

<b>JRPP No:</b>	2011NTH003
<b>DA No:</b>	SUB2010/0031
<b>PROPOSED DEVELOPMENT:</b>	Staged subdivision - torrens title to create four lots plus community title from one proposed lot, Mill and River Roads Harwood
<b>APPLICANT:</b>	NSW Sugar Milling Co-op Ltd
<b>REPORT BY:</b>	Planning Services, Clarence Valley Council

### **Assessment Report and Recommendation**

#### **SECTION 79C EVALUATION FOR SUB2010/0031**

**Part Lot 93 DP 751373; Lot 201 DP 822877; Part Lot 1 DP 430611; Lot 4 DP 42381;  
Lot 196 DP 751373; Lot 92 DP 665552; Lot 92 DP 653357; Lot 188 DP 751373 -  
Harwood Sugar Mill Harwood Mill Road HARWOOD NSW 2465 -**

The proposal is for subdivision of land at the Harwood Sugar Mill. The total area of land which is the subject of this application is 43ha (approx), and the land is zoned as 1 (a) Agricultural Protection and 2 (a) Low Density Residential. Details of the proposal are:

- Initially - Boundary adjustment/consolidation to create 4 Torrens title lots from Part Lot 93 DP 751373; Lot 201 DP 822877; Part Lot 1 DP 430611; Lot 4 DP 42381; Lot 196 DP 751373; Lot 92 DP 665552; Lot 92 DP 653357; Lot 188 DP 751373. The lots were numbered 1 – 16.

This proposal was later amended to create three (3) Torrens titles lots (proposed lots 13, 14 and 15)

- Creation of 12 community title lots from proposed new lot 15 (after amendment; lot 16 became lot 15)

The development is to be staged over four (4) stages, these being:

- Stage 1: consolidation of all lots and resubdivision into three (3) lots, these being:
  - lot 13 (16.4ha - containing the Mill and associated infrastructure);
  - lot 15 to the east of Mill Road containing houses, with associated rights of way;
  - lot 14 being land to the west of Mill Road and north of proposed lot 13, containing 24ha approx;
- Stage 2: community title subdivision of proposed lot 15 to create community title lots 9 and 10, and balance lot 16 with associated rights of way;

3. Stage 3: community title subdivision of proposed lot 16 to create lots 11, 12 and balance lot 17, with associated rights of way; and
4. Stage 4: community title subdivision of proposed lot 17 to create lots 1 - 8, with associated rights of way.

Note: new lots 16 and 17 will be created as balance parcels at the end of stages 2 and 3 to facilitate staging subsequent community title lots.

The result will be Torrens title lots 13 (containing the Mill), lot 14 (containing agricultural land) and lot 15 (to be resubdivided); 12 community title lots from lot 15 (all except lot 1 will contain a dwelling; lot 1 is community land provided for access).

The purpose of the staging will allow the provision of services and upgrading of each on-site effluent disposal system prior to release of the subdivision certificate for each stage. No new dwellings are proposed as part of the application.

**(1) Matters for consideration—general**

**In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:**

- (a) the provisions of:**
  - (i) any environmental planning instrument,**

SEPP 1 – Development Standards

The development application was accompanied by a SEPP1 submission; seeking variation of clause 32(2) of the Maclean LEP which requires a 40 ha minimum lot area in the 1(a) zone. The submission was forwarded to the Department of Planning (DOP) for concurrence consideration under the SEPP.

Reasons given for the submission/objection were generally that the 1(a) land is already below the 40ha minimum area, and there will be no reduction in the area used for agricultural production. Further, it was stated that the current settlement and land use patterns will not change by virtue of the subdivision.

The application that was forwarded was the original proposal which included lots 13 (16.3ha), lot 14 (8.4ha) and lot 15 (15.6ha). The Department of Planning, by letter dated 10 June 2010, raised some concerns with that proposal and the standard to be varied.

Consolidation of proposed lots 14 and 15 was suggested as an option for the applicant to consider. Also, the Department considered that there was no standard to vary in respect to the residential lots as these were not caught by clause 32 (2) as they were not for the purpose of commercial farming or aquaculture.

By letter dated 8 July 2010 the applicant amended the proposal to retain lot 13 (containing the Mill) and combine lots 14 and 15 into one lot ... proposed lot 14 (now 24ha).

