

Premise

J W LANFRANCHI PTY LTD

SUBDIVISION of land

STATEMENT OF ENVIRONMENTAL EFFECTS

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APPENDICES

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1. INTRODUCTION

Premise has been commissioned by J W Lanfranchi Pty Ltd to prepare a Statement of Environmental Effects to accompany a Development Application for a proposed subdivision of land, Torrens Title system of tenure.

Located in Culcairn, within the Greater Hume Shire, the subject land is currently described as Lot A on DP385255911 and known as 24 Hamilton Street, Culcairn. [referred to hereafter as 'the subject site']

Within the local planning instrument, namely the Greater Hume Local Environmental Plan 2012, the subject site is classified as RU5 Village. At present a valid development consent for subdivision affects part of the site, and this application at hand will build upon that and extend the intent and extent of that already-approved subdivision. Consent authority records show that the development consent is identified as 10.2022.205.1 – PAN 272149 to subdivide eight (8) lots, in three (3) stages out of the subject site, leaving a balance parcel to be further utilised. It is that further utilisation which is described in this document.

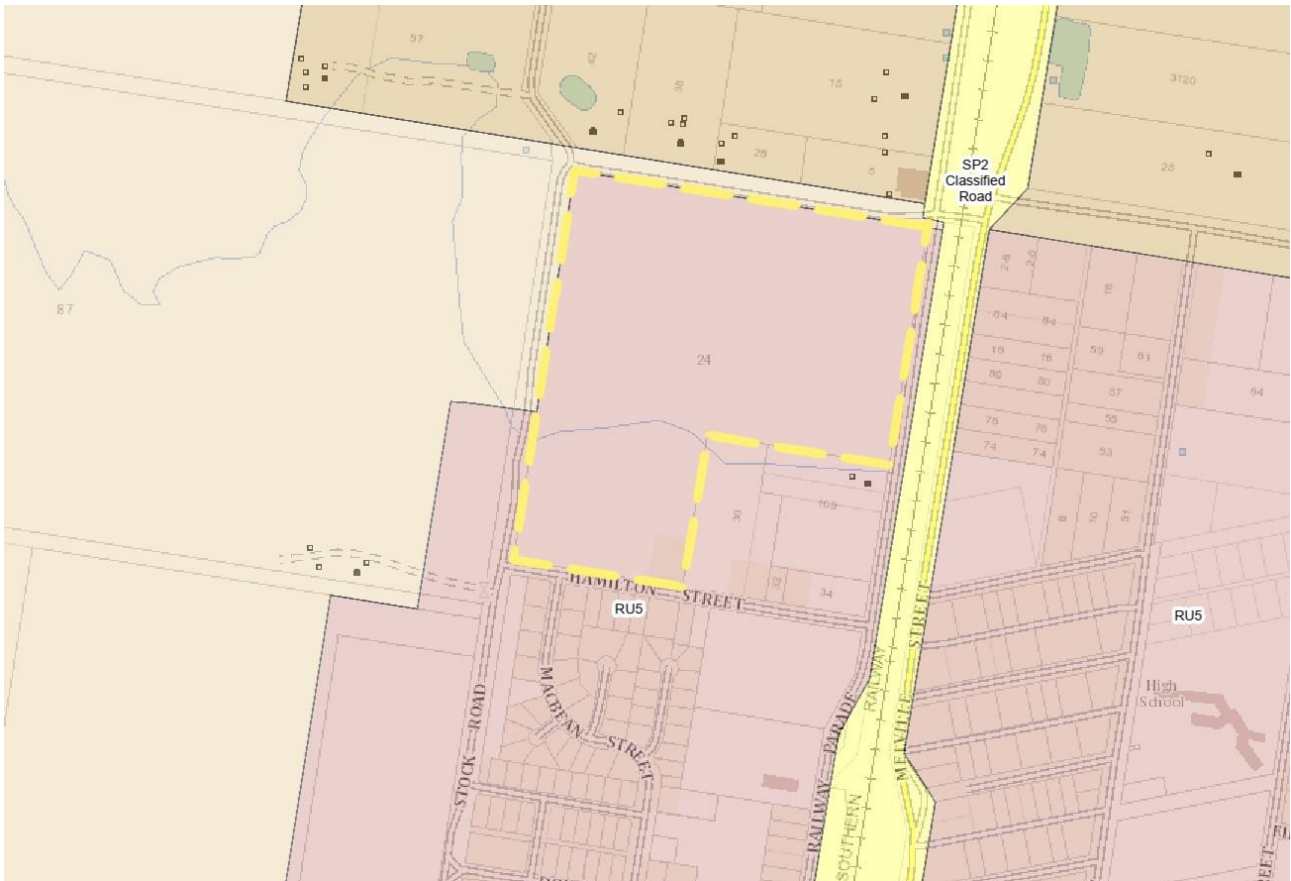
This Statement of Environmental Effects has been prepared pursuant to the relevant provisions of the Environmental Planning and Assessment Act 1979 and subordinate regulations in order to outline and assesses the effects of the proposal to further subdivide the land.

