



9 December 2022

Department of Planning and Environment
Att: Chris Eldred

Contact: Mrs S M Hyatt
Our Ref: 52 2022 5 1
Your Ref: MP10_0137-Mod-21

Via email:
christopher.eldred@planning.nsw.gov.au

Dear Chris,

Objection in Respect of State Significant Infrastructure – 52/2022/5/1
Description of Development – Mod 21 Huntlee

I refer to the abovementioned project, notice of which was received by Council through the NSW Major Project Planning Portal. Council objects to the abovementioned project, for the reasons outlined in this correspondence.

It is understood that the project consists of the following:

- *Extension of the Stage 1 site boundary (north-western boundary) to include an additional 42.31 ha of land (to be known as new Substage TC6);*
- *Subdivision of land to provide 394 allotments comprising of:*
 - *359 residential allotments,*
 - *34 commercial/mixed use allotments,*
 - *1 infrastructure allotment, and*
 - *8.72ha of public open space.*
- *The carrying out of associated infrastructure and road networks to better integrate with the Substages TC2 & TC5 to the substage TC6.*

While Council has undertaken a preliminary review of the proposal, it is anticipated that external agencies and other departments will consider specialised matters in greater detail. In this regard, the following comments are provided:

Substantially the same development

Objection is raised to the application being considered as a modification rather than a separate application. It is considered that the modification does not meet the provisions of Section 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act) in relation to the development being substantially the same development as that originally approved. In this regard, the following matters are noted:

- MP10_0137 granted approval for a total of 1,473 residential lots. Mod 20 subsequently approved additional residential allotments bringing the total to 2,042. Mod 21 now proposes to add an additional 359 allotments bringing the total to 2401.
- The total number of dwellings has increased from 2,345 approved under MP10_0137 to 2,631 approved under Mod 20. Despite an additional 359 allotments being

included within the project scope of Stage 1, it is stated that there will be no additional increase in dwelling yield. It is generally accepted that where additional allotments are proposed, an increase in dwelling numbers would follow.

- An additional 8.72ha of public open is proposed.
- Additional stormwater facilities and associated infrastructure is proposed.

In this regard, it is considered that a detailed quantitative and qualitative assessment be undertaken to establish whether the impacts of the proposed modification result in a development which is substantially the same as that originally approved. Council is not convinced that impacts such as those relating to biodiversity, traffic, noise and visual, have not increased when comparing Mod 21 to the development originally approved.

Residential road widths in the Huntlee Town Centre

185 town centre residential lots were approved within TC2, TC3 and TC5 under Modification 20 to the Huntlee Major Project. The lots range in size from 217m² to 354m². A further 359 town centre residential lots are proposed under Modification 21, bringing the total number of town centre residential lots to 544. The proposed town centre residential lots are, on average, substantially smaller than the residential allotments associated with Huntlee on the eastern side of Wine Country Drive.

The documents that support Modification 21 outline that the streets that service the proposed town centre residential lots are predominantly 'Local Streets' and 'Town Centre Lanes'. These are references to street typologies in the Huntlee DCP. Neither of these street typologies provide opportunities for on-street car parking while also allowing traffic to flow in both directions.

It is Council's opinion that the DCP street typology 'Town Centre Street' with a road reserve width of 19.2m to 22m should be applied to the streets that immediately service town centre residential lots. The 'Town Centre Street' typology is appropriate in light of the fact that the town centre residential lots are, on average, substantially smaller in size, which has resulted in a greater density of allotments, and fewer opportunities for car parking. It is also noted that public transport at Huntlee is very limited, which is likely to result in higher rates of private car ownership.

Detention basins

Modification 21 includes an additional 2.37ha of land for the purpose of stormwater basins, bringing the total area of basins at Huntlee to 15.58ha. The stormwater basins at Huntlee will ultimately be the responsibility of Council to maintain in perpetuity.

Council is concerned in relation to the ongoing cost to ratepayers of maintaining stormwater basins at Huntlee. The developer should be looking to minimise the number, size and ongoing maintenance associated with stormwater basins within TC6, and more broadly throughout the Huntlee development. Accordingly, Council requests that consideration be given to the design of the basins in order to minimise ongoing maintenance costs to Council.

Development Contributions

Modification 21 proposes an extension to the Huntlee Stage 1 project boundary. The Developer will need to seek a variation to the existing Voluntary Planning Agreement with Council or enter into a new VPA in relation to the Stage 1 project boundary extension. Alternatively, Council's City Wide Infrastructure Contributions Plan 2020 will apply to Modification 21.

