

26 August 2020

2200058

Jim Betts
Planning Secretary
Department of Planning, Industry and Environment
12 Darcy Street, Parramatta NSW 2150

Attention: Emma Butcher, Planning Officer, Regional Assessments

Dear Ms Butcher,

SECTION 4.55(1A) MODIFICATION APPLICATION MP_10_0137 (MOD 14) HUNTLEE NEW TOWN, BRANXTON

This application has been prepared by Ethos Urban on behalf of Huntlee Pty Ltd, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (EP&A Regulation) to modify Stage 1 Project Approval MP10_0137 for Huntlee New Town (the site).

The modification relates to changes to the layout of Residential Substage 5 (Large Lots) triggering a reduction of 10 residential allotments and resulting in an overall total of 1,609 residential lots across the total Huntlee Stage 1 precinct.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Amended Huntlee Stage 1 Masterplan and Staging Plan, prepared by Daly Smith (**Attachment A**);
- Amended Huntlee Stage 1 Road Hierarchy Plan, prepared by Daly Smith (**Attachment B**);
- Amended Huntlee Stage 1 Lot Count Plan, prepared by Daly Smith (**Attachment C**);
- Amended Huntlee Stage 1 Project Embellishment Plan prepared by Daly Smith (**Attachment D**);
- Amended Huntlee Stage 1 Constraints on Amended Lots Plan prepared by Daly Smith (**Attachment E**);
- Changes from MOD 11 Masterplan prepared by Daly Smith (for information purposes at **Attachment F**);
- Bushfire Threat Assessment prepared by MJD Environmental (**Attachment G**);
- Ecological Statement prepared by MJD Environmental (**Attachment H**); and
- Stormwater Management Strategy prepared by Northrop (**Attachment I**).

1.0 Consent proposed to be modified

Project Approval MP 10_0137 was granted by the Planning and Assessment Commission (PAC) on the 24th April 2013 for Stage 1 of the Huntlee New Town, comprising residential subdivision of 1,473 lots, 14 super lots, a primary school allotment and the creation of drainage and open space reserves, site preparation works and internal and external road works.

The development of Huntlee is long-term and has occurred over several sub-stages and years. The progression of the Huntlee New Town and the detailed design of the residential precincts within the Stage 1 approval have provided the impetus for a number of minor modifications to the approval, as outlined in Section 1.1 below.

This Section 4.55(1A) modification application seeks approval for changes to the Substage 5 Large Lot layout including road re-alignments, lot boundary amendments and a reduction of 10 residential allotments as a result of

ongoing design refinements. The modifications are generally consistent with the Project Approval and are described in detail in Section 2.

1.1 Previous Modifications to the Project Approval

As stated, the progression of the Huntlee New Town and the detailed design of the various residential precincts within Stage 1 have provided the impetus for a number of minor modifications to the Project Approval. Nine previous modifications have been submitted to the Department and are outlined below.

