

9 Subdivision

This section provides site controls for the subdivision of land.

9.1 Objectives

- Facilitate the development of a range of sites appropriate to the types of activity occurring in the Great Lakes.
- Encourage economic utilisation of land resources and avoid unnecessary fragmentation of land.
- Optimise use of existing infrastructure and ensure appropriate levels of service are achieved by utilities and road network.
- Maintain and protect environment and amenity of existing development and adjacent land uses, by ensuring a high standard of design and construction in new subdivisions.
- Ensure new subdivisions are designed and constructed to accommodate quality development for the location in which it is proposed.
- Maximise the retention of native vegetation and where possible implement measures to alleviate the fragmentation of wildlife corridors.
- Ensure environmental constraints and impacts, such as flooding, drainage, vegetation, erosion etc are adequately considered.
- Encourage innovative design and energy efficiency.
- Ensure adequate provisions are made for building areas, services, access, parking and manoeuvring on allotments within the subdivision.

Residential Subdivision - Additional Objectives

- To minimise the extent of excavations works and/or fill required for establishing a suitable building envelope and associated infrastructure.
- To consider the design of roads and allotments so as to create variety and interest in the streetscape, and to preserve significant natural features.
- To ensure each allotment has sufficient area and dimensions to enable a dwelling and ancillary outbuildings; the provision of private outdoor space and convenient pedestrian and vehicle access.
- To prevent access points to battle-axe allotments becoming a dominating feature of the street and one which inhibits on-street parking,
- To encourage variety and choice in housing forms by providing allotments for a broad range of dwelling sizes, regardless of project size.
- Strike a balance between cost effectiveness and recurrent costs to Council and the community.
- Provide an appropriate level of amenity for new and existing residential areas.
- To preserve and enhance the unique characteristics of existing areas by adopting sympathetic subdivision design principles.
- To create pleasant street environments and take advantage of any views or outlook.
- To enable, where practicable, the application of energy conservation principles.

Commercial and Industrial Subdivision - Additional Objectives

- To create allotments with sufficient area and dimensions to enable the siting and construction of building development, the parking and manoeuvring of vehicles and the provision of appropriate loading facilities.
- To encourage variety and choice in industrial and business accommodation and to meet the projected demand for such premises.
- To provide a range of land parcels to fulfil a variety of industrial requirements.
- To minimise the excessive fragmentation of valuable commercial land.

Large Lot Residential, Rural and Environmental Zones Subdivision - Additional Objectives

- Ensure that the pattern of subdivision reflects and follows the natural features of the site rather than imposing

- an artificial geometric pattern simply to satisfy the minimum area standard or specific dimensions;
- Ensure that the proposed lots do not fragment agriculturally viable land;
- Ensure that the lots created avoid, or make provision to minimise, the likely affect of natural hazards;
- Ensure that the size, shape and characteristics of new lots are appropriate to the zoning and the possible range of uses;
- Protect the scenic value and natural habitats of rural land; and
- Ensure that new lots are in character with the locality and the specific landform, vegetation, soils and geology of the site.;

9.2 General Requirements for subdivision in all zones

9.2.1 Design Principles

Good subdivision design goes beyond minimum lots size requirements. Careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints is required to ensure that its best qualities are used most effectively to suit the proposed development. The matters that may be taken into account when determining the suitability or otherwise of a site for subdivision include, but are not necessarily limited to, the following:

Hazards and Constraints:

- Hazards such as soil stability, acid sulphate soils, flooding, erosion and bushfire;
- Possible contamination of the site from previous land use activities;
- Potential impact of sea level rise and coastal erosion and the need for foreshore protection;

Protection and enhancement of natural features:

- The likely impact of the proposal upon threatened species or their habitat;
- Retention of special qualities or features such as trees and views;
- Protection of dominant ridge lines and hilltop;
- Protection of existing waterways;
- Heritage and archaeological conservation;
- Slope and orientation of the land and the extent of excavation works and/or fill required;

Infrastructure and surrounding development:

- Availability of utilities;
- Design of roads, access ways and individual site access;
- Provision of adequate site drainage;
- Potential impact of stormwater runoff and pollutant discharge into waterways;
- The relationship of the subdivision layout to adjacent land suitable for subdivision;
- Enhancement of existing or future subdivision in the locality;

Future land uses and development:

- Provision of public open space in line with any adopted open space and landscaping strategies;
- Proposed future use of the land and relevant development controls such as setbacks, car parking, landscaping etc;
- The proposed method of effluent disposal, location and sizing of related land application areas and the likely impacts upon the receiving environments;
- Energy efficiency of the subdivision and the opportunities for solar access to future development.

