

APPENDIX B: NOTICE OF MODIFICATION

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Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.

Member of the Commission

Sydney

2016

SCHEDULE 1

- Project Approval:** **MP10_0137** granted by the Planning Assessment Commission on 24 April 2013
- For the following:** Stage 1 of Huntlee – including site preparation works, internal and external road works, subdivision to create 1473 residential allotments, 14 super lots, 1 allotment for a primary school, drainage and open space reserves.
- Modification:** **MP10_0137 MOD5:** involves:
- extension of the boundary of the Stage 1 Approval, specifically adjusting the boundary of sub-stage 3 to include an additional 3.1ha;
 - creation of an additional 33 residential allotments; and
 - extension of the existing road network to provide vehicle and pedestrian access to the additional lots; and
 - addition of amended plans under Condition A2.

SCHEDULE 1

1. Amend the table describing the land to which the Project Approval applies by the deletion of the ~~struck-out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows:

On land comprising:	Lot 200 (Part) DP 828486 Lot 201 DP 828486 Lot 230 (Part) DP 879198 Lot 231 DP 879198 Lot 33 DP 755211 Lot 36 DP 755211 Lot 37 DP 755211 Lot 38 DP 755211 Lot 39 DP 755211 Lot 43 DP 755211 Lot 211 (Part) DP 828787 Lot 241 (Part) DP 1105591 Lot 2 DP 729973 Lot 3 DP 729973 Lot 4 DP 729973 Lot 5 (Part) DP 729973 Lot 6 DP 729973 Lot 7 DP 729973 Lot 8 DP 729973 Lot 9 DP 729973 Lot 10 DP 729973 Lot 11 DP 729973 Lot 12 (Part) DP 729973 Lot 21 (Part)-DP 1050597 Lot 221 (Part) DP 1064738 Lot 10 DP 1105639 <u>Lot 444 (Part) DP 1197589</u>
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SCHEDULE 2

2. In Part B of Schedule 1, insert the following new definition after the definition of 'Minister':

MOD 5 means the Section 75W modification application 10_0137 MOD 5, accompanying Environmental Assessment dated 2 May 2016 and accompanying information prepared by JBA Planning.

3. Amend Condition A1 by the deletion of the ~~struck-out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows:

A1. Development Description

Approval is granted only to carrying out the development described in detail below:
 Subdivision of Stage 1 of the Huntlee New Town site including:

- subdivision to create 1439 **1472** residential allotments, 14 super lots, 1 allotment for a primary school; landscaped areas,
 - drainage, public open space and recreation areas;
 - associated bulk earthworks; and
 - infrastructure including roads, drainage works and utility services provision.
4. Amend Condition A2 by the deletion of the ~~struck out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows:

A2. Development in Accordance with Plans and Documentation

- A) The development will be undertaken in accordance with the Project Application – Environmental Assessment Report – Huntlee Stage 1 Subdivision and Infrastructure Works (by JBA March 2011) and associated appendices as amended by:
- Project Application – Preferred Project Report – Huntlee Stage 1 Subdivision and Works (by JBA September 2012) and its associated appendices;
 - Statement of Commitments in aforementioned Preferred Project Report (by JBA Planning 2012);
 - Amended subdivision plan “121129 Overall Lot Plan_1 to 3000” (Roberts Day Dec 2012) as to be amended in line with the additional amended subdivision concept plan “Huntlee – Stage 1 Concept Master Plan dwg UD4-401 01.02.13” (Roberts Day Feb 2013).
- B) and as amended by:
- MOD 1 Application – Section 75W Modification MP_10_1037 Huntlee (by JBA Planning 2014), including; and
 - Amended subdivision plans “PP DP1197581 sheets 1 and 2”, “PP DP1197586 sheets 1 to 5”, “PP DP 1197589 sheets 1 to 5” and “PP DP 1199264 sheets 1 to 4”, prepared by Andrew David McNamara.
- C) and as amended by:
- MOD 2 Application – Section 75W Modification MP10_0137 Huntlee, submitted by JBA Planning, dated 30 October 2014 including;
 - Bushfire Threat Assessment, Huntlee Residential Development, 75W Modification Stage 1 Precincts 1-6, prepared by RPS dated 4 September 2014;
 - Response to Submissions – Response to Issues – MP_10_0137 Stage 1 S.75W Modification 2, Huntlee, prepared by JBA Planning, dated 17 December 2014.
- D) and as amended by:
- MOD 3 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 24 March 2015 and supporting documents, including;
 - Amended subdivision plans “PP DP1199264 sheets 1 and 3 By Andrew David McNamara; and
 - Bushfire Threat Assessment – Lot 12 DP729973, Lot 36 DP755211 and Lot 37 DP755211 Huntlee Residential Development, Stages 2-5 Eastern Precinct, prepared by RPS Australia East Pty Ltd, dated 10 March 2015;
 - Amended Landscape Masterplan prepared by AECOM Issue B dated 16 July 2015;
 - Response to Submissions – Planning Advice, Huntlee New Town MP_10_0137 Modification 3 prepared by JBA, dated 15 May 2015 and accompanying Stormwater Advice from Northrop, dated 14 May 2015.

