

Implementing a Subdivision Consent

This section of the Plan provides guidelines for the implementation of subdivision consent.

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1.0 Introduction

A development consent is the first step in the subdivision of land. The following steps may also be relevant to the subdivision process;

- Prepare Construction drawings of any road works, sewer main or water main extensions, stormwater management systems;
- Lodge Construction Certificate (CC) to be reviewed by Council's Development Engineer;
- Receive approval for Construction Certificate;
- Once CC is approved, subdivision works may occur on site;
- Carry out works and get inspections for infrastructure such as roads and main extensions;
- Obtain Final inspection for all subdivision works;
- Prepare linen plans for lodgment;
- Lodge subdivision certificate application with form, linen plans, Section 94 and Section 64 Contributions, final inspection report (if required), telecommunications supply certificate, electricity infrastructure certificate, water meter and sewer junction payments.
- Gain Subdivision certificate and signed linen plans
- Get your solicitor or registered surveyor to lodge plans with Land Property Management Authority (LPMA) for registration of the lots.

1.1 Construction Certificates

A Construction Certificate is needed before commencing Subdivision Work such as sewer or water main extensions, road works or stormwater management infrastructure;

- The "Construction Certificate" (CC) is in effect, an approval of detailed engineering plans and attachments for the subdivision works. The accuracy of the engineering designs and plans must be checked and duly certified by the applicant/consultant, as Council will not check their accuracy.
- The DA conditions will designate what subdivision works are to be provided and how they are to be designed and constructed. These conditions will require the subdivision works to be designed in accordance with this manual, Aus-Spec # 1 and Water Services Association of Australia – Water Supply code of Australia and the Sewerage code of Australia.
- A valid (in accordance with the regulations) construction certificate application may be approved and a construction certificate issued only if the detailed plans and specifications accompanying the application comply with the conditions of DA consent. Once these plans have been endorsed by the construction certificate, they are referred to in this manual as the *Approved Design Plans*.

Variation of Works Approved in a Construction Certificate

If the subdivider wishes to amend the subdivision works approved by the construction certificate, an amended construction certificate application must be submitted accompanied by amended plans and attachments. The amended construction certificate must be issued before any works amended by that certificate are commenced.

Construction Certificate Documentation

The detailed engineering plans to be submitted with a construction certificate application for subdivision works are specified as required engineering plans and attachments are summarised in Table 10.1. The construction certificate application must also be accompanied by a compliance certificate (see the Appendix E).

Table 10.1 - Required Engineering Plans:

No	Plan Group	No	Plan Group
1	Title/cover	13	Hydrologic & hydraulic calculation sheets
2	Overall layout and key plan	14	Permanent stormwater quality improvement devices and controls
3	Road set-out plans	15	Water supply reticulation and details
	Bulk earthworks and site regrading	16	Sewerage catchment plans
4	Typical cross section & pavement details	17	Sewer long sections
5	Road long-sections	18	Sewage rising mains
6	Road cross sections	19	Street, car park and public place lighting
7	Intersection, kerb return details	20	Open space and landscaping
8	Cycleways and pathways		
9	Line marking, signage & traffic facilities		
10	Drainage catchments		
11	Drainage details, structures, schedules		
12	Drainage long sections		

Required Engineering Plan attachments:

No	Attachment Group	No	Attachment Group
1	Erosion and sediment control plan	5	Pavement Design
2	Stormwater management plan	6	Bushfire Management Plans
3	Traffic management & Traffic control plan		
4	Other utilities, electricity gas & telephone		

1.3 Subdivision Work- Construction & Certification

Completion of Subdivision Works

- The subdivision works must be constructed in accordance with the “*Approved Design Plans*”, DA conditions of consent and legislative requirements. Subdivision works must be constructed in accordance with Aus-Spec #1 Part A & B, and the WSA Codes – Water Supply Code and Sewerage Code.
- The quality control requirements for subdivision works and the means by which they are compliance certified are set out in **Appendix C**.

