

SUBDIVISION AND HOUSING ON SMALL LOTS IN THE RURAL ZONES

This policy applies to the Farming Zone and Rural Conservation Zone.

Policy Basis

This policy applies the State Planning Policy Framework provisions at Clause 14 (Natural Resource Management) to local circumstances and builds on the local objectives and strategies identified at Clause 21.06-1 (Agriculture). The Municipal Strategic Statement identifies the fragmentation of productive agricultural land and land required for future urban or rural living purposes as a key issue that is to be avoided to ensure the productive capacity of land is maintained in regard to future development land, and that it is retained in large parcels to improve the viability of future urban expansion.

This policy provides a consistent basis for considering permit applications for excisions of dwellings and creation of lots and dwellings on lots smaller in size than specified in the schedule to the Farming Zone through realignment of boundaries.

Objectives

- To maintain larger lots, particularly in the Rural Conservation Zone where the quality of soil is poor and larger lot sizes are required for agricultural production.
- To ensure dwellings on small lots are sited in a manner which does not prejudice surrounding rural production activities.
- To discourage residential living opportunities in rural areas served by poor road infrastructure or steep road access to reinforce the strategy of directing residential development to residential, low density and Rural Living Zones.
- To protect rural land from conflict with residential and rural residential land uses.

Implementation

Application Requirements

An application for a dwelling or the subdivision of land which creates a lot of less than 40 hectares include:

- A site analysis covering; the boundaries of the land, preferably from a certified plan of subdivision or copy of title, property fences, electricity and other service easements, unmade roads, races, watercourses, contours, creeks, gullies, drainage lines, rock outcrops, roads, existing buildings, vegetation, views, ridge lines and adjoining land uses.
- Land capability assessment to demonstrate that the land can contain effluent disposal.
- Documentation that demonstrates whether the land is or can be used for commercial rural production prepared by a suitably qualified professional.
- Where a dwelling is proposed documentation that demonstrates that the dwelling is required to sustain the rural use of the land.
- Where a subdivision is proposed documentation demonstrating why an additional lot is required to be created.
- The excision of a dwelling should not restrict agricultural production on adjacent land and there should be adequate distance around the dwelling to ensure impacts of adjacent agricultural uses are minimised. Where appropriate, the planting of vegetation within the excised lot to reduce potential impacts.

Exercise of discretion

It is policy to:

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- Ensure that subdivision and housing on small lots in the rural zones are not supported, unless it can be clearly demonstrated that the development is required to support commercial rural production.
- Ensure that rural enterprises in association with small lot subdivision and housing are established prior to any proposal being considered.
- Ensure that small lots created under the provisions of Clause 35.07-3 do not exceed 2 hectares, unless justification is provided which demonstrates the lot needs to be larger to accommodate the use.
- Require a section 173 Agreement under the Planning and Environment Act 1987 to prevent further subdivision of the land, as appropriate.
- Ensure that dwellings excised under the provisions of Clause 35.07-3 are in a habitable condition and comply with the Building Code of Australia.
- Strongly discourage small lot subdivisions of land within potable water supply catchments and/or within 100 metres of watercourses.
- Consider:
 - The condition of all infrastructure including road surfaces, road gradients and the likely impacts the subdivision and future development and use of the land will have on the infrastructure.
 - The design and alignment of access roads.
 - The need for all weather 2 wheel drive access and egress to the site.
- Discourage subdivisions for dwelling excisions where soil quality is poor.