



# LIVERPOOL CITY COUNCIL

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

Adopted: 13 December, 2017

TRIM 285907.2017

# DEVELOPMENT AND SUBDIVISION OF LAND POLICY

## Contents

1.	LEGISLATIVE REQUIREMENTS .....	4
2.	PURPOSE/OBJECTIVES .....	4
3.	DEFINITIONS .....	4
4.	POLICY STATEMENT .....	5
4.1	Council's Authority .....	5
4.2	Restrictions to Council's activities .....	5
4.3	Development application and consent .....	5
4.4	Construction certificate .....	6
4.5	Compliance certificates .....	6
4.6	Occupation certificates .....	6
4.7	Subdivision certificates .....	6
4.8	Plan, registration and Title issue .....	6
5.	FORMULATING A DEVELOPMENT/SUBDIVISION APPLICATION .....	6
5.1	Development application form .....	6
5.2	Site information .....	6
5.3	Early consultation .....	7
5.4	Sketch plan .....	7
5.5	Purpose of consultation .....	7
5.6	Consultation – not mandatory .....	7
5.7	Fees/contributions .....	7
6.	MAKING APPLICATION FOR DEVELOPMENT/SUBDIVISION .....	8
6.1	Development application information .....	8
6.2	Owner's approval .....	8
6.3	Development application form .....	8
6.4	Number of plan copies .....	8
6.5	Details of consultation with public authorities .....	8
6.6	Additional Information .....	8
7.	COUNCIL'S CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT AND SUBDIVISION .....	9
7.1	Assessment criteria .....	9
7.2	Design standards .....	9
7.3	Determination within 40 days .....	9
7.4	Review of Determination .....	9
7.5	Appeal to court .....	10
7.6	Appeal by third party .....	10
7.7	Revocation of consent .....	10
7.8	Development consent received .....	10
8.	TIME REQUIREMENTS FOR DEVELOPMENT / SUBDIVISION WORKS .....	10
8.1	Maximum 5 year limit on development consent .....	10
8.2	Staged development .....	11
8.3	Subdivision final survey plan, original plan release fees .....	11
8.4	Private certification .....	11
8.5	Section 88B instrument .....	11
8.6	Issue of new titles .....	11
8.7	Suspension of works .....	11
9.	ENGINEERING DRAWINGS AND SPECIFICATIONS .....	11
9.1	Qualification of designers .....	11
9.2	Council's specifications .....	12

## **DEVELOPMENT AND SUBDIVISION OF LAND POLICY**

10.	COMMENCEMENT OF WORKS .....	12
10.1	Necessary conditions.....	12
10.2	Unauthorised work for water and sewerage .....	12
10.3	Water and sewerage, operating requirements.....	12
11.	INSPECTIONS AND TESTING.....	13
11.1	Cost of quality testing.....	13
11.2	Inspections .....	13
11.3	Records of testing and inspections .....	13
12.	INSURANCES .....	13
12.1	Third party insurance public risk .....	13
12.2	Safety .....	14
13.	WORK-AS-EXECUTEDDRAWINGS .....	14
13.1	Certification.....	14
13.2	Council’s obligations – water services .....	14
	AUTHORISED BY .....	14
	DIRECTORATE RESPONSIBLE .....	14
	REVIEW DATE .....	15
	VERSIONS .....	15
	ATTACHMENTS.....	15
	REFERENCES .....	15
	<b>APPENDIX 1 .....</b>	<b>16</b>
	<b>APPENDIX 2 .....</b>	<b>17</b>
	<b>APPENDIX 3 .....</b>	<b>21</b>
	<b>APPENDIX 4 .....</b>	<b>23</b>
	<b>APPENDIX 5 .....</b>	<b>25</b>

# DEVELOPMENT AND SUBDIVISION OF LAND POLICY

## 1. LEGISLATIVE REQUIREMENTS

*Environmental Planning & Assessment Act 1979 (EP&A Act)*

*Local Government Act 1993 (LG Act)*

*Local Environmental Plans (LEPs)*

*Section 94 Contribution Plans*

*Development Control Plans (DCPs)*

.

## 2. PURPOSE/OBJECTIVES

Council has the following objectives in providing for the development and subdivision of land:

- To provide a functional, attractive and safe environment for residents that is consistent with community standards and needs.
- To minimise adverse effects on the natural environment.
- To provide for the needs of future users of the land in respect to building requirements, vehicular and pedestrian access, provision of services and an amenity appropriate to the zoning of the land.
- To assist developers by providing for the economic utilisation of the land resource of the area.
- To achieve a balance between the development / subdivision of residential, commercial and industrial land and the amenity of existing occupants.
- To provide for an equitable and efficient distribution of public amenities and services.
- To minimise Council's future maintenance costs for roads, services and open spaces.

## 3. DEFINITIONS

**Approved Material** - Shall mean approved by the Council Engineer before use in, or on, the work site.

**Council** - Shall refer to Liverpool City Council.

**Developer** - Shall mean the applicant or his/her authorised contractor.

**Engineer** - Shall mean the Coordinator Land Development – Development Engineering of Liverpool City Council or their representative.

**Experienced soils technician** - A soils technician employed by a NATA registered testing authority who has the necessary qualifications and experienced to perform the required tests and procedures.

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

**NATA registered testing Authority** - A laboratory that has been registered by NATA to perform the required testing. The laboratory shall only perform tests or procedures that are covered by the terms of their registration by NATA.

