

PART 5

11.0 SUBDIVISION

11.1 SUBDIVISION GENERAL

11.1.1 Minimum Lot Sizes and Requirements

<p>1. The purpose of this clause is to ensure that unzoned land and lots in Zones SD, MD, MR, HR, RR, RL, R, LI, GI, DV, FD, RD, H, WM and T will be of a size capable of accommodating potential future uses.</p> <p>2. Land to which this clause applies should be subdivided in accordance with the minimum lot size and requirements specified in the table to this clause</p> <p>3. The consent authority must not consent to a subdivision:</p> <p>(a) in Zones SD, MD, MR, RR or RL in Alice Springs and adjacent zoned areas; or</p> <p>(b) in Zone SD otherwise than described in (a);</p> <p>that reduces a lot size by an area greater than 5% of the minimum specified in the table to this clause.</p>
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Table to Clause 11.1.1	
Zone	Minimum Lot Size and Requirements
SD, MD, MR, HR and lots for residential buildings in Zone T	800m ²
RR	0.4ha - all unconstrained land OR 1ha in Litchfield Shire - all unconstrained land
RL	2ha with a minimum of 1ha of unconstrained land
R	8ha with a minimum of 1ha of unconstrained land or 40ha in the Alice Springs and Tennant Creek municipalities, with a minimum of 1ha of unconstrained land
H	25ha all unconstrained land
LI, GI, DV	1225m ²
FD, RD, WM	50ha
Unzoned land	Lot size is to be determined on the basis of land capability and the availability of water adequate for the intended use; however, the minimum lot size should be no less than 8ha.

Clause 11.1.2 allows for provision of small lots on land within Zones SD and MD as part of an integrated residential development.

Clause 11.2 refers to residential subdivision requirements.

Clauses 11.4.1 to 11.4.5 refer to subdivision of rural and unzoned land.

Clause 11.3 refers to industrial subdivision requirements.

Clause 11.1.3 allows the subdivision of land Zoned FD.

Clauses 11.4.1 to 11.4.5 refer to subdivision of rural and unzoned land.

11.1.2 Integrated Residential Development

1. The purpose of this clause is to provide for integrated residential developments in Zone SD, MD or FD to accommodate **dwelling**s on lots of less than 800m².
2. An integrated residential development is a new estate in which the **dwelling**s and the estate are integrated in terms of design.
3. An integrated residential development is to have at least 50 contiguous lots.
4. Not more than 50% of the lots in an integrated residential development are to be less than 800m².
5. In an integrated residential development in Zones SD and FD:
 - (a) the minimum lot size is to be at least 450m²; and
 - (b) the average lot size is to be at least 700m²;
6. In an integrated residential development:
 - (a) lots of less than 800m² may have one or more **common building boundaries** that are not adjacent to a public road; and
 - (b) a **dwelling** may be built up to a **common building boundary** referred to in paragraph (a) despite the setback provisions of clause 7.3.

Enclosed structures located on the boundary must be fire rated under the Building Code of Australia.

Clause 7.3 relates to the setbacks applicable to **residential buildings** in some zones.

11.1.3 Subdivision of Land Zoned FD

1. The purpose of this clause is to provide for the subdivision of land in Zone FD in a manner that will not prejudice the intended ultimate subdivision and future use or development of the land.
2. Land in Zone FD may be subdivided generally in accordance with any relevant Area Plan for urban (typically residential or mixed use) development once services are, or can be, made available to that land.
3. Despite anything to the contrary in this Planning Scheme, the consent authority may permit subdivision into lots of a size and configuration consistent with the intended ultimate zoning of the land.

Clause 6.13 refers to the development of land Zoned FD.

Clause 11.1.1 refers to minimum lot sizes in various zones.

Clause 11.1.2 refers to integrated residential developments.

Clause 11.2 refers to residential subdivision.

Clauses 11.4.1 to 11.4.6 refer to subdivision of rural land.

11.1.4 Subdivision for the Purposes of a Unit Title Scheme

Amendment 74
gazetted 01.07.2009
introduces clause
11.1.4.

1. The purpose of this clause is to ensure that:
 - (a) the new ownership arrangements resulting from a subdivision to create a unit title scheme allow each element of the development to continue to be available to the occupants of the development and where appropriate to visitors;
 - (b) older developments are upgraded; and
 - (c) development will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality.
2. Subject to sub-clauses 3, 4, 5 and 8 a subdivision to create a unit title scheme should meet the requirements of Part 4 of the planning scheme and in particular:
 - (a) all car parking provided as a requirement of a development must be available at all times for the use of the occupants of the development and their visitors or clients and be included:
 - i. in common property; or
 - ii. as part of the area under the title for the individual units;
 - (b) any loading bays provided for:
 - i. common use must be in common property; and
 - ii. the sole use of an individual unit must be in the entitlement of that unit;
 - (c) any areas set aside for the communal storage and collection of garbage and other solid waste must be included in common property;
 - (d) any private open space associated with a **dwelling** must be included in the unit entitlement of that **dwelling**; and
 - (e) any communal facilities and amenities or open space provided for **hostels, multiple dwellings and supporting accommodation** must be included in common property.
3. A lawfully established use or development on a lot may be subdivided to create a unit title scheme only if the use or development has been upgraded to meet the performance criteria within Part 4 of the planning scheme that apply to the use or development of the land.

