Huntlee New Town (Stage 1) Mod 9

Section 4.55(2) Modification Assessment

(MP 10_0137 MOD 9)

December 2019

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Cover photo

Aerial of Subject Site (source: NearMap)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CDCP	Cessnock Development Control Plan 2010: Chapter E17 Huntlee (adopted by Cessnock Council in 2018
CLEP	Cessnock Local Environmental Plan 2011
Consent	Development Consent
Council	Cessnock Shire Council
DoE	Department of Education
Department	Department of Planning, Industry and Environment
EES	DPIE - Environment, Energy and Science (formerly OEH)
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
HDCP	Huntlee Development Control Plan 2013 (Prepared by the then Department of Planning and infrastructure)
LEP	Local Environmental Plan
L&W	DPIE – Lands and Water
Minister	Minister for Planning and Public Spaces
RFS	Rural Fire Service
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
VPA	Voluntary Planning Agreement

Executive Summary

This report provides an assessment of a proposal to modify the project approval MP 10_0137 for the Huntlee New Town (Stage 1) located in the Cessnock LGA. The proposal seeks approval to extend the Huntlee Stage 1 boundary by a total of 36.57ha to provide an alternative location for the school site and reconfigure the town centre and residential subdivision. The proposed modification would result in an additional 83 residential lots, 23 commercial lots and 2 infrastructure lots. The application was lodged by Ethos Urban (the Applicant) on behalf of Huntlee Pty Ltd (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979 (*EP&A Act).

The modification application was placed on public exhibition from 18 October 2018 to 1 November 2018. During the exhibition period the Department received a total of nine submissions, including seven from NSW government agencies, one from Cessnock Council and one public submission. The Applicant provided a response to submissions (RTS) and amended the response to submissions on two further occasions to respond to ongoing matters raised by the Department, Council and the agencies.

Key matters identified during the assessment of the proposal include the suitability of the Stage 1 extension areas for urban development, open space amendments, the suitability of lot reconfiguration within the town centre and residential substages, flood impacts and bushfire risk.

The Department has undertaken a detailed assessment of the proposal and considers the proposed changes are acceptable as:

- the expanded development footprint was identified in the broader Huntlee New Town precinct and is consistent with the broader strategic planning framework established for the site
- the expanded footprint is suitable for future urban development because new development can be provided outside the flood and bushfire risk zones, and the land is appropriately zoned for urban uses
- the additional development footprint can be appropriately serviced and any environmental risks are managed through conditions or the detailed design of future development applications
- the proposed school site is suitable because it facilitates sharing of regional and community facilities identified in future stages of the Huntlee New Town development to achieve the Department of Education's requirements
- the subdivision of lots within the town centre are consistent with the Huntlee DCP
- the open space plan amendments protect riparian corridors
- environmental constraints can be mitigated through recommended conditions of approval and would be further assessed during future development applications seeking approval to further subdivide or develop the land
- council no longer object to the modification, and concerns raised by agencies have been addressed through amendments to the proposal or conditions.

Subsequently, the Department recommends the modification application be approved, subject to recommended conditions.

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1. Background

1.1 Introduction

This report provides an assessment of an application seeking to modify the project approval for the Huntlee new town Stage 1 subdivision (MP 10_0137 MOD 9).

The modification seeks approval to extend the Huntlee Stage 1 boundary, provide an alternative location for the school site and reconfigure the town centre and residential subdivision.

The application was lodged by Ethos Urban (the Applicant) on behalf of Huntlee Pty Ltd (the Applicant) pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979 (*EP&A Act).

1.2 Background

The site comprises Stage 1 of the Huntlee New Town project and covers an area of approximately 355ha. The broader Huntlee New Town development area covers approximately 1,700ha (refer to **Figures 1** and **2**).

The Applicant is constructing Huntlee New Town in the Cessnock LGA. At the time of this report, approximately 650 lots have been delivered.

The site is located immediately south of Branxton in the NSW Hunter Valley. Cessnock is located approximately 20 kilometres (km) to the south, Singleton is 23 km to the north-west, Maitland is 25 km to the east and Newcastle Central Business District (CBD) is approximately 55 km to the south-west.

Wine Country Drive is the main road running through the site (north/south) between the town centre on the western side and the residential subdivision on the eastern side. Wine Country Drive connects the site with Cessnock to the south and the New England Highway and M15 Hunter Expressway to the north.

The site was formerly woodlands and grassed areas associated with its former uses for agricultural and mining purposes. The subdivision of the site has commenced, predominantly for the residential uses on the eastern side of Wine Country Drive (refer to **Section 3** and **Figure 3**).

The surrounding area is characterised by residential villages (including North Rothbury and Branxton), rural residential development, vineyards, general agriculture and native woodland.

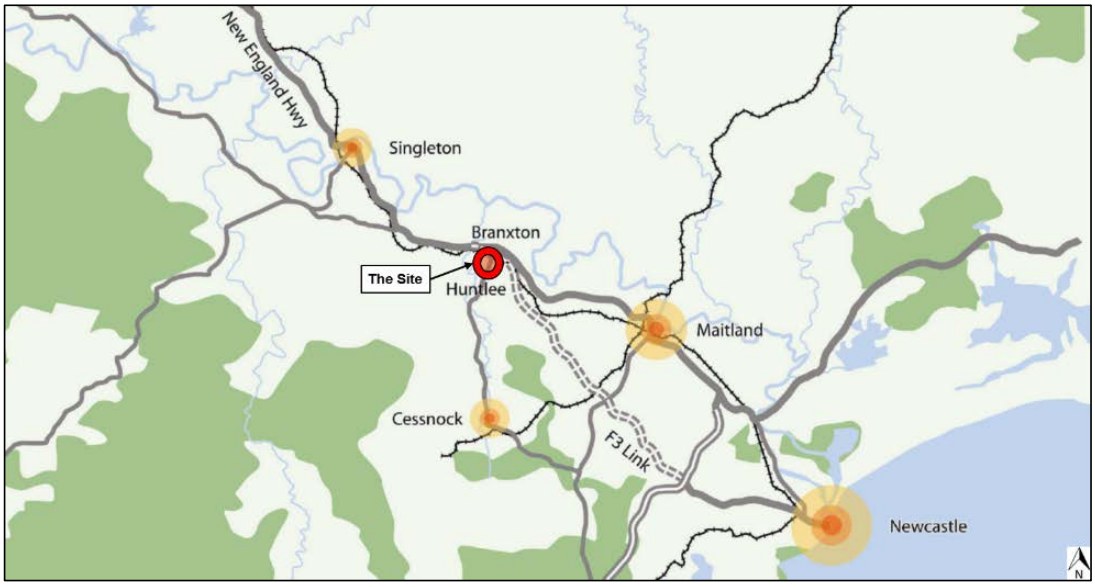


Figure 1 | Regional Context Map (Source: Huntlee DCP 2013)

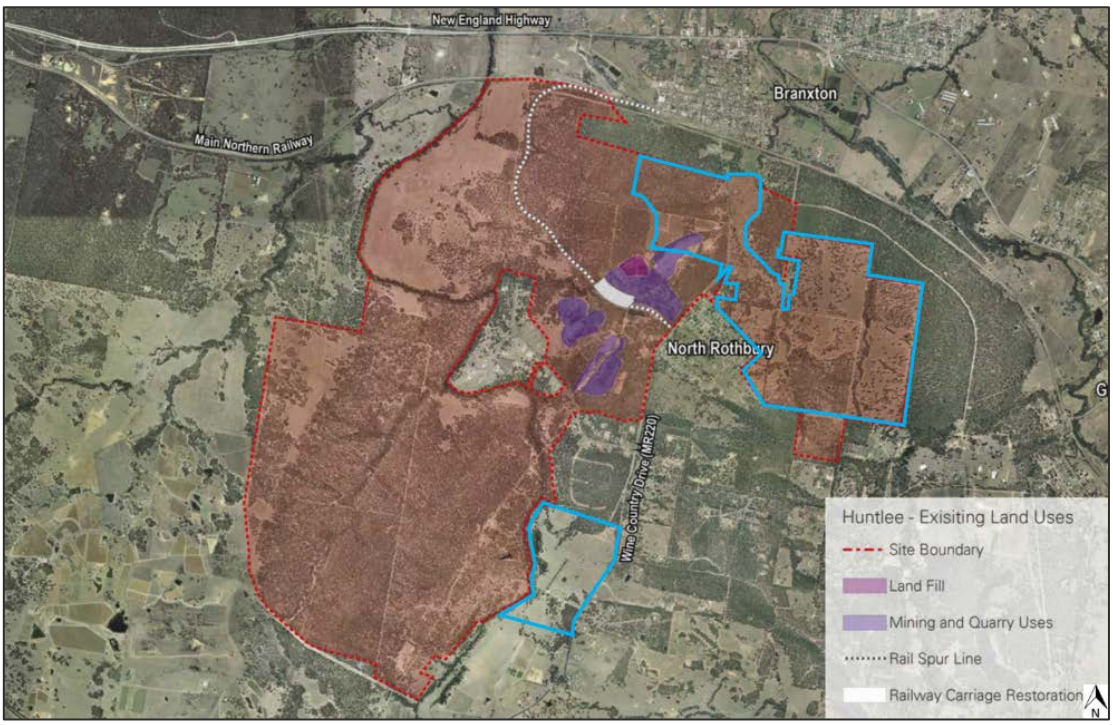


Figure 2 | The broader Huntlee New Town redevelopment area. Stage 1 boundary outlined in blue (source: Huntlee DCP 2013)

