

## Chapter 4

# Subdivision and Infrastructure General Requirements



## 4 Subdivision and Infrastructure – General Requirements

### 4.1 Objectives of this Chapter

1. To facilitate subdivision which is sustainable and appropriate for its intended use;
2. To ensure subdivisions are provided with the necessary services required by Council;
3. To ensure subdivisions are designed in accordance with the best engineering and planning practices, meeting Council's minimum requirements to improve levels of amenity, accessibility and safety;
4. To encourage the use of innovative planning, design and engineering practices;
5. To provide for subdivisions which recognise development industry and community expectations, environmental constraints and the circumstances unique to the City of Lismore;
6. To maximise the efficient use of land and provision of infrastructure that avoids adverse environmental impacts.

### 4.2 Definitions

The following definitions apply to Chapters 4, 5 and 6 in this DCP:

*"AMCORD"* means Australian Model Code for Residential Development.

*"Buffer/Separation Distance"* means an area of prescribed width between adjoining land developments, which is created for the purposes of mitigating the impacts of one or more of those land uses, and in which the carrying out of certain types of development is restricted.

*"Building Envelope"* means a diagram drawn on a lot of a subdivision plan defining the limits for the siting of a dwelling and/or outbuildings, private open space and driveways.

*"Carriageway"* means the area of street reserve which is provided for the movement or parking of vehicles and determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.

*"Ecologically Sustainable Development"* means development using, conserving and enhancing the community's air, land (soil) and water resources so that ecological processes, on which life depends, are enhanced or repaired, and the total quality of life, now and in the future, will be increased.

It requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- a) the precautionary principle namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

- ii) an assessment of the risk-weighted consequences of various options,
- b) inter-generational equity namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,
- c) conservation of biological diversity and ecological integrity namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- d) improved valuation, pricing and incentive mechanisms namely, that environmental factors should be included in the valuation of assets and services, such as:
  - i) polluter pays that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
  - ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
  - iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

*“Endangered Species”* means species listed in Part 1 of Schedule 1 of the Threatened Species Conservation Act, 1995. A species is eligible to be listed as an endangered species if:

- a) it is likely to become extinct in nature in NSW unless the circumstances and factors threatening its survival or evolutionary development cease to operate,
- b) its numbers have been reduced to such a critical level, or its habitat have been so drastically reduced, that it is in immediate danger of extinction, or
- c) it might already be extinct, but is not presumed extinct.

*“Effluent Disposal Envelope”* means a diagram drawn on a lot of a subdivision plan defining the limits for the siting of an on-site effluent disposal system.

*“Habitat”* means an area or areas occupied, or periodically or occasionally occupied, by a species, population or ecological community and includes any biotic or abiotic component (TSC Act, 1995).

*“Integrated Development”* means a form of development where all elements of physical infrastructure are designed and developed in an integrated manner.

*“Integrated Housing”* means a form of development where:

- housing and associated facilities and infrastructure are planned, designed and built by the same developer or through a developer-builder combination; or
- a developer undertakes the site planning and development or infrastructure as well as establishing detailed requirements for building design without actually constructing the dwellings.

*“Legibility”* means the ease which people can understand the street and/or road layout and find their way.

*“Native Vegetation”* means indigenous pasture, bushland and/or timber species adapted to the prevailing environmental conditions including climate and soils.

*“Objectives”* means a statement of the desired outcomes to be achieved in the completed development, relating to particular Design Elements.

*“Performance Criteria”* means criteria to be used in the preparation, submission and assessment of development proposals for measuring performance of the proposals against the Element Objective.

*“Permeability”* means maximising connections with surrounding streets and roads and activities and making their role clear to potential users.

*“Prime Agricultural Land”* means land which because of its soil, climate, topography and location is suitable for a wide range of agricultural uses. These areas are usually classified as Class 1, 2 or 3 land, under NSW Agriculture land capability classification guidelines.

*“Regeneration”* means the re-establishment of depleted vegetation by natural self-seeding or regrowth (e.g. after bush fires, clearing etc.).

*“Rehabilitation”* means the treatment of degraded or disturbed land to achieve an agreed level of capability and stability, preferably at least equal to that which existed prior to degradation or disturbance.

*“Restoration”* means the rehabilitation of degraded or disturbed land so that not only is the landform capability and stability re-established, but also the form and usage of the land are returned to a state closely resembling that before degradation disturbance.

*“Revegetation”* means the re-establishment of plants on an area of ground that is depleted or devoid of vegetation.

*“Road/street”* means any road, street, lane, footway, right of way, driveway or passage incorporating the full width from property line to opposite property line as well as the road/street pavement and the verge.

*“Road/Street Reserve”* means the land set aside for a road/street pavement and verge.

*“Site Analysis”* involves the identification and analysis of the existing character of the site, locality and adjacent properties to assist in understanding the locality and the development of a range of appropriate design responses.

*“Site Analysis Plan”* means a plan which demonstrates an appreciation of a site and its context to identify opportunities and constraints on site layout and design. The plan may include information on topography and services, existing buildings on site, vegetation on site, adjoining property conditions, views, noise sources and street character and context.

*“Suggested Solution”* means an example of what may enable the achievement of the relevant Performance Criteria (they should not preclude other solutions).

*“Verge”* means that part of the road/street reserve between the carriageway and the boundary of adjacent lots (or other limits to road/street reserve). It may accommodate public utilities, footpaths, stormwater flows, street lighting poles and landscaping. Also known as the nature strip.

*“Vulnerable Species”* means species listed in Schedule 2 of the Threatened Species Conservation Act, 1995. A species is eligible to be listed as a vulnerable species if it is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

### **4.3 Relationship to other Plans**

This Chapter provides general guidelines for the preparation and assessment of subdivision applications permissible under the Lismore Local Environmental Plan 2000. This Chapter should

also be read in conjunction with other relevant Guidelines and Specifications of Lismore City Council.

This Chapter, where relevant, prevails over those plans, policies, guidelines and specifications.

#### **4.4 Statutory Requirements for Development Applications**

The statutory requirements for the consent and preparation of development applications for subdivision of land are contained in the Environmental and Planning and Assessment Act, 1979 (as amended) and the Environmental and Planning and Assessment Regulation, 2000.

In determining a development application, Council is required to consider a number of statutory plans, codes and policies prior to making its final decision. To ensure that applications are valid and adequate, it is essential that applicants consider all relevant matter in preparing applications.

Additional to the guidelines of this Plan component of the following plans, codes and policies may be relevant to a subdivision proposal.

##### **4.4.1 Local Plans**

###### *Lismore Local Environmental Plan 2000*

The Lismore Local Environmental Plan 2000 (as amended) is the principal plan applying to subdivision in the Lismore local government area.

The LEP contains the following provisions for subdivision:

Clause 6 Definitions

Clause 9 Exempt and Complying Development

Clause 11 Subdivision of Land Generally

Clauses 12 – 17C Heritage and Conservation requirements

Clause 18 – Preservation of Trees

Clause 19 – Development of land near adjoining zones

Clause 20 – Buffer zones to avoid potential land use conflicts

Clause 22 – Development on flood affected land

Clause 25 – Development along main roads

Clause 28 – Additional development on certain land

Clause 28A – Development on land identified on Acid Sulphate Soil Planning Maps

Clause 29 – Zone objectives and zoning control tables

Clauses 30 – 35 Land use tables for rural zones

Clause 36 – Subdivision and development in rural zones

Clause 40 – Rural Residential Development

Clause 41 – Development on ridge tops in rural areas

Clause 45 – Water catchment and inundation area for proposed dam near Dunoon

Clause 51 – Subdivision of land in Zones No. 2(a) and 2(v)

Clause 52 – Subdivision of land in Zone No. 2(f)

Schedule 5 – Matters relating to environmental impact

###### *S94 Contribution Plans and S64 Contribution Plans*

Council has adopted a S94 Contributions Plan which sets the contributions levied for public services and facilities where a need is established for these services and facilities as a consequence of new development.

Section 64 of the Water Supply Authorities Act, 1987, enables Council to set and levy monetary contributions towards the cost and construction of existing or projected sewer mains and sewerage treatment works and water mains and water headworks. These are referred to in the development consent as S64 contributions.

The development consent for subdivision will indicate the amount of monetary contributions sought for the above services and facilities. Levies will be calculated in accordance with the Plan in force at the time of lodgement of a development application, and will be indexed annually by CPI.

#### **4.4.2 Regional Plans**

##### *North Coast Regional Environmental Plan*

The North Coast Regional Environmental Plan (as amended) is the regional plan and framework which certain forms of development must address. The following parts and divisions may be relevant to a land subdivision proposal:

Part 2:	Division 1 - Agricultural resources Division 2 - Catchment management Division 4 - Rural housing
Part 3:	Division 1 - The natural environment Division 3 - Heritage
Part 4:	Division 2 - Urban housing Division 3 - Environmental hazards
Part 5:	Division 1 - Transport Division 2 - Utility services Division 3 - Health and education Division 4 - Community services
Part 6:	Division 1 - Tourism Division 2 - Recreation

#### **4.4.3 State Environmental Planning Policies (SEPP's)**

The following SEPP's may be relevant to certain subdivision applications.

