

Modification of Development Consent

Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 22 May, 2019

SCHEDULE 1

- Development consent:** MP 10_0137 granted by the Planning Assessment Commission on 24 April 2013
- For the following:** Huntlee Stage 1, including:
- site preparation works;
 - internal and external road works;
 - subdivision to create 1,473 residential allotments;
 - 14 super lots;
 - 1 allotment for a primary school;
 - drainage; and
 - open space and reserves.
- Applicant:** Huntlee Pty Ltd
- Consent Authority:** Minister for Planning
- Modification:** MP 10_0137 MOD 10: the modification includes:
- increase the total number of residential lots on the site by 8 lots (to 1,543 lots)
 - subdivide town centre superlots to create 43 commercial lots, amend the town centre stage boundaries and reconfigure town centre roads
 - amend the timing of the Wine Country Drive / Hex link road (A-1) intersection works and allow an interim left in left out intersection on the HEx Link Road, between the Hunter Expressway and Wine Country Drive.

SCHEDULE 2

The consent (MP 10_0137) is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions, condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

A1. Development Description

Approval is granted only to carrying out the development described in detail below:
Subdivision of Stage 1 of the Huntlee New Town site including:

- subdivision to create ~~1,539~~ **1,543** residential allotments, ~~13~~ **9** super lots, 1 allotment for a primary school; landscaped areas,
- drainage, public open space and recreation areas;
- associated bulk earthworks; and
- infrastructure including roads, drainage works and utility services provision.

- (b) Schedule 2 Part A – Administrative Conditions, condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

A2. Development in Accordance with Plans and Documentation

- A) The development will be undertaken in accordance with the Project Application – Environmental Assessment Report – Huntlee Stage 1 Subdivision and Infrastructure Works (by JBA March 2011) and associated appendices as amended by:
- Project Application – Preferred Project Report – Huntlee Stage 1 Subdivision and Works (by JBA September 2012) and its associated appendices;
 - Statement of Commitments in aforementioned Preferred Project Report (by JBA Planning 2012);
 - Amended subdivision plan “121129 Overall Lot Plan_1 to 3000” (Roberts Day Dec 2012) as to be amended in line with the additional amended subdivision concept plan “Huntlee – Stage 1 Concept Master Plan dwg UD4-401 01.02.13” (Roberts Day Feb 2013).
- B) and as amended by:
- MOD 1 Application – Section 75W Modification MP_10_1037 Huntlee (by JBA Planning 2014), including; and
 - Amended subdivision plans “PP DP1197581 sheets 1 and 2”, “PP DP1197586 sheets 1 to 5”, “PP DP 1197589 sheets 1 to 5” and “PP DP 1199264 sheets 1 to 4”, prepared by Andrew David McNamara.
- C) and as amended by:
- MOD 2 Application – Section 75W Modification MP10_0137 Huntlee, submitted by JBA Planning, dated 30 October 2014 including;
 - Bushfire Threat Assessment, Huntlee Residential Development, 75W Modification Stage 1 Precincts 1-6, prepared by RPS dated 4 September 2014;
 - Response to Submissions – Response to Issues – MP_10_0137 Stage 1 S.75W Modification 2, Huntlee, prepared by JBA Planning, dated 17 December 2014.
- D) and as amended by:
- MOD 3 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 24 March 2015 and supporting documents, including;

