

13. SUMMER HILL CREEK/SPRING GLEN & STRATEGY AREA SA4

13.1. Location

The Summer Hill Creek Zone R5 Large Lot Residential (LLR) area is located to the north-east of the City of Orange: ~9-10km to the Northern Distributor Road & ~2-3km north of the Orange/Cabonne LGA boundary & Clifton Grove Estate. Its primary access from is from Ophir Road. The original LLR area is accessed from Spring Glen Road, Broken Shaft Close & Rowlands Close. It includes 2008 Subregional Strategy Area SA4 that is located between Ophir Rd & Summer Hill Creek extending north to nearly the Mullion Range State Conservation Area.

13.2. Existing Zone R5 Large Lot Residential

13.2.1. Key Facts

2020	Zone R5 Large Lot Residential (LLR) Area
Area	~633ha = ~537ha (Spring Glen Rd) + ~96ha (SA4 - Summer Hill Ck)
Lots	53 (40 Original R5 area/13 SA4 approved)
Av. Lot Size	~12ha (Current MLS 10ha)
Dwellings	Lots with dwellings = 41 (~77%) 12 vacant lots SA4 North sold in 2020 (100%)
2016 Pop.	Census boundary not aligned to Zone R5 area
Est. 2019 Pop.	~120 = 41 dwellings * 2.94 occupancy
Growth Rate	Historic dwelling rate (40 dwellings 1988-2012) ~1-2 dwelling/year. North SA4 ~12 lots sold in 2020
Dev. Potential	South SA4 area is significantly fragmented with several landowners/dwellings & limited further subdivision potential due to env. constraints
Supply/Demand	No existing supply of Zone R5 land to meet future growth & limited supply in the remaining SA4 area.

13.2.2. Historical Area & Lot Size

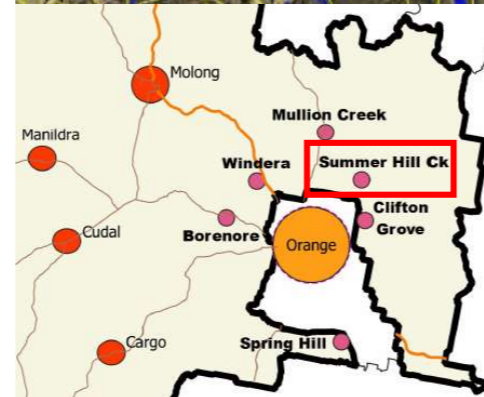
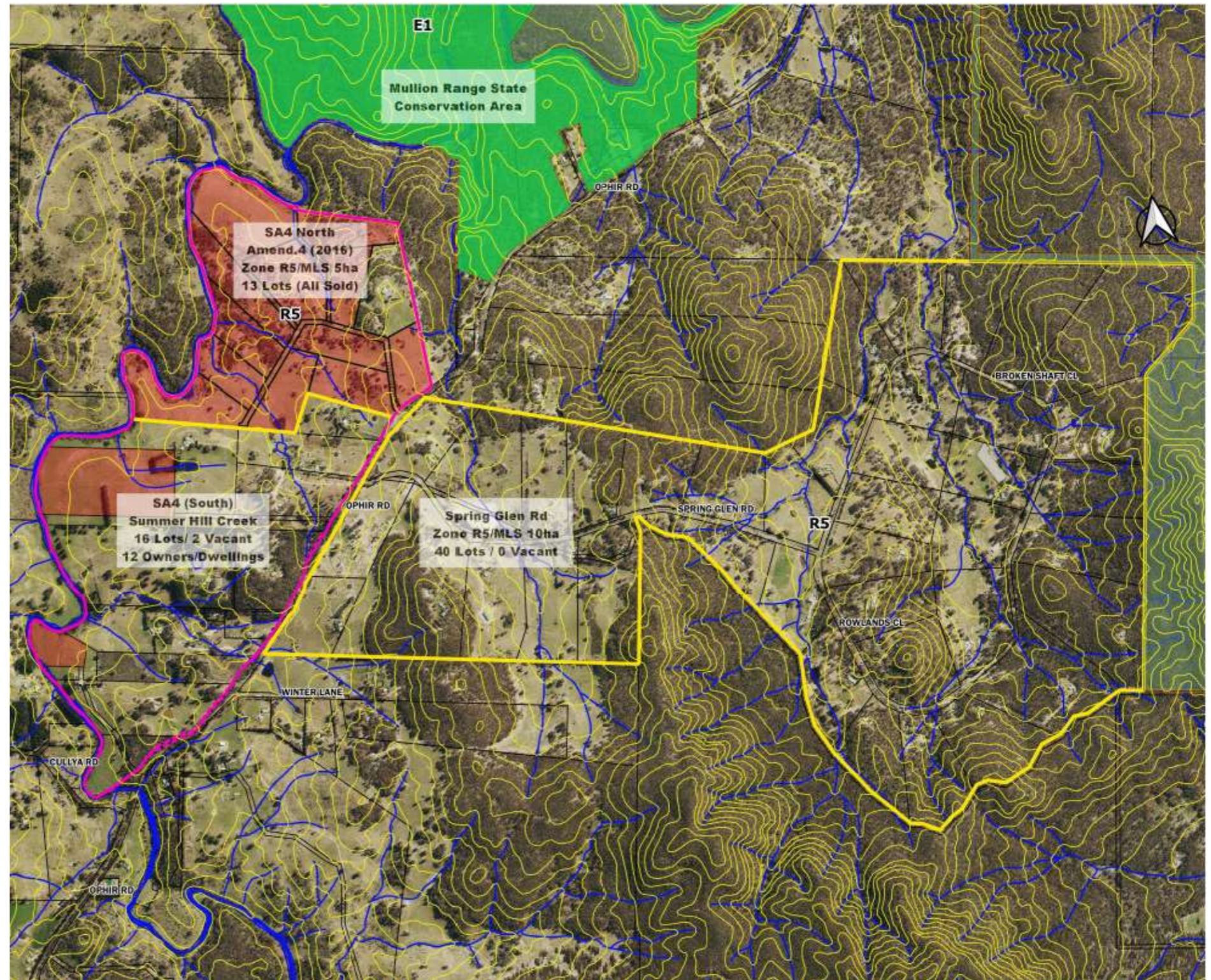
The Spring Glen Road (Original R5) area appears to have been first created as a large lot residential area around 1986 & was then included in CLEP1991 as Zone 1(c) Rural Small Holdings.

Subdivision of the area progressed from 1988 to 1992 as follows:

- Lots 1-11 (11 lots closest to Ophir Rd) registered in 1988;
- Lots 12-24 (13 lots) registered in 1990;
- Lots 26-31 (6 lots) registered in 1992;
- Lots 32-41 (10 lots) registered in 1995.

Therefore, there was a total 40 lots created over ~537ha (an average lot size of ~13ha/lot) ranging from 9.8ha (west) to 28.7ha (east). This was consistent with DCP No.1 – Spring Glen Rural Small Holdings that permitted a maximum of forty (40) lots/ lot size of 10ha (Clause 2.1). There has been no further subdivision since 1995 & the area has a Minimum Lot Size (MLS) for subdivision of 10ha in CLEP2012.

Figure 1: Existing Zone R5 Large Lot Residential area with vacant/constrained land & Subregional Strategy (2008) Strategy Area SA4.



LEGEND

- Contour 10m
- 2008 Strategy Area (SA)
- Vacant Land

Zoning (LZN)

- R5 Residential (Large Lot)
- SP2 Infrastructure
- E2 Env. (Conservation)
- RU3 Forestry

13.2.3. 2008 Subregional Strategy Area SA4

The 2008 Subregional Strategy identified Strategy Area SA4 Summer Hill Creek as a potential growth area for large lot residential uses to the west of Ophir Rd (~256ha) as an extension of the Original R5 area.

In 2016, Amendment No.4 to CLEP2012 rezoned the northern lot (Lot 2 DP794456 ~96ha) of SA4 to Zone R5 Large Lot Residential with an MLS of 5ha. There is an approved subdivision of 13 lots (including 1 existing dwelling lot) ranging from 5.2-14.5ha in area. All 12 vacant lots have recently sold in a short period suggesting significant demand.

13.2.4. Demand & Vacant Land Supply

In the Spring Glen Road area, by December 2012, all of the forty (40) lots had an existing dwelling (no vacant lots). Therefore, from 1988-2012 (24 years) 40 dwellings were constructed – an average of ~1.7 dwellings/year.

In the Cabonne Rural Lands Study (Jan 1997) it stated 30 of the lots had been sold in those first 10 years – a take-up rate of ~3 lots/year, though they were not fully developed until around 2010-2012.

There are only two (2) lots with an area >20ha (i.e., capable of subdivision to 10ha MLS) but both have a high bushfire risk so they are unlikely to be further subdivided.

As stated above, only the northern large lot of the SA4 area has been rezoned in 2016 & 13 lots have been approved & sold in a short time. As a result, there is effectively no vacant land available (or likely to be subdivided) for purchase within the existing Zone R5 area.

13.2.5. Existing Zone R5 - Opportunities & Constraints

See Figure.2 – Key Environmental Constraints map opposite.

The existing Zone R5 area has the following key opportunities:

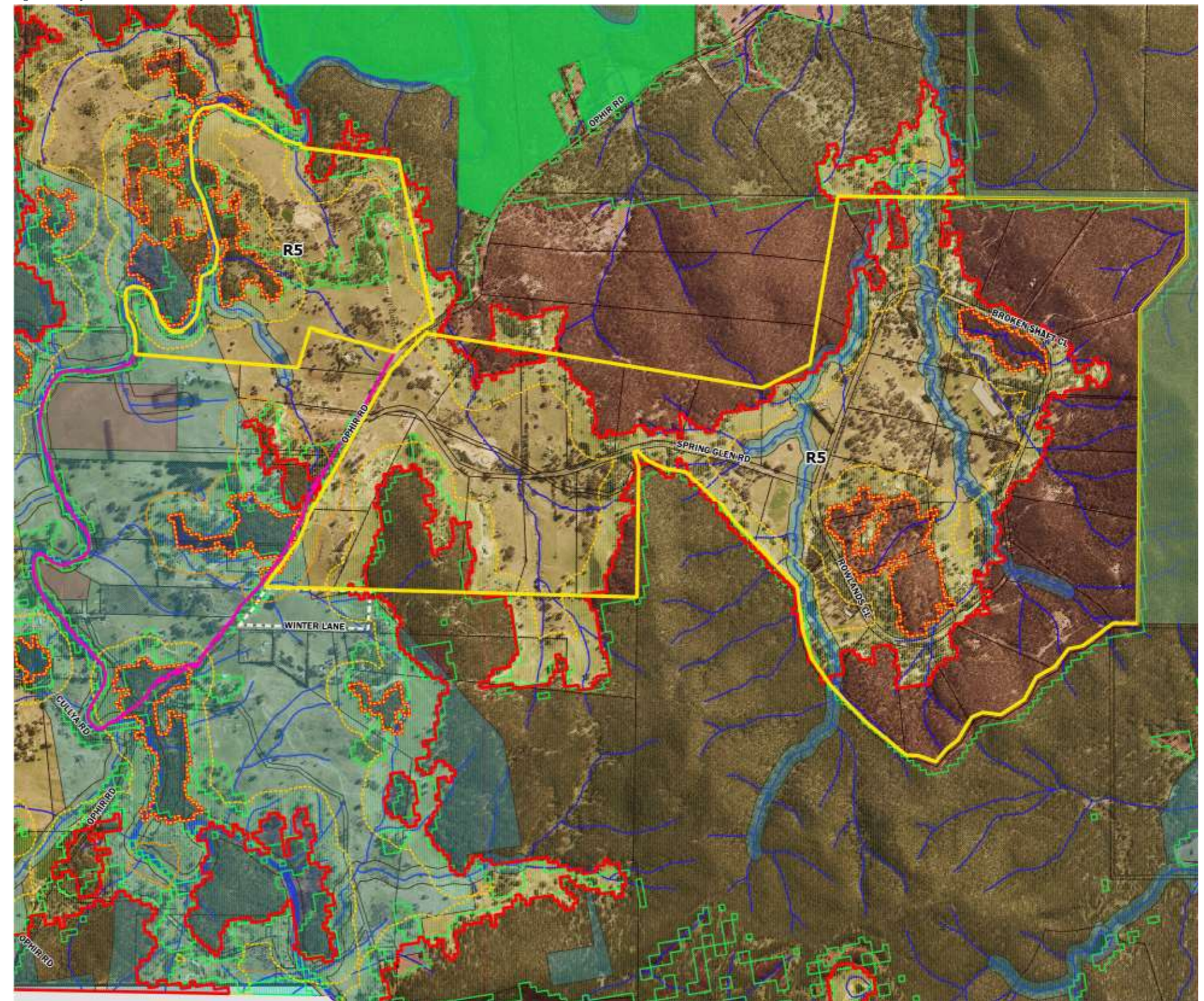
- Proximity to Orange (~8-10 km to Northern Distributor/~12km to CBD) including its services, employment & recreational opportunities;
- Proximity to Mullion Creek State Conservation Area (Zone E1);
- Larger bush lots are a niche market different from standard 2ha lots;
- Limited agricultural capability with lower quality soils & less potential for land use conflict;
- Lifestyle qualities of sloping lands with views.

