

TO: Sydney Central City Planning Panel

SUBJECT: Church Street LIDCOMBE NSW 2141 (Wyatt Park)

APPLICATION No: DA2024/0085 / PPSSCC-545

Application accepted	28 March 2024
Applicant	Cumberland Council
Owner	The Minister for Lands
Application No.	DA2024/0085
Description of Land	Church Street LIDCOMBE, Lot 7046 in DP 1065005 and Lot 1 in DP 581438 (Wyatt Park)
Proposed Development	Demolition of existing pergola and concrete slab, construction of a two-storey dedicated training and performance indoor recreation facility known as the Auburn Basketball Centre including associated signage and landscaping works
Site Area	Approximately 23 Hectares
Zoning	RE1 – Public Recreation
Disclosure of political donations and gifts	Nil disclosure
Cost of works	\$19,942,219
Heritage	Yes – Heritage Listed 1) I175 – Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval Stormwater Drain 2) I187 – <i>Stand of Eucalyptus microcorys</i>
Principal Development Standards	Subject site is zoned RE1- Public Recreation, with no principal development standards applicable (i.e. minimum lot size, height of building or floor space ratio)
Issues	Traffic/Parking

SUMMARY

- Development Application No. DA2024/0085 was accepted on 28 March 2024 for the demolition of existing pergola and concrete slab, construction of a two-storey dedicated training and performance indoor recreation facility known as the Auburn Basketball Centre including associated signage and landscaping works.
- The application was publicly notified to occupants and owners of the adjoining properties for a period of 28 days between 11 April 2024 and 9 May 2024. In response, one submission was received. Council also received five submissions via Council's 'Have Your Say' page.
- The subject site is listed as a heritage item in the Cumberland Local Environmental Plan 2021 as Heritage Item I175 being "Wyatt Park Sporting Complex, stand of

Eucalyptus microcorys and associated landscape” and item I187 being “stand of *Eucalyptus microcorys*”.

4. The application is referred to the Sydney Central City Planning Panel as the proposal is for Council related development which is identified as a regionally significant development with cost of works of over \$5million.
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 allotment is a large irregular shaped allotment zoned for public recreation and is approximately 23 hectares in size. The allotment is relatively flat. At the area of the works, the topography is relatively flat with a slight slope to the south-east towards the internal access road with a slight slope. The subject development site is over two lots, the site consolidation of the two sites will be undertaken under a separate process. The sites were identified as Lot 1 DP 581438 and Lot 7046 DP 1065005. The development was proposed over both lots, with the intention of consolidating the allotments to enable the development to be located wholly within one consolidated allotment.

The site is currently located on Crown Land and is under the control and management of Cumberland City Council. The site is identified as Wyatt Park and is part of a larger reserve that contains a range of recreation and community facilities including netball courts, scout's hall, girls guide hall, youth centre, athletics club. The new basketball centre is located approximately 40m south-west of the existing Auburn Basketball Centre.

The site has multiple access points, one from Percy Street to the west and the other from Church Street to the south. There is also an emergency access to the east onto Olympic Drive.

The development site is bounded by a railway line to the south/south-west, to the east by Olympic Drive. Residential zoned land to the west on the western side of Church Street and the eastern side of Olympic Drive. The residential zones to the east and west are predominately R2-Low Density Residential zones. There are also R3 and R4 zoned land to the south-west and south-east of the site. There are also large Industrial zoned land to the north, with small industrial allotments to the south-west and west of the development site.