9.2.2 Site Design

Objectives

- To preserve mature trees and significant landscape elements.
- To limit stormwater runoff and incorporate water sensitive design.
- To ensure heritage conservation objectives are met for both European and Aboriginal heritage.

- To avoid degradation of unique or sensitive environments such as wetlands, littoral rainforests, estuarine areas, and coastal lakes and areas.

Controls

- (1) Site works and landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, vegetation or watercourses should be preserved.
- (2) Subdivisions should incorporate existing vegetation, landforms and contours wherever possible, rather than completely reshaping the site.
- (3) Subdivision design should maintain existing mature trees and consideration should be given to the objectives and controls contained in the [Tree and Vegetation Preservation](#) chapter of this plan.
- (4) Council will encourage the location of boundaries along natural features where appropriate, in order to minimise the likelihood of soil erosion. However, allotment boundaries should not follow watercourses.
- (5) Where subdivision affects heritage items, Council may require the submission of a Heritage Impact Statement prior to consideration of the application. The impact of any subdivision on the curtilage or immediate context of a heritage item must be evaluated in this Statement.
- (6) Consideration should be given to the location and type of water sensitive design measures in accordance with the Water Sensitive Design section of this plan.
- (7) Consideration will also be given to the likely effects of flooding.

9.2.3 Services

Objectives

- To provide public utilities to each allotment in a manner that is efficient and cost-effective.
- To maximise the opportunities for shared (common) trenching and reduced restrictions on landscaping within road reserves.
- To ensure that rural, residential, industrial and commercial areas are adequately serviced in a manner that is timely, cost-effective, coordinated and efficient.

Controls

- (1) Where available, satisfactory arrangements shall be made with the appropriate authority for the provision of utility services to each allotment in the subdivision. The design and construction of utility services shall conform to the specific standards of the relevant servicing authorities including: water supply and sewerage; electricity; and telecommunications.
- (2) A certificate of compliance from the telephone supply authority is required confirming that arrangements have been made for the provision of telephone supply throughout the subdivision.
- (3) In areas where reticulated water supply is available, water supply mains and service conduits should be provided to each allotment in the subdivision. An adequate reticulated water supply system is to be provided for domestic supply and fire fighting purposes.
- (4) In areas where sewerage service is available, sewerage reticulation should be provided to each allotment in the subdivision. Sewerage reticulation is to be arranged where possible to allow the whole of each new allotment to be serviced by gravity drainage. Where necessary, pumping stations, rising mains and extension of existing mains shall be provided.
- (5) Subdivisions in unsewered areas may only be permitted where allotment sizes and layouts are adequate to allow on-site disposal of all sewage and wastewater generated on the allotment. Council does not support the installation of effluent pumpout systems due to the high potential for system failure and associated risk of contamination of sensitive waterways. Refer to Council's current On-site Sewage Management Strategy and Decision Assessment Framework to determine requirements for the land application area.
- (6) For subdivision requiring a new low voltage electricity supply, reticulation is to be via an underground supply system unless Council determines the ground conditions to be unsuitable for extensive underground

infrastructure.

- (7) Battleaxe blocks are to be serviced with underground electricity.
- (8) Where possible, compatible public utility services shall be coordinated in common trenching to maximum cost effect.
- (9) Services shall be planned to provide a common accessible service easement of width to be determined by Council considering the particular circumstances. Easements are to be provided in accordance with authority requirements for each service.

9.2.4 Landscaping

Objectives

- To maintain and enhance existing streetscape and landscape character.
- To enhance the setting of buildings and provide for acoustic and visual privacy.
- To provide shade, wind and weather protection for buildings and areas of open space.
- To preserve mature trees and significant landscape elements.

Controls

- (1) A plan is to be submitted showing the location of any existing Cabbage Tree Palms so that a decision can be made as to whether these should be relocated or should remain.
- (2) In established areas, landscaping shall relate to the scale of other elements of the streetscape and the landscaping of adjoining development. Where possible, landscaped areas shall adjoin the landscaped areas of adjacent allotments.
- (3) The provision of landscaped buffers and/or earth mounds may be required to screen developments from nearby roads. Plantings may also be required adjacent to public roads where access is to be restricted.
- (4) For subdivisions involving the creation of greater than 5 lots, a landscape/street tree-planting concept plan is to be submitted with the development application. Council, as a condition of approval, will require at least one advanced tree in the road reserve in front of each lot, where the soil is suitable. Two trees (one on each frontage) will be required for corner lots. Further plantings may be necessary where drainage /water quality control facilities or public open space are to be provided.
- (5) Earthworks including excavation, filling and levelling will not be permitted within the root zone of trees intended to be kept.

9.2.5 Drainage

Objectives

- To prevent stormwater damage to the built and natural environment.
- To provide overflow paths to convey large stormwater flows to trunk drainage systems.
- To reduce nuisance flows to a level that is acceptable to the community.
- To provide a stormwater system which can be maintained economically.
- To provide a stormwater system which utilises open space in a manner compatible with other uses.
- To protect sensitive waterways and environments from urban stormwater pollutants.
- To prevent both short and long term inundation of development.
- To maintain environmental flows where possible and maximise the use and effectiveness of existing and natural drainage systems.
- To stabilise land forms to prevent soil erosion and sedimentation.

Controls

- (1) Excavation or filling of land should be limited to 1m above or below existing ground levels. Levels shall be adjusted so that allotments drain to the street and/or the stormwater drainage system to ensure there is no intensification of runoff to adjacent land. Where required, a system of inter-allotment drainage shall be required with the subdivision application.
- (2) Drainage from subdivision sites should be consistent with the pre-development stormwater patterns.
- (3) Drainage systems should be designed to ensure safety and minimise the likelihood for stormwater inundation of habitable floor areas. The drainage system shall be designed in accordance with Council's Design Specifications and Construction Specifications.
- (4) For integrated development (i.e. lots under the 450m²), an appropriate stormwater flow management system should be established to reduce the velocity of stormwater discharge.
- (5) Allotment drainage shall discharge to the roadway gutter wherever possible. Inter-allotment drainage (including the creation of easements to drain water) will be required where discharge to the street for all lots is not possible.
- (6) Allotment drainage and stormwater must not be directed to land application areas associated with onsite effluent disposal systems.
- (7) On-site stormwater detention may be required in the development to maintain flows no greater than the undeveloped rate of flow, both within and downstream from the development area. Advice should be sought from Council's Engineering Services Division to determine if this is required.
- (8) Development must not detrimentally affect water quality or result in the discharge of effluent from the site. Natural drainage systems should not be altered, particularly in catchments for estuaries and wetlands.
- (9) Water sensitive design measures must be provided on-site, in accordance with the Water Sensitive Design section.
- (10) Any application for subdivision may be required to include drainage calculations in respect of run off discharge prepared by and certified by a suitably qualified person.
- (11) Easements shall be created over drainage systems, including piped stormwater lines and open drainage channels. Widths of required easements will depend upon the circumstances.
- (12) Drainage reserves may be required to be dedicated (at no cost to Council) over natural and artificial watercourses.

9.2.6 Road Design and Construction

Council's current Design and Construction Specifications will prevail in the event of any inconsistency with the details contained within this Development Control Plan. If an application does not meet the requirements of Council's Design and Construction Specifications, but does meet the road design and construction objectives, it may be considered for approval.

Contact Council's customer service section for further information on the Design and Construction Specifications.

Objectives

- To reinforce and define vehicle speed control design elements.
- To provide roads consistent with their function within the road network, having regard to their safety and visual impact.
- To preserve the character of village area through sympathetic road design.
- To provide sufficient road reserve, carriageway and verge widths to allow roads to perform their designated functions within the road network.
- To allow all users of the road - motorists, pedestrians and cyclists - to proceed safely, conveniently and with minimal delay.
- To provide access for emergency and service vehicles to all dwellings, particularly larger vehicles including garbage trucks and fire engines.