- MP10_0137 MOD 1: Comprised the minor alterations to the approved residential lot layout and subdivision pattern within Stage 1 Entry Village Precinct and the amendment of associated conditions to reflect the plans of subdivision. The modification was approved on 20th January 2015;
- MP10_0137 MOD 2: Comprised the modification of the super lot layout within the Town Centre precinct and the addition of two laneways. The modification also included minor alterations to the Stage 1 Approval boundary to accommodate riparian and water basin detention works as well as the relocation of open space and amendment of Consent Conditions. The modification was approved by the PAC on 2 April 2015;
- MP10_0137 MOD 3: Comprised the redesign of the residential lots and road layout within sub-stages 2-5 as well as minor amendments to lots in sub-stage 1. The modification included the reconfiguration of the open space layout and the relocation of a sporting oval. The modification was approved by the PAC on 17 August 2015;
- MP10_0137 MOD 4: Comprised minor modifications to the residential subdivisions layout in sub-stages 3-5. The proposed modifications related to the residential lot layout and access paths as well as the addition of a vehicular laneway and one new residential allotment. The modification was approved by the PAC on 19 November 2015;
- MP10_0137 MOD 5: Comprised modifications to extend the Stage 1 approved boundary to include an additional 3.1 hectares of land to relocate 33 residential lots. This modification was approved by the PAC on 5 July 2016;
- MP10_0137 MOD 6: Comprised modifications to the approved Town Centre lot layout and subdivision pattern, as well as modifications relating to contamination and remediation, the provisions of utility services and intersection upgrades;
- MP10_0137 MOD 7: Comprised minor modifications to provide an access road to a portion of RMS owned land on the northern boundary. This modification was approved by the PAC on 17 May 2017;
- MP10_0137 MOD 8: Comprised modifications to the residential subdivision layout, street layout, open space and relocation and reconfiguration of the proposed school allotment. This S75W modification was lodged on 12 May 2017 and was approved by the PAC on 4 May 2018;
- MP10_0137 MOD 9: Comprised modifications to amend the Stage 1 site boundary to include a new substage 16 that comprises four super lots 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. This modification was approved on 13 December 2019;
- MP10_0137 MOD 10: Comprised modification to seek approval to reconfigure residential lots 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 modification was approved on 22 May 2019;
- MP10_0137 MOD 11: Comprised modification to seek approval to amend road widths and lot boundaries in Town Centre substages TC1 and TC2 and residential substages R2, R3, R5, R6, R8, R9, R11, R12, R13, R14, R15 and R16. This modification was approved on 14 April 2020;
- MP10_0137 MOD 12: Comprised modification to seek approval to include 4 additional residential lots within residential substage R5 and a minor decrease to the overall amount of open space for the Huntlee precinct. This modification was withdrawn on 1 June 2020; and
- MP10_0137 MOD 13: Comprised modification to modify staging boundaries. This modification was lodged on 26 February 2020 and is still under assessment by DPIE.

2.0 Proposed modifications to the consent

This modification application seeks to modify the following changes to Residential Substage 5 (Large Lot) precinct within Huntlee:

- Modification to road alignments;
- Extension of lot boundaries; and
- Deletion of 10 lots.

The above modifications to the overall layout of Residential Substage 5 (Large Lots) to accommodate the new road alignment and extension of lot boundaries will result in an overall reduction of 10 residential allotments within the overall Huntlee precinct and is due as a result of ongoing design and product refinements. As a result, the overall lot numbers have been updated to reflect these changes.

It should be noted that there is no change to the Stage 1 Project Approval Site boundary as part of this modification. The proposed modifications are described in more detail below.

2.1 Modifications to the Road Alignment

It is proposed to modify the existing main north-south road alignment that dissects Residential Substage 5 (Large Lot). Previously, the main north-south road alignment was uninterrupted through the substage and included a 4-way intersection at its mid-point. However, the modification seeks to shift the north-south road slightly east after the previous 4 way intersection, which now terminates at a t-way intersection at this location. Additionally, it is also proposed to shorten the main north-south roadway at its southern point to accommodate the revised lot layouts.

Lastly, it is proposed to terminate an existing L intersection located centrally within Substage 5 (Large Lot) to accommodate. Refer to **Figure 1** and **Figure 2** below.



Figure 1 Previously approved road network

Source: Daly Smith



Figure 2 Proposed modified road network

Source: Daly Smith

2.2 Modifications to the lots proposed

Modifications are proposed to various lot sizes, boundaries and positions within Substage 5 (Large Lot) due to the new road alignments as well as ongoing negotiations with Council to manage the previously approved open space within Substage 5 (Large Lot). Due to this, the following changes are proposed to the previously approved lot boundaries;

- Lot boundaries 2, 85, 89, 90, 104, 105, 106, 107, 109, 110, 111, 112 and 113 are proposed to be expanded to the creek line in the west.
- Lot boundaries, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 are proposed to be expanded to the substage boundaries to the south and east.
- Lot boundaries 24, 25 and 27 are proposed to expand to make redundant the previously approved open space area in this location.
- Lot boundaries 52 and 62 are proposed to expand further north due to the new road alignment in this location.
- Lot boundaries 1, 49, 50 and 51 are proposed to expand to make redundant part of the previously approved open space area in this location.

As a result of the above lot modifications, a consequential total reduction of 10 residential lots as well as 11.4 ha of previous public open space will occur. Refer to **Figure 1** and **Figure 2** on the previous page.

However, given the above modifications, there are also four lots for infrastructure and open space, and one remaining lot for an existing dwelling (Lot 5005).

As a result of the above changes due to ongoing design development of Huntlee, various amendments have been sought to refine the lot layout. **Table 1** on the following page illustrates the current status arrangement of lot yield in

each substage across the development in the context of the approved development per Modification 13 and this proposed Modification 14.

