

# Land Division

## Guideline

### Renmark Paringa Council

<b>Responsible Officer</b>	Development Coordinator and Building Surveyor
<b>Adopted</b>	February 2019
<b>Reviewed</b>	New
<b>Next Review</b>	November 2023

## Purpose

The *Development Act 1993* (“the Act”) governs when and how land divisions can be approved and new allotments of land created.

Development applications proposing land divisions are required to be of a certain standard to warrant the grant of development approval.

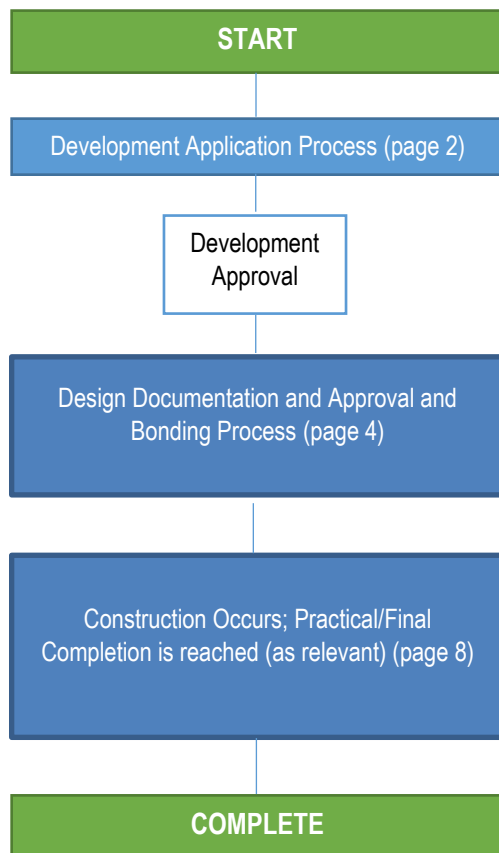
New land divisions often require the creation of new community infrastructure such as roads, footpaths, verges, parks and reserves which are vested in the Council’s ownership.

At times, existing infrastructure needs to be upgraded to accommodate new land divisions.

The Renmark Paringa Council strives to ensure that community infrastructure is constructed and maintained to high standards.

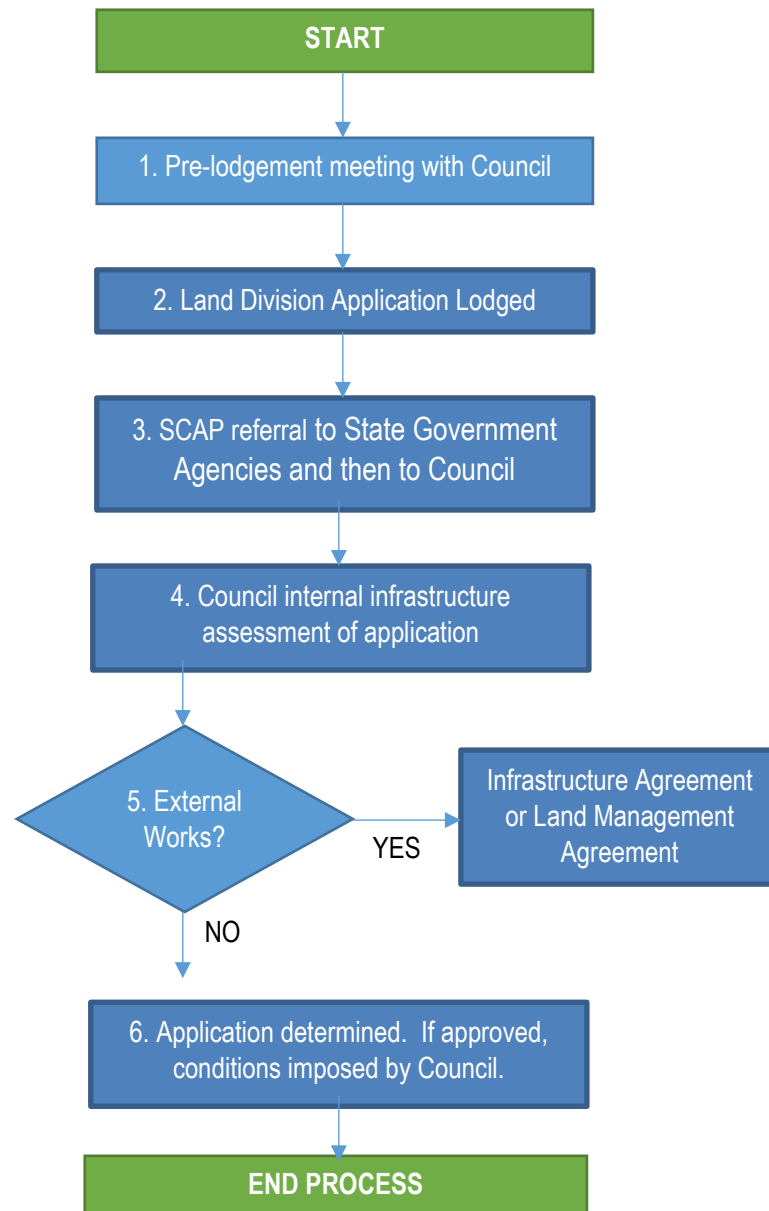
This document explains the Council’s land division requirements for divisions which propose to create new infrastructure, or which require upgrades to existing infrastructure at each stage of the land division process.

