmentally sensitive and sustainable.

There are a number of major principles that will help guide the design quality and the construction of the subdivision. These guiding principles relate to:

- Stormwater Management
- Utility Services
- Cut, Fill and Earthworks
- Street Layout and Design
- Footpaths and Cycleways
- Street Trees and Landscaping
- Public Open Space and Parks
- Heritage
- Vegetation Management, Threatened species and Urban Interface Areas
- Community Safety and Security

### **3.1 Stormwater Management and Flooding**

#### **OBJECTIVES**

- To ensure that land can be adequately drained so as not to impact on adjacent sites and that the development does not contribute to drainage or flooding problems elsewhere
- To ensure applicants are aware of Council's requirements for the quality and the quantity of water, managing catchment run on and runoff, and the efficient reuse of water to minimise demands on the potable water supply
- To ensure measures are undertaken to achieve soil stability to prevent erosion and sedimentation
- To ensure stormwater discharge from the site is managed so as not to pollute receiving systems and waterways

- To promote water sensitive urban development and provide a more integrated approach to urban water cycle management
- To ensure conservation of water and reduction in mains water consumption by utilising stormwater as a natural water resource for larger subdivisions
- To protect sensitive ecosystems and to maintain hydrological regimes to downstream environments

## REQUIREMENTS

### 3.1.1 General Requirements

- a All development must comply with the requirements of Council's Council's Civil Works – Design Guideline and Construction Specification.
- b Site works are not to obstruct or divert overland flows from upstream properties.
- c Adequate provision for gravity drainage is to be demonstrated for each of the lots created. Some subdivisions may require detention systems and / or inter-allotment drainage provision, with appropriate easements created.
- d All excess stormwater runoff from roof and paved areas shall be collected via rainwater tank systems, prior to eventual discharge into inter-allotment or street stormwater drainage systems.
- e Where easements over downstream properties are required, evidence of agreement with the relevant property owners shall be submitted with the development application.
- f Water conservation measures shall:
  - i reduce the reliance on potable water supplies;
  - ii harvest rainwater and urban stormwater runoff for use where appropriate;
  - iii capture, treat and reuse wastewater where appropriate;
  - iv ensure infrastructure will compliment any current or future water use.
- g Within the shire, key wetlands and waterways are protected. The design shall include measures and controls necessary, as detailed in the publication: Water Sensitive Urban Design for Catchments Above Wetlands, by Ecological Engineering.
- h The level of information to be submitted for stormwater management will depend on the size of the subdivision and the sensitivity of downstream environments.
- i Water Sensitive Urban Design (WSUD) principles are to be adopted throughout the development to promote sustainable and integrated land and water resource management. Best practice stormwater management, water conservation and environmental protection measures are to be incorporated.

### 3.1.2 Erosion and Sediment Control

All Development Application proposals, Exempt or Complying Development proposals or an application for the assessment of an Activity as described under Part 5 of the Environmental Planning and Assessment Act, where the project involves site disturbance, excavation, stockpiling or filling, must consider erosion and sedimentation control for the subject site.

- a **Small Sites 0 -250 m<sup>2</sup>:** The development of small sites (disturbance of less than 250m<sup>2</sup> of land) does not require the preparation of a formal plan, but the project will still need to be undertaken in accordance with the principles detailed in this Policy;
- b **Site Disturbance 250m<sup>2</sup> - 2500m<sup>2</sup>:** For sites with an area of between 250m<sup>2</sup> and 2500m<sup>2</sup>, Council requires that the proposed method of erosion and sedimentation control is provided in the form of an Erosion and Sedimentation Control Plan (ESCP). These sites are subject to this Policy;
- c **Site Disturbance 2500m<sup>2</sup> or greater:** Erosion and sedimentation control requirements for sites with an area of 2500m<sup>2</sup> or greater are covered in Appendix A of Development Control Plan 2005, Council's Civil Works – Design Guideline and Construction Specification and are to be accompanied by a Soil and Water Management Plan (SWMP);
- d **Environmentally Sensitive Sites:** Environmentally sensitive sites (i.e. - sites on >10% slope or sites adjacent to a watercourse or other environmentally sensitive areas) will require more detailed consideration. Environmentally sensitive sites with an area of less than 250m<sup>2</sup> are to be accompanied by an ESCP. Environmentally sensitive sites with an area of 250m<sup>2</sup> to 2500m<sup>2</sup> are to be accompanied by an SWMP.

Additional details are provided in Council's Erosion Sediment Control Policy, E1.

### 3.1.3 Flooding

The Subdivision of land on the floodplain is not encouraged. In general, the filling of land to permit the subdivision of land on the floodplain will not be accepted. All development must comply with Chapter 3.3 – Floodplain Management. Any application for the subdivision of land that is considered to be flood prone will need to demonstrate to the satisfaction of Council, that the proposal meets the Performance Criteria listed in Section 3.2 of Chapter 3.3.

## 3.2 Services

### OBJECTIVES

- To ensure that all development sites have adequate services to cater for future developments and their occupants
- To enable installation, maintenance and augmentation of services in a cost effective manner and with minimal impact on the environment and the community
- To minimise the impact of utility services on the viability of existing vegetation and proposed landscaping
- To provide a sewerage system for the maintenance of public health and the disposal of effluent in an environmentally appropriate manner
- To provide an adequate, reliable, safe and potable supply of water
- To provide lighting of public spaces for the safety of pedestrians and road users

## REQUIREMENTS

- a Utility services installation shall be carried out in accordance with Council's Civil Works – Design Guideline and Construction Specification and the Utility Authority's requirements, generally the Street Opening Guidelines Conference (SOC) 2007 guidelines.
- b In urban release areas and subdivisions proposed at the end of existing service lines, provision of services in a shared (common) trench is to be achieved.
- c In established areas, where services are in place, new service provision shall have regard to the existing mode of installation.
- d All services shall be provided underground. Where overhead electricity wiring exists in established areas, Council may vary this standard to provide for reasonable connection to the existing system.
- e Communication infrastructure comprising cabling for television and computer services such as broadband internet shall be provided underground in all cases with new subdivisions.
- f The location of utility services shall not adversely affect the viability of significant vegetation and waterways.
- g Attractive, functional, energy efficient and appropriately located lighting is required to be installed in streets and proposed public spaces.
- h The physical appearance of utility services, such as street lights, is to conform with the overall design of the subdivision and the locality.

### 3.3 Cut, Fill and Earthworks

#### OBJECTIVES

- To minimise earthworks in order to preserve, where practicable, the existing topography, drainage and catchment areas, trees and amenity of the site
- To use construction methods which minimise site disturbance
- To protect the stability and amenity of adjoining lots
- To minimise cutting and filling on sites while recognising the need in some cases for the creation of large level areas
- To minimise cut and fill in order to encourage harmonious construction techniques for potential future development
- To ensure cut and fill requirements do not compromise development of a high standard

#### REQUIREMENTS

- a Cut, fill or retaining works shall not be permitted within close proximity to the sewer, drainage or inter-allotment easement on the property.
- b Disturbance to natural drainage patterns must be avoided where possible.
- c Boundary retaining walls for cut or fill shall not exceed 900mm in height for residential zones and shall not extend for more than 2 lots.

- d Retaining walls subject to potentially significant loads shall be designed by a suitably qualified engineer.
- e Any fill is to be contained within the boundaries of the site.
- f Proposed streets, stormwater management and utility services infrastructure in new residential subdivisions must have demonstrated capacity to provide the required level of service without the need for excessive cut and fill or construction of retaining walls.
- g Proposed lots must have demonstrated capacity to accommodate high quality dwellings/ and or buildings and any ancillary development. This includes vehicular access to the site without the need for excessive cut and fill, terracing of sites or construction of retaining walls. Access design, where considered necessary, will form part of the subdivision approval.
- h Retaining walls that are visible from the street shall be designed and constructed using a high quality decorative masonry product.

### 3.4 Street Layout and Design

#### OBJECTIVES

- To provide a legible hierarchy of streets according to the specific purpose and function of the streets
- To ensure street connectivity and legibility for pedestrians, cyclists and drivers
- To provide and promote an attractive and safe streetscape
- To control street design speed by geometry, traffic calming treatments, length, width and streetscape treatments
- To provide safe and effective access opportunities for pedestrians, cyclists and drivers
- To provide appropriate access for larger and special purpose vehicles including garbage trucks, emergency service vehicles, delivery vehicles and buses where appropriate
- To minimise through design the negative impact of high traffic volumes and vehicle speed throughout the subdivision
- To accommodate sufficient on street parking
- To avoid cul-de-sacs where possible, and
- To encourage the use of a grid pattern layout where possible

#### REQUIREMENTS

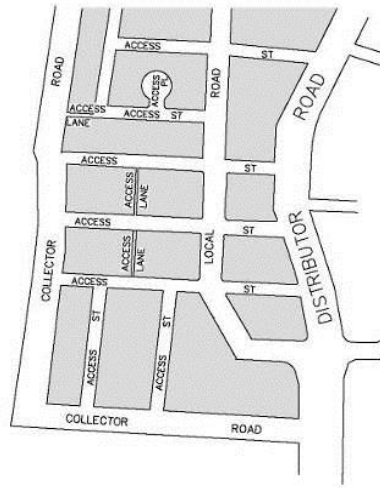
- a Subdivisions are to establish a road hierarchy which distinguishes between access lanes / places, access streets, local streets, collector streets and distributor roads (see example Figure 3 below). For the purpose of this Part the street hierarchy is defined as follows:
- b **Access lanes / places** are generally used for small lot housing and have very limited through traffic. The maximum capacity for these laneways is 100 vehicles per day and they are designed for a maximum street speed of 30 km/h.
- c **Access streets** are minor streets that have limited through traffic. The capacity of these streets is up to 500 vehicles per day and they are designed for a maximum street speed of 30 km/h.



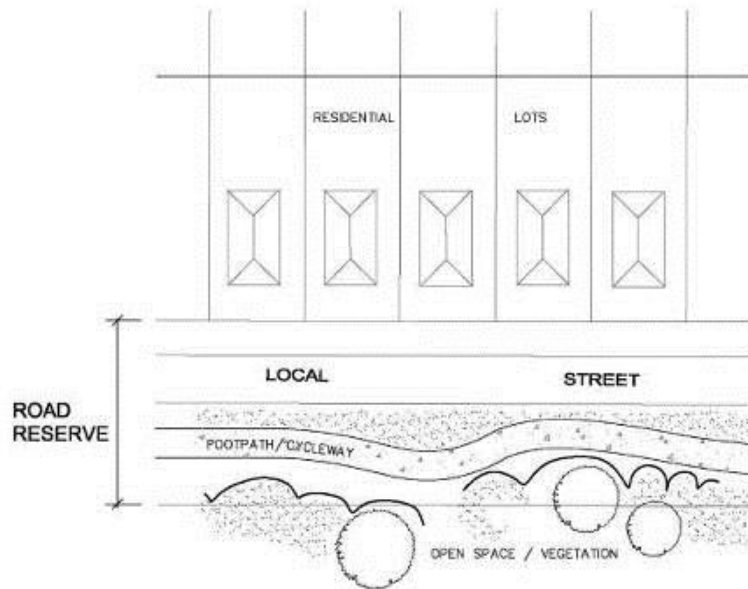
- d **Local streets** can carry up to 2000 vehicles per day and are designed for a maximum street speed of 40 km/h.
- e **Collector streets** are linked to major roads. The capacity of these streets is between 2000 and 5000 vehicles per day. They are to be designed for a maximum street speed of 50 km/h.
- f **Distributor roads** are major roads that are designed for considerable traffic loads, generally greater than 5000 vehicles per day. These roads are generally used to facilitate access to major facilities such as shops and schools. Unless identified otherwise, they are to be designed for a maximum street speed of 50 km/h.

*Note: Please refer to Appendix A which provides illustrated examples of the elements of various carriageways and to Appendix B for required street, verge and carriageway widths.*

- g The street network shall respond to the area's topography and natural features. Where possible, residential subdivisions are to create streets oriented generally in a North/South and East/West direction, to enable future dwellings to obtain maximum solar access.
- h Streets are to be designed in accordance with the components for Design Speed, Carriageways and Verge Widths detailed within the table in Appendix B.
- i The street network must form a basic layout design that provides interconnection between neighbourhood elements, transport modes and integration with adjoining developments.
- j Streets are to be designed to enable each lot to access street frontage.
- k Where there is an existing subdivision street pattern, new streets are to be designed to connect with the existing pattern.
- l Roads are to be widened appropriately at intersections.
- m Roads are to be widened where necessary (e.g., Bends in the road) to accommodate manoeuvring for larger vehicles (i.e., trucks and buses).
- n The street design and lot layout is to consider the likely location of lot accesses, with regards to adequate sight distances in accordance with ASNZS 2890 and the Austroads Guidelines, Part 5.
- o Residential street blocks shall be no more than 80 metres deep and no more than 160 metres long.
- p Cul de Sacs are to be avoided where possible. If they are unavoidable; the length of the cul-de-sac is to be no more than 75 metres.
- q Where the land abuts open space or remnant bushland, a carriageway and footpath along the boundary of the open space or remnant bushland is to be provided (refer Figure 4). The Urban Interface Area (UIA) requirements outlined in s.3.9 apply.
- r Appropriate intersection controls are to be provided. They are to take into account safety as well as capacity requirements.