##### **SEPP No. 1 - Development Standards**

This policy sets out the principle that a development standard may be varied with an objection where strict compliance can be shown to be unreasonable or unnecessary.

Generally, where the objection demonstrates that the standard is unreasonable or unnecessary Council may support the objection and consent to the application subject to the concurrence, where required, of the Department of Planning. The Department Planning Circular No. B1 describes the operation of the Policy and the situations where the concurrence of the Director-General can be assumed i.e. delegated to Council.

##### **SEPP No. 11 - Traffic Generating Development**

This policy requires Council to consult with the Council (local) or Regional Development Committees (Traffic) on the traffic aspects of certain development applications. The following describes the situations where a subdivision proposal requires referral to either of the above committees.

1. Council Development Committee (Local Traffic Committee)  
Residential subdivisions (urban and rural residential) comprising 50 to 200 allotments.
2. Regional Development Committee (Regional Traffic Committee)  
Residential subdivisions comprising more than 200 allotments.

Where a subdivision is to be staged it is important that the anticipated final number of lots be identified. This is important in determining road hierarchy and any roadworks conditions which may have a major impact on the design of the subdivision.

#### **SEPP No. 44 - Koala Habitat Protection**

This policy applies to all land in the City of Lismore. It aims to encourage the conservation and proper management of areas of natural vegetation that provide habitat for koalas, to ensure permanent, free-living populations over their present range and to reverse the current trend of population decline.

The Department of Planning Circular B35 provides the guidelines to be in force for the purposes of the policy. The policy and Circular B35 identify a 3 step process to determine whether or not the policy applies to a subdivision proposal, whether a plan of management is required and if the development can proceed. Briefly:

- The land, subject of the application, (and adjoining land in the same ownership) has to be greater than 1 ha.
- Step 1, is to determine whether or not the land is potential koala habitat. If the land is koala habitat, then;
- Step 2, determines whether or not the land comprises "core" koala habitat. If the land is "core" habitat, then;
- Step 3, a Koala Plan of Management (KPOM) must be prepared to the satisfaction of the Director-General of the Department of Planning prior to the development being determined by Council.

Should the land, subject of the application, be identified as potential koala habitat Council requires that a person with appropriate qualifications and experience in biological science, and fauna and flora surveys and management, undertake the assessment in accordance with the policy.

#### **SEPP 71 - Coastal Protection**

This Policy applies to a small part of the Lismore LGA in the Broadwater area which is generally in a rural zoning. The Policy must be considered if subdivision in any zone into any number of lots is proposed and if the future development of any lot created by the subdivision will require effluent to be disposed of by means of a non-reticulated system.

#### **4.4.4 Applicable Acts**

##### **Environmental Planning and Assessment Act, 1979**

Under the Environmental Planning and Assessment Act 1979, "Subdivision of land" means:

1. The division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:
  - (a) by conveyance, transfer or partition or
  - (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation use or disposition.
2. Without limiting subsection (1), "subdivision of land" includes the procuring of the registration in the office of the Registrar General of:
  - (a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or
  - (b) a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.
3. However, "subdivision of land" does not include:
  - (a) a lease (of any duration) of a building or part of a building, or
  - (b) the opening of a public road, or the dedication of land as a public road, by the Crown, a statutory body representing the Crown or a council, or

- (c) the acquisition of land, by agreement or compulsory process, under a provision of an Act (including a Commonwealth Act) that authorises the acquisition of land by compulsory process, or
- (d) a division of land effected by means of a transaction referred to in section 23G of the Conveyancing Act 1919, or
- (e) the procuring of the registration in the office of the Registrar General of:
  - (i) a plan of consolidation, a plan of identification or a miscellaneous plan within the meaning of section 195 of the Conveyancing Act 1919, or
  - (ii) a strata plan of consolidation or a building alteration plan within the meaning of the Strata Scheme (Freehold Development ) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.

### **Threatened Species Conservation Act, 1995**

This Act provides for the protection of all threatened plants and animals native to NSW and their habitats, (including endangered populations and ecological communities, and their habitats.). Threatened fish and marine vegetation are protected by the *Fisheries Management Act, 1994*.

The TSC Act provides for the listing of species, populations and ecological communities considered to be threatened. Schedule 1 of the TSC Act contains listings of endangered species, populations and ecological communities, and Schedule 2 of the TSC Act contains listings of vulnerable species.

The TSC Act introduced of a set of factors which must be considered for informed decisions to be made regarding the effect of a proposed development, activity or action on threatened species, populations or ecological communities, or their habitats. These factors form part of the assessment process under section 5A of the EP&A Act and section 94 of the TSC Act. These factors are also taken into consideration for threatened fish and marine vegetation under section 220ZZ of the FM Act. These factors have previously been referred to as the '8 Part Test', but are referred to collectively as 'Assessments of Significance'.

The Assessment of Significance is contained within section 5A of the EP&A Act. It is the responsibility of the proponent, when lodging a development application, to provide the consent authority with an Assessment of Significance. Equally it is the responsibility of the applicant, when applying for a section 91 licence under the TSC Act or a section 220ZW licence under the FM Act, to provide the licensing authority with an Assessment of Significance.

It is the responsibility of the consent authority to form a view as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats. A consent authority is required to take the Assessment of Significance into account when:

- ascertaining whether it has received a valid development application under Part 4 of the EP&A Act; and
- evaluating the likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

### **Native Vegetation Act, 2003**

This Act sets a framework for:

- The end of broadscale clearing unless it improves or maintains environmental outcomes; and
- Encouragement of revegetation and rehabilitation of land with appropriate native vegetation.

Approval for clearing remnant vegetation or protected regrowth cannot be granted unless the proposal improves or maintains environmental outcomes. A landholder wanting to clear native vegetation has two options:

- Submit a development application to Department of Natural Resources
- Request a property Vegetation Plan through their local Catchment Management Authority

For more information contact the Department of Natural Resources or the Northern Rivers Catchment Management Authority (CMA).



### **Protection of the Environment Operations Act 1997**

This Act provides a single licensing arrangement to replace the different licences and approvals under separate Acts relating to air pollution, water pollution, noise pollution and waste management. Further information may be obtained from the Department of Environment & Conservation (incorporating the former Environment Protection Authority).

### **Soil Conservation Act, 1938**

This Act makes provision for the conservation of soil resources and farm water resources and for the mitigation of erosion. Relevant sections of this Act are:

Section 21C: this relates to the restriction of removal of trees on any protected lands.

Protected lands includes; any land with a surface slope generally greater than 18<sup>0</sup> (33%) from the horizontal, as identified on maps held by the Dept. of Natural Resources. Or, land that is situated within 20 metres of, the bed or bank of any part of a river or lake identified in a list of streams available from the Department. Exemptions apply, contact the Department.

Section 15A: this relates to mitigation of causes or likely causes of soil erosion. The Act permits the Commissioner of the Soil Conservation Service to issue notice to owners, occupiers, holder or grantees to abstain from the act or thing that is causing soil erosion.

### **Crown Lands Act, 1989**

This Act was introduced to provide for the administration and management of Crown land in the State.

Section 6 specifies that Crown land cannot be occupied, used sold, leased, licensed, dedicated or reserved or otherwise dealt with unless the occupation, use, sale, lease license, reservation or dedication or their dealings is authorised by the Act or the Crown Lands (Continued Tenures) Act, 1989.

### **Roads Act, 1993**

This Act relates to the creation of public roads, dedication of land for public roads, closing, transfer and control of roads, setting road boundaries and levels, and acquisition of land for public roads etc. Some relevant parts of the Act are:

- Part 2 - Opening of Public Roads
  - Division 1 - Methods of opening public roads
  - Division 2 - Resolution of doubts concerning status of certain roads
- Part 3 - Road Boundaries and Road Levels
  - Division 1 - Identification of road boundaries
- Part 12 - Acquisition of Land
  - Division 1 - Acquisition of land generally

The Act provides for three separate roads authorities, the Crown, local Councils and the RTA. Crown consent is required to construct Crown public roads, or to open and close a public road over freehold land.

### **Roads Act /Roads (General) Regulation 2000 and requirements of the Geographical Names Board.**

Development Applications for subdivisions which include new roads should include proposed names for those roads. Such names are to be selected in general accordance with 'Guidelines for the Naming of Roads' and 'Road Naming in NSW' by the Geographical Names Board of NSW. These guidelines are available at the Board's web site [www.gnb.nsw.gov.au/info](http://www.gnb.nsw.gov.au/info)

Any proposal for the use of Aboriginal names should be referred to the appropriate Aboriginal organisation for comment.

### **Water Supply Authorities Act, 1987**

As a consequence of section 64 of the Local Government Act 1993 Council is empowered under the Water Supply Authorities Act, 1987 to require payments towards the cost and construction of water and sewer works. Works includes:

- water mains and water headworks,
- sewer mains and sewerage treatment works,
- drainage channels,
- any works ancillary to these works.

An applicant can be required to do one or more or all of the following before a compliance certificate is issued:

- make a payment towards existing works,
- make a payment towards projected works,
- construct works to serve the development.

