

**BEGA VALLEY SHIRE
COUNCIL**

Subdivision Standards
Development Control Plan No.2

December 2007



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**Subdivision Standards
Development Control Plan No.2**

December 2007

This version of Development Control Plan No.2 – Subdivision Standards was made pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and approved by Council at its meeting of 18 December 2007.

Record of Amendments

Name of Amendment	Date Approved by Council	Date Plan Came into Force
Original Plan	12 August 2003	20 August 2003
Review and update of Plan	18 December 2007	16 January 2008

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Part A – Preliminary

1. Name of the plan

This plan is Development Control Plan No. 2 – Subdivision Standards.

2. Aims of the plan

The aims and objectives of this plan are to:

- Set out development standards for subdivision developments
- Provide appropriate standards of amenity and servicing as land is subdivided and developed
- Facilitate development that integrates the natural and developed landscape while ensuring the conservation of identified ecological, scenic and cultural values
- To contribute to sustainable economic development of the Bega Valley Shire;
- To provide certainty to the land development industry
- To provide guidance about the processes and procedures for subdivision developments.

3. Application

This plan applies to all land in the Bega Valley Shire. The standards contained within this plan apply to subdivision developments, including land subdivisions, Strata Title subdivisions and Community Titles subdivisions.

The standards contained within this plan may also be referred to in development consents for other types of development for the purpose of defining technical standards.

4. Relationship to other planning instruments and policies

- a. This plan should be read in conjunction with:
- Bega Valley Local Environmental Plan 2002
 - Regional Environmental Plans
 - State Environmental Planning Policies
 - NSW Coastal Policy
 - other Development Control Plans in force
 - Coastal Design Guidelines for NSW
 - BVSC – Development Design Specification
 - BVSC – Development Construction Specification

- Southern Rivers CMS Catchments Management Plan
 - DECC Riparian Corridor Objective Setting for the Bega Valley Shire
- b. This plan repeals Development Control Plan No. 21 adopted by Council on 14 April 1987.
- c. Where there is an inconsistency between this plan and another Council Development Control Plan, Policy or Code, then this plan prevails to the extent of such inconsistency.

5. Definitions

This plan adopts all definitions set out in Section 4(1) of the Environmental Planning and Assessment Act, 1979 and in the Bega Valley Local Environmental Plan 2002.

BVLEP means the Bega Valley Local Environmental Plan, 2002 incorporating all amendments.

BVSC means Bega Valley Shire Council

Council means Bega Valley Shire Council

EP&A Act means the Environmental Planning and Assessment Act 1979, as amended.

LGA means local government area.

PCA means Principal Certifying Authority

Regulation means the Environmental Planning and Assessment Regulation 2000

Part B – Assessment of proposals

6. Development applications

6.1 Pre-lodgement Consultations

Applicants for subdivision developments are encouraged to consult with Council staff prior to preparing and submitting development applications.

6.2 Submission Requirements

Development applications must be submitted to Council in writing on Council's standard development application form, together with the required supporting documentation as specified by the 'Supporting Documentation Matrix' along with the required fees.

Development application forms, 'Supporting Matrix' and 'Application Guidelines' are available from Council's office and website.

Development applications for subdivisions must include all of the matters listed on the form 'Supporting Information Matrix'. Plans submitted must clearly define the details of the proposed development, must be drawn accurately to scale, and clearly show the areas and dimensions of all lots proposed. The plans must show the whole of the land that is the subject of the development application.

The plans and supporting information submitted must indicate where applicable:

- a. location, boundary dimensions, site area and north point
- b. details of the existing and proposed subdivision pattern (including the number of lots, dimensions, areas and location of roads)
- c. details of existing Council's services including water and sewerage infrastructure on or adjoining the land (sewerage infrastructure to include invert levels to Australian Height Datum)
- d. extent of existing native vegetation on the land
- e. location and uses of existing buildings on the land
- f. existing levels of the land (contours from available mapping or site survey)
- g. location and uses of buildings on sites adjoining the land (where likely to be affected by the development)
- h. indicative arrangements for provision or amplification of utility services required by the proposed subdivision
- i. conceptual drawings indicating proposed infrastructure including roads, drainage, water, sewerage and earthworks (sufficient to allow assessment of the practicality of these works)

- j. on-site sewage management in accordance with Development Control Plan No.5 Onsite Sewage Management (only in non-sewered areas)
- k. bushfire report in accordance with the Rural Fire Service document 'Planning for Bushfire Protection 2006' (only in bushfire prone areas)
- l. location of waterways with designated appropriate setback widths in accordance with the Riparian Corridor Objective Setting for the Bega Valley Shire
- m. location of lands with a slope greater than 18 degrees
- n. location of wetlands greater than 1ha in size and mapped SEPP 14 wetlands on the land and closer than 100m outside of the land boundaries

A minimum of six copies of the subdivision plan shall be submitted with each development application for subdivision. Additional copies may be required in some cases. The 'Application Guidelines' specifies the number of copies required for all other supporting documentation.

Applicants are encouraged to submit additional information in support of applications and to explain proposals. A comprehensive Site Analysis is an effective way of explaining a proposed development and demonstrating that site constraints and opportunities have been addressed (see 'Application Guidelines' for assistance).

Six copies of the Statement of Environmental Effects must be submitted with every development application for subdivision, including minor boundary adjustments (see 'Application Guidelines' for assistance). The matters listed in the 'Application Guidelines' provide a guide for addressing environmental effects, however the list is not exhaustive, and other matters may need to be addressed.

Complete information submitted with a development application can assist in the assessment of the proposed development allowing shorter processing times. Incomplete or inaccurate information can contribute to delays in the determination of development applications.

If a development application submitted is illegible or unclear as to the development consent sought, Council may reject the application pursuant to Clause 51 of the Environmental Planning and Assessment Regulation, 2000 and refund the fees paid.

Applicants may find it helpful to engage a registered surveyor or other suitably qualified and experienced professional consultant to prepare development applications, plans and submissions.

6.3 Approvals Pursuant to Section 68 of Local Government Act, 1993

If a subdivision development requires approvals pursuant to Section 68 of the Local Government Act, 1993 the applicant can apply for the required approval as part of the development application for the subdivision. The particulars of any such approval sought and all relevant supporting information should be included in the development application form and accompanying documentation.

A list of relevant Section 68 approvals that are available through this process is available from Council. The approvals most relevant to subdivisions relate to the carrying out of water supply, sewerage and stormwater drainage works.

The Section 68 approvals can be obtained separately if not included into a development application.

6.4 Integrated Development

If a subdivision development requires any of the approvals from NSW Government agencies as set out in Section 91 of the EP&A Act, the applicant is required to indicate the particular approval required on the development application form. The relevant NSW Government agency (approval body) is then required to either indicate the general terms on which the required approval would be given or refused, to provide certainty to the applicant.

Where an “integrated development” approval is sought, the applicant must pay the prescribed fee and submit sufficient information for the approval body to make an assessment of the application, together with additional copies of the plans, and supporting documents, if required. The Council forwards a copy of the application and the prescribed fee to the relevant agency.

6.5 Exempt Development

Council has designated some minor subdivisions as exempt development under the EP&A Act. These subdivisions do not require development consent from Council, however a Subdivision Certificate must still be endorsed by Council before the plan of subdivision can be registered by the NSW Office of Land and Property Information.

If the assessment of the application for a Subdivision Certificate reveals that the proposed subdivision does not strictly conform to the exemption requirements, the applicant will be notified by Council of the need to submit a development application for that subdivision. The development application will be assessed in the normal manner and any conditions specified in the resulting development consent must be satisfied before the Subdivision Certificate can be issued.

Land exempt under EP&A Act may not be exempt under Native Vegetation Act 2003. Developers should be directed to the Southern Rivers CMA for a determination.

7. Assessment of development applications

7.1 Matters Considered

In assessing development applications for subdivisions, Council will consider:

- The matters listed in Section 79C of the Environmental Planning and Assessment Act 1979.
- The matters listed in Clause 50 and Schedule 1 of the Environmental Planning and Assessment Regulation 2000.
- The matters identified in the relevant clauses of the BVLEP and other relevant environmental planning instruments.
- The provisions of this plan.
- The provisions of other Development Control Plans applying to the land.
- The existence of a PVP over the land parcel under the Native Vegetation Act 2003

Every lot in each subdivision proposal will be assessed on the basis of its suitability for the use proposed in the application and any other obvious potential uses of the land.

7.2 Subdivisions in the Coastal Zone

State Environmental Planning Policy (Major Projects) sets out additional requirements for subdivisions within the Coastal Zone as defined under the Coastal Protection Act 1979. In some cases subdivisions may be classified as State Significant Development so that the Minister is the consent authority.

7.3 Variations

Where a proposed development does not comply fully with the standards contained in this Plan, a written submission must be included with the development application identifying the non-complying matters and stating reasons why a variation should be permitted.

Council may support such variation(s) if it is satisfied that the development will be in accordance with the objectives of this plan and satisfies the principles of the standards.

Where a proposed development does not fully comply with the development standards set out in the BVLEP, the Council can only consider a development application if it is supported by a submission made pursuant to State Environmental Planning Policy No. 1 – Development Standards. Not all standards in the BVLEP can be varied using SEPP No.1. In considering whether to support a variation from a development standard using SEPP No. 1, Council will give consideration to the extent to which the development meets the objectives of the zone and the reasons behind the standard.

Part C – Subdivision design standards and principles

8. Bega Valley Local Environmental Plan 2002

The provisions of the Bega Valley Local Environmental Plan, 2002 sets out the minimum allotment areas permitted in some zones and in some cases also sets out maximum allotment areas and other provisions relating to subdivision developments.

Lot sizes, numbers or configurations may also be prescribed in other Development Control Plans.

Each lot in every subdivision must be justified pursuant to the relevant provisions of the Local Environmental Plan or other planning instrument.

9. Access and servicing

Each lot in every subdivision must be provided with an appropriate standard of legal and practical vehicular access and access to an appropriate standard of public utility services and drainage, as set out in later clauses in this plan.

Legal access shall extend between each lot and a Council controlled public road system or State Highway. Legal access may include Council public roads, rights of carriageway, easements for access or some combination of these. It should be noted that specific restrictions apply to arterial roads within the 1(a) and 1(c) Zones as defined under the Bega Valley Local Environmental Plan 2002. Examples of possible access to arterial and non-arterial roads are contained in Figures 1, 2, 3, 4 & 5.

Council will only allow the creation of lot(s) relying upon private roads for access where it is demonstrated that the lot(s) enjoy an inalienable right to use those roads in perpetuity.

Roads created and constructed in subdivisions shall be dedicated to Council as public roads by notation on the plan of subdivision.

