

LANDCONSOLIDATIONANDSUBDIVISION

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INTRODUCTION

This part provides guidance on consolidation of multiple lots and subdivision of lots in order to meet the aims and objectives within the KLEP.

Part 3A outlines matters that need to be addressed for both consolidation and subdivision, and is to be read in conjunction with the Parts of Section B relevant to the site. It also includes guidance on infrastructure provision and design.

Part 3B provides guidance on land consolidation, in particular, when land consolidation is required.

Part 3C provides controls in relation to strata and community title subdivision.

3A General Controls for Consolidation and Subdivision

- 3A.1 Lot Shape, Orientation and Design
- 3A.2 Minimum Lot Depth for Bush fire Prone Land
- 3A.3 Building Footprint
- 3A.4 Trees and Vegetation
- 3A.4 Access
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3A.1 LOT SHAPE, ORIENTATION AND DESIGN

Further controls that may apply

SECTION B PART 19 - Heritage Items and Heritage Conservation Areas

Objectives

- 1 *To ensure consolidation and subdivision create usable and regularly shaped lots that relate to the site conditions and the context.*
- 2 *To limit the impact of new development on natural, environmental, cultural and historical significance of the site and the amenity of adjoining properties.*
- 3 *To ensure that any new lot created has sufficient area for private open space, drainage, utility services and vehicular access to and from the site.*
- 4 *To ensure subdivision patterns, building footprints and siting respect the characteristic street address rhythm and built form spacing of its locality.*
- 5 *To provide lots that are oriented to optimise solar access to facilitate micro-climate management and energy conservation.*
- 6 *To ensure management of risks, such as bush fire or flooding are considered early in the design phase.*
- 7 *To ensure development adjacent to urban bushland is sympathetic and safe.*
- 8 *To ensure the design of residential development encourages engagement with the surrounding community.*

Controls

- 1 The lot shape, orientation and design of consolidated and subdivided lots is to demonstrate the following:
 - i) Ability for the lot to support the land use permitted under the zoning;
 - ii) Protection of habitat and distinctive environmental features including:
 - Cliffs and rock outcrops
 - Remnant bushland and trees
 - Tree hollows
 - Natural watercourses
 - iii) Sharing of views;
 - iv) Avoiding the location of development on steep lands;
 - v) Protection and enhancement of the amenity, solar access, privacy, open space and views of the neighbouring lots;
 - vi) Minimisation of impacts of the development (including any asset protection zones required) on riparian or Greenweb lands;

Note: SEPP 19 Bushland in Urban Areas may also apply.

 - vii) Incorporation of the principles of water sensitive urban design;
 - viii) Easements and servicing requirements;
 - ix) Vehicular, pedestrian and bicycle access;
 - x) Respect for and conservation of cultural heritage including any Aboriginal place or site of heritage significance; and

Note: Refer to Part 20 for Subdivision and Consolidation for new development on a Heritage Item or a HCA.

 - xi) Minimisation of the need for bush fire hazard reduction, while protecting life and property.

Note: See Part 17 Bush fire Risk for example design scenarios.
- 2 The block width, dimension, orientation and layout are to consider the existing subdivision pattern of the locality.
- 3 New lot/s created are to be such that each lot with street frontage allows for the siting of a development which will address the street.
- 4 Gated communities will not be permitted.

3A.2 MINIMUM LOT DEPTH FOR BUSH FIRE PRONE LAND

Objectives

- 1 Apply lot depths that allow for the creation of adequate bush fire setbacks within a lot.*
- 2 Provision of adequate setbacks within subdivisions to reduce bush fire risk to life and property.*
- 3 Ensure development facilitates lot depths that minimise impacts to the environment on private and public land.*

Controls

This part applies to the subdivision of land identified on the “Minimum Lot Depth Map” (Refer to maps in 3R.1 of this Part).

New lot/s created on land containing bush fire hazard

- For any new lot/s created on land containing a bush fire hazard, where the effective slope is within the range identified in Figure 3A.2-1, the distance between the bush fire hazard and the furthest boundary must not be less than the distance specified within this Figure. See Figures 3A.2-2 and Figure 3A.2-3.

Effective Slope	Distance (m)
Upslope/flat to 5°	60
More than 5° to 10°	65
More than 10°	85

Figure 3A.2-1. Effective slope and the distance between bush fire hazard and boundary.

Note: These minimum lot depth distances are calculated from Planning for Bushfire Protection 2019, based on a BAL-29 bushfire construction rating.

Note: Refer to Planning for Bush Fire Protection 2019 Appendix 1(A1.4-1.5) and RFS Guidelines for Single Dwelling Development Applications Part C (www.rfs.nsw.gov.au) for more detail on how to determine effective slope.

