



**Armidale Dumaresq**

**Development Control Plan 2012**

**Section 3      Subdivision Development Controls**

**Chapter 3.2      Rural and Environmental Protection Zone Residential Subdivision**

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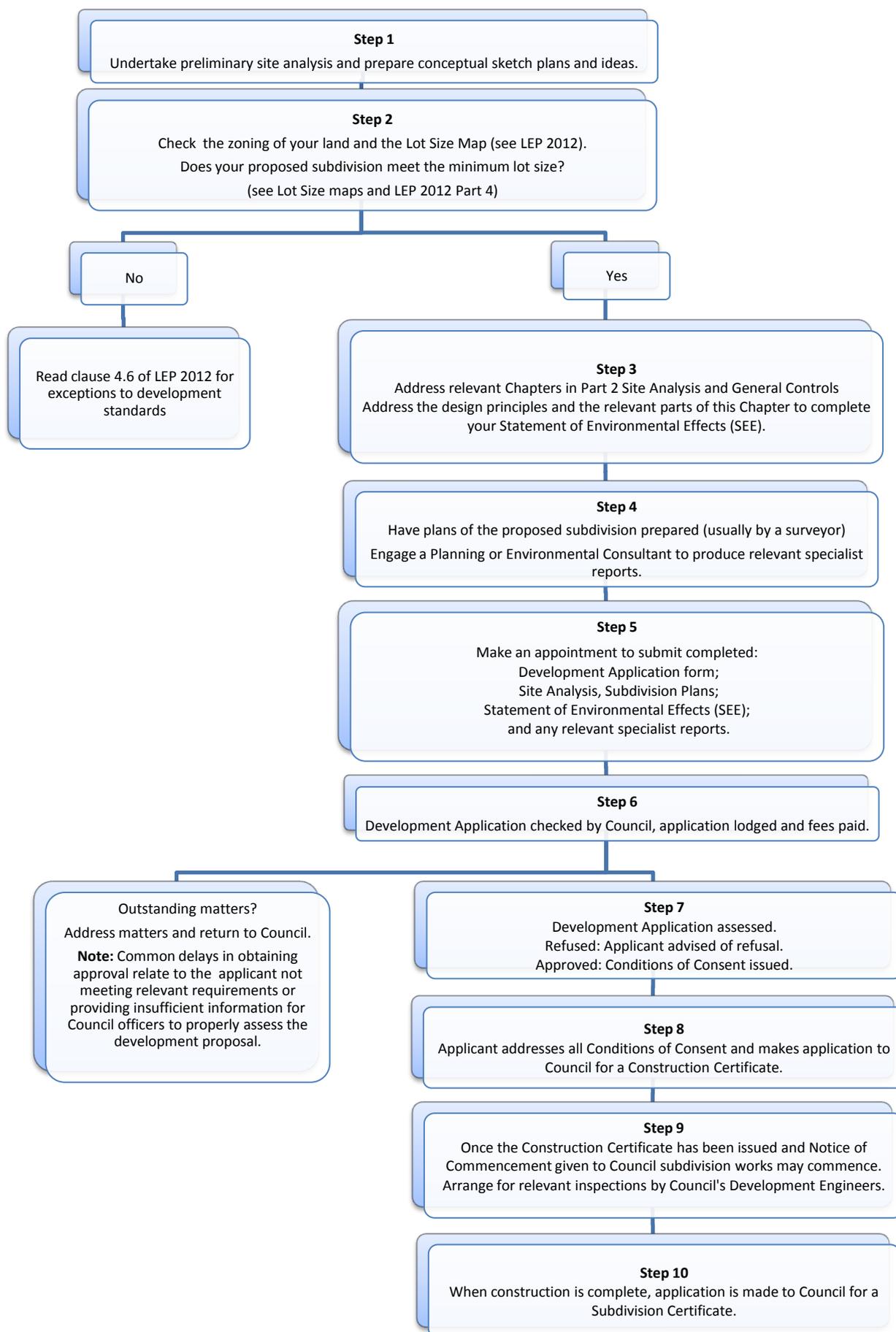
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## Part 1 General provisions

### 1.1 Introduction

This chapter provides information about subdividing rural and environment protection zone land in the Armidale Dumaresq local government area.

The purpose of this chapter is to provide guidance to developers on planning and design principles at the subdivision stage of the design process, and to ensure that urban subdivision design maximises site opportunities and provides site layouts that create a safe, functional, energy efficient and attractive places to live.

This chapter is to be read in conjunction with all relevant chapters in Section 2 Site Analysis and General Controls. All relevant matters relating to the development must be addressed in the development application, the SEE and on site analysis plans and site plans. The site analysis process may highlight the requirement for specialist reports to be undertaken.

### 1.2 Background to Rural and Environmental Protection Zonings

Armidale is situated in the valley of Dumaresq Creek and is enclosed by hills and ridges covered by open woodland that create an attractive visual setting for the City and its immediate area. Rural residential areas have developed on land surrounding Armidale, particularly since the 1980s, and generally comprise either residential estates within a rural setting or larger 'hobby' farms. The rural residential zones in the LEP apply to land surrounding Armidale, extending up to 8 kilometres from the City boundary. The planning controls for rural residential development are largely based on the recommendations of the Armidale Dumaresq Rural Residential Study (EDGE Land Planning, November 2004).

Beyond Armidale lies a further series of prominent hills and ridges, including Mount Duval a visual landmark on the Armidale skyline. Other hills and ridges which have prominent scenic values when viewed from the approach roads to Armidale include Arthur's Seat and Knobs Hill to the south of the City and the ridge between Donald Road and Puddledock Road to the north east.

The Environment Protection Zones in Council's Local Environmental Plan (LEP) encompass elevated land which is both visually exposed to various vantage points and form an integral part of the skyline backdrop from these places. Whilst most of the land identified is clearly visible from different viewpoints within Armidale, hills and ridges which are visible as a skyline backdrop from the various approach roads to Armidale are also included to preserve the natural qualities of these elevated areas.

The Environment Protection Zones in the LEP are based on the scenic values of the land. These areas are predominantly covered by native vegetation and therefore may also have biodiversity values requiring conservation. Some of the areas identified in the Armidale Flora and Fauna Study (1996) as having actual or potential habitat value as well as several of the proposed fauna corridors identified in the Armidale Greening Plan (2003) lie within areas that have been identified as having scenic values. Consequently, the provisions for the Environment Protection Zones in the LEP and this Code seek to protect and enhance not only the scenic values but also native vegetation, fauna corridors and other wildlife habitat in these areas.

### 1.3 Objectives

The objectives of this chapter are:

- O.1 To effectively manage the natural, environmental and cultural resources and values of rural land.
- O.2 To protect and enhance the natural and built environment by ensuring that subdivision layout relates to site conditions.
- O.3 To achieve visual integration and balance between natural and man made elements.
- O.4 To facilitate restoration of indigenous plant communities areas on the periphery of Armidale.
- O.5 To preserve and enhance the rural character and landscape values of the rural and rural residential areas.
- O.6 To conserve and enhance the visual and biodiversity values of the hills and ridges around Armidale whilst allowing carefully managed development to occur.
- O.7 To reduce the potential for land use conflict in rural and rural residential areas.
- O.8 To provide for subdivision of land for a range of land uses, services and facilities that are associated with a rural village.
- O.9 To ensure that street and pedestrian networks provide for safe and efficient travel for vehicles, bicycles and pedestrians.
- O.10 To ensure that subdivision design provides for adequate and well designed road, stormwater drainage, and utility infrastructure.

