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Re-Huntlee New Town Stage 1 – subdivision and work

Dear Sir,

I am making this submission to the Department in full knowledge that the Previous Minister has approved Huntlee as a State Significant Site under Part 3A, the results of the recent election has significantly changed the political landscape for planning in this State.

To recap as I understand it Part 3A will be abolished, it may or may not be replaced with another instrument; however in a recent interview on ABC radio the Premier indicated that he favoured a more inclusive planning system and stated his preference for this to reflect the values of the 1979 Planning Legislation. For your reference in the development phase of this Legislation, I was the Private Secretary to the then Minister for Planning & Environment, The Hon D. P. Landa MLC and worked closely with the then Minister's Special Advisor Mr John Whitehouse and the Planning Department's Director Mr Richard Smyth, who were the architects of this change.

It is in this context that we object to stage 1 of the Huntlee New Town on the grounds that whilst it was approved by the previous Minister there were flaws in the process which do not meet the Premier's now stated goals for Planning.

1. Specifically the process for the Original Part 3A approval did not have an acceptable consultation process.
2. The second Part 3A approval did not afford objectors a right of reply to the proponent's response and as such they were denied a complete consultation dialogue and opportunity to have these issues considered by the Department as part of this approval process
3. In our submission we raised many issues and at the end we received no response from the Department, just a general advice saying the Minister had approved the development under Part 3A.
4. Lack of Independent assessment of the proponents plan and assumptions
5. Lack of confidence that the Planning process has not been subjected to undue political interference

To be specific :

- In the first Part 3A assessment there was a lack of a serious consultation process. An example of this was that as an owner of a property immediately adjacent to this proposal we were not advised of the exhibition of the plan.
- Whilst the last exhibition process did allow us to object (our submission was dated 24th October, 2010) there was not a right of reply within the planning mechanism to the comments made by a representative of the proponent in response to our objections. There are many instances in the context of the public submissions where the response was either wrong, "glib" or attempted to avoid the issue.
- Unfortunately it does appear that there was excessive haste to have this second application approved, with the Ministerial approval occurring within two months from the exhibition closing. In lieu of the lack of consultation in the original exhibition of the Concept Plan and the fact that the Department had ensured that those affected did have the right to object, it would be reasonable to expect that in the "normal course" of events that it would have made sure that objector's did have the chance to respond to the proponents comments when made in contradiction. By doing so would have achieved a point of balance for the judgement of these issues. As this process was deemed to be a "fresh" application it would have appeared "normal" for this process to be more engaging "so as to not only be done correctly but seen to be done so". Having established the formal consultation process for the second application, it could be perceived that the short duration of this analysis reflected that the Department was under pressure to expedite this application and was unable to devote the time to fully consider the merits of the objections and therefore it is questionable whether this impaired the decision making process and denied objectors proper consultation.

The following are examples of the second point and whilst they specifically relate to the Old North Road Large Lot area which was the primary subject of our earlier objections and is a very minor part of this development, it is one which we are aware of the specific issues:

Flooding :

Issue: "the Old North Road site is unsuitable as it is situated on the west side of Black Creek which will deny safe all weather road access to Wine Country Drive during flood events "

Response : " the development area itself is above the 100 year ARI flood event.

The problem with this response is that this objection had nothing to do with the site being flooded it was about the problem of access to this site and more importantly the replacement of the existing causeway with an all year round bridge and who will pay for it.

Site Planning :

Issue : "The Old North Road Site is unsuitable as it is isolated from the rest of the development"

Response : " The Old North Road and Wine Country Drive Large Lot residential area is not part of the town of Huntlee and a different housing experience

Firstly this response begs the question why were these included in a Part 3A determination of a State Significant Site if they were not part of Huntlee. Secondly it could be argued this shows arrogance and a flagrant disregard for the consultative planning process and again fails to address the issue of isolation the objector has put forward. This is now particularly relevant as the maps used for this submission showed a property (not part of Huntlee) as open space and in previous submissions by the proponent had stated that this would be the site of a community centre and would in some way serve to link this development to Huntlee. Today that property is for sale. This issue was highlighted by Cessnock Council on page 16 Summary of submissions.

As previously indicated these are just 2 small examples that we are aware of the issues, however there are many other objections made by members of the community or organisations that did not receive a serious response from the proponent.

To give one example under

General objections/comments :

Issue : "The amount of development proposed will result in a negative impact on the wine tourism industry" *by introducing the visual scar of high density housing on an iconic local vineyard vista. (text in italics is the full quote from the objection of the Hunter Valley Wine Industry Association)*

Response : "Disagree. Huntlee currently does not occupy vineyard land nor is it considered to have a detrimental impact on the industry.

Again a failure to address this most important issue and again is verging on arrogance. Realistically we would have thought that the HVWIA which is the peak body for the local wine industry and has a successful track record in helping to create the aura that this region has justifiably achieved and that Huntlee is already using in their marketing, would have deserved a more intellectual and comprehensive response.

In addition to the responses from the proponent which show a lack of true consultation there are some responses which are inaccurate and further this practise of providing questionable information calls into question what other "facts" that have been provided should be open to further analysis.

An example of what I believe to be a another factual inaccuracy is "

General objections/comments :

Issue : "The Old North road site is unsuitable because it would create isolation with essentially urban outlooks and needs, increasing the likelihood of dysfunctional social, economic and infrastructure outcomes for those residents "

Response : " Disagree. The proposed large lot residential at Old North Road is considered to be appropriate. A number of Rural Small Holdings zones are located in the vicinity. Land to the immediate north of the ONR large lot areas is currently designated as a "Short Term Candidate Area Rural Residential " in Singleton LEP 1996.

This response is both inaccurate and misleading. Firstly the adjoining properties to the ONR site are in Cessnock, minimum 50 acres and Singleton 100 acres. There are two exceptions both in Cessnock one which is owned by the proponent being just less than 50 acres and the second being 16 acres which was identified above as being incorrectly marked as open space. The nearest small acreage minimum 1 acre lots is the Hanwood development which is on the eastern side of Black Creek and accesses directly Wine Country Drive and is much closer to the Branxton village. In respect of the second part of this response the land immediately north of this site is the proposed conservation area which had prior to the Huntlee determination, a zoning of 1A, under the Singleton LEP 1996 being a minimum 100 acres zoning. Furthermore in 2005 the Singleton Council decided not include the ONR site in the proposed Singleton Rural Residential Strategy 2005.

Whilst at face value the proponent is keen to project the appearance of close community consultation and openness there are significant issues. Even though we are directly affected as a "neighbour", with the exception of last Sunday 's Open day we have not been invited to any event related to this project.

At this event there was no detailed fiscal information provided to give specific credibility to support the numbers presented for employment and infra structure. At the best it was an explanation of the Stage 1 plan. However what did concern me was the bias in their Huntlee paper "Update " in the section headed Myths, Busted. There were a number of points that could be argue had a bias as opposed to being consultative.

To provide two examples:

Fiction : Huntlee was ranked 93rd out of 94 sites considered for the Lower Hunter Regional Strategy in 2006

Fact: This position was never accepted by Government. Huntlee is recognised as a State Significant Site

Whilst this is probably factual it glosses over the issue of political intervention into the planning process for this proposal. The true position was that the Planning professionals, at a point in time, rated this site very close to the bottom of those proposed for potential development in the LHRS.

Fiction : Ayrefield Colloery may self-combust.

Fact : Ayrefield Colliery has never shown any signs of self-combustion. Huntlee has drilled 8 bores Into the site to monitor heat and gasses and DECCW is satisfied the recordings fall within acceptable environmental standards

Again whilst this may be true, there is no mention that there was actually a coal seam fire in a rubbish dump

located behind the North Rothbury monument on the western side of Wine Country Drive which has only recently been extinguished after burning for many months.

From our study of the various applications made over the years in respect of this development there are four major question marks in relation to this proposal, which effectively places a 25 year moratorium around the southern precincts of Braxton and threatens the existing rural aspect of its environs.

The first is the **economic viability of this project** to fund the proposed development over its projected life, when existing new land and residential sales in the Maitland Rutherford area are significantly less than those forecast for this project. As stated in the Objection of Mr Richard Smyth of Smyth Planning "This project should not proceed until a financial feasibility study is produced and the result is independently reviewed". Furthermore I feel his comment that "the overall Huntlee proposal is based upon a study that contains a lot of good statements but no hard facts" sums up our reticence to support this project.

The second relates to **infrastructure** and what amounts to **trust** of the Developer to meet the goals and stated objective for this development. The concern is that whilst there is a considerable volume of work to support this proposal, built up over a number of submissions, the reality is that there are many unanswered questions particularly relating to infrastructure and responsibility for its implementation. The simple fact is that the community is being, in effect, asked to trust the developer yet my limited involvement raises many issues that cause doubt and this is compounded through the lack of real consultation and the history of this project. An example of our concern regarding the responsibility for infrastructure is the proponent's response to the issue raised by Cessnock Council in their submission:

Issue : The study did not provide comment on the need to upgrade the Local Road Network. Old North Road and Rothbury Street will require significant upgrades as a result of this development.

Comment : These streets do not form part of Huntlee. If upgrading is required it is the responsibility of Cessnock Council.

This response goes to heart of the financial issue for infrastructure. Rothbury Street is a key access road for Stage 1 and Old North Road (plus a bridge) is essential for access to the isolated ONR site. It highlights the gulf in understanding between the proponent and Cessnock Council in respect of an important access to Stage 1. To be cynical where will the Public Purse's subsidy of this proposal stop? Already there has been a benefit to "Huntlee" through access to the proposed Hunter Freeway extension, a significant upgrade of the Braxton Sewerage works and the construction of a new electricity sub-station at the corner of Wine Country Drive and Old North Road. Coincidentally this sub-station was not originally planned for this site but changed at around the same time as the Huntlee project was being developed.

The third is the **shadow of political interference** in the planning process that has expedited this development both in the first instance and the second Part 3A approval. It would be beneficial for public confidence in this project if the Department would disclose what triggered the review of this site that culminated it being elevated from near the bottom of the list to the top and was there any external lobbying outside the "normal" process for this development before it was presented to the then Minister. Furthermore why was the new application rushed through with excessive haste and gazetted in close proximity to the "premature" proroguing of the Parliament which limited further examination of this process.

The fourth is the omission of an important impact assessment of this project relating to **air quality**. From all the documentation of this 2nd proposal and going back to the first Concept Plan, neither the proponent or the Department has provided to the Public Domain a study on the existing air quality for the present Branxton Village and the impact on a new town with up to 30,000 residents. I would have thought the Department would have learnt the lesson from the mistakes of the Macarthur Development Board in failing to understand the potential risks arising from the sites of the Campbelltown Development and South Creek.

There are many similarities between the issue of the prevailing wind taking pollution from the Sydney basin and having it accumulate in area where it was trapped because of the topography, to the Huntlee situation where the prevailing winter westerly winds bring pollution from open cut mining activity in the upper Hunter along the Hunter River Basin. I would have thought there was enough existing data on the impact on Singleton's population of respiratory and other related illnesses for the Government Agencies to be aware of this issue. Does the new Government want to accept responsibility for this as a legacy from the preceding Government? One thing is to accept existing developments such as the mines another is to countenance a new development which runs the risk of exacerbating this problem.

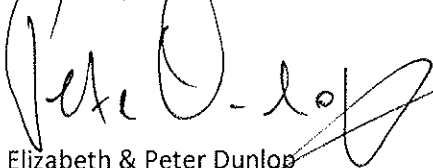
Whilst the political cycle has moved forward the Government has to address the issue of what to do with Part 3A and how it must handle those applications that have been approved by the last Government.

In summary what this submission has aimed to do is to provide a reality check on this development and challenge it so that the decision taken by a Government in its final desperate stage does not result in something that could or would:

1. Jeopardise the position of the Hunter Valley Wine Industry as both an internationally renowned wine producing region and desired tourist destination
2. Threaten the existing town structures in the lower Hunter
3. Create a monstrous white elephant if the modelling numbers do not eventuate and potentially "nuke" the Branxton village and environs
4. Importantly create a drain on public infrastructure funding, at the opportunity cost of other projects which the new Government may wish to implement.
5. Potentially risk creating a future environmentally derived health hazard for a new centre of population without a detailed study.

Finally we look forward to receiving the Department's response.

Yours respectfully



Elizabeth & Peter Dunlop

PS For the record we note that in Stage 1 Plan it was confirmed that the total number of large lot residential sites for both the Wine Country Drive and Old North Road sites would be 200. On the basis that the Wine Country Drive Large site has 120 sites this would allow for 80 sites for the ONR site.