Practical access to each lot must be wholly contained within the legal access.

Easements for services may be required to allow public utility services.

Electricity substations and telecommunications service multiplexers shall be located within suitable easements and shall not be located within public road reserves.

Subdivision should be designed to contain new structures and major infrastructure and any asset protection within cleared land. The clearing of native vegetation on rural and rural residential lands is subject to the Native Vegetation Act 2003. Developers should be directed to the Southern Rivers CMA for a determination.'

10. Rural and environmental protection zones

This clause applies to land in zones 1(a), 7(d), 7(f1) and 7(f2) zones.

Permissible allotment densities are set out in the Bega Valley Local Environmental Plan, 2002.

Where any lot is intended to have the potential for the erection of a dwelling-house, the lot must identify at least one site which is suitable for a house site, taking into account the issues of bushfire safety, vegetation clearing, flood hazards, access, servicing, on-site sewage management, land slopes and any other relevant matters.

Lots created in these zones generally are not serviced with town water or sewerage. Most rural dwellings are connected to electricity and telecommunications services, and therefore provision for these should be made in rural subdivisions.

10.1 Concessional Lots

Clause 16 of the BVLEP allows the creation of lots in zone 1(a) specifically for the purpose of dwellings. These lots must have an area of not less than 2 hectares and not more than 10 hectares. Concessional lots can only be created from a complete existing holding as defined in the BVLEP or from the largest part of an existing holding in a single ownership. The creation of concessional lots must be created entirely within the existing holding they are derived from. The number of concessional lots that may be created is related to the area of the “existing holding” as defined in the BVLEP.

The BVLEP permits only one development consent to be granted for the excision of concessional lots from each existing holding. Subdividers are advised to include all desired concessional lots in a single application for each existing holding as consent cannot be granted for any additional concessional lots at a later time. Where concessional lot subdivisions are intended to proceed in stages, the development application should set out the proposed staging of the subdivision. Proposed concessional lots that are intended to be created in later stages must form part of the residue lot at each stage.

Any lots previously created from an existing holding on which a dwelling house exists or could be erected (other than residue lots, or lots greater than 120 hectares in zone 1(a)) are deemed to be existing concessional lots for the purpose of Clause 16 of the BVLEP. Existing concessional lots cannot be resubdivided to create any additional concessional lots.

Clause 16 of the BVLEP specifies a number of criteria that must be satisfied for each concessional lot.

The maximum number of allotments that may be serviced by a right of carriageway or access is 5 allotments. In subdivisions creating greater than 5 allotments, a public road shall be created to Councils standards (as specified in Policy PE175). Examples of possible access to arterial and non-arterial roads are contained in Figures 1 and 2.

Each development application for the creation of concessional lots shall nominate proposed house sites on each lot so that the impacts of the development can be properly planned and assessed.

Arrangements must be made with Country Energy for electricity supply to concessional lots. Suitable easements for electricity supply lines must be created as part of the subdivision.

Council may waive the requirement for the developer to make arrangements for electricity supply to concessional lots in circumstances where it is demonstrated that alternative stand-alone electric power systems can be sustained in perpetuity and where conventional electricity supply is not practical. Lots intended for stand-alone electric power systems must have good solar access at all times of year.

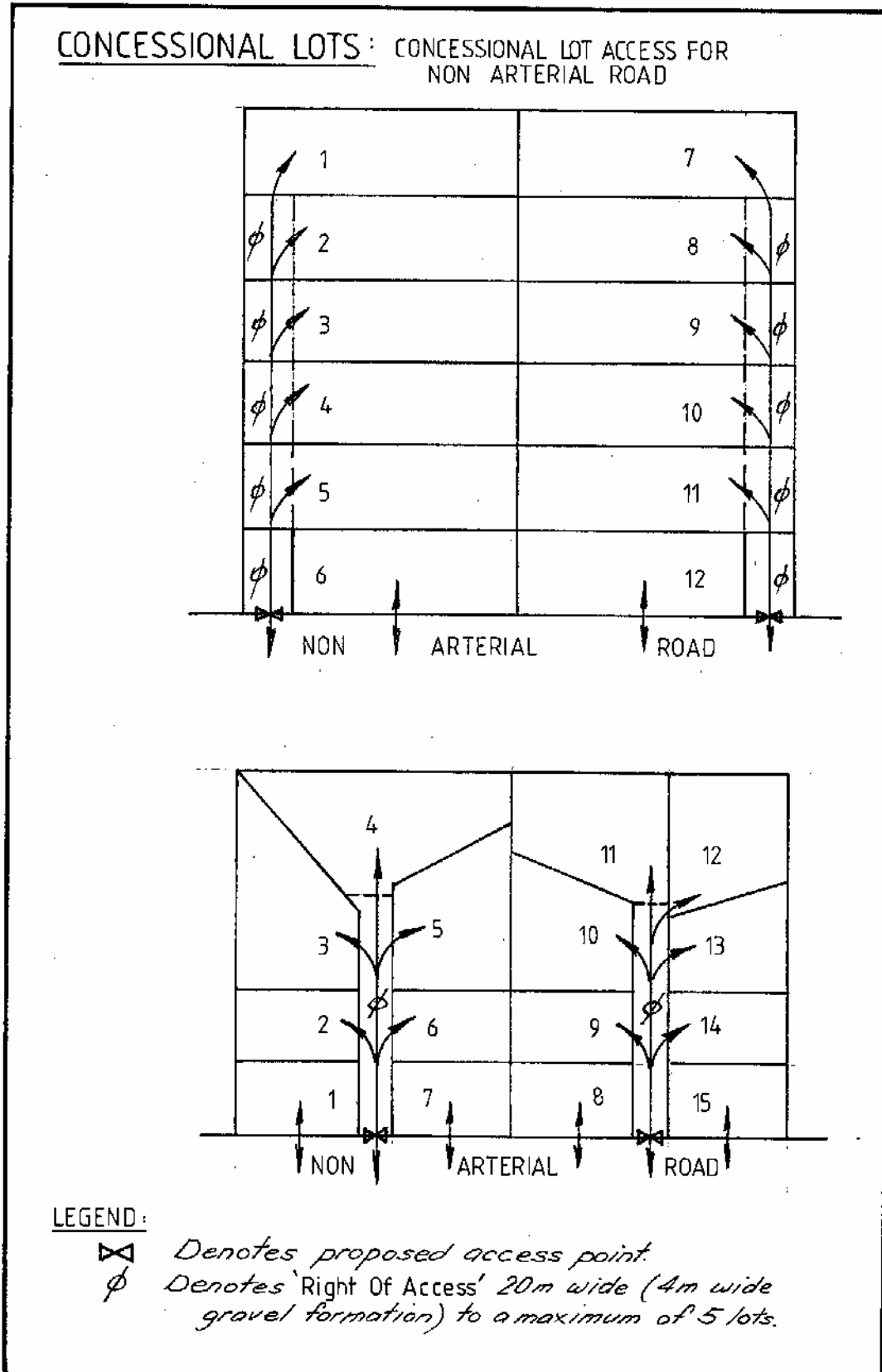


Figure 1

Figure 1: Example of concessional lot access to a non-arterial road

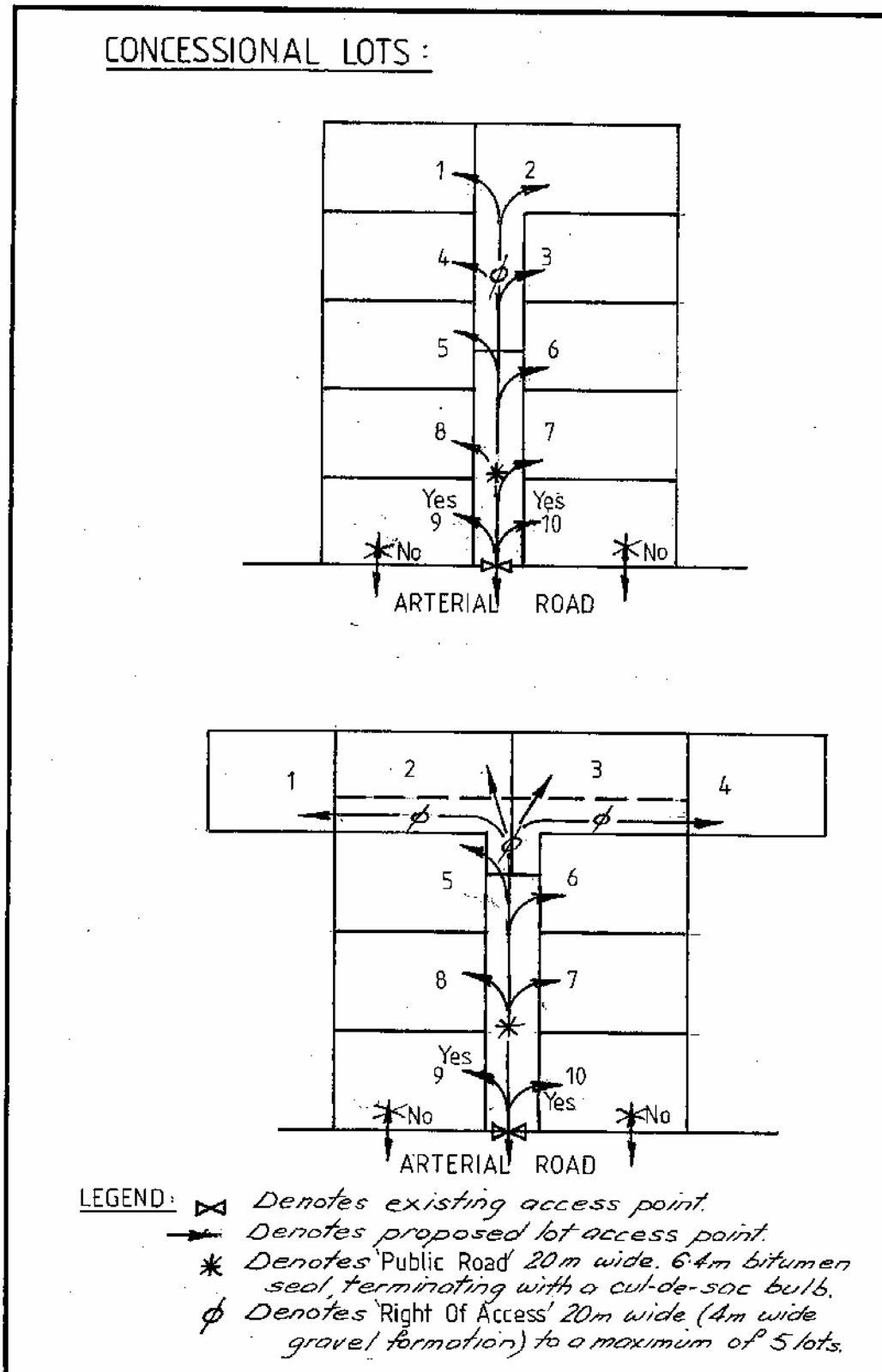


Figure 2

Figure 2: Example of concessional lot access to an arterial road

10.2 Residue Lots

The provisions of Clause 16 of the BVLEP infer that some land will remain as the residue of an “existing holding” after the creation of concessional lots. There is no specific minimum area requirement for residue lots, although residue lots shall be larger than the concessional lots created.

