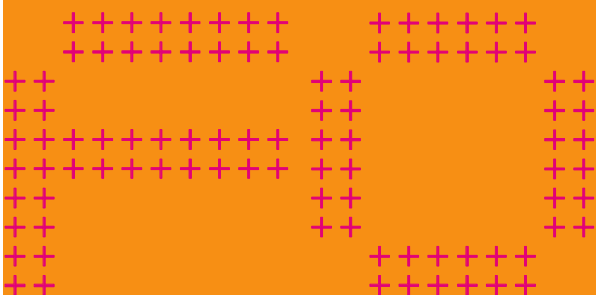
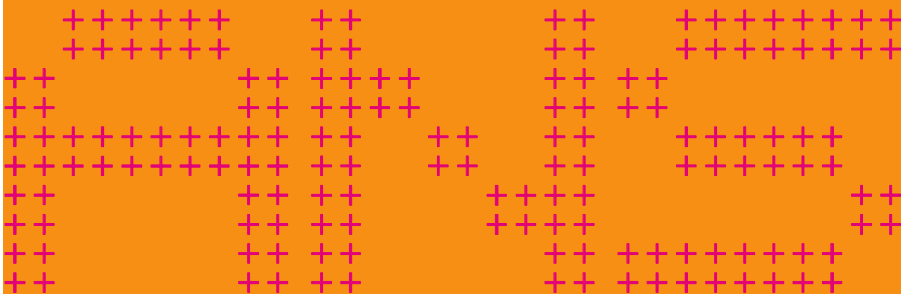
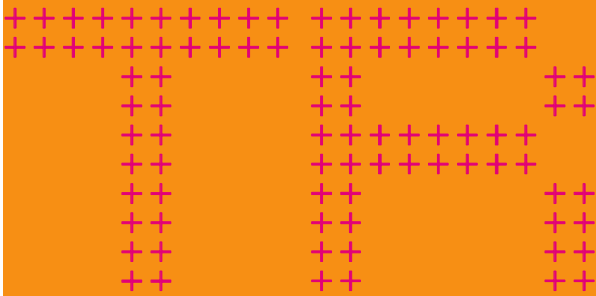


Section 75W Application

Bonnyrigg Living Communities Project

June 2009



urbis

Section 75W Application

Bonnyrigg Living Communities
Project

Prepared for Bonnyrigg Partnerships
June 2009

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1 Introduction

This report has been prepared in association with an application lodged by Bonnyrigg Partnerships to amend the Concept Plan and Stage 1 Project Approvals for the Bonnyrigg Living Communities Project (Determination No MP 06_0046, dated 12 January 2009).

The application seeks to rectify minor errors and technical issues associated with the Concept Plan and Stage 1 Project Approval conditions originally drafted by Fairfield City Council. These errors/issues have been satisfactorily resolved post-approval and the proposed modifications to the conditions agreed to by both the proponent and Council.

The application also seeks approval for minor modifications to the approved drawings associated with the Stage 1 Project Approval, including:

- Deletion of a dwelling house and relocation of an approved 2-plex from the adjoining lot.
- Replacement of an approved 4-plex building with an amended 4-plex building.
- Minor increases to building footprints to facilitate increased living areas to the T9 dwellings.
- Conversion of some carports to garages.
- Minor boundary setback changes.

The application is lodged under the provisions of Section 75W of the Environmental Planning and Assessment Act 1979. It is understood from pre-lodgement discussions with the Department of Planning that the Director-General may exercise delegation to determine the request, based on the minor nature of the requested changes. Further, it is understood that environmental assessment requirements are not required to be obtained as the proposed modification is minor and does not comprise any fundamental change to the approved Stage 1 development.

The following sections of the report address the following matters:

- Proposed Amendments – general description of the proposed modifications.
- Section 75W Modification – detailed outline of the proposed amendments to the conditions in the Concept Plan and Stage 1 Project Approvals
- Compliance Assessment – summary table outlining the minor impact of the proposed modifications on the ongoing compliance of the approved development with the Bonnyrigg Masterplan.
- Summary and Conclusion – concluding comments regarding the proposed modifications and the determination of the application under Section 75W.

2 Proposed Amendments

2.1 Condition Amendments

The Section 75W application seeks to rectify minor errors and technical issues associated with the Concept Plan and Stage 1 Project Approval conditions originally drafted by Fairfield City Council. These errors and technical issues have been satisfactorily resolved and the proposed modifications agreed to by both the proponent and Council.

A copy of correspondence from Fairfield City Council, dated 17 April 2009, confirming acceptance of the technical amendments is attached as **Appendix 1**.

2.2 Dwelling Design Amendments

Further detailed design has been undertaken subsequent to the approval of the Stage 1 Project, taking into account further market feedback regarding the approved dwelling designs. Minor amendments are proposed to the approved dwelling designs for the Stage 1 Project Approval, including:

- Replacement of a detached dwelling house with a 2-plex (Lots 403-404, formerly known as Lot 24), which has been relocated from the adjoining lot which is now vacant (Lot 405, formerly known as Lot 25).
- Replacement of an approved 4-plex with 2 x T7 dwellings, a T8 dwelling and a T9 dwelling with an amended 4-plex dwelling type comprised of a T7 dwelling, T14 dwelling and 2 x T12 dwellings (Lot 801, formerly known as Lot 38).
- Minor increases to building footprints to facilitate increased living areas to the T9 dwellings.
- Conversion of some carports to garages.
- Minor boundary setback changes.

