

Bonnyrigg Concept Plan Modification 5

Section 75W Modification Assessment
MP 06_0046 MOD 5

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Cover image: Bonnyrigg Concept Plan layout and building heights plan (Source: Proponent's RtS)

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Glossary

Abbreviation	Definition
ADG	State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, Apartment Design Guide
ARP	Assessment of Retail Potential
CBD	Central Business District
Concept Approval	Concept plan application (MP06_0046), approved (as modified)
Consent	Development Consent
Council	Fairfield City Council
DA	Development application
Department	Department of Planning, Industry and Environment
EESG	Department of Planning, Industry and Environment - Environment, Energy and Science Group
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
FDCP	Fairfield Development Control Plan 2013
FLEP	Fairfield Local Environmental Plan 2013
FEAR	Future Environmental Assessment Requirement of the Concept Approval
GLA	Gross lettable area
ha	Hectares
HAHR	Heritage and Aboriginal Heritage Report
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
LGA	Local government area
Minister	Minister for Planning and Public Spaces
OSD	on-site detention
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
Proponent	NSW Land and Housing Corporation
Proposal	Modification 5 to the Concept Approval to modify the proposal as summarised at Section 2 .
RtS	Response to Submissions
RMS Parking Rates	Guide to Traffic Generating Developments (RMS, 2002)
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SHR	Stage Heritage Register
SoC	Statement of Commitment
SRtS	Supplementary response to submission

SSP SEPP	State Environmental Planning (State Significant Precincts) 2005
STOP Regulation	Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
TIC	Transport Infrastructure Contribution
VPA	voluntary planning agreement

Executive Summary

Introduction

This report provides an assessment of a request to modify the Concept Approval for the mixed-use redevelopment of the Bonnyrigg Estate (MP 06_0046 MOD 5), in the Fairfield local government area.

The modification request seeks approval to increase the total number of dwellings (from 2500 to 3000), non-residential floorspace, building heights and public open space. The proposal also seeks to amend stormwater/flooding infrastructure, road and footpath networks and the development controls within the Concept Approval.

The application has been lodged by the NSW Land and Housing Corporation (the Proponent) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Consultation

The Department of Planning, Industry and Environment (the Department) publicly exhibited the modification request between 7 August 2019 until 4 September 2019 (28 days) and the Proponent's response to submissions between 24 June 2020 until 7 July 2020. The Department received a combined total of twenty submissions, including eight submissions from public authorities, two from Fairfield City Council (Council) and ten from the public.

Of the ten public submissions, six objected to the proposal and four provided comments. The key concerns raised in public submissions relate to retail floorspace, traffic, parking and road layout, landscaping, amenity, affordable housing and property values. Council did not object to the modification and did not raise any concerns with the proposal, following its review of additional information.

The Proponent provided a response to the issues raised in submissions and additional information in support of the proposal. In addition, the Proponent amended the modification by reducing the amount of retail floorspace, revised the voluntary planning agreement and the development controls within the Concept Approval.

Assessment

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act and has carefully considered the issues raised in public submissions and the Proponent's response. The Department's assessment concludes that the proposal is acceptable as:

- it is consistent with the Region Plan and Western City District Plan, as it would deliver additional private and social housing in a master planned estate near excellent public transport, employment opportunities, shops and services
- the proposed 20% increase in residential density is acceptable as the proposal would not result in adverse visual, amenity or traffic impacts
- the provision of additional public open space, community facilities and retail floor space would appropriately support the increased population on the site
- the increased building heights across Stages 8 to 18
 - provide for an appropriate built form transition to exiting neighbouring properties and the tallest components are appropriately located adjacent to the Bonnyrigg Town Centre, key gateway entrances and framing open spaces

- would not result in any significant amenity impacts, as surrounding properties would still receive at least three hours sunlight in mid-winter and future development is capable of being designed to minimise potential visual and acoustic privacy impacts on adjoining properties
- it is capable of achieving a high level of residential amenity and future DAs will be subject to the design and amenity guidelines within the Concept Plan and the SEPP 65 Apartment Design Guide
- the 2,217.12 m² increase in non-residential floorspace is appropriate as it would contribute to and not compromise the vitality of Bonnyrigg Plaza, subject to a FEAR limiting the maximum size of future retail units to ensure the new floorspace is provided to serve the local needs of the community
- the proposal does not seek to alter the approved car parking rates for the Bonnyrigg Precinct and the Department is satisfied the car parking rates remain appropriate for the development
- the proposal would deliver a range of additional public benefits including approximately 150 additional social housing dwellings, an additional 910 m² public open space and 220 m² floor space for a community facility.

Conclusion

The Department's assessment concludes the proposal is acceptable as it would deliver additional private and social housing within a master planned estate, improving housing choice and affordability next to an established town centre.

The Department is satisfied the proposal provides for an appropriate density and built form which will enhance the character of the Bonnyrigg precinct and would not result in any significant visual or amenity impacts. In addition, the reconfigured open space improves the functionality of the space for current and future residents, additional retail floorspace would contribute to the vitality of the existing shopping precinct at Bonnyrigg Plaza and traffic and car parking impacts are acceptable.

The Department is therefore satisfied the proposal is in the public interest and recommends the application be approved subject to conditions.

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1 Introduction

1.1 Introduction

This report provides an assessment of a request to modify the concept approval for the mixed-use redevelopment of the Bonnyrigg Estate (MP 06_0046 MOD 5), pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The application has been lodged by NSW Land and Housing Corporation (the Proponent). The proposal seeks approval to increase the total number of dwellings, non-residential floorspace, building heights and public open space, amend stormwater/flooding infrastructure, road and footpath networks and the Concept Approval development controls specific to Stages 8 to 18.

1.2 Bonnyrigg Housing Estate

The Bonnyrigg Housing Estate is an 80 hectare suburban housing estate located approximately 4.5 kilometres (km) north-west of Liverpool central business district (CBD) and 29 km west of the Sydney CBD within the Fairfield local government area (**Figure 1**).

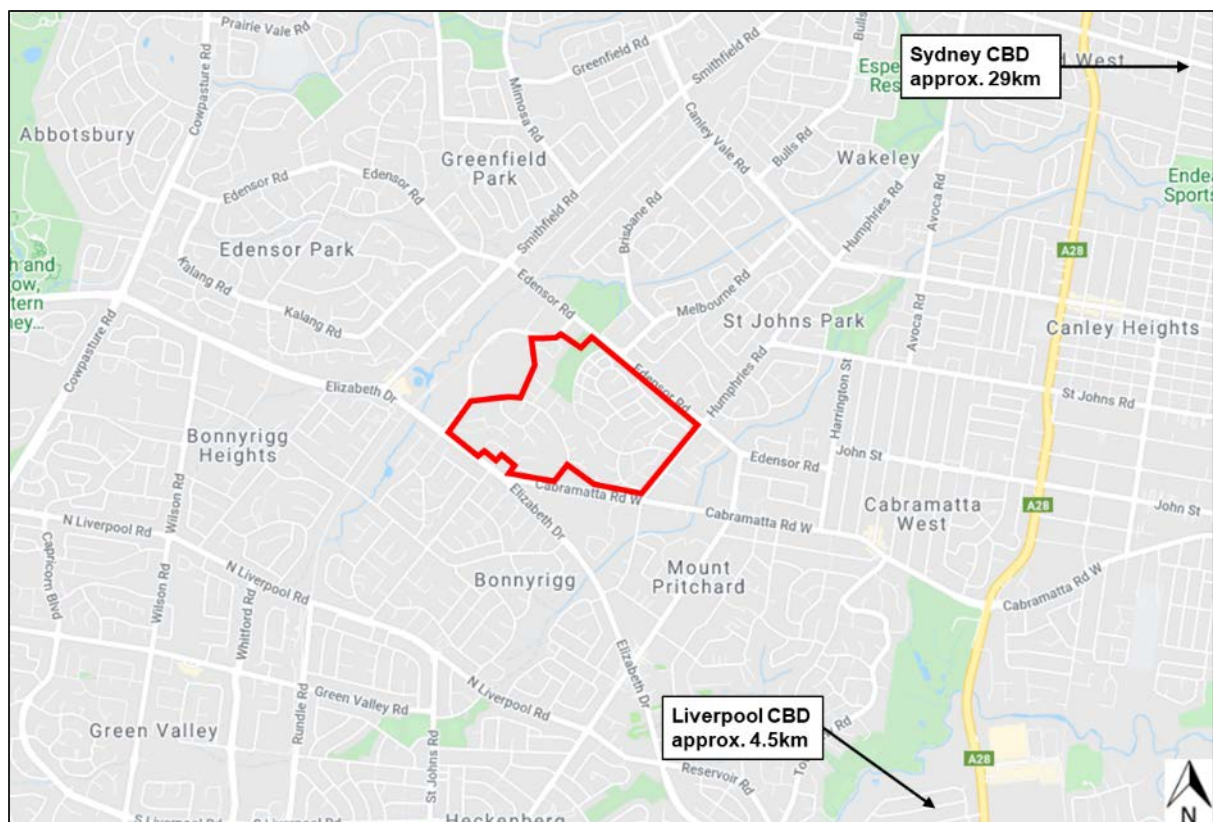


Figure 1 | Location of the Bonnyrigg Housing Estate (outlined red) (Source: Nearmap)

The estate is bounded by Bonnyrigg Avenue, Bonnyrigg Public School, Bonnyrigg Plaza, Elizabeth Drive, Cabramatta Road West, Humphries Road and Edensor Road (**Figure 2**). The estate includes a variety of housing types and tenures, including social and private dwellings and apartments and incorporates open spaces, local roads and associated infrastructure.

The north-western side of the site adjoins the existing Bonnyrigg Town Centre, which provides for a variety of shops and services serving the local and broader community. Four schools are located

adjacent to the site including the Bonnyrigg High School, Bonnyrigg Public School, St Johns Park Public School and Our Lady of Mt Carmel Catholic School.

The Bonnyrigg Estate has excellent access to public transport, in particular the T-way is located immediately to the west of the site and provides direct and rapid bus services to Parramatta and Liverpool.