Bonding Incomplete Subdivision Works

What Works Have To Be Completed and What Can Be Left Incomplete and Bonded?

Prior to issue of a subdivision certificate the subdivision works must be completed, except the consent authority may enter into an agreement to accept cash or security for designated minor works. Key infrastructure that is required to service the subdivision and lots therein *must be completed* and this includes:-

Roads

- roads and ancillary traffic facilities, all internal roads (except final seal if agreed upon can be bonded)
- all external arterial/connector road improvements, intersection upgrades etc.
- all internal drainage
- all downstream works to the legal point of discharge
- all permanent stormwater quality treatment facilities

Sewerage

- all internal sewerage facilities
- all pumping stations, rising mains, odour control facilities and any external works necessary to deliver subdivision sewage to designated discharge point

Water Supply

- all internal water supply works
- all connecting mains and any other external works necessary to ensure adequate water supply to the subdivision lots

Electricity Supply – all works

Telecommunications – all works

Infrastructure that may be bonded includes

- acoustic fencing,
- final seal of road pavements under some circumstances,
- other minor structures approved by the Council.

The Council may require the above works to be bonded in cases where future dwelling house construction and the traverse of construction vehicles is likely to result in premature damage and reduced life span.

Nature of Bond and Assessment of Amounts

The amount of bond shall be 135% of the agreed estimated value (or contract value if applicable) of outstanding works. All valuations are to include GST and any other statutory costs. The bond shall be in the form of cash or an unconditional, unlimited time bank guarantee lodged with the consent authority.

The developer has two options:

Option 1

Lodgement of Security Deposit in the form of Bank Guarantee or cash deposit together with the execution of Council's standard Deed. The amount of security is 1.35 times of the estimated cost. When approximately 80% of created allotments have been built upon or 1 year since the date of completion whichever comes first, the developer may notify the Council of their intention to start the work. Upon satisfactory completion, the security deposit will be released.

Option 2

Monetary Payment can be made by the developer towards the cost of the works. The amount of payment will be calculated using Council's pricing Schedule Plus an administrative fee. The amount due must be paid prior to release of the subdivision certificate. This option frees the developer from servicing a bank guarantee and other administrative commitments.

Remedying Defects after Completion of Subdivision Works

(a) Defects Liability Period

For a period of 2 years after completion, the subdivider must remedy any defects or omissions in the subdivision works.

Defects do not include reasonable wear and tear or damage caused to the works by inappropriate use (e.g. damage or abuse from traffic accidents or vandalism).

A defects liability bond must be submitted to the Council, with the subdivision certificate application. For the purpose of defining the defects liability period, the works (or the part of works in the subject stage) are considered to be "completed" when the subdivision certificate is registered.

(b) Defects Liability Bond

The subdivision works defects liability bond must be submitted with the subdivision certificate application.

The bond must be in the form of cash or unconditional bank guarantee for an amount of 5% of the agreed value of the subdivision works or \$2000.00 whichever greater.

(c) Remedying Defects during the Defects Liability Period

At any time during the defects liability period, the consent authority may direct the subdivider to rectify any omission or defect in the subdivision works.

Defects will include

- any damage to the subdivision works that occurs in the maintenance period from legitimate use of the infrastructure, but, will exclude reasonable wear and tear.

The direction will identify the scope of works to rectification and state the time by which the subdivider shall complete the work of rectification (or stages of the rectification) and may state the time by which rectification shall commence. The directions may initially be given verbally, but, must be confirmed in writing within 7 days.

Where public safety is involved the consent authority may require the rectification to be carried out within 5 hours of notification.

Where the defect or omission is causing a loss of service to occupied subdivision lots or interference with traffic the consent authority may require rectification within 12 hours.

