



***MODIFICATION REQUEST:
Bungarribee Precinct and Doonside
Residential Parcel Concept Plan (MP06_0204
MOD 2)***

Description of Modification Request

- Increase maximum number of dwelling lots permitted within the residential estate to 820
- Modification to the subdivision layout of Precinct 6
- Modification to the parent planning agreement to reflect the increase to the maximum dwelling lot numbers

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

August 2012

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EXECUTIVE SUMMARY

This report is an assessment of a section 75W modification application (MP06_0204 MOD 2) lodged by Landcom (the proponent) requesting amendments to the approved Bungarribee Precinct and Doonside Residential Estate Concept Plan, Doonside (MP06_0204).

The modification application seeks approval to increase the maximum number of dwelling lots permitted within the residential estate from 730 to 820, revise Precinct 6 by increasing the efficiency in the design and layout to deliver additional allotments and amend the executed planning agreement to reflect the proposed maximum dwelling yield by the Doonside Project Planning Agreement Amendment Deed.

The Bungarribee Precinct and Doonside Residential Estate Concept Plan was approved on 4 March 2009 by the then Minister for Planning.

The modification request and amendment deed were exhibited for 28 days and made publically available on the department's website and at Blacktown City Council (council) offices. The department also notified council, Roads and Maritime Services and Sydney Water in writing. Four submissions were received from council, RMS, Sydney Water and a member of the public, who objected to the application.

The department has assessed the merits of the modification application and is satisfied that any resultant environmental impacts can be adequately mitigated and managed. Further, the additional monetary offer agreed to by the proponent and council will ensure additional funding is directed towards infrastructure demands and works generated by the proposed increased dwelling yield.

The department recommends that the modification application be approved subject to various amendments to the concept plan instrument of approval.

