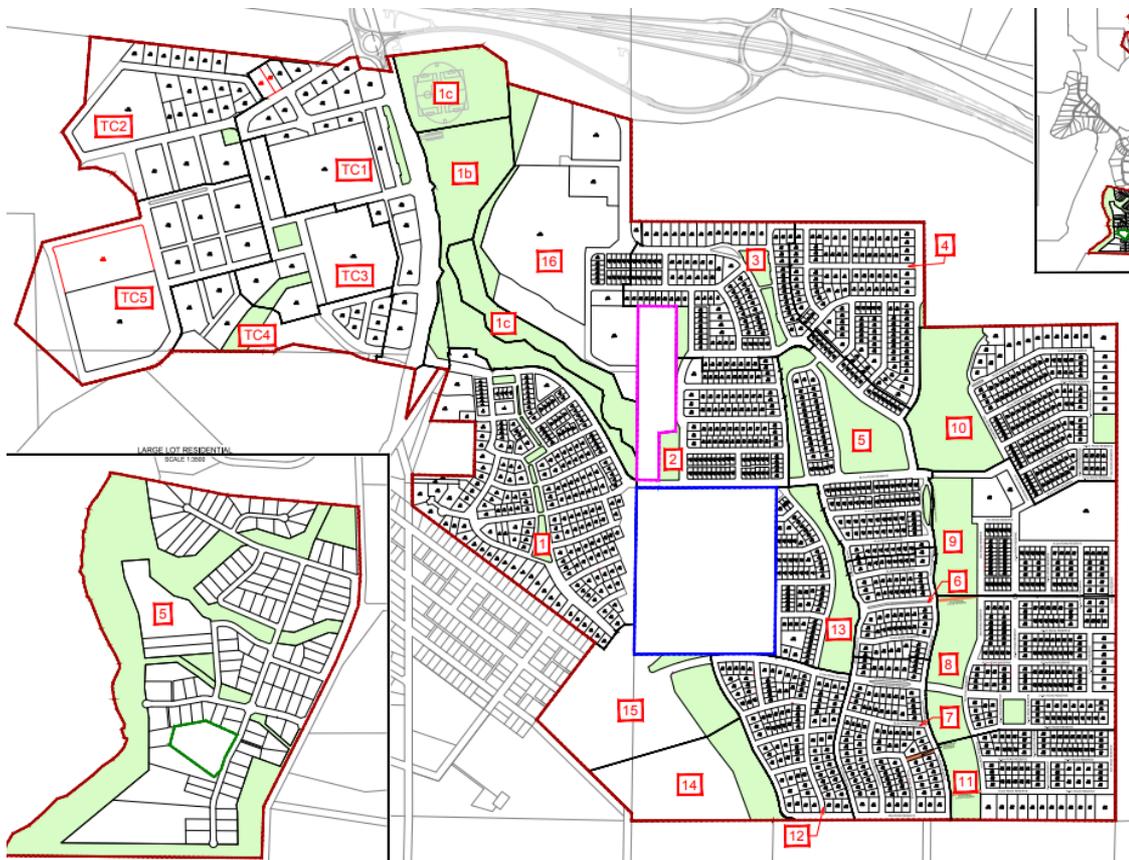


Huntlee New Town (Stage 1) Modification 17

Modification to amend timing for intersection upgrades
required by Condition A7

State Significant Development Modification Assessment
(MP 10_0137 MOD 17)



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Cover image: Proposed amended subdivision layout (Applicant's Modification Report – Mod 17)

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Glossary

Abbreviation	Definition
Council	Cessnock City Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environnemental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement

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1 Introduction

1.1 Introduction

This report provides the Department of Planning, Industry and Environment's assessment of an application to modify the development consent for the subdivision of the Huntlee New Town – Stage 1 (MP 10_0137). The application seeks approval to amend Condition E7 to increase the lot threshold for intersection upgrades at Wine Country Drive and HEx Link Road and Triton Boulevard, and to require the provision of an interim intersection to Wine Country Drive.

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, within the Cessnock local government area (**Figures 1 and 2**).

The site 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.

