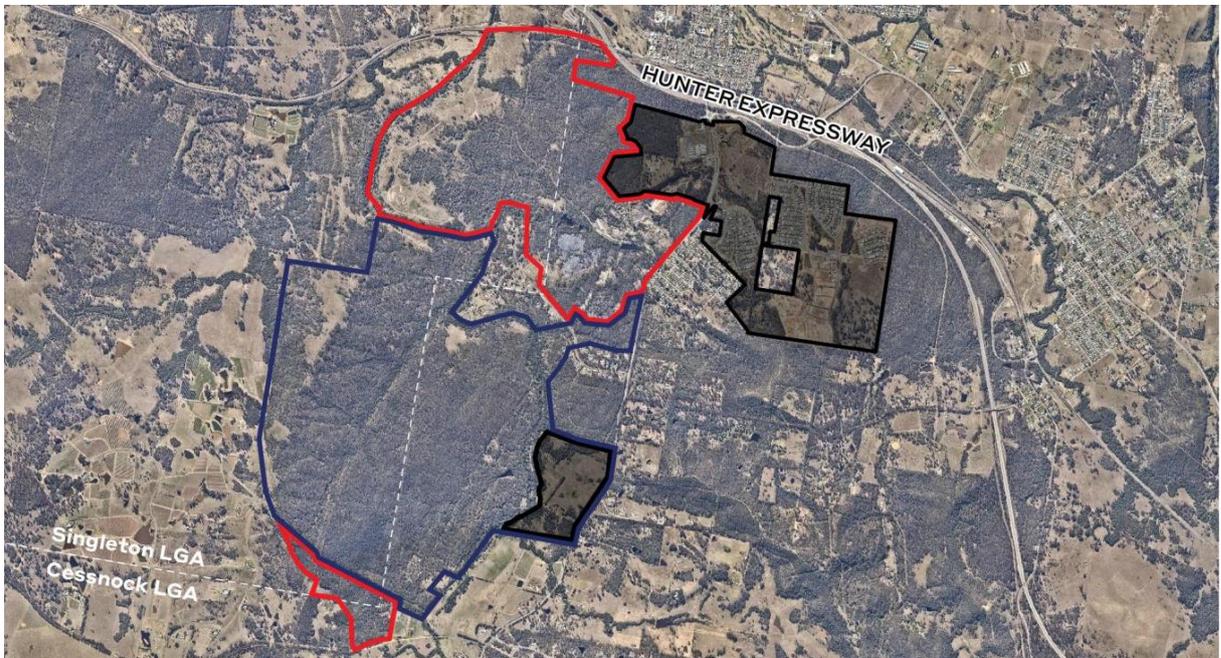




***APPLICATION FOR MINISTERIAL CALL-IN  
Huntlee New Town Stage 2***



Report to the Independent Planning Commission

January 2022

Cover photo: Huntlee New Town Site Aerial (Stage 2 in red)  
(Source: Request for State Significant Development Declaration, Ethos Urban October 2021)

