

The Council has adopted a policy or guidelines regulating the size of subdivisional allotments in different areas under its planning control. That policy as applied to the subject land provides for a minimum allotment size of 3 acres (with reticulated water) and 6 acres (without reticulated water).

The allotments the subject of the application vary in size, but on average have an area of approximately 2/3rds of an acre.

Details of the planning permits issued in respect of the subject land are set out in the Schedule hereto. In summary, however, the position is that in 1976 the land was subdivided into 17 allotments ranging in size from 2.43 ha. to 3.81 ha. (i.e. average of 7 acre lots). Subsequently, there was an application for the cluster subdivision of the land into 45 allotments (of 2 acres each) having an overall lot density of 1 allotment per 3 acres. One of the conditions of that development required water to be provided by a large on-site dam and internal reticulation.

The next stage was an application for a cluster re-development dividing the existing cluster lots into 3, making a total of 134 lots with an average lot size of 2/3rds of an acre. That application was in the context of the land being developed for holiday/recreational homes plus common recreational facilities. The Council treated it as an overall development of a tourist/holiday development, and on that basis did not apply its policy which prescribed minimum allotment sizes.