



Boundary Adjustments Policy

The following principles have been adopted by the Department for use as a planning tool in the North Coast region.

Principle 1 - There will be no net increase in the number of lots or dwelling entitlements.

Notes on principle 1: The intent of this principle is to facilitate boundary adjustments between two lots. It does not relate to creation of extra lots or extra dwelling entitlements or opportunities than currently exist.

Principle 2 - If, before the boundary adjustment, there are two dwellings on one lot and no dwellings or entitlements on the other, then the result of the boundary adjustment must be that one lot ends up with both dwellings and the other lot does not have a dwelling or dwelling entitlement.

Notes on principle 2: This principle aims to prevent moving a boundary to "capture" a second dwelling (e.g. a rural workers dwelling) or counting a second dwelling on a lot as an "entitlement" that can be transferred to a new lot.

Principle 3 - There will be no net increase in the ability to create more lots or dwelling entitlements in the future.

Notes on principle 3: A boundary adjustment may result in a lot which is equal to or greater than double the subdivision standard applying in the zone. The main benefit of a boundary adjustment is that one of the lots can be increased to a size that significantly enhances the chance of efficient and viable use consistent with the intent of the zone (usually agriculture). However, creation of a lot that is greater than double the development standard sets up the ready potential to re-subdivide the larger lot to create two or more lots that meet the development standard in the zone. The net result would be increasing the number of lots and dwellings, which would be inconsistent with principles 1 and 2, and cause permanent loss of the benefit of the boundary adjustment. Therefore, although creation of such large lots is encouraged, there would need to be put into place a mechanism to permanently prevent re-subdivision of the larger lot to create more total lots than would have been allowed before the boundary adjustment. The only way the "permanency" status could be reversed is if there is a general change made by the Minister to the zone or standards applying to the zone in that locality.

Principle 4 - The net outcome of the subdivision is likely to assist in achievement of the zone objectives, and there is no chance that the net outcome of the subdivision could have a negative effect.

Notes on principle 4: This principle is particularly aimed at supporting proposals that can demonstrate that they will significantly increase the viability/ efficiency of genuine agricultural enterprises in agricultural areas. An example of a situation where this principle could be met is two neighbouring macadamia farmers, neither of whom has enough land under current economic circumstances to make a viable living. One farmer wishes to buy the most productive part of his/her neighbour's property, but not the neighbour's house. The enlarged area will greatly increase the likelihood that the owner of the larger lot will have an efficient enterprise and a viable income.

It should be noted that the resulting small lot is the down-side of most boundary adjustments. Such lots/dwellings are likely to end up being used mainly for residential use, which is likely to be inconsistent with the intent of the zone. It would be an advantage if the smaller lot also has the potential to be productive on a small scale (e.g. a nursery, intensive horticulture, market garden or habitat

conservation). In this regard, the size of the small lot might fall in the range 2-10 ha, depending on the circumstances of the case and the nature of the locality.

Principle 5 - The subdivision design will not set up a situation where the relative position of existing or proposed improvements and rural activities on the new lots is likely to result in conflict.

Notes on principle 5: By increasing the size of one lot at the expense of the other to increase the productive potential of a farm, it is inevitable that the boundary, and therefore potential sources of conflict, will come closer to the dwelling on the smaller lot. In order to limit the potential for conflict due to such things as farm noise, smells, lights, operating hours, etc, it is important that the house on the smaller lot is separated from the productive areas of the larger lot, particularly those productive areas that are likely to cause most conflict (e.g. macadamia de-husking shed, piggery, poultry shed or dairy). This can be achieved by distance, topography and/or dense tree planting. The location of the new boundary between the two properties can greatly influence the outcome. Ideally any buffer should be within the smaller lot so the owner of the productive lot is not unduly constrained in use of his/her property. The small lot will probably need to be between about 2-10 ha to achieve this. If it is not possible in designing the subdivision layout to avoid likely conflict, then the boundary adjustment should not be approved.

Contact: Greg Yeates
phone: 66416608
email: greg.yeates@planning.nsw.gov.au