

Our reference  
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29 July 2021

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**Partner**  
Louise Camenzuli

Dear Glenn

## **Huntlee New Town Development Substage 8, 9 and 11 reconfiguration (MP 10\_0137 MOD 16)**

We refer to:

- (a) the letter dated 10 June 2021 from the Regional Assessments team of the Department of Planning, Industry and Environment (**DPIE**); and
- (b) the letter dated 5 May 2021 from the Biodiversity and Conservation Division (**BCD**) of DPIE,

each regarding Modification Application MP 10\_0137 MOD 16 to Huntlee's Stage 1 Project approval (**Mod 16**).

You have requested our advice in response to the matters raised in those letters, specifically in relation to the recommendation that Mod 16 be reviewed against the conservation outcomes described in the Huntlee Ecological Assessment Report prepared by RPS (**EAR**) and the Flora and Fauna Management Sub-Plan, and that Huntlee should provide details of the arrangements made to ensure ongoing management of the areas proposed for retention and preservation for their ecological value.

We are instructed that Mod 16 proposes various modifications to the part of the Stage 1 Project site contained in Substages 8, 9 and 11, including amendments to the lot sizes, boundaries and positions and road layouts, which effectively remove the existing village centre and nominated primary school lot (which has been relocated) and increase the overall residential lot yield by 41 residential lots.

We have reviewed BCD's letter and consider that the modification to the Stage 1 Project approval proposed by Mod 16 does not trigger the need for further assessment of the conservation outcomes for the Huntlee development as the urban development of that land was already assessed as part of the Stage 1 project approval. This is because Mod 16 does not result in any new or additional impacts to the Hunter Lowlands Redgum Forest

community (or any other endangered ecological community) which has not already been assessed as part of the EAR.

The EAR for the Huntlee Stage 1 development application concluded that the impacts of the Huntlee development as proposed in the SSS Study (i.e. the development of all the Huntlee land, and not just Stage 1) would be appropriately offset by the Environmental Lands Offset Strategy.

The Environmental Lands Offset Strategy consists of the following 'on-site' and 'off-site' conservation measures:

On-site

- (a) Dedication of a conservation area south of Black Creek (575 ha)
- (b) Dedication of an additional conservation area that incorporates a large proportion of the known *Persoonia pauciflora* population north of Hanwood Estate (18 ha)
- (c) Dedication of 'Persoonia Park', being a dedicated conservation reserve targeting the recovery of this Critically Endangered species (17 ha), including a monetary contribution of \$100,000 towards the management of the species
- (d) Riparian buffers established in consultation with the NSW Office of Water as underpinned by the Water Management Act and guidelines
- (e) Retention of all *Persoonia pauciflora* individuals with a 30 m buffer for so long as such plants persist in situ

Off-site

- (a) Dedication of 2,287.45 ha of conservation lands at Mt Popong & Pickle Bottle Creek
- (b) Dedication of 429.15 ha of conservation lands at Howes Valley
- (c) Dedication of 228.05 ha of conservation lands as in-holdings within Yengo National Park
- (d) Dedication of 101.21 ha of conservation lands at Mount Warrawalong
- (e) Dedication of 440.08 ha of conservation lands at Corabare Forest
- (f) Dedication of 1002.84 ha of conservation lands at Cedar Creek
- (g) Dedication of 499.63 ha of conservation lands at Elderslie

The land identified for conservation as part of the Environmental Lands Offset Strategy is generally shown in green shading in Figure 1-2 of the Ecological Assessment Report. A copy of that figure is **attached** to this letter.

