

***COFFS HARBOUR CITY COUNCIL***



**DEVELOPMENT SPECIFICATION  
DESIGN**

***0011 Development and Subdivision of Land***

***Version 1      01 January 2009***

**0011 DEVELOPMENT & SUBDIVISION OF LAND**

**Foreword**

This Guideline is divided into five sections:

- Introduction
- Application Process
- Council Requirements
- Engineering Requirements
- Provision for Sale of Allotments

Each section has a description of the processes and requirements necessary to progressively taking the reader from the decision to subdivide and develop land to the stage where land allotments can be sold.

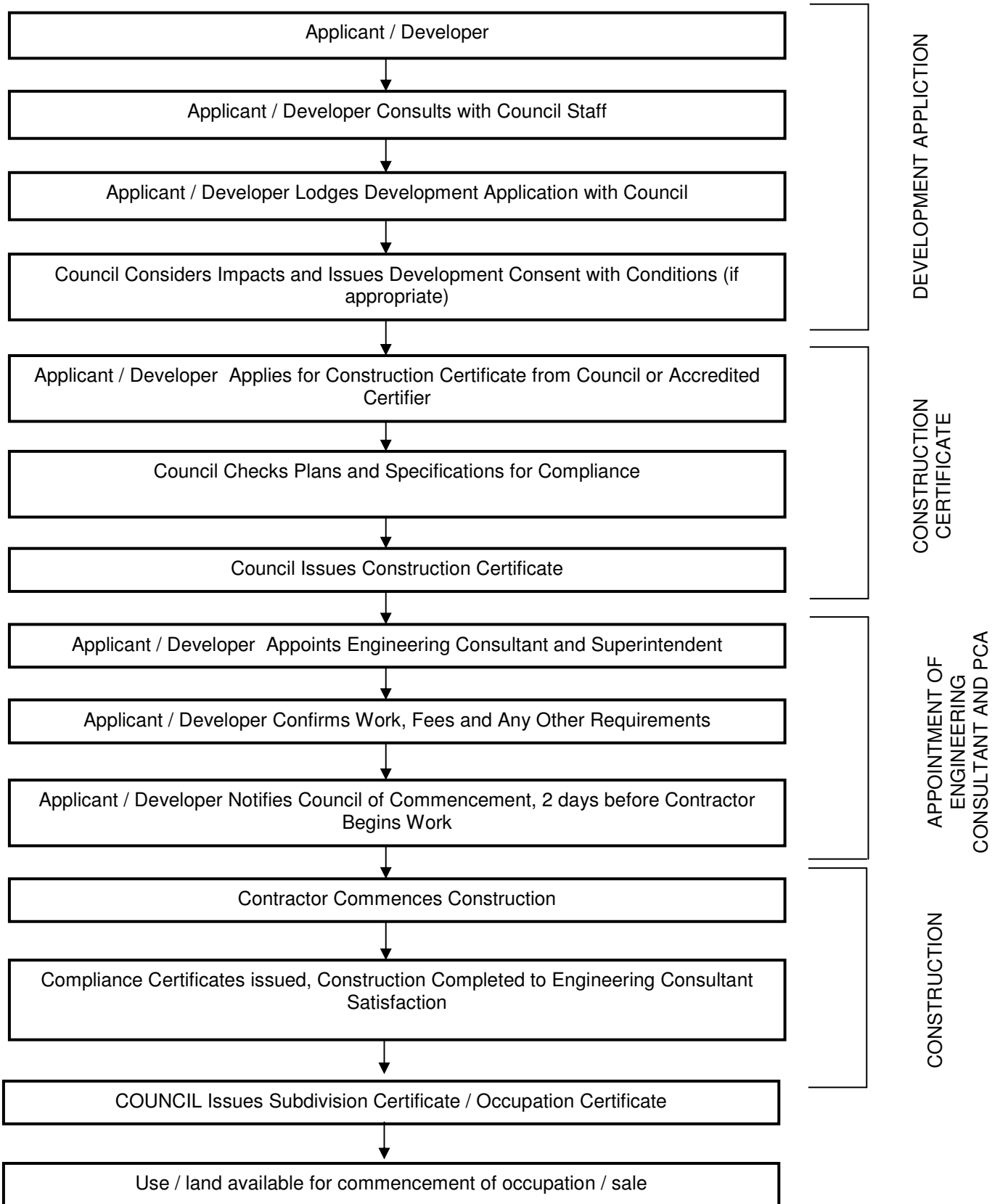
This Guideline provides an introduction to other documentation prepared to manage Development/Subdivision matters. Other documents include:

- Department of Urban Affairs and Planning (DUAP)
  - . Guiding Development – better outcomes
  - . State Environmental Planning Policies (SEPPs)
  - . Regional Environmental Plans (REPs)
- Council
  - . Local Environmental Plans (LEPs)
  - . Section 94 Contribution Plans
  - . Development Control Plans (DCPs)
  - . Councils Policy Manual
  - . Strategic Development Control Guidelines
  - . Development Application Form
  - . Construction Certificate Application Form
  - . Subdivision Certificate Application Form
  - . AUS-SPEC Development Design Specifications (*Workgroup 00 Planning and Design*)
  - . AUS-SPEC Development Construction Specifications (*Workgroups 11 Construction – Roadways and 13 Construction - Public Utilities*)

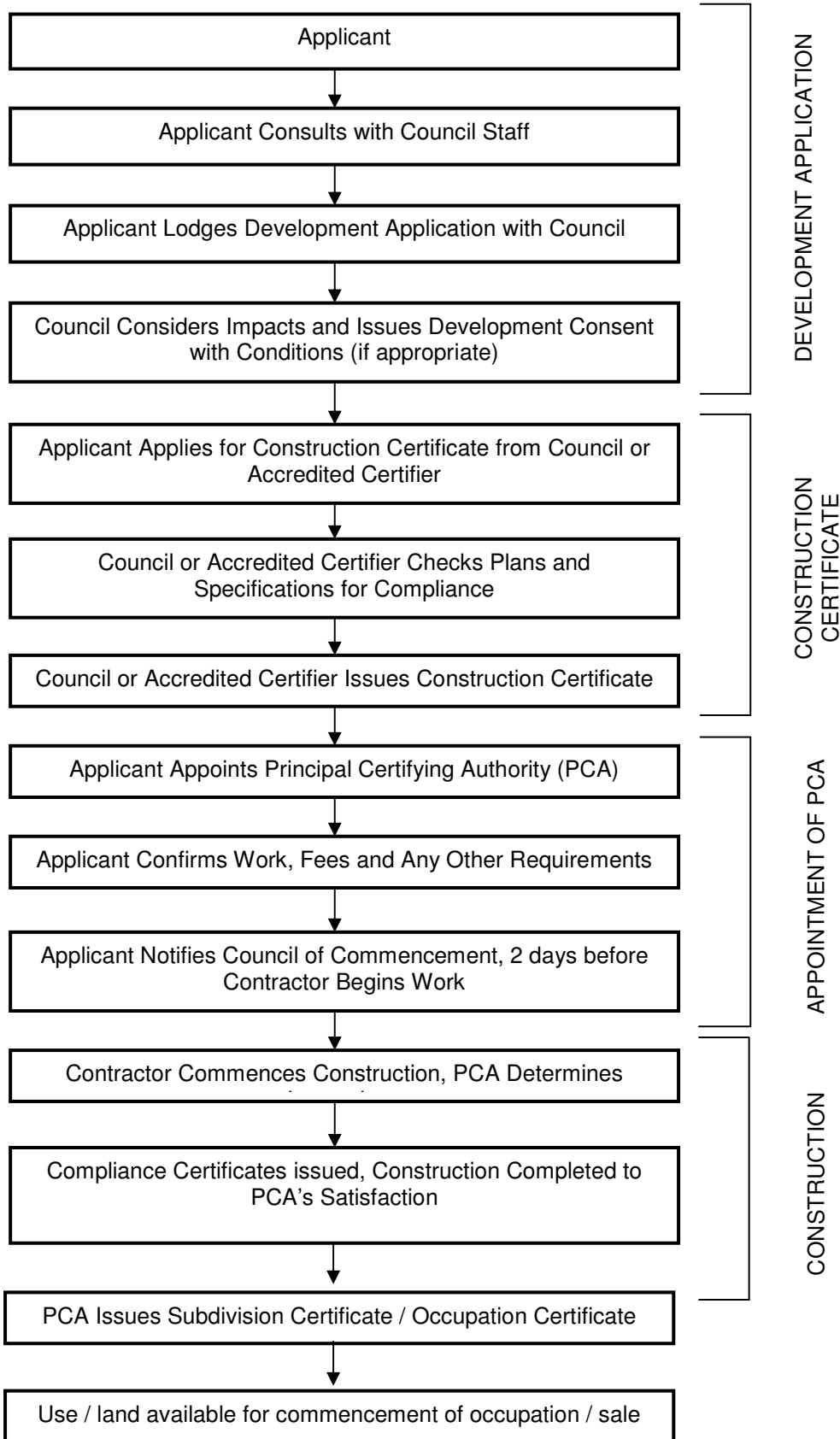
Subdivision development was previously controlled by the Local Government Acts of 1919 and 1993. In 1998 this control was incorporated into the Environmental Planning and Assessment Act (as amended) and coincided with the introduction of private certification by accredited certifiers. This edition reflects these changes.

