



Bellingen Shire Development Control Plan 2017

Chapter 3 **Subdivision**

Table of Contents

3.1	Aims	4
3.2	Where This Chapter Applies	4
3.3	When This Chapter Applies	4
3.4	Variations	4
3.5	Definitions.....	4
3.6	Development Criteria – General.....	5
3.6.1	Land suitability	5
3.6.2	Buffers to adjoining land uses, areas of environmental constraint or risk	6
3.7	Development Criteria – Subdivision of land with a 600m ² minimum lot size requirement	7
3.7.1	Minimum lot size requirements.....	7
3.7.2	Subdivision of lots with approved dwelling	8
3.7.3	Lot orientation and frontages.....	8
3.7.4	Road Network	9
3.7.5	Subdivision pattern and connectivity	10
3.7.6	Infrastructure requirements	11
3.7.7	Landscaping.....	14
3.7.8	Split zoned land parcels	14
3.7.9	Infill development with rear lane access	15
3.8	Development Criteria – Subdivision of land with a 1HA minimum lot size requirement	15
3.8.1	Areas of application.....	15
3.8.2	Vehicular access and road network.....	15
3.8.3	Effluent disposal.....	16
3.8.4	Water supply	16
3.8.5	Stormwater.....	17
3.8.6	Electricity and telephone services	17
3.8.7	Landscaping.....	18
3.8.8	Indicative building envelope	18
3.8.9	Split zoned land parcels	19
3.9	Development Criteria – Subdivision of Rural Land	19
3.9.1	Areas of application	19
3.9.2	Land suitability	19
3.9.3	Infrastructure.....	19
3.9.4	Facilities and infrastructure provision for existing dwellings.....	20
3.9.5	Indicative building envelope	20
	Appendices.....	22

Table of Amendments

Amendment	Date Adopted	Date Commenced
Minor review of DCP - DCP 2017 replaces DCP 2010	22 November 2017	6 December 2017

3.1 Aims

The aims of this chapter are to:

- a) To encourage a high standard of residential development that is respectful to the amenity of neighbours, the character of the neighbourhood and the natural environment within which it is located.
- b) To encourage development that will contribute towards increased levels of physical activity and healthy living patterns and reduces reliance on private motor vehicles.
- c) To ensure that subdivision of land may only occur where the developers make an appropriate contribution to the progressive improvement of the social, physical and environmental infrastructure necessary to service the increased population.
- d) To ensure that infrastructure and services are provisioned to development in a logical sequence and efficient manner.
- e) To encourage the use of innovative and best practice engineering approaches to subdivision development.
- f) To support use of alternative energy technologies for domestic and farm use in rural-residential and rural areas.
- g) To encourage subdivision design that reduces the energy requirements and fuel use of future residents.

3.2 Where this Chapter Applies

This chapter applies to all land within Bellingen Shire where subdivision is permitted under the provisions of Bellingen Local Environmental Plan 2010. Where any site specific development controls included in later chapters of this DCP nominate alternative requirements, the provisions of the site specific development controls shall prevail.

3.3 When this Chapter Applies

This chapter applies when any Development Application is received by Council for the subdivision of land.

It does not apply when the proposed development can be considered as “exempt” or “complying” development under the provisions of either the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other Environmental Planning Instrument applying to the land.

3.4 Variations

Council may consider variations to the standards required of development in this chapter when the overall aims of this chapter and any specific aims that may be detailed for that particular standard can be achieved.

3.5 Definitions

Definitions of terms used within this chapter are the same as those contained within Bellingen Local Environmental Plan 2010.

3.6 Development Criteria – General

3.6.1 Land suitability

Aim

To provide appropriate levels of protection for environmentally sensitive or constrained areas of land from development pressure.

Criteria

Watercourses in Urban Areas (land with a minimum lot size of 1ha or less)

- 1) Further to the provisions of Clause 7.5 of BLEP 2010 (Biodiversity) and to avoid the creation of additional riparian rights and fencing within riparian zones, subdivision layouts shall avoid creating additional lots with frontages to watercourses.
- 2) Where a development site has a frontage to a watercourse, the length of the riparian corridor shall either be incorporated into a single allotment or become common property in a Community Title subdivision.

Alternatively, in residential localities where the riparian land directly adjoins Council's existing open space network, Council may consider dedication of this riparian land to Council. This would be on the provision that the riparian land is made free of weeds as identified by Chapter 6 of this DCP and in accordance with an approved Weed Management Plan, is landscaped and embellished in accordance with an approved Landscape Masterplan and maintained in accordance with an approved Maintenance and Management Plan prior to handover to Council.