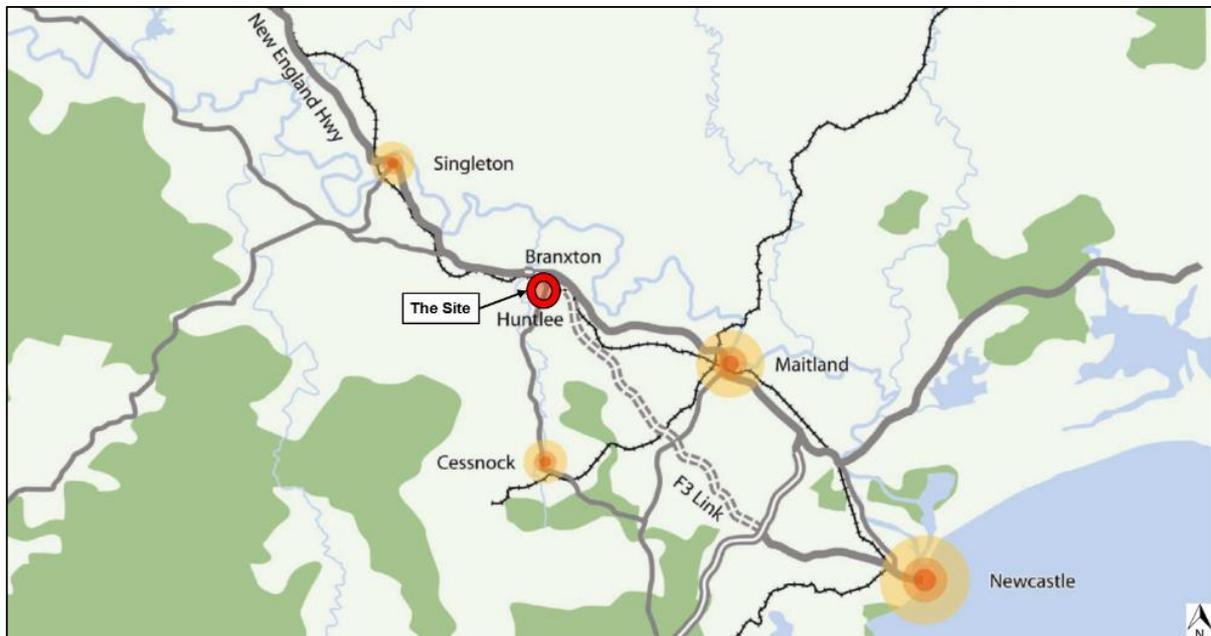


Figure 1 | Regional Context Map (Source: Huntlee DCP 2013)

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.

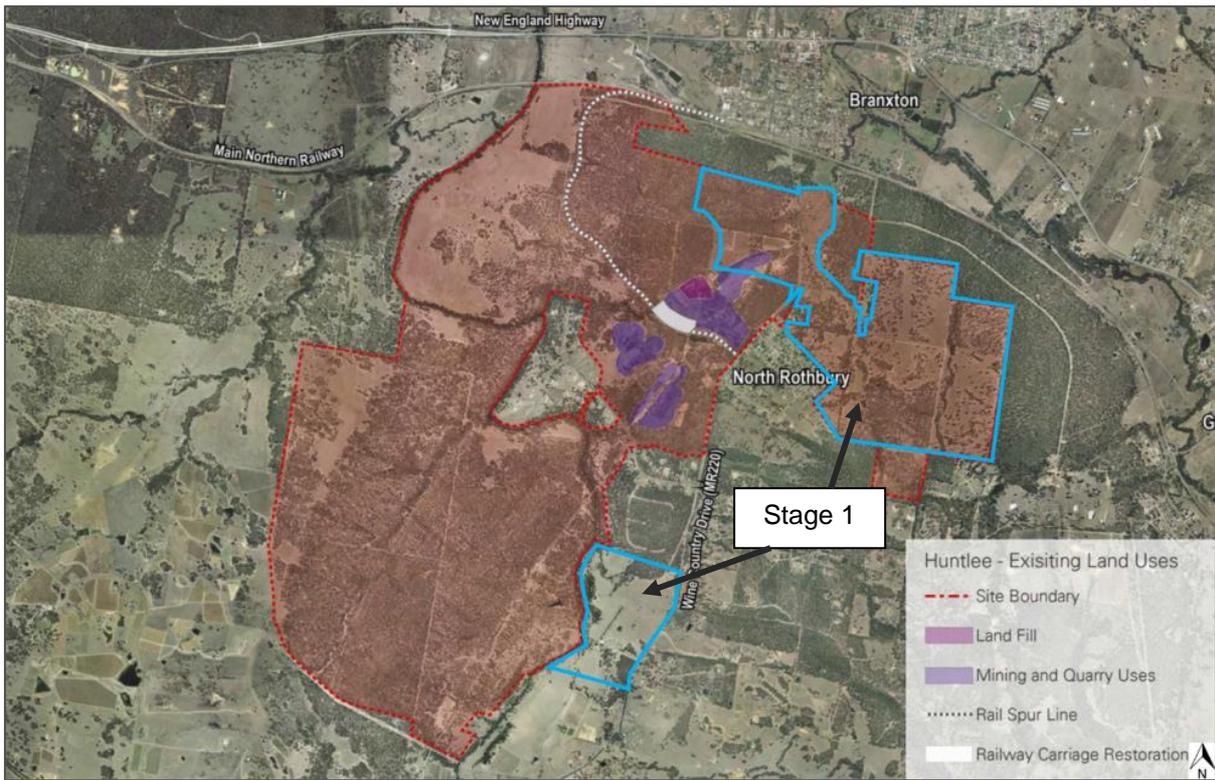


Figure 2 | The broader Huntlee New Town redevelopment area, shown in red with the Stage 1 boundary outlined in blue (Source: Huntlee DCP 2013)



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

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

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

The development consent, 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 development consent has been modified on 14 occasions (**Table 1**). The Department is currently assessing MOD 14.

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	Commission	75W	Approved on 5 Jul 2016

associated extension to the road network to service the new lots.

MOD 6	Modifications to the Town Centre lot layout 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 December 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 11	Additional residential lot, minor subdivision and road layout changes and amend the timing for delivery of the Wine Country Drive/Hex Link Road intersection upgrade.	Department	4.55 (1A)	Approved on 15 April 2020
MOD 12	Additional four residential lots within Stage 5.	Department	4.55 (1A)	Withdrawn
MOD 13	Deletion of seven lots within residential Stages 5 and 6.	Department	4.55 (1A)	Approved on 15 July 2020
MOD 14	Removal of 10 lots within large lot residential Stage 5, amendment of the subdivision and road layout and changes to open space.	Department	4.55 (1A)	Under assessment
MOD 15	Subdivision of the education superlot in Town Centre Stage 5 into two lots.	Department	4.55 (1A)	Approved on 7 December 2020
MOD 16	Additional 40 lots and redesign of Stages 8, 9 and 11.	Department	4.55 (1A)	Approved on 23 August 2021

2 Proposed modification

The modification, as amended seeks approval to:

- amend of Condition E7(a)(iii) to increase the lot threshold for the upgrade for the Wine Country Drive/ HEx Link Road (A-1) intersection from 1,000 dwellings to 1,500 dwellings or December 2023 (shown **A** on **Figure 4**)
- amend Condition E7(a)(viii) to increase the lot threshold for the upgrade for the Wine Country Drive / Village Access 1 (Triton Boulevard) (A-5) from 1000 dwellings to 1,350 dwellings (shown **B** on **Figure 4**)
- amend Condition E7(x) to allow for an interim intersection for the HEx Link Road / Village 1 North access (A-6) intersection and link road to be constructed prior to June 2022 (shown **C** on **Figure 4**).

The proposed modified Condition is outlined below.

E7. Road Network

- a) *Road Infrastructure Requirements* The following road infrastructure shall be provided by the proponent during the development of Stage 1 Huntlee.
- iii. *The Wine Country Drive / HEx Link Road (A-1) intersection shall be upgraded, to a 2 lane circulating roundabout prior to ~~4,000~~ **1,500** dwellings for which a subdivision certificate has been issued, or 1 December 2023, whichever occurs first.*
- viii. *The Wine Country Drive / Village Access 1 (A-5) shall be traffic signal controlled. This intersection would be required prior to ~~4000~~ **1,350** dwellings for which a subdivision certificate has been issued). The fourth leg of the intersection (Link Road 1) IS NOT TO BE constructed and operational prior to the intersection being traffic signal controlled and operational. The capacity of this intersection is to be tested again prior to 1,500 dwellings for which a subdivision certificate has been issued.*
- x. *HEx Link Road / Village 1 North access (A-6) intersection and link road shall be constructed during Stage 1. The intersection shall be a 2 lane circulating roundabout or traffic signals (intersection type to be determined by RMS). Further modelling will be required to provide the best outcome for the future operation of this intersection. The link road shall be one lane in each direction, allowing for a future additional one lane in each direction. (required prior to the subdivision certificate of more than 1500 lots in Village 1). An interim intersection, ~~such as~~ **specifically** a left-in / left-out **is to be constructed prior to June 2022** ~~can be provided prior to 1500 lots with the agreement of RMS,~~ however this will be subject to upgrade to a roundabout ~~of~~ or traffic signal controlled intersection prior to the subdivision certificate of more than 1500 lots in Village 1 unless otherwise agreed with RMS.*

The modification is requested on the basis that traffic modelling suggests the intersections are operating well within capacity with no immediate need for upgrades. The Applicant also contends that the release of lots has occurred faster than anticipated, meaning the triggered delivery of the intersections likely to occur prior to completion of the Works Authorisation Deed (WAD) process with TfNSW to enable the upgrades to be completed.

