

**GUIDELINES**

**FOR**

**DEVELOPMENT AND SUBDIVISION**

**OF LAND**

## Amendment Record for this Specification Part

This Specification is Council's edition of the AUS-SPEC generic specification part and includes Council's primary amendments.

Details are provided below outlining the clauses amended from the Council edition of this AUS-SPEC Specification Part. The clause numbering and context of each clause are preserved. New clauses are added towards the rear of the specification part as special requirements clauses. Project specific additional script is shown in the specification as italic font.

The amendment code indicated below is 'A' for additional script 'M' for modification to script and 'O' for omission of script. An additional code 'P' is included when the amendment is project specific.

Amendment Sequence No.	Key Topic addressed in amendment	Clause No.	Amendment Code	Author Initials	Amendment Date
<i>EXAMPLE 1</i>	<i>Provision for acceptance of nonconformance with deduction in Payment</i>	<i>XYZ.00</i>	<i>AP</i>	<i>KP</i>	<i>2/6/97</i>
1	Requirement for submission of asset values	S1	A	SPM	12/9/03
2	Bond period reduced to 6 months and security reduced to 5%	S2	A	SPM	12/9/03
3	Table S2 amended to include correct Council names	S2	A	SPM	12/9/03
4	Bank Guarantees and Interest Bearing Deposits	S2	O	SPM	March 04
5	Amended for new Clarence Valley Council	Table A1.1	MO	SPM	6/4/04
6	Amended for new Clarence Valley Council	Table A4.1	MO	SPM	6/4/04
7	Amended for new Clarence Valley Council	Table S2.1	MO	SPM	6/4/04
8	Amended for new Clarence Valley Council	Table S2.1	MO	SPM	17/5/04
9	Amended for new Clarence Valley Council to provide 'Yes' for base course and kerb and gutter in Table S2.1	Table S2.1	M	SPM	20/7/04
10	Delete table and text which relates to the early release of subdivisions through the payment of bonds for works	Table S2.1	OMA	SPM	1/1/06
11	PCA changed to Council	S1, S2	M	SPM	14/10/06
12	Additional text re commencement of maintenance period	S2	A	SPM	14/10/06

# GUIDELINES

## FOR DEVELOPMENT AND SUBDIVISION OF LAND

### This Booklet

This Guidelines Booklet is divided into five sections:

Section I .....	Introduction
Section A .....	Application Process
Section R .....	Council Requirements
Section E .....	Engineering Requirements
Section S .....	Provision for Sale of Allotments

Each section has a plain English description of the processes and requirements necessary progressively taking the reader from the decision to subdivide and develop land to the stage where land allotments can be sold. Keywords are provided in the right hand margin to enable readers to conveniently find passages relevant to key issues.

This Guidelines Booklet is an introduction to other documentation prepared to manage Development/Subdivision matters. Other documents include:

#### NSW Planning

- Guiding Development – better outcomes
- State Environmental Planning Policies (SEPPs)
- Regional Environmental Plans (REPs)

#### Council

- Local Environmental Plans (LEPs)
- Section 94 Contribution Plans
- Development Control Plans (DCPs)
- Councils Policy Manual
- Strategic Development Control Guidelines
- Development Application Form
- Construction Certificate Application Form
- Subdivision Certificate Application Form
- AUS-SPEC Development Design Specifications
- AUS-SPEC Development Construction Specifications

#### **Revision Note September 2001:**

Subdivision development was previously controlled by the Local Government Acts of 1919 and 1993. In 1998 this control was incorporated into the Environmental Planning and Assessment Act (as amended) and coincided with the introduction of private certification by accredited certifiers. This edition reflects these changes.

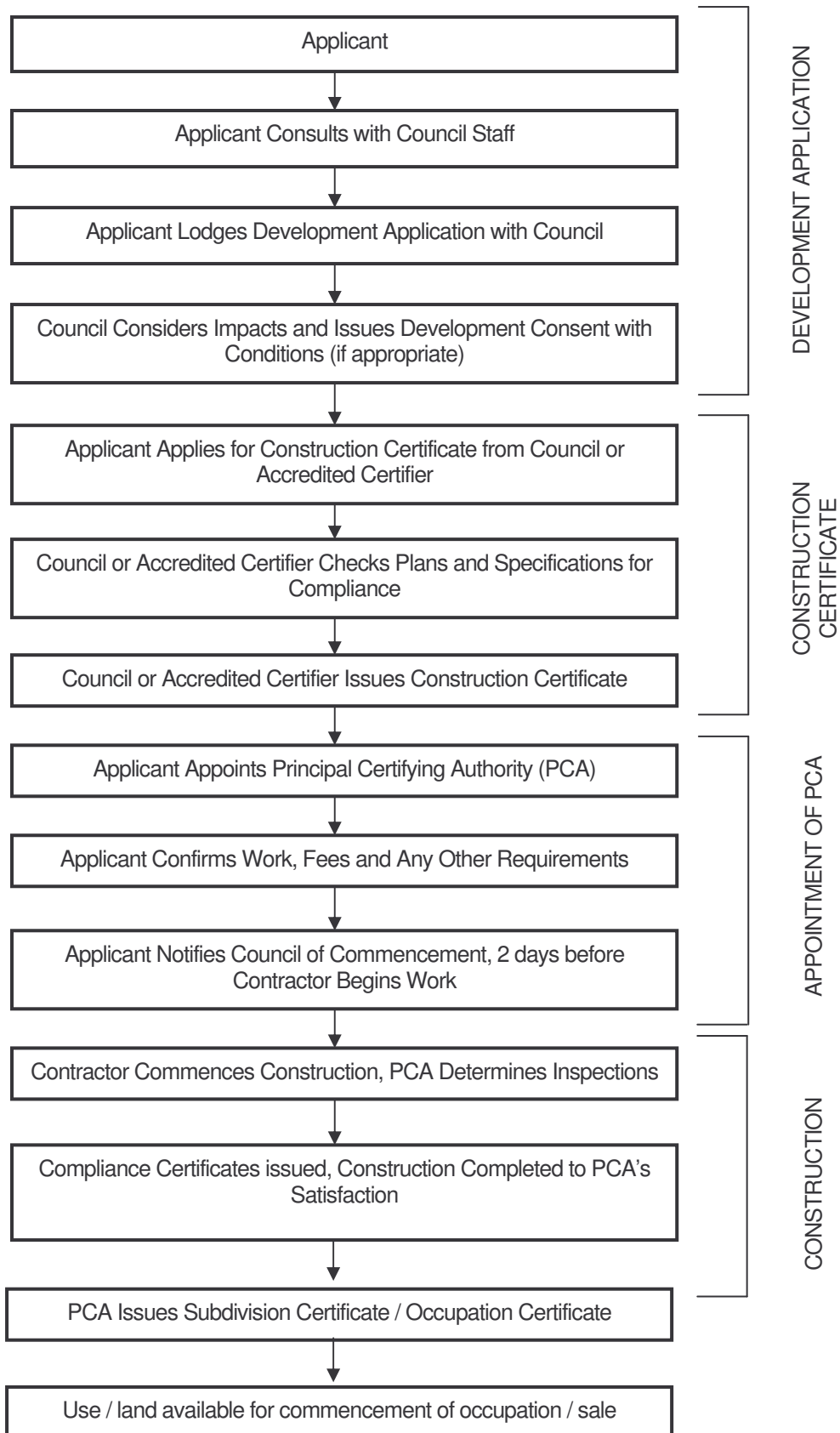
# SECTION I

## INTRODUCTION

### CONTENTS

- Flow Diagram I - Overall Process
- I1 Council's Objectives
  - I2 Council's Authority
  - I3 Restrictions to Council's Activities
  - I4 Development and Subdivision Processes.





