

## ASSESSMENT REPORT

### HUNTLEE NEW TOWN STAGE 1 MP 10\_0137 MOD 5

#### 1. INTRODUCTION

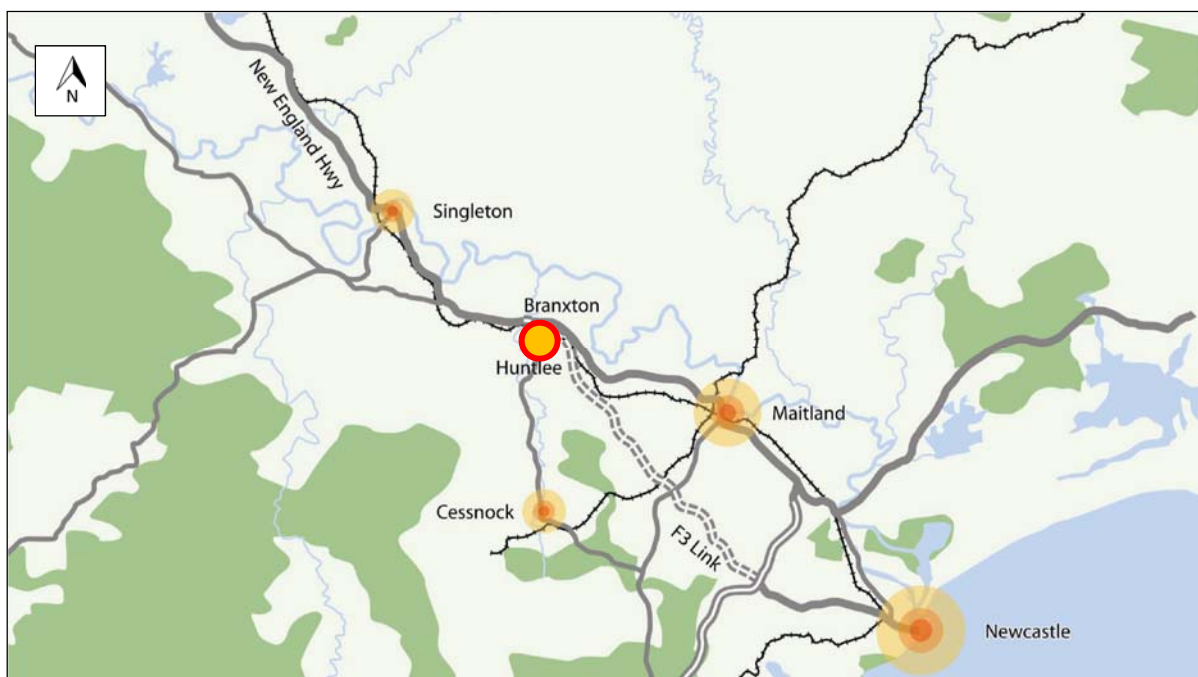
This report is an assessment of a request to modify the Huntlee New Town Stage 1 Project Approval (MP 10\_0137). The request has been lodged by JBA Urban Planning Consultants Pty Ltd, on behalf of Huntlee Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The request seeks approval to extend the boundary of the approved Stage 1 subdivision to create 33 additional residential allotments. The proposal also includes an extension of the road network and supporting infrastructure to service the lots.

#### 2. SUBJECT SITE

Huntlee New Town is located in the Cessnock and Singleton Local Government Areas (LGA) in the Hunter Region of New South Wales. The site is located immediately to the south of Branxton, approximately 18 kilometres (km) north of Cessnock and 23 km south east of Singleton (**Figure 1**).

The site subject of the proposed modification is situated just outside the approved Stage 1 development boundary, directly west of sub-stage 3 (**Figure 2 and 3**). Scattered remnant vegetation occurs across the site and it is identified as bushfire prone land. No other significant site features such as riparian corridors, koala habitat, steep lands, mine subsidence areas or flood prone lands were recorded on the site. The site has an area of 3.1 hectares (ha) and is located entirely within the Cessnock LGA.



**Figure 1:** Regional context

### 3. APPROVAL HISTORY

Huntlee was rezoned in December 2010 for residential, town centre, employment and conservation uses over approximately 1,700 hectares. A Voluntary Planning Agreement (VPA) was also executed at the time the site was rezoned, to secure conservation offsets. The rezoning decision was challenged in the NSW Land and Environment Court but ultimately upheld by the Court of Appeal in December 2011.

On 24 April 2013, the Planning Assessment Commission (the Commission) granted Project Approval (MP 10\_0137) for Stage 1 of the Huntlee New Town project to permit:

- site preparation works;
- construction of internal and external road networks;
- subdivision to create 1,473 residential allotments, 14 super lots, and one primary school allotment; and
- drainage and open space reserves.

The Stage 1 approval is subject to State and Local Voluntary Planning Agreements (VPA). The State VPA secures contributions for regional road upgrades and a land contribution for a new primary school. The local VPA secures monetary contributions for local services, the construction of community facilities and the delivery of open space.

**Figure 2** illustrates the approved development.

The Project Approval has been modified on four occasions:

- On 29 January 2015, MP 10\_0137 MOD 1 was approved under delegation for modifications to the boundaries, dimensions and orientation of the lots within the Stage 1 Entry Village (sub-stage 1a);
- On 2 April 2015, the Commission approved MP 10\_0137 MOD 2 for modifications to the super lots in the Town Centre, an increase in the Stage 1 approval boundary, addition of Lot 213, amendments to the reference of the energy provider to the site and road access to the Stage 1 Entry Village;
- On 17 August 2015, the Commission approved MP 10\_0137 MOD 3 for changes to the subdivision layout of sub-stages 1a and 2 to 5 (resulting in a net reduction of 29 allotments) and the relocation of public open space within sub-stages 2 to 5; and
- On 19 November 2015, the Commission approved MP 10\_0137 MOD 4 for minor amendments to the subdivision layout in sub-stages 3 to 5 including modifications to pedestrian paths and lot boundaries and the inclusion of a new vehicle access lane.

### 4. PROPOSED MODIFICATION

On 16 March 2016, the Proponent lodged a section 75W modification application (MP 10\_0137 MOD 5) seeking approval to modify the subdivision layout within Stage 1. This includes:

- extending the boundary of sub-stage 3 to include an additional 3.1ha of land, creating 33 additional residential lots (as illustrated in **Figure 3**); and
- extending the existing road network to provide vehicle and pedestrian access to the additional lots (**Figure 4**).

While the proposed modification seeks to increase the area of Stage 1 by 3.1 hectares and create 33 additional allotments, previous modifications have reduced the total number of residential lots under the Stage 1 Approval by a total of 34 lots. Accordingly, this modification would result in a net overall reduction of one lot from the original approval. The Proponent has indicated that the proposed modification is the result of ongoing detailed design of the lots approved under Stage 1.

