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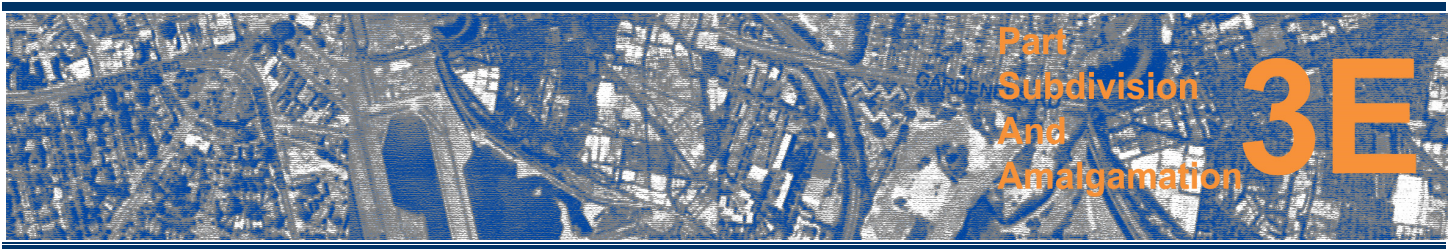
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3E.1 Introduction

Under the *Environmental Planning and Assessment Act, 1979* subdivision is defined as ‘development that seeks the division of land into two or more parts that, after the division, would be adapted for separate occupation, use or disposition’.

Common subdivision types include Torrens title (including boundary adjustments and consolidation), Strata title, and Community title.

Subdivision and amalgamation of land allows for future development in a manner which may be different to its original state in regards to its use or intensity. It is therefore important to consider the future development potential of land and the potential impacts it may have on existing land uses and networks within the vicinity.

Such consideration may result in limitations being placed on the subdivision and amalgamation including maximum building envelopes, minimum setbacks, building heights, zoning, connectivity and environmental management requirements to ensure future development does not adversely impact on the surrounding locality.

Note: While the Botany Bay Local Environmental Plan 2013 permits subdivision with consent; in determining whether a development application is required for subdivision or amalgamation, applicants should also refer to State Environmental Planning Policy (Exempt & Complying Development) 2008 which enables some forms of subdivision as exempt or complying development.

3E.1.1 Land to which this Part Applies

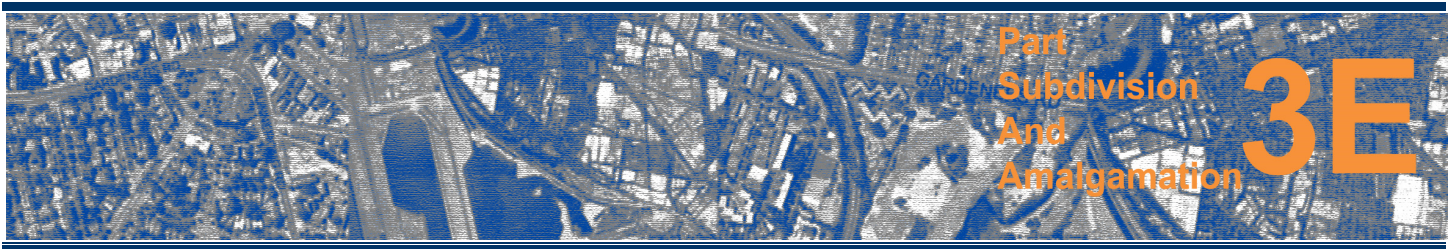
The controls in this Part apply to all land within the City of Botany Bay where development consent is required for a proposed subdivision or amalgamation; whether it is proposed through Torrens title, Strata title or Community title.

This Part needs to be read in conjunction with:

- Part 1 - Introduction
- Part 2 - Notification and Advertising
- Part 3 - General Provisions
- Part 4 - Residential Development
- Part 5 - Business Centres
- Part 6 - Employment Zones
- Part 7 - Other Development Types and Land Uses
- Part 8 - Character Precincts
- Part 9 - Key Sites
- Part 10 – Technical Guidelines

3E.1.2 General Objectives

- O1** To ensure that subdivision and amalgamation and any associated development is consistent with the Desired Future Character of the area through consistent lot size, shape, orientation and housing density;
- O2** To prevent the fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations;
- O3** To minimise any likely impact of subdivision and development on the amenity of neighbouring properties;
- O4** To promote the creation of allotments which maximise the opportunity for energy efficient usage of land;
- O5** To ensure that lot sizes allow buildings to be sited to protect natural or cultural features including Heritage Items and retain special features such as trees and views;
- O6** To avoid increasing the community's exposure to coastal hazards;
- O7** To ensure that subdivision and amalgamation result in lots which can achieve compliance with all other relevant DCP controls; and
- O8** To ensure that the creation of new lots does not result in a reduction of pedestrian or vehicular connectivity within the existing street network and provides a safe network.