Table 1 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 prior to Mod 9	Total approved under Mod 13	Difference (Between Mod 13 and Mod 14)	Total proposed under Mod 14
1	208	+2 (210)	215 6 infrastructure lots	0	215 6 infrastructure lots
2	98	+9 (107)	107	0	107
3	94	+23 (117)	120	0	120
4	91	+33 (124)	128	0	128
5	111	-	119	0	119
5 (Large lot)	120	-	123	-10	113
6	60	-	63	0	63
7	147	-	104	0	104
8	106	-	143	0	143
9	130	-	75 3 infrastructure lots	0	75 3 infrastructure lots
10	81	-	152	0	152
11	118	-	82	0	82
12	109	-	104	0	104
13	1 (superlot)	-	66	0	66
14 (superlot)	1	-	1	0	1
15 (superlot)	1	-	1	0	1
16 (superlots)	-	-	4	0	4
16 (allotments)	-	-	17	0	17
'Lot 34'	1	-	1	0	1
Town Centre Superlots	11	-	0	0	0
Town Centre Lots	-	+2	66	0	66
Total Resi Lots	1473	1473	1619 (excluding Stage 14, 15 and 16 superlots and infrastructure lots) 1625 (including Stage 14, 15 and 16 superlots)	-10	1609 (excluding Stage 14, 15 and 16 superlots and infrastructure lots) 1625 (including Stage 14, 15 and 16 superlots)
Total Superlots	14	-	7		7
Total Dwellings	2345	2345	2624	-10	2614

Therefore, Condition A1 below has been amended to reflect the overall amount of lots proposed in Modification 14 from the approved Modification 13 layout. Refer to **Section 2.3** below.

2.3 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and words to be inserted are shown in ***bold italics***.

2.3.1 Condition A1

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 ~~1,619~~ **1609** residential allotments, 7 super lots, 1 allotment for a school; landscaped areas,*
- *drainage, public open space and recreation areas;*
- *associated bulk earthworks; and*
- *infrastructure including roads, drainage works and utility services provision.*

Reason: It is proposed to amend the condition to reflect the reduction of 10 lots in Substage 5 (Large Lots) as a result of further design amendments to the lots boundaries within the residential substages.

2.3.2 Condition A2

A2. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with the following documentation:

- *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 Masterplan dwg UD4-401 01.02.13” (Roberts Day Feb 2013)*

.....

M) and as amended by:

- ***MOD 14 Application – Section 4.55(1A) Modification to Huntlee Major Project Approval MP 10-0137 Huntlee New Town, prepared by Ethos Urban, dated 26 August 2020, including supporting documentation;***

Reason: It is proposed to amend the condition to reflect the amended plans.

2.3.3 Condition A6

Condition A6 Staging Plan

*a) Development should be carried out in accordance with the amended Staging Plan 20406-1 to 3000 (MOD ~~13 14~~ **Issue 1** prepared by Daly Smith Pty Ltd dated ~~30/08/2019~~ **17/06/2020**.*

b) The Staging Plan can be varied with written consent of the Secretary of the Department of Planning and Infrastructure, or his nominee.

Reason: It is proposed to amend the condition to reflect the amended plans.

2.3.4 Condition C9

C9. Landscape Plan modifications

a) Detailed landscape plans are to be prepared in consultation with Cessnock Council prior to the issue of the first construction certificate for each sub stage, and are to be generally in accordance with the "Huntlee Landscape Concept Report" Hassell August 2012 as amended by the:

- *Amended Landscape Masterplan prepared by AECOM Issue B dated 16 July 2015 (relating to Stages 2 to 5)*
- *Landscape and Public Open Space report prepared by AECOM Issue C dated 5 December 2017 (relating to Stages 6 to 13)*
- *Landscape masterplan – 20406-1 to 3000 (MOD13 14) – Public Embellishments Issue 0 prepared by Daly Smith dated ~~21 August 2019~~ 17/06/2020.*

The Landscaping plans shall be subject to the following amendments:

- (i) Provide details of car parking for each recreation area, including a sealed car park with a minimum of 35 car spaces and 10 bicycle spaces at each of the two main sports field areas*
- (ii) Ensure the additional 2.8 ha of active open space is shown consistent with the approved subdivision layout plan.*

(iii) Ensure the area between Wine Country Drive road reserve and the internal road of the large lot subdivision that runs alongside the Wine Country Drive road reserve is landscaped to provide a visual and noise buffer to residential lots

b) The detailed landscape plans should provide details regarding proposed landscaping and embellishment of the open space, recreation facilities, drainage and riparian areas for the sub stage.