- Additional Information prepared by JBA, dated 20 July 2015 and accompanying documents.

E) and as amended by:

- MOD 4 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 2 September 2015 including supporting documentation; and
- ~~Amended Subdivision Plan 20406(2)-1 to 3000 (MOD4) Sheet 1 of 1 Master Plan prepared by Daly Smith Pty Ltd 2015 dated 17/08/2015.~~

F) and as amended by:

- MOD 5 Application – Section 75W Modification to Huntlee Major Project Approval MP 1- 0137 Huntlee New Town, prepared by JBA Planning, dated 2 May 2016 including supporting documentation;
- Amended Subdivision Plan 20406-1 TO 3000 (MOD5) Sheet 1 of 1 Master Plan prepared by Daly Smith Pty Ltd 2016 dated 26/02/2016;
- Amended Staging Plan prepared by Daly Smith Pty Ltd and JBA dated 26/02/2016;
- Amended Precinct 2 Street Hierarchy (Dwg No. RD1 309 Rev H) prepared by LWP and dated 16/04/2016;
- Bushfire Threat Assessment, Huntlee Residential Development – Stage 10, prepared by RPS and dated March 2016; and
- Letters from Huntlee dated 14 June offering to amend Voluntary Planning Agreements.

Except as modified by conditions of this approval.

If there is any inconsistency between the above plans and documentation the more recent documents shall prevail to the extent of the inconsistency.

5. Amend Condition A6 by the deletion of the ~~struck out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows:

A6. Staging Plan

- Development should be carried out in accordance with the amended Staging Plan prepared by Daly Smith Pty Ltd and ~~JBA dated 08/07/2015~~ **26/06/2016**.
- The Staging Plan can be varied with written consent of the Secretary of the Department of Planning and Infrastructure, or his nominee.

6. Amend Condition C9 by the deletion of the ~~struck out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows

C9. Landscape Plan modifications

- Detailed landscape plans are to be prepared in consultation with Cessnock Council prior to the issue of the first construction certificate for each sub stage, and are to be generally in accordance with the “Huntlee Landscape Concept Report” Hassell August 2012 **as amended by Amended Landscape Masterplan prepared by AECOM Issue B dated 16 July 2015** subject to the following amendments:

- Provide details of car parking for each recreation area, including a

sealed car park with a minimum of 35 car spaces and 10 bicycle spaces at each of the two main sports field areas

- (ii) Ensure the additional 2.8 ha of active open space is shown consistent with the approved subdivision layout plan.
 - (iii) Ensure the area between Wine Country Drive road reserve and the internal road of the large lot subdivision that runs alongside the Wine Country Drive road reserve is landscaped to provide a visual and noise buffer to residential lots
- b) The detailed landscape plans should provide details regarding proposed landscaping and embellishment of the open space, recreation facilities, drainage and riparian areas for the sub stage.
 - c) The Landscape plans should clearly outline the proposed open space in the north east corner of the large lot area and consider the appropriate conservation of the existing *Persoonia pauciflora* plants in consultation with OEH and taking into account the recovery plan for the species prepared by OEH, outlining measures to protect the endangered species, including the required 30m buffer and habitat protection.
7. Amend Condition E6 by the inclusion of the **bold and underlined words / numbers** as follows:

E6. State Infrastructure Contributions

The proponent must enter into a Planning Agreement for contributions towards designated State Infrastructure in accordance with the terms of the agreed form of the Voluntary Planning Agreement and the letter of offer dated February 2013.

Prior to the release of a subdivision certificate for the lots approved under MOD 5 within sub-stage 3, Schedule 2 of the Planning Agreement shall be amended (in accordance with the letter from the Proponent to the Department dated 14 June 2016) to include the land to which MOD 5 applies.

8. Insert new Condition E10 as follows

E10. Local Voluntary Planning Agreement

The local Voluntary Planning Agreement with Cessnock City Council, shall be amended (in accordance with the letter from the Proponent to Council dated 14 June 2016) to include the land to which MOD 5 applies.

The Planning Agreement shall be amended prior to the release of a subdivision certificate for the lots approved under MOD 5 within sub-stage 3.

9. Insert new Condition E11

E11. Bushfire Protection (sub-stage 3 extension)

The proponent shall comply with and implement the recommended mitigation measures outlined in the 'Bushfire Threat Assessment - Huntlee Residential Development – Stage 10' prepared by RPS (Ver. 1 / March 2016) to the satisfaction of the Certifying Authority, prior to the release of a subdivision certificate for the lots approved under MOD 5 within sub-stage 3.

The plan of subdivision and Section 88B instrument shall establish a restrictive covenant on all residential lots requiring the maintenance of the designated Asset Protection Zone in accordance with the requirements of Planning for Bushfire Protection 2006, with the Rural Fire Service having the benefit of this covenant and having sole authority to release vary or modify the covenant.

End of Modification