The intent of this document is to provide guidance on the land division process and infrastructure requirements to applicants and the community and to provide transparency and openness in the processes applied to them by Council.





## THE DEVELOPMENT APPLICATION PROCESS





## **THE DEVELOPMENT APPLICATION PROCESS**

1. Applicants are encouraged to meet with Council staff prior to lodging their land division application. A pre-lodgement meeting can assist in understanding the requirements of the Council's Development Plan and may assist in saving costs when drawing up plans and details.
2. Land division applications must be lodged through the State Planning Commission (SPC) and not through the Council. You will require the assistance of a land surveyor to lodge your development application. Please see the SA Planning Portal – [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au) – for more information.
3. The SPC is obligated by the Act to undertake the referral of all land division applications with State Government agencies. It is only after these referrals have occurred that a land division application is forwarded to the Council.
4. Once a land division application is received by the Council, relevant Council infrastructure, assets and environmental services staff will review the application insofar as its infrastructure, environmental health and/or building requirements are concerned. This is to ensure the land division does not negatively impact current infrastructure.
5. If a land division requires the upgrade of existing infrastructure (e.g. the widening of an existing road) or new infrastructure to be constructed on existing Council land or roads, the Council will enter into negotiations with the applicant for those infrastructure requirements to be provided by way of an Infrastructure Agreement or Land Management Agreement. The relevant agreement must be in place before the land division application is determined. Please note however that infrastructure contributions will not be required to be made before the grant of development approval.
6. The land division application will then be assessed against the Council's Development Plan by either the Council's Planning Officer or the Riverland Regional Assessment Panel. If the land division is to be approved, it will be approved with conditions. If new roads, reserves or other infrastructure within the site of the land division are proposed, some of these conditions will require that the infrastructure will be provided, or sufficient bonding arrangements are entered into, prior to the grant of Section 51 clearance by the SPC.

