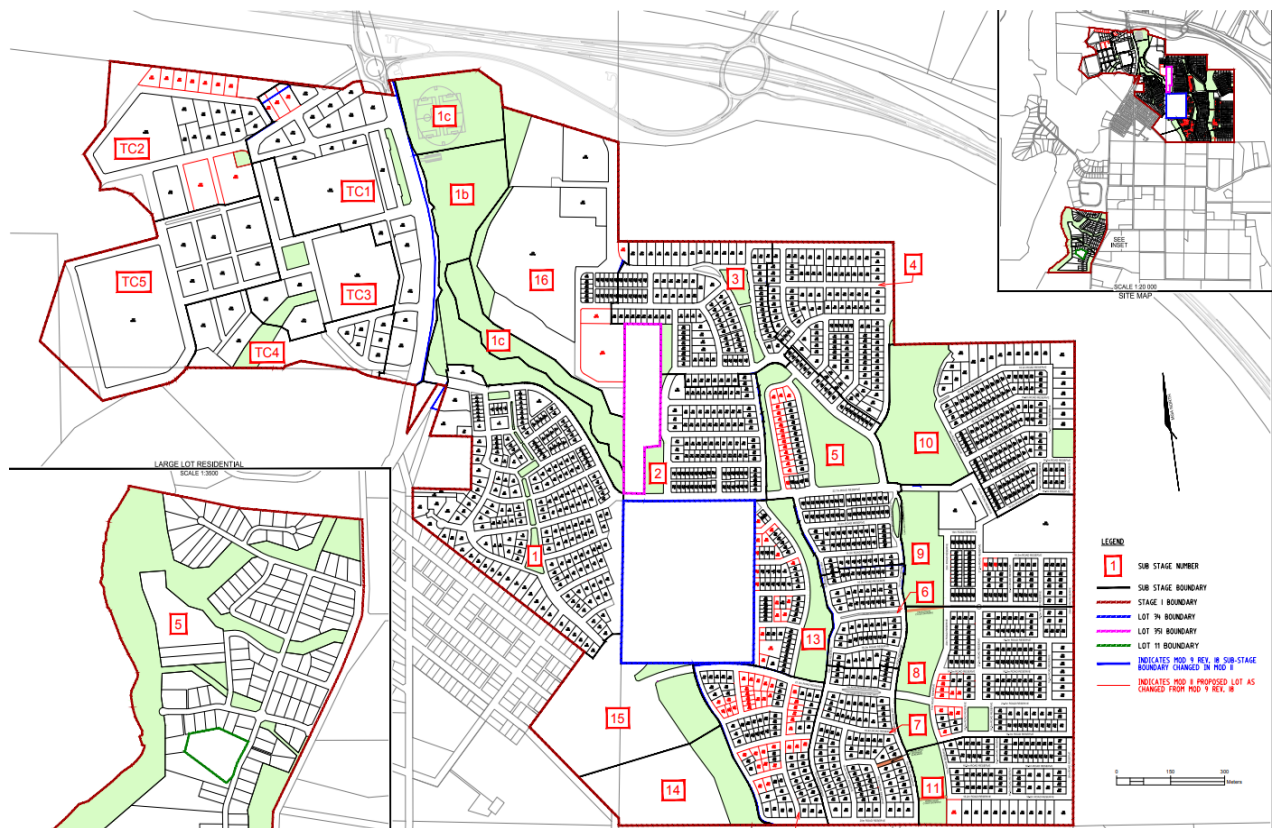


# Huntlee New Town (Stage 1) Modification 11

Modification to the approved subdivision layout and changes to the timing for intersection upgrades.  
State Significant Development Modification Assessment  
(MP 10\_0137 MOD 11)



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Cover image: Proposed amended subdivision layout (Applicant's Modification Report – Mod 11)

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# Glossary

Abbreviation	Definition
<b>Council</b>	Cessnock Shire Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>DPI</b>	Department of Primary Industries, DPIE
<b>DRG</b>	Division of Resources & Geoscience, DPIE
<b>EESG</b>	Environment, Energy and Science Group, DPIE
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environnemental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

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# 1 Introduction

## 1.1 Introduction

This report provides an assessment of an application seeking to modify the approval for the subdivision of the Huntlee New Town – Stage 1 (MP 10\_0137).

The application (as revised) seeks to:

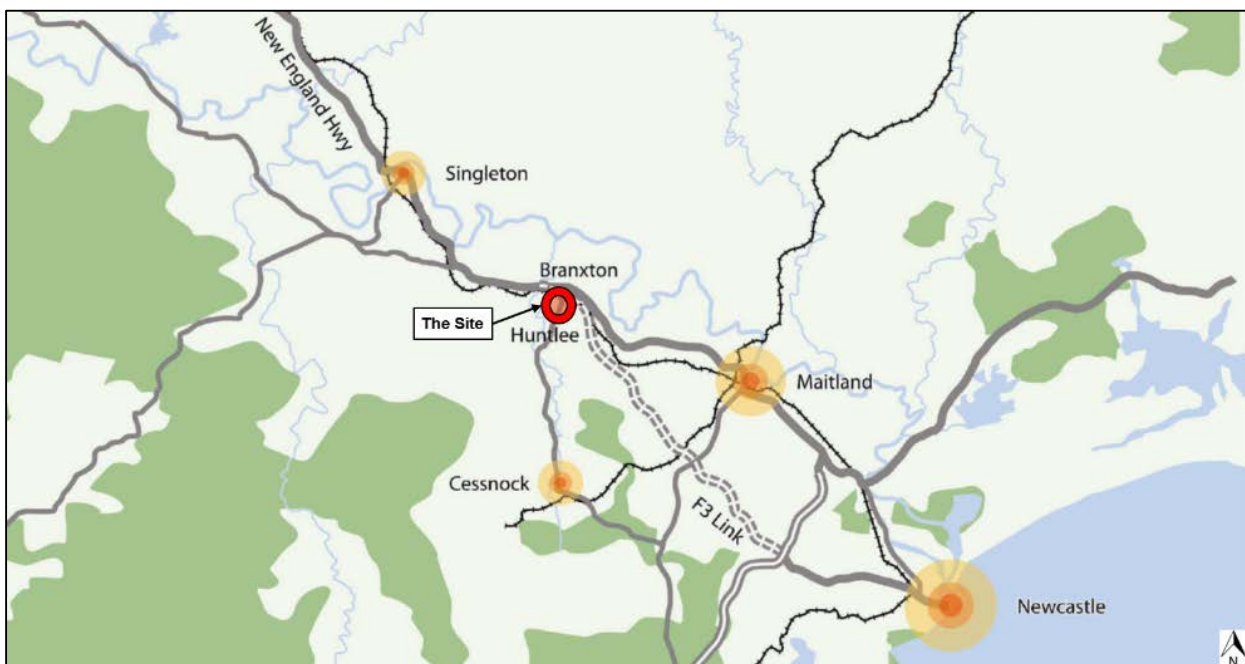
- provide one additional residential superlot within Stage 16
- delete one lot within the Town Centre Stage 1
- amend the lot numbering
- amend road widths to align with Council's requirements, with associated changes to lot boundaries
- postpone the required upgrade of the Wine Country Drive / HEx Link Road (A-1) intersection by 18 months (from 1 June 2020 to 1 December 2021).

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

## 1.2 Background

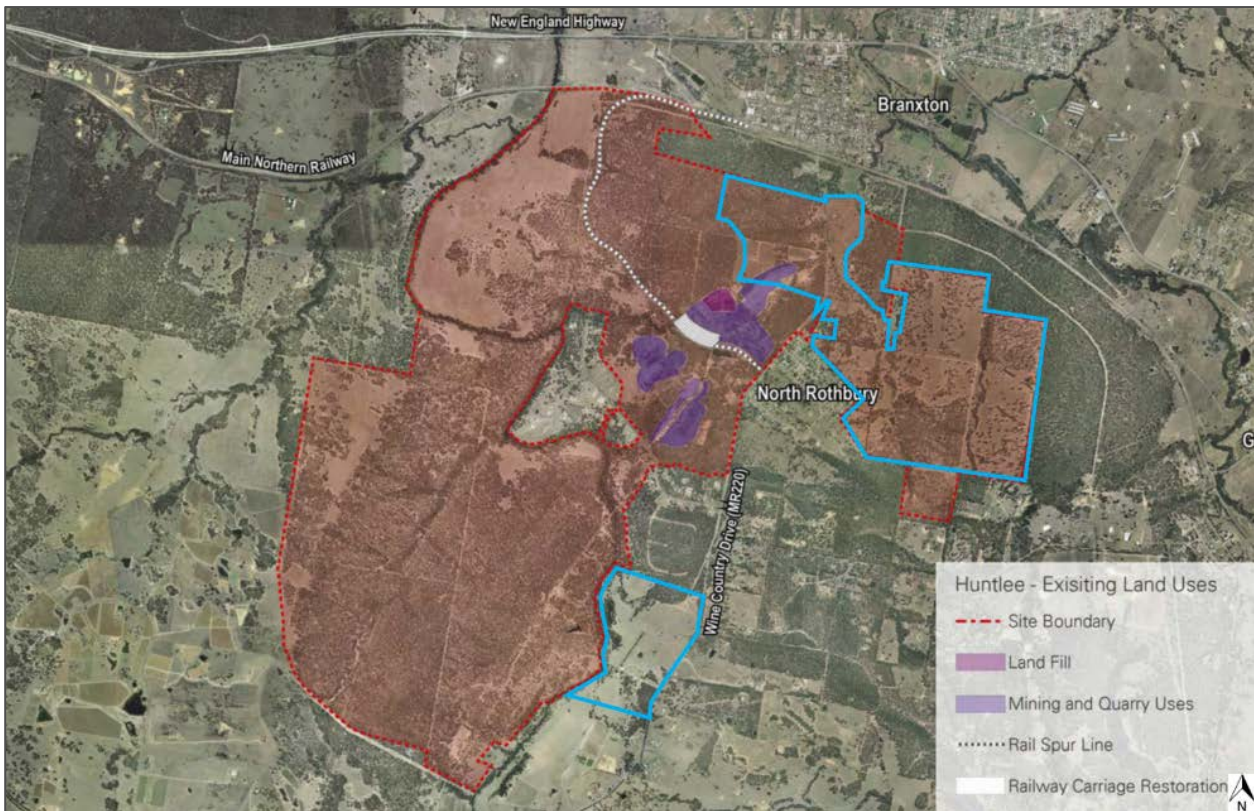
The site comprises Stage 1 of the broader Huntlee New Town redevelopment area (approximately 1,700ha) and covers an area of approximately 355ha (**Figures 1 and 2**), in the Cessnock local government area.

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



**Figure 1 |** Regional context map (Source: Huntlee DCP 2013)





**Figure 2 |** The broader Huntlee New Town area, with Stage 1 shown in blue (Source: Huntlee DCP 2013)



**Figure 3 |** Aerial view of the site being Stage 1 (outlined in red) and its surroundings (Source: Nearmap)

Wine Country Drive is the main road running through the site (north/south) between the town centre on the western side and the residential subdivision on the eastern side (**Figure 2**). 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, with approximately 630 residential dwellings constructed on the eastern side of Wine Country Drive (**Figure 3**).

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

### 1.3 Approval history

On 24 April 2013, approval 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 (HDCP), which includes the environmental and planning framework and development controls for the subdivision and future development of the site.

The approval, as modified, allows for:

- subdivision to create 1,626 residential lots, seven superlots, one school lot, landscaped areas, drainage, public open space and recreation areas
- associated bulk earthworks
- infrastructure including roads, drainage works and utility services provision.

In addition to the current modification application, the approval has been modified on ten occasions and two further modification applications are under assessment (**Table 1**).

**Table 1 | Summary of Modifications**

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	Modifications to the boundaries, dimensions and orientation of the lots within the Stage 1 Entry Village (sub-stage 1a).	Department	75W	Approved on 20 Jan 2015
MOD 2	Modifications to the super lots in the Town Centre, increase the Stage 1 boundary, addition of Lot 213 and amendments to road access to Stage 1 Entry Village.	Commission	75W	Approved on 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	Approved on 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	Approved on 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	Approved on 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	Approved on 16 May 2017
MOD 7	Addition of a new access road.	Department	75W	Approved on 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	Approved on 4 May 2018
MOD 9	Amend the Stage 1 site boundary to include a new sub-stage 16 that comprises four superlots and 16 residential dwelling allotments. Reconfigure the subdivision layout of the Town Centre and extend the town centre to include a K-12 school site.	Department	4.55(2)	Approved on 13 Dec 2019
Mod 10	Additional eight residential lots, subdivide town centre superlots to create 43 commercial lots, reconfigure the town centre stage boundaries and roads, amend the timing of the Wine Country Drive/HEX Link Road intersection and allow left in left out intersection on the HEX Link Road.	Department	4.55 (1A)	Approved on 22 May 2019
MOD 12	Additional four residential lots within Stage 5.	Department	4.55 (1A)	Under assessment
MOD 13	Adjust lot boundaries within Stages 5 and 6.	Department	4.55 (1A)	Under assessment

Relevant to the proposed modification, Condition E7 requires road upgrades at various stages of the development, based on modelling by the Applicant in consultation with RMS. Condition E7(a)(iii) specifically relates to the upgrade of the Wine Country Drive / HEX Link Road intersection and has been modified on three occasions (**Table 2**).

**Table 2 | Summary of Modifications to Condition E7(a)(iii)**

Application	Proposed threshold	Approved threshold
Original	N/A	Prior to Subdivision Certificate (SC) for 500 lots and no date threshold
MOD 6	Prior to SC for 1,500 lots	Prior to SC for 725 lots or 1 June 2018
MOD 8	Deletion of the date threshold	Prior to SC for 725 lots or 1 December 2018
MOD 10		Prior to SC for 1,000 lots or 1 June 2020



## 2 Proposed modification

The proposal (as revised by the RTS) seeks approval to:

- provide one additional residential superlot within Stage 16 (shown **A** on **Figure 4**)
- delete one lot within the Town Centre Stage 1 (shown **B** on **Figure 4**)
- delete one lot within Town Centre Stage 2 (shown **C** on **Figure 4**)
- provide one new lot within Town Centre Stage 2 (shown **D** on **Figure 4**)
- amend the lot numbering
- amend road widths, with associated changes to lot boundaries
- postpone the required upgrade of the Wine Country Drive / HEx Link Road (A-1) intersection by 18 months (from 1 June 2020 to 1 December 2021).

The Applicant is seeking the changes to the road widths and associated changes to lot boundaries to ensure consistency with the DCP. The deferral of the timing for the upgrade of the Wine Country Drive/ HEx Link Road intersection is proposed to align the date threshold with the release of 1000 lots. The Applicant is seeking to update the lot numbering for technical reasons.

A breakdown of the approved and proposed lots is shown at **Table 3**, with the updated numbering shown at **Appendix E**.

**Table 3 | Summary of lot changes**

	Approved (MOD 9)	Proposed	Change from approved
Stage 16	4 superlots	5 superlots	+1
<b>Total residential</b>	1626	1626	0 (due to administrative error in Mod 9)
Town Centre	67	66	-1
<b>Total commercial</b>	67	66	-1

