



Your ref: PAE-89057722
Our ref: DOC25/617149-33

Renah Givney
Senior Planning Officer Assessments
Dept Planning Housing & Infrastructure

Dear Renah,

Re: Huntlee New Town - Stage 2 (SSD-70748466) – Response to Submissions

Thank you for your Major Projects Portal request dated 25 July 2025 seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on Response to Submissions (RTS) for the Huntlee New Town - Stage 2 (SSD-70748466) project.

We have reviewed the RTS against the Secretary's Environmental Assessment Requirements (SEARs) provided by the Department of Planning, Housing and Infrastructure to the proponent on 28 May 2024, CPHR's advice on the Environmental Impact Statement (EIS), Flood Impact and Risk Assessment (FIRA) and Physical Infrastructure Report (PIR) provided to you on 30 September 2024 and CPHR's advice on the Environmental Impact Statement (EIS) provided to you on 20 November 2024.

CPHR considers that further work is required for the proponent to meet the Secretary's requirements for Huntlee New Town Stage 2.

The following key issues remain:

- Overgrazing of *Persoonia pauciflora* from large quantities of Kangaroos that were displaced from Huntlee Stage 1 has caused significant plant death within the Huntlee Offsets. Without effective, appropriately resourced and committed mitigation measures Huntlee Stage 2 has potential to significantly contribute to *P. pauciflora* becoming extinct in the wild. CPHR has proposed a mitigation strategy through conditions of approval for this serious issue.
- 7-part tests of significance have still not been prepared for most species identified in the Stage 2 SEARs and targeted surveys were not undertaken for *Cymbidium canaliculatum*, *Diuris tricolor* (Pine Donkey Orchid) and *Aprasia parapulchella* (Pink-tailed Legless Lizard). This undermines the Department of Planning Housing & Infrastructure's (DPHI) ability to make an informed decision on the Huntlee Stage 2 State Significant Development (SSD) proposal.
- CPHR has concluded that the complete loss of local populations of Critically Endangered *Persoonia pauciflora* and the Vulnerable *Pterostylis chaetophora* results in a significant impact outcome under the 7-part test of Significance. DPHI will need to confirm next steps in the assessment process based on this conclusion.

- Avoidance, mitigation measures and unavoidable indirect impacts have not been assessed with regard to the detailed design of Huntlee Stage 2. The need to assess these factors against '*future phases of more detailed development assessment and design*' was a specific EAR requirement and so was expected when granting Stage 1 approval.
- CPHR has identified that some small and isolated areas that are claimed to be 'avoided' are unlikely to be viable and should be treated as impacted, not avoided.
- Huntlee continues to propose impacts to listed ecological communities in excess of those stated in the EAR and approved for Huntlee Stage 1.
- CPHR has identified additional conflicting plans between proposed avoided areas and park amenities. It remains unclear what the final impacts to biodiversity proposed for Huntlee Stage 2 are.
- The current conservation status of Lot 14 DP1137569 is unclear. This parcel of land represents approximately 163 hectares of the offsets package detailed in the EAR and was not transferred to National Parks. If not already secured in perpetuity, it should be subject to a Biodiversity Stewardship Agreement to ensure appropriately resourced in-perpetuity protection.
- There are five flooding related issues that have not been addressed since September 2024. These are yet to be addressed.

Further actions are recommended in **Attachment 1** to address these remaining issues. Detailed recommended conditions of approval are provided in **Attachment 2**.

All plans required as a Condition of Approval that relate to biodiversity, flooding or coastal management should be developed in consultation with, and to the satisfaction of CPHR. If you have any questions about this advice, please do not hesitate to contact huntercentralcoast@environment.nsw.gov.au.

Yours Sincerely



Joe Thompson
Director Hunter Central Coast

Conservation Programs, Heritage & Regulation Group (CPHR)

26 August 2025

Enclosure – Attachment 1 & 2

Attachment 1 - CPHR Comments on Huntlee New Town - Stage 2 (SSD-70748466) – Response to Submissions

In preparing this advice CPHR has reviewed the following documents:

- BCS Response re Huntlee New Town – Stage 2 (SSD-70748466) – EIS, dated 20 November 2024 (**BCS Submission**)
- Huntlee’s biodiversity exemption certificate granted by the Office of Environment and Heritage on 25 October 2018 (**Biodiversity Exemption Certificate**) under clause 34A(4) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017
- Environmental Impact Statement, Huntlee New Town Stage 2, Huntlee New Town, North Rothbury dated 28 June 2024, prepared by Ethos Urban and submitted to DPHI on behalf of Huntlee (**Stage 2 EIS**)
- EIS appendices, including Appendix N: Additional Ecological Information Report, Huntlee New Town – Stage 2 dated 28 June 2024, prepared by MJD Environmental (**AEIR**)
- Ecological Assessment Report – Huntlee dated September 2010, prepared by RPS for the assessment of the Stage 1 Project Approval (**EAR**)
- 16015 Huntlee response to BCS - Huntlee New Town Stage 2 EIS 20250627 (**Huntlee response to BCS**)
- Draft Guidelines for Threatened Species Assessment for Part 3A Applications 2005 (**Part 3A Guidelines**)
- Planning Secretary's Environmental Assessment Requirements issued 28 May 2024 (**Stage 2 SEARs**)
- “Vegetation survey of Sweetwater, North Rothbury mid Hunter Valley, New South Wales – Supplementary Report of Expanded Study Area” dated 30 September 2005, prepared by Stephen A.J. Bell (**Bell Survey Report**)

Key Assessment Issues

CPHR Issue 1	The EIS does not address all species listed in the SEARs.
	Huntlee’s position as described in the Huntlee Response to BCS is that <i>‘the existing EAR prepared by RPS in 2010 for the Stage 1 Project Approval can and should be relied upon for the Stage 2 DA.</i> <i>It is evident the extent of the assessment undertaken in the EAR has been considered sufficient by DPHI, in light of the approval of the Stage 1 Project Approval.</i> CPHR response: The EAR was considered sufficient by DPHI for a Part 3A assessment, underpinned by the Part 3A Guidelines. The Part 3A assessment is not equivalent to 7-part tests of significance. The specific information that would come from the objective undertaking of a 7-part test of significance for each threatened entity remains unavailable to inform a determination of the Huntlee Stage 2 proposal. The Huntlee Stage 2 proposal includes a detailed design that have different considerations to that which was assessed for the design of Stage 1. The 7-part tests of significance require consideration of factors, such as fragmentation and isolation of habitats, which can only be addressed with regard to the detailed design. The Huntlee Response to BCS provided additional details on <i>Cymbidium canaliculatum</i> population in the Hunter Catchment, <i>Diuris tricolor</i> (Pine Donkey

	Orchid) and <i>Aprasia parapulchella</i> (Pink-tailed Legless Lizard). In response, CPHR notes: - No past surveys included specific instruction to record <i>Cymbidium canaliculatum</i> and it cannot be assumed that all survey participants would have voluntarily recorded this species or were qualified to identify it. The Bell Survey Report may have reported this species if it was opportunistically encountered. However, no past fieldwork included systematic targeted surveys for <i>Cymbidium canaliculatum</i> and is therefore below the currently accepted survey standard. CPHR rejects the claim that the EAR had adequately addressed this species. - The statement that <i>Diuris tricolor</i> 'is not known from the Rothbury locality' is incorrect. <i>Diuris tricolor</i> was confidently recorded in 2016 approximately 1.7 km to the east of Stage 2. This record is publicly available on BioNet and it is concerning that the author did not check BioNet before claiming an absence of local records. It cannot be assumed that all participants for other surveys would have been able to identify and record it without instruction had it been encountered. Dedicated targeted surveys have not occurred for this species. - The Huntlee Response to BCS has relied on outdated information regarding the known distribution of <i>Aprasia parapulchella</i>. This species has been recorded approximately 5 km south-east of Stage 2. This record is publicly available on BioNet and it is concerning that the author did not check BioNet before claiming an absence of local records. Dedicated targeted surveys should have occurred for this species. Huntlee is required to prepare 7-part tests for all listed species and ecological communities to inform DPHI's decision. The absence of this information, which should be underpinned by dedicated targeted surveys, undermines the public exhibition process and DPHI's ability to make an informed decision on the Huntlee Stage 2 SSD proposal.
Recommend	The Additional Ecological Information Report, Huntlee New Town – Stage 2 is updated to include 7-part tests of significance for all identified affected species and ecological communities. Impact assessments for <i>Cymbidium canaliculatum</i>, <i>Diuris tricolor</i> (Pine Donkey Orchid) and <i>Aprasia parapulchella</i> (Pink-tailed Legless Lizard) are informed by targeted surveys by experienced ecologists for these species.
Recommended Conditions of Approval	

CPHR Issue 2	The action proposed is likely to have an adverse effect on the life cycle of <i>Persoonia pauciflora</i> such that viable local populations are likely to be placed at risk of extinction.
	Huntlee's position as described in the Huntlee Response to BCS is that '<i>impacts to the Persoonia pauciflora caused by the Stage 2 DA do not increase those impacts already contemplated in the EAR as part of the Stage 1 Project Approval</i>'. The Huntlee Response to BCS also notes that in the event of the finding of a significant impact from application of the 7-part test, a Species Impact Statement (SIS) is not required for a SSD, as per section 78A(8)(b) of the EPA Act.