Each of the above changes is minor and will not result in any significant impacts. However, the Private Certifying Authority advised that the changes could not be approved by way of the Construction Certificate process and as such, the approved drawing references are required to be updated.

Further to the above, the post-approval detailed design and additional survey work also indicated that the approved finished floor levels and eaves heights require modification. While the proposed changes are generally considered to be minor, Condition C2 - Certification of Approved Finished Floor Level and Ridge Height states:

Prior to the issue of an occupation certificate (Interim or Final), a certificate by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the finished floor level and eave height of the dwellings has been constructed within minus 200mm and plus 200mm of the levels shown on the approved plans.

As such, the approved architectural drawings are required to be updated to ensure that the dwellings can be certified in accordance with the above condition.

A schedule listing each of the proposed changes on a lot-by-lot basis is attached as **Appendix 2**. A schedule listing each of the proposed changes to the finished floor levels and eaves heights on a lot-by-lot basis is attached as **Appendix 3**. A colour coded map identifying each of the affected lots is attached as **Appendix 4**.

A complete set of architectural drawings for Stage 1 is lodged with the application.

2.3 Updated Lot References

The approved architectural drawings in the original Stage 1 Project Approval refers to Lots 1-44, which was based on the individual lots that each accommodated a separate building (ie a detached dwelling or plex building) within Stage 1.

The Stage 1 Project Approval also included subdivision approval to create 106 Torrens title lots, including 84 standard residential lots and 22 strata and stratum title lots. The amended architectural drawings submitted with this application are based on the future Construction Certificate drawings, which are based on the future numbering in the subdivision plan. The updated lot references have been used to avoid any future confusion during the construction and certification process. However, it is acknowledged that this means that the lot references on the amended architectural drawings differ from the lot references on the originally approved drawings.

Both the previous and updated lot references are listed in the schedules attached as **Appendix 2** and **Appendix 3**.

3 Section 75W Modification

3.1 Requested Modifications to Concept Plan

3.1.1 Schedule 1, Part A, Condition A3

It is requested that the 'Stage 1 Project Application' approval documents are removed from 'Schedule 1 – Concept Plan' to avoid any future potential confusion.

It is proposed that the table in Condition A3 be amended so that the final reference in the documentation list (on page 4) is the Environmental Noise Assessment Report, prepared by Acoustic Logic. The sub-heading 'Concept Plan' (at the top of the table on page 3) may also be deleted.

3.1.2 Schedule 2, Part A, Condition A2

It is requested that Condition A2 be amended as the current wording of the condition does not recognise the mitigatory measures in place in the unlikely event that recycled water is not made available to the site in a timely manner.

The Environmental Opportunities Report prepared by Advanced Environmental that forms part of the Concept Plan Approval included a range of base and stretch targets to minimise demand for services. A key measure to reduce the per capita demand for potable water is the installation of a reticulated water recycling system. Commercial negotiations with a number of parties have indicated that recycled water may be supplied to the estate, however, supply may not be made available until Stage 4. In the unlikely event that recycled water is not made available to the estate by Stage 4, then rainwater tanks would need to be provided to avoid an increase in per capita potable water demand and maintain compliance with the requirements of BASIX and the provisions of the Environmental Opportunities Report.

The wording of the current condition presents an unacceptable commercial risk as it could potentially require a reticulated recycled water system to be provided even where BASIX (and the Environmental Opportunities Report) is complied with through the provision of rainwater tanks.

It is requested that Condition A2 be deleted and replaced with the following:

'The proponent shall meet all obligations regarding BASIX requirements for all stages of development.'

3.1.3 Schedule 2, Part A, Condition A6(3)

It is requested that Condition A6(3) be amended as the current wording of the condition does not allow for air conditioning to be provided to a small number of dwellings.

The current condition seeks to prevent unacceptable visual impacts to the streetscape by requiring a covenant that prohibits air conditioning from being attached to the front facades of buildings. However, the attached plex-style dwellings located on the intersection of two streets may only have external walls to the street and as such, the condition needs to be modified to enable those dwellings to be air conditioned, without compromising the streetscape.

It is requested that Condition A6(3) be deleted and replaced with the following:

'A covenant shall be imposed on leases for social housing and on title for private dwellings that air conditioning units must not be attached to the front elevations of the building(s) unless no alternative is available (eg an attached 4-plex dwelling which adjoins the intersection of two streets), in which case, the air conditioning unit is to be positioned in an unobtrusive location.'

3.1.4 Schedule 2, Part B, Condition B2(1)

It is requested that Condition B2(1) be amended so that infrastructure is delivered in accordance with the Voluntary Planning Agreement (VPA) and accompanying Infrastructure and Services Delivery Plan (ISDP).

The proponent acknowledges that further details will need to be provided regarding the stormwater detention basins in Stages 3 and 16. However, the condition needs to be amended to recognise the provisions of the VPA and ISDP. These documents were subject to extensive negotiation between Council and the proponent and provide a contractual arrangement for the delivery of future infrastructure. It is considered that appropriate recognition must be given to the provisions of the VPA and ISDP to avoid any potential confusion in the assessment of the future Part 4 development applications for the relevant stages.

It is requested that Condition B2(1) be deleted and replaced with the following:

'(1) Stormwater Details

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.'

3.2 Requested Modifications to Project Application – Stage 1 Subdivision

3.2.1 Schedule 4, Part A, Condition A1(3)

It is requested that Condition A1(3) be deleted as it does not apply to an approval issued by the Minister under Part 3A of the Environmental Planning and Assessment Act 1979.

The Subdivision Certificate can be issued by Principal Certifying Authority under Part 3A legislation and as such, a subdivision certificate release fee should not be required to be paid to Council.

3.2.2 Schedule 4, Part B, Condition B1

It is requested that Condition B1 be deleted as the requirements are unnecessary and onerous.

The PCA will be required to ensure that all consent conditions, including compliance with the approval documentation, have been met to facilitate release of the Subdivision Certificate. It is understood that this condition would normally be applied to an environmentally significant project where audits were required by specific legislation (eg mining, etc) and should not be applied to a standard residential subdivision for 106 dwellings.

It is noted that a similar condition imposed in *'Schedule 5 – Project Application – Stage 1 Dwelling Construction'* has already been deleted.

3.2.3 Schedule 4, Part B, Condition B3

It is requested that Condition B3 be amended as previously agreed with Council. It is requested that Condition B3 be deleted and replaced with the following:

'Any lot filling operations are to be carried out in accordance with AS3798 - Guidelines for Commercial and Residential Developments.'

3.2.4 Schedule 4, Part B, Condition B10

It is requested that Condition B10 be amended so that an appropriate reference is included with regard to the ISDP and VPA.

While unintentional, the current wording of the condition presents an unacceptable risk of costs for Housing NSW for road acquisition. The ISDP clearly details that all road acquisition must be at nil cost and the condition needs to be amended to reflect this provision.

It is requested that Condition B10 be deleted and replaced with the following:

'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.'

3.2.5 Schedule 4, Part B, Condition B13

It is requested that Condition B10 be deleted as this matter is adequately addressed within the approved Voluntary Planning Agreement.

3.2.6 Schedule 4, Part D, Condition D8

It is requested that Condition D8 be amended by deleting the reference *'as being within the effect of the 100 year flood level'* and as provided below:

'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.'

However, it is noted that the validity of this condition requires Council to confirm the right to impose such a condition. Clause 7A(1) of the Regulation means that councils should not include a notation for residential development on section 149 certificates in low risk areas if no flood-related development controls apply to the land. This is to be further clarified by Fairfield City Council.

3.3 Requested Modifications to Project Application – Stage 1 Dwelling Construction

3.3.1 Schedule 5, Part A, Condition A3

While only a limited number of the approved dwellings are to be amended by way of the Section 75W application, it is proposed to replace the set of approved architectural drawings with a replacement set that includes the updated lot references to enable a clear and consistent approach to the release of the future Construction Certificates. It is requested that the architectural plan references be deleted and replaced, as shown in the table below and on the following pages.

Table 1 – Revised Architectural Plan References, prepared by Residential Logistics

Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd					
New Lot No	Old Lot No	Drawing No	Issue	Name of Plan	Date
-	-	-	B	Lots 101 to 109 Site Plan	28.05.2009
			B	Lots 201-210 Site Plan	28.05.2009
			B	Lots 301-310 Site Plan	28.05.2009
			B	Lots 401 to 405 Site Plan	28.05.2009
			B	Lots 501 to 514 Site Plan	28.05.2009
			B	Lots 601 to 608 Site Plan	28.05.2009

Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd					
New Lot No	Old Lot No	Drawing No	Issue	Name of Plan	Date
			B	Lots 701 to 710 Site Plan (Page 1 of 2)	28.05.2009
			B	Lots 701 to 710 Site Plan (Page 2 of 2)	28.05.2009
			B	Lots 801 to 804 Site Plan	28.05.2009
			B	Lots 901 to 906 Site Plan	28.05.2009
Lots 101-103	Lot 1	ARC-RL-SO1-101-103	E	Site Plan & Services Plan	27.05.2009
			E	Floor Plan and Elevations	27.05.2009
			E	Sections, Window Schedule & Basix	27.05.2009
Lot 104	Lot 2	ARC-RL-SO1-101-104	D	Site Plan & Services Plan	27.05.2009
			D	Elevations & Floor Plans	27.05.2009
			D	Electrical Plan, Concrete Plan & Basix Template	27.05.2009
Lots 105-108	Lot 3	ARC-RL-SO1-101-108	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Window Schedule & Basix	20.04.2009
Lot 109	Lot 4	ARC-RL-SO1-101-109	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Detached Garage Details and Window Schedule	20.04.2009
Lots 201-203	Lot 12	ARC-RL-SO1-201-203	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Detached Garage Details	20.04.2009
			C	Elevations, Sections & Window Schedule	20.04.2009
			C	Basix Templates	20.04.2009
Lots 204-205	Lot 13	ARC-RL-SO1-204-205	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Detached Garages	20.04.2009
			C	Electrical Plan, Concrete Plan & Basix Templates	20.04.2009
Lot 206	Lot 14	ARC-RL-SO1-206	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Electrical Plan, Concrete Plan, Sections and Basix Templates	20.04.2009
Lots 207-210	Lot 15	ARC-RL-SO1-207-210	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Sections	20.04.2009
			C	Detached Garage Details and Elevations	20.04.2009
			C	Basix Template	22.05.2009
Lots 301-302	Lot 5	ARC-RL-SO1-301-302	C	Site Plan and Services Plan	20.04.2009

Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd					
New Lot No	Old Lot No	Drawing No	Issue	Name of Plan	Date
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Detached Garage Details and Window Schedule	20.04.2009
Lot 303	Lot 6	ARC-RL-SO1-303	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans, Sections and Elevations	20.04.2009
			C	Concrete Plan, Electrical Plans & Window Schedule & Basix Templates	20.04.2009
Lot 304	Lot 7	ARC-RL-SO1-304	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan, Sections and Elevations	20.04.2009
			C	Concrete Plan, Electrical Plans, Window Schedule & Basix Templates	20.04.2009
Lot 305	Lot 8	ARC-RL-SO1-305	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Details, Window Schedule & Basix Template	20.04.2009
Lots 306-308	Lot 9	ARC-RL-SO1-306-308	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plan & Elevations	20.04.2009
			C	Electrical Plan, Concrete Plan, Sections & Garage Details	20.04.2009
			C	Basix Template	22.05.2009
Lot 309	Lot 10	ARC-RL-SO1-309	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans & Elevations	20.04.2009
			C	Electrical Plan, Sections, Concrete Plan and Basix Template	20.04.2009
Lot 310	Lot 11	ARC-RL-SO1-310	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Detached Garage Details, and Window Schedule	20.04.2009
Lot 401	Lot 16	ARC-RL-SO1-401	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Detached Garage Details, Section & Window Schedule	20.04.2009
Lot 402	Lot 23	ARC-RL-SO1-402	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans & Elevations	20.04.2009
			C	Electrical Plans, Sections, Concrete Plan and Window Schedule	20.04.2009
Lots 403-404	Lot 24	ARC-RL-SO1-403-404	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Detached Garage Details	20.04.2009

Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd					
New Lot No	Old Lot No	Drawing No	Issue	Name of Plan	Date
			C	Electrical Plan and Concrete Plan	20.04.2009
Lots 501-503	Lot 17	ARC-RL-SO1-501-503	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Garage/Carport Details	20.04.2009
			C	Basix Template	22.05.2009
Lots 504-505	Lot 18	ARC-RL-SO1-504-505	C	Site Plan & Services Plan	20.04.2009
			C	Elevations & Floor Plans	20.04.2009
			C	Electrical Plan, Sections, Basix Template & Concrete Setout Plan	20.04.2009
Lots 506-508	Lot 19	ARC-RL-SO1-506-508	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Garage Details, Sections, Window Schedule & Basix Template	20.04.2009
			C	Basix Template	21.05.2009
Lots 509-511	Lot 20	ARC-RL-SO1-509-511	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Window Schedule & Basix Templates	20.04.2009
Lots 512-513	Lot 21	ARC-RL-SO1-512-513	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Garage Details, Sections, Window Schedule & Basix Template	20.04.2009
Lot 514	Lot 22	ARC-RL-SO1-514	C	Site Plan & Services Plan	20.04.2009
			C	Elevations & Floor Plans	20.04.2009
			C	Garage Plans, Electricals, Sections, & Window Schedule	20.04.2009
Lots 601-604	Lot 26	ARC-RL-SO1-601-604	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Sections	20.04.2009
			C	Elevations and Window Schedule	20.04.2009
			C	Basix Templates	27.05.2009
Lot 605	Lot 35	ARC-RL-SO1-605	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans, Elevations, Section & Window Schdl.	20.04.2009
			C	Electrical Plan and Concrete Plan	20.04.2009
Lot 606	Lot 36	ARC-RL-SO1-606	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Electrical Plans, Concrete Plan, Sections & Basix Templates	20.04.2009
Lots 607-608	Lot 37	ARC-RL-SO1-607-608	C	Site Plan & Services Plan	20.04.2009

Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd					
New Lot No	Old Lot No	Drawing No	Issue	Name of Plan	Date
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Elevations & Floor Plans	20.04.2009
Lot 701	Lot 27	ARC-RL-SO1-701	C	Site Plan & Services Plan	20.04.2009
			C	Elevations & Floor Plans	20.04.2009
			C	Detached Garage Window Schedule & Sections	20.04.2009
Lot 702	Lot 28	ARC-RL-SO1-702	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plans & Elevations	20.04.2009
			C	Electrical Plan Concrete Layout & Sections	20.04.2009
Lot 703	Lot 29	ARC-RL-SO1-703	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Window Schedule & Basix Templates	20.04.2009
Lot 704	Lot 30	ARC-RL-SO1-704	D	Site Plan and Services Plan	03.06.2009
			D	Floor Plans, Sections and Elevations	03.06.2009
			D	Electrical Plan, Concrete Plan & Basix Templates	03.06.2009
Lot 705	Lot 31	ARC-RL-SO1-705	D	Site Plan and Services Plan	03.06.2009
			D	Floor Plan and Elevations	03.06.2009
			D	Sections, Window Schedule & Basix Template	03.06.2009
Lots 706-707	Lot 32	ARC-RL-SO1-706-707	C	Service Plan & Site Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Electrical Plan, Concrete Plan & Basix	20.04.2009
Lot 708	Lot 33	ARC-RL-SO1-708	C	Concrete Plan Site Plan	20.04.2009
			C	Floor Plan, Elevations and Sections	20.04.2009
			C	Electrical Plan, Services Plan & Driveway Sections,	20.04.2009
Lots 709-711	Lot 34	ARC-RL-SO1-709-711	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Details & Basix Templates	20.04.2009
Lot 801	Lot 38	ARC-RL-SO1-801	B	Site Plan and Services Plan	26.05.2008
			B	Floor Plan and Elevations	26.05.2008
			B	Sections and Detached Garage	26.05.2008
Lots 802-803	Lot 43	ARC-RL-SO1-802-803	C	Service Plan & Site Plan	20.04.2009

Architectural Plans Job No RL 1394 prepared by Residential Logistics Pty Ltd					
New Lot No	Old Lot No	Drawing No	Issue	Name of Plan	Date
			C	Floor Plans and Elevations	20.04.2009
			C	Sections, Garage Details & Basix Template	20.04.2009
Lot 804	Lot 44	ARC-RL-SO1-804	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Concrete Plan, Sections, Basix Template and Electrical Plan	20.04.2009
Lot 901	Lot 39	ARC-RL-SO1-901	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Detached Garage Detail Section & Window Schdl.	20.04.2009
Lots 902-903	Lot 40	ARC-RL-SO1-902-903	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plan and Elevations	20.04.2009
			C	Sections, Basix, Electrical, Concrete Plan & Window Schedule	20.04.2009
Lot 904	Lot 41	ARC-RL-SO1-904	C	Site Plan & Services Plan	20.04.2009
			C	Floor Plan, Sections & Elevations	20.04.2009
			C	Services, Electrical Plan & Basix Templates	20.04.2009
Lots 905-906	Lot 42	ARC-RL-SO1-905-906	C	Site Plan and Services Plan	20.04.2009
			C	Floor Plans and Elevations	20.04.2009
			C	Sections and Window Schedule	20.04.2009

3.3.2 Schedule 6, Part A, Condition A1

It is requested that Condition A1 be deleted as the amended dwelling plans have addressed each of the requested modifications, as outlined below.

Condition A1(1)

Lot 8 (now known as Lot 305) has been relocated slightly to the south-west to increase the front setback. A minimum of 80% of the building footprint is located behind the front setback, which complies with the Bonnyrigg Masterplan. The majority of Unit 1 is located 7.4 metres from the front boundary, significantly exceeding the minimum requirement. Overall, the proposed siting of the building is considered appropriate, taking into account the irregular shaped lot.

Further, the proposed front setbacks of 3.7 metres for Lot 13 (now known as Lots 204 and 205) and 3.26 metres for Lot 35 (now known as Lot 605) are considered acceptable, taking into account the need to maximise the solar access available to the south-east facing rear yards of the associated dwellings and the adjoining dwellings to the south west. These dwellings overlook Central Valley Park and it is considered that the minor encroachment will not have any significant impact on the streetscape or the amenity of these dwellings. It is noted that the first floor balcony for Lot 205 (formerly known as Unit 1 in Lot 13) has been relocated to increase the setback from the front property boundary and minimise its potential impact.

Condition A1(2)

Lot 8 (now known as Lot 305) and Lot 9 (now known as Lots 306-308) have been amended to minimise the potential impact of the car parking spaces on the streetscape:

- A storage area has been provided between the garages for Units 2 and 4 to enable a separation in the hardstand areas required to access the garages on Lot 8 (now known as Lot 305).
- Two of the three garages on Lot 8 (now known as Lot 305) have been setback approximately 1.4 metres from the property boundary. The third garage has been setback as far as possible, taking into account the level changes and the impact on the private open space for Unit 2.
- The car parking spaces for Lot 9 (now known as Lots 306-308) have been amended to carports, which are setback 5.5 metres from the property boundary to enable a second car space to be provided and compliance with the Masterplan.

Overall, it is considered that the amended plans represent a significant improvement, which is satisfactory and acceptable, taking into account the site constraints and the potential visual impacts.

