

Proposal: Subdivision of the subject site into 6 super lots, construction of 159 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping, and subdivision thereof into 137 torrens title and 1 strata title lot (Stage 3).

Location:

- Lot 6622, DP 790377 Bunker Parade;
- Lots 92-98, DP 262456, No. 3A-15 Bunker Parade;
- Lots 67, 68, 76-78 & 91, DP 262456, No.'s 21-22, 24-26 & 28 Barseden Street;
- Lots 79-81, 83 & 84-89, DP 40781-40783 & 40785-40791, No.'s 2-4 & 6-12 Kemp Place;
- Part of Lot 99, DP 262456, No. 1-22 Stroud Way;
- Lots 69-75, DP 42410-42416, No. 1-7 Donovan Place;
- Part of Lot 104, DP 262456, Edensor Road (Bunker Road Reserve);
- Part of Lot 102, DP 262456, No. 3 Bishop Crescent, Bonnyrigg.

Owner: Housing NSW

Proponent: Bonnyrigg Partnerships

**Capital
Investment**

Value: \$39,600,000

File No: DA 1303.1/2010

Author: Mark Stephenson, Senior Development Planner
Fairfield City Council

RECOMMENDATION

That the application be approved in accordance with the draft conditions as provided at Attachment B.

AT-A Submission from Applicant	10 pages
AT-B Draft Conditions of Consent	27 pages

SUMMARY

On 6 October 2011, the Sydney West JRPP considered Development Application No. 1303.1/2010 proposing the subdivision of the subject site into 6 super lots, construction of 159 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping, and subdivision thereof into 137 torrens title and 1 strata title lot.

The JRPP recommended the following:

“Recommendation:

The JRPP is of a mind to approve the application but notes there are a number of non-compliances with the Bonnyrigg Masterplan which has been recently reassessed by the Planning Assessment Commission, and believes the non-compliances to be substantial and so requires changes as follows;

- 1. Deletion of the deferred commencement consent condition.*
- 2. The submission of amended plans that address the following changes:*
 - i. The apartment complex is to provide visitor carparking on site as required by the Bonnyrigg Masterplan at a rate of 1 space per 4 units;*
 - ii. The location of driveways must achieve compliance with AS 2890.1.2004;*
 - iii. Allotments 3310 and 3408 are to be deleted and the subdivision reconfigured, because of the lack of solar access in accordance with the Bonnyrigg Masterplan.*

Amended plans are to be submitted within 4 weeks of this decision and to be the subject of a further Council Town Planning assessment, to be referred to the JRPP for final determination”.

Amended plans addressing the above recommendation were submitted to Council on 3 November 2011 electronically, with a hard copy package submitted on 9 November 2011. Prior to this submission, a number of meetings were held between Council staff and representatives of the Applicant in order to facilitate the required changes. It is considered that the amended plans now achieve a satisfactory level of compliance with the Bonnyrigg Masterplan, and as such, the changes are worthy of support.

The amended plans were notified to the three (3) privately-owned allotments located within the Stage 3 development proposal for a period of fourteen (14) days. No objections were received.

Whilst the amendments are not strictly in accordance with the recommendation of the JRPP, in that the two (2) lots required to be deleted have been retained, it is considered that the amended dwellings within Stage 3 are now satisfactory with regard to private open space, cross ventilation, solar access, privacy, overshadowing, landscaping, architectural presentation, car parking, and vehicle access.

In addition to the plan amendments, the Applicant has proposed changes to a number of the draft conditions of consent. The proposed changes were also assessed and accommodated where considered appropriate.

Based on an assessment of the amendments, the application is now recommended for approval.

AMENDMENTS

- i. *The apartment complex is to provide visitor carparking on site as required by the Bonnyrigg Masterplan at a rate of 1 space per 4 units.*

The apartment complex has been amended to provide visitor car parking at the required rate. To accommodate the reconfigured car parking area, the adjacent 5 metre wide road fronting the park was changed to a 3 metre wide cycleway. No objection is raised to this change.

Council's Senior Development Engineer has assessed the amended design of the car parking area and has indicated that the design complies with the Australian Standards, and as such, raises no objection to the amendments.

- ii. *The location of driveways must achieve compliance with AS 2890.1.2004.*

To achieve compliance with the Australian Standards, seven (7) lots were redesigned so that their driveways were at least 6 metres from the corner. Six (6) lots were provided with new dwelling products, whilst the seventh lot was slightly increased in width in order to comply. The six (6) new dwellings have a completely different layout and orientation given the need to reconfigure vehicle access and garages. All dwellings achieve the minimum lot width and comply with the minimum requirements for private open space and solar access to internal and external areas.

The amended designs adjoining private allotments were forwarded to these residents for their comments. No objections were raised to the proposed changes. Accordingly, the amended allotment and dwelling designs are considered satisfactory.

- iii. *Allotments 3310 and 3408 are to be deleted and the subdivision reconfigured, because of the lack of solar access in accordance with the Bonnyrigg Masterplan.*

The above recommendation should read Lot 3110 and not 3310. Instead of deleting Lot 3110, the three affected allotments (Lot 3109, 3110 and 3111) have been reorientated, so that all three have backyards facing north. As such, all three lots comply with the amended lot width controls and also comply with solar access requirements. Whilst the back of all three dwellings face the northern-adjointing private lot, all dwellings have been designed to maintain privacy.

With regard to Lot 3408, the width of the allotment was increased to achieve the minimum 8.5 metres and thus comply with the amended controls within the Bonnyrigg Masterplan, as imposed by the Department of Planning. This dwelling also achieves satisfactory solar access to internal and external living spaces as a result. To achieve this, all lots along this street were reduced in width, however, they all still comply with the minimum allotment width, and thus satisfactory solar access is still maintained.

It is considered that the amended dwellings within Stage 3 are now satisfactory with regard to private open space, cross ventilation, solar access, privacy, overshadowing, landscaping, architectural presentation, car parking, vehicle access, and the level of compliance with the Bonnyrigg Masterplan. In this regard, it is recommended that the amended design be approved.

DRAFT CONDITIONS OF CONSENT

The Applicant has provided Council with proposed changes to some of the draft conditions of consent. The justification for the proposed changes as detailed by the Applicant is contained within their submission, and is provided at Attachment A.

Below is Council's response to the proposed changes as detailed within the submission:

i. Description of Development

Council raises no objection to the proposed amendment. However, the latest submission includes an amended subdivision plan for Stage 3, which now proposes to subdivide Stage 3 into 8 super lots and 4 residue lots, 137 torrens lots and 2 strata lots. In this regard, it is recommended to amend the development description to the following:

"Description of Development:

Subdivision of the subject site into 8 super lots and 4 residue lots, construction of 159 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping, and subdivision thereof into 137 torrens title and 22 strata title lots (Stage 3)."

ii. Conditions 13, 40, 42 & 44

Council raises no objection to the proposed amendments.

iii. Condition 45

It is noted that the wording replicates a Condition contained in Stage 2. However, the same issue applies to Stage 3. In this regard, the wording of Condition 45 is proposed to be amended to the following:

“45. No Stopping

An application shall be submitted to Fairfield City Council’s Built Systems Manager with regard to the installation of ‘No Stopping’ restrictions for the full frontage of the subject site along Edensor Road. The ‘No Stopping’ restrictions shall apply on school days only, between the hours of 8.00am to 9.30am and 2.30pm to 4.00pm. All works shall be at no cost to Council.”

iv. Condition 51

This condition is not about funding. The relocation of any bus shelters requires the consent of the relevant local bus company. As such, it is recommended that the condition remain as imposed.

v. Condition 53

Council raises no objection to the proposed amendments.

vi. Condition 55

Council has charged fees for the superlots and the individual lots within those superlots because that is what the application proposes, and that is what is reflected within the submitted plans, which includes separate Deposited Plans for each super lot and residue lot within Stage 3, and for the individual lots.

It is noted that the subdivision plan has changed again in the latest submission. It is now proposed to subdivide Stage 3 into 8 super lots, 4 residue lots, including 137 torrens lots and 2 strata lots.

In consultation with the Applicant’s Subdivision Engineer, Council’s Coordinator Engineering Assessment has recommended the following condition with regard to fees:

“55. Subdivision Certificate Release Fee

The payment to Council of a Subdivision Certificate release fee in accordance with Council’s Annual Schedule of Fees and Charges. Please note that this fee is subject to review each financial year. The value of this fee will be reviewed by Council in accordance with the rates listed in Council’s Annual Schedule of Fees and Charges following compliance with the conditions of approval and the submission of the Subdivision Certificate.

At the time of issuing this consent, the fee is;

- Stage 3 - \$1,410.00 (Includes 8 super lots and 4 residue lots)
- Lot 31 – \$1520.00 (Includes 16 individual torrens lots)
- Lot 32 – \$2,565.00 (Includes 27 individual torrens lots)
- Lot 33 – \$3,895.00 (Includes 41 individual torrens lots)
- Lot 34 – \$2,660.00 (Includes 28 individual torrens lots)

- Lot 35 – \$665.00 (Includes 7 individual torrens lots)
- Lot 36 – \$1,710.00 (Includes 18 individual torrens lots)

56. Issue of Strata Certificate

Should Council be nominated to issue the Strata Certificate, Council will require the final plan proposed to be lodged with the Office of Land and Property Information and six (6) copies thereof. A fee in accordance with Council's Annual Schedule Fees and Charges is applicable for issue of a Strata Certificate. Please note that this fee is subject to review each financial year. The value of this fee will be reviewed by Council in accordance with the rates listed in Council's Annual Schedule of Fees and Charges following compliance with the conditions of approval and the submission of the final plan of subdivision. At the time of issue of the development consent this fee is:

- Lot 37 – \$700.00 (Includes 10 individual strata lots)
- Lot 38 – \$840.00 (Includes 12 individual strata lots)"

vii. Conditions 61 & 62

These conditions relate to approved engineering plans and specifications issued with an Engineering Construction Certificate. The alignment of the roadway must be in accordance with the engineering plans and not the architectural plans specified in Condition 1. As such, it is recommended that the condition remain as imposed.

viii. Condition 70

Council raises no objection to the proposed amendments.

ix. Condition 71

The Applicant and Council's Coordinator Environmental Management Section have agreed on the following amendment.

"1. Wheel Wash Facility

"Further to the requirements of Condition 59, the erosion and sediment control plan shall include detailed controls for all access points to ensure that all vehicles departing the Construction Site do not deposit dirt, mud or debris on council roads. Any instruction by council regarding compliance with vehicle controls leaving the Construction Site as per the approved erosion and sediment control plans or any required clean up of road pavements shall be complied with as soon as practicable."

x. Condition 81

This condition relates to a restriction for future land owners, not the developer. It is noted that the s.88b restriction indicated by the Applicant lasts for a maximum of only 5 years, or the date on which Becton has sold the allotment. The restriction imposed by Council lasts for the life of the development, and is not about fencing per se, but is imposed on all corner allotments to ensure that visibility, and thus traffic safety, is maintained. As such, it is recommended that the condition remain as imposed.

RECOMMENDATION

That the application be approved in accordance with the draft conditions as provided at Attachment B.