By letter dated 5 August 2010, DOP granted concurrence to vary the subdivision development standard contained in clause 32(2)(c) of the Maclean LEP to allow creation of lot 14 with an area of 24ha.

#### SEPP 71 – Coastal Protection.

The land adjoins the Clarence River, and as such is within the Coastal Zone, and subject to the provisions of SEPP 71.

Matters set out in clause 2 of the Policy were considered. Given that existing uses will continue on the site, and that access to the development will not alter or obstruct access to the foreshore, the requirements of the clause will not be compromised.

Clause 18 of the SEPP provides the need for a Master Plan in certain circumstances where subdivision of residential land is proposed. The applicant has advised that discussion with DOP resulted in verbal advice that based on the nature of this proposal, a SEPP71 Master Plan will not be required. This is a reasonable position.

In summary, the development proposed is accepted as complying with SEPP1 provisions.

#### SEPP (Major Developments) 2005

Part 3 of the above SEPP deals with Regional Development. In particular, clause 13C (c) states:

#### ***‘13C Coastal development to which Part applies***

*This Part applies to development within the coastal zone for any of the following purposes:*

*...*

*(c) subdivision of land into more than 5 lots but not more than 100 lots, if more than 5 of the lots will not be connected to an approved sewage treatment work or system,...*

As the subdivision will result in more than 5 lots subdivided and not connected to an approved sewerage treatment system, the matter must follow the processes set out in the SEPP and in the EPA Act; requiring referral to the Joint Regional Planning Panel (JRPP). The requirement took effect from 1 July 2009.

The subject application was lodged with Council on 20 May 2010. While the need to submit the application to the JRPP was overlooked in the initial stages of the application process; it has now been submitted and approval to exercise delegation to approve the development has been sought under section 23(1B) of the Act.

It is considered that the application is 'straightforward' and warrants approval; and it is noted that there were no submissions lodged with Council.

### SEPP (Rural Lands) 2008

Part of the land is zones as 1(a) under the Maclean LEP, and as such is subject to the provisions of the Maclean LEP. The aims of the Policy are:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) to implement measures designed to reduce land use conflicts,*
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions*

The subdivision proposed does not offend any aims of the SEPP as no new land uses are proposed, and the proposal will facilitate the orderly and economic use of the site, while allowing existing agricultural uses on the site to continue.

Clause 8 of the SEPP states:

*The Rural Subdivision Principles are as follows:*

- (a) the minimisation of rural land fragmentation,*
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*

- (d) *the consideration of the natural and physical constraints and opportunities of land,*
- (e) *ensuring that planning for dwelling opportunities takes account of those constraints.*

**Note.** *Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to changes in minimum lot sizes under local environmental plans in accordance with the Rural Planning Principles and the Rural Subdivision Principles. Under section 55 of the Act, the Minister may also direct a council to prepare a local environmental plan.*

The proposed subdivision of the site will see amalgamation of the agricultural/rural lands; and there will be no fragmentation of such land. The residential component of the development, will deal only with the existing residential uses on the site. The proposal will not introduce any increased residential use on the site; and while the development is retained as a community title development (with the Mill represented in that Management Plan), conflict of land uses should be minimized and managed. A condition should be included to ensure the Mill retains control through the management structure.

#### North Coast Regional Environmental Plan (NCREP)

The subdivision proposed is not intended to change the use of the land, or introduce new or extended land uses to the site. It will provide the opportunity to offer already-built-on residential land for sale into private ownership, and should assist in the provision of purchasable affordable housing. The proposal does not compromise the goals or provisions of the NCREP.

#### Maclean LEP 2001

The majority of the land is zoned 1(a) Rural Agricultural Protection; with a small 'finger' of land (adjacent to the River in proposed lot 12) zoned 2(a) Low Density Residential. The segment of residentially-zoned land has little impact or bearing on this development, and as such, assessment will be carried out against the 1(a) provisions.

In the letter from DOP dated 10 June 2010, the Department proposed that the assessment of lot 13 (containing the Mill) and the 12 lot community title development be considered **by Council** under clauses 32 and 34 of the LEP. The Department found no standard to vary in respect to clause 32(2) in relation to these parcels and the landuses on such lots. It dealt only with the larger agricultural parcel (lot 14) when granting concurrence.