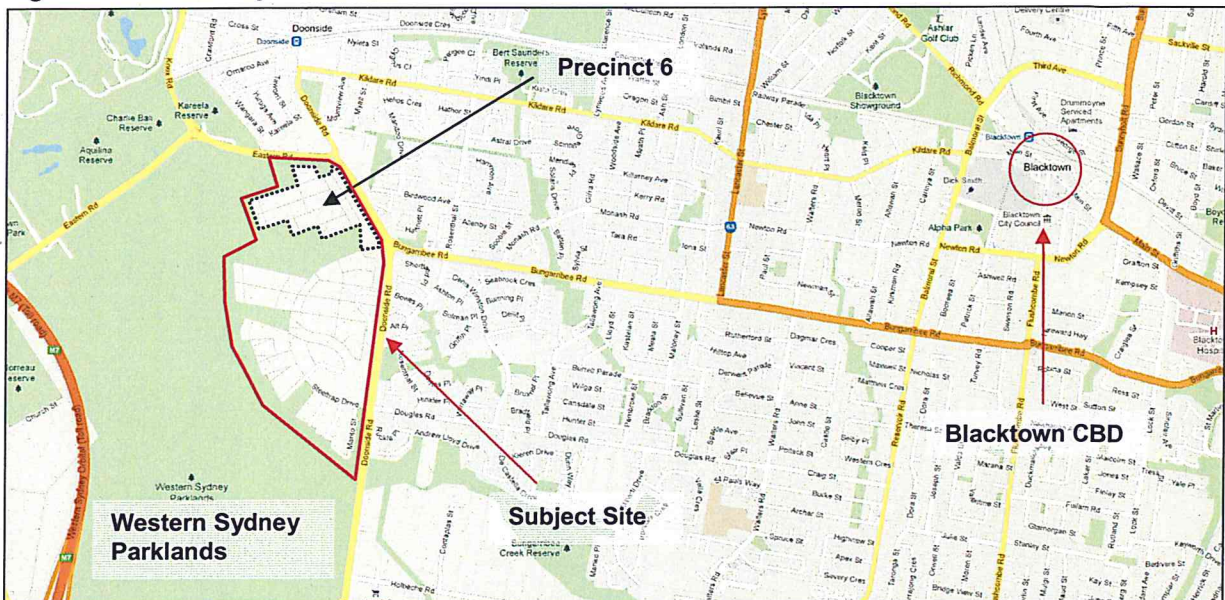
1. BACKGROUND

1.1 The Site

The site is known as Bungarribee Precinct and Doonside Residential Estate (the Estate), Doonside. It is located approximately 40 km west of the Sydney Central Business District (CBD) and approximately 3.5 km west from the Blacktown CBD (see Figure 1). The site is strategically located in close proximity to the regional and local road networks, including the Great Western Highway, M7 Motorway and M4 Western Motorway and Doonside and Rooty Hill Train Stations.

The site was identified as 'interface land' by the government, being land that is excluded from the Western Sydney Parklands. In November 2004, the State Government made the decision to establish the Western Sydney Parklands and utilise sales from the development of the 'interface land' to fund a capital works program for the Western Sydney Parklands.

Figure 1: Site and Project Location



1.2 Approval History

State Significant Site Listing and Concept Plan MP06_0204

On 19 December 2008, the Doonside residential parcel was listed as a state significant site in Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (MD SEPP). A concept plan (MP06_0204) was subsequently approved on 4 March 2009 by the then Minister for Planning, for the subdivision and residential development for 730 dwelling lots and associated works including roads, utilities, a community centre and interface works for stormwater and riparian corridors (see Figure 2).

MP06_0204 MOD 1

On 14 December 2010, approval was granted for a modification to the concept plan approval by the Acting Director, Government Lands and Social Projects. This approval related to the following:

- incorporation of revised and enhanced sustainability measures
- proposed maximum two storey height limit for lots immediately abutting the Heritage Park and View Park
- introduction of new minimum setback and landscaping controls to the park edge lots
- amendments to the Doonside Residential Parcel Development Design Code to revise, strengthen and clarify existing text and controls.

Figure 2: Approved Bungaribee Precinct and Doonside Residential Estate Layout



2. PROPOSED MODIFICATION

2.1 Modification Description

The proposed modification application (MP06_0204 MOD 2), lodged by Landcom (the proponent), seeks to:

- increase the maximum number of dwelling lots that can be accommodated within the Estate from 730 to 820
- modification to the concept plan layout for Precinct 6
- modify the executed planning agreement by the proposed draft Doonside Project Planning Agreement Amendment Deed to reflect the modified lot yield.

2.2 Justification for Modification

The proponent proposes to increase the dwelling lot yield for the Estate to provide greater housing diversity and enable the construction of innovative dwelling typologies beyond that to be delivered by each subdivision precinct. The increased residential dwelling yield will also increase the provision of affordable housing within the Estate, as required by modification B2 of the concept plan instrument of approval.

The proponent also notes that the proposed amendments to the concept plan are also consistent with, and supports, the draft North West Subregional Strategy which identifies the need for Blacktown Local Government Area to accommodate 21,500 dwellings by the year 2031.

3. STATUTORY CONTEXT

3.1 Changes to Part 3A

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (the Act), section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

Section 75W (2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project, as modified, would be consistent with the original approval. As the proposed modification seeks to amend the maximum number of dwellings permitted within the Estate, the modification will require the Minister's approval.

3.3 Environmental Assessment Requirements

Section 75(3) of the Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. Environmental Assessment Requirements were not issued for this modification as the proponent has addressed the key issues related to the modification request.

3.4 Delegated Authority

The Minister has delegated his functions to determine a modification request under section 75W of the Act where:

- the relevant local council has not made an objection
- a political disclosure statement has been made but only in respect of a previous application
- there are less than 10 public submissions in the nature of objections.

Council has raised no objection to the modification application, a political disclosure statement has not been made by the proponent and only one public submission was received. As such, the application can be determined under delegation by the Director, Metropolitan and Regional Projects North.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act and clause 8G of the EP&A Regulation 2000, the modification request was exhibited for 28 days and made publically available on the department's website and at council offices. The department also notified council, Roads and Maritime Services and Sydney Water in writing of the proposed modification application.

In addition, the proposed draft Doonside Project Planning Agreement Amendment Deed was notified and made publically available for 28 days, in accordance with section 93G(1) of the EP&A Act and clause 25D of the EP&A Regulation 2000.

Four submissions were received from council, RMS, Sydney Water and a member of the public.

4.2 Public Authority Submissions

Blacktown City Council

Council initially reviewed the modification application and provided in principle support in their correspondence dated 4 April 2012, but raised the following concerns:

- council raises concerns with the proponent's proposal not to provide additional monetary contributions for the proposed additional dwellings
- council disagrees with the proposition that additional intersection modelling is not required to assess the demand placed on them through the provision of 90 additional dwellings.

Following further consultation undertaken by the proponent, council advised within subsequent correspondence, dated 14 June 2012, that they no longer raised any objections to be proposed concept plan modifications. Specifically, council noted:

- council is satisfied with a proposed revised offer from Landcom to contribute a further \$96,000 under the proposed amendment deed towards works surrounding the development
- council's Traffic Management Coordinator no longer raised objections to the additional lots within the Estate on traffic grounds.

Roads and Maritime Services (RMS)

RMS reviewed the modification application and raised no objections to the proposal.

Sydney Water

Sydney Water reviewed the modification application and raised no objections to the proposal.

4.3 Public Submissions

One public submission was received during the exhibition of the modification application, objecting to the proposal on the following grounds:

- impact on approximately 12.5 hectares of remnant native vegetation, including areas of endangered ecological communities and known threatened species habitat
- further impacts from bushfire mitigation measures
- the area is already overdeveloped.

These concerns have previously been addressed during the assessment and consideration of the original concept plan (MP06_0204). The amendments proposed within the modification

application do not seek to increase the footprint of the approved concept plan layout or seek to remove any further vegetation than previously approved.

5. ASSESSMENT

5.1 Maximum Dwelling Numbers

The modification application seeks to increase the maximum number of dwelling lots permitted within the Estate from 730 to 820 (+90 or 12% increase), requiring amendments to Schedule 1, Part A and modification A1(1) of Schedule 2 of the instrument of approval for MP06_0204. In principle support is provided by council, who raise no objection to the increased housing density proposed within the Estate.

Subdivision development applications have been lodged with council and subsequently approved for the Estate precincts up to and including Precinct 5. A subdivision development application for Precinct 6 has been lodged with council, but not yet approved. Table 1 details the indicative allotment yield envisaged within each precinct under the approved concept plan. The table also describes the allotment yield of each subsequent subdivision DA approval (as proposed for Precinct 6), which has incrementally increased the number of allotments above that indicatively approved (with the exception of the Collector Road development application).

While approximately 803 allotments are expected to be delivered within the Estate, the proponent seeks a maximum yield of up to 820 dwellings lots to allow for flexibility in refinements of the overall subdivision layout of the Estate. Allowing for up to 820 dwelling lots will facilitate housing diversity and enable the construction of innovative dwelling typologies, such as secondary and dual occupancy dwellings, potentially beyond the approved number of allotments to be delivered by the subdivision of each residential precinct (subject to a future modification approval of the respective subdivision development application).

Table 1: Lot Yield – Concept Plan vs. Subdivision DA

| Precinct/ Subdivision DA | No. of indicatively approved Concept Plan allotments | No. of DA subdivision approved/proposed allotments | Change beyond indicatively approved Concept Plan layout |
|--------------------------|--|--|---|
| Precinct 1 | 102 | 108 | +6 |
| Precinct 2 | 122 | 125 | +3 |
| Collector Rd DA | 37 | 32 | -5 |
| Precincts 3 and 4 | 198 | 236 | +38 |
| Precinct 5 | 63 | 79 | +16 |
| Precinct 6 | 184 | 223 (proposed) | +39 |
| TOTAL | 706 | 803 | +97 |

An increase to the maximum number of dwelling lots permitted within the Estate will create a denser residential subdivision, which in turn will allow for the accommodation of additional dwellings that will make provision for varying lot sizes, availability of different house typologies and greater choice.

The department concurs with the proponent's position that the modification is consistent with State and regional strategies, which nominate the provision of up to 21,500 new dwellings within the Blacktown Local Government Area by 2031 and address the Government's current 10,000 lot program.

In addition, the proponent notes that the proposed modification to the maximum dwelling yield does not increase the approved concept plan development footprint. The additional allotment yields approved within the preceding subdivision applications was achieved

predominantly through the provision of an increased amount of 'small' and 'compact' allotments, providing for denser subdivisions and to satisfy the proponent's commitment to the provision of varying lot sizes to achieve a range of housing types and affordability.

The development will be undertaken on land only designated for urban purposes and will not generate new or additional impacts beyond those deemed acceptable and approved under MP06_0204.

5.2 Modified Precinct 6 Layout

The modification application also seeks to amend the indicative subdivision layout of Precinct 6, proposing to revise the subdivision and road layout to increase the design efficiency to enable the increase in the precinct's yield from 184 to 223 allotments (+39) (see Figure 3). The proposed increased yield is achieved through proposed amendments to the precinct layout, including amendments to the road types and layout and increased provision of smaller lots, particularly the south facing allotments and those allotments backing onto Doonside Road.

Precinct 6 is the last stage of the residential estate, located approximately 600 m south of Doonside Railway Station and adjacent to Doonside and Eastern Roads, both readily serviced by existing local bus services.

The amended indicative subdivision layout and street network, generally conforms to the rectangular grid pattern approved under the concept plan (see Figure 4) and would ensure that future dwellings can comply with the development controls within the Doonside Residential Parcel Development Design Code (DDC). Further, continuation of the previous program of lodging residential subdivision DA's that propose higher dwelling yields would restrict Precinct 6's development to approximately 150 allotments/dwellings in order to maintain compliance with the concept plan's 730 maximum dwelling lot cap.

Figure 3: Proposed Precinct 6 Layout - allotment sizes and density

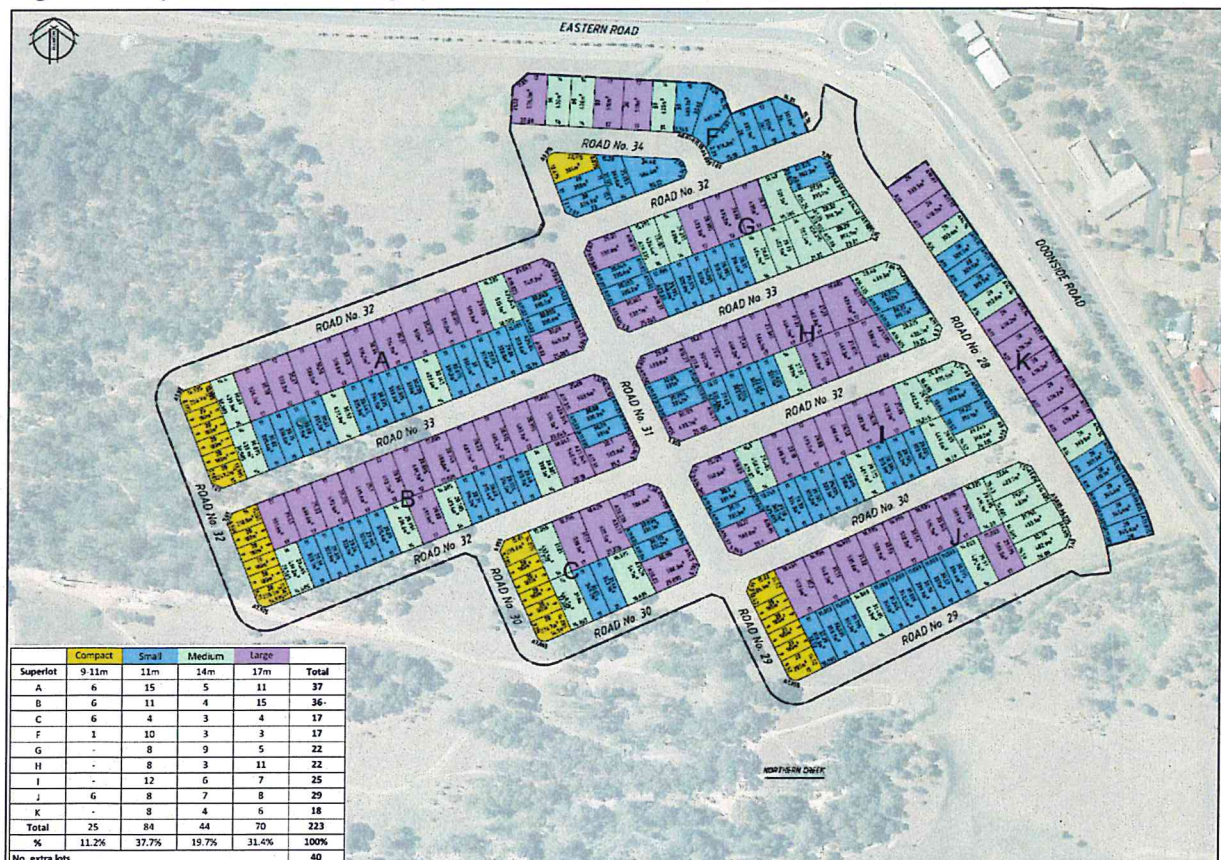


Figure 4: Approved Precinct 6 Layout – indicative allotment sizes and density



The department is satisfied with the proposed modifications to the indicative subdivision layout and lot yield of Precinct 6, noting that the grid layout and street network are generally consistent with that originally approved and will maintain satisfactory levels of amenity and permeability within the subdivision. The proposal, as modified, will ensure a mix of allotment sizes and housing types, whilst also providing more allotments oriented towards future open space and future adjoining park.

5.3 Transport

The approved concept plan transport management and accessibility plan (TMAP) (prepared by Maunsell, August 2007) assessed the traffic implication for the residential estate, including provision of three improved intersections providing access to the site, including Eastern Road/Doonside Road, Doonside Road/Bungaribee Road and Doonside Road/Douglass Road. The TMAP demonstrated that the proposed 730 allotments were acceptable and could be satisfactorily managed in conjunction with the intersection treatments.

Using a calculated vehicle trip rate of 0.68 vehicle trips/dwelling/lot for the peak period, approximately 61 additional vehicle trips during the peak would be generated by the proposed increase in 90 allotments. When distributed amongst the three intersections based on the number of allotments proposed for each precinct, the additional vehicle trips result in the following calculated trip generations:

- 29% Eastern Road / Doonside Road – 16 exit / 2 entry am peak (reverse pm peak)
- 41% Bungaribee Road / Doonside Road – 22 exit / 3 entry am peak (reverse pm peak)
- 30% Douglass Road / Doonside Road – 16 exit / 2 entry am peak (reverse pm peak)

The assessment of the additional 61 vehicle trips found that the three intersections would not fail or become oversaturated and would only see marginal increases in the average delay per vehicle.

Within council's correspondence received following the exhibition of the modification application, concerns were initially raised with respect to the capacity of intersections being able to cope with the additional demand placed on them and the proponent's position that no additional intersection modelling was required. However, following further consultation undertaken by the proponent, council are satisfied that the proposed additional dwellings will

not adversely impact on the efficiency of the local road network and raised no objections to the traffic impact review undertaken.

The department is satisfied that traffic generated by the proposed additional 90 dwelling lots within the Estate can be satisfactorily accommodated within the local network and distributed amongst the main Estate intersections, which will continue to operate in a satisfactory manner and will not become oversaturated.

5.4 Planning Agreement

The Doonside Project Planning Agreement was executed between Landcom and the Minister Administering the Environmental Planning and Assessment Act on 29 April 2009. Schedule 2 of the planning agreement describes the development as:

"The 730 lot residential development on the Doonside Residential Parcel described in the application by Landcom to the Minister under s75M of the Act as approved by the Minister on 4 March 2009 as Major Project No. 06_0204."

Accordingly, the proponent seeks to modify the development description to reflect the proposed maximum 820 dwelling lots, via the draft Doonside Project Planning Agreement Amendment Deed.

During the exhibition of the modification request, council raised objections that no additional contributions would be provided above that already stipulated within the executed planning agreement, citing that the additional lots would generate high infrastructure demands and impact on council's ability to maintain and provide essential functions and services.

The planning agreement established a contribution total of \$29,199,278, to fund intersection upgrades, open space access, pedestrian/cycleway networks, heritage conservation works, stormwater management, public transport and new council community facility within the residential precinct.

The planning agreement requires the developer (Landcom/proponent) to make satisfactory arrangements with the council (Blacktown City Council) relating to the detailed implementation of provisions of the agreement, requiring the developer to make contributions to council. In this respect, each subdivision application relating to the preceding 5 precincts were accompanied by separate voluntary planning agreements between the developer and council, which were informed based on the parent planning agreement.

The agreement does not require the developer to enter into an agreement with council that is beyond the scope of the developer's obligations to make contributions under the executed agreement. Accordingly, following further consultation between the proponent and council, the proponent proposed to contribute an additional \$96,000 towards works surrounding the development.

Council subsequently confirmed in correspondence dated 14 June 2012, that they are satisfied with the offer proposed by the proponent and no longer objects to the modification. The additional monetary offer was later confirmed by the proponent within a letter of undertaking from Landcom's General Manager, dated 13 July 2012.

The department is satisfied that the additional contribution offer made by the proponent will assist in the delivery of appropriate infrastructure to support the proposed additional residential allotments. Having regard to the offer made by the proponent in accordance section 93I of the EP&A Act, the department recommends that a new modification of Schedule 2 of the instrument of approval be inserted, requiring the proponent to modify the draft Doonside Project Planning Agreement Amendment Deed to reflect the commitment to contribute an additional \$96,000 prior to its execution.

6. CONCLUSION

The department has considered the request to modify MP06_0204 and the key issues associated with the modification, including the impact of the increase in dwelling lot yield, modified Precinct 6 layout, transport impacts and proposed amendments to the planning agreement for the concept plan.

The department is satisfied that the proposed modification is reasonable and acceptable and would not give rise to any additional impacts. The increase in the dwelling yield within the Estate will ensure housing choice and affordability is maximum within the locality, while the additional funding agreed to by the proponent will ensure essential functions and services will be satisfactorily provided for future occupants of the residential estate.

7. RECOMMENDATION

It is recommended that the Director, Metropolitan and Regional Projects North:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modification application, subject to modifications, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- c) **Sign** the attached Instrument of Modification Approval (**Tag A**).


Peter McManus
Senior Planner
Metropolitan & Regional Projects North
7/8/12


David Gibson
Team Leader
Metropolitan & Regional Projects North
7/8/12


Heather Warton
Director
Metropolitan & Regional Projects North
20/8/12

APPENDIX A MODIFICATION REQUEST

Provided on disc or see the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5168

APPENDIX B SUBMISSIONS

Provided on disc or see the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5168

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