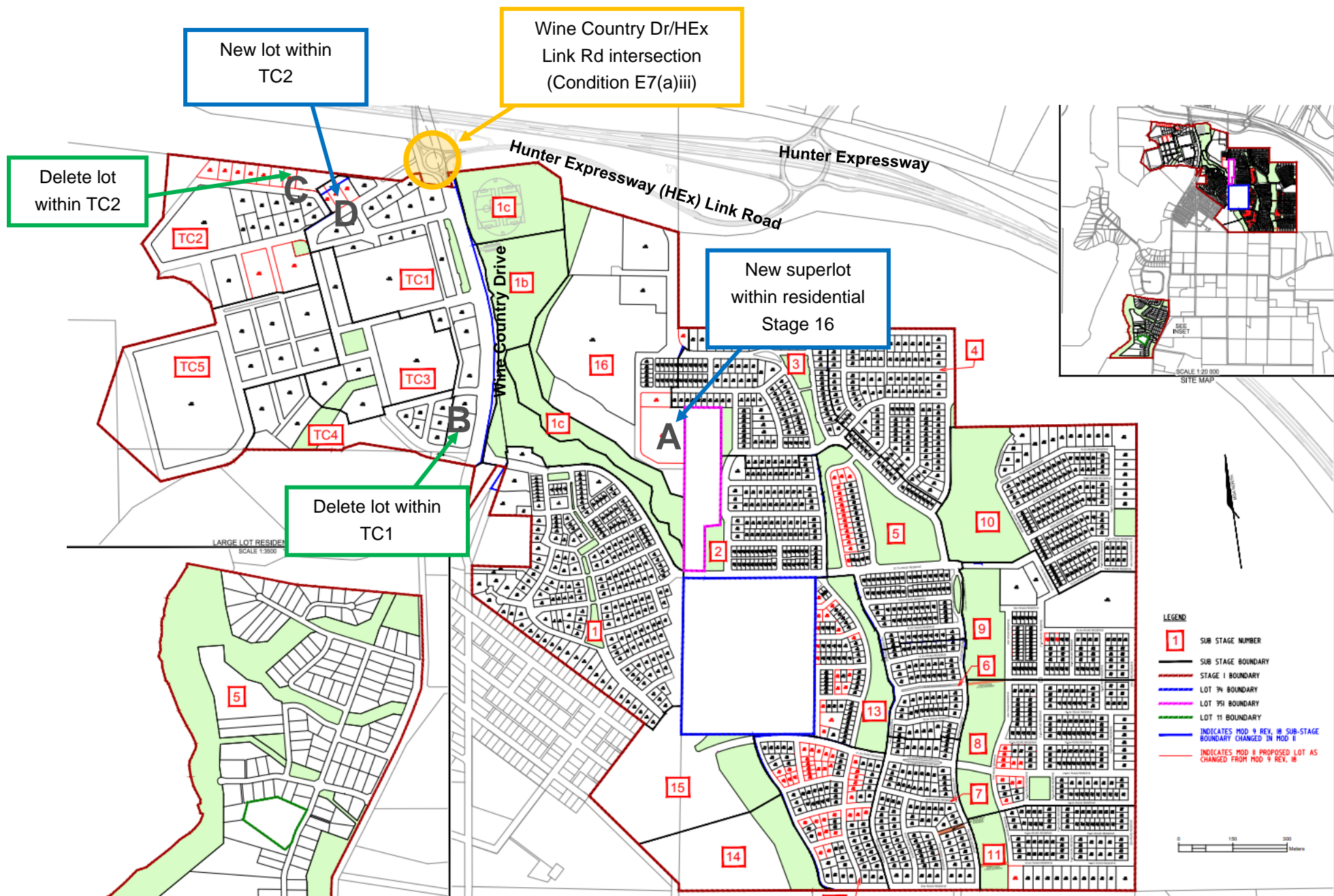


Figure 4 | Proposed modifications

## 3 Statutory context

### 3.1 Part 3A transition to State significant development

The project approval (MP 10\_0137) was originally granted under Part 3A of the EP&A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (ST&OP Regulation), which came into effect on 1 March 2018.

Under the ST&OP Regulation, projects the subject of existing Part 3A approvals remain transitional Part 3A projects until they are transitioned to State significant development (SSD) (clause 3(1)-(2), Schedule 2). As of 1 March 2018, new proposals to modify existing Part 3A project approvals can only be determined once the project has been declared to be SSD by the Minister for Planning, and the relevant provisions to modify an SSD consent under Part 4 of the EP&A Act apply.

On 12 October 2018, an Order was published in the New South Wales Government Gazette transitioning the Part 3A project approval (MP 10\_0137) to SSD.

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 and the modification request is taken to be an application to modify under section 4.55 of the EP&A Act. The application has been lodged under section 4.55(1A) 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 application and results in minor environmental impacts.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the proposal have been considered in **Table 4**.

**Table 4 | 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	<b>Section 5</b> of this report provides an assessment of the impacts associated with the proposal. The Department is satisfied that the proposed modifications are minor in nature and will have minimal environmental impact.
b) that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified (if at all), and	The Department is satisfied the modification is substantially the same development as originally granted as the proposed modification only seeks to amend lot boundaries, provide one additional lot and delay the timing for intersection upgrades.

c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the regulations. Details of the notification are provided in <b>Section 4</b> of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received three public submissions, all in the nature of objections, and five public authority submissions. Consideration of submissions is provided in <b>Section 4 and 5</b> of this report.

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

### 3.3 Consent authority

The Minister for Planning and Public Spaces is the approval authority for the modification request. However, the Director, Regional Assessments, may determine the request under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are less than 10 public objections.

### 3.4 Mandatory matters for consideration

The original project approval (MP 10\_0137) was assessed against the provisions of the following Environmental Planning Instruments (EPIs):

- State Environmental Planning Policy No. 55- Remediation of Land
- State Environmental Planning Policy (Infrastructure 2007)
- Cessnock Local Environmental Plan 2011
- Cessnock Development Control Plan 2010: Chapter E17 Huntlee
- The Department's Huntlee Development Control Plan 2013.

The Department considers the proposed modification does not result in any significant changes that would alter the conclusions made as part of the original assessment. The Department has also considered the proposal against relevant provisions in the Huntlee DCP in **Appendix F**, and is satisfied that the proposal is consistent with these controls.



## 4 Engagement

### 4.1 Department's engagement

The Department notified the application for 14 days, between 15 November 2019 and 29 November 2019. It was made publicly available on the Department's website and notified to landowners within the site, Cessnock City Council (Council), Roads and Maritime Services (RMS), Biodiversity Conservation Division (BCD), Transport for NSW (TfNSW) and the Rural Fire Service (RFS).