3E.2 Torrens Title Subdivision and Amalgamation

3E.2.1 General Torrens Title Subdivision and Amalgamation

A Torrens title subdivision involves the division land into multiple independent lots and includes a boundary adjustment where land is added or removed from an existing allotment.

Torrens title subdivision seeks to create two (2) or more allotments for individual use with no common property shared between the allotments created.

Objectives

- O1** To ensure that proposed subdivision or amalgamation is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision or amalgamation is consistent with the prevailing lot pattern including the area, dimensions, shape and orientation;
- O3** To ensure a site’s characteristics (features and constraints) are considered;
- O4** To avoid increasing the community’s exposure to coastal hazards;
- O5** To ensure land affected by the boundary adjustment maintains any future development potential of any site; and
- O6** To ensure the orderly development of land does not adversely impact on the amenity of existing developments within the locality.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts, Part 9 - Key Sites, Part 5 - Business Centres and Part 6 - Employment Zones**).
- C2** Subdivision or amalgamation must not compromise any significant features of the existing or adjoining sites including streetscape character, landscape features or trees.
- C3** Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area; dimensions, shape and orientation (refer to **Figure 1**).

Note: Council generally considers the ‘prevailing subdivision pattern’ to be the typical characteristic of up to ten allotments on either side of the subject site and corresponding number

of allotments directly opposite the subject site. Properties located in the surrounding streets do not usually form part of the streetscape character and are therefore not taken into consideration when determining the prevailing subdivision pattern.

C4 Development Applications shall demonstrate that future development for the site can comply with all Parts of the DCP (ie. setbacks, parking and private open space).

C5 Applications must demonstrate that the following has been considered:

- (i) Site topography and other natural and physical features;
- (ii) Existing services;
- (iii) Existing vegetation;
- (iv) Existing easements or the need for new easements;
- (v) Vehicle access;
- (vi) Any land dedications required (e.g. road widening);
- (vii) Existing vegetation;
- (viii) Potential flood affectation and stormwater management requirements;
- (ix) Contamination of the land;
- (x) Existing buildings or structures; and
- (xi) Heritage Items, Conservation Areas and adjoining Heritage Items.

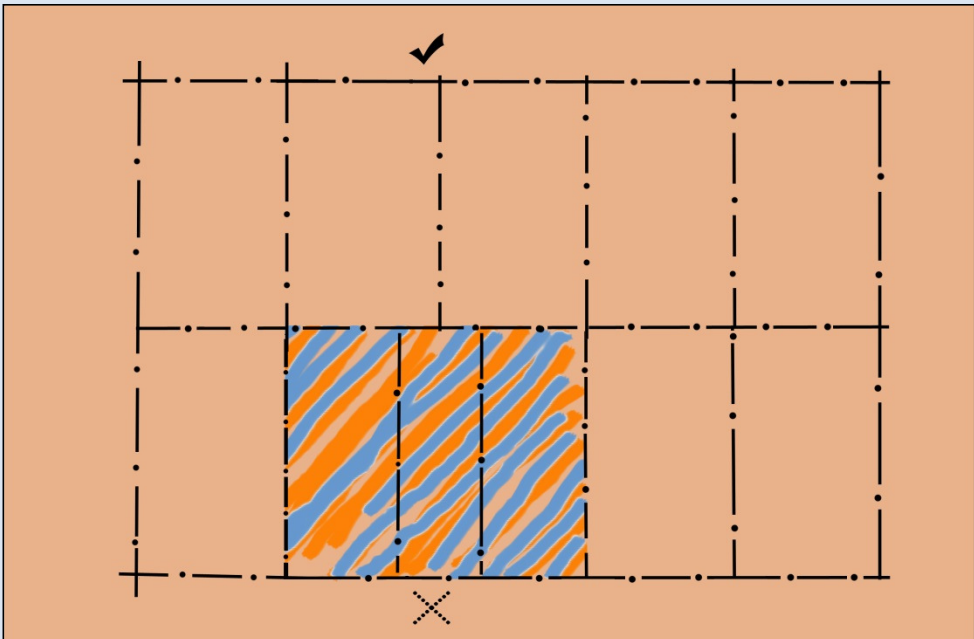
C6 Subdivision must not result in the creation of a new lot that contains significant site features that would render the land unable to be developed (e.g. creation of allotments that are solely burdened by easements, flooding, highly contaminated land, land that contains significant trees or land of a size which could not facilitate development as per the zoning and controls applicable to the land).

