

MODIFICATION REQUEST:
***Bungarribee Precinct and Doonside
Residential Parcel Concept Plan
Lot 60 DP 1111529, Part Lot 61 DP
1111529, and Part Lot 2 DP 1103025
(MP06_0204 MOD1)***

Description of Modification Request

- Incorporation of revised and enhanced sustainability initiatives;
- Proposed maximum 2 storey height limit for lots immediately abutting the Heritage Park and View Park;
- Introduce new complementary minimum setback and landscaping controls to the park edge lots; and
- Amendments to Development Design Code to revise, strengthen and clarify existing text and controls.

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

December 2010

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Published December 2010
NSW Department of Planning
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EXECUTIVE SUMMARY

This report is the Department's environmental assessment of the modification application from Landcom (the Proponent), seeking to modify the determination of the Doonside Residential Precinct in the Western Sydney Parklands, to permit the development of two storey housing fronting the heritage park and allow for minor amendments to the approved Western Sydney Parklands Bungarribee Precinct Project: Doonside Residential Parcel Development Design Code (DDC) for the Bungarribee Estate.

The Doonside residential parcel was listed as a state significant site in Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* on 19 December 2008. A Concept Plan was subsequently approved on 4 March 2009, providing for the subdivision and residential development of 730 dwellings and associated works such as the provision of roads, utilities, a community centre and interface works for stormwater and riparian corridors. Included within the Concept Plan approval was the Western Sydney Parklands Bungarribee Precinct Project: Doonside Residential Parcel Development Design Code (DDC), which established the essential development controls to guide future development within the precinct.

The modification request was made publicly available on the Department's website on 13 November 2009 and was also referred to the NSW Heritage Branch, Blacktown City Council and Sydney Water. Submissions from the three public authorities were received, with the NSW Heritage Branch and Blacktown City Council raising a number of concerns regarding the proposed heritage impacts and amendments to the DDC.

External discussions took place between the Proponent, Blacktown City Council and the NSW Heritage Branch following the Proponent's review of the submissions received during exhibition. Subsequently, the Proponent provided a Response to Submissions (RtS), dated 8 September 2010, which included an amended DDC and visual assessment report that addresses the key views from the site of the former heritage homestead to the surrounding landscape and key viewpoints to and from the core heritage area.

Key issues identified by the Department that were raised within submissions received from the Public Authorities, include:

- Heritage and the conservation of heritage values;
- Housing built form controls;
- Road width and dimensions;
- Soils management and site contamination;
- Additional Development Design Code amendments; and
- Sustainability.

The Department has considered all relevant documents and key issues identified in accordance with the objects of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and considers on balance that the proposed modifications to the approved Concept Plan are in the public interest and should be approved, in part, subject to modifications and conditions.

TABLE OF CONTENTS

1.	BACKGROUND	1
2.	PROPOSED MODIFICATION	4
	2.1 Modification Description	4
3.	STATUTORY CONTEXT	4
	3.1 Modification of the Minister's Approval	4
	3.2 Delegated Authority	5
4.	CONSULTATION AND SUBMISSIONS	5
	4.1 Exhibition	5
	4.2 Public Authority Submissions	5
5.	RESPONSE TO SUBMISSIONS	6
6.	ASSESSMENT	7
	6.1 Heritage and the conservation of heritage values	7
	6.2 Housing built form controls	8
	6.3 Road width and dimensions	9
	6.4 Soils management and site contamination	10
	6.5 Additional Development Design Code amendments	11
	6.6 Sustainability	11
7.	CONCLUSIONS AND RECOMMENDATIONS	12

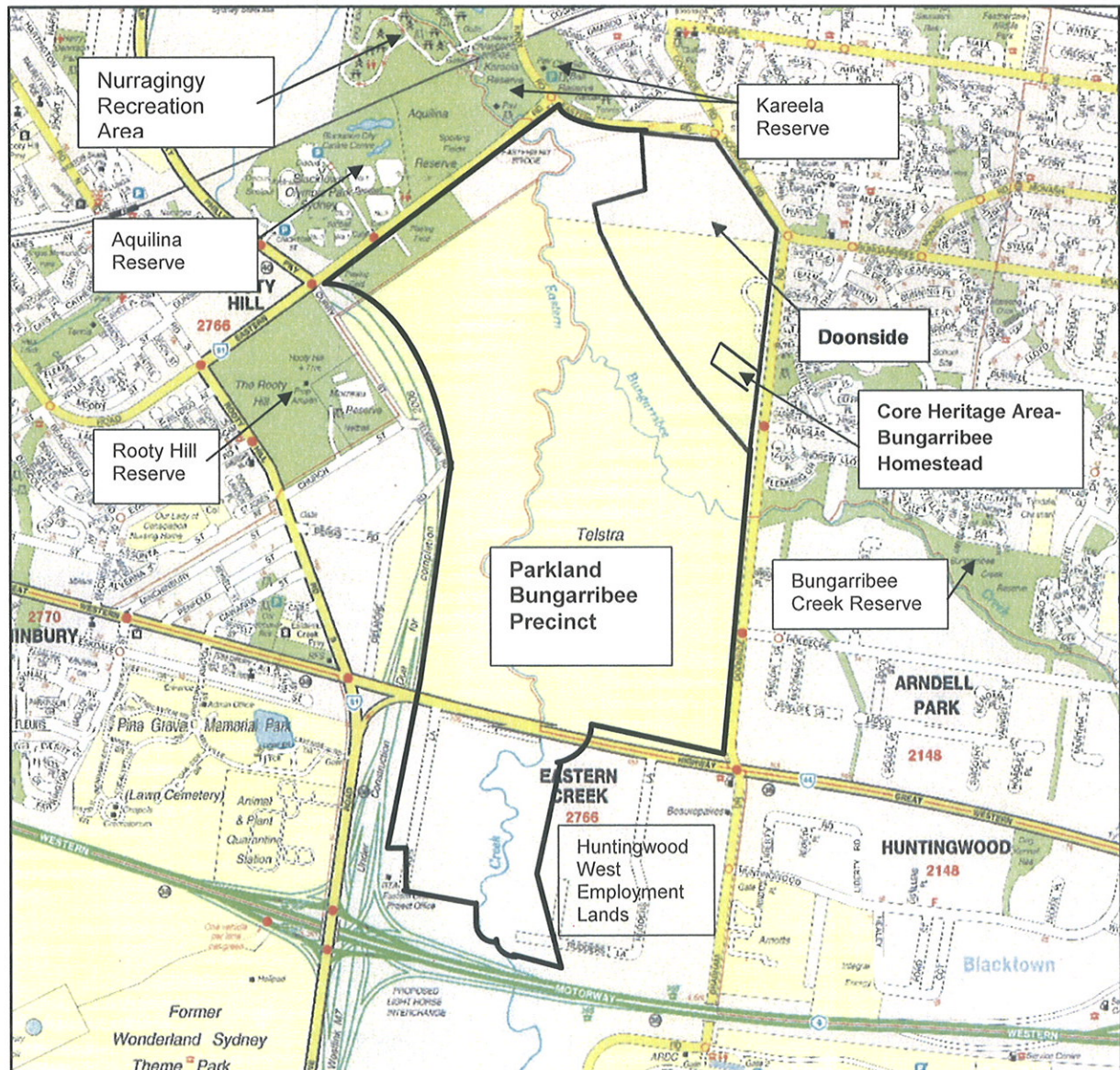
APPENDIX A RECOMMENDED MODIFYING INSTRUMENT

1. BACKGROUND

The Site is located within 40 kilometres (km) west of the Sydney Central Business District (CBD) and lies between the North West Growth Sector and the South West Growth Sector. The Site is strategically located in close proximity to the regional and local road network. Doonside Road, which forms the eastern boundary of the site, directly links to the Great Western Highway and both the M7 Motorway and the M4 Western Motorway are within close proximity (see Figure 1). Both the Doonside and Rooty Hill Train Stations are within close proximity to the Site.

The Site is directly accessible from Doonside Road and Eastern Road. The Site includes the historic Bungarribee Homestead Complex. The Doonside Residential Parcel was identified as 'interface land' by the government, being land that is excluded from the Western Sydney Parklands. In November 2004, the Budget Committee 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: Project Location



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 was subsequently approved (on 4 March 2009), providing for the subdivision and residential development of 730 dwellings and associated works such as the provision of roads, utilities, a community centre and interface works for stormwater and riparian corridors (see Figure 2).

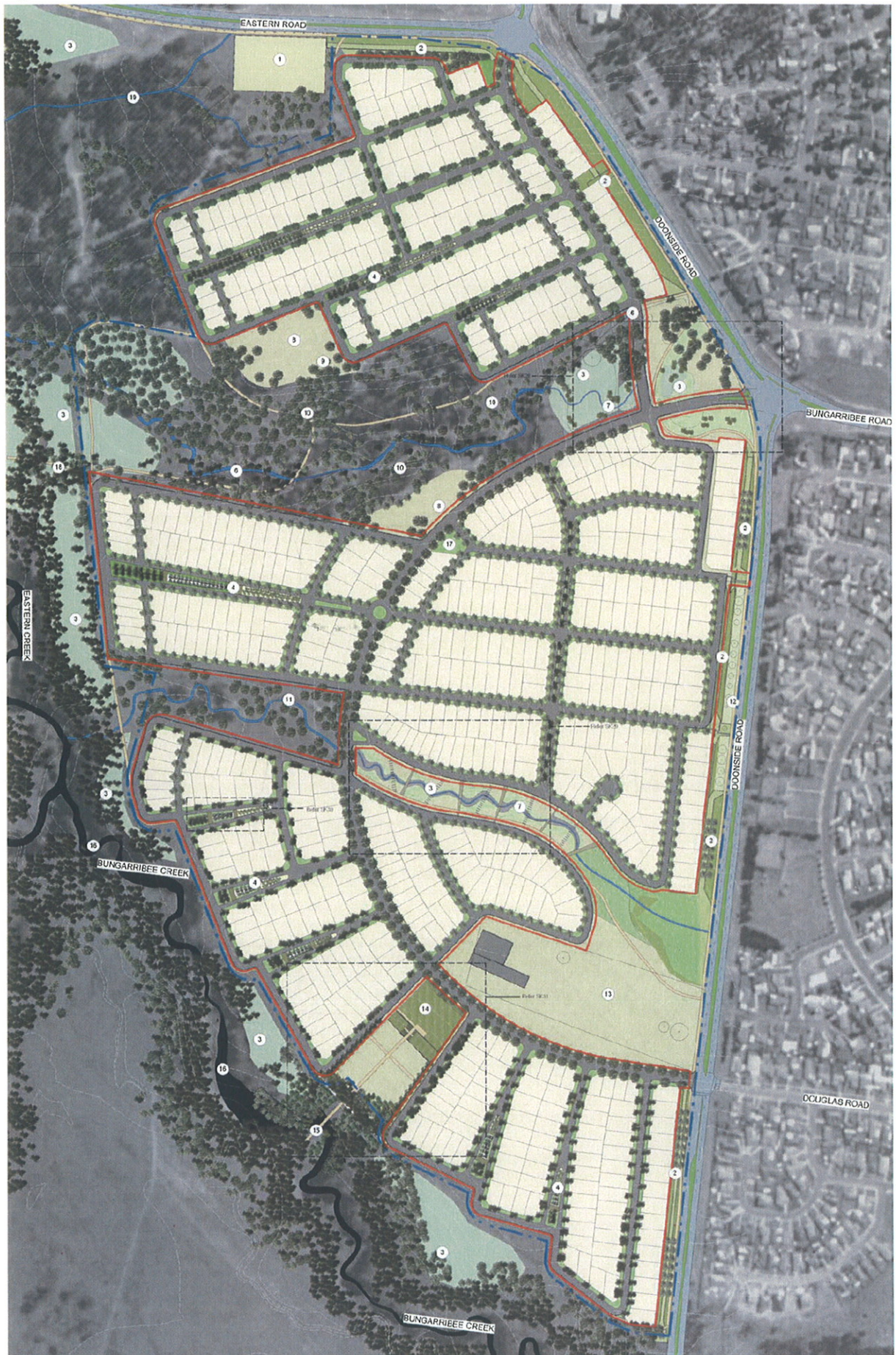
The remains of the Bungarabee Homestead, outbuildings and plantings occur on site and have been identified to be of exceptional significance at a state level, with much of the site listed on the State Heritage Register. The Department's assessment of the Concept Plan proposal found that the heritage significance mainly related to the setting of the remnant plantings and views from the remains. The assessment also found that this heritage setting could be preserved via a core heritage area and view and landscape corridor (see Figure 2).

