

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SSW046
DA Number	DA 422.1/2017
LGA	Fairfield City Council
Proposed Development	Newleaf Bonnyrigg Renewal Project - Stages 6a & 7 comprising Torrens Title Subdivision (to create 121 Torrens Title Lots, 2 Development lots and 4 residue lots), Construction of 161 dwellings (comprising 75 detached, 46 attached dwellings and 40 garden apartments) and associated road, landscape and public domain works.
Street Address	14A Shoemaker Place, No.'s 12 - 14 Laycock Place, No. 2 Palisade Crescent, No.'s 40, 36, 34, 32 & 42 Newleaf Parade, No.'s 2 & 4 - 17 Shoemaker Place, No.'s 1 - 4 Shearing Place, No.'s 6, 4 & 2 Wall Place, No. 12 Tarlington Parade, No.'s 3 - 9 Stubbs Place, No.'s 1 - 4 Kain Place, No.'s 1 - 2 & 4 - 14 Bean Place, Bonnyrigg
Applicant/Owner	Applicant: Urban Growth NSW C/o Urbis Owner: NSW Land and Housing Corporation
Date of DA lodgement	8 August 2017
Number of Submissions	One (1) submission
Recommendation	Development Application No. 422.1/2017 is recommended for approval, subject to conditions of consent.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The application is referred to the Sydney Western City Planning Panel (SWCPP) for consideration pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the proposal has a capital investment value of greater than \$20 million. Accordingly, the matter is to be determined by the SWCPP.
List of all relevant s4.15(1)(a) matters	In accordance with Section 4.15 Evaluation of the EPA Act 1979, the matters of relevance to the development the subject of the development application include the following: s4.15(1)(a) (i) <ul style="list-style-type: none"> • Fairfield Local Environmental Plan 2013 • Part 3A of the Environmental Planning and Assessment Act 1979 – Concept Plan • Threatened Species Act 1995 • National Parks and Wildlife Act 1974 • State Environmental Planning Policy No 55—Remediation of Land • State Environmental Planning Policy No 65— Design quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Bonnyrigg Masterplan (updated 2012) • Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment
List all documents submitted with this report for the Panel's consideration	Documents submitted with this report for the Panel's consideration include: <ul style="list-style-type: none"> • Attachment A - Site Locality Plan • Attachment B – Site Plans, Elevations, Overshadowing Diagrams (Dwelling Houses) • Attachment C – Plans (Private Apartments) • Attachment D – Plans (Public Apartments) • Attachment E - Landscape Plans • Attachment F – Civil Engineering Plans • Attachment G – SEPP 65 Design Verification Statement (Private Apartments) • Attachment H - SEPP 65 Design Verification Statement (Public Apartments) • Attachment I – Statement of Environmental Effects

	<ul style="list-style-type: none"> • Attachment J – Car Parking Diagrams and Assessment • Attachment K – Storage Calculations • Attachment L – Waste Management • Attachment M – Submission • Attachment N – Draft Conditions
Report prepared by	Liam Hawke – Co-ordinator Development Planning
Report date	15 May 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SWCPP No. 2017SSW046

Proposal: Newleaf Bonnyrigg Renewal Project - Stages 6a & 7 comprising Torrens Title Subdivision (to create 121 Torrens Title Lots, 2 Development lots and 4 residue lots), Construction of 161 dwellings (comprising 75 detached, 46 attached dwellings and 40 garden apartments) and associated road, landscape and public domain works.

Location:

Part of Lot 12, DP 1143255	14A Shoemaker Place
Lots 230, 231 & 232, DP 262449	No.'s 12 - 14 Laycock Place
Lot 233, DP 262449	No. 2 Palisade Crescent
Lots 234, 253, 254, 255 & 417, DP 262449	No.'s 40, 36, 34, 32 & 42 Newleaf Parade
Lots 236, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250 & 251, DP 262449	No.'s 2 & 4 - 17 Shoemaker Place
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Lots 280, 281, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295 & 296, DP 262455	No.'s 1 - 2 & 4 - 14 Bean Place, Bonnyrigg

Applicant: Urban Growth NSW C/o Urbis

Cost of Works: \$69,226,456

File No: DA 422.1/2017

Author: Liam Hawke, Coordinator Development Planning
Fairfield City Council

RECOMMENDATION

That the Torrens Title Subdivision (to create 121 Torrens Title Lots, 2 Development lots and 4 residue lots), Construction of 161 dwellings (comprising 75 detached, 46 attached dwellings and 40 garden apartments) and associated road, landscape and public domain works be approved, subject to conditions as outlined in Attachment N of this report.

SUPPORTING DOCUMENTS

AT-A	Site Locality Plan	1 Page
AT-B	Site Plans, Elevations, Overshadowing Diagrams (Dwelling Houses)	47 Pages
AT-C	Plans (Private Apartments)	20 Pages
AT-D	Plans (Public Apartments)	19 Pages
AT-E	Landscape Plans	18 Pages
AT-F	Civil Engineering Plans	14 Pages
AT-G	SEPP 65 Design Verification Statement (Private Apartments)	28 Pages
AT-H	SEPP 65 Design Verification Statement (Public Apartments)	26 Pages
AT-I	Statement of Environmental Effects	33 Pages
AT-J	Car Parking Diagrams and Assessment	10 Pages
AT-K	Storage Calculations	12 Pages
AT-L	Waste Management	25 Pages
AT-M	Submissions	1 Page
AT-N	Draft Conditions of Consent	33 Pages

EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 422.1/2017 which seeks approval for Stages 6a & 7 of the Bonnyrigg Living Communities Project comprising Torrens Title Subdivision (to create 121 Torrens Title Lots, 2 Development lots and 4 residue lots), Construction of 161 dwellings (comprising 75 detached, 46 attached dwellings and 40 garden apartments) and associated road, landscape and public domain works.

The application is referred to the Sydney Western City Planning Panel (SWCPP) for consideration pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the proposal has a capital investment value of greater than \$20 million. Accordingly, the matter is to be determined by the SWCPP.

The proposed development is identified as Stages 6a and 7 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 being 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. The project seeks to provide 2,500 new dwellings across 18 stages. Stages 1 to 5 have been approved and are either completed or under construction.

Within the subject site Stages 6a and 7 are bounded by Bunker Parade to the north-east, Palisade Crescent to the East, Tarlington Parade to the West and Wall Place to the north-west.

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 2013 and the Bonnyrigg Masterplan (updated March 2012).

An assessment of the proposed development indicates that the Stage 6a and 7 development application would not be consistent with the Concept Plan Approval. Notwithstanding this, the applicant has provided further information in order to address these matters. The primary inconsistency identified with the Concept Plan Approval is that the Community Precinct which comprises a community facility, community gardens, associated car parking and open spaces areas and is identified within Stage 6a of the Concept Approval Plan has not been included within the subject application.

Council at its Ordinary meeting dated 29 September 2017, resolved to object to the application as the application would not be compliant with the Voluntary Planning Agreement (VPA) as the community centre was not proposed to be delivered in the current application. The Council also indicated that they sought to resolve the objection through a Deed of Agreement. In response to this, the applicant and Council consulted regarding the delivery of the facility.

On 12 December 2017, Council at its Ordinary Meeting resolved to withdraw their objection on the basis that a Letter of Commitment was provided to Council regarding the timing of the delivery of the community facilities which will occur concurrently with the construction of Stages 6a and 7. It is noted that the letter of undertaking states that the construction of the community facilities will commence prior to the issue of any occupation certificates for dwellings in Stages 6a and 7 and that a Development Application for the facilities will be submitted to Council by September 2018. The applicant has therefore sought to resolve the inconsistency with the Concept Plan and VPA through an alternative arrangement. As the community precinct will now be undertaken through a separate process however in parallel with Stages 6a and 7 of the development, it is considered that this matter has been satisfactorily addressed and it is therefore recommended that a condition be imposed to this effect.

Given the addition information received and the conditions recommended, despite the proposal being inconsistent with the Concept Plan, it is considered that the application can be assessed on its merits.

The application does not seek to provide Connector Park as indicated within the Masterplan and in lieu of the open space provides additional dwellings. The purpose of Connector Park is to provide an urban link between Hilltop Park and Junior Play Park. On 28 July 2017, Council at its Ordinary Meeting gave in principal support to the relocation of Junior Play Park further East within the estate in order to provide a more appropriate drainage catchment for the whole estate. Accordingly, the purpose of Connector Park is no longer relevant. On 12 December 2017, at its Ordinary Meeting Fairfield City Council raised no objection to the removal of Connector Park, given that the open space will be off set in the future and there will be no net loss of open space within the estate. Given this, no concern is raised to its removal subject to the open space being relocated elsewhere within the estate.

The application was referred to Council's social planner for consideration with regard to the social impacts of the development. Council's social planner identifies that the proposal provides a suitable mix of dwelling typologies and that the proposal ensures a 70% to 30% split between private and public is provided, which is consistent with the Concept Approval. The social planner, however, did raise concern that the proposal resulted in public and private dwellings that are not indistinguishable, which is an important element of the social outcomes of the concept plan approval. Reference was made to the fact that all single storey dwellings within the stages are public only and

public housing was generally smaller (smaller lots and frontages) compared to the private housing. Council's social planner concluded that the overall development results in positive social benefits to the community, however the changes to the design of dwellings from Stages 1 to 3 through to Stages 4 to 7 have resulted in private and public houses being identifiable within the estate. Accordingly, it is considered appropriate that future stages within the development reinforce the principle of indistinguishability between social and private dwellings.

