

727 Old North Road
Rothbury NSW 2320

19 August 2024

Mr Chris Eldred
Senior Planning Officer
New South Wales Department of Planning, Housing and Infrastructure
Locked Bag 5022
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Ref: Huntlee New Town - Stage 2 (SSD-70748466)

Dear Mr Eldred

We are writing to **formally object** to the proposed development of the large lot residential area, located to the south of the Huntlee New Town Stage 2 site, on Old North Road, Rothbury NSW 2320 ("**ONR Proposed Development**"), that has been included the *Scoping Report, Request for Secretary's Environmental Assessment Requirements, Huntlee New Town Stage 2 Project ("**Stage 2 Scoping Report**")*, submitted by Huntlee Pty Limited, dated 13 May 2024.

Our 19.4 hectare farm is located at 727 Old North Road, Rothbury NSW 2320, and we are directly adversely affected, by the ONR Proposed Development as it surrounds our northern and eastern boundaries in their entirety.

Our property has been established for more than 20 years and contains a working sole variety vineyard of Sangiovese grapes, an olive grove containing five varieties of olives (Kalamata, Coratina, Frantoio, Leccino and Barnea), and orchard comprising 35 macadamia, fruit and citrus trees.

We wish to raise the following objections to the ONR Proposed Development:

1. No Merit

The ONR Proposed Development has no merit for inclusion in the Huntlee New Town ("**Huntlee**") State Significant Development ("**SSD**"), as it has no relationship:

- a) physically to the **Huntlee New Town Masterplan**, as set out in Figure 5 of the Stage 2 Scoping Report, as it is more than 5km from the Huntlee SSD Stage 2 proposed development site; nor
- b) to the '**Objectives of the Development**' as set out in section 1.4 of the Stage 2 Scoping Report; nor
- c) the '**Strategic Context**' of the Huntlee New Town SSD, as set out in Section 2 of the Stage 2 Scoping Report.

In addition, and as set out on page 14 of the Stage 2 Scoping Report, "*the land to the south of the Old North Road large lot subdivision area comprises small scale agricultural uses and includes some areas of intensive agriculture and vineyards. These land holdings often contain ancillary sheds, farm dams and fencing associated with predominately rural living.*" Accordingly, the ONR Proposed Development **has no relationship to nor any connection with**, the surrounding rural living properties.

It is our view that the ONR Proposed Development site should be added to the approx. 780 hectares of Conservation Area immediately to the north of the ONR Proposed Development site, that was mandated as part of the approval of Stage 1 of the Huntlee SSD, and consideration be given to providing additional sites in the proposed Village 2 area of the Huntlee SSD Stage 2 Project, as an offset for Huntlee Pty Limited, as this area specifically relates to the Objectives and Strategic Context of the Huntlee New Town SSD.

2. Significant Community Impacts

As seen in Figure 4 on page 13 of the Stage 2 Scoping Report, the ONR Proposed Development is immediately adjacent to two (2) long established properties containing vineyards, olive groves and orchards of more than 20 years standing, comprising our property to the west at 727 Old North Road, Rothbury and to the east, Thélème Wines at Black Creek Farm, 803 Old North Road, Rothbury.

Old North Road is part of the Food and Trail precinct defined by the *Around Hermitage Association* and supported by the local *Hunter Valley Wine and Tourism Association*. The inclusion of residential lots in this area is not compatible with the promotion of the Food and Trail precinct and the Wine and Tourism industry.

In addition, the ONR Proposed Development is not compatible with long established and existing agricultural operations along and surrounding Old North Road, Rothbury.

Existing vineyard, olive grove and orchard operations include:

- spraying of chemicals such as Copper and Sulphur;
- the use of tractors running in the early morning, during the day or in the evening, depending on weather conditions, with minimal pre-planning; and
- the use of Zon scare guns (between 7:00 am to 7:00pm) which are the most user-friendly propane cannon in the world, which are ideal for fruit and crop protection, hazards and nuisances, as well as predator and wildlife control, including birds, bats, foxes, rabbits and kangaroos.

If the ONR Proposed Development were to proceed, and to address and mitigate the above concerns, we request that the ONR Proposed Development be reviewed in regards to its Significant Community Impacts with the following proposed conditions to be imposed:

- a) the establishment of a mandatory safety and sanitary zone, with a distance of at least 100 metres required, between each large lot subdivision in the ONR Proposed Development that has a common boundary with the existing vineyards, olive groves and orchards located at 727 and 803 Old North Road, Rothbury respectively;
- b) no building other than fencing be allowed within 50 metres on each side of the ONR Proposed Development and the common boundaries of 727 and 803 Old North Road, Rothbury, as set out in the Deed of Covenant dated 18 July 2003;
- c) the formal understanding and agreement of the constraints each of the residential lots in the ONR Proposed Development will be facing by being close to existing and ongoing agricultural operations at 727 and 803 Old North Road, Rothbury; and
- d) prevention of any direct oversight of existing habitable areas at 727 and 803 Old North Road, Rothbury, as private open spaces must be protected from each large lot subdivision in the ONR Proposed Development, with the addition of hedge screening devices including landscaping, financed by the developer.

3. Adverse impact of existing fauna and flora

As evidenced from Stage 1 of the New Huntlee Town SSD, there has been a significant impact on existing fauna and flora, as hundreds of hectares of their habit have been wiped out by the widespread logging and clearing to accommodate this SSD.

This ongoing impact will be significantly enhanced with the approval of Stage 2 of the New Huntlee Town SSD. As noted above, the significant physical disconnect of the ONR Proposed Development from the broader Stage 2 Project of the New Huntlee Town SSD, further supports our view that the ONR Proposed Development should be added to the approx. 780 hectares of Conservation Area, immediately to the north of the ONR Proposed Development site, that was mandated as part of the approval of Stage 1 of the Huntlee SSD.

4. Inadequate Traffic and Infrastructure

The ONR Proposed Development documentation states that Old North Road will be sealed (page 5 of Doc J5- Indicative Old North Road Concept Area), but there is no mention of improving the Black Creek Causeway and nearby stone-based Floodway, to access Wine Country Drive from the ONR Proposed Development site.

The current state of the unsealed Old North Road dirt road (approx. 4.9km west from the intersection of Wine Country Road) and Black Creek Causeway and the nearby stone-based Floodway approx. 500 metres to the west of Black Creek, present several challenges and hazards to existing residents and motorists alike.

During periods of rain (not even heavy rain), the Black Creek Causeway becomes submerged, posing major risks to the safety of existing residents, commuters and visitors in the area. After periods of significant short-term rainfall (more than 20 mm), the Black Creek Causeway can flood between 4 - 6 metres), which has been a regular occurrence over the past 3 years.

In addition, the Black Creek Causeway has already become inadequate for the level of traffic passing along Old North Road, Rothbury and is not considered safe for any increased traffic generated by the ONR Proposed Development.

To address and mitigate the above concerns, we request that the ONR Proposed Development be reviewed in regards to the perceived Inadequate Traffic and Infrastructure implications, with the following proposed conditions to be imposed:

- a) a complete overhaul of the Black Creek Causeway infrastructure by way of the construction of a permanent bridge at such height to enable a safe access even in case of at least 20mm to 100mm rain;
- b) a permanent solution to be implemented for the nearby stone Floodway;
- c) the upgrade to and a widening of the intersection of Wine Country Drive and Old North Road, Rothbury; and
- d) the sealing of Old North Road in its entirety.

5. Impact on Storm Water management and Ground Water Pollution

In the Stage 2 Scoping Report, there is no mention of the impact of the ONR Proposed Development on the existing Rain/Storm Water to surrounding properties.

We are significantly concerned with the anticipated redirection of existing rain/storm water runoff to surrounding properties as a consequence of the ONR Proposed Development, as this will have a major impact on the existing rural, vineyard and olive grove operations on the properties downstream at 727 and 803 Old North Road, Rothbury, changing the rain/storm water runoff that are currently available to each property.

In addition, during the construction phase of the ONR Proposed Development, latent mining materials from prior coal mine operations could possibly be exposed, affecting rain/storm water run-off to surrounding properties, and as such, there will be a need to minimise ground water pollution that could impact all the agricultural production in this area, and specifically to the properties at 727 and 803 Old North Road, Rothbury.

To address and mitigate the above concerns, we request that the ONR Proposed Development be reviewed in regards to the anticipated redirection of existing rain/storm water runoff to surrounding properties, with the following proposed conditions to be imposed:

- a) the development of a detailed 'Ground Water Plan to eliminate:
 - i) any impact on the existing rain/storm water runoff currently available to surrounding properties; and
 - ii) ground water pollution during the construction phase.

6. Detrimental business impacts during the development phase

It is anticipated that the development works associated with the ONR Proposed Development will have a significant detrimental business impact on surrounding properties with the generation of a significant amount of dust, noise and large truck traffic, impacting the agricultural production (vines, grapes, olives, cattle), the wine sales and tasting business organised outdoors from Friday to Monday and the tourist accommodation and wedding venues established along Old North Road, and specifically at 727 and 803 Old North Road, Rothbury.

There is no mention in the Stage 2 Scoping Report of the impact of the ONR Proposed Development on the management of dust and heavy vehicles to mitigate these impacts, especially during weekends.

To address and mitigate the above concerns, we request that the ONR Proposed Development be reviewed in regards to the anticipated detrimental business impact on surrounding properties, with the following proposed conditions to be imposed:

- a) no construction works are to occur on Saturdays and Sundays and that no construction traffic associated with the ONR Proposed Development, will be travelling along Old North Road from Friday to Monday to ensure Hunter Visitors safety.

7. Hight risk of non-compliance with existing Conservation Area Regulations

The creation of new roads and dwellings as part of the ONR Proposed Development will undermine further, the control and management of accesses to the Conservation Area (as noted above) from unauthorised persons and vehicles.

This will increase the risk of continued and ongoing breaches of Huntlee Pty Limited's obligations to fully comply with the Conservation Area management requirements. This unauthorised access is observed already with the development of the Huntlee villages at the north of the Conservation Area and near North Rothbury.

Currently, none of the northern accesses to the Conservation Area are being efficiently controlled. As a result, a significant number of unauthorised motor bikes and 4x4 vehicles are entering and trespassing the Conservation Area.

Huntlee Pty Limited must comply with its designated Conservation Area compliance requirements at all times and that their compliance be enforced. The mandated Conservation Area must be preserved by implementing proper controls and management of unauthorised vehicles and persons at every access to the Conservation Area, with adequate gates, fencing and patrols.

We appreciate your attention to our objections stated herein and thank you for considering our recommendations to resolve the significant perceived issues linked with the ONR Proposed Development.

We look forward to your response.

Your sincerely,

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