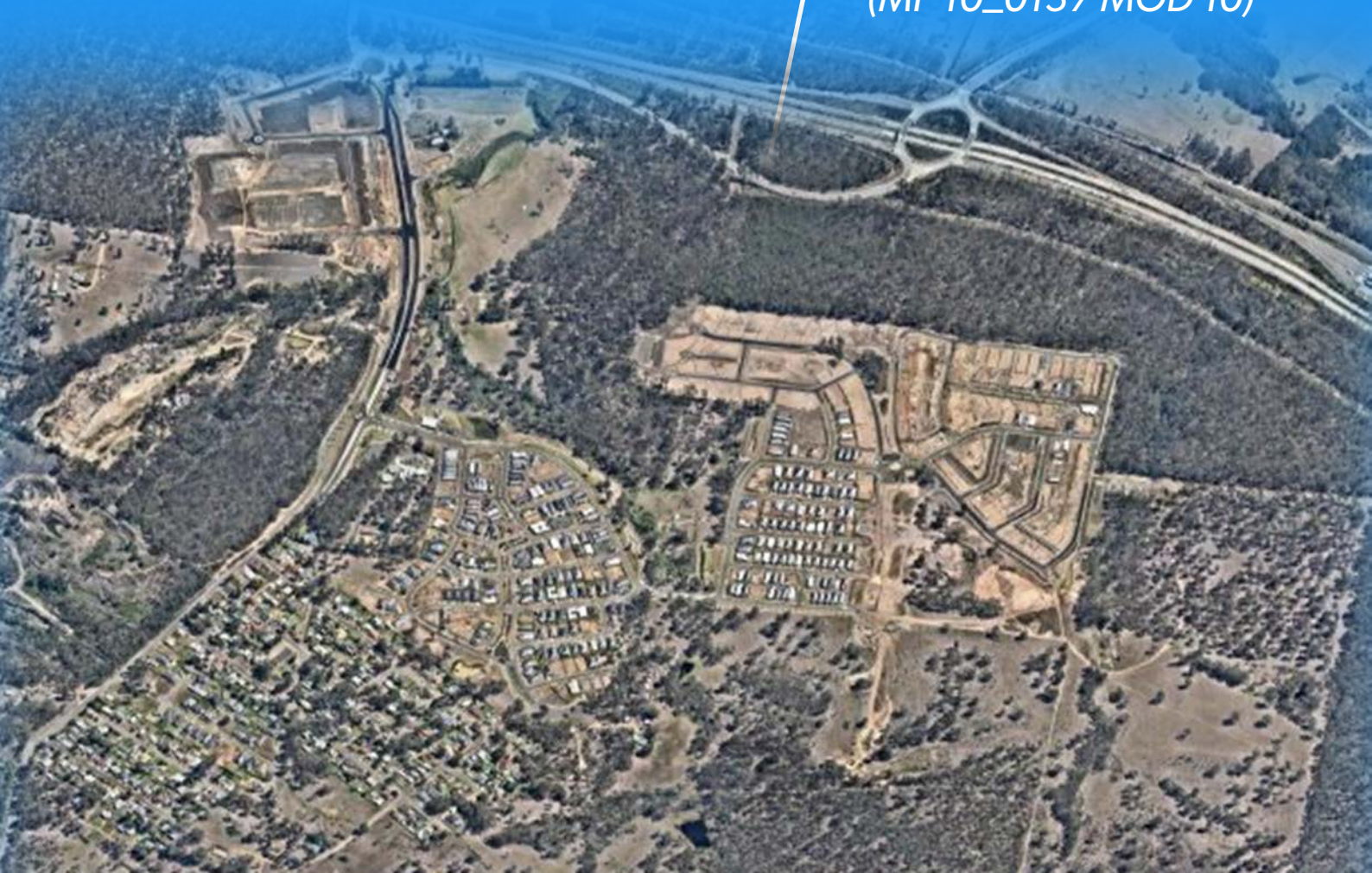




Huntlee New Town (Stage 1) Mod 10

Section 4.55(1A)
Modification Assessment
(MP 10_0137 MOD 10)



May 2019

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Cover photo

Aerial of Subject Site (source: NearMap)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
CDCP	<i>Cessnock Development Control Plan 2010: Chapter E17 Huntlee</i> (adopted by Cessnock Council in 2018)
CLEP	Cessnock Local Environmental Plan 2011
Consent	Development Consent
Council	Cessnock Shire Council
Department	Department of Planning and Environment
Dol – Water	Department of Industry – Office of Water
DPI	Department of Primary industries
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
HDCP	<i>Huntlee Development Control Plan 2013</i> (Prepared by the then Department of Planning and infrastructure)
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RFS	NSW Rural Fire Service
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application seeking to modify the project approval for the Huntlee new town Stage 1 subdivision (MP 10_0137 MOD 10).

The modification application seeks approval to reconfigure residential lots in precincts 1, 4, 6, 7, 9 and 10, subdivide super lots within the town centre into smaller commercial lots and amend the timing for the delivery of road infrastructure.

This application was lodged by Ethos Urban (the Applicant) on behalf of Huntlee Pty Ltd (the Proponent) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The site comprises Stage 1 of the broader Huntlee New Town redevelopment area (approximately 1,700 ha) and covers an area of approximately 355 hectares (ha) (refer to **Figures 1 and 2**).

The site is located immediately south of Branxton in the NSW Hunter Valley. Cessnock is located approximately 20 kilometres (km) to the south, Singleton is 23 km to the north-west, Maitland is 25 km to the east and Newcastle Central Business District (CBD) is approximately 55 km to the south-west.

Wine Country Drive is the principle main road running through the site (north/south) between the town centre on the western side and the residential subdivision on the eastern side. Wine Country Drive connects the site with Cessnock to the south and the New England Highway and M15 Hunter Expressway to the north.

The site was formerly woodlands and grassed areas associated with its former uses for agricultural and mining purposes. The subdivision of the site has commenced, predominantly for the residential uses on the eastern side of Wine Country Drive (refer to **Section 3** and **Figure 3**).

The surrounding area is characterised by residential villages (including North Rothbury and Branxton), rural residential development, vineyards, general agriculture and native woodland.

