



Corona Projects

(DA-1212/2024)

Section 8.2 Review of Determination

STATEMENT OF ENVIRONMENTAL EFFECTS

Review of Development Application

Regularise the use of artisan food and drink industry and minor alterations to the building

80 Benaroon Road Lakemba

February 2025

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PROJECT DETAILS

Client:	Jacs Global Pty Ltd
Subject land:	80 Benaroon Road Lakemba
Lot Description:	1/-/DP13724
Description of refused application:	Regularise the use of artisan food and drink industry and minor alterations to the building
Date of determination	19.12.2024

The report is prepared by Lauren McNamara
Bachelor of Planning (WSU)

The report is reviewed by Madeline Maric
Bachelor of Planning (MQU)

I certify that the contents of the Statement of Environmental Effects to the best of my knowledge, has been prepared as follows:

- In accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 24 of the Environmental Planning and Assessment Regulation 2021;
- The statement contains all available information that is relevant to the environmental impact assessment of the proposed development;
- To the best of my knowledge the information contained in this report is neither false nor misleading.

Quality Management

REV	Description	Date
A	Draft report issued for comment	19.02.2025
B	Final report issued for lodgement	25.03.2025

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1.0 INTRODUCTION

This statement is prepared in support of a Section 8.2 Review of Determination application, requesting Council to review the refusal of development application DA-1212/2024 under Section 8.2 of the Environmental Planning and Assessment Act 1979 (the Act). On 19.12.2024 Council determined the above development application by refusing development consent.

The purpose of this Statement of Environmental Effects is to:

- Describe the site to which the application applies and its context;
- Describe the proposed development;
- Describe the legislative framework against which the application is to be assessed and determined; and
- Provide an assessment of the environmental impacts in accordance with the Section 4.15 of the EP&A Act 1979.

This Statement has been prepared in reference to the following:

Document	Author	Date
Acoustic Report	Acoustic Dynamics	04.02.2025
Plan of Management	Corona Projects	25.03.2025

2.0 SITE ANALYSIS & CONTEXT

2.1 The Site

The site is located at 80 Benaroon Road Lakemba and is legally described Lot 1 in Deposited Plan 13724. The site is located on the western side of Benaroon Road, between Pettit Avenue and Punchbowl Road.

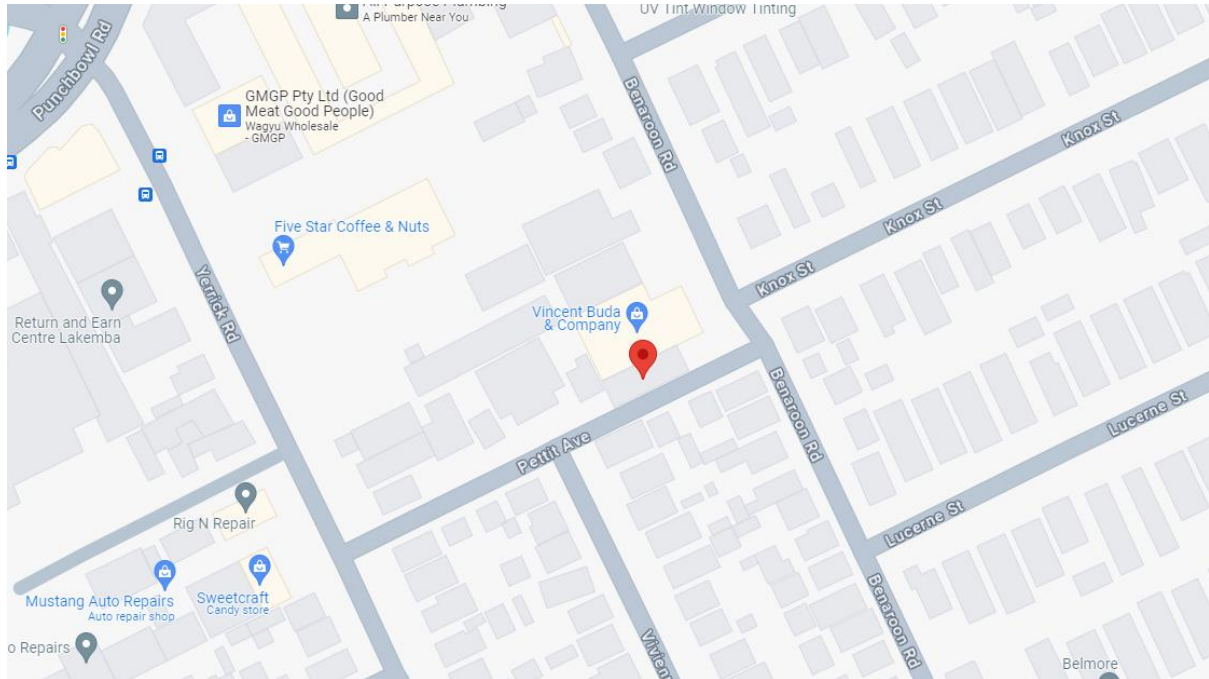


Figure 1: Site locality map (Google Maps 2024)



Figure 2: Aerial photo (Six Maps 2024)

The site is rectangular with a total area of 562.8 square metres by land title, with an 11.34 metre street frontage to Benaroon Road. The eastern side boundary measures 50.24 metres and the western side boundary measures 50 metres. The rear boundary measures 11.34 metres.

Prior to the works subject of this BIC Application, the site contained a one and two storey commercial building. It now contains additional partitioning and works associated with a commercial kitchen fit out.

The land is zoned IN2 Light Industrial under the provisions of Canterbury Bankstown Local Environmental Plan 2023 (LEP). The site is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area (HCA). It is also not considered to be located within the close vicinity of any Item or HCA, or as a contributory item.



