

## Paper Subdivisions - an overview

### What are 'paper subdivisions'?

'Paper Subdivisions' is a generic term for many subdivisions in NSW where individual lots have a legally recognised title (Lot and DP) but have not been constructed with any of the services required of modern land subdivisions - roads, drainage, potable water, electricity, sewer etc.

Paper Subdivisions typically comprise small lots in multiple ownerships. They generally remain in non-urban zonings with restricted development options available.

There are numerous Paper Subdivisions in NSW of various sizes and configurations. The most widely known were designed by Walter Burley Griffin with many marketed by Henry Halloran.



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## What is the Paper Subdivision Legislation?

The Paper Subdivision legislation was introduced into the Environmental Planning and Assessment Act 1979 and EP&A Regulation in 2013. The legislation established a mechanism to overcome longstanding barriers to realising the development potential of paper subdivisions.

In 2014, the Department of Planning prepared the Planning for Paper Subdivision Guidelines to assist implementation of the Paper Subdivision process. It explains the role of participating parties and instruments e.g., Relevant Authority and Development Plan. The guidelines also provides practical examples of how the 60/60 voting process is expected to be undertaken.

EP&A Act 1979 Schedule 7

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203#sch.7>

EP&A Regulation 2021 Part 10

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0759#pt.10>

Planning for Paper Subdivision Guidelines

<https://www.midcoast.nsw.gov.au/Development/Non-urban-land>



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## **How many paper subdivisions are there in NSW?**

There are a number of paper subdivision in NSW, with the most number being in the MidCoast, Lake Macquarie, Shoalhaven and Blacktown Local Government Areas.

## **My land at North Arm Cove is subdivided, so why can't I develop my land now?**

Key barriers to developing the land issues include:

- no legal road access
- no sewer, water, storm water or power infrastructure
- no environmental approvals or bushfire protections
- zoning restrictions under the Great Lakes Local Environmental Plan (LEP)

Development is currently prohibited without formal activation under the paper subdivision legislation. This legislation includes requirements for government oversight, landowner voting, and environmental and servicing compliance.



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## **Why can't the existing subdivision be adopted?**

Based on current planning and environmental legislation and policy, as well as best practice urban design principles, it will not be possible to implement the current Water Burley Griffin subdivision.

While an updated subdivision plan could adopt key principles of the Walter Burley Griffin Plan, the plan will need to be revised to respond to:

- to create residential lots that cater for contemporary dwellings and that respond to their setting
- the need to protect areas of significant environmental value
- the need to protect areas of important Indigenous heritage
- the need to create access to the waterfront



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## **What is the process to prepare a new subdivision plan?**

The process to prepare a new paper subdivision is set out in paper subdivision legislation and associated guidelines.

Key steps in the process are:

- Appointment of a Relevant Authority – the Relevant Authority will prepare the Development Plan and run the Consent Ballot
- Preparation of a Development Plan – the Relevant Authority will prepare a Development Plan which will include a new plan of subdivision
- Public exhibition of Development Plan – the development plan must be exhibited for at least 28 days
- Consent ballot – following consultation with landowners, a Consent Ballot is conducted. For the ballot to be successful, at least 60% of the landowners, and the owners of at least 60% of the total area of land have consented to the Development Plan.
- Adoption of Development Plan – if the consent ballot is successful, the Development Plan is adopted
- Making of the Subdivision Order – the Relevant Authority submits the Development Plan to the Minister for Planning. The Subdivision Order is then made by the Minister for Planning.



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## **What is a 'Relevant Authority' and why does it need to be involved?**

The role of a Relevant Authority is to:

- lead the preparation of a Development Plan
- consult with landowners
- run the consent ballot
- recommend to the Minister for Planning the making of the Subdivision Order.

The paper subdivision legislation specifies the types of public authorities that may assume the role of the Relevant Authority. For North Arm Cove, these might include:

- MidCoast Council
- Landcom
- Hunter and Central Coast Development Corporation
- the Office of Strategic Lands (a division within the Department of Planning)
- any other body prescribed by the regulation

Without the appointment of a Relevant Authority, the Development Plan cannot proceed.



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