**The aims and objectives of the 1(a) land** are as follows:

##### **1 Aim of zone**

*The primary aims of this zone are to protect, reserve and encourage the use of land in this zone for agriculture and uses compatible with agriculture.*

## **2 Objectives of zone**

*The particular objectives of this zone are:*

- (a) to conserve the productive potential of prime crop or pasture land, and*
- (b) to provide for new forms of agricultural development, and changing patterns of existing agricultural development, and*
- (c) to ensure that commercial farming is not affected adversely by incompatible uses which impair its long term sustainability, and*
- (d) to avoid degradation and alienation of prime agricultural land, and*
- (e) to enable rural tourism, which does not adversely affect the productive potential of the land, and*
- (f) to exclude urban development on all prime crop or pasture land, and*
- (g) to restrict the subdivision of prime crop or pasture land, and*
- (h) to encourage conservation in farming practices, and*
- (i) to control the clearing of vegetation and encourage the retention of vegetation.*

The proposed subdivision will not compromise any of the objectives of the 1 (a) zone. The agricultural land will be held in one large parcel; all Mill infrastructure is to be contained in lot 13; and there will be no further residential use created as a result of the subdivision.

### **Clause 11 - Flood Liable Land**

The site is within the Clarence River floodplain. The subdivision does not create any new residential land; it contains the existing 11 residences in a 12 lot group title development) one lot is community land). However; by virtue of the subdivision, a new dwelling entitlement may be created on proposed lot 14 unless conditioned otherwise. While the lawful imposition of such a condition is questionable; the applicant has advised that there is no intent to place a residence on lot 14; and as such would be accepting of a condition restricting any future dwelling entitlement over the land.

As the residences to be contained in the community title lot already exist; there should be no further impediment to floodwaters (other than what exists at present); nor any change to flood characteristic on the land.

### **Clause 12 Development in the vicinity of waterways**

The dwellings to be contained within the community title subdivision are already in existence. The Mill and associated infrastructure is also in existence. This application does not propose any changes to current land use. Therefore, no further visual impact will be apparent from the foreshore; and nor should there be any increased risk of pollution for the River.

### **Clause 13 – Development within the coastal zone**

No additional structures or infrastructure (apart from formalized road access) are proposed as part of this development. Therefore no additional impact will result to affect coastal land or processes.

### **Clause 18 – Development on land identified on Acid Sulfate Soil Planning Maps**

The subject site is mapped as Class 3 on Council's ASS Risk Mapping. However, the subdivision proposal will not require additional excavation; cutting or filling of land. Therefore, any ASS is unlikely to be disturbed.

### **Clause 32 – Subdivision of land within rural zones**

This is considered to be the major clause for assessment of this development application. The provisions are set out below:

- (1) This clause applies to the subdivision of land within Zone No 1 (a), 1 (b) or 1 (i).*
- (2) In the case of land within Zone No 1 (a), 1 (b) or 1 (i) that the consent authority is satisfied will be used for the purpose of commercial farming or aquaculture, the minimum area of land capable of being used for those purposes within each allotment to be created by the subdivision is to be not less than:*
  - (a) 50 hectares, if the allotment is to be used for agriculture, and*
  - (b) 20 hectares, if the allotment is to be used for aquaculture, and*
  - (c) 40 hectares, if the allotment is to be used for sugarcane farming.*
- (3) Notwithstanding subclause (2), consent may be granted to the adjustment of the boundaries between two lots on land in Zone No 1 (a) or 1 (b) to create one small and one large lot provided:*
  - (a) no additional allotments are created, and*
  - (b) no additional dwelling entitlements are created, and*
  - (c) at the time of the subdivision under this subclause, a dwelling house exists on the land comprising the smaller allotment to be created, and*
  - (d) it can be demonstrated that the subdivision will result in an increase in the potential agricultural productivity or economic viability of the land overall, and*
  - (e) the land comprising the larger lot to be created by the subdivision is and will, after the subdivision, be required to be used for the purpose of commercial farming or aquaculture, and*
  - (f) one allotment created by the subdivision meets the requirements of subclause (2), and*