~~**c) The Landscape plans should clearly outline the proposed open space in the north east corner of the large lot area and consider the appropriate conservation of the existing Persoonia pauciflora plants in consultation with OEH and taking into account the recovery plan for the species prepared by OEH, outlining measures to protect the endangered species, including the required 30m buffer and habitat protection.**~~

Reason: It is proposed to amend the condition to reflect the updated plans and to also remove the reference to the 30m buffer for the Persoonia plants, noting these are no longer present on the site due to having died. Refer to Attachment H.

2.3.5 Condition C10

C10. Large Lot Area Northern Open Space

~~**a) The open space area in the north east corner of the large lot residential area is to be fully fenced to ensure access is restricted to this area prior to works occurring within the large lot residential area.**~~

~~**b) Appropriate measures should be implemented to protect the Persoonia pauciflora plants on the lot, including the required 30m buffer and habitat protection to ensure that the 30m buffer areas around the Persoonia pauciflora plants remain as Persoonia pauciflora habitat even after the mature plant dies, to allow for potential future new plants to grow there in consultation with OEH and to the satisfaction of the Certifying Authority.**~~

Reason: It is proposed to delete this condition C10 noting that there is no open space area proposed in the north-east corner of the large lot residential area anymore, with this area to be developed for residential purposes. Additionally, there are no longer any Persoonia plants in this area, as assessed in Attachment H.

3.0 Substantially the same development

Clause 3BA (6) of the Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A Regulation) states

“In the application of section 4.55 (1A) or (2) or 4.56 (1) of the Act to the following development, the consent authority need only be satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent (as last modified under section 75W):

(a) development that was previously a transitional Part 3A project and whose approval was modified under section 75W,

....”

The onus is on the applicant to satisfy the consent authority that the modified development will be substantially the same (*Seaforth Services Pty Limited v Byron Shire Council (No.2) (1991) 72 LGRA 44*). The following principles apply when determining whether a development as modified will be “substantially the same development”:

1. The meaning of “modify” is to alter without radical transformation;
2. The term “substantially” in this context means “essentially or materially or having the same essence”;
3. The assessment involves a comparison between the development as approved originally and the development as proposed to be modified. One does not compare the development as modified with what exists currently on the site, or the development as last modified (if applicable);
4. To assess whether a consent as modified will be substantially the same requires a comparison of before and after situations. Differences may involve differences of the result or outcome, as well as differences of the process of implementation (i.e., the way in which the development is carried out);
5. The consent authority is required to undertake both a qualitative and quantitative comparison of the whole development as consented to and the whole development to which the consent as modified relates. In other words, the consent authority must compare the physical features or components of the development as currently approved and modified, and appreciate the qualitative differences between the approved and modified developments, including the context in which the original application was approved;
6. The consent authority also needs to consider whether the proposed modifications will generate any additional impacts, and whether the proposed modifications relate to “material or essential features” of the development as originally approved.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- The modified development retains the same activity and proposed land uses as the approved development;
- The scale and density of the development are commensurate to that previously approved;
- The marginal decrease of 10 residential lots is considered to be of minimal impact and does not change the traffic modelling for Stage 1 of the development, which considers the impacts of approximately 2,350 dwellings. The approved vehicular entry point from the Large Lot area remains unchanged, and the reduction of lots is likely to result in lesser impacts to the local road network; and
- The modifications remain within the Stage 1 Project Approval boundary. The proposed allotments remain substantially the same as the Stage 1 approval and the Huntlee DCP.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if “it is satisfied that the proposed modification is of minimal environmental impact”. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Compliance with Relevant Statutory Plans and Policies

The development, as proposed to be modified, remains generally consistent with the following statutory plans and policies.