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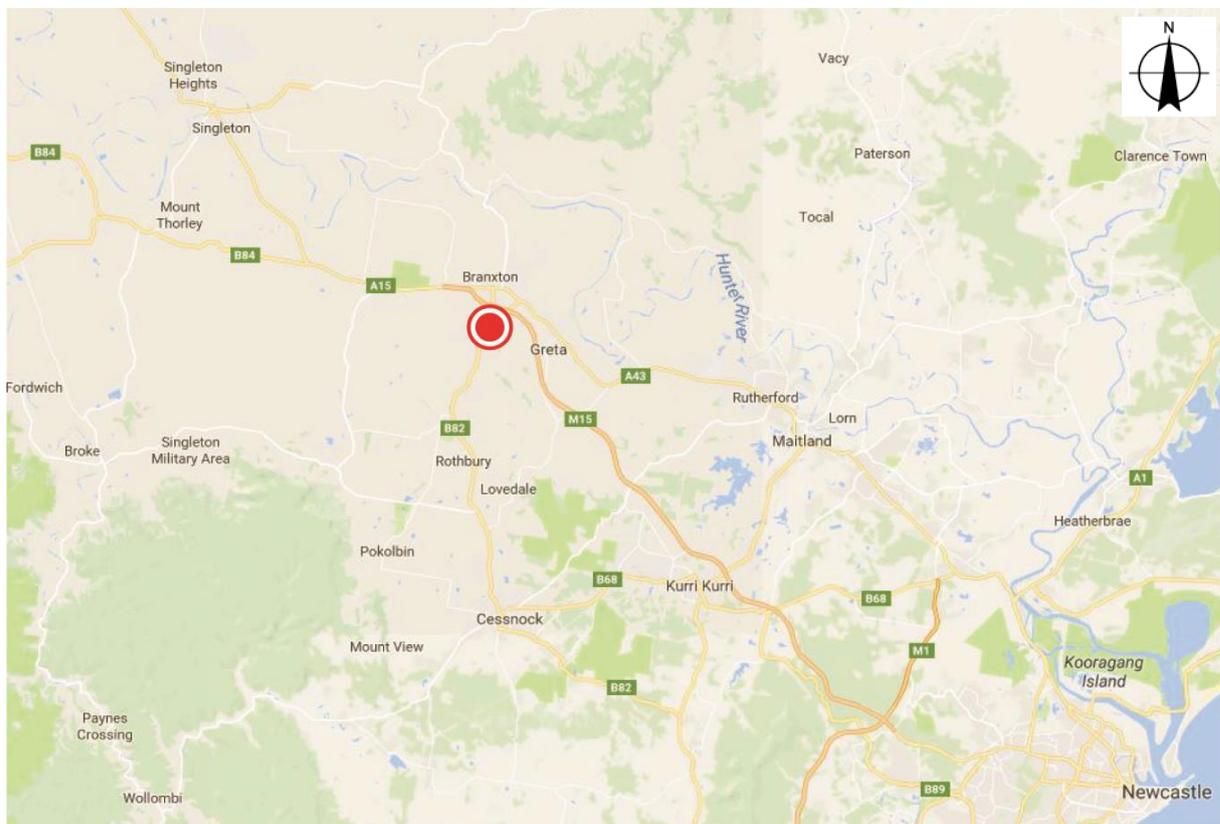
## 1. BACKGROUND AND OVERVIEW OF PROPOSAL

Huntlee Pty Ltd (Huntlee), has submitted a call-in request under Section 4.36(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to the Minister for Planning (the Minister) to declare the proposed Huntlee New Town Stage 2 a State significant development (SSD). The call-in request is included in **Appendix A** of this report.

This report presents the Department's consideration of the call-in request in accordance with the Department's *Guideline on 'call-in' of State significant development under the Environmental Planning & Assessment Act 1979* (the Guideline).

### 1.1 The Site and Surrounding Land Uses

Huntlee New Town Stage 2 is a 541.71 hectare site within the 1,722 hectare Huntlee New Town development. Huntlee New Town is 20km north of Cessnock near Branxton (**Figure 1**) and straddles the boundary of the Cessnock and Singleton local government areas. To the north of the site is the Hunter Expressway and Branxton, and Greta is to the east. South and west of the site are large lot rural and rural residential development.



**Figure 1:** Site Location (Source: Ethos Urban 2021)

### 1.2 Project Background

Huntlee New Town was added to the State Significant Sites (SSS) in Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* by the Minister for Planning in 2010. The SSS provisions included zoning and controls for:

