



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

10th May 2005

DSDS1	SUBDIVISION OF LOT 32 DP 1005475 OFF EDGAR STREET, FREDERICKTON FILE: T6-04-657 AJC
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SUMMARY:

Reporting on a proposal to vary Section 4.1 creation of battle-axe allotments of Council's Development Control Plan 36 *Engineering Guidelines for Subdivision and Development*.

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Applicant: Mr J C Snodgrass and Ms J M Galloway
Subject Lot 32 DP 1005475 Edgar Street,
Property: Frederickton

Zone: 2(v) Village with an area of 7748m²

Background

Council approved the subdivision of lot 29 DP825536 into six residential allotments on the 25 June 1999. A copy of the plan showing the proposed allotment layout is attached to this report at [\(Appendix A\)](#)

Lot 32 DP1005475 was created from the subdivision of lot 29 DP825536 with only one additional lot being excised (lot 31) in July 1999 fronting Chapman Street. The balance of the subdivision has not been acted upon to date.

The new property owners have decided not to pursue the 1999 development approval and submitted a different proposal to the six residential lot subdivision by changing the layout and reducing the lots proposed to four in number.

Proposal

The proposal is to create four residential allotments off Edgar Street, Frederickton, one allotment having direct access to Edgar Street and the balance of the lots (2, 3 and 4) utilising a reciprocal right of way to access Councils road. Lot 4 has frontage to Edgar Street, but the flood free area of the lot is at the rear, and is to rely upon the right of way for access.

A plan showing the subdivision layout is attached to this report. [\(Appendix B\)](#)

Statutory and Policy

This subdivision proposal has been evaluated in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 with the following issues being of interest to Council: -

- 1 This proposal does not comply with Section 4.1 of Councils Development Control Plan 36 *Engineering Guidelines for Subdivision and Development* which specifies the following for battleaxe lots:
 - (ii) *The lot(s) shall have frontage to a public reserve.*
 - (iv) **Combined access** corridors shall serve no more than two allotments and shall have a reservation width of no less than 5 metres, and concrete pavement of three metres complete with adequate drainage, as required to Council requirements.

Applicants Submission

The applicants submission is contained in the attached plan of application showing the following: [\(Appendix C\)](#)

- Lots 2, 3 and 4 gain access from Edgar Street via a right of carriageway constructed in a 8 metre wide easement with a concrete pavement 4 metres wide, kerb on the low side only, a 0.6 metre wide grassed footway with turn

arrangement in lot 3 to Housing Commission standard and a piped stormwater drainage system.

- Provision of kerb and gutter and extension of the road pavement in Edgar Street.
- Filling of part of proposed lot 1 and minor part of lot 2, to RL 6.73 metres being above the assessed 1 in 100 Flood level of 6.7m on Australian Height Datum.
- Extension of the stormwater drainage system in Edgar Street to just beyond the existing driveway at 1 Edgar Street.

The applicant's consultant has advised that any proposal to construct an internal public road was not viable for only a few high side allotments.

Planning Comment

Proposed lots 2, 3 and 4 do not have frontage to a public reserve.

The purpose of requiring frontage to a public reserve is to ensure battleaxe lots do not create conflicts between houses on battleaxe lots adjoining rear yards of other houses, causing privacy and noise impacts.

The proposed lot sizes in respect to lots 2, 3 and 4 range from 1473 to 3346m², are well in excess of the minimum allotment size of 500m² (clear of the access handle) required.

These proposed lots do not front a public reserve but have land in each allotment that is well elevated and has views of the flood plain and rural land to the east. This is considered to mitigate impacts on adjoining properties, provided each lot is limited to a single dwelling house.

A restriction over the title of proposed lots 2, 3 and 4 limiting development to the erection of a single dwelling on each allotment is recommended.

Combined access corridors shall serve no more than two allotments.

The proposed vehicular access to the site is via an access (services) corridor and reciprocal right of way 8 metres wide over proposed lots 2 and 3 with proposed lot 4 having separate frontage to Edgar Street (Council maintained road) and benefit of the proposed right of way. The right of way is proposed to be a 4 metre wide concrete private access road with 0.6metres wide footway on the low side.

It would seem reasonable in the circumstances to provide one access point off Edgar Street so that stormwater runoff from the surrounding property can be more effectively managed in the past. There has been local flooding issues on the adjacent downstream property and this option together with piping the existing interallotment pipe drain through to Edgar Street would assist in alleviating the drainage problem in this locality.

