Byron Shire Development Control Plan 2014

Chapter D6 Subdivision

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Chapter D6 – Subdivision

Contents

Figures

Document History

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D6.1 Introduction

D6.1.1 Purpose of this Chapter

The subdivision of land establishes the basis on which future development is built. Therefore the Council seeks to ensure that the environment, the nature of future development and the aspirations of the community are given due consideration in all subdivision proposals.

The primary purpose of this Chapter is to provide guidelines, controls and standards for subdivision in Byron Shire.

D6.1.2 Aims of this Chapter

The Aims of this Chapter are to:

1. To promote subdivision development which is of a high design standard and which minimises impact on the environment.
2. To provide for a variety of housing and other forms of development reflecting the growing diversity of the community and its household types, incomes and lifestyles.
3. To encourage the use of innovative design and engineering principles which enhance the physical environment and the social fabric.
4. To optimise the provision of infrastructure services in the most efficient and effective manner.
5. To ensure the continued supply of agriculturally viable land.

D6.1.3 Application of this Chapter

This Chapter of the DCP applies to all forms of subdivision, including Torrens, Strata, Stratum and Community Title subdivision. The provisions in this Chapter supplement those provisions of Byron LEP 2014 that apply to subdivision development.

Applicants must familiarise themselves with the matters contained in other Chapters of this DCP, since good subdivision design cannot be achieved without proper consideration of the way in which the land will be developed and used later. Additionally applicants may refer to the following publications for further guidance on subdivision design: NSW Department of Planning's 'Coastal Design Guidelines for NSW (2003)'; the Byron Rural Settlement Strategy 1998; The NSW Rural Fire Service 'Planning for Bushfire Protection; and, the Northern Rivers Development and Design Manual and, other engineering criteria including relevant Australian Standards.

D6.2 Development Controls

D6.2.1 Subdivision Design Guidelines

Objectives

1. *To specify development controls, design guidelines and criteria that apply generally to subdivisions.*
2. *To ensure that subdivision proposals deliver contemporary construction and services standards and result in development that is consistent with the particular needs, character and environment of Byron Shire.*

Performance Criteria
There are no Performance Criteria.

Prescriptive Measures
Development applications for subdivision must address the following Design Guidelines:

1. Site Design

a) The following natural environment factors must be addressed in the overall site design of any proposed subdivision:

i) Climate control (wind and sun)
ii) Landform
iii) Aspect and views
iv) Geology and soils
v) Drainage and groundwater
vi) Vegetation.

b) Site design must integrate these factors with consideration of the existing and proposed human-made environment with which the subdivision interacts. This will include consideration of the effects of, and the impacts on the following human-made factors:

i) Accessibility to urban centres
ii) Accessibility to community and recreational facilities
iii) Road and transport networks
iv) Site access
v) Physical and human services
vi) Built environment in the vicinity
vii) Existing buildings and improvements on the site.

c) Development applications for subdivision (except for applications for boundary adjustment subdivision in accordance with Byron LEP 2014 or strata subdivision of a lawfully erected building) must include a Site and Context Analysis Plan complying with the requirements of Section A13.1 – Context and Site Analysis. The Context and Site Analysis Plan must also demonstrate how the above-mentioned natural and man-made environmental factors have been considered and addressed.

2. Climate Control and Aspect

Design of the proposed subdivision must aim to gain the most advantage of cooling breezes in summer and reduce the impact of adverse winds in winter by effective site layout and use of landscaping. Significant topographical features such as valleys and ridges can serve to channel or block prevailing winds.

Similarly, the selection of vegetation types and location of vegetation buffers and shelterbelts can be used to advantage in climate control on the site.

The design of site layout and landscaping should be structured to avoid funnelling unfavourable winds and encourage cooling summer breezes.

Aspect is an important factor in designing the subdivision layout in regard to optimising solar access. The following principles are a basic guide.

Solar access is maximised where:

a) Buildings can be sited so that the main living areas are oriented north.

b) Overshadowing of, or by other buildings is minimised.

Shadows are small on a north-facing slope so **dwelling** sites can be closer together. On a south-facing slope, shadow length is increased so **dwelling** sites should be further apart. On east or west-facing slopes, **dwellings** need to be stepped back to maintain solar access.

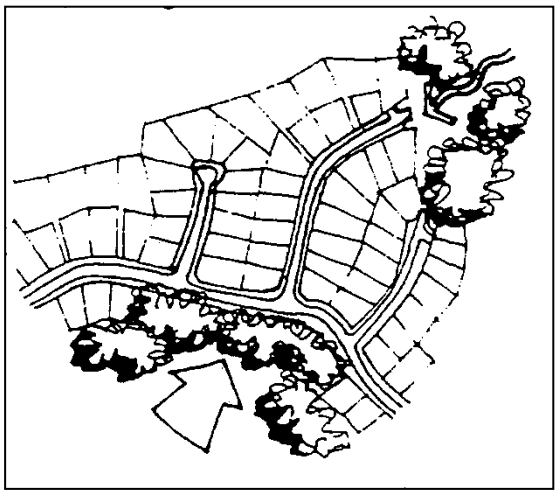
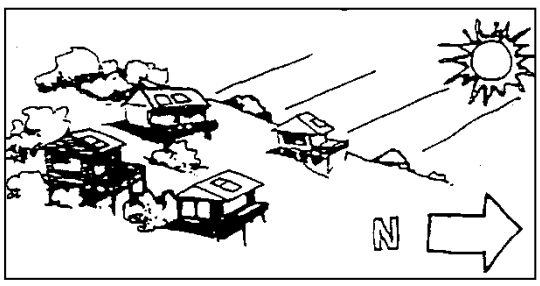
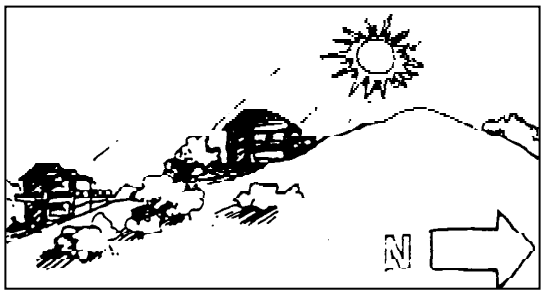


Figure D6.1 – Shelterbelt
Note: *Shelterbelt of trees protects subdivision from cold southerly winds*



Note*: Subdivision orientated to the north for maximum solar access – limited shadow impacts*



Note: *Subdivision orientated on southern side of hill. Restricted solar access and increased shadow impacts*

Figure D6.2 – Orientation and Aspect

Lots with a main north-south axis (from 20^0W to $3O^0$E) give the most flexibility in the siting of **dwellings** and reduce problems of overshadowing. Lots with a main east-west axis may need to be wider than normal.

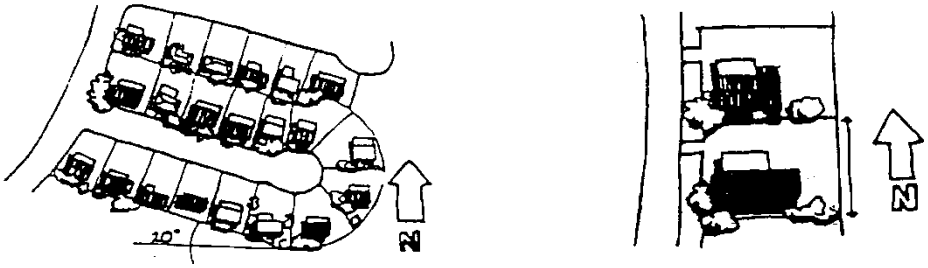


Figure D6.3 – Preferred subdivision layout on east-west or north-south axis

Lots with a NW-SE or NE-SW axis are less favourable and may need to be specially designed or larger than normal to allow the siting of a house that is not parallel to the boundaries (see Figure D6.4 below).

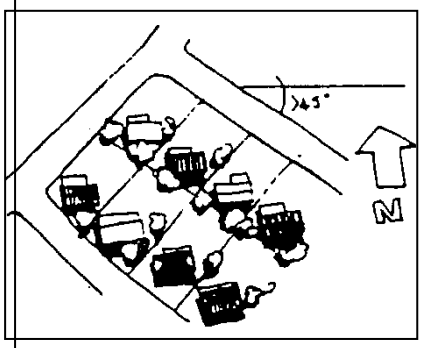


Figure D6.4 – Lots with a NW-SE axis

These guidelines must be considered together with the particular topography and vegetation of the site to achieve a layout that optimises solar access and site characteristics. A regular grid of N-S and E-W streets is unlikely to result in an attractive living environment or offer the flexibility for different housing needs.

3. Hazards

Hazard constraints potentially affecting land must be identified and addressed in preparing an application for subdivision. The following list identifies some hazards that may affect the potential for subdivision or influence subdivision design:

a) Flooding.

b) Bushfire.

c) Landslip and subsidence.

d) Land contamination and the need to address the requirements under State Environmental Planning Policy No.55 – Remediation of Land.

e) **Acid sulfate soils**.

f) **Coastal hazards**.

Development applications must identify and address all potential hazards of the site in accordance with the requirements of Byron LEP 2014, this DCP and other relevant Council and State Government policies, guidelines and legislation.

4. Vegetation removal

Subdivision road layout must be designed around significant stands of trees. These may be located within reserves or accommodated within the subdivision layout such that **dwelling** construction may be achieved without causing any undue interference with existing trees.

The environmental buffer distances in chapter B6 Buffers and Minimising Land Use Conflict should be incorporated into the subdivision design. Where urban subdivision adjoins bushland, Council may impose particular consent conditions relating to the ongoing management of the interface between the subdivision and the bushland.

Proposals that require the removal of vegetation for bushfire protection purposes (e.g. asset protection zone) may need to include a Flora and Fauna Assessment and, where native vegetation is to be removed, may need to prepare a **Vegetation Management Plan**.

Vegetation to be removed must be located within the subject land unless an agreement has been reached to provide the necessary asset protection zone on the neighbouring property. Evidence of any agreement with the neighbouring land owner, together with that owners' written consent to lodgement of the DA must be submitted with the development application. The agreement must be in the form of a proposed Section 88B Instrument under the *Conveyancing Act 1919*, consistent with the requirements of the NSW Rural Fire Service. For specific details on subdivision on bushfire prone land, applicants are referred to the NSW RFS document 'Planning for Bushfire Protection'.

Any trees proposed to be removed as a result of a subdivision proposal must be identified in accordance with the provisions of B2.2.1 (Chapter B2 Preservation of Trees and Other Vegetation) or a Site and Context Analysis Plan (as required by Part A13) and be marked clearly to facilitate identification at the time of site inspection.

5. Riparian Buffers and land fronting watercourses

Subdivision design must encourage the retention of **riparian vegetation** and should incorporate riparian buffers. The retention of existing vegetation and landforms assists in infiltrating, detaining and treating stormwater, as well as maintaining water balance and aesthetics. The retention of vegetation along **watercourses** also assists in habitat connectivity, which is critical to maintaining biodiversity.

Riparian corridors must be left undisturbed. Their natural and ecological values must be enhanced where possible. Street and lot layout must be planned so that riparian habitat is retained and where possible connected to remnant habitat in adjoining areas. Where land proposed for subdivision fronts a **watercourse**, it is preferable that the subdivision be designed to limit direct access to the water.

Vegetation and topography must be retained along the site's natural drainage lines. This vegetation will play a key part in providing habitat connectivity and maintaining biodiversity.

The retention or reinstatement of vegetation and provision of habitat connectivity must utilise **locally indigenous species** and be incorporated in the design of public areas and facilities such as parks, detention/ infiltration basins, or water treatment areas.

Allotments having frontage to a **watercourse** are to comply with the minimum requirements for buffers under Chapter B6 Buffers and Minimising Land Use Conflict (where relevant).

6. Landscaping

The effective use of landscaping can make a significant contribution to climate control, ecological characteristics, the overall appearance of the subdivision and the residential environment which is ultimately created.

Generally, one street tree per 15 metres of residential lot street frontage with a maximum canopy diameter of 8 metres at maturity is to be provided for new subdivisions.