This Guidelines provides an outline of the procedures to be followed and refers to most standards and requirements. It is not intended to be comprehensive or totally definitive. Coffs Harbour City Council's Subdivision Code, Local Environmental Plan, Development Control Plans, Policies, various State Legislation, Design Specifications and Construction Specifications, as well as DUAP's publication 'Guiding Development', provide necessary additional information.

1 INTRODUCTION



FLOW DIAGRAM I – OVERALL PROCESS (SUB-DIVISION OF LAND)



**FLOW DIAGRAM I – OVERALL PROCESS (DEVELOPMENT)**

## 1.1 COUNCIL'S 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 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.

## 1.2 COUNCIL'S AUTHORITY

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

Council has declared Development Control Plans (DCPs) and Local Environmental Plans (LEPs) that set out Council's necessary provisions for development and subdivision.

In some circumstances Council is required to obtain the concurrence of the Department of Urban Affairs and Planning, 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.

## 1.3 RESTRICTIONS TO COUNCIL'S ACTIVITIES

Restrictions to Council's powers to approve the subdivision of land are set out in the various planning instruments, Local Environmental Plans (LEPs), State Environmental Planning Policies (SEPPs), etc 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.

## 1.4 DEVELOPMENT AND SUBDIVISION PROCESSES

### Development Application and Consent

A Development Application is a requirement of the Environment Planning and Assessment Act (1979) requesting consent for the proposed development in relation to Council's controls and requirements, e.g., land use, 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 requirements of the approval process may be obtained from Council.

### 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).

### 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.

**Occupation Certificates**

Prior to the occupation of a new building (excluding a Class 1a or 10 building under 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.

**Subdivision Certificates**

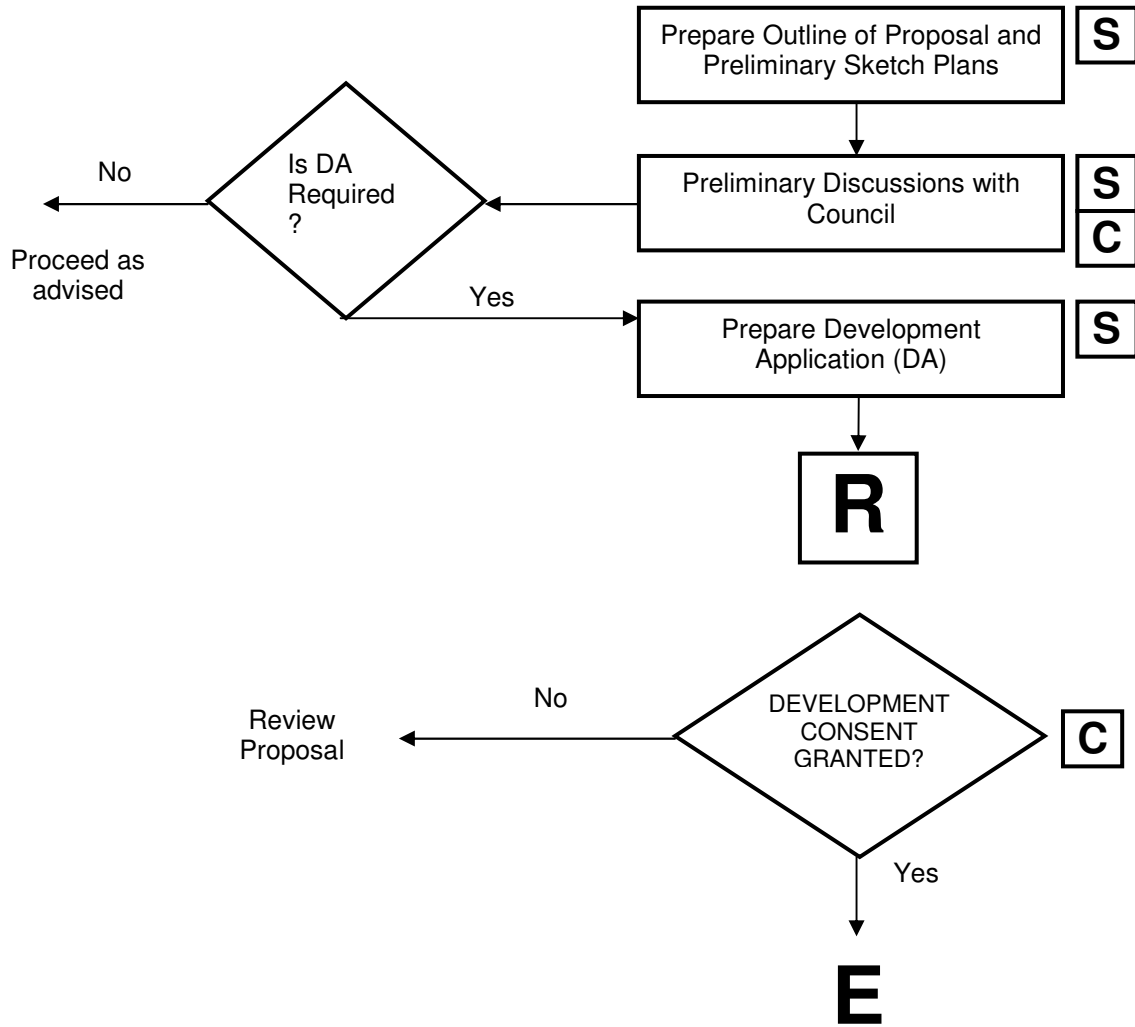
In the case of subdivision, a Subdivision Certificate is issued by the COUNCIL endorsing the plan of subdivision and any associated instruments when all aspects of the Development Consent have been satisfied including the Plan Registration and the Title Issue. The issue of a Subdivision Certificate occurs 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.

