



Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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This document has been reviewed by:



Julia Moiso	18 February 2022	Christopher Curtis	14 March 2022
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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
A	24 January 2022	JMo	CC/ GK
B	18 February 2022	CC	CC
C	14 March 2022	CC	CC

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1.0 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Ethos Urban on behalf of Huntlee Pty Ltd, pursuant to section 4.55(2) 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, Branxton (the site).

The modification seeks approval for the following amendments:

1. Changes to the lot layout of, and further subdivision of existing super lots in Town Centre Stages 1, 2, 3, 4 and 5, resulting in the addition of 185 residential allotments, a reduction of 8 commercial/mixed use lots and 3 additional infrastructure/community/education lots:
 - This includes the relocation of one urban square/plaza and the introduction of a further 0.02ha of public open space associated with the relocated (and extended) avenue street type running east-west through Town Centre Stage 5; and
 - There are additional Town Centre Lane road types proposed, along with minor road re-alignments to reflect the new residential layout.
2. Changes to the lot layout of Substage 13 with minor lot boundary adjustments with a reduction of 8 residential lots;
3. Subdivision of Substage 14 (86 residential lots) and 15 (83 residential lots) to provide 169 new residential lots, with minor lot boundary adjustments in Substage 1 to accommodate a through road link;
4. Further subdivision within Substage 16 to create a total of 56 residential lots and 1 new commercial lot including re-alignment of boundaries;
5. Changes to proposed open space throughout the development;
6. Amendments to Condition E6 to reflect VPA arrangements; and
7. Amendments to Condition E7A (ix) and (xi) relating to intersection delivery timing.

This modification will result in a net overall increase of 381 residential allotments for a total of 1,919 residential lots (exclusive of the Substage 5 Large Lots), which still remains within the existing Huntlee residential dwelling count of 2,631 (increased originally under Modification 9), and a total of 2,112 lots inclusive of residential, infrastructure, community, education, commercial and mixed-use lots. Additionally, as part of the proposed subdivision works, new internal roadways are proposed which are consistent with the road types nominated under the Huntlee DCP

This modification application based on the amended Subdivision Plans provided by Daly Smith (see **Appendix A**) and other supporting technical information appended to the report (see Table of Contents).

This report describes the site, its environs and the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

2.0 Consent 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, described as:

*Subdivision of Stage 1 of the Huntlee New Town site including:
subdivision to create 1473 residential allotments, 14 super lots, 1 allotment for a primary school;
landscaped areas,
drainage, public open space and recreation areas;
associated bulk earthworks; and
infrastructure including roads, drainage works and utility services provision.*

Specifically, the Director General's Assessment Report, considered by the PAC, provides that the Stage 1 application sought consent for:

- 1,353 lots for up to 1,573 dwellings in residential Village 1 and the Entry Village;
- A neighbouring village centre in Village 1 (approximately 5ha);
- Eight (8) superlots over 54.75 ha for a mixed use Town Centre including potential for up to 275 dwellings;
- Six (6) residential super lots in Village 1 and the Entry Village that may provide up to an additional 254 dwellings;
- 120 lots of 120 dwellings in the physically separate large lot area to the south;
- 82.5ha of landscaped area, open space and recreation uses in residential areas; and
- Associated road works, utilities and infrastructure provision.

The development of Huntlee is long-term and has occurred over several sub-stages. 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 2.1 below.

This Section 4.55(2) modification application seeks a number of amendments to the Major Project Approval MP 10_0137 relating to new road and lot layout within town centre substages TC1, TC2, TC3, TC4 and TC5 to further subdivide the approved large lots in these locations, consistent with the long term intent of the town centre (as noted within original Stage 1 DA) as well as the further subdivision of Substage 14, 15 and 16 to create additional allotments. The modifications are explained in detail at Section 3.

2.1 Previous Modifications to the Project Approval

As stated, the progression of the Huntlee New Town and the detailed design of the various town centre and residential precincts within Stage 1 have provided the impetus for a number of minor modifications to the Project Approval. There have been a total of 18 modifications submitted to the Department, with Mod 14 still under assessment.

Rothbury Street Extension

Huntlee Pty Ltd submitted and received approval for DA8/2018/853/1 on 5 July 2019 for the proposed construction of eight (8) water reservoirs and associate works, on Lot 471 DP1201681, which sits adjacent to the proposed substage 14 and 15 subdivision as part of this modification. The approved works under DA8/2018/853/1 also include the extension of Rothbury Street further south-east, to provide access to the eight reservoirs.

The extension of Rothbury Street, as approved, creates the south-western boundary of the proposed residential allotments as part of the subdivision of substages 14 and 15, and will provide direct lot access to 14 of the proposed residential allotments. Rothbury Street, while sitting outside of the Huntlee Stage 1 Project area, is a 20m road reserve and therefore appropriate for the proposed access arrangement.

Source: ADW Johnson

3.0 Proposed modifications to the consent

- Subdivision of approved large lots in Town Centre Stages TC2, TC3 and TC5 to enable smaller lots that will accommodate future residential development (185 residential lots) within these substages;
- Subdivision of approved lots in Town Centre Stages TC1 and TC5 to further subdivide the approved large lots into smaller lots for future development (commercial/mixed use, infrastructure, community and education lots);
- Relocation of the existing open space park from the north-east corner of TC2 to the north-west corner of TC1;
- Amendment of substage boundaries between TC1, TC2, TC3 and TC5 as a result of the proposed subdivision;
- Lot boundary adjustment within substage 13, resulting in a net decrease of 8 residential allotments in this substage;
- Subdivision of approved lots within substage 14 to provide for 86 residential allotments;
- Subdivision of approved lots within substage 15 to provide for 83 residential allotments;
- Adjustment to lot layout in the southern corner of substage 1 to accommodate the road network into substage 15 with a reduction of 1 lot;
- Subdivision of approved lots within substage 16 to provide for 56 residential allotments;
- Minor lot layout and size adjustments to existing residential allotments in substage 16;
- Reduction of 21.88ha of open space based on Council feedback; and

- Minor substage boundary adjustments.

Refer to **Figure 1** to **Figure 2** depicting the Town Centre lot changes and **Figure 3** to **Figure 8**, depicting the proposed Substage 13, 14, 15 and 16 layout changes. The proposed modifications are shown in red and described in more detail in the following sections.



