

ITEM 18 - PLANNING PROPOSAL - 11 STRATHNOOK LANE, CLIFTON GROVE**REPORT IN BRIEF**

Reason For Report	To obtain council approval to submit the Planning Proposal for Gateway determination
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\LAND USE AND PLANNING\\PLANNING\\AMENDMENT 22 TO LEP 2012 - LOT 551 AND 553 DP 1176133, 11 STRATHNOOK LANE CLIFTON GROVE - 1775087

RECOMMENDATION

THAT council:

1. Approve the planning proposal to amend the *Cabonne Local Environmental Plan 2012* to rezone Lot 551 and part Lot 553 DP 1176133 from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size (MLS) from 100 hectares to 2ha;
2. Forward the planning proposal and proposed timeframe in this report to the Department of Planning and Environment for Gateway determination in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*; and
3. If no submissions are received during its public exhibition, endorse finalisation of the planning proposal. However, if any submissions are received, a further report will be forwarded to council for its consideration.

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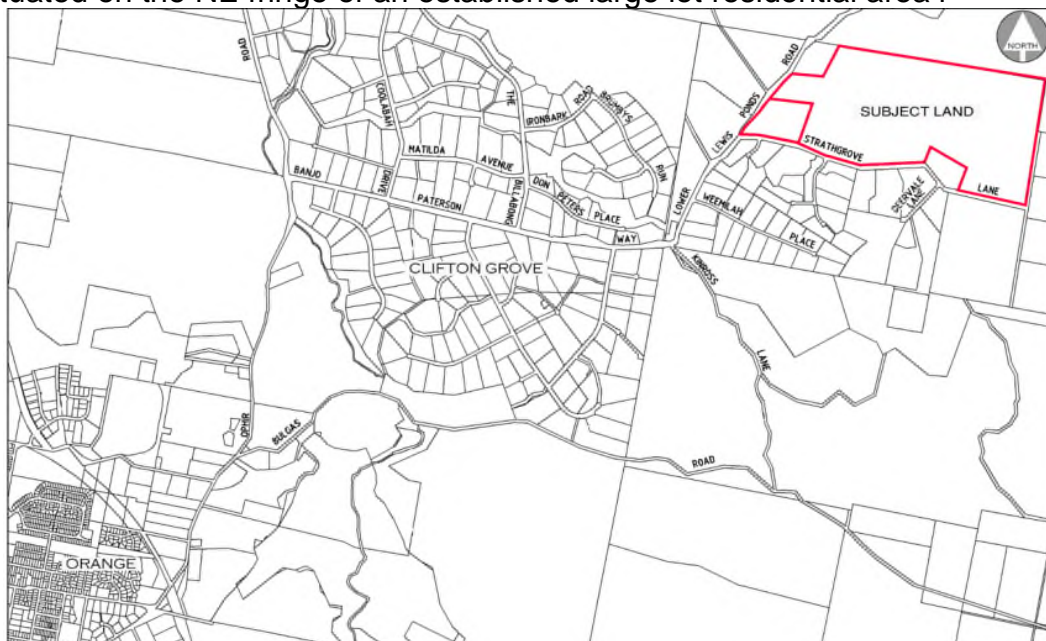
DEPUTY GENERAL MANAGER - CABONNE SERVICES REPORT

Council has received a planning proposal from Peter Basha Planning & Development, prepared on behalf of Elizabeth Smith to amend the *Cabonne Local Environmental Plan 2012*. The planning proposal relates to Lot 551 and part of Lot 553 in DP 1176133, known as 11 Strathnook Lane, Clifton Grove.

