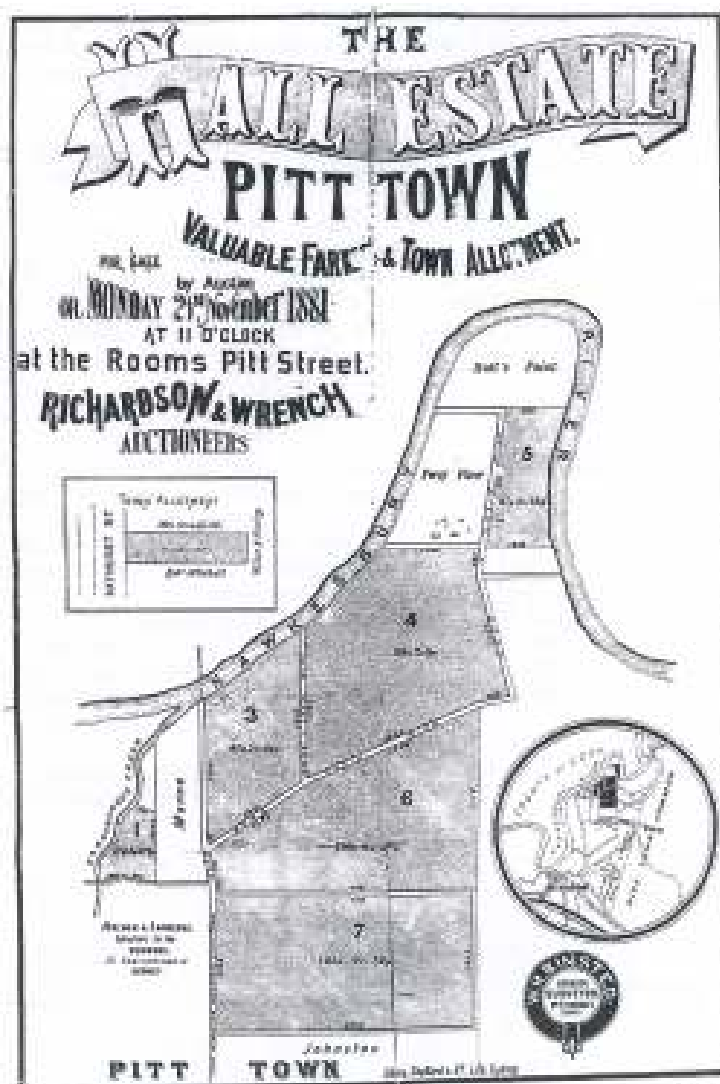


**MAJOR PROJECT ASSESSMENT:
Pitt Town Concept Plan**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

July, 2008

© Crown copyright 2008
Published July 2008
NSW Department of Planning
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document

Table of Contents

1	EXECUTIVE SUMMARY	1
2	BACKGROUND	3
2.1	The site and surrounding area.....	3
2.2	Planning history and current status	4
3	PROPOSED DEVELOPMENT.....	8
3.1	Approval Originally Sought.....	8
3.1.1	Concept Plan.....	8
3.1.2	Utilities & State/Local Infrastructure	9
3.1.3	Staging	10
3.2	Amendments to the Proposal	10
4	STATUTORY FRAMEWORK	12
4.1	Part 3A of the Environmental Planning and Assessment Act 1979.....	12
4.2	State Environmental Planning Policy (Major Projects) 2005	12
4.3	Permissibility	12
4.4	Director General's Environmental Assessment Requirements	13
4.5	Other relevant legislation and environmental planning instruments	13
5	CONSULTATION AND ISSUES RAISED	14
6	ASSESSMENT	15
6.1	DIRECTOR-GENERAL'S REPORT	15
6.2	KEY ISSUES	16
6.2.1	Regional & Local Infrastructure	16
6.2.2	Aboriginal & European Heritage	16
6.2.3	Flooding – Emergency Evacuation & Climate Change.....	22
6.2.4	Lot Size & Layout	24
6.2.5	Visual Impacts	24
6.2.6	Biodiversity	29
6.2.7	Traffic & Pitt Town Bypass	29
6.2.8	Stormwater & Overland Flow.....	31
6.2.9	ESD Principles	32
6.2.10	Design Guidelines & Hawkesbury DCP.....	33
6.2.11	Project Justification and Public Interest.....	34
7	CONCLUSION	36
8	RECOMMENDATION	37

Figures (source: Don Fox Planning)

Figure 1.	Location map	3
Figure 2.	Concept Plan Precincts (excluding Cattai).....	4

Figure 3. Current zones under LEP 145.....5

Figure 4. Proposed zoning map (for JPG land and Cattai Precinct).....7

Figure 5. Original Concept Plan9

Figure 6. Amended Concept Plan (Preferred Project Report) 11

Figure 7. Existing Lots 11, 12, 14 & 15 within Blighton & Cleary Precincts (1 in 100 year flood level shown)..... 17

Figure 8. Proposed Conservation Zone (Grey) and Open Space Conservation Zone (Orange) 18

Figure 9. Heritage Office Sketch - Consolidation of Lots in Blighton.....21

Figure 10. General Layout of Detention and Water Quality Facilities.....31

1 EXECUTIVE SUMMARY

- 1.1** On 12 October 2007 the Minister for Planning declared that the Pitt Town Residential Precinct is a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979*, and authorised the submission of a concept plan for the site.
- 1.2** On 10 January 2008, the Johnson Property Group (JPG, the Proponents) submitted a concept plan for the Pitt Town Residential Precinct in response to the Director-General's Environmental Assessment Requires issued on 15 November 2007.
- 1.3** This application follows rezoning of the Pitt Town Investigation Area in August 2006 (Hawkesbury LEP Amendment No. 145) which allowed for a total of approximately 631 lots on land which is currently predominantly disused farm land. HLEP Amendment No. 145, however, deferred an area north of Hall Street in the north-west of the study area mainly because it was considered that further study was required of matters related to Aboriginal and European heritage.
- 1.4** It is important to note that the 631 lot yield estimate from LEP 145 is a conservative estimate of the number of lots achievable under the LEP. In various estimates provided to the Department by Council for LEP 145 this lot yield raises to as much as 699 lots.
- 1.5** In essence, the concept plan involves: changing density controls for land covered by LEP 145; and expanding urban land to the north and north-east, enlarging the JPG footprint to 129.22ha. While the concept plan only relates to JPG owned or controlled land, the net effect of changing the urban land and density controls results in a **total of 893 net additional lots** (943 total, including 50 existing lots) within the Pitt Town Investigation Area rather than 631. This is shown in the table below.

Precinct	Existing lots	Proposed lots	Net additional lots
JPG concept plan precincts			
Fernadell (JPG)	1	210	209
Bona Vista (JPG)	2	246	244
Blighton (JPG)	2	22	20
Cleary (JPG)	6	112	106
Thornton (JPG)	1	69	68
"Others" (non JPG concept plan)			
Central Precinct (non JPG)	28	194	166
Cattai (non JPG)	9	80	71
Thornton East (non JPG)	1	10	9
Total Pitt Town Lot Yield	50	943	893

- 1.6** The JPG concept plan proposes a **total of 659 lots** (or 647 net additional lots excluding existing lots), on land owned or controlled by JPG, comprising 390 residential lots and 269 rural lots.
- 1.7** Parallel with the concept plan consideration, JPG have requested the Minister also rezone the land deferred from HELP 145 (north of Hall Street and known as the Blighton and Cleary Precincts in the JPG concept plan) to Rural Housing, and that the Minister amend density and lot size controls in Hawkesbury LEP 1989 (using the Major Projects SEPP) for JPG owned or controlled land to reflect the lot sizes proposed in the concept plan. This is subject to a separate submission to the Minister.
- 1.8** Land within the precinct identified as 'Cattai' is also included in the proposed LEP amendment, however this precinct has been excluded from the concept plan as it is not owned by JPG. The minimum lot size control in Council's LEP for Cattai should be amended to be consistent with the adjoining Thornton Precinct (as is currently the case in LEP 145), and likewise the adjoining Thornton East precinct (which is not included in the JPG documentation).
- 1.9** The concept plan was exhibited for 30 days between 23 January 2008 and 22 February 2008.
- 1.10** A total of 49 public submissions were received, 36 objecting to the proposal and 13 offering conditional support. Submissions were also received from Hawkesbury City Council, Department of Environment and Climate Change (DECC), Department of Primary Industries (DPI), Department of Water and Energy

(DWE), NSW Rural Fire Service (RFS), Ministry of Transport (MoT) and the NSW Roads and Traffic Authority (RTA). The main issues raised during exhibition were: heritage impacts; impacts on the character of the locality; impact on existing residential amenity; traffic; and local/regional infrastructure requirements. These issues were able to be resolved through amendments to the statement of commitments or modifications imposed by the Minister.

- 1.11** The proponent has submitted a Preferred Project Report and a revised Statement of Commitments to address the issues raised during the exhibition period. The following design changes were made to the original proposal and incorporated into the PPR:
- Reduction in size of the proposed Blighton Riverside Park due to care, control and management issues raised by Council. To maintain the required riparian buffer to the Hawkesbury River the open space will be a minimum width of 45 metres. The northern lots in Cleary and Thornton Precincts have been extended such that the large area of open space proposed in the original concept plan, including the detention basin in Thornton Precinct will be retained in private ownership.
- 1.12** Due to concerns raised by the Heritage Office of the Department of Planning, a modification has also been composed recommending that 6 lots proposed along the western side of the Blighton Precinct be amalgamated into 3 larger lots, with the aim of maintaining the open vista of land that was formally part of Governor Bligh's Farm when viewed from the historically significant area known as the Pitt Town Bottoms.
- 1.13** Regional infrastructure contributions for land owned by JPG have been determined through an existing Voluntary Planning Agreement (*Pitt Town Planning Agreement*).
- 1.14** Funding for local infrastructure will be required through a revised section 94 plan, which has been prepared by consultants engaged by the Department of Planning, and in consultation with planning officers from Hawkesbury City Council (see briefing note Y08/1211). Local infrastructure to be funded will include a community centre, passive and active recreation facilities including playing fields, and local roads. In this regard, the proposed section 94 plan provides for the key infrastructure priorities identified by representatives of the Pitt Town community at a meeting with the Minister in 2007 including:
- **4 playing fields** – 3 playing fields would be accommodated on Fernadell Park (requiring an additional 0.72ha of land to be acquired). The fourth field would be provided through upgrade of the existing playing field at Brinsley Park in the existing village. This playing field is not currently used due to the substandard quality of the playing surface. The section 94 plan includes costing for change room facilities at Blighton and Fernadell Park, but not Brinsley Park where such facilities are already provided.
 - **Pitt town bypass** – The section 94 plan has been amended to include funding of the Pitt Town Bypass. Approximately half of the cost of the Bypass would be funded through Regional Infrastructure Contributions (RIC) from land not the subject of the existing Pitt Town Planning Agreement. This RIC has been included in the section 94 plan.

The revised section 94 plan would see the contribution applying to all land **increase slightly from \$24,816 per lot to \$25,709 per lot** (March 2008 costings). Lots not the subject of the Pitt Town Planning Agreement would be subject to an additional RIC under the section 94 plan of \$25,763 per lot (a total contribution of \$51,472 per lot).

- 1.15** In balancing the State significant planning outcomes with the issues raised, the Department is of the view that the proponent has satisfactorily mitigated the impacts arising from the proposed subdivision. In assessing the proposal, the Department has resolved any outstanding issues through recommended modifications to the concept plan (see **Appendix A**).

2 BACKGROUND

2.1 The site and surrounding area

The township of Pitt Town is located 6km north east of Windsor, in the north-western sector of Sydney.

Land known as the Pitt Town Investigation Area (i.e. land subject to LEP 145, including deferred lands) is approximately 225ha in area and is locally wholly within the Hawkesbury LGA. The investigation area includes land above the 20m AHD contour to the north of the Pitt Town township proper, and is generally bounded by the Hawkesbury River to the north, Cattai Road to the east, Buckingham Street to the south and Bathurst Street to the west.

The total investigation area is controlled by a number of landowners. JPG owns or controls approximately 129ha of the total investigation area.

The site was used for many years for agriculture and orcharding, although most of the orchard trees have been removed. There are some areas of remnant bushland within and surrounding the site and there are several windrows of predominantly pine trees. There are houses scattered throughout the site together with farm buildings and other improvements typical of land that has been farmed for many years.

The site is generally above the 100 year flood level and is generally surrounded by rural, low density development to the west, north and east with the village of Pitt Town to the south.

Figure 1 below shows the location of Pitt Town and the surrounding region.