- To accommodate sufficient on-street parking.
- To accommodate and co-ordinate the location of public utility services and drainage systems without adversely effecting road pavements.
- To provide road pavements and edges that are appropriate for the control of vehicle movements, perform any required drainage function, are structurally adequate and use materials that reinforce the residential function of the street.
- To minimise road construction and life cycle costs without compromising other objectives.
- To minimise the need for earthworks due to road construction.
- To ensure safe and convenient access is available to each new allotment created.

Controls

- (1) Where subdivision involves the construction of new roads, the road network to be established shall be designed in such a manner so that each lot can be developed and accessed in a practical and feasible manner.
- (2) The developer shall be responsible for connecting new to existing road construction.
- (3) The configuration and design of roads shall be in accordance with Council's Design Specifications.
- (4) Where a subdivision adjoins an existing road, the road infrastructure may be required to be upgraded. This may include the construction of kerb and guttering, pavement widening and sealing, ancillary drainage and footpaths.
- (5) Council, except for Community Title subdivision, will require the dedication of all roads and pathways constructed to public road standards. The dedication of roads within Community Titles subdivisions will be considered on a case-by-case basis.
- (6) Street name signs shall be erected at the junction of all roads in the subdivision. Proposed street names shall be submitted for approval by Council's Engineering Services Division. Signage shall conform to and be located according to Council's standard drawings.

9.3 Residential Subdivision

9.3.1 Allotment Dimensions

Controls

- (1) Each allotment should have a depth to frontage ratio sufficient to avoid the possibility of "gun barrel" development and permit development to respond to particular site circumstances such as orientation, topography etc.
- (2) Larger lot sizes may be required in the following instances:
 - (a) Where there is a need for on site disposal of sewage effluent;
 - (b) Where there are special environmental considerations such as tree preservation, fauna protection, or to ensure the protection of water courses and estuaries; and
 - (c) When the lot adjoins a reserve.
- (3) Building setbacks from roads need to be considered when formulating allotment dimensions in order to ensure that a dwelling can be situated on an allotment.
- (4) Allotment dimensions should allow for the inclusion of buffer distances for onsite sewage management systems as prescribed by the [NSW Department of Local Government's Environment & Health Guidelines titled "On-site Sewage Management for Single Households"](#).
- (5) Land application areas for on-site disposal systems are not to be located on or adjacent to areas where mature trees have been removed. Residual tree roots have the potential to cause the disposal area to fail due to funnelling of effluent. Details may be required with the subdivision application.
- (6) Residential allotments in village zones must be capable of retaining 25% of the land area as absorbent surfaces. Such surfaces must be either lawn or landscaping. New lots should be capable of containing a

rectangle suitable for building purposes measuring 8m x 20m or 10m x 16m located behind the building line and a private open space area of 40m² with a minimum dimension of 4m.

Allotment Dimensions Additional Controls Excluding Site Specific Controls

- (1) A minimum street frontage of 12.6m, except for battle-axe allotments is required to ensure that the site is a suitable width to permit vehicular and pedestrian access, with landscaping to provide visual relief to development, and privacy for its inhabitants.

Seal Rocks, Pacific Palms, Tea Gardens & Hawks Nest - Additional Site Specific Allotment Dimensions Controls

- (1) The minimum street frontage of any newly created allotment is to be 15m.
- (2) Building envelopes are to be identified for any vacant allotments created.

9.3.2 Allotment Orientation

Controls

- (1) Allotments (excluding corner allotments) should not have frontages to more than one public road.
- (2) Staggering of allotments and extensive use of landscaping are encouraged to reduce adverse wind impacts and achieve maximum exposure to cooling breezes in summer, and create streetscape variety and interest.
- (3) Allotment orientation should take into account the various types of dwellings that may be constructed on them and ensure that potential indoor living and related private open space areas of future dwellings can be oriented to the north. Consider the possible overshadowing impact of and on existing or future adjoining buildings. Consideration of road orientation is an important factor in influencing allotment orientation to achieve an energy efficient subdivision.
- (4) Roads running close to east west provide for good orientation of allotments for solar access to dwellings and private open space, while maintaining a narrow allotment frontage. This will contribute to minimising the street length and reduce lengths of utility and service related infrastructure.
- (5) On roads running north south, allotments may need to be widened to provide for solar access and prevent overshadowing of dwellings and private open space.
- (6) Where land slopes are generally greater than 5%, road and allotment design should provide for dwellings to be generally parallel with the contours to minimise earthworks. Special care should also be taken in the configuration of roads and allotments to:
 - (a) Minimise boundary retaining walls, particularly associated with building to boundary minimise potential overlooking; and
 - (b) Maintain solar access, where slopes face south. A greater distance between dwellings will generally be required to achieve the same solar access as on level sites or north facing slopes.

