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NSW Land and Housing Corporation

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Bonnyrigg Concept Plan Modification

# Response to Submissions





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This report is considered a draft unless signed by a Director or Principal.



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## Revision history

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<b>Attachment B</b>	Transport and Traffic Response – Council Roads <i>Prepared by GTA Consultants</i>
<b>Attachment C</b>	Retail Floorspace and Justification Response <i>Prepared by Macroplan</i>
<b>Attachment D</b>	Open Space and Community Facilities Response <i>Prepared by Forward Thinking</i>
<b>Attachment E1</b>	Detention and Stormwater Strategy Response <i>Prepared by Arcadis</i>
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<b>Attachment K</b>	Shadow Diagrams – Impact on Existing Private Lots <i>Prepared by Architectus</i>
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# 1 Introduction

## 1.1 Purpose of this report

This report has been prepared on behalf of NSW Land and Housing Corporation (NSW LAHC) and responds to each of the submissions received during public exhibition of the Section 75W modification application (MP06\_0046 MOD 5) to amend the Concept Plan Approval for Bonnyrigg Housing Estate.

The proposed Concept Plan modification, referred to as 'MOD 5' in this report, was publicly exhibited from 7 August 2019 to 4 September 2019.

The purpose of this report is to:

- Identify key issues raised in submissions;
- Provide a response to issues raised in the submissions;
- Provide clarifications relating to the proposed development; and
- Provide additional information or recommended changes to MOD 5 in response to the submissions.

### 1.1.1 Submissions received

A total of thirteen (13) submissions were received in relation to MOD 5, including five (5) submissions from government agencies, three (3) submissions from non-government agencies / stakeholders, and five (5) submissions from residents.

Four (4) community consultation sessions were held within Bonnyrigg Estate on 26 August and 30 August 2019. These consultation sessions provided an opportunity for local residents to learn about the proposed modifications to the concept plan and provide feedback. A further two sessions were held with private landowners on 14 August and 18 August 2019.

Refer to the summary of submissions received at **Section 2** of this report and detailed responses to each of the issues raised at **Section 3** of this report.

This report should be read in conjunction with the attachments in the Appendices, the exhibited Planning Report prepared by FDP Planning, Modified Concept Plan 2019 prepared by Architectus and AJ+C (**Attachment T**), and other supporting documents submitted as part of MOD 5.

## 1.2 Proposal

### 1.2.1 Site context and approvals history

The Bonnyrigg Housing Estate is an 80-hectare site located within Fairfield Local Government Area (LGA) in the south west of Sydney. It directly adjoins Bonnyrigg Town Centre which includes Bonnyrigg Plaza shopping centre, Bonnyrigg Library and the Bonnyrigg T-Way Station. Bonnyrigg Housing Estate was developed in the late 1970s and originally provided 833 social houses and 88 private homes.

The Concept Approval for the redevelopment of the Bonnyrigg Estate was originally approved on 12 January 2009. The redevelopment of Bonnyrigg Estate has been underway since that time, and the Concept Plan Approval has been subject to four modifications to reflect required changes as the site has developed.

### 1.2.2 Description of exhibited development

The proposed modification (MP06\_0046 MOD 5) was lodged with the Department of Planning, Industry and Environment (DPIE) in July 2019, under Section 75W of the former Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

MOD 5 seeks to only modify the Concept Plan Approval for future stages of the Bonnyrigg Estate to reflect current NSW Government policy in relation to social housing and to meet the increasing demand for social and affordable housing in NSW. There is no increase to the number of dwellings in the remaining stages of the Bonnyrigg Estate redevelopment to meet this demand.

To achieve this, MOD 5 seeks approval for:

- A total of 3,000 dwellings within Bonnyrigg Estate, which includes 900 social housing dwellings – this is a total increase of 500 dwellings from the approved Concept Plan;
- Increased housing choice and diversity, including an increase in the number of apartments and mixed-use buildings located adjacent to Bonnyrigg Town Centre;
- An enhanced open space network, supporting an increase of public open space from 12.13 ha to 13.04 ha and improved pedestrian connectivity;
- Enhanced activation of key streets, enabling active ground floor frontage in key areas adjacent to Bonnyrigg Town Centre; and
- An improved local road network and through site links that strengthen connections between Bonnyrigg Town Centre and Bonnyrigg Estate.

There are no physical works proposed in MOD 5.

Staged demolition and construction to facilitate the delivery of MOD 5 will be subject to future Development Applications (DAs). The DAs will be required to demonstrate consistency with the MOD 5 and will be assessed by Fairfield City Council and determined by Sydney Western City Planning Panel. Development will be delivered in a staged approach to mitigate disruption to local residents and facilitate the transition of existing residents into their new homes.

The redevelopment of the site provides a unique opportunity to provide additional social housing dwellings in an area of high amenity, establish an integrated community, enhance safety and security of the area, and improve access to opportunities and services for current and future residents.

# 2 Submissions received

## 2.1 Summary of submissions received

The report addresses each of the issues raised by the Department of Planning, Industry and Environment in Schedule 1 of their correspondence dated 17 October 2019. It also addresses the issues raised in submissions received from government agencies, stakeholders and residents.

A total of thirteen (13) submissions were received during the exhibition of MOD 5. Submissions received include:

- Five (5) submissions from government agencies:
  - Fairfield City Council ('Council');
  - Heritage Council of NSW;
  - Roads and Maritime Services (RMS);
  - Environment Energy and Science (EES);
  - Transport for NSW (TfNSW);
- Three (3) submissions from non-government agencies / stakeholders:
  - St George Community Housing (SGCH);
  - Endeavour Energy;
  - Bonnyrigg Plaza; and
- Five (5) resident submissions.

## 2.2 Key issues

The key issues raised in the Department of Planning, Industry and Environment's letter, dated 17 October 2019 and submissions are summarised below.

- Infrastructure
  - Delivery and staging
  - Public open space
  - Community facilities
  - Stormwater
- Affordable housing
- Trees and landscaping
- Traffic parking and access
- Overshadowing
- Design excellence
- Concept plan controls

A detailed response to the key issues raised in submissions is provided at **Section 3**.

A description of recommended changes to MOD 5 in response to submissions is provided in **Section 4**.

### 2.3 Community consultation sessions

Four (4) community consultation sessions were undertaken by NSW LAHC during the exhibition period. The sessions were facilitated by RPS and were held on the following dates:

- Monday 26 August 2019 at Bonnyrigg Primary School, from 3.00pm – 5.00pm and from 5.00pm – 7.30pm; and
- Friday 30 August 2019 at Newleaf Communities, St George Community Housing offices, from 3.00pm – 5.00pm and from 5.00pm – 7.30pm.

A total of 49 people formally signed into the consultation sessions. Four interpreters were present at all sessions, including Vietnamese, Arabic, Lao and Khmer interpreters. A questionnaire was provided for attendees to fill out, with copies available in 6 languages: English, Lao, Arabic, Khmer, Vietnamese and Assyrian. A total of 35 people responded to the questionnaire.

The responses received from the questionnaire revealed that most respondents were supportive of the proposed modification. The community particularly favoured the opportunity for more local retail and services, the provision of new social housing, and improved public domain works including landscaping, new footpaths and bike paths.

The responses also suggested further improvements, such as the provision of more public amenities such as bike racks, BBQ facilities, play areas, and public toilets.

Respondents raised some concern about the proposed increase in density; however, this was generally in relation to potential traffic and congestion impacts. Some respondents felt that apartment living was not suitable for extended family structures or the elderly. Some respondents also noted a lack of desire for living somewhere without a backyard.

For further detail on the responses recorded from the community consultation sessions refer to **Appendix E**.

The key issues received from the consultation sessions are generally consistent with the key issues raised by the formal submissions addressed in **Section 3**.



# 3 Response to submissions

This section addresses each of the issues raised by the Department of Planning, Industry and Environment in Schedule 1 of their correspondence dated 17 October 2019 and issues raised in the submissions received from the following government agencies and stakeholders:

- Fairfield City Council ('Council');
- Heritage Council of NSW;
- Roads and Maritime Services (RMS);
- Environment Energy and Science (EES);
- Transport for NSW (TfNSW);
- St George Community Housing (SGCH);
- Endeavour Energy;
- Bonnyrigg Plaza; and
- Local residents.

The response to the key issues raised have been informed by additional advice provided by the following specialist consultants:

- GTA Consultants – transport and traffic response to RMS and Council submissions
- Macroplan – retail floorspace response to Bonnyrigg Plaza and Council submissions
- Forward Thinking – open space and community facilities response to Council and DPIE submissions
- Arcadis – stormwater and detention response to Council and EES submissions

## 3.1 Department of Planning, Industry and Environment (DPIE)

### 3.1.1 Infrastructure

#### Delivery and Staging

- *Provide a revised letter of offer outlining the terms of the proposed amended Voluntary Planning Agreement (VPA).*
- *Provide a summary of the approved and implemented DA's within stages 1 - 7 and the infrastructure that has been delivered at the site to date.*
- *Provide details of the proposed delivery and timing of future infrastructure, including all road and intersection upgrades, open space and community facilities.*
- *Provide an updated staging plan.*

#### Response:

A revised letter of offer is provided at **Attachment L**. The revised letter of offer sets out the proposed terms of the VPA. This agreement is currently being negotiated with Fairfield Council and is proposed to be executed prior to any development approval in the area subject to this proposed modification.

A summary of the approved and implemented DAs within stages 1-7 and the infrastructure that has been delivered to date is provided at **Attachment G**.

Staging and delivery arrangements will be determined once the exact number of dwellings is determined in future DA's. Details of the proposed delivery and estimated timing of future infrastructure in Bonnyrigg Estate has been provided at **Attachment H**.

It should be noted that MOD 5 seeks to increase the provision of infrastructure to meet the demands of the net increase in residential population.

This approach is consistent with the original approach to the delivery of infrastructure as contained within the existing approval and as endorsed in Mod 4. It should be noted that the open space approach is also consistent with recent District Plan and GA NSW guidance regarding walking proximity to public open space. The revised letter of offer sets out the terms for the amended VPA.

Construction staging and infrastructure delivery for MOD 5 will be based on four (4) distinct super lots (concept plan precincts): the Humphries Precinct, Tarlington East, Tarlington West, and the Plaza Precinct. Refer to the Preliminary Staging Plan appended at **Attachment I**.

The Staging Plan indicates that the Humphries Precinct will likely be developed over the next 4-5 years, with the remaining precincts to be developed over approximately 10 years. The Staging Plan is indicative only, and will be subject to market conditions, including overall market demand, development viability, and servicing and infrastructure considerations. Detailed staging plans and supporting infrastructure arrangements will be prepared to support future DAs.

#### Public Open Space

- *Provide further justification as to how the quantum of additional public open space is sufficient to cater for the proposed increase in residential density.*
- *Clarify how the total area of public open space has been calculated, noting that landscape buffers are not considered to contribute to the open space provision at the site.*
- *Provide further detail of the proposed bio-retention and OSD basins and explain how these spaces will function as usable public open space.*

#### Response:

The additional open space proposed is considered adequate to meet the needs of the additional population, both in quantity, accessibility and quality.

It is proposed to increase the provision of open space within the Bonnyrigg Estate from 12.13ha to 13.04ha. The proposed increase in open space has been designed to ensure the needs of the increase in population on site can be met. It also maintains the proportion of open space per person present in the original Concept Plan. For the additional 500 proposed dwellings 9,100sqm of additional open space is proposed or the equivalent of three new local parks.

The quantum and layout of open space required to meet the needs of the increased population is based on the following assumptions:

- The per person square metre rate approved in the current Mod 4 consent;
- Fairfield City Council's development contributions plan requirement for open space at a rate of 2.78sqm per additional person.
- District Plan criteria for all dwellings to be within 400 metres of local open space of at least 3,000sqm (recommended minimum size for local open space).
- Parks and Leisure Australia's guideline of 10 per cent of the Net Developable Area (NDA) allocated for public open space, of which 6 per cent of the NDA is to be allocated for active open space; Goeff What % is our proposal
- average occupancy rate of 3.38 for private dwellings in Fairfield and 2.69 for social housing dwellings in the Bonnyrigg Renewal Area; and
- that the additional 500 dwellings are 70% private dwellings and 30% social housing dwellings.

Further discussion providing justification of the methodology applied to calculating projected population and open space rates per person is provided in the Open Space and Community Facilities Response appended at **Attachment D**.

The quantum of additional public open space is sufficient to cater for the proposed increase in residential density. In addition, the proposed modification will provide an overall improvement in the layout of open space, including a new public square and a new village green providing improved connections to the Bonnyrigg Town Centre, and consolidation of smaller areas of open space to allow for improvements in facilities provided. A plan showing the distribution and size of open space is provided at **Attachment I**.

All dwellings are capable of achieving the walking criteria from the current District Plan. Refer to Figure 1 below and at **Appendix M**.



**Figure 1 Open space walking catchment map**  
Source: Architectus and AJC

There is a high level of connectivity between open spaces, and a variety of passive and active recreation activities provided for, serving a wide variety of age groups and preferences within the community. MOD 5 also ensures higher density residential uses are concentrated around open space to enhance amenity and access to open space, consistent with the NSW Government Architect's benchmark that all homes are within 400m of open space.

One (1) OSD basin is located within a proposed public open space (Junior Play Park in the Humphries Precinct). As provided by the Detention and Stormwater Strategy Response prepared by Arcadis (**Attachment E1**), the maximum ponding of water in the lower level detention area is limited to no more than 0.5 metres in depth. The lower level detention area is intended to be grassed and will remain as useable open space.

Upper levels of the detention area will be vegetated and will provide additional landscaping for the park. Refer to the Detention and Water Quality Strategy prepared by Arcadis appended with MOD 5. The Strategy provides a concept plan for the OSD proposed within Junior Play Park.

Ongoing consultation has occurred with Fairfield Council particularly regarding the open space component, this has culminated in the formalisation of the VPA offer. A formal response from Council is expected upon referral of the RTS by DPIE.

### 3.1.2 Community Facilities

- *Provide justification as to how the additional space proposed for community facilities is sufficient to cater for the increase in residential density*
- *Clarify the location and size of the proposed additional community facilities floorspace and demonstrate how the floorspace would be configured to meet the needs of the community. Consideration should be given to providing additional community floorspace within the existing community precinct.*
- *Clarify how any existing community facilities within the modification area, including the men's shed, would be reconfigured and/or replaced on the site*

#### Response:

The additional 500 dwellings proposed in MOD 5 is anticipated to result in an additional 1,587 residents. Applying the rate of 0.14m<sup>2</sup> per person for community facilities in accordance with Council's Development Contributions Plan, the proposed population increase generates the need for an additional 222.18m<sup>2</sup> of community floorspace.

Applying the Fairfield City Council Contributions Plan standard, this provision is more than adequate to meet the demand generated by the population increase. Refer to **Attachment D** for further detail.

The 222.18m<sup>2</sup> of additional community floorspace proposed in MOD 5 is based on differentiated occupancy rates for private and social dwellings. This rate has been applied to better reflect the likely demand for community facilities based on the different household sizes and tenant profiles of private and social dwellings.

Updated figures from the 2016 Census show the occupancy rate is now 3.38 for private dwellings in Fairfield. According to 2017 data from St George Community Housing, the occupancy rate is 2.69 for social housing dwellings in the Bonnyrigg renewal area and is confirmed by FACS data for social housing in the Fairfield district. Based on these figures, the estimated total population increase of 1,587 residents attributable to the additional 500 dwellings proposed under Modification 5 will result in a new total resident population at completion of 8,468.

The additional 1,587 residents is based on an assumption 70% of the additional dwellings as private dwellings and 30% of the additional dwellings as social housing dwellings.

The occupancy rates have been reviewed against NSW LAHC and St George Community Housing 2020 data. The data confirms that occupancy rates for social housing in Bonnyrigg Estate is now lower than 2.69 persons per household. Therefore, the provision of community floorspace based on the occupancy rates in MOD 5 is more than adequate to meet the needs of the increased population.

With 700sqm of community facility floor space approved as part of MOD 4, the total amount of community floor space across the site totals 922.18sqm.

The approved DA 422.1/2017 for Stages 6a and 7 is subject to Consent Condition 46 which requires the commencement of community facility works at Newleaf Parade / Wall Place, prior to the issue of any occupation certificate for dwellings in Stages 6a and 7. Details of the community facility proposed are not relevant to MOD 5 except for the floor space area proposed. Refer to Draft Plans for Community Centre – Approved Stages at **Attachment J**.

A total of 782.88sqm of community space is proposed (**Attachment J**) as part of the community facility DA currently being prepared by LAHC. The community floor space proposed as part of the approved stages is greater than the 700sqm approved in MOD 4 and provided as part of the VPA. Refer to breakdown of community floorspace area in the table below:



Total Community Floorspace area	
Approved in MOD 4	700.00 sqm
Proposed in MOD 5	222.18 sqm
<b>Total MOD 4 + MOD 5</b>	<b>922.18 sqm</b>
Community facility proposed as part of approved stages – refer to Attachment J	782.88 sqm
<b>Remaining community facility area to be delivered in future DA within the Plaza Precinct</b>	<b>139.30 sqm</b>

Taking into consideration the proposed 782.88sqm community facility to be located at Newleaf Parade / Wall Place, an additional 139.3sqm of community facility area will need to be delivered to meet the total 922.18sqm required across Bonnyrigg Estate.

This application proposes the remaining 139.3sqm of community facility area be delivered within the Plaza Precinct, adjacent to the proposed Bonnyrigg Square, in accordance with the MOD 5 structure plan. The community facility area would be located within a mixed-use building and accessible from the ground floor with frontage onto Bonnyrigg Square. Discussions are continuing with Council as to how this additional floor space area could be used to ensure the floorspace is configured to meet the needs of the community. This is also the subject of the formal VPA offer and detailed design will be subject to Council DA approval

The DA for the community facility to be located at Newleaf Parade / Wall Place will identify the position of the future men's shed, though it will not be a part of Stage 1 of the community facility. Refer to **Attachment J** for detail of the area set aside for the future men's shed. The proposed community facility will provide 782.88sqm of floorspace, of which 36.sqm will be for an amenities building which will form part of the initial area for the men's shed.

Council staff have advised that the application is consistent with the methodology approved in Mod 4 and subject to the formal endorsement of The Council the quantum of additional Community Facility floor space proposed in Mod 5 is agreed.

### 3.1.3 Affordable Housing

- *Clarify the proposed dwelling yield, mix and tenure, demonstrating how the proposed affordable dwelling size and mix reflects the identified need*
- *Noting Action 2.4 of the NSW Government's Future Directions for Social Housing in NSW, consider the opportunity to provide affordable rental housing within the Concept Plan area.*

#### Response:

The proposed dwelling yield provides for an additional 500 dwellings, comprising a mix of apartments and low-density terraces and houses. MOD 5 allows for up to 30% social housing and 70% market housing. The exact mix will be determined by NSW LAHC and future development partners.

It should be noted that social housing meets the EP & A Act criteria for very low-income housing and as such meets the legal definition for affordable housing. LAHC is tasked by the NSW Government with the delivery of social housing which is in very high demand and which meets the needs of the most disadvantaged community members in housing need. It is also noted that there is currently no statutory requirement for delivery of affordable housing and even if there were the proposed social housing would meet any obligation.

The proposed social housing mix will be based on NSW LAHC internal data and SGCH data (this includes waiting lists, housing demand, and housing need). The data indicates there is likely to be demand for 1,2 and 3-bedroom dwellings to meet the increasing

demand for smaller and older households. MOD 5 does not seek approval for the housing mix, as this will be determined based on housing needs at the time of development. MOD 5 provides flexibility for a range of housing types and sizes, with the exact mix to be determined in future DA's.

An updated GFA and dwelling yield table is provided at **Attachment N** and provides clarification on the assumptions used to determine the indicative dwelling yield. Further information on occupancy rates and housing needs of social housing residents is provided in the UTS report appended at **Attachment D**.

The proposed Concept Plan includes a maximum GFA for each super lot in the medium density area (Plaza Precinct, Tarlington East and Tarlington West), allowing flexibility for a range of housing types to be delivered as the precinct develops over 10+ years. This will ensure that the dwelling mix can respond to housing needs and changing demand over time.

### 3.1.4 Trees

- *Demonstrate how the proposed increase in tree canopy cover has been calculated.*
- *Consider opportunities to further increase the tree canopy cover in line with the targets identified in the Western City District Plan and the NSW Government Architects' draft Urban Tree Canopy guide 2018.*

#### Response:

MOD 5 proposes an increase of tree canopy to 25% coverage across the site. Existing canopy cover (estimated at 14%) has been calculated by CAD tracing recent aerial photography and measuring it as a percentage of the entire site. This includes canopies within the public and private domain.

A study by the Institute for Sustainable Futures and UTS in 2014 showed that tree canopy cover in NSW ranged from 12% in Botany LGA, to up to 59% in Pittwater LGA. Fairfield LGA was calculated as having less than 20% tree canopy coverage. This illustrates the potential for Bonnyrigg to contribute additional canopy cover and that a 25% target should be viewed as an entirely achievable benchmark.

Whilst some tree canopy cover will be lost during redevelopment, it is reasonable to propose 25% tree canopy coverage given consistent avenue street tree planting (at 10-15m intervals), generous new public open space tree planting, opportunities for additional tree planting in private open space and an allowance for 10-15 years growth in canopies.

The Greater Sydney Commission's Western City District Plan refers to a 40% target of tree canopy cover across Greater Sydney, while the GANSW's draft Urban Tree Canopy Guide 2018 sets three distinct targets based on building density:

- Greater than 15% tree canopy cover in CBD areas;
- Greater than 25% tree canopy cover in urban residential (medium to high-density) areas; and
- Greater than 40% tree canopy cover in suburban areas.

MOD 5 proposes medium to high density housing (attached dwellings and apartment buildings). The renewal of Bonnyrigg Estate will result in a medium density residential neighbourhood, supported by urban services, transport and open space. Bonnyrigg Estate, and MOD 5, cannot be considered suburban in this context. The tree canopy target for suburban areas of 40% is intended for low density areas, characterised by single dwellings on large lots. These areas are generally located close to bushland and natural areas, to be able to achieve the 40% target. This is not Bonnyrigg Estate.

The Western City District Plan is clear that the 40% target applies to all of Greater Sydney, which includes National Parks and nature reserves. It is not intended that the 40% target would apply to individual neighbourhoods.

A target of 40% is not appropriate for an urban renewal site. MOD 5 will significantly increase tree canopy cover in the remaining stages of Bonnyrigg Estate. It is important to note that MOD 5 does not apply to the approved/ constructed stages (1-7) of the

Concept Approval. The stages of development subject to MOD 5 are medium to high density housing, and therefore, 25% is an appropriate target for the site.

The proposed modification is consistent with the tree canopy target set for medium-high density urban areas in the GANSW's draft Urban Tree Canopy Guide 2018. The proposed density of MOD 5 is characteristic of a medium-high density area, and therefore a 25% tree canopy target set by MOD 5 is an appropriate target based on the draft Urban Tree Canopy Guide 2018.

The proposed tree canopy target in MOD 5 would form part of the Concept Plan Approval. Future DA's must be consistent with the Concept Plan. This ensures the tree canopy target is implemented through future DA's.

### 3.1.5 Traffic Parking and Access

- *Provide further detail on the road and intersection upgrades required to support the proposal, in consultation with Roads and Maritime Services within a finalised TMAP.*
- *Clarify the rationale behind the proposed pedestrian, bicycle and shared path routes.*
- *Clarify how the proposed road, pedestrian, cycle and shared path networks comply with Austroads minimum standards and Council requirements.*

#### Response:

LAHC propose to concentrate TfNSW road upgrades to key intersections as required to support the increased density of Bonnyrigg Estate.

LAHC met with TfNSW on 23 April 2020 to discuss options for proposed intersection upgrades.

At that meeting, the following was agreed with TfNSW as LAHC's contribution as a result of the impact on the road network from the proposed development (refer to email dated 24 April 2020 at **Attachment A**):

*TfNSW provide in principle support for the proposal, subject to the following:*

- *Land dedication and a concept plan for the intersection of Cabramatta Road and Humphries Road to allow for a left turn slip lane from Cabramatta Road into Humphries; and a right turn from Humphries onto Cabramatta Road. A copy of the preferred treatment will be forwarded in due course.*
- *Land dedication and concept design for Humphries and Edensor for proposed Traffic Control Signal as a double diamond intersection.*
- *The concept plans would assist in identifying the land take that would be dedicated for public road.*
- *A Transport Infrastructure Contribution (TIC) deed would be entered into undertake works as agreed.*

LAHC will continue to work with TfNSW to develop concept plans and confirm land dedication requirements, in accordance with the above. These requirements can form a condition of Concept Plan approval.

The advice provided by TfNSW and negotiations between TfNSW and LAHC to be undertaken as part of the detailed design phase, supersedes previous advice and proposed upgrades.

The proposed pedestrian, bicycle and shared path routes proposed in MOD 5 have been developed to align with key pedestrian desire lines, support important east-west connections and facilitate street activation.

The Western City District Plan (2018) provides the strategic direction to create more walkable neighbourhoods that support sustainable transport. Accordingly, a key east-west pedestrian and cycle connection between the site and the Bonnyrigg T-way Station via the rear of Bonnyrigg Plaza has been proposed. This connection is significant in

encouraging residents to adopt active transport and is an integrative approach to existing public transport infrastructure.

The proposed street layout has been simplified to provide a more legible and permeable network throughout the site. The proposed street network removes all cul-de-sacs approved in MOD 4 to enable more direct connections for pedestrians and cyclists and foster a safer, more walkable and active community.

Austroads minimum standards and Fairfield Council requirements for roads have been considered as part of this RTS. Proposed streets within MOD 5 have been updated accordingly. Refer to Updated Street Hierarchy Plan and Street Sections appended at **Attachment N**. Where possible adjacent to proposed Open Space, pedestrian pathways have been moved into the open space land so as to achieve an increased width of road pavement. See Road Type 3B in **Attachment N** where a 10.9m carriageway width has been achieved by locating the pedestrian pathway within the adjacent Open Space.

### 3.1.6 Overshadowing

- *Provide an assessment of overshadowing impacts to existing private dwellings within the estate.*

#### Response:

The Concept Plan represents the highest and best use redevelopment scenario; however, it is noted that some lots may continue to be in private ownership. To test overshadowing impacts on existing private dwellings within the modification area, a development scenario where all private lots remain has been modelled (refer to **Attachment K**).

The shadow diagrams demonstrate that there will be minimal overshadowing of future apartment buildings on existing private dwellings.

### 3.1.7 Design Excellence

- *The proposal should be presented to the State Design Review Panel for its review, to ensure the proposal can achieve design excellence. Following this process, you are requested to demonstrate how any issues raised by the panel have been addressed.*

#### Response:

LAHC were prepared to present the proposed modifications to the State Design Review Panel in 2018. The Government Architect NSW ('GANSW') were consulted on the State Design Review Panel's requirements and process.