**RMS** - Shall refer to the Roads and Maritime Services, New South Wales.

**Surveyor** - A surveyor who is endorsed in the Register of Surveyors as a Consulting Surveyor.

### ABBREVIATIONS

**ARRB** - Australian Road Research Board.

**AS** - Australian Standard.

**Austroads** - National Association of Road Transport and Traffic Authorities in Australia.

**NAASRA** - National Association of Australian State Road Authorities.

**NATA** - National Association of Testing Authorities.

**SAA** - Standards Association of Australia

## 4. POLICY STATEMENT

### 4.1 Council's Authority

Council is the authority responsible for consent to development and approval of developments and subdivisions within the Liverpool City Council area.

Council has declared Development Control Plans (DCPs) and Local Environmental Plans (LEPs) which set out Council's necessary provisions for development and subdivision. In some circumstances Council is required to obtain the concurrence of the Department of Infrastructure Planning and Natural Resources and Council must also comply with particular legislative requirements. Compliance with the provisions of Council's DCPs and LEPs does not necessarily imply that Council is required to consent to, or approve, an application.

### 4.2 Restrictions to Council's activities

Restrictions to Council's powers to approve the subdivision of land are set out in the various planning instruments, LEPs and State Environmental Planning Policies (SEPPs) which are applicable throughout Council's Area. Advice as to which of these restrictions apply to a property should be initially obtained from Council's Planning/Engineering/Environmental/Services Section.

### 4.3 Development application and consent

A Development Application is a requirement of the EP&A Act requesting consent for the proposed development in relation to Council's controls and requirements eg. landuse, community facilities, traffic generation, environmental considerations etc. It is important to understand that development consent is required before land can be developed or subdivided. Council in some cases identifies minor development as complying or exempt development. Detail of these minor developments and the

## **DEVELOPMENT AND SUBDIVISION OF LAND POLICY**

requirements of the approval process may be obtained from Council.

### **4.4 Construction certificate**

Following development consent being issued by Council, the more detailed requirements of the development or subdivision are investigated during the preparation of construction / engineering designs and other matters for completion as tabled in Council's conditions of consent. A Construction Certificate is required before any works may be commenced. Construction Certificates are issued by a consent authority (Council or the Minister for Urban Affairs and Planning) or an accredited certifier and allows Developers to nominate Council or a private certifier as the Principal Certifying Authority (PCA). Subject to the provisions of section 109E of the EP&A Act.

### **4.5 Compliance certificates**

Compliance Certificates are issued in relation to the completion of all or various components of a development. The PCA shall identify each stage of work to be provided with certification.

### **4.6 Occupation certificates**

Prior to the occupation of a new building (excluding a Class 1a or 10 building under the Building Code of Australia (BCA)), an Occupation Certificate is to be acquired. The PCA shall upon receiving a Compliance Certificate for the various aspects of the development, provide an Occupation Certificate.

### **4.7 Subdivision certificates**

In the case of subdivision, a Subdivision Certificate is issued by the PCA endorsing the plan of subdivision and any associated instruments when all aspects of the Development Consent have been satisfied including the Plan Registration and the Title Issue. The issue of a Subdivision Certificate occurs upon completion of all conditions and payment of fees/levies as required in the Development Consent. Councils have varying standards for the strict compliance of works or staging of developments. Council's DCP's, Policies and Standards identify any departures that may be accepted.

### **4.8 Plan, registration and Title issue**

Following endorsement of the final plan of subdivision, the Developer may lodge the plan for registration by the Land Titles Office at Land and Property Information NSW. Separate titles for the new lots created will subsequently be issued.

## **5. FORMULATING A DEVELOPMENT/SUBDIVISION APPLICATION**

### **5.1 Development application form**

A person or company making application to develop and/or subdivide an area of land within Liverpool City Council's area will be required to lodge a Development Application on Council's standard application form.

### **5.2 Site information**

Before formally applying to Council to develop and/or subdivide, a considerable amount of information about the site needs to be sought. The Applicant should be aware of the nature of title of the land, easements, items of heritage significance, topography, slope and aspect, stormwater flows, surrounding development, vegetation, trees, road and traffic situations and other physical characteristics pertinent to

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

the design of the development.

### 5.3 Early consultation

It is recommended that a preliminary consultation with Council will enable the Applicant to determine what Council and State Environmental Planning Instruments (SEPP, REP or LEP) are applicable, what zone classification applies and which legislative requirements are applicable and most importantly whether professional assistance is required.

### 5.4 Sketch plan

It is advantageous to prepare a preliminary sketch plan at this early stage indicating the location, aspect and size of the various elements of the development including subdivision patterns surrounding the site. The more information shown on the preliminary sketch plan, the more likely the consultations with Council and others will give a true indication of possible success with a subsequent formal application.

### 5.5 Purpose of consultation

The purpose of consultation about preliminary sketch plans/proposals (which may be accompanied by explanatory reports or background material) is to:

- assess whether any modifications to the proposal are necessary prior to its being formally submitted;
- identify Council's requirements in regard to the particular development application;
- identify any problems which may necessitate the applicant reviewing his/her approach;
- indicate Council's likely subsequent requirements (eg financial contributions for services and amenities, standards for construction, for the asset to be accepted by Council, etc.).

### 5.6 Consultation – not mandatory

While consultation with Council at this early stage and the preparation of preliminary sketch plans is not mandatory, it is obviously in the applicant's interest. It will reduce costs in preparing plans, increase the likelihood of development consent, and reduce the time to consider the formal application. Similarly early consultation with Public Utility Authorities is also advantageous to ascertain their requirements, eg water, sewer, gas, telephone, electricity.

The applicant is advised to contact Council to seek the current process of pre DA meetings/consultation. At the time of the creation of this policy Liverpool City Council organised weekly pre DA meetings for applicants.

### 5.7 Fees/contributions

Fees for development applications are prescribed in the *Environmental Planning and Assessment Regulations*. A fee schedule can be obtained from Council including fees/contributions which are not prescribed, but are likely to be required as a condition of development consent.

