

## 11.1 REQUEST FOR GATEWAY DETERMINATION - KEZIA ROAD PLANNING PROPOSAL - OAKHAMPTON

<b>FILE NO:</b>	<b>RZ/21/004</b>
<b>ATTACHMENTS:</b>	<b>1. Planning Proposal (Under Separate Cover) 2. Summary of Supporting Studies</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Matthew Prendergast - Group Manager Planning &amp; Environment Adam Ovenden - Coordinator City Planning</b>
<b>AUTHOR:</b>	<b>Gary Hamer - Senior Strategic Planner</b>
<b>APPLICANT:</b>	<b>Walker Corporation and Bremer Park Pty Ltd (together Walker).</b>
<b>OWNER:</b>	<b>Various Owners</b>
<b>PROPOSAL:</b>	<b>To rezone lands from RU1 Primary Production and RU2 Rural Landscape to part R1 General Residential, RU1 Primary Production and C2 Environmental Conservation.</b>
<b>LOCATION:</b>	<b>Keiza Road, Oakhampton</b>
<b>ZONE:</b>	<b>Current zone RU1 Primary production, RU2 Rural Landscape and C2 Environmental Conservation.</b>

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### EXECUTIVE SUMMARY

*Council received a rezoning request relating to land at Kezia Road, Oakhampton. The proposal seeks rezoning of land to enable residential development and maintain environmentally sensitive areas.*

*The site is identified in the Maitland Urban Settlement Strategy 2012 as Category 1 – Residential Land Investigation Area and in the Maitland Local Strategic Planning Statement 2040+ as Planned Investigation Area – Residential. The current land use zone applicable to the site is RU2 Rural Landscape and C3 Environmental Management under the MLEP 2011 with an applicable minimum lot size of 40 hectares.*

*The proposal is to amend parts of the site, described above, for R1 – General Residential uses with a minimum lot size of 450m<sup>2</sup> and to rezone part of the balance of land for environmental purposes.*

*Council's assessment of the rezoning request and supporting site studies has informed the Planning Proposal and recommendations within. Key matters under assessment included indigenous and European heritage, flooding, ecological, traffic and transport, stormwater, and urban design. The proposal can be progressed to submission for a Gateway Determination based upon the site-specific merits. The final resolution of traffic and stormwater management matters will be finalised as part of the Gateway Determination process.*

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*The Planning Proposal – Keiza Road, Oakhampton is provided as Attachment 1 to this report for Council's consideration.*

## **OFFICER'S RECOMMENDATION**

### **THAT**

- 1. Pursuant to Section 3.34(1) of the Environmental Planning and Assessment Act 1979, Council submits the planning proposal in Attachment 1, to the Department of Planning 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, including compliance with the conditions of the Gateway Determination and provide details of any submissions received throughout that process.**

### **REPORT**

Council received a rezoning submission relating to land at Oakhampton. The site is known as Stage 4 of the Aberglasslyn Urban Release Area. The proposal seeks to rezone land to enable urban residential development outcomes on the site.

The site comprises of 14 properties and is identified in the Maitland Urban Settlement Strategy 2012 as Category 1 – Residential Investigation Area and in the Maitland Local Strategic Planning Statement 2040+ as Planned Investigation Area – Residential. (Refer to Figure 1). This proposal is a logical extension to the existing Aberglasslyn residential lands to the west.