The existing Zone R5 area has the following key constraints:

- Bushfire prone land covers most with limited emergency egress;
- Land slope increases development costs & erosion risk;
- Significant number of 1st, 2nd & 3rd order watercourses & dams extend through site resulting in some low-lying, drainage prone land & some identified sensitive water areas;
- Poorer soil qualities may limit on-site effluent management & increase soil erosion & waterway impacts.

The Spring Glen LLR area is effectively precluded from logical expansion of existing Zone R5 boundaries by vegetation & bushfire prone lands, except to the south towards Winter Lane. Whilst the SA4 area has less vegetation & bushfire prone lands, it is still a significant constraint to affordable development in this area.

Figure 2: Key environmental constraints.



LEGEND

Watercourse	Bushfire Prone Land (2003) Veg. Cat. 1	Zoning (LZN) R5 Residential (Large Lot)
Sensitive Water (NRW)	Veg. Cat. 2	SP2 Infrastructure
Biodiversity (NRB)	Buffer	E2 Env. (Conservation)
		RU3 Forestry
		Future Inv. Area (white dotted line)

13.2.6. Infrastructure & Environment

This settlement does not have connection to reticulated water or sewer. It is unlikely that this would be provided in the near future as the nearest connections are in Orange LGA. Orange Council provides reticulated water to the Clifton Grove area but is unlikely to extend them to service this area for the foreseeable future when they are not the relevant local government area/water provider. Therefore, the existing & proposed lots will need to rely on on-site effluent management & rainfall collection/bore water. There is no anecdotal evidence that on-site effluent systems are incompatible with the geology.

Further research is needed to see if bore water is accessible & sustainable as an alternative water source in the area though the sensitive groundwater area extends through SA4 south & SG1 suggesting bores should be limited if possible.

Low voltage electricity & telecommunications are present along most public roads. There is an Optus tower & NBN on the hill in Spring Glen that provides fixed wireless technology to service this area.

13.2.7. Open Space, Recreation & Community Uses

As a large lot residential locality, it does not have any central public recreation areas, though it is near the Mullion State Conservation Area & there are high-level recreation facilities nearby in Orange. Space for recreation is generally accommodated within the larger lot sizes as private open space & additional space is not expected to be a priority at this time.

13.2.8. Commercial & Industrial Uses

As a large lot residential locality, it has not traditionally facilitated growth of retail or commercial uses (except as home businesses & industries). The proximity of this settlement to Orange (8-10km) & North Orange shopping centre suggests that stand-alone retail is unlikely to be viable in this location & is unnecessary for people who have access to private vehicles. None is required for the foreseeable future.

13.3. Population & Dwellings

The Zone R5 LLR area does not have an accurate alignment with the ABS Census boundaries for determining population & dwelling counts. ABS Census District (Mesh Block 10149080000) covers the Spring Glen LLR area but also extends beyond this area to the east of Ophir Rd down to the Orange LGA boundary. ABS Census District (Mesh Block 10151100000) covers SA4 land west of Ophir Rd to the LGA boundary. Therefore, both mesh blocks are larger than the LLR areas. At this level only a population & dwelling estimate is made.

The Spring Glen Mesh Block had 141 people & 55 dwellings in 2011 & 153 people & 52 dwellings in 2016 (an average occupancy rate of 2.94 people/dwelling), resulting in little change in dwellings & an increase of 12 people. The actual count of 40 dwellings at this occupancy rate estimates ~117-120 people.

The Summer Hill Creek/SA4 Mesh Block had 54 people & 24 dwellings in 2011 & 62 people & 30 dwellings in 2016 (an average occupancy rate of 2 people/dwelling), an increase of 8 people & 6 dwellings. The actual count of 12 dwellings at this occupancy rate estimates ~24 people.

