

Modification of Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Planning Assessment Commission modifies the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Abigail Goldberg
Member of the Commission (Chair)

Sydney

16 May 2017

SCHEDULE 1

- Project Approval:** **MP 10_0137** granted by the Planning Assessment Commission on 24 April 2013
- For the following:** Stage 1 of Huntlee – including site preparation works, internal and external road works, subdivision to create 1473 residential allotments, 14 super lots, 1 allotment for a primary school, drainage and open space reserves.
- Modification:** **MP 10_0137 MOD 6:** involves:
- minor changes to the subdivision layout, including:
 - subdivision of a super lot in the Town Centre into two smaller commercial lots and access road; and
 - creation of one additional residential lot in sub-stage 4;
 - changes to the wording of the conditions involving:
 - an adjustment to the threshold limits for the timing of road infrastructure upgrades;
 - the provision of a substation to a later stage of the development; and
 - clarification of the requirements for site contamination certification.

SCHEDULE 1

1. In Part B of Schedule 1, insert the following new definition after the definition of 'Minister':

MOD 6 means the Section 75W modification application 10_0137 MOD 6, accompanying Environmental Assessment dated 19 August 2016 and accompanying information prepared by JBA Planning.

SCHEDULE 2

2. Amend Condition A1 by the deletion of the ~~struck out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows:

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 ~~1472~~ **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.

3. Amend Condition A2 by the deletion of the ~~struck out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows:

A2. Development in Accordance with Plans and Documentation

- A) The development will be undertaken in accordance with the 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 Master Plan dwg UD4-401 01.02.13” (Roberts Day Feb 2013).
- B) and as amended by:
 - MOD 1 Application – Section 75W Modification MP_10_1037 Huntlee (by JBA Planning 2014), including; and
 - Amended subdivision plans “PP DP1197581 sheets 1 and 2”, “PP DP1197586 sheets 1 to 5”, “PP DP 1197589 sheets 1 to 5” and “PP DP 1199264 sheets 1 to 4”, prepared by Andrew David McNamara.
- C) and as amended by:
 - MOD 2 Application – Section 75W Modification MP10_0137 Huntlee, submitted by JBA Planning, dated 30 October 2014 including;
 - Bushfire Threat Assessment, Huntlee Residential Development, 75W Modification Stage 1 Precincts 1-6, prepared by RPS dated 4 September 2014;

- Response to Submissions – Response to Issues – MP_10_0137 Stage 1 S.75W Modification 2, Huntlee, prepared by JBA Planning, dated 17 December 2014.
- D) and as amended by:
- MOD 3 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 24 March 2015 and supporting documents, including;
 - Amended subdivision plans "PP DP1199264 sheets 1 and 3 By Andrew David McNamara; and
 - Bushfire Threat Assessment – Lot 12 DP729973, Lot 36 DP755211 and Lot 37 DP755211 Huntlee Residential Development, Stages 2-5 Eastern Precinct, prepared by RPS Australia East Pty Ltd, dated 10 March 2015;
 - Amended Landscape Masterplan prepared by AECOM Issue B dated 16 July 2015;
 - Response to Submissions – Planning Advice, Huntlee New Town MP_10_0137 Modification 3 prepared by JBA, dated 15 May 2015 and accompanying Stormwater Advice from Northrop, dated 14 May 2015.
 - Additional Information prepared by JBA, dated 20 July 2015 and accompanying documents.
- E) and as amended by:
- MOD 4 Application – Section 75W Modification to Huntlee Major Project Approval MP_10_0137 Huntlee New Town, prepared by JBA Planning, dated 2 September 2015 including supporting documentation; and
- F) and as amended by:
- MOD 5 Application – Section 75W Modification to Huntlee Major Project Approval MP_1-0137 Huntlee New Town, prepared by JBA Planning, dated 2 May 2016 including supporting documentation;
 - Amended Subdivision Plan 20406-1 TO 3000 (MOD5) Sheet 1 of 1 Master Plan prepared by Daly Smith Pty Ltd 2016 dated 26/02/2016;
 - Amended Staging Plan prepared by Daly Smith Pty Ltd and JBA dated 26/02/2016;
 - Amended Precinct 2 Street Hierarchy (Dwg No. RD1 309 Rev H) prepared by LWP and dated 16/04/2016;
 - Bushfire Threat Assessment, Huntlee Residential Development – Stage 10, prepared by RPS and dated March 2016; and
 - Letters from Huntlee dated 14 June offering to amend Voluntary Planning Agreements.
- G) and as amended by:**
- **MOD 6 Application – Section 75W Modification to Huntlee Major Project Approval MP_1-0137 Huntlee New Town, prepared by JBA Planning, dated 31 August 2016 including supporting documentation;**
 - **Intersection and Road Upgrade Threshold Analysis Review, prepared by Better Transport Futures, dated 12 August 2016;**
 - **Amended Subdivision Plan 20406-1 TO 3000 (MOD 6) Sheet 1 of 1 Master Plan prepared by Daly Smith dated 11/08/2016**

