

## ASSESSMENT REPORT

### Pitt Town Concept Plan MP 07\_0140 MOD 5

#### 1. INTRODUCTION

This report is an assessment of a request to modify the Concept Plan for the development of the “Blighton Precinct” at Pitt Town in the City of Hawkesbury local government area.

The request has been lodged by Environment and Project Management (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification seeks approval to reconfigure residential allotments within Lot 12 DP 1021340 (Lot 12) and create two additional residential allotments.

#### 2. SUBJECT SITE

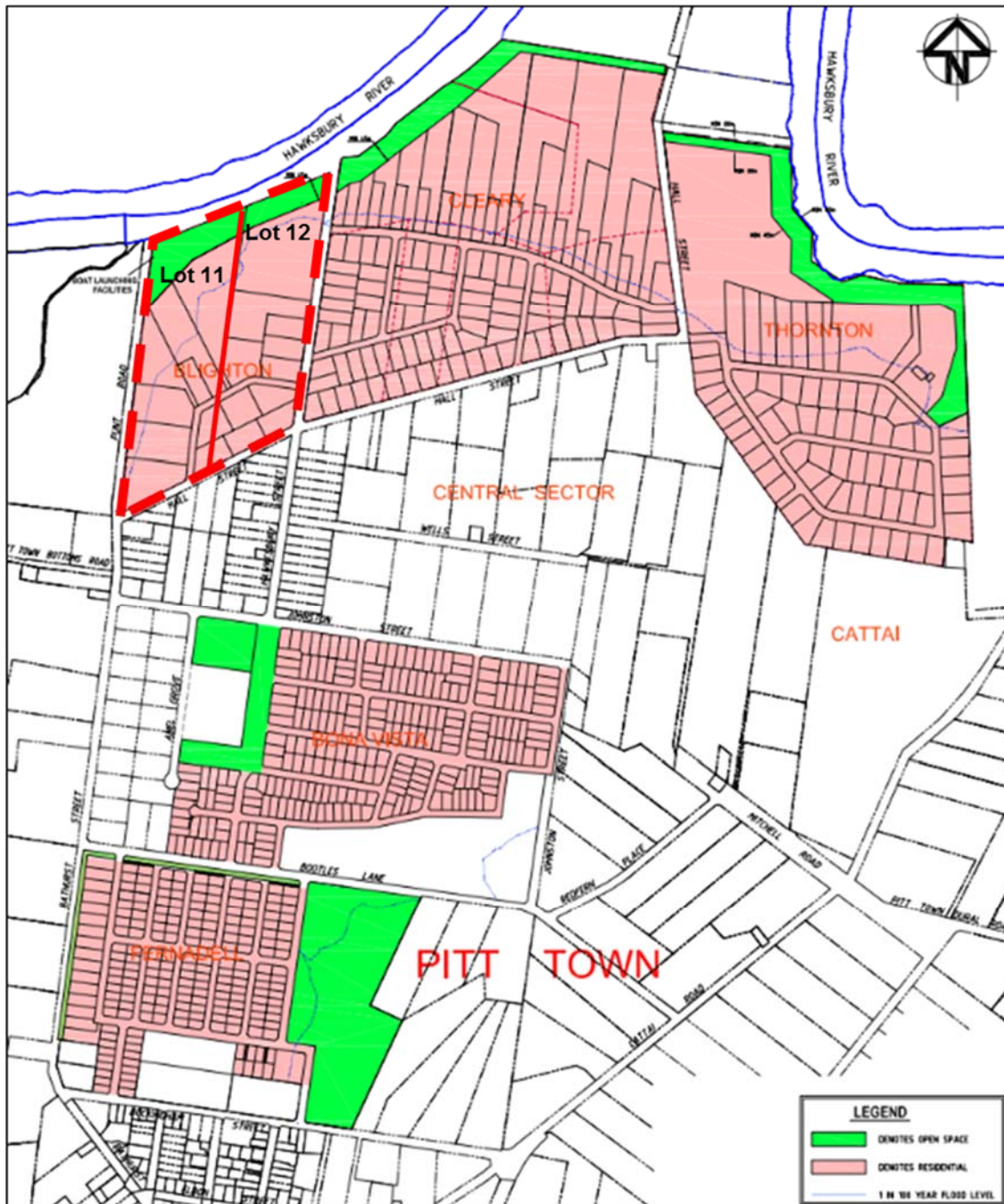
The site is located in Pitt Town, six kilometres north-east of Windsor and is bounded by the Hawkesbury River to the north, Hawkesbury Street to the east, Hall Street to the South and Punt Road to the west. The site subject of the proposed modification is shown at **Figure 1**.