An assessment of the proposal has determined that the proposal is considered satisfactory with the numerical requirements of the Bonnyrigg Masterplan (as amended). It is noted that the proposal, in some cases, results in variations to the controls including the height of garden apartments, number of car parking provided for residential flat buildings, lot dimensions and setbacks. Where the variations are not appropriate in the circumstances conditions have been imposed that requires the dwellings to be redesigned in order to provide a more appropriate outcome.

The subject site is within the Zone R1 General Residential as stipulated within the Fairfield City Council Local Environmental Plan 2013. The proposal is permissible within the zone, subject to consent.

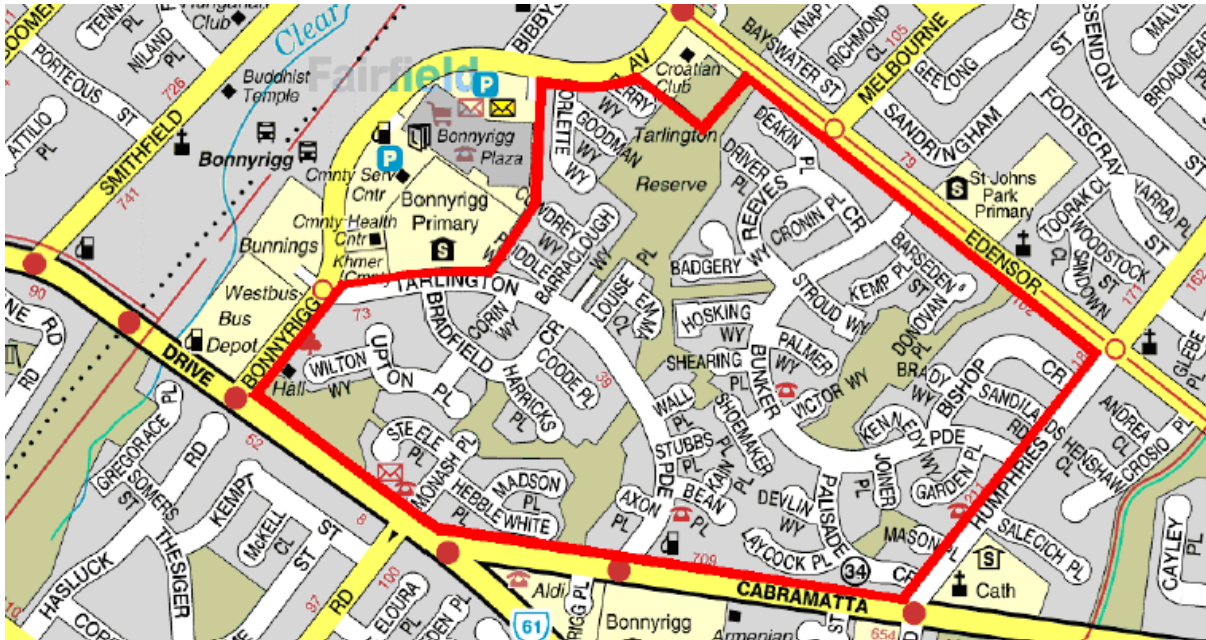
The Development application was notified for a period of twenty-one (21) days in writing to surrounding properties and in the local paper, in accordance with Council's Notification Policy. Two (2) submissions were received during the notification period. As discussed above one (1) submission was from Fairfield Council, however, the objection was withdrawn given the letter of commitments provided by the applicant. The other objection that was received raised concerns regarding the road layout. The issues raised have been taken into consideration in the assessment of the application and, where required, conditions have been imposed in order to address these concerns.

The application was referred to Council's Building Control Branch, Open Space Branch Traffic Section, Development Engineering Branch, Environmental Management Section, Subdivision Branch, Bonnyrigg Place Manager, Natural Resources Team, Property Assets and Group Manager of City Governance and Community 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.

The proposed development is considered to be suitable for the subject site, and will have minimal impact on the surrounding environment. The objector's concerns are acknowledged however it is considered that there are no issues that would warrant refusal of the application. Where appropriate, the objector's concerns can be addressed through conditions of consent. It is important to note that the proposal represents Stages 6a and 7 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 as outlined in Attachment N of this report.

SITE DESCRIPTION AND LOCALITY

The proposed development is identified as Stages 6a and 7 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 project seeks to provide 2,500 new dwellings across 18 stages. Stages 1 to 5 have been approved and are either completed or under construction. The whole Bonnyrigg Living Communities Project is identified within the following Map:



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

Part of Lot 12, DP 1143255	14A Shoemaker Place
Lots 230, 231 & 232, DP 262449	No.'s 12 - 14 Laycock Place
Lot 233, DP 262449	No. 2 Palisade Crescent
Lots 234, 253, 254, 255 & 417, DP 262449	No.'s 40, 36, 34, 32 & 42 Newleaf Parade
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Within the subject site Stages 6a and 7 are bounded by Bunker Parade to the north-east, Palisade Crescent to the East, Tarlington Parade to the West and Wall Place to the north-west. Stages 6a and 7 are located approximately 500 metres to the south east of the Bonnyrigg Town Centre.

Location of Stages 6a and 7 within the estate, as shown in the following map:



To the north of the subject site are Stages 4 and 5 of the development including Hilltop Park, which is currently undergoing construction. To the south are private dwellings with a frontage to Cabramatta Road and Tarlington Parade. To the west of the site is the Newleaf Community Offices and the future Stage 15 (has not been redeveloped). To the East of the site is Stages 8, 9 and 10 which are yet to be redeveloped.

There are five (5) private dwellings located within Stages 6a and 7 which are not the subject of any works proposed in this application and therefore do not form part of the application.

DEVELOPMENT HISTORY

Part 3A Concept Plan Approval

- 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

Application 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 9 July 2012, the Planning Assessment Commission approved a Section 75W Modification (Mod 4) of Major Project No. MP 06_0046.
- On 23 March 2018, an Application for the request for Secretary's Environmental Assessment Requirements (SEARs) to support a Section 75W modification application to the Concept Plan Approval (MP06_0046) for the remaining stages of the Bonnyrigg Housing Estate was submitted. The proposed modification is seeking the following key amendments to the concept plan:
 - **Increase densities** – An increase from 2,500 dwellings to 3000 dwellings within the housing estate is proposed. This includes a total of 900 social houses and 2100 private houses on-site, this would allow no net loss of social housing on the site within a mix consistent with the NSW Governments Future Directions for Social Housing Policy.
 - **Change to the housing typologies** – Apartments and mixed-use buildings of between 4 and 8 storeys are now proposed with higher buildings closer to the Bonnyrigg Town Centre.
 - **Enhance pedestrian & open space networks** – An increase in public open space from 12.13ha to 13.4ha is proposed. This includes a total open space provision of 51,702m² with improved connections for pedestrians to the town centre via a new public plaza.
 - **Refining the road network** – The proposed road network has been refined to improve connections for pedestrians and cyclists to the town centre and around the Estate.

The Department has released the SEARs to the applicant.

Development Approvals of the Stages

- On 20 July 2010, the Sydney West Joint Regional Planning Panel approved Development Application No. 123.1/2010 for the construction of Stage 2 which involved subdivision of the site into 3 super lots, construction of 104 dwellings and ancillary works including site preparation/earthworks, stormwater drainage, servicing and landscaping and subdivision thereof into 83 Torrens Title lots, 1 community title lot and 4 strata title lots.

- On 23 December 2011, the Sydney West Joint Regional Planning Panel approved Development Application No. 1303.1/2010 for the construction of Stage 3 which involved 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.
- On 11 October 2012, the Sydney West Joint Regional Planning Panel approved Development Consent No. 1098.1/2011 for the construction of Stages 4a & 4b which involved 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.
- On 23 May 2013, the Joint Regional Planning Panel approved Development Application No. 843.1/2012 for the construction of Stage 5 which involved 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.

PROPOSAL

The development application is seeking approval for Newleaf Bonnyrigg Renewal Project - Stages 6a & 7 comprising Torrens Title Subdivision (to create 121 Torrens Title Lots, 2 Development lots and 4 residue lots), Construction of 161 dwellings (comprising 75 detached, 46 attached dwellings and 40 garden apartments) and associated road, landscape and public domain works.

Specific details of the proposed development are as follows:

Subdivision

The proposed subdivision will create the following:

- 121 Torrens Lots (Lots 6101 – 6107 inclusive, Lots 6108 – 6120 inclusive, Lots 6121 – 6150 inclusive, Lots 6201 – 6208 inclusive, 6209 – 6217 inclusive, 6218 – 6224 inclusive and Lots 7101 – 7218 inclusive)
- 2 Development Lots for the proposed apartment buildings (Lots 6151 and 6152)
- 4 Residue Lots

Residential Dwellings

Attached and detached dwellings

- Construction of 32 semi - detached dwellings, comprising 11 x 4 bedroom and 21 x 3 bedroom dwellings.

