



COUNCIL ASSESSMENT BRIEFING REPORT TO PANEL

SYDNEY SOUTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSSH-159 – DA No. 30-2024
PROPOSAL	Demolition of existing buildings and construction of a five-storey Community facility including, retail premises, office space, function centre, bar and gaming rooms, reception lounge, Art & Cultural exhibition space, archive and administration rooms with two levels of basement car parking, separate servicing and loading facilities and a porte-cochere.
ADDRESS	206-214 Lakemba Street, Lakemba Lot 1 DP 601048 Lot B DP 359878 Lot B DP 356540 Lot 2 DP 16610 Lot A DP 369191 Lot B DP 369191 Lot 1 DP 9727
APPLICANT	The Greek Orthodox Community of New South Wales
OWNER	The Greek Orthodox Community of New South Wales
DA LODGEMENT DATE	2 February 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: The Development is for a Community Facility and has a capital investment value of more than \$5 million.
CIV	\$22,206,597.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Canterbury Bankstown Local Environmental Plan 2023 • Clause 4.3 – Height of Buildings
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021; • State Environmental Planning Policy (Transport and Infrastructure) 2021; • State Environmental Planning Policy (Industry and Employment) 2021; • State Environmental Planning Policy (Planning Systems) 2021; • State Environmental Planning Policy (Resilience and Hazards) 2021; • Draft State Environmental Planning Policy

	(Environment); <ul style="list-style-type: none"> • Canterbury Bankstown Local Environmental Plan 2023 (CLEP 2023); and • Canterbury Bankstown Development Control Plan 2023 (CBDP 2023).
AGENCY REFERRALS	<ul style="list-style-type: none"> • Transport for New South Wales (TfNSW); and • Ausgrid
TOTAL & UNIQUE SUBMISSIONS	Unknown – Still on Notification
KEY ISSUES	<ul style="list-style-type: none"> • Building Height. • Lack of consideration of site specific controls outlined within Chapter 11.4 of CBDP 2023 particularly in regards to active ground floor frontages and treatment of the overland flow path within the site. • Retail/Commercial Street Activation. • Design, colour and finishes. • Servicing (particularly in regards to substation). • Potential impact of the design on the amenity of adjoining residential properties. • Insufficient information to facilitate assessment by internal stakeholders.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Architectural Plans; • Statement of Environmental Effects; • Clause 4.6 Variation Request Report; • Flood Impact Assessment Report; • Water Management Plan; • Stormwater Drainage Plans; • Accessibility Report; • Acoustic Report; • Landscape Plan; • Traffic Report; • Survey Plan; • Plan of Management.
PREVIOUS BRIEFINGS	N/A
PLAN VERSION	12.12.2023, Revision C
ASSESSMENT STATUS	On Notification
PREPARED BY	Alice Pettini
DATE OF REPORT	1 March 2024

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is known as 206-214 Lakemba Street, Lakemba and is zoned B2 Local Centre in accordance with Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023). The site is irregular in shape due to the inset from within the south-eastern corner of the site and comprises a total site area of 5,119m². The site comprises a frontage to Lakemba Street of 86.88m, north-

eastern boundary depth of 61.315m, south-western boundary depth of 61.925m and rear boundary width of 77.55m.

A right of footway alongside a number of drainage easements traverse the site. The site is flood affected, primary along the western portion of the site.

The site is primarily level with exception to the minor rise within the south-eastern corner of the site. The site slightly slopes from the north-west to the north-east of the site by approximately 1.8m.

The site currently comprises a two storey building that accommodates the Greek Community Club, single storey building that comprises shops as well as a dwelling and associated structures.



Figure 1 – Aerial Photograph (Site outlined in red)
Source: Nearmap 2024

1.2 The Locality

The site is located on the fringe of the Lakemba Local Centre which is zoned B2 Local Centre in accordance with CBLEP 2023.

A three storey commercial building directly adjoins the site to the east.

The rear boundary adjoins R4 High Density Zoned land which is currently vacant with residential dwellings and a medical centre located beyond. A Development Application (DA) (DA-55-2021) for the rear vacant allotment was approved by the Sydney South Planning Panel on 25 August 2022 for the construction of three residential flat buildings ranging from 5 to 10 storeys with basement level car parking and open space areas and a new roadway to be dedicated to Council and Torrens title subdivision. Construction is yet to commence.

A two storey residential flat building directly adjoins the site to the west. This land is also zoned R4 High Density Residential.

