

Statement of Heritage Impact

Lot 12, DP 1021340

for

Shaun Cleary



Boundary of Lots 11 & 12 from Hall Street

Prepared by:

Archnex Designs

Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs.

October 2014

Lot 12 DP 1021340 Pitt Town
(Amending Subdivision)

Statement of Heritage Impact
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- (i) “Masterplan for Blighton” (Brown Consulting 2008)
- (ii) Proposed Plan of Subdivision (McKinlay Morgan 2011)
- (iii) “Masterplan for Blighton” (Brown Consulting 2014)

Archnex Designs

Nominated Architect: Greg Patch (Reg. No. 4820)
Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs.
Architects, Heritage Building Consultants, Interior Designers

STATEMENT OF HERITAGE IMPACT [SoHI]:

Date: 7 October 2014
Premises: Lot 12 Pitt Town
Property Description: Lot 12 DP 1021340
Prepared By: Greg Patch
B Sc Arch, B ARCH (Hons), M Herit Cons (Hons), AIA
14 Winchcombe Ave,
Haberfield NSW 2045
For: Shaun Cleary

A. PURPOSE OF STATEMENT

This statement has been prepared to assess potential heritage impacts of proposed amended lot layouts in relation to the Pitt Town Conservation Area.

B. GROUNDS OF STATEMENT

Lot 12 is listed as a heritage item. This has been established through a search Schedule 5 Part 2 of Hawkesbury Local Environmental Plan 2012.

C. LIMITS OF STATEMENT

This statement is based on the material cited at Part E1, and an inspection of the site on in late September 2014.

D. LOCATION



1. Location of Lot 12, DP 1021340. (Source: SIX Maps © NSW Lands 2014).

E. CONTEXT

E1. DOCUMENTARY

The subject land and adjoining areas have been the subject of numerous archaeological and heritage- related studies. These include:

Archaeological and Heritage Management Solutions Pty Ltd (AHMS)

- *Historical Archaeological Assessment, Research Design & Test Excavation Methodology: Lots 11-18 in DP1021340, Pitt Town NSW.* Report to Johnson Property Group. (2005)
- *Lots 11-18 Hall Street, Pitt Town NSW: Aboriginal archaeological survey and assessment.* Report to Johnson Property Group. (2005)
- *Area 3 in Lot 14, Hall Street at Pitt Town, NSW: Historical Archaeological Test Excavation Report.* Report to Johnson Property Group. (2005)

Mayne-Wilson & Associates

- *Heritage Landscape and Visual Assessment of Part of the Site of Governor Bligh's 'Model Farm' Blighton Near Pitt Town, NSW.* Prepared for the Johnson Property Group (November 2005)

Graham Brooks and Associates Pty Ltd

- *Blighton Conservation Management Strategy: Lots 11, 12, 14 and 15 North of Hall Street Pitt Town, NSW* (Prepared for the Johnson Property Group -Draft December 2005)
- *Pitt Town Residential Precinct MP 07_0140 and MP 07_0141 Director General's Requirements – Heritage Response* (December 2007)

Donald Ellmore, Heritage Advisor- compiled Report of the Working Group

- *Pitt Town Cultural Landscape- Management of Heritage Values* (October 2003)

Brown Consulting (NSW) Pty Ltd

- *Pitt Town Master Plan* (Revised 25th March 2008)
- The area, including Lot 12 was the subject of a *Master Plan for Blighton* prepared by Brown Consulting, Ref: L03017-Bligh-V6, dated 7.10.08 Proposed Subdivision of Lots 11 & 12 in DP 1021340.

Copies of the above documents are available at:

