

22.01-2

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C26(Part 1)

SUBDIVISION IN RURAL AREAS

This policy applies to all land in the Farming Zone.

Policy Basis

The agricultural sector is a significant economic industry and social resource in the municipality. Rural subdivision that is not associated with dedicated rural and agricultural activities can potentially undermine the viability of the rural sector through amenity impacts, loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, and land values exceeding agricultural value. Rural subdivision has the potential to create demand for community and physical infrastructure that may be more appropriately located in dedicated rural living areas.

Objectives

- § Ensure that land subdivision does not diminish the productive agricultural capacity of the land or general area, particularly in 'high' or 'very high' agricultural versatility areas.
- § Ensure that any subdivision of land is for the rural or agricultural use and development of land, rather than for rural lifestyle lots or development.
- § Ensure an adequate standard of infrastructure for rural land subdivision.

Policy***Exercising discretion***

It is policy to:

All subdivision:

- § Ensure that any subdivision proposal has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.
- § Maintain agricultural production and rural uses on the land.
- § Ensure that any subdivision proposal is compatible with and will not have an adverse impact on farming and other rural land uses on the land, adjoining land and the general area.
- § Ensure that any subdivision proposal meets the principle of 'right to farm' in rural areas, where existing agricultural and rural uses in the area have a right to legally continue.
- § Minimise any potential amenity impact on adjacent or nearby land and not reduce the potential for agricultural production or other rural activity.
- § Provide for the ongoing sustainable use of the land, including consideration of environmental constraints and protection and enhancement of the natural environment.
- § Avoid any adverse effect on existing rural and irrigation infrastructure and not affect the continuing use of this infrastructure for agricultural production.
- § Not recognise any lots which are 'closed roads' in any resubdivision lot entitlement calculations.

House lot excision:

- § Discourage house lot excisions in 'high' or 'very high' agricultural versatility areas and ensure that any excision of land in all other rural areas be linked to and required for the ongoing rural and agricultural use of the land.

- § Discourage house lot excisions if the proposal can be otherwise met by the realignment of existing land titles.
- § Discourage house lot excisions if the existing dwelling on the lot to be excised is required to maintain the ongoing agricultural production and rural use of the land.

Performance measures

It is policy that any proposal meets the following performance measures:

All subdivision:

- § Adequate water supply (domestic, stock and fire fighting supply), power, telecommunications, drainage and all weather two-wheel-drive road access, to the standards and satisfaction of Council.
- § Compliance with the Country Fire Authority document – *Planning Conditions and Guidelines for Subdivisions 1991*.
- § Assessment and recommendations of a ‘whole farm plan’ for any subdivision proposal in ‘high’ or ‘very high’ agricultural versatility areas. This does not apply to the minor realignment of existing lot boundaries.
- § Compliance with relevant regional catchment management plans, regional vegetation management strategies and salinity management plans.

House lot excision:

- § Any house lot excision provides:
 - Ø A maximum area of 2 hectares for the lot with the existing house located on it, or if existing buildings and dwelling infrastructure covers a large area, as near as practicable to this area.
 - Ø A minimum area for the residual lot of at least the minimum subdivision size of the zone schedule applying to the land.
 - Ø A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land.

Decision guidelines

It is policy that in assessing any proposal, Council will consider:

- § How the land to be subdivided is used for rural activities and agricultural production, and how the proposal meets the ongoing needs for these uses.
- § How the subdivision minimises any potential amenity impacts on adjacent or nearby land, and how agricultural production on the subject land or adjoining/nearby land is maintained.
- § Maintenance and when possible, enhancement of existing environmental features and quality of the land.
- § How re-subdivision proposals consider the shape, size and location of the original titles and clearly demonstrate why a new configuration is required to achieve the objectives of the scheme and this policy. Any proposal for a new lot that will have an area below the minimum subdivision size of the zone must clearly demonstrate why this size is required to accommodate the natural features and maintain agricultural production on the land.
- § How any proposal for subdivision in ‘high’ or ‘very high’ agricultural versatility areas, other than the minor realignment of existing boundaries, can be substantiated by a ‘whole farm plan’.
- § How the proposal can be adequately serviced with water (potable, stock and domestic and fire fighting supply), power, telecommunications, drainage and all weather two-wheel-drive road access.
- § The need to consolidate lots in the same ownership as part of a subdivision proposal in ‘high’ or ‘very high’ agricultural versatility areas if it is considered

by Council that consolidation would protect the existing and future productive use of rural and agricultural land.

Application requirements

It is policy that any proposal for subdivision in rural areas includes the following information.

A report that outlines and addresses:

- § A full description of the proposal, including details of the proposed subdivision and site.
- § Location of future dwellings and associated buildings and works, either through the depiction of building envelopes or through nominating 'exclusion areas' where these future developments will not be located.
- § Proposed servicing of the land, including all weather two-wheel-drive road access, domestic, stock and fire fighting water supply, electricity, telecommunications, effluent disposal, stormwater management and fire safety.
- § Full copies of lot Titles.
- § An assessment of the proposal in accordance with the planning scheme, the Farming Zone and this policy.
- § The objectives of any relevant land use, agricultural and environmental strategies and policies, including relevant regional catchment strategies, regional vegetation management strategies and salinity management plans.
- § How the proposal considers land capability, including location of existing natural features, environmental constraints, waterway setbacks, native vegetation, and general protection and enhancement of the natural environment.
- § How any proposal for subdivision in 'high' or 'very high' agricultural versatility areas, other than the minor realignment of boundaries, meets the principles of a 'whole farm plan'.

Plans indicating:

- § Existing site features, natural features and existing buildings/development, including areas of existing native vegetation.
- § Location of proposed lots and any future location of buildings and works, including proposed services.
- § Proposed areas for the replanting of native vegetation or environmental protection/enhancement.