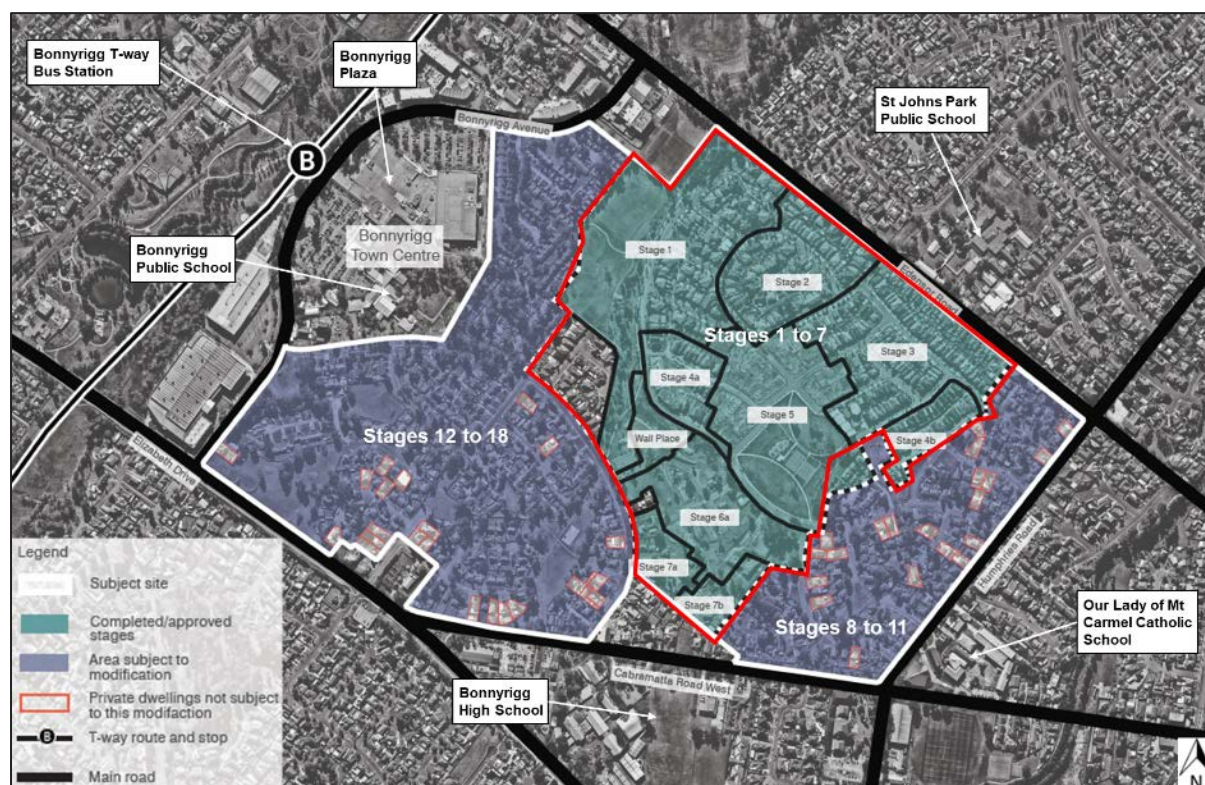


Figure 2 | Bonnyrigg Concept Approval layout and staging. Only the area outlined white and shaded purple forms part of this modification request (Base source: MP 06_0046 MOD 5)

The estate was developed in the late 1970s and originally provided 921 dwellings comprising 88 private dwellings and 833 social housing dwellings.

The site is the subject of a Concept Approval (MP 06_0046) which seeks to renew the estate and improve the liveability and safety of the area, provide new housing, re-balance the housing tenure (approximately 70:30 split of private and social housing) and improve access to services. The Concept Approval is summarised at **Section 1.3.1**.

The estate has been divided into 18 stages for the purpose of development. This modification application relates to Stages 8 to 18 (highlighted purple at **Figure 2**).

1.3 Relevant planning history

1.3.1 Concept Approval

On 12 January 2009, the then Minister for Planning approved Concept Plan and Stage 1 Project Application (MP 06_0046) for the redevelopment of the Bonnyrigg Housing Estate.

The Concept Plan has been modified on four occasions as summarised in **Table 1**.

Table 1 | Modifications to approved Concept Plan MP06_0046

MOD	Summary of Modification	Approved
MOD 1	Minor amendments to dwelling design, updated lot references and associated changes to conditions.	7 Sep 2009
MOD 2	Inclusion of 15 Deakin Place and amendment to allow detached dwellings on 8.5 m wide lots within Stages 2-18.	19 Apr 2010
MOD 3	Introduction of apartments adjacent to open space and amend development controls and staging plan.	28 Jul 2011
MOD 4	Increase of 168 dwellings (to 2,500 dwellings), 1,300 m ² open space (to 12.13 hectares) and 140 m ² community facility (to 700 m ²), amend development controls (housing typology, setbacks and lot size) and include car parking rates for apartments.	13 Jul 2012

The Concept Approval (as modified) provides for the following key aspects (**Figure 2**):

- staged demolition of existing dwellings (excluding private dwellings)
- staged provision of:
 - 2,500 dwellings including dwellings up to three storeys and apartments up to six storeys
 - 782.88 m² community floorspace within the Neighbourhood Centre
 - provision of 12.13 hectares (ha) public open space, and reconfiguration and upgrade of existing public open space
 - new and reconfigured roads and infrastructure.
- development in accordance with Concept Plan masterplan development controls.

Stages 1-7 of the Concept Approval, highlighted green at **Figure 2**, are either complete or under construction and provide for 715 new homes (261 social and 454 private dwellings) and a community centre (782.88 m²).

No work has commenced on Stages 8 to 18 which are proposed to be modified as part of the current proposal (**Section 2**).

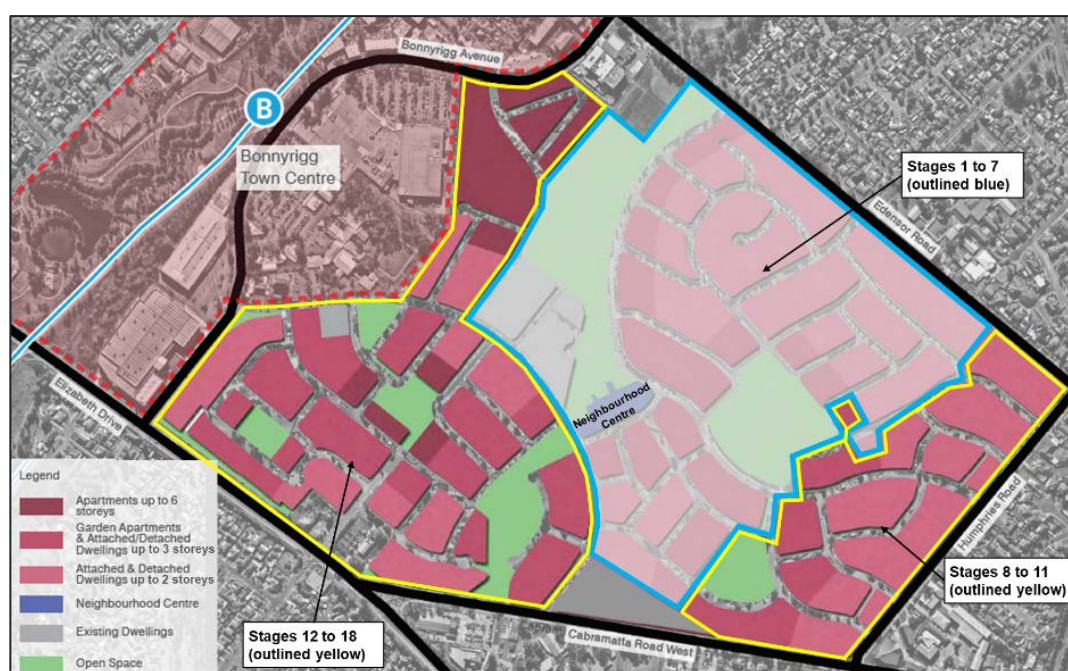


Figure 3 | Bonnyrigg Concept Approval height of buildings and location of open space plan (Base source: MP 06_0046 MOD 4)

2 Proposal

The modification request seeks approval to increase the total number of dwellings, non-residential floorspace, building heights and public open space, amend stormwater/flooding infrastructure, road and footpath networks and the Concept Approval development controls specific to Stages 8 to 18.

2.1 Modification to the Concept Approval

The key components and features of the proposal (as amended) are summarised at **Table 2**. A link to the application is provided at **Appendix A**. The modification is shown at **Figure 4** to **Figure 8**.

Table 2 | Main components of the modification

Component	Modification Description
Dwellings	<ul style="list-style-type: none"> • Increase of 500 dwellings within Stages 8 to 18 (from 1,785 to 2,285) • Overall increase in dwellings within the estate (all stages) from 2,500 to 3,000 dwellings.
Non-residential floorspace	<ul style="list-style-type: none"> • Provision of 2,217.12 m² non-residential floorspace within Stage 8 to 18 at ground floor levels of apartment buildings adjacent to Bonnyrigg Town Centre comprising: <ul style="list-style-type: none"> ◦ maximum of 1,150 m² for retail floorspace ◦ maximum 220 m² community floorspace ◦ 847.12 m² other non-residential floorspace. • Overall increase in non-residential floorspace (all stages) from 782.88 m² (neighbourhood centre, Stage 6) to 3,000 m².
Building height	<ul style="list-style-type: none"> • Increase of maximum building heights within Stages 8 to 18: <ul style="list-style-type: none"> ◦ from 2-3 storeys to 4-6 storeys at the north and south-western corners of the site ◦ from 2-3 storeys to 4 storeys at the south-east corner of the site at the Cabramatta / Humphries Road intersection.
Open space and landscaping	<ul style="list-style-type: none"> • Relocation, reconfiguration and increase of 910 m² public open space (from 12.13 ha to 13.04 ha) • Increase tree canopy cover across the estate by 11% (from 14% to 25%)
Access	<ul style="list-style-type: none"> • Revised local road network including removal of dead-ends and cul-de-sacs and introduction of pedestrian through site links
Stormwater and flooding	<ul style="list-style-type: none"> • Revised stormwater catchment OSD system including four basins located within open spaces areas including two basins at: <ul style="list-style-type: none"> ◦ the south west corner of the site (within Superlots J and K1) ◦ the eastern boundary of the site (within both open spaces).
Voluntary Planning Agreement (VPA) and Transport Infrastructure Contribution (TIC)	<ul style="list-style-type: none"> • Amend the existing VPA (with Council) to: <ul style="list-style-type: none"> ◦ updated existing schedules to reflect Stage 1-7 items that have been partly or fully completed and to include costs in 2020 dollar values ◦ insert a new schedule relating to Stages 8-18 (open space, community facilities and upgrade of the Tarlington Parade / Bonnyrigg Avenue intersection) together with 2020 cost schedule. • A TIC deed (with TfNSW) relating to land dedication and a concept plan for: <ul style="list-style-type: none"> ◦ the Cabramatta / Humphries Road intersection to allow for left and right turn slip lanes ◦ proposed traffic control signal at Humphries / Edensor Road intersection.
Development controls	<ul style="list-style-type: none"> • Concept Plan masterplan development controls relating specifically to Stages 8 to 18, including: <ul style="list-style-type: none"> ◦ design principles, outcomes, character areas, structure plan and maximum dwellings and floorspace

Component	Modification Description
	<ul style="list-style-type: none"> building heights, built form, security, car parking and activation open space strategy and concept access and street hierarchy.
Amendments to conditions	<ul style="list-style-type: none"> Amend Schedule 1, Part A conditions A1, A2 and A3 (Description and Plans) to take account of proposed modifications Delete all Schedule 2, Part A conditions A1 to A6 Delete all Schedule 2, Part B conditions B1 to B5.
Statement of Commitments (SoCs)	<ul style="list-style-type: none"> SoC relating to the modification site area (Stages 8 to 18) containing commitments relating to the general terms the project will adhere to, contributions, measures to mitigate environmental impacts, stormwater, public art and sustainability.