All of the land remaining from each existing holding and in the developer’s ownership after the excision of subdivided lots must be consolidated into a single lot identified as the residue.

Residue lots, where possible, must comply with any other relevant development standard, eg. 120 hectares in zone 1(a). Residue lots cannot be created by subdivisions under other clauses of the BVLEP as a means to achieve an additional lot for a dwelling house in addition to the number of concessional lots permitted by Clause 16 of the BVLEP.

Each lot in any other subdivision must conform to the relevant development standards set out in the BVLEP.

Electricity supply arrangements for any vacant residue lot shall be the same as for concessional lots.

10.3 Agricultural Lots

Clause 15 of the BVLEP allows the creation of allotments of any area for the purpose of agriculture in zone 1(a), however any lot for the purpose of agriculture containing an existing dwelling house must have an area of not less than 120 hectares. Access for agricultural allotments may be required to be provided in accordance with clause 34 Rural Road Standards of this plan.

Dwelling houses can be erected with Council consent on agricultural lots of at least 120 hectares in area.

A restrictive covenant pursuant to Section 88B of the Conveyancing Act 1919 shall be established on any agricultural lot less than 120 hectares in area, prohibiting the erection of a dwelling house on that land. Bega Valley Shire Council shall be nominated as having the sole authority to release, vary or modify this covenant.

In assessing development applications for subdivisions that include agricultural lots, Council must be satisfied that the proposed lots have some credible commercial agricultural potential. All applications proposing the creation of agricultural allotments will require the submission of an agronomists report to demonstrate that the allotment can operate as a standard alone agricultural enterprise. Such applications will also be reviewed by the Department of Primary Industries

Electricity supply is not required for agricultural lots.

11. Rural residential subdivisions – Zone 1(c)

Rural Small Holdings Zones (1(c) zones) exist to provide for low density residential and hobby farm development. A high level of servicing and residential amenity is therefore required for rural-residential subdivisions.

Every lot shall be designed so that a large dwelling can be erected at a setback of not less than 20 metres from all boundaries. This standard is to ensure that suitable separation is achieved between dwellings on adjoining lots as part of achieving a high standard of rural residential amenity. Council may accept reduced setback distances to side and rear boundaries of not less than 10 metres where specific building envelopes are designated in the development application submission and on the subdivision plan, that meet the objectives of this standard.

Roads in rural-residential subdivisions shall be constructed to a two lane sealed standard.

Entries to battleaxe lots shall be constructed to a single lane sealed standard, A maximum of two allotments shall be serviced via battleaxe configuration. This provision precludes access to other lots via the battleaxe handle.

The width of access corridors to battleaxe lots shall be not less than 10 metres wide for access to 1 lot and 15 metres wide for access to 2 lots and 20 metres wide for more than 2 lots. These minimum widths are specified so that these access corridors are not prevented from being established as public roads in possible future subdivisions.

The maximum number of allotments that can be serviced by a right of carriageway or right of access is four lots. The width of access via right of carriageway shall be not less than 10 metres wide for access to 1 lot and 15 metres wide for access to 2 lots and 20 metres for 3 or more lots.

Access corridor widths shall be provided either as part of the allotment serviced, or alternatively by the establishment of suitable easements for access, or rights of carriageway. Examples of possible access to arterial and non-arterial roads are contained in Figures 3 & 4.

Easements for services may also be required to allow public utility services.

Electricity and telecommunications services shall be provided by the subdivider to service every lot. Town water reticulation is to supplement on-site tank water storage but shall only be provided by the subdivider where it can be economically provided as a logical extension of Council's water reticulation system and is identified by Council as a serviced area. Reticulated sewerage systems may be required in particular cases.

Council has a number of Development Control Plans that define allowable subdivision densities and layouts.