This statement is made in the following format.

- > **Section 2** provides a description of the subject site and its locality.
- > **Section 3** outlines the proposed subdivision.
- > **Section 4** details the controls governing the subject site and how the proposed subdivision meets same.
- > **Section 5** identifies the effects (if any) of the proposed subdivision
- > **Section 6** provides a summary conclusion.

2. THE SITE & LOCALITY

2.1 Local Context



[Source: NSW Planning Portal Spatial Viewer]

The subject site [outlined in **yellow** above] is located on the north-western edge of Culcairn township.

2.2 The Site and existing subdivision approval



[Source: NSW SiX viewer]

The subject site [outlined in **yellow** above] is Lot A on DP385255911 and known as 24 Hamilton Street, Culcairn.. Served by road frontages on all four points of the compass, access and address is drawn from the southern side, namely Hamilton Street.

In the local planning instrument, the site is zoned RU5 Village, which has the intentional objectives of providing for a range of land uses, services and facilities that are associated with a rural village and to protect the amenity of residents..

The site is not identified as flood prone or bushfire prone land.

In December 2022, the consent authority approved the subdivision of eight (8) lots to be taken from the subject site, in the Torrens tenure system. This is to be over three (3) stages. The approved subdivision is shown below.



Approved subdivision endorsed plan, reference number 10.2022.205.1

On the endorsed plan, one can see an area marked *potential subdivision* and the remainder of the parcel is clearly balance land for a future purpose.

It is these two which this application now relates, that is the entire balance of the land for formation of earthworks, lots, road pathways and subdivision of land. This is to allow works to take place in an orderly and practical manner, with clear intention of the ultimate form of the overall site stated.

3. THE PROPOSAL

It is proposed to:- subdivide and conduct works on the subject site to create:-

1. Subdivide the subject site to create new lots along the frontage of Hamilton Street, completing the pattern set by the previous and existant subdivision, and;
2. Subdivide the balance of the land parcel, and;
3. Form and conduct earthworks on the site to give effect to lot boundaries and levels, provide services and form and create an internal roadway, and;
4. Stockpiling of clean fill material related to the entirety of works on the site, and;
5. Associated works for safe working conditions, to prevent unauthorised site access, prevent nuisance from noise, dust or discharge out of the site during the conduct of any and all works.

All the lots proposed to be created would be normal freehold, in what NSW is termed as using the Torrens Title system.

Services and utilities are located in the existing southern road reserve boundary of the subject site; these would be brought into the site along the internal roadway.

All lots proposed are capable of benefiting from suitable road, electricity and telecommunications connections without unreasonable effort, including the forming of an internal roadway.

Vegetation removal is not required to facilitate the development and as such is not proposed.

If approved, the forming of a road and further forming of appropriate lots levels in the subdivision would cause earthworks, which needs to allow for a necessary stockpiling of material to enable works to be conducted and completed without delays.

