



Planning &
Infrastructure

***NEWLEAF COMMUNITIES
PROJECT BONNYRIGG***

***MODIFICATION REQUEST:
Modifications to amend the Concept Plan***

MP06_0046 MOD 3



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

July 2011

© Crown copyright 2011
Published July 2011
NSW Department of Planning & Infrastructure
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

On 12 January 2009, the then Minister for Planning approved the Concept Plan application for redevelopment of the Bonnyrigg Housing Estate and Stage 1 Project Application (MP06_0046). The Concept Plan approved a Masterplan for development of the site in 18 stages over 13 years including construction of approximately 2,332 dwellings, new community precinct, and associated infrastructure. All future stages will be assessed by Fairfield City Council under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act). The site is located within Fairfield City Council Local Government Area.

The original Capital Investment Value for the proposal was \$460 million. Development of the site is being undertaken by Bonnyrigg Partnerships in partnership with the NSW Department of Housing.

On 20 December 2010, Urbis on behalf of Bonnyrigg Partnerships (the Proponent) lodged a Section 75W modification application, pursuant to the Act, seeking approval for the following variations to Stage 3 of the Bonnyrigg Concept Plan approval:

- Reduction to the minimum allotment width for detached dwellings from 8.5 metres to 6.7 metres to allow for more traditional housing options;
- Reduction to the minimum allotment width for duplex (attached dwellings) building types from 15 metres to 12.8 metres and minimum allotment depth from 30 metres to 25 metres to allow for more traditional housing options;
- Additional criteria to allow walk-up flats in additional locations;
- Re-wording of zero side setback guidelines to enhance privacy, amenity and streetscape;
- Altered staging boundary decreasing the area of Stage 3 by 1,100m²;
- Variation to front boundary fencing types to provide additional privacy to front courtyards of duplex buildings; and
- Amendment to the Statement of Commitments to allow for greater consultation with Fairfield City Council for future applications.

Fairfield Council were notified in regards to the application and have objected to the proposed modifications, raising concerns relating to the reduction to the widths of lots for detached dwellings and the implications for on-street car parking capacity, and, the potential for future increases in density in future stages.

The key assessment issues considered in the report relate to built form, residential amenity, on-street parking and dwelling density.

The Department has carefully considered Council's comments and the Proponent's justification in its assessment of the proposed modification. On balance it is considered that the proposed modification is in keeping with the built form and character of the approved development and does not alter the overall nature, needs or justification of the approved Concept Plan. It is therefore considered that the proposal, as modified, is generally consistent with the approved development.

It is recommended that the application be approved subject to the modified conditions. It is noted that the Proponent has concurrently lodged a Development Application (DA) for Stage 3 with the Fairfield Council, and the changes proposed in this modification application will allow the Council to complete its assessment of the DA.

TABLE OF CONTENTS

1.	BACKGROUND	3
2.	PROPOSED MODIFICATION	6
	2.1 Modification Description	6
3.	STATUTORY CONTEXT	7
	3.1 Modification of the Minister's Approval	7
	3.2 Environmental Assessment Requirements	7
	3.3 Delegated Authority	7
4.	CONSULTATION AND SUBMISSIONS	7
	4.1 Exhibition	7
5.	ASSESSMENT	9
	5.1 Reduced site area for Stage 3	9
	5.2 Impacts of revised dwelling mix	10
	5.3 Potential density increase in future stages	18
	5.4 Fencing	19
6.	DELEGATION	19
7.	CONCLUSION AND RECOMMENDATIONS	20
APPENDIX A	MODIFICATION REQUEST	21
APPENDIX B	SUBMISSIONS	22
APPENDIX C	RECOMMENDED MODIFYING INSTRUMENT	23

1. BACKGROUND

On 12 January 2009, the then Minister for Planning approved the Concept Plan application for redevelopment of the Bonnyrigg Housing Estate and Stage 1 Project Application (MP06_0046). The site is located within Fairfield City Council Local Government Area (**Figures 1 and 2**).