Steep Lands

- 3) Subdivision layouts shall avoid the need for development of land with a slope in excess of 25%.
- 4) Roads shall be located to ensure that the need for cut and fill to facilitate construction is minimised.
- 5) Proposed public roads must not exceed a grade of 16%.

Flood liable land

- 6) The filling of flood liable land to create suitable building envelopes for subdivision shall be avoided. Council may consider minor amounts of filling where the essential features of the landscape are not significantly altered and compliance with the provisions of Chapter 8 – Flooding and Riverine Processes is demonstrated.

Vegetated Land

- 7) Further to the provisions of Clause 7.5 of BLEP 2010 (Biodiversity) subdivision layouts shall be designed to minimise disturbance to existing areas of native vegetation. The degree of clearing necessary to develop the subdivision includes that necessary for the construction of roads as part of the subdivision construction works, the installation of infrastructure (e.g.: electricity supply, stormwater control and treatment), for house construction and bushfire Asset Protection Zones (APZ's).

- 8) Threatened Ecological Communities (TEC's) and Preferred Koala Habitat as shown on the map in Appendix 16.2 of this DCP will be afforded maximum levels of protection and any application involving removal of any part of an TEC or Preferred Koala Habitat will normally require redesign to avoid adverse impacts.
- 9) Areas of remnant native vegetation shall, where possible, be retained in single ownerships (or common property arrangements) to prevent fragmented management techniques and future clearing for the creation of fencelines.
- 10) Clearing of land prior to the construction of dwellings on individual lots will only be permitted where an indicative building envelope is registered on the title restricting a dwelling to that location and where the development application for subdivision explicitly requests approval for the clearing.

Note: Any consent involving the clearing of native vegetation will be conditioned to prohibit the burning of cleared material.

Ridgelines

- 11) Allotment layout shall be designed to prevent or discourage residential development on prominent ridgelines. Where the only practical location for building on an allotment is toward a ridgeline, Council may require restrictions to be imposed on future development of the lots to ensure that buildings will not intrude into the skyline and cause adverse visual impacts. This restriction would be required to be described on the plan of subdivision and section 88B instrument.

Previous land uses and potential contamination

For development applications to subdivide previously undeveloped land:

- 12) As a minimum, a Preliminary Investigation of land proposed for subdivision must be undertaken for any subdivision application in accordance with Council's adopted *Contaminated Land Policy* (2016) and *Contaminated Land Policy Guidelines* (2016).
- 13) Council may require more detailed investigations and remediation depending upon the outcomes of the Preliminary Investigation.

Aboriginal Cultural Heritage

- 14) If an Aboriginal Heritage Impact Permit (AHIP) has not been obtained for the proposed development and lodged with the development application, applicants must demonstrate to Council that due diligence has been followed in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (2010) produced by the NSW Department of Environment, Climate Change and Water. This information must be lodged as part of the supporting documentation for the development application.

3.6.2 Buffers to adjoining land uses, areas of environmental constraint or risk

Criteria

- 1) Where the development site adjoins or contains;

- a) Landuses that may have an adverse impact on the amenity of the future occupants (eg: intensive agricultural operations, forestry operations, dairies, busy roads and railways), or
- b) Areas of environmental constraint (e.g.: Threatened Ecological Communities), or
- c) Key fish habitat, or
- d) Areas of bushfire risk,

the Applicant will need to demonstrate that sufficient buffer zones, or mitigating measures, will be incorporated into the development site to avoid adverse impact.

Note: For the purposes of determining appropriate setbacks and means to address issues of landuse conflict, Council will have principal regard to the publication titled *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast*, ISBN 978-0-646-48527-0, as published by the NSW Department of Primary Industries, 2007.

For the purpose of determining appropriate buffers to key fish habitats, Council will have principal regard to the publication titled *Policy and guidelines for fish habitat conservation and management (Update 2013)*, as published by the NSW Department of Primary Industries, 2013.

For matters concerning bushfire risk, the relevant regulatory guidelines are specified in Section 79BA of the *Environmental Planning and Assessment Act 1979*, and the publication titled *Planning for Bushfire Protection*, ISBN 0 9585987 8 9, as produced by the NSW Rural Fire Service.

For properties adjoining Rail Corridors and Busy Roads, Council will have principal regard to the publication titled *Development Near Rail Corridors and Busy Roads - Interim Guideline*, ISBN 978-0-7347-5504-9, as published by The State Government of NSW through the Department of Planning, 2008.

