

2.4 STANDARDS - RURAL ZONES AND FLOOD CHANNEL ZONES

(Refer Parts 5.3.1 to 5.3.7 and 5.3.11, Pages 46-53 and 57)

2.4.1 Performance Standards

- A) Average Lot Size Rule- General
- i) The maximum number of additional allotments which may be created by subdivision of any title shall not exceed the subdivision entitlement (SE) or remaining entitlement (RE) calculated in accordance with B) or C) below.
 - ii) If the subdivision entitlement (SE) or remaining entitlement (RE) calculated for any title is less than one, no subdivision of that title shall be permitted. Fractions shall be disregarded.
 - iii) Any land which comprises the “base portion” of the title concerned, as determined under B) ii) below, shall not at any time be subdivided further.
 - iv) If the land being subdivided includes more than one title, or involves a title which is zoned partly Rural 1 and partly Rural 2, the subdivision entitlement or remaining entitlement for that land shall be calculated by adding together the entitlements of the individual titles or parcels of land concerned.
- B) Average Lot Size Rule- Parent Titles.
- i) Titles which existed on 1 August 1998 shall be termed “parent titles.” The subdivision entitlement (SE) of such titles shall be calculated by taking the total area of the title (A) and dividing it by:
Rural 1 Zone, with or without Flood Channel zone land- 8 (R1)
Rural 2 Zone, with or without Flood Channel zone land- 4 (R2)
Flood Channel zone land without Rural 1 or 2 zone land- 8 (FC)
and then subtracting 1.0 from the resulting number. ie
$$SE = \left(\frac{A}{R1 \text{ OR } R2 \text{ or } FC} \right) - 1.0$$
 - ii) An area comprising one half of the parent title or an area comprising 20 hectares, whichever is a smaller area of land, shall be identified within each subdivision of a parent title as a “base portion”. This area of land must be wholly retained within one of the new allotments being created.

EXAMPLE

Farmer Brown has a title which is zoned partly Rural 1 and partly Flood Channel 1. It is 92.7ha in area and has existed since 1967. To find out its subdivision potential he divides 92.7ha by 8 (R1 from above).

His calculator gives an answer of 11.58, and he then subtracts one to give an answer of 10.58. The fraction of .58 is disregarded.

The property can therefore be divided to produce a maximum of ten extra lots plus a balance area. (SE=10.)

Farmer Brown then calculates his "base portion," which is half of the original title (ie 46.35ha, or 20ha, whichever is smaller). The answer he finds is therefore 20ha.

The 10 extra allotments plus balance area can be of any size the farmer chooses, as long as the base portion (ie at least 20ha) remains in one piece and the Plan's other rules (eg 0.8 ha minimum size) are met.

iii) When a parent title is subdivided, the entitlement to subdivide shall be recalculated and distributed among the resulting titles as follows:

- a) The number of additional allotments (N) which have been subdivided from the parent title shall be subtracted from the maximum number of additional allotments which could have been subdivided from the parent title (SE from above), to give the total remaining entitlement (tRE), ie

$$tRE = (SE - N)$$

EXAMPLE

Farmer Brown subdivided the 92.7ha property into three pieces, ie created two extra lots. (N=2). It was however allowed to be subdivided to provide up to 10 extra lots. (SE=10). The total remaining entitlement (tRE) is therefore eight extra allotments. This entitlement is then divided amongst the three pieces of land (the resulting titles) as described below. (NB -If Farmer Brown's subdivision had already created the maximum of ten additional allotments from his property, no further subdivision would be allowed.)

iv) The total remaining entitlement (tRE), if any, shall be apportioned amongst the resulting titles (RT) by dividing the area of each resulting title by the area of the parent title (PT), and then multiplying the result by the total remaining entitlement (tRE). For this calculation the area of the base portion (BP) shall be excluded from the parent title and from any resulting title within which it is located.

$$\text{RE for each Resulting Title} = \text{tRE} \times \left(\frac{\text{RT Area} - \text{BP}}{\text{PT Area} - \text{BP}} \right)$$

EXAMPLE

The three titles created from Farmer Brown's 92.7ha property had areas of 50ha, 18ha and 24.7ha. The 50ha Lot 1 contains the 20ha base portion. This 20ha is subtracted from the parent title, and from Lot 1. The three new titles (with Lot 1 now being a net area of 30ha) are each divided by the net area of the parent title (72.7ha), and then multiplied by the total remaining entitlement of 8, as follows:

Lot 1 is 30ha/72.7ha = 0.412	Then 0.412 x 8 = 3.30
Lot 2 is 18ha/72.7ha = 0.248	Then 0.248 x 8 = 1.98
Lot 3 is 24.7ha/72.7ha = 0.340	Then 0.340 x 8 = 2.72

Lot 1 can therefore have three additional lots (ie can be subdivided into up to four pieces). Lot 2 can have one additional lot, and Lot 3 can have two additional lots

C) Average Lot Size Rule – Resulting Titles and Subsequent Subdivisions

- i) In any subdivision of “resulting titles”, and in any subdivisions thereafter, the subdivision entitlement shall be recalculated for each new title. This recalculation shall be done in the manner described in B) above, except that the “parent title” shall be deemed to be the title being subdivided rather than that which existed on 1 August 1998.