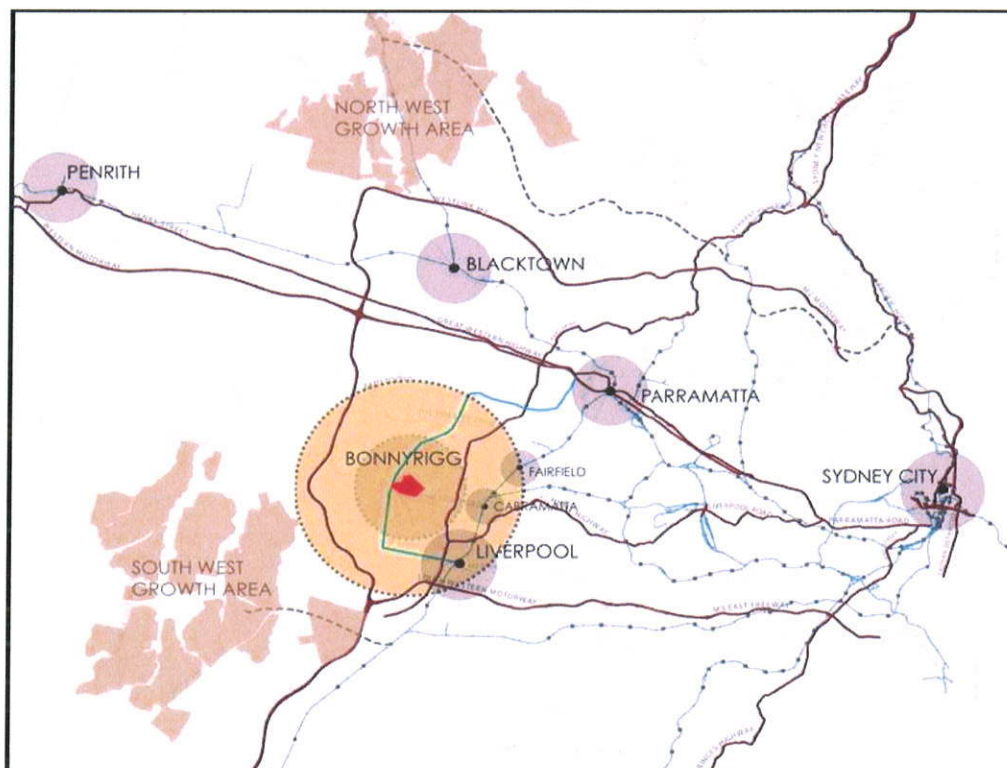


Figure 1: Context Location Plan (Source: Bonnyrigg Masterplan)

