

Mr Mark Schofield  
NSW Department of Planning and Infrastructure  
23-33 Bridge Street, Sydney  
GPO Box 39 SYDNEY NSW 2000

18 September 2013

Dear Mark,

**Section 75W Modification Application for a revised lot layout on Lot 12 DP 1021340  
Pitt Town**

As per our recent discussions with the Department of Planning and Infrastructure (DoPI), the accompanying documentation herewith presents information to support a section 75W modification application to a Part 3A approval pursuant to the Environmental Planning and Assessment Act (1979). The Part 3A approval was granted in July 2008 over landholdings known as the Pitt Town Subdivision in north western Sydney. This modification seeks consent from the (DoPI) for a revised lot layout on Lot 12 DP 1021340 (Lot 12) for eleven rural housing allotments and a 12<sup>th</sup> lot being a public reserve.

Lot 12 is within the Pitt Town residential release area and this modification proposal is considered to be generally consistent with the adopted Master Plan for the locality as is allowed pursuant to Condition A2 of Schedule 2, Part A of the Part 3A Instrument of Approval. The revised lot layout is proposed to allow timely progress for the development of Lot 12. This modification culminates in a belief that the land is suitable for the subdivision as proposed and that the grant of consent is appropriate in the circumstances of this case.

**Modification Application Background**

The revised lot layout presented in this modification has been the subject of discussions and meetings with Hawkesbury City Council's (Council) Matt Owens and support staff and culminated in the lodgment of DA 0216/13 for the consideration of Council. Council staff advised that they were generally supportive of the proposed revised lot layout for Lot 12 but advised that this is a matter for DoPI to determine whether the revised lot layout is generally consistent with the original Master Plan. The lot layout currently approved in the Master Plan has a layout with lots overlapping Lot 12 and the adjoining Lot 11 to the west. Lot's 11 and 12 are owned by separate landowners and the overlapping lot configuration does not allow each landholder to act independently if desired. It should also be noted that the owner of Lot 12 did not consent to the overlapping lot layout prior to the submission of the Part 3A Environmental Assessment and subsequent approval of the Master Plan.

Council circulated DA 0216/13 for comment to adjoining landholders to Lot 12 and the comments received along with responses to the comments are set out in Appendix 2 of the accompanying documentation.

### **General Consistency of this Modification with Master Plan**

Determination and approval for the original Master Plan for Lot 12 in the Blighton Precinct of the Pitt Town Subdivision was issued in July 2008 (MPA No.07\_0140). Condition B3 of Part B states that the lot layouts shown for each precinct are to be considered indicative only with the maximum allowable lots for each precinct to remain as per the Master Plan. This is acknowledgement that it is not possible to understand every small detail for future development at the time of approval and is a common approach used by government agencies for approval of large or complex projects.

Condition A2 of Schedule 2, Part A, states that any modification to the Master Plan shall be generally consistent with the Master Plan. The revised lot layout presented in this modification application is considered to be generally consistent with the Master Plan for the following reasons.

- The revised layout has the same number of lots and the lot sizes are consistent with the zoning rules in the Part 3A approval
- All lots in the revised layout have good access to either Hall or Hawkesbury streets
- The revised layout does not result in any additional environmental impacts
- The revised layout does not result in any additional demands on services or infrastructure
- The revised layout does not result in any increase in traffic volume or impacts on traffic flow or traffic safety
- The revised layout causes no additional impact on heritage matters
- The revised layout does not disadvantage any adjoining landholders

### **No disadvantage to adjoining landowners**

The revised lot layout for Lot 12 does not result in any disadvantage to adjoining landholders as the lot layout is wholly contained within Lot 12 and requires no land not owned by the owner of Lot 12. Lot 11 to the east of Lot 12 is owned by Johnson Property Group (JPG). The proposed lot layout for Lot 12 results in advantage to the owner of Lot 11 to the west as the original lot configuration in the Master Plan has lots overlapping both Lots 11 and 12. This means that individual landholders are unable to act independently if they wish. However, the revised layout allows each landholder to act independently whilst at the same time observing the intent of the original Master Plan by not creating any additional lots and not causing any additional impacts. The lot layout in the Master Plan would require JPG to purchase portions of Lot 12. The revised lot layout proposed means that JPG no longer needs to purchase land from Lot 12. However, if JPG still wish to purchase any Lot 12 land following approval of the revised lot layout herewith then they can still do this at market value as would have been the case with the Master Plan lot layout.

Whilst a lot layout for Lot 11 is presented in the accompanying documentation, this is only a suggested layout and one of a variety of layouts that may possibly be used.

## **Traffic Flow**

The revised lot layout for Lot 12 results in the removal of the internal link road between Hall St and Hawkesbury St. A traffic assessment has been carried out to determine whether the removal of this road will have any impact on traffic conditions with respect to Hall St and/or Hawkesbury St. The full traffic assessment is set out in Appendix 1.

The traffic assessment examined 4 potential areas where changes to traffic dynamics could occur as a result of the revised lot layout. The 4 areas examined are:

- Traffic generation
- Traffic distribution
- Environmental capacity of residential streets
- Traffic safety

The assessment concluded that there will be no adverse impacts to traffic dynamics associated with the revised lot layout. One of the key reasons for this is that there will be no additional traffic generated as the revised lot layout results in no additional lots and therefore no additional dwellings as would be the case in the Master Plan.

In summary it is believed that the lot layout proposed in this modification application is appropriate in the circumstances of this case. No additional lots are to be created. Each landowner can develop without the constraint of having lots across different landowner's land. Neither landowner is disadvantaged. There are no adverse environmental impacts and importantly the proposal is generally consistent with the indicative only Master Plan layout.

We look forward to your favourable determination of this application and thank you for your assistance thus far. If you would like to discuss any of the matters relating to this modification application please feel free to contact Shaun Cleary at any time on 0427698876 or [shauncleary@bigpond.com](mailto:shauncleary@bigpond.com).

Yours faithfully,

Phillip Cleary

Appendix 1: Traffic Report

Appendix 2: Table of objections and responses

Appendix 3: Modification assessment report

Appendix 4: Subdivision layout plan