



29 October 2009

Daniel Keary

Director – Government Land and Social Projects

Department of Planning

23-33 Bridge Street

SYDNEY NSW 2000

Dear Daniel,

Modification to 06_204

Bungarribee Estate Concept Plan and Development Design Code

We refer to the abovementioned Concept Plan approved by the Minister for Planning on 4 March 2009 for the 750 lot residential and public domain development of the site, as well as associated works. As you may be aware, in approving the Concept Plan the Minister for Planning concurrently approved a site specific Development Design Code (DDC) which contains the detailed controls for future development of the site and essentially functions as a development control plan.

We have been progressing the detailed design of the development and have recently lodged our first development application with Blacktown City Council for Stage 1 of the project, which proposes 74 residential lots and construction of access roads, stormwater and drainage infrastructure and associated services. As we continue to progress detailed design for Stage 1 and future stages, it has come to our attention that the DDC needs to be amended to better articulate Landcom's commitment to delivering a sustainable and high quality residential development.

The purpose of this letter is therefore to request the Minister (or her delegate) modify the approval for Concept Plan MP 06_204 under Section 75W of the Environmental Planning and Assessment Act 1979 by endorsing the revised DDC as described below (refer to Attachment A with proposed amendments highlighted yellow). The proposed scope of amendments require amendments to do not raise new or additional environmental issues and accordingly we have undertaken an environmental assessment of the proposed amendments against the Director General's Requirements originally issued for the Concept Plan below. A completed application form and fee of \$750.00 for the assessment of the application are also enclosed in support of the application.

Scope of Modification

Landcom requests the Minister for Planning modify MP 06_204 by endorsing the attached revised DDC. The revisions to the DDC comprise four elements:

- (a) Incorporation of revised and enhanced sustainability initiatives, which Landcom proposes to deliver across the Estate, and expects future builders and residents to satisfy when purchasing into the Estate;
- (b) Introducing greater built form flexibility into lots immediately abutting the Heritage Park and View Park (referred to as the "park-edge lots") by permitting a maximum 2 storey height limit for those lots;
- (c) Introducing new complementary controls to the park edge lots that set out minimum setback and landscaping requirements for those lots; and
- (d) Undertaking an initial round of amendments to the DDC to revise, strengthen and clarify existing text and controls in response to comments made by Blacktown City Council following their review of the DDC.

Modification A2 Development in Accordance with Plans and Documentation of the Minister's Concept Plan approval nominates the approved plans and supporting documentation that development in the Estate should comply with. The DDC is not specifically cited in Condition A2, however it is cited in *Part B – Definitions* (to specify the author and date) and *Modification B4 – Development Design Code*. Accordingly, should the Minister (or her delegate) approve the modification, we believe that only Part B – Definitions within the Instrument of Approval will need to be amended to refer to the attached edition of the DDC.

Enhanced Sustainability Measures

The planning for the Estate provides an opportunity to set best practice sustainability targets to respond to the increasing pressure for social and environmental sustainability. To that end, Sections 5.8.7 Water Efficiency and 5.8.8 Energy Efficiency, of the DDC have been amended to require future builders and purchasers to:

- use best endeavours to achieve BASIX 70 for water requirements;
- install 6000 litre underground water tanks;
- use best endeavours to achieve BASIX 70 for energy requirements; and
- consider installation of gas boosted solar hot water and 1kW photovoltaic panels.

These new and enhanced requirements will complement existing sustainability initiatives prescribed by the Concept Plan and DDC to ensure Landcom achieves the social, environmental and economic outcomes it is committed to providing at Bungarribee Estate.

Built Form Controls (Height and Supplementary Controls)

The approved DDC currently prescribes a single storey height limit for “park-edge” lots (ie those fronting the Collector Road and local streets adjacent to the Heritage Park and View Park). Landcom originally committed to the single storey height limit in response to the heritage views that were initially anticipated to be interpreted and enjoyed from the former Bungarribee Homestead Complex.

Since the Concept Plan however, detailed design and further investigations have confirmed that increasing the height limit to two storeys will not detract from the distant views or have a visual impact on either of the parks and their settings. Clouston Associates has prepared sections of the site which confirm that views to the south west from the Heritage Park and View Park will remain unimpeded (Attachment B). Further, providing future purchasers with the flexibility to construct two storey dwellings will frame the open space areas and reinforce the Heritage and View Park's respective settings.

Godden McKay Logan has considered the potential impact of the proposed two storey height (Attachment C) and advised:

“...provision for additional tree planting in the front gardens of residential lots with primary frontages to the Heritage Park and View Park, when combined with the proposed streetscape planting...will help retain the visual quality of the setting and the Bungarribee Homestead Complex Archaeological Site. These measures if implemented successfully, would mitigate additional visual impacts associated with the increased scale of the new housing and would generally be in accordance with the conservation policies”.

The height, setback and landscaping controls in Section 5 of the DDC have therefore been amended to provide future purchasers with the flexibility to construct two storey dwellings on park-edge lots, whilst requiring additional landscaping and maintaining satisfactory setbacks to retain and protect the heritage significance of the most sensitive parts of the Estate.

Housekeeping Amendments

Since receiving and reviewing a copy of the DDC, Blacktown City Council has requested we clarify, or slightly revise a number of the objectives and controls within the DDC to better articulate the intent of the provisions. As Council is consent authority for future development applications within the Estate, Landcom is keen to facilitate Council where possible. A series of minor housekeeping amendments have therefore been made to the DDC, which are also highlighted yellow in Attachment A:

- Further detail of contamination investigations undertaken to date and confirmation that the Site Auditor has certified the site suitable for development;

- Reconciliation of references to figures, graphics, consistent street nomenclature and cross referencing to other sections of the DDC;
- Confirmation that Landcom is committed to working with Blacktown City Council during the design of open space throughout the Estate;
- Minor amendments to the proposed road widths and dimensions to ensure consistency with Blacktown City Council's controls;
- Reconciliation of the cut/fill and retaining wall controls to accord with Blacktown City Council's requirements;
- Insertion of new controls for secondary dwellings, which are now permissible under the Department of Planning's Standard LEP template and also permissible within the R1- General Residential zone that applies to the site; and
- Insertion of stronger controls to guide the external appearance of future dwellings.

The proposed modifications reflect the current scope of works and social, environmental and economic outcomes that Landcom is committed to achieving. The modifications will also provide the level of flexibility required to proceed with the development, without raising any additional environmental planning assessment issues. In our view, these modifications are generally minor and consistent with the intent of the approval, and do not warrant any further advertising, notification or exhibition for public comment, or consultation with Council.

We trust this request for a modification contains all the necessary information you require and can be processed promptly to allow development on the site consistent with the Concept Plan Approval and the intent of the original approval.

Should you have any queries or would like to discuss this matter further, please do not hesitate to contact me on 9841 8637 or pcoleman@landcom.nsw.gov.au.

Yours sincerely,



Stephanie Ballango

On behalf of
Pat Coleman
Senior Development Manager