Consistency with Stage 1 Major Project Approval

The proposed modifications are considered to be consistent with the Huntlee Stage 1 Major Project Approval. The proposed modification is a result of ongoing design refinements in view of the following:

- Whilst the modification seeks to modify the lot layout within the Large Lot area, including road alignments and a reduction of 10 residential lots, the general substage grid alignment remains consistent with the Stage 1 approval and the Huntlee DCP. The amended allotment boundaries will ensure that fewer, larger lots that remain consistent with minimum lot sizes.
- Despite the reduction of 10 residential lots, the modifications remain consistent with the Stage 1 approval and the Huntlee DCP to provide the lots (refer to **Table 1**). The modification lots will ensure consistency with the vision for Huntlee contained within the DCP in that it will continue to promote housing diversity by providing a range of lot and housing types.
- This application will marginally decrease residential lots by 10 (less than 0.1% decrease) and as such will not result in any impacts to population density nor will have an impact on traffic generation.
- The modifications remain capable of accommodating the necessary APZs and as such do not create any adverse bushfire impacts, as discussed further in **Section 4.4** below.

In light of the above, it is considered that the proposed modifications are consistent with the Stage 1 approval.

Cessnock Local Environmental Plan 2011

The proposed modifications are within the Cessnock LGA and subject to the Cessnock Local Environmental Plan 2011 (Cessnock LEP). The site is zoned R5 Large Lot Residential. Land uses proposed under this modification comprising large lot residential use and recreational public open space areas remain unchanged, which are permitted with consent in the R5 zone. The proposed modifications remain consistent with the original project approval.

Huntlee Development Control Plan 2013

The proposed minor changes to the Stage 1 Major Project Approval, as outlined in Section 2.0, retain consistency with the provisions contained in the Huntlee DCP. The modification has been designed with the controls contained within the DCP in terms of subdivision design and minimum lot sizes and it is concluded that the modification is consistent with the controls. In particular, it is noted that Section 3.3 of the DCP requires that existing *Persoonia pauciflora* plants are to be conserved in situ with a 30m curtilage provided. As addressed below in **Section 4.3**, previous specimens on the site have died and as such this requirement is no longer applicable.

4.2 Urban Design and Lot Layout

The proposed modifications continue to maintain consistency with the objectives of the 'Large Lot' residential layout nature in which this residential substage was created. The increase in lot sizes stem as a result of negotiations with Council regarding the management and ownership of the previously approved public open space in this substage. As a result of Council's stated limitations to manage the space, the modifications propose to extend the lot boundaries so that part of the previously proposed public open space area is made redundant and is transferred for management under new private ownership associated with the lot extensions.

The proposed modifications to the lot sizes also responds to the reconfiguration of the road alignments, providing a better outcome in terms of the interpretation of the streetscape in response to the road modification. The proposed new road alignment and allotment amendments will not impact on the community's ability to navigate the streetscape. As such, the modifications to lot sizes, with a resulting reduction of 10 lots, presents an improved outcome from a smaller, denser 'Large Lot' allotment configuration to slightly larger allotment configuration (and less dense built form), commensurate with the objectives of the Residential Substage 'Large Lot' nature. Each lot is provided with sufficient building envelope flexibility to deliver a variety of built form outcomes for dwelling construction.

The proposed modification results in these larger lots along the western boundary of the site now incorporating what was previously proposed public open space as private land holdings, more consistent with the intent of these larger rural style allotments. This results in the following changes as described in **Table 2**.

Table 2 Proposed open space area amendments

Open Space Area	Mod 13 Approval	Mod 14 Proposed	Difference
Local sport facility	7.44ha	7.44ha	-
District park	8.28ha	8.28ha	-
Local park	4.67ha	3.53ha	-1.14ha
Urban Square/Plaza	0.99ha	0.99ha	-
Open Water (Lake/Wetland)	2.20ha	2.20ha	-
Public Open Space	31.28ha	19.88ha	-11.4ha
Riparian Corridor	29.68ha	14.65ha	-15.03ha
Total	84.54ha	56.97ha	-27.57ha

The proposed changes result in a decrease in total open space of 27.57ha due to the inclusion of riparian lands and previous public open space areas within private land ownership (consistent with the approach elsewhere throughout the Hunter) and the removal of the north-eastern local park area, with local park space now proposed to be consolidated in the central area of the large lot site. Other areas of public open space are provided throughout the site, being utilised in part for stormwater management. The overall reduction in open space areas is considered appropriate noting that Council have previously indicated a preference for less open space due to maintenance costs and associated timeframes with physical maintenance involved. Furthermore, the change to the open space reflects land adjacent to Black Creek which is generally unsuitable for usable open space, being inaccessible by the public.