**Figure 1:** Aerial view of the site (Base source: Nearmaps)

The proposed modification relates to the Blighton Precinct of the Pitt Town Concept Plan approval. The precinct is made up of two landholdings as shown in **Figure 2**:

- Lot 11, DP 1021340, known as 1 Hall Street, makes up the western half of the precinct and is owned by the Johnson Property Group. The site has been cleared and contains no buildings. The northern and western parts of the site are low lying and subject to flooding.
- Lot 12, DP 1021340, known as 21 Hall Street, makes up the eastern half of the precinct and is owned by Mr Phil Cleary. The site includes a large dwelling in the northern part of the site and a farm building along the southern boundary with Hall Street. The northern part of the site adjacent to the river is affected by flooding.



**Figure 2:** Pitt Town Concept Plan Site and Blighton Precinct outlined in red (source Proponent).



### 3. APPROVAL HISTORY

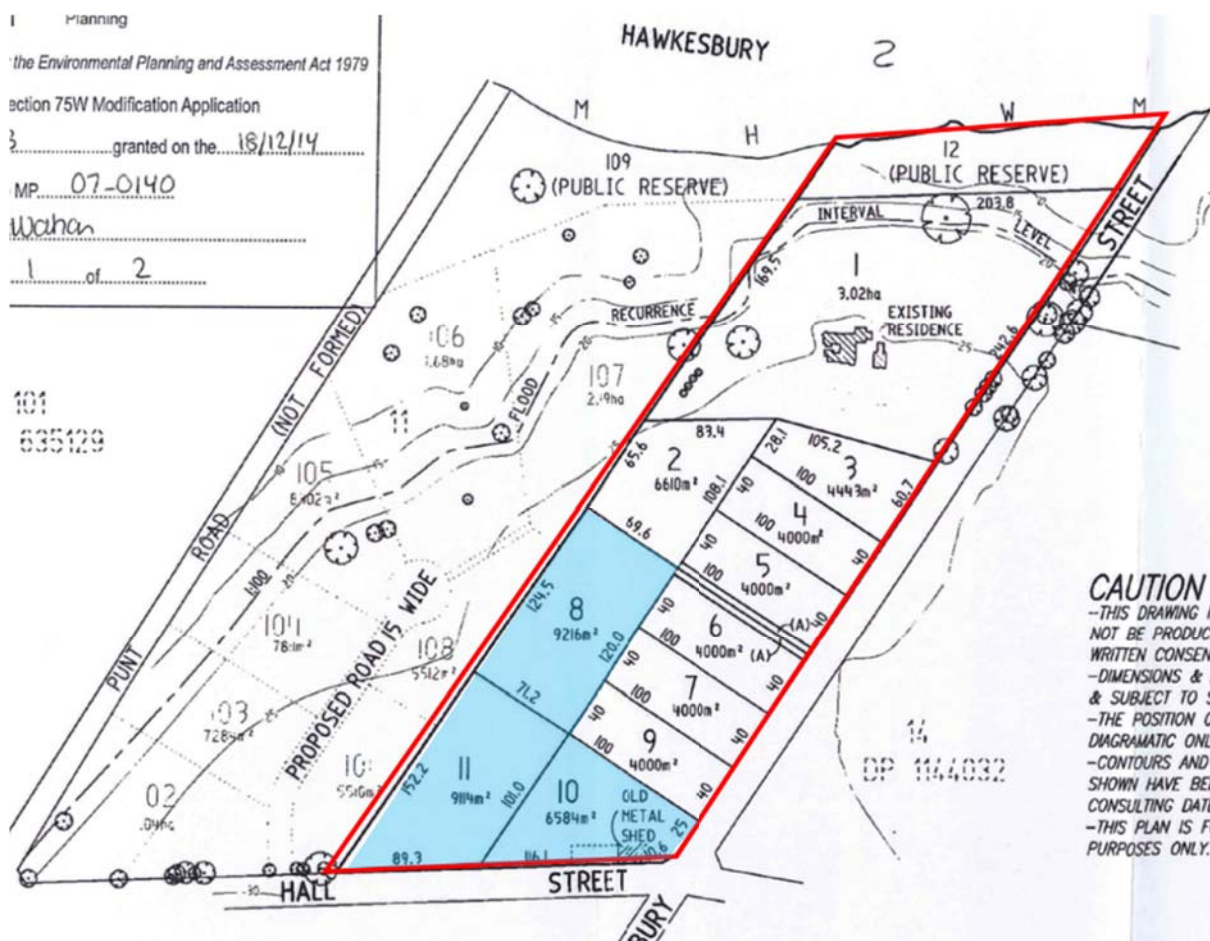
On 10 July 2008, the then Minister for Planning granted Concept Approval (MP07\_0140) for the subdivision of Pitt Town Residential Precinct into 659 allotments within five precincts for new residential dwellings and associated recreational facilities and infrastructure services.