## 11. COUNCIL'S OBJECTIVES

Council has the following objectives in providing for the development and subdivision of land:

- To provide a functional, attractive and safe environment for residents that is consistent with community standards and needs.
- To minimise adverse effects on the natural environment.
- To provide for the needs of future users of the land in respect to building requirements, vehicular and pedestrian access, provision of services and an amenity appropriate to the zoning of the land.
- To assist developers by providing for the economic utilisation of the land resource of the area.
- To achieve a balance between the development / subdivision of residential, commercial and industrial land and the amenity of existing occupants .
- To provide for an equitable and efficient distribution of public amenities and services.
- To minimise Council's future maintenance costs for roads, services and open spaces.

This Guidelines Booklet provides an outline of the procedures to be followed and refers to most standards and requirements. It is not intended to be comprehensive or totally definitive. Council's Subdivision Code, Local Environmental Plan, Development Control Plans, Policies, various State Legislation, Design Specifications and Construction Specifications, as well as NSW PLANNING's publication 'Guiding Development', provide necessary additional information.

**Additional  
Information**

## 12. COUNCIL'S AUTHORITY

Council is the authority responsible for consent to development and approval of developments and subdivisions within the Council area.

Council has declared Development Control Plans (DCPs) and Local Environmental Plans (LEPs) which set out Council's necessary provisions for development and subdivision. In some circumstances Council is required to obtain the concurrence of the Department of Urban Affairs and Planning, and Council must also comply with particular legislative requirements. Compliance with the provisions of Council's DCPs and LEPs does not necessarily imply that Council is required to consent to, or approve, an application.

**Concurrence  
of NSW  
PLANNING**

## 13. RESTRICTIONS TO COUNCIL'S ACTIVITIES

Restrictions to Council's powers to approve the subdivision of land are set out in the various planning instruments, Local Environmental Plans (LEPs), State Environmental Planning Policies (SEPPs), etc which are applicable throughout Council's Area. Advice as to which of these restrictions apply to a property should be initially obtained from Council's Planning/Engineering/Environmental/Services Section.

**LEPs  
SEPPs**



#### 14. DEVELOPMENT AND SUBDIVISION PROCESSES

A Development Application is a requirement of the Environment Planning and Assessment Act (1979) requesting consent for the proposed development in relation to Council's controls and requirements eg. land use, community facilities, traffic generation, environmental considerations etc. It is important to understand that development consent is required before land can be developed or subdivided. Council in some cases identifies minor development as Complying or Exempt Development. Detail of these minor developments and the requirements of the approval process may be obtained from Council.

***Development Application and Consent***

Following Development Consent being issued by Council, the more detailed requirements of the development or subdivision are investigated during the preparation of construction / engineering designs and other matters for completion as tabled in Council's conditions of consent. A Construction Certificate is required before any works may be commenced. Construction Certificates are issued by a consent authority (Council or the Minister for Urban Affairs and Planning) or an accredited certifier and allows Developers to nominate Council or a private certifier as the Principal Certifying Authority (PCA).

***Construction Certificate***

Compliance Certificates are issued in relation to the completion of all or various components of a development. The PCA shall identify each stage of work to be provided with certification.

***Compliance Certificates***

Prior to the occupation of a new building (excluding a Class 1a or 10 building under BCA), an Occupation Certificate is to be acquired. The PCA shall upon receiving a Compliance Certificate for the various aspects of the development, provide an Occupation Certificate.

***Occupation Certificates***

In the case of subdivision, a Subdivision Certificate is issued by the PCA endorsing the plan of subdivision and any associated instruments when all aspects of the Development Consent have been satisfied. The issue of a Subdivision Certificate occurs upon completion of all conditions and payment of fees / levies as required in the Development Consent. Councils have varying standards for the strict compliance of works or staging of developments. Council's DCP's, Policies and Standards identify any departures that may be accepted.

***Subdivision Certificates***

Following endorsement of the final plan of subdivision, the Developer may lodge the plan for registration by the Land Titles Office at Land and Property Information NSW. Separate titles for the new lots created will subsequently be issued.

***Plan, Registration and Title Issue***



## SECTION A

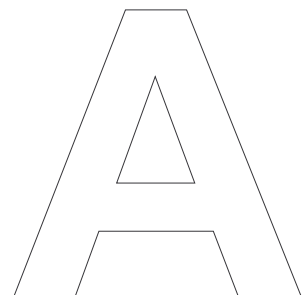
# APPLICATION PROCESS

### CONTENTS

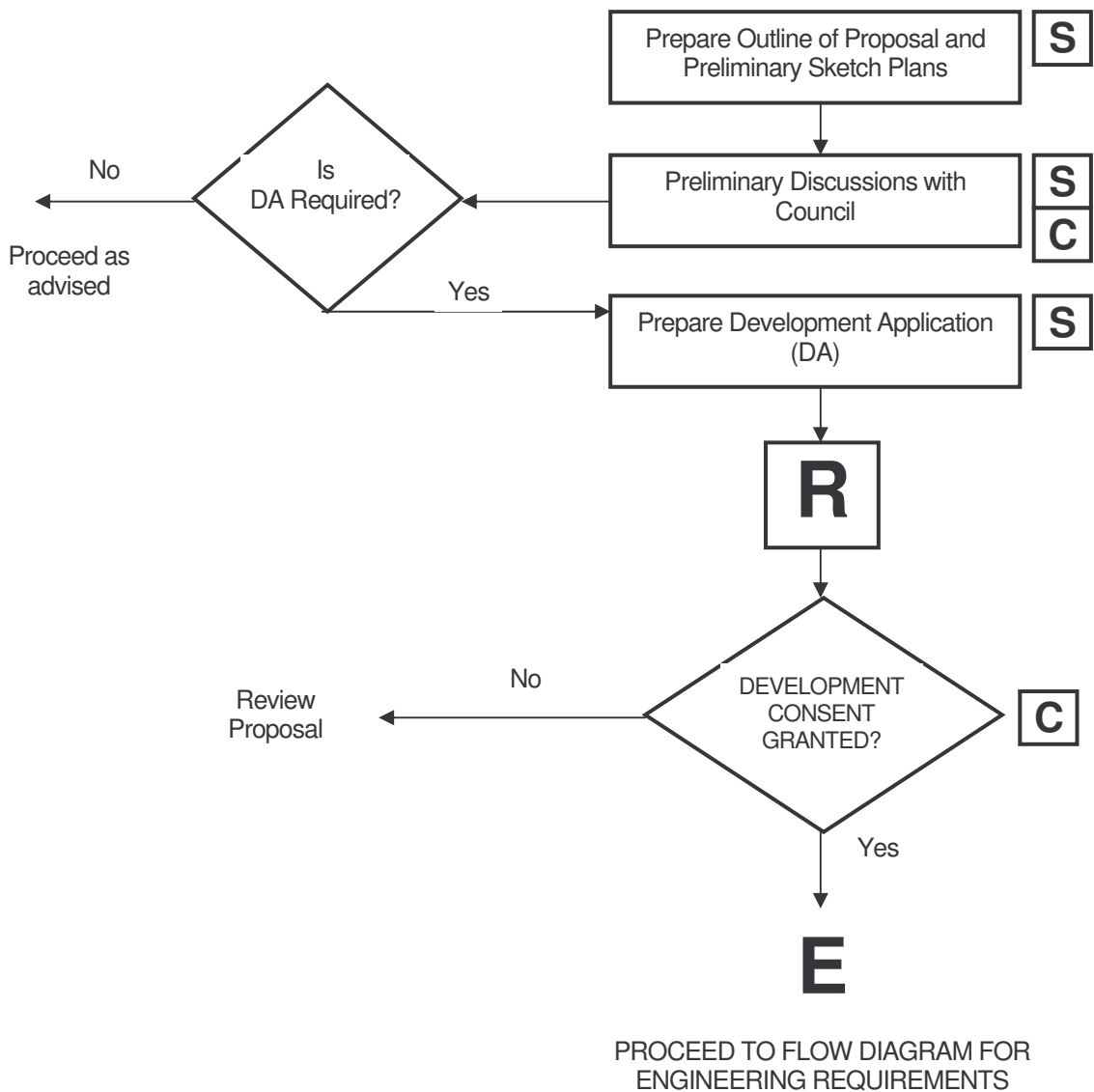
Flow Diagram A - The Development Application Process

- A1 Formulating a Development / Subdivision Application.
- A2 Making Application for Development / Subdivision.
- A3 Council's Consideration of Applications for Development / Subdivision.
- A4 Time Requirement to Complete Development / Subdivision Works.

