

15 January 2025

Chris Eldred  
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Via email to [christopher.eldred@dpie.nsw.gov.au](mailto:christopher.eldred@dpie.nsw.gov.au)

Dear Chris,

**DPIE REQUEST FOR ADVICE – HUNTLEE STAGE 2 – SSD-70748466**

I refer to your request via the NSW Major Projects Planning Portal for advice from Singleton Council on the Environmental Impact Statement and accompanying information for Huntlee Stage 2 - SSD-70748466. Council notes that the due date for submissions was the 19 August 2024.

The due date for submissions was during the caretaker mode associated with the 2024 Local Government Elections. Council was therefore not able to complete its submission within the exhibition period. Council staff made a preliminary holding submission in the form of an objection on August 19, 2024, and noted that a more detailed submission would be developed and submitted following the endorsement of the new Council in the coming months.

Due to the Local Government elections and the caretaker period, there has been no opportunity for Council be notified of this proposal. The timeframe provided does not enable Council to seek this endorsement prior to submissions closing. This has meant the first available council meeting to seek such endorsement is the December Council meeting held on the 10 December 2024.

The submission focusses on those issues, concerns and questions that are, on first review, considered by Council to be of concern to the future of our community. The extent of our submission is directly impacted by the time available to complete a fulsome assessment. On that basis, the following advice is provided for consideration

Kind regards

Mary-Anne Crawford  
**Acting Director Infrastructure and Planning Services**

## Strategic Planning

It is noted that Council has not endorsed the State Huntlee Development Control Plan (DCP) and that the Singleton DCP 2024 applies to the whole Local Government Area. This results in two DCPs applying to the land which is impractical and will cause confusion as to which controls apply in the event of inconsistencies between the two. Council requests that a pathway to rectify this issue is agreed upon prior to the determination of the SSD.

## Connectivity to Branxton Railway Station

It is requested that the application demonstrate the connectivity of Huntlee Stage 2 and the Branxton Railway Station. Research has shown that accessibility to public transport grows stronger and more sustainable towns. We would like to stress that the connectivity from the development to the railway station is of utmost importance to Council.

## Minimum Lot Size Controls

The minimum lot size maps and controls for Huntlee are proposed to be contained within the 'Huntlee DCP' as opposed to the Singleton Local Environmental Plan (LEP). This is inconsistent with the remainder of the LGA (and the NSW planning system in general) which includes provisions relating to minimum lot sizes within local environmental plans. It is requested that the Developer seeks to amend the LEP to incorporate the minimum subdivision lot size mapping and controls in the LEP 2013, noting that the RE General Residential Zone does not have a minimum lot size.

## Lot Types

The detailed subdivision plan for Village 2 shows that the Developer is indicating that the proposal will meet targets regarding supplying a range of lot sizes to enable diverse housing. Further detail on the controls that will apply to prevent these larger lots from being further subdivided through modifications. For example, there are approximately 20 medium density lots in Village 2 Centre and South, and it is unclear what controls are in place to stop these being further subdivided into the smaller Cottage lots by either the Developer or future owners of the lot, noting this has happened in Stage 1.

## 88b Restrictions.

There is no information around what the 88b restrictions will look like on the various parcels. Council should be made aware of any restrictions that may cause delays and/or constrain future development on these lots.

For instance, it is unclear if the recommendations of the Environmentally Sustainable Development report be placed as restrictions on the 88b and if not,

what controls will be in place to ensure future development incorporates the ESD principles. The ESD report talks about restrictive covenants. Further information on this is requested.

Please provide some further details as to what the restrictions will be.

### European and Aboriginal Heritage

The EIS indicates that the AHIMs search identified a total of 29 Aboriginal cultural heritage sites at risk of harm from the activities of the proposed development. The EIS also states *'this proposed development will involve the excavation and relocation of varying amounts of topsoil, having a major impact on the existing soil profile of the Subject Area, disturbing or destroying any surviving stratigraphy, and will result in harm to any Aboriginal objects within the Subject Area and any Aboriginal heritage values identified by the RAPs'*

Council is concerned that a Heritage Impact Permit is not required for an SSD Application and the impact on the existing heritage sites and items have not been adequately addressed. Of particular concern is the Bentham Farm Site (1824) where the EIS states *'Further archaeological investigation of this item will be required to ascertain potential for historical archaeological relics'*. Council requests further information around when, how and at whose cost this investigation will be undertaken.

### Accommodation and Employment

The EIS has identified the proposed development will have the capacity to support +2,350 direct and indirect jobs during the construction phase. Housing for workers/contractors during the construction phase was an issue raised by Council during the engagement phases of this development. In the response to SEARS Council requested that information regarding accommodation be provided. To date this has not been addressed.

Council is now requesting the Social Impact Assessment (SIA) and EIS be amended to include the following:

- Where the workforce during construction stage will be sourced
- Where this workforce will reside during the construction stage
- how potential impacts from temporary housing requirements incurred by this proposal will be addressed, particularly in relation to the effect on affordable rental accommodation and Singleton's Tourism industry.

Further, Council would want to see an 'Accommodation Strategy' and 'Workforce Strategy' finalised before consent is issued to ensure that acceptable

accommodation is provided to the workers without impacting the affordable accommodation for any other long-term residents.

### Proximity to Railway and Expressway

The application documents state that; '*Village 2 is designed to manage its interfaces with the railway corridor and express way. Linear parks and vegetated buffers are proposed along the northern boundary of Village 2 north to provide separation and mitigation any vehicular noise impact from the railway line and Hunter Expressway. Further, a retaining wall is likely to be required within the linear park areas*'.

Council is concerned that people residing in dwellings built within 75 meters of the rail corridor could face potential health impacts from coal dust due to trains operating. The development should be referred to the NSW Department of Health for assessment and recommendations.

Previous planning studies have indicated that 'Vegetation Buffers' are not an adequate noise barrier. There are also no details as to how wide, high and *dense* the buffers will be. As the vegetation buffers may become a Council asset, we require more detailed information around all proposed 'Vegetation Buffers'.

There is also no information about the proposed/required 'Retaining Wall'. When and where this will be constructed and at whose cost the construction and maintenance will be at. Again, this may become a Council asset and/or responsibility, and we require further, detailed information as this 'proposed mitigation measure' may come at a considerable cost to Council.

It should be noted that the EIS package included an offer to enter into a Voluntary Planning Agreement (VPA) with Council. The offer included reference to 135.35 hectares of land (and other assets) to be dedicated to Council. Whether Council will accept the land and/or assets and the circumstances under which Council may accept the land is the subject of ongoing negotiations between Council and the Developer.

### Contamination

The EIS indicates that a result of the site having previously facilitated a colliery, landfill mine waste site, railway and quarry there is likely contamination present which could result in soil contamination as well as groundwater and surface water contamination.

The EIS goes on to recommend that a Detailed Site Inspection (DSI) or Remedial Action Plan (RAP) should be submitted at future development stage. It is unclear whether future landowners will be responsible for these reports and/or any subsequent remediation works at the development application stage for a dwelling. Council is also concerned that if the testing and remediation works are not

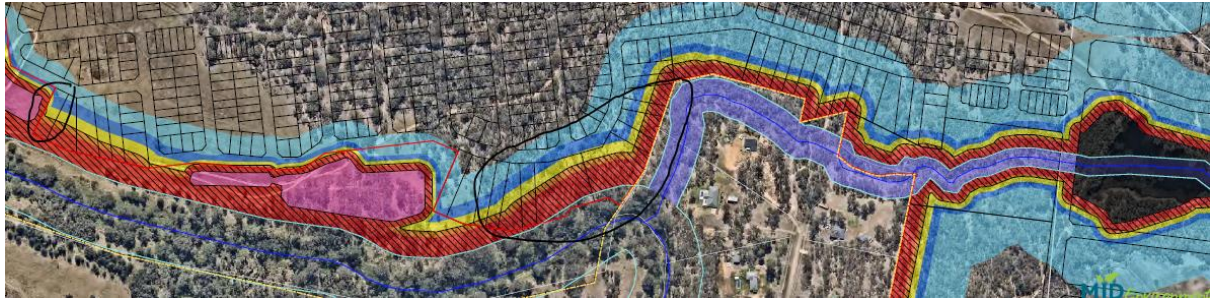
undertaken as part of this development how will council planning staff or private certifiers (CDC) identify potential contaminated lots.

### Bush Fire

Council raises concern over the availability of a suitable building envelope to achieve a BAL-29 Construction level on the sites circled in black below:



*Figure 1 - Extract from Figure 20: BAL MAP (SHEET 2) - O - Bushfire Assessment*



*Figure 2 - Extract from Figure 22: BAL MAP (SHEET 4) - O - Bushfire Assessment*

An 88b restriction should be placed on lots that are subject to BAL-FZ and BAL-40 contours as identified on the BAL Maps contained in the Bushfire Assessment Report prepared by MJD Environmental, referenced 16015 and dated 21 June 2024, to prevent the construction of any habitable building within the BAL-FZ or BAL-40 contours. The easement is to ensure the lots accommodate the required asset protection zones (APZs) and that any future dwelling erected within the lot is located with a compliant APZ (i.e. maximum BAL-29 separation to hazard). The name of authority empowered to release, vary or modify any instrument shall be Singleton Council where the lot is located within the Singleton LGA.