In response to the notification, the Department received submissions from Council, RFS, BCD, RMS, TfNSW and three public objections, as summarised below and to view via the link at **Appendix A**.

### 4.2 Public authority submissions

**Table 5 | Summary of Agency Submissions**

#### **Cessnock City Council (Council)**

Council did not object to the proposal, but provided the following comments.

- the proposed changes to the subdivision and sub-staging layout, and the inclusion of an additional allotment in TC1, are of minor consequence and largely expected in a subdivision of this size
- the proposed road widths should comply with the requirements for each road type in the Huntlee DCP as amended
- Council has no objection to the proposed amendments to Conditions A1 relating to the total number of lots in Stage 1 and Condition E7 relating to the timing of the Wine Country Drive / HEx Link Road upgrade, which is still required to be completed prior to the subdivision certificate for the 1,000th residential lot
- the Applicant has agreed to amend the Voluntary Planning Agreement (VPA) with Council to address inconsistencies between commitments made in the executed VPA and the project approval.

#### **Rural Fire Service (RFS)**

RFS raised no objection to the proposal, subject to compliance with its previous advice dated 25 March 2019 (relating to MOD 9). RFS also noted that when the future development is constructed, setbacks will need to be reviewed and compared with those in the Planning for Bush Fire Protection 2019 to achieve a Bushfire Attack Level (BAL 29) or lower construction.

#### **Biodiversity Conservation Division (BCD)**

BCD raised no objection to the proposal, but requested the following additional information:

- updated flood mapping to reflect the revised on-site detention structures, lot layout and flood extent is required. The mapping should overlay flood extent on the proposed lot layout at an adequate scale to enable the impacts to be assessed.
- subdivision mapping showing the location and size of water quality and on-site detention basins is required. Confirmation through preliminary design is required to confirm that sufficient land area remains to accommodate the on-site detention structures.

## Roads and Maritime Services (RMS)

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RMS advised it did not object to the proposal.

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## Transport for NSW (TfNSW)

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TfNSW raised no objection to the proposal, but noted that future design of the road network should:

- be consistent with TfNSW's Guidelines for Public Transport Capable Infrastructure in Greenfield Sites.
- provide cross-sections to detail the number of lanes, intersection improvements (including traffic control devices), and use of road space to balance needs for all modes including walking, cycling, bus, service vehicles and private vehicles.

### 4.3 Summary of public submissions

The Department received three public submissions, all in the nature of objections. Key concerns raised in the public submissions include:

- accuracy of the traffic data in the traffic report
- delay to the Wine Country Drive / HEx Link Road intersection upgrade would reduce egress options in emergencies, such as bushfires.

### 4.4 Response to submissions

The Department provided the submissions to the Applicant and requested a response. On 30 January 2020, the Applicant provided a Response to Submissions (RTS) providing further information and clarification in response to the comments raised by agencies and the public.

The RTS amended the subdivision layout by removing one lot from TC2 to ensure adequate space for on-site detention and removed one lot from TC1 to ensure consistency with the MOD 9 approval (**Figure 4**).

The RTS was notified to BCD and made publicly available on the Department's website.

BCD reviewed the RTS and noted that the flood mapping indicates the 1% AEP flood can be accommodated within the riparian corridors. However, the flood mapping should be reviewed after the detailed design to ensure the predicted impacts are accurate and final flood mapping should be provided to Council to assist with flood planning and emergency response planning.

### 4.5 Changes during assessment

In response to concerns raised by the Department, the Applicant advised that it withdrew the previously proposed removal of a perimeter road to Lot 222.

## 5 Assessment

In assessing the merits of the proposed modification, the Department has considered:

- the Modification Report and associated documents (**Appendix A**)
- the Environmental Assessment and conditions of approval for the original project
- submissions received on the proposal and the Applicant's RTS
- relevant EPIs, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key issue associated with the proposal is the timing for the intersection upgrade. An assessment of all other issues is set out at **Table 6**.

### 5.1 Timing of intersection upgrades

The proposal seeks to defer the requirement, in Condition E7(a)(iii), to upgrade the intersection of Wine Country Drive / HEx Link Road (A-1) from 1 June 2020 to 1 December 2021, as shown below:

- iii. The Wine Country Drive/HEx Link Road (A-1) intersection shall be upgraded to a 2 lane circulating intersection prior to the release of 1,000 dwellings for which a subdivision certificate has been issued, or ~~1 June 2020~~ 1 December 2021, whichever occurs first.*

The Applicant seeks to defer the timing to align the date threshold with the release of 1,000 dwellings. It advised that there are 629 residential lots titled on the site (at the time of lodgement), and based on the current residential production rate, by 1 December 2021 (the proposed date threshold) there should be 944 residential lots registered which aligns with the release of 1,000 dwellings.

The Department notes the intersection upgrades have previously been delayed three times (under Mod 6, 8 and 10 – **Table 2**) and RMS previously advised (for MOD 10) that further delays are unlikely to be supported. However, the Department also notes that Council, TfNSW and RMS advised that they do not object to the currently proposed extension for the upgrade of the intersection.

The intent of the condition is to ensure that the road upgrade is provided at a suitable time to accommodate the increased traffic demand generated by the Huntlee Stage 1 development. The previously approved threshold was informed by a traffic report which predicted that the existing single lane intersection at Wine Country Drive / HEx Link Road provides adequate capacity to support the Stage 1 development beyond the first 1,500 dwellings.

However, the Department did not support the adoption of the 1,500 dwelling threshold (as requested under MOD 6) as there were less than 1,500 lots within Stage 1 at the time. The date threshold was suggested by RMS as an alternative to the dwelling threshold as part of MOD 6, given that the 1,500 dwelling threshold was not supported.

