

7 August 2014



The Secretary  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2000

Attn: Amy Watson

**Section 75W Modification Request  
Pitt Town Part 3A Concept Plan  
(Your ref: MPA07\_0140 MOD 4)**

Dear Amy,

**1.0 INTRODUCTION**

This Section 75W modification application seeks to modify Concept Approval (MP07\_0140) which was granted by the NSW Minister for Planning on 10 July 2008, and subsequently modified. The Pitt Town concept approval includes the following:

- Subdivision to create a total of 659 allotments within five precincts;
- Provision of a 4.1 metre wide boat ramp with 16 car parking spaces and 14 car/trailer parking spaces adjacent to the Hawkesbury River;
- Provision of related infrastructure comprising water supply mains, sewerage mains, road works, stormwater mains and water quality control and detention works.

***This submission supersedes JPG's 21 March 2014 Section 75W modification submission (MOD 4) to the Department.***

A summary of the proposed modifications to the Concept Approval include the following:

**In Schedule 2:**

**(a) Amend Modification A1 – Development Description as follows:**

**Replace 1) with:**

- 1) Subdivision to create a total of 661 allotments within five precincts.

**(b) Amend Modification A2 – Development in Accordance with Documentation and Plans as follows:**

**Replace b) with:**

- b) Pitt Town Masterplan Revision 8, dated 31 July 2014 and prepared by Brown Consulting.

**Replace c) with:**

- c) **Masterplan for Bona Vista**, Drawing No L03017-Bona-V5, dated 5 November 2007 and prepared by Brown Consulting; **Masterplan for Fernadell**, Drawing No. L03017-Fern-V5, dated 5 November 2007 and prepared by Brown Consulting; **Masterplan for Blighton (Lot 11)**, Drawing No. L03017.500-F7 Revision 2, dated 31 July 2014 and prepared by Brown Consulting; **Masterplan for Blighton (Lot 12)**, Drawing No. 88248:DA:2 Revision B, dated 21

Level 12, 48 Hunter Street  
Sydney NSW 2000

PO Box A1308  
Sydney South NSW 1235

November 2011 and prepared by McKinlay Morgan & Associates P/L; **Masterplan for Cleary**, Drawing No. L03017-Cleary-V6 Revision 2, dated 12 November 2009 and prepared by Brown Consulting; **Masterplan for Thornton**, Drawing No. L03017-THORN-V6, dated 27 March 2008 and prepared by Brown Consulting; and **Boat Launching Ramp & Trailer Park**, Engineering Plan Sheet 01 of 02 Drawing No. L03017.700 Revision 01, dated 11 July 2014 and prepared by Brown Consulting.

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B of the Concept Plan Approval and the proponents revised Statement of Commitments received by the Department on 18 April 2008.

**(c) Amend Modification B3 – Layout and Distribution as follows:**

The lot layouts shown for each precinct are considered to be indicative only, however the maximum number of lots within each precinct as approved in this concept plan are not to exceed:

- Fernadell – 210 residential lots
- Bona Vista – 246 residential lots
- Blighton (Lot 11) – 10 residential lots
- Blighton (Lot 12) – 11 residential lots
- Cleary – 112 residential lots
- Thornton – 72 residential lots
- Residual lots as required

The proposed modification is considered essential to facilitate the ongoing development of JPG controlled precincts under the concept plan approval. Each of these proposed modifications are addressed in detail in **Section 3** of this Section 75W modification submission.

## **2.0 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

On 1 October 2011, Part 3A of the EP&A Act 1979 was repealed by the *Environmental Planning & Assessment (Part 3A Repeal) Act 2011 No. 22*. Despite this, Part 3A continues to apply to the project based on the transitional provisions identified in Clause 2 and 3 of Schedule 6A of the EP&A Act 1979 as follows:

### **Schedule 6A**

#### **2 Transitional Part 3A projects**

- (1) *The following are, subject to this Schedule, **transitional Part 3A projects**:*
- (b) *a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*
- (5) *A transitional Part 3A project extends to the project as varied by changes to the Part 3A project or concept plan application, to the concept plan approval or to the project approval, whether made before or after the repeal of Part 3A."*

Clause 3 of Schedule 6A of the EP&A Act 1979 states that the provisions of any State Environmental Planning Policy (SEPP) implemented under Part 3A continue to apply in respect of a transitional Part 3A project:

#### **3 Continuation of Part 3A—transitional Part 3A projects**

- (1) *Part 3A of this Act (as in force immediately before the repeal of that Part and as modified under this Schedule after that repeal) continues to apply to and in respect of a transitional Part 3A project.*
- (2) *For that purpose:*
- (a) *any State environmental planning policy or other instrument made under or for the purposes of Part 3A, as in force on the repeal of that Part and as amended after that repeal, continues to apply to and in respect of a transitional Part 3A project,"*



Clause 3C of Schedule 6A of the EP&A Act 1979 confirms that Section 75W continues to apply for the purpose of the modification of an approved concept plan as follows:

**3C Modification of concept plans**

- (1) *Section 75W continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.*
- (2) *This clause applies despite anything to the contrary in this Schedule (other than provisions to approval for the carrying out of a project or stage of a project that is given in connection with an approval to modify a concept plan)."*

Based on the above legislation, it is established that the proposed modifications to the approved concept plan can be assessed as a Section 75W modification application. Section 75W of the EP&A Act states:

**75W Modification of Minister's approval**

- (1) *In this section:*  
**Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.  
**modification of approval** means changing the terms of a Minister's approval, including:
  - (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
  - (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) *The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*
- (5) *The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.*
- (6) *Subsection (5) does not apply to a request to modify:*
  - (a) *an approval granted by or as directed by the Court on appeal, or*
  - (b) *a determination made by the Minister under Division 3 in connection with the approval of a concept plan.*
- (7) *This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan."*

No provisions of Section 75W prohibit or restrict the proposed modifications to the concept plan approval. It is considered that the proposed modifications remain consistent with this section of the EP&A Act 1979.

### 3.0 PROPOSED MODIFICATIONS & ENVIRONMENTAL ASSESSMENT

This section summarises the proposed Section 75W modifications.

#### 3.1 Alternative Masterplan for Brighton Precinct

Lot 11 is owned by JPG. Lot 12 is owned by a neighbour, My Cleary, who is not associated with JPG.

The owner of Lot 12 has applied to the Department of Planning to modify their proposed subdivision layout for Lot 12 so that they can develop independent of JPG. Refer MPA07\_0140

**MOD 3. JPG had previously objected to this modification but, by agreement, now withdraw this previous objection.**

This modification request by Mr Cleary on Lot 12 meant that JPG were unable to develop Lot 11 consistent with the Part 3A Concept Approval. The Lot 12 modification therefore requires a modification to JPG's Lot 11.

Per the attached letter, both Lot 11 and Lot 12 landowners have granted landowner consent for the submission of this modification request.

The modification now allows each landowner to develop independent of one another.

Therefore, this proposed modification seeks to provide an alternative layout for Lot 11 whilst still achieving the same objectives of the Part 3A Concept Plan conditions (specifically Condition B2) and the Part 3A Statement of Commitments.

Should this JPG Lot 11 modification (MOD 4) be approved and the Cleary Lot 12 Modification (MOD 3) be approved, then the proposed number of lots increase by 2 in this precinct.

### **3.2 Change to Overall Pitt Town Masterplan**

As a result of the changes proposed within the Blighton precinct, a new Pitt Town Masterplan has been prepared and is enclosed within this submission for approval.

### **3.3 Punt Road Boat Launching Ramp and Trailer Park**

JPG are in the process of preparing a development application to Hawkesbury City Council for the upgrade of Punt Road (to a rural road standard) and installation of the trailer car park and access paths to the Punt Road boat ramp. We have provided a preliminary engineering drawing set to Council for them to review and comment on before formal submission of the Development Application.

Due to further detailed design in recent times, the plans have changes from that which was Part 3A Concept Plan approved. Notwithstanding that the original approval for the boat launching ramp and trailer park was conceptual in nature, we would like the Department to accept these new plans as part of this modification request as these plans are more reflective of our ability to be able to construct the required facilities.

Should you require further information, feel free to contact me on 0408 991 888.

Yours sincerely  
Johnson Property Group



**Bryan Garland**  
Development Director

Encl: Pitt Town Masterplan  
Masterplan for Lot 11 – Blighton Precinct  
Punt Road Boat Ramp and Trailer Car Park Concept Plan





HAWKESBURY

RIVER

25 x 4.1m CAST IN PLACE  
CONCRETE BOAT RAMP

OPEN SPACE

30 SPACE CARPARK

PUNT  
ROAD

PROP. ROAD 15.0m WIDE

HALL  
STREET

HAWKESBURY  
STREET

NOTES

AREAS AND DIMENSIONS CONTAINED WITHIN  
THIS PLAN ARE FOR D.A. PURPOSE ONLY  
& MAY VARY SUBJECT TO FINAL SURVEY.

0 10 20 30 40 50 60 70 80 90 100  
SCALE 1:1000 (A1)  
SCALE 1:2000 (A3)