- Construction of 75 detached dwellings, comprising 32 x 3 bedroom and 43 x 4 bedroom dwellings.

Each dwelling (whether attached or detached) is provided with two (2) car parking spaces in either a double garage or a single garage with a stacked space in front.

Terraces

- It is proposed to construct two (2) terrace complexes providing a total of 14 x 3 bedroom terrace dwellings. The two terrace complexes front Palisade Crescent and Wall Place in close proximity to Hilltop Park and the Bonnyrigg Neighbourhood Centre.
- Three (3) of the terraces include 1 bedroom self-contained flats above the double garages located at the rear (known as fonzie flats).
- Car parking for the terraces are provided in double garages which are located at the rear, with vehicular access provided via a new 6m wide lane way.
- The proposed terraces are a dwelling type that was introduced into the Bonnyrigg Masterplan as part of the latest modification to the Concept Plan (Mod. No. 4).

Apartments

- Construction of 1 x three-storey and 1 x four-storey residential flat buildings providing a total of 40 apartments. Both residential flat buildings are located opposite the Bonnyrigg Neighbourhood Centre along Wall Place.
- The western residential flat building (Private)
 - A total of 18 private dwellings (3 x 3 bedroom and 15 x 2 bedroom apartments) are proposed within the three storey building.
 - No lifts are provided and access is provided via 3 stairwells.
 - 22 (4 accessible) and 4 visitor on-grade car parking spaces are provided to the rear of the building.
 - An on-grade waste storage enclosure is also provided.
 - All 18 apartments are dual aspect providing optimal cross ventilation and access to northern sunlight.
 - 284.7m² of communal open space is provided on the site with the majority provided within the rear (south) between the car park and the building.
 - The building is setback between 3 to 3.5m from Wall Place (primary) and 3.507 to 4.549m from Tarlington Parade (secondary).
- The eastern residential flat building (Public)
 - A total of 22 public dwellings (15 x 2 bedroom and 7 x 1 bedroom apartments, all of which are adaptable apartments).
 - The public apartment complex is serviced by a lift.
 - 17 and 5 visitor on grade car parking spaces, including 5 accessible parking spaces are provided to the rear of the building.
 - An on-grade waste storage enclosure is also provided.
 - 18 apartments obtain optimal solar access and 14 apartments provide sufficient cross ventilation.

- 381.8m² of communal open space is provided on the site with the majority provided within the rear (south) between the car park and the building.
- The building is setback approximately 4.3m to Wall Place and 4.9 to 7.65m to Shoemakers Place.
- Two at-grade car parking areas, waste storage areas and communal open space is located to the rear of the apartment buildings which provides a buffer between the apartment buildings and the adjoining detached housing to the south.
- Vehicular access to the apartments are from Shoemaker Place or Tarlington Parade.
- Courtyards and balconies are provided within the front and side setbacks which include fences and landscaping.

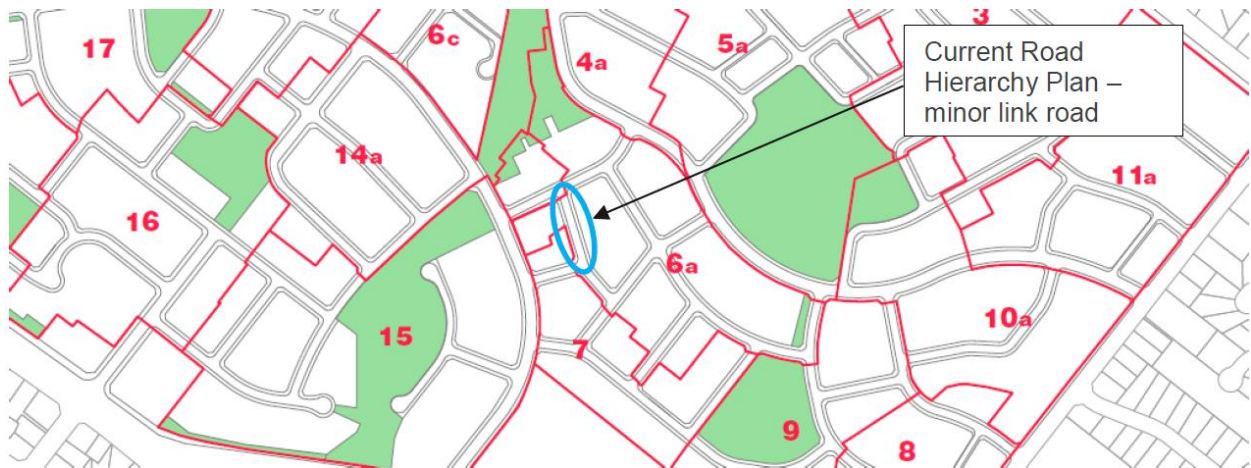


- The building height of the 3-storey apartment building is 10.3 metres and the 4-storey building is 12.8 metres.
- The floor space ratio (FSR) for the private apartment complex is calculated at 0.81:1 and the FSR for the public apartment complex is calculated at 0.92:1. Whilst there is no FSR control provided within the Bonnyrigg Masterplan, the proposed built form is above the maximum FSR of 0.8:1 that Council imposes for residential flat buildings.
- The apartment buildings are located directly opposite the proposed location for the Bonnyrigg Neighbourhood Centre and just to the west of Hilltop Park.

Public Roads

Stage 6a and 7 includes the construction of public roads generally in accordance with the road layout approved under the Master Plan. The proposal does however seek 3 variations in the following manner;

A link road is not provided as indicated below:



2 x 8m wide laneways are provided as indicated below:



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.

Missing Components to Stage 6a and 7

It is noted that the proposal does not contain two (2) components within Stage 6a as depicted in the Indicative Staging Plan 2011, which was approved under the latest modification to the Concept Plan (Mod. No. 4).

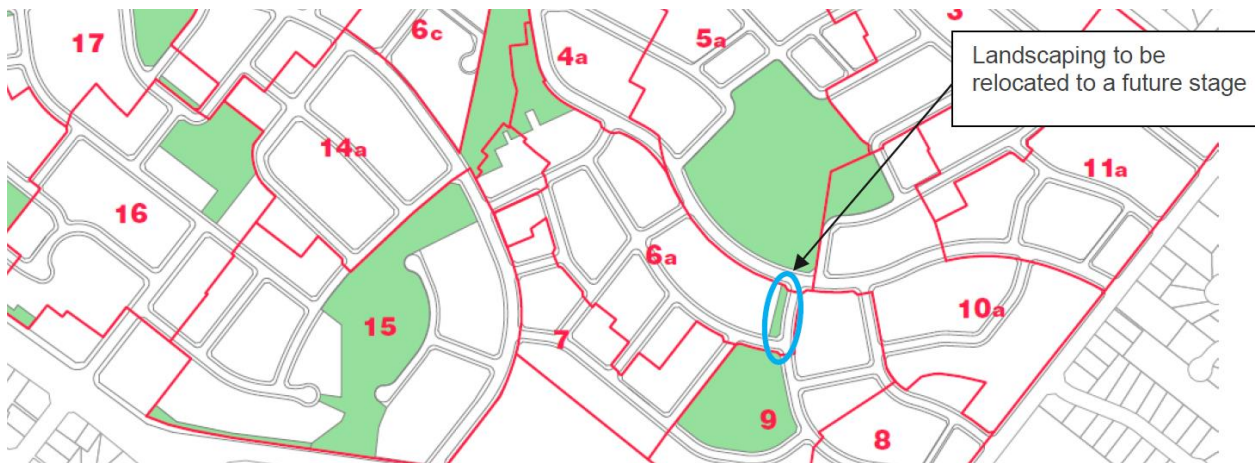
Community Facility, Community Gardens and Open Space

The proposal does not include the Community Precinct which comprises a community facility, community gardens, associated car parking and open space areas. The applicant has indicated that they are committed to providing the facilities however it will be subject to a separate application (to be lodged to Council by September 2018). Council and the applicant have been in consultation regarding the delivery of the facility and an agreement has been made between the two (2) parties regarding the construction and delivery of the community precinct as required by the Voluntary Planning Agreement (VPA).



Connector Park

The subject application does not provide a Connector Park (along Palisade Crescent) between Junior Play Park and Hilltop Park, as shown below.



Terraces and semi-detached dwellings that are serviced by a new laneway have been provided instead. The applicant has indicated that the open space will be provided elsewhere at a future stage within the estate and that there will be no net loss of open space.

Overall

The breakdown of dwelling typology is presented in the table below:

Dwelling type	Public #	Public %	Private #	Private %	Total
Duplex	18	56%	14	44%	32
Detached Houses	9	12%	66	88%	75
Apartments	22 1 bed = 7 2 bed = 15)	55%	18 2 bed = 15 3 bed = 3 22% (4) are adaptable	45%	40
Terrace	0		14	100%	14
Total:	49 or 30%		112 or 70%		161

The proposal provides a 70/30 split between public and private dwelling, which is in line with the concept approval. The location of social housing is scattered across locations within each stage.

The plans provided below depict the proposed dwelling layout and landscape concept design for Stages 6a and 7 of the Bonnyrigg living Communities Project.