# DEVELOPMENT AND SUBDIVISION OF LAND POLICY

## 6. MAKING APPLICATION FOR DEVELOPMENT/SUBDIVISION

### 6.1 Development application information

A development application is only required if stated in the environmental planning instrument(s) applying to the land (SEPP, REP or LEP). Minor development and subdivisions such as boundary adjustments which meet specified standards, as set out in councils DCP 2008 – do not require consent. The applicant is advised to contact council to confirm whether an application falls under exempt development. All the necessary information should have been compiled in consultation with Council. Whilst formulating the application and preparing the development/subdivision sketch plan, a description of the existing and proposed site and a statement of environmental effects should be included. A flowchart outlining the various steps is enclosed as **Appendix 1**.

### 6.2 Owner's approval

The written authority of the owner is required to be submitted with the application form if the application is not by the owner of the land to be developed.

### 6.3 Development application form

A development application is required for all types of subdivision and all forms of building construction not identified by Council as being Exempt or Complying Development. Development applications are made on Council's development and/or construction application form.

### 6.4 Number of plan copies

Development Applications are to be accompanied by three (3) copies of development/ subdivision sketch plans drawn on one of the following paper size sheets, A1, A2, A3 or A4.

### 6.5 Details of consultation with public authorities

In addition, the applicant may be required to provide details of consultation with public authorities responsible for provision, alteration or amplification of utility services required by the proposed development / subdivision.

Council may require additional information about the proposed development to be provided where that information is essential to the assessment of the development application.

### 6.6 Additional Information

Additional information required may include:

- principles, assumptions and calculations behind stormwater drainage and on-site detention (OSD) proposals;
- rationale for the design of utilities, roads, open space, bicycle and pedestrian ways, bus routes;
- a contamination assessment. (SEPP55);

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

- evaluation of housing types, house type distribution, building lines, fencing, building materials.

A checklist used by Council's Land Development Engineers to assess development applications received, is enclosed in **Appendix 2**. The applicant is encouraged to utilise these checklists and ensure all items suggested are incorporated into plans submitted as part of any development application.

### 7. COUNCIL'S CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT AND SUBDIVISION

#### 7.1 Assessment criteria

Council will deal with each application on its merits, however, the assessment criteria in the EP&A Act (Section 79C) shall be applied.

These criteria relate to site specific relevant matters such as:

- the provisions of any environmental planning instruments, development control plans and regulations pertaining specifically to the subject site;
- natural and built environmental impacts;
- social and economic environmental impacts;
- suitability of the site;
- public interest.

#### 7.2 Design standards

Council's LEPs, DCPs and other planning instruments incorporate minimum design standards for different types of developments. These standards should not be interpreted as relieving the applicant of the responsibility to properly address all criteria and to use sound planning and engineering practices in the development of designs. Council is prepared to consider alternative approaches to development / subdivision design where the applicant satisfies Council that its objectives have been achieved.

#### 7.3 Determination within 40 days

Planning legislation requires Council to determine applications within 40 days of receipt of the application, or 60 days where the application requires referral to other authorities. Upon determination of any application, a written notification will be sent to the applicant stating that consent has been granted subject to detailed conditions, or that consent has been refused (with reasons).

Under Section 97 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, an applicant has the right to appeal an application if it not determined within the above specified timeframes.

## **DEVELOPMENT AND SUBDIVISION OF LAND POLICY**

### **7.4 Review of Determination**

If an applicant dissatisfied with a notice of determination (such as a refusal of an application) or the conditions contained within a notice of determination, Section 82A of the *Environmental Planning and Assessment Act 1979* allows the applicant to request a review of the determination within six months after the date on which the application is taken to have been determined.

It is recommended that such an application is lodged within 28 days of the determination of the Development Application as the review of determination must be made within six months, as required by the EP&A Act. Refer to a range of other important provisions relating to Section 82A review applications in the EP&A Act

It is highly recommended that such an application is lodged within 28 days of the determination of the Development Application to enable the review of determination to be made within six months, as required by the Environmental Planning and Assessment Act 1979.

The right to consider the review of a determination does not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
  - (b) a determination in respect of designated development, or
  - (c) a determination in respect of integrated development, or
  - (d) a determination made by the council under Division 4 in respect of an application by the Crown.
- (2) A council must, on a request made in accordance with this section, conduct a review. (2A) A determination cannot be reviewed:
- (a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or
  - (b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.

An applicant who is dissatisfied with a determination of an application determined under section 82A, may appeal to the Court within 6 months the development application being determined.

### **7.5 Appeal to court**

Alternatively, (and preferably as a last resort), the applicant may lodge an appeal with the Land and Environment Court. Such an appeal is required to be lodged with the Court within twelve months of receipt of Council's or the Independent Hearing Assessment Panel's (IHAP's) determination of the application.

### **7.6 Appeal by third party**

Applicants are reminded that any third party person may lodge an appeal to the Land and Environment Court where they believe a breach of the EP&A Act has occurred (Section 123 of the EP&A Act).

### **7.7 Revocation of consent**

Council can revoke or modify consent in circumstances where there is fraud or failure to comply with the LG Act or conditions of consent. The EP&A Act also allows Council to issue orders for breaches of this Act such as non-compliance with conditions of consent.

### **7.8 Development consent received**

Once an application for development or subdivision receives consent, the applicant becomes the Developer.

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### 8. TIME REQUIREMENTS FOR DEVELOPMENT / SUBDIVISIONWORKS

#### 8.1 Maximum 5 year limit on development consent

A development consent for development / subdivision requires works to be commenced within the consent period of five years (or such other shorter period stipulated in the consent). The development / subdivision should be fully completed within a reasonable period or as directed by Council.

#### 8.2 Staged development

In some cases a development may be of sufficient magnitude that it requires staging. Where staged development is proposed, the applicant should prepare a sketch plan showing the complete concept so that Council can see the various stages in the overall context. Each stage should comply with the standard requirements.

#### 8.3 Subdivision final survey plan, original plan release fees

When all conditions of development consent and Construction Certificate approval have been satisfied, including all construction works required as part of the subdivision being completed, the Developer will arrange for a Registered Surveyor to prepare the final survey plan. This “original” plan, plus 2 copies, together with any Section 88B Instrument under the *Conveyancing Act* (detailing easements, restrictions etc) is submitted to the PCA with the appropriate fees for the PCA’s endorsement of the Subdivision Certificate.

Where council is the PCA the applicant should ensure that all items on the subdivision certificate checklist (copy enclosed in **Appendix 3**) have been provided to council with the subdivision certificate application. Council will not commence assessment of the certificate prior to all this information being provided.

#### 8.4 Private certification

Council may allow the private sector to issue subdivision certificates by identifying, in its LEPs, the type of subdivision that can be privately certified.

#### 8.5 Section 88B instrument

The original plan, plus one copy, together with any Section 88B Instrument, all personally signed by the PCA, are then released to the developer.

#### 8.6 Issue of new titles

In order to effect plan registration and the issue of new titles for the proposed subdivision lots, the documents released should be lodged promptly with Land and Property Information NSW (Land Titles Office).

#### 8.7 Suspension of works

The Council Engineer may suspend work on site if it is determined that work is not being undertaken in accordance with the requirements of this specification or not in accordance with directions given by the Council Engineer. The developer is to rectify any unsatisfactory work and obtain Council’s approval prior to continuing with the remaining works. Failure to rectify any unsatisfactory work will result in Council carrying out the works required at the developer’s expense. The amount invoiced for works carried out by Council will be in accordance with Council’s adopted fees and charges current at the time.

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### 9. ENGINEERING DRAWINGS AND SPECIFICATIONS

#### 9.1 Qualification of designers

All drawings for earthworks (site regrading), roadworks, drainage works, water supply, sewerage works, and foreshore works are to be certified by a Civil Engineer or Registered Surveyor accredited by the Institution of Surveyors for civil design in the appropriate area. All drawings for bridgeworks, retaining walls, other major structures and pumping stations are to be certified by a Civil Engineer.

#### 9.2 Council's specifications

Standard drawings, design specifications and construction specifications have been prepared by Council and can be purchased for use in developments/subdivisions. Specifications other than those supplied by Council are required to be prepared by a Civil Engineer and will need to be submitted to the PCA for approval with each set of engineering design drawings. Such alternative specifications will be required to meet Council's minimum standards contained in Council's specifications.

In Council's development construction specifications the "Superintendent" shall mean Council's Engineer for all developments undertaken in council's road reserve, public reserve or drainage reserve, council owned land or easements and for all subdivision/engineering works on private land where council will issue the Construction Certificate as per Part 4A of the EPA Act. For all other subdivision works the "Superintendent" shall mean the Accredited Certifier (subdivisions) or Council's Engineer or council's nominated representative.

### 10. COMMENCEMENT OF WORKS

#### 10.1 Necessary conditions

No development/subdivision works are to be undertaken until the design drawings and specifications are formally approved by Council or an Accredited Certifier with the issue of a Construction Certificate.

Works within a public road reserve, public reserve or council drainage reserve or easement must be approved by council via a Permit to Carry out Works (Section 138 *Roads Act 1993* or Section 68 LG Act 1993 Permit). No works are to commence or construction certificate/s issued prior to the applicant obtaining these permits.

Any plans submitted whether to Council or an Accredited Certifier shall include certification reports in accordance with the requirements set out in council's "Quality Assurance Requirements for Design", development design specification. This information shall be provided to the Council or Accredited Certifier's satisfaction prior to the issue of any Construction Certificate/s.

#### 10.2 Unauthorised work for water and sewerage

The developer must ensure that the works are carried out in compliance with the LG Act. Attention is drawn specifically to Chapter 16 Offences. Part 3 Clause 634(1) and (4) especially refer to unauthorised work for water and sewerage.

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### 10.3 Water and sewerage, operating requirements

The developer must ensure that water and sewerage works abide by the LG Act and associated Regulations, in particular, Clauses 18 and 19 of the LG Act (Approvals) Regulation 1999 regarding complying with any operating requirements notified by the Council.

## 11. INSPECTIONS AND TESTING

### 11.1 Cost of quality testing

The full cost of all testing is to be met by the applicant (developer). Test results will be required to ensure that the material supplied and the Work carried out conforms to the approved specification.

### 11.2 Inspections

Similarly joint inspections at key stages of construction will be required to be carried out by representatives of both Works Certifier and the developer/supervising consultant (contractor). All inspections shall require at least 24 hours prior notification to the Works Certifier. Key stages may include:

- Erosion & sediment controls
- Traffic control
- Site fencing
- Clearing & stripping
- Bulk earthworks
- Site sampling and testing
- Bitumen surface
- Kerb & gutter, dishes
- Footpaths
- Laybacks & driveways
- Drainage pipelines
- Drainage pits, Headwalls
- Drainage common
- Drainage sub soil
- Signage
- Line marking
- Public utilities
- Landscaping/turf
- Final Inspection
- End of maintenance period
- Others deemed critical by Council or the Accredited Certifier

### 11.3 Records of testing and inspections

The Works Certifier will insist on uninterrupted access at all times so as to enable audit inspections or testing. Records of all test results required will be made available to the Works Certifier promptly when requested and tests will be undertaken strictly to prescribed test procedures by testing organisations approved by Council prior to work commencement. Certain stages of construction will be subject to a hold on works pending acceptable test results. See construction specifications for further details.