## DESIGN DOCUMENTATION APPROVAL AND BONDING PROCESSES

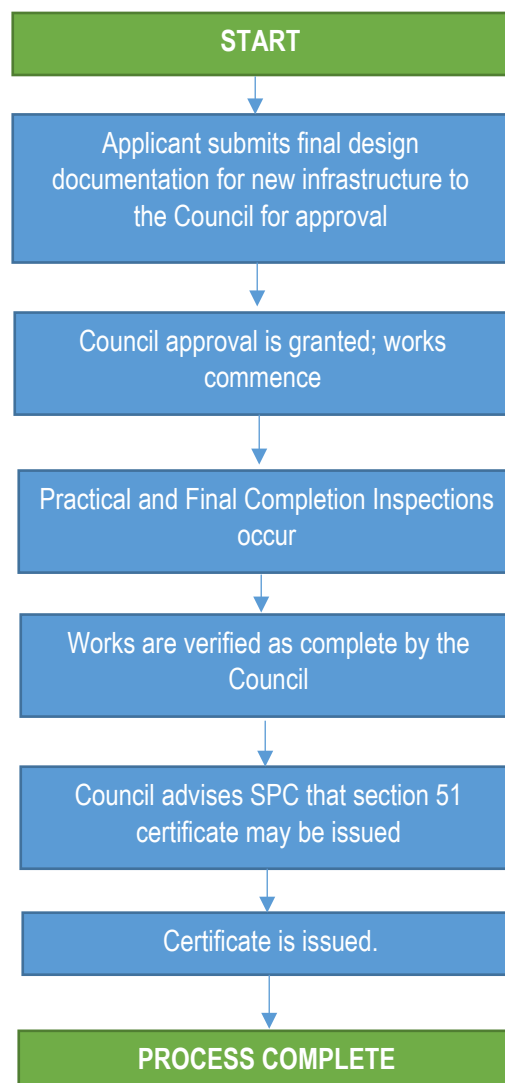
Before an applicant can obtain Certificates of Title for their approved land division, they require a certificate to be issued by the SPC under Section 51 of the Act.

The purpose of this certificate is for the SPC and Council to confirm that each of the conditions imposed on the development approval and which relate to infrastructure contributions and/or payments have been satisfied.

Under the Act, such conditions can be satisfied by the works occurring prior to the grant of the Section 51 certificate or the completion of the works can be guaranteed by way of the applicant entering into a bonding agreement with the applicant which is supported by sufficient financial security or guarantees. Council has a standard Bonding Agreement it uses for this purpose.

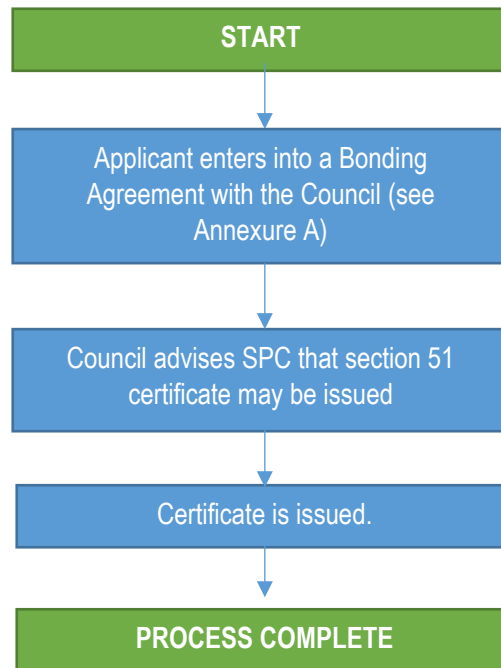
The two processes are outlined below.

### **Works are completed before Section 51 certificate is issued**





### Works to be completed after Section 51 certificate is issued



## APPROVAL OF DESIGN DOCUMENTATION

Council approval of design documentation is required for each and every land division. If a bonding agreement is entered into, clause 2 of the bonding agreement governs this process.