4. STATUTORY PLANNING FRAMEWORK

4.1 Objectives of the Environmental Planning and Assessment Act 1979 (as amended)

The objectives of the Environmental Planning and Assessment Act 1979 are as follows:

- (a) *To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

- (b) *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *To promote the orderly and economic use and development of land,*
- (d) *To promote the delivery and maintenance of affordable housing,*
- (e) *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *To promote good design and amenity of the built environment,*
- (h) *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed subdivision is considered to be consistent with these, with particular reference to objectives (b), (c), (e) and (j).

4.2 Section 1.7 of the Environmental Planning and Assessment Act 1979 (as amended)

Section 1.7 of the statute provides co-operation with the provisions of two other statutes, namely Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 .

Subsection 7.2(1) in Part 7 of the Biodiversity Conservation Act 2016 provides three triggers for development or activities to be considered as “likely to significantly affect threatened species”. Under subsection 7.7(2) of that statute, an application for planning approval needs required to be accompanied by a development assessment report (BDAR) if it meets one or more of conditions for “likely to significantly affect threatened species”.

This test is now run, in the table below:-

Test	Assessment
------	------------

(a)	it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	A search of the Bionet Atlas did not identify any threatened species or ecological communities or their habitats within the site.
(b)	the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the effects of the development on biodiversity values, or	The biodiversity offset scheme does not apply to the effects of the development on biodiversity values according to the NSW Department of Planning and Environment Biodiversity Values Map and Threshold Report as vegetation removal is not required.
(c)	it is carried out in a declared area of outstanding biodiversity value.	The site is not identified as a declared area of outstanding biodiversity value.

It is concluded that the proposed subdivision does not fail the test elements, and therefore no further assessment along that pathway is triggered.

4.3 Subordinate Legislation

The Environmental Planning and Assessment Act 1979 facilitates the preparation of subordinate legislation and policy, consisting of:

- Environmental Planning Instruments (including State Environmental Planning Policies (SEPP)), Local Environmental Plans, and deemed; and
- Development Control Plans.

In relation to the proposed development, the relevant subordinate legislation and policy includes:

Instrument	Applicability
Greater Hume Local Environmental Plan 2012	The relevant local planning instrument, considered in detail below.
Greater Hume Development Control Plan 2014 (as amended)	Relevant local policy, discussed below, and in an appendix for directly-relevant desired outcomes and measures.
State Environmental Planning Policy (Resilience and Hazards) 2021.	Discussed below in the body of this document.
STATE ENVIRONMENTAL PLANNING POLICY (Biodiversity and Conservation) 2021	Searches have failed to identify existence of biodiversity triggers.
STATE ENVIRONMENTAL PLANNING POLICY (Exempt and Complying Development Codes) 2008	Not considered to be directly applicable to the proposal at-hand.

STATE ENVIRONMENTAL PLANNING POLICY (Housing) 2021	Not considered to be directly applicable to the proposal at-hand as this relates to subdivision of land only.
STATE ENVIRONMENTAL PLANNING POLICY (Industry and Employment) 2021	Not considered to be directly applicable to the proposal at-hand as this relates to subdivision of land only.
STATE ENVIRONMENTAL PLANNING POLICY (Planning Systems) 2021	Not considered to be directly applicable to the proposal at-hand as this relates to subdivision of land only.
STATE ENVIRONMENTAL PLANNING POLICY (Primary Production) 2021	Not considered to be directly applicable to the proposal at-hand as this relates to subdivision of land for more residential peripheral uses only.
STATE ENVIRONMENTAL PLANNING POLICY (Resources and Energy) 2021	Not considered to be directly applicable to the proposal at-hand as this relates to subdivision of land only.
STATE ENVIRONMENTAL PLANNING POLICY (Sustainable Buildings) 2022	Not considered to be directly applicable to the proposal at-hand as this relates to subdivision of land only.
STATE ENVIRONMENTAL PLANNING POLICY (Transport and Infrastructure) 2021	Not considered to be directly applicable to the proposal at-hand as this relates to subdivision of land only and the road network is established and in good order.

Where relevant, will be considered discussed below.