The issue of a compliance certificate from Council certifies the development complies with the Act.

### **Rivers and Foreshores Protection Act, 1948**

This Act provides for the carrying out of work for the removal of obstructions from and the improvement of rivers and foreshores, and the prevention of erosion of lands by tidal and non-tidal waters.

A person must not make an excavation or remove material from the bed or within 40 m. of the bank of a river, or do anything which obstructs, or detrimentally affects, the flow of a river without a Permit under this Act. Works include excavations for pump holes; sand, gravel and topsoil extraction; culverts; causeways etc.

### **Water Management Act, 2000**

Allows for the preparation of water management plans that may address matters such as water sharing, water source protection, drainage management, and floodplain management.

### **Native Title Act**

The Native Title (NSW) Act was introduced with the intention of validating past State acts, invalidated because of the existence of Native Title.

The introduction of the Commonwealth Native Title Act 1993 and the Native Title (NSW) Act, 1994 has implications for the administration and management of Crown land in NSW. Prior to consenting to any development of Crown land, the Minister must be satisfied that if a native title interest exists in the land, then that interest would not be discriminated against by the issue of any such consent.

### **Aboriginal Land Rights Act, 1983**

The Dept. of Natural Resources is required to consider any claim over Crown land made by a Local Aboriginal Land Council under the provisions of this Act. Any claims that may affect a proposed development would impact on the Department's ability to authorise use of the Crown land, or consent to the inclusion of the Crown land in that proposal.

## **4.5 The Development Application process**

### ***Making an Application***

Applicants should ensure that their subdivision proposal is permissible in the zone in which the land is situated, and that Council's consent is required.

Generally, development is classified into three categories:

- development that does not need consent,
- development that needs consent and
- development that is prohibited.

The following table describes the various classes and sub-classes of development under the Act.

Development that does not require development consent		Development that requires development consent		Prohibited development
No consent under Part 4 but Part 5 of The EPA Act applies	Exempt development - not subject to Part 4 or 5 of the EPA Act	Local development	State significant development	No sub-categories
		Integrated development		
		Designated development		
		Advertised development		
		Complying development		

In most instances subdivision of land will be a local development that requires consent of Council. Local development, or aspects of it, may comprise either:

- "integrated development", if it requires an approval under the following legislation (Fisheries Management, Heritage, National Parks and Wildlife, Pollution Control, River and Foreshores Improvement, Roads, Waste Minimisation and Management or Water Acts).
- "designated development", if it is declared to be under Schedule 3 of the Environmental Planning and Assessment Regulation or the Lismore Local Environmental Plan.
- "advertised development", if it is declared to be under the Environmental Planning and Assessment Regulation, Lismore Local Environmental Plan or Development Control Plan.

Under s.78A of the Act a person may apply to Council to carry out development, as defined.

### ***Evaluation of Applications***

Section 79C(1) of the Act lists the matters that Council must take into consideration in determining all development applications.

To ensure that an adequate application has been prepared applicants should consider all relevant matters contained in section 79C(1), and address relevant matters in a Statement of Environmental Effects submitted with the Development Application.

### ***Determination of Applications***

Section 80 requires Council to determine an application by either consenting to the application, either unconditionally or subject to conditions, or refusing the application. Section 80(3) enables Council to issue a "deferred commencement" consent which does not operate until the applicant satisfies Council as to any matter specified.

This provides a mechanism which enables Council to provide positive direction to applicants. The consent is issued subject to a requirement to provide additional information to address an issue/s that Council believes is not a significant impediment to the subdivision and therefore not a possible reason for refusal, if adequately addressed.

Section 80(4) enables Council to issue a staged consent permitting a proposed subdivision to be staged. The consent will specify parts or aspects of the overall development which are subject to another development application.

### ***Imposition of Conditions, Period and Extension of Consents***

Generally all subdivision approvals will be subject to conditions which must be satisfied by the applicant.

Section 80A lists the circumstances where a condition may be imposed. Council may impose conditions which:

- relate to any matter in section 79C(1);
- require modification or surrender of previous approvals or existing rights;
- require modification or ceasing of development;
- limits the period of a consent;
- requires the removal of buildings or works;
- requires the carrying out of certain works related to section 79C(1);
- modifies details of the application;
- are authorised under section 94.

Section 94 enables Council to impose conditions requiring the dedication of land or the payment of a monetary contribution, or both, where a particular development will increase the demand for public amenities and public services within the local government area.

Section 80A(6) enables Council to require the applicant to provide security for the payment of the cost of any one of the following:

- making good any damage caused to any property of the consent authority as a consequence of doing anything related to the consent,
- completing any public work (e.g. roads, kerb and guttering, footpaths, drainage and environmental controls) and
- remedying any defects in any such public works that arise within 6 months after the work is completed.

Section 95 provides that a consent generally lapses after 5 years. Council has the discretion to set a shorter period. Generally, a subdivision consent issued by Lismore City Council lapses after a period of 2 years.

A consent for subdivision of land does not lapse if either the requirements of s. 81A(3) are satisfied or engineering or construction work relating to the subdivision is physically commenced before the consent lapses.

Section 95A of the Act enables Council to extend the period of consent a further 1 year, upon application by the applicant, prior the consent lapsing. An application to extend the period of consent must be in writing and provide good reason why the consent should be extended. The applicant has a right of appeal should Council not grant an extension or not determine the application within 40 days of the application.

### ***Effect, Commencement and Review of Consents***

Under section 81A(3) a consent for subdivision of land may authorise the carrying out of any physical activity in, on, or over land in connection with the subdivision, including the construction of roads and stormwater drainage systems.

Section 84A(4) requires that subdivision work must not be commenced until:

- detailed engineering plans and specifications relating to the works have been endorsed with a construction certificate issued by Council or an accredited certifier,
- the beneficiary of the consent has appointed a principal certifying authority and has notified the consent authority and Council of the appointment and
- the beneficiary of the consent has given Council at least two (2) days notice to Council of the intention to commence works.

Council is the principal certifying authority for subdivision of land.

Under section 82A and when Council is the consent authority an applicant, within 28 days of determination of the application, may request Council to review the determination of the application.

### ***Modifications of Consents***

Section 96(1) enables Council, on application, to modify a consent granted by it to correct a minor error, misdescription or miscalculation.

S96(1A) concerns modifications involving minimal environmental impact. Council may consent to a modification of the consent if:

- it is satisfied that the proposed modification is of minimal [environmental](#) impact, and
- it is satisfied that the [development](#) to which the consent as modified relates is substantially the same [development](#) as the [development](#) for which the consent was originally granted, and
- it has notified the application in accordance with relevant notification/advertising requirements and has considered any submissions made concerning the proposed modification .

Section 96(2) enables Council, on application, to modify a consent granted by it if:

- it is satisfied that the proposed amended development is substantially the same development,
- it has consulted with the relevant Minister, public authority or approval body which had a concurrence role,
- it has notified the application,
- it has considered any submissions

## **4.6 Procedure**

### ***Discussion with Council and community consultation***

Prior to legal or financial commitment to a proposed subdivision, and prior to commencing any preliminary planning, applicants should ensure that their proposal can be considered under the Lismore Local Environmental Plan.

Applicants can contact Council's Planning and Development Group by phone or in person between 8.30 and 10.00am to check whether the proposal is permitted in the chosen location, and which Development Control Plans or other policies may apply. Alternatively, an applicant may check with Council's planning guidelines on its web site, [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au)

Council's Development Assessment Panel can assist by giving advice on large development proposals **before** lodgement of the application. The Panel meets weekly and comprises senior officers in planning, environmental health, building and engineering, and other specialist staff as may be required. Applicants who take the opportunity of using this panel and who heed the advice usually save time and avoid unnecessary delays during the processing of their applications.

To meet with the panel the applicant should forward details of the proposal including plans (four copies) to the chairman at least a week before the meeting to enable the relevant staff to assess the proposal and where necessary, carry out a site inspection. To arrange a meeting please contact the chairman of the Panel on (02) 66250-506. Council will provide a written report on the outcomes of the meeting.

For large and complex developments, pre-lodgement meetings with the panel during the early stages can be crucial to achieving a desirable outcome for all parties concerned.

Subdivision proposals can generate concerns among existing residents, relating to possible effects on amenity, stormwater drainage, native vegetation and wildlife, traffic and parking, etc. Early in the design of the project developers are encouraged to undertake consultation with adjoining landowners or the wider community, independent of Council, prior to finalising the proposal. If the

concerns of neighbours are addressed and the project is designed to overcome possible objections, then the approval process need not be delayed by the need to address objections later in the process when alteration may be more expensive.

Chapter 10 - 'Notification and Advertising of Development Applications' sets out Council's policy for public notification of applications. Comments and objections from any member of the public will be considered during assessment of the application.

Should significant objections from the public be received Council may:

- Initiate mediation between the applicant and objectors; or
- Seek to negotiate an alteration to the proposal; or
- Impose conditions of consent to require works which would overcome objections; or
- Refuse consent to the application.