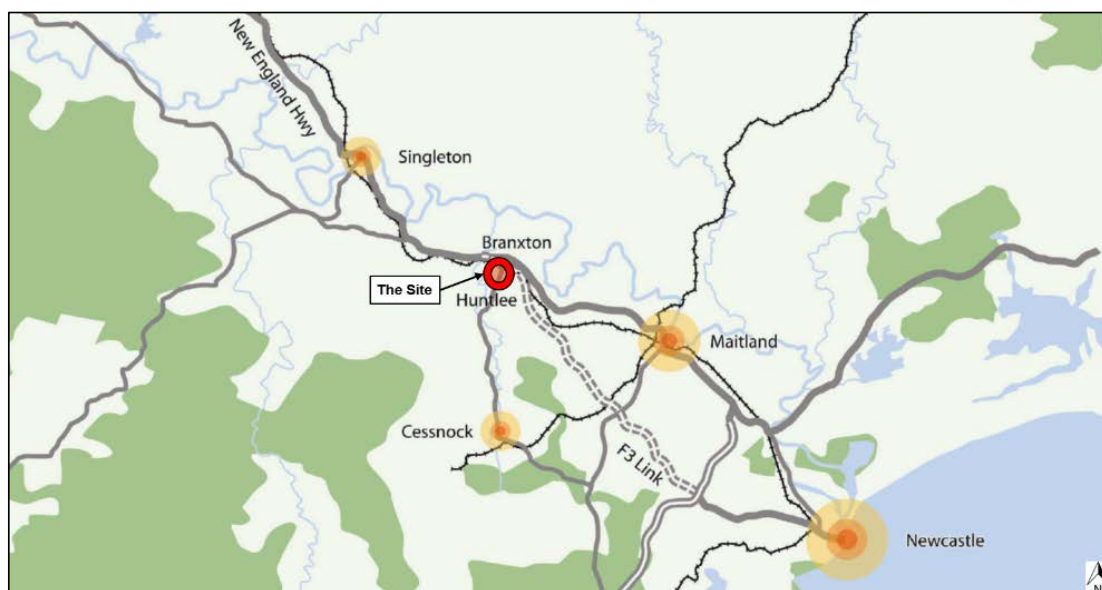


Figure 1 | Site Location (source: Huntlee DCP 2013)

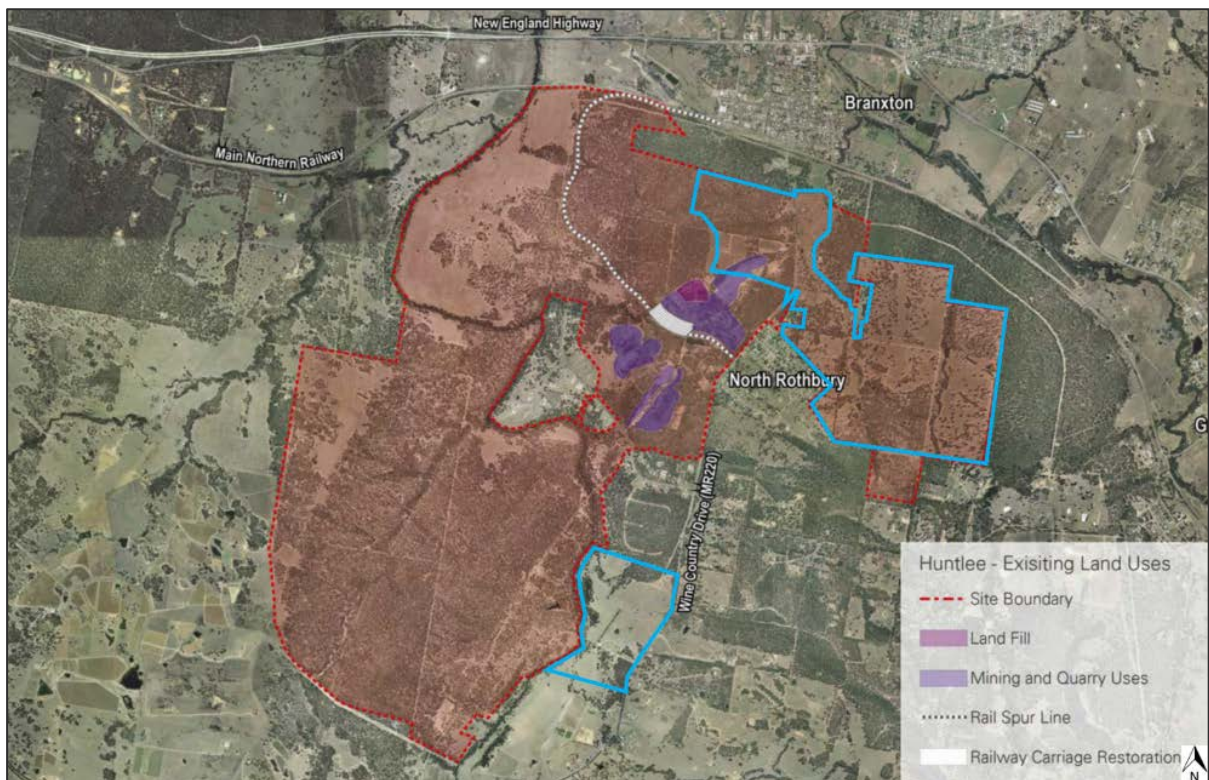


Figure 2 | The broader Huntlee New Town redevelopment area. Stage 1 boundary outlined in blue (source: Huntlee DCP 2013)

