

TO: Sydney Central City Planning Panel

SUBJECT: 17 Church Street, 1 Board Street, 2-28 Board Street, 3-21 Ann Street and Board Street LIDCOMBE NSW 2141

APPLICATION No: MOD2023/0425

Application accepted	31 October 2023.
Applicant	Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club, Urbis.
Owner	Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club.
Application No.	MOD2023/0425.
Responsible officer	Glenn Apps, Consulting Town Planner (The application has been assessed by an independent external Town Planning Consultant and is referred to the Panel as the proposal is partly on land owned by the Council).
Description of Land	17 Church Street, 1 Board Street, 2-28 Board Street, 3-21 Ann Street and Board Street Lidcombe. Lot 11 DP 78789, Part Lot 13 DP 78789, Lot 15 DP 78789, Lot 1 DP 79131, Lot 2 DP 79131, Lot 3 DP 79131, Lot 11 DP 64696, Lot 12 DP 64696, Lot 13 DP 64696, Lot A DP 190260, Lot B DP 190260, Lot 1 DP 196024, Lot X DP 391142, Lot Y DP 391142, Lot B DP 395349, Lot 12 DP 741212, Lot 1 DP 741584, Lot 1 DP 712252, Lot 1 DP 779654, Lot 1 DP 798953, Lot 14 DP 976927, Lot 15 DP 976927, Lot 6 Sec a DP 979289, Lot 9 Sec a DP 979289, Lot 14 DP 1083657, Lot 14 DP 1083698, Lot 2011 DP 1225004, Lot 100 DP 1244699, Lot 101 DP 1290463.
Proposed Development	Section 4.55(2) Modification for various amendments to the approved alterations and additions to the Registered Club (Dooleys) including the addition of 2 Board Street and northern end of the unnamed lane way, reconfiguration of internal layout, deletion of basement addition and administration building, addition of outdoor gaming area, relocation of substation and plant equipment, changes to building elevations and landscaping, staged construction and operation, and internal construction works outside of standard hours.
Site Area	31,122.24m ² .
Zoning	E1 Local Centre.
Disclosure of political donations and gifts	Nil disclosure.
Submissions	One (1) submission was received.
Cost of works	\$110,272,872.00.
Heritage	The subject site is not heritage listed and is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being: - Item 31 – <i>Hotel Lidcombe</i> – John Street, Lidcombe; - Item 32 – <i>Lidcombe Fire Station</i> – 37 Church Street, Lidcombe; - Item 33 – <i>Lidcombe Police Station</i> – 11 John Street, Lidcombe;

	<p>- Item 35 – <i>Lidcombe Public School and Infants Department</i> – Corner John Street, Doodson Avenue and Mill Street, Lidcombe;</p> <p>- Item 39 – <i>St Joachims Catholic Church, Parish Hall and School</i> – John Street and 7 Mary Street, Lidcombe.</p> <p>- Item 40 – <i>Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain</i> – Park bounded by Olympic Drive and Boorea Street, Percy and Church Streets and</p> <p>- Item 41 – <i>Stand of Eucalyptus Microcorys</i> – Olympic Drive, Lidcombe.</p>
Principal Development Standards	<p>FSR Permissible: Part 5.0:1 and part 3.5:1. Approved: 0.72:1 (in the 5.0:1 zone). Proposed: 0.63:1.</p> <p>Height of Buildings Permissible: Part 60m and part 38m. Approved: 22.53m. Proposed: 18.98.</p>
Issues	Whether “substantially the same development”; Car parking.
Recommendation	Approval, subject to modified conditions.

SUMMARY

1. Modification Application No. MOD2023/0425 was accepted on 31 October 2023 for a Section 4.55(2) Modification for various amendments to the approved alterations and additions to the Registered Club (Dooleys) including the addition of land at 2 Board Street and land at the northern end of the unnamed lane way off Church Street to the development site, the reconfiguration of internal layout, deletion of basement addition and administration building, addition of an outdoor gaming area, relocation of the substation and plant equipment, changes to building elevations and landscaping, staged construction and operation, and internal construction works outside of standard hours.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 30 November 2023 and 14 December 2023. No submissions were received. The application was re-notified between 18 January 2024 and 15 February 2024. One (1) submission was received in response.
3. The modification does not result in any variations to any development standard within the Cumberland Local Environmental Plan 2021. The modification does not result in any variations to any provisions of the Cumberland Development Control Plan 2021 that have not been considered and approved under the parent DA, other than the replacement of street trees with planter boxes.
4. The application is referred to the Panel as the proposal is considered to be a conflict of interest as Council owns that part of the unnamed lane to which the application relates.
5. The application is recommended for Approval subject to the conditions as recommended in the Council's assessment report.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site is known as 17 Church Street, 1 & 2-28 Board Street, Board Street, and 3-21 Ann Street and northern portion of Council Lane, Lidcombe. The legal description of the site is provided in **Table 1** below:

Lot	Section	Deposited Plan	Address
Lot 2011	-	DP 1225004	17 Church Street, Lidcombe
-	-	-	Northern portion of Council Lane
Lot 1	-	DP 712252	1 Board Street, Lidcombe
Lot 100	-	DP 1244699	Board Street, Lidcombe
Lot 101	-	DP 1290463	Board Street, Lidcombe
Lot 6	Section A	DP 979289	2 Board Street, Lidcombe
Lot Y	-	DP 391142	4 Board Street, Lidcombe
Lot X	-	DP 391142	6 Board Street, Lidcombe
Lot 12	-	DP 741212	8 Board Street, Lidcombe
Lot 14	-	DP 1083698	10 Board Street, Lidcombe
Lot 1	-	DP 779654	12 Board Street, Lidcombe
Lot B	-	DP 190260	14 Board Street, Lidcombe
Lot A	-	DP 190260	16 Board Street, Lidcombe
Lot B	-	DP 395349	18 Board Street, Lidcombe
Lot 1	-	DP 741584	20 Board Street, Lidcombe
Lot 11	-	DP 64696	20 Board Street, Lidcombe
Lot 12	-	DP 64696	22 Board Street, Lidcombe
Lot 13	-	DP 64696	24 Board Street, Lidcombe
Lot 14	-	DP 976927	26 Board Street, Lidcombe
Lot 15	-	DP 976927	28 Board Street, Lidcombe
Lot 9	Section A	DP 979289	3 Ann Street, Lidcombe
Lot 11	-	DP 78789	5 Ann Street, Lidcombe
Lot 13	-	DP 78789	7 Ann Street, Lidcombe
Lot 15	-	DP 78789	9 Ann Street, Lidcombe
Lot 14	-	DP 1083657	11 Ann Street, Lidcombe
Lot 3	-	DP 79131	13 Ann Street, Lidcombe
Lot 2	-	DP 79131	15 Ann Street, Lidcombe
Lot 1	-	DP 79131	17 Ann Street, Lidcombe
Lot 1	-	DP 196024	19 Ann Street, Lidcombe
Lot 1	-	DP 798953	21 Ann Street, Lidcombe

Table 1 – Legal Description of Site (Source: Cumberland City Council)

The site, the subject of the development application, is situated to the north of Lidcombe Railway Station. To the north of the site, along Ann Street, the site is bounded by land zoned R4 High Density Residential. Land to the north-east and east of the site is zoned E1 Local Centre. To the west of the subject site is Olympic Drive which is zoned SP2 Infrastructure and further west is Wyatt Park which is zoned RE1 Public Recreation.

The surrounding locality is characterised by commercial and retail tenancies along John Street and Church Street, with typical heights of 2 and 3 storeys. In addition, the zone is

characterised by a mix of mixed use developments, and community facilities in the form of schools, youth centres and place of public worship.

The railway line runs south of Church Street, with Lidcombe railway station located to the south east of the subject land.

The site is shown below edged in purple.

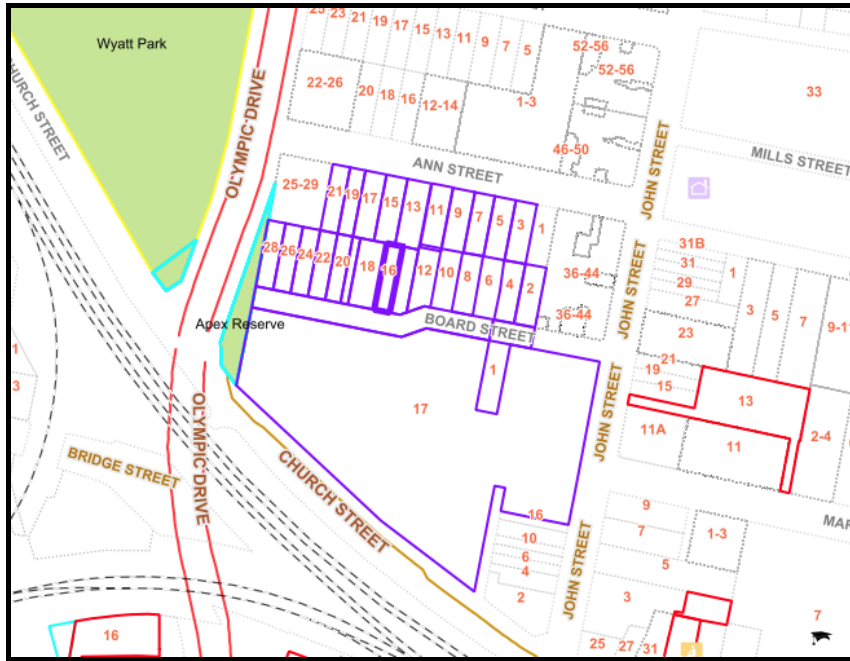


Figure 1 – Locality Plan of subject site (Source: Intramaps)



Figure 2 – Aerial view of subject site (Source: Nearmaps)



Figure 3 – Street view of subject site (corner of John Street and Board Street)



Figure 4 – View north along the unnamed lane

A site inspection by the author on 27 March 2024 confirms that the approved project has commenced including some preliminary demolition work as shown in the photo above.

DESCRIPTION OF THE DEVELOPMENT

Extensive refurbishment and additions to the Dooleys Lidcombe Catholic Club building were granted consent by Development Application DA2019/0467 on 4 November 2020 by the Sydney Central City Planning Panel.

The subject modification application MOD2023/0425 proposes various modifications to the development approved under DA2019/0467 as follows:

- Expansion of the Club at ground level into the northern end of the unnamed Council laneway off Church Street and running parallel to John Street;
- Relocation of the approved substation (switch room) to 2 Board St (outside previous site boundary) and addition of two kiosks;
- Extent of internal demolition across all levels increased;
- Reconfiguration of the internal layout at both ground and first floor level, including additional function spaces and amenities, and new roof over the ballroom;
- Provision of new terrace within the northern elevation;
- Provision of new outdoor gaming area at first floor level in south-east corner;
- Deletion of the two-storey administration building;
- Plant room relocated to Level 2 and plant room enclosure, amenities and roof added;
- Location of stairs, lifts and escalators throughout the development have been revised;
- Changes to the elevations of the development, including:
 - revised position of screens;
 - external planting removed;
 - new opening for outdoor gaming areas;
 - minor revision to materials and finishes;
 - individual awnings replaced with continuous awning;
 - glass awning at John Street entry replaced with solid awning;
 - egress stairs added to western elevation; and
 - relocation of car park air intake louvre.
- Reconfiguration of the basement layouts, including:
 - reduction in extent of existing slab demolition;
 - deletion of the proposed basement extension and additional 52 car parking spaces; and
 - relocation of lifts, bulk fuel chamber and service areas.
- Modifications to the landscape plans:
 - The location of the planting has been reconfigured to reflect the internal changes to the development;
 - Reconfiguration of street trees along John Street; and
 - Public domain improvements have been detailed.
- The proposed works to be staged in 3 phases, to allow for the continued operation of the Club;
- Amendments to conditions to allow flexibility to the staging of the development and
- Amendments to conditions to reflect the modifications sought.

