

Planning Proposal Justification Report

Amendment to the Cessnock Local Environmental Plan
2011

Huntlee Local Water Centre

1823 Wine Country Drive, North Rothbury

Submitted to Cessnock City Council
on behalf of Huntlee Pty Ltd



'Gura Bulga'

Liz Belanjee Cameron

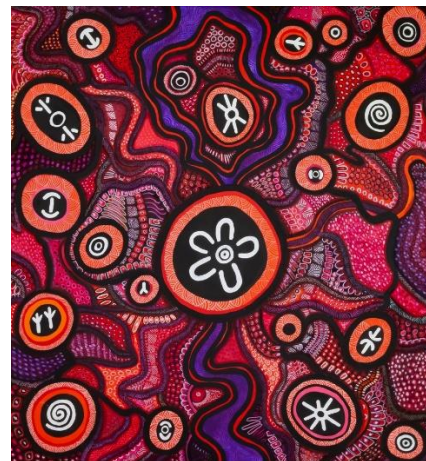
'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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Appendix	Title	Author
A.	Proposed Land Zoning Map	Ethos Urban
B.	Survey Plan	Daly Smith
C.	Indicative Reference Scheme	SLR

Appendix	Title	Author
D.	Supporting Information for a Planning Proposal to Rezone to SP2	SLR
E.	Stormwater Management Strategy (Modification 21)	Northrop
F.	Bushfire Threat Assessment (Modification 21)	MJD Environmental
G.	Ecological Assessment (Modification 21)	MJD Environmental
H.	Traffic Impact Assessment (Modification 21)	Arcadis
I.	Phase 1 Environmental Site Assessment	RCA
J.	Aboriginal Objects Due Diligence Assessment (Modification 21)	Niche Environment and Heritage

1.0 Introduction

Ethos Urban has prepared this Planning Proposal Justification Report on behalf of Huntlee Pty Ltd (the proponent) in support of a Planning Proposal submitted to the Department of Planning, Housing and Infrastructure (DPHI) for amendments to the *Cessnock Local Environmental Plan 2011* relating to part 1823 Wine Country Drive, North Rothbury (the Site).

The Planning Proposal seeks to rezone approximately 7,800m² of land zoned R1 General Residential and MUI Mixed Use to SP2 Infrastructure – Sewerage System to establish a local water centre (LWC) (also known as a wastewater treatment plant), which will provide essential future service to support the subdivision associated with the Stage 1 Project Approval for the Huntlee New Town development.

The Planning Proposal aims to achieve the following intended outcomes:

- To provide for the delivery of an essential utility for the wider Huntlee New Town development;
- To increase the efficiency of land utilisation;
- To reduce the burden on existing wastewater infrastructure that supports the established Huntlee New Town areas; and
- To minimise adverse impacts to adjacent future residential dwellings and land use conflict.

This Planning Proposal Justification Report describes the site, the proposed amendments to the *Cessnock Local Environmental Plan 2011* and provides an environmental assessment of the proposed Reference Design. The report should be read in conjunction with specialist consultant reports appended to this proposal.

As required by Section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act), and in reference to the Local Environmental Plan Making Guideline dated August 2023, this planning proposal report includes the following components as set out in **Table 1**.

Table 1 LEP Making Guidelines Planning Proposal Components

Component	Relevant Report Section
Part 1 - Objectives and intended outcomes <ul style="list-style-type: none">• A statement of the objectives or intended outcomes of the proposed instrument	Section 5.1
Part 2 - Explanation of provisions <ul style="list-style-type: none">• An explanation of the provisions that are to be included in the proposed instrument	Section 5.2
Part 3 - Justification of strategic and Site-specific merit <ul style="list-style-type: none">• The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 9.1 of the EP&A Act)	Section 6.0
Part 4 – Maps <ul style="list-style-type: none">• Maps containing sufficient detail to indicate the substantive effect of the proposed amendments	Section 5.3
Part 5 - Community Consultation <ul style="list-style-type: none">• Details of community consultation	Section 5.4
Part 6 – Project Timeline	Section 5.5

1.1 Proposal Background

1.1.1 State Significant Site Listing

On 31 December 2010, the Minister for Planning gazetted the State Significant Site (SSS) amendment for Huntlee. The amendment to Schedule 3 of the then *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP) provided zoning and land use controls for the site, which included the following:

- Up to 5,600 dwellings residential zones of varying sizes, covering an area of up to 612 hectares;
- Employment lands totalling an area of up to 200 hectares, including a mixed-use town centre containing up to 1,700 residential dwellings;
- Large lot residential development covering up to 93 hectares to achieve 200 lots and associated dwellings;
- The provision of associated infrastructure including upgrades to roads, sewerage and water infrastructure and the dedication of land for education, health services, community facilities and utilities;
- Dedication of 780 hectares of conservation land within Huntlee;
- Dedication of Persoonia Park (17 hectares); and
- Dedication of up to 4,988 hectares of conservation land elsewhere within the Lower Hunter Region.

The land rezoned as part of the SSS rezoning includes the site and is the subject of this SSDA. The land use zones include:

- R1 – General Residential;
- R2 – Low Density Residential;
- R5 – Large Lot Residential;
- B4 – Mixed Use;
- E1 – National Parks and Nature Reserves; and
- E3 – Environmental Management.

The SSS listing is the basis for the ongoing development of the site noting that designs and intentions have since evolved further.

1.1.2 Huntlee Stage 1 (Project Approval MP10_0137)

A Project Application for Stage 1 of the Huntlee development was prepared and submitted to the then Department of Planning and Infrastructure (DPI). Project Approval MP 10_0137 was granted by the Planning and Assessment Commission (PAC) on the 24th of April 2013 for Stage 1 of the Huntlee New Town, described as:

Stage 1 of Huntlee – including site preparation works, internal and external roadworks, subdivision to create 1473 residential allotments, 14 super lots, 1 allotment for a primary school, drainage and open space reserves.

Specifically, the Director General's Assessment Report, considered by the PAC, provides that the Stage 1 application sought consent for:

- Subdivision for the first residential village (Village 1) to accommodate up to 1,186 developable lots accommodating a total of 2,345 dwellings, open space and community facilities;
- Super lot subdivision for the first component of the Town Centre employment area into 8 lots (57.45ha);
- Subdivision for the first Town Centre residential development (Entry Village) including up to 215 developable lots to accommodate up to 253 dwellings;
- Super lot subdivision to create 6 additional lots to provide for future re-subdivision pending the resolution of land tenure arrangements;
- Subdivision for up to 120 large lot residential lots on land to the south on Wine Country Drive; and
- Construction of associated physical infrastructure (both on and off site) including:
 - Bulk earthworks;
 - Road works and associated intersections;
 - Stormwater management; and
 - Water supply and sewerage.

The Stage 1 Application and approval area was wholly within the Cessnock LGA.

1.1.3 Huntlee Town Centre Stage 1 Mod 21 – Expansion of the Stage 1 Area and Various Amendments

The Huntlee New Town Stage 1 development is long-term and has occurred over a series of sub-stages. The project modification sub-stage most relevant to this Planning Proposal is Modification 21.

Modification 21 was approved by the then Department of Planning and Environment (DPE) on 10 October 2023, described as:

Extension of site area to create Town Centre Stage 6 (TC6). Subdivision works for TC6 and subdivision of existing Town Centre 1 and 2 for 7 additional commercial lots. Amendment to delivery of road infrastructure.

Specifically, Modification 21 sought consent for the following amendments:

- Extension of the Stage 1 site boundary (north-western boundary) to include an additional 42.31 ha of land (to be known as new substage TC6).
- Subdivision of land to provide 394 allotments comprising of:
 - 359 residential allotments
 - 34 commercial/mixed use allotments
 - 1 infrastructure allotment
 - 8.72ha of public open space
- The carrying out of associated infrastructure and road networks to integrate Substages TC2 & TC5 with new Substage TC6.

Specifically, the proposed single (1) infrastructure allotment is dedicated to a LWC for wastewater treatment, which is the subject of this Planning Proposal (see **Figure 1** which shows the site of the Planning Proposal identified in the Modification 21 plans for a wastewater treatment plant). Therefore, certain environmental impacts of a LWC on the site have been previously considered and assessed within Modification 21. As such, this Planning Proposal seeks to rely on this existing environmental assessment undertaken within Modification 21 where relevant and applicable.

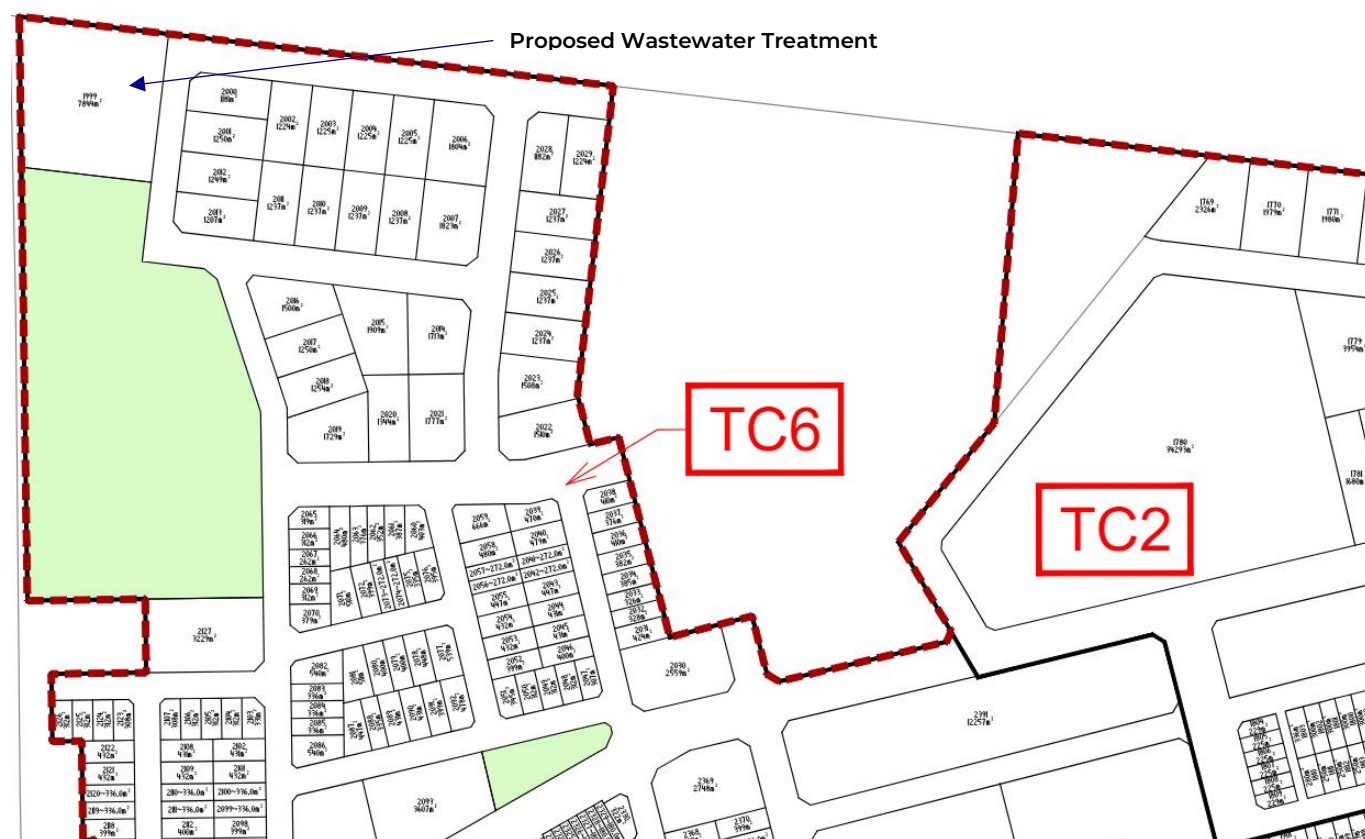


Figure 1 Subject Site in Context of Modification 21 Subdivision

Source: Daly Smith

2.0 Pre-Lodgement Consultation

In accordance with the Local Environmental Plan Making Guideline, a scoping proposal was prepared and submitted to Cessnock City Council on 1 September 2022. The Planning Proposal was discussed at a pre-lodgement meeting with Cessnock City Council on 6 February 2023. The following items were discussed:

- Overview of the proposed land zoning adjustment.
- Studies and investigations in specific targeted areas, including:
 - Noise.
 - Air quality.
 - Traffic.
 - Stormwater and Groundwater Management.
 - Water Cycle Management.
 - Bushfire.
 - Visual impact.
 - Social and Economic Impacts.
- Procedural matters.

The Department of Planning and Environment (DPE) (now DPHI), Department's Biodiversity and Conservation Division (BCD), NSW Rural Fire Service (RFS) and Hunter Water also provided a number of recommendations to be implemented as part of the Proposal.

These recommendations have been considered by the project team and have generally been implemented into the Proposal where feasible.

Table 2 summarises Council's written feedback on the scoping proposal and where comments have been addressed within this report.

Table 2 Summary of Responses to Scoping Proposal Feedback

Council comment	Response
Cessnock City Council	
Overview of Proposal	
To rezone part of Lot 284 DP1258503 Tollbar Avenue Huntlee from R1 General Residential and B4 Mixed Use to SP2 Infrastructure – Sewerage System to enable the delivery of a second local water centre, wastewater treatment plant to the Huntlee New Town Development.	Noted.
Agency and Council Comments	
See below	
Studies and Investigations Required to Justify the Proposal	
The proposal should comment and, if necessary, supporting documentation as to the potential for environmental impacts such as physical health and wellbeing such as air, noise, and light pollution. Specific targeted areas include: <ul style="list-style-type: none">• Noise assessment• Visual impact assessment• Air quality impact assessment• Traffic impact assessment• Water cycle management• Groundwater assessment.	Noise, visual and air quality impact assessment is provided within the Supporting Information for a Planning Proposal to Rezone to SP2 document prepared by SLR at Appendix D . The following documents submitted as part of Modification 21 address traffic, water cycle management and groundwater considerations: <ul style="list-style-type: none">• Stormwater Management Strategy (Modification 21) (Appendix E).• Traffic Impact Assessment (Modification 21) (Appendix H).

Council comment	Response
Infrastructure Needs	
Council has opted into optional cause 5.22 which relates to sensitive and hazardous development and critical infrastructure located between the flood planning area and the probable maximum flood. Whilst minor we note that part of the land subject to this rezoning is identified as flood prone land.	The Stormwater Management Strategy (Appendix E) identifies that the site does not fall within flood prone land.
Planning Proposal Category	
Basic	Noted.
Council Fee Category	
<ul style="list-style-type: none"> Category A Any cost incurred by Council beyond the scheduled 'phase fees' will be billed separately and at the applicable hourly rates in Council's Fees and Charges Policy. These fees will go up in the next final year (July 2023) 	Noted.
Consultations Requirement on Lodgement	
TBC – future gateway may suggest 28 days	Noted.
Cessnock Planning Proposal Policy and Local Environmental Plan Making Guide	
<ul style="list-style-type: none"> Lodged using the Local Environmental Plan making guidelines Will be sent to DPE for Gateway Determination 	The Planning Proposal has been prepared in accordance with the DPHI's Local Environmental Plan making guidelines, as detailed in Section 5.0 and Table 1 .
Department of Planning and Environment (DPE) (now DPHI)	
Objectives, Intended Outcomes and Classification of the Proposal	
To rezone part of Lot 284 DP1258503 Tollbar Avenue Huntlee land from R1 General Residential and B4 Mixed Use to SP2 Infrastructure – Sewerage System to enable the delivery of a second local water centre, wastewater treatment plant to the Huntlee New Town Development.	Noted.
The proposed zoning (SP2) is a prescribed zone under Clause 2.125 of State Environmental Planning Policy (Transport and Infrastructure) 2021 and therefore would allow development of the Local Water centre as a Part 5 activity by Huntlee Water as a WICA licence holder.	Noted.
The planning proposal may be categorised as 'standard' under the Guideline which has a maximum benchmark end-to-end timeframe of 320 working days. Any supporting technical studies should be sufficiently detailed, and the planning proposal completed to a standard that enables achievement of these timeframes.	Technical studies assessing the Planning Proposal and its environmental impacts are addressed in Section 4.0 and Section 5.0 .
If during the technical assessment, Council or the Department identifies that the planning proposal is no longer 'standard' in accordance with the Guideline, the scoping information provided above may need to be updated.	Noted.
Justification of Strategic and Site-Specific Merit	
<p>The Department considers that the planning proposal broadly aligns with the established strategic planning framework, being:</p> <ul style="list-style-type: none"> the Hunter Regional Plan 2036 and the Greater Newcastle Metropolitan Plan 2036 <p>Other relevant strategies, including the draft Hunter Regional Plan 2041, should be addressed in the planning proposal, where relevant.</p>	Noted. Refer to Section 6.1 for further assessment.

Council comment		Response
The following SEPP(s) may be applicable to the proposal and/or require additional technical studies as identified:		
State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposal intends to utilise Clause 2.125 to allow the provision of a water recycling facility under Part 5.	
The following Directions may be applicable to the proposal and/or require additional technical studies as identified:		Noted. Refer to Section 6.1 for further assessment.
1.1 Implementation of Regional Plans	The proposal should provide comment on its consistency with the Draft Hunter Regional Plan 2041.	
4.3 Planning for Bushfire Protection	The proposal must: <ul style="list-style-type: none"> • have regard to Planning for Bushfire Protection 2019, • introduce controls that avoid placing inappropriate developments in hazardous areas, and • ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ). 	
4.4 Remediation of Contaminated Land	The proposal should include a preliminary contamination assessment of the land in accordance with the contaminated land planning guidelines and, if further investigation is required, a detailed investigation report.	
6.1 Residential Zones	The planning proposal will alter the existing residential zone boundary and apply the SP2 zone, discussion on the consistency with this direction will be required.	
7.1 Business Zones	The planning proposal will alter the existing business zone boundary and apply the SP2 zone, discussion on the consistency with this direction will be required.	
Environmental, Social and Economic Impact		
The proposal should provide comment and, if necessary, supporting documentation as to the potential for social and economic impacts. Specific targeted areas may include: <ul style="list-style-type: none"> • Economic impacts during and after construction • Impacts on social infrastructure such as schools, hospitals, recreation and open space, retail centres. 		Social and economic impacts are considered in Section 6.2 .
The proposal should provide comment and, if necessary, supporting documentation as to the potential for environmental impacts such as [physical health and wellbeing such as air, noise and light pollution, specific targeted areas may include: <ul style="list-style-type: none"> • Noise assessment • Visual impact assessment • Air quality impact assessment • Traffic impact assessment • Water cycle management • Groundwater assessment. 		Noise, visual and air quality impact assessment is provided within the Supporting Information for a Planning Proposal to Rezone to SP2 document prepared by SLR at Appendix D . The following documents submitted as part of Modification 21 address traffic, water cycle management and groundwater considerations: <ul style="list-style-type: none"> • Stormwater Management Strategy (Modification 21) (Appendix E). • Traffic Impact Assessment (Modification 21) (Appendix H).
Biodiversity and Conservation Division (BCD)		

Council comment	Response
<p>BCD recommends any Water Cycle Management assessment undertaken to support the planning proposal should:</p> <ul style="list-style-type: none">• identify overland flow paths through the site to confirm landscape is suitable for the intended future purpose• assess the impact of rezoning and future Local Water Centre development on the proposed Stormwater Management Strategy for the TC6 substage as proposed under MOD 21 (i.e. land that has been earmarked for future stormwater quantity / quality treatment devices such as the bioretention and detention basins as part of the MOD 21 assessment)• assess the environmental impacts associated with wastewater treatment processes, potential overflows and effluent / biosolid disposal.	<p>The Stormwater Management Strategy (Appendix E) addresses water cycle management. The Planning Proposal will not generate any additional water cycle impacts beyond those considered in Modification 21.</p>
NSW Rural Fire Services (RFS)	
<p>The waste water facility would be considered as other non-residential development under Section 8.3.1 of Planning for Bushfire Protection (PBP) 2019. Buildings of Class 5 to 8 under the NCC.</p>	<p>Bushfire considerations are assessed within the Bushfire Threat Assessment (Modification 21) at Appendix F.</p>
<p>The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings. As such AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions.</p>	
<p>A water treatment plant is considered as critical infrastructure. An application for this class of infrastructure should address the aims and objectives of PBP 2019, to provide a suite of bushfire protection measures (BPM) as part of a risk mitigation strategy. The bushfire management plan will be required to address separation distances, construction, access, water supply and services, and emergency and evacuation planning.</p>	
<p>No assessment or verification of the hazard has been undertaken at this stage.</p>	
<p>Please note that the pre DA advice issued is preliminary in nature and that no detailed assessment of the site or development is undertaken nor is it intended for the purpose of submitting revised information/bushfire engineering brief for further review of the original advice. The aim of the service is to identify any potential issues before the formal DA is lodged.</p>	
Hunter Water	
<p>Local Water centre is defined as a water recycling facility for the purposes of State Environmental Planning Policy (Transport and Infrastructure) 2021 which is an activity under Part 5 of the EP&A Act where it is carried out by or on behalf of a public authority or any person licensed under the Water Industry Competition Act 2006 within a prescribed zone. The proposed zoning (SP2) is a prescribed zone under Clause 2.125 of the Transport and Infrastructure SEPP and therefore would allow development of the Local Water centre as a Part 5 activity by Huntlee Water as a WICA licence holder.</p>	<p>Noted.</p>
<p>Huntlee Water has no involvement in the provision of sewer services to Huntlee, and as the proposed 'Local Water centre' will be managed and operated by a private network operator under a WICA licence, Hunter Water has no requirements or objections to the Huntlee Wastewater Treatment Plant Planning proposal or any associated rezoning amendments to the Cessnock Local Environment Plan.</p>	

3.0 The Site

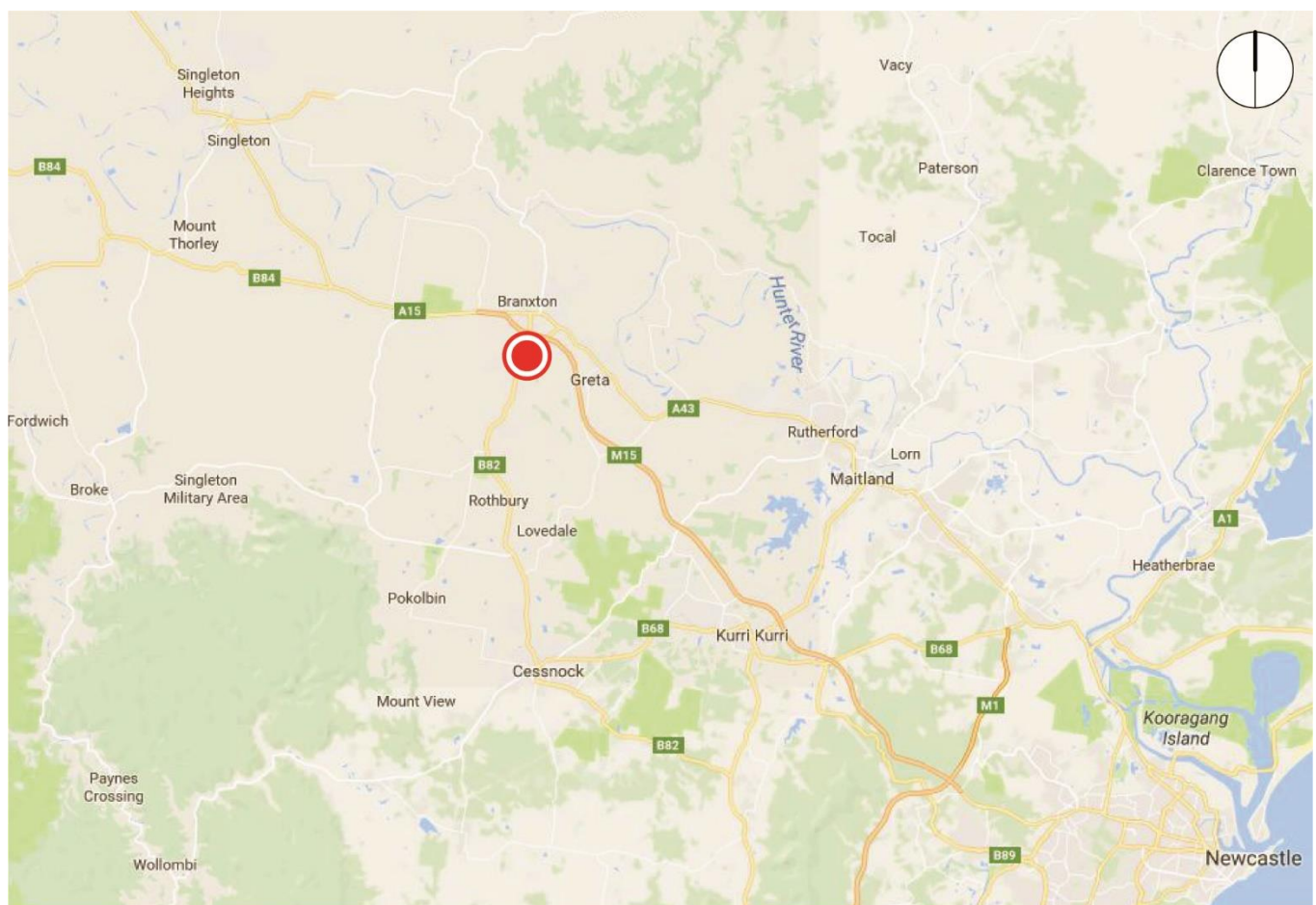
3.1 Site Location and Context

The site is situated on the traditional land of the Mindaribba people of the Wonnarua nation.

The site is located at 1823 Wine Country Drive, North Rothbury within the Huntlee New Town in the Cessnock Local Government Area (LGA), approximately 20km to the north of Cessnock, 23km to the south-east of Singleton and 55km north-west of Newcastle. The site is positioned approximately 1.3km from the intersection between Wine Country Drive and the Hunter Expressway.

The Huntlee New Town straddles Wine Country Drive which links Cessnock in the south with the New England Highway at Branxton in the north. The site is generally bound to the north and east by the Main North Railway line (Hunter Line) and Hunter Expressway, to the south by the village of North Rothbury and to the west by Black Creek. Other adjoining and surrounding land uses include vineyards, tourism, rural residential development and general agriculture.

Maps illustrating the site's regional and local context are provided at **Figure 2** and **Figure 3** respectively.



The Site

Figure 2 Regional Context Map

Source: Google Images and Ethos Urban

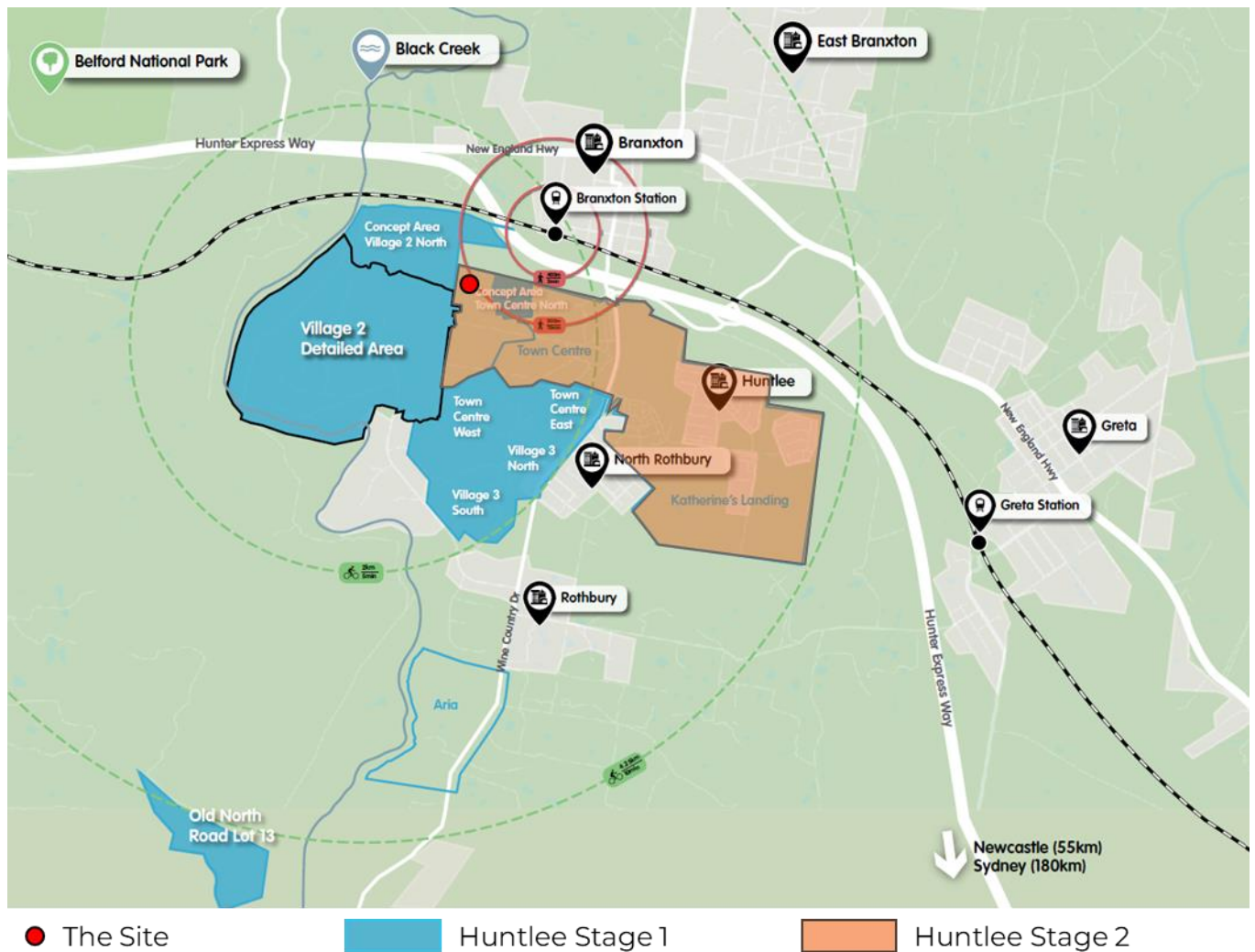


Figure 3 Local Context Map

Source: Hatch Roberts Day

3.2 Site Description

The site is located within Lot 695 in DP1263808, addressed 1823 Wine Country Drive, and bounded by Wine Country Drive, Tollbar Avenue, Winepress Road, and Empire Street to the east, as well as the Hunter Expressway to the north. The site has an area of approximately 7,800m². The land is owned by Huntlee Pty Ltd (the Proponent).

A survey plan is provided at **Appendix B**. A map illustrating the site's aerial context is provided at **Figure 4**.

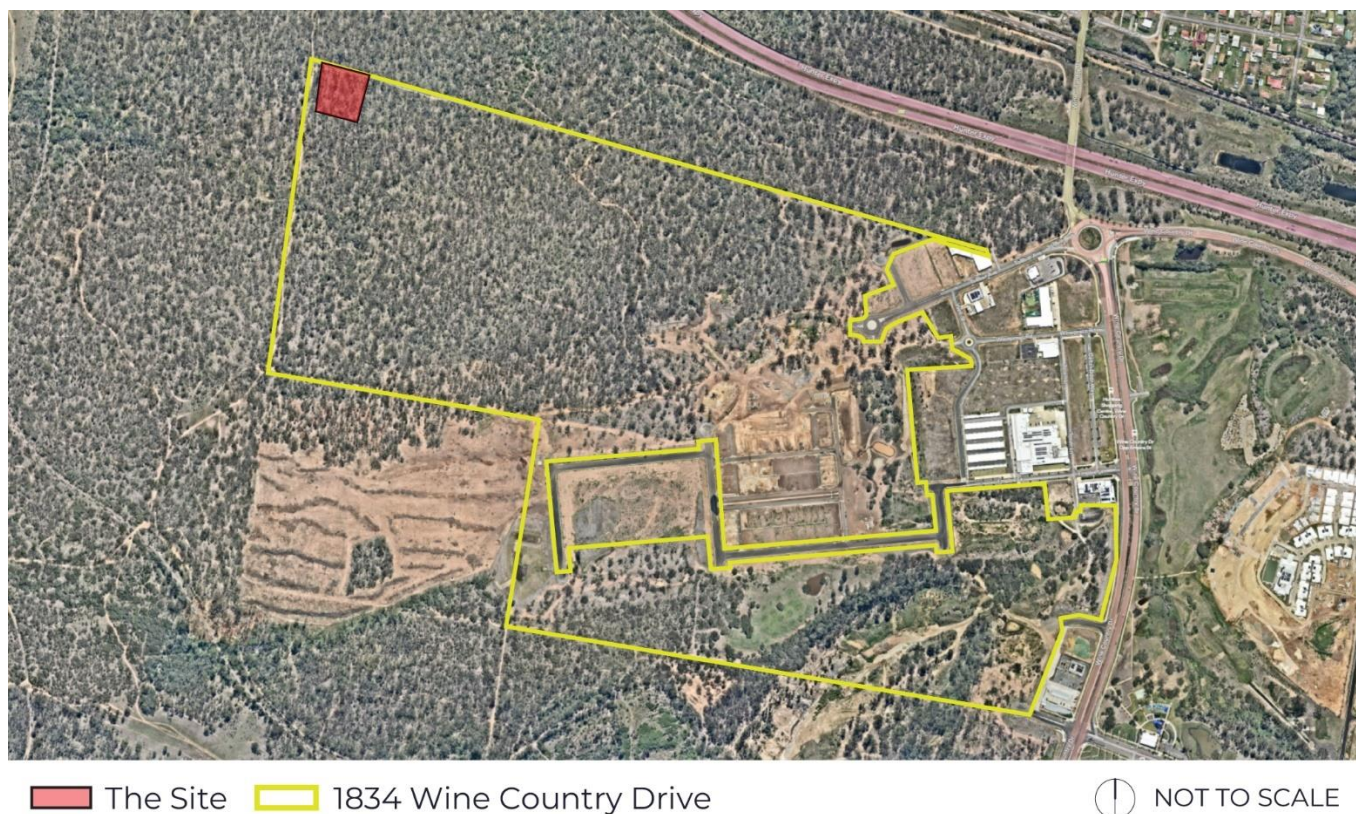


Figure 4 Site Aerial Map (to be updated)

Source: Nearmap and Ethos Urban

3.2.1 Existing Development

The existing site is devoid of any significant development and is predominantly characterised by a mix of gently undulating areas of regrowth woodland and cleared areas used historically for agricultural purposes. The site is unaffected by any former mining and associated activities that occurred elsewhere within the overall Huntlee New Town area.

3.2.2 Access and Transport

The key features of the road system in the locality of the site are the Hunter Expressway, the New England Highway and Wine Country Drive. The Hunter Expressway opened in 2014 as a response to the increasing traffic generation and stimulus for regional development in the Lower Hunter, consists of a dual carriageway link between the M1 Motorway at the Newcastle Link Road (the Newcastle Interchange) and the New England Highway.

The expressway provides an interchange with connections to North Rothbury and the New England Highway immediately north of the site. Identified as the Branxton Interchange, it provides vehicular connections to Wine Country Drive and the Huntlee development. The New England Highway is characterised by predominantly single lane of travel with overtaking spaces near the town of Branxton with a section of dual carriageway to the north-west of the site.

Wine Country Drive provides the main connection between North Rothbury and Cessnock. The carriageway comprises two sealed lanes and operates as a tourist road for the Hunter Valley Wineries. Major upgrades to Wine Country Drive are currently being undertaken as part of the Stage 1 approval for Huntlee. The upgrades include a realignment of the road carriageway and the installation of new intersections.

3.2.3 Topography

The topography of the site is characterised by an undulating terrain that falls from an east to west direction. The site is situated at a height of approximately 55-60m AHD. It is also located in proximity to the catchments of Anvil Creek and Black Creek, which are tributaries to the Hunter River to the north.

3.2.4 Vegetation and Bushfire Hazard

The site is currently vegetated with trees. The site is located on Bushfire Prone Land and contains Category 1 Vegetation.

3.2.5 Surrounding Development

To the North

The site's northern boundary adjoins vacant vegetated land identified as a TfNSW reserve adjoining the M15 Hunter Expressway and land for Stage 2 of the Huntlee development (SSD-54836993), which is proposed for 612 hectares of land that includes up to 5,600 dwellings, 200 large residential lots, up to 200 hectare of employment land and associated service infrastructure. The Stage 2 development is currently under assessment.

To the East

The site's eastern boundary adjoins the currently vegetated vacant land approved for the Huntlee town centre, a mixed use land that predominantly comprises retail commercial use such as supermarkets and restaurant catering services. Further east of the site is the Stage 1 Huntlee New Town villages in North Rothbury which is approved for 2,631 lots (including the subject site), including 2,515 residential lots, communal open spaces, 14 super lots and community facilities. dwelling construction at Katherine's Landing is well advanced with approximately 1,000 dwellings constructed and occupied.

It is noted that the existing Huntlee LWC wastewater treatment plant operating within the existing Stage 1 sits directly adjoining existing residential properties, near Triton Boulevard and Harkin Road, and also went through a similar rezoning process to enable its delivery at the time. A map illustrating the location of the existing LWC is provided at **Figure 5**.

To the South

To the south of the site is currently vacant vegetated land that is part of the Stage 1 Huntlee New Town development.

To the West

The site's western boundary adjoins the Huntlee Stage 2 development (SSD-54836993), which is proposed for 612 hectares of land that includes up to 5,600 dwellings, 200 large residential lots, up to 200 hectare of employment land and associated service infrastructure. The Stage 2 development is currently under assessment.

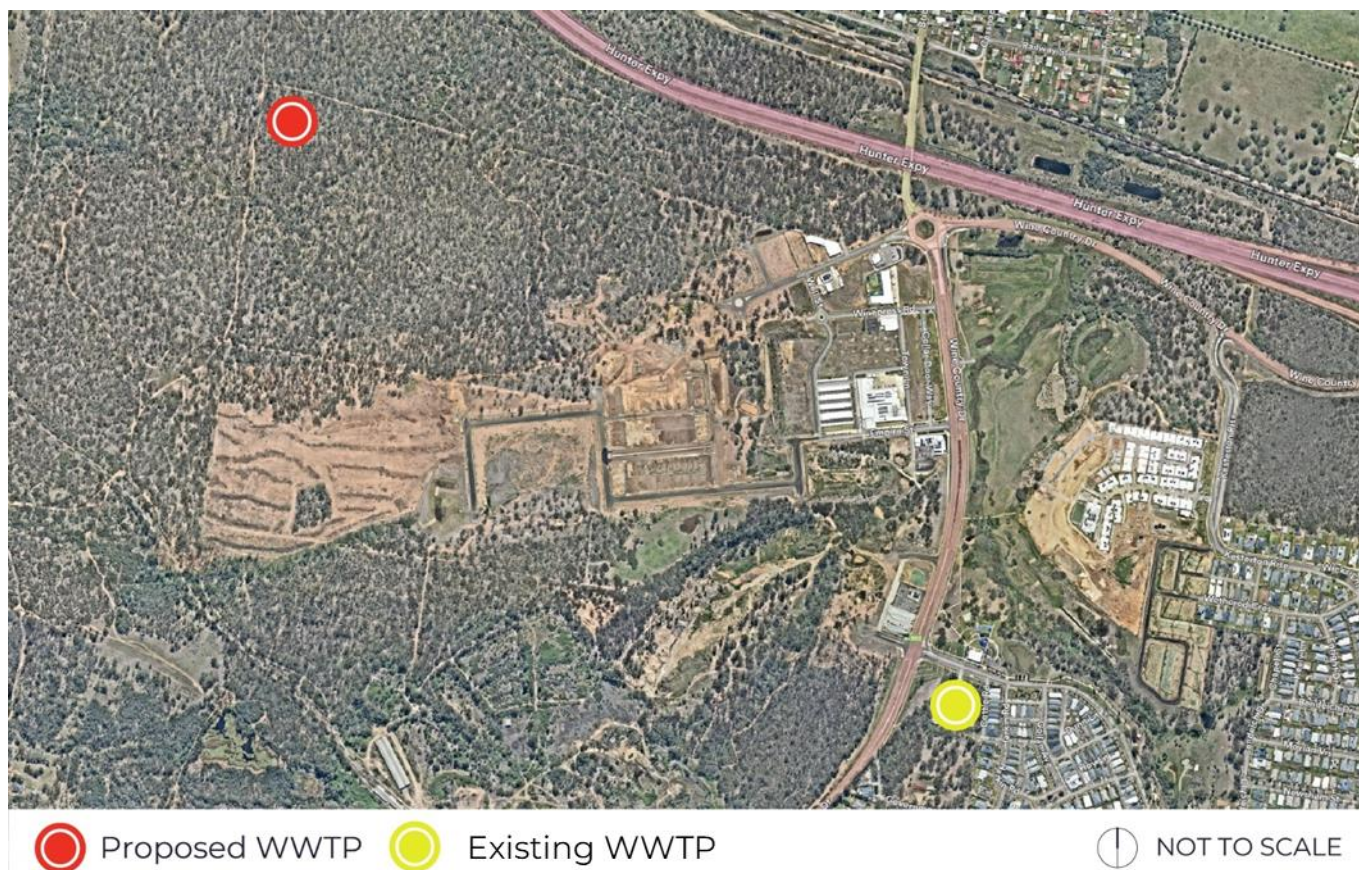


Figure 5 Existing Huntlee Local Water Centre

Source: Nearmap and Ethos Urban

3.3 Existing Planning Framework

3.3.1 Cessnock Local Environmental Plan 2011

The *Cessnock Local Environmental Plan 2011* (Cessnock LEP 2011) is the principal environmental planning instrument applying to the Site. The existing key planning controls that apply under Cessnock LEP 2011 are outlined in **Table 3** below.

Table 3 Current Cessnock LEP 2011 Key Controls

Clause	Provision / Standard
Clause 2.2 – Zoning of Land to which Plan applies	R1 General Residential MU1 Mixed Use (previously B4 Mixed Use)

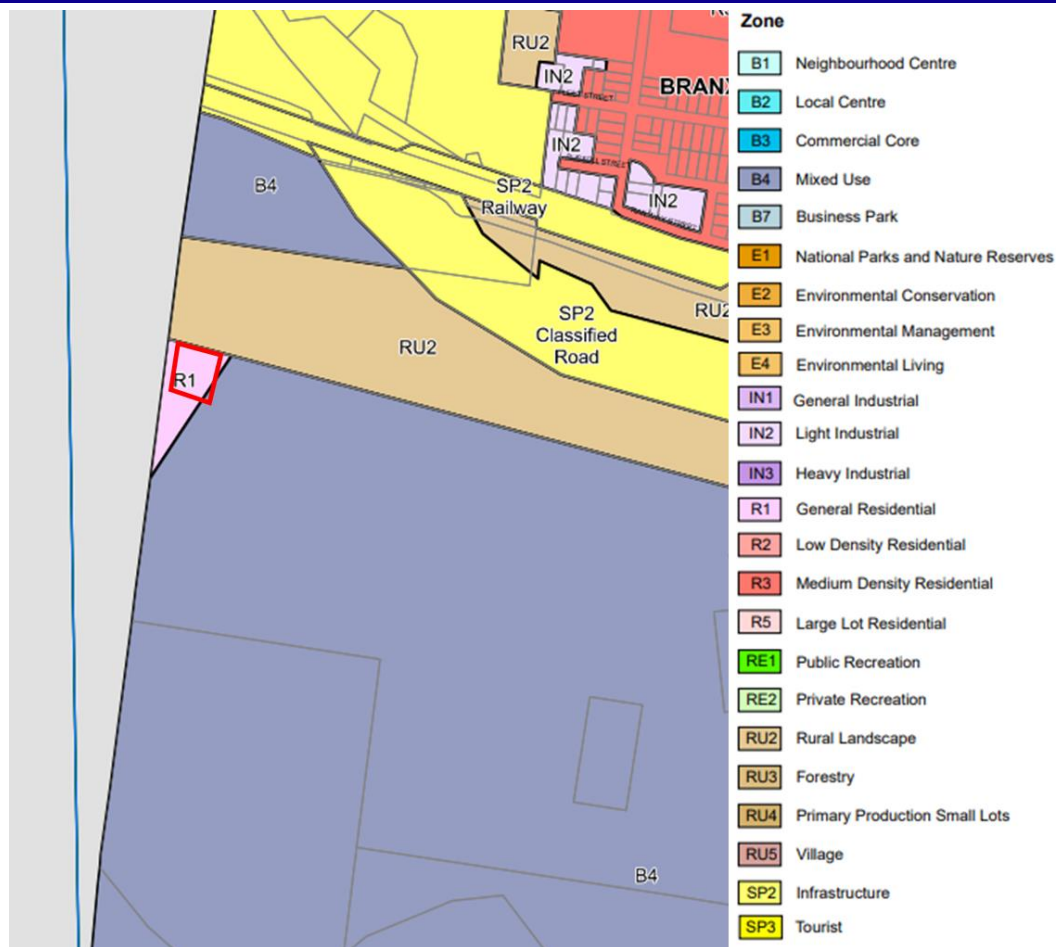


Figure 6 Existing Land Zoning Map

Source: Cessnock LEP 2011

Clause 2.3 –
Zone objective and
Land Use Table

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises;

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres;

Clause	Provision / Standard	
	Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4	Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4
	4 Prohibited Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies	4 Prohibited Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Resource recovery facilities; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Waste disposal facilities; Water recreation structures; Wharf or boating facilities
Clause 4.1 – Minimum Subdivision Lot Size	N/A	
Clause 4.3 – Height of Buildings	N/A	
Clause 4.4 – Floor Space Ratio	N/A	
Clause 5.10 – Heritage Conservation	There are no archaeological, general or landscape heritage items on the site. The site is located in proximity to a number of heritage items around the Hunter Expressway and the Conservation Area in Branxton.	

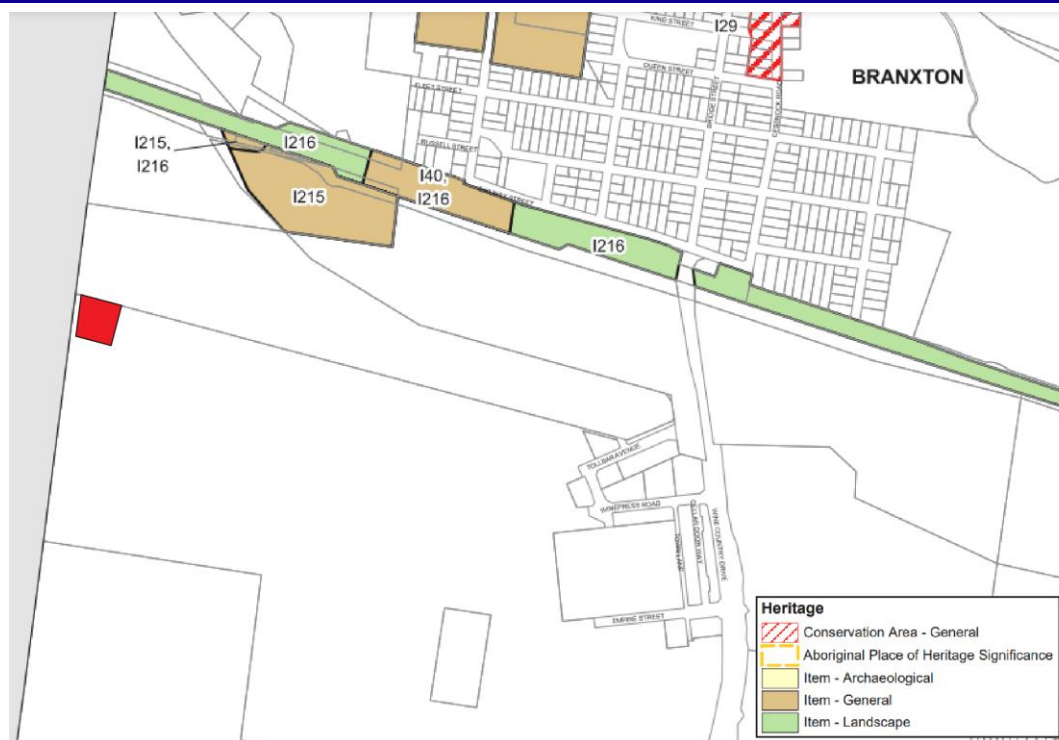


Figure 7 Existing Heritage Map

Source: Cessnock LEP 2011

3.3.2 Huntlee Development Control Plan 2013

The Site is subject to the *Huntlee Development Control Plan 2013* (Huntlee DCP 2013) which provides site-specific design guidelines regarding development matters beyond those prescribed by the Cessnock LEP 2011. Any future Development Application would have to show regard for the objectives and controls contained within Huntlee DCP 2013, including those relating to the specific area of Huntlee, in which the Site is located.

4.0 Indicative Reference Design

The site of the proposed rezoning is intended to facilitate the second LWC in Huntlee, which will be an extension of the existing essential services to support the ongoing subdivision of the land associated with the Stage 1 of the Huntlee New Town development. Its main functions would be to receive sewage from the reticulated sewage system within surrounding development and then produce recycled water for reticulation to lots within the development.

An indicative reference design is shown at **Figure 8** and at **Appendix C**. It generally reflects the design of the existing LWC in Huntlee, in that it would be fully enclosed, housing plant and equipment for the treatment process. It would provide 240 m² of treatment space and a roof height ranging from 3.5 – 6.1m across its width. A second separate building would be aligned with the treatment plant housing the treatment tanks, constructed of concrete slip form panels. This building would be approximately 364m² in area and 5m in height. The site would also accommodate two large tanks to be used for storage of recycled water of 1.2 million litre capacity, approximately 5m high and 20m diameter. Further tanks would be sited to store chemicals required for operation of the facility. A hardstand area would be provided for vehicular access, delivery, landscaping and maintenance purposes.

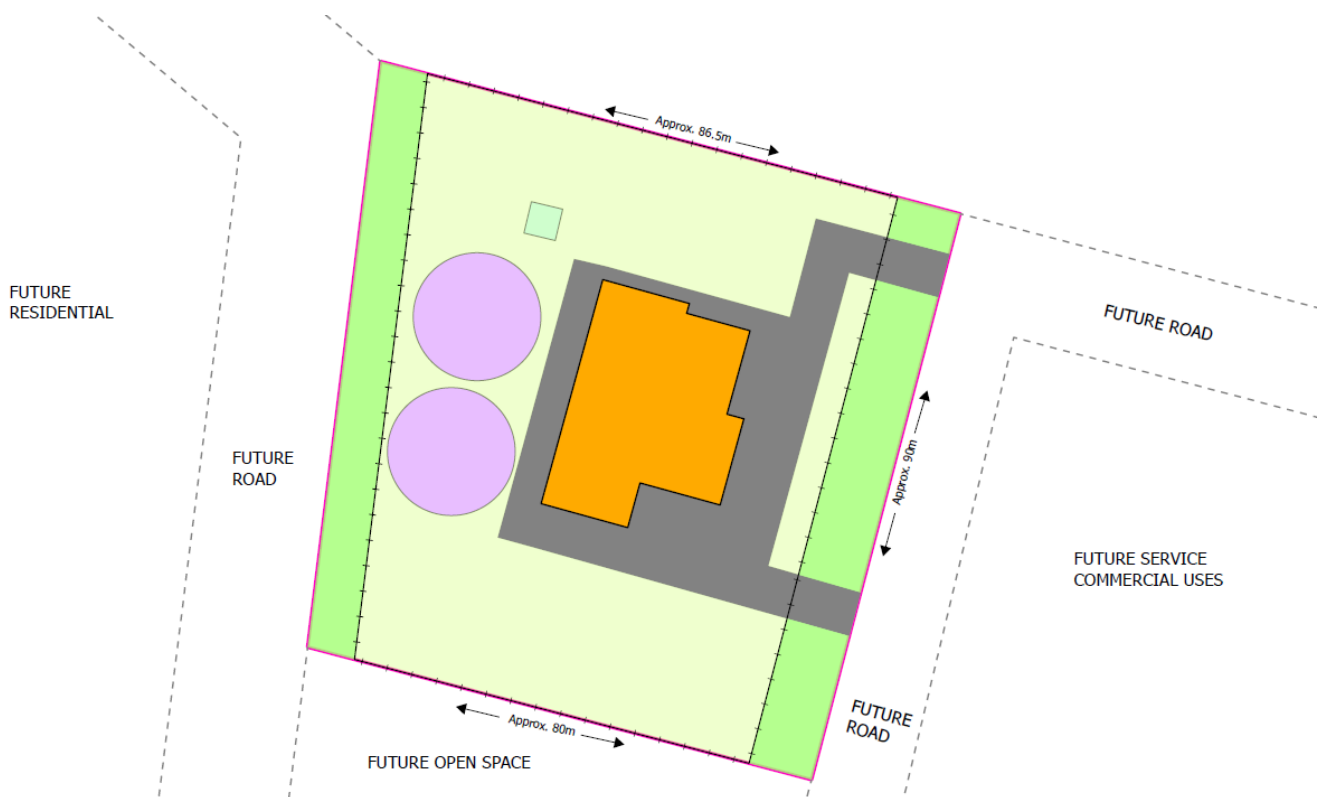


Figure 8 Indicative Reference Design

Source: SLR

This additional LWC would mimic the scale and operational impacts of the existing Local Water Centre. It would be designed to be scalable and would allow supply to increase in line with the anticipated residential development of Huntlee and the volume of waste to be treated Huntlee LWC 1.

The operation of the additional Local Water Centre would be undertaken by Altogether Group, with the following operational characteristics:

- The facility would operate 24 hours a day, 7 days per week.
- The goods to be stored are recycled water and drinking water, which are transported by pipe system to the customers.
- Raw sewage would be stored in the interim flow balance tanks before collection within 24 hours during the interim servicing period.
- Chemicals used for treatment and dosing would be stored on site.

Once operational, the anticipated plant and equipment used in the facility would include:

- Screens.
- Pumps.
- Blowers.
- Mixers.
- Compressors.
- Chemical dosing systems.
- Tanks.
- Electrical cabinets.
- Instrumentation.
- Valves and pipe work.
- Back-up generator.

5.0 Planning Proposal

This planning proposal report has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the ‘Local Environmental Plan Making Guideline’ prepared by the NSW Department of Planning and Environment, which requires the following matters to be addressed:

- The objectives and intended outcomes of the amendment to the LEP;
- Explanation of provisions;
- Justification, including:
 - relationship to strategic planning frameworks;
 - environmental, social and economic impact;
 - State and Commonwealth interests;
- Maps;
- Project timeframe; and
- Community consultation.

The following section outlines the objectives and intended outcomes of this rezoning request and an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 6.0** and **Section 6.0** of this report.

5.1 Objectives and intended outcomes

5.1.1 Objectives

The objective of the rezoning request as part of this Planning Proposal is to amend the Cessnock LEP 2011 to rezone approximately 7,800m² of land zoned R1 General Residential and MU1 Mixed Use to SP2 Infrastructure – Sewerage System to establish a local water centre (LWC) (also known as a wastewater treatment plant), which will provide essential future service to support the subdivision associated with the Stage 1 Project Approval for the Huntlee New Town development.

5.1.2 Intended Outcomes

The intended outcomes of the Planning Proposal are:

- To provide for the delivery of an essential utility for the wider Huntlee New Town development;
- To increase the efficiency and integration of land utilisation;
- To reduce the burden on existing wastewater infrastructure that supports the established Huntlee New Town areas; and
- To minimise adverse impacts to adjacent future residential dwellings and land use conflict.

5.2 Explanation of provisions

5.2.1 Amendments to Cessnock LEP 2011

Amendments to the Cessnock LEP 2011 are sought under this Planning Proposal, as detailed in **Table 4**.

Table 4 Summary of Proposed Amendments to the Cessnock LEP 2011

Control	Clause / Map	Existing	Proposed
Land Use Zones	Clause 2.1	R1 General Residential MU1 Mixed Use	SP2 Infrastructure – Sewerage System

Land Use Zoning

This Planning Proposal seeks to amend the Cessnock LEP 2011 to be rezone the site from R1 General Residential and MU1 Mixed Use to SP2 Infrastructure – Sewerage System to enable the delivery of a second LWC wastewater treatment plant at the Huntlee New Town development.

The proposed SP2 zone is a prescribed zone under Clause 2.125 of State Environmental Planning Policy (Transport and Infrastructure) 2021 and therefore would allow a LWC development as development without consent under Part 5 of the EP&A Act by Huntlee Water as a WICA licence holder.

5.3 Maps

To facilitate the proposed amendment as described in **Section 5.2.1**, this Planning Proposal seeks to amend the following maps of the Cessnock LEP 2011:

- Land Zoning Map – Sheet LZN_005A.

The existing land zoning map is shown at **Figure 9**. The proposed land zoning map is provided at **Appendix A** and in **Figure 10 – Figure 11**.

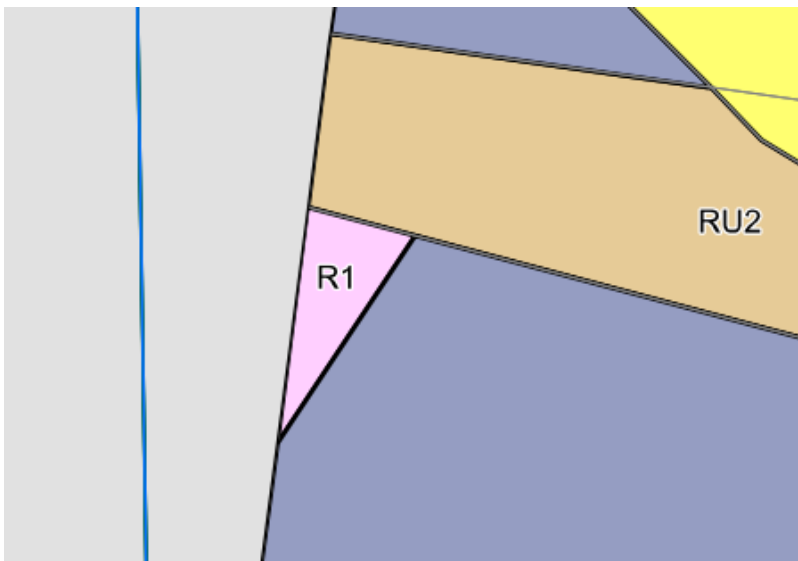


Figure 9 Existing Cessnock LEP 2011 Land Zoning Map (Sheet LZN_005A)

Source: Cessnock LEP 2011

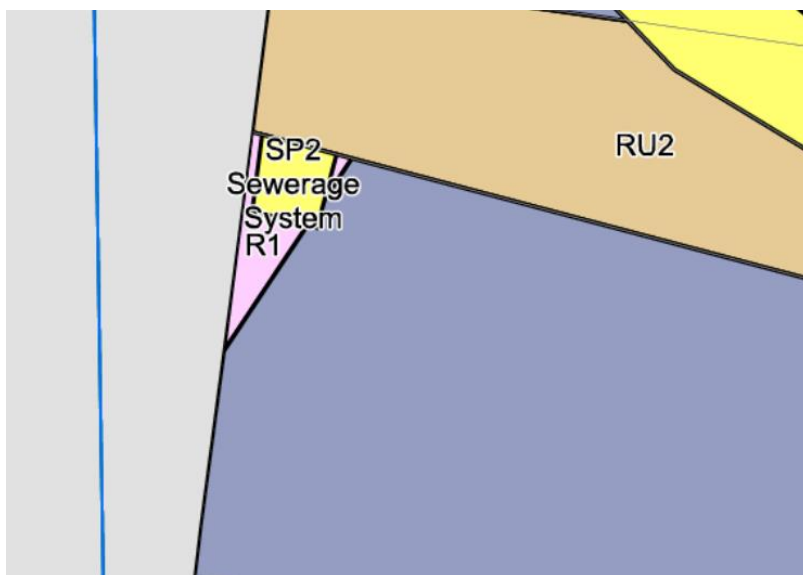


Figure 10 Proposed Amendment to Cessnock LEP 2011 Land Zoning Map (Sheet LZN_005A)

Source: Cessnock LEP 2011 and Ethos Urban

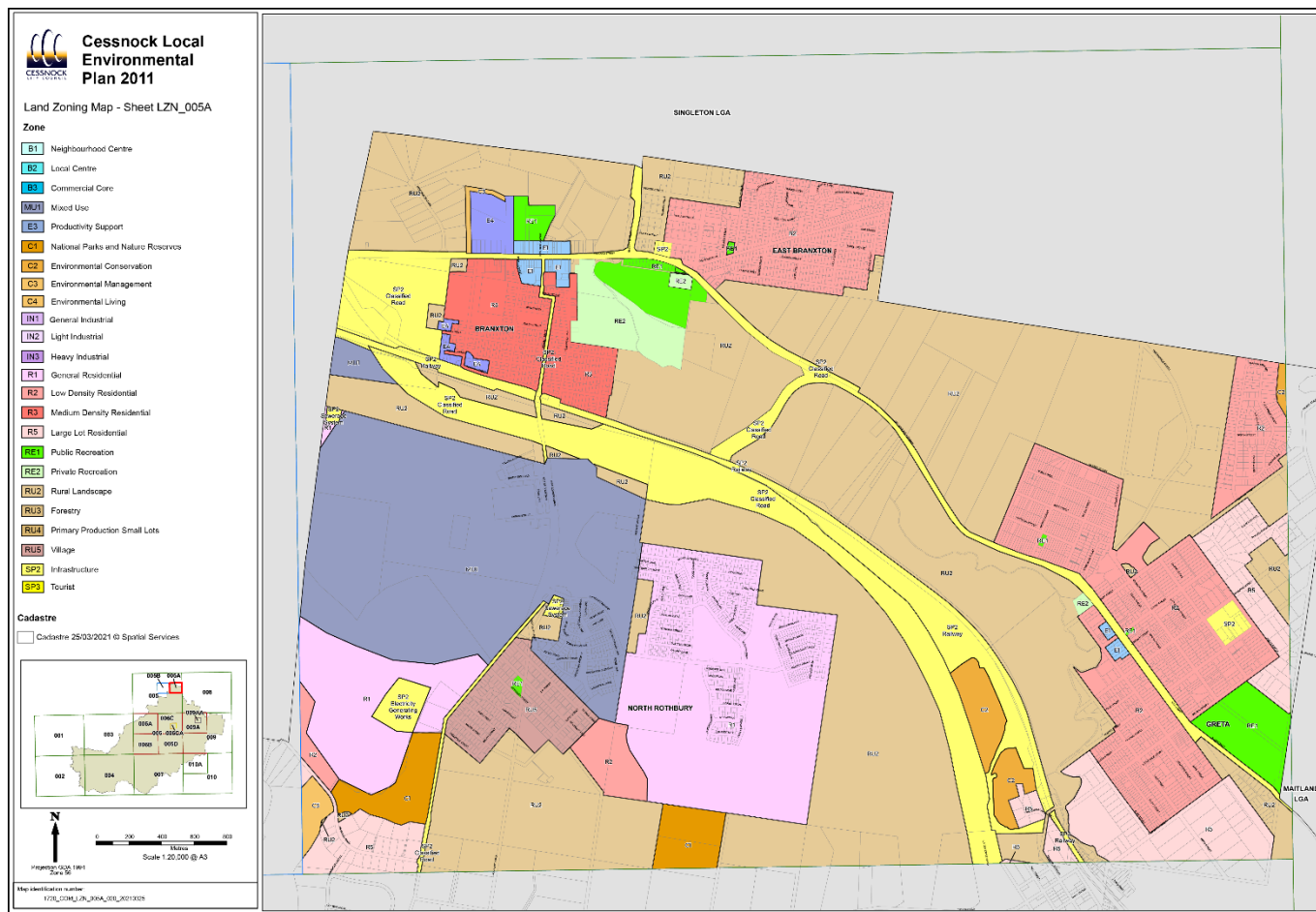


Figure 11 Proposed Amendment to Cessnock LEP 2011 Land Zoning Map (Sheet LZN_005A)

Source: Cessnock LEP 2011 and Ethos Urban

5.4 Community Consultation

With reference to the relevant considerations set out within the NSW Department of Planning & Environment's Local Environmental Plan Making Guideline, it is noted that:

- The LEP making process does not require formal community consultation prior to a proponent submitting a rezoning request to council.
- The most appropriate time for community consultation for planning proposals is after a Gateway determination is issued and all relevant studies and reports have been completed. This ensures the community has clear and evidence-based information available to help them make informed comments on the proposal.
- The site is currently isolated and surrounded by bushland. The current nearest residents are resided in Branxton, approximately 750m north-east of the site and on the other side of the M15 Hunter Expressway and Hunter rail corridor. As such, the nearest surrounding residents will not be affected by the future Local Water Centre.

As such, formal public consultation will take place in accordance with Sections 3.34 and 3.35 of the EP&A Act at a later date. Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

5.5 Project Timeline

Table 5 provides the project timeline anticipated for the subject planning proposal which is predicated on the nature, scale and category of the Planning Proposal as a standard planning proposal.

Table 5 *Anticipated Project Timeline – Placeholder*

Action	Timeframe
Stage 1 – Pre-lodgement	Complete
Lodgement	April 2024
Stage 2 – Planning Proposal	April-June 2024
Stage 3 – Gateway Determination	June 2024
Stage 4 – Post-Gateway	July-August 2024
Stage 5 – Public exhibition & Assessment	August-October 2024
Stage 6 – Finalisation	November-December 2024

6.0 Justification of Strategic and Site-Specific Merit

6.1 Strategic Merit

6.1.1 Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The Planning Proposal is a result of the following LSPS, strategic studies and report:

- Cessnock Local Strategic Planning Statement 2036 (Cessnock LSPS);
- Lower Hunter Regional Strategy 2006-2031 (Regional Strategy);
- Cessnock Housing Strategy; and
- Cessnock Jobs Strategy.

The Cessnock Local Strategic Planning Statement (LSPS) outlines planning priorities and principles to support the projected additional 6,350 dwellings and 70,000-80,000 new residents by infrastructure and services that appropriately complement and maximise the range of land uses in Cessnock LGA. The LSPS also identifies Huntlee as an emerging town centre with permeability for flexible land uses to support significant projected growth in the area.

The Planning Proposal seeks to amend zoning land use in accordance with approved subdivisions from Modification 21 to enable the appropriate provision of essential wastewater infrastructure that is critical for servicing the future residential development in the area. While the proposed SP2 – Sewerage System zone will slightly reduce the size and availability of existing RU1 General Residential and MU1 Mixed Use zoned land, this will not affect the ability for the approved site to continue to achieve the delivery of 2,631 dwellings in the overall Huntlee Stage 1 site.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best means of enabling the development of a local water centre, to which the land has been approved to be subdivided for such purpose. A LWC is prohibited in the R1 and MU1 zones. While amending the Cessnock LEP 2011 to include an additional permitted use on the site is an option, the rezoning of the site to SP2 Infrastructure – Sewerage System is the best means of ensuring the development and ongoing provision of essential future water infrastructure and services to the exclusion of all other land uses, to support the demands of approved dwellings, shops and school in the Huntlee Stage 1 site. This aligns with the Huntlee's envisaged strategic housing outcomes with regard to supporting resident amenity and liveability. The site continues to demonstrate the State and Regional objectives and strategic outcomes within the Cessnock LGA, specifically with the delivery of essential future water infrastructure and services to continue supporting the Huntlee Stage 1 site as a permeable and suitable location to achieve the 10-15 years housing supply standard and target established by the Cessnock Housing Strategy.

6.1.2 Section B – Relationship to the Strategic Planning Framework

Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP) was released in October 2016. The Plan seeks to guide the NSW Government's land-use planning priorities and decisions over the next 20 years. The HRP also recognises Cessnock Council's priorities for housing and employment projections, strategic intent, locations for growth of dwellings and jobs and communities of regional significance. The Plan recognises Cessnock Council's strategic direction for Huntlee as a regionally significant centre and an area for rural and greenfield residential development.

The Planning Proposal responds to the relevant priorities of the HRP as it facilitates a coordinated delivery of essential water infrastructure to service the overall Huntlee Stage 1 housing development. The LWC also ensures sustainable and resilient water service and use for new greenfield residential communities like Huntlee in the Upper Hunter District. Overall, the amendments to the Cessnock LEP 2011 will facilitate the ongoing delivery and operation of Huntlee New Town which is consistent with the requirements of the growing community.

The Planning Proposal’s consistency against relevant planning priorities under the HRP is outlined in **Table 6**.

Table 6 Consistency with HRP directions

Planning Priority	Consistency with Direction
Planning Priority 1: Create housing diversity and sequenced development	The Planning Proposal is developed based on a sequenced planning process with the overall Huntlee Stage 1 site, as specified in Modification 21, which identified the necessity for an additional LWC to operate and facilitate essential water infrastructure within and for the Huntlee Stage 1 precinct.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP) was released by the Department of Planning in September 2018. The sets out a range of strategies and actions that will drive the sustainable growth of Greater Newcastle which consists of Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities. The Plan sets out four main visionary outcomes which focus on employment and the economy, resident quality of life and amenity, the delivery of housing in proximity to jobs and services, and the improvement of connections to jobs, services, and recreation.

This planning proposal responds to the applicable outcomes, strategies, and actions of the GNMP as it enables essential water infrastructure to be provided to support the delivery of housing that is close to jobs and services. **Table 7** outlines the Planning Proposal’s consistency with relevant strategies addressed in the Greater Newcastle Metropolitan Plan 2036.

Table 7 Consistency with GNMP strategies

Strategy	Consistency with Direction
Strategy 17: Unlock housing supply through infrastructure coordination and delivery	The Planning Proposal will facilitate the infrastructure coordination process to deliver essential water infrastructure and service in alignment with housing delivery at the Huntlee Stage 1 site to support residential operational needs.
Strategy 19: Prepare local strategies to deliver housing	The Planning Proposal relates to the delivery of water infrastructure that will serve a new residential release area development that supports the Greater Newcastle and Hunter region’s 15-year supply targets and projections.

Q4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Cessnock Local Strategic Planning Statement 2036

The *Cessnock Local Strategic Planning Statement 2036* (LSPS) outlines council-level economic, social and environmental land use priorities over the next 20 years to accommodate future population growth, support economic development and protection of important environmental and rural landscapes, and unique social assets, in support of the directions and actions included in both Regional and District plans. In particular, the LSPS identifies an additional 6,350 dwellings needed to be built to support the increase of 70,000-80,000 residents in Cessnock. Further, to support these population and housing targets, Huntlee is identified as an emerging town centre with permeability for flexible land uses to support significant projected growth in the area.

Generally, the Planning Proposal will support and facilitate the priorities and principles of the LSPS, as it will provide positive socioeconomic benefits for the local community and businesses by enabling the provision of essential future water infrastructure and services to support the approved dwellings, shops and school as part of the Huntlee Stage 1 area.

The Planning Proposal is consistent with the following planning priorities of the Cessnock LSPS, as outlined in **Table 8**.

Table 8 Consistency with Cessnock LSPS Planning Priorities

Planning Priority and Principle	Consistency with Planning Priority
Planning Priority 5: Infrastructure and services meet the needs of our community and area appropriately funded	
5.1. Infrastructure for new development is appropriately planned and funded	The Planning Proposal indicates a local water infrastructure that has been identified as part of a coordinated planning process with the overall Huntlee Stage 1 site, as specified in Modification 21, which is critical to delivering essential water infrastructure and services as means to enable a well-served greenfield housing development.
5.4. Rezoning land for urban purposes will be prioritised in areas where existing infrastructure capacity exists	The rezoning of R1 General Residential and MU1 Mixed Use land to SP2 Infrastructure – Sewerage System has been identified as necessary to deliver essential water infrastructure that is appropriate in relevance to the future surrounding housing, retail and community development.
Planning Priority 11: Our City has a defined hierarchy of commercial centres	
11.1. Our centres exist in a logical hierarchy that reflects the catchment that they serve	The rezoning of MU1 Mixed Use land to SP2 Infrastructure – Sewerage System for the purpose of essential water infrastructure is necessitated due to the future demands of water treatment services in Huntlee New Town. The coordinated delivery of housing, commercial and essential service infrastructure (i.e. the LWC) will not reduce the capacity of future commercial opportunities for existing MU1 land.
Planning Priority 15: Key infrastructure is leveraged to support economic growth	
15.1. Land-use is consistent with the Hunter Expressway Land-use Strategy (HES) and Greater Newcastle Metropolitan Plan (GNMP)	The Planning Proposal is consistent with the land use direction to provide appropriate infrastructure complementary to the appropriate operation and demands of future housing development at Huntlee New Town, as addressed in HES and GNMP.
15.3. Land-use and infrastructure planning are aligned to maximise the use and capacity of existing infrastructure and development is appropriately sequenced	The Planning Proposal represents a coordinated planning process with the rest of Huntlee Stage 1 development that responds to the demand for an additional local water infrastructure which is required to improve and maximise use and capacity of future residential land use at Huntlee New Town.

Cessnock Urban Growth Management Plan (UGMP)

The *Cessnock Urban Growth Management Plan* (UGMP) was adopted by Council on 17 March 2021. The plan quantifies the amount of land available for residential development across Cessnock LGA, identifies future investigation areas and defines how and when these investigation areas will be brought forward. The UGMP also considers future reserves of commercial and industrial land. The plan includes a set of eight values that guide Council's assessment for future planning need to be satisfied in order for an investigation area to be progressed.

The Plan references the residential potential of Huntlee and how the new neighbourhood centre of Huntlee will be established to 'serve the needs of the future population'.

The proposed amendments to the Cessnock LEP 2011 will support and facilitate the direction of the UGMP as:

- The land is approaching 15-year supply threshold for the lifestyle category of Commuter Urban. Thus, in alignment with UGMP Planning Principle 1.
- The proposal falls within the Commuter Urban category which is an investigation area within the HRP Growth Corridor (Maitland Corridor) alignment with UGMP Planning Principle 2.
- The proposal is consistent with the LSPS planning priorities and principles in alignment with UGMP Planning Principle 3.
- As the 15-year supply threshold is approaching, Commuter Urban areas should be prioritised. The proposal seeks to rezone land for urban purposes (in Commuter Urban category) along the Maitland Growth corridor in accordance with the growth areas identified in the Hunter Regional Plan in alignment with UGMP Planning Principle 4.
- The proposal seeks to adequately support the future growth of Huntlee as the site is not 'immediately adjoining serviced urban areas'. Regardless the developer will fund the construction of the LWC which is public utility infrastructure. This is in alignment with UGMP Planning Principle 5.
- The proposal is consistent with the Huntlee DCP which addresses the criteria in Clause 6.3 (3) of the Cessnock LEP 2011 in alignment with UGMP Planning Principle 6.

- The proposal has considered social impact in alignment with UGMP Planning Principle 7.
- The proposal is not within the lifestyle village category therefore UGMP Planning Principle 8 is not applicable.

Cessnock Housing Strategy

The Cessnock Housing Strategy (CHS) was adopted by Cessnock City Council on 19 May 2021 and provides a strategic framework to determine roles, directions and outcomes for housing needs of Cessnock LGA.

The CHS aims to achieve between 6,350 and 11,000 additional residential dwellings in proximity to work, community and recreational facilities in Cessnock LGA by 2036. Generally, the Planning Proposal supports the delivery of diverse housing in proximity to commercial, retail and recreational facilities at Huntlee New Town by providing an essential water infrastructure and service that serves as a foundation to high amenity and capacity for diverse housing in the region.

Cessnock Jobs Strategy

The Cessnock Jobs Strategy (CJS) provides a series of strategies to promote productivity, investment, employment opportunity diversity and innovation, and sustainable economy in Cessnock LGA for the next 15 years. The CJS supports aims to strengthen local employment as means to position Cessnock as a desired place of residence, visitation and employment.

The Planning Proposal responds to the productivity strategy to provide infrastructure that supports economic development. The planning proposal will facilitate provision of essential water infrastructure, a form of foundational facility, that will increase the capacity of services for wastewater removal to enable the appropriate and potential increase to operations of commercial activities in the Huntlee New Town area.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Hunter Expressway Draft Strategy

The Hunter Expressway Draft Strategy (HES) was released by the NSW Government in December 2020 and provides direction for infrastructure investment and land use planning in the vicinity of the Hunter Expressway. It seeks to protect the operation of the Hunter Expressway and its role in the state and national freight network, attract economic growth and connect the Hunter of employment, services, and open spaces. The Strategy also draws the Cessnock Local Strategic Planning Statements to optimise the opportunities Hunter Expressway has provided for local communities.

The Strategy recognises Huntlee as a developing town in proximity to the Branxton Interchange and as part of the identified Interchange Growth Area. The proposed amendments to the Cessnock LEP 2011 will enable the provision of a wastewater management facility that will provide essential future water infrastructure and services to support the efficient growth and utilisation of the Huntlee Stage 1's approved dwellings, shops, school and open space surrounding the Branxton Interchange Growth Area, which is compliant with the vision of the HES.

Q6. Is the Planning Proposal consistent with applicable State Environment Planning Policies?

The State Environmental Planning Policies directly applicable to the Planning Proposal are identified in **Table 9**

Table 9 Consistency with State Environmental Planning Policies

SEPP	Consistent		N/A	Comment
	Yes	No		
State Environmental Planning Policy (Biodiversity and Conservation) 2021			✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008			✓	Not relevant to the proposed LEP amendment. Notwithstanding, future development on the site may be classified as exempt or complying development.
State Environmental Planning Policy (Housing) 2021			✓	Not relevant to the proposed LEP amendment.

SEPP	Consistent	N/A	Comment
State Environmental Planning Policy (Industry and Employment) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Planning Systems) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Precincts—Central River City) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Precincts—Regional) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Primary Production) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Resilience and Hazards) 2021	✓		The previous rezoning of the site to the R1 and MU1 zone in 2015 considered contamination of the site. The site's rezoning confirms that the site is suitable for residential use. As such, the site is also considered suitable for use as a wastewater infrastructure.
State Environmental Planning Policy (Resources and Energy) 2021		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Sustainable Buildings) 2022		✓	Not relevant to the proposed LEP amendment.
State Environmental Planning Policy (Transport and Infrastructure) 2021	✓		The proposed SP2 infrastructure zone is a prescribed zone under Section 2.125 of State Environmental Planning Policy (Transport and Infrastructure) 2021 and therefore would allow the local water centre development as a Part 5 activity under the EP&A Act by Huntlee Water as a WICA licence holder.

Q7. Is the Planning Proposal consistent with the applicable Ministerial Directions (Section 9.1 Directions) or key government priority?

The proposal's consistency with applicable Section 9.1 Directions is assessed in **Table 10**.

Table 10 Assessment of Section 9.1 Directions

Ministerial Direction	Consistent			Comment
	Yes	No	N/A	
Focus area 1: Planning Systems				
1.1 Implementation of Regional Plans	✓			The Planning Proposal is consistent with Hunter Regional Plan 2041 in that it will enable the delivery of essential infrastructure to support new housing development. Refer to Section 6.1.1 for further discussion.
1.2 Development of Aboriginal Land Council land			✓	Not relevant to the proposed LEP amendment.
1.3 Approval and Referral Requirements			✓	Not relevant to the proposed LEP amendment.
1.4 Site Specific Provisions			✓	Not relevant to the proposed LEP amendment.
Focus area 1: Planning Systems – Place-based				
1.5 Parramatta Road Corridor Urban Transformation Strategy			✓	Not relevant to the proposed LEP amendment.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan			✓	Not relevant to the proposed LEP amendment.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not relevant to the proposed LEP amendment.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan			✓	Not relevant to the proposed LEP amendment.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor			✓	Not relevant to the proposed LEP amendment.
1.10 Implementation of Western Sydney Aerotropolis Plan			✓	Not relevant to the proposed LEP amendment.
1.11 Implementation of Bayside West Precincts 2036 Plan			✓	Not relevant to the proposed LEP amendment.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct			✓	Not relevant to the proposed LEP amendment.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan			✓	Not relevant to the proposed LEP amendment.
1.14 Implementation of Greater Macarthur 2040			✓	Not relevant to the proposed LEP amendment.
1.15 Implementation of the Pyrmont Peninsula Place Strategy			✓	Not relevant to the proposed LEP amendment.
1.16 North West Rail Link Corridor Strategy			✓	Not relevant to the proposed LEP amendment.

Ministerial Direction	Consistent	Comment
1.17 Implementation of the Bays West Place Strategy	✓	Not relevant to the proposed LEP amendment.
1.18 Implementation of the Macquarie Park Innovation Precinct	✓	Not relevant to the proposed LEP amendment.
1.19 Implementation of the Westmead Place Strategy	✓	Not relevant to the proposed LEP amendment.
1.20 Implementation of the Camellia-Rosehill Place Strategy	✓	Not relevant to the proposed LEP amendment.
1.21 Implementation of South West Growth Area Structure Plan	✓	Not relevant to the proposed LEP amendment.
1.22 Implementation of the Cherrybrook Station Place Strategy	✓	Not relevant to the proposed LEP amendment.
Focus area 2: Design and Place		
[This Focus Area was blank when the Directions were made]		
Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	✓	Not relevant to the proposed LEP amendment.
3.2 Heritage Conservation	✓	Not relevant to the proposed LEP amendment.
3.3 Sydney Drinking Water Catchments	✓	Not relevant to the proposed LEP amendment.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	✓	Not relevant to the proposed LEP amendment.
3.5 Recreation Vehicle Areas	✓	Not relevant to the proposed LEP amendment.
3.6 Strategic Conservation Planning	✓	Not relevant to the proposed LEP amendment.
3.7 Public Bushland	✓	Not relevant to the proposed LEP amendment.
3.8 Willandra Lakes Region	✓	Not relevant to the proposed LEP amendment.
3.9 Sydney Harbour Foreshores and Waterways Area	✓	Not relevant to the proposed LEP amendment.
3.10 Water Catchment Protection	✓	Not relevant to the proposed LEP amendment.
Focus area 4: Resilience and Hazards		
4.1 Flooding	✓	Not relevant to the proposed LEP amendment.
4.2 Coastal Management	✓	Not relevant to the proposed LEP amendment.
4.3 Planning for Bushfire Protection	✓	<p>The site is located within 'Category 1' Bushfire Prone Land. A Bushfire Threat Assessment was prepared by MJD Environmental as part of Modification 21 which recommended design considerations in accordance with <i>Planning for Bushfire Protection 2019</i> including for the site. These recommendations are considered for the location of the site proposed to be rezoned. Future development of the local water centre must incorporate the recommendations of the Bushfire Threat Assessment provided in Modification 21.</p> <p>Due to the site's location on the north-western boundary of Stage 1 of Huntlee New Town, the site is subject to a temporary 100m Asset Protection Zone</p>

Ministerial Direction	Consistent	Comment
		buffer to the west and a variable APZ to 29m on the northern boundary.
4.4 Remediation of Contaminated Land	✓	The previous rezoning of the site to the R1 and MUI zone in 2015 considered contamination of the site. The site's rezoning confirms that the site is suitable for residential use. As such, the site is also considered suitable for use as a wastewater infrastructure.
4.5 Acid Sulfate Soils	✓	Not relevant to the proposed LEP amendment.
4.6 Mine Subsidence and Unstable Land	✓	Not relevant to the proposed LEP amendment.
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	✓	Not relevant to the proposed LEP amendment.
5.2 Reserving Land for Public Purposes	✓	Not relevant to the proposed LEP amendment.
5.3 Development Near Regulated Airports and Defence Airfields	✓	Not relevant to the proposed LEP amendment.
5.4 Shooting Ranges	✓	Not relevant to the proposed LEP amendment.
Focus area 6: Housing		
6.1 Residential Zones	✓	While the area of land zoned for residential development is proposed to be reduced, the Planning Proposal will not reduce the permissible residential density of land. The Planning Proposal will ensure that future housing will be adequately serviced.
6.2 Caravan Parks and Manufactured Home Estates	✓	Not relevant to the proposed LEP amendment.
Focus area 7: Industry and Employment		
7.1 Business and Industrial Zones	✓	While employment land is proposed to be slightly reduced, the Planning Proposal promotes the objective of this direction to support the viability of identified centres, by providing the necessary wastewater infrastructure required to service future mixed use development.
7.2 Reduction in non-hosted short-term rental accommodation period	✓	Not relevant to the proposed LEP amendment.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	✓	Not relevant to the proposed LEP amendment.
Focus area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	✓	Not relevant to the proposed LEP amendment.
Focus area 9: Primary Production		
9.1 Rural Zones	✓	Not relevant to the proposed LEP amendment.
9.2 Rural Lands	✓	Not relevant to the proposed LEP amendment.
9.3 Oyster Aquaculture	✓	Not relevant to the proposed LEP amendment.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	✓	Not relevant to the proposed LEP amendment.

6.2 Site-Specific Merit

6.2.1 Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Modification 21 approved the clearing of the site and concluded that the site clearing would not result in any biodiversity impacts. The site is currently occupied by and surrounded by bushland, however the broader Huntlee New Town development including the site, is certified under Clause 34A(4) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, with a Biodiversity Exemption Certificate granted by the Office of Environment and Heritage on 25 October 2018, which certified that:

- the Huntlee New Town Development is part of a relevant planning arrangement for which the biodiversity impacts of the proposed development have been satisfactorily assessed before 25 August 2017, and
- conservation measures to offset the residual impact of the proposed development on biodiversity values after the measures required to be taken to avoid or minimise those impacts have been secured into the future.

Therefore, all impacts from the approved clearing of the site have been adequately considered. Refer to the Ecological Assessment prepared (**Appendix G**).

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed assessment of the environmental effects as a result of this proposal is identified in **Section 7.0**. Relevant management measures are identified where appropriate and, on this basis, no unacceptable impacts are likely to result from this rezoning request or future development on the site.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Yes. While there will be short term socioeconomic impacts arising from construction impact and associated traffic impact, it is noted that the local water centre will be constructed prior to the completion of new dwellings in Town Centre 6. Therefore, a limited population, if any, will be exposed to these short term socioeconomic construction impacts.

In the long term, the Planning Proposal will result in positive socioeconomic benefits for the local community and businesses as it will enable the provision of essential future water infrastructure and services to support the approved dwellings, shops and school in Stage 1 of Huntlee. These include the approved subdivision in Modification 21 including 355 residential lots, 26 commercial mixed-use lots, 1 infrastructure lot and 5.67 ha of public open space. Moreover, the local water centre will provide reticulated recycled water to properties in Huntlee, which will contribute to the maintenance of green open spaces.

Overall, the socio-economic impacts of the Planning Proposal are considered to be positive.

6.2.2 Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal does not generate the need for increased public infrastructure. Rather, the Planning Proposal will provide public infrastructure for the Huntlee New Town development to meet and support its projected infrastructure needs.

6.2.3 Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Where necessary, further consultation with relevant authorities will be undertaken as required in accordance with the Gateway Determination. State and Commonwealth authorities will have the opportunity to provide comment on the planning proposal as part of its formal exhibition.

7.0 Environmental Assessment

The assessment of environmental planning issues of the Planning Proposal remains generally unchanged with respect to the matters raised as part of the Stage 1 modification 21 application. As such, environmental assessments specific to the subject proposed site and approved environmental assessment report have been prepared which reiterate that the Planning Proposal does not result in any further adverse environmental impacts beyond those already associated with the currently approved subdivision as part of the modification application relevant to this site.

A summary of relevant environmental impacts is provided below.

7.1 Noise

Noise impact is assessed within the Supporting Information for a Planning Proposal to Rezone to SP2 prepared by SLR Consulting (**Appendix D**). The assessment assesses the potential noise impacts of the Indicative Reference Scheme on the surrounding environment during construction and operational phases. The analysis of noise impacts has been carried out in the context of the local noise sensitive receivers, construction noise environment and operational noise environment.

The following NSW Environment Protection Authority (EPA) guidelines have been adopted:

- NSW EPA - Draft Construction Noise Guideline;
- NSW EPA - NSW Industrial Noise Policy.

7.1.1 Noise Sensitive Receivers

The assessment has identified the closest sensitive receivers to the proposal at approximately 50m from the noise activity area. It should be noted that the receivers currently do not exist but will be present in the future with the further development of Huntlee.

7.1.2 Construction Noise Impact

No short (attended) and long-term (unattended) noise measurements have been undertaken at this stage in the planning phase and hence the report addresses only the general construction and operational noise effects that are identifiable upon the desktop review of the Indicative Reference Scheme.

The proposal's noise generating sources during construction phases will be from machinery and vehicles associated with construction works. Construction works will generally include:

- The construction of the Huntlee LWC 2 will commence with detailed excavation and installation of under slab pipe work and conduits followed by traditional form, reinforcement and pouring of concrete floors and walls.
- Installation of concrete tanks. The concrete tanks will be hydraulically tested, and the building finished with architectural finishes. Steel storage tanks will be constructed on concrete ring beam foundations.
- Spoil from the construction of the Huntlee LWC 2 is expected to be minimal and will be managed in accordance with a CEMP for the activity. All spoil will likely be used for re-contouring of the land surrounding the building and facilities.
- Once the building and tanks are substantially complete, it will be equipped with mechanical, electrical and control equipment including pumps, mixers, inlet screens, odour control unit, membranes, UV disinfection and chemical dosing tanks.

The results from the assessment indicate that construction noise is unlikely to have an adverse impact on residential receivers for the following reasons:

- Construction will be temporary and would be undertaken during standard hours.
- Initial works will be undertaken before blocks are residential construction commences.
- The nature of the plant and equipment (relatively medium scale) that would be used during construction.
- There would be minimal use of high noise or vibration creating equipment.
- There will be minor increase to traffic, with associated traffic movement to be implemented to minimise occurrence of traffic noise during construction . during construction which once completed, will return to normal.

7.1.3 Operational Noise Impact

The proposal's noise-generating components during operational phases will include the following:

- Blowers and compressors room;
- Recycled water pumps;
- Drinking water pumps; and
- Back-up generator.

The noise-generating components of the local water centre references that of the completed Huntlee LWC 1.

Predicted noise levels from the above development components indicate compliance with all noise criteria during all occasions at the closest identified noise sensitive receivers, provided that the following recommendations are to be implemented in the future design of the LWC to achieve acceptable operational noise levels:

- Lining of 'colourbond' on the internal face of the plant room with appropriate air gap to accommodate minimum 50mm thick polyester or glass wool insulation of density 14/m³;
- Construction of a wall at least 1m above the exhaust at the eastern and northern face of the back-up generator platform. The wall is to be constructed of 75mm Hebel panel or masonry structure or modular wall system. The inside wall face is to include absorption such as polyester or glass wool acoustic insulation of density 14kg/m³ faced with perforated foil.

Any future REF for development of an LWC will be accompanied by specific recommendations acoustic treatment during construction and operation.

7.2 Air Quality

An Air Quality and Odour Assessment is appended to Supporting Information for a Planning Proposal to Rezone to SP2 prepared by SLR Consulting (**Appendix D**). The assessment assesses the potential air quality impacts of the Indicative Reference Scheme on the surrounding environment during construction and operational phases.

7.2.1 Construction Air Quality Impact

A desktop assessment of the construction impact on air quality identifies dust generated from the LWC to be the main source of air quality risk. The potential dust generation can be adequately minimised and managed using a suite of controls commonly used to manage dust on construction sites. Air quality impacts associated with the emissions from vehicles and plant associated with the proposed activity are considered to be minor, localised and temporary.

Future development of the LWC would Construction Environment Management Plan (CEMP) will be implemented for the site to mitigate the risk and impacts of dust during construction.

7.2.2 Operational Air Quality Impact

The Proposal's operational air quality impact is assessed based on the precedence established by Huntlee LWC 1, with both LWCs to be sharing the same design. Overall, no odour impact is identified in the surrounding area since the LWC 1's commencement of operation.

Specifically, an odour impact assessment has also been prepared by SLR Consulting. The assessment identifies the following sources as the main risk to local air quality by the LWC:

- Odour Control Unity (OCU) Stack.
- Membrane Tanks.
- Bioreactors.
- Pre and Post Anoxic Tanks.

Based on the maximum odour emissions extent detected in the vicinity of Huntlee LWC 1, the prevailing wind directions and location of future sensitive receivers, the Huntlee LWC 2's operational odour impact is considered to be "slightly adverse", which is acceptable or tolerable for sensitive receivers within 100m of the Proposal's OCU Stack. Under standard practice, SLR notes that odour impact considered to be "slightly adverse" is deemed acceptable and tolerable.

The Odour Impact Assessment concludes that whilst odours from a LWC on the site may occasionally be detected up to approximately 100m downwind of the site, it is unlikely that they would be for a duration or magnitude such that significant nuisance impacts would be experienced.

7.3 Soils and Contamination

RCA has prepared a Preliminary Site Investigation (**Appendix I**) which assesses potential contamination on the site, as well as surrounding areas within Huntlee. It has identified that the potential sources of contamination across the broader investigation area are limited to illegal dumping of general and asbestos waste. RCA did not identify any asbestos waste within the site subject to this Planning Proposal or its vicinity. Regarding general waste, RCA does not consider that the general waste items located across the investigation areas pose a risk to human health or the environment but recommends their removal off site (for aesthetical and logistical reasons) as general solid waste prior to any future construction works commencing. On this basis, and subject to removal of any general waste, RCA's Preliminary Site Investigation demonstrates that the site subject of this Planning Proposal would be considered suitable for future 'mixed' use, and therefore also suitable for wastewater infrastructure.

In addition, Modification 21 for Huntlee Stage 1 (MP10_0137) assessed the suitability of the site of residential development from a contamination perspective. The approval of Modification 21 for residential development on the site, without any specific conditions of consent requiring remediation of the site, demonstrates that the site would be suitable for a future local water centre.

Moreover, Modification 21 was supported by a bulk earthwork plan that outlines the levels of cut and fill as proposed in the Stage 1 subdivision works. In approving Modification 21, DPHI is satisfied that the concept earthworks and civil design would achieve a suitable final land form in accordance with the Huntlee DCP.

7.4 Built Form and Visual Impact

The built form of a LWC on the site will be largely consistent with the built form of the existing LWC. Visual amenity is assessed within the Supporting Information for a Planning Proposal to Rezone to SP2 prepared by SLR Consulting (**Appendix D**). SLR has determined that the proposed site is of an adequate size that can accommodate the following siting and landscape design characteristics employed at the existing Huntlee LWC to mitigate adverse built form and visual impacts:

- Setbacks which wrap around three sides of the development for bushfire management.
- A combination of hard and soft landscaping.
- An intensive area of planting centred on a contoured garden mound on the western and eastern boundaries to provide an effective screening of the development from future residential development.
- A selection of plants suitable to the landscape objectives based on native species and the intention to retain existing vegetation wherever possible.

This will ensure that the site can accommodate intensive planting which will screen the future LWC from surrounding residential development. Design of the future development of the LWC will also ensure appropriate architectural finishes and treatments, ranging from concrete and glass with aluminium trim to colour bond steel for roofs and tanks, to provide a robust façade but with architectural detail to integrate with the surrounding residential neighbourhood.

7.5 Traffic and Transport

The Traffic Impact Assessment prepared by Arcadis (**Appendix H**) for Modification 21 and Supporting Information for a Planning Proposal to Rezone to SP2 prepared by SLR Consulting (**Appendix D**) determined that a local water centre on the site would generate up to 5 trips during both the AM and PM peak hour. These trips would generally be limited to passenger and light vehicle trips for staff accessing the site and medium rigid truck movements for chemical deliveries and the removal of solid waste bins.

This minimal level of traffic movement was included and assessed within the Traffic Impact Assessment undertaken by Arcadis as part of Modification 21 application. Approval of Modification 21 and associated road upgrades demonstrates that a LWC on the site would be acceptable from a traffic perspective for the entire Huntlee Stage 1 development. Arcadis' assessment has considered the site's future development per the proposed modifications on the extended Modification 21 land, which includes the subject site of this Planning Proposal. Arcadis has concluded that:

- The future development of the site, including residential, commercial, mixed use and special infrastructure land for this Planning Proposal, would generate about 558 vehicle trips in the AM peak one hour and 600 vehicle trips in the PM peak one hour.
- The Modification 21 development traffic would have a small impact on Wine Country Drive. The major three intersections, including Tollbar Avenue, Empire Street and Triton Boulevard, would provide satisfactory level of service C or better during peak hour in 2022 and 2032.
- Under the TfNSW Works Authorisation Deed (WAD), two upgrading works are proposed to be delivered in 2022 or 2023, including dual-lane roundabout upgrade at the Wine Country Drive / Bridge Street / Tollbar Avenue intersection and new four-way traffic signals upgrade at the Wine Country Drive / Triton Boulevard intersection. Both upgrades would provide additional traffic capacity on the Wine Country Drive.

Based upon the operational traffic movements at Huntlee LWC 1 it can be stated that traffic movements to and from Huntlee LWC 2 will be low. Typically, once operational, medium rigid truck movements will be limited to chemical deliveries and the removal of solid waste bins, which is estimated to be two trucks per week. Operator / employees of Altogether will visit site using passenger and light vehicles up to three times per week.

It is unlikely any negative impacts to traffic and transport occur during the operational phase.

The Supporting Information for a Planning Proposal to Rezone to SP2 prepared by SLR Consulting (**Appendix D**) has determined that construction of the LWC would have negligible impacts on traffic and transport in the surrounding areas. Construction vehicle access routes would be from the surrounding street network which would be constructed prior to the development of the site as a LWC.

7.6 Stormwater, Ground Water, Surface Water and Water Cycle Management

Modification 21 was accompanied by a Stormwater Management Strategy prepared by Northrop (**Appendix E**) which included an assessment of the proposed stormwater infrastructure and design treatments to respond to the site's watercourses and floodplains for the Modification 21 area which included the subject site identified as an infrastructure lot. The subsequent approval of Modification 21 demonstrates that the Planning Proposal will not result in any adverse impact or change on the approved stormwater management strategy as adopted under Modification 21 and will continue to meet the objectives of the Huntlee DCP 2013.

SLR has assessed groundwater and surface water within the Supporting Information for a Planning Proposal to Rezone to SP2 (**Appendix D**). The water quality of recycled water has been considered in the assessment and issuing of NOL 15_030 for the Huntlee new Town development by IPART.

In relation to the construction and operation of Huntlee LWC 2, Huntlee Water will ensure that in the unlikely event of a pollution incident all remedial actions are in accordance with the POEO Act. In accordance with Section 148 of the POEO Act pollution incidents causing or threatening material harm will be notified immediately with the EPA.

Surface water impacts will be mitigated during construction and operation of the future LWC through the use of bunded areas to contain chemical spills, procedures for dealing with unexpected onset of rain during the construction period, and ensuring operational drainage systems are regularly checked and maintained.

Therefore, the Planning Proposal will not result in any adverse stormwater, surface water, groundwater or water cycle management impacts.

7.7 Bushfire

A Bushfire Threat Assessment (BTA) prepared by MJD Environmental (**Appendix F**) for Modification 21 accompanies this Planning Proposal. The site is located on Bushfire Prone Land and contains Category 1 Vegetation. The BTA is prepared in accordance with Planning for Bushfire Protection 2019. Its key findings are summarised below:

- Having regard to the expansion area beyond the Stage 1 boundary, the BTA provides a slope assessment for a distance of 100m around the Site and an assessment of the surrounding vegetation and future land uses. The BTA confirms that the site is located on bushfire prone land and contains Category 1 Vegetation.
- Specifically, due to its location on the north-western boundary of the Huntlee New Town Stage 1 area the Huntlee LWC 2 is subject to a temporary 100m Asset Protection Zone buffer to the west and a variable APZ to 29m on the northern boundary.

- The Assessment recommends the implementation of an Asset Protection Zones (APZs), which will be accommodated in the road carriageways. A variable APZ of 24m to 29m is required from the northern Huntlee concept approval boundary for uses that trigger residential APZ setbacks.
- Key recommendations of the APZ for the Town-Centre Substage 6 have been advised in the BTA to enable the proposal to comply with PBP (2006) and AS3959-2009. Temporary APZ will also be established from 100m to the south and west of the Mod 21 boundary within the future Huntlee developments areas.
- As the development of substages will occur in a staged fashion, a temporary APZ of 100m to the Huntlee boundary is established between active or completed development stages and future development areas in the BTA. All lands within the development area, including open space outside the nominated riparian corridors, are recommended to be managed as an APZ. The BTA notes that future dwellings within the site must have due regard to the specific considerations to required Bushfire Attack Levels (BAL).
- The BTA provides recommendations for the construction of roads and services in accordance with the Planning for Bushfire Protection Guidelines 2006 and provides guidelines in regard to ongoing vegetation and bushfire fuel management.

In accordance with the findings of the BTA The proposed site will be subject to a temporary 100m Asset Protection Zone buffer to the west and a variable APZ to 29m on the northern boundary, due to its location on the north-western boundary of the Huntlee New Town Stage 1 area (see **Figure 12** below). Any future LWC development will be accompanied by a bushfire management plan will be required to address separation distances, construction, access, water supply and services, and emergency and evacuation planning.

Therefore, it is demonstrated that this Planning Proposal has adequately considered potential bushfire impacts, that suitable APZs will be implemented, and that the site is an appropriate development within a bushfire prone area.



Figure 12 Extract of Proposed Asset Protection Zones (site outlined in blue)

Source: MJD Environmental

7.8 Aboriginal Heritage

An Aboriginal Objects Due Diligence Assessment was undertaken by Niche Environment and Heritage, as part of Modification 21 (**Appendix J**). It identified isolated areas of Aboriginal Heritage significance in the form of potential archaeological deposit and a single site feature, all outside of the subject site of this Planning Proposal. Moreover, further investigations were undertaken with respect to the Asset Protection Zone adjacent to the subject site, with Niche Environment and Heritage concluding that no Aboriginal cultural heritage sites or objects were identified within the APZ area. As such, rezoning of the site for wastewater infrastructure, and future development of a local water centre, are not expected to cause any impacts to Aboriginal cultural heritage.

7.9 Biodiversity

Removal of vegetation on the site was previously considered, assessed and offset as part of the original Part 3A Approval for Huntlee. The site is located within an offset area under a Planning Agreement with the State Government. Since the original determination of the Part 3A Approval for Huntlee, certification under Clause 34A of the Biodiversity Conservation Savings & Transition Regulation 2017 has been granted for the site.

The Certification Order (refer to **Appendix G**) states that:

(a) the Huntlee New Town Development is part of a relevant planning arrangement for which the biodiversity impacts of the proposed development have been satisfactorily assessed before 25 August 2017, and

(b) conservation measures to offset the residual impact of the proposed development on biodiversity values after the measures required to be taken to avoid or minimise those impacts have been secured into the future.

An Ecological Assessment prepared by MJD Environmental (**Appendix G**) and submitted with Modification 21 accompanies this Planning Proposal. It provided a 7-part test, as required by clause 34A(2) of the Biodiversity Conservation Savings & Transition Regulation 2017, which assessed the impact of vegetation removal proposed in Modification 21 on threatened species, populations or ecological communities or their habitats. The Ecological Assessment concluded that Modification 21 would not have any significant impact on threatened species, populations or ecological communities. Therefore, any future development of a LWC on the site is not expected to generate any significant impact on threatened species, populations or ecological communities.

8.0 Conclusion

Ethos Urban has prepared this Planning Proposal Justification Report on behalf of Huntlee Pty Ltd (the proponent) in support of a Planning Proposal submitted to the Department of Planning, Housing and Infrastructure (DPHI) for amendments to the *Cessnock Local Environmental Plan 2011* relating to part 1823 Wine Country Drive, North Rothbury (the Site).

The rezoning of the site from R1 General Residential and MU1 Mixed Use to SP2 Infrastructure – Sewerage System is justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The proposal is consistent with the strategic planning framework for the site;
- The development concept which the planning proposal aims to facilitate:
 - Delivery of an essential wastewater utility for the wider Huntlee New Town development
 - Reduction of the burden on existing wastewater infrastructure that supports the established Huntlee New Town areas.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.
- The proposal will not result in any adverse impacts to adjacent future residential dwellings or land use conflict that cannot be adequately mitigated as part of a future development on the site.

In light of the above, we would have no hesitation in recommending that a planning proposal be prepared, endorsed and proceed through the Gateway to public exhibition.