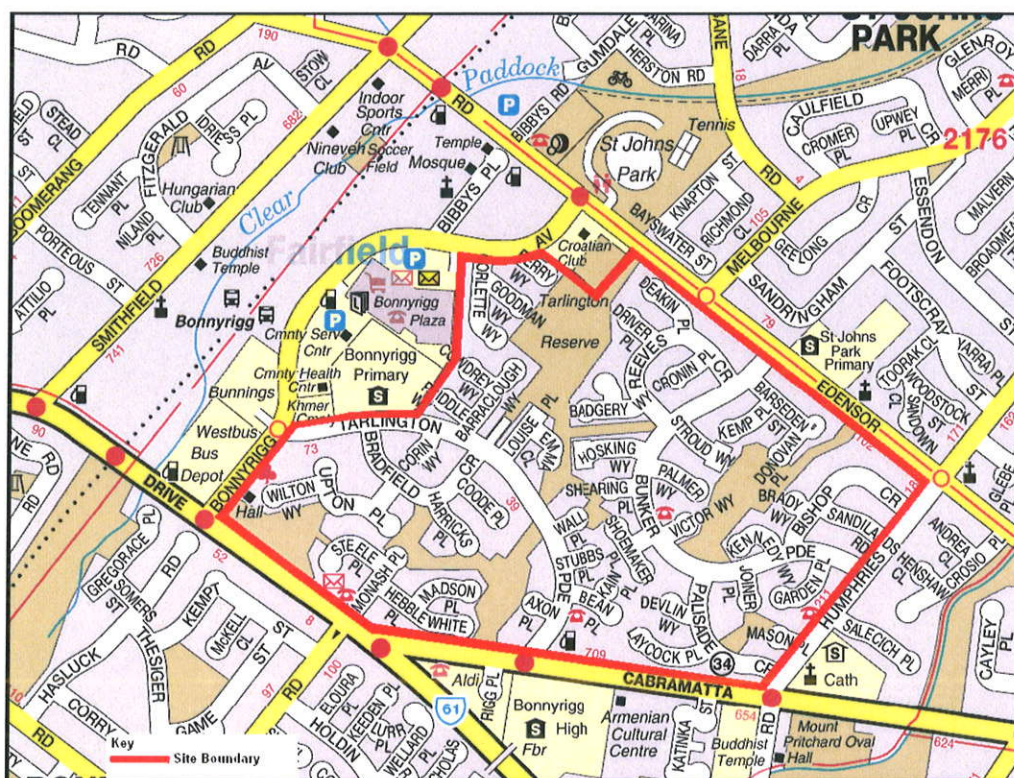


Figure 2: Newleaf Living Communities Masterplan site (Source: Google Maps)

The development, as approved, comprises:

A Concept Plan for:

- Demolition of existing dwellings in stages (excluding privately-owned dwellings);
- Construction of approximately 2,332 dwellings in 18 stages over 13 years (refer to **Figure 3 for Staging**);
- Construction of new roads, with 50% of existing roads to be retained;
- Provision of new infrastructure (including stormwater, sewer, recycled water, gas and electrical);
- Staged construction of a new community precinct comprising community, retail and commercial activities; and,
- Reconfiguration and upgrade of existing public open space.

A Stage 1 Project Application for:

- Subdivision 106 new lots in Stage 1; and,
- Construction of 106 new dwellings and associated infrastructure, provision of new open space and community facilities.

The approved staging for the overall project is detailed below at **Figure 3**.

