



15 August 2024

Dear Mr Eldred

Exhibition of Environmental Impact Statement for the Huntlee New Town - Stage 2

I refer to the public exhibition of the Environmental Impact Statement (EIS) for the Huntlee New Town - Stage 2 and your invitation to comment. Below are comments from Cessnock City Council (Council).

The Environmental Impact Statement (EIS) for Huntlee Stage 2 indicates that the State Significant Development will straddle the Cessnock and Singleton local government areas and will deliver approximately 4,000 to 5,000 residential lots for up to 5,600 dwellings. The EIS does not detail how many of these lots will be located in the Cessnock Local Government Area (LGA). The developer has separately advised Council that it would be reasonable to assume that approximately 2,200 residential lots will be provided within the Cessnock component of Huntlee Stage 2. Assuming this dwelling yield is correct, and relying on an occupancy rate of 2.9 persons per household, the assumed number of people residing within the Cessnock component of Huntlee Stage 2 will be 6,380 people ($2,200 \times 2.9 = 6,380$).

The Developer will need to comply with the requirements for recreation and community infrastructure detailed in Council's strategic plans for the area, including Council's Recreation and Open Space Strategic Plan (ROSSP), Community Infrastructure Strategic Plan, and Cessnock City Council Library Facilities 2017-2039, A Needs Analysis.

Huntlee Stage 1 Voluntary Planning Agreement with Council

The existing Huntlee Stage 1 VPA between Council and the Huntlee Developer provides land and *some* monetary and works in kind contributions toward district parks, sportsgrounds and a Community Hub at Huntlee. However, there is presently a shortfall in funding under the Stage 1 VPA to deliver this infrastructure. The Huntlee development has wholly generated the need for this recreation and community infrastructure and as such, Stage 2 of the development will be required to address any shortfall in funding for these facilities.

Local Infrastructure Contributions Plan

Council is presently developing a contribution plan for Huntlee Stage 2 and the Huntlee Stage 1 Modification 21 area. The Department of Planning, Housing and Infrastructure (DPHI) will need to be mindful that the contribution plan will only address the strategic infrastructure required by Council to service Stage 2 of the Huntlee development. The contribution plan will not account for any additional general public open space or core riparian zone, etc. which is proposed to be dedicated to Council by the developer.

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The plans submitted with the Concept Application for Huntlee Stage 2 indicate that approximately 20Ha of land will be set aside as general public open space and core riparian zone in the Cessnock portion of Stage 2 of the Huntlee development. This land is additional to Council's strategic requirements.

If the developer is proposing to dedicate this additional land to Council in the future, the terms of that land dedication must be established in a Planning Agreement with Council prior to any approval being issued by DPHI which obligates Council to accept land that is not identified in a contribution plan. To be clear, in the absence of a Planning Agreement, Council will **not** accept land that is additional to its strategic requirements.

We note that the terms of any Planning Agreement with Council may include a requirement for the payment of a 'land dedication charge' by the developer to assist Council with the ongoing cost to maintain the additional land in perpetuity. Council is presently developing a Land Dedication Policy, which is anticipated to reflect the above position.

Huntlee Urban Release Area

Certain areas within the Huntlee New Town site in Rothbury/North Rothbury are not mapped as Urban Release Area (URA) in the mapping that accompanies the *Cessnock Local Environmental Plan 2011*. The areas excluded from the URA mapping are shaded green in Figure 1, attached. Council is presently seeking to amend the relevant URA maps to identify the sites shaded green in Figure 1 as URA and to ensure the URA area is appropriately 'snapped' to the cadastral boundary in the LEP maps.

SP2 Infrastructure Land

A portion of land within the Huntlee Stage 2 area in the Cessnock LGA is zoned SP2 Infrastructure for the purpose of electricity generating works. While Council does not object to the ultimate use of the SP2 zoned land for residential development, the land should be rezoned to a residential land use zone, and identified as URA in the *Cessnock Local Environmental Plan 2011*, and on the Greenfield Housing Code Map.

Reliance on s.4.38 of the *Environmental Planning and Assessment Act 1979* to enable residential development on the SP2 Infrastructure Zone land is not supported by Council in this instance given the range of other omissions in relation to the land, including from the URA Map and Greenfield Housing Code Map.

Subdivision Minimum Lot Size

There are no minimum lot sizes provided or proposed over Huntlee stages 1 or 2 within *Cessnock Local Environment Plan 2011*, and this is instead proposed to be established through the Development Control Plan (DCP) and terms of the Major Project Approval. This creates confusion for future land owners wishing to subdivide, as Council is required to rely on the DCP to identify and enforce a development standard for a significant number of residential and commercial lots. This is anomalous to the remainder of the LGA and the NSW planning system generally and it is requested that a pathway to establish minimum subdivision lot sizes within the *Cessnock Local Environment Plan 2011* for Huntlee be identified in consultation with Council staff.

Process for amending DCP

It is understood a revised Huntlee DCP is sought to be approved together with the Minister's approval for the proposed development. As the Minister would then have ownership of a DCP to be maintained and implemented by Cessnock Council, Council requests consultation with DPHI to identify the timeline and process for transfer of responsibility for the DCP to Council, to provide for management of this chapter consistent with the remainder of the Cessnock DCP.

DCP – Parking rates

The exhibited draft DCP includes parking rates for Huntlee, based on a continuation of the existing DCP requirements in this chapter. These rates are considered out of date and in conflict with Council's recently exhibited draft DCP chapter *C1: Parking and Access* which includes updated parking rates based on contemporary standards and tested scenarios for each land use. In order to be consistent with the updated LGA wide parking requirements included DCP chapter *C1: Parking and Access*, Council requests consultation with the applicant in order to update the draft Huntlee DCP chapter.

Proposed changes to DCP

The following changes to the DCP are suggested:

1. Clause 5.3.1 Cut and Fill

Variation:

The current controls stipulate the maximum extent of cut and fill permitted for specific circumstances. The controls relate to the fall across the house pad and associated maximum cut and fill.

Comment:

Variations to the maximum cut and fill is one of the most common reason for variations to the DCP. The level of exceedance of the numerical standards are in most circumstances is negligible ranging from 10mm – 300mm additional cut to 90mm – 340mm additional fill. There have been other circumstances where the exceedances have been considerable and has resulted in a redesign of the dwelling.

It is worth noting there is currently a notation below the cut and fill table 3 that states "Earthworks exceeding the above controls may be permitted by Council." Given the frequency of variations being permitted by Council it may be worthwhile including a standard +/- tolerance percentage within the notes as a guide

Recommendation:

Clause 5.3.1 Cut and Fill to include a notation that allows for a maximum 20% +/- tolerance for cut and fill levels

2. Clause 5.4 Table 4 Cottage lots

Variation:

The current controls permit detached outbuildings within the 3m rear setback but excludes attached garages and the like, meaning attached garages require to be setback 3m from the rear property boundary.

Comment:

Approximately 30% of all DCP variations relate to this clause. All variations have been peer reviewed and approved.

Recommendation:

Clause 5.4 Table 4 Cottage lots to exclude a rear setback measurement for all ancillary structures. The 3m setback is only to be applied to the main dwelling.

Other changes to consider:

- Clause 5.4.3 Front setback for slayed frontages and method of measurement requiring distances to be measured at a right angle
- 5.4.2 (17) Triple garages permitted a maximum 50% of total façade. Suggested +/- tolerance to allow for minor variations
- 5.4.11 – Maximum floor area for outbuildings on country lots. Allow for a sliding scale for increase in floor area based on square meterage of subject lot.

Development Engineering

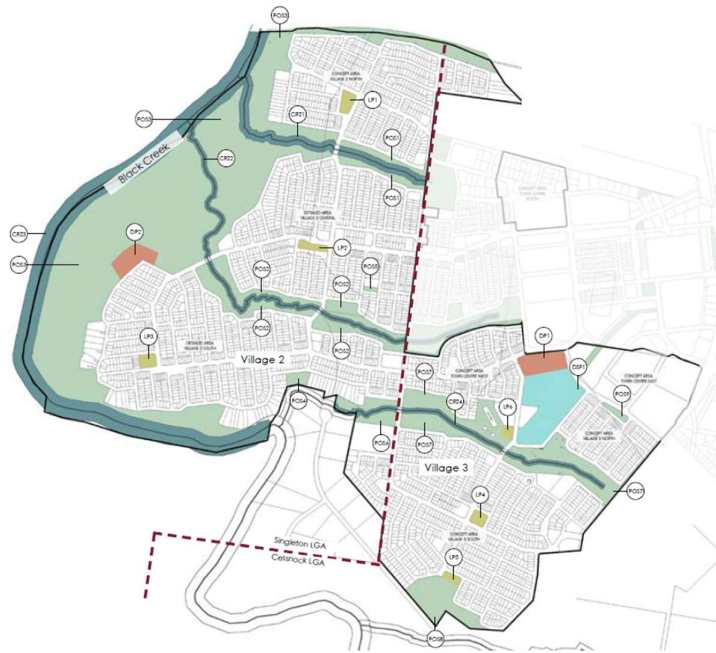
- The DCP should be amended to be consistent with council newly adopted engineering guidelines for design and construction
 - Minimum road pavement widths should be 8.5m.
 - Any turning heads should have a radius of 12m
 - Footpaths conditioned at 1.5m wide and 125mm thickness
 - Stormwater strategy to reflect requirement for commercial and residential in terms of water quality and quantity (OSD and PSD requirements)
 - Minor stormwater system to cater for 1 in 10 year
- Flood Impact and risk Assessment should be amended to reflect the latest Flood risk manual, ARR 2019 and consider LEP clauses 5.21 & 5.22
- Flood modelling not shown for the stage 2 rural area to the south. Flood free access to Wine country drive not shown and is a concern
- Report suggests all lots have a rising road evacuation route which is unclear for the rural southern lots.

Landscaping and Street Trees

The street tree species and planting palette is consistent with Council's Tree Strategy and existing plantings within Katherine's landing, the DCP should include reference to this requirement.

Open Space

The Environmental Impact Statement (EIS) states that the finalising of detailed design of open space through consultation with Councils will be pursued at a later phase of the project for the Concept Areas. Considering this, the comments provided below are based on the overall provision of open space within Huntlee New Town – Stage 2 and sites proposed within the Huntlee Landscape Masterplan (prepared by MWLA 7/12/2023), consistent with the Villages 2 and 3 Open Space Calculation Plan (pg 17).



Villages 2 & 3 Open Space Calculation Plan

17 Huntlee - Villages 2 & 3 Landscape Master Plan

Cessnock LGA		
Zone	Qty	Size
District Sports Field		
DSF1	1	7.07 Ha
District Park		
DP1	1	2.08 Ha
Local Park		
LP4	1	0.50 Ha
LP5	1	0.36 Ha
LP6	1	0.52 Ha
Sub-total		1.38 Ha
Public Open Space		
POS7	1	12.45 Ha
POS8	1	1.64 Ha
POS9	1	0.32 Ha
Sub-total		14.41 Ha
Core Riparian Zone		
CR24	1	5.50 Ha
Total		30.44 Ha

Singleton LGA		
Zone	Qty	Size
District Park		
DP2	1	2.00 Ha
Local Park		
LP1	1	0.59 Ha
LP2	1	0.48 Ha
LP3	1	0.53 Ha
Sub-total		1.60 Ha
Public Open Space		
POS1	1	2.19 Ha
POS2	1	8.19 Ha
POS3	1	77.49 Ha
POS4	1	0.68 Ha
POS5	1	0.14 Ha
POS6	1	1.93 Ha
Sub-total		90.62 Ha
Core Riparian Zone		
CR21	1	5.69 Ha
CR22	1	4.91 Ha
CR23	1	30.45 Ha
Sub-total		41.05 Ha



1. The number of lots in Huntlee Stage 2 within the Cessnock LGA is not specified, but assuming a population of 6,380 people within the Cessnock LGA component of Huntlee Stage 2 (2200 lots x 2.9 people) the provision of open space in accordance with Council's Recreation and Open Space Strategic Plan 2019 should be six local parks, one district park and one district sportsground.
2. Considering population alone, six local parks should be provided within the Stage 2 development area. However, when catchments are considered the overall number of local parks is reduced to two. The two local parks however will service a higher population due to the density of the development. As such, additional embellishment will be required in these local parks to address increased use and population they are servicing.

3. The Huntlee Landscape Masterplan – Villages 2 & 3 Open Space Calculation Plan details:
 - three local parks; Local Park 4 (0.5ha), Local Park 5 (0.36ha) and Local Park 6 (0.52ha).
 - a district park (2.08ha) co-located with a district sports field (7.07ha),
 - three public open space sites (totalling 14.41ha)
 - core riparian zone (totalling 5.5ha)
4. The position of the Local Park 4 (0.5ha) is supported as it is central to the population of Village 3, servicing a 500m catchment.
5. The position of the district park and co-located district sports field is supported. Council has some concerns with the orientation, layout and size of proposed elements within the district park and sportsfield, however note that further engagement with Council will take place regarding the design of the facility.
6. The position of Local Park 6 (0.52ha) adjacent to the railsheds and within the core riparian zone is not supported as this area is adequately serviced by the adjacent district park.
7. The position of Local Park 5 (0.36) is not supported as this area is adequately serviced by Local Park 4 and does not meet the minimum size requirements for a local park in accordance with Council's Recreation and Open Space Strategic Plan (2019).
8. The position of the second local park to service Huntlee Stage 2 should be located within the vicinity of where the common green is located, servicing both the Village 3 lots and the proposed town centre lots to the north. The common green is not supported, and should be replaced with a local park (minimum 0.5ha).

The remaining public open space sites and core riparian zone detailed in the masterplan is not considered usable open space and Council is not supportive of accepting these spaces as recreation and open space areas for public use

Water/Wastewater

The documentation states that Altogether Group Pty Ltd (Huntlee Water) being a Private Network Operator under the Water Infrastructure Competition Act 2006, owns and operates the water/wastewater services for Stage 1 and for the Proposed Stage 2. I note that in February 2023 the EPA noted that if Stage 2 requires an extension of the current Huntlee wastewater services, or the commissioning of a similar system, that the potential environmental impacts from the operations were to be assessed in the planning process. The EPA also stated that any review should assess the need for an environment protection licence under the Protection of the Environment Operations Act. It was also recommended the Department of Planning, Housing and Infrastructure refer the proposal to the Independent Pricing and Regulatory Tribunal (IPART) for advice for an operations/activities under the WIC Act.

Assuming the above EPA concerns and issues of licensing were addressed via the Physical Infrastructure Report June 2024 which was submitted with the SSD documents. This report states that Stage 2 of the development will initially see the extension of the current system as the land release expands. It is then planned to construct two additional *water centres* for the additional wastewater requirements (in Stage 1 MOD 21 DA area and Village 3).

Also proposed is a large lot development off Old North Road which is stated to **not** be connected to the sewer network. This site expects to have 35-40 lots on OSSM being a minimum of 1.5 to 2 acres each proposing onsite wastewater disposal for each – AWTS with SSI. A *Whitehead & Associates* wastewater report is attached to the Physical Infrastructure Report.

It should be noted that the application has been uploaded to the Major Projects Planning Portal in a manner that it appears only in a Singleton Shire Council search. We have concerns that this may raise question in respect to the EIS being properly exhibited the application does not show up in a Cessnock City Council search.

Please contact me on my direct line, below if you have any questions or require additional information.

Yours sincerely

A handwritten signature in cursive script that reads "P Giannopoulos".

Peter Giannopoulos
Team Leader Development Services