9.3.3 Sloping Sites

Controls

- (1) On sites with a slope greater than 10% it may be necessary to provide lots larger than the minimum lot size to provide sufficient area to accommodate a dwelling and associated infrastructure such as driveways, retaining walls, water sensitive design measures and on-site sewage disposal.
- (2) In considering applications for subdivision of land with a slope greater than 10% the following matters must be taken into consideration:
 - (a) Suitable area for the provision of water sensitive design measures;

- (b) Provision of a driveway and car parking that complies with relevant Australian Standards
 - (c) Extent of cut and fill required to provide access and streetscape impacts
 - (d) If the site is not connected to a reticulated sewerage system, provision of suitable area for onsite sewage disposal in accordance with Councils Decision Assessment Framework.
- (3) In village areas, the subdivision of land to create battle-axe lots on land with a slope greater than 15% is undesirable.

9.3.4 Allotments in Cul-de-sacs

Controls

- (1) The convergence of lot boundaries towards the street in cul-de-sac heads intensifies the appearance of development. A minimum allotment width of 12.6m width at the street frontage should be provided to avoid the possibility of a cluttered appearance of driveways and housing.
- (2) Where a lot is at the head of an access place (cul-de-sac) and is subject to the 12.6m frontage requirement, the lot is to be of a reasonable shape for the erection of a dwelling and associated domestic structures and afford practical open space usage. That is, the lots are not to converge towards the rear.

9.3.5 Battle-axe Allotments

Battle-axe allotments are recognised as lots:

- with a street front boundary of no greater than 4m; and
- with the shorter side boundary which adjoins the street that is no less than 10m in length as measured 90 degrees to the street front boundary.

Controls

- (1) Battle-axe lots will only be considered where:
 - (a) One shared driveway can be provided for access to both front and rear allotments. Driveway design and location must take into account the provisions for parking and driveways; and
 - (b) the lot adjoins an area of open space or where the site or outlook provides enhanced amenity (does not infringe upon privacy of surrounding lots).
 - (c) The development is for multi-dwelling housing, an integrated housing development or "green-field" subdivision.
- (2) The access corridor will not be included in the site area calculation for battle-axe allotments.
- (3) Requirements for access corridors are:
 - (a) Minimum width 4m (constructed width 3m)
 - (b) Minimum width, shared corridor 6m (constructed 4.5m)
 - (c) Maximum length 40m
- (4) No more than two allotments should be served by a shared access corridor.
- (5) Special consideration needs to be given to the creation of private outdoor spaces in relationship to building setbacks and sight distance requirements on corner lots.

9.3.6 Vehicle Access Design Considerations

Controls

- (1) Rights of ways will be considered in the following circumstances:
 - (a) As reciprocal rights of way for battle-axe allotments; and
 - (b) As reciprocal rights of way in approved existing multiple dwelling development subdivisions

- (2) No more than 2 lots should have an interest in a right of way in an urban area.
- (3) Special consideration will be required for the arrangement of service easements where rights of way exist.

9.3.7 Lots Smaller than the Minimum Lot Size

Controls

- (1) Allotments less than the minimum permitted lot size, frontage and/or battle-axe lots will only be considered where those lots are:
 - (a) Incorporated within an integrated housing development (i.e. a single development application for both subdivision and construction of dwelling/s); or
 - (b) Created via subdivision of an approved existing multi dwelling development.
- (2) In determining the suitability or otherwise of any subdivision application for allotments that are less than the minimum permitted lot size, frontage and/or battle-axe lots, the following matters will be taken into consideration:
 - (a) Cost of providing services and the capacity of existing services;
 - (b) The advantages of building to a boundary and using attached and semi-detached forms of housing;
 - (c) That adequate visual and aural privacy can be assured for each proposed dwelling; and
 - (d) That adequate provision is made for access to the sun and natural light for each proposed dwelling.
 - (e) Ability of each allotment to control stormwater runoff and comply with stormwater quality load reduction targets identified in any relevant Council policies.