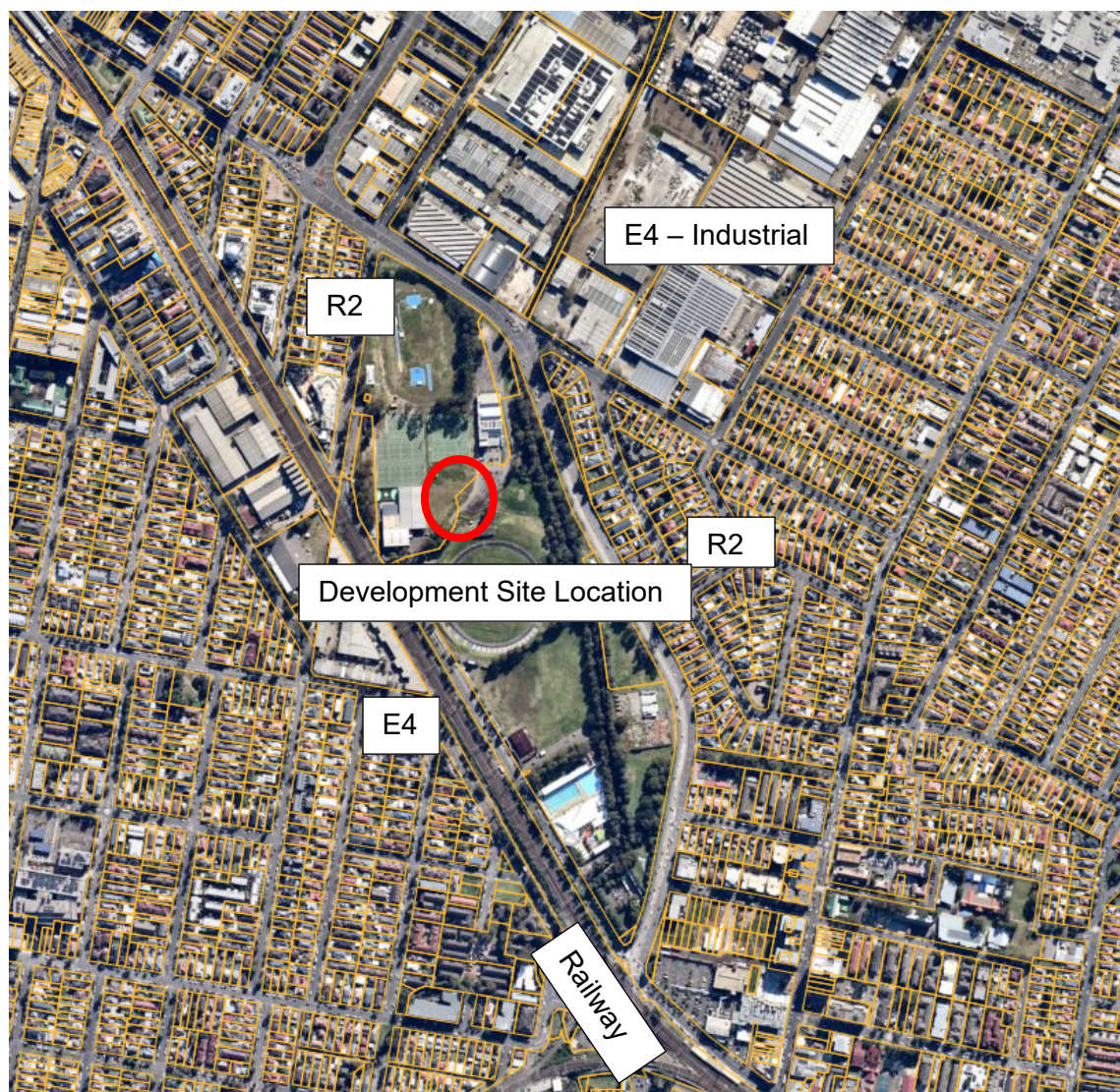


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site

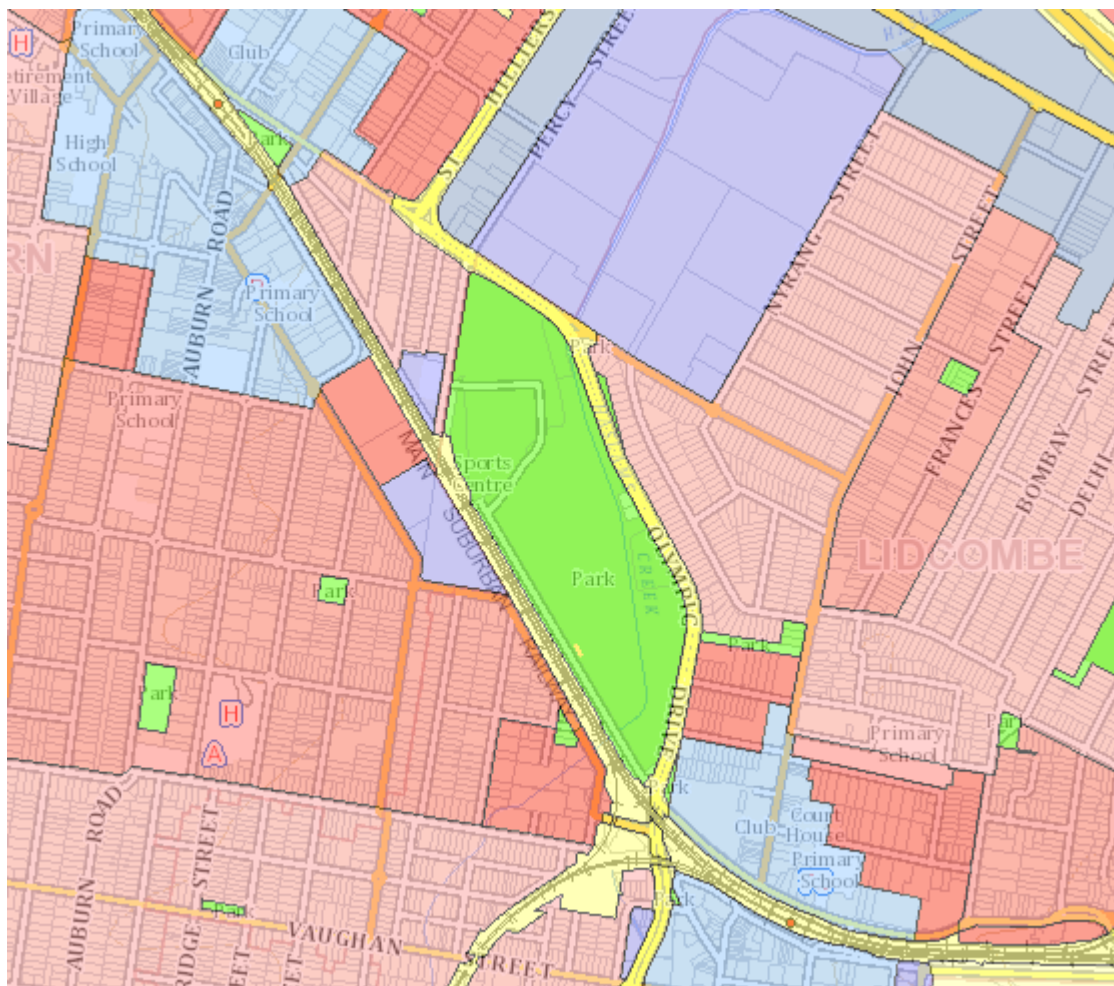


Figure 3 – Zoning Map

DESCRIPTION OF THE DEVELOPMENT

Council has received a development application for the demolition of existing pergola and concrete slab, construction of a two-storey dedicated training and performance indoor recreation facility known as the Auburn Basketball Centre including associated signage and landscaping works.

A detailed description of the development proposal is as follows;

- The site will maintain vehicular access from Church Street and Percy Street.
- The proposal will first involve the demolition of an existing pergola and concrete pad in the location of the proposal. No vegetation is located in the area of the demolition.
- The proposal will be 2 storeys in height similar to the existing built forms within close proximity to the proposed centre.