Appendix 1 Council's Development Application Form







- NOTE:
- S** denotes Applicant (Developer / Subdivider) responsibility
  - C** denotes Council responsibility
  - R** denotes proceed to a flow diagram for consideration of Council's Requirements (R)

### FLOW DIAGRAM - APPLICATION PROCESS



## **A1 FORMULATING A DEVELOPMENT / SUBDIVISION APPLICATION**

A person or company making application to develop and/or subdivide an area of land within Council's area will be required to lodge a Development Application on Council's standard application form, and accompany this form with supporting information which is detailed in Section R.

***Development  
Application  
Form***

Before formally applying to Council to develop and/or subdivide, a considerable amount of information about the site needs to be sought. The Applicant should be aware of the nature of title of the land, easements, items of heritage significance, topography, slope and aspect, stormwater flows and flooding, surrounding development, vegetation, trees, road and traffic situations and other physical characteristics pertinent to the design of the development.

***Site  
Information***

It is recommended that a preliminary consultation with Council will enable the Applicant to determine what Council and State environmental planning instruments (SEPP, REP or LEP) are applicable, what zone classification applies and which legislative requirements are applicable and most importantly whether professional assistance is required.

***Early  
Consultation***

It is advantageous to prepare a preliminary sketch plan at this early stage indicating the location, aspect and size of the various elements of the development including subdivision patterns surrounding the site. Appendix 2 is an example of a sketch plan. . The more information shown on the preliminary sketch plan, the more likely the consultations with Council and others will give a true indication of possible success with a subsequent formal application.

***Sketch Plan***

The purpose of consultation about preliminary sketch plans/proposals (which may be accompanied by explanatory reports or background material) is to:

***Purpose of  
Consultation***

- assess whether any modifications to the proposal are necessary prior to its being formally submitted;
- identify Council's requirements in regard to the particular Development Application;
- identify any problems which may necessitate the Applicant reviewing his/her approach;
- indicate Council's likely subsequent requirements (eg financial contributions for services and amenities, standards for construction, for the asset to be accepted by Council, etc.).

While consultation with Council at this early stage and the preparation of preliminary sketch plans is not mandatory, it is obviously in the Applicant's interest. It will reduce costs in preparing plans, increase the likelihood of Development Consent, and reduce the time the Council needs to consider the formal application. Similarly early consultation with Public Utility Authorities is also advantageous to ascertain their requirements, eg water, sewer, gas, telephone, electricity.

***Consultation  
is Not  
Mandatory***

Fees for Development Applications are prescribed in the Environmental Planning and Assessment Regulations. A fee schedule can be obtained from Council including fees/contributions which are not prescribed, but are likely to be required as a condition of Development Consent.

***Fees/  
Contributions***



## A2 MAKING APPLICATION FOR DEVELOPMENT / SUBDIVISION

A Development Application is only required if stated in the environmental planning instrument(s) applying to the land (SEPP, REP or LEP). Minor development and subdivisions such as boundary adjustments which meet specified standards do not require consent. All the necessary information should have been compiled in consultation with Council. Whilst formulating the application and preparing the development/subdivision sketch plan, a description of the existing and proposed site and a statement of environmental effects should be included.

***Development  
Application  
Information***

The written authority of the owner is required to be submitted with the application form if the application is not by the owner of the land to be developed.

***Owner's  
Approval***

A Development Application is required for all types of subdivision and all forms of building construction not identified by Council as being Exempt or Complying Development. Development Applications are made on Council's standard Development Application form which is included in these Guidelines as Appendix 1.

***Development  
Application  
Form***

**Table A1.1**

<b>Council</b>	<b>Number of Copies</b>
Ballina	4
Byron	4
Clarence Valley	3
Kyogle	6
Lismore	6
Richmond Valley	4

Development Applications are to be accompanied by the required number of copies (as given in Table A1.1) of development/ subdivision sketch plans, drawn on one of the following paper size sheets, A1, A2, A3 or A4. For sketch plan requirements, refer to Section R of these Guidelines.

***Number of  
Plan Copies***

In addition, the Applicant may be required to provide details of consultation with public authorities responsible for provision, alteration or amplification of utility services required by the proposed development / subdivision.

***Details of  
Consultation  
with Public  
Authorities***

Council may require additional information about the proposed development to be provided where that information is essential to the assessment of the Development Application.

***Additional  
Information***

Additional information required may include:

- principles, assumptions and calculations behind stormwater drainage and on-site detention (OSD) proposals;
- rationale for the design of utilities, roads, open space, bicycle and pedestrian ways, bus routes, etc;
- a contamination assessment. (SEPP 55)



- evaluation of housing types, house type distribution, building lines, fencing, building materials etc.

**R** During preparation of the Application, the Applicant must incorporate the Council requirements. Refer to Section R for more detailed information.

### **A3 COUNCIL'S CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT AND SUBDIVISION**

Council will deal with each application on its merits, however, the assessment criteria in the Environmental Planning and Assessment Act 1979 (Section 79C) shall be applied.

**Assessment  
Criteria**

These criteria relate to site specific relevant matters such as:

- the provisions of any environmental planning instruments, development control plans and regulations pertaining specifically to the subject site;
- natural and built environmental impacts;
- social and economic environmental impacts;
- suitability of the site;
- public interest.

Council's LEP, DCPs and other planning instruments incorporate minimum design standards for different types of developments. These standards should not be interpreted as relieving the Applicant of the responsibility to properly address all criteria and to use sound planning and engineering practices in the development of designs. Council is prepared to consider alternative approaches to development / subdivision design where the Applicant satisfies Council that its objectives have been achieved.

**Design  
Standards**

Planning legislation requires Council to determine applications within 40 days of receipt of the application, or 60 days where the application requires referral to other authorities. Upon determination of any application, a written notification will be sent to the Applicant stating that consent has been granted subject to detailed conditions, or that consent has been refused (with reasons).

**Determination  
within 40 days**

Where an Applicant is dissatisfied with the determination of an application, a request for review of the application or of particular conditions of consent may be lodged by the Applicant as specified in Section 82A of the EP & A Act 1979. The request for reconsideration must be lodged within 28 days of determination. A reconsideration fee will be required and details of the reasons for reconsideration must be submitted with the request.

**Re-  
consideration**

Alternatively, (and preferably as a last resort), the Applicant may lodge an appeal with the Land and Environment Court. Such an appeal is required to be lodged with the Court within twelve months of receipt of Council's determination of the application.

**Appeal to  
Court**



Applicants are reminded that any third party person may lodge an appeal to the Land and Environment Court where they believe a breach of the EP & A Act (1979) has occurred (Section 123 of the EP & A Act).

***Appeal by  
Third Party***

Council can revoke or modify consent in circumstances where there is fraud or failure to comply with the Local Government Act (1993) or conditions of consent. The Environmental Planning & Assessment Act 1979, Orders also allows Council to issue orders for breaches of the EP&A Act such as non compliance with conditions of consent.

***Revocation  
of Consent***

Once an application for development or subdivision receives consent, the Applicant becomes the Developer.