**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.

2 APPLICATION PROCESS



PROCEED TO FLOW DIAGRAM E FOR ENGINEERING REQUIREMENTS

LEGEND

**S**

denotes Applicant (Developer / Subdivider) responsibility

**C**

denotes Council responsibility

**R**

denotes proceed to Flow Diagram R for consideration of Council's Requirements (R)

FLOW DIAGRAM A - APPLICATION PROCESS

## 2.1 FORMULATING A DEVELOPMENT/SUBDIVISION APPLICATION

### Development Application Form

A person or company making application to develop and/or subdivide an area of land within Coffs Harbour City Council's area will be required to lodge a Development Application on Council's standard application form, and accompany this form with supporting information that is detailed in **Council requirements for the Development Application**.

### 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 the design of the development.

### 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.

### 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. Appendix 2 is an example of a sketch plan. 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.

### 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.).

### Consultation is 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 the Council needs 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.

### 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 that are not prescribed, but are likely to be required as a condition of Development Consent.

## 2.2 MAKING APPLICATION FOR DEVELOPMENT/SUBDIVISION

### 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 that meet specified standards do not require consent. 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.

### 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.



**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 standard Development Application form that is included in these Guidelines as Appendix 1.

**Number of Plan Copies**

Development Applications are to be accompanied by 2 copies of development/ subdivision sketch plans drawn on one of the following paper size sheets, 1 x A1, 1 x A3 . For sketch plan requirements, refer to Section R of these Guidelines.

**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.

**Additional Information**

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

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, etc;
- a contamination assessment. (SEPP 55)
- evaluation of housing types, house type distribution, building lines, fencing, building materials etc.



During preparation of the Application, the Applicant must incorporate the Council requirements. Refer to **Council requirements for the Development application** for more detailed information.

## 2.3 COUNCIL'S CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT AND SUBDIVISION

**Assessment Criteria**

Council will deal with each application on its merits, however, the assessment criteria in the Environmental Planning and Assessment Act 1979 (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.

**Design Standards**

Council's LEP, 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.

**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).

### **Re- consideration**

Where an Applicant is dissatisfied with the determination of an application, a request for review of the application or of particular conditions of consent may be lodged by the Applicant as specified in Section 82A of the EP & A Act 1979. The request for reconsideration must be lodged within 28 days of determination. A reconsideration fee will be required and details of the reasons for reconsideration must be submitted with the request.

### **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 determination of the application.

### **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 (1979) has occurred (Section 123 of the EP & A Act).

### **Revocation of Consent**

Council can revoke or modify consent in circumstances where there is fraud or failure to comply with the Local Government Act (1993) or conditions of consent. The Environmental Planning & Assessment Act 1979, Orders also allows Council to issue orders for breaches of the EP&A Act such as non compliance with conditions of consent.

### **Development Consent Received**

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

## **2.4 TIME REQUIREMENTS FOR DEVELOPMENT/SUBDIVISION WORKS**

### **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.

### **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.

### **Subdivision Final Survey Plan and Original Plan Release Fees**

When all conditions of Development Consent and Construction Certificate approval have been satisfied, the Developer will arrange for a Registered Surveyor to prepare the final survey plan. This "original" plan, plus 5 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.

### **Private Certification**

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

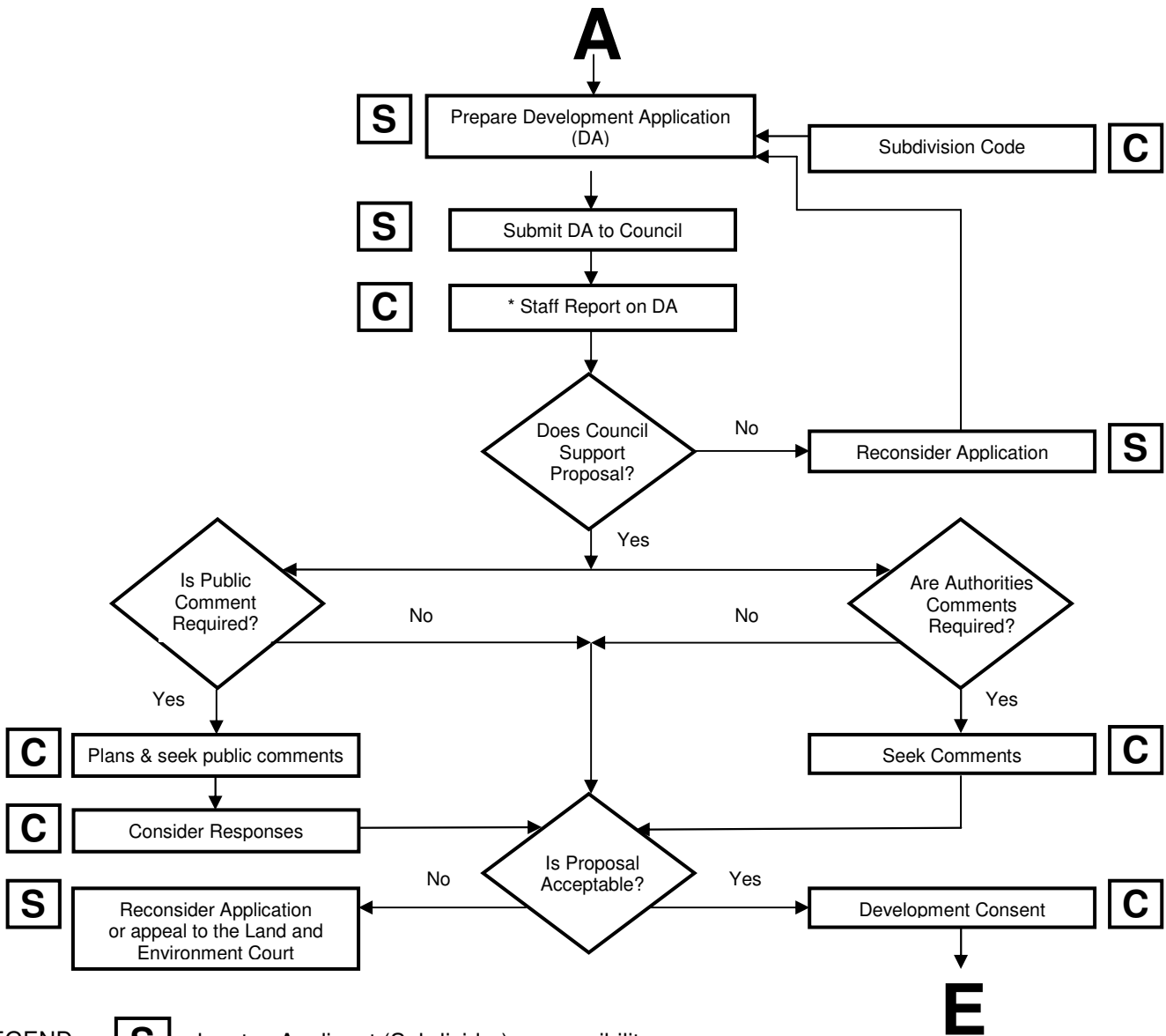
### **Section 88B Instrument**

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

### **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).

3 COUNCIL REQUIREMENTS FOR THE DEVELOPMENT APPLICATION



- LEGEND
- S** denotes Applicant (Subdivider) responsibility
  - C** denotes Council responsibility
  - E** denotes proceed to Flow Diagram E for Engineering Requirements (E)

NOTE: \* Council's Staff Report Considerations include.