**Figure 3** Street hierarchy



**Figure 4** Residential land abutting open space with carriageway in between bushland and residential lots

### 3.5 Footpaths and Cycleways

#### OBJECTIVES

- To provide safe and convenient routes for pedestrians and cyclists
- To provide a safe environment by the appropriate separation of all road users, pedestrians, cyclists and vehicles
- To ensure 'Safer By Design' principles are implemented for safety and security
- To promote 'Healthy By Design' principles in subdivision design, in accordance with the guidelines issued by the Premiers Council for Active Living (PCAL), the NSW Heart Foundation and NSW Health

#### REQUIREMENTS

- a Footpaths shall be provided on one side of the street for Access Places / Lanes, Access Streets and Local Roads, in accordance with the diagrams in Appendix A and the standards in Appendix B.
- b Subdivisions are to provide pedestrian links between street networks and cul de sacs where possible and shall be designed in accordance with 'Safer by Design' (CPTED) principles.
- c Cycleways may be required on major roads such as Collectors and Distributors as well as through parks or other areas to provide connections for pedestrians and cyclists. This requirement will be determined on individual development merits and/or identified in the Transport Report (Refer Section 2.7.4).
- d Shared pedestrian and cycleways are to be provided in all new residential estates as identified in the Transport Report and/or to provide direct, safe and convenient access to facilities such as shops, schools, playgrounds, public transport, as well as encouraging healthier lifestyles.

### 3.6 Street Trees and Landscaping

#### OBJECTIVES

- To encourage a visually appealing and attractive streetscape without compromising the street's function or maintenance
- To integrate with the existing character of an area
- To provide a healthy tree canopy within the constraints of urban development conditions that is safe, robust and provides amenity within the local area

#### REQUIREMENTS

- a Subdivisions are to incorporate street tree plantings at a minimum rate of one (1) semi-advanced tree per 15 metres of frontage.
- b A street tree planting plan is to be included as part of the Landscape Assessment and Design Report prepared by a suitably qualified landscape professional: .
- c Street trees are to be maintained and nurtured until established.
- d Where infill subdivision is proposed, existing street trees shall remain.
- e Native tree species are to be selected in accordance with "Natural Vegetation of Wyong LGA").
- f When selecting street trees, the following functional issues shall be considered:
  - i safe pedestrian use and movement within the street;
  - ii safe traffic movement;
  - iii intersection sight lines;
  - iv micro climate amenity;
  - v likely scale of adjacent structures; and
  - vi selection of trees with a growth habit appropriate to the overhead and below ground services, potential driveway locations and the selected road pavement.

## 3.7 Public Open Space and Parks

### OBJECTIVES

- To provide sufficient public open space for the active and passive recreational needs of residents
- To enhance the appearance, amenity and energy efficiency of urban development through integrated open space and landscape design
- To enable the multiple use of open space areas and open space corridors for recreation, conservation, access and drainage purposes without diminishing the recreation or conservation values of that space

### REQUIREMENTS

- a Subdivisions shall provide Open Space in accordance with the requirements of the applicable Contributions Plan. Generally the standards within the Contributions Plan are based on the following:
  - i No residential lot is to be located more than 400 metres walking distance from public open space.
  - ii No residential lot is to be located more than 500 metres walking distance from a playground.
  - iii Subdivision designs that incorporate new public open space areas or adjoin existing public open space areas must demonstrate passive surveillance and healthy design principles to optimise enjoyment, safety and security for park users and to reinforce a sense of public ownership.
  - iv No more than 25% of lots adjacent to larger areas of open space shall abut that open space on a side or rear boundary.
  - v The design shall include provision for foot and/or cycle paths on the perimeter of the open space area, linking to other destinations.
  - vi All areas designated as public open space must have existing vegetation retained in a viable condition in accordance with the approved Vegetation Management Plan. Alternatively, they shall be landscaped and developed in accordance with the approved Landscape Design for the proposal.
  - vii For the purpose of calculation, open space will not include land below the 100% AEP flood level unless it can be demonstrated that such land:
    - preserves an identified habitat and/or significant vegetation; or
    - forms a link in a bushland corridor network; or
    - is integrated into a network of open space and is useable for recreation purposes except when inundated.

## 3.8 Heritage

### OBJECTIVES

- To protect Aboriginal and European archaeological sites and artefacts or remains
- To retain and protect identified heritage items
- To preserve desirable elements of the character of settlement of Wyong Shire
- To ensure provisions under the Heritage Act 1977 are followed if a site is affected by Heritage Artefacts

### REQUIREMENTS

- a Provide details of any identified heritage item or aboriginal archaeological site including the location in any proposed lot layout plan, and the proposed treatment of the proposed item or site.
- b During the long term development phase of the site:
- c Comply with the provisions of Chapter 3.7 - Conservation of the Built Environment.
- d Any aboriginal archaeological sites discovered through the process of land survey or subdivision design are to be treated in accordance with the provisions of the National Parks and Wildlife Act 1974.
- e Identified heritage items and aboriginal archaeological sites are to be retained and their curtilage protected. Protection of such items is to be incorporated into the subdivision design.

## 3.9 Vegetation Management, Threatened Species and Urban Interface Areas

### OBJECTIVES

- To incorporate existing vegetation on site into the subdivision landscape design
- To retain natural character and significant vegetation
- To locate potential development outside environmentally sensitive areas
- To suitably locate bushfire protection and WSUD infrastructure
- To retain natural vegetation where possible, to maintain the level of biodiversity of native flora and fauna
- To not impact on adjoining land and surrounding communities
- To have regard to the likely impacts of urban development and to incorporate buffer requirements to remnant vegetation on adjacent land

## REQUIREMENTS

### 3.9.1 Land Clearing

- a If the subdivision requires the removal of any tree or native vegetation in any non-urban zone, it is recommended that the Hunter-Central Rivers Catchment Management Authority (the CMA) is contacted to determine if consent is required under the Native Vegetation Act (2003), prior to lodging a development application with Council. It is highly recommended that this approval from the CMA is obtained prior to lodging the development application. The submission of the approval for clearing from the CMA with the Development Application will avoid delays in Council's assessment process. Further information regarding clearing and approval from the CMA can be obtained from the CMA's website at <http://www.hcr.cma.nsw.gov.au/index.php>.
- b Should consent for clearing not be required from the CMA it is still likely that consent for clearing is required from Council. Information to be submitted with the application is contained within s.2.2 of this Part and s.3.0 of Chapter 3.6 - Tree Management.
- c To clear land an ecological assessment and management plan is likely to be required, which includes a Threatened Species Assessment pursuant to Section 5A of the Environmental Planning and Assessment Act, 1979. For the specific requirements, refer to the Wyong Shire Council Flora and Fauna Guidelines.

### 3.9.2 Threatened Species or Ecological Communities

- a Some sites have potential for threatened species, or threatened ecological communities, or habitats to occur on site or adjacent areas. In these cases an assessment under section 5A of the Environmental Planning and Assessment Act, 1979 is required to be submitted, to determine whether there will be a significant effect on the threatened species, ecological communities or their habitats.
- b Subdivisions are to be designed appropriately so as not to affect any threatened species or ecological communities on site or on adjoining land.

### 3.9.3 Urban Interface Area (UIA) Requirements

- a An Urban Interface Area (UIA) will be required for each subdivision on land that contains and/or adjoins significant vegetation.
- b The UIA is a generic model which shall be applied site specifically to all development across Wyong Shire where future urban development interfaces with significant vegetation. The UIA concept objectives are to provide a multi-purpose corridor to:
  - i manage edge effects on retained vegetation;
  - ii suitably locate bushfire protection and WSUD infrastructure;
  - iii provide appropriate access to public lands;
  - iv provide suitable buffers to retained natural watercourses;
  - v streamline the requirements of diverse regulatory regimes and expedite State government approvals;
  - vi provide assistance to developers in estimating lot yield and purchase of land for subdivision; and
  - vii improve and simplify ongoing management of retained native vegetation and related maintenance costs.

- c The UIA model is only applicable where development is proposed that directly contains and/or adjoins significant vegetation. In many cases this will be National Parks, State Forests and Council reserves but in some cases will include private land with particular elements of environmental value such as Endangered Ecological Communities, natural watercourses or native vegetation that is of landscape significance.
- d The UIA model shall be applied with particular reference to the specific characteristics of the site, type of development proposed, type of adjoining vegetation and the ultimate tenure and purpose of retained vegetation (e.g. National Park, Community Land – Bushland, Operational Land – Drainage, or private land).
- e The UIA model is primarily designed to be applied on greenfield site land subdivisions for residential, industrial and commercial purposes, but may also provide a solution for the redevelopment of larger sites.
- f The detailed application of the UIA model is not generally suitable for small scale infill subdivision or boundary adjustments, unless that land forms part of a wider bushland corridor strategy. The objectives detailed above however, shall be applied as appropriate.
- g The UIA model is designed to synchronise the various requirements of the following legislative and regulatory instruments:
  - i Environmental Planning and Assessment Act 1979;
  - ii Local Government Act 1993;
  - iii Native Vegetation Act 2003;
  - iv Protection of the Environment Operations Act 1997;
  - v Rivers and Foreshores Improvement Act 1948;
  - vi Rural Fires Act (1997) & Planning for Bushfire Protection 2006;
  - vii Threatened Species Conservation Act 1995;
  - viii Water Management Act, 2000;
  - ix Wyong Local Environmental Plan 2013; and
  - x Wyong Development Control Plan 2013.
- h Correct application of the UIA model will generally satisfy all relevant legislative and regulatory requirements, and will streamline obtaining the various approvals required by State government departments.
- i The UIA consists of three components:
  - i **access:** 5-20 metres width - from the proposed lot boundary to be cleared and utilised for access for a range of purposes (public access, maintenance, bushfire protection etc.). This area generally consists of a formed road or trail and permanently cleared verges, and forms part of the Asset Protection Zone (APZ) required for most development;

*Note: Where the Access does not form part of a dedicated road, suitable connections will be required to the public road system. Where community title or other arrangements are used to manage the UIA the Access may be utilised for car parking. This is generally defined by a suitable kerb and/or bollards.*

- ii **WSUD infrastructure:** 5-20 metres width - from the Access to the retained bushland used for WSUD treatment including swales, wetlands, pond chains, gross pollutant traps, etc., as required by onsite investigation. This forms part of any required APZ;

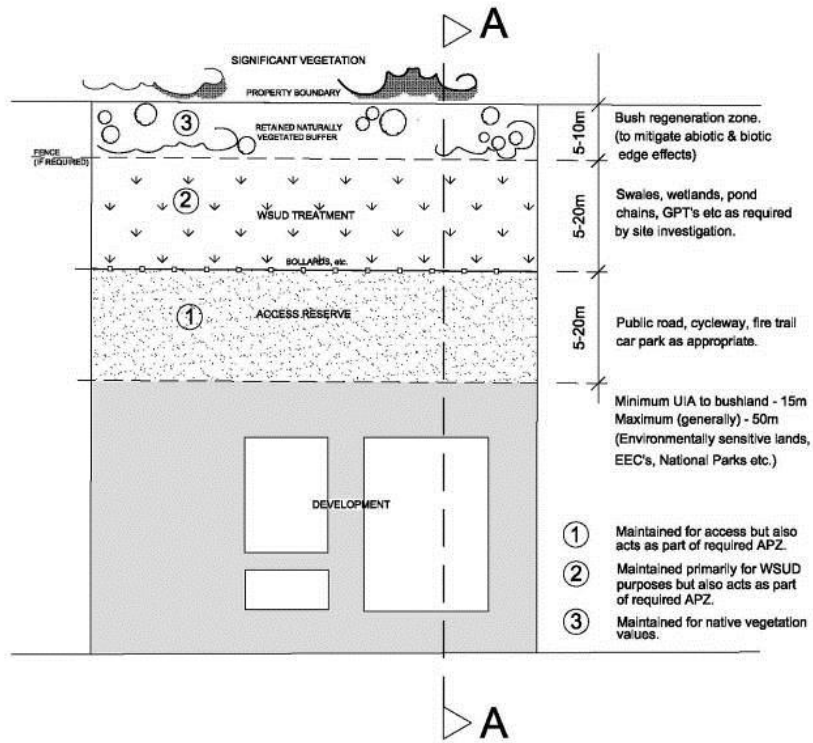
*Note: Where WSUD is not required a minimum width of 5m will be required, forming part of any required APZ and acting as an additional buffer to the retained significant vegetation to reduce edge effects. This is generally defined by a fence or bollards to delineate the APZ maintenance area if WSUD measures are not required.*

- iii **retained naturally vegetated buffer:** 5-10 metres minimum width - from the WSUD infrastructure to the boundary of the lot containing significant vegetation to be retained (or the natural watercourse) is to be retained as a naturally vegetated buffer zone. No vegetation removal or modification apart from bush regeneration will be permitted within this area.