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 Stage 1 Project Application 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 also noted that the Department of Planning has released SEARS in regards to a further modification to the Part 3A concept plan approval, however no Section 75W Modification has been submitted, at the time of writing this report.

An assessment of the proposed development indicates that the Stage 6a and 7 development application would not be consistent with the Concept Plan Approval. Notwithstanding this, the applicant has provided further information in order to address this matter. Further assessment is provided below regarding the inconsistency with the Concept Approval and other relevant matters.

Community Facility, Community Gardens and Open Space

The inconsistency identified with the Concept Plan Approval is that the Community Precinct which comprises a community facility, community gardens, associated car parking and open spaces areas and is identified within Stage 6a of the Concept Approval Plan has not been included within the subject application.

On 29 September 2017, at its Ordinary Meeting Council put in a submission raising concerns regarding this matter, as outlined below:

Council advise the Sydney South West Planning Panel that it objects to the Part Stage 6a/7 DA for the Newleaf Project as it is not compliant with the current Voluntary Planning Agreement (VPA) (as modified by the Concept Plan approved by the NSW Planning and

Assessment Commission in 2012) as parts of Stages 6 and 7 are not included to be delivered in the current DA. This includes a new community facility, community gardens and areas of open space.

In its submission the Council sought to resolve the objection through a Deed of Agreement. In response to this matter the applicant and Council consulted regarding the delivery of the facility.

On 12 December 2017, at its Ordinary Meeting Council advised that the concern was resolved as follows:

Council advise the Sydney South West Planning Panel that it is formally withdrawing its previous objection to the part Stage 6a/7 DA for the Newleaf Project. This step is based on the letter ... provided by the NSW Land and Housing Corporation ... relating to the timing for delivery of the community facilities in parallel with Stage 6a/7 DA.

In resolving to withdraw the objection, Council took into account that the letter of commitment provided by the LAHC, which sought an alternative arrangement in the delivery of the facility. The undertakings included the following:

- The community facilities will be delivered by LAHC in parallel with the new lots and dwellings proposed in Stages 6 & 7 (in DA 422.1/2047).
- Construction of the community facilities is to commence prior to the issue of any occupation certificates for dwellings within Stages 6 and 7.
- The community facilities and associated car park is to be completed by LAHC within 12 months of commencing construction. It is noted that no further occupation certificates will be issued for future stages within the development, until the community facilities and car park have been completed.
- The community facilities is to be delivered by LAHC in a manner that ensures the size scale and operational capacity is consistent with the intended function in the VPA and ISDP, having regard to population growth and thereby increased community needs associated with the current and future stage within the estate.

It is understood that the applicant will submit a Development Application for the Community Centre by September 2018.

Accordingly, given that the community facility will be provided concurrently with Stages 6a and 7 through an alternative arrangement, then no concern is raised regarding the inconsistency with the Concept Approval. Accordingly, a condition is recommended to be imposed to this effect.

Given the addition information received and the conditions recommended, despite the proposal being inconsistent with the Concept Plan, it is considered that the application can be assessed on its merits.

Potential Social Impacts

The Community Renewal Implementation Plan and a Community Renewal Services Plan that was approved under the Concept Plan was required to be updated annually and submitted to Council. This has not been provided to Council. The applicant has consulted with Council officers and have agreed that an annual update will be provided

to Council by the 30th June 2018. It is recommended that this form a condition of consent.

Dwelling Yield

Council officers raised initial concern that the overall number of dwellings proposed across Stages 6a and 7 may be inconsistent with the expected dwelling yields identified in the 'Indicative Staging Plan – December 2011'. The applicant has provided further information including likely yields for stages 6b and 6c which are not the subject of this application.

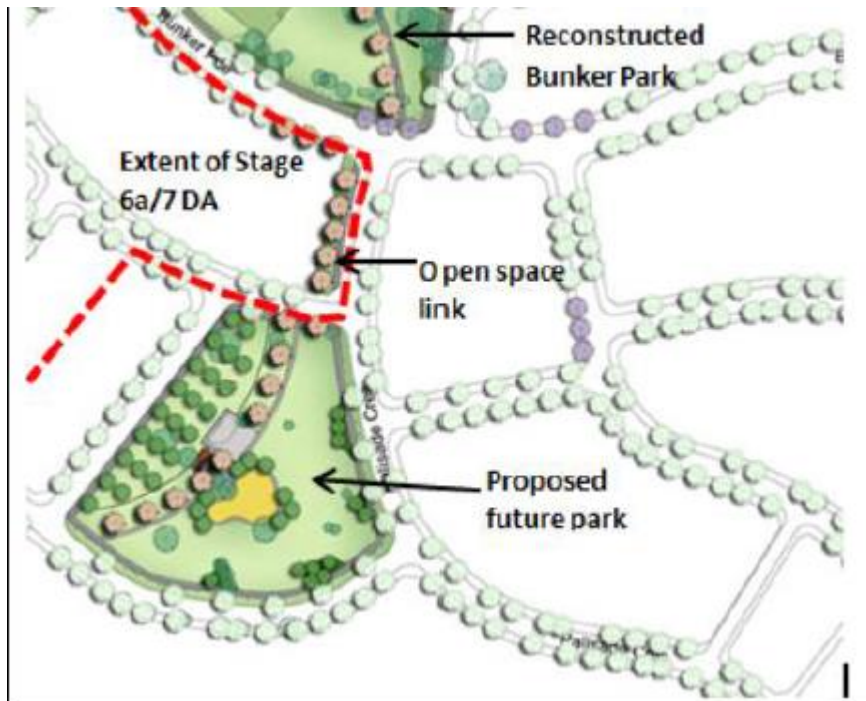
It is noted that in Stages 1 - 5, 554 dwellings have been approved compared to the 593 dwellings in the Staging Plan (39 dwellings below). Under Stages 6 and 7, 255 dwellings are to be provided in the Staging Plan. The proposal seeks a total of 161 dwellings however stages 6b and 6c are not included. The applicant has stipulated that 6b will provide 24 dwellings and 6c will provide 31 dwellings. Accordingly, it is likely that Stages 6a, 6b, 6c and 7 will provide 216 dwellings (a shortfall of 39 dwellings).

Accordingly, Stages 1 to 7 has a total of 770 dwellings approved/constructed/proposed and the Indicative Staging Plan seeks 848 dwellings to be provided. Accordingly, there is a shortfall of 78 dwellings which represents approximately 9.2% of the required yield.

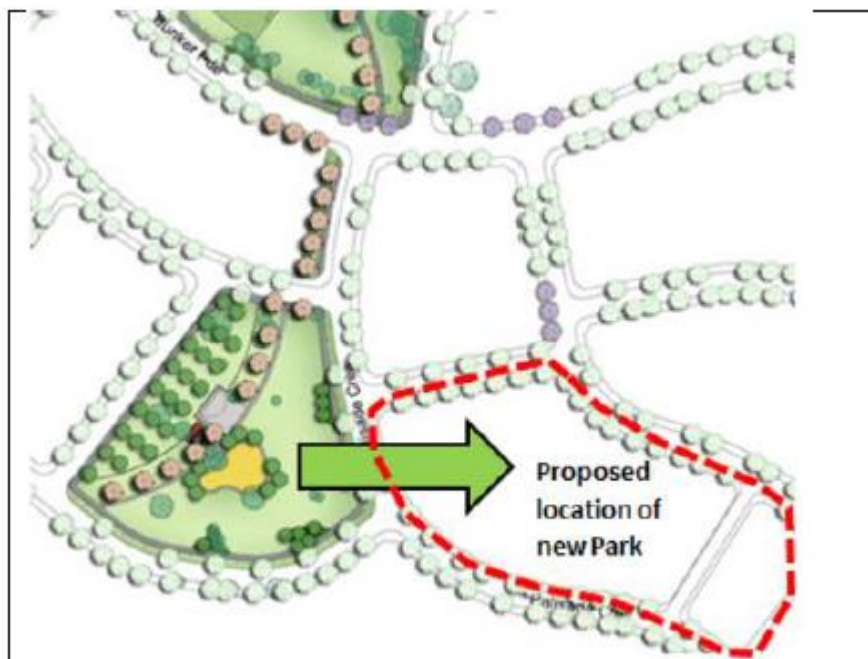
While the concept plan is indicative, concerns in relation to the shortfall of dwellings is compounded by the release of SEARs from the Department in regards to a further Section 75W Modification to the Concept Approval which seeks to increase the density of the estate by a further 500 dwellings. Notwithstanding this, no application has been submitted and cannot be taken into consideration as part of this assessment. Accordingly, any amendment to the Concept Plan in relation to additional yields needs to address/consider the shortfall in dwellings across the first 7 stages.

Connector Park

The subject application does not provide Connector Park (along Palisade Crescent) between Junior Play Park and Hilltop Park. The applicant has indicated that the purpose of Connector Park was to provide an 'urban design' link between the recently constructed Hilltop Park, to Junior Play Park located in the south west corner of the Newleaf estate as shown below.



In July 2015, consultation between the applicant and Council occurred in relation to the relocation of Junior Play Park further to the east toward Humphries Road. On 28 July 2017, Council at its Ordinary Meeting gave in principal support to its relocation (as seen in the diagram below). The purpose of the relocation was to provide a more appropriate drainage solution for the site's eastern catchment in relation to on-site detention that helps to avoid significant downstream impacts from the development. Accordingly, the purpose of Connector Park is no longer relevant given that it cannot provide a link between the two parks.



Details of the removal of the Connector Park was considered at Council's Ordinary meeting on 12 December 2017, and Fairfield City Council raised no objection to the construction of dwellings located on Connector Park given that the area of open space

will be offset in future stages and will not result in a net loss of open space within Newleaf Bonnyrigg estate.

Given the above, no further concern is raised to its removal subject to the area being relocated elsewhere within the future Stages of the development of the estate.

Distribution and Indistinguishability of Public Housing

The application was referred to Council's social planner for consideration. Council's social planner advised that the Social Impact Assessments 2007¹ emphasised the importance that housing needed to be indistinguishable, salt and peppered and a mix of housing typologies was required to ensure successful outcomes within the estate.

The creation of a mixed tenure estate, high quality new housing that is indistinguishable between public and private, and improved amenity of the public domain, is likely to lead to decrease in stigma, and improved social integration with surrounding areas (pp 51 executive summary).

The proposal that public and private housing will be indistinguishable and scattered throughout the 18 stages of the renewed estate is a very positive aspect of the project. It is important that there is a relative even mix of public and private housing across all housing typologies (detached, attached and apartments), notwithstanding future market conditions..... (pp 278).

Dwelling Typology

The social planner considered that there is an appropriate mix of dwelling typologies.

Salt and Pepper

The social planner advised that the proposal provides a 70% to 30% split between private and public dwellings, which is in line with the concept approval. They also indicated that the location of social housing is scattered across locations within each stage which is a desirable outcome.

Indistinguishability

Council's social planner also advised that another element of the social outcomes of the concept approval was to ensure that the public housing was indistinguishable from the private housing. Council's social planner raised concern that the proposal resulted in public and private dwellings that are not indistinguishable. Two examples were provided in relation to this matter.

The social planner indicated that nine public detached dwellings are proposed within Stages 6a and 7. Six of the nine dwellings are single storey and that there are no other single storey private dwellings proposed within these Stages. The difference in scale can be seen in the diagram below:

¹ Stubbs J 2007 Bonnyrigg Living Communities Project Social Impact Assessment



The other example, that the social planner indicated related to the size and frontage of public housing was generally smaller than the private housing. A comparison was provided between two duplex dwellings which are located side by side. Lots 6126 and 6127 are social dwellings and Lots 6129 and 6128 are private dwellings. The variance in land size is 381.4m² of land for the social dwellings and 451m² for the private land (approximately 18% smaller). The frontage is 6.76 m² for each of the public dwellings and 8m for the each of the private dwellings. The open space for the public dwelling is also smaller when compared to the private dwellings. The below diagram from the submitted documentation shows the 2 developments:



28.19	6129	225.5m ²	8
28.19	6128	225.5m ²	8
28.19	6127	190.7m ²	6.76
28.19	6126	190.7m ²	6.76

Given the above, Council's social planner considered that the social housing may be discernible from private dwellings. They therefore raised concern given that the Future Directions for Social Housing in NSW sets out the NSW Government's vision for social housing over the next 10 years stating '*the new social housing developments will be modern, **look the same as neighbouring private dwellings** and be close to transport, employment and other community services*'².

² NSW Government Future Directions for Social Housing in NSW view at <http://www.socialhousing.nsw.gov.au/?a=348442>

In addition, they indicated that it is important to note that a guiding design principle for mixing market and subsidised housing is tenure blindness. This means there are no explicit external indicators of tenure type in the design and layout of a development.³

*“This principle will equally contribute to the concerns of (a) minimising the stigma attached to any subsidised housing and (b) minimising any impacts on market housing value that this stigma can lead to. Over time, tenure blindness will also reduce the likelihood of local problems being attributed to tenure, in turn increasing the likelihood of a successful socially mixed community, as measured by community cohesion and growing social capital. Two important aspects are the equal provision of private and public amenities between tenures, and a consistent construction standard and architectural expression to the public realm”.*⁴

The social planner noted that the proposed private and public dwellings are not indistinguishable then the proposal may result in sub optimal economic and social outcomes for the estate in the long term. The social planner concluded that the overall development results in positive social benefits to the community, however the changes to the design of dwellings from Stages 1 to 3 through to Stages 4 to 7 have resulted in private and public houses being identifiable within the estate. Accordingly, it is considered appropriate that future stages within the development reinforce the principle of indistinguishability between social and private dwellings.

2. Fairfield Local Environmental Plan 2013

The subject site is zoned R1 General Residential under Fairfield LEP 2013 and the subject development would be characterised as detached dwellings, semi – detached dwellings, attached dwellings, and residential flat buildings. These land uses are permissible within the zone subject to consent.

The objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To permit a range of non-residential land uses that are capable of integration with the surrounding locality.*

It is considered that the proposed development would be consistent with the above objectives of the R1 General Residential zone.

Clause 4.3 and 4.4 of Fairfield LEP 2013 regulate building height and floor space ratio, respectively. There are no development standards in the LEP restricting the development in terms of building height and floor space ratio.

³ Ryan van den Nouwelant & Bill Randolph, October 2016 Mixed-tenure development: Literature review on the impact of differing degrees of integration City Future Research Centre, UNSW Built Environment

⁴ Ryan van den Nouwelant & Bill Randolph, October 2016 Mixed-tenure development: Literature review on the impact of differing degrees of integration City Future Research Centre, UNSW Built Environment

There are no other relevant clauses to the Application in Fairfield LEP 2013.

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 No. 55 (Remediation of Land)

SEPP 55 requires Council to consider whether land is contaminated and if it requires remediation prior to granting consent to any development. The consent authority must be satisfied that any necessary remediation has occurred before the use of the land is permitted.

The applicant has advised that a Validation Report and interim Site Audit Statement has been prepared that incorporates Stage 6a of the Development. The applicant also states that the Final validation of the Site and issue of the Final Site Audit Statement will

be undertaken subsequent to the removal of the asbestos containing services. Service removal is proposed to occur at the beginning of civil engineering works. The applicant seeks that the requirement for the validation report be postponed until after the commencement of civil works to allow the required asbestos removal works to occur.

The applicant has requested that a Detailed Site investigation of Stage 7 should be undertaken at the completion of demolition of the existing dwellings within the area. Documentation regarding the remediation or validation of the site will become available once information on potential contamination on the site is collected.

Council's Environmental Management Branch has assessed the response and have raised no concerns except in relation to the validation report being provided before the civil works. They have indicated that the works required to remove the asbestos needs to be clearly delineated from the civil works so as to reduce the likelihood of exposure to contaminants. Accordingly, conditions have been recommended.

It can therefore be concluded that the site is suitable for the intended land use and if contamination is found can be remediated prior to the proposed use occurring.

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

The Applicant has submitted a BASIX Certificate in support of the Application and in accordance with the provisions of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

7. Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

The subject development is considered to be consistent with the objectives and the requirements outlined in the above REP. In addition, the specific matters of consideration as outlined in the REP are as follows:

“Specific matters for consideration

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment.*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management.*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998) prepared by and available from Landcom and the Department of Housing.*
- *Likely impact on groundwater and remnant vegetation.*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options.*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed.*
- *The adequacy of planned waste water disposal options.”*

The applicant has submitted documentation demonstrating that the proposal will not create an unreasonable environmental impact to the surrounding locality. The application is therefore considered to be satisfactory with respect to addressing the objectives and requirements of REP No. 2.

8. 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	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 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 3 & 4 attached dwellings: Width: 20m Depth: 30m Row Houses / Terraces: Width: 5m Depth: 25m	All dwellings comply with the minimum lot size requirements, except in relation to the following lots: 6148 6134 6111, 6112 6118, 6119 6202, 6203 6222, 6223 6131 7111 6138, 6139 7113, 7114 7213, 7214	Considered Satisfactory subject to conditions (see below)
Site Coverage	Building Footprint: Max 65% of any allotment can be built upon, including garages and car spaces Landscaped Area: Min. 35% of each allotment to be landscaped (includes hard and soft landscaping) Min. 30% of landscaped area must be deep soil	None of the allotments exceed the maximum 65% All allotments achieve the minimum landscaped area and deep soil zones	Yes Yes
Streetscape	Garages: All garages must be set back 5.5m from street frontage Max. combined width of garages fronting street not to exceed 50% of allotment width Max. combined width of garages fronting access places not to exceed 80% of allotment width No triple or more garages side-by-side fronting streets Building Elements: All dwellings to have direct entry from	All garages set back 5.5m and do not exceed 50% of the allotment width. Except in 4 situations. These are considered below. Garages that are located closer to the lot boundary are orientated to a secondary frontage.	Yes Yes

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
	<p>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	
Bulk and Scale	<p>Building Height: Max. 2 storeys for detached and attached dwellings, with some 3 storey elements for 'hero' sites</p> <p>Ceiling Height: Minimum 2.4m floor to ceiling heights</p>	<p>All dwellings comply</p> <p>All dwellings comply</p>	<p>Yes</p> <p>Yes</p>
Setbacks	<p>Front: A min. 80% of the width of the front elevation of the building (excl. garages and balconies) is to be setback a minimum of 4.5m from the front boundary A max. 20% of the width of the front elevation of the building may be setback a min. of 1.2m from the front boundary. 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.</p> <p>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;</p>	All dwellings comply, with the exception of Lot 7111	Yes, subject to conditions
Privacy	<p>Dwellings must be designed to prevent overlooking into the living areas and private open spaces of adjoining dwellings</p> <p>If this cannot be achieved, measures to ensure privacy shall be provided</p>	<p>All dwellings have been designed to maintain privacy.</p> <p>Where privacy is difficult to achieve through the layout of the dwelling, privacy screens have been provided</p>	Yes
Safety and Security	Dwellings to be designed to accord with CPTED principles.	The four (4) CPTED principles are reflected within the architectural plans. The dwellings are	Yes

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
		considered to be satisfactory from safer-by-design perspective	
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	<p>Detached dwellings: 2 spaces</p> <p>Attached dwellings: 1 or 2 b/r – 1 space 3 b/r – 1.5 spaces Visitor parking will be provided on street</p> <p>Apartments: (1/apartment, 1.2/apartment (2 bed) and 1.5/apartment (3 bed). Visitor parking to be 1 per 5 apartments.</p>	<p>All detached dwellings are provided with the minimum 2 car parking spaces.</p> <p>All attached dwellings are provided with 2 car parking spaces, which is above the minimum required.</p> <p>All terraces are provided with the minimum 2 spaces per dwelling.</p> <p>There are 32 semi detached, 75 attached dwellings and 14 terraces. 262 spaces are provided formally and informally for the 121 dwellings.</p> <p>The private apartments provide 22 and 4 visitor on-grade car parking spaces.</p> <p>The public apartments provide 17 and 5 visitors on grade car parking spaces.</p> <p>It is noted that previous Stages were assessed with respect to RMS Guide to Traffic Generating Development. The proposal provides car parking in accordance with the guide as discussed below.</p>	<p>Yes</p> <p>Considered Satisfactory See below for further details</p>
Storage	<p>1 b/r dwelling – 6m³ 2 b/r dwelling – 8m³ 3 b/r dwelling – 10m³</p>	All dwellings comply. It is noted that the dwellings rely upon external storage. No details have been submitted that demonstrate that the external storage is designed in an acceptable manner. It is recommended that a condition be imposed to this effect.	Yes – subject to a condition being imposed requiring external storage details.
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	The submitted shadow diagrams demonstrate compliance.	Yes

Criteria	Relevant Development Standard (Bonnyrigg Masterplan)	Proposed	Compliance
	hours of direct sunlight between 9am and 3pm on the 21st of June.		

The above table indicates that the Stage 6a and 7 development is considered satisfactory with the controls provided within the Bonnyrigg Masterplan (as amended) with the exception of height for the garden apartments, car parking for the residential flat buildings lot sizes and setbacks. These non-compliances and other relevant matters are discussed below:

Garden Apartment

The proposal provides 2 garden apartment buildings along Wall Place. The garden apartments are located directly opposite the Community precinct and approximately 90m from Hilltop Park. The Masterplan envisages garden apartments to be located in places of high amenity and should be 3 storeys in height. The locations of the proposed garden apartments are considered to be of a high amenity given the nearby Community Precinct and Hilltop Park. It is however noted that the proposed public apartment incorporates a part 4 storey element and therefore does not strictly comply with the height control identified in the Masterplan. The applicant has sought the fourth storey in order to assist in increasing dwelling yield within this Stage and by providing a fourth storey it will be viable to allow the provision of a lift. The intent of this apartment is to provide dwellings targeted towards seniors and therefore the provision of a lift is considered critical in meeting this outcome. The applicant has provided the following photomontages of the development as 4 storeys and as 3 storeys.



It can be seen from the above images that the part 4th storey places greater emphasis on the corner element.

Given that the additional storey provides a lift and results in an acceptable urban design, the additional height is considered acceptable in this circumstance and would not warrant the refusal of the application.

Proposed Road Layout

Part 4 of Bonnyrigg Masterplan identifies the desired road layout of the estate. The proposal seeks to retain and construct roads in accordance with the Masterplan except for 2 variations which are as follows:

Removal of Access Street

The proposal does not provide the 15m wide Access Road between Wall Place and Stubbs Place. The applicant has provided the following reasons for the proposed removal of the road:

- *The location in the concept plan for this road link is directly adjacent to the boundary of an existing private dwelling (on Stubbs Place). The construction of a new link directly adjacent to the existing property fence would be a less than desirable outcome for these residents. Removing this connection will create a better outcome for these residents.*
- *The connection is unnecessary, inefficient, and detrimental to the overall design of this stage. Its removal provides a more coherent arrangement both in terms of both the road layout and the housing design and provides a safer outcome in relation to adjacent intersections and driveways.*
- *The omission of the connection enhances the streetscape presentation along Wall Place with additional opportunities for on street parking.*
- *Its omission will permit a safer and more efficient traffic flow and will not have a significant impact on journey times.*

Council's Traffic Section has reviewed the proposal and the transport management and accessibility plan submitted in support of the application. They have raised no objection to the proposal and have indicated that the proposal including the removal of the subject Access Street will not result in an unreasonable impact to the road network. Given the points raised by the applicant and that the proposal will not result in an unreasonable impact the road network, the removal of the road would not warrant the refusal of the application.

Lot Dimensions

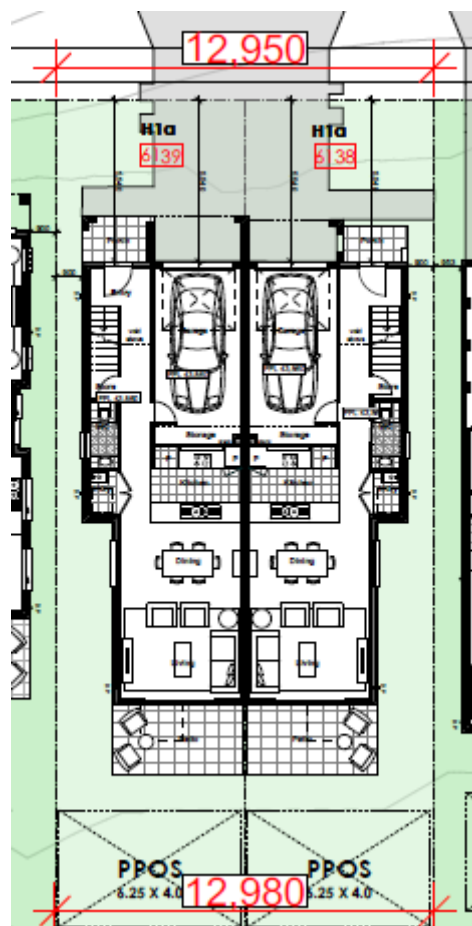
The Masterplan provides Lot Dimensions that the proposed dwellings are to comply with. The applicant was advised that the following lots do not comply:

Lot No.	Minimum Allotment Width	Minimum Allotment Depth
6148	Yes	No (25m required)
6134	No (8.5m required)	Yes
6111, 6112	Yes	No (25m required)
6118, 6119	No (17m required)	Yes
6202, 6203	No (17m required)	Yes
6138, 6139	No (17m required)	Yes
6222, 6223	No (17m required)	Yes
6131	Yes	No (25m required)
7111	Yes	No (25m required)
7113, 7114	No (17m required)	Yes
7213, 7214	No (17m required)	Yes

In response to this, the applicant has provided justification in order to justify the non – compliance with the Masterplan.

An assessment of the proposed variation to lot dimensions are provided below:

- Lots 6148, 6118, 6119, 6202, 6203, 6131 are irregular in nature and taper down towards the frontage. Accordingly, the average lot width generally complies with the numerical standard or the variation sought is considered relatively minor. Accordingly, the variations sought on these lots would not warrant the refusal of the application.
- The variations sought for Lots 6134, 6111, 6112, 6222, 6223 are minor in nature and range from 590mm to 2036mm (all within 10%). The dwellings meet all the other provisions including private open space and setbacks and provide suitable internal solar access. Accordingly, the variations would not warrant the refusal of the application.
- Lot 7111 is irregular in nature and has a depth that ranges from 24.588m to 11.506m which is an average of 18.047m (variation of 27.8%). As discussed above, the proposed dwelling does not comply with the front setback requirements for the building line and garage. It is considered appropriate that the dwelling be redesigned in order to ensure the proposal complies with the front setback and this has been recommended as a condition of consent.
- Lots 6138/6139 have a lot width of 12.950m, Lots 7113/7114 have a lot width of 13.177m and Lots 7213/7214 have a lot width of 13.198m and there these lots contain 2 attached public dwellings. A plan of Lots 6139 and 6138 is provided below:



The masterplan requires that the minimum width for these lots to be 12.8m in width if they have garages on the street frontage and they have a north facing yard or 17m in width if they have a south facing yard. The subject lots have garages located along the street frontage and whilst not directly south facing are orientated towards south. Accordingly, a width of 17m is required and only 12.95m to 13.198m is provided which is a variation of approximately 22 - 24%. The intention of the lot width control for south facing lots is to ensure that acceptable solar access to living areas within the proposed dwellings can be achieved through wider lot widths in that solar access can be provided from the street (north). It is considered that the proposed dwellings on Lots 6138, 6139, 7113, 7114, 7213 and 7214 do not provide optimal internal solar access to principle living areas. Given this, it is not considered that the variations sought should be accepted in this circumstance. It is therefore considered appropriate that a condition be imposed that requires the dwellings on the subject lots to be re-designed in order to provide at least 3 hours of solar access during the mid-winter solstice to the principle living areas of each dwelling or alternatively provide fewer dwellings.

Front Setback 7111

Lot 7111 does not comply with the minimum front setback as the building line is setback 2.864m instead of the required 4.5m. The applicant has requested that the matter be considered on its merits given the constrained nature of the lot and awkward shape. Whilst it is acknowledged the site is an awkward shape, the proposal can comply with the relevant setback and still meet the required private open space. Accordingly, it is considered appropriate that a condition be imposed that amended architectural plans be submitted for Lot 7111 which increases building setback from the street in order to demonstrate compliance. This is considered appropriate given that the site is located on a prominent corner.

Garage Setbacks

The Masterplan requires that all garages are to be setback a minimum of 5.5m from the street frontages, however secondary and rear frontages are assessed on merit. It is noted that the garages for Lot 7111 is setback 3.970m from the front setback. As outlined above it is recommended that a condition be imposed that the dwelling be located further back in order to comply with this control.

In addition Lots 6136, 6220 and 7103 provide approximately 2.5m setback to a street frontage. The dwellings are setback in line with the adjoining dwellings for the principal frontage and have a double garage in order to provide the required car parking spaces. Given this, the proposed setbacks based on merit would be acceptable in this circumstance and therefore do not warrant the refusal of the application.

Storage

The proposal provides the required storage area as required within the Masterplan. Notwithstanding this, dwellings rely upon external storage which if not appropriately managed may detract from the streetscape. No details have been submitted that demonstrate that the external storage is designed in an acceptable manner. It is therefore recommended that a condition be imposed that requires the design to be provided to Council for consideration.

Car Parking

The car parking rate within the Masterplan for garden apartments and for lifted apartments is different. The car parking assessment has been provided below:

Private Apartment – 18 dwellings (3 x 3 bedroom and 15 x 2 bedroom apartments)

Rate provided within the Master Plan

1 space per 2 bedroom dwelling

1.5 space per 3 bedroom dwelling

1 visitor space per 5 dwellings

$15 + 4.5 = 19.5$ spaces and 3.6 visitor spaces required.

The proposal provides 22 spaces and 4 visitor spaces and accordingly the proposal complies.

Public Apartments (Lifted) - (15 x 2 bedroom and 7 x 1 bedroom apartments)

Rate provided within the Master Plan

0.6 space per 1 bedroom dwelling

0.9 space per 2 bedroom dwelling

1 visitor space per 5 dwellings

$13.5 + 4.2 = 17.7$ (rounded up to 18) spaces and 4.4 (rounded down to 4) visitor spaces

The proposal provides 17 and 5 visitor on grade car parking spaces. It is noted that the proposal is deficient by 1 space for the residents and over supplies the visitor spaces by 1 space. Accordingly, a condition is recommended to be imposed that provides 1 less visitor space and 1 more resident space.

9. 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 proposed development, as it exceeds three storeys in height and contains at least 4 or more dwellings. The objective of the SEPP is to improve the quality of residential flat development in NSW through the establishment, inter alia, nine design quality principles that must be taken into consideration in the design and assessment of an application. The following compliance table provides responses to the 'Design Quality Principles'.

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

Pursuant to Clause 28 (2) (c) of State Environmental Planning Policy No. 65, consideration is to be given to the 'Apartment Design Guide'. The following compliance table details the assessment of the additional residential units in accordance with the relevant 'design criteria' requirements of the 'Apartment Design Guide'.

Objective	Design Criteria	Proposal	Compliance
3D-1 (1) – Communal and Public Open Space	Communal open space is to have a minimum area equal to 25% of the site.	The private apartments provide 284.7m ² which is 12.3% and the public apartments provide 381.8m ² which is 19%. The applicant states that the proposal has good access to public open space given that it is located in close proximity to Hilltop Park.	Considered Satisfactory subject to a condition being imposed requiring the communal open space areas being embellished with landscaping, seats, bbq area etc.
3D-1 (2) – Communal and Public Open Space	Developments are to achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).	The principal communal open space area is located at the rear of the building. It receives minimal sunlight. The applicant relies upon the fact that the site is located in close proximity to Hilltop Park.	Considered Satisfactory
3E-1 (1) – Deep Soil Zones	For sites greater than 1,500m ² in area, a minimum 7% of site area is to be a deep soil zone, with minimum dimensions of 6m.	The proposal does not provide any deep soil areas that meet a minimum width of 6m. The applicant relies upon the fact that the site is located in close proximity to Hilltop Park.	Considered Satisfactory
3F-1 (1) – Visual Privacy	<p>Design Criteria: Separation between windows and balconies is provided to ensure visual privacy is achieved. For building heights up to 12m (4 storeys) minimum separation distances from buildings (to the side and rear boundaries) of 6m for habitable rooms and balconies, and of 3m for non-habitable rooms, are to be provided.</p> <p>Design Guidance: Apartment buildings should have an increased separation distance of 3 metres (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.</p>	<p>The proposed buildings are oriented north and south. Suitable separation is provided.</p> <p>The proposal provides a 9.5 to 25m setback for the private apartment to the private lots to the south. This complies with the relevant separation criteria.</p>	Yes
3J-1 – Bicycle and Car Parking	For development on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking	<p>The private apartments provide 22 and 4 visitor on-grade car parking spaces.</p> <p>The public apartments provide 17 and 5 visitors</p>	Yes

	<p>requirement prescribed by the relevant council, whichever is less.</p> <p>Note: the car parking needs for a development must be provided off street.</p>	<p>on grade car parking spaces.</p> <p>The site is not located within the distances for a train station or commercial zone it is noted that previous Stages were assessed against the Guide to Traffic Generating Development. The proposal provides car parking in accordance with this.</p>	
4A-1 (1) – Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	<p>Private 18 of the 18 (100%) apartments obtain the required solar access.</p> <p>Public 18 of the 22 (82%) apartments obtain the required solar access</p>	Yes
4A-1 (3) – Solar and Daylight Access	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	The proposal does not contain any apartments that do not receive any solar access during the mid-winter	Yes
4B-3 (1) – Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	<p>Private 18 of the 18 (100%) apartments obtain the required natural ventilation.</p> <p>Public 14 of the 22 (64%) apartments obtain the required natural ventilation. It is noted that the proposal relies upon 2 skylights to achieve the required ventilation. It is considered appropriate that a condition is imposed to ensure that the skylights are openable.</p>	Yes
4B-3 (2) – Natural Ventilation	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The maximum depth of the cross-through apartments is 15m.	Yes
4C-1 – Ceiling Heights	Minimum 2.7m ceiling height for habitable rooms (measured from finished floor level to finished ceiling level) for apartment and mixed use buildings heights.	Each level has a ceiling height of 2.7m, which is provided to the floor area of all habitable rooms.	Yes
4D-1 (1) – Apartment Size and Layout	<p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² 	All units comply with the respective minimum floor area requirements.	Yes

	<ul style="list-style-type: none"> • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>		
4D-1 (2) – Apartment Size and Layout	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Each habitable room includes a window with a total minimum glass area of not less than 10% of the floor area of the respective room.	Yes
4D-2 (1) – Apartment Size and Layout	Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Given that all habitable rooms are provided with a ceiling height of 2.7m, this equates to a maximum room depth of 6.75m.	All habitable rooms have a room depth (excluding the kitchen component) of less than 6.75m.	Yes
4D-2 (2) – Apartment Size and Layout	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All open plan layouts units have a maximum combined room depth of 8m.	Yes
4D-3 (1) – Apartment Size and Layout	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All master bedrooms have a room area exceeding 10m ² , while all other bedrooms have a room area exceeding 9m ² .	Yes
4D-3 (2) – Apartment Size and Layout	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All bedrooms have minimum room dimensions of 3m.	Yes
4D-3 (3) – Apartment Size and Layout	Living rooms or combined living / dining rooms have a minimum width of 3.6m for studio and 1 bedroom apartments, and 4m for 2 and 3 bedroom apartments.	All living rooms have a minimum width of 4m.	Yes
4D-3 (4) – Apartment Size and Layout	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All cross-through apartments exceed an overall width of 4m.	Yes
4E-1 (1) – Apartment Size and Layout	All apartments are required to have primary balconies with a minimum area and depth: <ul style="list-style-type: none"> • Studio apartments – 4m² (no minimum depth), • 1 bedroom apartments – 8m² and 2m, • 2 bedroom apartments – 10m² and 2m, and • 3+ bedroom apartments – 12m² and 2.4m. 	All units are serviced by a primary balcony which exceed the respective area and depth requirements.	Yes
4F-1 (1) – Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	The maximum number of apartments provided off a circulation core on a respective level is 6.	Yes

4G-1 – Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio apartments – 4m³ • 1 bedroom – apartments 6m³ • 2 bedroom –apartments 8m³ • 3+ bedroom apartments – 10m³ <p>At least 50% of the required storage is to be located within the apartment.</p>	All units are serviced by storage compartments which exceed the respective volume requirements, with at least 50% of the required storage located within the respective apartment.	Yes
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The above table indicates that the proposed design of the apartment buildings is considered satisfactory regarding the requirements contained within SEPP 65. It is noted that 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.

Further assessment is provided below:

Communal open space

In regard to communal open space, the proposal does not meet the required size, access to sunlight nor deep soil as stipulated within the design criteria within the Apartment Design Guidelines.

The applicant has indicated that the non-compliance is due to the irregular nature of the site (given the private lots) and the requirement to provide car parking. The Design Guidance within the ADGs do advise that where a proposal is unable to achieve the design criteria, the applicant shall demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.

Council officer's assessment concludes that given the site constraints and building typology envisaged the only design solutions to resolve this matter is through a roof top communal open space or basement car parking. This option has not been pursued by the applicant. It is therefore considered appropriate that the principal communal open space should be significantly embellished which includes seating areas, BBQs and plantings to ensure that the residents are provided with a highly usable space for their private use.

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
Strategic Planning Section	No Objection
Natural Resources Team	No Objection
Property Assets	No Objection
Group Manager of City Governance and Community	No Objection, subject to conditions

EXTERNAL REFERRALS

During the assessment process, comments were sought from the Roads and Maritime Services 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 2013, the application was notified to adjoining and surrounding owners and occupiers for a period of twenty-one (21) days. Two (2) submissions were received.

The first submission was from Fairfield City Council in relation to the delivery of the community precinct. The matter has been resolved through a letter of commitment and the Council withdrew their objection.

The second submission raised concerns regarding the location of a road which would result in potential obtrusive light impacts from vehicles and safety concerns. The submission indicated that because of this it would lower the property value of their property.

The submission is acknowledged, however, it is noted that the proposed road network has been designed as part of a masterplanning process to maximise appropriate surveillance opportunities and minimise car related crime through traffic management.

The proposed road layout within the subject application is generally consistent with the original masterplan. The proposed changes to the road network do not result in any further traffic or environmental impacts to the objector's property.

While the concerns are considered relevant to the proposed development, the issues raised have been taken into consideration in the assessment of the application and, where required, conditions have been imposed in order to address these concerns.

SECTION 4.15 CONSIDERATIONS (formerly Section 79C)

The proposed development has been assessed and considered having regard to the matters for consideration under Section 4.15 (formerly Section 79C) of the Environmental Planning and Assessment (EP&A) Act 1979 and no significant 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 4.15(1) (formerly 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

As outlined earlier, consideration has been given to the following Environmental Planning Instruments, which were identified as being of relevance to the proposal / application:

- State Environmental Planning Policy No. 65
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- Fairfield LEP 2013

The subject site is zoned R1 General Residential under Fairfield LEP 2013 and the proposed development is a permissible use subject to consent by Council.

The proposal is consistent with the objectives of the R1 General Residential zone as per Fairfield LEP 2013.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development is relevant to the proposed development and the proposed development satisfies the 9 design quality principles of SEPP 65.

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

There is currently no draft environmental planning instrument of relevance that affects this site.

- (iii) *any development control plan*

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

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

The works contained within the Stage 6a and 7 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.

- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)*

Not applicable.

- (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*

Subject to recommended conditions, 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*

The Development application was notified for a period of twenty-one (21) days in writing to surrounding properties and in the local paper, in accordance with Council's Notification Policy. Two (2) submissions were received during the notification period. As discussed above one (1)

submission was from Fairfield Council, however, the objection was withdrawn given the letter of commitments provided by the applicant. The other objection that was received raised concerns regarding the proposed road layout. The issues raised have been taken into consideration in the assessment of the application and, where required, conditions have been imposed in order to address these concerns.

(e) the public interest

Having regard to this assessment the proposed development is considered to be in the public interest.

TOWN PLANNING ASSESSMENT

The proposed development of Stages 6a and 7 of the Bonnyrigg Living Communities Project is permissible within the R1 General 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 generally meets all the relevant requirements of the Bonnyrigg Masterplan.

The design of the attached and detached dwellings within Stages 6a and 7 are generally consistent with the Bonnyrigg Masterplan. Where inconsistencies arise, conditions have been imposed to address these matters. The apartment buildings are of modern design and the units themselves comply with SEPP 65 principles, and thus would afford the future occupants an optimal level of amenity.

Based on an assessment of the application, it is considered that the dwellings within Stage 6a and 7 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 subject to conditions.

Other key planning considerations with the application relates to the provision of car parking, overshadowing, waste management, and public roads.

Car Parking

A car parking assessment in accordance with Fairfield City Wide DCP 2013 is as follows:

Terraces, attached, semi-detached and detached housing

All dwellings are provided with a double or single garage. All single garages are located a minimum of 5.5m from the front boundary in order to provide a stacked space in front of it. Accordingly, a total of 242 formal and informal spaces are provided for the dwellings.

Residential Flat Buildings

The car parking rate within the Masterplan for garden apartments and for lifted apartments is different. The car parking assessment has been provided below:

Private Apartment – 18 dwellings (3 x 3 bedroom and 15 x 2 bedroom apartments)

Rate provided within the Master Plan

1 space per 2 bedroom dwelling

1.5 space per 3 bedroom dwelling

1 visitor space per 5 dwellings

$15 + 4.5 = 19.5$ spaces and 3.6 visitor spaces required.

The proposal provides 22 spaces and 4 visitor spaces and accordingly the proposal complies.

Public Apartments (Lifted) - (15 x 2 bedroom and 7 x 1 bedroom apartments)

Rate provided within the Master Plan

0.6 space per 1 bedroom dwelling

0.9 space per 2 bedroom dwelling

1 visitor space per 5 dwellings

$13.5 + 4.2 = 17.7$ (rounded up to 18) spaces and 4.4 (rounded down to 4) visitor spaces

The proposal provides 17 and 5 visitor on grade car parking spaces. It is noted that the proposal is deficient by 1 space for the residents and over supplies the visitor spaces by 1 space. Accordingly, a condition is recommended to be imposed that provides 1 less visitor space and 1 more resident space.

It is acknowledged that if Council's DCP rate was used the proposed private apartment would be deficient by 0.5 car parking spaces and the public apartment would be deficient by 5 car parking spaces.

On-Street Parking

The proposal provides 133 on street car parking spaces in order to cater for visitors to the dwellings. This parking ratio is consistent with previously approved stages.

Overshadowing

The application has submitted shadow diagrams in support of the application. Overshadowing impacts are considered to be reasonable. It is also noted that there is sufficient separation between the garden apartments and dwellings to ensure that there will be no unacceptable shadow impact.

Waste Management and Loading

The proposal has been designed to allow garbage bins for individual dwellings to be provided at the rear and not along the front setbacks. Waste storage rooms are provided within the rear car parking area for the garden apartments. It is noted that the

waste rooms are located in close vicinity to neighbouring dwellings. It is considered appropriate that a condition be imposed that requires ventilation and management practices be imposed to ensure that the storage areas do not impact the amenity to the nearby residential dwellings.

Public Roads

The proposal includes the retention of existing roads and the construction of several public roads and laneways. The proposed roads are access roads and are 15m wide and the proposed laneways are 8m wide. The applicant has submitted documentation that demonstrates that garbage vehicles and emergency service vehicles can manoeuvre within the proposed roads without interference to the on-street parking plan.

SECTION 94A DEVELOPMENT CONTRIBUTIONS

The Concept Plan and subsequent development of Stages 6a and 7 is subject to a Voluntary Planning Agreement. The works contained in Stages 6a and 7 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.

CONCLUSION

The subject site is within the Zone R1 General Residential as stipulated within the Fairfield City Council Local Environmental Plan 2013. The proposal is permissible within the zone, subject to consent.

The Development application was notified for a period of twenty-one (21) days in writing to surrounding properties and in the local paper, in accordance with Council's Notification Policy. Two (2) submissions were received during the notification period. As discussed above one (1) submission was from Fairfield Council, however, the objection was withdrawn given the letter of commitments provided by the applicant. The other objection that was received raised concerns regarding the road layout. The issues raised have been taken into consideration in the assessment of the application and, where required, conditions have been imposed in order to address these concerns.

The application was referred to Council's Building Control Branch, Open Space Branch Traffic Section, Development Engineering Branch, Environmental Management Section, Subdivision Branch, Bonnyrigg Place Manager, Natural Resources Team, Property Assets and Group Manager of City Governance and Community 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.

This assessment of the application has considered all relevant requirements of S4.15 of the Act and finds that there would be no significant adverse or unreasonable impacts associated with the development on the locality.

Accordingly, it is recommended that the application be approved, subject to conditions outlined in Attachment N of this report.

RECOMMENDATION

1. That the Torrens Title Subdivision (to create 121 Torrens Title Lots, 2 Development lots and 4 residue lots), Construction of 161 dwellings (comprising 75 detached, 46 attached dwellings and 40 garden apartments) and associated road, landscape and public domain works be approved, subject to conditions as outlined in Attachment N of this report.