Applicants must comply with the landscaping design and maintenance requirements in Chapter B9 Landscaping.

7. Roads

Roads are to be designed to provide a pronounced road hierarchy in which the size, width and appearance matches its function. Streets at the lower end of the hierarchy must not become through-routes for unrelated traffic and proper provision must be made for buses and service and delivery vehicles.

Depending on the overall size and layout of a subdivision, a typical road hierarchy could include:

a) Arterial or sub-arterial roads – roads giving access to the subdivision but not part of it.

b) Collector street - a main link through the subdivision, connecting directly with arterial roads.

c) Local access road - a loop road or cul-de-sac serving more than 15 lots.

d) Minor road - a cul-de-sac, minor loop or minor access street, serving less than 15 lots.

Where cul-de-sacs are proposed, consideration to is be given to providing pedestrian and cycling traffic through to the next street with regards to the CPTED principles in Chapter B11 Planning for Crime Prevention.

Roads (including footpaths, cycleways, and watercourse crossings) are to be designed in accordance with the requirements specified in the Northern Rivers Development and Design Manual as amended from time to time. Council will consider variations to these requirements on merit where compliance is proven to be onerous and having regards to the scale, location and density of the development.

Where an **allotment** to be subdivided has access via an unsealed, unconstructed or partly constructed road, the applicant must provide constructed road access from the nearest constructed road to all **allotments** involved in the subdivision to facilitate ultimate design road capacity.

The applicant must supply and erect street signs in accordance with Councils requirements.

Subdivision development must provide footpath and nature strip treatment that reflects the particular road function and provides a safe and pleasant people-oriented environment for pedestrians and cyclists. New roads are to be appropriately landscaped with street trees in accordance with Chapter B9 Landscaping and retain significant existing vegetation to complement the subdivision.

Other street furniture such as bus stops to be provided as required.

All development applications for subdivision to incorporate preliminary engineering drawings of the work to be carried out as required under the regulations.

8. Street Lighting

Council will require energy efficient street lighting to be provided and installed in conjunction with any subdivision located in an area where street lighting is required.

New street lighting to be installed as part of a subdivision is to incorporate energy efficient technology to reduce power consumption and carbon footprint with a wattage of 55 watts or less, and may include:

a) Compact fluorescent

b) T5 linear fluorescent

c) Metal halide

d) White LED

e) Low Pressure Sodium lamps of 55W or less

f) High Pressure Sodium lamps of 55w or less

Council will consider alternate street lighting arrangements powered from solar or wind turbines with back up mains power for subdivisons comprising 25 lots or more. Details to be submitted with the development application including maintenance/ cleaning regime, suppliers/ installers warranties/ guarantees, accessibility to replacement parts, battery, panel and turbine life, useability in high wind situations for wind turbines and any noise issues.

Street lighting to comply with AS1158 or AS3771 and any requirements for disability access and mobility. Written evidence that satisfactory arrangements have been made with the Energy Provider will be required prior to the release of a Subdivision Certificate

9. Public open space and public reserves

The value to the public of public open space is determined by how easy it is to get to, how well it is used, it's potential for active or passive uses, it's environmental value and how pleasant it is to be there.

Public open space within a subdivision should form part of a pedestrian/cycleway network that connects residential areas and other facilities. Where appropriate, landscaping of open space must be integrated with street and private landscaping to bring the whole landscape environment together. Some Key Principles include:

a) There must be a functional hierarchy of open space to ensure leisure activities for a wide variety of people.

b) Open space must be safe to use for access or leisure.

c) It must enhance the function and appearance of the subdivision.

d) It must act as a landscape-linking element.

Only land which is in a suitable location and which is able to be used for active or passive recreation will be considered to meet the requirements for public open space. Public open space areas must be functional, well-located and distributed appropriately throughout the subdivision to maximise accessibility and provide for passive and active recreational opportunities.

Applicants proposing urban subdivisions of 25 lots or more are encouraged to contact Council for the requirements for the provision of open space or local parks as part of the subdivision prior to the preparation and lodgement of the development application.

Land which is primarily used for drainage purposes may not be considered as open space if predominantly unusable. Specific requirements under the chapters for the Shire's towns and villages may also apply in relation to open space.

Dedication and embellishment of land used for open space may be offset against the S94 contributions for open space. Applicants should consider the requirements of Council's section 94 contributions plan and the site specific chapters for urban release areas as these documents contain the site specific requirements for the provision of open space. Council's section 94 plan sets out the requirements for undertaking works in kind or the dedication of land in lieu of payment of monetary contributions. It is at the discretion of Council to accept land as open space.

Local parks when provided to be generally in accordance with the following criteria:

a) Contain a minimum usable park area of 2000m^2;

b) Be designed and located so as to maximise street frontage and encourage natural surveillance from surrounding residents;

c) Be generally level with gradients not exceeding 5%;

d) Be equipped with play equipment and/or park furniture;

e) Provide shade cover over all play equipment;

f) Include soft-fall under all play equipment in accordance with the relevant Australian Standards;

g) Be situated so that **dwellings** in the development and surrounding area are generally within a 500m lineal distance of a local park;

h) Be situated on land that is readily accessible to the surrounding **dwellings** and be physically connected to the pathway network;

g) Be cleared of weed species and have a bush regeneration plan if required;

h) Be cleared of surface rock and be suitable for mowing / maintenance.