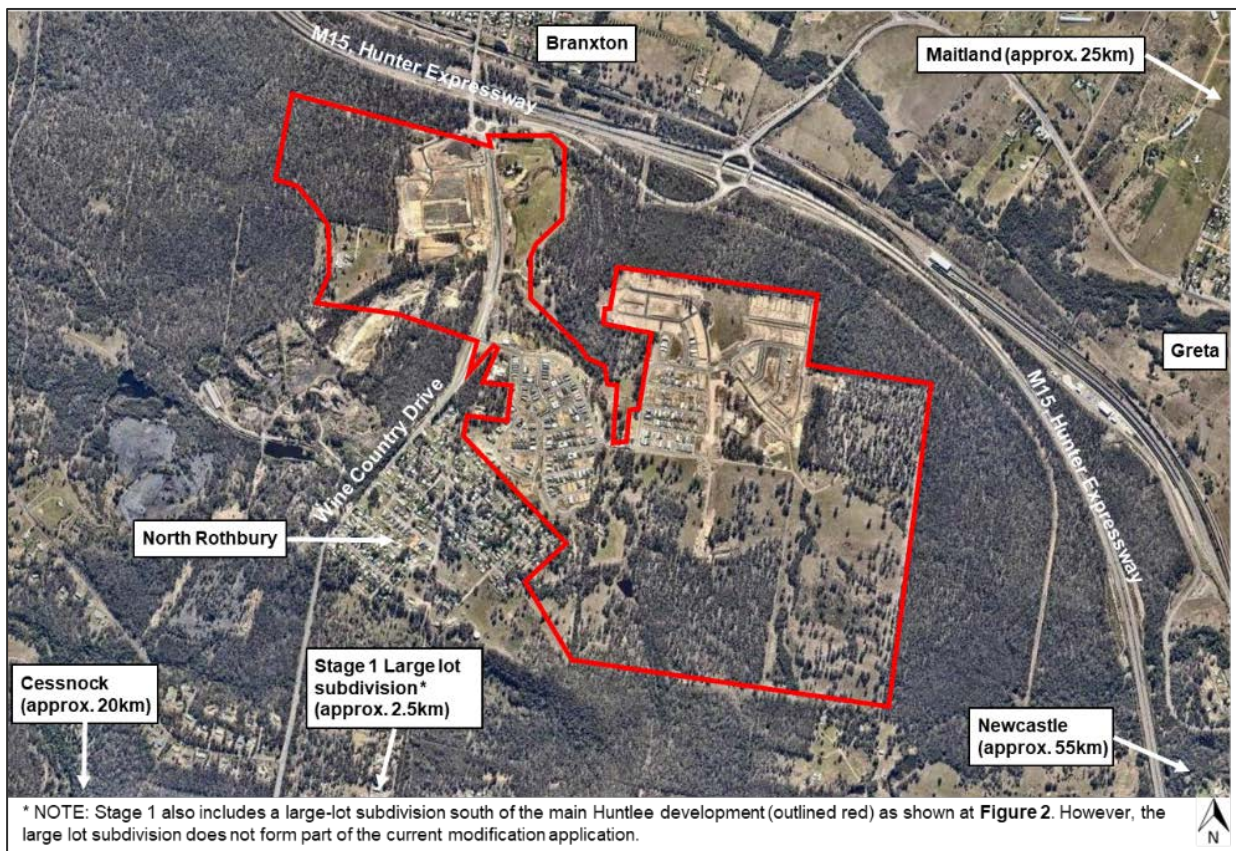


Figure 3 | Current aerial view of Stage 1 (outlined in red) and its surroundings (source: Nearmap)

1.2 Approval History

Huntlee new town was gazetted as a State Significant Site on 9 January 2009. Huntlee was rezoned for residential, town centre, employment and conservation uses, and the Huntlee New Town redevelopment area, including permitted and prohibited land uses was established by Schedule 3 Part 27 (now repealed) of *State Environmental Planning Policy (Major Development) 2005 [SEPP(MD)]* in December 2010. The rezoning decision was challenged in the NSW Land and Environment Court, but ultimately upheld by the Court of Appeal in December 2011.

The Huntlee Development Control Plan (HDCP) was also adopted for Huntlee by the then Director-General of the Department of Planning and Infrastructure. The HDCP came into force on 12 June 2013.

In March 2015, *State Environmental Planning Policy (Major Development) Amendment (Huntlee New Town Site) 2015* was gazetted, which repealed Schedule 3 Part 27 of SEPP(MD) and transferred the Huntlee New Town planning controls to the Cessnock and Singleton Local Environmental Plans (LEPs). As a result, the planning controls for Huntlee within the Cessnock LGA were integrated into the CLEP and CDCP. Cessnock Council adopted development controls for Huntlee in Chapter E17 of the CDCP 2010 on 7 March 2018 (an assessment of the proposed modification against the CDCP and HDCP is included as **Appendix C** of this report).

On 24 April 2013, development consent was granted by the then Planning Assessment Commission (the Commission) for the subdivision of Stage 1 of the Huntlee New Town, including:

- standard and large residential lots, town centre super lots, school lot, open space and associated roads and infrastructure
- the Huntlee Development Control Plan 2013 (Huntlee DCP), which includes the environmental and planning framework and development controls for the subdivision and future development of the site.

The project approval as modified allowed for:

- subdivision to create 1473 residential allotments, 14 superlots, 1 allotment for a primary school, landscaped areas, drainage, public open space and recreation areas
- associated bulk earthworks
- infrastructure including roads, drainage works and utility services provision.

The development consent has been modified on eight (8) occasions and two (2) modifications pending (including modification 10) (see **Table 1**)

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modifications to the boundaries, dimensions and orientation of the lots within the Stage 1 Entry Village (sub-stage 1a).	Department	75W	20 Jan 2015
MOD 2	Modifications to the super lots in the Town Centre, increase the Stage 1 approval boundary, addition of Lot 213, and amendments to road access to stage 1 Entry Village	Commission	75W	2 Apr 2015

MOD 3	Changes to the subdivision layout of sub-stages 1a and 2 to 5, reduction of 29 lots, and relocation of public open space	Commission	75W	17 Aug 2015
MOD 4	Amendments to the subdivision layout in sub-stages 2 to 5, including increase of one residential lot, modifications to pedestrian paths and lot boundaries and inclusion of new vehicle access lane.	Commission	75W	19 Nov 2015
MOD 5	Extension to the boundary of Stage 1 resulting in an additional 3.1Ha and 33 residential lots and associated extension to the road network to service the new lots	Commission	75W	5 Jul 2016
MOD 6	Modifications to the Town Centre layout lot and subdivision pattern, together with clarification of contamination remediation and provision of utility services and amendment to the timing of road infrastructure upgrades	Commission	75W	16 May 2017
MOD 7	Addition of a new access road	Department	75W	17 May 2017
MOD 8	Additional 66 residential lots. Amend the size, location and layout of the residential, school and neighbourhood centre lots. Reconfigure roads and delete an east-west road. Alter the timing of infrastructure and revise the development stage boundaries	Commission	75W	4 May 2018
MOD 9	Amend the Stage 1 site boundary to include a new substage 16 that comprises four superlots and sixteen residential dwelling allotments. Reconfigure the subdivision layout of the Town Centre and extend the town centre to include a K-12 school site	N/A	4.55(2)	N/A



2. Proposed Modification

The proposed modification seeks approval to:

- amend the subdivision layout to create
 - 1,543 residential lots (*additional 8 lots to that approved under Modification 8*)
 - 8 infrastructure and other lots
 - 43 commercial lots (*additional 31 commercial lots beyond the 12 already approved*)
 - **1,594 total lots**as summarised in **Table 2** and **Figure 4** below
- change the delivery of infrastructure by:
 - delaying the requirement to upgrade the intersection of Wine Country Drive/Hex Link Road (A-1), to change the triggers in condition E7(a)(iii) from 750 dwellings or 1 December 2018 to 1,000 dwellings or 1 June 2020 (whichever occurs first),
 - amending condition E7(a)(x) to allow an interim left in left out intersection on the northern HEx Link Road, between the Hunter Expressway and Wine Country Drive.

Modification 10 specifically seeks to reconfigure the approved precincts in the following manner:

- Town Centre:
 - Subdivide some superlots in the town centre to create 29 additional town centre lots (creating 43 commercial lots in total).
 - Reconfigure the town centre staging
 - Amend road alignment in proposed Stage TC2 to align with the future Stage 2 development application
- Residential Precinct 1:
 - subdivide infrastructure superlot to create 4 infrastructure lots ranging in size from 1116m² to 6000m² (Lots 218 to 221)
 - create 2 infrastructure lots adjacent to Lot 66
 - delete one residential lot adjacent to Lot 147
 - remove a link to the existing North Rothbury subdivision to the south, and reconfiguration of residential lots along the southwest boundary of Precinct 1.
- Residential Precinct 4:
 - change the orientation of residential lots 347 and 348 from East-West to North-South
 - subdivide one residential superlot into 3 smaller lots (lots 466 to 468) ranging in size from 1000m² to 1435m²
- Residential Precinct 6:
 - Remove a laneway and green space, and reconfiguration of residential lots 709 – 710 and 726-728 to include an additional lot
 - Subdivide one large residential lot into 3 lots ranging in size from 625m² to 901m²
- Residential Precinct 7:
 - Rationalize residential lot boundaries

- Residential Precinct 9:
 - Shift Precinct 9/10 stage boundary to include 29 residential lots previously in precinct 9 in precinct 10.
- Residential Precinct 10
 - Add 29 lots previously located in precinct 9 (the configuration of these lots is not changing)
 - Reconfigure residential lots in the northern portion and change to the road alignment – dividing 2 lots into 6 (Lots 996 to 1001) ranging in size from 1014m² to 2504m².
 - Remove laneway to the rear of lots 1066 to 1069.

The Proponent has justified the proposed changes on the basis that they are minor and would facilitate future development due to design refinements. The proposed changes to the town centre are justified on the basis that the layout provides a desirable grid-pattern and commercial lot sizes that are reflective of the current market demand. The Proponent argues that the changes to the residential precincts are necessary to rationalise lot boundaries and accommodate future development while improving access, services and legibility of the precincts. The proposed changes to the road upgrades have been justified on the basis of a recent traffic threshold review and modelling.

Table 2 | Summary of Modifications

Summary of proposed changes	Lots approved under Mod 8	Lots proposed under Mod 10	Difference
Total Residential lots	1,535	1,543	+8
Total Infrastructure lots	2	8	+6
Total Commercial lots	12	43	+31

Note: the consent for Mod 8 allows for 1,539 residential allotments, which includes infrastructure lots. The approved plan for Modification 8 includes 1,535 residential lots. There is a discrepancy of 2 lots, which appears to be an anomaly in the numbers on the consent. The number of lots summarised in the table above reflect the approved Mod 8 plans.

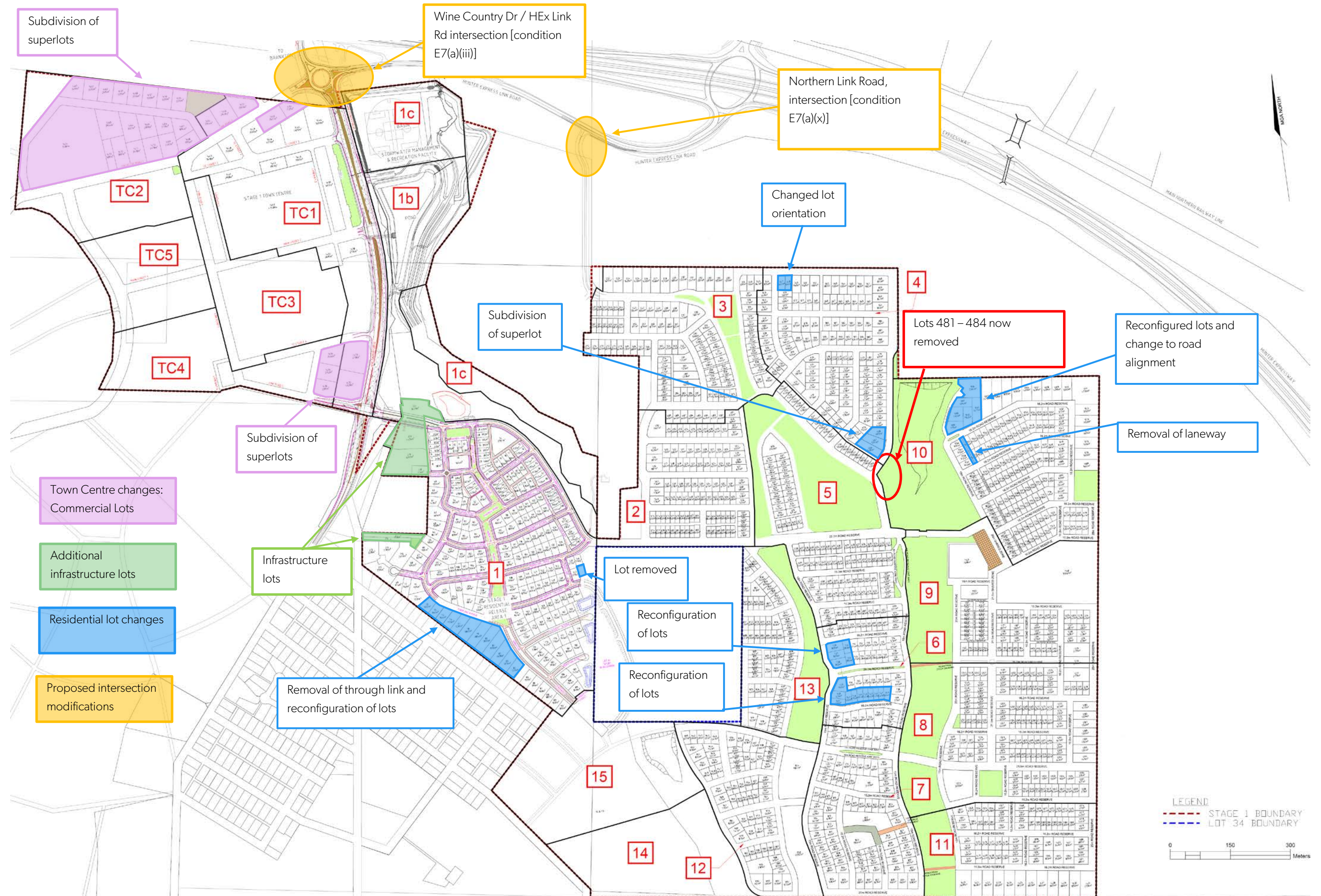


Figure 4 | Proposed modifications under Mod 10



3. Statutory Context

3.1 Part 3A Transition to State Significant Development

This project was originally approved under former section 75J of the EP&A Act, and was a transitional Part 3A project under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation).