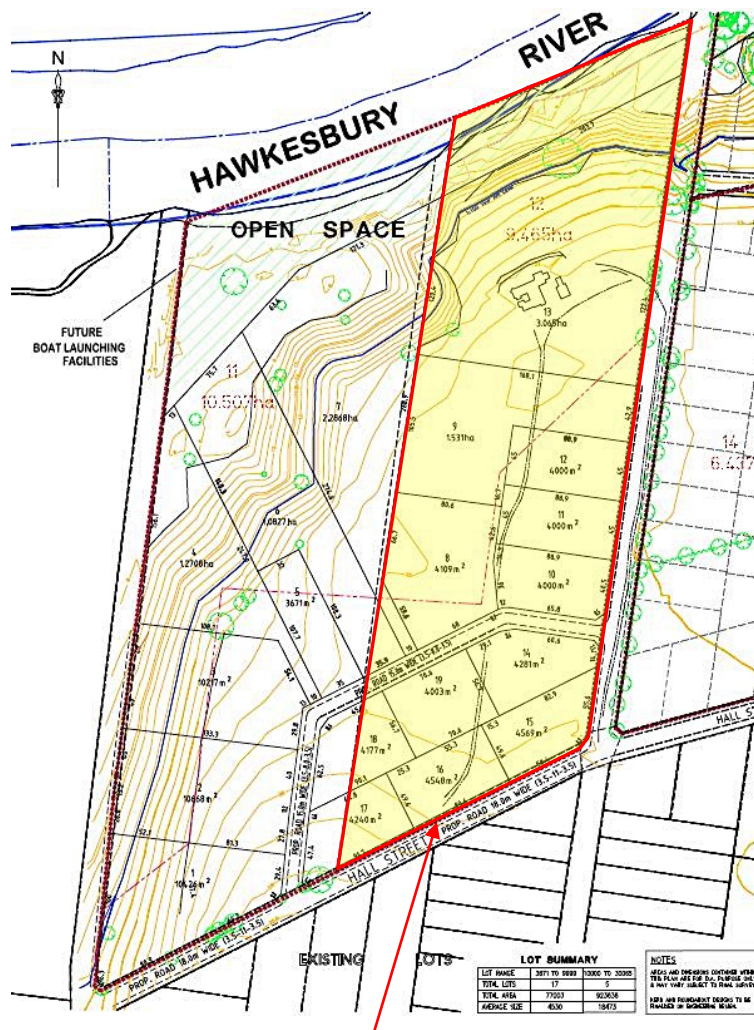
<http://www.planning.nsw.gov.au/DevelopmentAssessments/Majorprojectregister/ProjectDevelopmentofPittTownResidential/tabid/349/Default.aspx>

A determination of the Pitt Town Concept Plan (MPA No. 07 0140) was signed by the Planning Minister, Frank Sartor on 10th July 2008. At Appendix B. Statement of Commitments, the relevant heritage considerations are:

Impact	Nature of Potential Impact	Mitigation Measures/ Environmental Impact Safeguards
<i>Heritage</i>	<i>Need to ensure that the heritage values are protected during construction and in the longer term</i>	<i>The proponent is to pursue the establishment of values of the site are protected a Voluntary Conservation Agreement (VCA) or during construction and in the similar form of protection over the Conservation longer term Zone (Public Ownership) and Open Space Conservation Zone (Private Tenure) within Blighton Precinct (refer to Figure 11 of the EA), including measures to protect the identified Aboriginal, Historical Archaeological and Historic Cultural Landscape values.</i>
		<i>The proponent is to nominate the land within the Voluntary Conservation Agreement (VCA) over the Conservation Zone</i>

	(Public Ownership) and Open Space Conservation Zone (Private Tenure) to NSW Heritage Council for inclusion on the NSW State Heritage Register and for inclusion as a Heritage item on the Hawkesbury LEP.
	Prior to obtaining a Construction Certificate for development within any precinct containing known archaeological artefacts, the proponent is to undertake any required archaeological salvage works in accordance with Section 90 of the National Parks and Wildlife Act 1974 (Amended 2001) and/or the Heritage Act 1977 and generally in accordance with the relevant AHMS reports.
	[this section relates to Cattai Precinct]
	Prior to Development Approval for Blighton Precinct, the proponent is to prepare and submit for approval a Heritage Interpretation Plan that communicates the complementary and overlapping Aboriginal and Historic heritage values of the land to the public and to those who will live in close proximity to the land.