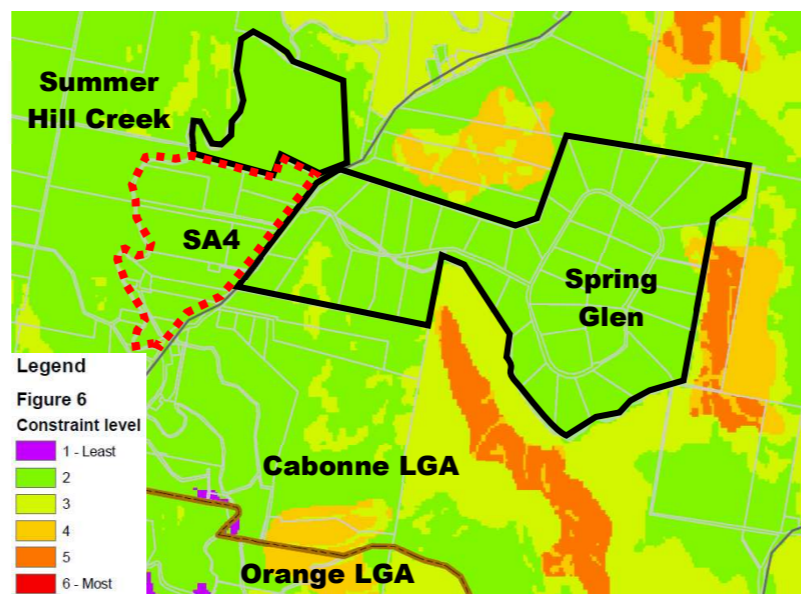
Therefore, these areas did not change significantly between 2011 & 2016 which is supported by the fact most of the development occurred from 1998 to 2010. Growth in the recently rezoned SA4 North area is expected to occur in the next few years.

13.4. Other Constraints

13.4.1. Opportunities & Constraints

The 2008 *Subregional Strategy* provided a weighted Soft Constraints Analysis & represented them as levels from 1 (least) to 6 (most) constrained (see Figure.3 below). Generally, the LLR land in the Spring Glen area is Level 2 (low-medium constrained) but more bushfire prone areas to the east are Level 3-4 (moderately constrained).

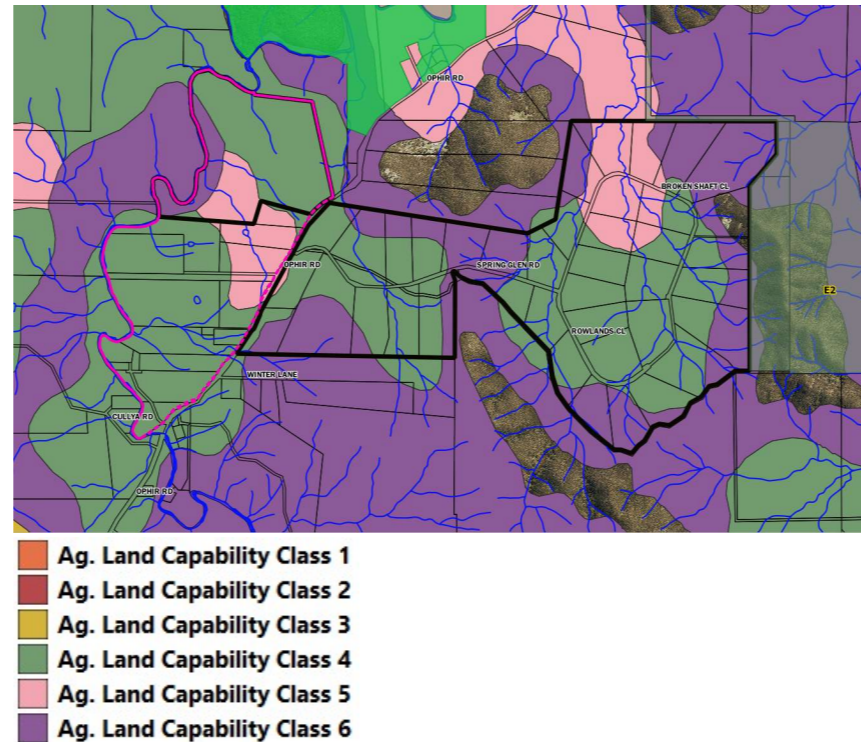
Figure 3: Soft Constraint Mapping (2008 Subregional Strategy – Figure.6 – Sheet 10).



13.4.2. Agricultural Land Capability Class

Figure.4 below shows that the existing Spring Glen Zone R5 area & proposed Strategy Area SA4, SG1 & SG2 are mostly in Class 4, 5 & 6 agricultural land capability areas & would be expected to have limited impact on agriculture. SG1 & SG2 are most Class 6 land with the lowest agricultural potential and least agricultural impact.

