

Part 3 Subdivision

Explanatory outline

Part 3 specifies outcomes, design guidelines and other requirements for the subdivision of land in both urban and rural areas.

Note: this Part does not apply where approval is sought by way of a complying development certificate (under *SEPP (Exempt and Complying Development) Codes 2008*). In such cases, the criteria under that SEPP will apply instead.

3a Subdivision

3a.1 Application of this Part

This Part applies to development described in Column 1 when carried out on land described in Column 2.

Column 1:	Type of development	Column 2:	Applicable land
	Subdivision of land		Any land

3a.2 Relevant planning instruments, legislation, policies & strategies

The following environmental planning instruments or other legislation are relevant to development to which this Part applies:

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*
- *Rural Fires Act 1997*
- *Roads Act 1993*
- *Conveyancing Act 1919*
- *Strata Schemes (Freehold Development) Act 1973*

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this Part. The following Development Contributions Plans (as updated or as amended) may also be relevant to development to which this Part applies:

- *Upper Hunter Shire Council S94A Development Contributions Plan 2008*
- *Scone Section 94 Contributions Plan 1992*
- *Murrurundi Section 94 Contributions Plan 1992*
- *Merriwa Section 94 Contributions Plan 1994*

3a.3 Definitions

The following terms defined in the Dictionary are relevant to this Part:

- subdivision certificate
- subdivision of land
- subdivision work

3a.4 Objectives

The objectives of this Part are to:

- establish a consistent and coordinated approach to the creation of residential, rural residential, rural, commercial and industrial lots throughout the Upper Hunter LGA;
- ensure that all subdivisions and the potential impacts of such subdivisions and subsequent development take account of the principles of environmental sustainability;
- to encourage solar efficient subdivision designs that will assist in ensuring that subsequent development is significantly more energy efficient than conventional development;
- ensure that rural subdivision reinforces the rural character of the Upper Hunter LGA;
- facilitate subdivision forms which have the effect of minimising environmental degradation;
- ensure that subdivision and housing take account of physical constraints relating to flooding, landslip, bush fire, contaminated land, salinity etc;
- ensure all proposed lots are physically capable of suitable development;
- ensure that each lot is provided with an appropriate level of amenity, service and access;
- ensure logical, efficient and orderly development of infrastructure;
- ensure subdivision proposals integrate with other adjoining and nearby existing and planned land uses; and
- discourage the removal of prime agricultural land from agricultural production and to prevent adverse impacts upon the viability of established or potential agricultural activities.

3a.5 Supporting plans & documentation

Development applications that are subject to this Part should be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to section 2c Lodging a development application.
B. Subdivision plan	All applications	Plan prepared by a suitably qualified professional showing: <ul style="list-style-type: none">• land title details• configuration, boundary dimensions and site area of all proposed allotments• water, sewage, electricity and telephone services• points of entry and exit for each lot• proposed method of stormwater disposal• Proposed new roads (if any) where site gradients are greater than 15%, provide details of gradients of any new roads• site analysis including environmental constraint areas, zone boundaries, usable land area (if applicable) and

Item	When required	Plans or information to be provided
		<p>extent of existing vegetation</p> <ul style="list-style-type: none"> proposed development and indicative 'building envelope' on each new lots, showing that there is a sufficient area to place a future dwelling and its associated infrastructure (such as on-site effluent disposal area) location and current use of existing buildings contour information and relative levels for both the subject site (and in urban areas, adjacent streets and footpaths) location and current use of buildings on adjoining sites that are likely to be affected by the development arrangements for provision or amplification of utility services conceptual drawings indicating proposed infrastructure including roads, drainage, water, sewage and earthworks (sufficient to allow assessment of the practicality of these works). a draft 88B instrument setting out the terms of any right of carriageway (including maintenance responsibilities) shall be submitted to Council with a development application for rural subdivision.
C. Servicing strategy	All applications	<p>Provide evidence of satisfactory arrangements for the provision of the following services to the development:</p> <ul style="list-style-type: none"> reticulated water or on-site water supply reticulated sewerage or on-site waste water management. electricity telecommunications <p>Please discuss site-specific requirements with council officers.</p>
D. Landscape plan	Applications that include new public roads or public open space	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.
E. Preliminary soil & water management strategy	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).