Nonetheless, the Department recommended further assessment requirements, for development adjacent to the Homestead View Park, to demonstrate that views to the Bungarabee Homestead would be protected. The Development Design Code for the precinct, approved as part of the Concept Plan, also limits development adjacent to the Heritage Park and Heritage View Corridor.

The Proponent carried out a further Visual Assessment which addresses key views from the site of the former heritage homestead to the surrounding landscape when the proposed Bungarabee residential estate is constructed. The assessment concluded that the substitution of single storey dwellings with two storey dwellings on streets immediately adjoining the Heritage Park to the south and west, will not result in any additional gain in views to the distant horizon when viewing west and northwest from the Heritage Park and Homestead.

This was submitted to the Department by the Proponent on 8 September 2010 together with an updated Development Design Code addressing a number of issues raised by Blacktown City Council.

Figure 2: Project Layout



2. PROPOSED MODIFICATION

2.1 Modification Description

Landcom submitted a request on 28 October 2009 under section 75W of the EP&A Act, proposing a number of amendments to the approved Western Sydney Parklands Bungarribee Precinct Project: Doonside Residential Parcel Development Design Code (DDC). The proposed modifications sought to include a number of minor changes to wording within the DDC to allow for 2 storey housing adjacent to the Heritage Park and Heritage View Corridor and make some minor amendments in other areas (see Table 1). Refer to Appendix 1 for a breakdown of the proposed changes.

Table 1: Proposed Modifications to the Development Design Code

Aspect	
Dwellings fronting/adjacent to Heritage Park & View Park	<ul style="list-style-type: none">- increase the height limit of dwellings from 1 storey to 2 storeys, including the provision of a maximum height of 8.5m (RL53.4); and- introduction of a minimum setback and landscaping requirements.
Dwelling Houses	<ul style="list-style-type: none">- proposed general amendments to the development controls for dwelling houses, including a reduction to the minimum lot size, width and depth for single dwellings.
Estate Sustainability	<ul style="list-style-type: none">- incorporation of revised and enhanced sustainability initiatives, including amended water and energy efficiency requirements.
Site Contamination	<ul style="list-style-type: none">- clarification of site contamination and salinity investigations and future subdivision application requirements.
Road Widths	<ul style="list-style-type: none">- modifications to the proposed road design controls for the Estate, including various changes to road widths and dimensions.
Cut & Fill/Retaining Walls	<ul style="list-style-type: none">- amendments to the cut & fill and retaining wall controls for allotments in accordance with Blacktown City Council controls.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Section 75W (2) of the EP&A 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 project as modified would be consistent with the original approval. As the proposed modification seeks to change the DDC, the modification will require the Minister's approval.

Section 75(3) of the EP&A 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 had addressed the key issues in the request for the Minister's approval of the modification.

Section 75W (4) of the EP&A Act gives the Minister the authority to modify the approval (with or without conditions) or disapprove the modification. Following consideration of the proposed modification, the Department recommends the modification be approved (with conditions).

3.2 Delegated Authority

On 25 January 2010, the Minister delegated his powers and functions under section 75W of the EP&A Act to Directors in the Major Projects Assessment Division in cases where there are less than 25 public submissions (not including submissions from public authorities) in the nature of objections in respect of the modification request.

As no public submissions were received, the Director, Government Land and Social Project may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The request for modification was made publicly available on the Department's website, in accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*.

The Department also notified the NSW Heritage Branch, Blacktown City Council and Sydney Water of the proposed modification by letter on 13 November 2009.

