

10 February 2023

Planning Panels Secretariat
 32 Mann Street
 Gosford NSW 2250

**RE: Stages 8-11 Newleaf Bonnyrigg Renewal – Residential Subdivision
 Development Application No. 234.1/2021
 Sydney Western City Planning Panel No. PPSSWC-165**

Reference is made to the abovementioned development application and the Final Briefing Meeting to be held via Microsoft Teams on Monday 13 February 2023. Council has undergone discussions with the application regarding a number of proposed changes to the

Following ongoing discussions with the Applicant, being NSW Land and Housing Corporation, and additional information being provided by the applicant on 8 February 2023, the following amendments to the proposal and draft conditions of consent are agreed to. Changes to conditions of consent are provided in red on the Draft Conditions of Consent, notwithstanding, a summary of agreed amendments to conditions are provided below.

Condition No.	Condition Title	Amendment and Reason for Amendment															
1	Compliance with Documentation	<p>The Applicant provided amended plans to address a discrepancy with the waste bin collection area for Lot 17. The amendments involved minor adjustments to the size of Lot Nos. 10, 11, 18 and 19, due to alterations to easement locations, as follows:</p> <table> <tr> <th>Lot No.</th><th>Previous Area</th><th>Proposed Area</th></tr> <tr> <td>10</td><td>364sqm</td><td>365sqm</td></tr> <tr> <td>11</td><td>300sqm</td><td>302sqm</td></tr> <tr> <td>18</td><td>322sqm</td><td>338sqm</td></tr> <tr> <td>19</td><td>339sqm</td><td>320sqm</td></tr> </table> <p>The proposed amendments to the aforementioned lots is considered to be acceptable and does not substantially alter the development. The justification provided in the Assessment Report for the proposed lot sizes and dimensions remains applicable.</p> <p>No further changes to the sizes of allotments are proposed.</p> <p>Condition 1 has been amended to reflect the updated</p>	Lot No.	Previous Area	Proposed Area	10	364sqm	365sqm	11	300sqm	302sqm	18	322sqm	338sqm	19	339sqm	320sqm
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		Proposed Subdivision Concept Plans, the updated Acoustic Assessment and amended On-street Parking Plans.
10	Car Parking Spaces	The Applicant provided amended plans that included varying amendments to the location of on-street parking spaces within the development area. The amendments took into consideration the intersection tangent points and driveway locations/design. The originally proposed 300 on-street parking spaces has been reduced to 287 on-street parking spaces. It is considered that this is an acceptable outcome as the ratio of residential allotments to on-street parking spaces continues to provide for a minimum of one (1) parking space per residential allotment. This is considered to be a minor amendment and the assessment and justification for on-street parking provided in the Assessment Report remains applicable.
53 & 101	Fencing Restrictive Covenant	Condition 53 is proposed to be amended to be more specific and provide further detail to the condition. The words 'fronting streets (primary and secondary frontages)' has been added to the condition to provide further clarity that the condition does not relate to all fencing on a subject allotment. This condition is repeated for lots in Stage 1 and Stage 2.
56	Restriction on Use – Vehicular Access to Humphries Road and Cabramatta Road West	This condition has been amended to exclude Lot 1003. Lot 1003 is an open space/drainage reserve lot and was included in the list of applicable lots in error.
57 & 106	Positive Covenant – Car Parking	Following discussions with the Applicant, this condition has been amended to include the following sentence. 'Where appropriate, one (1) car parking space can be provided in a stacked parking arrangement and is not required to be in a car port or garage structure.' This sentence is included to provide additional clarity to the positive covenant and to ensure consistency with the Bonnyrigg Masterplan.
61 & 110	Positive Covenant – Acoustic Treatment	The Applicant provided an amended DA Acoustic Report that provided further clarity on the allotments required to employ the recommendations of the acoustic assessment, located in Section 5 of the Report. The recommendations include construction and building material requirements, ventilation requirements and fencing requirements for noise affected lots. The Report also included a requirement in Section 5.4 that requires each noise affected lot to prepare a detailed acoustic assessment of the construction drawings to ensure correct interpretation and application of the recommendations.

		<p>The condition has been amended to reflect the relevant noise affected lots for each Stage of the proposed subdivision. Further, the condition has been amended to specifically include the requirement that each noise affected residential lot is required to prepare an individual Acoustic Assessment Report prior to the construction of the future dwelling.</p> <p>This condition is repeated for lots in Stage 1 and Stage 2.</p>
70	Decorative Concrete Driveway Construction (Right of Way) – Lots 266 & 267 ONLY	<p>This condition specifies a 6m wide concrete driveway is required for access to the battle-axe allotments.</p> <p>Following consultation with Council's Subdivision Engineer, it is determined that this has been imposed in error and a more appropriate driveway width is a 4m driveway, with 1m of servicing/landscaping strip on either side – equating to 6m in width. This is to allow for further landscaping and allow for the relevant services to be easily provided to each future dwelling and easily maintained, and service vehicles to access the sites. The condition has been amended to reflect the more appropriate driveway width.</p>

The following conditions have not been agreed by the Applicant and Council. An outline of Council's justification for the imposition of the conditions is as follows.

Condition 7 – Social Housing Design

Prior to the construction of dwellings on lots identified for social housing, Architectural Plans prepared by a suitably qualified professional are to be submitted to Council for review and comment.

Applicant Request:

The Applicant has requested this condition be removed.

Council Response:

The Concept Approval and Masterplan prioritised the indistinguishability of the design of the future social housing development within the Newleaf, Bonnyrigg development. The Bonnyrigg Master Plan states the following in regard to the prioritisation of indistinguishable social housing

5.2 Distribution of Housing

Although the Masterplan allows for flexibility in the ultimate layout and design of individual stages of the project, overall objectives shaping the distribution of new housing include:

... Reducing the stigma of social housing. This includes making social housing

indistinguishable from private housing from the street, and providing social housing throughout the neighbourhood...

Insufficient justification or information has been provided during the assessment of the application to provide assurance to Council that the indistinguishability of future social housing can be achieved. The condition of consent does not require future housing development to seek development approval for social housing developments, it only requires the plans to be submitted to Council for comment and allows an opportunity for the Applicant to demonstrate to Council that the social housing will be indistinguishable with the private housing within the development area.

Condition 58 & Condition 107 – Positive Covenant – Landscaping for each residential lot

*A Positive Covenant shall be created over the following residential lots *(varies for lots in Stages 1 and 2)* in the following terms:*

The proprietor of the burdened lot shall provide a minimum of 35% landscaped area shall be provided on the lot. The landscaped area can include soft and hard landscaping, ancillary structures such as pergolas and garden sheds, but excludes garages and parking spaces.

A minimum of 30% of this area shall be deep soil planting and a minimum of one tree shall be planted and maintained at all times in the front setback of the lot and one in the rear setback per residential lot. Tree species planted shall be from the following list only, as shown on Predicated Canopy Coverage Plan, Issue H, dated 19.11.2021 prepared by Distinctive.

32-20 Plant Species within Private Domain								
Code	Genus	Species	Hybrids/ Cultivars	Common Name	Pot Size	Height	Width	Density
Trees								
Hi Ru	Hibiscus	tiliaceus	'Rubra'	Sea Hibiscus	75L	4	2	As Shown
El eu	Elaeocarpus	eumundii		Quondong	45L	8	5	As Shown
La Si	Lagerstroemia	indica	x L. Fauriei 'Sioux'	Sioux (hot pink) Crepe Myrtle	45L	4	3	As Shown
Ma io	Malus	ioensis	'plena'	Iowa Crabapple	45L	6	4	As Shown
Pr Ni	Prunus	cerasifera	'Nigra'	Purple-leaved Flowering Plum	45L	5	4	As Shown
Py us	Pyrus	ussuriensis		Manchurian Pear	75L	9	7	As Shown
Wa Sw	Waterhousia	floribunda	'Sweeper'	Sweeper Weeping Lilly Pilly	75L	6	4	As Shown

Authority with the right to release, vary or modify positive covenant is with Fairfield City Council.

Applicant Request:

The Applicant has requested any reference to the percentage of the lot to be landscaped to be removed from the condition and the condition shall only include the requirement for one (1) tree to be planted in the front and rear of each residential lot, species shall be selected from the table provided within the condition.

Council Response:

The landscaping positive covenant has been imposed to ensure consistency with the Bonnyrigg Masterplan and the FCW DCP 2013 requirements for landscaping for dwelling houses. The Bonnyrigg Masterplan states the following in relation to landscaping requirements.

5.3 Detached and Attached Housing – General Guidelines

...For Landscape Area:

- A minimum of 35% of each allotment will be used as landscape area (including soft and hard landscaping, and ancillary structures such as sheds and pagodas, but excluding garages and car parking spaces); and
- A minimum of 30% of the landscape area must be deep soil landscaping, to accommodate the growth of large trees, allow infiltration of rainwater, and reduce stormwater runoff...

The previous stages of the Newleaf, Bonnyrigg residential development required compliance with the Bonnyrigg Masterplan in order to retain the intended strategic outcome for the locality approved under the concept approval. Landscaping is an important contributor to future residents quality of life, assists in softening the built form and provides areas for recreation within residential lots.

This information is provided for your consideration prior to the final determination briefing. Should you require any further information or wish to discuss the above issues in further detail please contact Tia Mills, Senior Development Planner via telephone on 9725 0858 or email at tmills@fairfieldcity.nsw.gov.au at Council's City Development and Compliance Group.

Kind Regards,



Tia Mills
Senior Development Planner



The following attachments are provided to this letter:

- Attachment 1 – Draft Conditions of Consent – 10.2.23
- Attachment 2 Proposed Subdivision Concept (Lot Mix and Lot Layout Plan)
- Attachment 3 – Parking Diagrams
- Attachment 4 – DA Acoustic Report