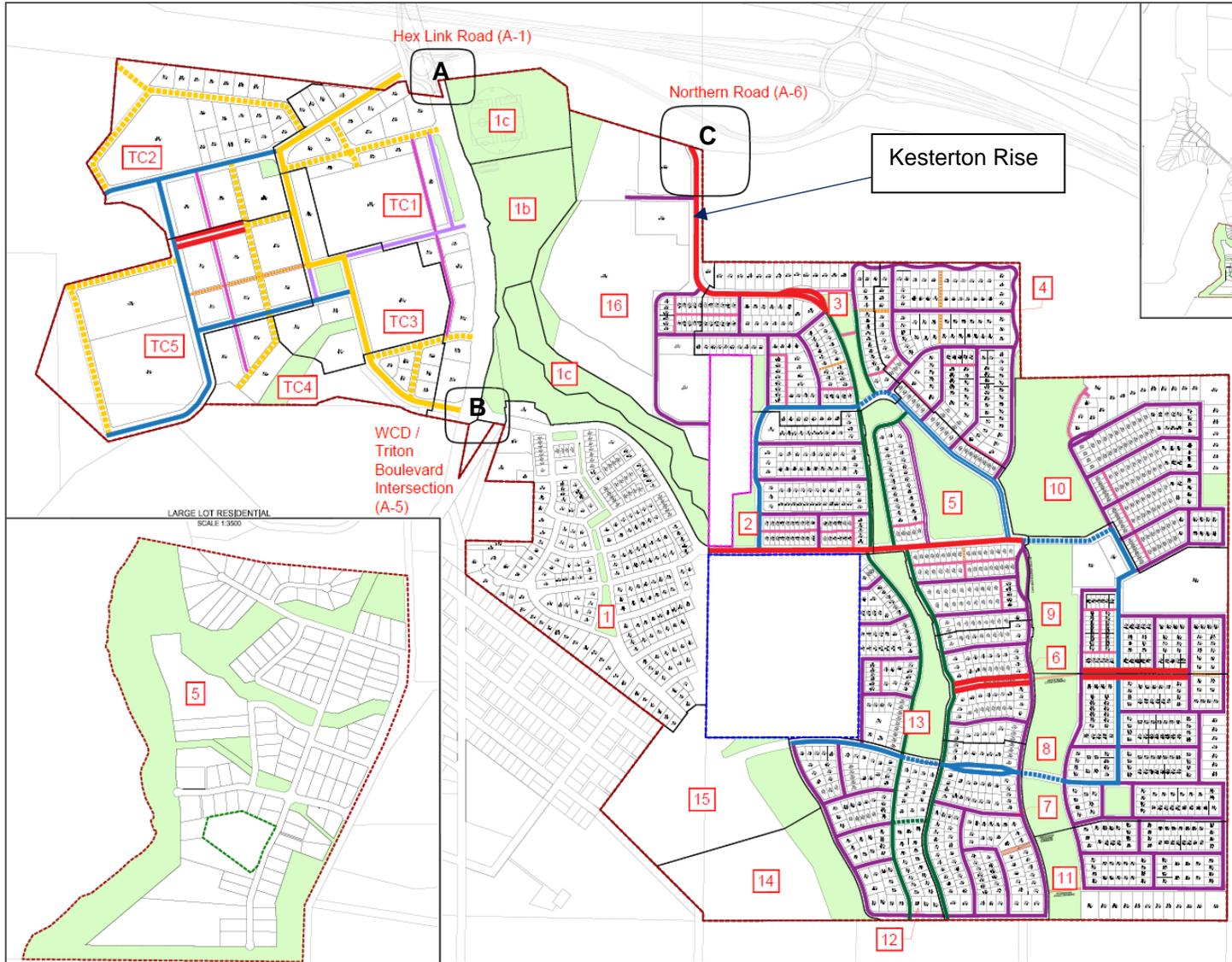


Figure 4 | Proposed modifications

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 2**.

Table 2 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	Section 5 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 it seeks to alter the timing for approved 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 Section 4 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received four submissions, from Cessnock City Council (Council), Transport for NSW (TfNSW), Rural Fire Service (RFS) and one public submission. Consideration of these submissions is provided in Section 4 of this report.