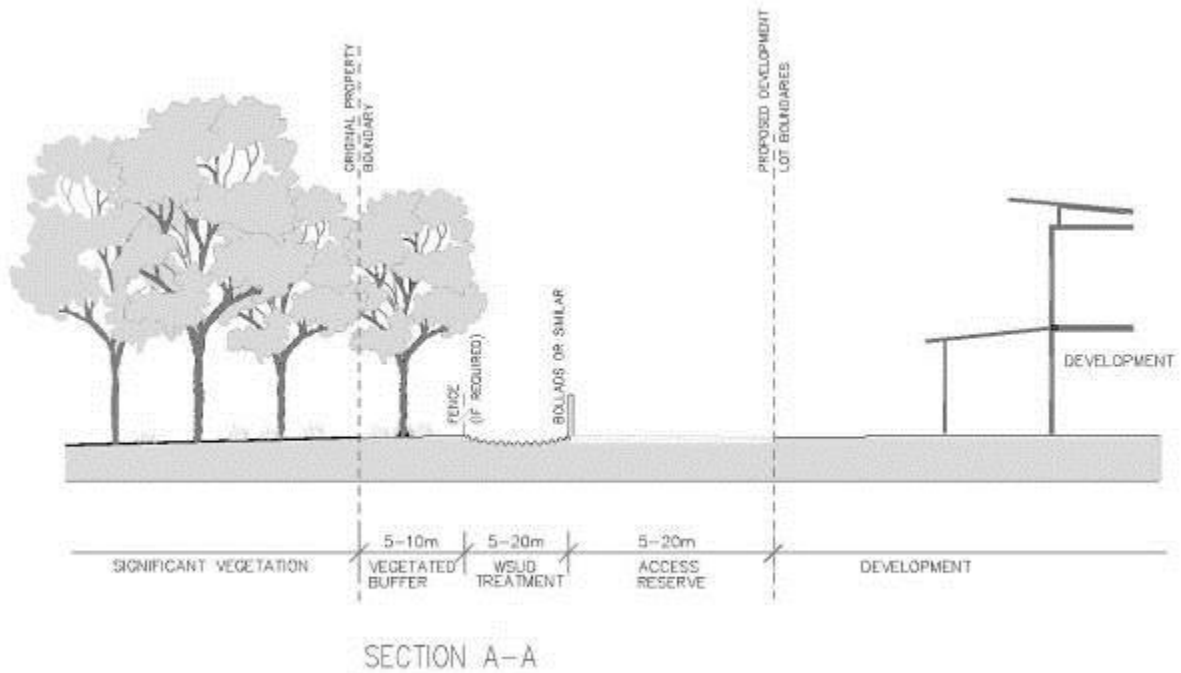
*Note: This buffer exists to minimise both biotic (impacts of drainage infrastructure, weed invasion, nutrient increase etc.) and abiotic (noise, wind, dust, light, litter etc.) edge effects on land adjoining the proposed development site, thereby mitigating environmental impacts.*

- j Applicants should consult with the NSW Office of Water to determine the minimum vegetated riparian zones required, which are depending on the 'order' of the watercourse as defined under the Water Management Act, 2000, and to ascertain any additional approval requirements.
- k The application of the UIA model will be determined by the specific characteristics of each individual site, and will be assessed on a case by case basis for each subdivision type:
  - i **residential subdivision:** In the majority of cases for residential Torrens title subdivision the key elements of the UIA (retained vegetation, WSUD treatments and access) will be suitably constructed and deeded to Council as road reserve and/or reserve, as appropriate. Council will assume the maintenance burden for these assets in accordance with standard practice;
  - ii in some cases Community Title subdivision may be the developer's preference, and in this case the elements of the UIA may be retained within the property as a "Community Lot" with management undertaken by the Community Association in accordance with the relevant management plan;
  - iii **rural residential subdivision:** The model may be applied on larger rural lots as a permanent buffer to retained native vegetation on the property. This permanently delineates the cleared area containing the building envelope, waste water management area and associated infrastructure. In this case, all ongoing management will be the responsibility of the individual owner with suitable ongoing management via suitable title covenants, Property Vegetation Plans or similar;
  - iv **industrial / commercial subdivision:** Industrial / commercial development does not necessarily have to provide perimeter roads and therefore all elements of the UIA may be contained within the final development lot(s). In this situation, the ongoing management of UIA elements will be controlled via suitable title covenants and rights of access, with the overall property owner or strata body vested with maintenance responsibilities.





**Figure 5 Plan view of UIA Model for subdivision abutting significant vegetation**



**Figure 6 Section view of UIA Model for residential subdivision abutting significant vegetation**

## 3.10 Community Safety and Security

### OBJECTIVES

- To encourage subdivision design which promotes a safe environment for all pedestrians and cyclists, particularly the elderly and children, at all times
- To facilitate development which enhances community safety
- To enable design which facilitates access and egress by emergency service vehicles
- To encourage the development of a sense of community amongst neighbourhood residents in new areas
- To ensure the principles of Crime Prevention Through Environmental Design (CPTED) are implemented and sustained

### REQUIREMENTS

- a Street design is to limit vehicular speeds, and include design criteria and devices which enhance pedestrian safety.
- b Lot design must enable appropriate surveillance of future development, transport and access routes and open space while protecting the privacy of residents.
- c Lot layout is to enhance personal safety and minimise potential for crime and vandalism.
- d Sight lines are to be preserved at all intersections.
- e Lighting shall be provided for safety and to engender a feeling of security and shall satisfy the relevant Australian Standards.
- f Public footpaths/thoroughfares are to be visible from dwellings and roadways in the subdivision design to promote natural and passive surveillance.
- g Public areas (e.g. Public phones and public furniture, common areas, footpaths, vehicle access and building entries) are to have focused lighting for safety and surveillance.

## 4.0 RESIDENTIAL SUBDIVISION

Lots are to have sufficient area to enable the construction of a permissible development (primarily for residential purposes) and its necessary services, vehicle access, parking and optimal private open space, without the need for excessive terracing (earthworks) and with maximum opportunities for privacy, solar access and the retention of significant vegetation.

### OBJECTIVES

- To ensure that lot size takes account of the natural features of a site and locality
- To encourage subdivision lot sizes which meet community and economic needs, while ensuring that ecological, social and scenic values are secured

- To provide for lots of sufficient size to satisfy the needs of future residents and a variety of development types
- To encourage diversity in lot size and opportunities for housing choice
- To provide for lots which will accommodate well designed and innovative development
- To encourage a range of infill subdivision developments without compromising the character and the resources of established areas

## REQUIREMENT

All residential zone subdivision design is to have regard for the General Design Principles within Section 3 of this Part, together with the following.

### 4.1 Lot Size

#### OBJECTIVES

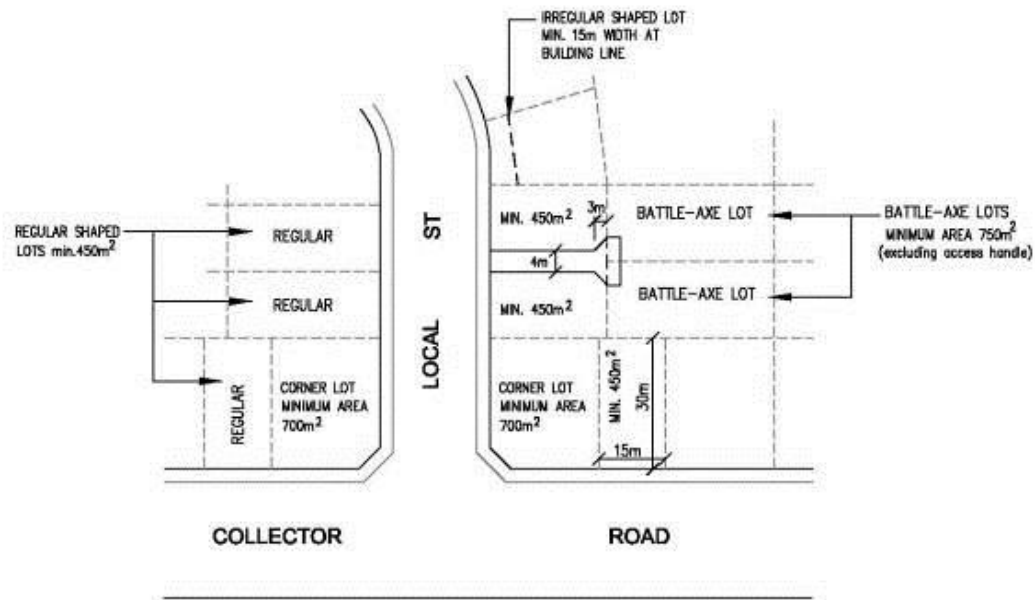
Lots are to have sufficient area and take into account opportunities:

- To enable water and energy efficient design of buildings and services
- To encourage waste minimisation, collection and disposal
- To assist conservation of habitat for native fauna and flora
- To retain of significant natural features
- To ensure privacy and security of residents
- To preserve local character

#### REQUIREMENTS

- a The minimum area for lots proposed within the Residential R2 zone is 450m<sup>2</sup> under WLEP 2013. Appropriate areas and dimensions for the proposed lots will have further regard to the slope and character of the land (Table 2).
- b The appropriate minimum lot size within other residential zones is generally considered to be 450m<sup>2</sup>, however, will range according to the site characteristics, such as location, slope, drainage, vegetation, required setbacks, and the form of development proposed.
- c The minimum width of a lot is 15 metres, measured at the building line.
- d For multi-lot subdivisions, a range of lot sizes is required to be provided. Council will favourably consider a mix of lot sizes which exceed the minimum requirements in order to accommodate a variety of housing types (Refer Figure 7).
- e In order to promote diversity, affordability and housing choice, where the subdivision of land under 450m<sup>2</sup> is permissible, any subdivision of land with slopes less than 10% and proposing 10 or more lots, is required to have at least 10% but not more than 20% of the lots meeting the minimum lot size of 450m<sup>2</sup>.
- f Lots are to have street access and frontage or legal and physical access to a street frontage.

- g Additional requirements apply to corner and battle-axe allotments which may exceed the minimum requirements detailed in Table 2 (refer s.4.1.3 and s.4.1.4).
- h Special requirements apply where Small Lot Housing Development is proposed (refer s.4.1.5)



**Figure 7 Variety of lot sizes – Category A slope**

### 4.1.1 Slope

#### OBJECTIVES

- To ensure that lot size takes account of the natural features of a site and locality
- To ensure that geotechnical constraints are taken into consideration
- To minimise the adverse impacts of subdivision on the environment

#### REQUIREMENTS

- a Lot sizes should be increased as slope increases in accordance with the standards specified below in Table 2.
- b The slope of the land is measured as the average slope perpendicular to the contours.
- c Levels shown on plans are to be relative to Australian Height Datum.
- d The table refers to land subdivision (Deposited Plan) and Community Plan subdivision. It does not relate to Strata Plan subdivision.
- e The subdivision of lands with slopes exceeding 25% is generally discouraged. Where subdivision is proposed, lots need to be of sufficient size to accommodate a building platform, appropriate access and servicing with minimal site and vegetation disturbance.

- f There are special requirements for corner and battle-axe allotments which may exceed the minimum requirements detailed below.
- g The following Table 3 identifies additional information requirements to be submitted in accordance with the different slope categories identified in Table 2.