### 1.4 Land to which this chapter applies

This chapter applies to the following zones:

RU1	Primary Production	E1	National Parks and Nature Reserves
RU3	Forestry	E3	Environmental Management
RU4	Primary Production Small Lots	E4	Environmental Living
RU5	Village		

### 1.5 Addressing the guidelines in this chapter

The guidelines for subdivision are set out in this chapter. These are expressed in the form of objectives that need to be addressed for each development proposal. For each objective (O), 'acceptable solutions' (S) are provided which, if met, will ensure compliance. Alternative approaches may be proposed, provided these adequately address the relevant objectives and comply with legislation.

### 1.6 Developer contributions

Infrastructure contributions will be levied on physical and social infrastructure in accordance with Council's *Water Supply and Sewerage Development Servicing Plan; Section 94 Contributions Plan* and any other adopted Contributions Plan relevant to the site. This contribution may be a financial contribution, dedication of land and/or provision of a material public benefit be made by a developer to provide for or upgrade public services or facilities for which the development is likely to create a demand. Contributions that apply to development in rural and rural residential zones are outlined in the Council's adopted Contributions Plan and Water Supply and Sewerage Development Servicing Plan.

Depending upon the likely demand for public services or facilities that a development proposal is likely to generate, Council may also require preparation of a specific Contributions Plan or enter into a Planning Agreement with the developer prior to determining a particular development proposal.

## Part 2 Lot dimensions

### Objectives

- O.1 To ensure that lot shape and dimensions provide for adequate separation between adjoining rural and rural residential activities, having regard to the expected uses.
- O.2 To ensure that all new lots are provided with adequate frontage to a public road for safe access and provision of utility services.
- O.3 To ensure that lot shapes and dimensions provide for practical management of rural and rural residential land.

### 2.1 Minimum lot size

- S.1 Refer to the relevant sections in Part 4 Principal Development Standards and the relevant Lot Size Maps in *Armidale Dumaresq LEP 2012*.

### 2.2 Minimum lot frontage to a public road

- S.2 Any new lot created shall be provided with a minimum frontage to a public road in accordance with the following table:

LEP Zone	Minimum Public Road Frontage
RU1 Primary Production RU3 Forestry E1 National Parks and Nature Reserves	750 metres
RU4 Primary Production Small Lots	300 metres
E3 Environmental Management	100 metres
E4 Environmental Living	50 metres
RU5 Village	25 metres

- S.3 Corner allotments are to provide the minimum frontage in the table above to each road.
- S.4 Wedge shaped allotments shall be permitted with a lesser road frontage only at the head of a cul-de-sac on a no through road. Such lots shall have a minimum frontage of 20 metres to the public road.
- S.5 Strata and community title lots may achieve the minimum frontage requirements in the above table via their common property.

### 2.3 Minimum lot frontage to a classified road

- S.6 Any new lot created in the RU1, RU3, RU4, or E1 zones having frontage to a classified road shall be provided with a minimum frontage of 200 metres to that road.
- S.7 No new lots will be permitted with direct access to a classified road where alternative access to a local road exists. Lots with frontage to such roads must also have a minimum frontage to a local road in accordance with the above table.

### Part 3 Building envelopes

#### Objectives

- O.1 To ensure that lots created from subdivision of land for residential purposes in the Environment Protection zones contain a building envelope free of major environmental and servicing constraints and have good solar access.
- O.2 To ensure that the subdivision layout responds effectively to site constraints and adequately addresses the findings of the site analysis.
- O.3 To protect existing vegetation and the scenic qualities of the locality.

#### 3.1 Building envelopes for the E3 and E4 zones

- S.1 Building envelopes within which a dwelling, garden, ancillary buildings, water tanks and the like could be located, shall not:
  - a) not be located in areas of identified ecological significance, including existing and proposed wildlife corridors;
  - b) have a slope not greater than 15%, unless the application is supported by a geotechnical investigation demonstrating that the land is suitable for the erection of a dwelling and associated infrastructure;
  - c) not be sited so as to limit the future subdivision potential of adjoining land;
  - d) be selected in the context of house sites on adjoining and nearby lots to maximise privacy and maintain the scenic character of the area;
  - e) have setbacks from road frontages, side and rear boundaries in accordance with this chapter;
  - f) be accessible by a driveway that:
    - i) does not have a grade exceeding 15% (unless it is proposed to be constructed and sealed by the applicant, in which case the grade must not exceed 20%);
    - ii) avoid crossing waterways, particularly major creek crossings.
- S.2 The area of the nominated building envelope shall not exceed 2,000m<sup>2</sup>.