Following amendments to the EP&A Act and the commencement of the associated EP&A (ST&OP) Regulation on 1 March 2018, the power to modify Part 3A project approvals under former section 75W is no longer available for modifications submitted after 1 March 2018. In order to modify a transitional Part 3A project approval, the Minister for Planning can declare the development to be SSD by order under clause 6 of Schedule 2 of the EP&A (ST&OP) Regulation. If a declaration is made the project approval becomes a development consent which can be modified under Part 4 of the EP&A Act if it meets the relevant criteria.

On 4 October 2018, the Director, Regional Assessments (as delegate of the Minister for Planning), made an order under clause 6 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of project approval to be SSD. The order was published in the NSW Government Gazette No 105 on 12 October 2018 and took effect from that date.

The effect of this order is that:

- the project approval is taken to be a development consent under Part 4 of the EP&A Act for the carrying out of the development
- the modification request is taken to be an application to modify under section 4.55 of the EP&A Act.

3.2 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD consent and results in minimal environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the consent (MP 10_0137 MOD 10) have been considered in **Table 3**.

Table 3 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 6.1 of this report provides an assessment of the impacts associated with the modification application. The Department is satisfied that the proposed modification would have minimal environmental impacts as the proposed changes are minor and would not result in any additional environmental impacts beyond the existing subdivision footprint.
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The modification application seeks to reconfigure lots within the existing subdivision footprint and modify the timing to two intersection upgrades. These amendments result in a development that is substantially the same as originally approved.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5.1 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received eight submissions on the proposal, summarised in Section 5 and the issues raised in submissions have been considered in Section 6.1 of this report.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act.

3.3 Mandatory Matters for Consideration

Under section 4.15 of the EP&A Act, the consent authority must take into account the relevant provisions of any Environmental Planning Instrument (EPI) or Development Control Plan (DCP) that applies to the carrying out of the proposal. The following EPIs and DCPs apply to the carrying out of the proposal:

- State environmental Planning Policy (State Significant Precincts) 2005 [*SEPP(SSP)*]
The site was formerly listed under SEPP(SSP) (formally SEPP(Major Development) 2005). On 5 March 2015, the controls that applied to the Huntlee New Town were transferred into the Cessnock and Singleton Local Environmental Plans as relevant.
- Cessnock Local Environmental Plan 2011 [*CLEP*]
The proposed modifications are entirely within the Cessnock LGA and subject to the CLEP. The land subject to this modification is zoned B4 Mixed Use and R1 General Residential. The proposed modifications are consistent with the existing zoning, and with the original project approval.
- Cessnock Development Control Plan 2010: Chapter E17 Huntlee [*CDCP*] and The Department's Huntlee Development Control Plan 2013 [*HDCP*]
The modification is consistent with Part 4 of the CDGP and HDGP, which relates to controls for subdivision design, and Part 6, relating to town and village centres.

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department is satisfied the modification does not result in any inconsistency with these EPIs.

3.4 Minister's delegate as consent authority

The Minister for Planning is the consent authority for the application. However, the Executive Director, Key Sites and Industry Assessments, may determine the application under delegation as:

- Council has not made an objection;
- a political disclosure statement has not been made; and
- a total of 3 public submissions were received objecting to the proposed modification.



4. Engagement

4.1 Department's Engagement

The Department notified the modification request for 14 days from 2 October 2018 to 16 October 2018. The request was made publicly available on the Department's website, and Council, government agencies and surrounding landowners and residents were notified in writing.

The Department received a total of eight submissions, comprising five agency submissions and three public submissions. A summary of the submissions is provided in **Table 4** below, and a link to the submissions is provided in **Appendix A**.

4.2 Summary of Submissions

Table 4 | Summary of Submissions

Agency	Comments
Council	<p>Initially objected to the proposal on the basis that the proposed changes to the District Park in precinct 1, which included a detention basin and infrastructure in the park, and inconsistencies between the proposed public open space and the Local Planning Agreement between Council and Huntlee Pty Ltd.</p> <p>Council noted the deletion of two pedestrian links – they did not object to this component of the modification application, but requested all other links be maintained.</p>
RMS	<p>The RMS commented on the following components of the modification request:</p> <ul style="list-style-type: none">- The RMS does not object to delaying the proposed upgrade to the intersection of Wine Country Drive/Hex Link Road (A-1) from 750 dwellings or 1 December 2018 to 1,000 dwellings or 1 June 2020 (whichever occurs first), RMS recommends that the Works Authorisation Deed (WAD) process commence immediately, as no further extensions to the lot threshold will be considered.- The RMS considers the proposed interim left in left out intersection on the HEx Link Road, between the Hunter Expressway and Wine Country Drive would have minimal impact on the classified road network, and therefore have not objected.
RFS	<p>The RFS raised concerns about the bushfire risk to the proposed new lots in Precinct 5 adjacent to the watercourse (lots 481 – 484) and a reconfigured lot in precinct 10 (lot 1000). The RFS advised the bushfire report was too broad and did not specifically address modification 10.</p>
OEH	<p>OEH raised queries in relation to the identification of aboriginal sites within the Stage 1 residential development boundary, particularly where new development is proposed and with flood information, noting insufficient information has been submitted to support the new lots 481 to 484.</p>

Dol – Water	Dol – Water noted the additional four lots proposed in precinct 5 on the boundary of a 2nd order stream. They requested the proponent provide additional information including drawings identifying riparian corridor widths and asset protection zones outside of the Vegetation Riparian Zones.
Public Submissions	<p>The Department received 3 public submissions during the notification period – 1 from a community group and 2 from residents.</p> <p>The community group raised concerns that the Huntlee design discourages connectivity to the Branxton railway station and requested a redesign of the town centre.</p> <p>The public submissions raised concerns with the loss of native flora and fauna, degradation of rivers, urban sprawl, congestion and pollution. Concerns were also raised about delaying the intersection and decreasing lot sizes.</p>

4.3 Response to Submissions

Following notification of the modification application, the Department placed copies of the submissions received on its website and requested the Applicant to provide a response to the issues raised in the submissions, in addition to concerns raised by the Department.

On 29 January 2019, 22 February 2019 and 27 March 2019 the Proponent provided a Response to Submissions (RtS) and additional information (**Appendix A**), which ultimately:

- clarified the proposed changes and the lot numbers
- provided flooding and bushfire information
- removed the proposed changes to public open space
- removed four new proposed lots (then referred to as lots 481 to 484) on the eastern boundary of Precinct 5.

4.4 Notification of RtS

The Department referred the RtS to the agencies, offering the opportunity to provide further advice.

Council noted that the removal of the proposed amendments to the public open space provision does not create further inconsistencies between the Project Approval and the local Huntlee Planning Agreement between Council and Huntlee Pty Ltd. Therefore, Council has no objection to Modification 10.

The **RFS** noted the removal of lots 481 to 484 and provided further comments on Lot 1000 (now numbered Lot 996 on the plans). The RFS does not object to the reconfigured lots in precinct 10 subject to recommended conditions regarding the provision of APZs, appropriate access and services.