3.7 Development Criteria – Subdivision of land with a 600m² Minimum Lot Size requirement

3.7.1 Minimum lot size requirements

Aim

- a) To confirm minimum lot sizes for subdivision of land where that land contains approved or existing residential accommodation (other than a secondary dwelling) and each lot will contain a dwelling.
- b) To ensure that lots approved for residential purposes are of sufficient size to enable the erection of a dwelling and ancillary buildings as well as provision for vehicular access, car parking, private open space, adequate solar access into the building, an outdoor clothes drying area, landscaping and any other necessary or desirable infrastructure without causing undue interference to surrounding properties.

Criteria

- 1) The minimum lot size for the creation of a residential allotment (independent of an approved dwelling design) is 600m².

Note: This requirement is contained within BLEP 2010 and can only be varied in accordance with BLEP 2010 Clause 4.6 – Exceptions to development standards.

- 2) The minimum lot size for the creation of a residential allotment in conjunction with an approved dwelling design (excluding strata subdivision) shall be no less than 230m².
- 3) In calculating minimum lot size, any access handle serving an allotment/s shall be excluded from the lot size.

3.7.2 Subdivision of lots with approved dwelling

Aim

- a) To ensure that all newly created undersized residential allotments are developed with well-designed and site responsive dwellings.
- b) To ensure that small lot subdivisions only occur in locations where Council has planned for and where the community expects increased residential densities.

Criteria

- 1) Council will not consent to the creation of a lot less than 600m² in area unless a dwelling has been approved in conjunction with the Development Application for the subdivision or if a dwelling already exists on the proposed undersized lot.
- 2) The development must be designed so that the new dwelling complies with:
 - i. all relevant requirements contained within Chapter 1, and
 - ii. the minimum site area requirements of the density locality in which the property is located as per Section 2.6.3 of Chapter 2 of this DCP.
- 3) The development must be designed so that the existing dwelling complies with:
 - i. The minimum landscaped area and private open space area requirements specified in Sections 1.6.5 and 1.6.7 of this DCP,
 - ii. The car parking requirements in Chapter 5 – Car parking and Vehicular Access,
 - iii. The residential infrastructure requirements of Section 1.6.11 of this DCP, and
 - iv. the minimum site area requirements of the density locality in which the property is located as per Section 2.6.3 of Chapter 2 of this DCP.
- 4) Council will not release the Subdivision Certificate for the proposed subdivision unless the approved dwelling is constructed and a final occupation certificate is issued for that dwelling.

3.7.3 Lot orientation and frontages

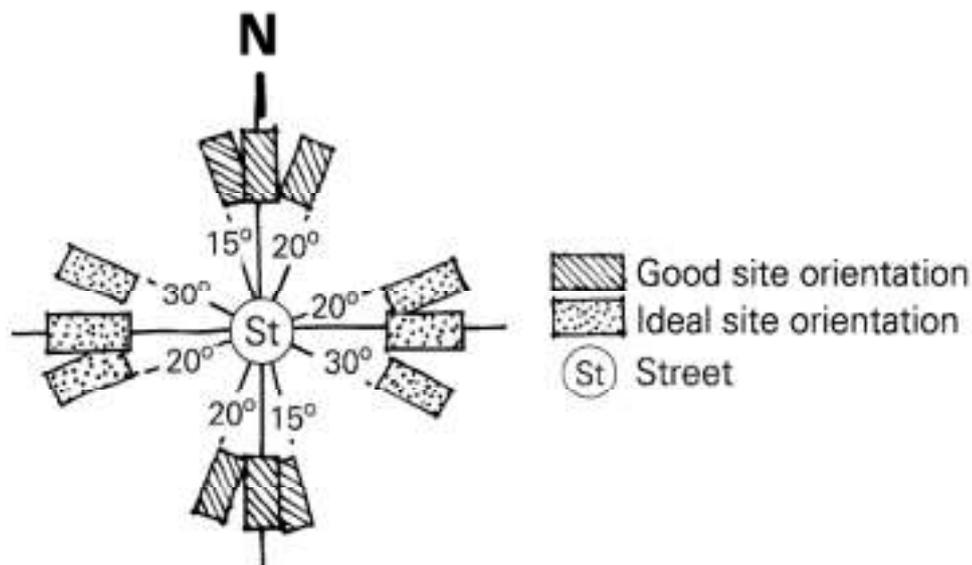
Aim

- a) To ensure that future dwellings are able to designed and sited to address the primary street frontage of each lot.
- b) To ensure that all new lots have sufficient solar access.
- c) To ensure that parking and garbage collection functions are able to undertaken in front of the same respective dwellings.