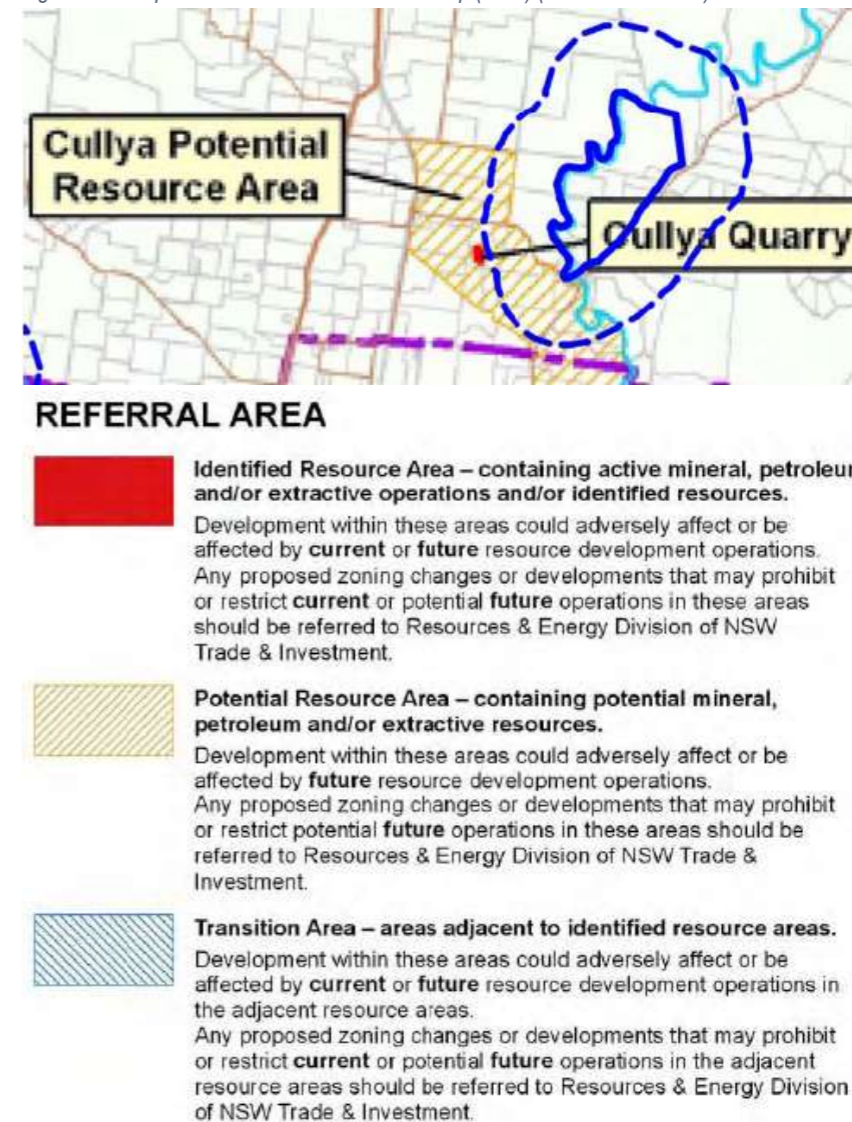
Figure 4: Map of Agricultural Land Capability Classes around Summer Hill Creek/ Spring Glen.



13.4.3. Mineral Resources

Figure.5 below shows the 2012 Mineral Resource Audit mapping near Spring Glen with the original SA4 area shown in blue. This shows that the southern areas of SA4 are adjacent to the Cullya Potential Resource Area & within a 1km buffer to Cullya Quarry & may have some constraints to growth. It is understood Cullya Quarry is operated by Orange City Council but it would appear that at this time it is not active. However, good planning practice seeks to minimise development in or near potential mineral resource areas. Strategy Areas SG1 & 2 are east of Summer Hill Creek but also potentially near the mineral potential area but there is a lower risk of impacts due to higher densities of dwellings east of the Creek.

Figure 5: Excerpt from Mineral Resource Audit Map (2012) (NSW Government).



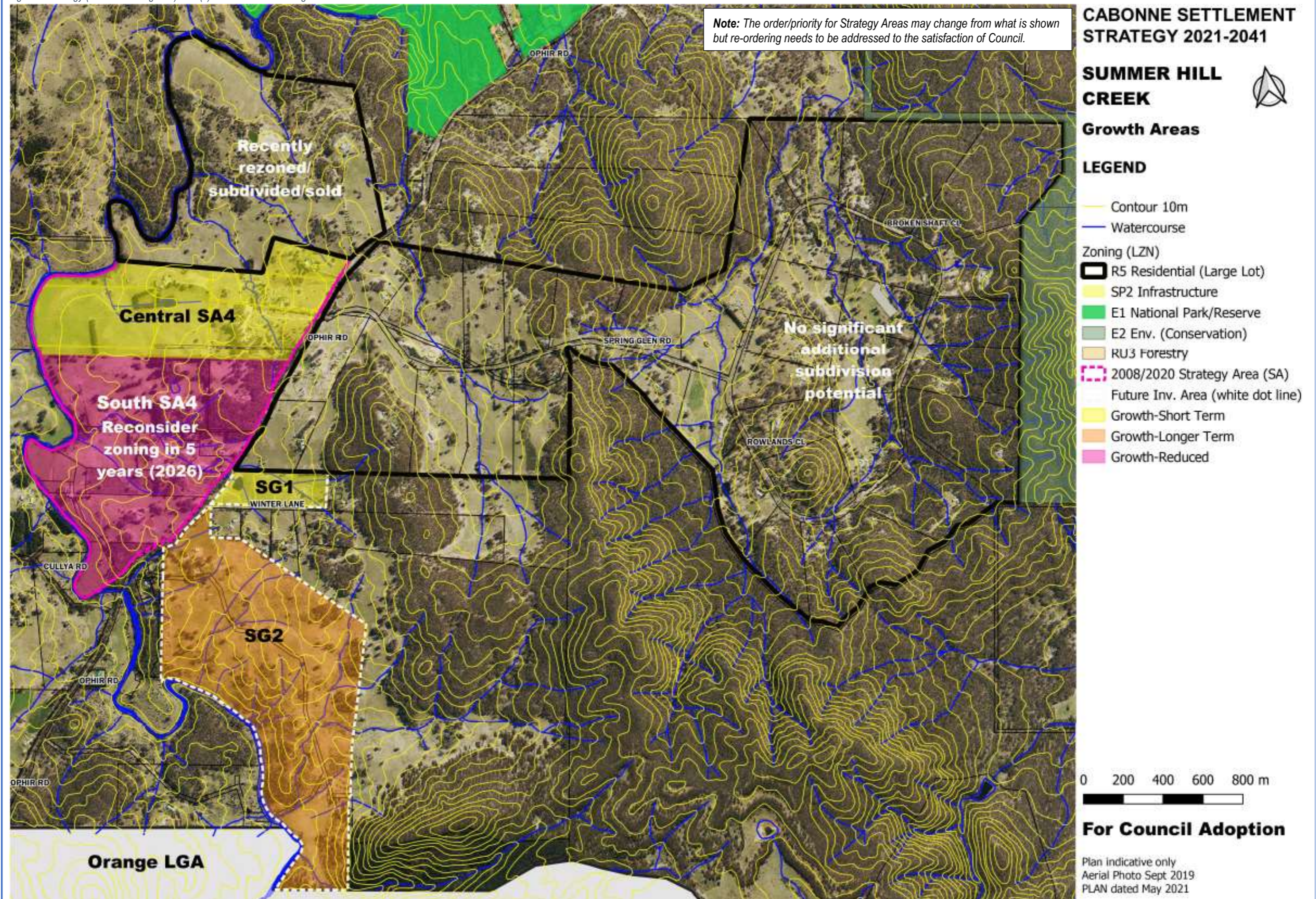
13.5. Nearby Orange Growth Areas

It is important to note that Orange LGA has large lot residential areas in & around Clifton Grove & out near the University that could also meet some of the demand. Clifton Grove is expected to be nearing capacity.

Orange City Council has recently rezoned the former abattoir site (Mr Bob Healy) with potential for around 400-450 lots down to 0.4ha in lot area. It is important to note these smaller (serviced) lots are a different market to the larger 5-10ha lots proposed in Summer Hill Creek / Spring Glen. Therefore, they are not a direct competitor & growth for larger lots in Cabonne LGA is likely to continue at a similar pace.

13.6. Strategy (Growth Investigation) Area(s)

Figure 6: Strategy (Growth Investigation) Area(s) within indicative timing.



13.6.1. Remainder of Strategy Area SA4

The remainder of Strategy Area SA4 (~160ha) remains in Zone RU1 Primary Production but is capable of rezoning. However, it has limited further subdivision potential/yield for the following reasons:

- a) There are significant site constraints including significant vegetation & biodiversity, bushfire potential, buffers to Summer Hill Creek, sloping/steep land that will constrain lot size/yield;
- b) Lot sizes range from <1ha to ~27.5ha (total area ~155-160ha / average holding size ~12.8ha) so at an average lot size of 5-10ha there is little yield potential;
- c) There are 12 owners to coordinate/ 12 dwellings to incorporate;
- d) There are only 2-3 vacant lots (only 1 larger lot) so owners need to develop around their existing dwellings which may affect their privacy/amenity;
- e) Many holdings have limited road frontage so an internal road would be needed to maximise yield. The cost of this road & co-ordinating 12 owners would make this difficult & less likely to proceed (especially without a masterplan). However, the larger northern lots may be able to connect relatively easily to the recently rezoned SA4 north area for some limited yield.

At an MLS of 5ha the estimate yield is 10-15 new lots so each land owner may average 1-2 new lots that would be less likely to cover the costs of development. It is more likely that the couple of larger land owners may avoid a new internal road & provide 4-5 new lots by battle-axe access or rights-of-way & the remainder are not further developed. Therefore, it is assumed the remainder of SA4 will only provide 2-3 years more LLR growth.

This Strategy suggests that if the southern portion of SA4 is not rezoned and subdivided for large lot residential uses in the next five (5) years (by 2026) then it may be considered by Council for return to the surrounding rural zone so the potential can be shifted to a less constrained site.

13.6.2. Strategy (Growth) Area SG1

Council has been approached by the land owner of No.51 Winter Lane (Lot 6 DP703806) to be considered for rezoning on the basis that the land is immediately adjacent to the Spring Glen Zone R5 area (to the north) & a number of concessional lots along Winter Lane (to the south).

This lot is ~40ha in area but the centre & eastern end of the lot are covered by significant vegetation & bushfire prone land. Therefore, the land for consideration is only the western 8-9 ha (Strategy Growth Area SG1 – see Figures.6 & 7) with the existing dwelling on the lot likely to be retained on the residue 31-32ha.

Figure 7: Strategy Area SG1 (yellow /red dotted line) as part of Lot 6 DP703806 (Aerial photo SIX Maps NSW Government).



SG1 is unique in that Winter Lane is a sealed local road running along the southern edge of this development area (servicing the concessional lots to the south) providing ease of access & subdivision & avoiding the need for a new access to Ophir Road.

The agricultural potential of this ~40ha lot is very low as up to a 1/3rd of the lot is heavily vegetated & it is surrounded by small residential lots. Therefore, it forms a logical extension of the existing Zone R5 area with limited additional land use conflict with agriculture.

The weighted soft constraints analysis in the 2008 Subregional Strategy (see Figure opposite) gives this western development area Constraint Level 2 that is consistent with most of Spring Glen Zone R5 & Strategy Area SA4 so it has similar merit, but will be much easier to develop.

The development area is mapped as Category 2 bushfire prone land though there is very limited vegetation (mostly around the perimeter) & it is cleared for grazing purposes with limited biodiversity potential.

There are a number of 1st & 2nd order watercourses running through SG1 resulting in poorly drained land to the north, though it is likely that dwelling envelopes close to Winter Lane could provide a suitable buffer.

13.6.3. Strategy (Growth) Area SG2

Council received a submission from the land owner of 'Woolaringa' at 926 Ophir Rd (Lot 44 DP836267 ~101.7ha) to be considered for rezoning to Large Lot Residential (LLR) from the current rural zone. The land is located to the south of the existing Spring Glen Large Lot Residential (LLR) area; south of Strategy Area SG1/Winter Lane (and the associated concessional lots south of that lane); and east of (and adjacent to) Summer Hill Creek (see Figure.8).

The submission states this is mostly cleared grazing land. It sits on Agricultural Land Capability Class 6 land with low potential and there is limited interface with agriculture other than grazing around the land.

Native vegetation is scattered across the area with some pockets of higher concentrations that are worthy of protection but also elevate the bushfire risk on this land. As a result, there is sensitive biodiversity mapped on the land. It is claimed by the applicant that this mapping needs review as the biodiversity values of this land are partly compromised.

Summer Hill Creek forms the western boundary of this land and is a higher order watercourse that flows into Lewis Ponds Creek then the Macquarie River. This watercourse requires some buffers for riparian vegetation and water quality. There are also a number of 1st and 2nd order watercourses across the land. The terrain is moderately undulating to hill with fall towards Summer Hill Creek. The extent of any flooding associated with watercourses needs further review but may be limited.

The land has a narrow frontage to Ophir Road with an existing driveway and gate that extends to the dwelling on the property. There is an unformed road corridor ~20.115m wide running through the property.

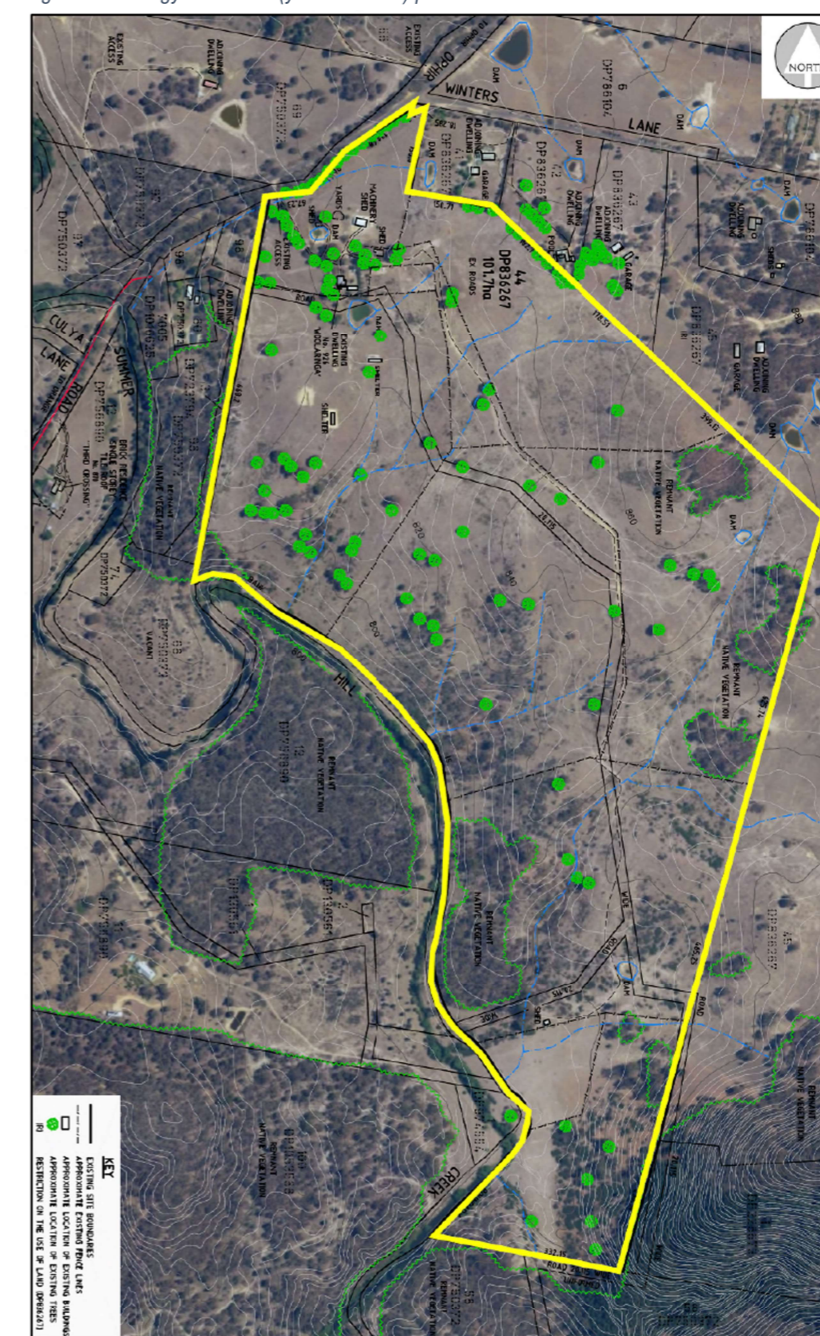
As a result, the 2008 Subregional Strategy found this land is mostly within Constraint Level 2, similar to Spring Glen and SA4. It interfaces with the concessional lots along Winter Lane to the north, and SA4 across Ophir Rd. Whilst it has a large perimeter to rural zoned

land, most of this land is heavily vegetated and unlikely to be used for more intensive forms of agriculture.

As noted in Section 13.6.1 above, it is less likely that the southern portion of the remaining Strategy Area SA4 will create any significant large lot residential yield and may only meet demand in the area for the short term.

Ideally, if the southern portion of SA4 were to be placed back in the rural zone (~80-100ha) then this could offset the introduction of Strategy Area SG2 into the Large Lot Residential Zone. Therefore, as stated above, if the southern portion of SA4 is not rezoned and subdivided for large lot residential uses in the next five (5) years (by 2026) then it could be downzoned and Strategy Area SG2 may be considered by Council for LLR zoning (see lot size below). Therefore, Strategy Area SG2 has potential for LLR growth in the medium to longer term.