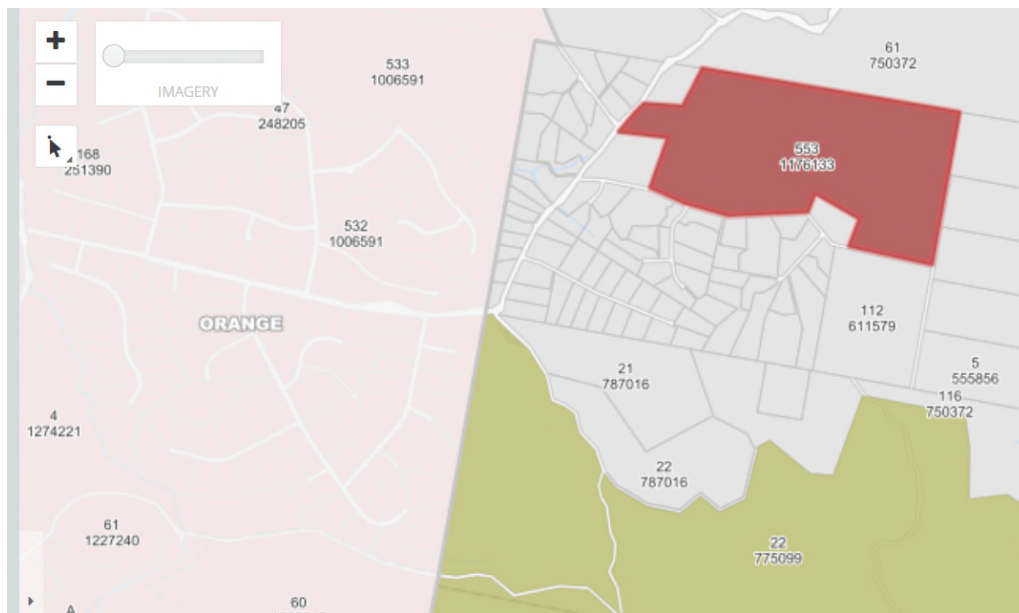


Property details and aerial of subject land

The land is located approximately 5km to the NE of the city of Orange, and is situated on the NE fringe of an established large lot residential area4



Context of subject land



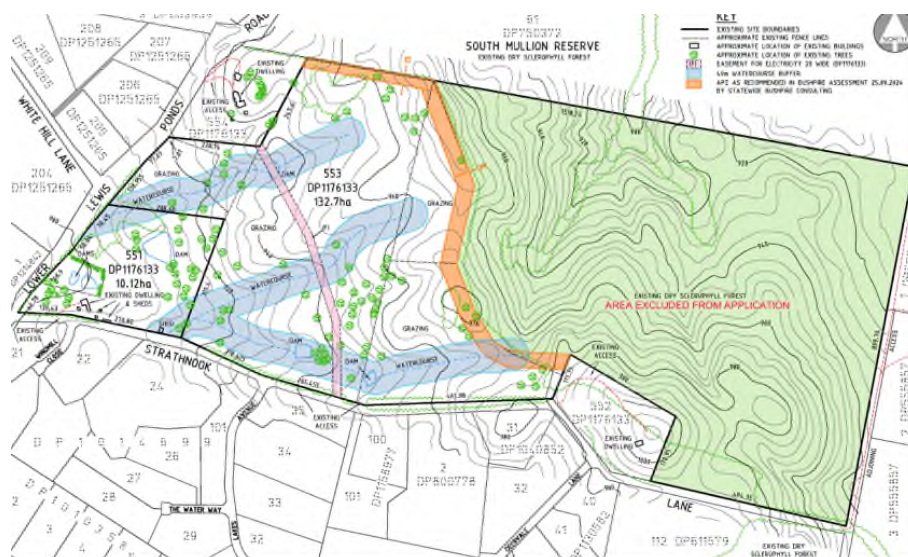
Context to Orange City Council LGA boundary

The land is situated on the northern side of Strathnook Lane and the eastern side of Lower Lewis Ponds Road. The holding has a combined area of 142.8ha. However the Planning Proposal applies only to that section of the holding located within the land defined as Strategy Growth Area CG1 in the Cabonne Settlement Strategy 2012-2041.