10. Stormwater Management

Management of stormwater is an integral part of subdividing land and a means to control flooding and other amenity impacts. The following minimum provisions apply.

a) Development applications must demonstrate compliance with Chapter B3 Services, the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.

b) Each new **allotment** must be capable of discharging stormwater runoff from impervious areas to a **lawful point of discharge**. A **lawful point of discharge** (d) may be a natural **watercourse** or drainage path to which the site drains naturally, or a location where any discharge will not cause any actionable nuisance. Where **a lawful point of discharge** does not exist on the **allotment**

(d), constructed drainage and any necessary easements must be provided to a **lawful point of discharge**.

c) The applicant must construct all necessary drainage works and must provide all necessary drainage easements and/or drainage reserves including on adjoining or downstream properties to the lawful point of discharge. Where easements are proposed over downstream properties for drainage purposes, a letter of consent from the owner(s) of the downstream properties must be submitted with the development application. Deferred commencement consent may be issued subject to the registration of the easement in these circumstances.

d) An appropriate stormwater flow management system must be established to reduce the velocity and peak flow of stormwater discharge (i.e. the provision of an on-site stormwater detention system).

e) For small lot subdivision where onsite stormwater detention is required, the construction may be deferred until the **dwelling** construction stage. In this regard a Restriction as to User must be created on the plan of subdivision pursuant to the provisions of S.88E of the Conveyancing Act 1919, stating:

> *"No building or development shall be erected on the lots burdened unless the proprietor has first constructed or has made provision for construction of an on-site stormwater detention system (which expression shall include all ancillary gutters, pipes, drains, walls, curves, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater) (here in after called "the system"). The design, construction and/or provision of the system shall be to the requirements and satisfaction of Byron Shire Council."*

f) Lands identified as containing or directly adjoining **watercourses** or trunk drainage lines may be subject to partial inundation during the 1 in 100 year **ARI** storm event. A hydrology study must be submitted to identify the 1 in 100 year **ARI** flow level where the land is traversed by or adjacent to a **watercourse** or trunk drainage system. Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual and Chapters B3 Services and C2 Areas Affected by Flood.

11. Utility Services

Utility Services, including power and telephone, are to be provided in accordance with Chapter B3 Services.

The siting and design of proposed utilities must be illustrated on the subdivision plan submitted with the development application.

Written evidence of satisfactory arrangements with a telecommunications and electricity provider must be submitted prior to release of a Subdivision Certificate. Provision must be made for the placement of telephone and electricity underground in visually sensitive locations. A renewable energy system may be approved for the subdivision where development applications demonstrate that the proposed system is sustainable, will provide adequate levels of service to future residents, and minimises the need to remove vegetation for service corridors.

Where possible, subdivision design must provide for common trenching of services to reduce the number of trenches and the amount of land required, and to reduce costs and disruption due to maintenance. Trenching must meet the standards detailed within the Streets Opening Conference current Guide to Codes and Practices for Streets opening.

12. Provision of Potable Water Supply

Development applications must demonstrate that an adequate water supply will be available to meet the needs of future residents and occupants, either through the provision of reticulated water supply or rainwater tanks if reticulation is not available in accordance with the provisions of Chapter B3 Services, and the Northern Rivers Development and Design Manual.

13. Sewer

Sewer must be provided to all lots within urban zones. Satisfactory arrangements for provision of sewer services must be made with Council in accordance with Chapter B3 Services.

14. Geotechnical Report

a) Development applications for vacant lot subdivision must include a report and certificate from a NATA - accredited practising civil engineer confirming that all proposed **allotments** contain a building envelope of adequate size and shape (i.e. a rectangle with dimensions at least 15m x 12m) that is geotechnically capable of accommodating a **dwelling house** and is not subject to slip or subsidence. The certified building envelopes must be identified on the DA drawings.

b) The report must address the matters listed in AS1726 (as amended from time to time).

c) Engineer specialising in geophysical sciences and preparing reports for the consideration of Council must provide written evidence of their holding an insurance policy to the value of at least $10m indemnifying him/her against professional negligence.

15. Strata Title, Community Title and Stratum Subdivision

The minimum areas specified by the Byron LEP 2014 **lot size map** apply to Stratum subdivision in all zones. The LEP sets out minimum lot sizes for Strata and Community Title subdivision in certain zones. For those zones where there is no prescribed minimum area for strata or community title subdivision, minimum lot sizes will be based on the **development footprint**.

The terms of the development consent will be subject to the relevant provisions of the LEP and this DCP, depending on the location, zoning, characterisation and nature of the development proposed. Generally, approved Strata or Community Title Lots must include sufficient area to accommodate the approved development unit, together with any ancillary area, development or structure related exclusively to that unit, unless those facilities are provided in an approved Community Lot or Common Property.

Council will not grant consent to a development application seeking consent for Strata or Stratum Title subdivision unless either that consent or a previous consent identifies and approves one or more buildings that will be erected on or in each of the new Strata or **stratum lots**.

Where vacant lots (Stratum, Strata and Community Title) are proposed all relevant services, infrastructure and access provisions are to be constructed, and any necessary contributions to be paid, prior to the issue of the subdivision/ strata certificate.

Other than for **dual occupancy** development, vacant Strata lots must be created as "development lots" in accordance with Part 5 of the *Strata Schemes Development Act 2015.*

Strata subdivision of **dual occupancies** may create a vacant strata lot subject to:

a) One of the **dwellings** having been constructed and a final occupation certificate issued for that **dwelling**.

b) All relevant services, infrastructure and access provisions are to be constructed and any necessary contributions to be paid, prior to the issue of the subdivision / strata certificate.

c) Relocation of all services to facilitate construction of the development on the vacant lot without affecting service provision to existing development.

d) Creation of a restriction on use that prohibits the construction of a **dwelling** on the vacant Strata lot other than in accordance with the development consent for the **dual occupancy** building.

Applications for Stratum Subdivision must provide the following:

a) Draft Plan of Subdivision showing the parcel at ground level and subsequent sheets for each level within the building

b) A draft Building Management Statement as per Schedule 8A of the *Conveyancing Act 1919.*

c) Details on easements including easements for support and shelter, vehicular personal access, services and any other easements.

For further details on Stratum Subdivision applicants are referred to *Part 23 - Division 3B Provisions relating to Stratum Lots of the Conveyancing Act 1919* and the *Land and Property Information Registrar Generals Directions on Stratum Subdivisions.*

D6.3 Rural Subdivision

The following provides planning controls for land in rural and rural residential areas including the RU1, RU2 and R5 Zones. R5 is an urban zone however the most appropriate subdivision controls are those which apply to rural lots.