Condition A1(3)

The amended architectural plans have provided improvements to the western elevation of Lot 30 (now known as Lot 704) which are considered appropriate and acceptable. Additional windows have been provided at both the ground and first floor levels and the roof form has been further articulated to enhance the appearance of the secondary elevation. As such, Condition A1(3) has been addressed and is no longer relevant.

Condition A1(4)

The amended architectural plans submitted with the Section 75W application clearly indicate the site levels and existing trees and as such, Condition A1(4) is no longer relevant.

Condition A1(5)

The amended architectural plans submitted with the Section 75W application clearly illustrate the provision of all Basix commitments and as such, Condition A1(5) is no longer relevant.

Condition A1(6)

Condition A1(6) required amended plans addressing each of the above issues to be submitted to the Private Certifying Authority prior to the issue of the Construction Certificate. As each of the issues outlined in Condition A1(1)-(5) has been resolved, Condition A1(6) is no longer relevant.

3.3.3 Schedule 6, Part A, Condition A8

It is requested that Condition A8 be amended so that information previously assessed by Council as part of the Part 3A application is not required to be re-assessed by the PCA to facilitate release of the construction certificate.

Hard copy and digital calculations have previously been provided in the Water Cycle Report and assessed as part of the Part 3A application. The PCA will be responsible for ensuring that the detention basins comply with the approval documents and it is acknowledged that certification of the works is required. However, the current wording of the condition requires the calculations to be re-assessed and could result in an unnecessary delay to the release of the relevant construction certificate.

It is requested that Condition A8 be deleted and replaced with the following:

'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.'

4 Compliance Assessment

The proposed amendments have been assessed in accordance with the provisions of the Bonnyrigg Masterplan as outlined in the following table.

Table 2 – Bonnyrigg Masterplan Compliance Assessment

Control	Required	Provided	Complies
Part 5: Private Realm Guidelines			
Lot Size	Lot sizes and dimensions to be as per table on page 150 of Bonnyrigg Masterplan.	No major changes are proposed to the existing lot sizes in the Stage 1 Project Approval. The minor modifications to the southern boundary of Lot 103 (formerly Lot 1), the northern boundary of Lot 106 (formerly Lot 3) and the north western boundary of Lot 704 (formerly Lot 30) (refer to Appendix 1) do not have any impact on compliance of the subject lot or adjoining lots.	Yes
Site Coverage	<p>Minimum of 35% of site to be landscaped area.</p> <p>Minimum of 30% of the landscape area must be deep soil landscaping.</p> <p>Maximum of 65% of site area to be built upon.</p>	Minor increases are proposed to the ground floor of the following T9 dwellings at Lots 101-103, 105-108, 201, 208, 305, 310, 502, 513, 604 and 711 (refer to Appendix 1). The proposed changes are insignificant and do not have any impact on compliance with site coverage controls. It should be acknowledged that the proposed changes will increase the internal living areas to benefit the future residents of these dwellings.	Yes
Streetscape	<p>Garages to be setback 5.5 metres from street (except for access street).</p> <p>Maximum combined width of garages fronting a street (not incl rear access streets) is 50% of lot width.</p> <p>Maximum combined width of garages fronting a rear access street is 80% of lot width.</p> <p>No triple or more garages side-by-side are permitted except where fronting access places.</p> <p>Dwellings are to have direct entry and address from street frontage. Front doors are to be visible and/or easily identifiable from the street.</p> <p>Dwellings on corner allotments are to be designed so that one elevation addresses the street. The secondary elevation is to be visually interesting, including articulation to the dwelling and roof form; and</p> <p>Long blank walls are to be avoided.</p>	<p>Each of the proposed amended car parking arrangements is identified and assessed below:</p> <ul style="list-style-type: none"> Lot 102 (former Lot 1) – garage is setback 6.074m and complies. Lot 203 (former Lot 12) – garage is setback 6.53m and complies. Lots 204-205 (former Lot 13) – garages face access place and comply with lot width requirement. Lot 207 (former Lot 15) – garages faces access place and complies with lot width requirement. Lot 305 (former Lot 8) - these 3 car spaces were previously aligned to the boundary and are now staggered and setback up to 1.4m, with separation between the hardstand driveway to minimise the potential impact on the streetscape. The car parking spaces on adjoining Lot 306 (formerly Lot 9) have been setback 5.5m, reducing the non-compliance. The amended proposal is considered acceptable, taking into account the site constraints 	<p>Yes</p> <p>Minor variation to Lot 305 considered acceptable</p>

Control	Required	Provided	Complies
		<p>and the potential visual impacts.</p> <ul style="list-style-type: none"> • Lots 306 and 307 (former Lot 9) – these car spaces were previously aligned to the boundary and have been relocated back 5.5m to comply. • Lot 310 (former Lot 11) – these car spaces are either setback min 5.5m or face an access place and comply. • Lot 512-513 (former Lot 21) – garages setback min 5.5m and comply. • Lot 705 (former Lot 31) – the Unit 4 garage and Unit 3 carport are each setback a min 5.5m and complies. • Lots 706-707 – these garages are setback a min 5.76m and comply. • Lots 802-803 – these garages face an access place and comply with the lot width requirements. • Lots 902-903 – these garages are setback min 5.5m and comply. 	
Bulk and Scale	<p>Predominate building height of two storeys, with three story elements permitted in select locations.</p> <p>Minimum 2.4m ceiling height measured from finished floor to finished ceiling level in all habitable rooms.</p>	<p>The Section 75W application does not provide any change to existing number of storeys. The proposed dwellings all achieve minimum ceiling heights of 2.4m (refer to Appendix 2).</p>	Yes
Setbacks	<p>Minimum of 80% of building footprint (excl garages) is to be setback minimum of 4.5m from lot frontage.</p> <p>Maximum of 20% of building footprint may be setback minimum of 1.2m from lot frontage.</p> <p>Zero setback may be permitted for limited building elements on secondary street frontages.</p> <p>80% of building footprint must be setback minimum of 0.9m from side boundary.</p> <p>Zero setback may be provided on access places.</p> <p>Zero side setbacks must not exceed a maximum length of 12m and a minimum 0.9m access path between the front and rear yards must be provided elsewhere. Windows or openings are permitted only where they satisfy BCA and no privacy impacts. Where a gutter is required, a 0.2m offset from lot boundary must be established, with maintenance easement on adjoining lot for access.</p>	<p>A minor change is proposed to the setback of Lot 304 (former Lot 7) so that the building footprint is now setback 6.345m from the front boundary (previously 6.425m), which complies. The non-compliant setbacks referred to in Condition A1(1) are addressed as outlined below:</p> <ul style="list-style-type: none"> • Lots 204-205 (former Lot 13) - first floor balcony for Lot 205 relocated to increase setback and minimise impact. Min 3.7m front setback considered acceptable, based on provision of solar access to south-east facing rear yards and staggered setback along Bunker Parade, facing park. • Lot 305 (former Lot 8) – relocated slightly to south-west to increase the front setback. Min of 80% is located behind the front setback, which complies. • Lot 605 (former Lot 35) – min 3.26m setback considered acceptable based on provision of solar access to south-east facing rear yard and staggered 	<p>Yes</p> <p>Minor variations to Lots 204-205, 305 & 605 considered acceptable</p>

Control	Required	Provided	Complies
		setback along Bunker Parade, facing park.	
Privacy	<p>Internal layout to minimise overlooking of living areas and private open space.</p> <p>Balcony or habitable room window must not be located to have direct view into the balcony or habitable window of another dwelling located within 6m.</p> <p>Windows of upper level primary living rooms facing ground level private open space of another dwelling must be of a high level with a deep sill or sill height of minimum 1.5m above floor level or be fitted with a horizontal privacy screen from its base (or similar) to screen a proportion of the private open space from the window.</p> <p>Air conditioning units are to meet appropriate acoustic standards.</p> <p>Attached dwellings and apartments must be designed (and their material specified) to the relevant BCA requirements for acoustic privacy.</p>	<p>The proposed modifications to existing layouts and window placements are identified and assessed below:</p> <ul style="list-style-type: none"> • Lots 101-102 (former Lot 1) – redesign of first floor and window modifications has no adverse privacy impacts. • Lots 105-108 (former Lot 3) - redesign of first floor and window modifications has no adverse privacy. • Lots 201 (former Lot 12) - redesign of first floor has no privacy impacts. • Lot 208 (former Lot 15) - redesign of first floor and window modifications has no adverse privacy impacts. • Lot 305 (former Lot 8) - redesign of first floor of T9 dwelling and window modifications has no adverse privacy impacts. • Lot 310 (former Lot 11) - redesign of first floor of T9 dwelling and window modifications has no adverse privacy impacts. • Lots 403-404 (former Lot 24) – previous detached dwelling house replaced with 2-plex dwelling formerly located on Lot 405 (now vacant). Number of windows on upper floor (adjoining Lot 402) reduced and as such, privacy impact of modified proposal is less than the original. • Lot 502 (former Lot 17) – dwelling is located on corner and redesign of first floor and window modifications has no adverse privacy impacts. • Lot 604 (former Lot 26) - redesign of first floor of T9 dwelling and window modifications has no adverse privacy impacts. • Lot 711 (former Lot 34) - redesign of first floor of T9 corner dwelling and window modifications has no adverse privacy impacts. 	Yes
Safety and Security	<p>Define edges of spaces using a mixture of height change, landscape, hedges, fences, walls, and gates.</p> <p>Ensure each dwelling has safe well-lit access to and from their car parks and their dwelling.</p>	<p>There are no major changes are proposed to the approved architectural drawings that would impact on compliance of the development with the safety and security measures outlined in the masterplan. Potential impacts of changes to the rooflines of the carports and garages identified below are</p>	Yes

Control	Required	Provided	Complies
	<p>Make homes inaccessible from balconies, roofs and windows of neighbouring buildings.</p> <p>Provide direct access from car park to home wherever possible.</p> <p>Orient entrances towards public street and provide clear sight lines.</p> <p>Minimise number of dwellings using shared entrance ways.</p> <p>Orient living areas and provide balconies with views over public and any communal open spaces or areas of car parking.</p> <p>Avoid dead ends and other areas of possible entrapment.</p> <p>Ensure lighting is sufficient to allow for facial recognition of approaching pedestrians within 15m.</p> <p>Avoid blind or dark alcoves near where people will need to walk - such as entrances, car parks, corridors or walkways.</p> <p>Provide good lighting along any paths and areas that people are likely to use at night. Such as over entry doors and car parking areas.</p> <p>Utilise white light instead of sodium vapour to ensure proper colour and textural rendition.</p>	<p>considered to be acceptable as the proposed changes do not have a significant impact on existing sightlines to the access place:</p> <ul style="list-style-type: none"> • Lot 310 (former Lot 11). • Lots 501-503 (former Lot 17). • Lots 802-803 (former Lot 43). <p>Further, the garages and carports for Lots 305-308 (former Lots 8 and 9) are located on Reeves Crescent and do not result in any significant potential impacts.</p>	
Open Space	<p>Minimum of 18m² of ground level private open space with minimum dimension of 4m or 10m² of above ground level open space with minimum dimension of 2.5m.</p> <p>Private open space should generally be accessible from living area.</p> <p>Private open space should generally be located to maximise solar access.</p> <p>Fencing will be constructed in accordance with the site fencing strategy.</p> <p>Retaining walls will be designed to max 1m height. When located within sight of a public place, the material and colour will be complementary to character and quality of the streetscape.</p>	<p>The proposed amendments to the architectural drawings do not impact upon the compliance of each individual dwelling with the private open space requirements, including the minimum area and dimension, location and solar access provisions.</p> <p>The proposed fencing is consistent with the approved fencing strategy and the proposed amendments do not impact on compliance of the approved development with the retaining wall requirements.</p>	Yes

Control	Required	Provided	Complies
Car Parking and Garages	<p>Car parking must be designed to ensure cars are not parked across pedestrian or cycle paths.</p> <p>Minimum dimensions of any parking space is 2.5m x 5.5m.</p> <p>Minimum internal dimensions of an enclosed garage must be 3m x 6m.</p> <p>Maximum 6m width of driveways at boundary for individual dwellings.</p> <p>Detached homes will provide two car spaces per dwelling which may be tandem, with visitor parking on street.</p> <p>Attached home types will provide minimum 1 car space for 1-2 beds and 1.5 car spaces per 3+ beds and visitor parking on-street.</p>	The proposed amendments to the architectural drawings do not impact upon the number of car parking spaces to be provided or the compliance of the car parking spaces with the minimum dimensions.	Yes
Service Areas	Each dwelling will have access to a service court for garbage that is screened from the street and placed in a convenient location.	The minor amendments to the architectural drawings do not impact upon the compliance of the approved development with the service area requirements.	Yes
Storage	<p>Storage space should be provided in addition to kitchen cupboards and bedroom wardrobes -</p> <p>1 bed – 6m³.</p> <p>2 beds – 8m³; and</p> <p>3+ beds – 10m³.</p>	The minor amendments to the architectural drawings do not impact upon the compliance of the approved development with the storage requirements.	Yes
Sloping Sites	Maximum 1m cut/fill measured at any corner of the building platform.	The minor amendments to the architectural drawings do not impact upon the compliance of the approved development with the cut/fill requirements.	Yes
Sustainable Environmental Design and BASIX	Achieve targets specified in tables on pages 158-159 of Bonnyrigg Masterplan.	The minor amendments to the architectural drawings do not impact upon the compliance of the approved development with the ESD and Basix requirements.	Yes
Solar Access	<p>Maximise northerly exposure for as many rooms as possible and minimise shadows.</p> <p>Glazing facing west to southwest should be minimised and protected with effective sun shades.</p> <p>Living area windows and >50% of private open space to receive minimum 3 hours direct sunlight between 9am and 3pm on the 21st of June.</p>	The minor amendments to the architectural drawings do not impact upon the compliance of the approved development with the solar access requirements.	Yes

5 Summary and Conclusion

This report has been prepared in association with an application lodged by Bonnyrigg Partnerships to amend the Concept Plan and Stage 1 Project Approvals for the Bonnyrigg Living Communities Project (Determination No MP 06_0046, dated 12 January 2009).

The proposed minor modifications are considered to be minor and can be determined under delegation in accordance with the provisions of Section 75W of the Environmental Planning and Assessment Act 1979. The proposed changes have been thoroughly assessed in accordance with the relevant provisions of the approved Masterplan for the Bonnyrigg Living Communities Project and overall, it is considered that the amendments will enhance the approved development.

Based on the above, approval of the Section 75W application is recommended.

Appendix 1 Council Correspondence

Appendix 2 Schedule of Dwelling Amendments

Appendix 3 Schedule of Finished Floor Levels and Eaves Heights Amendments

Appendix 4 Key Plan of Stage 1 Dwelling Amendments