

CONTENTS

Amendments to the Code

1. GENERAL

1.1	Section 33 of the Local Government Act 1919 (as amended).....	1
1.2	Provision of Section 332 of Local Government Act 1919 (as amended)	2
1.3	Regard for requirements under various Acts and Ordinances	3
1.4	Zoning as defined in the Ku-ring-gai Planning Scheme	3

2. DEVELOPMENT STANDARDS FOR ALLOTMENTS

2.1	Frontage and Dimensions	4
2.2	Minimum Areas	6
2.3	Special Provisions	6

3. TREE PRESERVATION ORDER..... 7

4. ENVIRONMENTAL ASPECTS

4.1	Environmental Impact Statement.....	8
4.2	Review of Environmental Factors	8
4.3	Impact unrelated to size or cost	9
4.4	Determining major or minor impact.....	9
4.5	Right to Determine Proposal as Minor or Major	9
4.6	Development adjoining land Zoned for Public Open Space (SEPP19)	9
4.7	Bushfire Protection	9

5. PUBLIC RESERVE REQUIREMENTS

5.1	Land for Active Recreation Purposes	10
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6. SUBDIVISIONS INVOLVING NEW ROAD

6.1	Perimeter Road	12
6.2	Underground Mains.....	12
6.3	Road Widths and Alignments	12
6.4	Intersection	13
6.5	Vertical Alignment	13
6.6	Road Drainage	13
6.7	General	14
6.8	Names of Roads	14
6.9	Street Trees	14

7. DRAINAGE

7.1 Stormwater Drainage 15
7.2 Open Channels 15
7.3 Watercourses 15
7.4 Rainfall Recurrence Interval 15
7.5 Construction 15
7.6 Interallotment Drainage System 16

8. FINAL PLANS & SECTION 88B INSTRUMENTS

8.1 Endorsement under Section 327 17
8.2 Easements or Rights-of-Way 17

9. WORK-AS-EXECUTED PLAN 17

10. SURVEYOR’S CERTIFICATE 17

11. BUSHFIRE PROTECTION 17

KU-RING-GAI COUNCIL

SUBDIVISION CODE

Adopted by Council on 17 July 1972

AMENDMENTS

October 1972	Tree Preservation Order – Corrected
March 1975	Street Name Requirement - Amended (Minute No 1236 of 24 February 1975)
March 1977	Contribution toward Street Trees and Guards – Increased from \$10 to \$20
February 1980	Environmental Impact Requirement – Added (Minute No DBS 232 of 10 December 1977)
July 1980	Paragraphs 1.1, 1.2 and 1.3 – Added – Code Renumbered
January 1981	Paragraphs 7, 9 and 10 – Added
January 1982	Paragraph 8 – Amended
May 1983	Paragraph 5. 1 – Amended due to amendment to Local Government Act 1919
May 1983	Paragraph 2.1.1 (iv) – Amended – Adjoining Access Corridors to Hatchet-Shaped Lots
	Requirements for Minimum Overall Depth of Hatchet-Shaped Lots – Deleted
	Paragraph 3 – amended (date of Council Resolution of 26 April 1988) Paragraph 5 – Public Reserve Requirements – Altered

1. GENERAL

1.1 Section 33 of the Local Government Act 1919 (as amended) states:

- (1) *Where consent under the Environmental Planning and Assessment Act 1979, is required in respect of a subdivision, then, in respect of any application for approval of a subdivision of land (whether the subdivision involves the opening of a road or not), the Council shall take into consideration –*
- a) *the size and shape of each separate parcel;*
 - b) *the length of road frontage of each separate parcel;*
 - c) *the situation and planning of the separate parcels in relation to public convenience, present and prospective;*
 - d) *the existing and proposed means of access to each separate parcel;*
 - e) *whether the district is or probably will be a residential district;*
 - f) *the drainage of the land, the drains proposed to be constructed and the drainage reserve and drainage easements to be provided;*
 - g) *whether the land has been declared suitable for building upon under the provisions of the Public Health Act, 1902;*
 - h) *whether the land is subject to flooding or tidal inundation; and*
 - i) *whether the land is or probably will be subject to subsidence or slip.*
- 1A) *Where consent under the Environmental Planning and Assessment Act 1979, is not required in respect of the subdivision, then in respect of any application for approval of the subdivision, the Council shall take into consideration –*
- a) *the matters enumerated in subsection (1);*
 - b) *the standard number of houses to the hectare fixed by the Council;*
 - c) *the amount of land to be provided as a public reserve out of the land to be subdivided;*
 - d) *the provision of any environmental planning instrument, including the use to which the land is proposed to be put following the subdivision, in accordance with that instrument; and*
 - e) *whether any trees on the land should be preserved.*