#### 3.2 Building envelopes for the RU1, RU3, RU4, RU5 and E1 zones

- S.3 Building envelopes will not be required for subdivision of land in the above zones unless particular site constraints exist that would warrant restrictions on the location of future buildings.

### Part 4 Vehicle access

#### Objectives

- O.1 To ensure all development has legal and properly constructed access.
- O.1 To prevent private access arrangements over adjoining land (rights-of-carriageway) for new lots.
- O.2 To ensure that the standard of public roads is sufficient for traffic likely to be generated by a development.
- O.3 To minimise future costs to the community associated with road maintenance and improvement.
- O.4 To ensure that rural roads are located within public road reserves.
- O.5 To ensure property access is located with safe sight distances on public roads.

O.6	To minimise the impacts of road construction on existing vegetation.
<b>4.1</b>	<b>Access</b>
S.1	All new lots created by a subdivision must have legal and properly constructed access. Depending on the circumstances, the following options are available for providing access: <ul style="list-style-type: none"> <li>a) Public Road as defined under the Roads Act 1993</li> <li>b) Construction and dedication of a Crown Road as a Council public road.</li> </ul>
S.2	Conflict with arterial and distributor roads is to be avoided. Direct access to a classified road will not be permitted where another practical option exists.
S.3	Where the subdivision proposes access to a classified road, the access will require concurrence from the RMS, and must be located and constructed in accordance with the relevant road authority requirements.
S.4	Dedication of a splay corner of minimum dimensions 5 metres x 5 metres will be required to improve/maintain safe sight distance at the intersection of roads associated with the subdivision. A greater splay dimension may be required at the intersection of major roads.
S.5	Each new lot created by a subdivision shall have public road access to the minimum road standard specified in Table 1.

**Table 1: Minimum road access standards**

All road construction shall comply with the requirements of Council's Engineering Code, and the relevant Australian Standards and Austroads Guidelines.

LEP Zone	Circumstances	Minimum Road Standard	
RU1 Primary Production RU3 Forestry E1 National Parks and Nature Reserves	Road will serve a maximum of 5 lots (including existing lots) and is not likely to be extended or to form part of a through road.	Single lane gravel road to nearest Council maintained and constructed public road.	Where the subdivision road is likely to be extended in the future to serve other development, the road shall be constructed to a minimum of 20 metres beyond the property access and provided with a temporary gravel turning area.
	All other subdivisions	Two lane sealed road to nearest Council maintained and constructed public road.	
RU4 Primary Production - Small Lots	Road will serve a maximum of 5 lots (including existing lots) and is not likely to be extended or to form part of a through road.	Single lane sealed road to nearest Council maintained and constructed public road.	
	All other subdivisions	Two lane sealed road to nearest Council maintained and constructed public road.	
E3 Environmental Management E4 Environmental Living	Road will serve a maximum of 5 lots (including existing lots) and is not likely to be extended or to form part of a through road.	Single lane sealed road to nearest two lane sealed road connection.	
	All other subdivisions	Two lane sealed road to nearest two lane sealed road connection.	
RU5 Village	All subdivisions	Where a sealed connecting road	