Opposite the site, on the northern side of Lakemba Street is zoned R4 High Density Residential and currently consists of single and two storey residential dwellings as well as Lakemba Baptist

Church.

The site is located approximately 500m (walking distance) to Lakemba Railway Station located to the south-east of the site. Bus Stops are located along Lakemba Street, the closest being approximately 120m west of the site.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the demolition of existing buildings and construction of a five-storey Community facility including, retail premises, office space, function centre, bar and gaming rooms, reception lounge, Art & Cultural exhibition space, archive and administration rooms with two levels of basement car parking, separate servicing and loading facilities and a porte-cochere.

The proposal is broken down as follows:

Basement Level 2

- 54 vehicle parking spaces;
- 13 motorcycle spaces;
- 23 bicycle parking spaces;
- Service room; and
- Lift lobby serviced by 3 lifts.

Basement Level 1

- 48 vehicle parking spaces;
- 3 motorcycle parking spaces;
- Switch and fire pump room;
- Archival storage room;
- Goods lift and lift lobby; and
- Plant rooms and garbage storage room.

Ground Floor

- A porte-cochere.
- 4 shops fronting Lakemba Street.
- Outdoor/indoor café and kitchen and bar area;
- Lift lobby;
- Performance theatre;
- Archival room;
- Arts and Cultural Exhibition and Sales Area;
- Reception Area and amenities;
- 26 vehicle parking spaces;
- Loading dock; and
- Landscaping.

Level 1

- Members lounge and gaming room;
- Kitchen and bar area;
- 3 function rooms (2 of which are provided with stage facilities);
- Kids play area;
- Balcony spaces;

- Reception area and toilet amenities;
- Multi-purpose members lounge;
- Siting area and gallery; and
- Lift lobby and feature void.

Level 2

- 5 meeting rooms;
- President and board room;
- 5 office spaces;
- Gallery and toilet amenities;
- Balcony spaces; and
- Lift lobby and feature void.

Level 3

- 3 meeting rooms;
- 9 office spaces;
- Restaurant;
- Toilet amenities;
- Balcony spaces; and
- Lift lobby.

Level 4

- Reception lounge and amenities (including kitchen and toilets);
- Informal seating area;
- Lift access.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	5,119m ²
GFA	7,202.1m ²
FSR	N/A: 1.41:1
Clause 4.6 Requests	Yes – Clause 4.3 Height of Buildings
No. of apartments	N/A
Max Height	21.15m
Landscaped area	N/A
Car Parking spaces	128 vehicle parking spaces 16 motorcycle parking spaces 23 bicycle parking spaces
Setbacks	Design has not considered site specific setback controls contained within Chapter 1.4 of CBDP 2023.

2.2 Background

The development application was lodged on 2 February 2024. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
3 January 2024	Application submitted to Council by applicant.
2 February 2024	Application lodged with Council.
9 February 2024	DA referred to external agencies
21 February 2024	Commencement of advertising for a period of 28 days. The advertising period is to conclude on 19 March 2024.

2.3 Site History

No DA has recently been approved for the subject site. An informal pre-DA was held with the Applicant's Architect and Town Planner on 28 October 2022. The Applicant's consultant team were advised that new controls for the site were imminent and that any future development would need to consider such controls. Preliminary comments regarding Infrastructure and Resource Recovery were also provided at the meeting.

A DA was recently approved for the site that directly adjoins the rear of the subject site, known as 5-7 Croydon Street, Lakemba. The DA (DA-55-2021) was approved by the Sydney South Planning Panel on 25 August 2022 for the Construction of three residential flat buildings ranging from 5-10 storeys (144 dwellings) with basement level car parking and open space areas and a new roadway to be dedicated to Council. The Application also approved Torrens title subdivision to create separate parcels for the laneway and the development site, and strata subdivision of the apartments. The approved laneway runs along the entire length of the rear boundary (southern boundary) of the site subject to the DA under assessment (DA-30-2024). The laneway provides an 8.9m setback from the rear boundary to the new subdivided allotment that contains the approved residential flat development.

3. PLANNING CONTROLS

The site is located within the B2 Local Centre Zone pursuant to Clause 2.3 of the Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023).