If the defect is such that public safety is involved, Council will initially install appropriate signs/barricades to exclude the public from the area and may at its discretion carry out emergency repair works. The subdivider shall perform the remedial works in accordance with the consent authority's direction and in the time period specified in the direction. If the subdivider fails conforming to the direction or part of the direction, the consent authority may perform the works and charge costs to the subdivider. The Council will deduct the following costs from the defects liability bond:-

- Council's costs to perform remedial works when the subdivider fails to perform the remedial works in accordance with Council's direction and the time period specified in the direction.
- Where public safety is involved, Council's costs to install appropriate signs/barricades to exclude the public from the area and emergency repair works deemed necessary by the Council.

(d) Off Defects Liability

- At the expiry of the defects liability period the subdivider may apply to the consent authority for an off defects liability inspection and request a return of the defects liability bond.

The Council staff responsible will conduct the inspection which may include:-

- Inspection of earthworks and road works
 - Concrete kerbs and walkways/bikeways
 - Pavements and surfacing for deformation/damage and may include random load testing
 - Landscaping, surfacing and tree planting of road verges
 - Street signs, lighting, furniture and line marking (Note: unserviceable line marking must be reinstated and will not be considered to be the result of legitimate wear and tear)
- Public open space
 - Coverage of open spaces with surfacing, turf or ground cover as specified in approved plans
 - mowable surfaces satisfactory for easy maintenance

- Successful establishment of landscaping and tree planting free from noxious weeds
- Embellishments, playground equipment, structures, buildings in good order and fully functional
- Landscaping, surfacing and tree planting of road verges and public open spaces, embellishment of public open spaces
- Stormwater systems, overland flow paths and treatment facilities functional and in good order
- Stormwater drainage
 - roads, pipes, structures, inlets, outlets, flowpaths clear of silt and debris
 - no ponding on roads, in pipes, structures, kerbs or flowpaths
 - turfing/surfacing of open drains
 - pipes for damage/movement
 - exposure or corrosion of reinforcing steel
 - overland flow paths for profile
 - stormwater treatment facilities fully functional, cleaned out (where appropriate eg GPT, silt traps etc) and in good order
 - inter-allotment drainage system
 - downstream culverts/pipes and water courses cleared of siltation
- Water Supply
 - system functioning satisfactorily, no visible leaks or malfunctions, pressures and flow at service connections satisfactory
 - hydrants, valves and other fittings functioning and surrounds and associated markings still clearly visible
 - height of valves and hydrants in accordance with approved design plans
 - no signs of surface subsidence along alignment
- Sewerage
 - system functioning satisfactorily, no visible faults or malfunctions
 - no infiltration of groundwater into sewer lines/system
 - no signs of any surface deformation along alignment
 - no ponding of surface water above manholes
 - pump stations, odour control systems and the like functioning to design specifications

On completion of the *off defects liability inspection*, if the Consent Authority/Council is satisfied that all defects and omissions in the subdivision works have been satisfactorily remedied, Council will issue a *Infrastructure Release Notice* for the off defects liability, scheduled inspection and the Council return the balance of the defects liability bond.

If unremedied subdivision work defects or omissions are detected by the Council in the off defects liability inspection, the subdivider must remedy these works and re-apply for an off defects liability inspection. When the Consent Authority has advised that the subdivision works are off defects liability, the balance of the bond to be returned shall be calculated as follows:

Defects liability bond amount submitted with subdivision certificate:

- minus Council costs (plus on costs and overheads) to perform remedial works if the subdivider, fails to perform the remedial works in accordance with the Council's direction and the specified time period
- minus Where public safety is involved, Council costs (plus on costs and overheads) to install appropriate signs/barricades to exclude the public from the area and emergency repair works deemed necessary by the Council.
- minus Council costs for attending the off defects liability inspection(s).

1.4 Complying With Other (Not Related To Subdivision Works) Conditions Of Consent

Other Statutory Authority Terms of Approval (Integrated Development)

The subdivider must comply with the terms of other statutory authority approvals, which in integrated development become part of the DA conditions of consent. These terms of approval may also impact on the manner and timing of parts of the subdivision.