Zone	Slope (%)	Slope Category (refer to Table 3)	Recommended Area per Lot Created	Minimum Width in any Direction
All Residential Zones (Single dwelling lots)	0-10%	<b>A</b>	450m <sup>2</sup>	15m
	11% -15%	<b>B</b>	600m <sup>2</sup>	18m
	16% - 20%	<b>C</b>	1000m <sup>2</sup>	20m
	21% -25%	<b>D</b>	1200m <sup>2</sup>	25m
	> 25%		See Note 2, below	
Battle axe lots (excluding access handle)	10 %	<b>B</b>	750m <sup>2</sup>	20m
	11%-15%	<b>C</b>	1000m <sup>2</sup>	
	16%-20%	<b>D</b>	1200m <sup>2</sup>	Refer to Table 3 for access widths

**Table 2 Recommended lot size requirements for various slopes and lot types**

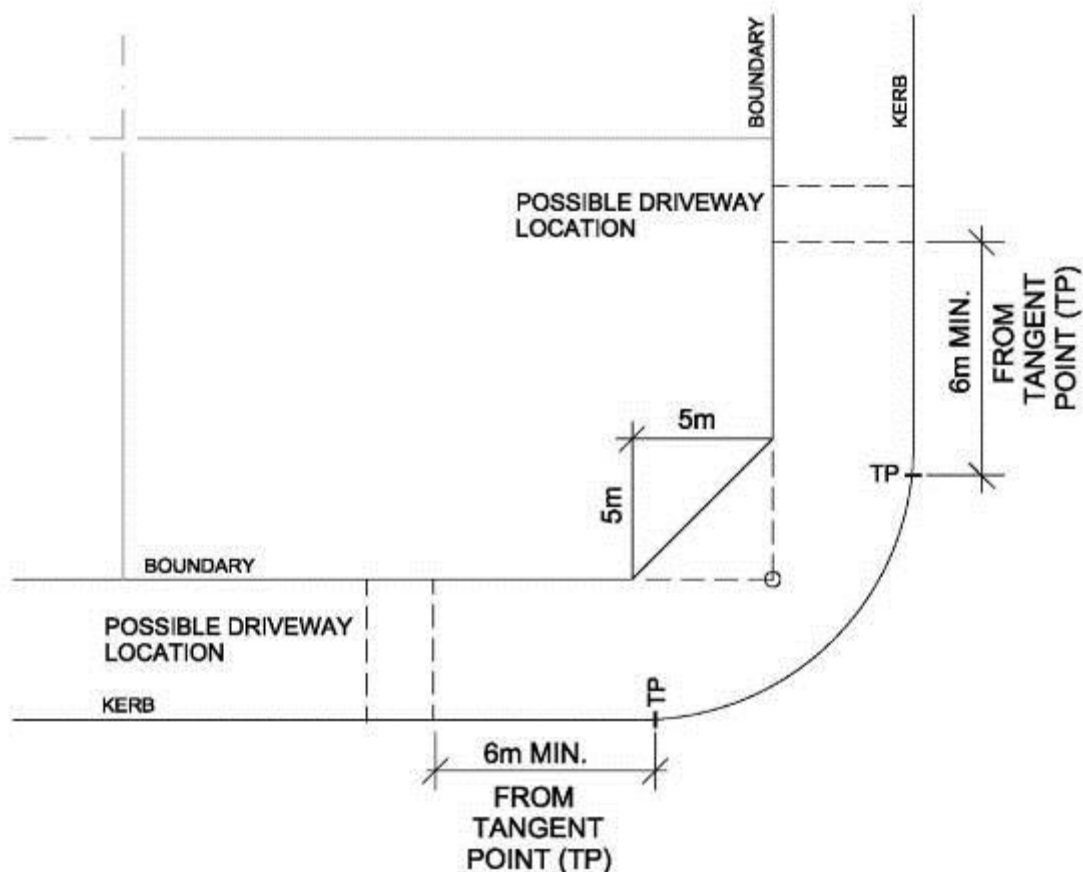
Slope Category	Requirements
Category A	Details of any retaining walls (including height, location and extent of cut and/or fill) required to permit construction of a dwelling.
Category B	Matters required under Category A Identification of a building footprint satisfying the objectives and requirements of the design element Vehicular access details and accommodation for 2 cars satisfying the objectives and performance requirements of residential subdivision. Retaining wall heights are to comply with section 3.3 of this Part.
Category C	Matters required under Category B Demonstrate driveway details to the building line from property boundary if fill is to be greater than 300 millimetres. On-site drainage details Proposed residential footings layout
Category D	Matters required under Category C Specified building design for the site.

**Table 3 Required information to be submitted for the various slope categories**

#### 4.1.2 Corner Lots

#### REQUIREMENTS

- a Corner lots should have a minimum area of 700m<sup>2</sup> for the purpose of providing adequate area for addressing dual streetscape impacts, privacy issues, setback implications and intersection sight lines. The larger area will also provide opportunities for subdividable corner lot Dual Occupancies.
- b Safe intersection sight distance and essential sight distance are to be provided in accordance with Austroads Part 5 and 6 for conventional intersections and roundabouts respectively.
- c A 5 metres x 5 metres corner boundary splay shall be provided on every corner lot to improve sight lines for vehicles and pedestrians (Refer Figure 8).
- d Driveways for corner lots at non-signalised intersections are to be set back as far as possible from the intersection, and must be a minimum of 6 metres from the tangent point of the kerb return, as shown in Figure 8.
- e Driveways for corner lots at signalised intersections are to be generally set further back to beyond the influence of queue lengths or are required to be serviced by alternate means, e.g. an access handle or right of carriageway from another street.
- f Driveways for corner lots adjacent to roundabouts or channelled intersections are to be generally clear of the intersection islands and pavement marking unless the intersection can be safely designed to accommodate access to the lots. Alternatively an access handle or right of carriageway from another street will be required.



**Figure 8** Corner lots showing the 5m x 5m splay and the minimum 6m setback for driveways

### 4.1.3 Dual Occupancy

#### REQUIREMENTS

- a Under the provisions of the WLEP 2013, where permissible, and where resultant lots meet the minimum lot size for the zone, an application may be lodged for the subdivision of dual occupancies to create lots containing:
  - i for dual occupancy attached buildings, semi-detached dwellings;
  - ii for detached dual occupancies, two (2) dwelling houses.

*Note: Notwithstanding minimum lot size requirements, Clause 4.1B of WLEP 2013 permits the lodgement of an application for construction and subdivision of Dual Occupancies on land zoned R2 – Low Density Residential. A subdivision certificate will not be issued until all works required under the relevant development consent are completed, unless outstanding works are bonded appropriately.*

- b Land subdivision proposals for detached Dual Occupancy will be assessed in accordance with the design and layout of the approved Dual Occupancy development. The lot size will be determined by adequate services provided for each lot and adequate amenity and privacy for each dwelling.

#### **4.1.4 Battle Axe Lots**

##### **REQUIREMENTS**

- a Battle Axe Lots are allotments that only have a driveway access frontage to the street. Access to these lots is obtained via a battle axe access handle from the street or a right of carriageway over an adjoining property which has street frontage (Refer Figures 9-12 below).
- b The recommended lot size for Battle Axe Lots is 750m<sup>2</sup>. For the purpose of calculating the lot size, the access handle to the lot is excluded.
- c The minimum access handle width varies depending on the number of lots that are proposed to be serviced (refer Table 4).

*Note: Applicants should refer to s.4.1.4.1 in relation to requirements for access handle and pavement widening at the intersection with the public road.*

- d The maximum number of allotments or dwellings to share an access handle is 4 lots (refer Figure 11).
- e The maximum longitudinal grade for an access handle shall be 20% and shall be in compliance with AS/NZS 2890.1.
- f Passing bays may be required where an access handle contains a bend.
- g Services are to be provided within each access handle.
- h Where the access handle services more than one lot or passes through another lot, the handle shall be supported by a right of access easement (Right of Carriageway).
- i Where the handle access is to a collector road or where it serves 3 or 4 lots, pavement and access handle widening will be required to provide for vehicle swept paths for the queuing and the simultaneous entry of vehicles.
- j Where the handle serves three or more dwellings or is greater than 50m in length, vehicles must be able to enter and exit the access handle in a forward direction. Turning heads must be provided at the end of the handle. The turning head must be supported by a right of carriageway.
- k The egress point must provide adequate sight distance in accordance with the relevant standard for vehicles and pedestrians on the frontage road.

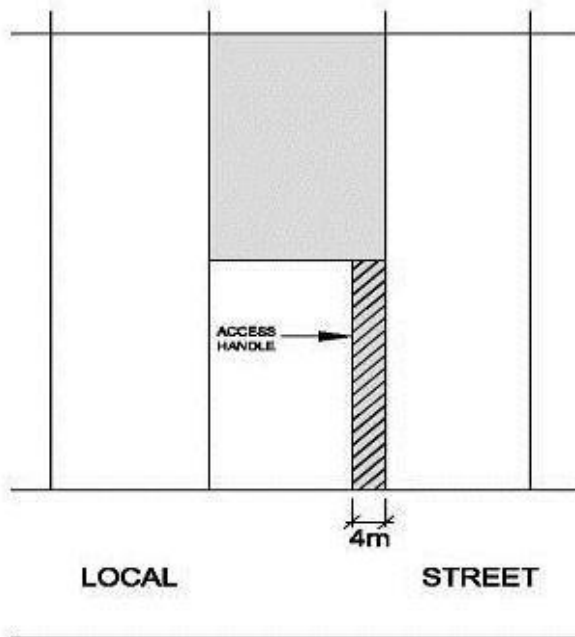
- Blind bends are not permitted for new subdivisions. Consideration may be given to these for infill development provided a suitable traffic control treatment is provided.

Lots Served	Minimum Access Handle Width	Minimum Pavement Width
1 and 2 lots	4 metres	3 metres, with 5 metre passing points at 40m intervals and bends
3 and 4 lots	6 metres	4 metres, with 5 metre passing points at 40m intervals and bends

**Table 4 Battle axe minimum access widths**

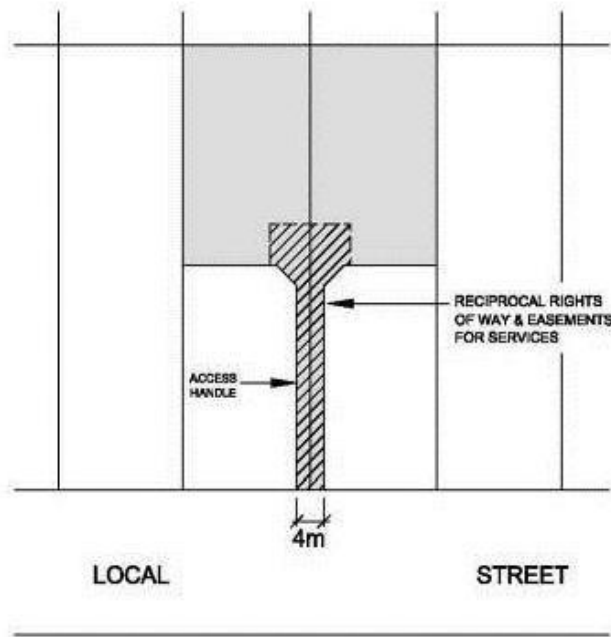
**4.1.4.1 Access Location Restrictions Affecting Lot Layout and Design**

- a Right of carriageway or access to battle-axe handles are not permitted to be located within the restricted areas to intersections as defined in AS/NZS 2890, Parts 1 and 2.
- b Access driveways shall not be located over or in the vicinity of Pedestrian or School Crossings or other traffic management facilities.
- c The street design and lot layout is to consider the likely location of lot accesses, with regards to the provision of adequate sight distances in accordance with AS/NZS 2890 and the Austroads Guidelines, Part 5.

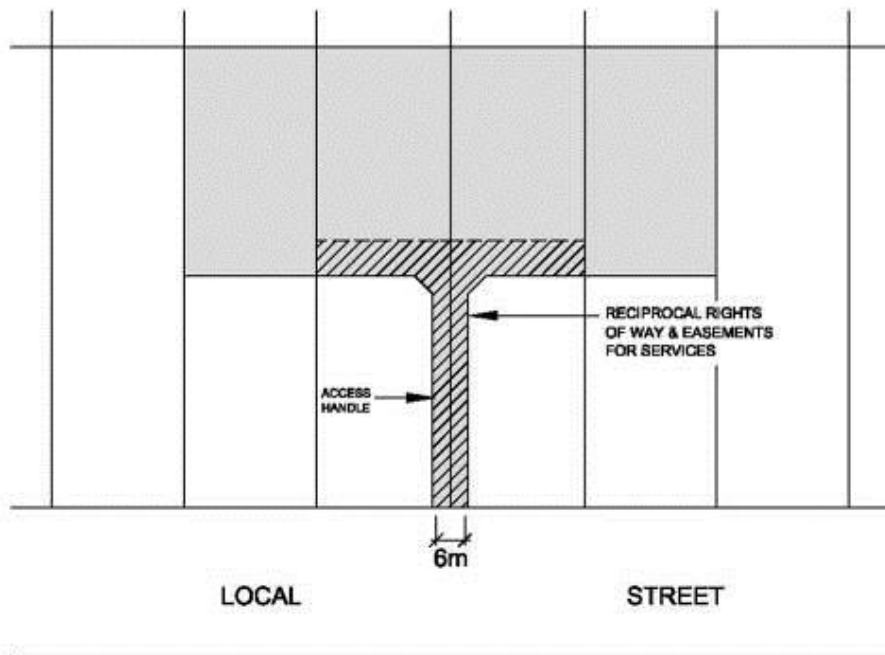


**Figure 9 Battle-axe handle servicing 1 lot**



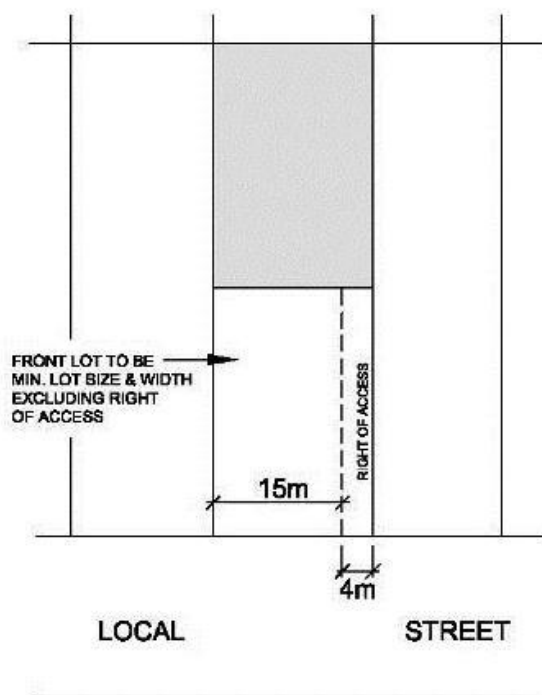


**Figure 10** Battle-axe handle servicing 2 lots



**Figure 11** Battle axe handle servicing 4 lots

*Note: Refer to s.4.1.4.1 for pavement and access handle widening requirements*



**Figure 12 Battle axe lot with a right of access**

### 4.1.5 Small Lot Housing Development

Small Lot Housing Development refers to subdivision of five (5) or more lots where overall site planning and individual dwelling designs are provided concurrently with the subdivision application.