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### 12. INSURANCES

#### 12.1 Third party insurance public risk

The developer's supervising consultant (contractor) shall take out professional indemnity insurance indemnifying themselves. The developer's supervising consultant will also provide the PCA with evidence that all contractors have obtained appropriate third party and public risk insurance (minimum insured value \$20 million) satisfactory to the PCA's requirements and prior to the commencement of any works.

#### 12.2 Safety

The developer shall comply with all the requirements and responsibilities under:

- i) *Work Health and Safety Act (2011).*
- ii) *Work Health and Safety Regulation (2007).*
- iii) *And respective Codes of Practice(s).*
- iv) *Respective Australian Standards.*
- v) *Respective National Standards*

### 13. WORK-AS-EXECUTEDDRAWINGS

#### 13.1 Certification

Following completion of the work, two full set of Work-As-Executed (WAE) drawings marked up in red showing any discrepancies from the design is to be submitted to and retained by Council. All WAE drawings shall bear the Supervising Consultant's or Accredited Certifier's Certification stating that all information shown on the drawings is accurate. Council prefers to accept WAE drawings in electronic format with suitable certification. Electronic copies of the WAE shall be provided in PDF format and DWG format with the appropriate certification to Council.

CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Example compilation of drawings – roadworks plans are enclosed in **Appendix 4**

Accredited Certifiers are to ensure that all compliance certificates and reports are submitted to council. (refer to subdivision certificate plan checklist in **Appendix 3** for an indicative list of compliance certificates and reports required to be provided)

#### 13.2 Council's obligations – water services

For water supply WAE drawings must allow Councils to meet their obligations under Part 6 of the *LG (General) Regs.*

## **DEVELOPMENT AND SUBDIVISION OF LAND POLICY**

### **AUTHORISED BY**

Council Resolution

### **EFFECTIVE FROM**

13 December 2017.

### **DIRECTORATE RESPONSIBLE**

City Economy & Growth

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### REVIEW DATE

Two years after the adoption of this policy.

### VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Council Resolution	Original adoption		
2	Council Resolution	Complete review	13/12/2017	285907.2017

### THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

City Corporate (Governance & Legal Services)

### ATTACHMENTS

1. Flowchart
2. Development Assessment Checklist
3. Subdivision Certificate (Linen Plan) Checklist
4. Requirements for design drawings
5. Subdivision Factsheet

### REFERENCES

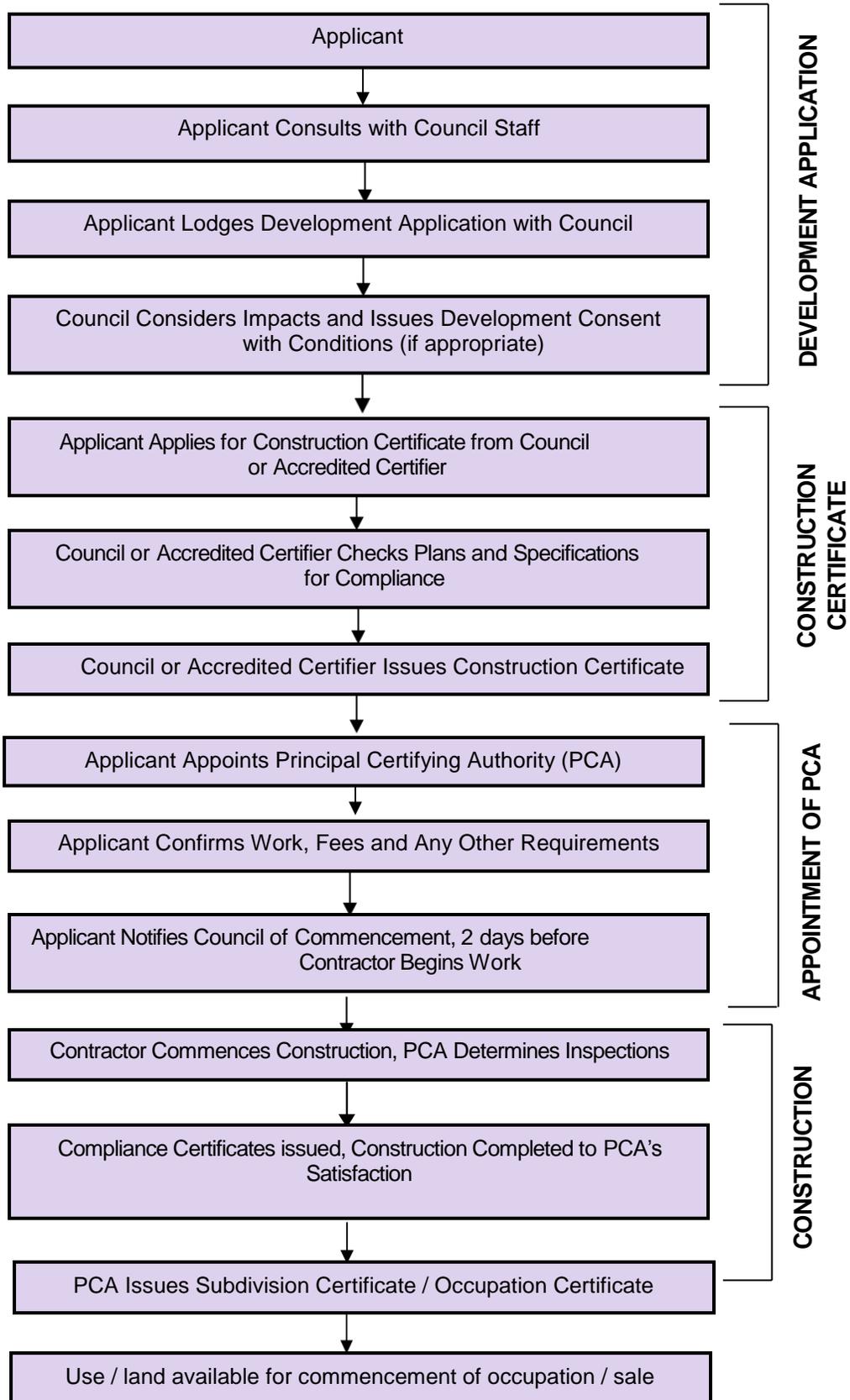
- Strategic Development Control Guidelines
- AUS-SPEC Development Design Specifications
- AUS-SPEC Development Construction Specifications