REDUCTION RATIO			
PLAN	1:1000	A1, 1:2000	A3
DATUM	A.M.D.	REVISION	P.L.
SURVEY	TRACED	A.C.	DATE 10-3-2014



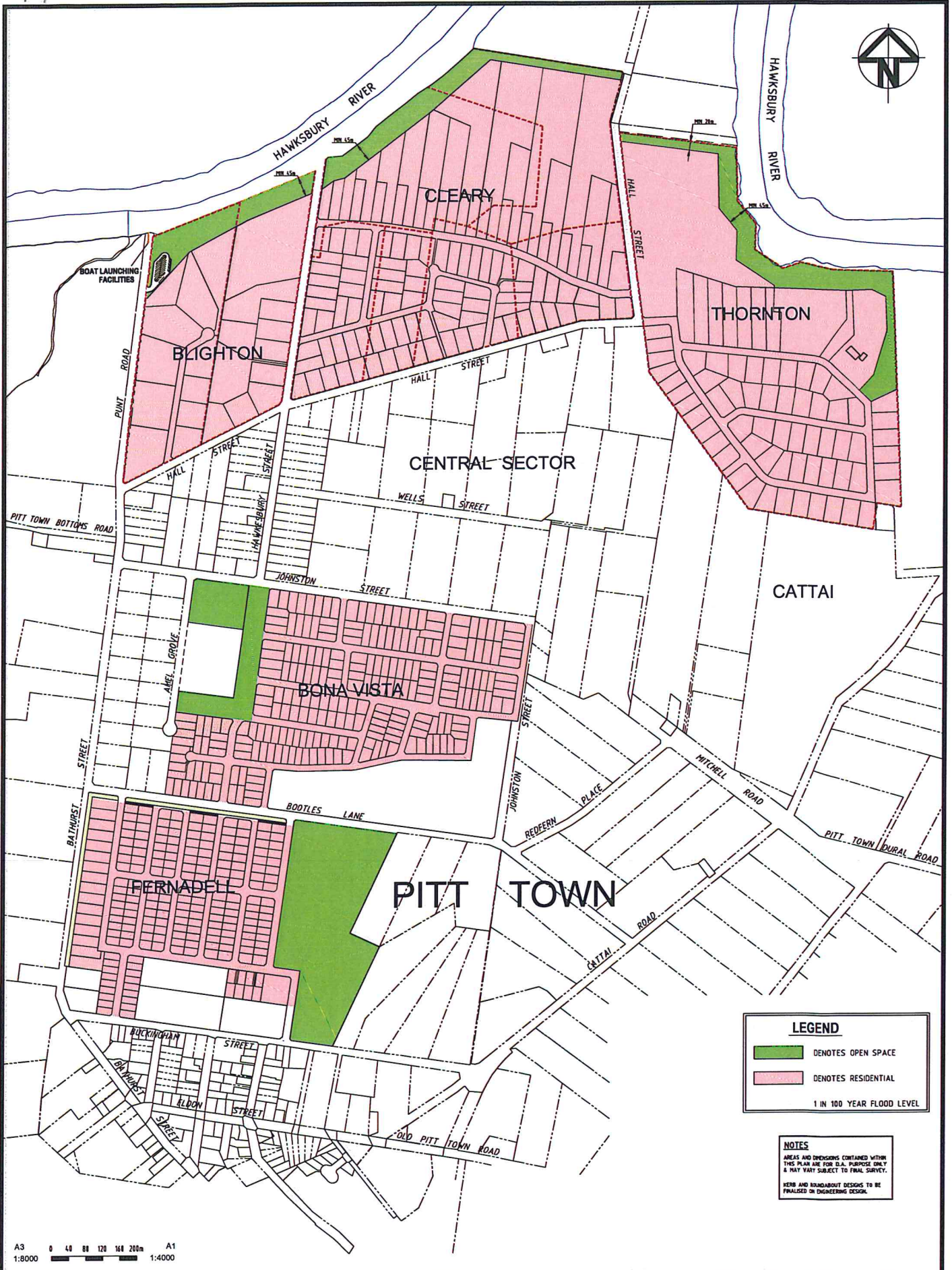
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DIMENSIONS ONLY, DO NOT  
SCALE.


HAWKESBURY CITY COUNCIL  
PITT TOWN  
MASTERPLAN FOR BLIGHTON  
OPTION 2


REVISION	ISSUE	DESCRIPTION	DATE
2	1	REVISION	31-7-2014
1	1	REVISION	12-4-2014
0	0	ORIGINAL	10-3-2014
DRAWING No. L03017.500-F7			APPEND.
SHEET 1 OF 1 SHEETS			1





**LEGEND**

 DENOTES OPEN SPACE

 DENOTES RESIDENTIAL

1 IN 100 YEAR FLOOD LEVEL

**NOTES**

AREAS AND DIMENSIONS CONTAINED WITHIN THIS PLAN ARE FOR I.D.A. PURPOSE ONLY & MAY VARY SUBJECT TO FINAL SURVEY.

KERB AND ROUNDABOUT DESIGNS TO BE FINALISED IN ENGINEERING DESIGN.

Saved: 01.08.2014, By: Benjamin Lawrence  
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A3 1:8000 0 40 80 120 160 200m A1 1:4000

Revision Details				
Rev	Drawn	Design	Check	Appd
01	PW	AP	AP	AP
02	BL	BL	BL	BL
Revision Details				
01/03/2014 CLEARY, BLIGHTON LOTS REVISED				
01/07/2014 CLEARY, BLIGHTON LOTS UPDATED & CARPARK/BOAT RAMP ADDED				

**PITT TOWN MASTERPLAN**  
REVISION 8 - 31ST JULY 2014