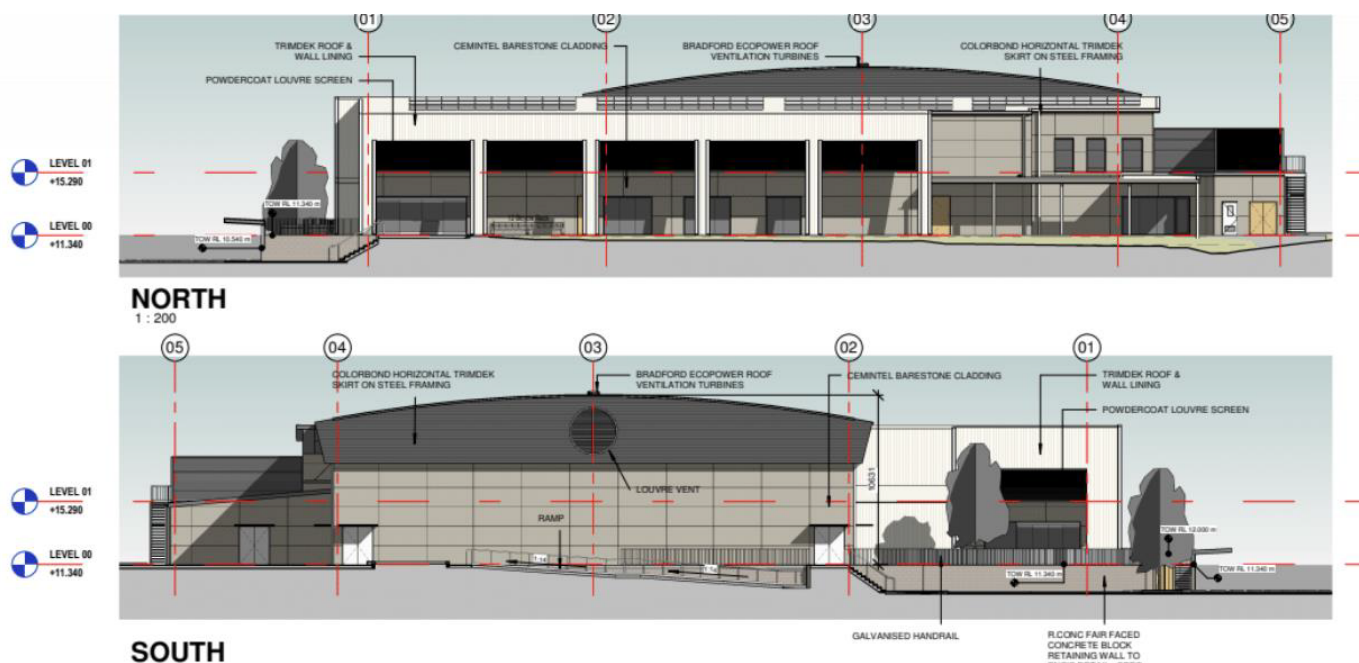


Figure 4 – North/South Elevation

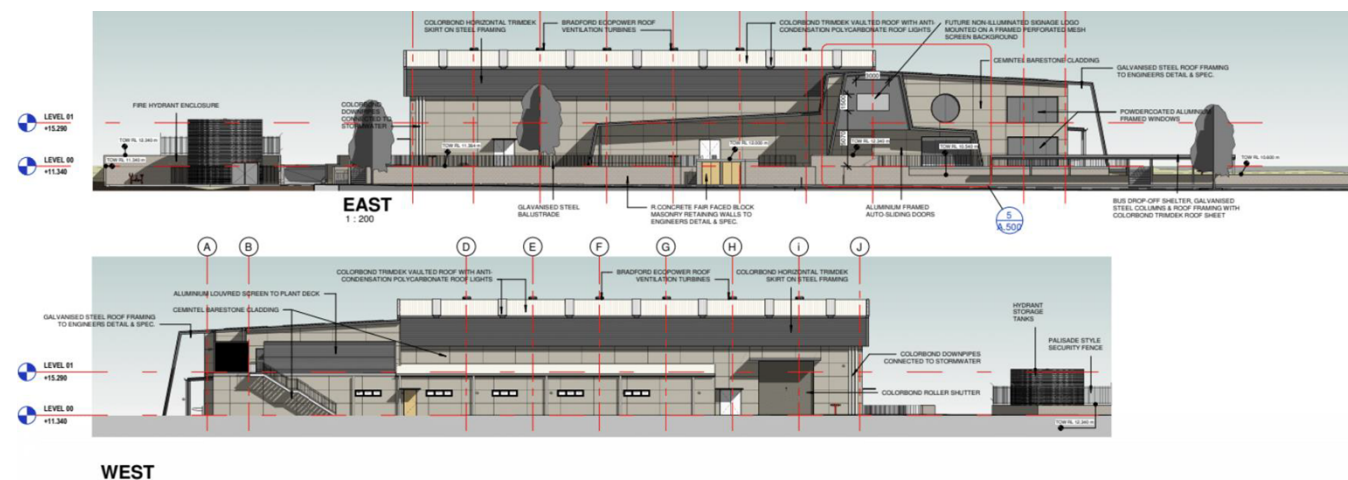


Figure 5 – East/West Elevation

- The proposal has a floor area of 3,872.78m² over 2 levels.
- The ground floor is 3,01.91m² in area and will comprise of the following facilities;
 - 2x basketball courts
 - Entry via the eastern end of the building, including access ramps
 - Kiosk
 - Administration rooms
 - Communication rooms
 - Amenities including an accessible bathroom.
 - Lounge room
 - Training room
 - Change rooms
 - Gym/recovery area
 - Physio and 2 x treatment rooms
 - Laundry
 - Performance briefing room
 - Waste enclosure.

- To the south of the building at the ground floor, external to the building are 2 fire hydrant enclosures to the south and centre of the building at the eastern elevation.
- Entry stair case to the east and south of the building.
- The first floor is 771.87m² in area which is primarily isolated to the northern end of the building in the form of a mezzanine and will comprise of the following facilities:
 - 6 x office spaces
 - Open Office
 - Waiting room
 - Meeting Room
 - Conference Room
 - Copy room
 - Amenities
 - Store room
 - Kitchen
 - Mechanical plant rooms; and
 - Heat pump farm



Figure 7 – First Floor Plan

- The site will retain existing access from internal roads, coming off Church Street for standard vehicles and visitors to the site. Access to the site for heavy vehicles such as buses, waste collection trucks and construction vehicles will be via Percy Street. Emergency egress to/from the site is via Olympic Drive/Boorea Street. Upgrades to and realignment of the internal access roads will be pursued under a different planning pathway.
- Parking to support the proposed development will not form part of the application. The intention is to provide a large parking area to the east of the building and south of the existing basketball centre. The northern portion of the proposed car park is formalised with line markings. The intent is to