



4 February 2022

The Hon. Anthony Roberts, MP
Minister for Planning

By email: office@roberts.minister.nsw.gov.au

Dear Minister

Ministerial call-in request – Huntlee New Town Stage 2

I refer to the enclosed letter of 27 January 2022 from the Department of Planning & Environment (**Department**) seeking advice from the Independent Planning Commission (**Commission**) on the State significance of the Huntlee New Town Stage 2 development, following a Ministerial call-in request by Huntlee Pty Ltd (**Huntlee**).

Professor Mary O'Kane AC, Chair of the Commission, appointed me to constitute the Commission for this matter.

In considering this matter, I reviewed the following documents:

- letter from Cessnock City Council to Huntlee, dated 8 July 2021;
- letter from Singleton Council to Huntlee, dated 10 August 2021;
- report titled 'Request for State Significant Development Declaration', prepared by Ethos Urban on behalf of Huntlee, dated 19 October 2021;
- letter to the Department requesting ministerial call-in, prepared by Corrs Chambers Westgarth on behalf of Huntlee, dated 29 October 2021;
- Email from Singleton Council to the Department, dated 21 January 2022;
- Department's Report to the Commission, dated January 2022; and
- letter of referral from the Department, dated 27 January 2022.

Huntlee requested that Stage 2 of the Huntlee New Town Development (**Stage 2**) be declared to be State significant development (**SSD**) by the Minister for Planning, pursuant to section 4.36(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which states:

The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development, but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.

The Department's assessment of the call-in request included consideration of the Department's *Guideline on 'call-in' of State significant development under the Environmental Planning & Assessment Act 1979*.

Huntlee New Town was added to the State Significant Sites listed in Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* by the Minister for Planning in 2010, which provided zoning and land use controls for the site.

Stage 1 of the Huntlee New Town Development (MP10_0137) was approved by the Commission in 2013 as a transitional Part 3A project, given the environmental assessment requirements were issued prior to the repeal of Part 3A of the EP&A Act in 2011.

The Part 3A assessment pathway was replaced by the SSD and State significant infrastructure (SSI) assessment pathways which commenced on 1 October 2011.

Stage 2 comprises Villages 2, 3 and 4 (as sub-stages) and involves the creation of more than 4,500 additional residential lots and a range of mixed-use lots. Stage 2 is the subject of this advice.

Based on my review of the material listed above, I note that:

- the Stage 2 site is approximately 540 ha in area and is located in both the Singleton and Cessnock Council local government areas;
- Stage 2 will provide for approximately 5,000 new dwellings and has a Capital Investment Value of approximately \$850 million;
- the Huntlee New Town Development has led to the conservation of over 6,000 ha of land, including 17 ha of dedicated conservation area targeting the endangered species *Persoonia pauciflora*;
- Stage 2 does not meet the non-discretionary criteria in Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011*;
- if Stage 2 is declared SSD, Huntlee intends to submit a Concept Application for the whole of Stage 2, with a detailed application for subdivision and infrastructure works for the Village 2 component;
- should approval be granted for the SSD Concept Approval for Stage 2 and the detailed design for Village 2, Huntlee intends to seek approval for Villages 3 and 4 from the relevant council, under Part 4 of the EP&A Act; and
- both Cessnock City Council and Singleton Council support Stage 2 being called-in as SSD.

I have considered Huntlee's justification for the call-in for declaration as SSD, which is summarised in the Department's report as follows:

- it is within an identified strategic location and is crucial in maintaining a continual delivery of residential dwellings to accommodate the growth envisaged for the Hunter region;
- it will deliver major public benefits including housing, employment, education and recreational areas;
- it will provide \$850 million in local and regional investment over 15 to 20 years as well as support the remediation of contamination and subsidence from former landfill and colliery uses on parts of the site;
- it will generate significant construction employment for site works as well as 300-400 dwellings under construction each year for 15 years;
- it crosses two local planning jurisdictions and would benefit significantly from a coordinated approach to planning and assessment under one consent authority; and

- the request is accompanied by letters of support from both Cessnock City Council and Singleton Council for the project to be declared SSD.

Having carefully considered the Department's *Guideline on 'call-in' of State significant development under the Environmental Planning & Assessment Act 1979*, and the information before me, I agree with the conclusions of both the Department and Huntlee, that Huntlee New Town Stage 2 is of State significance, and should be declared SSD accordingly.

Noting that any future applications for Villages 3 and 4 are likely to be either local or regional development, I consider it prudent that the Department fully involve both Cessnock City Council and Singleton Council in the consideration of the anticipated SSD Stage 2 applications. This will ensure a seamless transition of assessment functions for future applications and a thorough understanding of relevant issues particularly with regard to the delivery of infrastructure and broader public benefits.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal line at the bottom.

Chris Wilson
Member of the Commission

4 February 2022

Cc: Michael Cassel, Secretary, Department of Planning and Environment

Encl.



Received by IPC
Thursday 28 January 2022

Department of Planning and Environment

Professor Mary O'Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
Sydney NSW 2000

Dear Professor O'Kane,

Subject: Ministerial call-in request – Huntlee New Town Stage 2

The Department of Planning and Environment has received a Ministerial call-in request from Huntlee Pty Ltd for the Huntlee New Town Stage 2 project to be called in as State significant development (SSD) under Section 4.36(3) of the Environmental *Planning and Assessment Act 1979*.

As you are aware, Section 4.36(3) provides that the Minister may declare development SSD, but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.

The call-in request, a submission from Singleton Council and the Department's report are attached for your consideration.

Should you have any further questions about this matter, I have arranged for Mr Keiran Thomas, Director, Regional Assessments to assist you. Mr Thomas can be contacted on 02 9860 1578 or keiran.thomas@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Gainsford'.

27/01/2022

David Gainsford
Deputy Secretary
Assessment and Systems Performance
Planning and Assessment