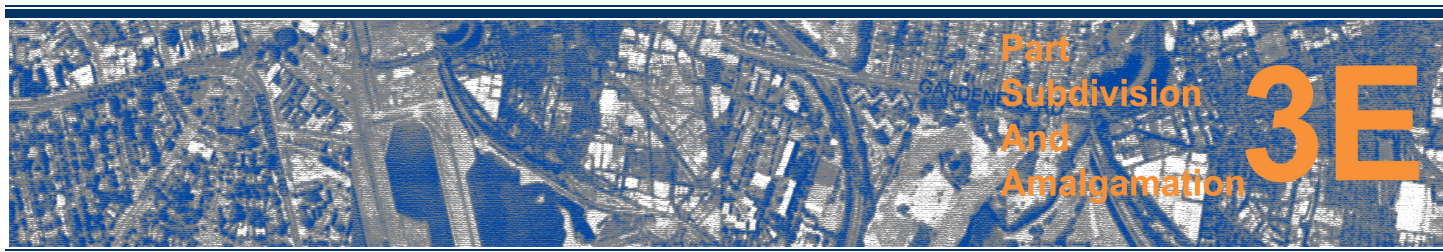
Note: Development Applications for subdivision where in the Council's opinion will create a new lot that contains significant features, the DA is to include the construction of any buildings on the new allotment and the residue allotment.

C7 Subdivision which results in additional residential allotments of land within an Australian Noise Exposure Forecast (ANEF) contour of 30+ is not permitted. **Refer to Part 3J – Development Affecting Operations at Sydney Airport.** Please note that the AS2021 requires for sites between 25 to 30 ANEF Contour that the external environment be considered for aircraft noise impacts.

C8 Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.

Figure 1 - Example of Acceptable Subdivision Pattern





3E.2.2 Residential Torrens Title

Residential subdivision or amalgamation may allow for higher density housing to be developed which may potentially place additional impacts on services of an area. This may present potential amenity impacts to existing land uses and affect the character of the locality. Therefore it is essential that design elements contained in this DCP are considered at the subdivision stage of a development. This is to ensure that the future development of a site is consistent with the Desired Future Character of the area.

Amalgamation is the combination of two or more lots for the purpose of redevelopment and is generally required when the existing cadastral arrangement contains lots that are too small or impractical in area, dimension, shape or orientation to achieve the desired future built form. Despite amalgamation being required in some instances, the existing cadastral pattern forms part of the streetscape character of the Botany Bay LGA and is generally appropriate to be retained.

Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision is consistent the existing or prevailing subdivision pattern;
- O3** To ensure the site features and constraints are considered;
- O4** To ensure land affected by the boundary adjustment maintains any future development potential;
- O5** To avoid increasing the community's exposure to coastal hazards;
- O6** To facilitate the orderly development of land without adversely impacting on the amenity of existing developments within the locality; and
- O7** To ensure that future development can be accommodated on the land subject to controls with the DCP (ie. site frontage widths and setbacks).

Controls

General

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 9 - Key Sites** **Part 5 - Business Centres** and **Part 6 - Employment Zones**).
- C2** Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions, shape and orientation.

Note: Council generally considers the ‘prevailing subdivision pattern’ to be the typical characteristic of up to ten allotments on either side of the subject site and corresponding number of allotments directly opposite the subject site. Properties located in the surrounding streets do not usually form part of the streetscape character and are therefore not taken into consideration when determining the prevailing subdivision pattern.

- C3** Development Applications which propose the creation of new allotments must be accompanied by a conceptual building plan that demonstrates compliance with all relevant DCP controls.
- C4** Notwithstanding Control C2 above, land within Area H1 and H2 (refer to **Figure 2, Figure 3** and **Part 8 - Character Precincts**) may have a minimum lot width of 5 metres.

Note: Building height is restricted to 9 metres.

Note: Development Applications for Subdivision in Areas H1 and H2 are to be accompanied by a detailed site analysis and dwelling design that satisfies Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity.