The following standards will be applied to all design documentation submitted for Council approval:

1. all documentation must be entirely consistent with the relevant development approval;
2. all designs must be in accordance with recognised engineering standards;
3. land division plans must comply with the requirements of Schedule 5 to the *Development Regulations 2008*;
4. all plans must adhere to a recognised scale which is appropriate to the drawing, e.g. 1:10, 1:50, 1:100, 1:200, 1:500, 1:1000;
5. all plans must show an indication of North. North should generally be shown at the top of a page and never at the bottom of a page;
6. all plans must contain a title box which includes (as a minimum) the following information:

- 6.1 date;
  - 6.2 development application number;
  - 6.3 address of development;
  - 6.4 drawing title and version (if appropriate);
  - 6.5 designer, drafter, approver/checker including names, contact details and professional qualifications/affiliations;
  - 6.6 context relevant to the drawings (i.e. site levels, existing services etc);
  - 6.7 specification standards; and
  - 6.8 other appropriate information;
7. specifications must be written in an easily understandable format and must clearly reference any applicable Australian Standards;
  8. specifications must indicate witness points, hold points, inspections and testing requirements, methods of construction, finishes and materials and other information relevant to the completion of the works.
  9. Engineering Documentation
    - 9.1 The following engineering documents will be required by the Council, as relevant to a particular land division:
      - 9.1.1 stormwater calculations including any modelling data in accordance with principles set out in Australian Rainfall and Runoff guides;
      - 9.1.2 pavement design calculations in accordance with AUSTROADS 'Pavement Design – A Guide to the structural design of road pavements' handbook;
      - 9.1.3 site survey showing all existing features including vegetation, structures and fences. Survey levels are to be in metres AHD;
      - 9.1.4 all geotechnical and environmental analysis;
      - 9.1.5 traffic management plan;
      - 9.1.6 stormwater management/stormwater master plan;
      - 9.1.7 a quality plan pertaining to design, inspection and testing of all engineering works;
      - 9.1.8 specification;
      - 9.1.9 site locality map and drawing schedule;
      - 9.1.10 master plan site layout;
      - 9.1.11 environmental management plan;
      - 9.1.12 site grading/earthworks plan;
      - 9.1.13 layout plan;
      - 9.1.14 road long sections;
      - 9.1.15 road cross sections;

- 9.1.16 stormwater layout plan
- 9.1.17 stormwater pipe long sections
- 9.1.18 detail sheet
- 9.1.19 lighting design
- 9.1.20 functional design
- 9.1.21 CWMS Plans and specifications.

9.2 Engineering details and documentation must be verified by a Chartered Engineer as recognised by the Institution of Engineers Australia prior to acceptance by the Council.

## 10. Landscape documentation

10.1 The following landscape documents will be required by the Council, as relevant to a particular land division:

- 10.1.1 site survey showing all existing constructed and planted features above and below ground, including vegetation, structures, fences, services and survey levels;
- 10.1.2 site masterplan showing the layout, land ownership boundary extents, road connections, reserve locations and connection to the wider area. Street tree layout should be depicted;
- 10.1.3 road hierarchy indicating proposed roads as either laneways, local roads or collector roads with provision of medians, car parking and additional streetscape features;
- 10.1.4 landscape construction drawings including:
  - (a) proposed and retained features, ground treatments, set out, existing levels, proposed levels, existing and proposed services;
  - (b) sections/elevations necessary to convey the design;
  - (c) construction details;
  - (d) planting plans including trees, shrubs and groundcovers compiled in a species list;
  - (e) irrigation plans;
  - (f) specification, including maintenance program.

10.2 Landscape details and documentations must be verified by a Registered/Certified landscape architect as recognised by the Australian Institute of Landscape Architects prior to acceptance by the Council.



## CONSTRUCTION AND COMPLETION

For many forms of infrastructure works, the Council will be satisfied with a single inspection to occur for the purposes of confirming whether practical completion is reached.