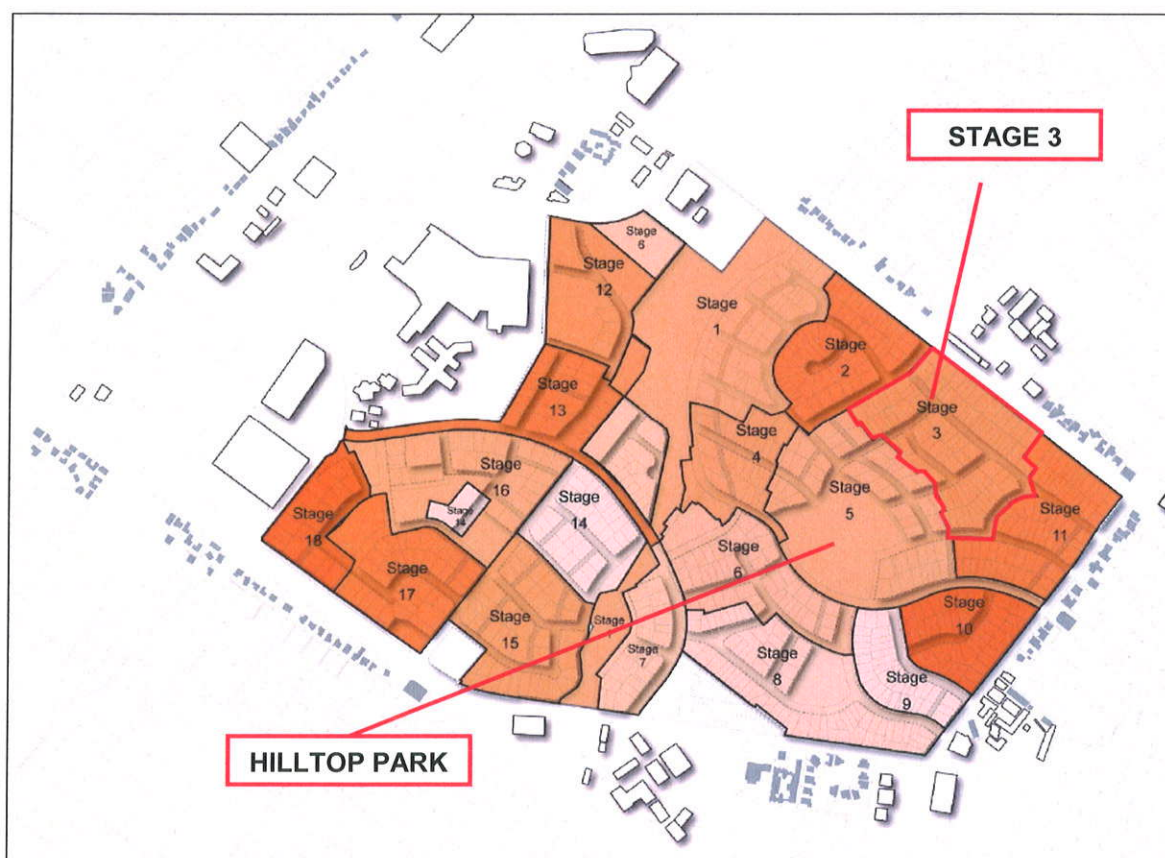


Figure 3: Approved Staging plan (Source: Bonnyrigg Masterplan)

In addition, as part of the approval, the then Minister for Planning provided for the assessment of all future stages of the Concept Plan by Council under Part 4 of the Act.

On 7 September 2009, the Department approved MP06_0046 MOD 1 to modify the Concept Plan and Stage 1 Project. The modifications included minor amendments to the dwelling design, updated lot references and some changes to conditions. There was no increase in the number of approved dwellings for the site.

On 19 April 2010, the Department approved MP06_0046 MOD 2 to modify the Concept Plan by including 15 Deakin Place as part of the development approval and permit detached dwellings on 8.5m wide lots for future Stages 2-18.

To date Stage 1 of the Masterplan has been completed and Stage 2 is currently under construction.

Fairfield City Council is currently assessing a Development Application (DA) for Stage 3, which will be determined by the Joint Regional Planning Panel (JRPP). The DA relies on this modification to the Concept Plan and will not be determined until this modification application to the Concept Plan is determined.

The Stage 3 DA comprises the following;

- subdivision to create 6 super lots and provide for public open space land dedication to Council;
- construction of 159 dwellings (22 dwellings in a 3 storey apartment building, 28 attached dwellings (duplexes) and 109 detached dwellings); and,
- further subdivision to create 137 Torrens Title lots and 22 strata lots (for the apartment building).

2. PROPOSED MODIFICATION

2.1 Modification Description

On 20 December 2010, Urbis on behalf of Bonnyrigg Partnerships (the Proponent) lodged a Section 75W modification request seeking approval for variations to Stage 3 of the Concept Plan.

The Proponent advises that the proposed modifications are a response to market feedback for more traditional housing typologies and greater housing affordability. In addition, the Proponent has noted difficulty in achieving acceptable levels of residential amenity in development of the larger "plex-style" buildings, which comprise of 6 and 8 dwellings, generally in an attached townhouse form of 2 and 3 storeys.

The other building typologies identified in the Concept Plan being detached dwellings, duplexes, 3-plex and 4-plex buildings of 1 and 2 storeys have proved to be more successful.

The proposed variations are detailed below in **Table 1**.

Table 1: Summary of proposed Modifications

Proposed Amendment	Supported
Reduce the minimum allotment width size for detached dwellings from 8.5 metres to 6.7 metres and minimum allotment depth from 27.5 metres to 25 metres to allow for more traditional housing options.	Yes
Reduce the minimum allotment width size for duplex (attached dwellings) building types from 15 metres to 12.8 metres and minimum allotment depth from 30 metres to 25 metres to allow for more traditional housing options.	Yes
Additional criteria to allow walk-up flats in additional locations.	Yes
Re-wording of zero side setback guidelines to enhance privacy, amenity and streetscape.	Yes
Alter staging boundary decreasing the area of Stage 3 by 1100m ² .	Yes
Variation to front boundary fencing types to provide additional privacy to front courtyards of duplex buildings.	Yes
Amend the Statement of Commitments to allow for greater consultation with Fairfield City Council.	Yes

It is noted that the modification results in a **reduction** in dwelling numbers from 160 in the approved Concept Plan to 159 dwellings.