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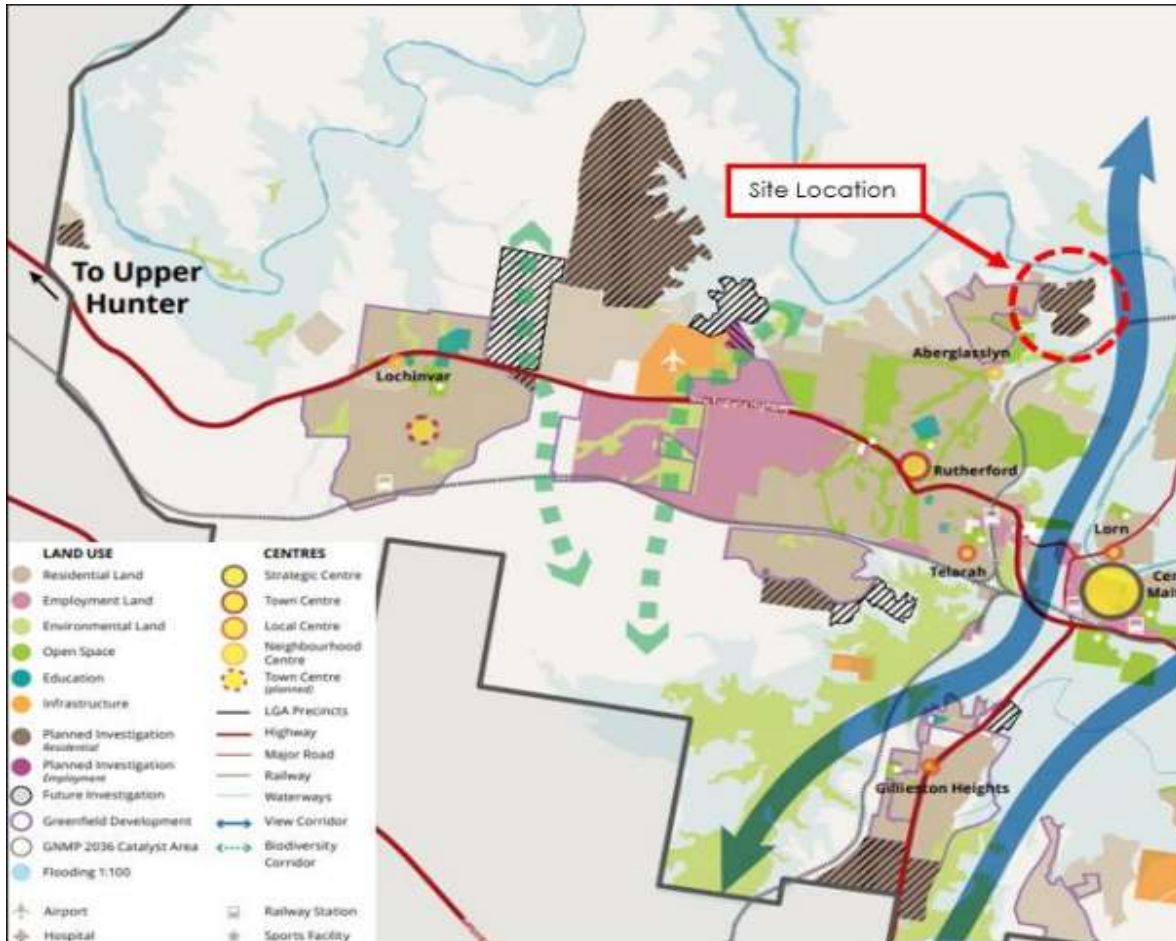


Figure 1: Strategic Merit - Consistency with LSPS

The current land use zone applicable to the site is RU2 Rural Landscape under the MLEP 2011 with an applicable minimum lot size of 40 hectares. An assessment of site constraints and supporting site studies has informed the preparation of the planning proposal, provided as Attachment 1 to this report.

The proposal aims to:

- Rezone land within Aberglasslyn URA from RU1 Primary Production and RU2 Rural Landscape to part R1 General Residential and for environmental purposes, whilst retaining part of the RU1 Primary Production and the entire C2 Environmental Conservation zoned land.
- Amend the minimum lot size from 40 ha to 450m<sup>2</sup> for R1 General Residential land and 10 ha for the RU1 Primary Production, C2 Environmental Conservation and other land identified for environmental purposes, and
- Realign the Aberglasslyn URA to align with property boundaries.



Figure 1: Subject Site

## STRATEGIC AND SITE – SPECIFIC MERIT

The intent of the planning proposal is to enable residential development outcomes and protection of environmentally significant areas.

The proposed land use zone configuration is intended to be a mix of R1 General Residential and either RU1 Rural landscape or a suitable environmental conservation zone across the site. The determination of final zone boundaries within the site will be finalised through the Gateway process as further information is provided and discussions with government agencies is considered. The land use configuration determined will reflect the objectives and intended outcomes as described in this planning proposal.

The subject site is identified as Category 1 – Residential Land (Stage 4 of the Aberglasslyn Urban Release Area – URA) in the Maitland Urban Settlement Strategy (MUSS). The site is also identified by Maitland's Local Strategic Planning Statement 2040+ as a planned residential investigation area.

The MUSS identifies the need for future investigations to determine the suitability of the area for development including road network infrastructure, biodiversity and utility

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provisioning. Site investigations have identified the key characteristics, constraints, and opportunities of the land. These investigations have formed the basis of a detailed site analysis and the preparation of this planning proposal.

The proposed R1 General Residential zone and environmental conservation zones will respond to Council's Settlement Strategy and Local Strategic Planning Statement (LSPS) by balancing ecological and residential outcomes suitable to the constraints and opportunities of the land. Site investigations have identified the key characteristics, constraints, and opportunities of the land. These investigations have formed the basis of a detailed site analysis and the preparation of the planning proposal attached to this report for consideration.

The subject site forms part of the overall Urban Release Area (URA) for Aberglasslyn. This site represents Stage 4 of the release area and will connect to the existing residential area of Aberglasslyn.

The rezoning request has presented strong strategic merit including consistency across all state and local planning directions and policies regarding future residential development within the Maitland LGA.

A summary and assessment of the studies submitted in support of the rezoning request is provided as Attachment 2.

### **Final Zoning Consideration of Northern Study Area**

Lands fronting the Hunter River require careful consideration to ensure the environmental integrity of the river is not only maintained but enhanced over time.

The riparian corridor of the Hunter River is a sensitive area and could also represent a strategic location for council to provide access to the river for the community and a location for revegetation project and corridor enhancement.

In August 2022, Council launched the development of the Hunter Estuary Coastal Management Program (CMP) with the overarching goal to improve the current water quality within the river catchment.

Council staff are currently considering the most appropriate land use zone that compliments the ability to undertake future works on the parcel of land that will contribute to increased water quality outcomes. This matter is an ongoing item for consideration.

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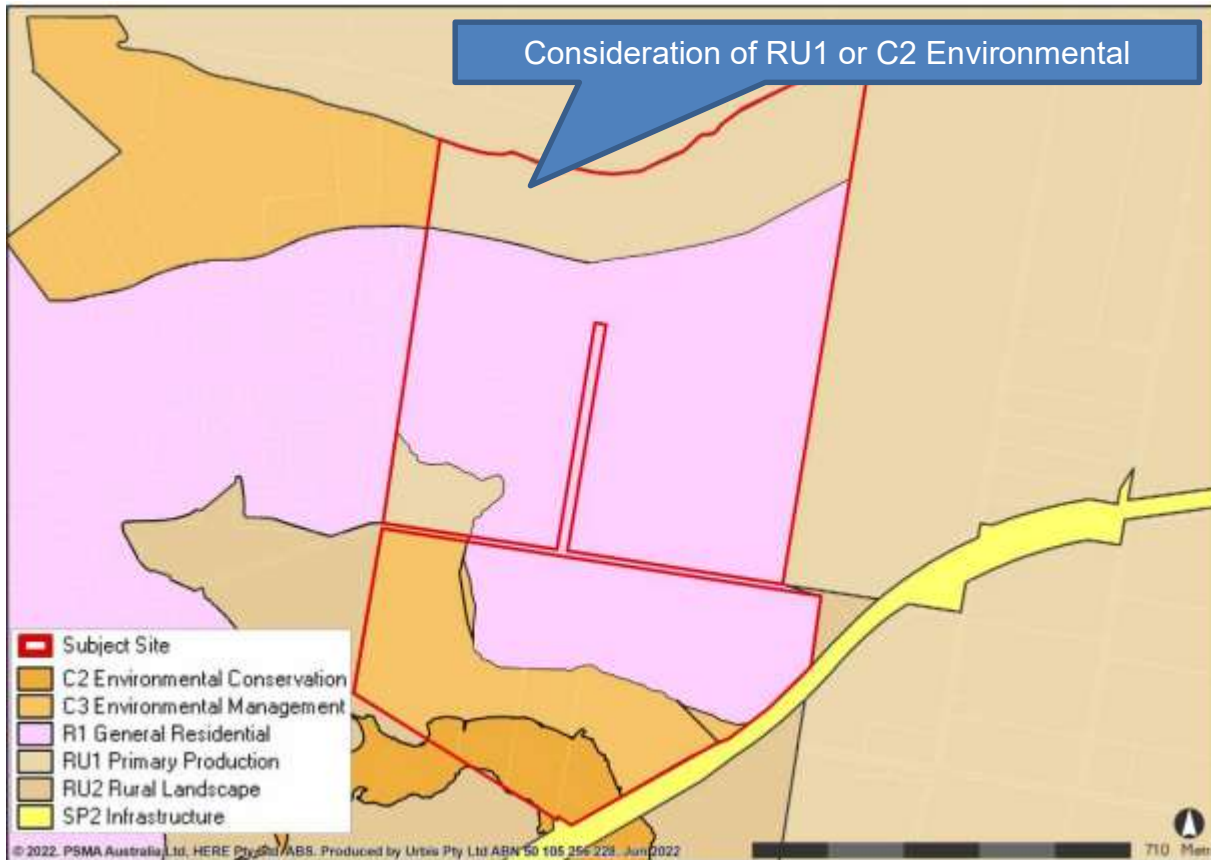


Figure 6: Zoning Consideration of Northern Portion of Study Area

## PLANNING PROPOSAL

The objective of the planning proposal is to amend existing planning controls and rezone land to enable future residential development outcomes and protection of environmentally significant areas. The proposed amendment to MLEP 2011 will enable the site to be developed for residential uses. It will also protect existing vegetation on site, maintaining viable biodiversity corridor linkages.

The proposed land use zone is intended to be a mix of R1 General Residential and for environmental purposes across the site. The determination of final zone boundaries within the site will be finalised through the Gateway Determination and implementation process as further information is provided and discussions with government agencies is considered. The land use configuration determined will reflect the objectives and intended outcomes as described in the planning proposal. A locality map and copies of the existing land use zoning and applicable planning controls are provided in Part 4 of the planning proposal, included as Attachment 1 to this report.

## CONCLUSION

The Planning proposal Request has strong strategic and site-specific merit to be considered for a Gateway Determination including:

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- Identified and consistency with the Maitland Local Strategic Planning Statement
- Identified and consistency with Hunter Regional Plan 2036
- Identified and consistency with Maitland Urban Settlement Strategy (MUSS), Category 1 Land
- Identified and consistency with Greater Newcastle Metropolitan Plan 2036
- Ability to service the site including appropriate infrastructure requirements
- Logical extension to existing Aberglasslyn Urban Release Area

The development of a Development Control Plan (DCP) will provide appropriate direction to ensure that any future urban development responds to the biophysical consideration of the site.

#### **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**

Statutory implications relating to assessment of the subject application have been addressed in the body of the report.