Criteria

- 1) Lots shall be oriented so as to provide optimal opportunities for solar access, in accordance with Figure 3.1 below. The following general principles shall be observed in lot layout and configuration
 - Lots oriented along the acceptable E/W axis shall have comparably greater widths than those oriented along the acceptable N/S axis to allow for greater containment of overshadowing within property boundaries.
 - Lots that fall back towards the south shall have comparably deeper N/S dimensions to account for reduced solar access.

Figure 3.1 – Desired Lot Orientations for Solar Access



Source: Australian Government (2013)

- 2) Lot frontages shall be of sufficient width to enable future dwellings to address the street frontage. In this regard, battleaxe allotments are not acceptable as a repeated design measure throughout subdivisions.
- 3) Circumstances in which a battleaxe arrangement may be acceptable include small scale infill development where options for redevelopment are limited and circumstances where access is not feasible from a certain road (eg: blocks backing onto a classified road where additional vehicular accesses are undesirable).
- 4) Where battleaxe allotments are proposed within a subdivision layout they shall have a minimum access handle width of 4m. The driveway within this access handle is to be constructed as part of the development and completed to Council's satisfaction prior to the issue of the Subdivision Certificate. An increased access handle width may be required to accommodate the full range of services.

3.7.4 Road Network

Criteria

- 1) For subdivisions involving the construction of new public roads, a Road Hierarchy must be developed for the proposal. The Road Hierarchy shall be developed in accordance with Council's engineering specifications.
- 2) For new public roads, road reserves must comply with the minimum widths shown in Table 3.1.

Table 3.1 Public road reserve minimum widths

	Access Place	Access Street	Collector Road	Industrial	Distributor
Road Reserve Width	16	16	20	22	22

- 3) For community title subdivisions involving the construction of a private road, the minimum sealed widths as shown in Table 3.2 apply:

Table 3.2. Community Title Road Requirements

Number of Lots Serviced	Minimum sealed Width	Shoulder
2	3.50 m	0.5m on either side
3	4.0 m	1 m on either side
4 or above	5.0 m	1 m on either side

- 4) Council will not permit the creation of rights of carriageway for the purpose of providing vehicular access. Shared sections of vehicular access ways shall be designated as common property in either a Strata or Community Title subdivision (as is appropriate depending upon the nature of the development).

3.7.5 Subdivision pattern and connectivity

Aim

To encourage reduced reliance on private motor vehicles by improving the legibility and connectivity of the road network, thereby encouraging greater levels of walking and cycling in neighbourhoods.

Criteria

- 1) Subdivision layouts shall provide road networks based on a grid pattern. The road layout need not be rigidly rectilinear however must demonstrate a comparable level of connectivity to that which is provided by a grid pattern style of subdivision. Connectivity must be provided by the public road network

rather than narrow pedestrian linkages provided between different areas of development.

- 2) Cul-de-sacs shall not be the dominant element of road design. Minor cul-de-sacs coming off a road network that demonstrates a high overall degree of connectivity, as required by Criteria 1) of this section, may be considered if it can be demonstrated that they are appropriate given the nature of the local landform and where they do not provide the sole point of access to a Council road for any more than 10% of lots proposed within a subdivision proposal.
- 3) Subdivision layouts shall not involve the creation of lots that back onto public reserves or drainage lines. Public Reserves, drainage reserves and the like must be bordered by a public road, with measures for storm water control and enhanced opportunities for public use of the reserve area considered as part of the Development Application.

3.7.6 *Infrastructure requirements*

General

Aim

To ensure that future residents of residential subdivisions are adequately serviced with modern urban infrastructure.

Criteria

- 1) The majority of public infrastructure required as part of the subdivision process is contained within the road reserves. Therefore, the provision of infrastructure in association with subdivision must be considered in conjunction with the development of the road hierarchy and design for the subdivision.
- 2) Council will require the submission of sectional details throughout the road network illustrating how the various infrastructure requirements as well as street tree plantings and landscaping will be accommodated within the various road reserves as part of the supporting documentation lodged with the development application.
- 3) In addition to infrastructure directly necessary for the proposed development, Council may require the upgrading or provision of additional infrastructure beyond the development site to ensure appropriate connections to the existing public infrastructure system. This may be expected where:
 - i. The proposed development does not conform with the logical sequence of development such that contemporary infrastructure is not yet available to the site, or
 - ii. The connecting infrastructure is of a standard that will not be able to safely or adequately accommodate the additional usage resulting from the development.