### ***Consultation with NSW Government Departments***

The following Government agencies may have a role in planning and development activities:

- *Department of Environment & Conservation*
- *Department of Planning*
- *Department of Natural Resources*
- *Department of Primary Industries*
- *Department of State & Regional Development*
- *Roads and Traffic Authority*

### ***Definition of subdivision classes***

For the purposes of providing general guidance as to the extent and level of information to be supplied with a subdivision development application the various types of subdivisions have been grouped into the classes described below.

Intending applicants should note that as each subdivision proposal is unique in location and circumstance the level of information to be provided in support of the application and to enable proper assessment will vary.

## Subdivision Classes

<p><b>Class A.</b> <b>Urban boundary adjustment</b></p>	<p>The adjustment to an existing boundary or boundaries within an existing residential, commercial or industrial subdivision without creating any additional lots or changing existing lot area by more than 10%. It also includes the consolidation of allotments into one lot or substantially changing the shape of lot/s.</p>
<p><b>Class B.</b> <b>Minor urban subdivision</b></p>	<p>Any subdivision fronting onto an existing constructed road, not being an arterial road, or not involving the significant construction of new roads or significant extension of Council services or containing less than a total of ten (10) residential lots or less than five (5) industrial or commercial lots.</p>
<p><b>Class C.</b> <b>Major urban subdivision</b></p>	<p>Any urban subdivision which requires any significant new road or extension of services or comprises a total of 30 or more residential or 10 or more industrial or commercial lots.</p> <p>This scale of subdivision has the potential to create significant "flow-on" effects to neighbouring lands and therefore should give careful consideration to adjacent properties, open space networks, road hierarchy etc.</p>
<p><b>Class D.</b> <b>Comprehensive subdivision</b></p>	<p>Any subdivision which causes significant population, traffic generation or major changes in land use.</p>
<p><b>Class J.</b> <b>Rural subdivision</b></p>	<p>The subdivision of land into allotments that are permissible in the following rural zones and clause of the Lismore Local Environmental Plan 1992, as amended:</p> <ul style="list-style-type: none"> <li>○ Zone 1(a) - General Rural Zone - 40 ha.,</li> <li>○ Zone 1(b) - Agricultural Zone - 20 ha. and 13 ha. for a horticultural lot,</li> <li>○ Zone 1(d) - Investigation Zone - 40 ha.,</li> <li>○ Zone 1(r) - Riverlands Zone - 40 ha.,</li> <li>○ a lot created as a special purpose lot in accordance with</li> <li>○ Clause 11(4) or,</li> <li>○ farm adjustments where boundaries between existing farming properties are altered.</li> </ul>

### ***Preparation of development applications***

The statutory requirements for preparing, assessing and determining development applications for the subdivision of land are complex and as such often require a multi-disciplinary approach.

Delays in processing of applications can often be attributed to a lack of knowledge of planning law and practice and inadequate or lack of relevant information submitted.

Applicants are strongly recommended to discuss their proposal with Council officers before lodging their application. Such pre-lodgement advice can assist in ensuring that the design of the project meets Council and State Government requirements, facilitating efficient assessment and determination.

It is the responsibility of the applicant to ensure that an adequate level of information is submitted with the application. It is strongly recommended that developers of major subdivision projects engage qualified consultants in all relevant disciplines to assist in the preparation of subdivision applications.

At the subdivision approval/construction stage of large projects it is also recommended that a competent Project Manager be engaged to ensure that all conditions of the development consent and subdivision approval are met. This assists to ensure quick approval and release of Title plans, bonds or securities etc.

Depending on the scale and purpose of the subdivision it is expected that the application will be supported by specialist reports which examine various components of the site and development.

The following list is typical of the matters that may have to be addressed. Some specialist skills and expertise may overlap.

<b>Specialist Field</b>	<b>Typical range of matters addressed</b>
Engineering Environmental Science Surveying	<ul style="list-style-type: none"> <li>• geotechnical assessment,</li> <li>• erosion and sedimentation control,</li> <li>• means of effluent disposal,</li> <li>• stormwater disposal and water quality management,</li> <li>• hydraulic and flood impact assessment,</li> <li>• traffic/transport studies,</li> <li>• contamination assessment,</li> <li>• infrastructure supply and demand impacts,</li> <li>• acoustic assessment</li> <li>• design of civil works e.g. roads, water etc.</li> <li>• topographic and cadastral information</li> </ul>
Agricultural science	<ul style="list-style-type: none"> <li>• assessment of land agricultural class and suitability,</li> <li>• impact on adjoining land uses,</li> <li>• landuse buffering</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• fauna and flora assessment,</li> <li>• koala management plan</li> </ul>
Landscape	<ul style="list-style-type: none"> <li>• landscape planning</li> </ul>
Archaeology	<ul style="list-style-type: none"> <li>• archaeology and heritage assessments</li> </ul>
Social planning	<ul style="list-style-type: none"> <li>• social impact assessment</li> </ul>
Valuation, Marketing	<ul style="list-style-type: none"> <li>• economic impact assessment,</li> <li>• market analysis</li> <li>• marketing</li> </ul>
Solicitor	<ul style="list-style-type: none"> <li>• covenants, easements, legal agreements, titles etc.</li> </ul>

Practitioners in the above specialist fields are to be qualified in or accredited for the range of issues to be addressed.

Where a proposed subdivision falls within the following subdivision classes:

- Class B: Minor urban subdivision**
- Class C: Major urban subdivision**
- Class D: Comprehensive subdivision**



the applicant is strongly advised to consult with Council in writing, and to have regard to any requirements notified by Council.

**Information in development applications**

Information to be supplied should enable full and proper assessment of the application and reflect the provisions of this Plan and statutory requirements listed below.

The following is a checklist generally describing the minimum level of information required to make a legal development application for each class of subdivision (Refer to section 4.8.3 above):

APPLICATION INFORMATION	SUBDIVISION CLASS									
	A	B	C	D	E	F	G	H	I	J
<b>DA FORM</b> fully completed	*	*	*	*	*	*	*	*	*	*
<b>PAY FEES</b>	*	*	*	*	*	*	*	*	*	*
<b>PLANS</b> • 6 copies • drawn to scale • showing:										
location,	*	*	*	*	*	*	*	*	*	*
boundary dimensions,	*	*	*	*	*	*	*	*	*	*
site area,	*	*	*	*	*	*	*	*	*	*
north point,	*	*	*	*	*	*	*	*	*	*
existing lots and boundaries,	*	*	*	*	*	*	*	*	*	*
existing vegetation on site and adjoining lands,		*	*	*		*	*	*	*	*
location and use of existing buildings,	*	*	*	*	*	*	*	*	*	*
existing contours and levels of land to a fixed datum,		*	*	*		*	*	*	*	*
location of adjoining buildings,	*	*	*	*	*	*	*	*	*	*
full details and dimensions of proposed lots and roads,		*	*	*		*	*	*	*	*
location of rivers, streams etc.,		*	*	*		*	*	*	*	*
water and sewer networks including; • impact on existing network • proposed network	*	*	*	*	*	*	*	*	*	*
stormwater disposal		*	*	*		*	*	*	*	*
proposed method of access to each lot,		*	*	*		*	*	*	*	*
proposed/likely building envelopes.		*	*	*		*	*	*	*	*
<b>Development Context Plan</b>			*	*			*	*	*	
<b>Site Analysis Plan</b>		*	*	*		*	*	*	*	
<b>Landscape Plan</b>		*	*	*		*	*	*	*	
<b>ON THE SITE</b>										
show lots		*	*	*		*	*	*	*	
show roads and intersections		*	*	*		*	*	*	*	

Applications, depending on the scale of the proposal, should be supported by a Statement of Environmental Effects or Environmental Impact Report (for advertised developments). This report should include a statutory assessment of the proposal and include the following information, as relevant:

INFORMATION TO ADDRESS	SUBDIVISION CLASS									
	A	B	C	D	E	F	G	H	I	J
Description of proposal: legal land description, land area, number, location, and size of lots, access and road layout.		*	*	*		*	*	*	*	*
Statement of objectives and relationship to objectives of zone.		*	*	*		*	*	*	*	*
Describe existing environment: land use, slope, aspect, geology, soils, flood liability, fauna, flora, hydrology, historical use e.g. cattle dips, banana crops etc.		*	*	*		*	*	*	*	*
Analysis of the interaction between the development and environment: e.g. vegetation and wildlife corridors, access to open space, traffic and road hierarchy and movement systems, public transport etc.		*	*	*		*	*	*	*	*
Analysis of impacts: e.g. loss of agric. land, water quantity and quality, land use conflicts, increase in traffic, etc.		*	*	*		*	*	*	*	*
Measures to reduce impacts: e.g., visual control and landscaping, stormwater management, road improvements and traffic controls, etc.		*	*	*		*	*	*	*	*
Justification of the proposed subdivision		*	*	*		*	*	*	*	*
Alternatives		*	*	*		*	*	*	*	*
Consequences of not carrying out the proposal		*	*	*		*	*	*	*	*
Likely increase in demand for Council services		*	*	*		*	*	*	*	*
Social impact assessment			*	*			*		*	
Matters notified in writing from Council		*	*	*		*	*	*	*	*

A Statement of Environmental Effects may incorporate the relevant requirements for a Development Locality Context, Site Analysis or Landscape Plans. (Refer clause 5.7)

At the development application stage, sufficient information must be submitted demonstrating that the broad design requirements can be complied with. Any departures are to be sufficiently justified having regard to the requirements of this Plan and the circumstances of the proposal.

