

Attachment D – Landcom's response to BCC issues

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Since the lodgement of the Section 75W Modification to the Department of Planning, Landcom has obtained:

- a Section 87 permit from the Department of Environment, Climate Change and Water (DECCW) to undertake the approved archaeological salvage works within Precinct 2; and
- a Section 90 permit from the Department of Environment, Climate Change and Water (DECCW) to remove and destroy Aboriginal relics/items across the entire Precinct 1 area within the development site.

In this regard, Section 2.4 of the DDC has been revised to include a status update and refer to the recent permits obtained from DECCW. Given that these approvals specifically address a portion of the most sensitive areas of the site and therefore partially supersede the findings of the Indigenous Heritage Impact Statement, the inclusion of a plan illustrating the sensitivity zones is not considered necessary. Further, Landcom is reluctant to include such a plan which may be read in isolation of the overall assessment and findings of the Indigenous Heritage Impact Statement prepared for the site.

- (b) *BCC is of the view that the controls contained within Section 3.3 of the DDC related to conservation off sets and any related referral to the Commonwealth Department of Environment, Water, Heritage and Arts under the Environment Protection and Biodiversity Conservation Act, 1999 (EPBC Act) is ambiguous. In particular, BCC is unsure when a referral may be undertaken by Landcom and has requested the DDC be amended to include further guidance as to the timing or stage of development as to when the referral needs to be finalised.*

Landcom referred the application to the Federal Minister in 2007 following lodgement of the Concept Plan with the Department of Planning for assessment. The former Department of the Environment and Water Resources confirmed in October 2007 that the project is not a 'controlled action' as it is not expected to have a significant impact on a 'matter of national environmental significance' (**Attachment E**).

- (c) *BCC raised concern in relation to the bushfire protection and specifically the any requirement for appropriate levels of construction that may be required for dwellings. BCC also suggested Figure 14 of the DDC that details the extent of required APZs be amended to include the extent of the additional 100m buffer that will need to be provided.*

Whilst Landcom appreciates the intent of BCC's request, the graphical nomination of the 100m buffer and lots affected by construction levels is not supported on the basis that:

- the figures in the DDC have not been subject to final survey; and
- the lot layout illustrated within the DDC is indicative and subject to final DA approval. Identifying lots that may be subject to specific construction levels is therefore premature ahead of final survey and detailed design. Furthermore, and as an example, the lot layout approved for Precinct 1 (DA Consent No. 09-2431) differs marginally from the lot layout provided in the DDC.

It is Landcom's preference that individual DAs for bushfire affected land address bushfire risk, nominate APZs (including any buffers), and that DAs continue to be conditioned requiring Landcom to obtain a Bushfire Safety Authority (as relevant) and to create the relevant restrictions on the title of bushfire affected lots to advise future

purchasers of any additional building requirements. This approach has worked successfully to date and should be applied throughout the rest of the Estate.

- (d) *BCC recommended Section 3.4 of the DDC also be amended to include a plan that identifies the “sensitivity zones” as outlined in (a) above.*

For the reasons set out in response to (a) above, the requested plan is not considered appropriate.

- (e) *In terms of the European heritage values of the site, BCC considers:*
- the report prepared by Godden Mackay Logan (GML) fails to assess the impact of the change back to 2 storeys around the edge of the cultural heritage precinct against their previous recommendations provided in their own Conservation Management Plan;*
 - the proposed increased setbacks and planting to screen development from the park have not been adequately considered;*
 - the sections prepared by Clouston in support of the application also fail to address the abovementioned issues;*
 - Insufficient information was provided with the original application to demonstrate the extent of the impact on views from the cultural heritage precinct to the Blue Mountains and Eastern Creek. In particular, BCC has requested long distance sections to demonstrate the potential views to Eastern Creek and the Blue Mountains if the height is to be increased;*
 - an increase in height to 2 storeys along the eastern and southern boundary may decrease the prominence of the Bungarabee Hill in views from Doonside Road; and*
 - key RLs should be established as a height limit to ensure long range views out of the site are maintained to Rooty Hill and the Blue Mountains.*

As set out in the covering letter and **Attachments A and B**.

- (f) *A minor amendment to Control (e) in Section 3.5.6 – Public Art and Place Making has been requested to also ensure consultation occurs with Council’s Open Space, Community Development and Maintenance Sections during the design development stage.*

The requested amendment has been made to the revised DDC (refer to pg 33).

- (g) *BCC has reiterated the carriageway width for Park Edge Streets should be increased from the current control of 8m to 9m.*

The 8m carriageway has been envisaged for park edge roads since the Concept Plan was originally submitted to the Department of Planning for approval. Landcom considers a narrower local street carriageway width of one metre is justified as:

- less demand is likely for on street parking in single loaded local streets;
- reduced widths will encourage slower traffic speeds;
- an improved pedestrian environment can be provided; and
- landscaped treatments can be enhanced to provide a quality public domain outcome.

It is also worth noting that the proposed park edge arrangements exceed Council’s Engineering Guidelines which require a 7.5m carriageway to serve up to 30 houses in a cul-de-sac. These streets serve fewer than 30 houses and have been designed to be single loaded, some with rear access to off-street parking ensuring less traffic and less on-street parking demand. In addition, all other streets comply with BCC’s minimum road reserve requirements.

Condition B3 of the approved Concept Plan currently provides:

“the carriageway width of local roads shall be 9 metres in accordance with Council’s requirements unless it can be demonstrated that the urban design quality of the road network as well as pedestrian and vehicular safety is not compromised by a reduced carriageway width”.

Landcom’s experience to date is that BCC is unwilling to consider any designs for carriageway widths unless they strictly comply with the 9m requirement. The flexibility afforded by Condition B3 is therefore not being applied despite the justification and supporting documentation Landcom has tried to provide to BCC. On a strategic note, the requirement to potentially comply with the minimum 9m carriage way width will have significant land take implications in future stages of the project and may compromise the riparian corridor works proposed on the site.

On balance, the benefits resulting from the proposed design and dimensions of the road network in the DDC are considered to be satisfactory and accordingly should be endorsed. It is therefore requested that the Department of Planning delete condition B3 of the approved Concept Plan and explicitly endorse the 8m carriage way for park edge streets.

- (h) *Maximum retaining walls for cut works on individual lots should be limited to 900mm. Maximum retaining wall heights for any filling works should be limited to 600mm for any walls required.*

New controls have been inserted into Section 4.4.1 Cut and Fill of the DDC which require:

- a maximum 500mm cut and fill per lot on any boundary, which allows a combined maximum 1.0m cut or fill total on a boundary between two lots, unless provided by the developer prior to the lot being purchased by the home owner.
- retaining walls on individual residential lots that are visible from the street or other public spaces to be maximum 600mm high unless provided by the developer prior to the lot being purchased by the home owner. Retaining walls are to be masonry and must complement the house design and colours.

This is consistent with Council’s Development Control Plan and Landcom has been successfully implementing this control at Precinct.

- (i) *BCC has requested the Department of Planning maintain the current wording in the DDC in force that requires the preparation of a site specific Salinity Management Plan regardless of the outdated salinity mapping.*

Section 4.5(a) has been amended to state that subdivision applications affected by saline soils are to be supported by a Salinity Management Plan. BCC has already imposed similar conditions of approval under the Precinct 1 Development Consent No. 09-2431 which Landcom is currently operating under. Landcom therefore raises no objection to this approach continuing for future stages of the project.

- (j) *BCC has requested a new minimum allotment size for dwelling houses on corner allotments of at least 500m² be introduced in Section 5.3.2 of the DDC.*

Under the approved Concept Plan, Landcom has the ability to subdivide lots down to 250m². Through the design process, Landcom is ensuring the corner lots are larger to accommodate secondary street setback. In precinct 1, all corner lots were all at least 520m² in area and did not rely on a minimum lot size requirement in the DDC.

Landcom considers that the design process continues to ensure that corner lots are sufficiently sized rather than introducing prescriptive controls.

- (k) *A series of amendments have been proposed by BCC in Section 5.3 relating to the layout of the setback controls, definitions and inclusions for “Dwelling Houses” and “Dual Occupancies”.*

The proposed controls are generally consistent with Council’s recommended controls. Minor variations are proposed in setback controls to ensure the DDC is consistent with the Landcom Built Form Guidelines, and so that there is a consistency across Landcom Estates. Consistency across Landcom Estates is important for Landcom’s partner builders to avoid the need for continuous redesigns of their project house products. The proposed DDC controls are also generally consistent with the Housing Code SEPP controls, thereby making it easier for home buyers to choose the Housing Code process whilst still maintaining consistency in presentation of the Estate between houses that have gone down the DA process and those that have used the Housing Code process.

The proposed minimum allotment sizes for dwellings of 250m² relates specifically to the Dual Occupancy controls which have a minimum allotment size of 500m². The two sets of controls are interrelated as they enable up to two detached dwelling houses on 250m² former dual occupancy lots. The specified allotment width of 10m for dwelling houses relates to housing product being already available to suit these narrower lot widths. The introduction of a 10m lot width means this type of product is not excluded from the development which is particularly important as the associated narrow frontage product tends to be in the more affordable range of the market. Noting that Bungarabee Estate is required to deliver 7.5% of the overall dwelling yield as affordable housing, the narrower frontage width has been included in the DDC in recognition in order to achieve the affordable housing target and Landcom’s desire to provide housing (and thus demographic) diversity.

- (l) *In regards to Section 5.5 – Integrated Housing, BCC has recommended the definition of integrated housing be streamlined with BCC’s definition of Integrated Housing to ensure the DDC is easily embraced and implemented by BCC and the local development industry. In the event that the Department of Planning considers Landcom’s proposal of attached Integrated Housing to have merit, a minimum allotment size control of 300m² has been requested by BCC;*

With respect to the integrated housing controls, Landcom notes Council’s concern and accordingly has amended the definition to remove the identified discrepancies. With respect to the allotment size specified, again this is for reasons of consistency with the Dual Occupancy and Dwelling House minimum allotment size controls which specify 500m² and 250m² respectively.

- (m) *BCC is concerned as to how successful Control (a) in Section 5.8.7 – Water Efficiency will be achieved.*

The proposed controls and objectives have been revised as follows, and are considered to address BCC’s controls:

Objectives

- Minimise potable water consumption in accordance with the Bunya Design Guidelines which exceeds State Government requirements (BASIX 40).
- To encourage the use of green technologies such as grey water systems that reduce the water consumption of the dwelling beyond the requirements of BASIX.
- Increase stormwater retention and reuse.

Controls

- a) All lots are to have a 4,500 litre rainwater tank which is connected to 100% of the roof and supply the laundry and toilets.
- b) 4 star water efficient fixtures are to be installed to all houses.

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