

Planning Proposal

to amend

Cabonne Local Environmental Plan 2012

as follows:

Change from Rural Zoning & Lot Size (100ha) to Large Lot Residential Zoning & Lot Size (2ha)

Potential Ten (10) Lot Subdivision including Existing Dwelling

Lot 4 DP243203

Part of land known as 172 Spring Hill Rd, SPRING HILL

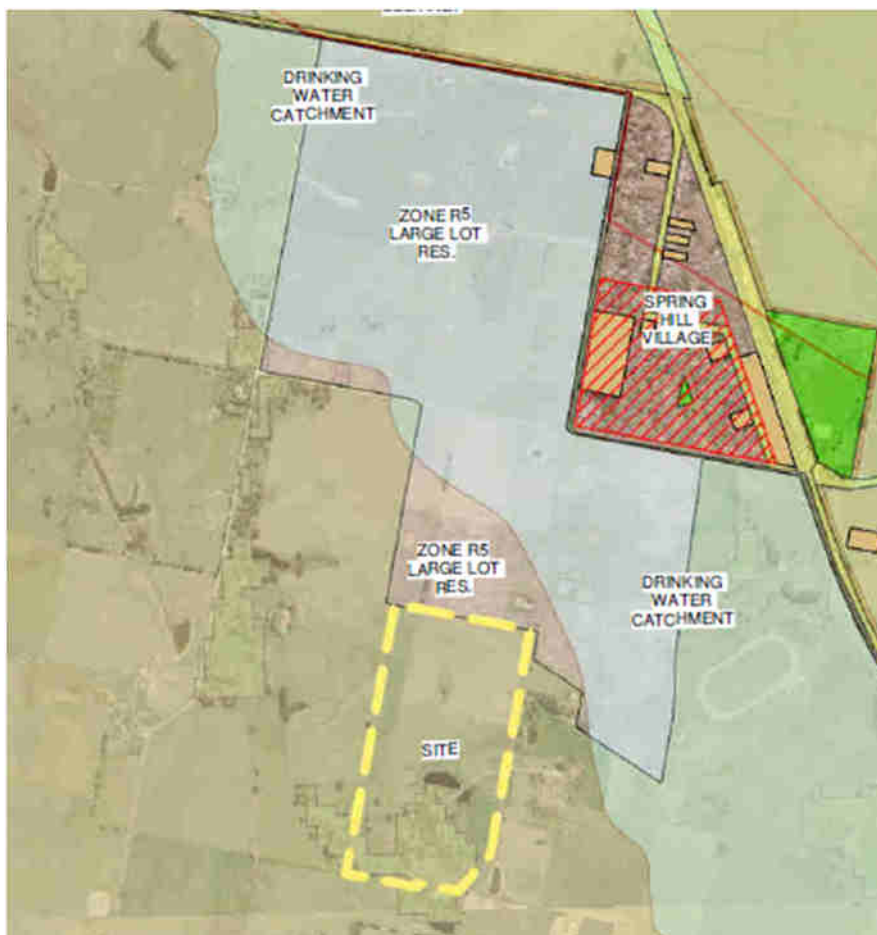


Figure 1: Site Location & Key Planning Controls.

Prepared on behalf Mr Ian & Mrs Sue Stewart

For submission to Cabonne Council & the NSW Department of Planning, Industry & Environment (DPIE)

August 2023

Version: E (Amended Post Gateway)

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Document Control

Version / Date	Document	Provided To
A – 8 March 2022	Draft for Internal Review	Ian & Sue Stewart
B – 29 March 2022	Full Draft to Council	Client & Cabonne Council
C – 29 June 2022	Final for upload to Portal	Client & Cabonne Council
D – 26 May 2023	Amended Post Gateway	Client & Cabonne Council
E – 18 August 2023	Amended Post Gateway	Client & Cabonne Council

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1 OVERVIEW

1.1 Overview of Key Amendments

This Planning Proposal seeks to amend *Cabonne Local Environmental Plan 2012* ('CLEP2012') for land south of Spring Hill (as described below) to change the key planning controls from a Rural Land Zoning/Lot Size to a Large Lot Residential Land Zoning/Lot Size. This seeks to build on the recommendations of Council's *Cabonne Settlement Strategy 2021-2041* ('Settlement Strategy').

Whilst this is not a Development Application, the Planning Proposal is supported by the following:

- *Location & Site Analysis Plans* A100, A101, & A102
- *Indicative Subdivision Concept & Draft Building Envelopes/Setbacks Plans* A200 & A301
- *On-Site Effluent Reports* for four (4) proposed lots (indicative sampling for Proposal).

1.2 Process Overview

The Planning Proposal has been prepared in accordance with *Divisions 3.4 – Environmental Planning Instruments (LEPs)* of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government (August 2023) '*Local Environmental Plan Making Guideline*' ('Guideline').

It is suggested that under the Guideline – this Planning Proposal (PP) is likely to be seen as a 'Standard PP' as opposed to a 'Complex PP' as it does not result in significant increase in demand for infrastructure and is largely consistent with the local or regional planning strategies as the *Settlement Strategy* envisaged the rezoning of part of this land.

A PP should provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan making process including identifying relevant environmental, social, economic and other site-specific considerations. However, it is not a development application, so it is NOT required to consider specific detailed matters that should form part of a development application. The proposed indicative subdivision layout is provided only to inform an understanding of possible outcomes.

A Gateway Determination under the EP&A Act has been provided by the *NSW Department of Planning, Industry & Environment* ('DPIE') dated 22 November 2022. Council is approved as the local plan-making authority (Condition 5). Public exhibition is required for a minimum of 28 days (Condition 2) and consultation required with Biodiversity Conservation & Science (BCS) and NSW Rural Fire Service (RFS) (Condition 3) but no public hearing is required (Condition 4).

The only further studies required (Condition 1) was a preliminary contamination assessment to Council's requirements and an amended Planning Proposal with updated timeline. Please find attached the Envirowest (May 2023) *Preliminary Contamination Assessment* for consideration.

In July 2023 the deadline for the gateway was extended to 15 December 2023. Please see **Section 3.6 - Part 6: Project Timeline** of this Report for an indicative timetable of steps to achieve the outcomes within that deadline.

1.3 Cabonne Settlement Strategy 2021-2041

The *Cabonne Settlement Strategy 2021-2041* ('Settlement Strategy' or 'Strategy') conducted a review (in 2020/2021) of land use growth potential across the Shire. This Strategy was adopted by Council at its Council Meeting in June 2021 (see Minutes of Meeting in Appendices). This is the relevant land use strategy that guides this Planning Proposal. *Chapter 11 – Spring Hill* addressed the existing supply and demand for Large Lot Residential (LLR) land adjacent to Spring Hill and recommended the majority of this Site for future Large Lot Residential growth. Excerpts of this Strategy are noted throughout the Sections of this Report below.

No Conflict of Interest: Whilst iPLAN PROJECTS were engaged by Cabonne Council to prepare the *Settlement Strategy* they did not have any active relationship with the Applicant (particularly regarding the Subject Site) during the preparation of the Strategy. They were only engaged by the Applicant to prepare this Planning Proposal after the Strategy had been adopted by Council. Council staff have confirmed that there is no conflict of interest in being involved in both the Strategy and this Planning Proposal.

1.4 Scoping Proposal & Council Engagement

A copy of this Proposal (Version B – March 2022) was provided to Cabonne Council on Tuesday 29/03/2022 in accordance with the Guidelines that require a Scoping Proposal for preliminary feedback. By email dated 3/05/2022 from Council's Deputy General Manager – Heather Nicholls – Council stated they had no objection to the lodgement of the Planning Proposal via the NSW Planning Portal and it was not necessary to meet with Council staff prior to lodgement. It is assumed that no further agency consultation was required at this time. Council also accepted that a sample of *On-Site Effluent Studies* (four (4) are attached) would be suitable to demonstrate the land is capable of supporting the proposed future residential uses.

2 PLANNING PROPOSAL – SITE & JUSTIFICATION OVERVIEW

2.1 Site Overview

2.1.1 Site Location & Description

As the map below shows, the Site is located:

- ~500m from Spring Hill village (corner Spring Hill Rd/Chapman St)
- ~1.1km to the Main Western Rail Line at Spring Hill;
- ~4km south of the Orange Regional Airport (via Forest Rd & Aerodrome Rd);
- ~6km south of the Mitchell Highway (via Beasley Rd);
- ~7km north-west of Millthorpe (via Whiley Rd & Millthorpe Rd);
- ~14km (15 minutes) drive to the south-east of Orange (via Beasley Rd & the Mitchell Highway).



Figure 2: Map showing location of the Site (red outline/yellow fill) in relation to nearby settlements and key road connections (Source: NSW Six Maps).

As the aerial photo below shows, the Site (yellow outline) is located to the south of Spring Hill with frontage to Spring Hill Rd. It is immediately adjacent to the existing Large Lot Residential (LLR) area to the north & partly north-east of the Site (pink area). The Orange City Council (OCC) local government area (LGA) boundary includes the urban area of Spring Hill. However, the LLR area is within Cabonne LGA. Much of the existing LLR area has been developed for housing. The Site forms a logical extension of the existing LLR area for reasons detailed in this Report. It has an area of ~23.3ha.

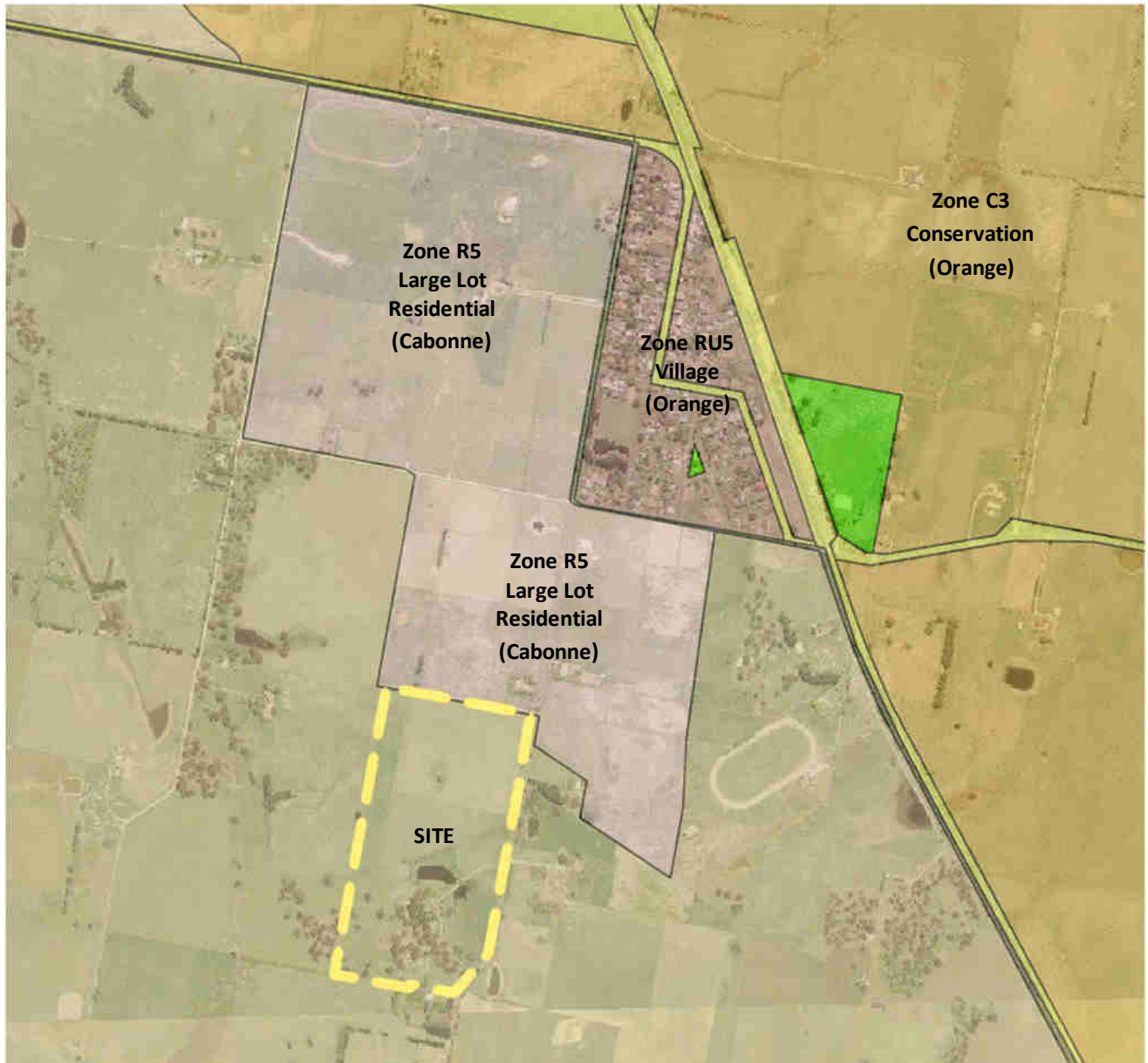


Figure 3: Aerial photo of Spring Hill & Surrounds overlaid with Land Zoning (Site with yellow outline) (NSW Planning Portal).

The Site is roughly rectangular in shape (minus south-east corner) with dimensions (subject to survey) as follows:

- a) Eastern boundary to Spring Hill Rd – $\sim 575 + 121\text{m} = \sim 696\text{m}$;
- b) Western boundary to rural zoned land = $\sim 692\text{m}$;
- c) Northern boundary to large lot residential zoned land = $\sim 350\text{m}$;
- d) Southern boundary to rural zoned land – $\sim 183 + 107\text{m} = \sim 290\text{m}$.

The Site has an area of $\sim 23.353\text{ha}$ (subject to survey). The address of 172 Spring Hill Rd may also extend over land to the north-west that only adjoins at the north-west corner. However, the Site has the primary dwelling for this address. The northern $2/3^{\text{rds}}$ of the Site are cleared of any significant trees as they have been used for extensive agriculture. There is a pocket of trees around the existing dwelling and sheds in the southern part of the Site that is mapped as having some biodiversity sensitivity and can be appropriately protected with appropriate subdivision and building envelopes.

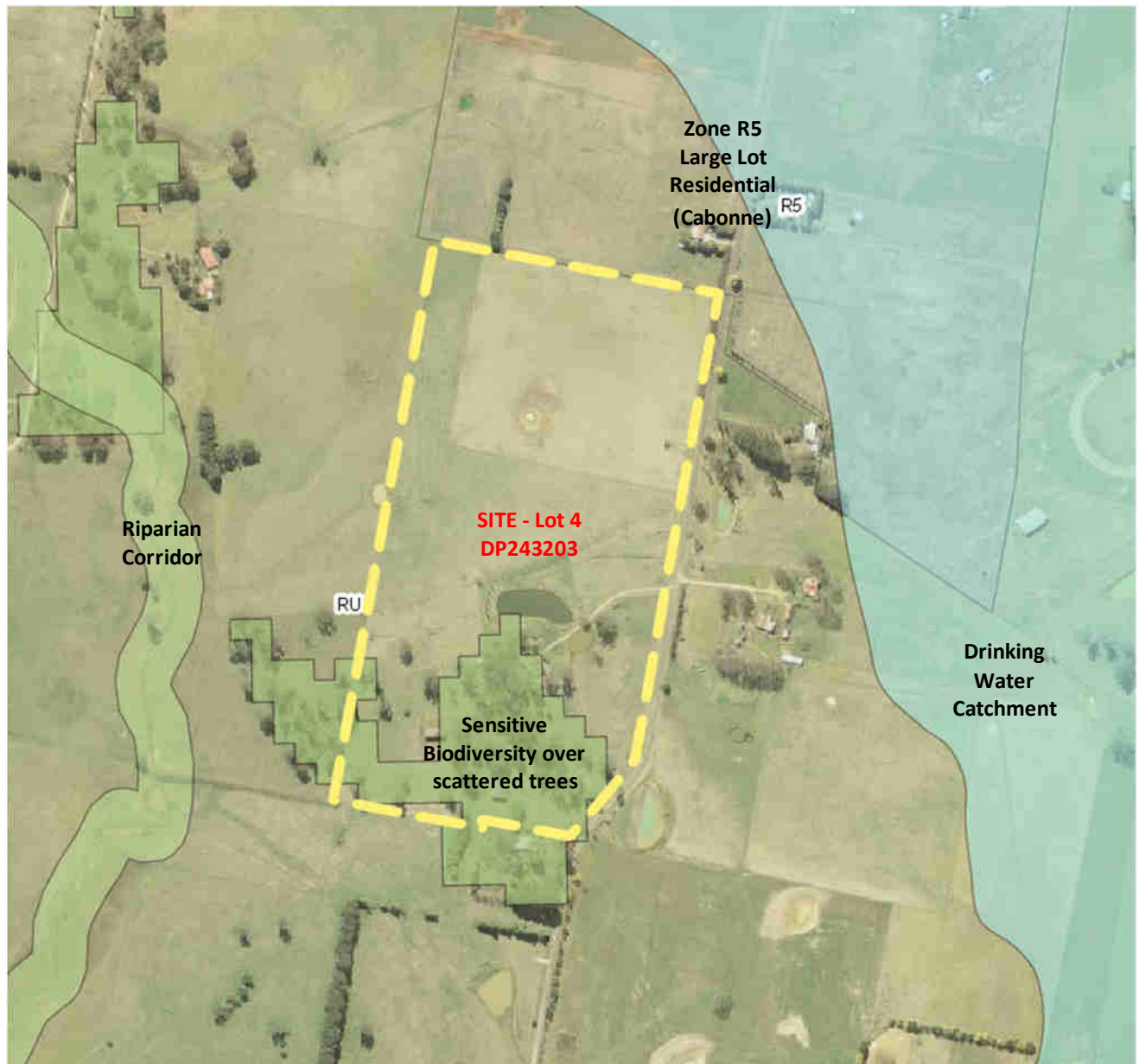


Figure 4: Aerial photo of Site & Surrounds with mapped LEP environmental constraints (NSW Planning Portal).

2.1.2 Topography & Slope

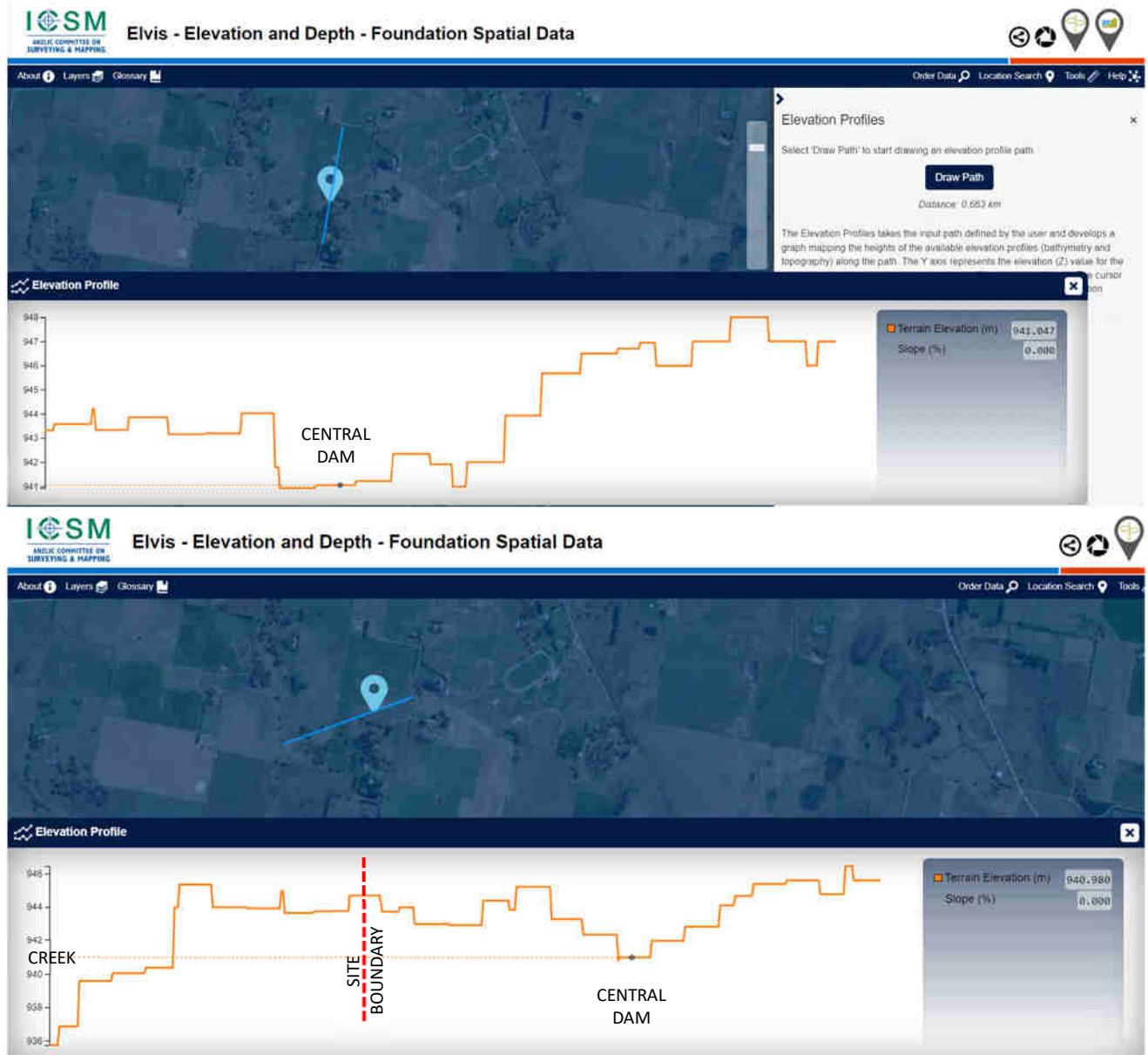
As the Figures below show (ELVIS Slope Analysis) – The Site is relatively flat with a dip in the middle at ~RL940.8 where the main dam is located and a slight fall from east to west and from north-east to south-west.

The four corners of the Site have approximate levels of:

- North-east (Spring Hill Rd) ~RL947.2m
- North-west ~RL946.6m
- South-east (Spring Hill Rd) ~RL946m
- South-west ~RL941.67m

The primary watercourse/tributary to Cowriga Creek is at least 200m to the west of the Site and 4-6m below the level of the Site. The drainage lines/overland flow paths form the lower parts of the Site and are several metres below the rest of the Site.

Figure 5: Excerpts of slope analysis from ICSM/ELVIS Spatial Data (www.elevation.fsdf.org.au).



2.1.3 Watercourses & Flood Potential

As the Hydroline Map (NSW Government) shows below, there are two (2) drainage lines from the east that converge at the larger dam on the Site and then drain west to the tributary to Cowriga Creek outside the Site. The drainage lines in the Site are likely to be considered first order watercourses or possible second order below the dam.

However, they are largely an intermittent overland flow path between dams with no riparian vegetation and no defined bed or banks or only a heavily modified drainage channel within the Site. At best, this would be defined as a *Type 4 – Laterally Unconfined Discontinuous drainage channel / chain of ponds* (according to the Waterfront Land E-Tool) with no watercourse features. After leaving the Site it flows into Cowriga Creek west of the Site and eventually south into the Belubula River near Carcoar.

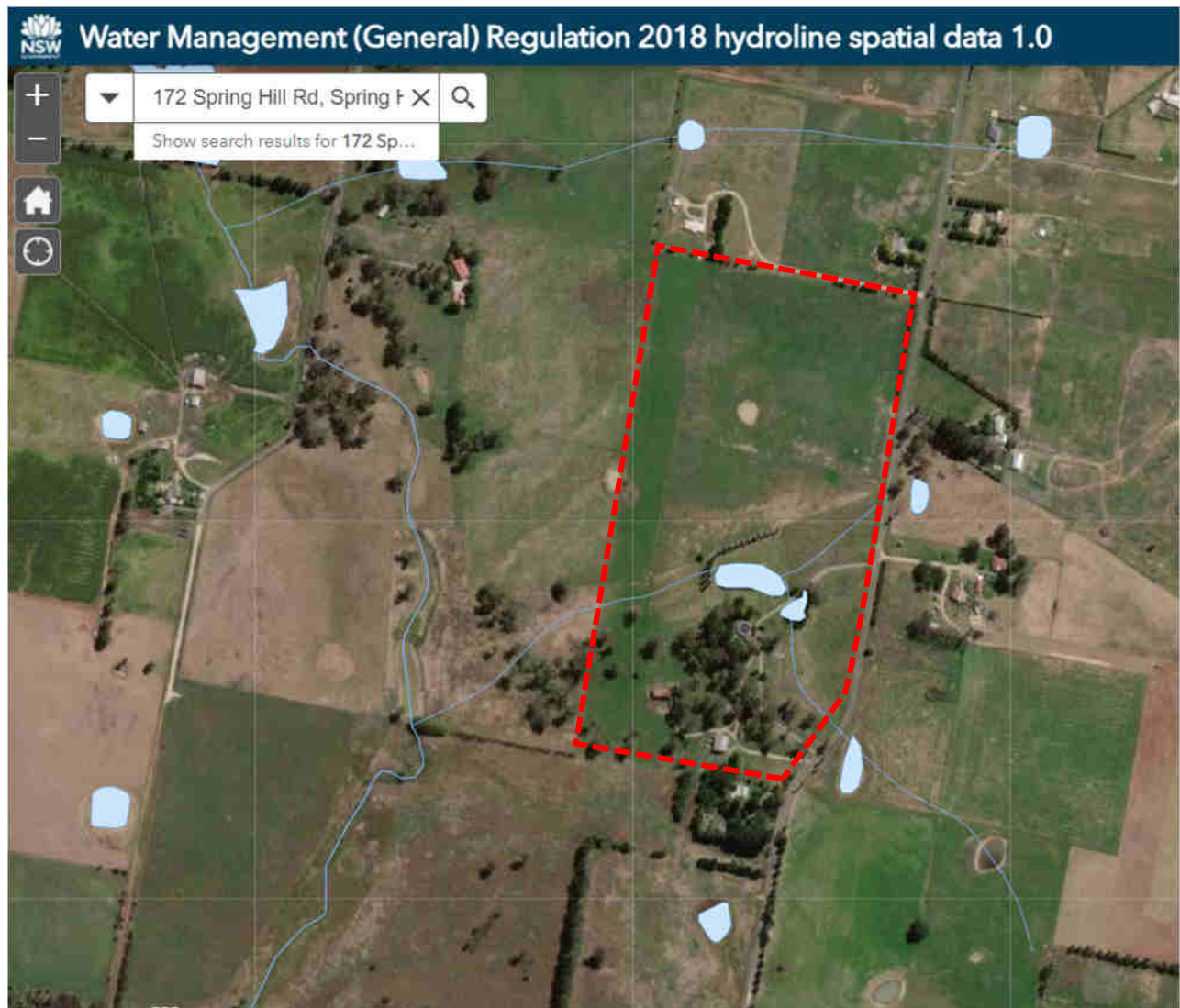
We have assessed the drainage line against the on-line NSW Government 'Waterfront Land E-Tool' and it suggests that a 'Controlled Activity Approval Not Required – No Watercourse'. Therefore, the Natural Resource Access Regulator (NRAR) is unlikely to be a relevant concurrence authority under the *Water Management Act* for this Site.

For similar reasons, there is a low likelihood of flood hazard on this Site. Whilst there may be mainstream flooding along Cowriga Creek to the west of the Site, the Site is sufficiently separated from Cowriga Creek and at a higher contour to not pose a significant risk.

The drainage line(s) through the Site are likely to be more of an overland flow path (OFP) and only cause intermittent/localised drainage issues. We suggest this can be addressed by siting building envelopes and on-site effluent systems away from the drainage line/ lower contours and/or slightly elevating building pads. Drainage lines can be run along lot

boundaries to direct water towards the central dam. Drainage issues are best addressed during the any subsequent development application for subdivision once detailed lot layout & servicing is known. On this basis, we suggest that a **Flood Study** is not required to support this Planning Proposal.

Figure 6: Excerpt from Water Management (General) Regulation 2018 hydroline spatial data (NSW Government).



2.1.4 Servicing/Utilities

The Site is not immediately adjacent to any reticulated utilities other than electricity along Spring Hill Road. The nearest reticulated sewer services are in the Spring Hill village and are operated by Orange City Council. It is unlikely that the sewer would be extended to service this Site at this time. There is also reticulated water to some sites near Spring Hill but this is also unlikely to be extended to the Site. Therefore, the proposed lots are likely to be reliant on on-site rainwater collection and bores.