Council may request further information if submitted information is insufficient to permit adequate assessment of the application. Assessment time can be suspended until the requested information is received.

### **Staging subdivision developments**

In some cases, a subdivision may be of a magnitude, or circumstances require, that it be developed in stages. The following options are available:

- a) lodge an application for the whole of the development and nominate the lots involved in each stage. This allows Council to consent to the whole development and formulate conditions appropriate for each stage.
- b) lodge an application for stage 1 only together with a conceptual layout for all remaining stages. Separate applications are then required for each subsequent stages.

It should be noted that each subsequent application for the subsequent stages must comply with the subdivision requirements and range of S94 Contribution Plan and water and sewer contributions levied at the time of determination.

Council may require that second and subsequent stages be completed within a specified time frame of completion of the first stage where separate Development Applications are not submitted for each stage.

### Site inspections

As it is likely that a series of site inspections will be conducted by accredited certifiers or Council staff, and possibly Councillors, it is important that the lot and road layout of the subdivision be readily identifiable in the field.

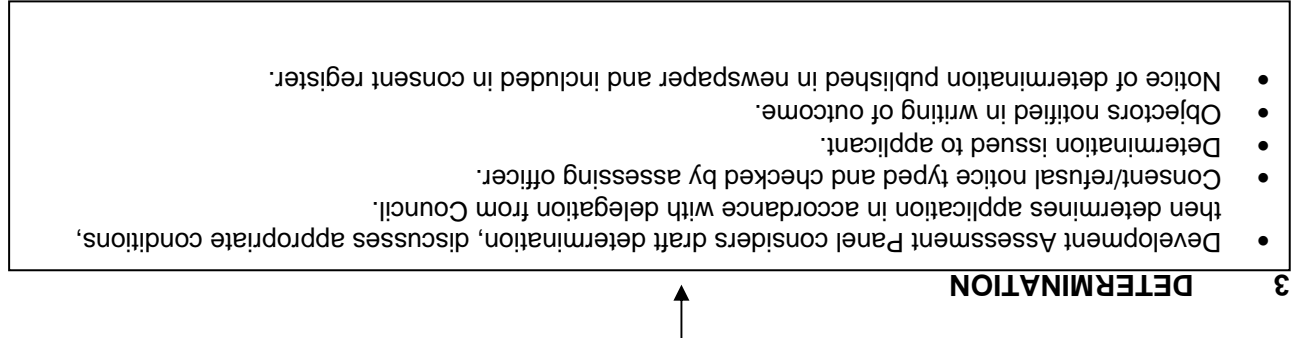
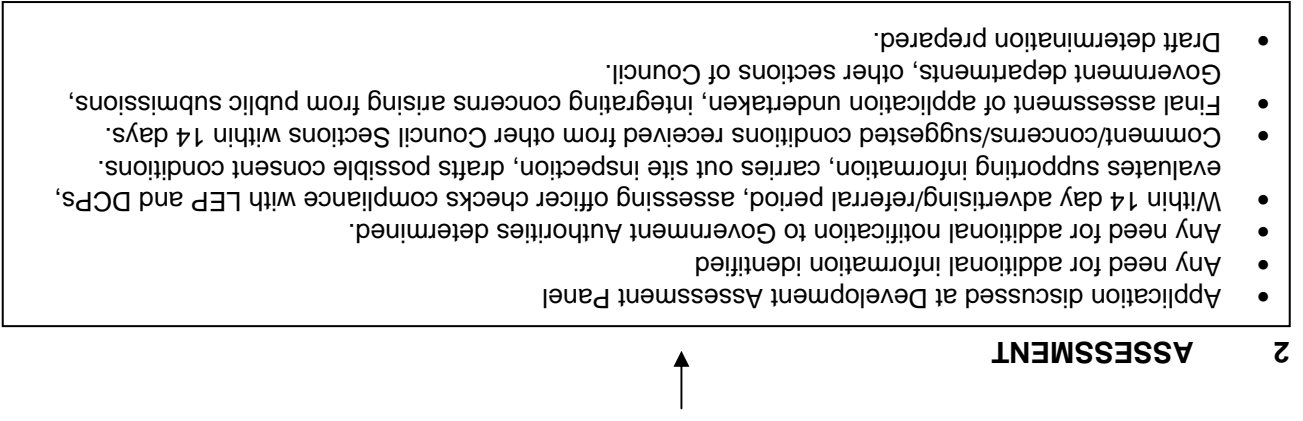
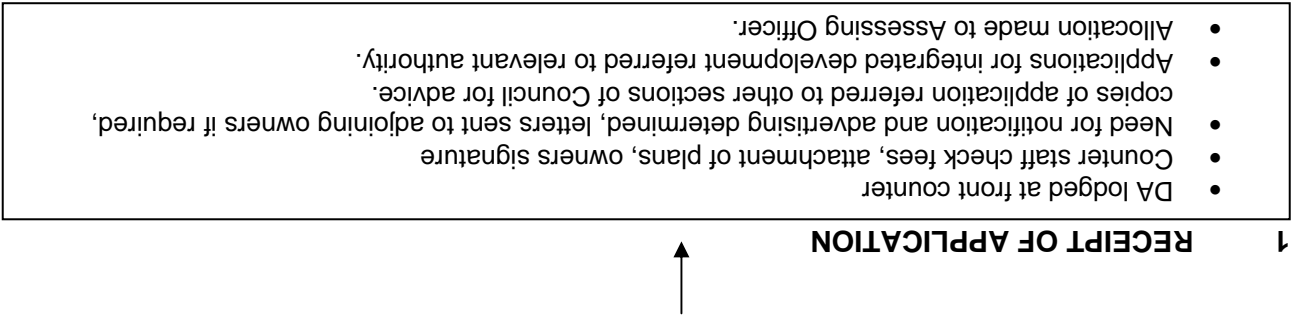
Where a subdivision does not involve the creation of a new road, proposed lots are to be identified with visible stakes, painted marks or other markings on structures, buildings etc.

Where a subdivision involves the opening of a new road or temporary road the centre-line of the proposed roads must be visibly staked, at a maximum of twenty (20) metre intervals with intersections and cul-de-sacs identified. The approximate location of lot side boundaries is also to be indicated in relation to the proposed road.