Figure 2 Town Centre as approved under Mod 15

Source: Daly Smith



Figure 3 Town Centre as proposed to be modified

Source: Daly Smith

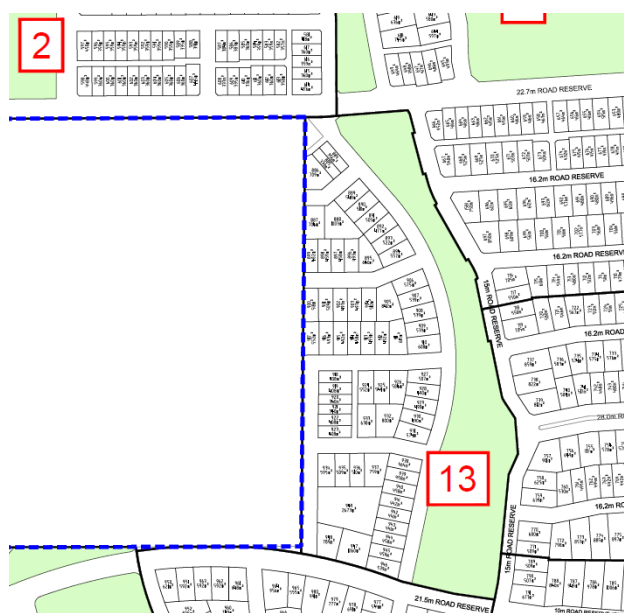


Figure 4 Substage 13 as approved under Mod 15

Source: Daly Smith

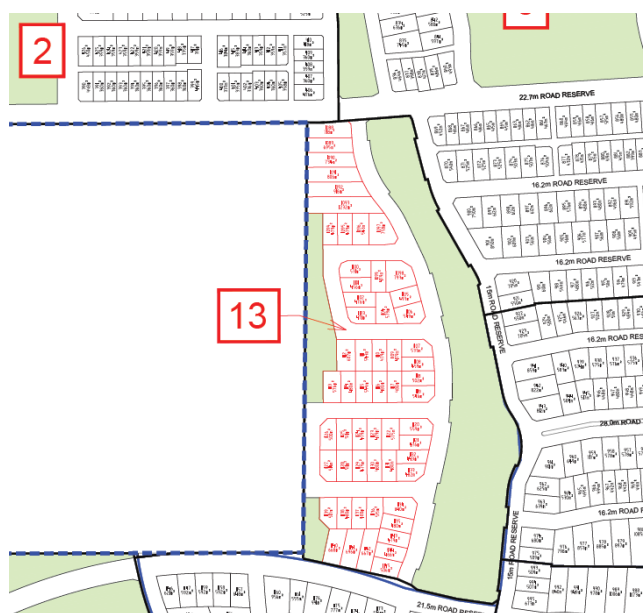


Figure 5 Substage 13 as proposed to be modified

Source: Daly Smith

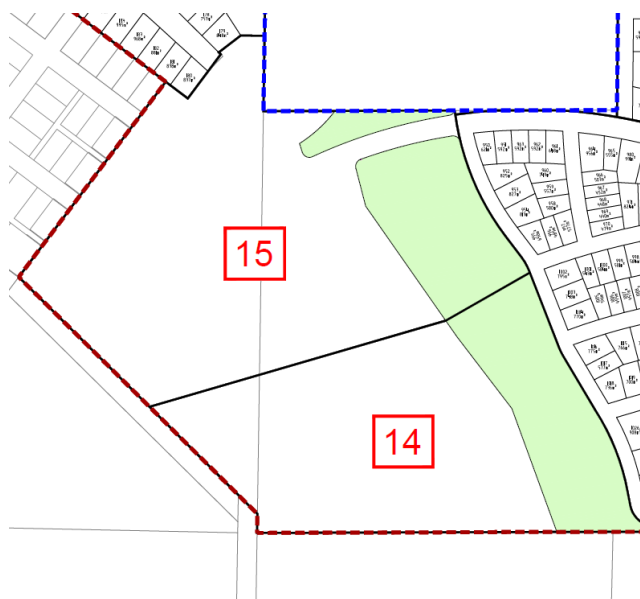


Figure 6 Substage 14 & 15 as approved previously
Source: Daly Smith

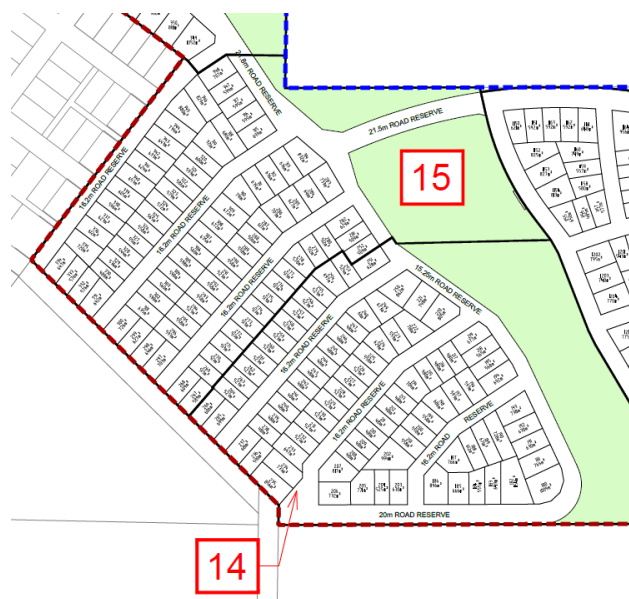


Figure 7 Substage 14 & 15 as proposed to be modified
Source: Daly Smith

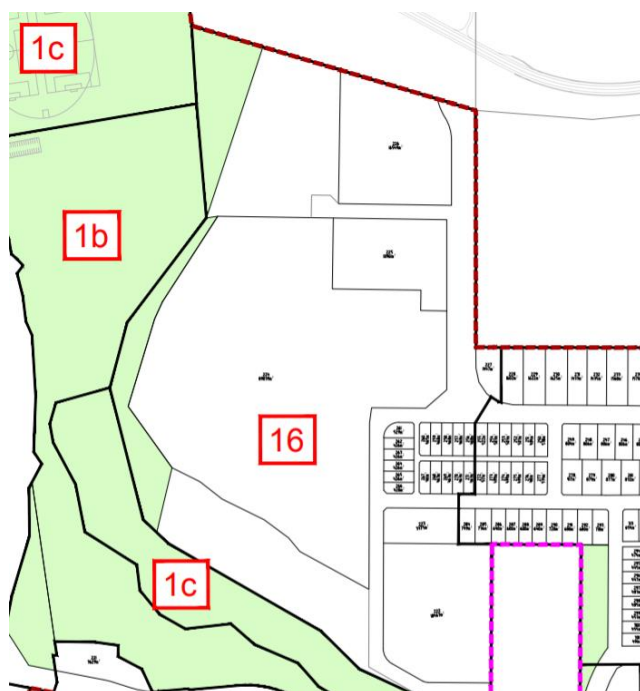


Figure 8 Substage 16 as approved previously
Source: Daly Smith

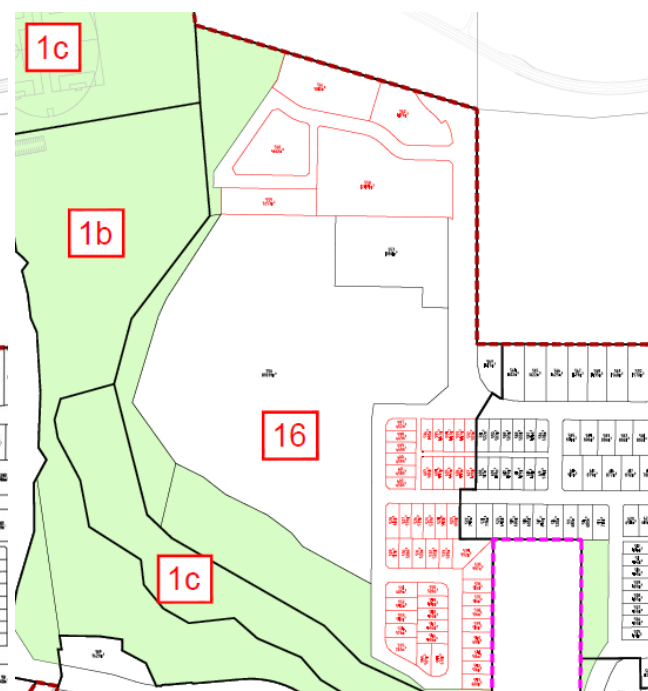


Figure 9 Substage 16 as proposed to be modified
Source: Daly Smith

Further detail is also provided as part of this modification in terms of pedestrian and cycleway routes, street tree planting, and town centre road typologies.

3.1 Modifications to the lots proposed

As a result of the ongoing design development of Huntlee, various amendments have been sought to refine the lot layout. **Table 1** provides for a summary of the changes to Town Centre Lots, **Table 2** provides a summary of the changes to the substage 13, 14, 15 and 16 lots, and **Table 3** illustrates the current status arrangement of lot yield in each substage across the development in a reconciled form to provide an updated status for allotment numbers. It is noted that Modification 16 is the latest approval affecting lot numbers (23 August 2021), however Modification 17 is the most recent approval (6 October 2021).

3.1.1 Town Centre Lot Amendments

Lot yield modifications to the current lot count are proposed to Huntlee as a result of the proposed subdivision within the town centre allotments, comprising:

- Increase of residential lot yield by 185;
- Addition of 3 infrastructure, community and education lots;
- Decrease of other lot type by 8;
- Transfer of the TC2 open space lot into TC1 and amendment of Lot 1536 to accommodate the new location for the open space lot.

The amendments to the lot yield count are synonymous with the long-term intent for Huntlee to achieve a true mix of uses within the Town Centre as envisioned under Project Approval MP 10_0137 which assessed and approved future residential uses within the Town Centre through the future subdivision of superlots.

Refer to **Table 1** for a summary of the proposed lot changes.

Table 1 Summary of lot changes proposed to the Town Centre under this modification

Summary of Proposed Changes	Lots breakdown under Mod 16		Lots breakdown under Mod 20		Difference
Town Centre Residential lots	TC1	0	TC1	0	0
	TC2	0	TC2	51	51
	TC3	0	TC3	12	12
	TC4	0	TC4	0	0
	TC5	0	TC5	122	122
	Total	0	Total	185	185
Town Centre Infrastructure Community and Education lots	TC1	0	TC1	0	0
	TC2	0	TC2	0	0
	TC3	0	TC3	0	0
	TC4	0	TC4	3	3
	TC5	2	TC5	2	0
	Total	2	Total	5	3
Town Centre Commercial/Mixed Use Lots	TC1	23	TC1	23	0
	TC2	22	TC2	19	-3
	TC3	5	TC3	4	-1
	TC4	9	TC4	9	0
	TC5	6	TC5	2	-4
	Total	65	Total	57	-8
Grand Total	-	67	-	247	180

3.1.2 Substage 13, 14, 15 and 16 Lot Amendments

Substage 13 is proposed to be reconfigured in design, to allow for an increase in the adjoining Asset Protection Zone (APZ) from 10m to 12m surrounding the non-Huntlee land parcel. The reconfiguration ensures that detention basins, road ways and the rear of larger lots encompass the required APZ under the new Planning for Bushfire Protection 2019.

Substages 14 and 15 are proposed to be subdivided from their current super lot status into individual residential allotments. Access to 14 of these proposed lots will be from the approved Rothbury Street extension under DA8/2018/853/1.

Substage 16 is proposed to undergo minor reconfiguration of residential allotments, and the further subdivision of existing super lots.

Lot yield modifications to the current lot count are proposed to Huntlee as a result of the proposed subdivision within the affected substages, comprising the increase of residential lot yield by 197 within these substages. Refer to **Table 2** for a summary of the proposed lot changes.

Table 2 Summary of lot changes proposed in Substages 13, 14, 15 and 16 under this modification

Lots breakdown under Mod 16		Lots breakdown under Mod 20		Total Difference
Substage 13	66	Substage 13	58	-8
Substage 14	1	Substage 14	86	+85
Substage 15	1	Substage 15	83	+82
Substage 16	18	Substage 16	56 (+1 commercial)	+38 (+1 commercial)
Total	86	Total	283 (+1 commercial)	197 (+1 commercial)

3.1.3 Overall Lot Count

Table 3 below provides a consolidated summary of proposed allotments across the Huntlee development.

Table 3 Approved and modified reconciliation of lots within Stage 1

Sub-Stage Name	No. of Lots Approved Under MP10_0137	Total approved under Mod 16	Difference (Between Mod 16 and Mod 20)	Total proposed under Mod 20
1 (residential)	208	215	-1	214
1 (infrastructure)		6	0	6
2	98	107	0	107
3	94	120	0	120
4	91	128	0	128
5	111	119	0	119
5 (Large lot)	120	123	0	123
6	60	63	0	63
7	147	104	0	104
8	106	133	0	133
9 (residential)	130	119	0	119
9 (infrastructure)		1	0	1
10	81	152	0	152
11	118	88	0	88
12	109	104	0	104
13	1	66	-8	58
14	1	1	85	86
15	2	1	82	83
16 (residential)	-	22 (4 super lots)	38	56
16 (commercial)		-	1	1
Town Centre Superlots	11	3		-
Town Centre Lots (infrastructure, community and education)		2 (school lots)	3	5 (inc. 2 school lots)
Town Centre Lots (residential)		0	185	185
Town Centre Lots (commercial/mixed use)		65	-8	57
Total Residential Lots	1473	1,659	381	1,919 (excluding Substage 15 Large Lots) 2,042 (excludes all non-residential lots, and includes Substage 5 Large Lots)
Total Lots	14	1,739 (including infrastructure, community, education, commercial and mixed-use lots, and substage 14, 15 and 16 super lots)	373	2,112 (including infrastructure, community, education, commercial and mixed-use lots, and substage 5 Large Lots)
Total Dwellings	2,345	2,631 (Mod 9)	0	2,631

Notwithstanding the previous **Table 3**, Modification 14 remains under assessment by DPE. As such, Condition A1 as proposed to be amended, will, should Modification 14 be approved by the Department, require further amendment.

3.1.4 Bushfire Asset Protection Changes

As part of the proposal, due to changes in bushfire legislation and requirements, the APZs throughout the site are to be increased, in accordance with the requirements of Planning for Bushfire Protection 2019, which generally requires slightly larger APZ widths depending on the location of residential lots throughout the development. Refer to the Bushfire Assessment for specific change.

3.2 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**. Condition A1 as modified below is based on the approved Modification 17 condition wording. It must be noted that the changes below and on the submitted plans with this modification will require amending should other under assessment modifications be determined prior to this Modification 20.

3.2.1 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 ~~1,659~~ **1,919** residential allotments, **121 residential large lots**, ~~7 super lots~~ **68 infrastructure, community, commercial and mixed-use allotments**, and 2 allotments for a primary school and a high 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 proposed modifications which alters the lot count for the overall Huntlee development along with the proposed clarification of lot types.

3.2.2 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)*

.....
O) and as amended by:

- **MOD 20 Application – Section 4.55(2) Modification to Huntlee Major Project Approval MP 10-0137 Huntlee New Town, prepared by Ethos Urban, dated 18 February 2022, including supporting documentation;**

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

3.2.3 Condition A6

A6. Staging Plan

a) Development should be carried out in accordance with the amended Staging Plan 20406-1 to 3000 (MOD ~~47~~ 20) Issue 3 prepared by Daly Smith Pty Ltd dated ~~1/10/2020~~ 03/02/2022.

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

3.2.4 Condition B3

B3. Residual Land in Substage 16

A future modification(s) to this consent to facilitate further subdivision for development lots within the residual (unnumbered) land along the eastern side of the riparian corridor in substage 16 as identified in the staging plan 20406-1 to 3000 (MOD ~~44~~ 20) prepared by Daly Smith Pty Ltd dated ~~03/04/20~~ 03/02/2022, shall include flooding information (including the Flood Planning Levels) to demonstrate that future development of the lots is not subject to flooding impacts.

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

3.2.5 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 (MOD ~~47~~ 20) – Public Embellishments Issue ~~4~~ 4 prepared by Daly Smith dated ~~10 October 2020~~ 16/02/2022.

Reason: It is proposed to amend the conditions to reflect the updated plans.

3.2.6 Condition E6

E6. State Infrastructure Contributions

The proponent must enter into a Planning Agreement for contributions towards designated State Infrastructure in accordance with the terms of the agreed form of the Voluntary Planning Agreement and the letter of offer dated February 2013.

Prior to the release of a subdivision certificate for the 800th lot, the Planning Agreement shall be amended to take account of:

- a) the lots approved under MOD 5 within sub-stage 3 (in accordance with the letter from the Proponent to the Department dated 14 June 2016) to include the land to which MOD 5 applies.
- b) the changes to the school lot and the timing of the Wine Country Drive/HEX Link Road (A-1) intersection (in accordance with the letter from the Proponent dated 27 April 2018).
- c) the letter of offer from Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer dated 3 December 2019.
- d) the letter of offer from Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer dated 25 February 2020.

Prior to the release of a subdivision certificate for the 1350th lot, the Planning Agreement shall be amended to take account of:

- a) the **revised** letter of offer from ~~Coors~~ Corrs Chambers Westgarth, Huntlee Pty Ltd's lawyer dated ~~6 July 2021~~ 15 October 2021.

Reason: It is proposed to amend this condition to reflect the specific details of the letter of offer relating to the Deed of Variation #5 to the Stage 1 Planning Agreement.

3.2.7 Condition E11A

E11A. Asset Protection Zones for Stages 8, 9 and 11

At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, lands within the development area including open space land outside the nominated riparian corridors must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- *tree canopy cover should be less than 15% at maturity;*
- *trees at maturity should not touch or overhang the building;*
- *lower limbs should be removed up to a height of 2m above the ground;*
- *tree canopies should be separated by 2 to 5m;*
- *preference should be given to smooth barked and evergreen trees;*
- *large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;*
- *shrubs should not be located under trees;*
- *shrubs should not form more than 10% ground cover; and*
- *clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.*
- *grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and*
- *leaves and vegetation debris should be removed.*

The layout of the asset protection zones (APZs) must comply with Attachment 1 – PBP 2019 APZ and BAL and Required Bushfire Attack Levels (PBP 2019) in the supporting document RE: Bushfire Review Mod 16, Huntlee, prepared by MJD Environmental, Ref: 16015 Bushfire Review MOD 16, Huntlee, dated 17 December 2020.

At the issue of a subdivision certificate, suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on the proposed lots which requires the provision of the above APZs ~~and prohibits the construction of buildings other than class 10b structures within these APZ.~~ The name of authority empowered to release, vary or modify the instrument shall be Cessnock City Council (or equivalent authority).

Reason: It is proposed to amend this condition to allow non-habitable class buildings and structures in the APZ area as has always been permitted in the Huntlee development area and is permitted within PBP (2019). Thus, Class 10a and Class 10b would be permitted in the APZ area, provided compliance with the NCC and PBP (2019) Section 8.3.2 is achieved.

3.2.8 Condition E7A(ix)

ix) 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~~ 1950 lots in Village 1). An interim intersection specifically a left-in/left-out is to be constructed prior to ~~June 2022-2023~~ however this will be subject to upgrade to

a roundabout of traffic signal controlled intersection prior to the subdivision certificate of more than ~~1500~~ 1950 lots in Village 1 unless otherwise agreed with RMS.

Reason: It is proposed to amend this condition to reflect the additional traffic assessment work undertaken which considers the planned road network upgrades to be undertaken in the short term along with the actual development profiles and trip distribution / generation. The extension to the delivery of the left-in / left-out is to cater for TfNSW design/WAD processing times and construction procurement issues currently in existence which have been discussed directly with TfNSW.

3.2.9 Condition E7A(xi)

xi) The HEX Link Road shall be upgraded to 4 lanes (2 in each direction) between Wine Country Drive and the HEX interchange. (Prior to ~~1500~~ 1950 dwellings for which a subdivision certificate has been issued).

Reason: It is proposed to amend this condition to reflect the additional traffic assessment work undertaken which considers the planned road network upgrades to be undertaken in the short term along with the actual development profiles and trip distribution / generation.

3.3 Department of Planning and Environment Scoping Requirements

A scoping meeting was held between Ethos Urban, the proponent and the DPE on 2 November 2021 and subsequent comments were issued on 9 November 2021, summarised in **Table 4** below.

Table 4 Scoping meeting summary comments issued by DPE

DPE Comment	Response
The Department considers section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to be the relevant modification pathway.	Refer to Section 4.0 of this report.
Areas proposed for subdivision are identified as employment land in the original project approval and the Cessnock Development Control Plan 2010. Any subsequent modification submitted to the Department must demonstrate how the residential allotments in the Town Centre and substage 16 will not erode the employment land hierarchy of the Huntlee Town Centre and Huntlee Stage 1 generally, providing evidence there will be adequate retention/provision of employment land within the Huntlee Stage 1 development.	Refer to Section 4.3 of this report.
Details are to be provided demonstrating essential services and infrastructure capacity for the proposed modification is accommodated. Any upgrades to essential services and infrastructure across the Huntlee Stage 1 project more broadly as a result of the proposed modification are to also be addressed as required. Relevant conceptual civil plans with levels, any retaining wall works and the like will also be required.	Condition E13 refers to detailed earthworks plans and site levels needing to be submitted to, and approved by, Cessnock Shire Council prior to the issue of a construction certificate for any lot within the Town Centre approved on or after 21 May 2019.
The Traffic Impact Assessment must confirm all new road designs satisfy relevant Australian Standards and Council requirements.	Refer to Section 4.6 of this report.
In relation to the Ecological Assessment, please ensure the assessment adequately addresses Huntlee's biodiversity certification and resulting ecological requirements pursuant to clause 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 (S&T Reg) and the EP&A Act. As you are aware, the Biodiversity Offsets Scheme (BOS) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act) does not apply to proposed developments certified under clause 34A. However, if a clause 34A certification has been granted, the biodiversity impacts of development are assessed as they would have been before the introduction of the BC Act, as per clause 34A(2) below: <i>'34A Part 3A concept plan approvals, or other planning arrangements, subject to previous assessment and offsetting (1) This clause applies to a development application that is made under the Environmental Planning and Assessment Act 1979 in respect of proposed development that is certified under this clause.'</i>	Refer to Attachment 2 contained within Appendix C , prepared by MJD Environmental.

