

22.04 RURAL SUBDIVISION POLICY09/02/2017
C140

This policy applies to all land within the Farming Zone (FZ).

22.04-1 Policy Basis09/02/2017
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This policy builds on the MSS objective in Clause 21.02-4 to retain and protect viable rural holdings.

The Bass Coast Rural Land Use Strategy (2014) divides the Farming Zone into three precincts with the following minimum subdivision and dwelling sizes:

Precinct	Subdivision Minimum	Dwelling Minimum
One (East of Bass Hwy)	80 hectares	40 hectares
Two (West/South Bass Hwy)	80 hectares	40 hectares
Three (Phillip Island)	40 hectares	40 hectares

Although subdivision into lots smaller than these minimum lot sizes may still be possible by the re-subdivision of existing lots or the 'excision' of a lot for an existing dwelling, small lot excisions (with or without houses) are generally inappropriate in rural areas as the additional house entitlement created by the subdivision is rarely necessary to improve farm operations.

22.04-2 Objectives09/02/2017
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- To provide a consistent basis for considering planning permit applications for small lot subdivisions of rural land (a 'small lot' is defined as any lot smaller in area than that specified in the schedule to the Farming Zone).
- To limit the further fragmentation of rural land by subdivision.
- To encourage the consolidation of rural lots.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To provide for small lot subdivision only where there are positive agricultural outcomes and where no additional house entitlements are created.

22.04-3 Policy09/02/2017
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It is policy to:

- Ensure that small lot subdivisions (including house lot excisions and boundary realignments) are only undertaken for reasons related to agriculture.
- Discourage small lot subdivisions except where:
 - No new opportunities for additional houses below the minimum specified in the schedule to the Farming Zone are created; and
 - The impact on neighbours and existing or potential agricultural use of nearby land is minimised.
- Ensure that lots resulting from small lot subdivisions are of a sufficient size to be of benefit to agricultural production.
- Limit the cumulative impact of house lot excisions, including serial small lot subdivisions.

- Ensure that where land is subdivided to excise an existing dwelling, the residual lot is at least the area specified for the land in a schedule to this zone.
- Incorporate conditions on any permit for a small lot subdivision that ensures good land management practices are carried out including the preparation of farm plans, fencing of waterways, revegetation of degraded areas, enhancement of remnant vegetation, weed control, nutrient management and preparation of vegetation management plans.
- Incorporate a condition on any permit for a small lot subdivision that requires a legal agreement under Section 173 of the Planning and Environment Act 1987 which ensures that the land will not be further subdivided except to consolidate with adjoining land and where each new lot meets the minimum lot size specified in the relevant schedule to the zone.

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Application Requirements

An application for subdivision to create a small lot must be supported by the following information, as appropriate:

- An Integrated Land Management Plan (or equivalent) under Clause 35.07-6 that clearly demonstrates how the subdivision will assist improved farming efficiency and achieve more sustainable land management practices.
- Evidence demonstrating that the subdivision is required for the facilitation of agricultural business on the land.
- Evidence that the subdivision does not increase the prospects for more dwellings on the land.
- Acceptance that approval of the subdivision will be subject to legal agreements limiting further dwellings or subdivision on the land.

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Decision Guidelines

Before deciding on an application for a small lot subdivision of a lot containing a dwelling, or the re-subdivision of existing lots, in addition to the decision guidelines of the Farming Zone, the responsible authority will consider the following:

- The degree to which the subdivision will support productive agricultural outcomes, particularly farm consolidation.
- Whether the land is suitable for agricultural use based on:
 - Evidence of the capability and versatility of the land.
 - The planning history of the land and surrounding land.
- Whether an Integrated Land Management Plan has been prepared for the site.
- Whether any new lot has:
 - Legal frontage to a road.
 - A satisfactory frontage to depth ratio.
 - Suitable two way vehicle access via an all weather road.
 - Adequate buffers to protect residential amenity from the impacts of agricultural activity.
- The need for the approval to be subject to a planning agreement which prevents:
 - The construction of a dwelling on the residual lot unless, when combined with other land, the area satisfies the minimum lot size for the construction of a dwelling in the zone; and

- The further subdivision of any lot created other than for consolidation purposes or in accordance with the minimum lot size for subdivision in the zone.
- Whether the proposal relies on land which was previously a road reserve, channel, utility lot, crown land or was of insufficient size to support a dwelling.
- Whether the subdivision will create an additional lot where a dwelling can be erected without a permit.
- Whether the realignment of lot boundaries is minor, such as an adjustment for topographical or public infrastructure features.