### AUSTROADS Documents

- AGPT02/2008 Pavement Structural Design - Guide to Pavement Technology
- PART 6 Roundabouts
- PART 10 Local Area Traffic Management
- PART 14 Bicycles

# DEVELOPMENT AND SUBDIVISION OF LAND POLICY

## APPENDIX 1



## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### APPENDIX 2

Development Assessment Checklist	
<b>Lot and DP description:</b> <b>DA file number:</b> <b>Location Description:</b>	
<b>EXISTING TOPOGRAPHIC PLAN, SUPPLIED BY APPLICANT:</b>	
<i>Trees indicated?</i>	
Existing site contours shown in sufficient extent?	
Are scales indicated on the plan? Does plan qualify scale ie NTS	
Spot levels shown on critical points?	
Natural Water Courses identified?	
Dimensions of the property boundaries shown?	
North Point shown on the plan	
Contours and levels in AHD?	
Levels extend into adjoining properties?	
Overhead power and other services shown on the street frontage?	
<b>INFORMATION PROVIDED BY ADMIN. OFFICER:</b>	
<i>Eview street and site plan with flood layer?</i>	<i>Council use only</i>
<i>Dates on referral correct?</i>	<i>Council use only</i>
<i>File reference number shown?</i>	<i>Council use only</i>
<i>Copy provided of the DP and 88B instrument?</i>	<i>Council use only</i>
<b>SITE INSPECTION</b>	
<i>Visual verification on site of submitted existing topographic (topo) plan, Deposited Plans and 88B?</i>	<i>Council use only</i>
<i>Observe any features not shown on topo plan including location of neighbour's assets.</i>	<i>Council use only</i>
<i>Observe adjoining properties and conditions. (Sight over fences for relative levels, and changes proposed to any existing overland flow paths across boundaries)</i>	<i>Council use only</i>
<i>Observe existing drainage infrastructure</i>	<i>Council use only</i>
<i>Observe existing road infrastructure.</i>	<i>Council use only</i>
<b>SITE LAYOUT / CONCEPT GRADING PLAN SUPPLIED BY APPLICANT</b>	
Does site conform to DA plan?	
Boundary dimensions shown.	
North point and scales shown.	
Existing contours and levels shown and in AHD(metres)	
Details of retaining walls shown?	

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

Cut and fill limits shown?	
Is subdivision lot layout proposed in accordance with councils DCP's? i.e. frontage widths and lot areas conform.	
<p>Have following items been shown in accordance with councils DCP</p> <ul style="list-style-type: none"> <li>- Road layout</li> <li>- Road widening identified</li> <li>- Public open space identified</li> <li>- Drainage reserve identified</li> <li>- Cycleway's identified</li> <li>- Roundabouts/traffic facilities accounted for</li> <li>- Landscape strips/acoustic fence/s accounted for</li> </ul>	
Check lot access to Council Roads.	
<b>CONCEPT DRAINAGE PLAN</b>	
Are design contours shown that adequately describe the finished site?	
Is the drainage connecting to an existing Council Drainage system?	
Is the drainage connecting to a pipeline in a private easement? If so does the property have rights to connect? (check 88B instrument)	
<p>If the drainage connects to the easement pipe has the pipe sufficient capacity <b>for site</b> and roof water of new proposal?</p> <p>(If insufficient may need pre DA provision of new easement purchase from neighbours)</p>	
Has the applicant provided hydrological and hydraulic calculations addressing the suitability of future connections to Council or private drainage?	
<p>Is there any on site detention?</p> <p>(Refer to Council's On Site Detention Policy and Design Specification requirements.)</p>	
<p>On site detention check list:</p> <ol style="list-style-type: none"> <li>1. Proposed location of OSD facility accurately dimensioned?</li> <li>2. Type of onsite detention identified?</li> <li>3. Point of discharge identified?</li> <li>4. Overland flow path for surcharge identified?</li> <li>5. Grades, pipe sizes, orifices, pits, swales shown and dimensioned?</li> <li>6. Design contours shown?</li> <li>7. Weir location and RL identified?</li> <li>8. Pre and post development drainage calculations shown?</li> </ol>	