This proposal maintains the 1,000 dwelling threshold, and is therefore unlikely to result in unacceptable traffic impacts. In addition, RMS, Council and TfNSW do not object to the proposed date threshold. Noting the above, the Department considers the proposal to be reasonable, as it provides additional time to achieve the dwelling threshold without changing the threshold.

Public submissions raise concerns that the delay to the Wine Country Drive / HEx Link Road intersection upgrade would reduce egress options in emergencies, such as bushfires. The Department notes Condition E7(a)(iii) requires the upgrade to the Wine Country Drive / HEx Link Road intersection by RMS based on traffic modelling, and not for emergency access purposes. The proposed modification is also unlikely to affect emergency access, as it relates to the timing for an additional lane for an existing intersection as required by Condition E7(a)(iii).

The Department notes there is an existing VPA between Huntlee Pty Limited and the Minister for Planning and Public Spaces which requires the Wine Country Drive / HEx Link Road intersection to be upgraded prior to the 1000<sup>th</sup> dwelling or 1 June 2020. The Applicant has provided a letter of offer to amend the VPA to reflect the changes proposed under MOD 11. The Department therefore recommends Condition E6 be amended to require the VPA to be amended in accordance with this letter of offer, to ensure the proposal is consistent with the VPA.

## 5.2 Other Issues

An assessment of all other issues is set out at **Table 6** below.

**Table 6 | Assessment of other issues**

Issue	Findings	Recommendation
<b>Subdivision layout</b>	<p>The proposal seeks to amend the boundaries of existing lots and the number of lots, as follows:</p> <ul style="list-style-type: none"> <li>subdivision of superlot 222 within Stage 16, resulting in one additional residential lot</li> <li>removal of two lots within the town centre and provision of one new lot, resulting in an overall reduction of one lot.</li> </ul> <p>The proposal originally sought to remove the road along the south western boundary of Lot 222. The Department advised it does not support the removal of this road, and considers it should be retained, as it provides:</p> <ul style="list-style-type: none"> <li>a buffer between the development and the riparian corridor and ensures that public access to the riparian corridor is maintained</li> <li>a perimeter road and forms part of the APZ which is consistent with the requirements of PBP 2019</li> <li>greater emergency access options for future development on Lot 222.</li> </ul> <p>In response, the Applicant provided an updated plan showing the road reinstated.</p> <p>The Department considers the proposal (as amended) to be acceptable, as:</p>	Modify Condition A6 to reference the updated Staging Plan.



- the proposed modifications are minor in nature and would not affect compliance with the required lot sizes or widths (**Appendix F**)
- the proposed amendments would not result in any change to the open space provision
- Council and BCD have reviewed the proposal and do not raise any concerns.

<b>Road widths</b>	<p>The proposal seeks to modify the road widths within Town Centre substages TC1 and TC2 and residential substages R2, R3, R5, R6, R8, R9, R11, R12, R13, R15 and R16.</p> <p>The Applicant contends the proposed changes to realign the boundaries are minor and do not change the road width by more than 1.8m.</p> <p>Council does not object to the proposed road width amendments, but advised that the proposed road widths should be consistent with the requirements for each road type in the Huntlee DCP.</p> <p>The Department notes no changes are proposed to the road hierarchy plan, which outlines the type of road in each location in accordance with the DCP. The changes seek to realign boundaries where a more detailed design has revealed that the widths shown on the approved plan are inconsistent with the DCP requirements.</p> <p>The Department therefore considers the proposed modifications to the road reserve widths would maintain consistency with the DCP and are acceptable.</p>	<p>No additional conditions or amendments to existing conditions necessary.</p>
<b>Bushfire risk</b>	<p>The Applicant has provided a letter from a Bushfire Consultant (MJD Environmental) confirming that:</p> <ul style="list-style-type: none"> <li>• the amended subdivision layout would not affect compliance with PBP 2006</li> <li>• the BAL ratings remain consistent with those assessed and approved under MOD 9.</li> </ul> <p>RFS raised no objection to the proposed modifications, subject to compliance with its previous advice provided for MOD 9. RFS also advised that comparisons with the setbacks required under Planning for Bush Fire Protection 2019 should be reviewed at the construction stage to verify that BAL 29 or lower construction can be achieved.</p> <p>The Department therefore recommends Condition C15 be modified to require a plan comparing the setbacks under PBP 2006 and PBP 2019 to confirm that BAL 29 or lower construction</p>	<p>Modify Condition C15 to require a comparison between PBP 2006 and PBP 2019 setbacks to confirm BAL 29 or lower construction can be achieved.</p>

can be achieved, to be submitted prior to the release of a construction certificate for each stage amended by MOD 11.

Subject to the recommended and existing conditions, the Department considers the proposal is consistent with bushfire mitigation requirements.