- Environmental Assessment
  - . is an Environmental Impact Statement (EIS) or Review of Environmental Factors (REF) required?
  - . is a geotechnical or hydrological report required?
  - . is a tree preservation or heritage preservation an issue?
- Zoning requirements.
- Infrastructure requirements (roads, water, sewer, drainage).
- Easements.
- LEP & DCP compliance

**FLOW DIAGRAM R - COUNCIL DEVELOPMENT APPLICATION CONTROL AND REQUIREMENTS**

### 3.1 ENVIRONMENTAL CONSIDERATIONS

#### Statement of Environmental Effects

A Statement of Environmental Effects is required for most development applications for development / subdivision. This statement normally addresses such matters as:

- Suitability of the land
- Access
- Traffic generation
- Risk of flooding or other natural hazard
- Flora and fauna
- Local amenity
- Waste management
- Threatened Species Act
- Filling/earthworks
- Erosion and sediment control/soil and water management

#### Tree Preservation

The development/subdivision sketch plan shall identify vegetation that is significant to the overall landscape of the area. Trees to be removed shall also be identified on the sketch plan.

#### Tree Preservation Officer

Trees are not to be pruned, damaged or removed without the prior consent of Council in accordance with Council's Tree Preservation Order. Council's Tree Preservation Officer is to be contacted prior to any clearing or under-scrubbing being carried out.

#### Lodging of Bond

Any significant tree/s identified by Council shall be protected at all times during excavation and/or construction, and Council may require the Developer to lodge a bond at the time of Construction Certificate approval, to be forfeited in the event that the trees are either damaged or removed. Any such bond is to remain in force for a period of six (6) months after the issue of the Compliance Certificate for a component of the work, Occupation Certificate or Subdivision Certificate whichever is applicable.

#### Heritage Items - Aboriginal and other Relics

In general any sites of Aboriginal carvings or relics or sites significant to heritage for other reasons shall be identified in the application. The National Parks and Wildlife Service should be contacted for details and verification.

All recognised heritage items, including natural features of the site and man-made buildings, works and sites are to be identified and retained, wherever possible. For Heritage items identified in Council's LEP development consent is required for alterations, additions or development. The Heritage Council should be contacted for details and verification. Adequate curtilage is to be retained around any heritage item to protect its setting.

### 3.2 DEVELOPMENT / SUBDIVISION REQUIREMENTS - URBAN RESIDENTIAL AREAS

#### Full Service including Kerb & Gutter (Channel)

Urban residential land is defined as land within areas zoned residential, village or township. Applicants will be required to provide fully serviced subdivisions including the provision of a sealed road system with drainage, and kerb and gutter to adequately and safely provide both vehicular and pedestrian access to each allotment.

The Applicant will be required to meet the full cost of kerb and guttering across all existing road frontages of any development/subdivision in urban areas except where direct vehicular access is restricted.

Roads adjoining a reserve are to be provided with kerb and gutter to adequately and safely provide both vehicular and pedestrian access. Footpaths may also be required as tabled within Councils standards.

#### Lot Size

There are statutory requirements and Council requirements pertinent to lot sizes, lot widths, building line set backs etc, and the supply of services to allotments. Council sets out these requirements for each zone type. The designer of a subdivision is required to provide for the requirements of Council's

LEP/DCPs. Council will have requirements on access to developments/subdivisions with the objectives of:

- Providing for flow of through traffic with least disruption;
- Establishing a hierarchy of roads in accordance with function and usage;
- Providing a variation in alignment to allow for existing natural features and create interest in the streetscape;
- Providing a network of safe pedestrian and cycle paths.

Legal easements of width as determined by the Council Codes are to be provided over stormwater drains and watercourses.

#### **Water and Sewerage**

Applicants will be required to augment and meet the full cost of water and sewerage reticulations, as arranged with the relevant water and sewerage Authority, within developments/subdivisions plus the cost of connecting to existing services.

#### **Electricity**

Electricity services are to be extended to the development/subdivision in accordance with the requirements of the relevant electricity Authority and at full cost to the Applicant. Underground electricity services will be required except where it can be shown that it is not appropriate.

#### **Telephone**

Applicants will be required to provide for Telephone facilities within the design. Where underground electricity is used, underground telephone facilities are also to be provided by the applicant.

#### **Stormwater Runoff**

Urban stormwater runoff will need to be assessed in terms of satisfactory performance both within the development and external to the development to a legal point of discharge.

### **3.3 DEVELOPMENT / SUBDIVISION REQUIREMENTS - RURAL RESIDENTIAL AREAS**

#### **Kerb & Gutter**

Rural residential land defined as rural homesite and hobby farm land shall require kerb and guttering and underground stormwater drainage where specified in Council's standards. Concrete lined table drains shall be required where scour velocities are exceeded and/or the soils are susceptible to erosion from stormwater.

#### **Lot Size**

There are statutory requirements and Council requirements pertinent to lot sizes, lot widths, building line set backs etc and the supply of services to allotments. Council's DCPs, LEP or other adopted standard set out these requirements for each zone type. The designer of a subdivision is required to comply with the requirements of Council's Development Control Plans (or Interim Development Orders) LEP and various Acts of State Legislation.

#### **Sewerage**

Effluent disposal will normally be by way of appropriate on-site disposal. However where the development is in near proximity to an existing sewerage area or where, in the opinion of the Department of Health or Council's Health and Building Department, the land is unsuitable for site disposal of effluent, sewerage will be required. A geotechnical report to support sewerage treatment proposals is to accompany an application for this type of development.

#### **Natural Features**

The configuration of the subdivision is to have consideration for natural features such as rivers, creeks, topography of the land, tree groupings and prominent natural features. The design should also consider buffers for conflicting land uses, water courses, etc.

#### **Sensitive Environments**

Sites considered to be environmentally sensitive, such as estuarine wetlands, rainforests, dunal areas, steep slopes and flood prone lands will not be considered for subdivisional development.

SEPP 46 identifies the protection and management of native vegetation in rural areas, in addition to the Threatened Species Act.

#### **Covenant on Land Clearing**

A covenant may be required on larger lots being subdivided prohibiting the ringbarking, cutting down, topping, pruning, removal, endangering or wilful destruction of any tree without the consent of Council.

Where it can be demonstrated that such actions would not result in a loss of any significant stands of trees and/or soil erosion could not be accelerated due to tree removal, a covenant is not required.

### **3.4 DEVELOPMENT / SUBDIVISION REQUIREMENTS - RURAL DEVELOPMENT AREAS**

#### **All Weather Roads**

Rural land is defined as that land other than urban and rural residential and land generally comprising larger holdings. Applicants will be required to provide an all-weather road system to provide a functional and safe vehicular access to the development or each allotment.

The designer of a development / subdivision is required to provide for the requirements of Council's Subdivision Code and Development Control Plans.

#### **Sealing of Roads**

Bitumen sealing of the road system will be required on all new roads and existing roads which will be an extension of existing sealed roads unless specified otherwise by Council. Council will not approve the development / subdivision of lands proposing non-dedicated road access (eg private road systems) however consideration will be given to the creation of a right-of-way to serve allotments having the minimum dedicated road frontage but not having road access. Such right-of-way is to link directly to an existing or proposed dedicated road and constructed in accordance with Council's standards.