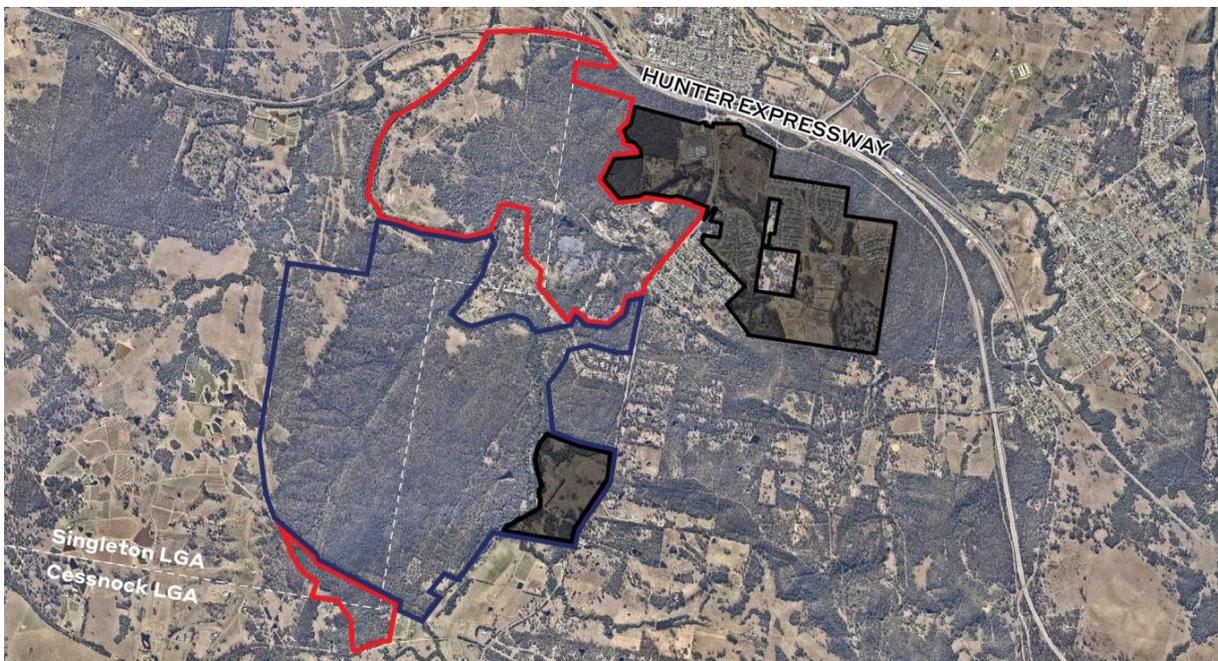
- Up to 7,500 dwellings across residential, large lot residential and mixed use town centre zones,
- 200 hectares of employment land, and

- Approximately 5,800 hectares of conservation land (within Huntlee and elsewhere in the region).

In 2013, the then Planning Assessment Commission approved Stage 1 of the Huntlee New Town (shown black in **Figure 2**), including:

- Subdivision for Village 1, Entry Village, and large lot residential areas for approximately 2,720 dwellings, open space and community facilities,
- Superlot subdivisions for the first component of the Town Centre employment area into 8 lots (57.45ha), and 6 additional lots for future re-subdivision, and
- Earthworks, roadworks, infrastructure and services.

The SSS and Stage 1 approvals also included voluntary planning agreements with the Minister for Planning and with Cessnock City Council, which provided conservation areas and community facilities.



**Figure 2:** Huntlee New Town Site Aerial – Stage 2 in red (Source: Ethos Urban, 2021)

## 2. DESCRIPTION OF PROPOSAL

### 2.1 Project Description

The Huntlee New Town Stage 2 proposal includes subdivision for approximately 5,100 dwellings as well as the residue of the Town Centre (and associated open space and infrastructure). Stage 2 has been divided into Villages 2-4 (**Figure 3**). While Ministerial call-in is sought for all of Stage 2, Huntlee proposes to seek:

- SSD concept DA consent for all of Stage 2,
- SSD DA consent for Village 2 only, and
- Part 4 DA consent for Villages 3 and 4 from the relevant local council.

The SSD DA for Village 2 and the Part 4 DAs for Villages 3 and 4 would be required to be consistent with the SSD concept DA for all of Stage 2.