A synopsis of the proposed changes is provided in the table below comparing the approved development to the modification.

Feature	Original approval by the Panel	Modified development	Comments
Site Area	30,333.72m ²	31,122.24m ²	The additional 788.52m ² comprises a 91m ² part of the lane and 2 Broad Street which is 697m ² in size.
Gross Floor Area	14,895.14m ² (Club & Admin Building)	13,183.42m ²	Reduced GFA due to the deletion of the administration building component.
Height of Building	22.53m (Club & Admin Building)	18.53m	A reduction in height of 3.55m results from the deletion of the 2 storey office component.
Floor Space Ratio	0.72:1 (Club & Admin Building)	0.63:1	Reduced FSR due to the deletion of the Admin building component.
Car parking	Existing: 519 Proposed: 51 Total: 570	519	The modified development no longer includes the extension of the basement levels to accommodate the additional 51 car spaces.
Construction hours	Demolition works <ul style="list-style-type: none"> Monday to Saturday (inclusive) 7:00am - 5:00pm Sundays and Public Holidays No work Construction works <ul style="list-style-type: none"> Monday to Friday (inclusive) 7:00am - 6:00pm Saturday 8:00am - 4:00pm Sundays and Public Holidays No work 	<p>No change to demolition hours.</p> <p>Construction hours associated with the internal fit out works to be carried out outside of the approved hours so as to limit disruption to club operations provided those works are inaudible at the nearest sensitive receiver.</p>	The modification seeks to allow internal fit out works to be carried out outside of the construction hours so as to minimise disruption to the club's operations.

Changes to the conditions

As a result of the changes made to the development, the Modification Application seeks the following conditions of development consent are required to be modified, added or deleted:

Condition	Proposed Modification
Applicant	Please update Council's records to reflect the Applicant as Dooleys Lidcombe Catholic Club .
Condition 2 Amend	To reflect and list the amended plans and documentation.
New Condition 2A	<p>Proposed wording of new condition: Plan amendments Amended plans/documents shall be submitted to the Council or registered certifier prior to the issue of the relevant Construction Certificate incorporating the following matters:</p> <ol style="list-style-type: none"> a) The proposed extension into southern laneway shall not have adverse impacts onto adjoining neighbouring vehicular access arrangements. Swept path diagrams shall be provided to the satisfaction of the registered certifier to demonstrate a B85 vehicle parking in the carport of No.16 John Street can enter or depart the laneway in a forward direction without encroaching any obstructions. In accordance with AS2890.1. b) Submission of an updated Landscape Plan and associated details that specifically conforms to Council's Lidcombe Town Centre Public Domain Plan, for all proposed streetscape embellishment works including: <ol style="list-style-type: none"> I. Replacement of proposed unit pavers with pavers consistent to the Plan including predominant Pebblecrete Pavers with New Italia Porphyry Natural cobblestone highlights (Reference the Auburn Town Centre Plan for pavement patterning and the Lidcombe Town Centre Public Domain Plan). In addition a 'feature treatment pavement' outside the entrance to Dooleys Catholic Club as outlined in the Lidcombe Town Centre Public Domain Plan shall also be provided. II. Reduce the height of proposed Planter Boxes from 0.8 metres high to 0.4 - 0.45 metres. III. Include street tree planting, kerb build outs and raingardens

Condition 14 - delete	Condition to be deleted as no longer relevant. The underground petroleum storage system has been removed from the proposal.
New Condition 20	<p>Proposed wording of new condition:</p> <p>The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report or plan (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Council. The Staging Report or plan must be submitted to Council no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).</p>
New Condition 20A	<p>Proposed wording of new condition:</p> <p>A Staging Report prepared in accordance with condition 20 must:</p> <p>(a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;</p> <p>(b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);</p> <p>(c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and</p> <p>(d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.</p>
New Condition 20B	<p>Proposed wording of new condition:</p> <p>Where construction or operation is being staged in accordance with a Staging Report or plan, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report or plan.</p>

Heading (before Condition 30) - Amend	Amend condition: Conditions which must be satisfied prior to the issue of the relevant Construction Certificate.
Conditions 30, 32, 41, 42, 44, 47, 48, 49, 54, 55, 56, 63, 66, 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 81	Amend condition: Conditions to be amended to reflect "prior to the issue of the relevant Construction Certificate."
Condition 48 - Delete	Condition to be deleted as no longer relevant. The proposal no longer includes on slab landscaping as the administration levels have been removed from the development.
Condition 66 - Amend	<p>Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved Noise Impact Assessment prepared by Wilkinson Murray, Reference Number 19333-M, Revision C, dated March 2021 Pulse White, Reference Number 230256 dated 21 September 2023, and any subsequent acoustic report submitted in accordance with this consent must be implemented and complied with.</p> <p>Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.</p>
Condition 78 - delete	Condition to be deleted as no longer relevant. The basement extension has been removed from the development.
Condition 89(b)- delete	<p>89. DAPCZ01 – On Street Drainage Construction Prior to issue of any Occupation Certificate the street drainage works shall be completed to Council's satisfaction at no cost to Council. In this regard:</p> <p>(a) A separate construction approval shall be obtained from Council's Engineering Section.</p> <p>(b) Transport NSW approval shall be obtained for the any-construction works within Olympic Drive.</p> <p>(c) Inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:</p> <p>(i) After the excavation of pipeline trenches.</p> <p>(ii) After the laying of all pipes prior to backfilling.</p> <p>(iii) After the completion of all pits and connection points.</p>

(e) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.