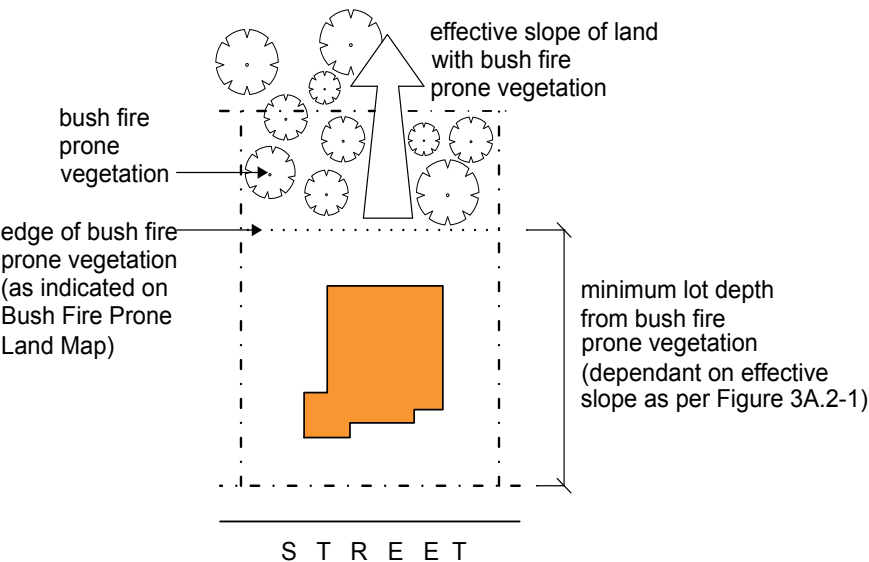


Figure 3A.2-2. Example of new lot on land containing bush fire prone vegetation.

3A.2 MINIMUM LOT DEPTH FOR BUSH FIRE PRONE LAND

Controls

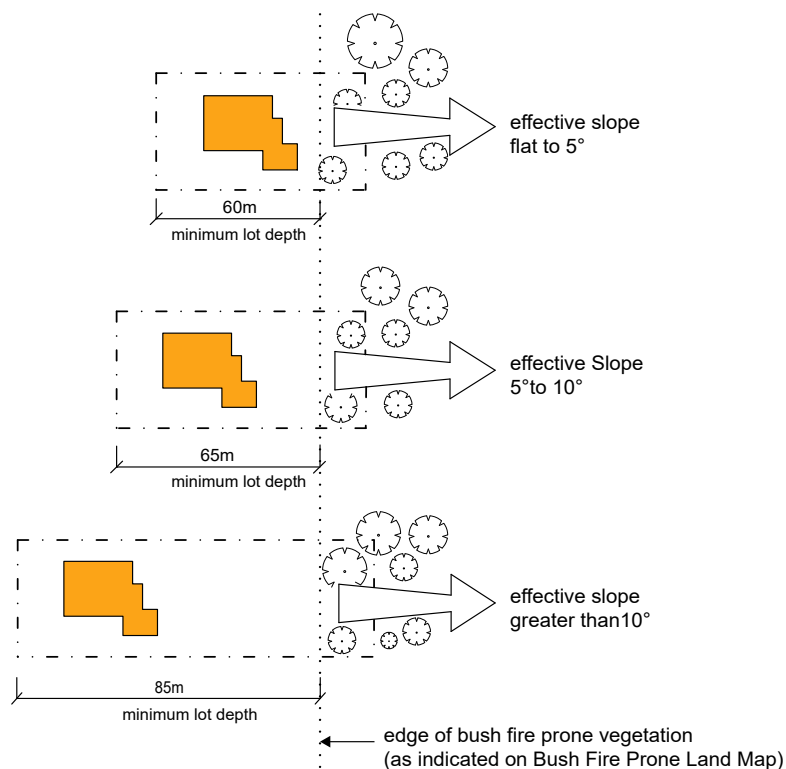


Figure 3A.2-3. Minimum lot depth related to effective slope.

New lot created on land that does not contain a bush fire hazard

- 2 For any new lot created on land that does not contain a bush fire hazard, where the effective slope is within the range identified in Figure 3A.2-1, the distance between the common or closest boundary of an intervening lot and the furthest boundary of the new lot must not be less than the distance specified within this Figure. See Figure 3A.2-4, Figure 3A.2-5 and Figure 3A.2-6.

Note: An intervening lot is deemed to be any lot that is located on the bush fire hazard side of the lot to be subdivided, and may be directly adjoining or separated by a public or private road, pathway, access handle to another lot or the like.

- 3 These controls do not apply to any lot comprising association property within the meaning of the *Community Land Development Act 1989*.