Except as modified by conditions of this approval.

If there is any inconsistency between the above plans and documentation the more recent documents shall prevail to the extent of the inconsistency.

4. Amend Condition C1 by the deletion of the ~~struck out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows:

C1. Site Contamination Remediation

- a) The site shall be made suitable for the approved development in accordance with the recommendations identified in the 'Huntlee Development Preliminary Stage 1 Site Investigation report', prepared by AECOM and dated 31 July 2012, to the satisfaction of the Certifying Authority. In particular:
- i) Areas of TPH and lead impacts shall be excavated and disposed of offsite in general accordance with *Waste Classification Guidelines* (2008) to the satisfaction of the Certifying Authority prior to issue of a construction certificate.
 - ii) Remove bonded asbestos exposed at the site to the satisfaction of the Certifying Authority prior to issue of a construction certificate. If there is substantial delay in removing the asbestos impacted material, cover the area in plastic to prevent weathering/fragments/fibres becoming airborne and prepare an Asbestos Management Plan.
 - iii) Ensure areas used for metal scraps storage are cleared and remediated prior to issue of a construction certificate.
 - iv) Prepare a Hazardous Materials Study to assess potential presence of hazardous materials such as lead paint or asbestos and submit for approval by the Certifying Authority prior to first construction certificate.
 - v) Prepare an Environmental Management Plan (EMP) for development works and submit for approval by the Department of Planning and Infrastructure prior to first construction certificate – with procedures to follow in the event that evidence of contamination is encountered, and include an unexpected find protocol to stop works and contact environmental professional to undertake risk assessment.
 - vi) All investigation, reporting and identified remediation works must be in accordance with the protocols of the NSW EPA's (now OEH) 'Guidelines for Consultants Reporting on Contaminated Sites' and 'SEPP 55 – Contaminated Land'
 - vii) **Where Phase 2 investigations (recommended by the AECOM Report) require the preparation of a remedial action plan**, an accredited site auditor under the *Contaminated Land Management Act 1997* shall certify the suitability of the site for the proposed uses. The certification may be issued in stages and shall be submitted to the Certifying Authority prior to the issue of the relevant construction certificate.

5. Amend Condition C5 by the deletion of the ~~struck out words / numbers~~ and the inclusion of the **bold and underlined words / numbers** as follows

C5. Utility Services

- a) The agreements of all relevant Authorities to extend and connect utility services noting any necessary easements or other approved methods for provision of essential utilities shall be provided to the Certifying Authority prior to the issue of any construction certificate.

- b) Revised developer servicing strategies for water and wastewater (and recycled water if proposed) shall be submitted to and approved by Hunter Water prior to issue of any construction certificate. The applicant is to negotiate relevant servicing arrangements with Hunter Water and seek Hunter Water prior approval for any connections to Hunter Water systems. A Section 50 Compliance Certificate under the Hunter Water Act 1991, should be obtained prior to the issue of the relevant subdivision certificate. Should on site wastewater treatment and/or recycled water systems be proposed on site in lieu of connecting to Hunter Water infrastructure, these would need to be licensed through the Water Industry Competition Act (2006).
 - c) All internal site utilities, including electricity and telecommunications, shall be undergrounded, where possible. It is noted that high voltage lead in cables to the proposed zone substation may be overhead.
 - ~~d) The location of the Zone Substation, and the relevant energy provider's agreement of the location, shall be submitted to the relevant Council for information purposes prior to issue of the Subdivision Certificate for the 500th lot.~~
 - e) The location of the proposed water reservoir shall be confirmed with Hunter Water. Evidence of consultation with Hunter Water shall be submitted to the Certifying Authority prior to the issue of the subdivision certificate for the 1050th lot.
 - f) Appropriate easements are to be implemented over any substations and associated underground/overhead cables located on private property to the satisfaction of the Certifying Authority.
 - g) Prior to the subdivision certificate for 1201st dwelling, a 200 x 200m (4ha) parcel of land, or a size of land otherwise agreed with the relevant energy provider, shall be dedicated to the relevant energy provider or the relevant electricity provider for the zone substation. Evidence of consultation with Hunter Water shall be submitted to the Certifying Authority.
 - h) In regard to the connection to, relocation and/or adjustment of the services affected by the construction and proposed works, any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.
 - i) Consideration shall be given to measures to ameliorate the potential impacts on the residential development in Substage 1 arising from any existing stormwater or effluent run-off occurring from the adjoining properties in North Rothbury.
7. Amend Condition E7(a) by the inclusion of the **bold and underlined words / numbers** as follows:
- E7. Road Network**
- a) Road Infrastructure Requirements
- The following road infrastructure shall be provided by the proponent during the development of Stage 1 Huntlee.
- i) The interim Wine Country Drive/Village 1 intersection shall be designed and constructed as an Austroads Type CHR/CHL intersection or seagull, as determined by RMS. This intersection is required prior to the issue of any Occupation Certificate for any of the 124 lots within Precinct 1 and Precinct 2, and prior to any Subdivision Certificate for any further development.

- ii) Wine Country Drive shall be upgraded to 4 through lanes (2 lanes in each direction with central median) **in accordance with the Huntlee Stage 2 – Wine Country Drive Upgrade plans by Northrop, dated 11 November 2016, job number NL151628, Revision 6. These works shall be completed prior to 725 dwellings for which a subdivision certificate has been issued, or 1 June 2018, whichever occurs first.** ~~on the proposed new alignment, through the town centre from the HEx Link Road to the Village 1 Access as a minimum. The left and right turn auxiliary lanes shall be separate to the through lanes (Prior to 500 dwellings for which a subdivision certificate has been issued)~~
 - iii) The Wine Country Drive / HEx Link Road (A-1) intersection shall be upgraded, concurrently with the upgrade of Wine Country Drive to 4 through lanes, to a 2 lane circulating roundabout **prior to 725 dwellings for which a subdivision certificate has been issued, or 1 June 2018, whichever occurs first.** ~~(Prior to 500 dwellings for which a subdivision certificate has been issued)~~
 - iv) RMS requires that the proponent undertake a further traffic impact assessment prior to the subdivision certificate of more than 1500 lots (dwellings), based on actual counts at the time and 10 year projections, to the satisfaction of RMS.
 - v) The Wine Country Drive / Main Street (A-3) intersection shall be traffic signal controlled, generally in accordance with the layout shown in the Addendum report dated August 2012. ~~(Prior to the construction of any development west of Wine Country Drive, with the exception of any sales office and associated works).~~ **These works shall be completed prior to the construction of any development (besides subdivision) west of Wine Country Drive, with the exception of the sales office, and are to be constructed concurrently with the upgrade of Wine Country Drive to 4 lanes 2 way (as described in Condition E7a(ii)).**
- Note: The design and construction of an Austroads Urban Type BAR / BAL intersection to be used as an interim access to the proposed sales office only until the ultimate intersection is constructed.
- vi) The Wine Country Drive / Anvil Creek Regional Park intersection shall be a Type CHR / CHL intersection (protected right and left turn bay) and shall be restricted to left in / left out / right in movements. (Prior to opening of the park).
 - vii) The Wine Country Drive / Village Access 1 (A-5) shall be traffic signal controlled. This intersection would be required prior to any development occurring on either side of Wine Country Drive for Stage 1. ~~(Prior to 500~~ **1000** ~~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.**
 - viii) The Wine Country Drive / Large Lot access (A-9) shall be upgraded to an Austroads Type CHR / CHL intersection or seagull (Prior to any dwelling in R5 zone west of Wine Country Drive)
 - 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 lots in Village 1).

- x) The HEx Branxton interchange (A-11) shall be upgraded to include:
- A continuous left turn slip lane / ramp from the northbound off ramp onto HEx Link Road.
 - A continuous left turn slip lane / ramp from the New England Highway extension to the Hex southbound on ramp.
 - Extension of the HEx southbound off ramp to cater for expected queuing.
 - Adjustments to line marking are also likely in stages to ensure appropriate operation of the interchange.

(Prior to 1900 dwellings for which a subdivision certificate has been issued.)

- 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 dwellings for which a subdivision certificate has been issued).

b) General Requirements

- i) All intersections and road works shall be designed and constructed in accordance with the Austroads Guide to Road Design 2009 (with RMS supplements), RMS Traffic Signal Design 2008 and the relevant Australian Standards, to the satisfaction of RMS.
- ii) All traffic signal controlled intersections shall be designed and constructed to accommodate on-road cyclists unless specified otherwise by RMS. If cyclists cannot be accommodated on road due to site constraints, and subject to agreement by RMS, adequate provision shall be made off-road.
- iii) All traffic lanes on State roads and at traffic signal controlled intersections shall be 3.5 metres in width or as determined by RMS.
- iv) Coordination and linking of all traffic control signals is required at full cost to the developer to RMS requirements. Appropriate pedestrian and cyclist facilities, foot/cycle paths and ramps, connecting to traffic signal controlled intersections shall be provided to the satisfaction of RMS and Council.
- v) Pedestrian fencing may be required in certain areas. This will be identified as part of the design review process. Street lighting shall be provided at all intersections and pedestrian crossings to the relevant Australian Standards, or as determined by RMS.
- vi) The proponent shall ensure that there is sufficient road reserve width provided along Wine Country Drive to accommodate the ultimate cross section and intersection auxiliary lanes.
- vii) As road works are required on State roads and traffic signals, RMS will require the developer to enter into a Works Authorisation Deed (WAD) with RMS.
- viii) Prior to the Certifying Authority issuing a construction certificate for each element(s) of the Road Improvement Works set out in condition E6(a), the developer shall enter into a WAD with RMS. The proponent shall achieve practical completion of all works under the WAD in accordance with the timing referred to in condition E8 and the WAD.

- ix) A Construction Traffic Management Plan (CTMP) shall be prepared and include a Vehicle Movement Plan and Traffic Control Plans. It shall be prepared with the intention of having minimal impact to the operation of the road network during the construction of the proposed development. The CTMP shall be submitted to RMS and the Department of Planning and Infrastructure for review and approval prior to any construction activities occurring on-site.
- x) All works associated with the proposed development shall be at full cost to the developer and at no cost to RMS or Council, to RMS requirements.
- xi) All local roads that are to be dedicated to Council shall be designed to meet published Council standards.

End of Modification