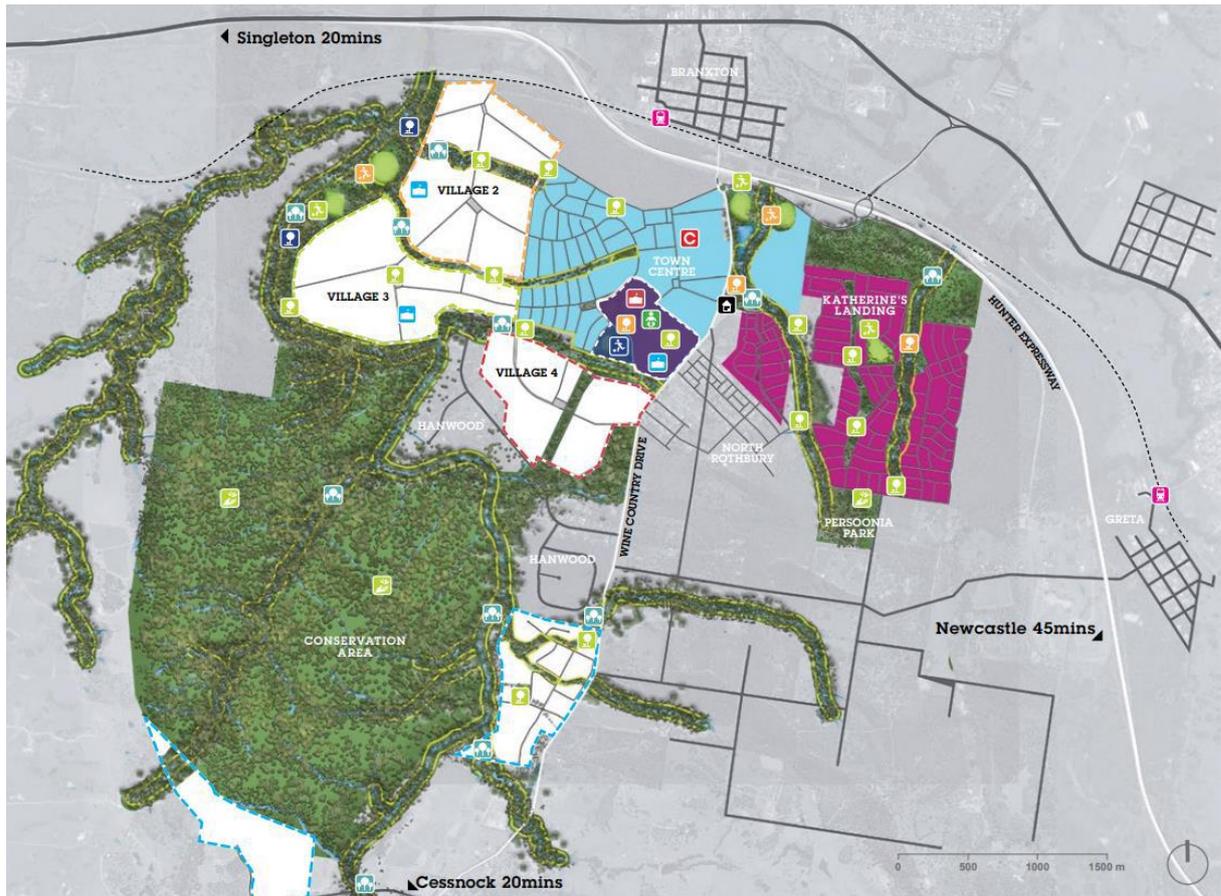


Figure 3: Huntlee New Town Masterplan (Source: Ethos Urban, 2021)

## 2.2 Applicant's Justification for Call-in

In its request, Huntlee addressed the general issues in Part 5 of the Guideline relating to the State or regional planning significance of Huntlee New Town Stage 2 (**Appendix A**). Its justification for requesting the project be declared SSD is detailed in Section 6 and includes:

- It is within an identified strategic location and is crucial in maintaining a continual delivery of residential dwellings with 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.

### 3. STATUTORY CONTEXT

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#### 3.1 Call-in Power

Section 4.36(3) of the EP&A Act provides that the Minister may, by a Ministerial planning order, declare specified development on specified land to be SSD, but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission (the Commission) about the State or regional planning significance of the development.

#### 3.2 Zoning and Permissibility

The site is zoned B4 Mixed Use, R1 General Residential and R2 Low Density Residential under the Cessnock Local Environmental Plan 2011. It is zoned B4 Mixed Use, R1 General Residential, R2 Low Density Residential and SP2 Infrastructure under the Singleton Local Environmental Plan 2011. The project is permissible with consent within these zones under both LEPs and the Department believes the project is capable of satisfying the relevant LEP controls subject to detailed assessment of the development applications.

#### 3.3 Consent Pathways

*State Environmental Planning Policy (Major Development) 2005* has been repealed. Schedule 1 of *State Environmental Planning Policy - State and Regional Development 2011* (SRD SEPP) describes the categories that are now considered to be SSD. The proposed development does not meet any criteria in Schedule 1 of the SRD SEPP. As a result, the proposed development would be classified as local development that requires consent under Part 4 of the EP&A Act. Depending on how any future development applications are characterised, they may be determined by the regional planning panel as regionally significant development.