***Development  
Consent  
Received***

#### **A4 TIME REQUIREMENTS FOR DEVELOPMENT / SUBDIVISION WORKS**

A development consent for development / subdivision requires works to be commenced within the consent period of five years (or such other shorter period stipulated in the consent). The development / subdivision should be fully completed within a reasonable period or as directed by Council.

***Maximum 5  
Year Limit on  
Development  
Consent***

In some cases a development may be of sufficient magnitude that it requires staging. Where staged development is proposed, the Applicant should prepare a sketch plan showing the complete concept so that Council can see the various stages in the overall context. Each stage should comply with the standard requirements.

***Staged  
Development***

When all conditions of Development Consent and Construction Certificate approval have been satisfied, the Developer will arrange for a Registered Surveyor to prepare the final survey plan. This "original" plan, plus the required number of copies (as shown in Table A4.1), together with any Section 88B Instrument under the Conveyancing Act (detailing easements, restrictions etc) is submitted to the PCA with the appropriate fees for the PCA's endorsement of the Subdivision Certificate.

***Subdivision  
Final Survey  
Plan  
Original Plan  
Release Fees***

Council may allow the private sector to issue subdivision certificates by identifying, in its Local Environmental Plans, the type of subdivision that can be privately certified.

***Private  
Certification***

The original plan, plus one copy, together with any Section 88B Instrument, all personally signed by the PCA, are then released to the Developer.

***Section 88B  
Instrument***

In order to effect plan registration and the issue of new titles for the proposed subdivision lots, the documents released should be lodged promptly with Land and Property Information NSW (Land Titles Office).

***Issue of New  
Titles***

**Table A4.1**

<b>Council</b>	<b>Number of Copies</b>
Ballina	3
Byron	6
Clarence Valley	3
Kyogle	3
Lismore	7
Richmond Valley	7

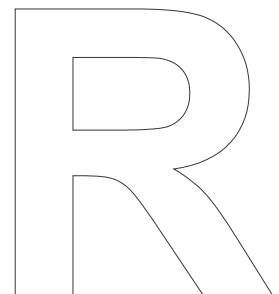


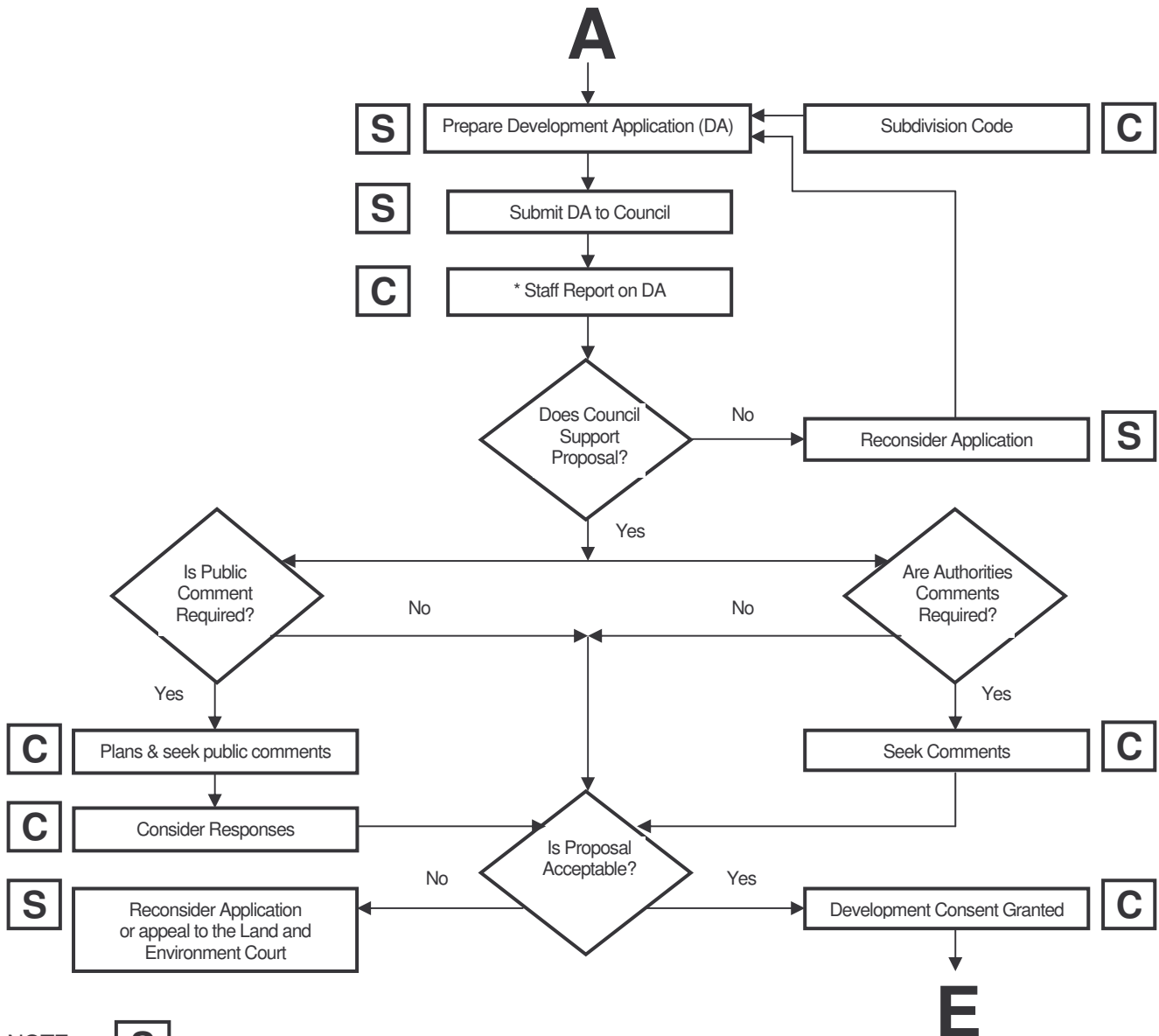
## SECTION R

# COUNCIL REQUIREMENTS FOR THE DEVELOPMENT APPLICATION

### CONTENTS

- Flow Diagram R - Council Control and Requirements
- R1 Environmental Considerations
- R2 Development /Subdivision Requirements - Urban Residential Areas
- R3 Development /Subdivision Requirements - Rural Residential Areas
- R4 Development /Subdivision Requirements - Rural Development Areas
- R5 Development /Subdivision Requirements - Industrial/Commercial Areas
- R6 Development /Subdivision Requirements - Natural Hazard Areas
- R7 Provision of Open Space and Section 94 Contributions Plan
- R8 Development /Subdivision Sketch Plan Requirements





NOTE: **S** denotes Applicant (Subdivider) responsibility

**C** denotes Council responsibility

NOTES: **E** denotes proceed to a flow diagram for Engineering Requirements (E)

- Environmental Assessment
  - is an Environmental Impact Statement (EIS)
  - or Review of Environmental Factors (REF) required?
  - is a geotechnical or hydrological report required?
  - is a tree preservation or heritage preservation an issue?
- Zoning requirements.
- Infrastructure requirements (roads, water, sewer, drainage).
- Easements.
- LEP & DCP compliance

## FLOW DIAGRAM – COUNCIL DEVELOPMENT APPLICATION CONTROL AND REQUIREMENTS



## R1 ENVIRONMENTAL CONSIDERATIONS

### Statement of Environmental Effects

### *Information*

A Statement of Environmental Effects is required for most development applications for development / subdivision. This statement normally addresses such matters as:

- suitability of the land
- access
- traffic generation
- risk of flooding or other natural hazard
- flora and fauna
- local amenity
- waste management
- Threatened Species Act
- filling / earthworks
- erosion and sediment control/soil and water management

### Tree Preservation

The development / subdivision sketch plan shall identify vegetation that is significant to the overall landscape of the area. Trees to be removed shall also be identified on the sketch plan.