#### OBJECTIVES

- To encourage diversity in lot size and opportunities for housing choice
- To ensure that lot size takes account the natural features of the site and the locality
- To encourage development which takes account of the constraints and challenges presented by small lot housing and maximises opportunities for quality development
- To facilitate affordable housing opportunities within a locality
- To preserve the essential character of the locality while providing for contemporary housing needs in keeping with community expectations in established areas

#### 4.1.5.1 Small Lot Housing in the R2 Low Density Residential Zone

In accordance with WLEP 2013 Clause 4.1B - Exceptions to minimum lot sizes for certain residential development, in the R2 Low Density Residential Zone, development consent may be granted to a single development application for development that is subdivision of land into 5 or more lots and the erection of a dwelling house on each lot resulting from the subdivision.

#### REQUIREMENTS

- a Applications for Small Lot Housing must address the requirements of Clause 4.1B of WLEP 2013.
- b Building Design:

Part 4                      Subdivision

- i      small lot housing development proposals shall include the submission of individual dwelling designs for each lot;
  - ii     applicants shall have regard for the principles within Chapter 2.1 Housing and Ancillary Structures
  - iii    dwelling designs shall provide for variation and architectural interest.
- c      Lot Size and Design:
- i      small lot housing development is to be confined to areas where the natural slope of the land is no greater than 15%;
  - ii     lot size is within the range of 200m<sup>2</sup> to 450m<sup>2</sup>. These lot sizes are only considered when lodged as part of a Small Lot Housing Development;
  - iii    lots should have a minimum lot area of 200m<sup>2</sup> and a minimum width of 7.5m at the building line;
  - iv     lots are to be generally rectangular in shape;
  - v      lots are to have sufficient area to enable the construction of an energy and water efficient dwelling house with adequate services, vehicle access and parking;
  - vi     proposals for achievement of the maximum potential lot yield are required to satisfy Council that an acceptable level of privacy and solar access will be available for residents of the site and for neighbouring sites.
- d      Setbacks:
- i      proposals may seek to justify variations to the setback requirements of Chapter 2.1, based on the qualities of the design;
  - ii     a zero side or rear boundary setback will not be permitted where the land adjoins a conventional housing lot;
  - iii    where the development proposes (and justifies) a zero side boundary setback to an allotment within the development, no windows or openings will be permitted in that part of the wall standing on the boundary. In this circumstance, a 1.0m wide maintenance easement is to be created on the adjoining title. No gutter, downpipe, eave or the like shall project onto the adjoining lot.
- e      Summary of Application Requirements:
- i      all applications for 'small lot housing development' as defined in this Part, shall include complete details of the proposal which identify:
    - site analysis;
    - proposed lot boundaries and dimensions;
    - proposed house designs;
    - side and front setbacks;
    - driveway and car parking locations;
    - relationship of private open space to neighbouring properties;

Part 4 Subdivision

- the length of any external wall on a boundary and proposed easements for maintenance, etc.;
- details of any retaining walls (including height, location and extent of cut and/or fill, drainage details, etc.).

*Note: A subdivision certificate will not be issued until all works required under the relevant development consent are completed, unless outstanding works are bonded appropriately.*

#### **4.1.5.2 Small Lot Housing in the R1 or R3 Residential Zones**

In the R1 and R3 zones, Small Lot Housing proposals are to be assessed as multi dwelling housing under Chapter 2.4 of WDCP 2013.

## **4.2 Street Orientation and Lot Design for Solar Access**

### **OBJECTIVES**

- To promote energy conservation principles
- To ensure lots are oriented to maximise their potential to receive solar access
- To enable lot shape and orientation which facilitates the design and construction of development which is:
  - i energy efficient;
  - ii attractive and functional;
  - iii environmentally sustainable; and
  - iv has capacity to provide a quality lifestyle which encourages community interaction

### **REQUIREMENTS**

- a Streets are to be aligned generally east-west and north-south where possible. Refer to Figures 13 and 14.
- b The design shall provide for lot orientation which maximises solar access by providing:
  - i lots with a north - south orientation (within the range of 30 degrees east of north and 20 degrees west of north), enabling the provision of north facing living areas within the dwelling and north facing private open space;
  - ii lots on the south side of east - west running streets shall have increased width to prevent overshadowing, and to provide for north-east and north-west facing private open space;
  - iii narrower and smaller lots are best suited on the northern side of east-west running streets, with north facing private open space; and
  - iv the midpoint of each lot shall have access to a minimum of 3 hours sunshine between 9 am and 3 pm on June 21 (the winter solstice).
- c Where streets are not orientated N-S and E-W, lots shall be angled to achieve better solar access and achieve maximum exposure to cooling breezes in summer.

- d Where possible, driveways should be on the western or southern side of any future dwelling, in areas less suitable for recreation spaces.

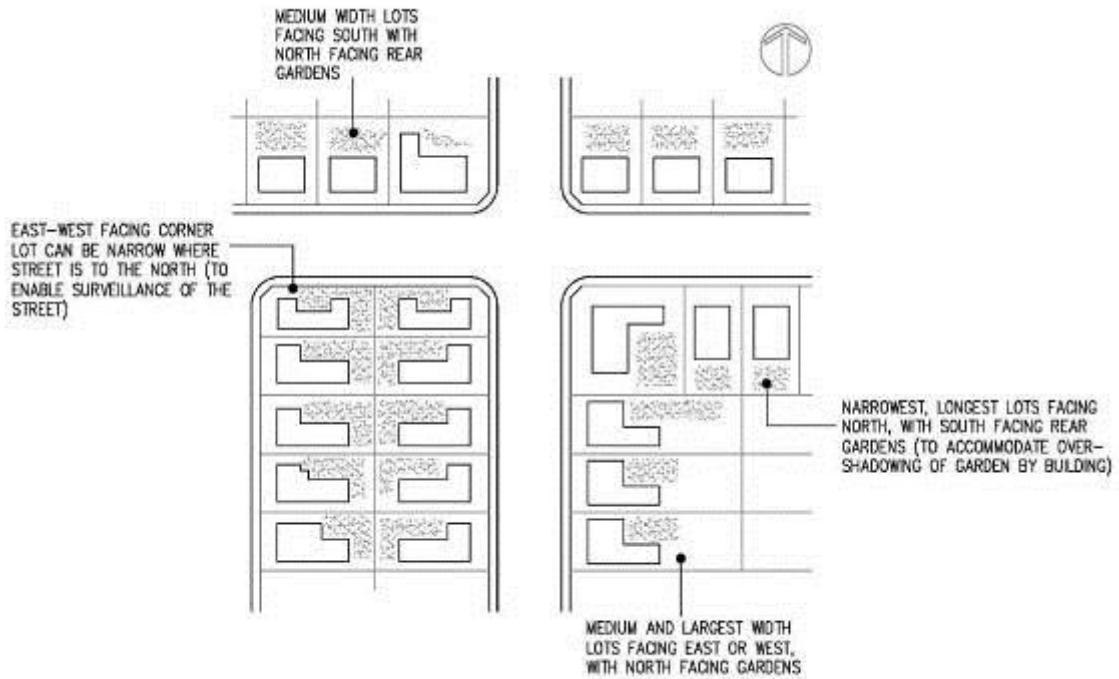


Figure 13 Lot orientation and design for solar access

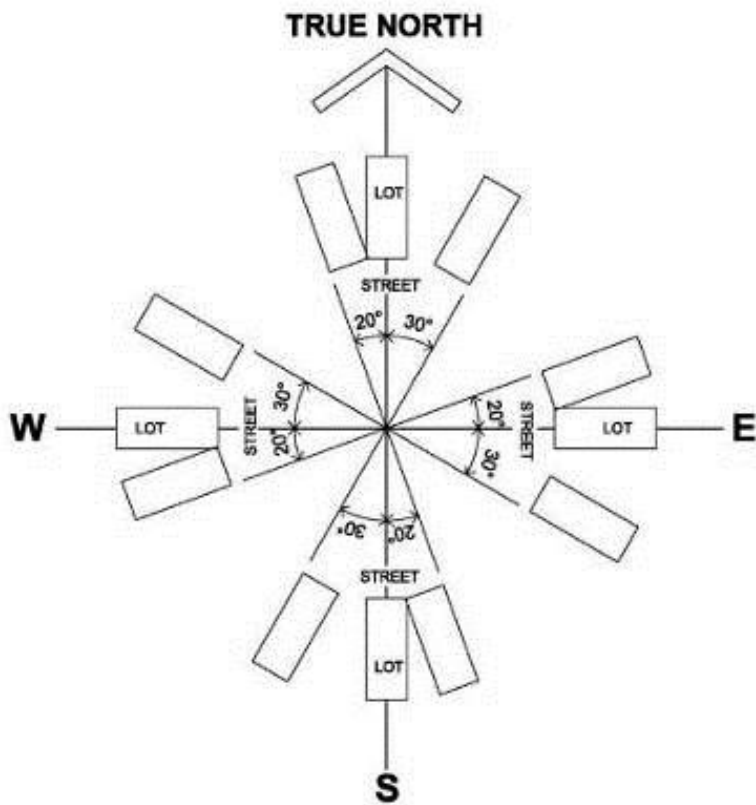


Figure 14 Solar access wheel

## 4.3 Urban Design

### OBJECTIVES

- To ensure quality design is achieved through subdivision ensuring allotments promote attractive amenity and visual privacy
- To ensure subdivision design is consistent with any established streetscape and the desired future character of the precinct / area

### REQUIREMENTS

- a The subdivision shall demonstrate best practice design in terms of individual elements including lot orientation, street scape and landscape design.
- b The design is to encourage and enable the development of a community focus through the design of public places and public art projects to generate community interest.
- c The design is to achieve public and private landscaped areas which are reflective of the character of the area.
- d The design promotes ordered but varied development.
- e In new areas, the design allows for a mix of housing opportunities within a locality.
- f In established areas, the design preserves the essential character of the locality while providing for contemporary housing needs in keeping with community expectations.

## 5.0 RURAL, SCENIC PROTECTION AND CONSERVATION ZONE SUBDIVISION

### OBJECTIVES

- To ensure that the lots created provide for a scale of development which will not compromise the scenic, ecological or conservation values of the environment
- To ensure the subdivision design is in character with the locality, is consistent with the natural landform and vegetation and is designed to minimise environmental impacts
- To ensure the pattern of subdivision reflects the natural features of the site, considers environmental constraints on site and minimises the amount of cut and fill on the land
- To ensure that the size, shape and the design of lots are appropriate for the individual zone objectives and the possible range of uses
- To ensure future development is not located in hazardous areas, including flood prone, bushfire prone and potentially unstable land

### REQUIREMENTS

All rural, scenic protection and conservation zone subdivision design is to have regard for the General Design Principles within Section 3 of this Part, together with the following.

## 5.1 Provisions of the Wyong Local Environmental Plan

- a Applicants should be aware that certain clauses within WLEP 2013 impact the potential for the subdivision of land. Particular regard should be had to clauses 4.1 and 4.2 and relevant mapping.
- b Each zone has specified objectives, which must be complied with for the subdivision to be considered permissible within the zone.

## 5.2 Lot Size and Design

- a Minimum lot sizes by zone are shown on the WLEP 2013 Mapping.
- b The minimum lot size may need to be increased to ensure there is adequate provision made for water supply, effluent and waste disposal and bushfire protection, as well as responding to the topography of the site and possible environmental constraints.
- c The requirements for corner lots outlined in section 4.1.2. b, c, d, e and f, apply to rural subdivision.
- d Where battle-axe lots are proposed, the requirements for battle-axe handles and easements for rights of carriageway and services outlined in s.4.1.4 are to be adhered to.
- e Where the access handle for a battle-axe lot is to be serviced by heavy vehicles then the handle must be widened as required to cater for heavy vehicle swept paths.
- f Generally access driveways are not to be located within the intersection and restricted areas as identified within AS/NZS 2890 and adequate sight distance is to be provided for vehicles and pedestrians.

## 5.3 Street Layout and Orientation

- a Requirements for verge and carriageway widths for rural streets are specified within Appendix B.
- b The design of the street network is to be in response to topographical features of the site and avoid low lying land that may be prone to flooding.
- c All lots are to have legal and physical access with adequate provision for two (2) wheel drive road access.
- d Design and construction of road geometry and road components is to be in accordance with Council's Civil Works – Design Guideline and Construction Specification.

## 5.4 Scenic Quality and Physical Constraints

During the subdivision planning and design, physical constraints of a site must be identified and mapped on the subdivision plan.

- a Subdivision design is to reflect all natural features or constraints on site and these features are not to be adversely impacted with development. These features may include:
  - i watercourses, drainage features and flood prone areas;
  - ii threatened species and their habitats;
  - iii significant ridgelines and rock outcrops;
  - iv slopes;

- v on-site effluent disposal areas;
  - vi aboriginal sites/relics;
  - vii vegetation.
- b The proposed plan of subdivision shall identify all vegetation on site including any threatened or endangered flora and fauna in accordance with Section 5A of the EPA Act. Where disturbance of native vegetation, wetlands, waterways or other sensitive environments is proposed, an ecological assessment and management plan is to be prepared in accordance with the Wyong Shire Council Flora and Fauna Guidelines for Development.
- c All subdivision applications are to indicate an appropriate building envelope for each lot and shall be designed around natural features and physical constraints of the site.
- d The subdivision design shall recognise that dwellings are not to be sited so as not to occupy dominant ridgelines and prominent locations.
- e Other relevant legislation may require additional approvals/permits for the retention of sensitive sites. Legislation may include the Native Vegetation Act 2003, or the Rivers and Foreshores Improvement Act, 1948.
- f Trees are to be retained on site where possible. All trees that are proposed to be removed are to be clearly identified on the VMP and Site Plan, with justification for their removal. An Arborists Report is required and shall be prepared in accordance with Chapter 3.6 - Tree Management.
- g Bushfire protection provisions are to comply with the document Planning for Bushfire Protection 2006, produced by the Rural Fire Service. Adequate Asset Protection Zones and safe perimeter roads are required for subdivision of rural and conservation areas.
- h Onsite effluent disposal will need to be catered for in rural areas not connected to the sewer mains. An increase in the area of an allotment, in addition to the buffer distance to watercourses, dams and vegetation will need to be considered. Applications must identify suitable areas on each allotment for effluent disposal appropriately located to service the identified building envelope, and include a preliminary geotechnical assessment identifying the suitability of the site for a future on site effluent disposal system.

## 6.0 INDUSTRIAL AND BUSINESS ZONE SUBDIVISION

### OBJECTIVES

- To provide industrial lots that are sufficient in size to cater for construction and building development, vehicle parking, access and loading facilities
- To maintain and enhance where possible the quality of the streetscape
- To encourage industrial and business development for employment generating zones by providing a variety of lot sizes for development opportunities
- To ensure lot sizes are created with the capacity to also accommodate:
  - i waste minimisation, energy and water efficiency
  - ii effective stormwater management,
  - iii appropriate buffer space, and



- iv heavy vehicle access where appropriate

## REQUIREMENTS

All industrial and business zone subdivision design is to have regard for the General Design Principles within Section 3 of this Part, together with the following:

### 6.1 Industrial Locality Plans

There are several industrial estates within the Shire with locality specific DCP Chapters, found in Section 6 of this Development Control Plan. These Chapters have provisions which prevail where conflicting provisions are identified. Applicants should consult the relevant Council staff for clarification where required.

### 6.2 Lot Size and Design

#### 6.2.1 Deposited Plan and Community Plan Subdivision

- a To maintain appropriately sited lots (on established b-double routes) for developments requiring heavy vehicle access, the minimum size for industrial development lots within Warnervale Business Park and Berkeley Vale West Industrial Estate is 5000m<sup>2</sup>.
- b Unless otherwise specified in Section 6 of this DCP, lot design is to accommodate setbacks for proposed future buildings of 15 metres from collector roads and 10 metres from minor roads.
- c Corner lot requirements (corner splays, sight distances and driveway locations) detailed in section 4.1.2 b, c, d, e and f, are required for industrial subdivision.
- d Lots are to be generally rectangular in shape and lot boundaries shall have regard to the landform and the character of the site.
- e Industrial and non-specific subdivision within business zones will not be approved on land with slope greater than 15%.
- f Lots are to be planned in order to accommodate functionality of the site. Chapter 2.12 – Industrial Development, is to be read in conjunction with this Part for the provision of industrial design standards.
- g Industrial subdivisions which generate battle-axe allotments shall not be permitted.
- h Industrial estates are to establish a design theme for elements such as:
  - i street planting;
  - ii estate entry business identification sign boards;
  - iii site entry pavement; and
  - iv other building form and site design elements.

#### 6.2.2 Strata Plan Subdivision

- a Where strata plan subdivision is proposed for industrial buildings/sites, individual car parking allocation is to be addressed, together with common areas, and is to be related to the floor space of the unit.

- b All landscaped areas, and freestanding signage for units will be required to be contained within common property.

## **6.3 Site Considerations**

### **6.3.1 Vehicle Access / Loading and Unloading Areas**

- a Detailed plans are required for proposed vehicular access and circulation, specifying vehicular movement, layout and turning circles in accordance with Australian Standard 2890.
- b An adequate area is to be shown on the plan for the loading/unloading and manoeuvring of B-Doubles on site where the industrial estate is accessed by roads approved as B-Double routes. B-Double uncoupling and lay-by areas are to be provided.
- c Lot size and shape is to have regard for the separation of car parking and loading facilities, so as not to cause conflict.
- d Sufficient area is to be provided for adequate turning circles on site to enable ingress and egress to be in a forward direction.
- e Vehicle driveways, ingress and egress are to be a minimum of 6 metres from the tangent point of the kerb radius and to be greater than 1.5 metres from the common side boundary with another lot.
- f Safe movement of all vehicles, including bicycles, is required to be addressed by producing adequate sight distances, in particular at entry and exit points, for the safety of all road users including pedestrians, in accordance with the relevant Australian Standards.
- g Industrial buildings and design shall conform with the industrial design principles in Council's Chapter 2.12 – Industrial Development.
- h Generally access driveways are not to be located within the intersection and restricted areas as identified within AS/NZS 2890, Parts 1 and 2, and adequate sight distance is to be provided for vehicles and pedestrians.

## **6.4 Street Layout and Design**

- a Industrial street carriageway and verge widths are to be in accordance with Appendix B.
- b The maximum longitudinal grade for any road shall not exceed 16%.
- c Cul-de-Sacs in industrial estates will not be approved unless a 5 metre wide laneway with a minimum 4 metre wide carriageway is provided to a public road, to permit through vehicular access.
- d Turning circle minimum radius is to be 13.5 metres (15.0 metres for B-Double routes) at the kerb line.
- e The design is to provide for access to public transport modes.
- f B - Double uncoupling areas shall be provided within the street system where the industrial estate is accessed by roads approved as B-Double routes.