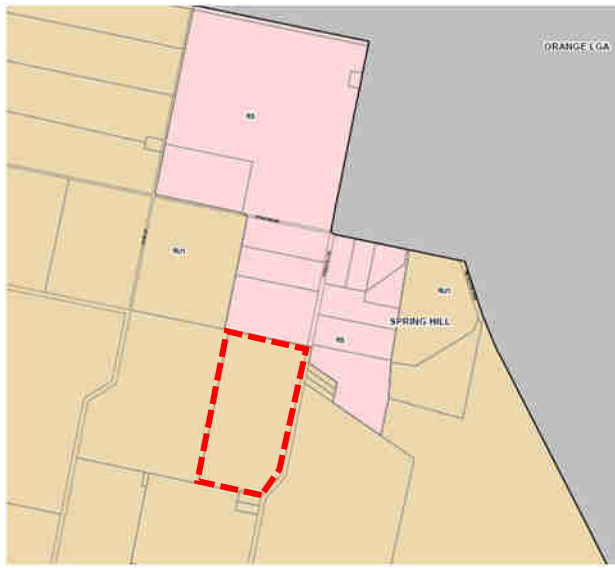
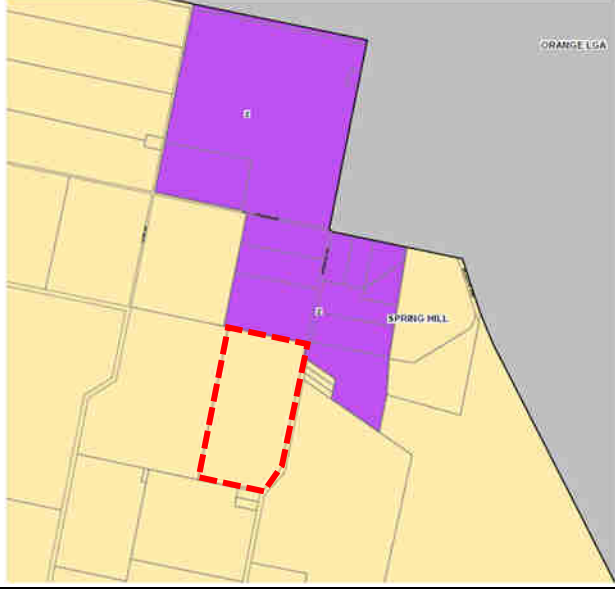
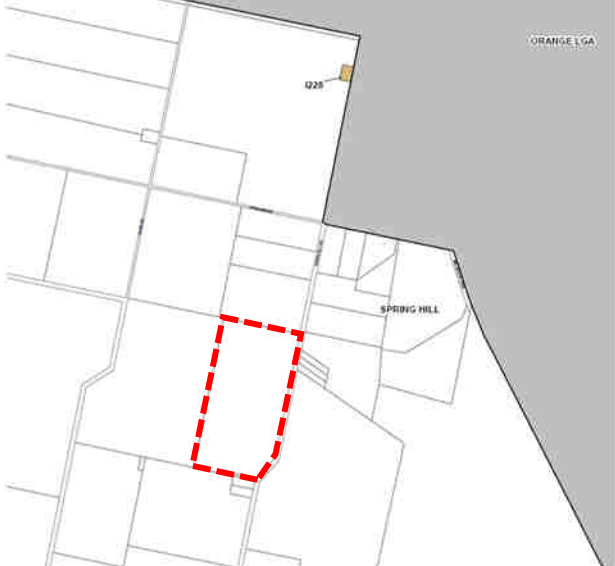
2.1.5 Potential to Support On-Site Effluent Management

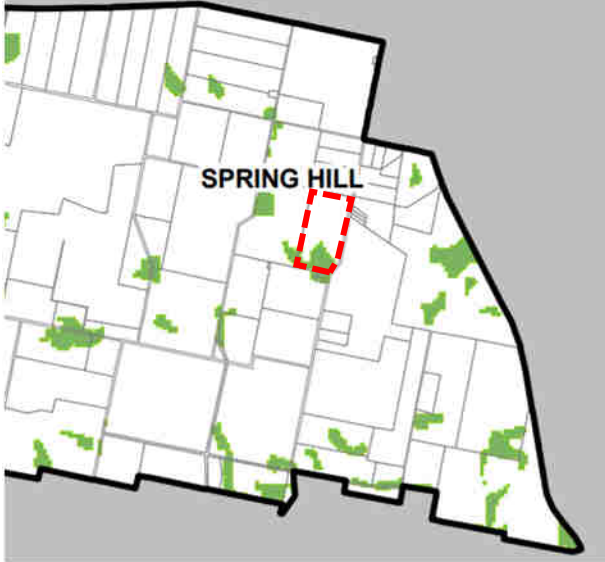
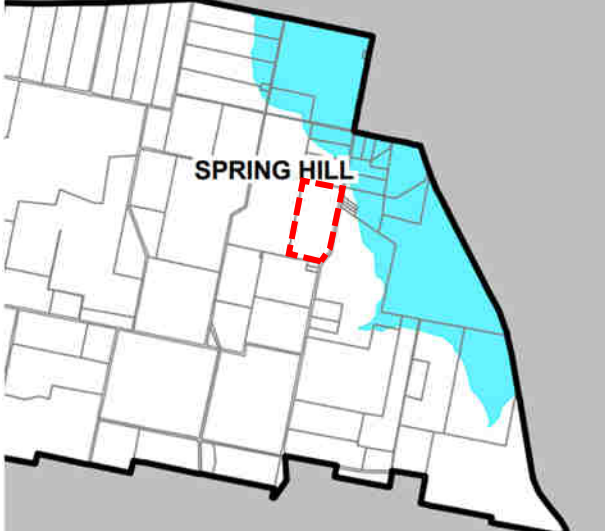
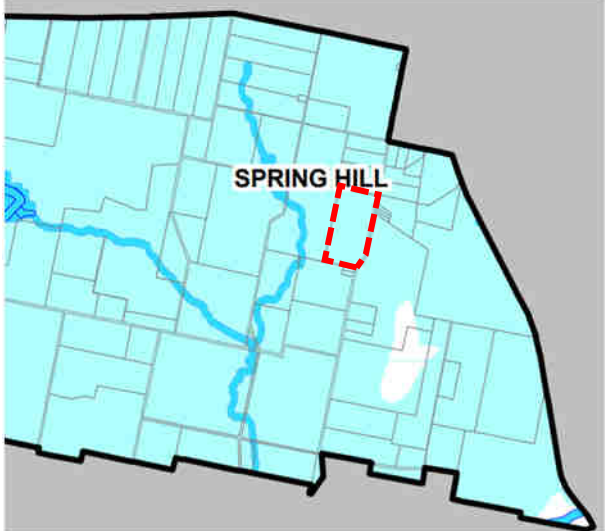
The existing dwelling has existing on-site effluent system to be retained. New on-site effluent systems are proposed for the proposed nine (9) new lots. Please see the attached **On-Site Effluent Management Studies**. As the exact subdivision pattern is not yet determined, we have provided an indicative subdivision plan/ dwelling envelopes and a sampling of Effluent Studies for four (4) lots that are a cross-representation of the Site (as agreed with Council).

All four (4) reports indicate that on-site effluent is compatible with the land based on secondary wastewater treatment systems and irrigated disposal areas that are well within the sizes of the lots and their respective envelopes. Suitable buffer distances are provided to nearby bores. It is expected the remainder of the lots should also comply (subject to final Subdivision design) and can be addressed at Development Application Stage.

2.1.6 Cabonne Local Environmental Plan 2012 (CLEP2012) Mapping

The following are excerpts from the existing CLEP2012 mapping (dated November 2021) for the Site (red dotted outline) & Surrounds:

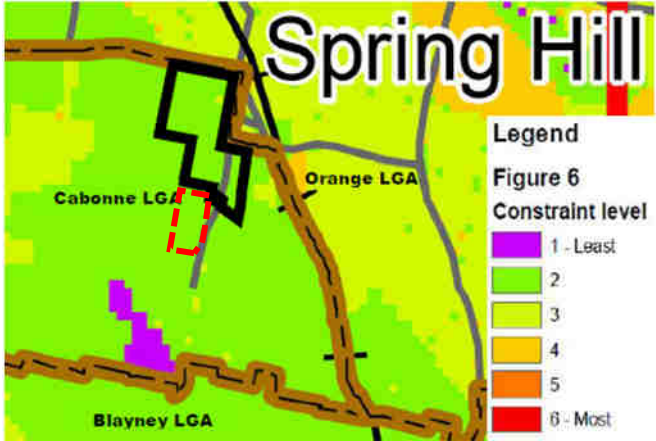
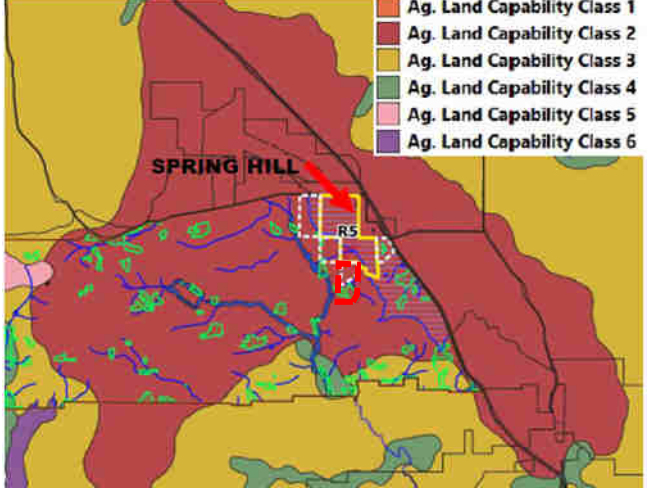
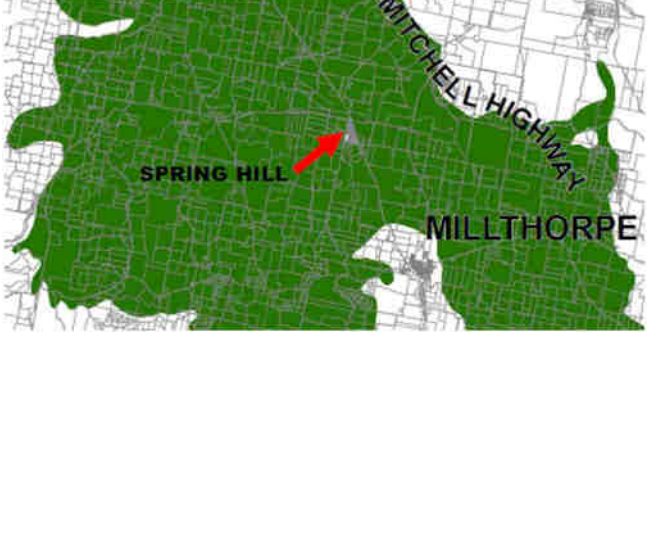
 <p>Zone</p> <ul style="list-style-type: none"> B2 Local Centre B5 Business Development E1 National Parks and Nature Reserves E2 Environmental Conservation IN1 General Industrial IN2 Light Industrial R1 General Residential R5 Large Lot Residential RE1 Public Recreation RE2 Private Recreation RU1 Primary Production RU2 Rural Landscape RU3 Forestry RU5 Village SP2 Infrastructure W1 Natural Waterways 	<p>Land Zoning</p> <p>The Site is currently in Zone RU1 Primary Production but is immediately adjacent to Zone R5 Large Lot Residential to the north and north-east. It is partly buffered from Zone RU1 Primary Production to the east by the road and concessional/lifestyle lots to the south.</p> <p>Figure 7: Excerpt from Land Zoning Map LZN_005A (CLEP2012).</p>
 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> I 500 V 2,000 W 4,000 Y 1 ha Z 2 ha AA 5 ha AB 10 ha AD 100 ha <p>Refer to Clause 4.1(4A)</p>	<p>Lot Size</p> <p>The Site currently has a Minimum Lot Size (MLS) for Subdivision of 100ha but is immediately adjacent to Zone R5 Large Lot Residential areas to the north and north-east with an MLS of (Z) 2ha. There are other smaller concessional/lifestyle lots to the east and south.</p> <p>Figure 8: Excerpt from Lot Size Map LSZ_005A (CLEP2012).</p>
 <p>Heritage Map</p> <ul style="list-style-type: none"> Conservation Area - General Item - General 	<p>Heritage</p> <p>The Site is not a listed heritage item or in a heritage conservation area. The nearest heritage item is <i>Item No.228 – Uniting Church</i> – 23 Carcoar St which is >1.158km north of the Site and unlikely to be impacted by the proposed subdivision (as the heritage item is already surrounded by LLR subdivision and recent subdivision approvals). Aboriginal heritage is addressed further below.</p> <p>Figure 9: Excerpt from Heritage Map HER_005A (CLEP2012).</p>



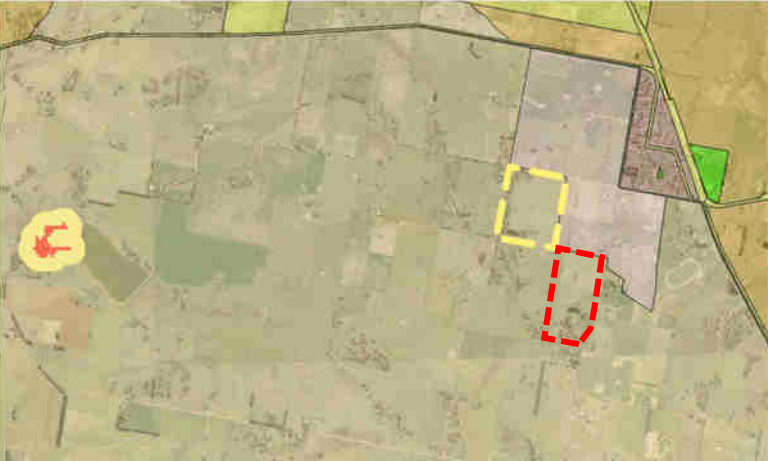
 <p>Biodiversity</p> <p>Biodiversity</p>	<p><u>Biodiversity</u></p> <p>The Site has some mapped sensitive biodiversity along the southern end of the Site associated with the scattered trees around the existing homestead. These could be preserved with suitable lot sizes & dwelling envelopes (as shown on the <i>Indicative Plans</i>). It is not in an area with significant ecological or riparian linkages. Protection of significant vegetation is addressed in more detail below.</p> <p><i>Figure 10: Excerpt from Terrestrial Biodiversity Map BIO_005 (CLEP2012).</i></p>
 <p>Drinking Water Catchment</p> <p>Drinking Water Catchment</p>	<p><u>Drinking Water Catchment</u></p> <p>The Site is entirely outside the mapped Drinking Water Catchment for Orange's Suma Park Reservoir which is located to the north-east of the Site and further north along Spring Hill Rd. The Site drains to the south-west to a different catchment.</p> <p><i>Figure 11: Excerpt from Drinking Water Catchment Map DWC_005 (CLEP2012).</i></p>
 <p>Riparian Land and Watercourse Land</p> <p>Watercourse</p> <p>Groundwater Vulnerability Land</p> <p>Groundwater Vulnerable</p>	<p><u>Groundwater</u></p> <p>The Site and most of the surrounds are in a Groundwater Vulnerable area but this can be addressed by appropriate lot sizes & effluent management.</p> <p><u>Riparian Watercourse</u></p> <p>Cowriga Creek runs to the west of the Site and is a Riparian Watercourse. However, the 1st order drainage line(s) through the Site are not mapped riparian corridors.</p> <p><i>Figure 12: Excerpt from Riparian Lands & Watercourses Map / Groundwater Vulnerability Map CL1_005 (CLEP2012).</i></p>
<p><u>Flooding:</u> There is no Flood Map for Tile 005/005A. This is addressed in more detail above and below.</p> <p><u>Karst:</u> There is no Karst Map for Tile 005/005A. There is a low risk of karst (limestone outcrops or caves) impacting the Site.</p>	

2.1.7 Other Site Opportunities & Constraints

The *Settlement Strategy* provides a detailed analysis of the key land use opportunities & constraints affecting in the Spring Hill Large Lot Residential (LLR) area including the Site and the Figures below from the Strategy provide a summary of some of these.

As the Constraints Map below shows, the Site is outside the Obstacle Limitation Surface (OLS) area and the Noise (ANEF) mapping for Orange Regional Airport. It is also outside the Drinking Water Catchment Mapping for the Orange Suma Park Reservoir and the mapped mineral resources buffer from the Spring Hill/Worboys Quarry.