Minor subdivisions in isolated rural areas require a reasonable standard of all-weather access road suitable for all year round access for essential services, i.e., school bus, ambulance, etc. Each proposal will be considered on its merits in accordance with the following guidelines:

- The status of the road.
- Existing road surface condition.
- Cost of upgrading.
- Flooding frequency and hazards of creek or river crossings.
- Potential population catchment.
- Bush Fire Hazard.

#### **Electricity**

The extension of electricity mains to each allotment within the subdivision is required. However, subdivisions in areas remote from electricity mains may be relieved of this requirement, if special circumstances prevail and details of such circumstances are submitted to Council by the Applicant, together with the written agreement from the electricity supply authority.

### **3.5 DEVELOPMENT / SUBDIVISION REQUIREMENTS – INDUSTRIAL/ COMMERCIAL AREAS**

#### **LEP**

The Local Environment Plan identifies various types of commercial and industrial zones. All proposed commercial and industrial subdivisions would be anticipated to be located in these zones. It is essential that early consultation with Council Officers is sought to determine that the proposed development/subdivision is in an allowable zoning and is in conformity with Council's planning principles for the area.

#### **Lot Size**

The Applicant should provide for a range of lot sizes for the needs of large as well as small developments. Any lot should be large enough for parking and landscaping as well as the specific industrial or commercial use. Industrial developments/subdivisions should generally comply to the standards suggested in the State Planning Authority Technical Bulletin No.6 "Design and Standards for New Industrial Areas" (June 1974). Both commercial and industrial subdivisions will need to comply with the Development Control Plan (DCP) for the area.

#### **Pavement for Heavy Traffic**

Engineering Road Design and Pavement Design will need to provide for heavy traffic conditions as specified by Council.

#### **Water and Sewerage**

Applicants will be required to meet the full cost of water and sewerage reticulations within developments/subdivisions plus the cost of connecting to existing supplies in accordance with the relevant water and sewerage Authority requirements.

### **Electricity**

Electricity services are to be extended to the developments/subdivision and in accordance with the requirements of the relevant electricity supply Authority at full cost to the Applicant. Determination of the maximum loading of the electricity service, and whether the service is provided above ground or underground, will be made by the relevant electricity Authority and Councils acceptance.

### **Telephone**

Applicants will be required to provide for telephone facilities within the development. Where underground electricity is used, underground telephone facilities are also to be provided by the Applicant.

## **3.6 DEVELOPMENT/SUBDIVISION REQUIREMENTS - NATURAL HAZARD AREAS**

### **Flooding Coastal Erosion**

Development/Subdivisions of land susceptible to tidal inundation or coastal erosion are considered Designated Developments and require Environmental Impact Statements in accordance with the Director of Department of Urban Affairs and Planning requirements.

### **Policies**

The subdivision of flood prone land is to comply with the requirements of Council's Flood Prone Land Policies and the New South Wales Government's Floodplain Development Manual, the Management of Flood Liable Land, 2001.

### **Adequate Flood Free Areas**

Council will only support development/subdivisions of rural properties, part of which are flood prone, if in Council's opinion there are adequate flood free homestead and stock-holding areas on each allotment as well as access to higher ground. Development will not be allowed to significantly alter flooding patterns, accordingly development of internal roads etc will not be permitted to form significant embankments. Each case is to be treated on its merits.

### **Flooding in Urban Areas**

The development/subdivision of urban land, other than boundary adjustments, will only be considered where it can be clearly demonstrated that flood free building sites/allotments can be provided and that the creation of these developments/allotments will not adversely affect flood patterns or levels in the area.

### **Bushfire Protection**

Applicants will be required to provide suitable protection zones and access for fire fighting vehicles and maintenance vehicles so as to minimise the risk of bushfire damage.

## **3.7 PROVISION OF OPEN SPACE AND SECTION 94 CONTRIBUTIONS PLAN**

### **Council's authority**

Council's authority to impose conditions of contribution is derived from the Environmental Planning and Assessment Act 1997, Section 94. Accordingly Council's contribution requirements will be in accordance with an adopted "Section 94 Contributions Plan".

### **Public Reserve**

In residential subdivision (both rural and urban) Council requires the creation of an area of public reserve (open space) useable for recreation, or payment of a monetary contribution in lieu of land or a combination of both.

### **Rural Public Reserve**

Public reserve will not normally be required in rural subdivision, unless the subdivision contains significant areas of special scenic or public recreational value.

### **Contributions in Rural, Commercial, Industrial Subdivisions**

In rural subdivisions, commercial or industrial subdivisions contributions of open space are less often required, however contributions towards upgrading roads, community facilities and bushfire protection will be required as determined by the appropriate "Section 94 Contributions Plan".

Applicants will also be required to contribute towards the augmentation of water supply if reticulation is available to the development in the form of sewerage headworks and arterial roadworks where upgrading requirements can be attributed to the development.

### 3.8 THE DEVELOPMENT/SUBDIVISION SKETCH PLAN REQUIREMENTS

#### Plan Detail Required

The development/subdivision sketch plans to accompany the Development Application Form shall show the following:

- Reduction ration (preferably 1:500 for subdivisions, 1:100 for structures/ developments).
- The location, boundary dimensions, site area and north point of the land.
- The existing vegetation and trees on the land (attention is drawn to Council's Tree Preservation Order).
- The location and uses of existing buildings on the land and adjoining properties. (Measured floor plans of existing buildings may also be necessary in order for Council to calculate floor space ratios.)
- Contours based on existing levels of the site (preferably one metre intervals drawn to Australian Height Datum).
- Any natural features of the site, including rock formations or cliffs, watercourses, flood levels, wetlands, forest areas and slip areas.
- Any existing drains, easements or rights-of-way affecting the site.
- Title description of land.
- Details of existing and proposed subdivision pattern (including the number of lots and location of roads).
- Any heritage items (buildings and sites), or relics defined by the Heritage Act or considered of local significance.
- Details of proposed access to the site and the legal status of that access.
- Other details relevant to consideration of the application.

### 3.9 SUPERVISION

Council will hold responsible the applicant to whom the development approval is issued, to complete or to cause the completion of all development works in accordance with the terms of the development approval and the approved plans and specifications.

"Approved" means that the plans and specifications meet Council's requirement. This does not absolve the developer of the responsibility of rectifying any errors or omissions in the plans and specifications which may become evident during construction.

Where the development involves construction of civil engineering works, the developer shall nominate a superintendent who shall be responsible for the execution of the works. No work shall commence until the developer has advised Council in writing the name of the superintendent.

The superintendent shall be suitably qualified (such as a civil engineer, registered surveyor, civil supervisor) as appropriate and have had suitable experience in the supervision of such works and shall not be engaged by or have any financial interest in the contractor undertaking the works.

