

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	26 July 2024
DATE OF PANEL DECISION	25 July 2024
DATE OF PANEL MEETING	8 July 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Brian Kirk
APOLOGIES	Nil
DECLARATIONS OF INTEREST	<p>Louise Camenzuli declared a conflict of interest as Land and Housing Corporation are a client of the company she works for.</p> <p>Hugo Morvillo and Kevin Lam declared they previously have voted upon matters related to the VPA for the site.</p>

Papers circulated electronically on 4 July 2024.

MATTER DETERMINED

PPSSWC-307 – Fairfield - DA 351.1/2022 at 56 Tarlington Parade, Bonnyrigg for a development application of Newleaf Bonnyrigg Renewal Project - Stages 12 and 13 comprising Torrens Title subdivision into 4 super lots, 3 open space lots, and associated landscaping, public domain works, earthworks, and roadworks (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

The decision was unanimous.

REASONS FOR THE DECISION

Stages 12 and 13 of the redevelopment of the Bonnyrigg public housing estate will allow for this important housing project to advance. When complete the estate is anticipated to contribute 3,000 new homes across 18 stages in a mixed community, where 30% of the new homes are to be occupied as public housing, with the remaining 70% for private residences.

As such the estate is making a substantial contribution to addressing the housing affordability crisis which has been identified as a priority across all arms of government.

Originally endorsed as a Part 3A Project by the Minister for Planning, the housing estate is proceeding against Concept Approval MP 06_0046 MOD 5, with which the present DA has been found to be consistent.

The panel determined to approve the application for the reasons outlined in the council assessment report, and particularly:

1. The subject site is zoned R1 General Residential the LEP 2013 and the development is permissible subject to development consent.

2. The proposed development is generally consistent with the Concept Approval MP 06_0046 MOD 5 and the Bonnyrigg Masterplan. Conditions of consent have been imposed to ensure consistency with the Masterplan and the desired character of Newleaf, Bonnyrigg.
3. The development application has been assessed against the relevant requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, Fairfield Local Environmental Plan 2013, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021 and Bonnyrigg Masterplan and is considered to be satisfactory.
4. Comments were sought from Council's Asset Management, Natural Resource, Planning, Public Health & Environment, Strategic Planning, Traffic, Tree Management and Parks Place branches for assessment. No concerns were raised to the proposal subject to conditions of consent.

An issue was raised during the Council's assessment relating to the VPA applying to the project noting that commitment has been made to deliver publicly accessible share ways within the Town Centre Precinct for pedestrians, cyclists and vehicles. The Panel agrees that as this DA is for the creation of Superlots only, the commitments under the VPA can be delivered upon when DAs for individual housing for those Superlots are considered.

While the proposed development involves the removal of 115 trees from the development area, including trees located within the areas of significance identified in the Council's Conservation Significance Assessment (CSA) Mapping, the Panel is satisfied that sufficient offsets are to be made through the Biodiversity Offset Scheme (BOS). Council has assessed the BDAR Report, prepared by Cumberland Ecology, to sufficiently address the biodiversity legislation, and to have satisfactorily calculated the biodiversity offset requirements for the development to achieve the established 'no net loss standard'.

Having regard to all of the matters raised in the assessment report, and the positive contribution the development will make to housing affordability, the panel is satisfied that approving the DA is in the public interest.

CONDITIONS

The development application was approved subject to the amended conditions dated 11 July 2024.




The applicant identified concerns about the wording of certain conditions at the determination briefing. One issue concerned the standard requirement for a maintenance bond which the Applicant proposes to satisfy instead by a letter of commitment from the Department. The Panel indicated that provided that a letter of commitment contained sufficient terms that the Council would be put in funds to address non-compliances without delay so as to be to similar effect to a bond, a letter of commitment would be sufficient.

The panel directed that the remaining issues of dispute concerning the conditions be the subject of an exchange between the Council and the applicant with the result that an updated set of draft conditions uploaded to the Portal on 11 July 2024 has now been agreed. The Panel is satisfied with those agreed conditions which should be included in the consent granted.

CONSIDERATION OF COMMUNITY VIEWS

One (1) submission is reported to have been received during the notification period, which was principally directed to the likely start date of the project and how tall the buildings would be.

However, as the proposal is for subdivision only, the Panel is satisfied those concerns will be investigated during the DAs for detailed development.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Brian Kirk 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-307 – Fairfield - DA 351.1/2022
2	PROPOSED DEVELOPMENT	Newleaf Bonnyrigg Renewal Project - Stages 12 and 13 comprising Torrens Title subdivision into 4 super lots, 3 open space lots, and associated landscaping, public domain works, earthworks, and roadworks.
3	STREET ADDRESS	56 Tarlington Parade, Bonnyrigg
4	APPLICANT/OWNER	NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) State Environmental Planning Policy (Transport and Infrastructure) 2021 Fairfield Local Environmental Plan 2013 (FLEP2013) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Bonnyrigg Masterplan Planning agreements: Yes Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 3 July 2024 Revised conditions of consent: 11 July 2024 Applicant response to conditions: 4 July 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 27 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle, David Kitto, Kim Johnson, Kevin Lam, Hugo Morvillo <u>Council assessment staff</u>: Sunnee Cullen, Liam Hawke, Richard Tong, Antonia Inzitari, Tia Mills <u>Applicant</u>: Rennie Rounds, Paul Parfenow Briefing: 26 February 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle, David Kitto, Kim Johnson, Marcus Rowan <u>Council assessment staff</u>: Matthew Korzy, Liam Hawke, Richard Tong <u>Applicant</u>: Rennie Rounds, Paul Parfenow, Frank Zuerab, Adrian Hernandex, Yungong Wu Final briefing to discuss council's recommendation: 8 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Brian Kirk, David Kitto <u>Council assessment staff</u>: Antonio Inzitari, Liam Hawke, Richard Tong

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> Paul Perkovic, Rennie Rounds, Fouad Habbouche, Yungong Wu
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report