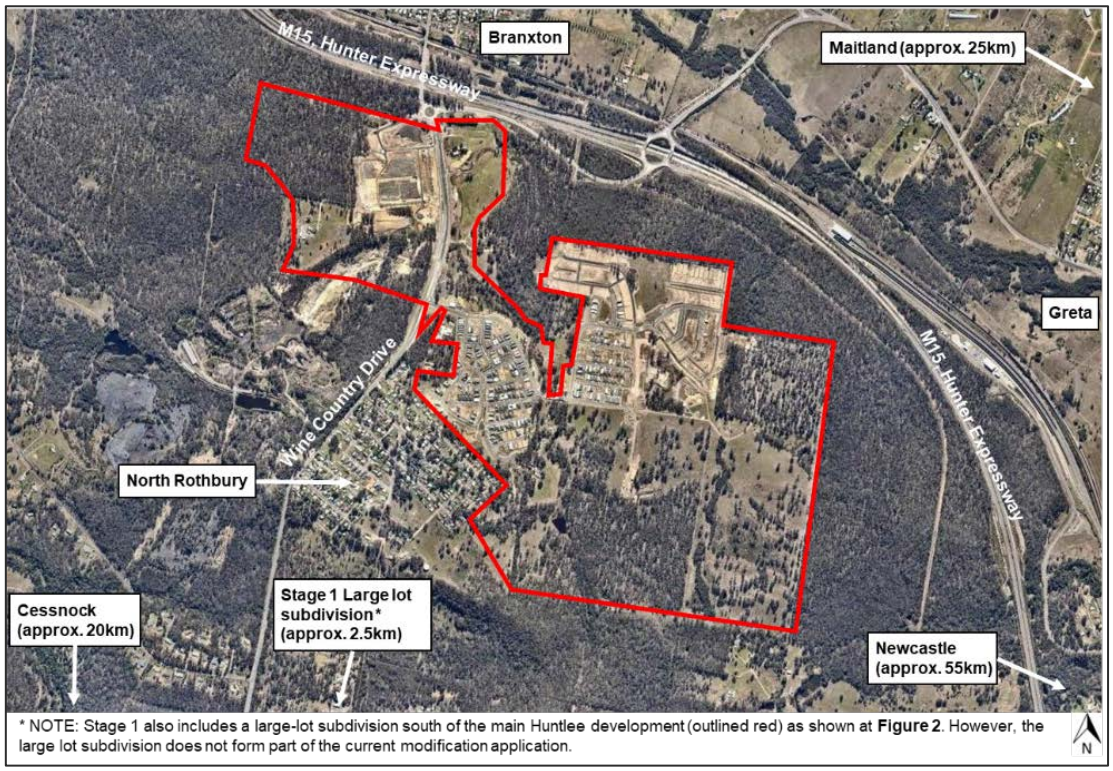


Figure 3 | Aerial view of Stage 1 (outlined in red) and its surroundings (source: Nearmap)

1.3 Approval History

Huntlee new town was gazetted as a State Significant Site on 9 January 2009. Huntlee was rezoned for residential, town centre, employment and conservation uses, and the Huntlee New Town redevelopment area, including permitted and prohibited land uses was established by Schedule 3 Part 27 (now repealed) of *State Environmental Planning Policy (Major Development) 2005 [SEPP(MD)]* in December 2010. The rezoning decision was challenged in the NSW Land and Environment Court, but ultimately upheld by the Court of Appeal in December 2011.

The Huntlee Development Control Plan (HDCP) was also adopted for Huntlee by the then Director-General of the Department of Planning and Infrastructure. The HDCP came into force on 12 June 2013.

In March 2015, *State Environmental Planning Policy (Major Development) Amendment (Huntlee New Town Site) 2015* was gazetted, which repealed Schedule 3 Part 27 of SEPP(MD) and transferred the Huntlee New Town planning controls to the Cessnock and Singleton Local Environmental Plans (LEPs). As a result, the planning controls for Huntlee within the Cessnock LGA were integrated into the CLEP and CDCP. Cessnock Council adopted development controls for Huntlee in Chapter E17 of the CDCP 2010 on 7 March 2018 (an assessment of the proposed modification against the CDCP and HDCP is included as **Appendix C** of this report).

On 24 April 2013, development consent was granted by the then Planning Assessment Commission (the Commission) for the subdivision of Stage 1 of the Huntlee New Town, including:

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

The project approval as modified allowed for:

- subdivision to create 1473 residential allotments, 14 superlots, 1 allotment for a primary school, landscaped areas, drainage, public open space and recreation areas
- associated bulk earthworks
- infrastructure including roads, drainage works and utility services provision.

The development consent has been modified on nine (9) occasions (see **Table 1**)

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modifications to the boundaries, dimensions and orientation of the lots within the Stage 1 Entry Village (sub-stage 1a).	Department	75W	20 Jan 2015
MOD 2	Modifications to the super lots in the Town Centre, increase the Stage 1 approval boundary, addition of Lot 213, and amendments to road access to stage 1 Entry Village	Commission	75W	2 Apr 2015
MOD 3	Changes to the subdivision layout of sub-stages 1a and 2 to 5, reduction of 29 lots, and relocation of public open space	Commission	75W	17 Aug 2015
MOD 4	Amendments to the subdivision layout in sub-stages 2 to 5, including increase of one residential lot, modifications to pedestrian paths and lot boundaries and inclusion of new vehicle access lane.	Commission	75W	19 Nov 2015
MOD 5	Extension to the boundary of Stage 1 resulting in an additional 3.1ha and 33 residential lots and associated extension to the road network to service the new lots	Commission	75W	5 Jul 2016
MOD 6	Modifications to the Town Centre layout lot and subdivision pattern, together with clarification of contamination remediation and provision of utility services and amendment to the timing of road infrastructure upgrades	Commission	75W	16 May 2017
MOD 7	Addition of a new access road	Department	75W	17 May 2017
MOD 8	Additional 66 residential lots. Amend the size, location and layout of the residential, school and neighbourhood centre lots. Reconfigure roads and delete an east-west road. Alter the timing of infrastructure and revise the development stage boundaries	Commission	75W	4 May 2018
MOD 9	Amend the Stage 1 site boundary to include a new substage 16 that comprises four superlots and sixteen residential dwelling allotments. Reconfigure the subdivision layout of the Town Centre and extend the town centre to include a K-12 school site	Current assessment		
Mod 10	Additional 8 residential lots, subdivide town centre superlots to create 43 commercial lots, reconfigure the town centre stage boundaries and roads, amend the timing of the Wine Country Drive/HEx Link Road intersection, and allow left in left out intersection on the HEx Link Road	Department	4.55 (1A)	22 May 2019

2. Proposed Modification

2.1 Modification 9 amendments

The proposed modification is described below and depicted in **Figure 4**. The modification seeks approval for the following:

Extend Stage 1 Boundary

- Extend the Stage 1 boundary by 36.57ha. The additional land extends the town centre boundary and creates a new residential substage 16.
- The town centre extension includes 13.48ha to the west to provide a K-12 school site, and also includes 3 smaller portions of 3,969m^2 (to the west); 971m^2 (to the north) and 1,809m^2 (to the south).
- The new residential substage 16 comprises 22.41ha and includes 3 superlots and 16 residential lots ranging in size from 420m^2 to 529m^2.

Reconfigure Town Centre lots and residential Substages 5, 7, 8, 9, 10, 11 and 12

- Amend the subdivision layout by subdividing superlots into smaller commercial or residential lots respectively.
- The new residential lots range in area from 373m^2 (in substage 9) to 2,848m^2 (substage 11).
- Two new infrastructure lots are shown on the proposed masterplan – 1 is the location of the new school site and 1 is in substage 9, and replaces a shared zone area (argued by the Applicant as an error on previous plans).
- The amended subdivision layout will create:
  - 1,626 residential lots (*additional 83 lots to that approved under Modification 10*)
  - 10 infrastructure and other lots (*additional 2 infrastructure lots than approved under Modification 10*)
  - 66 commercial lots (*additional 23 lots to that approved under Modification 10*)
  - **1,702 lots in total**

Table 2 | Summary of Proposed Lot Changes

Summary of proposed changes	Lots approved under Mod 10 (s4.55(1A))	Lots proposed under Mod 9	Difference
Total Residential lots	1,543	**1,626**	+83
Total Infrastructure lots	8	**10**	+2
Total Commercial lots	43	**66**	+23

Changes to the road network

- Refinement of road alignment to reflect the reconfigured lots in the town centre and residential substages.

Open Space amendments

- Reduce size of Local Sports Facility in substage 5 by 0.33ha
- Increase size of District Parks by 3.68ha
- Increase size of Local Parks by 0.41ha
- Reduce the amount of General Public Open Space by 4.12ha
- Increase the amount of Riparian Corridors by 2.49ha
- Increase overall open space provision by 2.12ha

Changes to the open space plan are indicated in Figure 5.

Land Clearing

- The new land proposed for Stage 1 will require vegetation clearing. These portions of land are included in the existing biodiversity offsets, except for the 971m^2 portion of land to the north of the town centre.

2.2 Applicant's Justification

Extension of the Town Centre:

The Applicant seeks to expand the town centre in order to relocate the school from the eastern side of Stage 1 (in substage 9) to the town centre (in substage TC5). The school is sought to be relocated on the basis that the K-12 school site responds to the Department of Education's preferred location for the school to be located in the town centre and in proximity to community and recreational facilities to allow facility sharing. The extensions will also create a grid pattern lot to facilitate a connection of the road network to the future Stage 2 town centre development. The small extensions to the north and northwest are proposed to rationalise the lot shapes, and the extension to the south is to provide a green buffer.

Substage 16:

The extension of the Stage 1 boundary to include substage 16 comprising 4 superlots and 16 residential allotments. The residential allotments provide a logical extension of substage 3 and will benefit from existing services and infrastructure. The Applicant argues these lots have been included in the overall yield of Stage 1 and will have negligible impacts in terms of traffic generation and amenity.

It is noted the future development of the superlots will be subject to a development application to Council.

Lot reconfiguration

The Applicant argues the amendments to the residential substages are reflective of continual design improvement and refinement to rationalise lot boundaries and improve access and legibility. This modification also includes the division of several superlots to be delivered as individual residential allotments.
The proposal includes minor changes to the road network in response to the lot reconfigurations and to provide roads into the new portions of Stage 1. A pedestrian path is introduced in the Town Centre to link the school sit with the major Town Centre link road. The key entry and exit points to the subdivision and between substages remain unchanged.

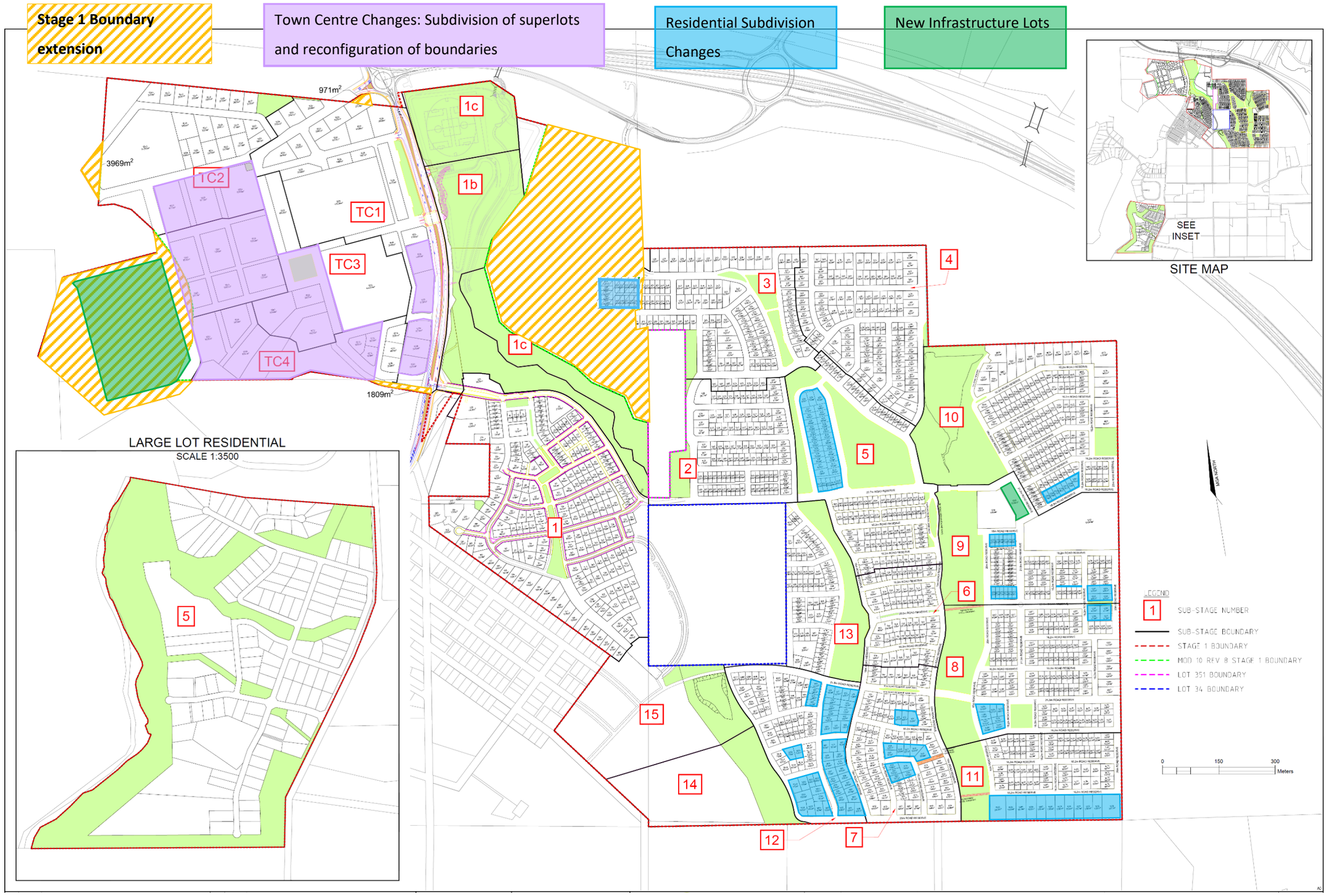
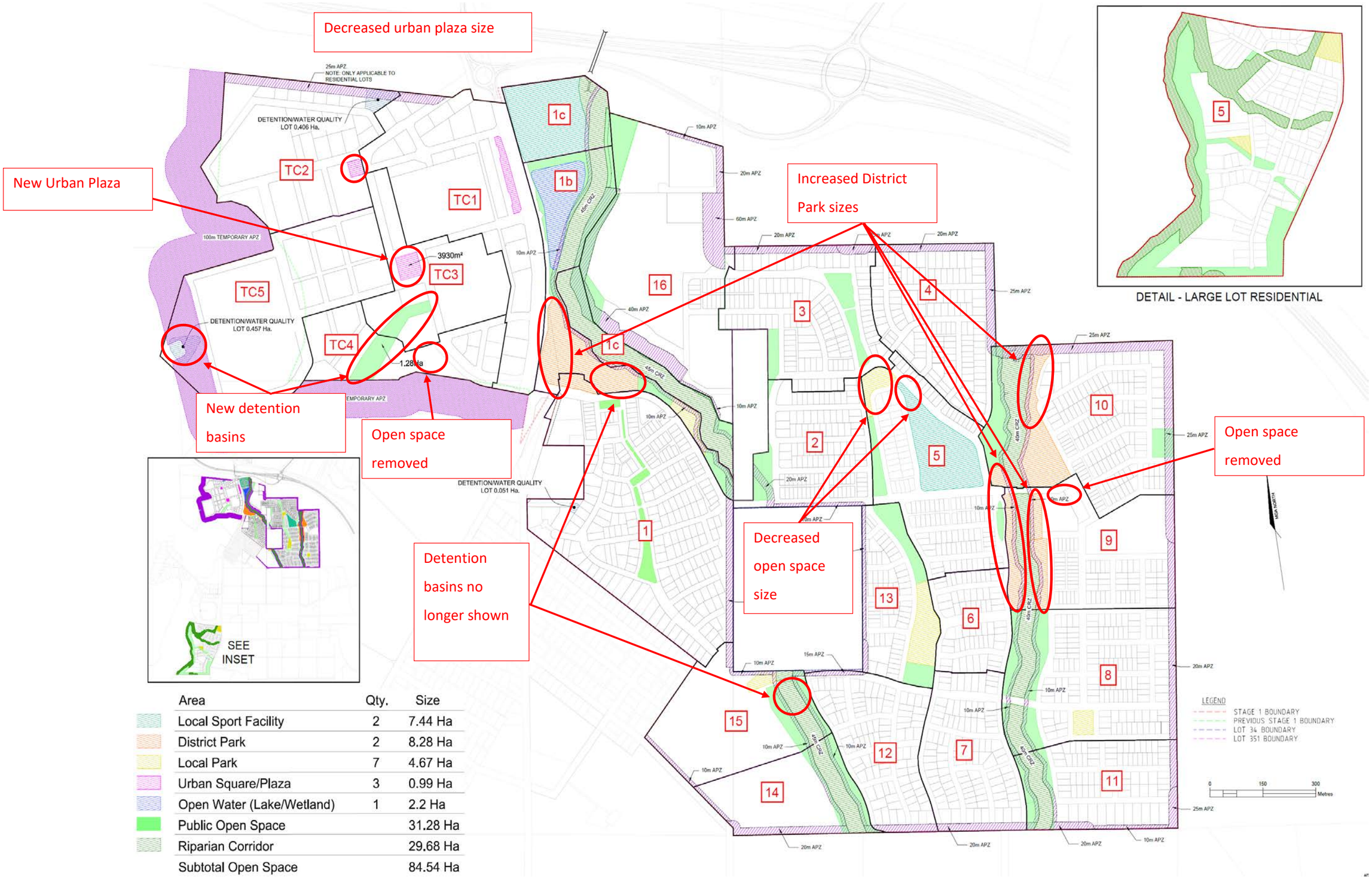


Figure 4 | Proposed modifications under Mod 9



Area	Qty.	Size
Local Sport Facility	2	7.44 Ha
District Park	2	8.28 Ha
Local Park	7	4.67 Ha
Urban Square/Plaza	3	0.99 Ha
Open Water (Lake/Wetland)	1	2.2 Ha
Public Open Space		31.28 Ha
Riparian Corridor		29.68 Ha
Subtotal Open Space		84.54 Ha

Figure 5 | Open space plan amendments proposed under Mod 9

3. Strategic Context

Huntlee is identified in the Lower Hunter Regional Strategy 2006-2031 (*LHRS*) as an urban release area. The land is zoned for urban purposes. The proposed development at Huntlee is consistent with a range of State policies and plans.

Modification 9 seeks to extend the Stage 1 boundary to accommodate a primary school site within the town centre, and to provide a new residential substage 16 with superlots to be designed under future applications. The expansion of the town centre and new residential stage is consistent with the strategic planning framework for the site because:

- Huntlee is identified as an Urban Release Area under the provisions of the SEPP(MD), establishing Huntlee as a centre of local significance and an area for future housing and urban renewal opportunities
- it supports the Lower Hunter Regional Strategy 2006-2031 by providing additional housing and jobs
- the expanded areas are appropriately zoned and the proposal is permissible with consent
- it is consistent with the CDCP shown below in **Figure 6**.

This land has been assessed from an environmental hazard perspective (flooding and bushfire), and this land is appropriate for the proposed use. The developer has entered into a State and Local VPA to provide satisfactory arrangements for contributions to regional and local infrastructure. The Developer is seeking to amend these agreements to align with the development as modified. The Department is satisfied that appropriate infrastructure will be provided to service the development and considers the proposal to be appropriate from a strategic planning view.

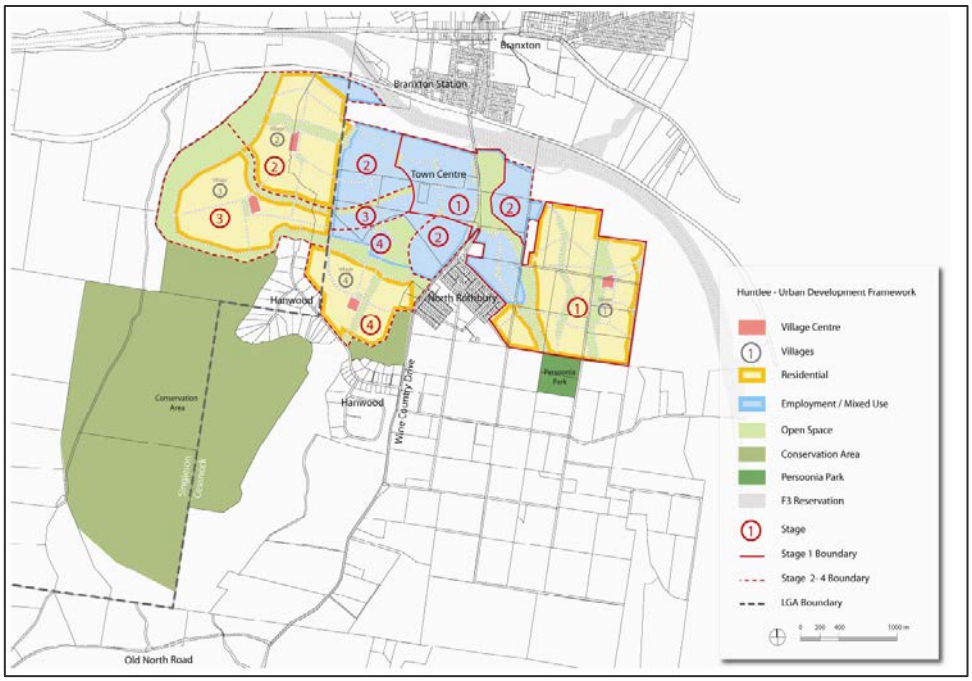


Figure 6 | Indicative layout and staging plan for Huntlee New Town as indicated in the Huntlee DCP 2012 as approved in MP 10_0137

4. Statutory *Context*

4.1 Part 3A Transition to State Significant Development

The Huntlee New Town (Stage 1) project was originally approved under former section 75J of the EP&A Act and was a transitional Part 3A project under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (*EP&A (ST&OP) Regulation*).

Following amendments to the EP&A Act and the commencement of the associated EP&A (ST&OP) Regulation on 1 March 2018, the power to modify Part 3A project approvals under former section 75W is no longer available for modifications submitted after 1 March 2018. In order to modify a transitional Part 3A project approval, the Minister for Planning can declare the development to be SSD by order under clause 6 of Schedule 2 of the EP&A (ST&OP) Regulation. If a declaration is made the project approval becomes a development consent which can be modified under Part 4 of the EP&A Act if it meets the relevant criteria.

On 4 October 2018, the Director, Regional Assessments (as delegate of the Minister for Planning), made an order under clause 6 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of project approval to be SSD. The order was published in the NSW Government Gazette No 105 on 12 October 2018 and took effect from that date.

The effect of this order is that:

- the project approval is taken to be a development consent under Part 4 of the EP&A Act for the carrying out of the development
- The modification application is taken to be an application to modify under section 4.55 of the EP&A Act.

4.2 Scope of Modifications

The Department has reviewed the scope of the modification application. While the proposal includes a substantial increase in the development footprint, on balance the Department and considers that the application can be characterised as a modification involving minimal environmental impacts for the reasons outlined in **table 3** below:

Table 3 | Section 4.55(2) Modification involving minimal environmental impact

Section 4.55(2) Evaluation	Consideration
a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*	**Section 6** of this report provides an assessment of the impacts associated with the modification application. Pursuant to Schedule 2, Clause 3BA(6) of the STOP Regs, through the application of s4.55(2) the consent authority must be satisfied that the proposed modification is substantially the same as the development as last modified under s75W. In this regard, the Department is satisfied the increased lot yield (approx. 10%) and development area (approx. 10%) is not significantly different to the most recent s75W approval (modification 8). The increased number of lots will not adversely impact the operation of the local road network, and the new and reconfigured lots can be

		appropriately managed from flood and bushfire risk. The proposal is within the land identified for the Huntlee New Town project and includes part of those lands identified as Stage 2. Therefore Modification 9 would not involve any further disturbance outside the already approved disturbance areas for the project, and the new land is predominantly zoned B4 Mixed Use and will not introduce any new uses within the development area. Therefore, the Department accepts modification 9 is substantially the same development as modification 8.
b)	*it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*	Consultation with relevant public agencies has occurred and is detailed in **Section 5** of this report.
c)	*the application has been notified in accordance with the regulations, and*	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in **Section 5** of this report.
d)	*it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*	The Department received nine submissions on the proposal, summarised in **Section 5** and the issues raised in submissions have been considered in **Section 6** of this report.

Accordingly, the Department considers that the application should be assessed and determined under section 4.55(2) of the EP&A Act.

4.3 Consent authority

Minister's delegate as consent authority

The Minister for Planning and Open Spaces is the consent authority for the application. However, the Executive Director, Compliance, Industry and Key Sites, may determine the application under delegation as:

- The local council has not made an objection
- A political disclosure statement has not been made, and
- There are less than 25 public submissions.

4.4 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of MP 10_0137. The Department considers this modification application does not alter the mandatory matters for consideration under section 4.15 of the Act and conclusions made as part of the original assessment.

Table 3 identifies the matters for consideration the consent authority must take into account under section 4.15 of the EP&A Act.

Table 4 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. • State environmental Planning Policy (State Significant Precincts) 2005 *[SEPP(SSP)]* The site was formerly listed under SEPP(SSP) (formally SEPP(Major Development) 2005). On 5 March 2015, the controls that applied to the Huntlee New Town were transferred into the Cessnock and Singleton Local Environmental Plans as relevant. • Cessnock Local Environmental Plan 2011 [*CLEP*] The proposed modifications are entirely within the Cessnock LGA and subject to the CLEP. The land subject to this modification is zoned B4 Mixed Use (except for the portion of land zoned RU2 to the north of the town centre, which is discussed further in section 6.1) and R1 General Residential. The proposed modifications are consistent with the existing zoning, and with the original project approval. The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department is satisfied the modification does not result in any inconsistency with these EPIs.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to relevant DCPs below and in **Appendix C**. • Cessnock Development Control Plan 2010: Chapter E17 Huntlee [*CDCP*] and The Department's Huntlee Development Control Plan 2013 [*HDCP*] The modification is consistent with Part 4 of the CDCP and HDCP, which relates to controls for subdivision design, and Part 6, relating to town and village centres.
(a)(iiia) any planning agreement, or any draft planning agreement	The application includes a letter of offer to Council that commits to amending the voluntary planning agreement between Huntlee and Cessnock City Council. To secure these contributions, the Department has recommended a condition of consent requiring the Applicant to execute a Planning Agreement (PA) prior to the issue of the Subdivision Certificate for the 1000th lot. The Department also recommends a condition requiring the developer to establish and maintain any open space areas beyond that dedicated to Council under the local VPA, as amended.
(a)(iv) the regulations	The application was originally lodged and exhibited under the now repealed provisions of sections 75E, and 75H of the EP&A Act. These steps were accredited prior to the application being declared a State significant development. The Department concludes the proposal is consistent with the current requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has undertaken a detailed assessment of the proposal in Section 6 of this report and considers the proposal is acceptable and any residual impacts can be appropriately managed or mitigated subject to conditions.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 3 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 5 and 6 of this report.
(e) the public interest	Refer to Section 6 of this report.

5. Engagement

5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department exhibited the application from 18 October 2018 to 1 November 2018:

- on the Department's website
- at the offices of the Department
- at Cessnock Council's offices.

The modification application was advertised in the Sydney Morning Herald, Cessnock Advertiser, Singleton Argus and Maitland Mercury newspapers. Previous submitters were notified of the modification application and invited to make a submission. The modification application was also referred to:

- Cessnock Council and Singleton Council
- NSW Office of Environment and Heritage (OEH) [now known as Energy, Environment and Science (EES)]
- NSW Roads and Maritime Services (RMS)
- Transport for NSW (TfNSW)
- NSW Department of Industry – Lands and Water (DPI-L&W)
- NSW Department of Education (DoE)
- NSW Rural Fire Service (RFS)
- Hunter Water
- Ausgrid.

During the exhibition period, the Department received a total of nine submissions on the proposal. Of the submissions received, seven were from NSW Government agencies, one was from Cessnock Council and one was from members of the community. A summary of the issues raised in the submissions is included in **Table 4**.

Following the exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised. In January 2019, the Applicant provided a Response to Submissions (RTS), which was amended on two further occasions, with a Supplementary RTS (SRTS) provided on 22 August 2019 responding to ongoing issues raised by the Department, Council and the agencies.

The SRTS primarily provided additional information and clarified the various inconsistencies in the application. The SRTS included the following information:

- Amended stormwater information and additional flood and constraints mapping
- Amended heritage assessment
- Amended bushfire report
- Ecological Assessment
- Various amendments to the Masterplan and Open Space plan.

5.2 Summary of Submissions

A summary of the submissions is provided in Table 4 below, and a link to the full copy of the submissions is provided in Appendix A.

Table 5 | Summary of Agency, Council and Community Submissions

Submitter	Comment	Position
Government Agencies		
OEH (now EES)	**EA Comments:** - Biodiversity: Provide description of the biodiversity values of the area of lot 1531 that is not subject to the SEPP VPA. - Aboriginal Cultural Heritage: The Huntlee Cultural Heritage Assessment report should be updated to include the newly identified sites, including an updated AHIMS search, consultation log and Aboriginal Cultural Heritage Management Plan. - Water and Flooding: EES requested an updated flood study and maps including further details for the on-site detention facilities and basin management plans. Clarification was also sought on the specific location of the retirement village. **SRTS Comments:** - Biodiversity: satisfied that the previous biodiversity comments have been addressed. - Aboriginal Cultural Heritage: The final Huntlee Cultural Heritage Assessment and Aboriginal Cultural Heritage Management Plan should be sent to the registered Aboriginal parties listed in the ACHMP. - Water and Flooding: the outflows from the proposed detention system should be consistent with the outflows used in preparation of the Greta flood study. The adequacy of the proposed detention system should continue to be assessed during the assessment of construction certificate documentation.	Advice
RMS	**EA Comments:** - Lot 1584 has no access options but to have direct access to Wine Country Drive. RMS recommend no direct access to Wine Country Drive, and access to this lot be provided via an easement to the rear of either lot 1583 or 1585. - Roads and Maritime support the proposed school site location and recommend that further detail be forwarded as it is further investigated. It is noted that two Traffic Control Signalised intersections are proposed between the town centre and the residential area, which will provide safe pedestrian access between the school and residential catchment **SRTS Comments:** - The updated Response to Submissions dated 12 June 2019 states that 'access to lot 1584 (currently lot 1580) is to be provided via a right of way through adjacent lots as recommended.' Roads and Maritime support this and request a draft copy of the 88B instrument be sent for comment prior to approval. - Roads and Maritime also note that proposed lot 1517 (formerly proposed lot 1521) has been amended to have a driveway access into the site direct from Wine Country Drive. This access is currently in place and appears to be a construction access. Retention of this access beyond current approvals is not supported, and any direct access from Wine Country Drive to this lot under a development scenario is not supported.	Advice

TfNSW	**EA Comments:** No objection to the proposal, subject to the following: - Future design iterations of the road network should be consistent with TfNSW's Guidelines for Public Transport Capable Infrastructure in Greenfield Sites. - Cross-sections provided in future design iterations should detail the number of lanes, intersection improvements (including traffic control devices), and use of road space to balance needs for all modes including walking, cycling, bus, service vehicles and private vehicles	Advice
DoE	**EA Comments:** - The applicant should clarify the specific location and area of the school site within the Town Centre, and demonstrate this site will meet the relevant school selection criteria - Additional information is required to address any threatened species that may be located on the new school site, details of who is responsible for establishing and maintaining the APZ, the location of any required detention structures and any hazardous material remediation and validation. **SRTS Comments:** - The Department of Education has no objection to the amended site. It is noted that an amendment to the existing Voluntary Planning Agreement will be made in due course	Advice
L&W	**EA Comments:** - Further clarification of the proposed riparian corridor width at the new substage TC5 and substage 16. Clear offset widths are to be identified for both substages as well as buffer width in accordance with the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018). - Substage TC5 should include the 3rd order water course in the south of the Substage TC5 as described in the Guidelines for Controlled Activities on Waterfront Land (2018). - A Vegetation Management Plan (VMP), as part of post-approval requirements, will be required for the riparian corridors within substage 16 and substage TC5. The VMP will need to ensure adequate vegetation density is proposed and native and local vegetation species are utilised to ensure the health of the watercourse and management of erosion. **SRTS Comments:** - The department has reviewed the proposal and has no further comments. The RTS has adequately addressed matters of interest previously raised by the department.	Advice
RFS	**EA Comments:** - The entire property should be managed as an inner protection area as outlined in BFP 2006 - The provision of water electricity and gas services are to comply BFP 2006 Fire hydrant spacing, sizing and pressure shall comply with Australian Standards AS 2419.1-2005 Fire Hydrant Installations and not within any road carriageway - Landscaping and public road access are required to comply with the principles of BFP 2006 **SRTS Comments:** - The New South Wales Rural Fire Service (NSW RFS) has considered the information	Advice

	submitted and raises no objections subject to compliance with our previous advice dated 30 October 2018	
Ausgrid	**EA Comments:** - Ausgrid encourages the Applicant to continue to discuss their requirements directly with Ausgrid as needed. Ausgrid has no further submissions.	Comments
Local councils		
Cessnock Council	**EA Comments:** - School Site: Council objects to the proposed new school site due to the distance from residential areas, potential traffic and transport impacts, safety impacts crossing Wine Country Drive and lack of walkability - Public Open Space: Detention basins should not be included in the open space provision. Object to additional open space maintenance costs. - VPA: The dwelling yield is inconsistent with the lot and dwelling yield in the VPA. The public open space provision is also inconsistent with the VPA - Flood information: Flood information for both watercourses is required. Updated flood information should be provided with every modification and should take into account any additional stormwater infrastructure. Council requests the applicant provide mapping for flood data, including the 1% AEP, PMF, Flood Planning Level and Hazard categories for all lots. **SRTS Comments:** - School Site: Council maintains their preference for the school to be located in the eastern side of Wine Country Drive, but recognise the benefits of co-locating the school with the future high school and recreation areas in the new proposed location. Council therefore withdraws their objection to the relocation of the proposed school site. - Public Open Space/Dwelling Yield: Council is satisfied with a commitment from the Applicant on 6 August 2019 to address the inconsistencies between the local VPA and the project approval as modified. On this basis, Council withdraw their objection to the public open space provision and dwelling yield. - Flood information: The Applicant has provided flood data (1% AEP and PMF data) for the two creeks that traverse Huntlee Stage 1. The information, while not wholly complete, is considered satisfactory for the purposes of Modification 9. Council notes that updated flood information should be provided with every future modification, including the flood planning level and hazard category.	Initially objected, then withdrew objection
Community Members		
< 5km	This objection is made on the grounds that the developer agreed to provide the residents of North Rothbury a 30-50m buffer zone to Huntlee Stage 1 subdivision, but only 2m has been implemented. Since the vegetation removal to allow the subdivision construction, impacts from the trains (including noise and coal dust) has increased substantially.	Object

6. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application (as modified)
- all submission received on the proposal and the Applicant's RTS and SRTS
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issues associated with the proposal are:

- the suitability of the Stage 1 extension areas for urban development,
- open space amendments,
- the suitability of lot reconfiguration within the town centre and residential substages,
- flood impacts and
- bushfire risk.

All other assessment issues are considered in Section 6.5.

6.1 Stage 1 Extension – Site Suitability

Substage 16

The proposal seeks to extend the Stage 1 boundary by 22.41ha to create a new residential substage 16. The Applicant has justified this new portion of land on the basis that the land is already zoned B4 Mixed Use and can accommodate a range of permissible uses. It argues the proposed increase of residential allotments in this location will have minimal environmental impact relative to the envisaged capacity of the overall Huntlee New Town, and appropriate services and connections are provided.

Concern was raised about the original proposal including a seniors living lot in substage 16. However, the Applicant confirmed this modification seeks approval for superlots only and not for any uses associated with these lots.

The Department has assessed the suitability of this land for urban development. The Department considers the land in substage 16 is consistent with the broader strategic planning framework established for the site because the expanded footprint was included in the Huntlee New Town as Stage 2, and was rezoned as part of the Huntlee New Town rezoning. This land is also included in the Huntlee State Significant Rezoning VPA held with the State government in relation to biodiversity offsets, and has been accounted for in the offset agreement. This land can appropriately connect to the main roads and intersections servicing the subdivision, and these services have capacity to accommodate future urban development on the site. The superlots within Substage 16 will be the subject of further design refinement either through modifications to the approval or Development Applications with Council, where the impact of the future uses will be assessed and determined.

Documents submitted with Modification 9 indicate the majority of the new substage 16 is outside flood and bushfire prone lands. The watercourse, riparian corridor and bushfire APZs are indicated on the submitted constraints map, which has been supported by Council, EES and the RFS, and are sufficient to guide development of future applications.

Council and EES have recommended a condition be attached to the consent requiring flood hazard category information be submitted by the Applicant with any future applications. The Department supports this approach and has included a condition requiring additional flood information be submitted for the subdivision of lots within Stage 16 adjacent to the riparian corridor.

Overall, the Department is of the view that substage 16 is consistent with the strategic planning framework established for the site, appropriately serviced and connected to the road hierarchy within the subdivision. Further, any environmental risks can be effectively managed through the recommended conditions of approval and the detailed design of future development applications.

Town Centre (School Site)

The proposal seeks to extend the town centre by 14.1 6ha across four locations. The largest of these is a 13.48 ha extension to the west of substage TC5 to accommodate a new school site. The Applicant argues the new school site has been instigated by the DoE to reflect its changing policies regarding school locations. The current school site (approved under modification 8) is located in the eastern portion of the subdivision, away from the town centre and opportunities to share facilities. The new proposed school site would be located close to recreation and community facilities anticipated for Stages 2 and 4 of Huntlee New Town and the likely location of a future high school.

DoE have expressed a preference for this location to allow all of these facilities to share services. In its letter to the Proponent dated 3 June 2019, DoE confirms the site is centrally located within the overall Huntlee Development area and is sited on a key Town Centre collector road to ensure access to key bus routes and pedestrian and cycle paths.

Cessnock Council initially objected to the new school site, citing concerns about the lack of safety and walkability for students accessing the new school site across Wine Country Drive. However, in its latest submission dated 9 August 2019, the Council indicated it now supports the co-location of community, school and recreation facilities enabled by the proposed new site. Therefore, Council has withdrawn its initial objection.

The DoE also raised some initial concerns about the proposed school site and sought clarification on whether the new site would achieve the DoE's objectives and requirements for infrastructure and mitigation measures for any environmental hazard risks.

The Applicant argues the existing State VPA requires the dedication of 3 ha of land for the purpose of a primary school site. Therefore, the 13.48 ha town centre expansion provides adequate space to provide the required infrastructure, stormwater basins and bushfire protection. Notwithstanding, the submitted plans identify a potential 100m APZ (which will be the subject of detailed design with future development applications) and the location of future stormwater detention basins. The issue of contamination is detailed in section 6.3 below.

The Department notes education facilities are permitted in the current B4 land zoning and are compatible with a range of permissible uses within the town centre. The reconfigured town centre lots provide appropriate connections between the school site and the commercial uses and urban plaza open space. It is also located

close to the future recreation and community facilities in Stages 2 and 4. The school site will be cleared, which is covered by the biodiversity offsets secured through the VPA executed on 3 December 2010 in conjunction with the declaration of the Huntlee New Town as a State Significant Site in the then Schedule 3 of the Major Development SEPP. This matter is discussed further from section 6.2 below.

The Department considers the new proposed school site to be appropriately located in the context of future facilities and ongoing development of the Huntlee New Town. It would enable the co-location of community, school and recreation facilities consistent with DoE objectives for new schools. Environmental constraints at the site would be considered in further detail during the assessment of a future DA. Therefore, the Department supports the Stage 1 boundary extension to accommodate the new school site and infrastructure lot, in this instance.

Town Centre (smaller portions)

The proposal also includes three small additions to the town centre as indicated in **Figure 4**. The Applicant argues these extensions are to rationalize the lot layout and support the road network and vehicular movement to enable better integration with the future Stage 2.

The 3,969m^2 extension to the west of TC2 provides a small addition to primarily accommodate a more refined road network. This portion of land is included in the biodiversity offset area of Huntlee New Town and was included in Stage 2 of the development. No additional impacts are expected from including this portion of land in Stage 1, and the Department is of the view the road alignment will lend itself to a more rational connection to the future Stage 2.

The narrow, 1,809m^2 extension to the south of TC3 and TC4 has been included as a green buffer to the future Stage 2. The Department does not object to this addition. It is relatively minor in the context of the project approval and is within the broader Huntlee New Town.

The proposal also includes an additional small 971m^2 portion to the north of TC1. The Applicant argues this land will provide an additional area to rationalize the lot layout and connect to Tollbar Avenue, which intersects Wine Country Drive as a roundabout.

EES initially raised concerns that this portion of land is outside the SEPP VPA area (see from paragraph 6.21 below), and requested the Applicant provide a description of the biodiversity values and whether the Biodiversity Offset Scheme applies to the land.

The Applicant argued this portion of land was cleared as part of the RMS roundabout upgrade works, prior to the acquisition by Huntlee, and has been maintained as cleared since then. Notwithstanding, the Applicant provided an ecological assessment for the lot with regard to the pre-clearance biodiversity values, and confirmed the land was unlikely to have any significant impact on any threatened species, populations or ecological communities in the locality. EES confirmed they are satisfied that the previous biodiversity comments have been addressed and raise no further objection.

This portion of land is also outside the land rezoned B4 for the Huntlee New Town, and is currently zoned RU2 Rural Landscape, which is aligned to agricultural uses that maintain the rural character of the land. Under CLEP 2011 typical town centre uses such as commercial premises or residential accommodation are prohibited. However, this small portion of land is already disconnected from the remainder of the RU2 land by the existing road network, thereby limiting the ability for the land to be developed in accordance with the objectives of the RU2 zone. Clause 5.3 of CLEP allows the consent authority to grant consent for a permitted use of the adjoining

zone on the land within 20m of the zone boundary. The proposed addition extends into the RU2 land by a maximum of 24m. While this is 4m greater than that allowed through clause 5.3, it is still bordered by the existing road and the approved Huntlee town centre. Therefore, in this instance the Department considers it is acceptable to include this land in the town centre. Therefore, the Department supports the 3 other town centre additions, in this instance.

6.2 Stage 1 Extension – Biodiversity

When the Huntlee New Town was declared a State Significant Site in the then Schedule 3 of the Major Development SEPP, an agreement (*SEPP VPA*) was executed on 3 December 2010 between the Developer, the then Minister for Environment and Climate Change and the then Minister for Planning requiring the developer to deliver biodiversity offsets to compensate the clearing required for the entire Huntlee New Town area (4 stages).

Therefore, the clearing required to accommodate the proposed Stage 1 additions to the town centre and substage 16 has already been offset through the SEPP VPA. No additional offsets are required.

As discussed above, the extension to the north of TC1 is the only portion of land not included in the SEPP VPA. However, EES is satisfied with the Applicants evidence that the pre-cleared land was unlikely to have any significant impact on any threatened species, populations or ecological communities in the locality and no further biodiversity offsets are required. On this basis the Department is satisfied the proposed extension to the of TC1 is acceptable in this instance.

6.3 Stage 1 Extension - Contamination

The modification documents included a Phase 1 Environmental Site Assessment prepared by RCA Australia (ref 13148/402-2) to identify any potential for contamination on land in the proposed Stage 1 extension locations. The investigation identified the presence of asbestos in both the town centre extension and substage 16.

The Phase 1 Environmental Site Assessment recommends the removal and subsequent validation/clearance of these locations identified as containing asbestos contamination prior to further development of the site. It is recommended that such works be undertaken prior to the construction certificate for works in this location. The Phase 1 Environmental Site Assessment concludes the site will be suitable for the proposed uses, including the urban and school uses, following the remediation of the asbestos contaminated areas.

The Project Approval contains condition C1 requiring site contamination remediation to occur prior to the issue of the construction certificate. The Department recommends this condition be strengthened to include the recommendations of the submitted Phase 1 Environmental Site Assessment prepared by RCA Australia (ref: 13148-402/2, dated 22 June 2018) and SEPP 55. The recommended condition requires the submission of a remediation plan prepared by a certified contaminated land consultant in accordance with current EPA guidelines, and a Site Audit Statement prepared by an accredited Site Auditor providing notice of completion and validation of the remediation works.

Based on the findings of the Phase 1 Environmental Site Assessment the Department is satisfied the sites can be appropriately remediated to suit urban development. The Department also recommends strengthening the existing conditions of approval to ensure the recommended remediation processes are undertaken.

6.4 Open Space amendments

Modification 9 seeks to amend the open space provision as identified in **Figure 5**. In comparison to what was approved under Mod 8 (the most recent modification that amended the open space provision), the proposal will result in the following changes to the open space provision:

Table 6 | Open space differences between Modifications 8 and 9

Area	Mod 8	Mod 9	Difference: Mod 8 vs Mod 9
Local Sport Facility	7.77ha	7.44ha	– 0.33ha
District Park	4.6ha	8.28ha	+ 3.68ha
Local Park	4.26ha	4.67ha	+ 0.41ha
Urban Square/Plaza	0.99ha	0.99ha	No change
General Public Open Space	35.41ha	31.28ha	– 4.13ha
Riparian Corridor	27.19ha	29.68ha	+ 2.49ha
Total	**82.42ha**	**84.54ha**	**+ 2.12ha**

Throughout the assessment of Modification 9, Council has been concerned about the open space provision and inconsistencies with the local VPA. Despite a number of modifications being approved for the site, the local VPA has not been amended since before the approval of Modification 8 to bring it into alignment with the project approval. Therefore, there are inconsistencies that have incrementally increased with each subsequent modification. The Department has consistently expressed a view that the Applicant should address this matter and provide a letter of offer detailing the terms of how they propose to amend the local VPA in accordance with the approved and proposed modifications. However, Council have not been in a position to confirm what they would be satisfied with in terms of an amended VPA.

Modification 8 approved a reduction in the quantity of local parks and the size of district parks and increased the size of the riparian corridors. Council have been concerned about the cost burden of maintaining these areas. Modification 9 has re-instated the size of the District Parks but maintains more riparian corridors (29.68ha) than will currently be dedicated to Council under the local VPA (11.7ha). The proposed riparian corridors accommodate core riparian zones (CRZs). The CRZs have been included on the open space plan for each watercourse, and the Office of Water confirm these CRZs are of a sufficient width for the corresponding category of watercourse.

The Department has raised concerns around the uncertainty of who will maintain the surplus riparian corridor areas if they are not accepted by Council. Council have been unable to advise whether they will accept this land and have advised it needs to undertake a public open space review of the entire Huntlee New Town before it can advise further. The timing of the review is uncertain, and The Department is unable to postpone the determination of Modification 9 indefinitely pending the outcome. Therefore, the Department recommends a new condition requiring the Developer to prepare a Riparian Corridor and Open Space Management Plan in consultation with the Council, identifying ownership details and management details outlining how the riparian corridors will be protected and maintained, for any open space or riparian corridors not included in the VPA

with Council. This condition will remove any uncertainty about the future management of these lands. The Department has also recommended a condition requiring the open space plans to be amended to show the detention basins and to verify the useable and non-useable open space areas.

6.5 Other Issues

Other assessment issues relating to Modification 9 are summarized in Table 6 below.

Table 7 | Summary of other assessment issues

Issue	Findings	Recommend Condition
Town Centre subdivision	• Modification 9 proposes to subdivide superlots within the town centre to create an additional 23 commercial lots. • The Department is satisfied with the proposed changes to the town centre within the existing Stage 1 boundary for the following reasons: - the Project Approval always envisaged subdividing the town centre super lots into smaller commercial lots prior to development - the proposed changes would not significantly alter the layout of the Town Centre, and it maintains a grid pattern consistent with the CDCP requirements - the modification would not impact on the legibility and permeability of the Town Centre, and it provides connection opportunities to the second stage of the town centre to the west - the Department recommends a condition be imposed requiring further details relating to AHD levels and earthworks be submitted to Council for approval prior to the release of the construction certificate to ensure the final levels are satisfactory and appropriate for the town centre. • The RMS raised concerns that three of the new town lots have frontage to Wine Country Drive, which is a classified road and are therefore not permitted direct access. In response, the applicant submitted an amended plan consolidating the three lots into two so both lots can gain access from a secondary road. • The Department is satisfied that the revised lot layout would now enable both lots to gain access from a secondary road. For added certainty, the Department has also recommended a condition to ensure the amended lots (lot 1579 and 1580) do not gain access from the classified road. • The Department therefore considers the town centre amendments are reasonable as they are consistent with the CDCP and would not result in any unacceptable impacts, subject to the recommended conditions.	Recommended conditions: - No direct access from Lots 1579 and 1580 on to Wine Country Drive is permitted. - final approval of any earthworks from Council prior to the release of the construction certificate.
Flood information	• During the notification period for Modification 9, Council and EES requested further information regarding the potential flood impacts for the extended Stage 1 areas, particularly in proximity to the watercourses that traverse the site. • The Applicant has provided an updated stormwater report and a plan showing the 1% AEP and PMF levels for the watercourses. The submitted flood information shows all new proposed lots are located outside the 1% AEP and PMF areas. • EESG were satisfied with the flood information provided, subject to	- Recommended condition requiring all future modification applications be accompanied by additional flood information, including, flood

	confirmation of the adequacy of the detention systems prior to the release of the construction certificate. • Council requested further information in relation to the flood planning level and hazard categories. Council accepts that the current information provided is satisfactory for the purposes of Modification 9 but requested future applications to modify the project approval be accompanied by maps showing the flood planning level and the flood hazard level. • The Department agrees with this approach, and recommends a condition be imposed on the modification instrument accordingly for any subsequent subdivision of superlots within proximity of the flood hazard within new stage 16. • The Department is satisfied the proposed modification is acceptable, given the majority of the new superlots would be outside the 1% AEP and PMF levels, can be provided with flood free access, and can be made suitable for future urban development, subject to the recommended conditions and further assessment at the development application stage.	planning levels. -
Bushfire risk	• During the notification period, the RFS requested clarification of bushfire protection measures to be provided to the development, particularly the proposed Stage 1 extension areas. • In response, the Applicant has identified all of the APZs for the residential development areas outside the conservation areas and riparian zones. The Applicant has also identified what the BAL levels are for those lots in proximity to any bushfire risk, confirming all lots are provided with a developable area of BAL 29 or less. • Further to this, the future dedication of the school site will require minimum 100m APZ to be provided because it is a sensitive use. The Applicant has shown where this can potentially be located if needed. The Department raised concerns that this temporary APZ is outside the bounds of the Stage 1 boundary, as amended. However, the developer owns all land within the 100m temporary APZ. Furthermore, this application seeks approval for the subdivision of land only and does not propose any uses. If, and when this land is delivered for the purpose of a school, it will be the subject of a future application that will detail the specific bushfire protection measures required. Therefore, the Department is satisfied an appropriate APZ can be provided at the detailed design phase. • The RFS accepted the submitted bushfire assessment and APZ information and raised no further objections. • Condition C15 of the Project Approval relates to bushfire protection measures. The Department recommends modifying this condition to reflect the recommended RFS conditions received on 30 October 2018. • The Department is satisfied that the subdivision layout can accommodate the required bushfire risk mitigation measures for all proposed lots.	Update to condition C15 of the project approval to reflect the RFS advice dated 30/10/19.
Seniors living	• The initial application documents for Modification 9 mentioned a proposed seniors housing site in the new substage 16. • The Department and agencies raised concerns about a potential seniors housing site because there was little accompanying information detailing the location, risk management provisions and servicing analysis to justify a	No further conditions required

	seniors housing development. • The Applicant has clarified Modification 9 is not seeking approval for a seniors housing development. Rather, this application is seeking approval for urban superlots and residential lots within substage 16. • If the developer seeks approval for a seniors housing development on one of the superlots, it would be the subject of a detailed development application to Cessnock Council, where the matters specific to seniors housing would be assessed.	
Aboriginal Heritage	• EES requested further information from the Applicant in relation to potential impacts on Aboriginal Cultural Heritage in the new portions of Stage 1. • In response, the Applicant provided an updated Aboriginal Cultural Heritage Report and Management Plan, which has been accepted by EES. The updated report confirmed eleven sites were identified during a survey of the additional proposed land and made recommendations for testing and salvaging prior to any construction works. The Department recommends updating the existing condition in the project approval to reflect the identified sites within the extended Stage 1 areas and the recommendations of the updated report. • EES also recommend the updated Aboriginal Cultural Heritage Management Plan (updated June 2019) be sent to the registered Aboriginal parties listed in the ACHMP. The Applicant has confirmed they will send the updated Aboriginal Cultural Heritage Management Plan to the registered Aboriginal parties in the ACHMP. • The Department is satisfied the submitted information identified potential sites of Aboriginal Cultural Heritage, and the project approval conditions can be strengthened to ensure these sites are investigated further and salvaged prior to any construction works occurring.	Update condition C3 to ensure the recommendations identified in the 'Huntlee Cultural Heritage Assessment', prepared by RPS and dated 19 December 2018, are undertaken prior to any construction works to the satisfaction of the Certifying Authority.
Other	• During the assessment of Modification 9 the condition heading for condition E12 is incorrect. • The Department considers it appropriate to correct this error through the determination of Modification 9. • Condition E12 was imposed to provide further requirements for bushfire access and services, but the condition heading refers to 'Earthworks'. Therefore, the existing heading of condition E12 ('Earthworks') will be replaced with 'Bushfire Access and Services'.	Correct heading of condition E12.

7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department considers the proposed modification is appropriate for the following reasons:

- the expanded development footprint was identified in the broader Huntlee New Town precinct and is consistent with the broader strategic planning framework established for the site
- the expanded footprint is suitable for future urban development because new development can be provided outside the flood and bushfire risk zones, and the land is appropriately zoned for urban uses
- the additional development footprint can be appropriately serviced and any environmental risks are managed through conditions or the detailed design of future development applications.
- the proposed school site is suitable because it facilitates sharing of regional and community facilities identified in future stages of the Huntlee New Town development to achieve the Department of Education's requirements
- the subdivision of lots within the town centre are consistent with the Huntlee DCP
- the open space plan amendments protect riparian corridors
- environmental constraints can be mitigated through recommended conditions of approval and would be further assessed during future development applications seeking approval to further subdivide or develop the land
- council no longer object to the modification, and concerns raised by agencies have been addressed through amendments to the proposal or conditions.

Overall, the Department considers the proposal is consistent with the broader planning objectives for the site and it would provide positive social and economic benefits to the region. Consequently, the Department recommends the modification application be approved (see **Appendix B**).

8. Recommendation

It is recommended that the Executive Director, Compliance, Industry and Key Sites, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the application (MP 10_0137 MOD 9) falls within the scope of section 4.55(2) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent MP 10_0137 MOD 9; and
- **signs** the attached approval of the modification (Appendix B)

Recommended by:

Anthony Witherdin

Director
Key Sites Assessments

9. Determination

The recommendation is: **Adopted by:**

Anthea Sargeant
Executive Director
Compliance, Industry and Key Sites

Appendices

Appendix A – Relevant supporting information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification Application (https://www.planningportal.nsw.gov.au/major-projects/project/16856)
2. Submissions (https://www.planningportal.nsw.gov.au/major-projects/project/16856)
3. Response to Submissions (https://www.planningportal.nsw.gov.au/major-projects/project/16856)

Appendix B – Notice of Modification

The recommended modification of the Major Project approval can be found on the Department's website at:

https://www.planningportal.nsw.gov.au/major-projects/project/16856

Appendix C – Cessnock DCP Compliance

As noted in Section 1.3 of the assessment report, the planning controls for Huntlee were transferred to Cessnock Council following the repeal of Schedule 3 Part 27 f SEPP(MD) in March 2015.

Cessnock Council adopted development controls for Huntlee as Chapter E17 of the CDCP 2010 on 7 March 2018. However, the adopted Huntlee controls in the CDCP excluded some controls that were in the original Huntlee DCP 2013, adopted by the Director-General of the then Department of Planning and Infrastructure in 2013. The table below provides an assessment of Modification 10 under Chapter E17 of CDCP, and notes the additional controls, where relevant, from the original HDCP 2013 that were not included in the CDCP.

Cessnock Development Control Plan 2010: Chapter E17 Huntlee	
Section 2 – Vision and Character	
Section 2.4 – Indicative Layout Plan and Staging	**Compliance for MP 10_0137 MOD 9**
(1) Applications for subdivision and infrastructure are to be generally in accordance with the Indicative Layout and Staging Plan in Figure 3.	The proposed modification is generally consistent with the Indicative Layout and Staging Plan. The proposed extended portions of Stage 1 are within the identified Huntlee precinct and are zoned appropriately to accommodate future urban uses.

Section 3 – Managing the Environment	
This section outlines controls relating to management of environmental issues including heritage, bushfire management, riparian corridors, stormwater management and earthworks.	The proposed modification shows the development will not adversely impact the core riparian zones, to the satisfaction of DPI-Water or areas of heritage or cultural significance. Bushfire protection zones have been identified for the subdivision and can be maintained where necessary for new and reconfigured lots. Bushfire risk management will be the subject of further assessment for individual development applications. The RFS have provided recommended conditions in relation to bushfire risk management.

Section 4 – Subdivision Design	
Section 4.1 – Street Network and Design	**Compliance for MP 10_0137 MOD 9**
(1) The street network is to be provided in accordance with Figure 5	The proposal includes minor modifications to the road alignment in the town centre to reflect the lot reconfigurations and new additions to Stage 1. The street network remains generally consistent with the overall network and hierarchy, and the main intersections are unchanged.
(2) Road and intersection upgrades are to be generally in accordance with Figure 6 and Figure 7.	The proposal does not seek to modify any of the approved road infrastructure works or intersection upgrades.
(3) Streets are to be provided in accordance with the cross-sections at Figure 8 to Figure 19.	Roads are capable of being constructed in accordance with the DCP requirements.
(4) "Park Edge" roads (Figure 19) should accommodate the majority of the required APZ within the road reserve and at the boundary of the development must also incorporate a battered slope within the road reserve to cater for potential changes in level along the site	The proposed modifications have no impact on the Park Edge roads. APZ will be provided within the perimeter edge lots.

boundary.	
(5) Alternative street designs for local streets and accessways may be permitted on a case by case basis to accommodate local features if they preserve the functional objectives and requirements of the design standards.	The proposed reconfigured subdivision layout preserves the functional objectives and requirements of the design standards.
(6) Where any variation to the residential street network is proposed, the alternative street network is to be designed to achieve the following principles: - a permeable network that is based on a modified grid system, - encourage walking and cycling and reduce travel distances, - maximise connectivity between residential areas and community facilities, open space and centres, - take account of topography and accommodate significant vegetation, - optimise solar access opportunities for dwellings, - provide frontage to and maximise surveillance of open space and riparian corridors, - provide views and vistas to landscape features and visual connections to nodal points and centres, and - maximise the use of water sensitive urban design measures - minimise the number of road crossings of riparian corridors and ensure riparian - connectivity is maintained.	The modified road network is permeable and provides for a grid system that maintains connectivity, and responds to topography. The modified lot layouts do not hinder solar access, provide sufficient frontages to maximise surveillance, provide for view/vistas.
(7) Except where otherwise provided for in this DCP, all streets and intersections are to be designed and constructed in accordance with Austroads Guide to Traffic Management and Australian Standards AS 1742, 1743 and 2890.	An existing condition of consent requires all roadworks to be designed and constructed in accordance with Austroads and relevant Australian standards.
(9) Street trees are required for all streets. Street tree	There are no changes proposed to the Landscape Masterplan for Stage 1, which provides for street trees

planting is to: be consistently used to distinguish between public and private spaces and between different classes of street within the street hierarchy, minimise risk to utilities and services, be durable and suited to the street environment and, wherever appropriate, include endemic species, maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners, provide appropriate shade, and provide an attractive and interesting landscape character and clearly define public and private areas, without blocking the potential for street surveillance.	along the roads. The approach to street tree planting/species is consistent with the Project Approval.

Section 4 – Residential Neighbourhoods	
Section 4.5.1 Residential Character	**Compliance for MP 10_0137 MOD 9**
(1) Residential neighbourhoods are to be focused on elements of the public domain such as a school, park, retail, or community facilities that are typically within walking distance.	The proposed modification does not impact on walkability as previously assessed and approved for the project.
(3) Subdivision layout is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles.	The proposed modification provides for a more regular (less curved) subdivision layout, which will be easy to navigate and provide for appropriate solar access. The street hierarchy also provides for a network that can be extended and connected to future stages for Huntlee New Town.

(4) Pedestrian connectivity is to be maximised within and between each residential neighbourhood with a particular focus on pedestrian routes connecting to public open space, bus stops and railway stations, educational establishments and community/recreation facilities.	The proposed subdivision does not impact access to the Town Centre or public open space.
(5) Street blocks are to be generally 150m to 180m long. Block lengths and widths in excess of 180m may be considered where pedestrian connectivity, stormwater management and traffic safety objectives are achieved.	The proposed new and reconfigured blocks are similar in character to the approved lots in Stage 1.
(6) Residential lots should generally be rectangular in geometry.	All new and modified residential lots are rectangular in shape.
(7) Battle-axe lots are not permitted.	The modification does not include any battle-axe lots.
(8) The orientation and configuration of lots is to be generally consistent with the subdivision principles shown at Figure 32 and Figure 33.	The modification results in a subdivision pattern that is similar to the approved subdivision pattern in terms of the lot layout and orientation.
(9) Preferred lot siting is either on a north-south or east-west orientation.	The new lots are generally orientated in a north/south or east-west orientation.
(11) Residential subdivision applications should: - Incorporate of a mix of dwelling types including attached dwellings, multi-dwelling housing and residential flat buildings which are located in close proximity to the town and village centres and public transport. - Incorporate a mix of lot sizes for detached dwellings to provide a range of housing choice within the lower density areas. - Provide cottage lots around open space and village centres - Provide country lots around the perimeter of the site and where environmental constraints are managed within lots (ie Flooding, bushfire APZ etc) - Be designed to provide for activation of the	The proposed modification will not compromise the achievement of a range of lot sizes, activation of the public domain or links to the Town Centre, public open space or public transport.

public domain, including streets and public open space through the orientation and design of buildings and communal spaces. - Ensure that pedestrian, cyclist and road links provide legible and direct access to the town centre, public transport and areas of public open space.	

Section 4.5.2 Minimum Lot dimensions	Compliance for MP 10_0137 MOD 10
(1) The minimum subdivision lot size and dimensions is to be consistent with the Lot Type Map found on Council's website.	All modified and new lots are consistent with the Lot Type Map and with the approved subdivision pattern.
(2) Lots should be rectangular. Where lots are an irregular shape they are to be large enough and oriented to appropriately enable dwellings to meet the controls in this DCP.	Lots are predominantly residential in shape. Irregularly shaped lots are large and can accommodate a range of appropriate dwelling types.
(3) Battleaxe lots are not permitted.	No battle-axe lots are proposed. See comments under section 4.5.1(7) above.

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

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

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

All reconfigured and new lots proposed in modification 9 exceed the minimum lot sizes in table 5 above.

Section 4.6 Town Centre Subdivision Design	Compliance for MP 10_0137 MOD 10
(1) Lots should be relatively regular in shape. Irregular shaped allotments and narrow street frontages should be avoided.	The proposed town centre lots are generally regular in shape and are provided with wide frontages and direct street access.
(2) Lots should be oriented and aligned: - so that future buildings can face the arterial, sub-arterial, collector and local streets to increase visual surveillance and to avoid streetscapes with loading docks and long blank walls, - To facilitate solar efficiency, and - To encourage building design that has frontage to landscaped areas and riparian corridors.	The proposed lots are such that future buildings can directly face the streets and provide good surveillance and amenity opportunities and solar access. The town centre layout is consistent with the DCP layout maps and the original approval for Stage 1.
(3) Access to lots shall be sited to ensure unimpeded sight lines for exiting vehicles.	The proposed lots are provided with sufficient frontages to appropriately locate driveways with adequate sight distances. This will be the subject of future DA's for the development of each lot.
(4) Subdivision of roads should incorporate a road hierarchy that will accommodate the anticipated traffic volumes and vehicle types and be practical and legible for users	The roads are consistent with the approved road hierarchy and provide a grid system that allows for connectivity.
(5) battle axe lots are not permitted	See comments under 4.5.1(7) above