## APPENDIX A ROAD DIAGRAMS

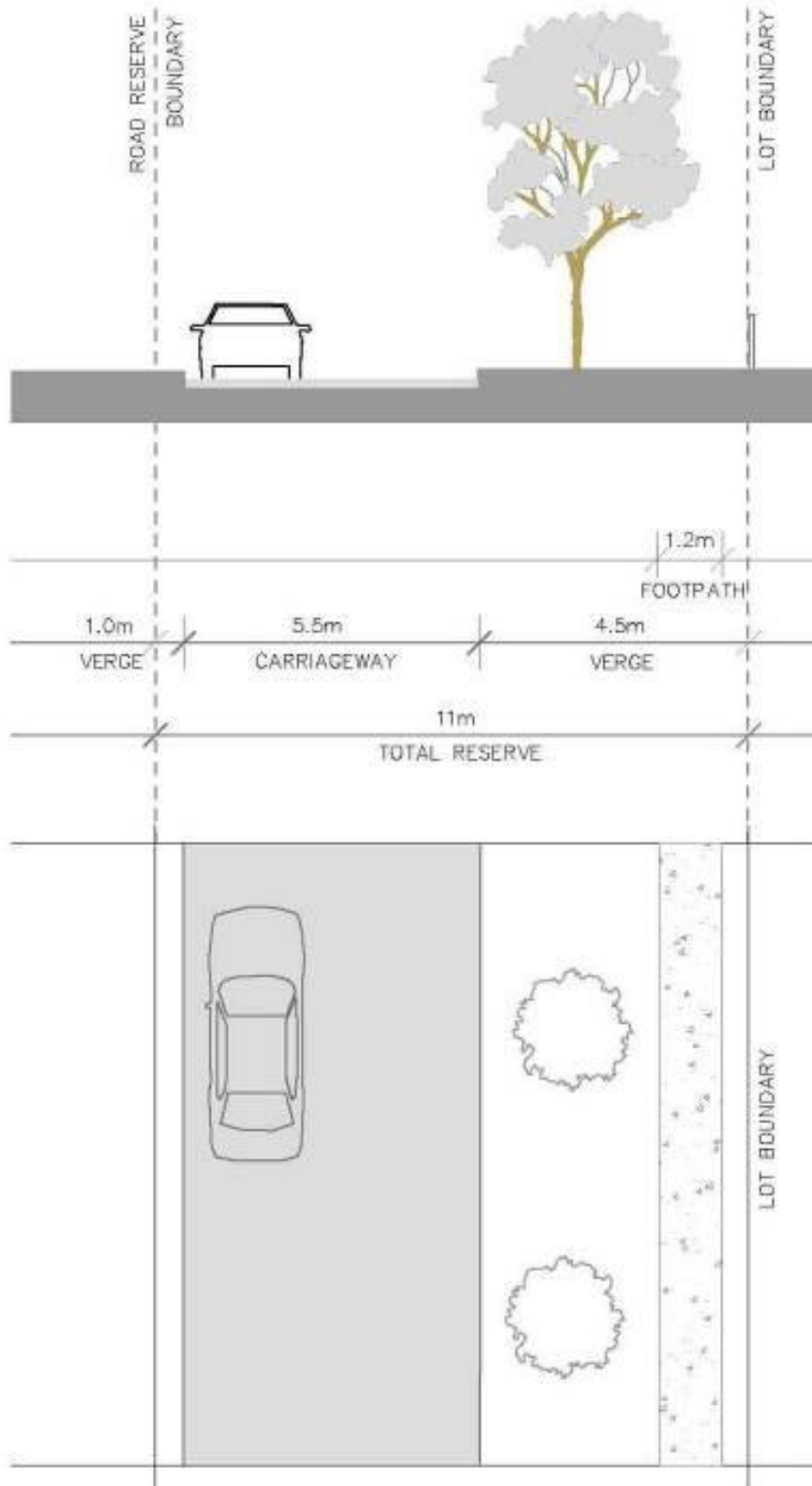


Figure 15 Access laneway

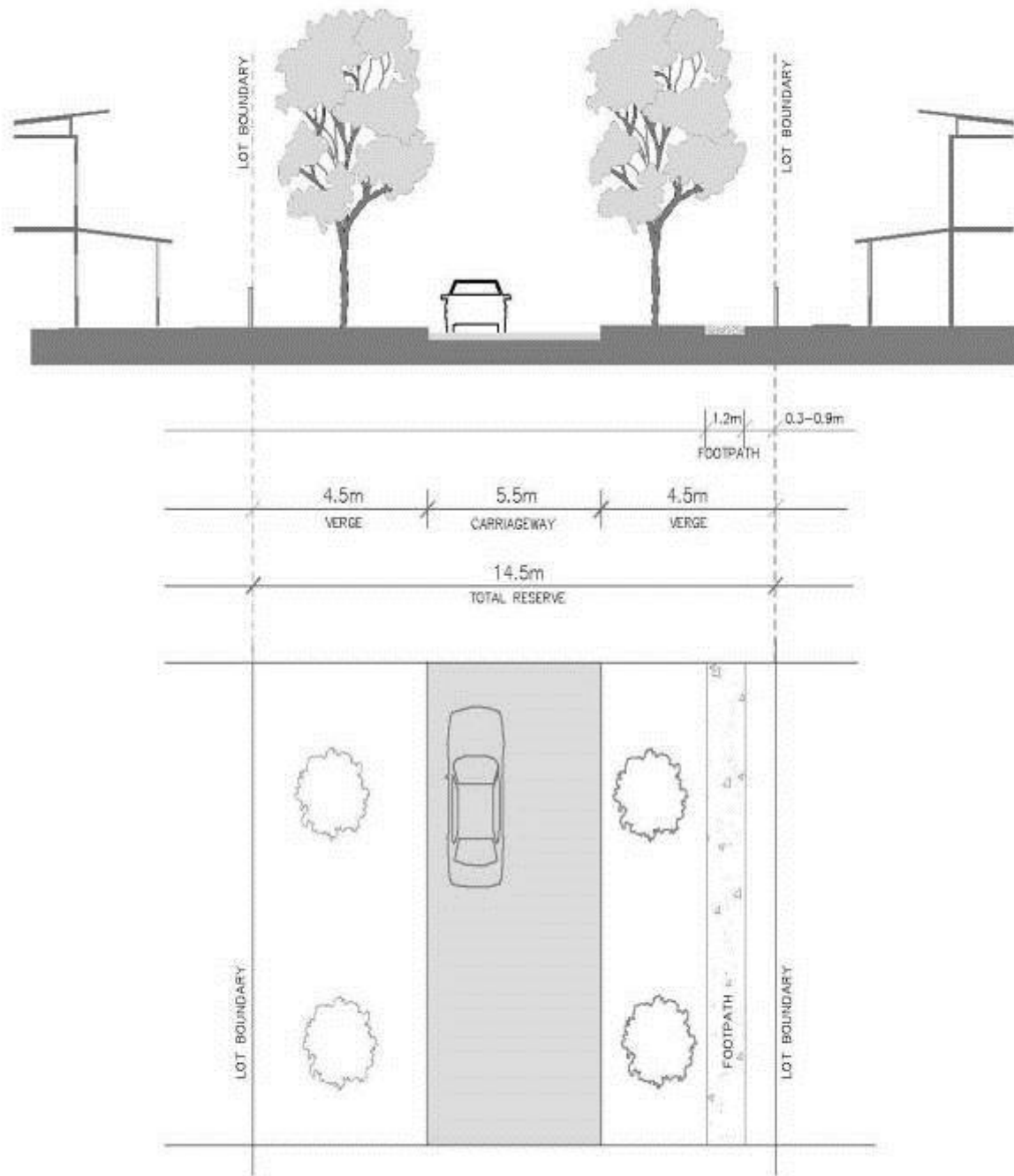


Figure 16 Access street

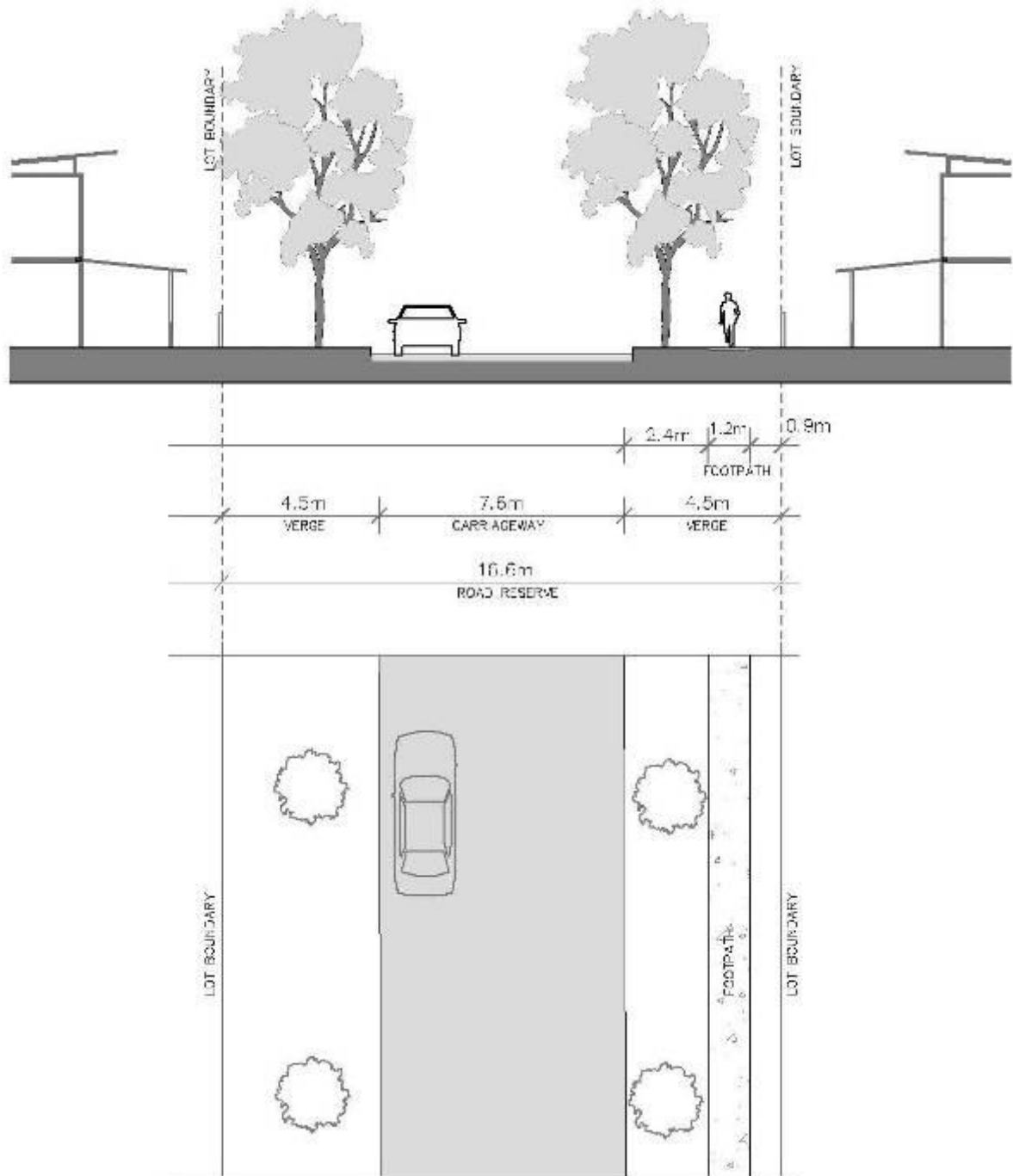


Figure 17 Local street

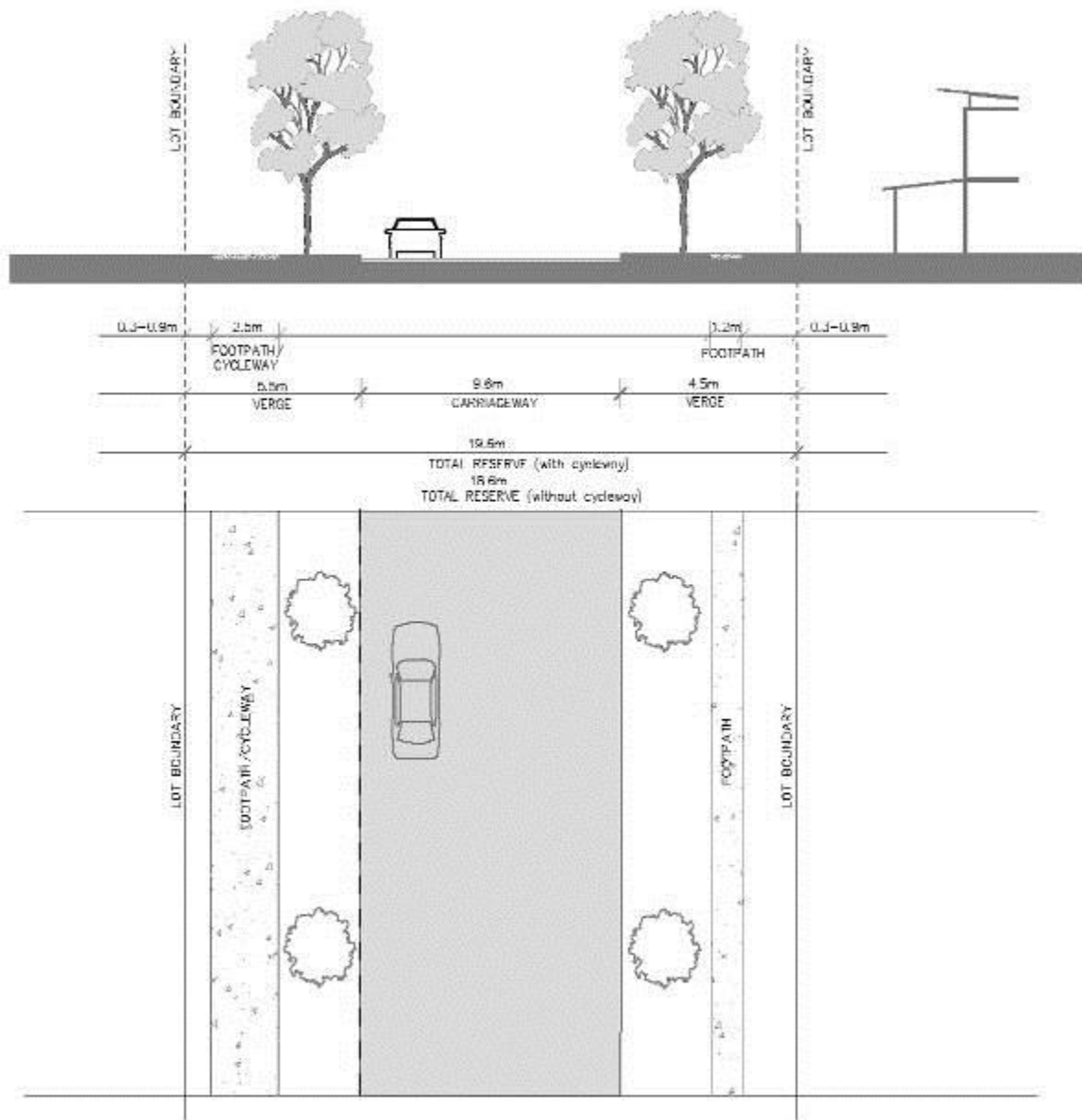


Figure 18 Collector road

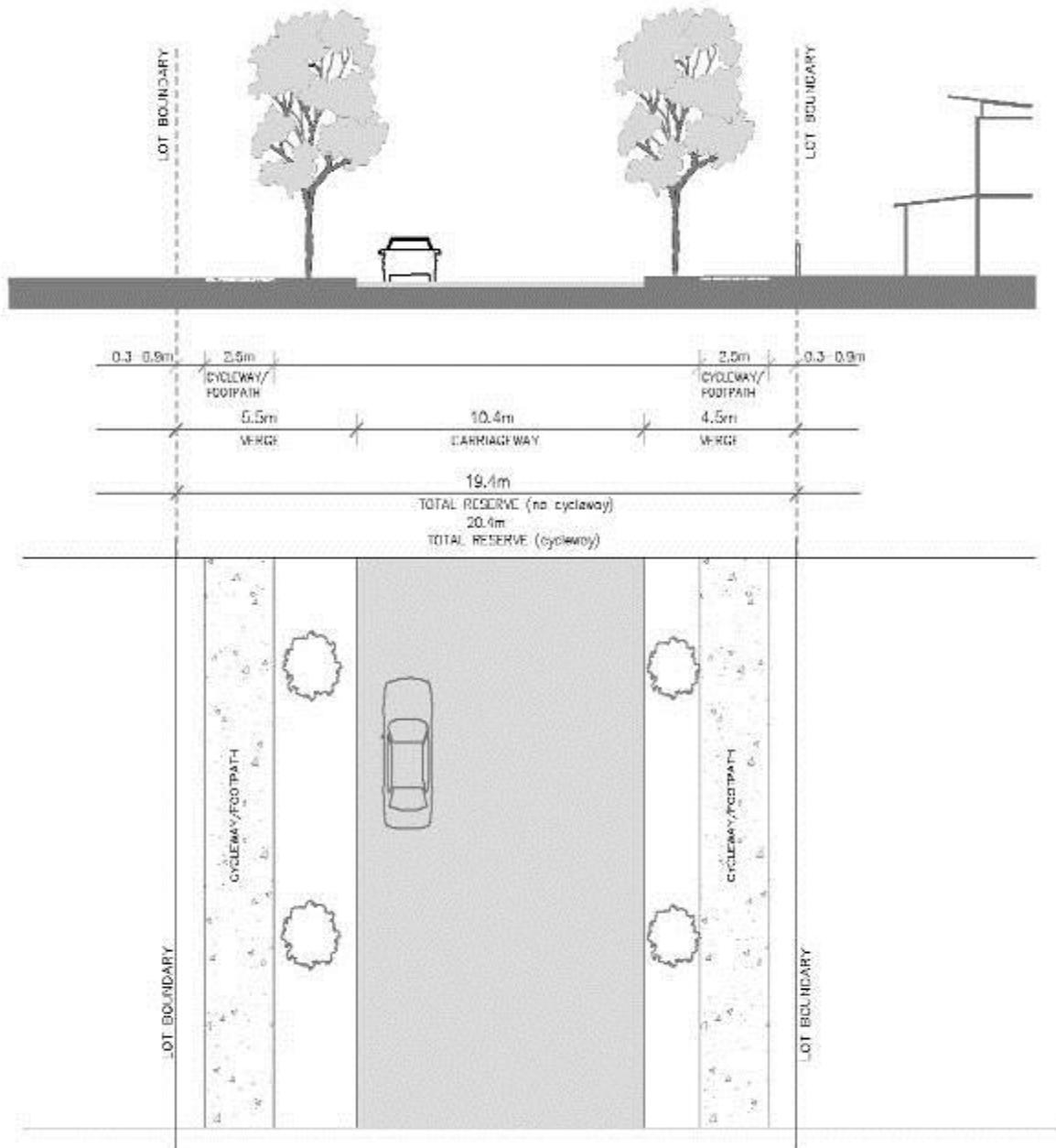


Figure 19 Distributor road

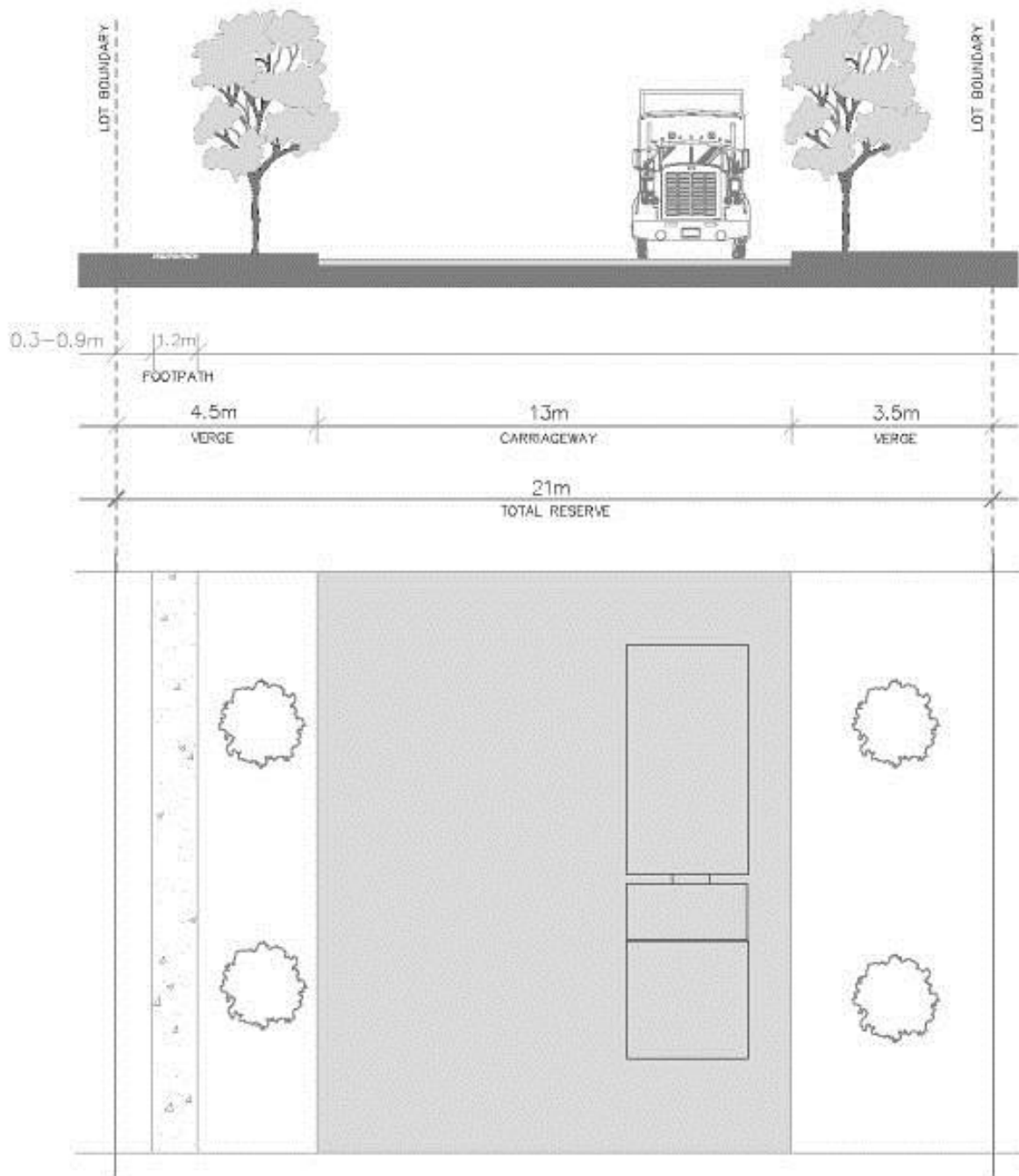


Figure 20 Industrial local street



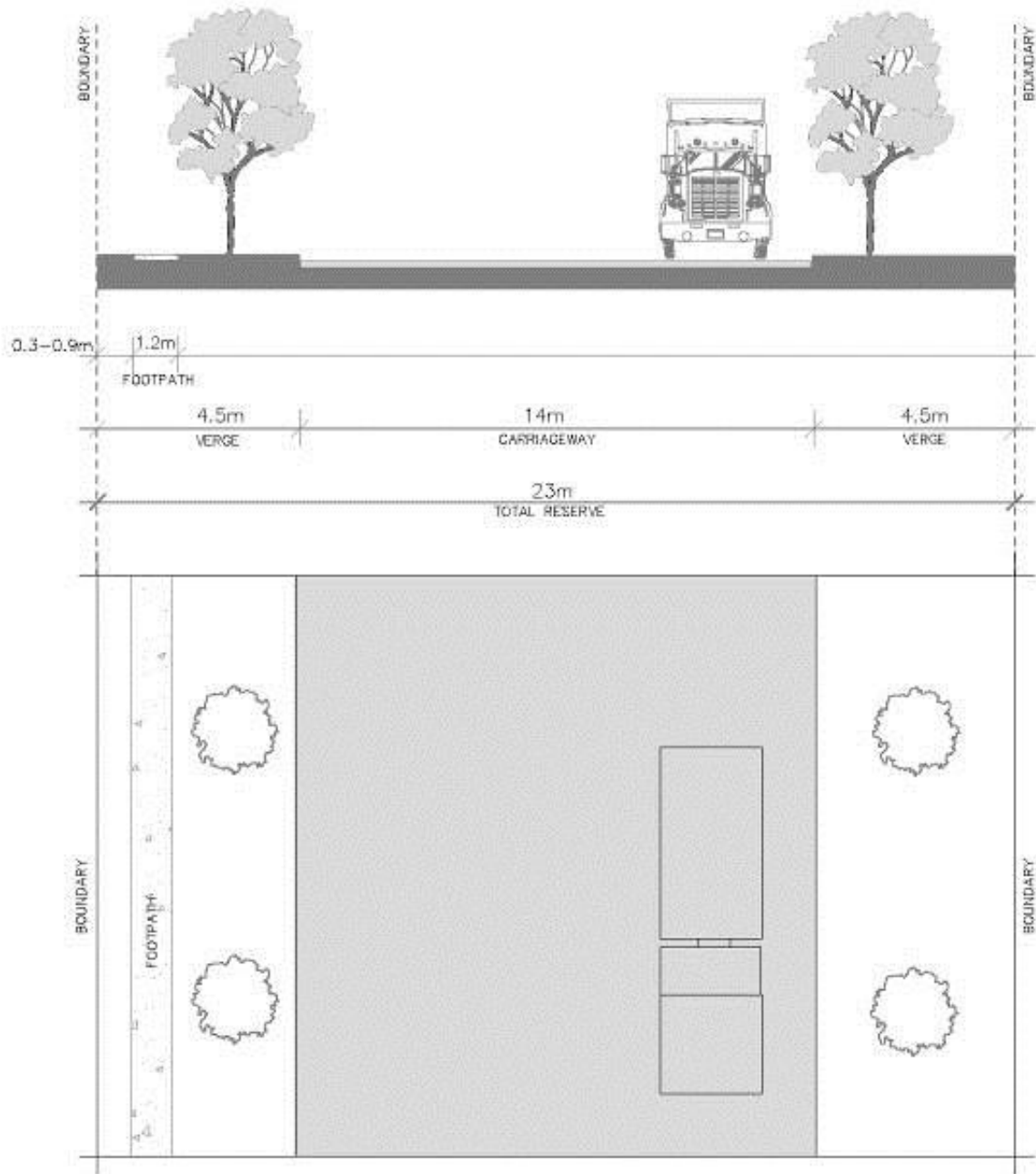


Figure 21 Industrial collector road

## APPENDIX B STREET TYPE, CARRIAGEWAY AND VERGE WIDTHS

Street Type	Indicative Max. Traffic Volume (v.p.d.)	Max. Street Speed (kph)	Verge Width (m) Each Side	Carriage-way Width (m)	Total Street Reserve Width (m)	Kerbing	Paved Footpath Provision	Cycleway Provision	Longitudinal Gradient
Access Laneway (Development one side only)	0-100	30	1.0 & 4.5	5.5	11	Rolled	1.2m wide (developed side)	N/A	1-16%
Access Street (Development both sides)	0-100	30	4.5 & 4.5	5.5	14.5	Rolled	None	N/A	1-16%
Local Street (Development on both sides)	0-2000	40	4.5 & 4.5	7.6 9 (minor bus routes)	16.6	Rolled Vertical	1.2m wide (one side)	N/A	1-16%
Collector Street	2000-5000	40	4.5 & 4.5 (add 1m if cycleway required)	9.6 12 (bus routes)	18.6	Vertical	1.2m wide (both sides)	May be Required*	1-16%
Distributor	> 5000	50	4.5 & 4.5 (add 1m if cycleway required)	10.4 12 (bus routes)	19.4	Vertical	1.2m wide (both sides)	May be Required*	1-12%
Bus Route		50	5.5 & 5.5 (add 1m if cycleway required)	12.0	28.5	Vertical	1.2m wide (both sides)	May be Required*	1-12%
Rural Zones	0-150 150-500 > 500	40 40 50	3.5 & 3.5 4.5 & 4.5 5 & 5	5 5.5 8	12m 14.5m 28m	Rolled/Dish Rolled/Dish Rolled/Dish	N/A	N/A	1-16%
Industrial Zones						Vertical	1.2m wide (one side)	May be Required*	1-12%
Local	0-500	40	3.5 & 4.5	13	21m				
Collector	> 500		4.5 & 4.5 (add 1m if cycleway required)	14	23m (or 24m with cycleway)				

*Note: Cycleways may be required due to nearby facilities such as schools or shops. This is to be determined by reference to any locality specific DCP and also by merit based assessment of the subdivision development application.*

## APPENDIX C PROCESSES OF IMPLEMENTING A SUBDIVISION CONSENT

### C1 Subdivision Construction Certificate

- a A Principal Certifying Authority (PCA), appropriately an Accredited Certifier or Council, must be appointed for the issuing of the Subdivision Construction Certificate (SCC) and to oversee the completion of consent conditions. Refer below where approval for certain works can only be issued by Council.
- b The SCC is the approval of detailed engineering design plans and specifications for the subdivision works. Relevant Development Consent conditions will designate what subdivision works are to be provided and how they are to be designed and constructed. These conditions will require the subdivision works to be designed in accordance with Council's Civil Works – Design Guideline and Construction Specification.
- c There may be other approvals required for works on public roads, or other matters such as:
  - i Section 138 under the Roads Act, 1993, by Council and by the RTA on classified roads. Consent is required for any works on existing public roads;
  - ii Sections 306 & 307 of the Water Management Act 2000, approval for water and sewer infrastructure. Gosford Wyong Water Supply Authority, via Council.
- d Council, in consultation with respective developers, will allocate names to streets in new subdivisions in accordance with the guidelines for naming of roads issued by the Geographical Names Board, AS1742.5-1997, The Roads Act 1993 and the Roads (General) Regulation 2000. The proposed names of roads and streets are to be shown on the detailed engineering plans
- e A valid construction certificate application may be approved and a construction certificate issued only if the detailed plans and specifications accompanying the application comply with the conditions of development consent. The SCC will be issued subject to compliance with the conditions of consent.
- f Fees in accordance with Council's adopted Management Plan will be imposed prior to the issue of the SCC.

### C2 Subdivision Works, Construction and Certification

- a Completion of subdivision works must be in accordance with the conditions of development consent and Council's Civil Works – Design Guideline and Construction Specification.
- b Council must be notified 5 working days prior to the commencement of subdivision works.
- c Compliance Certificates are to be issued for the satisfactory completion of the subdivision works. This may include the submission of construction test results and "as constructed" survey information.

### **C3 Maintenance Period**

- a For a period of 12 months after completion, the developer must remedy any defects in the subdivision works. To ensure this occurs, a maintenance bond must be submitted to Council prior the issue of the SCC as security.
- b The date of commencement of the maintenance period shall be the date when all prerequisite conditions are completed to Council's satisfaction, and the Compliance Certificate for these works is issued.

### **C4 Remaining Conditions**

There are often remaining conditions of consent that are not related directly to subdivision construction works, however must be complied with in addition to the civil works. These may include bush regeneration or street tree planting. These ongoing works are to be complied with as conditioned and may be bonded.

### **C5 Final Subdivision Process**

- a The Subdivision Certificate application will be determined by the Principal Certifying Authority/Council.
- b The purpose of the Subdivision Certificate application is to formally submit the plan of subdivision (the survey plan that is proposed to be the "deposited plan", "community plan" or "strata plan" of the subdivision) and to demonstrate compliance with all the conditions of development consent so that a Subdivision Certificate can be issued.
- c When the Subdivision Certificate (Certificate of Completion) has been issued the subdivider may apply to the NSW Land at Land and Property Information Department for registration of the plan of subdivision and the issue of titles for the newly created lots.