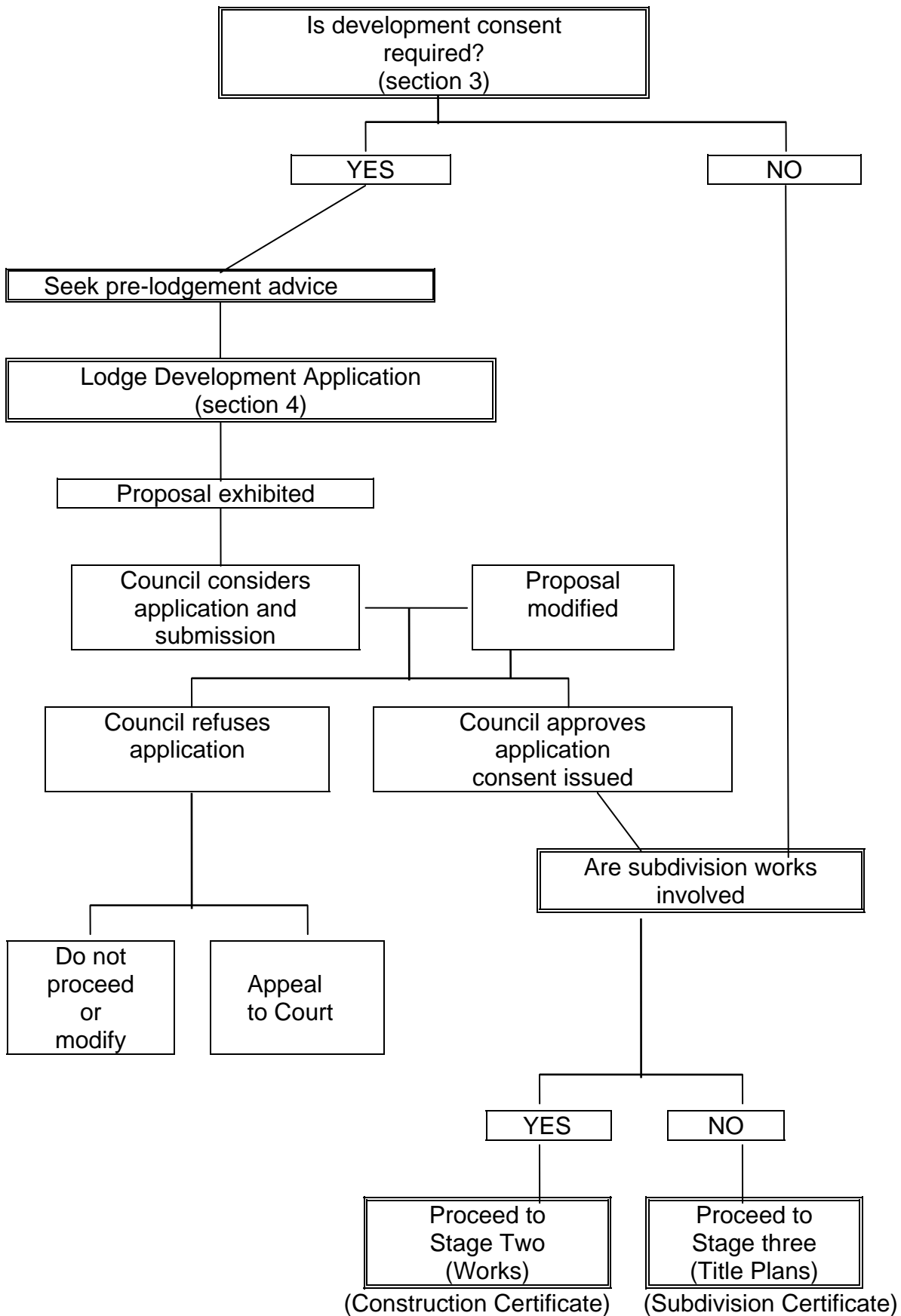
### Assessment of Applications

The following generalised flow diagrams show the key basic steps in the assessment of development applications generally and for the assessment of subdivision applications specifically.

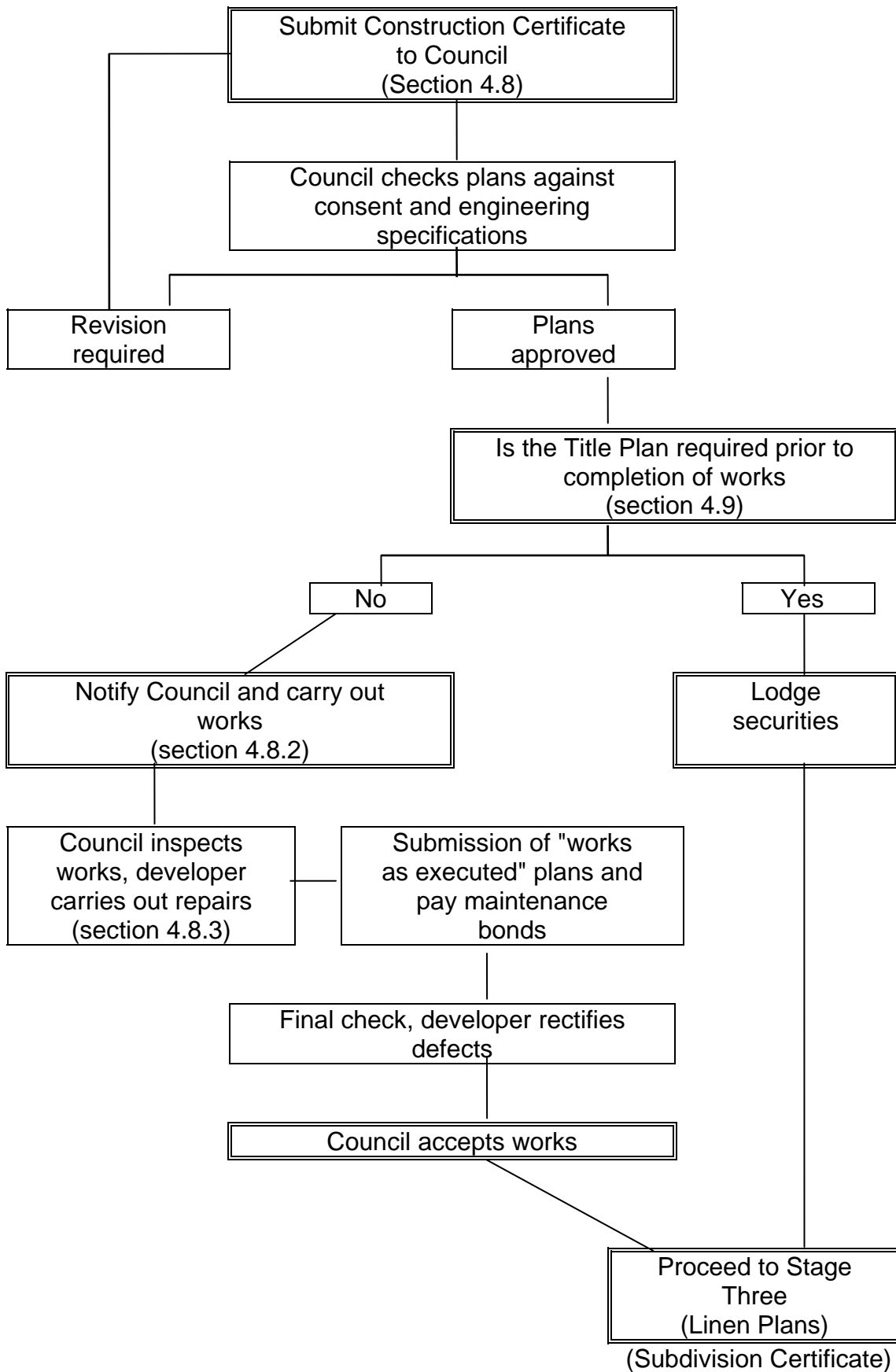
## ASSESSMENT OF APPLICATIONS FOR LOCAL DEVELOPMENT



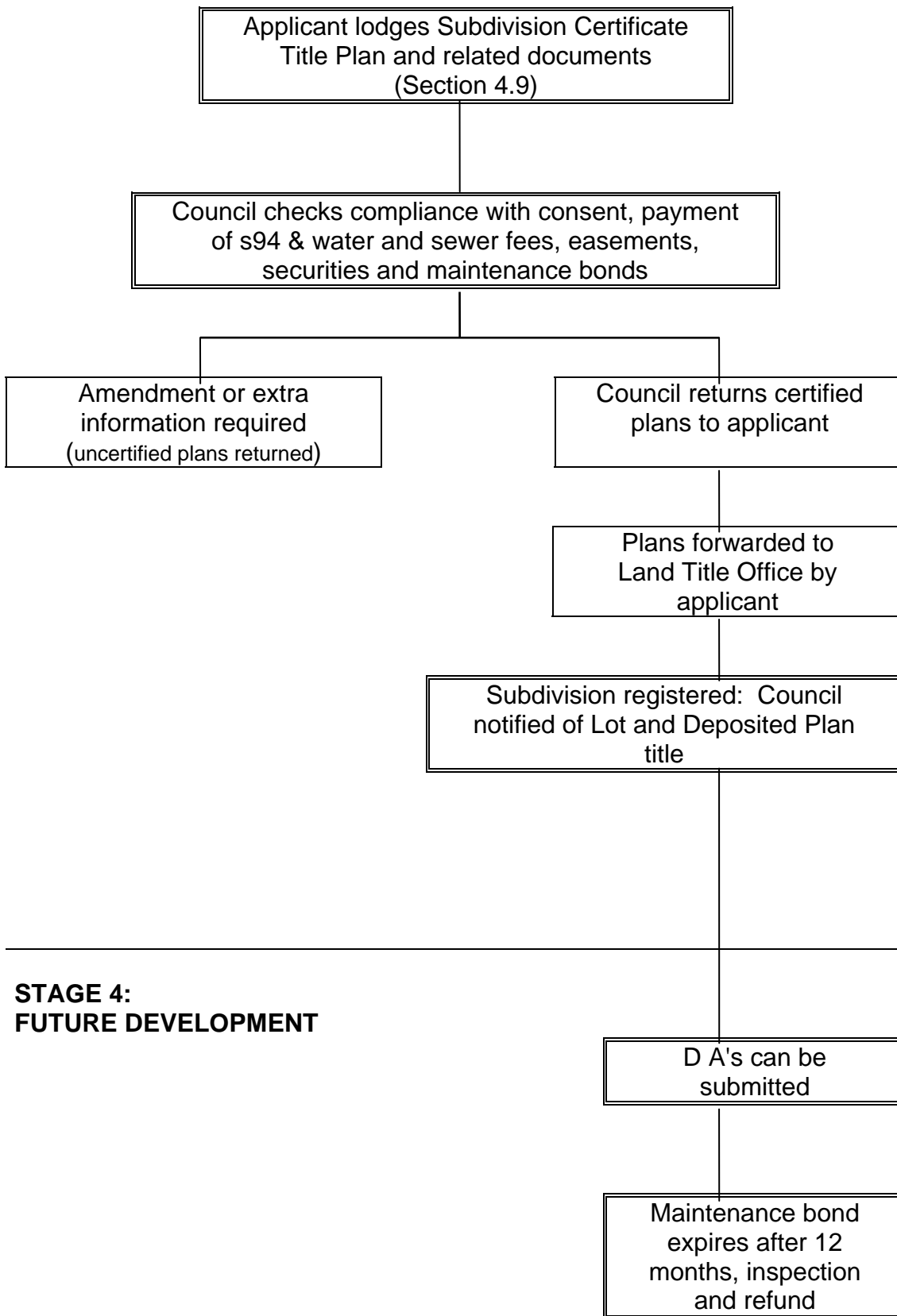
**STAGE 1:  
PRELIMINARY SUBDIVISION DESIGN AND LAYOUT**



**STAGE 2:  
DETAILED ENGINEERING DESIGN AND CONSTRUCTION**



**STAGE 3:  
TITLE PLAN AND RELATED DOCUMENTS**



## **Commencing work**

### Subdivision design requirements

Subdivision construction works are not to commence until engineering plans, addressing all the relevant conditions of development consent, are approved, stamped and returned to the applicant by Council.