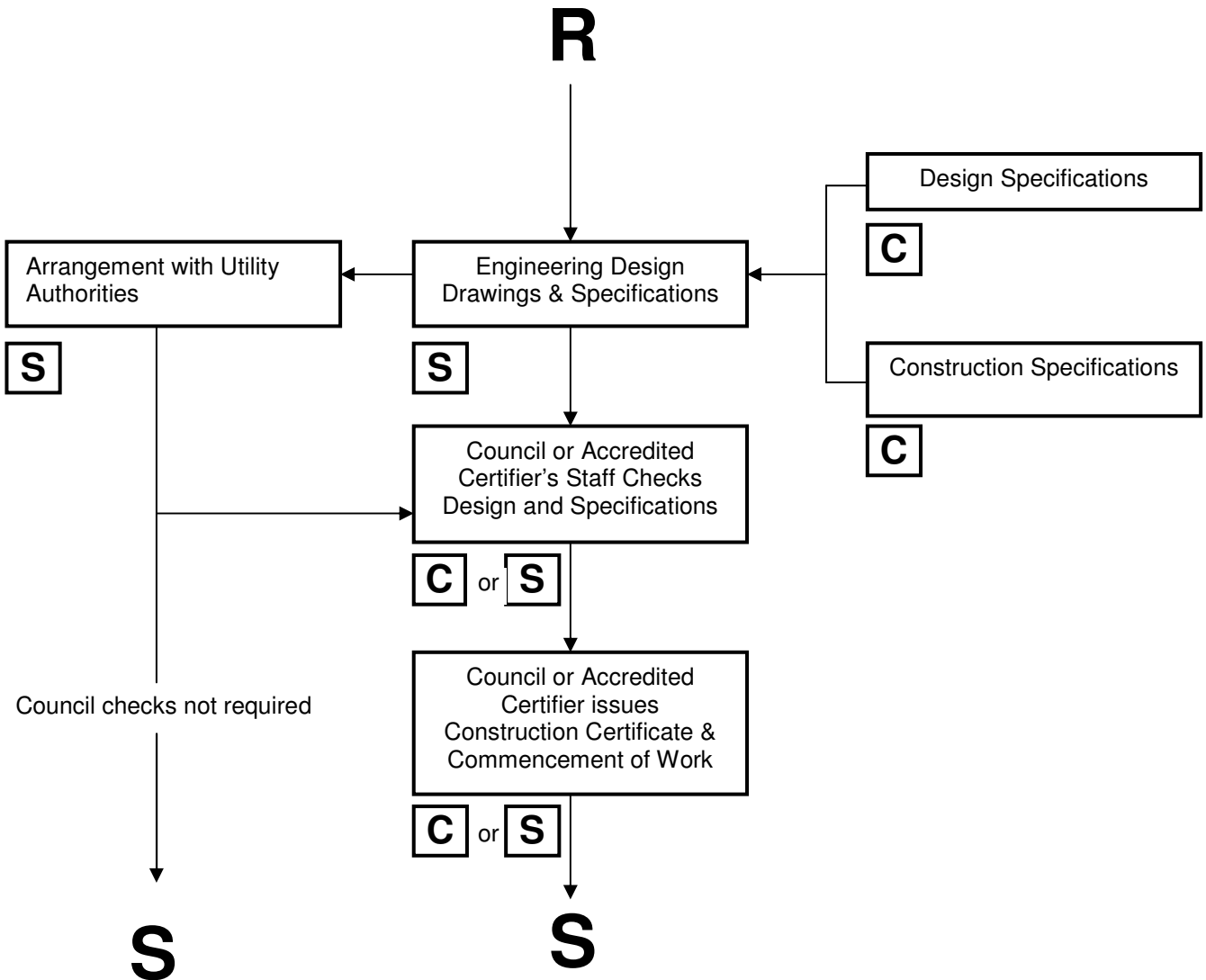
The superintendent must properly supervise the works and inspect them with sufficient frequency to ensure that the materials and workmanship conform to the requirements of the approved plans and specifications.

The Superintendent must nominate haul routes to be used during construction. These routes must be approved by Council. During construction, any damage to road pavements, services or street furniture along the route identified as being caused by the contractor must be repaired to the satisfaction of Council. Where safety is compromised Council may expect the work to be made safe immediately or carry out any necessary work at the contractor's expense.

Disturbance of survey marks (permanent marks) will be the liability of the developer and/or Contractor.



4 ENGINEERING REQUIREMENTS



LEGEND **S** denotes Applicant (Subdivider) responsibility  
**C** denotes Council responsibility

**S**

FLOW DIAGRAM E - ENGINEERING REQUIREMENTS

## 4.1 ENGINEERING DRAWINGS AND SPECIFICATIONS

### 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.

### 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 Principal Certifying Authority (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.

### Number of Plan Copies

2 copies of Design Drawings drawn on the following paper size sheets, 1 x A1, 1 x A3 and a CD.

In summary the requirements for Design Drawings are as follows:

- Earthworks (site regrading)
- Roadworks
- Road Pavement
- Road Furnishings
- Stormwater Drainage
- Foreshore Works
- Water Supply Works
- Sewerage Works
- Landscaping Works
- Erosion Control Works

Works & Signage Management Plan (if required)

## 4.2 COMMENCEMENT OF WORKS

### 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.

### Quality Assurance

Development consent to the development/subdivision will stipulate whether the development/subdivision is to be constructed as a "Quality Assured Contract" in which case a Quality Plan will need to be submitted to cover all construction works in accordance with Council's Contract Quality System Requirements Specification. Acceptance of the submitted Quality Plan will be required prior to commencement of Works.

### Quality Control

Where a Quality Assurance contract is not a requirement and a Quality Plan is not therefore provided, it will be necessary as a minimum requirement that the Developer's Superintendent or Superintendent's Representative under the Contract be nominated and approved as suitably qualified and experienced.

### Unauthorised Work for Water and Sewerage

The Developer must ensure that the Works are carried out in compliance with the Local Government Act 1993. Attention is drawn specifically to Chapter 16 Offences. Part 3 Clause 634(1) and (4) especially refer to unauthorised work for water and sewerage.

### Water and Sewerage, Operating Requirements

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

#### **4.3 INSPECTIONS AND TESTING**

##### **Cost of Quality Testing**

Whether the development/subdivision proceeds under Quality Assurance Contract or not, 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 with the approved specification.

##### **Inspections**

Similarly joint inspections at key stages of construction will be required to be carried out by representatives of COUNCIL, Developers Superintendent and the Contractor. All inspections shall require at least 24 hours prior notification to the Works Certifier. Key stages may include (Separate to HOLD POINTS and WITNESS POINTS which are Certified by Developers Superintendent):

- Site regrading and clearing
- Installation of erosion control measures
- Preservation measures installed for trees, vegetation or heritage sites as determined
- Site sampling and testing
- Formwork and reinforcement prior to placing of concrete
- Drainage line installation prior to backfilling
- Water and sewer line installation prior to backfilling
- Subgrade preparation
- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Final Inspection
- End of maintenance period

##### **Records of Testing and Inspections**

The COUNCIL and Developers Appointed Superintendent 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 Certifiers 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.

#### **4.4 INSURANCES**

##### **Third Party Insurance Public Risk**

The Developer's Supervising Consultant 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.

#### **4.5 WORK-AS-EXECUTED DRAWINGS**

##### **Certification**

Following completion of the work, one 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 may also accept WAE Drawings in electronic format with suitable certification.

##### **Asset register**

The Designer shall provide asset schedules and Drawings in a form consistent with the existing or proposed Asset Register after consultation with COUNCIL.

##### **Council's Obligations, Water Services**

For water supply WAE Drawings must allow Councils to meet their obligations under Clause 17 of the Local Government (Water Services) Regulation 1999.