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

3.3 Consent authority

The Minister for Planning and Public Spaces is the approval authority for the modification request. However, under the Minister’s delegation dated 26 April 2021, the Director, Regional Assessments, may determine the application as:

- a political disclosure statement has not been received, and
- No submissions were received from the public objecting to the proposal
- Council has not made a submission by way of objection.

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 15 days, between 22 January 2020 and 5 February 2021. It was made publicly available on the Department's website and notified to landowners within the site, Cessnock Council, Transport for NSW and Rural Fire Service (RFS).

The Department received submissions from Council and TfNSW which are summarised below (**Table 3**) and links to the submissions are provided in **Appendix B**. One public submission was received.

Table 3 | Summary of Agency Submissions

Cessnock Council (Council)

Council raised no objection to the proposal, but provided the following comments:

- The TIA should be updated to assess the potential for U-turn traffic movements at the roundabout and the potential for an increased volume of vehicles turning left out of the proposed interim access.
- The TIA indicates that the major traffic movement is expected to be to/from Triton Boulevard rather than north-south along Wine Country Drive, which may result in operational concerns, even though the assessment indicates give way control (with Wine Country Drive the identified major road) would have adequate capacity.
- The maximum number of lots that would be acceptable from a single access point (e.g. Triton Boulevard) should be identified so that the volume of traffic that would be isolated at that access point in the event of an emergency is known.

Transport for NSW (TfNSW)

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

Wine Country Drive/ HEx Link Road/ Tollbar Avenue Roundabout and Proposed HEx Link Road Left-in/Left-out Intersection (Interim Intersection)

- Clarification as to whether it is sought to extend the delivery timeline for the upgrade of Wine Country Drive/HEx Link Road/ Tollbar Avenue roundabout in addition to the lot threshold
- Clarification about why the proposal seeks to specify a construction timeframe (June 2022) for the completion of the left-in/left-out intersection at the HEx Link Road/ Village 1 North access (A-6) intersection instead of specifying a maximum lot threshold
- A revised traffic report is required to:
 - quantify trip generation estimated from the existing lot threshold of 1,000 dwellings, proposed increase to 1,500 dwellings and other land uses with Stage 1 likely to become operational before the upgrade is completed
 - show existing traffic volumes, estimated traffic generation and predicted future traffic flows in separate diagrams for existing and proposed intersections
 - include revised SIDRA modelling for both AM and PM peak hours at all existing and proposed intersections

Wine Country Drive/Triton Boulevard Seagull Intersection

- A revised traffic report and SIDRA modelling is required to:
 - quantify trip generation that is estimated to occur from the existing lot threshold of 1,000 dwellings, proposed increase in lot threshold to 1,200 dwellings and any other land uses within Stage 1 anticipated to be subdivided or become operational before the intersection is upgraded
 - provide trip distribution and assignment information for the trips that would be generated by the proposed increase in lot threshold and any redirection of existing/future trips due to the potential construction of proposed HEx Link Road Left-in/Left-out intersection
 - include SIDRA modelling to demonstrate that the seagull intersection can satisfactorily cater for estimated AM and PM traffic volumes
 - consider changes to queue length in the right turn bay on Triton Boulevard.

Rural Fire Service (RFS)

RFS raised no objection to the proposal.

4.2 Summary of public submissions

The Department received one public submission providing comments on the proposal. Key issues raised include:

- traffic, noise and safety impacts associated with linking HEx Link Road to Huntlee Estate on Kesterton Rise
- the use of traffic calming measures or widening the road should be considered for Kesterton Rise to assist with increased traffic flow.

4.3 Response to Submissions

The Department provided the submissions to the Applicant and requested a response to the issues raised. On 13 April 2021, the Applicant provided a Response to Submissions (RTS) including the following:

- an updated Traffic Assessment
- SIDRA modelling for the intersections
- a request to modify the date in Condition E7(a)(iii) from December 2021 to December 2023
- a plan identifying the location of the intersections referred to in the conditions proposed to be modified.

The RTS was notified to Council and TfNSW and made publicly available on the Department's website. The Department received submissions from Council and TfNSW which are summarised below (**Table 4**)

Table 4 | Summary of Agency Submissions on RTS

Cessnock Council (Council)

Council raised no objection to the proposal, but provided the following comments:

- based on the trip distribution diagrams, an acceleration lane would be appropriate for the proposed left-in, left-out intersection with Hex Link Road
- the Triton Boulevard and Wine Country Drive intersection should be updated to make the priority control clear by removing the give way holding line that exists across the right turn bay on Wine Country Drive (south).