expand and redesign the parking area and expand it further south, the bus bays to service the development will be located to the north-eastern side of the new basketball facility. The car park will be undertaken pursuant to a separate planning pathway under the State Environmental Planning Policy (Transport and Infrastructure) 2021. It is recommended that conditions be

imposed that an occupation certificate is not issued until all proposed civil works including carpark, public roads, vehicular crossings, pedestrian footpaths, kerbing, guttering and any stormwater drainage works under separate Council's approval are completed.

- With regards to usage and operation, the intent is to have the centre utilised by the Sydney Kings and Sydney Flames Basketball team for training purposes. In addition, the centre will be used to host the youth program, Hoops Capital Academy. The centre may host other special events open to spectators and will be open to public hire when not utilised by the professional basketball teams and youth program.

The centre will also be used for administrative functions directly related to the centre and administrative staff will be employed on site. Staffing of the facility will fall into two broad categories, operations personnel and basketball personnel.

- The centre will operate seven days a week from 8:00am to 10:00pm, with two main operating phases on an annual basis;
 - In season – Includes Pre-Season and Regular Season
 - Off Season – Sydney Kings and Sydney Flames players on break/or not required to report to the centre.
- The application seeks one 2m x 4m sign on the eastern elevation of the building. The sign will be non-illuminated and mounted on a fresh perforated mesh screen background.

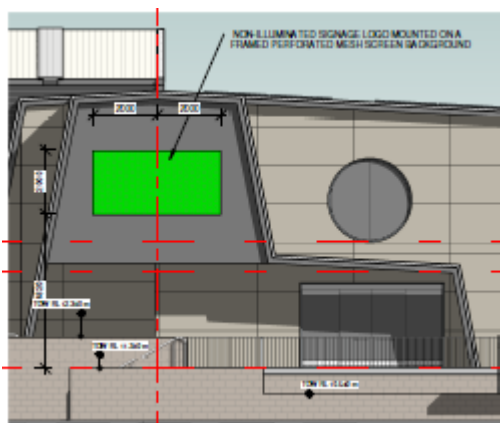


Figure 8 – Signage Detail

HISTORY

On 21 December 2023, a pre-lodgement meeting (PL2023/0087) was held with Cumberland City Council and minutes issued to the applicant on 21 December 2023 for the construction of a new basketball centre.