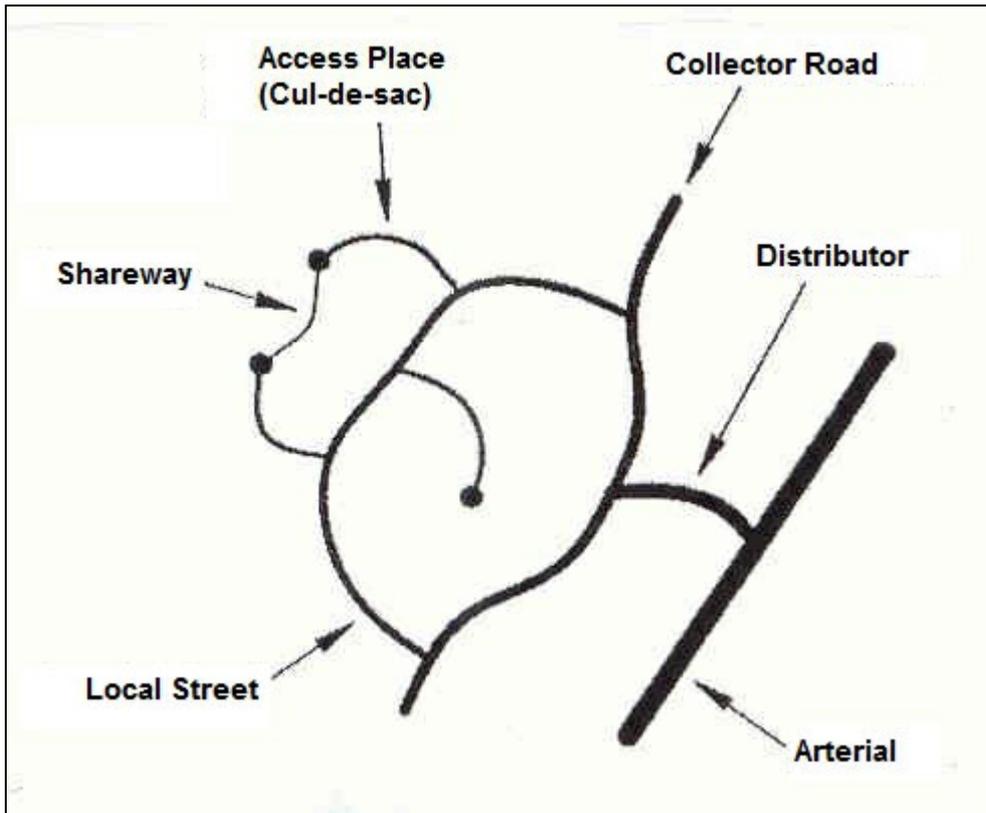
9.3.8 Road Network

9.3.8.1 Road Hierarchy

Within the internal road network of a residential estate, up to five distinct levels of roads may be provided. They are:

- Shareway
- Access Place (Cul-de-sac)
- Local Street
- Collector Road
- Distributor Road

Please consult [Council's Design Specifications](#) for definitions of these streets/roads.



Road hierarchy (click here to view [original image](#))

Objectives

- To provide a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on function, capacity, vehicle speeds, and public safety.
- To provide acceptable levels of access, safety and convenience for all road users in residential areas, while ensuring acceptable levels of amenity, and protection from the impact of traffic.
- To establish a road network which provides:
 - the basis for cost-effective design and construction of roads;
 - efficient and accessible bus routes;
 - safe and convenient movement of pedestrians;
 - integrated natural drainage and open space systems;
 - efficient provision of public utilities networks;
 - roads within any residential neighbourhood which do not function as through-traffic for externally-generated traffic;
 - opportunities for the provision of access to adjoining land suitable for residential development; and
 - the effective provision of street plantings.