The relevant design standard AS/NZ 2890.1 Clause 3.2.2 requires an access driveway width for two-way traffic of no less than 5.5metres with passing bays every 30metres. The proposal for the construction of the right of carriageway should comply with the Australian Standard.

REPORT IMPLICATIONS

Environmental

This proposal will not involve removal of either substantial or significant vegetation or lead to the degrading of the environment.

Social

Provided proposed lots 2, 3 and 4 in the development are restricted to single dwellings via a suitable restriction on the titles then this subdivision proposal will be consistent with the existing residential nature of the locality and not have a negative or undesirable impact.

Economic

It is unlikely that this proposal will generate any adverse economic impacts.

There are no financial implications arising from this report.

RECOMMENDATION:

That development consent be granted subject to the following conditions: -

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development Plan No 50936-22 and as modified by any conditions of this consent.
- 2 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 3 Two days prior to commencing work Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council pursuant to the provisions Environmental Planning and Assessment Act Regulations.
- 4 Submission of a suitable restriction as to user over the title of all the lots in this subdivision restricting all proposed dwellings to a flood planning level of 7.2 metres on A.H.D., in accordance with Council's *Flood Risk Management Policy*.
- 5 A suitable restriction as to user is to be applied over the title of proposed lots 2, 3 and 4 requiring any future dwelling to be erected on the area of each allotment, which is above the assessed 1 in 100 flood level.
- 6 A suitable restriction as to user is to be applied over the title of proposed lots 2, 3 and 4 limiting development to a single dwelling only on each allotment.
- 7 The proposed right of way is to be created for the exclusive use of proposed lots 2, 3 and 4 in the subdivision. Any or all of the owners of the

benefiting allotments are to be able to construct and maintain the carriageway within the right of way at any time.

- 8 Submission with the final plan of subdivision, copies of any instruments under Section 88B or E of the Conveyancing Act 1919, relevant to any restrictive covenants, easements, rights of way created or affected by this development.
- 9 Submission of an application for Subdivision Certificate pursuant to Part 4A of the Environmental Planning and Assessment Act 1979, which authorizes the registration of the plan of subdivision.
- 10 The applicant shall make satisfactory arrangements with Telstra Australia for the provision of underground telephone plant to each lot. A letter from Telstra stating that satisfactory arrangements have been made for the provision of underground telephone plant is to be lodged with Council prior to release of the Subdivision Certificate.
- 11 The applicant is to make satisfactory arrangements with the electricity service provider (CountryEnergy) for the supply of electricity to each lot. A letter from the electricity service provider (CountryEnergy) stating that satisfactory arrangements have been made for the provision of underground electricity supply to this development is to be lodged with Council prior to release of the Subdivision Certificate.
- 12 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.
- 13 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Subdivision Certificate.

- 14 You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-
- (a) Payment of a contribution towards District Water Supply at the rate of \$1,211 per equivalent tenement, i.e $\$1,211 \times 3 \text{ E.T} = \$3,633$ (Indexed 2004/2005), prior to the issue of the Subdivision Certificate.
 - (b) Extension of the town water supply main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans and calculations are to be submitted for approval prior to the issue of the Construction Certificate.
 - (c) Extension of the town sewer main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans and calculations are to be submitted for approval prior to the issue of the Construction Certificate.
- 15 The applicant is to pay a contribution towards Outdoor Recreation for each additional allotment after the first allotment in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Subdivision Certificate, at the rate prevailing at that time. The current rate is \$521 per additional dwelling unit, i.e $\$521 \times 3 \text{ E.T} = \$1,563$. (Indexed 2004/2005).
- 16 Detailed Engineering Plans providing for the following Civil Works within the subject property in strict compliance with Council's *Engineering Guidelines for Subdivision and Development DCP 36*.