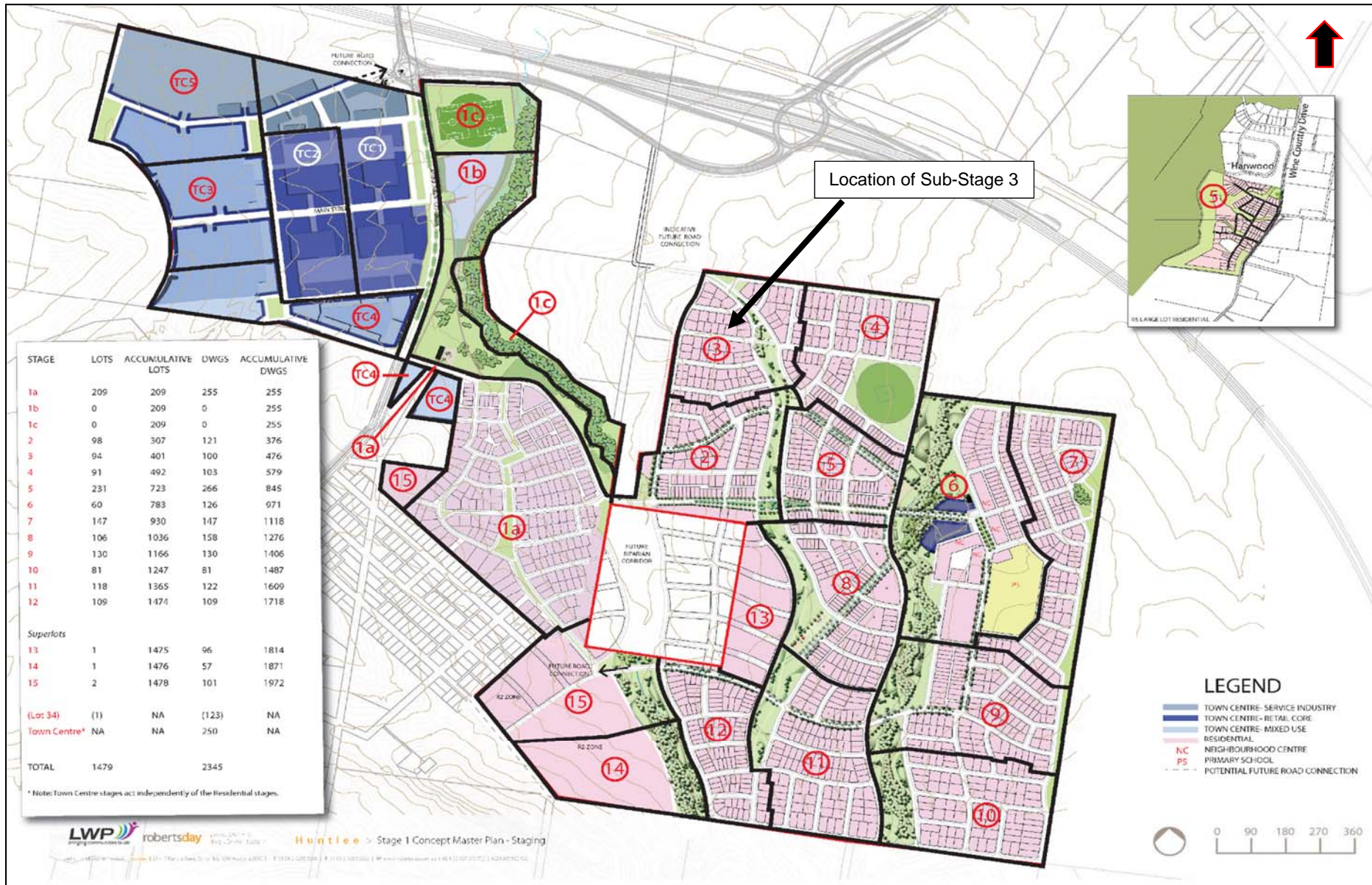
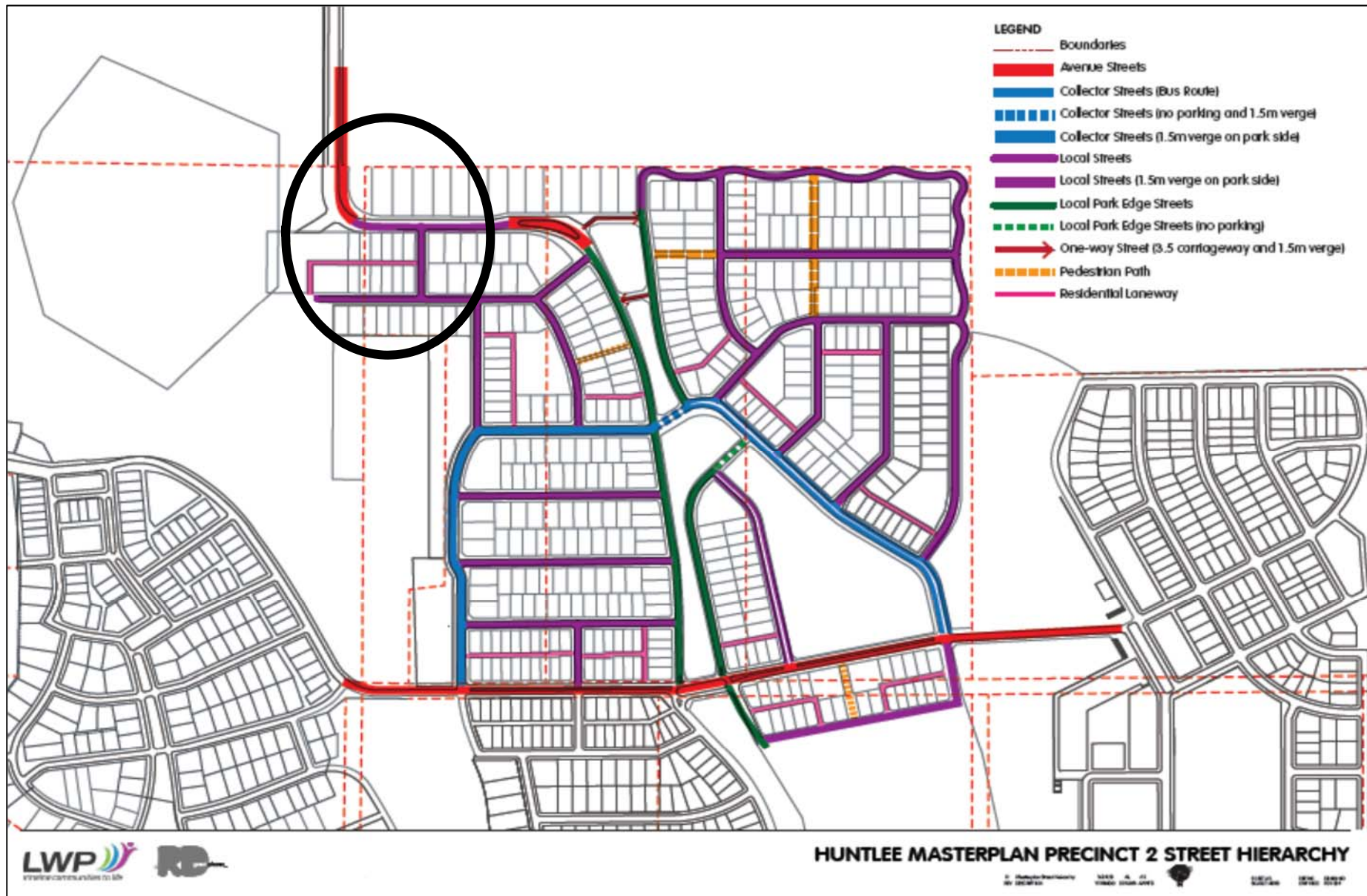


Figure 2: Original approved Huntlee Stage 1 Concept Master Plan (24 April 2013)



Figure 3: Proposed modifications to sub-stage 3 (Stage 1 Master Plan)



**Figure 4:** Amended Street Hierarchy Plan

## 5. STATUTORY CONSIDERATION

### 5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and does not constitute a new application.

### 5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, under delegation dated 14 September 2011, the Planning Assessment Commission may determine the application.

### 5.3 Permissibility

The subject site was formerly listed in the *State Environmental Planning Policy (Major Development)* (MD SEPP) as a State Significant Site. The relevant controls that applied to the site under the MD SEPP were transferred into the Cessnock Local Environmental Plan 2011(LEP).

The Department notes that the land proposed to be incorporated into the approval is zoned R1 General Residential and B4 Mixed Use. The proposed development is permissible with consent under both zones pursuant to Schedule 1, additional permitted uses Subclause (3) (2) of the LEP.

## 6. CONSULTATION

The Department made the modification application publicly available on its website and notified all landowners within the Project Approval site of the proposed modification in writing. The modification request was also referred to Cessnock City Council (Council), Roads and Maritime Services (RMS), Office of Environment & Heritage (OEH) and NSW Rural Fire Services(RFS) for comment.

No **public** submissions were received.

### 6.1 Public Authority Submissions

**Council** advised it generally supports the proposed amendments but raised concern about the proposed road hierarchy identifying road typologies that are not currently identified in the Huntlee Development Control Plan (DCP). Council also requested that a condition be imposed requiring the State and Local VPA's to be amended to include the additional land associated with the proposed modification.

**OEH** advised it has no objection as the proposed modification is unlikely to result in additional impacts to biodiversity and Aboriginal cultural heritage.