Trees are not to be pruned, damaged or removed without the prior consent of Council in accordance with Council's Tree Preservation Order. Council's Tree Preservation Officer is to be contacted prior to any clearing or underscrubbing being carried out.

### *Tree Preservation Officer*

Any significant tree/s identified by Council shall be protected at all times during excavation and/or construction, and Council may require the Developer to lodge a bond at the time of Construction Certificate approval, to be forfeited in the event that the trees are either damaged or removed. Any such bond is to remain in force for a period of six (6) months after the issue of the Compliance Certificate for a component of the work, Occupation Certificate or Subdivision Certificate whichever is applicable.

### *Lodging of Bond*

### Heritage Items

In general any sites of Aboriginal carvings or relics or sites significant to heritage for other reasons shall be identified in the application. The National Parks and Wildlife Service should be contacted for details and verification.

### *Aboriginal and other Relics*

All recognised heritage items, including natural features of the site and man-made buildings, works and sites are to be identified and retained, wherever possible. For Heritage items identified in Council's LEP development consent is required for alterations, additions or development. The Heritage Council should be contacted for details and verification. Adequate curtilage is to be retained around any heritage item to protect its setting.

## R2 DEVELOPMENT / SUBDIVISION REQUIREMENTS – Urban Residential Areas

Urban residential land is defined as land within areas zoned residential, village or

### *Full Service*





township. Applicants will be required to provide fully serviced subdivisions including the provision of a sealed road system with drainage, and kerb and gutter to adequately and safely provide both vehicular and pedestrian access to each allotment. The Applicant will be required to meet the full cost of kerb and guttering across all existing road frontages of any development / subdivision in urban areas except where direct vehicular access is restricted. Roads adjoining a reserve are to be provided with kerb and gutter to adequately and safely provide both vehicular and pedestrian access. Footpaths may also be required as tabled within Council's standards .

### ***Kerb & Gutter***

There are statutory requirements and Council requirements pertinent to lot sizes, lot widths, building line set backs etc, and the supply of services to allotments. Council sets out these requirements for each zone type. The designer of a subdivision is required to provide for the requirements of Council's LEP/DCPs. Council will have requirements on access to developments / subdivisions with the objectives of:-

### ***Lot Size***

- providing for flow of through traffic with least disruption;
- establishing a hierarchy of roads in accordance with function and usage;
- providing a variation in alignment to allow for existing natural features and create interest in the streetscape;
- providing a network of safe pedestrian and cycle paths.

### ***Road Traffic***

### ***Pedestrians and Cyclists***

Legal easements of width as determined by the Council Codes are to be provided over stormwater drains and watercourses.

Applicants will be required to augment and meet the full cost of water and sewerage reticulations, as arranged with the relevant water and sewerage Authority, within developments / subdivisions plus the cost of connecting to existing services.

### ***Water and Sewerage***

Electricity services are to be extended to the development / subdivision in accordance with the requirements of the relevant electricity Authority and at full cost to the Applicant. Underground electricity services will be required except where it can be shown that it is not appropriate.

### ***Electricity***

Applicants will be required to provide for Telephone facilities within the design. Where underground electricity is used, underground telephone facilities are also to be provided by the applicant.

### ***Telephone***

Urban stormwater runoff will need to be assessed in terms of satisfactory performance both within the development and external to the development to a legal point of discharge.

### ***Stormwater Runoff***

## **R3 DEVELOPMENT / SUBDIVISION REQUIREMENTS – Rural Residential Areas**

Rural residential land defined as rural homesite and hobby farm land shall require kerb and guttering and underground stormwater drainage where specified in Council's standards. Concrete lined table drains shall be required where scour velocities are exceeded and/or the soils are susceptible to erosion from stormwater.

### ***Kerb & Gutter***

There are statutory requirements and Council requirements pertinent to lot sizes, lot widths, building line set backs etc and the supply of services to allotments. Council's

### ***Lot Size***



DCPs, LEP or other adopted standard set out these requirements for each zone type. The designer of a subdivision is required to comply with the requirements of Council's Development Control Plans (or Interim Development Orders) LEP and various Acts of State Legislation.

Effluent disposal will normally be by way of appropriate on-site disposal. However where the development is in near proximity to an existing sewerage area or where, in the opinion of the Department of Health or Council's Health and Building Department, the land is unsuitable for site disposal of effluent, sewerage will be required. A geotechnical report to support sewerage treatment proposals is to accompany an application for this type of development.

***Sewerage***

The configuration of the subdivision is to have consideration for natural features such as rivers, creeks, topography of the land, tree groupings and prominent natural features. The design should also consider buffers for conflicting land uses, water courses, etc.

***Natural Features***

Sites considered to be environmentally sensitive, such as estuarine wetlands, rainforests, dunal areas, steep slopes and flood prone lands will not be considered for subdivisional development.

***Sensitive Environments***

SEPP 46 identifies the protection and management of native vegetation in rural areas, in addition to the Threatened Species Act.

A covenant may be required on larger lots being subdivided prohibiting the ringbarking, cutting down, topping, pruning, removal, endangering or wilful destruction of any tree without the consent of Council. Where it can be demonstrated that such actions would not result in a loss of any significant stands of trees and/or soil erosion could not be accelerated due to tree removal, a covenant is not required.

***Covenant on Land Clearing***

#### **R4 DEVELOPMENT / SUBDIVISION REQUIREMENTS – Rural Development Areas**

Rural land is defined as that land other than urban and rural residential and land generally comprising larger holdings. Applicants will be required to provide an all-weather road system to provide a functional and safe two wheel drive vehicular access to the development or each allotment.

***All Weather Roads***

The designer of a development / subdivision is required to provide for the requirements of Council's Subdivision Code and Development Control Plans.

Bitumen sealing of the road system will be required on all new roads and existing roads which will be an extension of existing sealed roads unless specified otherwise by Council. Council will not approve the development / subdivision of lands proposing non-dedicated road access (eg private road systems) however consideration will be given to the creation of a right-of-way to serve allotments having the minimum dedicated road frontage but not having road access. Such right-of-way is to link directly to an existing or proposed dedicated road and constructed in accordance with Councils standards.

***Sealing of Roads***

Minor subdivisions in isolated rural areas require a reasonable standard of all-weather access road suitable for all year round access for essential services, ie school bus, ambulance etc. Each proposal will be considered on its merits in accordance with the following guidelines:

- (a) The status of the road.
- (b) Existing road surface condition.
- (c) Cost of upgrading.

**R**

- (d) Flooding frequency and hazards of creek or river crossings.
- (e) Potential population catchment.
- (f) Bush Fire Hazard

The extension of electricity mains to each allotment within the subdivision is required. However, subdivisions in areas remote from electricity mains may be relieved of this requirement, if special circumstances prevail and details of such circumstances are submitted to Council by the Applicant, together with the written agreement from the electricity supply authority.

***Electricity***

**R5 DEVELOPMENT / SUBDIVISION REQUIREMENTS – Industrial/ Commercial Areas**

The Local Environment Plan identifies various types of commercial and industrial zones. All proposed commercial and industrial subdivisions would be anticipated to be located in these zones. It is essential that early consultation with Council Officers is sought to determine that the proposed development/subdivision is in an allowable zoning and is in conformity with Council’s planning principles for the area.

***LEP***

The Applicant should provide for a range of lot sizes for the needs of large as well as small developments. Any lot should be large enough for parking and landscaping as well as the specific industrial or commercial use. Industrial developments/subdivisions should generally comply to the standards suggested in the State Planning Authority Technical Bulletin No.6 “Design and Standards for New Industrial Areas” (June 1974). Both commercial and industrial subdivisions will need to comply with the Development Control Plan (DCP) for the area.

***Lot Size***

Engineering Road Design and Pavement Design will need to provide for heavy traffic conditions as specified by Council.

***Pavement for Heavy Traffic***

Applicants will be required to meet the full cost of water and sewerage reticulations within developments/subdivisions plus the cost of connecting to existing supplies in accordance with the relevant water and sewerage Authority requirements.