Should the developer not wish to amend the existing Voluntary Planning Agreement with Council, or enter into a new Voluntary Planning Agreement, the following condition should be applied to the Notice of Approval.

Cessnock City Wide Infrastructure Contributions Plan 2020

A contribution pursuant to the provisions of Section 7.11 of the EP&A Act 1979 for the services detailed and for the amount detailed must be made to Council prior to the issue of a CC for any residential Lot within Huntlee TC6:

Branxton to Greta Local Catchment – 358 lots		
Contribution Type	Per lot amount	Amount Payable
<i>Open Space and Recreation Facilities</i>	<i>\$4,450.79</i>	<i>\$1,593,381.69</i>
<i>Community Facilities</i>	<i>\$1,845.75</i>	<i>\$ 660,778.35</i>
<i>Cycleway Facilities</i>	<i>\$7,510.33</i>	<i>\$2,688,697.29</i>
<i>Roads and Traffic</i>	<i>\$1,444.85</i>	<i>\$ 517,258.07</i>
<i>Plan Administration</i>	<i>\$ 236.30</i>	<i>\$ 84,595.31</i>
Total	\$15,488.02	\$5,544,710.72

A copy of the Cessnock City Wide Infrastructure Contributions Plan may be inspected at Council's Customer Services Section, Administration Building, Vincent Street, Cessnock or can be accessed on Council's website at www.cessnock.nsw.gov.au.

The amount of contribution payable under this condition has been calculated as at 5 December 2022, and includes credit for 1 existing lot. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index. Indexation of contributions for payment occurs quarterly.

The contribution figures calculated above are valid until 25 January 2023. Please contact Cessnock City Council to obtain updated contribution amounts after that date.

Provision of updated stormwater modelling to Council

To assist Council's flood planning for the area, a copy of the model that informed the developer's Stormwater Management Strategy is to be provided to Council.

Please provide relevant XP-RAFTS, TUFLOW and MUSIC model files sufficient for Council to view input data and to then run these models to validate stormwater quantity and stormwater quality findings in the "Modification 21 – Stormwater Management Strategy" (Northrop Consulting Engineers Pty Ltd, 1st August 2022, Rev A).

Public open space

Modification 21 includes an additional 7.1ha of land for open space, bringing the total area of open space from 61.88ha to 68.98ha at Huntlee. The open space at Huntlee will ultimately be the responsibility of Council to maintain in perpetuity.

Council is concerned in relation to the ongoing cost to ratepayers of maintaining the area of open space at Huntlee. The developer should be looking to reduce the amount and ongoing maintenance associated with open space in TC6, and more broadly throughout the Huntlee development. Accordingly, Council requests that consideration be given to the design of the spaces in order to minimise ongoing maintenance costs to Council.

Subdivision design and layout

The design and layout of the proposed subdivision is not considered to represent a good planning outcome. In this regard, Council notes that there are a mixture of allotment types proposed, with some smaller lots being located between larger lots, which under the proposed layout would not benefit from on-street parking, and some of which would also not benefit from secondary rear lane access.

Further, the orientation of the lots being north/south will limit solar access. This has the potential to limit sunlight into private open spaces and main living areas. It is considered that the subdivision pattern and lot orientation be reconsidered.

Mayoral Minute No. 14/2022

At Council's meeting of 16 December 2022, a Mayoral Minute was put to Council. A copy is attached for your reference. Concerns are raised in relation to the 'Urban One' lots which are not considered to be suitable given the reliance on car ownership, lack of public transport and being inconsistent with the regional/rural character of the area. The cost of the development is also not considered to be affordable and is likely to be of interest to investors.

At this meeting, Council unanimously resolved to support the following recommendation:

- 1. That Council write to the Minister for Planning outlining its frustration with the Department of Planning and Environment for having approved the 'Urban One' allotments under Modification 20 to the Huntlee Stage 1 Major Project and that the Minister reverse the Department's decision, as outlined in this Mayoral Minute;**
- 2. That Council forwards a copy of the correspondence to the State Member, Mr Clayton Barr MP, with a request for him to make representations to the NSW Minister for Planning, on Council's behalf.**

Correspondence has been issued to this effect.

Thank you for the opportunity to provide comments into the assessment of this project. Council reserves the right to provide further comments should additional information be submitted of interest.

Should you have any further enquiries please contact Sarah Hyatt, Principal Development Planner directly on telephone (02) 4993 4219 or via email sarah.hyatt@cessnock.nsw.gov.au.

Yours faithfully



Peter Mickleson
Director Planning and Environment