



14 February 2012
Heather Warton
Director – Metropolitan and Regional Projects North
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Peter McManus

Dear Heather

Modification to 06_204 - Bungarribee Estate Concept Plan

We refer to the abovementioned Concept Plan approved by the Minister for Planning on 4 March 2009 for the 730 dwelling development of the Bungarribee Residential Estate, as well as associated works (as modified). The approved Concept Plan is supported by a site specific Development Design Code (DDC), which contains the detailed controls for development of the Estate, and essentially functions as a development control plan. In addition, the Concept Plan is underpinned by a planning agreement executed between Landcom and the Minister for Planning.

The purpose of this letter is to request the Minister (or his delegate) modify the approval for Concept Plan MP 06_204 under section 75W and Clause 3C of Schedule 6A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Modification seeks to increase the maximum permissible number of dwellings that can be accommodated within the Estate from 730 to 820 dwellings. The proposed increase in dwellings is to be achieved through greater efficiency in the subdivision pattern. The extra dwellings will be contained wholly within the area already approved for residential development and will not require any additional land to be rezoned.

It is our view that the modification does not raise any significant additional environmental issues, and accordingly we have undertaken an assessment of the proposed modification against the Director General's Requirements issued for the original Concept Plan.

Should the Concept Plan be modified as proposed by this application, the executed planning agreement will need to also be modified to reflect the revised dwelling yield. The planning agreement amendment is subject to a separate process, however a copy of the draft amendment is currently being prepared and will be provided to the Department for information under separate cover. Notwithstanding, its scope is outlined below.

This letter of request is accompanied by:

- A completed application form and fee of \$8,113 for the assessment of the application;
- Indicative lot layout plans for Precinct 6 prepared by Cardno, within which the additional dwellings will be located (**Attachment A**);
- A Traffic Statement prepared by Traffic Solutions Pty Ltd (**Attachment B**); and
- A Concept Stormwater/WSUD Report prepared by Cardno (**Attachment C**).

Background

The State Government has instructed Landcom, as the Government's key residential development agency, to deliver 10,000 new allotments over the next 4 years - a 25% increase upon the previous targets set for Landcom. In response, Landcom has reviewed the capacity of its current and future projects and identified that the Bungaribee Residential Estate has the capacity to accommodate an increase in yield and contribute towards achievement of the Government's target.

Planning and delivery at the Bungaribee Residential Estate is well established. The first two stages of the development have been approved and are under construction, and Precincts 3 and 4 have been approved. In addition, a DA for Precinct 5 has been lodged with Blacktown City Council with development consent expected in early 2012. These stages of the Bungaribee development will deliver a total of 548 allotments.

Precinct 6 is the last and northern-most stage of the Bungaribee project. It is located approximately 600m south of Doonside Railway Station on the Western Railway Line and is adjacent to Doonside and Eastern Roads, both of which are readily served by existing local bus services. The Precinct's contextual location and close proximity to good public transport connections presents an opportunity to deliver additional dwellings beyond that approved under the Concept Plan. In light of the Government's 10,000 lot program, Landcom has taken the opportunity to revise the layout for this stage of the development and increase the efficiency in the design and layout of Precinct 6 and the overall Estate to deliver additional allotments (and consequently dwellings) beyond that approved under the Concept Plan.

Scope of Proposed Modification

Landcom requests the Minister for Planning modify MP 06_204 by increasing the maximum number of dwellings permitted under the current Concept Plan approval from 730 to 820 dwellings. The proposed increase in dwellings represents a proportional increase of 12% more dwellings than that currently permitted.

The following table compares the yields that were expected to be achieved under the Concept Plan layout (as currently approved) against the actual dwelling/lot numbers delivered through subsequent development applications and consents. The table also compares the number of dwellings/lots expected to be delivered in Precinct 6 under the approved and proposed Concept Plan layouts. Under this modification, Precinct 6 is proposed to deliver an additional 39 allotments, or 9% more dwellings than that already approved as shown at **Attachment A**.

Whilst approximately 804 allotments/dwellings are expected to be delivered across the entire Estate, Landcom requests the Concept Plan be modified to permit a maximum of 820 dwellings to allow for flexibility in refinements of the overall subdivision layout of the Estate. An upper limit of 820 dwellings will facilitate housing diversity and enable the construction of innovative dwelling typologies, such as secondary and dual occupancy dwellings, beyond the number of allotments to be delivered by each residential subdivision precinct.

Precinct/DA	No. of allotments in the approved indicative Concept Plan layout	No. of allotments/dwellings (including integrated housing) approved/proposed and proposed for Precinct 6	Change beyond the approved indicative Concept Plan layout
Precinct 1	102	108	+6
Precinct 2	122	125	+3
Collector Rd DA	37	32	-5
Precincts 3 & 4	198	236	+38
Precinct 5	63	79	+16
Precinct 6	184	224	+40
TOTAL	706	804	+98

No other amendments are required to support the proposed modification. The approved conditions of approval and the statement of commitments are proposed to remain as currently approved on the basis that:

- the extent of the development footprint of the overall Estate does not require alteration;

- the general road layout and connections to key road intersections do not require modification;
- the approved stormwater treatment train does not require significant modification; and
- no new controls are required to be incorporated into the DDC to address dwelling typologies, or road, open space and infrastructure requirements to give effect to the increased number of dwellings for the Estate.

Consultation

Landcom met with officers from Blacktown City Council on 14 December 2011 to discuss the proposed modification and its implications for the development and future development applications, particularly as it relates to Precinct 6. Council expressed general support for the proposal and appreciated Landcom's challenge to deliver overall dwelling targets set by the State Government.

Council requested the following matters be addressed as part of the modification:

- the overall traffic impacts of the net dwelling increase; and
- potential demand for additional services and facilities arising from increases to the Estate's residential population and consequently the need to revise the VPA and/or make provision for payment of additional monetary contributions and/or physical delivery of additional infrastructure.

Assessment of the Proposed Amendment

The modification does not significantly alter the original Concept Plan's findings and recommendations in relation to the matters listed below which were considered as part of the Environmental Assessment Report:

- Suitability of the site
- Potential environmental, social and economic impacts
- Project justification
- Compliance with statutory plans
- Residential subdivision
- Traffic and transport
- Natural resources
- European heritage
- Aboriginal heritage
- Contamination
- Drainage and stormwater
- Utilities infrastructure
- Community consultation and social sustainability
- Development staging
- Voluntary planning agreement/developer contributions
- Noise assessment
- Bushfire

The following sections do however provide an assessment of the proposed modification and demonstrate minimal environmental, economic and social impacts are anticipated beyond that already approved.

Suitability of the site

The site is suitable for the proposed modified development as:

- the revised layout enables Landcom to optimise its investment in existing and planned infrastructure for the Estate, ensuring orderly and economic development - a key objective of the EP&A Act;
- there is adequate developable area to accommodate the proposed increased yield without increasing the footprint of development beyond that envisaged by the Concept Plan and that land already zoned for residential development under Blacktown LEP 1998; and

- increasing the number of dwellings promotes a more sustainable travel behaviour and achieves key State Government policy outcomes to integrate land use and transport.

Conversely, the development as proposed to be modified is suitable to the site as it:

- is contained within the approved footprint and to be undertaken on land designated for urban purposes;
- will not alter the broader street layout or the overall urban layout approved under the current Concept Plan and thereby will not give rise to perceptible streetscape changes across the Estate. In addition, the dwelling typologies will continue to be the same as those delivered to date and recognised in the DDC;
- will not reduce the overall delivery of approved open space or landscaped areas;
- will not alter the staging of the Estate's development;
- will not generate significant increases in traffic to local or regional traffic flows or reduce the effectiveness of the connecting intersections to Doonside Road (refer to Traffic and Transport assessment below); and
- will not generate new or additional impacts beyond those already deemed acceptable under the terms of the approved Concept Plan including:
 - vegetation removal, biodiversity and ecological values;
 - known or potential Aboriginal or European heritage sites or areas;
 - bushfire protection measures; and
 - contamination, salinity and /or site remediation.

Project Justification - Dwelling Supply and Housing Affordability

The approved Concept Plan commits to the provision of “*varying lot sizes*” with the explicit aim of “*achieving a range of housing types and affordability, whilst appealing to a diverse community*” (page 24 of the approved Environmental Assessment Report). The Social Sustainability Plan submitted with the Environmental Assessment Report further detailed that:

- proposed lot sizes will range from 250m² to 550m². Of the 651 lots (then) proposed, 8% would be approximately 250m² and 18% would be approximately 350m² (page 3); and
- the 250m² lots would “*provide a relatively affordable option for lower income and smaller households*” and the 350m² lots would “*accommodate small detached or semi-detached dwellings, comprising 3 bedrooms*”, resulting in the Concept Plan making appropriate provision for “*smaller and more affordable dwellings to encourage population diversity*” (page 4).

On the basis of the above, the Social Sustainability Plan made the following recommendations in relation to housing diversity and affordability (page 19):

- “*Support the lot/housing mix proposed in the Concept Master Plan*”;
- “*Encourage provision of some smaller and more affordable dwellings as medium density housing*” in the Design Development Code; and
- “*Implement Landcom’s moderate income housing policy within the development*”.

These recommendations were formalised by Condition B2 of the Concept Plan approval which states:

"B2. Affordable Housing

Each Development Stage is to provide a range of housing and lot sizes to achieve 7.5 percent affordable housing across the overall Doonside Residential Parcel. Where possible, best endeavours should be used to attain 7.5 percent affordable housing in each development stage."

The proposed modification will not only serve to exceed the proportion of affordable housing required under Condition B2 of the Concept Plan consent, but will also deliver greater benefits to the community by achieving housing diversity and increasing the number of affordable dwellings in a housing market that is struggling to deliver this type of product in the market.

The modification is consistent with the Metropolitan Strategy and draft North West Subregional Strategy (NWSS) which collectively identify that 21,500 new dwellings will need to be accommodated in Blacktown LGA by 2031. In relation to these targets, it is important to note that the draft NWSS provides that *"any new dwelling from June 2004 will contribute to meeting the target including dwellings within existing urban areas, rural areas and Greenfield release area"*. To date in the Blacktown LGA, only 5,370 new dwellings have been built since June 2004.

The draft NWSS also expects that the majority of new dwellings will be focused around centres and transport corridors, so as to take advantage of existing services such as shops and public transport and reduce development pressures in other parts of Sydney. In planning for increased housing in existing areas, NWSS promotes a proactive response to changing supply and demand trends and projections and encourages changes to planning instruments, where necessary. This Concept Plan modification clearly complies with the strategic policy context and provides an opportunity to maximise the site's efficiency.

In addition, Census data indicates that the locality is a young and culturally diverse area. There is a high proportion of younger (aged 34 and under) and older (55 and over) community members, and in fact the locality is a younger demographic compared to the Australian average. Housing stock must therefore be delivered to cater for the local demographic. Moreover, monthly income represents approximately 66% of mortgage repayments, indicating mortgage stress (typically 30% of one's income should be attributed towards mortgage repayments). However, in contrast to the detached housing market, there is a very limited supply of smaller dwellings of high quality and at an affordable price point. Through sales of Bungaribbee's Precincts 1 and 2, Landcom has identified a market exists for high quality designed townhouses and villas that in some instances are competing with entry level detached housing and which are able to sell for approximately \$350,000 to \$400,000. The Concept Plan modification presents an opportunity to provide more affordable product to house purchasers.

Compliance with statutory plans

The proposed modification does not introduce any new uses or development beyond that already provided for pursuant to the underlying environmental planning instruments, and accordingly is permissible development in accordance with Part 4 of the Blacktown LEP 1988. Neither the Blacktown LEP 1998 nor the DDC contain FSR or other density controls that would preclude the proposed increase in dwellings.

To illustrate the indicative footprint of modified residential development that will be accommodated in Precinct 6 a plan has been prepared and included at **Attachment A**. This plan demonstrates that the subdivision for Precinct 6 will be wholly contained within the R1 zoned land within Precinct 6.

Residential subdivision and urban design

The indicative subdivision, road and open space layout for Precinct 6 generally conforms to that provided for under the current Concept Plan approval as shown at **Attachment A**. The proposed retention of the regular allotment pattern will ensure that future dwellings can readily comply with the built form controls under the DDC. Moreover, the adjustments to the Precinct 6 layout are considered acceptable as:

- the proposed subdivision pattern is designed to accord with the modified grid form street layout that allows for a high level of permeability, facilitating a highly connected urban outcome;

- there is no significant increase in south facing dwellings beyond that already approved under the Concept Plan;
- a mixture of lot sizes is proposed to be distributed throughout Precinct 6 to continue to provide housing choice to cater for different household types; and
- there will be an increase in the number of lots orientated to address the open space and the adjoining future park. This outcome provides higher amenity and greater safety for both the open space uses and on street pedestrians, as well as the future occupants of these allotments.

Traffic and transport

The approved Concept Plan and TMAP prepared by Maunsell (August, 2007) demonstrated that the traffic impacts of 730 dwellings was acceptable and could be managed. Maunsell subsequently undertook a review of the potential impacts of a 60 dwelling increase in February 2009 (from 730 dwellings to 790 dwellings). The revised TMAP prepared for the that scenario indicated that an additional 41 traffic movements per peak hour and a minor reduction in the performance of the Doonside / Douglas Rd intersection could be expected, which was considered acceptable.

The proposal to provide up to 820 dwellings is expected to generate a further 20 vehicle movements per peak hour, which will be distributed across the site's three intersections (refer to Traffic Solutions Statement enclosed at **Attachment B**). Traffic Solutions has advised that the existing performance levels of the two northern most intersections will remain, whilst the southern-most intersection at Doonside Road/Douglas Road is anticipated to perform at a "C" level of service which is still considered satisfactory and does not trigger upgrades or augmentations to the current configuration. Accordingly, Traffic Solutions has concluded that further intersection modelling is not required and the Concept Plan modification to increase the yield to 820 dwellings is supportable on traffic grounds.

Drainage and stormwater

The staged stormwater system delivered to support the residential development in Precincts 1 to 5 has been consistent with the original stormwater concept approved under the Concept Plan, and has been designed with additional capacity.

Cardno has nonetheless considered the potential need to augment the overall stormwater concept in light of the proposed dwelling increase. A concept stormwater layout has been prepared to support the current modification and to determine whether sufficient capacity exists across the site and particularly within Precinct 6 to effectively manage stormwater under the proposed dwelling yield (see Cardno's "Concept Stormwater / WSUD Report – Precinct 6" at **Attachment C**). Cardno has confirmed that subject to detailed design no augmentation to the approved stormwater concept is required.

The eco-medians envisaged for Precinct 6 have been removed in order to optimise land use and generate more uniform lots. Water quality treatment for the Precinct 6 site will be located in the invert of Concept Basin X shown on **Attachment C**, which lies wholly within land owned by Blacktown City Council. Notwithstanding this, Cardno's report concludes that the proposed stormwater system will be able to handle increased flows as result of the increased impervious area in Precinct 6 and that the overall the rainwater treatment train will be able to be designed to meet Blacktown Council's water quality standards.

Voluntary planning agreement

The existing "parent" planning agreement between Landcom and the Minister defines "the development" in Schedule 2 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."

Should the Concept Plan modification be approved, the planning agreement will need to be amended to refer to 820 dwellings, and the modified Concept Plan (including date of approval). Clause 25C of the *Environmental Planning and Assessment Regulation, 2000* (EP&A Reg) provides that a planning agreement may be amended by 'further agreement in writing signed by the parties to the agreement (including by means of a subsequent planning agreement)'. Clause 25D(2A) of the EPA Reg

provides that the Director-General must ensure that public notice of the proposed planning agreement amendment is given not less than 28 days before the agreement is amended and in the manner determined by the Minister. Accordingly, a draft agreement is currently being prepared for Landcom and will be submitted under separate cover to enable the Department to arrange the required notification.

Revisions to the total value of contributions or range of facilities is not proposed to be amended. Landcom is of the view that the total value of contributions is already approximately double the \$20,000 cap for Greenfield lots. Even if the number of dwellings was increased to a maximum of 820, the per dwelling contribution would still be in excess of \$35K per dwelling. In addition, through the staged roll out of the Estate and the subsequent execution of detailed VPAs with Blacktown City Council, Landcom has continued to provide additional contributions/facilities above and beyond those catered for under the executed parent planning agreement. For example, under the existing VPA, Landcom's contribution towards the community building and preservation of the State heritage listed archaeological remains was to be approximately \$2.9m. Landcom has voluntarily increased this to approximately \$6.5m in order to ensure proper protection of the site's heritage, and to provide a high quality community centre for residents of the site and the surrounding locality. Furthermore, the value of contributions per dwelling (under the modified Concept Plan as envisaged by this request) would also exceed the Section 94 contributions that would be payable if Council's levies were applied.

Therefore, it is considered that the value or range of facilities currently catered for under the executed planning agreement are generous and not only exceed the current population but will more than cater for an increased base population under the 820 dwelling scenario.

Conclusion

The proposed modification reflects the current scope of works and social, environmental and economic outcomes that Landcom is committed to achieving. The modification 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, 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 this strategic site to continue.

Should you have any queries or would like to discuss this matter further, please do not hesitate to contact me on 9409 4957 or sballango@jbaplaning.com.au.

Yours sincerely,

Stephanie Ballango



External consultant to Landcom and on behalf of Pat Coleman
Senior Development Manager

cc: Judy Portelli, Blacktown City Council
Jeremy Spinks, APP Corporation
Garry Neville, Cardno