

JRPP No.	2010SYW013
DA No.	DA 123.1/2010
Proposed Development	Subdivision of the site into 3 super lots, construction of 104 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping and subdivision thereof into 82 torrens title lots, 1 community title lot and 4 strata title lots
Location:	Lots 2,3,4,50 & 49, DP 262453, No. 4-12 Bunker Parade, Lots 47,46,45 & 44, DP 262453, No. 16-22 Bunker Parade, Lots 54 & 55, DP 262453, No. 2-3 Cronin Place, Lots 57,58,59,60,61,62 & 63, DP 262453, No. 5-11 Cronin Place, Lot 6, DP 262453, No. 15 Deakin Place, Lot 5, DP 262453, No.4-18 Reeves Crescent, Lot 51, DP 262453, No. 3 Reeves Crescent, Lots 53,32,33,34,35 & 36, DP 262453, No. 7-17 Reeves Crescent, Lots 38,39,40,41,42 & 43, DP 262453, No. 21-31 Reeves Crescent and Lot 6262453, No. 15 Deakin Place, Bonnyrigg
Applicant:	Bonnyrigg Partnerships
Report by	Mark Stephenson, Senior Development Planner Fairfield City Council

Owner: Housing NSW

Capital Investment Value: \$27,612,000

RECOMMENDATION

1. That the application proposing the subdivision of the site into 3 super lots, construction of 104 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping and subdivision thereof into 82 torrens title lots, 1 community title lot and 4 strata title lots, be approved subject to conditions as outlined in Attachment B of this report.

SUPPORTING DOCUMENTS

AT-A	Concept Plan and Stage 1 Approvals	51 page(s)
AT-B	Draft Conditions of Consent	24 page(s)
AT-C	Letter of Objection	3 page(s)

EXECUTIVE SUMMARY

This development application provides for the subdivision of the subject site into 3 super lots, construction of 104 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping and subdivision thereof into 82 torrens title lots, 1 community title lot and 4 strata title lots.

The proposed development forms part of Stage 2 of the redevelopment of the Bonnyrigg public housing estate, which has approval as a Part 3A Project from the Minister for Planning. The redevelopment of the estate is undertaken through a public private partnership between the Department of Housing and Bonnyrigg Partnerships. Once developed, the estate will comprise both public and private housing with a 30% public housing and a 70% private housing distribution throughout the site.

On 9 June 2010, the subject site was zoned 2(b) Residential under Fairfield Local Environmental Plan 1994, pursuant to Environmental Planning and Assessment Act 1979 – Section 75R(3A) Order 2010. The proposed development is permissible within the zone subject to consent. The proposed development has demonstrated general compliance with the Bonnyrigg Masterplan.

The development application was advertised in accordance with the Fairfield City-Wide DCP 2006. One (1) submission was received, however, this submission related to a totally separate issue within another stage of the Bonnyrigg Living Communities Project. As such, this submission was not considered to be relevant to the Stage 2 Development Application.

The application is referred to the Sydney West Joint Regional for consideration pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005, as the development has a capital value in excess of \$10 million.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, the Fairfield Local Environmental Plan 1994 and the Bonnyrigg Masterplan.

It is considered that the proposed development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. It is important to note that the proposal represents Stage 2 of an 18 stage redevelopment of the Bonnyrigg public housing estate, which has Concept Plan approval from the Minister for Planning. Based on an assessment of the application, it is recommended that the application be approved subject to conditions.



○ **Locality Diagram** (Source: Residential Logistics Pty Ltd, 4 February 2010)



Indicative Staging Plan (Source: Urbis, June 2008)



SITE DESCRIPTION AND LOCALITY

The subject site is located approximately 750 metres to the east of the Bonnyrigg Town Centre and is bounded by Edensor Road, Bunker Parade and Reeves Crescent in Bonnyrigg.