The site is currently zoned RU1 Primary Production Zone and is surrounded by agricultural land and large lot residential land uses. The development site comprises all of Lot 551 (having an area of 10.12 ha) and the western section of Lot 553, while the heavily timbered eastern half of that lot is excluded from the strategy area and therefore excluded from the proposed rezoning. In effect the development site has an area of approximately 61.02ha.

The subject land is bounded to the NW by a large lot residential holding, and the Mullion Range to the north. Native forest adjoins to the east, and Strathnook Lane and large lot residential allotments to the south. The subject site contains an existing dwelling and farm buildings located within Lot 551.

The topography of the land is undulating to hilly. The land slopes from a ridge in the east towards the west with a fall of 76m across the area. The land is drained by a network of natural non-perennial watercourses that flow into Summer Hill Creek located some 3.1km to the west of the site. Farm dams are located over the subject land for stock watering.



Site mapping

Proposal

It is proposed to amend the CLEP 2012 to rezone that part of the subject that is identified within the Cabonne Settlement Strategy from RU1 to R5 large lot residential, and to amend the minimum lot size map for the subject area from 100ha to 2ha. It is noted that the 2ha minimum lot size standard would be an average measure, with land constraints requiring larger lot sizes near the interface with adjacent vegetated land, to be possibly offset by smaller allotments towards Lower Lewis Ponds Road. Overall, the development is to achieve an average of 2ha lot size.

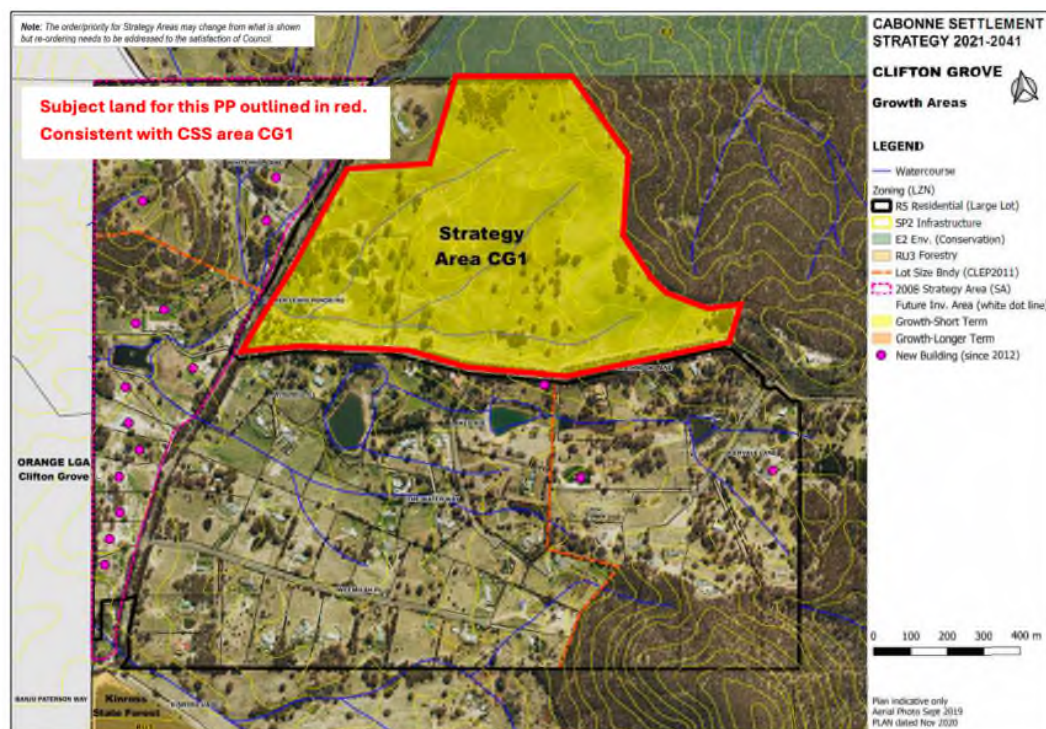
The proposal seeks to amend the Cabonne Local Environmental Plan 2012 to facilitate large lot residential development on the subject land. This is intended to enable the landowner to subdivide the subject land to provide additional housing opportunities. The subject site was identified in the *Cabonne Settlement Strategy 2021-2041* which identified the site as appropriate for development in the short term.

