

Modification of Major Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Executive Director of Strategic Sites and Urban Renewal as delegate of the Minister for Planning, under s.75W of the *Environmental Planning and Assessment Act 1979*, modify the Project approval referred to in Schedule 1 and modified in a manner set out in Schedule 2.



Jason Perica
Executive Director
Strategic Sites and Urban Renewal

Dated this 23rd day of February 2009

MP 07_0140 MOD1

SCHEDULE 1

PART A — TABLE

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

SCHEDULE 2

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

PART A – ADMINISTRATIVE MODIFICATIONS

A1. Development Description

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

1. Subdivision to create a total of 659 allotments within five precincts.
2. Provision of a 4.1 metre wide boat ramp with 16 car parking spaces and 14 car/trailer parking spaces adjacent to the Hawkesbury River.
3. Provision of related infrastructure comprising water supply mains, sewerage mains, road works, stormwater mains and water quality control and detention works.

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

A2. Development in Accordance with Documentation and Plans

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

- a) **Pitt Town Residential Precinct Environmental Assessment (Folder 1 & 2)**, prepared by Don Fox Planning and dated December 2007; except as amended by the Preferred Project Report titled **Pitt**

Town Residential Precinct Concept Plan Preferred Project Report, prepared by Johnson Property Group and dated 28 March 2008, incorporating a **Statement of Commitments** prepared by Johnson Property Group.

- b) **Pitt Town Masterplan**, dated 7 October 2008 and prepared Brown Consulting.
- c) **Masterplan for Bonavista**, Drawing No. L03017-BONA-V5, dated 5 November 2007 and prepared by Brown Consulting; **Masterplan for Fernadell**, Drawing No. L03017-FERN-V5, dated 5 November 2007 and prepared by Brown Consulting; **Masterplan for Blighton**, Drawing No. L03017-BLIGH-V6, dated 7 October 2008 and prepared by Brown Consulting; **Masterplan for Cleary**, Drawing No. L03017-CLEARY-V6, dated 27 March 2008 and prepared by Brown Consulting; **Masterplan for Thornton**, Drawing No. L03017-THORN-V7, dated 7 October 2008 and prepared by Brown Consulting; and **Boat Launching Ramp & Trailer Park**, Drawing No. JPG-L-BL 01 A, dated 6 November 2007 and prepared by Design & Construction Services.

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

As amended by MP 07_0140 MOD1

A3. Inconsistency Between Documentation

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

A4. Lapsing of Approval

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

A5. Determination of Future Applications

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

PART B – DEPARTMENT OF PLANNING'S MODIFICATIONS

B1. Design Guidelines and Development Controls

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

plan approval. If Council fails to approve the design guidelines/ development controls by 31 August 2008, they are to be submitted for approval to the Director-General of the Department of Planning.

B2. Heritage and Visual Impact

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

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

B3. Lot Layout and Distribution

The lot layouts shown for each precinct are considered to be indicative only, however the maximum number of lots within each precinct as approved in this concept plan are not to exceed:

- Fernadell – 210 lots
- Bona Vista – 246 lots
- Blighton – 19 lots
- Cleary – 112 lots
- Thornton – 72 lots

As amended by MP 07_0140 MOD1

B4. Stormwater Disposal in Fernadell

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

B5. Regional and Local Contributions

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

B6. Water Supply

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

B7. Land Adjacent to Hawkesbury River

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