

DATE OF DETERMINATION	15 October 2024
DATE OF PANEL DECISION	15 October 2024
DATE OF PANEL BRIEFING	14 October 2024
PANEL MEMBERS	Justin Doyle (Chair), Brian Kirk, David Kitto
APOLOGIES	None
DECLARATIONS OF INTEREST	<ul style="list-style-type: none"> Kevin Lam and Hugo Morvillo declared a conflict of interest as both were involved in a decision on a voluntary planning agreement associated with this precinct. Louise Camenzuli declared a conflict as she is acting for Land and Housing Corporation on a matter for Bonnyrigg.

MATTER DETERMINED

PPSSWC-373 - Fairfield - DA 279.1/2023 at 123 Newleaf Parade & 1-19 Kennedy Way Bonnyrigg 2177 - Construction of a part three (3) and part four (4) storey residential flat building comprising twenty-five (25) social housing units, basement carparking with twenty-seven (27) car parking spaces, and associated landscaping and site works on an approved lot within Bonnyrigg Newleaf Stages 8 to 11 (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 briefings listed at item 8 in Schedule 1.

Development application

At the final meeting, the Applicant requested changes to conditions 20, 21, 74 and 90 of Council's recommended conditions. After discussing the proposed changes, the Panel, Council and Applicant agreed on revised wording for these conditions (see below).

With these revisions, 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

The panel approved the development application for the reasons outlined in Council's assessment report.

In particular, the panel concluded that:

- The development is generally consistent with the Part 3A Bonnyrigg Concept Plan, which was approved by the then Minister for Planning in January 2009, despite minor variations to the height of the building and through site link on site;
- The development complies with or is consistent with the provisions of the relevant environmental planning instruments, including the requirements in the *Fairfield Local Environmental Plan 2013* and Schedule 9 of *State Environmental Planning Policy (Housing) 2021*;
- The development is generally consistent with the Bonnyrigg Masterplan and Apartment Design Guide;
- The only substantial departure from the Bonnyrigg Masterplan is that whereas it envisages 'garden apartments' to be located on the subject site, limited to three (3) storeys in height, the subject Development Application proposes a part-three (3) and part-four (4) storey residential flat building.

However, the fourth storey element is set back substantially from northern and eastern frontages where it will be perceptible from adjoining residential development, the impacts of the top level will be negligible. The variation is supported by Council's Independent Urban Design Expert. There are no development standards in the Fairfield Local Environmental Plan in relation to building height or FSR.

- The impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- With the remediation required under previous approvals for the site, the site can be made suitable for the development;
- Suitable arrangements are in place under the approved Part 3A Bonnyrigg Concept Plan to provide infrastructure and services to the development;
- The development will complement the redevelopment of the Bonnyrigg area by providing additional high-quality social housing on site and facilitating the approved social mix (30% social housing) of the area, consistent with the strategic planning objectives for the area; and
- The development is in the public interest.

CONDITIONS

The development application was approved subject to Council's recommended conditions with the following revisions:

Condition 20 Location of Plant & Equipment

Before the issue of a Construction Certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air condition equipment and fire hydrant/ booster valve assembly) is suitably screened from public view. Where air conditioning is to be located on the balcony it shall still comply with the minimum private open space areas of the Apartment Design Guidelines.

Note: Architectural plans identifying the location of all plant and equipment and screening where necessary to meet this condition must be provided to the Certifying Authority.

Condition 21 Subdivision to be finalised

Before the issue of an Occupation Certificate, the subdivision creating this lot under Development Consent No. 234.1/2021 shall be finalised and the linen plan registered by NSW Land Registry Services.

Condition 74 Carparking

The following number of carparking spaces shall be provided and maintained in accordance with the requirements of Council's Residential Development Guidelines DCP:

- a. Twenty- Three (23) off-street car parking spaces for residents and visitors; and
- b. Four (4) off-street disabled car space in accordance with AS2890.6-2009.

Condition No. 90 Water Outlets

A connection for water shall be provided for primary balconies of individual units.

CONSIDERATION OF COMMUNITY VIEWS


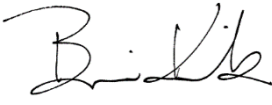

Council exhibited the development application twice and received 1 submission.

This submission raised concerns about:

- increased traffic congestion in the area;
- increased risk to the safety of children;
- increased noise and pollution due to the construction of the development;

- loss of privacy of adjacent residents;
- inconsistency with the surrounding built form; and
- impact on flora and fauna.

In coming to its decision, the panel considered these concerns and is satisfied that they have been adequately addressed in Council's assessment report and recommended conditions.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Brian Kirk
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-373 – Fairfield – DA 279.1/2023
2	PROPOSED DEVELOPMENT	Construction of a part three (3) and part four (4) storey residential flat building comprising twenty-five (25) social housing units, basement carparking with twenty-seven (27) car parking spaces, and associated landscaping and site works on an approved lot within Bonnyrigg Newleaf Stages 8 to 11.
3	STREET ADDRESS	123 Newleaf Parade, Bonnyrigg 1 – 19 Kennedy Way, Bonnyrigg Lot 4099 DP 1182418
4	APPLICANT/OWNER	Premise New South Wales 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 (Planning Systems) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: Bonnyrigg Masterplan Planning agreements: Bonnyrigg Living Communities Project Voluntary Planning Agreement Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil 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: 8 October 2024 Written submissions during public exhibition: One (1) Total number of unique submissions received by way of objection: One (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 13 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto <u>Council assessment staff</u>: Matthew Korzy, Liam Hawke, Sunnee Cullen <u>Applicant representatives</u>: Rennie Rounds, Paul Parfenow, Frank Xuerab Briefing: 26 February 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Kim Johnson, Marcus Rowan

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Matthew Korzy, Liam Hawke, Richard Tong ○ <u>Applicant representatives</u>: Rennie Rounds, Paul Parfenow, Frank Xuerab, Adrian Hernandez, Yundong Wu • Final briefing to discuss council's recommendation: 14 October 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Brian Kirk, David Kitto ○ <u>Council assessment staff</u>: Matthew Korzy, Liam Hawke, Sunnee Cullen ○ <u>Applicant representatives</u>: Paul Hume, Charlie Daoud, Adrian Hernandez
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report