The plans should comply with the subdivision design requirements for the construction of roads, drainage, water and sewers contained in Lismore City Council's specifications.

Four copies of the plans, together with the required plan checking fee, should be submitted to Council. Final approval, in writing, will be issued by Council, together with the return of 2 stamped copies of the plans.

### Commencing Work

Prior to commencing works in accordance with the approved plans the applicant shall complete the "Notice to Commence Work" form and advise Council in writing of the following matters:

- The name of, and procedure for contacting the authorised supervisor of the works. All relevant site instructions will be addressed to this person.
- The name of the authorised supervising engineer who will be responsible for inspecting and issuing relevant compliance certificates that the works are in accordance with the approved plans and specifications.
- The name of the contractor/s who will be performing the works and their relevant licences and quality assurance procedures.
- The name and copy of cover for Public Liability Insurance for the applicant and his contractors to the value of \$10m.

Upon satisfactory receipt of this information Council will issue final approval to commence work. No work is to commence without final approval. Erosion protection measures, where required, must be provided and in place prior to any site works commencing.

Works outside the approved site and the authority of Council, should not commence until permits (e.g. road opening and/or closing) and bonds required by the relevant agencies and the necessary consents to enter both public and private lands, obtained.

### Completion of Work

Where the subdivision required engineering or constructed works the applicant shall submit the following information to Council, prior to lodging linen plans:

- A copy of certified "works as executed" plans, notating any variations made during construction. Drainage and sewer invert and final lot fill and cut levels should also be provided.
- Certification for completed works from a suitably qualified person certifying that all roads, drainage and civil works required by the development consent and the approved design plans have been completed satisfactorily in accordance with Council's Development, Design and Construction Manual (as amended).
- A computerised copy of plans in a digital DXF format.
- Surveyor's certification that all pipelines etc. are within easements, and
- Information to satisfy the provisions of Australian Accounting Standard No. 27 for all assets (e.g. roads, bridges, driveways, drainage, footpaths, kerbing, pavements, retaining walls, water and sewerage underground pipes and pumping stations parks and gardens and open space) transferred to Council.

Information is to include:

- a description of the item,
- a fair market value,
- name and qualification of certified valuer, in relation to any real property valuation
- date of valuation, and
- name and qualification of qualified person for valuation of improvements on land or any assets to be transferred to Council.

Upon receipt of a letter of compliance from Council, a linen plan (original and 8 copies) prepared by a Registered Surveyor, should be submitted to Council when necessary works are complete and the applicant wishes to finalise the subdivision. The "final" plan, documentation and works should comply with Council approvals and be accompanied by the payment of all necessary securities and contributions. Certification, by a qualified person, is required to be prepared and submitted to Council stating that all relevant conditions of development consent have been complied with.

Council's certification and approval of the subdivision and plan is finalised when the linen plan is signed by Council.

### ***Plan release (Linen / Title Plans)***

The linen plan for any subdivision will only be released when all the conditions of the subdivision have been completed, the information required in clause 5.6.9 provided and maintenance bonds for all civil, structural, stormwater, water and sewerage works lodged to the satisfaction of Council.

Linen plans are to be accompanied with a completed "*Subdivision Certificate Registration*". This form sets out the number of plans, and documentation etc. to be provided with the plans.

### **Early release of plans**

No linen plans will be released unless it can be shown, to the satisfaction of Council that the subdivision will be completed within 6 weeks of the proposed release date.

Council requires in this instance that a satisfactory legal agreement, payment of Bonding Fees and a security as either a Bank Guarantee or Cash Bond be provided by the applicant to cover outstanding works etc.

The requirements and terms for this to occur are:

1. All engineering design plans are approved;
2. Evidence that Country Energy securities have been lodged;
3. A legal agreement is lodged for Council to perform the works on behalf of the developer in case of failure to complete the works or outstanding conditions within 6 weeks of the bond date;
4. The bond is to be 130% of the value of the outstanding works as assessed by Council;
5. No Development Application for future dwellings etc on that section of the bonded development will be approved by Council until all works covered by the bonding agreement have been completed and approved by Council;
6. No bond for uncompleted works will be released, either in whole or part until all works covered by the bond have been completed and approved by Council;
7. Prior to Council releasing the linen plan the following works have to be completed:
  - earthworks, including the final shaping of lots,
  - kerb and gutter and stormwater is in place,



- base pavement material laid,
- sewerage reticulation completed,
- water reticulation completed,
- electricity supplied,
- lots can be physically identified,
- works as executed plans for water, sewer and interim civil works are submitted and approved,
- roads sealed

### ***Maintenance period and bonds***

Where works are in compliance with Council's design and construction standards a bonded maintenance period of 6 months applies from the date the bond is lodged with Council (usually at the time the linen plan is released). Where works are not in compliance the maintenance period shall be a minimum of 12 months. The bond is to cover the repair of any defects (faulty material or workmanship) which may arise in the period, if not rectified by the applicant to the satisfaction of Council. The bond or unexpended funds are refunded after the 6 month period.

The bond is to be accompanied by a legal agreement, satisfactory to Council, nominating the applicant/developer as the responsible person/s. The agreement should be in the favour of Council and identify the application by the Development Application number.

The value of the bond is to be a minimum of 5% of the total cost of the completed works, or \$1,000, whichever is the greater, as calculated by Council.

The maintenance bond is taken to also cover the following works and public items not necessarily part of the approval that may be directly affected as a result of the development:

- additional works undertaken by the applicant;
- damage to the existing road network;
- damage to street furniture and trees to be retained in the road reserve;
- damage to water, sewer or drainage services.

## **4.7 The Subdivision: Context in Locality, site analysis and design process**

### ***Development Locality Context Plan***

A Development Locality Context Plan is to be prepared and submitted as part of the Development Application for the following classes of subdivision:

- Class C: Major urban subdivision**
- Class D: Comprehensive subdivision**
- Class G: Major village subdivision**
- Class H: Minor rural residential subdivision**
- Class I: Major rural residential subdivision**

The plan is to be prepared to enable an understanding of the site in relation to matters such as, public transport, shops and other services, schools, recreation facilities, major roads and the local street network.

The plan should analyse the site and the proposed development to explain:

1. How the proposal fits into Council's strategic planning and development intentions for the site.

The relevant provisions of:

Lismore Local Environment Plan 2000, as amended;  
Lismore Urban Strategy;  
Lismore Village Development Strategy;  
Lismore Rural Housing Strategy;  
Relevant chapters of this Development Control Plan; and  
Other local strategic planning policies as may be prepared from time to time;

should be addressed.

2. The relationship of the site to the local community. Information is to be provided identifying the locality's identity and character, the streetscape and the relationship of the site to local road and social networks.
3. The relationship of the site to adjoining properties. When housing is to be built among existing dwellings and development, the design and the relationship of the site must take into account factors that are of importance to immediate neighbours.
4. The general physical characteristics of the site. The general arrangement of buildings and spaces on a site is also part of the development context and will influence the quality of the existing and proposed environment.

A Development Locality Context Plan may include information that should be provided in a detailed Site Analysis Plan.

### **Site Analysis Plan**

A detailed site analysis establishes the development in the context of the site, identifying and explaining graphically the key influences on the design and how the proposed subdivision will relate to the immediate surroundings.