(f) Work is not to proceed until the works are inspected and approved by Council.

(Reason: To ensure Council's assets are constructed to Council's requirements)

Condition 89(b) shall be modified to remove the word the and replace it with any.

Condition 92 – Amend

No construction or any other related activities including the delivery of materials to the site shall be carried out on the site outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 4.00 pm Saturdays. No work is to occur on Sundays and public holidays.

Construction works associated with the internal fitout may be undertaken outside of these hours provided the works are inaudible at the nearest sensitive receivers.

Note: Demolition work is not permitted on weekends or public holidays- refer to specific demolition conditions for approved hours.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 6.00 pm Monday to Friday.

Condition 115 - Amend

~~Street trees shall be planted~~ **New planter boxes will be constructed** within the John Street road reserve ~~at 13m intervals as shown in the Landscape Plans, Drawing Nos. LA-02 GF Landscape Plan 1 / C-GIL-LA-DR-GR201 and GF Landscape Plan 2 / C-GIL-LA-DR-GR202, prepared by Ground Ink Landscape Architects, dated 22/09/2023.~~ **Street tree** Planting shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.

At the time of planting, street trees shall have a minimum container size of 200 litres and a minimum height of 3.5m, subject to species availability.

Condition 120 - Amend

The maximum height of the proposed development shall be ~~A.H.D. 22.53m (RL41.580)~~ **RL38.035**. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

- Condition 124 - Amend The following civil works related to each stage are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of ~~any~~**the final** occupation certificate: (a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or (b) Reconstruct existing public drainage pit/pipe system, and/or (c) Construct a new vehicular crossing, and/or (d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining. Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.
- Condition 125 - Amend A full width concrete footpath shall be constructed to replace the full length adjacent to the front and side of the property, as per Council's requirements, at no cost to Council. Footpath surface treatment and paving details shall comply with the relevant Council's standards for town centres. Details shall be obtained from Council's Engineering Section. The above civil works related to each stage must be constructed prior to the release of ~~any~~**the final** Occupation Certificate. Note: The above works will require the submission of the relevant application for the works to be undertaken.
- Condition 130 - Amend Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:
a) All recommendations contained in the Noise Impact Assessment prepared by ~~Wilkinson Murray, Reference Number 19333-M, Revision C, dated March 2021~~ **Pulse White, Reference Number 230256 dated 21 September 2023**, and any additional acoustic reports submitted in accordance with this consent, have been implemented and complied with, and
b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.
*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.
- Condition 138 - Amend Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following: (a) All recommendations contained in the ~~Wilkinson Murray, Reference Number 19333-M, Revision C, dated March~~

2021 Pulse White, Reference Number 230256 dated 21 September 2023, and any additional acoustic reports submitted in accordance with this consent, have been implemented and complied with; and (b) The project specific noise criteria established in the DA acoustic report and any additional acoustic reports submitted in accordance with this consent are being complied with.

Conditions 142, 144A, 144B, 144C, 144D, 144E, 144F - Delete

Conditions to be deleted as no longer relevant. The underground petroleum storage system has been removed from the proposal.

New condition 159A

Proposed wording of new condition:

Noise Limiter

Prior to commencement of use:

- a) all speakers associated with any amplification equipment are to be located entirely within the building;
- b) all equipment and associated noise limiters shall be approved by a suitably qualified acoustic consultant, being a consultant who holds a current member grade of the Australian Acoustical Society, as being in accordance with the manufacturer's specification to ensure that resultant amplified sound complies with the entertainment noise emission criteria set out in this consent and any other relevant criteria identified in the approved acoustic report;
- c) on setting the noise limiters an acoustic compliance report shall be prepared by the acoustic consultant identifying the limiter settings, a block diagram of the sound systems, identification of the type and location of speakers and measurement results. A copy of this report must be kept on the premises at all times and be made available upon the request of a Council officer.
- d) the limiter and all post-limiter equipment including power amplifiers must be tamper proof and only be operable by the acoustic consultant and occupier.
- e) There shall be no modifications to the sound system with respect to replacement amplifiers or speakers without recalibration of the limiter settings and recertification as set out in part (c) of this condition.

New condition 159B

Proposed wording of new condition:

Deliveries

To minimise noise disturbance for the surrounding area, no deliveries are to occur before 7am or after 9pm on weekdays and before 8am or after 9pm on weekends and public holidays.

New condition 159C	Proposed wording of new condition: Compliance with the Noise Management Plan All demolition, excavation and construction works carried must be carried out in accordance with the approved Noise Management Plan.
Condition 161 - Amend	All recommendations contained in the Noise Impact Assessment prepared by Wilkinson Murray, Reference Number 19333-M, Revision C, dated March 2021 Pulse White, Reference Number 230256 dated 21 September 2023 , and any subsequent acoustic report submitted in accordance with this consent relating to use and/or management of the site must be implemented and com.

HISTORY

The following recent development approvals are of relevance:

DA2019/0467 was approved on 4 November 2020 by the Sydney Central City Planning Panel for alterations and additions to an existing registered Club (Dooleys Lidcombe Catholic Club), including demolition works, extension of the existing basement car park, refurbishment and expansion of existing club building on John Street, and construction of two additional floors to facilitate administration, office and staff areas and associated stormwater works and provision of a substation.