Transport for NSW (TfNSW)

TfNSW raised no objection to the proposal, but provided the following comments:

- clarification as to why a lower predicted left-out movement for the proposed interim Left-in/Left-out intersection at the HEx Link Road / Village 1 North access (A-6) is lower than the original Traffic Impact Assessment is required.
- it is unclear whether the consent authority has assessed the environmental impact of the left-in, left-out arrangement as it is located within the HEx Link Road reserve
- evidence should be provided to demonstrate that the proponent has entered into a Works Authorisation Deed (WAD) with TfNSW for the proposed upgrade of Wine Country Drive / Triton Boulevard seagull intersection into a signalised intersection.

The Department provided the submissions to the Applicant and requested a response to the issues raised. On 28 May 2021, the Applicant provided an additional traffic response prepared by SECA Solution and evidence of the Works Authorisation Deed (WAD) with TfNSW.

TfNSW reviewed the amended information, and advised it raises no objection to the current modification, provided the following matter(s) are addressed or included as conditions of consent:

- an environmental assessment must be undertaken for the left-in/left-out arrangement as it is located within the HEx Link Road road reserve
- the developer is required to enter into a Works Authorisation Deed (WAD) with TfNSW for road works required on the proposed interim Left-in/Left-out intersection HEx Link Road as follows:
 - all road works under the WAD shall be completed prior to the issue of a subdivision certificate for the 1500th lot.
 - all road works under the WAD shall be undertaken at full cost to the developer and at no cost to TfNSW or Council, and TfNSW requirements.

4.4 Amendment Report

On 22 July 2021, the Applicant submitted an amended modification request pursuant to Clause 12B of the *Environmental Planning and Assessment Regulation 2012* seeking to amend Condition E7(a)(viii) to further increase the lot threshold for the upgrade for the Wine Country Drive and Triton Boulevard intersection from 1000 dwellings to 1,350 dwellings, representing a 150 lot increase from the 1,200 dwellings initially proposed.

The amendment was requested on the basis that the WAD with TfNSW to carry out the works was delayed, and 1,200 lot threshold is likely to occur before the upgrades can be completed. The deferral of the trigger to 1,350 lots would allow the continued release of lots while the WAD process is finalised.

TfNSW reviewed the Amendment Report, and following additional consultation with the Applicant advised that the 1,350 lot threshold is supported.

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 and modifications
- submissions received on the proposal
- relevant EPIs, policies and guidelines
- the requirements of the EP&A Act.

5.1 Timing of Upgrades

Condition E7 was imposed on the original approval requiring road upgrades to be undertaken at various stages of the development, based on modelling undertaken by the Applicant and RMS. The proposed modification seeks approval to defer the timing of the road infrastructure upgrades by adjusting the various thresholds currently nominated in Condition E7, following a review of the intersection modelling and traffic analysis.

Wine Country Drive and HEx Link Road

The proposal seeks to defer the requirement in Condition E7(a)(iii), to upgrade the intersection of Wine Country Drive/ HEx Link Road from prior to the release of 1,000 dwellings to 1,500 dwellings. It also seeks to amend Condition E7(a)(x) to require an interim left-in, left-out intersection at the HEx Link Road / Village 1 North access to be constructed prior to June 2022.

The Applicant contends that the change to Condition E7(a)(iii) is to align the upgrade of the Wine Country Drive/ HEx Link Road with the upgrade of the HEx Link Road / Village 1 North access.

The Department notes the intersection upgrades for Wine Country Drive/ HEx Link Road have previously been delayed four times (under Mod 6, 8, 10 and 11 – Table 2) and RMS advised (for MOD 10) that further delays are unlikely to be supported. However, the Department also notes that Council and TfNSW advised that they do not object to the currently proposed extension for the upgrade of the intersection.

The intent of the condition E7(a)(iii) 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.

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. The Department notes that since the approval of MOD 6, the number of lots on the site has increased to 1,659, and this combined with the date threshold provides certainty that the upgrades will occur as part of Stage 1 if the threshold is modified to 1,500 lots.

The Traffic Report provided with MOD 17 concludes that with the construction of a secondary access onto HEx Link Road, the existing single lane roundabout at Wine Country Drive and HEx Link Road provides adequate spare capacity to support the Stage 1 development beyond the first 1,500 dwellings.

The public submission raised concerns about traffic and safety impacts resulting from the connection of HEx Link Road to Kesterton Rise. The Department notes that Condition E7(a)(x) currently requires the connection of the HEx Link Road to Kesterton Rise as a two-lane roundabout or intersection with traffic signals prior to the release of 1,500 lots, and allows an interim intersection to be provided prior to this. The proposal seeks only to modify the condition to clarify the timing and design of the interim intersection, and would not have any additional impacts on traffic and safety beyond those already assessed and approved.