- C5** Proposed lots must be of a size and have dimensions to enable the siting and construction of a dwelling and ancillary structures that:
- (i) Acknowledge site constraints;
 - (ii) Address the street;
 - (iii) Minimise impacts on adjoining properties including access to sunlight, daylight, privacy and views;
 - (iv) Provide usable private open space;
 - (v) Provide vehicle access.
 - (vi) Protect existing vegetation;
 - (vii) Mitigate potential flood affectation and stormwater management requirements;
 - (viii) Acknowledge contamination of the land; and
 - (ix) Protect Heritage Items, Conservation Areas and land adjoining Heritage Items.
- C6** Subdivision or amalgamation must not result in the creation of a new lot that contains significant site features that would render the land unable to be developed (e.g. creation of allotments that are solely burdened by easements, flooding, highly contaminated land or land of a size which could not facilitate development as per the zoning and development standards applicable to the land).
- C7** All lots created shall have at least one (1) frontage to the street.
- C8** Inter-allotment draining easement shall be provide if any proposed lots are not able to drain stormwater runoff from the site to a street or public drain way.
- C9** Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise of 0.9 metres above the Australian Height Datum unless it can be

demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.

Battle-axe Subdivision

- C10** Battle-axe subdivision patterns will not be permitted within residential zones unless it can be demonstrated that it is part of the prevailing subdivision pattern.
- C11** Battle-axe subdivision patterns must result in one (1) or more allotments fronting the street and only one (1) allotment being serviced by a driveway access corridor.
- C12** Any proposed battle-axe allotment without a frontage to the street must have a minimum site area of 450m² and width of 12 metres.

Note: Battle-axe lots which are serviced via an access corridor are considered to be allotments without a frontage to the street. Where the access corridor is less than 8m wide, it shall not be included in the calculation of the minimum allotment area for either lot.

- C13** The width of an access corridor to a battle-axe lot shall be at least 3.5m for sites of less than 120m in depth from the primary street frontage to rear boundary.
- C14** Access corridors are to be located to ensure existing street trees are retained.

Note:

Refer to the Court Principles (in *Galea v Marrickville Council* [2005] NSWLEC 113) relating to building on the boundary in residential areas.

Figure 2 - Area H1

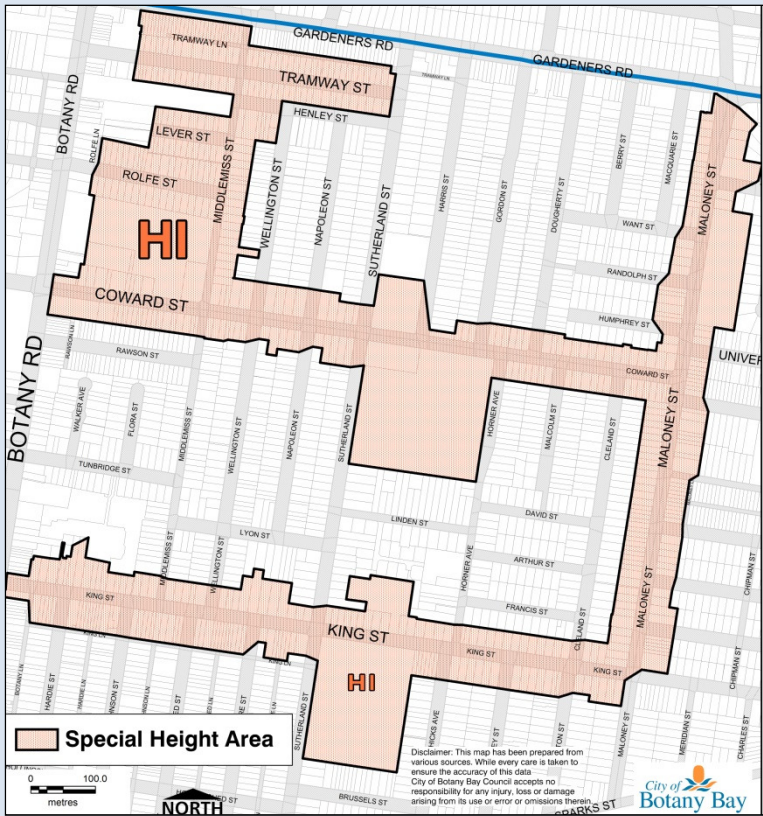
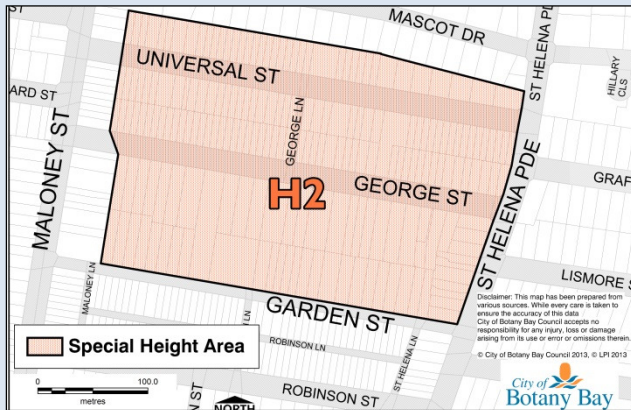


Figure 3 - Area H2



3E.2.3 Employment Zone Torrens Title

Industrial or Business Park Torrens Title subdivision or amalgamation may be required to accommodate a diverse range of employment development. Industrial amalgamations may be required to accommodate industrial uses, warehouses or freight transport that require a large open floor plate or large turning circles for long freight vehicles (refer to **Part 6 - Employment Zones**).

Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision is consistent the existing or prevailing subdivision pattern;
- O3** To facilitate opportunities for various industrial land uses within a locality;
- O4** To ensure safe and efficient vehicle, pedestrian and bicycle access within and to and from a site;
- O5** To prevent the excising of land that may be detrimental to the function of an existing continuing industrial use;
- O6** To avoid increasing the community's exposure to coastal hazards;
- O7** To reduce potential adverse impact of industrial development; and
- O8** To ensure that future development can be accommodated on the land subject to controls within the DCP (ie. parking and setbacks).

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to **Part 6 - Employment Zones**).
- C2** Any driveway/s required to service allotments must be designed to accommodate the largest vehicles assessing the site (based upon vehicle size identified in AS2890.2). In any case the driveway is not to have a width less than 6 metres at the property boundary.

Note: Council may require new road connections to be greater than 6 metres in width if cycleway and/or pedestrian footpaths are required. Any additional works required to the road network will be at the expense of the applicant.

- C3** Development Applications shall submit plans showing details of the vehicle access points, any internal road networks and/or driveways that require servicing each new allotment. The plans shall also demonstrate the following:

- (i) There is sufficient turning area within the new allotment to accommodate the largest vehicles entering and leaving the site in a forward direction; and
- (ii) The vehicle crossing shall be designed so as not to interfere with the functioning of the existing road network by blocking lanes, or impacting on footpaths and kerbs or gutter.

C4 Development Applications shall demonstrate that there is sufficient area to accommodate semi-trailers or delivery vehicles and their turning circles which may be permitted on the land as part of a future use.

C5 Any driveway servicing multiple allotments must be registered as a right of way easement for the benefit of all allotments created and maintain access to any existing allotment/s which currently has access arrangements through the subject site.

C6 The minimum allotment size permitted for industrial Torrens title subdivision or amalgamation of land is 1,500m² with a:

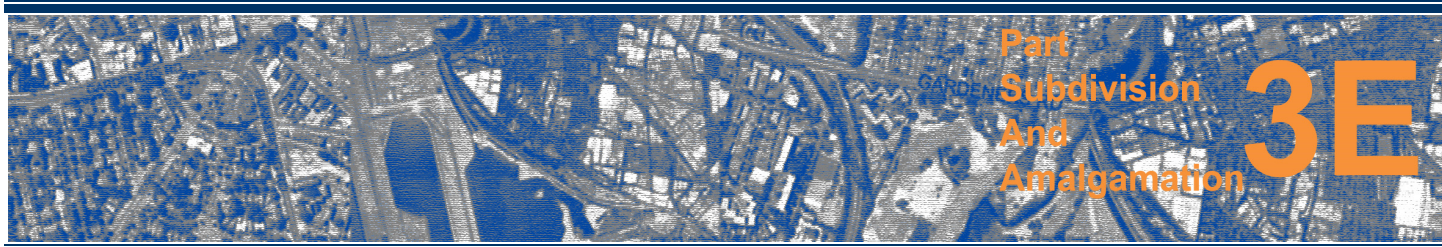
- (i) Minimum allotment width of 30 metres; and
- (ii) Minimum allotment depth of 50 metres.

Note: All dimensions of the subdivision or amalgamation must be shown on detailed subdivision plans.

C7 Torrens title subdivision development with proposed lots less than 1500m² or width less than 30 metres must be accompanied by a conceptual plan for the industrial development of the site which demonstrates that the proposed lots have an adequate area, dimension and a layout that allow for an employment use to comply with the DCP (refer to **Part 3 - General Provisions, Part 6 - Employment Zones, Part 7 - Other Development Types and Land Uses, Part 8 - Character Precincts** and **Part 9 - Key Sites**).

C8 Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport**.

C9 Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.



3E.2.4 Business Centres Torrens Title

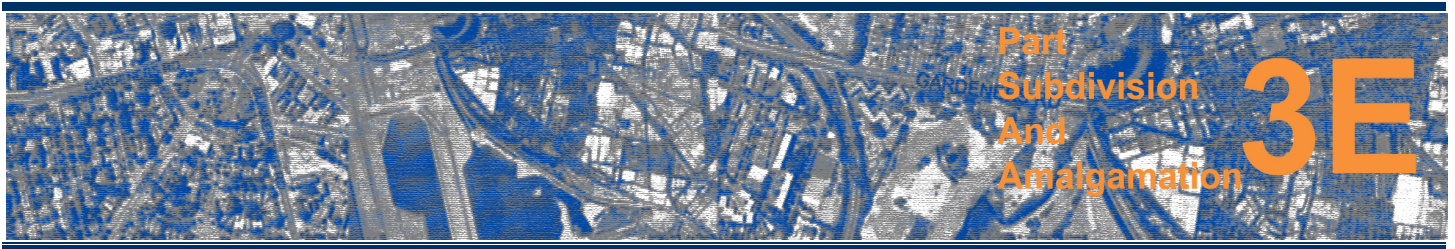
Many of the Business Centres in the Botany Bay LGA retain a traditional narrow Torrens title subdivision pattern with some Centres containing larger lots which have resulted from amalgamation of these traditional lots. These Centres are within the B2 and B4 zones. While it is important to maintain the existing character of the Centres, redevelopment and amalgamation of some centres is consistent with their Desired Future Character to enable some centres to achieve high densities and improved design quality.

Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the proposed subdivision is consistent the existing or prevailing subdivision pattern;
- O3** To promote the orderly development of Business Centres;
- O4** To avoid increasing the community's exposure to coastal hazards; and
- O5** To ensure lots have a usable site frontage.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to **Part 5 - Business Centres**).
- C2** Proposed lots shall have street frontage widths not less than the prevailing subdivision pattern within the business zone and are to have a compatible shape and orientation.
Note: The prevailing subdivision pattern does not include the subdivision pattern shown in zones adjoining the business centre. Properties located in the surrounding streets do not usually form part of the streetscape character and are therefore not taken into consideration when determining the prevailing subdivision pattern
- C3** Development applications are required to demonstrate that the subdivision pattern proposed complies with **Part 3A - Car Parking** for servicing, loading/unloading and car parking.
- C4** Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport**.
- C5** Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.



3E.3 Strata Title Subdivision

A strata title is the subdivision of a parcel of property into separate lots and common property. Individual ownership is given to small portions of larger property and undivided areas are shared as common property such as gardens or driveway. Strata title subdivision is generally associated with residential flat buildings, commercial unit buildings or mixed use developments.

The strata title subdivision allows for the development of a strata body or body corporate to manage and collect levies for the common property and to manage maintenance and set by laws for the use of the common property.

Objectives

O1

To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;

O2

To ensure that the subdivision relates to a development or building which has received development consent;

O3

To ensure any required facilities are provided and the building is compliant with the Building Code of Australia, **Part 4B - Multi Dwelling Housing**, **Part 4C - Residential Flat Buildings**, **Part 6 - Employment Zones**, **Part 3A - Car Parking** and any other relevant Council controls;

O4

To avoid increasing the community's exposure to coastal hazards;

O5

To ensure there is adequate provision of affordable rental accommodation in residential strata title subdivision; and

O6

To ensure that common areas are clearly defined, access is maintained from all proposed strata allotments and they are appropriately managed.

Controls

General

C1

Development Applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 5 - Business Centres** and **Part 6 - Employment Zones**).

C2

Strata title development applications must provide and demonstrate compliance with a development consent for the development proposed to be subdivided.

C3

Any proposed subdivision must not contravene any conditions of consent applied to the development or building which is the subject of the proposed subdivision.

- C4** Any communal areas (ie. Common driveways or footpaths) or right-of-way easements (i.e. common driveways or footpaths) must be shown within the common property of the development to be managed either by a body corporate or strata body.
- C5** Any car parking associated with the development must be allocated to each individual strata title lot to be created and shown on the plan of subdivision to be submitted with the application.
- C6** Subdivision is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.

Residential

- C7** Development Applications shall demonstrate that the proposed strata subdivision is compliant with the Building Code of Australia, **Part 4B - Multi Dwelling Housing**, **Part 4C - Residential Flat Buildings**, **Part 3A - Car Parking** and any other relevant Council controls. If a development is not compliant with the BCA it must demonstrate how compliance will be achieved with the BCA.

