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| <b>DATE OF DETERMINATION</b>    | 17 October 2024   |
| <b>DATE OF PANEL DECISION</b>   | 17 October 2024   |
| <b>PANEL MEMBERS</b>            | Annelise Tuor (Chair), Penelope Holloway, Glennis James |
| <b>APOLOGIES</b>                | Karl Saleh, Khal Asfour                                 |
| <b>DECLARATIONS OF INTEREST</b> | None  |

Panel Briefing held by teleconference on 14 October 2024, opened at 9am and closed at 10:30am.  
Papers circulated electronically on 4 October 2024.

#### **MATTER DETERMINED**

**PPSSSH-159 – Canterbury-Bankstown – DA-30/2024** 206-214 Lakemba Street, Lakemba - Greek Community Centre

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7, the material presented at briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

#### **Application to vary a development standard**

Consideration of a written request from the applicant, made under cl 4.6 (3) of the *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP 2023), that sought to demonstrate:

- a) compliance with cl. 4.3 Height of buildings of the CBLEP (2023) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

The panel is not satisfied that the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP.

#### **Development application**

The panel determined to refuse 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 determined to not uphold the clause 4.6 variation to Height of buildings, and to refuse the application for the reasons outlined in the council assessment report and as indicated below:

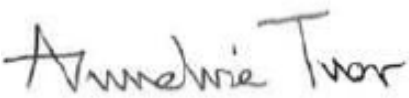


- 1) Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been submitted to determine whether the proposal satisfies the relevant requirements contained within the following Environmental Planning Instruments:
  - a. *Water Management Act 2000* -Sections 90(3) and 91(3) relating to Integrated Development;
  - b. *State Environmental Planning Policy (Industry and Employment) 2021* – Clause 3.6 and Schedule 5 relating to business identification signage;
  - c. *State Environmental Planning Policy (Resilience and Hazards) 2021* – Clause 4.6 relating to contaminated land; and
  - d. *State Environmental Planning Policy (Sustainable Buildings) 2021* – Clause 3.2 relating to non-residential development.
- 2) Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy Clause 4.3 (2) of the *Canterbury Bankstown Local*

*Environmental Plan 2023* relating to 'Height of buildings' and exceeds the maximum allowable height of building of 18m.

- 3) Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the Clause 4.6 request to vary Clause 4.3(2) 'Height of buildings' of the *Canterbury Bankstown Local Environmental Plan 2023* has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary and there are sufficient environmental planning grounds.
- 4) Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy Clause 6.15 of *Canterbury Bankstown Local Environmental Plan 2023* as the development does not exhibit design excellence.
- 5) Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been submitted to determine whether the proposal satisfies the following Clauses contained within *Canterbury Bankstown Local Environmental Plan 2023*:
  - a. Clause 5.21 – Flood Planning;
  - b. Clause 6.2 – Earthworks;
  - c. Clause 6.3 – Stormwater Management and Water Sensitive Urban Design; and
  - d. Clause 6.9 – Essential Services.
- 6) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been submitted to determine whether the proposal satisfies the following Sections contained within *Canterbury Bankstown Development Control Plan 2023*:
  - a. Chapter 2.2 – Flood Risk Management;
  - b. Chapter 3.1 – Development Engineering Standards;
  - c. Chapter 3.6 - Signs;
  - d. Chapter 3.7 – Landscape;
  - e. Chapter 11.4, Section 5 – Landscaping;
- 7) The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as it does not comply with the following objectives and controls of the *Canterbury Bankstown Development Control Plan 2023*:
  - a. Chapter 3.2 – Parking;
  - b. Chapter 7.1, Section 2 – Active Street Frontages;
  - c. Chapter 7.1, Section 3 – Façade Design;
  - d. Chapter 7.1, Section 4 – Visual Bulk;
  - e. Chapter 7.1, Section 6 – Roof Design;
  - f. Chapter 7.1, Section 7 – Materials and Finishes;
  - g. Chapter 7.1, Section 8 – Awning Design;
  - h. Chapter 7.1, Control 9.3 – Access to Sunlight;
  - i. Chapter 7.1, Control 9.21 – Development Adjacent to Residential Zones;
  - j. Chapter 11.4, Section 3 – Building Envelopes;
  - k. Chapter 11.4, Section 4 – Streetscape;
  - l. Chapter 11.4, Section 6 – Pedestrian and Vehicular Links/Access;
  - m. Chapter 11.4, Section 7 – Building Articulation; and
  - n. Chapter 11.4, Section 8 – Overland Flow Path
- 8) Pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposal is deficient in information to allow for a detailed assessment against a number of key development and design controls. Subsequently a detailed assessment of the likely impacts of the development could not be undertaken.
- 9) Pursuant to the provisions of 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. Notwithstanding this, based on an assessment of the information submitted and given the number of variations sought, the site is not considered suitable for the proposed development.
- 10) 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.