- (g) *one allotment created under the provisions of this subclause has an area of no more than 1.5 hectares, and*
  - (h) *a minimum buffer of 50 metres exists between the dwelling house on the smaller lot and any boundary with any property used for agriculture or aquaculture, and*
  - (i) *the subdivision is not of an allotment already created under this subclause.*
- (4) *In deciding whether to grant consent to a subdivision to which this clause applies, the consent authority shall take the following matters into consideration:*
- (a) *the area and quality of each proposed allotment and its potential agricultural productivity,*
  - (b) *the likely effects (both economic and otherwise) that the proposed subdivision will have on agricultural industries in the locality and the resources employed by or in connection with those industries,*
  - (c) *the likely effects (both economic and otherwise) that the proposed subdivision will have on the use and development of other land and resources in the locality,*
  - (d) *whether there are any reasonable alternatives to the proposed subdivision in the circumstances,*
  - (e) *the effect of the existence of, or the erection of, a dwelling,*
  - (f) *the cumulative effect of similar proposals if consent is granted for allotments that comply with subclause (2),*
  - (g) *the likelihood of each proposed allotment remaining available for efficient agricultural use,*
  - (h) *any relevant matter established by a development control plan that applies to the land,*
  - (i) *the availability of access and the provision of services to each proposed allotment.*

### **Assessment:**

Lot 14 - The DOP has given concurrence to create proposed lot 14 at 24ha. This is considered to be a sustainable outcome as all rural land used by the Mill for sugar cane farming will be consolidated into one lot.

Lot 13 – This lot will contain the Harwood Sugar Mill and associated infrastructure. It can be approved with a lesser area than 40ha using clause 34 of the LEP.

### **Community title lots**

The DOP has advised that there is no development standard to be varied in respect to lot size using clause 32 (2) (which they contend relates only to commercial farming or aquaculture). Therefore, assessment is a matter for Council to consider under clause 32 (4).

The table below shows the assessment:



Provision	Comment	Compliance
<i>the area and quality of each proposed allotment and its potential agricultural productivity</i>	the settlement pattern will not change, and the agricultural use of the land will not be compromised	Yes
<i>the likely effects (both economic and otherwise) that the proposed subdivision will have on agricultural industries in the locality and the resources employed by or in connection with those industries,</i>	the existing agricultural industry; the Harwood Sugar Mill; will be protected by retention of the facility and infrastructure in the one lot	Yes
<i>the likely effects (both economic and otherwise) that the proposed subdivision will have on the use and development of other land and resources in the locality</i>	the settlement pattern will not change, and the use of other land resources in the locality will not be compromised	Yes
<i>whether there are any reasonable alternatives to the proposed subdivision in the circumstances</i>	The alternative is to leave the land in the eight existing parcels, with the existing dwellings under ownership of the Mill. It has been advised that the Mill wishes to dispose of the dwellings to generate capital to continue operations.	Yes
<i>the effect of the existence of, or the erection of, a dwelling</i>	the community title subdivision will create appropriately sized lots around existing dwellings. No new dwellings are proposed	Yes
<i>the cumulative effect of similar proposals if consent is granted for allotments that comply with subclause (2</i>	there is no other similar situation for subdivision in the general vicinity, thus cumulative effect is non-existence, and precedent is unlikely	Yes
<i>the likelihood of each proposed allotment remaining available for efficient agricultural use</i>	a Community Title Management Plan will be submitted to Council, to reflect the common information provided with the application, and any relevant conditions of approval, prior to issue of any construction certificate or release of the subdivision certificate	Yes
<i>any relevant matter established by a development control plan that applies to the land</i>	See assessment below	Yes
<i>the availability of access and the provision of services to each proposed allotment</i>	suitable access is either available to each, or proposed (in which case, a condition will be recommended)	Yes

Given that the subdivision will consolidate all agricultural land into one lot; contain the Mill in another separate lot; and place each of the existing dwellings into a separate community title lot for sale on the real estate market; it is considered that consent can be granted to this subdivision application.

In summary, the proposed subdivision will not offend any provisions of clause 32 of the LEP; and as such approval will be recommended.

### **Clause 33 – subdivision of land with two or more zones**

A small portion of one existing lot has a residential zoning. Subclauses 33 (3) and 33 (4) have relevance to that land. They require that for subdivision approval to be granted, consideration must be given to clause 32, which has been done in the previous section. As the proposal can meet the provisions of clause 32 (4), approval of the subdivision will not compromise the objective of this clause.