Specifically, in relation to the impacts of the entire Huntlee development on the Hunter Lowland Redgum Forest community, the EAR prepared for the Huntlee development concludes in Table 5-3 that:

Community	Huntlee Impact Details	Reasoning
<i>Hunter Lowland Redgum Forest</i>	<i>Approx 5ha of this community occurs at Huntlee outside dedicated conservation zones. This figure includes Open Space areas and retained creekline corridors, which are planned to also be largely retained. It is likely that development losses of this community will be minimal (&lt;1ha). In addition to this figure, approx 1ha is contained within dedicated conservation reserve areas.</i>	<i>&lt;1ha of this vegetation community could be removed by development at Huntlee. This community is also likely to be enhanced in extent via proposed revegetation works in key areas around Black Creek, associated tributaries and floodplain area, creating a relatively neutral outcome.</i>

The Environmental Assessment Report for the Stage 1 development also states that:

*Hunter Lowlands Redgum Forest*

*The Hunter Lowlands Redgum Forest is present in three areas within the Stage 1 development area:*

- along the length of the drainage line in the eastern section of Residential Village 1;*
- a small area on the ridge top in the north east of the Residential Village 1; and*
- within the western drainage corridor to the south east of the “Entry Village”.*

*The total area of the community in Stage 1 is 5.05 hectares. Notwithstanding the overall environmental offsets proposed in the offset strategy and VPA, the Hunter Lowlands Redgum Forest is, on its own, not offset in the proposed conservation areas which contain only approximately 1.05 hectares of the community. The proposed areas are almost entirely located within proposed open space areas along riparian corridors and Ridgetop Park. These communities have been incorporated into the design of these open space areas.*

Accordingly, whilst there was an intention for Huntlee to enhance the Hunter Lowland Redgum Forest community via revegetation works in key areas around Black Creek, associated tributaries and the floodplain area, the conservation outcomes which arise from these activities did not form part of Huntlee’s Environmental Lands Offset Strategy. Land set aside as bushfire asset protection zone (**APZ**) within the development footprint has never been considered as part of the Environmental Lands Offset Strategy.

Instead, the EAR for the Huntlee development and the offset strategy proposed assumed that there would be impacts to 5ha of Hunter Lowland Redgum Forest arising from the

entire Huntlee development. The modifications proposed in Mod 16 do not result in any additional impacts to the Hunter Lowland Redgum Forest beyond the 5ha identified and assessed in the EAR and offset by the Environmental Lands Offset Strategy.

Any conservation benefit derived from the revegetation works identified above would be over and above the substantial offsets under the Environmental Lands Offset Strategy.

In this regard, Huntlee has addressed the obligation to deliver the Environmental Lands Offset Strategy through the voluntary planning agreement between Huntlee, the Minister for Planning, the Minister for Climate Change and the Environment (as those Ministers were formerly known) and Misthold Pty Ltd (**SEPP VPA**).

Under the SEPP VPA, Huntlee was required to:

- (a) dedicate 5,791 ha of environmentally significant land for conservation purposes (**Conservation Offset Lands**); and
- (b) pay:
  - (i) \$100,000 for the conservation of the *Persoonia pauciflora* (a critically endangered shrub listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and the former *Threatened Species Conservation Act 1995* (NSW)) in the North Rothbury area; and
  - (ii) \$1 million towards the management of the Conservation Offset Lands (of which \$900,000 was adjusted by CPI movements).

As you know, Huntlee has wholly satisfied its obligations under the SEPP VPA.

Finally, we refer to the certification order made on 25 October 2018 by the delegate of the Chief Executive of the Office of Environment and Heritage in respect of the Huntlee development under clause 34A(4) of the *Biodiversity Conservation (Savings and Transitional Regulation 2017* (**Clause 34A Order**).

The development proposed by Mod 16 remains part of the 'relevant planning arrangement' referred to in the Clause 34A Order and, accordingly, pursuant to that order, the conservation measures to offset the residual impact of the proposed development have been secured into the future.

For reasons set out above, we consider that the modifications proposed to Substages 8, 9 and 11 in Mod 16 do not result in any new or additional environmental impacts which would trigger the need for further ecological assessment.

29 July 2021

Huntlee

**Huntlee New Town Development**

**Substage 8, 9 and 11 reconfiguration (MP 10\_0137 MOD 16)**

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If you have any queries, please contact Samantha Yeung on (02) 9210 6284.

Yours faithfully

**Corrs Chambers Westgarth**



**Louise Camenzuli**

Partner

**attachments**

29 July 2021

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Huntlee New Town Development

Substage 8, 9 and 11 reconfiguration (MP 10\_0137 MOD 16)

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