Kerb and Guttering

Aim

To ensure that a suitable kerb and guttering system is selected.

Criteria

Council will require the provision of a kerb and guttering system that is appropriate for the selected means of stormwater conveyance and the width of the road system. The selected stormwater conveyance and treatment system shall have

regard to Water Sensitive Urban Design (WSUD) principles as required by Chapter 12 of this DCP.

Footpaths and/or shared footpaths and cycleways

Aim

To ensure that subdivisions are designed to encourage future residents to regularly engage in physical activity and to connect people to public open space areas, community facilities and commercial nodes and centres.

Criteria

New greenfield subdivisions and infill subdivisions involving the construction of a new public road shall provide a 1.2 metre wide concrete footpath across the street frontage of the development site (if no footpath exists) and on one side of all new public roads. Where the development site has frontage to an identified location for a shared bicycle/pedestrian path (pursuant to the Bellingen Shire Council's Pedestrian Accessibility and Mobility Plan and Bicycle Plan) the path must be 2.5 metres wide.

Electricity and telephone services

Aim

- a) To ensure the nuisance free provision of necessary services.
- b) To provide for landscapes not dominated by overhead lines and to allow for vegetation within road reserves that will not impact upon services.

Criteria

- 1) New subdivisions must have electricity and telephone services provided to each allotment.
- 2) For greenfield sites, electricity and telephone services must be provided underground.
- 3) For infill development, Council may consider above ground servicing where it would be illogical or impractical to provide underground services given the nature of the existing network. Relative costs of different options shall not be considered as the sole justification for a lesser standard.
- 4) The location of services shall be considered in conjunction with other landscaping and infrastructure requirements within the road reserve and depicted on the sectional road reserve plan. Where possible, subdivision design should provide for common trenching of services. Note: this may require some level of prior consultation with relevant agencies in subdivision design.
- 5) Where telecommunications and/ or mains power are required to be provided, written confirmation that the services have been installed to the satisfaction of Essential Energy and a telecommunications carrier licenced under the *Telecommunications Act 1997* shall be provided to Council prior to the issue of the Subdivision Certificate.

However, in instances where installation of services is causing undue delay for lot release, Council will accept the following service authority clearances:

- i. A letter from Essential Energy stating that satisfactory arrangements have been made for the provision of electricity to all allotments to be proposed to be released, including any necessary street lighting and easements, and
- ii. A letter from a licensed telecommunications carrier under the *Telecommunications Act 1997* that satisfactory arrangements have been made for the provision of underground or above ground telecommunication services (whichever has been approved by Council) to all lots proposed to be released, including any necessary easements.

Reticulated water

Aim

To ensure a water supply network capable of meeting normal domestic and emergency water supply needs.

Criteria

- 1) Individual allotments must each have a connection point to a Council water main.
- 2) Adequate water volume and pressure must be available to provide for the domestic and emergency water supply needs of the proposed development and other areas reliant upon the water supply system in the locality. (Note: standards are contained within the BSC Water Supply Standards for Service). Where there are inadequacies within the existing network, these may also need to be rectified as part of the development process.
- 3) Fire hydrants compliant with AS2419.1 – 2005 must be provided within the water supply system where necessary to comply with contemporary servicing requirements. Furthermore, the distance between two successive hydrants shall be maintained at a maximum 60m apart. Note: Council will allow the installation of a feed hydrant to comply with the specified standard only in exceptional circumstances.
- 4) Where development is likely to extend beyond the development site, Council may require a higher standard/diameter of water main than that necessary for the subject development alone, to provide for the future development of land beyond the subject site.

Reticulated Sewer

Aim

To provide for the environmentally sustainable disposal of sewage generated by new subdivisions.

Criteria

- 1) New subdivisions, where possible, must gravity drain to the existing sewerage system or sewage treatment plant. Council will not support the creation of new sewer pump stations where there is a viable gravity alternative.

