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# Planning Proposal Request 107 Haussman Drive, Thornton

Prepared by Barr Property and  
Planning

For McCloy Thornton Pty Ltd

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## PART A

### 1 Introduction

This Planning Proposal Request has been prepared by Barr Property and Planning on behalf of the McCloy Group. It has been prepared in accordance with the requirements of Section 3.33(2) of the Environmental Planning and Assessment Act 1979 (EP&A) Act and the 'Planning proposals' A guide to preparing planning proposals' published by Department of Planning and Environment, December 2018.

This proposal request sets out the background to the proposed LEP amendment, the intended effect of amending the Maitland Local Environmental Plan 2014 and demonstrates the strategic merit of the planning proposal.

### 2 Background

The subject site, 107 Haussman Drive, Thornton, was previously used as a clay quarry and has remained dormant since cessation of quarrying activities in conjunction with the closure of the Metford Brickworks in 2006. On 7 August 2017 McCloy Thornton lodged an application for a Site Compatibility Certificate with the Department of Planning and Environment (the Department), to allow the future development of the site as a retirement village. The application was assessed and approved by the Department under clause 25(4)(a) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability). The Certificate was issued on 4 October 2017, and is contained in Appendix A. This Certificate confirms the Department's view that the site is suitable for more intensive development, and that the proposed development comprising (then) 161 self-care seniors living dwellings is compatible with the surrounding environment.

McCloy Thornton subsequently lodged a development application (DA) with Maitland City Council (Council) for a senior's housing development comprising 156 serviced, self-contained dwellings and associated community facilities. That application, DA/17/2593, was approved on 16 September 2019. Vegetation clearing approved as part of the application was carried out in 2020. Additionally, McCloy Group obtained consent for bulk earthworks on the site for the importation of fill, with DA/18/1431 being also approved on 16 September 2019. The earthworks approved by that application are currently being carried out and are expected to be completed in 2021.

The McCloy Group has since made a commercial decision not to proceed with construction of the approved seniors' housing development and instead seek to have the site rezoned to facilitate residential subdivision of the land.

### 3 Project Objectives

The McCloy Group focusses on creating residential communities in which people love to live. They place a strong emphasis on creating high amenity living environments through public art, aesthetic streetscapes, lively children's playgrounds, active shared pathways, landscaped parklands and native



open space. The objective for the subject land at 107 Haussman Drive is to create a boutique, potentially community-title, 140-150 lot development.

An indicative road layout and potential areas of open space and stormwater detention is shown at Figure 1 below.

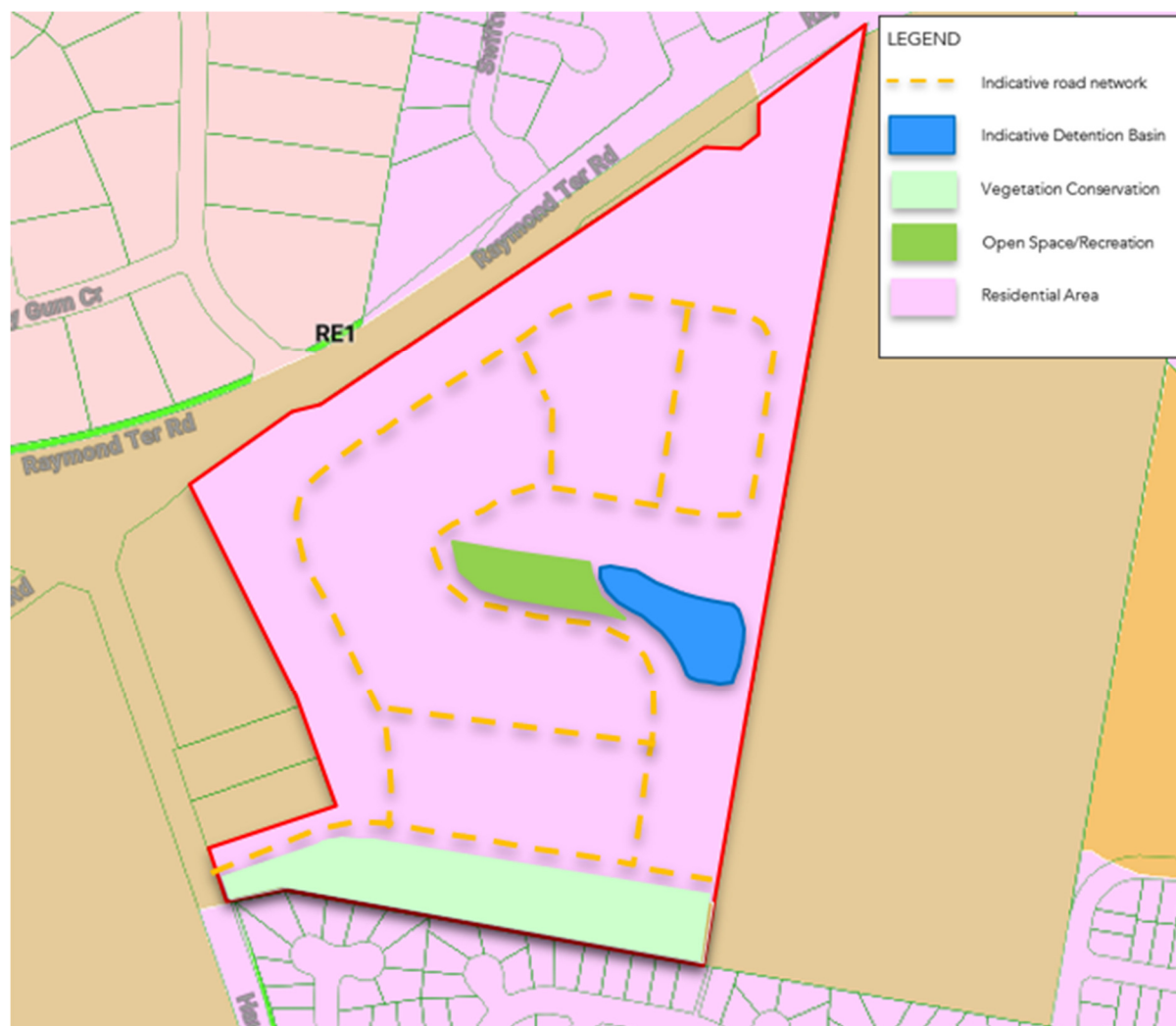


Figure 1: Indicative subdivision layout

It is noted that the indicative road layout in Figure 1 assumes that larger residential lots will be employed in the north east corner of the site to facilitate retention of some of the existing trees in this part of the site. Additionally, a 30-metre-wide strip of vegetation is proposed to be conserved along the site's southern boundary to facilitate long-term preservation of an identified habitat corridor.