## 4.6 QUALITY ASSURANCE PRINCIPLES

### Quality Plan

The principles of Quality Assurance procedures will be applied by the Works Certifier to all subdivision works. In major or otherwise significant subdivisions the provisions of Australian Standard AS/NZS ISO 9001 (2000) will be required to be fully applied to the construction project. This will involve the submission of a Quality Plan for all Works associated with the project. The requirement to comply with AS/NZS ISO 9001 (2000) will be determined prior to the preparation of Design Drawings. In all cases the Works Certifier will require the Developer to organise and pay for inspection and testing services such that the Developer can validate the quality of all works and materials progressively during construction.

### Accreditation for Water, Sewerage and Drainage

Accredited Certifiers are not empowered to certify water supply and sewerage Works. Only Councils can certify such Works and the process for their doing so is provided in Schedule 4, Clause 4.46 of the Environmental Planning and Assessment Amendment Act 1979.

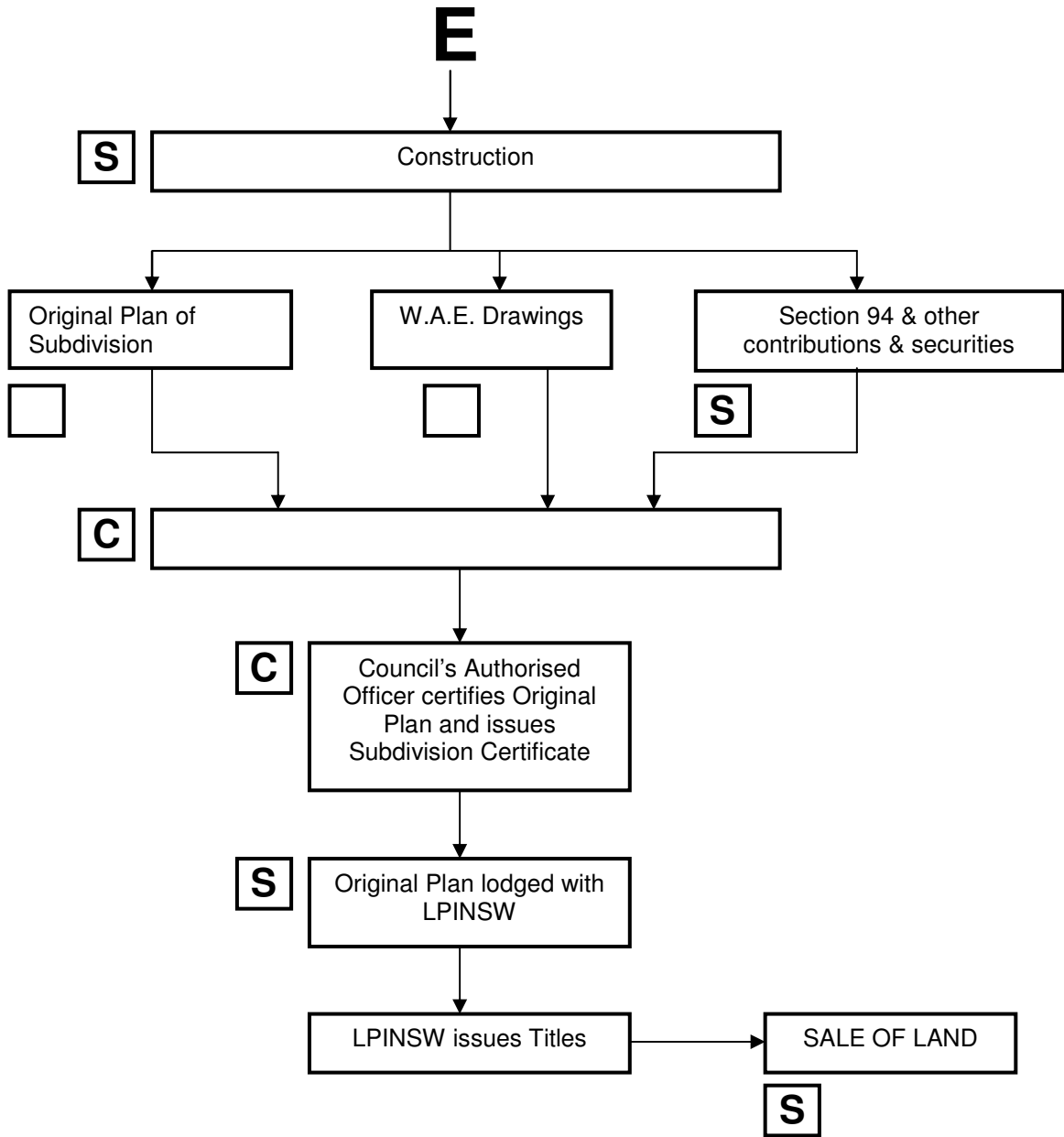
Accredited Certifiers act where works are under Part 5 of the EP & A Act, 1979 (i.e., Development Consent not required).

Council approval must be obtained for the design of Water, Sewerage and Drainage under Section 68 of the Local Government Act.

### Accredited Courses

Where the Specification requires the Contractor to carry out the Works within a Quality Control System, the Contractor may be required to detail those accredited courses applying to the Contractor or its employees as are appropriate for the execution of the Contract. The Contractor may be required to provide evidence of the accreditation acquired and satisfy accreditation requirements for the Developer during the tender stage.

5 ALLOTMENTS FOR SALE



LEGEND

**S** denotes Applicant (Subdivider) responsibility

**C** denotes Council responsibility

W.A.E. denotes Works-as Executed and describes plans and drawings showing as built details.

LPINSW denotes Land and Property Information NSW

**FLOW DIAGRAM S - PROVISION OF ALLOTMENTS FOR SALE**

## 5.1 COMPLETION OF WORKS AND CERTIFICATION

### Construction Completion

On completion of construction works the Supervising Consultant is to advise the PCA to that effect in writing and certify that the whole of the works have been carried out in accordance with the approved Drawings and Specification.

### Final Survey

At this stage the Developer's Surveyor completes the final property survey and prepares the final plan of subdivision which shall be submitted, for endorsement by the PCA as the "original plan", together with 5 (A1) copies plus CD. This plan will later be lodged by the Developer with Land and Property Information NSW who will prepare title deeds and advise Council of a Deposited Plan (DP) number so that sale of allotments of land may proceed.

If the whole of the works are considered satisfactory the PCA will issue the Subdivision Certificate at which time the whole of the works are considered to have entered into the maintenance period.

### Subdivision Certificate/ Maintenance Period

The maintenance period will commence for all components at the date of issue of the Subdivision Certificate and not beforehand.

### Sewerage and Water System Commissioning

Some components such as water supply and sewerage reticulation pumping stations may commence a maintenance period only after satisfactory commissioning and completion of pump performance tests. Typically the maintenance period for pumping stations and associated facilities will be six (6) months during which the Developer will meet all the maintenance costs associated with any failure of a component of the works.

## 5.2 EARLY RELEASE OF ALLOTMENTS BY APPLICATION OF ENGINEERING BONDS

### Guarantee Bonds

Council may give consideration to the acceptance of a bond for the performance of engineering works to enable the early release of plans of subdivision. However, before Council will consider accepting a bond, providing an irrevocable work guarantee for the construction of engineering works within the subdivision, the following must apply:

- The engineering works are at least 25% complete.
- All sewer and water supply works required are complete and have been tested.
- A Work-As-Executed Drawings for the sewer works and water supply are to be submitted to Council.
- All major engineering problems have been overcome to the satisfaction of the PCA.
- All works that involve the safety of the public (eg road junctions, flood control structures) are completed.
- Any geotechnical reports regarding the suitability of land for development as required by the PCA are to be submitted.
- Payment of all fees and contributions required as conditions of development consent are complete.
- The Applicant entering a legal agreement with Council setting out the terms of such bonds.