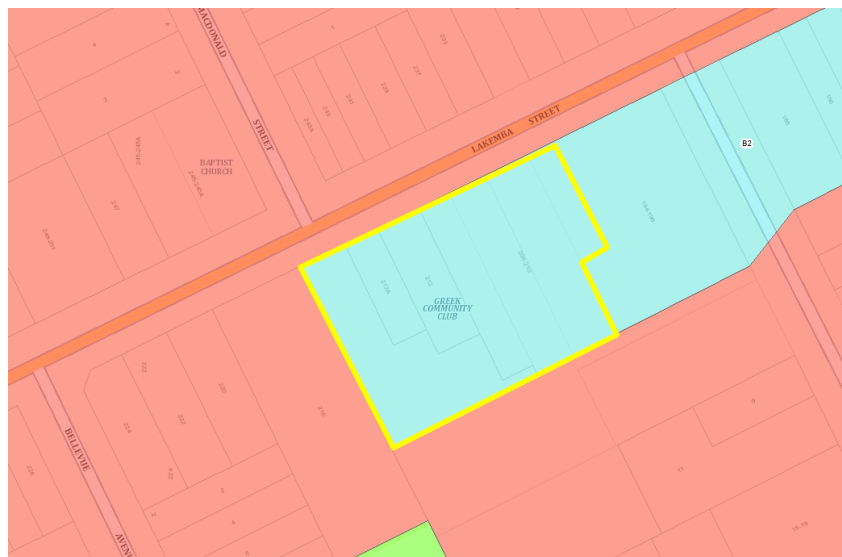


Figure 2 – Zoning Map (Site outlined in yellow)
Source: NSW Planning Portal Spatial Viewer, 2024

The Applicant defines the proposal as follows:

“Primarily a Registered Club and Community Facility... with ancillary uses being ‘commercial premises’, ‘function centres’, ‘food and drink premises’ and ‘business identification signage’. Whilst it is noted that these uses are permissible in the zone, with consent, Council raises concern with the description of the development as it is not considered that all the ancillary uses are in fact ancillary to the primary use (e.g the commercial premises can operate independently to the main use).

It is Council's view that the proposal is better described as a mixed-use development comprises of a Registered Club, Community Facility, Commercial Premises, Function Centres, Food ad Drink Premises with associated Business Identification Signage.

The proposal is consistent with the zone objectives.

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs are outlined in **Table 3**. The pre-conditions to the grant of consent have been considered and are outlined in bold.

Table 3: Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p>Chapter 2: Vegetation in non-rural areas –</p> <p>Chapter 2 applies to the removal of vegetation in non-rural areas of Canterbury Bankstown Council and aims to protect the biodiversity values of trees and other vegetation and to preserve the amenity of these areas through the preservation of trees and other vegetation.</p> <p>The application seeks consent for the removal of eight (8) trees. This matter is currently under consideration by Council's Tree Management team.</p>	Under Assessment
State Environmental	<p>Chapter 3: Advertising and Signage</p> <ul style="list-style-type: none"> Section 3.6 – granting consent to signage 	N

EPI	Matters for Consideration	Comply (Y/N)
Planning Policy (Industry and Employment) 2021	<ul style="list-style-type: none"> Section 3.11(1) – matters for consideration <p>Insufficient information has been provided to undertake an assessment of the proposed business identification signage against the relevant controls. Further information required.</p>	
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <ul style="list-style-type: none"> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as the proposal is for a Community Facility with a capital investment value of greater than \$5 million. 	Y
SEPP (Resilience & Hazards) 2021	<p>Chapter 4: Remediation of Land</p> <p>Section 4.6 requires a consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.</p> <p>Further information in the form of a Stage 1 Preliminary Site Investigation Report is required to be provided for review and assessment.</p>	N
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <p>This chapter applies to infrastructure and aims to facilitate the effective delivery of infrastructure across the State.</p> <ul style="list-style-type: none"> Division 5 Electricity transmission or distribution - Subdivision 2 Development likely to affect an electricity transmission or distribution network. <ul style="list-style-type: none"> 2.48 Determination of development applications—other development <p>The Application has been referred to Ausgrid for review and comment. No comments have been received to date.</p> Division 17 Roads and traffic - Subdivision 2 Development in or adjacent to road corridors and road reservations. <ul style="list-style-type: none"> 2.122 Traffic-generating development <p>The Application has been referred to Transport for NSW for review and comment pursuant to S2.122 as well as S138 of the Roads Act 1993. No comments have been received to date</p> 	Under Assessment
CBLEP 2023	<ul style="list-style-type: none"> Cl. 2.3 <i>Zone objectives and Land Use Table</i> Cl. 4.3 <i>Height of buildings</i> <ul style="list-style-type: none"> Does not comply with 18m maximum height limit Cl. 4.6 <i>Exceptions to development standards</i> Cl. 5.21 <i>Flood Planning</i> <ul style="list-style-type: none"> Awaiting comment from Development Engineers 	N

EPI	Matters for Consideration	Comply (Y/N)
	<p>and Assets Team to determine compliance.</p> <ul style="list-style-type: none"> Cl. 6.2 <i>Earthworks</i>. <ul style="list-style-type: none"> Further information required by way of Geotechnical Report to determine compliance. Awaiting comment from Development Engineers and Assets Team to determine compliance. Cl. 6.3 <i>Stormwater Management and Water Sensitive Urban Design</i> <ul style="list-style-type: none"> Awaiting comment from Development Engineers and Assets Team to determine compliance. Cl. 6.9 <i>Essential Services</i> <ul style="list-style-type: none"> Awaiting comment from Development Engineers and Assets Team to determine compliance. Require confirmation regarding requirement for substation. Cl. 6.15 <i>Design Excellence</i> <ul style="list-style-type: none"> Awaiting comment from Design Review Panel regarding compliance. 	
CBDCP 2023	<ul style="list-style-type: none"> Chapter 2.2 – Flood Risk Management <ul style="list-style-type: none"> Awaiting comment from Development Engineers and Assets Team to determine compliance. Chapter 2.3 – Tree Management <ul style="list-style-type: none"> Further information required as per comments from Tree Management Team. Chapter 3.1 – Development Engineering Standards <ul style="list-style-type: none"> Awaiting comment from Development Engineers and Assets Team to determine compliance. Chapter 3.2 – Parking <ul style="list-style-type: none"> Awaiting comment from Traffic Team to determine compliance. Chapter 3.3 – Waste Management <ul style="list-style-type: none"> Council's Resource Recovery raises no concern with the proposal, subject to conditions of consent. Chapter 3.6 – Signs <ul style="list-style-type: none"> Further information required to undertake assessment against the relevant controls. Chapter 3.7 – Landscape <ul style="list-style-type: none"> Further information required to address concerns raised by Council's Landscape Architect. Chapter 7.1 – Commercial Centres – General Requirements <ul style="list-style-type: none"> Building Design (Active Street Frontages) Building Design (Substations) Façade Design Materials and Finishes Awning Design General Design and Amenity – Development Adjacent to Residential Zones Chapter 7.3 – City East <ul style="list-style-type: none"> Lakemba Local Centre <ul style="list-style-type: none"> Retail/Commercial Street Activation. The Applicant has designed the building in accordance with the key design controls contained within this Chapter of CBDCP 2023. As outlined below, the controls contained within Chapter 11.4 prevail in this instance and 	N

EPI	Matters for Consideration	Comply (Y/N)
	<p>the Applicant has not considered such.</p> <ul style="list-style-type: none"> Solar Access Impact on adjoining residential zoned land. Chapter 11.4 – Croydon Street Precinct Lakemba. <ul style="list-style-type: none"> The Applicant has not considered this Section of CBDP 2023. As outlined within Section 1, the controls of this chapter will prevail if there is an inconsistency with other development controls in this CBDP 2023. In particular, the Application has not considered the Overland Flow Path design and desired character for the site in line with the controls outlined in this Section of CBDP 2023. 	

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, conditions) resolution,	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
NSW Department of Primary Industries	<p>Fisheries (<i>Fisheries Management Act 1994</i>)</p> <ul style="list-style-type: none"> 201 Circumstances in which a person (other than a public or local government authority) may carry out dredging or reclamation 204A Marine vegetation protected from any harvesting or other harm 205 Marine vegetation—regulation of harm 219 Passage of fish not to be blocked <p>Biodiversity (<i>Biodiversity Conservation Act 2016</i>)</p> <ul style="list-style-type: none"> Part 7 Biodiversity assessment and approvals under Planning Act 	N/A	N/A