The *Cabonne Settlement Strategy 2021-2041* noted that 'In the Original R5 area only, by December 2012, there were only four (4) lots vacant (without dwelling). Since 2012, three (3) of those lots have been developed, resulting in a total of 50 dwellings & only one (1) vacant lot (unlikely to be developed as part of a significant garden). The SA3 area has been progressively rezoned & subdivided since 2015, and as of late 2020, all of the southern section of SA3 has been developed. Since the first subdivision in 1990 (30 years) there have been ~67 dwellings constructed (excluding 2 historic dwellings) – an average of ~2.2 dwellings/year. Since ~2016 there have been ~18 new dwellings – an average of ~3.6 dwellings/year. This Strategy adopts an estimated future dwelling growth rate of ~2.5 dwellings/year. Therefore, there is no current supply of land to meet future dwelling demand'.

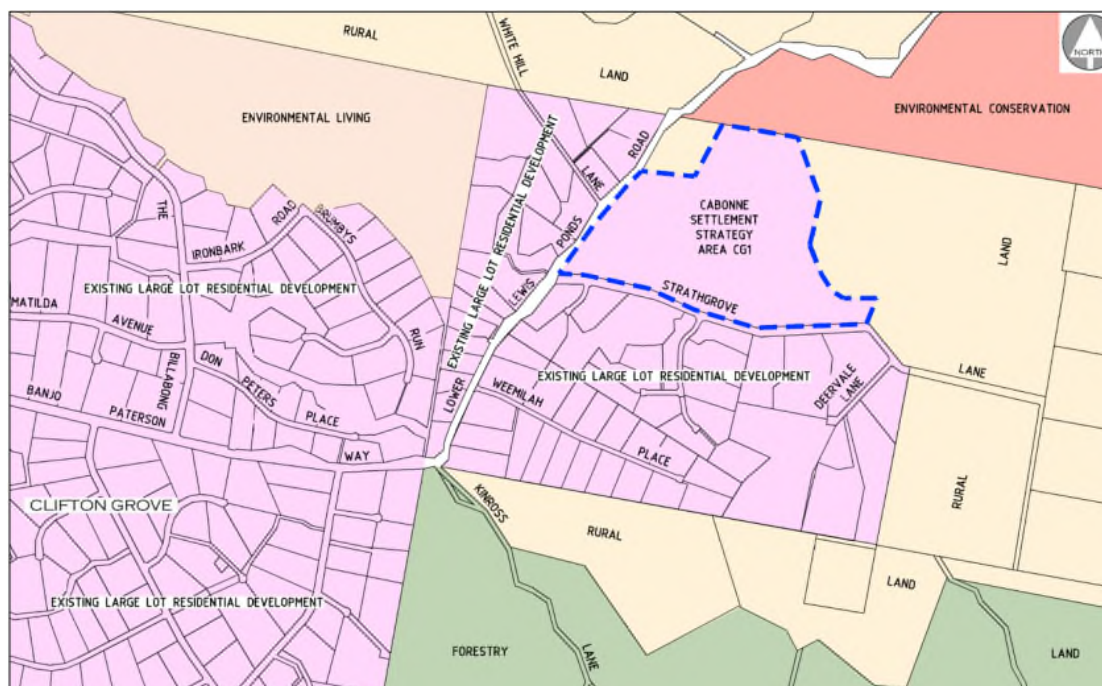
Of the CG1 investigation area the strategy states as follows:
One direction for this Large Lot Residential (LLR) Area to grow is to the north onto the immediately adjacent rural land marked as Strategy Area CG1. Strategy Area CG1 has an address of 11 Strathnook Lane with one (1) owner. It consists of two (2) lots including Lots 551 & 553 DP1176133 with an area of ~63.2ha that is likely to have limited agricultural viability. It has significant

