

**Proposal:** Subdivision of the subject site into 5 residue lots, 64 Torrens title lots and 30 Strata title lots, and the construction of 94 residential dwellings comprising 30 garden apartments, 12 attached dwellings and 52 detached dwellings, and ancillary works including site preparation/earthworks, road re-surfacing, public and private landscaping works, stormwater infrastructure upgrades and individual lot servicing.

**Location:**

Stage 4a	Lot 65, D.P. 262453	No.'s 1-25 Hosking Way
	Lot 11, D.P. 1143255	No. 50 Reeves Crescent
	Lot 12, D.P. 1143255	No. 14A Shoemaker Place
	Lots 254 & 255, D.P. 262449	No's 32-34 Bunker Parade
	Lots 256 to 265, D.P. 262449	No.'s 1-10 Shearing Place
Stage 4b	Lot 101, D.P. 262456	No.'s 1-19 Kennedy Way & No.'s 1-10 Brady Way
	Lot 102, D.P. 262456	No. 3 Bishop Place
	Lot 414, D.P. 262456	No. 104 Edensor Road

**Owner:** Housing NSW and Fairfield City Council

**Proponent:** Bonnyrigg Partnerships C/- Urbis

**Capital  
Investment**

**Value:** \$25,499,000

**File No:** DA 1098.1/2011

**Author:** Mark Stephenson, Senior Development Planner  
Fairfield City Council

**RECOMMENDATION**

1. That the application proposing the subdivision of the subject site into 5 residue lots, 64 Torrens title lots and 30 Strata title lots, and the construction of 94 residential dwellings comprising 30 garden apartments, 12 attached dwellings and 52 detached dwellings, and

ancillary works including site preparation/earthworks, road re-surfacing, public and private landscaping works, stormwater infrastructure upgrades and individual lot servicing, be approved subject to conditions as outlined in Attachment D of this report.

2. That the objector be advised of the Joint Regional Planning Panels' decision on this matter.

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## **SUPPORTING DOCUMENTS**

<b>AT-A</b>	Modification to Major Project No. MP 06_0046 (Mod 4)
<b>AT-B</b>	Architectural Plans
<b>AT-C</b>	Statement of Environmental Effects
<b>AT-D</b>	Draft Conditions of Consent

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## **EXECUTIVE SUMMARY**

This development application proposes the subdivision of the subject site into 5 residue lots, 64 Torrens title lots and 30 Strata title lots, and the construction of 94 residential dwellings comprising 30 garden apartments, 12 attached dwellings and 52 detached dwellings, and ancillary works including site preparation/earthworks, road re-surfacing, public and private landscaping works, stormwater infrastructure upgrades and individual lot servicing.

The proposed development is identified as Stages 4a & 4b of the Bonnyrigg Living Communities Project, which is the redevelopment of the Bonnyrigg public housing estate. This Project 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 13 July 2012, the Planning Assessment Commission (PAC) approved a Section 75W Modification (Mod 4) to the Major Project approval. In brief, the changes to the Concept Plan include: increase in the number of dwellings by 168 to 2,500; increase in public open space of 1,300sqm to 12.13 hectares; increase in the size of the community facility; introduction of terrace housing; and minor amendments to design controls.

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.

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 \$20 million.