Controls

- (1) Larger subdivisions, or those which require direct access to distributors or the external road network, are subject to negotiation with Council.
- (2) Where large lots for future development are created, potential traffic generation from these lots should be taken into account when determining road characteristics.
- (3) The road network shall conform to a structure plan for the area (where such plan exists) showing an existing and proposed major road network above the level of collector which satisfies projected district and regional travel.
- (4) The road network shall provide for access to bus routes within acceptable walking distance from all dwellings

(400m). Contact Council for further clarification on Council's Design Specifications.

- (5) The road network shall provide opportunities for road connections to adjoining land, suitable for subdivision, in accordance with an overall subdivision concept or as agreed by Council.

9.3.8.2 Road Design and Construction

Objectives

- To create safe residential environments in which children will be especially protected.
- To promote a variety of streetscape possibilities designed to create interesting and inviting residential development, such as by effective street plantings.
- To provide appropriate engineering standards for both public and private roads.
- To make provision for vehicles, pedestrians and cyclists.
- To provide limited on-street parking.

Controls

- (1) The design of roads and streets including kerb and gutter shall be in accordance with [Council's Design Specifications](#). Any technical information relating to road design which are provided in this DCP are for general information only. Council's Design Specifications is to take precedence in the event of any discrepancies.
- (2) A combination of measures may be required to limit design speeds by:
 - (a) limiting street length;
 - (b) introducing bends; and
 - (c) introducing slow points, bends and other traffic management measures such as constriction of carriageway width, speed humps etc. These may not be appropriate in all situations.
- (3) Minimum carriageway, verge and road reserve widths shall be in accordance with [Council's Design Specifications](#). Lesser standards may be considered as part of integrated housing projects where adequacy can be demonstrated.
- (4) Proposed allotments in urban areas (excluding corner allotments) will not be permitted to have frontages to more than one public road. However, if subdivision is approved in these circumstances, a greater verge width will be required to enable the placement of an earth mound and tree/shrub planting between the road and the rear fences of the subdivision.
- (5) A road serving more than 50 allotments shall be provided with a minimum of one 1.2m wide paved footpath.
- (6) Where an approved strategy exists, pedestrian and cyclist paths shall be provided in accordance with that plan.

9.3.9 Public Open Space

Objectives

- To ensure adequate provision and distribution of public open space in convenient locations and of a quality to meet the recreation needs of the community, in line with any adopted Greening Strategy.
- To encourage opportunities to link open space networks, community facilities and public services with dwellings.
- To encourage the retention of significant existing vegetation within open space areas, and integration with private site landscaping and natural bushland areas.

Controls

- (1) Open space shall be provided within the particular subdivision, generally at the rate of 2.83 ha per 1000 population (28.3m²/person). Population rates are to be calculated on the basis of 3.3 persons per dwelling allotment. Council reserves the right not to accept land it considers unsuitable.

- (2) Council may require the provision of a contribution for the embellishment of land within the development, or contribution for the provision of and/or the embellishment of open space within the vicinity.
- (3) Applicants should consult with Council officers at the design stage regarding the location, size and shape of open space located within a development. Such areas shall be within 500m safe walking distance of each allotment.
- (4) Land for open space must have the following attributes:
 - (a) It relates to other public open space or future open space with which it can readily be consolidated;
 - (b) It is generally flat;
 - (c) It is free of drainage functions if these conflict with the intended purpose;
 - (d) it is free of debris; and
 - (e) It is provided with legal and practical access to road, electricity and reticulated water.
- (5) Where it is proposed to provide open space off-site, justification is to be provided via an open space strategy. Where Council determines that the public open space component of a subdivision shall be located elsewhere, a contribution will be required for acquiring and/or improving more suitable open space in the vicinity in accordance with Council's current contribution rate.
- (6) Public open space and reserves shall be suitably landscaped and embellished with play equipment or sports equipment.
- (7) Council may require the dedication of land where it considers prominent natural features such as rocky outcrops, ridges, significant tree stands and the like should be transferred to public ownership.