4.4 Planning Instrument

4.4.1 GREATER HUME LOCAL ENVIRONMENT PLAN 2012

The local planning instrument is the applicable local environmental plan applying to the land.

4.4.1.1 Land Use Zone

The site is located within land zoned RU5 Village of the local plan. The objectives of this zone designation are:-



Objective	Comments
To provide for a range of land uses, services and facilities that are associated with a rural village	Achieved – the proposed subdivision is to create lots with sizes drawn in response to the surrounding and indeed recently-approved context. A result is new lots capable of appropriate development in the future without detrimental effects on the overall setting. An internal roadway and services are to be set out in accordance with the local consent authority specifications.
To protect the amenity of residents.	Achieved - the proposed lot dimensions are drawn from the context of the surrounds. This is proper and orderly in consideration of the controls applied to the subject site and the neighbouring sites also. No future development potential is hindered.

4.4.1.2 Clause 2.6 Subdivision

Clause 2.6 of the local planning instrument states that development consent is required to subdivide land. This application seeks consent for the subdivision proposal in accordance with this clause.

4.4.1.3 Clause 4.1 Minimum subdivision lot size

The lowest lot size allowed to be created is 600m²

4.4.1.4 Clause 6.1 Earthworks

The proposal for subdivision and formation of an internal roadway must, by the nature of the work, include earthworks, cutting and filling or material to achieve design levels, and also therefore a stockpiling of material either surplus from on-site cutting or clean fill brought in to the site. This extent is illustrated on the proposal plans.

The earthworks are unlikely to disrupt or have any detrimental effect on existing drainage patterns and soil stability in the locality, nor will they detrimentally affect the likely future use or redevelopment of the land. Indeed without the works, the proposed lots would not be suitable for the ultimate purpose of development and use.

All appropriate measures will be taken to avoid and minimise any potential adverse effects of the development. The earthworks will not affect existing and likely amenity of adjoining properties as works will only be carried out during approved construction hours and be managed by appropriate and industry best-practice for prevention of nuisance and disruption.



While material excavated/cut on the site is not anticipated to be of poor quality, it is prudent to provide for use of material sourced externally, with the appropriate clean fill certification and management. Similarly, if bad quality material or any contaminant is identified during the conduct of works, such will be contained and removed from the site to an appropriately licensed waste facility as required by applicable legislation, standards and policies.

Appropriate soil and erosion control measures will be put in place prior to works being undertaken on the site and will be inspected and maintained during works to ensure potential effects of the development are minimised.

4.4.1.5 Clause 6.10 Essential services

Utility connections are available, with no identified unreasonable obstructions to service connection and use.

4.4.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

4.4.2.1 Chapter 4 Remediation of land

A search of the NSW EPA contaminated lands record database did not identify any contaminated land within a reasonable distance of the subject site.

4.4.3 GREATER HUME DEVELOPMENT CONTROL PLAN 2014

This is now considered below.

Chapter 6. Subdivision			
Part	Objectives	Standards	Achieved
6.1 Staging	To ensure the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.	1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development application. 2. Staging of subdivision should have regard to the existing and proposed provision of services and avoid staging development which would have negative impacts upon infrastructure provision and/or design.	The proposal at-hand sets out stages, and shows the entirety of the subject site, including that which stands alone with an existing planning approval and works acceptance.

Chapter 6. Subdivision			
Part	Objectives	Standards	Achieved
6.2 Movement network	<p>To allow easy movement through and between neighbourhoods for all people.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p>	<p>General</p> <ol style="list-style-type: none"> 1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards. 2. All development for subdivision must comply with the Council's standards for road design. 3. For lots fronting a main road, access shall be from a secondary road where the opportunity exists. 4. All lots are to be provided with access to a public road. Easements for access will only be considered in extraordinary circumstances. 5. Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense. <p>Industrial</p> <ol style="list-style-type: none"> 6. Streets and intersections are to be designed to accommodate the movement and manoeuvring of B-double vehicles. 	<p>These aspects are met, at the design parameters and measures specified by the local roads authority.</p>
6.3 Lot design	<p>To provide lots with areas and dimensions suitable for the proposed use.</p> <p>To encourage lot design that will facilitate a high standard of subsequent development.</p>	<p>General</p> <ol style="list-style-type: none"> 1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards. 2. Multi-lot subdivisions should provide for a range of lot sizes. 3. Lots are to be provided with legal and practical public road access. 	<p>All dimensions and layout characteristics are drawn from:-</p> <p>the surrounding context, and;</p> <p>the existing and valid approved subdivision which has set the most recent contact, and;</p>