Item	When required	Plans or information to be provided
F. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard.
G. Flooding report	Applications that relate to flood prone land	Include the matters required under section 10a Flood risk.
H. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
I. Flora & fauna assessment report	Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species (refer to section 11b Biodiversity conservation).	Include the matters required under section 11b Biodiversity conservation.
J. Access & parking plans & reports	Applications that raise significant access or parking issues.	Include the matters required under section 12a Access & vehicle parking. Actual requirements will depend on the expected level and type of traffic generation.
K. Onsite sewage management report	Applications for land that will not be serviced by reticulated sewer.	Include the matters required under section 11g On-site sewage management
L. Property Management Plan	Applications for rural subdivision pursuant to Clause 4.2 Rural Subdivisions (creating lots that are less than the minimum lot size)	<p>A property management plan is to include the following:</p> <ul style="list-style-type: none"> Property Assessment Report (including information about natural resources, physical features, limitations of land, financial and human resource limitations) Business Plan Report (this should include vision and goals for the property and its resources and the farm business enterprise) Plans (Physical and permanent features, existing property layout and farm infrastructure, realistic plan based on best practices land management principles) Action Plan (Should include: prioritising issues, desired outcomes, management strategies, costs, practical actions, timeframes and monitoring and evaluation)
M. Contaminated Site Investigation Report	All applications	<i>The Contaminated Site Investigation Report must be prepared in accordance with Managing Land Contamination Planning Guidelines and SEPP 55 - Remediation of Land or relevant planning guidelines.</i>

3a.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

Outcomes to be achieved	Design guidelines
Subdivision layout & general design	
A. Subdivision purpose & general considerations	
<ul style="list-style-type: none"> ■ The subdivision pattern will accommodate future and existing structures and be suitable for appropriate likely future land uses and site activities. ■ The subdivision proposal responds to the existing site attributes and constraints. 	
B. Adjoining development	
<ul style="list-style-type: none"> ■ The design and layout is compatible with adjoining or nearby development, especially in relation to: <ul style="list-style-type: none"> • possible land use conflicts • the need for any buffer areas • heritage conservation • primary production • public open space (such as potential security, surveillance and visual amenity issues) 	<ul style="list-style-type: none"> • Where required, adequate buffer areas are provided between the proposal and adjoining areas (refer to section 11i Buffer Areas).
C. Lot size, shape & orientation	
<ul style="list-style-type: none"> ■ Each lot in the proposal has a sufficient size and shape to: <ul style="list-style-type: none"> • accommodate future and existing structures • accommodate anticipated site activities • allow sufficient off-street car parking • allow the provision of infrastructure • facilitate good solar access. <p><i>Note: Minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot size'.</i></p>	<ul style="list-style-type: none"> • Roads running east-west are encouraged to facilitate good lot orientation for solar access whilst minimising lot frontage. • Residential lots should be orientated to allow the living and private open space areas of future dwellings to be provided with good solar access. <p>Rural & Environmental (Zones RU1, RU4, E3).</p> <ul style="list-style-type: none"> • Each lot in the proposal should be able to accommodate a building envelope of 1hectare, with a minimum dimension of 40 metres. The building envelope should contain an area for a future dwelling house, outbuildings, landscaping and onsite effluent disposal. <p>Residential & Village (R1, R5 & RU5).</p> <ul style="list-style-type: none"> • Each lot within the proposal should: <ul style="list-style-type: none"> - have a minimum width of 20 metres at the building line (lots which front a cul-de-sac head should have a minimum frontage of 10 metres) with the exception of battleaxe shaped lots. - be not less than 20 metres in depth - be able to accommodate a building envelope of 200 m² with a minimum dimension of 10 metres.

Outcomes to be achieved

Design guidelines

Industrial (Zones IN1 & IN2).

- Each lot in the proposal should:
 - have a minimum width of 30 metres at the building line (with the exception of battleaxe shaped lots)
 - be of a sufficient shape and size to allow the safe and efficient movement of vehicles and provision for off-street car parking, deliveries, storage and bin areas, landscaping and boundary setbacks.
- The access handle of a battle-axe shaped allotment should have a minimum width of 10 metres.

D. Natural site features

- The design and layout takes into account natural site features such as significant native vegetation, wildlife corridors, topography and rock outcrops

- The design should respond the following DCP sections:
 - **11b Biodiversity conservation**
 - **11c Riparian land & watercourses**
 - **11d Groundwater protection**
 - **11f Soil & water management**

E. Natural hazards

- The design and layout takes into account natural hazards such as bushfire, flooding and geotechnical conditions.

- The design should respond the following DCP sections:
 - **10a Flood risk**
 - **10b Bush fire risk**
 - **10c Geotechnical hazard.**

F. Landform modification

- The design and layout takes into account site topography, geological conditions, existing soils and drainage., and minimises the need for landform modification when buildings are placed on the site.

- Lots should be designed to allow for the construction of future buildings which do not involve more than 1 metre cut or fill of 1 metre measured from natural ground level.
- The design should respond the following DCP sections:
 - **10c Geotechnical hazard.**
 - **11f Soil & water management.**

G. Land contamination

- The development should consider the provisions of *Managing Land Contamination Planning Guidelines and SEPP 55 - Remediation of Land*

Movement & access networks

H. Street network

- The street and access network is designed so as to:
 - respond to site features such as topography, drainage and vegetation
 - provide a logical hierarchy of streets
 - provide convenient linkages to open space, public transport, schools and local centres
 - encourage healthy communities by providing safe and convenient pathways for pedestrians and cyclists
 - allow sufficient access and manoeuvring for garbage collection services.

Urban streets

- Intersections should be either T-junctions or roundabouts. Four way intersections should be avoided.
- The layout of the road and movement network should be designed to:
 - provide for the safe and efficient movement of all road users.
 - facilitate walking and cycling within the neighbourhood and to local centres.
 - facilitate the use of public transport.
 - maximise solar access to allotments.
 - provide road links to adjoining properties.
 - allow on-street car parking.

Outcomes to be achieved

Design guidelines

- provide efficient access for service vehicles (for example, emergency vehicles and garbage trucks).
- ensure safe vehicle speeds.
- provide adequate sight distances.
- provide for utility services, driveways, street lighting and landscaping.
- be compatible with the existing road pattern in the locality.
- Design specifications for public urban roads should be in accordance with Table 6 Road and movement network design specifications.
- Cul-de-sacs for residential roads should have a minimum sealed radius of 8.5 metres and boundary radius of 12.0 metres.
- Cul-de-sacs for residential roads should service no more than 25 lots.

Rural roads

- Design specifications for public rural roads should be in accordance with Table 6 Road and movement network design specifications.
- Rural roads that are to revert to Council's care and control should be designed and constructed in accordance with UHSC *Draft Engineering Guidelines for Subdivisions and Developments* (as amended).
- Cul-de-sacs should be avoided, but if used should be less than 200 metres in length, and be consistent with acceptable bushfire risk (refer to section 10c Bushfire risk).

Industrial roads

- The proposal should comply with Table 6 Road and movement network design specifications.
- Cul-de-sacs for industrial roads should have a minimum kerb radius of 13.5 metres and boundary radius of 17.0 metres and should be surfaced with asphaltic concrete.

I. Crown roads

- In accordance with the transfer protocols for Crown roads, the road must be transferred from Crown Lands to Council prior to the commencement of any road works at no cost to Council.

Note: the transfer of the road to Council does not necessarily change the extent of Council's adopted road maintenance areas.

- Where new allotments gain access from a Crown road, the road is to be upgraded and constructed to meet the minimum standards specified in UHSC *Draft Engineering Guidelines for Subdivisions and Developments* (as amended), and with Table 6 Road and movement network design specifications.
- All existing public roads fronting or within the proposed allotments must be wholly within the road reserve.

J. Future road widening & upgrading

- Existing roads are upgraded to accommodate increased traffic flow resulting from the subdivision proposal.

Outcomes to be achieved

Design guidelines

K. Access to lots from public roads

- The road network design:
 - enables safe and efficient movement of vehicles to and from individual lots.
 - has no adverse impacts on the visual amenity of the neighbourhood.
 - minimises impacts on adjoining properties and the environment.
 - ensure there is adequate space for essential service infrastructure and landscaping
 - responds to the movement and access provisions in section 12a Access and vehicle parking.

General

- All urban lots should have direct frontage to a public road and should not rely solely on an easement or right of way access. However, individual applications will be considered on their merits.
- Access driveways should be provided to all new allotments fronting a road without kerb and gutter in accordance with Council's standard vehicle access Specification.