Filling of Lots

- a) All the allotments in this development shall each include not less than 500 square metres of land, which is outside the limit of the 1 in 100 year flood. The 1 in 100 flood level in this locality is 6.7 metres on Australian Height Datum (AHD).
- b) The allotments to be filled shall have a minimum longitudinal fall of 1%, to either the proposed internal right of carriageway and or proposed interallotment pipe drains. The maximum depth of filling is not to exceed 1.2 metres.
- c) Submission of a Geotechnical Specification for the supply and placement of fill materials, prepared by a N.A.T.A Registered Geotechnical Engineer, as it affects proposed lots 1 and 2 and shall include but not be limited to the following:-
 - (i) Identify the proposed source of fill;
 - (ii) Method of delivery of fill material to the site;
 - (iii) Geological/Geotechnical Analysis of the proposed fill material;
 - (iv) Quality Assurance Regime;
 - (v) Any other related matters.
- d) Submission of a Certificate from a Geotechnical Engineer at the time of lodging the application for Subdivision Certificate certifying that the fill materials when placed in accordance with the Geotechnical Specification will be suitable for residential development.
- e) The applicant is to restore, replace, reconstruct any damage caused to urban road pavements, surfaces or street furniture on the haulage route(s) used for the construction of the subdivision, prior to the release of the Subdivision Certificate.

Haulage routes for the importation of fill are to be agreed to by the Director of Engineering prior to issuing of the required Construction Certificate.

Stormwater Drainage

- f) Provision of a piped urban stormwater drainage system to convey all existing and proposed storm flows through this development in accordance with the most recent version of *Australian Rainfall and Runoff (1987)*.

The existing interallotment pipe outlet(300dia.) near existing lot 26 as shown on the development plan 50936-22 is to be extended through to Edgar Street and adjoin the proposed pipe system.

- g) Piped Inter-allotment Stormwater Drainage is to be installed to service existing allotments 27 DP791575 and 31 DP 1005475 to direct flows from these lots through the proposed development.
- h) Submission of a *Erosion and Sediment Control Plan and supporting documentation* prepared using Landcom publication "*Managing Urban Stormwater Soils and Construction*" and approved by the NSW Department of Infrastructure Planning and Natural Resources.
- i) All stormwater from the development site is to be routed through a suitable gross pollutant trap[s] to remove gross pollutants as well as fine sediments. The applicant's Engineer is to liase with Council's Environmental Services Department prior to submitting preliminary engineering plans and selecting this unit(s).

Road and Ancillary Works

- j) The proposed internal road (right of carriageway) shall be located as shown in the development plan 50936-22 and constructed in accordance with DCP 36 and AS/NZ2890.1 to service proposed lots 2,3 and 4 in reinforced concrete (5.5metres wide and of sufficient depth to suit the local soil conditions and traffic loadings) and layback kerb and gutter on the low side with 0.6metre wide footway for the full length of all this right of carriageway and having regard for Development Control Plan No 36 Councils *Engineering Guidelines for Subdivision and Development*.
- k) Edgar Street a dedicated as public road shall be constructed with grassed nature strip, layback kerb and gutter and extension of bitumen surfaced pavement having the characteristics listed in Table 1.5 type 1 Access Place for the full frontage of the Edgar Street property of Development Control Plan No 36. The layback kerb is to be extended three metres to the west and east beyond the existing property boundaries.
- l) Details on the method(s) to be employed by the Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not approve of disposal by burning off onsite.
- m) The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- n) The applicant is to submit at least three names for council to consider for the proposed right of carriageway in accordance with Council's policy on Street Naming. Supply and install the approved internal street sign.
- o) Inspections are required to be made and a minimum of 48 hours notice is necessary

where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

The following inspections are required:

- (i) Council is to inspect all Telstra and Country Energy cables where they cross existing and or new Council sewer or water mains prior to the contractor back filling the trench.
- (ii) The inspections for the required civil engineering works are listed in Section 6.3 of Council's Engineering Guidelines for Subdivision and Development (DCP 36) and must be undertaken prior to the appointed contractor proceeding to the next stage of the construction.

Note: Accounts will be forwarded for inspections that are required and/or undertaken in addition to those inspections for which a pre-payment has been made.

- p) Details of all civil works are to be submitted for approval with the Construction Certificate and shall be completed prior to the release of the Subdivision Certificate.

- 17 The Plans for the required Construction Certificate are to include a Landscape Plan prepared by a suitably qualified Landscape Architect in respect to proposed allotments 2 and 3 inclusive in the Right of Carriageway in accordance with Development Control Plan 36, *Section D13 Land and Street Scape Design* and having regard for but not limited to the following points: -

- (a) Screening the proposed development.

- (b) Prohibiting vehicular and pedestrian access to the adjoining property
- (c) Landscaping is to be clear of any existing or proposed services
- (d) Incorporate the use of suitable fencing that compliments the development.

18 Landscape works are to be completed in accordance with the approved Landscape Plan prior to release of the Subdivision Certificate.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES