



**AUS-SPEC *TECH*guide
TG201 NSW**

October 2023

Process and procedures for development and subdivision of land in NSW

This *TECH*guide is applicable to the design requirements and planning approval process for development and subdivision of land within a Council area in NSW.

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1 INTRODUCTION

1.1 Background information

This TECHguide provides an overview of the planning approval process and procedures for the development and subdivision of land.

It is not intended to be comprehensive and does not provide guidance on variations between the procedures of each State and Territory which is available in State planning legislation. A flowchart of the approval process for each State and Territory is included in the **Appendix**. For the planning approval process and procedures for all other states and territories please refer to the *TECHguide TG201*. This document has been developed in collaboration with the IPWEA NSW and ACT Development Engineering Panel.

The AUS-SPEC design and construction specifications provide information on design criteria, documentation requirements and technical requirements for infrastructure development associated with the subdivision of land. The design criteria and requirements should be consistent with Council policies and standard documentation.

1.2 Structure and content

This TECHguide is divided into six subsections:

- Introduction.
- Planning framework.
- Application process.
- Application requirements.
- Engineering requirements.
- Completion.

This TECHguide provides an introduction to other documentation affecting the development and subdivision land, including:

- State planning legislation.
- Council planning instruments.
- Council standard drawings.
- AUS-SPEC Design worksections (*Workgroup 00 Planning and Design*).
- AUS-SPEC Construction worksections (*Workgroups 02 Site, Urban and open spaces, 03 Structure, 11 Construction – Roadways and 13 Construction – Public Utilities*).

1.3 Definitions

For the purposes of this TECHguide the following definitions apply:

- **Application:** The documentation submitted to Council for approval of the development or subdivision of land. This is known either as a Development Application or a Planning Application.
- **Development assessment:** The process for evaluating whether a proposed development on land is consistent with the plans, zones and other instruments determining how the land is to be used.
- **Environmental impact assessment:** Includes *Environmental impact statement (EIS)* or *Review of environmental factors (REF)* or *Statement of environmental effects (SEE)*.
- **Hold point:** A defined position in the different stages of the Contract beyond which work cannot proceed without mandatory verification and acceptance by the Superintendent.
- **Planning:** The process of making decisions to guide future allocation and development of land.
- **Qualified surveyor:** A surveyor who is eligible for membership of the Surveying and Spatial Sciences Institute as a certified engineering surveyor.
- **Registered Surveyor:** A surveyor accredited by the Institution of Surveyors for civil design in the appropriate area.
- **Rural land:** Land, other than urban and rural residential, comprising larger holdings. Refer to the Councils Local Environment Plans for definitions.
- **Rural residential land:** Rural home site and hobby farmland.

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- Structure plan: A structure plan demonstrates the proposed layout of a development area. It provides the framework against which developers prepare their development applications.
- Urban green infrastructure: Network of natural, designed or cultivated vegetated spaces in an urban environment.
- Urban green infrastructure elements: Individual components of an urban green infrastructure network, for example grasslands, green walls, green facades, green roofs, raingardens, bioswales, tree pits, street trees, vegetated verge and medians, recreation reserves and public parks.
- Urban residential land: Land within areas zoned residential, village or township.
- Witness point: A nominated position in the different stages of the contract where the option of attendance may be exercised by the Superintendent, after notification of the requirement.
- Zones: A smaller area within the larger Council area identified in a development plan. Zones are typically based on land uses and group together areas with similar characteristics to integrate mutually beneficial uses and separate incompatible uses.

1.4 Council's objectives

The Council has the following objectives that need to comply with the Council's Local Environmental Plans, Development Control Plans and the State Environmental Planning Policies (SEPP's) in providing for the development and subdivision of land:

- To provide a functional, attractive and safe environment for residents that is consistent with community standards and needs.
- To provide urban green infrastructure network for the community by including urban green infrastructure elements.
- To minimise adverse effects on the natural environment.
- To provide for the needs of future users of the land with respect to building requirements, vehicular and pedestrian access, provision of services and an amenity appropriate to the zoning of the land.
- To economically utilise the land resource of the area.
- To achieve a balance between the development/subdivision of residential, commercial and industrial land and the amenity of existing occupants/residents.
- To provide for an equitable and efficient distribution of public amenities and services.
- To minimise Council's future maintenance costs for roads, services and open spaces.

2 PLANNING FRAMEWORK

2.1 Planning hierarchy

Provisions for development and subdivision are included in the following:

- NSW Environmental Planning and Assessment Act 1979 and supporting regulations Environmental Planning and Assessment Regulation 2021.
- Local Government Act 1993.
- State Environmental Planning Policies (SEPP's)
- Council planning instruments.
- Other consent authorities.
- Land title registration.

2.2 Council authority

Council's authority to approve the development and subdivision of land is set out in the State planning legislation and regulations. An applicant's conformance with the provisions of the State planning legislation or regulations and Council planning instruments does not imply that Council is required to give consent, or approval. For state significant developments refer to the Department of Planning requirements here www.planning.nsw.gov.au.

3 APPLICATION PROCESS

3.1 Preparing an application

3.1.1 Requirement

Proposals for the development and subdivision of land require an application for approval. There may be exceptions where the planning instruments provide for exempt or complying development.

Any restrictions that apply to the development or subdivision of land should be available from Council's planning/engineering/environmental/services.

The applicant and its consultants will be responsible for designing and constructing all works in conformance with Council requirements.

Application acceptance: Prior to acceptance of the development application documents at the customer service counter, the Council officers (preferably a gateway development engineer) shall inspect the application for compliance with Councils Development Control Plans (DCPs). The applications are lodged electronically via the state planning portal, www.planningportal.nsw.gov.au.

3.1.2 Site Information

The applicant is responsible for compiling and addressing the following site information:

- Land title.
- Existing easements.
- Items of heritage significance.
- Topography, slope and aspect.
- Stormwater and overland flows.
- Surrounding development.
- Existing trees and vegetation.
- Existing and proposed local road and traffic situations.
- Other physical characteristics pertinent to the design.
- Council Local Environmental Plans, Development Control Plans and other specific requirements.

3.1.3 Fees and contributions

Fees for applications are prescribed by state legislation and regulations and the Council fees and charges document.

The Council's fee schedule should include non-prescribed fees and contributions that may be required as a condition of consent.

3.2 Consultation

3.2.1 Council

Preliminary consultations with Council assist the applicant in determining the planning, zoning, legislative and regulatory requirements and the extent of professional assistance required. Most of the councils offer pre-lodgement meetings to provide guidance and advice on Development proposals. The consultation process will identify the following:

- Any non-compliance.
- Council's specific requirements.
- Financial contributions for services and amenities.
- Modifications to application required before submission.
- Standards of construction acceptable to Council.

Consultation with Council before submission of an application is not mandatory, however, it is recommended and has the following advantages for the applicant:

- Reduction of costs in preparation of application.
- Reduction of the time Council needs to consider the application.
- Increased likelihood of consent.
- There is a need for the applicant to prepare either concept plans or construction certificate standard plans at the initial application stage that comply with Councils Development Control Plans/Policies to

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ensure that the publicly advertised plans properly describe the development as it may affect neighbours or other stakeholders.

- Council needs to return the application to the applicant if the plans and information are deemed unsatisfactory by Councils officers when reviewing the information at the Customer Service Counter. It is difficult to return the plans to the applicant later if the unsatisfactory information has been scanned electronically into Councils file distribution system.

3.2.2 Sketch plan/Survey

A preliminary sketch plan and contour survey indicating the location, aspect and size of the various elements of the development including subdivision patterns surrounding the site is useful for the consultation. The sketch plan should provide enough information for an initial assessment of the proposal and provision of appropriate advice by Council.

3.2.3 Other authorities

The applicant is responsible for consultations with statutory authorities. The Council should provide a list of authorities that may need to approve the design proposals for an integrated development.

3.2.4 Utilities services

The applicant is responsible for consultations with public utility authorities, including water, sewer, and gas.

3.2.5 Public consultation

Council should set-out the requirements for public consultation.

3.3 Submitting application**3.3.1 Preparation**

The applicant will submit an application electronically via the NSW planning portal www.planningportal.nsw.gov.au. or on Council's standard application form and provide supporting information compiled in conformance with **APPLICATION REQUIREMENTS**.

Council should provide advice on the submission process including where forms and fee schedules can be obtained, how submissions can be made and the availability of electronic submissions.

When the applicant submits a development application at Council's customer service counter it is important for Councils officers to provide proper expert scrutiny of the details submitted and to advise the applicant if information being submitted is not compliant due to faulty information or non-compliance with Council's development control plans. The application if faulty can be returned to the applicant at the customer service counter without the application being registered on Council's system as accepted. This is important for "stop the clock" performance measuring systems. The clock does not start until an apparent complying application is accepted by Council.

3.4 Assessment by Council**3.4.1 Assessment Criteria**

Council will assess each application based on its merits in conformance with the State planning legislation and regulations and the following minimum assessment criteria:

- Natural and built environmental impacts.
- Social and economic impacts.
- Suitability of the site.
- Public interest.
- Conformance with the provisions of any planning instruments, development control plans and regulations applying to the land.

Minimum design standards do not relieve the applicant of the responsibility of addressing all assessment criteria. Council has the option of considering alternative approaches to development and subdivision design if the applicant satisfies the Council that their objectives have been achieved.

If staged development is proposed, the applicant should prepare a plan showing the complete concept with the various stages clearly identified and conformance with the standard requirements.

3.5 Approval by Council**3.5.1 Determination**

Planning legislation nominates the time period (with or without referral to other authorities) for Council to determine the application.

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After determination of the application, Council will notify the applicant in writing stating that consent has been granted subject to conditions or that consent has been refused (with reasons).

3.5.2 Appeal

The applicant, if dissatisfied with the determination of an application may request a review of the determination or the conditions of consent by either of the following:

- Review by Council.
- Appeal to the NSW Land and Environment Court.

A third party may also submit an appeal to the court/tribunal if they believe a breach of the State planning legislation has occurred.

3.5.3 Revocation of consent

Council may revoke or modify consent in circumstances of fraud, failure to conform to legislation or non-conformance with conditions of consent.

3.5.4 Validity period of consent

The consent will lapse if the works have not been commenced within the legislated consent period from determination or such other shorter period nominated in the consent.

4 APPLICATION REQUIREMENTS**4.1 Accompanying information****4.1.1 Plans**

The following information should be included on the plans accompanying the development application:

- Title description of land.
- Scale (preferably 1:500 for subdivisions, 1:100 for developments).
- Location, boundary dimensions, site area and north point of the land.
- Existing vegetation and trees on the land.
- Location and use of existing buildings on the land and adjoining properties. Include measured floor plans of existing buildings for calculation of floor space ratios.
- Contours to Australian height datum at 1 m intervals based on existing levels of the site plus 3 metres inside adjacent neighbouring properties.
- Natural features of the site, including rock formations or cliffs, watercourses, flood levels, wetlands, forest areas and slip areas.
- Existing drains, easements or rights-of-way affecting the site.
- Details of existing and proposed subdivision pattern, including the number of lots and location of roads.
- Designated fire prone areas.
- Heritage items (buildings and sites), or relics defined by a Heritage Act or considered of local significance.
- Details of proposed access to the site and the legal status of that access.
- Other specific details relevant to assessment of the application.

4.1.2 Additional Information

The following additional information should accompany the development application:

- Principles, assumptions and calculations used in design of stormwater drainage and on-site stormwater detention (OSD) proposals to the Development Control Plans required by the local Council.
- Principles, assumptions and calculations used in design of erosion and sedimentation control proposals.
- Principles, assumptions and calculations used in design of utilities, roads, open space, bicycle and pedestrian ways, bus routes.
- A contamination assessment.
- Evaluation of housing types, house type distribution, building lines, fencing, building materials.
- Existing site stormwater flows and design post development flows and points of discharge of the stormwater pre and post development.

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- Existing traffic situation and likely post development traffic.
- Existing utilities service plans and any advice from the utilities regarding their considerations.
- Other specific details relevant to consideration of the application.

4.1.3 Record of consultation

The applicant should record the details of consultation with Council, the public, public utility authorities and other authorities and provide the record with the application. Many councils have the pre-lodgement services which are highly recommended.

The Council shall record any advice given to the applicant when making the Development application at the Customer Service counter at Council. Alternatively advise the applicant to lodge the DA via the NSW Planning Portal www.planningportal.nsw.gov.au

4.2 Environmental considerations**4.2.1 Environmental assessment**

The environmental impact assessment should address the following matters:

- Suitability of the land.
- Access.
- Traffic generation.
- Risk of flooding and bushfires or other natural hazards.
- Flora and fauna.
- Local amenity.
- Waste management.
- Threatened species.
- Filling/earthworks.
- Erosion and sediment control/soil and water management.
- Coastal development/reclamation of coastal areas.
- Sacred sites, heritage, conservation.
- Fire management.
- General pollution.
- Soils including acid sulphate soils, salinity and contamination.
- Air quality.
- Water quality.
- Noise and vibrations
- Pest control including termite management.
- Buffer area management.
- Other additional requirements specific to the local government area.
- Urban green infrastructure targets to SA HB 214 to increase tree canopy and reduce urban heat.

4.2.2 Tree protection

The plans accompanying the application should identify the vegetation that is significant to the overall landscape of the area and the trees proposed for removal.

Council may identify significant trees for protection and may require lodgement of a bond that will be forfeited if the trees are damaged or removed during construction.

For the protection of native vegetation in rural areas, the applicant should prepare a management plan. Council may also require a covenant on land clearing prohibiting the following acts to any tree without consent of the Council:

- Ringbarking.
- Cutting down.
- Topping, pruning.
- Removal.

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- Endangering.
- Wilful destruction.

4.2.3 Heritage sites

The plans accompanying the application should identify sites of Aboriginal or heritage significance, including an adequate curtilage around any significant item to protect its setting.

For information on Aboriginal and heritage sites contact the State National Parks department and Heritage Council.

4.2.4 Natural hazard areas

The applicant should provide risk management proposals for the following natural hazards areas:

- Flood prone land.
- Land prone to tidal inundation or coastal erosion.
- Bushfire prone land.

4.3 Urban residential areas**4.3.1 Roads**

The applicant will be responsible for providing a fully serviced subdivision, including a sealed road system with drainage, and kerb and channel (gutter) and in conformance with the following Council objectives:

- To provide for flow of through traffic, at the intended speed limit, giving regard to pedestrian priorities.
- To establish a road hierarchy in conformance with function and usage.
- To provide variation in alignment, allowing for existing natural features and creating interest in the streetscape.
- To provide traffic facilities and parking controls to suit the intended speed limit and streetscape.
- To provide safe pedestrian and cycle routes to each allotment and through the street network, including ramps, public transport infrastructure and environmentally sensitive illumination.
- To provide functional and safe vehicular and pedestrian access to each allotment.

4.3.2 Lot size

There are state planning legislation and regulations and Council requirements for lot sizes, lot widths, building line setbacks. Council will set out the requirements for each zone type.

The provision of easements over stormwater drains and watercourses should be in conformance with state legislation and regulations and Council requirements.

4.3.3 Services

The applicant will be responsible for providing reticulation and connection to existing services to the requirements of the public utility authorities or Council for the following services:

- Water and sewerage.
- Electricity.
- Gas.
- Telephone and data services.
- Stormwater drainage, both within the development and to an external point of discharge.

If underground services are not appropriate for electricity and telephone services, approval will be required from Council and the relevant utility authority and prior to Council acceptance of the Development Application.

Where permission is required by a neighbour for the provision of an easement over the neighbour's land then a letter of agreement between the applicant and the neighbour needs to be submitted to the Council as part of the Development Application and prior to the Development Application being accepted by Council.

Alternatively, a court approved easement may be submitted as an acceptable solution to interallotment stormwater impediments.

4.3.4 Flooding

The development and subdivision of urban land should only be considered where the following conditions for design flood risk apply:

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- The provision of flood free building sites/allotments to the designated Flood Planning Levels identified in Councils Floodplain Management Plan.
- No adverse flood level afflux effect shall be caused on flood patterns or levels from the provision of allotments.

4.4 Rural residential areas**4.4.1 Roads**

The applicant will be responsible for providing a subdivision with a sealed road system including kerb and channel (gutter) and underground stormwater drainage in conformance with Council's requirements. Concrete lined table drains will be required where scour velocities are excessive and/or the soils are susceptible to erosion from stormwater.

4.4.2 Lot size

There are state planning legislation and regulations and Council requirements for lot sizes, lot widths, building line setbacks. Council will set out the requirements for each zone type.

4.4.3 Services

The applicant will be responsible for providing reticulation and connection to existing services to the requirements of the public utility authorities or Council for the following services:

- Sewerage: On-site disposal or connection to existing sewer. A geotechnical report regarding permeability of the parent soil should be required to support any on-site sewerage treatment proposal. Notwithstanding a positive geotechnical report the option of low pressure sewerage should be considered as the preferred option ahead of on-site disposal of sewage (septic tank)
- Electricity. Prior to making the development application the applicant shall gain approval for either underground or overhead power.

4.4.4 Natural Features

The following natural features should be considered in the planning of the subdivision:

- Rivers.
- Creeks.
- Topography of the land.
- Tree groupings.
- Prominent natural features.

Buffers may be required to separate conflicting land uses and to protect water courses.

4.4.5 Sensitive Environments

Development and subdivision will not be considered for the following environmentally sensitive sites:

- Estuarine wetlands.
- Rainforests.
- Dune areas.
- Steep slopes.
- Flood prone lands.
- Other environmentally sensitive sites.

4.5 Rural development areas**4.5.1 Roads**

The applicant will be responsible for providing a dedicated all-weather road system for functional and safe vehicular access to the development or each allotment, taking into consideration the following:

- The status of the road.
- Existing road surface condition.
- Cost of upgrading.
- Flooding frequency and hazards of creek or river crossings.
- Potential population catchment.
- Bushfire hazard.

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New roads which are an extension of existing sealed roads should be bitumen sealed.

Council may consider the creation of a right-of-way to serve allotments having the minimum dedicated road frontage but not having road access. The right-of-way should link an allotment directly to an existing or proposed dedicated road and be constructed in conformance with Council's all-weather sealed access requirements.

4.5.2 Services

The applicant will be responsible for providing reticulation and connection to existing services to the requirements of the public utility authorities or Council for the following services:

- Sewerage low pressure sewerage: Low pressure sewerage connected to an urban sewerage system
- Sewerage: on-site disposal option. A geotechnical report regarding soil permeability should be required to support an on-site sewerage treatment proposal (if low pressure sewerage is not practical or unavailable).
- Electricity: Extend reticulation to each allotment or if the subdivision is remote from reticulated electricity services, submit a written agreement from the electricity authority not to include a requirement for supply of electrical mains with the application.

4.5.3 Flooding

Development and subdivision on partly flood prone rural land should only be considered where the following conditions for design flood risk apply:

- The provision of flood free homestead and stock holding areas on each allotment to the designated Flood Planning Levels nominated in Council's Development Control Plans.
- No significant adverse effect on upstream properties flood afflux as determined by a flood study.
- No significant embankments formed by internal roads that will cause flood afflux.

4.6 Industrial/commercial areas**4.6.1 Lot size**

The applicant will be responsible for providing a subdivision with a range of lot sizes for both large and small developments and to accommodate the specific industrial and commercial uses and parking and landscaping.

4.6.2 Vehicle pavement

The applicant will be responsible for providing pavement for heavy vehicular traffic in conformance with the Council's engineering road design and pavement design in compliance with the AUS-SPEC Design documents.

4.6.3 Services

The applicant will be responsible for providing reticulation and connection to existing services to the requirements of the public utility authorities or Council for the following services:

- Water and sewerage.
- Electricity.
- Gas.
- Telephone and data services.
- Stormwater drainage, both within the development and to an external point of discharge.

If underground services are not appropriate for electricity and telephone services, seek approval from Council and the relevant utility authority.

4.7 Contributions for off-site provisions**4.7.1 Council's authority**

Council has the authority to impose conditions for contribution towards the provision of off-site infrastructure.

4.7.2 Contributions

Contributions in conformance with an adopted and advertised contribution plan may be required for the following off-site infrastructure:

- Water cycle management.
- Roads and transport.
- Public parks and open space.

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- Community facilities.
- Water and sewerage headworks.
- Where required works or contributions are not part of an adopted scheme then the Council and the applicant can negotiate a special financial agreement/Voluntary Planning Agreement if required for the development to proceed. This agreement should be advertised as an open public document.