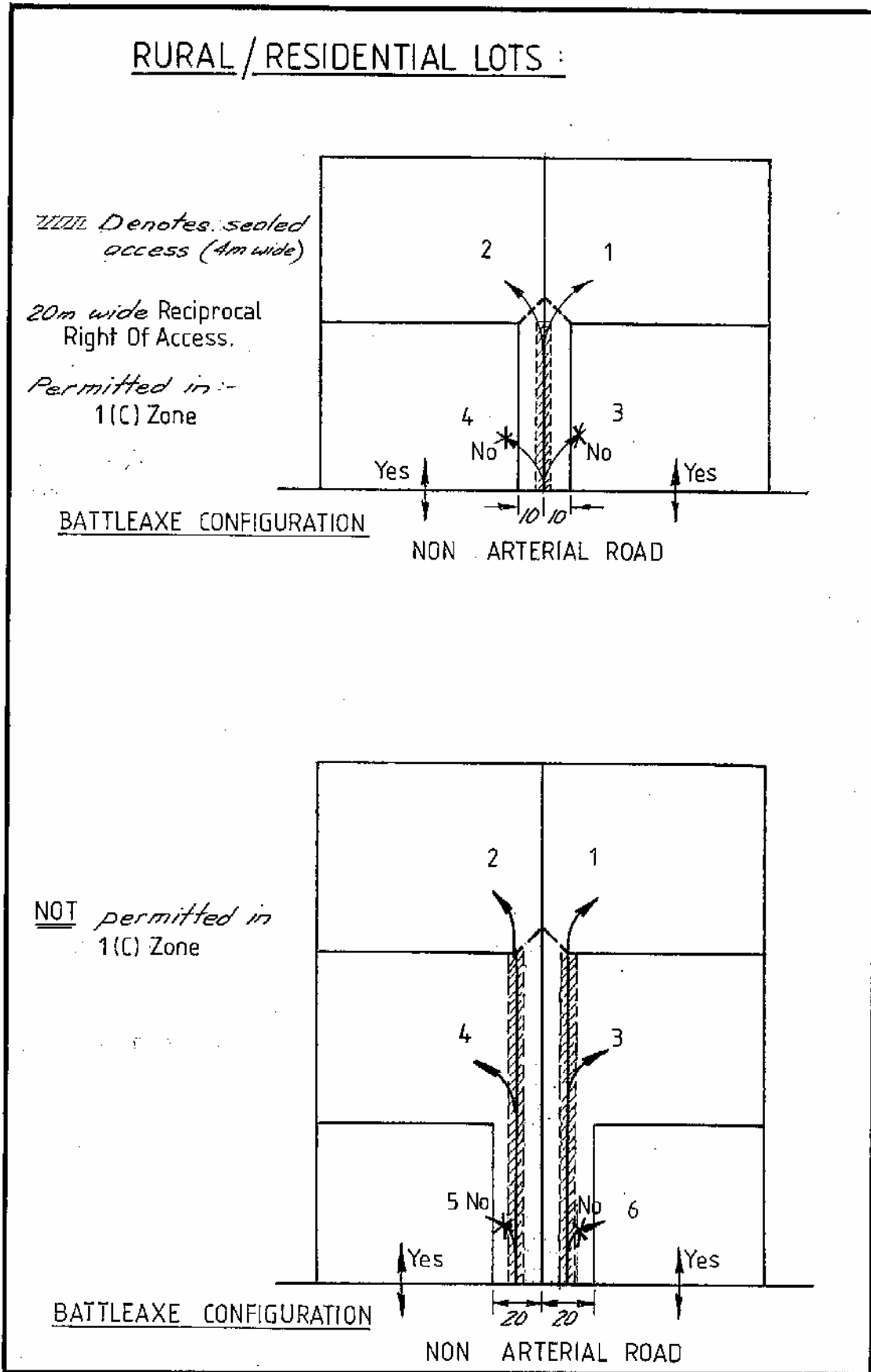


Figure 3

Figure 3: Example of rural residential lot access to non-arterial road

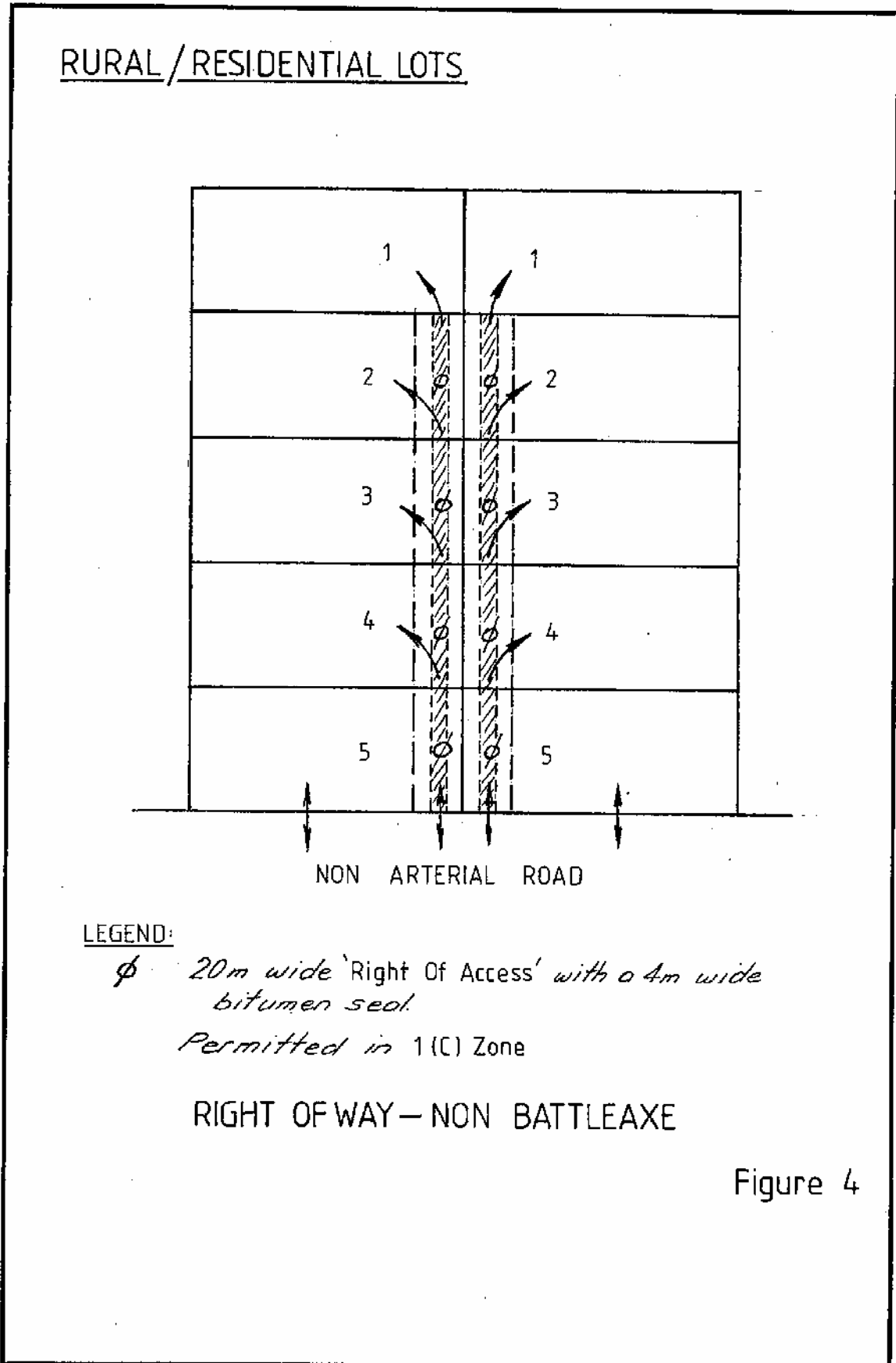


Figure 4 Example of rural residential lot access to non-arterial road

12. Residential subdivisions

This section applies to land in zones 2(a), 2(b), 2(c), 2(e) and 2(v).

The BVLEP specifies a minimum permissible allotment size in these zones of 550 square metres if sewerred, and 2000 square metres if unsewered. This Plan sets out larger minimum lot sizes to address the following objectives:

- to ensure a high standard of residential amenity
- to achieve a range and mix of allotment sizes
- to avoid unnecessarily reducing the potential for development on lots in zones 2(b), 2(c) and those parts of zone 2(e) identified for more intensive development.
- infrastructure services shall be located so that the future development potential of the allotment is not unduly restricted
- to address limitations on development densities due to on-site sewage management in unsewered areas.

Variations to the standards in this plan will be considered where it is demonstrated that the above objectives will be satisfied.

Residential subdivisions shall be serviced with underground electricity and telecommunications reticulation and street lighting, all at no cost to Council. Street lighting shall use only the basic standard poles and light fittings maintained by Country Energy. Overhead electricity reticulation is only acceptable for small scale infill subdivisions in areas serviced only with overhead reticulation.

12.1 Lot Sizes in Zones 2(a), 2(e) and 2(v) With Sewerage

See section 12.4 for standards for subdivisions in Sector R2 in zone 2(e).

Corner allotments	Minimum area	650m ²
	Minimum square width	20m
Battleaxe allotments (Vacant)	Minimum area (excluding access corridor)	700m ² if adjoining public reserve - 800m ² otherwise
	Minimum width at building site	20m
	Minimum entry width - single - double plus 2.0m for each lot over 2	3.5m 5.0m
Other allotments	Minimum area	550m ²
	Average area (excluding corner and battleaxe lots)	600m ²
	Minimum width at building line	15m
	Minimum depth	25m

Double and multiple battleaxe entries shall incorporate reciprocal easements for access and services.

Battleaxe lots must be designed to allow suitable separation between dwellings to provide reasonable residential amenity, privacy and solar access.

In addition to the above standards, a least 80% of lots in each proposed subdivision must have sufficient dimensions and area to contain a rectangular building of not less than 18 metres by 10 metres with the long axis aligned within 20 degrees of east-west, while maintaining normal minimum building setbacks from all boundaries. The purpose of this requirement is to ensure that houses can be aligned to achieve good solar access. Re-subdivision of existing residential lots will not be prevented where it is not practical to comply with this standard, however subdivisions should be designed to achieve reasonable solar access to each lot wherever possible.

12.2 Lot sizes in Zones 2(a), 2(e) and 2(v) Without Sewerage

Battleaxe allotments	Minimum area (excluding access corridor)	2,000m ²
	Minimum width at building site and effluent disposal area	30m
	Minimum entry width - single - double plus 2.0m for each lot over 2	3.5m 5.0m
Other allotments	Minimum area Minimum width at building site and effluent disposal area	2,000m ² 30m

Double and multiple battleaxe entries shall incorporate reciprocal easements for access and services.

Battleaxe lots must be designed to allow suitable separation between dwellings to provide reasonable residential amenity, privacy and solar access.

Any subdivision of unsewered land must address the relevant provisions of Council's plans and policies for On-site Sewage Management and the BVLEP. Areas of steep slopes, high water table, potential flooding, highly permeable or highly impermeable soils and land close to watercourses are generally not suitable for on-site effluent disposal.

12.3 Lot sizes in 2(v) zoned villages with Pressure Sewer

Special provisions are required in the pressure sewer villages of Cobargo, Wolumla, Candelo, Kalaru and Wallaga Lake (which incorporates Fairhaven, Beauty Point and Wallaga Lake Heights) to ensure that the village character that has developed prior to reticulated sewer became available is maintained.

Battleaxe allotments	Minimum area (excluding access corridor)	800m ²
	Minimum width at building site and effluent disposal area	20m
	Minimum entry width - single - double plus 2.0m for each lot over 2	3.5m 5.0m
Other allotments (infill subdivisions only e.g. 1 into 2 lot subdivisions)	Minimum area Minimum width at building line	800m ² 20m
Other allotment (new estates/ multi-lot subdivisions)	Minimum area Minimum width at building line	1000m ² 30m

12.4 Lot Sizes in Zones 2(b), 2(c) and Sector R2 in Zone 2(e)

Land in these zones has been identified as having potential for multi unit housing developments and tourist accommodation developments. As the amount of land in these zones is limited, Council is concerned to ensure that the potential for development of land in these zones is not significantly reduced by fragmentation into lots that are too small for economic development in accordance with the objectives of those zones.

Minimum lot size	1,000m ²
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Battleaxe allotments are not generally permitted in these zones as they are not suited to multi unit housing development. Battleaxe lots in these zones will only be accepted where the access corridor is suitable to become a road in a later subdivision (i.e. suitable width and gradient) or the subdivision forms part of the staging of a multi unit housing development over the whole site.

12.5 Multi Unit Housing Development

Clause 26(5) of the BVLEP permits the subdivision of multi unit housing developments (excluding granny flats) to provide for separate ownership of each dwelling. Consent can only be given to subdivide existing multi unit housing developments or at the same time as consent is given for the multi unit housing development. In any subdivision of a multi unit housing development, each lot or strata unit lot must have suitable legal and practical access, separate water, sewerage, drainage, electricity and telecommunications services and carparking spaces.

Subdivisions of multi unit housing developments may be effected by conventional subdivision, strata title or community title subdivision.

12.6 Road Widths in Residential Zones

This section is to be read in conjunction with specific provisions for roads in Part D of this Plan and the BVSC Development Design Specification.

Roads in residential subdivision developments must be arranged to provide an adequate standard of access, while maintaining an appropriate residential amenity and accommodating the traffic expected to be generated from the development of the lots in the subdivisions.

Roads shall be arranged in a logical hierarchy, which can be readily interpreted by drivers who are not familiar with the neighbourhood. Road standards will be specified in development consent conditions generally as set out below, but may vary from the following to address local circumstances.

	Reserve Width (minimum)	Alignment (footway-carriageway- footway)	Max. No. of Dwellings Served
Access Street (<10% in zones 2(a), 2(v) and sectors R1 and R3 in 2(e))	15m	4.5m-6m-4.5m layback kerbs	15
Local Street	15m	3.5m-8m-3.5m layback kerbs	100
Collector Street includes bus route	16m	3.5m-9m-3.5m layback or upright kebs	300 dwellings or up to 3000 vehicles per day
Sub-Arterial Road	20m	4.5m-11m-4.5m upright kerbs	600 dwellings or up to 6000 vehicles per day
Arterial Road	20m	3.5m-13m-3.5m upright kerbs	

Access streets in zones 2(a), 2(v) and sectors R1 and R3 in zone 2(e) serving more than 15 dwellings or with a longitudinal gradient of more than 10% require a carriageway width of 8 metres to better provide for on-street car parking and for garbage trucks and other heavy vehicles.

Cul-de-sacs in zones 2(b), 2(c) and sector R2 in zone 2(e) shall be constructed to the standard specified for local streets.

Council may accept the construction of access streets and local streets with grass swale drains in lieu of kerb and gutter in zones 2(a), 2(b), 2(v) and sectors R1 and R3 in zone 2(e) only, where the longitudinal road gradient is between 2% and 5%. In these streets the road reserve width shall be sufficient to accommodate the grassed swale drains and footpaths adjacent to the road reserve boundaries, and shall be not less than 20 metres wide.

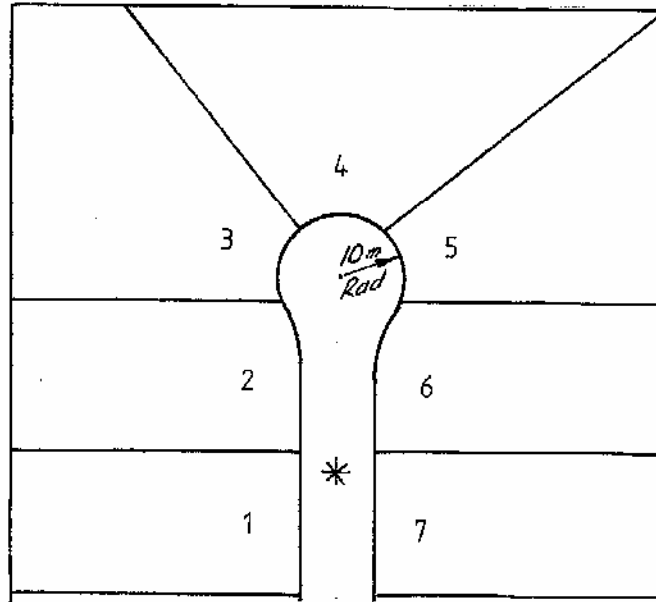
A concrete footpath 1.2 metres wide shall be provided along one side of each road at an offset of 1 metre from the back of the kerb line.

No footways shall have a width of less than 3.5 metres.

Any roadside tree planting shall be at an offset of 1.0 metres from the road reserve boundary or an easement for plantation created on the allotments.

