

ASSESSMENT REPORT

Section 75W Modification Huntlee New Town Stage 1 (MP10_0137 MOD 3)

1. BACKGROUND

This is an assessment of a request to modify the Huntlee New Town Stage 1 Project Approval (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 request seeks to amend the subdivision layout in sub-stages 1a and 2 to 5.

2. SUBJECT SITE

Huntlee New Town is located in the Cessnock and Singleton Local Government Areas (LGA) in the Hunter Region of New South Wales. The town is located immediately to the south of Branxton, approximately 18 kilometres (km) north of Cessnock and 23 km south east of Singleton (**Figure 1**).

The subject site is known as Stage 1, is located entirely within Cessnock LGA and is approximately 355 ha in area. The area subject to the modification request is zoned B4 mixed use and R1 General Residential under *State Environmental Planning Policy (Major Development) 2005*.

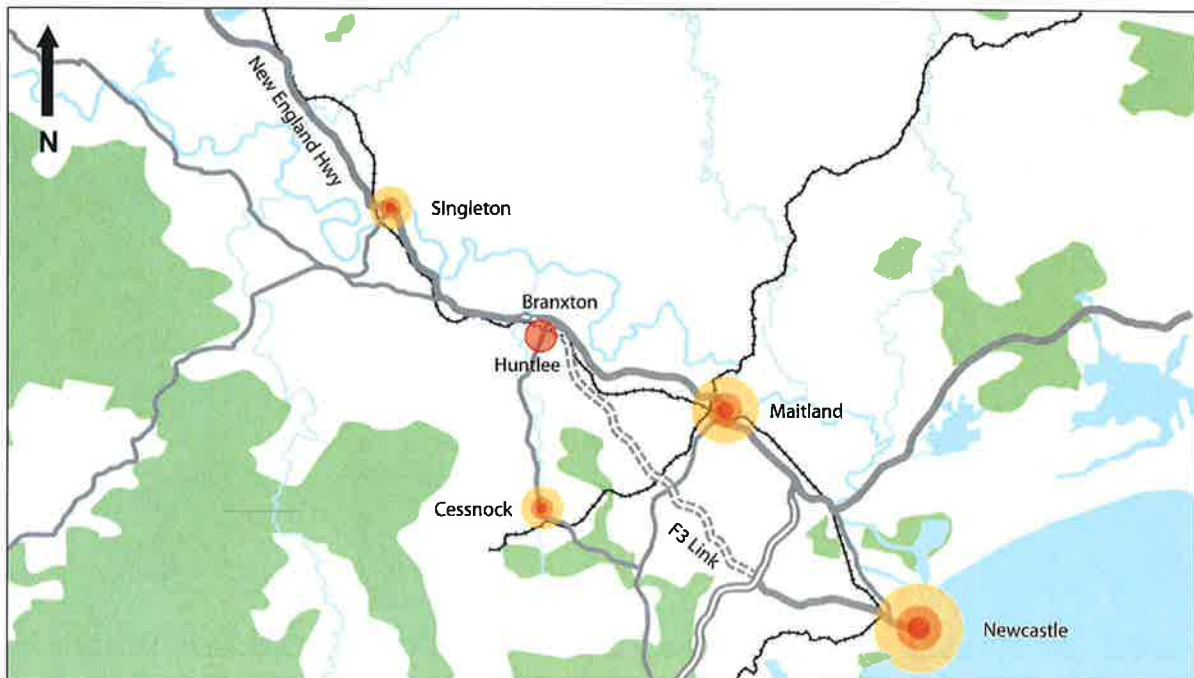


Figure 1: Regional Context of Huntlee New Town

3. SITE HISTORY

Huntlee was rezoned in December 2010 for residential, town centre, employment and conservation uses over approximately 1,700 hectares. The rezoning decision was challenged in the Land and Environment Court but ultimately upheld by the Court of Appeal in December 2011.

On 24 April 2013, the Planning Assessment Commission (The 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 allotments, 14 super lots, and one primary school allotment; and
- drainage and opens space reserves (**Figure 2**).

The Project Approval has been modified on two previous occasions:

- On 29 January 2015, MP10_0137 MOD 1 was approved under delegation for modifications to the boundaries, dimensions and orientation of the lots within the Stage 1 Entry Village (sub-stage 1a); and
- On 2 April 2015, the Commission approved MP10_0137 MOD 2 for modifications to the super lots in the Town Centre, an increase in the Stage 1 approval boundary, addition of Lot 213, amendments to the reference of the energy provider to the site and road access to the Stage 1 Entry Village.

4. PROPOSED MODIFICATION

On 25 March 2015, the Proponent lodged a section 75W modification application seeking approval for:

- revised subdivision lot layout for sub-stages 1a and 2 to 5;
- revised street layout within sub-stages 2 to 5;
- relocation of the public open space from sub-stage 4 to sub-stage 5; and
- relocation of the boundary between sub-stage 5 and sub-stage 8 (reducing the number of allotments within sub-stage 8);

The proposed changes result in a reduction in the number of allotments by 29 lots.

In support of the application, the Proponent has submitted revised documentation for inclusion of Condition A2 of the Project Approval, including:

- an updated Bushfire Threat Assessment (BTA) for sub-stages 2 to 5;
- a revised site master plan (**Figure 4**);
- amended landscape plan for sub-stages 2 to 5;
- amended street hierarchy plan for sub-stages 2 to 5 (**Figure 9**); and
- amended stormwater / flooding plan for sub-stages 2 to 5 (**Figure 10**).