	CPHR response: CPHR acknowledges that the EAR and Biodiversity Exemption Certificate proposed and approved clearing of all areas where <i>Persoonia pauciflora</i> have since been recorded. However, an existing approval of an offsets package is not a factor that is considered in the 7-part tests of significance. Through an objective undertaking of the 7-part tests of significance, BCS found that the Stage 2 proposal will remove entire discrete 'local populations' of <i>Persoonia pauciflora</i>. This constitutes a significant impact. The scientific data presented by BCS to support this conclusion was not disputed by Huntlee. The Biodiversity Exemption Certificate does not preclude Huntlee from considering additional avoidance and mitigation measures within the Huntlee Stage 2 design. Huntlee has decided to not propose avoidance of any <i>Persoonia pauciflora</i> recorded within the Stage 2 footprint. CPHR has been unable to verify through legal advice if, as per the Stage 2 SEARs, a conclusion of likely significant impact would require the preparation of a SIS for this SSD. Notwithstanding, there is an expectation that a large-scale SSD would be informed by a detailed biodiversity assessment, equivalent to that required for an SIS. This is not the case for the AEIR.
Recommend	CPHR encourages greater consideration of avoidance of <i>Persoonia pauciflora</i> and suitable habitat. DPHI acknowledge that through undertaking a transparent and objective 7-part test of significance, BCS concluded that the detailed design of the Stage 2 proposal results in a significant impact to local populations of <i>Persoonia pauciflora</i>. The scientific data presented by BCS to support this conclusion was not disputed by Huntlee. DPHI determine next steps in the assessment proposal based on this advice (i.e. whether or not a Species Impact Statement or other additional assessment) to inform a decision. As a minimum, the standard of biodiversity assessment should be improved in the AEIR to include 7-part tests of significance that identify and address specific avoidance considerations, direct impacts, indirect impacts and mitigation measures for the Stage 2 proposal.
Recommended Conditions of Approval	

CPHR Issue 3	<i>Persoonia pauciflora</i> may be placed at risk of extinction due to indirect impacts associated with high volumes of displaced Kangaroos.
	Huntlee's Response to BCS did not specifically address this issue. It instead referred to statements made in Issue 2 (i.e. '<i>impacts to the Persoonia pauciflora caused by the Stage 2 DA do not increase those impacts already contemplated in the EAR as part of the Stage 1 Project Approval</i>'). CPHR response: Contrary to contemplating all impacts, Section 6 (Mitigation Measures) of the EAR states: <i>Future phases of more detailed development assessment and design will need to provide further details in regards to the finer points of design and in situ habitat retention and management relating to direct and indirect impacts within the development and conservation lands.</i> It is clear from the above statement taken directly from the EAR that there is a 'need' to further consider direct and indirect impacts of Stage 2 and that the EAR

	did not and could not contemplate all impacts and associated mitigation measures. Based on best available information, there are now more living wild <i>Persoonia pauciflora</i> plants within the Stage 2 proposed footprint than there are within all Huntlee offset areas. This issue is also affecting translocation efforts with all remaining translocated plants forced to be maintained in fenced enclosures. The NSW Saving our Species Program does not have the guaranteed resources to address this issue for the life of the Huntlee development. CPHR has recommended reasonable consent conditions below that seek to prevent additional plant losses anticipated by Stage 2 and reverse the existing losses caused by Stage 1 within the Huntlee conservation and avoidance areas. Without some form of intervention, this indirect impact has potential to substantially contribute to <i>Persoonia pauciflora</i> becoming extinct in the wild.
Recommend	In the event of an approval for Huntlee Stage 2, the conditions of consent proposed in Attachment 2 are adopted in full.
Recommended Conditions of Approval	Huntlee prepare, implement and fund a 'Monitoring and Threat Mitigation Plan' (the Plan) that aims to protect and enhance <i>Persoonia pauciflora</i> within Huntlee Conservation and avoided areas for the life of Huntlee Stage 2 and for two years following. Detailed recommended Conditions of Approval are provided in Attachment 2. Note: Huntlee has existing EPBC Act Conditions of Consent and an associated <i>Persoonia pauciflora</i> population Management Plan (Condition 11) that require Huntlee to annually monitor and manage <i>Persoonia pauciflora</i> within the offset areas. As they appear to not be aware of the decline, it is reasonable to conclude that Huntlee's implementation of this consent condition has been inadequate. Given this, we recommend that the NSW <i>Persoonia pauciflora</i> Accountable Officer have necessary conditioned oversight of the Plan implementation (see proposed wording in Attachment 2).

CPHR Issue 4	Results of targeted surveys for <i>Persoonia pauciflora</i> do not represent the total number of plants being impacted. The Huntlee Response to BCS did not specifically address this issue. It instead referred to statements made in Issue 2 (i.e. '<i>impacts to the Persoonia pauciflora caused by the Stage 2 DA do not increase those impacts already contemplated in the EAR as part of the Stage 1 Project Approval</i>'). CPHR response: As described in Issues 2 and 3 above, CPHR has concluded that through an objective undertaking of the 7-part test of significance for <i>Persoonia pauciflora</i> a significant impact to local populations is likely. CPHR identified that additional unrecorded plants are likely to occur within and be lost to the development. One such plant is already known. Huntlee did not dispute this.
Recommend	CPHR encourages greater consideration of avoidance of <i>Persoonia pauciflora</i> and suitable habitat. DPHI acknowledge that through undertaking a transparent and objective 7-part test of significance, BCS concluded that the detailed design of the Stage 2 proposal results in a significant impact to local populations of <i>Persoonia</i>

	<i>pauciflora</i>. The scientific data presented by BCS to support this conclusion was not disputed by Huntlee. DPHI determine next steps in the assessment proposal based on this advice (i.e. whether or not a Species Impact Statement or other additional assessment) to inform a decision. As a minimum, the standard of biodiversity assessment should be improved in the AEIR to include 7-part tests of significance that identity and address specific avoidance considerations, direct impacts, indirect impacts and mitigation measures for the Stage 2 proposal. In the event of an approval for Huntlee Stage 2, the conditions of consent proposed in Attachment 2 are adopted in full.
Recommended Conditions of Approval	For any plants and habitat lost, pre-clearance surveys, salvage and translocation is implemented by Huntlee. Specific recommended wording is provided in Attachment 2. CPHR has attempted to approach this issue in a manner that will minimise delays in housing delivery.