Agency	Concurrence/ referral trigger	Comments (Issue, conditions) resolution,	Resolved
Water NSW	<p>Water use (<i>Water Management Act 2000</i>)</p> <ul style="list-style-type: none"> • 89 Water use approvals <p>Drainage works (<i>Water Management Act 2000</i>)</p> <ul style="list-style-type: none"> • 89 Water use approvals <p>Controlled activity (<i>Water Management Act 2000</i>)</p> <ul style="list-style-type: none"> • 91 Activity approvals 	N/A – Although a Geotech Report will be requested as it has not been provided. Therefore, referral may be required upon consideration of matters outlined within the report.	Under Assessment
NSW National Parks and Wildlife Service	<p>Aboriginal heritage (<i>National Parks and Wildlife Act 1974</i>)</p> <ul style="list-style-type: none"> • 90 Aboriginal heritage impact permits 	N/A	N/A
NSW Rural Fire Service	<p>Bush fire prone land (<i>Rural Fires Act 1997</i>)</p> <ul style="list-style-type: none"> • 100B Bush fire safety authorities 	N/A	N/A
Transport for NSW	<p>Other works and structures (<i>Roads Act 1993</i>)</p> <ul style="list-style-type: none"> • 138 Works and structures 	Referred, but not as Integrated Development. Awaiting receipt of comments.	Under Assessment
Heritage NSW	<p>Subdivision (<i>Heritage Act 1977</i>)</p> <ul style="list-style-type: none"> • 58 Application of Subdivision 	N/A	N/A
TfNSW	<p>Transport and Infrastructure SEPP 2022</p> <ul style="list-style-type: none"> ○ 2.122 Traffic-generating development 	Awaiting receipt of comments.	Under Assessment

Agency	Concurrence/ referral trigger	Comments (Issue, conditions) resolution,	Resolved
Ausgrid	Transport and Infrastructure SEPP 2022 <ul style="list-style-type: none"> 2.48 Determination of development applications—other development 	Awaiting receipt of comments.	Under Assessment

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineer	Awaiting comments	N
Building Surveyor	Awaiting comments	N
Tree Management	Council's Tree Management Officer reviewed the proposal and noted that insufficient information was provided to undertake a detailed assessment against the relevant controls. The following information is to be prepared and submitted to assist with their assessment: <ul style="list-style-type: none"> - An Arboricultural Impact Assessment. - A Tree Management Program for the site prepared by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience. 	N
Traffic	Awaiting comments	N
Environmental Health	Council's Environmental Health Officer reviewed the proposal and noted that insufficient information was provided to undertake a detailed assessment against the relevant controls. The following information is to be prepared and submitted to assist with their assessment: <ul style="list-style-type: none"> - A Stage 1 Preliminary Site Investigation (PSI) is required and must be carried out by a duly qualified contaminated land consultant. - An updated Acoustic Report to address concerns raised in regards to operational requirements. - Detailed plans and specifications are required to show that all parts of the premises used for the storage and preparation of food are to be constructed and fitted out strictly in accordance with the Australian New Zealand Food Standards Code, Australian Standard AS 4674-2004 (Design, construction and fit-out of food premises). 	N

Safety & Security	Awaiting comments	N
Waste Collection	Satisfied with the design subject to conditions of consent.	Y
Landscape	Council's Landscape Architect has reviewed the proposal and noted that insufficient information was provided to undertake a detailed assessment against the relevant controls. The following information is to be prepared and submitted to assist with their assessment: - An updated landscape plan be submitted to address concerns raised in relation to existing trees and retention of trees, on-podium/ roof top planter boxes, design of landscaping and watering systems.	
Assets	Awaiting comments	N
Urban Design Panel	To be provided.	N

4.3 Community Consultation

The proposal was notified in accordance with the Canterbury Bankstown Community Participation Plan. The commencement of the 28 day advertising period occurred on 21 February 2024 and will conclude on 19 March 2024.

No submissions have been received to date.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

- Building Height.
- Lack of consideration of site specific controls outlined within Chapter 11.4 of CBDP 2023 particularly in regards to active ground floor frontages and treatment of the overland flow path.
- Retail/Commercial Street Activation.
- Design, colour and finishes.
- Servicing (particularly in regards to substation).
- Potential impact of the design on the amenity of adjoining residential properties.
- Insufficient information to facilitate assessment by internal stakeholders (environmental health, landscaping, tree management).

6. RECOMMENDATION

It is recommended that a request for further information letter should be sent to the Applicant requesting the matters raised above be addressed. It is recommended that the letter is issued at the conclusion of the notification period and receipt of all internal and external stakeholders. This will ensure a comprehensive re-consideration of the proposal is undertaken.

It is recommended that the requirement for an assessment against the controls contained within Chapter 11.4 of CBDP 2023 is undertaken by the Applicant as this has not yet been considered. It is likely that consideration of such will result in a significant redesign to the current design in order to address such controls and/or be the basis for consideration of any non-compliances, on merit. The amended design will also need to be referred to the Design Review Panel for consideration.

7. ATTACHMENTS

The following attachments are provided:

- Attachment A: Locality/Context Plan
- Attachment B: Architectural Plans
- Attachment C: Clause 4.6 Request