- Amended subdivision plans "PP DP1199264 sheets 1 and 3 By Andrew David McNamara; and
 - Bushfire Threat Assessment – Lot 12 DP729973, Lot 36 DP755211 and Lot 37 DP755211 Huntlee Residential Development, Stages 2-5 Eastern Precinct, prepared by RPS Australia East Pty Ltd, dated 10 March 2015;
 - Amended Landscape Masterplan prepared by AECOM Issue B dated 16 July 2015;
 - Response to Submissions – Planning Advice, Huntlee New Town MP_10_0137 Modification 3 prepared by JBA, dated 15 May 2015 and accompanying Stormwater Advice from Northrop, dated 14 May 2015.
 - Additional Information prepared by JBA, dated 20 July 2015 and accompanying documents.
- E) and as amended by:
- MOD 4 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 2 September 2015 including supporting documentation; and
 - Amended Subdivision Plan 20406(2)-1 to 3000 (MOD4) Sheet 1 of 1 Master Plan prepared by Daly Smith Pty Ltd 2015 dated 17/08/2015.
- F) and as amended by:
- MOD 5 Application – Section 75W Modification to Huntlee Major Project Approval MP_1-_0137 Huntlee New Town, prepared by JBA Planning, dated 2 May 2016 including supporting documentation;
 - Amended Subdivision Plan 20406-1 TO 3000 (MOD5) Sheet 1 of 1 Master Plan prepared by Daly Smith Pty Ltd 2016 dated 26/02/2016;
 - Amended Staging Plan prepared by Daly Smith Pty Ltd and JBA dated 26/02/2016;
 - Amended Precinct 2 Street Hierarchy (Dwg No. RD1 309 Rev H) prepared by LWP and dated 16/04/2016;
 - Bushfire Threat Assessment, Huntlee Residential Development – Stage 10, prepared by RPS and dated March 2016; and
 - Letters from Huntlee dated 14 June offering to amend Voluntary Planning Agreements.
- G) and as amended by:
- MOD 6 Application – Section 75W Modification to Huntlee Major Project Approval MP_1-_0137 Huntlee New Town, prepared by JBA Planning, dated 31 August 2016 including supporting documentation;
 - Intersection and Road Upgrade Threshold Analysis Review, prepared by Better Transport Futures, dated 12 August 2016;
 - Amended Subdivision Plan 20406-1 TO 3000 (MOD 6) Sheet 1 of 1 Master Plan prepared by Daly Smith dated 11/08/2016
- H) and as amended by:
- MOD 7 Application – Section 75W Modification to Huntlee Major Project Approval MP 10- 0137 Huntlee New Town, prepared by JBA, dated 30 January 2017, including supporting documentation.
- I) and as amended by:
- MOD 8 Application – Section 75W Modification to Huntlee Major Project Approval MP 10- 0137 Huntlee New Town, prepared by JBA, dated 30 January 2017, Response to Submissions prepared by Ethos Urban, dated 2 August 2017 and supplementary information prepared by Ethos Urban, dated 7 December 2017 and 15 February 2018.

J) and as amended by:

MOD 10 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP 10- 0137 Huntlee New Town, prepared by Ethos Urban, dated 26 September 2018, Response to Submissions prepared by Huntlee Pty Ltd, dated 21 February 2019 and supplementary information prepared by Ethos Urban, dated 27 March 2019.

Except as modified by conditions of this approval.

If there is any inconsistency between the above plans and documentation the more recent documents shall prevail to the extent of the inconsistency.

- (c) Schedule 2 Part A – Administrative Conditions, condition A6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

A6. Staging Plan

- a) Development should be carried out in accordance with the amended Staging Plan ~~20406-1 TO 3000 (MOD8), Issue 11~~ **20406-1 TO 3000 (MOD10)** prepared by Daly Smith Pty Ltd dated ~~22/11/2017~~ **26/03/2019**.
- b) The Staging Plan can be varied with written consent of the Secretary of the Department of Planning and Infrastructure, or his nominee.

- (d) Schedule 2 Part E – Prior to Issue of Subdivision Certificate, Condition E7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words/numbers as follows:

E7. Road Network

- a) Road Infrastructure Requirements

The following road infrastructure shall be provided by the proponent during the development of Stage 1 Huntlee.