9.4 Commercial and Industrial Subdivision

Controls

- (1) Each lot should be large enough to accommodate the other site requirements set out in this Development Control Plan such as boundary setbacks and on-site parking requirements.
- (2) Consideration will be given in the assessment of any proposal to the likely future use of the site, and the need for access by articulated vehicles.
- (3) Generally, industrial sites should be capable of allowing manoeuvring and turning of large vehicles on site. The design standard to be applied, in accordance with the [Traffic Authority of NSW guidelines](#), shall be that for a "large rigid truck" of minimum turning circle 25m.
- (4) Building envelope, access design and landscaping may need to be defined in the development application for subdivision of industrial allotments proposing a frontage of less than 30m and commercial developments proposing a width of less than 20m.
- (5) Within commercial areas consideration shall be given to the relationship of the site and associated infrastructure to the pedestrian network and public transport. In particular the relationship of electrical substations and drainage structures with respect to pedestrian pathways, bus stops etc. will require special consideration.
- (6) Subdivision should minimise the possibility of any increase in conflict between pedestrian pathways and vehicular crossing points.

9.5 Large Lot Residential, Rural and Environmental Subdivision

Controls

- (1) An allotment size in excess of this minimum area standard as shown in the LEP 2014 lots size map may be required where land is identified as having agricultural or environmental value that would be compromised if the land is fragmented by subdivision.
- (2) Allotment dimensions should allow for the inclusion of buffer distances for onsite sewage management

systems as prescribed by the NSW Department of Local Government's Environment & Health Guidelines titled "On-site Sewage Management for Single Households".

- (3) Land application areas for on-site disposal systems are not to be located on or adjacent to areas where mature trees have been removed. Residual tree roots have the potential to cause the disposal area to fail due to funnelling of effluent. Details may be required with the subdivision application.
- (4) Where sites contain areas of significant vegetation, the subdivision boundaries shall be designed so as to minimise the clearing of land.
- (5) Boundaries over hills, ridgelines and elevated areas shall be designed so as to minimise visual impact as a result of clearing.
- (6) All subdivision boundaries are to be designed so as to ensure the best practical location for fence-lines and fire trails.
- (7) A topographical map is to be submitted showing the proposed boundaries and all site improvements including buildings, dams etc.
- (8) Proposed allotments will indicate a dwelling site that allows for reasonable sunlight access.
- (9) The plan of subdivision shall indicate an appropriate dwelling site for each lot, taking into consideration the constraints and opportunities for the future development of the land.

9.6 Additional Information

Strata Title

For strata title subdivisions Council must also have regard to those issues specified in Section 37(1) of the [Strata Titles Act 1973](#) (or as amended).

Community Title

The [Community Land Development Act 1989](#) allows:

- land to be subdivided with common property (e.g. a swimming pool) being shared between owners and managed by an association;
- a theme to be created for a total project;
- subdivision and development comprising several stages, and
- permits projects from small groups of houses clustered around common open space, to larger communities with shared roadways and recreational facilities.

Applications for Community Title subdivision must include a draft Community Management Statement. The format and content of a draft Community Management Statement is prescribed in the [Community Land Development Act, 1989](#).

Section 88B Instruments

Generally, Council does not support the use of Section 88B instruments (restrictive covenants under Section 88B of the [Conveyancing Act 1919](#)).

However, development applications for the subdivision of land with a slope of greater than 20%, must include a Section 88B instrument identifying the location and dimensions of future building envelopes for each allotment, to ensure compliance with the planning outcomes for steeply sloping land.

Section 94 Contributions

Section 94 of the [Environmental Planning & Assessment Act, 1979](#) enables local councils to levy contributions for public amenities and services required as a consequence of development, by means of the creation of a Section 94 Plan. Council may require the developer to dedicate land or pay a monetary contribution towards provision of necessary public services and amenities.

The public amenities and public services likely to be in demand as a consequence of a subdivision development may

include, but are not necessarily limited to, the following:

- Community facilities;
- Public open space where applicable, as an alternative to the dedication of land;
- Public recreation facilities;
- Stormwater drainage;
- Water supply and sewerage headworks;
- Local road facilities;
- Arterial road facilities;
- Traffic management works;
- Public car parks and facilities;
- Street tree planting;
- Library facilities;
- Surf life saving facilities;
- Bush fire fighting facilities;
- Cycleways and pedestrian infrastructure;
- Street and traffic signage; and
- Flood mitigation/management.