

12 June 2019

17676

Anthony Witherdin
Director Regional Assessment
Department of Planning and Environment
320 Pitt Street, Sydney

Attention: Casey Joshua

Dear Casey,

RE: Huntlee Mod9 Response to Submissions

I write to you on behalf of Huntlee Pty Ltd in regard to the S4.55 2 Modification Application (MOD 9) to Project Approval MP10_0137.

Following the previous Response to Submissions, we understand that the Department have further requested different agencies to provide key issue and assessment requirements regarding the proposed modification. This letter is to provide a supplementary Response to Submissions (SRTS) addressing the additional issues raised by the Department and all government agencies. The latest submissions received responding to the previous RTS are outlined below:

- Department of Education (DoE)
- Department of Environment and Heritage (OEH)
- NSW Rural Fire Service (RFI) (No further issue raised)
- NSW Roads and Maritime Services (RMS)
- Department of Industry (DoI) (No further issue raised)
- Cessnock City Council (Council)

This letter should be read in conjunction with the following documents

- Masterplan and constraints overlay plans prepared by Daly Smith at (**Attachment A**);
- Revised Open Space Plan prepared by Daly Smith (**Attachment B**);
- Response letter and Stormwater Plans prepared by Northrop (**Attachment C**);
- Response Letter from the Department of Education (**Attachment D**);
- Ecological Assessment 7-Part Test for Lot 1531 prepared by MJD Environment (**Attachment E**); and
- Updated Aboriginal Cultural Heritage Management Plan 2019 prepared by RPS (**Attachment F**).

A summary of the comments raised in each submission and responses are provided in **Table 1** below.

Table 1 Supplementary Response to submissions

Submissions	Response
Department of Planning and Environment (DoPE)	
1. Plan information and proposed changes • Clarify changes • Overlay all environmental constraints • Indicate riparian corridor width on the stormwater concept and open space plans. • Indicate the required APZs are outside the core vegetated riparian corridors and are located within the development boundaries.	• Updated masterplan and overlay plans highlighting all changes following Mod 10 with environmental constraints including APZ and riparian corridors are provided in Attachment A. • Riparian corridor width is indicated on the open space plan (Attachment B) and stormwater strategy. • The updated flooding extents for both tributaries are provided within the Northrop response in Attachment C. Riparian corridor width has been reflected in the stormwater strategy.
2. Inconsistency with the existing State and Local VPA • Provide a letter of VPA offer and support from Council • State VPA is being sought from the Department	• A letter of offer to amend the VPA has been issued to Council.
3. Precinct 16 • Clarify the location of any seniors living lot and demonstrate special protection is provided • Provide rationale and justification to the allocated site from Stage 2 to Stage 1 • Show the location of open space and riparian buffer on the plan • Provide updated flood assessment to show the extent of flood risk to all new lots and demonstrate no significant changes in levels	• As stated in the SEE, the proposed modification is for superlots. Huntlee are not seeking approval for any seniors living development rather a lot on which one could be potentially located as it is a permissible land use. Any future seniors living proposal would be the subject of a detailed development application to Cessnock City Council. There is no detailed seniors living proposal at this stage. • The proposed superlots were envisaged and zoned as part of the Huntlee Town Centre and in no way different from the currently approved Stage 1 Town Centre superlots and could accommodate the same range of uses including seniors living use. The area zoned Mixed Use will form a logical extension to the Town Centre and a transition from the residential area, adding to the completeness of the Stage 1 Town Centre. By adjusting the Stage 1 boundary to include Precinct 16 which is zoned as part of the Town Centre will deliver overall improved design and development outcome for the Town Centre. Importantly, the assessments, particularly with regard to traffic generation and bushfire, conclude that the additional lots will not give rise to additional adverse environmental impacts as addressed in the SEE. • An updated flood model and assessment have been prepared by Northrop, which concludes that the 1% AEP storm event is not anticipated to impact upon the proposed lot within Precinct 16. Preliminary flood inundation extents for both the 1% AEP and PMF storm events have been provided in Attachment C.
4. Open Space Provision • Provide breakdown of open space calculation • Demonstrate how the open space complies with the Council's open space requirements	• An updated Open Space Plan with updated calculation has been prepared and submitted at Attachment B. • The total envisaged dwelling number of 2345 in Stage 1 will result in an estimated population of 6,097 people based on the average 2.6 persons per household in Cessnock LGA. Based on Council's open space standards, the minimum provision of total recreation parks and sportsgrounds will be 7.92ha and 9.14ha respectively. The total provision of 84.54ha open space in Huntlee Stage 1, including 8.28ha of district park and 4.67ha of local park, is well above the council required open space rates. A final VPA in consultation with Council will reflect the final open space changes.

Submissions	Response
5. Relocated school site • Address concerns in the DoE submissions • Indicate use of the previous school site	• A meeting was held between LWP and the Department of Education on 6 May 2019. Following the meeting, a response letter has been provided by the Department of Education which confirms that the School Infrastructure NSW raises no objection to the amended Mod 9. • The approved school site will remain until the VPA is formally amended to be relocated to the Department of Education's school site. Once this occurs, the site will be redesigned and likely will be used for residential purposes.
6. Town Centre Levels • Provide levels for the town centre and demonstrate no significant grade changes	Detailed subdivision engineering plans for the Town Centre can be provided prior to the issue of construction certificate which is sufficiently addressed by a condition of consent in Mod 10.
Department of Education (DoE)	
• Demonstrate how the proposal will meet the school site selection criteria and characteristics in the modification.	As detailed in the previous submission, the proposed school site is able to satisfy the school site selection criteria. A letter provided by the Department of Education at Attachment D confirms that the School Infrastructure NSW raises no objection to the amended Mod 9 school site.
OEH	

Submissions	Response
Biodiversity Provide a description of the biodiversity values of the area of lot 1531 that is not subject to the SEPP VPA.	As stated in the previous submission, the additional area of lot 1531 was cleared under the RMS ownership as part of the RMS roundabout upgrade. It is important to note that the land <u>was cleared</u> at the time of acquisition by Huntlee and has been maintained as cleared, and therefore offset measures are not relevant to this modification to adjust site boundary. It is confirmed that the site does not contain any native vegetation or habitat for local flora/ fauna as shown in the latest site aerial photo dated 25 April 2019 below.  Lot 1531 Aerial Photo 25 April 2019 Source: Nearmap Notwithstanding this, MJD Environment has completed an ecological assessment of this lot with regard to its biodiversity values at the request of OEH (Attachment E). The assessment letter notes that a pre-clearance inspection was conducted by MJD on 8 March 2017. Detailed assessment under the 7-part test for the clearance confirmed that the clearance was unlikely to have any significant impact on any threatened species, populations or ecological communities in the locality. It is noted that clearing occurred to the east and north of the site as part of Wine Country Drive realignment works undertaken under the RMS approval. The aerial image dated 30/05/2017 also indicates that the Lot was cleared at the time of RMS roundabout upgrade outside the Stage 1 area, aligned with the clearing occurred to the east and north as part of RMS road works. The biodiversity value map should be updated to reflect the current state of the land in this regard.
Aboriginal cultural heritage - The Aboriginal Cultural Heritage Management Plan (2015) should be updated to show the location and site status (including those previously located in TC1) of all registered Aboriginal Sites with AHIMS site numbers within the Huntlee Stage 1 (as amended) Residential Development Boundary. - The Aboriginal cultural heritage constraints and obligations identified for Mod 9 should be integrated into Aboriginal Cultural Heritage Management Plan (2015) prior to the commencement of further works.	An updated Aboriginal Cultural Heritage Management Plan (2019) has been prepared to include the location, site status of registered Aboriginal Sites, constraints and obligations identified for Mod 9 (refer to Attachment F).

Submissions	Response
Floodplain management - On-site detention and the bioretention system should be provided in accordance with the revised concept stormwater management plan NL-151661. - It is recommended that the on-site detention basin be designed to reflect the updated detention modelling. - The proponent should continue to work with the council to ensure that interim and final basin management plans are adequate to mitigate flood at each sub-stage of development and for the ultimate development. This should cover the full range of flood events, from the more frequent flooding up to and including the PMF flood event. - Clarification is required on the location of the proposed retirement village and its location to the PMF extent, including potential for the PMF event to impact access to and from the to the proposed retirement village.	- Detailed design of the online regional detention facility within this precinct is currently underway. As previously discussed with Council, finalisation of the detailed design will show consideration to the full range of design flood events, from the more frequent 50% AEP event up to and including the PMF event as stated in Northrop response letter at Attachment C - As mentioned above, Huntlee are not seeking approval for a retirement village development as part of this modification. Detailed PMF extent with regard to any future seniors living development would be the subject of a detailed development application to Cessnock City Council. Notwithstanding this, to facilitate the assessment, preliminary flood inundation extents for both the 1% AEP and PMF storm events have been provided in Tributary 2 Flood Extent plan in Attachment C, which clearly demonstrate that the storm event has negligible impact on the proposed lots. Northrop confirms that no significant changes in levels or benching would therefore be considered necessary to establish the lots.
RMS Lot 1584 access issue should be resolved in Mod9. Recommended options: Lot 1584 receive access via a right of way through both Lots 1583 and 1585, and have restriction to access Wine Country Drive noted on the 88B instrument	Access to lot 1584 (currently 1580) is to be provided via right of way through adjacent lots as recommended.
Cessnock Council Submission - object to the proposed school location due to walkability, traffic and transport impact and location concerns. - Inconsistency between the proposed public open / dwelling yield and the existing VAP should be amended to reflect the changes. - Updated flood info (100 Year Flood extent and PMF) with respect to all lots should be provided for all modifications.	- The school site has been located to meet the Department of Education's site character and selection criteria. - A letter of offer to amend the VPA has been issued to Council. - The anticipated flood extents for the PMF and the 1% AEP storm event have been provided in the updated stormwater plans prepared by Northrop (Attachment C).

Yours sincerely,



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