

## DEVELOPMENT CONTROL PLAN SUBDIVISION CODE

**RESPONSIBLE DEPARTMENT:** Corporate Services  
**RESPONSIBLE SECTION:** Environmental Services

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### OBJECTIVE:

To provide development control guidelines for the subdivision of land within Narrabri Shire.

### POLICY:

#### 1. GENERAL

**1.1.** This document will be known as “The Subdivision Code”, and incorporates and extends the codes, policies and objectives of the Narrabri Shire Council in relation to all subdivisions proposed to be developed within Narrabri Shire, that are subject to Local Environmental Plans 2, and 5 and Narrabri Local Environmental Plan, 1992.

#### 1.2 Citation

The Subdivision Code was adopted by Narrabri Shire Council on 19 February 1996.

#### 2. PROCEDURE TO BE FOLLOWED TO UNDERTAKE SUBDIVISION

**2.1** Application for Development Consent made under the provisions of the Environmental Planning and Assessment Act, 1979.

The following shall be submitted in conjunction with the completed Development Application Form:-

**2.1.1** The fee determined by the consent authority.

**2.1.2** Three (3) copies of a Plan drawn to an acceptable scale of the proposed subdivision showing the following:

- i. Proposed lot layout including dimensions of all allotments, area of all allotments, adjoining allotments, north point of the land and scale;
- ii. Slope of land, existing levels of the property in relation to adjoining properties and roads, intended methods of drainage;
- iii. Location and uses of existing buildings and structures on the land;
- iv. Proposed vehicular movement systems, especially vehicular access.

**2.1.3** If the proposed subdivision involves the creation of new roads, an additional five (5) copies of the proposed plans shall be submitted.

**2.1.4** The following information is also required to be submitted:

- i. A statement detailing the proposed use of the subdivided land, (if known);
- ii. Evidence that consideration has been given to the Environmental Impact of the Development, ie, any problems that it may cause for neighboring people and properties;
- iii. The steps that will be taken to mitigate any likely adverse environmental impact.

**2.2** If Development consent is granted the applicant is then required to make application for subdivision consent under section 109 [ j ] of the Environmental Planning and Assessment Act 1979 .

The following shall be submitted in conjunction with the completed application form:

**2.2.1** The fee determined by the consent authority.

**2.2.2** Three (3) copies of the plan of the proposed subdivision. This plan should reflect the terms of development consent previously given by Council.

This application may be lodged together with Development Application to speed the processing of the subdivision.

**2.3** Following the receipt of subdivision consent under section 109 [ j ] of the Environmental Planning and Assessment Act 1979, the following steps should be undertaken by the applicant:-

**2.3.1** The applicant should apply to the Council (where appropriate) for the servicing of the allotments with water and sewerage. Non-urban subdivisions are required to be able to provide these services at their own cost.

**2.3.2** Submission of Engineering road and drainage plans and a works as executed plan (if required) to the Engineering Department.

**2.3.3** Submission of a landscaping plan for any public reserves areas, (if any).

**2.3.4** Physical construction of the approved subdivision should take place in accordance with the conditions listed within the consent issued under section 109 [ j ] of the Environmental Planning and Assessment Act Note that Section 95 of the Environmental Planning and Assessment Act 1979 states that any approval given for subdivision shall lapse at the end of two (2) years from the date of approval if the requirements relating to construction and drainage of roads, the giving of security and the making of payments to Council have not been met. This period may be extended at the discretion of Council.

**2.3.5** Payment of any outstanding fees and contributions required under Section 94 of the Environmental Planning and Assessment Act, 1979.

Following the completion of subdivision construction and compliance with all conditions of consent, final plans may be submitted, consisting of a survey plan, a reproducible copy and six (6) paper prints. Following the Shire Clerk's endorsement of these plans the original and two (2) paper copies should be forwarded to the Land Titles Office.

