

Council Ref: G14-03-304

Enquiries: David Niven on 9725-0302

17 April 2009

Mr P Hourigan  
Becton Property Group Ltd  
14/55 Clarence Street  
Sydney NSW 2000

Dear Sir,

**BONNYRIGG LIVING COMMUNITIES – CHANGES TO CONDITIONS OF APPROVAL**

I refer to the discussions between Council and Becton Property Group Ltd relating to amendments to the conditions of approval for the Bonnyrigg Living Communities project.

Council officers met with yourself to discuss the phrasing and applicability of the conditions of approval. As a result of this discussion, a number of technical amendments were agreed between the parties. I have attached a copy of the minutes of the meeting that have been agreed as a true and accurate reflection of the meeting.

The amendments to the Voluntary Planning Agreement were presented to Council's Outcomes Committee on the 14<sup>th</sup> April 2009 with full Council scheduled to adopt the changes on the 28<sup>th</sup> April 2009.

The matters relating to the development consent for Stage 1 will be the subject of a separate letter from Council.

If you have any enquiries in relation to this matter, please contact the author on (02) 9725 0302.



David Niven  
**SPECIAL PROJECTS MANAGER**

Encl.

# Minutes

**For:** **Bonnyrigg Partnerships (BP)**  
**Fairfield City Council**

**Location:** Fairfield City Council, 86 Avoca Road, Wakeley

**On:** Friday 20 February 2009

**Attendees:** David Niven,, Fairfield City Council (DN)  
 Geoff Lucas, Fairfield City Council (GL)  
 Steven Liaros, Fairfield City Council (SL)  
 Jenny Bekiaris, Fairfield City Council (JB)  
 Nona Ruddell, Fairfield City Council (NR)  
 Paul Hourigan, Becton Corporation P/L (PH)  
 Chris Avis, Hughes Trueman (CA)  
 John Khoury, Residential Logistics (JK)  
 Jennifer Cooper (JC)

---

**Apologies:**

nil

**Distribution:**

To all

Mark Stephenson, Fairfield City Council (MS)

**Minutes Taken By:**

Paul Hourigan

Item	Description	Action	When By
1.0	<p>Introduction</p> <p>The Meeting with the Council officers has been divided into two meetings, with the initial meeting discussing the engineering and VPA issues with the following meeting addressing the dwelling design issues.</p> <p>Thus attendance at the initial meeting was only DN, GL, SL, JB, NR, PH, CA while the second meeting had DN, SL, PH, JC, JK in attendance.</p>		

Item	Description	Action	When By
2.0	Engineering and VPA matters.		
2.1	<p>The initial comment raised by SL was that the VPA neglected to have Section 5.1.3 and 5.1.4 listed in the Table of Contents and that an Errata should be created including the correction of the Table of Contents</p> <p>Also it was noted that while the design guidelines and codes were included in the VPA and the intent was for Bonnyrigg Partnerships to design the facilities in the VPA, a reference stating that the works were to be design by Bonnyrigg Partners to satisfy the design guidelines and codes was missing. Thus, it was agreed that an errata would be prepared that identifies the desire for Bonnyrigg Partnerships to, design the facilities to the identified guidelines, in pages 6, 12 and 23 of the VPA</p>	PH to provide VPA Errata	
2.2	<p>Condition of Approval</p> <p>Schedule 2 Modifications to the Concept Plan B2(1)</p> <p>The proposal to amend the condition's wording so it aligned with the VPA was agreed;</p> <p><i>"(1) Stormwater Details</i></p> <p><i>The detention basins in Stages 3 and 16 are to be provided in accordance with the Infrastructure Services Delivery Plan that forms part of the Voluntary Planning Agreement. Detailed plans are to be provided with the development applications for those stages."</i></p>	Amendment to the COA via a S75W to be lodged by Bonnyrigg Partnerships	
2.3	<p>Condition of Approval</p> <p>Schedule 4 Project Application Subdivision B3</p> <p>The proposal to amend the condition so it aligned with the Australian Standard was agreed;</p> <p><i>"Any lot filling operations are to be carried out in accordance with AS3798 - Guidelines for Commercial and Residential Developments"</i></p>	Amendment to the COA via a S75W to be lodged by Bonnyrigg Partnerships	
2.4	<p>Condition of Approval</p> <p>Schedule 4 Project Application Subdivision B10</p> <p>The proposal to amended the condition's so it aligned with the intend of the VPA was agreed;</p> <p><i>"The Applicant shall dedicate Reeves Crescent, Badgery Way, Road No. 5, Road No. 9, Bunker Parade, Driver Place and Deakin Place to the public as road in accordance with the Voluntary Planning Agreement."</i></p> <p>Although the transfer of land at no cost between both FCC and HNSW was identified in the Council Consent to the VPA, it was agreed to add two references to page 19 of the VPA that clarified the transfer of land between FCC and Bonnyrigg</p>	<p>Amendment to the COA via a S75W to be lodged by Bonnyrigg Partnerships</p> <p>PH to provide VPA Errata</p>	



Item	Description	Action	When By
	Partnership to the pending VPA errata.		
2.5	<p>Condition of Approval</p> <p>Schedule 4 Project Application Subdivision D8</p> <p>The proposal to delete the condition was NOT agreed, however the condition was agreed to be amended by deleting the reference “, as being within the effect of the 100 year flood level”.</p> <p><i>“Pursuant to Section 88 of the Conveyancing Act 1919, a Restriction on Use stating that the Designated Floor Level for habitable development shall be at least 0.5m above the 100 year flood level shall be created over those proposed lots defined by the Water Cycle Management Report prepared by Hughes Trueman, Revision C, dated 5 August 2008. Those lots which are directly affected include, but are not limited to, proposed Lots 2, 101, 102, 103, 1201, 1202, 1203, 1301, 1302, 14, 1601, 1602, 2501, 2601, and 2602.”</i></p> <p>However the validity of this condition requires Council to confirm their right to impose such a condition as they can only require this of land governed by their City Wide DCP. As the Bonnyrigg Living Communities Project is under a Concept Planning Approval rather than the City Wide DCP. Thus the validity of Council and DOP of imposing such a condition maybe contrary to the Former Planning Ministers Directions regarding notifications and conditions as they relate to flooding. This is to be further clarified by FCC.</p>	<p>FCC to confirm their planning authority to enforce this condition</p> <p>Amendment to the COA via a S75W to be lodged by Bonnyrigg Partnerships following FCC confirmation</p>	
2.6	<p>Condition of Approval</p> <p>Schedule 4 Project Application Subdivision B13</p> <p>The proposal to delete this condition's so it aligned with the intend of the VPA was agreed;</p>	<p>Amendment to the COA via a S75W to be lodged by Bonnyrigg Partnerships</p>	
2.7	<p>Condition of Approval</p> <p>Schedule 6 Project Application Dwelling Construction A8</p> <p>The proposal to amend this condition's so it aligned with the intend of the VPA was agreed;</p> <p><i>“Prior to issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the capacity of the detention basin(s) has been designed to contain the minimum 1 in 100 year ARI flood event and the spillway of the basin shall be designed to bypass the extreme flood events, in accordance with Council's Stormwater Drainage Policy September 2002.”</i></p>	<p>Amendment to the COA via a S75W to be lodged by Bonnyrigg Partnerships</p>	
3.0	Dwelling Design Issues		

Item	Description	Action	When By
3.1	<p>Condition of Approval</p> <p>Schedule 6 Project Application Dwelling Construction A1 (1)</p> <p>The merits of the setbacks were discussed with Council. It was agreed that Council would take the information supplied to Mark Stephenson (Planning Officer) to discuss prior to arranging another meeting or discussing the design with Bonnyrigg Partnerships.</p>	MS to review proposal and discuss with PH	
3.2	<p>Condition of Approval</p> <p>Schedule 6 Project Application Dwelling Construction A1 (2)</p> <p>The alternative design was compared to the project application design and discussed with the Council officers. Again it was agreed that prior to undertake a complete design for submission to Council, the alternate proposal would be discussed with Council's Planner Mark Stephenson and that Mark would contact Bonnyrigg Partnerships to discuss the matter directly</p>	MS to review proposal and discuss with PH	
4.0	<p>Minutes were to be taken Paul Hourigan and distributed for agreement.</p>	PH	