Cul-de-sacs shall have a circular turning area with a kerb radius of 10 metres to provide for garbage trucks and other heavy vehicles. This kerb radius may be reduced to 6.5 metres where two adjacent cul-de-sac turning areas are linked by a 3.5 metre wide heavy duty concrete driveway not more than 100 metres long, so that garbage trucks and other heavy vehicles can travel along both streets as a single loop and without needing to reverse at any point. Driveways linking cul-de-sacs shall be fully contained in road reserves not less than 6.0 metres wide and must have clear lines of sight from each end to the other, refer to Figure 5 for example.

URBAN LOTS :



- * ACCESS STREET (6m kerb to kerb) 19m Reserve.
 ϕ 3.5m wide heavy duty concrete driveway not more than 100m long.
- LOCAL STREET (8m kerb to kerb)

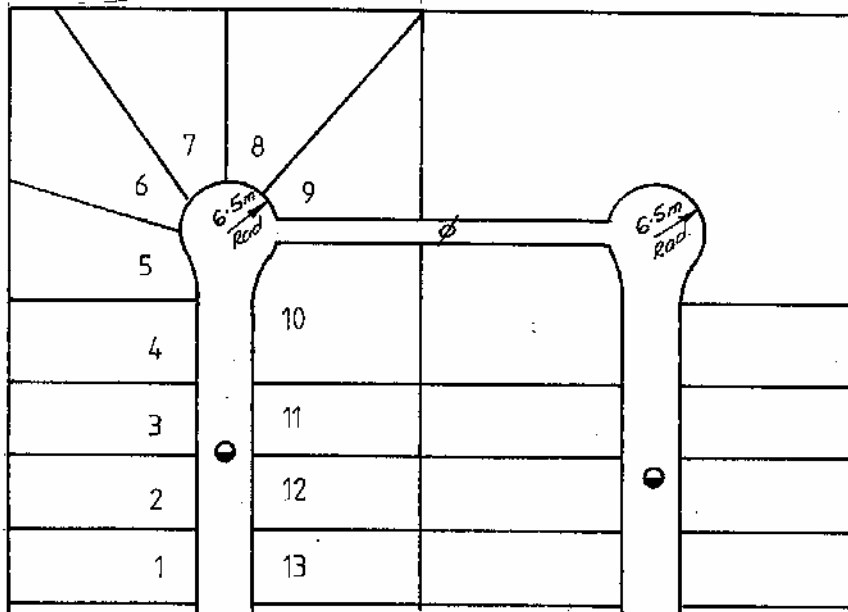


Figure 5

Figure 5: Example of heavy duty concrete driveway link for urban cul-de-sac

13. Subdivisions in future urban zones

This section applies to land in zone 2(f).

The purpose of zone 2(f) is to identify land that is to be investigated in respect to its suitability for rezoning at a later date for urban or other purposes. Re-zonings must follow processes defined under the EP&A Act and State Government direction. Accordingly Council must ensure that development within this zone is compatible with the anticipated future urban development of the land and that development does not create unreasonable or uneconomic demands for the provision of public amenities or services. The fragmentation of land holdings significantly complicates the orderly provision of roads and services to future subdivisions. Proper planning processes should not be pre-empted by premature subdivisions.

Land in zone 2(f) will therefore not be extensively subdivided without rezoning of the site to permit one of the other forms of development permitted under the Bega Valley Local Environmental Plan. Minor subdivision proposals will be considered only where the development satisfies the objectives and standards set out in the BVLEP for development in zone 2(f).

Subdivided lots in zone 2(f) shall be provided with road access and reticulated water if identified by Council as being within the Development Servicing Plan for Water Supply, sewerage if identified by Council as being within the Development Servicing Plan for Sewerage, electricity and telecommunications services to the standards specified for residential subdivisions. These standards may be varied at Council's discretion to suit the nature of specific subdivision proposals and the orderly sequencing of works to suit the anticipated future development of the locality.

14. Commercial land subdivisions

This section applies to land in zones 3(a), 3(b) and 4(a).

Subdivisions of land for commercial uses including shops, offices and similar must create allotments which are suitable for the intended use. Particular attention should be directed to the issues of access, carparking, loading facilities and fire protection measures as specified in the Building Code of Australia (BCA).

Roads in commercial areas shall have a minimum 20.0 metre road reserve width with 11.0 metre wide heavy duty road pavement kerbed and guttered on both sides, and with footways paved on both sides. Rear lane access may be required to provide for deliveries to the rear of shops.

Every lot shall be provided with reticulated water, sewerage, electricity and telecommunications services.

15. Industrial subdivisions

This section applies to land in zone 4(a).

Subdivisions of land for industrial uses must create allotments that are suitable for the intended use. Particular attention is required to issues of access, carparking, loading facilities and fire protection measures as specified in the Building Code of Australia and public utility servicing.

The design of industrial subdivisions must allow for access by all forms of road vehicle including semi trailers and b-doubles.

Roads in industrial areas shall have a minimum 20.0 metre road reserve width with 11.0 metre wide heavy duty road pavement kerbed and guttered on both sides and with concrete footpaths on both sides.

The design of industrial estates should not include areas of public reserve or drainage reserves or other areas likely to accumulate rubbish or waste.

Every lot should be provided with reticulated water, sewerage, electricity and telecommunications services.

16. Subdivisions across zone boundaries

Many land holdings in the Shire contain land which is identified in more than one zone under the BVLEP. In general it is preferred that new allotment boundaries should be designed to follow the zone boundaries resulting in lots that are contained within only one zone.

In some circumstances it may be appropriate to create allotments that contain land in more than one zone, for example where land adjoining a waterway may be contained within a 7(b) Environment Protection Foreshore Zone. Where allotments are created containing land in more than one zone the proposal must be assessed against the development standards and objectives applying to each zone and Council must be satisfied that the intended use of the resulting allotments would be conforming to the requirements of the BVLEP and all relevant Development Control Plans within the zone that permits that use.

17. Public reserve dedications

Where land is contained within zone 6(a), the BVLEP requires the land within that zone is included in the plan of subdivision as a separate allotment which shall be identified in the plan of subdivision for dedication to Council as public reserve. The requirement for public reserve dedications in other circumstances would be specified in the conditions of the development consent relating to the proposed subdivision.

Early consultation with Council is encouraged in the planning of subdivisions involving public reserve dedications, so that the reserve areas provide benefit to the occupants of the subdivision and the community in general. Council may not accept the dedication of land that does not provide significant benefit to the subdivision and the community.

Council does not accept land dedicated as public reserve that primarily serves a stormwater drainage function as offsets against the required public reserve acquisitions under Council's Section 94 Contributions Plans as this type of land does not meet the recreational needs of the occupants of subdivisions.

Council will require any weed infestations on proposed public reserves to be treated prior to the endorsement of the Subdivision Certificate for that development.

18. Hazards

The design of subdivisions must take account of environmental hazards such as flooding, bushfire protection, coastal hazards, dunal migration, steep slopes, soil erosion potential for landslip and site contamination. Development Control Plans and state legislation and policies address some of these issues.

Subdivisions of bushfire prone land to create lots for residential or rural residential purposes are integrated development. (See Section 6.4) The state government publication "Planning for Bushfire Protection" should be consulted in regard to site suitability and appropriate protection measures.

All proposed Asset Protection Zones should be achieved within the property to be subdivided and be incorporated into affected lots. Asset Protection Zones will not be accepted on neighbouring properties, existing Council Reserves, other public lands or in reserves proposed to be dedicated through the subdivision

In assessing subdivision proposals, it may be necessary for applicants to provide Council with technical reports from suitably qualified professional persons addressing site hazards. These reports shall be prepared at the cost of the developer.

19. Unsewered land

Any proposals for subdivision of unsewered land will be assessed in accordance with the relevant provisions of Council's Development Control Plan for On-Site Sewage Management and the BVLEP.

20. Noxious weeds

Various parts of the Bega Valley Shire LGA are affected by infestations of weeds that have been proclaimed under the Noxious Weeds Act 1993. The subdivision of land leads to smaller parcels of land being transferred into separate ownerships, making it harder to achieve effective control of existing weed infestations.

Development consents for the subdivision of land affected by infestations of weeds proclaimed under the Noxious Weeds Act 1993 may include conditions requiring action to be taken to control weeds to the satisfaction of Council's Noxious Weeds Manager.

Owners of land affected by Noxious Weeds should consult with Council's Noxious Weeds Manager as part of the planning for any subdivision. Early attention to controlling weeds is recommended, as effective treatment of weeds can take significant time and may result in delays in the endorsement of Subdivision Certificates.

21. Threatened species, significant and endangered ecological communities and their habitats

Subdivisions will be designed to avoid impacts on threatened species, significant and endangered ecological communities and their habitats.

Various sites throughout the Bega Valley Shire may contain the habitat of threatened species or as defined under the Threatened Species Conservation Act, 1995. Section 5A of the EP&A Act sets out the seven part test of significance of the likely impacts of proposed development.

State Environmental Planning Policy No. 44 – Koala Habitat Protection also requires an assessment of potential impact of development on koala habitat for applications for development of land holdings of 1.0 hectare or more.

Council may require an applicant for subdivision to submit a report from a suitably qualified consultant where the initial assessment of a development application does not allow Council to be confident that the proposal is not likely to have an adverse impact on threatened species, significant and endangered ecological communities and their habitats.

In assessing potential impacts of subdivision developments, the impacts of the likely uses of the subdivided lots must be considered, in addition to the impacts of the subdivision itself and any subdivision works.

Where there is insufficient information available to Council to justify a conclusion that a development will not have a significant impact, the precautionary principle requires that Council not grant consent to that development.

All costs in the preparation of site assessments in regard to threatened species, significant and endangered ecological communities and their habitats shall be borne by the proponents of the developments.

22. Riparian areas

Riparian areas provide essential buffers to water quality and ecological health. Around 80% of the total biodiversity in any locality can usually be found in a healthy riparian corridor.

The riparian Corridor Objective Setting guideline and mapping by the Department of Environment and Climate Change provides for the protection and/or estimation of individual water courses and their vegetated buffer zones. The riparian areas of the Shire have been described and mapped on to three categories of protection with widths from 10 to 90 meters from the top of the bank according to their relative importance within the catchment.

Applications for subdivisions adjoining riparian areas will identify the appropriate riparian buffer along the water course and may be required to carry out rehabilitation works such as erosion control, fencing and planting necessary to meet objectives of the buffer. The Southern Rivers Catchment Management Authority may provide advice to Council on subdivision applications adjoining riparian areas

Generally the Southern Rivers CMA does not support the removal of riparian vegetation unless it can be demonstrated that the activity will maintain or improve environmental outcomes.

23. Estuaries and Wetlands

Within the Bega Valley Shire there are twenty five estuaries. These estuaries are arguably the Shires premier natural assets and have vital ecological, recreational, social and economic values.

