

ASSESSMENT REPORT

HUNTLEE NEW TOWN STAGE 1 MP 10_0137 MOD 6

1. INTRODUCTION

This report is an assessment of a request to modify the Huntlee New Town Stage 1 Project Approval (MP 10_0137). The request has been lodged by JBA Urban Planning Consultants Pty Ltd, 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 approval for minor changes to the subdivision layout in Stage 1 involving subdivision of a super lot into two smaller lots and creation of one additional residential lot in sub-stage 4. The proposal also includes changes to the conditions in relation to the timing of road infrastructure upgrades; provision of a substation; and requirements for site contamination certification.

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 site is located immediately to the south of Branxton, approximately 18 kilometres (km) north of Cessnock and 23 km south east of Singleton (refer to **Figure 1**).

The proposed changes to the subdivision layout relate to the Town Centre and substage 4 as shown in **Figure 2**.

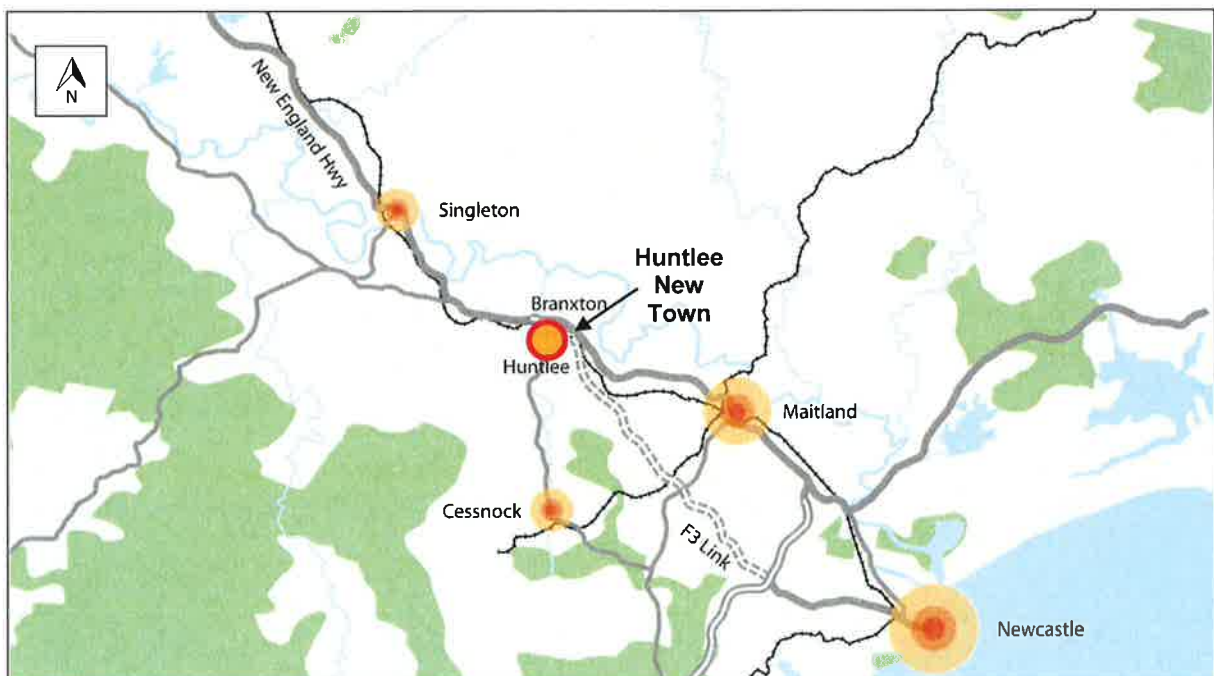


Figure 1: Regional context (source: Proponent)

3. APPROVAL HISTORY

Huntlee was rezoned in December 2010 for residential, town centre, employment and conservation uses over approximately 1,700 hectares (ha). The rezoning decision was challenged in the NSW 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 (MP 10_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 open space reserves.

The Project Approval has been modified on five occasions:

Table 1 – Previous modifications

Modification No.	Approval Date	Modifications
MOD 1	29 January 2015	Modifications to the boundaries, dimensions and orientation of the lots within the Stage 1 Entry Village (sub-stage 1a), approved by the Department under delegation.
MOD 2	2 April 2015	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 to the energy provider for the site and road access to the Stage 1 Entry Village, approved by the Commission.
MOD 3	17 August 2015	Changes to the subdivision layout of sub-stages 1a and 2 to 5 (resulting in a net reduction of 29 lots) and the relocation of public open space within sub-stages 2 to 5, approved by the Commission.
MOD 4	19 November 2015	Minor amendments to the subdivision layout in sub-stages 3 to 5, including modifications to pedestrian paths and lot boundaries and the inclusion of a new vehicle access lane, approved by the Commission.
MOD 5	5 July 2016	Extension to the boundary of the Stage 1 approval resulting in an additional 3.1 ha and 33 residential lots and an extension to the road network to access the additional lots, approved by the Commission.

A further modification, Modification 7, seeking approval to provide an access road, is currently under assessment.

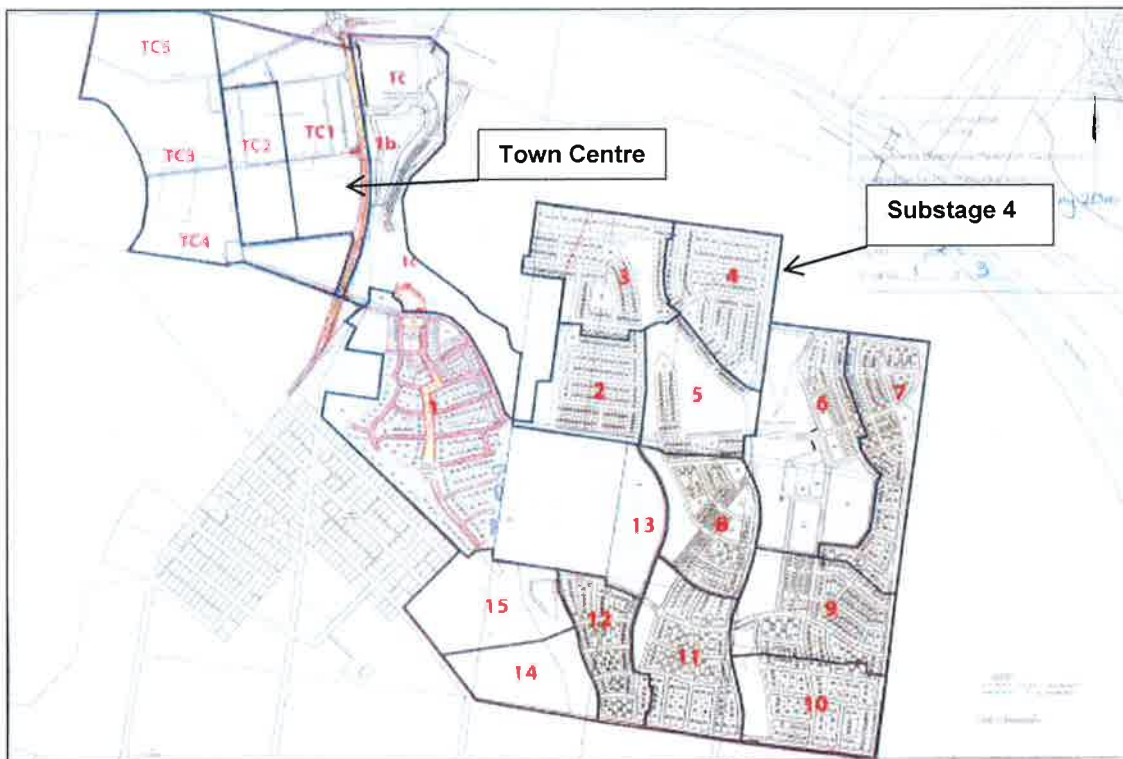


Figure 2: Stage 1 Huntlee Masterplan (as modified) (Source: Mod 5 Approved Plans)

4. PROPOSED MODIFICATION

The Proponent lodged a section 75W modification application (MP 10_0137 MOD 6) for minor changes to the subdivision layout and changes to conditions relating to contamination and infrastructure provision.

The proposed modification is summarised in **Table 2**.

Table 2 – Summary of proposed modification

<i>Subdivision Layout</i>	<ul style="list-style-type: none"> subdivision of a super lot within the Town Centre into two smaller commercial lots and a new access lane (refer to Figure 3); and creation of one additional residential lot in sub-stage 4 (refer to Figure 4).
<i>Project Approval Conditions</i>	<p><i>Condition E7 – Road Network</i></p> <ul style="list-style-type: none"> defer the timing of the road infrastructure upgrades by adjusting the thresholds currently nominated in the condition because of revised intersection modelling and analysis (refer to Figure 5). <p><i>Condition C5 – Utility Services</i></p> <ul style="list-style-type: none"> defer the requirement for the identification of a substation zone until a later stage of the development so that an appropriate location can be determined in consultation with the relevant energy provider. <p><i>Condition C1 – Site Contamination and Remediation</i></p> <ul style="list-style-type: none"> clarify the wording of the condition so that only the contaminated areas of the site requiring remediation would need to be certified by a Site Audit Statement.

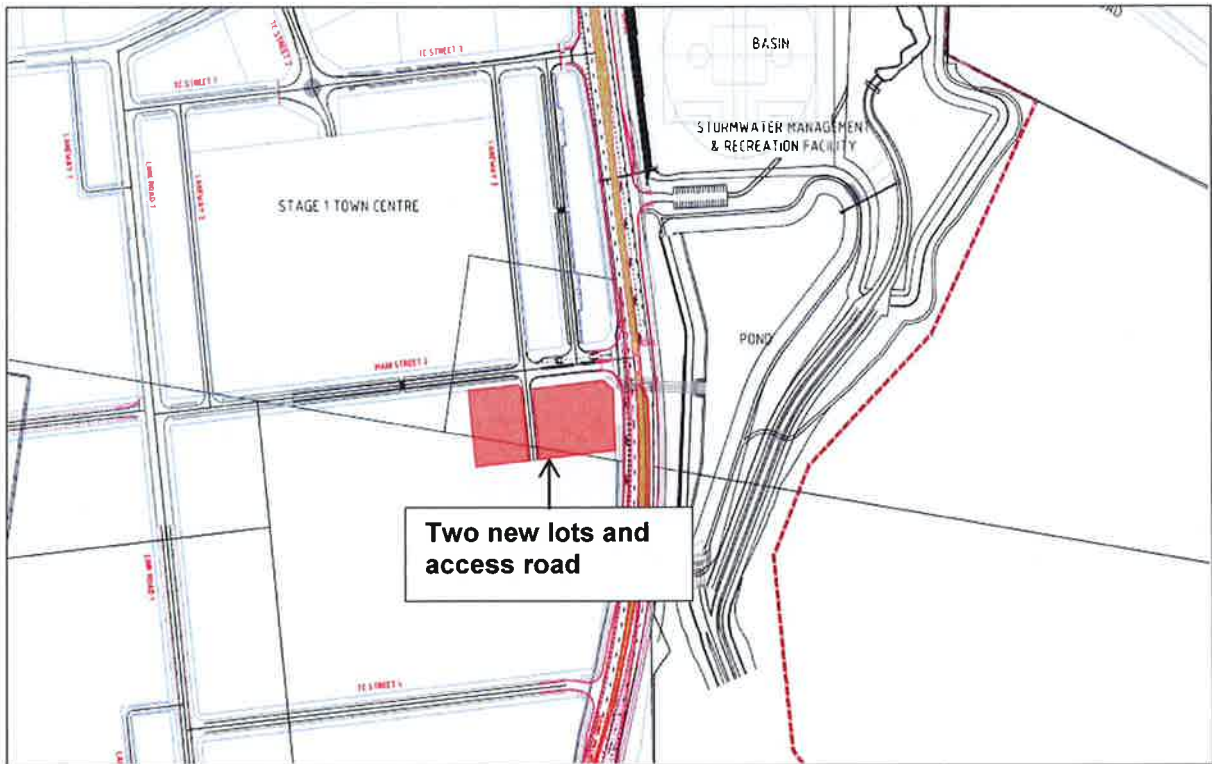


Figure 3: Proposed Subdivision – Town Centre (source: Proponent's application)



Figure 4: Proposed Additional Lot – Sub-stage 4 (source: Proponent's application)

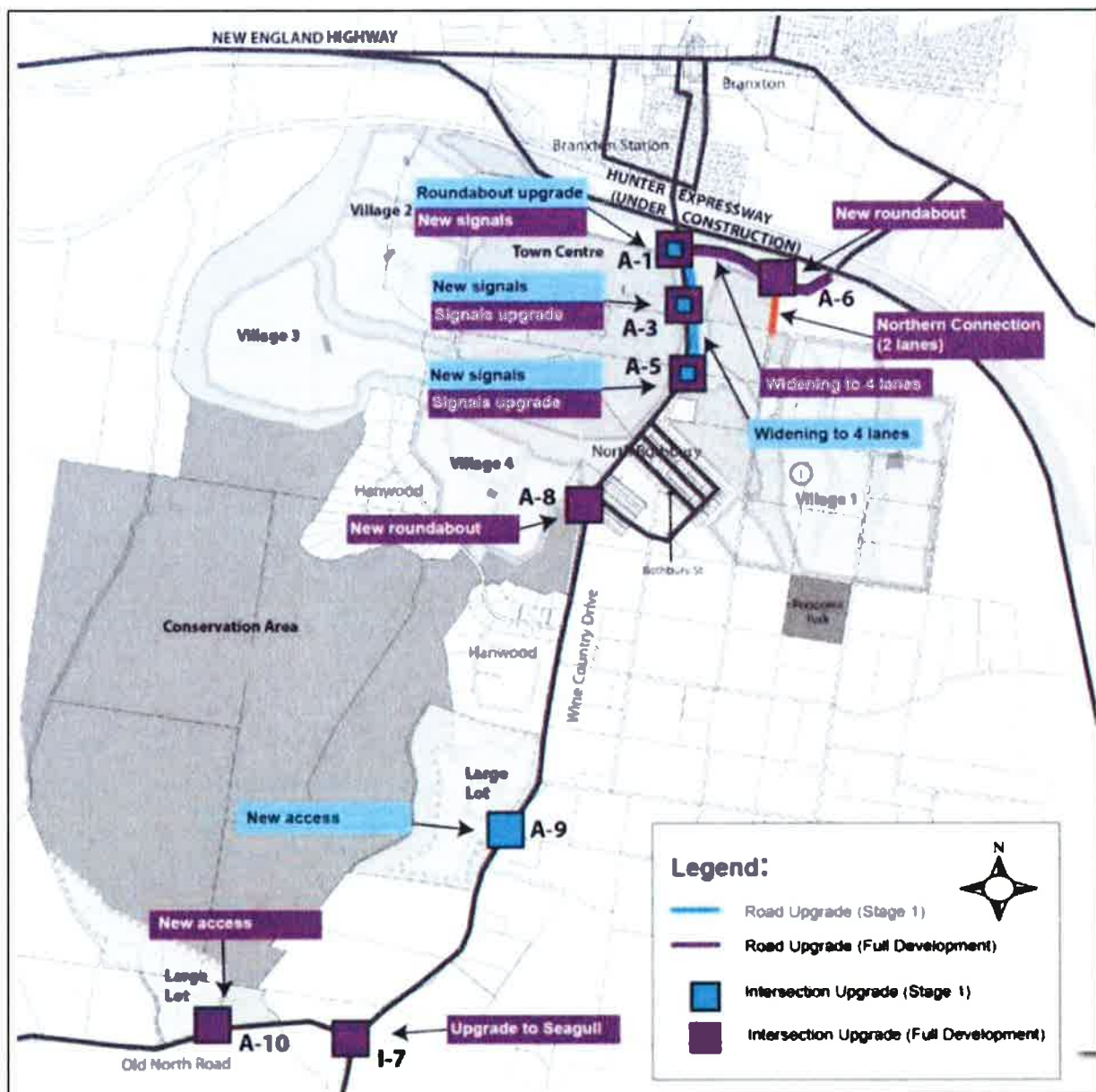


Figure 5: Traffic Infrastructure Upgrade – Stage 1 (Source: Proponent's Modification request)

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, under delegation dated 14 September 2011, the Planning Assessment Commission may determine the application.

5.3 Permissibility

The site was formerly listed in the *State Environmental Planning Policy (Major Development)* (MD SEPP) 2005 as a State Significant Site. The relevant controls that applied to the site under the MD SEPP were transferred into the *Cessnock Local Environmental Plan 2011* (CLEP 2011).

The site is zoned part R1 General Residential and part B4 Mixed Use under CLEP 2011. The proposed change to the subdivision layout does not involve any additional development on the site and the proposal is permissible with consent in both zones.

6. CONSULTATION

The Department made the modification application publicly available on its website and notified all landowners within the Project Approval site of the proposal in writing. The modification request was also referred to Cessnock City Council (Council), Roads and Maritime Services (RMS) and Office of Environment and Heritage (OEH).

No concerns were raised by **Council** or **OEH** in relation to the proposed modification.

RMS initially raised concerns with the traffic analysis and modelling undertaken by the Proponent. However, following further consideration of those issues, RMS raises no further concern, subject to specific changes to the road infrastructure upgrade requirements.

No public submissions were received.

7. RESPONSE TO SUBMISSIONS

The Proponent submitted a Response to Submissions (RtS) dated 6 December 2016, which included an updated Traffic Report in response to concerns raised by RMS. The RtS also revised the lot thresholds for the delivery of road infrastructure in response to concerns raised by the Department. Those aspects are addressed in **Section 8** below.

8. ASSESSMENT

The key assessment issues are considered in **Table 2** below.

Table 2: Assessment of the key issues

Issue	Consideration	Recommendation
Subdivision Layout	<ul style="list-style-type: none">The proposed modification seeks approval to subdivide a super lot within the Town Centre into two smaller commercial lots and provide a new access lane. The Department considers the proposed subdivision is acceptable because:<ul style="list-style-type: none">it is a minor change, which would allow the site to be occupied by future commercial tenants, consistent with the approved use of the Town Centre site; andit is consistent with the <i>Huntlee Development Control Plan 2013</i> (HDCP 2013) in terms of the layout of the retail core and the road network hierarchy (refer to Appendix A).The proposed modification also seeks approval to include one additional residential lot in sub-stage 4. The Department considers the proposed subdivision is acceptable because:<ul style="list-style-type: none">it would result in a total of 1,473 lots (within Stage 1), which is the same as originally approved;It would not result in any additional traffic impacts beyond those already assessed and approved; andit is consistent with HDCP 2013 in terms of the minimum lot dimensions and would not compromise compliance of the adjoining	Condition A2 is amended to incorporate the modified subdivision layout in Stage 1 of the Huntlee Masterplan.

Issue	Consideration	Recommendation
Infrastructure Upgrades	<p>lots with the lot width and area controls.</p> <ul style="list-style-type: none"> The Department considers the subdivision layout and design are consistent with the aims and objectives of HDCP 2013, and there would be no additional environmental impacts on the surrounding area. The Department is satisfied the proposed subdivision layout would not result in any material change to Stage 1 of the Huntlee Masterplan. 	
	<ul style="list-style-type: none"> Condition E7 was imposed on the original approval, requiring road upgrades to be undertaken at various stages of the development, based on modelling undertaken by the Proponent and RMS recommendations. The proposed modification seeks approval to defer the timing of the road infrastructure upgrades by adjusting the various thresholds currently nominated in Condition E7, following a review of the intersection modelling and traffic analysis. The modification as originally submitted sought to increase the lot threshold for the delivery of road infrastructure from 500 lots to 1,500 lots. In support of the change, the Proponent submitted an Intersection and Road Upgrade Threshold Analysis Review (the Review), which provides an assessment of the infrastructure upgrades and the actual capacity (in terms of lots) that can be achieved, prior to the upgrades being required. The Review identifies key changes that affect the timing of the upgrades since the original approval was granted in 2012. These include a decrease in the RMS standard for residential trip generation rates in regional areas and updated traffic volume data collected in March 2016, which provides a 15 per cent reduction in traffic flows since the opening of the Hunter Expressway in 2014. The Department considers the Proponent has provided reasonable justification to support an adjustment of the threshold limits for the upgrade of road infrastructure. However, the Department raised concern that the road infrastructure upgrades would not be delivered as part of Stage 1 for 1,472 lots. In response, the RtS included a reduced threshold of 1,000 lots to address the Department's concerns. RMS subsequently recommended the following threshold requirements for the delivery of road upgrade works: <ul style="list-style-type: none"> Wine Country Drive to be upgraded to 4-through lanes prior to 725 dwellings or 1 June 2018 (whichever occurs first); Wine Country Drive/Hex Link Road intersection upgraded to a two lane roundabout prior to 725 dwellings or 1 June 2018; Wine Country Drive/Main Street to be traffic signal controlled prior to construction of development west of Wine Country Drive; and Wine Country Drive/Village Access to be traffic signal controlled prior to 1,000 dwellings. The Proponent was consulted on the recommended thresholds and have raised no concerns. Council also have raised no concerns regarding the proposed changes. Subject to the recommendations provided by RMS being included in the modified Project Approval, the Department is satisfied the proposed changes to the lot thresholds and road infrastructure upgrade works can be supported. 	<p>Condition E7 is amended to reflect the adjusted thresholds for road infrastructure upgrades as recommended by RMS.</p>
Utility Services	<ul style="list-style-type: none"> Condition C5 (d) requires the Proponent to determine an appropriate location for a new substation, with the agreement of the relevant energy provider, prior to issue of a subdivision certificate for the 500th lot. The condition was imposed as at the time of the original approval, the existing substation was thought to have capacity to service 400 lots (or up to 1200 lots with a conductor upgrade), and therefore a second substation to service Stage 1 would be required. However, the Proponent has provided subsequent advice from Ausgrid, who have considered the energy demands and infrastructure needs of Stage 1, and have advised there is no requirement for a new zone substation site. The proposal therefore sought to defer this requirement to when 1,500 lots have been achieved, that is after the completion of Stage 1 (which includes only 1472 lots). Based on the advice from Ausgrid provided by the Proponent, the Department is satisfied the requirement for the zone substation can be deleted from the Stage 1 approval. 	<p>Condition C5 (d) is recommended to be deleted.</p>

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
<i>Contamination</i>	<ul style="list-style-type: none"> The proposed modification seeks to make amendments to Condition C1 Site Contamination and Remediation to clarify the requirement for a Site Audit Statement. Currently, the wording of the condition may be interpreted that a Site Audit Statement is required for all land in Stage 1. However, the detailed site investigation which forms part of the original approval only identified specific areas that would require remediation. The site investigation found all other parts of the site were free of contamination. The Proponent states the current wording would result in unnecessary cost and delays in processing future development applications in Stage 1 if the requirement was applied to all land. The Department, therefore, supports the request to clarify the site certification requirements, to make it clear that they only apply to contaminated parts of the site. The Department also notes the existing approval contains a condition requiring an Environmental Management Plan (EMP) to be prepared outlining procedures for the Proponent to follow should evidence of contamination be encountered. This includes an unexpected find protocol. The Department is satisfied the existing conditions of approval would appropriately manage potential contamination impacts, including any unexpected finds of contamination. 	Condition C1 is modified to clarify remediation for identified contaminated areas.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is acceptable on the basis that:

- the proposed subdivision is consistent with the requirements of the HDCP 2013;
- it would synchronise the timing of road infrastructure upgrades with the traffic generated by the proposed development which is supported by RMS;
- it delete a requirement for a substation site which is no longer required; and
- it would clarify the Site Audit requirements for future development applications on the site.

Consequently, it is recommended the modification is approvable subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning:

- considers** the findings and recommendations of this report, noting the Department considers the modification is approvable;
- determines** that the Proponent's request is a modification under Section 75W of the EP&A Act; and
- if the Commission determines to modify the approval under section 75W of the EP&A Act, **signs** the notice of modification (**Appendix B**).

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Modification Assessments



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Key Sites and Industry Assessments