CPHR Issue 5	The names and qualifications of staff is not specified. The Huntlee Response to BCS includes a list of staff and qualifications that are or were employed by MJD Environmental. As described in the BCS Submission, the issue related to 'experience' of the staff to identify the target species. This is no clearer based on the additional information provided. The 2010 EAR included a curriculum vitae for each key staff member. The same to be provided in the AEIR or Huntlee Response to BCS was a reasonable expectation for an SSD that was not met.
Recommend	DPHI acknowledge that no information has been provided that confirms the ability of the threatened species surveyors to effectively search for the targeted threatened flora. For any additional surveys to be undertaken to inform the Stage 2 proposal, the credentials of the surveyors are confirmed prior to surveys occurring.
Recommended Conditions of Approval	For future surveys ahead of salvage and translocation of threatened flora, an appropriately experienced ecologist is engaged. Specific recommended wording for this has been provided in Attachment 2.

CPHR Issue 6	The potential outcomes of translocation efforts are not a factor when assessing the impacts of the proposal. The Huntlee Response to BCS argues that '<i>the impacts on threatened species caused by clearing for the Stage 2 Development have been clearly and appropriately offset by virtue of the Stage 1 Project Approval and the Biodiversity Exemption Certificate, with the associated offset and conservation measures adopted at that that time</i>'. CPHR response: The Huntlee Response to BCS has misunderstood the issue that was raised. The AEIR makes specific reference to translocation efforts within part-a of the 7-part test for <i>Persoonia pauciflora</i>. Immediately following reference to translocation, the section concludes with '<i>the species is unlikely to be adversely affected by the proposed action such that the local population is</i>
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	<i>placed at increased risk of extinction</i>'. Translocation is a high-risk action. It is not acceptable to reference translocation in the 7-part test of significance when determining the significance of an impact that is then informing decision makers. Notwithstanding the above, given the proposal is likely to have a significant impact on threatened flora, CPHR supports the additional measure of salvage and translocation of unavoidable plants. However, the NSW Saving our Species Program does not have the guaranteed resources to undertake this action for the life of the Huntlee development.
Recommend	DPHI encourages Huntlee to investigate additional avoidance options of all identified threatened flora within Huntlee Stage 2. For unavoidable direct and indirect impacts, DPHI adopt in full the recommended conditions of approval provided in Attachment 2 for salvage and translocation of <i>Persoonia pauciflora</i>, <i>Cymbidium canaliculatum</i>, <i>Pterostylis chaetophora</i> and <i>Diuris tricolor</i>.
Recommended Conditions of Approval	See recommended conditions of approval under Issues 4 and 5.

CPHR Issue 7	Impacts to <i>Pterostylis chaetophora</i> have not been fully considered and are unlikely to represent the total number of plants being impacted.
	Huntlee's position is that the impacts on threatened species caused by clearing for the Stage 2 Development are necessarily deemed to have been appropriately offset and there is limited utility in requiring Huntlee to undertake further surveys. CPHR response: Section 6 of the EAR (Mitigation Measures) anticipates that additional avoidance and mitigation measures would be contemplated during '<i>future phases of more detailed development assessment and design</i>' (e.g. the detailed design of Stage 2). Comprehensively understanding the avoidance, mitigation and residual impact outcomes of <i>Pterostylis chaetophora</i> is a requirement of the EAR and SEARs.
Recommend	CPHR recommend greater consideration of avoidance of <i>Pterostylis chaetophora</i>. DPHI acknowledge that through undertaking a transparent and objective 7-part test of significance, CPHR concluded that the detailed design of the Stage 2 proposal results in a significant impact to local populations of <i>Pterostylis chaetophora</i>. DPHI determine next steps in the assessment proposal based on this advice (i.e. whether or not a Species Impact Statement or other additional assessment) to inform a decision. As a minimum, the standard of biodiversity assessment should be improved in the AEIR to include 7-part tests of significance that identify and address specific avoidance considerations, direct impacts, indirect impacts and mitigation measures for the Stage 2 proposal. In the event of an approval for Huntlee Stage 2, the conditions of consent proposed in Attachment 2 are adopted in full.

Recommended Conditions of Approval	For any plants and habitat lost, pre-clearance surveys, salvage and translocation is implemented by Huntlee. Specific recommended wording is provided in Attachment 2. CPHR has attempted to approach this issue in a manner that will minimise delays in housing delivery.
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CPHR Issue 8	The action proposed is likely to have an adverse effect on the life cycle of <i>Pterostylis chaetophora</i> such that viable local populations are likely to be placed at risk of extinction.
	The logic described under Issue 2 for <i>Persoonia pauciflora</i> is also applicable to <i>Pterostylis chaetophora</i> .
Recommend	See recommendations under Condition 7.
Recommended Conditions of Approval	See recommendations under Condition 7.