D6.3.1 Lot Size, Shape and Configuration

Objectives

1. *To ensure that lot sizes and shapes facilitate the orderly and economic use and development of land.*
2. *To ensure that the configuration of the subdivision and the size and shape of lots facilitates the use and management of the resultant land parcels for agricultural and other rural purposes.*
3. *To ensure that adequate access is available to hatchet-shaped lots.*

Performance Criteria

1. Land suitable for agriculture is both a limited resource and an important part of the Shire's economy. Rural subdivisions must be designed to avoid conflicts between neighbouring land uses and consequently must demonstrate compliance with Chapter B6 Buffers and Minimising Land Use Conflict. Where a subdivision is proposed near an area where land is used or has potential for agriculture, Council will give particular consideration to the likely social, economic and environmental consequences of the proposal and to the following principles:

    a) New lots must have **dwelling** sites protected from noise, dust, odours, spraying, etc, considering wind direction and topography in relation to nearby agricultural uses.

    b) Ridgelines, vegetation and distance can provide effective buffers.

2. Lots intended to accommodate a **dwelling** in rural areas must have an identified **dwelling** site that:

    a) has access by two wheel drive vehicle to a constructed public road;

    b) is not affected by significant environmental constraints;

    c) is not at or below the **flood planning level**;

    d) complies with bushfire provisions under the requirements of Planning for Bushfire Protection as in force at the time of the proposed development;

    e) has adequate solar access;

    f) will not create conflicts with or adverse impacts on nearby farming or rural activities;

    g) is not subject to slip or subsidence.

Prescriptive Measures

1. Lot sizes must not be less than the minimum area specified in Byron LEP 2014 on the **lot size map**.

2. Battle-axe or hatchet-shaped lots may be permitted in rural zones and the R5 Zone provided the access handle is of sufficient width to accommodate an access driveway, associated drainage, services and landscaping that conforms to the existing landform. The minimum road frontage of each **allotment** must be 7 metres. This may translate as 3.5 metres frontage each if reciprocal rights of carriageway provide shared access to two or more adjoining lots. Pavement widths are to be in accordance with Northern Rivers Development and Design Manual.

3. Applications for rural subdivision for primary production purposes in accordance with Clause 4.2 of Byron LEP 2014 are to include written information from either the Department of Primary Industries (or its successor) or an accredited expert in the field of agriculture confirming that the proposed lot(s) is suited for viable agricultural activity of the type proposed. Splays of 4 m x 4 m should generally be provided on corner lots, except in site specific circumstances where increased sight lines are required.

4. Splayed corners must be provided and dedicated to Council at existing and new road intersections in accordance with the following schedule:

    a) At the junction of a local road with a main road. (note Main Road has the same meaning as Main Road under the *Roads Act 1993*)

D6.3.2 Stormwater Management

Objectives

1. *To facilitate effective water and drainage management and to preserve existing natural drainage systems.*

Performance Criteria

1. Development applications must demonstrate that the proposed development will incorporate water management and drainage provisions consistent with the requirements of Chapter B3 Services and the other stormwater provisions in Section D6.2.1.
2. Stormwater runoff from each new **allotment** must not create significant detrimental effects on downstream properties or the environment. Natural **watercourses** and existing drainage paths must be retained. Subdivision works must not impede natural drainage paths or significantly increase existing flow velocity or quantity.
3. Small rural and rural residential lots may have to provide an inter-**allotment** drainage system constructed in accordance with the Northern Rivers Development and Design Manual.

Prescriptive Measures

Dwelling sites must not be located within the 1 in 100 year **ARI** flow path of any existing **watercourses** or drainage paths.

D6.3.3 Road Design and Construction

Objectives

1. *To ensure access and drainage provision to new lots.*
2. *To enable flexibility in design of new rural roads.*
3. *To ensure that adequate sight distance is provided at intersections.*
4. *To ensure that constructed access is provided to new lots.*

Performance Criteria

All roads required to service existing and proposed new lots must be designed and constructed to comply with the Northern Rivers Development and Design Manual and Chapter B3 Services. The Council may consider alternative designs in particular instances where the development application demonstrates that:

a) Safety requirements are not compromised.

b) The proposed road will not carry more than 60 vehicle movements per day.

c) Visibility is not impaired from start to finish of the road along its centre-lines.

d) The grassed verge of the proposed road will not be damaged by traffic movements along the road.

e) An adequate manoeuvring area is provided to accommodate the turning of a standard (8.8m) service vehicle at the end of a road or in a location approved by Council.

f) Any proposed narrow pavement will be no longer than 120 metres in length.

Prescriptive Measures

1. The design of such works must comply with the Northern Rivers Development and Design Manual. Construction must be carried out in accordance with those requirements.
2. Additional standards may apply in bushfire prone areas as per the requirements of the NSW Rural Fire Service.

D6.3.4 Sewage Management

Objectives

1. *To ensure that sustainable sewage management facilities are available to new lots in Rural areas.*
2. *To ensure that* ***on-site sewage management systems*** *comply with the requirements of Chapter B3 Services and will remain economically viable in terms of ongoing management and maintenance.*

Performance Criteria

There are no performance criteria.

Prescriptive Measures

1. Where Council deems that reticulated sewer service is available and feasible, each **allotment** created must be connected to Council's sewerage reticulation system.
2. In all other cases development applications must demonstrate that an **on-site sewage management system** complying with the requirements of Chapter B3 Services can be provided to service each lot. Where lots are constrained and specialised **on-site sewage management systems** are proposed or required, Council may specify as a condition of consent a restriction to be placed on the title advising new land owners of the type of system to be installed in the future.

D6.3.5 Rural Community Title Subdivision

Objectives

1. *The objective of this Section is to provide guidelines for rural Community title subdivision including the conversion of existing approved multiple occupancies to community title under the Community Land Development Act 1989.*

Performance Criteria

1. Rural community title subdivision under the *Community Land Development Act 1989*, should demonstrate compliance with the relevant guidelines and performance standards contained in Sections 6.2, 6.3 and Sections 8.1 – 8.6 of the Byron Rural Settlement Strategy 1998.
2. The conversion of existing approved multiple occupancies to rural community title subdivision under the *Community Land Development Act 1989* should demonstrate

compliance with the objectives contained in Sections 6.2, 6.3 and Sections 8.1 – 8.6 of the Byron Rural Settlement Strategy 1998.

