

SUBMISSIONS FROM GOVERNMENT AGENCIES – HUNTLEE STAGE 1 PROJECT APPLICATION - EA

No.	Agency	Comment	Issue Summary	Department's Comments
1	ARTC - rail	Ensure that the development is not adversely impacted by rail noise and vibration, and ensure that stormwater cannot adversely impact on the rail corridor.	- Rail Noise and Vibration - Stormwater	- Consider a condition of approval regarding noise/vibration - Stormwater impact on rail corridor will be considered
2	Mine Subsidence Board	Entire site not currently within a Mine Subsidence District, but there are mine workings beneath site Stage 1 appears to have lots that are partially undermined. Recommend careful consideration of proposed routes of supporting infrastructure in proximity to potential mine subsidence areas <25 m cover – no structures, 25-50 m cover – building restrictions, 50-75m cover – 2 storey max Consider including area in a Mine Subsidence District Recommend applicant develop and maintain a long term management plan to deal with risks – potholes and cracks	- Stage 1 partially undermined - Infrastructure routes near potential subsidence - Building restrictions over mine workings - Consider area as a Mine Subsidence District - Prepare Management Plan	Consider a condition of approval regarding potentially undermined areas regarding building restrictions and preparation of management plan
3	DTIRIS (formerly I+I) – Office of Resources and Energy	Site underlain by Greta Coal Measures – but limited potential Recommend consult Mine Subsidence Board Within Petroleum Exploration Licence – request conservation area zoning allow access for exploration and gas extraction	- Limited coal potential - Consult MSB - Request allow access for exploration and gas extraction	- MSB have been consulted - Zoning and planning controls are already in place – Interim uses are allowed on Zones R1, R2, B4 for extractive industries - Conservation area is zoned as a national park and the role of 'existing interests' is outlined within the NPW Act 1974
4	DE+C (formerly DET) - Education	Proposed Primary School location not suitable due to land mapped as flood prone with associated flood risks and affect on emergency management Draft VPA does not include land acquisition or monetary contributions for education specific purposes and want to discuss arrangements with proponent	- Proposed school location considered unsuitable due to flood risk - VPA for education uses	- Proponent proposes ground level modification for school site - Consider relocation of school - VPA not yet drafted, but proposal in EA is to dedicate land for school

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5	NSW Health – Hunter New England Local Health Network	Likely need to expand public health services in Branxton area Lack of public transport is a concern, and long distance to acute hospitals Recommend consideration of an integrated primary health care facility - Request for 0.2 ha to be set aside Consider guidelines regarding water supply and wastewater, install rainwater tanks for non-potable uses Undertake a mosquito risk assessment and prepare management plan Allow for direct bus links to major towns and design stations/stops/shelters with CPTED principles. Locate affordable housing and accessible low maintenance housing close to public transport and community services Open Spaces to be accessible and mixed use Commend footpaths and recommends shading, also commends walkable neighbourhood design Consider providing space for community gardens Recommends ongoing community consultation throughout development including with Aboriginal groups Consider document titled “ <i>Building Liveable Communities in the Lower Hunter Region</i>”	• Recommend consideration of an integrated primary health care facility • Request 0.2 ha to be set aside • Suggest mosquito risk assessment and mgt plan • Recommend locating affordable and accessible housing close to public transport and community services	• The Department supports the request for 0.2 ha to be set aside and will discuss this as part of regional VPA negotiations for future stages • Consider condition regarding mosquito risk assessment and mgt plan
6	Office of Environment and Heritage OEH (formerly DECCW)	Request for further information regarding Aboriginal cultural heritage – OEH consider the assessment is incomplete for the Stage 1 area and recommend assessment by an archaeological specialist be undertaken with assistance of local Aboriginal community representatives followed by development of cultural heritage management strategies if impacts are likely. OEH require registration of previously identified sites as per NPW Act Request impacts on conservation reserve ‘Persoonia Park’ be minimised Suggests perimeter roads along boundary of reserve and	• Requires further info and assessment of Aboriginal cultural heritage in Stage 1 area – with local Aboriginal community • Registration of sites • Perimeter roads along boundary of PP reserve • Construction and APZs not to encroach or impact on reserve • Widen wildlife / riparian corridors to link with PP	• Proponent to meet with local Aboriginal community representatives (inviting OEH to attend) then engage a specialist to assess the site (including a walk through with Aboriginal community) if any areas are identified at this meeting and report back on findings. • If sites identified, changes should be considered as part of the PPR in consultation with OEH. • Perimeter road is proposed along boundary • Consider condition re not encroaching / impacting on PP reserve • Consider widening of wildlife/riparian corridor to link with PP reserve

