



Newleaf Bonnyrigg - Response to Submissions

Section 75W Application (MP06_0046)

April 2012

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1 Introduction

This report has been prepared on behalf of Bonnyrigg Partnerships and responds to each of the submissions received during the formal public exhibition of the Section 75W application to amend the Newleaf Bonnyrigg Concept Plan.

The report addresses each of the issues raised by the Department of Planning and Infrastructure in Schedule 1 of their correspondence dated 21 March 2012. It also addresses the issues raised in the submissions received from the following government agencies and local stakeholders:

- Fairfield City Council (FCC)
- NSW Land and Housing Corporation
- Transport NSW
- Roads and Maritime Services
- Sydney Water
- NSW Office of Environment and Heritage
- Residents and Resident Groups:
 - 5 Hibiscus Street, Bonnyrigg
 - 9 Upton Place, Bonnyrigg
 - 11 Upton Place, Bonnyrigg
 - Bonnyrigg Private Homeowners Group

Overall, it is considered that the proposal is satisfactory and approval of the Section 75W application is recommended, subject to the following additional amendments:

- Condition A2(4) of the Concept Plan approval is to be updated by deleting the reference to the 6-plex and 8-plex attached dwellings.
- The Bonnyrigg Masterplan is to be updated as follows:
 - Page 5 is to be updated by replacing “88 private homes” with “85 private homes”.
 - The bus route map in Part 4 is to be updated to address the requirements of Transport for NSW.
 - All references to the 6-plex and 8-plex attached dwellings are to be deleted
 - Visitor car parking for the garden apartments (i.e. medium density apartment developments) is to be provided in accordance with the Roads and Maritime Services requirements.
 - Additional requirements for the terraces/row houses are to be incorporated into Part 5.

All other matters remain as proposed within the Section 75W application as submitted to the Department of Planning and Infrastructure in December 2011. A revised Statement of Commitments is not considered to be necessary, having regard to the responses outlined above.

2 Department of Planning and Infrastructure

2.1 POPULATION FORECAST AND PUBLIC OPEN SPACE PROVISION

2.1.1 OCCUPANCY RATES

The population of the approved Concept Plan was calculated based on dwelling occupancy rates of 1.5 for private dwellings, and 1.7 for public dwellings. Following discussions with FCC, it has been agreed that use higher occupancy rates for the additional 168 dwellings proposed in the S75W.

There are three different occupancy rates that have been considered in calculating the population of the Bonnyrigg Estate:

- *Actual occupancy rates* of 2.2 persons per private dwelling and 3.2 persons per public dwelling. These rates were calculated from completed stages one and two, and an analysis of sales in stage three. It is noted that from Stage 3 the size of private homes has reduced in overall size.
- *Average occupancy rates* of 2.6 persons per private dwelling and 3.2 persons per public dwelling. The private dwelling occupancy rate was calculated from the occupancy rates for different sized dwellings listed in FCC's Draft Development Contributions Plan.
- *FCC's preferred rate* of 3.17 persons per dwelling, for both public and private dwellings.

FCC's preferred blanket rate of 3.17 has not been accepted for the following reasons:

- The rate is based on assumptions for the entire LGA, which cannot reasonably be applied to the Bonnyrigg Estate. The Estate is a unique, medium density development within the Fairfield Local Government Area.
- It is inaccurate to apply an occupancy rate of 3.17 to the significant number of smaller dwellings on the Estate (e.g. one and two bedroom), particularly for private dwellings.
- The 3.17 rate is based on projections, whereas the actual occupancy rates above were obtained from completed stages 1 and 2 and analysis of the actual sales for stage 3.

Although it would be reasonable to apply actual occupancy rates in calculating the population increase, Bonnyrigg Partnerships has agreed to apply higher occupancy rates – 2.6 persons per private dwelling and 3.2 persons per public dwelling – by way of a compromise. These are the occupancy rates that have been used in the Social Infrastructure Needs Analysis and Social Impact Assessment and all other social planning correspondence and documentation.

2.1.2 QUANTUM OF PUBLIC OPEN SPACE

As outlined in the Social Infrastructure Needs Analysis and Social Impact Assessment submitted with the S75W application, the additional open space proposed is considered adequate to meet the needs of the additional population, both in quantity and quality. In particular:

- Applying the open space standards from the FCC's Draft Development Contributions Plan to the population increase of 463 persons, an additional 1,286m² of open space is required. The proposed 1,300m² accommodates this.
- There are high levels of connectivity between open spaces, particularly through the centre of the renewal area (between the 'Entry Park', 'Lower Valley Creek Park', 'Valley Creek Park' and 'Upper Valley Creek Park') and in the west (between the 'Hilltop Park' and the 'Junior Play Park').
- There are a variety of passive and active recreation activities provided for, serving a wide variety of age groups and preferences within the community.

