

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**DETERMINATION OF THE PITT TOWN CONCEPT PLAN
(MPA No. 07_0140)**

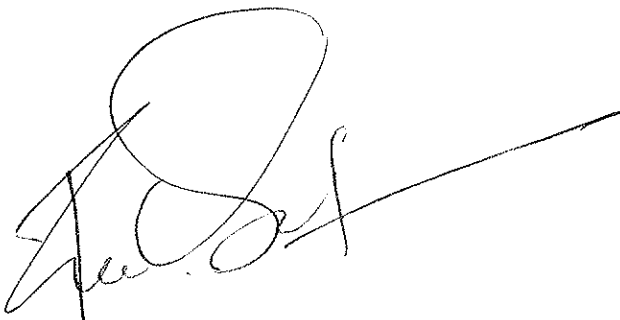
(File No. S07/01449)

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* ("the EP&A Act") determine:

- (a) To approve, under section 75O(1) of the EP&A Act, the concept plan for the project as described in Schedule 1, subject to the modifications set out in Schedule 2.
- (b) That approval to carry out the remainder of the project is to be subject to Part 4 of the EP&A Act, under section 75P(1)(b) of the EP&A Act, with the Council as the consent authority.

The reasons for modifications to the concept plan are:

- (1) To adequately mitigate the environmental impact of the development.
- (2) To maintain the amenity of the local area.



Frank Sartor MP
Minister for Planning

Sydney,



2008

SCHEDULE 1

PART A — TABLE

Application made by:	Johnson Property Group
Application made to:	Minister for Planning
On land comprising:	Lot 101 DP 1113833; Lot 132 DP 1025876; Lot 14 DP 865977; Lot 11 DP 1021340; Lot 12 DP 1021340; Lot 13 DP 1021340; Lot 14 DP 1021340; Lot 15 DP 1021340; Lot 16 DP 1021340; Lot 17 DP 1021340; Lot 18 DP 1021340; Lot 2 DP 76375; Lot 1 DP 1057585; Lot 2 DP 1057585; Lot 3 DP 1057585; Lot 4 DP 1057585; Lot 2 DP 555257; Lot 1 DP 808945; Lot 2 DP 808945; Lot 3 DP 808945; Lot 1 DP 551960
Local Government Area	Hawkesbury City
For the carrying out of:	A detailed description of the proposal approved to is described in Modification A1, Part A, Schedule 2
Capital Investment Value	\$209,504,000
Type of development:	Concept approval under Part 3A of the EP&A Act
Determination made on:	10 July 2008
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Council means Hawkesbury City Council.

Department means the Department of Planning or its successors.

Director General means the Director General of the Department of Planning.

Minister means the Minister for Planning.

Project means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RTA means the Roads and Traffic Authority.

Subject Site has the same meaning as the land identified in Part A of this schedule.

Pitt Town has the same meaning as the land identified in Part A of this schedule.

Pitt Town Concept Plan means the project described in Schedule 2, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.

SCHEDULE 2

MODIFICATIONS TO THE PITT TOWN CONCEPT PLAN MPA No. 07_0140

PART A – ADMINISTRATIVE MODIFICATIONS

A1. Development Description

Concept approval is granted only to the carrying out of the development solely within the concept plan area as described in the document titled “**Environmental Assessment, Pitt Town Residential Precinct**” prepared by Don Fox Planning (dated December 2007) including:

1. Subdivision to create a total of 659 allotments within five precincts.
2. 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.
3. Provision of related infrastructure comprising water supply mains, sewerage mains, road works, stormwater mains and water quality control and detention works.

Except for otherwise provided by the Department's modifications of approval as set out in Schedule 2, Part B.