***Water and Sewerage***

Electricity services are to be extended to the developments/subdivision and in accordance with the requirements of the relevant electricity supply Authority at full cost to the Applicant. Determination of the maximum loading of the electricity service, and whether the service is provided above ground or underground, will be made by the relevant electricity Authority and Councils acceptance.

***Electricity***

Applicants will be required to provide for telephone facilities within the development. Where underground electricity is used, underground telephone facilities are also to be provided by the Applicant.

***Telephone***

**R6 DEVELOPMENT/SUBDIVISION REQUIREMENTS – Natural Hazard Areas**

Development/Subdivisions of land susceptible to tidal inundation or coastal erosion are considered Designated Developments and require Environmental Impact Statements in accordance with the Director of Department of Urban Affairs and Planning requirements.

***Flooding Coastal Erosion***

The subdivision of flood prone land is to comply with the requirements of Council’s Flood Prone Land Policies and the New South Wales Government’s Floodplain Development Manual, the Management of Flood Liable Land, 2001.

***Policies***



Council will only support development/subdivisions of rural properties, part of which are flood prone, if in Council's opinion there are adequate flood free homestead and stock-holding areas on each allotment as well as access to higher ground. Development will not be allowed to significantly alter flooding patterns, accordingly development of internal roads etc will not be permitted to form significant embankments. Each case to be treated on its merits.

***Adequate  
Flood Free  
Areas***

The development/subdivision of urban land, other than boundary adjustments, will only be considered where it can be clearly demonstrated that flood free building sites/allotments can be provided and that the creation of these developments/allotments will not adversely affect flood patterns or levels in the area.

***Flooding in  
Urban Areas***

Applicants will be required to provide suitable protection zones and access for fire fighting vehicles and maintenance vehicles so as to minimise the risk of bushfire damage.

***Bushfire  
Protection***

## **R7 PROVISION OF OPEN SPACE AND SECTION 94 CONTRIBUTIONS PLAN**

Council's authority to impose conditions of contribution is derived from the Environmental Planning and Assessment Act 1997, Section 94. Accordingly Council's contribution requirements will be in accordance with an adopted "Section 94 Contributions Plan".

In residential subdivision (both rural and urban) Council requires the creation of an area of public reserve (open space) useable for recreation, or payment of a monetary contribution in lieu of land or a combination of both.

***Public Reserve***

Public reserve will not normally be required in rural subdivision, unless the subdivision contains significant areas of special scenic or public recreational value.

***Rural Public  
Reserve***

In rural subdivisions, commercial or industrial subdivisions contributions of open space are less often required, however contributions towards upgrading roads, community facilities and bushfire protection will be required as determined by the appropriate "Section 94 Contributions Plan".

***Contributions  
in Rural,  
Commercial,  
Industrial  
Subdivisions***

Applicants will also be required to contribute towards the augmentation of water supply if reticulation is available to the development in the form of sewerage headworks and arterial roadworks where upgrading requirements can be attributed to the development.

## **R8 THE DEVELOPMENT/SUBDIVISION PLAN REQUIREMENTS**

The development/subdivision plans to accompany the Development Application Form shall show the following, but shall not be limited to :

***Plan Detail  
Required***

- (a) Reduction ration (preferably 1:500 for subdivisions, 1:100 for structures / developments).
- (b) The location, boundary dimensions, site area and north point of the land.
- (c) The existing vegetation and trees on the land (attention is drawn to Council's Tree Preservation Order).
- (d) The location and uses of existing buildings on the land and adjoining properties.

**R**

(Measured floor plans of existing buildings may also be necessary in order for Council to calculate floor space ratios.)

- (e) Contours based on existing levels of the site (preferably one metre intervals drawn to Australian Height Datum).
- (f) Any natural features of the site, including rock formations or cliffs, watercourses, flood levels, wetlands, forest areas and slip areas.
- (g) Any existing drains, easements or rights-of-way affecting the site.
- (h) Title description of land.
- (i) Details of existing and proposed subdivision pattern (including the number of lots and location of roads).
- (j) Any heritage items (buildings and sites), or relics defined by the Heritage Act or considered of local significance.
- (k) Details of proposed access to the site and the legal status of that access.
- (l) Other details relevant to consideration of the application including but not limited to:
  - Constraints Maps
  - Water Quality Management Plans & Erosion and Sediment Control Plans
  - Roads and Drainage
  - Services
  - Effluent Disposal Plans
  - Potential for Acid Sulphate Soils
  - Earthworks Management Plan
  - Flora and Fauna and Vegetation Management Plans

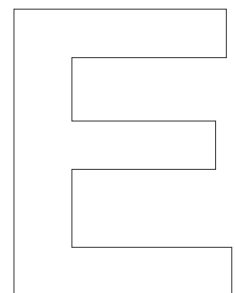


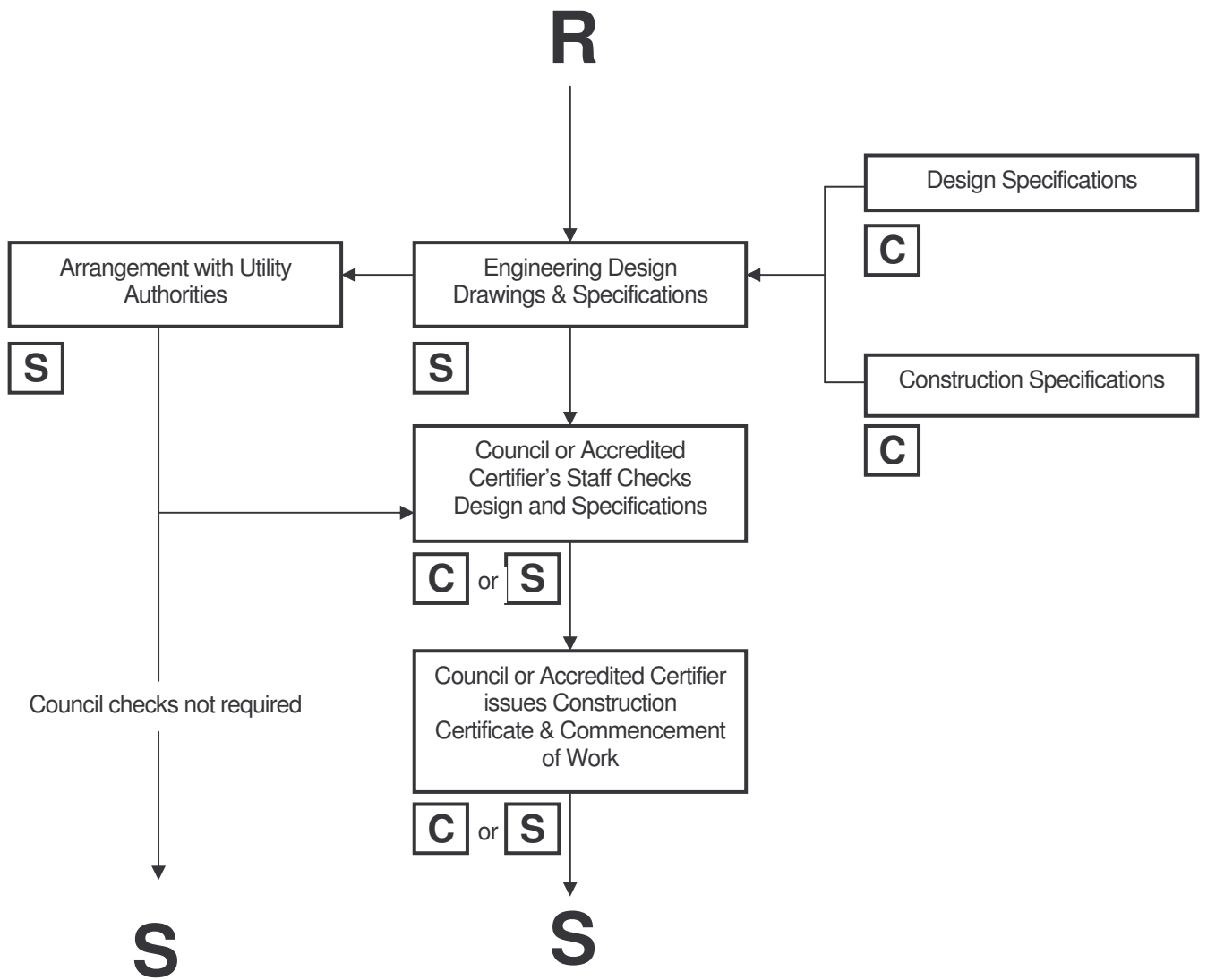
## SECTION E

# ENGINEERING REQUIREMENTS

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- Flow Diagram E - Engineering Requirements
- E1 Engineering Drawings and Specifications
- E2 Commencement of Work
- E3 Inspection and Testing
- E4 Insurances
- E5 Work-as-executed Drawings
- E6 Quality Assurance Principles