Figure 8: Strategy Area SG2 (yellow outline) provided in submission from owner.



13.6.4. Preferred Lot Size

Spring Glen has an MLS of 10ha & Summer Hill Creek North (former SA4) has an MLS of 5ha. It is not proposed to change the lot size at this time, though the western area could be reduced to 5ha lot size.

For Strategy Area CG1 it is suggested that an MLS of 2ha is likely to balance yield with protecting the surrounding larger lot character & the watercourse & drainage constraints on the site. This would produce a yield of around 3-4 lots due to constraints.

For Strategy Area CG2 it is suggested that an average MLS of 5ha is likely to allow for some larger lots around the perimeter to buffer Summer Hill Creek and bushfire prone land whilst some smaller lots (no less than 2ha) on less constrained land.

13.6.5. Potential Yield/Supply/Demand

As stated above, Summer Hill Creek South (SA4 area) may produce 4-5 lots. Strategy (Growth) Area SG1 may produce ~4 lots. At an estimated demand of 2 lots/year this is approximately 7-10 years supply for this area only. Therefore, there is less than 20 years' supply estimated in the existing Strategy Area SA4 & SG1 areas.

If Strategy Area SG2 were added after five (5) years (2026) by the time this was rezoned and subdivided it may meet some of this shortfall. The Applicant has modelled several scenarios for a 2ha/5ha/10ha MLS. The 2ha pattern would produce around 35 additional lots whereas the 5ha MLS would produce around 18 additional lots. An average of 5ha would produce a similar amount and provide sufficient growth potential to possibly extend this to 20 years supply.

13.6.6. Preliminary Rezoning/Subdivision Principles

The following principles should guide any future rezoning/subdivision of Strategy Area SG1 & SG2 (Spring Glen):

- a) Confirm the biodiversity values of this land and impacts of development on native flora and fauna;
- b) Confirm the flood potential of this land (particularly SG2) and necessary riparian corridor widths and protections;
- c) Manage the bushfire risk in accordance with NSW Government bushfire policy providing an adequate asset protection zone (APZ) for all dwellings that minimises impacts on existing vegetation & provide multiple emergency egress points;
- d) Have a range of lot sizes that respond to the site constraints. Consider smaller lot sizes (possibly down to 2ha but with an average of 5ha for SG2) on less constrained land (with NSW Government support) where on-site effluent & bores conflicts can be managed to reduce land consumption & improve yield with larger lot sizes (on SG2) around the perimeter and to protect watercourses/native vegetation;
- e) Limit the number of lots that do not have a public road frontage (i.e., battle-axe lots) to less than 20% of all lots for improved connectivity & reduced conflicts between lots;
- f) Protect the visual & landscape amenity of the existing & proposed LLR areas & maintain the landscape features that make this area desirable including retaining significant vegetation;
- g) Provide suitable setbacks (30-50m) from higher traffic roads (e.g., Ophir Rd) to minimise noise & conflict with future dwellings. Confirm safe access for SG2 to Ophir Road access;
- h) Consider other matters raised in submission for Strategy Area SG2.

13.7. Recommendations

13.7.1. Summary of Recommendations

In summary, this Strategy finds that the existing Spring Glen Road Zone R5 area is fully developed (with limited additional subdivision potential with a reduced MLS) & the recently rezoned SA4 north area has already been sold.

There is limited additional yield to be gained from the southern portion of the remaining Strategy Area SA4 south. This Strategy suggests this land should be considered for down-zoning in five (5) years if not developed or it reaches capacity.

Strategy (Growth) Area SG1 (~8-9ha) is a small area but is a logical extension to the south of the Spring Glen area with minimal impacts on agriculture. At an indicative MLS of 2ha is could achieve 3-4 additional lots (though a slightly lower MLS could be tested by the Applicant).

Strategy (Growth) Area SG2 (~101ha) is a larger area that could meet growth demand in the medium to longer term, particularly if SA4 south does not proceed or is down-zoned after five (5) years.

13.7.2. Minimum Lot Size Review

We suggest that due to the density of vegetation & bushfire risk in the eastern section of Spring Glen Rd that the existing Minimum Lot Size (MLS) for subdivision of 10ha is not recommended for change.

The western section of Spring Glen could reduce the MLS to 5ha but this would produce a maximum of 10-12 lots (assuming that all land was capable of subdivision). In reality, only 4-5 additional lots are likely to be achieved due to site constraints.

It is likely that people have purchased lots in this area for the larger lots & it provides a distinct market from the small lots in Orange LGA & 0.4-2ha lots across most of Cabonne. For the above reasons, we suggest there is unlikely to be any significant additional subdivision potential in the existing Spring Glen (Original) R5 area.

The recently rezoned Summer Hill Creek SA4 north area has an MLS of 5ha & very limited additional subdivision potential based on the current subdivision pattern. A reduction below 5ha is not suggested for this area.

The MLS for Strategy Areas SG1 & SG2 are addressed in *Section 13.6.4* above.

13.7.3. Planning Controls

DCP No.1 – Spring Glen Rural Small Holdings is significantly out-of-date & irrelevant to the assessment process.

A new comprehensive DCP covering large lot residential development should be prepared. In addition, for any Strategy (Growth) Area, there should ideally be DCP site-specific controls, potentially including a structure plan guiding access & connections & responses to site constraints to deliver the best outcomes. If SA4 South is retained this will need to co-ordinate a number of outcomes, especially any internal road network to maximise yield/efficiency whilst minimising environmental impact.

13.7.4. Additional Studies

It is important to note that this Strategy is NOT a comprehensive investigation of the suitability of any Strategy (Growth) Areas for future development. The land owners or Applicants will need to prepare a Planning (Rezoning) Proposal, potentially supported by a number of environmental & other studies to justify any rezoning and/or development.

