

Richmond Valley Development Control Plan 2021



Part G Subdivision

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:
22/06/2021

Effective Date:
01/08/2021

Amendments:
Nil

Subdivision of land is defined within Section 4B of the EP&A Act.

It generally provides that subdivision of land is the division of land into 2 or more parts that can be used separately or transferred. The term covers freehold title subdivisions as well as strata title and community title subdivisions.

Exclusions from the term subdivision include opening or widening of public roads, consolidation of lots, etc.

This DCP Part applies to the subdivision of land within the Richmond Valley Council area and offers an interpretation of various LEP provisions and development standards.



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G.1 General Objectives

The general objectives of this Part are to:

- (a) provide guidelines to assist with the design and construction of subdivisions so that they are compatible with the natural and built environments within which they are sited,
- (b) provide development standards and requirements for the subdivision of land,
- (c) provide criteria for consideration during the preparation of a development application and its subsequent assessment, and

G.2 Subdivision Design Standards

G.2.1 Objectives

- (a) to identify design considerations for the layout of subdivisions.
- (b) to achieve the most effective and efficient use of land having regard to topographic, climatic, ecological, and agricultural features, along with land uses patterns, zoning and infrastructure/servicing.

G.2.2 Design Criteria

- (1) Applicants are to comply with the following Design Criteria unless it can be demonstrated that an alternative solution to all or any of the design criteria will achieve an improved development outcome.

(2) Site Analysis

- (a) A site analysis plan is required to identify opportunities and constraints relating to the subdivision pattern and potential end use of the land.
- (b) A site analysis plan should be prepared having regard to the following, where relevant:
 - waterways (creeks, rivers, streams),
 - natural resources such as significant vegetation, habitat corridors, key fish habitat, wetlands, and various requirements for coastal protection,
 - flood prone land,
 - steep land/land slip,
 - bush fire hazard,
 - access points (vehicles, pedestrians, cyclists),
 - soil conditions (acid sulfate soils, contaminated land),
 - surrounding land uses,
 - service connections,
 - easements, zones of influence and clear zones,
 - archaeological sites,
 - topography (contours to Australian Height Datum at 1 metre intervals),
 - aspect,

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- drainage systems,
- existing buildings, driveways, septic tanks and disposal areas, and
- street and lot layout of locality.

(3) Subdivision and Road Design

- (a) Subdivisions should be designed having regard to the environmental constraints of the site, having regard to:
 - Koala Habitat,
 - Protection of native vegetation and habitats under the Biodiversity Conservation Act,
 - Acid Sulfate Soils,
 - Contaminated Land,
 - Flood Prone Land,
 - Landform Modification,
 - Coastal Hazards, and
 - Bush Fire Hazard.
- (b) The road hierarchy of subdivisions should also reflect road function, and should be designed accordingly.
- (c) The layout of new roads should be designed so as to:
 - provide road links to adjoining properties,
 - facilitate the use of public transport,
 - achieve efficient access to all lots,
 - encourage safe levels of vehicle speed,
 - provide adequate sight distances (particularly at intersections),
 - provide efficient access for service vehicles (bushfire and garbage trucks),
 - provide for safe and functional vehicle and pedestrian movement,
 - adopt CPTED design principles (refer to Chapter I-10), and
 - provide for landscaping, utility services, driveways, mailboxes, street lighting, etc.
- (d) The layout of main roads should follow a reasonably regular configuration to make the subdivision easy to navigate, and should:
 - provide memorable places to aid navigation,
 - provide people with directional choice to enable traffic to run smoothly and not confuse or overtly hinder thoroughfare,
- (e) Cul-de-sacs should be avoided, but be short in length if utilised.
- (f) Lots are to be designed to allow the construction of a dwelling which does not involve more than 1 metre cut or fill, measured from natural ground level, outside the dwellings external walls. Geotechnical reports are required for subdividing steep land.

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- (g) Subdivisions should be designed to minimise impacts on the natural environment and retain significant landscape features.
- (h) Subdivisions should incorporate regular sized lots to avoid clashes involving housing character and amenity.
- (i) It must be demonstrated that each allotment to be created, that is capable of being used for residential or rural residential development, has at least one suitable building site having regard to:
 - flooding,
 - effluent disposal,
 - bush fire hazard,
 - safe, practical, access between the building site and a formed public road, and
 - readily capable of being connected to infrastructure and services.