DA2021/0189 was approved under delegated authority on 20 July 2021 for alterations and additions to existing gymnasium including additional provision of two health consulting rooms and two retail premises with associated signage.

MOD2021/0259 was approved on 28 September 2021 by delegated authority for various amendments to conditions of consent and hours of operation for the approved alterations and additions to the existing registered club (Dooleys Lidcombe Catholic Club).

PL2021/0109

On 25 November 2021, Council provided pre-lodgement advice for alterations and additions associated with the Dooleys Lidcombe Catholic Club redevelopment.

DA2023/0479 was approved under delegated authority on 10 May 2024 for the construction of an at-grade car park comprising of 87 parking spaces, extension of the existing on-site detention, installation of fencing, lighting and landscaping and provision of vehicle access from Ann Street 24 hours a day seven (7) days a week in association with the existing registered club.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Section 4.55 Modification report prepared by Urbis dated 2 February 2024 and was received by Council on 2 February 2024 in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development Engineering

The modification application was referred to Council's Development Engineer for comment who has advised that the proposed modifications are satisfactory subject to the imposition of conditions.

Further details are required to confirm that the extension of the club building into the laneway will not impact the ability of a vehicle to enter and exit the rear carport of the adjoining land at 16 John Street. A condition of consent can, and has, been imposed to this effect.

Environment and Health

The modification application was referred to Council's Environment and Health Officer for comment. Additional information was sought regarding noise and air quality (particularly mechanical ventilation and kitchen exhausts) and that information was provided by the Applicant.

Council's Environment and Health Officer has advised that the proposed modifications are satisfactory and can be supported subject to recommended conditions of consent.

Parks and Open Space

The modification application was referred to Council's Landscape Architect for comment, and the following is proposed.

1. Submission of new revision Landscape Plan and associated details that specifically conforms to Council's Lidcombe Public Domain Plan adopted 2023, for all proposed streetscape embellishment works including:
 - Replacement of proposed unit pavers with pavers consistent to the Plan including predominant Pebblecrete Pavers with New Italia Porphyry Natural cobblestone highlights (Reference the Auburn Town Centre Plan for pavement patterning and the Lidcombe Town Centre Public Domain Plan). In addition, a 'feature treatment pavement' outside the entrance to Dooleys Catholic Club as outlined in the Lidcombe Town Centre Public Domain Plan.
 - Reduce the height of proposed Planter Boxes from 0.8 metres high to 0.4 - 0.45 metres high.
 - Include street tree planting, kerb build outs and raingardens

The above will be conditioned to be provided to the registered certifier or Council prior to the issue of a Construction Certificate.

Resource Recovery

The modification application was referred to Council's Resource Recovery Officer who raised no objections to the proposal.

EXTERNAL REFERRALS

Ausgrid

The application was referred to Ausgrid for comment. No objections were raised, subject to conditions.

NSW Police

The application was referred to NSW Police (Auburn police Area Command) for comment. No objections were raised, subject to conditions and recommendations.

Transport for NSW (TfNSW)

The application was referred to TfNSW for comment. TfNSW raised no objection to the proposed modifications.

Sydney Water

The application was referred to Sydney Water for comment. No objections were raised, subject to conditions.

PLANNING COMMENTS

Section 4.55(2) Other modifications:

Requirement	Comments
Council is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>Based on a review of case law <i>Moto Projects (No 2) Pty Ltd v North Sydney Council</i> [1999], <i>Agricultural Equity Investments Pty Ltd v Westlme Pty Ltd (No 3)</i> [2015] and <i>Ozzy States Pty Ltd v Canterbury-Bankstown Council</i> [2017], it is determined that the word “substantially” in this context means “essentially or materially having the same essence”.</p> <p>To be confident that the modified development is substantially the same requires a comparison between the development, as originally approved, and the development as proposed to be modified. The comparative task, “involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts”.</p> <p>With considering the above, the proposed modification is considered substantially the same as that for which consent was granted for the following reasons:</p>

	<ul style="list-style-type: none"> • The modification adds land at 2 Board Street and the laneway which equate to 788.52m², which is 2% of the site area. In quantitative terms, the additional land area is insignificant; • Aspects of the development have been removed, such as the basement carpark extension and the 2 floors of administration functions; • There is a reduction in height and GFA; • The use and function of the development remains consistent with that for which approval has been granted; • The revised façade treatment is not markedly different in terms of materials, massing and detailing; • The relocation of the switch room lessens the visual impact of that facility; • The rate of carparking proposed by the modification (3.94 spaces per 100m²) is not markedly different to that approved (3.83 spaces per 100m²). Parking is discussed elsewhere in this report; • The modification does not increase any impacts. The impacts resulting from the modified development are considered to be reduced. <p>Further assessment on this matter is provided below this table.</p> <p>The principal and essential features of the original approval are maintained. For these reasons the modification is qualitative and quantitatively substantially the same development as that for which consent was granted.</p>
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	The proposed changes to the conditions of consent are considered to effect a change to the approved building and/or the use of the approved premises and deemed to be substantially the same as that for which was originally granted.
Council has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The modifications do not result in the need to modify any General Terms of Approval.
Council has notified the application in accordance with: <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and 	The modification application has been notified to occupants and owners of the adjoining properties for a period of 14 days between 30 November 2023 and 14 December 2023. The application was then re-notified for a period of 28 days from 18 January 2024 and 15 February 2024. In response, Council received one (1) submission.
Council has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Council received one (1) submission which is discussed below.
Relevant matters referred to in Section 4.15(1) of the act have been taken into consideration.	The proposed modification is not contrary to the public interest and the likely environmental impacts of the development as modified are considered acceptable.
Council has considered the reasons given by the consent authority for the grant of the consent that is sought to be modified.	<p>The Sydney Central City Planning Panel (SCCPP) approved the original development application as per the recommendation made in Council's assessment report.</p> <p>The application is being referred to the SCCPP for determination as the application has been identified as a conflict of interest set out in Schedule 1.</p>

	<p>The conflict of interest is that the portion of the laneway is currently in Council ownership; however, is in the process of being acquired by Dooley's.</p>
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Detailed assessment of the substantially the same development provisions against Section 4.55(2) of the EP&A Act, 1979:

Consideration has been given to whether the modified development would be substantially the same as the approved development using both a quantitative and qualitative assessment established by the authority in *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999]*.