		exists: <ul style="list-style-type: none"> <li>Widen road to achieve full half road construction to the sealed two lane road standard.</li> </ul>	
		For internal roads and connecting road: <ul style="list-style-type: none"> <li>Rural sealed two lane road (fully paved/sealed with gravel shoulder), and</li> </ul> Each lot is to connect to a sealed road	
<b>4.2</b>	<b>Alignment of existing public roads</b>		
S.6	Where the survey carried out for a subdivision determines that an existing road passing through the land is located outside the road reserves, the submitted title plan shall make provision for widening of the road reserve to accommodate the road and associated drainage and infrastructure.		
<b>4.3</b>	<b>Right-of-Carriageway</b>		
S.7	Access by right-of-carriageway is not encouraged and will only be permitted in cases where no other practical alternative exists.		
S.8	The right-of-carriageway shall only serve one lot or holding and must not be located on a lot containing an existing right-of-carriageway.		
S.9	The right-of-carriageway shall have a width of not less than 20 metres.		
<b>4.4</b>	<b>Construction and dedication of a Crown Road as a Council Public Road</b>		
S.10	Where access is proposed via a Crown Road, the road is to be constructed by the developer to Council's specification and dedicated as a Council public road.		
S.11	The applicant is to provide written agreement from the responsible authority (currently NSW Crown Lands) for the use of the Crown Road for access.		
<b>4.5</b>	<b>Undedicated roads</b>		
	Undedicated roads are roads that are not dedicated as Council or Crown Roads and include Forestry Roads, Rural Lands Protection Board reserves and Ministerial Roads.		
S.12	The applicant is to provide written agreement from the responsible authority for the use of the road for access.		
<b>4.6</b>	<b>Driveways</b>		
S.13	Provision of an adequate all weather access will generally require gravelling from the road shoulder to the boundary and in most cases will require the provision of a piped gutter crossing in accordance with Council's Engineering Code.		
S.14	Where the land adjoins an existing sealed public road, the driveway crossover shall be sealed from the road shoulder to the boundary.		
S.15	The driveway shall be located so as to minimise earthworks and removal of vegetation in the		

- road reserve.
- S.16 Entrances shall be limited to one per lot unless approved otherwise by Council. The relocation of an existing entrance may require the complete removal of the existing entrance.
- S.17 Direct driveway access to a classified road will not be permitted where another practical option exists.
- S.18 Any new driveway on a local road shall have safe intersection sight distance in accordance with Table 3.2 of the *Austrroads Guidelines*. The minimum required sight distances are specified in Table 2:

**Table 2: Minimum sight distances**

Design Speed	Minimum Safe Intersection Sight Distance
40 km/h	73 metres
50 km/h	97 metres
60 km/h	123 metres
70 km/h	151 metres
80 km/h	181 metres
90 km/h	214 metres
100 km/h	248 metres

- S.19 Any new driveway on a classified road shall be located and constructed in accordance with the requirements of the relevant road authority.

### Part 5 Landscaping in the E3 and E4 zones

#### Objectives

- O.1 To facilitate restoration and protection of indigenous plant communities areas on the periphery of Armidale.
- O.2 To ensure that landscaping of the site is carried out in a way that acknowledges and reinforces the scenic and biodiversity values of the land, including enhancement of wildlife corridors.
- O.3 To provide benefits to residents by locating new landscaping for increased privacy, wind and sun protection, a pleasant outlook as well as attracting wildlife.
- S.1 A landscaping plan is to be provided for all subdivision of land within the E3 and/or E4 zones.
- S.2 The landscape plan is to include details of the location and scientific and common names of new plantings and any vegetation to be removed for roads and other subdivision works.
- S.3 The landscaping plan is to include the location, type and materials of proposed fences on the property, including those that may be erected to protect native vegetation identified as being of significance in the flora and fauna assessment.
- S.4 Landscaping is to retain or improve connectivity with habitat on adjoining properties.
- S.5 New plantings should be indigenous species, except where specific recommendations have been made for new plantings in the relevant flora and fauna assessment.