### **Clause 34 – Subdivision in rural zones other than for the purpose of commercial farming, dwelling houses, duplexes, forestry or rural worker's dwellings.**

Under clause 34 Council may consent to subdivision within the rural zone if it is satisfied *'...that the allotment created by the subdivision will be used for the purpose for which it was lawfully used before the appointed day or allowed for by the consent.'*

The Sugar Mill and all associated infrastructure is to be contained within the new lot 13 which will be 16.4ha in area. Operation of the Mill will not be changed or compromised by the subdivision proposed.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)**

The draft CVC LEP 2010 has been on public exhibition, and reported back to Council. Council has endorsed the draft LEP and changes proposed, and the document is to be presented to Department of Planning in the near future.

This allotments are proposed to be zoned RU1 (Primary Production) and R2 (Low density residential) under the Draft plan. Subdivision of land in the RU1 zone has a minimum area provision of 40ha.

A new clause 4.2A is proposed for inclusion into the Draft LEP that would prevent a community title subdivision of land zoned RU1. As such, it is unlikely a

subdivision such as that currently proposed could not be approved under the draft LEP.

This element of non-compliance was discussed with Council's Manager of Strategic Planning, who agreed that approval of the current application would not compromise the future intent of the Draft LEP as no new development (or change in land use) was proposed. The application is only enable separate titles to be placed around existing land uses, and to separate the Mill infrastructure and rural land from the residential uses. There is no issue of precedence.

(iii) **any development control plan**

ISSUE	REQUIREMENT	Develop in Industrial Zones DCP	PROPOSED	COMPLIES
<b>Objectives - Site Assessment</b>	Site constraints Topography, drainage, vegetation, aspects, access, etc	D1	The current land use pattern will not be changed through the subdivision proposed	yes
<b>Provision of services</b>	All services	D9	All services are available. On-site waste management has been assessed and will be conditioned accordingly	Yes Conditions
<b>Development on Flood Liable Land</b>		D10	There is no new development proposed. Dwellings to be contained in the community title lots are already established.	Yes
<b>Contributions</b>	S64 S94	D18	Nil applicable	Yes

<b>Subdivision Standards</b>	min size;	H3	DOP has granted concurrence approval for proposed lot 14. All lots in the community title development have been assessed to meet on-site effluent disposal requirements, and will meet residential lot minimums.	Yes  Conditions
	layout and road design	H4	Layout is existing, and upgrades of access will be conditioned	Yes Conditions
	Site access	H5	See below	Yes Conditions
	Services	H6	Connected to available services	Yes Conditions
	Buffers to avoid conflicts	H7	The dwellings are in existence; however, they are currently in ownership of the Mill.	Yes Conditions

### Lot areas:

When the new proposal plan was submitted to Council for effluent disposal (1 October 2010) and for staging of the development, the community lot areas differed slightly from the original Statement of Environmental Effects.

These differences/proposed lot areas are given in the following table:

<b>Lot number</b>	<b>Original area</b>	<b>Amended area</b>
1	2400m <sup>2</sup> (community access road)	2350m <sup>2</sup>
2	2000m <sup>2</sup>	1655m <sup>2</sup>
3	1700m <sup>2</sup>	2035m <sup>2</sup>
4	2400m <sup>2</sup>	2448m <sup>2</sup>
5	900m <sup>2</sup>	1070m <sup>2</sup>
6	600m <sup>2</sup>	795m <sup>2</sup>
7	600m <sup>2</sup>	775m <sup>2</sup>
8	600m <sup>2</sup>	955m <sup>2</sup>

9	2100m <sup>2</sup>	1745m <sup>2</sup>
10	2150m <sup>2</sup>	2060m <sup>2</sup>
11	4000m <sup>2</sup>	3300m <sup>2</sup>
12	9000m <sup>2</sup>	8300m <sup>2</sup>
13	16.3ha	16.4ha
14	8.4ha	24ha
15	15.6ha	Deleted – combined with 14 above

As mentioned above, original lots 14 and 15 were combined into one parcel; ie, lot 14 - to give an area of 24ha. Concurrence from DOP has been provided to allow approval of this 24ha area; and all lot areas of the community lots comply with minimum sizes for residential lots (albeit that the lots will remain zoned 1 (a))

A community title management plan will be provided to Council prior to the release of the subdivision plan.