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

Is the stormwater both onsite and overland from neighbouring properties adequately controlled within this site? Have they been included in the calculations?	
Details provided demonstrating that the overland flow off this site will not cause a nuisance to neighbours and makes its way to existing council trunk drainage system.	
Details provided demonstrating that the upstream catchment has been adequately catered for?	
Details provided demonstrating that the downstream discharge will not cause any nuisance to downstream properties.	
Is the site flood affected? If there is any doubt has the applicant gained a 149 Certificate indicating 1% AEP level. Is the floor level identified as per policy?	
Has the existing downstream drainage system been assessed?	
Are any works within 40 metres of a natural watercourse requiring DIPNR notification and certification?	
Is the trunk drainage infrastructure proposed in accordance with councils DCPs?	
Has the applicant indicated discharge to rubble pit? Has a design size been provided? Check location of rubble pit for proximity of overflow to neighbours assets	
<b>CONCEPT ROAD AND TRAFFIC ACCESS PLAN</b>	
Is this site affected by road widening?	
Traffic interface of driveways with existing road? (Has a referral been sent to Traffic? Ask Planner to see referral from Traffic!)	
Does subdivision have access to a dedicated public road?	
Is road layout and road reserve width in accordance with councils DCP?	
Is proposed road widening shown in accordance with councils DCP and LEP?	
Is interface with existing adjoining roads safe? Need to pre-empt if site distance and rider comfort will become an obvious problem.	
Is there an interface with RTA or crown lands? If so has comment been sought from the RTA?	
Has a temporary turning head facility been shown, to accommodate garbage vehicle turning movements.	
Does the road suggest any grudge strips? If so will need to amend to remove.	
Turning movements OK to get access for each designated garage and carspace?	

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

<b>FOR RURAL DEVELOPMENTS ONLY</b>	
Does the development create increased traffic movements? Will it cause problems for the public road shoulder? Will any required vehicle access create dust problems for neighbours?	
Does the proposal detail a new vehicle crossing driveway on Council road?	
Will the driveway require a pipe culvert or dish concrete across the table drain?	
<b>SEDIMENTATION AND EROSION CONTROL</b>	
Does the concept drainage plan include a sedimentation and erosion control plan?	
Does the plan conform to Councils Policy and Code?	
If the sedimentation plan failed would the overflow go to the street or cause neighbour nuisance?	
Does the sedimentation plan need integration with staged drainage construction to prevent failure?	
<b>VEGETATION</b>	
Have impacts on existing vegetation on site in regards to: <ul style="list-style-type: none"> <li>- locations of proposed roads</li> <li>- amount of filling</li> <li>- possible utility and infrastructure placement</li> </ul> been checked	

**SITE INSPECTION NOTES:**

# DEVELOPMENT AND SUBDIVISION OF LAND POLICY

## APPENDIX 3

<b>Subdivision Certificate (Linen Plan) Check List</b>						
	Strata Subdivision	Bdy Adjustment	Subd + Roadwork	Subd. No Roadwork	Comm. Title (no road)	Easement Only
<b>Officer Completing Assessment :</b>						
Neighborhood Management Statement						
Neighborhood Development Contact						
Assets Management Plan (if specified in the DA consent only)						
Linen +2 copies						
88B instrument						
Does Lot layout conform with approved DA?						
DA conditions "prior to issue SC" complied with?						
Road dedication shown on plan and admin sheet						
Approved/Correct street names						
Dedication of drainage/public reserve shown on plan & admin sheet						
Works in parks-sign off from Council Park Maintenance Dept.						
Stormwater easements created						
<b>Utility Certificates</b>						
Sydney Water Section 73 Certificate						
Telecommunication Certificate -Pre Provisioning confirmation						
Endeavour Energy Notification of Arrangement						
Works as executed Plans in red and PDF copy						
<b>Compliance Certificates for</b>						
Road Pavement						
Drainage						
If OSD exists has restriction and positive covenant been created?						
Has Hydraulic Engineer provided certification for OSD?						
Service Crossings						
Structures Pits, headwall etc.						
Road fill areas identified on the plan						
Road fill compaction report from the geotechnical engineer						
Lot fill areas identified on the plan						
Lot fill compaction report from the Geotechnical Engineer						
Imported fill venm report and origin						
Lot Classifications						
If classifications of H1 or H2 exist has restriction been placed on lots ?						
CCTV of storm water in roads						
<b>Payments</b>						
Section 94 fees and payment letter						
Linen release and 88B fees paid						
Footpath paving bond paid						
Maintenance bond for roadworks (not required for private certification)						
Asphalt bond for final seal layer at 80% house completion						
Road restoration fees paid						
Other bonds as required by the DA or requested applicant						
Special Infrastructure Construction (SIC Levy)						
<b>Note: Bonds can be cash or unconditional bank guarantee.</b>						

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### NOTES:

1. Section 73 certificates may be delayed until immediately prior to linen release
2. Any bonding requests not required by Council policy are subject to an administration fee
3. Bonds require a completed application form
4. Bonds can be cash or unconditional bank guarantee.

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### APPENDIX 4

#### EXAMPLE COMPILATION OF DRAWINGS - ROADWORKS PLANS

An example of the sequence of drawing sheets acceptable to Council in the compilation of a full set of Roadworks Drawings is set out as follows.

Sheet No	TOPIC
1	Development consent number and/or <i>Roads Act Section 138</i> permit number Locality sketch and index of sheets
2	General subdivision plan with contour details, proposed and existing, and a clear indication of the extent of work.
3	Typical road cross sections showing road widths, pavement (design) configuration, batter slopes, footpath location, kerb and gutter types.
4	Plan and longitudinal section of each road showing set out data and services.
5	Road cross sections.
6	Kerb return profiles/details.
7	Intersection layout details.
8	Traffic calming devices details (including roundabout details).
9	Drainage catchment plan and Schedule of drainage elements (Pipe lines and structures). NOTE: Drainage drawings documentation to be provided shall be in accordance with the requirements detailed in Development Design Specification “D5 – Stormwater drainage design” clauses D5.22 and D5.24.
10	Drainage profiles/long sections
11	Drainage structure details.
12	Drainage calculation tables
13	Pavement marking and signposting.
14	Traffic management plan
15	Erosion and sedimentation control plan / soil and water management plans in accordance with the requirements of development design specification “D7 – erosion control and stormwater management” (short term and long term treatment).
16	Structure details – bridges, retaining walls, etc.
17	Street lighting design plan

## DEVELOPMENT AND SUBDIVISION OF LAND POLICY

### NOTES:

1. Any one set of Roadworks Plans may require more than 1 sheet for each of the topics listed and may also require supplementary sheets for site specific details
2. Scales are required to be nominated on all drawings and north points shown on all plan views.
3. Site Specific drawings may need to be added to list to include supplementary works required for the subdivision/engineering works (i.e. water pollution control ponds, basins, drainage channels, cycleways, public reserve and drainage reserve works, bridge crossings, gross pollutant trap structures, landscape plans).