Prescriptive Measures

1. The maximum number of lots resulting from the Community Title subdivision of rural land (including the conversion of existing approved multiple occupancies to rural community title subdivision) must not exceed the number of approved house sites (excluding the neighbourhood lot/common land) identified in the multiple occupancy approval in relation to the land concerned, or the number of lots identified under the Byron LEP 2014.
2. Consent must not be granted to a development application for rural Community Title subdivision under clause 4.1AA of Byron LEP 2014 unless the Council has considered the following information in relation to the proposed development:
   a) a water management plan;
   b) an **on-site sewage management plan** in accordance with the requirements of Chapter B3 Services;
   c) a waste management plan;
   d) a **vegetation management plan** and planting requirements;
   e) a bushfire management plan;
   f) measures to address the unauthorised/ unapproved illegal construction and occupation of **dwelling houses**. Where such **dwellings** are to remain as part of the development and not be demolished, a detailed engineers report and certification is to be submitted with the development application demonstrating the **dwelling** is structurally sound, how it meets the relevant provisions of the Building Code of Australia, and/or what works are proposed to upgrade the building to a safe standard. Such works are to be completed prior to the issue of a subdivision certificate for the Community Title Development;
   g) a draft neighbourhood management statement consistent with the *Community Land Development Act 1989*, including but not limited to the following:
      i) provision for bushfire management;
      ii) a prohibition on domestic cats and dogs or provisions providing for their management;
      iii) provision for environmental repair and enhancement;
      iv) provision for waste management;
      v) provision for water management;
      vi) provision for on-site sewage management;
      vii) provision for design and construction of any new **dwellings**;
      viii) provision for safe vehicular access and driveways in accordance with Northern Rivers Development and Design Manual.
3. Where vegetation management works have been completed previously as part of a development application, credit will be given against those works. Details are to be submitted with the development application demonstrating that the aims and objectives of the previously completed vegetation management works have been achieved.
4. In this Section, Community Title Subdivision means subdivision in accordance with the *Community Land Development Act 1989*.

D6.3.6 Subdivision Design and Lot Layout on Rural land within the Drinking Water Catchment

Objectives

1. *To minimise water quality impacts through application of appropriate subdivision design criteria.*
2. *To provide appropriate planning controls for the subdivision of rural land within the drinking water catchment as identified under Byron LEP 2014.*

Performance Criteria

There are no Performance Criteria.

Prescriptive Measures

1. Lot layout must be designed around building envelopes that have been identified taking into consideration the location and characteristics of roads, **watercourses** and other constraints identified in the site analysis and constraints mapping prepared under Chapter C4 Development in a Drinking Water Catchment. Lot boundaries must be located to minimise impacts on existing vegetation and sensitive areas such as steep land or highly erosive soils. Section 88E restrictive covenants may be required to restrict fencing, and reinforce riparian management practices.
2. When **watercourses** and drainage depressions exist on the site, the following design criteria apply:
   a) A **watercourse** should not form the boundary between two **allotments**, as this can create conflict over who is responsible for **watercourse** maintenance.
   b) A solution is to design the lots that are adjacent to a **watercourse** to each include a minimum buffer of 10m to the watercourse while incorporating the watercourse into the adjacent lots (see Figure D6.5). If required, water for the stock on lots to the north can be provided through offline watering infrastructure and a suitable easement to ensure water supply. Consideration of buffers in B6 Buffers and Minimising Land Use Conflict must be taken into account.
3. For Community Title developments, **watercourses** and **riparian land** are to be managed collectively within the Community lot.

   The purpose of this is to enable appropriate management of the watercourse without a boundary (e.g. a fence) located in the middle of the watercourse, or 'give and take' fencing with numerous **watercourse** crossings. As a result the boundary will be easier to fence off, it is less likely that the fence will be washed away, and consistent management of the watercourse can be achieved. Such an approach can also reduce land management conflicts between both sides of the creek.

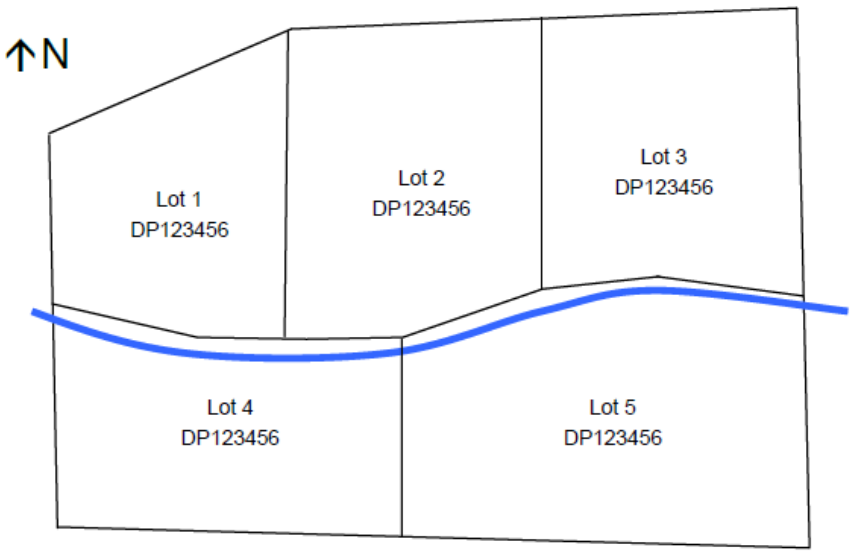


Figure D6.5 – Example of preferred subdivision design along a watercourse

D6.4 Urban Residential Subdivision

The following provides planning controls for subdivision of land in residential areas including the R2, R3 and RU5 Zones. RU5 is a rural zone however the most appropriate subdivision controls are those which apply to urban lots.