Realisation of the objectives for this site is contingent on rezoning of the land from RU2 Rural Landscape to R1 General Residential and E2 Environmental Conservation. Consequently, this planning proposal request has been prepared to formally initiate the rezoning process.

## 4 Site and Context

The property is described as Lot 2, DP 1145348 and is located at 107 Haussman Drive, Thornton. The site is bounded by Raymond Terrace Road to the north, an electricity substation and vacant land to the west, existing residential housing lots to the south and an extensively vegetated rural-zoned lot to the east. Vehicular access to the site is available via an approximately 40-metre wide frontage to Haussman Drive.

The majority of the site is cleared of vegetation as a result of its former use as a clay quarry. Remnant native vegetation is located generally around the perimeter of the site, in particular in the north east corner and along the southern boundary.

All essential services, including water, sewer, electricity, NBN and gas are available either at the site boundary or in the immediate vicinity of the site.

## 5 Preliminary Consultation

Representatives of McCloy Group met with Council's Manager Strategic Planning, Andrew Neil, and Senior Strategic Planner, Leonie Bryson, on 31 July 2020 to discuss the proposed rezoning.

Matters discussed during that meeting included:

- Proposed rezoning of adjoining land to the east (480 Raymond Terrace Rd).
- Council acknowledgement that the McCloy's site has strategic merit being identified in the MUSS as Category 1 Residential and in the Maitland LSPS as Planned Investigation – Residential.
- Importance of vegetation corridor that passes through site in an east-west direction.
- Proposed upgrade of Haussman Drive including construction of roundabout at intersection with Taylor Avenue.

## 6 Strategic Merit

The site is considered to have high strategic merit for rezoning for residential purposes. As outlined above, it previously qualified for a site compatibility certificate from the Department of Planning and Environment to permit seniors housing and is subject to an active consent for 156 self-contained dwellings and associated community facilities.

The site is within the Thornton North Urban Release Area and is thus identified for potential residential development in the Maitland Urban Settlement Strategy, Maitland Local Strategic Planning Statement, Greater Newcastle Metropolitan Plan and Hunter Regional Strategy. Rezoning and development of the site for residential purposes reflects the highest and best use of land already highly disturbed due to its previous use as a quarry.



This Planning Proposal request is supported by the following reports:

*Table 1: Supporting Reports*

Report	Author
Preliminary Environmental Assessment	Kleinfelder
Bushfire Threat Assessment	Firebird EcoSultants
Traffic and Parking Impact Assessment	McLaren Traffic Engineering
Aboriginal Heritage Due Diligence Assessment	Heritage Now

Each of the above reports demonstrate that the proposed rezoning is appropriate having regard to potential site constraints. The conclusions of the respective reports are contained in Part B of this Planning Proposal Request.

## 7 Conclusion

The proposed rezoning associated with this Planning Proposal Request has both strong strategic merit and strong site-specific merit. The site is earmarked in multiple local and regional strategic planning documents for residential development. The land is largely already cleared and an identified habitat corridor along the site's southern boundary will be retained. Impacts on remnant native vegetation in other parts of the site would be assessed in conjunction with a future development application for subdivision. Bushfire threat can be appropriately managed through the establishment of APZs and minimum construction standards for dwellings. There are no other environmental constraints that would preclude residential development of the site. Future development of the land will provide social and economic benefits by helping to alleviate demand for well-located housing that is close to existing infrastructure and services, including public transport.





## PART B

### 1 Objectives of the Planning Proposal

The objective of this planning proposal is to rezone land at 107 Haussman Drive, Thornton to facilitate a residential subdivision of approximately 150 lots. The site contains a disused clay quarry and is largely cleared of vegetation apart from remnant native vegetation generally around the perimeter of the site. The planning proposal also seeks to protect and formalise a biodiversity corridor through the site.

### 2 Explanation of the Provisions

The amendment proposes the following changes to Maitland Local Environmental Plan (MLEP) 2011.

*Table 2 Summary of Amendments*

Amendment Applies to	Explanation of Provisions
Land Zoning Map	<p>Rezone the subject site from Zone RU2 Rural Landscape to:</p> <ul style="list-style-type: none"> <li>• Zone R1 General Residential (approximately 18 hectares), and</li> <li>• Zone E2 Environmental Conservation (approximately 1 hectare)</li> </ul> <p>in accordance with the proposed zoning map shown as Map 5.</p>
Lot Size Map	<p>Change the minimum lot size for the subject land from 40 hectares to 450m<sup>2</sup> for the part of the site to be zoned R1 General Residential in accordance with the proposed Lot Size Map shown as Map 6.</p>

It is noted that the area of land to be zoned E2 Environmental Conservation is smaller than the minimum lot size of 40 hectares, however Clause 4.2C of MLEP 2011 would facilitate subdivision of the land provided all of the land within the parent lot zoned E2 is contained within a single lot following the subdivision.



### 3 Justification for the Provision

#### A. Need for the planning proposal

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

The site is located within the Thornton North Urban Release Area, as identified in the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, MLEP 2011, and Maitland Development Control Plan (DCP) 2011.

The DCP highlights the proximity of the area to regional transport systems including the M1 Pacific Motorway, Newcastle to Telarah rail line and New England Highway and its strategic importance for the future provision of housing. The DCP specifically targets the site for residential development and places it in Stage 3 of the release area plan.

The proposal is also consistent with the Maitland Local Strategic Planning Statement 2040, which, consistent with the aforementioned strategic planning documents, identifies the land within an investigation area for residential development. Rezoning of the site will be based on appropriate environmental investigation and will facilitate development of an approximately 150-lot residential subdivision.