CPHR Issue 9	The current proposal exceeds the clearing of Central Hunter Riparian Forest Endangered Ecological Community (EEC) beyond that approved by the Major Project Approval.
	The BCS Submission referenced Table 5-3 which indicated that clearing of Central Hunter Riparian Forest (CHRF) would be limited to 27ha. Table 5-3 is entitled '<i>Impacts on Vegetation Communities</i>' and would have been relied upon when determining the adequacy of impacts for the Major Project Approval. The AEIR proposed a cumulative loss of 52.21ha of CHRF. Therefore, BCS concluded that Huntlee proposed to exceed the approved clearing threshold of 27ha. The Huntlee response to BCS states that the 27ha clearing threshold '<i>was expressed as merely an indication of Huntlee's understanding in 2010 of the quantum of CHRF to be impacted</i>'. The Huntlee response to BCS also repeats numerous times that the Stage 1 Project Approval allowed for the clearing of the '<i>entire Huntlee New Town Site</i>'. CPHR response: CPHR maintain the position that Table 5-3 of the EAR was relied upon when determining the adequacy of avoidance outcomes and residual impacts of the Major Project Approval. The Stage 1 Project Approval was granted on the basis of the information provided in the EAR, which included clear outcomes of clearing of approximately 27ha of CHRF and no clearing of Wollombi Redgum - River Oak Woodland. Reference to the '<i>Huntlee New Town Site Land Application Map</i>' within the Biodiversity Exemption Certificate simply identifies the bounds within which the Biodiversity Exemption Certificate applies. Within those bounds, the amount of approved clearing is that which was identified as '<i>residual impact of the proposed development</i>'. Those residual impacts for Threatened Ecological Communities are very clearly described in Table 5-3 of the EAR. The response to BCS also states that '<i>Huntlee believes that opportunity exists to rehabilitate existing retained areas of CHRF on the floodplain west of Stage 2</i>'. CPHR notes that this is an existing commitment stated in the EAR (page 66). It

	is not a new initiative that would serve to balance losses of CHRF beyond the approved 27 hectares.
Recommend	Huntlee is informed that any areas proposed to be cleared in excess of 27 hectares of Central Hunter Riparian Forest or any amount of clearing of Wollombi Redgum - River Oak Woodland will require a separate application under the Biodiversity Conservation Act 2016. Impacts should include unavoidable indirect impacts, which Huntlee has to date failed to address (see Issue 10 below).
Recommended Conditions of Approval	A Management Plan is prepared that supports the revegetation of Central Hunter Riparian Forest within the areas labelled as 'CHRF Regen' on Figure 9 of the Huntlee Response to BCS letter. See also Recommended Conditions of Approval under Issue 11.

CPHR Issue 10	Indirect impacts have not been adequately considered against avoidance and mitigation.
	The Huntlee response to BCS states: <i>Chapter 6 of the EAR provides mitigation measures that were endorsed by the Minister in determining the Stage 1 Project Approval and then validated in approving the Biodiversity Exemption Certificate.</i> CPHR response: The opening paragraph of Chapter 6 of the EAR (Mitigation Measures) states: <i>Future phases of more detailed development assessment and design will need to provide further details in regards to the finer points of design and in situ habitat retention and management relating to direct and indirect impacts within the development and conservation lands.</i> It is very clear that the EAR intended for further consideration of mitigation measures with respect to detailed designs and the resulting indirect impacts. There is also an apparent flaw in Huntlee's logic. The Huntlee response to BCS argues that the EAR provided '<i>merely an indication</i>' of direct impacts (see Issue 9). However, adamant that all indirect impacts were so accurately identified and mitigated by the EAR that no further investigation is warranted. This is despite BCS describing likely indirect impacts in the BCS Submission that were not identified in the EAR. An objective reanalysis of indirect impacts and appropriate mitigation measures is entirely logical at this stage of the planning process as described in the EAR and as expected for a large-scale SSD. The proposed increase in direct impacts (see Issue 9) would logically require a reassessment of threats to ecological communities and threatened species from isolation, fragmentation and indirect impacts. BCS identified the indirect impacts of edge effects and the heat island effect as being particularly relevant to very small and fragmented areas of avoided vegetation. An assessment as to whether these small areas are truly protected from degradation such that they can continue as functional ecosystems requires assessment on a case-by-case basis. The Stage 1 assessment could not and did not provide this. As Huntlee has not revisited indirect impacts and mitigation measures for Stage 2, they have not adhered to the approved mitigation measures detailed in the EAR, the SEARs or to the minimum standard expected for a large scale SSD.

	The requirement to review and update the mitigation measures is necessary and logical.
Recommend	The quantum of unavoidable indirect impacts should be calculated to identify the entire extent of biodiversity loss resulting from the Huntlee Stage 2 proposal. If Huntlee's existing ecologists are unqualified to identify and assess relevant indirect impacts, mitigation measures and unavoidable indirect impacts, Huntlee should seek independent expert advice to assist in addressing this issue. For areas identified as truly avoided, DPHI should adopt in full the recommended conditions of approval in Attachment 2.
Recommended Conditions of Approval	See Recommended Conditions of Approval under Issue 11.