3A.2 MINIMUM LOT DEPTH FOR BUSH FIRE PRONE LAND

Controls

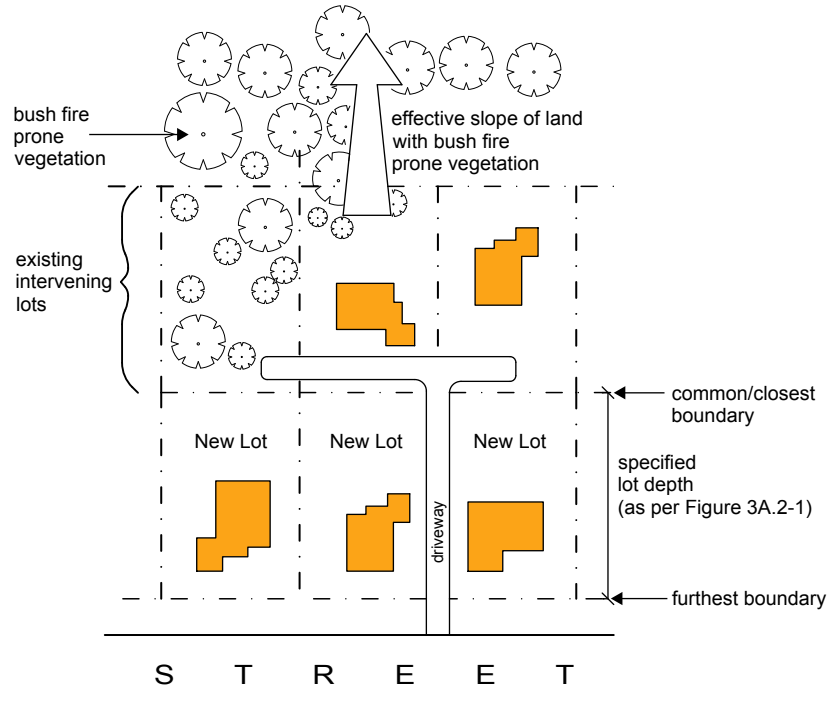


Figure 3A.2-4. Example of the recommended lot depth for new lots separated from bush fire prone vegetation by an existing intervening lot.

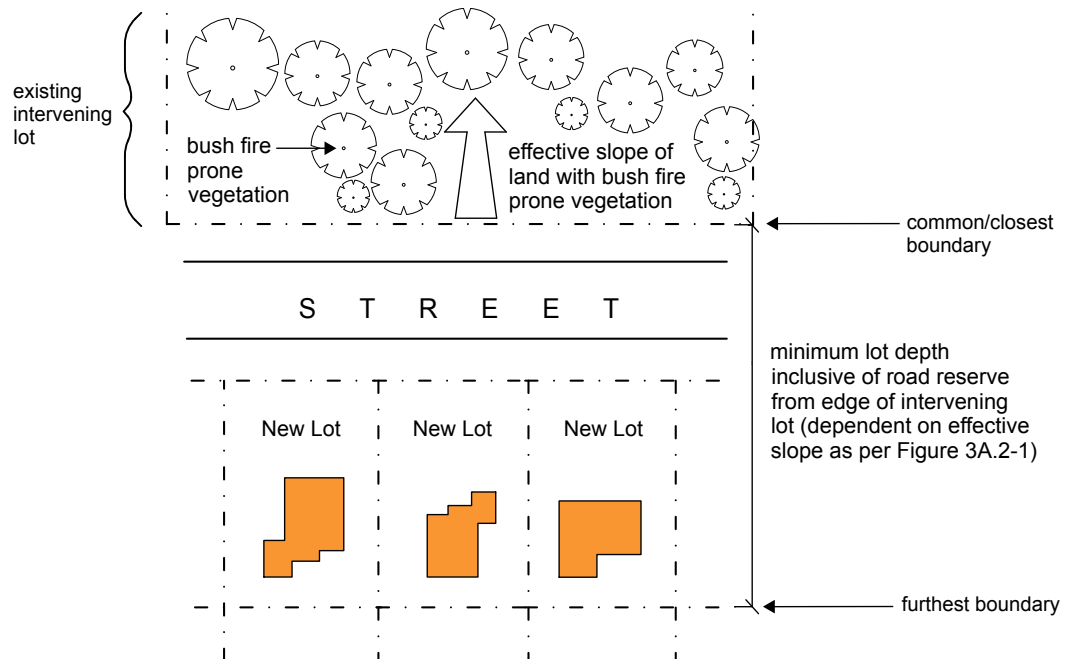


Figure 3A.2-5. Example of the recommended lot depth for new lots separated from bush fire prone vegetation by an existing road.

3A.2 MINIMUM LOT DEPTH FOR BUSH FIRE PRONE LAND

Controls

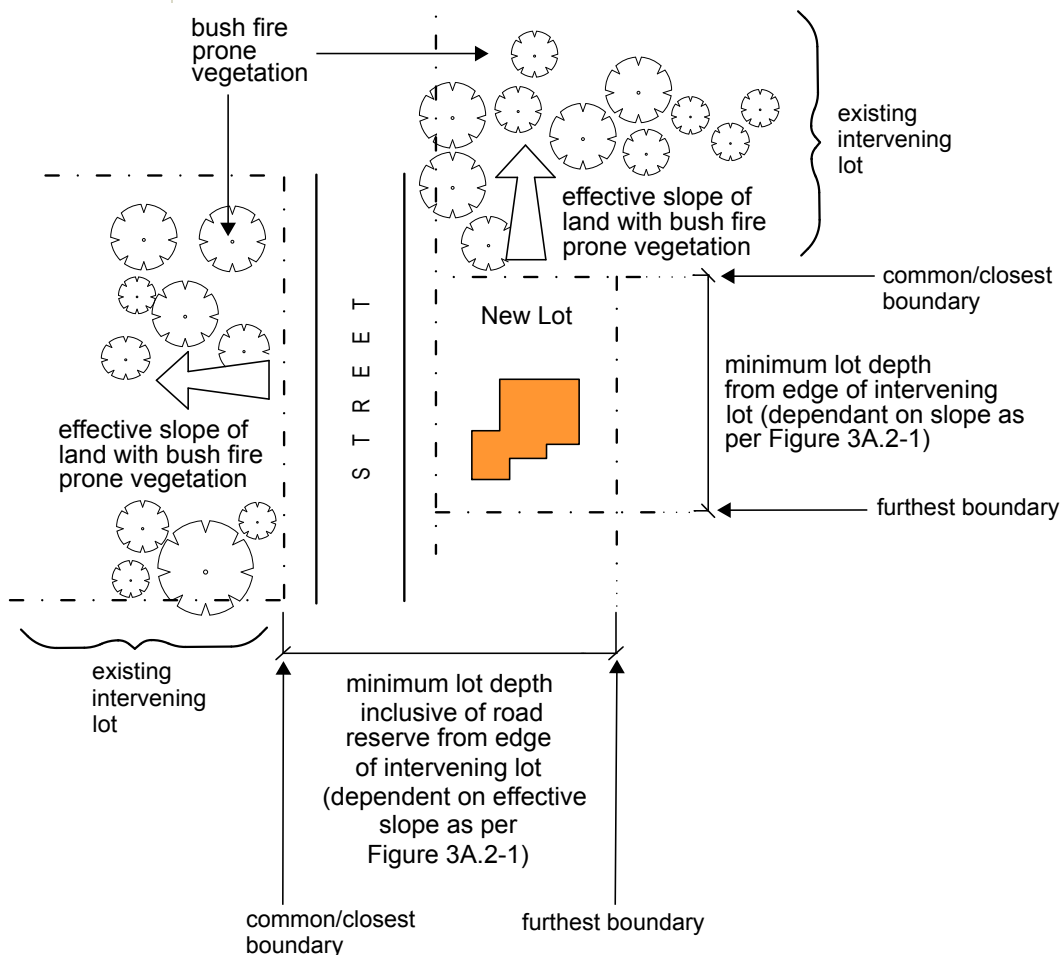


Figure 3A.2-6. Example of the recommended lot depth for new lots where bush fire prone vegetation is located along more than one edge.

3A.3 BUILDINGFOOTPRINT

Further controls that may apply		
		SECTION C PART 24- Water Management

Objectives

- 1 To ensure new allotments have a suitable area for proposed development, associated structures and open space.
- 2 To protect the amenity of adjoining properties.
- 3 To ensure development is suited to the site.
- 4 To minimise risks from landslip, flooding and bush fire.
- 5 To ensure building footprints have minimal impact on existing trees and areas of ecological or heritage significance.

Controls

- 1 Potential building footprints are to be identified on the site plan of all consolidation and subdivisions.
- 2 Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees.
- 3 The footprint is to be located in an accessible and practical location, preferably with relatively flat terrain, stable soil and geology.
Note: A geotechnical report may be required for steeper sites.
- 4 The building footprint must be located and designed so as to allow useable open space that satisfies the open space requirements of the particular development type.
- 5 The footprint is to be applied in accordance with the minimum building setbacks.
- 6 Practical and suitable access is to be provided from a public road to the building footprint.
- 7 The building footprint must be located in accordance with the requirements in Part 24 of this DCP.

3A.4 TREES AND VEGETATION

Objectives

- 1 *To protect established trees and vegetation on sites and road verges.*
- 2 *To protect the ecological, cultural and aesthetic values of the site and surrounds.*
- 3 *To ensure the appropriate planting of street trees in subdivisions involving new roads.*
- 4 *To ensure that street trees are located to minimise the impact on services.*

Controls

General

- 1 Any subdivision or consolidation proposal must demonstrate that the location and design of:
 - i) building footprints;
 - ii) access ways;
 - iii) roadways, including perimeter roads or trails;
 - iv) services;
 - v) inter-allotment drainage easements; and
 - vi) asset protection zones
 maximises the retention of, and minimises impacts on existing significant trees and vegetation on or adjacent to the site.
- 2 For the purposes of 3A.4 (1) above, significant trees and vegetation includes but is not limited to cultural plantings, large and visually prominent trees, bushland and endangered ecological communities.
- 3 Where a site is particularly constrained a more detailed layout of the potential development may be required.

Street trees

- 4 Street trees are to be planted where new roads are proposed or where the likely location of driveway crossings will result in loss of existing street trees.
- 5 Trees are to be located:
 - i) to avoid conflict with the positioning of underground services;
 - ii) a minimum of 0.6m behind the kerbline to allow access to vehicles;
 - iii) no closer to street lights than the radius of the tree canopy at maturity. The location of trees in relation to street lights is to consider the height of the tree and the radius of the canopy at maturity to ensure that lighting is not obscured by the vegetation.

See Figures 3A.6-1 & 3A.6-2.

Note: In some circumstances, trees on one side of the road only may be acceptable, in order to meet the above controls.

- 6 The canopy is to be capable of being maintained at a minimum of 4.3 metres above the road surface to provide clearance for larger vehicles.
- 7 Species are to be selected to minimise leaf drop and to avoid blockage of drainage systems.

3A.5 ACCESS

Further controls that may apply		
		SECTION C PART 24D - Existing Drainage System PART 24E - Road and Trunk Drainage Design

Objectives

- 1 To ensure adequate and safe vehicular access.
- 2 To ensure the pedestrian and bicycle needs of residents and visitors are considered with particular regard to access requirements, safety and security.
- 3 To ensure that public utilities and services can be provided without unnecessary visual clutter and with regard to the streetscape and character of the area.
- 4 To ensure all road works conform with Council's standard specifications.
- 5 To ensure all newly constructed roads are adequately designed for the scale of the development and the road hierarchy.
- 6 To protect life and property from bush fire risk.
- 7 To minimise the impacts on bushland from urban development.
- 8 To enable ease of access for service vehicles, including waste collection and removalist vehicles
- 9 To ensure adequate signage of roads.

Controls**Vehicular Access**

- 1 Each lot must provide access from a constructed or dedicated public road. Where access is proposed to a section of unconstructed public road, the newly created lot will need to provide lawful, constructed access to Council's satisfaction.
- 2 The minimum width of an access handle to a battle-axe allotment is 4.6 metres. This may be increased where length, number of lots and or topography necessitate. Access to multiple dwellings could require a wider access handle to accommodate passing bays.
Note: Australian Standard 2890.1 2004 Off Street Car Parking applies.
- 3 The maximum number of lots to be served by a single access handle connected to a public road is 3 lots.
- 4 Access for service vehicles, emergency vehicles and waste collection vehicles must be available.
Note: If access is to be provided from a main road it must be in compliance with the Roads and Maritime Services requirements.

Pedestrian and Bicycle Access

- 5 Movement areas are to incorporate convenient, obvious and safe pedestrian and bike links from the lot to public transport services and local facilities.
- 6 The design and location of footpaths and driveways are to provide opportunities for surveillance and allow safe movement of residents and visitors.

3A.5 ACCESS (continued)

Controls

Roads

- 7 Street and footpath design and on street car parking are to be provided and designed in accordance with AMCORD Guidelines: Element 2.1 Street Design and On-Street Car Parking.
- 8 Road design is to consider the incorporation of water sensitive urban design elements (see Figure 3A.5-2).

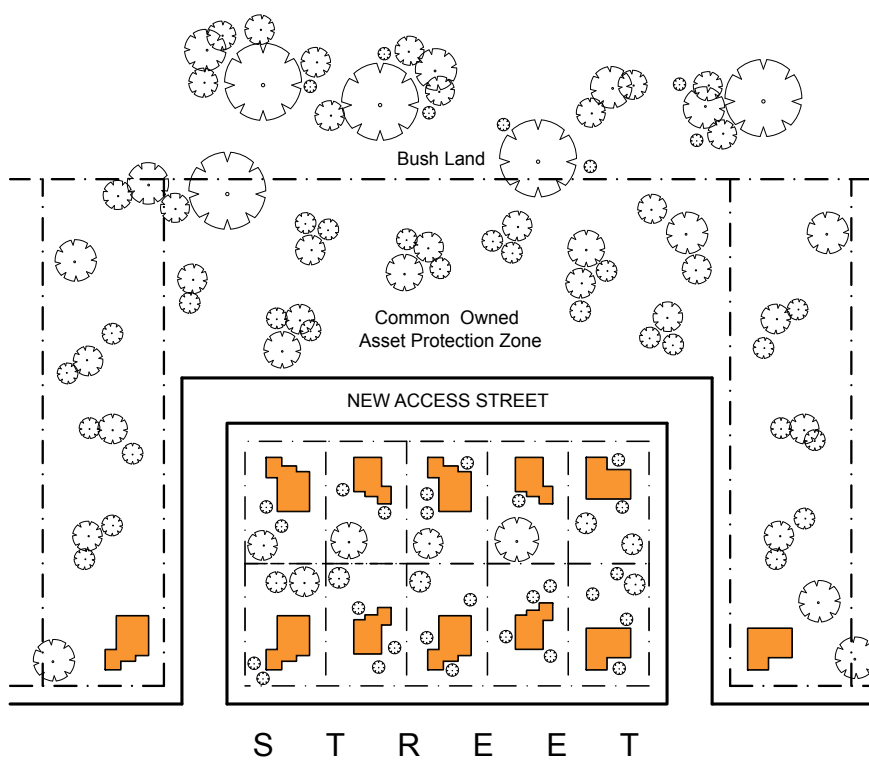


Figure 3A.5-1. Subdivision of lots, sharing access road between development and APZ

Road Grades

- 9 The desirable minimum gradient shall be 1.5% and only in exceptional circumstances will an absolute minimum of 1% be permitted, in which case adequate precautions must be taken to avoid silting of gutters and pavement flooding. Short sections in vertical curves may be below 1.5%, but must have a minimum crossfall of 3%.
Note: Drainage calculations will be required to check the water flow on the road.
- 10 The desirable maximum gradient shall be 12% on straight sections of road or on the inner edge of pavement on curves. Under exceptional circumstances, an absolute maximum of 20% may be considered for a distance not exceeding 75 metres.