The GANSW did not consider the Panel necessary for MOD 5 and the proposal was not presented to the Panel in 2018. A Design Excellence Process letter, appended at **Appendix F**, dated 24 October 2018 concluded that:

- *GANSW endorses the design process undertaken to date as aligning with our objectives for Design Excellence processes*
- *The process of moving through a number of revisions and incremental improvements over time, coupled with the use of prequalified design consultants with a demonstrated track record for delivering design excellence satisfies the GANSW that the design activities undertaken to date align with our objectives for Design Excellence processes and outcomes.*
- *GANSW recommends further design review be undertaken during future development assessment stages; these may include presenting to the State Design Review Panel or in other review configurations chaired by the GANSW.*

As noted particularly in the last dot point the most appropriate time for a further review would be in conjunction with preparation of detailed development proposals. Therefore, a State Design Review Panel will not be required for this application as determined by the



GANSW and instead local council assessment processes will ensure design quality is achieved. The supporting letter appended at **Appendix F** was included as part of the appendix to MOD 5. GANSW has considered the design process satisfactory in delivering design excellence objectives and outcomes for the Bonnyrigg Estate. Further design reviews may occur during future detailed DAs.

### 3.1.8 Concept Plan Controls

- Clarify how the proposed concept plan controls would:
  - enable the assessment of commercial and community uses in future development applications address requirements for design excellence
  - ensure there is no visual differentiation between social and private dwellings
  - secure the provision of appropriate bicycle parking facilities in the public realm, particularly near transport links, open spaces and commercial uses.

#### Response:

The Concept Plan includes provisions to guide the assessment of development applications for non-residential uses. This includes:

- active frontage controls to limit the location of non-residential uses to areas shown as active frontage on the structure plan;
- Controls to provide guidance on the location of open space and community facilities and to ensure these facilities meet the needs of the community;
- Street setbacks, street frontage heights and active edge setbacks;
- Design considerations including a requirement for ground floor active uses to address the street and have a high percentage of windows;
- Requirements for awnings on all active frontages; and
- car parking requirements for non-residential uses (based on Fairfield City DCP).

Additional controls to restrict the size of retail uses are also proposed. This includes a control to restrict the size of any supermarket / convenience store to 500sqm as suggested by Council, and a maximum size of 100sqm for any retail tenancy. Refer to updated Concept Plan Controls appended at **Attachment N**.

The proposed Concept Plan has been through a rigorous design process, ensuring the Concept Plan demonstrates design excellence. As recommended by GANSW further design review should be undertaken during future development assessment stages; this could include referring to development applications to Fairfield Local Planning Panel or the State Design Review Panel as required. It is noted that the Fairfield LEP 2013 does not contain any design excellence provisions.

The objective of the Concept Plan to provide a mix of social and private housing in an integrated community. To achieve this outcome, buildings must be designed to be tenure blind. The ADG will ensure that apartment buildings are designed to a consistent standard. However; to ensure no visual differentiation between social dwellings and private dwellings, an additional control is proposed to ensure buildings are designed to be tenure blind. For clarity, the built form controls in A.9 have been retitled to ensure that application of the built form controls applies to all buildings 3 storeys or greater. Refer to the updated Built Form controls in the Concept Plan (**Attachment N**).

An additional provision is proposed in the activation controls in the Concept Plan to ensure the provision of bicycle parking is considered in the detailed design phase of the public domain. Refer to the updated A.12 Activation controls at **Attachment N**.

### 3.2 Fairfield City Council

#### 3.2.1 Community facilities

- *The method used to determine the total community facility size is flawed, as it is based on an insufficient size to meet total need:*
  - *The amount of community facility approved in the original 2009 Concept Plan (621sqm) was insufficient to meet total need of the projected population at the time, which should require 844sqm; and*
  - *79sqm of area added in MOD 4 was insufficient to meet total need as it was calculated using an infrastructure provision criterion based on the insufficient starting size of 621sqm approved in the original 2009 Concept Plan.*
- *A total community facility size of between 1,332.66 and 1,436.40sqm is required for Bonnyrigg Renewal Area.*
- *The total proposed community facility floor space has been calculated based on an insufficient size to meet total need, therefore the increased population of the estate is not appropriately supported.*

#### Response:

Council's objections to the amount of community facility space approved in the original 2009 Concept Plan and MOD 4 does not pertain to the changes proposed in MOD 5. It is not possible to change what has already been previously approved in the original Concept Plan and previous modifications. DPIE have previously considered the approved scope of community facilities to be sufficient.

Expert advice was received from UTS regarding the provision of additional community facility floor space in MOD 5, it has been calculated using the updated occupancy rate assumptions to ensure the process is based on the best available evidence. The provision of 222.18sqm of floor space was calculated to support the 1,587 residents attributable to the 500 additional dwellings proposed under MOD 5.

The 222.18sqm of additional community facility space proposed under MOD 5 is considered appropriate in servicing the additional forecast population, applying the rate of community facilities space provision of 0.14sqm per person determined through Council's S94 Development Contributions Plan (2011), and differentiated occupancy rates for private and social dwellings to better reflect the likely demand for community facilities based on the different household sizes and tenant profiles of private and social dwellings.

Refer to Open Space and Community Facilities Response appended at **Attachment D** for further detail.

Under MOD 4 and the original 2009 Concept Plan, a total of 700sqm of community facility floor space has already been approved. Therefore, a total of 922.18sqm is proposed for Bonnyrigg Estate.

The formal offer to Fairfield City Council recognises the additional floor space required to be provided should be consistent with Fairfield City Council's development contributions plan and also in line with the approach adopted in Mod 4.

#### 3.2.2 Public open space

- *As per Council's submission to MOD 4, open space provision should not fall below 2.0 hectares per 1,000 persons. Based on this open space rate, the total open space area should amount to 16.94 hectares. The proposed 13.04 hectares in MOD 5 falls short of 3.9ha of total open space area.*
- *This shortfall is likely to be larger still given the proponent has utilised an occupancy rate of 2.69 per social dwelling which is below the occupancy rate for the Fairfield LGA of 3.38. Further justification needs to be provided for the deficiency in open space provided under MOD 5.*

- *The quantum of open space must not include the landscape buffers as these do not function as active or passive space.*
- *Confirmation needs to be provided that the narrow green band between Parks 4, Parks 5 and Tarlington Parade are part of the buffer, and not counted in open space provisions.*
- *The proposed new parks need to be configured so that it is possible to re-purpose the open space to active space for sporting activities if there is demand for this in the future.*
- *It is recommended that if the proposed stormwater/drainage area on the corner of Humphries Road and Newleaf Parade was included in calculating open space provision, it should be relocated to the other side of the proposed new lane on the northwest side.*
- *A pedshed map needs to be prepared for the open space for the whole area, to ensure that most dwellings are within 400m walking distance of quality open space of at least 0.3ha, and dwellings in high density areas are within 200m walking distance of quality open space of at least 0.1ha (NSW Government Architect guidelines)*

Response:

Council's estimate of 16.94 hectares of open space, is based on a rate of 2.0 hectares of open space per 1,000 persons (20sqm per person). This rate has then been applied to the total estimated population at completion (8,468 residents), rather than the estimated increase of 500 dwellings (1587 residents) proposed under MOD 5.

Council's rate of provision is not appropriate. The approval of MOD 4 applied Council's S94 Development Contributions Plan (2011) rate of 2.78sqm per additional person. The rate of 2.78sqm was also supported by DPIE in the approval of MOD 4.

The rate of open space provision in MOD 5 is consistent with the rate of 2.78m<sup>2</sup> contained in Council's Development Contributions Plan. This has been applied to the estimated population of 1,587 to determine the additional open space requirements to support the increase in population.

The proposed modification does not seek to revisit the agreed and approved open space provision in previous Concept Plan approvals. Refer to Open Space and Community Facilities Response appended at **Attachment D** for further detail.

Council also queried that the shortfall for public open space is likely to be larger given use of an occupancy rate that is below the rate for private dwellings across Fairfield LGA. The UTS Needs Analysis uses differential occupancy rates for private and social housing dwellings because a single flat occupancy rate fails to consider the differences in demand generated by the likely different tenant profiles and household sizes of these different types of housing stock.

Refer to Open Space and Community Facilities Response appended at **Attachment D** for further detail.

Ongoing discussions with Council have culminated in a formal VPA offer being submitted, LAHC is hopeful of a formal indication of support once the RTS is referred to Council by DPIE.

The 13.04 hectares of open space to be provided includes five (5) new public parks including Bonnyrigg Square, Village Green, Community Park, Upper Valley Creek Park and Junior Play Park. The proposed landscape buffers (including the 'narrow green band between Park 4, Park 5 and Tarlington Parade') have not been included as part of the total open space provision across the site. Refer to the Open Space Calculation Summary appended at **Attachment I**.

The open space concept plans provided as part of the MOD 5 are conceptual only and show how a combination of active and passive spaces can be accommodated in the

proposed open spaces. Detailed landscape plans and strategies for each open space will be developed during the DA phase and could explore adaptable options for the parks to meet the open space and sporting needs of future residents. The open space concept plans provide an idea of what could be achieved in the parks. The size and configuration of open space allows flexibility in the detailed design to provide active spaces for sports including tennis, netball or basketball facilities.