TfNSW advised that an assessment of the environmental impacts of the interim left-in, left-out intersection within the HEx Link Road reserve is required. The Department notes that Condition E7(a)(x) was amended as part of MOD 10 to permit the interim access, and that no additional works are proposed as part of this modification. Given the nature of the works on behalf of a public authority, an assessment of the impacts under Part 5 of the EP&A Act is applicable, and further assessment is not required at this stage.

The Department therefore considers the proposed modification to Condition E7(a)(iii) and E7(a)(x) would not result in adverse traffic impacts.

Wine Country Drive and Triton Boulevard

The proposal seeks to defer the requirement in Condition E7(a)(vii), to upgrade the intersection of Wine Country Drive / Village Access 1 (Triton Boulevard) from prior to the release of 1,000 dwellings to 1,350 dwellings.

MOD 6 as lodged sought to modify Condition E7(a)(vii) to defer the requirement for the upgrade from prior to the release of 500 lots to 1,200 lots. It was modified as part of the RTS and the request was subsequently withdrawn. Given the amended lot count for Stage 1, the timing for the WAD process and the delivery schedule for lots, the Department considers the modification is appropriate in this instance.

The Traffic Report submitted with MOD 17 concludes that the intersection of Wine Country Drive and Triton Boulevard is currently operating well within its capacity with no immediate need for this intersection to be upgraded to provide traffic control signals on capacity grounds. It notes that adequate spare capacity is available at this intersection to support the development of approximately 1,500 new lots off Triton Boulevard prior to delays exceeding accepted limits, accounting for regional growth along Wine Country Drive which is consistent with prior modelling.

Transport for NSW reviewed the proposal, and advised that it supports the revised threshold of 1,350 lots.

Council raised concerns about the design and road markings at this intersection, noting that the give way holding line for vehicles across the right turn bay onto Wine Country Drive results in priority confusion for drivers. The Department notes that the design of the intersections is in accordance with TfNSW requirements, and the proposed amendments relate to timing do not require changes to the design.

The Department therefore considers the proposed modification to Condition E7(a)(vii) is acceptable, and would not result in adverse traffic impacts.

Conclusion

The Department notes there is an existing VPA between Huntlee Pty Limited and the Minister for Planning and Public Spaces which requires the intersection upgrades to be undertaken in accordance with Condition E7. The Applicant has provided a letter of offer to amend the VPA to reflect the changes proposed under MOD 17. 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. The Department also recommends a new condition E7(b)(xiii) requiring a WAD to be entered into for the interim left-in, left-out intersection onto Wine Country Drive, as requested by TfNSW. Subject to these conditions, the Department is satisfied that the proposal is acceptable, as it would allow for the continued release of lots within Huntlee Stage 1 and would not result in adverse traffic impacts.

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 to be acceptable, on the basis that:

- the proposed deferral of the delivery of the Wine Country Drive / HEx Link Road and Wine Country Drive and Triton Boulevard intersection upgrades are unlikely to result in adverse traffic impacts
- RMS and Council do not object to the proposed changes to intersection upgrade timing
- the amended thresholds would ensure the intersection upgrades are complete at an appropriate time whilst allowing the continued release of lots within Huntlee Stage 1 to meet regional housing demand.

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

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 17 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 E**).

Recommended by:

A handwritten signature in black ink that reads "E Butcher". The signature is written in a cursive style with a large, looped initial 'E'.

Emma Butcher
Senior Planning Officer
Regional Assessments

8 Determination

The recommendation is **Adopted** by:

A handwritten signature in blue ink, consisting of the letters 'K' and 'T' followed by a long horizontal stroke.

Keiran Thomas

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/40856>

Appendix B – Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/40856>

Appendix C – Response to Submissions

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<https://www.planningportal.nsw.gov.au/major-projects/project/40856>

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 17 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 17
(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.	No changes to development layout of footprint proposed.

Section 4 – Subdivision Design	
Section 4.1 – Street Network and Design	Compliance for MP 10_0137 MOD 17
(1) The street network is to be provided in accordance with Figure 5	No change to the road network is proposed.
(2) Road and intersection upgrades are to be generally in accordance with Figure 6 and Figure 7.	The proposed intersection upgrades are generally in accordance with Figure 6 and 7.
(3) Streets are to be provided in accordance with the cross-sections at Figure 8 to Figure 19.	No change to street network proposed.
(4) “Park Edge” roads (Figure 19) should accommodate the majority of the required APZ within the road reserve and the boundary of the	The proposed modification has no impact on the Park Edge roads.