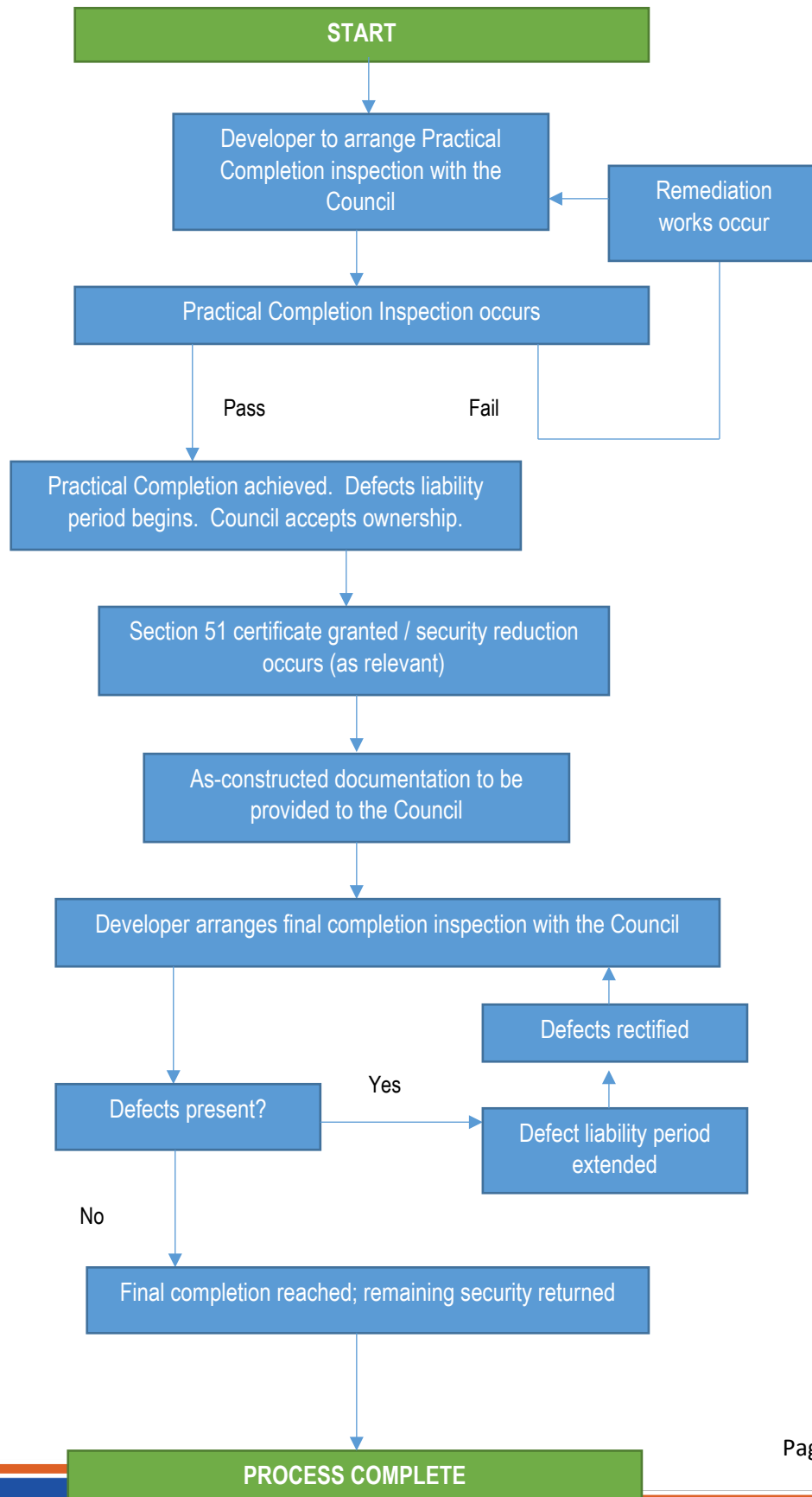
It may be the case for more complex, technical or unusual infrastructure works, that the Council will require one or more “hold points” at which inspections will occur.

Inspections are governed by the relevant Agreement which applies to the works. If no Agreement is in place and/or you intend to construct the required works prior to the grant of a Section 51 certificate, you must ensure that “hold points” and inspection frequency is agreed with the Council.