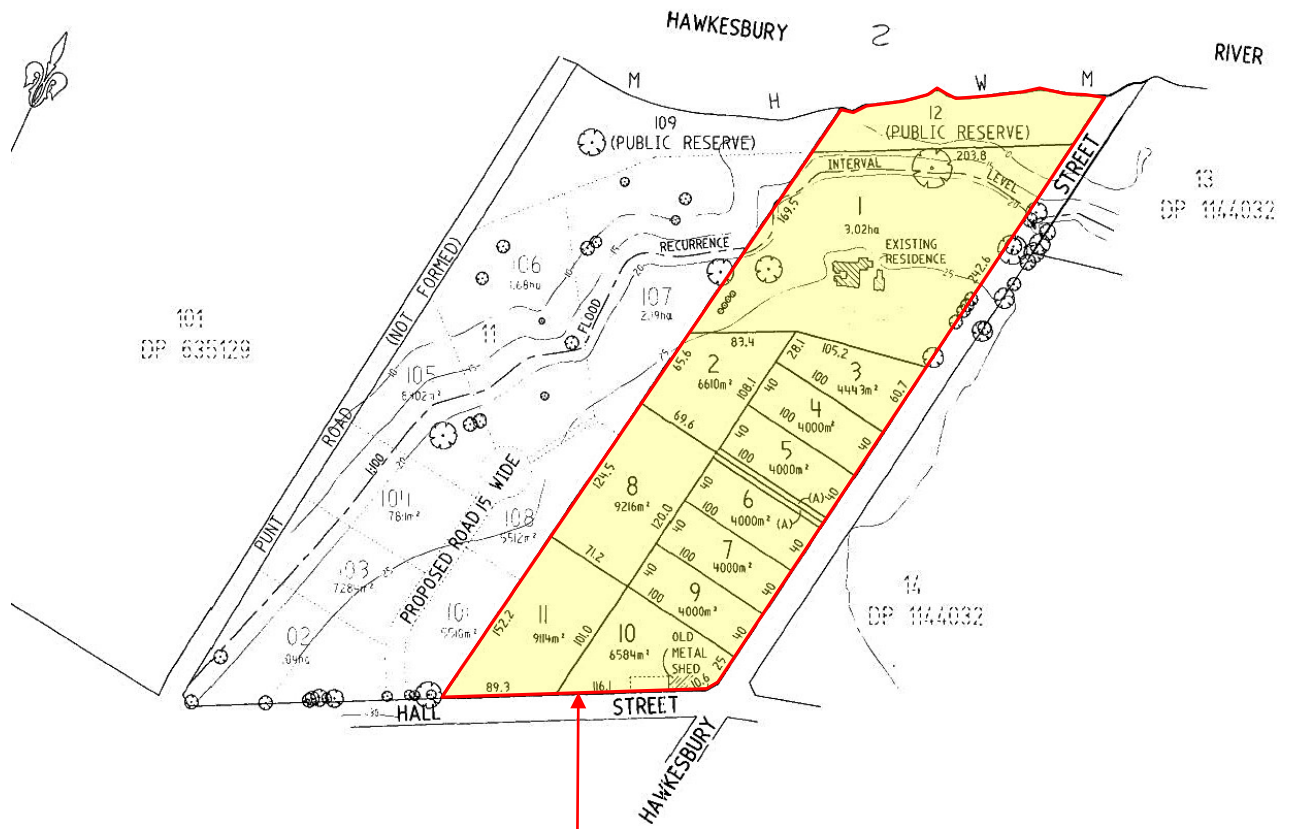
The relevant *Blighton* map is:



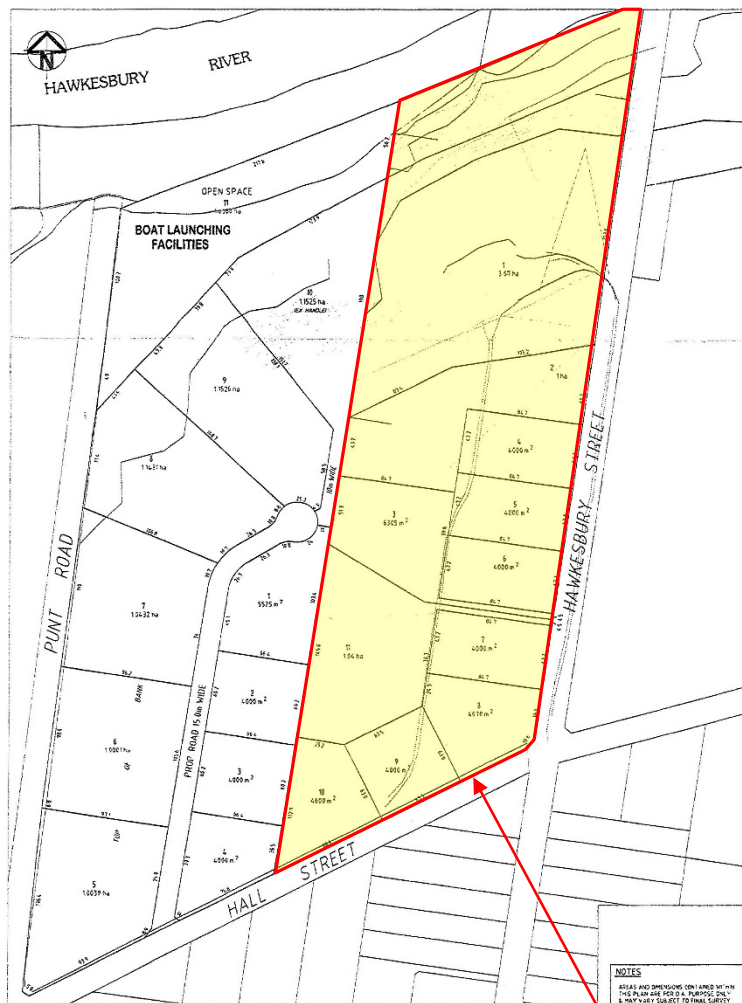
2. Masterplan for Blighton. Lot 12 (Source: Brown Consulting Ref: L03017-Bligh-V6).

F. PROPOSED DEVELOPMENT

I have examined drawings N^{os}.88248/12 prepared by McKinlay Morgan & Associates Pty Ltd dated 18/11/2011, and a *Masterplan for Blighton*. Ref No: L03017-500 F4 dated 19-3-2014, prepared by Brown Consulting Pty Ltd.



3. Extract from McKinlay Morgan plan 88248/12. Lot 12.



4. Extract from Brown Consulting plan L03017-500 F4. Lot 12.

These differ from the *Masterplan for Blighton* at figure 2, page 3, (above) by the deletion of the connector road from Hall Street to Hawkesbury Street and the reconfiguration of the subdivision such that the proposed 11 allotments are contained within the boundaries of Lot 12 (and Lot 11). All proposed subdivided lots to the subject land will be accessible off the existing street frontages of Hall Street and Hawkesbury Street with some in “battleaxe” form -where the lots are to the interior of the land area.

The change in configuration is sought because the current lots that are the subject of the *Masterplan for Blighton*, Lots 11 and 12, DP 1021340 are in separate ownership, and the straddling of the inter-lot boundary by some of the subdivision allotments, and construction of the feeder road in the current *masterplan* is not practicable.

The proposed modification to the lot layout adheres to the minimum lot sizes as set out in the Hawkesbury LEP 2012, and conforms to the guidelines contained within the Hawkesbury Development Control Plan.

G. HERITAGE IMPACT OF THE PROPOSED DEVELOPMENT

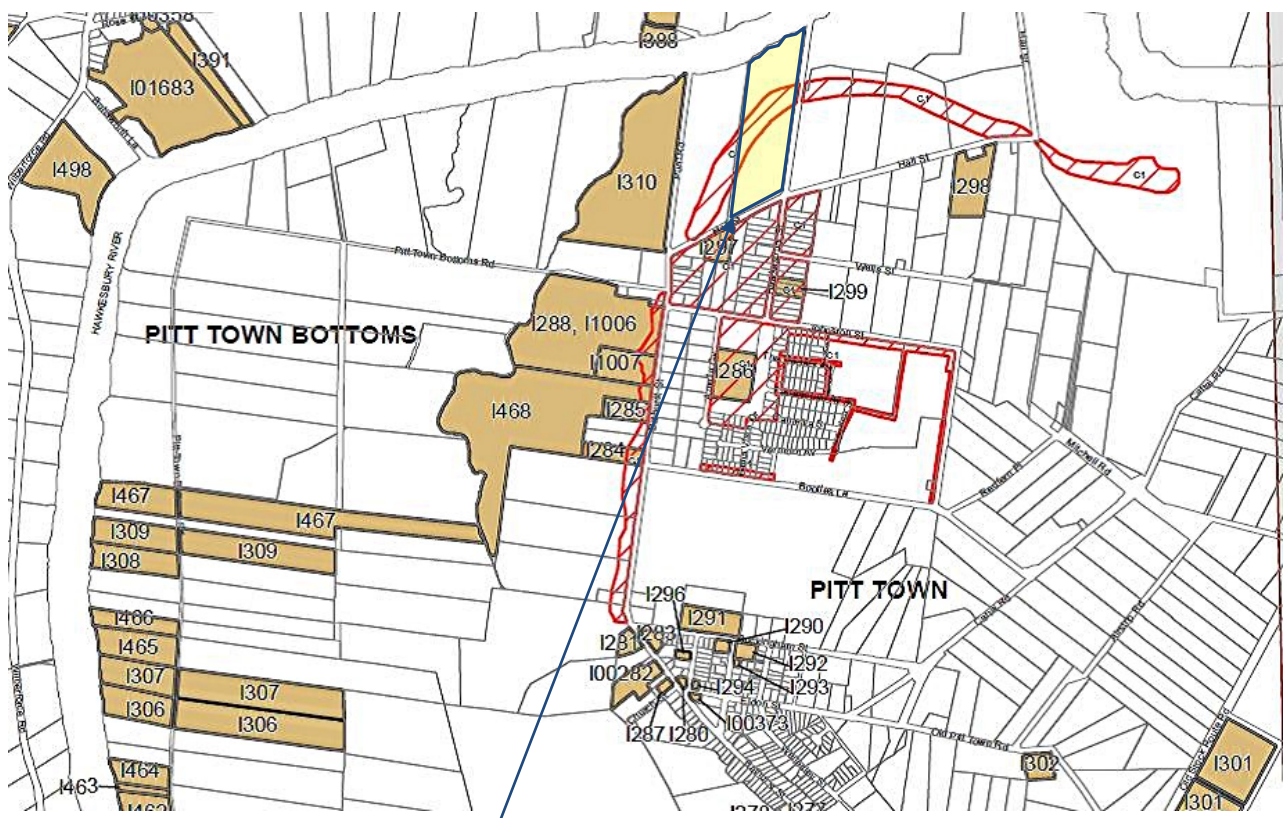
The Pitt Town Conservation Area is listed under Hawkesbury Local Environmental Plan 2012 at:

Schedule 5 Environmental heritage

Part 2 Heritage conservation areas

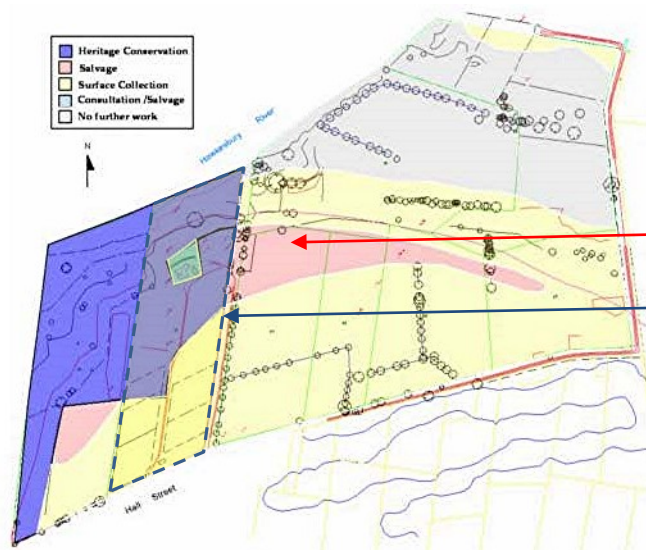
<i>Name of area</i>	<i>Identification of area</i>	<i>Significance</i>
<i>Pitt Town Conservation Area</i>	<i>Shown by red hatching and labelled “C1” on the <u>Heritage Map</u></i>	<i>Local</i>

It is mapped as:



5. “Clip” from map HER_008C. Location of subject property- Lot 12.

The portion of Conservation Area C1 that passes through Lot 12 reflects an alluvial deposit and appears derived from the AHMS 2005 report: *Lots 11-18 Hall Street, Pitt Town NSW: Aboriginal archaeological survey and assessment*, Fig. 9.1:



The area mapped on HER_008C approximates the “Salvage” area on the AHMS diagram, though overlaid by “Heritage Conservation” on part Lot 12, with “Consultation/ Salvage” to the area associated with the residence.

Figure 9.1: Recommended Aboriginal Heritage Mitigation Procedures for the subject land. Procedures include Conservation, Salvage, Consultation/Salvage and Surface Collection.

The AHMS Executive Summary includes the following:

The following management strategies were therefore recommended:

- (1) consultation with DLALC, DTAC and DCAC continue throughout the re-zoning and development application process;
- (2) a significant portion of the alluvial terrace in Lots 11 and 12 be excluded from the development and included within a Conservation Area;
- (3) the Conservation Area be the subject of a Voluntary Conservation Agreement (VCA) between the current and/or the future land owners, DLALC, DTAC, DCAC and the National Parks and Wildlife Service (NPWS);
- (4) the Conservation Area be nominated for listing on the NSW State Heritage Register for its Aboriginal, historical, archaeological and heritage landscape values;
- (5) a Conservation Management Strategy (CMS) be prepared justifying conservation of the area and outlined future conservation policies regarding management and ownership and be endorsed by DLALC, DTAC and DCAC;
- (6) Johnson Property Group apply for a Section 90 Heritage Impact Permit to develop land outside the Conservation Area. The permit should include detailed, open-site excavation of a significant sample of the alluvial terrace, surface collection and further consultation and possible salvage around the newly constructed house within Lot 12; and
- (7) a Public Interpretation Plan should be prepared for the site to communicate its heritage significance.

Hawkesbury Local Environmental Plan [LEP] 2012

The relevant provisions of the Hawkesbury LEP 2012 are:

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

Clause	Comment
(1) Objectives	
The objectives of this clause are as follows: (a) to conserve the environmental heritage of Hawkesbury, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	

<p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	
<p>(2) Requirement for consent</p>	
<p><i>Development consent is required for any of the following:</i></p> <p>(a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</i></p> <p>(i) <i>a heritage item,</i></p> <p>(ii) <i>an Aboriginal object,</i></p> <p>(iii) <i>a building, work, relic or tree within a heritage conservation area,</i></p> <p>(b) <i>altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i></p> <p>(c) <i>disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i></p> <p>(d) <i>disturbing or excavating an Aboriginal place of heritage significance,</i></p> <p>(e) <i>erecting a building on land:</i></p> <p>(i) <i>on which a heritage item is located or that is within a heritage conservation area, or</i></p> <p>(ii) <i>on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</i></p> <p>(f) <i>subdividing land:</i></p> <p>(i) <i>on which a heritage item is located or that is within a heritage conservation area, or</i></p> <p>(ii) <i>on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</i></p>	<p>The area of the land identified as being within a conservation area has also been identified as a site of probable relics.</p> <p>The land has been identified as the possible site of relics associated with “Blighton”.</p> <p>The land has been identified as a place of Aboriginal heritage significance.</p> <p>The proposed development does not entail the erection of a building <i>per se</i>, but implies that the erection of buildings will be a consequence of subdivision.</p> <p>It is proposed to modify an approved subdivision to a place that is partly within a conservation area and has been identified as a place of Aboriginal heritage significance.</p>
<p>(3) When consent not required</p>	
<p><i>However, development consent under this clause is not required if:</i></p> <p>(a) <i>the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</i></p> <p>(i) <i>is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal</i></p>	<p>Not applicable- the proposed development requires consent.</p>

<p><i>place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</i></p> <p><i>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</i></p> <p><i>(b) the development is in a cemetery or burial ground and the proposed development:</i></p> <p><i>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</i></p> <p><i>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</i></p> <p><i>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</i></p> <p><i>(d) the development is exempt development.</i></p>	
<p>(4) Effect of proposed development on heritage significance</p>	
<p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	<p>The heritage significance of the heritage conservation area is explained in the study documents as being the site of Aboriginal artefacts and, in part, its associations with the model farm “Blighton”.</p>
<p>(5) Heritage assessment</p>	
<p><i>The consent authority may, before granting consent to any development:</i></p> <p><i>(a) on land on which a heritage item is located, or</i></p> <p><i>(b) on land that is within a heritage conservation area, or</i></p> <p><i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<p>This document has been prepared as a “heritage management document” having general regard to the guideline document “Statements of Heritage Impact” as published by the Heritage Division of the NSW Office of Environment & Heritage.</p>
<p>(6) Heritage conservation management plans</p>	
<p><i>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i></p>	<p>The proposed development is to land partly within, and partly within the vicinity of a heritage conservation area. The preparation of a Conservation Management Plan is not</p>

	warranted by the nature of the proposed development.
(7) Archaeological sites	
<p><i>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</i></p> <p>(a) <i>notify the Heritage Council of its intention to grant consent, and</i></p> <p>(b) <i>take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p>	The subject place is as being of archaeological significance in the studies cited above.
(8) Aboriginal places of heritage significance	
<p><i>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</i></p> <p>(a) <i>consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</i></p> <p>(b) <i>notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</i></p>	The subject place is identified as being of Aboriginal significance.
(9) Demolition of nominated State heritage items	
<p><i>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</i></p> <p>(a) <i>notify the Heritage Council about the application, and</i></p> <p>(b) <i>take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p>	The subject place has been identified as being of State significance in the studies cited above, but is not listed on the State Heritage Register. The proposed development entails no demolition.
(10) Conservation incentives	
<p><i>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</i></p> <p>(a) <i>the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i></p> <p>(b) <i>the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i></p> <p>(c) <i>the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</i></p>	Conservation incentives are not sought.

<p>(d) <i>the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</i></p> <p>(e) <i>the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</i></p>	
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Hawkesbury Development Control Plan [DCP]

10.5.9 Development of Archaeological Sites

- a) *New development should be designed to minimise impacts on an archaeological site that is considered to be of heritage significance.*
- b) *Any development that involves the disturbance of archaeological sites or deposits cannot proceed without the appropriate approvals under the NSW Heritage Act 1977. The applicant should seek advice from the Heritage Branch of the Office of Environment & Heritage and Council's Heritage Officer in relation to these requirements.*
- c) *Archaeological investigations must be carried out according to Office of Environment and Heritage's Code of practice for archaeological investigation of Aboriginal objects in NSW, available at www.environment.nsw.gov.au/licences/archinvestigations.htm.*

Comment: the proposed development does not entail any physical works to the place, but merely seeks to amend the approved subdivision lot layout.

10.5.10 Subdivision

- a) *Where a subdivision proposal contains a heritage item, the heritage item and any other associated outbuildings should be retained on the same allotment.*

Comment: the subject land does not contain a listed heritage item. Clauses b) - e) (inclusive) do not apply.

- f) *Lot boundary changes within heritage conservation areas must demonstrate that:*

- (i) *The setting of an existing significant building on the site or the setting of development on adjoining sites is not compromised.*

Comment: the subject land does not contain an existing significant building.

- (ii) *Significant features of the existing site or adjoining sites, including streetscape and landscape features, trees, fences, outbuildings and gardens are not adversely impacted.*

Comment: there are no features of the existing or adjoining sites that are considered significant.

- (iii) *The change to lot layout is in keeping with the character of the area.*

Comment: the proposed change to the lot layout is consistent with the existing street configuration. It also obviates the need for an additional street intersection with Hawkesbury Road.

H. CONCLUSION

The review of the documentation cite above at Part E1, page 2, reveals that the background of the land has been comprehensively studied and investigated in terms of both historical and Aboriginal archaeological potential.

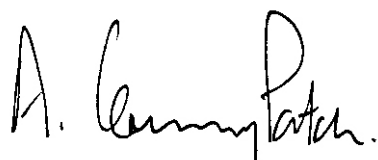
In light of the findings of the studies, the *Masterplan for Blighton* was assented to by the Minister for Planning in July 2008.

The current proposals seek to reconfigure the lot layout such that the two parcels may be developed separately.

In my opinion, this change to the subdivision layout will have no substantive or material impacts on the significance of the conservation area, and may, in fact, lead to lesser impacts on the sub-surface deposits as it does not entail the construction of a roadway and associated services reticulation directly on the land.

In this light, I find the proposals to be supportable in terms of their potential heritage impacts.

Prepared by

A handwritten signature in black ink that reads "A. Greg Patch". The signature is written in a cursive style with a large, prominent initial "A" and "P".

Greg Patch
Architect/Heritage Consultant

Appendix: Documents