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

The current land use zoning, RU2 Rural Landscape, and associated minimum lot size of 40 hectares restricts the ability for urban development of the lot, which currently exists as vacant land having previously been used as a clay quarry. Additionally, the current zoning does not recognise the biodiversity value of vegetated parts of the site, particularly along the site's southern boundary which has been identified as forming part of a wildlife corridor.

The proposed changes to zoning and minimum lot size are the logical means to facilitate subdivision of the site for additional housing and to provide protection for that part of the site that functions as native vegetation wildlife corridor.



## B. Relationship to strategic planning framework

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

Hunter Regional Plan (HRP) 2036 is the applicable regional strategy. The site is within the Thornton North Urban Release Area and the proposal is consistent with the following directions and subsequent actions:

- Direction 14: Protect and connect natural areas
  - 14.5 Secure the long-term protection of regionally significant biodiversity corridors
- Direction 21: Create a compact settlement
  - 21.2 Focus development to create compact settlements in locations with established services and infrastructure, including the Maitland Corridor growth area
  - 21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations.
  - 21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure.
- Direction 22: Promote housing diversity
- Direction 23: Grow centres and renewal corridors

Greater Newcastle Metropolitan Plan (GNMP) 2036 is the applicable metropolitan strategy. The proposal is consistent with the GNMP as the site is contained within the broader Thornton North Housing Release Area.

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

The relevant local community strategic plan is the Maitland + 10 Community Strategic Plan. The proposal is consistent with the following:

- Remnant native vegetation and wildlife habitats will be identified, with active efforts made to retain and enhance existing and new areas of native bushland

In this regard, vegetation along the southern boundary of the subject site has been identified as serving an important function as a habitat corridor and is proposed to be protected under an E2 Environmental Conservation zoning.

The relevant local strategic plan is the Draft Maitland Local Strategic Planning Statement 2040+ (LSPS). The subject site is mapped in the LSPS as a planned residential investigation area. The proposal is also consistent with the following planning priorities:

- Support sustainable housing growth by balancing greenfield and infill housing.
- 13. Improve accessibility and connectivity of our city's Green and Blue Grid.



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

An assessment has been undertaken to determine the proposal's consistency with relevant State Environmental Planning Policies (SEPPs). The planning proposal is consistent with all relevant SEPPs as outlined in the table below.

Table 3 Relevant SEPPs

SEPPs	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	Aims to prioritise the conservation of bushland in urban areas and requires consideration of aims in preparing a draft amendment.	The proposal proposes to place an environmental zoning over existing native vegetation along southern boundary of the site, while vegetation in the north of the site is expected to be conserved through the creation of large residential lots conducive to the retention of trees. The proposal is therefore considered to be consistent with the aims of SEPP 19 and related legislation.
SEPP 55 – Remediation of Land	Aims to establish planning controls and provisions for the remediation of contaminated land.	The proposal is consistent with the SEPP. The site has been previously used for “mining and extractive industries” (former clay quarry), a use identified within Table 1 of the Contaminated Land Planning Guidelines. A phase 1 Site Contamination Assessment has been carried out. The investigation concluded the site is likely to be suitable for the proposed development in its present state. (Refer to Appendix F)
SEPP (Affordable Rental Housing) 2009	This policy aims to provide a consistent planning regime for the provision of affordable rental housing to facilitate the effective delivery of new affordable rental housing by providing incentives and non-discretionary development standards.	Zoning the land for residential development will create future opportunities for affordable rental housing on the land.
SEPP (Building Sustainability Index: BASIX) 2004	Regulations under the Act have established a scheme to encourage sustainable residential development.	Should the site be rezoned for residential use, future residential development is required to implement the BASIX scheme.
SEPP (Exempt and Complying Development Code) 2008	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	Should the site be rezoned for residential use, this policy would allow one or two storey houses to be developed as complying development.  The proposal is consistent with the aims and provisions of the SEPP.



SEPP (Infrastructure) 2007	Aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	Contains provisions which may be relevant at the subdivision construction stage.
SEPP (Koala Habitat Protection) 2019	This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	One tree species listed under Schedule 2 of the Koala SEPP was identified within the study area ( <i>Eucalyptus punctata</i> [Grey Gum]). This species, however, formed less than 15% of the total number of trees on site. The NSW Wildlife Atlas only contained one record of the Koala occurring within 5 kilometres of the subject site. Consequently, further consideration of the SEPP was not considered necessary.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources.	<p>The site has been identified in Maitland Local Environmental Plan (LEP) 2011 as the location of significant resources of minerals, petroleum or extractive materials on its Mineral Resource Area Map MRA_006A.</p> <p>The previous use of the site as a clay quarry, and the cessation of that use has been well documented. The site is no longer a viable clay quarry.</p>

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

The proposal has been assessed against relevant Ministerial Directions. The assessment is provided below. It is noted that the Secretary's concurrence is required in relation to an inconsistency with Direction 1.2 – Rural Zones.

Table 4 Assessment of s.9.1 Directions

Ministerial Direction	Relevance	Implications
1.2 Rural Zones	This direction aims to protect the agricultural production value of rural land.	<p>This direction stipulates that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone, or contain provisions that will increase the permissible density of land within a rural zone.</p> <p>The proposal is <b>inconsistent</b> with this direction. The Secretary's concurrence that the inconsistency is of minor significance is therefore required.</p>
1.3 Mining, Petroleum	Aims to ensure that the future extraction of State or regionally	The previous use of the site as a clay quarry, and the cessation of that use with the withdrawal of the clay



Production and Extractive Industries	significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	quarry from the locality, have been well documented. The site is no longer a viable clay quarry, nor is it required for extraction of any other mineral resources.
2.1 Environment Protection Zones	Aims to protect and conserve Environmentally sensitive areas.	The proposal is consistent with this direction as it will apply an E2 Environmental Conservation zoning to part of the site containing remnant native vegetation. Any development of land proposed to be zoned R1 General Residential will be subject to the NSW Biodiversity Offset Scheme.
2.3 Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of Aboriginal and non- Aboriginal heritage items.	The subject land does not contain any known Aboriginal or non-Aboriginal Heritage items or significant landscapes. An Aboriginal Cultural Heritage Due Diligence assessment revealed an Aboriginal site has previously been recorded in close proximity to the eastern boundary of the subject, which should be inspected prior to detailed subdivision design. The planning proposal is consistent with this direction.
2.6 Remediation of Contaminated Land	Aim of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities	The site has been previously used for “mining and extractive industries” (former clay quarry), a use identified within Table 1 of the Contaminated Land Planning Guidelines.  A Phase 1 Site Contamination Assessment has been carried out (see Appendix F). The site is likely to be suitable for the proposed development in its present state provided that: <ul style="list-style-type: none"> <li>• An Unexpected Finds Procedure is prepared and implemented during earthworks;</li> <li>• Sampling and analysis of surface water and sediments in ponds is carried out; and</li> <li>• Further sampling and analysis of fill materials on the tracks and northern portion of the site may be required if these are to be used within 2m of the final surface of residential allotments.</li> </ul>
3.1 Residential Zones	The direction requires a draft LEP to include provisions that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	The subject site can be considered an infill development site, being located between established housing in Thornton and new housing in Chisholm. Consequently, its development will help reduce the demand for land consumption on the urban fringe. Following rezoning, subdivision of the site is envisaged to provide a variety of lot sizes providing for housing choice. All essential services, including

		water, sewer, electricity, NBN and gas are available either at the site boundary or in the immediate vicinity of the site.
3.4 Integrating Land Use and Transport	This Direction seeks to locate development in the most appropriate location to encourage sustainable transport.	Public bus services are currently available within walking distance of the site, which is also within 2 km of Thornton railway station. Additionally, it is noted that Maitland Bicycle Plan and Strategy has proposed an on-road and off-road cycle way along Haussman Drive linking to Thornton Station.
4.1 Acid Sulphate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The site is mapped as potential Acid Sulphate Soils, Class 5 under MLEP 2011. There are no Class 1, 2, 3 or 4 lands within 500 metres of the site. Acid Sulphate Soils are unlikely to pose a constraint to future development of the land.
4.4 Planning for Bushfire Protection	Aims to encourage the sound management of bush fire prone areas and to ensure a planning proposal addresses Planning for Bushfire Protection 2019.	The site is mapped as bushfire prone land. A bushfire threat assessment has been prepared to establish APZs for the site to guide future development. That assessment (see Appendix C) concluded that rezoning and subdivision of the site is capable of compliance with the acceptable solutions in Planning for Bushfire Protection 2019.
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The relevant regional plan is the Hunter Regional Plan. The proposal's consistency with the Plan is discussed in Section B.1 of this proposal.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The planning proposal is consistent with this direction.

## C. Environmental, social and economic impact

### 1. 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?

The majority of the land proposed to be zoned R1 General Residential is cleared of vegetation as a result of the site's historic use as a quarry. Some additional clearing was permitted in accordance with the approved seniors' housing development. However, remnant native vegetation and some areas of regrowth are present, generally around the edges of the site and concentrated in the north east corner and along the southern boundary (where a 30 metre-wide corridor is to be conserved under an E2 Environmental Conservation zoning).



A preliminary environmental assessment has been carried out for the site by consultants Kleinfelder and forms Appendix B to this Planning Proposal. The assessment identified the presence of one Endangered Ecological Community (EEC) on the site, being Lower Hunter Spotted Gum - Ironbark Forest in the Sydney Basin Bioregion.

Two threatened flora species, *Grevillea parviflora subsp. parviflora* and *Tetratheca juncea* were identified as having potential habitat within the study area.

Nine threatened bird species and another three migratory bird species have potential habitat on the site, as do seven native bat species and the Squirrel Glider.

Future development of the site would require biodiversity assessment in accordance with the Biodiversity Conservation Act 2016 (BC Act). If future proposed development does trigger the thresholds of the Biodiversity Offset Scheme under the BC Act and the BC Regulation, then an assessment in accordance with the Biodiversity Assessment Methodology (BAM) and submission of a Biodiversity Assessment Report (BDAR) would be required.

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

Rezoning and subsequent development of the subject site will increase stormwater runoff. This matter would normally be assessed and managed in conjunction with a development application. Appropriate infrastructure for detaining and improving the quality of stormwater flows exiting the site will be incorporated into future development of the land

The site is identified as bushfire prone, however as demonstrated in the bushfire threat assessment at Appendix C, risk can be adequately managed through the establishment of Asset Protection Zones (APZs) and minimum construction standards for future development.

The proposed development of the site for residential purposes will result in an increase in local traffic generation. A traffic and parking impact assessment has been prepared for the proposal by McLaren Traffic Engineering. That assessment, included at Appendix D, has concluded that the traffic generated by the proposed development will be of a low order and will not detrimentally impact the ongoing operation of the existing road network. It is noted that the intersection of Haussman Drive and Raymond Terrace Road is proposed to be upgraded with traffic signals, which will greatly improve the performance of the intersection, alleviating the effects of incremental increased traffic from rezoning and development of the subject site.

## **3. How has the planning proposal adequately addressed any social and economic effects?**

An Aboriginal heritage due diligence assessment was prepared in 2018, with updated advice provided in September 2020 this advice, including the 2018 assessment is contained at Appendix E. No





Aboriginal items have been recorded on the site, however artefacts have been recorded along the creek line on the adjoining parcel to the east. It has been recommended that a visual inspection occur prior to any development near the site's eastern boundary in the vicinity of the creek. There are no European Heritage items within or in the vicinity of the site that would be impacted by the Planning Proposal.

The social effects of the rezoning and subsequent development of the subject land for residential subdivision would have a largely positive social impact on the locality by helping to meet the strong demand for housing in the area. The site is well-located for residential development, being immediately adjacent to the established urban area of Thornton and proximate to schools, shops and transport infrastructure.

Subdivision and development of housing on the site would also have a positive economic effect through the creation of construction jobs with associated multiplier effects.



## D. State and Commonwealth interests

### 1. Is there adequate public infrastructure for the planning proposal?

Yes. The subject land is walking distance to an existing public bus route and within 2 km of Thornton railway station. Council is progressively upgrading Haussman Drive including a shared pathway which will provide more convenient pedestrian and cycle access from the site to Thornton Station and other local destinations. Thornton is already served by public sporting facilities, a branch library, community hall and public school.

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

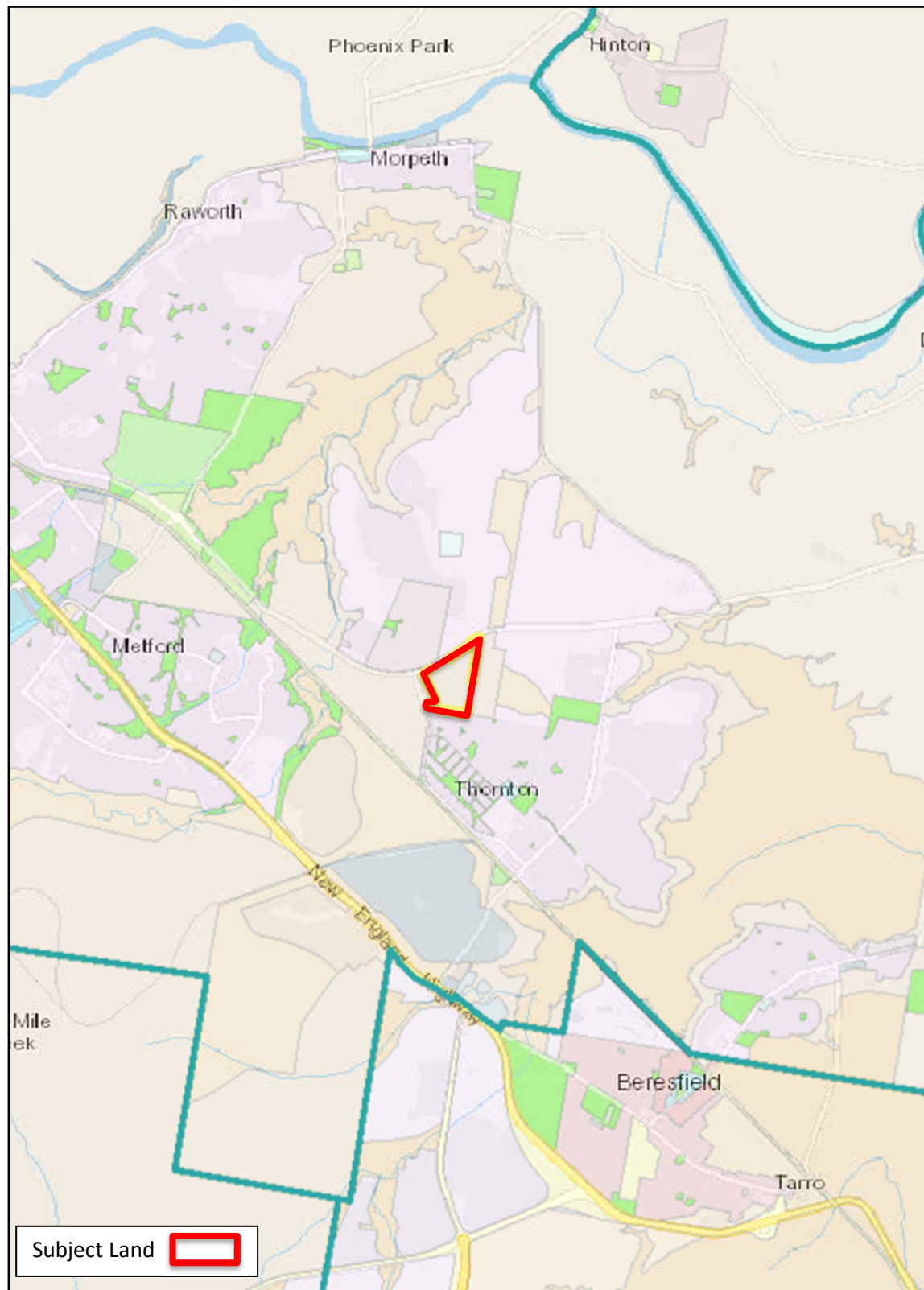
The Gateway Determination will specify which agencies requires Council to consult with. It is envisaged these agencies will include:

- Biodiversity Conservation Division – Department of Planning, Industry and Environment
- Transport for NSW
- NSW Rural Fire Service