5 ENGINEERING REQUIREMENTS

5.1 Engineering documentation

5.1.1 Certification

Drawings for the following works designed to AUS-SPEC worksections will require certification by a Professional Engineer or Registered Surveyor:

- Earthworks (site regrading).
- Roadworks.
- Drainage works.
- Water supply.
- Sewerage works.
- Foreshore works.

Drawings for the following works designed to AUS-SPEC or other State design specifications will require certification by a Professional Engineer:

- Bridgeworks.
- Retaining walls.
- Other major structures.
- Pumping stations.

5.1.2 Documentation

Council may prepare standard drawings, design specifications and construction specifications for use in developments and subdivisions.

Where Council has not prepared standard documentation, the applicant should provide specifications conforming to Council's requirements.

A list of the AUS-SPEC design specifications is included in the **Appendix**.

5.1.3 Design drawings

Drawings to AUS-SPEC specifications will be required for the following works:

- Bushfire protection works.
- Earthworks (site regrading).
- Erosion control works.
- Roadworks.
- Road pavement.
- Bridge works
- Waterfront works.
- Stormwater drainage.
- Water supply works.
- Sewerage works.
- Landscaping works.
- Other specific works

5.2 Commencement of works

5.2.1 Building or development approval

Development and subdivision works on private land cannot commence before a Subdivision Works Certificate is issued by a certifying authority or private certifier with the correct accreditation.

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Development works on existing Council or main public roads shall only be approved and accredited by the Road Authority.

5.2.2 Construction management

The applicant is responsible for complying with the development consent conditions provided by the Consent Authority.

5.3 Compliance certificates**5.3.1 Certification**

A compliance certificate at the completion of each stage identified by the certifying authority will be required.

5.4 Inspections and testing**5.4.1 Inspections**

The certifying authority or registered professional engineer should carry out inspections at the following key stages of construction nominated as a condition of development consent or by the Roads Authority representative as a Roads Act approval:

- Site regrading and clearing.
- Earthworks.
- Installation of erosion and sediment control measures.
- Protection of existing services.
- Preservation measures for trees, vegetation or heritage sites.
- Provisions for new services such as underground electricity, Telstra, NBN, gas, water, and cross road services or conduits.
- Formwork and reinforcement before placing of concrete.
- Drainage installation before backfilling.
- Water supply and sewer installation before backfilling.
- Subgrade, subbase and base preparation where works are in the existing road reserve.
- Design and construction of kerb and gutter in the existing road reserve or where Council has been nominated as the Principal Certifying authority in private development land.
- Road pavement construction in the existing road reserve.
- Road pavement surfacing.
- Final inspection or Occupation Certificate for building works in private property.
- End of maintenance period.

5.4.2 Testing

Testing will be required to verify that all materials supplied and the work carried out conforms to the approved documentation. Each AUS-SPEC construction worksection (listed in the **Appendix**) provides a summary of activities that require testing including lot sizes, minimum test frequencies and test methods.

Testing should be carried out by NATA testing organisations before commencement of works and all testing should conform to NATA test procedures. Council should be provided with uninterrupted access to testing facilities for audit inspections.

Certain stages of construction will be subject to Hold points, pending acceptable test results. Each AUS-SPEC construction worksection (listed in the **Appendix**) provides a summary of Hold points and Witness points required during the construction activity.

5.4.3 Records

Records of all test results should be provided to the certifying authority.

5.5 Insurances**5.5.1 Policies**

If the Council is the Principal for the development or some or all of the works are on a Council public road then the applicant shall provide current evidence of insurance before the commencement of the works:

- Professional indemnity insurance for \$20 million for the applicant's lead consultant and sight the current policy.

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- Contractor's third party and public risk insurance for \$2 million and sight the current policy.

6 COMPLETION

6.1 Completion of works and title issue

6.1.1 Subdivision certificate

Council will issue the subdivision certificate when the applicant has provided Work as Executed verification and Compliance certificate that all works have been carried out in conformance with the drawings and specification and the conditions of development consent and submission of the following:

- Receipt of all construction compliance certificates for roadworks if privately certified.
- The final survey plan prepared by a Registered Surveyor.
- Street names are on the plan and as approved by Council.
- Details of easements and restrictions.
- Details of water supply and sewerage works where Council is the utility authority.
- Payment of all developer contributions to Council required by the development consent.

