

Our Ref: 320161_LEO_002

16 May 2022

Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860**Attention: Ms. Tia Mills**

Dear Tia,

RE: DA NO.: 234.1/2021 (PAN-52407) - STAGES 8-11 BONNYRIGG: COUNCIL REQUEST FOR ADDITIONAL INFORMATION

Reference is made to Council's request for additional information letter dated 7 March 2022 for DA No.: 234.1/2021. The following responses are provided to the matters raised.

1. Dwelling Yield

Please find below a dwelling yield table, which confirms that the total anticipated dwelling yield across Stages 8-11 is 276 dwellings:

	No. of Dwellings
New residential lots	219
Superlot 80	25
Superlot 317	6
Superlot 318	6
Existing privately owned lots	20
TOTAL	276

The proposed dwelling yield is one (1) dwelling over the 275 dwellings in the Concept Approval, which equates to a numerical variation of 3.6%, which is considered minor and acceptable on merit.

2. Traffic (Internal)

A response is provided to each of the dot points raised by Council's Traffic Engineer as follows:

- On 7 April 2022 Stantec issued the requested SIDRA files to Council's Traffic Engineer – Simon Cai via a Dropbox link.
- As discussed at the meeting with Council on 10 March 2022, Humphries Lane is to operate as one-way only, with no parking. In this regard, the 8 metre width provided is considered adequate.

- Land and Housing Corporation (LAHC) are willing to accept a condition of consent requiring the installation of “No Parking” or “No Stopping” restrictions in locations where parked vehicles could impede vehicle turning.
- No cul-de-sacs are provided as part of the proposed road network. Council’s Traffic Engineer has acknowledged that the reference to Bean Crescent being a cul-de-sac was made in error in the email dated 1 April 2022.
- Lane 1 is 8 metres wide and will operate as one-way, with no parking permitted. Lane 1 is of a sufficient width and dimension to accommodate a waste vehicle.
- TTPP are accredited road safety auditors and Stephen Read, who prepared the traffic response to Council, is a Level 3 Auditor.

3. Transport for NSW

It is noted that Council is awaiting a response from Transport for NSW. For Council’s information, the requested additional information was sent to Transport for NSW (‘TfNSW’) on 27 April 2022, after the meeting held on 23 March 2022.

LAHC have been liaising with TfNSW and are currently in the process of finalising minor design changes. LAHC have advised TfNSW that the Concept Approval includes Condition no. A8 (Transport Infrastructure Contributions) which requires LAHC to enter into a Transport Infrastructure Contribution deed with TfNSW, prior to the issue of a Construction Certificate, for land dedication and a concept plan for the intersection of Cabramatta Road and Humphries Road.

Given that the Concept Plan for the intersection works will be endorsed by TfNSW as part of the TIC deed process prior to the issue of a Construction Certificate, it would be appropriate to defer the finalisation of the intersection Concept Plan to the Construction Certificate stage through a condition of consent which reinforces the requirement of Condition no. A8 of the Concept Approval.

4. Landscaping and Tree Canopy Coverage

A Predicted Canopy Coverage plan was prepared by Distinctive (Ref: 32-20.07 DA, Issue H) and accompanied the response to Council’s previous request for information dated 1 October 2021; as Attachment C. This plan demonstrates that 1 street tree will be provided at the frontage of every mid-block lot and 2-3 street trees will be provided along the frontages of corner lots.

This plan also identifies the predicted canopy cover within the lots. Reference is made to the meeting held with Council on 10 March 2022, where it was agreed that a condition of consent would be imposed requiring a restriction be placed on the Title of the lots to address the planting schedule in the landscape design plans. The minutes of this meeting are attached to this letter at **Appendix A**.

Distinctive have undertaken a review of the tree number discrepancies between the Landscape Plans and Aboricultural Impact Assessment and confirmed the following tree numbers for retention/removal in each document:

	Landscape Plans	Aboricultural Impact Assessment	Difference (trees)
Trees to be Retained	150	138	+12
Trees to be Removed	329	323	+6

There is a difference of 18 trees, 12 for retention and 6 for removal. Distinctive have considered the species, location, landscape value, design/aesthetic compatibility and aboricultural assessment results for these 18 trees, as detailed in Section 7.3 (Review of Tree Retention) of the Aboricultural Impact Assessment and determined the following:

Additional **6** trees to be removed 84, 189, 270, 271, 272 & 342.

Additional **12** trees to be retained 4, 11, 55, 62, 175, 190, 201, 274, 275, 276, 326 & 334.

The difference in numbers is the result of the landscape consultant applying discretion to those trees that the Aboricultural Impact Assessment identified as "trees for possible retention."

Given the timing for a determination to be made by the Regional Planning Panel, it is requested that Council consider imposing a condition of consent, requiring the Landscape Plans to be amended to reflect the above.

5. Biodiversity

This is the first time the application of the Biodiversity Offset Scheme (BOS) to the development has been raised by Council.

On 10 March 2022 a meeting was held with Council staff to discuss the additional information requested and Council advised that a copy of the Conservation Significance Mapping would be provided.

In Council's subsequent email to Premise dated 16 March 2022, it was advised that a GIPA request would need to be lodged to obtain a copy of the Conservation Significance Mapping. A GIPA application was submitted to Council on 16 March 2022. As a response had not been received, Premise contacted Council's Right to Information Officer on 8 April 2022 to follow up the progress of the application, to be advised that a response was sent on 24 March 2022. The response was issued to the incorrect email address. The information was subsequently re-sent to Premise on 8 April 2022.

An extract from the Bonnyrigg Masterplan report for the Part 3A project was provided, which relevantly concluded the following in relation to flora and fauna:

The Bonnyrigg Masterplan area was almost entirely cleared of all vegetation approximately 30 to 40 years ago. The site and surrounding area is highly disturbed and supports less than 10% crown cover, with the only area above 10% crown cover being within St John Park to the north of the site.

Recent ecological surveys have concluded that no significant species or habitat are present and no endangered ecological communities or threatened species are likely to occur.

This information was already common knowledge prior to the GIPA request and was previously provided to Council by LAHC in an email dated 24 March 2022.

The other document issued with the GIPA was a Vegetation and Bushfire Prone Land Mapping Update report prepared by Ecological Australia, dated April 2015. The mapping in this report is not of a scale or quality that enables the site to be identified.

In LAHCs email to Council dated 24 March 2022, reference was made to the DG's Assessment Report for the Part 3A determination, which relevantly provided the following commentary on flora and fauna:

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.

The above approach to ecology has been consistently applied to the assessments of the previous stages of the project, i.e. Stages 1 to 7. Taking into consideration the previous ecological findings, in conjunction with the demolition and construction works which have occurred to the north, north-west and west of the Stages 8-11, it is not anticipated that any threatened species, population, ecological communities or their habitat will be encountered in the Stages 8-11 area.

Notwithstanding, LAHC have engaged an ecological consultant to prepare a Biodiversity Development Assessment Report (BDAR) required by Part 7 of the *Biodiversity Conservation Act 2016*. The consultant will be onsite this week to obtain the necessary data to inform the preparation of the BDAR. The consultant has advised that a timeframe in the order of 4 to 6 weeks applies for the issue of the BDAR.

Given the time that has lapsed and the urgency of the timing for a determination to be made by the Regional Planning Panel, LAHC request that Council consider imposing a condition of consent, prior to the commencement of any construction works, requiring compliance with the recommendations of the BDAR.

If there is any impact to biodiversity identified, given that the location of roads, parks, residential block layouts and dwelling yields for Stages 8-11 have been established as part of the Concept Approval, the payment of a monetary contribution to offset the impact of the development on biodiversity values would be made prior to the commencement of any construction works on the site.

6. Indistinguishability of Social Housing

Given that Land and Housing Corporation have no control over the timing for the construction of the dwellings on the privately owned lots, it is not considered appropriate to impose this condition. This condition is only practical if all the dwellings are constructed at the same time which, in practicality, will not be the case.

Reference is made to the response provided to Council's earlier request for information dated 8 March 2021. This response included Appendix E, which provided plans depicting the intended streetscapes demonstrating that social/private housing is indistinguishable in appearance. Appendix E was subsequently re-issued to Council on 10 March 2022, following the meeting with Council on the same day. A copy of the document is included in **Appendix B** to this letter.

It is requested that Council reconsider the need for this condition.

7. Vehicular access to Humphries Road and Cabramatta Road

It is noted and agreed that a condition of consent be imposed requiring a restriction be placed on Title for the allotments fronting Humphries Road and Cabramatta Road. Reference is made to Land and Housing Corporation's (Paul Parfenow) email to Council dated 10 March 2022, which identifies the suggested lot numbers.

8. Battle-axe Allotments (Lot 266 & 267)

It is noted and agreed that a condition of consent be imposed for the creation of a right of way for the shared access handle of battle-axe Lots 266 and 267.

9. Lot Width

It is noted and agreed that a condition of consent be imposed requiring a restriction be placed on Title to prohibit the construction of double garages on lots with a width of less than 12.5 metres.

It would be appreciated if Council could please confirm that the above matters are the only remaining outstanding issues for DA No.: 234.1/2021 and the timeframe for the DA to be referred to the Western Sydney Regional Planning Panel for determination.

Yours faithfully



PAUL HUME
Senior Planner

Encls.

Appendix A Meeting Minutes – 10 March 2022

Appendix B Intended Streetscapes