1.5 Subdivision Certificates

Before Lodging Subdivision Certificate Application

The applicant should have the following:

- Certification by the Consulting Engineer/Registered Surveyor stating that the work conforms to approved design plans and Conditions of Consent.
- Work as Executed plans in *dwg* format and hard copy with certification by the Consulting Engineer/Registered Surveyor that implemented work is in within tolerable limits.
- List of incomplete items of work to be bonded and calculation of agreed bond amount.
- Final inspection of the subdivision work by Council

Requirements with Lodgement of Subdivision Certificate Application

The following documents should be in the application:

- Application for Subdivision Certificate duly filled up with fee and signature(s).
- Upfront payment of contributions or bank guarantees (s94, s64, Water & Sewer).
- Linen plans (1 original + 2 duplicate copies)
- Section 88 B Certificates (if required)
- Maintenance bond (5% of estimated cost or \$2000 whichever is greater)
- Payment of agreed bond amount for incomplete work (if approved)
- Occupation Certificate (if applicable)
- Satisfactory inspection report by Council
- Any other item in accordance with the Conditions of Consent.

SUBDIVISION WORKS - DEVELOPMENT DESIGN SPECIFICATIONS

Design Specifications to be used in Subdivision Design;

Subdivision works and infrastructure are to be designed in accordance with Aus-Spec #1, "Development Design Specification" series specified below:-

Specification No.	Specification Title
D1	Road Design
D2	Pavement Design
D3	Structures Bridge Design
D4	Subsurface Drainage System
D5	Stormwater Drainage Design
D6	Site Regrading
D7	Stormwater Quality
D9	Cycleway and Pathway Design
D10	Bushfire Protection

Water supply and sewerage reticulation infrastructure is to be designed to comply with the Water services Association of Australia Codes (WSA Codes);

- Water Supply Code of Australia;
- Sewerage Code of Australia

Designs, and Associated Plans and Attachments to Accompany Applications

Detailed requirements for plans and attachments associated with subdivision works that are to accompany:

- Development Applications (for subdivisions)
- Construction Certificate Applications (for subdivision works)
- Subdivision Certificate Application

Preparation of Designs, Plans and Attachments for Subdivision Works

In the preparation of designs, plans and attachments for subdivision works the subdivider shall:-

- engage suitably qualified, experienced and competent persons and comply with this manual, Aus-Spec, WSA Codes and Council guidelines,
- comply with occupational, health and safety requirements, traffic control and safety, and environmental requirements relating to noise, dust, air, water and sediment discharges,
- carry out all site investigations (including geotechnical) to provide adequate information to prepare designs and assess construction methods. This may also include investigations of the immediate subdivision area which may include investigation of connections to existing works and services, traffic analysis of adjoining areas etc.

- be responsible for all necessary geotechnical investigation and analysis to ensure that the subdivision and all works associated with the subdivision are stable and will not be subject to subsidence, landslip, mass movement or significant erosion in the short and long term.

Where it will be necessary for the execution of works to enter upon or construct works (such as connecting drainage, pipelines, roads etc) on property not owned by the subdivider must obtain necessary permits or easements or acquire land to construct such works.

SUBDIVISION WORKS – DEVELOPMENT CONSTRUCTION SPECIFICATIONS

Subdivision works and infrastructure are to be constructed in accordance with the *approved design plans* and attachments approved with the Construction Certificate.

Water supply and sewerage reticulation infrastructure is to be designed to comply with the Water services Association of Australia Codes (WSA Codes) Water Supply Code of Australia and Sewerage Code of Australia

All other infrastructure is to comply with the Aus –Spec #1, Part A, B & C, Development Construction Specification, specified below:-