<p>development must also incorporate a battered slope within the road reserve to cater for potential changes in level along the site boundary.</p>	
<p>(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.</p>	<p>No changes to street design or lot layout proposed.</p>
<p>(6) Where any variation to the residential street network is proposed, the alternative street network is to be designed to achieve the following principles:</p> <ul style="list-style-type: none"> • a permeable network that is based on a modified grid system, • encourage walking and cycling and reduce travel distances, • maximise connectivity between residential areas and community facilities, open space and centres, • take account of topography and accommodate significant vegetation, • optimise solar access opportunities for dwellings, • provide frontage to and maximise surveillance of open space and riparian corridors, • provide views and vistas to landscape features and visual connections to nodal points and centres, and • maximise the use of water sensitive urban design measures • minimise the number of road crossings of riparian corridors and ensure riparian connectivity is maintained. 	<p>No change to the residential street network proposed.</p>
<p>(7) Except where otherwise provided for in this DCP, all streets and intersections are to be designed and constructed in accordance with Austroads Guide to Traffic Management and Australian Standards AS 1742, 1743 and 2890.</p>	<p>An existing condition of consent requires all roadworks to be designed and constructed in accordance with Austroads and relevant Australian standards.</p>

<p>(9) Street trees are required for all streets. Street tree planting is to:</p> <ul style="list-style-type: none"> • 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, • be durable and suited to the street environment and, wherever appropriate, • include endemic species, • maintain adequate lines of sight for vehicles and pedestrians, especially around • driveways and street corners, • provide appropriate shade, provide an attractive and interesting landscape character and clearly define public and private areas, without blocking the potential for street surveillance. 	<p>The approach to street tree planting/species is not proposed to change, and remains consistent with the development consent.</p>
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Section 4 – Residential Neighbourhoods	
Section 4.5.1 Residential Character	Compliance for MP 10_0137 MOD 17
(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 it does not propose changes to the layout of streets.
(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, educational establishments and community/recreation facilities.	The proposed amendments do not impact access to the Town Centre or public open space.
(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,	No changes to block lengths proposed.

stormwater management and traffic safety objectives are achieved.	
(6) Residential lots should generally be rectangular in geometry.	No changes to lot layout proposed.
(7) Battle-axe lots are not permitted.	No changes to lot layout proposed.
(8) The orientation and configuration of lots is to be generally consistent with the subdivision principles shown at Figure 32 and Figure 33.	No changes to lot layout proposed.
(9) Preferred lot siting is either on a north-south or east-west orientation.	No changes to lot layout proposed.
<p>(11) Residential subdivision applications should:</p> <ul style="list-style-type: none"> • Incorporate of a mix of dwelling types including attached dwellings, multi-dwelling housing and residential flat buildings which are located in close proximity to the town and village centres and public transport. • Incorporate a mix of lot sizes for detached dwellings to provide a range of housing choice within the lower density areas. • Provide cottage lots around open space and village centres • Provide country lots around the perimeter of the site and where environmental constraints are managed within lots (i.e., Flooding, bushfire APZ etc) • Be designed to provide for activation of the public domain, including streets and public open space through the orientation and design of buildings and communal spaces. • Ensure that pedestrian, cyclist and road links provide legible and direct access to the town centre, public transport and areas of public open space. 	No changes to lot layout proposed.

Section 4.5.2 Minimum Lot dimensions	Compliance for MP 10_0137 MOD 17
(1) The minimum subdivision lot size and dimensions are to be consistent with the Lot Type Map found on Council's website.	No changes to lot layout proposed.
(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 changes to lot layout proposed.
(3) Battleaxe lots are not permitted.	No changes to lot layout proposed.

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

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

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

The proposed modification does not seek to change lot sizes or layout.

Section 4.6 Town Centre Subdivision Design	Compliance for MP 10_0137 MOD 17
(1) Lots should be relatively regular in shape. Irregular shaped allotments and narrow street frontages should be avoided.	No changes to lot layout proposed.
(2) Lots should be oriented and aligned: <ul style="list-style-type: none"> so that future buildings can face the arterial, sub-arterial, collector and local streets to increase visual surveillance and to avoid streetscapes with loading docks and long blank walls, 	No changes to lot layout proposed.

<ul style="list-style-type: none"> • To facilitate solar efficiency, and • To encourage building design that has frontage to landscaped areas and riparian corridors. 	
(3) Access to lots shall be sited to ensure unimpeded sight lines for exiting vehicles.	The proposed modification 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 hierarchy proposed.
(5) battle axe lots are not permitted	No changes to lot layout proposed.