NOTE: **S** denotes Applicant (Subdivider) responsibility  
**C** denotes Council responsibility  
**S** denotes proceed to a flow diagram for the Provision of Sale of Allotments (S).

### FLOW DIAGRAM – ENGINEERING REQUIREMENTS



## E1 ENGINEERING DRAWINGS AND SPECIFICATIONS

All Drawings for earthworks (site regrading), roadworks, drainage works, water supply, sewerage works, and foreshore works are to be certified by a Civil Engineer or Registered Surveyor accredited by the Institution of Surveyors for civil design in the appropriate area. All Drawings for bridgeworks, retaining walls, other major structures and pumping stations are to be certified by a Civil Engineer.

**Qualification  
of Designers**

Standard Drawings, Design Specifications and Construction Specifications have been prepared by Council and can be purchased for use in developments/subdivisions. Specifications other than those supplied by Council are required to be prepared by a Civil Engineer and will need to be submitted to the Principal Certifying Authority (PCA) for approval with each set of engineering Design Drawings. Such alternative specifications will be required to meet Council's minimum standards contained in Council's specifications.

**Council's  
Specifications**

In summary the requirements for Design Drawings are as follows:

- (a) Earthworks (site regrading)
- (b) Roadworks
- (c) Road Pavement
- (d) Road Furnishings
- (e) Stormwater Drainage
- (f) Foreshore Works
- (g) Water Supply Works
- (h) Sewerage Works
- (i) Landscaping Works
- (j) Erosion Control Works
- (k) Works & Signage Management Plan (if required)

## E2 COMMENCEMENT OF WORKS

No development/subdivision works are to be undertaken until the Design Drawings and Specifications are formally approved by Council or an Accredited Certifier with the issue of a Construction Certificate.

**Necessary  
Conditions**

Development consent to the development/subdivision will stipulate whether the development/subdivision is to be constructed as a "Quality Assured Contract" in which case a Quality Plan will need to be submitted to cover all construction works in accordance with Council's Contract Quality System Requirements Specification. Acceptance of the submitted Quality Plan will be required prior to commencement of Works.

**Quality  
Assurance**

Where a Quality Assurance contract is not a requirement and a Quality Plan is not therefore provided, it will be necessary as a minimum requirement that the Developer's Superintendent or Superintendent's Representative under the Contract be nominated and approved as suitably qualified and experienced.

**Quality  
Control**

The Developer must ensure that the Works are carried out in compliance with the Local

**Unauthorised**





Government Act 1993. Attention is drawn specifically to Chapter 16 Offences. Part 3 Clause 634(1) and (4) especially refer to unauthorised work for water and sewerage.

***Work for Water and Sewerage***

The Developer must ensure that water and sewerage works abide by the Local Government Act and associated Regulations, in particular, Clauses 18 and 19 of the Local Government Act (Approvals) Regulation 1999 regarding complying with any operating requirements notified by the Council.

***Water and Sewerage, Operating Requirements***

### **E3 INSPECTIONS AND TESTING**

Whether the development/subdivision proceeds under Quality Assurance Contract or not, the full cost of all testing is to be met by the Applicant (Developer). Test results will be required to ensure that the material supplied and the Work carried out conforms with the approved specification.

***Cost of Quality Testing***

Similarly joint inspections at key stages of construction will be required to be carried out by representatives of both Works Certifier and the Developer/Contractor. All inspections shall require at least 24 hours prior notification to the Works Certifier. Key stages may include but are not limited to:

***Inspections***

- Site regrading and clearing
- Installation of erosion control measures
- Preservation measures installed for trees, vegetation or heritage sites as determined
- Site sampling and testing
- Formwork and reinforcement prior to placing of concrete
- Drainage line installation prior to backfilling and performance testing
- Water and sewer line installation prior to backfilling and performance testing
- Subgrade preparation
- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Final Inspection
- End of maintenance period

The Works Certifier will insist on uninterrupted access at all times so as to enable audit inspections or testing. Records of all test results required will be made available to the Works Certifier promptly when requested and tests will be undertaken strictly to prescribed test procedures by testing organisations approved by Council prior to work commencement. Certain stages of construction will be subject to a hold on works pending acceptable test results. See construction specifications for further details.

***Records of Testing and Inspections***

### **E4 INSURANCES**

The Developer's Supervising Consultant shall take out professional indemnity insurance indemnifying themselves. The Developer's Supervising Consultant will also provide the PCA with evidence that all Contractors have obtained appropriate third party and public risk insurance ( minimum insured value \$10 million) satisfactory to the PCA's requirements and prior to the commencement of any works.

***Third Party Insurance Public Risk***

### **E5 WORK-AS-EXECUTED DRAWINGS**

Following completion of the work, one full set of Work-As-Executed (WAE) Drawings marked up in red showing any discrepancies from the design is to be submitted to and

***Certification***



retained by Council. All WAE Drawings shall bear the Supervising Consultant's or Accredited Certifier's Certification stating that all information shown on the Drawings is accurate. Council may also accept WAE Drawings in electronic format with suitable certification. The requirements for Work-As-Executed Drawings are provided in Section D1.06 of this specification.

For water supply WAE Drawings must allow Councils to meet their obligations under Clause 17 of the Local Government (Water Services) Regulation 1999.

***Council's  
Obligations,  
Water Services***

## **E6 QUALITY ASSURANCE PRINCIPLES**

The principles of Quality Assurance procedures will be applied by the Works Certifier to all subdivision works. In major or otherwise significant subdivisions the provisions of Australian Standard AS/NZS ISO 9001 (2000) will be required to be fully applied to the construction project. This will involve the submission of a Quality Plan for all Works associated with the project. The requirement to comply with AS/NZS ISO 9001 (2000) will be determined prior to the preparation of Design Drawings. In all cases the Works Certifier will require the Developer to organise and pay for inspection and testing services such that the Developer can validate the quality of all works and materials progressively during construction.

***Quality Plan***

Accredited Certifiers are not empowered to certify water supply and sewerage Works. Only Councils can certify such Works and the process for their doing so is provided in Schedule 4, Clause 4.46 of the Environmental Planning and Assessment Amendment Act 1979.

***Accreditation  
for Water,  
Sewerage and  
Drainage***

Accredited Certifiers act where works are under Part 5 of the EP & A Act, 1979 (ie Development Consent not required).

Where the Specification requires the Contractor to carry out the Works within a Quality Control System, the Contractor may be required to detail those accredited courses applying to the Contractor or its employees as are appropriate for the execution of the Contract. The Contractor may be required to provide evidence of the accreditation acquired and satisfy accreditation requirements for the Developer during the tender stage.