6.1.2 Land title registration

After the issue of the subdivision certificate the endorsed survey plan can be lodged by the applicant with the land title registration authority for plan registration and the creation of the subdivision lots.

Some Councils require as condition of development consent that the applicant registers and creates the lots within a certain time limit after issue of the subdivision certificate by Council. Some applicants elect to delay registration for personal financial reasons.

6.1.3 Maintenance period/Defects liability period

The maintenance period starts at the date of issue of the subdivision certificate by Council or the date of Practical Completion of the works whichever is the earliest.

6.1.4 Sewerage and water system commissioning

The maintenance period for pumping stations and associated facilities starts at the completion of pump performance tests and commissioning acceptance or the date of practical completion whichever is specified in the contract.

6.2 Work-as-executed (WAE)

6.2.1 Recording, format and submission

At completion of construction, the applicant shall provide 3 sets of A1 printed and one set A3 printed and stamped certified and dated WAE record drawings to Council.

Contractor to provide Work as Executed endorsements on the approved drawings and completed constructed levels and location identification, endorsed by a Qualified surveyor.

The WAE drawings are also to be provided in digital format in accordance with the requirements of the Development Consent.

6.3 Bonds

6.3.1 Bank Guarantee bonds.

Note: This is only a guideline and subject to the requirements of each Council.

Council may consider the acceptance of a bond for the performance of engineering works to enable the early release of plans of subdivision, if the following conditions apply:

- Engineering works are substantially complete subject to the Council policy at each Council applicable. Road and vehicle access for all weather must be available to each allotment.
- All water supply and sewerage works are complete and tested and available for supply connection.
- WAE surveyor endorsed drawings for the water supply and sewerage works have been submitted and approved.
- No major engineering problems exist, to the satisfaction of the consent authority.
- All works involving potential risk to public safety, including road junctions, flood control structures are complete.

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- Geotechnical reports required as a condition of consent regarding the suitability of land for development and each land title classified for building foundation construction types have been submitted and approved.
- Applicant contributions are paid. Applicant contributions cannot be bonded.
- Payment of all fees required as a condition of consent.
- The applicant may be required to enter into a legal agreement with Council setting out the terms of the performance bond.
- Payment of bond fee if applicable in addition to the bond amount and in accordance with Councils fees and charges.

6.3.2 Period of bonds

The maximum retention period of bonds for engineering works required as a condition of subdivision approval is generally 12 months subject to the policy of each Council however this will depend on the speed of completion works.

6.3.3 Performance Works Completion Bond amount and fee

The minimum performance bond is 150% of the Council estimate of remaining works. The bond amount may be progressively reduced as the work covered by the bond is carried out however administration fees are payable for each change to the bond amount.

6.3.4 Maintenance Bond/Defects liability period

A separate 12 months maintenance bond of 20% of the value of all constructed works will be paid by the applicant to Council by bank bond or cash to take effect from either:

- The date of Issue of the Subdivision Certificate.
- 12 months after practical completion of all works the subject to the maintenance of constructed works including after completion of bonded performance works in clause **6.3.3**.

Fees may be payable for receipt of the bond, and again when the bond is released.

The applicant shall carry out any repairs to the works in the 12 months maintenance period.

PROCESS AND PROCEDURES FOR DEVELOPMENT AND SUBDIVISION OF LAND IN NSW

7 APPENDIX

7.1 Related documents

SA HB 214	2023	Urban Green Infrastructure – Planning and decision framework
Australian Government	2011	Productivity Commission Research Report: Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments.

7.2 AUS-SPEC design and construction worksections

<i>Workgroup</i>	<i>Subgroup</i>	<i>Worksections</i>
DESIGN Worksections		
00 PLANNING AND DESIGN		
	001 General	0010 Quality requirements for design 0012 Waterfront development 0013 Bushfire protection (Design)
	002 Open space	0021 Site regrading 0022 Control of erosion and sedimentation (Design)
	004 Road reserve	0041 Geometric road design 0042 Pavement design 0043 Subsurface drainage (Design) 0044 Pathways and cycleways (Design)
	005 Rural road reserve	0051 Geometric rural road design - sealed 0052 Geometric rural road design - unsealed 0053 Rural pavement design - sealed 0054 Rural pavement design - unsealed
	006 Bridges	0061 Bridges and related structures
	007 Public utilities	0071 Water supply - reticulation (Design) 0072 Water supply - pump stations (Design) 0074 Stormwater drainage (Design) 0076 Sewerage systems - reticulation (Design) 0077 Sewerage systems - pump stations (Design)

Rural roads have additional design worksections included in the *AUS-SPEC Rural Roads Package* with a suffix 'r' which indicates 'rural'.