Wetlands both fresh and saline also play an important ecological and hydrological role the landscape. Wetlands can be attached or disconnected from the main waterway. Where wetlands are attached they are considered to be part of the waterway and appropriate riparian buffets will be extended from the edge of the wetland. Where they are disconnected, only wetlands greater than 1 hectare are required to be identified. Buffers to disconnected wetlands will be treated on the merit of their relative importance in the catchment.

Subdivisions adjacent to, or in the immediate catchment of an estuary and wetland need to ensure that the maintenance or enhancement of the ecological and hydrological health of the estuary and wetland is a primary consideration in planning and design of the subdivision.

Apart from the riparian considerations outlined in the above section, applicants will be expected to demonstrate high standards of effluent disposal, soil and water management and amenity considerations. Applications for urban subdivisions adjoining estuarine areas will require accompanying stormwater modelling studies and will need to demonstrate a 'no net increase' in pollutants and limitations on volumetric runoff.

Bega Valley Shire has Estuary Management Plans (EMP) for Wallaga Lake, Merimbula and Back Lakes, Lake Curalo, Wonboyn Lake and is preparing an EMP for the Bega River. These documents should be referenced by applicants should the proposed subdivision fall within the immediate catchment of the estuary or wetland

24. Stormwater management

Subdivisions shall be designed so that stormwater flows for rainfall events of a 100 year average recurrence interval and greater can pass without causing damage to property and infrastructure. Stormwater flows for events larger than the 5 year ARI for residential development and 10 years for commercial and industrial development are not required to be contained within piped drainage systems however the overflow path must be planned, clearly evident on the site and contained within suitable easements, public reserves and road reserves.

Subdivisions in zones 2(a), 2(b), 2(c), 2(e), 2(v), 3(a), 3(b), 4(a) and 5(a) shall be designed and constructed to produce no net increase in peak stormwater flows downstream, generally through the use of on-site stormwater detention facilities, and re-use of stormwater on site.

Interallotment drainage systems shall be provided as necessary to enable each allotment to discharge stormwater from roof and paved areas to a Council controlled drainage system or road. Inter allotment drainage shall be provided from the road drainage system into the allotment at the lowest point by either a 150 mm diameter uPVC Class 20 pipe or

a galvanised kerb adaptor placed in situ in the kerb line and a 100 mm diameter duragal pipe to the property boundary and terminated with a boundary pit (see also clause 39).

Stormwater systems shall be designed, constructed and managed to minimise potential erosion, sedimentation and pollution, and generally following the principles of Water Sensitive Urban Design. Where practical, reuse of stormwater is encouraged.

Further technical requirements on stormwater drainage and erosion control and stormwater management are contained within the BVSC Development Design Specification and BVSC Development Construction Specification. The New South Wales Department of Housing publication “Managing Urban Stormwater – Soils and Construction Vol 1” also contains advice about design and operation of these works. Bega Valley Shire Council has also produced a Stormwater, Septic and Waste Leachate Management Plan for Wonboyn Lake

Figure 6 illustrates details of stormwater discharge connection from properties into residential roads.

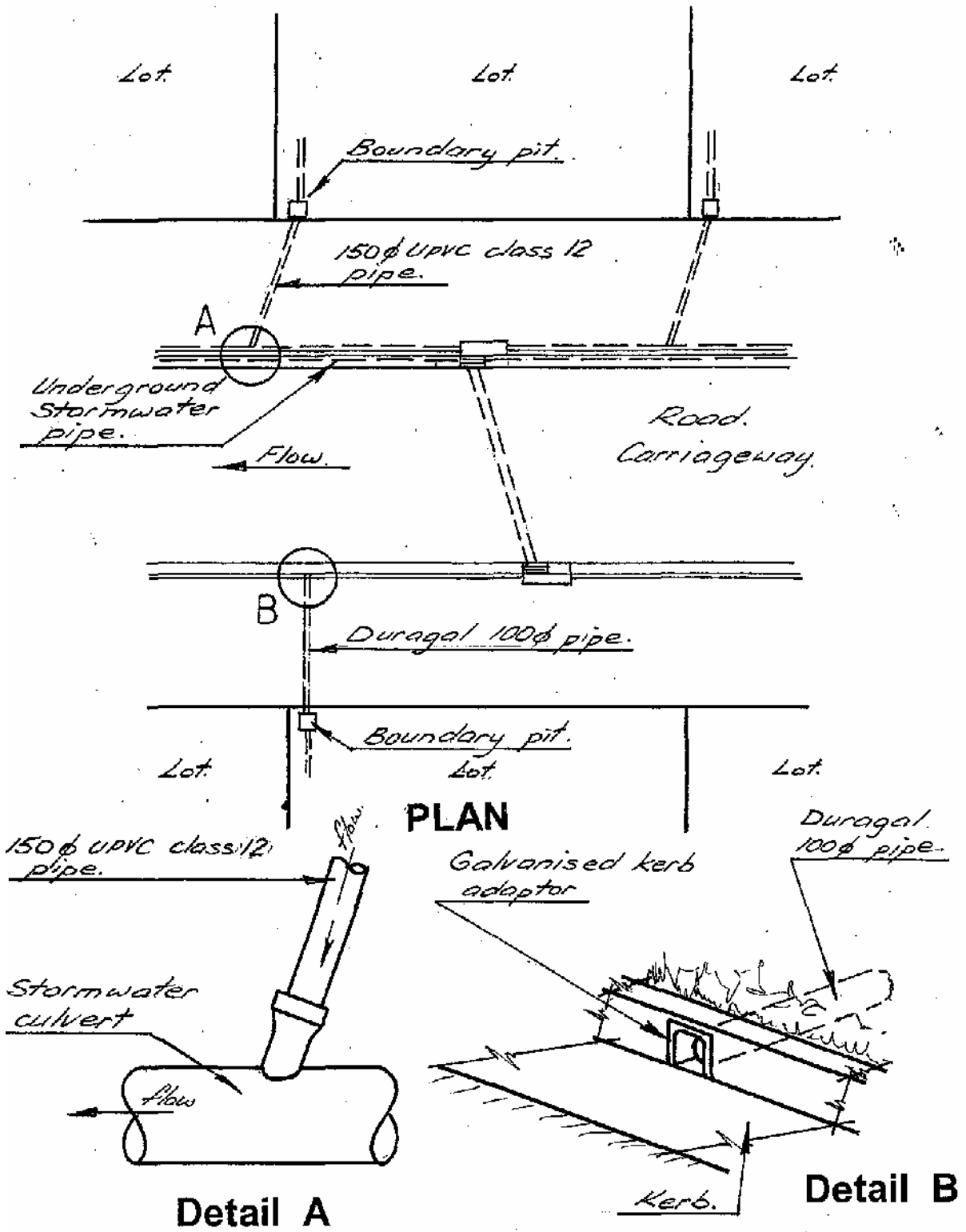


Figure 6: Stormwater discharge connection from properties into residential roads

25. Energy efficient design

Clause 79 of the BVLEP requires that the principles of ecologically sustainable development must be considered for every development application. Allotment orientation and energy efficiency are elements of ecological sustainability that must be addressed in the design of subdivisions. Applicants may be required to amend subdivision proposals to conform to the principles of energy efficient design.

Residential subdivisions shall be designed to provide allotments that permit future housing to be designed to optimise solar orientation, generally so that living areas in houses can be oriented towards the north. In general residential lots shall have their larger dimension oriented east-west, and their shorter dimension north-south, with due regard to the terrain. Lots on south facing slopes should be larger to improve opportunities for solar access.

The orientation of roads influences the potential to achieve good solar access to lots. It is preferable to align roads generally north-south or east-west, so that north-south roads are aligned within 20 degrees west and 30 degrees east of true north, and east-west roads are aligned within 20 degrees north and 30 degrees south of due east.

Subdivisions should generally be designed to minimise reliance on private motor vehicles and should make provision for public transport, pedestrian pathways and bicycle use.

26. Public transport – bus routes

Public transport in the Bega Valley Shire is primarily by bus.

Subdivision design must make allowance for public transport by bus in the design of the road layout. All roads that may serve as bus routes should form loops rather than dead ends. School bus routes are required to pass within 400 metres of all houses in residential subdivisions. Temporary cul-de-sacs on bus routes in staged residential estates shall have a sufficient diameter to permit buses to turn without reversing.

Subdividers should consult with local bus operators in the initial planning of residential estates.

27. Neighbourhood design – infill development

Subdivisions of land in currently developed areas must take account of the pattern of surrounding development, so that the resulting development is compatible with its surroundings. Consideration must be given to issues of privacy, overshadowing, potential noise impacts and servicing.

28. Subdivisions involving buildings

Where land containing buildings is subdivided, the subdivision must be designed so that the relationships between buildings and boundaries conform to all relevant provisions of the Building Code of Australia. Particular attention is required to setback distances from boundaries and fire resistance ratings of building elements within three metres of boundaries.

Any existing water services and any existing internal sewer drainage lines are to be wholly within the allotment they are to serve and do not cross boundaries. It will be a condition of consent prior to issue of a Subdivision Certificate.

New allotments must be free from burdens, such as sheds, out buildings and the like. It will be a condition of consent that such structures be removed prior to issue of a Subdivision Certificate

29. Community title subdivisions

Community Titles Subdivisions are subdivisions of land and must conform to the ordinary standards set out in the BVLEP and this plan. Subdivisions carried out by community title differ from conventional subdivisions in respect to the creation of neighbourhood or community property that is jointly owned by the owners of all the other lots. The neighbourhood or community property may include access ways, services or shared recreational facilities or other facilities.

Proposals for community title subdivisions should be discussed with Council's planning staff early in the design of the development. Careful attention is required to the planning of open access ways or private access ways, utility servicing including internal water mains to meet fire fighting requirement, access for garbage collection and emergency services, and the management of shared facilities.

Community titles developments require ongoing interaction between the lot owners and associated costs beyond that required for normal subdivisions. Therefore these developments require some compelling reason or common interest that could not be achieved in a normal subdivision, in order to maintain the strength of the community in perpetuity. Where these factors do not exist, it may be more appropriate to pursue some more conventional form of development.

Council does not favour the development of "gated" estates.

30. Corner splays

Splays of minimum five metres along each road shall be dedicated as public road at each road intersection within or adjoining any subdivision, to provide for optimum sight distances at intersections.

31. Road naming

All new public roads in subdivision shall be given an appropriate name with the name clearly stated on the subdivision plan. Proposed road names must be approved by Council prior to the endorsement of a subdivision certificate.

All new rights of carriageways or rights of access servicing three or more allotments shall be named as part of the subdivision and referred to as lanes in accordance with Council's road naming policy and its amendments.