#### **Lot access:**

Proposed lots 2 – 8 will be accessed via the community title road (proofed lot 1), with connection to Mill Lane via a right of carriageway (ROW) across the existing access road (which will be retained in lot 13). Proposed lots 9 – 12 will be accessed of the same ROW extending east of Mill Road.

#### **Consultation**

The following sections of Council, and the State were consulted.

<b>Consultation</b>	<b>Comments/conditions</b>
Department of Planning	Concurrence given
JRPP Secretariat	Delegation sought
Strategic section	Comments made
Engineering	Conditions recommended
Environmental health	Conditions recommended
Building	Conditions recommended

- (iia) **any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

Nil

- (iv) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates**

Nil

**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The subdivision will separate different land uses, but will not introduce (or provide for the introduction of) new uses. The agricultural environment will not be negatively affected by the proposal; and it is noted that all rural land will be consolidated into the one parcel.

From an economic perspective, the Mill will likely gain from the subdivision as the community title lots (each containing one dwelling) can be sold. It is important, however, that the Mill retain some control within the community title development to ensure that separation of the residences from the Mill do not create potential for future conflict due to operation of the Mill.

Experience has shown that residential uses adjacent to intensive rural industrial activity can create conflict; and while these residences are currently in Mill ownership, occupants have been Mill employees who have an interest in ongoing operation of that industry. The same may not be the case if the dwellings are sold to occupants with no interest in the Mill, and come to see it as a source of noise or unwelcome activity. This matter must be addressed in the Community Title Management Plan.

**(c) the suitability of the site for the development**

The site contains agricultural land (currently used for sugarcane production); infrastructure and buildings for the Harwood Sugar Mill; and 11 dwelling houses within the south western portion of the site. These dwellings are currently used as accommodation residences for employees of the Mill, and their families.

The site is in the village of Harwood on the eastern side of the Pacific Highway. The Clarence River borders the land to the south; Watts Lane borders to the north; and sugarcane land to the east of the Mill.

There is no change in land use proposed. As the land has sustained the current uses over a lengthy period of time, it is considered an acceptable use of the land.

**(d) any submissions made in accordance with this Act or the regulations**

The development application was notified and publically advertised. No submissions were received.

**(e) the public interest.**

There is no identified impact on the public interest.

## **SUSTAINABILITY ASSESSMENT**

### **Summary Statement**

The subdivision of land proposed will consolidate sustainable use of the land. Appropriate conditions will be recommended to ensure that the development is sustainably serviced by access and waste disposal.

### **Key Issues and Opportunities**

#### **Ecological:**

There is no clearing of vegetation required, or change to the status quo. The development is ecologically sustainable.

#### **Economic:**

The applicant has advised that the subdivision will provide for a more economically sustainable operation of the Sugar Mill.

#### **Social and Cultural:**

The creation of a community titled subdivision will allow housing stock to be placed on the market, which should lead to increased affordable housing opportunity.

#### **Human Habitat & Infrastructure:**

The dwellings are existing, and the creation of a community titled subdivision will allow housing stock to be placed on the market, which should lead to increased affordable housing opportunity. All available infrastructure will be provided. An upgrade of on-site waste disposal units will be recommended as a condition of subdivision to ensure that the environment is sustainably protected from contamination.

#### **Governance:**

The development application is regional development; subject to the provisions of the SEPP (Major Developments). Council has no jurisdiction to decide it, without delegation being given by the JRPP. Such delegation has been sought.

The development application has been assessed against all environment and Council planning instruments and has been found to comply. As such, approval with conditions is recommended. Such conditions will address standard engineering requirements; access to all new lots; provision of services; building standards; on-site effluent disposal; and planning matters related to creation of the community title development.

**Guiding Sustainability Principles:**

The subdivision proposed accords with the projected outcomes embodied in Council's Sustainability Initiative, particularly by protecting agricultural land and industry; and by providing additional opportunity for purchase of affordable housing within the Valley.

**Officer: Cheryl Sisson; A/Planning Services Coordinator**

**Date: 6<sup>th</sup> January 2011**