

6 November 2014



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

Attn: Natasha Harras

Section 75W Modification Request
Pitt Town Part 3A Concept Plan
(Your ref: MPA07_0140 MOD 4)

Dear Natasha,

I write in reply to the Department of Planning and Environment's letter dated 8 October 2014. A copy of this letter has been enclosed for completeness.

Appendix 1 of your letter sought clarification of three different components relating to the modifications sought by Johnson Property Group P/L to the Blighton Masterplan. In summary these are:

- Proposed Lot 11;
- Subdivision design and layout; and
- Heritage

Our detailed response to your comments raised under the first two headings of "Proposed Lot 11" and "Subdivision design and layout" is found within the enclosed letter from Don Fox Planning. This Don Fox Planning response includes a plan by Brown Consulting that illustrates that the purpose of Lot 11 is solely for the creation of a sediment basin / wetland which will ultimately be transferred to Hawkesbury City Council ownership. JPG never intended for Lot 11 to contain a dwelling entitlement and we are happy if the Department choose to condition this lot accordingly to reflect this intent.

Our heritage response to the 2005 Blighton Conservation Management Strategy is enclosed within the attached letter from Graham Brooks and Associates. This attached submission acknowledges that proposed lots 8, 9, 10 (and 11 although no dwelling entitlement on this lot as above) as well as the repositioned roadway and drainage infrastructure sits within the conservation zone identified in the 2005 Blighton Conservation Management Strategy but considers that future applications can consider and protect any Aboriginal and/or European archaeological relics present. Furthermore, it recommends that *dwelling and associated houses can and should be located on the ridge, to ensure limited close up visibility from Punt Road or the river, due to the sloping topography below the ridgeline*. This attached submission, relating to Lot 11 only, concludes that *the amended subdivision and road layout for Lot 11 should be approved on the basis that there is an acceptable level of heritage impact*.

Lastly, in response to your concluding paragraph regarding the nomination of this land within a voluntary conservation agreement, I confirm that JPG applied to the NSW Department of Environment, Climate Change and Water (as they were known) on 29 April 2010 seeking support for the establishment of a Voluntary Conservation Agreement (VCA) over Lot 11. In a response to JPG dated 20 August 2010, DECCW Director Metropolitan advised that they *assessed the application and its supporting*

Level 12, 48 Hunter Street
Sydney NSW 2000

PO Box A1308
Sydney South NSW 1235

documentation against the standard criteria and the conclusion of the assessment is that the proposed VCA is not viable for the following reasons:

- The area of archaeological and Aboriginal cultural significance lies beneath the area proposed for housing development. The result of the test excavations indicates that the highest densities of artefacts occur in PT3, PT2 and PT12 (along the alluvial terrace). The proposed VCA does not sufficiently include those areas that are rich in archaeological deposits and cultural significance; and*
- The proposed area to be covered by the VCA would be split between numerous landowners once the development is completed. This would present difficulties for ongoing management and compliance monitoring.*

DECCW's Director Metropolitan carbon copied this 20 August 2010 letter to the Department of Planning's Michael File. On the basis of this Government reply, JPG do not intend on pursuing this matter.

I trust that you have enough information now to proceed with determining this modification request. However, please do not hesitate to contact me should you require additional information or further clarification. I can be contacted on 0408 991 888 or bryang@johnsonpropertygroup.com.au.

Yours sincerely
Johnson Property Group



Bryan Garland
Development Director

Encl: Department of Planning and Environment Letter (8/10/14)
Don Fox Planning Response (29 October 2014)
Brown Consulting Waste, Sediment and Erosion Control Plan
Graham Brooks and Associates Heritage Response (31 October 2014)

Cc: Amy Watson (Department of Planning & Environment)



Planning & Environment

Contact: Natasha Harras
Phone: (02) 9228 6332
Fax: (02) 9228 6455
Email: Natasha.Harras@planning.nsw.gov.au

Our ref.: MP 07_0140 MOD 4

Mr Bryan Garland
Johnson Property Group Pty Ltd
PO Box A1308
SYDNEY SOUTH NSW 1235

Dear Mr Garland

Modification Request to the Pitt Town Concept Plan (MPA 07_0140 MOD 4)

I refer to your modification request seeking to amend the subdivision of Lot 11 within the Blighton Precinct to create 12 allotments.

The Department notified the modification request to Hawkesbury City Council and surrounding landowners from 20 August to 3 September 2014. No submissions were received.

However, the Department has reviewed the application and has identified key issues and additional information to be addressed, as outlined in **Attachment 1**.

A response should be prepared identifying how you have addressed these issues, to minimise the environmental impacts of the proposal.

Please contact Natasha Harras if you wish to discuss any of the matters raised in this letter.

Yours sincerely,

Chris Ritchie
A/Director
Industry, Key Sites and Social Projects

8/10/14.

Attachment A

Department of Planning & Environment Key Issues MP07 0140 MOD 4

Proposed Lot 11

The plans submitted with the amended modification request on 7 August included the provision of an additional residential allotment: Lot 11. The Department has concerns that the additional allotment does not comply with the applicable lot size requirements, could result in adverse heritage and flooding impacts, and increases the density of development on the site without providing an assessment of the associated environmental impacts. On this basis, consideration should be given to deletion of Lot 11 and incorporation of this area within an adjoining allotment. Alternatively, further information should be provided including:

- justification for the lot not having internal road access with access only provided through the flood zone;
- assessment of the impacts of Lot 11 being located entirely within the flood zone and how the commitment to ensure houses are built on flood free land in accordance with the statement of commitments will be achieved;
- justification for non-compliance with the minimum 1ha lot size requirements under Hawkesbury LEP 2012;
- assessment of the heritage impacts of the allotment, with particular consideration given to the previous findings by the Heritage Office that the western boundary of the site should only include large allotments to ensure an open vista is maintained towards Pitt Town Bottoms and the findings of the *Blighton Conservation Management Strategy* (Graham Brooks and Associates, 16 December 2005) which recommends that no new structures be constructed in this part of the precinct;
- justification for the increase in the number of allotments and assessment of the impacts in terms of infrastructure provision and traffic impacts.

If Lot 11 is to be retained, the suggested amendment to conditions A1, A2 and B3 in the Modification Request should be updated to reflect the correct allotment numbers and drawings.

Subdivision design and layout

Address the proposed modified lot sizes and lot orientation against any design guidelines and development controls prepared under the provisions of Schedule 2 Part B of the Concept Plan.

Heritage

Address any implications of the proposal on the heritage values of the site and the recommendations and conservation policies contained in the *Blighton Conservation Management Strategy* (Graham Brooks and Associates, 16 December 2005), particularly in terms of the Conservation Area which traverses the Blighton Precinct. Your response should address the identified Aboriginal, historical archaeological and historical cultural landscape values of the precinct.

Address any implications for the Statement of Commitments in respect of heritage impacts, particularly any current or future nomination of land within the voluntary conservation agreements (over the conservation or open space conservation zones) to the NSW Heritage Council for inclusion on the NSW State Heritage Register.



planning consultants

29 October 2014
Our Ref: 6915H.2KO Rev 1

Mr Bryan Garland
Development Director
Johnson Property Group
PO Box A1308
SYDNEY SOUTH NSW 1235

Dear Bryan

Pitt Town Concept Plan Modification Request (MPA 07_0140 Mod 4)

We refer to a letter from the Department of Planning and Environment (DPE) dated 8 October 2014, requesting further information in relation to a number of matters including the proposed subdivision design and layout. This letter provides a response in relation to the following issues:

Proposed Lot 11

The plans submitted with amended modification request on 7 August included the provision of an additional residential allotment on Lot 11. The Department has concerns that the additional allotment does not comply with the applicable lot size requirements, could result in adverse heritage and flooding impacts, and increase the density of development of the site without providing an assessment of the associated environmental impacts. On this basis, consideration should be given to deletion of Lot 11 and incorporation of the area within an adjoining allotment...

Subdivision design and layout

Address the proposed modified lot sizes and lot orientation against any design guidelines and development controls under the provisions of Schedule 2 Part B of the Concept Plan.

1.0 Proposed Lot 11

Proposed Lot 11 is not proposed to be developed for residential purposes. Proposed Lot 11 is to be a future sediment basin/wetland which forms part of the stormwater concept strategy for the future development of the site.

For information, enclosed is a copy of the waste, sediment and erosion control plan that has been prepared for (the existing) Lot 11 and will be submitted with a future subdivision development application. The plan shows the land is to be used as a sediment basin. Ultimately as the subdivision works are completed and dwellings are constructed, the basin will be converted to a constructed wetland and will be a permanent water quality control facility. Full details of the stormwater management concept for the development of the existing Lot 11 will be submitted to Hawkesbury City Council with a future development application for land subdivision.

Proposed Lot 11 will ultimately be land that is to be transferred into the ownership of Hawkesbury City Council. To ensure no housing is allowed on proposed Lot 11, a condition of consent could be imposed to this effect by DPE.

2.0 Subdivision Design and Layout

Schedule 2 Part B Condition B1(b) of the Concept Plan Terms of Approval requires the preparation of Design Guidelines and updated development controls to be incorporated into Hawkesbury Development Control Plan (HDCP) – Part E Chapter 4 Pitt Town.

As you are aware, following approval of the Pitt Town Concept Plan the development controls in Part E Chapter 4 of the HDCP have been updated to reflect the Concept Plan approval. In addition JPG has prepared design guidelines for the new residential release areas – *The Vermont Design Guide*, which will also apply to the Blighton Precinct.

The following sections provide an assessment of the proposal against the HDCP and The Vermont Design Guide.

2.1 Hawkesbury DCP – Part E Chapter 4

Part E Chapter 4 of the Hawkesbury Development Control Plan 2002 (HDCP 2002) details the subdivision and development controls for land within Pitt Town. The subdivision and development controls in Part E Chapter 4 of the DCP reflect the Part 3A Concept Plan approval for the Pitt Town locality.

The following table provides an assessment of the proposed modification against the relevant provisions of the HDCP.

Table 1 Hawkesbury DCP Planning Controls – Part E Chapter 4		
DCP Provision	Assessment	Consistency
Clause 4.1.1 Concept Approvals Requires development applications to consider the provisions and/or commitments within the Concept Plan approval	This clause will apply to a future DA after this modification has been determined.	N/A
Clause 4.2 Desired future character New development is to maintain a semi-rural village character with generous setbacks and modified grid urban structure.	The proposed subdivision pattern is for large residential lots and the density is consistent with the Concept Plan. Future housing designs will be controlled by the Vermont Design Guide and will be compatible with the semi-rural character and traditional housing forms in Pitt Town. Due to the sites topography and heritage values, the site is not suitable for an urban grid structure	Complies
Clause 4.4 Land Use Land use must be substantially in accordance with the Pitt Town Development Plan as presented in Figure E4.2	The land use is for large residential lots, and the proposed lot layout reflects the intent of the approved Concept Plan and the Terms of Approval as is provides similar lot sizes and amalgamates certain lots as required by the Terms of Approval.	Inconsistent with approved Development Plan as it reflects the approved Concept Plan.

Table 1 Hawkesbury DCP Planning Controls – Part E Chapter 4

DCP Provision	Assessment	Consistency
Clause 4.5.2 Lot Design Rules (a) Generally comply with Development Plan (b) Consider approved Statement of Commitments and conditions of the Concept Plan approval (c) Not applicable (d) Lot sizes to comply with Table E4.1	<p>The subdivision plan proposed incorporates the lot layout changes required by Condition B2 of the Terms of Approval.</p> <p>The proposed lot layout maintains the planned large lots for the site, with minimum lot sizes of 4,000m² and 10,000m².</p> <p>All lot frontages meet the minimum size required by the DCP.</p>	Complies
Clause 4.5.6 Development Precinct G (a) Lots to be within the rural housing zone. (b) Lots to be provided with suitable public street frontage and access	<p>All lots are within the rural housing zone and will have frontage or access from a public street.</p> <p>(No residential development is proposed on future Lot 11 as this land will be used as a sediment basin and wetland).</p>	Complies
Clause 4.5.7 Development Precinct H (a) Lots to be within the rural housing zone. (b) Lots to be provided with suitable public street frontage and access	<p>All lots are within the rural housing zone and will have frontage to and access from a public street.</p>	Complies
Clause 4.6 Street Design (a) Street layout (b) Retain significant trees (c) Road hierarchy (d) Road design specification	<p>The street layout varies from the approved Concept Plan which proposes a road from Hall Street connecting through Lots 11 and 12 to Hawkesbury Street. This road was to be designed as minor collector road with a 16.6m road reserve.</p> <p>The proposed modification to the Master Plan for Blighton replaces the through road with a cul-de-sac to service only those lots on Lot 11 (and which allow for Lots 11 and 12 to be development independently).</p> <p>The proposed road has been designed as a Local access road with a road reserve of 15m (8m roadway plus 3.5m footway on each side). The proposed road meets the design criteria in the DCP for a local access road.</p>	Inconsistent
Clause 4.7 Bus and Cycle Routes (a) local bus service to be provided when feasible, partly funded through developer contributions	<p>The existing road network can accommodate future public transport services and on-street cyclists. The proposed new road will be a cul-de-sac which will not be part of a local bus route as it will be a no through road.</p>	Complies

Table 1 Hawkesbury DCP Planning Controls – Part E Chapter 4

DCP Provision	Assessment	Consistency
Clause 4.10 Environmental protection <ul style="list-style-type: none"> (a) Retain significant trees (b) Not relevant (c) Re-vegetate wetlands with endemic species (d) Street trees to encourage wildlife corridor 	<p>There are no significant trees on the site (in the area of the future residential dwellings). Vegetation along the riverbank will be retained.</p> <p>A sediment basin/wetland is proposed to be established in the north western part of the site. A Stormwater Concept Plan will be submitted with a future development application.</p>	N/A
Clause 4.11 Heritage conservation <ul style="list-style-type: none"> (a) not relevant (b) Historic windbreaks (c) Historic lot boundaries (d) Historic road alignments (e) Historic fence lines (f) Other heritage places 	<p>Part of the site is within a heritage conservation area and a Heritage Impact Statement will be submitted with a future development application.</p> <p>There are no items of local environmental heritage, historic windbreaks or fence lines and the heritage significance of the site generally relates to its historic land uses and scenic quality.</p> <p>The proposed subdivision layout reflects the intent of the approved Concept Plan and the required amendments to the lot layout (Condition B2) as it provides large lots for rural residential housing.</p> <p>Grahame Brooks and Associates have prepared separate advice in relation to the Conservation Management Strategy 2005.</p>	<p>Capable of Complying</p> <p>Future development applications will address heritage conservation.</p>
Clause 4.12 Stormwater Management <ul style="list-style-type: none"> (a) provide basin sites as shown on Figure E4.2 (b) Water quality standards (c) Stormwater management plan (d) Erosion and sediment management plan (e) Stormwater management system 	<p>A Stormwater Concept Plan will be submitted with a future development application.</p> <p>A sediment and erosion control plan will also be submitted with a future DA.</p>	Capable of Complying
Clause 4.13 Utility services <ul style="list-style-type: none"> (a) Services connection (b) Pipes and cables to be underground (c) Not relevant (d) Services strategy (e) Need for water storage tank (f) Sewer system 	The proposed lots will be serviced by water, stormwater, sewerage, electricity and communications services.	Complies

Table 1 Hawkesbury DCP Planning Controls – Part E Chapter 4

DCP Provision	Assessment	Consistency
Clause 4.14 Minimum Building Setbacks 4,000m ² lots - 9m front - 8m rear - 3m sides 10,000m ² lots - 9m front - 20m rear - 3m sides	House are capable of being sited on the lots in accordance with the required minimum setbacks.	Capable of Complying
Clause 4.15 Building Design	Provides controls for building design to ensure future dwellings are compatible with the semi-rural character of the area. Not relevant to modification application	N/A
Clause 4.16 Landscaping (c) Historic windbreaks that cannot be contained within public road reserves must be retained as part of landscaping within private lots.	The site is generally clear of trees and there are no historic windbreaks on the site.	Complies
Clause 4.17 Fencing (a) Front boundary fencing must not exceed 1.2m – preferred style post and open timber rails or post and wire with top rail.	Not applicable to the modification application however future fencing will be open rural style fencing as required by the Vermont Design Guide.	N/A

2.2 The Vermont Design Guide

The Vermont Design Guide complements the HDGP controls for Pitt Town and provide more detailed requirements for building design, landscaping and sewer and drainage specifications. The design guide was developed to provide a building guide to ensure a consistent quality and streetscape character throughout the precincts.

The design guidelines address a range of matters which include (but are not limited to):

- External wall and façade treatments;
- Colour and materials palette;
- Garage and outbuildings location and design;
- Fencing styles;
- Roof designs;
- Landscaping requirements; and
- Water and sewer connection requirements.

The Design Guide is directly applicable during the house design and construction phases and do not contain provision that will be relevant to subdivision layout and design. The HDCP contains details for the minimum building setback requirements (refer to Clause 4.14 in table above) and the proposed layout and lot sizes will enable the development of houses that are capable of complying with the required boundary setbacks.


As The Vermont Design Guide provides controls for the design of future dwellings, the detailed controls are not directly relevant to modification application. The proposed subdivision design and lot layout comprises large rural residential lots and the size and orientation of the lots will enable future dwellings to comply with the requirements of the design guide.

If you would like to discuss the above further please contact me on 9473 4904 or at kosborne@dfpplanning.com.au.

Yours Faithfully
DFP PLANNING PTY LTD

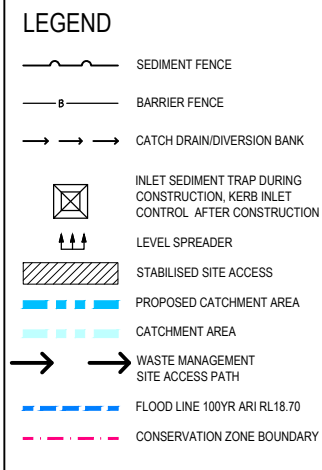
A handwritten signature in black ink that reads 'K. Osborne'.

KIRK OSBORNE
PRINCIPAL PLANNER

A handwritten signature in black ink, appearing to be 'D. Kelly', written over a horizontal line.

Reviewed By _____

NOTE:
SWALE & SEDIMENT BASIN TO BE
CONSTRUCTED PRIOR TO SITE
CLEANING/REGRAIDING WORKS
COMMENCING

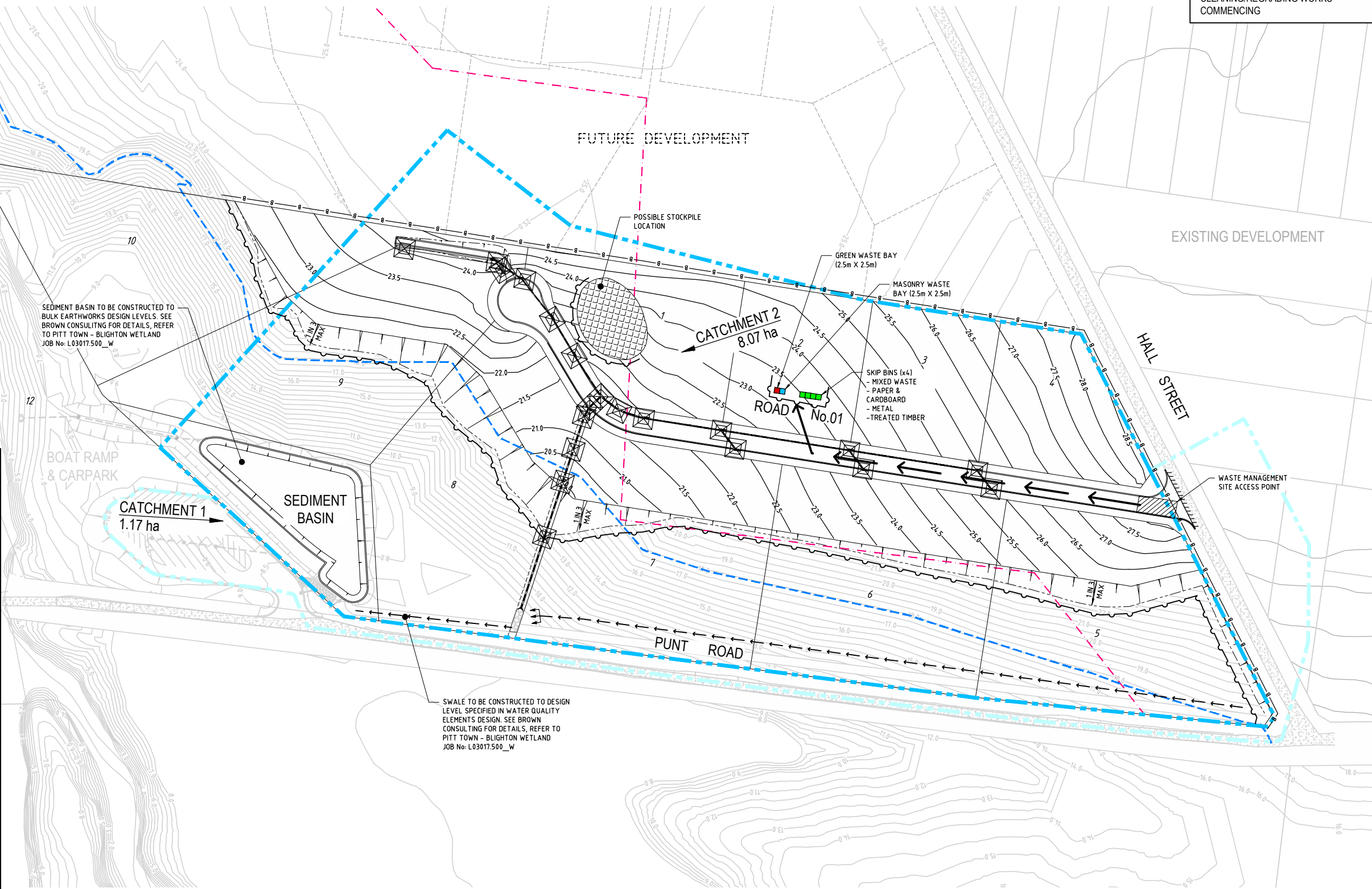


Note: These "Detailed Calculation" spreadsheets relate only to high erosion hazard lands as identified in figure 4.6 or where the designer chooses to use the RUSLE to size sediment basins. The "Standard Calculation" spreadsheets should be used on low er

1. Site Data Sheet

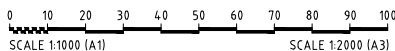
Site Name: Pitt Town, Blighton
Site Location: Pitt Town
Precinct: Blighton
Description of Site: Residential Subdivision

Site area	Site	Remarks
Total catchment area (ha)	1 2	
Disturbed catchment area (ha)	5.31 0.3	
Soil analysis		
% sand (fraction 0.02 to 2.00 mm)		Soil texture should be assessed through mechanical dispersion only. Dispersing agents (e.g. Calgon) should not be used
% silt (fraction 0.002 to 0.02 mm)		
% clay (fraction finer than 0.002 mm)		
Dispersion percentage		E.g. enter 10 for dispersion of 10%
% of whole soil dispersible		See Section 6.3.3(e)
Soil Texture Group	C C	See Section 6.3.3(c), (d) and (e)
Rainfall data		
Design rainfall depth (day s)	5 5	See Sections 6.3.4 (d) and (e)
Design rainfall depth (percentage)	75 75	See Sections 6.3.4 (f) and (g)
x-day, y-percentage rainfall event	22.4 22.4	See Section 6.3.4 (h)
Rainfall intensity: 2-year, 6-hour storm	10.51 10.51	See IFD chart for the site
RUSLE Factors		
Rainfall erosivity (R-factor)	2420 2420	Automatic calculation from above data
Soil erodibility (K-factor)	0.059 0.059	
Slope length (m)	25 250	
Slope gradient (%)	33.33 3	RUSLE data can be obtained from Appendixes A, B and C
Length/gradient (LS-factor)	4.59 1.65	
Erosion control practice (P-factor)	1.3 1.3	
Ground cover (C-factor)	1 1	
Calculations		
Soil loss (t/ha/yr)	852 306	
Soil Loss Class	6 3	See Section 4.4.2(b)
Soil loss (m ³ /ha/yr)	655 236	
Sediment basin storage volume, m ³	562 12	See Sections 6.3.4(i) and 6.3.5 (e)



FOR DEVELOPMENT APPLICATION

Revisions						
	1	VC	BL	MC	SAG	22/07/2014
	2	VP	AP	AP		25/09/2014
	3	BL	BL	SAG	SAG	30/09/2014
	4	VC	BL	BL	SAG	10/10/2014
First Issue	VC	BL	MC	SAG	22/07/2014	
	Drawn	Design	Check	Appd.	Date	Revision Details



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CONSULT AUSTRALIA
Member Firm



Authorised for Issue:
BY: STUART GREEN
FIE Aust. CP Eng.
Manager - Urban Development
SIGN: [Signature]
DATE: 10.10.14

Client:
JOHNSON PROPERTY GROUP
Project:
**PITT TOWN (BLIGHTON)
ROAD & DRAINAGE DESIGN**

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Smart Consulting
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www.brownconsulting.com.au

Drawing Title:
**WASTE, SEDIMENT & EROSION
CONTROL PLAN**
Project No.: L03017.500
Stage: DA
Milestone: 101
Dwg No.: 101
Revision: 4

Mr Ed Wortman
Johnson Property Group
338 Kent Street
SYDNEY NSW 2000

Dear Sir

**Pitt Town Residential Precinct
MP 07_0140 MOD 4
Director General's Requirements
Heritage Response**

Further to our recent discussions we have pleasure in providing this response to the European Heritage component of the Director General's Requirements as part of this project.

Graham Brooks and Associates, Heritage Consultants, has been working with Johnson Property Group in relation to the Pitt Town Cultural Landscape since 2002. These lands have included Bligh's Farm, Bona Vista, Fernadell, the village of Pitt Town and the Pitt Town Bottoms floodplain. In that time we have reviewed the Local Environmental Study that provided some background information to the eventual formulation of the Local Environmental Plan, undertaken a detailed and comprehensive historical and heritage assessment of the overall precinct, examined in depth the features of the landscape that needed to be taken forward into a new development framework, consulted closely with your design team to identify areas of heritage sensitivity and to propose design solutions that would mitigate potential heritage impacts, consulted extensively with the NSW Heritage Office, Hawkesbury Council, specially appointed enquiries or working parties, land owners and the Department of Environment and Conservation to formulate appropriate development guidelines for the areas contained in the initial LEP, and carefully examined the heritage features of the land north of Hall Street, commonly known as Blighton.

We can confidently say that in our experience there are few historic cultural landscapes in New South Wales that have been studied in more detail or in a more comprehensive manner and few land development proposals that have benefited from such a detailed contribution of rigorous cultural heritage management practices. We have also coordinated extensive analysis of the Bligh's Farm area by Aboriginal Heritage Consultants, Historical Archaeologists and Cultural Landscape specialists.

We have concluded that the fertile low-lying, flood-prone land along the river's edge, particularly the 1790s land grants, are certainly of State and potentially of national significance for their critical role in providing a much needed food production resource for the infant Colony. Subsequent links with the land development and settlement policies of Gov King and Gov Macquarie indicate that certain aspects of the locality are potentially of State significance, while further development patterns over the next century and beyond have features that are of Local Heritage significance. All of these values have been successfully and responsibly incorporated into the planning and development framework proposed for North Pitt Town.

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Graham Brooks and
Associates Pty Ltd
Incorporated in NSW
ACN 073 802 730
ABN 56 073 802 730
Nominated Architect Graham Leslie Brooks
NSW Architects Registration 3836

Key documents produced during these various studies included:

- *Pitt Town LES Review, Cultural Heritage Component.* October 2002
- *Pitt Town LES Review, Heritage Issues.* Pitt Town LES Review Committee. November 2002
- *"Bona Vista" Property, Review of Draft State Heritage Register Nomination.* August 2003
- *Objection, Nomination to National Heritage List, Pitt Town District Cultural Precinct.* May 2005
- *Draft Pitt Town Development Control Plan.* June 2005
- *Blighton Conservation Management Strategy for Lots 11, 12 14 and 15, North of Hall Street, Pitt Town, NSW.* December 2005

The primary planning and conservation concepts developed to protect the European heritage significance of the historic landscape north of Pitt Town included:

- Maintenance of the historic land grant boundaries that are now illustrated by the alignments of major roads across the elevated flat landscape of Fernadell and Bona Vista
- Creation of a large open space between Bona Vista homestead and Johnston Street
- Creation of large road reserves to protect the open space character to the east and south of Bona Vista house
- Conservation of Bona Vista house, together with its collection of historic barns and its listing on the NSW State Heritage Register
- Creation of long straight "country" roads across the flat landscape to achieve the sense of open views and long vistas common in rural landscapes
- Reopening of the Hawkesbury Road alignment to extend north from Hall Street
- Provision for a public viewing area over the river valley at the northern end of the extended Hawkesbury Road alignment that reflected the location from where several well known historic landscape paintings were produced in the early 19th century
- Identification of a Conservation Zone across sections of the overall Blighton area of Lots 11 and 12 to reflect and protect identified areas of Aboriginal and Cultural Landscape sensitivity
- Retention of the row of trees along the Bathurst Street ridgeline to screen the ridge top development from long distance views across the floodplain

As part of the primary planning and conservation concepts, we have provided a detailed Conservation Strategy to protect important aspects of the land as identified in the multi-disciplinary consultant studies. Conservation policies and indicative development zones were identified to protect the following values:

- The rural character of the low lying land along the river edge
- Subsurface Aboriginal objects
- Subsurface relics from the Blighton period of occupation
- The outlook location on the edge of the northern ridge and the supporting open space backdrop to that outlook

Based on the December 2005 *Blighton Conservation Management Strategy for Lots 11, 12 14 and 15, North of Hall Street, Pitt Town, NSW*, the initial subdivision plans for Lots 11 and 12 within the Blighton Precinct have been developed and subsequently amended, to reflect changes in housing density across the North Pitt Town area. Our December 2007 *Director General's Requirements – Heritage Response* assessed these amended subdivision plans for Lots 11 and 12.

In response to changed requirements imposed by the current owner of the adjacent Lot 12, the planning focus has subsequently been limited to Lot 11. Accordingly, our most recent involvement has included the preparation of an Interpretation Plan for Lot 11.

The required limitation of the planning process to Lot 11 has also resulted in further amendments to the proposed subdivision of the land north of Hall Street and west of Lot 12. This Heritage Response Letter provides an analysis of the proposed subdivision of Lot 11, as amended in October 2014, in relation to the European Heritage component of the site.

The amended layout of the proposed subdivision of Lot 11 is shown in Figure 1 below.

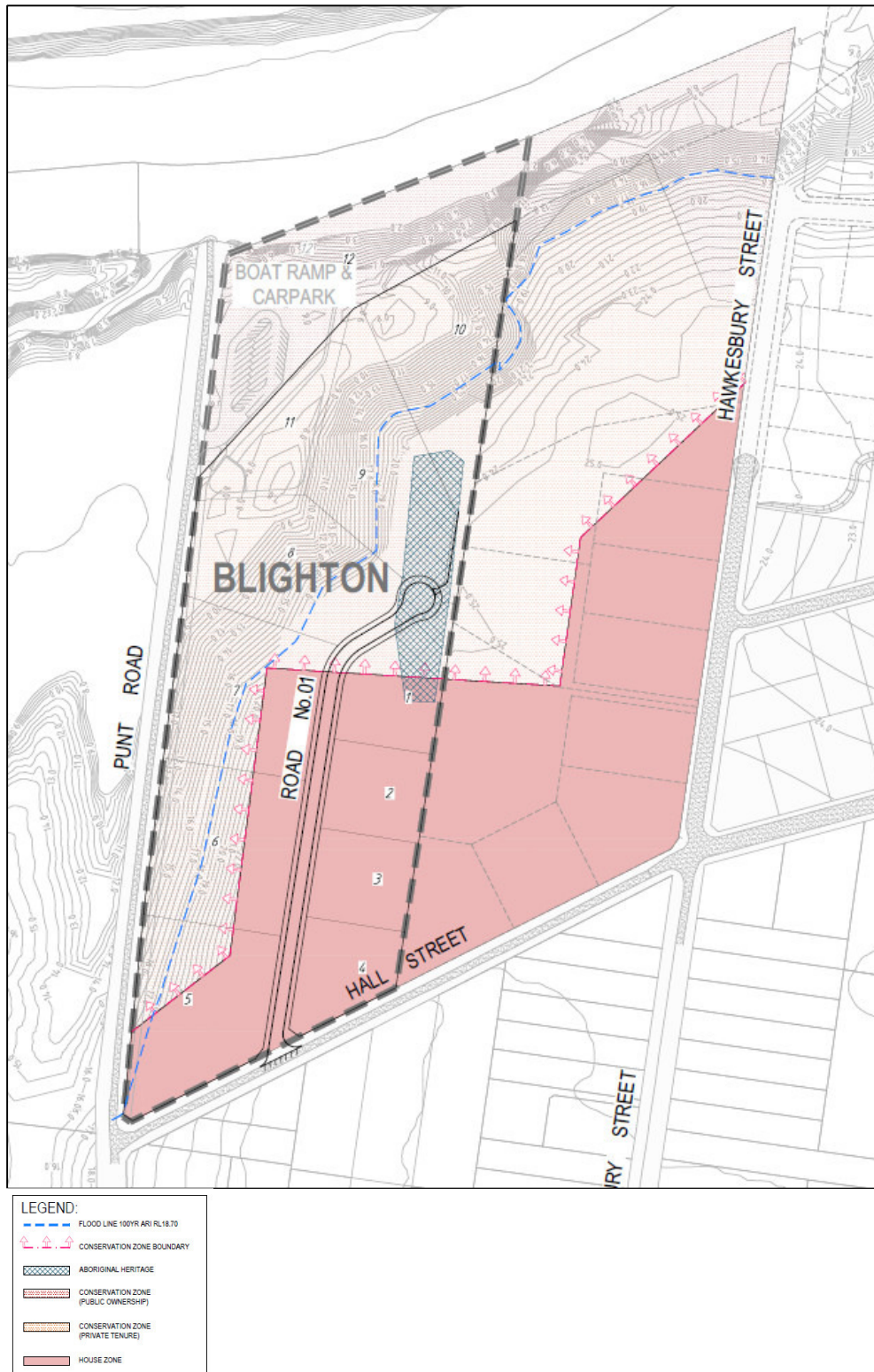


Figure 1: Amended, October 2014 proposal for the Conservation Zones on Lots 11 and 12, showing the proposed subdivision of Lot 11

Analysis

As illustrated on the plan contained in Figure 1, the current proposal within Lot 11 of the so-called Blighton Precinct has been varied from that discussed within the December 2005 *Blighton Conservation Management Strategy for Lots 11, 12 14 and 15, North of Hall Street, Pitt Town, NSW*, and from the amended plan discussed in the December 2007 *Director General's Requirements – Heritage Response*. Specifically, the proposed internal road alignment and lot configuration have been amended to reflect changes in density across the whole of the North Pitt Town area and to respond to the requirements imposed by the current owner of the adjacent Lot 12. In particular, the amended plan involves a new roadway with associated drainage infrastructure.

The amended layout of the subdivision of Lot 11 (Figure 1) has been assessed against the relevant conservation policies formulated in the *2005 Blighton Conservation Management Strategy*, and is provided in the table below. The individual policies have been included in the following table as they apply to subdivision and the European heritage of Lot 11. Some changes to the original text have been made to reflect the limitation to the assessment of the subdivision of Lot 11, excluding Lot 12.

Conservation Policy	Comment
10.3 Creation of a Conservation Zone on Lot 11 The high ground along the northern portion of Lot 11, which has a confluence of Aboriginal, Historical Archaeological and Historic Cultural Landscape values that are of State Significance should be managed by the creation of a Conservation Zone, as recommended within the Test Results reports for the initial archaeological investigations of both Aboriginal and Historical Archaeology.	The previously approved Conservation Zone for Lot 11 has been retained on the amended subdivision plan
10.4 Creation of an Open Space Conservation Zone on Lot 11 The low-lying land riverfront land to the north of the proposed Conservation Zone, on Lot 11, which is important for its surviving open landscaped character, should be managed by the creation of an Open Space Conservation Zone that is contiguous with the northern boundary of the proposed Conservation Zone and which extends to the river edge across the entire frontage of Lots 11 and 12. It will extend south along the Punt Road frontage of Lot 11 and be contiguous with the proposed Conservation Zone in that location.	The previously approved Open Space Conservation Zone along the northern boundary of Lot 11, at the river edge, has been retained on the amended subdivision plan
10.7 Guidelines for land within the Conservation Zone Development Guidelines within the proposed Conservation Zone should include:	
<ul style="list-style-type: none"> Private ownership of the land within the proposed Conservation Zone is permissible. 	Complies
<ul style="list-style-type: none"> Subdivision of the proposed Conservation Zone into long narrow lots, which extend into the adjoining residential land to the south is permissible. 	Complies for subdivided Lots 1-7 The subdivision configuration has been modified to allow the independent development of Lots 11 and 12 which are in separate ownership

Assessment of future applications for development of the subdivided lots will need to consider the following policies:

Conservation Policy 10.5 Protection of Aboriginal Archaeological Relics

Known or potential Aboriginal Archaeological relics, particularly those within the proposed Conservation Zone, shall generally be left undisturbed.

The installation of any underground services or other works within the Conservation Zone should be avoided. If any is required, consent under the relevant legislation must first be obtained from the NSW Department of Environment and Conservation.

Development of land beyond the proposed Conservation Zone, where previous investigations have indicated the likely presence of Aboriginal relics, and which is likely to disturb or destroy those relics, shall proceed only with consent under the relevant legislation.

Conservation Policy 10.6 Protection of Historical Archaeological Relics

Known or potential Historical Archaeological relics, particularly those associated with the Bligh period of occupation, within the proposed Conservation Zone shall generally be left undisturbed.

The installation of any underground services or other works within the Conservation Zone shall be avoided. If any excavation is required, consent under the relevant legislation must first be obtained from the NSW Heritage Council.

Development of land beyond the proposed Conservation Zone, where previous investigations have indicated the likely presence of Historical archaeological relics, and which is likely to disturb or destroy those relics, shall proceed only with consent under the relevant legislation.

Conservation Policy 10.7 Guidelines for land within the Conservation Zone, Points 4-7 and 9-12

- The physical delineation between lots within the Conservation Zone shall be limited to the installation of rural style three strand wire fences, with timber posts and metal star pickets. Fences across or within lots along the southern boundary of the Conservation Zone shall be of a similar nature. Solid walls or screens, of any height are not permitted.
- No new above ground structures, whether permanent, temporary or transitory, of any kind shall be permitted on any land within the Conservation Zone. No rubbish should be allowed to be deposited or accumulate there.
- No new below ground structures such as swimming pools, service installations and the like shall be permitted within the Conservation Zone.
- Surface paving of any type, within the Conservation Zone, shall be restricted to simple access pathways. No vehicle accommodation, movement or parking areas shall be permitted. Vertical tracks up the slopes should be avoided; instead, winding paths gently crossing the contours should be developed.
- The erection of a single storey house at the north eastern corner of the ridge-line on Lot 11 by the current land owner is permissible but shall be subject to careful design and siting to minimise any physical impact on the Aboriginal or Historical Archaeological resources.
- The visually open grassland nature of the Conservation Zone shall be retained and protected, without significant changes to the existing topography. Bright green lawns and swimming pools should be avoided. Hardy native grasses should be

fostered. These can be controlled by slashing *after* seeding and/or by grazing a few animals (horses, cows, sheep, etc.)

- Planting of trees or other vegetation within the Conservation Zone shall be restricted to individual specimens or visually open groupings of endemic native vegetation (principally eucalypts, casuarinas and wattles) and then only as individual specimens or clumps of two or three. Trees that have a relatively clear trunk and high canopy are preferred over visually bulky specimens. The planting of visually dense hedges of any variety is not permitted. No ornamental trees and hedges (especially not of cypress) are permitted within the Zone.
- External lighting within the Conservation Zone shall be limited in extent to that required for public or private safety and shall be mounted no higher than 1500mm from natural ground level.

Conservation Policy 10.11 Future Development of the Remainder of Lots 11 and 12

Development of the remainder of the subject land within Lots 11 and 12 shall be permitted in accordance with a revised version of the original Pitt Town Master Plan.

There shall be no heritage or Historic Cultural Landscape restrictions relevant to the future development of the remainder of Lots 11 and 12.

Single and two storey dwelling houses shall be permitted. External materials and colours should exclude those that are reflective and which contrast sharply against the rural landscape.

Conclusions

The new layout for subdivided Lots 1 to 7 is consistent with the relevant conservation policies established in the December 2005 *Blighdon Conservation Management Strategy for Lots 11, 12 14 and 15, North of Hall Street, Pitt Town, NSW*, as they are either entirely or partly located on land denoted as “House Zone”.

Subdivided Lots 5 to 7 extend into the Conservation Zone, however, dwellings can and should be located in the portion of the lots identified for housing (“House Zone”).

The new subdivided Lots 8 to 11 are located outside the land denoted as “House Zone” and are contained entirely within the land previously identified for a Conservation Zone. Future applications for development on these lots will need to consider and protect any Aboriginal and/or European archaeological relics present. Dwellings and associated houses can and should be located on the ridge, to ensure limited close up visibility from Punt Road or the river, due to the sloping topography below the ridgeline.

The repositioned roadway and associated drainage infrastructure will also require consideration of those impacts and any relevant heritage consents at DA stage, given that it extends into the previously identified Conservation Zone.

The new subdivided Lot 11 is unlikely to be used for private housing as access to this lot from Punt Road is below flood level.

Considering the above, the potential heritage impacts of the proposed revision to the subdivision layout are manageable and acceptable.

Recommendations

The amended subdivision and road layout for Lot 11 should be approved on the basis that there is an acceptable level of heritage impact.

The detailed conservation policies that are only relevant to the future development of the land after subdivision remain valid and will be considered in the preparation of future Development Applications, and, if necessary, should be applied as conditions of consent.

Where a process for consent for either Aboriginal or Historical Archaeology is required for future development, the relevant consent should be sought prior to sale.

Yours faithfully
GRAHAM BROOKS AND ASSOCIATES

A handwritten signature in blue ink, appearing to read 'G Brooks', with a stylized, flowing script.

Graham Brooks
Director
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