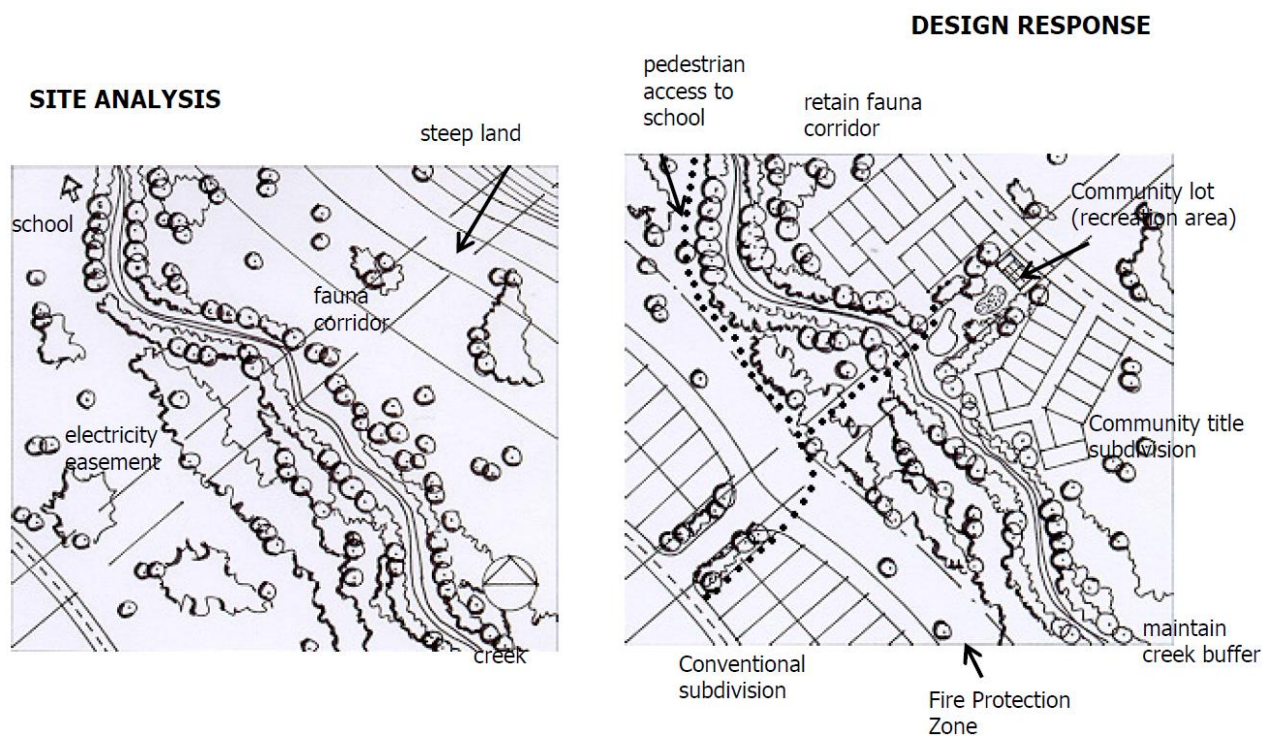


Figure G.1 Example of a subdivision design (right) having regard to the site analysis plan (left)

(4) Energy Efficiency – Lot Orientation

- (a) Subdivisions should be designed to maximise solar access.
- (b) Where possible roads are to be orientated so that the majority of their length are within the range N20°W to N30°E or E20°N to E30°S.
- (c) On sloping sites, north-facing slopes improve opportunities for solar access while south facing slopes impose a penalty on solar access. Accordingly, smaller lots should be concentrated on northern slopes and large lots on southern slopes.

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(5) Density (Minimum Lot Size) and dimensions

Subdivisions are not to produce lots which have areas less than that set out in the Lot Size Map in the Richmond Valley LEP 2012.

(a) Residential Subdivisions

i. Battle Axe Lots

- Battle axe allotments are largely to be avoided, except in circumstances to provide access to a small number of allotments which would otherwise be difficult, or cost prohibitive to access by formal road system.
- If a small number of battleaxe lots are utilised, they are required to be larger in size, exclusive of the access handle (i.e. 1000 m² where regular lots are 600-800 m²).
- The handle should have a minimum width of 4.5 metres in areas requiring line-of-sight and should be constructed of concrete at the subdivision stage.

Note. The subdivision of dual occupancies under clause 4.1C would have regard for, but not necessarily required to adhere to the abovementioned standards.

ii. Minimum Frontage

- Allotments should have a minimum frontage to a public road of 15 metres, to be measured at the front boundary building line.
- A subdivision which will involve a lot having vehicular access to a lane will only be permitted after the lot has been substantially developed (i.e. vacant lots off laneways are not to be created), and the lot adjoining the lane is to have 2 metres wide frontage fenced and paved to the primary road, to provide for pedestrian access, mailbox, services (water, sewer, electricity, communication).

iii. Strata/Community Title

- Inspection of existing buildings will be required to ensure compliance with all relevant building and fire regulations standards.
- Certification of all building work, including final occupation certificates, will be required prior to release of the strata/subdivision certificate.

iv. Dual Occupancy

- Both dwellings within the development must be complete prior to release of the subdivision certificate. As such no vacant allotments can be created.
- Each allotment must comply with BCA requirements for fire separations.
- See also the subdivision requirements in Part A Residential Development

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(b) Rural Subdivisions

i. Battle Axe Lots

- Battle axe allotments are to be avoided.
- Reciprocal rights of carriageway are not supported as to avoid conflict between neighbours over maintenance.
- Where justified, the access handle should be a minimum 10 metres wide, and should be no longer than 200 metres.

(c) Commercial Subdivisions

i. Battle Axe Lots

- Battle axe allotments are not permitted for subdivisions in Zones B1, B2 and B3.
- Each allotment to be subdivided must demonstrate that the resultant allotment is capable of being developed for commercial development based upon its lot size, dimensions, frontage, access and services.

