



CHAPTER 3 –SUBDIVISION

3.1 Preamble

This Chapter of the Forbes DCP is prepared for the guidance of subdividers. It supplements the requirements of the Local Government Act, the Environmental Planning and Assessment Act and associated Regulations and the Forbes Local Environmental Plan 2013. Generally the minimum allotment sizes are stipulated by the Forbes Local Environmental Plan 2013 according to the prevailing zoning of the land and can be found on the "Lot Size Map". This chapter contains further details to be considered for development involving subdivision of the land.

3.2 Land to which this Plan Applies

This plan applies to all proposed subdivisions of the land including urban and rural subdivisions of all forms including subdivision under the Strata Titles Act and Community Land Development Act.

3.3 Objectives

The Objectives of this Development Control Plan are to:

- (a) Ensure a high quality of subdivision and delineation of allotment boundaries throughout the Forbes Shire;
- (b) Encourage site responsive development which reflects the opportunities and constraints of individual sites and preserves or enhances its special qualities.
- (c) Ensure development is consistent and compatible with the established streetscape and character and enhances the amenity of residential areas; and
- (d) Assist developers and applicants in the preparation and submission of applications in order to expedite the assessment process.

3.4 Submission

- (a) All plans are to be drawn to scale;
- (b) Subdivision plans shall be prepared by a registered surveyor to ensure the accuracy of existing and proposed allotment boundaries;
- (c) All plans shall contain a proper description of the land by Lot and Deposited Plan;
- (d) Any easement, right-of-way or restriction shall be created pursuant to Section 88B of the Conveyancing Act, 1919.

3.5 Consideration of Physical Constraints

Prior to the preparation of a proposed plan of subdivision it will be necessary to identify the physical constraints to the site/land which are likely to have an influence upon perspective allotment boundaries. This consideration should be in the form of a Site Analysis Plan which includes identification of the following elements:

- Orientation - North
- Existing structures/improvements on the land
- Improvements upon immediately adjoining land
- Slope
- Natural & existing drainage
- Existing hazards such as bushfire or flooding
- Any easements encumbrances
- Existing/proposed accesses
- Existing/Proposed Service arrangements

3.6 Size of Allotments

3.6.1 Residential

- (a) Residential lot size is to be not less than 550 m². As far as possible new lots should have at least a frontage of 16.8 m and a depth of 30 m. Irregular lots such as truncated or wedge shaped lots at the end of cul-de-sacs must have a mean width of at least 15 m and a width of 14 m at a distance of 6 m from the street alignment. Exceptional circumstances will be dealt with on their merits.
- (b) Corner lots are to be provided with 4 m cut off for splay purposes. When the corner angle is less than a right angle a deeper cut off may be required by the Council.
- (c) Council does not consider the creation of battle-axe allotments from undeveloped land as an acceptable form of subdivision. A battle-axe subdivision will only be considered in isolation and will be determined on its merits having regard for the size, shape, location and amenity of the surrounding area. A battle-axe allotment shall have an access way of not less than 6 m in width and shall have a minimum area exclusive of the access way of 650 m².

3.6.2 Large Lot Residential

- (a) Large Lot Residential blocks are basically used for residential purposes and not created to sustain a rural income.
- (b) Minimum allotment sizes are typically characteristic of service availability and/or flood risk as follows:
- (c) Allotments serviced by reticulated sewage – minimum 4,000m²
- (d) Allotments requiring on site effluent disposal –minimum 2ha (20,000m²)
- (e) Allotments requiring on site effluent disposal (where it can be demonstrated by a suitably qualified practitioner that onsite effluent disposal can be undertaken without environmental impact – minimum 1ha (10,000m²)
- (f) Allotment subject to low hazard flood risk 2ha (20,000m²)
- (g) Allotments subject to high hazard flood risk 10ha (100,000m²)
- (h) Large Lot Residential and Small Rural Holdings allotments while they may have cut off corners and some irregular shaped boundaries must have a reasonable overall shape with a maximum ratio of depth to width of 4:1. The creation of battle-axe blocks is not an acceptable form of subdivision.

3.6.3 Primary Production

- (a) The minimum lot size for rural land is as set out in the Forbes Local Environmental Plan 2013 being 200 hectares for land within the RU1 – Primary Production Zone.
- (b) Allotments proposed for irrigated agriculture may be reduced in accordance with the requirements of FLEP2013 as follows:

(b) R5 - Large Lot Residential

The following services shall be provided at no cost to the Forbes Shire Council:-

- Sealed Road
- Electricity
- Telephone
- Water
- Street Lights
- New Street Identification Signs

Traffic Volume (AADT)	Servicing No. of Lots	Hierarchy	Road Reserve Widths (min)	Vehicle Pavement Width (m)	Footpath Width (m)	Design Speed (Km/hr)
0-80	0-8	Minor Cul-de-sac	17	8.0	4.5	40
80-300	8-30	Cul-de-sac	18	9.0	4.5	60
300-800	30-80	Local Road	18	9.0	4.5	60
800-1500	80-150	Minor collector	20	11.0	4.5	60
1500-5000	>150	Major Collector	22	13.0	4.5	70
5000+	>5,000	Distributor	22	13.0	4.5	70

New development shall be consistent with the prevailing road hierarchy constructed to the appropriate standard as detailed above.

(c) RU4 – Primary Production – Small Lots

The following services shall be provided at no cost to the Forbes Shire Council:-

- Sealed Road Access
- Electricity
- Telephone
- Water
- New Street Identification Signs

(d) RU1 – Primary Production

In a rural subdivision each new block must be supplied with utility services at no cost to Council, and to a similar degree to those already connected to the area being subdivided.

Council will not approve the plan of subdivision until utility services have been provided or until arrangements satisfactory to Council have been made for the supply of such services.

(e) Community and Strata Title Land

Services located on land that forms part of a strata or community title subdivision shall be the responsibility of the strata or community body. Council will not be responsible for the maintenance or repair of any water or sewerage lines located within land that forms part of community or strata title development.

The provision of documentary evidence that, arrangements are satisfactory for the provision of all essential services to fully serve the sub-division have been made, must be received before the sub-division will be approved.

Preliminary advice from relevant service Authorities shall be provided with the subdivision application indicating that the proposed allotments can be adequately serviced.

3.9 Storm Water Drainage

A. Surface Drainage

Subdividers are required to show the means by which both natural and increased run-off shall be disposed of and the location of any necessary easements.

- Irrigation from River Water Source – 40ha
- Irrigation from Jemalong/Wydles Plain Scheme – 100ha
- Irrigated from ground water source – 40ha

Note: The following requirements must be met for subdivision for irrigated agriculture:

- Evidence of the installation of necessary irrigation infrastructure;
- Evidence of necessary water licenses; and
- Assessment of Sustainability of proposed enterprise.

3.6.4 Primary Production - Small Lots

- (a) Primary Production - Small Lots are allotments where the agricultural use of the land is dominant and residential occupation is secondary.
- (b) The minimum allotment size for primary production small lots is 10ha (100,000m²)
- (c) Irregular shaped boundaries must have a reasonable overall shape with a maximum ratio of depth to width of 4:1. The creation of battle-axe blocks is not an acceptable form of subdivision.

3.6.5 Commercial

In established and proposed shopping areas, the minimum frontage of any shop is to be 6m, unless such shop forms part of a block of shops built on land, under the one title and this land has a minimum frontage of 6m. Where the proposal is in an established shopping area, the existing setback should be maintained.

3.6.6 Industrial

Where land for industrial or similar uses is proposed, the size and dimensions of lots abutting or across streets from residential lots should be appropriate and available for development that provides an effective high amenity transition.

3.6.7 Strata & Community Title Subdivision

The minimum allotment size for a strata or community title allotment within a subdivision shall be 250m².

The minimum allotment upon which a strata or community titled subdivision shall be 740m².

3.7 Roads

The road network within the Forbes Shire is comprised of six (6) distinct classes of roads as follows (from lowest to highest)

3.8 Provision of Utility Services within the Subdivision

(a) R1 - Residential

The following facilities/services shall be provided at no cost to the Forbes Shire Council:-

- Sealed Road
- Kerb & Gutter
- Footpath
- Electricity
- Telephones
- Water & Sewerage
- Gas
- Street Lights
- New Street Identification Signs

B. Internal Stormwater Drainage

This work shall be paid for by the subdivider as part of the road works and drainage requirements. Where several adjacent subdividers wish to proceed at the same time and use the same system of internal pipelines arrangements should be made to share the cost on an area drained basis.

C. External Stormwater Drainage

External Storm water drainage facilities must be adequate before Council will approve the subdivision.

3.10 Trees

Existing trees both street trees and within the site are to be preserved as far as practicable. Trees proposed to be removed are to be identified and submitted for Council's consideration.

Where a prevailing street tree pattern (in terms of species and location) exist the theme shall be maintained within all new development.

3.11 Land for Public Recreation

In the case of subdivision of land for new urban residential development, Council will require the subdivider to provide land to cater for the public recreation needs of future residents or alternatively, to make an equivalent financial contribution for the provision of such services elsewhere. This contribution will be levied in accordance with the Forbes Contribution Plan.