3A.5 ACCESS (continued)

Controls

Note: Use of grades over 15% between horizontal curves to meet this clause will not be accepted.

Note: The absolute maximum grade for heavy vehicles, (waste trucks). is 15%. Grades over 15% on straight sections of road must provide a waste bin pick-up area, where the truck is not required to use the 15% grade.

Note: If the road grade is over 12%, the applicant must demonstrate that driveway grades between the kerb and boundary will not exceed 5%.

Turning circles

- 11 Turning circles are to meet the following minimum requirements:
 - i) road diameter minimum 21 metres kerb to kerb;
 - ii) a 28 metre diameter is required from boundary to boundary, or 7m larger than kerb to kerb, where the road is wider than 21 metres;
 - iii) central island – 6 metres diameter kerb to kerb; and
 - iv) maximum crossfall of 5%.

Note: Topographical and alignment constraints may require additional verge width. Consultation with Council at the pre-development application stage may be required.

Names of Roads

- 12 Names of new roads are to be selected by the applicant and submitted to Council for approval. Street name plates shall be constructed in accordance with Council's standards and erected at each intersection.

Location and design of roads

- 13 Where four or more lots adjoin bushland or parkland, a perimeter road is to be built separating the subdivision from the bushland or parkland and no dwelling house or business premises will be permitted to be built on the side of the perimeter road where it adjoins bushland or parkland.
- 14 Any fire trails, perimeter and access roads on bush fire prone lands are to be located between the urban development and bush fire prone vegetation. These accessways encourage passive recreation provide bushland views and support the provision of a defensible space. Managed Asset Protection Zones (APZ) must be located to the bush fire prone vegetation side of these access ways. Refer to Figure 3A.5-1.
- 15 Subdivision is not to interfere with an existing fire trail. Fire trails are to be kept clear of obstruction and vehicular access should be maintained at all times.
- 16 Where perimeter roads are constructed at the edge of bushland and riparian lands they are to incorporate water sensitive urban design to minimise negative impacts of stormwater run-off.

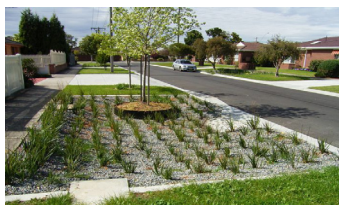


Figure 3A.5-2.
Raingarden retrofit to
roadway - Mentone,
Melbourne (www.wsud.org)

3A.6 INFRASTRUCTURE

Objectives

- 1 *To ensure that services are provided to new lots.*
- 2 *To encourage the undergrounding of electrical transmission and communication wires in Bush Fire Prone lands and when a new road is constructed.*
- 3 *To ensure any required street lighting is provided according to Council's specifications.*
- 4 *To ensure that street trees are located to minimise the impact on services.*

Controls

Services

- 1 All lots shall be provided services such as electricity, gas, town water supply, sewerage and communications. Such services must be located underground where new road construction occurs, and in bush fire prone lands. Services are to be located in accordance with Figures 3A.6-1 & 3A.6-2.
Note: In Bush fire Prone Lands, services are to be provided in accordance with the requirements of Planning for Bush Fire Protection (PBP).
- 2 Existing or planned allocation of services and street trees must be identified on the plan.
- 3 Street lighting is to be provided in accordance with luminance levels found in AS 1158 - Lighting for Roads and Public Spaces.
- 4 Street lighting is to be located at intervals of 80 – 100 metres on straight sections of road or every second pole where there is existing overhead power supply. Where power is located underground, street lighting is to be located as required to meet the minimum lighting requirements.
- 5 Street lighting is to comply with Ausgrid standards. The lighting plan is to be prepared by a suitably qualified and experienced lighting designer accredited with Ausgrid.
Note: Ongoing responsibility for the supply, depreciation and maintenance of street lights which do not comply with Ausgrid standards will lie with the landowner or as agreed at the time of approval and installation.
- 6 Water management facilities, such as:
 - i) interallotment drainage for low level lots;
 - ii) on site detention for new roads and driveways;
 - iii) raingardens or bioretention basins are to be provided as required by Part 24 of this DCP.