Under Schedule 3 of the EP&A Act, the development may be classified as designated development if it will include sewerage systems or works of a scale described in clause 29 of that Schedule. The Secretary would need to issue local Secretary's Environmental Assessment Requirements (SEARs) for the development but Council would be the consent authority. The proposal is also likely to be Integrated Development.

In the event that the project is called-in as SSD by the Minister, the Minister would become the consent authority for the proposed development.

Huntlee's call-in request includes a political donations disclosure (**Appendix A**).

### 4. STRATEGIC CONTEXT

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The Department has considered the call-in request against the provisions of several key strategic planning documents and considers that the proposal is consistent with:

- the strategies and goals of the *Hunter Regional Plan 2036*, including creating healthy built environments through good design, enhancing access to recreational facilities, creating a compact settlement, and delivering infrastructure to support growth and communities. The Plan identifies Huntlee New Town as an urban release area;
- the *Greater Newcastle Metropolitan Plan*, which identifies Huntlee as a housing release area;
- the *Cessnock Local Strategic Planning Statement 2036* and *Cessnock Housing Strategy*, which identify the need for continued housing supply, and the *Singleton Local Strategic Planning Statement 2041*, which identifies Huntlee as a major future growth area.

The Department's consideration of the call-in request in relation to these strategies and plans is detailed further in Section 6.

## 5. CONSULTATION

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Both Cessnock City Council and Singleton Council provided letters of support to accompany the call-in request. Nevertheless, as required in the Guideline, the Department consulted with the councils to confirm their views on the call-in request. On 21 January 2022, Singleton Council confirmed its support for the call-in request (**Appendix B**). Cessnock City Council did not reply to the request for comment.

The councils' letters of support for call-in of the proposal are attached at Appendix A. The Department has also made the call-in request and Council's submission publicly available on its website.

## 6. CONSIDERATION OF CALL-IN REQUEST

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When providing advice to the Minister on the State or regional planning significance of a development proposal, the Minister has requested that the Commission consider six issues. The Applicant's and Department's consideration of each of the issues is provided in **Table 1**.

**Table 1: Consideration of Key Criteria**

<b>Criterion</b>	<b>Applicant’s Position</b>	<b>Department’s Consideration</b>
<p><b>Criterion 1</b>  <i>Whether the proposal is of regional or State importance because it is an identified strategic location, or is critical in advancing the nominated strategic direction or achieving a nominated strategic outcome, contained in a relevant State policy, plan or strategy, or regional or sub-regional strategy?</i></p>	<p>The Applicant notes that:</p> <ul style="list-style-type: none"> <li>• The proposal is within an identified strategic location in the Hunter Regional Plan 2036, which identifies an additional 70,000 dwellings will be required in the Hunter region by 2036. Huntlee New Town will provide approximately 7,500 dwellings for the Hunter region – more than 10%.</li> <li>• The proposal is consistent with the following directions in the <i>Hunter Regional Plan 2036</i>: <ul style="list-style-type: none"> <li>○ Direction 17: Create healthy built environments through good design.</li> <li>○ Direction 18: Enhance access to recreational facilities and connect open spaces</li> <li>○ Direction 21: Create a compact settlement</li> <li>○ Direction 26: Deliver infrastructure to support growth and communities</li> </ul> </li> <li>• Huntlee is mapped as a Housing Release Area in the <i>Greater Newcastle Metropolitan Plan</i>.</li> <li>• The <i>Hunter Expressway Draft Strategy</i> identifies Huntlee as becoming the primary location for housing, employment and services in this part of the region, capitalising on the opportunities presented by the Expressway.</li> </ul>	<p>The Department agrees with the Applicant’s position and considers that:</p> <ul style="list-style-type: none"> <li>• the project is of regional or State importance as it would supply a significant share of the housing required in the Lower Hunter region over the next 15 to 20 years, as well as key regional facilities and important conservation areas across two local government areas.</li> <li>• the project would assist in delivering the Government’s strategic outcomes for the Lower Hunter Region as described in the <i>Hunter Regional Plan 2036</i>, including 70,000 additional dwellings, growth in urban release corridors, and integrating new centres with planned residential development.</li> <li>• the project is identified as an existing urban release area in the <i>Hunter Regional Plan 2036</i>.</li> <li>• the project is consistent with the recommendations of the NSW Regional Housing Taskforce, including ensuring new housing is appropriately located, well-designed, fit for purpose, and better provides for the diversity of housing needs.</li> </ul> <p>The Department concludes that the project is of regional or State importance as it would advance the strategic direction of the Lower Hunter as identified in a regional strategy.</p>
<p><b>Criterion 2</b>  <i>Whether the proposal delivers major public benefits such as large-scale essential transport, utility</i></p>	<p>The Applicant states that the project:</p> <ul style="list-style-type: none"> <li>• will deliver major public benefits through the delivery of subdivision for housing, employment, education and public recreational areas.</li> <li>• will provide two school sites totalling up to 18 hectares.</li> </ul>	<p>The Department agrees with the Applicant’s position and concludes that:</p> <ul style="list-style-type: none"> <li>• the project would provide a major public benefit by delivering approximately 5,000 new dwellings over 15 years, as well as regional conservation areas, a new</li> </ul>

<b>Criterion</b>	<b>Applicant's Position</b>	<b>Department's Consideration</b>
<i>infrastructure, or social services to the community?</i>	<ul style="list-style-type: none"> <li>will develop the remaining town centre as a transit oriented precinct connecting into Branxton Station and supporting future public transport connections to Newcastle.</li> </ul>	town centre, employment land, community facilities and local open space.
<p><u>Criterion 3</u>  <i>Whether the proposal is likely to have significant environmental, social or economic impacts or benefits, be of a significant hazardous or environmentally-polluting nature, or is located in or in close proximity to areas or locations that have State or regional environmental, archaeological or cultural heritage significance.</i></p>	<p>In relation to Criterion 3, the Applicant states that the project will:</p> <ul style="list-style-type: none"> <li>result in substantial social and economic benefits for existing and future residents at Huntlee. The development of the entirety of Stage 2 will result in approximately \$850 million in investment that will create local and regional jobs on the site for the next 15 to 20 years.</li> <li>facilitate the provision of social infrastructure and facilities for the current and future residents, including:                             <ul style="list-style-type: none"> <li>subdivision for three schools;</li> <li>large green spaces including planting and high quality public domain treatments;</li> <li>growth of the Town Centre that will generate employment and social facilities;</li> <li>village centres that will serve the needs of the local residents;</li> <li>housing to serve the needs of the population in the Hunter Valley; and</li> <li>preservation of the critically endangered <i>Persoonia pauciflora</i>.</li> </ul> </li> </ul>	<p>The Department agrees with the Applicant's position and concludes that:</p> <ul style="list-style-type: none"> <li>the project would have significant environmental, social and economic impacts by providing:                             <ul style="list-style-type: none"> <li>regional conservation areas, local riparian corridors and remediation of contamination and subsidence from former landfill and colliery uses on parts of the site</li> <li>employment land, community facilities and the rest of the Huntlee Town Centre</li> <li>medium-term employment for the earthmoving and construction industries as 300 dwellings are delivered each year for 15 to 20 years.</li> </ul> </li> </ul>
<p><u>Criterion 4</u>  <i>Whether the proposal is of significant economic benefit to the region, the State or the national economy, such as those with high levels of financial investment and</i></p>	<p>The Applicant notes that the project would support medium term employment through construction of 300 dwellings per year for 15 to 20 years. In addition, ongoing employment opportunities would be generated through the employment lands and services in the remaining part of the Town Centre.</p>	<p>The Department agrees with the Applicant's position and notes that:</p> <ul style="list-style-type: none"> <li>sustained and consistent investment of \$850 million over 15 years would provide certainty for local employment over the medium term.</li> </ul>

<b>Criterion</b>	<b>Applicant's Position</b>	<b>Department's Consideration</b>
<i>continuing or long-term employment generation?</i>		<ul style="list-style-type: none"> <li>the project would generate significant medium-term employment in the Lower Hunter for the earthmoving and construction industries, and long-term employment for service industries in the Town Centre and employment lands.</li> </ul>
<p><u>Criterion 5</u> <i>Whether the proposal is geographically broad in scale, including whether it crosses over multiple council and other jurisdiction boundaries, or impacts a wide area beyond one local government area?</i></p>	<p>The Applicant notes that the project:</p> <ul style="list-style-type: none"> <li>traverses two state electorates (Cessnock and Upper Hunter) as well as two local government areas, being Singleton LGA and Cessnock LGA.</li> <li>will require two separate but concurrent development applications to be prepared and submitted to two separate consent authorities. The applications would then be subject to separate assessment teams in each Council applying differing council policies and standards. Significant resources would be needed to co-ordinate a parallel and consistent assessment and determination process both between the Councils but also with a number of government agencies which would have Integrated Development concurrence roles.</li> <li>will also require coordination regarding the provision and funding of community infrastructure and facilities.</li> </ul> <p>Huntlee has undertaken consultation with both Councils who have indicated that the complexity and scale of the assessment is best dealt with at state level.</p>	<p>The Department agrees with the Applicant's position and concludes that:</p> <ul style="list-style-type: none"> <li>the project crosses over two council jurisdictions, which would mean parts of the project would be subject to different planning provisions, land use controls, and local infrastructure contributions, and be assessed by different consent authorities.</li> <li>Both councils have provided letters of support for the project to be assessed as State Significant Development by one consent authority.</li> <li>The project impacts a wide area beyond one local government area, supplying housing, conservation areas and community facilities that would cater for regional demand.</li> </ul>
<p><u>Criterion 6</u> <i>Whether the proposal is complex, unique or multi-faceted and requires specialist expertise or State coordinated assessment, including where councils</i></p>	<p>The Applicant states that:</p> <ul style="list-style-type: none"> <li>If Stage 2 were not assessed as SSD, the need to obtain and coordinate separate approvals from two local governments, in addition to various government agencies will lead to extensive delays to delivery.</li> <li>the assessment of the Stage 2 development will need to take into account the environmental assessment which</li> </ul>	<p>The Department agrees with the Applicant and concludes that:</p> <ul style="list-style-type: none"> <li>the project is of a scale that would generate complex assessment traffic, contamination, subsidence, biodiversity and flooding impacts.</li> <li>The NSW Government has the necessary assessment expertise and would assess the project in a coordinated way and has continued to assess modification to Huntlee</li> </ul>

<b>Criterion</b>	<b>Applicant’s Position</b>	<b>Department’s Consideration</b>
<p>require or request State assistance.</p>	<p>was undertaken by Department for the rezoning of the Huntlee land in 2005, in particular, with respect to the biodiversity assessment and the biodiversity certification order issued under the Biodiversity Conservation (Savings and Transitional) Regulation 2017.</p> <ul style="list-style-type: none"> <li>• Cessnock City Council and Singleton Council have both provided their full support for the Stage 2 development to be assessed by the Department as SSD.</li> <li>• The Department has had the assessment role since its rezoning and Part 3A approval (and numerous modifications), and therefore has the experience and resourcing to continue in the role.</li> </ul>	<p>New Town Stage 1 since that project was approved by the Commission in 2013.</p> <ul style="list-style-type: none"> <li>• Both councils are supportive of the project being assessed by the Department as the project is complex.</li> </ul>

## 7. CONCLUSION

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The Department concludes that the project is of State or regional planning significance and would benefit from an SSD declaration because:

- the project would deliver approximately 5,000 new dwellings, new employment land, the rest of the Huntlee Town Centre, regional conservation areas, community facilities and open space;
- the project is located on two local government areas and would otherwise be subject to two separate sets of planning provisions, development controls, local infrastructure contributions and development application processes.
- Both councils support the project being assessed by State Government given its scale and the complexity of potential impacts; and
- the project would contribute to delivering the strategic goals and objectives of State and regional plans, including the *Hunter Regional Plan 2036* by delivering housing and employment in an identified urban release area.

The Department is satisfied that all relevant criteria have been addressed by the Applicant and that sufficient information has been provided to determine that the proposal is of State or regional planning significance and should be declared SSD.

## 8. RECOMMENDATION

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It is recommended that the Independent Planning Commission:

- a) **consider** the Applicant's request and the Department's assessment outlined above; and
- b) **provide advice** to the Minister for Planning on the State or regional planning significance of the proposal in accordance with the six general issues in the Guideline.



Keiran Thomas  
**Director**  
**Regional Assessments**



Anthea Sargeant  
**Executive Director**  
**Key Sites & Regional Assessments**

## **APPENDIX A      CALL-IN REQUEST**

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