The subject application (DA2024/0085) was accepted by Council on 28 March 2024. Request of additional information was sent to the applicant on 24 May 2024, which requested clarification/additional information on the following matters;

- Clarification with the Plan of Management
- Timing of the Parking facility to the east.
- Environment and Health matters

- Landscaping
- Engineering

Additional information response was submitted to Council on 14 June 2024.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Barker Ryan Stewart dated March 2024 and was received by Council on 28 March 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 Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory based on the new proposed car park and future internal circulation roadways, the availability of existing nearby car parks and on-street parking spaces, amenities to encourage active transport modes, bus bays and restrictions of patrons for special events and access to public transportation, and therefore can be supported subject to recommended conditions of consent.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Public Spaces Planning and Design

The development application was referred to Council's Public Spaces Planning and Design section for comment who have advised that the development proposal is satisfactory and therefore can be supported.

Tree Management Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Heritage Committee

The development application was referred to Council's Heritage Committee. No submission was received.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory. No conditions were provided.

EXTERNAL REFERRALS

Transport for NSW TfNSW (Sydney Trains)

Given the proximity to the railway to the south-west the application was referred to TfNSW pursuant to Claus 2.98 of the SEPP (Transport and Infrastructure) 2021. TfNSW has reviewed the application and has provided conditions of consent.

Sydney Water

Sydney Water have reviewed the application and have provided conditions of consent.

PLANNING COMMENTS

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

State Environmental Planning Policies

The proposed development is not specifically affected by any relevant 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.	<p>The development application does not include the removal of trees. However, the arborist report identified 3 trees (T17, 18 and 19), that were within 10m of the proposed building.</p> <p>Trees 17 and 18 were found to be not within the encroachment impact and thus will only require a TPZ and site fencing for protection during construction.</p> <p>T19, identified as <i>Eucalyptus microcorys</i> (Tallowwood), located on the southern extent of the</p>

		proposed building. The submitted arborist report determined that this tree will need to be subject to further detailed root investigations to determine if the tree can be retained in a viable condition. Subject to the root investigations if its deemed the tree cannot be retained, Councils tree officer has recommended re-planting at a 2:1 ratio, which will form part of conditions of consent.
	Chapter 6 - Water Catchments. Sydney Harbour Catchment.	It is determined that given location, a detailed assessment is not required given that there is no direct impact upon the catchment and no direct impact upon watercourses. As such, the development is acceptable under the new provisions that came into effect on Monday 21 November 2022.
<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 4 - Remediation of Land. Part 4.6.	<p>Part 4.6 - Contamination and remediation to be considered in determining development application.</p> <p><u>Comments</u></p> <p>The application was accompanied by a Detailed Site Investigation (DSI) and a Remediation Action Plan (RAP), prepared by JBS & G, dated February 2024. The DSI concluded the site can be made suitable for the proposed development subject to the implementation of a RAP and an Asbestos Management Plan (AMP).</p> <p>The RAP concluded the actions proposed to remediate the site conform to the requirements of the <i>Contaminated Site Guidelines for the NSW Site Auditor Scheme</i> It is considered that subject to the</p>

		implementations of the recommendations of the RAP the site will be suitable for the proposed use, subject to conditions.
<ul style="list-style-type: none"> • State Environmental Planning Policy (Industry and Employment) 2021. 	Chapter 3 Advertising and Signage.	The application proposes one 2m x 4m sign on the eastern elevation of the building. An assessment is provided as in Attachment 2.
<ul style="list-style-type: none"> • State Environmental Planning Policy (Transport and Infrastructure) 2021. 	Chapter 2 - Infrastructure.	State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as detailed below
	Clause 2.98	The application is subject to clause 2.98 of the SEPP, because the subject site is located within or adjacent to a railway corridor.
	Clause 2.100	<p><i>Clause 2.100 - Impact of rail noise or vibration on non-rail development</i></p> <p>The proposal is not listed as a development type that is subject to assessment under Clause 2.100</p>
	Clause 2.119	<p><i>Clause 2.119 – Frontage to classified road</i></p> <p>The application does not propose any new access points. The development is not a development type that is sensitive to traffic noise or vehicle emissions.</p>
<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning System) 2021 	Schedule 6.	<p>Development of a type that is listed in Schedule 6 of Planning System SEPP is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979.</p> <p>The proposed development constitutes 'Regional Development' as it has a Capital Investment Value</p>