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CONSTRUCTION Worksections		
01 GENERAL		
	012 Tendering	0120 Pre-tendering contract preparation 0121 Tendering 0122 Information for tenderers 0123 Conditions of tendering 0124 Tender submission documents 0125 Standard contract checklists 0126 Period supply and service checklists
	013 Generic preliminaries	0134 General requirements (Supply) 0135 General requirements (Services) 0136 General requirements (Construction)
	014 Contract preliminaries	0147 Conditions of contract
	015 Schedule of rates	0152 Schedule of rates (Construction) 0153 Schedules - period supply and service
	016 Quality assurance	0161 Quality management (Construction) 0162 Quality (Supply) 0163 Quality (Delivery) 0167 Integrated management
	017 General requirements	0173 Environmental management
02 SITE, URBAN AND OPEN SPACES		
	025 Landscape cultivation	0257 Landscape - road reserve and street trees
	028 Pathways (AUS-SPEC)	0281 Fire access and fire trails 0282 Pathways and cycleways (Construction)
	029 Retaining walls (AUS-SPEC)	0292 Masonry walls 0293 Crib retaining walls 0294 Gabion walls and rock filled mattresses
03 STRUCTURE		
	031 Concrete – In situ	0319 Auxiliary concrete works
11 CONSTRUCTION – ROAD RESERVE		
	110 General	1101 Traffic management 1102 Control of erosion and sedimentation (Construction)
	111 Formation preparation	1111 Clearing and grubbing 1112 Earthworks (Road reserve) 1113 Subgrade and formation stabilisation
	112 Rainwater collection	1121 Open drains 1122 Kerbs and channels (gutters)

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	113 Rigid pavements	1130 Rural concrete base 1131 Roller compacted concrete subbase 1132 Lean mix concrete subbase 1133 Plain and reinforced concrete base 1134 Steel fibre reinforced concrete base 1135 Continuously reinforced concrete base 1136 Cold milling of asphalt and base course
	114 Flexible pavements	1140 Wearing course, base and subbase - unsealed 1141 Flexible pavement base and subbase 1142 Cold mix asphalt 1143 Sprayed bituminous surfacing 1144 Asphalt (Roadways) 1145 Segmental paving 1146 Microsurfacing 1147 Sprayed preservation surfacing 1148 Cold milling of asphalt and base course
	115 Road openings and restorations	1151 Road openings and restoration 1152 Road openings and restoration (Utilities)
	116 Pavement stabilisation	1161 In situ pavement stabilisation using cementitious binders 1162 In situ pavement stabilisation using bituminous binders 1163 Ex situ (plant mix) pavement stabilisation 1164 In situ pavement stabilisation of unsealed roads
	117 Pavement moisture control	1171 Subsurface drainage 1172 Subsoil and formation drains 1173 Pavement drains 1174 Drainage blankets
	119 Traffic facilities	1191 Pavement markings 1192 Signposting 1193 Guide posts 1194 Non-rigid road safety barrier systems 1195 Rigid road safety barrier systems 1196 Boundary fencing for road reserves 1197 Street and public lighting
13 CONSTRUCTION - PUBLIC UTILITIES		
	134 Water supply	1341 Water supply - reticulation (Construction) 1342 Water supply - pump stations (Construction)
	135 Water cycle management	1351 Stormwater drainage (Construction) 1352 Pipe drainage 1353 Precast box culverts 1354 Drainage structures
	136 Sewerage systems	1361 Sewerage systems – reticulation (Construction) 1362 Sewerage systems - pump stations (Construction)

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	139 Others	1391 Service conduits 1392 Trenchless conduit installation 1393 CCTV inspection of drainage conduits
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7.3 Flowchart of subdivision approval process for each State and Territory

Flowchart 1: New South Wales.

Flowchart 1: New South Wales