The Department received submissions during the exhibition of the modification request from all three public authorities and no public submissions.

A summary of the issues raised in detail below, and have been assessed in Section 5 and Section 6 of this report.

4.2 Public Authority Submissions

NSW Heritage Branch

NSW Heritage Branch responded on 30 November 2009 raising concerns relating to the potential impacts of the proposed two storey residential development fronting the Heritage Park and View Park. The Department forwarded the response to the Proponent on 16 December 2009, requesting a response to these concerns.

Blacktown City Council

Within their correspondence dated 2 December 2009, Blacktown City Council raised similar concerns to that of NSW Heritage. In addition to the general heritage concerns, Council's submission raised concerns in relation to the proposed amendments to road widths and dimensions, cut and fill requirements, salinity assessment requirements, development controls for dwelling houses, integrated housing and dual occupancy housing and sustainability implementation initiatives.

Sydney Water

In response to the exhibition of the proposed modifications, Sydney Water provided a general response, noting that further assessment of the development's impact will be addressed when the Proponent applies for a Section 73 Certificate. No objections to the proposed modifications were raised.

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

5. RESPONSE TO SUBMISSIONS

Following consideration of the submissions received during the exhibition of the modification application and further discussions between the Proponent, Blacktown City Council and the NSW Heritage Branch, the Proponent provided a Response to Submissions (RtS), dated 8 September 2010. The RtS included an amended DDC and visual assessment report prepared by Clouston Associates to address key views from the site of the former heritage homestead to the surrounding landscape, together with a 3D visual model prepared by Virtuosity to illustrate five key viewpoints to and from the core heritage area.

The RtS was referred to both the NSW Heritage Branch and Council for comment, to which the NSW Heritage Branch advised that their initial concerns had now been satisfied. Similarly, Council advised that the heritage concerns and key views had been satisfactorily addressed by the additional information. However, Council remained concerned over a number of proposed amendments within the DDC, which they felt had been inadequately addressed by the Proponent.

To ensure that the Department satisfactorily addressed all outstanding matters and issues with the DDC, the Department arranged a meeting with the Proponent and Blacktown City Council on 5 November 2010. The Department considered this appropriate given the future working relationship of both the Proponent and Blacktown City Council in implementing the approved DDC when considering subdivision applications within the Estate. Council's submission in response to the Proponent's RtS was discussed in full, to which a number of items were agreed upon between all parties, which could be satisfactorily addressed by conditions.

However, no agreement upon the proposed DDC road design amendments, minimum residential lot size, integrated and dual occupancy housing definitions or salinity assessment requirements were made at the meeting on 5 November 2010. The Proponent was requested to provide further clarification on these matters which was later received by the Department on the 18 November 2010. These matters have been satisfactorily addressed by way of conditions and are addressed in greater detail below in Section 6.

6. ASSESSMENT

The Department has addressed the key environmental issues identified and those concerns raised in the submissions from both the NSW Heritage Branch and Blacktown City Council, of which are considered to be:

- Heritage and the conservation of heritage values;
- Housing built form controls;
- Road width and dimensions;
- Soils management and site contamination;
- Additional Development Design Code amendments;
- Sustainability.

The key issues identified are addressed in more detail below. Further information on the assessment of these issues in the context of the DDC is outlined in Appendix 1.

6.1 HERITAGE AND CONSERVATION OF HERITAGE VALUES

Dwelling Heights

Initial concern was raised by both the NSW Heritage Branch and Council in relation to the proposed dwelling height increase for those lots fronting the existing heritage park to two storeys, originally restricted to single storey. The original restriction for single storey dwellings fronting the Heritage Park and Heritage View Park was provided to ensure that the culturally significant district views of the surrounding countryside and setting of the Heritage Park were not detrimentally impact upon.

Further visual assessment and analysis were undertaken by the Proponent to demonstrate that these specific lots could satisfactorily accommodate two storey dwellings. The information submitted demonstrated that two storey dwellings, limited to a maximum height of 8.5m, would retain the culturally significant district views when considered in conjunction with the existing tree line. In this respect, both Council and Heritage have commented that the additional information satisfactorily justifies the proposed dwelling height increase.

The Department considers that the proposed introduction of two storey dwellings can be achieved without detrimental impacts and is satisfied the proposed amendments to the DDC will adequately control future residential development upon these lots.

Dwelling Setbacks

It is currently proposed for integrated, medium density and dual occupancy housing to have a minimum setback requirement of 3.5m to the building façade when fronting open space. Concern was raised by Council as the potential exists for this form of development to be constructed on lots fronting the Heritage Park and Heritage View Park, resulting in an inconsistent built form along these key streetscapes.

The Proponent raised no objection to a 4.5m setback requirement applying to dual occupancy development fronting the Heritage Park; however, did not provide any specific advice to the implementation arrangements for integrated and medium density housing development. The Proponent noted that significant expense has been invested into the development of the Heritage Park and Heritage View Park and that development on lots fronting this area would likely be detached dwelling housing only.

In this respect, to ensure that development fronting the Heritage Park and Heritage View Park presents a consistent setting, the Department recommends that a condition be imposed requiring a 4.5m building façade setback apply to all development fronting the Heritage Park and Heritage View Park.

6.2 HOUSING BUILT FORM CONTROLS

Minimum Lot Size

Initial concerns were raised by Council in relation to the absence of specific subdivision controls within the DDC, however, the application of the proposed lot typologies and their minimum lot size requirements will satisfactorily address future subdivisions and subsequent development.

Within their RtS, the Proponent sought to amend the DDC further, proposing a minimum allotment size of 250sqm and a minimum width of 10m for dwelling houses on. Council again raised concerns, noting that the Proponent was yet to have demonstrated that a suitable variety of housing is available for lots down to 250sqm. Council advised that it was preferred that separate control were established for small lot housing and that control previously agreed upon with Landcom be applied, those being:

- minimum 300sqm lots;
- no zero lot lines;
- minimum lot widths of 13m; and
- dwelling design to comply with integrated housing control.

In response, the Proponent held separate discussions with Council, wherein it was agreed that a minimum allotment size of 300sqm was acceptable. However, Council maintained concerns and reiterated their previous comments that small lot housing should be developed in accordance with the integrated housing control on minimum 13m wide lots.

In considering the proposed minimum 10m allotment width for dwelling houses, the Proponent provided a Narrow Frontage Housing Product study that reviewed different housing products currently available from various project home builders. The study was prepared by the Proponent to demonstrate the variety of dwelling designs already available for lots with a minimum width of 10m. Based on the housing designs detailed within the study, lot widths ranging from 10m to 12m would generally be required, when taking into consideration the side setback controls for dwelling houses.

In this respect, the Department is satisfied that the Proponent has satisfactorily demonstrated that different dwelling house designs are currently available on lots with a minimum width of 10m. In view of the above, the Department recommends that the DDC be amended to reflect the agreed minimum dwelling house allotment size of 300sqm.

Definition of Integrated Housing

Concern was raised by Council in relation to the definition of integrated housing, in that it permits the development of lots down to 250sqm for attached or semi-detached dwellings and 300sqm for detached dwellings. Under the Blacktown Development Control Plan 2006 (DCP), Council only permits integrated development on lots down to 300sqm, with medium density development permitting the smaller varied attached and semi-detached dwellings.

The definition of integrated housing remains consistent with the definition originally approved within the DDC, dated August 2009. The requirement for all proposed integrated housing developments to be a concurrent five lot subdivision and dwelling for each lots, will allow Council the opportunity to assess the proposals as a minimum pack of five dwellings, and ensure that they satisfy the design principles and application requirements. In this regard, the Department raises no concerns with the definition of integrated housing stipulated within the DDC.

6.3 ROAD WIDTH AND DIMENSIONS

A key consideration of the proposed amendments to the DDC included the proposed deletion of Condition B3 of the Doonside Residential Parcel Concept Plan (MP06_0204) Approval. Condition B3 states:-

"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."

The proposed amendments to the DDC identify a number of changes, including the widening the carriageway of a "Local street" from 8m to 9m and decreasing the width of a "Collector street" from 11.6m to 11.0m. However, a "Park edge street" remains unchanged from the originally approved DDC, at 8.0m. Council, in their response to the proposed amendments, stated that the proposed carriageway width of 8m for the Park Edge Streets would compromise vehicular safety within the estate and considered the road type to be consistent with a Local Road (as specified in the DDC). Identical concerns were again raised within their response to the RtS. In this respect, Council objected to the deletion of Condition B3 as they believe this condition addresses both local streets and park edge streets.

Within the Director-General's Environmental Assessment Report of January 2009 on the Bungarabee Precinct and Doonside Residential Concept Plan (MP06_0204) under section 5.2.2 "Internal Design", the Department recommended that the design should generally be 9m to comply with Council requirements unless the proponent can demonstrate at the detailed design stage that a reduction in the local road width can be achieved without compromising the urban design outcome and safety. Under Council's current DCP there is only one definition of "Local Street" being 9m wide. Furthermore, *Figure 16: Road hierarchy* in the proposed DDC refers to a "Local Street" and "Local Street at Park Edge".

The Proponent submitted further details to support the proposed deletion of Condition B3 following a request from the Department at its meeting held on the 5 November 2010. Accordingly, supplementary information was provided to the Department for consideration. The Proponent's submission notes that a 9m width, in

which cars are parked on either side, would result in only a 4.8m width road for traffic movements, in which motorists may attempt simultaneously passing as two way traffic, but under tight circumstances. The report further notes that the consequence of this outcome could cause a greater number of accidents than under an 8m road width scenario, which would only facilitate a single vehicle to pass.

The Proponent has also suggested that the "Local Street at Park Edge" as shown in the DDC in *Figure 16: Road hierarchy* could be considered under a different typology of "Access Street" as defined in the Blacktown DCP. With development on both sides, this allows for short lengths (maximum of 8 dwellings or 80m) to link cul-de sac or local streets. However, it is unclear on the application of this definition outlined in the Blacktown DCP as there is a restriction of "1 travel lane with parking permitted", whereas the proposed "Local Street at Park Edge" is for two travel lanes and two parking lanes.

The Department considers that the material submitted by the Proponent is not sufficient to warrant deletion of Condition B3 at this time. The current wording of Condition B3 satisfactorily provides the Proponent the opportunity to vary the width of local roads within the Estate, subject to the satisfaction of Council. In this respect, further consultation between the Proponent and Council should be undertaken to identify an appropriate road width solution that is less than 9m if this is still required.

6.4 SOILS MANAGEMENT AND SITE CONTAMINATION

Contamination

The proposed amendments to the DDC include confirmation that a contamination and site audit have been undertaken which found the site is suitable for the proposed use. This is consistent with the Department's assessment of the Concept Plan.

Salinity

The approved DDC currently requires all subdivision applications to be accompanied by a Salinity Management Plan. The proposed amendments to the DDC seek to amend this requirement to only requiring its submission with subdivision applications where saline soils have been identified as affecting the property, as per '*Figure 10: Salinity risk areas*' within the proposed amended DDC. While the Department understands that the salinity risk areas identified cover less than half the site, Council has raised concerns that the areas affected by saline soils may have moved or increased since the initial study was undertaken and accordingly requested an addendum to the initial report undertaken to confirm the current location of saline soils to justify the proposed removal of the requirement for salinity management plans.

In response, no additional supporting documentation was provided. However, the Proponent noted that for subdivision applications for Precinct 1 within the Estate, Council imposed conditions requiring the submission of Salinity Management Plans prior to the issue of a Construction Certificate for those applications. In this regard, the Proponent raised no objection to this process continuing. However, deletion of the requirement will not satisfy the concerns of Council, to which the Department notes that even if the soils are not currently affected by salinity, the proximity to areas of saline soil suggests the site may become exposed to salinity in the future.

Consequently, management plans should be included to ensure these potential risks are considered and appropriately managed.

The Department considers that the requirement to provide salinity management plans with each subdivision plan should be retained, wherein Council will have the opportunity to waive the requirement at pre-Construction Certificate stage, should they consider this approach to be appropriate.

Cut and Fill

Concerns were raised by Council that, following cut and fill works taking place during initial subdivision bulk earth works, further works may take place by owners of individual allotments, potentially creating greater level differences between adjoining properties. Accordingly, Council requested that a restriction be placed on lots already having been subject to cut and fill to limit this from occurring.

In response, the Proponent raised concern that such a restriction would place a number of difficulties of future land owners should they wish to undertake simple landscaping works within the confines of their own allotment. Further details were provided by the Proponent demonstrating the proposed cut and fill works, where all retaining walls would be constructed on the boundary and form the actual physical property boundary, as defined under the *Divided Fences Act 1991*. In doing so, the initial retaining wall works installed pre-sale, would pre-empt any cut and fill works to individual allotments. The Department considers this approach satisfactory and raises no objections to the proposed DDC amendments.

6.5 ADDITIONAL DEVELOPMENT DESIGN CODE AMENDMENTS

Within Council's response, a number of requests were made in relation to amendments they sought the Proponent to undertake within the DDC, including the provision of updated plans and information that will assist and inform future subdivision applications. Accordingly, the Proponent raised no objections to these requests being included as conditions, including the requirement for:

- a copy of the Indigenous Heritage plan detailing the various Sensitivity Zones and relevant obligations for further works/investigations, including a reference to the need to refer to the Jo McDonald Indigenous Heritage Impact Statement;
- an amendment to the DDC to refer to the fact that the project does not constitute a controlled action or require approval under the *Environment Protection and Biodiversity Conservation Act 1999*; and
- inclusion of wording to include reference to Council's Arts and Cultural Development Section and Maintenance Section as a section of Council that is to be consulted during the design development stage of public art and place making.

The Department has recommended appropriate conditions which satisfactorily addresses the above matters.

6.6 SUSTAINABILITY

Following initial comments from Council in relation to the likelihood of improved sustainability requirements being implemented within the Estate, the Proponent has since revised its controls, requiring the potable water consumption, energy use and

greenhouse gas emissions to be in accordance with the 'Bunya Design Guideline' which exceeds current BASIX requirements.

The amended DDC provides additional controls to meet these new objectives, requiring all lots to be provided with a minimum 4,500 litre rainwater tank (capturing 100% roof runoff and connected to laundry and toilets), installation of 4 star efficient water fixtures and a number of new dwelling design controls to maximise energy efficient dwelling design.

The Department supports these measures to improve water and energy efficiency.

7. CONCLUSION AND RECOMMENDATIONS

The Department has reviewed the proposed modification to amend the Instrument of Approval and Development Design Code, approved by the Minister of Planning as part of the Concept Plan approval, to incorporate additional sustainability measures, revise the dwelling height controls for residential lots adjacent to the Heritage Park and Heritage View Park, soils management and site contamination requirements, dwelling house controls and general amendments to the Development Design Code.

The Department has duly considered the advice and submissions from public authorities and the issues raised in submissions in accordance with Section 75I(2) of the EP&A Act.

The Department has fully considered all issues relevant to the proposal and has recommended amendments to Condition B4 Development Design Code, which satisfactorily address the concerns raised by the NSW Heritage Branch and Blacktown City Council.

It is recommended that the Director, as delegate for the Minister for Planning:

- considers the findings and recommendations of this report;
- approves the modification request under section 75W of the EP&A Act; and
- signs the attached instrument.

Prepared by:

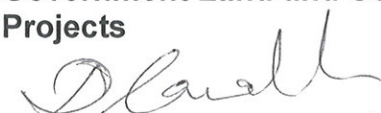
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APPENDIX1. DDC AMENDMENTS

DDC Section	Approved DDC, August 2009	MOD1 DDC, September 2010 (RtS Version)	Satisfactory? ✓ / ✗
Section 1.7 Relationship to other environmental planning instruments	<ul style="list-style-type: none"> - Made reference to the document being a DCP, in which Council's LEP took precedence over in the event of any inconsistencies. 	<ul style="list-style-type: none"> - Amended to make reference to DDC being approved under Bungarribee Concept Plan and conforming to MD SEPP. - References that Concept Plan conditions and MD SEPP take precedence over any inconsistencies. 	No objections to modification. ✓
Section 2.4.1 Indigenous Heritage	<ul style="list-style-type: none"> - Made references to the identified archaeological deposits within the estate and stipulates management principles. 	<ul style="list-style-type: none"> - Amended to make reference to the completion of an Aboriginal Archaeological and Cultural Heritage Assessment which identified sensitivity zones and recommended salvage works program and relevant conservation works. - Amended to note the receipt of Aboriginal Heritage Impact Permit under S87& S90 of <i>National Parks and Wildlife Act 1974</i> from DECCW. - Request from Council for sensitivity zone plan to be provided in DDC and make reference to Jo McDonald Indigenous Heritage Impact Statement 	No objections to modifications subject to Condition requiring DDC be amended in accordance with Council request. ✓
Section 2.5 Land Capability	<ul style="list-style-type: none"> - Made reference to Figures 9 and 10 which detail 1in100 flood areas and salinity risk areas, respectively. 	<ul style="list-style-type: none"> - Amended to include note that contamination assessment completed, including recommendation that management plan be "...prepared in the unlikely event that contamination is encountered during earthworks." 	No objection to introduction of note. No issue. ✓
Section 3.1 Urban Structure & Figure 11	<ul style="list-style-type: none"> - Made reference to key components of the Bungarribee Master Plan as illustrated by Figure 11 in the DDC. 	<ul style="list-style-type: none"> - Urban Structure amended to make reference amended pedestrian access points and crossings as amended on Figure 11: Urban structure 	No objections to the proposed amendments to pedestrian access points. ✓
Section 3.2.1 Residential density distribution	<ul style="list-style-type: none"> - Made reference to the general principles, objectives and controls for the distribution of density as detailed generally to Figure 13: Indicative lot mix 	<ul style="list-style-type: none"> - Amended to delete control requirement for single storey housing fronting Heritage Park. 	No objection. Detailed information provided to support two storey housing fronting Heritage Park. Agreement to change provided from Council and NSW Heritage. ✓
Section 3.3 Conservation Values	<ul style="list-style-type: none"> - Made reference to the principles, objectives and controls for the conservation of various ecological species identified within the estate in accordance with the <i>Environment Protection and Biodiversity Conservation Act</i> 	<ul style="list-style-type: none"> - Minor amendment to add reference to requirement for riparian buffers Southern Creek. - Request from Council for DDC to reference that project does not constitute a controlled activity under EPBC Act. 	No objections to modifications subject to Condition requiring DDC be amended in accordance with Council request. ✓

	1999.		
Section 3.4 Conservation of heritage values	- Made reference to principles and objectives for the protection of heritage.	- No modification proposed. - Request from Council for sensitivity zone plan to be provided in DDC and make reference to Jo McDonald Indigenous Heritage Impact Statement	No objections to modifications subject to Condition requiring DDC be amended in accordance with Council request. ✓
Section 3.5.6 Public art and place-making	- Made reference to principles, objectives and controls for public art within the estate.	- Minor amendment to include reference for works to be designed in consultation with Council. - Request from Council for minor amendment to wording to make reference to Council's Arts and Cultural Development and Maintenance Sections.	No objections to modifications subject to Condition requiring DDC be amended in accordance with Council request. ✓
Section 3.6.2 Road hierarchy	- Made reference to road hierarchy within the estate, including road design standards in accordance with Table 1: Road design standards.	- Amendments proposed to road design standards within Table 1, including: <ul style="list-style-type: none"> Collector road (decrease carriageway/increase parking width) Local road (increase carriageway/decrease verge width) Eco-median road (increase carriageway and traffic lane width) Park edge street (decreased road reserve and verge widths) - Amendment to Figure 22: Rear access street, to provide additional controls for street treatment.	Proposed amendments to road design standards generally supported. ✓ Concerns raised by Council in relation to deletion of Condition B3. Deletion not satisfactorily justified by Proponent. DoP recommends conditions requiring Table 1: Road design standards to be appropriately amended to be consistent with Figure 16: Road hierarchy. ✗
Section 3.6.3 Pedestrian and cycle network	- Detailed the objectives and controls to ensure pedestrian and cycle paths form a key component of Bungarabee's estate connectivity, visually expressed in Figure 23.	- Amendment to Figure 23: Pedestrian access and public transport, involving the deletion of and relocation of a proposed 'future pedestrian crossing at a signalised intersection'.	No objections to minor modification. Revised locations considered appropriate to ensure suitable access across Doonside Road. ✓
Section 4.4.1 Cut and fill	- Detailed retaining wall controls, being maximum 3.0m height and requirement for 1.5m wide terrace where retaining wall heights exceed 3.0m.	- Amended to provide max. 500mm cut and fill control for lots, material controls for retaining walls where visible and a reduction to the maximum retaining wall height to 2.0m.	No objections are raised to the additional controls and minor amendment. The greater detail will provide better control for the development of each lot. ✓
Section 4.5 Salinity	- Detailed requirement for each subdivision application to be	- Amendment to control, removing the requirement for 'all' subdivision applications	Council objected to this amendment, noting that

	accompanied by a Salinity Management Plan.	to be accompanied by a Salinity Management Plan to only those affected by 'saline soils'.	saline soils do not remain static and mapping identifying saline soils was old. Accordingly, no change was made to this requirement. ✖
Section 5 Housing: built form controls	- Details all relevant controls (i.e. height, setback, landscaping, etc) for residential development within the estate.	- Section 5.2 Streetscapes deleted from original DDC, while addition wording added to Section 5.1 Introduction, detailing the requirement for future housing design to have regard to the Bunya Design Guidelines. The guidelines will be used by the Bunya Design Review Panel for the estate, prior to approval being given for house and landscape design. Approval from the Panel is required prior to a DA with Council being lodged or Complying Development Certificate being lodged with a Private Certifier.	No objections are raised to the removal of this section. The implementation of the design review panel will ensure that the desired character of the estate is achieved. ✓
Section 5.2 Dwelling houses	- Details the relevant controls for single lot residential dwelling houses, including min. allotment size, lot frontage, dwelling heights, etc.	- Amendments sought to: <ul style="list-style-type: none"> ○ min. allotment size reduced from 450sqm to 250sqm; ○ min. allotment width reduced from 12m to 10m; ○ addition of site coverage controls; ○ landscape area requirements; ○ setback controls modified to provide greater detail in their control; ○ dwelling height controls modified to provide greater detail, specifically in relation to lots fronting heritage park. 	Concerns raised by Council in relation to allotment size and width. Matter addressed in detail in assessment. Modifications to the control generally supported, subject to condition requiring min. allotment size to be 300sqm as per agreement between all parties. ✓
Section 5.3 Dual occupancy	- Details the relevant controls for dual occupancy residential development, including min. allotment size, lot frontage, dwelling heights, etc.	- Amendment 'dual occupancy' definition to be consistent with Standard LEP Template and minor modification to controls to add min. allotment size for corner lot dual occ development and front setback to lots fronting open space. - Council request for the addition of a 4.5m setback control to Heritage Park.	No objections to modifications subject to Condition requiring DDC be amended in accordance with Council request. ✓
Section 5.4.4 Development controls for integrated housing	- Details the relevant controls for integrated housing development, including min. allotment size, lot frontage, dwelling heights, etc.	- Minor amendment to increase setback control to lots fronting open space. - Council request for the addition of a 4.5m setback control to Heritage Park.	No objections to modifications subject to Condition requiring DDC be amended in accordance with Council request. ✓
Section 5.5.2 Development	- Details the relevant controls for medium density housing	- Minor amendment to increase setback control to lots fronting open space.	No objections to modifications subject to

controls for medium density housing	development, including min. allotment size, lot frontage, dwelling heights, etc.	- Council request for the addition of a 4.5m setback control to Heritage Park.	Condition requiring DDC be amended in accordance with Council request. ✓
Section 5.6 Studios and secondary dwellings	- Made reference to the definition of a 'studio' only, including development controls.	- Amendment to definition to include 'secondary dwellings' and minor change to private open space requirement (25sqm to 20sqm) and addition of new control to prohibit studios and secondary dwellings from being located on primary street frontage.	No objections amendments. ✓
Section 5.7.1 External appearance	- Made reference to external appearance controls for housing built form, particularly within streetscape, detailing relevant objectives and controls.	- Amendments to external appearance controls to provide greater detail and greater emphasis on ensuring dwelling house designs add to the character and quality of the streetscape. - Generally, controls deleted from Section 5.2 Streetscapes of original DDC included in this section. - Reference to requirements of Bunya Design Guidelines included.	No objections to modifications. ✓
Section 5.7.2 CPTED	- Made reference to the general CPTED objectives and controls.	- Minor amendment to controls, including requirement for sheltered entry porch.	No objections to modifications. ✓
Section 5.7.3 Privacy	- Made reference to the general Privacy objectives and controls.	- Amendment to include additional control making reference to upper storey side windows and refinement to other controls to provide greater clarity to requirement.	No objections to modifications. ✓
Section 5.7.4 Residential landscaping	- Made reference to the general residential landscaping objectives and controls.	- Amendments to objectives to include emphasis on native plantings and adding to the quality of the streetscape. - New controls created to ensure plantings within front setback of dwellings, with specific requirements for lots fronting Heritage Park.	No objections to modifications. ✓
Section 5.7.5 Fencing and front hedges	- Made reference to the general fencing objectives and controls.	- Amended to include reference to 'front hedges'. - Controls revised and new controls added to provide greater clarity and add to quality of streetscape character. - Controls make reference to Bunya Design Guidelines.	No objections to modifications. ✓
Section 5.7.6 Access and Parking	- New section – generally access and parking requirements deleted from housing built form control tables.	- New section added providing objectives and controls for access and parking for the estate. - Controls provide detailed requirements for garage design, driveway design/finish and access requirements to ensure	No objections to the addition of the new section (due to modification to housing built form controls). ✓

		development adds to streetscape quality.	
Section 5.7.7 Water efficiency	- Made reference to the general water efficiency objectives and controls.	<ul style="list-style-type: none"> - Objectives amended to make reference to Bunya Design Guidelines (that exceed BASIX requirements). - Amended controls to require installation of rainwater tank and installation of 4 star fixtures to all dwellings. 	No objections to modifications. ✓
Section 5.7.8 Energy Efficiency	- Made reference to the general energy efficiency objectives and controls.	<ul style="list-style-type: none"> - Objectives amended to make reference to Bunya Design Guidelines (that exceed BASIX requirements). - Amended controls to provide greater requirements for dwelling design to max. shading. 	No objections to modifications. ✓