Note: Any non-compliance with the BCA including fire safety in must be rectified prior to the issues of a Subdivision Certificate.

- C8** For the strata title subdivision of residential flat buildings, Development Applications are to demonstrate compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009 or demonstrate that it is not applicable.
- C9** Development Applications shall submit a structural engineers report on the structural integrity of the building(s) and balconies.
- C10** Development Applications shall submit a Building Inspection Report which provides details of the entire building (roof to internals) and must address the following factors:
 - (i) The repainting of all existing painted elements;
 - (ii) Rebedding and repointing roof hip and ridge tiles;
 - (iii) Replacement of garage doors;
 - (iv) Rebuilding of cracked and poorly laid brickwork in so far as it relates to the external walls;
 - (v) Repair gutter fascias;
 - (vi) Removal of graffiti from external walls as well as defacement works;
 - (vii) Repair of stairwell and entry foyer floor construction;
 - (viii) Ensure that the stormwater disposal system functions and is capable of functioning under the most adverse storm conditions;
 - (ix) Mitigation of surface water floor onto adjoining lands;
 - (x) Repair hardstand and manoeuvring areas;

- (xi) Rectification and re grout all open bed joints and perpend and grout solid around all plumbing penetrations to the external walls of the building;
- (xii) Installation of weatherproof trim and mouldings around the external windows and door opening onto the balconies to close the cavities;
- (xiii) Rectification of the defective waterproof membranes to the remaining bathroom floors and walls to prevent water penetration to the adjoining rooms. Any application should include details covering the extent of the works to the bathrooms, the type of water proofing system proposed, the manufactures specification and warranty details;
- (xiv) Any areas of concrete floor slab which require removal of concrete and treatment of the reinforcement due to exposure to excessive moisture shall be the subject of a report by a structural engineer incorporating details of required remedial works and prior to the placement of concrete shall be inspected by the structural engineer with written certification being submitted to Council;
- (xv) Installation of fire door sets to all sole occupancy units, installation of approved self closing devices, all hinges and tag all the fire doors and jambs and submit written certification of the level of compliance with the relevant Australian Standard;
- (xvi) Rectification of inadequate balcony drainage system and provide a proper finish where the concrete has covered up the external brick wall;
- (xvii) Screw fixing of the brackets securing the down pipes to the external walls of the building;
- (xviii) Replacement of defective fascia boards and eaves lining around the building in order to provide a reasonable standard of finish and avoid the potential danger of materials falling from the building and injuring occupants;
- (xix) Reconstruction/replacement of any defective fences;
- (xx) Landscape plan indicating street tree planting and the planting of suitable trees and shrubs on site;
- (xxi) Provision of a garbage container area; and
- (xxii) External finishes including colour schemes of all external timber and cement rendered surfaces.

C11 Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport** and must submit an Aircraft Noise Assessment.

3E.4 Community Title Subdivision

Community title subdivision is similar to strata title subdivision in that an allotment can be created for common property and all owners of the community title allotments share ownership of the common property. The main difference is community title subdivision relates to the land rather than a building.

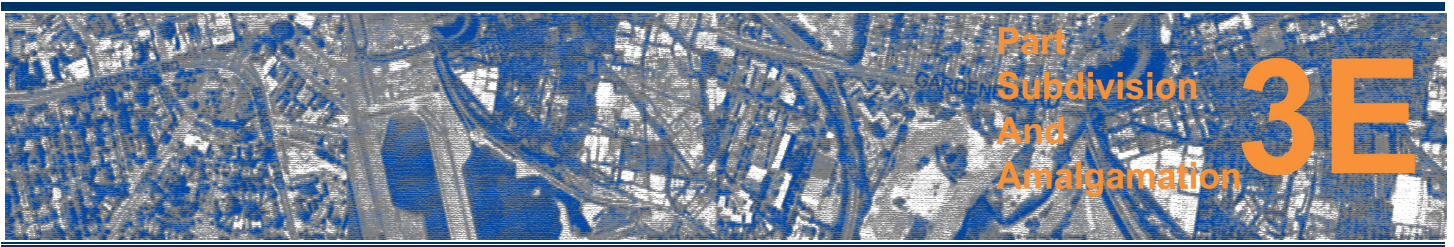
Community title normally occurs where there is staged development of land with significant infrastructure required to facilitate the future development of the land including roads, open spaces or recreation facilities that will be owned and managed by an association of the landowners. Further subdivision of land can occur within a community title scheme including strata title subdivision of individual buildings.

Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To ensure the community scheme is appropriate for the development of the land and surroundings;
- O3** To avoid increasing the community's exposure to coastal hazards;
- O4** To provide for the subdivision of land where staged development is required; and
- O5** To ensure all common areas in the community scheme area are appropriately nominated and managed.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision is consistent with the Desired Future Character of the area (refer to relevant sections in **Part 8 - Character Precincts**, **Part 9 - Key Sites**, **Part 5 - Business Centres** and **Part 6 - Employment Zones**).
- C2** Development Applications must submit a plan of the community title subdivision clearly identifying the common land to be managed by a community association.
- C3** Development Applications shall demonstrate that future development for the site can comply with all Parts of the DCP (ie. setbacks, parking and private open space).
- C4** Development Applications must submit a management plan for the common property to be maintained by the association and details of the proposed staging of any future development.
- C5** Subdivision is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.



C6 Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport** and must submit an Aircraft Noise Assessment.

3E.5 Connectivity and Future Development Potential

Subdivisions and major developments have potential to impact on movement networks and affect the functionality of the public domain of an area. These movements may accommodate pedestrians, vehicles, service and infrastructure.

The predominant existing grid street pattern in the Botany Bay LGA provides a network that has good pedestrian and road connections and encourages sustainable forms of transport such as walking and cycling. Quick and direct travel paths and a variety of route choices provides good movement networks.

Where development includes the provision of new streets it has potential to impact the movement networks in the LGA. New streets are required to be interconnected with existing movement networks and public spaces to create functional neighbourhoods.

Objectives

- O1** To ensure that the proposed subdivision is consistent with the Desired Future Character of the area;
- O2** To retain and enhance an interconnected and permeable movement network;
- O3** To avoid increasing the community's exposure to coastal hazards;
- O4** To ensure the layout of subdivisions including the location of streets and open space creates vibrant and safe public spaces; and
- O5** To ensure the layout of subdivisions including the location of streets and open space response to a site's constraints and opportunities and the adjoining and surrounding sites.

Controls

- C1** Development Applications shall demonstrate that the proposed subdivision or amalgamation is consistent with the Desired Future Character of the area (refer to relevant sections **in Part 8 - Character Precincts, Part 9 - Key Sites, Part 5 - Business Centres and Part 6 - Employment Zones**).
- C2** Proposed subdivision or amalgamation must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimension, shape and orientation.
- C3** The subdivision of sites greater than 2,000m² and which have at least two (2) street frontages, must provide through site connectivity in the form of pedestrian pathways, cycle ways or new streets within the new subdivision pattern.
- C4** New streets, pedestrian pathways or cycle ways must be dedicated to Council as public land or

be the subject of a legal right-of-way for public access. Any land to be dedicated to Council must be developed to Council's standards.

- C5** New streets must be perpendicular to the existing street pattern and may require the upgrading of the existing street network to facilitate the new connection.

Note: Any upgrading required to the existing street network (i.e. new signalised intersections, new footpaths/pedestrian pathways and/or servicing) will be at the expense of the applicant.

- C6** Subdivision or amalgamation must not result in the isolation of lots or reduce the development potential of adjoining land. Applicants may be required to submit plans clearly identifying the future development potential of adjoining land to ensure its development potential will not be adversely impacted.
- C7** The isolation of parcels of land for the purpose of environmental protection is not permitted (i.e. the retention of significant trees or vegetation or the management of contaminated lands). This land must be incorporated into any future development and maintained by the landowner/s.
- C8** Where a rear lane is provided to adjoining land, the laneway configuration must be continued through the new lot and existing access arrangements to adjoining land maintained.
- C9** Development Applications shall demonstrate compliance with all relevant DCP controls including minimum setback, building height restriction, and access are all achievable.
- Note:** These are required to demonstrate that the proposed subdivision or amalgamation will not result in adverse impact/s of future development on adjoining land uses by way of amenity, privacy, overshadowing, overlooking, access, etc.)
- C10** Subdivision or amalgamation must not result in any restriction to existing parcels of land within the vicinity of the site. The proposed subdivision or amalgamation must not rely upon other land being burdened (i.e land downstream having to accept increased overland flows or on-site detention in order for land upstream to be developed).
- C11** Subdivision and amalgamation is not permitted in areas identified to be affected by projected 2100 sea level rise by NSW State Government unless it can be demonstrated that potential impacts can be mitigated (refer to Sydney Coastal Council and CSIRO – Mapping and Responding to Coastal Inundation, February 2012). Please contact Council for additional information.
- C12** Development must comply with **Part 3J - Development Affecting Operations at Sydney Airport** and must submit an Aircraft Noise Assessment.