CPHR Issue 11	Areas proposed to be occupied by park amenities are incorrectly treated as 'retained vegetation' in ecological impact assessments.
	CPHR remains concerned that there are inconsistencies between the various detailed designs and all areas proposed to be avoided from direct and indirect impacts. For example, the turf oval of Black Creek Park overlaps with approximately one hectare of Wollombi Redgum - River Oak Woodland, despite the AEIR claiming the impact would be 0.07 hectares. Whilst this issue was originally focused on CHRF, it is expected that all proposed avoidance areas are identified and protected from harm. Any areas that are not identified as avoided should be considered impacted and assessed as such. CPHR is concerned that without clear and transparent conditions of consent, the biodiversity values that are proposed to be avoided will be degraded through conflicting land uses, such as those identified in the Huntlee Landscape Plan.
Recommend	Any plans that are intended to be included in the package of approved documents are updated to ensure all avoidance areas are clearly identified and there is no design conflict. As a further measure to protect avoided biodiversity values, CPHR recommend the below consent conditions are adopted.
Recommended Conditions of Approval	A consent condition stating that the quantum of approved impacts, including direct and unmitigated indirect impacts, are those described in Table 5-3 of the EAR. All other areas are to be protected as avoided areas. Huntlee is to provide a map and GIS layer file showing all areas subject to direct impacts, indirect impacts and hard avoidance outcomes per vegetation community that comply with Table 5-3. A consent condition clarifying that identified avoidance areas are to be protected from all native vegetation removal and modification, unless it is part of biodiversity enhancement activities. All avoided areas are to be marked in the field by a surveyor and fenced to be protected from harm. A monitoring program is to be implemented by Huntlee and undertaken by an independent ecologist to ensure the avoided areas remain viable for the life of Huntlee Stage 2. In the event that any avoided areas become degraded and it is evident that it will not persist long-term as a functional ecosystem, Huntlee should offset the loss of these areas under the BC Act. If Huntlee is confident

	that all indirect impacts will be appropriately mitigated, this condition should not concern them. All mitigation measures identified in any approved documents are to be adhered to for the life of the Huntlee Stage 2 and supported through appropriate management plans.
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CPHR Issue 12	Lot 14 DP1137569 is understood to have not been secured in perpetuity.
	Note this is a new issue not previously identified. Lot 14 DP1137569 represents approximately 163 hectares of the offsets package detailed in the EAR. It was not transferred to National Park. CPHR is aware of significant management issues with this lot, including weed infestation, firewood collection and earthworks associated with motorbike use. Given this, CPHR has assumed that Huntlee has not made arrangements to protect the biodiversity values of this site. If correct, Huntlee can arguably not claim that the project has been offset in full. Lot 14 bounds a significant <i>Persoonia pauciflora</i> population, contains a population of <i>Pterostylis chaetophora</i> and a large section of Black Creek. The only appropriate mechanism to adequately offset this site and provide in-perpetuity management outcomes is through the establishment of a Biodiversity Stewardship Site under the Biodiversity Conservation Act 2016.
Recommend	Huntlee secure Lot 14 DP1137569 under a Biodiversity Stewardship Agreement.
Recommended Conditions of Approval	Lot 14 DP1137569 is secured in perpetuity under a fully funded Biodiversity Stewardship Agreement.

CPHR Issue 13	Additional flood emergency response considerations require assessment. Note this is an old issue that has not been addressed. Flood risk management guideline EM01 Support for emergency management planning outlines flood emergency response considerations for greenfield developments. The guideline highlights the importance of safety and self-sufficiency of occupants, and the need for occupants to be able to self-evacuate by car with sufficient warning to a location of safety and available services. An extensive portion of the proposed residential area adjacent to Black Creek will be inundated during a probable maximum flood (PMF) event and residents will need to evacuate. Evacuation of a number of these lots will also be required for flood events between the 1% Annual Exceedance Probability (AEP) and PMF event, such as the 0.5% AEP (200-year) and 0.2% AEP (500-year) flood events. The FIRA has indicated that the flood condition resulting in the maximum flood levels for this portion of the site is driven by flooding on the Hunter River flood. The flood warning time analysis included in Section 15.3.5 of the EIS has been extracted from the Singleton Floodplain Risk Management Study and Plan (BMT, 2024) and references Bureau of Meteorology (BOM) flood classifications (minor, moderate and major) and warning times for the Hunter River at Singleton. These flood conditions and warnings are relevant to the Huntlee Stage 2 site when it is subject to inundation from the Hunter River. Extreme flooding on Black Creek in isolation to Hunter River floods has not been assessed or presented in the FIRA. There is no formal Bureau of Meteorology warning system on Black Creek. While the streamflow gauge located on Black Creek at Rothbury does provide observed water levels, flood classifications are not currently available, and forecasts of future water level are not produced. Flooding during an extreme Black Creek flood (not coincident with a Hunter River flood) needs to be understood to inform flood emergence response for the site. Additionally, stormwater infrastructure within the development area had been designed to cater for 1% AEP local catchment flood conditions. Flood flows are initiated across lots and roadways during extreme local catchment flood events. Flood emergency management considerations for lots affected by extreme local catchment flood events needs to be assessed. If flood affected residents are unable to evacuate, the development proposal may need to be modified to allow for self-evacuation.
Recommendation	Rising road egress is required to permit self-evacuation of all lots to a place of safety for all flood events up to and including the PMF event, for regional and local flood events. Assessment of Black Creek flood events coincident with lower Hunter River flood conditions should be assessed to inform emergency management requirements for the site.
Recommended Conditions of Approval	TBA