Note: Gravity systems are preferred as;

- They are less expensive to operate and maintain,
 - They have a longer useful life,
 - They are less prone to breakdowns and interruptions of service,
 - They offer greater flexibility in serving future development,
 - They are less likely to require flushing with fresh water than a pumped system,
 - They avoid the possible odour and corrosion problems associated with a rising main, and
 - They are more sustainable.
- 2) Pump stations will only be considered where there is not a viable gravity alternative and a geotechnical investigation or comprehensive report undertaken by a suitably qualified person in accordance with Section 10.6.3 of this DCP demonstrates that the site is not suitable for on-site sewerage management.
 - 3) Each Torrens title allotment created by subdivision must be provided with a connection point to a Council sewer main. Internal lots within Strata and Community Title subdivisions may have an alternative standard, provided that the common property lot connects to a Council sewer main.
 - 4) Each allotment created by subdivision must be provided with a sewer connection point capable of commanding an appropriate building envelope by gravity connection. (Note: any property subject to a restricted building envelope must have appropriate notation recorded on the title plan).

Stormwater

Aim

- a) To ensure that stormwater harvesting (source control) measures are implemented to prevent increases in the quantity of stormwater discharge leaving the development site and to minimise the impact of the development on the environment downstream.
- b) To maintain the high ecological, recreational and agricultural values of waterways.

Criteria

- 1) Where a new public road is proposed to be constructed as part of the development, Level 3 water quality treatment is required in accordance with Section 12.6.1 of Chapter 12 – Stormwater.

3.7.7 Landscaping

As per requirements of Chapter 9 – Landscaping.

3.7.8 Split zoned land parcels

The layout of any subdivision of any land that contains two zonings pursuant to BLEP 2010 must ensure that an adequate building envelope is located on that portion of the land that is zoned R1 – General Residential.

3.7.9 *Infill development with rear lane access*

Aim

- a) To ensure that infill development occurs in a coordinated matter,
- b) To ensure that all new residential lots are serviced with contemporary urban infrastructure, and
- c) To ensure safe pedestrian and vehicular movement is maintained.

Criteria

- 1) The re-subdivision of existing residential lots that rely on or propose rear lane vehicular access will necessitate an upgrade of the rear lane where its characteristics do not meet Council's urban road standards, as follows:
 - i. Reconstruction of the laneway including provision of a minimum bitumen seal width of 4.5 metres with controlled drainage with rolled kerb and gutter for the full laneway frontage of the property.
 - ii. Where Council considers that the existing lane surface and profile beyond the laneway frontage of the property is unable to cater for the projected increase in traffic, the lane shall be upgraded to comply with Council standards.
 - iii. Any required lane upgrade works shall tie in with the existing profile to Council's satisfaction.
 - iv. Where the existing drainage infrastructure within the lane is unable to accommodate the projected additional storm water runoff that will be generated from the proposed development, the new drainage infrastructure is to be extended to a legal point of discharge including any required piped drainage system so as to prevent any adverse impacts on adjoining properties and Council infrastructure.
- 2) Driveways are to be installed in concrete between the layback and the property boundary.
- 3) Legal pedestrian access from the rear lot to the main street frontage is to be provided via an access handle. Where this is to be used for pedestrian purposes only, the handle is to be a minimum of 1.2 metres wide to facilitate easy access and manoeuvring of a garbage bin whilst also providing a main street frontage for visitors and postal delivery services.

3.8 **Development Criteria – Subdivision of Land with a 1ha Minimum Lot Size requirement**

3.8.1 *Areas of application*

This section relates to subdivision of land with a 1ha minimum lot size, as shown on the Lot Size Map in the Bellingen Local Environmental Plan 2010.

3.8.2 *Vehicular access and road network*

Aim

To provide safe, durable and nuisance free vehicular access to rural residential allotments and urban centres.

Criteria

- 1) Where a subdivision will increase the number of allotments upon which a dwelling may be legally erected, the subdivision must be linked by a bitumen sealed road to the nearest urban service centre. The bitumen road must be constructed (or upgraded) for the full length of all lot frontages, with the exception of any residue allotment.
- 2) A concrete edge kerb or V drain system that is appropriate for the selected means of stormwater conveyance and the width of the road system is to be provided for all road frontages in the subdivision, with the exception of large residue allotments.
- 3) The road network requirements are as stipulated for urban subdivision in Section 3.7.4 of this Chapter.
- 4) Where the vehicular access point for a new lot is restricted to one location due to site constraints, Council may require that the driveway crossover from the public road to the property boundary be constructed as part of the subdivision construction works in accordance with Council's engineering standards at the time of application and the provisions of Section 5.6.2 of Chapter 5.

3.8.3 Effluent disposal

Aim

To prevent adverse cumulative water and soil quality impacts as a result of on-site effluent disposal systems.

Criteria

- 1) In order to determine the suitability of land for the purposes of effluent disposal, a comprehensive signed and dated site evaluation report must be prepared by a suitably qualified person, as defined in Chapter 10 – Onsite Sewerage Management, that includes a Site Assessment, Soil Assessment and Recommended Sewage Management System.
- 2) The report must address criteria for compliance contained within Chapter 10 - Onsite Sewage Management.