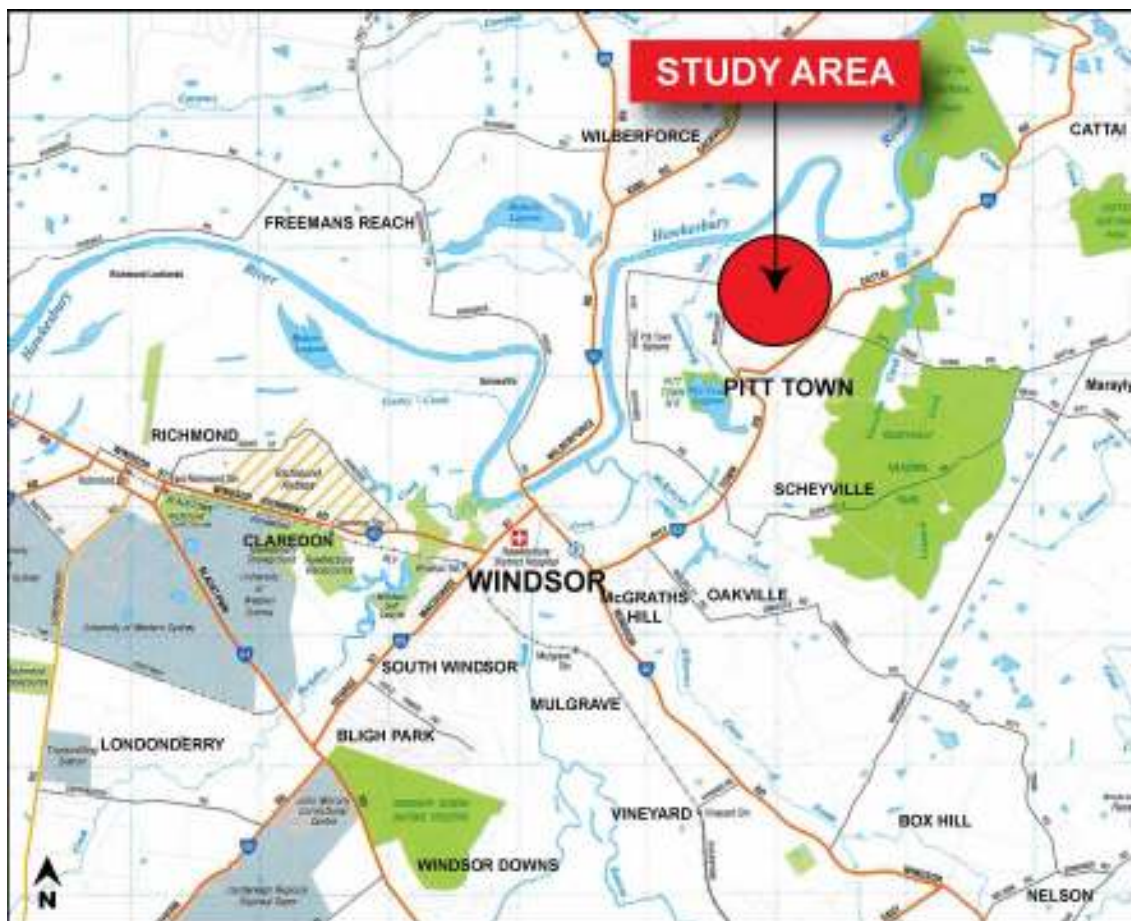


Figure 1. Location map

The concept plan the subject of this report covers land within the Pitt Town investigation area that is owned or controlled by JPG. In this regard, the concept plan area covers land included in Hawkesbury LEP amendment No. 145 plus an area north of Hall Street omitted from LEP 145, but excludes land generally between Johnston Street and Hall Street

Figure 2 below shows the concept plan area and defines precinct names which are referred to in the Environmental Assessment report. However, it is important to note that the Cattai Precinct is included for identification purposes only and does not actually form part of the JPG concept plan area.

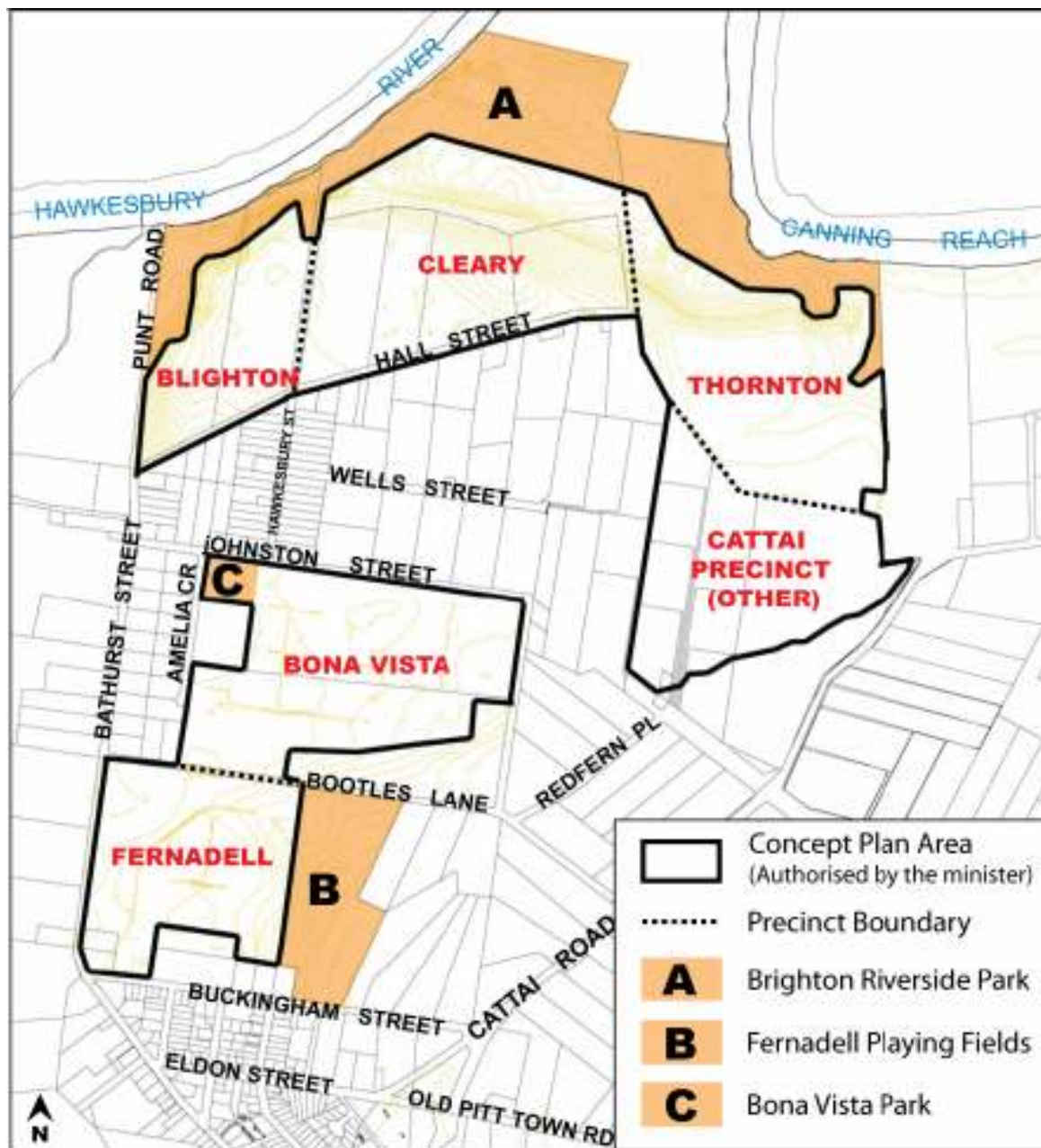


Figure 2. Concept Plan Precincts (excluding Cattai)

To the north is the Hawkesbury River and beyond, the villages of Ebenezer and Wilberforce, which are surrounded by rural land uses. The River also passes to the west of the site, separated from it by the Pitt Town Bottoms.

To the east of the site, beyond Cattai Road there are rural residential style dwellings and beyond those is the Scheyville National Park. Pitt Town village is located to the south of the site.

2.2 Planning history and current status

A brief planning history of the Pitt Town investigation area is outlined below:

- Hawkesbury Council commissioned the preparation of a local environmental study (LES) in 2003. The investigation area for the LES was based on land above the 20 metre AHD contour. This contour is just above the highest recorded flood level.
- Hawkesbury Council then prepared a draft LEP which was informed by the LES.

- Hawkesbury LEP 1989 Amendment 145 (LEP 145) was gazetted on 18 August 2006 allowing for 631 lots to be developed within a development area of approximately 174 hectares.
- A section 94 local contributions plan and Development Control Plan for Pitt Town were also formulated by Council to accompany LEP 145. Levies payable under the s94 plan totalled \$24,816 per lot.
- JPG also entered into a Voluntary Planning Agreement with the Minister for Planning on 26 July 2006 for the provision of \$16.5 million worth of regional infrastructure – i.e. public school, road works and DECC contribution.

Current zones under LEP 145 are shown in **Figure 3** below.

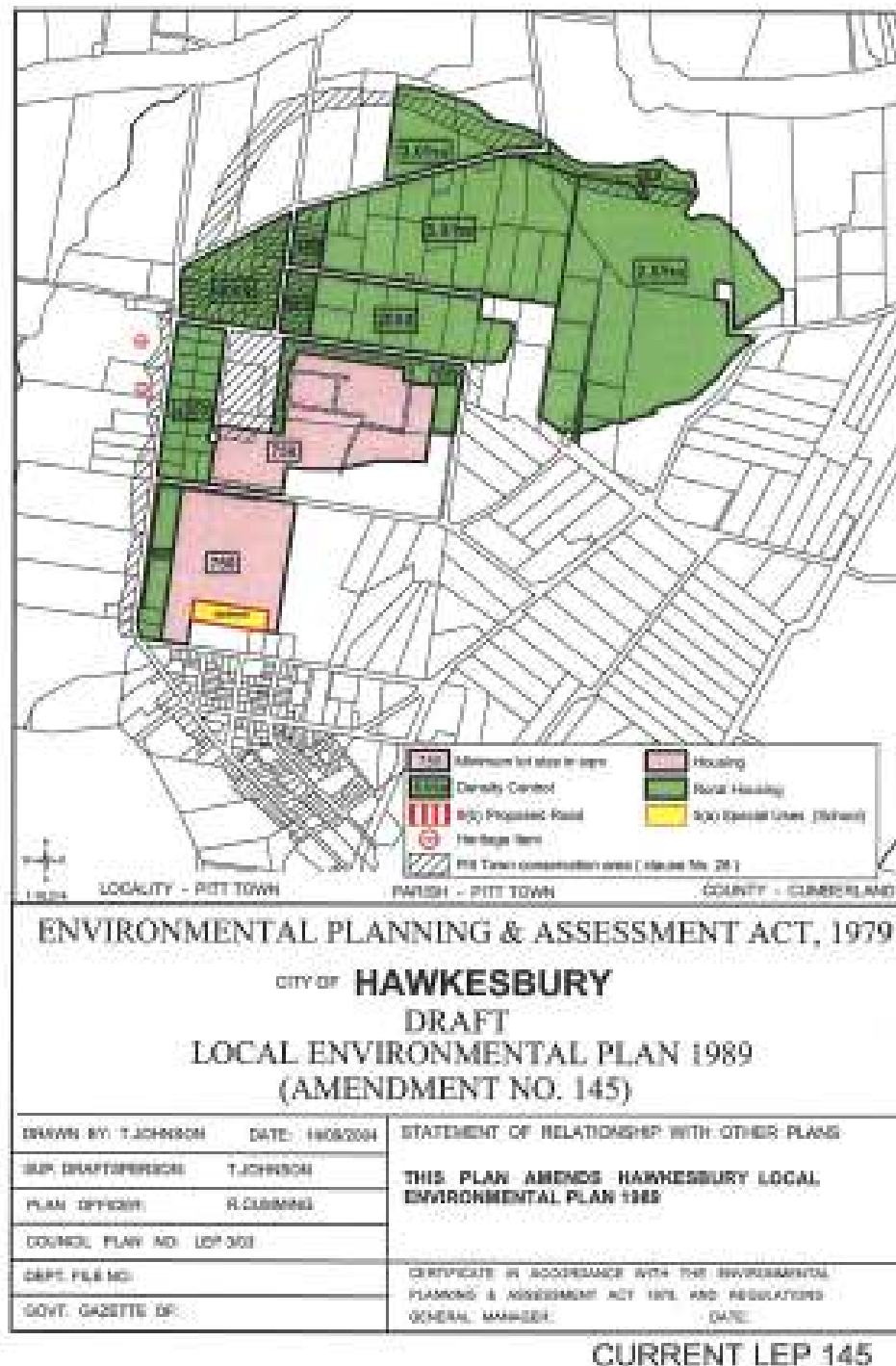


Figure 3. Current zones under LEP 145

- Following the gazettal of LEP Amendment No 145, development consent was granted by Council for development of 225 lots with the Bona Vista Precinct (Consent DA 0557/06, approval date 3 May 2007) by JPG. Construction of these lots has commenced and they have been incorporated into the concept plan layout for the Bona Vista Precinct.
- Land at the north and north-east of the investigation area was excluded from LEP 145 as a result of the need for further consideration of heritage significance in this location. This area of land is not currently listed as having heritage significance in the State Heritage Register and was otherwise suitable for rural residential development.
- Subsequently JPG prepared a number of studies assessing heritage significance for the land excluded from the LEP. This land is known as Blighton and was the site of Governor Bligh's Farm. These studies indicated that the land is generally suitable for development provided certain development and design controls are imposed to protect the heritage landscape.
- On the 23 November 2006 the Department wrote to Hawkesbury City Council advising that it would be prepared to consider some additional development at Pitt Town beyond the 631 lots allowed by HLEP 145.
- JPG subsequently lodged a draft LEP with Council for development of land under their ownership or control for 1,104 lots within an expanded development footprint (i.e. including land north of Hall Street, which was previously deferred in LEP 145). Council resolved to **proceed** with the draft LEP on 31 July 2007 and notified the Department of its decision. The Minister declined to issue the Section 65 Certificate, however agreed to consider the proposal as a Major Project under Part 3A of the Environmental Planning and Assessment Act 1979 and authorised the submission of a Concept Plan for the site with a reduced number of lots from the draft LEP endorsed by Council.
- JPG has prepared a concept plan for the development showing a total of 659 lots, comprising 390 residential lots and 269 rural lots.
- Parallel with the concept plan consideration, JPG have requested the Minister also rezone the land deferred from HELP 145 (north of Hall Street and known as the Blighton and Cleary Precincts in the JPG concept plan) to Rural Housing, and that the Minister amend density and lot size controls in Hawkesbury LEP 1989 (using the Major Projects SEPP) for JPG owned or controlled land to reflect the lot sizes proposed in the concept plan.
- Land within the precinct identified as 'Cattai' is also included in the proposed LEP amendment, however this precinct has been excluded from the concept plan as it is not owned by JPG. The minimum lot size control in Council's LEP for Cattai will need to be amended to be consistent with the adjoining Thornton Precinct (as is currently the case in LEP 145), and likewise the adjoining Thornton East precinct (which is not included in the JPG documentation).
- Including 194 rural housing lots already zoned under Hawkesbury LEP 145, 80 lots proposed for the Cattai Precinct and 10 lots in Thornton East, **a total of 893 net additional lots** (943 total, including 50 existing lots) are proposed for the entire Pitt Town Investigation Area. The following is a summary of the potential lot yield for Pitt Town, based on the JPG concept plan and development outside the concept plan area, whilst the diagram on the next page illustrates existing LEP 145 land and land subject to zoning and density control amendments as a consequence of the JPG proposal:

Precinct	Existing lots	Proposed lots	Net additional lots
JPG concept plan precincts			
Fernadell (JPG)	1	210	209
Bona Vista (JPG)	2	246	244
Blighton (JPG)	2	22	20
Cleary (JPG)	6	112	106
Thornton (JPG)	1	69	68
"Others" (non JPG concept plan)			
Central Precinct (non JPG)	28	194	166
Cattai (non JPG)	9	80	71
Thornton East (non JPG)	1	10	9
Total Pitt Town Lot Yield	50	943	893

- The purpose of this submission is for the Director General to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval of the concept plan pursuant to Section 75O(2)(a) of the Act. Section 75N of the Act provides that the scope of the Director General's environmental assessment report for a concept plan is the same as with respect to approvals to carry out a project as set out in Section 75I(2) of the Act. This report recommends the Minister should grant concept approval subject to modifications set out in the instrument of approval set out at **Appendix A**.
- The Department also recommends that the Major Projects SEPP be amended by adding the Pitt Town investigation area to Schedule 4 to enable the Minister to amend Hawkesbury LEP 1989 to reflect the development contemplated by the concept plan. This is subject to a separate submission to the Minister.
- **Figure 4** below illustrates the proposed new zoning map for Pitt Town. It is important to note that areas not included in this map but affected by LEP 145 continue to be covered by LEP 145 in terms of zoning and lot size.

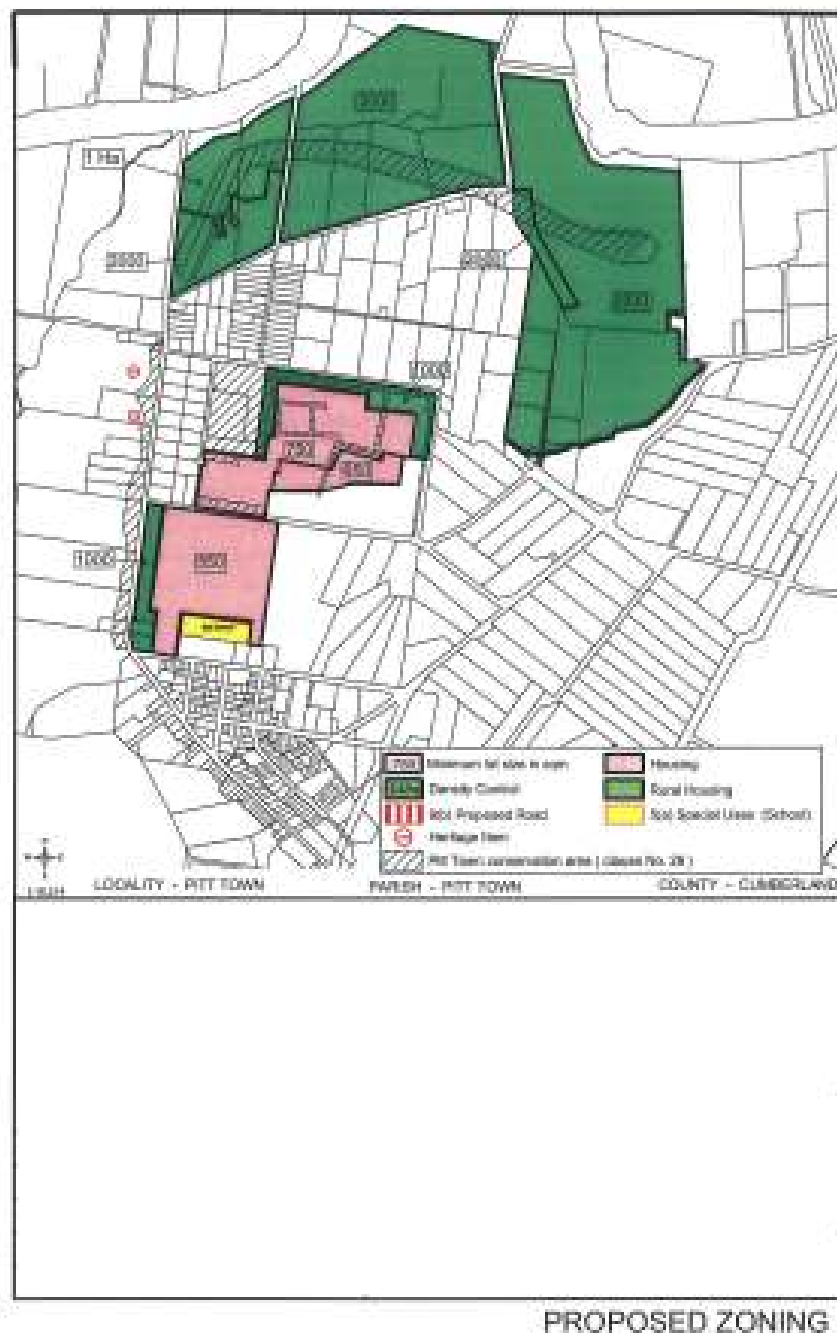


Figure 4. Proposed zoning map (for JPG land and Cattai Precinct)

3 PROPOSED DEVELOPMENT

3.1 Approval Originally Sought

3.1.1 Concept Plan

On 10 January 2008 the proponent submitted an Environmental Assessment (EA) report titled *Pitt Town Residential Precinct* (folder 1 & 2), prepared by Don Fox Planning (DFP). The EA served three purposes:

1. To address the project specific issues outlined in the Department of Planning's Director-General Environmental Assessment Requirements (DGEARs);
2. To present a **Concept Plan** for the site; and
3. To request amendment of Hawkesbury LEP 1989 (via the Major Projects SEPP) to reflect the lot sizes proposed in the concept plan application for JPG owned or controlled land, plus land not owned or controlled by JPG in the Cattai precinct.

The key feature of the proposal is allowing an increased yield than currently exists under LEP 145 within the concept plan area by reducing the minimum permitted lot size and to extend the 'footprint' of urban land to the north and north-east. This results in approx 41ha of land for conventional residential, and approx 88ha of land for rural housing. Specifically, the concept plan seeks approval for:

- Subdivision to create a total of 659 allotments, including
 - 390 conventional residential allotments
 - 269 allotments for rural housing.
- 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 (proposed to be dedicated to Council).
- Provision of related infrastructure comprising water supply mains, sewerage mains, road works, stormwater mains and water quality control and detention works.

A breakdown of proposed lots per precinct can be seen in **Table 1** below. As can be seen from the table the total number of lots on land owned or controlled by JPG (which is the subject of the concept plan proposal) will be 659. The total number of lots possible in the entire Pitt Town Investigation Area, based on current LEP 145 development controls and proposed new density controls for the JPG concept plan precincts and Cattai and Thornton East precincts will be 943. Taking into account the 50 existing lots within these precincts, this represents a **net increase of 893 lots**.

Table 1 – Development yield

PRECINCTS	MINIMUM LOT SIZE								Total Lots
	550m ²	650m ²	750m ²	1,000m ²	2,000m ²	2500m ²	1ha	5 lots per ha	
Bona Vista		52	144	50					246
Fernadell	194			16					210
Blighton					17		5		22
Cleary					112				112
Thornton					7	62			69
TOTAL (JPG)	194	52	144	66	136	62	5	0	659
Others – i.e. Cattai, Central & Thornton East Precincts					48 (Central)	90 (Cattai & Thornton East)		146 (Central)	284
TOTAL LOTS									943

By way of comparison, LEP 145 would currently yield a total of 401 lots on land owned or controlled by JPG and 45 lots within the Cattai precinct. Therefore, the concept plan (and accompanying rezoning) would allow an additional 258 lots on JPG land and 35 lots in the Cattai precinct.

The Concept Plan layout for the development is shown in **Figure 5**.

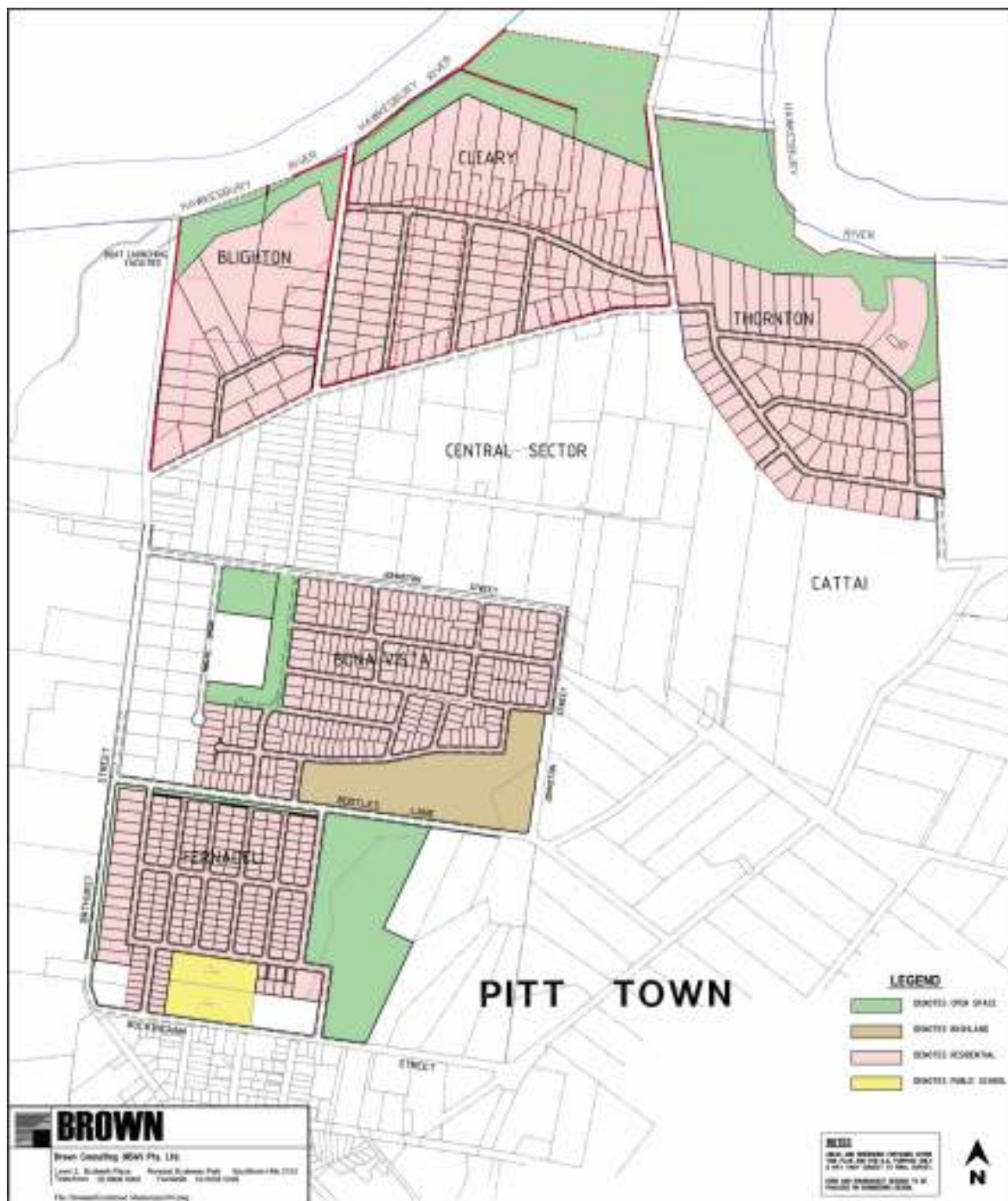


Figure 5. Original Concept Plan

3.1.2 Utilities & State/Local Infrastructure

Utilities

Utility infrastructure will be provided as necessary to service each stage of the development. JPG are in the final stages of constructing a \$5.5M main water trunk main from a connection point at Windsor Road through to Pitt Town. This is as approved by Sydney Water. The Windsor Road main that Sydney Water approved as their connection point is ultimately serviced from the North Richmond Water Filtration Plant, via the South Windsor reservoir. Sydney Water has a three stage plan to upgrade water supply as part of the Hawkesbury Urban Land Strategy. They have completed Stage 1 with the remaining stages undertaken as future development in the Hawkesbury and Penrith areas proceed. Once the 3 stage program is complete, the Windsor zone (including Pitt Town) will be serviced from Warragamba Dam via Orchid Hills water filtration plant.

The sewer is being designed and constructed to cater for 1287 lots. This is outlined in JPG's sewer servicing strategy, in consultation with Hawkesbury Council. The basic sewer reticulation arrangement is as follows:

1. Installation of a new Pump Station as part of the JPG Pitt Town development – known as PT1.
2. The existing sewer pump station in Pitt Town, catering for existing Pitt Town, will also drain into new PT1.
3. A new transfer rising main will connect PT1 to McGrath's Hill Sewer Treatment Works.
4. McGrath's Hill Sewer Treatment Works is currently at capacity. To enable spare capacity at McGrath's Hill, JPG will divert existing flows from another sewer treatment system (not relating to Pitt Town) from an existing pump station (known as Pump Station C) to South Windsor.

Water, sewer, electricity, telecommunications and gas will initially be provided along Bootles Lane to service the Bona Vista development. The Fernadell land will also utilise the services provide along Bootles Lane. Blighton, Cleary, Thornton and the Cattai Precinct will be serviced by progressively extending the infrastructure along Bathurst Street and Hall Street. Development of Cattai Precinct is not likely to proceed until after the other precincts are developed because of the need to extend infrastructure precinct by precinct. If the owners of this land intend to commence earlier, they will have to fund the extension and provision of services along Hall Street.

Roads and Community Facilities

Regional Infrastructure Contributions for land owned by JPG have been determined through an existing Voluntary Planning Agreement. . The VPA includes:

- Dedication of land for expansion of Pitt Town Public School - \$2,000,000;
- Pitt Town Road Intersection Works - \$1,700,000;
- The shoulder works (Pitt Town Road) - \$11,200,000;
- A monetary contribution to Department of Conservation for regional conservation (now Department of Environment and Climate Change) - \$630,000; and
- A monetary contribution to school building - \$976,000.

Infrastructure to be funded in a revised s94 plan will include a community centre, passive and active recreation facilities including playing fields, and local roads. In this regard, the proposed section 94 plan provides for the key infrastructure priorities identified by representatives of the Pitt Town community at a meeting with the Minister in 2007 including:

- **4 playing fields** – 3 playing fields would be accommodated on Fernadell Park (requiring an additional 0.72ha of land to be acquired). The fourth field would be provided through upgrade of the existing playing field at Brinsley Park in the existing village. This playing field is not currently used due to the substandard quality of the playing surface.
- **Pitt town bypass** – The section 94 plan has been amended to include funding of the Pitt Town Bypass. Approximately half of the cost of the Bypass would be funded through Regional Infrastructure Contributions (RIC) from land not the subject of the existing Pitt Town Planning Agreement. This RIC has been included in the section 94 plan.

3.1.3 Staging

The development of JPG land is intended to proceed in the five precincts known as Bona Vista, Fernadell, Blighton, Cleary and Thornton. Development will commence in Bona Vista, providing lots ranging in size from a minimum of 650m² to a minimum of 1000m² along Johnston Street and adjacent to the Bona Vista homestead and curtilage. It is the current intention that the 246 lots within Bona Vista be developed prior to proceeding to other areas.

Once Bona Vista is completed and depending on market conditions Fernadell and Cleary lands will be developed concurrently, providing a variety of lots ranging from a minimum of 550m² to a minimum of 2000m². As the development of Cleary concludes, the 22 larger lots on Blighton will be developed, followed by the Thornton Precinct. Since the Cattai Precinct is dependant on services being provided through the other precincts, it is envisaged that Cattai will not proceed until the remaining precincts are complete. Cattai Precinct is not under the control of JPG and the owners of the land may decide to proceed earlier but in that case would need to provide funds to extend the services.

3.2 Amendments to the Proposal

The proponent lodged a Preferred Project Report (PPR) on 31 March 2008 (refer **Appendix C**), incorporating a revised Statement of Commitments (included in **Appendix B**) to address the issues raised during the during the consultation period.

The following changes were made to the original proposal and incorporated into the PPR:

- Concept Plan amended to reduce size of Blighton Riverside Park as Council could not commit to care, control and management of such a large area. To maintain the required riparian buffer to the Hawkesbury River the open space will be a minimum width of 45 metres. The northern lots in Cleary and Thornton Precincts have been extended such that the large area of open space proposed in the original concept plan, including the detention basin in Thornton Precinct will be retained in private ownership.
- In their revised Statement of Commitments JPG have given an undertaking that if an agreement cannot be reached with Council for the transfer of the Riverside Park, then JPG will retain the land in private ownership, but on the basis that it is fully accessible to the public and adequately maintained.
- Various other Commitments have also been amended due to concerns raised by State government agencies and Council regarding various issues concerning European and indigenous heritage conservation, stormwater management and impact on existing watercourses.

An amended concept plan is shown in **Figure 6** below.

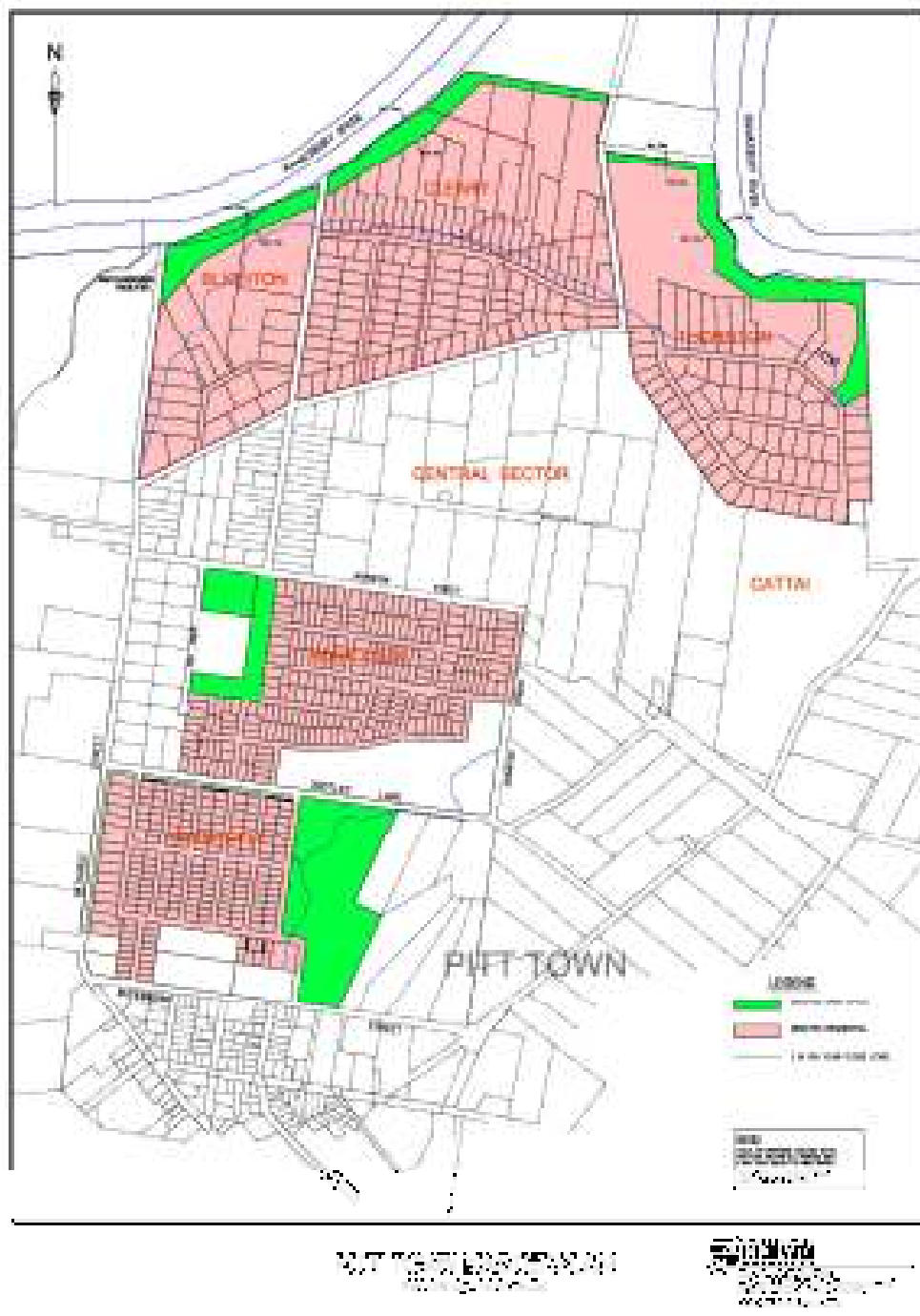


Figure 6. Amended Concept Plan (Preferred Project Report)

4 STATUTORY FRAMEWORK

4.1 Part 3A of the Environmental Planning and Assessment Act 1979

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all major projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the EP&A Act.

Under the provisions of Section 75B of the EP&A Act development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister published in the Government Gazette.

Section 75M of the Act permits a proponent to lodge a Concept Plan either upon their request to or at the request of the Minister. The purpose of the Concept Plan is to provide a broad overview of a proposed development and seeks to establish the framework for more detailed development of the proposal subject to future approvals.

The Concept Plan process will enable the complex strategic issues and the general parameters of the project to be determined upfront, whilst still retaining the necessary level of flexibility for the more detailed design phase of the project. Retaining some flexibility in the later stages of the redevelopment will be important to ensure future development opportunities on the site remain innovative and responsive to staging over time.

On 12 October 2007, the Minister for Planning formed the opinion that Part 3A of the Act applied to the proposed development and, pursuant to Section 75M of the Act, authorised the proponent to submit a Concept Plan for Pitt Town.

4.2 State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared a major project for the purposes of Part 3A of the EP & A Act. For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

On 12 October 2007, the Minister formed the opinion that the Pitt Town Residential Precinct is a development described in Schedule 1 Clause 13 – Residential, commercial or retail projects, namely:

“Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives”.

As the capital investment value of the project exceeds the \$50 million threshold and the development is deemed to be important in achieving State and regional planning objectives it is considered to be a Major Project and therefore subject to Part 3A of the EP & A Act.

4.3 Permissibility

In order to accommodate the proposed development, Hawkesbury LEP 1989 will need to be amended to reflect the new lot sizes proposed in the concept plan. This is intended to be achieved via the Major Projects SEPP should the concept plan be approved by the Minister and prior to any subsequent approval.

Aspects of the Pitt Town concept plan are prohibited by the current planning provisions within Hawkesbury Local Environmental Plan (Amendment No. 145) (Hawkesbury LEP) - i.e. yield and lot sizes. In this regard, clause 10(5) of Hawkesbury LEP currently reads as follows:

“All subdivision is prohibited on the land shown on the map marked “Hawkesbury Local Environmental Plan 1989 (Amendment No 145)” unless the area of each lot created for a dwelling house is equal to or greater than the minimum lot sizes for the land shown on the map and the number of lots created does not exceed the density control for the land.”

Clause 10(6) of Council's LEP also clarifies that *State Environmental Planning Policy No 1—Development Standards* does not apply to subclause (5).

Currently, Hawkesbury LEP has a designated minimum lot size of 750m² within the 'Housing Zone'. This is proposed to be amended to allow lots sizes of 550m² to 750m² in the Housing Zone and 1000m² to 1ha in the 'Rural Housing Zone'.

In detail, the amendments involve:

4.3.1 Reducing the minimum lot sizes within Fernadell and parts of Bona Vista Precincts of the site

Hawkesbury LEP provided for the bulk of the lots within the Fernadell Precinct to be minimum 750m² size lots, with 4000m² lots fronting Bathurst Street, compared to the current proposal which provides for minimum 550m² lots, except for lots fronting Bathurst Street which are to be minimum 1000m².

Within Bona Vista Precinct, Hawkesbury LEP provided for minimum 750m² lots over most of the precinct, except for 1500m² lots fronting Johnston Street and Bona Vista homestead. The current plan reduces the size of the fringing lots from 1500m² to 1000m² and reduces the size of the lots in the south eastern part of the precinct to 650m².

4.3.2 Increasing the densities within Thornton, Cattai and parts of Cleary Precincts of the site

Within Thornton and Cattai Precincts, the density is increased from 2 lots per hectare under LEP Amendment 145 (effectively 4000m² to 4500m² lots once road areas are deducted), to minimum 2500m² lots.

The density within the eastern part of Cleary Precinct is increased from 3 lots per hectare (effectively 3000m² lots) to minimum 2000m² lots.

4.3.3 Extending the Rural Housing zone over Blighton and parts of Cleary Precincts of the site

The Rural Housing Zone with a 2000m² minimum size lot provision (as described above for the eastern part of Cleary Precinct) is extended over the remainder of Cleary Precinct. The Rural Housing Zone is also extended over Blighton Precinct with a minimum lot size of between 4000m² and 1ha.

4.3.4 Mechanism to rezone

The Department considers that rezoning and identifying permissible land uses is essential to this project. This is best achieved via Ministerial intervention using the Major Projects SEPP to rezone the land. The reason for this approach would be to overcome the current council delays, which has the potential to affect delivery of the NSW Government planning forecasts for this part of the State. This approach would allow the Minister to act independently of council and the proponent in reaching a decision about the development of the site and the level of developer contributions that should be levied. The proposed rezoning is subject to a separate briefing note to the Minister.

Pitt Town is considered to be of significance for environmental planning for the State for the following reasons:

- The project is located in an area identified in the subregional strategy for urban renewal and increased urban development and there are local impediments to the implementation of the development identified as a result of consultation with local council to implementing the project. The draft North West Subregional Strategy establishes a dwelling target for Hawkesbury LGA of 5,000 additional dwellings to be achieved by 2031. This target assumes growth at Pitt Town in accordance with Hawkesbury LEP and recognises that there may be some additional growth at Pitt Town subject to consideration of development constraints, in particular flood evacuation.
- The project will contribute to employment and residential growth in an urban renewal area identified in the North West Subregional Strategy. The Pitt Town proposal has a CIV of approximately \$140 million and will create approximately 1,430 full time jobs and 1,100 part time jobs over the 10 year development period. The project will create a total of 943 residential and rural/residential lots in the Pitt Town Investigation Area, thus helping to meet dwelling targets in the Strategy.

4.4 Director General's Environmental Assessment Requirements

On 15 November 2007, the Director General issued environmental assessment requirements (DGEARs) pursuant to Section 75F of the EP & A Act. The key issues to be addressed in the DGEARs issued related to: subdivision layout and design; heritage conservation; traffic generation and management; stormwater management and disposal; biodiversity and cultural heritage; flooding; bushfire risk assessment; hydrology and water management; utilities and infrastructure provision; transport and access; section 94 developer contributions/section 93 planning agreements; and community consultation.

4.5 Other relevant legislation and environmental planning instruments

Section 6 and **Appendix F** both set out the approval process, relevant consideration of legislation, environmental planning instruments and planning strategies as required under Part 3A of the EP&A Act.

5 CONSULTATION AND ISSUES RAISED

The Environmental Assessment Report (EA) was publicly exhibited and notified in accordance with the EP&A Act. Section 75H(3) of the EP & A Act requires that after the Environmental Assessment has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the environmental assessment publicly available for at least 30 days. The Director General has not published any specific guidelines in relation to the public exhibition of the application.

A "Test of Adequacy" was undertaken by the Department which determined that the matters contained in the DGRs were adequately addressed in the Environmental Assessment prior to public exhibition.

In accordance with Section 75H of the Act, the environmental assessment was publicly exhibited for a period of 30 days from 23 January 2008 to 22 February 2008 at the following locations:

- Department of Planning (Head Office) – Information Centre, 22 - 33 Bridge Street, Sydney
- Hawkesbury City Council – Council Chambers - 366 George Street, Windsor

The EA was placed on the Department's website during the course of the exhibition period.

Local stakeholders within proximity of the site were informed of the concept plan proposal in writing and invited to make a written submission. Details of the concept plan proposal were placed in the public notices section of the local newspaper. The advertisement provided details of the proposal, exhibition locations and dates and how interested parties could make a submission. Government agencies, Hawkesbury City Council and other public authorities were also consulted.

In response to the exhibition period, the Department received submissions from Hawkesbury City Council, DECC, DPI, DWE, RFS, MoT and the RTA. A total of 49 public submissions were received, 36 objecting to the proposal and 13 offering conditional support. A summary of public submissions received and agency submissions are included at **Appendix D**.

A detailed report responding to these submissions, prepared by JPG, was incorporated into a Preferred Project Report and submitted to the Department on 31 March 2008 (included at **Appendix C**).

To fulfil the requirements of Section 75I Clause 2(b) this report includes advice provided by public authorities regarding the issues to be addressed by the proponent in the EA. These issues formed part of the key issues raised in the DGEARs. The Department has reviewed the EA, submissions to the preparation of the EA by public authorities, the submissions received from public authorities during the EA exhibition period and additional information provided by the proponent. Unless noted to the contrary below, the Department is satisfied that the responses provided by the proponent in their EA and the additional response to issues raised in submissions are reasonable.

6 ASSESSMENT

The Department has reviewed the EA and the preferred project report and considered advice from public authorities as well as issues raised in general submissions in accordance with Section 75I(2) of the Act. Consideration of each of the issues as they relate to the concept plan proposal is provided in **Section 6.2**.

Each relevant issue has been identified and duly considered followed by an explanation of how the proponent has sought to address the issue. Each subsection concludes with an explanation of how the Department has resolved the issue through the imposition of various modifications.

6.1 DIRECTOR-GENERAL'S REPORT

The purpose of this submission is for the Director-General to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval of the concept plan pursuant to Section 75O(2)(a) of the Act and project approval under Section 75J. Section 75N of the Act provides that the scope of the Director General's environmental assessment report for a concept plan is the same as with respect to approvals to carry out a project pursuant to Section 75I(2) under Part 3A of the Act.

Section 75I(2) sets out the scope of the Director General's report to the Minister. Each of the criteria set out therein have been addressed below, as follows:

- (a) a copy of the proponent's environmental assessment and any preferred project report; and

The proponent's EA is included at **Appendix E** while the preferred project report is set out for the Minister's consideration at **Appendix C** along with the Statement of Commitments at **Appendix B**.

- (b) any advice provided by public authorities on the project; and

All advice provided by public authorities on the project for the Minister's consideration is set out at **Appendix D**.

- (c) a copy of any report of a panel constituted under Section 75G in respect of the project; and

No independent hearing and assessment panel was undertaken in respect of this project.

- (d) a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project; and

A copy and brief assessment of each State Environmental Planning Policies that substantially govern the carrying out of the project is set out in **Appendix F**.

- (e) except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division; and

An assessment of the development relative to the relevant environmental planning instruments is provided in **Appendix F**.

- (f) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.

The environmental assessment of the project is this report in its entirety, which also meets the requirements of Clause 8B of the Environmental Planning and Assessment Regulation 2000.

- (g) a statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.

The proponent's EA addressed the DGR requirements and is considered to have satisfied those requirements as addressed in this report.

6.2 KEY ISSUES

The following section assesses each of the key issues associated with the proposal. Each relevant issue has been identified, followed by an explanation of how the proponent has sought to address the issue. Each subsection concludes with an explanation of how the issue has been resolved through the Departments recommended modifications of approval or through the proponent's Statement of Commitments or Preferred Project Report.

It is worth noting that the Statement of Commitments has been modified since the documentation was on public exhibition and that a number of issues raised during the exhibition period have been addressed by way of the revised Statement of Commitments and within the submitted Preferred Project Report.

6.2.1 Regional & Local Infrastructure

Regional

Regional Infrastructure Contributions for land owned by JPG have been determined through an existing Voluntary Planning Agreement (*Pitt Town Planning Agreement*). The VPA includes:

- Dedication of land for expansion of Pitt Town Public School - \$2,000,000;
- Pitt Town Road Intersection Works - \$1,700,000;
- The shoulder works (Pitt Town Road) - \$11,200,000;
- A monetary contribution to Department of Conservation for regional conservation (now Department of Environment and Climate Change) - \$630,000; and
- A monetary contribution to school building - \$976,000.

To date, JPG has transferred land for the expansion of Pitt Town Public School and other items are pending. In this regard the Proponent and the RTA are in the final stages of finalising the Works Authorisation Deed (WAD) for the road intersection and shoulder works. The DECC contribution and the school building contribution is to be paid prior to the release of the first linen plans for the subdivision of the land.

Local

The Hawkesbury City Council Section 94 Contributions Plan currently sets out infrastructure contributions for development at Pitt Town under Hawkesbury LEP 145. If the JPG concept plan is approved local infrastructure will be required to support the additional development. In this regard, the Department has worked closely with Council officers to prepare proposed amendments to Council's section 94 plan.

Infrastructure to be funded in the revised s94 plan will include a community centre, passive and active recreation facilities including playing fields, and local roads. In this regard, the proposed section 94 plan provides for the key infrastructure priorities identified by representatives of the Pitt Town community at a meeting with the Minister in 2007 including:

- **4 playing fields** – 3 playing fields would be accommodated on Fernadell Park (requiring an additional 0.72ha of land to be acquired). The fourth field would be provided through upgrade of the existing playing field at Brinsley Park in the existing village. This playing field is not currently used due to the substandard quality of the playing surface. The section 94 plan includes costing for change room facilities at Blighton and Fernadell Park, but not Brinsley Park where such facilities are already provided.
- **Pitt town bypass** – The section 94 plan has been amended to include funding of the Pitt Town Bypass. Approximately half of the cost of the Bypass would be funded through Regional Infrastructure Contributions (RIC) from land not the subject of the existing Pitt Town Planning Agreement. This RIC has been included in the section 94 plan.

The revised section 94 plan would see the contribution applying to all land **increase slightly from \$24,816 per lot to \$25,709 per lot** (March 2008 costings). Lots not the subject of the Pitt Town Planning Agreement would be subject to an additional RIC under the section 94 plan of \$25,763 per lot (a total contribution of \$51,472 per lot).

6.2.2 Aboriginal & European Heritage

Land at the north of the Pitt Town Investigation Area (existing Lots 11, 12, 14 and 15, located between Hall Street and the Hawkesbury River and within the Blighton and Cleary Precincts in the proposed concept plan – see **Figure 7** below) was excluded from LEP 145 as a result of the need for further consideration of heritage significance in this location. This area of land is not currently listed as having heritage significance in the State Heritage Register.

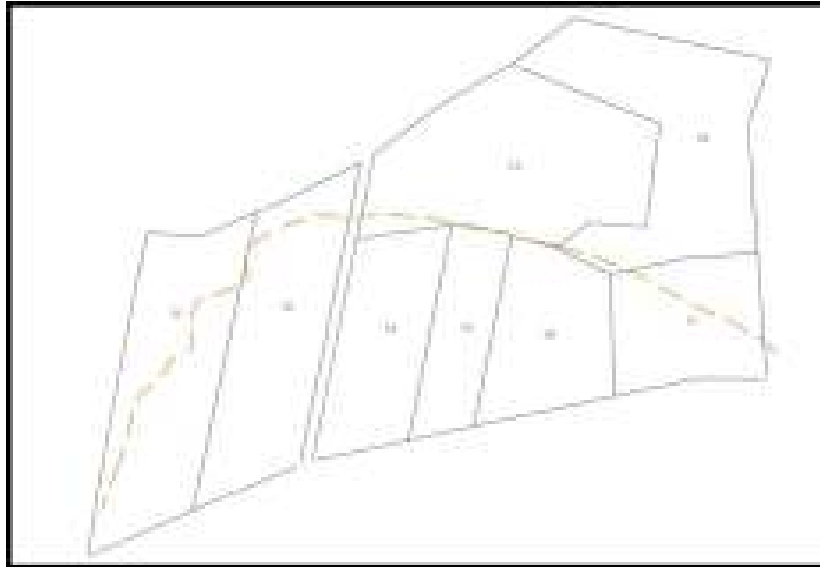


Figure 7. Existing Lots 11, 12, 14 & 15 within Blighton & Cleary Precincts (1 in 100 year flood level shown)

This area of land was otherwise suitable for rural residential development. Subsequently JPG prepared a number of studies assessing heritage significance for the land excluded from the LEP. This land is known as Blighton and was the site of Governor Bligh's Model Farm. These studies indicated that the land is generally suitable for development provided certain development and design controls are imposed to protect the heritage landscape.

The final outcome of the research into heritage significance of the subject lands was the preparation of a draft Conservation Management Strategy (CMS) by Graham Brooks & Associates. It is intended that the draft CMS will guide the future conservation management and further development of the parcels of land within the Blighton and Cleary Precincts.

The key Conservation Policies that arise from the Conservation Management Strategy can be summarised as follows:

6.2.2.1 Differing Heritage Values across the Subject Land

For conservation management purposes, Lots 11, 12, 14 and 15 can be divided into four portions, each with differing heritage values:

- **Proposed Conservation Zone** (refer grey area in **Figure 8**): The high ground along the northern portion of Lots 11 and 12 has a confluence of Aboriginal, Historical Archaeological and Historic Cultural Landscape values of State Significance. This area has been identified within a proposed **Conservation Zone** (public ownership). In essence the Conservation zone should be managed in a manner that protects the three complimentary State significant heritage values that have been identified: subsurface Aboriginal objects; subsurface relics from the Blighton period of occupation; and the outlook location on the edge of the northern ridge and the supporting open space backdrop to that outlook.
- **Proposed Open Space Conservation Zone** (refer orange area in **Figure 9**): The low-lying river flats land to the north of the proposed Conservation Zone, on Lots 11 and 12, is important for its surviving open landscaped character. This survival is primarily the result of periodic flooding that has prevented the erection of any structures associated with agricultural activities that were carried out on adjacent high ground. This area has no Aboriginal or Historical Archaeological values and relatively limited Historic Cultural Landscape values. It may also have Aboriginal associational values.

This area has been identified within a proposed **Open Space Conservation Zone** (private tenure) that is contiguous with the proposed Conservation Zone. The primary objective of this zone is to protect the visual curtilage of the Conservation Zone with regard to the Hawkesbury River valley.

- The open ground in the southern portions of Lots 11 and 12 has very limited Aboriginal or Historical Archaeological value and only limited Historic Cultural Landscape value. It does not need to be contained within the proposed Conservation Zone.

- Land within Lots 14 and 15 has no defined heritage values that warrant special heritage management. Each of these components of Lots 11 and 12, and all of Lots 14 and 15 should be managed and developed in accordance with their recognised values.



Figure 8. Proposed Conservation Zone (Grey) and Open Space Conservation Zone (Orange)

6.2.2.2 Conservation Policies (Graham Brooks and Associates Draft CMA)

The proponent is proposing to adopt the recommendations and conservation policies of the draft Conservation Management Plan (CMA) by Graham Brooks and Associates (December 2005) (Appendix S in EA), as outlined below.

- Land within the proposed Conservation Zone and its contiguous Open Space Conservation Zone will be nominated to the NSW Heritage Council for inclusion in the NSW State Heritage Register and nominated to Hawkesbury City Council for inclusion in Hawkesbury LEP.
- Known or potential Aboriginal or Historical Archaeological relics, particularly those within the proposed Conservation Zone, will generally be left undisturbed. The installation of any underground services or other

works within the Conservation Zone is to be avoided. If any is required, consent under the relevant legislation must first be obtained from the NSW Department of Environment and Conservation or NSW Heritage Office. Development of land beyond the proposed Conservation Zone, where previous investigations have indicated the likely presence of Aboriginal or Historical Archaeological relics, and which is likely to disturb or destroy those relics, shall proceed only with consent under the relevant legislation.

- **Development Guidelines for land within the proposed Conservation Zone (orange area) include:**

- Private ownership of the land within the proposed Conservation Zone is permissible.
- Subdivision of the proposed Conservation Zone into long narrow lots, which extend into the adjoining residential land to the south is permissible.
- Subdivision into lots shall be guided by the preparation of a Master Plan that may extend across all of the subject land and include Lots 13, 15, 16, 17 and 18.
- 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 existing house located on Lot 12 may be retained and continue in private residential use. No additions or extensions to the above built envelope of the existing house shall be permitted. The eastern, southern and western sides of the house and its immediate surroundings shall be visually screened with close planted vegetation.
- 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.

- **Development Guidelines for land within the proposed Open Space Conservation Zone (grey area) include:**

- A portion of elevated land at the north eastern corner of Lot 12, being the high ground extension of the Open Space Conservation Zone, shall be reserved for public open space or common ownership with public pedestrian access, in recognition of its important outlook characteristics within the Historic Cultural Landscape. This area, which should be accessed from either the lower, riverside portion of the Open Space Conservation Zone or along the Hawkesbury Street alignment, shall be one of the primary locations for public interpretation media.
- The existing open landscaped nature of the low-lying land shall be retained and enhanced.
- There should be a public pathway loop through the Open Space Conservation Zone to link the high ground outlook at the northern end of Hawkesbury Street with the public parking area at the northern of

Punt Road. This pathway should be located and designed to minimise privacy loss into the existing house on Lot 12 or any new houses located to the south of the Conservation Zone.

- *The public pathway may extend into any open space along the river frontage that is developed on the adjoining lots to the east of Lot 12.*
- *Public interpretive media shall be sensitively located in key positions adjacent to any pathway network through the Open Space Conservation Zone.*
- *Planting of trees or other vegetation within the Open Space 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.*
- *Surface paving shall be restricted to a limited network of pathways, cycleways or some emergency access routes and to a limited area of public parking near the Punt Road frontage of the Zone. Any separate emergency vehicle access routes shall be unpaved and coordinated with the pedestrian track network to minimise visual intrusion. Vertical tracks up the slopes should be avoided; instead, winding paths gently crossing the contours should be developed.*
- *Above ground structures shall be limited to the provision of a single set of public amenities, which shall be sited and designed to minimise visual intrusion into the key outlooks and viewing cones from the higher ground within the Conservation Zone and in particular that area adjacent to the northern extension of Hawkesbury Street.*
- *External lighting within the Open Space 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. If higher light sources are required for public safety, the design and location of any poles shall minimise visual disruption to the Historic Cultural Landscape.*

The Conservation Zone guidelines will be implemented through a combination of the planning controls contained in the NSW Heritage Act and the Hawkesbury LEP, supported as appropriate by either Voluntary Conservation Agreements, covenants or Heritage Agreements over the individual land parcels.

Standard Voluntary Conservation Agreements or Heritage Agreements will be established between the relevant agencies and the principal developer of the land, prior to the sale of any individual subdivided lot. The relevant agreement will then be incorporated into the property documentation at the time of sale.

6.2.2.3 Further Protection Measures

In order to ensure that the heritage values of the site are protected during construction and in the longer term, the proponent has also included the following commitments in their revised Statement of Commitments:

- *“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, 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 overlapping Aboriginal and Historic heritage values of the land to the public and to those who will live in close proximity to the land.”*

Planning Comment

The NSW Heritage Office is concerned that the lot layout proposed in the concept plan for Blighton has not been amended from earlier proposed layouts (as discussed with the Heritage Office prior to the lodgement of the Part 3A application) to reduce the number of lots bordering on the western boundary of Blighton, facing the historically significant area known as the Pitt Town Bottoms. The Heritage Office has requested that the 6 lots proposed in this area be amalgamated into 3 larger lots, with the aim of maintaining the open vista of land that was formally part of Governor Bligh's Farm. The sketch below (**Figure 9**) illustrates a subdivision pattern acceptable to the Heritage Office, which was provided to JPG prior to lodgement of the concept plan, but has not been adopted.

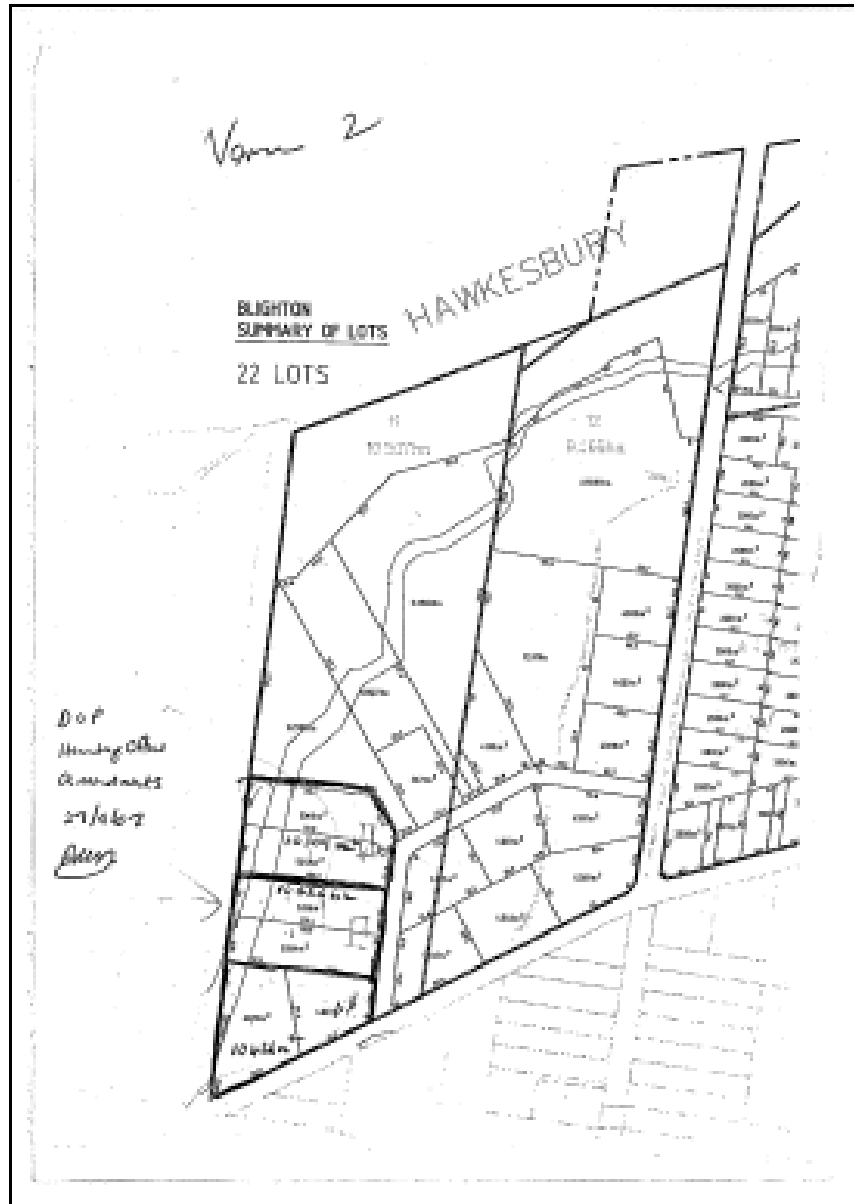


Figure 9. Heritage Office Sketch - Consolidation of Lots in Blighton

Unless the previously requested mitigation measures are included in the subdivision layout, the Heritage Office is concerned that the proposal will have a significant adverse impact on the heritage significance of the Pitt Town Bottoms cultural landscape, which is under consideration for listing on the State Heritage Register. The Department considers the Heritage Office suggestions to be reasonable and appropriate in this instance as they will ensure the open vista of land that was formally part of Governor Bligh's Farm is maintained when viewed from the Pitt Town Bottoms, and a modification to the concept plan approval has been recommended accordingly requiring the 6 lots to be amalgamated into 3.

DECC has raised concern over various measures detailed in the EA and Statement of Commitments (SoC) relating to the preservation of Aboriginal heritage. In response, the proponent has amended their Statement of

Commitments in their preferred project report accordingly. The revised SoC require 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 9**), including measures to protect the identified Aboriginal, Historical Archaeological and Historic Cultural Landscape values. The proponent is also to nominate the land within the Conservation Agreement (VCA) over the Conservation Zone (Private Tenure) to the NSW Heritage Council for inclusion on the NSW State Heritage Register and for inclusion as a Heritage item on the Hawkesbury LEP.

Further, 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 Archaeological & Heritage Management Solutions (AHMS – consultant archaeologist) reports.

6.2.3 Flooding – Emergency Evacuation & Climate Change

6.2.3.1 Emergency Evacuation

Concern has been raised in public submissions about the flood risk associated with siting residential development adjacent to the Hawkesbury River.

Molino Stewart has assessed the impacts of the development and a copy of the Molino Stewart report is attached as Appendix K to the EA. Molino Stewart concluded that the proposed 943 lot residential development in Pitt Town:

- Is consistent with the NSW Government's Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005;
- Will be above the 1 in 100 flood level, mostly above historical flood levels and some will even be above the PMF which means that the risks of flooding to the proposed properties would be tolerable and in accordance with the principles set out in the NSW Floodplain Development Manual;
- Is a land use and development type which is consistent with the flood risk;
- Will not take up significant flood storage capacity or create significant obstructions to flood flows and so will not significantly increase flood risks for existing properties in Pitt Town or elsewhere on the floodplain;
- Can be safely evacuated along with the existing Pitt Town community in the available time for the full range of floods when modelled using the SES evacuation timeline modelling;
- Will reduce the surplus evacuation time available for Pitt Town from three hours to a little under half an hour;
- Can be evacuated in a manner which integrates with the existing SES evacuation strategy for the area;
- Will not interfere with the evacuation of existing developments elsewhere;
- Can easily evacuate to a high point within Pitt Town above the PMF should residents be unable or unwilling to evacuate before the evacuation route out of Pitt Town is cut;
- Will require temporary accommodation for its residents should they be evacuated but that the additional 3,000 persons should be able to find such accommodation somewhere in Sydney;
- Will not increase risk to life elsewhere on the floodplain; and
- Will require an additional 22 emergency service personnel to undertake doorknocking in Pitt Town which the NSW SES has previously indicated can be provided.

Planning Comment

In large floods, Pitt Town becomes isolated and accordingly the NSW State Emergency Services (SES) has devised an evacuation plan for the area. **In their letter to the Department dated 7 November 2007 relating to the JPG concept plan proposal (refer yellow Tag B), the SES has advised that up to 1,100 additional lots can be developed at Pitt Town without major flood evacuation route upgrades.** The 893 net additional lots proposed by the JPG concept plan and LEP 145 are achievable within the SES limit.

The current proposal will result in rezoning of some land for residential development below the 100 year flood level, although all lots contain some developable land above the 100 year flood level. It is intended that all dwellings be located above the 100 year flood level of 17.3m (reinforced through covenants to be included in s88B instruments) and all proposed lots have sufficient area to comply with this requirement. Clause 25 of

Hawkesbury LEP also restricts the construction of buildings on flood prone land, requiring that all habitable rooms have a floor level no lower than the 1-in-100 year flood level for the area in which the land is located.

Most of the land lying below the 100 year flood level to be rezoned is along the northern fringe of the site where relatively long lots have been designed to extend down the escarpment above the river flats. These lots will adjoin the proposed open space and will form a soft edge to urban area. All lots have been provided with access above the 100 year flood level to ensure that residents can evacuate safely, away from approaching flood waters. The limit of the 100 year flood, and therefore the land available for building envelopes is shown in the master plan drawings for Blighton, Cleary and Thornton at **yellow Tag A**.

6.2.3.2 Climate Change

The primary objective of the NSW Government's Flood Prone Land Policy is to reduce the impacts of flooding and flood liability on individual owners and occupiers of flood prone property and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. This objective needs to consider that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development and that a merit based approach to decision making is necessary rather than rigid and proscriptive criteria.

The impacts of climate change on sea levels and flood producing rainfall events will have a flow on effect on flood behaviour which may result in key flood levels being reached more frequently and floods of the same average recurrence interval, ARI, being of a larger magnitude. However, the climate change factors influencing flood behaviour and their ramifications to the community will vary with the location, and the scientific evidence forecast regime is not certain.

DECC has released a Guideline on the *Practical Consideration of Climate Change* to assist in further understanding the risk posed by climate change.

Planning Comment

The proponent provided the Department with a supplementary report from Molino Stewart on 20 May 2008 on potential impacts of climate change on flooding in the Hawkesbury Nepean Valley and the possible implications for the proposed residential development at Pitt Town. The assessment has been based on the relevant DECC guidelines.

The report found that both sea level and increased rainfall intensity could theoretically change flood levels and rates of rise at Pitt Town. While future increases in sea level (0.91m) over the next hundred years are unlikely to have a significant impact on flooding at Pitt Town, a 10% increase in rainfall intensity could make today's 1 in 200 level about a 1 in 100 event by the end of the century – i.e. the 1 in 100 level would rise from the current 17.3m AHD to about 18.7m AHD, a rise of 1.4m.

Evacuation is currently triggered if flooding is expected to exceed 16m AHD. This currently has about a 1 in 50 chance of occurrence in any year. With a 10% increase in rainfall intensity this might become about a 1 in 30 chance of occurrence per year. In other words, climate change may make evacuation more probable but it would still be something that is not likely to occur more than two or three times in a lifetime, much as it is now.

Molino Stewart have suggested that while climate change may make the floods which would reach Pitt Town rise faster than in the past, SES evacuation planning is based around the rate of rise of the PMF and currently there is no suggestion that this rate of rise will increase. Similarly, the peak of the PMF is not predicted to increase so should people fail to evacuate there would still be part of Pitt Town remaining above the floodwaters as a refuge.

Therefore, the only significant implication of climate change on the proposed development is a potential increase in the 1 in 100 flood level from 17.3m AHD to 18.7m AHD. Refer to yellow **Tag C** at the end of this report for plans for each of the JPG precincts with the 18.7m flood line (red) shown adjacent to the 17.3m flood line (blue).

From the contour plans it is clear that the ability to construct houses on lots within the Blighton, Bona Vista and Fernadell Precincts will remain largely unaffected by the impacts of climate change and the rise in the 1 in 100 flood level to 18.7m. However, the development potential of lots within the Cleary Precinct and the northern portion of the Thornton Precinct will clearly be reduced if current ground levels are maintained.

The following development options were recommended for consideration by Molino Stewart for future applications for houses in the Pitt Town subdivision (particularly within the precincts most affected by flooding – i.e. Cleary and Thornton):

- Carry out local earthworks and fill land upon which homes are to be built to 18.7m AHD if it is currently below that level; or
- Build raised buildings with minimum floor levels at 18.7m AHD; or
- A combination of fill and raised floor levels such that minimum floor levels will be somewhere between 17.3m AHD and 18.7m AHD. Those parts of the buildings below 18.7m AHD should be built of flood resistant materials and the buildings be two storeys to reduce the risks from climate changed induced flood damages.

A fourth scenario would obviously be to not have any residential development within the north of the Cleary and Thornton Precincts, below the 18.7m contour.

However, it is critical to note that the flood scenario contemplated above is at the upper end of the current climate change forecasts and some modelling suggests that in the Hawkesbury Nepean the intensity of rainfall may actually decrease. Furthermore, according to Molino Stewart all models are forecasting increased evaporation in the catchment (by as much as 24%) which in turn could reduce the amount of water in the Warragamba and the Upper Hawkesbury dams immediately prior to a flood which would reduce the flood levels further. Therefore, the predicted 18.7m flood level is very much a 'worst case' scenario, with an occurrence of 1 in 100 years by the end of this century.

The Department is of the view that the combination of fill and raised floor levels to 18.7m AHD for houses within the north of the Cleary and Thornton Precincts is a viable option for responding potential flood levels caused by climate change, without creating flow-on environmental or amenity impacts in the precincts. The northern portions of these precincts are not readily visible from the Pitt Town Bottoms as they are screened by the higher topography of the Blighton Precinct, as detailed in section 6.2.5 of this report. Also, examples of raised housing design can be already found in the Pitt Town locality. However, whether it is appropriate to allow two storey houses in this location will be determined in the formulation of the design guidelines, as will the amount of fill permitted within the building footprint.

A modification to the concept plan approval is recommended requiring that this design issue be addressed in the formulation of new residential design guidelines for Pitt Town, which will replace the existing DCP controls.

6.2.4 Lot Size & Layout

Various public submissions have raised concern over the proposed reduction in lot sizes in the concept plan compared with LEP 145. Principally, LEP 145 allows a minimum lot size of 750m² in the Bona Vista and Fernadell Precincts, while the JPG concept plan (and associated LEP amendment) proposes minimum lot sizes for part of the Bona Vista Precinct of 650m² and 550m² for the entire Fernadell Precinct, which is located directly adjacent to the existing Pitt Town village. There is some concern that the smaller lot sizes and greater density of development is contrary to the existing semi-rural character of the locality.

Planning Comment

The lot sizes proposed in Fernadell and Bona Vista are generally consistent with those in the existing village, where lots are as small as 520m². Smaller lots are located closer to the village while larger rural housing lots are located along the northern fringe of the urban area providing a transition to the village. The curtilage and densities around the historically significant Bona Vista homestead (which is outside the concept plan area) remain unchanged from LEP 145.

6.2.5 Visual Impacts

As discussed in Section 6.2.2 of this report, part of the concept plan area is readily viewable from the Pitt Town Bottoms as the western portions of the Blighton, Bona Vista and Fernadell Precincts sit along a ridgeline (adjacent to Bathurst Street). The Heritage Office has raised concern over the potential visual impact of the development, and particularly the southern western corner of Blighton when viewed from the Pitt Town Bottoms.

Planning Comment

The heritage and urban design analysis provided as part of the EA identified two categories of important views:

- Major outward views from elevated land over the low lands of the Hawkesbury River; and
- Major inward views toward elevated land from the low lands of the Hawkesbury River, including Pitt Town Bottoms.

Photographs of the Pitt Town concept plan area can be seen in Appendix R of the EA, however a summary of the key views can be seen in the sequence below.



Looking across the Hawkesbury River towards the Blighton Precinct from Pitt Town Ferry Road, on the northern side of the river. Note the recently constructed residence on the ridge within Lot 12 at the left of the picture, and the gentle fall of the ridge to the west (right). Also note that the proposed boat ramp will be located where the vehicle is parked on the right of the picture.



The junction of the northern end of Punt Road with the Hawkesbury River – site of the proposed boat ramp facility.



View from within the rear of the Blighton Precinct, looking north-west along the River. The site of the boat ramp can be seen in the distance.



View from Pitt Town Bottoms Road across Pitt Town Bottoms showing the Pitt Town ridge at the centre and far right of the image.



View north along Punt Road, from its junction with Hall Street. Lot 11, the western half of the Blighton Precinct, is on the right of the image. This is the area of primary concern to the NSW Heritage Office, where they requested that 6 lots be combined to form 3 larger lots facing the Pitt Town Bottoms.



Further view of the south-western corner of the Blighton Precinct.

The conclusions drawn in the EA from these views and analysis are that:

- It is critical that the land in the Pitt Town Bottoms remain in a rural zoning to protect the scenic character of the area.
- Houses on the western parts of the elevated land within the concept plan area (i.e. Blighton, Bona Vista and Fernadell Precincts) need to be visually buffered. That is, houses along Bathurst St need to be screened by trees.
- Houses on the northern parts of the elevated land (i.e. Blighton Precinct) should not be located below the upper parts of the elevated land and that there should be landscape and fencing style controls to ensure compatibility with the open rural character of the lowlands and slopes.

Visually sensitive areas within the concept plan area essentially derived from the heritage values of the area which include: the Bona Vista homestead and its curtilage; Blighton historical area; early circulation roads (Johnston, Hall and Bathurst, Hawkesbury St and Bootles Lane); and historical rectilinear farm lot pattern and fence line pattern.

The development considerations arising from the scenic landscape assessment for each major property holding, as described in the submitted EA, are detailed below.

Bona Vista & Fernadell Precincts

The increased density within the Fernadell and Bona Vista properties will have acceptable impacts on the scenic and visual quality of the area because:

- All of the development except for the Bathurst St frontage is visually separate from the visually sensitive catchment of Pitt Town Bottoms and the northern side of the Hawkesbury River. The smaller lots are screened from external views.
- The Bathurst St frontage responds appropriately to the visually sensitive catchment by:
 - > Retention of the existing Casuarina trees in the existing street reservation.
 - > Location of larger lots along Bathurst St with access denied to new lots fronting Bathurst Street.
- Within the development area the proposed increase in density responds appropriately to visually sensitive areas by the:
 - > Larger lots proposed 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.

Thornton Precinct

The increased density within the Thornton property will have acceptable impacts on the scenic and visual quality of the area because little or none of the development can be seen from the visually sensitive catchment of Pitt Town Bottoms.

Blighton and Cleary Precincts

The potential scenic and visual quality impacts associated with the increased density north of Hall Street are partially mitigated by the following design measures incorporated into the concept plan design:

- > Larger lots are located along the historical roads of Hall Street and Punt Road;
- > The houses edging the elevated land cannot build below RL 17.3m AHD;
- > The houses edging the elevated land are to have landscape and fencing style controls (open style rural fencing) for their lots extending northwards down the slope; and
- > The proposed open space on the low land is consistent with the existing open landscape character.

As detailed earlier in this report, the NSW Heritage Office is concerned about the lot layout proposed in the south western corner of the Blighton Precinct. The Heritage Office has requested that the 6 lots proposed in this area be amalgamated into 3 larger lots, with the aim of maintaining the open vista of land that was formally part of Governor Bligh's Model Farm. A modification to the concept plan approval has been recommended accordingly requiring the 6 lots to be amalgamated into 3 larger lots. This will have a positive impact on views of the site from the west and will lessen the visual impact of development in this area. Consideration should also be given to restricting houses within the Blighton Precinct to single storey.

Subject to the suggested design measures being incorporated into the proposal, in combination with the Department's proposed modifications to the concept plan, it is considered that the increased density facilitated by the concept plan would not result in any unacceptable scenic and visual quality impacts in the area north of Hall Street.

Mitigation Measures – Statement of Commitments

The Proponent has incorporated the following mitigation measures in their Statement of Commitments to further address issues associated with the visual impact of the proposed subdivision:

*“Future applications for **Bona Vista** and **Fernadell Precincts** are to include:*

- *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.

Future applications for **Blighton** and **Cleary Precincts** are to include:

- 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."

6.2.6 Biodiversity

DECC has raised concern over the location of a stormwater "detention basin" adjacent to the corner of Johnston Street and Bootles Lane, where the endangered ecological community (ECC) Shale Transition Forest currently occurs. DECC is also concerned about the lack of ecological corridors to link flora and fauna corridors both on and adjoining the site.

Public submissions have also raised concern over the loss of existing flora and fauna in Pitt Town as a result of the proposed subdivision.

Planning Comment

An area of vegetation to the south-east of Bona Vista Precinct (outside the JPG concept plan boundary but on land owned by JPG) is identified as being of high ecological value and considered to meet the criteria for Shale Gravel Transition Forest (ECC). The area also contains several *Acacia pubescens*. No other threatened species or endangered ecological communities have been identified in the Pitt Town concept plan area.

It is important to note that the footprint of the JPG concept plan area in the Bona Vista Precinct is identical to the footprint of LEP 145, meaning that this issue was largely dealt with during the formulation of LEP 145.

A bio-filtration basin is proposed in the preliminary Stormwater Management Plan prepared by Browns Consulting (Appendix L in the EA) in the south east corner of the Bona Vista Precinct, in accordance with Council's DCP and S94 plan for Pitt Town, but is located so as not to require clearing of any native vegetation. The bio-filtration basin will include provisions to minimise the transport of weeds and sediment, further details of which will be provided as part of a future application for this area.

Within the Blighton, Cleary and Thornton Precincts a 45 metre wide buffer riparian zone will be retained adjacent to the Hawkesbury River from the top of the river bank and in addition, no development will be permitted within the proposed lots for a further 45 metres (due to flooding constraints), thus providing a total setback in excess of 90 metres. This will help protect the River and local native fauna from the direct impacts (e.g. bank erosion) and indirect impacts (e.g. weed invasion, sediment and excessive water runoff) of the proposed subdivision.

The 45 metre buffer area is also proposed to be opened up to the public, incorporating a constructed 'river walk', and potentially dedicated to Council, with landscaping and maintenance costs initially funded by the developer. In this regard, the following Statement of Commitment has been proposed by the proponent regarding the establishment of a river walk:

"Prior to development approval of the Blighton, Cleary and Thornton precincts, JPG will use its best endeavours to negotiate with Council in 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.

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."

Canopy trees on other parts of the concept plan area will be retained where possible, which will serve to act as a visual buffer particularly when viewing the site from the Pitt Town Bottoms.

Therefore, the likely impacts on existing flora and fauna of the proposal are considered minimal.

6.2.7 Traffic & Pitt Town Bypass

Concern has been raised in public submissions about potential increases in traffic on existing streets as a consequence of the proposed development, and highlighted the need for the Pitt Town Bypass road to be constructed.

Planning Comment

The EA has been accompanied by a traffic report from Masson Wilson Twiney (MWT), Traffic and Transport Consultants, which assess the external and internal road network implications of the proposed JPG concept plan.

The Traffic and Transport Assessment (MWT, July 2006) considered the traffic and transport implications of development of some 1,250 additional residential lots within the Pitt Town Investigation Area, which was the total number of new lots being proposed for Pitt Town by JPG at the time. This figure has now been reduced to 943 lots (including 50 existing lots).

External Road Network Traffic Implications

The analysis considered the implications of the development potential to the regional and local road networks. The traffic and transport analysis (MWT, July 2006) assessed a package of external road network improvement works identified by the RTA and the Pitt Town TMAP 2005 with regard to a 1,250 lots scenario and the relative funding contributions for works by future development potential. This assessment concluded that the package of external works would provide sufficient capacity to satisfactorily accommodate the transport demands of an additional 1,250 residential lots.

An agreement between Johnson Property Group and the RTA has been developed with regard to contributions towards the implementation of the package of external transport infrastructure works. The agreement was prepared on the basis of the RTA's preference for funding and construction of whole projects in order of priority. As such the Johnson Property Group's contribution for each of the individual elements identified in the package of works were identified, totalled and then allocated whole projects in accordance with the RTA's priorities and staging requirements.

The agreement included 100% contribution by the Johnson Property Group of the following works:

- > Upgrade to Pitt Town Road shoulders; and
- > Upgrade to Pitt Town Road intersections (5).

The construction of the Pitt Town Bypass was not included in the RTA agreement as works to be constructed or funded by the Johnson Property Group. However, in a submission to the Department dated 27 March 2008 on the proposed JPG concept plan, the RTA has commented that based on recent traffic modelling it is now appropriate that JPG be required to contribute towards the construction of the Pitt Town bypass. As detailed earlier in this report, the section 94 plan for Pitt Town has been amended to include funding of approximately half of the costing for the Pitt Town Bypass. The remainder would be funded through Regional Infrastructure Contributions from development of land not yet subject to a voluntary planning agreement.

Internal Road Network Implications

The internal road network proposed as part of the concept plan application reflects the internal road layout and road hierarchy as defined by the Pitt Town DCP. The proposed subdivision road layout is essentially a grid based system which will facilitate permeability for road users including private vehicles, emergency vehicles, cyclists and pedestrians. The proposed hierarchy would reflect the local amenity considerations including sensitive road frontages as defined in the DCP.

The internal road layout would facilitate the provision of:

- > local bicycle route connections to the regional cycle network
- > local bus routes with connections to Windsor and Mulgrave train stations.

As defined by the Pitt Town DCP the existing on-road local cycle path along Bathurst Street is to be upgraded/ better defined and extended through Pitt Town along the route indicated on the Pitt Town Development Plan. The cycle path will consist of a 2 metre wide section of the road pavement for two-way movement marked by a single white line painted on the road pavement. Other local streets will be low speed shared zones for cyclists and motorists with no line markings provided. Contributions for these works are defined in the relevant Section 94 plan.

Both the local bus and bicycle routes through Pitt Town are identified by the Pitt Town DCP. The proposed development as represented in the concept plan would facilitate the provision of both the local bus and bicycle routes.

6.2.8 Stormwater & Overland Flow

Concern has been raised from DECC and Council and in public submissions regarding stormwater runoff/overland flow and impacts on existing waterways.

Planning Comment

A Water Cycle report has been submitted in support of the JPG concept plan, which proposes a series of detention facilities, similar to that proposed for development under LEP 145 and detailed in Hawkesbury DCP and the adopted Pitt Town Water Management Plan, so that the objectives of the Hawkesbury DCP can be achieved. All stormwater will receive treatment so as to meet the water quality requirements of the DCP.

The treatment of the stormwater runoff is proposed by a combination of Gross Pollutant Traps (GPT), swales, wetlands and bioretention basins. In all but major storms, runoff will be directed into one of the water quality basins. All lots will be connected to the sewerage system, which will be designed to Sydney Water standards. Weeds will be trapped in the wetlands, swales and/or the bioretention basins and may be harvested at regular intervals to prevent their uncontrolled spread.

Figure 10 below shows the proposed water quality and detention facilities.

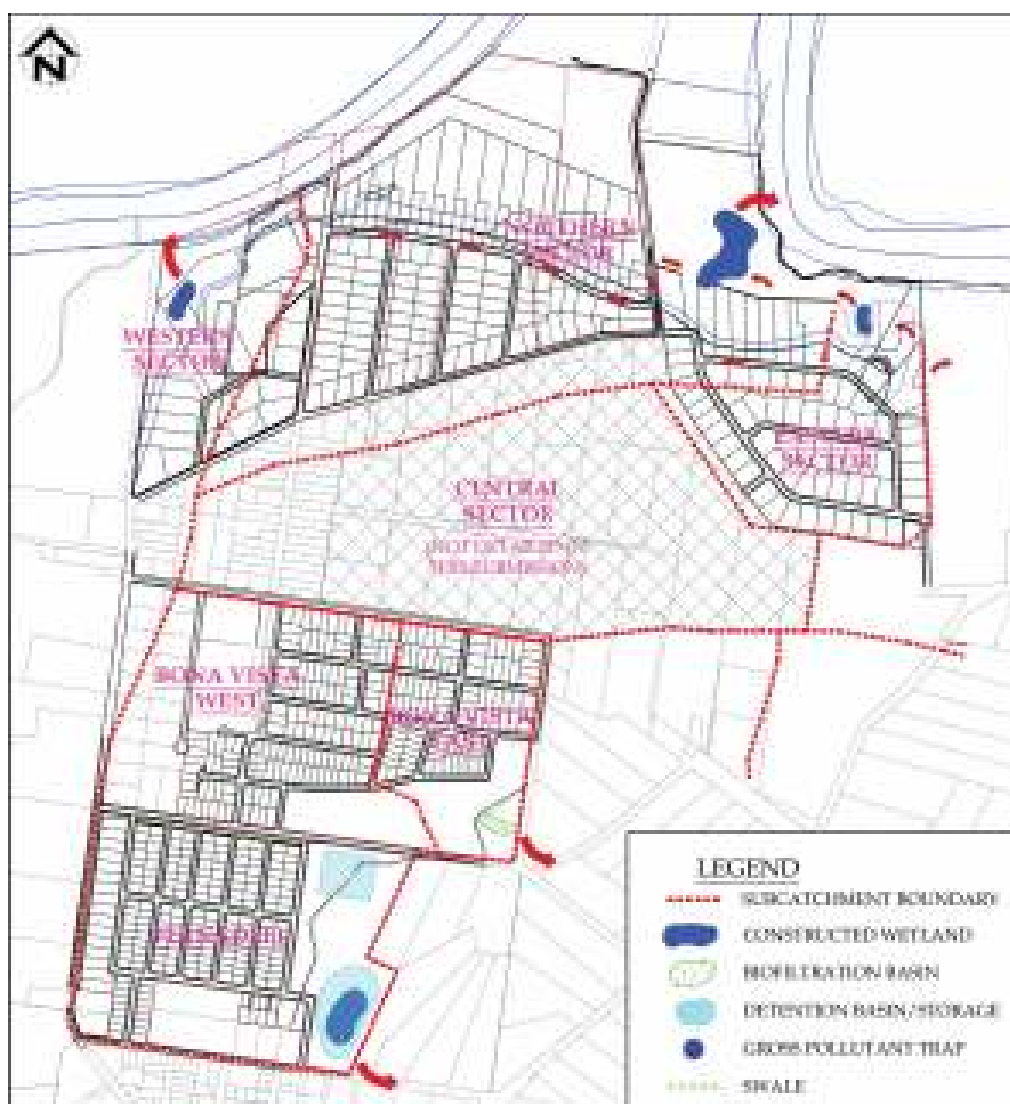


Figure 10. General Layout of Detention and Water Quality Facilities

The stormwater management system will obviously develop in greater detail as development applications are lodged for each stage of the subdivision. This may lead to alterations or refinements to the concept shown in Figure 11. It should also be noted that the Water Cycle report makes reference to the possibility of using the Fernadell playing fields as a storage facility for detention purposes in combination with a basin. The intention is that the playing fields will be used as secondary storage area with only minor ponding of water to occur in this

area. This is not considered ideal as sporting fields are in short supply in the Pitt Town area and they should still be able to be used in times of moderate to high rainfall. This has also been raised as an issue by Council. Further, the revised section 94 plan for Pitt Town is proposing acquisition of a slightly larger area of open space in Fernadell (than detailed in the current Pitt Town DCP) to accommodate a third field directly south of the two already planned.

It is clear then that this area will form a major recreation point for residents of Pitt Town and should remain flood free where possible. A modification is therefore recommended in any concept plan approval requiring a redesign of the stormwater detention system, removing the proposed detention basin from the northern half of the Fernadell open space area where three sporting fields will be located in the future. The proponents have indicated that is able to be achieved.

In their Statement of Commitments, the proponent has also given an undertaking that they will negotiate with the Department of Water and Energy (DWE) in relation to the preparation of plans for development of land adjacent to the watercourse in Thornton Precinct.

6.2.9 ESD Principles

There are five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

The Department has considered the redevelopment in relation to the ESD principles and has made the following conclusions:

- **Integration Principle** – The social and economic benefits of the proposal are well documented. The environmental impacts are and will be addressed through the proponent's Statement of Commitments. Additionally the environmental impacts will be assessed as future applications are. The Department's assessment has duly considered all issues raised by the community and public authorities. The proposal as recommended for approval does not compromise a particular stakeholder or hinder the opportunities of others.
- **Precautionary Principle** – Following an assessment of the proponent's EA it is considered with certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal.

The extensive range of studies into flooding and stormwater management, climate change, flora and fauna impacts, bushfire threats and Aboriginal cultural heritage have not revealed any uncertainty regarding potential impacts. Impacts identified can be appropriately managed and have not been found to result in serious or irreversible environmental damage as a consequence of this proposal. In contrast, the findings and recommendations of the flora and fauna report have identified opportunities that will improve the environmental attributes and qualities of the site, particularly in relation to the riparian corridor beside the Hawkesbury River, that would not otherwise be realised without redevelopment and the elements incorporated into this concept plan. The findings and recommendations of the range of specialist studies have not revealed the need to adopt the precautionary principle from an ecological point of view to either delay or prevent the concept plan application from proceeding.
- **Inter-Generational Principle** – It is considered that the development of this site will have positive social, economic and environmental impacts and as a result will maintain the environment for the benefit of future generations.

The concept plan has taken into consideration a range of issues and impacts which are to be addressed in the design and construction of the proposed residential development to ensure that the proposal does not impose a burden on future generations. In particular stormwater management, water quality measures, bushfire management, traffic management and pedestrian and cycleway networks are all integrated into the design of the concept plan to ensure that these are delivered as part of the project. The existing Planning Agreement sets out how and when some of these public benefits are to be provided by the development. The proposal also delivers benefits such as provision of open space alongside the Hawkesbury River, through which pedestrian pathways and cycleways can be constructed in the future that will provide a benefit and right of access to the River for the benefit of future generations. Heritage conservation is also an important component of the development, with importance placed on the historical connections of Pitt Town to the early settlement of Sydney, for the appreciation and education of future generations.

- **Biodiversity Principle** – Following an assessment of the proponent's EA it is considered with certainty that there is no threat of serious or irreversible environmental damage as a result of the proposal.

This EA has demonstrated how the relationship of the biophysical elements of the site has been considered in the development of the concept plan to minimise potential impacts. In particular this EA demonstrates how:

- flood evacuation can be managed without adversely impacting upon the safety of the future or existing residential areas;
- stormwater is managed to control water quality;
- flora and fauna attributes of the site are not adversely affected and improved where possible with the establishment of riparian corridors;
- bushfire risks can be appropriately managed having regard to existing and proposed vegetation characteristics of the site;
- land use constraints of past uses and potential for contamination can be managed without compromising the future capacity for residential development; and
- cultural heritage can be addressed.

In addition the EA demonstrates how potential impacts arising from the physical aspect of the proposed development such as traffic management, built form and visual amenity of the proposed residential development are acceptable. Future residential development within the Pitt Town subdivision will also be required to comply with BASIX, which aims to deliver good design, energy and water efficiency.

- **Valuation Principle** – It is difficult to assign a monetary value to the environment of a locality, or environmental resources not exploited for commercial use. A monetary value could not be placed against the greatest proportion of environmental attributes of the site which may be affected. The more appropriate approach adopted for this project is to manage environmental impacts by identifying appropriate safeguards to mitigate adverse environmental impacts. This cost of implementing these safeguards is included in the total project cost as a means of pricing the protection of the environmental attributes of the site.

Further assessment of ESD principles will be undertaken during subsequent project application stages of the proposal.

6.2.10 Design Guidelines & Hawkesbury DCP

Council has raised concerns over the DCP amendments proposed by JPG for Pitt Town. Council's concerns are outlined below:

"The current proposal seeks the replacement of the current 'effective' Development Controls for Pitt Town (Part E of Hawkesbury DCP), including the Development Plan, road layout and dwelling requirements. Extensive consultation was carried out with both government agencies and the community in the preparation of the Pitt Town Chapter of the DCP and Amendment 145. Significant work was carried out to ensure that the conservation value of Pitt Town was protected and enhanced. This work involved representatives from the NSW Heritage Office, Johnson Property Group and Council officers.

Further, support from the NSW Heritage Office for Amendment 145 to Hawkesbury LEP 1989 was conditional, based on both the LEP and DCP including provisions to ameliorate the likely impact of the residential subdivision on Pitt Town cultural heritage significance. The current application seems to be contrary to the previous advice received from the Heritage Office and Department of Planning during the preparation and adoption of Amendment No. 145.

The proposed amendments to the DCP do not adequately address or manage the impact of the development on the historical significance of Pitt Town.

It is proposed by JPG that the DCP be modified to incorporate “Design Guidelines” for future housing. Example Guidelines for a 750m² lot, including a comparison to the current DCP requirements, are attached as *Attachment G* in the Preferred Project Report. It is proposed to develop controls for all lot sizes, with variations to account for the requirements of each type of lot.

Other elements of the DCP required to be amended to accommodate the proposed development include:

- Amending the boundary of the Pitt Town Residential Precinct as proposed in this EA. This will involve replacing Figures 4.1, 4.2, 4.3, 4.4 and 4.11 of the DCP;
- Amending the density controls and lot sizes to correspond with the development as proposed in this EA. Table E4.1 will require to be replaced;
- Amending Figure E4.12 of the DCP to show the proposed configuration of the Community Centre; and
- Amending the site coverage, set back provisions and building details of the DCP for the full range of proposed lots.

Planning Comment

The development controls (site coverage; front, side and rear setbacks; height) proposed by JPG represent a significant relaxation of the controls currently in Hawkesbury DCP for Pitt Town. For example, for lots with an area of 550m² to 1000m², JPG are proposing to allow a total site coverage of 60%, while for 750m² lots the DCP currently only allows a site coverage of 45%. JPG have also grouped the lots sizes into two categories when applying their development controls (550m² to 1000m²; and lots >1000m²), where it would be more appropriate to formulate specific development for each lot size proposed in the concept plan – i.e. 550m², 650m², 750m², 1000m², 2000m², 2500m², 4000m² and 10,000m². This is the approach currently taken in the DCP.

It appears that the proposed JPG development controls have been tailored around particular housing types rather than the controls informing the future design of the houses within each precinct. This is not considered appropriate due to the large variance with the development controls currently contained in the DCP and lack of consideration given to the existing character and historical significance of the locality.

Whilst the Pitt Town chapter of the Hawkesbury DCP will eventually need to be amended by Council as a consequence of this concept plan (as currently it does not contemplate lot sizes below 750m²), in the short term it would be more appropriate for the proponents to engage in further consultation with Council and the Department of Planning on suitable development control guidelines for the lots sizes proposed which can be incorporated into the concept plan approval.

In this regard a modification is recommended deleting the JPG design guidelines (*Attachment G* in the Preferred Project Report) from the concept plan approval and requiring further consultation with Hawkesbury Council and the Department in order to determine suitable development controls for Pitt Town, for endorsement by the Department.

6.2.11 Project Justification and Public Interest

The JPG concept plan and accompanying Environmental Assessment has considered the range of environmental impacts and other assessment requirements identified in the Director General's Requirements, and is considered to be in the public interest as follows:

- Density – the proposed increase in residential densities is considered appropriate given the capacity of land surrounding the existing Pitt Town village and that local and regional infrastructure will be provided via an amended section 94 plan and planning agreement. Smaller lots are located closer to the village while larger rural housing lots are located along the northern fringe of the urban area providing a transition to the village.
- River Foreshore and Public Access – the concept plan proposes a Hawkesbury River walk and public boat ramp, which is intended to be transferred to Council for care, control and management to ensure ongoing public access. The revised s94 plan contains funding provisions for park infrastructure.
- Sporting Fields & Pitt Town Bypass – the revised s94 plan, prepared to accompany the JPG concept plan, will provide for 4 sporting fields for the Pitt Town community and include funding for half of the costing for the Pitt Town Bypass. The remainder will be funded through Regional Infrastructure Contributions from development of land not yet subject to a voluntary planning agreement.

- Biodiversity – there will be no impacts on threatened species or communities. Vegetation adjoining Bona Vista Precinct will be retained, while a riparian corridor will be provided adjoining the Hawkesbury River. Water quality facilities will ensure no impacts on downstream users.
- Traffic and Transport – the Pitt Town Road improvement works will cater for the increased traffic resulting from the development, in combination with the Pitt Town Bypass road.
- Heritage – the increased density will have negligible impacts on the area already zoned for residential development under LEP Amendment No 145. Extensive investigations into the European and Aboriginal heritage of the deferred area has shown that the proposed development can be managed and will have acceptable impacts.
- Utilities and Infrastructure – the proposed development can be serviced and construction is already under way to augment trunk water, sewerage, electricity and gas mains. Drainage and stormwater measures are proposed to minimise impacts on water quality.
- Ecologically Sustainable Development – the EA demonstrates how the development will commit to ESD principles.
- Bushfire – adequate asset protection zones will be provided around the retained vegetation adjoining Bona Vista Precinct. No other parts of the site are bushfire prone.
- Flooding – the SES has advised that up to 1,100 additional lots can be developed at Pitt Town without major flood evacuation route upgrades. The 893 net additional lots proposed by the JPG concept plan and LEP 145 are achievable within the SES limit. Impacts of climate change have also been considered and appropriate mitigation measures proposed.

The increased density within the footprint of LEP Amendment No. 145 is considered to have negligible impacts, while development within the area deferred in the north-west of the site is considered to be acceptable with sufficient provision being made for the heritage values of Blighton as well as for Aboriginal archaeological and heritage values.

The development proposal is generally considered to have acceptable impacts and will result in a number of positive benefits including transfer of open space beside the Hawkesbury River, construction of a community centre near the Pitt Town Public School and recognition and preservation of historical fence lines.

7 CONCLUSION

- 7.1 The Department has reviewed the environmental assessment and the preferred project report and duly considered advice from public authorities as well as issues raised in general submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.
- 7.2 In balancing the State significant planning outcomes with the issues raised in the body of this report, the Department is of the view that the proponent has satisfactorily mitigated the environmental impacts arising from the subdivision of the Pitt Town site. In assessing the proposal, the Department has resolved any outstanding environmental issues through recommended modifications.
- 7.3 The proponent has committed (through Statements of Commitment) to a number of measures to ensure the development proceeds smoothly and does not adversely impact on local amenity and landscapes adjacent on the site. The Department is recommending further modifications to the concept plan to augment commitments made by the proponent.
- 7.4 Recommended modifications to the Concept Plan are provided at **Appendix A**. The reasons for the imposition of modifications are to encourage good urban design, maintain the amenity of the local area and adequately mitigate the environmental impact of the development.

8 RECOMMENDATION

It is recommended that the Minister for Planning:

- a) **consider** the findings and recommendations of this report.
- b) **grant** approval for the concept plan pursuant to s.75O(1) by signing the Instrument of Approval at **Appendix A**.
- c) **Determine**, pursuant to s.75P(1)(b), that approval to carry out the remainder of the project is subject to Part 4 of the EP&A Act.

(Note: The effect of (d) would be that:

- *Future development is no longer a Part 3A project*
- *Pursuant to s.75P(2)(a), the determination of any DA in respect of such development must be generally consistent with the concept plan.)*

- d) **Authorise** the Department to carry out post-determination notification.
- e) **Note** that the proposed listing of the site within the Major Projects SEPP will be pursued separately, however this does not preclude the Minister from approving the concept plan prior to the SEPP amendment.

Prepared by:

David Gibson
Senior Planner

Endorsed by:

Simon Bennet
Team Leader, Strategic Assessments

Jason Perica
Executive Director, Strategic Sites and
Urban Renewal