DPE Comment	Response
<p>(2) Part 7 of the Act does not apply to the determination of a development application to which this clause applies but the former planning provisions apply instead.’</p> <p>The former planning provisions trigger the need to consider whether there is likely to be a significant impact on threatened species, populations or ecological communities or their habitats in accordance with the now repealed section 5A of the EP&A Act, known as the 7-part test. Depending on the outcome of a 7-part test, a species impact statement (SIS) may also be required</p>	

4.0 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 subdivision of existing super lots into residential allotments has been anticipated and assumed under the Stage 1 Project Approval which noted the further subdivision of substages 14 and 15 to provide 158 dwellings in these substages. As a result, this modification represents an outcome that is consistent with the MP_10_0137 approval, in that it subdivides super lots to provide allotments for residential development;
- The subdivision of existing super lots into residential allotments has been anticipated and assumed under the Stage 1 Project Approval which provided consent for up to 275 residential dwellings within the Town Centre. As a result, this modification represents a good outcome, consistent with the MP_10_0137 approval, in that it subdivides the super lots within the town centre to provide allotments for residential development;
- The scale and density of the development are generally commensurate to that previously approved for the Huntlee development;

- The increase of residential allotments as a result of the further subdivision for the large, approved lots in the town centre and substage 14, 15 and 16 areas are considered to be of minimal impact that has already been assessed from an environmental impact perspective. It will provide ongoing social and economic benefit to the immediate community in that it is providing opportunities for housing close to schools, shops, services, transport and open space, consistent with the original intent and delivering on the key objective for the Huntlee development; 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.

4.1 Comparative Task

A comparative task has been undertaken at **Table 5**. The proposal is considered to be in alignment with the existing approval in that is proposed to fulfill part of the long-term intent for Huntlee to provide residential within the Town Centre as well as the eventual subdivision of the large lots in Substages 14, 15 and 16, well within the limitations as originally imposed.

Table 5 Comparative Task

	Original Approval	Approved Mod 16	Proposed Mod 20
Total Huntlee residential lots	1,473	1,659	1,919
Town Centre non-residential lots	0	67	59
Total Huntlee dwellings	2,345	2,631	2,631
Minimal Environmental Impact			
Traffic Impact	<p>The original traffic assessment submitted with the Stage 1 Major Project provided traffic modelling on the assumption (at fully completed development) that there would be 1,700 residential dwellings within the Town Centre (with a further 5,800 in the balance of the Huntlee residential land), and found that this, in alignment with the planned road upgrades to WCD and the HEX link road, as well as the installation of the Hunter Expressway found that the impacts of residential development in Huntlee were acceptable. The original Stage 1 traffic modelling took into account up to 300 residential dwellings within the town centre.</p> <p>The original traffic assessment submitted with the Stage 1 Major Project provided traffic modelling on the assumption (at fully completed development) that there 5,800 dwellings in the balance of the Huntlee residential land, and found that this, in alignment with the planned road upgrades to WCD and the HEX link road, as well as the installation of the Hunter Expressway found that the impacts of residential development in Huntlee were acceptable.</p> <p>Notwithstanding the above, an additional traffic statement has been provided at Appendix B which states that the subdivision of super lots within the Town Centre for residential lots does not intensify traffic generation or create impacts on intersections as the Town Centre was always expected to include residential development.</p>	No change.	No change.
Bushfire Impact	The original bushfire assessment submitted with the Stage 1 Major Project nominated temporary 100m APZ / BAL zones around the perimeter of the Stage 1 site boundary at the Town Centre.	No change.	Increase in APZs in particular locations throughout the development in multiple substages in accordance

Original Approval		Approved Mod 16	Proposed Mod 20
			with updated legislative requirements
Flooding Impact	The original flooding and stormwater assessment submitted with the Stage 1 Major Project undertook comprehensive flood modelling for the entire site and found that land subject to potential flooding would be concentrated on the eastern side of Wine Country Drive and would not affect lots within the Town Centre. Additionally, the lot amendments contained in substages 13, 14 and 15 have all been planned in accordance with the latest floor modelling and are above the flood affected levels for these areas.	No change.	No change.
Land Use and Economic Impact	The Stage 1 Major Project proposed B4 mixed use for the town centre in order to enable a true mixed use and diverse centre that was capable of accommodating employment and residential uses, with up to 275 dwellings within the town centre.	No change	No change.

5.0 Environmental assessment

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application and the reasons given by the consent authority for the grant of the original consent.

The assessment submitted with the Huntlee Major Project Approval addressed a range of environmental impacts. The planning assessment of the proposed modified development remains generally unchanged with respect to those matters and those considered under previous modifications, however, the following require further assessment. 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.

5.1 Consistency with Relevant Statutory Plans and Policies

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

5.1.1 Consistency with Stage 1 Major Project Approval (MP10_0137)

The proposed modifications are consistent with the Huntlee Stage 1 Major Project Approval which approved a concept of up to 275 residential dwellings within the Town Centre. The proposed modification provides for enabling residential uses within the Town Centre, in alignment with the approved intent, by proposing the subdivision of existing super lots to facilitate the vision as originally approved.

Importantly, Condition A2 of the Stage 1 Approval provides that the development will be undertaken in accordance with the additional amended subdivision concept plan 'Huntlee – Stage 1 Concept Master Plan dwg UD4-104 01.02.13' prepared by Roberts Day (February 2013). This plan is shown in **Figure 10** and clearly identifies up to 275 dwellings within the Town Centre.

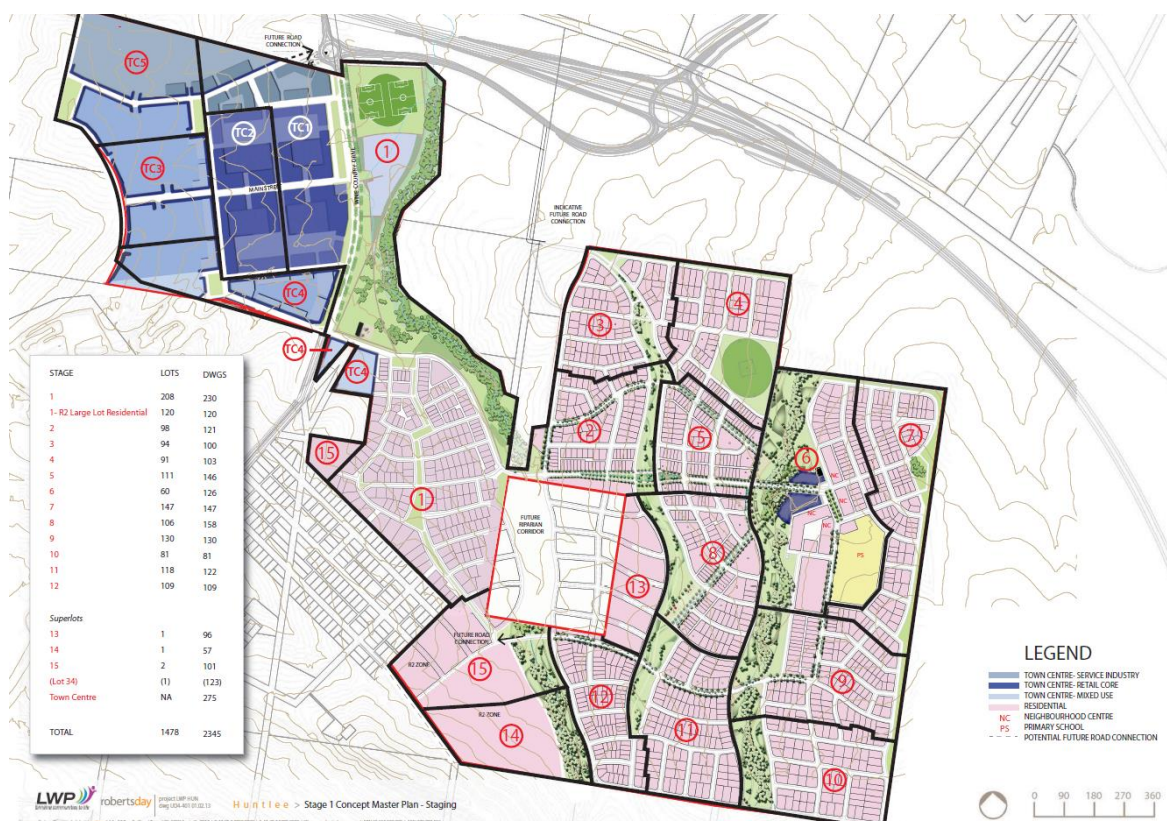


Figure 10 Approved Stage 1 Concept Master Plan

Source: Roberts Day

The proposed modifications to the town centre are also consistent with the objectives of the B4 zone to 'provide a mixture of compatible land uses' and 'to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling'.

The modification proposes to increase the residential lot count to utilise the available land within the appropriate zone and create opportunities for more residential dwellings near schools, shops, services, transport and open space areas, as a direct result of ongoing design refinements. This does not give rise to any adverse environmental effect such as bushfire, flooding or services (refer below) as it has been previously considered and approved under the Stage 1 Major Project Approval (MP10_0137).

Further, the road layout amendments (including the addition of laneway road typology in the town centre) remain consistent with relevant controls within the Huntlee DCP. MP10_0137 also provided for open space lots located within the town centre and was approved to be delivered within TC1, TC2, TC3 and TC4. This modification seeks to relocate the TC2 open space lot into the TC1 open space lot so that an appropriate subdivision layout can be accommodated. This modification does not delete any previously approved open space lots and only seeks to undertake subdivision as nominated in **Section 3.0**.

The adjustment of the road and allotment layout in substage 13 remains consistent with the original intent of the Stage 1 Approval, as it still provides for residential development with public roads and access to open space.