Council has a policy for road naming which indicates the acceptable principles for choosing appropriate road names. Copies of this policy can be made available on request.

Street signs shall be provided by the subdividor.

Part D – Subdivision works

32. Technical specifications

The required standards for the design and construction of subdivision works are set out in the following specifications:

1. BVSC Development Design Specification.
2. BVSC Development Construction Specification.

These documents are closely based on the AusSpec series of technical specifications. Any aspects of the design and construction of subdivision works not adequately specified in the above specifications shall be based on the standards set out in the following:

- “Road Design Guide” – Roads and Traffic Authority of NSW
- “Managing Urban Stormwater – Soils and Construction” – NSW Department of Housing
- “Australian Rainfall and Runoff” – Institution of Engineers, Australia

The latest versions of these documents shall be used.

All aspects of design and construction of subdivision works shall conform to sound engineering practice, and recognised codes and standards.

33. Quality assurance

All aspects of the design and construction of subdivision works within Bega Valley Shire shall be conducted under a Quality System, in conformity within Australian Standards ISO 9001 or ISO 9002 as appropriate. Designers and contractors must carry current third party certification for their Quality Systems and operate fully within those systems for all aspects of the design and construction of subdivision works.

Council may authorise the construction of minor works without a formal Quality System where Council is satisfied with alternative arrangements to ensure that the works are completed in conformity with the requirements of the BVSC Development Construction Specification. In any case where Council does not require a formal QA system, Council must authorise this in writing prior to the commencement of the works.

34. Rural road standards

The following standards are defined for reference in conditions of development consent. Refer to the BVSC Development Design Specification for more detailed requirements.

Standards for 1(c) Rural Residential roads

Type	Design traffic	Pavement Width	Reserve Width and status	Maximum Gradient
Sealed driveway	Battleaxe (max. 2 lots)	3.0m seal with 2 x 0.5m gravel shoulders	Up to 15 m easement	20%
Sealed access	Max. 4 lots	3.0m seal with 2 x 0.5m sealed shoulders	Up to 20 m easement	20%
Class 4 road	< 1000 vehicles per day	6.0m seal plus 2 x 0.8 m prime sealed shoulders	20m public road	15%
Class 5 road	> 1000 vehicles per day	7.0m seal plus 2 x 1.0 m sealed shoulders	20m minimum public road	15%

Standards for other rural roads (eg 1(a) zones)

Type	Design traffic	Pavement Width	Reserve Width and status	Maximum Gradient
Gravel driveway	Up to 5 lots	4.0m gravel	Up to 20 m easement	15%
Class 1 access (gravel)	Up to 5 lots	4.0m gravel	20m easement	15%
Class 2 access (gravel)	> 30 vehicles per day (over 5 lots)	6.4m gravel	20m easement	15%
Rural road	PE 175 standard	6.4m seal	20m public road	20%

Road reserves and easements must be sufficiently wide to contain the entire width of the road formation including cuttings and embankments. Rural road reserves shall be not less than 20 metres wide.

For design purposes allow 8 vehicles per day per lot in zone 1(c) and 6 vehicles per day per lot in zone 1(a).

35. Residential road standards

The following standards are defined for reference in conditions of development consent. Refer to the design specification for more detailed requirements.

Type	Carriageway Width	Footway Width	Minimum Reserve Width	Maximum Gradient
Single battleaxe entry	3.0 m concrete	Nil	3.5 m	20% if possible. 25% max.
Dual battleaxe entry	3.0 m concrete	Nil	5.0 m	20% if possible. 25% max.
Access street (up to 15 dwellings)	6.0 m bitumen – only in zones 2(a), 2(v) and sectors R1 and R3 in zone 2(e)	2 x 4.5 m	15 m	10%
Local Street	8.0 m bitumen	2 x 3.5 m	15 m	12% desirable 16% max
Collector Street includes bus route	9.0 m bitumen	2 x 3.5 m	16 m	10% desirable 12% max
Sub Arterial road	11.0 m bitumen	2 x 4.5 m	20 m	8% desirable 10% max
Arterial road	13.0 m bitumen	2 x 3.5 m	20 m	8% desirable 10% max
Access street or local street with grassed swale drains	6.0 m or 8.0 m bitumen (as above) with concrete edge strips Only in zones 2(a), 2(v) and sectors R1 and R3 in 2(e)	Variable, but not less than 4.5 m including grassed swales	20m minimum	5% max. 2% min

The carriageway width is the distance between the inverts of the gutters, or between the outer edges of the concrete edge strips where kerb and gutter is not provided.

Cul-de-sacs shall incorporate a circular turning area with a kerb radius of 10 metres to provide for garbage trucks and other heavy vehicles. This kerb radius may be reduced to 6.5 metres where two adjacent cul-de-sac turning areas are linked by a 3.5 metre wide heavy duty concrete driveway not more than 100 metres long, so that garbage trucks and other heavy vehicles can travel along both streets as a single loop and without needing to reverse at any point. Driveways linking cul-de-sacs shall be fully contained in road reserves not less than 6.0 metres wide and must have clear lines of sight from each end to the other (refer to example in Figure 5).

Battleaxe driveways must be designed and constructed to provide practical vehicular access to the main part of the allotments, to suit future house construction. Where a single battleaxe driveway serves two or more adjacent lots, suitable provision must be made for vehicles turning from the driveway to enter each lot, so that a minimum paved width of 3.0 metres is available for each lot.

36. Roads in commercial and industrial areas

Roads in commercial and industrial subdivisions must accommodate heavy traffic loads, on-street car parking and must permit movements by large vehicles. The normal standard is as follows. Refer to the design specification for more detailed requirements.

Type	Carriageway Width	Footway Width	Minimum Reserve Width
Roadway	11.0 m (with kerb and gutter)	2 x 4.5 m	20 m
Rear access lane	6.0 m (with kerb and gutter)	2 x 1 m	8.0 m

37. Roads generally

Road pavements shall be designed to accommodate the predicted design traffic over a service life of not less than 25 years, taking into account the potential growth in traffic from the development of surrounding lands.

New roads in subdivisions shall be completed to a standard that should involve minimal maintenance attention from the Council for a 25 year period.

Roads shall be designed to limit vehicle speeds generally by the use of a “self enforcing” speed environment. All intersections must satisfy the sight distance criteria for the appropriate design speed environment, including Safe Intersection Sight Distance as specified in the RTA Road Design Guide. Further detail is contained in the BVSC Development Design Specification.

Road reserves shall be of sufficient width to contain the whole road formation including cut and fill batters and any retaining structures. In residential subdivisions, cut and fill batters at slopes not exceeding 1 in 4 may extend into residential lots.

All incidental works such as guideposts, line marking, guard rails, street name signs, street lighting, revegetation of earthworks and public utility installations are specifically included in the scope of works as part of the construction of roads in subdivision, even if not specifically nominated in development consent conditions.

Trees likely to be made unstable due to subdivision works and trees that may present a hazard to road users should be removed as part of the road construction works.

Subdivisions should be designed so that roads have a minimal impact on native vegetation. Waterway crossing should be built to comply with Department of Primary Industry requirements.

38. Existing crown public roads

In order to limit the extent of Council’s rural road maintenance responsibilities, Council will not accept the transfer of existing Crown Public Roads from the state unless the road is constructed to the standards of Policy PE175.

39. Stormwater drainage

Stormwater drainage works shall be designed and constructed in conformity with the standards contained in the BVSC Development Design Specification and the BVSC Development Construction Specification. Section 24 of this code outlines the principles for drainage system design.

Interallotment drainage systems shall be designed and constructed to minimise the number of allotments using each easement so that maintenance responsibilities are as simple as possible. As a general rule, each interallotment drainage easement should serve no more than two allotments, except where no feasible alternative exists.

40. Water supply and sewerage

Where land being subdivided is identified by Council as being within the Development Servicing Plan for Water Supply or identified by Council as being within the Development Servicing Plan for Sewerage all lots shall be provided with access to these services. The subdividor shall provide the reticulation mains and all works necessary to enable these mains to operate, including reservoirs, trunk mains, pumping stations, telemetry systems and any associated works, all at no cost to Council. All water and sewerage designs, plans and specifications for any proposed water and sewerage works are to be submitted to, and approved by Council.

Specific design standards are contained within the BVSC Development Design Specification (see Figure 7).

It should be noted that Council has designated limits to the water supply service areas and that developer contributions are payable by the subdividor for every additional lot capable of being connected to the water and sewerage systems.

Water mains shall generally be laid in public roads, at an offset of 0.7 metres from the back of the kerb and gutter. In any location where a water main must be laid within private land, or public reserves, suitable easements not less than 3.0 metres wide shall be established in favour of Bega Valley Shire Council, additionally the type of pipe material and other conditions will be specified by Council.

Sewerage mains shall generally be laid within the road reserve. Sewerage mains shall be laid in such a position to receive sewage from likely building locations, but without unduly constraining building sites. Sewerage mains shall not be located where future buildings would be likely to require construction over sewerage mains.

Where sewerage mains are located within private lands or public reserves, suitable easements to drain sewage not less than 3.0 metres wide shall be established in favour of Bega Valley Shire Council.

Where sewer rising mains are located within private lands or public reserves, suitable easements to pump sewage not less than 3.0 metres wide shall be established in favour of Bega Valley Shire Council.