### Period of Bonds

Bonds for engineering works required as a condition of subdivision approval will generally be for a maximum period of one (1) year.

Bank guarantees and interest bearing deposits in the name of Council only will be accepted for works with a value in excess of \$5,000.00.

### Bond Fee

A bond fee is payable where a bond has been lodged to guarantee the completion of engineering works. (The bond fee is set out in Council's Schedule of Fees and Charges.)

### Limits on Outstanding Bonds

The bond amount may be progressively reduced as the work covered by the bond is carried out but at no time will the bond amount fall below 10% of the contract amount or the estimated total cost of the works. The Supervising Consultant will be required to lodge a schedule of quantities of all outstanding works to enable the bond amount to be determined. Any bonds accepted for incomplete works shall be at the rate of 130%.

## 6 APPENDIX 1

## 6.1 COUNCIL'S DEVELOPMENT APPLICATION FORM

 <p><b>COFFS HARBOUR CITY COUNCIL</b></p>	<h2>Development Application</h2>
	<p>Postal Address: Locked Bag 155 Coffs Harbour NSW 2450          Phone (02) 6648 4000; Fax (02) 6648 4199; Email: <a href="mailto:coffs.council@chcc.nsw.gov.au">coffs.council@chcc.nsw.gov.au</a>          DX 7559; ABN 79 126 214 487          Administration Building: 2 Castle Street Coffs Harbour</p>

## OFFICE USE ONLY

Date received  Development Application fee  Advertising fee

Development Application No.  Receipt no.

This application may be used to apply for approval for any type of development (i.e. rural, residential, commercial and industrial building work, subdivision, demolition, use of land, etc).

To complete the form, please place a cross in the boxes  and fill out the white sections.

Explanatory notes are attached to help you fill out the application form.

Failure to complete the application form correctly or provide all necessary information will result in delays in processing.

1. Details of the applicant		
It is important that we are able to contact you if we need more information. Please give us as much detail as possible.		
NAME		
Mr <input type="checkbox"/>	Ms <input type="checkbox"/>	Mrs <input type="checkbox"/>
Dr <input type="checkbox"/>	Other <input type="text"/>	
First name <input type="text"/>		Family name <input type="text"/>
Company/organisation <input type="text"/>		ABN <input type="text"/>
POSTAL ADDRESS <input type="text"/>		
Suburb or town <input type="text"/>	State <input type="text"/>	Postcode <input type="text"/>
CONTACT DETAILS		
Daytime telephone <input type="text"/>	Fax <input type="text"/>	Mobile <input type="text"/>
Email <input type="text"/>		
2. Identify the land you propose to develop		
We need this to correctly identify the land.		
Unit/street no. <input type="text"/>	Street <input type="text"/>	
Suburb, town or locality <input type="text"/>	Postcode <input type="text"/>	
Lot/DP or Lot/Section/DP or Lot/Strata no. <input type="text"/>		

**3. Description of development**

Please describe briefly everything that you want approved, including signs, use, subdivision, demolition etc. You may need to attach further information to adequately describe the development.

- Type  > Use of land/building  > Demolition  
 > Carrying out of works  > Subdivision  
 > Erect a building  > Other

**4. Environmental effects of your development**

To assess your proposal, we need to understand the impacts it will have. Depending upon the nature and scale of your proposal, you need to provide one or more of the statements listed below to explain its environmental effects as well as the way in which the development will operate. See the attached Explanatory Notes for what information to attach. **Failure to fully describe the impacts and way the development will operate often results in delays in processing.**

Is your proposal **designated development**?

- No  > Please attach a **statement of environmental effects**  
 Yes  > Please attach an **environmental impact statement**

Is your proposal likely to have a significant effect on **threatened species**, populations, ecological communities or their habitats?

- No   
 Yes  > Please attach a **species impact statement**

**5. Staged development**

You can apply for development consent for only part of your proposal now, and for the remaining part(s) at a later stage.

Are you applying for development consent in stages?

- No   
 Yes  > Please attach information which describes the stages of your development.

**6. Estimated value of work**

The value of the development or contract price is subject to a check by Council before final acceptance.

Value of work: \$

**7. Integrated Development**

Is this application for integrated development? No  Yes

Integrated development is development that requires licences or approvals from other Government Departments. Most forms of development will not be "integrated". Please consult the attached Explanatory Notes for further information.

Please tick appropriate boxes

- |   |  |  |   |                               |
|---|--|--|---|-------------------------------|
| Fisheries Management Act 1994                     | <input type="checkbox"/> s144          | <input type="checkbox"/> s201          | <input type="checkbox"/> s205           | <input type="checkbox"/> S219 |
| Heritage Act 1977                                 | <input type="checkbox"/> s58           |  |   |                               |
| Mine Subsidence Compensation Act 1961             | <input type="checkbox"/> s15           |  |   |                               |
| Mining Act 1992                                   | <input type="checkbox"/> ss63,64       |  |   |                               |
| National Parks and Wildlife Act 1974              | <input type="checkbox"/> s90           |  |   |                               |
| Petroleum (Onshore) Act 1991                      | <input type="checkbox"/> s9            |  |   |                               |
| Protection of the Environment Operations Act 1997 | <input type="checkbox"/> ss43(a),47&55 | <input type="checkbox"/> ss43(b),48&55 | <input type="checkbox"/> ss43(d),55&122 |                               |
| Roads Act 1993                                    | <input type="checkbox"/> s138          |  |   |                               |
| Rural Fires Act 1997                              | <input type="checkbox"/> s100B         |  |   |                               |
| Water Management Act 2000                         | <input type="checkbox"/> S89           | <input type="checkbox"/> S90           | <input type="checkbox"/> S91            |                               |



**8. Approval under S.68 Local Government Act 1993**

Does this application also seek approval for one or more of the matters listed in Section 68 of the Local Government Act 1993 – see the attached Explanatory Notes for a list of these matters?

No

Yes  > Please attach information which describes the approval(s) you seek.

**9. Plans of the land and development**

You need to provide at least three copies of plans clearly showing what you intend to do, and where you intend to do it. The Explanatory Notes outline in detail the information that is required on each of these plans. The plans required will be:

- a site plan of the land showing it and adjoining property features; and
- of the development, clearly outlining what is proposed and where.

**10. Owner's consent**

All owner(s) of the land being developed must sign this form.

If the owner is a company, the form must be signed by an authorised director, and the common seal must be stamped on this form.

If the land is Crown land, an officer of the Department of Land and Water Conservation must sign the application.

As the owner(s) of the above property, I/we consent to this application:

Signature

Name

Date

Signature

Name

Date

Without the owner's consent, we will not accept the application.

If you are signing on the owner's behalf as the owner's legal representative, you must state the nature of your legal authority and attach documentary evidence (eg power of attorney, executor, trustee, company director, etc).

**11. Privacy policy**

*This information is required under the Environmental Planning and Assessment Act and Regulation to process your application. Your information would comprise part of a public register related to this purpose. The information will be kept by Council and will be disposed of in accordance with the Local Government Disposal Authority. You are entitled to review your personal information at any time by contacting this Council.*

7 APPENDIX 2

7.1 EXAMPLE OF A PRELIMINARY DEVELOPMENT / SUBDIVISION SKETCH PLAN