Chapter 6. Subdivision			
Part	Objectives	Standards	Achieved
		<p>4. Lots are to be designed to accommodate the type of development envisaged.</p> <p>Irregular shaped lots or lots too small will be regarded by Council as incompatible with objectives for this standard.</p> <p>Residential</p> <p>5. For battleaxe allotments a minimum width of the access handle is to be 4.5m.</p> <p>6. Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling</p> <p>7. Lots are to be designed to maximise solar access.</p> <p>Industrial</p> <p>8. Preferred minimum lot size for vacant lot subdivision is 1500m². Smaller lots may be considered by Council if proposed for a specific development outcome.</p> <p>Rural</p> <p>9. The purpose of the subdivision shall be declared in the application.</p>	<p>this development control plan.</p>

Chapter 6. Subdivision			
Part	Objectives	Standards	Achieved
6.4 Infrastructure and services	<p>To provide public utilities to each lot where possible.</p> <p>To design and implement infrastructure that minimises Council's ongoing maintenance burden.</p> <p>To minimise increases in stormwater run-off.</p>	<p>General</p> <p>1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</p> <p>Higher density and Average density, Lower density and Rural living</p> <p>2. Where a reticulated external potable water supply is provided, all lots shall be connected.</p> <p>Higher density and Average density.</p> <p>3. Where a reticulated external sewerage system is provided, all lots shall be connected.</p>	<p>These are all able to be achieved without unreasonable challenges.</p>
6.5 Hazards	<p>To minimise the risk to life and property from bushfire.</p> <p>To minimise the risk to life and property from flooding.</p> <p>To minimise the risk to health and property from land containing harmful contaminants.</p>	<p>General</p> <p>1. On land mapped as bushfire prone, compliance with the NSW Rural Fire Service guide Planning for Bushfire Protection (2006).</p> <p>2. On land considered by Council to potentially being subjected to flooding, an investigation of the land as to the flood risk and consideration of the Floodplain Development Manual: the management of flood liable land (2005).</p> <p>3. On land that is, or has previously been used for a potentially contaminating activity, an investigation of the land in accordance with the requirements of State Environmental Planning Policy</p>	<p>Yes</p>

Chapter 6. Subdivision			
Part	Objectives	Standards	Achieved
		No.55 – Remediation of Land. An investigation should be in accordance with the process detailed in the State Government's Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land (1998).	
6.6 Site management	<p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>General</p> <p>1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</p> <p>2. Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils.</p>	Yes

5. EFFECTS ASSESSMENT

Pursuant to clause 24 of the Environmental Planning and Assessment Act Regulation 2021, this section outlines the environmental effects of the proposed subdivision, both positive and negative, and any measures selected to ameliorate to such effects.

The effects have been identified through an assessment of the proposed development against the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 and the *Application Requirements* (Department of Planning and Environment 2022).

This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act that relate to the suitability of the site for the development and the public interest.

