

ASSESSMENT REPORT

Section 75W Modification Huntlee New Town - Stage 1 (MP10_0137 MOD 1)

1. BACKGROUND

This report is an assessment of a modification application to modify the Project Approval for Stage 1 of the Huntlee New Town development (MP10_0137). The request has been lodged by JBA Planning Consultants, on behalf of Huntlee Pty Ltd (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application (MOD 1) seeks to amend the subdivision plans to reflect the revised subdivision layout and refine the lot boundaries within the Stage 1 Entry Village.

1.1 Subject Site

The Huntlee site (see **Figure 2**) is located in the Cessnock and Singleton local government areas (LGA) and is approximately 1,702 hectares (ha) in area. The area subject to the modification application (Stage 1 Entry Village) is located entirely within Cessnock LGA and is approximately 355 ha.

Huntlee is located immediately to the south of the town of Branxton in the NSW Hunter Valley (see **Figure 1**). The major wine growing and tourism areas of Rothbury and Pokolbin are located directly to the south of Huntlee. Access to the site is provided via Wine Country Drive.

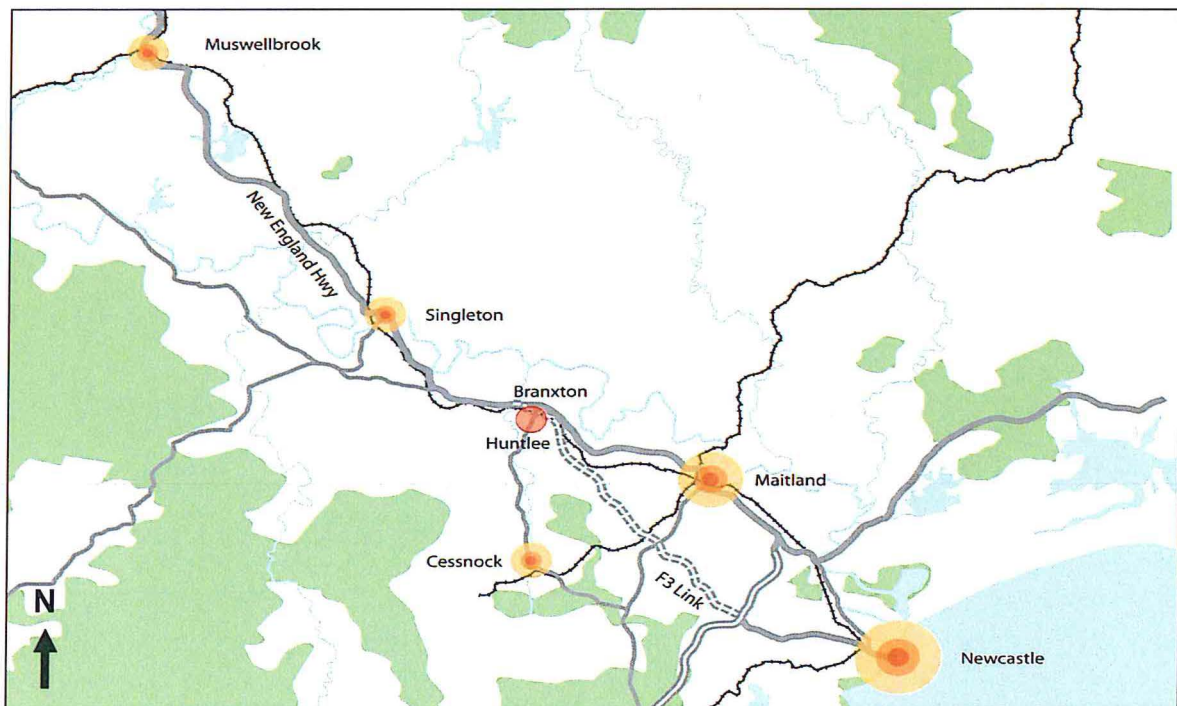


Figure 1: Regional Context of Huntlee New Town.

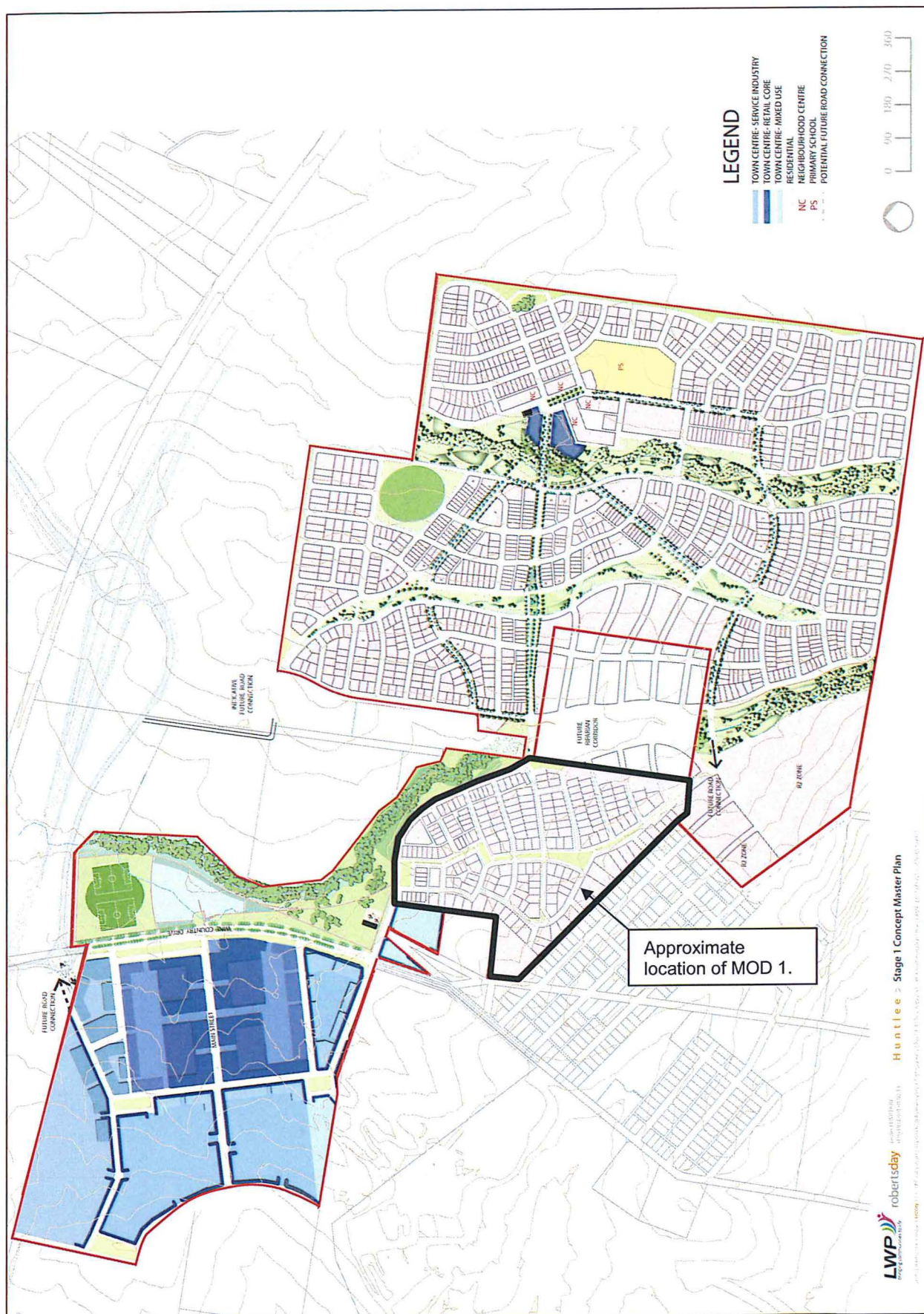


Figure 2: Huntlee New Town Area

1.2 Site History

On 24 April 2013, the Planning Assessment Commission granted Project Approval (MP10_0137) for Stage 1 of the Huntlee New Town project to permit:

- site preparation works;
- construction of internal and external road networks;
- subdivision to create 1,473 residential lots, 14 super lots and one allotment for a primary school; and
- drainage and open space reserves.

2. PROPOSED MODIFICATION AND JUSTIFICATION

On 30 September 2014, the Proponent submitted a section 75W modification application (MOD 1) seeking approval to amend the approved subdivision plans for the Stage 1 Entry Village. The revised subdivision plans include minor amendments to lot boundaries, lot areas, lot dimensions and lot orientations to accommodate road carriageways and a more consistent subdivision pattern. **Figure 3** shows the outline of the site applying to MOD 1 and the approved subdivision layout overlaid with the requested modified subdivision layout.

It is noted the revised subdivision plans do not result in any increase in density or the total number of residential allotments in Stage 1. The Proponent has advised that whilst the proposed modification is minor, it is necessary for the certification of the subdivision works.

The Department notes that on 15 December 2014, the Proponent requested that a new lot (Lot 213) be added to the MOD 1 application. Lot 213 is located north-east of the Wine Country Drive and Triton Boulevard (see **Figure 3**). The Department has advised the Proponent that new Lot 213 will not be added to the MOD 1 application on the basis that this Lot was not included in the drawings and information submitted to Council for comment.

The Proponent has also submitted an additional section 75W modification application (MOD 2), which seeks multiple changes to the Stage 1 Project Approval, comprising of:

- changes to the town centre super lot subdivision and layout;
- alterations to the Stage 1 site boundary;
- relocation of nine lots in Precinct 4 to expand the open space and car parking provision;
- the addition of a Bushfire Threat Assessment as an approval document;
- replace the term 'Ausgrid' with 'the relevant energy provider';
- amendments to Condition E7(i) to permit the construction of a temporary intersection on Wine Country Drive; and
- administrative changes to the Conditions of Approval to reflect the requested modifications.

MOD 2 is currently being assessed by the Department.

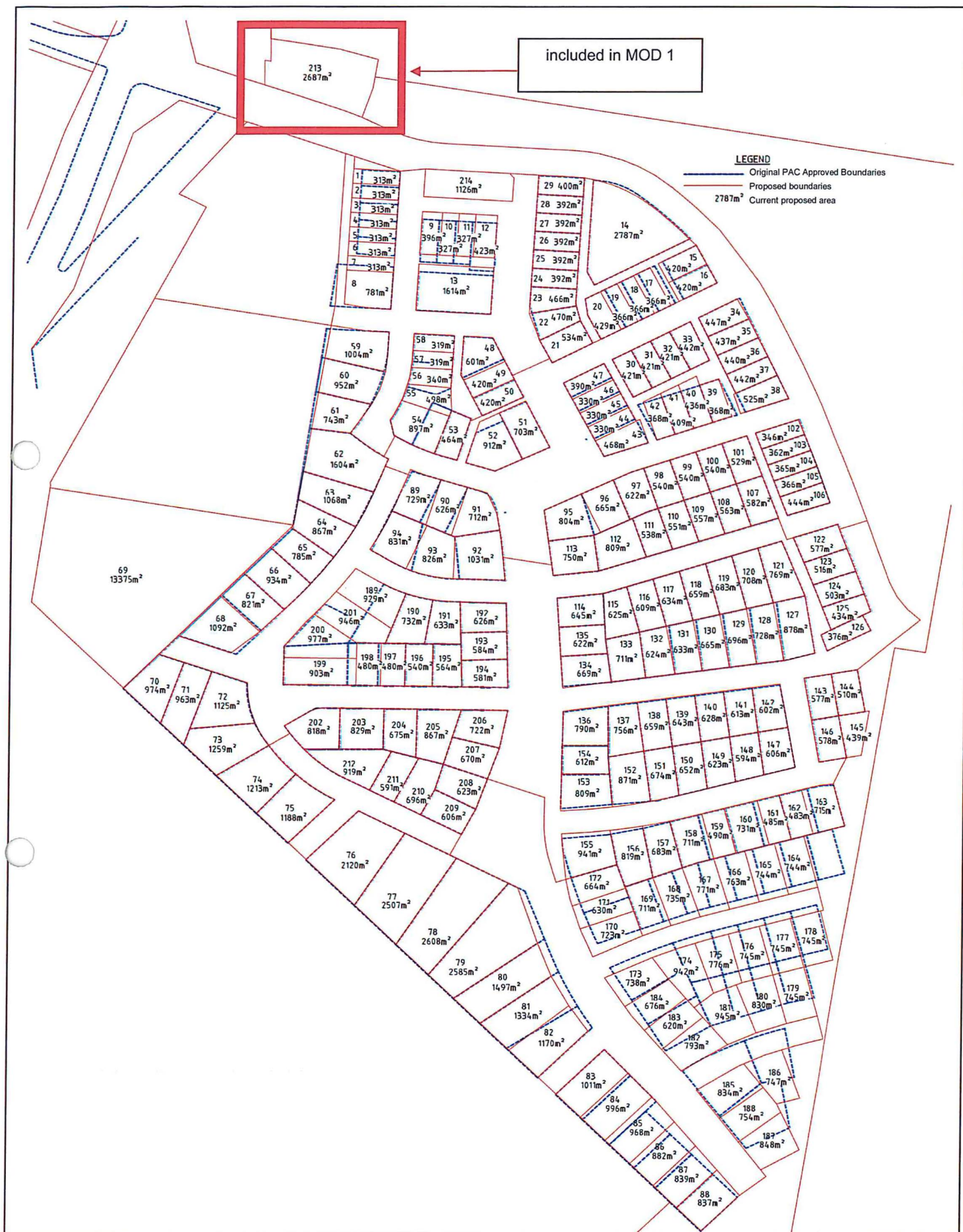


Figure 3: Site Area and Subdivision Overlay for MP10_0137 MOD 1

3. STATUTORY CONTEXT

3.1 Approval Authority

Project Approval (MP 10_0137) was granted under Part 3A of the EP&A Act. Under Clause 3 of Schedule 6A, Section 75W as in force immediately before its repeal on 1 October 2011, continues to apply to transitional Part 3A projects. Consequently, the Minister for Planning is the approval authority for the proposed modification.

The Minister for Planning delegated responsibility for the determination of section 75W modification applications to directors and managers who report to the Executive Director, Infrastructure and Industry Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The proposal complies with the terms of the delegation as Cessnock City Council (Council) did not object to the proposal, a political disclosure statement has not been made in relation to the application, and no public submissions were received in the nature of objections. Accordingly, the Manager, Industry Assessments may determine the application in accordance with the Minister's delegation.

3.2 Section 75W

The Department of Planning and Environment (the Department) is satisfied that the application can properly be characterised as a modification to the original Project Approval, and can therefore be assessed and determined under Section 75W of the EP&A Act.

In this respect, the Department notes that there is no change to the scope of the approved project, and there will be no additional environmental impacts as a result of the modification. Therefore, the application is within the scope of section 75W.

3.3 Consultation

The modification request was made publicly available on the Department's website on 31 October 2014. Given the minor nature of the modification request, the modification request was not exhibited by any other means.

The Department also invited submissions from Cessnock City Council (Council), the Rural Fire Service (RFS) and the Office of Environment and Heritage (OEH). The agencies did not object to the modification. However, Council advised that the road reserve widths should be consistent with the Huntlee Development Control Plan 2012.

No public submissions were received in relation to the modification application.

4. ASSESSMENT

In its assessment of the modification application, the Department has considered:

- the Environmental Assessment for the proposed modification (see **Appendix B**);
- all submissions received by the Department (see **Appendix C**);
- the Director-General's assessment report for the original Project Approval (MP10_0137); and
- the Huntlee Development Control Plan 2012 (the DCP).

The Department considers the key issues to be:

- compliance with the Project Approval; and
- the Huntlee Development Control Plan 2012.

These issues are discussed in Section 4.1 and 4.2 below.

4.1 Compliance with the Stage 1 Project Approval

The proposed subdivision plans are consistent with the Project Approval as no additional lots are proposed and the proposed lot layout is consistent with the approved design philosophy and will not result in any additional environmental impacts.

4.2 Huntlee Development Control Plan 2012

The revised subdivision plans for the Stage 1 Entry Village have been assessed against Section 4 - Subdivision Design of the Huntlee DCP. The proposed amendments are consistent with the subdivision controls, as the revised lot layout:

- provides lots which are consistent with the minimum 250 m² lot size for traditional lots and 800 m² minimum lot size for country lots;
- will not restrict the operation or provision of public transport;
- will not impact on open space which has been approved generally in accordance with the indicative plan in the DCP;
- will not restrict the provision of utilities and services;
- will not affect the street block length or areas of the public domain; and
- will not affect the street carriageway width or the street hierarchy.

Notwithstanding the above, the Department notes that 12 out of the 212 lots do not meet the minimum lot width of 12 metres. However, the Department considers the lots to be acceptable as they still meet the minimum lot size and will not result in any adverse streetscape impacts.

Furthermore, the revised subdivision plans continue to support the desired residential neighbourhood character set out in section 4.5 of the DCP, as the revised lot layout provides:

- lots within walking distance of open space and maximised pedestrian connectivity;
- a legible and permeable street hierarchy that responds to the site topography;
- street blocks generally less than 150 to 180 m in length;
- rectangular lot orientation with any irregular shaped lots large enough and orientated appropriately to accommodate DCP compliant dwellings; and
- lots in accordance with orientation principles and does not propose any battle axe lots.

Council has reviewed the revised subdivision plans and concluded that the minimum road width can be achieved. The Department notes that Condition E7 requires local roads to be designed to meet Council's standards. The Department is satisfied that the current conditions of approval will ensure that the approved road reserve widths of the DCP can be achieved.

Considering the above, the Department supports the revised subdivision plans for the Stage 1 Entry Village as the resulting lot layout remains generally consistent with the Project Approval and the Huntlee DCP.

5. CONCLUSION

The Department has assessed the modification application and has considered the submissions received from Cessnock City Council, the OEH and the RFS. The Department is satisfied that the revised subdivision plans remain generally consistent with the primary aims and objectives of the Project Approval and the Huntlee DCP. In the absence of any additional adverse impacts to the environmental impacts or residential amenity, approval of the modification is recommended for approval.

6. RECOMMENDATION

Under delegation of the Minister for Planning, it is RECOMMENDED that the Manager, Industry Assessments:

- **consider** the findings and recommendations in this report;
- **approve** MP10_0137 MOD 1 under section 75W of the EP&A Act; and
- **sign** the attached Instrument of Modification (**Appendix A**).

Endorsed by:



Kate MacDonald
Team Leader
Industry and Key Sites

20.01.15

Approved by:



Chris Ritchie
Manager
Industry Assessments

20/1/15

APPENDIX A: NOTICE OF MODIFICATION