Rural (Zones RU1, RU4 & E3)

- A maximum of three (3) rural lots may gain access from a right of carriageway within the subdivision, which should connect directly to a dedicated public road under the care and control of Council. A draft 88B instrument setting out the terms of the right of carriageway (including maintenance responsibilities) shall be submitted to Council with the development application.
- The right of carriageway should be constructed to a standard that will allow all weather two wheel drive access and is to be constructed prior to the issue of a Subdivision Certificate.
- All-weather, two wheel drive access should be provided to all new allotments.

Residential (Zones R1, R5 & RU5)

- Private access ways (access handles) should be designed in accordance with *UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended)* and *AS2890.1*.
- Standard access ways to single allotments should have a minimum width of 4.0 metres with a minimum sealed carriageway width of 3.0 metres.
- Access ways should be nominated as reciprocal rights of way on the plan of subdivision where they service two (2) or more lots.
- Access ways servicing two (2) or more lots should have a minimum width of 6.5 metres with a minimum sealed carriageway width of 5.5 metres. Note: Where future development of a lot is likely to involve multi-dwelling housing greater than 10 dwellings/units greater access way widths should be considered (refer to Section 4a Urban Dwellings, Table 10).

Industrial (Zones IN1 & IN2)

- Access ways should be designed in accordance with the provisions of the *RMS Guidelines for Traffic Generating Development* and *AS2890*.

L. Pedestrian & cyclist access

- Safe and convenient pathways is provided for pedestrians and cyclists to maximise connectivity of neighbourhoods; access to local facilities and services and to encourage healthy communities.

- Pedestrian and cycle paths should be designed in accordance with *UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended)*.
- Footpaths and cycleways should be provided in accordance with Table 6 Road and movement network design specifications and any relevant strategic plans adopted by Council.
- Pedestrian and cycle paths should be designed to allow retention of existing vegetation and other natural features whilst ensuring ease of maintenance.

Outcomes to be achieved

Design guidelines

Infrastructure

M. Reticulated water

- Reticulated water is provided to all new allotments on land zoned R1, R5, B2, B4, RU5 (where reticulated water is available), IN1 or IN2 or as otherwise agreed with Council.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public water mains within the site.

N. Reticulated sewerage

- Gravity drained reticulated sewerage services are provided to all new allotments within sewer service areas and on land zoned R1, R5, B2, B4, IN1 or IN2 or as otherwise agreed with Council.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer mains within the site.

O. On-site waste water management

- Onsite wastewater management systems are not permitted within sewer areas.
 - Proposed allotments within unsewered areas that are to be used for a purpose that is likely to generate sewage should have sufficient area to accommodate an on-site waste water management system in accordance with:
 - section 11g On-site waste water management.
 - AS1547-2012.
 - Environment and Health Protection Guidelines – Onsite Sewage Management for Single Households 1998 or as updated.
 - The use of on-site sewage management systems should not contribute to an adverse cumulative impact on soils and water in the area

P. Stormwater management

- The quality and quantity of stormwater runoff from the site is managed to minimise impacts on the environment.
- All new lots in Residential, Business and Industrial zones should be able to drain to the Council's reticulated stormwater system directly or via an inter-allotment drainage system (with appropriate easements). Note: on-site water conservation measures cannot be used in lieu of appropriate connections to the reticulated stormwater system.
- Easements (benefiting UHSC) shall be provided for all existing and proposed Council stormwater infrastructure within the site.
 - The subdivision proposal and each individual lot within the proposal should dispose of on-site stormwater in accordance with:
 - section 11f Soil & water management
 - *UHSC Draft Engineering Guidelines for Subdivisions and Developments*, as amended.

Q. Street lighting

- Adequate street lighting is provided in urban areas to promote the safety and security of neighbourhoods.
 - Street lighting should be provided in all streets fronting land zoned R1, R5, B2, B4, RU5, IN1 or IN2 in accordance with the requirements of the energy authority.

Outcomes to be achieved

Design guidelines

R. Electricity & telecommunications

- Each new lot has direct access to a suitable telecommunications and electricity supply. Satisfactory arrangements are made with the relevant utility provider.

