



Gateway determination report – PP-2024-2335

11 Strathnook Lane, Clifton Grove. Rezone land from RU1 to R5 Large Lot Residential and reduce the Minimum Lot Size from 100ha to 2ha

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A Planning Proposal Report - Basha Planning (October 2024)
Annexure A Land Plans – Basha Planning (October 2024)
Annexure B Draft LEP Maps – Basha Planning (October 2024)
Annexure C Biodiversity Constraints and Opportunities Report – OzArk (April 2024)
Annexure D Onsite Effluent Management Studies – Envirowest Consulting (13 November 2023)
Annexure E Site Contamination Investigation – Barnson (October 2023)
Annexure F Aboriginal Cultural Heritage Assessment Report – OzArk (September 2024)
Annexure G Bushfire Risk Hazard Assessment – Statewide Bushfire Consulting (September 2024)
Attachment B Council Report – (26 November 2024)
Attachment C Council Meeting Minutes (18 November 2024)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Cabonne Shire Council
PPA	Cabonne Shire Council
NAME	11 Strathnook Lane, Clifton Grove. Rezone land from RU1 to R5 Large Lot Residential and reduce the Minimum Lot Size from 100ha to 2ha
NUMBER	PP-2024-2335
LEP TO BE AMENDED	Cabonne Local Environmental Plan 2012
ADDRESS	11 Strathnook Lane, Clifton Grove
DESCRIPTION	Lot 551 and part Lot 553 DP 1176133
RECEIVED	17/01/2025
FILE NO.	IRF25/233
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of the planning proposal is to amend the Cabonne Local Environmental Plan 212 (CLEP 2012) to enable rural residential development on the subject land.

The planning proposal seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size (MLS) from 100 hectares to 2 hectares. The proposal is a map only amendment.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the CLEP 2012 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	R5 Large Lot Residential
Minimum lot size	100 hectares	2 hectares
Number of dwellings	1	23
Number of jobs	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is located approximately 7km north-east of Orange city centre, within the Cabonne Local Government Area. The subject site consists of two lots, Lot 551 and part Lot 553 DP 1176133. Lot 551 is 10.12 hectares in size and contains a rural dwelling with several dams and sheds. Lot 553 has an area of 132.7 hectares and consists of partially forested and partially pastoral land (approximately 50/50). The planning proposal only applies to the pastoral land as shown in Figure 1.

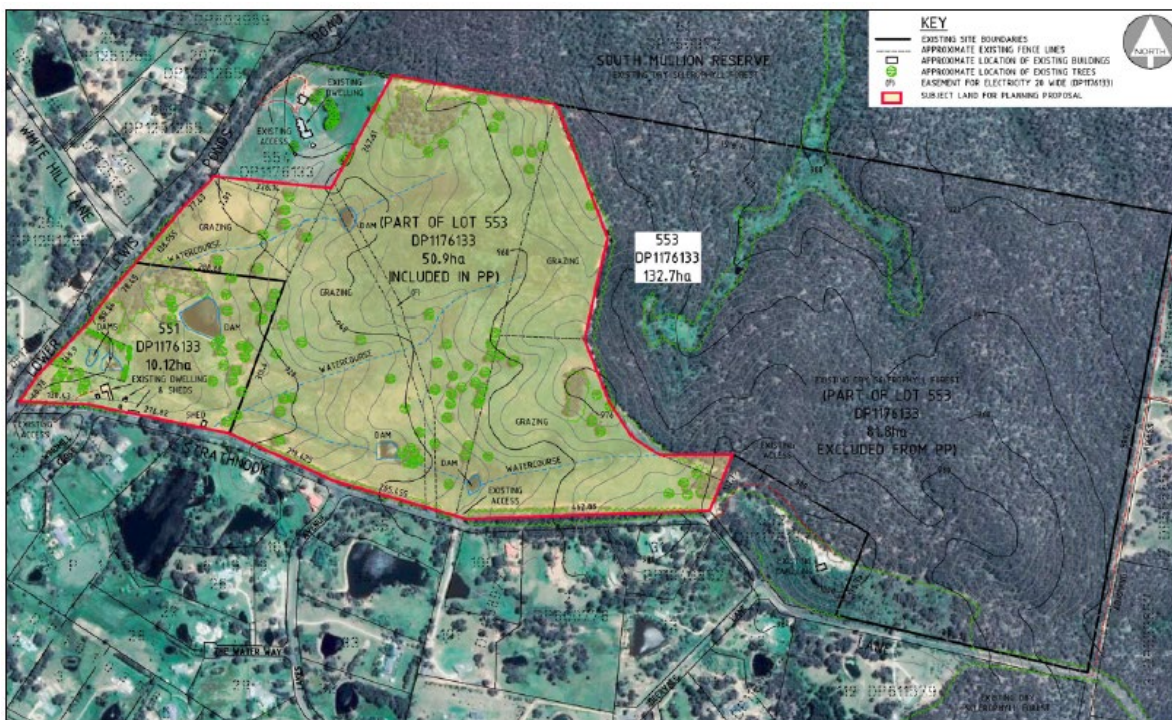


Figure 1 Subject site (source: Planning proposal)

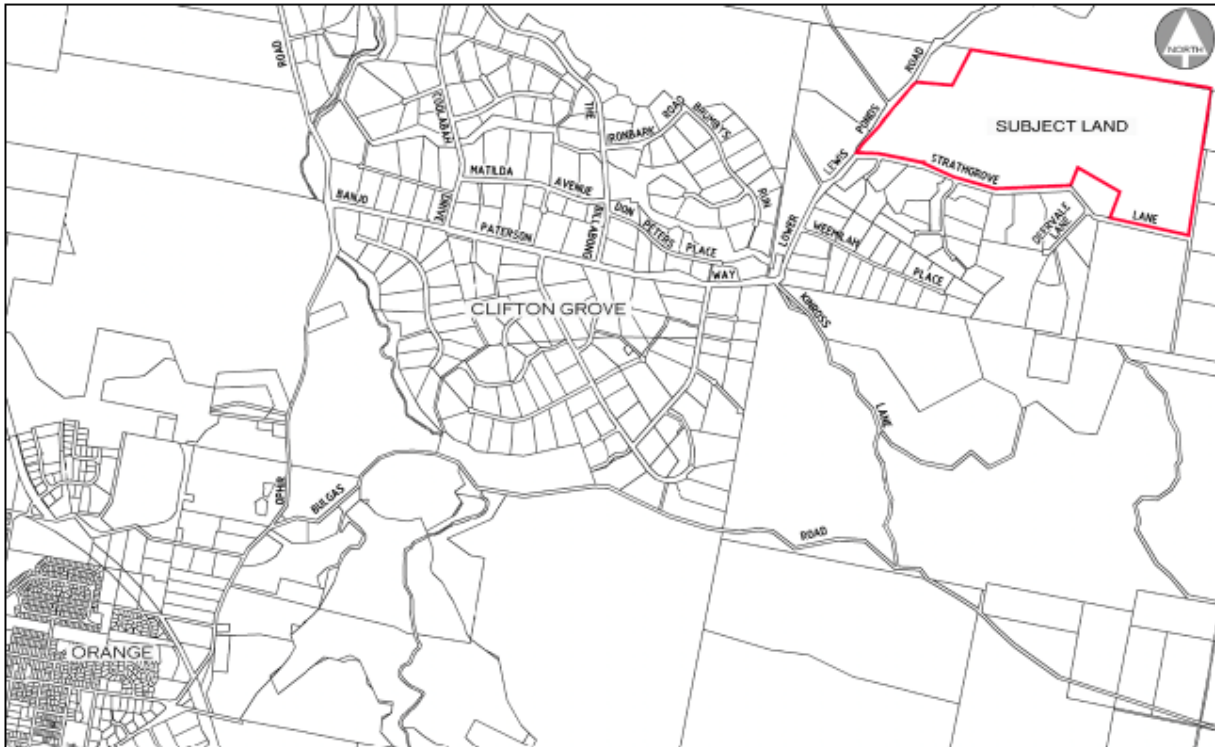


Figure 2 Site context (source: Planning proposal)

The eastern boundary of the proposed rezoning site is a ridgeline with the site sloping to the west, away from the watercourse and to the east towards Lower Ponds Road (see Figure 3).

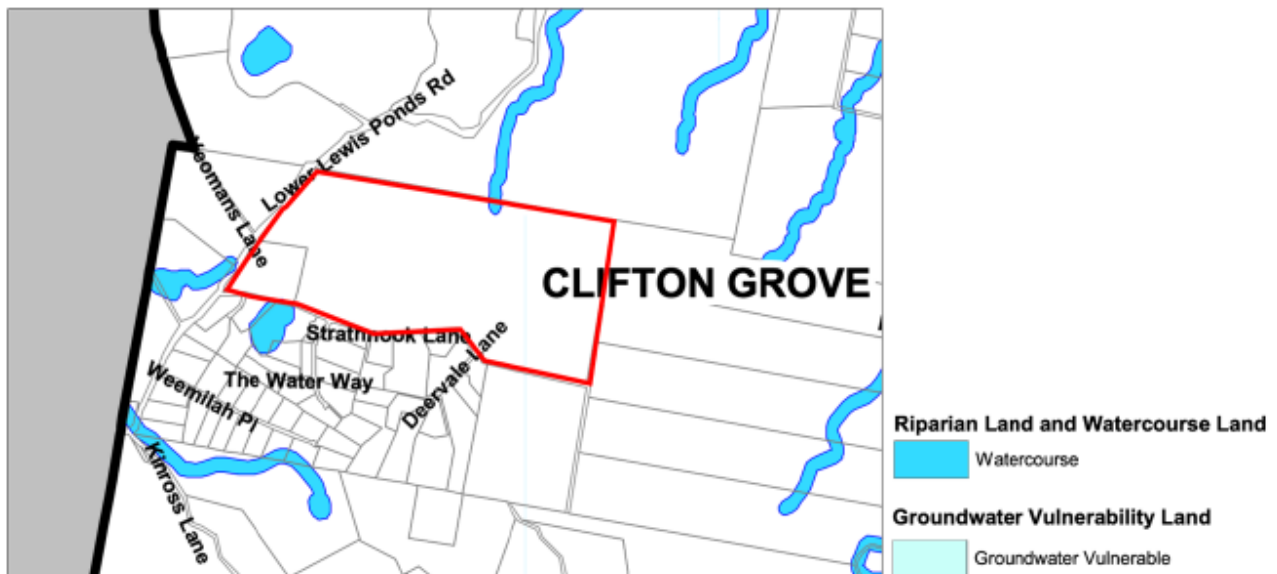


Figure 3 Extract Cabonne LEP 2012 Riparian Lands and Watercourses Map, Groundwater Vulnerability Map (source: Planning proposal)

The site is mostly cleared and contains small pockets of vegetation. The site is mapped on the Cabonne LEP 2012 Terrestrial Biodiversity Map (see Figure 4).



Figure 3 Extract Cabonne LEP 2012 Terrestrial Biodiversity Map (source: Planning proposal)

The Clifton Grove rural residential area is with close proximity to the Local Government Area boundary between Orange City Council and Cabonne Shire Council (see Figure 5). Accordingly, there are local servicing considerations which are relevant to both Councils. This report recommends that consultation with Orange City Council form a condition of the Gateway determination.

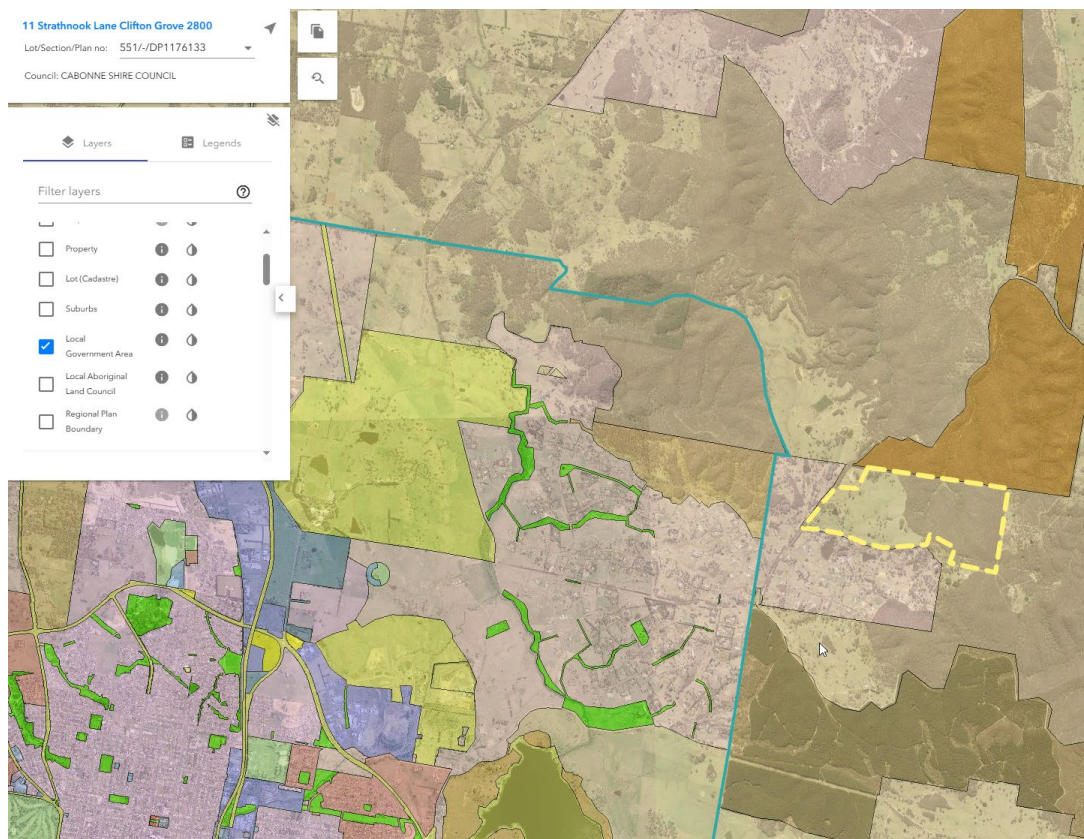


Figure 5. Site context in relation to LGA boundary (highlighted in blue) (source: Planning Portal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning and minimum lot size maps (Figures 6 and 7), which are suitable for community consultation.

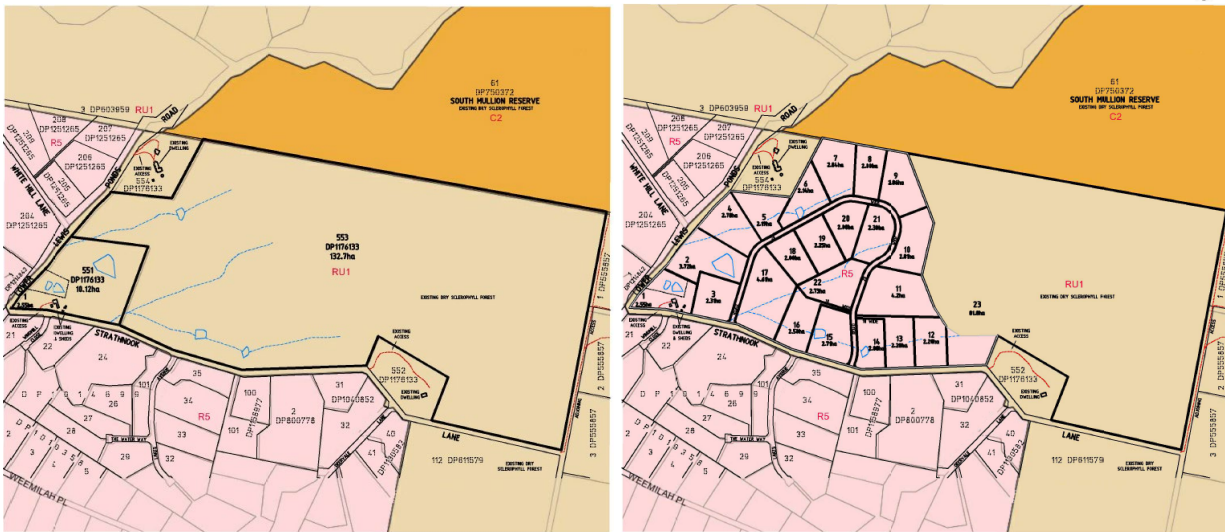
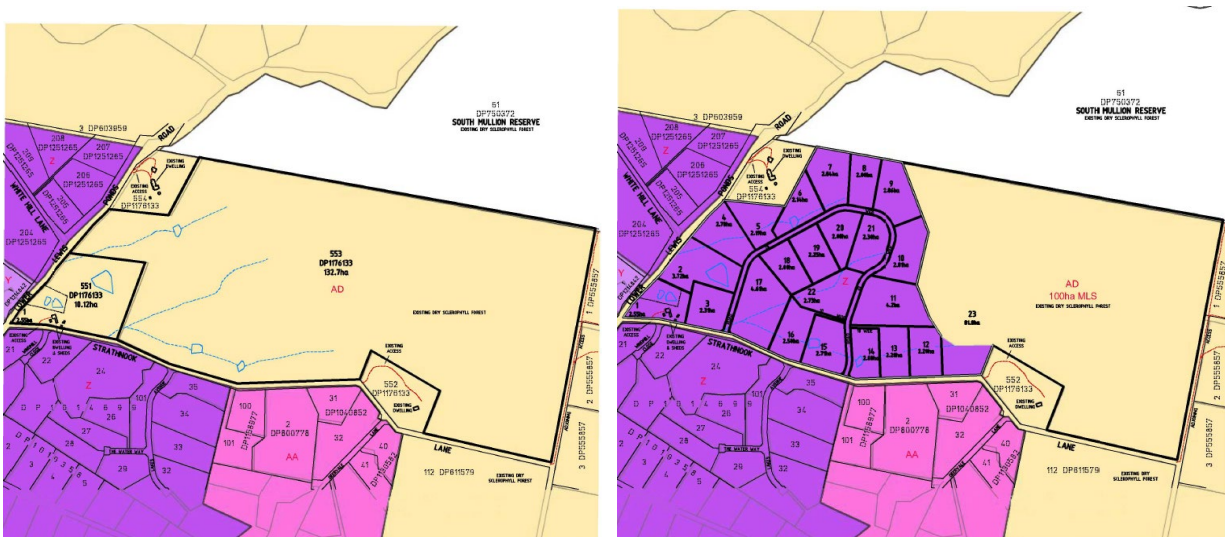


Figure 6 Current and proposed Land Zoning Map (source: Planning proposal)



Minimum Lot Size (sq m)

I	500
V	2,000
W	4,000
Y	1 ha
Z	2 ha
AA	5 ha
AB	10 ha
AD	100 ha

Figure 7 Current and proposed Minimum Lot Size Map (source: Planning proposal)

1.6 Background

The Planning Proposal is consistent with the Cabonne Settlement Strategy 2021-2041 (the Strategy). The Strategy was adopted by Council in May 2021 and endorsed by the then Department of Planning and Infrastructure 15 October 2012. The Strategy seeks to identify key issues facing the settlements in Cabonne Local Government Area and develop corresponding strategies to address those issues. The Strategy aims to manage the future growth and enhancement of each of the settlements for the next 10-20 years.

The subject site has been identified in the Strategy as Strategy (Growth Investigation) Area CG1 as an area for future potential development in the short term (see Figure 8). The Strategy identifies opportunities and constraints and establishes recommendations for the site including a minimum lot size and development control considerations for Council regarding site constraints.

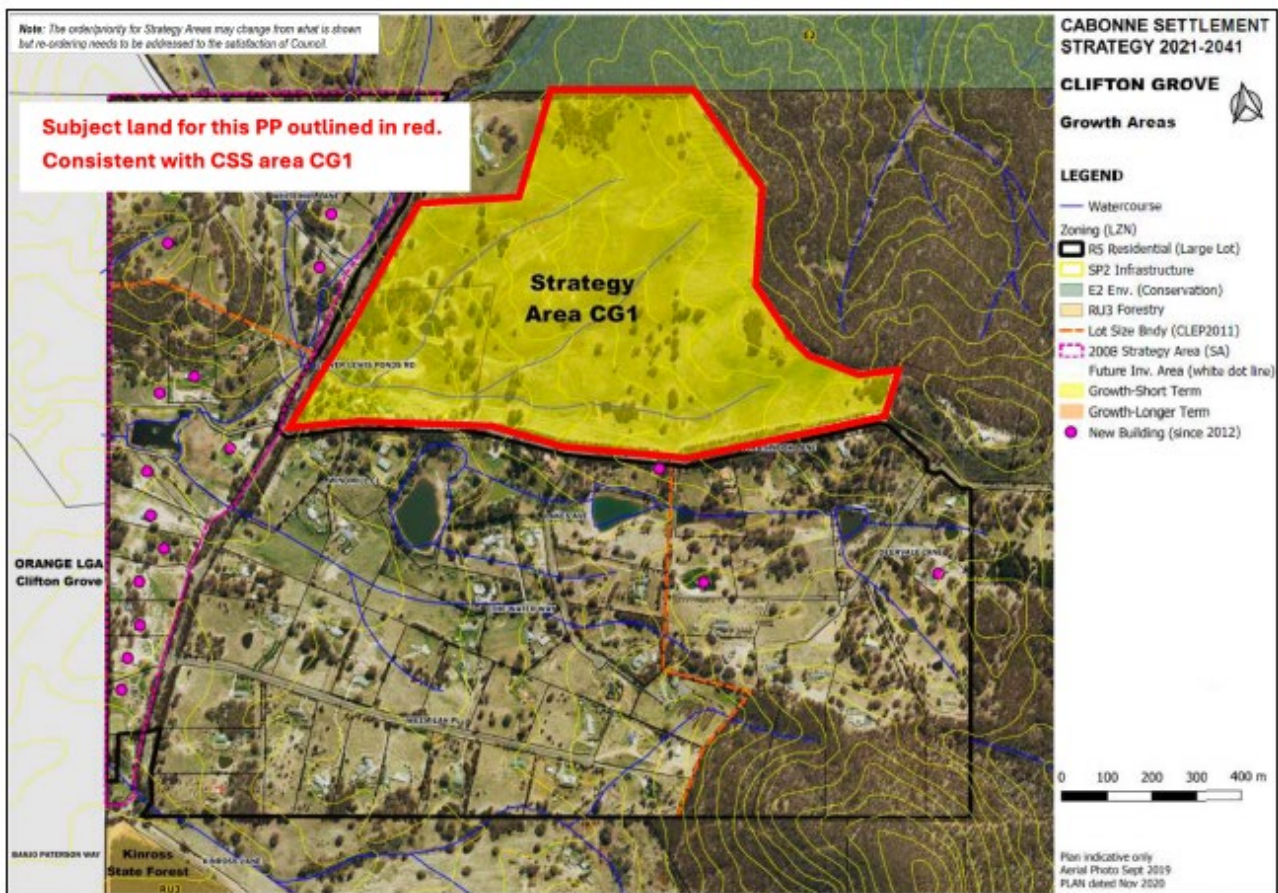


Figure 8 Extract from Cabonne Settlement Strategy 2021-2041 (source: Planning proposal)

2 Need for the planning proposal

The planning proposal intends to implement part of the Cabonne Settlement Strategy 2021-2041 by providing additional rural residential development in the strategically identified area of Clifton Grove. The proposed rezoning is intended to represent a logical extension of the existing R5 Large Lot Residential land located adjacent to the subject land which also has a MLS of 2 hectares.

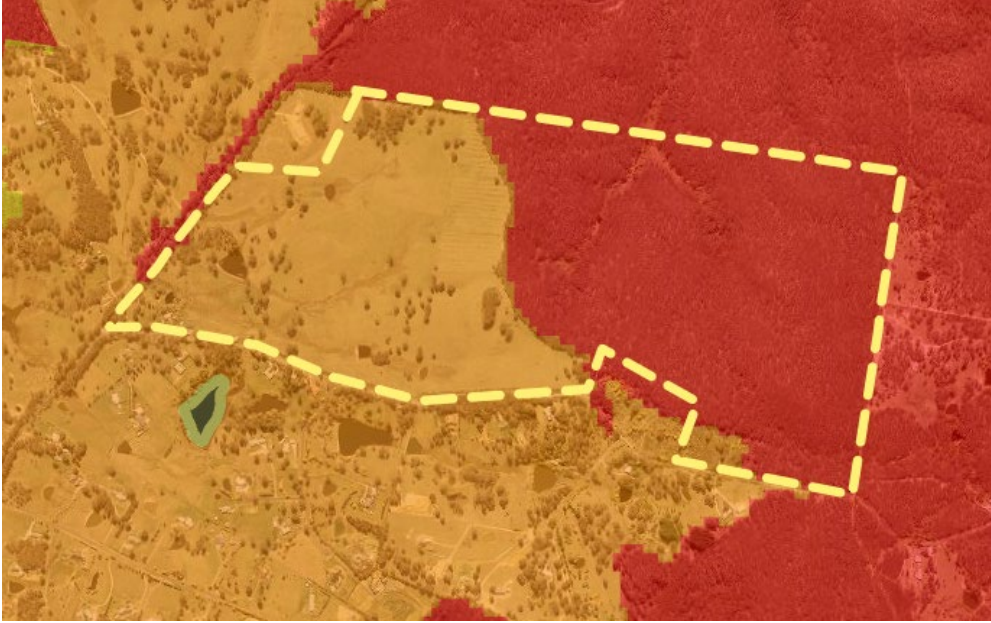
3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1: Deliver the Parkes Special Activation Precinct and share its benefits across the region	<p>The site is located with the 90-minute drive from the Parkes Special Activation precinct and would deliver housing within the potential commuter catchment area.</p> <p>The proposal is consistent with this objective.</p>
Objective 5: Identify, protect and connect important environmental assets	<p>The LEP terrestrial biodiversity map identifies the site as containing terrestrial biodiversity (see Figure 4 above). The rezoning is limited to portions of the site that have been previously cleared and is indicative of rural land that has been cleared for agricultural purposes. The eastern portion of Lot 553 DP 1176133 is heavily vegetated and is excluded from the proposed rezoning. Pockets of vegetation are located in the southwestern corner of the site.</p> <p>It is recommended that consultation be undertaken with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) in relation to the proposal. A condition is recommended to form part of the Gateway determination.</p>
Objective 7: Plan for resilient places and communities	<p><u>Bushfire</u></p> <p>The site is categorised as Vegetation Category 1 (Forest) and Vegetation Category 3 (Grassland). The site subject to the rezoning is mostly grassland with small pockets of vegetation along the perimeter of the site. An Asset Protection Zone (APZ) is proposed as outlined in Annexure G. The planning proposal report (Attachment A) states that sufficient safety measures would be implemented and allow safe development of the site.</p>

Regional Plan Objectives	Justification
	 <p data-bbox="371 927 1326 992">Figure 9 Bushfire Prone Land map (category 1 in red, category 3 in orange) (source: Planning proposal).</p> <p data-bbox="371 1021 1410 1120">In accordance with the requirements of the Section 9.1 Directions (see Section 3.3 of this report) it is recommended that prior to public exhibition, consultation take place with Rural Fire Service.</p> <p data-bbox="371 1142 537 1171"><u>Watercourses</u></p> <p data-bbox="371 1193 1410 1328">The northern boundary of Lot 553 DP 1176133 is traversed by a watercourse identified on the on the Cabonne LEP 2012 Riparian Lands and Watercourses Map (see Figure 3). This area of Lot 553 does not form part of the planning proposal. The watercourse is located beyond a ridgeline and sloping away from the proposed development site.</p> <p data-bbox="371 1350 1410 1585">The site constraints map provided in Annexure A (Figure 9) shows three additional watercourses that traverse the site. An investigation of these watercourses via aerial imagery indicates that watercourses are non-perennial in nature. The planning proposal is accompanied by a concept plan (Figure 10) which provides an indicative layout indicating that dwellings could be sited to avoid the watercourses. Setbacks distances (from on-site wastewater management systems) will be applicable and form part of future development assessment.</p> <p data-bbox="371 1608 932 1637">No further assessment is required at this stage.</p>

Regional Plan Objectives

Justification

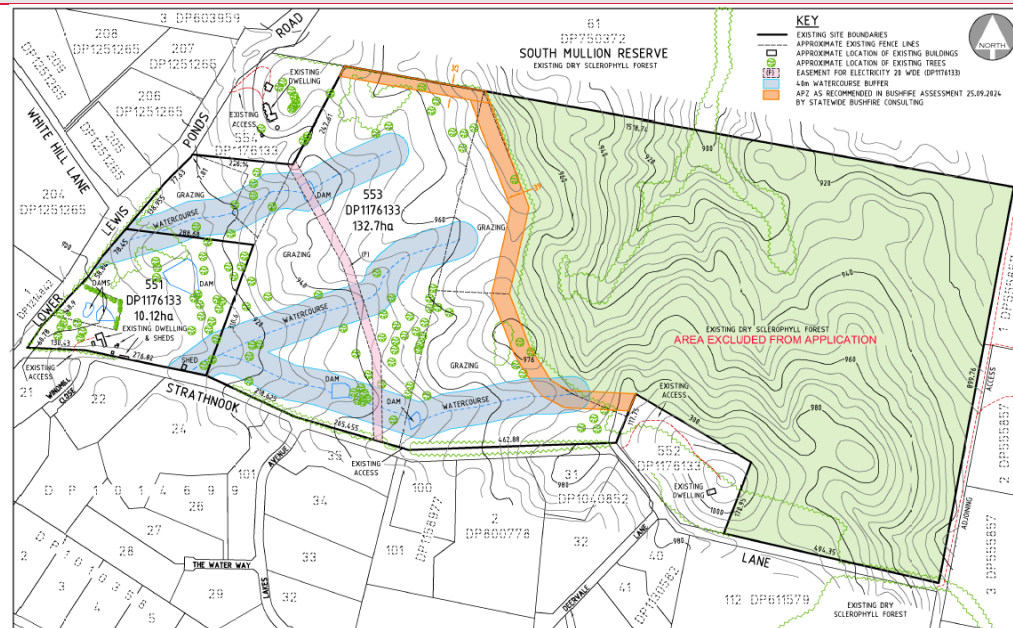


Figure 10 Site Constraints map (source: Planning proposal)

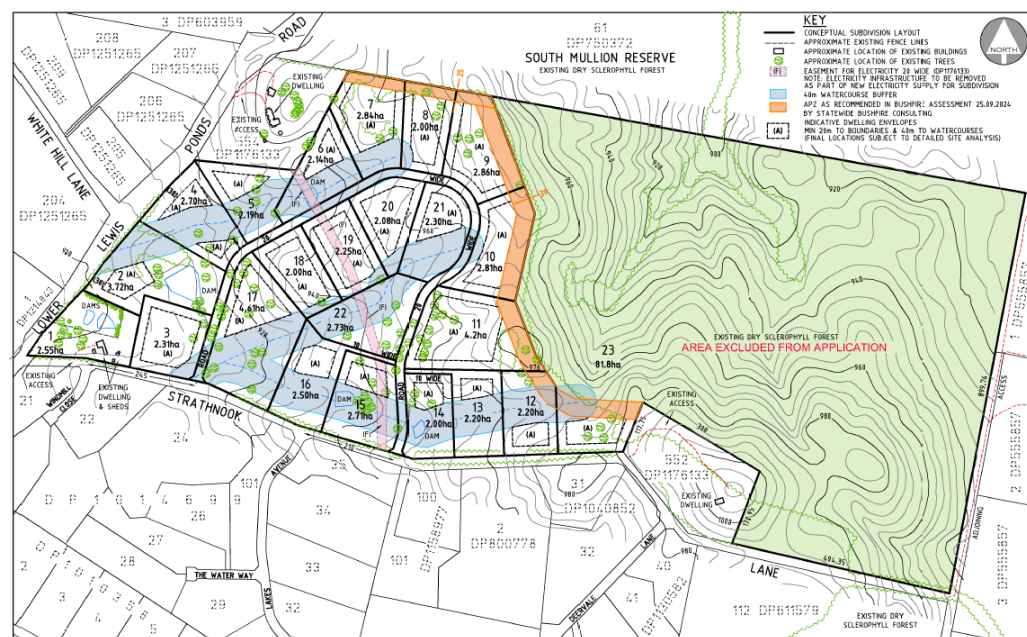


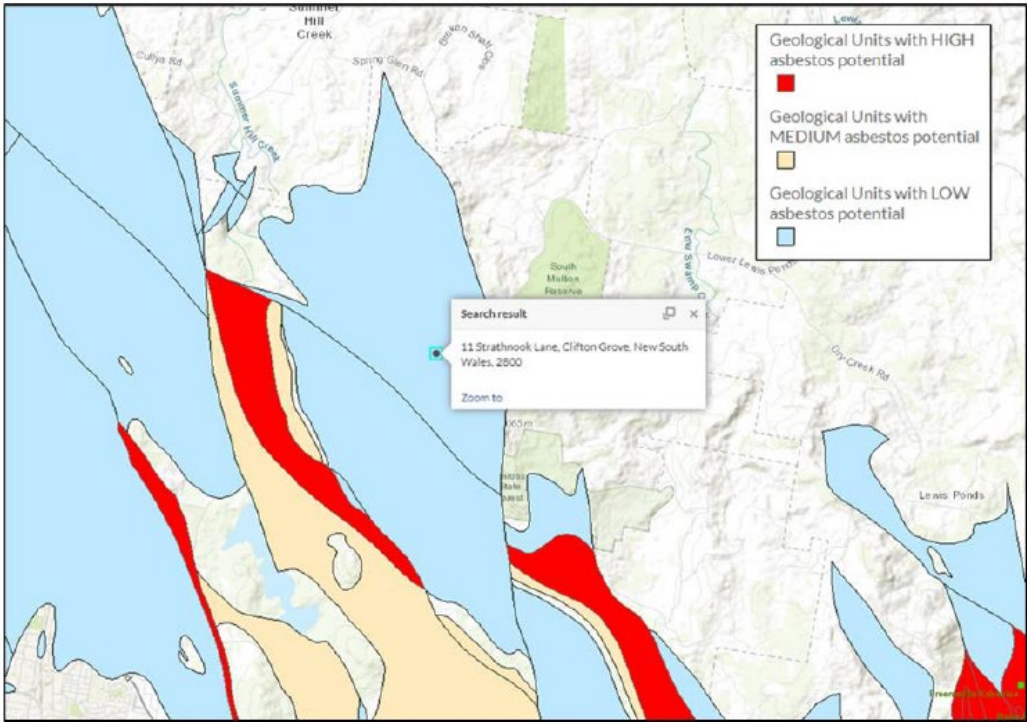
Figure 11 Concept plan (source: Planning proposal)

Contamination

The planning proposal includes a Site Contamination Investigation (Annexure E) for the proposed site. The report concludes that the subject site is unlikely to be contaminated and is suitable for future residential development.

Naturally Occurring Asbestos

The Site Contamination Investigation (Annexure E) indicates that there is low potential for naturally occurring asbestos onsite, see Figure 12. Soil samples taken from the site showed no asbestos present when analysed. No further assessment is required at this

Regional Plan Objectives	Justification
	<p>stage.</p>  <p>Figure 12 Asbestos potential of Geological Units underlying Subject Site. (source: Site Contamination Investigation report)</p>
<p>Objective 8: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage</p>	<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been undertaken for the purpose of the proposed rezoning (Annexure F). The report concludes that no Aboriginal sites or areas of archaeological significance were identified during the survey, and there was no indication that any sites or other specific cultural heritage values might be present.</p> <p>The proposal is consistent with this objective.</p>
<p>Objective 13: Provide well located housing and options to meet demand</p>	<p>The planning proposal aligns with this objective by responsibly expanding the supply of large lot residential land near Orange, while making efficient use of existing infrastructure and services.</p>
<p>Objective 14: Plan for diverse, affordable, resilient and inclusive housing</p>	<p>The planning proposal generally supports this objective by contributing to a diverse range of housing types in a location which is free from hazards.</p>

Regional Plan Objectives	Justification
Objective 15: Manage rural residential development	<p>The planning proposal seeks to rezone land for residential purposes in an area that has been identified in an endorsed local strategy, avoids areas of high environmental, cultural or heritage significance, and is located nearby to local centre and neighbouring residential developments.</p> <p>The planning proposal is consistent with this objective.</p>
Objective 17: Coordinate smart and resilient utility infrastructure	<p>The planning proposal represents a logical expansion of an existing development pattern and is focussed on existing infrastructure.</p> <p>The planning proposal is consistent with this objective.</p>

3.2 Local

The planning proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Cabonne Local Strategic Planning Statement 2020	<p>The proposal is consistent with the Cabonne Local Strategic Planning Statement 2020, specifically:</p> <ul style="list-style-type: none"> - Planning Priority 1: Support the diversification in agriculture and protect agricultural land from urban encroachment. - Planning Priority 4: Support and promote sustainable development within our villages and celebrate our history. - Planning Priority 5: Provide opportunities to ensure a variety of housing types are available across our shire. - Planning Priority 7: Protect and enhance our landscape, biodiversity and waterways. - Planning Priority 8: Manage natural hazards to mitigate their impacts on our communities.
Cabonne Settlement Strategy 2021-2041.	<p>The proposal is consistent with the Cabonne Settlement Strategy 2021-2041, in particular the section relating to Clifton Grove. This matter has been addressed in this report in Section 1.6 of this report.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal is considered consistent with the Central West and Orana Regional Plan – see further explanation in section 3.1 (Regional Plan) in this report.
1.3 Approval and Referral Requirements	Consistent	The planning proposal does not contain provisions that require concurrence, consultation or referral to a Minister, and does not identify development as designated development.
1.4 Site Specific Provisions	Consistent	The planning proposal does not contain site specific planning controls.
Direction 3.1 Conservation Zones	Further justification required	<p>The direction requires a planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas. A portion of the land in the south-western corner is identified on the Terrestrial Biodiversity map of the CLEP 2012. A Biodiversity Constraints and Opportunities Report (Annexure C) has been provided with the planning proposal.</p> <p>Consultation with DCCEEW is recommended as a condition of the Gateway determination to address consistency with this Direction.</p>
Direction 3.2 Heritage Conservation	Consistent	<p>The subject site does not contain items of Environmental Heritage and is not within a Heritage Conservation Area.</p> <p>The Aboriginal Cultural Heritage Assessment Report (Annexure F) indicates the site does not contain any Aboriginal sites or areas of archaeological sensitivity, and no evidence was found to suggest the presence of sites or other specific cultural heritage values.</p>
Direction 4.3 Planning for Bushfire Protection	Further justification required	<p>The planning proposal applies to land that is entirely mapped as bushfire prone land (Vegetation Category 3).</p> <p>As per the direction, it is recommended that the consultation take place with NSW Rural Fire Service prior to public exhibition.</p>
Direction 4.4 Remediation of Contaminated Land	Consistent	The planning proposal includes a Site Contamination Investigation (Annexure E) which recommends that the subject land is suitable for residential land-use.
Direction 5.1 Integrating Land Use Transport	Consistent	The planning proposal would create capacity for additional housing near the existing urban area of Clifton Grove, focusing urban development around existing services.
Direction 6.1 Residential Zones	Inconsistent, justified	<p>The planning proposal is inconsistent with this direction as it seeks to consume land on the urban fringe for additional housing.</p> <p>However, this inconsistency is justified in accordance with a strategy approved by the delegate of the Planning Secretary as it</p>

Directions	Consistent	Reasons for Consistency or Inconsistency
		seeks to provide additional large lot residential housing adjacent to an existing large lot residential area, making efficient use of existing infrastructure and services.
Direction 8.1 Mining, Petroleum and Extractive Industries	Consistent	The subject site was not identified in the 2012 Mineral Resource Audit for the Cabonne LGA. The planning proposal is not known to restrict opportunities for mining, petroleum production or extractive industries.
Direction 9.1 Rural Zones Direction 9.2 Rural Lands	Inconsistent, justified	<p>The planning proposal seeks to rezone land from RU1 Primary Production to R5 Large Lot Residential. The proposal is inconsistent with Directions 9.1 Rural Zones and 9.2 Rural Lands.</p> <p>The inconsistency with these Directions is deemed justified as the subject land and surrounding land use pattern is highly fragmented, and the existing lot sizes are not large enough to be agriculturally viable.</p> <p>Further to this, the land is identified in the endorsed Cabonne Settlement Strategy 2021-2041 as being a suitable investigation area for Large Lot Residential development.</p> <p>Council has identified Department of Primary Industries and Regional Development (DPIRD – formerly known as DPI-Ag) to be consulted during exhibition. This assessment has determined that the inconsistencies with relevant 9.1 Directions are justified, accordingly consultation with DPIRD is not recommended as a condition of Gateway.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapters 3 and 4 of this SEPP aim to encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas	Yes	As the site is to be rezoned R5 Rural Residential, Chapter 4 of SEPP (Biodiversity and Conservation) 2021 would apply in future. The SEPP (Biodiversity and Conservation) 2021 would need to be considered in a future BAR or BDAR to accompany a Development Application.

4 Site-specific assessment

4.1 Environmental

See detailed assessment in Sections 3.1 and 3.3 of this report.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Loss of farmland	<p>The land is situated within a highly fragmented land use pattern dominated predominantly by large lot residential development. The soil characteristics are noted as being of lower quality. The agricultural potential of the site is limited, primarily due to these constraints.</p> <p>It is reasonable to assume this loss of farmland could have a negative economic impact, however based on the above considerations, this is considered to be of minor significance.</p>
Additional dwellings	<p>The planning proposal seeks to enable up to 22 additional dwellings near the residential area of Clifton Grove and within 7 kilometres of the Orange city centre. This modest increase in housing could positively support the economic viability of nearby home-based businesses and contribute to the broader economic prosperity of Orange. In turn, this may also generate positive social outcomes for the local community.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Roads	<p>Access is available from Strathnook Lane and Lower Lewis Ponds Road, which is a sealed local road. Access upgrades to the site are likely to be required and would be considered with any future development application.</p>
Sewer	<p>The site is not connected to reticulated sewer. Effluent disposal is proposed to be undertaken on site via septic systems. The planning proposal is accompanied by on-site effluent management studies for proposed future allotments (Annexure D) which shows suitability of on-site effluent management in the landscape, with no impact of groundwater expected to result from the application of effluent on the site. No further assessment is required at this stage.</p>
Water supply	<p>The site is not connected to a reticulated water supply. Water supply in the locality is proposed to be provided by private rainwater tanks. Annexure D provides that rainfall is distributed evenly throughout the year with an average annual rainfall of 832.2mm.</p>

Infrastructure	Assessment
Electricity	Electricity and telecommunications services are currently available and can be extended as needed to support future development.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity.
- NSW Department of Primary Industries and Regional Development
- NSW Rural Fire Service
- Orange City Council

6 Timeframe

Council proposes an 8-month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard Planning proposal.

The Department recommends an LEP completion date of 6 February 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal is categorised as a standard planning proposal under the Local Environmental Plan Making Guideline the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the Central West and Orana Regional Plan;

- It is consistent with the Cabonne Settlement Strategy;
- The proposal will provide additional residential supply opportunity for Clifton Grove, Orange and the greater Cabonne LGA;
- The land can be serviced, is not constrained and is an extension of the existing Clifton Grove residential area.

Based on the assessment outlined in this report, the proposal must be updated before consultation to update the project timeframe.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that inconsistencies with the following section 9.1 Directions are justified:
 - 6.1 *Residential Zones*;
 - 9.1 *Rural Zones*; and
 - 9.2 *Rural Lands*.
- And note that the consistency with section 9.1 Directions 3.1 *Conservation Zones* and 4.3 *Planning for Bushfire Protection* are unresolved and will require consultation with NSW Department of Climate Change, Energy, the Environment and Water and the NSW Rural Fire Service.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, consultation is required with the following public authorities:
 - NSW Rural Fire Service
2. Consultation is required with the following public authorities:
 - NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity
 - NSW Department of Primary Industries and Regional Development
 - Orange City Council
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise Cabonne Shire Council to be the local plan-making authority and that an LEP completion date of 6 February 2026 be included on the Gateway. The timeframe for the LEP to be completed is on or before 6 February 2026



14 April 2025

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