During construction of the works, you must comply with the following requirements:

1. copies of the construction/tender documents must be submitted to the Council;
2. you must notify the Council in writing of the nominated superintendent and construction start date at least 48 hours prior to the commencement of construction;
3. a Construction Management Plan comprising of a sediment control plan, soil erosion and site drainage plan prepared in accordance with EPA guidelines must be provided to the Council at least 48 hours prior to the commencement of construction;
4. all obsolete pipes, building material, rubble, rubbish and deleterious material must be removed and disposed of in accordance with law;
5. all “hold points” and inspection requirements must be adhered to;
6. any changes to the approved documentation must be submitted to the Council for approval. Approval from the Council must be issued in writing before the construction of the varied works occurs.

The completion process is set out below.





## **INFRASTRUCTURE REQUIREMENTS**

The following Infrastructure Requirements will ensure that the provision of adequate infrastructure is included and provided by the developer in all new residential developments.

Developers undertaking new land development proposals in the Renmark Paringa area shall be required to provide infrastructure in accordance with the following guidelines.

### **FOOTPATHS**

Footpath widths shall be a minimum of 2.5 metres.

A paved footpath 1.2m wide shall be provided on both sides of each new road created by the development.

Pavers shall be 60mm thickness minimum suitable for traffic, non-slip and approved by Council prior installation. The base for pavers to be 100mm minimum of compacted quarry road base.

Paths shall link with pedestrian kerb ramps to provide a safe and convenient pedestrian network.

Foot paths shall be located a minimum of 1.0m from the kerb unless otherwise agreed by Council.

The area between the footpath and kerb shall be formed of crusher dust to be watered and compacted to a smooth hard trafficable surface. There is to be no loose backfill.

### **STORMWATER DRAINAGE**

A system for the collection and disposal of stormwater drainage shall be provided generally as follows;

Underground drainage system shall be designed to accommodate the runoff from the 20 year ARI storm.

Drainage calculations are required to show the affect of runoff from the 100 year ARI storm and where necessary an overland flow path shall be provided such that all properties are protected from flooding in this event.

Drainage calculations shall be based on the fully developed catchment and shall include runoff from any upstream catchment.

The drainage system shall be designed and constructed to avoid or prevent scouring of any downstream watercourse.

Rear allotment underground drainage is required where driveways, paved areas and houses will not drain into the street. Rear allotment drainage shall be designed to accommodate a 20 year ARI storm from potential impervious areas of each allotment.

An on kerb stormwater outlet is to be installed at the lowest point of each allotment unless rear of allotment drainage has been provided.

Rubber Ring Jointed (RRJ) reinforced concrete pipes shall be used in the following circumstances or where directed by Council:

- The Hydraulic Grade Line exceeds 1.0m above the pipe,
- Where tree growth in vicinity is likely
- Where pipes grades exceed 20%
- Where ground water incursion is likely,

All drains shall be accommodated in roads, reserves, drainage reserves or adequate easements vested in Council.

Sufficient “at source” litter control devices shall be installed to ensure that litter originating from the site is trapped and collected prior to entering the downstream drainage system.

## **ROADS**

All roads shall be designed and constructed in a manner which allows safe and convenient property access via individual driveways and shall be generally as follows:

Road design and documentation shall be prepared by a suitably qualified Company or persons. Written proof of qualifications may be required. The documentation shall include a Quality Plan for the management of all stages of construction and the associated inspection and testing.

Roads shall have concrete kerbing on both sides.

Road pavements shall be designed in accordance with Austroads publication *A Guide for the Design of New Pavements for Light Traffic* and shall incorporate an asphalt (hotmix)

Road widths shall be determined taking into account anticipated traffic volumes and in general shall be 9.0m between kerbs as a minimum.

All cul de sac ends shall be designed with a circular end with a minimum diameter of 18 metres. All cul de sacs shall be Asphalt of no less than 50mm thickness.