The removal of the four lots in the RtS largely addresses the concerns raised by **Dol – Water** and **OEH**.



5. Assessment

The Department has reviewed the proposal and considers the key issues relate to the revised residential layout, town centre subdivision and road infrastructure timing. These issues are summarised and assessed in **Table 5** below.

5.1 Key Issues

Table 5 | Summary of key issues

Issue	Consideration	Recommendation
Revised residential lot layout	<ul style="list-style-type: none">• The proposed modification seeks approval to amend residential precincts 1, 4, 6, 7, 9 and 10 of the approved subdivision to:<ul style="list-style-type: none">- reconfigure residential lots, resulting in eight additional lots- shift the precinct 9/10 boundary• The Department initially raised concerns about the provision of four lots adjacent to the riparian corridor as insufficient information was provided to determine the potential impacts of the proposal on bushfire, flooding and the riparian corridor. These concerns were shared by the RFS, OEH and DoI – Water.• In response, the Proponent removed those four lots from the open space/riparian corridor. The proposal now seeks approval for an overall increase of eight lots (increasing the maximum number of lots from 1,535 to 1,543).• The Department is satisfied the modified subdivision and eight additional lots are acceptable, as:<ul style="list-style-type: none">- the addition of eight lots is minor in the context of the overall development and the proposal would not result in any noticeable traffic or infrastructure impacts beyond what has already been assessed and approved- the additional lots have been created through the reconfiguration of the existing subdivision footprint, and therefore would not result in any additional environmental impacts- the Project Approval always envisaged the refinement of superlots into individual residential lots as the development proceeded- the proposed changes will not alter the overall subdivision pattern- the modified lots comply with the CDCP design requirements in terms of layout and orientation and exceed the minimum lot dimensions.• The Department also consulted with RFS on the proposed changes, and including the reconfigured lots in the north of precinct 10 given those lots adjoin bushfire prone land. RFS was satisfied that the overall changes and the reconfigured lots are acceptable and could accommodate a reasonable building envelope outside the required APZ.• The RFS also recommended a number of conditions to ensure bushfire risks associated with the proposal would be appropriately mitigated and managed. The Department has included all the conditions suggested by RFS in the recommended approval.	<ul style="list-style-type: none">• Conditions are recommended to ensure appropriate bushfire protection measures are provided and noted on the lot titles.

- Overall, the Department is satisfied the proposed changes are acceptable subject to the recommended conditions of approval.

Removal of link in Precinct 1 and laneway in Precinct 10

- The proposal seeks to remove a connecting link between Precinct 1 and the North Rothbury subdivision to the south (see figure 4).
- The Department considers the removal of the link in Precinct 1 through to the North Rothbury subdivision is acceptable given there is another similar link in close proximity to the southeast.

Further, the connecting link in the North Rothbury side is in private ownership, zoned R2 and is of a developable area. Therefore, this land can be developed for residential purposes, resulting in a reduced likelihood of the accessway being delivered. The other remaining access however is adjacent to Council owned land and is a more desirable option to provide a connection to the existing North Rothbury subdivision.

The Department also notes Council and RFS raised no concerns regarding the removal of the link.
- The proposal also seeks approval to remove a laneway in precinct 10 (see figure 4). The removal of the laneway is supported in this instance because appropriate access to these lots can be gained from the street and it would not result in any significant traffic impacts as the lots front a low volume street. Further, the Department is satisfied that the width of the lots is sufficient to accommodate a dwelling with a garage facing the street, without resulting in significant visual impacts.
- The Department therefore considers the removal of the link in Precinct 1 and the laneway in precinct 10 is acceptable.

- No additional conditions or amendments necessary

Town Centre amendments

- The proposal seeks approval to:
 - subdivide town centre super lots into smaller commercial lots
 - revise staging within the town centre
 - realign roads within the town centre
- The Department is satisfied the proposed changes to the Town Centre are acceptable for the following reasons:
 - The Project Approval always envisaged subdividing the town centre super lots into smaller commercial lots prior to development
 - The proposed changes would not significantly alter the layout of the Town Centre, and it maintains a grid pattern consistent with the CDCP requirements
 - The modification would not impact on the legibility and permeability of the Town Centre, and it provides connection opportunities to the second stage of the town centre to the west
- The Department recommends a condition be imposed requiring further details relating to AHD levels and earthworks be submitted to Council for approval prior to the release of the construction certificate to ensure the final levels are satisfactory and appropriate for the town centre.
- The Department therefore considers the town centre amendments are reasonable as they are consistent with the CDCP and would not result in any unacceptable impacts.

- Recommended condition requiring final approval of any earthworks from Council prior to the release of the construction certificate.

Road infrastructure delivery amendments

- The proposed modification seeks approval to delay the requirement to upgrade the intersection of Wine Country Drive/Hex Link Road (A-1) from 750 dwellings or 1 December 2018 to 1,000 dwellings or 1 June 2020 (whichever occurs first),
- The proposed changes to the road upgrades have been informed by a traffic report, which confirms that the upgrade of Wine Country Drive/HEX Link Road intersection can be delayed.

- Recommended revised condition E7(a)(iii) and E7(a)(x) to reflect the proposed changes and RMS advice.

- The updated modelling submitted with the traffic report predicts that the existing single lane roundabout at Wine Country Drive/HEX Link Road provides adequate capacity to support the Stage 1 development beyond the first 1,500 dwellings, and therefore there is sufficient capacity to support the proposed modification.
- RMS reviewed the proposed changes, and do not object to delaying the delivery of the Wine Country Drive/Hex Link Road (A-1) intersection as it would not result in unacceptable impacts to the efficiency of the intersection. RMS recommended that the WAD process commence immediately, as no further extensions to the lot threshold will be considered.
- The Department considers the proposed changes are acceptable based on the RMS advice. However, the Department notes this is the third time these intersection works have been delayed (under Mods 6, 8 and now 10) and the Department agrees with RMS that further delays are unlikely to be supported.
- The proposal also seeks approval to allow an interim left in left out intersection on the HEX Link Road, between the Hunter Expressway and Wine Country Drive.
- The proposed changes to the north link road allow the developer to deliver the road with an interim intersection earlier than currently required, with the upgrade of the intersection to signals or a roundabout (subject to RMS approval) prior to the subdivision certificate for 1,500 lots.
- The Proponent's Traffic Report also concludes the secondary northern access onto HEX Link Road will improve access for Stage 1, and the proposed interim left in/left out prior to 1,500 lots will provide satisfactory intersection operation. The intersection upgrade to traffic lights or a roundabout to coincide with 1,500 lots is supported.
- RMS do not object to the provision of an interim left in/left out intersection for the northern access road, as they consider it would have minimal impact to the classified road network and will allow for improved access to Huntlee Stage 1.
- The Department considers the provision of an interim left in left out intersection on the HEX Link Road is acceptable as it would deliver an additional access point earlier than currently required and improve connectivity to and from the site.