**Part 6 Fences in the RU1, RU3, RU4, E1, E3 and E4 zones****Objectives**

- O.1 To provide for fencing that is compatible with the rural landscape and scenic qualities of prominent hills and ridgelines.
- O.2 To ensure that fencing in areas of identified ecological significance is of a style that does not inhibit the movement of native wildlife.
- O.3 To ensure that livestock are prevented from gaining access to roads and public reserves.
- S.1 Fencing shall be open form (wire, post and rail or similar). Post and rail fences are to remain natural timber or are to be painted or stained with colours which blend with the surrounding landform or vegetation.
- S.2 Fencing along property boundaries is not to be metal panel fencing (of any height).
- S.3 A stock proof fence is to be provided to all road frontages and public open space areas.
- S.4 For staged subdivisions, the above standards are to be implemented for each stage of the development.
- S.5 Stock proof fencing may also be required to protect any areas of significant vegetation (particularly in zones E3 and E4).
- S.6 Where land is identified to be habitat for native fauna (eg koalas), fencing is to be of a style that does not inhibit movement within the site or the areas of habitat on adjoining properties.

**Part 7 Road naming and lot numbering**

- O.1 To identify roads and individual premises to the public, the relevant authorities, and to emergency and essential services.
- S.1 Where there is no existing road name, the application should provide a written proposal together with a plan indicating the location of the place to be named. This should include the names of new road(s).
- S.2 Where more than one street exists within a subdivision, consideration should be given to a street naming 'theme' to help create a distinct identity for the area.
- S.3 Street names are to be selected from a list in '*POL 071 Policy for Local Place Naming*'.
- S.4 New street name signs are to be paid for by the developer.
- S.5 All occupied properties shall be individually numbered.
- S.6 Numbers shall be displayed adjacent to the entrance driveways.

**Note:** Council is responsible for the allocation of address numbering of lots. Address numbers are allocated at subdivision stage when the location of driveway entrances is determined. At the subdivision stage, property numbering shall be displayed on the street frontage.

**Part 8 Public land**

For the purpose of this clause, public land may include areas of public open space, riparian reserves, pedestrian access corridors or the like, but does not include formed public roads.

**8.1 Access to public land**

Direct vehicular access shall not be permitted from any significant development or newly created allotments on to areas of public land. Any significant development that has a common boundary with public land shall include a 'restriction to user' over the subject land prohibiting vehicular access

to the public land.

### **8.2 Development adjoining public land**

Proposed developments adjoining or adjacent to areas of public land shall seek to minimise the number of lots/dwellings backing on to the public land.

Significant development proposals that adjoin, or create new allotments that adjoin areas of public land, shall include details of the proposed treatment of the common boundary (e.g. open wire fence 1200mm high, landscaping) to establish a clear relationship between the public land and the adjoining land use.

## **Part 9 Utility infrastructure**

### **Objectives**

- O.1 To ensure that all development has an adequate water supply to meet domestic and commercial use and fire fighting purposes.
- O.2 To ensure that satisfactory provision is made for the safe and nuisance free disposal of effluent.
- O.3 To ensure that land within Council's Development Servicing Plan for Water and Sewerage is provided with services in accordance with that Plan.
- O.1 To ensure that an adequate electricity supply is available for the intended use.
- O.2 To ensure the design and construction of infrastructure services are provided to the standards outlined in the Council's Engineering Code; the relevant servicing authorities; and other relevant management plans and policies.
- O.3 To ensure that the design and provision of utility services are cost effective and create minimal environmental impact over their life cycle.
- O.4 To ensure that the location of services/future services minimise the use of land, are accessible for future repair work, and are positioned to protect future occupants health.

### **9.1 Infrastructure servicing for staged subdivision**

- S.1 Where development is staged, Council must authorise that each stage is fully serviced before any new area is released.

### **9.2 Common trenching and buffers for utility infrastructure**

- S.2 Compatible public utility services should be located in common trenching in order to minimise the costs and the land required for underground services.
- S.3 Adequate buffers are to be maintained between utilities trenching and existing buildings to protect occupants amenity and health.
- S.4 The lot size and shape design must allow for the location of services/future services in a position that minimises use of land, is accessible for future maintenance, and is positioned to protect the health of future occupants.

### **9.3 Water supply**

#### **Servicing Authority: Armidale Dumaresq Council**

- S.5 Each allotment created by subdivision of land within the 'Water DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage must be provided with a connection to Council's reticulated water supply if the land is located within 225 metres of an existing water main.