EXAMPLE

Farmer MacDonald buys one of Farmer Brown's three resulting titles, namely Lot 1 of 50ha. She knows that it can be potentially subdivided to provide three additional lots, and cuts it into two blocks of 12ha and 38ha. The subdivision potential of the two pieces is then recalculated. The potential of her block was three additional lots, and she has subdivided to provide only one. The total remaining entitlement is therefore two.

This total remaining entitlement then needs to be apportioned between the two new pieces of land which Farmer MacDonald has created. The 38 ha block contains the 20ha base portion, which needs to be subtracted from the area of both that allotment and the 50ha Lot 1.

To do this the net areas of both allotments (12 and 18ha) are each divided by the net area of the title from which they came (30ha), and then multiplied by the total remaining entitlement of the whole 50ha block (2 new lots), as follows:

Lot 1, is 12ha /30ha = 0.40	Then 0.40 x 2 = 0.80
Lot 2, is 18ha net/30ha = 0.60	Then 0.60 x 2 = 1.20

Lot 2 can therefore be subdivided to provide one additional allotment, ie cut into two pieces. Lot 1 cannot be subdivided since its entitlement is less than one additional lot.

NB: **Council** will place a consent notice on the titles of newly-subdivided allotments which have no further subdivision potential under this Plan, to alert potential purchasers to that fact (Refer Rule A1 1.3.2 A) xiii), Page 92).

D) Minimum Lot Size

All allotments shall be at least 0.8ha in area.

E) Separation Factor For Potential Houses

All allotments shall be capable of containing a notional dwelling site which is at least 35 metres from all boundaries of that allotment. The notional dwelling site shall consist of a 20 metre diameter circle, and shall meet the requirements of H) below as a suitable building site.

F) Effluent Disposal

- i) All allotments being created shall have a demonstrated suitability for the disposal of effluent from a dwelling on the land.
- ii) Effluent shall be disposed of either within the **site** or into a **Council**-approved collective disposal system. Sewage drainage easements into neighbouring properties will not be permitted.

G) Access To Land Drainage & Water

- i) All allotments shall be demonstrated to have direct or legal access to natural or practical land drainage.
- ii) All allotments being created for other than purely residential purposes shall have an adequate piped supply of water for stock watering purposes. This water supply may be by means of a supply easement from another property, or by means of a piped supply from a fenced farm dam.
- iii) Allotments being created for a purpose which involves large areas of parking, buildings or other impervious surfaces shall make appropriate provision for stormwater disposal.

H) Suitable Building Site

All allotments shall have at least one suitable site where a dwelling could be erected, together with associated effluent and stormwater disposal systems. For the purposes of this rule a suitable dwelling site is one which complies with this Plan's performance standards, is not within the Air Noise Area, (Refer

Appendix 3A, Page 203), and has been demonstrated to be free of land stability hazards.

I) Access To Allotments

- i) All allotments shall have at least one place for a vehicular access point which meets the sight distance requirements in Appendix 2C (Page 194). This access point may be shared with other property, provided that any necessary legal arrangements are entered into.
- ii) Any **entrance strip** which provides legal access to a **site**, shall have a minimum width of:
 - a) 6m where the number of sites is two or less,
 - b) 10m where the number of sites is three or more.
- iii) Any vehicle crossings proposed by a subdivision and located less than 50 metres apart shall be combined to create a joint crossing place, if located on the same side of the road concerned.
- iv) Where common access to eight or more allotments is to be provided, this access must be a new legal road, to be formed to the **Council's** standards

NB: Where a new vehicle crossing is proposed to, or near, an **arterial route**, land use consent may be required if the relevant standards are not met. (Refer Rules B3 3.3.1 Q) and B7 7.3.1 E), Pages 129 and 146).

J) Fragmentation of **Natural Areas**

No subdivision shall result in:

- i) Any new boundary within any area of **indigenous forest**, or within any **wetland** listed in Appendix 1A (Page 174), or
- ii) The fringes or bed of a lake being comprised in a greater number of titles than is currently the case,
Unless that area is to be protected by a **legal covenant**.

K) New Intersections

Spacing and visibility guidelines – Refer Appendix 2C, Page 194.

2.5 FURTHER STANDARDS APPLYING IN ALL ZONES

A) Exception To Frontage Requirements

Council may approve allotments without road frontage where it is satisfied with alternative access. (Section 321(3) Local Government Act 1974).

B) Concept Plans

In respect of any land capable of providing more than 50 housing allotments, Council may require an overall concept plan to be submitted, prior to any application for subdivision consent being considered.

C) Party Walls

Where a subdivision creates a party wall, that wall must comply with the Building Act's fire rating and structural requirements.

D) Services In Residential, Village, Business and Industrial Zones

- i) Sites in these zones shall be connected to reticulated services, and shall not cause existing services to be overloaded.
- ii) All cables, including for power, telephone, and street lighting, shall be placed underground, except where existing services are above ground or where in Council's opinion, underground services are economically unjustifiable due to problems associated with such issues as topography, geology, land stability or operational requirements.
- iii) Where **rear sites** are being created, or a multi-unit development is being subdivided, easements shall be created over all underground services.

E) Separation From Boundaries

All proposed boundaries shall be sited at a sufficient distance from buildings to comply with the **yard** and **height** requirements of this Plan, and to meet the fire rating requirements of the Building Act 1991.

F) High-Voltage Electricity Transmission Lines

Where land being subdivided contains high voltage (110kV or higher) transmission lines the subdivision design shall provide for building sites no closer than 20m either side of the centre point of the transmission line.