	<p>2008 Subregional Strategy (Strategy S11.3.1)</p> <p>The 2008 Subregional Strategy provided a weighting to various constraints & represented them as levels from 1 (least) to 6 (most) constrained (see Figure opposite).</p> <p>The existing LLR area and the Site to the South are mostly in Constraints Level 2 (green/ 2nd least constrained) which it is comparable to other Zone R5 LLR areas in Cabonne and less constrained than Level 3 areas in Orange LGA north and east of Spring Hill.</p> <p>Figure 13: Weighted Constraint Mapping (2008 Subregional Strategy – Figure.6/ Settlement Strategy Figure.11.4).</p>
	<p>Agricultural Land Capability (Strategy S11.3.2)</p> <p>The Figure opposite shows that the areas surrounding Spring Hill are mostly in <i>Agricultural Land Capability Class 2</i> with a higher potential for agricultural productivity than most other stand-alone large lot residential areas. In this case, it is appropriate to develop Class 2 land as there is existing fragmentation, minimal land use conflicts with surrounding lands, and it provides a logical growth extension for the existing large lot residential area – CONSISTENT WITH AN ADOPTED COUNCIL LAND USE STRATEGY.</p> <p>Figure 14: Map of Agricultural Land Capability Classes around Spring Hill (Settlement Strategy Figure.11.5).</p>
	<p>Biophysical Strategic Agricultural Land (Strategy S11.3.2): Recent <i>Biophysical Strategic Agricultural Land (BSAL)</i> mapping by the NSW Government (see Figure opposite) shows that land south of Orange & the Mitchell Highway extending down to Millthorpe & including all but the urban areas of Spring Hill is considered to be high-value for agricultural purposes (though this mapping is for the purpose of preventing land use conflict with extractive industries, not urban growth). This small extension is into BSAL area but is already surrounded by significant dwelling growth and fragmented land holdings that limits agricultural productivity. We suggest this is a logical extension of the existing large lot residential area - CONSISTENT WITH AN ADOPTED COUNCIL LAND USE STRATEGY.</p> <p>Figure 15: Except from Biophysical Strategic Agricultural Land Map STA_023 (Settlement Strategy Figure.11.6).</p>

	<p>Mineral Resources/Extractive Industry (Strategy 511.3.3): The 2012 <i>Mineral Resource Audit</i> (see Figure opposite) shows that the closest existing extractive industry to Spring Hill is Wattle Grove Quarry. The mapped buffer area for this quarry does not extend west of Spring Hill Rd or affect the Site. The Boral Shadforth Quarry on Millthorpe Rd does not affect the Site or Spring Hill area. The Forest Reefs & Cadia Ridgeway Potential Resource Area is sufficiently separated from the Site, though proximity to Cadia is an opportunity for employment as is proximity to the Regis/McPhillamys Gold Project at Kings Plains near Blayney.</p> <p>Figure 16: Excerpt from Mineral Resource Audit 2012 (Settlement Strategy Figure.11.7).</p>
	<p>Naturally Occurring Asbestos</p> <p>The online mapping provided by the NSW Government suggests that there is no mapped naturally occurring asbestos (NOA) occurring on or near the Site with only pockets of low potential east of the rail line and well south of Spring Hill.</p> <p>Figure 17: Excerpt from Naturally Occurring Asbestos Maps (NSW Government) with Site in red outline.</p> <ul style="list-style-type: none"> Geological Units with HIGH asbestos potential Geological Units with MEDIUM asbestos potential Geological Units with LOW asbestos potential
<p>Bushfire Prone Land</p> <p>Figure 18: Excerpt of Bush Fire Prone Land Map overlay on Zoning (NSW Planning Portal) with Site in red outline.</p> <p>At the time that this Proposal was first lodged the Site was NOT mapped with any bush fire prone land. At that time the nearest mapped area (according to the Planning Portal) was several kilometres to the west.</p> <p>Subsequently, Vegetation Category 3 (grassland) bush fire risk has been added and this covers most of the rural areas of the Shire – so the Site is now bush fire prone.</p> <p>It is our suggestion that bushfire can be addressed at the DA stage due to the lower risk. The land is buffered by Spring Hill Rd to the east, existing large lot residential to the north, concessional /lifestyle lots to the south and managed/grazed land to the west and south. The main treed section is part of a managed garden and the majority of trees would be retained in the existing dwelling lot. Suitable Asset Protection Zones (APZs) can be determined at DA stage and there is sufficient indicative dwelling envelopes to allow for these APZs on 2ha lots.</p> <p>As such we suggest that this Proposal has received a Gateway Determination without the requirement for an <i>Bushfire Assessment</i> and, if required, this could be addressed in more detail at the DA Stage.</p>	

Aboriginal Heritage

Figure 19: Excerpt from AHIMS Basic Search (NSW Government).

An AHIMS Basic Search was carried out on 8/03/2022 for the Site + 200m buffer online. It found that there were no known sites or places in or near the Site.

Whilst this is not conclusive, the lack of any significant watercourses or landform features on the Site or adjacent combined with the modification of the land by agriculture including cultivation is likely to have significantly reduced the risk of impacting on intact Aboriginal archaeology.

The northern 2/3rds of the Site have been consistently cultivated and farmed for over 80 years (see historical aerial photos in Appendices to this Report).

The southern area has a number of improvements including sheds, a dwelling, and other structures with a managed garden such that it is also disturbed. This suggests the topsoil layers have been significantly modified and there is a much lower probability of finding intact Aboriginal artefacts (if any previously existed).

Whilst there are marked watercourses on the Site, these are intermittent only and not at the same risk-level as main/permanent watercourses. The significant trees on the Site are largely outside the proposed building envelopes so there is only limited tree removal possibly required at DA Stage.

If artefacts are found during works, we suggest there are standard conditions to protect them under the *National Parks & Wildlife Act* during the subdivision stage. As such we suggest that this Proposal has received a Gateway Determination without the requirement for an *Aboriginal Cultural Heritage Assessment* and, if required, this could be addressed in more detail at the DA Stage.



Based on the above brief review there are no key environmental constraints that would prevent the Proposed Amendment(s) from achieving a Gateway Determination.

2.2 Cabonne Settlement Strategy Recommendations

2.2.1 Existing Large Lot Residential Area

The *Cabonne Settlement Strategy* ('Strategy') and particularly *Chapter 11 – Spring Hill* reviewed the key opportunities & constraints for **EXISTING** Large Lot Residential (LLR) growth around Spring Hill. These were summarised in *Strategy Section 11.2.4 – Opportunities & Constraints* (copied below). This suggests that the opportunities for a logical extension to the existing large lot residential area would be aligned with market-growth if located on less constrained land. As discussed above, most of the key constraints can be addressed or mitigated.

Figure 20: Strategy Section 11.2.4 – Opportunities & Constraints.

<p>The existing Zone R5 area has the following key opportunities:</p> <ul style="list-style-type: none"> a) Within 15km of Orange CBD (higher level services/employment); b) Close to Orange Hospital & new medical precinct (services/employment); c) Close proximity to Orange Airport (for flights) & future potential business/light industrial area; d) Between Cadia Gold Mine / future Kings Plain Mine (employment); e) Adjacent to Spring Hill (Zone RU5 Village) with local school, church, hall, park(s), takeaway/general store/post-office & pub/hotel; f) Buffer between urban residential & surrounding agriculture; g) Network of local roads provide good access & servicing of land; h) Views to Mount Canobolas; i) Potential to discuss with Orange City Council connection to Spring Hill reticulated water/sewer; j) Relatively flat lands & limited watercourses/ drainage prone land; k) Limited significant vegetation/sensitive biodiversity; l) Existing fragmentation of agriculture in the area reduces conflicts between large lot residential & agricultural land uses. 	<p>The existing Zone R5 area has the following key constraints:</p> <ul style="list-style-type: none"> a) Surrounding class 2 agricultural land capability/ interface may increase conflict; b) Drinking water catchment for Orange affects lot size/on-site effluent; c) Groundwater sensitivity may limit bores; d) Existing bores & suitable buffers for on-site effluent systems; e) Heritage listed church on Carcoar St & curtilage/buffer; f) Flatter lands may have some drainage issues; g) Orange Airport Obstacle Limitation Surface (OLS) (minor constraint); h) Orange Airport aircraft noise (outside ANEF20) (minor constraint); i) Main Western Rail Line to east (noise/vibration) (minor constraint); j) Orange Sewage Treatment Plant (STP) to north may require some buffers for odour (minor constraint); k) Worboys Quarry to south-east – 1km buffer just overlaps existing Zone R5.
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2.2.2 Supply/Demand

The Strategy reviewed the supply and demand for Large Lot Residential (LLR) land around Spring Hill in *Strategy Section 11.2.3 – Demand & Vacant Land Supply* (shown opposite). In summary, this found that the capacity of the existing Zone R5 LLR area could produce up to ~14 lots and at an average annual take-up rate of ~2 dwellings/year this would be consumed in ~5-10 years (2026 onwards). The historic demand has been steady and perhaps accelerated in recent years (due in part to the COVID pandemic & macro-economic conditions). Therefore, to provide a 10-20 year supply some additional land supply should be investigated.

Figure 21: Strategy Section 11.2.3 – Demand & Vacant Land Supply.

11.2.3. Demand & Vacant Land Supply

In September 2019, the aerial photo (see Figure.1 opposite) shows there were 25 dwellings & 1 church (26 lots). Five (5) dwellings are assumed to have been present in 2009. Therefore, in ~10 years (2010-2019) there has been ~20 dwellings constructed or an average of ~2-dwellings/ year in this location. Similarly, there were ~18 dwelling approvals over the last 10 years (2010-2019).

In 2019 there were five (5) smaller vacant lots (without dwellings) & another four (4) approved lots (total 9 lots or 25.7%) vacant, mostly held by different owners so there is limited new land for purchase/ development. There are a limited number of lots that exceed 4ha in lot size (i.e., capable of further subdivision with 2ha Minimum Lot Size (MLS)). Additional subdivision producing an additional 10-11 lots equals a total of ~20 lots for development. Assuming 70% are likely to proceed this is ~14 lots.

At a take-up rate of ~2 dwellings/year (the historical average rate of growth), the ~14 vacant lots could be consumed in ~7 years (say 5-10 years). Therefore, there is potential to consider some additional growth in this area to achieve 10-20 years supply (assuming this is an appropriate location – see below for details).

2.2.3 Growth Investigation Areas

The Strategy identified two (2) Growth Investigation Areas around Spring Hill including the Subject Site - identified as **Growth Area SH2** (see Figure on the next page).

Whilst the Strategy initially suggested **Growth Area SH1** for short-term growth, it did not preclude **Growth Area SH2** proceeding earlier. Subsequent discussions with Council staff have indicated that Council are supportive of **Growth Area SH2** proceeding earlier with a 2ha minimum lot size whilst an appropriate outcome for **SH1** is discussed.

Whilst the Strategy only identified the northern ~12.5ha of **Growth Area SH2**, based on a desktop review of constraints – it makes sense to consider the entire Site in this Planning Proposal for the following reasons:

- Part of the original intent of only extending Strategy Growth Area SH2 part way through the lot was to keep the existing dwelling with the existing garden and significant landscape and utilise the existing drainage corridors as a natural boundary. However, the owners have expressed that a 2.7ha lot around the dwelling is sufficient and would contain most of the key garden features and the drainage corridor is not a significant watercourse.
- The Indicative *Subdivision Concept* suggests that only three (3) additional lots (excluding the existing dwelling) would be created extending the rezoning to the entire Site.
- Leaving a ~10ha remnant parcel around the existing dwelling does not significantly increase protection to adjacent agricultural lands or activities. The provision of a likely 30m buffer to the west and 10-20m buffer to the south (see *Draft Building Envelopes/Setbacks Plan*) would adequately buffer these activities. On the land to the south of the Site fronting Spring Hill Rd there are number of smaller lots with dwellings (likely concessional lots) that provide an additional buffer to adjacent agricultural land.
- By providing some additional land within the existing Site for development it may delay the need for additional expansions into other rural/agricultural lands for large lot residential in the future. This is a natural extension of the Large Lot Residential Zone along the Spring Hill frontage using most existing access driveways for the additional lots.

Figure 22: Spring Hill Strategy (Growth Investigation) Areas Plan (Figure 11.8).

2.3 Indicative Subdivision Concept / Principles

The Figure on the next page is an indicative (draft) *Subdivision Concept* with Building Envelopes/Setbacks to demonstrate how the outcomes in this Planning Proposal could be implemented and how it could address some of the Site opportunities & constraints noted in this Report. It may not be the final Subdivision design.

In summary, it suggests that the Site could support the following development (Assuming the entire Site is subdivided):

- 1) Proposed Subdivision of up to ten (10) lots (nine (9) new dwelling lots + one existing dwelling) - each lot 2ha or greater in area;
- 2) Up to six (6) lots have direct frontage to Spring Hill Rd (or a wide access handle). Only four (4) lots require a battle-axe access handle. These could be a shared 20m wide easements (or 2 * 10m battle-axe handles) with significant landscape buffers to adjacent lots.
- 3) Three lots (Lots 7/8/9) use existing driveway access points to Spring Hill Rd including the existing dwelling.
- 4) Good lot widths/depths of minimum 90m (but most >110m) wide and >160m long to provide potential for good dwelling setbacks from boundaries to minimise potential land use conflicts.
- 5) Retention of the existing dwelling on Proposed Lot 7 with most of the trees/garden retained on this lot and the two dams remain for stormwater detention/retention.
- 6) Provision of dwelling envelopes on Proposed Lots 8/9 that minimise removal of significant trees.
- 7) Setbacks of dwelling envelopes
 - a) ~30m to the west (adjacent extensive agricultural lot – unlikely to be used for intensive agriculture due to drainage corridors);
 - b) ~20m to Spring Hill Rd / Zone R5 land to North / agricultural land to South;
 - c) ~20m to potential 2nd order watercourse west of main dam (total drainage corridor width ~45m);
 - d) ~10m to potential 1st order drainage lines north & east of main dam;
 - e) ~10m between proposed lot boundaries;
 - f) Additional setbacks to drainage prone areas.

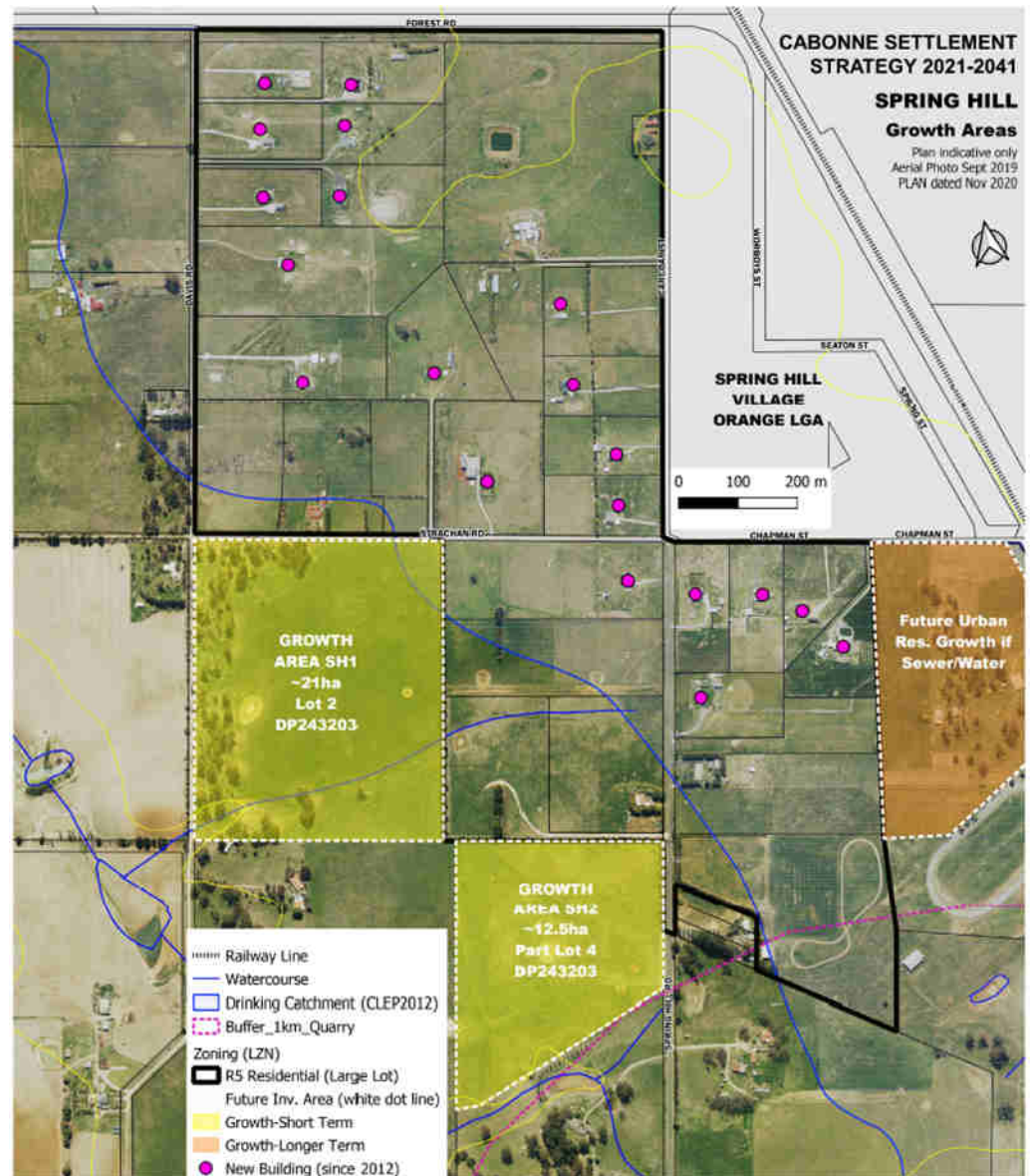
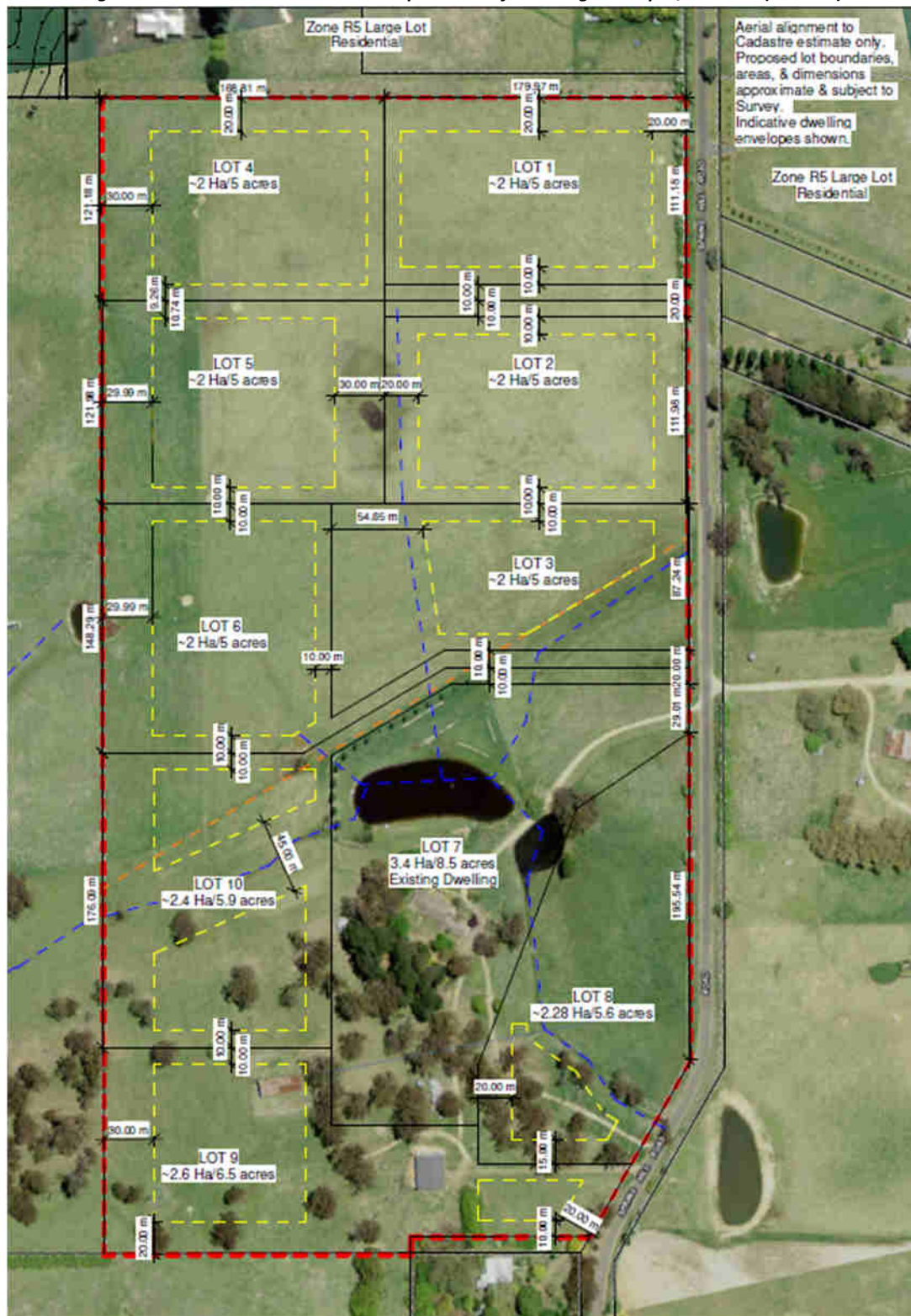


Figure 23: Indicative Subdivision Concept with Draft Building Envelopes/Setbacks (2ha lots).



3 PLANNING PROPOSAL – STATUTORY REVIEW

The Guideline require the Planning Proposal to address six (6) parts, including:

- *Part 1 – Objectives & Intended Outcomes*
- *Part 2 – Explanation of Provisions*
- *Part 3 – Justification of Strategic & Site-Specific Merit*
- *Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;*
- *Part 5 – Community consultation undertaken with Government, council, other authorities & the community (post-Gateway & during exhibition) – subject to the gateway determination*
- *Part 6 – Project Timeline – anticipated for the LEP making process.*

3.1 Part 1: Objectives & Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The Objective of this component of the Proposal is to amend the key planning controls to enable the development of the Site for large lot residential uses (predominantly dwellings) on lots of ~2ha or greater in size (to support an on-site effluent system) consistent with lot sizes in adjacent large lot residential areas.

3.2 Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The preferred approach of this component of the Proposal is to amend the relevant maps in CLEP2012 for the Site (as shown on the Figure below) including (consistent with the adjacent Zone R5 land in the LGA):

- a) The Land Zoning Map (LZN_005A) amended from Zone RU1 Primary Production to Zone R5 Large Lot Residential for the entire Site;
- b) The Lot Size Map (LSZ_005A) amended from 100ha to 2ha for the entire Site.

In order to achieve large lot residential uses with appropriate lot sizes on the Site, the best way is to amend both the Land Zoning Map LZN_005A and Lot Size Map LSZ_005A. Dwellings are permissible in both Zone R5 and Zone RU1. The primary point of difference between the existing and proposed outcome is the lot size and resulting subdivision potential (with rural zones controlled by Clause 4.2A). It makes sense to rezone the entire Site for large lot residential use rather than part of the Site to avoid split zoning. This Proposal demonstrates the sensitive environmental areas can either be avoided or designed to minimise or mitigate impacts.

The proposed method results in a site-specific outcome that creates a transparent (mapped) connection between the land use controls and the intended development outcomes. This avoids the need to amend any specific clauses or specifically list the affected lots. It is a natural extension of an existing Large Lot Residential area with minimal agricultural impact. It aligns the Lot Size for the Site with the majority of other Zone R5 Large Lot Residential areas in Cabonne Shire so it increases consistency in planning decisions.

3.3 Part 3: Justification of Strategic & Site-Specific Merit

This section must provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported.

Strategic merit means a proposal has alignment with the NSW strategic planning framework.

Site-specific merit involves a review of potential environmental, social & economic impacts & mitigation measures.

In accordance with DPIE Guideline, the questions to consider when demonstrating the justification are:

- *Section A: Need for the planning proposal*
- *Section B: Relationship to the strategic planning framework*
- *Section C: Environmental, social and economic impact*
- *Section D: Infrastructure (local, state & commonwealth)*
- *Section E: State and Commonwealth interests.*

The summary of key opportunities/constraints for **Growth Areas** around Spring Hill was addressed in the *Settlement Strategy Section 11.5 –Strategy (Growth Investigation) Area(s)*, summarised in **Section 2.2.1-Existing Large Lot Residential Area** of this Proposal. Whilst there was not as much detail on **Growth Area SH2** as there was for **Growth Area SH1**, similar principles apply to support the rezoning as follows:

- a) **Strategy:** The Site is clearly identified in the *Settlement Strategy* for rezoning for large lot residential use at 2ha lot sizes (with on-site effluent management).
- b) **Growth/Demand:** The Spring Hill Large Lot Residential (LLR) area has grown significantly in the last 10-20 years and there is significant demand for new housing in reasonable proximity to the village. The existing supply in and around Spring Hill is likely to be consumed in the next 5-10 years.
- c) **Area:** The Site is a single lot (Lot 4 DP253203)/owner with an area of ~23.35ha making it easier to co-ordinate for development.
- d) **Employment Opportunities:** With employment growth areas at the Orange Regional Airport, Cadia Mine and the future McPhillamys Mine (Kings Plains), and in the growing health and education precinct to the south of Orange - it is centrally located to provide housing near major employment opportunities.
- e) **Urban Connections:** The Site is in close proximity to the Spring Hill urban area including supporting community and limited retail services. It is within 15 minutes' drive of Orange for higher level services & employment.
- f) **Logical LLR Extension:** It is a logical extension of the existing Zone R5 Large Lot Residential (LLR) area as it is surrounded by this land use to the north and north-east. Whilst its inclusion in Zone R5 would increase the perimeter of LLR land to rural land – much of the land along Spring Hill Road is fragmented and it connects those clusters of existing housing.
- g) **Road Frontages:** It has sealed road frontages along Spring Hill Road (eastern boundary) that facilitates good access, efficient lot yields and buffers some adjacent land uses. At a 2ha lot size, the Site is unlikely to need new public internal roads to deliver an efficient yield as long as up to four (4) battle-axe lots are permissible.
- h) **Agriculture:** Whilst the land is part of a larger agricultural holding, each of the key paddocks/areas are separated by other holdings/roads. This requires the movement of stock and machinery down public roads. A ~23.35ha area has limited agricultural productivity on its own. Whilst it has soils with a higher agricultural potential, the existing vegetation, drainage and adjacent large lot residential uses limit its agricultural productivity.
- i) **Buffers to West & South:** The indicative dwelling envelopes are setback from agricultural activities on primary production land to the west with a proposed 20-30m buffer to proposed building envelopes along the west and south to protect the 'right to farm' on adjacent Zone RU1 Primary Production land. Whilst the perimeter has increased to rural zoned land- in fact – most of the land to the south and along Spring Hill Rd has been fragmented and/or utilised for rural lifestyle lots with dwellings. Therefore, there is a low chance of land use conflict with adjacent lands and a logical location for an extension of Zone R5 into this area.
- j) **Buffers to North & East:** The indicative dwelling envelopes are setback from Spring Hill Road (to the east) and adjacent Large Lot Residential land (to the north) by up to 20m or more in some areas to maintain residential amenity between similarly zoned lands. A 2ha MLS incorporates additional buffer potential between dwellings.
- k) **Watercourse:** The land has a few 1st order drainage lines and possibly one 2nd order drain below the central dam to the west. None of these have any significant watercourse or riparian features. They are largely intermittent overland flow paths between dams with a limited catchment up to Spring Hill Rd. Mainstream flood risks are minimal on this land as it is elevated above the tributaries to Cowriga Creek. Drainage issues can be addressed during detailed design at subdivision stage.
- l) **Drinking Water Catchment:** The Site is entirely outside the Orange Suma Park Reservoir *Drinking Water Catchment* area – so development won't affect drinking water supplies (quality & quantity) in reasonable proximity to the Site.
- m) **Extractive Industry:** This is addressed in **Section 2.1.4 – Other Site Opportunities & Constraints**. The Site is outside the 500m buffer to the Spring Hill/Worboys Quarry to the south-east of the Site and there are no other known mineral potential areas that are likely to be affected (though there is an exploration licence across most land in this area).
- n) **Contamination:** The attached **Preliminary Contamination Investigation** (& supporting information in the Appendices to this Report) states that the areas of the proposed building envelopes are suitable for residential use. Whilst some limited contamination was identified outside the envelopes near existing sheds, we suggest that these can be suitably remediated at the DA stage as they are likely to be surface contamination only.
- o) **Groundwater:** The provided four (4) **On-Site Effluent Studies** (as a sample of the nine (9) undeveloped lots) suggests that the Site/future lots are capable of supporting on-site effluent management with no impact on nearby bores or groundwater systems. Any future Development Application can provide additional details.

3.3.1 Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

This Proposal is based on the recommendations of the iPLAN PROJECTS (2021) *Cabonne Settlement Strategy 2021-2041* ('Settlement Strategy') as detailed in the above Sections of this Report. This has had public consultation and being adopted by Cabonne Council. There is only minor variation by including all of the lot rather than just the northern section (minor variation – see justification in **Section 2.2.3 – Growth Investigation Areas** above).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal and the proposed amendments to CLEP2012 are the best way of achieving the objectives of each component of this Proposal. The preferred methods recommended in this Proposal have been considered in the **Section 3.2: Part 2: Explanation of Provisions** above.

The proposed amendments are not of a scale to be considered 'State or Regionally Significant' such that amendments to a State Environmental Planning Policy ('SEPP') would be required.

3.3.2 Section B – Relationship to Strategic Planning Framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Central West and Orana Regional Plan 2036 (June 2017)

Regional plans have been prepared for all parts of NSW including the *Central West and Orana Regional Plan 2036* (June 2017 – CWORP) noting there is no District Plan in the Central West & Orana Region. There is currently a Draft CWORP 2041 (on exhibition in February 2022 – not yet finalised as of June 2022) that is briefly addressed below.

Adopted CWORP - 2036

The CWORP includes directions, planning priorities and specific actions for a range of different matters relevant to Cabonne LGA (ONLY THE RELEVANT PRIORITIES, DIRECTIONS & ACTIONS ARE SHOWN), as follows:

Note: Most of these issues are addressed in further detail in **Section 2.1.5: Other Site Opportunities & Constraints** & other parts of **Section 3.3: Part 3: Justification of Strategic & Site-Specific Merit** in this Report.

DIRECTION	Actions	RESPONSE
Goal 1: The most diverse regional economy in NSW		
Direction 1: Protect the region's diverse and productive agricultural land.	1.2 Protect important agricultural land from land use conflict and fragmentation, and manage the interface between important agricultural lands and other land uses.	Addressed in this Proposal above (see Section 2.3 Indicative Subdivision Concept / Principles). Impact both of consumption of agricultural land and potential land use conflict with surrounding lands is low due to existing pattern of development.
Direction 8: Sustainably manage mineral resources.	8.1 Consult with the Division of Resources & Geosciences when assessing applications for land use changes strategic land use planning, rezoning and planning proposals) and new development or expansions. 8.2 Protect areas with potential mineral and energy resources extraction through local land use strategies and local environmental plans. 8.3 Protect infrastructure that facilitates mining from development that could affect current or future extraction.	The Site is outside the mapped/ known Mineral Resource Potential areas and outside the 500m buffer to existing extractive industries (e.g., Spring Hill/Worboys Quarry). Low chance of any impact.

DIRECTION	Actions	RESPONSE
Direction 12: Plan for greater land use compatibility.	12.2 Identify and protect important agricultural land in local plans. 12.3 Create local strategies to limit urban & rural housing development in agricultural & extractive resource areas, industrial areas, & transport corridors. 12.4 Amend planning controls to deliver greater certainty of land use.	Land use conflicts are also addressed in relation to Goal 1 - Directions 1 & 8 above and Goal 3 Direction 19 below. The <i>Cabonne Settlement Strategy</i> (2020) is an approved land use strategy that balances competing needs for additional housing with agriculture, mineral resources and transport corridors. This Planning Proposal builds on the recommendations of that Strategy and uses methods that give a reasonable level of certainty of development outcomes and their likely impacts.
Goal 2: A stronger, healthier environment and diverse heritage		
Direction 13: Protect & manage env. assets Direction 14: Manage & conserve water resources for the env. Direction 15: Increase resilience to natural hazards & climate change Direction 16: Respect & protect Aboriginal heritage assets Direction 17: Conserve & adaptively re-use heritage assets	13.1 Protect high environmental value assets through local environmental plans. 13.2 Minimise potential impacts arising from development in areas of high environmental value, and consider offsets or other mitigation mechanisms for unavoidable impacts. 14.2 Locate, design, construct & manage new developments to minimise impacts on water catchments, including downstream areas & groundwater resources. 15.1 Locate developments, including new urban release areas, away from areas of known high biodiversity value; areas with high risk of bushfire or flooding; contaminated land; & designated waterways. 15.8 Manage the risks of disturbance in areas affected by naturally occurring asbestos by increasing public awareness and providing mapping to Councils. 16.1 Protect, manage and respect Aboriginal objects and places in accordance with legislative requirements. 17.2 Prepare, review & update heritage studies in consultation with the wider community to recognise & conserve heritage assets & items, & include appropriate local planning controls.	The Site is NOT affected by the following: <ul style="list-style-type: none"> • Mapped bush fire prone land; • Mapped flood prone land; • Riparian watercourses; • Mapped non-indigenous heritage; • Mapped naturally occurring asbestos areas; • Drinking water catchment (Suma Park Dam). The Site has some limited areas mapped with potential for: <ul style="list-style-type: none"> • Biodiversity – 2ha lot size combined with suitable dwelling envelopes can protect most of the significant trees in the cluster around the existing dwelling. • Groundwater vulnerability – Up to ten (10) additional lots used for residential purposes are unlikely to place significant pressure on groundwater resources (where available) with suitable effluent management. The Site has been used for agriculture for a significant period and extensively modified. It has a low potential for Aboriginal archaeology as it is not on a major watercourse or landscape value land and it has been modified. On this basis, the Site has relatively low-level of constraints and is suitable for its intended purpose.
Goal 3: Quality freight, transport and infrastructure networks		
Direction 19: Enhance road and rail freight links.	19.5 Identify existing and proposed freight and transport corridors in local land use strategies to minimise the encroachment of incompatible land uses.	Spring Hill Road is a local road so new access points are unlikely to have any significant impact on proposed freight or transport corridors and there are good sightlines for new access points. The Site is setback a significant distance from the Great Western Rail corridor so there are no conflicts.
Direction 20: Enhance access to air travel & public transport	20.1 Identify development opportunities for appropriate and complementary land uses and limit the encroachment of incompatible development around Bathurst, Orange, Dubbo, Mudgee and Parkes airports.	The Site is outside the Obstacle Limitation Surface (OLS) and Noise (ANEF) impact areas around Orange Regional Airport so there are no additional impacts.

DIRECTION	Actions	RESPONSE
Direction 21: Coordinate utility infrastructure investment.	21.3 Monitor development and ensure that infrastructure is responsive to investment opportunities.	The Site will require connection to electricity / telecommunication networks and capacity issues can be addressed. Water and sewage are likely to be addressed by on-site systems that minimise impacts on the natural environment.
Goal 4: Dynamic, vibrant and healthy communities.		
Direction 23: Build the resilience of towns and villages.	23.2 Work with councils to better understand the drivers of population change and implications for local communities.	The Proposal is largely consistent with the <i>Settlement Strategy</i> that identifies this Site for large lot residential expansion and seeks to provide a diversity of housing types & choice across both urban and large lot residential areas.
Direction 25: Increase housing diversity & choice.	25.2 Increase housing choice in regional cities & strategic centres at locations near or accessible to services & jobs. 25.3 Align infrastructure planning with new land release areas to provide adequate & timely infrastructure. 25.4 Locate higher density development close to town centres to capitalise on existing infrastructure & increase housing choice.	There has been demonstrated demand and limited supply in the existing Spring Hill area that is addressed by the Strategy. The Strategy has identified this Site as having proximity to the existing Spring Hill urban area, a logical extension of the existing large lot residential area, in proximity to growing employment opportunities, and suitably supported by appropriate infrastructure. Land use conflicts with surrounding agricultural areas and infrastructure have been addressed above.
Direction 28: Manage rural residential development.	28.1 Locate new rural residential areas: <ul style="list-style-type: none"> • close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure; • to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and • to avoid areas of high environmental, cultural or heritage significance, regionally important agricultural land or areas affected by natural hazards. 	The Site is adjacent to the existing large lot residential area that wraps around the village of Spring Hill. It would likely utilise on-site water and effluent management but relies on Spring Hill Road for access & may require some upgrades to existing electricity & telecommunication connections. Land use conflicts are addressed above. The land does not have any high cultural significance or natural hazards that would prevent its redevelopment.
Local Government Narratives – Cabonne		
Priorities <ul style="list-style-type: none"> • Maintain and enhance the economic diversity of Cabonne's towns, villages and commercial centres. • Support villages to attract appropriate development. • Support the mining and agribusiness sectors and associated businesses through land use planning policies. • Protect agricultural land from encroachment from residential development. • Support the connectivity of the local, regional and state transport network. • Leverage opportunities from the Local Government Area's rural character to diversify the economy in areas such as tourism. 		The Proposal addresses the Priorities for Cabonne by: <ul style="list-style-type: none"> • Building on infrastructure and services of Spring Hill, Millthorpe & Orange (even if these are outside Cabonne); • Provide housing opportunities near existing and future mining potential areas & other employment opportunities (with minimal potential land use conflicts); • Protect agricultural land by planned residential growth with suitable buffers; • Provide a diversity of housing types in good proximity to infrastructure, services and employment.

Draft CWORP-2041

OBJECTIVE	CWORP2036 Reference	RESPONSE
Part 1 – A sustainable & resilient place		
1. Identify, protect & connect important environmental assets	Goal 2 Direction 13	Addressed in Proposal.
2. Support connected & healthy communities	Goal 4 Direction 29	Consistent with growth around Spring Hill.
3. Plan for resilient places & communities	Goal 2 Direction 15 Goal 4 Direction 23	Addressed in Proposal.
4. Secure & resilient regional water resources	Goal 1 Direction 11 Goal 2 Direction 14	On-site water management.
5. Ensure site selection & design embraces & respects the region's landscapes, character & cultural heritage	Goal 2 Directions 16/17 Goal 4 Direction 29	Addressed in Proposal.
Part 2 – People, housing & communities		
6. A network of healthy & prosperous centres	Goal 4 Direction 22	Consistent with growth around Spring Hill.
7. Provide well located housing options to meet demand	Goal 4 Directions 25/26/27	Close to Spring Hill, Airport, Millthorpe, Orange & Cadia/Kings Plains Mining.
8. Plan for diverse, affordable, resilient & inclusive housing	Goal 4 Directions 25/26/27	Lot size set by Strategy/ Gov. Alternate to urban housing.
9. Manage rural residential development	Goal 4 Direction 28	Growth of Large Lot Res. consistent with Strategy.
10. Provide accommodation options for temporary workers	Goal 4 Direction 27	N/A
11. Coordinate smart & resilient utility infrastructure	Goal 3 Direction 21	On-site water/effluent man. Spring Hill Rd main connector. Electricity to be upgraded as required.
Part 3 – Prosperity, productivity & innovation		
12. Leverage existing industries & employment areas & support new & innovative economic enterprises	Goal 1	N/A
13. Protect agricultural production values & promote agriculture innovation, sustainability & value-add opportunities	Goal 1 Directions 1/2	Existing area fragmented with dwellings. Minor extension into quality agricultural land.
14. Protect & leverage the existing & future road, rail & air transport networks & infrastructure	Goal 3 Directions 19/20	No conflict with major air, road or rail infrastructure.
15. Implement a precinct-based approach to planning for higher education & health facilities	Goal 1 Directions 5/6	N/A
16. Sustainably maximise the productivity of resource lands	Goal 1 Directions 1/8/11	Agriculture addressed in Proposal. No impact on nearby extractive resources.
17. Support a diverse visitor economy	Goal 1 Direction 4	N/A
18. Strengthen the economic self-determination of Aboriginal communities	Goal 1 Direction 7	No impact.
Part 4 – Location specific responses		
19. Strengthen Bathurst, Dubbo & Orange as innovative & progressive regional cities	Goal 4 Direction 4	Limited growth around Orange's villages is consistent with Orange's Housing Strategy (adopted June 2022).

OBJECTIVE	CWORP2036 Reference	RESPONSE
20. Leverage the Central West Orana Renewable Energy Zone to provide economic benefit to communities	Goal 1 Direction 9	N/A
21. Leverage the Parkes Special Activation Precinct & plan for associated growth	Goal 4 Direction 4	N/A
22. Protect Australia's first Dark Sky Park	Goal 1 Direction 12	N/A

4. Is the planning proposal consistent with a council local strategic planning statement (LSPS) that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes, the Planning Proposal will give effect to Council's endorsed *Local Strategic Planning Statement* (LSPS) and adopted *Cabonne Settlement Strategy* and is consistent with the other adopted land use strategies of the LGA, as follows:

Local Strategic Planning Statement (LSPS)

Council have prepared a *Local Strategic Planning Statement* (June 2020) (LSPS) to guide future land use decisions in the area. The LSPS does not specifically refer to the Subject Site OR suggest the outcomes in this Planning Proposal but it is a high-level document only and does not provide site-specific recommendations (it largely refers to the relevant land use strategies). This Proposal is consistent with the key relevant Planning Priorities identified in that Statement (ONLY THE RELEVANT PRIORITIES, DIRECTIONS & ACTIONS ARE SHOWN), as follows:

STRATEGIC DIRECTION	ACTIONS	RESPONSE
1: Support the Diversification in Agriculture & Protect Agricultural Land from Urban Encroachment.		
<ul style="list-style-type: none"> Reinforce Cabonne Council as an agriculturally based council Prevent the fragmentation of rural land for non-rural land uses Protect agricultural land for agricultural purposes 	<ul style="list-style-type: none"> Implement the recommendations Blayney, Cabonne and Orange Subregional Rural and Industrial Lands Strategy Review. (Short Term) Support diversification of agriculture by reviewing permissible land uses within rural zones to reflect industry requirements. (Short Term) Review the Cabonne Development Control Plan for Rural Lands to ensure that rural land is protected from inappropriate development. (Medium Term) Advocate for the Right to Farm Policy. (Continual) 	Whilst we appreciate that this Proposal involves the consumption of agricultural land for large lot residential purposes – we suggest that the <i>Settlement Strategy</i> has already balanced the outcomes to minimise impact and can vary the <i>Subregional Rural & Industrial Lands Strategy</i> . Agricultural impact is addressed in more detail above.
3: Support sustainable growth in the mining & industry & leverage off opportunities within the region.		
Support the growth within the mining and industrial sectors and capitalise on economic opportunities for Cabonne.	<ul style="list-style-type: none"> Implement the recommendations Blayney, Cabonne and Orange Subregional Rural and Industrial Lands Strategy Review. (Short Term) Identify industrial and employment land opportunities and reduce land use conflicts through local land use strategies. (Medium Term) Create a comprehensive Development Control Plan to guide development in employment generating industries. (Medium Term) Encourage the sustainable development of industrial and employment land to maximise infrastructure and connect to the existing freight network. (Continual) Explore opportunities for Council to capitalise on the Parkes Special Activation Precinct in regard to industry and flow on benefits. (Medium Term) 	There is no conflict with mapped/known mineral resources or extractive industries. The Site seeks to support mining & industrial sectors as it is in close proximity to employment generators at Cadia Mine and the future McPhillamys Mine.
4: Support & promote sustainable development within our villages & celebrate our history.		
<ul style="list-style-type: none"> Encourage sustainable development within the villages to support the local economies Celebrate and protect key heritage assets across the shire and ensure future development within the 	<ul style="list-style-type: none"> Prepare a shire wide economic development strategy to foster development and economic within the villages. (Medium) Review the <i>Cabonne Settlement Strategy</i> to identify suitable areas for growth. (Short) Prepare a comprehensive Development Control Plan for commercial areas, including specific controls for Heritage items and heritage conservation areas. (Medium Term) 	The Proposal responds to the updated <i>Cabonne Settlement Strategy</i> that has identified the Site as an area for future growth of large lot residential uses. It is likely to create some economic flow-on effects for Spring Hill, Millthorpe & Orange – and whilst these settlements are outside

STRATEGIC DIRECTION	ACTIONS	RESPONSE
villages is sympathetic to its surrounds.	<ul style="list-style-type: none"> Investigate potential for Aboriginal heritage study for Cabonne Local Government Area. (Long Term) Protect, manage and respect Aboriginal objects and places in accordance with legislative requirements. (Continual) 	Cabonne – it is important to promote their sustainable development.
5: Provide opportunities to ensure a variety of housing types are available across our shire.		
<ul style="list-style-type: none"> Identify strategic areas for growth opportunities around existing urban development. Ensure that suitable accommodation is available for older persons within Cabonne. 	<ul style="list-style-type: none"> Review the <i>Cabonne Settlement Strategy</i> to identify suitable areas for growth and increase housing choice, including housing for older people and affordable housing options. (Short Term) Implement a comprehensive Development Control Plan for residential and urban development. (Medium Term) Advocate for improvements to health and transport services for our villages. (Continual) 	<p>The Proposal responds to the updated <i>Cabonne Settlement Strategy</i> that has identified the Site as an area for growth of large lot residential uses.</p> <p>It is likely to create some economic flow-on effects for Spring Hill, Millthorpe & Orange – and whilst these settlements are outside Cabonne – it is important to promote their sustainable development.</p>
6: Ensure that infrastructure & facilities cater for the changing needs of our community.		
Provide appropriate infrastructure for the communities of Cabonne to ensure that it meets the needs of our community.	<ul style="list-style-type: none"> Update and implement the Cabonne Pedestrian and Mobility Plan (PAMP) (Continual) Complete plans of management for Crown Land allotments that council manage (Short Term). Review and update council's Developer Contributions Plan pursuant to clause 7.11/7.12 of the Environmental Planning and Assessment Act 1979. (Short Term) Support programs such as council's Village Enhancement Program to improve investment in local projects. (Continual) 	<p>The Proposal is for large lot residential development that has a lower requirement for infrastructure than urban development. However, all essential infrastructure will be provided as set out in this Report.</p> <p>Whilst the Actions are not specifically relevant to the Zone R5 areas around Spring Hill – they can integrate with infrastructure in this area.</p>
7: Protect & enhance our landscape, biodiversity & waterways.		
8: Manage natural hazards to mitigate their impacts on our communities.		
9: Mitigate & adapt to climate change & support renewable energy projects.		
<ul style="list-style-type: none"> Avoid, minimise, mitigate impacts to biodiversity to ensure it is available for future generations. Protect areas of high quality biodiversity from inappropriate development. Provide appropriate mechanisms to ensure public awareness of natural hazards Ensure that new development is appropriate for the known natural hazards of the area Mitigate the adverse impacts of increased temperatures as a result of climate change 	<ul style="list-style-type: none"> Prepare Development Control Plan that addresses management of rural lands, biodiversity and recent changes to bring Council controls in line with the Biodiversity Conservation Act 2016 and the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. (Medium Term) Review Cabonne Local Environmental Plan 2012 mapping of Biodiversity areas. (Medium Term) Implement the requirements of the NSW Floodplain Development Manual by updating flood studies and floodplain risk management plans. (Medium Term) Prepare a Development Control Plan that addresses controls for development in areas of natural hazards to provide consistent controls across the shire. (Medium Term) Manage the risks of disturbance in areas affected by Naturally Occurring Asbestos by increasing public awareness and providing mapping to the community. (Continual) Assess Development in accordance with Planning for Bushfire Protection 2019. (Continual) Ensuring residential development adheres to the requirements of BASIX (Continual). Support the implementation of council's Renewable Energy Action Plan (REAP) (Short Term). Support Council's urban tree planting program (Continual). 	<p>This Planning Proposal has responded to the natural environment (hazards/ constraints & opportunities) to demonstrate that the Site is suitable for the Proposed Development.</p>

Cabonne Settlement Strategy 2021-2041

This Proposal seeks to directly implement the recommendations of the *Settlement Strategy* as set out in **Section 2.2 – Cabonne Settlement Strategy Recommendations** in this Proposal.

Sub-Regional Rural and Industrial Land Use Strategy (2008)

The *Sub-Regional Rural and Industrial Land Use Strategy* (2008) ('2008 Subregional Strategy') covered Councils of Blayney, Cabonne and Orange and was primarily about rural and industrial land use outcomes that are largely unaffected by this Proposal.

Whilst it originally included stand-alone large lot residential recommendations these have now been incorporated into the *Cabonne Settlement Strategy* (addressed above). The key relevance of the 2008 Subregional Strategy is the protection of productive agricultural land and this is also addressed above.

DRAFT Subregional Rural and Industrial Lands Strategy (2019 to 2036)

The Elton Consulting (10 February 2020) *Subregional Rural and Industrial Lands Strategy (2019 to 2036) – DRAFT* ('2020 Subregional Strategy') was publicly exhibited by Cabonne Council in 2020 but as its exhibition by Orange City Council was delayed – it is yet to be adopted. It will replace the 2008 Subregional Strategy (above).

As stated above, this Strategy predominantly provides recommendations for rural and industrial lands across the LGA. The key relevance of the 2020 Subregional Strategy is the protection of productive agricultural land and this is also addressed in the *Cabonne Settlement Strategy* review and the CWORP review above.

Community Strategic Plan 2018-2028

The Proposal is also consistent with the *Cabonne Community Strategic Plan 2025* ('Cabonne 2025') and the Integrated Planning and Reporting documentation including the Future Directions set out below (and addressed in the CWORP review above) though it does not have any specific directions/actions relevant to the specific outcomes in this Proposal:

1.	Connect Cabonne to each other and the world
2.	Build business and generate employment
3.	Provide and develop community facilities
4.	Grow Cabonne's culture and community
5.	Manage our natural resources

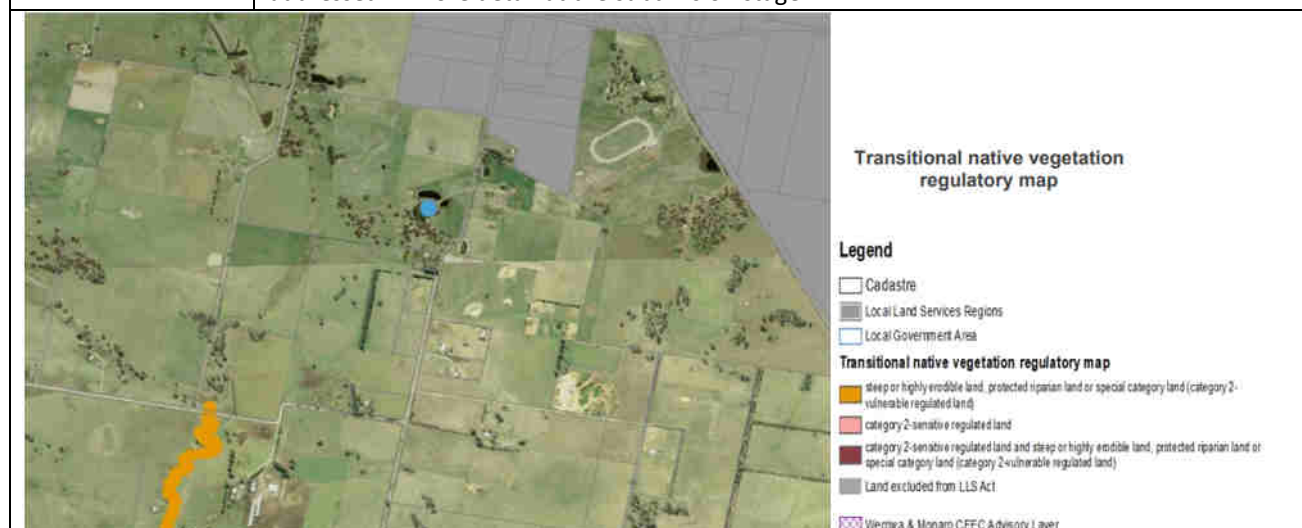
5. Is the planning proposal consistent with any other applicable State & regional studies or strategies?

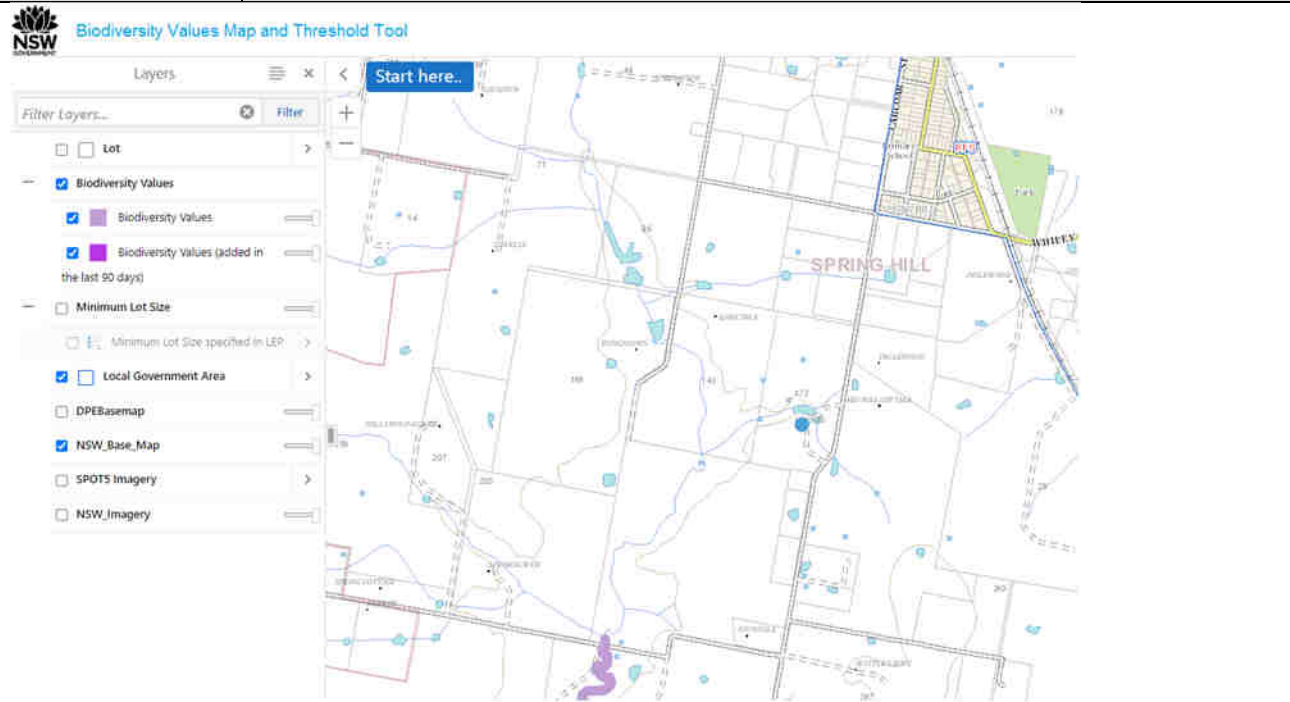
Other relevant Plans (such as *Future Transport Strategy 2056*; *State Infrastructure Strategy*; *A 20 Year Economic Vision for Regional NSW*; *Draft Central West & Orana Transport Plan*) are high-level plans and provide over-arching principles that are largely addressed by the CWORP2036/2041 (addressed above). They do not provide detail on specific areas like Spring Hill or its surrounds but support logical growth of housing opportunities. The additional traffic generation from the Proposal is unlikely to increase conflicts or impair safety in this area. The Proposal is not inconsistent with these strategies.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

It is noted that the proposal is broadly consistent with any applicable SEPP's as set out in the table below:

SEPP /Objective(s)	Response/Compliance
Local Land Services Act 2013, Biodiversity Conservation Act 2016, Biodiversity Regulation 2017 & SEPP (Biodiversity & Conservation) 2021	
The legislation and SEPP seek to protect significant vegetation & biodiversity across the State, including for koala habitat & urban bushland.	<p>Under the LLS Act 2013 the Native Vegetation Regulatory Map (see below) doesn't identify any vulnerable or sensitive regulated land on or near the Site. There is also no land identified as having Biodiversity Values on or near the Site (on the map below).</p> <p>This Proposal seeks to minimise development in areas with significant existing vegetation or potential sensitive biodiversity. The north of the Site has been consistently cultivated and grazed over more than 80 years. The Proposal demonstrates that with suitable building envelopes and appropriate site design (at subdivision stage), the existing significant vegetation in the south of the Site can be largely protected and impacts on biodiversity avoided or minimised consistent with this SEPP. This is a Planning Proposal and no removal of trees forms part of this application.</p> <p>A section of the SEPP aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Cabonne LGA is identified in the SEPP as containing koala habitat (Koala Management Area – Central & Southern Tablelands). The northern part of the Site is cleared of any significant feed species and there is only a small collection of trees in the southern part. This can be protected with appropriate lot boundaries and building envelopes to avoid or minimise impact on koalas or koala habitat. This can be addressed in more detail at the subdivision stage.</p>



SEPP /Objective(s)	Response/Compliance
	
Contamination - SEPP (Resilience & Hazards) 2021	
<p>Part of this SEPP requires review of contamination & possibly remediation of land to ensure the land is suitable for the proposed land use.</p>	<p>This SEPP seeks to ensure that land is suitable for the intended use and promote remediation of contaminated land to reduce the risk of harm to human health. It must be considered when consenting to development on land (Clause 7) – but former Clause 6 requiring consideration at the rezoning stage has been repealed and is now addressed under the Ministerial Directions (see below). The attached <i>Preliminary Contamination Investigation</i> (& supporting information in the Appendices to this Report) states that the areas of the <u>proposed building envelopes</u> are suitable for residential use. Whilst some limited contamination was identified outside the envelopes near existing sheds, we suggest that these can be suitably remediated at the DA stage as they are likely to be surface contamination only.</p>
SEPP (Resources & Energy) 2021	
<p>This SEPP seeks to protect & enable resources & energy development.</p>	<p>There are no known mineral or extractive resources that would be affected by the Proposal. Whilst the land is covered by an Exploration Licence (EL6040 – Gold & Copper Resources), this company has exploration licences over large areas of the Shire, though the proximity to the existing large lot residential area & the Spring Hill urban area means it is unlikely extractive industry will occur in this area. Addressed above re CWORP Goal 1.</p>
SEPP (Transport & Infrastructure) 2021	
<p>This SEPP seeks to protect & enable infrastructure development.</p>	<p>This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. This is addressed in relation to CWORP Goal 3 above. There is no significant impact on any infrastructure. This is unlikely to be a Traffic Generating Development as it is below the thresholds in Schedule 3 of the SEPP and unlikely to impact significantly on the safe operations of Spring Hill Rd.</p>
SEPP (Housing) 2021	
<p>This encourages affordable & diverse housing.</p>	<p>It is unlikely that any future dwellings would be seeking approval under the <i>Housing SEPP</i> but it doesn't prevent this SEPP from being used to promote affordable & diverse housing.</p>
SEPP (BASIX) 2004	
<p>This SEPP seeks to improve dwelling water/energy efficiency.</p>	<p>This SEPP is concerned with appropriate water and energy consumption and sustainable residential development. The Proposal does not affect the application of BASIX to the dwellings that will form part of future development applications.</p>

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The relevant Section 9.1 Directions are addressed below and we suggest the Proposal is consistent with the Ministerial Directions (latest August 2021) as follows:

Section 9.1 Directions		Applicable to Planning Proposal	Date
1. Employment and Resources			
1.1	Business and Industrial Zones	No. Existing rural & proposed future large lot residential.	01/05/17
1.2	Rural Zones	Yes. Impacts on agriculture are addressed in more detail above and supported by the adopted <i>Settlement Strategy</i> .	14/04/16
1.3	Mining, Petroleum Production and Extractive Industries	Yes. Potential impact on extractive industries as LLR is incompatible but this is a low risk for this Site and the inconsistency is of a minor significance.	01/07/09
1.4	Oyster Aquaculture	No.	01/07/09
1.5	Rural Lands	Yes. See 1.2 Rural Zones above.	28/02/19
2. Environment and Heritage			
2.1	Environment Protection Zones	Yes. Mapped environmentally sensitive areas such as groundwater and biodiversity have been addressed for the Site above and the protections are not weakened by this Proposal.	14/04/16
2.2	Coastal Management	No.	03/04/18
2.3	Heritage Conservation	Site is not a listed heritage item or in a heritage conservation area and not close to any listed items so there is a low risk of impact on Non-Indigenous Heritage. We have noted above the extent of disturbance on this site from cultivation and improvement and its lack of permanent watercourses or landscape features that would create a higher risk of impact on artefacts or places of Aboriginal significance. We suggest that as this Proposal has received a gateway approval that the issue should be addressed in more detail at the Subdivision DA Stage.	01/07/09
2.4	Recreation Vehicle Areas	No.	14/04/16
2.5	E2 / E3 Zones & Environmental Overlays Far North Coast	No.	02/03/16
2.6	Remediation of Contaminated Land	The attached Preliminary Contamination Investigation states that the areas of the <u>proposed building envelopes</u> are suitable for residential use. Whilst some limited contamination was identified outside the envelopes near existing sheds, we suggest these can be suitably remediated at the DA stage as they are likely to be surface contamination only.	17/04/20
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes. The Proposal is consistent as it seeks to increase the area for large lot residential uses to encourage the provision of housing in an area with suitable infrastructure & low environmental constraint for this purpose.	14/04/16
3.2	Caravan Parks and Manufactured Home Estates	No. Zone RU1 (existing) and Zone R5 (proposed) do not permit caravan parks. No change.	14/04/16
3.3	Home Occupations	Revoked 9/11/2020	N/A
3.4	Integrating Land Use and Transport	Yes. The Proposal is for a residential zoned land (though Zone R5 is traditionally outside the urban areas). The Proposal is consistent with increasing residential densities immediately adjacent to existing Zone R5 land in close proximity to Spring Hill urban centre. Suitable levels of transport are available for Zone R5.	14/04/16
3.5	Development Near Regulated Airports & Defence Airfields	Maybe. The land is near the Orange Regional Airport but outside the Obstacle Limitation Surface and Noise (ANEF) mapping for	20/08/18

		the airport so there is not expected to be any significant impact on airport operations or residential amenity.	
3.6	Shooting Ranges	No. There are no known rifle ranges in or near any the Site.	16/02/11
3.7	Non-hosted STRA period	No. Byron Shire Council only.	15/02/19
4. Hazard & Risk			
4.1	Acid Sulfate Soils	No. Land not mapped as acid sulfate prone land.	01/07/09
4.2	Mine Subsidence and Unstable Soil	No. Land not within a mine subsidence district or unstable land.	14/04/16
4.3	Flood Prone Land	No. The Site is not mapped as being flood prone land and is not in sufficient proximity or level to a watercourse to be affected by mainstream flooding. On-site drainage can be addressed during the subdivision stage.	14/07/21
4.4	Planning for Bushfire Protection	No. Land identified for growth is not currently mapped as having any bushfire potential (though this may change in the future).	20/02/20
5. Regional Planning			
5.10	Implementation of Regional Plans	Yes. The <i>Central West & Orana Regional Plan</i> is addressed in more detail in <i>Question 3</i> of this section above. The Proposal is consistent with the Regional Plan.	14/04/16
5.11	Development of Aboriginal Land Council Land	No. Applies to Central Coast only.	06/02/19
6. Local Plan Making			
6.1	Approval & Referral Requirements	No change in referrals proposed.	01/07/09
6.2	Reserving Land for Public Purposes	No land reserved for public purpose affected.	01/07/09
6.3	Site Specific Provisions	No restrictive site-specific planning controls proposed.	01/07/09
7. Metropolitan Planning – NOT APPLICABLE (Sydney only)			

3.3.3 Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is a low likelihood that the increased development/dwelling density on the land will significantly impact on critical habitat or threatened species, population or ecological communities. The majority of the Site is cleared of trees and has improved pasture (used for extensive agriculture) with limited biodiversity potential. There is a pocket of significant trees in the southern part of the Site (many of which are part of the garden of the existing dwelling). The majority of these can be protected with the large (2ha) lots sizes and suitable building envelopes (see *Indicative Subdivision Concepts*). The Site is not connected to any major significant ecological corridors or natural areas. This can be further investigated at the development application stage.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This Proposal highlights some of the site constraints for the Proposal area but demonstrates they do not preclude the Proposal from proceeding and/or can be mitigated by appropriate subdivision, dwelling envelopes and dwelling design. The attached *Preliminary Contamination Investigation* states that the areas of the proposed building envelopes are suitable for residential use. Whilst some limited contamination was identified outside the indicative building envelopes near existing sheds, we suggest that these can be suitably remediated at the DA stage as they are likely to be surface contamination only and do not preclude residential uses within the envelopes that have been deemed suitable. Any future development application for the Proposal area will address the likely environmental effects in more detail.

10. Has the planning proposal adequately addressed any social and economic effects?

The Proposal seeks to provide a balanced approach to growth in and around Spring Hill that provides a diversity/choice of housing types in suitable locations aligned with the site and environmental constraints of the area as supported by the *Settlement Strategy*.

The social and economic benefits are that it located housing in close proximity to the Spring Hill urban area where there are some existing community services. There are employment opportunities at the nearby Cadia Mine and future McPhillamy's mine. However, it is recognised that the majority of employment & services will come from Orange which is only a short distance away (particularly south Orange health and education precinct). This Proposal is suited more to people looking for more land who have access to private vehicles where the travel distance should not create any significant social or economic impact.

3.3.4 Section D – Infrastructure (Local, State & Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

Infrastructure is addressed in more detail in relation to CWORP Goal 3 above. In summary, the Proposal has a sealed road frontage (Spring Hill Road) that provides primary access and should not require major upgrades.

There are overhead electricity lines present in the road reserve. During the Development Application process, we can liaise with Essential Energy regarding the required upgrades but this shouldn't prevent the Proposal from proceeding. This is a Large Lot Residential Proposal that will likely be serviced by on-site effluent system (not public infrastructure) and this is addressed in this Proposal. Likewise, rainwater is likely to be the primary potable water source and may be supported by bores for garden watering (not public infrastructure).

Therefore, there should be adequate public infrastructure for this Proposal or it can be upgraded at the time of Subdivision Construction Certificate. The proposed subdivision should not place too great a load on the capacities of the existing public infrastructure.

3.3.5 Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?

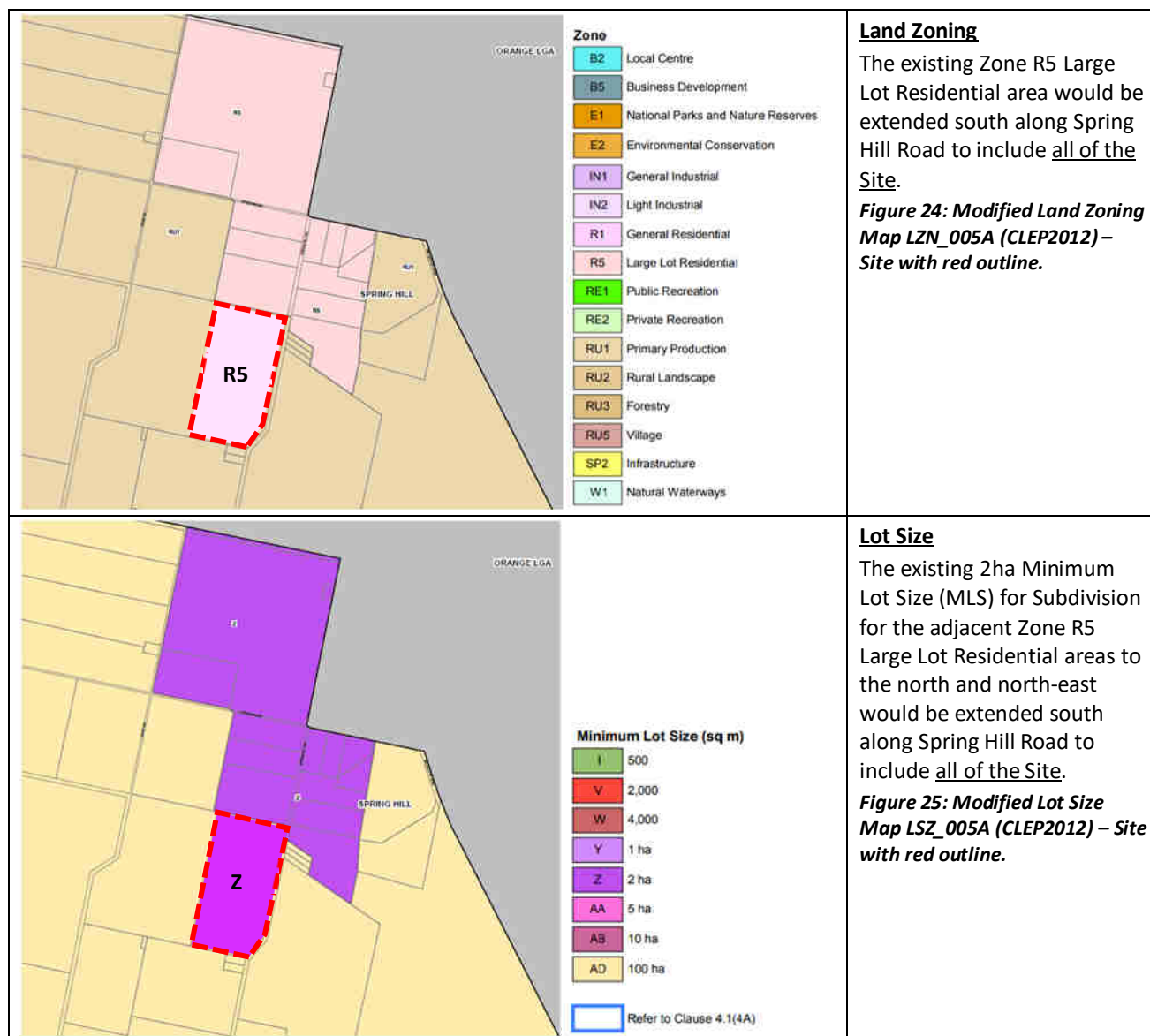
The Proposal mostly makes changes that are of local significance only and do not relate significantly to State infrastructure, heritage, environmental significance or other state or commonwealth issues. We have based some of the justification on regular advice from key NSW Government agencies responsible for protection of the natural environment, water and planning to support this Proposal but not consulted directly with these agencies. The Gateway Determination can set out any further agencies that require consultation (see also Consultation opportunities in this Report **Section 3.5 - Part 5: Community Consultation** below).

3.4 Part 4: Maps

The Site is clearly defined by the boundary of Lot 4 DP243203 and the mapping in this Report, with indicative Land Zoning & Lot Size Maps below (Site with red outline). The entire Site would change:

- **Zoning:** From existing Zone RU1 Primary Production to proposed Zone R5 Large Lot Residential; and
- **Lot Size:** From an existing Minimum Lot Size (MLS) of 100ha to a proposed MLS of 2ha.

Standard Instrument format mapping can be prepared once a Gateway Determination has been issued. It may not be required for the public exhibition period unless it is conditioned by the Gateway Determination.



3.5 Part 5: Community Consultation

The planning proposal consultation is to be undertaken in accordance with the requirements in the Guideline and any requirements set out in the Gateway Determination.

It is important to note that the amendments in this Proposal align with some of the recommendations of the *Settlement Strategy* that was publicly exhibited in 2021 and adopted in June 2021. Therefore, the changes have been relatively recently notified to affected land owners and the community during that process.

The Proposal seeks to increase the lot yield on the Site by only up to ten (10) lots. This would result in a relatively minor increase of demand for utilities, roads & other infrastructure (noting that lots are likely to be supported by on-site water & effluent management). It is suggested that this Proposal does not require specific consultation with other infrastructure authorities at this time.

Therefore, we suggest that Community Consultation can be set at the minimum requirements. The Planning Proposal would be notified for a minimum period of 28 days. The notification period is expected to be outside the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the relevant low newspaper (likely Central Western Daily) and possibly also on Council's Facebook site.

The notification would:

- A description of the objectives or intended outcomes of the planning proposal;
- The land affected by the planning proposal;
- Advise when and where the planning proposal can be inspected;
- Give the name and address of the Council for the receipt of submissions; and
- Indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection at Council's offices in Molong (& possibly made available at Orange City Council offices in Orange):

- The Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The Gateway Determination and any associated conditions or requirements.

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification.

Additional Studies

Currently, we are unaware of any additional studies that are likely to be required to progress this through Gateway Determination to LEP amendment/commencement but this will be reviewed by the Gateway Determination.

3.6 Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 9 months from the date of the Gateway Determination (subject to matters outside of the Applicant's & Council's control):

Table 1 - Project Timeline Task	Anticipated timeframe
Consider Draft Planning Proposal & Council provide feedback	March/April 2022
Planning Proposal to Council for approval to send to DPIE	June/July 2022
Council Meeting	August 2022
Forward Proposal to DPIE	August 2022
Commencement date (Gateway determination)	22 November 2022
Preparation of additional report (Contamination)	Jan-May 2023
Review by Council	May-July 2023
Commencement and completion of public exhibition period	August-September 2023
Dates for public hearing (if required)	Not required
Consideration of submissions	September-October 2023
Consideration of a proposal post exhibition	September-October 2023
Date of submission to the Department to finalise LEP	October-November 2023
Anticipated date RPA will make the plan (if delegated)	November 2023
Anticipated date RPA will forward to the Department for notification	November 2023
Potential for amendments to commence	December 2023

4 APPENDICES

4.1 Council Meeting Minutes June 2021-Adoption of Settlement Strategy

ITEM - 22 CABONNE SETTLEMENT STRATEGY 2021-2041

Proceedings in Brief

Clr Davison queried why the Industrial Land Strategy and the Agricultural Land Strategy were not included in the Cabonne Settlement Strategy. The Deputy General Manager – Services provided clarification.

RECOMMENDATION (Batten/Nash)

THAT Council adopt the Cabonne Settlement Strategy 2021- 2041.

Carried

THIS IS PAGE NO 11 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 22 JUNE, 2021

4.2 Council Meeting Minutes September 2022- Planning Proposal

22/09/22 Carried

ITEM - 26 PLANNING PROPOSAL - 172 SPRING HILL ROAD, SPRING HILL

Proceedings in Brief

Clr Rawson queried why SH2 is being assessed now as this goes against Council's strategic plan.

THIS IS PAGE NO 13 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 27 SEPTEMBER, 2022

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 27 SEPTEMBER, 2022 COMMENCING AT 2:05PM**

Page 14

The Acting General Manager noted that the proponent also owns the SH1 land and it's their decision to move forward with SH2. By proximity the land has been identified as part of the settlement strategy and does not compromise the ability for SH1 to be pursued at a slightly different time. The proponent has put forward an arborist study to demonstrate how the southern part of the property would be utilised for large lot residential for development and the tree cover kept. This is an introduction of the development to council which would then proceed to the Department of Planning to conduct a detailed assessment and issue a determination and permissions of consent.

RECOMMENDATION (Batten/Jones)

THAT Council:

1. Receive and note the Planning Proposal for the rezoning of land identified as Lot 4 DP 243203, being 172 Spring Hill Road, Spring Hill, and located generally within the Strategy Growth Area (SH2) as described in the Cabonne Settlement Strategy 2021-2041,
2. Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979, and
3. Receive a further report following the public exhibition period to provide details of any submissions received during the exhibition process.

Carried

4.3 Historical Aerial Photos

Figure 26: Historic aerial photos (Source: NSW Government Spatial).

1993 September



1989 November



1984 March



1972 November



1964 January



4.4 Site Analysis & Subdivision Concept Plans (see attached)

A100 – Location Map & Site Analysis Plan
A101 – Site & Surrounds (Google Earth 2022 Aerial)
A102 – Existing Site Plan
A200 – Concept Subdivision – Lot 4 DP243203
A301/302 – Draft Building Envelopes/Setbacks

4.5 On-Site Effluent Management Reports (see attached)

Reports for Indicative Proposed Lot Numbers 3, 4, 6 & 9 representing a sample of the nine (9) lots without existing on-site effluent systems.