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| <b>DATE OF DETERMINATION</b>    | 26 August 2025                                                          |
| <b>DATE OF PANEL DECISION</b>   | 26 August 2025                                                          |
| <b>DATE OF PANEL BRIEFING</b>   | 25 August 2025                                                          |
| <b>PANEL MEMBERS</b>            | Annelise Tuor (Chair), Penelope Holloway, Stephen O'Connor, Khal Asfour |
| <b>APOLOGIES</b>                | Glennis James, Karl Saleh                                               |
| <b>DECLARATIONS OF INTEREST</b> | None                                                                    |

Papers circulated electronically on 18 August 2025.

#### **MATTER DETERMINED**

PPSSSH-194 – CANTERBURY-BANKSTOWN – DA-289/2025 at 190 WATERLOO ROAD GREENACRE 2190 – Demolition of existing on site structures and construction of a seven storey mixed use building comprising 4 retail premises and 60 residential apartments (of which 11 are affordable housing) with two levels of basement parking (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 meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

The application is classified as integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring approval under the *Water Management Act 2000*. WaterNSW provided general terms of approval.

#### **Development application**

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for all the reasons stated in the reasons for refusal prepared by Council with the exception of Reason No 1.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to refuse the application for the reasons outlined in the Council Assessment Report, including Council's reasons for refusal (with the exception of Reason No 1).

The Panel notes the applicant requested deferral of the application and had lodged plans on the NSW Planning Portal indicating what amendments could be made. Council's preliminary view of these plans suggests while there would be improvement, the reasons for refusal would remain largely unresolved. In the Panel's opinion, there would be little utility in deferring the application given the likely time involved and the uncertainty about the resolution of the outstanding issues. In the Panel's opinion there are fundamental issues, including:

- Solar access
- Cross ventilation
- Internal amenity
- Quality of landscaping/deep soil

that can only be resolved through a redesign of the proposal. Furthermore, the absence of a Remediation Action Plan does not provide the satisfaction required under s 4.6 (1)(b) & (c) of the *State Environmental Planning Policy Resilience and Hazards 2021*. This, combined with other more minor matters, justify refusal of the application.

The site is well suited to a mixed commercial residential use and the Panel recognises the urgent need for housing of all types in NSW, however, due to the unresolved issues, the application in its current form cannot be supported.

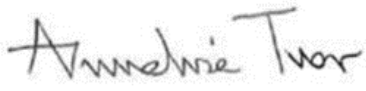
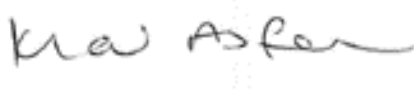
The Panel directed the removal of Reason No 1 as the intent is unclear.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic congestion and parking
- Infrastructure Strain
- Loss of Existing Services
- Character and Amenity
- Safety
- Public Transport Limitations
- Community Participation

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

| PANEL MEMBERS                                                                                                |                                                                                                           |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <br>Annelise Tuor (Chair) | <br>Penelope Holloway |
| <br>Stephen O'Connor      | <br>Khal Asfour       |

| SCHEDULE 1 |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 1          | PANEL REF – LGA – DA NO.                              | PPSSSH-194 – CANTERBURY-BANKSTOWN – DA-289/2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2          | PROPOSED DEVELOPMENT                                  | Demolition of existing on site structures and construction of a seven storey mixed use building comprising 4 retail premises and 60 residential apartments (of which 11 are affordable housing) with two levels of basement parking.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3          | STREET ADDRESS                                        | 190 WATERLOO ROAD GREENACRE 2190                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4          | APPLICANT/OWNER                                       | Ghazi Al Ali Architect Pty Ltd / MMDA Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | General development over \$30 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Water Management Act 2000</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2021</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Canterbury-Bankstown Local Environmental Plan 2023</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Canterbury Bankstown Development Control Plan 2023</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant 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, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>Council Assessment Report: 18 August 2025</li> <li>Reasons for Refusal: 18 August 2025</li> <li>Total number of unique submissions received by way of objection: 8</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>Preliminary Briefing: 5 May 2025 <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>: Warren Terry, George Gouvastos</li> <li><u>Applicant representatives</u>: Ghazi Al Ali (Ghazi Al Ali Architects), Mohammad Is'Haque Omar (Ghazi Al Ali Architects), Fatin Aminuddin (Ghazi Al Ali Architects)</li> <li><u>DPHI</u>: Amanda Moylan, Nikita Lange</li> </ul> </li> <li>Site inspection: 19 May 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Karl Saleh</li> <li><u>Council assessment staff</u>: Warren Terry, Bob Steedman</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|    |                        | <ul style="list-style-type: none"> <li>Final briefing to discuss council's recommendation: 25 August 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Stephen O'Connor, Khal Asfour</li> <li><u>Council assessment staff</u>: Ian Woodward, Andrew Hargraves</li> <li><u>Applicant representatives</u>: Ghazi Al Ali (Ghazi Al Ali Architects), Mohammad Is'Haque Omar (Ghazi Al Ali Architects), Fatin Aminuddin (Ghazi Al Ali Architects), Adam Byrnes (Think Planners), Ben Creighton (Think Planners)</li> <li><u>DPHI</u>: Nikita Lange</li> </ul> </li> </ul> |
| 9  | COUNCIL RECOMMENDATION | Refusal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10 | DRAFT CONDITIONS       | Attached to the Council Assessment Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |