Lithgow City Council
Development Control Plan 2021

Chapter 5:

Subdivision & Roads

including Consolidation & Boundary Adjustments

Chapter 5

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Document Control

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Title Page: The picture on the title page is the master plan for the Marrangaroo Area (Lithgow City Council).

5.1 Introduction

5.1.1 Application of this Chapter

This Chapter should be addressed whenever a development application includes a type of subdivision or boundary adjustment (see definitions below) or new or upgraded public roads are required.

There are three (3) main forms of subdivision and related land titles in NSW. The form of title used will be dependent on the nature of the subdivision.

Torrens Title Subdivision *is the traditional form of subdivision, and is the most common form of subdivision in the Lithgow* ***LGA****. The Torrens title system is based on a plan of survey, which defines the boundaries of a parcel of land at the date upon which it was registered.*

Community Title Subdivision *provides individual ownership of lots and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected, including roads and driveways, swimming pools, common open space and the like. This form of subdivision is most common for multi-dwelling housing.*

Strata Subdivision *can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. This form of subdivision is most common with townhouses, residential flat buildings, duplex and semi-detached housing and multi-tenant commercial or industrial buildings.*

Please note that ***Boundary Adjustments*** *may need to address this Chapter if they are not exempt or complying subdivision types under State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 (****Codes SEPP****).*

This Chapter is broken down into Sections. The Sections that apply will depend on the type of land use proposed for the subdivision (and its zone) and whether new roads will be required, including:

a) DCP Section 5.2 – Site Selection, Analysis & Design Response must be considered for all subdivisions.

b) DCP Sections 5.3 to 5.6 (Subdivision for Different Land Uses) are for specific subdivision types dependent on the land use or subdivision type. Discuss this with Council if you are unsure which Section applies to your development.

c) DCP Section 5.7 – New or Upgraded Roads only applies where there is a new or substantially upgraded road required to access the subdivision.

Council sets out the circumstances for release of Subdivision Certificates prior to the completion of works in Council Policy 7.2 – Subdivision – Release of Subdivision Plans.

5.1.2 Other Relevant Chapters of this DCP

Please remember that this Chapter of the DCP is unlikely to contain ALL of the relevant controls for your development.

Please see *Chapter 1 – Introduction & Administration* to review the Section on *How to Use this DCP* including the *Structure of the DCP* (see table below) to determine what other Chapters may be relevant to your development.

IF YOU ARE UNSURE, PLEASE DISCUSS THIS WITH COUNCIL STAFF PRIOR TO LODGING YOUR APPLICATION.

We also recommend that you seek a **Planning Certificate** from Council that will detail most of the significant constraints or affectations on the property as different Chapters/Sections of this DCP are relevant where these affectations exist.

The DCP has the following Chapters:

Chapter 1:	Introduction & Administration
Chapter 2:	Site Requirements
Chapter 3:	Natural Environment & Hazards
Chapter 4:	Heritage & Cultural Conservation
Chapter 5:	Subdivision & Roads **(THIS CHAPTER)**
Chapter 6:	Residential Development
Chapter 7	Commercial, Community & Industrial Development (including Advertising/ Signage for all relevant land uses)
Chapter 8:	Rural & Other Land Uses
Chapter 9:	Location Specific Controls

5.1.3 Exempt & Complying Development

Please note that *State Environment Planning Policy (Exempt and Complying Development Codes) 2008* (**Codes SEPP**) may permit certain development set out in that policy without requiring a development application to Council if it complies with the requirements of the **Codes SEPP**. Please discuss this with Council or visit the NSW Government Planning Portal.

5.2 Site Selection, Analysis & Design Response

*Site analysis is essential in order to understand the site and its context. Site analysis and good site planning should be undertaken **before** the design of any subdivision.*

Subdivision is a very important stage to the future development of an area as road layouts, lot areas and dimensions and buffers determine many of the factors for how future development responds to site opportunities/constraints and the likelihood of future land use conflicts that cannot later be changed. It has a significant impact on the future structure, character and amenity/desirability of an area.

5.2.1 Site Analysis & Potential Land Use Conflicts

Objective(s)

Any development application (for subdivision, consolidation, boundary adjustments or new roads) in accordance with this Chapter demonstrates:

a) That a detailed **Site Analysis** has been conducted/documented in accordance with the opportunities/constraints of the Site informed (where relevant) by this DCP (including *Chapter 2 – Site Requirements*; *Chapter 3 – Natural Environment & Hazards*; and *Chapter 4 – Heritage & Cultural Conservation*; and

b) That the proposed development has provided an appropriate response to the **Site Analysis** for the proposed subdivision and the future intended use(s) whilst minimising potential land use conflicts and environmental impacts.

5.2.2 Water, Natural Environment & Hazards

Objective(s)

Without limiting the requirements in this DCP (referred to in *Section 5.2.1* above), the Subdivision design demonstrates:

O1. **Stormwater Management:**

a) That stormwater systems are designed to maximise the resulting water quality leaving the site and manage water quantity to prevent environmental impacts and flooding.

b) The need for inter-allotment drainage easements has been considered/addressed.

c) For larger developments, detention basins and/or water sensitive urban design / water treatment mechanisms may be required.