The subject site encompasses a number of allotments, which are known as Lots 2,3,4,50 & 49, DP 262453, No. 4-12 Bunker Parade, Lots 47,46,45 & 44, DP 262453, No. 16-22 Bunker Parade, Lots 54 & 55, DP 262453, No. 2-3 Cronin Place, Lots 57,58,59,60,61,62 & 63, DP 262453, No. 5-11 Cronin Place, Lot 6, DP 262453, No. 15 Deakin Place, Lot 5, DP 262453, No.4-18 Reeves Crescent, Lot 51, DP 262453, No. 3 Reeves Crescent, Lots 53,32,33,34,35 & 36, DP 262453, No. 7-17 Reeves Crescent and Lots 38,39,40,41,42 & 43, DP 262453, No. 21-31 Reeves Crescent, Bonnyrigg.

Currently, the site is undergoing preparatory works in accordance with the Concept Plan approval under Part 3A of the Act. The site is relatively flat and vegetation has been removed where future works will occur.

The land to the north-east on the opposite side of Edensor Road is predominantly single and two storey detached residential dwellings. St Johns Park Primary School is located to the east, near the intersection of Edensor Road and Bunker Parade. To the north and north-west is Stage 1, which is nearing completion. To the south, south-east and south-west is single storey residential development forming part of the existing public housing estate.

DEVELOPMENT HISTORY

- On 12 January 2009, the Minister for Planning granted approval for the Concept Plan for the Bonnyrigg Living Communities Project and the Stage 1 Project Applications for the subdivision of new lots, the erection of 106 dwellings and open space (Major Projects No. MP 06_0046).
- On 7 September 2009, the Minister for Planning approved a Section 75W Modification (Mod 1) of Major Project No. MP 06_0046.
- On 19 April 2010, the Minister for Planning approved a Section 75W Modification (Mod 2) of Major Project No. MP 06_0046.
- On 9 June 2010, the subject site was zoned 2(b) Residential under Fairfield Local Environmental Plan 1994, pursuant to Environmental Planning and Assessment Act 1979 – Section 75R(3A) Order 2010.

PROPOSAL

The application proposes the subdivision of the site into 3 super lots, construction of 104 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping and subdivision thereof into 82 torrens title lots, 1 community title lot and 4 strata title lots.

Specific details of the proposed development are as follows:

- Super-lot subdivision to create 3 unserviced residue lots, dedicate public land and enable the staged construction of the proposed works.
- Construction of 104 residential dwellings comprising:
 - 24 dwellings within a 4-attached building type.
 - 12 dwellings within a 3-attached building type.
 - 40 dwellings within a 2-attached building type or duplex.
 - 28 x detached dwellings.
- Public domain improvements and individual site works including site preparation/earthworks, road re-surfacing (where required), public and private landscaping works, stormwater infrastructure upgrades and individual lot servicing.
- Residential subdivision to create 82 Torrens title lots, 1 community title lot and 4 strata title lots and facilitate the sale/transfer of individual dwellings to private purchasers and Housing NSW.
- It is noted that, the property identified as Lot 6 DP 262453, known as 15 Deakin Place (former privately-owned dwelling) has been acquired by the Proponent and, in accordance with Section 75W Modification (Mod 2) of Major Project No. MP 06_0046, now forms part of the Concept Plan approval and the Stage 2 Development Application.

The plan provided below depicts the proposed dwelling layout and landscape concept design for Stage 2 of the Bonnyrigg living Communities Project.



Landscape Concept Plan

Source: Site Image, 4 February 2010

STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

1. Fairfield Local Environmental Plan 1994

On 9 June 2010, the subject site was zoned 2(b) Residential under Fairfield Local Environmental Plan 1994, pursuant to Environmental Planning and Assessment Act 1979 – Section 75R(3A) Order 2010.

The objectives of the 2(b) zone are as follows:

- (a) to set aside land primarily for the purposes of housing and associated facilities;
- (b) to provide for the orderly development of a wide range of housing types to cater for differing lifestyles and income levels;
- (c) to achieve attractive high quality residential development and allow sensitive infill development such as multi-unit housing;
- (d) to allow people to carry out a reasonable range of business activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours; and
- (e) to allow a range of non-residential uses that:
 - (i) are capable of integration with the immediate locality;
 - (ii) serve the demands of the surrounding population; and

- (iii) do not place demands on services beyond the level reasonably required for residential use; and
- (f) to allow for higher density residential flat development around business centres and railway stations.

Stage 2 comprises both detached dwellings and multi-unit housing pursuant to Fairfield Local Environmental Plan 1994. These forms of development are permissible within the 2(b) Residential zone, subject to consent. It is considered that the development meets the objectives of the zone, particularly Objectives (a), (b) & (c).

2. Threatened Species Act 1995

The Preliminary Environmental Assessment submitted for the Concept Plan included a detailed analysis of flora and fauna and an eight part test of significance pursuant to the provisions of the Environmental Planning and Assessment Act 1979 and the Threatened Species Conservation Act 1995.

Critical findings of this assessment are as follows:

The vegetation was found to be no longer representative of any endangered ecological community. The area appears to have been largely cleared of almost all vegetation approximately 30 to 40 years ago.

No species impact statement is required and no referral to Environmental Australia is required.

During preparation of the environmental assessment requirements for the Concept Plan proposal, advice was sought from the NSW Department of Environment, Climate Change and Water (formerly DECC) in relation to the above Report. The following advice was received:

Due to the existing highly developed and cleared nature of the site the DECC agrees with the preliminary assessment that no further investigations will be required with regard to impacts on threatened species, population, ecological communities and their habitat.

3. National Parks and Wildlife Act 1974

A Heritage Impact Assessment Report was prepared for the Concept Plan proposal. This report reached the following conclusions in relation to potential Aboriginal Cultural Heritage on the site:

No evidence for past Aboriginal visitation or use of the Bonnyrigg Estate study area has been identified to date.

Based on the conclusion that future works that may be proposed within the Bonnyrigg Estate study area will not impact upon any identified Aboriginal archaeological sites or objects, and that the assessed potential for undetected Aboriginal archaeological items to occur within the subject

lands is extremely low given its highly developed nature, it appears that there are no obvious Aboriginal archaeological or cultural heritage constraints at this time to the proposed future uses of the land proceeding as intended.

4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX certification has been submitted for all dwellings and is provided with the development application documentation. Installation of reticulated recycled water system is included as part of the Stage 2 works in accordance with the Revised Statement of Commitments, dated November 2008.

5. Bonnyrigg Masterplan

The Bonnyrigg Masterplan prepared by Urbis (Amended September 2008), forms part of the Concept Plan approval issued by the Minister for Planning on 12 January 2009. The Bonnyrigg Masterplan outlines specific development controls for new residential development within the estate.

Numerical compliance with the Bonnyrigg Masterplan is outlined in the following table.

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
Lot Size	Detached dwelling: Width: 8.5m (12.5m if twin garage) Depth: 27.5m 2 attached dwellings: Width: 15m (if car spaces located at rear) 17m if car spaces located at street front) Depth: 30m 3 & 4 attached dwellings: Width: 20m Depth: 30m	Whilst there are slight non-compliances with some dwellings, the non-compliances are considered minor, and the development is still acceptable	Considered satisfactory
Site Coverage	Building Footprint: Max 65% of any allotment can be built upon, including garages and car spaces Landscaped Area: Min. 35% of each allotment to be landscaped (includes hard and soft landscaping) Min. 30% of landscaped area must be deep soil	None of the allotments exceed the maximum 65% All allotments achieve the minimum landscaped area and deep soil zones	Yes Yes
Streetscape	Garages: All garages must be set back 5.5m from street frontage Max. combined width of garages fronting street not to exceed 50% of allotment width	Whilst there are slight non-compliances with some dwellings, the non-compliances are considered minor, and the development is still acceptable	Yes

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
	<p>Max. combined width of garages fronting access places not to exceed 80% of allotment width</p> <p>No triple or more garages side-by-side fronting streets</p> <p>Building Elements: All dwellings to have direct entry from street with visible front doors</p> <p>Dwellings on corner are to be designed so that one elevation addressed the street. Secondary elevation is to be visually interesting. Long blank walls are to be avoided</p>	The design and presentation of all dwellings located on corner allotments is considered to be satisfactory	Yes
Bulk and Scale	<p>Building Height: Max. 2 storeys for detached and attached dwellings, with some 3 storey elements for 'hero' sites</p> <p>Ceiling Height: Minimum 2.4m floor to ceiling heights</p>	<p>All dwellings comply</p> <p>All dwellings comply</p>	<p>Yes</p> <p>Yes</p>
Setbacks	<p>Front: A min. 80% of the width of the front elevation of the building (excl. garages and balconies) is to be setback a minimum of 4.5m from the front boundary A max. 20% of the width of the front elevation of the building may be setback a min. of 1.2m from the front boundary.</p> <p>Side: 80% of the dwelling length shall be setback a minimum 900mm A zero setback may be provided on access places</p>	<p>Again, there are minor non-compliances with some dwellings, however, these are considered satisfactory. Similar non-compliances occurred within Stage 1. However, overall the presentation to the street is not affected.</p> <p>All dwellings comply</p>	<p>Yes</p> <p>Yes</p>
Privacy	<p>Dwellings must be designed to prevent overlooking into the living areas and private open spaces of adjoining dwellings</p> <p>If this cannot be achieved, measures to ensure privacy shall be provided</p>	<p>All dwellings have been designed to maintain privacy.</p> <p>Where privacy is difficult to achieve through the layout of the dwelling, privacy screens have been provided</p>	Yes
Safety and Security	Dwellings to be designed to accord with CPTED principles.	The four (4) CPTED principles are reflected within the architectural plans. The Stage 2 dwellings are considered to be satisfactory from safer-by-design perspective	Yes
Private Open Space (POS)	<p>All ground level dwellings should achieve 18m² of POS</p> <p>All first floor dwellings should achieve 10m² of POS.</p>	All dwellings comply	Yes

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
Car Parking and Garages	Detached dwellings: 2 spaces Attached dwellings: 1 or 2 b/r – 1 space 3 b/r – 1.5 spaces Visitor parking	All dwellings provide the minimum required car parking spaces	Yes
Storage	1 b/r dwelling – 6m ³ 2 b/r dwelling – 8m ³ 3 b/r dwelling – 10m ³	All dwellings comply	Yes
Solar Access	Detached and attached dwellings must be designed to ensure the adjoining living area windows and more than 50% of their private open space on the subject site or any adjoining site receives at least 3 hours of direct sunlight between 9am and 3pm on the 21st of June.	95 out of 104 dwellings in Stage 2 comply. This equates to 91% compliance.	Yes, the majority of dwellings comply

The above table indicates that the dwellings within Stage 2 comply with the controls provided within the Bonnyrigg Masterplan, with the exception of lot size, setbacks and solar access. However, the non-compliances are considered to be minor and affect only a small proportion of the total number of dwellings proposed. As such, the development is considered worth of support.

It is noted that, the determination made by the Minister for Planning approving the Concept Plan for the Bonnyrigg Living Communities Project, allows any subsequent stage of the Project to be considered under Part 4 of the EP&A Act, so long as that stage is generally consistent with the Concept Plan approval.

In this regard, it is considered that the consent authority, when determining a Part 4 Development Application for any stage of the Bonnyrigg Living Communities Project, has the power to vary the development controls contained within the Bonnyrigg Masterplan, so long as it is considered that the development is generally consistent with the Concept Plan approval.

As indicated above, the non-compliances are minor, and the development is considered to be generally consistent with the Concept Plan approval. As such, the redevelopment of Stage 2 is considered worthy of support.

It is considered that the design of Stage 2 is an improvement upon Stage 1. This is due to the fact that there are less 3-Plex and 4-Plex designs, which are inherently problematic with regard to solar access, cross ventilation and the provision of appropriate private open space. While there are still some Plex designs present, Stage 2 adopts more traditional housing forms, such as terrace (or row) housing, dual occupancy and detached dwellings. This was Council's recommendation when the Concept Plan application was first lodged.

It is also important to note that the existing street layout makes it difficult to achieve the maximum solar access. Notwithstanding this constraint, it is considered that the design of dwellings within Stage 2 has had considerable regard to the site and its constraints and, as such, has maximised solar access and cross-ventilation, and thus has maximised the amenity afforded to future occupants of the development.

It is noted that a number of dwellings have their private open space areas located within the front setback. Whilst this is not ideal, it is noted that the developer, as part of their contract, was required to provide ground level private open space for each dwelling. Given that the development involves 3-Plex and 4-Plex designs, private open space within the front setback was inevitable. However, due to rear vehicular access, even some dual occupancies incorporate private open space in the front setback.

This design was considered acceptable for the Concept Plan and for Stage 1. As such, this is also considered satisfactory for Stage 2.

INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

Building Control Branch	No Objection, subject to standard conditions
Development Engineering	No Objection, subject to standard conditions
Subdivisions	No Objection, subject to standard conditions
Open Space Branch	No Objection, subject to standard conditions
Traffic and Road Safety Branch	No Objection, subject to standard conditions See below for a more detailed assessment
Environmental Management Branch	No Objection, subject to standard conditions See below for a more detailed assessment
Bonnyrigg Place Manager	No Objection
Manager Policy and Community Development	No Objection, subject to standard conditions See below for a more detailed assessment
Manager Special Projects	No Objection, subject to standard conditions See below for a more detailed assessment

Traffic and Road Safety Branch

Below is a summary of the advice provided by Council's Senior Traffic Engineer.

With regard to the traffic impact of the development, a traffic report was considered not to be required, given that a Transport Mobility Access Plan (TMAP) was submitted and assessed as part of the Concept Plan. The TMAP considered the level of service and capacity of the surrounding road network and recommended appropriate upgrade works. There are no upgrade works required as part of Stage 2.

Initially, it was considered that the driveways proposed along Edensor Road, between Melbourne Road and Bunker Parade, be restricted to left in/left out movements only, and in order to prevent right turns into and out of the site, physical barriers (e.g. central median islands) should be constructed.

However, given the high level of visibility along this section of Edensor Road, and given the fact that there are already driveways located along Edensor Road, a risk assessment was undertaken by Council's Traffic Branch to determine the level of risk associated with the proposed development.

The risk assessment compared Edensor Road with other roads within the LGA with similar characteristics (i.e. level of service and capacity). For example, it was found that along Canley Vale Road, there have been only 5 accidents over the 5 years from January 2004 to December 2008, for right-turning traffic.

Having regard to the risk assessment undertaken for this stretch of Edensor Road, it was considered unnecessary for vehicles exiting driveways to be restricted to left in/left out movements only or a median island preventing right hand turns to be constructed.

However, for future stages located along Edensor Road, such restrictions may be appropriate given the existing crest within Edensor Road, located just to the east of Stage 2.

No objection is raised to the proposed development, subject to appropriate conditions.

Environmental Management Branch

Council's Co-ordinator Environmental Management has advised as follows:

It is noted that Condition A3(1) of the Concept Plan approval requires the submission of a detailed contamination assessment for each stage of development.

The submitted Remedial Action Plan (RAP) prepared by JBS Environmental for Stage 1 makes reference to a range of previous investigations, including a Detailed Contamination Investigation conducted by JBS Environmental for Stage 2 of the Bonnyrigg Living Communities Project. Although this report appears not to have been submitted with the Stage 2 Development Application, a summary of the findings of the report is provided within the RAP.

The RAP appears to have been prepared in accordance with the relevant legislation and DECCW Contaminated Sites Guidelines and makes note that "privately owned residential properties are specifically excluded" from

the Stage 2 Report. These include 2 and 14 Bunker Parade; 15 Deakin Place; A, 5B and 19 Reeves Crescent; and 4 Cronin Place.

It is now understood that 15 Deakin Place has been acquired and will form part of the overall development, therefore requiring investigation and possible remediation.

In considering the conditions imposed under the approval for Stage 1, it is suggested that similar conditions could be applied to Stage 2, and therefore future stages. In this regard, a NSW EPA Accredited Site Auditor could view the relevant reports and confirm in the end that the site has been validated and is suitable for the intended use(s). Appropriate conditions will therefore be provided, that include consideration of 15 Deakin Place as part of the overall Stage 2 development.

No objection is raised to the proposed development, subject to appropriate conditions

Manager Policy and Community Development

Below is a summary of the advice provided by Council's Manager Policy and Community Development:

The Concept Plan approval contained a number of conditions that the Proponent was required to meet for each stage of the Bonnyrigg Living Communities Project. The relevant conditions are summarised below:

Condition A4 Social Impacts

- (1) The Rehousing Services Plan shall be fully implemented throughout all stages of the project.
- (2) The Community Renewal Implementation Plan shall be updated annually in liaison with Housing NSW. A copy shall be forwarded to Council following approval by HNSW
- (3) Submit a revised Community Renewal Services Plan and accompanying Implementation Plan which is to be updated on an annual basis and shall address the following:
 - (a) Undertake a Social Impact Assessment for the Aboriginal Community with mitigation strategies included in all future plans.
 - (b) Develop mitigation strategies and programs to ensure maximum use of open space and promotion of healthy living for residents within the estate. Mitigation strategies to be included in all future plans.
 - (c) Development of agreed employment targets for Bonnyrigg.
 - (d) Mitigation strategies to be developed for children and families to minimise potential negative impacts from the redevelopment. Mitigation strategies to be included in all future plans.
 - (e) Review the Re-housing Strategy to limit the number of empty dwellings prior to demolition within each stage of development.

- (f) Evaluation and monitoring strategy to be updated to include The Premier's Council for Active Living's participation in the ongoing monitoring and evaluation strategies for the renewal project. This shall be linked to the mitigation strategies and programs to be developed for use of open space and promotion of healthy living measures.

In support of the Stage 2 Development Application, the Proponent has submitted the Rehousing Plans and Community Renewal Service Plans as required by the Concept Plan.

Bonnyrigg Partnerships should be commended for the community renewal works they have undertaken. While Housing NSW is focused on the renewal within the estate, Councils role in reviewing the Plan is to ensure that a broader assessment is undertaken and that the impacts on the broader community are addressed.

The Community Renewal Plan and associated Implementation Plan has changed format and emphasis. This allows strategies to address specific population groups, however narrows the opportunity to look at integrated strategies and strategies which extend beyond the boundaries of the estate.

However, no Aboriginal Social Impact Assessment has been made available to Council for consideration. The Concept Plan approval requires that the Proponent "Undertake a Social Impact Assessment for the Aboriginal Community with mitigation strategies in all future plans" (Condition A4 (3)(a) of Concept Plan approval).

While the development is undertaking an extensive community renewal program and is positive in its approach and outcomes, it is disappointing that the above issues have not been addressed and provided to Council for consideration as part of the ongoing development approval process. While they are significant issues, it is felt they should not preclude approval of Stage 2 being issued. However, they should be addressed prior to the commencement of the next stage of the project.

It is important to note that Council does not have an assessment role with regard to the submission of the above Plans in order to meet Condition A4 – Social Impacts. Under the Concept Plan approval, the abovementioned Plans are required to be submitted to, and approved by, Housing NSW on an annual basis.

Manager Special Projects

Council's Manager Special Projects has advised as follows:

The Stage 2 Development Application is considered to be consistent with the approved Concept Plan. The works contained in the Stage 2 Development Application are considered to be consistent with the Infrastructure and Services Delivery Plan (ISDP) and Voluntary Planning Agreement (VPA) as agreed between Council and the Proponent.

EXTERNAL REFERRALS

During the assessment process, comments were sought from a number of external bodies who were considered to have an interest in the proposed development. Detailed below are the comments received from those external bodies.

Department of Planning

The Department of Planning stated that *“The Stage 2 proposal is considered to be generally in accordance with the Concept Plan approval (MP06_0046) subject to the submission to Council of a Tree Assessment Report and further details of potential contamination of 15 Deakin Place for assessment prior to determination”*.

With regard to the above, a Tree Assessment Report was submitted by the Proponent. The Tree Assessment Report indicated that many of the tree specimens existing on the site have significant defects and / or are unstable now, or have the potential to be unstable in the future. This is due to a lack of maintenance of the trees causing many to crowd each other and become damaged and unstable.

The report has identified a number of trees that are healthy and could be retained should the development permit. However, these trees do not have to be retained. It is noted that the development has been designed to retain as many trees as possible. There are also a number of replacement trees to be planted and, as such, there is an increase in the number of trees overall.

Having regard to the findings of the Tree Assessment Report, no objection is raised to the removal of the trees identified within the Report.

With regard to the potential contamination of 15 Deakin Place (i.e. former privately-owned dwelling), Council’s Environmental Management Section has indicated that the Remedial Action Plan (RAP) submitted with the Stage 2 Development Application makes note that *“privately owned residential properties are specifically excluded”* from the Stage 2 Report.

With regard to the above, Council’s Environmental Management Section has recommended that the RAP be amended prior to the issue of a Construction Certificate to include and address any potential contamination of the property known as 15 Deakin Place.

Roads and Traffic Authority

The Roads and Traffic Authority has stated that, *“The information provided has been reviewed and the RTA raises no objection to the Bonnyrigg Estate redevelopment (Stage 2)”*.

PUBLIC NOTIFICATION

In accordance with the Fairfield City-Wide Development Control Plan 2006, the application was notified to adjoining and surrounding owners and occupiers for a period of fourteen (14) days.

During this time, one (1) letter of objection was received from the residents of Emma Close and Louise Place in Bonnyrigg, which included eighteen (18) signatories. This letter raised objection to an existing car park located within the Stage 1 open space area and the erection of amenities block adjacent to the car park. Concern was raised specifically with regard to the potential traffic generated by the car park, odour from the amenities block, rubbish from users of the facilities and noise pollution from cars.

This objection was also received during the assessment of the Concept Plan and Stage 1 Project Applications. As part of the commitments made by the Proponent, an amenities block is to be provided near the open space facilities within Stage 1. The objection was assessed by Council staff, and then considered by Council's Independent Hearing and Assessment Panel who recommended that the amenities block be relocated further west so that residents along Louise Place (next to Emma Close) would have better sight lines over the park (Refer Attachment A – Condition A6(2)). This recommendation was accepted by the Department of Planning.

It is noted that subject car park is located approximately 200 metres from the Stage 2 site area. On this basis, and considering that the matter was dealt with during the assessment and determination of the Concept Plan and Stage 1 Project Applications.

As such, this submission is not considered to be relevant to the Stage 2 Development Application.

SECTION 94 CONTRIBUTIONS

The Concept Plan and subsequent development of Stage 2 is subject to a Voluntary Planning Agreement. The works contained in the Stage 2 Development Application are considered to be consistent with the Infrastructure and Services Delivery Plan (ISDP) and Voluntary Planning Agreement (VPA) as agreed between Council and the Proponent. As such, there are no Section 94 Contributions applicable to this development.

Section 79C Considerations

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) Any environmental planning instrument

The proposed development is permissible within the 2(b) Residential zone and is considered to be consistent with the objectives of that zone.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft environmental planning instruments that relate to the site.

(iii) any development control plan

The proposed development has demonstrated general compliance with the requirements of the Bonnyrigg Masterplan.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

The works contained within the Stage 2 Development Application are considered to be consistent with the Voluntary Planning Agreement (VPA) as agreed between Council and the Proponent.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

There are no matters prescribed by the Regulations that apply to this development.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

It is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality.

(c) the suitability of the site for the development

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

(d) any submissions made

One (1) submission was received during the notification process, however, as indicated within the Notifications section of this report, this submission is not considered to be relevant to the Stage 2 Development Application.

(e) the public interest

It is considered that the proposed development is in the public interest.

TOWN PLANNING ASSESSMENT

The proposed development of Stage 2 of the Bonnyrigg Living Communities Project is permissible within the 2(b) Residential Zone subject to consent, and is considered to be an acceptable form of development.

It is considered that the Proponent has addressed all the relevant conditions within for the Concept Plan approval for the redevelopment of the Bonnyrigg public housing estate.

The Stage 2 dwellings are considered to be a significant improvement on Stage 1. Even though the site is constrained by the existing street layout, the position and layout of the dwellings have been designed to maximise solar access and cross-ventilation.

Even though there are still a few 'Plex' designs, the predominant housing form is a more conventional style of residential architecture and, as such, the amenity to future occupants is increased and is considered satisfactory. From

a visual point of view, the designs are adequately articulated and there is a good mix of materials and finishes used.

Whilst there are a few non-compliances with the Bonnyrigg Masterplan, particularly with regard to lot size, setbacks and solar access, the non-compliances are only minor and affect only a small proportion of the total number of dwellings proposed. As such, the minor non-compliances are considered satisfactory and the development is worthy of support.

Overall, the proposed development is considered to be satisfactory and is recommended to be approved subject to conditions.

RECOMMENDATION

1. That the application proposing the subdivision of the site into 3 super lots, construction of 104 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping and subdivision thereof into 82 torrens title lots, 1 community title lot and 4 strata title lots, be approved subject to conditions as outlined in Attachment A of this report.