Additionally, Cessnock Council's Recreation and Open Space Strategic Plan identifies a rate of 0.5ha per 1,000 persons for local open space, noting the Large Lot area provides for 113 allotments, and that local parks are to be provided with a catchment of 500m, consistent with the approximate overall catchment of the Large Lot area. A Local Park is identified in the Plan as being a small park offering residents a supplementary open space to complement their backyards, used for short visits by small groups in a small catchment area.

The centralised local park as proposed will be embellished with amenities consistent with other local parks, including a children's playground, landscaping and seating. Given the Large Lot R5 stage separation from the balance of the Huntlee site, this is considered an appropriate outcome for the immediately surrounding residential properties, particularly given the average lot size is larger than other stages across Huntlee, which provides for ample private open space for recreation purposes with the local park intended as supplementary open space.

4.3 Ecology

As part of the original Huntlee approval, conditions of consent allowed for the retention of individual *Persoonia Pauciflora* (*P. pauciflora*) plant specimens, which is listed as Critically Endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act, noting a Commonwealth approval under the EPBC

Act has been granted which identifies a conservation area and 75m protection buffer around these specimens. This approval is currently being amended).

At the time of the Huntlee approval in 2010, there were 3 individual plants within the subject area (being the north-eastern corner of the large lot site), with the following characteristics:

- One was recorded as 'not present/dead';
- One had been grazed and/or were small and of poor to moderate health; and
- One was an established healthy plant.

All known plants were protected by the 30m buffer under Condition C10.

Surveys undertaken on site during 2018/2019 identified that all remaining plants (including two individuals located within the Wine Country Drive road reserve outside of the Huntlee controlled lands) had deteriorated with age and had died. Review of the Huntlee Persoonia Report (2010) determined that the plants death was consistent with the species ecology and life expectancy.

No new individuals have been recorded on the site since the original 2010 Huntlee approval, noting the time past extends through both drought and non-drought periods.

Furthermore, planting of propagated individuals into conservation reserves has since taken place, with those reserves being former Huntlee Offset lands. These plantings have been facilitated by the NPWS, with larger planting blocks having been successfully established, being managed by the Saving Our Species program and the NPWS using funds primarily sourced from the Huntlee approval. A new private conservation area immediately north of the large lot subject site has also been established.

Given the above, noting no new individuals have been established in the time since the original Huntlee approval, and the ongoing conservation efforts on adjacent sites, it is considered that Condition C10 can be amended to allow for removal of the requirement for the buffer around these now deceased plant specimens, allowing for the development of the large lot site as proposed in this modification.

Further detail is provided in **Attachment H**.

4.4 Bushfire

An updated Bushfire Assessment has been prepared by MJD Environmental (**Attachment G**). The assessment considered the bushfire hazard and associated potential threats relevant to the modifications and outlined the mitigative measures which would be required in accordance with Planning for Bush Fire Protection 2019 (PBP). In order to determine which setbacks and other relevant Bush Fire Protection Measures (BPM) will be appropriate, the assessment adheres to the methodology and procedures outlined in PBP (2019) via assessment of acceptable solutions as outlined in Chapter 5 of PBP (2019).

Vegetation on the site was classified and split into two areas for the purpose of the assessment, being the Northern Assessment Area (north of the east-west running watercourse) and the Southern Assessment Area (south of the east-west running watercourse). Generally, the northern area comprises of vegetation classified as Forest, Low Hazard Vegetation Rainforest and Forest and Grassland. The southern area comprises of Grassland, Forest and Low Hazard Vegetation Rainforest. A slope assessment was also undertaken, with general slope classes comprising 0-5° downslope, flat and upslope.

Based on this, the assessment produces site specific key recommendations based on the new lot layouts which include tailored APZ's required to the amended lots so that each future lot can be managed as a protection area in perpetuity. The assessment proposes lot specific APZ's ranging from 10m in lots comprising grassland areas to 29m in lots comprising forest areas. APZ separation is also provided by Wine Country Drive as defendable space (**Figure 3**). It is noted that the building envelopes as shown are larger than any likely built form will require.

Additionally, during the subdivision construction, a temporary APZ of 100m or to the final boundary (whichever being the greater) will be established between active or completed development stages and future development areas. The Bushfire Assessment demonstrates that future dwellings within the proposed subdivision arrangement, can be established with a BAL exposure of no greater than BAL-29 and the requirements of the PBP (2019) can be met.