Open Space

- The modification request originally sought to reduced the size of the district parks, local parks and the urban plaza.
- The Department raised concerns that the reduction in size of the district parks, local parks and the urban plaza would potentially impact residential amenity and the public domain. As such the Department requested further assessment of the proposed changes.
- Council also raised concerns about the amount of open space being less than the public open space required under the Local Planning Agreement with Council.
- In response, the Proponent removed the proposed changes to the public open space and has reinstated the open space previously approved under Modification 8.
- The Department is satisfied that there are no proposed changes to the approved open space provision across the site.

- No additional conditions or amendments necessary

Other issues raised in public submissions

- Concerns were raised about the Huntlee Stage 1 design discouraging connectivity to the Branxton railway station. A redesign of the town centre was requested.

It is noted Modification 10 does not seek to substantially change the road alignment insofar as it relates to connections to Branxton. Public transport accessibility was assessed in the original project approval, and this modification remains consistent with the original assessment.

- No additional conditions or amendments necessary

The Department is also satisfied the proposed town centre modifications are consistent with the project approval and DCPs and will not adversely impact connectivity.

- Concern was raised in a public submission about the loss of native flora and fauna, degradation of rivers, urban sprawl, congestion and pollution. The proposed modification does not change the approved footprint or land use of Stage 1. Therefore, the Department is satisfied Modification 10 would not result in any additional environmental impacts beyond those already assessed and approved.
- Concern was raised about the proposed modification introducing smaller lots. The Department notes the original project approval already permits lots as small as approximately 300m². However, the current proposal does not introduce any additional small lots.



6. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate for the following reasons:

- the modification complies with the relevant statutory provisions and remains consistent with relevant EPIs
- the modification is of minimal environmental impact and the proposal as modified would remain substantially the same
- council no longer object to the modification, and concerns raised by agencies have been addressed through amendments to the proposal or conditions.
- the reconfigured residential lots, and subdivision of commercial lots in the town centre are acceptable as the proposed changes are minor in the context of the entire subdivision, are consistent with the requirements of the Huntlee DCP and would not result in any unreasonable impacts.
- the bushfire impacts for the reconfigured residential lots can be appropriately managed through APZs and access and servicing requirements, as recommended by the RFS.

Overall, the Department considers the proposal is consistent with the broader planning objectives for the site and it would provide positive social and economic benefits to the region.

Consequently, the Department recommends the modification request be approved (see **Appendix B**).



7. Recommendation

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application (MP 10_0137 MOD 10) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent MP 10_0137 MOD 10; and
- **signs** the attached approval of the modification (Appendix B)

Recommended by:

Anthony Witherdin
Director
Regional Assessments



8. Determination

The recommendation is: **Adopted by:**

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments

22/5/19



Appendices

Appendix A – Relevant supporting information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification Request
(http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9413)
2. Submissions
(http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9413)
3. Response to Submissions
(http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9413)

Appendix B – Notice of Modification

The recommended modification of the Major Project approval can be found on the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9413

Appendix C – Cessnock DCP Compliance

As noted in Section 1.2 of the assessment report, the planning controls for Huntlee were transferred to Cessnock Council following the repeal of Schedule 3 Part 27 f SEPP(MD) in March 2015.

Cessnock Council adopted development controls for Huntlee as Chapter E17 of the CDCP 2010 on 7 March 2018. However, the adopted Huntlee controls in the CDCP excluded some controls that were in the original Huntlee DCP 2013, adopted by the Director-General of the then Department of Planning and Infrastructure in 2013. The table below provides an assessment of Modification 10 under Chapter E17 of CDCP, and notes the additional controls, where relevant, from the original HDCP 2013 that were not included in the CDCP.

Cessnock Development Control Plan 2010: Chapter E17 Huntlee	
Section 2 – Vision and Character	
Section 2.4 – Indicative Layout Plan and Staging	Compliance for MP 10_0137 MOD 10
(1) Applications for subdivision and infrastructure are to be generally in accordance with the Indicative Layout and Staging Plan in Figure 3.	The proposed modification is generally consistent with the Indicative Layout and Staging Plan.

Section 3 – Managing the Environment	
This section outlines controls relating to management of environmental issues including	The proposed modification is within the footprint of the approved subdivision. The proposal does not extend outside

heritage, bushfire management, riparian corridors, stormwater management and earthworks.	<p>the approved stage 1 boundaries, or into any riparian corridors or heritage sites.</p> <p>The bushfire protection zones for the reconfigured lots can be accommodated within the lot boundaries and are satisfactory. The RFS have provided recommended conditions in relation to bushfire risk management.</p>
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Section 4 – Subdivision Design	
Section 4.1 – Street Network and Design	Compliance for MP 10_0137 MOD 10
(1) The street network is to be provided in accordance with Figure 5	The proposal includes minor modifications to the road alignment in the town centre. The street network remains to be consistent with overall road network and hierarchy.
(2) Road and intersection upgrades are to be generally in accordance with Figure 6 and Figure 7.	<p>The proposal seeks to delay the requirement to upgrade the intersection of Wine Country Drive/Hex Link Road (A-1) from 750 dwellings or 1 December 2018, to 1,000, or from 1 June 2020 (whichever occurs first). The intersection treatment isn't changing, but the timing threshold is. The intersection treatment remains consistent with the DCP requirements.</p> <p>The proposal also includes an interim left in left out intersection on the HEx Link Road, between the Hunter Expressway and Wine Country Drive. This intersection is not included in the DCP requirements.</p>
(3) Streets are to be provided in accordance with the cross-sections at Figure 8 to Figure 19.	Roads are capable of being constructed in accordance with the DCP requirements.
(4) "Park Edge" roads (Figure 29) should accommodate the majority of the required Asset Protection Zone within the road reserve and at the boundary of the development must also incorporate a battered slope within the road reserve to cater for potential changes in level along the site boundary.	The proposed modifications have no impact on the Park Edge roads. APZ will be provided within the perimeter edge lots.
(5) Alternative street designs for local streets and accessways may be permitted on a case by case basis to	The proposed reconfigured subdivision layout preserves the functional objectives and requirements of the design standards.