Figure 3: Subject site as viewed from Benaroon Road (Google Maps 2024)

2.2 The Locality

The site is located within the local centre of Lakemba. The locality comprises a mix of commercial and residential development of buildings heights typically of one to two storeys. The subject site is located at the intersection of R3 Medium Density Residential and IN2 Light Industrial zones.

The site adjoins a three-storey building and warehouse to the north at 82-88 Benaroon Road. The site adjoins a one storey building to the west at 10 Pettit Avenue.

2.3 Development History

A search on Council's DA Tracker returned the following results for development applications associated with the site.

- DA-1212/2024 – Development Application
- BC-109/2024 - Building Information Certificate
- CD-531/2024 - Private Certified Complying Development
- ZCBAB-648/1993 - Pre 1998 - Building Application (former CCC)
- DA-5459/1993 - Development Application (former CCC)
- DA-6670/1993 - Development Application (former CCC)
- DA-6572/1993 - Development Application (former CCC)
- DA-6531/1993 - Development Application (former CCC)
- DA-6459/1993 - Development Application (former CCC)

3.0 THE PROPOSAL

3.1 Overview

The refused Development Application for 80 Benaroon Road Lakemba, sought approval to regularise the use of artisan food and drink industry and minor alterations to the building. The proposed modifications. The proposed minor works required for BCA compliance include:

- Installation of a fire egress door on the southern façade of the site with associated exit lighting and signs
- New balustrades to comply with the required spacing and height requirement.

On 19.12.2025 Council determined the above development application by refusing development consent. This Section 8.2 Review Application is accompanied by an Acoustic Report prepared by Acoustic Dynamics dated 04.02.2025.

4.0 GROUNDS FOR REVIEW

In accordance with Section 8.2 of the Act, the applicant is permitted to amend an application or provide additional information provided that the consent authority is satisfied that the development, as amended, is substantially the same development as that described in the original application.

The accompanying documentation has been revised in accordance with Councils comments following the refusal, however the purpose and nature of development does not change under the application for review.

The grounds for review are presented as follows:

1. *The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, has not been demonstrated to be permissible within the IN2 – Light Industrial zone under the Canterbury Bankstown Local Environmental Plan 2023.*

Comment:

The subject premise manufactures Korean rice cakes and Korean Tteok-bokki (variety of rice cake) for sale. 'Boutique' by definition refers to a premise that offers specialised services or sells specialised products. The subject premises specialises in the manufacture and sale of Korean rice cakes exclusively and can therefore be considered 'boutique' by definition. The proposal satisfies criterion (a) of the land use definition as the subject premise contains a retail area for the showcase and sale of the products on site, as established above.

Artisan food and drink industry is defined as light industry within the CBLEP 2023. The definition of light industry specified as - **light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

The proposed use is not considered to interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. Any emissions from the site will be appropriately managed as to not interfere with the surrounding neighbourhood as per the submitted Plan of Management (POM) documentation. With regards to the acoustic emissions, an Acoustic Report by Acoustic Dynamics has been submitted with this S8.2 Review which indicates that the facility and operations is likely to achieve compliance with various relevant noise emission criteria. They additionally provide recommendations to ensure noise is appropriately managed. The recommendations of the Acoustic Report will be strictly implemented by the site and can be conditioned with the conditions of consent.

The premise therefore meets the definition of a 'artisan food and drink industry' as defined in the Standard Instrument.

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2. *The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, is unsatisfactory given the inadequate parking arrangement which would necessitate reversing onto an intersection of three local roads, posing a risk to road safety and demonstrating an inconsistency with AS2890.1 – Clause 3.2.2, which requires that reversing movement to public roads be prohibited wherever possible.*

Comment:

The parking arrangement on site is to remain as existing as there is no proposed parking, nor any building works which alter the existing layout of the building, entry or driveway. The site operates as a low traffic generating use with primarily small amounts of staff being on site. As indicated within the accompanying POM, there are limited customers which visit the site and this occurs after most of the staff have left the site. The current parking arrangement is sufficient to cater for the demand for parking that is generated by the proposed use.

3. *Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development. Due to the Applicant's refusal to provide an acoustic report, it has not been demonstrated that the development would not result in unreasonable acoustic impact on the adjoining residential zone.*

Comment:

As described above, an Acoustic Report by Acoustic Dynamics, dated 04.02.2025, has been submitted with this S8.2 Review. This indicates that the facility and operations is likely to achieve compliance with various relevant noise emission criteria and furthermore, provide recommendations to ensure noise is appropriately managed. The recommendations of the Acoustic Report will be strictly implemented by the site operators and can be conditioned by Council within the conditions of consent.

4. *Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.*

Comment:

The reasons for refusal have been appropriately addressed in this submission, thus the application is considered to be in the public interest.

5.0 CONCLUSION

This application for the regularise the use of artisan food and drink industry and minor alterations to the building, as revised, is considered to overcome the reasons for refusal. An Acoustic Report has been provided with this submission.

The revised design scheme is wholly in line with the objectives of Canterbury Bankstown Local Environmental Plan 2023 and Canterbury Bankstown Development Control Plan 2023. It is considered that the application, as amended by this review, will not cause any unreasonable detrimental impacts to the surrounding properties or local environment.

We therefore ask that Council review the determination of the application based on the facts and merits of the case, the revised plans and additional information provided. In my opinion, the application is of sufficient merit to warrant the consent of the Council. The reasons for refusal have been appropriately addressed in this submission and we ask that Council support this application for review under Section 8.2 of the EP&A Act.

Kind regards,



Lauren McNamara

Bachelor of Planning (WSU)

Town Planner