A Site Analysis Plan is to be prepared and submitted as part of the Development Application for the following classes of subdivision:

- Class B: Minor urban subdivision**
- Class C: Major urban subdivision**
- Class D: Comprehensive subdivision**
- Class F: Minor village subdivision**
- Class G: Major village subdivision**
- Class H: Minor rural residential subdivision**
- Class I: Major rural residential subdivision**
- Class J: Rural subdivision**

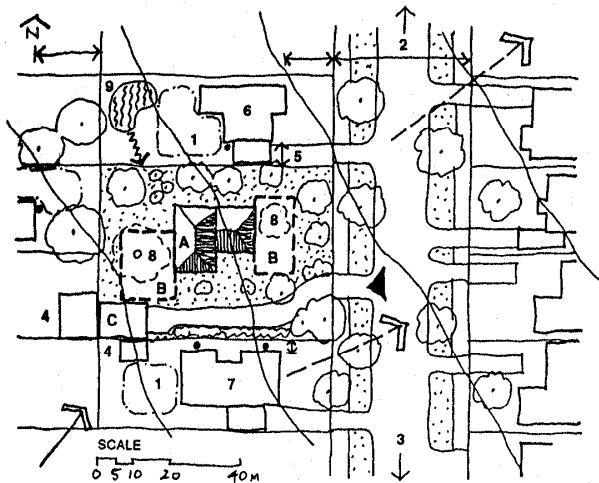
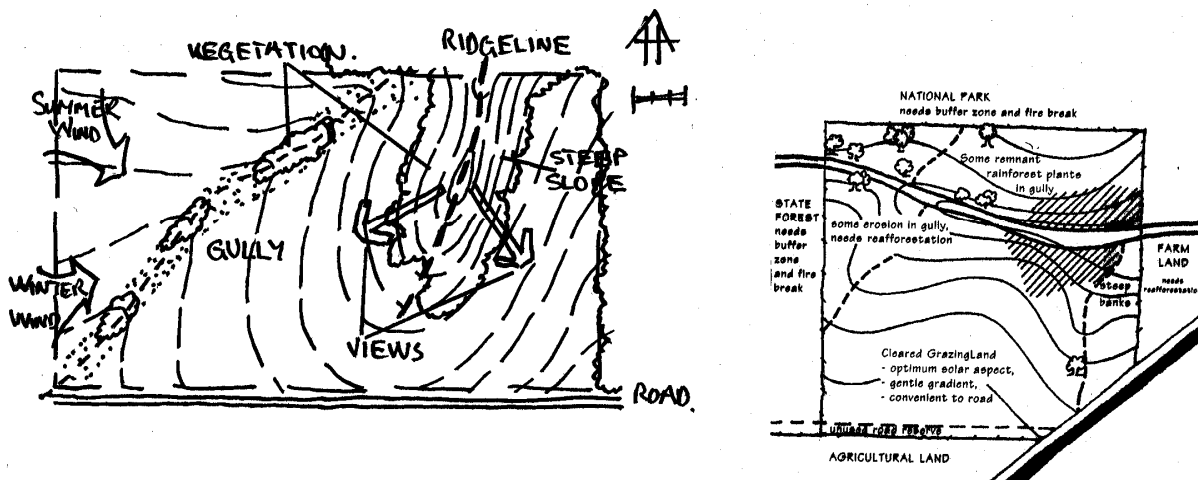
A site analysis plan should not be a standard exercise. At its most exhaustive such a plan should document the site in terms of:

- contours;
- existing vegetation;
- buildings (including any to be retained);
- views to and from the site;
- access and connection points;
- stormwater and sewer drainage;
- provision of services (electricity, gas, telecommunications);
- orientation, microclimate, prevailing wind direction and noise sources;
- contaminated soils, geotechnically unstable areas;
- fences, boundaries and easements;
- environmentally sensitive areas;
- archaeologically sensitive areas;
- any notable features.

The plan would document the surrounds of the site in terms of:

- the location and use of adjacent and opposite buildings and out-buildings;
- abutting private spaces and habitable room windows which have outlooks towards the site, particularly those within 9 metres of the site;
- views and solar access enjoyed by adjacent residents;
- major trees of adjoining land, particularly those within 9 metres of the site;
- location and height of walls built to the property boundary;
- characteristics of any adjacent public open space;
- street frontage features such as adjacent and nearby development, including characteristic fencing and garden styles;
- direction and distances to local shops, schools, public transport, parks and community facilities and
- the differences in levels between the site and adjacent properties.

A written statement is to be provided that explains how the design of the subdivision responds to the opportunities and constraints identified in the site analysis.



- Key**
- Prevailing winds
  - Views (eg to hills or city skyline)
  - Existing trees to be retained
  - Neighbourhood windows facing site
  - ~ Noise (eg from pool area)
  - ▲ Vehicular site entry
  - ~ Contours
  - A Existing two-storey dwelling to be retained
  - B Proposed additional units
  - C Existing garage
  - 1 Secluded private open space
  - 2 Public transport 200m
  - 3 School 500m
  - 4 Garden shed
  - 5 Carport
  - 6 Two-storey dwelling
  - 7 Single-storey dwelling
  - 8 Trees on site to be removed
  - 9 Swimming pool (or other external active recreation area)

Site Analyses

## ***Design Process***

One way of improving the quality of a subdivision, particularly for urban, village and rural residential subdivisions, is to establish and understand the context and relationship of the development in the area in which it is proposed.

The analysis of the proposed development site and its surrounds provides a framework for "fitting" the development in the neighbourhood, as well as identifying the constraints and opportunities of the site.

Establishing the development context typically involves understanding the following aspects:

- Council's strategic planning and development intentions for the site;
- The relationship of the site to the local community;
- The relationship of the site to adjoining properties;
- The physical characteristics of the site.

### **Phases in the Design Process:**

The following describes indicative design concept phases and inputs for achieving successful subdivisions. The emphasis or role of each phase will vary according to the circumstances and conditions of each site.

#### **Site Analysis**

The statement of environmental effects accompanying a DA should include a comprehensive site survey and analysis. Best practice design methods require that site survey and analysis processes be carried out at the project feasibility stage and that the final design demonstrates response to the survey and analysis.

The site analysis should identify the full range of contextual and site specific constraints and opportunities affecting the proposed development; evidence conceptually how it is intended to successfully address these in the final design; and contain evidence of consultation with neighbours. The site survey and analysis has many important uses, including clarifying what is realistically achievable, providing clear design guidelines, speeding up the entire development process, and also providing an excellent negotiating tool that can reduce if not eliminate the possibility of conflict .

The following matters should be addressed in the site analysis:

#### ***Site context and environmental assessment***

- establish the site context, major features (e.g. views, remnant vegetation) and environmental constraints and opportunities (e.g. slopes, gullies, flood-prone land, bushfire hazards, contaminated soils, prevailing winds, and air and water quality).

#### ***External influences***

- establish significant external connections to and from the site, such as habitat corridors.
- identify external drainage and open space networks, facilities and services (e.g. schools and community facilities, services and centres) and employment opportunities and their relationship to the site.
- establish structures and processes to guide the community planning process, including methods for continuing community involvement.
- identify broad opportunities for integrated catchment management, the provision and multi-use of open space and non-residential facilities.

#### ***Movement and service connections***

- establish major local movement systems into and out of the site.
- identify opportunities for bicycle and pedestrian movements through and beyond the site.
- establish street connections to facilitate local and external movement and identify options for services connections, including provision for public transport.

#### *Neighbourhood development, identity and integration*

- determine the location and nature of proposed and existing features and facilities which will create, and identify and achieve a relatively self contained, distinctive neighbourhood with a strong "sense of place".
- consider alternative development and density scenarios which in turn, will influence the type, range and location of facilities and services to be provided (e.g. schools and centres).
- ensure that some flexibility is built into the various design options.
- define the preferred form of edge development to provide identity but also encourage integration with existing or future neighbourhoods.

#### *Safety and security*

- ensure that safety and security are considered in the design process. They will influence such design elements as street and allotment layout, open space and bicycle and pedestrian networks, dwelling and orientation, and the design of non-residential facilities.

#### *Connectivity*

- establish the basic movement network, linking existing streets where necessary and ensuring good local connectivity, permeability and legibility, including management of through traffic.
- ensure that motor vehicle networks are compatible with pedestrian and bicycle movements.

#### *Street and path layout*

- connect movement networks to a street and path layout, considering issues such as safety, legibility, environmental capacity, allotment and orientation, and climatic factors.

#### *Lot size and mix*

- determine broad distribution of lot sizes, housing types and land requirements for non-residential activities and facilities.

#### *Utility services and infrastructure*

- identify the location and capacity of services such as water, sewer and electricity.

The outcomes of the concept design process should be reflected in the Development Context Plan and Site Analysis.

### ***Landscape Concept Plan***

The intent of this plan is to define the general concepts that establish the character, structure and treatment of the proposed landscape development of the subdivision. Landscaping detail is to be provided with the engineering plans.

A Landscape Concept Plan, prepared in accordance with Council's "*Landscape Guidelines*" and submitted as part of the Development Application for the following classes of subdivision:

- Class B: Minor urban subdivision**
- Class C: Major urban subdivision**
- Class D: Comprehensive subdivision**
- Class F: Minor village subdivision**
- Class G: Major village subdivision**
- Class H: Minor rural residential subdivision**
- Class I: Major rural residential subdivision**

The plan should document the following details, where relevant:

- preferred plan scale, 1 : 200; 1 : 500 or 1 : 1000 on standard size plan sheets (A1, A2, A3 or A4);
- existing and proposed levels;
- site boundaries;
- building envelopes, where applicable;
- location and canopy of existing trees, adjacent streets and trees.

The landscape concept plan should contain:

Statement of intent and management defining:

- purpose and function of landscape;
- desired theme and character;
- responsibility for maintenance etc. between the developer and Council.

Landscape structure in a broader context showing:

- any connections to open space networks;
- intended location of proposed open space areas;
- identification of major tree planting;
- scale of trees.

Soft landscape planting showing:

- planting concept showing grassed areas, mature height and spread of trees and plantings with botanical and common names; and
- overland drainage proposals.

Hard landscape surfaces showing:

- outline location of all hard surface areas (streets, footpaths and likely driveways).

Hard landscape and service utility structures showing:

- details of any fencing and retaining walls;
- signage;
- location of electricity substations and street lighting standards;
- location of underground utilities (water, sewer, electricity etc.).