

## 22.22 EXCISIONS, CONSTRUCTION OF HOUSING AND RE-SUBDIVISION OF LAND IN RURAL AND RURAL LIVING ZONES

This policy applies to all land in the Rural Zone and Rural Living Zone

### Policy Basis

Fragmentation of productive agricultural land by inappropriate subdivision is to be avoided to ensure the productive capacity of the land is maintained. The policy provides a consistent strategic basis for considering permit applications for excisions of dwellings, use of lots smaller in size than that specified in the schedule to the Rural Zone (40 ha) and the re-subdivision of existing allotments.

### Objectives

- To ensure that lots smaller than that specified in the Schedule to the Rural Zone are consistent with the purposes of the zones.
- To limit the subdivision of land that will be incompatible with the utilisation of land for sustainable resource use.
- To ensure that the subdivision of land that excises a dwelling is designed in a manner which does not prejudice surrounding rural productive activities.

### Implementation

It is policy that:-

#### **General**

- To promote appropriate land use and development by:
  - Requiring that all applications on land within the Rural Zone be assessed according to the following criteria;
    - the planning history of the site
    - the surrounding land uses
    - the existing levels of infrastructure
    - the agricultural quality of the land
    - the level of any environmental constraints
    - the degree to which the proposal supports the continued agricultural use of the land
- Promoting farm consolidation by discouraging small lot excisions except where a house exists and;
  - the remainder of the land can be consolidated with the title of an existing farm; or
  - the remainder of the land, if less than 40 hectares in size, is subject to a Section 173 Agreement which prohibits the erection of a house
- Establishing appropriate buffer areas and performance requirements for intensive activities such as waste water facilities, feed lots, piggeries, dairies, dog breeding, and poultry farms and ensure the appropriate siting and operation of these activities so as to negate off-site negative impacts and give accessibility to required infrastructure.

#### **Lot creation**

- Lots created under the provisions of the Rural Zone for realignment of boundaries or for the creation of a lot for an existing dwelling should have a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme.
- Discouraging low density residential estates and lots in the Rural Zone on agricultural land that has not been identified in the Town Structure Plans or the Municipal Strategic Statement as suitable for low density residential expansion.

- Discouraging new house developments on existing small lots in all rural areas except if (and in addition to all other considerations);
  - the lot has been created since the introduction of planning controls and;
  - the development is completed by 1<sup>st</sup> October 2003 and;
  - the development will not inhibit the rights of existing farms to continue their operations.
- Discourage boundary re-alignments except if they are minor adjustments to take account of physical, man made or topographical features on the site.
- Restructuring old and inappropriate subdivisions on rural land.

### ***Excision***

- Requiring that an application for a small lot excision be assessed according to the following additional criteria;
  - the need to avoid a cluster of dwellings that are not directly related to the agricultural use of the land;
  - the existing levels of infrastructure;
  - the rights of existing farms to continue their operations shall not be adversely affected by residential amenity concerns;
  - the extent to which the excision promotes or supports the continued agricultural use of the land.
- Dwellings excised under the provisions of the Rural Zone will be in a habitable condition and comply with the building code of Australia to this extent
- The excision of dwellings will take place in a manner that will ensure the dwelling does not have the potential to restrict agricultural production on adjacent land. It should be ensured that adequate distance is maintained within the excised lot around a dwelling to reasonably limit likely impacts (if any) of adjacent agricultural activity. A permit may be required for the planting of vegetation within the excised lot to reduce any potential impacts.
- A copy of a soil percolation test prepared to the satisfaction of the responsible authority indicating the ability of the site to contain and treat on site effluent and wastewater, accompanies the application for excision

### ***Subdivision***

- Adopting subdivision sizes which reflect farm viability;
- Subdivision that is likely to lead to a concentration of lots so as to change the general land uses and character of the rural areas will be discouraged unless it can be shown that the clustering of lots will not limit the productive use and development of larger lots in the subdivision or that surrounding
- Subdivision within water supply catchment areas will be strongly discouraged in order to protect water quantity and quality.
- Discouraging subdivision of high quality agricultural land.