### **3. STATEMENT OF PLANNING AIMS AND OBJECTIVES**

- 3.1** To ensure an emphasis on designing with the environment rather than imposing development unit.
- 3.2** To promote integration in the design of all components of a subdivision, so as to ensure that a co-ordinated development is achieved of the desired quality.
- 3.3** To ensure the logical and economical phasing of development so as to minimise infrastructure costs and maintenance.
- 3.4** To ensure that development is consistent with the Land's capability to physically support the development.
- 3.5** To ensure that each proposed low density allotment can accommodate all the functions associated with a single detached dwelling.
- 3.6** To encourage a variety of housing styles and forms catering for the full range of consumer demand.
- 3.6** To ensure that all new residential estate development is adequately served with community facilities, recreational facilities and open space sufficient to satisfy projected needs.

### **4. REQUIREMENTS OF SUBDIVISION**

#### **4.1 Lot Sizes for Rural Subdivisions**

The minimum allotment sizes for rural subdivisions should be taken from the relevant Local Environmental Plan.

The Council shall not grant consent to the subdivision of land within land zoned 1(C), to a size not less than 2 hectares, unless it is taken into consideration:

- 4.1.2** the minimum frontage, which shall be 25 metres in the case for allotments fronting a cul-de-sac, and 60 metres in any other case;
- 4.1.3** the width of each such allotment measured at the building line which shall not be less than 50 metres;
- 4.1.4** the ratio of the depth to the frontage of each such allotment, which in the opinion of Council, shall be satisfactory having regard to the topography of the land.

Notwithstanding the provisions of sub-clause 4.1 the Council may approve a hatchet shaped allotment where the access corridor shall have a road frontage of not less than 8 metres.

## **4.2 Access**

### **4.2.1 Access to Rural Properties**

Access from the dedicated road to the property boundary is to be constructed and maintained at the applicants expense.

Existing access to the road is to be inspected by the Director Engineering Services to ensure that it is of an acceptable standard. Any new access to a lot is to be constructed to a standard determined by the Director Engineering Services. This access will usually be either gravel to a depth of 15cm, 6m wide, which will not impede the drainage of the area, or a minimum 375mm diameter concrete piped culvert. This culvert should be a minimum of 7.32m long and incorporating suitable head walls and guide posts. Other forms of access may be required by the Director Engineering Services. Under unusual circumstances.

The access type will depend on the drainage requirements at the access point.

### **4.2.2 Access to Urban Properties**

Kerb and gutter, and vehicle laybacks, are to be provided at the applicants expense where the subdivision is to take place on a street that does not have existing kerb and gutter. A bond will be required to be paid to Council to allow Council to construct the kerb and gutter at a later date.

Battle axe allotments are required to have an access handle of at least 3.5 metres in width. Where more than one (1) battle axe allotment is to use the same access handle, a width of 3 metres per allotment being served is required. Where a formed road is to be constructed, it shall be constructed in accordance with the design guidelines in the Traffic Authority of New South Wales.

“Policies Guidelines and Procedures for Traffic Generating Developments”.

These road works are to be constructed by Council or a Council approved contractor at the applicants expense. The design of such roads to the satisfaction of the Director Engineering Services.

## **4.3 Building Envelope**

All residential allotments, and all other allotments (except where the applicant can prove to Council in writing that compliance is unnecessary), are required to have an area of 15 metres x 18 metres behind the Council’s adopted building line on which construction of a building is possible.

## **4.4 Street Frontages**

In urban areas, trees shall be planted on the Council footpath, 900mm in from the kerb, along the entire frontage of the subdivided properties, at intervals of 10 metres (taking into account the location of driveways). The tree types that are suggested to be used are included in Annexure 1, and approved by the Director Engineering Services.

#### **4.5 Provision of Services**

##### **4.5.1 Essential Services**

The applicant should consult with Council regarding the location and cost of provision of water and sewerage services to urban properties. The applicant will be required to provide water and sewerage mains and points of sewer connection.

Rural properties are required to make their own arrangements for the provision of these services.