- Higher density residential uses are concentrated around open spaces and public areas to encourage community interaction, facilitate ease of access to these areas and ensure passive surveillance.
- Open space provision remains consistent with the principles of provision approved under the original Concept Plan.

2.2 COMMUNITY FACILITIES

2.2.1 ADDITIONAL SPACE

Bonnyrigg Partnerships have proposed an additional 140m² of floor space for community facilities within the Estate. Applying the FCC's Draft Contributions Plan standard, this provision is more than adequate to meet the demand generated by the population increase.

Furthermore, the capacity of existing community facilities and social infrastructure in the local area was investigated in the Social Infrastructure Needs Analysis and Social Impact Assessment submitted with the S75W modification. Community centres and halls, schools, childcare facilities, and sport and recreation facilities were reported as having capacity to accommodate additional patronage and some anticipated benefits associated with increased use.

2.2.2 INDICATIVE LAYOUT AND USES

Section 5.6 of the Bonnyrigg Masterplan provides an indicative layout of the proposed neighbourhood centre, including the location of the community centre.

The detailed design of the community centre building will be resolved in the preparation of the development application. The following design brief was recommended by Urbis in 2007 and is considered to remain appropriate:

- Accessible and safe/secure design
- Commercial component
- Bonnyrigg Partnerships offices
- Culturally appropriate public art
- Lockable access to the adjacent park
- Performance space
- BBQ area
- Allotment gardens
- Spill out space
- Garden clinic workshop and storage.

2.3 MASTERPLAN CONTROLS

2.3.1 CAR PARKING

The car parking rates for the garden apartments have been amended to reflect the Roads and Maritime Services (RMS)(formerly Roads and Traffic Authority) guidelines for this type of development. The Bonnyrigg Masterplan has been updated accordingly (refer to page 162). A copy of the updated Bonnyrigg Masterplan is attached as **Appendix A**.

2.3.2 ROW/TERRACE HOUSING

The proposed terrace/row house typology is a form of attached housing. Detailed controls for attached dwellings are already provided within the Bonnyrigg Masterplan, including:

- Site coverage (landscaped area and building footprint)
- Streetscape (garages and building elements)
- Bulk and scale (building height and ceiling height)
- Setbacks (front, side and rear)
- Privacy (visual privacy and acoustic privacy)
- Safety and security (CPTED principles)
- Open space (private open space, fencing and retaining walls)
- Car parking and garages
- Service areas
- Storage
- Sloping sites (cut and fill)
- Energy efficiency
- Water and wastewater management
- Occupant amenity and thermal comfort
- Solar access

Each of the above guidelines are considered to be adequate and appropriate to address the broad range of matters identified by Council in their preliminary review of the indicative development plan, including private open space, solar access, safety and security/CPTED and provision of garbage service areas.

Additional consideration has been given to concerns raised by Council with regard to the maintenance of the landscaped areas in the front setback, particularly where there is no external access between the front and rear yards. It is proposed to provide a reduced front setback to 2.0m and provide landscaping controls for row houses/terraces to achieve an appropriate built form and address potential maintenance issues e.g. no turf; shrubs and planter beds instead.

The Bonnyrigg Masterplan has been updated to provide specific front setback and landscaping controls for terraces/row houses (refer to pages 148 & 151). A copy of the updated Bonnyrigg Masterplan is attached as **Appendix A**.

2.3.3 SECTION 94A CONTRIBUTIONS

Clause 9 of the Voluntary Planning Agreement (VPA) for Newleaf Bonnyrigg states:

- (a) *Subject to subclause (b), this Agreement excludes the operation of sections 94 and 94A of the Act to the Project.*
- (b) *Sections 94 and 94A of the Act will apply, as detailed in the Infrastructure and Services Delivery Plan, to those components of the Project (if any) that exceed the residential density contemplated in the Concept Plan.*
- (c) *Subject to the Minister's approval, this Agreement excludes the operation of section 94EF of the Act to the Project.*

This clause was included to ensure that the additional demands generated by any increase in the total or staged number of dwellings would be met by way of monetary contributions to Council. It would not

accommodate the changes proposed in the current modification, noting the minor changes to the staged delivery of the public infrastructure which will require an update the Infrastructure Services Delivery Plan.

Further, it should be noted that the Section 75W application seeks to increase the provision of public infrastructure to meet the demands of the net increase in residential population. As such, it is not considered reasonable or necessary for the payment of Section 94A contributions. It is proposed to update the Infrastructure Services Delivery Plan to reflect the proposed modifications, including the additional infrastructure and the amended staging.