Road intersections shall be designed in accordance with Austroads publication *Guide to Traffic Engineering Practice part 5- Intersections at Grade*.

Traffic control devices shall be designed in accordance with Austroads publication *Guide to Traffic Engineering Practice Part 8 – Traffic Control Devices and AS 1742.2*.

Pedestrian kerb ramps (pram ramps) shall be provided at intersections and at other locations as directed and shall generally conform with Austroads publication *Guide to Traffic Engineering Practice Part 13 – Pedestrians* and AS 1428.4 – 1992 *Design for Access and Mobility, part 4: Tactile Ground Service Indicators for the Orientation of People With Vision Impairment*.

Where a new road is proposed to connect to an existing road, the road pavement and kerbing shall be extended to make a smooth transition with the existing road.

Street name plates conforming with AS 1742.5 *Manual of Uniform Traffic Control Devices Part 5: Street Name and Community Facility Name Signs*, shall be provided at each new intersection.

During the period of construction the applicant shall install and maintain an appropriate shaker device within the development to minimise soil/dust particles leaving the site on wheels of transport devices.

## **STREET LIGHTING**

Street lighting shall be in accordance with AS1158: 1999 *Public Lighting Code* and shall generally be designed for P5 category lighting unless otherwise directed.

Light columns shall be located to accommodate the footpath.

## **COMMUNITY WASTE WATER MANAGEMENT SYSTEM (CWMS)(Where required by Council)**

Each allotment in the proposed development shall be provided with a connection for a septic tank effluent drain in accordance with the *SA Guidelines, Design Criteria and Standards for Septic Tank Effluent Disposal Schemes*.

Design drawings shall be prepared by a person or company that is experienced and competent in this field.

The CWMS shall be approved by the Department of Health when four or more additional allotments are created or as required by Council. When less than 4 additional allotments are created the CWMS shall be approved by the Council.

The CWMS shall connect to the existing Council effluent drains at a location nominated by Council.

Any CWMS drain within a private allotment other than the connection for that allotment, shall be contained within a satisfactory easement vested in Council.

A contribution to effluent disposal headworks, lagoons, etc., is required in the form of a fee. The fee is represented in Council's Fees and Charges Schedule.

Where the proposed CWMS is served by an existing pump station, Council will determine if there is sufficient capacity in the existing station. Where an upgrade of either pumps or storage is required the Developer may be required to contribute to the cost of the upgrade.

Where the Development cannot be connected by gravity main to an existing CWMS, the Developer shall provide a pump station in or adjacent to the Development within an adequate easement. Full detailed drawings and specifications of the pump station shall be provided to Council.

Any development in the vicinity of a new or existing pump station shall provide sufficient clearing around the pump station for access by maintenance vehicles.

Within fourteen (14) days of completion of the installation "as constructed drawings" in accordance with the *Guidelines, Design Criteria and Standards for Septic Tank Effluent Disposal Schemes* shall be provided to Council. The drawings should be in both hard copy and electronic format.

## OPEN SPACE CONTRIBUTION

The Act provides that Council may acquire Open Space (up to 12.5% of the relevant area to be transferred into Council ownership and developed as open space), a financial contribution in lieu of Open Space, or a combination of Open Space and a financial contribution, where a division of land into more than 20 allotments is proposed.

It is important to note that a decision to acquire Open Space or to request a financial contribution is a matter for the discretion of Council. More specifically, despite its entitlement to open space, or a combination thereof, Council may choose to dispense with the request for open space or a financial contribution.

It is recognised that Open Space is integral to the character of the Renmark Paringa Council area and the quality of lifestyle experienced by the community. Open Space has substantial social, cultural, environmental and economic value and contributes to the health and well-being of all age groups. It supports physical activity, recreation, relaxation, social interaction and a sense of well-being. Open Space also enhances urban development which can be far removed from the natural environment through the provision of natural spaces for trees, and habitats for wildlife.