If it is not possible to meet the criteria the consent authority must be satisfied that the proposed upgrading is the only practicable design solution.
4. The consent authority must not **consent** to a subdivision that results in a separate unit title for:
 - (a) a **dependant unit**; or
 - (b) a business associated with a **home occupation, home based child care, home based contracting or medical consulting rooms**.

The *Land Title Act* describes a "lot" as a separate, distinct parcel of land that may be a unit or common property. For the avoidance of confusion, the Surveyor General uses the term "unit" for a parcel of land or building unit or common property created under the *Unit Title Schemes Act* and described on a UTS plan and "lot" for a parcel of land created under the *Land Title Act* and described on an LTO plan as a "lot".

In a unit title scheme, common property will be identified as a separate unit.

5. If there is a requirement for a firebreak along the perimeter boundary of the unit title scheme, the consent authority must not **consent** to a subdivision unless the firebreak is within common property.
6. If there is a requirement for common infrastructure including internal roads, water supply, effluent disposal, waste disposal or power generation, the consent authority must not **consent** to a subdivision unless that infrastructure is within common property or vested in the relevant service authority.
7. Where a subdivision to create a unit title scheme proposes that the land will be vacant at the time titles issue, the land area of individual units should be consistent with clauses 11.1.1 Minimum Lot Sizes and Requirements and 11.1.2 Integrated Residential Development.

For the purpose of sub-clause 7, "land area" does not include:
 - (a) common property;
 - (b) land that will be permanently inundated; or
 - (c) a marina berth.
8. Despite sub-clause 7, a subdivision to create a unit title scheme on unzoned land may include units with reduced land areas if the unit title scheme addresses the requirements of sub-clause 9.
9. A subdivision to create a unit title scheme on Zones R, RL, H and unzoned land must demonstrate that:
 - (a) the intensity of the use is not likely to have a detrimental impact on the locality;
 - (b) on zoned land the density of residential development within the unit title scheme matches that of the zone in which it is located;
 - (c) an adequate supply of potable water is available for the intended development;
 - (d) appropriate sanitation and waste disposal facilities are provided;
 - (e) an appropriate power supply is available to the development;
 - (f) there is an adequate separation between:
 - i. activities proposed on common property; and
 - ii. uses on or that can reasonably be expected on land outside the unit title scheme; and
 - (g) any proposed dwellings, garages, sheds and structures without external walls within a unit title scheme shall be set back at least 10m from the unit title scheme boundary to minimise the potential impact on the existing and future amenity of land outside the unit title scheme.

If the *Bushfires Act* applies to the land that Act may require provision of a firebreak along the property boundary.

11.2 RESIDENTIAL SUBDIVISION

11.2.1 Site Characteristics in Residential Subdivision

1. The purpose of this clause is to ensure residential subdivisions respond to the physical characteristics of the land.
2. Residential subdivision design should:
 - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines;
 - (b) retain and protect significant natural and cultural features;
 - (c) avoid development of land affected by a 1% AEP flood or storm surge event; and
 - (d) retain and protect natural drainage lines and any distinctive landform features or stands of natural vegetation and incorporate them in public open space.

11.2.2 Infrastructure and Community Facilities in Residential Subdivisions

1. The purpose of this clause is to ensure that residential subdivisions are integrated with infrastructure, community services and facilities.
2. Residential subdivision design should:
 - (a) provide a high level of internal accessibility and external connections for pedestrian, cycle and vehicle movements;
 - (b) provide links to schools, commercial facilities and public transport services;
 - (c) provide traffic management to restrain vehicle speed, deter through traffic and create safe conditions for all road users;
 - (d) incorporate street networks capable of accommodating safe and convenient bus routes with stops within a 400m radius of a majority of **dwellings** ;
 - (e) provide for connection to reticulated services;
 - (f) provide a minimum of 10% of the subdivision area as public open space which:
 - i. ensures the majority of **dwellings** are within 400m walking distance of a neighbourhood park;
 - ii. incorporates recreational open space in larger units available for active leisure pursuits;
 - iii. is unencumbered by drains and has sufficient flat area for informal recreation; and
 - iv. is designed to provide a safe environment for users by allowing clear views of the open space from surrounding **dwellings** or passing vehicles.