## APPENDIX 5

### FACTSHEET

# Development & subdivision of land

FACT SHEET

Prior to lodgement of any application to subdivide, advice should be sought in regard to zoning of the land, minimum lot sizes, development application lodgement requirements and fees, relevant development control plans and local environmental plans, and Section 94A payments. Service authorities, the Land Titles Office and a registered surveyor should also be consulted in regard to their requirements and fees.

Those seeking to subdivide should also ascertain the land constraints affecting their land. This information is available in a 149 certificate purchased online. Persons interested in subdividing land should make themselves aware of the *Environmental Planning and Assessment Act 1979* prior to seeking approval for their proposal.

#### STEPS INVOLVED IN SUBDIVIDING

##### STEP 1 - SUBMISSION OF A DEVELOPMENT APPLICATION (DA)

All subdivisions require approval from Council. This process starts with the submission of a Development Application (DA). The DA application form outlines what supporting documentation is required to be provided at the time of lodgement. Fees are applicable to this application and a fee estimate can be obtained from Council by calling Customer Service 1300 362 170.

Once the application is lodged it is assigned a DA number. The application is then placed on public exhibition and submissions from the general public are received.

If any valid objections are received during the exhibition period it will be up to the applicant to address them during Council's assessment of the application.

Council's officers will then assess the proposed subdivision. A decision will then be made to determine the application either approving the application with conditions or refusing the application.

##### STEP 2 - CONSTRUCTION CERTIFICATE (CC)

Either Council or a Principal Certifier – Subdivision (see Institution of Engineers Australia website <http://www.engineersaustralia.org.au/> for approved certifiers) can be used to issue your Construction Certificate (CC). If using Council, a completed Construction Certificate application form must be submitted to Council, along with the appropriate fees.

An application for a Construction Certificate may only be made by a person who has the benefit of the development consent. An application may not be made by a person who will carry out the building work or subdivision work unless that person owns the land on which the work is to be carried out.

Construction Certificate applications must address all relevant conditions of the Development Consent. Plans detailing construction works involved must be submitted with the Construction Certificate application for approval.

Once the application has been assessed and found to be acceptable, a Construction Certificate and a set of stamped plans will be returned to the applicant.

If there is no mention of a Construction Certificate being required in the Development Consent conditions then the applicant may lodge a Subdivision Certificate application after receiving Development Consent. See Step 4.



## Development & subdivision of land

### FACT SHEET

#### STEP 3 - CONSTRUCTION WORKS

Once the Construction Certificate approval is issued, the applicant must submit a Notice to commence work application form at least two days prior to work commencing. There is no charge to submit the form, however failure to submit the form prior to works commencing may incur penalties.

The applicant will be required to nominate an authority to carry out inspections to ensure compliance with the approved Construction Certificate drawings. The authority can either be Council or an Accredited Certifier. To nominate Council a Council PCA appointment & service agreement form must be completed and submitted prior to commencement of any works. An inspection fee will be charged in accordance with Council's adopted fees and charges.

Please note that if an Accredited Certifier-Civil Engineering is used, a Compliance Certificate from that certifier must be obtained and submitted with the Subdivision Certificate application.

The applicant must appoint (at their own expense) either, a suitably qualified Civil engineer, registered surveyor or experienced engineering foreman to supervise the works. Council will also require an approved contractor to construct works in Council's road reserve.



#### STEP 4 - SUBDIVISION CERTIFICATE

This is the final Council approval of the subdivision process. A completed Subdivision Certificate form must be submitted to Council with the appropriate fees. Before issuing the Subdivision Certificate, Council requires all Development Consent conditions to be addressed, all Construction Certificate approved

works to be completed and all Compliance Certificates from certifiers to be submitted. A registered surveyor must prepare the final plan of subdivision and 88B instrument. This plan will be signed by Council and returned to the applicant.

#### STEP 5 - REGISTRATION OF PLANS

Upon receipt of signed final plan of subdivision and the 88b instrument the applicant must submit the documentation to Land and Property Information NSW ([www.lands.nsw.gov.au](http://www.lands.nsw.gov.au)) for registration. Fees will apply. It is advisable to contact a registered surveyor for further information.

Council recommends using the services of a Consulting Civil Engineer or a Registered Land Surveyor in the preparation of Development Applications, Construction Certificate Applications and Subdivision Certificate Applications due to their expertise in the subdivision process.

#### TYPES OF SUBDIVISION

There are different types of subdivision:

- Torrens Title**  
A Deposited Plan (DP) creates the legal identity of land.
- Strata Title**  
A Strata Plan (SP) is the subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units.
- Community Title**  
A Community Plan reflects the development of planned communities where some of the land is shared.

Where consent is required for subdivision, the following process is to be followed:

- Development Application (DA)** approval to subdivide the property; and
- Subdivision Certificate (SC)** to authorise the registration of a plan of subdivision.

Both require the applicant to complete Council's Development & Construction form and submit any necessary plans and documents. Should you have any questions about the Subdivision process after reading this Fact Sheet please call Council's Customer Service on 1300 362 170.

Disclaimers: This information was believed to be correct at the date of its publication. This information is for general information purposes only and should not be relied upon for legal advice.