Quantitative Assessment

- New land area is added to the approved development area resulting from the addition of 2 Board Street and the northern end of the unnamed service land. The additional site area equates to 788.52m², which is 2% of the current approved site area which is a very minor addition in quantitative terms.



Figure 5 – Location of additional land (shaded red)

- The deletion of the administrative floors (see façade images at Figures 6 and 7) result in a reduction in GFA of 1,712m² and a reduction of 3.55m of building height.
- 51 fewer car spaces are provided under this modification application, however DA2023/0479 was lodged with Council on the 17 October 2023 for the construction of an at-grade car park comprising 87 parking spaces. That application was under assessment at the time of preparing this report. This application has since been approved.

- No change is proposed to the hours of operation. There is a change sought to the proposed construction hours to enable internal fitout to be carried out outside of hours so as to reduce impacts on the operation of the club.

Qualitative Assessment

- *Inclusion of additional land*

Authority established in *Scrap Realty Pty Limited v Botany Bay City Council* [2008] NSWLEC 333 confirms that a consent authority has the power under Section 4.55(2) to modify a consent to include additional land to that referred to in the consent.

As above, the additional site area equates to 2% of the current approved site area. The use of the additional land, being an extended gaming area, vehicle access and substation, is consistent with the development approved under DA2019/0467 and will not result in additional impacts beyond those considered by Council as part of the original consent.

- *Proposed Façade Changes*

A comparison of the approved and modified development as viewed from the intersection of John Street and Board Street is provided at Figures 5 and 6 below.



Figure 6 – Approved John Street facade



Figure 7 – Proposed modified John Street facade

Although the two-storey administration component has been deleted, the development as modified maintains the design intent of the approved development particularly the relationship between the portal like brickwork elements, perforated screens and glazing.

The use of materials and colour palette is unchanged.

Wherever possible, the building maintains its transparency with internal functions visible from the street.

Whilst the planting elements have been deleted from Board Street and John Street, these areas are now fully glazed in response to the additional dining and function spaces behind and to activate the facade.

- *Relocation of Main Switch Room*

The new switch room is of a similar footprint to the approved substation, however the location has been moved slightly to the east to the recently acquired 2 Board Street.

The revised switch room features facades that have been articulated with a vertical pattern of brickwork and bronze metal cladding to minimise any visual impacts of the switch room when viewed from the public domain.

The provision of a switch room remains consistent with the development approved under DA2019/0467 albeit in the revised location.

- *Relocation of Plant and Equipment*

A Noise Impact Assessment accompanies the modification to confirm that the proposed development is predicted to comply with the project noise emission requirements including potential noise emissions to all surrounding residential dwellings.

There is no additional noise impact resulting from the relocation of plant and equipment.

- *Car Parking*

The modified development deletes the extension of the basement levels and results in a reduction of 51 car spaces. The reduction in parking is commensurate with the reduction in GFA of 1,712m² which results from the deletion of the administration office component.

The Cumberland Development Control Plan 2021 (CDCP 2021) and the RMS Guide to Traffic Generating Developments (RMS Guide) do not provide a specific car parking rate for 'registered clubs'. Parking is considered on merit, having regard to the size of the club, the services provided, availability of public transport and the like.

A car parking analysis has been carried out to compare the car parking provision for the approved and modified development on a per square metre rate across the GFA of the club and is tabled below.

	GFA (m²)	Car parking	Car parking rate
Existing development	9,702	519 spaces	5.35 spaces/100m ²
Approved development	14,895	570 spaces	3.83 spaces/100m ²
Modified development	13,092	519 spaces	3.94 spaces/100m ²

DA2019/0467 approved an increase in the GFA of the club to 14,895m², along with an increase in parking from 519 spaces to 570 spaces. This resulted in a reduced parking rate of 3.83 spaces per 100m² of GFA.

The modification results in a reduction in the number of approved car parking spaces, commensurate with the reduction in GFA.

The rate of parking proposed by the modification is 3.94 spaces per 100m² of GFA.

This results in an increase in the rate of provision by a value of 0.11 car spaces per 100m² of GFA over that for which approval was granted under DA2019/0467.

The proposal (both the approved DA and the modification) seeks to improve the members experience with a more intuitive, contemporary and human-centred design floor plan and it is not expected that the development will alter the day-to-day occupancy of the premises by any material margin.

- *Construction Hours*

Internal fit-out works are now proposed to occur during out of hours periods to minimise disruption to Club operations and the amenity of patrons. The out of hours works will not include demolition works and no deliveries will occur outside of the approved, standard construction hours.

The proposed internal fit-out works would occur inside the building and therefore noise impacts are not expected as outlined in the revised Noise Impact Assessment prepared by Pulse White Noise Acoustics. This would assist with reducing the overall

construction program, and potentially reduce the construction intensity during standard hours, and as such reduce the potential construction impacts on nearby sensitive receivers.

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15(1):

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) - Provisions of any environmental planning instrument.	This is satisfactory as demonstrated in this report.
Section 4.15(1)(a)(ii) - Provisions of any proposed planning instrument.	There are no draft planning instruments applicable to the land or the development.
Section 4.15(1)(a)(iii) - Provisions of any development control plan.	<p>The Cumberland Development Control Plan will apply to the modification application. An assessment undertaken identifies the following variations:</p> <p>Part C – Development in Business Zones 3.3 Landscaping and open space <i>C8. Street trees shall be planted at a rate of 1 tree per 10 lineal metres of street frontage, even in cases where a site has more than 1 street frontage, excluding frontage to laneways.</i></p> <p>The proposal seeks to provide planter boxes instead of streets trees. This is considered appropriate due to the location of underground gas and water service lines along John Street and the excavation required to provide street trees will not be accepted by the service providers.</p> <p>Council's Landscape Architect is supportive of the raised planter beds subject to conditions to lower the planter boxes from 0.8metres to 0.4-0.45metres. Otherwise, the proposed modifications do not result in any variations to a provision of the DCP that was not already considered under the parent DA.</p>
Section 4.15(1)(a)(iia) - Provisions of any planning agreement.	There are no Planning Agreements applicable to the modification application that requires review.
Section 4.15(1)(a)(iv) - Provisions of the Environmental Planning and Assessment Regulation 2021.	The modification application has been made in accordance with the relevant matters prescribed by the Regulations.

	A detailed assessment is made below to the relevant sections of the Regulations under the heading 'Section 4.1.5(1)(a)(iv)'.
Section 4.15(1)(b) - the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality.	<p>The environmental impacts of the modified development on the natural and built environments are addressed under the Cumberland Development Control Plan 2021 (CDCP) section in this report and are satisfactory.</p> <p>The modified development will not have a detrimental social impact in the locality. The changes sought are acceptable within the context of the Town Centre environment.</p> <p>The modified development will not have a detrimental economic impact on the locality considering the nature of the locality.</p> <p>The club is an existing facility offering various dining and entertainment opportunities as well as a gym. The modification seeks to continue these facilities albeit in a more contemporary setting.</p>
Section 4.15(1)(c) - the suitability of the site for the development.	The site has previously been determined as being suitable to support the development. There are no changes occurring that would alter the conclusion that is made.
Section 4.15(1)(d) - any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2021.	Council has received one (1) submission which is discussed below and is not considered to warrant refusal of the modification.
Section 4.15(1)(e) - the public interest.	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

The modified development is affected by the following State Environmental Planning Policies:

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
<ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021. 	Chapter 2 - Vegetation in non Rural Areas.	The modified development does not result in the removal of additional trees over that considered under the DA and is therefore considered acceptable.

	Chapter 6 - Water Catchments.	There is no direct impact upon the catchment and no direct impact upon watercourses resulting from the modification.
<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021. 	Chapter 2 - Coastal Management.	The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.
	Chapter 3	The proposal does not comprise a potentially hazardous or potentially offensive development.
	Chapter 4 - Remediation of Land. Clause 4.6.	The modified development does not change the extent of excavation approved by the DA and does not change the findings made under the DA regarding contamination and remediation.
<ul style="list-style-type: none"> • State Environmental Planning Policy (Industry and Employment) 2021. 	Chapter 3 Advertising and Signage.	Advertising signage is not modified by this application.
<ul style="list-style-type: none"> • State Environmental Planning Policy (Transport and Infrastructure) 2021. 	Chapter 2 - Infrastructure.	<p>The proposed modifications are largely internal and the development as modified results in a reduction in car parking.</p> <p>The modification does not alter the level of compliance or satisfaction assessed under DA2019/0467.</p>
<ul style="list-style-type: none"> • State Environmental Planning Policy (Sustainable Buildings) 2022 	Chapter 3 – Standards for non-residential development	<p>State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP was notified on 29 August 2022 and came into effect on 1 October 2023 to allow for the relevant industry to adjust to the new standards.</p> <p>In accordance with the savings and transitional provisions of Clause 4.2 of the Sustainable Buildings SEPP 2022, this policy does not</p>

		<p>apply to the subject modification application as follows:</p> <p>e) <i>an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal but not finally determined before 1 October 2023,</i></p> <p>f) <i>an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal on or after 1 October 2023, if the development application for the development consent was submitted on the NSW planning portal before 1 October 2023.</i></p> <p>The DA was granted consent on 4 November 2020 and as such State Environmental Planning Policy (Sustainable Buildings) 2022 does not apply.</p>
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Cumberland Local Environmental Plan 2021

The provisions of the Cumberland Local Environmental Plan 2021 are applicable to the modified development. The site is within zone E1 Local Centre.

(a) Permissibility:

The proposed development comprises a '*registered club*' as defined below:

registered club means a club that holds a club licence under the Liquor Act 2007.

Registered clubs are permissible in the E1 Local Centre zone with consent.

The relevant matters to be considered under Cumberland Local Environmental Plan 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 5.

Figure 8 – Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.1, 4.1AA, 4.1B, 4.1C Minimum Lot Size	N/A	Not applicable.

4.3 Height of Buildings (Maximum 60m)	Yes	
4.4 Floor Space Ratio (Maximum 5:1)	Yes	
4.6 Exceptions to Development Standards	N/A	<p>There is no statutory requirement for a Clause 4.6 variation request to be submitted for s4.55 modification applications.</p> <p>Notwithstanding, the proposed development as modified does not result in a variation of a development standard.</p>
5.10 Heritage Conservation	Yes	<p>The subject site is not heritage listed and is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items.</p> <p>The modified development is not envisaged to have any adverse impact on those heritage items beyond those considered under the parent DA.</p>
6.13 Ground floor development in Zones E1, E2 and MU1	Yes	<p>Development consent must not be granted to development for the purposes of commercial premises, mixed use development that includes commercial premises or a change of use of a building to commercial premises on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—</p> <ul style="list-style-type: none"> (a) will not be used for the purposes of residential accommodation, and (b) will not be used for a car park or to provide ancillary car parking spaces, and (c) will provide for uses and building design elements that encourage interaction

		<p>between the inside of the building and the external public areas adjoining the building.</p> <p>The ground floor of the building is for club purposes, including an entry foyer, café and lounge seating. Large windows to the street allow for activation of the street front.</p>
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The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

No draft planning instruments are applicable.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The Cumberland Development Control Plan 2021 is the relevant development control plan to consider which provides guidance for the design and operation of development to achieve the aims and objectives of the Cumberland Local Environmental Plan 2021. A comprehensive assessment and compliance table is contained in Attachment 6 to this report and compliance is achieved. The following chapters are relevant to the development:

- Development in Business Zones Chapter - Part C.
- Development in Business Site Specific Chapter - Part F2.