11.2.3 Lot Size and Configuration in Residential Subdivisions

1. The purpose of this clause is to ensure residential subdivisions contain lots of a size, configuration and orientation suitable for residential purposes.
2. Residential subdivision design should provide that:
 - (a) lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including **dwellings**, vehicle access, parking and ancillary buildings;
 - (b) lots conform with the building envelope requirements in the table to this clause;
 - (c) there are no battleaxe lots;
 - (d) lots are oriented to allow **dwellings** to take advantage of environmental conditions such as prevailing breezes and sunlight;
 - (e) lots are connected to reticulated services;
 - (f) potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents; and
 - (g) where there are lots for medium and higher density residential development, those lots are:
 - i. distributed in small groups serviced by public transport;
 - ii. in close proximity to public open space and with adequate access to community facilities and services; and
 - iii. not located in a cul-de-sac.

TABLE TO CLAUSE 11.2.3

Lot Size	Minimum Building Envelope Requirement
<600m ²	12m x 15m (exclusive of any boundary setbacks or service authority easements) or 10m x 15m where there is a common building boundary
>600m ²	17m x 17m (exclusive of any boundary setbacks or service authority easements)

Clause 11.1.2 also refers to **common building boundaries**.

11.3 INDUSTRIAL SUBDIVISION

11.3.1 Site Characteristics in Industrial Subdivisions

1. The purpose of this clause is to ensure that industrial lots respond to the physical characteristics of the land.
2. Industrial subdivision design should:
 - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (eg seasonally waterlogged) and natural drainage lines;
 - (b) retain and protect significant natural and cultural features; and
 - (c) avoid development of land affected by a 1% AEP flood or storm surge event.

11.3.2 Infrastructure in Industrial Subdivisions

1. The purpose of this clause is to ensure industrial lots are integrated with required infrastructure.
2. Industrial subdivision design should:
 - (a) incorporate safe connection to the existing road network with particular consideration given to the needs of heavy vehicles;
 - (b) provide a simple layout with a clear hierarchy of roads, avoiding culs-de-sac, battleaxe lots and sharp curves and discouraging unrelated through traffic;
 - (c) minimise access from individual lots to major roads by using minor roads for such access;
 - (d) provide for road reserve and carriageway widths appropriate to the circumstances;
 - (e) provide for connection to reticulated services;
 - (f) where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment, and in particular to ground and surface waters; and
 - (g) protect service infrastructure by providing/ preserving easements.

The subdivision of land may attract a monetary contribution toward the cost of infrastructure in accordance with a contributions plan under the *Planning Act*.

11.3.3 Lot Size and Configuration in Industrial Subdivisions

1. The purpose of this clause is to ensure lots are of an appropriate size and configuration.
2. Industrial subdivision should:
 - (a) provide for a variety of lot sizes to accommodate a range of activities; and
 - (b) ensure the utility of each lot in terms of:
 - (c) building space and accessibility;
 - (d) compatibility with adjacent commercial and residential areas with appropriate buffers (for example roads, landscaping or parks);
 - (e) sufficient space to accommodate the industrial operations and buildings envisaged and make allowance for possible future expansion; and
 - (f) safe vehicle entry and exit.

Clause 11.1.1 refers to minimum industrial lot sizes.

11.4 SUBDIVISION OF RURAL AND UNZONED LAND

11.4.1 Site Characteristics of Subdivisions of Rural and Unzoned Land

Amendment 74
gazetted 01.07.2009
omits and replaces
clauses 11.4, 11.4.1,
11.4.2 and 11.4.3

1. The purpose of this clause is to ensure subdivisions of rural and unzoned land respond to the physical characteristics of the land.
2. Subdivision design of rural and unzoned land should:
 - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (eg seasonally waterlogged) and natural drainage lines;
 - (b) retain and protect significant natural and cultural features;
 - (c) minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and drainage protection areas;
 - (d) avoid development of land affected by a 1% AEP flood or storm surge event and be situated above the RL 6.0 AHD contour where subdivision adjoins tidal areas;
 - (e) minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and seepage areas;
 - (f) minimise potential for erosion, sedimentation and pollution of watercourses; and
 - (g) minimise potential for localised flooding.
3. An application to subdivide land within the Shire of Litchfield that includes land identified on the map "*Priority Environmental Management Areas – Litchfield Shire*" as an area potentially of environmental significance should, on the advice of the Department of Natural Resources, Environment and the Arts, be accompanied by and the consent authority shall have regard to an evaluation by a suitably qualified person of the environmental significance of the native vegetation and land form (eg lagoons, wetlands, rugged terrain and drainage systems).
4. An application described in sub-clause 3 must demonstrate that the proposed subdivision design does not adversely affect the environmental values as identified in the evaluation.

Areas potentially of environmental significance within the Shire of Litchfield are identified on the map "*Priority Environmental Management Areas – Litchfield Shire*" produced by the Department of Planning and Infrastructure, see clause 2.8.