- i) The interim Wine Country Drive/Village 1 intersection shall be designed and constructed as an Austroads Type CHR/CHL intersection or seagull, as determined by RMS. This intersection is required prior to the issue of any Occupation Certificate for any of the 124 lots within Precinct 1 and Precinct 2, and prior to any Subdivision Certificate for any further development.
- ii) Wine Country Drive shall be upgraded to 4 through lanes (2 lanes in each direction with central median) in accordance with the Huntlee Stage 2 – Wine Country Drive Upgrade plans by Northrop, dated 11 November 2016, job number NL151628, Revision 6. These works shall be completed prior to 725 dwellings for which a subdivision certificate has been issued, or 1 June 2018, whichever occurs first.
- iii) The Wine Country Drive / HEx Link Road (A-1) intersection shall be upgraded, to a 2 lane circulating roundabout prior to ~~725~~ **1,000** dwellings for which a subdivision certificate has been issued, or ~~1 December 2018~~ **1 June 2020**, whichever occurs first.
- iv) RMS requires that the proponent undertake a further traffic impact assessment prior to the subdivision certificate of more than 1500 lots (dwellings), based on actual counts at the time and 10 year projections, to the satisfaction of RMS.
- v) The Wine Country Drive / Main Street (A-3) intersection shall be traffic signal controlled, generally in accordance with the layout shown in the Addendum report dated August 2012. These works shall be completed prior to the construction of any development (besides subdivision) west of Wine Country Drive, with the

exception of the sales office, and are to be constructed concurrently with the upgrade of Wine Country Drive to 4 lanes 2 way (as described in Condition E7a(ii)).

- vi) Note: The design and construction of an Austroads Urban Type BAR / BAL intersection to be used as an interim access to the proposed sales office only until the ultimate intersection is constructed.
- vii) The Wine Country Drive / Anvil Creek Regional Park intersection shall be a Type CHR / CHL intersection (protected right and left turn bay) and shall be restricted to left in / left out / right in movements. (Prior to opening of the park).
- viii) The Wine Country Drive / Village Access 1 (A-5) shall be traffic signal controlled. This intersection would be required prior to 1000 dwellings for which a subdivision certificate has been issued). The fourth leg of the intersection (Link Road 1) IS NOT TO BE constructed and operational prior to the intersection being traffic signal controlled and operational. The capacity of this intersection is to be tested again prior to 1,500 dwellings for which a subdivision certificate has been issued.
- ix) The Wine Country Drive / Large Lot access (A-9) shall be upgraded to an Austroads Type CHR / CHL intersection or seagull (Prior to any dwelling in R5 zone west of Wine Country Drive)
- x) HEx Link Road / Village 1 North access (A-6) intersection and link road shall be constructed during Stage 1. The intersection shall be a 2 lane circulating roundabout or traffic signals (intersection type to be determined by RMS). Further modelling will be required to provide the best outcome for the future operation of this intersection. The link road shall be one lane in each direction, allowing for a future additional one lane in each direction. (Required prior to the subdivision certificate of more than 1500 lots in Village 1). **An interim intersection such as a left-in / left-out can be provided prior to 1500 lots with the agreement of RMS, however this will be subject to upgrade to a roundabout of traffic signal controlled intersection prior to the subdivision certificate of more than 1500 lots in Village 1 unless otherwise agreed with RMS.**
- xi) The HEx Branxton interchange (A-11) shall be upgraded to include:
 - A continuous left turn slip lane / ramp from the northbound off ramp onto HEx Link Road.
 - A continuous left turn slip lane / ramp from the New England Highway extension to the Hex southbound on ramp.
 - Extension of the HEx southbound off ramp to cater for expected queuing.
 - Adjustments to line marking are also likely in stages to ensure appropriate operation of the interchange.

(Prior to 1900 dwellings for which a subdivision certificate has been issued.)
- xii) The HEx Link Road shall be upgraded to 4 lanes (2 in each direction) between Wine Country Drive and the Hex interchange. (Prior to 1500 dwellings for which a subdivision certificate has been issued).

b) General Requirements

- i) All intersections and road works shall be designed and constructed in accordance with the Austroads Guide to Road Design 2009 (with RMS supplements), RMS Traffic Signal Design 2008 and the relevant Australian Standards, to the satisfaction of RMS.
- ii) All traffic signal controlled intersections shall be designed and constructed to accommodate on-road cyclists unless specified otherwise by RMS. If cyclists cannot be accommodated on road due to site constraints, and subject to agreement by RMS, adequate provision shall be made off-road.
- iii) All traffic lanes on State roads and at traffic signal controlled intersections shall be 3.5 metres in width or as determined by RMS.

- iv) Coordination and linking of all traffic control signals is required at full cost to the developer to RMS requirements. Appropriate pedestrian and cyclist facilities, foot/cycle paths and ramps, connecting to traffic signal controlled intersections shall be provided to the satisfaction of RMS and Council.
- v) Pedestrian fencing may be required in certain areas. This will be identified as part of the design review process. Street lighting shall be provided at all intersections and pedestrian crossings to the relevant Australian Standards, or as determined by RMS.
- vi) The proponent shall ensure that there is sufficient road reserve width provided along Wine Country Drive to accommodate the ultimate cross section and intersection auxiliary lanes.
- vii) As road works are required on State roads and traffic signals, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS.
- viii) Prior to the Certifying Authority issuing a construction certificate for each element(s) of the Road Improvement Works set out in condition E6(a), the developer shall enter into a WAD with RMS. The proponent shall achieve practical completion of all works under the WAD in accordance with the timing referred to in condition E8 and the WAD.
- ix) A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plans. It shall be prepared with the intention of having minimal impact to the operation of the road network during the construction of the proposed development. The CTMP shall be submitted to RMS and the Department of Planning and Infrastructure for review and approval prior to any construction activities occurring on-site.
- x) All works associated with the proposed development shall be at full cost to the developer and at no cost to RMS or Council, to RMS requirements.

All local roads that are to be dedicated to Council shall be designed to meet published Council standards.

- (e) Schedule 2 Part E – Prior to Issue of Subdivision Certificate, Condition E6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words/numbers as follows:

E11. Bushfire Protection

The proponent shall comply with and implement the recommended mitigation measures outlined in the bushfire assessment documents to the satisfaction of the Certifying Authority:

- a) 'Bushfire Threat Assessment - Huntlee Residential Development – Stage 10' prepared by RPS (Ver. 1 / March 2016), prior to the release of a subdivision certificate for the lots approved under MOD 5 within sub-stage 3.
- b) 'Bushfire Threat Assessment - Huntlee New Town – Stage 1 75W Modification' prepared by MJD Environmental Pty Limited (Version V2 / 28/04/2017), prior to the release of a subdivision certificate for the lots approved under MOD 8
- c) **Bushfire correspondence prepared by MJD Environmental Pty Limited (ref 16015 RFS RFI Huntlee MOD 10 26/03/2019) prior to the release of the subdivision certificate for the lots approved under MOD 10**

- (f) Schedule 2 Part E – Prior to Issue of Subdivision Certificate, Condition E12 is added by the insertion of the **bold and underlined** words / numbers as follows:

E12. Earthworks

- d) **Access to all bushfire affected lots shall be provided in accordance with the design specifications set out in section 4.1.3 of Planning for Bushfire Protection 2006 (or any subsequent version).**
- e) **Services shall be provided in accordance with section 4.1.3 of Planning for Bushfire Protection 2006 (or any subsequent version). If a water hydrant is not provided within 70 metres of the building envelope, a 5000 litre static water supply must be provided.**

The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants:

- i) on all residential lots requiring the maintenance of the designated Asset Protection Zone in accordance with the requirements of Planning for Bushfire Protection 2006,
- ii) on all perimeter lots directly adjoining the site boundary (i.e. where no perimeter road is provided), no dwellings shall be constructed within the APZ.

The Rural Fire Service shall have the benefit of these covenants and having sole authority to release vary or modify these covenants.

- (g) Schedule 2 Part E – Prior to Issue of Subdivision Certificate, Condition E13 is added by the insertion of the **bold and underlined** words / numbers as follows:

E13. Earthworks

Detailed earthworks plans and site levels must be submitted to and approved by Cessnock Shire Council prior to the issue of a construction certificate for any lot within the Town Centre approved on or after 21 May 2019.

**End of Modification
(MP 10_0137 MOD 10)**