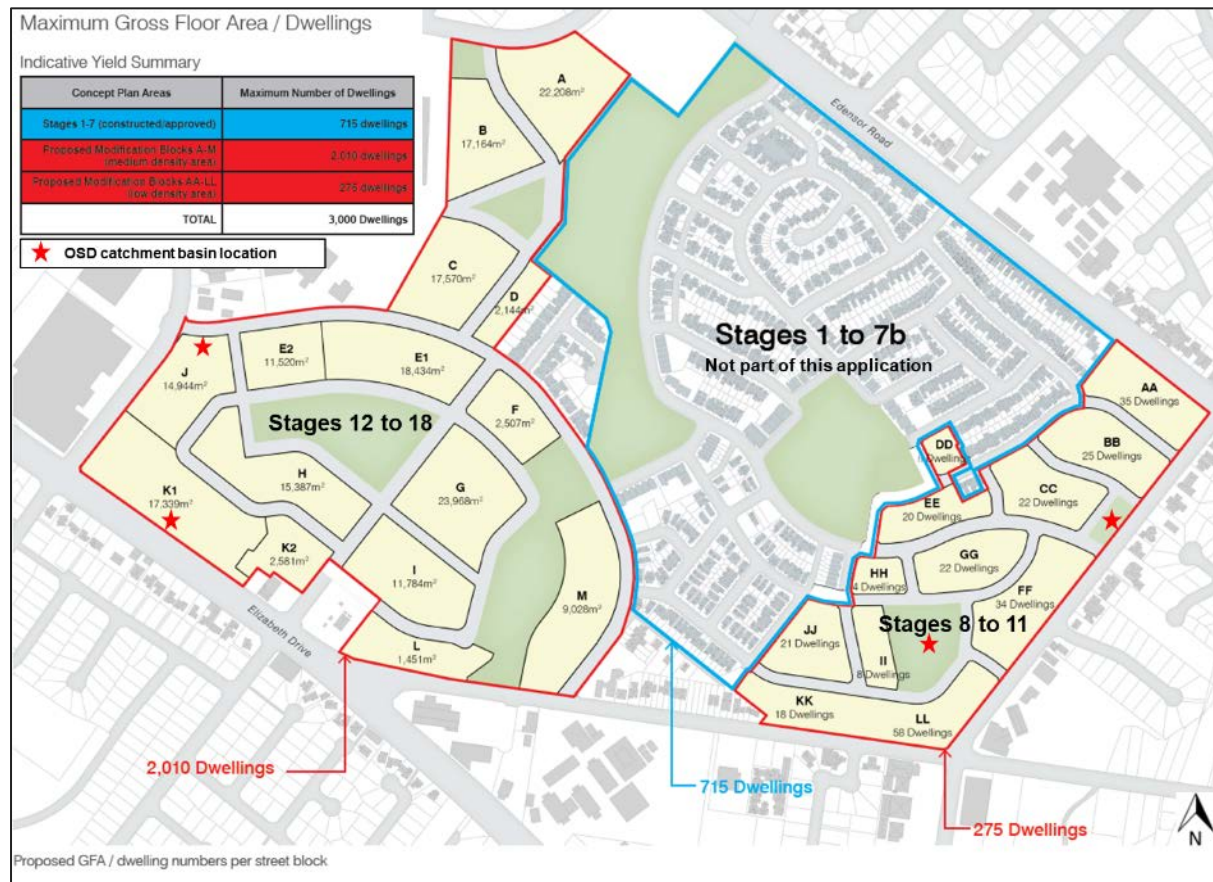


Figure 4 | Indicative dwelling yield for Stages 1 to 7 (blue) and 8 to 18 (red) and the location of OSD catchment basins (red star) (Base source: Proponent's RtS)

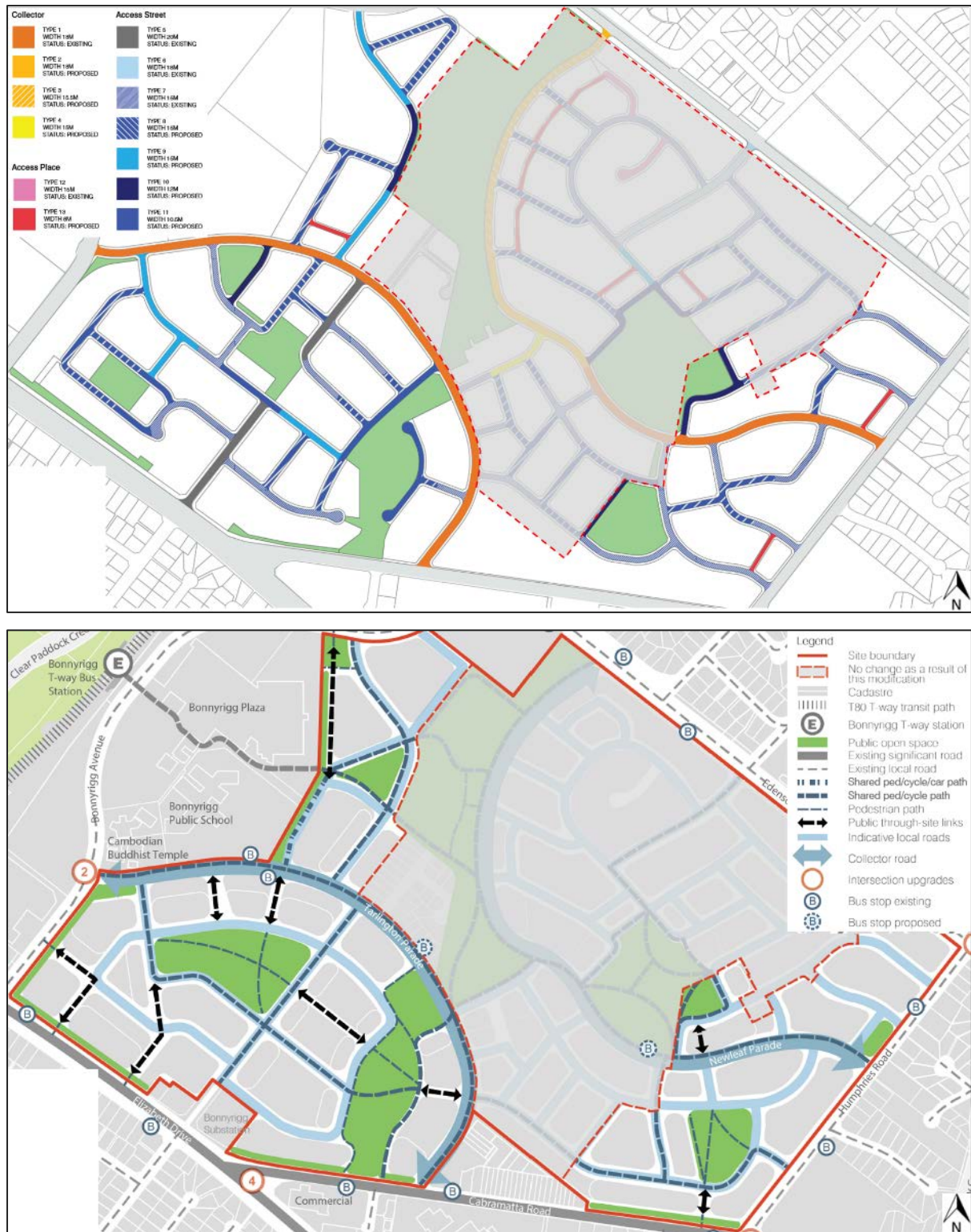


Figure 5 | Approved (top) and proposed (bottom) road layout and pedestrian through site links (Base source: Proponent's Rts)

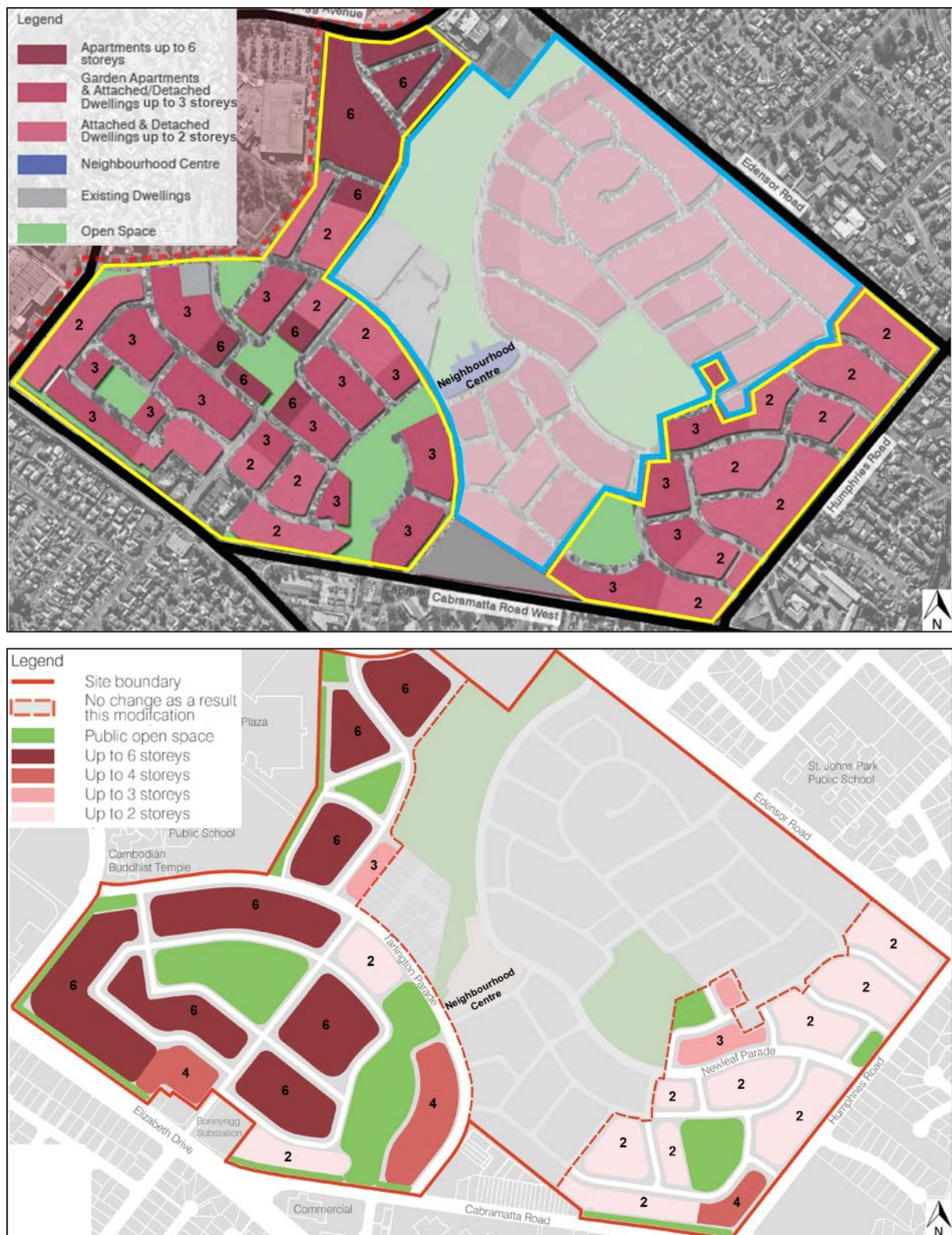


Figure 6 | Approved (top) and proposed (bottom) building heights (Base source: Proponent's RtS)