This approach is consistent with the original approach to the delivery of infrastructure by way of the VPA. In particular, it can be seen that the capital investment value of the proposed additional infrastructure is significantly in excess of the payment that would otherwise be required under the contributions plan, as demonstrated below:

- Section 94A Contribution:
 - Additional 168 dwellings @ \$170,000¹ per dwelling x 1% levy = **\$285,600**
- Voluntary Planning Agreement:
 - Increased area of community centre is 140m² x \$2,150/m² = \$301,000
 - Additional open space @ 1,300m² – Open space provisions are \$115/m² = \$149,500
 - CIV Embellishment = \$52,000
 - **Total = \$502,500**

It is anticipated that there will be ongoing discussions and negotiations with Fairfield City Council to update the Infrastructure Services Delivery Plan to meet the needs of the additional residents and reflect the revised staging of the renewal.

2.4 OTHER MATTERS

2.4.1 COMPARISON MAPS AND DIAGRAMS

dKO Architecture has prepared comparison maps/diagrams which clearly show the difference in the approved and proposed masterplan layout and staging. Reduced sized copies of these maps are held as **Appendix B** of this report.

2.4.2 INDICATE DWELLING YIELDS AND TYPOLGIES

The Indicative Staging Plan provides a breakdown of the number of dwellings on a stage-by-stage basis. This Plan was based on a spreadsheet produced by Bonnyrigg Partnerships which includes the individual dwelling typologies to be delivered to meet the anticipated needs of NSW Housing and private market demand.

This level of detail does not form part of the current Concept Plan approval and it is not intended to be incorporated by way of the current Section 75W application. A copy of the spreadsheet may be provided for viewing by the Department of Planning and Infrastructure upon request, however, it is not proposed to be formally submitted as an approval document, noting that there needs to be an appropriate amount of flexibility with regard to the delivery of housing to meet the changing needs of the community.

¹ Council estimated an average construction cost of \$250,000 per dwelling, however, this figure is significantly in excess of the actual construction cost of dwellings within Newleaf Bonnyrigg

2.4.3 SOLAR ACCESS AND PRIVACY

Detailed analysis of the potential solar access and privacy impacts of all dwelling typologies will need to be undertaken during the detailed design phase associated with the preparation of the development applications for individual stages.

However, the likely location of the proposed apartment buildings has given consideration to the potential impacts on solar access and privacy of the private dwellings within the estate and the following comments are made:

- Garden apartments are generally separated from other dwelling typologies by public open space and/or the local road network, providing significant separation distances between apartment buildings and the nearest residential properties. Where apartments are located adjacent to other dwelling typologies, sufficient separation distances will be achieved through careful site planning and design, including the location of car parking spaces, access, landscaping and the like.
- The proposed apartment buildings are generally located so that they are not immediately adjacent to the privately owned lots. The only exception is the apartments located opposite the neighbourhood centre. These lots benefit from a high level of amenity due to their proximity to the public open space and the future community facilities. As such, it is considered important to be able to accommodate garden apartments in this location. However, these buildings will be limited to three storeys and will be designed to avoid any unacceptable impacts to the adjoining privately owned lots.

Detailed consideration is given to the potential impacts of the lifted apartments in the Temple Precinct within **Section 5.1** of this report.

2.4.4 BONNYRIGG MASTERPLAN

The matters raised with regard to the inconsistencies in the Bonnyrigg Masterplan are addressed as follows:

- The reference to “88 private homes” is a typographical error. There were 86 private homes on the estate when the original version of the Bonnyrigg Masterplan was prepared. Since then, Bonnyrigg Partnerships has purchased a privately owned lot (in Stage 2) and there are now 85 private homes on the estate. This error has been rectified in the updated copy of the Masterplan attached as **Appendix A**. The total number of dwellings is less than the “approximately 2,500 dwellings” proposed within the Section 75W application.
- Appendix G has been updated to include the correct page references. An updated schedule is attached as **Appendix C** of this report.
- Car parking rates are proposed to be included by way of this Section 75W application (Modification 4) to avoid any confusion in the assessment of the future development applications for the lifted apartments and/or seniors living dwellings. This section should have been shaded to highlight the proposed additional text.
- The ‘Indicative Options’ shown in Part 5.4 are reflective of the amended Concept Plan maps, including the Land Use Plan, Indicative Staging Plan and Road Hierarchy Layout. The Section 75W application seeks to include these changes through the approval of the updated Bonnyrigg Masterplan.
- A visitor car parking rate for the garden apartments has been included within the updated Bonnyrigg Masterplan held as **Appendix A**.