As previously mentioned, there are variations observed in relation to the planting of street trees.

Control C8 of **Part C – Development in Business Zones, 3.3 Landscaping and open space** states:

C8. Street trees shall be planted at a rate of 1 tree per 10 lineal metres of street frontage, even in cases where a site has more than 1 street frontage, excluding frontage to laneways.

The proposal seeks to provide planter boxes instead of streets trees. This is considered appropriate due to the location of underground gas and water service lines along John Street and the excavation required to provide street trees will not be accepted by the service providers.

Council's Landscape Architect is supportive of the raised planter beds, subject to a reduction to the height of these planters from 0.8metres to 0.4-0.45metres. This will be conditioned.

Otherwise, the proposed modifications do not result in any variations to a provision of the DCP that was not already considered under the parent DA.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject modification application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulation 2021* (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the modified development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (Website) ☐

Mail ☒

Sign ☒

Not Required ☐

In accordance with Council's Notification requirements contained within the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and *Cumberland Development Control Plan 2021*, the modified development was publicly notified for a period of 28 days between 18 January 2024 and 15 February 2024. The notification generated one (1) submission in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

Figure 8 – Submissions summary table

Issue	Planner's Comment
The disruption to our residence due to the nature of the business with increased traffic, noise and light.	These matters were considered as part of the assessment of the parent DA and are unchanged by the modifications.
The disruption to our residence due to increase in gambling and alcohol consumption.	The approved DA and the modification seeks to improve the members experience with a more intuitive, contemporary and human-centred design floor plan and it is not expected that the development will alter the day-to-day occupancy of the premises by any material margin. As such, it is not expected that the modification will increase incidents of anti-social behaviours.
The increase in traffic congestion during and post construction.	The approved DA and the modification seeks to improve the members experience with a more intuitive, contemporary and human-centred design floor plan and it is not expected that the development will alter the day-to-day occupancy of the premises by any material margin.

<p>Major construction at our door step and this impacting our day to day for a long period of time.</p>	<p>Construction and demolition works are subject to limits on times so as to reduce the impact to sensitive receivers. The modification seeks to allow internal fit out to be carried outside of those hours so as to minimise disruption to the club operation.</p> <p>The proposed modifications are considered appropriate on the basis that any internal work must not generate noise that is audible from outside the club.</p>
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The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis it is considered that the modified development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

Advice has been provided by Council's Senior Contributions Advisor in which a contribution for the changes sought is required to be paid. Contributions are addressed at Conditions 36 and 37 of the development consent and needs to be altered to address the additional cost of works.

HOUSING AND PRODUCTIVITY CONTRIBUTION (HPC)

In accordance with s7.24 of the Environmental Planning and Assessment Act, 1979 as amended by the Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Act 2023, the development is subject to the Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Act 2023.

In accordance with Part 2 of Schedule 5 of the Environment Planning & Assessment (Housing and Productivity Contribution) Order 2023 ('the Order'), the Order does not apply to a development consent granted to a pending development application (Pending DA).

A 'Pending DA' as per Schedule 1 of the Order and s16 of the EP&A Reg 2021 is as follows:

- (a) a development application that is made, but not determined, before the commencement of this Order, or*
- (b) a development application that is made and determined before the commencement of this Order, but has not been finally determined, or*
- (c) an application for a complying development certificate that is made, but not determined, before the commencement of this Order.*

The original development consent was issued by Council on 4 November 2020.

The contribution will not apply to the modification application in this instance given the timing of the primary application and consent issued.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and the following planning instruments:

- a) State Environmental Planning Policy (Planning Systems) 2021.
- b) State Environmental Planning Policy (Biodiversity and Conservation) 2021 being Chapter 6 – Water Catchments.
- c) State Environmental Planning Policy (Resilience and Hazards) 2021 being Chapter 4 - Remediation of Land.
- d) State Environmental Planning Policy (Transport and Infrastructure) 2021 - Part 2 – Infrastructure.
- e) Cumberland Local Environmental Plan 2021.
- f) Cumberland Development Control Plan 2021.

The modified development is appropriately located within the E1 Local Centre zone under the relevant provisions of the Cumberland LEP 2021. The modified proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The modified development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the modified proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the modified development may be approved subject to conditions.

RECOMMENDATION

1. **That Modification Application No. MOD2023/0425 for Re- Notification - Section 4.55(2) Modification for various amendments to the approved alterations and additions to the Registered Club (Dooleys) including the addition of 2 Board Street and northern end of lane way, reconfiguration of internal layout, deletion of basement addition and administration building, addition of outdoor gaming area, relocation of substation and plant equipment, changes to building elevations and landscaping, staged construction and operation, and internal construction works outside of standard hours on land at 17 Church Street LIDCOMBE NSW 2141 be approved subject to the modified conditions recommended in the Council's assessment report.**
2. **Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural and Landscape Plans
3. Acoustic report
4. Submissions Received
5. Cumberland LEP Assessment
6. Cumberland DCP Assessment