3.8.4 Water supply

Aim

To prevent overloading of effluent disposal systems as a result of additional water usage linked to having a reticulated supply.

Criteria

- 1) Council will not permit the extension of water mains to provide reticulated (town) water to subdivisions approved in accordance with this section.
- 2) Where an existing water main conveying potable water runs across the frontage of a proposed rural residential allotment, Council may permit the connection of that lot only to the water main upon payment of the necessary Section 64 Contribution to Council.

3.8.5 Stormwater

Aim

- a) To ensure that stormwater harvesting (source control) measures are implemented to prevent increases in the quantity of stormwater discharge leaving the development site and to minimise the impact of the development on the environment downstream.
- b) To maintain the high ecological, recreational and agricultural values of waterways.

Criteria

- 1) Where a new public or community title road is proposed to be constructed as part of the development, Level 3 water quality treatment is required in accordance with Section 12.6.1 of Chapter 12 – Stormwater.

3.8.6 Electricity and telephone services

Aim

- a) To provide for landscapes not dominated by overhead lines and to allow for vegetation within road reserves that will not impact upon services.
- b) To ensure the provision of necessary services in a manner that does not adversely impact on the amenity of nearby residents or unfairly disadvantage the future development of adjoining and nearby land.

Criteria

- 1) Mains electricity and conventional telephone connections shall be provided to each allotment. Council may consider proposals to utilise alternative power sources only where supporting information submitted with the development application demonstrates that each lot created by the subdivision has the attributes necessary to generate sufficient electricity for domestic and farm use using the nominated renewable energy system and where:
 - i. The proposal will not unfairly disadvantage the future development of adjoining and nearby land,
 - ii. The nominated renewable energy system is not likely to result in adverse impacts to surrounding properties by way of noise, emissions or otherwise,
 - iii. A Restriction as to User will be registered on any block not provided with mains power to inform future purchasers, and
 - iv. An easement that would allow for future access to grid power over any property involved in the application is registered on the plan of subdivision.
- 2) Where telecommunications and/ or mains power are required to be provided, written confirmation that the services have been installed to the satisfaction of Essential Energy and a telecommunications carrier licenced under the

Telecommunications Act 1997 shall be provided to Council prior to the issue of the Subdivision Certificate.

However, in instances where installation of services is causing undue delay for lot release, Council will accept the following service authority clearances:

- i. A letter from Essential Energy stating that satisfactory arrangements have been made for the provision of electricity to all allotments to be proposed to be released, including any necessary street lighting and easements, and
 - ii. A letter from a licensed telecommunications carrier under the *Telecommunications Act 1997* that satisfactory arrangements have been made for the provision of underground or above ground telecommunication services (whichever has been approved by Council) to all lots proposed to be released, including any necessary easements.
- 3) For green field sites, mains electricity and telephone services must be provided underground.
 - 4) For infill development, Council may consider above ground servicing of telecommunications and/ or mains power where it would be illogical or impractical to provide underground services given the nature of the existing network. Relative costs of different options shall not be considered as the sole justification for a lesser standard.
 - 5) The location of services shall be considered in conjunction with other landscaping and infrastructure requirements within the road reserve and depicted on the sectional road reserve plan as required by Section 3.7.5 of this Chapter. Where possible, subdivision design should provide for common trenching of services. Note: this may require some level of prior consultation with relevant agencies in subdivision design.

3.8.7 Landscaping

As per requirements of Section 9.6.5 of Chapter 9 – Landscaping.

3.8.8 Indicative building envelope

Aim

To provide reasonable certainty as to the ability of a lot to accommodate a single dwelling having regard to the relative constraints of land.

Criteria

- 1) Applications for subdivision must include, for each proposed lot, an indicative building envelope that demonstrates that a suitable area exists for the erection of a single dwelling on the lot. The building envelope must have a minimum area of 20m x 20m and must be located having regard to all criteria contained within Section 3.8 of this Chapter and Chapter 1 – Single Dwellings.
- 2) Depending on the level of constraint for any particular lot, Council may require that the indicative building envelope be registered on the final plan of subdivision. In these circumstances, the accompanying Section 88B Restriction as to User will need to advise that any dwelling not located within the indicative building envelope may require the submission of revised assessments relating to bushfire hazard, flora and fauna impact, effluent

disposal, vehicular access, slope stability and any other matter that has been considered by Council in endorsing the indicative building envelope registered on the plan of subdivision.

