

11.3 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL TO REZONE LAND AT 107 HAUSSMAN DRIVE THORNTON

FILE NO:	RZ21002
ATTACHMENTS:	1. Planning Proposal (under separate cover)
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning Adam Ovenden - Coordinator City Planning
AUTHOR:	Leonie Bryson - Strategic Planner
APPLICANT:	McCloy Group Pty Ltd
OWNER:	McCloy Group Pty Ltd
PROPOSAL:	Land Rezoning
LOCATION:	107 Haussman Drive, Thornton
ZONE:	From Rural to Residential

EXECUTIVE SUMMARY

The Planning Proposal seeks to rezone land at 107 Haussman Drive, Thornton (Lot 2 DP 1145348), from a rural zone to a residential and environmental protection zone. The site is a former clay pit commonly known as the 'CSR Quarry' and is located on the corner of Raymond Terrace Road and Haussman Drive. In September 2019 a Development Application (DA 17-2593) was approved on the land for the construction of a Seniors Living Development consisting of 156 Self Contained Dwellings and Associated Community Facilities. The landowner (McCloy Group Pty Ltd) has since made the commercial decision to seek a rezoning to enable residential subdivision.

The land is identified in endorsed Council strategies as an area for future residential investigation and biodiversity conservation. It is considered that a rezoning on this site would enable a greater diversity of housing options and provide a higher level of environmental protection for the important ecological values on the land.

The Planning Proposal for 107 Haussman Drive Thornton is provided as Attachment 1 to this report for Council's consideration. The officer's assessment of the rezoning request and supporting site studies has informed the Planning Proposal and recommendations within.

Notwithstanding the need for certain issues to be resolved, it is considered that the proposed amendment to planning controls and rezoning of land has strategic and site-specific merit to progress to the NSW Department of Planning, Industry and Environment for a Gateway assessment.

A Councillor briefing was held on 15 February 2022 where staff provided an overview of the Planning Proposal. Following a site visit by Senior Council staff on 21 Feb 2022, the proposed zoning map within the Planning Proposal has been updated to reflect the initial zoning map submitted by the proponent. This report now seeks Council's endorsement to progress this Planning Proposal and request a Gateway Determination from the Department of Planning, Industry and Environment.

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OFFICER'S RECOMMENDATION

THAT

- 1. Pursuant to Section 3.34(1) of the Environmental Planning and Assessment Act 1979, Council submit the planning proposal, to the Department of Planning, Industry and Environment seeking a Gateway Determination.**
- 2. Following issue of a Gateway determination, Council undertake consultation with the community and relevant government agencies in accordance with Section 3.34 and Schedule 1 of the Environmental Planning and Assessment Act 1979 and the conditions of the Gateway Determination.**
- 3. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and provide details of any submissions received throughout that process.**

PURPOSE

The purpose of this report and the Planning Proposal attached is to:

- Provide a background to the assessment process undertaken prior to this point for the Category 1 - Residential Land described as Lot 2 DP 1145348, Haussman Drive Thornton,
- Provide information to enable Council to determine whether an amendment to the *Maitland Local Environmental Plan 2011 (MLEP 2011)* should proceed for the purpose of enabling residential development outcomes and for the purposes of the protection of environmentally significant areas, and

Provide a summary of the proposal for submission to the NSW Department of Planning, Industry and Environment for Gateway assessment, seeking a Gateway determination.

REPORT

Council received a rezoning submission relating to land at 107 Haussman Drive, Thornton in 2021. The site forms part of the Thornton North Stage 3 Investigation Area. The submission sought a rezoning of land to enable residential development outcomes on the site in an area previously used as a clay quarry. The Thornton North Stage 3 Investigation Area includes two parcels of land south of Raymond Terrace Road and includes the land subject to this proposal and the adjoining property to the east at 480 Raymond Terrace Road, Thornton.

It is noted that a rezoning application has recently been considered by Council for land to the east of the site at 480 Raymond Terrace Road. At its ordinary meeting of 27 July 2021, Council resolved that the rezoning request at 480 Raymond Terrace Road had strategic

merit for future residential and environmental outcomes and the proposal was forwarded to the Department of Planning for a Gateway Determination. It is intended that cumulative impacts and precinct outcomes will be considered throughout the planning proposal process for both sites, within the broader context of the greater Thornton area.

The objectives of this planning proposal are to enable residential development outcomes, as an adaptive reuse of the former clay quarry, and to provide for the protection of environmentally significant areas that form integral biodiversity corridors. The best, most efficient and timely way to achieve this is through an amendment to the *MLEP 2011* to amend relevant planning controls and land use zones to facilitate these proposed objectives.

The proposed land use zone configuration is intended to be a mix of R1 General Residential and E3 Environmental Management. The determination of zone boundaries within the site will be finalised through the Gateway assessment, determination and implementation process as further information is provided, and discussions with government agencies is considered.

Council officers have assessed the studies submitted with the rezoning request within the context of site-specific opportunities and constraints, and where necessary have drawn from information submitted in support of DA 17-2593. The information provided to date supports the adaptive reuse of the quarry within the limits of the existing development approval. Careful consideration of site constraints and supporting studies has informed the preparation of this planning proposal. Further detail of this assessment process is provided in Attachment 1 of this report.

As a result of the assessment process outstanding issues have been identified that will require addressing as the Planning Proposal progresses. These matters relate to:

- Traffic – refreshed traffic counts and precinct wide traffic solutions;
- Geotechnical – confirmation of remediation methodology for undermined areas and demonstrated suitability of fill material being brought to the site;
- Contamination – further testing of an uninvestigated waterbody on the site and confirmation of its proposed end use and the validation of fill material being brought to the site;
- Biodiversity Conservation – Confirmation of the proposed protection strategy for important biodiversity and habitat connectivity corridors and potential further ecological assessment;
- Heritage – Confirm proposed area of impact on the site, potentially triggering the requirement for further Aboriginal Heritage investigation and consultation;
- Bushfire – Confirmation of proposed bushfire protection methods and area of impact in relation to the level of ecological assessment undertaken; and
- Access – Confirmation of the suitability of a secondary access point with supporting traffic modeling to assess the impact of the proposed access through to Honey Myrtle Street.

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These matters, however, are considered capable of resolution through the Gateway assessment, determination and implementation process. Each matter is examined in more detail in the body of the Planning Proposal attached.

Further supporting information, agency consultation, staging plans and preparation of development control provisions will assist in resolving any outstanding issues and will determine the final zone boundaries within the site. It is intended that this additional work will occur post Gateway determination and prior to development assessment.

A locality map and copies of the existing and indicative future land use zoning and applicable planning controls are provided in Part 4 of the planning proposal, included as Attachment 1 to this report.

CONCLUSION

Notwithstanding the need for certain issues to be resolved, Council staff recognise that there is sufficient strategic and site-specific merit for the proposal to proceed to Gateway assessment. It is recommended that Council submit the planning proposal to the Department seeking a Gateway Determination to enable the planning proposal to proceed.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.

Planning and Environment

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Planning Proposal (under separate cover)

Meeting Date: 8 March 2022

Attachment No: 1

Number of Pages: 35