3A.6 INFRASTRUCTURE (continued)

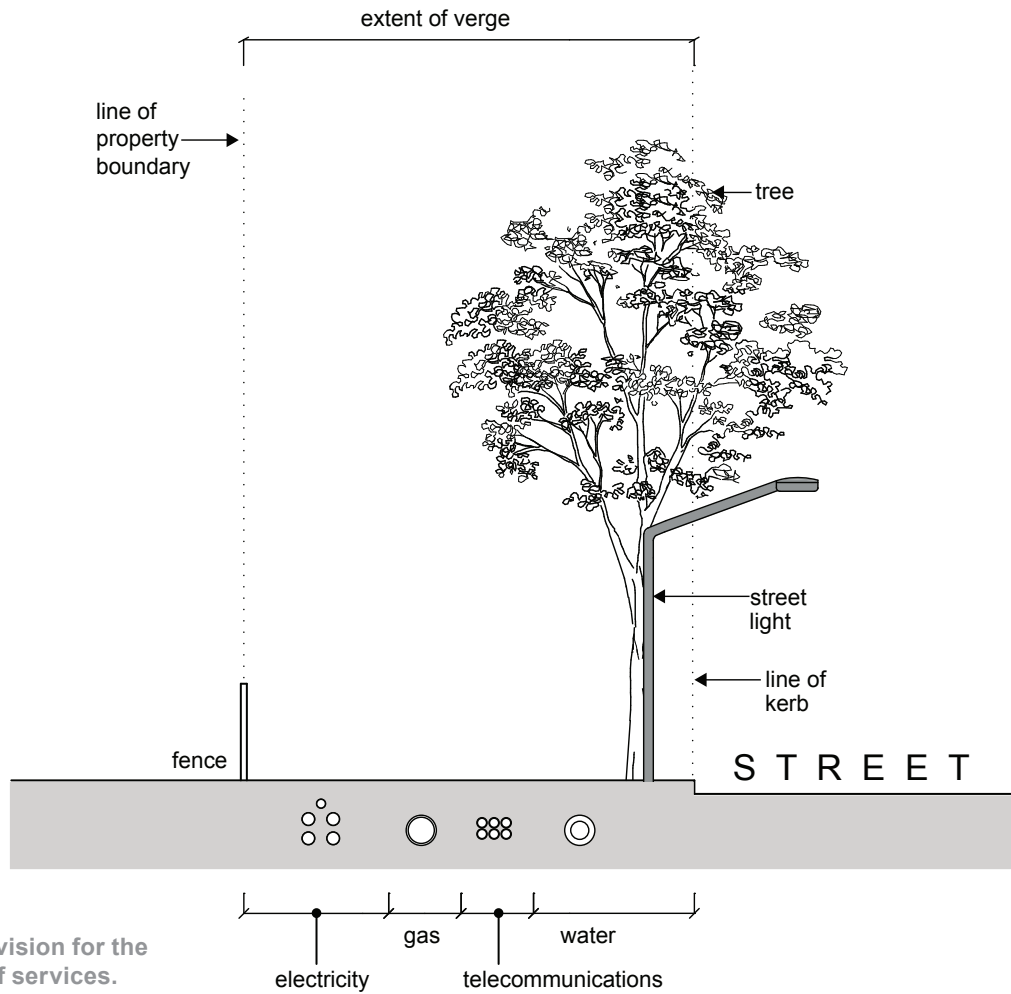


Figure. 3A.6-1 Provision for the undergrounding of services.

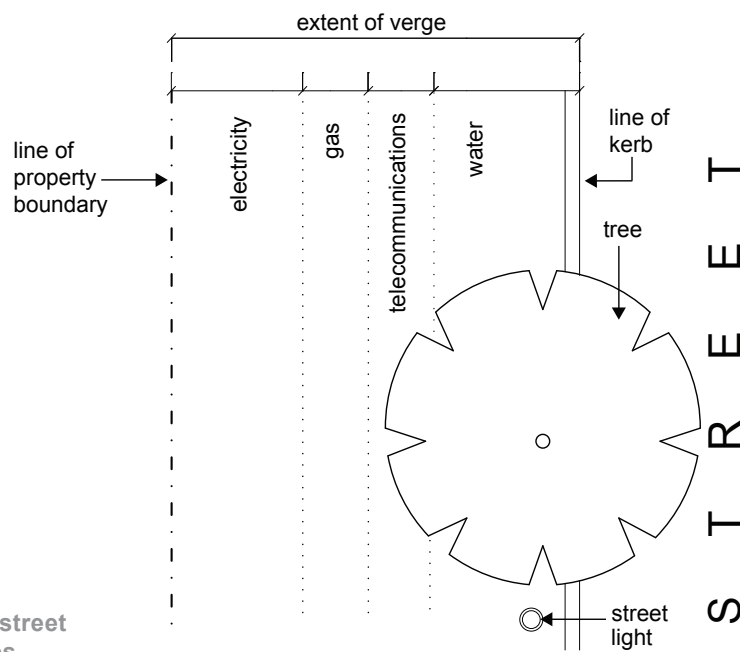


Figure. 3A.6-2 Spacing of street lighting, trees and services

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3B Land Consolidation

LAND CONSOLIDATION



3B LAND CONSOLIDATION

Objectives

- 1 To encourage lot size and shape that supports a practical and efficient layout to meet the intended use.
- 2 To ensure consolidation patterns create usable allotments which relate to the site conditions and allow for development which is suited to the site, its context and strategic intent.
- 3 To achieve orderly and economic development.
- 4 To prevent sites from becoming isolated and unable to be developed in accordance with KLEP.
- 5 To encourage consolidation of sites to enable efficiency through shared facilities and services, such as car parking, recycling and waste collection.
- 6 To consolidate corner lots into sites large enough to create corner buildings with a cohesive built form.
- 7 To provide workable building footprints that allow future development that meets the requirements of this plan.