accommodate local features if they preserve the functional objectives and requirements of the design standards.	
<p>(6) Where any variation to the residential street network is proposed, the alternative street network is to be designed to achieve the following principles:</p> <ul style="list-style-type: none"> - a permeable network that is based on a modified grid system, - encourage walking and cycling and reduce travel distances, - maximise connectivity between residential areas and community facilities, open space and centres, - take account of topography and accommodate significant vegetation, - optimise solar access opportunities for dwellings, - provide frontage to and maximise surveillance of open space and riparian corridors, - provide views and vistas to landscape features and visual connections to nodal points and centres, and - maximise the use of water sensitive urban design measures - minimise the number of road crossings of riparian corridors and ensure riparian - connectivity is maintained. 	<p>The modified road network is permeable and provides for a grid system that maintains connectivity, and responds to topography.</p> <p>The modified lot layouts do not hinder solar access, provide sufficient frontages to maximise surveillance, provide for view/vistas.</p>
(7) Except where otherwise provided for in this DCP, all streets and intersections are to be designed and constructed in accordance with Austroads Guide to Traffic Management and Australian Standards AS 1742, 1743 and 2890.	An existing condition of consent requires all roadworks to be designed and constructed in accordance with Austroads and relevant Australian standards.
<p>(9) Street trees are required for all streets. Street tree planting is to:</p> <p>be consistently used to distinguish between public and private spaces and</p> <p>between different classes of street within the street hierarchy,</p> <p>minimise risk to utilities and services,</p> <p>be durable and suited to the street environment and, wherever appropriate,</p> <p>include endemic species,</p> <p>maintain adequate lines of sight for vehicles and pedestrians, especially around</p>	There are no changes proposed to the Landscape Masterplan for Stage 1, which provides for street trees along the roads. The approach to street tree planting/species is consistent with the Project Approval.

<p>driveways and street corners,</p> <p>provide appropriate shade, and</p> <p>provide an attractive and interesting landscape character and clearly define</p> <p>public and private areas, without blocking the potential for street surveillance.</p>	
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Section 4 – Residential Neighbourhoods	
Section 4.5.1 Residential Character	Compliance for MP 10_0137 MOD 10
(1) Residential neighbourhoods are to be focused on elements of the public domain such as a school, park, retail, or community facilities that are typically within walking distance.	The proposed modification maintains a walkable neighbourhood.
(3) Subdivision layout is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles.	The proposed modification provides for a more regular (less curved) subdivision layout, which will be easy to navigate and provide for appropriate solar access.
(4) Pedestrian connectivity is to be maximised within and between each residential neighbourhood with a particular focus on pedestrian routes connecting to public open space, bus stops and railway stations, educational establishments and community/recreation facilities.	The proposed subdivision does not impact access to the Town Centre or public open space. The replacement of the east-west road with a pedestrian/bicycle pathway will encourage walking and cycling.
(5) Street blocks are to be generally 150m to 180m long. Block lengths and widths in excess of 180m may be considered where pedestrian connectivity, stormwater management and traffic safety objectives are achieved.	The proposed reconfigured lots are similar in character to the approved lots in Stage 1.
(6) Residential lots should generally be rectangular in geometry.	All new and modified residential lots are rectangular in shape.
(7) Battle-axe lots are not permitted.	The modification does not include any battle-axe lots.
(8) The orientation and configuration of lots is to be generally consistent with the subdivision principles shown at Figure 32 and Figure 33.	The modification results in an addition 4 lots and overall the revised subdivision layout is orientated similar to the approved subdivision pattern.

(9) Preferred lot siting is either on a north-south or east-west orientation.	The new lots are generally orientated in a north/south or east-west orientation.
<p>(11) Residential subdivision applications should:</p> <ul style="list-style-type: none"> - Incorporate of a mix of dwelling types including attached dwellings, multi-dwelling housing and residential flat buildings which are located in close proximity to the town and village centres and public transport. - Incorporate a mix of lot sizes for detached dwellings to provide a range of housing choice within the lower density areas. - Provide cottage lots around open space and village centres - Provide country lots around the perimeter of the site and where environmental constraints are managed within lots (ie Flooding, bushfire APZ etc) - Be designed to provide for activation of the public domain, including streets and public open space through the orientation and design of buildings and communal spaces. - Ensure that pedestrian, cyclist and road links provide legible and direct access to the town centre, public transport and areas of public open space. 	The proposed modification will not compromise the achievement of a range of lot sizes, activation of the public domain or links to the Town Centre, public open space or public transport.

Section 4.5.2 Minimum Lot dimensions	Compliance for MP 10_0137 MOD 10
(1) The minimum subdivision lot size and dimensions is to be consistent with the Lot Type Map found on Council's website.	All modified and new lots are consistent with the Lot Type Map and with the approved subdivision pattern.
(2) Lots should be rectangular. Where lots are an irregular shape they are to be large enough and oriented to appropriately enable dwellings to meet the controls in this DCP.	Lots are predominantly residential in shape. Irregularly shaped lots are large and can accommodate a range of appropriate dwelling types.
(3) Battleaxe lots are not permitted.	No battle-axe lots are proposed.

Note: The original HDCP included Table 5, which guides minimum lot frontages and lot sizes. Table 5 is included below:

Table 5: Minimum lot frontage and lot size according to dwelling type

Dwelling Type	Lot frontage (minimum - maximum)	Lot size
Cottage lots	5m – 12m	150m ² - 450m ²
Traditional lots	12m – 20m	250m ² - 800m ²
Country lots	20m	> 800m ²
Multi-dwelling housing	26m	> 800m ²
Residential flat buildings	30m	> 2000m ²

All reconfigured and new lots proposed in modification 10 achieve the minimum lot size in table 5 above.

Section 4.6 Town Centre Subdivision Design	Compliance for MP 10_0137 MOD 10
(1) Lots should be relatively regular in shape. Irregular shaped allotments and narrow street frontages should be avoided.	The proposed town centre lots are generally regular in shape and are provided with wide frontages and direct street access.
(2) Lots should be oriented and aligned: <ul style="list-style-type: none"> - so that future buildings can face the arterial, sub-arterial, collector and local streets to increase visual surveillance and to avoid streetscapes with loading docks and long blank walls, - To facilitate solar efficiency, and - To encourage building design that has frontage to landscaped areas and riparian corridors. 	The proposed lots are such that future buildings can directly face the streets and provide good surveillance and amenity opportunities and solar access. The town centre layout is consistent with the DCP layout maps and the original approval for Stage 1.
(3) Access to lots shall be sited to ensure unimpeded sight lines for exiting vehicles.	The proposed lots are provided with sufficient frontages to appropriately locate driveways with adequate sight distances. This will be the subject of future DA's for the development of each lot.
(4) Subdivision of roads should incorporate a road hierarchy that will accommodate the anticipated traffic volumes and vehicle types and be practical and legible for users	The roads are consistent with the approved road hierarchy and provide a grid system that allows for connectivity.
(5) battle axe lots are not permitted	No battle-axe lots are proposed.