The Concept Plan has been modified on four occasions as summarised in **Table 1**.

**Table 1: Previous planning history**

| MOD no. | Summary of Modifications   | Approval Date    |
|---------|--|------------------|
| MOD 1   | Administrative alterations to the Thornton Precinct  | 23 February 2009 |
| MOD 2   | Adjustments to the layout of the Cleary Precinct   | 18 November 2009 |
| MOD 3   | Deletion of roadway from Lot 12 and modifications to residential subdivision layout  | 18 December 2014 |
| MOD 4   | Modification of Lot 11 roadway design and layout, subdivision layout, ramp and carpark layouts and creation of two additional residential allotments | 18 December 2014 |

The approved Pitt Town Concept Plan is shown at **Figure 2** and the approved subdivision layout of Lot 12 in the Blighton Precinct is shown at **Figure 3**



**Figure 3:** Approved subdivisional layout of Lot 12. Lots proposed to be modified highlighted blue (source Proponent)

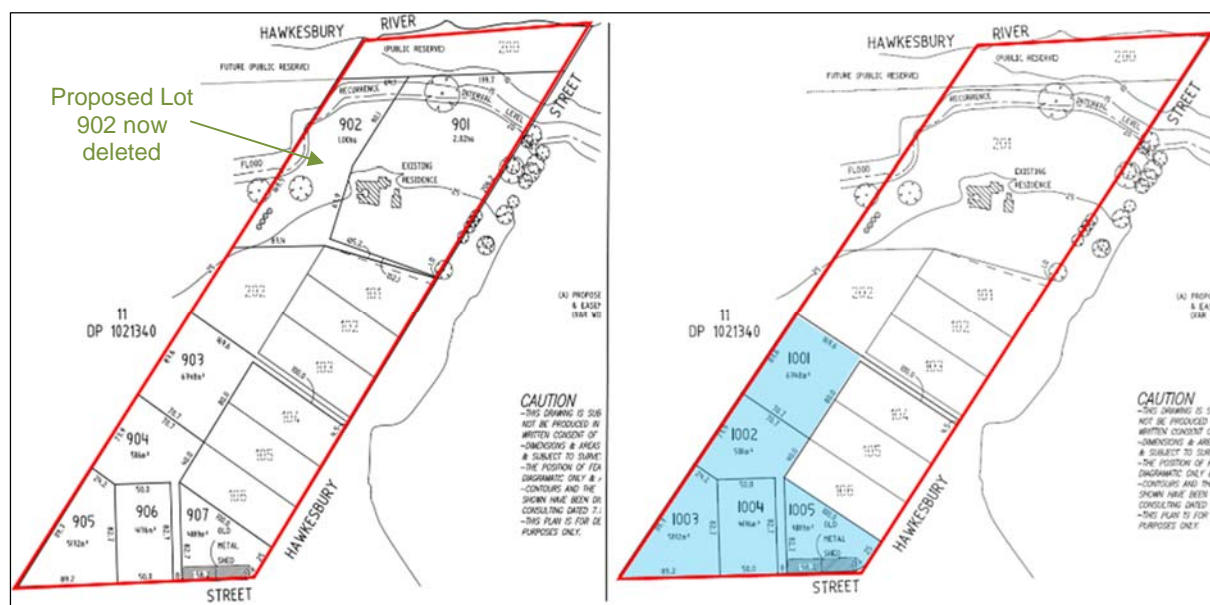
## 4. PROPOSED MODIFICATION

On 1 June 2016, the Proponent lodged a section 75W modification application (MP07\_0140 MOD 5) seeking approval to reconfigure the subdivision layout of Lot 12 and create three additional residential allotments.

Following notification of the proposal the Proponent deleted proposed lot 902. The Proponent now only seeks approval for two additional lots. A comparison of the original modification proposal and the amended modification proposal is provided at **Figure 4**.

The new and reconfigured lots meet the minimum size requirement of 4,000 square metres specified in the Hawksbury Local Environmental Plan (LEP) 2012 and the lots are located above the 1:100 year flood level.

The Proponent has requested the modification on the basis that the reconfiguration of the subdivision and creation of two additional lots would not have an adverse impact on traffic conditions or the heritage significance of the site.



**Figure 4:** Original proposal (left) and amended proposal (right) subdivision layout of the Blighton Precinct, with the proposed reconfigured lots highlighted in blue (source: Proponent)

## 5. STATUTORY CONSIDERATION

### 5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department of Planning and Environment (Department) is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

### 5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political donation disclosure statement has been made, but only in respect of a previous related application; and
- there are less than 25 public submissions in the nature of objections.

## 6. CONSULTATION

The modification request was made publicly available on the Department's website, referred to Hawkesbury City Council (Council), Roads and Maritime Services (RMS), Environment Protection Authority (EPA) and the Office of Environment and Heritage (OEH) for comment and letters were sent to adjoining owners/occupiers. Due to the minor nature of the proposed modification, the modification request was not exhibited by any other means.

**Council** raised no objection to the proposal, however it raised the following issues:

- the modified subdivision layout is located within an area identified as having high potential for European and Aboriginal archaeological relics and could have negative impacts;
- an archaeological assessment and heritage impacts report should be undertaken; and
- questioned whether there would be any implications for existing voluntary planning agreements (VPAs).

**OEH** raised no objection to the proposal, however, it raised concern that the intensification may have adverse impacts on the Aboriginal cultural heritage values of the site, in particular the likely intact sub-surface archaeology.

**EPA** raised no objection to the proposal.

**RMS** raised no objection to the proposal.

There was one public submission received on the proposal. The key issue raised related to the potential impact of land filling within the proposed lot at the northern end of the site (Lot 902).

On 19 July 2016, the Proponent provided its response to submissions (RTS), including responses to Council's and OEH's submissions. The Response was further updated on 23 August 2016 and includes:

- the reduction of the total proposed new lots from three to two; and
- the deletion of proposed lot 902 from the northern end of the subdivision.

## 7. ASSESSMENT

The Department considers the key issue associated with the proposed modification is the impact on heritage significance.

All other issues are considered in **Table 2** below.

### 7.1 Heritage

When considering the original subdivision layout, the Department gave detailed consideration to a Conservation Management Strategy (CMS) which was carried out to guide the future conservation management and further development of the parcels of land within the Blighton and Clearly Precincts.

The CMS concluded for conservation management purposes, the site could be divided into three separate zones, each with differing heritage values, including:

- **Open Space Conservation Zone** (refer orange area in **Figure 5**): The low-lying river flats land is important for its surviving open landscaped character and may have Aboriginal associational values.
- **Conservation Zone** (refer grey area in **Figure 5**): The high ground has Aboriginal, historical archaeological and historic cultural landscape values and should be managed in a manner that protects the heritage values and the outlook.
- **Housing Zone** (refer pink area in **Figure 5**): The open ground in the southern portions of the precinct has very limited Aboriginal or Historical Archaeological value and only limited Historic Cultural Landscape value.



**Figure 5:** Extract from Conservation Management Strategy.

The proposed subdivision layout was based on the recommendations of the CMS. It concentrated the smaller allotments in the south-east corner of the site within the housing zone and larger lower density lots in the conservation zone.

The modification seeks to further subdivide and reconfigure lots located along the western and southern boundary of Lot 12 as shown in **Figure 4** to create two additional allotments. The two new allotments would be located in the housing zone. The reconfigured allotment would be located in the conservation zone.

OEH and Council have raised concern that the intensification may have adverse impacts on the Aboriginal cultural heritage values of the site.

The Department considers the creation of two additional allotments is acceptable for the following reasons:

- both new lots are located within the recommended housing zone area which has been previously assessed as having limited archaeological value;
- the proposal would not increase the number of lots located within the recommended conservation management zone (along the western boundary of Lot 12) beyond those already assessed and approved in the original concept plan approval (**Figure 2**);
- the deletion of proposed lot 902 from the northern end of the precinct ensures that the most sensitive areas are unaffected by the proposal;
- the reconfigured lots and new lots all exceed the minimum lot size requirement of 4000 m<sup>2</sup> as set out in Hawkesbury LEP 2012;
- future applications will need to give detailed consideration to the heritage impacts of the proposals and impacts to archaeological relics, and appropriate management and mitigation measures that can be incorporated as part of those future applications; and
- the modification does not propose to amend any of the Statement of Commitments, which include a Voluntary Conservation Agreement, preparation of a Heritage Interpretation Plan, and where necessary, archaeological salvage works.

On this basis, the Department is satisfied the proposal would not result in any unacceptable aboriginal heritage impacts.

## 7.2 Other Issues

**Table 2:** Assessment of Other Issues

| <b>Issue</b>                              | <b>Consideration</b>   | <b>Recommendation</b>                             |
|---|--|---|
| <i>Traffic</i>                            | <ul style="list-style-type: none"> <li>• The proposed two additional residential allotments would only result in a minor increase in traffic movements (up to 5 vehicles during peak hour on Hall Street).</li> <li>• RMS has not raised any objection to the proposed increase in residential allotments.</li> <li>• The Department considers the increase in vehicular movements to be negligible and therefore acceptable.</li> </ul>   | No additional conditions or amendments necessary. |
| <i>Impact of land filling</i>             | <ul style="list-style-type: none"> <li>• Concern was raised in a public submission about the potential impact of land filling within the proposed lot at the northern end of the site (lot 902).</li> <li>• The Department notes that lot 902 was deleted from the proposal as part of the Proponent's RTS therefore no filling to this part of the site is proposed.</li> </ul>   | No additional conditions or amendments necessary. |
| <i>State Infrastructure Contributions</i> | <ul style="list-style-type: none"> <li>• Council's submission requested advice as to whether the modification would have any implications for existing VPAs with the Department, and if this would impact on the assessment of future applications.</li> <li>• Clause 6.8 of Hawkesbury LEP 2012 provides that development consent must not be granted for subdivision of the site unless satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.</li> <li>• To satisfy this requirement, the Department notes that the Proponent has previously entered into a VPA to make contributions towards State infrastructure. The VPA requires contributions be paid per residential lot created at the subdivision certificate stage. The Department is therefore satisfied there is no need to amend the VPA, as any additional demand for state infrastructure created by the proposed two additional lots will be satisfied by the existing requirements the VPA.</li> </ul> | No additional conditions or amendments necessary. |

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the creation of two additional lots would not have an adverse impact on the heritage significance of the site; and
- future development applications will need to give detailed consideration to the heritage impacts of the proposals and impacts to archaeological relics, and appropriate management and mitigation measures can be incorporated as part of those future applications.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

## 9. RECOMMENDATION

It is RECOMMENDED that the Executive Director, Key Sites and Industry Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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## **APPENDIX A: NOTICE OF MODIFICATION**

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A copy of the notice of modification can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7687](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7687)

## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7687](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7687)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7687](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7687)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=7687](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7687)