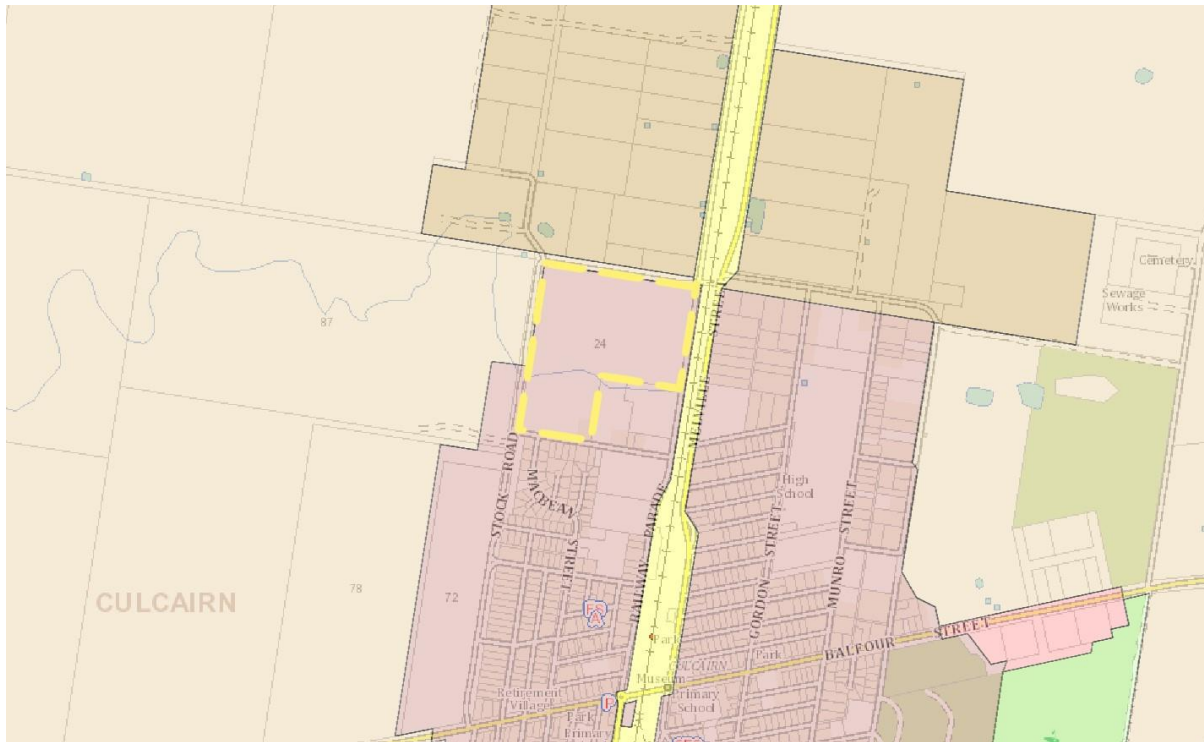
5.1 Context and Setting

Rural properties are located north and west of the subject site – notwithstanding, these are not presenting constraints to the proposal. The zone designation in the local planning instrument provides for the variety and vibrancy of uses and development which are needed in a town the size of Culcairn, consistent with the history, and existing context and setting.



[NSW SiX maps] site and wider context, with survey identifiers shown, for reference

Turning to how the subject site is shown in a town planning context, sequence and understanding, the local planning instrument has the wider area as shown below.



[NSW Planning Viewer – Greater Hume local environment plan controls]

As can be seen from the diagramme above, the site shares the same town planning zone designation as the majority of the township, and it is well-placed in terms of an orderly sequential growth of development potential, not separate nor isolated from, the township by distance nor natural features.

5.2 Heritage values

The site is not identified as containing or adjoining a heritage item nor values.

A search of the Aboriginal Heritage Information Management System (AHIMS) database was made, using a parameter of a buffer of 1km radially from the subject site. The search concluded that no previously recorded Aboriginal sites or places are located within the site or within the 1km buffer area. As a result, no further investigation has been deemed warranted.

5.3 Other Land Resources

The proposed subdivision is of freehold land, without encumbrances, and does not modify nor restrict any property nor easement rights or entitlements of any party other than the registered proprietor of the land.

5.4 Water

The site is generally well-drained in the existing situation. Part of this is changing due to the already and separately approved works and subdivision along the southern, Hamilton Street, frontage. The proposed works to form internal roads will change the grade and provide a man-man stormwater drainage system, to the specifications of the drainage authority.

5.5 Flora and Fauna

The subject site is not identified as having specific or outstanding biodiversity values, nor flora and fauna sensitivities.