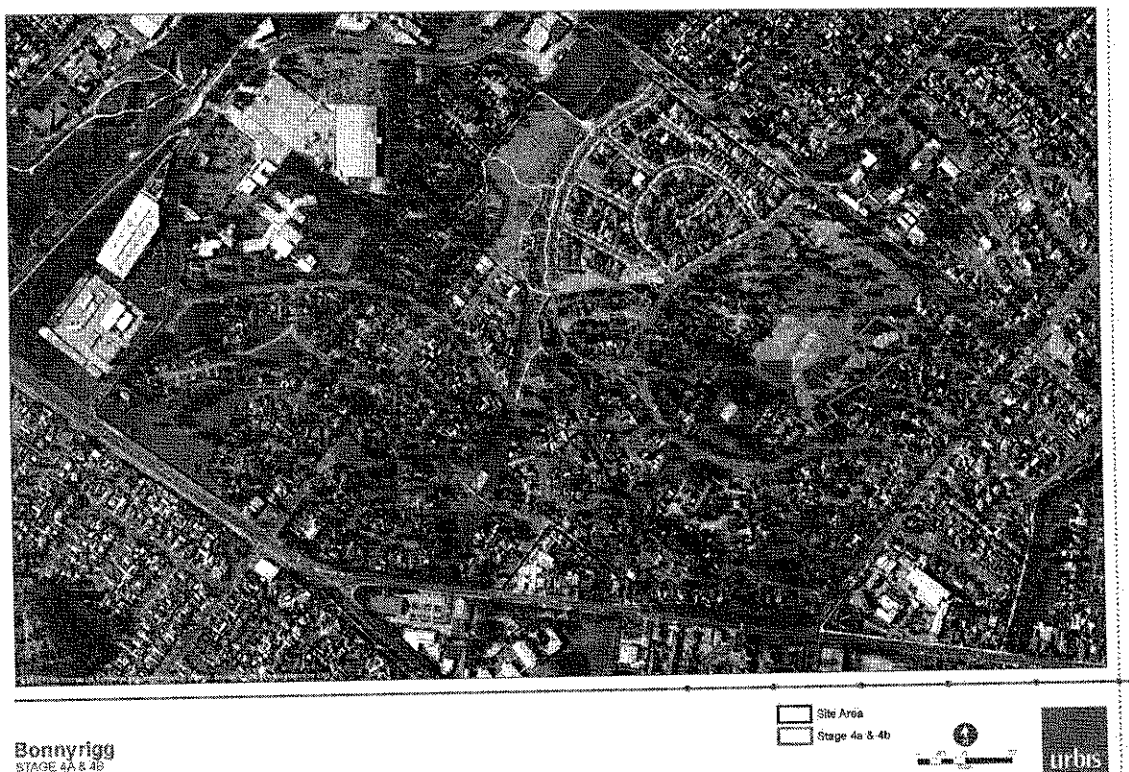
It is considered that the proposed development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. It is important to note that the proposal represents Stages 4a & 4b of an 18 stage redevelopment of the Bonnyrigg public housing estate, which has 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.

#### **SITE DESCRIPTION AND LOCALITY**

The subject site encompasses a number of allotments, which are identified as follows:

<b>Stage 4a</b>	Lot 65, D.P. 262453	No.'s 1-25 Hosking Way
	Lot 11, D.P. 1143255	No. 50 Reeves Crescent
	Lot 12, D.P. 1143255	No. 14A Shoemaker Place
	Lots 254 & 255, D.P. 262449	No's 32-34 Bunker Parade
	Lots 256 to 265, D.P. 262449	No.'s 1-10 Shearing Place
<b>Stage 4b</b>	Lot 101, D.P. 262456	No.'s 1-19 Kennedy Way & No.'s 1-10 Brady Way
	Lot 102, D.P. 262456	No. 3 Bishop Place
	Lot 414, D.P. 262456	No. 104 Edensor Road

Stages 4a & 4b are located approximately 500 metres and 900 metres respectively to the east of the Bonnyrigg Town Centre. Stage 4a is bounded by Bunker Parade to the east and Tarlington Reserve to the west. Stage 4b is bounded by Bishop Crescent to the east and Bunker Reserve to the west. Currently, both sites are undergoing preparatory works in accordance with the Concept Plan approval.



Source: Urbis, 2011

## 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.
- On 28 July 2011, the Planning Assessment Commission approved a Section 75W Modification (Mod 3) of Major Project No. MP 06\_0046.
- On 23 December 2011, the Joint Regional Planning Panel approved Development Consent No. 1303.1/2010 for the construction of Stage 3.

- On 9 July 2012, the Planning Assessment Commission approved a Section 75W Modification (Mod 4) of Major Project No. MP 06\_0046.

## PROPOSAL

This application proposes the subdivision of the subject site into 5 residue lots, 64 Torrens title lots and 30 Strata title lots, and the construction of 94 residential dwellings comprising 30 garden apartments, 12 attached dwellings and 52 detached dwellings, and ancillary works including site preparation/earthworks, road re-surfacing, public and private landscaping works, stormwater infrastructure upgrades and individual lot servicing.

