



NSW GOVERNMENT

Department of Planning

8 September 2010

Daniel Cavallo

Acting 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 (DDC)

Response to Submissions

We refer to the application lodged by Landcom in August 2009 to modify the abovementioned Concept Plan pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act).

As you may be aware, Landcom had requested the Minister for Planning modify MP 06_204 by endorsing a revised DDC. At the time of the application being submitted to the Department of Planning, the revisions to the DDC comprised four elements:

- (a) the 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) the introduction of greater built form flexibility into lots immediately abutting the Heritage Park and View Park (referred to as the “park-edge lots”) to permit a maximum 2 storey height limit for those lots;
- (c) the introduction of new complementary controls to the park edge lots that set out minimum setback and landscaping requirements for those lots; and
- (d) 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 in mid 2009.

As you may further be aware, the Department of Planning referred Landcom's application to Blacktown City Council (BCC) and the NSW Heritage Office for review and comment. The key issues raised by those agencies related to the content of the approved DDC and the potential visual impacts of the proposed increase in height on heritage views from the Heritage Park to the west. The purpose of this letter is to respond to the issues raised by those agencies.

Since notification of the application to BCC and the Heritage Office, Landcom has met with both organisations on several occasions to discuss the issues raised. Landcom has also engaged:

- Clouston Associates to prepare a visual assessment to address key views from the site of the former heritage homestead to the surrounding landscape following construction of residential dwellings (**Attachment A**);
- Virtuocity to prepare a 3D visual model that illustrates the five key view points to and from the core heritage area (**Attachment B**) and provides and voice over commentary that describes each view post development.

Landcom has also met with BCC and the Department of Planning's Heritage Branch several times and secured in-principle support from both organisations for the latest version of the DDC. Heritage Branch has also provided written confirmation (**Attachment C**) of its support for the proposed DDC and revised controls. At this stage, BCC has only provided verbal support.



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View Impacts

The key issues raised in relation to heritage matters including view impacts, and Landcom's response, are as follows:

- (a) *Allowing two storey housing abutting both parks will unduly enclose their area and visually compress it. This will have the affect of diminishing the sense of a former colonial farm of such magnitude even further. Single storey maximum housing on these lots would allow a greater sense of space and perception of this "lost farm". It would also allow view-sharing by at least two rows of new housing into the parks and beyond – not just favouring the "front row" housing.*

The Visual Assessment (**Attachment A**) and 3D visual model (**Attachment B**) collectively conclude that the importance and value of the View Park in maintain a corridor from the former Bungaribee Homestead and its associated landscape will be protected. Landcom's proposal to introduce greater flexibility onto park edge lots be allowing for two storey dwellings (rather than restricting the height to a maximum of one storey) will not result in any established views to the horizon being diminished.

From a built form and streetscape perspective, single storey dwellings provide a weak street address and are unable to form a strong and framed setting for the Heritage Park and View Corridor Park that two storey dwellings will offer. Landcom recognises the importance of long distance and visible sky views, and accordingly has incorporated several design related adjustments into the DDC to address house roof design and street tree selection on lots immediately west of the Heritage Park and View Park to protect west bound views.

Notwithstanding the above, the proposed maximum dwelling height of lots immediately west of the View Corridor Park has been reduced from 10.5m to 8.5m (equating to a maximum RL of 53.4). Section 5.2.2 – Development Controls for Dwelling Houses and Figure 13 – Indicative Lot Mix have been revised to identify the proposed control and location of lots which are subject to the 8.5m height control. The Heritage Branch has endorsed Landcom's approach (**Attachment C**).

- (b) *Restricting the park-side lots to single storey maximum height is far preferable to allowing two stories and trying to screen it by more tree planting. The already diminishing arc, range and depth of views from the Heritage Park and View Park will be further constrained and eroded by both measures: bigger houses and more trees.*

As outlined above, the visual impact assessment and 3D modelling demonstrate that increasing the height to two storeys does not result in additional view impacts. The new supporting documentation also reinforces Godden McKay Logan's findings appended to the application as originally submitted, which 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 Bungaribee 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".

In addition, a street tree located on the corner of Road Nos. 1 and 9 is no longer proposed to be planted, to further protect views to the west.

- (c) *The Heritage Branch considers that reduced setbacks for housing lots facing open space (3.5m or 4.5 m otherwise) (Sections 5.4, 5.5.4, 5.6.2) will have adverse heritage impacts on Bungaribee as a reduction in setbacks will erode the sense of scale of the open space on site. Setbacks should remain at 4.5m.*

As set out in the DDC, lots proposed adjacent to open space will be subject to a 4.5m setback control, consistent with Heritage Branch's request.

- (d) *Records indicate the existence of a number of estate features outside what is now called "Heritage Park" and the "Core Heritage Area". Under sections 139-146 of the NSW Heritage Act, any excavation (e.g. to install underground water tanks) that finds or unearths archaeological relics should cease and the operators should contact the Heritage Branch archaeologists for advice on further action required.*

Noted and agreed. Landcom will continue to be bound by the NSW Heritage Act during construction and will therefore be required to stop work and contact the Heritage Branch in the event that additional relics are found.

It should be noted that 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.

- (e) *The Heritage Branch notes and supports the controls in Section 3.4.2 particularly (b) (conservation of archaeological potential/need for appropriate archaeological assessment) and (e) disturbance of relics during works outside the Core heritage Area not in private residential lots).*

Landcom welcomes Heritage Branches support of the proposed controls.

Development Design Code

In addition to the heritage and visual impacts, BCC also raised a range of issues in relation to specific provisions of the DDC. Those issues and Landcom's response are summarised in **Attachment D**.

In conclusion, the proposed modifications reflect the current scope of works and social, environmental and economic outcomes that Landcom is committed to achieving. The modifications will 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.

As outlined in our original application, *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 his 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.

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
External Consultant to Landcom