The Proponent has advised that the proposed modifications to the subdivision layout are required to:

- improve the efficiency of the road carriageways;
- increase access and permeability throughout the precinct;
- create more contiguous and linear street blocks along the Central Ridgetop Park, public open space and the neighbourhood centre;
- allow greater flexibility to accommodate a variety of residential development;
- facilitate greater pedestrian access to the proposed sports ground; and
- provide increased connectivity between the open space, the Village Centre and the Central Ridgetop Park.

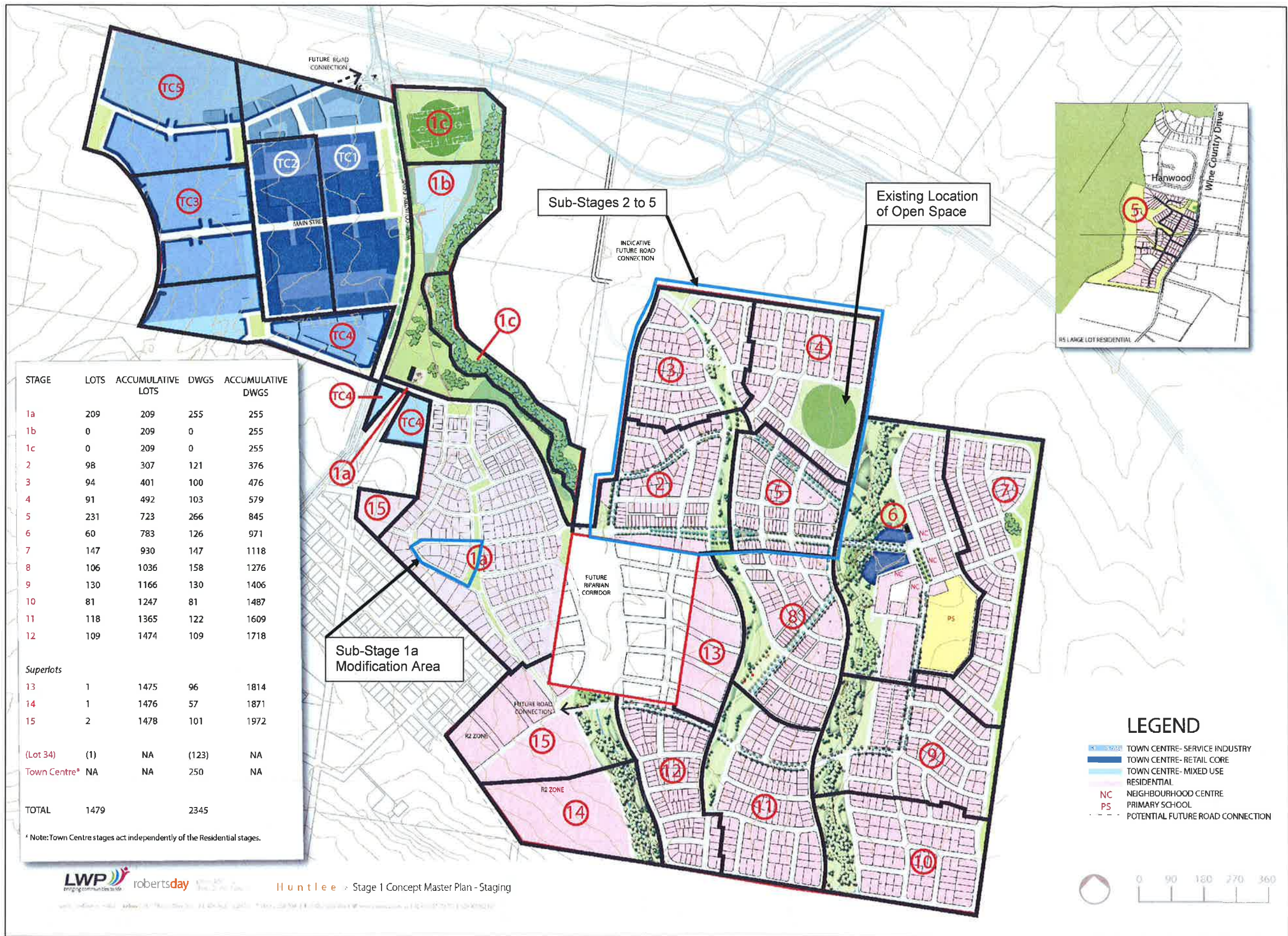
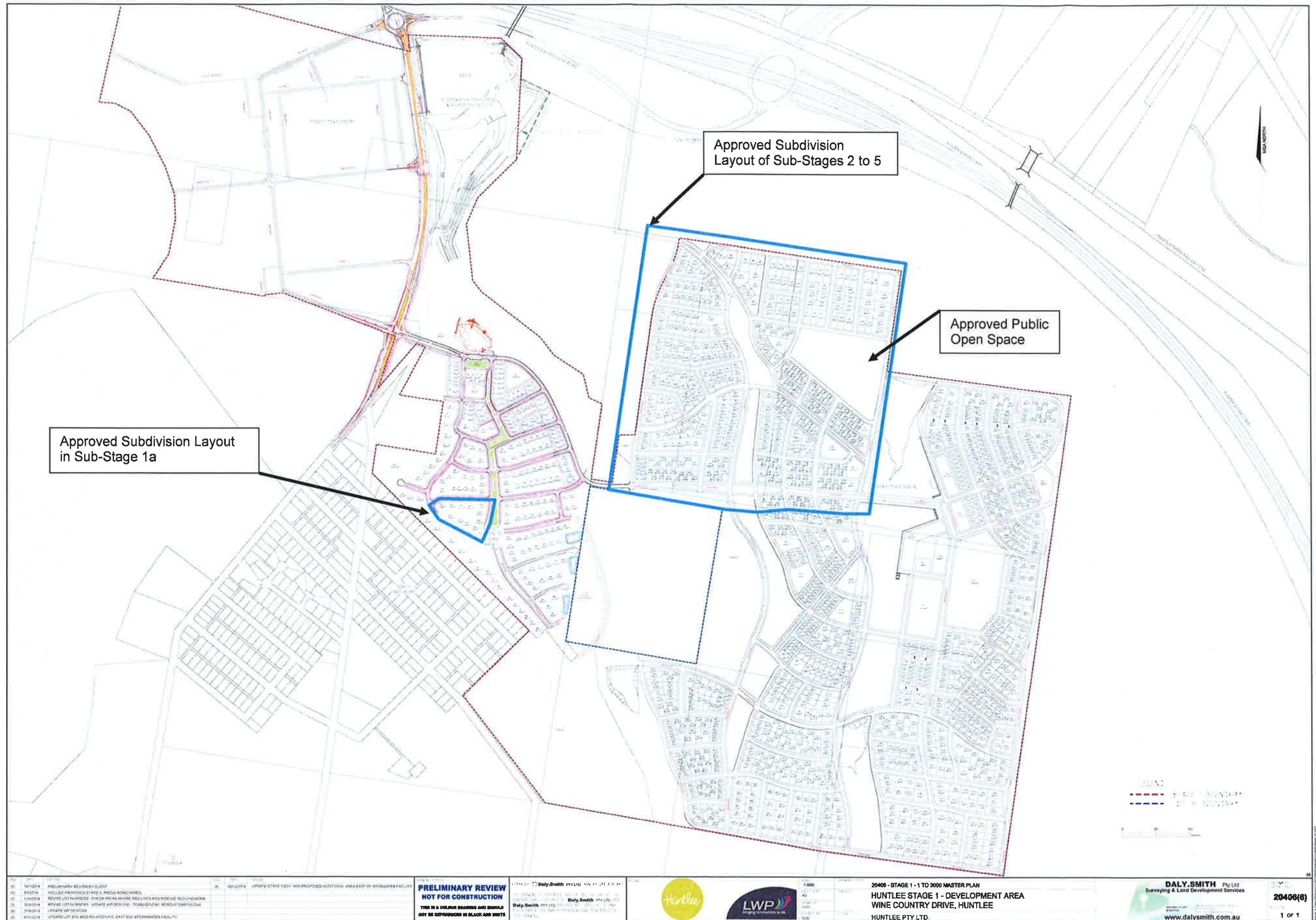


