



Vincent Street
CESSNOCK 2325

29 January 2008

To All Councillors

You are hereby notified that the next Meeting of the Strategic & Community Services Committee will be held in the Council Chambers on Wednesday, 6 February 2008, commencing at 6.30 pm, for the purpose of transacting the undermentioned business.

**B R MORTOMORE
GENERAL MANAGER**

AGENDA:

PAGE NO.

(1) APOLOGIES.

(2) CONFIRMATION OF MINUTES.

Minutes of the Strategic & Community Services Committee
Meeting held on 23 January 2008

(3) OFFICERS' REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES

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(4) QUESTIONS WITHOUT NOTICE.

OFFICER'S REPORTS

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES REPORT NO. 7/2008

SUBJECT: REQUEST FOR DONATION

Community Worker, Ms Jessica Forbes, reports:

On the 6 September 2006 Council resolved to adopt a Donations Policy. Since this time Council has funded various requests for donations.

Below is a donation request that Council has received that meets the criteria set out in the Donations Policy.

LIFE EDUCATION NSW

Correspondence received 14 January 2008 seeking a donation towards the cost of towing Life Education's mobile classroom to primary schools in the Cessnock LGA.

Life Education NSW aims to educate people, especially young people, on how the human body works and in particular to educate them on the effects drugs, alcohol and other substances have on the working of the human body. In addition it aims to equip young people with the skills necessary to understand and overcome peer pressure and to encourage awareness of their uniqueness and potential as human beings.

Council provided \$1,000 to this initiative in 2007. This donation assisted with the costs of towing the Life Education mobile classroom to many of the primary schools within the Cessnock LGA.

A copy of this request has been included with the Enclosure Documents and there is presently \$12,650 remaining in the Donations Budget for Council's consideration.

RECOMMENDATION that correspondence is submitted for determination.

To: **The General Manager**
Strategic & Community Services
Committee - 6 February 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
24 January 2008

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 8/2008

SUBJECT: HUNTLÉE NEW TOWN - CONCEPT PLAN

Senior Strategic Planner, Mr Darryll Quigley, reports:

PURPOSE:

The purpose of this report is to inform Council that the Minister for Planning has formed an opinion that the Huntlee New Town proposal is deemed a Part 3A project and the proponent is seeking to rezone and list the subject site as a State Significant Site and recommends that a submission be made to the Minister (as the consent authority) in response to the exhibition of the Huntlee New Town Concept Plan.

BACKGROUND:

This project has been under discussion for some years and was previously known as 'Sweetwater'. More recently, an information report on Huntlee New Town was referred to Council on 20 June 2007. This report informed Council of the nomination of the Huntlee New Town urban release area as a proposed State Significant Site and the information to be included in the Director General's Environmental Assessment Requirements.

Under the Environmental Planning & Assessment Act 1979, a Part 3A project is "*development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives*".

Additionally, the proponent (Huntlee Holdings Pty Ltd) is seeking to rezone and list the subject site as a State Significant Site as per State Environmental Planning Policy (Major Projects) 2005. This amendment also "*... nominates the Minister for Planning as the approval authority under Part 3A for a project application for subdivision and works for the first stage of development being the first residential neighbourhood, the rural residential areas and part of the town centre.*"

The Huntlee New Town, Branxton Concept Plan (MP 07 - 0064) is on exhibition from 12 December 2007, until 15 February 2008. This report recommends that a submission be made to the Minister (as the consent authority) in response to this exhibition.

PROPOSAL:

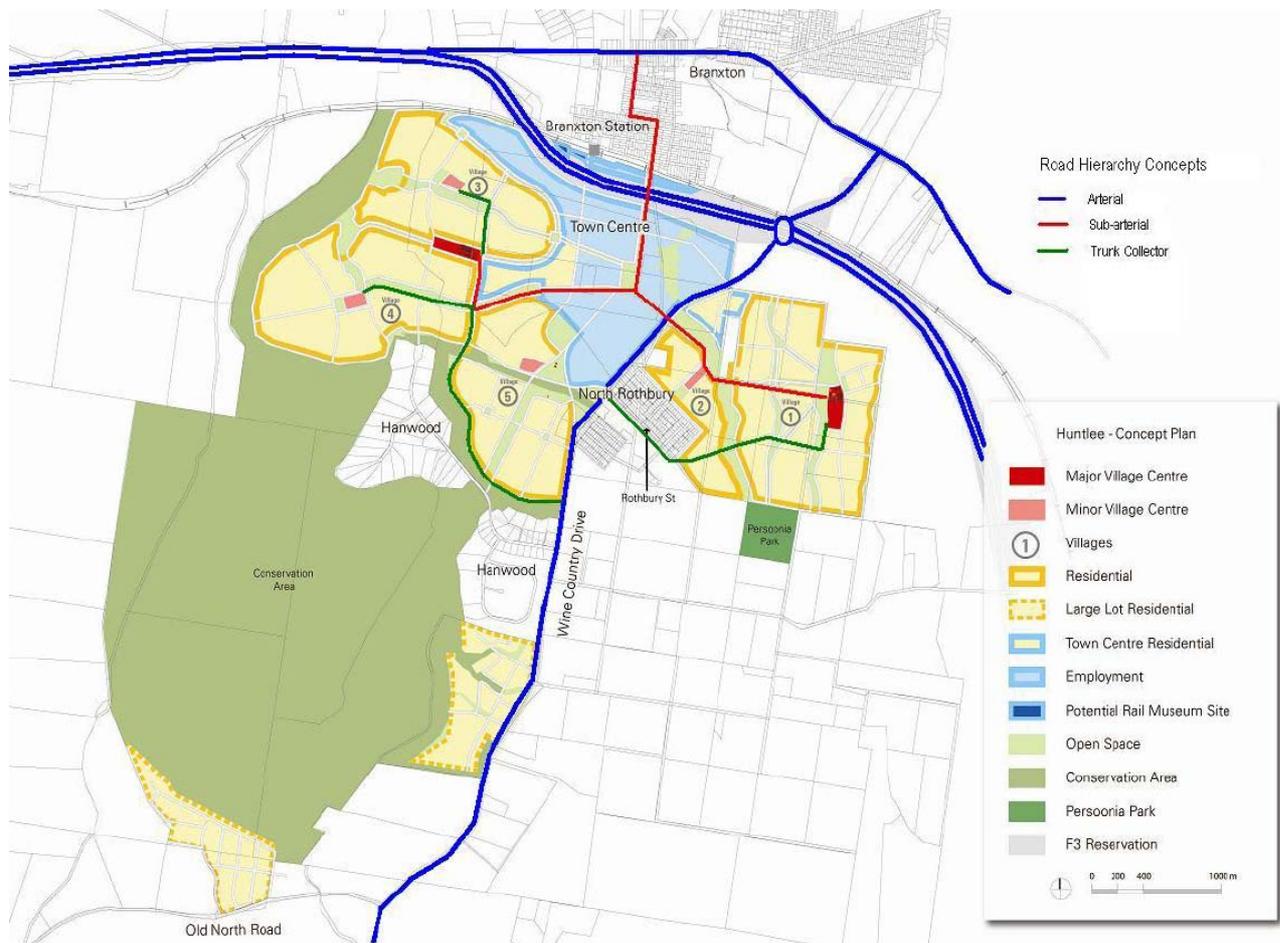
Huntlee New Town is a proposed mixed use urban area to be located adjacent to Branxton and North Rothbury. It should be noted that the proposal is located within both Cessnock and Singleton Local Government Areas. There have been and will continue to be discussions held between staff as to how best to facilitate the issues raised regarding this proposal.

It is proposed to develop the subject site over a 18–20 year period, which will create a new centre in the Lower Hunter with a population of approximately 20,000.

The proposal is consistent with the Lower Hunter Regional Strategy and is intended to provide for:

- development of up to 7,200 residential allotments of varying sizes covering up to 600 hectares;

- rural residential development covering up to 93 hectares to achieve 300 lots;
- employment lands totalling 160 hectares;
- associated infrastructure including upgrades to local roads, bus and rail networks, sewerage and water infrastructure and the dedication of land for education and health services, community facilities and utilities; and
- dedication of 884 hectares of conservation and open space within the development area and a further 4,988 hectares of conservation land currently owned by Hardie Holdings in other locations in the Lower Hunter region in accordance with the memorandum of understanding between Hardie Holdings and the NSW Government.



ASSESSMENT:

State Significant Site

The listing of a site as 'State Significant' means that the planning instruments of the Local Government Areas (Cessnock and Singleton), are replaced for the subject site, by the instrument gazetted by the Minister for Planning.

Zoning

It is noted that the Huntlee New Town Concept Plan has proposed its own planning instrument, zones, objectives and permissible land uses. There are significant discrepancies between the Concept Plan and Council's draft Cessnock Local Environmental Plan 2008, which is currently with the Department of Planning, awaiting permission for public exhibition.

It will be recommended to the Minister for Planning that the planning instrument for Huntlee New Town, should reflect draft Cessnock Local Environmental Plan 2008. This will ensure that there remains consistency within the Local Government Area on permitted land uses.

Road Works

The Concept Plan indicates that the main northern access to the New England Highway, being Wine Country Drive, will be diverted over the railway line and connect with the F3 Freeway Extension, then connecting with the New England Highway to the east of the Mobil Service Station (between Branxton and Greta). However, this will only occur once the F3 Freeway Extension has been constructed.

The concern is that in the absence of the F3 Freeway Extension, the proposed site works for the project, including heavy trucks, will be required to use the narrow existing bridge and road network through Branxton to the New England Highway. This road network will not be able to handle this increased traffic load, let alone after months of construction and when there are a few thousand people (Stage 1 – 2,000 residential allotments, 300 large lot residential allotments and 23.1 hectares of employment lands, with approximately 7,000 people) living in Huntlee New Town.

The existing road known as Wine Country Drive will mostly remain, but the Huntlee Town Centre will restrict direct access to Branxton over the existing bridge. This will reduce traffic volumes through both the Huntlee New Town and Branxton commercial areas.

The applicant is proposing that local residential streets be designed in accordance with AMCORD urban design guidelines. However, the narrower pavements can create the following problems:

- limiting bus access and service by waste collection vehicles;
- issues with cyclist and motor vehicle mix in narrow streets; and
- on-street parking tends to destroy the grass verges, creating water ponding issues, additional maintenance issues and costs, plus detrimental to streetscape.

The road network (particularly residential areas) should be designed to the minimum Austroads standards in terms of width and turning capacity (especially cul-de-sacs and turning heads), being capable of accommodating a rigid 25 tonne, 6 wheeled vehicle used for waste collection.

The submitted traffic report failed to undertake the necessary traffic counts and intersection counts in and around the subject site, especially in the Branxton township along the New England Highway. It also failed to undertake the necessary traffic modelling or have consideration for other proposals in the immediate area.

Both Cessnock City Council and the Roads & Traffic Authority will be requiring considerable upgrades and construction to their specific road networks, given the size and scale of the project and the resultant impacts on the locality.

Given that Huntlee New Town & Branxton will be as large, if not larger than Cessnock, the thought needs to be given to a by-pass for Huntlee New Town (possibly along Tucker's Lane to the east), linking with the F3 Freeway Extension. Otherwise, Huntlee New Town may end up similar to Cessnock town centre, with large rigid vehicles moving through the main street.

The Huntlee New Town Concept Plan was considered by the Hunter Regional Development Committee on 24 January 2008. Council's concerns were discussed by the Committee and the minutes of that meeting will be forwarded to the Department of Planning, along with Council's submission.

Employment Lands

It is acknowledged that the Huntlee New Town Concept Plan indicates that 160 hectares of employment lands are to be provided, representing 19% of the required lands under the Lower Hunter Regional Strategy (LHRS).

However, the Lower Hunter Regional Strategy (p.21) states that 825 hectares of employment lands is required, with there being 503 hectares currently vacant, meaning that there is a further 322 hectares required. Therefore, the proposed 160 hectares represents 49.7% of the required lands, not 19% as stated in the Environmental Assessment.

Infrastructure

Huntlee New Town is likely to be serviced from the Buttai Reservoirs, but at this stage nothing has been confirmed with Hunter Water. A number of smaller reservoirs are to be provided, but all are external to the subject site.

The options for sewer disposal appear to favour the upgrading of the wastewater treatment plant at Branxton. However, Hunter Water has indicated that there is insufficient land to upgrade the Branxton waste water treatment plant to accommodate the entire Huntlee development. Discussion will need to be finalised between the proponent and Hunter Water prior to consent for the project.

Design, Character and Staging

The Environmental Assessment states that *"... each neighbourhood will be distinctive in character, being located within a different landscape within the larger site. Some neighbourhoods will be on ridge tops, others along watercourses and areas of vegetation."* Consideration needs to be given to such matters as streetscape, urban design, floor space ratio, private open space, garbage collection, setback requirements, parking, etc. While it is understood that these guidelines are to be approved by the Minister for Planning, they should reflect the requirements contained within Cessnock Development Control Plan 2008.

The Environmental Assessment does discuss minimum lot sizes in the various villages proposed. There are various minimum lot sizes (down to 350 m²), being below draft Cessnock Local Environmental Plan 2008. Again, to ensure consistency, it is recommended that the planning instrument for Huntlee New Town reflect draft Cessnock Local Environmental Plan 2008, being a minimum allotment size of 450 m².

Huntlee New Town needs to be integrated with the neighbouring settlements of Branxton, North Rothbury and Hanwood Estate, which the Environmental Assessment has failed to address.

Clarification of the staging arrangements will be sought.

Voluntary Planning Agreement

The Environmental Assessment states that *"... it has been agreed that 2 VPAs be prepared, one between Huntlee Holdings and the Minister for Planning for regional infrastructure provision and a second VPA between Huntlee Holdings and Cessnock and Singleton Councils for local infrastructure provision."*

It should be noted that Cessnock City Council has not agreed to this arrangement and at this stage the only VPA that Council has seen relates to all four parties.

Further clarification in relation to this matter is being sought from the proponent, as various Council Officers review the document and will be dealt with under a separate report to Council.

Director General's Environmental Assessment Requirements

Flooding and Drainage

The Environmental Assessment indicates that portions of the western side of Huntlee New Town are subject to flooding, namely portions of villages 3 & 4 and the Large Lot Residential area (off Wine Country Drive), in close proximity to Black Creek. The Assessment states that some filling may reduce the flooding impact. Further clarification and assessment of this will be required.

Council has limited funds for upgrading and maintaining drainage infrastructure and proposals for WSUD bioretention swales would place further unreasonable demands on Council's funding. Accordingly, this proposal is deemed unsuitable and inappropriate for the subdivision resulting from this rezoning of Huntlee New Town.

Council would request that the street drainage be designed as concrete kerb and gutter with underground pipe drainage, culminating in a gross pollutant trap and/or artificial wetland prior to discharge to the detention facility. Swale drains/gravel trenches along roads should only be considered where it can be demonstrated that Council would not be taking on an additional maintenance burden.

Proposals to incorporate source control devices (grassed swales, infiltration/retention trenches, rainwater tanks, bioretention swales) for the control of flows and water quality are supported, provided they are incorporated at a lot level and are therefore the occupier/owners responsibility to maintain.

Contamination

It is noted that there appears to be little contamination on site. However, the area in and around Village 5, which will be the last stage of the development, is a known 'contaminated site' and a suitable remediation and rehabilitation action plan will need to be developed.

Subsidence

The Environmental Assessment makes reference to the mining activities which have taken place throughout the site. The Assessment states that the subject site is not within a Mine Subsidence District, but that some restrictions will apply and that MSB approval will be required. This will need to be considered prior to approval being issued.

Bushfire

The Environmental Assessment states that cul-de-sacs should not be used in the subdivision design. While it is noted that the Large Lot Residential areas have cul-de-sacs, further consideration to internal connectivity should be considered.

Heritage

The Environmental Assessment states that there are no heritage items from the subject site listed in any register or any planning schemes. Draft Cessnock Local Environmental Plan 2008, Schedule 5: Environmental heritage, lists Rothbury Riot Memorial and the Collieries of South Maitland Coalfields as a Group Item. These need to be taken into account with regard to the proposed development.

Social and Community Infrastructure

Various 'contribution works' and/or sites within the proposal have been identified for social and community infrastructure. However, it is not clear when these sites are to be provided to the various statutory authorities and/or whether these facilities will be built. Clarification will be sought on what, if any, implications there are in this regard.

The current population of Branxton, Branxton East, Greta and North Rothbury does not justify the establishment of a new branch library. However, with the proposed population of Huntlee New Town and continuing growth of the existing centres, the need for a branch library will be met when the population exceeds approximately 10,000, but designed to cater for the ultimate population of approximately 30,000 people.

Council is supportive of and encourages the use of linkages between open space areas, but not supportive of small pocket parks which are indicated near villages 3 and 5. Council targets the establishment of centralised high quality parkland and requests this be reflected in the Concept Plan.

The fourteen (14) neighbourhood parks proposed appears to be sufficient, however, the minimum sizes provided (0.25 ha) needs to be increased to 0.5 ha to be consistent with Council's current practices for new release areas.

Additional land is required for District Parks as it does not appear that provision has been made to cater for sporting fields. Based on a projected increase of 21,000 people, it is anticipated that approximately eight (8) additional sporting fields will be required. The 50 ha proposed for District Parks needs to be increased to 80 ha to provide an ample mix of sporting and recreation areas.

It is preferred that the sporting fields are dispersed throughout the subject site, with a regional facility being located central to the town centre. The regional facility would service residents from both the Cessnock and Singleton Local Government Areas.

The area proposed for the Town Park is suitable to Council as it is central to the subject site (in the town centre). The area of land identified (4ha) is sufficient.

Branxton Pool would not be able to continue catering for local needs due to the increased population and as such an upgrade the existing facility will be required, as well as the construction of a new regional aquatic facility.

Given the proposal is likely to attract families, it is more pressing for the community that land be allocated for a public secondary school, rather than the proposed dedication of land for a tertiary educational institution.

Economic Environment

The economic and employment benefits of the proposal, being approximately 36,842 new full-time equivalent jobs will be created with approximately 22,813 created in the Hunter Valley during the construction phase are noted.

The construction of a new commercial centre of the type proposed, will have a significant impact on surrounding centres, including: Branxton; Cessnock; Singleton; and neighbouring centres in the Maitland Local Government Area. There does appear to have been an economic assessment undertaken in this regard.

Housing Affordability

The Environmental Assessment discusses this matter and states that land in Huntlee will be cheaper than Sydney and Newcastle (parts). However, with the increased population in the Lower Hunter, additional land releases will be required to reduce pressure on property prices. This is a general land release economic argument and it is noted that there is a rental shortage in the Lower Hunter.

However, the Assessment does not address the issues of 'affordable housing', being housing for lower income families or people. The Director General's requirements to "*demonstrate that the appropriate housing diversity and affordability are provided across the site*" will need to be addressed.

Ecologically Sustainable Development and Greenhouse Gas Emissions

No greenhouse gas emissions report and energy savings action plans have been provided. In the absence of any of these plans, it is difficult to interpret an outcome or provide any specific comments in this regard.

Noise Assessment

No *Acoustic (Noise) Assessments* have been undertaken as part of the proposal. In the absence of any of these assessments, it is difficult to interpret an outcome or provide any specific comments in this regard.

RECOMMENDATION that Council note the exhibition of the Huntlee New Town Concept Plan and that a submission be made to the Department of Planning regarding the matters discussed in this report. A draft copy of this submission can be found in the attachment to this report.

To: ***The General Manager***
Strategic & Community Services
Committee - 6 February 2008

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ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
23 January 2008

ACTING DIRECTOR STRATEGIC & COMMUNITY SERVICES
REPORT NO. 9/2008

**SUBJECT: SANCTUARY VILLAGES CESSNOCK – STATE SIGNIFICANT SITE AND
CONCEPT PLAN (MP 07 - 0172)**

Consultant Town Planner, Ms Leanne Saccaro reports:

PURPOSE:

The purpose of this report is to update Council on the status of the Sanctuary Villages Major Project Application and Council's role in the process.

PROPOSAL:

The proponent, Hardie Holdings Pty Ltd, is seeking to rezone the site and list it as a State significant site in Schedule 3 of State Environmental Planning Policy (Major Projects) 2005. It is noted that the proposed amendment will consider the proposed land uses and outline appropriate developments controls (and any subsequent approval requirements) for the site. The proponent is concurrently seeking concept plan approval for 700 residential lots and new rural lots (over 489 ha) and 533 ha conservation lands; including 100 lot subdivisions at both Paxton and Millfield and construction of associated infrastructure (roads, stormwater management and water supply/sewerage). A locality plan is provided in the enclosure document. The Minister for Planning has formed the opinion pursuant to clause 6 of *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP) that the project is a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* on 18 June 2007. The Minister is the consent Authority for the proposal.

The Minister has requested that a Community Reference Group be convened by Council for the duration of the project to provide a forum within which the proponent is to present the proposal (pre and post-lodgement) and provide an opportunity for the Group to discuss issues related to the proposal.

This report considers the composition of the Community Reference Group and also considers the consultation undertaken with Government Agencies with regard to drafting the Director General's Requirements, including Council's own response as the local government agency, as provided for by Part 3A of the *Environmental Planning and Assessment Act, 1979*.

BACKGROUND:

Council previously considered a report on this matter at its meeting held on 3 October 2007 where it resolved that the report be withdrawn and Council write to the Minister for clarification with regard to Clause 9 of the Instrument of Delegation. In accordance with the resolution Council Officers sought clarification from the Department and in response the Department issued a revised Instrument of Delegation dated 24 October 2007, amending delegation No.9 as well as altering the delegations to provide for a 'project application' for Stage 1 works.

In November 2007 a planning consultant was engaged and a preliminary review of the documentation received by Council undertaken. On 23 November 2007 a letter was sent to the Department seeking further clarification regarding the processing of the Major Project Application, role of the community reference group and the general administrative procedures to be undertaken by Council.

Council officers met with the Department of the Planning staff on 13 December 2007 to discuss the status of the Major Project Application and Council's role in the assessment process. At the meeting Department officers advised that the Director General was reconsidering the delegation of his assessment functions to Council and requested that Council immediately undertake consultation with the relevant Government Agencies so as to prepare the draft Director General's Requirements (DGR's).

On 20 December 2007 Council was formally advised that the Director General of the Department of Planning had revoked his delegation given to Cessnock City Council in relation to the assessment functions under Part 3A of the *Environmental Planning and Assessment Act 1979* for the Sanctuary Villages Development at Cessnock. In deciding to revoke the delegation, the Director General advised that the decision was made to allow for the clear separation of Council's role in the process. He further advised that the Department sees Council's ongoing involvement as important, particularly with the organisation of the Community Reference Group. A copy of this letter is provided in the enclosure documents.

PROCESS TO DATE:

Draft Director General's Requirements

Under the terms of the revocation, Council has been instructed by the Department to continue the work commenced on preparing the Director General's Requirements (DGR's) and the required consultation with appropriate government authorities as part of that preparation. Council is to assist in the preparation of the draft DGR's, in consultation with the relevant Government Agencies, with the final DGR's to be issued by the Department. The Department has advised that the work carried out by Council on the Department's behalf is on a 'fee for service basis'.

Consultation with the Government Agencies, including Council, has been undertaken with the agencies given until the 10 January 2008 to provide their draft DGR's for Council's consideration. The draft DGR's were required to be drafted and with the Department by 17 January 2008. The key issues and assessment requirements raised by the responses are included in the draft DGR's. A copy of the draft DGR's is provided in the enclosure documents.

Community Reference Group (CRG)

It has been recommended by the Director General that Council form the CRG by way of 'direct invitation' rather than an open public invitation. It has been suggested that:

"Council identify a representative cross section of Community Representatives and issue invitations. Members should be invited on the basis of having a demonstrated interest or links with the site, prior involvement in the planning process or connections with the local community and represent a broad cross-section of stake holders."

It is envisaged that this Group would comprise key Council staff who have expertise or knowledge in a particular area, in addition to community representation. To ensure a wide cross section of the local community is represented, it is recommended that representatives of the Communities of the Congewai Catchment Inc, Congewai Valley Landcare Inc and the Ellalong Residents Wetland Protection Group Inc as key interest groups in this area be invited to nominate for participation in the Reference Group.

It is noted that a specific request was received from the president of the Ellalong Residents Wetland Protection Group Inc, Mr Roger Lewis, to be included as part of the Community Reference Group.

In finalising this process Council is required to prepare a proposed CRG membership list for submission to and the consideration of the Department. The Group would meet on an as needs basis with the details and timing of the meetings to be finalised with the Department.

RECOMMENDATION that:

1. The draft Director General's Requirements (DGR's) be referred to the Department of Planning for their consideration.
2. In accordance with the Director General's suggestion:
 - i) Council send invitations to the Communities of the Congewai Catchment Inc, Congewai Valley Landcare Inc and Mr Roger Lewis of the Ellalong Residents Wetland Protection Group Inc for participation in the Community Reference Group.
 - ii) That once acceptances are received Council prepare a proposed Community Reference Group membership list for the consideration of the Department.

To: **The General Manager**
Strategic & Community Services
Committee – 6 February 2008

S EADE
ACTING DIRECTOR STRATEGIC &
COMMUNITY SERVICES
25 January 2008