In terms of access, all access is generally consistent with the Huntlee Concept Approval with a public road network connecting into Wine Country Drive, ensuring that egress is away from the bushfire hazard. Importantly, the proposed amendment still ensures general consistency with the requirements of PBP 2019 in terms of access.

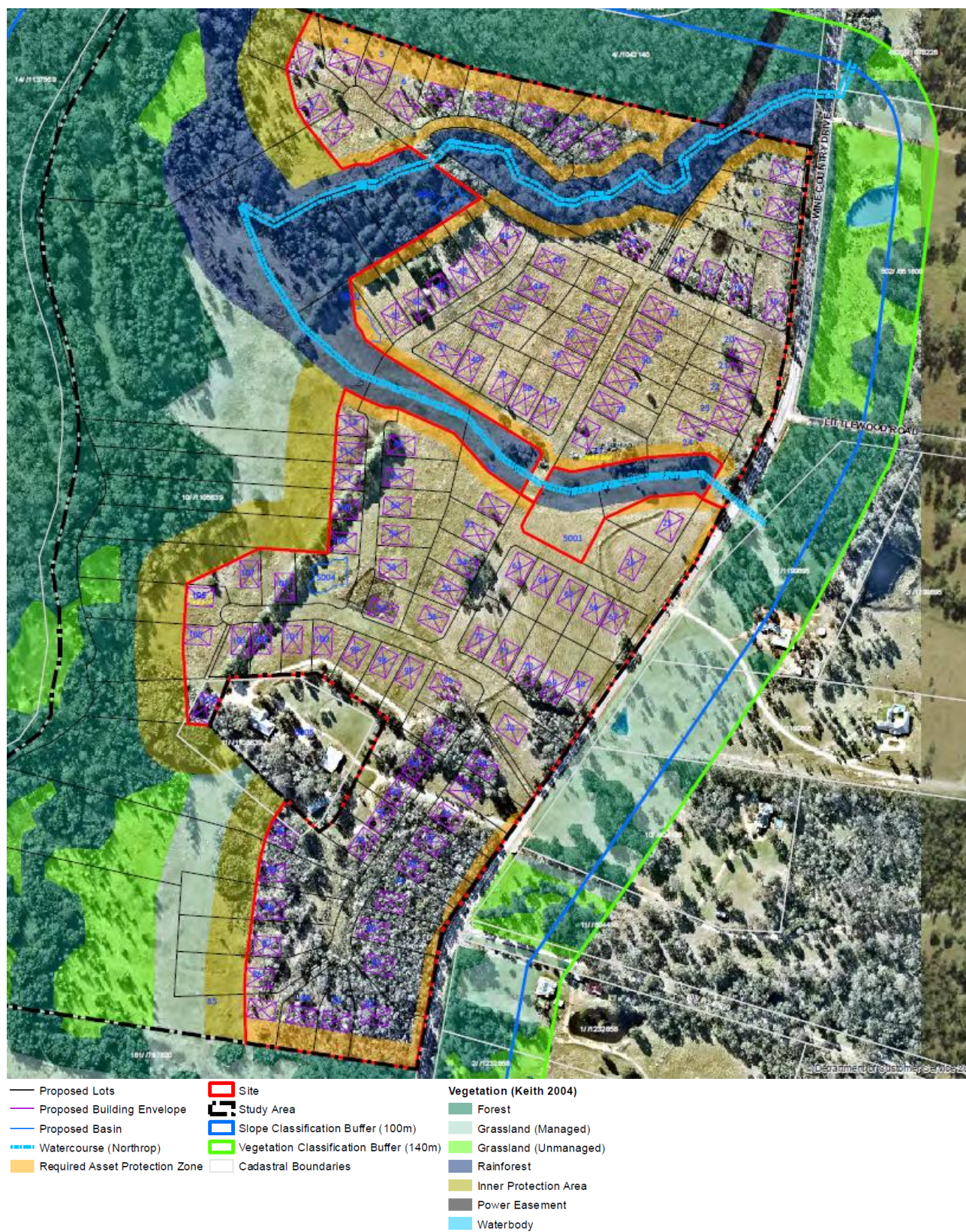


Figure 3 Required APZ for the large lot site

Source: MJD Environmental

4.5 Flooding

There are no changes to flood liable land under this modification and the existing findings of the flood assessment provided as part of the original application and subsequent modifications remains consistent. Flooding levels are illustrated and included on the Amended Huntlee Stage 1 Constraints on Amended Lots Plan prepared by Daly Smith (**Attachment E**). Although the modification includes private lot boundaries extending to the creek, the nominated BAL and APZ's (as mentioned in **Section 4.4**) limit the development area envelopes of the extended lots. Therefore, flooding impacts remain consistent with what was previously approved as the developable area within the new lot boundaries is not subject to change.