Figure 2: Approved Huntlee Stage 1 Concept Master Plan with Sub-Stage Lot Yields



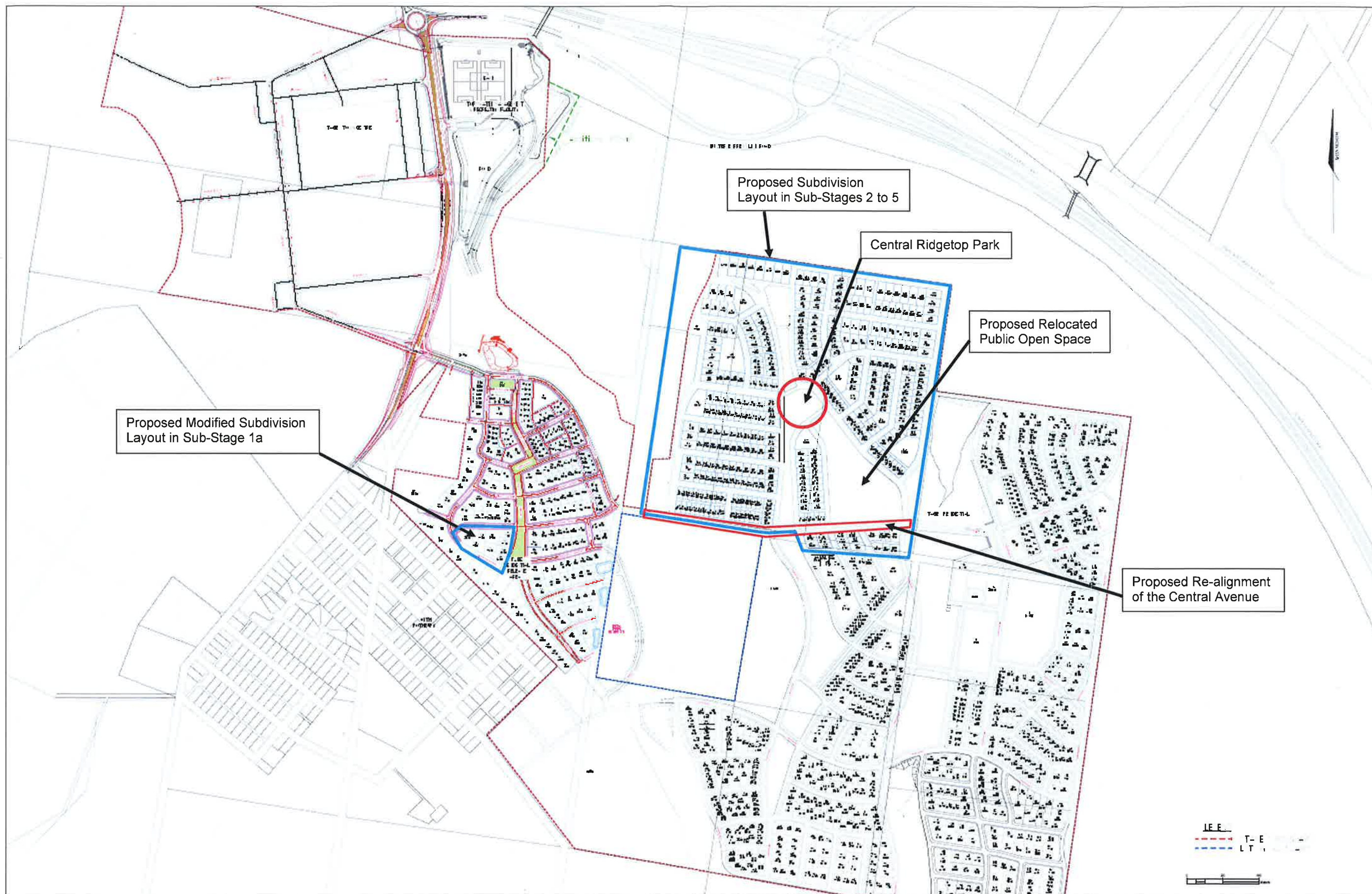


Figure 4: Proposed Huntlee Stage 1 Site Wide Master Plan

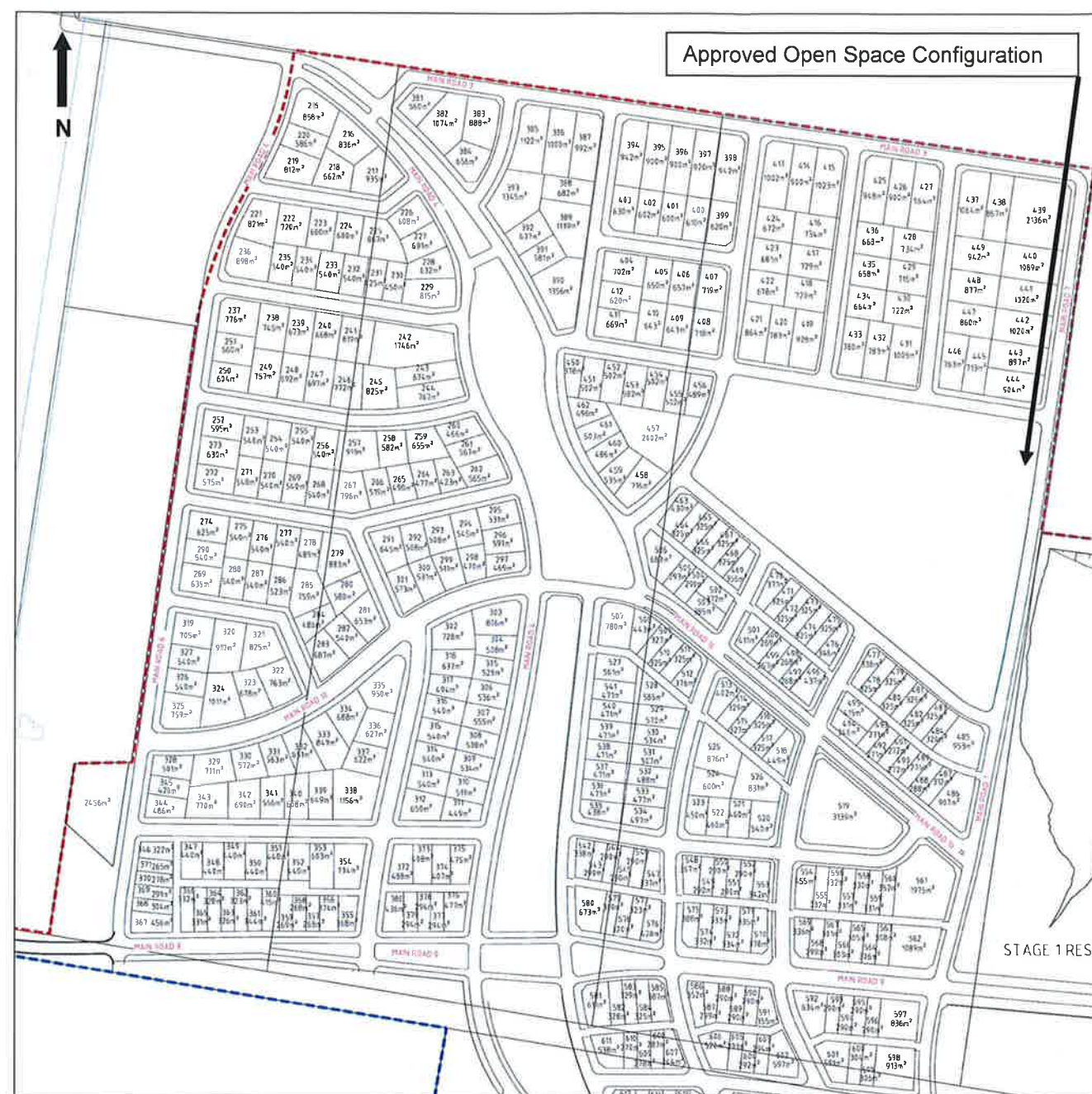


Figure 5: Approved Subdivision layout of Sub-Stages 2 to 5

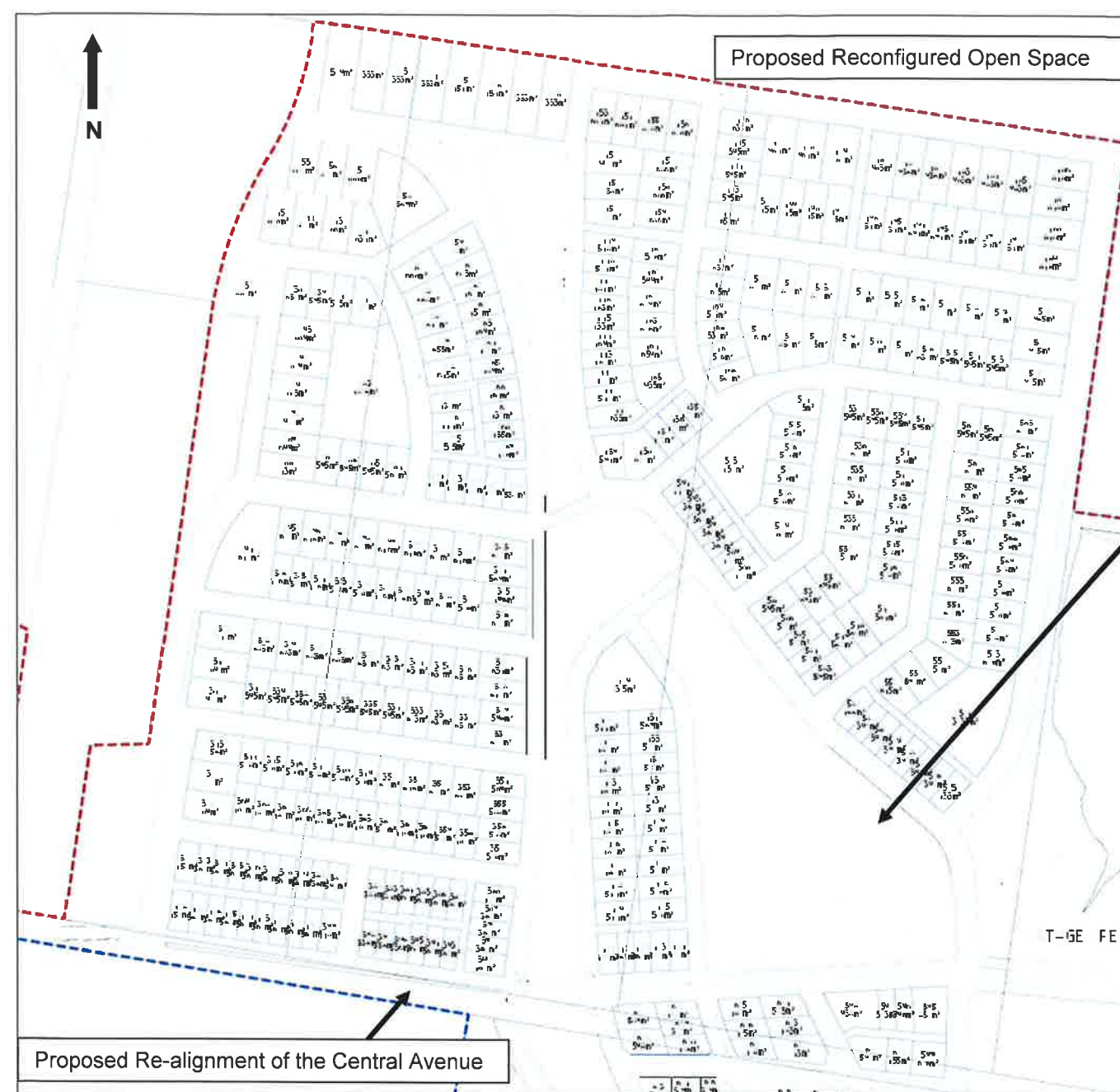


Figure 6: Proposed Subdivision Layout for Sub-Stages 2 to 5

5. STATUTORY CONTEXT

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 11 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the Act, and hence any modification to this approval must be made under the former Section 75W of the Act.

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

5.2 Approval Authority

The Minister is the approval authority for the application. However, under the Instrument of Delegation dated 14 September 2011, the Planning Assessment Commission may determine the section 75W modification request.

5.3 Consultation

The modification request was made publicly available on the Department's website on 26 March 2015 and the Department consulted with Cessnock City Council (Council), the Rural Fire Service (RFS), the Office of Environment and Heritage (OEH) and Roads and Maritime Services (RMS). Given the minor nature of the modification request, it was not exhibited by any other means.

Council raised no objection to the request. Council noted its support for the relocated sports ground, revised lot layout in sub-stage 1a and the proposed additional plans and documentation. Council also noted its conditional support of the re-alignment of Central Avenue on the basis that vehicular laneway access is maintained for all lots adjacent to the Central Avenue.

Council did, however, raise concern regarding the management of stormwater for lots along the western boundary of sub-stages 2 to 3 located near two first order streams. Council advised that the Proponent would need to demonstrate that the proposed subdivision layout could be engineered to mitigate stormwater flows so no burden is placed on Council or future landowners.

The **RFS** raised no objection to the modification request and referred to its previous correspondence dated 1 November 2012 regarding recommendations for bushfire protection.

The **OEH** raised no objection to the proposed modifications and stated that the modification request is unlikely to result in additional impacts to biodiversity and Aboriginal cultural heritage.

The **RMS** raised no objection to the modification request and noted that as the request does not seek to alter the vehicular access points to an from the classified road network or the road network requirements under Condition E7, the proposed modifications would have no impact on the classified road network.

No public submissions were received.

5.4 Response to Submissions

On 15 May 2015, the Proponent provided a Response to Submissions (RTS) to address the issues raised by Council. In particular, it provided additional information with regard to proposed stormwater management infrastructure.

On 20 July 2015, an addendum to the Response to Submissions was submitted, providing an amended layout for lots on the southern side of Central Avenue, an updated staging plan to account for the new road layout, and provision of additional information with regard to the proposed lot numbers.

6 ASSESSMENT

The Department considers the key issues for assessment are:

- the amended road and subdivision layout in sub-stages 1a and 2 to 5; including changes to open space location and the number of residential allotments; and
- stormwater management.

These issues are discussed in the sections below. Other issues including bushfire, landscaping and flooding are considered in **Table 1** below.

6.1 Amended Subdivision Layout

6.1.1 Amended Sub-Stage 1a Layout

The modification seeks approval to reduce the number of residential allotments within one block of sub-stage 1a from eleven lots to nine lots. The proposed changes are illustrated below in **Figures 7** and **8**.



Figure 7: Approved Sub-Stage 1a Layout



Figure 8: Proposed Sub-Stage 1a Layout

The applicant advises that the proposed changes have been made to provide larger allotments with a greater level of amenity and potential for dual occupancy or attached dwelling development.

The Department notes that the amended subdivision layout creates two narrow lots with dual street frontages. The allotments comply with the DCP minimum lot size and dimension requirements and there is nothing in the DCP which prohibits the creation of allotments with dual street frontages. Depending on how they are developed in the future, the Department acknowledges that the allotments may result in reduced street activation, incorporating a rear boundary fence along one of the frontages. However noting that dwellings opposite will address the street, overall levels of activation are considered acceptable. Further, a future dual occupancy development (indicated by the proponent as a potential outcome of the subdivision) could be designed to address both street frontages.

The Department also notes that Council has reviewed the revised subdivision plans for sub-stage 1a and raise no concern regarding the revised subdivision layout.

The Department has assessed the revised subdivision layout against the provisions of the *Huntlee Development Control Plan 2013* (DCP) (**Appendix A**) and is satisfied that the proposed changes:

- generally comply with the provisions of the DCP;
- would continue to support the desired neighborhood character under the DCP; and
- would not alter the approved road network in sub-stage 1a.

On this basis, the Department is satisfied that the proposed changes to the subdivision layout are minor and acceptable.

6.1.2 Amended Sub-Stages 2 to 5 Layout

The modification request seeks approval to amend the subdivision and road layout of lots contained within sub-stages 2 to 5 within the main Stage 1 Project Approval area. Note: the proposed changes do not apply to that part of sub-stage 5 known as 'Hanwood' which is in an isolated location south of the main Stage 1 area (**Figure 2**).

The Proponent has submitted a revised Masterplan and a revised road hierarchy plan for sub-stages 2 to 5, illustrating the revised subdivision layout and reconfigured public open space (**Figure 9**).

The key changes include:

- revised road layout including re-alignment of Central Avenue;
- revised residential lot layout;
- revised sub-stage boundaries including the boundary with sub-stage 8;
- reduction in the number of residential allotments (by 27 lots within sub-stages 2 to 5 and sub-stage 8); and
- relocation of the open space area from sub-stage 4 to the south to sub-stage 5.

Changes to the road and subdivision layout are considered below. Changes to the open space location and lot numbers are considered in **Sections 6.1.3** and **6.1.4**.



Figure 9: Revised Street Hierarchy in Sub-Stages 2 to 5

The Department has assessed the revised subdivision and road layout against Section 4 of the Huntlee DCP. The Department's assessment of the modification request against the relevant controls of the DCP is located at **Appendix A**. The proposed subdivision amendments remain generally consistent with the objectives of Section 4 of the DCP as the revised layout:

- provides a hierarchy of interconnected streets;
- provides a legible and permeable movement network for pedestrians and cyclists;
- promotes passive surveillance of open space, streets and laneways through a more linear street layout;
- provides a range of lot sizes throughout sub-stages 2 to 5;
- provides lots consistent with the 250m² minimum lot size for traditional lots, 800m² for country lots and multi dwelling housing and 2000m² for residential flat buildings;
- provides lot frontages which comply with the relevant classifications outlined in Table 5 of the DCP;
- creates predominantly rectangular lots and where they are irregularly shaped, are large enough to accommodate dwellings that comply with the DCP; and
- creates no battle axe lots.

Further, given that the vehicular access points to sub-stages 2 to 5 of the Huntlee development remain generally unchanged from the Project Approval, the Department is satisfied that the proposed road layout would have no impact on traffic flows throughout the revised subdivision. The Department also notes that the RMS raised no objection to the revised layout.

Council raised no concern with the revised subdivision layout subject to laneway access being maintained for the small lots adjacent to Central Avenue. As demonstrated in **Figure 9** above, the small residential lots adjacent to Central Avenue retain laneway vehicle access.

Overall, the Department is satisfied that the amended layout is generally consistent with the Huntlee DCP, would improve connectivity by creating a more linear street grid with reduced road lengths, and would not result in any detrimental impacts for the operation of the road network. On this basis, the Department considers the inclusion of the revised site-wide Masterplan, and revised subdivision layout for sub-stages 2 to 5 in Condition A2 is acceptable.

6.1.3 Relocation of Open Space

The modification request seeks to relocate the proposed sports ground from sub-stage 4, further to the south within sub-stage 5, to improve its proximity and connectivity to the Village Neighbourhood Centre and the Central Ridgetop Park (**Figures 4 and 5**). The Proponent has demonstrated that the total open space area (82.5 Ha) remains identical to that approved under the original Project Approval.

The Department is satisfied that the relocation of the open space in sub-stages 2 to 5 would provide a superior outcome compared to the original open space configuration, as it would:

- provide a more contiguous, usable and activated open space corridor; and
- provide improved connectivity and proximity to the Village 1 Neighbourhood Centre located to the east of Stage 5.

The Department also notes that Council supports the relocation of the open space.

6.1.4 Number of Residential Allotments

The original Stage 1 Project Approval (MP10_0137) granted approval for 1,473 residential allotments as set out in Condition A1. Previous applications have resulted in a net reduction in the number of allotments by 6 lots, although condition A1 (inadvertently) was not altered to reflect these changes. The proposed modification would result in a further reduction in the number of lots by 29 lots creating a new total of 1438 lots.

However, the Proponent has advised that no change to the overall number of allotments prescribed by Condition A1 is sought under the modification.

The Department notes that the purpose of Condition A1 is to define the parameters of the project application, as modified. Unlike a Concept Approval, which is subject to future applications, the Project Approval must stand alone and cannot give approval for future lots not shown on the approved plans. Condition A1 is therefore required to be amended to reflect any approved modifications. As such the revised number of lots (1438) has been included in the recommended notice of modification accordingly.

Nevertheless, the Department notes that in principle, and subject to a satisfactory merit assessment, future applications to increase lot numbers consistent with the original Project Approval could be supported.

6.2 Stormwater Management

Council raised concern regarding the potential stormwater impacts on lots within sub-stages 2 and 3 located nearby two first order streams (**Figure 10**). Council advised that the Proponent would need to demonstrate that the proposed subdivision layout could be engineered to mitigate stormwater flows so no burden is placed on Council or future landowners.

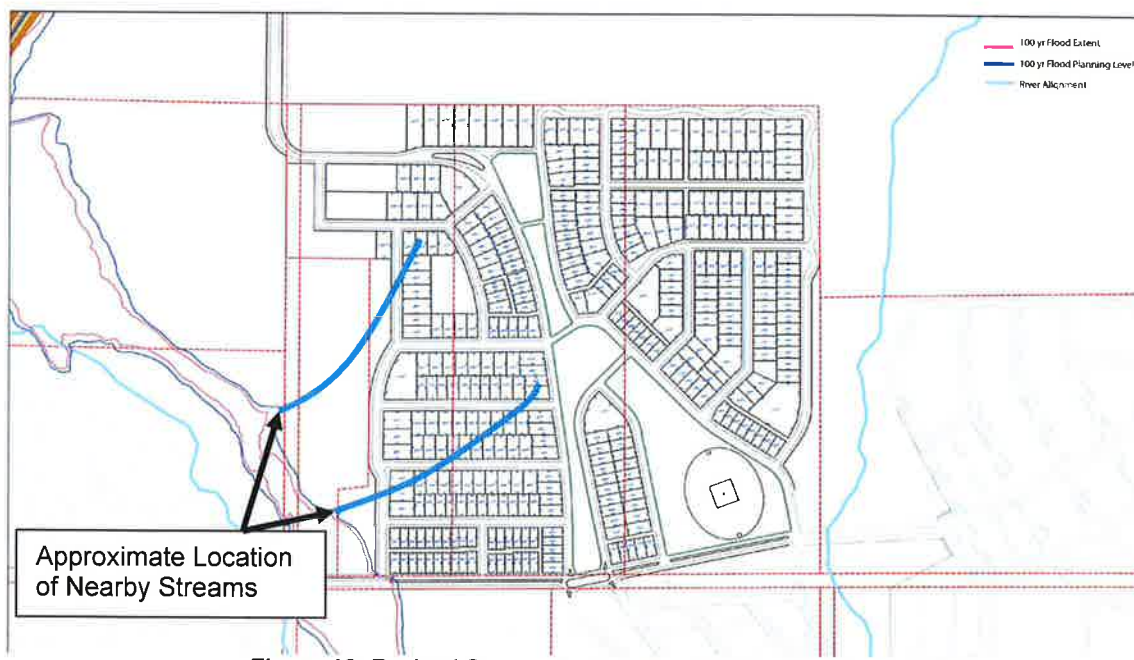


Figure 10: Revised Stormwater/Flooding Plan for Sub-Stages 2 to 5

To address Council concerns, the Proponent advised that the subdivision is to incorporate stormwater management infrastructure including:

- road grading to convey overland stormwater flows to the west and then to the south to the approved bio-retention and stormwater management systems;
- formalised curb and guttering altering the overland flow path; and
- inter-allotment drainage lots without gravity drainage to the street to limit stormwater flows across properties.

Council has confirmed that this combination of infrastructure for stormwater management is likely to be sufficient to reduce the impact of the proposed subdivision layout. However, Council requested that detailed engineer's drawings of the overall stormwater management scheme be provided in order to confirm that the proposal would not impede the future

development of the land parcels, or place an unreasonable burden on Council in dealing with the stormwater drainage in perpetuity.

The Department considers that the detailed design of the stormwater management scheme can be undertaken before the release of a Construction Certificate. This has been the accepted approach with the original Project Approval, with existing conditions C8, C11 and C13 requiring engineering plans (including storm water infrastructure) to be submitted to the satisfaction of the certifying authority prior to the issue of a Construction Certificate.

However, as the stormwater management scheme for lots associated with the two streams may have implications for Council's long-term management of stormwater in the area, it is considered reasonable that the stormwater management scheme for this part of the site, be designed to the satisfaction of the Council prior to the issue of a Construction Certificate. An additional condition to this effect is therefore recommended to be included in the Notice of Modification accordingly.

Subject to the inclusion of this additional condition, the Department is satisfied that adequate engineering measures can be incorporated within the subdivision to adequately convey stormwater run-off across the revised subdivision layout with no unreasonable impacts on residential allotments or maintenance burden on Council.

6.3 Other Issues

Table 1: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Amended Bushfire Threat Assessment</i>	<ul style="list-style-type: none"> The Proponent has included an updated Bushfire Threat Assessment (BTA) which seeks to provide additional recommendations for bushfire protection in light of the amended subdivision and road layout. The BTA includes minor revisions to the Asset Protection Zones (APZs) for fire protection along the boundaries of sub-stages 2 to 5. The BTA also includes some temporary APZs to be put in place until adjoining land in future stages is redeveloped. The BTA was referred to the RFS who raised no objection to the inclusion of the BTA in the Project Approval. The Department notes while the revised subdivision layout causes 11 lots in the north western corner of sub-stage 3 to encroach upon the proposed APZs, the revised layout complies with Condition B2(ii) of the Project Approval as the residential lots within the revised subdivision layout do not exceed the limit of one third of their length onto any APZ. The Department has assessed the proposed BTA in consultation with the RFS and is satisfied that it is acceptable on the basis that it: <ul style="list-style-type: none"> provides additional detail regarding the extent of bushfire threat within the revised subdivision layout; proposes bushfire mitigation measures consistent with the requirements of <i>Planning for Bushfire Protection 2006</i> to manage bush fire threats on-site; and is consistent with the terms of approval with respect to asset protection zones. 	It is recommended that Condition A2 be amended to include the BTA as an approved document in the Notice of Modification.
<i>Amended Landscape Masterplan</i>	<ul style="list-style-type: none"> The Proponent submitted an amended Landscape Masterplan to accompany the revised subdivision layout for sub-stages 2 to 5. The amended Landscape Masterplan is consistent with the Huntlee DCP with respect to pedestrian and cycle way connectivity, street tree planting and the typical road finishes within sub-stages 2 to 5. The Department is satisfied that the revised Landscape Masterplan for sub-stages 2 to 5 is appropriate and has recommended Condition A2 be amended to include the revised Landscape Masterplan in the consent. 	It is recommended that Condition A2 be amended to include the revised Landscape Masterplan.
<i>Flooding</i>	<ul style="list-style-type: none"> The Proponent submitted a revised flooding/stormwater plan illustrating the 100 year flood event and the 100 year flood planning level. The Plan demonstrates that flood waters would not encroach on any lots within the revised subdivision layout (Figure 10). 	No additional conditions or amendments necessary.

7 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 proposed modification request is acceptable on the basis that:

- the minor amendments to sub-stage 1a, and the accompanying subdivision plans are consistent with the Project Approval;
- the revised subdivision layout for sub-stages 2 to 5 and updated Masterplan remains generally consistent with the Project Approval and the aims and objectives of the Huntlee DCP;
- the relocation of the public open space to the south in sub-stage 5 would facilitate greater access to the neighbourhood centre and residential dwellings;
- subject to an additional condition, the proposed stormwater management measures would be sufficient to manage stormwater run-off to a satisfactory level; and
- the revised BTA complies with *Planning for Bushfire Protection* 2006 and provides additional details for the appropriate management and mitigation of bushfire risks.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

8 RECOMMENDATION

Under delegation from the Minister for Planning, it is recommended that the Planning Assessment Commission:

- consider the findings and recommendations of this report;
- approve MP10_0137 MOD 3 under Section 75W of the *Environmental Planning & Assessment Act* 1979; and
- sign the attached Notice of Modification (**Appendix B**).

Endorsed by:



Anthony Witherdin
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Regional Assessments

Endorsed by:



Daniel Keary
Acting Executive Director
Infrastructure and Industry Assessments