Specific details of the proposed development are as follows:

### Subdivision

The proposed subdivision will create:

- 64 Torrens lots (Lots 4100 to 4138 inclusive and Lots 4200 to 4224)
- 2 Development Lots for the proposed apartment buildings (Lots 4225 & 4226 comprising 30 Strata Lots)
- 5 Residue Lots (Lots 4139, 4140, 4227, 4228 & 4229)

### Residential Dwellings

#### *Apartments*

- 30 garden apartments accommodated within two x three-storey residential flat buildings.
- The western-most building comprises 18 x 2 bedroom private apartments. This private apartment complex is provided with 23 on-grade car parking spaces at the rear of the building.
- The eastern-most building comprises 12 x 2 bedroom public apartments, including 4 adaptable apartments on the ground floor. This public apartment complex is provided with 15 car parking spaces, including 4 disabled parking spaces.
- All 30 garden apartments are dual aspect providing good cross ventilation and access to northern sunlight.

#### *Attached and detached dwellings*

- 12 x 3 bedroom attached dwellings
- 52 detached dwellings, comprising 21 x 3 bedroom, 28 x 4 bedroom, and 3 x 5 bedroom dwellings.

- Each dwelling (whether attached or detached) is provided with two (2) car parking spaces.

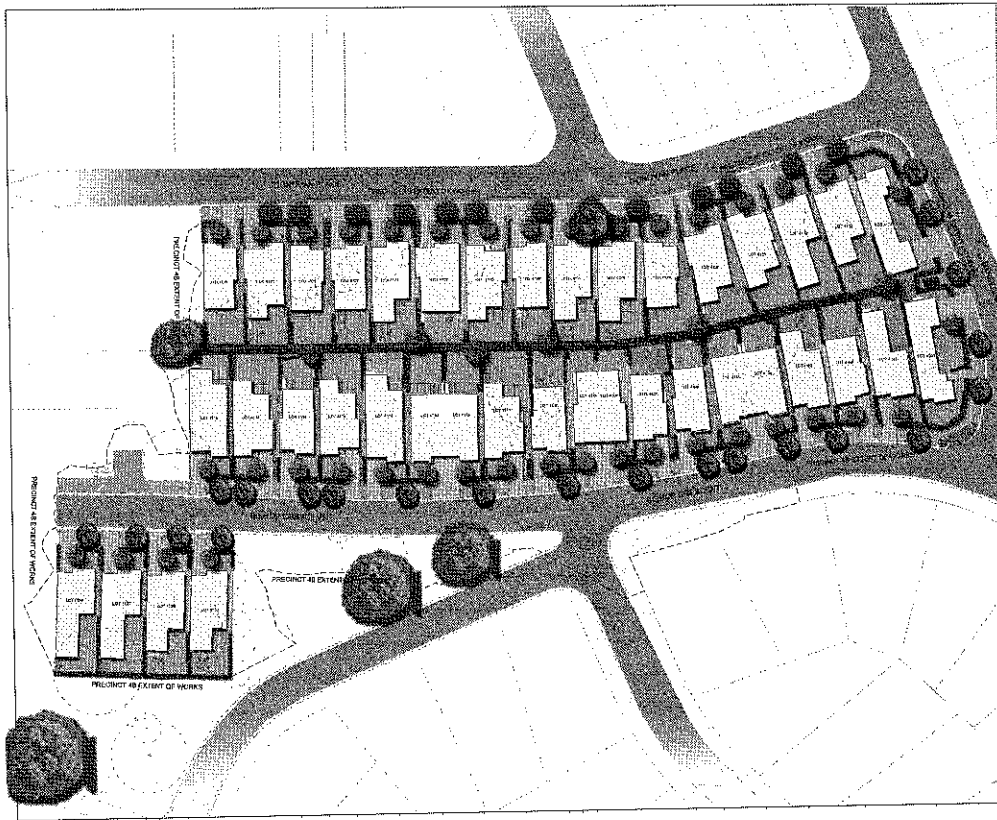
Public domain and site works

- 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.

The plans provided below depict the proposed dwelling layout and landscape concept design for Stages 4a & 4b of the Bonnyrigg living Communities Project.



**Stage 4a landscape concept plan** (Source: Site Image, 2011)



**Stage 4b** landscape concept plan (Source: Site Image, 2011)

## STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

### 1. Part 3A of the Environmental Planning and Assessment Act 1979

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).

Whilst there have been significant changes to Part 3A of the Act and SEPP (Major Development) 2005, a Project that has approval under Part 3A of the Act can continue, and in this regard, subsequent stages of the Project can still be assessed and determined by a consent authority under Part 4 of the Act. In addition, approved Projects can also be modified under Section 75W of the Act.

With regard to the above, on 9 July 2012, the Planning Assessment Commission approved a Section 75W Modification (Mod 4) of Major Project No. MP 06\_0046. The pertinent modifications are outlined below:

- Increase in the number of dwellings by 168 to 2,500;
- Increase in the provision of public open space by 1,300sqm to 12.13 hectares;

- Increase in the size of the community facility by 140sqm to 700sqm;
- Amendments to the staging layout and road layout;
- Introduction of terraced housing;
- Minor amendments to existing controls to provide further clarity, particularly with regard to lot size, streetscape and setbacks;
- Housekeeping changes to the Bonnyrigg Masterplan.

## **2. Fairfield Local Environmental Plan 1994**

On 9 June 2010, the subject site was rezoned 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 4a & 4b comprise both detached and attached dwellings, and residential flat buildings. These forms of residential 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).

## **3. Threatened Species Act 1995**

The Preliminary Environmental Assessment submitted for the Concept Plan included a detailed analysis of flora and fauna and a seven 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".*

#### **4. 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".*

#### **5. 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 4 works in accordance with the Revised Statement of Commitments, dated November 2008.

#### **6. Bonnyrigg Masterplan**

The Bonnyrigg Masterplan (updated March 2012) prepared by Urbis, 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.

As indicated above, certain components of the Bonnyrigg Masterplan were amended as part of a Section 75W Modification (Mod 4) of Major Project No. MP 06\_0046, which was approved by the Planning Assessment Commission on 9 July 2012. The amended controls now form part of the Bonnyrigg Masterplan.

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

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
Lot Size	<p><b>Detached dwelling:</b> Width: 6.7m if north facing rear yard and single garage 8.5m if south facing rear yard and single garage 12.5m if twin garage Depth: 25m</p> <p><b>2 attached dwellings:</b> Width: 12.8m if north facing yard Depth: 25m 15m if south facing yard and garages/car parks located at rear 17m if south facing yard car spaces and garages located at street front) Depth: 30m</p> <p><b>3 &amp; 4 attached dwellings:</b> Width: 20m Depth: 30m</p>	All dwellings comply with the minimum lot size requirements	Yes
Site Coverage	<p><b>Building Footprint:</b> Max 65% of any allotment can be built upon, including garages and car spaces</p>	None of the allotments exceed the maximum 65%	Yes
	<p><b>Landscaped Area:</b> Min. 35% of each allotment to be landscaped (includes hard and soft landscaping) Min. 30% of landscaped area must be deep soil</p>	All allotments achieve the minimum landscaped area and deep soil zones	Yes
Streetscape	<p><b>Garages:</b> All garages must be set back 5.5m from street frontage</p> <p>Max. combined width of garages fronting street not to exceed 50% of allotment width 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>	All garages set back 5.5m and do not exceed 50% of the allotment width.	Yes
	<p><b>Building Elements:</b> 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 is considered to be satisfactory	Yes

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
Bulk and Scale	<b>Building Height:</b> Max. 2 storeys for detached and attached dwellings, with some 3 storey elements for 'hero' sites	All dwellings comply	Yes
	<b>Ceiling Height:</b> Minimum 2.4m floor to ceiling heights	All dwellings comply	Yes
Setbacks	<b>Front:</b> 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. A zero setback may be permitted for limited building elements and only on secondary street frontages.  <b>Side:</b> 80% of the dwelling length shall be setback a minimum of 0.9m from the side boundary (except for zero setbacks). Zero side setbacks must not exceed a maximum length of 12m where it adjoins a private allotment; Windows or openings are permitted within these walls only where they satisfy BCA requirements for fire safety and where no privacy impacts arise;	All dwellings comply	Yes
Privacy	Dwellings must be designed to prevent overlooking into the living areas and private open spaces of adjoining dwellings If this cannot be achieved, measures to ensure privacy shall be provided	All dwellings have been designed to maintain privacy.  Where privacy is difficult to achieve through the layout of the dwelling, privacy screens have been provided	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 4 dwellings are considered to be satisfactory from safer-by-design perspective	Yes
Private Open Space (POS)	All ground level dwellings should achieve 25m <sup>2</sup> of POS All first floor dwellings should achieve 10m <sup>2</sup> of POS.	All dwellings comply	Yes
Car Parking and Garages	<b>Detached dwellings:</b> 2 spaces <b>Attached dwellings:</b> 1 or 2 b/r – 1 space 3 b/r – 1.5 spaces Visitor parking will be provided on	All detached dwellings are provided with the minimum 2 car parking spaces.  All attached dwellings are provided with 2 car parking	Yes

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
	street	spaces, which is above the minimum required.  There are 64 attached and detached dwellings, which require a total of 95 spaces, however, a total of 128 have been provided.	
Storage	1 b/r dwelling – 6m <sup>3</sup> 2 b/r dwelling – 8m <sup>3</sup> 3 b/r dwelling – 10m <sup>3</sup>	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.	All dwellings comply	Yes

The above table indicates that all detached and attached dwellings within Stages 4a & 4b comply with the controls provided within the Bonnyrigg Masterplan.

## 7. State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – *Design Quality of Residential Flat Development* is applicable to the subject application, as the proposal incorporates two (2) buildings that are three storeys in height containing four (4) or more dwellings. The overriding objective of the SEPP is to improve the quality of residential flat development in NSW through the establishment of ten design quality principles that must be taken into consideration in the design and assessment of an application.

The design verification statement submitted in support of the application has demonstrated that the proposed development achieves compliance with the ten design quality principles of SEPP 65.

Detailed below is a compliance assessment of the proposed apartment buildings against the relevant controls contained within the Residential Flat Design Code.

RESIDENTIAL FLAT DESIGN CODE		
Standards / Topic	Compliance	Comment
<b>Part 01 – Local Context</b>		
Building Depth 10-18m recommended	Yes	The apartments comply with the recommended building depth, as shown on the plan.
Building separation  Up to 4-storeys (12 metres):	No, but considered satisfactory	Technical non-compliance, however design response is considered appropriate. See below for detailed comments

<ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies;</li> <li>• 9m between habitable rooms / balconies &amp; non-habitable rooms; and</li> <li>• 6m between non-habitable rooms.</li> </ul>		
Street setbacks	Yes	A varied setback between 2.5m and 5.5m has been provided for the main setback to Newleaf Parade, which is considered acceptable. The units and the ground level courtyards address the street satisfactorily, providing an appropriate relationship between the public and private domain.
Side & rear setbacks	Yes	Both buildings provide a sufficient side and rear setbacks. Where adjoining lower density residential, the buildings are separated by street, two-way driveway or grade-level car parking, providing an appropriate buffer.
Floor Space Ratio	Yes	The Bonnyrigg Masterplan does not employ FSR controls. However, the FSR for the apartment buildings is consistent with the 0.8:1 FSR employed by Council for residential flat buildings elsewhere in the city.
<b>Part 02 - Site Design</b>		
<p>Deep Soil Zones</p> <p>Minimum 25% of the open space area should be a deep soil zone, except in urban areas where sites are built out and there is no capacity for water infiltration. In this instance, stormwater treatment measures must be integrated with the design of the residential flat building.</p>	Yes	The deep soil zone provided is 1006.7m <sup>2</sup> , with a total site area of 3575m <sup>2</sup> , which equates to 28%.
<p>Fences &amp; Walls</p> <p>Provide definition between private and public, improve privacy and contribute positively to the public domain</p>	Yes	The proposed fencing is a combination of brickwork and powder coated palisade fencing. The proposed courtyard fencing provides a clear delineation between the public and private domains.
<p>Landscape Design</p> <p>Add value to the quality of live through outlook, privacy and views, habitat for native plants and animals, improve microclimate.</p>	Yes	The landscape design is considered to be satisfactory.

Open Space  25 – 30% of the site to be communal open space;  Minimum private open spaces areas are 25m <sup>2</sup> , with a dimension of 4m	Yes	The apartment buildings overlook Tarlington Reserve, which is one of a number of public parks that make up the communal open space for the estate.  Private open space for both the ground level and upper level apartments meet the minimum areas and dimensions.
Orientation	Yes	All units are considered to be orientated satisfactorily in order to maximise solar access
Stormwater Management	Yes	The stormwater system for the development is considered to be satisfactory by Council's Senior Development Engineer.
Safety	Yes	The design of the apartment buildings is considered to be consistent with safer-by-design principles.
Visual Privacy	Yes	Whilst the two buildings are located next to each other, the design employs a number of screening devices to ensure privacy is maintained.
Building Entry	Yes	The proposal provides legible entrances to the apartment building lobbies.
Parking 1 per 1b/r apartment 1.2 per 2b/r apartment 1.5 per 3b/r apartment Visitor - 1 per 5 apartments (as per Bonnyrigg Masterplan)	No, but considered satisfactory	When the application was first lodged, on-site parking was provided in accordance with Council's control of 1 space per apartment + 1 visitor space per 4 apartments.  Since lodgement, the car parking control within the Bonnyrigg Masterplan has been amended (see left hand column) to comply with the RMS Guidelines.  Based on the abovementioned change, the development is now 4 spaces short. However, it is considered unfair to apply the new rate to this development application, particularly when it already meets Council's car parking code, and as such, is considered satisfactory at this time.  However, subsequent stages will need to comply with the new controls.
Pedestrian Access	Yes	Central lobbies are provided for all apartments above ground level.
Vehicle Access	Yes	Vehicle access to the car parking spaces is considered satisfactory.
<b>Part 03 - Building Design</b>		
Apartment Layout  Single-aspect apartments to be limited in depth to 8m from a window.  Back of a kitchen to be less than 8m from a window.	Yes	Apartments meet the minimum dimensions to kitchen and minimum apartment sizes.

Min apartment sizes: 1 bed – 50m <sup>2</sup> 2 bed – 70m <sup>2</sup> 3 bed – 95m <sup>2</sup>		
Apartment Mix	Yes	Whilst the apartments are all 2 b/r, the residential design code is targeting larger-scale residential flat development. Notwithstanding this, the Bonnyrigg redevelopment as a whole provides a good range of dwelling sizes.
Balconies  Provide all apartments with private open space, ensure functional and integrated into the overall architectural form, and allow for casual overlooking and address.	Yes	Each unit is provided with a balcony that complies with the minimum required area and dimensions, which are functional and have been orientated to maximise solar access and integrate into the architectural form.
Ceiling Heights	Yes	Proposal provides a range of ceiling heights of 2700mm and 3000mm.
Flexibility	Yes	Four (4) apartments are provided as adaptable housing.
Ground Floor Apartments  Optimise ground floor apartments with separate entries and access to private open space as a terrace or garden.	Yes	All ground floor units have separate entries and access to ground level open space.
Internal Circulation	Yes	Development considered satisfactory
Storage  In addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities should be provided at the following rate:  Studio – 6m One-bedroom – 6m Two-bedroom – 8m Three-bedroom – 10m	Yes	All units satisfy the minimum storage requirements.
Acoustic Privacy  Ensure high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces	Yes	It is considered that the development provides adequate building separation within the development and from neighbouring buildings to maximise the potential for acoustic privacy.
Daylight Access	Yes	The apartment buildings are designed to maximise access to northern sunlight. All

<p>Living areas and private open spaces of at least 70% of apartments should receive a minimum of 3 hours of direct sunlight between 9am &amp; 3pm in mid-winter. In dense urban areas, a minimum of 2 hours is acceptable.</p> <p>Single aspect apartments with a southerly aspect (SW-SE) to be limited to 10%.</p>		apartments are dual aspect and provide the minimum solar access requirements.
<p>Natural ventilation</p> <p>60% of residential units should be naturally cross ventilated.</p> <p>25% of kitchens within a development should have access to natural ventilation.</p>	Yes	All apartments are provided with adequate cross ventilation.
Awning & Signage	Yes	Development considered satisfactory.
<p>Facades</p> <p>Promotes high quality architecture, ensure facades define and enhance public domain and desired street character, and ensure building elements are integrated into building form and façade design.</p>	Yes	<p>Both apartment buildings employ modern architectural design, the facades are adequately articulated, and there is a variety of building materials and colours.</p> <p>The design of the apartment buildings is considered to be satisfactory.</p>
<p>Roof Design</p> <p>Contribute to the overall quality of the building, integrate it into the design of the building composition and contextual response</p>	Yes	The modern roof design integrates well into the design of the building and the surrounding new development.
<p>Energy Efficiency</p> <p>Reduces the requirement for heating and cooling, reliance on fossil fuels, minimize greenhouse emissions and promote renewable energy initiatives.</p>	Yes	The proposal will comply with BASIX requirements.
Maintenance	N/A	The building and landscaping should be maintained by a Body Corporate.
Waste Management	Partial	The proposal provides adequate storage for waste bins.



Water Conservation	Yes	As per Concept Plan
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The above table indicates that the proposed design of the apartment buildings Complies with the recommendations contained within SEPP 65, with the exception of 'Building Separation'. In this regard, the SEPP recommends the following separation distances:

Up to 4-storeys (12 metres):

- 12m between habitable rooms / balconies;
- 9m between habitable rooms / balconies & non-habitable rooms; and
- 6m between non-habitable rooms.

However, the distance between the two apartment buildings is approximately 2 metres at its most extreme. Notwithstanding the above, the SEPP also states that *developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.*

The Applicant has indicated that the proposed apartments, including balconies, are orientated in a manner that reduces visual and acoustic privacy. In response to concerns raised by Council, the design has been amended to provide additional privacy measures in the form of solid balcony screens to maintain privacy.

Having regard to the amendments, it is considered that the design now meets the intent of the SEPP and as such, the development can be supported.

#### INTERNAL REFERRALS

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

<b>Building Control Branch</b>	No Objection, subject to conditions
<b>Subdivision Branch</b>	No Objection, subject to conditions
<b>Open Space Branch</b>	No Objection, subject to conditions
<b>Development Engineering Branch</b>	No Objection, subject to amendments See below for comments
<b>Traffic and Road Safety Branch</b>	No Objection, subject to conditions
<b>Environmental Management Section</b>	No Objection, subject to conditions
<b>Bonnyrigg Place Manager</b>	No Objection
<b>Manager Special Projects</b>	No Objection See below for comments

*Development Engineering Branch*

Council's Senior Development Engineer raised a number of concerns when the application was first lodged with Council. These concerns are summarised below.

- Revised plans were requested for the intersection of Newleaf Parade and Bunker Parade. In this regard, the intersection angle shall be consistent with AUSTROADS design requirements.

The Applicant provided a plan for a temporary kerb island, as this intersection in question is subject to change in the near future, and this temporary kerb island complies with AUSTROADS design requirements.

- Vehicle turning paths were requested to be submitted demonstrating compliance with AS 2890.1 for vehicles entering and exiting driveways whilst cars were parked on the street.

The Applicant has provided a plan that demonstrates compliance with AS 2890.1. However, it is noted that a number of spaces were required to be deleted to achieve compliance.

- Revised plans were requested to be submitted for the intersection of Palmer Way and Newleaf Parade to demonstrate compliance with AUSTROADS design requirements.

Amended plans were submitted demonstrating compliance.

- Further details regarding the proposed temporary and permanent on-site detention system were requested to be submitted.

The Applicant provided the requested information, which was assessed by Council's Development Engineering Branch and found to be satisfactory.

#### *Manager Special Projects*

Council's Manager Special Projects has advised that the Stage 4 Development Application is considered to be consistent with the approved Concept Plan. The works contained in the Stage 4 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 the Roads and Traffic Authority (now RMS) and the Department of Planning. Both departments reviewed the proposed development and raised no objection.

## **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 twenty-one (21) days. During this time, one submission was received from a private resident living within one of the dwellings located in Stage 1. This resident raised the following concern.

- Higher density development in close proximity to Lilac Street increases the traffic along this very narrow street.

Lilac Place is designed to be a lower order access lane, which has an 8m wide road reserve and only a 5m wide carriageway. Lilac Place narrows down to a 3 metre wide carriageway at its midpoint. The treatment to Lilac Place is to discourage through traffic, and as such, it is meant only for residents whose garages face onto this laneway.

During the assessment of the Concept Plan, Council raised concern about the width of these 'access places', but only due to vehicle manoeuvrability and servicing. It is considered unlikely that, given the physical nature of Lilac Place, this laneway would be used by residents of the two residential flat buildings.

Council's Senior Traffic Engineer has assessed the development and considers that the increase in density will not cause any adverse traffic impacts.

There are a number of other concerns that the resident raises in their submission. However, these issues appear to be civil matters directed toward the developer in relation to the purchase of their property.

The concerns raised in the submission were discussed with the resident at a meeting held at Council Chambers on 24 January 2012. The resident argued that he was never informed that apartment buildings were to be located near detached dwellings. However, the resident was informed that this was the subject of a Modification to the Concept Plan which occurred concurrently to the Development Application for Stage 3, and at this time, all residents within and surrounding the estate were notified by the Department of Planning of the proposed changes.

## **SECTION 94 CONTRIBUTIONS**

The Concept Plan and subsequent development of Stages 4a & 4b are subject to a Voluntary Planning Agreement. The works contained in the Stage 4a & 4b Development Application are considered to be consistent with the Voluntary Planning Agreement (VPA) and Infrastructure and Services Delivery

Plan (ISDP) as agreed between Council and the Proponent. As such, there are no Section 94 Contributions or Section 94A Levy 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. The development application has also demonstrated general compliance with State Environmental Planning Policy No. 65 – *Design Quality of Residential Flat Development*.

*(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*

In accordance with the Draft Fairfield LEP 2011, the subject site is proposed to be zoned R1 General Residential. The proposed development is considered to be permissible within the zone, subject to the consent of Council, and would meet the objectives of the zone.

*(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 4 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 unlikely that the proposed development will result in any adverse impacts.

- (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*

During the notification process, one (1) submission was received, which raised concern about high density apartments being located close to a very narrow street, and the impact that increased traffic would have on this street.

The street in question is an 'access place', designed only for residents accessing their rear facing garages. The design of the rear access lanes discourage through traffic. Notwithstanding this, Council's Senior Traffic Engineer has assessed the development and considers that the increase in density will not cause any adverse traffic impacts.

- (e) the public interest*

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

## **TOWN PLANNING ASSESSMENT**

The proposed development of Stage 4a & 4b of the Bonnyrigg Living Communities Project is permissible within the 2(b) Residential Zone subject to consent. It is considered that the Proponent has addressed all the relevant conditions within the Major Project approval for the redevelopment of the Bonnyrigg public housing estate, and the development meets all the relevant requirements of the Bonnyrigg Masterplan.

As indicated above, modifications to the Concept Plan were recently approved by the Planning Assessment Commission. Primarily, these changes involve an increase in the number of dwellings by 168 to 2,500, and minor amendments to the Bonnyrigg Masterplan controls.

The design of the attached and detached dwellings within Stages 4a & 4b display a high level of compliance with the Bonnyrigg Masterplan as amended. The apartment buildings are of modern design and the units themselves easily comply with SEPP 65 principles, and thus would afford the future occupants a good level of amenity.

Based on an assessment of the application, it is considered that the dwellings within Stage 4a & 4b are 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 application be approved.

## **RECOMMENDATION**

That the application proposing the subdivision of the subject site into 5 residue lots, 64 Torrens title lots and 30 Strata title lots, and the construction of 94 residential dwellings comprising 30 garden apartments, 12 attached dwellings and 52 detached dwellings, and ancillary works including site preparation/earthworks, road re-surfacing, public and private landscaping works, stormwater infrastructure upgrades and individual lot servicing, be approved subject to conditions as outlined in Attachment D of this report.