D6.4.1 Lot Size and shape

Objectives

1. *To provide lots of sufficient size to satisfy the needs of future residents, and which will accommodate well designed and innovative development;*
2. *To encourage diversity in lot size and opportunities for a variety of housing choice;*
3. *To ensure that lot design takes into account the natural features of the site and locality.*

Performance Criteria

1. Lots must be of sufficient area to allow for the siting of a **dwelling** and ancillary buildings, including provisions for private open space, solar access, vehicle access and parking. Lots must provide sufficient effluent disposal areas where required.
2. Lot sizes must enable **dwellings** and driveways to be sited to protect natural or cultural features, and must respond to site constraints including topography, bushland, soil erosion, drainage, and bushfire risk.
3. To provide useable areas, lot sizes may need to be increased where sites are steep or contain significant constraints or landscape features including **watercourses** and easements.
4. Lot design must enable the construction of a built form that is sympathetic to the established character of the area.

Prescriptive Measures

1. Lot sizes must not be less than the minimum area specified in Byron LEP 2014 on the **lot size map**.
2. Proposed lots containing existing **dwellings** must not result in that lot having a floor space ratio lower than that specified on the **floor space ratio map**.
3. Lots must provide an appropriate shape and area to accommodate an unconstrained building envelope with minimum dimensions of 12 metres by 15 metres.
4. Each Torrens title lot must have a minimum road frontage of 6 metres (i.e. 3 metre driveway and provision for services, landscaping etc). This may translate as 3 metres frontage each if reciprocal rights of carriageway provide shared access to 2 or more adjoining lots. Consideration will be given to a further reduction in lot width for four or more lots where the pavement widths comply with the Northern Rivers Development and Design Manual. Lots relying on rights of carriageway with no road frontage will not be supported
5. The access handle of hatchet-shaped lots must be landscaped in accordance with the requirements of Chapter B9 Landscaping. A landscaping plan must be submitted with the development application for subdivision. Such details could incorporate, for example a meandering driveway with landscaping elements, passing bays, different pavement treatments and kerb blisters incorporating landscaping beds.
6. Hatchet shaped lots (excluding the access handle) should meet the minimum lot sizes as set out in **lot size map** (BLEP 2014). The area of battle-axe handles is not to be included in determining minimum lot sizes.
7. Splays of 4m X 4m should generally be provided on corner lots, except in site specific circumstances where increased sight lines are required.

D6.4.2 Access Design

Objectives

1. *To ensure provision of safe and effective access to properties.*

Performance Criteria

1. Driveways and access must form an integral part of the overall design of the subdivision.
2. Driveway and access design is to provide a safe and efficient entrance/exit to individual lots.

Prescriptive Measures

1. Applications must demonstrate that vehicle access can be provided to each lot created by the subdivision in accordance with Chapter B3 Services. In certain circumstances, due to topography and other constraints, the driveway will need to be designed and constructed at the subdivision stage.
2. Additional standards may apply in bushfire prone areas as per the requirements of the NSW Rural Fire Service.

D6.4.3 Infill Subdivision with Rear Lane Access

Objectives

1. *To ensure infill development occurs in a co-ordinated manner.*
2. *To ensure vehicle and pedestrian safety and residential amenity is maintained.*

Performance Criteria
There are no Performance Criteria.

Prescriptive Measures
The re-subdivision of existing residential lots which rely on or propose rear lane access will necessitate an upgrade of the rear lane. The following minimum standards are to apply for Strata, Community and Torrens Title subdivision: (See Figures D6.6 and D6.7 for detail)

a) Construction of the laneway to provide a nominal minimum width of 3 metres bitumen seal with controlled drainage for the full laneway frontage of the property. Where required Council may require sealing to be extended to finalise a laneway or to connect with the nearest cross street.

b) Driveways are to be installed, and, where crossing of an existing table drain is proposed, installation of appropriate sized concrete pipe and headwalls may be required.

c) Fencing and access to comply with B4.2.4.

d) Legal pedestrian access is to be provided back to the main street frontage by way of a Right of footway, common property or battleaxe subdivision design. This can also be used for the provision of services (water, sewer, power and telecommunications) to the rear **dwelling house** / lot and enable garbage and postal services to be collected from the street as opposed to the laneway. Where it is to be used for pedestrian purposes only, the handle to be a minimum 1.2 metres wide to facilitate easy access and manoeuvring of a garbage bin, whilst also providing a main street frontage for visitors and delivery services. Where infrastructure services are also sited in the handle, this may need to be increased to a width of three (3) metres. The access handle should be appropriately fenced for privacy purposes, but must not restrict sight distances to adjoining driveways.

e) Applicants are to demonstrate that each lot can accommodate an unconstrained building envelope of 12 x 15 metres. **Dwelling houses** and garages are to be set back a minimum of 3 metres from the laneway boundary.

f) No gates or doors are to open out onto the public road reserve including the laneway.

g) Landscaping is to comply with the requirements of Chapter B9 Landscaping.