A condition requiring the temporary APZs proposed in the Bushfire Report up to 100m be provided within the residual lot/s (as created by the staging of the development) where unmanaged lands will be located adjacent to residential lots within the completed stages should be included in any consent. This should be via an 88b over the residual lot prior to the subdivision certificate being released for the respective developed stage of the approved subdivision. The 88B restriction must require the easement to be managed in accordance with the requirements of Appendix 4 of PBP 2019. The restriction can be removed when the adjoining lands (that include the areas requiring management) are approved and development has commenced, but only when the hazard has been removed. The name of authority empowered to release, vary or modify any instrument shall be Singleton Council where the lot is located within the Singleton LGA.

Access, Water & Utility Services and landscaping should all be conditioned in any consent to comply with the relevant sections of Planning for Bushfire Protection 2019 (PBP 2019) as asserted in the Bushfire Assessment Report. This includes the any temporary turning heads that are required to be provided at dead-ended roads, that have been created due to staging the development, shall be installed within the residual lot and comply with the requirements of Appendix A3.3 of PBP 2019. Street hydrant locations, in areas where proposed lots include BAL-40 contours (and some BAL-FZ contours) but do not include a perimeter road that separates potential bushfire hazard from the lots, shall ensure adequate coverage is provided from the hydrant (within the road reserve) to any point located along the boundary that is at the interface with the hazard. This outcome may require coverage that is evaluated differently to the Australian Standards methodology.

An 88B restriction is to be created over the residual lot to permit their use within the residual lot and to require the owner of the residual lot to maintain the cul-de-sac head in accordance with the requirements of PBP 2019 for a road. The restriction can be removed when the adjoining lands (that include the areas where the temporary cul-de-sacs are located) are development, but only when the temporary cul-de-sac is no longer needed. The name of authority empowered to release, vary or modify any instrument shall be Singleton Council where located within the Singleton LGA.

The Bushfire Assessment Report proposes that all areas outside the riparian corridors in the development area will be managed as APZs. In accordance with PBP 2019, these APZs must meet specific standards for vegetation management, fuel load management, and overall fire risk mitigation, as outlined in Appendix 4 of PBP 2019.

PBP 2019 (Section 3.2.6) requires a PoM for any APZs located on land where there is no guaranteed commitment to future management (such as Public Open Space). The PoM must outline the management and maintenance strategies required to ensure that these APZs comply with the bushfire protection standards specified in Appendix 4 of PBP 2019, including vegetation management and fuel load maintenance.

The content of a PoM should include:

- the prescribed APZ requirements and its treatment details (e.g. IPA and OPA widths and fuel loads);
- the predicted timing intervals of the management options;
- notification of any transition arrangements for management or ownership alterations which occur as a result of land dedication or acquisition;
- demonstration that the relevant authority has the necessary experience, resources and funds to undertake the directions; and
- acknowledgement of responsibility from the adjoining landholder that the APZ will be managed in perpetuity.

It should be emphasised that Singleton Council is currently negotiating the terms of a VPA with the Developer, and the outcome of these negotiations will determine whether and under what conditions land, including APZs, will be dedicated to Council. Therefore, we request that no land or assets be dedicated to the Council outside of this VPA process. Any proposed dedication of land which requires Council maintenance should include a written approval from that Council and a PoM to comply with PBP 2019.

### Ecologically Sustainable Development (ESD)

The ESD report talks about design guidelines, restrictive covenants and special conditions. Council requests further information around what these look like, what impact will they have on future development assessment times and future owners development costs.

The ESD also specifies that light colored roofs, shaped ceilings, skylights and environmentally friendly refrigerants will be incorporated in the development to reduce urban heat impact. Council requests further information around what controls will be in place to ensure that this is achieved given the aerial vision for Huntlee Stage 1 shows that the previous controls have not been effective in achieving this target. It is also important to note 'Design Guidelines' and 'Developer Restrictions' are not enforceable by Council planning staff via the Development Assessment (DA) pathway or by private certifiers if dwellings are approved via complying development.

### Social Impacts – (21,000 new residents forecasted)

The EIS states the below social benefits of the project:

- Improvements to health and wellbeing for new and existing Huntlee residents associated with new active transport infrastructure and planned public transport connections which will reduce car dependency, and encourage active, healthy lifestyles.
- Community members will experience improved way of life and accessibility to necessary social infrastructure, such as schools, health facilities, open space, and general community facilities. This is of particular importance considering the demand for social infrastructure identified through community engagement.

Page 25 of the EIS - *Schools 8ha of land has been allocated for 2 public schools within the Stage 1 area. There is a potential site available should a private school be interested but nothing is confirmed at the moment.* Council requests further, detailed information regarding the location of the three (3) school sites and what controls are in proposed to stop this land being developed into residential or other commercial uses in the future.

The EIS also states that the Developer is in discussions with the State government to address emergency service provision. Council requests an update on these discussions and timelines for when emergency services such as a police station will be located in Huntlee. Council has major concerns that community infrastructure such as health and community services will not be rolled out at a pace that keeps up with the population growth.

### Construction hours

The development is proposing to adopt the following standard construction hours:

- 7:00 a.m. to 6:00 p.m. Monday to Friday.
- 8:00 a.m. to 3:00 p.m. Saturday.

The Saturday hours are inconsistent with standard DA approval construction hours for Singleton Council where construction works are required to be ceased by 1pm.

The Environmental Protection Authority (EPA) construction noise guidelines also set standard construction hours on Saturday from 8:00am to 1:00pm being consistent with Council conditions. We request the construction hours be conditioned in line with both Council and the EPA hours with construction to cease at 1pm on Saturdays.

### State 2 Concept Old North Road

Flood risk to the Old North Road large lot residential area has not been assessed. The flood assessment in the EIS and Flood Impact Risk Assessment (FIRA) should be updated to include a description of flood behaviour and assessment of flood risk at the Old North Road development site for a range of design flood events, up to the Probable Maximum Flood (PMF).

This area is affected by mine subsidence however the EIS states that any further mine subsidence assessment will be undertaken as required at an appropriate stage of approval and development within the affected areas of Stage 2 Village 3, the extension of the Town Centre, and the Old North Road. Council is concerned that this expense and complex requirements of additional approvals or works will fall to the future landowners individually.

The EIS documents that the development will provide a *‘pedestrian network that is highly walkable and provides access to open space areas and public transport nodes within a 5-minute walk from all lots’*. It is unclear how this is achieved for the lots located off Old North Road

There needs to be further information provided regarding lot sizes and lot arrangements. These lots will need to be large enough to facilitate dwellings and OSSM and disposal area as well as a APZ. As this land aligns Black Creek the dwellings and associated structures and services will be required to adhere to the required 40m separation distance from the riparian zone

## Public Open Space

The following comments are provided in relation to public open space:

### **Local Park 2**

- Remove shade sails from playground
- Remove irrigation from site
- Remove drinking fountain
- Remove Bin Enclosure (no bins required)
- Only utilise soft fall in high use areas under playground or to provide access and use appropriate wood chip elsewhere
- Minimise garden beds wherever possible
- No use of sand as illustrated
- Replas (or composite timber) to be utilised for fence
- All tables and seats to be aluminium slats (not timber)

### **Local Park 3**

- Ensure slope of the grassy hill can be maintained (ie: is less than 1 in 4)
- Utilise replas (or composite fence) for decking
- Remove shade sails from playground
- Remove irrigation from site
- Remove drinking fountain
- Remove Bin Enclosures (no bins required)
- Only utilise soft fall in high use areas under playground or to provide access and use appropriate wood chip elsewhere
- Minimise garden beds wherever possible
- All tables and seats to be aluminium slats not timber

### **District Park**

- Co-locate exercise equipment near playground and amenities
- All tables and seats to be aluminium slats (not timber)
- Water fountain to be provided near pump track

### **Dog Park**

- Remove dog bag holder
- Water fountain to be central to the internal paths
- All tables and seats to be aluminium slats (not timber)

## **Street Trees**

- No eucalypts, corymbium or angophora species to be utilised as street trees (Council to review street tree list contained within the draft DCP)

## **Riparian Zone**

- Remove black wattle from the riparian zone

In regards to the removal of the District Sports Field (shown within the Huntlee DCP 2013), under Council's Open Space Asset Management Plan (P40) a District Sports Field should be provided within 2km of all residences and be 5 – 10 Ha. The provisional target is 0.7Ha per 1000 residents. A link to the document is available here: [Asset Management Plan 2022 - 2032 | Singleton Council \(nsw.gov.au\)](#)

## **Offer to enter into a Voluntary Planning Agreement**

An offer to enter into VPA was included in the exhibition package. It should be noted that this was not sent to Council staff until 8 August, allowing staff only 6 business days during the public exhibition period to respond to the offer within that time period.

Council staff will assess the offer to enter into a VPA in accordance with its policies and procedures, though it should be known that the initial offer is considered to be unacceptable and therefore a condition referring to general terms of a VPA should not be included until such time that Council agrees to general terms.

The offer includes reference to 135.35 hectares of land to be dedicated to Council. Some of this land is considered to be surplus to Council's needs and should not be dedicated to Council outside of the VPA process. Any agreement that involves the dedication of land will include funds for the maintenance of the land in perpetuity.

## **Local Infrastructure Contributions and demand**

Council is in the process of preparing a new city-wide contributions plan. The current offer to enter into a planning agreement does not meet the needs and expectations of Council. Should agreement not be reached in Principle, a S7.11 condition in accordance with the plan that is in force at the time of determination should be placed on the determination. Council requests further consultation before any such condition is placed on the determination.