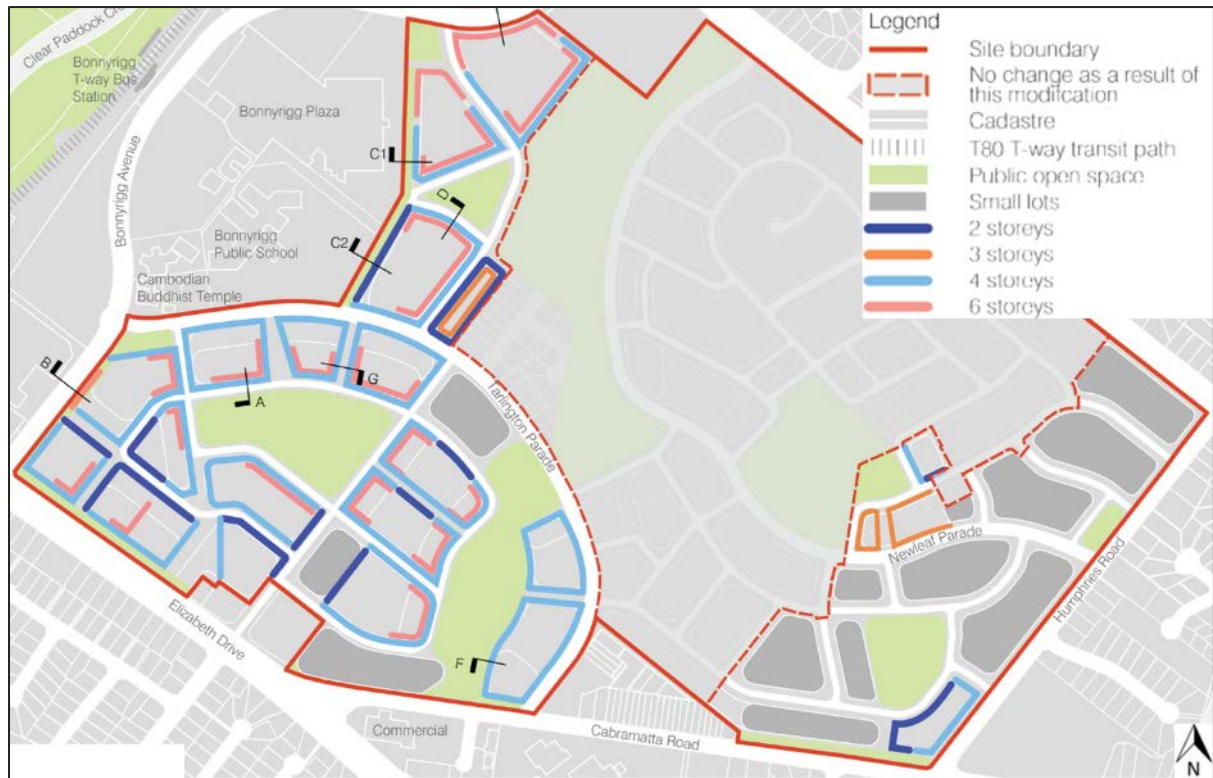


Figure 7 | Proposed street frontage heights and upper level setbacks (Base source: Proponent's RtS)



Figure 8 | Proposed location of ground floor non-residential floorspace (red hatch) (Base source: Proponent's RtS)

3 Strategic context

3.1 Greater Sydney Region Plan and Western City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans.

The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The site is located within the Western City District.

The modification is consistent with the Region Plan and the Western City District Plan, as it:

- provides for additional residential density in an area well served by public transport, close to employment, open space, services and existing infrastructure
- will renew public housing and integrate it with new private housing to create a balanced and mixed community with good access to open space, services and facilities
- provides for an increased tree canopy cover (from 14% to 25%) and increased public open space.

3.2 Future Directions for Social Housing

The NSW Government's Future Directions for Social Housing (FDSH) sets out the vision for social housing over the next 10 years and establishes strategic priorities, including:

- deliver more housing and a better social housing experience, with better quality social housing and improved social outcomes
- develop new mixed communities where social housing blends in with private and affordable housing, with better access to transport and employment, improved community facilities and open spaces.
- partner with the private and not for profit sectors to fast track the redevelopment of sites in metropolitan Sydney and regional NSW.

Within NSW demand for social housing is increasing with a current waiting list of 60,000 households. The modification would contribute to addressing existing demand for social housing and the strategic priorities of Future Directions for Social Housing by:

- redeveloping existing Land and Housing Corporation land to provide for an increased number of social housing dwellings
- providing a more efficient and better connected vehicle and pedestrian layout and additional and improved open spaces and community facilities.

4 Statutory Context

4.1 Modification of the Minister's Approval

The concept plan was originally approved under Part 3A of the EP&A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation), which came into effect on 1 March 2018.

Under the STOP Regulation, the power to modify transitional Part 3A projects under section 75W of the Act, as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply.

As the Proponent made a request to modify the Part 3A approval and requested Secretary's Environmental Assessment Requirements (SEARs) for the proposal on 26 February 2018 (before the cut-off date), the Part 3A provisions and specifically the power under s.75W to modify the approval continue to apply to and in respect of the project (clause 3 and 3BA of Schedule 2 to the ST&OP Regulation). Consequently, the assessment of this request is required to be prepared in accordance with the requirements of Part 3A and relevant regulations. The Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Department of Planning Industry and Environment (Department) is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

4.2 Approval authority

The Minister for Planning and Public Spaces (the Minister) is the approval authority for the modification request. However, the Director, Key Sites Assessments, may determine the request, under delegation dated 9 March 2020, as:

- there are less than 10 public submissions in the nature of objection
- a political disclosure statement has not been made.

4.3 Permissibility

The site is subject to the provisions of the Fairfield Local Environmental Plan 1994 (FLEP) and is predominantly zoned R1 General Residential which allows a range of residential and associated uses as permissible with consent including residential flat buildings, dwelling houses, attached and semi-detached dwellings, shop top housing, neighbourhood shops

The proposal includes the provision of residential use, including dwellings and apartment buildings, community and commercial / retail uses. The proposal is permissible with consent under the FLEP with the exception of the commercial / retail uses.

Notwithstanding the zoning, as a concept approval exists and the site is not located in either a sensitive coastal location or a defined environmentally sensitive area of State Significance, the Minister or delegate may consider the proposal on its merits and approve prohibited land uses.

The concept approval permits residential, community and commercial / retail uses. The Department notes despite being prohibited on the site, commercial / retail uses are permissible within the

Bonnyrigg Town Centre (the adjoining zone). The Department concludes the proposed additional use is compatible with the surrounding land therefore acceptable on the site.

4.4 Planning Secretary's Environmental Assessment Requirements

On 23 March 2018, the Department notified the Proponent of the SEARs for the Bonnyrigg Concept Approval. The SEARs set out environmental assessment requirements for amendments to building envelopes, amenity, transport, ecologically sustainable development, stormwater/flooding, social impacts, heritage, contributions and consultation.

The Department is satisfied that the modification request and RtS adequately address the requirements of the SEARs to enable the assessment and determination of the application.

4.5 Environmental Planning Instruments

The application has been assessed against the following Environmental Planning Instruments (EPIs):

- State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Fairfield Local Environmental Plan 1994

The Department is satisfied the proposed modification does not result in significant changes that would alter the conclusions made as part of the original assessment of the Concept Plan in relation to EPIs or any subsequent replacement EPIs. The Department is also satisfied the proposed modification does not result in any changes that would require any additional assessment under the EPIs that apply to the proposed development.

With reference to SEPP 65 and the associated Apartment Design Guide (ADG), which has come into force since the original approval, the Department notes the residential components of the Concept Plan would be assessed against the ADG recommended amenity standards as part of the assessment of any future DA(s).

5 Engagement

5.1 Department's engagement

On 1 July 2019, the Applicant lodged the modification application for amendments to the Bonnyrigg Concept Approval. The application has been updated three times, by the:

- Response to Submissions (RtS), dated 25 March 2020
- Supplementary Response to Submissions (SRtS), dated 20 August 2020
- Response to Further Information Request (RFIR), dated 7 and 19 October 2020

The Department publicly exhibited the EA and the RtS and notified the SRtS and RFIR. A total of 20 submissions were received in response to the exhibition of the EIS and RtS comprising eight from government agencies, two from Council and ten from the public. A summary of the exhibition and notification is provided at **Table 3**.

Table 3 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification Period	Public notice date (newspaper publication)	Consultation method	Submissions
EA	7 Aug 2020 until 4 Sep 2020 (7 days)	7 Aug 2020 <ul style="list-style-type: none"> • Fairfield Advance • Fairfield City Champion 	Displayed: <ul style="list-style-type: none"> • Department's website • Council's office • NSW Service Centre Notified: <ul style="list-style-type: none"> • Adjoining landholders • Council • Government agencies 	9 submissions comprising: <ul style="list-style-type: none"> • Council • 5 Government agencies • 7 public
RtS	24 Jun 2020 until 7 July 2020 (14 days)	23 Jun 2020 <ul style="list-style-type: none"> • Daily Telegraph • Sydney Morning Herald 	Displayed: <ul style="list-style-type: none"> • Department's website • NSW Service Centre Notified: <ul style="list-style-type: none"> • Adjoining landholders • Previous submitters • Council • Government agencies 	Seven submissions comprising: <ul style="list-style-type: none"> • Council • 3 Government agencies • 3 public
SRtS	21 Aug 2020	No publication	Displayed on the Department's website	No submissions
RFIR	19 Oct 2020	No publication	Displayed on the Department's website	No submissions

The Department considered the comments raised in the public, Council and government agencies submissions during the assessment of the application (**Section 6**) and by recommended conditions of consent at **Appendix D**.

A summary of the submissions and the issues raised in the submissions is provided at **Section 5.2**. Copies of the submissions may be viewed at **Appendix B**.

5.2 Submissions

5.2.1 Public authority submission

A summary of the issues raised in public authority submissions is provided at **Table 4**.

Table 4 | Summary of public authority submissions to the exhibition of the modification request

Transport for NSW (incorporating comments from the former Roads and Maritime Services) (TfNSW)	
EA	<p>TfNSW does not object to the modification and provided the following comments:</p> <ul style="list-style-type: none">• a schedule of all road upgrade works should be provided for TfNSW's consideration• the Transport Management and Access Plan (TMAP) agreement should be finalised• the cumulative impacts of the proposal on the adjoining Bonnyrigg Town Centre should be considered.
RtS	<p>TfNSW is satisfied with the TMAP, consideration of cumulative impacts and the proposed upgrade works. TfNSW recommended conditions requiring:</p> <ul style="list-style-type: none">• land dedication and concept plan for intersection works and traffic signals• the Proponent should enter into a TIC to undertake agreed works.
Department of Planning, Industry and Environment - Environment, Energy and Science Group (EESG)	
EA	<p>EESG does not object to the modification and provided the following comments:</p> <ul style="list-style-type: none">• an Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared• adequate public open space should be provided, including native planting and areas of rehabilitated native vegetation/bushland• the design/planting of the Upper Valley Creek should mimic a natural creek system from the local area• the proposed increase in residential frontages facing open space would improve passive surveillance• tree cover should be increased to 40% in accordance with the Western District Plan.
RtS	<p>EESG confirmed it has no further comment on the proposal and noted the conditions it recommended in response to the exhibition of the modification request would be addressed as part of future DA(s) submitted to Council.</p>
Endeavour Energy	
EA	<p>Endeavour Energy does not object to the modification and provided the following comments:</p> <ul style="list-style-type: none">• Endeavour Energy easements are located within the site and the area is predominantly served by underground power lines• the Bonnyrigg Zone Substation, adjacent to the site, would not need augmentation to supply the development• Endeavour energy also provided broader strategic advice relating to the projected future development of electricity infrastructure within the LGA.
RtS	<p>Endeavour Energy recommended the proposal be amended to include an appropriate buffer between the proposed two storey buildings and the Bonnyrigg Substation Zone.</p>

EA	<ul style="list-style-type: none"> Heritage NSW confirmed it has no comments on the modification as the site is not listed on the Stage Heritage Register (SHR) and is not in the immediate vicinity of SHR items.
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5.3 Key issues – Council and community

5.3.1 Council key issues

Council does not object to the proposal. Council's submission is summarised in **Table 5**.

Table 5 | Council's submissions to the EA and RtS of the proposal

Council	
EA	<p>Council considered the modification request and does not object to the:</p> <ul style="list-style-type: none"> provision of apartments (up to six storeys) and modified urban form the amalgamation and reconfiguration of smaller open spaces into larger scale parks increase of non-residential floorspace. <p>Notwithstanding the above, Council raised the following concerns with the modification request:</p> <ul style="list-style-type: none"> the community facility floorspace should be increased by up to 528.5 m² (from 907.5 m² to between 1,333 m² and 1,436 m²) the amount of public open space should be increased by 3.9 ha (from 13.04 ha to 16,94 ha) and should be configured to allow for active sporting activities the calculation of public open space should be revised to exclude unusable landscape buffers and stormwater drainage areas pedestrian mapping is required demonstrating that dwellings are between 200 - 400 m of open space convenience stores should be restricted to a maximum of 500 m² the Proponent should consult with TfNSW to confirm the scope of road network upgrades and negotiate an amended VPA with Council with regard to revised road and intersection upgrades car parking should be considered to serve the proposed Bonnyrigg Square open space and associated café, retail and community uses additional off street parking should be provided for the proposed six storey apartment buildings all on-site detention (OSD) basins should be above ground, deep OSD basins should be fenced off from the public and OSD basins proposed at super lots K1 and J should be revised.
RtS	<p>Council confirmed it is satisfied that all earlier concerns have all been addressed in the RtS stating that the provision of community infrastructure/open space as detailed in the RtS is appropriate and suitable in meeting the scope of the proposed modifications and associated needs of the future population of the Bonnyrigg precinct.</p>

5.3.2 Community key issues

A total of 10 public submissions were received in response to the public exhibition of the EIS and RtS. Submissions comprised six objections and four comments. The key issues raised in submissions are summarised below.

Table 6 | Public submissions to the exhibition of the EA and RtS of the proposal

Community key issues	
EA	<ul style="list-style-type: none">• increased traffic congestion and insufficient car parking• additional retail would compromise the viability of Bonnyrigg Plaza, is inconsistent with the Fairfield Local Environmental Plan 2013 (FLEP) and the retail study lacks clarity• the landscape buffer along Bonnyrigg Avenue should be no deeper than 5 m• inappropriate road layout in relation to existing dwellings• impacts of future developments (amenity / design)• at least 15% affordable housing should be provided on the site• loss of property value.
RtS	<ul style="list-style-type: none">• the community facilities, including Men's Shed, should be of a size to meet future needs• public open space should be increased to at least 15.8 ha• the retail accommodation should include sufficient car parking for customers• all apartment buildings<ul style="list-style-type: none">○ above three storeys should have a lift○ should have visitor car parking and two / three bedroom apartments should have two car parking spaces○ should not have vehicular entrances onto Humphries Road, Elizabeth Drive or be located near churches or schools• OSD basins should be designed to Council's standards.

5.4 Response to submissions

Following the exhibition of the proposal, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised in the submissions.

On 19 June 2020, the Proponent submitted its Response to Submissions (RtS) (**Appendix A**). The RtS provided additional overshadowing studies, preliminary staging plans and additional information and clarification in response to the issues raised in submissions. The RtS also included the following amendments to the application:

- reduction of 857 m² retail floorspace to 1,150 m² and establishment of maximum retail floorspace size limits
- revised letter of offer and amendments to the VPA
- agreement to enter into a TIC and provide land dedications and intersection upgrades
- finalisation and update of the TMAP
- revised Concept Plan development controls.

On 21 August 2020, the Proponent provided an SRtS (**Appendix A**). The SRtS provided additional information in response to the issues raised in submissions. The SRtS did not include any amendments to the proposal.

On 7 and 19 October 2020, the Proponent provided additional information (**Appendix A**) including:

- confirmation the modification results in an additional 418 vehicle trips
- a revised VPA approach, proposing to amend the existing VPA, rather than create a separate new VPA specifically for Stages 8-18.

6 Assessment

The Department has considered the proposal, the issues raised in submissions and the Proponent's RtS and additional information in its assessment of the application. The Department considers the key issues associated with the proposal are:

- housing density
- non-residential uses
- building heights.

These issues are discussed in the following sections of this report. Other issues relating to the application considered during the assessment of the application are addressed in **Section 6.4** of this report.

6.1 Housing density

The proposal seeks approval for an additional 500 dwellings within the Bonnyrigg precinct (from 2,500 to 3,000 dwellings), which represents a 20% increase in housing density across the site.

The Proponent has stated:

- the increase in housing density will ensure a greater quantity of social housing dwellings are provided on the site and provides an overall increase in the range of housing types and mix
- the increase in housing would result in a proportionate increase in public open space and community facilities on the site
- the development controls within the Concept Approval would ensure future developments do not have adverse amenity impacts.

No concerns were raised in public submissions or by Council in relation to the proposed increase in dwellings.

To determine whether the proposed density is acceptable, the Department has considered the appropriateness of the built form as well as the potential traffic generation, amenity impacts and the demand on existing/future infrastructure associated with proposal.

The Department is satisfied that the proposed increase in 500 dwellings is acceptable, as:

- the proposal is consistent with the Region Plan, Western City District Plan and the FDSH given it:
 - will provide increased housing choice (including approximately 150 (30%) social housing dwellings)
 - has excellent access to public transport including the T-way which provides direct bus access to Parramatta and Liverpool
 - is located adjacent to the existing Bonnyrigg Town Centre and conveniently located to other shops and services including government and private schools
- the proposal provides for additional residential development within an established urban area, with the greatest housing density appropriately located close to the Bonnyrigg Town Centre and the T-way and framing open spaces
- the amendments to the built form (including building heights) have been assessed at **Section 6.3** and the Department has concluded the changes are acceptable and would not result in adverse visual or amenity impacts
- the proposal would not result in any significant traffic impacts as discussed in **Section 6.4**, as:

- it will provide car parking in accordance with the Concept Approval maximum rates
- it has excellent access to public transport options
- it involves intersection upgrade to the Tarlington Parade / Bonnyrigg Avenue intersection as part of the proposed VPA with Council
- the Proponent has agreed to land dedication to facilitate future road/intersection upgrades to the Cabramatta / Humphries Road and Humphries / Edensor Road intersections to accommodate additional traffic generation
- the proposal would result in an increase in public benefits, including 910 m² public open space, 220 m² community use floor space and approximately 150 social housing dwellings
- the terms of approval (ToA), modifications, FEARs and the Concept Approval development controls (as amended by this modification application), will ensure that the resulting development is of an acceptable overall design and would not result in adverse amenity impacts

The Department's assessment therefore concludes the increase of 500 dwellings is strategically justified in this location and would not result in adverse visual, amenity or traffic impacts. In addition, the increase in density is appropriate in the context of the overall precinct, no change is proposed to the range of uses or other key elements that define the precinct and the proposal results in an appropriate and proportionate increase in public benefits. On this basis the Department supports the increase of 500 dwellings. The Department recommends ToA A2, be amended to take account of the increase in dwelling numbers (from 2,500 to 3,000 dwellings).

6.2 Non-residential uses

6.2.1 Retail uses

As outlined in **Section 2**, the proposal seeks approval for the provision of 1,150 m² for retail floorspace within Stage 8 to 18 at ground floor levels of apartment buildings adjacent to Bonnyrigg Town Centre (**Figure 8**).

The provision of retail floor space was a key issue of the Department's original assessment and determination of the Concept Plan. The Department's assessment concluded that retail uses should be limited to serving the local needs of the community and did not provide consent for a specified amount of retail floor space.

The Department imposed Future Environmental Assessment Requirement (FEAR) B4, which requires the Proponent to prepare an economic assessment relating to proposed non-residential accommodation and that also justifies the amount of floor space and considers the economic impact on existing surrounding centres.

The Proponent provided an Assessment of Retail Potential (ARP) which concludes the proposed retail floorspace is appropriate noting the increase in population (a total of 8,500 residents across the Bonnyrigg Precinct) would result in an overall uplift in sales for surrounding shopping centres by 2031. In addition, the ARP confirmed the location of retail accommodation adjacent to Bonnyrigg Plaza was appropriate and that clustering of retail uses would maximise the centre's viability without compromising existing retail tenancies.

Concerns were raised in public submissions that the additional retail floor space would have an adverse impact on the viability of Bonnyrigg Plaza and that the size of retail shops was greater than allowed in residential zone (80 m²). Council recommended that convenience stores should be restricted to a maximum of 500 m².

In response, the Proponent provided an updated ARP, which included further justification for the retail provision, reduced the amount of retail floorspace from 2,007 m² to a maximum of 1,150 m² and proposed the following maximum size limits for retail units:

- 500 m² for a grocery/convenience store (maximum of one)
- 450 m² for three to four food catering (take-away/cafes) stores (maximum 100 m² each)
- 650 m² for six to seven retail speciality stores (maximum 100 m² each)

Following its consideration of the RtS, Council did not raise any concern about the quantum of retail floorspace.

The Department notes that the FLEP limits the size of retail premises in the R1 General Residential zone to 80m². Notwithstanding, as a Concept Approval exists, the Minister or delegate may consider the proposal on its merits.

The Department considers the proposed retail floorspace is acceptable as:

- the Concept Approval always envisaged the provision of retail uses serving the local needs of the community
- the additional retail floorspace would meet the objectives of the R1 zone, in particular by providing services to meet the day to day needs of residents and providing non-residential land uses compatible with the locality
- the proposed retail floorspace represents less than 10% of the total existing floorspace within the Bonnyrigg Plaza and ARP's analysis demonstrates it is unlikely to adversely affect the viability of existing tenancies within the plaza
- the ARP analysed the projected retail spending capacity of residents up until 2031 and the majority of new retail spending generated by residents would be directed to existing centres
- the proposed limitations on the size of tenancies would ensure the retail units would appropriately serve the local needs of existing and future residents and Bonnyrigg Plaza would continue to serve the broader area for core food, grocery and convenience shopping. As such, a reduction to 80 m² in accordance with the FLEP is not considered necessary
- the exact quantity and design of retail / commercial floor space will be determined through future DA(s) and in accordance with the requirements of Concept Plan development controls.

The Department's assessment therefore concludes the proposed 1,150 m² retail GFA would serve the needs of the local community and would not have an adverse impact on the viability of the Bonnyrigg Plaza. The Department has also recommended a new FEAR requiring future DA(s) not exceed the proposed maximum size limits for retail units noted above. The Department is also satisfied the requirements of FEAR B4 have been addressed by the Proponent's ARP and that FEAR B4 can therefore be deleted.

6.2.2 Community use

The proposal seeks approval for 220 m² of community use floor space within the mixed-use area located at the north-western corner of the site. This community use is in addition to the existing 782.88 m² community / neighbourhood centre and results in an overall site-wide provision of 1,002.88 m² of community use floorspace.

Concern was raised in a public submission that the community facilities, including Mens Shed, should be of a size to meet future needs. Council initially requested that community use floor space be

increased, however, following its consideration of the RtS, Council considers the proposed amount of community use floor space is appropriate for the site.

The Proponent has stated the proposed community floorspace has been calculated in accordance with the Council's Development Contributions Plan 2011 and discussions are ongoing with Council on how this space could be used to ensure the floorspace is configured to meet the needs of the community. The Proponent has confirmed it would enter into a VPA for the provision of the proposed 220 m² community facilities, as discussed at **Section 6.4** and the detailed design will be subject to Council DA approval.

The Proponent has confirmed 36 m² has been set aside for an amenities building including the Mens shed as part of the approved 782.88 m² neighbourhood centre (Stage 6 to 7).

The Department notes the modification has provided community floorspace at a rate of 0.14 m² per person, which is consistent with the approved rate of community floorspace provision for the site (MOD4) and the Council's Development Contributions Plan 2011. The Department also notes the Mens shed forms part of Stages 6 and 7 and therefore do not form part of this proposal. Notwithstanding, the Department notes an allowance has been made for the Mens shed and Council is satisfied with the community use provision across the site.

The Department's assessment therefore concludes the increase of an additional 220 m² community use floorspace is appropriate, proportionate to the increase in housing density and would be sufficient to meet the future demand/needs of residents. The Department has recommended a FEAR requiring future DA(s) include a minimum of 220 m² community use.

6.3 Built form

The proposal seeks to relocate and reconfigure urban blocks and make the following amendments to building heights:

- increase building heights from two / three storeys up to six storeys within the western portion of the Bonnyrigg Precinct (Stages 12 to 18) closest to the Bonnyrigg Town Centre (**Figure 9**)
- increase in building heights from two to four storeys at the intersection of Humphries Road and Cabramatta Road West (**Figure 10**)
- reduce building heights within the eastern portion of the Bonnyrigg Precinct (Stages 8 to 11) from three to two storeys adjacent to existing residential properties (Stages 1 to 7).

The Proponent has stated the changes to building heights seek to balance the need to provide more housing, while ensuring future developments provides for an acceptable standard of residential amenity, active streets and high-quality open spaces.

Council did not raise any concern about the revised urban block layouts or the amendment to maximum building heights.

The Department considers the proposed amendments to the maximum building height for Stages 8 to 18 are acceptable as:

- the increased building heights are strategically located within the precinct, support good urban design principles and would have appropriate visual impacts, in particular:
 - the proposed six storey building heights are consistent with existing development located within the Bonnyrigg Town Centre, which supports buildings ranging from two to six storeys in height

- the six storey components are appropriately located adjacent to the Bonnyrigg Town Centre, key gateway entrances and next to public open spaces
- the four storey components are provided at key gateway locations and on prominent street corners
- two and three storey maximum buildings heights are provided adjacent to existing one and two storey buildings to provide an appropriate built form transition to new development heights
- future buildings will be in accordance with the Concept Plan development controls, which require buildings greater than two storeys to be stepped in height.
- future buildings would be provided with ground level landscaping and deep soil setbacks
- the revised heights would not have an adverse amenity impacts in terms of overshadowing as surrounding properties would still receive more than 3 hours of sunlight consistent with the Fairfield Development Control Plan 2013 (FDCP) and potential overlooking impacts would be considered further at future DA stage (**Section 6.4**)

The Department also supports the revised urban block and road layout noting the benefits to the road network, pedestrian and cyclist connectivity and improvements to open space location and continuity.

The Department's assessment therefore concludes the relocation and reconfiguration of urban blocks, together with the amendments to maximum building heights are acceptable and would have positive impact on the connectivity, visual amenity and built form aspects of the Bonnyrigg Precinct.

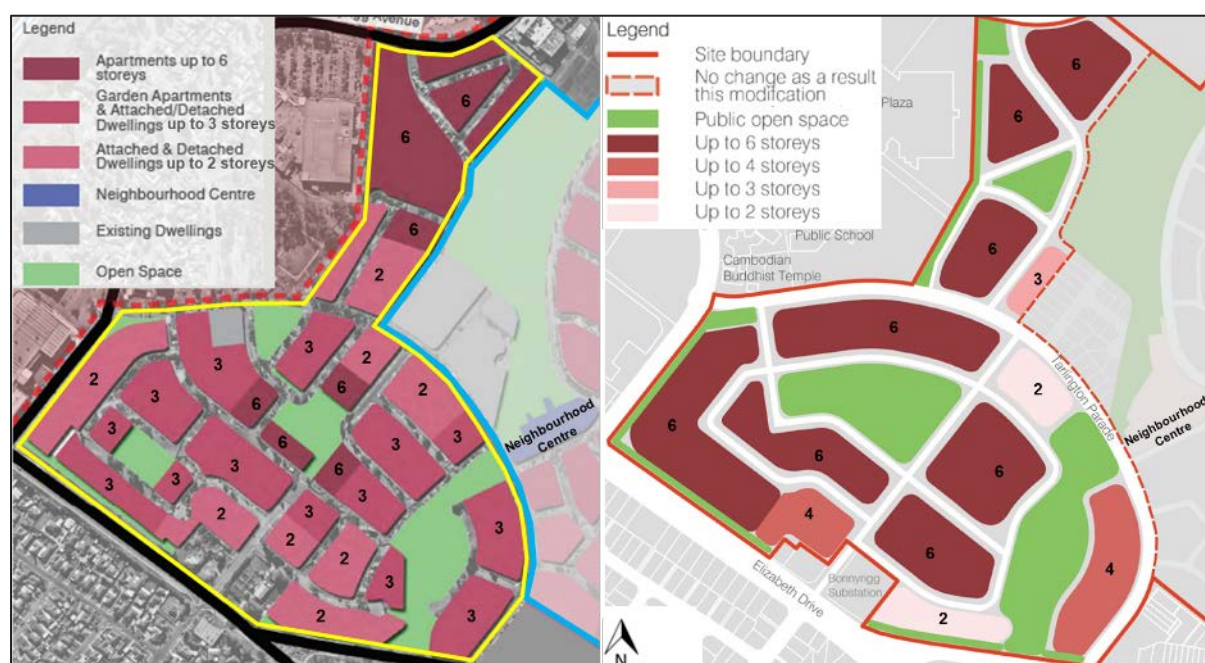


Figure 9 | Comparison of the approved (left) and proposed (right) Stages 12 to 18 (western half of the Bonnyrigg precinct) building envelope heights (Base source: Proponent's RtS)



Figure 10 | Comparison of the approved (left) and proposed (right) Stages 8 to 11 (eastern half of the Bonnyrigg precinct) building envelope heights (Base source: Proponent's RtS)

6.4 Other issues

The Department's consideration of other issues is provided in **Table 7**

Table 7 | Assessment of other issues raised

Issue	Findings	Recommended Condition
Amenity impacts	<ul style="list-style-type: none"> Concern was raised in a public submission that the proposal would have adverse amenity impacts in terms of overshadowing and overlooking and odours from bin storage. In response to the concern raised the Proponent provided shadow diagrams, which indicate during mid-winter (21 June) the maximum 6 storey apartment envelopes would result in additional overshadowing of existing private properties for approximately 1 hour between 2pm and 3pm. The other lower-rise height increases (to three and four storeys) would not result in additional overshadowing of existing dwellings. The Department has considered the shadow diagrams and concludes the additional overshadowing resulting from the modification is minor in nature and surrounding properties would still receive more than three hours of direct sunlight in mid-winter in accordance with the FDCP solar access standard for residential properties. In addition, the Department notes that future DAs would be required to address the requirements of the ADG, which include solar access, visual and acoustic privacy and waste storage. The Department concludes, subject to detailed consideration at future DA stage, the proposal would not have adverse amenity impacts. 	The Department recommends a new FEAR requiring future DA(s) address the requirements of the ADG.

Issue	Findings	Recommended Condition
Open space	<ul style="list-style-type: none"> The modification includes the relocation, reconfiguration and increase of 910 m² of public open space (from 12.13 ha to 13.04 ha) (Figure 9 and Figure 10). Concern was raised in public submission that the public open space should be increased to at least 15.8 ha. Council initially recommended the amount of public open space should be increased. However, following its consideration of the RtS Council considers the proposed amount of public open space (13.04 ha) is appropriate for the site. The Proponent considers the additional public open space is sufficient to cater for the proposed increase in residential density. In addition, the Proponent considers the proposal improves the layout of open space and connections to the Bonnyrigg Town Centre, and consolidates smaller areas of open space to allow for improvements in the facilities provided. The Department notes the modification has provided open space at a rate of 2.78 m² per person, which is consistent with the approved rate of public open space provision for the site (MOD4) and the Council's Development Contributions Plan 2011. In addition, the proposed landscape buffers (i.e. unusable open space) has been appropriately excluded from the total open space calculation. The Department supports the reconfiguration and additional public open space as it results in the following key improvements: <ul style="list-style-type: none"> <u>Amendments to Stages 8 to 11</u> <ul style="list-style-type: none"> relocation of the large park deeper into the site so that it is more accessible to existing and future residents provision of a new small park to ensure residents at the north-eastern corner of the site are within easy walking distance to public open space (Figure 10) <u>Amendments to Stages 12 to 18</u> <ul style="list-style-type: none"> consolidation of three small parks into one large, functional and centrally located park provision of two new small parks at the northern end of the site adjacent to Bonnyrigg Town Centre (Figure 9). In light of the above assessment the Department considers the reconfiguration and increase in open space to provide a total of 13.04 ha public open space is sufficient to meet the future demand/needs of residents. 	No additional conditions or amendments to existing conditions necessary.
Infrastructure Contributions	<ul style="list-style-type: none"> The Concept Approval is subject to an existing VPA between the Proponent and Council (Condition A1), which secures local infrastructure and associated payments/requirements relating to all stages of the development. The modification proposes to amend the existing VPA as follows: <ul style="list-style-type: none"> update of the existing schedule to reflect Stage 1-7 items that have been partly or fully completed and update the existing (2008) cost schedule in 2020 dollar values insert a new schedule (fully costed) based on the items relating to Stages 8-18 (open space, community facilities and intersection upgrade to Tarlington Parade / Bonnyrigg Avenue) together with 2020 cost schedule. In addition, the Proponent has confirmed it will enter into a TIC deed with TfNSW relating to State infrastructure comprising land 	The Department recommends condition A1 be amended to secure the amended/new VPA and the TIC.

Issue	Findings	Recommended Condition
	<p>dedication and concept plans for:</p> <ul style="list-style-type: none"> ○ the Cabramatta / Humphries Road intersection to allow for left and right turn slip lanes ○ proposed traffic control signal at Humphries / Edensor Road intersection. <ul style="list-style-type: none"> • The Proponent has agreed to enter into the TIC deed with TfNSW prior to the issue of the first Construction Certificate for Stages 8-18. • Council confirmed it acknowledges the proposed VPA amendments and is satisfied that the provision of community, local infrastructure and open space is appropriate. Council also: <ul style="list-style-type: none"> ○ recommended the amended VPA be executed prior to the submission of the determination of the first DA relating to Stages 8-18 ○ confirmed the structure of the VPA (i.e. amendment to existing VPA or provision of new VPA) can be agreed with Council at a later date. • TfNSW has confirmed its in principle support for the proposal subject to the TIC. TfNSW also confirmed that the eventual physical road / intersection works would be undertaken when deemed necessary in the future. • The Department supports the amended VPA and the TIC noting that the agreements have been prepared in consultation with and been agreed to in principle by Council and TfNSW, respectively. • To ensure the agreements are secured in a timely manner, the Department recommends Condition A1 be amended to require the amended VPA and the TIC be: <ul style="list-style-type: none"> ○ in accordance with the Proponent's letters of offer ○ prepared, publicly exhibited, executed and registered on the title of the land prior to the determination of the first DA for residential development within the first of the modified stages of the development (Stages 8-18). 	
Traffic	<ul style="list-style-type: none"> • Concern was raised in public submission the increase in 500 dwellings would have adverse traffic impacts. • The modification was accompanied by a Traffic Impact Assessment (TIA) and updated by the RFIR, which confirms the modification would result in an overall increase of 418 trips (+30%) when compared to the Concept Approval (MOD4) (from 1,249 to 1,667 trips). • The proposal seeks to upgrade the intersection of Tarlington Parade / Bonnyrigg Avenue intersection to accommodate additional traffic generated by the proposal. The upgrade will provide additional capacity by providing additional approach lanes and an additional circulation lane around the roundabout and ensure that this intersection operates at a LoS B during the AM and PM peaks. The timing for the intersection upgrade would be agreed with Council through the VPA and Infrastructure Delivery Program. • The TIA has confirmed all other existing surrounding intersections would operate at acceptable levels and subject to land dedication and future upgrades (discussed above), the surrounding intersections would operate at acceptable levels into the future. 	The Department recommends condition A1 be amended to secure the amended/new VPA and the TIC.

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> The Department notes the proposed increase in vehicle trips is minor in the context of the overall traffic generation. In addition, the TfNSW reviewed the TIA and is satisfied the proposed traffic can be accommodated within the existing road network, subject to land dedication and the preparation of concept plans for future road and intersection works. The Department concludes the proposed traffic generation resulting from the increase in 500 dwellings is acceptable and can be accommodated within the existing road network as <ul style="list-style-type: none"> The upgrade to the Tarlington Parade / Bonnyrigg Avenue roundabout (Council's road) under the VPA would ensure the performance of the intersection operates at an acceptable LoS the land dedication required under the TIC would ensure there is sufficient space for future road and intersection augmentation works in the future. 	
Car parking	<ul style="list-style-type: none"> The proposal does not seek to alter the existing approved car parking rates for the Bonnyrigg Precinct, which are outlined in the Concept Approval: <u>Apartment Buildings</u> <ul style="list-style-type: none"> 0.6 spaces per 1 bedroom apartment 0.9 spaces per 2 bedroom apartment 1.4 spaces per 3 bedroom apartment 0.2 spaces per apartment (visitor parking) <u>Non-residential uses</u> <ul style="list-style-type: none"> Non-residential uses in accordance with the FDCP. Concern was raised in public submissions that: <ul style="list-style-type: none"> the proposal provides insufficient car parking the two / three bedroom apartments should have two car parking spaces and apartment buildings should have visitor car parking sufficient customer car parking should be provided for the retail uses. Council and TfNSW did not raise any concerns with the proposed car parking rates following their consideration of the Proponent's RtS. The Department has considered the modification and concludes the approved car parking rates remain appropriate for the development as: <ul style="list-style-type: none"> the residential car parking rates are consistent with existing RMS Parking Rates the non-residential car parking rates are consistent with the FDCP the location and design of car parking would be considered in detail as part of future DA(s) submitted to Council. 	No additional conditions or amendments to existing conditions necessary.
Road layout	<ul style="list-style-type: none"> The modification includes revisions to the road layouts within Stages 8 to 18, including the removal of cul-de-sacs and introductions of pedestrian through site links (Figure 5). Concern was raised in public submission that the proposed road layout should be revised to remove the 'T' intersection in front of 11 Laycock Place. The Proponent has stated the refinements to the road layout simplifies the local road network, improves 	No additional conditions or amendments to existing conditions necessary.

Issue	Findings	Recommended Condition
	<p>connections for pedestrians throughout the estate and maintains the major key routes and entrance gateways. The Proponent confirmed the road layout in front of 11 Laycock Place formed part of the approved DA relating to Stages 6a and 7.</p> <ul style="list-style-type: none"> The Department considers the revised road layout and considers to be acceptable and an improvement as it: <ul style="list-style-type: none"> provides for a more regular pattern of roads and pedestrian routes that would be more easily navigated has been revised to remove dead ends and cul-de-sacs where possible and introduced pedestrian through site links has allowed for the creation of new areas of public open space. The Department notes that the proposal does not include any amendments to the approved road layout in Stages 1 to 7 and the concerns raised relating to Laycock Place are therefore outside the scope of the current modification. 	
Landscaped buffer	<ul style="list-style-type: none"> The modification includes the creation of 10 m wide landscaped buffers along Elizabeth Drive, Cabramatta Road and Bonnyrigg Avenue located between those roadways and the proposed residential areas. Concern was raised in a public submission that the landscaped buffer proposed along Bonnyrigg Avenue is too deep, results in dead-space and should be reduced to a maximum of 5 m. The Proponent notes the 10 m landscaped buffers are proposed to these high traffic roads to minimise potential amenity impacts on future residents. The Department acknowledges the high traffic volumes along Elizabeth Drive, Cabramatta Road and Bonnyrigg Avenue and that landscaped buffers can be effective at reducing amenity impacts from busy roads. The Department supports the 10 m depth of the buffer areas noting they would allow for extensive deep soil zones to support tree planting and would improve the visual amenity of the area. The Department concludes the proposed 10 m landscaped buffers are appropriate. Future DA(s) submitted to Council will consider the detailed planting and design of these areas. 	No additional conditions or amendments to existing conditions necessary.
Substation buffer	<ul style="list-style-type: none"> Endeavour Energy has raised concern the Concept Plan development controls do not include an appropriate setback/landscape buffer between the eastern side of the Bonnyrigg Zone Substation and adjoining two storey residential development. Endeavour Energy noted it typically requires a minimum clear area / buffer, with no landscaping, of 2 to 4 m. The Proponent has clarified that it proposes an indicative 5 m setback around the entire perimeter of the substation site and that it would consult with Endeavour Energy at future DA(s) stage to determine appropriate setbacks. The Department notes that the exact substation buffer requirement will be subject to a range of considerations by Endeavour Energy at the DA stage. However, the Department is satisfied that the proposed 5 setback is appropriate and can 	The Department has recommended a Modification requiring a 5 m setback be provided between the Bonnyrigg Substation Zone and adjoining development unless otherwise agreed with Endeavour Energy.

Issue	Findings	Recommended Condition
	<p>accommodate a clear buffer plus 1 to 3 m of landscaping, depending on the Endeavour Energy requirements.</p> <ul style="list-style-type: none"> The Department recommends a Modification requiring a 5 m setback be provided between the Bonnyrigg Substation Zone and adjoining development unless otherwise agreed with Endeavour Energy. The Department also recommends a FEAR requiring the Proponent to consult with Endeavour Energy about building setbacks adjacent to the substation site as part of future DA(s). 	
Affordable housing	<ul style="list-style-type: none"> The submission by SGCH recommended the development include at least 15% affordable housing. The Proponent has stated the proposal seeks to increase social housing in an integrated mixed-tenure community in accordance with NSW Government's Future Directions for Social Housing. The Department notes social housing meets the EP&A Act criteria for 'affordable housing'. The proposal results in a total of 30% social housing across the development, which exceeds SGCH's suggested 15% minimum. 	No additional conditions or amendments are necessary.
Design of apartment buildings	<ul style="list-style-type: none"> Comments were provided in a public submission that all apartment buildings above three storeys should: <ul style="list-style-type: none"> include lifts accessing each floor exclude vehicular entrances onto Humphries Road, Elizabeth Drive not locate vehicle entrances near churches or schools. The Proponent has confirmed all apartments above three storeys would be provided with a lift and vehicular accesses would be considered in accordance with the FDCP. The Proponent has also confirmed the proposal has been designed to ensure future residential developments can comply with the requirements of the ADG. The modification application relates to a Concept Plan and therefore the detailed design and layout of buildings (including lifts and vehicular entrance locations) will be addressed in future DA(s), which would be assessed by Council. The Department is satisfied future development are capable of being designed to minimise impacts on adjoining properties and provide for an appropriate standard of future residential amenity, noting: <ul style="list-style-type: none"> future DA(s) for apartment buildings would be subject to design and amenity guidelines contained within the Concept Plan development controls and the ADG the proposal includes indicative massing diagrams, layouts and shadow studies that indicate future residential development can achieve the key ADG requirements relating to building separation, solar access and open space. The Department has recommended conditions requiring future DA(s) consider the requirements of the Concept Plan development controls and the ADG. 	The Department has recommended a FEAR requiring future DA(s) address the requirements of the Concept Plan development controls and the ADG.
OSD basins	<ul style="list-style-type: none"> The modification includes the provision of four OSD basins located within public open spaces areas and superlots J and K1 (Figure 4). 	The Department recommends a FEAR requiring future DA(s)

Issue	Findings	Recommended Condition
	<ul style="list-style-type: none"> A public submission suggested that the OSD basins should be designed to Council's standards. In response, the Proponent notes the design and location of OSD basins has been developed in consultation with Council. In addition, the proposed onsite detention strategy for the eastern and western catchment is provided as a concept and will be further refined as part of future detailed DA(s). Council did not raise any concerns with the proposed design or location of the OSD basin following its consideration of the Proponent's RtS. The Department notes the detailed design and location of OSD basins will be considered as part of the assessment of future DA(s) by Council. On this basis, the Department is satisfied that the OSD basins will be capable of being designed to address stormwater impacts subject to further assessment by Council at future DA stage. 	demonstrate compliance with Council's stormwater management requirements.
Property values	<ul style="list-style-type: none"> Concern was raised in public submissions the proposal would have an adverse impact on property values. The Department has undertaken a detailed merit assessment of the proposal and is satisfied it would not result in any unreasonable amenity impacts on adjoining properties. On this basis, the Department considers the proposal would not negatively impact on property prices. 	No additional conditions or amendments are necessary.

6.5 Conditions and SoCs

The Proponent proposes to delete all of the Modifications and FEARs contained at Schedule 2 of the Concept Approval stating these conditions are either no longer relevant or have been included in the revised SoCs.

The Department's has considered the proposed amendment to conditions and agrees with the Proponent that some conditions are no longer relevant and can be deleted. However, the Department considers that a number of conditions remain relevant to the Concept Plan and should be retained. The Department's detailed consideration is provided in **Table 8**.

Table 8 | Consideration of the proposed deletion of conditions

Condition to be deleted	Proponent's justification	Department's consideration
A1(1) Compliance with provisions of VPA	The SoC include a commitment to enter into a (revised) VPA with Council.	Deletion not agreed. The Department considers the conditions remains relevant and the reliance solely on a SoC to deliver this requirement is not sufficiently robust or easily enforceable.
A1(2)&(3) Liaison with Council and the community	Not relevant, required for each DA regardless of the modification.	The Department has recommended these conditions be converted from Modifications to Terms of Approval.
A2 Compliance with BASIX	Not relevant as required for each DA regardless of the modification.	Deletion not agreed. This condition provides appropriate guidance for future DA(s). The Department has recommended this condition be converted from a Modification to a FEAR.

Condition to be deleted	Proponent's justification	Department's consideration
A3(1) to (4) Reports relating to contamination, noise, construction management	The SoCs include new commitments to address these requirements.	Deletion not agreed. This condition provides appropriate guidance for future DA(s).
A4(2)&(3) Requirement to annually update the Community Renewal Implementation Plan and submit Community Renewal Services Plan.	The SoCs include new commitments to address these requirements.	Deletion not agreed. The Department considers the condition remains relevant and the reliance solely on a SoC to deliver this requirement is not sufficiently robust or easily enforceable.
A5 Requirement for minimum 18 m ² private open space for ground level dwellings	Not relevant, addressed by the ADG, Concept Plan development controls and the Housing Code.	Deletion agreed. The Department recommends a new FEAR requiring future DA(s) consider the requirements of the ADG.
A6(1) Requirement to retain Steele Place as a cul-de-sac.	Not relevant, the modification seeks to revise the street layout.	Deletion agreed. The modification provides revised street layouts, this condition is no longer relevant.
A6(2) Relocation of the amenities in Park 2.	Park 2 (Lower Valley Creek Sports Park) is located with Stages 1 to 7 and is not affected by the modification.	Deletion not agreed. As the modification does not relate to Stages 1 to 7 there is no reason to delete this condition.
A6(3) Requirement for a covenant to be imposed on leases of public housing dwellings and titles of private dwellings that no air-conditioning units shall be attached to the front façade of buildings.	This is covered by the Housing Code.	Deletion agreed. This matter can be address as part of future DA(s) to Council.
B1(1)&(2) Requirements for updated traffic modelling, traffic management plan and parking analysis	Not relevant, the TMAP includes a parking analysis, and parking rates have been included in the Concept Plan.	Deletion agreed. TfNSW has now confirmed road and intersection upgrade requirements and the modification was accompanied by a TIA and TMAP.
B1(3) Consideration of relationship of property accesses to signalised intersections.	Not relevant, this would be a matter for consideration with each DA.	Deletion not agreed. This condition provides appropriate guidance for future DA(s).
B1(4) Negotiate apportionment of costs for land acquisition and intersection upgrade works prior to Stage 8.	Updated Traffic Report by GTA addresses this requirement.	Deletion agreed. TfNSW has now confirmed road and intersection upgrade requirements and the modification was accompanied by a TIA and TMAP. The Department recommends a ToA requiring the Proponent to enter into a TIC for road infrastructure works.
B2(1) Detention basins in Stage 3 and 16 are to be provided in accordance with the infrastructure services delivery plan that forms part of the VPA.	The SoCs include new commitment requiring the VPA and delivery plan to be updated.	Deletion not agreed. The Department considers the condition remains relevant and is therefore necessary.
B2(2) Requirements for additional detail of stormwater drainage to be provided with each stage	The SoCs include new commitment relating to stormwater drainage.	Deletion agreed. The Department considers as these conditions relate to matters of detailed design they can be addressed as part of future DA(s).

Condition to be deleted	Proponent's justification	Department's consideration
B2(3) Requirement to comply with the Water Cycle Report and Council's Urban Area On-Site Detention Handbook.	The SoCs include new commitment to comply with Council stormwater management requirements.	The Department recommends a FEAR requiring future DA(s) demonstrate compliance with Council's stormwater management requirements.
B3 Requirement to update the Tree Assessment and identify the existing/proposed canopy cover.	The SoCs include new commitment to address these requirements.	Deletion agreed. The modification application confirms the existing (14%) and proposed (25%) tree canopy coverage. The Department recommends a FEAR requiring future DA(s) demonstrate the proposal meets the 25% tree canopy coverage target.
B4 Requirement for an Economic Impact Assessment.	An economic impact assessment has been provided with the modification application	Deletion agreed. The modification includes an ARP, which justifies the provision of non-residential floorspace within the precinct.
B5 Requirement for a report on service and infrastructure capacity and delivery for the whole of the Estate for any increase residential densities in any stage of the Concept Plan	Updated servicing and infrastructure capacity reports have been prepared to inform the modification.	Deletion agreed. Council provide no comments on the updated servicing and infrastructure capacity reports provided with the modification.

7 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department has carefully considered the issues raised in the submissions and the response to those issues provided by the Proponent and concludes that the proposal is acceptable as:

- it is consistent with the Region Plan and Western City District Plan, as it supports the creation of a 30-minute city and will aid in the delivery of new social and private the housing
- the site is ideally located to accommodate increased residential density as it has excellent access to public transport and is conveniently located to existing shops and includes the provision of additional retail floorspace
- the proposed increase of 500 dwellings is reasonable in the context of the already approved 2,500 dwellings for the site (MOD 4), is strategically justified, would not result in adverse visual or amenity impacts and would retain and enhance the key elements that define the precinct
- the 2,217.12 m² increase in non-residential floorspace is appropriate on the site as it would contribute to and not compromise the vitality of Bonnyrigg Plaza, subject to a FEAR limiting the maximum size of retail units to ensure the new floorspace is provided to serve the local needs of the community
- the amendment of buildings heights across Stages 8 to 18 continue to provide for an appropriate built form transition to exiting neighbouring properties and the tallest components are appropriately located adjacent to the Bonnyrigg Town Centre, key gateway entrances and framing open spaces
- future development is capable of being designed to minimise impacts on adjoining properties and provide for an appropriate standard of future residential amenity
- the proposal does not seek to alter the approved car parking rates for the Bonnyrigg Precinct and the Department is satisfied the car parking rates remain appropriate for the development
- the reconfiguration and provision if additional public open space results in consolidated larger parks with improved functionality and additional small parks in appropriate locations
- the proposal would deliver a range of additional public benefits including approximately 150 additional social housing dwellings, an additional 910 m² public open space and 220 m² floor space for a community facility.

The Department's assessment concludes the modification request is approvable, subject to the recommended amendments to conditions (**Appendix D**).

8 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the modification to the Bonnyrigg Concept Plan (MP 06_0046 MOD 5) falls within the scope of section 75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the concept approval MP 06_0046
- **signs** the attached notice of modification (**Appendix D**).

Recommended by:



Matthew Rosel
Senior Planning
Key Sites Assessments

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted** by:



23/11/2020

Anthony Witherdin
Director
Key Sites Assessments

Appendices

Appendix A – List of Documents

List of key documents relied on by the Department in its assessment:

- Environmental Assessment titled ‘*Section 75W Application to Modify MP06_0046 Bonnyrigg Communities Plus Project Concept Plan*’ and attachments, prepared by FPD Pty Ltd and dated May 2019.
- Response to submissions titled ‘*Bonnyrigg Concept Plan Modification Response to Submissions (issue E)*’ and attachments, prepared by Architectus Group Pty Ltd and dated 7 May 2020.
- Supplementary response to submissions titled ‘*MP06_0046 MOD 5, - RtS submissions*’ and appendix, prepared by NSW Land and Housing Corporation and dated 20 August 2020.

Appendix B – Relevant Supporting Information

The following supporting documents and information can be found on the Department’s website:

1. Environmental Assessment

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9142

2. Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9142

3. Proponent’s Response to Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9142

4. Supplementary Response to Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9142

Appendix C – Community Views

The Department received ten submissions from the public including one from SGCH. The consideration of the issues raised in submissions is included in **Table 9**.

Table 9 | Community views and consideration

Issue	Consideration
Traffic and parking	<p><i>Assessment</i></p> <ul style="list-style-type: none">• The proposed modification would result in an overall increase of 418 trips (+30%) when compared to the Concept Approval (MOD4).• The proposal seeks to upgrade the intersection of Tarlington Parade / Bonnyrigg Avenue intersection to accommodate additional traffic generated by the proposal. The upgrade will provide additional capacity by providing additional approach lanes and an additional

Issue	Consideration
	<p>circulation lane around the roundabout and ensure that this intersection operates at a LoS B during the AM and PM peaks.</p> <ul style="list-style-type: none"> The TIA has confirmed all other existing surrounding intersections would operate at acceptable levels. In addition TfNSW has recommended, and the Proponent has agreed to, enter into a Transport Infrastructure Contribution deed for land dedication and concept intersection works to allow for the future upgrade the Cabramatta / Humphries Road and Humphries / Edensor Road intersections to ensure these intersections would operate at acceptable levels into the future. The Concept Approval residential car parking rates are consistent with existing RMS Parking Rates and non-residential car parking rates are consistent with the Fairfield Development Control Plan 2013. The Department concludes the approved car parking rates remain appropriate for the development and notes that the location and design of car parking would be considered in detail as part of future DA(s) submitted to Council. <p><i>Recommended Condition</i></p> <ul style="list-style-type: none"> The Proponent shall enter into a Transport Infrastructure Contribution deed with TfNSW for land dedication and concept intersection works to facilitate future intersection upgrades. The Proponent shall enter into a VPA with Council, which includes the intersection upgrade to Tarlington Parade / Bonnyrigg Avenue prior to the determination of the first residential DA for Stage 8-18.
Adverse impact of additional retail floorspace	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Proponent's response to submissions included a reduction in the amount of retail floorspace from 2,007 m² to a maximum of 1,150 m². In addition, maximum floorplan size limits are proposed, including 500 m² for grocery/convenience stores, 450 m² for food catering and 650 m² for retail specialty stores. Subject to the size limits, the proposed retail accommodation would contribute to and not have an adverse impact on the viability of the Bonnyrigg Town Centre. <p><i>Recommended Condition</i></p> <ul style="list-style-type: none"> Future DA(s) that include retail accommodation shall not exceed the 1,150 m² maximum or the floorplan size limits.
Future amenity / design	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The additional overshadowing resulting from the modification is minor in nature and would exceed 3 hours of direct sunlight in mid-winter in accordance with the Fairfield Development Control Plan 2013 solar access standard for residential properties. Future DAs would be required to address the requirements of the ADG, which include solar access, privacy and waste storage. Subject to detailed consideration at future DA stage, the proposal would not have adverse amenity impacts. <p><i>Recommended Condition</i></p> <ul style="list-style-type: none"> Future DA(s) shall address the requirements of the ADG.
Community facilities and Mens Shed	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposed 220 m² additional community floorspace has been calculated in accordance with the Concept Approval (0.14 m² per person) and the Council's Development Contributions Plan 2011. The Proponent is in discussion with Council on how this space could be used to ensure the floorspace is configured to meet the needs of the community.

Issue	Consideration
	<ul style="list-style-type: none"> 36 m² has been set aside for an amenities building (including Mens shed) as part of the approved 782.88 m² neighbourhood centre (Stage 6 to 7). <p><i>Recommended Condition</i></p> <ul style="list-style-type: none"> Future DA(s) shall include a minimum of 220 m² community use floorspace.
OSD basins	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The design and location of OSD basins has been developed by the Proponent in consultation with Council. In addition, the onsite detention strategy for the eastern and western catchment is provided as a concept and will be further refined as part of future detailed DA(s). The Department is satisfied the OSD basins will be capable of being designed to address stormwater impacts subject to further assessment by Council at future DA stage. <p><i>Recommended Condition</i></p> <ul style="list-style-type: none"> Future DA(s) shall demonstrate compliance with Council's stormwater management requirements.
Open space and landscape buffers	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposed 910 m² additional public open space has been calculated in accordance with the Concept Approval (2.78 m² per person) and the Council's Development Contributions Plan 2011. The Department supports the 10 m depth of the buffer areas noting they would allow for extensive deep soil zones to support tree planting and would improve the visual amenity of the area.
Road layout and relationship to 11 Laycock Place	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department supports the revised road layout noting it provides for a more regular pattern of roads and pedestrian routes that would be more easily navigated and has allowed for the creation of new areas of public open space. The Department notes that the proposal does not include any amendments to the approved road layout in Stages 1 to 7 and concerns relating to Laycock Place are therefore outside of the scope of the current modification.
Affordable housing provision should exceed 15%	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal seeks to increase social housing in an integrated mixed-tenure community in accordance with NSW Government's Future Directions for Social Housing. The proposal results in a total of 30% social housing across the development.

Appendix D – Notice of Modification

See the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9142