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		riparian corridors Ensure construction/earthworks occur only in development area and not impact on reserve All APZs to be within development area Consider widening wildlife / riparian corridors and ensure they link with proposed reserve to avoid isolation of reserve Requests formed access track from development area to the boundary of reserve – after consultation with OEH regarding location. Ensure compliance with 'Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water (DECCW 2010)' Ensure Construction Management Plan, Vegetation Management Plan, and Soil and Water Management Plan consider development-conservation interface. OEH concurs with the proposed mitigation measures in Section 6.6.5 – but recommend wildlife/riparian corridors be widened and link with PP reserve	reserve • Provide access to PP reserve • Comply with DECCW guidelines and consider conservation interface • Concur with mitigation measures generally	
7	RTA	Outlined minimum requirements to be negotiated and agreed as part of the regional VPA for State roads (cash or works in kind) Consider the TMAP / TIS to be inadequate in addressing road and traffic issues Require a transport study for the total development including: Dev't staging; Trip generation; Trip distribution; Growth Rate; Proposed Accesses / Intersections; Intersection Analysis; Network Analysis; Strategic Concept Designs; Public Transport/Cycling/Walking; Request info re: land uses in employment land, trip generation for each land use and total dev't, amended trip containment figures, consistent info about accesses and intersections, preliminary concept plans, access to recreational facility, electronic modeling files Suggest a meeting with DoT, RTA and Council re traffic	• VPA for roads • TMAP / TIS inadequate • Transport Study for whole development required • Land use info and trip generation for each use requested • Suggest meeting with DoT, RTA and Council	• VPA yet to be negotiated • Proponent to respond to TMAP issue • Specific land uses are not yet proposed for super lots in town centre – future DA • Support meeting with DoT, RTA and Council plus DP+I

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		and transport		
8	Housing NSW	Supports proposal to provide a variety of lot sizes and dwelling types, suggests more residential land uses closer to the services in the town centre Concern about lack of pedestrian integration with train station due to expressway obstructing access. Request info about any proposed bridge, in order to discourage car dependency Supports early operation of bus network.	• Supports proposal • Suggests more residential closer to services in town centre • Suggest pedestrian access to train station improved • Suggests early operation of bus network.	• Residential is likely to be proposed within future town centre applications • Department will ask proponent to consider improving pedestrian connectivity with station • DoT determines bus network operation
9	RailCorp (written by assistant town planner / student)	Requests analysis of forecast growth in rail patronage, a transport and access study, breakdown of journey to work forecasts, comprehensive public transport network plan. Requests pedestrian and cycle links to Branxton station. Suggests it is unrealistic to assume buses will be sufficient to encourage mode shift away from car use and fails to consider long term use of rail. Request copy of final approval.	• Requests analysis of forecast growth impact • Requests pedestrian and cycle links to station • Unrealistic that buses will encourage mode shift • Request copy of approval	• Department of Transport has outlined issues are best addressed by them. • Support improved links with station
10	Singleton Council	Lack of consultation with Council and community regarding the draft DCP – advert does not mention DCP Misleading comment in EA regarding consultation with Council during formulation of proposal which conflicts with DGRs, Council claim not to have been consulted Design in Stage 1 could set precedent for future stages, Singleton would not support cross-type intersections or proposed road designs Draft DCP poorly worded and structured and difficult to enforce, ie densities No minimum lot size requirements – affects infrastructure and facility planning, SEPP should have lot size map to provide legal certainty and assist in determining contributions requirements Management of public parks has not been addressed in DCP and proponent has not consulted Council re cycle links DCP does not have detailed design criteria for	• Lack of consultation • Do not support cross-type intersections or proposed road designs • Draft DCP poorly structured and worded • Suggest minimum lot sizes • Need to address public park management • DCP should have design criteria for commercial and retail development	• Proponent to address lack of consultation • DCP to be re-drafted, potentially could include commercial/retail design criteria • Will consider minimum lot size controls in amended DCP • Local VPA negotiation should include park management arrangement

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		commercial and retail development		
11	NSW Office of Water	Recommend storm water treatments be located offline (outside riparian zones) or need to demonstrate that flows down watercourse are not affected and are only active during flood flow periods. Does not support construction of new in-river dam for aesthetic purposes. Recommend that sub-stage 1 and town centre be redesigned to protect core riparian zones and avoid destroying streams consistent with approach used elsewhere on the site. Suggests that Waterbody 1 not be constructed as it is located on a third order stream (river) – but if constructed would require a Water Access Licence (section 71 of WMA) with transfer of entitlement from an existing access licence holder Interception of groundwater (such as for underground service infrastructure) and take of water is a licensable activity under relevant water legislation. CONDITIONS of approval suggested regarding water licensing and riparian zone management	• Offline storm water treatments recommended • In-river dam not supported • Recommend redesign to protect core riparian zones • Recommend Waterbody 1 not be constructed, otherwise Water Access Licence required • Recommend some CONDITIONS of approval regarding water licensing and riparian zone management	• Department supports consideration of amending designs to incorporate recommendations • Department will consider adding recommended conditions to approval.
12	Hunter Central Rivers CMA	Concern regarding biodiversity impacts – values will be significantly reduced Proposal is not consistent with ‘Guiding Principles for Terrestrial Biodiversity’ in the CMAs Catchment Action Plan (CAP) Proposal is not most efficient or suitable use of the land and offsets do not adequately mitigate the loss of endangered remnant vegetation. Offsets do not meet ‘improve or maintain’ requirements of the Lower Hunter Regional Conservation Plan (LHRCP) and is against JANIS criteria. Offsets should occur on high priority conservation land identified in the CAP. Future development should be restricted to primarily cleared land with appropriate offsets for clearing.	• Biodiversity impact concern • Not consistent with CMA action plan (CAP) • Not suitable use of land • Offsets don’t meet ‘improve or maintain’ requirements • Offsets should occur on land identified in CAP • Restrict development to cleared land	• Biodiversity offsets were considered previously as part of the SSS rezoning and VPA process • The Department is satisfied that appropriate offsets have been provided for proposed development.