S. Public open space

- Adequate open space is provided to urban residential subdivisions that:
 - meets the recreational needs of residents of new subdivisions.
 - encourages healthy communities.
 - contributes to the character and amenity of new subdivisions.
 - provides a safe and healthy environment for all users.
- Open space is conveniently located and accessible to pedestrians, cyclists and maintenance vehicles.
- Open space should respond adequately to the site topography and surrounding subdivision pattern, and should minimise soil disturbance.
- The provision and retention of native vegetation is to be encouraged within public open space.
- Open space links can be provided to ensure connectivity between any open space proposed in the development, other existing and proposed areas of public open space and places, commercial centres and schools.
- Open space areas should be designed to allow casual surveillance from surrounding streets and residential properties.
- All lots in a residential subdivision proposal should be within 400 metres walking distance of a local park or reserve.
- Open space areas are required to be embellished and dedicated to Council as follows:
 - Casual open Space (parks) for community recreation, social needs and passive enjoyment are required to be dedicated and embellished.
 - Local or neighbourhood public open space is to be provided within the proposed subdivision at a rate of 1.0ha per 1,000 people (or part thereof) based on a dwelling occupancy rate of 2.63 persons per lot, in accordance with Table 7 .
 - Aquatic environments, natural watercourses, riparian buffers and foreshores within the development site must be dedicated to the public as reserve, and not as open space on any proposed plan of subdivision.
 - Dual use of drainage facilities for open space purposes is encouraged as a means of establishing a linked open space network, however only those parts of the drainage areas that is in excess of that required for riparian management and buffers will be credited towards open space commitments. The linear shaped land which is used and predominantly occupied by connecting pedestrian/cycle paths will not be accepted as casual open space.
 - Environmentally sensitive areas and visually significant topographical/landform features within the development site should be dedicated to the public unless their environmental/scenic/visual values and appropriate management can be guaranteed in perpetuity in private ownership.

Table 6 Road and movement network design specifications

Element	Urban streets & roads				Rural roads		Industrial
	Access street (<10 lots or up to 300 veh trips per day)	Local street (10-200 lots or up to 2000 veh trips per day)	Collector (200-400 lots or up to 3000 veh trips per day)	Distributor (>400 lots or up to 6000 veh trips per day)	Rural	Rural Residential	General (Zones IN1 & IN2)
Road reserve width (metres)	15.0 m	18.0 m	20.0 m	22.0 m	20.0 m	20.0 m	22.0 m
Minimum carriageway width	6.0 m	9.0 m	11.0 m	13.0 m	8.0 m	8.0 m	11.0 m
Verge	2 x 4.5 m	2 x 4.5 m	2 x 4.5 m	2 x 4.5 m	N/A	N/A	2 x 4.5 m
Kerb Type	Rollover	Rollover/ barrier	Barrier	Barrier	N/A	Rollover/ flush	Rollover/ barrier
Footpath requirement (metres)	Nil	1.5 m (on one side of street)	1.5 m (both sides of street)	2.2 m shared with cycleway on one side or dedicated lanes on carriageway	N/A	N/A	N/A
Cycleway requirement	Nil – unless part of adopted network	Nil – unless part of adopted network	Nil – unless part of adopted network	As above	Nil – unless part of adopted network	Nil – unless part of adopted network	N/A

Table 7 Local public open space requirements

Aspect	Requirement
Area	Area generally in the range 0.25 -1.5 ha. The number and distribution of these parks is to be such that 95% of residents are located within a 400 m radius.
Shape	Length to width ratio does not exceed 3:1, with a 20 m buffer provided from active play areas to residential boundaries
Landform	At least 80% of the area to have slopes <8%, with good drainage, grassed surfaces incorporating and landscaped elements/paved areas with soft fall
Access	Vehicle access from local streets for maintenance vehicles and readily accessible by pedestrians and cyclists
Street frontage	At least 50% of perimeter should be street frontage providing casual surveillance
Amenities	Playground equipment, soft fall surfaces under play equipment, kick-about area, paving for ball games, seating with shade, landscaping, drinking fountains, general shade and lighting. Play areas fenced from balance of park to delineate use. Toilet blocks if servicing greater than 1,000 persons
Services	Access to garbage collection, regular maintenance, water, electricity

3a.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
- NSW Department of Urban Affairs and Planning (1998) *Managing Land Contamination Planning Guidelines and SEPP 55 - Remediation of Land*
http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf