
Proposal: Subdivision of the subject site into 67 Torrens title lots and 24 Strata title lots; erection of 91 residential dwellings comprising 4 attached dwellings, 45 detached dwellings, 18 terraces, and 2 x three-storey residential flat buildings containing a total of 24 apartments; construction of Hilltop Park; and ancillary works.

Location:

Lot 1, HCP 7550/3	No. 1 Kennedy Way
Lot 11, DP 1143255	No. 50 Reeves Crescent
Lot 12, DP 1143255	No. 14A Shoemaker Place
Lots 256, 264 & 265, DP 262449	No.'s 1, 9 & 10 Shearing Place
Lot 99, DP 262456	No. 1 Stroud Way
Lot 98, DP 262456	No. 15 Bunker Parade
Lot 83 & 84, DP 262456	No.'s 6 & 7 Kemp Place
Lot 65, DP 262456	Hosking Way
Lot 414, DP 262456	No. 104 Edensor Road

Owner: Housing NSW and Fairfield City Council

Proponent: Bonnyrigg Partnerships C/- Urbis

**Capital
Investment**

Value: \$27,985,000

File No: DA 843.1/2012

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Fairfield City Council

RECOMMENDATION

1. That the application proposing the subdivision of the subject site into 67 Torrens title lots and 24 Strata title lots; erection of 91 residential dwellings comprising 4 attached dwellings, 45 detached dwellings, 18 terraces, and 2 x three-storey residential flat buildings containing a total

of 24 apartments; construction of Hilltop Park; and ancillary works, be approved subject to conditions as outlined in Attachment D of this report.

SUPPORTING DOCUMENTS

AT-A	Site Locality Plan
AT-B	Architectural Plans
AT-C	Statement of Environmental Effects
AT-D	Draft Conditions of Consent

EXECUTIVE SUMMARY

This development application proposes the subdivision of the subject site into 67 Torrens title lots and 24 Strata title lots; erection of 91 residential dwellings comprising 4 attached dwellings, 45 detached dwellings, 18 terraces, and 2 x three-storey residential flat buildings containing a total of 24 apartments; construction of Hilltop Park; 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 Stage 5 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 an 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; and minor amendments to design controls. In addition, this modification introduced 5 metre wide terrace housing into the Concept Plan, including the provision of 1 bedroom self-contained flats above garages located within the terrace complex (also known as fonzie flats). Both the terrace housing and the self-contained flats form part of the Stage 5 Development Application, and are considered to be an acceptable form of housing for the estate.

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 proposed development is deficient with regard to the provision of on-site car parking for the apartment buildings. When applying the parking controls provided within the Bonnyrigg Masterplan, the development is 5 spaces short. The applicant has indicated that there is an anomaly with the car parking rate specified in the Masterplan, to which they intend to resolve in a future modification to the Concept Plan approval.

Applying Council's parking rate for residential flat buildings, the development is deficient by 1 space. The applicant has indicated that, in the interim, compliance with Council's control can be achieved, and this would mean amending the design to provide for one additional car parking space within the private apartment complex. Council raises no objection to an amendment to the design being undertaken prior to the issue of a Construction Certificate.

The application was notified to surrounding properties for a period of twenty-one (21) days. No submissions were received.

The application was referred to Council's Building Control Branch, Traffic Section, Development Engineering Branch, Environmental Management Section, Subdivision Branch, Bonnyrigg Place Manager, and Manager Special Projects for comments. No objections were raised to the development, subject to conditions. The application was also referred to the Roads and Maritime Services and the Department of Planning for comments. Both departments reviewed the application and raised no objection to the proposed development.

It is considered that the Stage 5 Development Application has demonstrated compliance with the relevant conditions of consent for the Concept Plan approval and the proposed development is generally consistent with the Concept Plan. In this regard, the Stage 5 Development Application is supported.

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 Stage 5 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:

Lot 1, HCP 7550/3	No. 1 Kennedy Way
Lot 11, DP 1143255	No. 50 Reeves Crescent
Lot 12, DP 1143255	No. 14A Shoemaker Place
Lots 256, 264 & 265, DP 262449	No.'s 1, 9 & 10 Shearing Place
Lot 99, DP 262456	No. 1 Stroud Way
Lot 98, DP 262456	No. 15 Bunker Parade
Lot 83 & 84, DP 262456	No.'s 6 & 7 Kemp Place
Lot 65, DP 262456	Hosking Way
Lot 414, DP 262456	No. 104 Edensor Road

Stage 5 is located approximately 600 metres to the east of the Bonnyrigg Town Centre. Stage 5 is bounded by Bunker Parade to the south, Hilltop Park to the east, and Stage 3 to the north. Stage 5 is proposed to be built in the path of Bunker Parade, and thus split this main thoroughfare in two.

To the north of the subject site is the Stage 3 development, which is currently undergoing construction. To the south, east, and west is existing single-storey residential development forming part of the existing estate. The Stage 5 development site also contains the existing Hilltop Park, which is to be redeveloped into a new Hilltop Park, in accordance with the Concept Plan approval. The existing Hilltop Park contains both active space, in the form of basketball courts, and passive recreation space. Hilltop Park is currently screened off and is being used to stockpile Virgin Excavated Natural Material (VENM) material.

The Stage 5 development site is currently undergoing preparatory works in accordance with the Concept Plan approval.



Source: dko, 2012



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.

- On 11 October 2012, the Joint Regional Planning Panel approved Development Consent No. 1098.1/2011 for the construction of Stages 4a & 4b.

PROPOSAL

This application proposes the subdivision of the subject site into 67 Torrens title lots and 24 Strata title lots; erection of 91 residential dwellings comprising 4 attached dwellings, 45 detached dwellings, 18 terraces, and 2 x three-storey residential flat buildings containing a total of 24 apartments; construction of Hilltop Park; and ancillary works.

Specific details of the proposed development are as follows:

Subdivision

The proposed subdivision will create the following:

- 14 Superlots (Lots 501 – 514 inclusive)
- 67 Torrens lots (Lots 5101 – 5130 inclusive, Lots 5201 – 5229 inclusive, and Lots 5301 – 5308 inclusive)
- 2 Development Lots for the proposed apartment buildings (Lots 512 and 513 comprising 24 Strata Lots)

Residential Dwellings

Attached and detached dwellings

- Construction of 4 x 3 bedroom attached dwellings.
- Construction of 45 detached dwellings, comprising 11 x 3 bedroom and 33 x 4 bedroom dwellings.
- Each dwelling (whether attached or detached) is provided with two (2) car parking spaces.

Terraces

- It is proposed to construct two (2) terrace complexes providing a total of 18 x 3 bedroom terrace dwellings. The two terrace complexes are located next to each other and are directly adjacent to Hilltop Park: one to the north-east, and the other to the north-west.
- Given that they front the park, the terraces are provided with a reduced front setback of 2 metres, similar to the apartment buildings.
- Two of the terraces include 1 bedroom self-contained flats above the double garages located at the rear (known as fonzie flats).

- The 18 terraces are provided with a total of 27 covered parking spaces. In this regard, not all terraces are provided with 2 car parking spaces. The garages for the terraces are located at the rear, with vehicular access provided via a right-of-carriageway.
- The proposed terraces are a dwelling type that has been recently introduced into the Bonnyrigg Masterplan as part of the latest modification to the Concept Plan (Mod. No. 4).

Apartments

- Construction of 2 x three-storey residential flat buildings providing a total of 24 apartments.
- The northern-most building comprises 15 x 2 bedroom private apartments. This private apartment complex is provided with 18 on-grade car parking spaces to the rear of the building.
- The southern-most building comprises 9 x 2 bedroom public apartments, including 3 adaptable apartments on the ground floor. This public apartment complex is provided with 11 car parking spaces, including 3 disabled parking spaces.
- All 24 apartments are dual aspect providing good cross ventilation and access to northern sunlight.
- The 2 residential flat buildings have been provided with a total of 29 parking spaces on site. Two at-grade car parking areas are located to the rear of the apartment buildings, and provide a buffer between the apartment buildings and the adjoining detached housing to the west.
- Vehicular access to the private apartment complex is via Palmer Way, whereas vehicular access to the public apartment complex is via Bunker Parade.
- Pedestrian access to the private apartment complex is via Palmer Way, whereas pedestrian access to the public apartment complex is via Bunker Parade. Pedestrian access to the individual units is via common stairwells. There are no lifts provided.
- The main building alignment of the apartment buildings is a minimum of 4 metres from the front boundaries and 2 metres from the side boundaries. However, the front courtyard areas of the ground floor units are located between 1 and 2 metres from the front boundaries. To the rear are the at-grade car parking areas, and thus the rear setbacks are substantial.
- The overall height of the three storey apartment buildings is 10.6 metres.

- The floor space ratio (FSR) for the private apartment complex is calculated at 0.78:1 and the FSR for the public apartment complex is calculated at 0.6:1. Whilst there is no FSR control provided within the Bonnyrigg Masterplan, the proposed built form is below the maximum FRS of 0.8:1 that Council requires for residential flat buildings.
- The apartment buildings are located directly adjacent to Hilltop Park, just to the west of the park. The private apartment complex fronts the park, whilst the public apartment complex is orientated toward Bunker Parade.

Hilltop Park

- Stage 5 also includes the construction and embellishment of Hilltop Park. Hilltop Park already exists within the estate, and was formerly an open space area used for passive and active recreation. It is currently being used to stockpile Virgin Excavated Natural Material (VENM) material.
- The new park will include fully landscaped public recreation space, comprising both hard and soft landscaping, such as plants, trees, retaining walls and pathways. The park will also include active recreation infrastructure in the form of a junior soccer pitch, a basketball court, handball and tennis courts, play areas and BBQ facilities.
- The proposed construction and embellishment of the new Hilltop Park is considered to be consistent with the Bonnyrigg Masterplan (as amended), the Voluntary Planning Agreement (VPA), and the Infrastructure Services and Delivery Plan (ISDP).

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 Stage 5 of the Bonnyrigg living Communities Project.



Proposed dwelling layout (Source: Site Image, 2011)





Proposed Hilltop Park (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 terrace 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.

It is considered that the Stage 5 development application is generally consistent with the Concept Plan.

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 5 comprises 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. Draft Fairfield Local Environmental Plan 2013

The subject site is proposed to be zoned R1 General Residential under the Draft Fairfield Local Environmental Plan 2013. Detached dwellings, attached dwellings, and residential flat buildings are all permissible within the proposed R1 zone, and the proposed development is considered to be consistent with the draft objectives of the zone.

4. 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".

5. 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".

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.

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

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
Lot Size	<p>Detached dwelling: 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>2 attached dwellings: 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>3 & 4 attached dwellings: Width: 20m Depth: 30m</p> <p>Row Houses / Terraces: Width: 5m Depth: 25m</p>	All dwellings comply with the minimum lot size requirements	Yes
Site Coverage	<p>Building Footprint: 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>Landscaped Area: 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>Garages: 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> <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>	<p>All garages set back 5.5m and do not exceed 50% of the allotment width.</p> <p>The design and presentation of all dwellings is considered to be satisfactory</p>	<p>Yes</p> <p>Yes</p>

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
Bulk and Scale	Building Height: Max. 2 storeys for detached and attached dwellings, with some 3 storey elements for 'hero' sites Ceiling Height: Minimum 2.4m floor to ceiling heights	All dwellings comply All dwellings comply	Yes Yes
Setbacks	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. A zero setback may be permitted for limited building elements and only on secondary street frontages. Terraces – A minimum setback of 2 m from the allotment frontage, a maximum of 20% of the building footprint can be set back 800m the allotment frontage. Side: 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 ² of POS All first floor dwellings should achieve 10m ² of POS.	All dwellings comply	Yes
Car Parking and Garages	Detached dwellings: 2 spaces	All detached dwellings are provided with the minimum 2 car parking spaces.	Yes

Masterplan. This rate is also higher than Council's rate for apartment buildings.

Accordingly, the parking rate specified in the Bonnyrigg Masterplan is 1 space per 1 b/r apartment, 1.2 spaces per 2 b/r apartment, and 1.5 spaces per 3 b/r apartment, plus 1 visitor space per 5 apartments. Applying the control in the Bonnyrigg Masterplan would require the provision of 34 on-site parking spaces. The proposed residential flat buildings are provided with a total of 29 spaces, and in this regard, the development is 5 spaces short.

Council's parking rate for residential flat buildings as provided in Chapter 12 of the Fairfield City-Wide DCP 2006 is 1 space per unit and 1 visitor space per 4 dwellings. Compliance with Council's control would require 30 spaces, and in this regard, the development is 1 space short.

Advice from the applicant indicates that the control contained in the Bonnyrigg Masterplan is an anomaly that will need to be rectified. In addition, the applicant has indicated that the plan can be amended to comply with Council's parking rate. Applying Council's rate, the development is only 1 space short. In this regard, it is recommended that the design be amended to comply with Council's car parking control prior to the issue of a Construction Certificate. A condition to this effect has been included in the draft conditions of consent.

Proposed Terrace Housing

Whilst the proposed terraces are a dwelling type that has been recently introduced into the Bonnyrigg Masterplan as part of the latest modification to the Concept Plan, a similar form of development exists in Stage 2, although they were proposed and approved as four (4) attached dwellings with a car court at the rear. Council supports the proposed terrace housing as it offers an alternative dwelling choice for residents.

It is noted however, that the terraces incorporate a 2 metre front setback. This proposition was supported at the modification stage on the basis that the terraces are orientated toward public recreation space, in a similar manner as the apartments, which also incorporate similar reduced front setbacks. In this regard, a reduced front setback is acceptable given the context of the proposed terraces being located opposite the park. It is not considered appropriate however, that in subsequent stages, terraces with 2 metre setbacks are placed next to attached or detached dwellings, which require a greater setback. In this instance, it is considered appropriate that the minimum 4.5 metre setback apply. Notwithstanding the above, Council supports the proposed terrace housing.

With regard to the proposed self-contained flats above the double garages ('fonzie flats') located at the rear of the terraces, Council initially raised concern over the proposed design during the modification application, particularly in relation to the provision of private open space, the ability to maintain the privacy of neighbours, and the manoeuvring ability of cars within the right-of-carriageway. The applicant was able to demonstrate that this form

of development could be accommodated without impact, and in this regard, Council is supportive of the self-contained flats as this form of development again provides a variety of housing choice, in this case for families who may require a separate domicile away from the main dwelling.

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
Part 01 – Local Context		
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): <ul style="list-style-type: none"> • 12m between habitable rooms / balconies; • 9m between habitable rooms / balconies & non-habitable rooms; and • 6m between non-habitable rooms. 	Yes	Buildings have been oriented away from each other to minimise any form of overlooking. Added to this, balconies which are in proximity to each other, have been provided with privacy screens.
Street setbacks	Yes	A varied street setback has been provided to ensure the scale of the buildings is appropriate to its context relative to the park. 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 a street or by grade-level car parking, providing an

		appropriate buffer to reduce any adverse visual impacts from changes in height.
Floor Space Ratio	Yes	The Bonnyrigg Masterplan does not employ FSR controls. However, the FSR for the apartment buildings is consistent with the max 0.8:1 FSR employed by Council for residential flat buildings elsewhere in the city.
Part 02 - Site Design		
<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 72% of the open space area.
<p>Fences & 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.
<p>Open Space</p> <p>25 – 30% of the site to be communal open space;</p> <p>Minimum private open spaces areas are 25m², with a dimension of 4m</p>	Yes	<p>The apartment buildings overlook Hilltop Park, which is one of a number of public parks that make up the communal open space for the estate.</p> <p>Private open space for both the ground level and upper level apartments meet the minimum areas and dimensions.</p>
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 reduces the opportunity for overlooking, and employs a number of screening devices to ensure privacy is maintained. It is

		considered appropriate that, where the positioning of balconies allow direct overlooking, privacy screens will need to be provided. A condition to this effect has been included in the draft conditions.
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	This issue is addressed in the above section.
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.
Part 03 - Building Design		
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. Min apartment sizes: 1 bed – 50m ² 2 bed – 70m ² 3 bed – 95m ²	Yes	Apartments meet the minimum dimensions to kitchen and minimum apartment sizes.
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 and types.
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	Yes	All ground floor units have separate entries and access to ground level open space.
Optimise ground floor		

apartments with separate entries and access to private open space as a terrace or garden.		
Internal Circulation	Yes	Development considered satisfactory
<p>Storage</p> <p>In addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities should be provided at the following rate:</p> <p>Studio – 6m One-bedroom – 6m Two-bedroom – 8m Three-bedroom – 10m</p>	Yes	All units satisfy the minimum storage requirements.
<p>Acoustic Privacy</p> <p>Ensure high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces</p>	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.
<p>Daylight Access</p> <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 & 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>	Yes	The apartment buildings are designed to maximise access to northern sunlight. All 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.
Facades	Yes	Both apartment buildings employ modern architectural design, the facades are adequately

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.		articulated, and there is a variety of building materials and colours. The design of the apartment buildings is considered to be satisfactory.
Roof Design Contribute to the overall quality of the building, integrate it into the design of the building composition and contextual response	Yes	The modern roof design integrates well into the design of the building and the surrounding new development.
Energy Efficiency Reduces the requirement for heating and cooling, reliance on fossil fuels, minimize greenhouse emissions and promote renewable energy initiatives.	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

The above table indicates that the proposed design of the apartment buildings complies with the requirements contained within SEPP 65. Not only are the requirements of the SEPP satisfied, the apartments are considered satisfactory for a number of reasons:

- They are located in quite close proximity to the park (directly across the road) so that residents can take advantage of open space that is not provided in this dwelling type.
- The modern design is well articulated and employs a number of different finishes to enhance the attractiveness of the buildings and thus provide an appropriate presentation to the street.
- The units are appropriately designed and take advantage of solar access and cross-ventilation.
- They provide an alternative dwelling type for people wanting to live in apartments or for people wanting dwelling types which require less maintenance.

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

Manager Special Projects

Council's Manager Special Projects has advised that the Stage 5 Development Application is considered to be consistent with the approved Concept Plan. The works contained in the Stage 5 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. No submissions were received.

SECTION 94 CONTRIBUTIONS

The Concept Plan and subsequent development of Stage 5 is subject to a Voluntary Planning Agreement. The works contained in the Stage 5 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 2013, 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 5 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, there were no submissions received.

(e) the public interest

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

TOWN PLANNING ASSESSMENT

The proposed development of Stage 5 of the Bonnyrigg Living Communities Project is permissible within the 2(b) Residential Zone subject to consent. It is considered that the applicant 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, which introduced 'Terrace Housing' and 'Fonzie Flats' into the estate. Both forms of development are considered appropriate and have been designed in an appropriate manner.

The design of the attached and detached dwellings within Stage 5 displays 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 5 are satisfactory with regard to private open space, cross ventilation, solar access, privacy, overshadowing, landscaping, architectural presentation, vehicle access, and the level of compliance with the Bonnyrigg Masterplan. The residential flat buildings and the terraces are provided with an appropriate interface being located directly across from Hilltop Park.

With regard to car parking, it is recommended that the architectural plans for the apartment buildings be amended to comply with Council's car parking control, prior to the issue of a Construction Certificate.

The proposed construction and embellishment of Hilltop Park is considered to be consistent with the Bonnyrigg Masterplan (as amended), the Voluntary Planning Agreement (VPA), and the Infrastructure Services and Delivery Plan (ISDP), and in this regard, the proposed works within Hilltop Park are considered acceptable.

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. Based on an assessment of the application, it is recommended that the application be approved subject to conditions.

RECOMMENDATION

That the application proposing the subdivision of the subject site into 67 Torrens title lots and 24 Strata title lots; erection of 91 residential dwellings comprising 4 attached dwellings, 45 detached dwellings, 18 terraces, and 2 x three-storey residential flat buildings containing a total of 24 apartments; construction of Hilltop Park; and ancillary works, be approved subject to conditions as outlined in Attachment D of this report.