3 Fairfield City Council

3.1 PROPOSED INCREASE IN HOUSING DENSITY AND POPULATION

Fairfield City Council's (FCC) correspondence dated 14 March 2012 raises three key issues with regard to the proposed increase in housing density and population, each of which are addressed below:

- *Major concerns with regard to a perceived deficiency in public open space and community facilities.*

The perceived deficiency of public open space and community facilities has been addressed at Sections 2.1.2 and 2.2 above. Both open space and community facilities are considered to be adequately provided for the net increase in future population resulting from the amendments to the Masterplan. The perceived deficiency occurs as a result of FCC over-estimating the population of the Estate and seeking to apply inappropriate benchmarks (2.83 hectares per 1,000 persons – commonly used in planning for new release areas and frequently unachievable in existing urban areas) to the whole Estate area.

- *Requests that the proponent be required to undertake further investigations and consultation with Council regarding the potential provision of facilities within the local catchment.*

In addition to ongoing written correspondence, Bonnyrigg Partnerships and Urbis met with FCC on 30 August 2011, 16 September 2011, 19 October 2011, 15 February 2012 and 29 February 2012 to discuss the proposed amendments, outcomes of the Social Infrastructure Needs Analysis and Social Impact Assessment, population calculations and provision of open space. Bonnyrigg Partnerships have conceded a number of areas as a result of these discussions. It has been agreed to calculate the population of the Estate based on a 99% overall vacancy rate (higher than the 94% vacancy rate applied in the original approval) and calculate the population of the Estate using higher dwelling occupancy rates (refer Section 2.1.1 above). A summary sheet of these calculations are included at **Appendix D**. We consider it unnecessary to undertake further investigations over facilities as those currently proposed are deemed sufficient.

- *Requests that the proponent utilise independent population projections for the increased housing density.*

This matter is at the discretion of the NSW Department of Planning and Infrastructure, however it is noted that Urbis has considered a range of ways to calculate the population increase associated with the proposed modification. The method and assumptions applied are the result of extensive research and negotiation with Council and are considered the most reasonable to be applied to the net increase in the future population.

Council also raised issue with regard to the social planning outcomes. Urbis undertook a detailed Social Infrastructure Needs Analysis and Social Impact Assessment in December 2011, which included an assessment of the social impacts of the proposed amendments. The Needs Analysis and Impact Assessment was informed by:

- A review of previous studies and documentation relating to infrastructure provision and social impact.
- A review of relevant local government policy pertaining to open space and community facilities
- A demographic analysis of the existing population in Bonnyrigg and the likely incoming community
- Population forecasting
- An audit of existing social infrastructure, including consultation with service providers to understand demand, supply and capacity
- Consultation undertaken with Fairfield City Council, the NSW Department of Planning and Infrastructure and NSW Housing
- A review of the community consultation undertaken by GHD.

The Needs Analysis and Impact Assessment found that as the proposed amendments do not significantly alter the approved Concept Plan, there are few social impacts identified in addition to those

previously determined and approved. It was found that the additional open space and community facilities proposed adequately cater to the population increase resulting from the additional 168 dwellings, with the exception of bulk billing medical facilities which were already known to be in high demand, existing social infrastructure is sufficient to accommodate further patronage.

3.2 VISITOR CAR PARKING RATES

Council's correspondence dated 14 March 2012 states that the proposed car parking rates for the apartment buildings are not supported and that car parking be provided in accordance with the RMS (formerly RTA) guidelines for this type of development.

Bonnyrigg Partnerships issued correspondence to Council on 1 March 2012 agreeing to the adoption of the RMS rates. Accordingly, no objection is raised with regard to Council's request.

The Bonnyrigg Masterplan has been updated to provide visitor car parking in accordance with the RMS requirements (refer to page 162). A copy of the updated Bonnyrigg Masterplan is attached as **Appendix A**.

3.3 LOCATION OF GARDEN APARTMENTS AND TERRACES

Council has requested that the criteria location for apartments be changed so that these structures can only be provided '*directly opposite public open space or the community facility precinct*'.