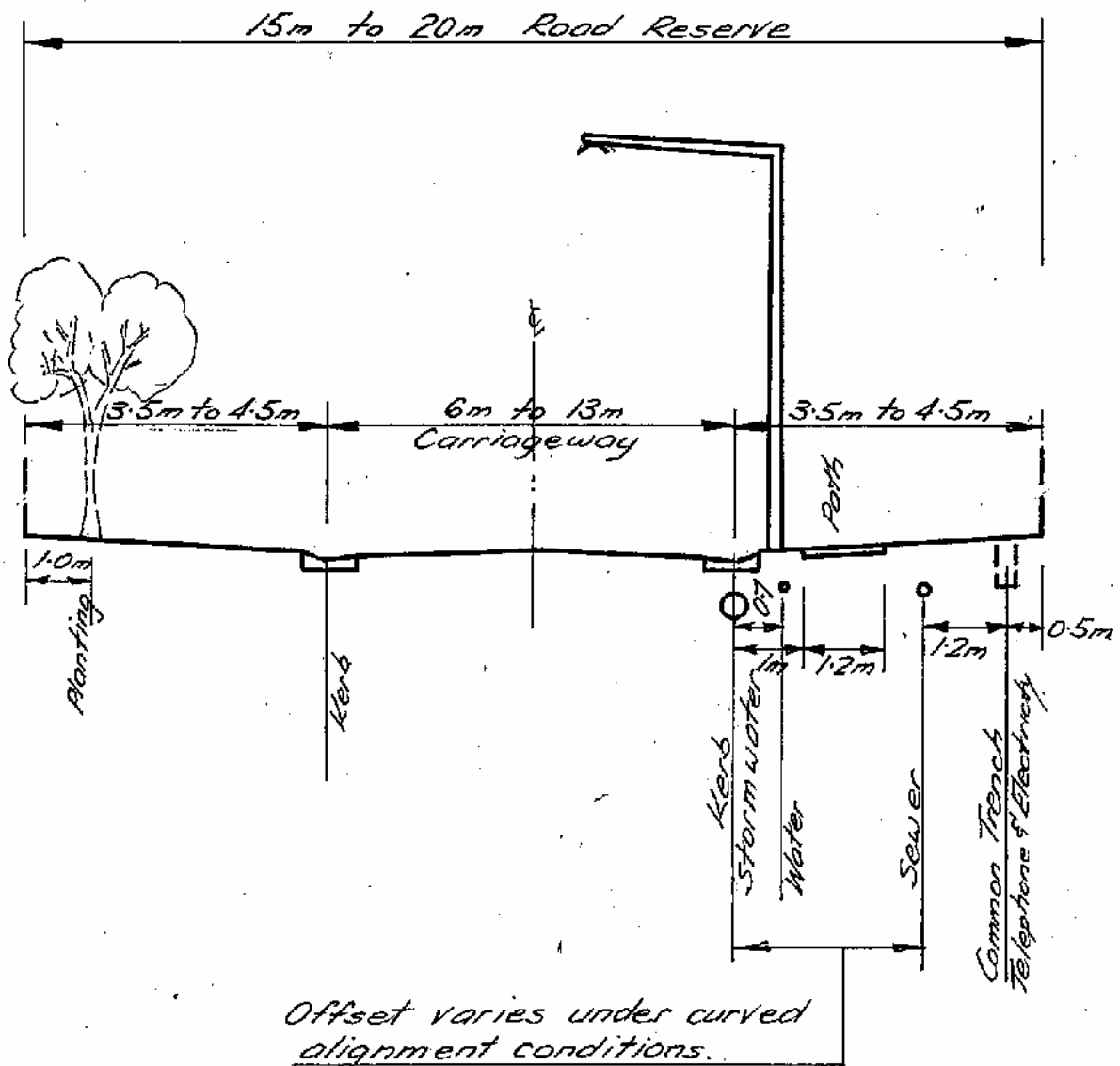


Figure 7: Service Location Plan

Where sewerage mains are located within road reserves, they shall be located at an offset of 1.7 metres from the road reserve boundary.

Other services (such as electricity, telephone, gas, etc) must not be laid in the same trench as water and sewerage mains.

41. Maintenance periods

In order to ensure that subdivision works taken over by Council are free of defects, developers are responsible for the maintenance of the works and the rectification of any defects that may become apparent in the works within six months after the date of completion of all of the works. The date of issue of a Compliance Certificate evidencing satisfactory completion of all subdivision work for each development consent or separately defined stage is taken to be the date of completion.

Council may require developers to maintain specific elements of the subdivision works (such as sediment control works or stormwater runoff treatment installations) for longer periods so that the community does not incur the expense of maintaining works that form part of developments.

Developers must provide Council with monetary security to ensure satisfactory performance of their responsibilities for these maintenance periods. The amounts and periods will be specified in development consent conditions.

The normal security bond for the six month maintenance and defects liability period is 5% of the contract amount for the construction of all works transferred to Council, or the estimated value of those works as determined by the Council's Director of Engineering Services or his delegate.

The amount of the security bond for any extended maintenance period for specific elements of the subdivision works will be determined by the Council's Director of Engineering Services or his delegate based on an estimate of the costs of anticipated maintenance works plus a margin of 30%.

Council may also impose a positive covenant on the title of the land requiring maintenance of the riparian buffer in accordance with an approved management plan.

42. Designers of subdivision works

All subdivision work shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance. The designer's name shall be clearly stated on each plan sheet.

43. Construction contractors' insurance

Each contractor engaged in the construction of subdivision work must hold current public liability insurance for an amount of not less than \$10,000,000 suitably endorsed to note the contractor and Council for their respective rights and interests.

Prior to the commencement of the construction of subdivision works Council must be provided with evidence of the currency of this insurance.

44. Works as executed plans

In order to ensure that Council holds complete records of civil engineering works completed, the developers shall submit Works-As-Executed plans for Council's acceptance prior to the endorsement of a Subdivision Certificate (or Occupation Certificate for other developments).

The Works-As-Executed plans shall be a complete copy of the plans for the subdivision works (or other public works), clearly marked up to show all variations of the completed works from the approved design in regard to alignment, levels and other details of the works. These plans must show the location and depth of any filling placed on any lot. Works-as-executed plans must be prepared and certified by a Registered Surveyor or

Chartered Professional Engineer as a complete and accurate record of the subdivision work.

Council also requires the submission of Works-As-Executed details in an electronic data format suitable for direct inclusion in Council's Geographic Information System. This data must be tied to the Map Grid of Australia. A specification for this data can be obtained from Council's Engineering Services Department.

Part E – Procedural matters

45. General

Subdivisions and other developments are controlled under the Environmental Planning and Assessment Act, which sets out the various approvals necessary at the different steps through the process of developing land in the Bega Valley Shire.

46. Construction certificates

Construction Certificates are certificates issued to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the Environmental Planning and Assessment Regulation. In practice, a Construction Certificate confirms that the subdivision work or building work described in the plans and specifications referred to in that certificate will satisfy the relevant development consent conditions when constructed.

Subdivision work and building work must not be commenced before a Construction Certificate has been issued for that work.

Applications for Construction Certificates can be made to the consent authority (usually Council) or to an accredited certifier. Application forms for Construction Certificates can be obtained from Council.

Where any long service levy is payable under the Building and Construction Industry Long Service Payments Act 1986, this levy must be paid before a Construction Certificate may be issued.

Some conditions of development consents may require things to be done or monies paid before a Construction Certificate may be issued.

The engineering plans for subdivision works shall detail the location of all utility services reticulation including electricity and telecommunications works, in order that the design of the works can address the whole of the subdivision works and avoid conflicts between services.

47. Appointment of principal certifying authority

The EP&A Act requires the developer to appoint a Principal Certifying Authority for each development. The Principal Certifying Authority for subdivision developments within the Bega Valley Shire LGA must be the consent authority, usually the Council.

Although subdividers are not given a choice in the appointment of the PCA, the Act requires the developer to make the appointment and to notify Council. This notification may be given concurrently with the notification of intention to commence work.

48. Notification of intention to commence work

The EP&A Act requires that the developer must give Council at least two days notice of intention to commence subdivision work. This notification, together with the notification of appointment of PCA shall be submitted to Council on Council's standard form for this purpose.

49. Compliance certificates

Compliance Certificates are certificates to the effect that specified building work or subdivision work has been completed as specified in the certificate and that it complies with specified plans and specifications. They can also be used to document compliance with development consent conditions or other matters as set out in section 109C (1)(a) of the EP&A Act.

A Compliance Certificate may be issued in relation to specified work, relying upon a Compliance Certificate issued by another accredited certifier to demonstrate that earlier works comply. By way of an example, one certifier may issue a Compliance Certificate certifying that the pavement material for a road in a subdivision have been delivered, placed and compacted all in conformity with the approved plans and specifications, relying on a Compliance Certificate from another accredited certifier that the road subgrade preparation complies with the approved plans and specifications.

Council may require that a Compliance Certificate be issued to confirm satisfactory completion of subdivision works in conformity with the conditions of the development consent and the BVSC Development Construction Specification. This Compliance Certificate may be issued relying upon other Compliance Certificates for some parts of the works.

In general it is preferred that all Compliance Certificates for the subdivision works for each development are issued by the same accredited certifier or consent authority to maintain the continuity in the supervision of the works.

50. Subdivision certificates

Before the NSW Office of Land and Property Information can register a subdivision plan and issue separate title deeds for the subdivided lots, it is necessary to obtain a Subdivision Certificate. Subdivision Certificates can only be issued by the consent authority (usually Council) or by the Crown (or persons acting on behalf of the Crown) for subdivisions by the Crown.

Where the subdivision includes subdivision work, the subdivision certificate must be issued by the PCA.

The Subdivision Certificate is the primary hold point at which all consent conditions must be satisfied, all developer contributions paid and all aspects of the development must be complete, or secured to Council's satisfaction.

51. Accredited certifiers

The EP&A Act and Regulation set out arrangements for the involvement of accredited certifiers in the land development process. For subdivisions within the Bega Valley Shire LGA, accredited certifiers can determine applications for Construction Certificates and Compliance Certificates.

In considering whether to issue these certificates, a certifier must determine whether the plans and specifications or works comply with the requirements set out in the development consent, the EP&A Act and Regulation, the BVSC Development Design Specification, the BVSC Development Construction Specification and this Development Control Plan.

52. Appeals concerning part 4a certificates

The EP&A Act provides that where a consent authority refuses to issue a Construction Certificate or Subdivision Certificate or does not determine an application for one of these certificates within prescribed time limits, the applicant may appeal to the Land and Environment Court.

53. Bonding

The EP&A Act authorises Council to impose conditions of consent requiring developers to provide security to Council for the costs of the following:

- a. making good any damage caused to any Council property as a consequence of doing anything to which the consent relates, and
- b. completing any public work required in connection with the consent, and
- c. remedying any defects in any public work that arise within six months after the work is completed.

Developers are therefore required to provide security to Council against any damage to Council property prior to the endorsement of the Construction Certificate for subdivision work. The development consent conditions specify the amount of this security for each development.

The security for remedying any defects in the subdivision work (or other public work) shall be five per cent (5%) of the contract amount for the construction of all works transferred to Council, or the estimated value of those works as determined by the Council's Director of Engineering Services or his delegate.

The amount of the security bond for any extended maintenance period for specific elements of the subdivision works will be determined by the Council's Director of Engineering Services or his delegate based on an estimate of the costs of anticipated maintenance works plus a margin of 30%.

Council requires all subdivision work to be completed prior to the endorsement of a Subdivision Certificate for each development, and therefore Council does not accept security for the completion of outstanding works.

Security for the matters outlined above can be provided either as monetary deposits with Council or as unconditional bank guarantees nominating Bega Valley Shire Council as the sole beneficiary. Bank guarantees specifying an expiry date are not acceptable to Council.

The EP&A Act authorises Council to draw on the security held to meet any costs incurred in making good any damage, completing public works or remedying defects. Any balance remaining will be refunded to the persons who provided that security.