5.6 Utilities

As described previously in this report, all necessary utilities and infrastructure are located proximate to the site, and subject agreement of a connection design with the servicing authorities, there are no unreasonable obstacles to connection and use.

5.7 Air Quality

Subdivision of land does not of itself change air quality nor odour. Further to this, there are no known odour or air quality affectors within the area which be reasonable to consider as constraints to the proposed subdivision.

Earthworks will, as they do in every single instance, cause disturbance. This is a natural and logical consequence of activity and is not exceptional at this location nor in this proposal. Control measure to prevent discharge from the site are to be employed.

5.8 Noise and Vibration

Existing noise levels at the site are consistent with the rural location and surrounding large lot residential area. Noise and vibration effects will be limited to normal installation of utility services, as happens on every other subdivisions of this type throughout the entire area governed by the same statute law. For the benefit of stating the obvious, the following measures are nominated:-

- Works will be restricted to approved construction hours only;
- Plant and equipment will be well maintained to ensure it is not making excessive noise;
- Reversing of vehicles that are fitted with reversing beepers will be minimised; and
- Machinery will be switched off when not in use.

Once the proposed lots are created there will be no additional noise or vibration effects above what would be expected within a rural location and large lot residential area.



5.9 Access, Traffic and Transport

The separately and already-approved subdivision of part of the site forms the beginning of what will be the internal roadway which is then further constructed and completed by the proposal hereby outlined, see diagramme below:-



[Existing approved part subdivision of the subject site: the FUTURE ROAD is the site access for works in the hereby described proposal for the balance of the subject site.]

5.9.1 LOCAL ROAD NETWORK

The existing local road for addressing and site access is Hamilton Street, running along the southern boundary of the overall subject site.

On the western side of the subject site runs Stock Road: this is a normal local road reserve, containing a generally all-weather gravel formed road surface, as well as a formed drain and some established, if scattered, trees. It is not proposed to draw any access from this road, nor to conduct any works to the road reserve area. It is considered that Stock Road forms local access for other properties, presents a buffer between the subject site and agricultural land on the western side and also that the trees in the road reserve form an important natural function and ought to be left to do so undisturbed.

5.10 Waste

Works will be required in relation to utility augmentation and provision to the development. Any waste generated by these works will be managed and disposed of in accordance with Council requirements, as well as with any other applicable policies, standards and legislation.

5.11 Hazards

The site is not identified as bushfire prone or flood prone land according to available public records.

The site, nor any sites within the vicinity, are identified as being contaminated or potentially contaminated land as identified in previous sections of this report.

5.12 Social Effects

As defined by the NSW Government Office on Social Policy, social effects are significant events experienced by people as changes in one or more of the following are experienced:

- > peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- > their culture (shared beliefs, customs and values); or
- > their community (its cohesion, stability, character, services and facilities).

Providing sequential development of land classified for the township's growth is what the proposal at hand seeks to do. This will, once completed, bring to the property market for potential development in a location identified for that purpose.

5.12.1 ECONOMIC EFFECTS

There is a short-term economic benefit expected as a result of this development due to expenditure and employment of local contractors for utility servicing activities.

Long-term economic effects are anticipated due to creation of new development-capable lots, and the natural consequences of that over time.

5.12.2 SUITABILITY OF THE SITE

The site is a suitable location for the proposed subdivision as it is of sufficient size and located within an appropriate zone for future development to be facilitated in an orderly sequential manner which is appropriate to the township and fitting with the strategy and desired future outcomes for the township as a whole.

5.12.3 PUBLIC INTEREST

The development is considered to be in the public interest as it will result in the creation of additional development potential, without stepping away to a location which has not been properly identified for orderly development.



1. CONCLUSION

It is considered that the proposal should be supported for the following reasons:

- > it is consistent with the objectives and relevant clauses of the local planning instrument, and exceeds the lot sizes specified therein;
- > The proposal is consistent with and achieves the relevant objectives and controls of the local development control plan;
- > creation of additional development-capable lots, with that development potential to be exploited in the future; and
- > The proposal would not result in any significant adverse effects on the site or to the wider neighbouring area.