***Accredited  
Courses***

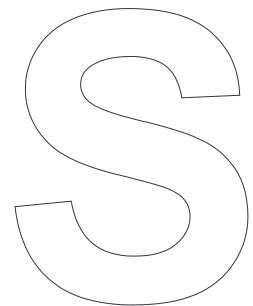


## SECTION S

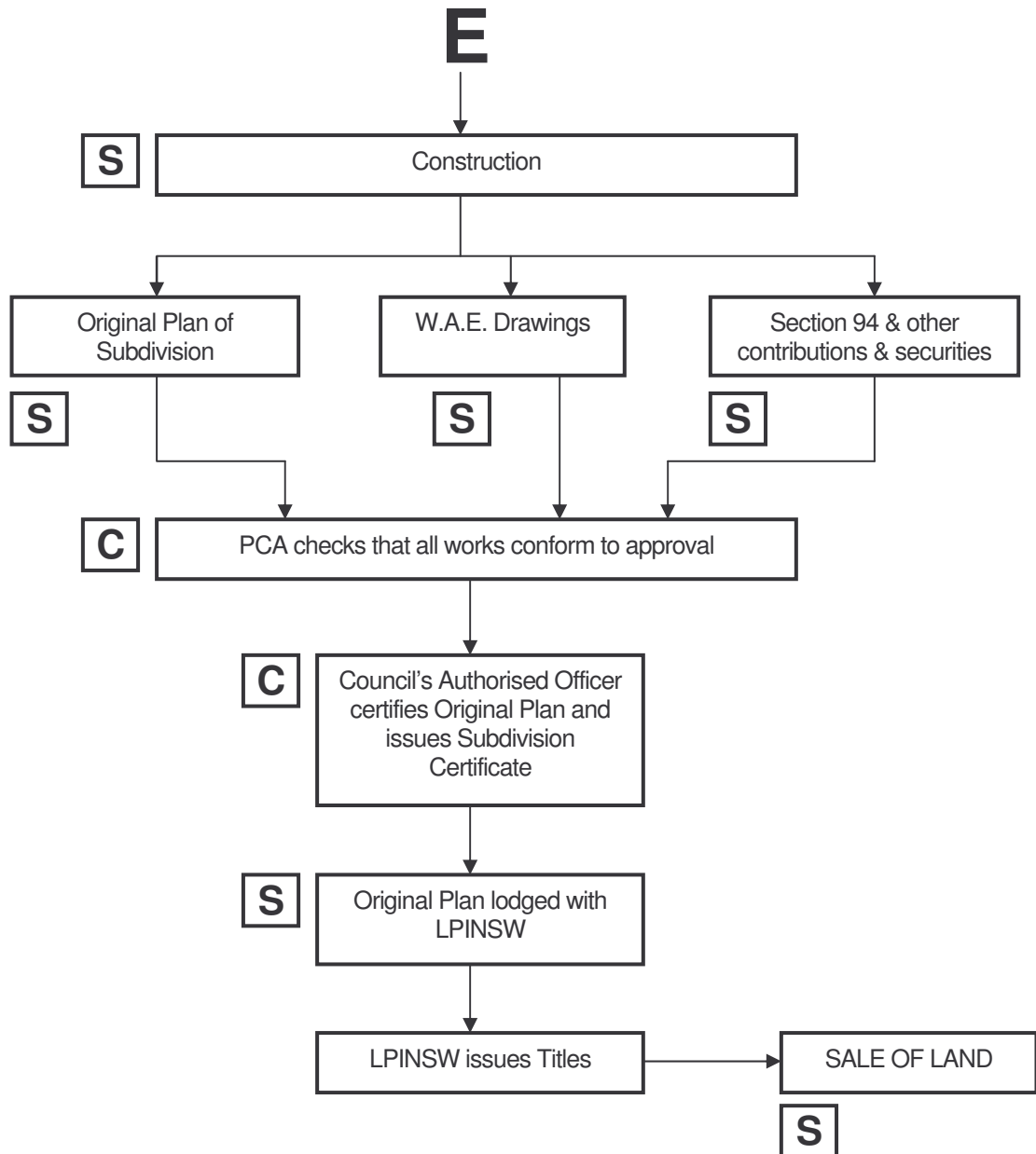
# ALLOTMENTS FOR SALE

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- Flow Diagram S - Provision of Allotments for Sale
- S1 Completion of Works and Certification.
- S2 Early Release of Allotment by Application of Engineering Bonds







NOTE: W.A.E. denotes Works-as Executed and describes plans and drawings showing as built details.  
 LPINSW denotes Land and Property Information NSW

- S** denotes Applicant (Subdivider) responsibility
- C** denotes Council responsibility

**FLOW DIAGRAM – PROVISION OF ALLOTMENTS FOR SALE**

## **S1 COMPLETION OF WORKS AND CERTIFICATION**

On completion of construction works the Supervising Consultant is to advise the Council to that effect in writing and certify that the whole of the works have been carried out in accordance with the approved Drawings and Specification.

***Construction Completion***

At this stage the Developer's Surveyor completes the final property survey and prepares the final plan of subdivision which shall be submitted, for endorsement by the Council as the "original plan". This plan will later be lodged by the Developer with Land and Property Information NSW who will prepare title deeds and advise Council of a Deposited Plan (DP) number so that sale of allotments of land may proceed.

***Final Survey***

If the whole of the works are considered satisfactory the Council will issue the Subdivision Certificate at which time the whole of the works are considered to have entered into the maintenance period.

The maintenance period will commence for all components at the date of issue of the Subdivision Certificate and not beforehand.

***Subdivision Certificate/  
Maintenance Period***

Some components such as water supply and sewerage reticulation pumping stations may commence a maintenance period only after satisfactory commissioning and completion of pump performance tests. Typically the maintenance period for pumping stations and associated facilities will be six (6) months during which the Developer will meet all the maintenance costs associated with any failure of a component of the works.

***Sewerage and Water System Commissioning***

The Developer shall submit a record of infrastructure coming into Council ownership upon final plan release. The information is to be submitted in the form of Council's Standard Form titled "Asset Creation Record". This form is available from Council's Development Engineering Section.

***Submission of Asset Values***

## **S2 EARLY RELEASE OF ALLOTMENTS BY APPLICATION OF ENGINEERING BONDS**

Council may give consideration to the acceptance of a bond for the performance of engineering works to enable the early release of plans of subdivision only under exceptional circumstances. Before Council will consider the issue of a Subdivision Certificate the following must apply:

***Guarantee Bonds***

- All engineering works are completed.
- All sewer and water supply works required are complete and have been tested.
- A Work-As-Executed Drawings for the sewer works and water supply are to be submitted to Council.
- All major engineering problems have been overcome to the satisfaction of the Council.
- All works that involve the safety of the public (eg road junctions, flood control structures) are completed.
- Any geotechnical reports regarding the suitability of land for development as required by the Council are to be submitted.
- Payment of all fees and contributions required as conditions of development consent are complete.

Maintenance bonds for engineering works required as a condition of subdivision approval will generally be for a minimum period of six (6) months from the date of registration of the Subdivision Certificate. Non compliance with this specification (Design and Construction) shall extend the maintenance period to a minimum of 12 months.

***Period of  
Bonds***

Deleted

***Bank  
Guarantees &  
Interest  
Bearing  
Deposits***

A bond fee is payable where a bond has been lodged to guarantee the completion of engineering works. (The bond fee is set out in Council's Schedule of Fees and Charges.)

***Bond Fee***

Any bond amount agreed by Council under exceptional circumstances may be progressively reduced as the work covered by the bond is carried out but at no time will the bond amount fall below 5% of the contract amount or the estimated total cost of the works. The Supervising Consultant will be required to lodge a schedule of quantities of all outstanding works to enable the bond amount to be determined. Any bonds accepted for incomplete works shall be at the rate of 130%.

***Limits on  
Outstanding  
Bonds***

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