CPHR Issue 14	Cessnock Local Environment Plan (LEP) 2011 has adopted optional clause 5.22 Special flood considerations
	Note this is an old issue that has not been addressed. Assessment of the proposal against the relevant clauses of the Cessnock LEP 2011 is provided in Table 18 of the EIS. Clause 5.22 Special flood considerations is an optional clause and has been adopted by Cessnock Council. Relevant to this proposal, the special flood considerations clause applies to development on land that the consent authority considers that, in a flood, may pose a particular risk to life and where people may need to evacuate, or where there are other safety concerns. Singleton Council has not adopted clause 5.22, however it is noted that the Singleton Floodplain Risk Management Study and Plan (BMT, 2024) recommended Singleton Council consider adopting clause 5.22. The study highlighted that inclusion of the special flood consideration clause would assist in protecting the capacity of regional evacuation routes during extreme flood events and would support vehicular connectivity of development to regional evacuation routes
Recommendation	Assessment of the proposal against LEP clause 5.22 is required
Recommended Conditions of Approval	TBA

CPHR Issue 15	The sensitivity of structure blockage factors should be assessed for developed case flood conditions.
	Note this is an old issue that has not been addressed. Structure blockage factors, determined in accordance with Australian Rainfall and Runoff Guidelines 2019, have been adopted for modelling of design flood conditions for the developed case. Consideration of higher blockage factors should be undertaken as a sensitivity assessment for the range of design events, to ensure freeboard at road crossings is appropriate. Additionally, higher blockage factors at key drainage infrastructure may increase flows across lots and roadways during larger local catchment flood events (1% AEP or rarer). The impact on flood emergency management, including extent of possible inundation, warning time and road trafficability needs to be understood. In addition to increase in peak flood levels along existing flow paths, Figure 91 of the EIS must also indicate the increased inundation extent due to blockage. Impact maps should be updated to include “was dry, now wet” extents to determine if flood impacts are expected to extend to lots or roadways.
Recommendation	Blockage of drainage structures should be considered as a sensitivity for developed case flood conditions, including the impact on flood emergency management. Flood impact maps should be updated to include “was dry, now wet” extents.
Recommended Conditions of Approval	TBA

CPHR Issue 16	Flood risk to the Old North Road large lot residential area has not been assessed
	Note this is an old issue that has not been addressed. The Old North Road development site has largely been excluded from the flood assessment contained within the EIS and FIRA. Flood behaviour at the Old North site is defined in Cessnock Council's adopted Black Creek Flood Study Stage 2 (Nulkaba to Branxton) (WMAwater, 2015).
Recommendation	The flood assessment in the EIS and FIRA should be updated to include a description of flood behaviour and assessment of flood risk at the Old North Road development site for a range of design flood events, up to the Probable Maximum Flood (PMF).
Recommended Conditions of Approval	TBA

CPHR Issue 17	Required land application area for on-site wastewater management may not be achievable for all lots within the Old North Road large lot development area.
	Note this is an old issue that has not been addressed. The available effluent management area within lots 2, 26 and 27 of the Old North Road large lot development is significantly constrained, predominantly due to requirement for buffer distance from intermittent waterways. The land application area for on-site wastewater management within these lots as presented in Appendix F of the PIR (Figure 2) may not be achievable once driveway access is also provided for each lot. Refinement of subdivision layout may be required if the required land application area cannot be achieved for each lot.
Recommendation	The site plan showing land application area for on-site wastewater management should be updated to remove an indicative driveway access for each property from available effluent management areas
Recommended Conditions of Approval	TBA

Attachment 2 – Recommended Conditions of Approval

- 1) Prior to commencement of construction of Stage 2, a 'Huntlee Monitoring and Threat Mitigation Plan' (the Plan) must be prepared.
 - a. Huntlee must make a formal request to NPWS to implement the conservation actions of the Plan within Tiraki Nature Reserve.
 - b. Actions to address the indirect impacts from excessive grazing upon *Persoonia pauciflora* from displaced Kangaroos within dedicated conservation and avoided areas must include:
 - i. Industry standard targeted searches for *Persoonia pauciflora* once every five years over Tiraki Nature Reserve, Lot 14 DP1137569 and avoided areas.
 - ii. Industry standard targeted searches once every year within 1 km of the Huntlee Development Footprint (Stages 1 and 2) over Tiraki Nature Reserve, Lot 14 DP1137569 and avoided areas.
 - iii. Kangaroo-proof fencing around all *Persoonia pauciflora* recorded within Tiraki Nature Reserve, Lot 14 DP1137569 and avoided areas. All fences are to be a minimum of two metres from the base of the plant wherever possible.
 - iv. Biannual plant health and fence condition monitoring of all *Persoonia pauciflora* within Tiraki Nature Reserve, Lot 14 DP1137569 and avoided areas (excluding any fenced translocated plants managed by the Saving our Species Program).
 - v. Measures to ensure all Kangaroo-proof fencing are maintained.
 - vi. Measures to manage weed and biomass levels within the fenced areas.
 - c. A clear strategy to report to the relevant NSW Government agency or program (e.g. NSW Saving our Species) any plant health issues and/or population declines that appear unrelated to the indirect impact of excessive Kangaroo grazing.
 - d. To implement the additional mitigation measure of salvage and translocation of impacted threatened flora, the Plan must include the following:
 - i. Undertake industry standard targeted surveys for *Persoonia pauciflora* and *Cymbidium canaliculatum* across the Huntlee approved impact areas once every three years. A final survey must be no longer than 24 months prior to the clearing of the searched area.
 - ii. Undertake industry standard targeted surveys for *Pterostylis chaetophora* and *Diuris tricolor* over at least two suitable (if possible) seasons across the Huntlee approved impact areas.
 - iii. Targeted surveys for *Pterostylis chaetophora* and *Diuris tricolor* should be timed in September or October to coincide with optimal flowering.
 - iv. Return to all recorded *Pterostylis chaetophora* over at least two winter periods to target plants at the leaf emergence stage.
 - v. All identified threatened flora must be protected from herbivory within 14 days of their discovery.
 - vi. Maintain *Persoonia pauciflora* plants within clearing areas in perpetuity or until such time as an appropriate amount of successfully propagated material is secure in a suitable ex-situ nursery.
 - vii. An 'appropriate amount' of propagated material is a minimum of ten clones through cuttings that have survived for twelve months following root strike.
 - viii. Small *Persoonia pauciflora* plants can be taken whole and held in an ex-situ facility for harvestings of cuttings if deemed suitable by a qualified horticulturalist. These plants are then to be grown until such time as cuttings can be collected from the ex-situ plant.

- ix. A minimum of ten *Persoonia pauciflora* propagules from each impacted plant are to be returned to the wild and maintained for the life of the Huntlee Stage 2 project and two years following. The details of the translocation will be determined through the application of an NSW Scientific Licence for translocation.
 - x. A minimum of three *Persoonia pauciflora* propagules per impacted plant are to be maintained in an ex-situ facility for the life of the Huntlee Stage 2 project.
 - xi. In the event that ongoing poor health or senescence occurs before a *Persoonia pauciflora* can be salvaged, an alternative wild plant will be included.
 - xii. *Cymbidium canaliculatum*, *Pterostylis chaetophora* and *Diuris tricolor* are to be salvaged and transferred to a suitable recipient site as determined through an approved NSW Scientific Licence for translocation.
- e. The Plan must describe the actions and measurable objectives that are anticipated.
 - f. The Plan must identify appropriate compensatory measures in the event that the plan is not adequately implemented.
 - g. The Plan must include a clear strategy to work and liaise directly with the relevant NSW Government agency or program (e.g. NSW Saving our Species) to achieve appropriate and timely population recovery outcomes.
 - h. The Plan must identify a suitably qualified ecologist to implement the Plan. Given the critical importance of the outcomes of this plan, the ecologist must provide demonstrated experience, including specific references in working collaboratively with Government agencies to achieve meaningful threatened species recovery outcomes.
 - i. The Plan must be approved by the NSW Government *Persoonia pauciflora* accountable officer prior to the commencement of the Stage 2 construction.
 - j. Any future proposed change to the Plan, including a change to the ecologist implementing the plan must be approved by the NSW Government *Persoonia pauciflora* accountable officer prior to the change(s) being implemented.
 - k. An annual report is to be provided to the NSW Government *Persoonia pauciflora* accountable officer for approval. The report must include quantitative results that specifically relate to Plan objectives.
 - l. The Plan is to be funded by Huntlee for the life of Huntlee Stage 2 and for two years following.
- 2) A Management Plan is prepared that supports the revegetation of Central Hunter Riparian Forest within the areas labelled as 'CHRF Regen' on Figure 9 of the Huntlee Response to BCS letter. The plan must include:
 - a. a restoration strategy;
 - b. a plan implementer;
 - c. a funding strategy; and
 - d. measures to ensure the revegetation area is adequately protected.
 - 3) The quantum of approved impacts, including direct and unmitigated indirect impacts are those described in Table 5-3 of the EAR.
 - 4) Huntlee is to provide a map and GIS layer file showing all areas subject to direct impacts, indirect impacts and hard avoidance outcomes per vegetation community that comply with Table 5-3.
 - 5) Identified avoidance areas are to be protected from all native vegetation removal and modification, unless it is part of biodiversity enhancement activities.
 - 6) A monitoring program is to be implemented by Huntlee and undertaken by an independent ecologist to ensure the avoided areas remain viable for the life of Huntlee Stage 2.

- 7) In the event that any avoided areas become degraded and it is evident that it will not persist long-term as a functional ecosystem, Huntlee must offset the loss of these areas under the BC Act.
- 8) All identified mitigation measures are to be adhered to for the life of Huntlee Stage 2 and supported through appropriate management plans.
- 9) Lot 14 DP1137569 is secured in perpetuity under a fully funded Biodiversity Stewardship Agreement.