Controls

- 1 Land consolidation is to increase the width of the street frontage and avoid irregular lot configuration.
- 2 Where development is proposed to cross lot boundaries, consolidation of the subject lots will be required.
- 3 Within a Business zone, Medium density and High density residential zone, sites are to be consolidated to avoid isolating an adjoining site or sites. In particular potential redevelopment of the adjoining site or sites in accordance with its zoning must not be compromised.
- 4 Lot consolidation is to avoid creating:
 - i) a primary street frontage less than that required by KLEP;
 - ii) a lot size less than that required by KLEP; and/or
 - iii) a highly constrained site.

Note: 4 (i) and (ii) only apply to some zones and development types.

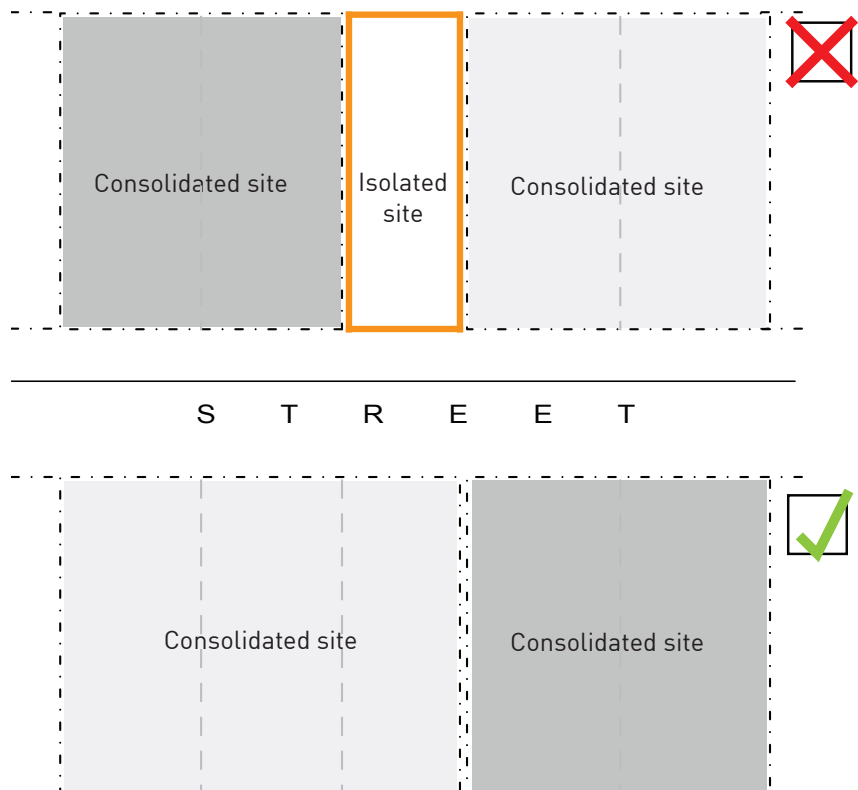


Figure 3B-1
Lot consolidation must avoid isolating small sites.

3B LAND CONSOLIDATION (continued)

Controls

- 5 For the purposes of this section, a 'highly constrained site' is a lot or lots where heritage, riparian or biodiversity values significantly reduce the development potential of the lot or lots.
- 6 Where a development proposal results in an isolated site, as described in 4 above, the applicant must demonstrate that:
 - i) Negotiations between the owners of the lots have commenced prior to the lodgement of the development proposal. Where a satisfactory result cannot be achieved the development proposal should include details of the negotiations, demonstrating that a reasonable offer has been made to the owner of the isolated site: and
 - ii) Both the isolated site and the development site can be orderly and economically developed in accordance with the provisions of KLEP and this DCP, including:
 - achieving an appropriate urban form for the location, and
 - having an acceptable level of amenity.

Note: A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property. To assist in this assessment, applicants are to submit details and diagrams of development for the isolated site, that is of appropriate urban form and amenity. The diagram is to indicate height, setbacks and resultant footprint (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts of the developments. Important considerations include solar access, deep soil landscaping, privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road. The application may need to include a setback greater than the minimum requirement in the relevant planning controls. Or the development potential of both sites may need to be reduced

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3C Strata And Community Title Subdivision

3C STRATA AND COMMUNITY TITLE SUBDIVISION

1 *To ensure essential amenities and services are provided for in any strata subdivision and community title.*

2 *To ensure that the provision of shared facilities such as communal open space, allocated car parking, recycling and waste collection are all situated on common property.*

1 Any subdivision must retain the relationship between the building and/or dwelling and its associated:

- i) communal open space(s);
- ii) parking spaces (visitor and allocated);
- iii) water management devices; and
- iv) waste and recycling facilities.

2 Any buildings included in a subdivision must comply with the relevant fire safety provisions for that building in relation to each relevant lot proposed within the development.

3R References

3R.1 Minimum Lot Depth Maps

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