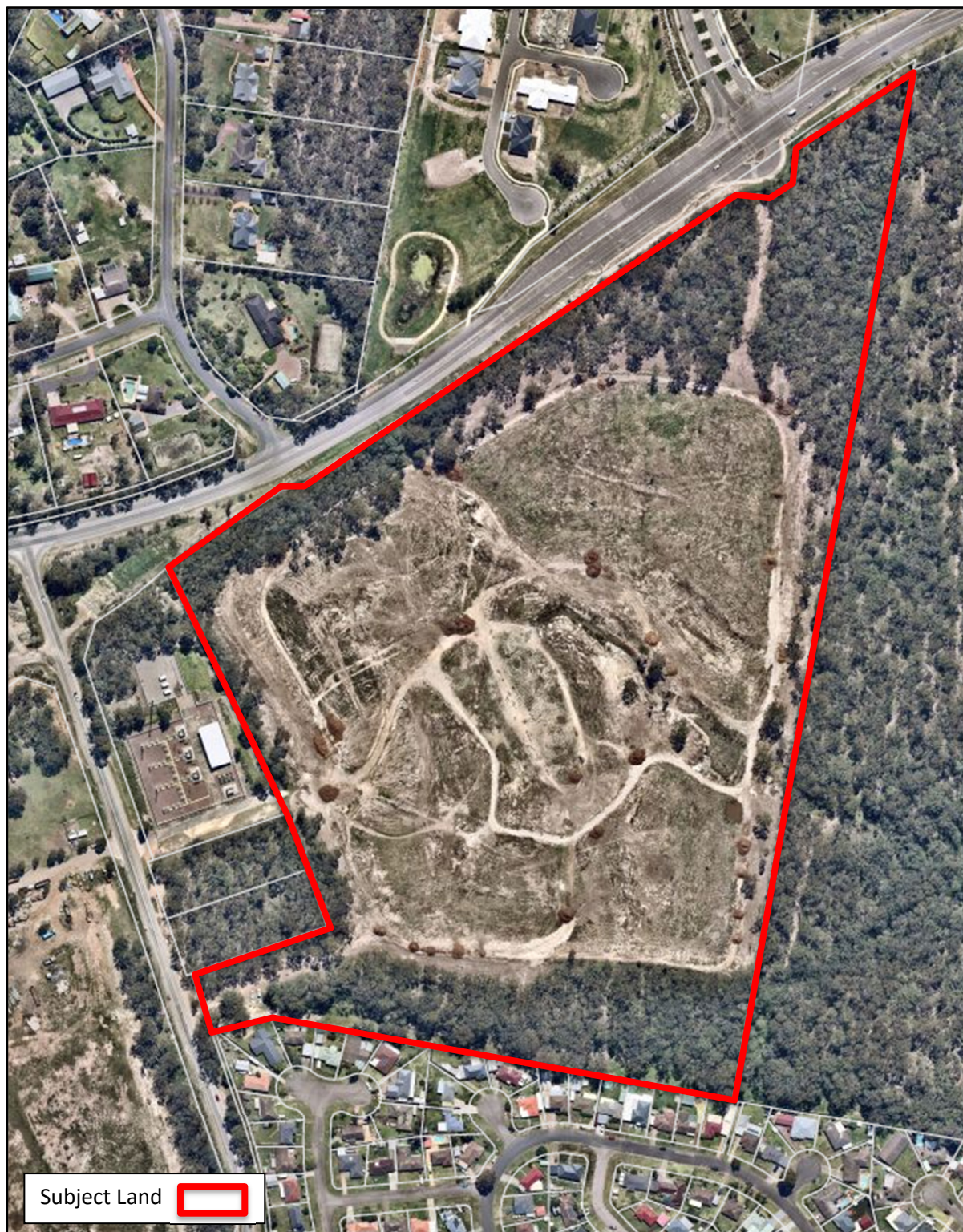
## 4 Mapping

Map 1 - Locality



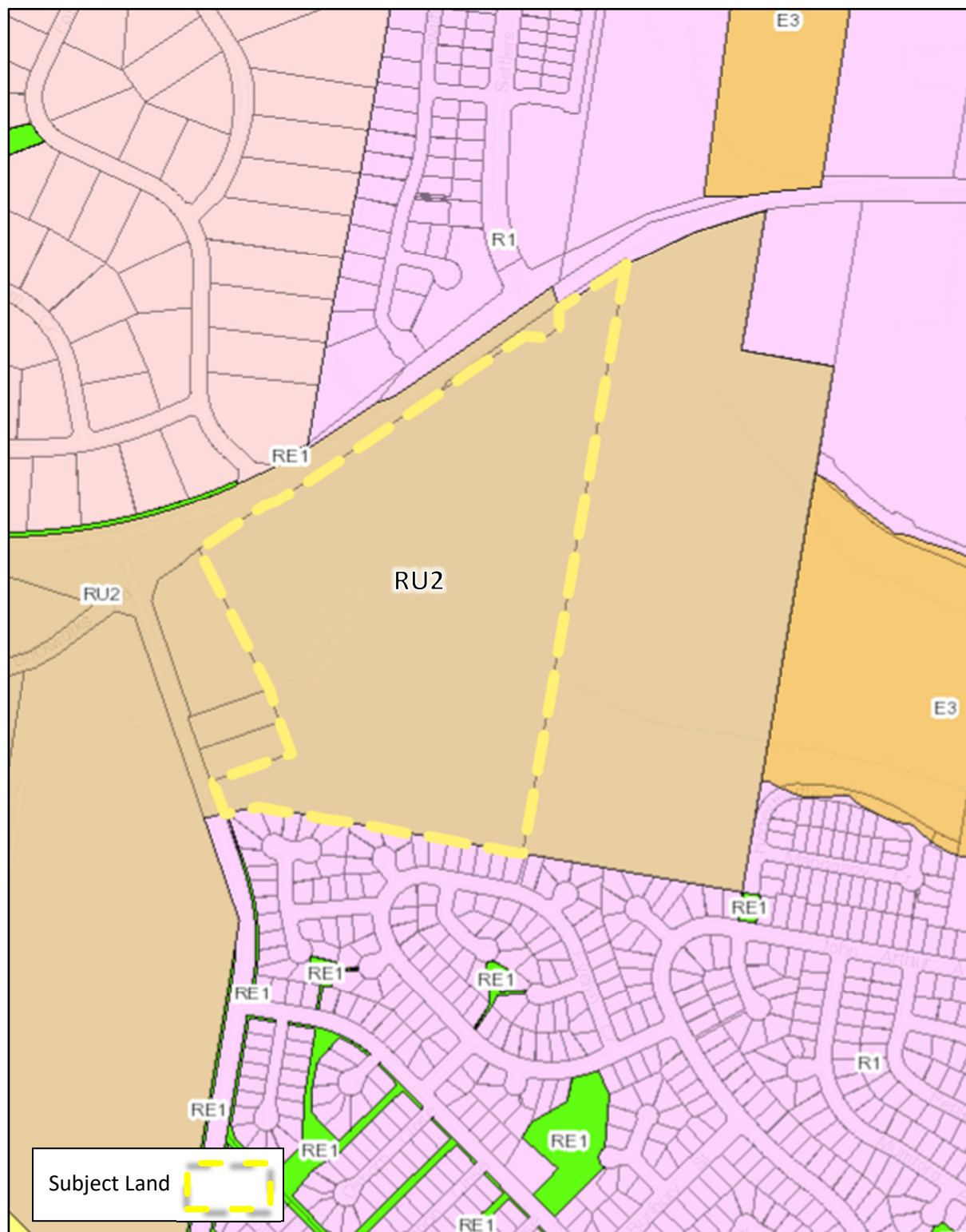


Map 2 - Aerial Photograph

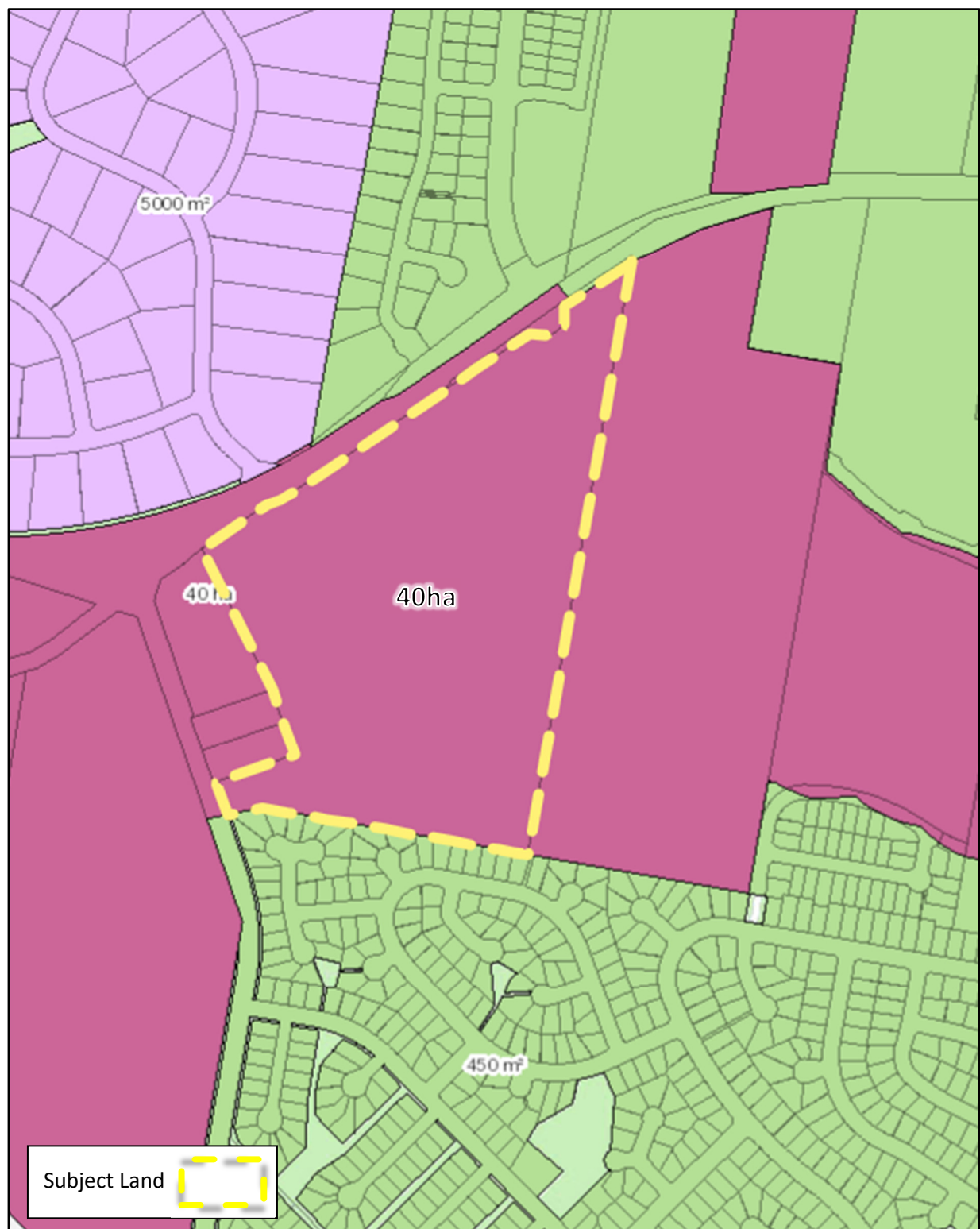




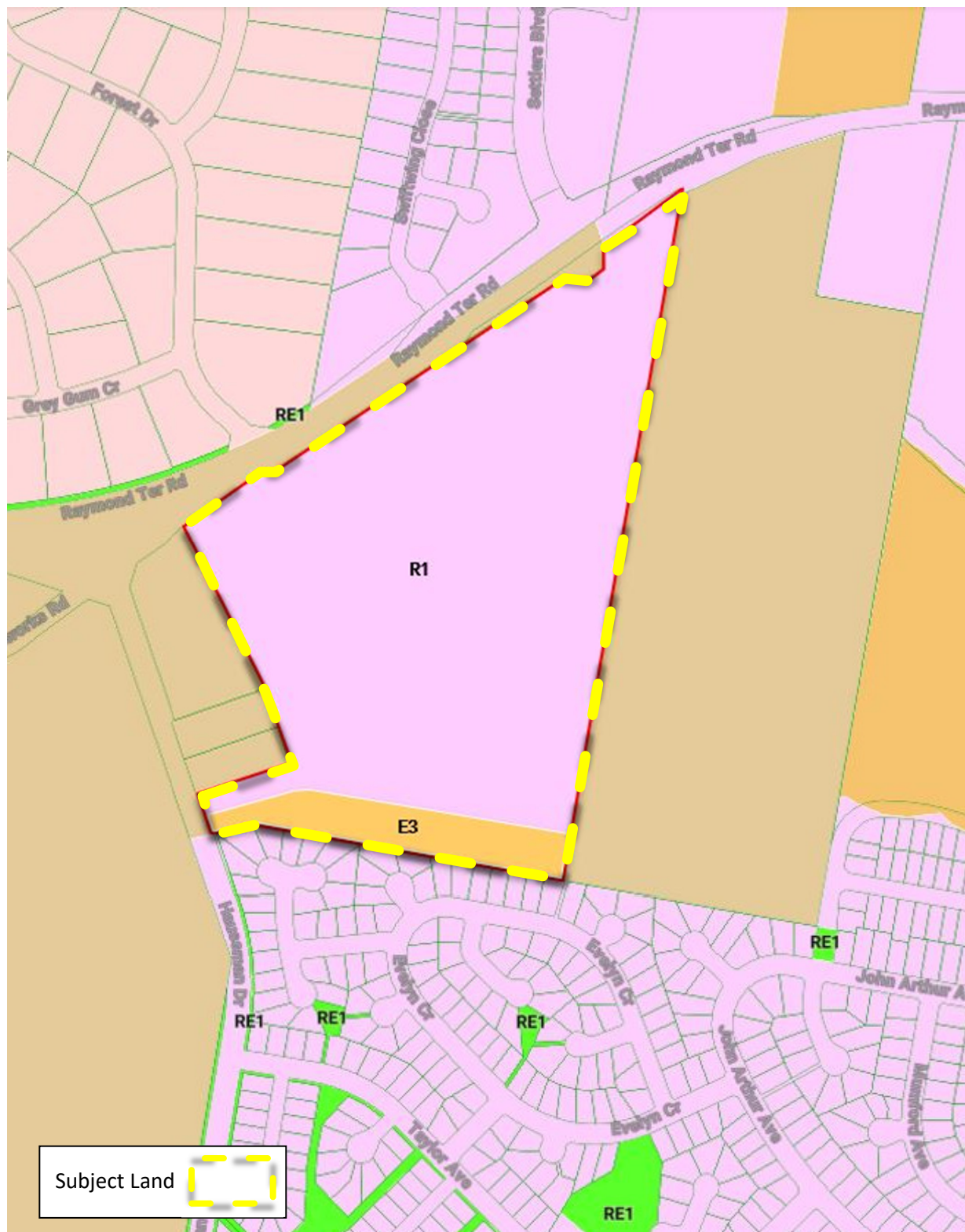
### Map 3 – Existing Zones



Map 4 – Existing Lot Size

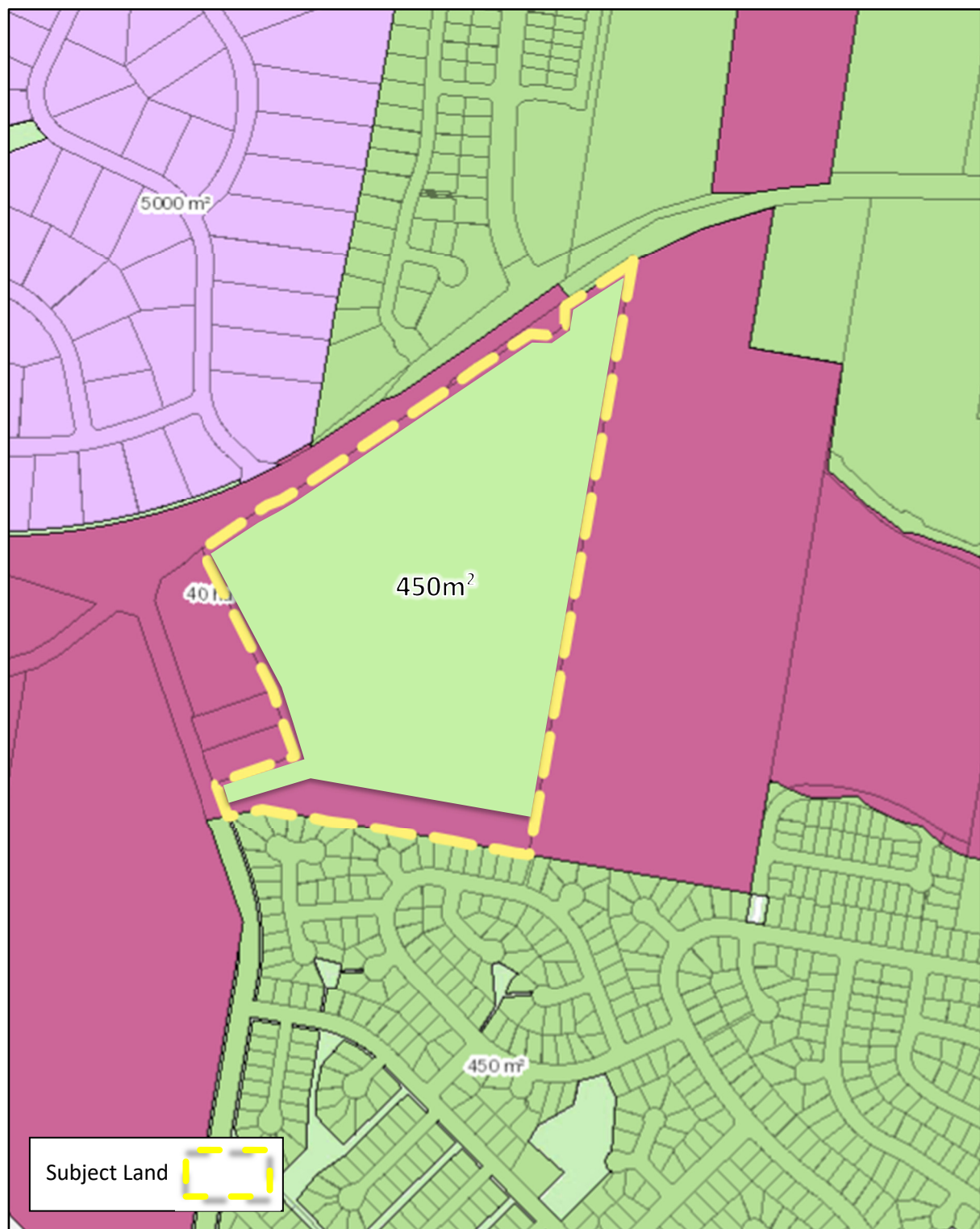


## Map 5 – Proposed Zones





Map 6 – Proposed Lot Size





## 5 Details of Community Consultation

It is envisaged that the Department will specify that Council exhibit the draft Planning Proposal for a period of 28 days. Adjoining landowners would generally be notified in writing at the time of exhibition. The Planning Proposal is considered to be relatively low impact, with vegetation buffers to be maintained between the area proposed to be developed for housing and adjoining existing development.

## 6 Project Timeline

The timeline for the Planning Proposal will be determined based on Council and the Department's requirements for any additional studies in support of the proposal. Typically, a proposal of this nature would be expected to be completed within 12 months of a Gateway Determination.

**N.B. Appendices submitted separately**