- (2) *Where the Council is entitled to impose as a condition of its approval of a subdivision of land, a requirements that the applicant for such approval shall provide a portion of the land proposed to be subdivided as a public reserve, the Council may, instead of imposing that condition, impose as a condition of its approval, a requirement that such applicant shall pay to the Council a sum of money which shall subject to any direction of the Minister under subsection (3) be reasonable in the particular circumstances of the case. Any sum of money so paid shall be placed by the Council in the trust fund and shall not be applied otherwise than in the acquisition by the Council of land for the purpose of public recreation or in the improvement and embellishment of any public reserve under its care, control and management.*
- (3) *The Minister may, generally or in any particular case of class of cases, direct or council as to –*
- (a) *in the case of a condition referred to in subsection (2) requiring the payment of a sum of money –*
- (i) *the means by which or the factors in relation to which the sum may or may not be calculated or determined; and*
- (ii) *the maximum amount of any such sum; and*
- (4) *A council to which a direction is given under subsection (3) shall comply, and is hereby empowered to comply, with the direction in accordance with the terms of the direction.*
- (5) *Notwithstanding the other provisions of this section, a council shall not, in granting approval to the subdivision of land in relation to which a direction under subsection (3) applies, impose a condition which is not in accordance with the terms of the direction.*

1.2 In the case where subdivisions contain new roads, the provisions of Section 332 of the Local Government Act 1919 (as amended) shall also be taken in consideration. Section 332 states:

- (1) *In respect of any application for approval of the opening of a road, the Council shall take into consideration –*
- (a) *the method of drainage the road necessary in the circumstances present and prospective, and the disposal of the drainage;*
- (b) *the drainage reserves or drainage easements to be provided;*
- (c) *the character of construction of the road necessary in the circumstances, present and prospective, and the necessity for the erection of road signs as part of the work of that construction;*
- (d) *whether or not kerbing, guttering and footpaths should be provided;*
- (e) *the treatment of junctions or intersection of roads;*

- (f) *the classification of the road;*
 - (g) *whether the district is a residential district; and*
 - (h) *if any proposed new road will be a land, whether or not a land should be permitted, in the circumstances.*
- (2) *Where consent under the Environmental Planning and Assessment Act, 1979, is not required in respect of the opening of a road, then, in respect of any application for approval of such a road, the Council shall take into consideration –*
- (a) *the matters enumerated in subsection (1);*
 - (b) *the situation and planning of the road in relation to public convenience, present and prospective, to intercommunication with neighbouring localities within or without the area;*
 - (c) *the necessity for the planting of trees with tree guards in the road; and*
 - (d) *the provision of any environmental planning instrument.*

1.3 All applications for subdivision are to have regard for the requirements of the Local Government Act 1919 (as amended), the Ordinances made under that Act, the provision of the Ku-ring-gai Planning Scheme, the particular circumstances of the case and the public interest, in addition to the provisions of this code.

1.4 The zonings referred to herein are as defined in the Ku-ring-gai Planning Scheme as prescribed 1 October 1971.

2. DEVELOPMENT STANDARDS FOR ALLOTMENTS

2.1 Frontages and Dimensions

2.1.1 Zones 2(a), 2(b), 2(c) and 2(e):

- a) *Rectangularly shaped allotments – minimum square width 18.29 metres;*
- b) *Irregularly shaped allotments, other than hatchet-shaped (battleaxe) allotments – minimum frontage 6.1 metres, minimum width 18.29 metres a distance of 12.20 metres from the street alignment,*
- c) *Allotments other than a hatch-shaped allotment having frontage to a main road or county road – minimum width 27.43m after a distance of 12.20 metres from the street alignment;*
- d) *Hatchet-shaped allotments;*

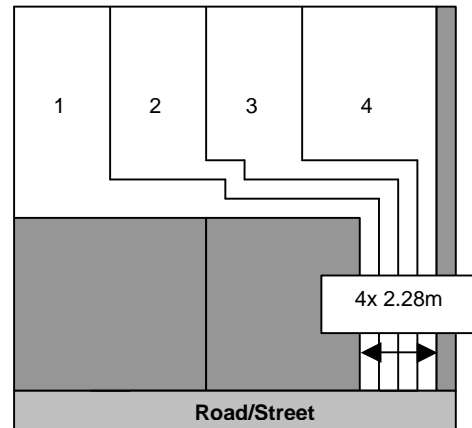
Minimum width of access corridors to one allotment in zones 2(a), 2(b) and 2(c) to be 4.57 metres.

In the case of more than one allotment (where reciprocal rights-of-way and cross-easements for services are created over contiguous access corridors), the width of the shared corridor (as measured at right angles from the corridor's boundary) shall not be less than:

Number of lots using joint access corridors	Minimum Width of joint Access Corridor
2	2 x 3.66m
3	3 x 3.05m
4	4 x 2.28m

Access corridor example

For example, the minimum width for 4 allotments will be 4 x 2.28m



- e) No dwelling shall be permitted across that part of an allotment where the width is less than 18.29 metres.

2.1.2 Zone 2(d);

- a) Rectangularly shaped allotments – minimum width 24.38 metres;
- b) Irregularly shaped allotments other than hatchet shaped allotments – minimum frontage 6.10 metres; minimum width 24.38 metres after a distance of 12.20 metres from the street alignment;
- c) Allotments other than hatch-shaped allotments having frontage to a main road or county road – minimum width 27.43 metres after a distance of 12.20 metres from the street alignment;
- d) Hatchet-shaped allotment – minimum width of access corridor 6.1 metres; minimum width or depth 24.38 metres;
- e) Minimum width specified in (1) (v) above shall apply over whole of allotment where it is proposed to erect a building.

2.1.3 Zone 2(g):

Minimum frontage – 36.58 metres.

2.1.4 Business Zones for shop premises:

Minimum frontage – 6.10 metres.

2.2 Minimum Areas

2.2.1 Rectangularly shaped and irregularly shaped allotments, other than hatchet-shaped allotments:

- a) Zone 2(a) 790m²
- b) Zone 2(b) 836m²
- c) Zone 2(c) 929m²
- d) Zone 2(d) 1208m² (*for residential flat building*)
- e) Zone 2(e) 929m²
- f) Zone 2(g) 1.12 hectares

2.2.2 Hatchet-shaped Allotments – In all cases the areas are exclusive of the area of the access corridor.

- a) Zone 2(a) 1105m²
- b) Zone 2(b) 1170m²
- c) Zone 2(c) 1300m²
- d) Zone 2(d) 1672m² (*for residential flat building*)
- e) Zone 2(e) 1300m² (*for residential flat building*)

2.3 Special Provisions

2.3.1 Any fence along the access corridor of a hatchet-shaped allotment shall not exceed 1 metre in height for a distance of 30 metres from the street alignment;

2.3.1 Special consideration is to be given to drainage within hatchet-shaped allotments.

3. TREE PRESERVATION ORDER

In every application for subdivision of land, whether it involves the opening of a new road or not, Council will require the preservation of trees on the land in accordance with Council's Tree Preservation Order in that no tree having a height greater than 5 metres or a branch spread exceeding 4 metres may be removed, ringbarked, cut down, topped, lopped, injured or wilfully destroyed without the written consent of Council or unless the tree is exempt from that order.

(see Government Gazettes No 110 of 13 July 1984 and No 170 of 7 December 1984 and Council's Resolution of 26 April 1988).

4. ENVIRONMENT ASPECTS

4.1 Council will require an Environmental Impact Statement in accordance with the “Principles and Procedures for Environmental Impact Assessment in New South Wales”: (State Pollution Control Commission environmental Standard (E1-4) for all “major” development which may have one or all of the following:

- a) The potential for polluting the atmosphere, surface or sub-surface waters;
- b) The potential for polluting by noise and visually offensive activities, structure or wastes;
- c) the potential for pollution and misapplication of land by its use in ways which are inconsistent with or incompatible with the needs and uses of the environment;
- d) The potential for impairing the quality of life by damaging or destroying historical, cultural or other desirable features or property, by concentrating traffic, by creating nuisance or offence of any kind, or by any other potentially detrimental action or consequence of an action;
- e) The potential for destroying or adversely affecting the natural beauty of the environment, its natural systems, or its flora or fauna.

4.2 Council will require a “Review of Environmental Factors” for “minor” developments such as:

- a) Projects which are likely to detract from an existing residential development, a recognised scenic area or with public or private lands;
- b) Requests that seek to change the prescribed zoning of an individual site or a locality;
- c) Subdivision involving:
 - i) The creation of not more than six new allotments on land with slopes of less than 1 in 6;
 - ii) The creation of two or more adjoining access corridors to hatchet-shaped lots when such corridors abut land not within the subdivision.
- d) Any proposal including residential flats, for which Council would normally require public comments;
- e) any other project which Council may deem to have an adverse effect on the local environment.

- 4.3 Irrespective of the above, it is important to recognise that the classifying of a proposal as having either minor or significant environmental impact does not necessarily have anything to do with the size or cost of the project.
- 4.4 The need for an environmental impact statement or a review of environmental factors will be determined by the particular circumstances of each case by the General Manager in conjunction with the Director Planning & Environment and/or the appropriate Head of a Department.
- 4.5 Council reserves the right to determine whether a proposed development is “major” or “minor”.

Further, a project initially deemed to be a “minor” development may well require an “Environmental Impact Statement” if circumstances are such that more detailed consideration of the environmental implication of that project proves to be necessary.

(Note: The above policy was adopted by Council on 6 November 1978 – an explanatory brochure is available on request)

- 4.6 Where a proposed development is on land adjoining bushland zoned for public open space, State Environmental Planning Policy No. 19 “Bushland in Urban Areas” applies.

In accordance with SEPP 19, Clause 9, Council will give consideration to the following subclauses:

9(c) The need to retain any bushland on the land.

9(d) The effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland.

- 4.7 **Bushfire Protection** – the following condition should be taken into consideration;

Any proposed development site shall be assessed as to its potential bushfire hazard in accordance with the Department of Environment and Planning Circular No 71. Council shall require measures to be taken on the development site that will alleviate or reduce the risk from bushfire. These measures shall meet the requirements of Circular No 74.

5. PUBLIC RESERVE REQUIREMENTS

5.1 Ku-ring-gai Municipal Council Policy regarding provision of land for active recreation purposes in subdivisions of land or payment of a contribution under Section 333(2) of the Local Government Act.

- a) Land shall be dedicated for public active recreation purposes from within the area of land to be subdivided, such area to be 1.62 hectares per 1000 head of population increase.
- b) The increase in population generated by the subdivision is calculated on the basis of each new allotment contributing 3.12 persons, being the average number of persons per dwelling house in Ku-ring-gai, as determined by the 1986 Census.
- c) The additional population generated by the subdivision is therefore:

$3.12 \times \text{No of additional allotments on which a dwelling house may be erected.}$

- d) Area of public reserve required due to the subdivision in square metres based on 1.62 hectares per 1000 head of population

$$2 \times \text{No of additional lots} \times \frac{1.62}{1000} \times 1,000 = \text{No of additional lots} \times 50\text{m}^2$$

- e) The Public Reserve so created may be added to an existing adjoining Public Reserve provided it consolidated the existing reserve and does not significantly increase its boundary length.

However, if no adjoining Public Reserve exists, then the minimum acceptable area for any Public Reserve shall be 5,000 square metres. Areas less than this cannot be appropriately developed for active recreational purposes.

- f) Council reserves to itself the option to require a cash contribution under Section 333(2) of the Local Government Act in lieu of land for active recreation purposes.

- g) This contribution shall be based on the formula:

Cash contribution towards acquisition and/or
Embellishment of Public Reserves =

$$\frac{\text{No of additional lots x 50 x englobo valuation}}{\text{Area of land being subdivided in m}^2}$$

The “englobo evaluation” shall be determined by the Valuer General or two independent Valuers and shall have due regard for the normal development costs in developing the land as if it were vacant and assuming it to be subdividable in accordance with Council’s conditional approval.

The cash contribution shall be based on a valuation as at the date of approval to the subdivision. However, should such contribution not be paid within six (6) months of the applicant being notified of the amount, the contribution as determined in accordance with the above formula will be adjusted in the ratio:

$$\frac{\text{(CPI (Sydney) as at date of payment)}}{\text{(CPI (Sydney) as at date of the applicant being notified of amount)}}.$$

- h) That any engineering or similar requirements of the subdivision be constructed by the applicant prior to the release of the final plan of subdivision or, alternatively, a Bank Guarantee or financial bond be provided to the satisfaction of the Chief Engineer/Controller of Parks with a requirement that the whole of the work be completed within twelve months.
- i) That contributions as detailed above apply to all subdivision applications received from 27 April 1988, and all subdivision applications received prior to that date be subject to previous contributions.

6. SUBDIVISIONS INVOLVING NEW ROADS

6.1 Perimeter Roads

In all subdivisions of land bounding on bushland or parkland, a perimeter road shall be built separating the subdivision from the parkland or bushland and no dwelling-house or business premises will be permitted to be built on the side of the perimeter road where it bounds bushland or parkland.

6.2 Underground Mains

Council will not approve the opening of or the dedication of a new road within the subdivision unless within such road all electrical and transmission wires of all description are placed underground and street lighting standards are supplied and erected to the satisfaction of Council's Chief Engineer/Controller of Parks.

6.3 Road widths and Alignments

- 6.3.1
- | | | |
|----|--|--|
| a) | Blind roads up to about 95 metres long: | Width Overall – 12 metres |
| | | Minimum width between Kerb – 7.5 metres |
| b) | Blind roads up to about 215 metres long: | Width overall – 16 metres |
| | | Width between kerbs – 8.5 metres |
| c) | Through roads of purely residential significance or blind road over 215 metres long: | Width overall – Minimum 16 metres |
| | | Width between kerbs - Minimum 8.5 metres |

- d) Through roads carrying more than residential traffic: Width overall – 18 or 20 metres
Width between kerbs - 9 or 12 according to likely volume of traffic
- e) Turning circles – Diameter minimum 21 metres, maximum 27 metres according to number of allotments and gradient of road:
Between kerbs – Minimum diameter 14 metres. Maximum diameter 20 metres.
Pavement diameter – 14 metres circle
Full area between kerbs – 20 metres circle, 7 metres from face of outside kerb.
Central plot – 6 metres diameter with kerb surround.

6.4 Intersections

Corner roundings not less than 6 metres tangents with 3 chords at every corner.

6.5 Vertical Alignment

The desirable minimum gradient shall be 1% and only in exceptional circumstances will an absolute minimum of 0.5% be permitted, in which case adequate precautions must be taken to avoid silting of gutters and pavement flooding.

The desirable maximum gradient shall be 12 ½% on straights or on the inner edge of pavement on curves.

Under exceptional circumstances, the absolute maximum of 20% may be considered for a distance not exceeding 75 metres.

6.6 Road Drainage

Drainage design shall be based on a rainfall recurrence interval of once in twenty years unless otherwise determined by the Chief Engineer/Controller of Parks.

The minimum pipe size shall be 375mm diameter.

6.7 General

All roadworks are to confirm with Council's standard specifications. Copies are available for purchase from the Engineering and Parks Department, Level 2, Council Chambers, 818 Pacific Highway, Gordon.

6.8 Names of Roads

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

House numbers to be painted on the face of the kerb to the specification of the Chief Engineer/Controller of Parks.

6.9 Street Trees

In all subdivisions providing for the opening of a new road where footpaths are 3.66 metres or more in width, Council will require the subdivider to pay a sum of money reasonable for the provision of street trees within the subdivision at an average of one tree per allotment, such sum being \$20 per tree with tree guard, and that Council agree with the subdivider that Council will cause such trees to be planted in front of each allotment within twelve months after the dwelling house has been erected on it or prior to that if deemed desirable, and that Council will provide and fix a suitable tree guard around the tree.

7. DRAINAGE

7.1 Stormwater Drainage

Piped or Enclosed Main Stormwater Drainage System

- a) The design of piped or enclosed drainage systems shall be based on a rainfall recurrence interval of once in twenty (20) years.
- b) A surface floodway shall be provided over all piped or enclosed drainage systems, the floodway to be designed to accommodate the excess flow for rainfall with a recurrence interval of once in fifty (50) years.
- c) The pipe and/or structure and floodway shall be wholly contained within a suitable drainage easement if minimum width 1.8 metres.

7.2 Open Channels

- a) The design of open channels shall be based on a rainfall recurrence interval of once in one hundred (100) years.
- b) The open channel shall be wholly contained within suitable drainage easement of minimum width 1.8 metres.

7.3 Watercourses

Details shall be submitted with applications for subdivision of land containing watercourses and/or depressions showing the effect of stormwaters on the lots for rainfall with a recurrence interval of once in fifty (50) years.

7.4 Rainfall Recurrence Interval

The rainfall recurrence intervals specified herein may be varied as determined by the Chief Engineer/Controller of Parks, having regard for the particular circumstances of the situation.

7.5 Construction

All works are to be carried out in accordance with plans and specifications approved by Council and to the satisfaction of the Chief Engineer/Controller of Parks.

7.6 Interallotment Drainage System

- a) Adequate piped interallotment and common drainage systems shall be provided, where necessary, for the disposal of roof water, collected surface water and subsoil drainage.
- b) The design of piped systems shall be based on minimum rainfall intensity of 165mm/hour.
- c) The minimum size of any pipeline shall be 150mm.
- d) The design of open or intercepting channels shall be based on a rainfall recurrence interval of once in twenty (20) years.
- e) All pipelines and drainage works shall conform to Council's standard "Specifications for Common Drainage Lines". Copies are available on application.
- f) Plans and specifications of interallotment drainage pipelines and works shall be submitted for Council's approval prior to the commencement of any drainage works.
- g) Drainage Easements – any pipelines or structure affected more than one (1) allotment shall be contained within an easement of minimum width one (1) metre.
- h) The outlet or discharge point of any drainage system shall be approved by the Chief Engineer/Controller of Parks.
- i) All works are to be carried out in accordance with the Plans and Specifications approved by Council and to the satisfaction of the Chief Engineer/Controller of Parks and Manager Health and Building.

8. FINAL PLANS AND SECTION 88B INSTRUMENTS

- 8.1** The final plans of subdivision submitted for endorsement under Section 327 of the Local Government Act is to be accompanied by five dyeline prints thereof.
- 8.2** If any easements, rights-of-way etc. are to be created pursuant to Section 88B of the Conveyancing Act 1919, the original Section 88B instrument and one copy thereof is to accompany the final plan for endorsement by the Town Clerk.

9. WORK-AS-EXECUTED PLAN

A Work-as-Executed plan for all works within public roads and/or drainage easements shall be provided by the applicant to the satisfaction of Chief Engineer/Controller of Parks prior to release of the final plan of subdivision.

10. SURVEYOR'S CERTIFICATE

The certificate of a registered surveyor, certifying that all stormwater pipelines are wholly contained within the road reserve and/or drainage easements and that all interallotment drainage pipelines and associated structures are wholly contained drainage easements shall be submitted by the applicant prior to release of the final plan of subdivision.

11. BUSHFIRE PROTECTION

No subdivision shall interfere with an existing fire trail. Fire trails are to be kept clear of obstruction and vehicular access maintained at all times.