O2. **Watercourses:** That suitable setbacks for lot boundaries (and where necessary - building envelopes) are provided to:

d) Address the risk of flooding;

e) Protect and enhance watercourses (including water quality and quantity); and

f) Provide riparian corridor buffers for protection of vegetation and water quality.

O3. **Significant Vegetation:** That it maximises the retention and protection of existing significant vegetation/trees from both the Subdivision and future development (including infrastructure). Council may require:

a) A **Survey Plan** or other suitably accurate plan showing existing trees/species/approximate size and indicating which trees are to be retained or removed;

b) An **Arborist Report** or other suitably qualified report that provides:

i) justification for removal of any significant trees; and

ii) demonstration that the subdivision and future development will provide sufficient protection for those trees to be retained.

O4. **Hazards:** That the site has limited hazards or that the hazards can be avoided or minimised/mitigated to an acceptable level for both the development area and associated access.

O5. **Slope:** Subdivision on land with a slope of 20% or greater (being ~1:5 or 11º) is significantly constrained and needs to be supported by a **Survey Plan** and **Geotechnical Report** prepared by a suitably qualified person verifying the suitability of the proposed lot size considering any future (likely) building(s), hydrology and drainage, and site stability during site works, construction and operation of the development.

5.2.3 Lot Sizes, Dimensions & Suitability

Objective(s)

O1. To provide lot sizes and dimensions that respond to the site constraints and opportunities and avoid or minimise / mitigate against existing and/or future land use conflicts.

O2. To increase lot sizes and dimensions (above the minimum) where sites have significant slope, site constraints, or natural hazards that would impact on the useability/amenity of the site layout and future development or environmental requirements in this DCP.

O3. To integrate infill subdivision(s) into existing urban and historic areas with similar pattern(s) and street frontage(s) to create consistent street character and improve navigation.

O3 To ensure applications demonstrate that any proposed lot(s) in a subdivision, consolidation or boundary adjustment have an appropriate area and dimensions for the siting and construction of all proposed and/or likely development/buildings as well as ancillary or associated development.

O4. To achieve good urban design and (where relevant) residential amenity outcomes.

Control(s)

1) **Minimum Lot Size:** Any lot(s) created must comply with the minimum lot size(s) in **LLEP2014**. However, this is a minimum size only and larger lot sizes may be required to respond to site constraints including, but not limited to the following:

a) Site constraints and opportunities raised in DCP *Sections 5.2.1 & 5.2.2* above;

b) Requirements for on-site effluent disposal areas (if relevant);

c) The objectives for lot size in **LLEP2014**;

d) Provision of a range of lot sizes to enhance the character of an area and minimise development that is too repetitive in lot layout and design.

2) **Urban Areas:** Subdivisions in or adjacent to an **urban zone and/or area** are to satisfy the following design standards:

   g) If a new public road is created, address the controls in DCP *Section 5.7 – New or Upgraded Public Roads* below;

   h) Ensure lot sizes and shapes address and relate to the prevailing dimensions (including street frontages), pattern or rhythm of subdivision in the surrounding locality, particularly in historic areas, where this is a significant part of the street or local character;

   i) Maximise the number of regular shaped lots (i.e., lots that are roughly rectangular in shape) so there are less constraints for future development and/or subdivision, particularly in existing/historic urban areas;

   j) Provide suitable road frontage lot widths to promote ease-of-access to and servicing/utilities for each lot without dominating the street and ensure buildings address the street (where relevant);

   k) Provide depth to width ratios that accommodate vehicle access, manoeuvring, and a range of standard building types/layouts with relevant setbacks.

5.2.4 Access & Entrances

Council will condition requirement(s) for construction of new accesses / entrances to every new lot prior to release of the Subdivision Certificate.

There are a number of public roads, including Crown roads not maintained by Council or council roads with substandard formations that are not sufficiently maintained to satisfy expected minimum safe access standards. Generally, Council don't want access for a subdivision to be from a Crown road unless it is already established. In some instances, Crown will request that the road be transferred to private ownership or that Council take them over. See DCP Section 5.7.5 – Crown Roads for more details.

This control does not affect strata or community title subdivision that relies on access through common property.

Objective(s)

O1. To provide all lots with safe, legal and practical vehicle access and manoeuvring area(s).

O2. To provide safe and suitable access and manoeuvring for emergency vehicles and larger vehicles for servicing (as required).

O3. To provide safe & suitable pedestrian/cycle access and facilities to encourage walking and/or cycling.

O4. To promote safe and efficient road and footpath environments for all road users, cyclists and pedestrians.

O5. To minimise the number of lots created that do not have a substantial frontage/ direct access to a public road.

O6. To ensure any access ways are of sufficient width and driveway construction to minimise impacts on neighbouring lots and provide suitable vehicle access.

Control(s)

1) **Public Road:** Each lot in a subdivision (including lots with adjusted boundaries) has safe, legal and practical access to a public road (maintained to Council's standards) either through:
   a) A direct frontage to that public road (this is the most desirable outcome for all new lots);
   b) A right-of-way arrangement through another lot; or
   c) By consolidation with an existing allotment that has access.
2) **Reference:** Address the requirements of DCP *Section 2.5 – Vehicle Access & Parking* and *Section 2.6 – Pedestrian Access, Mobility & Safety* (where relevant).
3) **Right-of-Way:** Council will only permit subdivision that creates lot(s) that rely for access on an easement or right-of-way (or other restriction on title) in a **rural and/or environmental zone/area** where all of the following are satisfied:
   a) No public road access is adjacent to, or could reasonably be provided to, the proposed lot(s);
   b) A maximum of:
      i) Three (3) lots will utilise any easement or right-of-way (including the primary lot providing the access and two (2) additional lots);
      ii) Two (2) allotments are behind any allotment which has direct frontage to a public road;
   c) There is a minimum carriageway width for a right-of-way of 10m with a 4m formation with appropriate drainage;
   d) Where the slope of a driveway exceeds 10%, the access is to have a two-coat bitumen seal;
   e) There is written approval from the affected lot owner (easement only).

5.2.5 Utilities/ Easements

Objective(s)

O1. To provide all essential utilities to the boundary of any new allotment suitable for the proposed use in accordance with **LLEP2014** *Clause 7.10 Essential services*.

O2. To address any connection requirements of the relevant utility authority.

O3. To protect the operation of utilities and ensure appropriate access.

O4. To ensure that on-site effluent management (if required) can be accommodated on any proposed lot without significantly affecting adjacent properties or the natural environment.

Control(s)

1) **Reference:** All subdivision(s) comply with and address DCP *Section 2.8 – Utilities, Easements & Infrastructure* (where relevant).
2) **Servicing Plan:** A Concept **Servicing Plan** is to be submitted in support of all subdivision proposals detailing the location of all existing and proposed services to each lot including all existing and proposed easements.
3) **Easements:** If any easements are reliant on or cross over land adjoining the proposed subdivision then owners' consent from that adjoining land is required to be provided with the application.

Council is likely to condition the requirement (in accordance with the requirements of the relevant authority) for the applicant to (prior to the release of the Subdivision Certificate):

a) provide confirmation from each relevant authority that the services are or can be made available at the boundary of each lot and provide appropriate capacity/level of servicing for all lots; and

b) construct these utilities/services.

5.2.6 Siting and Visibility of Utilities

Objective(s)

O1. To minimise the visual impact of any new or upgraded utilities by undergrounding connections and integrating infrastructure into the subdivision design (where possible).

Control(s)

For larger subdivisions that will require significant new or upgraded utilities:

1) **Impacts:** Utilities are sited where:
   a) Utilities installation (and maintenance) will have the least impact on existing site stability and disturbance, significant native vegetation, watercourses or riparian/ecological corridors, or other environmentally sensitive areas; and
   b) Existing or proposed vegetation (considering mature height of trees etc.), natural hazards (bushfire or flooding), or the environment will have the least impacts on utilities.
2) **Efficiency:** Utilities are sited to cater for all existing or future lots in an efficient and cost-effective manner that allows for future augmentation to allow for growth.
3) **Underground:** New or relocated utilities are sited:
   a) Underground (particularly in heritage conservation areas, new urban release areas, or main streets); or
   b) Utilise existing poles (where possible),

   to the satisfaction of the relevant utility authority, unless other constraints make this unsuitable.
4) **Common Trenching:** Compatible public utility services are sited in common trenching (where possible) in a service corridor (see **Engineering Guidelines**) in order to:
   a) Minimise the land area required and future constraints on development of that land;
   b) Reduce costs; and
   c) Minimise any environmental impact.
5) **Screening:** Utility boxes and cabinets (e.g., electricity substations, meter boxes etc.) on private land above-ground must be integrated into the development and screened from public view whilst providing appropriate access (where appropriate).

5.2.7 Staging

Objective(s)

O1. Larger subdivisions must consider staged subdivision release and ensure each stage is capable of being developed independently of later stages and has appropriate access and utilities.

Control(s)

1) **Plan(s):** Where the subdivision of land will be (or is likely to be) carried out in stages or would result in a remnant parcel of vacant land capable of further subdivision, a **Subdivision Plan** (for the entire subdivision) is to clearly indicate:
   a) The entire land area to be subdivided (including land likely to be subdivided in the future) AND the boundaries of each stage of the subdivision;
   b) The proposed access, road structure, and other vehicle and pedestrian/bicycle connections for the development AND any likely future adjoining subdivision/development;
   c) Any staging of essential roads, infrastructure and/or other essential utilities/services or communal spaces and buildings.
2) **Connectivity:** Each individual stage of a staged subdivision is to be designed to ensure it:
   a) Does not compromise suitable access to any other stage(s) of subdivision;
   b) Has access to essential infrastructure / utilities, roads and pedestrian connections, and landscaping in accordance with the controls in this DCP and is capable of operating independently of the infrastructure of later stage(s);
   c) Provides suitable capacity in infrastructure to allow for future development (that is likely to utilise or extend that infrastructure) to occur without significant capacity constraints/ upgrades;
   d) Provides a fully formed cul-de-sac or turning head (see Council's **Engineering Guidelines**) for any temporary terminating roads (that will later become through roads) so that the maximum sized design vehicle can enter and exit the cul-de-sac with a maximum three-point turn.
3) **Future Growth:** The staged subdivision of land is designed so that it promotes ease of future road access and infrastructure connection for adjacent land (not part of the subdivision application) where there is a reasonable likelihood it could be developed in the future (even if not currently identified in Council's relevant land use strategies).

5.3 Urban Residential Subdivision

*This Section applies to applications for subdivision of land for the purposes of residential accommodation including dwellings in an **Urban Residential Zone** (see **Dictionary** in Chapter 1 of this DCP). These controls are in addition to the requirements of DCP Section 5.2 - Site Selection, Analysis & Design Response above (where applicable).*

5.3.1 Lot Size & Arrangements – General

Objective(s)

O1. To provide a range of lot sizes to suit a variety of residential type(s) and densities.

O2. To ensure new subdivisions in or adjacent to existing urban areas complement the existing subdivision pattern and character of the existing urban area.

O3. To promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwellings.

O4. To require sufficient road frontage for all new lots for appropriate driveway access whilst encouraging dwellings to have a frontage/address to the street.

O5. To ensure that lots in villages without reticulated sewer have sufficient size to accommodate on-site effluent management as well as proposed or future development.

Control(s)

1) **Sewerage:** All new lots are to comply with DCP *Section 2.8.1 – Connection to Utilities*. Where a village does not have reticulated sewer then lots sizes must address the requirements of DCP *Section 2.8.3 – On-Site Sewage Management*.

2) **Dwelling Diversity:** The design of a subdivision creating 10 or more lots is to:

   a) Provide a range of lot sizes that can encourage diversity in residential type(s)/densities suited to the land use zone and desired character of the area;

   b) Highlight where different residential type(s)/densities could locate and any additional future subdivision potential; and

   c) Consider how corner lots could support future **dual occupancies** and/or subdivision.

3) **Lot Width:** All lots (excluding **battle-axe lots** and **medium density housing**) are designed to have a minimum width of:

   a) 10m at the building line (see front setbacks in DCP *Chapter 6 – Residential Development*) for a rectangular lot;

   b) 8m at the street frontage for a ‘fan’ or ‘radial’ shaped lot and 14m at a point setback 6m from any road frontage.

4) **Layout/Orientation:** The subdivision design is to consider lot layout and orientation that will:

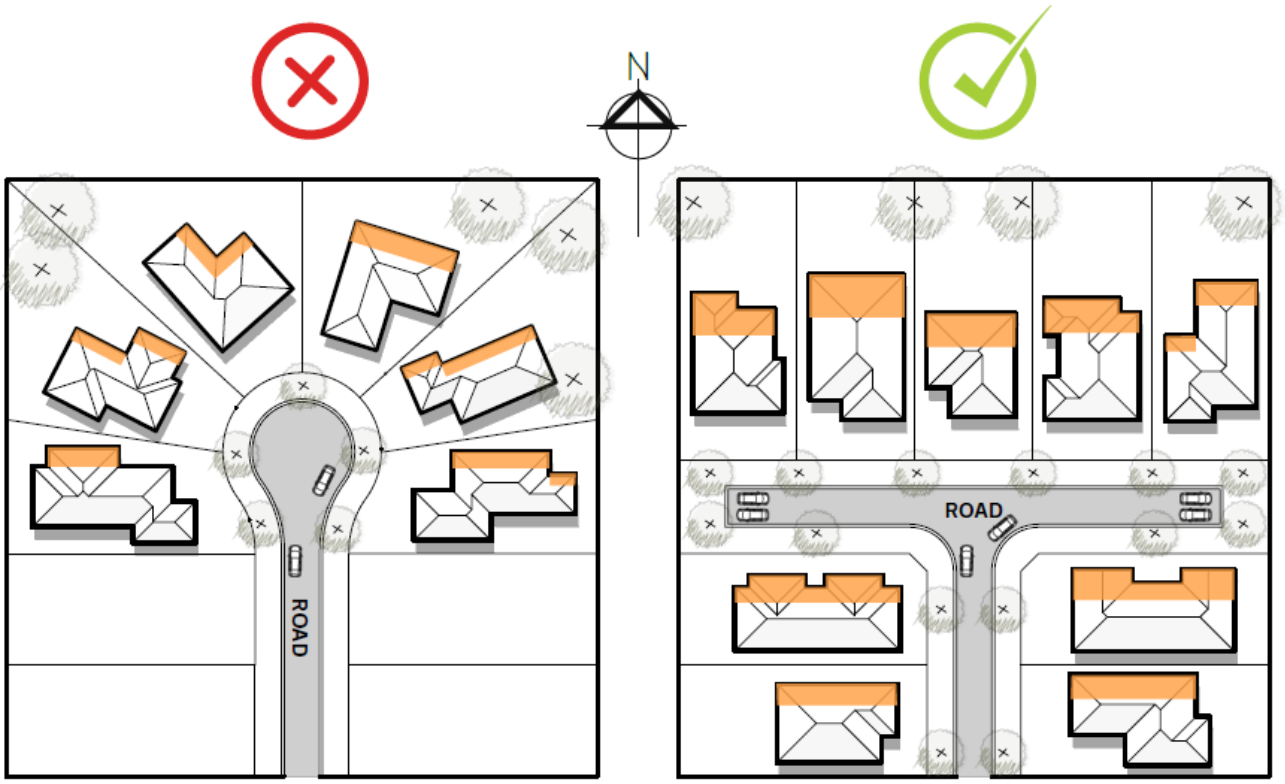
   a) Maximise the opportunity for dwellings to have sufficient presentation and openings to the **primary (street) frontage** and contribute positively to the **streetscape**;

   b) Promote dwelling separation, privacy, landscape and open space(s) and residential amenity;

c) Demonstrate adequate solar access for all proposed future and existing neighbouring dwellings and maximise good solar orientation (see diagram below) subject to site constraints; and

d) Minimise overshadowing between future dwellings, for example, by providing suitable lot widths that allow for up to a two-storey building and respond to topography/slope.

Lot orientation for solar access in temperate climates (AMCORD).



Poor solar orientation with awkward shaped lots - increases requirements for custom plan design

Maximises solar orientation - simpler plan forms

Lot shape and dwelling orientation (Source: Complete Concepts + Planning based on AMCORD, 1995).

5.3.2 Access to Lots with Limited or No Road Frontage

Objective(s)

O1. To promote safe and efficient access to urban residential lots.

O2. To provide sufficient driveway widths & design for **battle-axe lots** to minimise impacts on adjacent residential lots and accommodate traffic requirements.

See also DCP Section 2.5.3 - Vehicle Access & Driveways.

Control(s)

A subdivision proposal that will create a **battle-axe lot(s)** (or lot(s) accessed by an easement/right-of-way) addresses the following design standards:

1) **Amount: Battle-axe lots** in an existing **urban residential zone**:

   a) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purposes of Clause 4.1 of the Lithgow LEP 2014.

   b) Are only used where it is not feasible to extend a road to the frontage of the lot and a battle-axe lot is needed to efficiently use the land; and

   c) Do not unreasonably impact on the amenity of adjacent residential lots.

2) **Access:** Each **battle-axe lot** has a minimum access handle/easement width of:

   a) 4.5m for access to a single lot; or

   b) 6.0m for combined access to two lots (with reciprocal easements for access and services); and

   Access handle lengths do not exceed 60m.

3) **Access Seal:** A sealed or concrete pavement is constructed for the full length of the access handle in accordance with Council's ***Engineering Guidelines*** prior to release of the Subdivision Certificate; and

4) **Higher Densities:** If the proposed **battle-axe lot** is intended to be used for more than a single **dwelling** and/or **dual occupancy** (i.e., it is for the purposes of **medium density housing**) then it may require:

   a) A wider access handle/driveway seal for two-way vehicle traffic; and

   b) Consider additional width to include setbacks and/or landscaping to minimise impacts on adjacent lots/dwellings.

5.4 Urban Release Areas & South Bowenfels

*This Section applies to any Urban Release Area identified in **LLEP2014** or in the South Bowenfels area. These controls are in addition to the requirements of DCP Section 5.2 - Site Selection, Analysis & Design Response and the controls in Section 5.3 - Urban Residential Subdivision above (where applicable).*

There may be additional controls or master-plans in Chapter 9 – Location Specific Controls.

The minimum lot size in the South Bowenfels Zone R2 Area is 800m².

The minimum lot size for a dual occupancy (attached or detached) in Zone R2 is 1,000m².

5.4.1 Corner Lots

Objective(s)

O1. To ensure **corner lots** can accommodate minimum setback requirements from both the primary and secondary frontages.

O2. To encourage development of **corner lots** for dual occupancies (where suitable).

Control(s)

1) **Corner lots** are encouraged to achieve the minimum lot size that can support a dual occupancy in **LLEP2014** to take advantage of the dual frontage and facilitate a range of residential types.
2) **Corner lots** have the following minimum dimensions:
   a) Depth - 25m (on at least one boundary).
   b) Width (average) - 30m.

5.4.2 Battle-Axe Lots

Objective(s)

O1. To minimise the use and impacts of **battle-axe lots** in new subdivisions.

Control(s)

The design of a subdivision that includes **battle-axe lots** has regard for the requirements of DCP *Section 5.2 - Site Selection, Analysis & Design Response* and ensures the **battle-axe lot(s)**:

1) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size for the purposes of Clause 4.1 of the Lithgow LEP 2014.
2) Are only used where it is not feasible to extend a road to the frontage of the lot and a battle-axe lot is needed to efficiently use the land; and
3) Provide a larger than average lot size to enable siting of a dwelling that would not impact on privacy or amenity of neighbouring lots/dwellings; and
4) Have a driveway constructed prior to release of the *Subdivision Certificate* with a minimum seal width of 3m for the entire length of the battle-axe handle (to minimise impacts on adjacent properties).

5.4.3 Public Open Space & Facilities

Objective(s)

O1. Provide sufficient open space areas as part of larger subdivisions to meet the recreational needs of that community.

Control(s)

For larger subdivisions (creating more than twenty (20) lots):

1) Where not specifically stated in an adopted relevant *Open Space plan/study or Voluntary Planning Agreement*, useable public open space shall be provided at a minimum rate of 70m^2 per lot and ideally consolidated into useable recreation area larger than 5,000m^2 (except where their function is primarily to provide cyclist/pedestrian connection or habitat linkages).
2) Where it is not feasible or desirable to dedicate a land component for open space within a development, Council will seek an equivalent monetary contribution or off-site land contribution towards the provision of community usable open space areas either through a negotiated *Planning Agreement* or in accordance with an adopted *Contributions Plan*.
3) No lot is located more than 600m walking distance from a public open space.
4) No lot is located more than 1,000m walking distance from an active open space area/ playground.
5) Parks are located so that at least 50% of their perimeter length has a direct frontage to a public road.
6) New release residential areas should be designed to locate residential areas within reasonable walking distance 400-800m of any existing or proposed neighbourhood shops and/or community facilities.

5.5 Large Lot Residential & Rural Subdivision

*This Section applies to applications for subdivision of land in the **rural and/or environmental zones** (see Dictionary in Chapter 1 of this DCP). These controls are in addition to the requirements of DCP Section 5.2 - Site Selection, Analysis & Design Response above (where applicable).*

5.5.1 Access & Road Design

Objective(s)

O1. To provide safe and efficient access points to/from proposed lots to rural roads.

See also requirements in DCP Section 2.5.3 - Vehicle Access & Driveways.

Control(s)

New driveways to public roads are grouped at existing or limited access points (if feasible) to:

1) Minimise the traffic impact and risk of additional access points to the public road system; and
2) Ensure sight lines in accordance with DCP *Section 2.5.3 - Vehicle Access & Driveways* and Council's **Engineering Guidelines**.

5.5.2 Access to Lots with Limited or No Road Frontage

Objective(s)

O1. To ensure lots have sufficient access widths to cater for the intended traffic and minimise impacts on adjacent lots.

Control(s)

The design of a subdivision that includes **battle-axe lots** or access to a lot via an easement/right-of-way has regard for the following design standards:

1) Each lot has a minimum access handle width of:
   a) 6.0m for access to a single lot;
   b) 8.0m for combined access for up to three (3) lots (with reciprocal easements for access and services); and
2) A minimum 3.5m wide road is constructed for the full length of the access handle in accordance with Council's **Engineering Guidelines**.

5.5.3 Lots for the Purpose of Agriculture

Ensure that lots created for the purpose of agriculture below the minimum lot size are clearly noted for any existing or future land owner on title as having no dwelling potential and that lot(s) created have legal access.

*Where a lot is created for the purposes of agriculture under **LLEP2014 Clause 4.2 Rural Subdivision** and it is below the minimum lot size for the land shown on the **Lot Size Maps** then Council will condition a restriction or covenant to be registered on the title to that allotment that:*

a) Restricts the use only for the purposes of agriculture (i.e., a dwelling may not be approved on the site without removal of the covenant and meeting any relevant planning controls);

b) Where the lot does not have constructed legal access at the time of creation of the lot - to require the construction of such access prior to the transfer of title to the satisfaction of Council.

5.6 Commercial, Industrial or Community Use Subdivision

This Section applies to applications for subdivision of land for the purposes of commercial, industrial or community uses in any zone where the land use is permissible. These controls are in addition to the requirements of DCP Section 5.2 - Site Selection, Analysis & Design Response above (where applicable).

5.6.1 Lot Size & Arrangement

Objective(s)

O1. To encourage the development of well-designed community, commercial and industrial areas servicing the full range of business needs throughout the Lithgow **LGA**.

O2. To ensure sufficient lot sizes and road frontages to support the intended land uses, access requirements, off-street parking, and circulation/servicing needs whilst minimising significant impacts on adjacent sensitive land uses.

O3. To ensure new subdivisions in or adjacent to existing urban areas complement the existing subdivision pattern and character of the existing urban area.

Control(s)

The design of a subdivision for commercial, industrial or community use(s) has regard for the following design standards:

1) Lot sizes and shapes have a sufficient size and road frontage to accommodate:
   a) Vehicular access catering for the largest design vehicle that will need to enter the site including adequate sight distances at the road frontage and circulation space to enable it to enter and leave the site in a forward direction;
   b) An indicative building envelope that meets the required setbacks;
   c) All ancillary or associated development including outdoor structures and storage areas necessary for the normal functioning of the proposed land use located where they do not create significant visual impact from the public street; and
   d) Off-street car parking and loading/unloading facilities (if required).
2) A subdivision creating a **battle-axe lot** is designed to:
   a) Comply with subsection (1) of this clause;
   b) Facilitate use(s) that will not require regular access by, or visibility for, members of the public;
   c) Include an access handle width that will minimise any significant impacts on adjacent properties; and
   d) Address DCP *Section 2.7 – Designing for Crime Prevention*.

5.7 New or Upgraded Public Roads

This Section applies to any subdivision application that seeks (or is required) to create a new public road, provide an extension to an existing public road, or significantly upgrade an existing public road to the relevant standard.

*Whilst Council's **Engineering Guidelines** cover most of the detailed design requirements, this section provides some additional controls for larger subdivisions/new roads to improve urban design and traffic/access outcomes.*

5.7.1 Guidelines

Objective(s)

O1. To ensure any road design comply with relevant road and access guidelines adopted by Council.

Control(s)

New road design(s) for residential subdivisions comply with Council's **Engineering Guidelines** and other relevant development standards including, but not limited to (as amended):

1) Roads & Traffic Authority (RTA – now Transport for NSW) (2002) *Guide to Traffic Generating Development*;
2) Roads & Traffic Authority (RTA – now Transport for NSW) (1995) *Road Design Guide*;
3) Relevant **Australian Standards**;
4) AUSTROADS (1988) *Guide to Traffic Engineering Practice*;
5) AUSTROADS *Guide to Road Design*; and
6) Council *Policy 10.5 – Footpath Reservations – Works Requirements*.

References to some of these standards are made below but still apply even if not specifically referenced. Due to the complexity of these standards, Council recommends that any application for a new road involves a Civil and/or Traffic Engineer to confirm compliance.

5.7.2 Surrounding Road Patterns & Access

Objective(s)

Any subdivision design that includes new public road(s) must:

O1. Integrate with the surrounding road network and other pedestrian/bicycle and open space connections and be sympathetic to settlements with strong grid pattern road systems.

O2. Provide a subdivision pattern and road layout that enables adjacent lands to be developed as urban growth occurs.

Control(s)

1) **Navigation:** Any new road pattern integrates with the adjacent road network and promotes ease of navigation and way-finding for someone not familiar with the neighbourhood.

2) **Pattern:** Where a grid road pattern is dominant in a locality, that pattern (modified to suit the site and solar orientation) is maintained except where steeper topography dictates a curvilinear road pattern to significantly reduce cut and fill.

3) **Connection(s):** New roads and pedestrian/bicycle paths are designed to connect to existing surrounding roads and road heads and shared pathways networks where they exist adjacent (or in reasonable proximity) to the proposed subdivision (particularly in **urban zone and/or area** where connectivity would benefit the broader community).

4) **Future Connection(s):** A subdivision of land adjacent to land that has additional development potential (or is likely to in the future) makes provision for future road access to the adjacent (developable) land.

5) **Rear Lanes:** Rear lanes do not provide the primary or sole access point to any new subdivision unless that lot has no alternative access point and safety/traffic generation can be addressed.

*There are many existing rear lanes in settlements in the Lithgow **LGA** that can be utilised for traffic movement as part of a new development in certain circumstances. Some rear lanes are only 6m wide and will generally only support one-way traffic. Development adjacent to and/or relying on a rear lane for access may be required to upgrade or widen the lane and ensure that impacts will be minimised or mitigated on adjacent properties.*

6) **Open Space:** Where there is a drainage corridor or public open space proposed as part of the subdivision, where possible roads front these spaces rather than the backs of lot(s) to encourage access, maintenance, safety and improved recreational use and environmental outcomes. See DCP *Section 5.4.3.5 – Public Open Space & Facilities*.

5.7.3 Road Hierarchy & Design

Objective(s)

O1. To provide a logical road pattern / clear hierarchy of roads.

O2. To provide suitable vehicle, pedestrian and cycle connections and navigation to key services and attractions (suited to the size and density of the subdivision and surrounding network/connections).

*Council's **Engineering Guidelines** specifies the appropriate road hierarchy, road widths and road design standards based on number of lots served, design traffic speeds, vehicle sizes, and parking requirements including footpaths and cycleways.*

Control(s)

A development proposal considers relevant traffic impacts and, where warranted, provides a **Local or Area-Wide Traffic & Parking Assessment** (or similar, see Council's **DA Guide**) in support of a development application that addresses:

1) How the road hierarchy will promote ease-of-navigation and connectivity for vehicles, pedestrians, and bicycles (where relevant);

2) The impact of any traffic generation from the proposed subdivision on the proposed and existing road network and pedestrian / cycle routes;

3) The maximum vehicle sizes likely to utilise the road network during construction and future use and provision of appropriate turning paths for the largest vehicle sizes; and

4) The location, design and safety of any intersections or crossings.

Where several new roads are proposed then there should be a clear and logical road hierarchy based on (but not limited to):

a) The level of connectivity and ease-of-navigation for someone unfamiliar with the neighbourhood to the surrounding road network with connections to key public open spaces and/or community infrastructure;

b) Creating an attractive and legible environment with a clear character and identity that builds on existing views, vistas, protects existing vegetation, landmarks and places of heritage significance, and integrates with existing subdivision patterns;

c) The designed road speeds and safety of all users considering the traffic generation and densities likely along any new road and intersections/crossings, key pedestrian routes and sensitive land use(s).

d) Consideration of the size and turning radius of the largest vehicle that is likely to utilise that road including, but not limited to, school buses, garbage trucks, construction vehicles, and heavy vehicle traffic.

e) At new intersections or the T-intersection of any new roads, provision must be made (where Council requires it) for shoulder widening on both sides of the through road to allow for a school bus stopping area.

f) Street and lot layout must facilitate the provision of services in a manner that is efficient and minimises whole of life cycle costs for that infrastructure.

5.7.4 Terminating Roads (Cul-de-sacs)

Objective(s)

O1. To minimise the use of cul-de-sacs, their length, and number of lots serviced by any cul-de-sac, and ensure they cater for waste collection and other services.

Control(s)

A subdivision design in an **urban zone and/or area** includes cul-de-sacs only where:

1) There are no other suitable alternatives; and

2) Each cul-de-sac does not service more than 25 lots; and

3) Each cul-de-sac is no longer than 150m from the nearest intersection;

4) Each cul-de-sac has a turning facility to cater for a 12.5m truck or standard waste collection truck;

5) Large vehicles (greater than 12.5m in length) will not need to rely on the cul-de-sac to turn around (i.e. cul-de-sacs will only be considered in commercial and industrial zones where there is on site turning capacity for every lot); and

6) The design complies with Council's **Engineering Guidelines** relating to cul-de-sacs.

5.7.5 Crown Roads

Objective(s)

O1. To ensure that Crown roads are appropriately dedicated and upgraded to service new development.

Control(s)

1) **Crown Road Upgrades:** Where a proposed subdivision relies on a Crown road for access; the Crown road is included in the subdivision proposal and is upgraded to Council's standards as part of the development.

2) **Consultation:** Prior to the lodgement of a development application for a subdivision relying on a Crown road for access, suitable arrangements are made with the appropriate government agency responsible for Crown lands to obtain owners consent and transfer of the road to Council.

Under Council Policy 10.11 Crown Roads – Maintenance – Council will not maintain Crown Roads within the LGA unless the landholders receiving the benefit of the Crown Road enter into a Work at Owners Cost arrangement and pay Council for the maintenance works unless the road is already established and used by multiple users. The Crown (NSW Government) may request that the road be transferred to the land owner that benefits or transferred to Council).

Where it is intended to upgrade or construct a Crown Road to provide access to a new lot then:

a) The applicant must discuss the requirements with the relevant NSW State Government department (currently the Office of Crown Lands);

b) All construction costs and maintenance relating to that road will be the responsibility of the owner of that land;

c) Any costs or applications associated with the dedication of the road will be the responsibility of the applicant/ owner of the land;

d) Where any Crown road must be significantly upgraded then it may need to be acquired from the Crown, dedicated to Council, and then upgraded to Council's standards or, in the case where only one property uses the access, the party benefitting from the road should apply to close and purchase the Crown Road, or in accordance with current NSW Government policy.

5.7.6 Safety and Surveillance

Objective(s)

O1. To ensure new roads are designed in accordance with crime prevention principles and to maximise safety and amenity for users.

Control(s)

The design of a subdivision that creates a new public road or extends an existing road by more than 50 metres addresses DCP *Section 2.7 Designing for Crime Prevention* including, but not limited to:

1) Appropriate locations and orientations of lots and building envelopes to maximise casual surveillance of the street;
2) Provision of appropriate lighting of roads, public spaces and walkways;
3) Clear boundaries between public open space / streets, communal open space (if applicable) and private open spaces;
4) Appropriate landscaping and fence design.

*Council may condition that a **Street Lighting Plan** is to be provided with adequate street lighting in accordance with AS/NZS 1158 and to the satisfaction of Distribution Network Service Provider (Endeavour Energy) prior to the release of Subdivision Certificate.*

The lighting chosen is to be of LED type and is to be chosen from Endeavour Energy's Approved Materials List. Street light design shall be completed to minimise its visual impact and to complement the streetscape. Street lighting is to be implemented for each stage prior to the Subdivision Certificate Release of each stage respectively.

5.7.7 Public Domain Landscaping & Street Trees

Objective(s)

O1 New urban subdivisions must have street tree planting provided to soften the proposed future buildings and streetscape whilst accommodating required vehicle and pedestrian access and movement.

Control(s)

A **development application** for the subdivision of land in **urban zones and/or areas** that includes a new road is supported by a **Public Domain Landscaping Design** that includes/addresses the following:

1) Avenue planting along all new public roads including at a minimum:
   a) One (1) street tree per lot frontage (up to a 40m frontage); or
   b) One tree every 25m (for all lots with road frontages greater than 40m).
2) Species are to be selected in discussion / agreement with Council's Parks & Recreation Supervisor (or another authorised officer).

5.7.8 Naming of New Roads

The naming of new roads is addressed in Council Policy 10.10 – Addressing, Road Naming & Locality Naming (as amended).

Completion of the road naming process, including gazettal of the new road names in the NSW Government Gazette, is the responsibility of the relevant road authority (Council for local roads / Transport for NSW (former Roads & Maritime Services) for classified roads).

Council will need to make a resolution for the decision to rename and/or the determination of a new name after community consultation. The procedures for naming a road are regulated by Clause 162 of the Roads Act 1993 and Part 2, Division 2 of the Roads Regulation 2008 (as amended) and also requires consideration by the Geographical Names Board in accordance with the Addressing User Manual (AUM) and the Online Road Naming System.