<b>Flooding</b>	<p>The Applicant provided updated flood mapping and information on the on-site detention structures as requested by BCD.</p> <p>BCD noted that the updated flood mapping in the RTS indicates the 1% AEP flood can be accommodated within the riparian corridors. However, it also requested that flood mapping be reviewed after the detailed design to ensure the predicted impacts are accurate and the final flood mapping be provided to Council.</p> <p>The Department therefore recommends a new condition C18A requiring flood mapping be submitted to Council prior to the release of the final Construction Certificate for works in each stage amended by MOD 11.</p> <p>The Department considers the proposal, subject to this condition, would be consistent with the advice from BCD and would not result in adverse flooding impacts.</p>	<p>New Condition C18A recommended to require flood mapping be submitted to Council prior to the release of the final Construction Certificate for works in each stage amended by MOD 11.</p>
<b>TfNSW requirements</b>	<p>TfNSW requested cross-sections be provided in future design iterations to detail the number of lanes, intersection improvements and use of road space to balance needs for all modes, and be consistent with TfNSW's <i>Guidelines for Public Transport Capable Infrastructure in Greenfield Sites</i>.</p> <p>The Department notes Condition E7(b)(xi) was imposed under MOD 8 to require all roads to be used for bus services to meet TfNSW requirements. However, this condition was not shown on the MOD 10 instrument. The Department considers this was an error, and Condition E7(b)(xi) is recommended to be re-inserted for the avoidance of doubt.</p> <p>The Department also recommends a new Condition E7(b)(xii) requiring cross sections be provided to demonstrate consistency with TfNSW's <i>Guidelines for Public Transport Capable Infrastructure in Greenfield Sites</i>.</p>	<p>Administrative change to include Condition E7(b)(xi).</p> <p>New Condition E7(b)(xii) requiring consistency with TfNSW requirements.</p>
<b>Landscaping</b>	<p>The Applicant has provided an updated Landscaping Plan to reflect the proposed amendments.</p>	<p>Modify Condition C9 to reference</p>

The plan shows the area to the west of Lot 222 as riparian corridor. This is consistent with Condition B3, which requires this land to be identified as riparian or open space land.

the updated  
Landscape Plan.

The Department considers the amended Landscape Plan remains consistent with the approval and the requirements of Condition B3, while noting the above requirement that the perimeter road be retained.

<b>Lot numbering</b>	<p>The proposal seeks to reorder the lot numbers from Lot 501 onwards for technical reasons.</p> <p>The Department has reviewed the plans and is satisfied the changes relate to numbering only and would not require any conditions to be updated.</p>	<p>No additional conditions or amendments to existing conditions necessary.</p>
<b>Contributions</b>	<p>The VPA between the Applicant and Council requires the payment of monetary contributions per dwelling.</p> <p>Council has advised that the Applicant is in the process of varying the VPA to correct inconsistencies with previous modifications and that a letter of offer relating to the MOD 11 changes is not required.</p> <p>The Department therefore considers no amendment to the local VPA is required as part of this modification.</p>	<p>No additional conditions or amendments to existing conditions necessary.</p>

## 6 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposal is acceptable, subject to the recommended conditions, on the basis that:

- the proposed deferral of the delivery of the Wine Country Drive / HEx Link Road intersection upgrade is unlikely to result in adverse traffic impacts
- RMS and Council do not object to the proposed deferral of the timing for the upgrade of the Wine Country Drive / HEx Link Road intersection
- the amendments to the subdivision layout and road widths would not cause inconsistency with Council's controls
- the amended layout would not result in adverse flooding or bushfire impacts, subject to existing and recommended conditions.

The Department is satisfied that the modification can be approved, subject to the recommended conditions (**Appendix D**).



## 7 Recommendation

It is recommended that the Director, Regional Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application MP 10\_0137 MOD 11 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 approve the modification
- **modifies** the consent MP 10\_0137
- **signs** the attached Modification of Development Consent (**Appendix D**).

**Recommended by:**

**Emma Butcher**  
Senior Planning Officer  
Regional Assessments

**Recommended by:**

**Silvio Falato**  
Team Leader  
Regional Assessments

## 8 Determination

The recommendation is **Adopted** by:

**Brendon Roberts**

A/Director

Regional Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## **Appendix A – Modification report**

<https://www.planningportal.nsw.gov.au/major-projects/project/25491>

## **Appendix B – Additional information**

<https://www.planningportal.nsw.gov.au/major-projects/project/25491>

## **Appendix C – Submissions**

<https://www.planningportal.nsw.gov.au/major-projects/project/25491>

## **Appendix D – Modification of Development Consent**

<https://www.planningportal.nsw.gov.au/major-projects/project/25491>

## **Appendix E – Proposed Lot Breakdown**

## **Appendix F – Cessnock DCP Compliance**

## Appendix E – Proposed Lot Breakdown

**Table 2      Approved and modified reconciliation of residential lots and superlots within Stage 1**

Sub-Stage Name	No. of Lots Approved Under MP10_0137	Lots changed under previous approvals	Total approved under Mod 10	Total approved under Mod 9	Difference (Between Mod 9 and Mod 11)	Total proposed under Mod 11
1	208	+2 (210)	215 6 infrastructure lots	215 6 infrastructure lots	0	215 6 infrastructure lots
2	98	+9 (107)	107	107	0	107
3	94	+23 (117)	120	120	0	120
4	91	+33 (124)	128	128	0	128
5	111	-	123	125	0	125
5 (Large lot)	120	-	120	123	0	123
6	60	-	64	64	0	64
7	147	-	93	104	0	104
8	106	-	133	143	0	143
9	130	-	69	75 3 infrastructure lots	0	75 3 infrastructure lots
10	81	-	152	152	0	152
11	118	-	82	82	0	82
12	109	-	77	104	0	104
13	1 (superlot)	-	66	66	0	66
14 (superlot)	1	-	-	1	0	1
15 (superlot)	1	-	-	1	0	1
16 (superlots)	-	-	-	4	+1	5
16 (allotments)	-	-	-	17	0	17
'Lot 34'	1	-	-	1	-	1
Town Centre Superlots	11	-	7	0	0	0
Town Centre Lots	-	+2	31 (12 existing)	67	-1	66
<b>Totals</b>						
Total Resi Lots	1473	1473	1549	1626 (excluding Stage 14, 15 and 16 superlots and infrastructure lots) 1632 (including Stage 14, 15 and 16 superlots)	0	1626 (excluding Stage 14, 15 and 16 superlots and infrastructure lots) 1633 (including Stage 14, 15 and 16 superlots)
Total Superlots	14	-	9	6	+1	7
Total Dwellings	2345	2345	2345	2631	0	2631