(6) Services

(a) Urban Areas

- i. Subdivisions in urban areas are generally required to provide infrastructure to all lots including:
 - road;
 - footpath;
 - kerb and gutter;
 - drainage (including interallotment drainage);
 - reticulated sewer and water;
 - telecommunications;
 - street lighting; and
 - electricity.

(b) Large Lot Residential Areas

- i. Subdivisions are to provide infrastructure to all lots:
 - a. including road and drainage, incorporating sealed driveways to be provided to battle axe shaped lots.
- ii. It must be demonstrated that each allotment can be adequately serviced by on-site sewage effluent disposal (OSMS).

(c) Rural Areas

- i. Subdivisions in rural areas may permit access by right-of-carriageway.
- ii. The right-of-carriageway is to be constructed to provide all weather two-wheel drive vehicular access with adequate drainage provision, however, the length of the access handle should be no longer than 200 metres, particularly when located on bush fire prone land.
- iii. It must be demonstrated that each allotment can be adequately serviced by on-site sewage effluent disposal (OSMS).

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(7) Stormwater Drainage

- (a) Stormwater drainage shall be designed and provided in accordance with Council's specifications.
- (b) The design details will need to be certified by Council before the drainage is provided, and will need to be completed to Council's satisfaction prior to the issue of the Subdivision Certificate.
- (c) Stormwater is to be gravity drained to Council's drainage system. In some circumstances inter-allotment drainage and easements over downstream properties may be required. This will necessitate a letter of consent from the owner(s) of the downstream properties to be submitted with the development application.
- (d) Drainage from sites should reflect the pre-existing or natural situation in terms of location, quantity, quality and velocity.
- (e) Water Sensitive Urban Design principles should be employed, particularly with larger subdivisions.

(8) Utility Services

- (a) Utility services must be extended to all lots within a subdivision in accordance with the following table (except for common property in community title and strata subdivisions).

Utility Service	Urban Area	Rural Residential Area	Rural area
Council's water main	Yes	No ⁴	No ⁴
Council's sewer main	Yes	No ³	No ³
Telephone	Yes ¹	Yes ¹	No
Electricity	Yes ¹	Yes ¹	Yes ²
Note. ¹ In greenfield subdivisions these services must be underground. ² Unless the applicant can demonstrate that alternative methods of providing electricity exists or that the provision of this service is cost prohibitive. ³ Subject to demonstrating the capability of the lots to accommodate on-site effluent disposal. ⁴ Each allotment would be serviced by rain water tank to be provided as part of the construction of subsequent development.			

Note. Richmond Valley LEP 2012 requires that a development application demonstrates that the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—

- i. the supply of water,
- ii. the supply of electricity,
- iii. the disposal and management of sewage,
- iv. stormwater drainage or on-site conservation,
- v. suitable road access.

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(9) Erosion and Sediment Control

- (a) Subdivisions should be designed to minimize the disturbance of lands with topographical constraints.
- (b) Conditions on the development consent will indicate whether erosion and sediment controls will be necessary, and if so, these controls will need to be in place before site works commence. The controls will need to be provided in accordance with Landcom (2004) *Blue Book – Managing Urban Stormwater: Soils and Construction*.

(10) Street Tree Masterplan

- (a) A Street Tree Masterplan will be required for subdivisions on greenfield sites. The Masterplan aims to guide street tree planting, providing for a more appealing streetscape which complements its natural setting.
- (b) Planting proposed by the Masterplan is to be determined having regard to:
 - site and dwelling boundaries,
 - location and canopy of existing trees, noting any trees that overhang the sit,
 - adjacent streets and trees,
 - any connection to open space networks or proposed public reserves,
 - paving materials and drainage
 - treatment,
 - details of any existing fencing and walls, and
 - location of underground services.

(11) Developer Contributions

- (a) In many cases the payment of contributions are required to cover the cost of services and facilities which are provided by Council. These contributions are often levied with subdivision, prior to the issue of the Subdivision Certificate. Contributions levied on developments may include:
 - section 64 contributions under the *Local Government Act 1993* for such services as water, sewer and drainage, and/or
 - section 7.12 contributions under the *Environmental Planning and Assessment Act 1979* which consists of a levee up to 1% of the cost of the development.
- (b) Conditions on the development consent will indicate whether these contributions are required.
- (c) The value of these contributions are outlined in Council's Revenue Policy which is available on-line.

(12) Adoption of Northern Rivers Local Government Development Design and Construction Manuals

- (a) The *Northern Rivers Local Government Development Design and Construction Manuals* are utilised for the design and construction of civil

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engineering works associated with development approvals. The Manual is contained within 3 volumes being:

- Development & Design Manual,
 - Construction Manual, and
 - Standard Drawings.
- (b) For the purposes of engineering and subdivision works reference should be made to the standards contained within the manuals.
- (c) Where doubt exists regarding standards contained within the Manuals, or a subject has not been adequately covered, consultation should be made with Council or any relevant Council policy for clarification or reference to alternatively appropriate standards.