The proposed underground OSD area on the corner of Humphries Road and Newleaf Parade is not included as part of the 13.04 hectares of open space provision. Refer to the Open Space Calculation Summary appended at **Attachment I**. It will however, be a grassed, landscape area of at least 1,729sqm which will be able to facilitate some passive and/or informal recreational uses. Refer to the Detention and Water Quality Strategy prepared by Arcadis, appended with MOD 5.

The OSD area cannot be relocated to the other side of the proposed new lane on the northwest side as proposed by Council as two private lots are located within that area. The current location of the OSD is therefore considered to be appropriate. While beyond the scope of this modification if desired options for increasing the area available for the OSD will be discussed with Council during preparation of a development application.

A pedshed map has been prepared (**Attachment M**), which demonstrates that all dwellings are within 400m walking distance of a 3,000sqm park, and all apartments are within 200m of a 1,000sqm park.

### 3.2.3 Retail

- *It is recommended that a 500m<sup>2</sup> floor cap be set to the gross floor area of any convenience stores included in Stage 5 of the project to mitigate economic impacts on nearby town centres.*
- *It is suggested that future DA's incorporating commercial uses will be required to submit more detailed economic impact assessment demonstrating the suitability of commercial uses to ensure that there will be no detrimental impacts on existing commercial activities in the town centre. If necessary, this may require FSR/GFA restrictions being applied to commercial uses on the ground floor of apartment buildings in the future stages.*

#### Response

The proposed Concept Plan provides potential for up to 3,000m<sup>2</sup> of non-residential floorspace. This will allow a range of small-scale services, including retail and community uses, to meet the day-to-day needs of residents. This amount is important in generating amenity and activation for the future residents of the area.

Macroplan has provided further information on the proposed uses, and breakdown of non-residential floorspace (**Attachment C**). This assessment confirms that of the 3,000m<sup>2</sup> of non-residential floor space proposed, less than half would be utilised for retail or commercial uses.

Macroplan have recommended that the Concept Plan is amended to limit any grocery / convenience store to 500m<sup>2</sup>. The Concept Plan control relating to street activation has been amended accordingly to capture this. Refer to Revised Activation Controls appended at **Attachment N**.

### 3.2.4 Traffic and parking issues

- *LAHC to undertake consultation with the RMS to confirm the scope of road network upgrades.*
- *LAHC to negotiate an amended VPA with Fairfield Council in regard to their share of road and intersection upgrades.*
- *The proposed reduction of visitor parking rate for high density housing needs to be further justified.*
- *Parking needs to be considered for the proposed Bonnyrigg Square Precinct, due to the additional uses of cafes, retail, community uses and open space. It is noted that although many people would walk from the nearby homes, many will drive.*



- Council has highlighted the inability for Tarlington Parade and Bonnyrigg Avenue to support the increased traffic from the numerous proposed 6 storey buildings along Bonnyrigg Avenue, near Elizabeth Drive, and along Tarlington Parade, near the Cambodian Buddhist Temple. Consideration should be given to provide additional off-street parking to reduce flow on affect to on street parking by the school community, who currently park along Tarlington Parade when picking up and dropping off their children.
- The masterplan shows a new 4 storey building on the corner of Cabramatta Road and Humphries Rd. This is across the road from Mt Carmel Catholic School and is already a busy area with school traffic. Residents have made representations to Council regarding illegal and unsafe parking on the side streets during pick up and drop off times.
- It is recommended that the applicant consult with the affected schools and local residents who will be impacted by the increased congestion from the 6 storey buildings.

Response:

LAHC propose to concentrate RMS/TfNSW road upgrades to key intersections as required to support the increased density of Bonnyrigg Estate.

LAHC met with TfNSW on 23 April 2020 to discuss options for proposed intersection upgrades. At that meeting, the following was agreed with TfNSW as LAHC's contribution as a result of the impact on the road network from the proposed development (refer to email dated 24 April 2020 at **Attachment A**):

*TfNSW provide in principle support for the proposal, subject to the following:*

- *Land dedication and a concept plan for the intersection of Cabramatta Road and Humphries Road to allow for a left turn slip lane from Cabramatta Road into Humphries; and a right turn from Humphries onto Cabramatta Road. A copy of the preferred treatment will be forwarded in due course.*
- *Land dedication and concept design for Humphries and Edensor for proposed Traffic Control Signal as a double diamond intersection.*
- *The concept plans would assist in identifying the land take that would be dedicated for public road.*
- *A Transport Infrastructure Contribution (TIC) deed would be entered into undertake works as agreed.*

LAHC will continue to work with TfNSW to develop concept plans and confirm land dedication requirements, in accordance with the above. These requirements can form a condition of Concept Plan approval.

The advice provided by TfNSW, and negotiations between TfNSW and LAHC to be undertaken as part of the detailed design phase, supersedes previous advice and proposed upgrades.

A revised letter of offer is provided at **Attachment L**.

The proposed visitor parking for high density housing is 0.2 visitor spaces per dwelling. This is consistent with what is suggested under the Apartment Design Guide (ADG) which provides that for apartments within a walkable distance from a commercial centre or public transport hub the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

The location of the proposed apartment buildings of up to 6 stories are all a walkable distance to Bonnyrigg Plaza and the Bonnyrigg T-way Station. The Guide to Traffic Generating Development sets a visitor parking rate of 1 for every 5-7 apartments (0.14-0.20 visitor spaces per dwelling), while Council's Citywide DCP 2013 prescribes a 0.25 visitor parking rate per dwelling.

The 0.2 visitor parking rate is considered appropriate to service the proposed apartment buildings as they will primarily be located within a walking distance to Bonnyrigg Town Centre, which will provide local services, retail and community facilities, and the Bonnyrigg T-way Station which provides high frequency services to Parramatta and

Liverpool.

Parking requirements for the retail commercial aspects of the Bonnyrigg precinct will be addressed through future DAs and agreement with Council, and could include:

- Indented parking bays along Bonnyrigg Avenue and the new internal collector road; and
- Undercover customer parking included within the multi storey shop top housing development

The new street and active transport layout has been designed with improved pedestrian access to Bonnyrigg Town Centre and Bonnyrigg T-way Station. This will encourage local residents to walk rather than drive and reduce the vehicular dependency currently experienced.

Whilst the density immediately adjacent to the local school will increase, it will not necessarily result in increased vehicular traffic. Families living in the immediate vicinity of the school will be able to use new active transport links to access the school by foot or bicycle, rather than by car.

However, to improve the traffic flow during school hours, it is proposed to formalise the school drop off / pickup parking zones along the school frontage. This will be further discussed and developed with Council and the Department of Education to reach a solution best for the school and the local community.

The road network within Bonnyrigg estate has been simplified, with an intersection near the corner of Humphries and Cabramatta Roads removed to improve the parking capacity of Humphries Road. Options for improving the short term / drop off / parking and bus zones have been discussed with Fairfield Council. No decision has been reached with Council on improvements beyond the removal of the one intersection. Further discussions will be sought with Council to resolve.

MOD 5 was placed on public exhibition from 7 August 2019 to 4 September 2019. No formal submission was made by the Department of Education or adjacent private schools.

Four (4) community consultation sessions were undertaken by RPS for the MOD 5 to obtain feedback from local residents on the following dates:

- Monday 26 August 2019 at Bonnyrigg Primary School, from 3.00pm-5.00pm and from 5.00pm-7.30pm; and
- Friday 30 August 2019 at Newleaf Communities, St George Community Housing offices, from 3.00pm-5.00pm and from 5.00pm-7.30pm.

The feedback obtained from these community consultation sessions have been summarised at Section 2.3 of this report, with the main issues addressed through responses to the thirteen (13) formal submissions received. Further detail of the community consultation sessions is provided in **Attachment F**.

### **3.2.5 Catchment management / stormwater drainage**

#### Eastern Catchment OSD System

- *The Bio retention and OSD basins proposed for the eastern catchment Basin 1 occupies most of the park areas and reduces the open space available for the public use. Details shall be included to demonstrate the deep OSD basins are fenced off from the public.*
- *Proposed basin 2 is not considered acceptable since it is designed as an underground storage. All OSD storages shall be designed as above ground basins in accordance with Council's Stormwater Management Policy 2017.*

#### Western Catchment OSD System

- *OSD basins proposed as part of the super lots K1 & J are not considered acceptable. Dedicated areas shall be provided in the design for the OSD system.*

- *Underground storages that makes part of the OSD does not comply with Council's OSD requirements. All storages are to be provided in the form of above ground basins. Drain files used in the OSD model shall be submitted to Council for further review.*

Response:

Arcadis has responded to concerns regarding the eastern catchment OSD system at **Attachment E1**. Fencing off Basin 1 from the public is not required in accordance with FCC's Stormwater Management Policy 2017, Section 4.5.9 Table 5. This is because the ponding of water is limited to no more than 0.5 metres deep in the detention storage areas. The lower level detention area is intended to be grassed and will remain as useable open space. Council has received concept DRAINS modelling, which includes detail of Basin 1.

The recommendation for Basin 2 to be an above-ground OSD storage is considered unsuitable and inappropriate to its site context. During the development of the concept, Arcadis concluded that *it was not suitable to provide the required detention storage volume within the available land area without exceeding the 1.2m maximum depth of storage identified in FCC Stormwater Management Policy 2017, Table 5 for above ground OSD*.

Thus, a below ground solution was decided as best suited for the Site's context, as it allows the site to remain as useable open space. It is noted that Section 4.5.10 of Fairfield City Council's Stormwater Management Policy 2017 does allow for below ground storage where 'no suitable hardstand or landscaped area is available'. Refer to Detention and Stormwater Strategy Response appended at **Attachment E1** for further detail.

It has been noted that the Stormwater Management Policy does not allow for OSD to be located off the lot of the redevelopment it is offsetting. The justification why super lot K1 discharges water to a different stormwater drainage network to the proposed OSD is because it is not possible to drain the entire lot to the proposed OSD location. In response, the most feasible option is to provide a separate OSD within the lot. The use of on lot detention has already been discussed and approved by Council in a meeting on 27 August 2018. Refer to Detention and Stormwater Strategy Response appended at **Attachment E1** for further detail.

Arcadis has addressed non-compliance with Council's OSD requirements for underground storages that make part of the OSD (**Attachment E1**). The concept of underground storage was decided as more appropriate than aboveground storage because of the greater usability and flexibility of the space, given the significant water depths required by an aboveground storage alternative. As such an underground storage was considered more appropriate for the site. Council has received concept DRAINS modelling to review.

### **3.2.6 Voluntary Planning Agreement**

- *As a result of the scope of modifications to the Concept Plan, a new VPA will need to be developed for the project and will be subject to a separate process*

Response:

A revised letter of offer is provided at **Attachment L**. It is proposed that this will be executed prior to any development application being approved in the area subject of this modification.

### 3.3 State Government Agencies

#### 3.3.1 Roads and Maritime Services (RMS)

RMS does not support the application in its current form as the application does not include or propose any associated road or intersection upgrade works in order to accommodate the additional development traffic. RMS requests schedule of all necessary road upgrade works for review and approval. The schedule of works should include concept civil design (including any relevant land acquisition) and traffic control signal plans of the intersections, utility adjustments, costing and timeframe for implementation.

##### Response:

LAHC propose to concentrate RMS road upgrades to key intersections directly impacted by the increase density of Bonnyrigg Estate.

LAHC met with RMS/TfNSW on 23 April 2020 to discuss options for the proposed intersection upgrades. The following has been agreed with RMS/ TfNSW as LAHC's contribution as a result of the impact on the road network from the proposed development (refer to email dated 24 April 2020 at **Attachment X**):

*TfNSW (RMS) provide in principle support for the proposal, subject to the following:*

- *Land dedication and a concept plan for the intersection of Cabramatta Road and Humphries Road to allow for a left turn slip lane from Cabramatta Road into Humphries; and a right turn from Humphries onto Cabramatta Road. A copy of the preferred treatment will be forwarded in due course.*
- *Land dedication and concept design for Humphries and Edensor for proposed Traffic Control Signal (TCS) as a double diamond intersection.*
- *The concept plans would assist in identifying the land take that would be dedicated for public road.*
- *A Transport Infrastructure Contribution (TIC) deed would be entered into undertake works as agreed.*

LAHC will continue to work with RMS/TfNSW to develop concept plans and confirm land dedication requirements, in accordance with the above.

#### 3.3.2 Transport for NSW

##### 3.3.2.1 TMAP agreement

- *Proponent should consult (cost estimates, apportionments, acquisition and scope of works) and finalise the TMAP agreement with RMS as discussed in Section 9 of the TMAP.*
- *TMAP is not consistent with the assessment provided within the Part 6.3 of the Section 75W Application report prepared by FPD (May 2019).*

##### 3.3.2.2 Cumulative impacts

- *It is noted that wider uplift is being considered by Fairfield City Council for the land surrounding the Bonnyrigg Town Centre. A planning proposal (PP\_2016\_FAIRF\_004\_01) was exhibited by Council which was supported by traffic modelling and analysis. There would be an opportunity to build upon the work undertaken as part of this planning proposal to assess the cumulative impact of both land use changes. Applicant should consider cumulative impacts of the proposed modification and the proposal by Fairfield City Council for the Bonnyrigg Town Centre*

##### Response:

See RMS response above.

The agreed way forward with TfNSW/RMS outlined in Section 3.3.1 supersedes previous advice and proposed upgrades.



LAHC will work with TfNSW/ RMS to finalise the concept plans for proposed upgrades and land dedication requirements as part of future DA's.

Part 6.3 of the Section 74W Application Report is consistent with the submitted TMAP, providing an overview of the findings and recommendations prepared by GTA.

Fairfield City Council have indicated that they are in ongoing discussions with RMS regarding a traffic study for Bonnyrigg Town Centre. LAHC have sought Council to provide the traffic study for considerations of cumulative traffic impacts in the area. As the traffic study is ongoing, Council are unable to provide any further information. LAHC are open to ongoing work with Council and RMS regarding cumulative traffic impacts.

### **3.3.3 Heritage Council of NSW**

The Heritage Council of NSW has identified that there are local heritage items within the project area and in the vicinity. It is suggested that any heritage conservation, preservation and maintenance works be sought from the relevant local council.

#### Response:

There are no heritage items or heritage conservation areas located within Bonnyrigg Estate or in the adjacent areas. Discussions have been ongoing with Council to work through issues raised in their formal submission. No issues related to heritage have been raised by Council in relation to MOD 5.

### **3.3.4 NSW Environment, Energy and Science (EES)**

#### **3.3.4.1 Aboriginal heritage**

Aboriginal Heritage Due Diligence assessment has been undertaken however an Aboriginal Cultural Heritage Assessment is required to assess the impacts of the proposed development on the Aboriginal archaeological and cultural heritage values of the subject land.

#### Response:

A Heritage and Aboriginal Heritage Impact Report was prepared by John Oultram Heritage and Design (September 2007) as part of the original Concept Plan approval. The Report confirmed there were no significant sites within the proposed development area. No further assessment was required.

Given this is a modification within the footprint of the original application (with no change to the development area), there is no need to undertake further assessment. The findings of the Aboriginal Heritage Due Diligence assessment remain unchanged.

Previous modifications, including MOD 4, have not required an Aboriginal Cultural Heritage Assessment. Consistent with this approach, MOD 5 is in accordance with the previous Aboriginal Heritage Due Diligence assessment, which concluded the site does not contain any significant sites.

#### **3.3.4.2 Open space areas**

EES recommends the open space areas, especially Upper Valley Creek Park include areas of rehabilitated native vegetation/bushland comprising a diversity of local native plants from the local native vegetation community, or communities that once occurred in this location so that statement that "Bonnyrigg will be a place where people connect with the natural systems of their environment" is achieved.

EES recommends the landscaping/planting schedule uses a diversity of local native trees, shrubs and groundcover species from the native vegetation community that once occurred in this locality.

#### Response:

Native and locally endemic species will be agreed and co-ordinated with Fairfield Council during the detailed design and DA process for the open spaces and streets.

#### 3.3.4.3 Creek line

- *Where possible, it is recommended that the Upper Valley Creek mimics a natural creek system from the local area. Detail is requested to detail why this creek line will be "dry".*
- *The examples of the watercourses which are included in the Concept Plan Modification do not reflect a natural system (see page 29).*

#### Response:

A dry creek has been provided in the recently complete Lower Valley Creek Park. This type of creek system is proposed within Upper Valley Creek Park subject to MOD 5 to enable a consistent approach to the creek line.

However, LAHC have commenced discussions with Council to determine whether a natural creek line is something appropriate and deliverable for Upper Valley Creek Park.

The final format of the treatment of the watercourse through the Upper Valley Creek Park, can be addressed with Fairfield Council as part of the future DA process.

#### 3.3.4.4 Urban tree canopy cover

- *The WCDP includes Planning Priority W15 to increase urban tree canopy cover and deliver green grid connections. The Planning Priority outlines the NSW Government has set a target to increase tree canopy cover across Greater Sydney to 40 per cent. EES recommends the modification is consistent with this Planning Priority W15.*
- *It is recommended local native trees are planted in the open space areas, streetscape and the development lots to increase the urban tree canopy*

#### Response:

The Greater Sydney Commission's Western City District Plan refers to a 40% target of tree canopy cover across Greater Sydney, while the GANSW's draft Urban Tree Canopy Guide 2018 sets three distinct targets based on building density:

- Greater than 15% tree canopy cover in CBD areas;
- Greater than 25% tree canopy cover in urban residential (medium to high-density) areas; and
- Greater than 40% tree canopy cover in suburban areas.

The proposed modifications in MOD 5 are consistent with the tree canopy target of 25% set for medium-high density urban areas in the GANSW's draft Urban Tree Canopy Guide 2018. The proposed density of MOD 5 is characteristic of a medium-high density area, and therefore a 25% tree canopy target set by MOD 5 is a realistic target based on the draft Urban Tree Canopy Guide 2018.

Native and locally endemic species will be agreed and co-ordinated with Fairfield Council during the detailed design and DA process for the open spaces and streets.

#### 3.3.4.5 Site landscaping

- *It is recommended the landscaped areas on development lots are planted with a diversity of native trees, shrubs and groundcover species from the local native vegetation community that occurred in this location.*

#### Response:

This will be considered by LAHC for apartment buildings and can be resolved with Fairfield Council as part of the future DA process.

#### 3.3.4.6 Sustainability and building design

- *It is recommended a condition of consent is included that development at the site incorporates green walls, green roof and/or a cool roof into the design to be consistent with the WCDP*

#### Response:

As above. This will be considered by LAHC for apartment buildings and can be resolved with Fairfield Council as part of the future DA process.

#### 3.3.4.7 Flooding

- *It is recommended to utilise council's overland flow model to address overland flooding within the proposed site for the full range of flooding.*

#### Response:

The drainage strategy for Bonnyrigg Estate is based on the original Water Cycle Management Plan (WCMP) prepared by Mott Macdonald (refer to 1.2.1 of the Updated Detention and Water Quality Strategy prepared by Arcadis appended at **Attachment E2**).

Fairfield Council have adopted this strategy, with 60% of the existing creek rebuilt as a “dry” stream. A large detention basin and water quality pond was constructed 10 years ago at the downstream end of the creek near Edensor Road.

The stormwater modelling contained within the WCMP addresses both flooding and overland flow. TUFLOW modelling of the creek corridor is now only needed where development is proposed immediately adjacent to the creek, and will likely be a condition of consent by Council.

#### 3.3.4.8 Stormwater detention and green roofs

- *There are many GPTs (gross pollutant traps) proposed for stormwater treatment. The O&M (operations and maintenance) costs for these GPTs would be high. The proponent should consider investigating options for rationalising the GPTs and possibly reducing the overall number, but still covering the entire development site to generate maximum benefits. In this scenario case, the long-term O&M costs for the GPTs are expected to be less compared to the proposed configuration of GPTs.*
- *The proponent should consider developing a stormwater management strategy in conjunction with Council considering the long-term O&M requirements of GPTs and bioretention swales and rain gardens. There may be requirements for minor alteration of the master plan at the development site to maximise stormwater detention, retention and water quality benefits.*
- *The proponent should explore opportunities for inclusion of green roofs at the proposed high-rise buildings of the development site. The cost would increase by 1 % to 2% when considering the green roofs at the proposed high-rise buildings. The green roofs at the development site would provide multiple benefits (such as reduction of runoff, improvement of stormwater quality, reduction of energy consumption through building cooling and enhancement of local biodiversity). Inclusion of green roofs may offset the sizes of the proposed stormwater detention, retention and water quality management facilities.*
- *The proponent should explore opportunities for harvesting rainwater from all buildings including the high-rise buildings. For high-rise buildings, the rainwater tanks can be installed at multiple levels which would intercept the roof runoff from these buildings. In this scenario, governance arrangements for the management of the rainwater harvesting system at the high-rise buildings would need to be developed.*
- *Inclusion of green roofs and rainwater harvesting options at high-rise buildings is expected to negate the requirements for drainage upgrading and stormwater quality management works in the downstream catchment. There may be requirements for incentivising the proponent to implement green roofs and rainwater tanks.*

#### Response:

Through ongoing discussions, Fairfield Council have expressed satisfaction with the GPT proposed for stormwater treatment and the water quality treatment strategy contained within the Detention and Water Quality Strategy appended at **Attachment E2**.

Green roofs and rainwater harvesting will be considered by LAHC for apartment buildings and can be resolved with Fairfield Council as part of the future DA process.

### 3.4 Submissions from Non-Government Agencies / Stakeholders

#### 3.4.1 Bonnyrigg Plaza

##### 3.4.1.1 Retail hierarchy

- *Baev-Lasalle Bonnyrigg Plaza Pty Ltd's ('Baev Lasalle') submission raised concerns over the amount of additional retail floor space proposed in MOD 5. The proposed provision of between 1,300sqm to 1,800 sqm of retail floor space is considered to be excessive, given the existing retail facilities at Bonnyrigg Plaza. The envisaged retail composition would include a convenience store that would range between 700m<sup>2</sup> - 1,100m<sup>2</sup> and 450m<sup>2</sup> of food catering floorspace. As noted above, the operation of Bonnyrigg Plaza contains similar related retail uses; and it is located adjacent to the proposed commercial area therefore has the potential to be adversely affected in terms of its day to day trade.*

*The proposed convenience store is suggested to have 700m<sup>2</sup> – 1,000m<sup>2</sup> of Gross Lease Area. Baev-Lasalle considers this excessive as this amount of floor space is typically better aligned with a supermarket. This is considered unacceptable given that there are already two large supermarkets in Bonnyrigg Plaza which are both located closely.*

*The amount of retail floorspace proposed as part of MOD 5 is considered unacceptable given its potential impacts on the viability of Bonnyrigg Plaza.*

##### Response:

Macroplan has calculated that the proposed 2,000sqm of retail uses in the Estate would represent less than 10% of the retail floor space that is currently provided at Bonnyrigg Plaza (20,226sqm). The proposed retail uses seek to only serve residents within the estate and is expected to capture a very minor amount of retail experience from other residents in the area. Consequently, it can be concluded that there is compliance with Fairfield Retail Centres Policy, as there is to be no significant impact on the viability of Bonnyrigg Plaza or the retail hierarchy in Bonnyrigg Town Centre from the proposed retail uses.

Despite this, NSW Land and Housing Corporation has revised the amount of retail floorspace to be provided at the subject site. MOD 5 is proposed to be updated with the provision of one grocery / convenience store of up to 500sqm (previously assessed to be able support a store of 700 – 1,100 sqm), together with 6 to 7 retail tenancies averaging around 100sqm in size each. Refer to Retail Floorspace and Justification Response appended at **Attachment C** and Revised Activation Controls – Concept Plan at **Attachment N**.

Macroplan analysed the total projected retail spending capacity of residents of the Estate over the period to 2031. The study has revealed that the sales potential for the on-site facilities would only capture approximately 16% (\$6.65 million) of the projected \$41 million increase in spending generated by the renewal of the Bonnyrigg Estate until 2031. Thereby, the majority of the new retail spending generated by residents moving into the area is to be directed to existing shopping centres in the surrounding region, including Bonnyrigg Plaza. Refer to Retail Floorspace and Justification Response appended at **Attachment C**.

##### 3.4.1.2 Inconsistency with planning policies

- *The Site is zoned R1 General Residential Local Centre under Fairfield LEP 2013 which does not permit commercial premises. The proposed development does not comply with this planning policy.*
- *Failure to comply with Clause 5.4(7) of the Fairfield LEP 2013 which restrict the maximum retail area for a neighbourhood shop to 80m<sup>2</sup>.*
- *Failure to accord with the Fairfield Retail Centres Policy as the proposed retail floor space is considered to have an adverse impact on the viability of local and neighbourhood shopping centres in the City.*

Response:

The Fairfield LEP 2013 does not apply to the approved Concept Plan and consequently MOD 5. It is noted, however, that two objectives of the R1 General Residential zone are to:

- *Enable other land uses that provide facilities or services to meet the day to day needs of residents; and*
- *Permit a range of non-residential land uses that are capable of integration with the surrounding locality.*

The proposed retail uses under MOD 5 are consistent with these objectives, intending to service only local residents of Bonnyrigg Estate to meet their day to day needs, and enable a more compatible land use transition with the existing retail centre at Bonnyrigg Plaza.

Response as above. Clause 5.4(7) of Fairfield LEP does not apply to MOD 5. However, it is noted that the proposed grocery / convenience store of up to 500sqm (refer to **Attachment C**) is akin to a *neighbourhood supermarket* rather than a *neighbourhood shop* as defined under Fairfield LEP 2013. The LEP defines a *neighbourhood supermarket* as a premise with the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

Response to this concern has been addressed above in 3.4.1.1. Retail hierarchy. The proposed scale of commercial uses in the Plaza Precinct is not considered to have an adverse impact on the retail performance of Bonnyrigg Plaza. Refer to Attachment C. The commercial uses are intended to service the local residents of Bonnyrigg Estate, while Bonnyrigg Plaza has the function of a local centre and services a much wider catchment.

3.4.1.3 Lack of detail in justification

*Section 6.3.1 of Council's Retail Centres Policy sets out policy requirements to determine whether there is an unacceptable economic impact. A review of the applicant's retail study did not clearly demonstrate the performance of existing uses in the primary trade area.*

*There are a number of vacant retail tenancies within Bonnyrigg Plaza, which raises the question if there is demand for additional retail uses within the surrounding area. Whilst detail has not been provided on the vacant tenancies within Bonnyrigg Plaza, it is considered that this should form a key consideration as part of the retail assessment.*

Response:

Macroplan carried out a site inspection of the performance of centres in the primary sector and the vacant shopfronts at Bonnyrigg Plaza to analyse any potential economic impacts from the proposed modification. The inspection revealed that the 5 vacant shopfronts (one tenancy to be opened as an Optometrist) at Bonnyrigg Plaza is not considered as an overly high level of vacancy. It has also been highlighted that the estimated sales of the proposed future retail shops at the Bonnyrigg Town Centre are to only represent 6% of the retail sales currently achieved by Bonnyrigg Plaza.

Thus, there is no significant threat from the proposed retail activity to the ongoing viability of the centre or any other existing or planned centre in the region. Refer to Retail Floorspace and Justification Response appended at **Attachment C** for further detail.

**3.4.2 St George Community Housing (SGCH)**

*SGCH strongly believes there is an opportunity for inclusionary zoning at a target of 15% in the modified Bonnyrigg Housing Estate Concept Plan. It is recommended that clear targets are set based on the current and expected future demand for affordable housing.*

Response:

The proposed modification seeks to increase the availability of social housing in accordance with Government Policy as set out in Future Directions for Social Housing in NSW. One of the primary aims of Future Directions for Social Housing in NSW is to deliver more social housing.

The primary focus of the renewal of Bonnyrigg Estate – and the proposed Concept Plan,

is to increase social housing, consistent with this direction. The proposed concept plan seeks to increase social housing in an integrated mixed tenure community. The aim is to not only improve and increase the existing social housing stock but deliver improved social outcomes for residents.

LAHC will be providing additional social housing stock, while enabling a more liveable mixed tenured community. Social Housing meets the Act criteria for affordable housing, given this the proposal for the site well exceeds the suggested 15% threshold for affordable housing.

#### **3.4.3 Endeavour Energy**

- *Zone substation should be regarded as a Key Site Element in the Urban Design Report*
- *It is recommended to consider placing landscape buffers adjacent to Bonnyrigg Zone Substation or the areas used for public open space.*

#### Response:

The concept plans have been updated to identify the Bonnyrigg Substation (refer to **Appendix R**).

A new Concept Plan control has been included to address this:

*A 5m setback is required between any residential development and the Bonnyrigg Substation. This setback is to be landscaped appropriately to enable a green buffer between dwellings and the substation.*

Refer to Updated Concept Plan Controls appended at **Attachment N**.



### 3.5 Submissions from Residents

#### 3.5.1 Resident 1

- *Resident 1 objects to the project due to concerns for infrastructure provision to support the expected new population. Particular concern is raised for whether there will be sufficient car parking for the future residents living within the units.*
- *Public transport has been noted as underserviced as it is already congested during peak periods.*
- *Local public and catholic schools are noted to have reached full capacity and the new residents would not be supported by sufficient provision of educational infrastructure.*
- *Resident 1 advises to consider proposing 2-3 level units instead to reduce the expected resident increase in the area, and so that 'the parking and infrastructure wouldn't suffer as much'.*

#### Response:

A traffic assessment has been undertaken. The assessment confirms the traffic impacts are acceptable. Proposed improvements will support the increased traffic associated with the additional 500 dwellings.

Future development will be required to provide on-site car parking. Car parking controls are provided in the Concept Plan.

The traffic assessment confirms that the site is well-serviced by public transport and has capacity to support the additional population.

Discussion with the Department of Education confirmed there was sufficient capacity within the existing schools to accommodate the potential increase in student numbers.

The proposed Concept Plan is supported by an assessment of open space and social infrastructure. The assessment confirms there is sufficient capacity within existing schools to meet the demand generated by additional 1,500 residents.

The modification proposes an increase of 500 dwellings. The necessary infrastructure, including traffic, open space and community infrastructure, is based on the increased demand of the additional population. This ensures the appropriate infrastructure will be available to meet the needs of the future population.

#### 3.5.2 Resident 2

- *Resident 2 suggests further clarification for any impacts associated with the proposed medium density housing surrounding their property at 23 Tarlington Parade, Bonnyrigg.*
- *Clarification is requested for any impacts to privacy, as there are proposed 4-storey housing surrounded their property. Clarification is sought for any solar access impacts, considering that their property faces east.*
- *Clarification is requested for any additional traffic congestion and any impacts associated with the narrowing of local streets.*
- *Resident 2 recommends relocating the "Bins Store" on the other side of the residence's carpark*
- *Movement of Bins Store to the 'other side of the residences carpark' so that potential drifting odours will have less impact to residents*

#### Response:

Overshadowing analysis (**Attachment K**) demonstrates only minimal overshadowing to existing private dwellings. Proposed development in the Concept Plan will not create unacceptable impacts on existing dwellings.

Residential apartment buildings will need to demonstrate compliance with the ADG – this includes amenity and privacy provisions.

A traffic assessment confirms traffic impacts are manageable. The Concept Plan includes proposed intersection and street upgrades to mitigate any traffic impacts.

The issue regarding bins relates to a previous development application in Bonnyrigg Estate. The submission is not relevant to the proposed Concept Plan modification and does not require further consideration.

### **3.5.3 Resident 3**

- *The proposed 10m wide “landscape buffer” along Bonnyrigg Avenue in the vicinity of the intersection with Elizabeth Drive is deemed inappropriate*
- *Resident 3 notes that there is no advantage in creating a stagnant buffer zone considering that ‘the applicable setback controls are sufficient’*

#### Response:

The proposed 10m landscape buffer serves an important purpose in minimising the acoustic and pollutive impacts of surrounding major roads. Elizabeth Drive, Cabramatta Road and Bonnyrigg Avenue can have high traffic volumes, reducing the amenity of adjoining residential areas. The buffer will provide an opportunity for landscaping and deep soil to support substantial tree planting, improving the amenity for adjoining residences.

### **3.5.4 Resident 4**

- *Resident 4 owns the property at 11 Laycock Place, Bonnyrigg. It is suggested to re-draft the concept plan as the ‘original draft presents (fewer) long-term problems’.*
- *Resident 4 recommends a redrafting of the plan as the modified road plan re-locates a road directly fronting their property, rather than between two houses. Resident 4 recommends ‘the building of a cul-de-sac by shifting the street further to one side so as to avoid a problematic positioning of the road’.*

#### Response:

The concern raised in this submission relates to an approved DA for Stages 6a and 7 and does not relate to the changes proposed in MOD 5.

### **3.5.5 Resident 5**

- *Resident 4 objects to the modified Bonnyrigg Concept Plan due to concerns regarding an insufficient provision of infrastructure as no new major roads are proposed to cater for the increased traffic in the area*
- *Resident 4 has addressed that major roads, namely Humphries Road, Edensor Road and Cabramatta Road are heavily congested during peak hours, and the lack of consideration for road work upgrades raises safety concerns when accessing or existing Resident 4’s property on Humphries Road*
- *Resident 4 recommended a traffic management plan for Humphries Road and surrounding roads to be produced. This plan should clearly identify traffic flow.*

#### Response:

A traffic assessment has been undertaken. The assessment confirms the traffic impacts are acceptable. Proposed improvements will support the increased traffic associated with the additional 500 dwellings.

The traffic assessment confirms that the site is well-served by public transport and has capacity to support the additional population.

Future development will be required to provide on-site car parking. Car parking controls are provided in the Concept Plan.

As noted above, a traffic assessment has been undertaken as part of the changes proposed in MOD 5. The assessment confirms that the traffic impacts will be acceptable, and that public transport is sufficient in supporting the increased density. Strengthened active transport connections throughout the site will provide infrastructure to support walking and cycling within and beyond the Bonnyrigg Estate.

# 4 Recommendations and Conclusion

This Response to Submissions has been prepared for a Section 75W modification application to the Concept Plan Approval (MP06\_0046) for the Bonnyrigg Housing Estate.

The proposed modification aims to deliver an additional 500 dwellings in the remaining stages of the Bonnyrigg Estate, supported by an increase in the provision of public open space and community facilities and improvements in pedestrian and cycling connectivity to Bonnyrigg Town Centre.

The modification applies to future stages of the Bonnyrigg Estate. It does not apply to stages that are already complete or under construction.

This RTS proposes minor changes to the Concept Plan in response to submissions. The changes include:

- A revised letter of offer and proposed amendment to the existing VPA;
- New controls in the Concept Plan (Appendix N), including:
  - Introduction of controls (A.12 Activation) to support the activation plan to limit the size of retail premises to 500m<sup>2</sup> for a supermarket and 100m<sup>2</sup> for individual retail premises;
  - New built form control to ensure future development is designed to be tenure blind (A.9 Built Form).;
  - The Built Form Controls have also been retitled 'Residential Flat Buildings and Buildings 3 Storeys or Greater' to clarify that these controls apply to mixed use buildings, or any dwelling over three storeys;
  - Clarifications have also been included in the instrument to clarify the Medium Housing Density Housing Code also applies to the development (**Attachment O**);
  - Updated street hierarchy plan and street sections;
  - Additional control (A.12 Activation) to provide for bicycle parking facilities in key activation areas;
- Minor updates to include the zone substation on all plans. A new control has been included in A.9 Built Form to require a landscaped building setback between any future development and the substation;
- The inclusion of a pedshed map to demonstrate that all dwellings are within 400m of a 0.3ha park, and all apartments are within 200m of a 0.1ha park;
- Additional overshadowing studies to demonstrate that future development will not have any unacceptable amenity impacts on existing private dwellings;
- Updated yield spreadsheet (A.16 in the Concept Plan) to clarify the assumptions used to determine the indicative dwelling yields. Note: the exact dwelling yield and mix will be subject to future detailed development applications; and
- A preliminary staging plan.

The proposed modification will bring the remaining stages of the redevelopment of Bonnyrigg Estate in line with current Government policy to deliver more social housing in an integrated community with a 70:30 split of private and social housing on the site. The modification will also deliver improved housing choice, a simplified road network, consolidated and more useable open spaces, and activation of key streets.

**With regard to the matters discussed within this report, it is recommended that the Minister for Planning or delegate grant consent to the amended Concept Plan.**