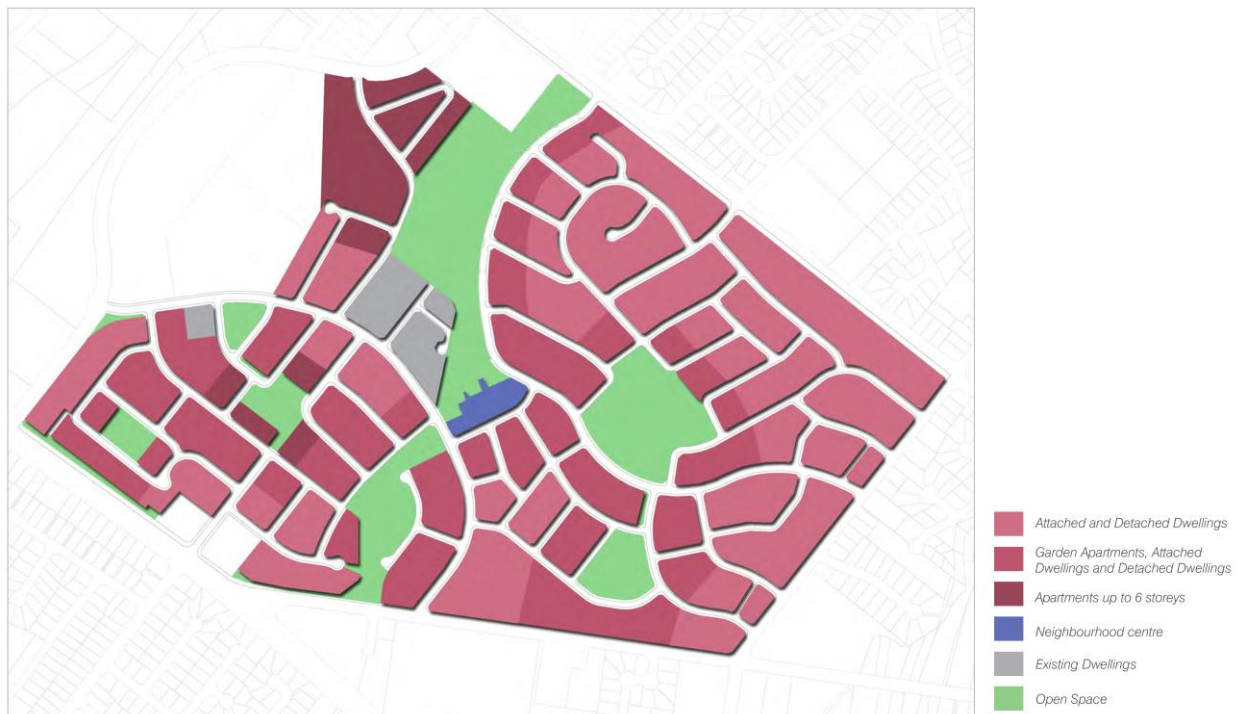
Section 5.5 of the Bonnyrigg Masterplan (as updated by MOD 3) states that:

"Garden (or walk up) apartments should be provided in a variety of locations which allow opportunities for enhanced residential amenity, design quality and environmental sustainability within Newleaf Bonnyrigg in accordance with the guidance contained within SEPP 65.

Areas such as those in close proximity to public open space, parks and activity centres will be suitable as they provide 'breathing space' for housing, opportunities for passive and active recreational opportunities, pleasant views, and casual surveillance"

Bonnyrigg Partnerships considers that the current controls are entirely appropriate and do not need to be modified. It is our view that it is appropriate to allow for garden apartments to be provided in close proximity to Bonnyrigg Plaza, as well as open space and the community facility precinct. The revised Land Use Map clearly shows where garden apartment can be located in areas which benefit from a higher level of residential amenity. This includes sites which are in close proximity to services and public transport and are appropriate for higher density development.

FIGURE 1 – LAND USE MAP – DECEMBER 2011 (PROPOSED)



Further, it is our view that the proposed terraces/row houses should not be restricted in terms of their location but can be provided across the residential estate, similar to the current provisions for 4, 6 and 8-plex attached dwellings which are of a similar or higher density.

The location of specific dwelling types will continue to be resolved by way of the detailed site planning associated with the preparation of a Part 4 development application. The appropriateness of the siting and design of terraces/row houses within the relevant stages will be assessed in accordance with the provisions of the Bonnyrigg Masterplan for each future Stage DA in which they are a component.

3.4 MASTERPLAN CRITERIA FOR TERRACES/ROW HOUSES

Section 2.3 of this report has demonstrated that the detailed controls for attached dwellings within the Bonnyrigg Masterplan will be sufficient to guide the appropriate siting and design of the terraces/row houses. It is proposed to add specific front setback and landscaping controls for row houses/terraces to provide for an appropriate built form and address potential maintenance issues. A copy of the updated Bonnyrigg Masterplan is attached as **Appendix A**.

The additional issues raised by Council regarding street frontage and laneways/rights of way are considered to be more appropriately addressed at the development application stage. However, the following comments are noted:

- The Built Elements section of the Masterplan (page 150) already includes the following provisions:
 - *Dwellings are to have a direct entry and address from a street frontage;*
 - *Front doors to dwellings are to be visible and/or easily identifiable from the street;*
- The terrace/row houses will need to have rear loaded garages to enable car parking to be provided in a manner that does not dominate the main frontage and the streetscape. The use of Access Places (refer to Part 4 of the Bonnyrigg Masterplan – pages 82-83) may be appropriate in some circumstances, however, it may also be appropriate to provide shared easements. This matter will be resolved on a case-by-case basis having regard to the number of dwellings, site context and potential impacts.

3.5 SIX AND EIGHT PLEX HOUSING

Council's correspondence dated 14 March 2012 proposes the removal of the six and eight plex attached dwelling typology from the Bonnyrigg Masterplan.

Bonnyrigg Partnerships issued correspondence to Council on 1 March 2012 agreeing to the deletion of the six and eight plex attached dwellings from the Bonnyrigg Masterplan. Accordingly, no objection is raised with regard to Council's request.

The Bonnyrigg Masterplan has been updated to delete all references to the six plex and eight plex attached dwellings (refer to pages 146, 148). A copy of the updated Bonnyrigg Masterplan is attached as **Appendix A**.

3.6 COMMUNITY CONSULTATION

Bonnyrigg Partnerships has undertaken extensive consultation with a broad range of local stakeholders, including local residents. A letterbox drop in early October 2011 of all households within the estate boundaries, including private owners, advised local residents of the opportunities to review and comment on the revised plans as well as advising of the forthcoming public consultation events on 13-15 October 2011.

Consultation events were conducted in the main community languages with collateral and reference material available in eight languages - English, Vietnamese, Lao, Khmer, Arabic, Assyrian, Spanish and Mandarin. These events included:

- 27 September 2011 – Cultural Coffee Session
- 13 October 2011 - Bonnyrigg Plaza Stall and Stakeholder Consultation
- 14-15 October 2011- Community Consultation

A further report of these sessions was prepared by GHD and this was submitted along with the S75W and Stage 4 DA.

Further to the above, the Department of Planning and Infrastructure formally notified local residents of the proposed modification. Four submissions were received, including three submissions from private owners and one submission from the Bonnyrigg Private Homeowners Group. The issues raised in the submissions by residents are addressed in detail within Section 4 of this report.

3.7 PROVISION OF LIFTS AND HIGH LEVEL OF AMENITY FOR GARDEN APARTMENTS

Council has raised objection with regard to the incorporation of any three storey apartment building that does not contain internal lift access and a high level of residential amenity in any stage of the masterplan.

This matter was addressed within the assessment and determination of MOD 3. It is not economically viable to provide lift access to the three storey (or garden) apartments while delivering dwellings at an affordable price. Further, it was noted that the garden apartments are being provided in lieu of the 6-plex and 8-plex attached dwellings. An extract of our response to the issues raised by Council in the assessment of MOD 3 and the associated development application for Stage 3 is provided below:

The number of dwellings proposed to be accessed from the ground level entries is not proposed to increase. The plex dwellings include up to four upper level apartments being accessed from a single entry point. The proposed apartment building includes a maximum of four upper level dwellings (two dwellings per level) being accessed from a communal staircase.

It is our view that this matter was already fully assessed and resolved by way of the approval of MOD 3. Accordingly, no further changes to the Bonnyrigg Masterplan are warranted or proposed.

4 State Government Agencies

4.1 LAND AND HOUSING CORPORATION

The Land and Housing Corporation has made a submission generally in support of the modifications proposed within the Section 75W application. The key issues addressed in the submission are summarised as follows:

- The proposed increase in dwelling density is supported, having regard to the retention of social housing dwellings and the 70:30 private/social split.
- The proposed amendments to the road layout are considered to improve permeability and natural surveillance around the public open spaces.
- Concern is raised regarding the provision of on-street car parking for visitors and its impact on the streetscape and functionality of the masterplan.
- The more 'traditional' dwelling typologies are supported as it will increase affordability of private dwellings and enhance accessibility for social housing residents. However, the location and orientation of the garden apartments, as well as the solar access and car parking requirements, will need to be carefully addressed at the development application stage.

Bonnyrigg Partnerships has agreed to provide visitor car parking in accordance with the RMS rates and the Bonnyrigg Masterplan has been updated accordingly. A copy of the updated Bonnyrigg Masterplan is attached as **Appendix A**. Further, it is agreed that the appropriateness of the siting and design of each dwelling typology, including lifted and garden apartments, will be assessed in detail with the development application for each stage.

Based on the above, it is considered that each of the matters raised by the Land and Housing Corporation has been satisfactorily addressed.

4.2 TRANSPORT FOR NSW

Transport for NSW has advised that the Public Transport Plan contained within Section 4 of the Bonnyrigg Masterplan needs to be updated to reflect the current bus routes and stops.

The Bonnyrigg Masterplan has been updated to reflect the confirmed bus routes and stops (refer to page 99). A copy of the updated Bonnyrigg Masterplan is attached as **Appendix A**.

4.3 ROADS AND MARITIME SERVICES

The Roads and Maritime Services (RMS) submission on the application has not been received yet. When received, we will provide a separate response (if necessary) to the Department.

4.4 SYDNEY WATER

Sydney Water has raised no objection to the proposed modifications. Accordingly, no response is required.

4.5 OFFICE OF ENVIRONMENT AND HERITAGE

The Office of Environmental and Heritage has advised that they have no comments to provide and no further interest in being involved in the proposal. Accordingly, no response is required.

5 Residents and Resident Groups

Three submissions were received from the private land owners and one submission was received from the Bonnyrigg Private Homeowners Group.

Each of the issues raised within these submissions relevant to the assessment of the modifications proposed within the current Section 75W application is addressed within the following sub-sections.

5.1 LIFTED APARTMENTS

Two submissions have been received which raise concerns with regard to the location of the lifted apartments within “Precinct Two – Apartment Temple Precinct” (refer to pages 160-161 of the Bonnyrigg Masterplan) and their potential impacts on the residential amenity of nearby private lots. The original approved location of the lifted apartments within this precinct is proposed to be modified to accommodate the reconfiguration of the public open space network and the retention of the significant tree near the existing villas, opposite Bonnyrigg Public School.

The lifted apartments within this precinct are limited to a maximum of six storeys and are separated from the nearest private lot by a 10.5 metre wide (Type 11) road. While the proposed apartment building has not been subject to any detailed design (noting that the lot is located within Stage 16), preliminary solar access analysis has been undertaken by dKO Architecture to assess the potential implications for the nearest private lot. A copy of this analysis is attached as **Appendix E**.

Overall, it can be seen that the proposed apartment building will comply with the relevant requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65) with over four hours of solar access between 9.00am and 3.00pm on 21 June (mid-winter). Further, it is noted that the private lot has significant trees located within the front setback which will result in overshadowing of the associated property, particularly during mid-winter.

Further, it is anticipated that the living rooms and primary balconies within the lifted apartment building will be oriented to the north to take advantage of the most optimum solar access. As such, the southern elevation of the building which faces the private lot is likely to accommodate less active uses, such as bedrooms, bathrooms and secondary balconies, reducing the potential for any significant privacy impacts.

The Stage 16 development application will be subject to a rigorous assessment in accordance with the provisions of SEPP 65 to ensure that the proposed development is appropriate and will not have an unacceptable impact on the residential amenity of the locality.

5.2 REMOVAL OF CUL-DE-SACS

The Bonnyrigg Private Homeowners Group and two of the private land owner submissions have raised concern with regard to the opening up of cul-de-sacs across the estate.

The removal of the cul-de-sacs was given extensive consideration in the assessment of the Concept Plan application and it was resolved that the benefits (e.g. improved permeability, increased natural surveillance, etc) significantly outweighed any potential detrimental impacts perceived by the private land owners. The final assessment report prepared by Fairfield City Council (in their delegated role as the assessment authority in lieu of the Department of Planning) stated:

The road pattern design was a matter that was considered very early on in the design process. The roads have been designed to provide appropriate levels of connectivity throughout the estate whilst also considering the impacts of redesigning roads and removing particular road patterns. There is always the case where a personal desire for cul-de-sacs are otherwise are constrained by the greater public good of having roads that allow connectivity and actually contribute to the local street pattern.

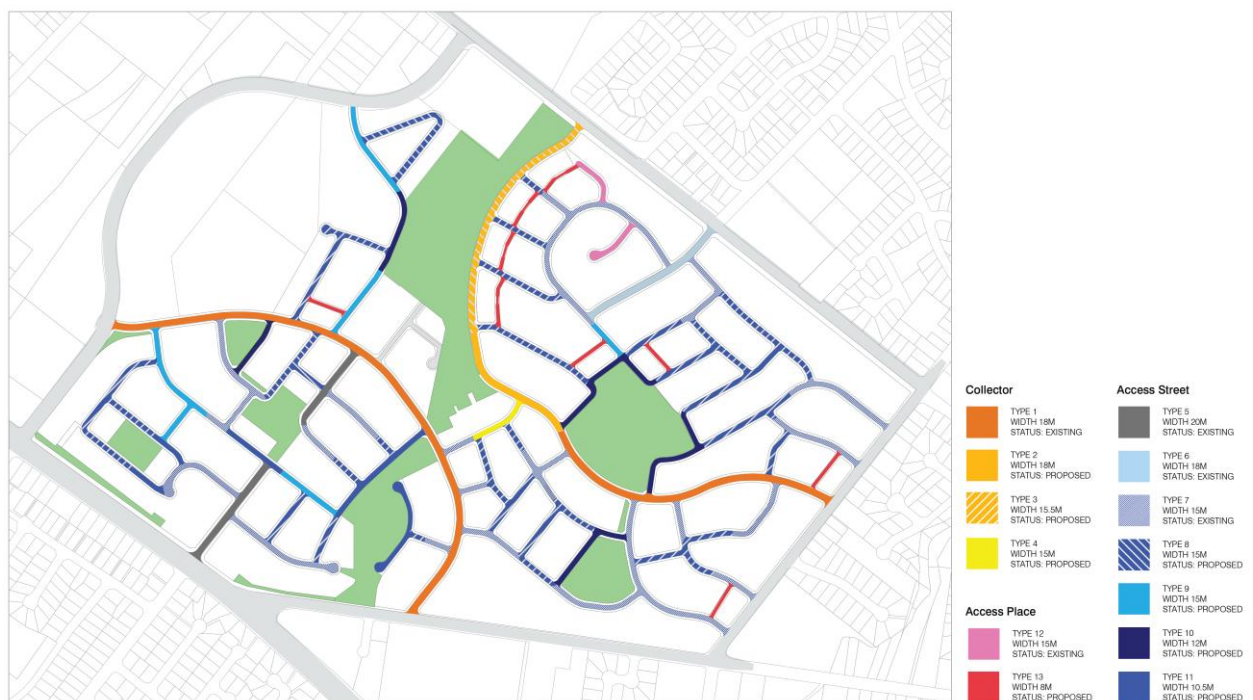
The Section 75W application proposes only minor modifications to the approved road layout, taking into account the reconfiguration of the public open space and the staging boundaries. The approved and the proposed Road Hierarchy Plans are shown in the figures below. It can be seen that there are no

significant changes to the road layout in the immediate vicinity of the private owners who have made submissions in response to the proposed modifications. Further, there are no substantive changes to the original approved layout that impact on the issues raised by the Bonnyrigg Private Homeowners Group.

FIGURE 2 – ROAD HIERARCHY MAP – JUNE 2008 (APPROVED)



FIGURE 3 – ROAD HIERARCHY MAP – DECEMBER 2011 (PROPOSED)



5.3 TRAFFIC IMPACTS FROM INCREASED DENSITY

The proposed modification seeks only a minor increase in dwelling density that has been thoroughly tested with regard to its potential traffic impacts. The Traffic and Parking Assessment prepared by GTA Consultants and submitted with the Section 75W application concludes:

There is no requirement for additional mitigation works triggered by the additional development traffic.

Further to the above, the small streets in Stage 1 have been designed to avoid 'rat-running'. These streets provide vehicle access for the Newleaf Parade residents (in Stage 1) who have rear loaded garages. The modest increase in dwelling density across the estate is considered highly unlikely to have any discernible impacts on the traffic volumes on Lilac Street or the residential amenity of the adjoining residential properties.

5.4 COMMUNITY CONSULTATION

A number of residents have stated that there has been no community consultation or that the level of consultation has been inadequate.

As previously stated in **Section 2.6** of this report, Bonnyrigg Partnerships has undertaken extensive consultation with a broad range of local stakeholders, including local residents. Consultation for the current modification has included a letterbox drop of all households within the estate boundaries and various consultation events that were held in September and October 2011. Similar events have also been staged for each of the prior stages of the project.

The Department of Planning and Infrastructure formally notified local residents of the current modification, providing the opportunity to comment on the revised plans. Each of the submissions received from the private land owners has been assessed and responded to in detail, as outlined the previous sub-sections.

6 Summary and Conclusion

This report has been provided a thorough and considered response to each of the issues raised by the Department of Planning and Infrastructure, Fairfield City Council, government agencies and local residents.

Overall, it is considered that the proposed development is considered to be satisfactory, subject to the following additional matters being incorporated into the modified Concept Plan approval:

- Condition A2(4) of the Concept Plan approval is to be updated by deleting the reference to the 6-plex and 8-plex attached dwellings.
- The Bonnyrigg Masterplan is to be updated as follows:
 - Page 9 is to be updated by replacing “88 private homes” with “85 private homes”.
 - The bus route map in Part 4 is to be updated to address the requirements of Transport for NSW.
 - All references to the 6-plex and 8-plex attached dwellings are to be deleted
 - Visitor car parking for the garden apartments (i.e. medium density apartment developments) is to be provided in accordance with the Roads and Maritime Services requirements.
 - Additional requirements for the terraces/row houses are to be incorporated into Part 5.

All other matters remain as proposed within the Section 75W application as submitted to the Department of Planning and Infrastructure in December 2011. A revised Statement of Commitments is not considered to be necessary, having regard to the responses outlined above.

Appendix A

Updated Bonnyrigg Masterplan

Appendix B

Comparison Maps

Appendix C

Schedule of Changes to Bonnyrigg Masterplan

Appendix D

Population Calculations

Appendix E

Solar Analysis

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