**RMS** advised it has no objection as the proposed modification will have no impact on the classified State road network.

**RFS** advised it has no objection to the proposal subject to the implementation of the measures outlined in the Bushfire Threat Assessment submitted with the proposal.

## 6.2 Response to Submissions

The Proponent provided a response to submissions (RTS) on 2 May 2016 to address the matters raised by Council. The RTS included an amended Street Hierarchy Plan and confirmation that the Proponent has written to Council outlining its intention to amend the Local VPA to reflect the changes contemplated as part of MOD 5.

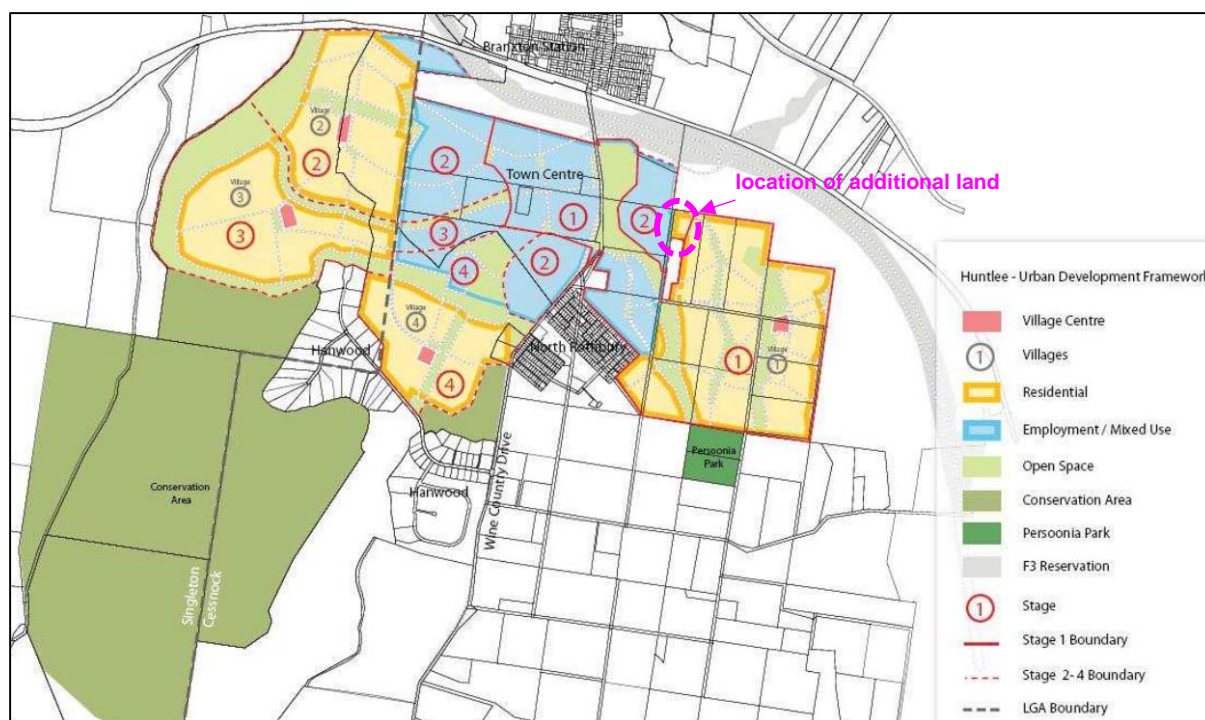
## 7. ASSESSMENT

The Department has assessed the proposed amendment to the subdivision layout below. All other issues associated with the proposal are considered in **Table 1**.

### 7.1 Revised subdivision layout

This proposal seeks approval to extend the boundary of sub-stage 3 to include 33 additional residential lots serviced by an extension of the local road network to provide vehicle, pedestrian and cycle access (see **Figure 3**). The Proponent has submitted a revised Masterplan and a revised road hierarchy plan illustrating the proposed extension of sub-stage 3.

The additional land area falls within the Huntlee DCP boundary and the DCP contemplates residential subdivision within this part of the site (see **Figure 5**). The Department considers that the extension of the Stage 1 residential subdivision into this part of the site is acceptable given residential development is permissible and the proposal would form a logical extension of sub-stage 3 of the approval.



**Figure 5:** Extract from Huntlee DCP: Indicative Layout and Staging Plan

The Department has undertaken a detailed assessment of the expansion of sub-stage 3 and the road layout against the Huntlee DCP 2013 (see **Appendix A**). In summary, the Department is satisfied that the proposal is generally consistent with the objectives of the DCP as it would:

- provide a hierarchy of interconnected streets;
- provide a legible and permeable movement network for pedestrians and cyclists;
- provide streets of a high quality design and landscape character;
- promote passive surveillance of the public domain through the adoption of a linear street layout;

- contribute to the range of lot sizes throughout sub-stage 3;
- provide lots consistent with the minimum lot size and minimum lot frontages set out in the DCP;
- create predominantly rectangular lots and no battle axe lots.

Council expressed it generally supports the proposed modifications, subject to the street hierarchy being consistent with the Huntlee DCP.

In response to Council's concerns, the Proponent provided an amended Street Hierarchy Plan which utilises street typologies contemplated in the Huntlee DCP, namely Local Streets, Avenue Streets and Residential Laneways.

The Department is satisfied the proposed extension of the sub-stage 3 road network adopts the street typologies described in the DCP and forms a logical extension to the approved road layout for sub-stages 2-5 (approved under MOD 3). Overall, the Department is satisfied that the proposed expansion of sub-stage 3 is generally consistent with the aims and objectives of the Huntlee DCP.

## 7.2 Other Issues

*Table 1- Assessment of Other Issues*

<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
<i>Bushfire Risk</i>	<ul style="list-style-type: none"> <li>• The subject site is shown on Council's Bushfire Prone Land Map as Vegetation Category 1, Vegetation Category 2 and Vegetation Buffer.</li> <li>• The Proponent has submitted a Bushfire Threat Assessment (BTA) report prepared by RPS (March 2016) which considers the potential bushfire threat and outlines mitigation measures required to be implemented to satisfy <i>Planning for Bush Fire Protection, 2006</i>.</li> <li>• The modification necessitates the creation of a temporary Asset Protection Zone (APZ) that is outside the current Stage 1 boundary, which is consistent with the approach adopted for the entire Stage 1 development, as detailed in Condition C15 of the project approval.</li> <li>• The Department also notes the lots along the northern edge of the site are deeper in order to accommodate space for privately managed APZs.</li> <li>• The Department referred the application to the RFS for comment. The RFS raised no objection to the proposal subject to the implementation of the measures outlined in the BTA.</li> <li>• The Department has assessed the proposed BTA and is satisfied that the proposal is acceptable on the basis that it: <ul style="list-style-type: none"> <li>○ provides an appropriate level of assessment regarding the extent of bushfire threat within the revised subdivision layout; and</li> <li>○ proposes bushfire mitigation measures consistent with the requirements of <i>Planning for Bushfire Protection, 2006</i> to manage potential bushfire threats on the site.</li> </ul> </li> <li>• Based on the findings of the BTA, the Department's assessment concludes the threat of potential bushfire can be appropriately mitigated and managed subject to compliance with the recommendations outlined in the BTA.</li> </ul>	The Department has recommended a new condition requiring the proposal to implement and comply with the recommendations contained within the BTA.
<i>Voluntary Planning Agreements</i>	<ul style="list-style-type: none"> <li>• The Department notes the Stage 1 approval is subject to State and Local Voluntary Planning Agreements (VPA). In summary, the State VPA secures contributions for regional road upgrades and a land contribution for a new primary school. The local VPA secures monetary contributions for local services, the construction of community facilities and the delivery of open space.</li> <li>• Council noted the proposed boundary adjustment affects the extent of land to which the State and Local Voluntary Planning Agreements (VPAs) apply.</li> <li>• Council requested a condition be imposed requiring the VPAs to be amended to include the additional land prior to the issue of a subdivision certificate for sub-stage 3. Council also requested that the Proponent provide written confirmation of its intention to amend the Local VPA to include land relating to MOD 5.</li> <li>• The Proponent has written letters to Council and the Department confirming of its intention to amend both the Local and State VPA's to reflect the changes contemplated as part of the modification.</li> <li>• The Department has included recommended conditions requiring the State and Local VPAs to be amended, to include the additional land subject of the</li> </ul>	The Department has recommended new conditions requiring the VPAs to be updated to include the additional land subject of this modification.



<b>Issue</b>	<b>Consideration</b>	<b>Recommendation</b>
	<p>modification application, consistent with Council's request.</p> <ul style="list-style-type: none"> <li>• Subject to the recommended conditions the Department is satisfied that the VPAs would be appropriately updated.</li> </ul>	
<b>Biodiversity</b>	<ul style="list-style-type: none"> <li>• The land subject of this application was not included in the original Stage 1 Project Approval area. However it was included in the Ecological Assessment Report which formed part of the original approval.</li> <li>• In summary, the Ecological Assessment Report found the proposal was supportable based on the conservation offsets secured by the VPA executed at the time the site was rezoned under the MD SEPP. The assessment also recommended a number of conditions to mitigate and manage the potential biodiversity impacts associated with the proposal.</li> <li>• The Department notes the VPA requires the Developer to transfer up to 5,612 hectares of environmentally significant land for conservation purposes and to pay monetary contributions towards the conservation of <i>Persoonia pauciflora</i> (threatened species) and the management of the conservation offset lands.</li> <li>• The Department referred the application to OEH who advised that the proposal is unlikely to result in additional biodiversity or heritage impacts.</li> <li>• The Department also notes that the existing approval contains a suite of conditions which would appropriately manage and mitigate potential biodiversity impacts associated with the proposal. This includes the implementation of the mitigation measures outlined in the Ecological Assessment Report submitted with the original application.</li> <li>• Based on the findings of the original Ecological Assessment Report and the suite of conservation offsets secured through the VPA, the Department is satisfied that the extension of sub-stage 3 would not result in any significant biodiversity impacts beyond those already assessed and approved.</li> </ul>	No additional conditions or amendments necessary.
<b>Traffic/Access</b>	<ul style="list-style-type: none"> <li>• The Department notes that the proposal would result in an overall net reduction of one lot from the total number of lots originally approved.</li> <li>• Accordingly, this modification would not generate any additional traffic movements compared to the original approval.</li> <li>• Further, the Department is satisfied that the proposed road layout would not result in adverse impacts on traffic flows throughout the revised subdivision, given the vehicular access points to sub-stage 3 remain generally unchanged from the original Project Approval.</li> <li>• The Department also notes RMS raised no concerns about the proposal.</li> <li>• The Department is therefore satisfied that the proposed modification is unlikely to result in any additional traffic impacts beyond those already assessed and approved.</li> </ul>	No additional conditions or amendments necessary.
<b>Contamination</b>	<ul style="list-style-type: none"> <li>• The land subject of the modification was included in the Contamination Assessment which accompanied the original Project Approval.</li> <li>• The assessment confirmed there are no known sources of contamination on this part of the Huntlee site.</li> <li>• The Department also notes that the existing approval contains a suite of conditions which would appropriately manage potential contamination impacts.</li> <li>• Based on the findings of the original Contamination Assessment, the Department's assessment concludes the proposal is acceptable.</li> </ul>	No additional conditions or amendments necessary.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is acceptable on the basis that:

- the expansion of sub-stage 3 results in new residential allotments which effectively replace the number of allotments previously removed from the Stage 1 Approval;
- the subdivision layout and design is consistent with the aims and objectives of the Huntlee DCP;
- bushfire risks can be appropriately mitigated and managed subject to compliance with the recommendations outlined in the Bushfire Threat Assessment;
- the proposal would not result in any detrimental impacts for residential amenity or the operation of the road network; and

- the proposal would not result in any significant biodiversity impacts beyond those already assessed and approved.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED that the Planning Assessment Commission, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approve** MP10\_0137 MOD 5 under section 75W of the *Environmental Planning and Assessment Act 1979*, subject to conditions; and
- **signs** the notice of modification (**Appendix B**).

Anthony Witherdin  
**Acting Director**  
**Modification Assessments**

Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**