For these reasons, and except where otherwise resolved, Council will always require as part of the land division process, appropriate Open Space, a financial contribution to maintain Open Space, or a combination of both of the above options, in accordance with the guidelines below.

Where the Development Plan incorporates concept plans, objectives or principles relating to the provision and location of Open Space, the Open Space must be provided in accordance such requirements, notwithstanding any other provisions contained within this policy.

If the Development Plan is silent on the requirement for open space, the open space will need to satisfy the requirements listed below.

Subject to the requirements of Council's Development Plan, Council will seek to obtain open space which meets one or more of the following requirements:

- The Open Space is selected for its environmental benefit either in its current form or future opportunities. For example the Open Space has biodiversity value which Council seeks to preserve, or the Open Space contains trees with environmental benefit or amenity value (whether regulated or not) and which may otherwise be under threat of removal if not located on land vested in Council
- The Open Space is to accommodate (either now or in the future) Council infrastructure. For example the open space may be strategically located to accommodate a future wetland
- The Open Space will provide for either active or passive recreation and will be of direct benefit to future occupants of allotments forming part of the land division
- The Open Space will provide amenity value and will be of direct benefit to future occupants of allotments forming part of the plan of division
- The Open Space will be developed by the developer to provide community recreational facilities that comply with Council's Open Space Strategy and suitable to the local amenity.

When negotiating Open Space requirements, Council will seek to obtain Open Space which satisfies as many of the above-mentioned requirements as practically possible so as to deliver the greatest benefit to the community.

In considering the suitability of the open space, regard will also be given to the future maintenance requirements of the Open Space. Therefore, in addition to meeting one or more of the above requirements, Open Space proposed to be vested in Council must also satisfy the following criteria:

- The Open Space will be accessible by suitable paths or walkways and will be capable of being accessed by appropriate machinery for maintenance purposes.
- Desirably, Open Space with maintained turf will have a slope no greater than 1:4 (one metre vertical for every 4 metres horizontal).
- The Open Space is free from foreign debris, spoils, rubbish, redundant infrastructure proclaimed weeds, or other identified hazards.
- A condition assessment is undertaken to Council's satisfaction prior to Council accepting vesting of proposed Open Space in its ownership.
- The area will satisfy the Open Space standards and hierarchy definitions as detailed in the Open Space Strategy.

Although an important asset, the acquisition of Open Space will inevitably come at a cost to Council. Such costs will vary depending on the specific characteristics of the Open Space. It is therefore essential that the benefits to the local community of having access to additional Open Space outweigh the financial burden associated with the ongoing maintenance of such Open Space.

Subject to the Council's Development Plan, where the Open Space does not satisfy the above-mentioned requirements, Council will require that the mandated financial contribution in lieu of the Open Space will be paid to Council. This financial contribution will be determined in accordance with requirements of Regulation 56 of the Development Regulations 2008.

The Council is legally obliged under the Act to deposit money received in place of Open Space into a designated fund established solely for this purpose and known as an Open Space Fund.

Council will, in the first instance, seek to expend any funds on acquiring, maintaining or developing Open Space in close proximity to the land division and will be developed in accordance with Council's Open Space Strategy. This will ensure that where possible, local residents receive a direct benefit from the financial contributions received by Council through the land division process.

Where this is not reasonably possible, the funds will be used to develop open space as near as reasonably practicable to the development land subject to compliance with Council's Open Space Strategy and the relevant legislation.

Where a combination of Open Space and a financial contribution is received, any financial contribution will be spent developing the Open Space acquired as part of the land division process.

**For more Information regarding the Land Division assessment process or to arrange a pre-lodgement meeting please contact Council's Development Coordinator on**

**8580 3000.**



## **Document Control**

<b>Version #</b>	<b>Approval Date</b>	<b>Approved by</b>	<b>Amendment</b>
1	February 2018	Council	Nil