- S.6 Each allotment created by subdivision of land within the 'Water DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage that is greater than 225 metres from an existing water main must be provided with a connection to Council's reticulated water supply, except where the applicant can justify, to Council's satisfaction, that a reticulated supply is not required based on the criteria below:
- a) the type and scale of the development relative to its proximity to the existing reticulated water supply system.
  - b) the sequence of infrastructure provision identified under the development servicing plan for water and sewerage relative to the proposed development.
  - c) potential future development of nearby land, including type and timing of development(s).
  - d) the ability of on-site water supply to provide for domestic/commercial demands and a reliable fire fighting reserve.
  - e) the economic feasibility of connection to a reticulated water supply compared to providing on-site water storage. a cost benefit analysis is to be submitted, including the total cost to install, run and maintain an on-site water supply system compared to the cost of providing reticulated water supply over a substantial period being 20 years.
- S.7 Where a reticulated water supply service is required, the service must be designed to the standards specified in Council's Engineering Code.
- S.8 Water systems must be designed to be easily accessible and maintained.
- S.9 All connections must meet the minimum standards for both domestic supply and fire fighting purposes.

#### 9.4 Sewerage system requirements

##### Servicing Authority: Armidale Dumaresq Council

- S.10 Each allotment created by subdivision of land within the 'Sewer DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage must be provided with a connection to Council's reticulated sewerage system if the land is located within 75 metres of an existing sewer main.
- S.11 Each allotment created by subdivision of land within the 'Sewer DSP Development Area' in Council's Development Servicing Plan for Water and Sewerage that is greater than 75 metres from an existing sewer main must be provided with a connection to Council's reticulated sewerage system, except where the applicant can justify, to Council's satisfaction, that connection to Council's sewerage system is not required based on the criteria below:
- a) The proposed on-site sewerage management system(s) must be able to demonstrate that it can satisfy Council's Policy POL 225 – Regulatory: Local Approvals Policy - On-site Waste Water Systems.
  - b) The case for on-site waste management is consistent with the type and scale of the development relative to its proximity to the existing reticulated sewerage system.
  - c) The sequence of infrastructure provision identified under the Servicing Plan relative to the proposed development.
  - d) The case for on-site waste management considers potential future development of nearby land, including type and timing of development(s).
  - e) A case for on-site waste management is consistent with and accounts for future development on the subject land with respect to the area of the land parcels, type of

development and sensitivity of the environment.

- f) The economic feasibility of connection to Council's sewer compared to providing an on-site sewerage management system. A cost benefit analysis is to be submitted, including the total cost to install, run and maintain an on-site system compared to the cost of connecting to the sewer over a substantial period being 20 years.

S.12 On all other land on-site effluent disposal is acceptable. It must be demonstrated that each lot created by the subdivision will be suitable for on-site effluent disposal in accordance with this Council's Policy POL 225 – Regulatory: Local Approvals Policy - On-site Waste Water Systems.

S.13 Where connection to the sewerage reticulation is required, it is to be designed to the standards in Council's Engineering Code, and allow for the whole of each new allotment to be serviced by gravity drainage.

S.14 Sewerage systems must be designed to be easily accessible and maintained.

S.15 The public sewer main is to be extended to each individual allotment.

### **9.5 Stormwater drainage**

S.16 Stormwater drainage systems are to be designed in accordance with Chapter 2.7 Floodplain Protection and Stormwater Drainage.

### **9.6 Electricity supply**

S.17 Electricity supply requirements are outlined in Chapter 2.1 Site Analysis.

## **Part 10 Earthworks**

S.1 Where earthworks, including excavation, fill, retaining walls, batters and geotechnical investigations (including soil, slip and spring activity) are required, the relevant provisions in *LEP 2012* Clause 6.1 Earthworks and Chapter 2.6 – Earthworks and Geotechnical Assessment must be applied.