C101 General	C245 Asphaltic Concrete
C201 Control of Traffic	C247 Mass Concrete Sub base
C211 Control of Erosion and Sedimentation	C248 Plain or Reinforced Concrete Base
C212 Clearing and Grubbing	C255 Bituminous Microsurfacing
C213 Earthworks	C254 Segmented Paving (deleted)
C220 Drainage	C261 Pavement Markings
C221 Pipe Drainage	C262 Signposting
C222 Precast Box Culverts	C263 Guideposts
C223 Drainage Structures	C264 Non Rigid Road Safety Barrier Systems
C224 Open Drains Including Kerb and Gutter	C265 Boundary Fence
C230 Subsurface Drainage General	C271 Minor Concrete Works
C231 Subsoil and Foundation Drains	C273 Landscaping
C232 Pavement Drains	C501 Bushfire Protection Perimeter Tracks
C233 Drainage Mats	CQC Quality Control Requirements
C241 Stabilisation	All of C101 – General,
C242 Flexible Pavements	C201 – Control of Traffic,
C244 Sprayed Bituminous Surfacing	C211 - Control of Erosion and Sedimentation,
C213 – Earthworks	C501 – Bushfire Protection, Perimeter Tracks
The tolerances section of all other C Series construction specifications.	

Where part of the works to be constructed are not covered by the above specifications, they are to be constructed in accordance with appropriate specifications issued by an Australian state or federal statutory authority or the relevant standards of the Standards Association of Australia.

Subdivision Infrastructure Inspections

Definitions

Scheduled Inspection

Inspections scheduled in this appendix, which constitute Hold Points for the subdivision works

Hold Point: A point beyond which an activity (being part of the subdivision works) which may not proceed without the approval of the infrastructure authority (Council)

Infrastructure Authority: Mid Western Regional Council (MWRC) in this manual.

Scheduled Inspections by Council

Subdivision works must not proceed beyond the scheduled inspection Hold Points nominated in this section until an *Infrastructure Release Notice* has been issued by the Council. Table D1 nominates the scheduled inspections to be made by Council and criteria for acceptance. For staged subdivisions, these Hold Points are applicable to each stage. If the subdivider chooses to do the works in sections or sub stages, an inspection and release will be required for each section covered by the Hold Point.

Table D1-- Scheduled Inspections				
Hold Point	Description	When	Acceptance Criteria	Comments
1	Inspection of sedimentation and erosion control measures	Prior to stripping of vegetation or and/or topsoil from the site	Erosion and sediment control measures are installed in accordance with the approved erosion & sediment control plan	
2	Inspection of site	After stripping of topsoil, prior to earthworks. Not a required hold point if a geotechnical consultant has been engaged in accordance with AS3798- 1996	In-situ material is deemed to be suitable for earthworks	If in situ material unsuitable, the subdivider must import suitable replacement material
3	Inspection of completed earthworks	When earthworks completed and prior to placement of pavement materials	Finished earthworks and subgrade levels are in accordance with approved design plans, Sediment and erosion control measures (including dust control) are installed and operating in accordance with the approved erosion and sediment control plan	
4	Road sub grade levels and proof rolling	Sub grade completed, prior to placement of pavement	Levels within specified tolerance. Proof rolling does not reveal visible deflection	

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5	Road sub base levels	Sub base completed, prior to placement of pavement	As per approved design	
6	Pavement under kerb & gutter	Immediately prior to pouring kerb and gutter and stringline for kerb machine is in place	As per approved design	
7	Finished road Pavement	Pavement completed, trimmed and compacted	Acceptable compaction density, grade and cross fall	
8	Kerb and gutter where grades are less than 1%	Kerb & gutter completed	Water from water truck is to be run down kerb and reveal no ponding	
9	Stormwater pollution control structures	Unit installed and fitted out unit constructed and installed in accordance with approved plans and specifications	Accepted value of Total suspended Solids (Mg/l)	
10	Sewer line	Before filling of trenches	Grade & linearity between MHs	
11	Sewer line testing	When sewerage works are complete	WSA 02-2002 or as amended	
12	Water line testing	When pipe laying finished before filling	WSA 03-2002 or as amended	
13	Final practical inspection	Subdivision works completed	No defects or non compliance found	
14	Off defects liability inspection	Expiry of defects liability period	Satisfactory outcome of inspections	