A2. Development in Accordance with Documentation and Plans

The development shall be generally consistent with the following documentation and plans:

- a) **Pitt Town Residential Precinct Environmental Assessment (Folder 1 & 2)**, prepared by Don Fox Planning and dated December 2007; except as amended by the Preferred Project Report titled **Pitt Town Residential Precinct Concept Plan Preferred Project Report**, prepared by Johnson Property Group and dated 28 March 2008, incorporating a **Statement of Commitments** prepared by Johnson Property Group.
- b) **Pitt Town Masterplan**, dated 25 March 2008 and prepared Brown Consulting.
- c) **Masterplan for Bonavista**, 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**, Drawing No. L03017-Bligh-V6, dated 27 March 2008 and prepared by Brown Consulting; **Masterplan for Cleary**, Drawing No. L03017-CLEARY-V6, dated 27 March 2008 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**, Drawing No. JPG-L-BL 01 A, dated 6 November 2007 and prepared by Design & Construction Services.

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

A3. Inconsistency Between Documentation

In the event of any inconsistency between the modifications of this concept approval and the plans and documentation described in Modification A2, Part A, Schedule 2 referred to above, the modifications of this concept approval prevail.

A4. Lapsing of Approval

Approval of the Pitt Town Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a project or development for which concept approval has been given.

A5. Determination of Future Applications

The determination of future applications for development is to be generally consistent with the terms of approval of MPA No. 07_0140 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2.

PART B – DEPARTMENT OF PLANNING'S MODIFICATIONS

B1. Design Guidelines and Development Controls

- (a) Concept plan approval is not provided for the proposed design guidelines and development controls submitted as part of this application (Appendix V in the Environmental Assessment dated December 2007 and Attachment G in the Preferred Project Report dated 28 March 2008).
- (b) Design guidelines and development controls are to be developed for future housing in Pitt Town, in collaboration with Hawkesbury City Council and the Department of Planning, to update the controls currently contained in Hawkesbury DCP - *Part E Chapter 4 Pitt Town*, to reflect the lot sizes approved as part of this concept plan. The design guidelines are to address issues such as site coverage, front/side/rear setbacks, height, architectural character and external finishes, and flood risk.
- (c) In terms of flood risk, the design guidelines must consider the impact of climate change and formulate development options for future applications for houses in the Pitt Town subdivision, particularly within the precincts most effect by flooding and climate change – i.e. Cleary and Thornton. In this regard, a combination of fill and raised habitable floor levels to 18.7m AHD is encouraged for houses proposed on blocks within the north of the Cleary and Thornton Precincts.
- (d) The amending design guidelines and development controls are to be submitted for approval by Council prior to the lodgement of the first application to Council for housing on blocks created by this concept plan approval. If Council fails to approve the design guidelines/ development controls by 31 August 2008, they are to be submitted for approval to the Director-General of the Department of Planning.

B2. Heritage and Visual Impact

In order to maintaining the open vista of land that was formally part of Governor Bligh's Model Farm, the number of lots bordering on the western boundary of the Blighton Precinct, facing the historically significant area known as the Pitt Town Bottoms, is to be reduced from 6 lots to 3 lots. This is to be achieved through the amalgamation of proposed lots 1 to 6 into a total of 3 lots.

Amended *Pitt Town Masterplan* and *Blighton Masterplan* plans, reflecting the amendment required by this modification, are to be submitted for the approval of the Executive Director, Strategic Sites and Urban Renewal, Department of Planning, prior to the lodgement of a development application for subdivision works for the Blighton Precinct.

B3. Lot Layout and Distribution

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 lots
- Bona Vista – 246 lots
- Blighton – 19 lots
- Cleary – 112 lots
- Thornton – 69 lots

B4. Stormwater Disposal in Fernadell

The detention basin proposed in the northern part of the Fernadell open space area (*Figure 13 – General Layout of Detention and Water Quality Facilities by Brown Consulting* in the Environment Assessment) is to be deleted. This area is to remain unencumbered for the future provision of three full sized sporting fields.

B5. Regional and Local Contributions

- (a) Regional contributions are to be paid in accordance with the Planning Agreement between the Minister for Planning and the Johnson Property group, dated 26 July 2006.
- (b) Local contributions are to be paid in accordance with the *Pitt Town Section 94 Contributions Plan 2008*, subject to any direction of the Minister, in accordance with such plan.

B6. *Water Supply*

Written evidence of arrangements being made with Sydney Water, or other approved supplier, for the provision of individual water supply and sewerage services to all lots within each stage, will be submitted to the Principal Certifying Authority prior to certification of the Subdivision Plan in respect of that stage.

B7. *Land Adjacent to Hawkesbury River*

Discussions are to occur between the proponent and Council regarding the future use of the area of flood prone land located adjacent to the Hawkesbury River in the north of the Cleary Precinct. The negotiations are to determine whether there are any mechanisms available for the provision of community facilities on this land and/or public access, and the roles and responsibilities of the proponent and/or Council over this land in terms of ongoing maintenance and management.

APPENDIX B. STATEMENT OF COMMITMENTS

The Commitments set out below are made by the proponent, Johnson Property Group, in respect of the proposed subdivision of the Pitt Town site.

IMPACT	NATURE OF POTENTIAL IMPACT	MITIGATION MEASURES / ENVIRONMENTAL SAFEGUARDS
Flooding	Need to ensure that houses are built on flood free land	Building envelopes will be specified on the Design Guidelines to be submitted with future development applications and will be enforced through covenants to be included in s88B Instruments.
Water quality	Possibility of increased levels of nutrients and contaminants in stormwater runoff. Likelihood of increased flow rates of stormwater in some catchments. Possibility of groundwater contamination	Provide details of the proposed water quality control and detention measures with relevant applications for development approval, including a Construction Environmental Management Plan. This Management Plan is to include consideration of impacts on groundwater and details of the proposed bio-filtration basin within the ecological area on Bona Vista.
Geotechnical	Possibility of disturbing acid sulphate soils if excavations are deeper than 1.5 metres	If excavations below 1.5 metres are proposed within Blighton, Cleary or Thornton Precincts, prepare an Acid Sulphate Soils Management Plan prior to obtaining a Construction Certificate.
	Possibility of contamination associated with previous orcharding within Thornton Precinct	Within the Thornton property, undertake sampling and contamination testing to determine the contamination status around former orchard and filling areas prior to obtaining development approval for this land.
	Need to identify geotechnical requirements for residential development within Cattai Precinct	Within Cattai Precinct, include a geotechnical investigation covering sub-surface testing for contamination and salinity as part of an application for development of this land. If the investigation reveals saline soils, the Development Application is to include measures for minimising impacts on groundwater.
	Need to ensure appropriate construction materials within Blighton, Cleary, Thornton and Cattai Precincts	Within Blighton, Cleary, Thornton and Cattai Precincts, the Construction Certificate Application should specify that construction materials, such as concrete, steel, brick etc. used for the proposed development should be appropriate for a mildly aggressive site
Groundwater	Need to ensure adequate subsurface drainage	Incorporate appropriate subsurface drainage measures into Construction Certificate plans.
Air Quality	Need to minimise air quality impacts	Future applications for development approval should include provisions for walking and cycling paths and for bus routes to reduce car usage
Flora and fauna	Need to ensure the existing limited environmental values of	Future development applications should include a landscape plan showing retention of as many

IMPACT	NATURE OF POTENTIAL IMPACT	MITIGATION MEASURES / ENVIRONMENTAL SAFEGUARDS
	the site are retained and enhanced.	existing canopy trees as practical within the residential area, taking into account the risks of retaining large native species close to dwellings.
	Need to ensure that the riparian corridor along the River is retained and enhanced.	<p>Within the Blighton, Cleary and Thornton Precincts, landscape works are to include details of provisions to preserve a 45 metre wide riparian corridor along the Hawkesbury River. The landscaping plans is to ensure retention and regeneration of native species within the riparian corridor.</p> <p>Mitigation measures identified in The Ecology Lab - Aquatic Habitat Survey dated 29 November 2007 associated with the construction and operation of the boat ramp will form part of a future development application to approve and construct the boat launch site.</p>
Heritage	Need to ensure that the heritage values of the site are protected during construction and in the longer term	The proponent is to pursue the establishment of a Voluntary Conservation Agreement (VCA) or similar form of protection over the Conservation 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.
		The proponent is to nominate the land within the Voluntary Conservation Agreement (VCA) over the Conservation Zone (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.
		An archaeological assessment and impact assessment should be undertaken as part of the documentation for the Cattai Precinct Development Application.
		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

IMPACT	NATURE OF POTENTIAL IMPACT	MITIGATION MEASURES / ENVIRONMENTAL SAFEGUARDS
		overlapping Aboriginal and Historic heritage values of the land to the public and to those who will live in close proximity to the land.
Visual Impacts	Mitigating the visual impacts of development	<p>The applications for development of Bona Vista and Fernadell Precincts are to include:</p> <ul style="list-style-type: none"> • Retention of the existing Casuarina trees in the existing street reservation; • Location of large lots along Bathurst St with access denied to new lots fronting Bathurst Street; • Larger lots along the historical roads of Johnston Street • Retention of the curtilage around Bona Vista homestead and buildings; • Retention of the park adjacent the Bona Vista homestead; and • Retention of the rectilinear street layout pattern <p>The applications for development of Blighton and Cleary Precincts are to include:</p> <ul style="list-style-type: none"> • Larger lots are located along the historical roads of Hall Street and Punt Road, • The houses edging the elevated land cannot build dwellings with finished floor levels below RL 17.3m AHD; and • The houses edging to elevated land are to have landscape and fencing style controls (open style rural fencing) for their lots extending northwards down the slope. <p>Future development applications should provide for larger lots along the Cattai Road frontage.</p>
Safer by Design	Need to ensure public surveillance	Future applications for development approval should include provision of pathways and cycleways in accordance with the Safer by Design Guidelines
Public transport	Need to show bus routes	The plans accompanying the relevant Development Application are to show the internal bus route complying with the HCC DCP.
Impact on watercourses	Need to gain approval from DWE for development within riparian zones	The proponent will negotiate with the Dept of Water and Energy (DWE) in relation to the preparation of plans for development of land adjacent to the watercourse in Thornton Precinct.
Blighton Riverside Park & Boat ramp	For public access	Prior to development approval of the Blighton, Cleary and Thornton precincts, JPG will use its best endeavours to negotiate with Council in

IMPACT	NATURE OF POTENTIAL IMPACT	MITIGATION MEASURES / ENVIRONMENTAL SAFEGUARDS
		<p>good faith for the transfer to Council of the Blighton Riverside Park Land in a manner which secures public ownership of the Blighton Riverside Park Land and its care and maintenance.</p> <p>If such an agreement between JPG and Council cannot be reached, then the Developer will retain the land in private ownership, but on the basis that it is fully accessible to the public and adequately cared for and maintained.</p>
Proposed onsite Sporting Facility	AHD level of Amenities building	During detail design of the proposed onsite sporting fields, investigate design AHD levels for the amenities building to see if it is possible for it to be raised above the 1 in 100 year flood level.

Other commitments made in this EA include:

- Lodge contour and design plans with each Development Application;
- Lodge plans showing lot numbers, dimensions and areas, together with details of easements and covenants with each Development Application;
- JPG will provide controls for the Minister to declare as Complying Development Controls by way of order under Section 75P(2)(d) of the Environmental Planning & Assessment Act 1979 for all housing in the Pitt Town Residential Precinct;
- Consideration of Total Water Catchment Management schemes, particularly for use of stormwater caught in water quality and detention ponds for irrigating playing fields;
- The 88B Instruments for allotments within Blighton, Cleary and Thornton Precincts will include restrictions on the types of development permitted in the rear of lots on or below the escarpment to reduce visual impacts; and
- Landscape plans, including themes for each Precinct, proposals for each road type, species lists and pathway and cycleway layouts will be submitted with each Development Application.