4.6 Stormwater

A Stormwater Management Strategy has been prepared by Northrop (**Attachment I**). As required for the management of downstream watercourses, stormwater treatment devices have been incorporated into the revised design of the large lot residential area, with the treatment train to achieve pollutant removal efficiency targets as outlined in the Huntlee DCP. The treatment train proposed includes rainwater harvesting tanks connected to buildings (with a minimum capacity of 10KL given the larger size of allotments), landscaping features including contour banks and soak-a-ways, vegetated grass swales and three biofiltration basins with the following areas:

- Basin 1 surface area: 1,300m²;
- Basin 2 surface area: 500m²; and
- Basin 1 surface area: 500m².

This treatment train was modelled using MUSIC and indicates achievement of the targets required as shown in **Table 3**.

Table 3 Pollutant Removal Efficiency Results

Pollutant	Target %	Modelled Reduction %
Total Suspended Solids	85	85
Total Phosphorus	45	61
Total Nitrogen	45	50
Gross Pollutants	N/A	78

Source: Northrop

4.7 Services

The proposed modification will not have an adverse impact on the infrastructure services provided to the residential allotments. The service infrastructure planned for Huntlee New Town is capable to accommodate the entire town which allows for the construction of up to 7,500 dwellings and approximately 200 hectares of mixed-use employment lands. The proposed modifications will not disrupt the ability to provide infrastructure services to Huntlee as the proposal relates to modified lot boundaries only.

4.8 Social and economic impacts

In accordance with the original intent of the major project, the modifications will continue to facilitate the future development of the proposed allotments at future development stages, which will carry with its corresponding economic benefits. The proposal will not result in any adverse social impacts. Most importantly, whilst minor, the reduction of ten lots, will result in fewer lots of larger sizes which is considered a better outcome for the amenity and character of the Large Lot substage and their future occupants in promoting social welfare by providing additional allotment space per lot and providing better economic investment value. Lastly, Residential Substage 5 (Large Lot) will still maintain areas of public open space, but rather them being concentrated to isolated continuous areas of

land, they have been concentrated throughout the substage in smaller areas, making it easier for Council to manage and maintaining equitable distance available to all residential allotments.

4.9 Site suitability and the public interest

The proposal is consistent with the relevant planning provisions and will have no adverse environmental impact on the site. The proposed modifications are minor and still achieve consistency in that it is suitable to allow future development, as well as provide housing that maintains the vision in the Huntlee DCP Chapter. This application is in the public interest as it decreases the amount of lots proposed and allows for fewer, slightly larger lots which will provide a better economic investment value and social amenity outcome by allowing a marginal increase of space per allotment, meeting local demand for lots that are larger than the minimum lot size prescribed by Council.

5.0 Conclusion

The proposed modifications seek to modify the Huntlee Stage 1 Major Project Approval (MP10_0137) and is the result of ongoing design refinement of the Stage 1 project. Whilst the modified masterplan is an improved design to modify the subject lot boundaries to allow for fewer, slightly larger blocks, with a reduction of ten residential allotments as a result, it is considered that the modifications are minor in the scale of the wider Huntlee development and is well-aligned with Council's level of management of public open space within this substage.

The development as modified, remains generally consistent with the Modification 13 approval and has addressed the environmental impacts with regard to flooding, urban design, bushfire or ecological impacts. The modifications proposed in this application do not alter the proposals consistency with the objectives and controls set in the Huntlee DCP Chapter and the reduction of lots is considered to result in positive outcomes for the Huntlee New Town as it removes some environmental pressure associated with population density.

In accordance with section 4.55(1A) of the EP&A Act and the clause 3BA(6) of the EP&A Regulation, the Department may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that last modified;
- the assessment of the likely environmental impacts demonstrates that the proposed modification is of minimal environmental impact;
- the proposed modifications do not alter the development's compliance with the relevant environmental instruments.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, we have no hesitation in recommending that the application be approved.

Yours sincerely,



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