

PLANNING PROPOSAL

Amendment to the Maitland LEP 1993

**Thornton North Urban Release Area
Stage 2**

**Version 1.0
11 June 2010**



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Version

Version 1.0 – Report to Council

INTRODUCTION

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EPA Act), this planning proposal has been prepared to explain the expected effect of rezoning land within the Thornton North urban release area and to justify the reasons why the land is intended to be rezoned. The specific land is shown in **Appendix 1 – Location map and lot descriptions**, and is referred to as Stage 2 of the Thornton North urban release area. In total, there are approximately 350ha of land within Stage 2.

The provisions for the Thornton North urban release area and Stage 1 rezoning occurred with the making of Amendment No. 86 to Maitland Local Environmental Plan 1993 in July 2007. Council resolved to prepare an amendment to Maitland Local Environmental Plan 1993 for the rezoning of Thornton North Stage 2 on 11 September 2007. This decision was made to continue the coordinated release of land in accordance with Council's adopted strategies, including the Maitland Urban Settlement Strategy and the Thornton North Structure Plan, together with the support of the Lower Hunter Regional Strategy.

Detailed environmental investigations and consultation with public authorities has been undertaken to inform the preparation of the rezoning plan. The complexity of matters surrounding environmental conservation and infrastructure provision has warranted thorough investigation to ensure that the objectives of this planning proposal can be achieved.

Various modifications have occurred within the policy and legislative framework since Council's resolution to prepare the Stage 2 rezoning. Most significantly, the process for preparing a local environmental plan has been reformed. As this rezoning plan was commenced under the previous plan-making provisions of the EPA Act, it is protected by savings and transitional provisions until 1 January 2011. However, it is the intention of preparing this planning proposal to transfer the rezoning plan into the new plan-making provisions. This is consistent with the Department of Planning's Planning Circular PS 10-002.

This planning proposal has been prepared with reference to Part 3 of the EPA Act and the guidelines for preparing planning proposals issued by the Department of Planning.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of the Thornton North Stage 2 rezoning are:

1. to enable residential development for approximately 2,500 dwellings, and
2. to protect areas of high ecological significance for threatened flora and fauna species, and
3. to ensure that future residents have access to adequate local and regional infrastructure, and
4. to require further detailed development plans to be prepared prior to the approval of development applications.

PART 2: EXPLANATION of PROVISIONS

It is proposed to amend Maitland Local Environmental Plan 1993 by the inclusion of a zoning map, which outlines land to be rezoned from Zone 1(b) Secondary Rural Land to Zone 2(a) Residential, and Zone 1(b)

Secondary Rural Land to Zone 7(c) Environment Protection (General). This map is included as **Appendix 2 – Proposed zoning map.**

The land is already mapped within the Thornton North urban release area, as a result of Amendment No. 86 to Maitland Local Environmental Plan 1993. This means that Part 12 of the Maitland Local Environmental Plan 1993 applies to the site, and contains the following provisions:

53 Aims of Part

This Part aims:

- (a) *to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land within urban release areas, and*
- (b) *to require satisfactory arrangements to be made for the provision of utility infrastructure, designated State public infrastructure and regional transport infrastructure before the subdivision of such land, and*
- (c) *to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land.*

54 Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.

55 Arrangements for designated State public infrastructure

- (1) *The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.*
- (2) *Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.*
- (3) *Subclause (2) does not apply to:*
 - (a) *any lot identified in the certificate as a residue lot, or*
 - (b) *any lot created by a subdivision previously consented to in accordance with this clause (whether before or after its substitution by Maitland Local Environmental Plan 1993 (Amendment No 99)), or*
 - (c) *any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or*
 - (d) *a subdivision for the purpose only of rectifying an encroachment on any existing lot.*
- (4) *[State Environmental Planning Policy No 1—Development Standards](#) does not apply to development for the purposes of subdivision on land to which this clause applies.*
- (5) *This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).*

55A Arrangements for designated State public infrastructure—St John's College site, Morpeth

Not applicable to this site

56 Public utility infrastructure

- (1) *The Council must not grant consent to development on land within an urban release area unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*
- (2) *In this clause, **public utility infrastructure** includes infrastructure for any of the following:*
 - (a) *the supply of water,*

- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage.*
- (3) *This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.*

57 Development control plan

- (1) *The Council must not grant consent to development on land within an urban release area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land.*
- (2) *The development control plan referred to in subclause (1) must provide for all of the following matters:*
 - (a) *a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*
 - (b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
 - (c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
 - (d) *a network of passive and active recreational areas,*
 - (e) *stormwater and water quality management controls,*
 - (f) *amelioration of natural and environmental hazards, including bushfire, flooding and site contamination,*
 - (g) *detailed urban design controls for significant development sites,*
 - (h) *measures to encourage higher density living around transport, open space and service nodes,*
 - (i) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
 - (j) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

In addition to Part 12, the land will also be subject to other provisions in the Maitland Local Environmental Plan 1993, including;

- Part 1 – General provisions (objectives of LEP, terms and definitions, subdivision controls)
- Part 3 – Residential zones (residential land uses)
- Part 8 – Environmental protection (environmental land uses, development of 7(c) land)
- Part 11 – Special provisions (temporary use of land, minor zone boundary variations)

Whilst it is Council's intention to continue the planning proposal to make an amendment to the Maitland Local Environmental Plan 1993, a new comprehensive local environmental plan is currently being prepared (Maitland Local Environmental Plan 2011). The equivalent provisions in the Maitland Local Environmental Plan 2011 to implement the objectives of this planning proposal are as follows:

- amend Land Zoning Map to Zone R1 General Residential and Zone E3 Environmental Management
- amend Lot Size Map to 450m² for land within R1 zone, and 40ha for land within E3 zone

The land would also be subject to the following provisions in the Maitland Local Environmental Plan 2011

- Part 1 – Preliminary (objectives of LEP, maps)
- Part 2 – Permitted or prohibited development (land uses)
- Part 4 – Principal development standards (minimum lot size, rural subdivision)
- Part 5 – Miscellaneous provisions (preservation of trees, miscellaneous permissible uses)
- Part 6 – Urban release areas (infrastructure and development controls)
- Part 7 – Additional local provisions (acid sulfate soils, streams and riparian land)

PART 3: JUSTIFICATION for PROPOSED REZONING and LEP AMENDMENT

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

Section A – NEED for the PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

Yes. The Thornton North area was initially identified in the Maitland Urban Settlement Strategy as an investigation area for urban development in 2001. The Maitland Urban Settlement Strategy has been endorsed by the Department of Planning for the purpose of preparing local environmental plans.

A structure plan for the Thornton North investigation area was prepared and adopted by Council in 2003, and rezoning and further planning for this area in accordance with the Structure Plan has been occurring since that time. The Structure Plan provides a broad framework for potential development in the Thornton North area, with the objective of ensuring that any new development takes place in a coordinated and sustainable manner. Guiding principles of the Structure Plan include locating new residential areas near existing centres and infrastructure, encouraging a range of lot size and housing styles to provide choice and affordability, planning for an accessible settlement, protecting significant habitat areas and fauna corridors and enhancing the visual character of new urban areas. A copy of the adopted plan is included as **Appendix 3 – Thornton North Structure Plan**.

The planning proposal is consistent with the Thornton North Structure Plan as it identifies important natural areas and protects the north-south vegetation corridor, whilst providing for residential areas shown in the Structure Plan. Other recommendations from the Structure Plan, including infrastructure provision and development controls have progressed with the Stage 1 rezoning.

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

Yes. It is considered that an amendment to the Maitland Local Environmental Plan 1993 is the only method to achieve the vision and objectives of the Thornton North Structure Plan, as the current land zoning does not permit residential development or strongly protect environmental values.

The Stage 2 rezoning will also be supported an infrastructure funding strategy and development control plan in order to achieve the objectives outlined in this planning proposal.

Council has prepared and adopted a Section 94 Development Contributions Plan for the entire urban release area. This plan provides further detail about funding and delivery of key community infrastructure, including recreation facilities, roads, community facilities and cycleways. This plan is regularly reviewed and updated in accordance with planning reforms and statutory requirements.

A development control plan is required to be in force prior to any development approvals within an urban release area. The Thornton North Area Plan (DCP) was prepared by Council and contains detailed development controls for the matters referred to in clause 57 of the Maitland Local Environmental Plan 1993. This plan will be amended to provide more planning controls for the Stage 2 rezoning.

3. Is there a net community benefit?

A net community benefit test and assessment has not been prepared by the proponent for the Stage 2 rezoning. However, it is considered that a net community benefit does arise from the rezoning of land in accordance with the Maitland Urban Settlement Strategy, Thornton North Structure Plan, and Lower Hunter Regional Strategy.

The key community benefits that this proposal will bring include:

- Additional residential land in the east of the Maitland local government area, where supplies of greenfield land are scarcest and where demand has historically been greatest.
- Residential land that is coordinated with the delivery of local and regional infrastructure, including local infrastructure identified in the Thornton North Section 94 Contributions Plan, regional utility infrastructure provided by Hunter Water Corporation, Energy Australia and Telstra, and a new road bridge over the rail line at Thornton funded by the State Government.
- Protection of significant biodiversity values and extension of a locally significant vegetated corridor across a range of landforms to provide a link between wetlands, hill tops and riparian areas.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. The applicable regional strategy is the Lower Hunter Regional Strategy, adopted in October 2006.

The Lower Hunter Regional Strategy aims to provide for up to 115,000 new dwellings across the region by 2031, with 60% of the new dwellings to be located within new greenfield release areas. Thornton North is identified as a major priority release area in the Regional Strategy, with potential for up to 7,000 new

dwellings. The Thornton North urban release area is also identified in the Metropolitan Development Program as a site within the Lower Hunter urban development program.

The objectives and actions in *Part 6 – Housing* require Council to provide an adequate supply of land and sites for residential development and to adopt neighbourhood planning principles for new release areas. This planning proposal has the objective to provide for 2,500 new dwellings, which would bring the total for Stage 1 and 2 to 5,000 new dwellings.

The planning proposal also conserves lands in and around the site to help protect biodiversity and provide open space for recreation (Neighbourhood Planning Principle no. 6), with other principles contained within the supporting plans and strategies for Thornton North (s94, DCP, structure plan).

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Council is currently preparing a draft community strategic plan in line with the new Integrated Planning and Reporting legislation and guidelines. In regards to land use strategies, the following documents provide the appropriate strategic policy framework to support this planning proposal.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2008 Edition

The Maitland Urban Settlement Strategy was endorsed by the Department of Planning in September 2009, and specifically endorsed the Thornton North investigation area as a Category 1 Residential site. It was noted in the endorsement that further studies would be required to demonstrate the suitability and capacity of particular sites to accommodate future development.

These investigations have been completed and the objectives of this planning proposal are consistent with the intended outcomes of the Maitland Urban Settlement Strategy, namely being:

- provision of an adequate supply of land and sites for residential development
- zoning to be consistent with land use constraints identified from site investigations
- new development to be supported by necessary infrastructure
- limit urban sprawl by providing for urban development in new or existing areas with good servicing

The planning proposal is also consistent with the planning objectives for character, environment, design and infrastructure outlined in Section 4.4 of the Settlement Strategy (pg. 58, 59).

An extract from the Settlement Strategy is included as **Appendix 4 – Thornton North Investigation Area, MUSS 2008**.

6. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment of relevant SEPPs against the planning proposal is provided **Appendix 5 – Applicable SEPPs**.

The planning proposal is consistent with all applicable SEPPs, except for SEPP – Rural Lands (2008), however this inconsistency is considered justified by the Maitland Urban Settlement Strategy and Lower Hunter Regional Strategy both identifying the Thornton North area for urban purposes.

7. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

An assessment of consistency with applicable Ministerial Directions for Local Plan making (s117) against the planning proposal is provided **Appendix 6 – Applicable s117 Directions**.

The planning proposal is consistent with all applicable Directions, except as follows:

- 1.2 Rural Zones – the planning proposal rezones land from a rural zone to a residential zone
- 1.5 Rural Lands – the planning proposal affects land within an existing rural zone and creates an environmental protection zone
- 4.1 Acid Sulfate Soils – the planning proposal intensifies land uses on land with a probability of containing acid sulfate soils and the model LEP provisions are not in force.

These inconsistencies are considered justified by the Maitland Urban Settlement Strategy and Lower Hunter Regional Strategy both identifying the Thornton North area for urban purposes. In relation to the acid sulfate soils, the areas of risk are located outside of the residential zoning and are unlikely to be disturbed. The model provisions for acid sulfate soils are to be implemented with Maitland Local Environmental Plan 2011.

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?

Yes. An ecological assessment report has been submitted by the proponent that identifies that an adverse impact on threatened species and ecological communities would occur if native vegetation is removed from areas proposed to be rezoned as residential land.

Two endangered ecological communities were identified on site; an integrate form of Lower Hunter Spotted Gum – Ironbark Forest (LHSGIF) and another community that qualifies as Hunter Lowland Redgum Forest (HLRF). It is proposed that 66% and 15% respectively of these communities would be removed from the Thornton North Stage 2 site. The removal of vegetation is likely to have an adverse effect on the endangered ecological communities.

Threatened fauna species likely to be adversely affected as a result of the proposal include:

- Swift Parrot
- Grey-crowned Babbler
- Little Lorikeet
- Squirrel Glider
- Grey-headed Flying-fox
- Eastern bent-wing bat
- Little bent-wing bat
- Eastern false pipistrelle
- East-cast freetailbat
- Southern Myotis
- Greater broad-nosed bat

The degree of adverse effect ranges from a likelihood of displacement from the site (Babbler, Squirrel Glider) to loss of foraging, seasonal foraging and breeding habitat (all other species). The greatest threats to these species has been assessed as being the clearing of native vegetation, the alteration of natural flow regimes of rivers and streams, removal of dead wood and dead trees, and the loss of hollow-bearing trees.

Consultation with the Department of Environment, Climate Change and Water (DECCW) has been undertaken with regard to the likely adverse effects on threatened/ vulnerable species and endangered ecological communities. A copy of DECCW's correspondence is included as **Appendix 7 – DECCW correspondence**.

DECCW supports the rezoning in principle as it is consistent with the objectives of the Lower Hunter Regional Strategy and the Thornton North Structure Plan, however considers that it is "unlikely to achieve an "improve or maintain" outcome for biodiversity values." Whilst it is preferable to deal with these matters at a rezoning stage, DECCW considers that "outstanding biodiversity offsetting matters could be dealt with post gazettal of the LEP through subsequent development applications under Part 4 of the EP&A Act." This would be through Section 79B of the EPA Act, which states that

- (3) Development consent cannot be granted for:
- (a) development on land that is, or is a part of, critical habitat, or
 - (b) development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat,
 - without the concurrence of the Director-General of the Department of Environment, Climate Change and Water or, if a Minister is the consent authority, unless the Minister has consulted with the Minister administering the [*Threatened Species Conservation Act 1995*](#).

Amendments have been made to the draft rezoning plan in response to DECCW's suggestions for minimising potential impacts on biodiversity, including retaining larger areas of the highest condition vegetation and broadening the connectivity of the environmental corridor running north-south through the site. This corridor will be reinforced by reference (including mapping) and provisions in the Thornton North Area Plan (DCP). A plan showing the habitat condition and the proposed environmental protection zoning is included as **Appendix 8 – Conservation zoning**.

Therefore it is considered that the objectives of this planning proposal to protect areas of high ecological significance can be achieved, whilst ensuring that suitable biodiversity offsets will be achieved through the assessment and determination of future development applications.

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

A number of other environmental effects have been identified with the Thornton North Stage 2 area. These include:

- Air quality, especially particulates from clay extraction activities
- Site contamination from agricultural and other rural activities
- Acoustic assessment, especially from vehicles and trains, as well as clay extraction activities
- Drainage and stormwater management
- Bushfire hazard

Each of these matters will be addressed through the future development controls including the Thornton North Area Plan or through assessment of individual development applications.

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

There are a limited number of social and economic effects that will be created by the rezoning of land that will not be addressed through the provision of new utility, transport and social infrastructure. Other matters such as European and Aboriginal heritage have been investigated and suitable mitigation can be achieved through development controls and assessment of future development applications.

Section D – STATE and COMMONWEALTH INTERESTS

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

Yes. Substantial investigation and investment has occurred in relation to public infrastructure for the Thornton North urban release area, including

- Provision of regional trunk water, wastewater and recycled water infrastructure to the Thornton North area by Hunter Water Corporation
- Funding from the State Government to construct a new four lane road bridge over the rail line at Thornton at a cost of \$10M
- Preparation of the Thornton North Section 94 Plan to make provision for \$100M of key community infrastructure for future Thornton North residents
- Plans for an additional \$60M of local and regional roadworks to support the Thornton North urban release area

It is considered that there are mechanisms in place to ensure that adequate provision occurs in coordination with new development, particularly through clauses 55 and 56 of the Maitland Local Environmental Plan 1993, which specify that satisfactory arrangements for utility and regional infrastructure need to be in place prior to the determination of development applications.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The following public authorities have been consulted regarding the preparation of the Thornton North Stage 2 rezoning plan:

- (former) Department of Primary Industries – mineral resources and agricultural divisions
- NSW Roads and Traffic Authority
- Mindaribba Local Aboriginal Land Council
- (former) Department of Water and Energy
- NSW Rural Fire Service
- Department of Environment, Climate Change and Water

No objections were raised by these authorities. Copies of the correspondence from these authorities are included in **Appendix 9 – Public authority correspondence**.

PART 4: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation is undertaken by the local authority. It is considered that this is a low impact planning proposal as it is consistent with the strategic planning framework of the Lower Hunter Regional Strategy, Maitland Urban Settlement Strategy and Thornton North Structure Plan, has no issues with regard to infrastructure servicing and is neither a principal LEP nor reclassification LEP.

In accordance with Council's adopted *Community Engagement Strategy (March 2009)*, consultation on the proposed rezoning will be to inform and received limited feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the Maitland and Thornton libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed rezoning before proceed to finalisation of the amendment.

The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

Appendix ONE

Location Map & Lot Descriptions

LOCALITY PLAN



Scale 1 : 4 000
Printing Date: January 2010



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Lot description	Land area
Lot 182 DP 792071	18.2 ha
Lot 181 DP 792071	2.0 ha
Lot 191 DP 827070	2.0 ha
Lot 10 DP 1126415	19.5 ha
Lot 4 DP 1145348	39.5 ha (part)
Lot 30 DP 778111	10.2 ha
Lot 31 DP 778111	10.0 ha
Lot 100 DP 847510	10.2 ha
Lot 662 DP 733736	0.5 ha
Lot 20 DP 832786	2.0 ha
Lot 21 DP 832786	9.1 ha
Lot 1 DP 1032753	15.2 ha
Lot 2 DP 797020	7.9 ha (part)
Lot 1 DP 797020	18.3 ha (part)
Lot 1 DP 1144068	8.6 ha
Lot 20 DP 1076841	0.5 ha
Lot 18 DP 999725	8.3 ha
Lot 1 DP 198776	16.1 ha
Lot 31 DP 794448	2.0 ha
Lot 33 DP 794448	16.7 ha
Lot 32 DP 794448	2.0 ha (part)
Lot 32 DP 778111	20.2 ha
Lot 33 DP 529007	4.3 ha (part)
Lot 1 DP 716824	19.6 ha (part)
Lot 1 DP 1020710	24.5 ha
Lot 122 DP 1108020	116.2 ha
Lot 112 DP 734271	86.7 ha (part)
Lot 300 DP 593864	2.0 ha (part)
Lot 43 DP 1009594	24.4 ha (part)
Lot 44 DP 1117263	13.8 ha (part)

Appendix TWO

Proposed Zoning Map



2(a)

2(a) Residential

7(c)

7(c) Environmental Protection General



SCALE 1 : 25 000

LOCALITY: CHISHOLM/THORNTON

PARISH: ALNWICK

COUNTY OF: NORTHUMBERLAND

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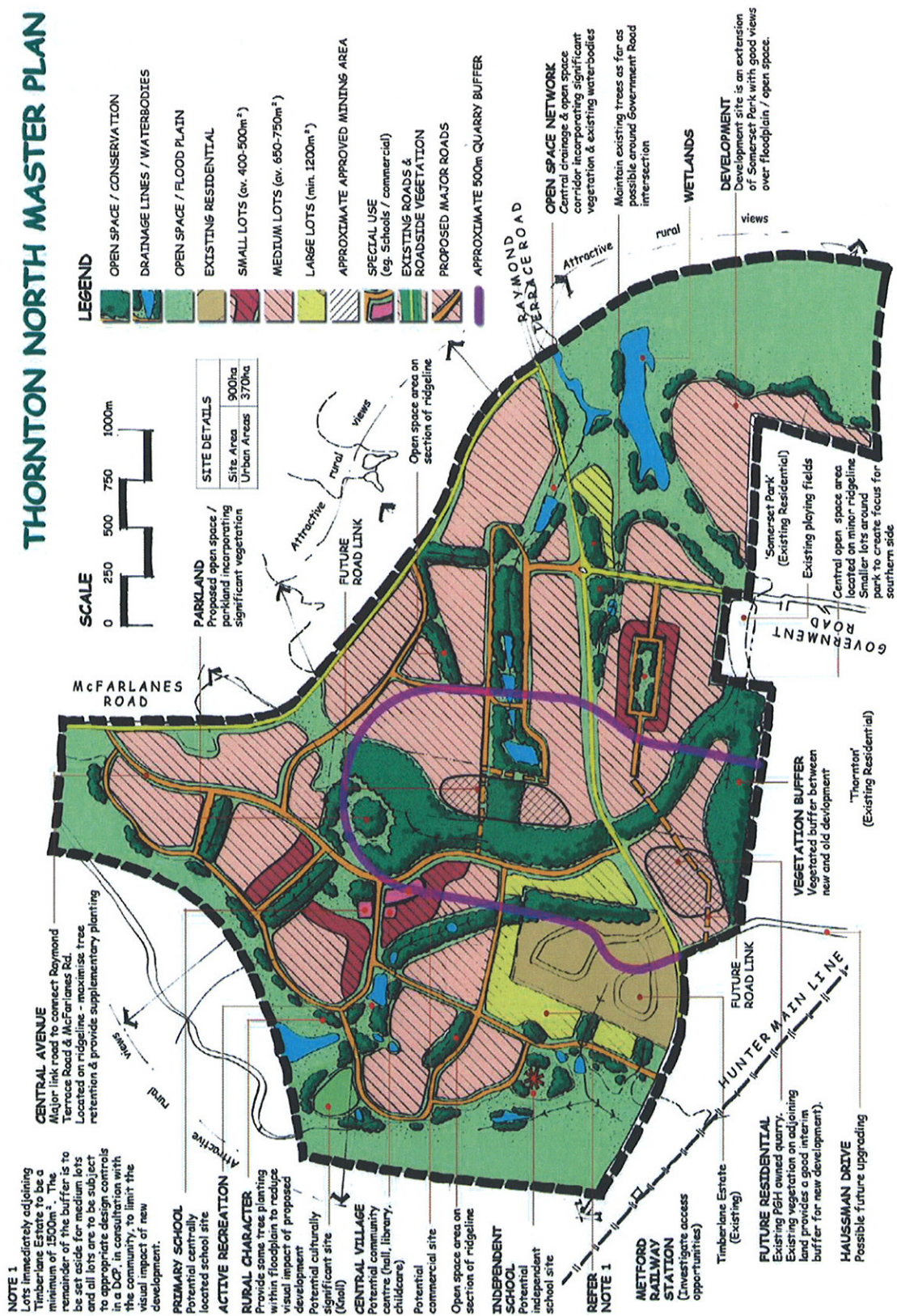
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
MAITLAND
LOCAL ENVIRONMENTAL PLAN 1993
DRAFT (AMENDMENT No:)

DRAWN BY: D MURRAY	DATE: 16.08.10	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS MAITLAND L.E.P. 1993
SUPERVISING DRAFTSPERSON:		
PLANNING OFFICER: M GIBSON	DATE: 16.08.10	
COUNCIL FILE No: 103/132		
DEPT FILE No:		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS AS AMENDED GENERAL MANAGER DATE
CERTIFICATE PLAN NUMBER:		
CERTIFICATE ISSUED UNDER SEC 65 E.P.A. ACT 1979	DATE:	
PUBLISHED IN GOVERNMENT GAZETTE OF	No:	

Appendix THREE

Thornton North Structure Plan

THORNTON NORTH MASTER PLAN



Appendix FOUR

Thornton North Investigation Area, MUSS 2008

5.4.1 Thornton North Investigation Area

Physical Description

This investigation area comprises a total of 900 ha of land, with an approximate lot yield of 5,000 lots, and has commonly been referred to as Thornton North, as shown in *Figure 14 Thornton North Investigation Area*.

From a regional perspective, the Thornton North area has been identified, in the Lower Hunter Regional Plan as a regionally significant urban release area. The proximity of Thornton North to regional transport systems, including the Hunter rail line, F3 freeway and New England Highway is a key factor in the identification of the Thornton North area and its suitability for urban development.

Initial Investigations

Council adopted a structure plan for the entire Thornton North Investigation Area in December 2004. This document has guided further planning investigations for Thornton North, including the preparation of LEP amendments for the initial land release (stage 1), a coordinated infrastructure funding plan and the Thornton North Area Plan.

Stage 1, being that land south of Raymond Terrace Rd and land adjoining the existing Timberlane estate, has been rezoned for urban purposes in July 2007. The development control guidelines, Thornton North Area Plan and Thornton North Section 94 Contributions Plan, were adopted by Council in February 2008. Stage 1 has an estimated lot yield of 2,500 lots.

A significant constraint to the development of the Thornton North area is the local and regional road infrastructure in the Thornton area, including the intersection of Thornton Road and the New England Highway and crossing of the Hunter rail line at Thornton rail station. Funding has been allocated by the Federal Government to the construction of a grade-separated interchange at Weakleys Drive and the New England Highway.

The Thornton North Urban Release Area is subject to Clause 55 of the Maitland LEP 1993, in relation to regional transport infrastructure and requires certification from the Director General of the Department of Planning that satisfactory arrangements have been made for contributions to the provision of regional transport infrastructure prior to Council determining development applications for the release area. The impact and timing of these works will have a direct influence on the development and staging of Thornton North as a residential land release.

Other issues for consideration include biodiversity management and conservation and provision of utility infrastructure including a reticulated recycled wastewater scheme.

Existing land uses within the Thornton North Investigation Area include two operating clay quarries that supply material to the PGH brickworks at Metford. A number of restrictions related to the operation of the quarries (buffers and conservation areas for future extraction) have been considered in the Thornton North structure plan.



THORNTON NORTH INVESTIGATION AREA

 Category 1 - Residential

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Scale 1 : 35 000
Printing Date: November 2008

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland

The Clay Conservation Area identified in the Maitland Local Environmental Plan 1993 and development control guidelines are to be revised in collaboration between Council, the Department of Mineral Resources and PGH.

The suite of planning documents prepared for Thornton North provide further detail about the constraints and opportunities for residential development.

A staged development of the Thornton North area will be necessary given traffic and infrastructure constraints and the timing of new works, especially Weakleys Drive interchange and rail bridge upgrade. Sequencing of water and sewerage infrastructure may also impact on the timing and staging of development in the area.

Appendix FIVE

Applicable State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 1 – Development Standards	Provides flexibility in the application of planning controls operating by virtue of development standards.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 14 – Coastal Wetlands	Ensures that coastal wetlands are preserved and protected. A SEPP 14 wetland is located to the south-east of the Thornton North Urban Release Area.	Provisions are contained in the Thornton North DCP to ensure that stormwater management and development activities up-stream do not adversely affect the wetland.
SEPP 21 – Caravan Parks & SEPP 36 – Manufactured Home Estates	Encourages the orderly and economic use and development of land for caravan parks and manufactured home estates.	Nothing in this planning proposal affects the aims and provisions of these SEPPs.
SEPP 44 – Koala Habitat Protection	Encourages the proper conservation of vegetation that provides habitat for koalas.	Whilst three preferred koala food tree species are known to occur in the study area, there is no evidence of koala activity on the site and no known records of koala activity for the locality. It is considered that there is nothing in the planning proposal that affects the aims and provisions of this SEPP.
SEPP 55 – Remediation of Land	Promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health.	Some contamination has been identified on the subject site, but is considered to be capable of remediation to a standard suitable for the residential outcomes proposed. Remediation can be undertaken with the development of the site. It is considered that there is nothing in the planning proposal that is inconsistent with the aims and provisions of this SEPP.
SEPP 60 – Exempt and complying development	Provides for exempt and complying development types for local government areas that have not provided them through an LEP.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 62 – Sustainable aquaculture	Encourages sustainable aquaculture.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 64 – Advertising and signage	Ensures that signage is compatible with the desired amenity and character of an area.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

SEPP	Relevance	Consistency and Implications
SEPP 65 – Design quality of residential flat development	Improves the design quality of residential flat development in NSW.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Affordable Housing 2009	Provides a consistent planning regime for the provision of affordable rental housing.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Building Sustainability Index	Encourages sustainable residential development.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Housing for seniors or people with a disability	Encourages the provision of housing that will increase the supply and diversity of residences that meets the needs of seniors or people with a disability.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Infrastructure 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP – Mining, Petroleum Production and Extractive Industries 2007	Aims to recognise the importance of mining, petroleum production and extractive industries to NSW.	Nothing in this planning proposal affects the aims and provisions of this SEPP, as various forms of agriculture are permissible in both the residential and environment protection zones.
SEPP – Rural Lands 2008	Facilitates the orderly and economic use and development of rural lands for rural and related purposes.	This plan would rezone rural land for residential and environmental protection purposes. As assessment has been undertaken of rural land and rural planning outcomes across the City of Maitland through the preparation of the Maitland Rural Strategy (2005) and the Maitland Urban Settlement Strategy (2008 ed). It is considered that the subject land is best utilised for residential and environmental purposes.

Appendix SIX

Applicable Section 117 Directions for Local Plan making

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.2 Rural Zones	To protect the agricultural production value of rural land	This planning proposal rezones land from a rural zone to a residential zone. It is considered that this planning proposal can be inconsistent with this Direction as the Thornton North urban release area is justified by the Maitland Urban Settlement Strategy and the Lower Hunter Regional Strategy, both of which are approved by the Department of Planning.
1.3 Mining, Petroleum Production and Extractive Industries	To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	This planning proposal does not prohibit mining of extractive resources, nor does it alter the provisions of the Maitland Local Environmental Plan 1993 regarding conservation of clay resources in the Thornton area (cl. 30). Therefore, the planning proposal is consistent with this Direction.
1.5 Rural Lands	To protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.	This planning proposal affects land within an existing rural zone and creates an environment protection zone. Consideration has been given to the Rural Planning Principles in SEPP Rural Lands, and whilst the planning proposal does seek to rezone rural land for urban and environmental protection purposes, this has been undertaken with reference to the Lower Hunter Regional Strategy and the Maitland Rural Strategy and Maitland Urban Settlement Strategy. It is therefore identified that this planning proposal may be inconsistent with this Direction as it is consistent with strategies approved by the Department of Planning.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	To protect and conserve environmentally sensitive areas	This planning proposal is consistent with this Direction as it rezones areas of high environmental values to an environmental protection zone.
2.3 Heritage Protection	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	This planning proposal does not seek to alter the existing heritage provisions of the Maitland Local Environmental Plan 1993. No additional heritage items or places have been identified within the Thornton North urban release area.

Ministerial Direction	Aim of the Direction	Consistency and Implications
2.4 Recreation Vehicle Areas	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Nothing in this planning proposal is inconsistent with this Direction.
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	To encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development the environment and resource lands.	Nothing in this planning proposal is inconsistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	To provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates.	Nothing in this planning proposal is inconsistent with this Direction.
3.3 Home Occupations	To encourage the carrying out of low-impact small businesses in dwelling houses.	Nothing in this planning proposal is inconsistent with this Direction.
3.4 Integrating Land Use and Transport	To ensure that urban structures, building forms, land use locations, development design, subdivision and street layouts achieve the integration of land use and transport objectives.	Nothing in this planning proposal is inconsistent with this Direction.
HAZARD and RISK		
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Council intends to incorporate the model Acid Sulfate Soils provisions into the comprehensive LEP (Maitland LEP 2011). The subject land has been identified as class 5, with small areas of class 4 and class 3 being land below the 1% AEP flood level. It is considered that the planning proposal is inconsistent with the terms of this Direction, however this is of minor significance as the areas with the highest risk are located outside of the residential development area and are unlikely to be disturbed and that the model provisions will be in force with Maitland LEP 2011.

Ministerial Direction	Aim of the Direction	Consistency and Implications
4.3 Flood Prone Land	To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.	The land proposed to be rezoned from rural to residential is not within the flood planning area, insofar as all the future residential land is located above Council's adopted flood standard being the 1% AEP flood. This planning proposal is not inconsistent with this Direction.
4.4 Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.	Parts of the subject land are identified as being bush fire prone land. Consultation has been undertaken with the NSW Rural Fire Service, who is supportive of the proposal. Further bushfire hazard and management measures will be enforced in the development of the Thornton North area, in accordance with <i>Planning for Bushfire Protection 2006</i> . This planning proposal is not inconsistent with this Direction.
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Nothing in this planning proposal is inconsistent with the Lower Hunter Regional Strategy and this Direction.
LOCAL PLAN MAKING		
6.1 Approval and Referral	To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Nothing in this planning proposal is inconsistent with this Direction.
6.2 Reserving Land for Public Purpose	To facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Nothing in this planning proposal is inconsistent with this Direction.
6.3 Site Specific Provisions	To discourage unnecessarily restrictive site specific planning controls.	Nothing in this planning proposal is inconsistent with this Direction.