frontage to both Lower Lewis Ponds Rd & Strathnook Lane for ease of access, though an internal road (with alternatives for emergency egress) is likely to be needed to maximise yield. By filling in the gap between the existing LLR areas it does not substantially increase the perimeter (potential for land use conflict) with agriculture and most land to the north and east is in Zone E2 for conservation. There is limited vegetation on CG1 so whilst it has RFS Bushfire Category 2 - deeper lots towards the Category 1 bushfire area could accommodate an appropriate Asset Protection Zone (APZ). The only pockets of mapped sensitive biodiversity are in the south-west corner. There are limited 1st & 2nd order watercourses & no groundwater sensitivity. There are no heritage items likely to be impacted. On the 2008 Subregional Strategy Soft Constraints Mapping (Figure.3 above), Strategy Area CG1 has a Constraint Level of 2 that is the same as much of the existing Clifton Grove Large Lot Residential area & avoids the Constraint Level 3 area.'

It is appropriate for council to support those landowners ready to undergo the rezoning process, where strategically identified, to provide additional land supply for housing across the shire.



Cabonne Settlement Strategy 2021-2041



Surrounding development

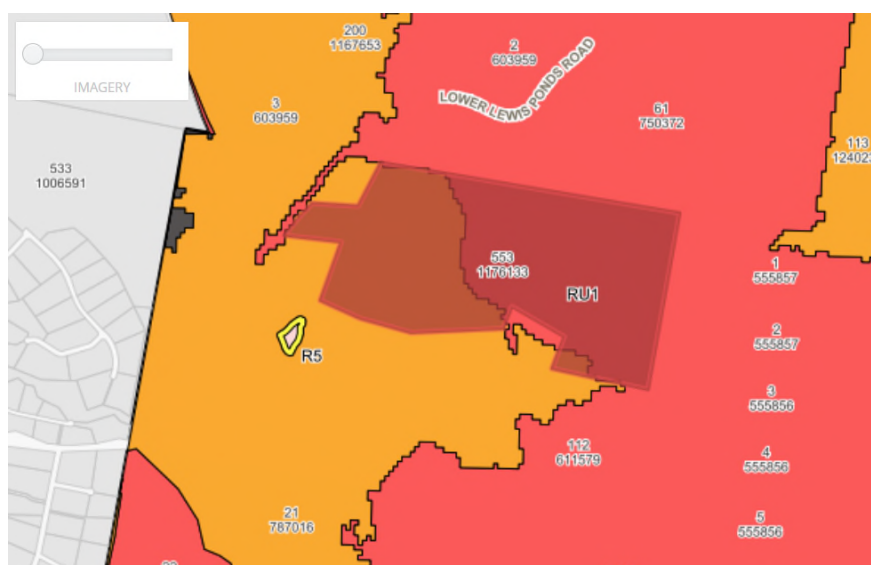
Some investigations have been undertaken on the subject land to understand and address any environmental, social and economic impacts that may arise from future development.

Heritage

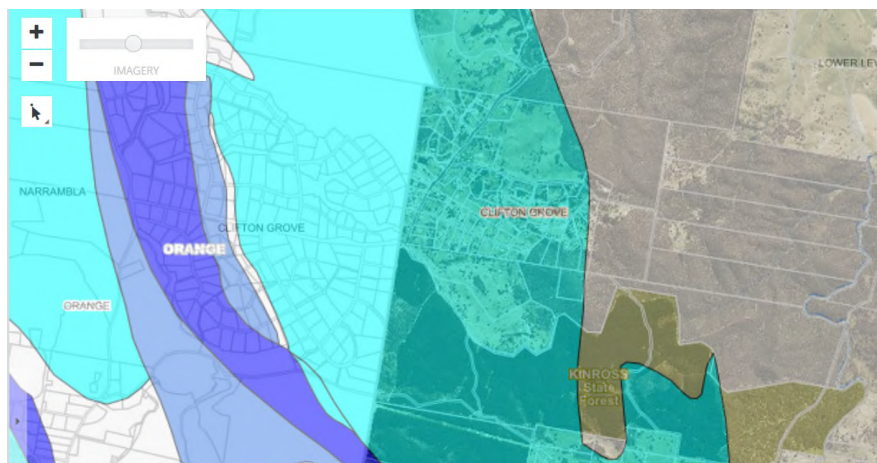
An Aboriginal Cultural Heritage Assessment Report has been undertaken for the planning proposal but did not identify any heritage conservation sites on or near the subject land.

Natural hazards

The subject land is mapped as bushfire prone. Council's Bush Fire Prone Land Map identifies the site as Vegetation Category 1 and 3. The applicant has included a bushfire assessment report to demonstrate that bushfire risk is manageable.



The land is also mapped as possible naturally occurring asbestos (NOA). No assessment has been undertaken of the likelihood or risk of NOA being present.



Land contamination

A Preliminary Contamination Assessment has been undertaken for the subject land and identifies that there is limited potential for contamination. It recommends further studies are not required and the proposed use is suitable for the subject land.

Agricultural capability

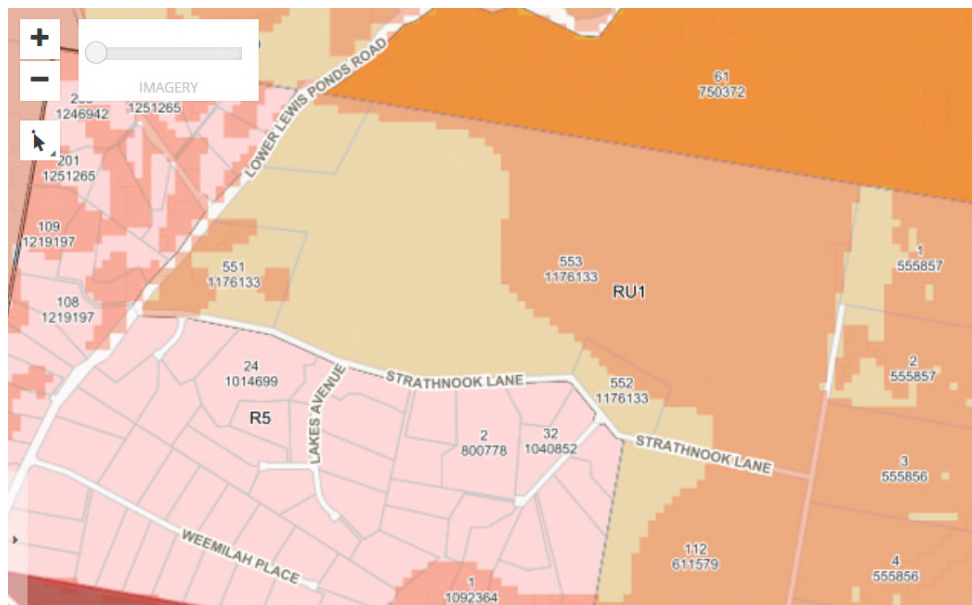
The subject land has been mapped by NSW Agriculture as being of Class 5 Agricultural suitability. In this regard, the land has moderate to severe limitations for some land uses that need to be managed to prevent soil and land degradation. The impact on agriculture is considered to minor for the following reasons:

- The *Cabonne Settlement Strategy 2021-2041* identified the area as being suitable for large lot residential in the short term.
- The land is situated within a highly fragmented land use pattern.
- There is appropriate distances and buffers between the site and exiting agricultural processes.

Biodiversity

Part of the subject land is identified as having terrestrial biodiversity in the *Cabonne Local Environmental Plan 2012*.

The landscape and vegetation of the site has been highly modified and disturbed due to the past and current agricultural use of the land. This has involved clearing of native trees and understories and human activity associated with agriculture including livestock grazing, weed spraying, and machinery operation.



The planning proposal notes that the eastern section of Lot 553 is excluded from the rezoning. This area contains *Stringybark - Box - Gum Woodland*. Part of the subject land is mapped as having terrestrial biodiversity, being sections of Lot 551 and a small section along the northern boundary of Lot 553. The vegetation types include Red Stringybark - Blakely's Red Gum - Yellow Box woodland

The proposed minimum lot size of 2ha allows for biodiversity values to be maintained on the site. The planning proposal notes that biodiversity offset triggers are unlikely.

Land use conflict

As identified above large lot residential development on the subject land is not expected to have an adverse impact on neighbouring land uses.

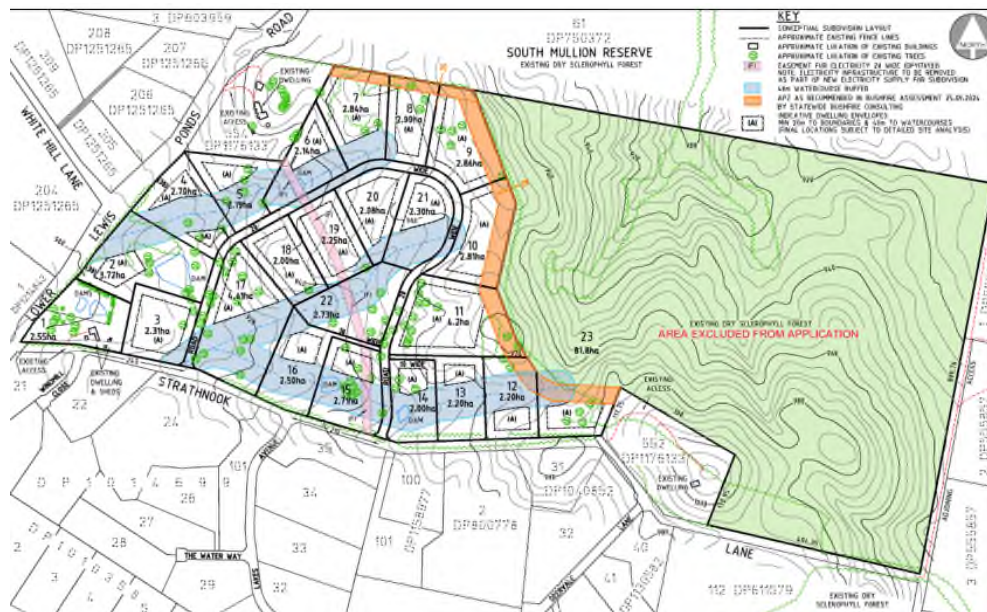
Infrastructure

The subject land is not connected to reticulated sewer or potable water. Future development will be serviced by rainwater tanks and septic systems. The provision of these services can be addressed at any future DA stage.

Access is available from Strathnook Lane (to be upgraded) and Lower Lewis Ponds Road, which are sealed local roads. Access upgrades to the site are appropriate to be considered with any future DA.

Electricity and telecommunications services are available and would be extended as required to service future development.

A conceptual plan has been provided as to the potential for development of the subject land.



Concept plan for the future subdivision of the subject land

Adequacy of Planning Proposal and supporting studies

The planning proposal is considered adequate.

Referrals

Below are outlined the likely referrals required to government agencies for this proposal:

- DPI – Agriculture
- DPE – Biodiversity
- NSW Rural Fire Service

Timing

The planning proposal includes a timeframe, as required under Part 6 of the Department of Planning and Environment's *Local Environmental Plan Making Guideline* (August 2023):

Stage	Timeframe and/or date
Council decision	Feb /March 2025
Gateway determination	April / May 2025
Pre exhibition	June /July 2025
Public exhibition	July-Aug 2024
Consideration of submissions & report to council (if required)	Oct 2025
Submission to department for finalisation	Oct 2025
Finalisation and Gazettal of LEP amendment	Nov-Dec 2025

It is expected that the LEP amendment could be completed within approximately 12 months from council's resolution to proceed with the proposal.