

DATE OF DEFERRAL	9 April 2025
DATE OF PANEL MEETING	7 April 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Ninos Khoshaba
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held videoconference on 7 April 2025, opened at 11:30am and closed at 12:45pm.

MATTER DEFERRED

PPSSWC-372 – Fairfield – DA 294.1/2023 – 17 Lupin Avenue, Fairfield East - Demolition of existing structures, Tree removal and the Construction of a 6-storey Residential Flat Building containing thirty – nine (39) dwellings over a basement car park containing 28 car spaces and associated landscaping and civil works.

REASONS FOR DEFERRAL

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

The Panel heard from the following two objectors.

Ms Shallyna Lo – whose family resides opposite the development

Ms Lo raised concerns regarding, amongst other things:

- compliance with development standards
- availability of street parking
- social housing integration and management
- Council pick-up services.

Ms Ly Tran – who resides with her family opposite the development

Ms Tran raised concerns regarding, amongst other things:

- social housing and concerns regarding risk of crime
- tree removal.

The Panel Chair noted that the proposed development is for a privately managed social housing development.

The Panel was then addressed by Mr Gareth Bird (a representative of BlueCHP) who outlined:

- that the developer is a not-for-profit organisation
- the need for social housing in the Fairfield LGA
- the marginal financial viability of the proposed development in its present form.

After hearing from the objectors, the Applicant and the Council, the Panel agreed to defer the determination of the matter for ~2 weeks to allow for the Applicant and the Council to undertake the following actions.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that the Applicant and the Council **meet by Friday 11 April 2025** to seek to reach agreement on the following matters:

1. Terrace of unit G.03: The Panel Chair noted that Council had raised concerns regarding the protrusion of this terrace into the setback area, located at the corner of Belmore St and Lupin Ave. In response, Mr Clendenning, on behalf of the Applicant, stated there will be numerous trees screening the terrace and that there is not much more that can be done by way of additional tree planting in view of the basement. Mr Clendenning also noted that the terraces will operate as courtyards and will facilitate direct access to the ground floor apartments which will improve the relationship between the building and the public domain. The Panel Chair directed that the Council and the Applicant seek to agree the preferred design outcome of the terrace and the setback to Belmore St and Lupin Ave.
2. Location of substation and air-conditioning unit: The Applicant is to make inquiries to determine if a substation is required or whether an existing substation can be upgraded instead. The Applicant clarified that the air conditioning unit will go behind the disabled toilet forming part of the rooftop terrace. The Council and the Applicant are to determine if a substation is required, and if so where it will be located.
3. Waste collection: Various waste collection issues were raised, including the need for further supporting information in relation to kerbside collection and the operation of the waste collection facilities within the building particularly to allow for separated waste streams. Council and the Applicant to meet to agree a consent condition to resolve the outstanding waste collection concerns. The Panel Chair noted that adjacent to the bin chute area there is space for the recycled bin waste collection.
4. Driveway Access: Council considers two-way driveway access to the development can and should be accommodated on this larger effectively “greenfield” site, preferably by widening the drive underneath the building. The Applicant’s representatives indicated that it would not agree to a design change which pushed the drive further under the building, but said a two way ramp to the basement could be achieved by removing a section of the adjacent landscape strip (which is surplus to minimum deep soil requirements). The Panel Chair suggested this could be dealt with by way of condition of consent. Accordingly, the options as the Panel sees them are to: leave the driveway access as proposed; widen the driveway by removing part of the proposed landscape buffer; or reduce some of the proposed floorspace to bring the driveway under the building. The Applicant’s traffic engineer also briefly addressed the Panel, stating that only 6-7 vehicle movements per hour are anticipated, which is well below the 30 vehicles per hour he said would trigger a requirement for two-way access under applicable policies. Signals, convex mirrors and waiting bays can also all be used to manage the safety risk around access. Finally, in responding to objector concerns regarding availability of street parking, the traffic engineer noted that both resident and visitor parking would be provided as part of the development.
5. Other outstanding matters raised in the Council’s Assessment Report: The Panel also requests that the Council and the Applicant seek to agree draft conditions of consent relating to any other issues raised in the Council’s Assessment Report not addressed by the list above.

An issue was raised by Council regarding the form of the clause 4.6 variations. The Panel Chair noted that the wording of the request is a matter that can be further discussed with Council, but the substance of the

justification for the requested clause 4.6 variations, not the form of the request, will be the focus of the Panel.






Council indicated that it would take approximately one week to prepare a draft set of conditions.

The Panel Chair directed that the Council and the Applicant find a time by end Friday, 11 April 2025, to meet to resolve the above outstanding issues. The Panel is to be notified if the meeting cannot occur by this Friday.

The Panel anticipates that draft conditions of consent will be available by Friday, 18 April 2025. The Applicant is to promptly provide any comments on the draft conditions once issued, marking up any points of disagreement. The Council is to respond also preferably in table form as to whether it agrees or disagrees with any changes requested by the Applicant, with any supporting commentary by 23 April 2025.

The Panel expects to be able to determine the development application promptly thereafter. Any delay outside that anticipated timetable should be reported immediately through the Secretariat.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Ninos Khoshaba 
Kevin Lam 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-372 – Fairfield – DA 294.1/2023
2	PROPOSED DEVELOPMENT	Demolition of existing structures, Tree removal and the Construction of a 6-storey Residential Flat Building containing thirty – nine (39) dwellings over a basement car park containing 28 car spaces and associated landscaping and civil works.
3	STREET ADDRESS	Three (3) lots consisting of: 15 Lupin Avenue, Fairfield East (Lot 1 in DP 1154467) 17 Lupin Avenue, Fairfield East (Lot 185 in DP 15560) 82 Belmore Street, Fairfield East (Lot 2 in DP 1154467)
4	APPLICANT/OWNER	Applicant: BCL2 Limited Owner: BlueCHP Limited
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Planning Systems) 2021 SEPP (Resilience & Hazards) SEPP (Transport & Infrastructure) 2021 SEPP (Housing) 2021: Chapter 2 Affordable Housing and Chapter 4 Design of Residential Apartment Development Apartment Design Guide Fairfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Fairfield City Wide Development Control Plan 2024 Planning agreements: Nil 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: 24 March 2025 Clause 4.6 – Height of Buildings Written submissions during public exhibition: 27 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Shallyna Lo, Ly Tran Council assessment officer – Tia Mills, Liam Hawke On behalf of the applicant – Gareth Bird, Brendon Clendenning, Theo Loucas Total number of unique submissions received by way of objection: 17
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 6 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Hugo Morvillo <u>Council assessment staff</u>: Tia Mills, Liam Hawke <u>Applicant representatives</u>: Gareth Bird, Theo Loucas, Jared Phillips, Brendon Clendenning

		<ul style="list-style-type: none">• Briefing: 26 February 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Hugo Morvillo○ <u>Council assessment staff</u>: Tia Mills, Liam Hawke, Sunnee Cullen○ <u>Applicant representatives</u>: Gareth Bird• Briefing: 28 October 2024<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Ninos Khoshaba○ <u>Council assessment staff</u>: Liam Hawke, Sunnee Cullen○ <u>Applicant representatives</u>: Gareth Bird, Theo Loucas, Jared Phillips, Brendon Clendenning, Glenn Amanonce• Final briefing to discuss council’s recommendation: 7 April 2025<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Kevin Lam, Ninos Khoshaba○ <u>Council assessment staff</u>: Tia Mills, Liam Hawke
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	Not applicable