The siting of new lots in residential substages 14 and 15 are consistent with the delivery of housing as part of the original approved intent of Huntlee to provide for dwelling houses in this location. The proposed subdivision layout is similar to that of surrounding subdivision patterns in adjacent residential substages and will ensure that any existing views and vistas across the open space will not be compromised as a result of the proposal (which will comprise of single dwelling built envelopes), which is likely to be of minimal impact to the visual setting of the open space and riparian corridor. The proposed allotments will not impact on the community being able to access the riparian corridor and open space areas near to this part of the broader site. The same applies to the proposed further subdivision within substage 16.

The creation of the new lots continues to demonstrate compliance in accordance with Section 10.2.2 of the Cessnock City Council 2013 Draft Engineering Guidelines. Building envelopes can be sufficiently positioned within the lots to achieve the built form requirements of the DCP, and the engineering of the allotments ensures that any potential flood flows up to 1% Annual Exceedance Probability (AEP) in a storm event would not encroach upon the proposed lots.

5.1.2 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 substages subject to this modification allow for residential uses, consistent with the intent of the objectives of Huntlee to provide for residential allotments through the provision of subdivided land for residential development. The proposed modifications remain consistent with the objectives of both the B4 and R1 zone, consistent with the original project approval.

5.1.3 Huntlee Development Control Plan 2013

The proposed minor changes to the Stage 1 Major Project Approval, as outlined in **Section 3.0**, retain consistency with the provisions contained in the Huntlee DCP. The modification has been designed in accordance with the controls contained within the DCP in terms of subdivision design, minimum lot sizes and complies with the relevant road widths for the surrounding road hierarchy, being:

- Local streets (being 16.2m width minimum),
- Residential laneway (being 6-8.5m width minimum),
- Town centre lanes (being 6-8.5m width minimum),
- Collector Streets (bus route) (being 20.7m width minimum),
- Avenue Streets and pedestrian paths (being 30m width maximum).

The modification has been assessed against the design principals in Section 2 and the controls for subdivision design in Section 4 of the DCP. The modification is generally consistent with the controls as they do not depart from the general arrangement of the Indicative Layout and Staging Plan and are consistent with the following applicable design principals in Section 2.3 of the DCP:

- Neighbourhoods where residents can easily walk or cycle to the town centre, neighbourhood core, local shops, open space and schools.
- Provide a mixture of lot and housing options to create diversity in the built form and accommodation choice.
- Smaller residential lots and medium density residential development in the vicinity of the town and village centres, open spaces and recreation areas.

The proposal will continue to provide open space and parks in accordance with the following controls:

- be linked to and integrated with riparian corridors where possible;
- be highly accessible and linked by pedestrian and/or cycle routes; and
- be generally bordered by streets on all sides with houses oriented towards them to encourage passive surveillance.

The new lots will be orientated to the street or having an interface to the open space in Substages 14 and 15. This will provide opportunities for passive surveillance and co-location of residential and recreational. Additionally, the reconfiguration of substage 13 does not result in any inconsistencies with the above controls.

It is concluded that the modification is consistent with the relevant controls.

5.2 Urban Design and Lot Layout

The proposed modifications maintain Huntlee's ability to provide residential dwelling allotments within the precinct boundaries and introduces subdivision that is able to support residential uses within the town centre, consistent with the objectives of the B4 mixed use and R1 General Residential zone. The subdivision modifications propose a lot layout and subdivision pattern that responds to a more walkable and pedestrian friendly environment by enabling

subdivision that will provide the context for future residential development to prioritise pedestrians, as envisaged by the original application. The modification results in modular allotment blocks and road layouts that maintain driving sightlines between each block and maintains a good outcome for the future built form interpretation of the streetscape in a modified block arrangement.

In addition, the road alignments alongside the new lot layouts provide for clear terminus of roads at all intersections when traversing the new road layout and streetscapes. The introduction of three new laneways at the rear of some TC5 subdivided lots provides for a finer grain urban design outcome that will also provide the added benefit of traffic control and speed management as vehicles will be required to slow down appropriately to navigate the revised road layout. Additionally, the proposed subdivision and road layout amendments maintain a strong visual connection of the town centre main street in the east, between the retail centre and the proposed primary school in the west.

The proposed lot sizes reflect a generally compact residential density which is appropriate for a town centre location within easy walking distance to shops and services. The proposed relocation of open space from TC2 to TC1 is considered to be a minor change as the open space relocates across the street and does not significantly impact on the park's walking catchment. This change does not affect the overall area of urban square/plaza space within the development.

5.2.1 Open Space and Community Uses

As part of the modification there are minor changes to the location of open spaces as described in **Section 3**, as mentioned, Cessnock City Council approached Huntlee P/L with a request to amend the type, number and location of certain elements of public open space. Huntlee P/L is currently proceeding with a negotiating an amended Local VPA with Cessnock City Council to formally adopt these open space changes. These changes (from Modification 16 as the last affecting the layout of the development) are provided in **Table 6** below for comparison. It is noted that Modification 20 provides a clearer breakdown of proposed open space and community uses than previous modifications.

Table 6 Open Space Changes

Type of Open Space	Modification 16 Quantity	Modification 16 Size (ha)	Modification 20 Quantity	Modification 20 Size (ha)	Difference
District Sports Field	2 (previously local sport facility)	7.44 (previously local sport facility)	1	3.63	-3.81
District Park	2	8.28	2	4.79	-3.49
Local Park	6	4.83	7	3.44	-1.39
Urban Square/Plaza	3	0.99	3	0.99	0
Community Hub	1	1.2	1	1.2	1.2
Public Open Space	-	35.99 (inclusive of wetland/water space)	-	36.55	0.56
Riparian Corridor	-	27.39	-	12.44	-14.95
Total	-	84.92	-	63.04	-21.88

The total open space area for Modification 20, is 63.04ha, a reduction of 13.63ha from Modification 16.

The main variances are through the additional open space provided in substages 1, 14, 15 and throughout the Town Centre, and the non-inclusion of the open space and riparian areas within the substage 5 (Large Lots) area. Furthermore, discussions with Council have resulted in the reduction of these areas, and these changes are currently being included in an amended VPA process with Council.

There are minor reallocations of open space provisions through the development, including the proposed conversion of existing district park to district sports fields, with other district park areas being re-allocated and increased in area. Modification 20 also now provides land for a proposed community hub within the Town Centre.

To further enhance the public experience of Huntlee, a street tree masterplan (**Appendix G**) is provided which outlines intended street tree species along key roads, based on precincts and road hierarchy. The proposed

cycleway and recreational trail masterplan (**Appendix F**) complements the street tree planting, and outlines the proposed pathways throughout the site including through open space areas.

5.3 Traffic Impacts

A traffic statement has been prepared by SECA Solution and is included at **Appendix B**. The statement reiterates that traffic impacts were assessed and approved under the original Stage 1 Project Approval which considered the total number of residential dwellings, which this modification does not propose to exceed. The original traffic assessment (prepared by Hyder Consulting) provided traffic assessment and modelling on two scenarios – being the full development of the Huntlee site and the Stage 1 component being delivered. The subdivision of substages 13, 14, 15 and 16 to create additional residential allotments remains consistent with previous dwelling number and density forecasts, resulting in no identified intensification of traffic generation or previous trip distribution assumptions.

SECA Solution state that the subdivision of super lots within the Town Centre for residential lots does not intensify traffic generation or create impacts on intersections as the Town Centre was always expected to include residential development. The original Stage 1 Hyder Traffic Report included 300 residential dwellings within the Town Centre Stage 1 area as part of the assessment to determine the requirements for key intersections. These key intersections are now already constructed, or soon to be constructed in 2022. The Town Centre residential lots were envisaged to be within the mixed use zones identified within the original concept plan, rather than within the retail core or service commercial areas

This modelling assumed, for Stage 1, up to 300 dwellings within the Town Centre area (and 2,045 dwellings on the residential land in other stages), with this being assessed and approved with the Stage 1 Project Approval. The full development of the Huntlee site also formed part of the approved traffic assessment and assumed 1,700 residential dwellings within the Town Centre (with a further 5,800 in the balance of the Huntlee residential land).

Under this assessment for Stage 1, the base case scenario provided for trip generation rates of 4,000 trips (3,600 with 10% self-containment trips) in the AM peak (both residential and mixed use/employment development) and 5,100 trips (4,600 with 10% self-containment trips) in the PM peak (both residential and mixed use/employment development).

The traffic assessment identified the need for intersection upgrades for Stage 1 based on the modelled traffic movements undertaken. These include works at various locations within the Stage 1 area and included roundabout upgrades (dual lane), traffic signal installations and the upgrade of Wine Country Drive to four lanes concurrently.

The proposed town centre residential lots will access Wine Country Drive at either the existing roundabout at the northern end of Wine Country Drive, or the recently constructed signalised intersection which currently serves as the main entrance to the Town Centre. A TfNSW Works Authorisation Deed (WAD) has been issued for the existing roundabout which will see this intersection upgraded in 2022.

These existing intersections will ensure sufficient capacity exists for traffic generation from the proposed residential lots, which has already been taken into account within the DA approved traffic study. In addition, the intersection of Wine Country Drive and Triton Boulevard is also due to be upgraded into a signalised 4-way intersection, with a WAD already entered into with TfNSW, this intersection will be completed in 2022 also which will provide a third major intersection and access point into the Town Centre which could be used in the future by the Town Centre residential area.

Important to note is that these upgrades are identified within the existing consent conditions with specific triggers based on the number of subdivision certificates issued. SECA Solution also provide that the network modelling indicates that the approved upgrades (intended to be construction over the next 12 months) allow for the site to be developed to 1,500 lots – however, based on traffic data collected by SECA Solution in 2020 (noting the continuation of working from home arrangements and therefore considered appropriate), that there can be an additional 450 lots, to a total of 1,950, developed, prior to the upgrade of the roundabout at the intersection of the HEX Link Road and the northern access road.

The Town Centre will provide a connected and walkable urban environment that accommodates a network of open space, pedestrian and cycleways, local road and bus routes that connect neighbours to surrounding service, infrastructure and schools. This previous assessment, coupled with the upgrade of Wine Country Drive and its associated access arrangements into the town centre, has been modelled on the basis of the original State Significant Site Study for Huntlee which anticipated up to 1,700 residential dwellings within the town centre and as such, traffic impacts associated with the proposed 173 residential allotments being introduced into the Town Centre under this Modification 20 have previously been assessed and approved.

Road layout plans prepared by Northrop shows the proposed road network for the Town Centre residential allotments (**Appendix H**), noting that existing road typologies will continue to be utilised through substages 13, 14, 15 and 16 consistent with the existing residential areas of Huntlee. Further justification regarding traffic impacts under this modification is provided by SECA Solution in their statement at **Appendix B**.

As mentioned earlier, 14 lots within proposed substages 14 and 15 will be provided with direct road access to the approved extension of Rothbury Street (under DA8/2018/853/1). This is not anticipated to have an adverse impact on traffic movements, noting that Rothbury Street has a number of intersections with internal Huntlee roads, to provide for traffic movements between North Rothbury and Huntlee.

5.4 Infrastructure and Utilities

The following section outlines the requirements in relation to the provision of services to the residential lots within the Town Centre as proposed under Modification 20, noting that infrastructure will also be provided to the proposed residential lots within substages 13, 14, 15 and 16.

In general terms, the creation of the residential lots within the Town Centre, versus potentially large and unknown commercial end users will result in less impact on the needs for utility infrastructure to service them. Given the uncertainty surrounding large commercial areas, a large degree of conservatism is used when it comes to estimating water/sewer and electrical demands on an area basis, compared to the well documented demands related to residential lots.

As outlined for each essential service below, Modification 20 has no adverse impacts in relation to the provision of services to the Huntlee development, noting that the lots proposed by Modification 20 across all substages have always been included within the infrastructure assessments undertaken.

5.4.1 Water

The residential lots proposed under this Modification were included in the original water servicing strategy with Hunter Water Corporation and Altogether Group, the *Water Industry Competition Act* (WIC Act) Operator of water and wastewater infrastructure within the Huntlee Development.

The requirements for water infrastructure upgrades are as set out in the Utility Services Agreement between Hunter Water and Altogether Group, which were based on the original Hunter Water approved strategies for the Huntlee Project. The first external infrastructure upgrade (Greta-Branxton) was previously completed, and the second upgrade (Harpers Hill to Greta) is currently under construction. Further upgrades will continue to roll out as per the approved strategy and utility services agreement.

The proposed modification does not require any changes to the current water strategy or infrastructure requirements for the development.

Applications to Altogether Group for Notice of Requirements for these residential lots in order to progress detailed reticulation design is already underway.

5.4.2 Sewer

Similar to the above, the Modification 20 development area within the Town Centre was already included in the original servicing strategy and will be serviced by the existing on-site wastewater treatment plant owned and managed by Altogether Group under the WIC Act.

Given the wastewater treatment plant has capacity for the lots proposed under this modification, the provision of wastewater services will only require an extension of infrastructure that has been construction in the earlier stages of the Town Centre. The Modification 20 proposal therefore has no additional impacts on wastewater infrastructure. The same applies for the residential lots proposed in substages 13, 14, 15 and 16.

Applications to Altogether Group for Notice of Requirements for these residential lots in order to progress detailed reticulation design is already underway.

5.4.3 Electricity

There is no change required to the planning for electricity capacity to the Huntlee Development which has been discussed with Ausgrid. A high voltage feeder connection is currently underway to the Hunter Expressway which secures electricity capacity for the Huntlee Development for the foreseeable future, including the lots proposed under Modification 20. The next upgrade following this initial HV feeder as advised by Ausgrid is two new HV feeders from the existing Rothbury zone substation.

Connection applications for these residential stages are already underway with Ausgrid in order to progress detailed design of electricity reticulation.

5.4.4 Communications

Huntlee has a Master Agreement with NBN Co and the residential lots proposed under this Modification will come under this Agreement with NBN Co. NBN Co pit and pipe infrastructure has already been extended within the Town Centre, as such provision of pit and pipe and NBN Co fibre will be extended from these existing assets. No additional backhaul is required.

Stage applications to NBN Co for these residential stages are already underway in order to progress detailed communications infrastructure design.

5.5 Land use and economic impacts

The proposed amendment to deliver residential subdivision allotments in the R1 General Residential zone is consistent with the land use objectives to deliver housing within these zones and represents the orderly continuation of development within the Huntlee site.

The entirety of the Huntlee Town Centre is zoned B4 Mixed Use. The objectives of the B4 mixed-use zoning are to provide a mixture of compatible land uses as well as integrate business, office, residential, retail and other development in accessible locations to leverage public transport and encourage active modes of travel such as walking and cycling.

Although the proposed area subject to be modified is labelled “Town Centre” under the Major Project Approval, it is important to note the flexibility given with the objectives of the B4 zone as stated above.

The main town centre core is located on the immediate western side of Wine Country Drive at major intersection points along this road and was approved under the Stage 1 Approval to include core retail, service industry, bulky goods and mixed-use development, encompassing 50.5ha of employment area (and always contemplated residential housing within the town centre). The modification proposed under this DA to enable subdivision that will facilitate future residential allotments does not undermine the Stage 1 DA approval to enable the town centre to provide these uses, noting that current lot yield projections indicate this is not likely to impact on the availability of sufficient employment land. The Cessnock Urban Growth Management Plan identifies significant availability of employment lands (commercial and industrial) within the area until 2046. Importantly, this Plan also recognises there is between 17 and 24 years of greenfield land supply zoned across the Local Government Area (LGA) – but this does not account for the residential potential in the Huntlee B4 Mixed Use zone. This indicates a clear recognition of residential development occurring within the Huntlee Town Centre.

The Cessnock Council Local Strategic Planning Statement (LSPS) also identifies that infill development (such as medium density development) is supported:

Infill development is encouraged in established residential areas including Cessnock, Kurri Kurri, Branxton and Weston. Additionally, medium density development, such as shop-top housing is encouraged in the commercial centres

This indicates support for providing residential uses within commercial centres, and is further encouraged by the Cessnock Urban Growth Management Plan, the Greater Newcastle Metropolitan Plan and the Hunter Regional Plan.

Furthermore, the LSPS recognises that care is needed to ensure that Huntlee's employment lands should not grow beyond the needs of the local community, to a point where it may undermine the viability of other employment centres elsewhere in the Cessnock area. This is backed up in the Urban Growth Management Plan that concludes the new centre is unlikely to have significant impacts on the established centres elsewhere in the LGA, subject to the Town Centre not growing beyond what is needed to service the surrounding local population. Council have identified Huntlee as an emerging local centre, with an action (Action 5) to investigate the extent of the B4 zone at Huntlee to provide a clear direction on the future role of the centre as the development grows.



Figure 11 Huntlee is identified as an emerging local centre in the Local Strategic Planning Statement

Source: Cessnock Council

It is important to note that there are significant agglomeration benefits associated with the grouping of employment and residential land uses tightly together, such as is proposed in the Town Centre, and in close proximity of the education lots. Agglomeration allows for strong cross usage, the activation of retail, and enhanced liveliness and also provides a safe buffer land use between the school sites and the town centre core.

Consolidation of these uses increases the viability of these other ancillary uses, without reducing employment potential and would be a better outcome than segregating the land uses in other components of the wider precinct. The proposed amendments to facilitate smaller lots that will be subject to accommodating future residential dwellings will assist in activating the town centre outside of traditional business hours and will contribute to ongoing

activity within the town centre, providing a good buffer land use between the school sites and the commercial core of the Huntlee Town Centre.

This is a consistent approach to existing employment lands in Huntlee that benefit from housing in close proximity to the commercial services. Urban consolidation is an important element of the broader Huntlee master plan.

5.6 Bushfire Impacts

The modifications proposed under this modification application will not alter the previously approved APZ and BAL requirements that were approved as part of the original Major Approval, other than increasing the areas of APZ affected land in response to the requirements of Planning for Bushfire Protection 2019.

The new subdivision layout and increase of residential allotments does not propose to encroach on any areas that are not already subject to a nominated APZ or BAL and only seeks approval for subdivision of lots within an existing subdivision pattern. The modifications will remain consistent with the Stage 1 Project Approval APZ / BAL zones, including the interim APZ's nominated around release areas (including the area west of the school lots), as well as in line with the relevant provisions under *Australian Standard AS3959-2009 Construction of Buildings in Bushfire Prone Areas*, refer to **Figure 10**.

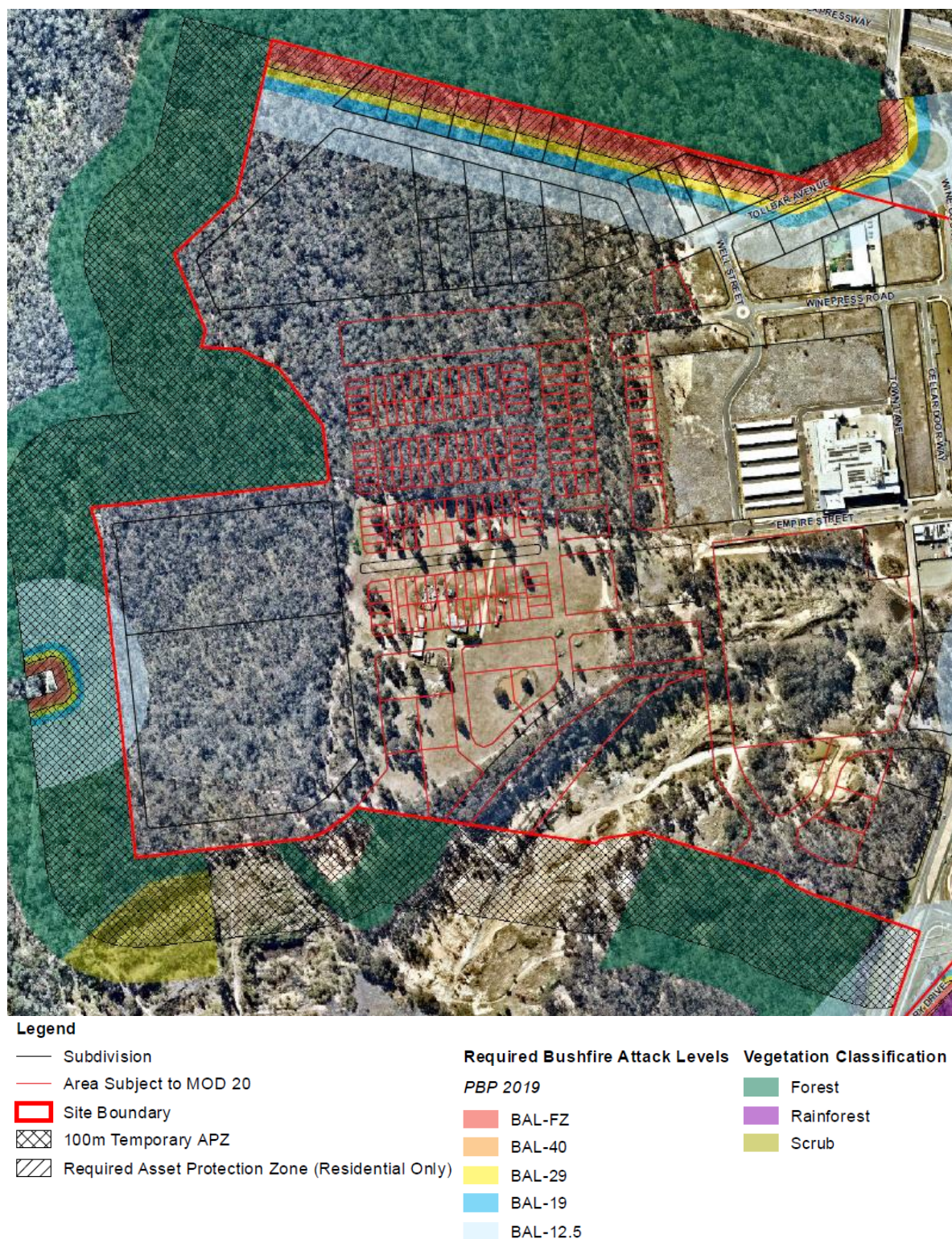


Figure 12 APZ and BAL requirements around the Town Centre

Source: MJD Environmental

The APZ at the northern boundary of the Town Centre is proposed to increase from 25m to 29m. The final APZ required along the southern and western boundaries also increases in size, however this is encompassed by the temporary 100m APZ at this stage and no change is required.



Figure 13 APZ and BAL provisions for the reconfigured substage 13

Source: MJD Environmental

Substage 13 requires an increase in APZ along the western edge of the stage from 10m to 12m adjacent to grassland and scattered trees, and 15m to 16m where adjacent to woodland. This increase is accommodated within the stage along the rear of larger lots (that still allows for a suitable building envelope to be provided), within open space and detention basins, and along proposed road alignments.

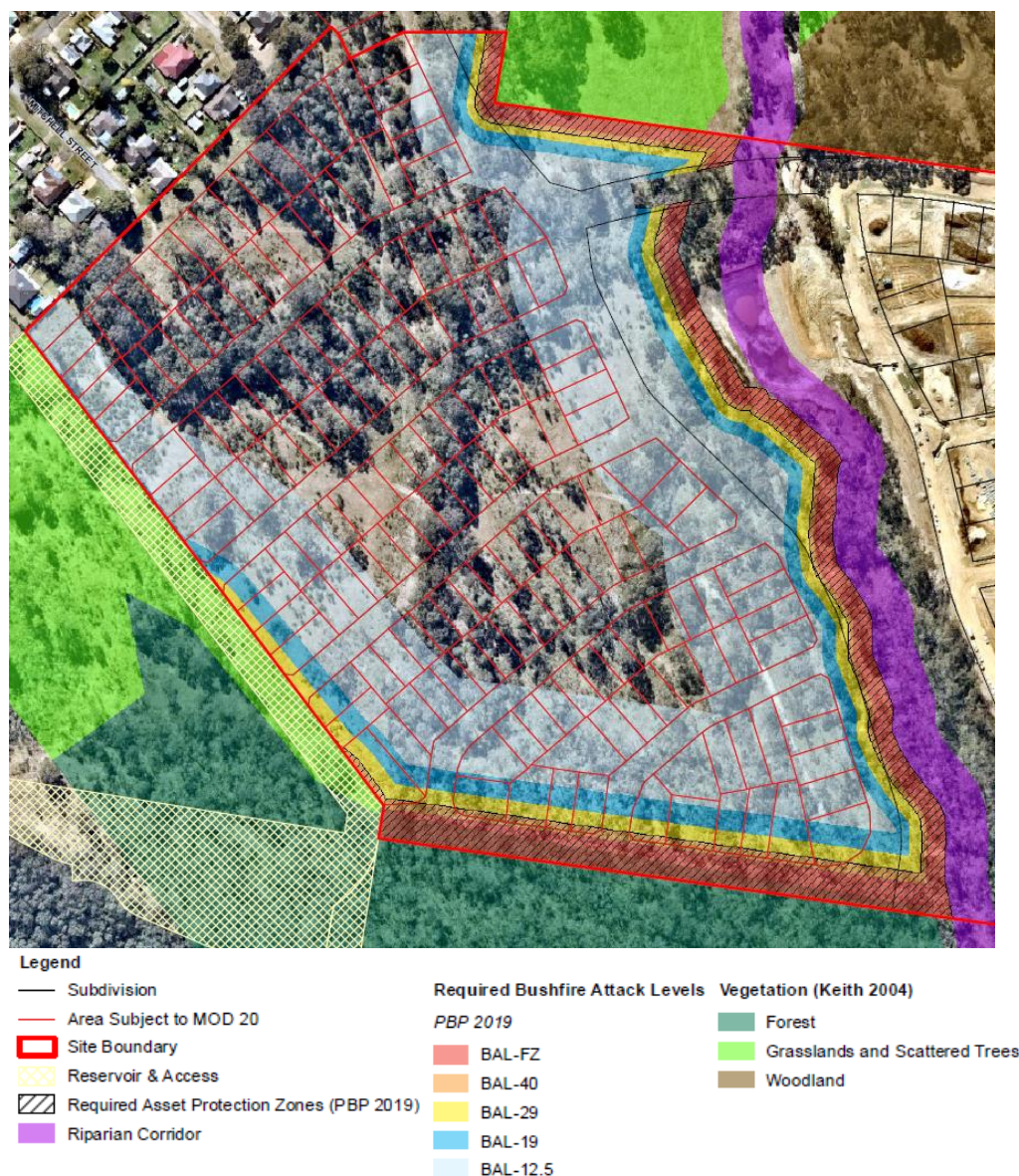


Figure 14 APZ and BAL provisions surrounding substages 14 and 15

Source: MJD Environmental

Substage 14 and 15 are provided with new APZ and BALs based on the proposed residential subdivision, noting that the extension of North Rothbury Road frames the stage along its western edge.

Substage 16 also needs a change to APZ requirements based on Planning for Bushfire Protection 2019, generally increasing from 10m to 12m in the north, 20m to 24m in the north-east adjacent to forest, and 10m to 14m in the south and west where there is either riparian corridor or no hazard.

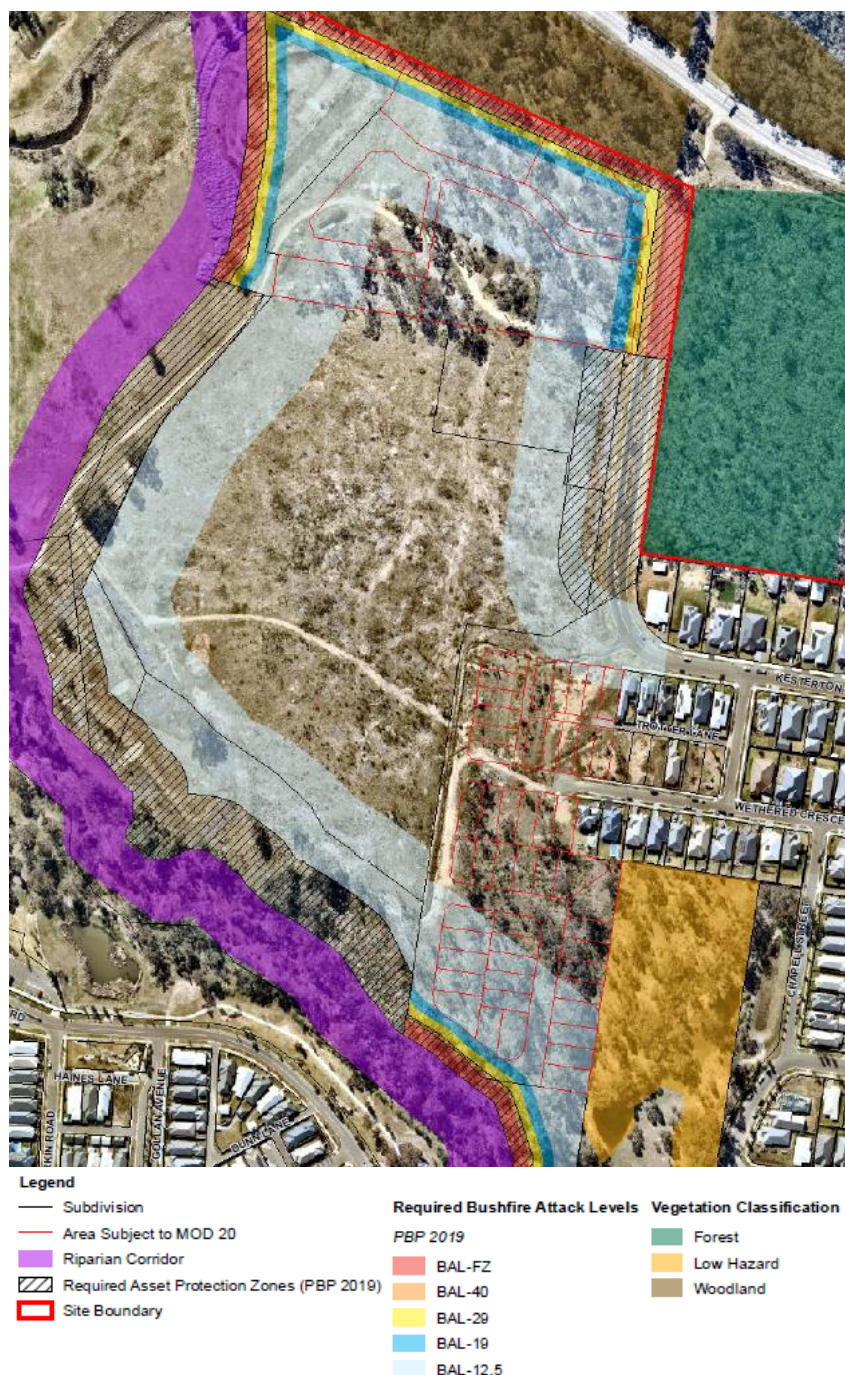


Figure 15 APZ and BAL provisions surrounding substage 16

Source: MJD Environmental

5.7 Flooding Impacts

A Stormwater and Flood Management Strategy has been prepared by Northrop at **Appendix E**, which identifies that the proposed modification does not result in a net increase in peak flows downstream during storm events up to the 1% AEP. This information is provided particularly specific to substage 16 per the requirements of Condition B3.

Importantly, the areas subject to Modification 20 sit outside of the flood extents as shown in **Figure 14**.

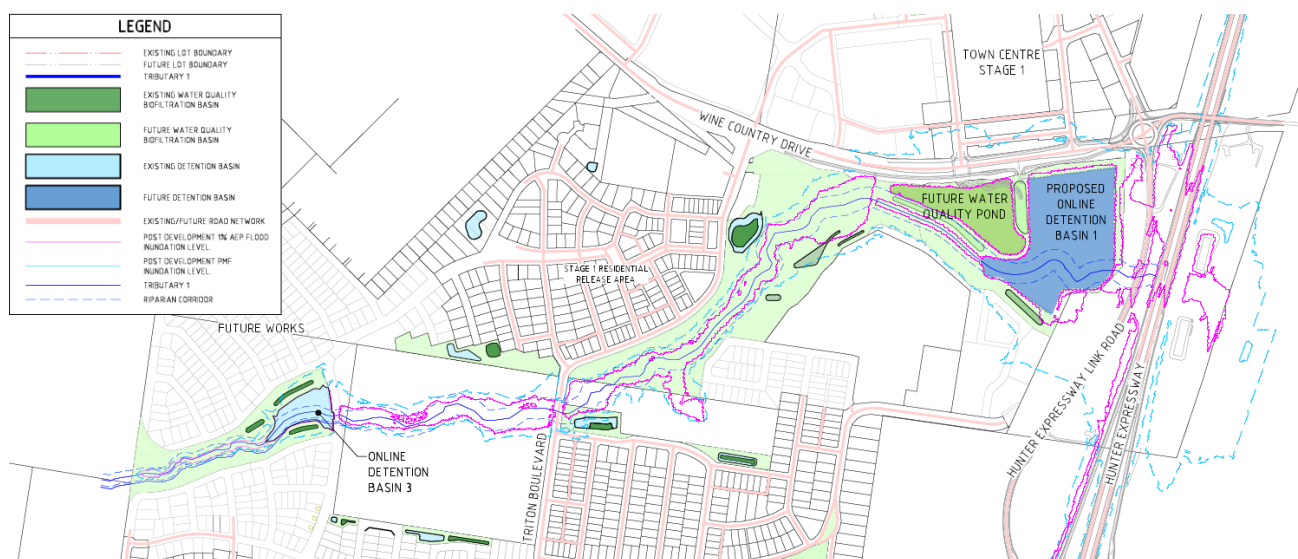


Figure 16 Tributary 2 flood extents

Source: Northrop

The land is not located within proximity to land within the 1% AEP and the proposed modifications will not have an impact on land subject to either the 1% Average Exceedance Probability (AEP) or the Probable Maximum Flood (PMF) extents, as they are concentrated on the eastern side of Wine Country Drive (refer to **Figure 11**).

The modifications do not propose alterations to the subdivision pattern that extends or encroaches into any sensitive riparian areas or environmentally sensitive lands and will not provide any impacts to any proposed or existing culverts and basins. It is therefore concluded that the modifications will not have an impact on flooding events, with the proposed modifications to be delivered and designed in accordance with the previously approved flood planning levels. Further detail can be found in the Stormwater Flood Management Strategy at **Appendix E**.

5.8 Biodiversity Impacts

The management of biodiversity impacts for the overall Huntlee development were subject to a separate Voluntary Planning Agreement (VPA) that was entered into by Huntlee and the Minister for Planning as part of the Stage 1 rezoning which provided for:

- Dedication of 780 hectares of conservation land within Huntlee;
- Dedication of Persoonia Park (17 hectares);
- Dedication of up to 4988 hectares of conservation land elsewhere within the Lower Hunter Region; and
- Funding for the conservation offset management.

The VPA that was created for Huntlee is recognised under Clause 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017. However, previous correspondence issued by the DPE and the Biodiversity and Conservation Division (BCD) have resulted in the requirement for additional ecological information including a 7-part test under the former legislative arrangements, despite the site's existing VPA which acknowledges the biodiversity offset scheme that was agreed upon at the time of the Stage 1 approval.

In response, a 7-part test for MOD 20 has been provided at Attachment 2 of **Appendix C** prepared by MJD Environmental. The assessment contained in **Appendix C** concludes that it is unlikely that the proposal will have an adverse effect or adversely modify the extent of threatened entities recorded across Huntlee (development and conservation areas) such that an entity is likely to be placed at risk of extinction.

It is also noted that preliminary site works have already commenced in some of the development areas which are the subject of this modification, as allowed under the existing Development Approval.

5.9 Social Impacts

The modification will continue to facilitate the Stage 1 Approval. The further subdivision of super lots to accommodate the additional residential lots, consistent with the Stage 1 Project Approval which anticipated up to 275 dwellings within the town centre and the eventual subdivision of substages 14, 15 and 16. This new subdivision pattern to accommodate future residential dwellings will carry with its corresponding social benefits as it will aid in promoting social welfare by providing an opportunity for additional dwellings within the town centre to meet a more diversified local demand and provide homes that are walkable to transit options, schools, shops, services and other offerings that the Huntlee Town Centre was originally approved to accommodate.

These opportunities will provide homeowners to achieve a lifestyle within the Huntlee development site that continues to maintain proximity to local parkland and open space whilst providing housing diversity.

The reduction of five commercial allotments is not seen to present any adverse effects to the economic vitality of Huntlee, and the addition of residential within the town centre will assist in aiding economic stimulus due to the proximity to the town centre. The original State Significant Site rezoning for Huntlee conceptually approved 275 residential dwellings be located within the B4 mixed use zone area, in which this modification application is responding to. The proposed re-subdivision of Superlots TC2, TC3 and TC5 are therefore entirely consistent with the land use mix proposed in the State Significant Site rezoning.

5.10 Site Suitability

The site is entirely suitable for the proposed modification, having been approved for the proposed residential uses as part of the Stage 1 Approval as discussed. The proposed works have previously been assessed and considered appropriate for the site, and as such result in the site being recognised as suitable for the Huntlee New Town as proposed.

5.11 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 the site remains suitable to allow future development, as well as to accommodate additional residential allotment and open space capacity on site. This application is in the public interest as it provides additional residential allotments which will provide an opportunity for more potential homeowners to be able to achieve a lifestyle within Huntlee close to open spaces and local parkland.

6.0 Conclusion

The proposed modification seeks to modify the Huntlee Stage 1 Major Project Approval (MP10_0137), and is the result of ongoing design refinement of the Stage 1 project to achieve the vision set out in the Stage 1 Major Project Approval. The development as modified has addressed the relevant impacts with regard to urban design, land use and social and economic impacts. The modification application is consistent with the objectives and controls set in the Huntlee DCP and will result in positive outcomes for the Huntlee New Town.

In accordance with section 4.55(1A) of the EP&A Act 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; and
- the proposed modifications do not alter the development's compliance with the relevant environmental instruments.