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		Ensure erosion risk is minimized – retain vegetation cover on highly erodible soils and use best practice road construction and maintenance Recommend vegetated buffer widths of riparian corridors be increased – minimum 30m on either side of 3rd order and above watercourses Guiding Principles outlined for terrestrial biodiversity, land, rivers, groundwater, land use planning, water cycle management and economic tools.		
13	Transport NSW	Proponent to prepare a bus servicing strategy, including school services – prior to subdivision certificate and in consultation with DoT Each stage of development should include mix of residential and employment uses to achieve some trip containment. Proponent to prepare a comprehensive bicycle and pedestrian access strategy in consultation with DoT, prior to subdivision certificate. DCP should include maximum car parking rates to support mode split, and travel access guides and work place travel plans. DoT acknowledges need to meet with key stakeholders to resolve identified transport issues highlighted by RTA. RailCorp submission raises issues best addressed by government through a regional transport strategy and review of LHRs.	• Require bus servicing strategy and a bicycle and pedestrian access strategy prior to subdivision certificate • Each stage should mix commercial and residential for some trip containment • DCP – maximum car parking rates, travel access guides and work place travel plans • Agree to meet • RailCorp issues for govt to address	• The Department supports the preparation of bus and bicycle strategies • Stage 1 includes commercial super-lots and neighbourhood centre lots alongside residential • DCP is to be revised in consultation with local Council's – consideration will be given to include max car rates, travel access guides and work place travel plans • Meeting arranged with RTA and Transport NSW
14	Rural Fire Service	APZs appear generally compliant. Ensure suitable building envelope can be achieved on all lots that are affected by an APZ. Proponent to prepare a Plan of Management for maintenance of APZs and revegetation areas to be approved by Council. Ensure easements are established on certain land for provision of APZs. Water, electricity, gas, public roads, fire trails, future	• APZs generally compliant • Ensure appropriate building envelope on lots affected by APZ • Plan of Management for APZs and reveg areas • Easements to be established • Comply with <i>Planning for Bush Fire Protection</i>	• Department would like to see more detailed, clearer plans that show the effect of APZs on each lot • Department could consider a condition regarding the plan of management and easements and complying with guidelines.

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		buildings and arrangements for emergency and evacuation are to comply with 'Planning for Bush Fire Protection 2006' Proponent to provide alternative access, at least for emergency access, where dead end roads are proposed. Ensure open space ecological management does not conflict with requirements of APZs.	2006 • Provide alternative emergency access roads • Open space management not to conflict with APZs	
15	Cessnock Council - March 2011	SEPP MD – planning controls for site inconsistent with Standard Instrument and inconsistent with Cessnock and Singleton LEPs – complex and hard to understand – should be reviewed and transferred into Cessnock and Singleton LEPs SEPP MD does not specify any additional exempt and complying development in Huntlee – inconsistent with Cessnock LEP – creates confusion No minimum lot size controls for residential or mixed use zones – amend SEPP MD or Cessnock LEP to include minimum lot size controls for R1, R2 and R5. Draft DCP poorly worded and structured – difficult for developers to use and Council to enforce – should be rewritten in consultation with both Councils and include staging in coordination with contribution plan Exhibition should be extended to minimum 50 days, two separate notices in papers prior to exhibition NSW Government should increase passenger services to and from Branxton railway station and a regional transport strategy should be developed Recommend a VPA or s94 contributions plan be prepared in consultation with both Councils and coordinated with DCP and proposed staging. DCP exhibition should be deferred until VPA or s94 endorsed by Council Recommend demographics and social infrastructure assessment be submitted by proponent – including geographic context, demographic profile of population forecasts, residential market demand etc	• SEPP MD inconsistent with Standard Instrument and LEPs • No additional exempt and complying development • Need minimum lot sizes for residential zones • DCP poorly worded and structured – rewrite in consultation with Councils • Extend exhibition to 50 days • Increase passenger rail services • Prepare VPA or s94 plan in consultation with Councils • Defer DCP exhibition until VPA or s94 agreed • Need demographics and social infrastructure assessment	• SSS rezonings are not bound to be consistent with Standard Instrument and are separate from local LEPs • The Exempt and Complying Code applies and is sufficient • Will consider minimum lot size controls in amended DCP • DCP will be amended in consultation with Councils • Exhibitions are undertaken for an appropriate length of time as per the statutory requirements • Passenger rail services are the domain of Transport for NSW • Proponent to liaise with Councils regarding local contributions • DCP will be exhibited when amended and is not contingent on local VPA or s94 plan • The proponent provided a social and community impact assessment with the SSS Study. Projecting demographics for a town yet to built is unlikely to be accurate.