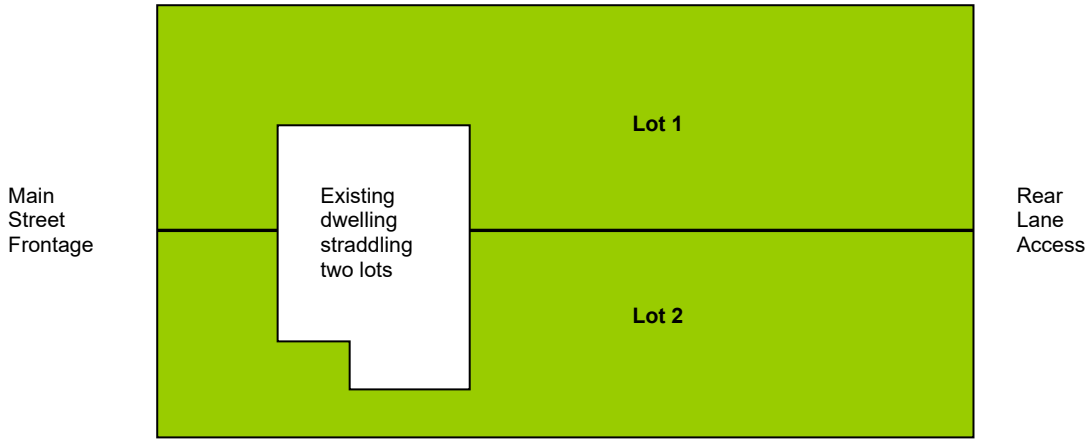


Figure D6.6 – Pre Development (existing) Subdivision Pattern

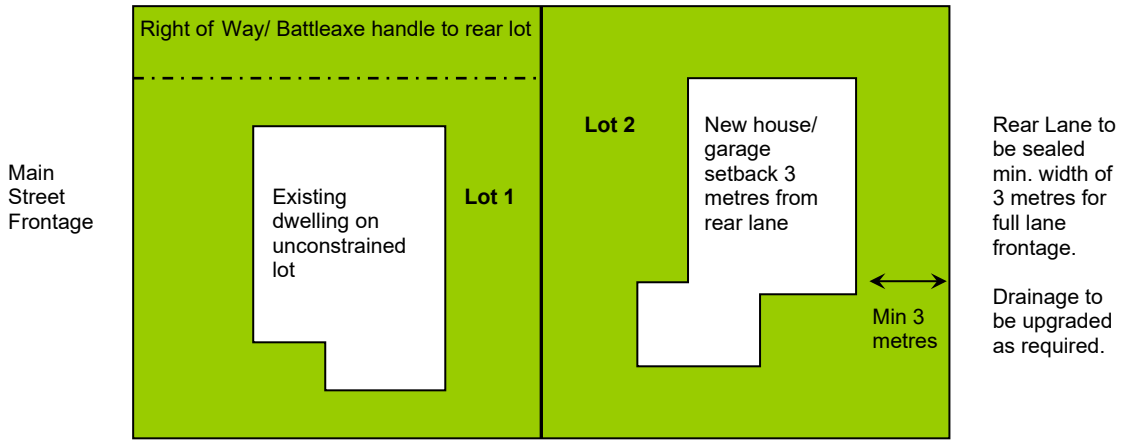


Figure D6.7 – Post Development Subdivision Pattern

h) For development incorporating more than two lots, or development for the purpose of two or more **dwellings** (not including any **secondary dwelling**), Council may require a higher standard of laneway upgrade in terms of width of seal and drainage infrastructure.

D6.5 Industrial and Commercial Subdivision

The following provides planning controls for the subdivision of land in the Business and Industrial Zones.

D6.5.1 Lot Size and Shape (Industrial)

Objectives

1. *To provide lots of sufficient size and design to satisfy the needs of future industry and to accommodate well designed development.*
2. *To ensure that adequate access is available to allotments*

Performance Criteria

Lots must be of sufficient size to allow for the siting of industrial units/ buildings and ancillary facilities including vehicular access, parking, loading and unloading of goods, storage, waste management and landscaping.

Prescriptive Measures

1. Lots to comply with the **lot size map** under Byron LEP 2014. Minimum width and frontage is 25 metres.
2. Battle-axe **allotments** should be avoided where possible, however where there is no alternative, development applications must demonstrate that the layout can provide for effective vehicular circulation, (including entry and exit in a forward direction) parking and loading, storage, waste management and landscaping. The battleaxe handle is to be a minimum of 8 metres.
3. Splays of 4m X 4m should generally be provided on corner lots, except in site specific circumstances where increased sight lines are required.

D6.5.2 Lot Size and Shape (Commercial)

Objectives

1. *To provide lots of sufficient size to satisfy the needs of future business/commercial development and the multi-functional character of Business Zones.*
2. *To ensure that new Lots are capable of accommodating well designed business, commercial and other development.*
3. *To ensure that adequate access is available to allotments.*

Performance Criteria

1. Lots must be of sufficient size to allow for the siting of commercial and ancillary development, including vehicular access, parking, loading and unloading of goods, waste management and landscaping.
2. For developments incorporating a mixture of residential and commercial developments, lots must be of a sufficient size to incorporate ancillary residential development including private open space, landscaping, storage areas, clothes drying areas and the like.

Prescriptive Measures

1. Lots to comply with the **lot size map** under Byron LEP 2014.
2. Battle-axe **allotments** should be avoided where possible, however where there is no alternative development applications must demonstrate that the layout can provide for effective vehicular circulation, (including entry and exit in a forward direction) parking and loading, storage, waste management and landscaping. The battleaxe handle is to be a minimum of 8 metres.
3. Splays of 4m X 4m should generally be provided on corner lots, except in site specific circumstances where increased sight lines are required.

D6.5.3 Subdivision design (Industrial and Commercial Development)

Objectives

1. *To ensure that industrial subdivisions are designed to facilitate the provision of efficient and functional industrial development.*
2. *To ensure that subdivision development is compatible with nearby development and with the existing and desired future character of the locality.*

Performance Criteria

1. Lot sizes and configurations must create an efficient **allotment** layout and facilitate future industrial development on that land.
2. Development applications must demonstrate that the subdivision design identifies and addresses all natural constraints and landscape elements, and mitigates adverse environmental impacts. The design must address and respect natural constraints including topography, drainage, soil landscapes, flora, fauna and bushfire hazard.
3. Development applications must demonstrate that lots are configured to provide for adequate vehicular parking, circulation, storage, waste management and loading and unloading of goods.
4. Lot layout and pedestrian networks must be configured to enhance personal safety and minimise potential for crime, vandalism and potential for crime.

Prescriptive Measures

1. Subdivision design must be consistent with the requirements of Chapter B11 Planning for Crime Prevention. Subdivision design must maximise the opportunities for observation of buildings, spaces and activities by occupants, passing motorists and pedestrians.
2. Development applications for subdivision must identify, address and respect all environmental constraints that affect the site and surrounds. Where lands contain or adjoin bushland or adjoin lands containing endangered flora and/or fauna species, development proposals must be accompanied by a flora and fauna assessment.
3. Lands identified as containing or directly adjoining **watercourses** or trunk drainage lines may be subject to partial inundation during the 1 in 100 year **ARI** storm event. Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual and Chapter B3 Services and C2 Areas Affected by Flood.
4. Lots must be designed to allow the construction of a building or carriageway with a maximum **excavation** or **fill** in accordance with the requirements of Chapter B14 Excavation and Fill, whilst not impeding the flow of waters.