22.10 SUBDIVISION AND HOUSING ON SMALL lots IN THE RURAL ZONES

This policy applies to the Rural Zone and Environmental Rural Zone.

Policy Basis

Due to topographical constraints such as hills and floodplains percentage of the City of Wodonga will not be required for future urban development and will remain in rural use. The Wodonga Growth Strategy Plan included in the MSS identifies the land that will remain in rural use for at least the next 50 years.

Fragmentation of productive agricultural land and land not required for urban or rural living purposes is to be avoided to ensure the productive capacity of land is maintained and the need to improve road infrastructure to remote rural areas is reduced. Due to the population growth in Wodonga, rural land is under pressure for residential use with demands to sell off rural land for rural residential use in preference to maintaining agricultural production. This practice is inappropriate and the number of dwellings located on a rural property should be directly linked to the capacity of the land. Specific areas are allocated for low density and rural living development in preference to ad hoc residential development occurring in the rural areas. 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 Rural Zone through realignment of boundaries.

Objectives

- To ensure that the excision of dwellings and creation of lots smaller than that specified in the Rural Zones are consistent with the purpose of the zone.
- To limit the subdivision of land that excises a dwelling particularly in the Environmental Rural Zone where the quality of soil is poor, requiring larger lot sizes for agricultural production as identified in the Albury Wodonga Regional Planning Strategy (November 1991).
- To ensure dwellings on small lots are designed 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 and reinforce the strategy of directing residential development to residential, low density and Rural Living Zones.
- To minimise the potential conflict between residential and rural land uses and to protect primary producers from complaints based on residential amenity rights.

Implementation

Application Requirements

An application for the creation of a lot less than 40 hectares or a dwelling 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 etc.
- Documentation that demonstrates whether the land is or can be used for commercial rural production in the form of a whole farm management plan prepared by a suitably
qualified professional, consistent with a format approved by the Department of Natural Resources and Environment.

- 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.

- Where the excision of a dwelling is proposed, documentation or plan demonstrating that the use of the lot does not have the potential to restrict agricultural production on adjacent land and that there is adequate distance around the dwelling to ensure impacts of adjacent agricultural uses are minimised. A permit may require the planting of vegetation within the excised lot to reduce potential impacts.

It is policy that:

- Subdivision and housing on small lots in the rural zones will not be supported, unless it can be clearly demonstrated that the development is ancillary to commercial rural production.

- Lots created under the provisions of Clause 35.01-4 should not exceed 2 hectares, except as otherwise required by a provision of this Planning Scheme.

- A Section 173 Agreement under the Planning and Environment Act 1987 be required to prevent further subdivision of the land.

- Dwellings excised under the provisions of Clause 35.01-4 will be in a habitable condition and comply with the Building Code of Australia to this extent.

- Subdivision of land that is likely to lead to a concentration of lots, so as to change the general use and character of the rural area will be discouraged unless it can be shown that the clustering of lots promotes the productive use of larger lots in the subdivision.

- Small lot subdivision within water supply catchments and within 100 metres of watercourses will be strongly discouraged.

- The Responsible Authority will take into account:
  - 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.

- Housing on small lots and the excision of house lots will be discouraged on land identified as having poor or very poor soil quality (refer to Albury Wodonga Regional Planning Strategy – November 1991 – Agricultural Land Classes in the Albury-Wodonga Region).