



Planning

***NEWLEAF COMMUNITIES
PROJECT BONNYRIGG
Concept Plan & Stage 1 Project
Application
Proposed by Bonnyrigg
Partnerships - Becton Property
Group Limited***

MP06_0046 MOD 2

Modification of Minister's Approval
Section 75W of the Environmental
Planning and Assessment Act 1979

April 2010

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1. INTRODUCTION

On 11 March 2010, Bonnyrigg Partnerships - Becton (the Proponent) lodged an application to modify the approval of MP06_0046 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* ("the Act"). The Bonnyrigg Partnerships comprises a joint venture with the NSW Department of Housing.

The Proponent seeks to modify the Concept Plan approval to include 15 Deakin Place, Bonnyrigg (identified as a home in private ownership) within Stage 2 of the development and reduce the minimum lot width for detached dwellings from 9.5m to 8.5m.

2. PLANNING HISTORY

Original Approval

On 12 January 2009, the Minister for Planning approved the Concept Plan application for redevelopment of the Bonnyrigg Housing Estate and Stage 1 Project Application (MP06_0046 – **TAG B**). The site is located within Fairfield City Council Local Government Authority. Stage 1 is the first of 18 approved stages under the Concept Plan approval.

The approvals granted consent for the following development:

- A Concept Plan for:
 - Demolition of existing dwellings in stages (excluding privately-owned dwellings);
 - Construction of approximately 2,332 dwellings in 18 stages over 13 years;
 - Construction of new roads, with 50% of existing roads to be retained;
 - Provision of new infrastructure (including stormwater, sewer, recycled water, gas and electrical);
 - Staged construction of a new community precinct comprising community, retail and commercial activities; and,
 - Reconfiguration and upgrade of existing public open space.
- A Stage 1 Project Application for:
 - Subdivision 106 new lots in stage 1; and,
 - Construction of 106 new dwellings and associated infrastructure, provision of new open space and community facilities.

A copy of the Briefing Note and Instrument of Approval for the Concept Plan and Stage 1 Project Application is contained at **TAG C**. It is noted that the Minister's approval also included a determination that all future stages of the Concept Plan approval be determined by Council under Part 4 of the Act.

Modification 1

On 7 September 2009, the Executive Director, Major Projects Assessment, having delegation from the Minister, approved an application (MP06_0046 MOD 1 – **TAG D**) to modify to the Concept Plan and Stage 1 Project. The modifications included minor amendments to the dwelling design, updated lot references and some changes to conditions. There was no increase in the number of approved dwellings for the site.

Stage 2

Development Application 123.1/2010 for Stage 2 of the Concept Plan has been lodged with Fairfield City Council for determination. The application was referred to the Department of Planning for comment and is waiting a decision on the subject modification application which if approved, would affect housing types and include the property at 15 Deakin Place, Bonnyrigg.

3. STATUTORY CONTEXT

Modification of a Minister's approval

The modification application has been lodged with the Director-General pursuant to Section 75W of the Act which provides for the modification of a Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval."

The Minister's approval for a modification is not required if the project as modified would be consistent with the existing approval under this Part. In this instance, the proposed modification is consistent with the existing approval granted under Part 3A as the application seeks minor alterations to include a private dwelling and reduce the minimum lot width for attached dwellings.

Environmental Assessment requirements

In this instance, it was not considered necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W (3) with respect to the proposed modification, as sufficient information was provided to the Department to consider the application.

4. CONSULTATION AND EXHIBITION

Under Section 75W of the Act, a request for a modification of an approval does not require public exhibition. However, under Section 75X (2)(f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with Clause 8G of the *Environmental Planning and Assessment Regulation 2000*, the request for the modification was placed on the Department's website.

5. DESCRIPTION OF PROPOSED MODIFICATIONS

The modifications are described in a letter prepared by Urbis on behalf of the Proponent dated 8 February 2010 and supported by amended drawings for Stage 2, prepared by Residential Logistics Pty Ltd (**TAG E**).

The application proposes to amend the Bonnyrigg Masterplan (**Tag F**) to:

- i. Include 15 Deakin Place (**TAG G**) within the development.

The property is already within the boundaries of Stage 2 of the approved Concept Plan except that it is identified on page 39 of the Masterplan as a 'home in private ownership' (see Figure1 below); and

- ii. Allow detached dwellings on 8.5m wide lots for future Stages 2-18.

There are 7 detached dwellings in Stage 2 with a reduced width of 8.5m, which represents 7% of the total number of dwellings proposed for this stage and 25% of the proposed 28 detached dwellings.

In order to accommodate the amendments, the Concept Plan approval would be amended as follows:

- i. The plans on Pages 39, 43, 52 and 53 of the Masterplan showing 'homes in private ownership' has been amended to delete reference to 15 Deakin Place and the Introduction on Page 9 has been amended as follows (amendments in bold):

*The Masterplan retains 20 Housing NSW owned villas and 86 **85** privately owned homes. **One privately owned home has been purchased and it is anticipated that additional homes may be considered for purchase where appropriate and feasible.***

The intention of this statement is to allow the consideration of adding further private homes to the scheme in the future (subject to permission from the Department) without the need to amend the numbers of privately owned homes stated in Masterplan.

- ii. The minimum allotment width for detached houses as outlined in the table on Page 150 of the Masterplan would be amended to 8.5m.

6. CONSULTATION WITH COUNCIL

The proponent has submitted this application following consultation with Fairfield Council on the Stage 2 proposal. Council have raised no objection. (**TAG H**)

7. ASSESSMENT OF MODIFICATIONS

Inclusion of 15 Deakin Place

The inclusion of this property is supported as new development built on site would have the same form and style as surrounding buildings once Stage 2 is completed. Potential contamination issues (if any) associated with 15 Deakin Place would be addressed as part of the Stage 2 Project Application, in accordance with Condition A3(1) of Schedule 2 of MP_0046 which requires the submission of a detailed contamination assessment for each stage of the development.



Fig 1: Plan on Page 39 of Masterplan showing homes in private ownership (site coloured orange).

Reduction in Allotment Width for Detached Dwellings

The current Masterplan states the minimum lot width for a detached dwelling is 9.5m (see page 150 of **Tag F**). This application seeks to reduce this minimum width to 8.5m to allow some 'duplex buildings' containing two attached dwellings on a 17m wide lot to be substituted with two detached dwellings, each on a lot 8.5m wide.

The amendment is intended to:

- facilitate an appropriate subdivision layout while working with the physical constraints of retaining existing roads as required by the Concept Plan approval. Each of the 8.5m lots for Stage 2 are located within the northern precinct between Edensor Road and Reeves Crescent. As the distance between these roads is established, the number of attached dwellings (with 30m deep lots) that can be provided in this part of the site is limited and better suited to detached lots that are only required to be 27.5m deep; and
- allow flexibility in the type of housing provided within the estate and meet current demand in the marketplace, where sales of Stage 1 have indicated a preference for detached dwellings.

The Proponent has indicated detailed design work in Stage 2 demonstrated that detached dwellings could be accommodated on an 8.5m wide lots, taking into account the streetscape/visual appearance, compliance with residential amenity controls (i.e. site coverage, setback, landscaping, solar access, privacy and parking provisions of the Masterplan) and still achieving the residential densities set by the staging plan in the Concept Plan Approval.

Compliance with these provisions would be assessed by the Council as part of the development application for each particular stage. There would be no increase in the number of approved dwellings for the site. On this basis, the proposal is supported.

Proposed amendments to original Conditions of Approval

The above amendments would require the following modifications to Condition A3 of Schedule 1 of MP 06_0046:

Table 1: Amendments to conditions of approval

Existing Wording of Condition	Requested Amendment (in bold)	Supported
<p>Condition A3 (1)</p> <p>The development will be carried out generally in accordance with the Environmental Assessment Report dated November 2007 (five volumes) and as amended by the Preferred Project Report dated June, 2007 detailed in the following table;</p> <p>[Refer to Instrument dated 12 January 2009 for Table]</p> <p>Updated Master Plan.....etc</p>	<p>Condition A3 (1)</p> <p>The development will be carried out generally in accordance with the Environmental Assessment Report dated November 2007 (five volumes) and as amended by the Preferred Project Report dated June, 2007 detailed in the following table;</p> <p>[Refer to Instrument dated 12 January 2009 for Table]</p> <p>Updated Master Plan (pages 9, 39, 43, 52, 53 and 150 as amended by Section 75W modification application 06_0046MOD2)....etc</p>	<p>YES</p>
<p>Condition A3 (2)</p> <p>The development shall take place in accordance with the following plans and documentation (including any appendices therein) which are approved as part of the Concept Plan:</p>	<p>Condition A3 (2)</p> <p>The development shall take place in accordance with the following plans and documentation (including any appendices therein) which are approved as part of the Concept Plan:</p>	<p>YES</p>

(b) Bonnyrigg Masterplan prepared by Urbis, dated September 2008	(b) Bonnyrigg Masterplan prepared by Urbis, dated September 2008 (pages 9, 39, 43, 52, 53 and 150 as amended by Section 75W modification application 06_0046MOD2)	
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The Department recommends that the conditions of approval be amended accordingly and incorporated into the consolidated modification.

8. CONCLUSION

The proposed modifications do not result in significant changes to the overall scheme or alter the overall nature, need or justification of the approved project. The proposal, as modified, is consistent with the approved Concept Plan and still achieves the same objectives as assessed for the original approval.

9. DELEGATION

Under the instrument of delegation dated 25 January 2010, the Minister has delegated his functions under Section 75W of the Act relating to modifying Part 3A approvals to the Director, Metropolitan Projects. Having regard to the Instrument of Delegation, it is considered appropriate that the application be determined under delegation by the Director, Metropolitan Projects.

10. RECOMMENDATION

It is recommended that the Director, Metropolitan Projects, as delegate of the Minister for Planning:

- (A) **consider** the findings and recommendations of this report;
- (B) **approve** the modification, subject to conditions, under Section 75W of the *Environmental Planning and Assessment Act, 1979*; and
- (C) **sign** the attached Instrument of Modification (**TAG A**).

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19/4/2010

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