## Appendix F – Cessnock DCP Compliance

Cessnock Council adopted development controls for Huntlee on 7 March 2018, and they are located in Chapter E17 of the Cessnock DCP 2010. 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 11 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 11
(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 heritage, bushfire management, riparian corridors, stormwater management and earthworks.	The proposed modification would not adversely impact on environmental management issues. The proposal has been referred to Council and agencies, and conditions imposed where relevant.

Section 4 – Subdivision Design	
Section 4.1 – Street Network and Design	Compliance for MP 10_0137 MOD 9
(1) The street network is to be provided in accordance with Figure 5	The proposal seeks approval for minor changes to road widths only. No change to the network is proposed.
(2) Road and intersection upgrades are to be generally in accordance with Figure 6 and Figure 7.	The proposal seeks to modify the timing for approved road infrastructure works or intersection upgrades only and does not seek to alter the works proposed.



(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 19) should accommodate the majority of the required APZ within the road reserve and 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. An 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 accommodate local features if they preserve the functional objectives and requirements of the design standards.	The proposed reconfigured subdivision layout preserves 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"> <li>- a permeable network that is based on a modified grid system,</li> <li>- encourage walking and cycling and reduce travel distances,</li> <li>- maximise connectivity between residential areas and community facilities, open space and centres,</li> <li>- take account of topography and accommodate significant vegetation,</li> <li>- optimise solar access opportunities for dwellings,</li> <li>- provide frontage to and maximise surveillance of open space and riparian corridors,</li> <li>- provide views and vistas to landscape features and visual connections to nodal points and centres, and</li> <li>- maximise the use of water sensitive urban design measures</li> <li>- minimise the number of road crossings of riparian corridors and ensure riparian connectivity is maintained.</li> </ul>	The proposal seeks to modify existing road boundaries only, no change to the network is proposed.
(7) Except where otherwise provided for in this DCP, all streets and intersections are to be designed and	An existing condition of consent requires all roadworks to be designed and constructed in

constructed in accordance with Austroads Guide to Traffic Management and Australian Standards AS 1742, 1743 and 2890.	accordance with Austroads and relevant Australian standards.
<p>(9) Street trees are required for all streets. Street tree planting is to:</p> <ul style="list-style-type: none"> <li>• be consistently used to distinguish between public and private spaces and between different classes of street within the street hierarchy minimise risk to utilities and services,</li> <li>• be durable and suited to the street environment and, wherever appropriate,</li> <li>• include endemic species,</li> <li>• maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners,</li> <li>• provide appropriate shade,</li> <li>• provide an attractive and interesting landscape character and clearly define public and private areas, without blocking the potential for street surveillance.</li> </ul>	The approach to street tree planting/species is consistent with the Project Approval.

<b>Section 4 – Residential Neighbourhoods</b>	
<b>Section 4.5.1 Residential Character</b>	<b>Compliance for MP 10_0137 MOD 11</b>
(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 does not impact on walkability as previously assessed and approved for the project.
(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.	No change to the street hierarchy proposed.
(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,	The proposed amendments do not impact access to the Town Centre or public open space.

educational establishments and community/recreation facilities.	
(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.	No changes to block lengths proposed.
(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 a subdivision pattern that is similar to the approved subdivision pattern in terms of the lot layout and orientation.
(9) Preferred lot siting is either on a north-south or east-west orientation.	The new lots are orientated in a north/south or east-west orientation.
<p>(11) Residential subdivision applications should:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Incorporate a mix of lot sizes for detached dwellings to provide a range of housing choice within the lower density areas.</li> <li>• Provide cottage lots around open space and village centres</li> <li>• Provide country lots around the perimeter of the site and where environmental constraints are managed within lots (ie Flooding, bushfire APZ etc)</li> <li>• 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.</li> <li>• Ensure that pedestrian, cyclist and road links provide legible and direct access to the town</li> </ul>	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.

centre, public transport and areas of public open space.	
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<b>Section 4.5.2 Minimum Lot dimensions</b>	<b>Compliance for MP 10_0137 MOD 10</b>
(1) The minimum subdivision lot size and dimensions are 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.	No irregular shaped lots proposed.
(3) Battleaxe lots are not permitted.	No battle-axe lots are proposed.

Note: The original HDGP 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**

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

All reconfigured and new lots proposed in modification 11 exceed the minimum lot sizes in table 5 above.

<b>Section 4.6 Town Centre Subdivision Design</b>	<b>Compliance for MP 10_0137 MOD 11</b>
(1) Lots should be relatively regular in shape. Irregular shaped allotments and narrow street frontages should be avoided.	No new irregular shaped lots proposed.
(2) Lots should be oriented and aligned:	The proposed lots are such that future buildings can directly face the streets and provide good surveillance and amenity opportunities and solar

<ul style="list-style-type: none"> <li>• 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,</li> <li>• To facilitate solar efficiency, and</li> <li>• To encourage building design that has frontage to landscaped areas and riparian corridors.</li> </ul>	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 modifications are minor and would not impede sight lines for exiting vehicles.
(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	No change to road layout proposed.
(5) battle axe lots are not permitted	No battle-axe lots proposed.