3.8.9 *Split zoned land parcels*

The layout of any subdivision of any land that contains two zonings pursuant to BLEP 2010 must ensure that the indicative building envelope, as required by Section 3.8.8, is located within that portion of the land that is zoned R5 – Large Lot Residential.

3.9 Development Criteria – Subdivision of Rural Land

3.9.1 *Areas of application*

This section relates to permissible subdivisions or boundary adjustments in Zones RU1, RU2, RU4, E2, E3, E4, W1 and W2 pursuant to the provisions of Bellinghen Local Environmental Plan 2010.

Note: Given the restrictive nature of subdivision controls for rural land throughout the Shire the provisions of this section will primarily apply when applications for boundary adjustments are received by Council.

3.9.2 *Land suitability*

Aim

- a) To provide appropriate levels of protection for environmentally sensitive or constrained areas of land from development pressure.
- b) To provide an appropriate level of protection to land with identified agricultural significance.

Criteria

- 1) To prevent clearing associated with fence lines, subdivision layouts shall avoid new boundaries running through vegetated areas. Where possible, vegetated portions of properties should be contained within single ownerships or boundaries should follow existing cleared internal fence lines.
- 2) Subdivision boundaries shall avoid further fragmentation of lands identified as Regionally Significant Farmland, unless adequate justification is provided that demonstrates that the net agricultural viability of the land will not be compromised.

3.9.3 *Infrastructure*

Electricity and Telephone Services

Aim

To ensure the provision of necessary services in a manner that does not adversely impact on the amenity of nearby residents or unfairly disadvantage the future development of adjoining and nearby land.

Criteria

As per Section 3.8.6 of this Chapter, with the exception of criteria 3) and 4).

3.9.4 Facilities and infrastructure provision for existing dwellings

Aim

- a) To ensure continuity of access to existing facilities, services and infrastructure.
- b) To ensure that documentation requirements are reasonable and commensurate with the scale and impact of the development.

Criteria

- 1) Applications for boundary adjustments shall indicate the location of existing facilities associated with dwellings (eg: on-site effluent management systems, driveways, Asset Protection Zones for bushfire, water tanks, dams) in order to determine the need for any necessary easements or alterations to ensure continuity of access to such facilities.
- 2) Unless a request for alternative power or phone supply is made and supported as part of the DA process, Council will require, as a condition of consent, the provision of written advices from Essential Energy and a telecommunications carrier licensed under the *Telecommunications Act 1997* that they are satisfied as to the adequacy of existing services or the need for alterations (as a result of the approved boundary adjustment).
- 3) Notwithstanding criteria 2) of this section, Council may not require provision of written advices from Essential Energy and a telecommunications carrier licensed under the *Telecommunications Act 1997* for boundary adjustments that will not result in any additional dwelling entitlements and where all newly created allotments are already developed with a lawful dwelling, provided that Council is satisfied that:
 - i. The boundary adjustment does not affect existing electricity and telephone service provision, and
 - ii. A new electricity easement will not be required to be provided on the subject land.

Note: If land is mapped as “bushfire prone land”, the subdivision will be classified as Integrated Development and will be required to be designed in accordance with the NSW Rural Fire Service’s “Planning for Bushfire Protection 2006” Guidelines. Upgrading of dwellings and enhanced bushfire protection measures may be required to be undertaken as a condition of the Bushfire Safety Authority and completed to Council’s satisfaction prior to the issue of the Subdivision Certificate.

3.9.5 Indicative building envelope

Aim

To provide reasonable certainty as to the ability of a lot to accommodate a single dwelling and associated structures and services, having regard to the relative constraints of land.

Criteria

Subdivision layouts shall indicate suitable building envelope areas (or the location of any existing dwellings) on each allotment. Building envelope areas shall be selected so that they:

- 1) Minimise the amount of clearing likely required to establish a dwelling (including asset protection zones, vehicular access and service provision eg: electricity supply) on the site,
- 2) Avoid creek crossings as much as possible. Note: Access requirements for flood liable land are also contained within Chapter 8 – Flood and Riverine Processes,
- 3) Maintain suitable buffers to adjoining properties that are productively used (eg: dairies, stockyards) and that have the potential to cause land use conflict, and
- 4) Avoid prominent ridgelines and steep slopes.

Depending upon the degree of constraint, Council may require formal registration of the indicative building envelope on the title of the land.

APPENDICES

There are no Appendices for this Chapter