

Landcom DA – Burdekin Road – Urban Design Review and Council recommendations

Note: **red text** indicates a **recommendation of DesignInc** that is responded to by Council.
purple text indicates **Landcom's summary position in response** to Council's recommendation.

Matters raised by the Panel	Urban Design Review comments and recommendations	Council's response	Landcom's response to recommendations
A. Urban design			
1. Housing typologies i. The Panel notes the demonstration project's intention to address what has been termed the ' missing middle ' of housing typologies. This housing type is defined on the Department of Planning, Industry and Environment's website as "low rise, medium density housing". Further explanation is sought as to how this typology has been applied to the Masterplan.	The missing middle - Low rise diverse housing is development that contains 2 or more dwellings and is no more than 2 storeys in height. - The manor house is the only type nominated in the Code and Design Guides that is relevant to this application. - The mix of types is different from those that constitute the 'missing middle' in the Code and Design Guides, which do not include development on battle-axe lots or the creation of new battle-axe lots and which require "a frontage to a public road" for new development. - The fundamental question remains: is this a "missing middle" project in the sense that it is replicable? - The answer for us is that parts of it are, in particular the Green Street with widened, uninterrupted verges with space for canopy trees and contiguous areas of deep soil. The shared driveway approach is positive but as it stands the resulting range of typologies is narrow and the public domain benefits not equitably spread across the whole development. More than 20 allotments are detached dwellings that sit outside the definition of 'missing middle', and the lowest density type (single detached houses) front the "Green Street" where ideally the highest density would be located next to the best landscape. - If a broader range of housing types with a more varied grain across the development could be provided along with the benefits of the Green Street, this would enhance the "missing middle" offering.	We note that there is no construction proposed on these 20 allotments fronting the 'Green Street' as part of this DA. Whilst all these lots are potentially capable of accommodating higher density housing (i.e. dual occupancy, semi-detached) due to the lot size and frontage, we only support this recommendation on lots which are located on the western side of the Liveable Street (where no increased landscaping verge is proposed) in order to minimise the interruption of the increased verge by way of bin massing. While we note that locating the higher density to face the Green Street will enhance the 'middle missing' type in a sense that is replicable, it will also result in extensive bin massing around the site which will adversely impact the space for increased landscaping within the widened verges. Recommendation A: A single product is only permitted on proposed Lots 116 to 119 inclusive, i.e. dual occupancy or semi-detached dwelling products are not permitted. This will be informed by imposing a restriction on 88b instrument on these lots. The future built form plans on these lots will also need to be approved by Landcom's Design Review Panel and product delivery of finished products by preferred builders with joint land and building contracts. Council notes Landcom's response, however the above recommendation to limit these lot to a single product, remains unchanged to address the key issue raised by Waste that the Green Street frontage resulting in the	The Growth Centres SEPP and the Codes SEPP govern the permissible uses on the site. Use of the site is not a matter for the Panel to control by way of a restrictive covenant. Even if a condition of this type was imposed, it is likely beyond power and invalid. The Courts have generally refused to uphold attempts to impose such covenants on the basis that this is a matter for planning instruments. Control over the use of land is a planning objective which should not be governed by covenants. In addition, the imposition of such a condition demonstrates an impermissible application to the DA of standards more onerous than those in the applicable planning instruments and DCP. The Courts have consistently held that that is unlawful and contravenes s4.15(1) and (3A) of the EP& A Act. Any condition imposed on the consent to this DA cannot limit what can be constructed as complying development under the Codes SEPP. There is nothing in the Codes SEPP or in the EP& A Act which prevents development from being complying development if it is inconsistent with a condition of an earlier consent for the site (other than in one minor respect not relevant to the DA). On this basis, Landcom cannot support this recommendation to restrict future permissible land uses.

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ii. e Panel suggests that the density of the demonstration project should be compared to test cases where low-rise medium density housing is applied in a perimeter block design layout, without battle-axe low-density homes in the middle of the block, in relation to urban design considerations including: - Housing yield/density - Private open space/soft landscaping - Amenity and street address. iii. The Panel also suggests comparing the demonstration project to successful housing projects both locally and overseas, rather than to adjoining lots, in relation to the above urban design considerations.	Comparison with Rear Lane Layout, low rise medium density housing in Australia and New Zealand and some established areas with battle axe lots) - Overall, the analysis clearly indicated that a laneway option could provide a more successful outcome in relation to housing yield / density, private open space/soft landscaping, amenity and street address. - Densities of up to 40 Dw/Ha are achievable with a perimeter block / laneway layout while still delivering green streets. - Green streets can be more equitably spread across dwellings in a laneway subdivision. - Traditional (ad hoc) battle axe developments result in yields around 15 Dw/Ha although this would likely increase for rectilinear blocks if the entire block was subdivided. - Amenity for (traditional) battle axe lots and their neighbours is greater when only part of the block is subdivided – in other words when the mid-block development is not back to back or very close to the street fronting dwelling. - Going forward, the battle axe subdivision remains a challenge to successful delivery of a high quality product.	increased vegetated verge precludes normal bin collection directly in front of each property and the massing of bins at designated collection points will only cater for 4 bins (2 recycling and 2 waste bins) being 2 bins for each property only (i.e the battle axe lot and the front lot). Noted. It is for the Panel to decide whether the laneway option should be explored by Landcom as an alternative in this DA. Council recommends proceeding with Demo DA based on battleaxe concept as this is informed by the DCP and if doesn't function well following delivery, then it will not be pursued further by Council on other sites.	Lots 116 to 119 include lots ranging in size from 402 m² to 455 m² with direct street frontage. Ultimately whether these lots could facilitate a future dual occupancy or semi-detached dwelling, being permissible uses on these lots, would be up to satisfying the relevant policies and development controls adopted at the time of any future development. Any type of restrictions imposed to sterilise these lots, including the requirement for BEPs would not be consistent with the requirements of the EP&A Act and Growth Centres SEPP and as such Landcom could not agree to this.
2. Streetscape i. The Panel supports the intention to achieve a 'cooler climate' streetscape on the Central Street (Rugby Street extension), and observes that this appears to have been achieved primarily by introducing shared driveways on the south side of the central road	- Where they have been proposed, the introduction of 'Green / Liveable Streets' in the demonstration project is supported and appears to be well considered with the exception of the potential impacts of hard stand area in the nature strip to service the garbage requirements of the battle axe lots. - However, the issue remains that the battle axe lots typology creates a 'liveable street' on one side of the block and a 'business as usual' street on the other side of the block – a 50% successful outcome.		

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(extension of Rugby Street), and landscaping between parallel street parking on the northern side of this road. ii. Concerns are raised that for the Grima and Lerida Street extensions which also form part of the demonstration project, there appear to be no plans for increased landscaping, shared streets or other interventions that will support cooler climate planning. Rather the street frontages on each of these streets of the demonstration project appear to have up to 15 individual driveways, with little room for landscaping.	- Should the adjoining land to the west be developed by Landcom, we suggest that Road No. 2 (the western half-road in this DA) also be designed with a deep verge and canopy trees on the other (western) half of the road, to create a greener, more liveable street. - There is a strong reliance in the masterplan and the design vision and principles in the SSDCP on the contribution of landscape areas in shared driveways to the overall amenity and useable space for residents. While we appreciate the level of design thinking and detail shown in the plan, sections and landscape plan, we are concerned that as these areas will be in shared, private ownership, the outcomes will be diluted without a maintenance regime. - The (approximately) 3 m wide planting area between Burdekin Road and the new internal road at the southern boundary of the site is in our view a very important opportunity to buffer the development and also create a pleasant edge to the shared path. We recommend this be sized and designed to support large canopy trees as part of the 'greening' of the Precinct. This would also respond to / extend the attractive character of Stanhope Parkway	- We have no objection to considering a deeper verge on the other half of the road (western) if the land is developed by Landcom in the future. However, it may need further re-design of the street layout as the current width of the road is slightly reduced due to the half construction of the road and the requirement for a retaining wall along the western boundary of the road under the current DA. - This is generally managed through a Section 88B instrument which identifies mutual obligations. A condition was already suggested for the consent which requires a right of access for other lots and mutual obligations for maintenance. This is a common practice for maintenance and access through shared driveways/battle axe handles where the number of the lots accessing the handle is not excessive. - This small portion of the land along the southern boundary is zoned SP2 Infrastructure (Local Road) under SEPP (Sydney Region Growth Centres) 2006 and is proposed to be created as a residue lot for future road widening of Burdekin Road.	
3. Address and amenity i. The Masterplan and urban design report do not currently adequately demonstrate how access to each lot is to be achieved, and how privacy, private open space and noise amelioration is to be provided for the small central lots set within the street block in particular, noting that each of the battle axe lots will interface with the private rear spaces of 5 - 7 neighbouring properties. ii. It is also noted that the absolute minimum rear setbacks appear to have been provided for all lots, which may result in poor amenity outcomes for the majority of lots. Further investigation into privacy, noise and access to private open space is requested. iii. Concern is also raised regarding the absence of a street address for the centrally located small	Solar access - Broadly, if there were 2 storeys on the mid-block battle axe lots this would not significantly impact solar access to the PPOS of adjoining properties (Note: impacts on privacy and outlook are discussed under a separate heading below). - Some lots do not appear to meet the solar access requirement (refer Appendix for details): - The proposed envelope plans for lots 602 - 606 (2 - 3 hours of sunlight). These dwellings would only have enough solar access to PPOS if it is located at the front (on the street), facing north, rather than at the rear. - The proposed envelope plans for lots 702 and 307 (1 - 2 hours of sunlight). - The proposed abutting developments on Grima and Lerida Streets, where the current locations of PPOS for the northern dwelling of each pair (shown in the block layout plans submitted as part of the DA) appear to receive between 1 - 2 hours of sunlight to 50% of the PPOS area. - Some of the lots that we found to be non-compliant would comply if fencing was not considered; it is important therefore that solar access compliance requires fences as well as the buildings themselves to be modelled. Outlook and Privacy - One of the primary issues with the battle axe lot design typology is that it ignores the fundamental urban design principle of a clearly delineated front and back (public / private) space. Sleeving a battle axe lot into what would be the rear private gardens of other lots therefore has to be carefully designed.	Throughout the Growth Centre, the DCP requires the Building Envelope Plans to be provided for lots less than 300 m² and, according to the DCP, they are not required to provide shadow diagrams at this stage as they are only indicative. In addition, the shadow impact from the adjoining sites, including the battle axe lots, was not considered in the shadow diagrams submitted for the abutting dwellings as there was no product proposed on the battle-axe lots as part of this DA.	

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homes, which also lack clear public frontages and private rear yards, each of which are recognised and respected urban design principles.	This point is recognised in the Urban Design Report by the Place Design Group which shows only single storey dwellings in the battle axe lots – the best case scenario in relation to amenity overlooking impacts and overshadowing. We consider that (as indicated in the Place Design Group masterplan) the maximum height for the battle axe lots should be one storey, ideally controlled or protected by way of the SSDCP.	We support limiting the height to single storey for the battle axe lots. However, it is important to consider how we can apply this restriction to these lots. We note though that the Growth Centre SEPP allows a maximum 16 m height for a building on this land, which would prevail over any DCP control and restrictions on the title of the land. Also, construction of the dwellings on the battle axe lots can occur by way of a Complying Development Certificate and the applicable controls under the SEPP, potentially resulting in a more intensified density on these lots. Council notes that Landcom has previously managed to successfully delivery several projects within Blacktown LGA and therefore we support Landcom's proposed delivery strategy on theses lots through the design review panel and selected builder. Recommendation B: - All battle axe lots be limited to a single storey product only, informed by: - Building Envelope Plans approved by Council as a result of a condition of consent a result of a prior to issue a subdivision certificate condition or/ - Imposing a restriction on 88B instrument for the height of the future developments on these lots (limited to one storey). The future built form plans on these is to be approved by Landcom's design review panel and product delivery of finished products by preferred builders with joint land and building contracts. It is noted that there will be minimal impacts arising from single storey products on battle axe lots in the view of solar access, outlook and privacy and will negates the need to further review the Building Envelope Plans by Council on these lots.	As discussed above in respect of, a condition requiring a restriction on title with the sole purpose of controlling future permissible development (in a way different to the applicable planning controls) could not be legally imposed and would demonstrate a breach of s4.15 of the EP&A Act by the Panel. This recommendation therefore cannot be accepted by Landcom. Notwithstanding, the Growth Centres DCP and Codes SEPP already provide detailed controls for the development of the site including setbacks, private open space and controls around the location of garages. Therefore, the need for a BEP to be placed on title to identify these requirements is unnecessary. While the controls guiding the building footprint are already in place under the adopted DCP, Landcom is willing to accept a condition of consent relating to the battle-axe lots requiring single storey development. This is offered however, on the basis that the development controls adopted under the site specific DCP for battle-axe lots are not amended as any 'squeezing' of the building footprint would impact upon the capability of a single storey building to be achieved on these lots. It has always been Landcom's intention to develop the battle-axe lots for single storey dwellings. As outlined within the SEE, Landcom included a delivery strategy on how the lots created under this DA would be delivered, including Landcom's intention to: - Invite builder partners to tender for the design and delivery of the built form. - Review all built form plans through Landcom's design review panel. The Landcom design review panel manages additional detail beyond the adopted planning controls including; all built form, landscaping, elevational colours and materials, location of air conditioning, bins, driveway finishes

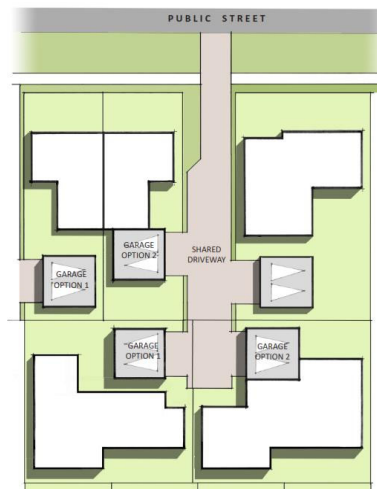
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			etc. to ensure quality outcomes are achieved. - Develop each of the four packs in groups to deliver these products holistically having regard to product consistency, buildability, streetscape, price and design. The selected building partner would construct these dwellings as approval by Landcom and Landcom would control the sales process to ensure the outcome. - Work with the selected builder on delivering the approved built form, in line with the approved plans, as endorsed by Landcom's design review panel. Products would then be sold as completed homes or with split contracts to the market by Landcom and the building partner. This delivery strategy has been successfully managed on several other projects within Blacktown City Council, other Growth Centre Precincts and other Local Government Areas where Landcom has worked with the Council to deliver Estates, including: - The Ponds Bungarribee (previously known as Bunya) - Thornton (North Penrith) - Macarthur Heights (UWS) - Oran Park - Edmondson Park
4. Design guidelines i. The Panel notes the Applicant's intention to provide detailed design guidelines for the demonstration project to ensure that the intended outcome is achieved. Noting however that the project is intended to be replicable, the Panel seeks further explanation as to how less motivated developers would be expected to take-up, and apply, the proposed design guidelines.	- We have not been provided with design guidelines for this site, although Landcom did send us examples from a previous project. We consider building plans essential for the battle axe lots, given the number and proximity of neighbours, to secure the outcomes Landcom are promoting. We do not see this as a level of detail post-DA, but integral to evaluating the subdivision pattern. - Require design guidelines to be included with the DA. - Provide building plans for battle axe lots, ideally as part of the DA, including: - internal layout - dimensions (setbacks to all sides) - location of openings for primary habitable spaces - location of Primary Private Open Space (PPOS) in relation to living room - shadow diagrams showing the above.	- We support the recommendation of the report to secure the outcome (future developments) on the battle axe lots. Recommendation C: - A prior to issue subdivision certificate condition be imposed on the consent requiring the applicant to submit Building Envelope Plans for the battle axe lots. The Building Envelope Plans are to include all building setbacks, height and location of PPOS in accordance with the guidelines as recommended by the review (under the site specific DCP section).	See the comments above in respect of Recommendations A and B regarding the inability to legally impose these conditions and the implications for the lawfulness of the Panel's assessment under s4.15 of the EP & A Act. A BEP is neither required under the Growth Centres SEPP or DCP for these lots, nor is it necessary in the present circumstances and therefore cannot be accepted by Landcom. Landcom has in place alternate arrangements as outlined above to control the building outcome over the site with the development as proposed and compliant

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		These Building Envelope Plans be imposed as an enduring requirement by a restriction on the title for the future purchasers of the lots similar to other BEPs proposed within the site for lots less than 300 sqm. Or/ 2. Imposing a restriction on 88B instrument for the height of the future developments on all battle axe to be limited to one storey only. The future built form plans on these are to be approved by Landcom's design review panel and product delivery of finished products by preferred builders with joint land and building contracts. There will be minimal amenity impacts arising from single storey products on battle axe lots in the view of solar access, outlook and privacy and will negate the need for design guidelines to be included with the DA.	with the Growth Centres SEPP and DCP requirements. The development of battle-axe lots will need to satisfy the relevant controls including amenity impacts of the applicable environmental planning instrument (EPI) that approval is ultimately sought under. The fact that BEPs haven't been considered as part of this subdivision DA does not negate the need for future applications to consider amenity impacts. Further, it cannot be assumed that without a BEP a bad outcome will be delivered on the site. However, there are already controls in place under the relevant EPIs to address building setbacks and private open space (among other things) that have been tested and apply to this site. These controls will appropriately guide the outcome of future development over these lots with no relevant or legal reason for imposing a condition for a BEP being registered on title noting any condition to this effect is likely to be invalid.
5. Architecture i. The Panel supports the light coloured roofs proposed in the application, and the diverse range of house types that illustrate the Urban Design Report, but notes that the street view illustrations for Grima Street and Road No.2 (West) included in Appendix 5 (pg 2) are repetitive and not suggestive of diverse housing types. ii. Indicative streetscapes illustrated in Attachment 5 (pg 3) and façade illustrations (pg 6) also suggest little diversity despite a minor variation in materials.	- DA documentation includes the details of four abutting house types labelled A1 to A4 on Grima Street and Road No.2 (West) - Colour for various aspects of the building facades varies within a limited palette, while the major shift in the use of materials relates to the solid portico framing the main entry to the dwellings. - The building envelopes, roof forms and siting of the buildings do not currently vary for any of the abutting house types. - We recommend Council provide conditions of consent requiring greater design variety in the abutting dwellings to 'Grima Street' and 'Road No.2 West' to create a more diverse and visually interesting streetscape. - The use of a greater variety of materials and colour palette could assist in providing some visual diversity to the streetscape. However, this approach alone has limited impact, as indicated by the images for Housing Types A1, A3 and A4 above. Where it is supported by greater articulation of the building facades (as shown in House Type A2) it is likely to be more successful. Consequently, the applicant should consider introducing variety into the housing type facades through a range of different facade elements. These could include varying front	We support the recommendations of the report to modify the design details as well as materials and colour palette. Recommendation D: - A condition be imposed on the consent requiring the applicant to submit amended plans for the proposed abutting dwellings to 'Grima Street' and 'Road No.2 West' demonstrating following: - varying front setbacks, - varying roof lines and pitch,	Landcom is willing to provide for more variation within the design through a condition of consent which could be imposed as a 'Prior to Subdivision Certificate' requirement noting that the abutting dwellings can be registered ahead of the construction certificate. However, any condition imposed must be flexible and cannot require amendments to aspects of the development where Landcom has

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	setbacks, varying roof lines and pitch, varying eaves overhangs, and / or use of differing verandah and balcony treatments, and different window sizes and proportions. - Therefore, the design of Housing Types A1, A3 and A4 should be developed to include modification of design details in addition to the proposed modification of material and color palette. - In doing so, the applicant could also consider opportunities to introduce a variety of 'sustainable' features – and not just to the front facade. As well as eaves projections over windows, other architectural projections such as sun hoods and screens to balconies could also assist with privacy issues. Given that with abutting house types, each one of the pair has a completely different relationship to sun access, we would suggest that any such features relate and respond to building orientation on the lot. The other opportunity to provide variety to the streetscape relates to the potential to vary the design of front fencing and landscaping. As noted in our review of medium density developments elsewhere, the inclusion of hedging on streets where verges are narrower and space for tree planting somewhat limited can significantly soften the streetscape.	• varying eaves overhangs, • differing verandah and balcony treatments, • different window sizes and proportions • introduce a variety of 'sustainable' features • varying front fencing and landscaping • a wider range of materials and colour on the dwellings facades This condition will be imposed as a prior to issue the subdivision certificate condition in order to not impact upon the progress of civil works across the site.	satisfied that particular standard in the DCP (i.e. front building setback, roof height and form) which would be contrary to the EP&A Act, and cannot result in significant alteration to the development proposed. This would be an attempt to impose a requirement which is more onerous than the requirements set out in the DCP and under s4.15(3A)(a) of the EP&A Act, any such attempt is expressly prohibited. The following draft condition is provided which allows for flexibility to work with Council to achieve the intent of the UDR comments, and result in only relatively minor alterations to the proposed development. These updated architectural plans would then be registered on title relating to the relevant lots requiring the construction of the approved plans. Prior to the release of the subdivision certificate relating to Lot 728 to Lot 739 and Lot 207-272 containing abutting dwellings, updated designs shall be submitted to Council providing further variation in the building appearance. This can include, but is not limited to, changes to the following design aspects in order to achieve this variation: a) <i>varying eave overhangs,</i> b) <i>exploring differing verandah and balcony treatments,</i> c) <i>consideration of different window sizes and proportions,</i> d) <i>varying front fencing and landscaping</i> e) <i>incorporating a wider range of materials and/or colour within the facades."</i>
B. Servicing and subdivision			
i. The concerns of Council's waste servicing planners regarding how the area is to be serviced, and the potential for waste servicing requirements to disrupt the proposed streetscape, are noted and further consultation	Not the subject of this urban design assessment.	• Council's Waste Section agrees that service laneways would ensure the green street embellishment would be protected. Rear laneways are easier to service for waste collection as they are not obstructed by heavy landscaping immediately adjacent to the bin collection points. A laneway would also be easier for residents as they have paved surfaces to transfer loaded bins out to for	

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requested with Council in order to resolve these matters. ii. The Panel also observes that several lots will be able to be further subdivided without Council’s involvement, through a complying development process. The Panel seeks further explanation as to how this is to be managed, and the impact of further subdivision on the urban outcome, amenity and servicing.		collection, rather than wheeling them across landscaped areas. • We believe the minimum front and rear setbacks (if imposed as recommended by DesignInc), would assist in rectifying our concerns in relation to further subdivision of the battle axe lots. It would be difficult to fit additional dwellings on the battle axe lots and also comply with the minimum front and rear setbacks. This will alleviate our concerns for future intensification of the site where there would be insufficient frontage for safe collection of waste. • Our previously recommended condition relating to bin massing across the site, as a notification to relevant owners on title, still stands as this issue is still relevant.															
C. Site Specific DCP																	
i. The Panel notes that the Alex Avenue Site Specific DCP related to the application is an annexure of the primary Growth Centres DCP for the area. The Panel is cognisant that where the Growth Centres DCP aims to limit battle axe blocks, the Site Specific DCP encourages this form of development. ii. In view of the comments above, the Panel suggests that further independent urban design testing of and consultation with Council is undertaken to address the issues described above and to determine if battle axe blocks should be encouraged.	Additions or Modifications to the Site Specific DCP controls Include a height map to secure desired outcomes, with 1 storey to the battle axe lots and a transition from the northern development through 3 storeys to the balance of the Burdekin Road site which is 2 storeys: Provide an overlay that supports visual privacy / reduces overlooking for low rise medium density housing. Such controls have been standard for residential flat buildings since 2002 (RFDC) and in our view are appropriate to seek for any development with planned battle axe lots. They also address any issues with the ‘mirroring’ of abutting dwelling types whose windows are typically opposite each other. They would support terrace typologies as well as the types in this DA. Primary habitable space = living room, dining room, bedroom, study Secondary habitable space = kitchen, bathroom, laundry, entries No outlook = garages, blank walls <table><tr><th colspan="2">Recommended overlay controls</th></tr><tr><td>Primary habitable to primary habitable space</td><td>8m</td></tr><tr><td>Primary habitable to secondary habitable</td><td>6m</td></tr><tr><td>Primary to no outlook / blank wall</td><td>4m</td></tr><tr><td>Secondary to secondary</td><td>4m</td></tr><tr><td>Secondary to no outlook / blank wall</td><td>1.8m</td></tr><tr><td>No outlook to no outlook</td><td>zero</td></tr></table>	Recommended overlay controls		Primary habitable to primary habitable space	8m	Primary habitable to secondary habitable	6m	Primary to no outlook / blank wall	4m	Secondary to secondary	4m	Secondary to no outlook / blank wall	1.8m	No outlook to no outlook	zero	Whilst Council supports the recommended height limit, it is not clear how this can be applied to the site as, noted above, the building height map under the Growth Centre SEPP allows a maximum 16 m height of building limit which prevails over the DCP controls. Whilst the intention of the recommendation is supported, this could be addressed through the Building Envelope Plans approved for the battle axe lots or alternatively impose a restriction on the 88B instrument for one storey development on the respective lots, as discussed above. As discussed above, there will be no adverse amenity impacts arising from single storey products on battle axe lots (by the way of approved BEPs or 88b restriction) and therefore there will be no need to impose the recommended overlay controls (i.e. standard for residential flat buildings) on the single storey dwellings	
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	<table><tr><th colspan="3">BATTLE AXE LOTS (Section 4.6.2 of the Site Specific DCP)</th></tr><tr><th>Element</th><th>Control</th><th>Recommendation</th></tr><tr><td>Front setback</td><td>Min. 4.5 m to building façade line Min. 3 m to articulation zone Min. 0.9 m for the garage</td><td>Remove the articulation zone allowance as the articulation zone is intended for street-fronting lots (to contain such things as entry porches that assist to interact with / overlook the street). Instead: Minimum 4.5 m to building façade line with the only projections being eaves, fasci as, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, air conditioning units, rainwater tanks and hot water units. <i>Except for</i> Minimum 0.9 m for garages, with a maximum dimension of 6 m along the adjoining property line with the front dwelling.</td></tr><tr><td>Rear setback</td><td>Min. 4 m A reduced rear setback, up to a maximum 50% of the building length, may be permitted provided the building is single storey in height and provides a minimum 2 m setback (refer to Figure 4-20) </td><td>Minimum 4 m setback UNLESS the building separation requirements are demonstrated to be met by way of building plans for the battle axe AND the adjacent lots, in which case a minimum setback of 2 m may be applied [requires amendment to Figure 4-20]</td></tr><tr><td>Soft landscaped area Landscaping and permeable surfaces</td><td>Min. 25% of the allotment area Setbacks should provide opportunities for landscaping and permeable surfaces between properties.</td><td>Min. 25% of the allotment area, preferably as consolidated / continuous areas of deep soil rather than fragmented.</td></tr></table>	BATTLE AXE LOTS (Section 4.6.2 of the Site Specific DCP)			Element	Control	Recommendation	Front setback	Min. 4.5 m to building façade line Min. 3 m to articulation zone Min. 0.9 m for the garage	Remove the articulation zone allowance as the articulation zone is intended for street-fronting lots (to contain such things as entry porches that assist to interact with / overlook the street). Instead: Minimum 4.5 m to building façade line with the only projections being eaves, fasci as, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, air conditioning units, rainwater tanks and hot water units. <i>Except for</i> Minimum 0.9 m for garages, with a maximum dimension of 6 m along the adjoining property line with the front dwelling.	Rear setback	Min. 4 m A reduced rear setback, up to a maximum 50% of the building length, may be permitted provided the building is single storey in height and provides a minimum 2 m setback (refer to Figure 4-20) 	Minimum 4 m setback UNLESS the building separation requirements are demonstrated to be met by way of building plans for the battle axe AND the adjacent lots, in which case a minimum setback of 2 m may be applied [requires amendment to Figure 4-20]	Soft landscaped area Landscaping and permeable surfaces	Min. 25% of the allotment area Setbacks should provide opportunities for landscaping and permeable surfaces between properties.	Min. 25% of the allotment area, preferably as consolidated / continuous areas of deep soil rather than fragmented.	We support the recommendations for the battle axe lots and they will be considered as a future amendment to the Site Specific DCP. Recommendation E: - On battle axe lots, the rear building setback be required to be 4 m. A rear setback of 2 m is acceptable where the dwelling is provided with a POS area having a minimum dimension of 4 m. This is to be reflected - in a Building Envelope Plans for battle axe lots as a condition of consent or/ - as a restriction on 88B instruments outling the 4 m obligation to be managed by Landcom's Design Review Panel	Future development of the battle-axe lots is proposed to be undertaken in accordance with the relevant controls adopted for the site. A BEP is not required for these battle-axe lots under the Growth Centres SEPP and DCP. Also, under s4.15(3A) of the EP & A Act, a more onerous standard than proposed in the DCP (in this case in respect of setbacks) cannot be required. Landcom does not support conditions which have the effect of amending the DCP which under s 4.15 of the EP& A Act is to be the focal point of the assessment. Possible future controls that may or may not be adopted, are not relevant considerations under s4.15, regardless of their perceived merit and it would be a legal error for the Panel or Council to take them into account. In any case, the UDR accepts the 4m rear setback and notes that this could be reduced to 2 m where amenity impacts have been considered which is in line with the site specific DCP. This assessment of impacts would be undertaken as part of the future built form application in line with the adopted policies. Any further 'squeezing' of controls beyond that adopted in the DCP, while not legally permitted under the EP&A Act, would instead likely result in the opposite effect of reducing the building footprint on the ground level and forcing the built form up. As a result, this recommendation is not supported, and instead any future development would need to address the relevant controls adopted for the site.
BATTLE AXE LOTS (Section 4.6.2 of the Site Specific DCP)																		
Element	Control	Recommendation																
Front setback	Min. 4.5 m to building façade line Min. 3 m to articulation zone Min. 0.9 m for the garage	Remove the articulation zone allowance as the articulation zone is intended for street-fronting lots (to contain such things as entry porches that assist to interact with / overlook the street). Instead: Minimum 4.5 m to building façade line with the only projections being eaves, fasci as, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, air conditioning units, rainwater tanks and hot water units. <i>Except for</i> Minimum 0.9 m for garages, with a maximum dimension of 6 m along the adjoining property line with the front dwelling.																
Rear setback	Min. 4 m A reduced rear setback, up to a maximum 50% of the building length, may be permitted provided the building is single storey in height and provides a minimum 2 m setback (refer to Figure 4-20) 	Minimum 4 m setback UNLESS the building separation requirements are demonstrated to be met by way of building plans for the battle axe AND the adjacent lots, in which case a minimum setback of 2 m may be applied [requires amendment to Figure 4-20]																
Soft landscaped area Landscaping and permeable surfaces	Min. 25% of the allotment area Setbacks should provide opportunities for landscaping and permeable surfaces between properties.	Min. 25% of the allotment area, preferably as consolidated / continuous areas of deep soil rather than fragmented.																

Matters raised by the Panel	Urban Design Review comments and recommendations			Council’s response	Landcom’s response to recommendations
	LOTS WITH SIDE LOADED GARAGES (Section 4.6.3 of the Site Specific DCP)			We support the recommendation for the side loaded lots and it can be considered as a future amendment to the DCP Recommendation F: 1. On proposed Lots 107,108, 121, 120, 114 and 115 (side loaded lots with the area of less than 300 m² and submitted BEPs) the Principal Private Open Space area (combined alfresco and outdoor open spaces areas) be increased from 16 m² to 20 m² and this is to be reflected in modified Building Envelope Plans for such lots as a condition of consent.	The proposed recommendation within the UDR for the PPOS within Lots 107,108, 121, 120, 114 and 115, to be increased from 16 m² to 20 m² ultimately amends the main body of the DCP which currently applies to this development and throughout the Growth Centres. Without any detailed analysis of the impacts these changes would have on the site and future dwellings along with justified analysis driving the change, it is considered that the current controls applying within the Growth Centres generally, can and should continue to apply to this site. <i>As previously highlighted within this response, under the EP&A Act a consent authority cannot require more onerous standards with respect to an aspect of the development than contained in the DCP. Further, there is no justification for the need to apply a more onerous control to this DA when the control was not altered as part of the site specific DCP.</i> With limited time to consider how these broad brush changes impact designs on small scale residential lots, there would need to be a lot more design analysis undertaken in relation to the control for Council to consider amending on a broader scale and not just in relation to this DA This is because the controls are interconnected with other development controls in the Growth Centres DCP and are tailored to the density of developments required to be achieved over a site. Further, if Council determines there is merit in amending this private open space control generally following an analysis of the control, this needs to be done separately outside the DA assessment process.
	Element	Control	Recommendation		
	General	2. With the exception of setback controls, the development controls for these types of lots are summarised within Blacktown City Council Growth Centres Precincts Development Control Plan, Table 4-2 ‘Summary of key controls for lots with frontage width ≥ 4.5 m for rear accessed dwellings’ and within Section 4.3 ‘Additional controls for certain dwelling types’, where relevant.	Introduce additional overlay in the SSDCP where the BCC GCDCP requires a lesser amenity standard for PPOS (see below)		
	Principal Private Open Space (PPOS)	In density areas ≥25dw/Ha: Min 16 m² with minimum dimension of 3 m. [Tables 4-2 and 4-3]  Figure 4-21 from the SSDCP shows the preferred location of garages, including (left side) what appears to be PPOS at the rear, separated from the house.	In density areas ≥25dw/Ha where lots adjoin battle axe lots: Min 20 m² with minimum dimension of 4 m. <i>The location of PPOS shown in Figure 4-21 is not preferred. Instead:</i> Primary living spaces are to open directly onto and overlook PPOS		
Rear setback	Zero lot line or minimum 0.9 m.	This is confusing. We suggest either clarification that this setback applies to garages only, or separate controls depending on whether the garage or part of the main dwelling is at the rear. For example: Minimum 4 m to building façade line. Minimum 0.9 m for garages, with a maximum dimension of 6 m along the adjoining property line with the rear dwelling.			

Matters raised by the Panel	Urban Design Review comments and recommendations			Council's response	Landcom's response to recommendations
	Garage setback from shared driveway	Minimum 0.9 m. However, turning paths must be provided to ensure that adequate manoeuvrability can be achieved for vehicles to access the garage in 2 manoeuvres or less. Where this cannot be achieved, the minimum side setback will need to be increased to ensure compliance.	It might be useful to indicate that this should be a standard domestic vehicle.		
	Soft landscaped area	Min. 15% of the allotment area.	Minimum 25% of the allotment area.		