## CONSIDERATION OF COMMUNITY VIEWS

There were no community submissions regarding this development.

| PANEL MEMBERS  |   |
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| <br>Annelise Tuor (Chair) | <br>Penelope Holloway |
| <br>Glennis James         |   |

| SCHEDULE 1 |   |   |
|------------|---|---|
| 1          | PANEL REF – LGA – DA NO.                              | PPSSSH-159 – Canterbury-Bankstown – DA-30/2024  |
| 2          | PROPOSED DEVELOPMENT                                  | Greek Community Centre - Demolition of existing buildings and construction of a five-storey Community facility including, retail premises, 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.  |
| 3          | STREET ADDRESS  | 206-214 Lakemba Street, Lakemba   |
| 4          | APPLICANT/OWNER                                       | Harry Danalis/ The Greek Orthodox Community of New South Wales Ltd.   |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | Private infrastructure and community facilities over \$5 million  |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li><i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li><i>Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)</i></li> </ul> </li> <li>Draft environmental planning instruments: <ul style="list-style-type: none"> <li><i>Draft State Environmental Planning Policy (Environment)</i></li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li><i>Canterbury Bankstown Development Control Plan 2023 (CBDPC 2023)</i></li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>Council assessment report: 3 October 2024</li> <li>Clause 4.6 statement – Height of buildings</li> <li>Written submissions during public exhibition: 0</li> <li>Total number of unique submissions received by way of objection: 0</li> </ul>  |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>Kick Off Briefing: 11/03/2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Annelise Tuor (Chair), Penny Holloway, Brian Kirk, Khal Asfour</li> <li><u>Council assessment staff</u>: Ian Woodward, Bob Steedman, George Gouvatsos and Natasha Parasiris</li> <li><u>Applicant representatives</u>: Nick Katris, Chris Katris, Bernard Moroz and Harry Danalis</li> </ul> </li> <li>Assessment Briefing: 24/06/2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour, Karl Saleh</li> </ul> </li> </ul>   |

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|    |                        | <ul style="list-style-type: none"> <li>○ <u>Applicant representatives</u>: Nick Katris, Nathan Bozinowski and Bernard Moroz</li> <li>● Site Inspection: 25/03/2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Glennis James, Khal Asfour, Karl Saleh</li> <li>○ <u>Council assessment staff</u>: Bob Steedman, Natasha Parasiris</li> </ul> </li> <li>● Determination Briefing: 14/10/2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Khal Asfour</li> <li>○ <u>Council assessment staff</u>: Alice Pettini, Bruno Pelucca, Ian Woodward, George Gouvatsos, Natasha Parasiris</li> <li>○ <u>Applicant representatives</u>: Chris Katris, Bernard Moroz, Harry Danalis, Nia Karteris and Con Apoifis</li> </ul> </li> </ul> |
| 9  | COUNCIL RECOMMENDATION | Refusal  |
| 10 | DRAFT CONDITIONS       | None   |