No changes are proposed to the overall layout of the approved Concept Plan or future staging. The road network, public parks, and overall heights of buildings will remain generally the same.

The proposed modifications will require replacement of relevant pages of the Concept Plan approval (including references to the Bonnyrigg Masterplan) being pages 53, 67, 148, 150, and 164 (**Appendix A**). This will require an amendment to Condition A3 of the Concept Plan approval.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

The modification application has been lodged with the Department pursuant to Section 75W of the Act. Section 75W provides for the modification of a Minister's approval if the project as modified would be consistent with the existing approval under Part 3A.

In this regard, the proposed modification is consistent with the existing approval granted under Part 3A as the proposed modification primarily relates to a change in the dwelling mix and typologies, and other minor amendments to the Concept Plan approval.

The proposed modification does not result in any significant changes to the overall form, character, use, density or impacts of the development as originally approved.

3.2 Environmental Assessment Requirements

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

3.3 Delegated Authority

On 28 May 2011, the Minister delegated his powers and functions under Section 75W of the Act, to the Planning Assessment Commission (PAC) in cases where there has been a reportable political donation made or where Council has objected to the proposal or where 25 public submissions or more (not including submissions from public authorities) in the nature of objections in respect of the modification request have been received.

As Council have objected to the proposed modification, the PAC will determine the application. No public submissions were received (see **Section 4**).

The Proponent has not made any reportable political donations.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

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

Fairfield Council were consulted in relation to the Section 75W application and made 2 submissions objecting to the modification request. The issues raised in Council's submissions are discussed in **Section 5** of this report. Council particularly objected to the reduction to the width of the detached dwelling allotments and the implications for on-street car parking, and, potential increases in density in future stages.

Council also raised concerns over the lack of community consultation undertaken for the proposed modifications. The Proponent has advised community consultation was undertaken between 12 November 2010 and 23 November 2010 with existing residents and other key stakeholders. In addition, the Proponent proposes an additional Statement of Commitment to ensure appropriate consultation is undertaken with Council in the future. This is discussed further under **Section 5.3**.

The Proponent also made a presentation to the elected Council members and Council staff on 19 March 2011.

The Department considers the Proponent has satisfied its requirements to consult with Council, and the community during the development process in accordance with Condition A1 of the consent which provides as follows;

"A1 Voluntary Planning Agreement and ongoing Consultation

- (1) It is a condition of this approval that the proponent must comply with the provisions of the Planning Agreement entered into with Fairfield City Council under Subdivision 2 of Division 6 of Part 4 of the Environmental Planning & Assessment Act, 1979 (NSW) which relates to the project which is the subject of this approval.*
- (2) The proponent shall continue to liaise with Council during the development process.*
- (3) The proponent shall continue to liaise with the local community during the development process."*

5. ASSESSMENT

The key issues considered in the assessment are:

- Reduced site area for Stage 3;
- Impacts of revised dwelling mix and reduced allotment widths;
- Potential density increase in future stages; and
- Fencing.

5.1 Reduced site area for Stage 3

The original approval of the Masterplan was for development of the Bonnyrigg Estate in 18 stages over 13 years. The modification seeks to alter the approved staging boundary of Stage 3 by re-aligning the boundaries and reducing the overall area by 1,100m² as seen in **Figures 4** and **5** below. This will have future impacts on Stage 5 and 11 (refer to **Figure 3**).

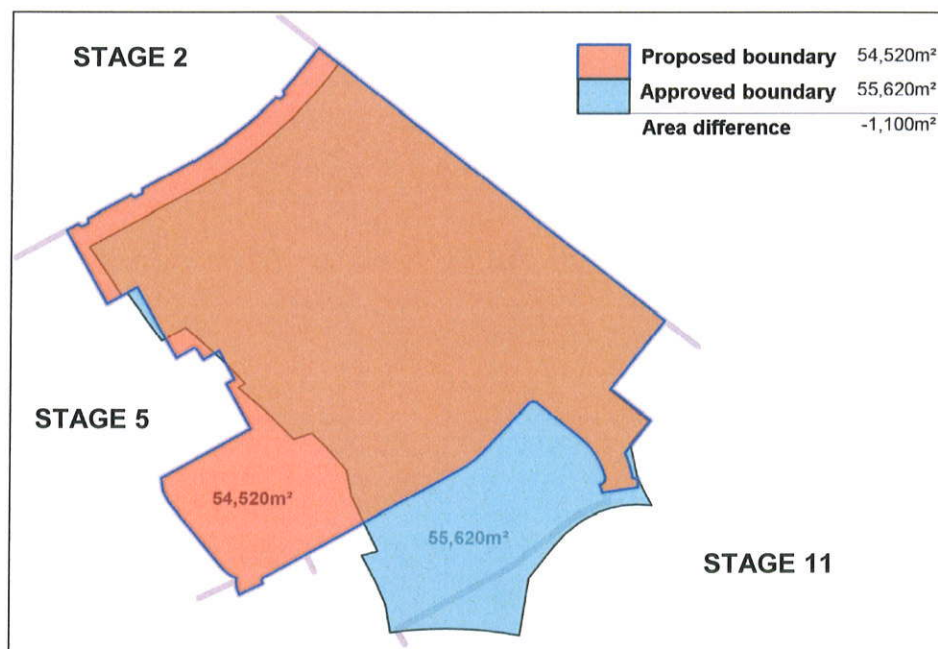


Figure 4: Stage 3 Boundary (Proposed and Approved) (Source: Urbis)

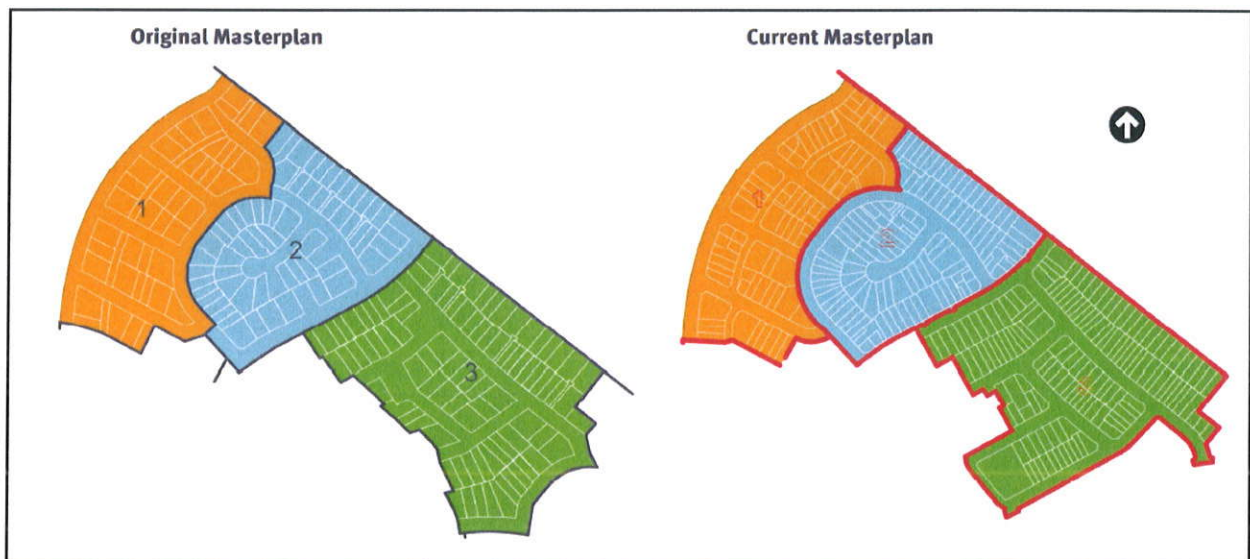


Figure 5: Approved and proposed modified layout for Stage 3 (Green) (Source: Urbis)

The boundary adjustment is proposed primarily to accommodate the new 3 storey walk-up flat building in close proximity to public open space (*Hilltop Park – refer to Figure 3*) and to avoid overshadowing from the increased building mass of the walk-up flat buildings on dwellings.

The proposed boundary adjustment does not significantly alter the dwelling yield for Stages 1 to 3 (refer to **Table 2** below). Further, the overall density does not exceed 29 dwellings per hectare as approved in the Concept Plan.

Table 2: Approved and proposed densities for Stages 1 to 3

Stage	Approved			Proposed		
	Dwellings	Area (ha)	Density (dwellings/ha)	Dwellings	Area (ha)	Density (dwellings/ha)
1*	106	4.03	26.3	106	3.82	27.7
2**	110	3.54	31.1	104	3.53	29.5
3	160	5.4	29.6	159	5.29	30.1
Total	376	12.97	29 (Average)	369	12.64	29 (Average)

*Stage 1 has been completed.

**Stage 2 is substantially completed.

Council's Comments

Council has not raised an objection to the proposed boundary adjustment and are satisfied that the reduced site area for Stage 3 is not associated with any increase in dwelling yield or dwelling density for Stage 3.

Proponent's Justification

The Proponent has confirmed that minor changes to the staging boundaries will not impact on the approved density in the Concept Plan and no dwelling yield or density changes are proposed as part of the subject modification.

Department's Assessment

The Department has considered Council's comments and the Proponent's justification in its assessment of the proposed modification and considers that the minor adjustment to the Stage 3 boundary are acceptable given that the overall density (Stages 1-3) complies with the Concept Plan approval.

5.2 Impacts of revised dwelling mix

The proposed modification seeks to vary the dwelling mix and building forms through the introduction of more traditional building typologies in place of the larger "6 & 8 plex-style" buildings. The modification proposes to amend the approved Concept Plan to include revised provisions for narrow lots with zero lot line setbacks for detached housing, narrow lots for duplex (attached dwellings) building types, and additional performance criteria for the location of residential flat buildings (walk-up flats).

The Concept plan approval allows a total of 160 dwellings in Stage 3. It is noted that Stages 1 and 2 comprised 106 and 110 dwellings respectively. The modification reduces the total dwelling yield for Stage 3 to 159 dwellings (-1) and a breakdown of the dwelling mix proposed in Stage 3 is shown in **Table 3** below.

Table 3: Summary of Stage 3 proposed dwelling mix

Dwelling Types	Lot widths	Number	Percentage (%)
Large (detached form)	9.38-14m	77	48
Narrow lot (detached form)	6.7-7.1m	30	19
Duplex (attached form)	6.4m	30	19
Walk-up apartment building	N/A	22	14
Total		159	

The total number of detached dwellings in Stage 3 is 68% (107) dwellings). The narrow lot typologies comprise 60 of the total of 159 dwellings (38%).

5.2.1 Narrow lots and zero lot lines

The proposed modification seeks to implement a greater range of narrow lots to provide a higher number of detached dwellings and attached duplexes. The Concept Plan currently allows for a minimum lot width of 8.5 metres for detached dwellings and 15 metres for attached duplexes.

The modification originally sought to reduce minimum lot widths to 6.4 metres for detached dwellings, however following discussions with Council, the proposed minimum lot width was revised to 6.7 metres and the minimum lot depth was revised to 25 metres from 27.5 metres depending on the orientation of the lot. The modification also seeks to reduce minimum lot width for duplexes from 15 metres to 12.8 metres and minimum allotment depth from 30 metres to 25 metres. Refer to **Table 4** below for a summary of the proposed modifications.

Table 4: Summary of proposed Modifications to Lot width and depth

Dwelling Type	Minimum Lot Width		Minimum Lot Depth	
	Approved Concept Plan (as amended)	Proposed modification to Concept Plan	Approved Concept Plan (as amended)	Proposed modification to Concept Plan
Detached Dwellings	<ul style="list-style-type: none"> • 8.5 metres • 12.5 metres (if twin garage) 	<ul style="list-style-type: none"> • 6.7 metres (if north facing rear yard and single garage) • 8.5 metres (if south facing rear yard and single garage) • No Change 	<ul style="list-style-type: none"> • 27.5 metres • 27.5 metres 	<ul style="list-style-type: none"> • 25 metres (if north facing rear yard and single garage) • 25 metres (if south facing rear yard and single garage) • 25 metres (if twin garage)
Duplex	<ul style="list-style-type: none"> • 15 metres (if garages & parking located at the rear) • 17 metres (if garages located at the street front) 	<ul style="list-style-type: none"> • 12.8 metres (if north facing yard) • 15 metres (if south facing yard and garages/car parks located at rear) • 17 metres (if south facing yard and garages located at street front) 	<ul style="list-style-type: none"> • 30 metres • 30 metres 	<ul style="list-style-type: none"> • 25 metres (if north facing yard) • 30 metres (if south facing yard and garages/car parks located at rear) • No Change

Council's Comments

Council objects to the reduced lot widths for the detached dwellings. Council was particularly concerned that the proposed narrow lots would result in lot sizes that would be unable to accommodate the scale and form of the larger housing types originally approved.

Further, Council considers that the modification will create an undesirable built form and streetscape, and poor levels of residential amenity in terms of inadequate living space and landscaped areas, reduced solar access, and privacy impacts between adjoining properties.

Council is also concerned that the reduced lot widths will reduce opportunities for on-street parking for visitors for Stage 3 and future stages within the Concept Plan resulting in potential illegal parking within the Estate. Council requests that a minimum of 1 on-street car parking space is provided for every two dwellings and that it is evenly distributed through the relevant stages to minimise congestion.

Proponent's Justification

The Proponent has advised that the introduction of narrow lots responds to market demand for more traditional detached building typologies in place of larger "plex-style" buildings, and improves housing affordability for the development (refer to **Figure 6** below).

In addition, the Proponent argues traditional building typologies attract a higher level of owner-occupiers within the estate. The modification will assist in achieving a more desirable mix of owner occupiers, investors and community tenants, as reflected in **Figure 7** below.

	Original Proposal 2006	Stage1 2009	Stage2 2010	Stage3 2011
4 Bed Detached	\$550k	\$495k	\$485k	\$480k
3 Bed Detached	\$465k	\$465k	\$445k	\$435k
3 Bed Duplex	\$420k	\$420k	\$420k	\$385k
2 Bed Plex	\$365k	\$325k	\$320k	N/A
Garden Apartment	N/A	N/A	N/A	\$305k

Figure 6: Housing price table by stages
 (Source: Urbis)

	Stage 1 106 Dwellings	Stage 2 104 Dwellings	Stage 3 (Half sold) 159 Dwellings
Owner occupiers	25%	20%	60%
Investors	37%	42%	5%
Community tenants	38%	38%	35%
Total	100%	100%	100%

Figure 7: Demographic of purchasers through stages
 (Source: Urbis)

The Proponent also submits that the replacement of "plex-style" dwellings with detached dwellings will improve residential amenity. Subdivision and building layouts will be specifically designed to optimise solar access and minimise overshadowing on adjoining properties. Large lots will generally be north-orientated whilst narrow lots and duplex lots will be restricted to orientate to the south enabling maximum solar amenity in north facing rear yards.

Where dwellings are proposed with zero lot lines, the zero setback will be on the southern and western side of dwellings to maintain reasonable environmental amenity and minimise overlooking and acoustic impacts on adjoining dwellings and open space.

Dwellings on narrow lots comply with the Concept Plan with regards to built form character and streetscape garage designs as seen in **Figure 8**. Dwelling sizes would be similar to "plex-style" dwellings if not greater. The amended scheme will result in increased private open space and additional landscaping opportunities in front yards.