The Namoi Valley County Council should be consulted in relation to the supply of electricity to all properties.

##### **4.5.2 Community Services**

For any subdivision within the urban areas, which creates new allotments, a contribution under Section 94 of the Environmental Planning and Assessment Act will be levied to help Council provide for the increase in the demand for public amenities and services resulting from that subdivision of the land.

The headworks charge is as determined by Council on a yearly basis.

The present charge is \$4,000.00 for each additional allotment to be created.

#### **4.6 Natural Hazards**

##### **4.6.1 Flooding**

Where a subdivision is undertaken within urban areas which are subject to flooding, the applicant is required to provide to Council the level of water on the property in a 1:100 year flood.

With rural subdivisions, the applicant is required to supply Council with evidence that an area suitable for the construction of a dwelling is available which is in a low flood risk area. Where the subdivision is not for a residential purpose, evidence should be submitted to Council showing that the proposed use will not be adversely effected by a foreseeable flood event.

##### **4.6.2 Bush Fire**

In much of the Shire, especially those areas bordering the State Forests and National Parks, a high bushfire risk exists.

While grass fires are dangerous, particular concern is raised regarding subdivisions heavily timbered areas.

Applicants for subdivisions in Parishes adjoining State Forests and National Parks, and any other parish which has a significant potential for bush fire hazard, subdivision will require the clearing of a minimum of 10 metre width around the perimeter of all the proposed lots and the maintenance of this in a woody weed free state. In addition an area of 2 ha shall be cleared of fire prone trees such as

eucalyptus, pines and acacias around the proposed house site if the subdivision is intended to have a home site located upon it.

The requirement for the firebreaks may not be enforced where it is demonstrated that the property is extensively cleared, or where non-compliance will not increase the fire risk to adjoining properties, or the construction of perimeter fire breaks due to rugged topography is impracticable.

## 5. SUBDIVISION CHECKLIST

Have you completed a subdivision and development application?  Yes  No

Have these been signed by the owner of the land?  Yes  No

Do you know the property description of the land (Lot and Deposited Plan or Portion and Parish)?  Yes  No

Do you have accurate dimensions of the property?  Yes  No

Have you submitted a map(s) showing:

- |   |                              |  |
|---|------------------------------|--|
| (1) The location of the land                | <input type="checkbox"/> Yes | <input type="checkbox"/> No                              |
| (2) The size and shape of the existing lot  | <input type="checkbox"/> Yes | <input type="checkbox"/> No                              |
| (3) The size and shape of the proposed lots | <input type="checkbox"/> Yes | <input type="checkbox"/> No                              |
| (4) The location of access onto the lots    | <input type="checkbox"/> Yes | <input type="checkbox"/> No                              |
| (5) The areas liable to flooding            | <input type="checkbox"/> Yes | <input type="checkbox"/> No <input type="checkbox"/> N/A |

Have you submitted three (3) copies of the maps for both the subdivision and development applications?  Yes  No

Will the block be large enough for the intended use (see the relevant L.E.P. for residential and rural requirements)?  Yes  No

Have you submitted a letter stating the environmental effects (the effect on neighbours) of the development?  Yes  No

Have you submitted a letter stating the proposed use (if known) of the land?  Yes  No

Is that use permissible in the zone?  Yes  No

Is there 15m x 18m of land behind the building line on which a house could be built?  Yes  No  N/A

Is water and sewerage available?  Yes  No  N/A

Does the block have kerb and guttering?  Yes  No  N/A

Is the existing kerb and gutter suitable for the proposed lots?  Yes  No  N/A

Will the subdivision require the planting of trees along the street frontage?  Yes  No  N/A

Will the rural subdivision require the construction of fire breaks around the perimeter of the proposed lots?  Yes  No  N/A

If NO has been answered for any of the above questions, a letter should be submitted.

## HISTORY

<b>MINUTE NO:</b>	<b>MEETING DATE:</b>	<b>DESCRIPTION</b>
94/93	19 January 1993	Adopted