11.4.2 Infrastructure in Subdivisions of Rural and Unzoned Land

Amendment 74
gazetted 01.07.2009
omits and replaces
clauses 11.4, 11.4.1,
11.4.2 and 11.4.3

1. The purpose of this clause is to ensure subdivisions of rural and unzoned land are integrated with infrastructure, community services and facilities.
2. Rural subdivision design should:
 - (a) minimise disturbance through earthworks associated with the provision of infrastructure;
 - (b) provide for connection to reticulated services where practicable;
 - (c) where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular to ground and surface waters; and
 - (d) where no reticulated water is available, demonstrate that an adequate supply of groundwater is available for domestic purposes.
3. Roads in rural subdivisions should:
 - (a) be designed to:
 - i interconnect with the existing road network;
 - ii provide for connections to potential future subdivisions of adjoining lands;
 - iii provide a clear hierarchy of roads; and
 - iv minimise individual lot access to major roads;
 - (b) respond to the physical characteristics of the land by:
 - i following ridge lines or contours where possible; and
 - ii where crossing watercourses be positioned at right angles to the watercourse and minimise the number of crossing points;
 - (c) be sealed where lot sizes are 2ha or less;
 - (d) be located above the 1.0% AEP flood line or any seepage line, whichever is the higher;
 - (e) be designed with discharge drains placed to minimise erosion and associated engineering and maintenance costs;
 - (f) provide direct access to lots and avoid battleaxe strips, however, where justified, battleaxe strips should be:
 - i not less than 10m wide; and
 - ii less than 250m in length.
4. Where a road crosses a tidal arm in a rural subdivision it is expected to have a minimum elevation of RL 8m AHD and be designed to enable a discharge of at least a 5.0% AEP flood event.

11.4.3 Lot Size and Configuration in Subdivision of Rural and Unzoned Land

Amendment 74
gazetted 01.07.2009
omits and replaces
clauses 11.4, 11.4.1,
11.4.2 and 11.4.3

1. The purpose of this clause is to ensure subdivisions of rural and unzoned land:
 - (a) have lots that are of a size and configuration suited for the intended purpose;
 - (b) have lots that are of a size consistent with the topographical constraints of the land (that may dictate that lots are of an area in excess of the specified minimum); and
 - (c) do not impose unsustainable demands on groundwater or unreasonably degrade the environment.
2. Subdivision design in relation to lot size and configuration is to:
 - (a) ensure lots are of a size that does not prejudice the economic viability of the proposed use;
 - (b) ensure that each lot has a minimum of 1ha of unconstrained land and that access to that land from a public road is similarly unconstrained;
 - (c) ensure that lots have a depth to width ratio not exceeding 4:1;
 - (d) show the location of notional and existing bores, wells and on-site effluent disposal systems and allow for effluent disposal systems to be sited at least 50m up slope from any seepage line and above the 1% AEP flood event and at least 100m from any groundwater extraction point;
 - (e) incorporate as far as practicable, drainage lines and drainage floors wholly within a single lot;
 - (f) allow for 70m separation between bores, both proposed and existing; and
 - (g) ensure lot boundaries:
 - i. are at right angles to any watercourse;
 - ii. are sufficiently up slope to be outside of seepage zones where following drainage lines;
 - iii. are at right angles to contours or along contours where slope is between 2.0% and 5.0% and follow ridge lines, spurs or contours where slope is above 5.0%; and
 - (h) minimise the number of watercourse crossings.

11.4.4 Mineral Resources and Rural Subdivisions

1. The purpose of this clause is to ensure rural subdivisions do not prejudice the exploitation of mineral resources.
2. Subdivision design is to avoid the creation of lots intended for rural living purposes the **amenity** of which would be adversely affected by existing or future **mining** activities in the vicinity.

11.4.5 Subdivision of Land Zoned RR

1. The purpose of this clause is to ensure that small lot rural residential subdivisions:
 - (a) respond to the physical characteristics of the land;
 - (b) are integrated with local infrastructure, community services and facilities; and
 - (c) ensure that lots are of a size and configuration suited for the purpose.
2. Subdivision design should:
 - (a) provide for lots 2ha or larger adjacent to any lots 2ha or larger in a zone other than Zone RR;
 - (b) provide connection to reticulated sewerage or where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters; and
 - (c) provide for adequate drainage within the road reserve or through engineered drainage reserves.
3. Each lot in a rural residential subdivision is to be connected to reticulated water.
4. A rural residential subdivision should provide sealed roads and direct access to a sealed public road.
5. The consent authority must not **consent** to a subdivision that is not in accordance with sub-clause 3.

11.4.6 OMITTED

Amendment 74
gazetted 01.07.2009
omits clause 11.4.,6
Estate Development in
Zones RL, R and H.