		(CIV) of \$19,942,219 which exceeds the \$5 million threshold for Council related development. The assessment of the application is undertaken by an independent consultant, however the, determination of the Application will be made by the Sydney Central City Planning Panel.
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Local Environmental Plans

Cumberland Local Environmental Plan 2021

The provision of the Cumberland Local Environmental Plan 2021 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Cumberland Local Environmental Plan 2021 and the objectives of the RE1 zone.

(a) Permissibility:

The proposed development is defined as a recreation facility (indoor) and is permissible in the RE1- Public Recreation zone with consent. A recreation facility (indoor) means:

“a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club”.

The centre includes ancillary facilities that will be utilised directly in conjunction with the primary use of the recreation facility, including office spaces, conference rooms, cafes and laundry. As these facilities will be utilised for the operation of the facility as indicated in the submitted documentation, it is considered these facilities are ancillary to the predominant use of the premises as a recreation facility and remain permissible.

The premises also includes the provision of a 2m x 4m sign on the eastern elevation of the building. The sign will be non-illuminated and mounted on a fresh perforated mesh screen background. This element of the proposal is best defined as a business identification sign. A business identification sign is permissible within the RE1 zone.

The details of the signage have not been detailed in the submitted documentation however a condition of consent has been recommended to ensure the details of the proposed signage directly relate to the use of the recreation facility and not include any other advertising.

The extract from the CLEP 2021 indicating the permissible uses within the RE1 zone is detailed below;

The relevant matters to be considered under CLEP 2021 and the applicable clauses for the proposed development are detailed below.

3 Permitted with consent

*Aquaculture; Centre-based child care facilities; Community facilities; Depots; Environmental facilities; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; **Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; **Signage**; Take away food and drink premises; Water recreation structures; Water recycling facilities***

Figure 9 – Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
2.6 – Subdivision	N/A	No subdivision proposed. Lot consolidation proposed as part of a separate application.
2.7 – Demolition	Existing pergola and concrete pad in the location of the building proposed to be demolished.	Will comply through conditions of consent
4.1 – Minimum Subdivision Lot Size No minimum lot size	N/A	No minimum lot size applies
4.3 Height of Buildings	N/A	No minimum building height applies to the site. However, building designed in line with the existing heights of buildings within the reserve. The proposed maximum building height is 10.631m
4.4 Floor Space Ratio	N/A	No FSR standard applies to this site. However, proposal provides for a GFA of 3,872.78m ² over 2 levels
5.10 Heritage Conservation	Satisfactory The subject site is land on which two heritage items are located under CLEP 2021. The site is listed as containing two local heritage items, 1175 – Wyatt Park, Haslams	To address both matters the application was accompanied by a Heritage Impact Assessment (HIA) prepared by Weir Phillips and an

	<p>Creek, Lidcombe Pool, Lidcombe Oval Stormwater Drain 1187 – <i>Stand of Eucalyptus microcorys</i>.</p> <p>Given the proposal and location in a public reserve there was potential for Aboriginal Archaeological to be impacted.</p>	<p>Aboriginal Heritage Due Diligence Heritage Assessment, prepared by Navin Officer Heritage Consultants Pty Ltd.</p> <p>The HIA assessed the impacts of the proposal on the heritage significance of the items.</p> <p>The HIA concluded the proposed works will have an acceptable impact on the heritage items on the site because no major elements that contribute to their significance will be removed.</p> <p>The Due Diligence Assessment concluded that No Aboriginal sites or area of Aboriginal archaeological potential have been identified within the subject area.</p>
5.21 – Flood Planning	<p>Satisfactory</p> <p>The subject site is affected by the 1% AEP flood event pursuant to the Haslams Creek Overland Flow Study.</p>	<p>As part of the application a flood advice letter was obtained from Council and a subsequent flood assessment was prepared and submitted with the application. The flood impact assessment was assessed by Council's engineering department who concluded the assessment was acceptable subject to conditions of consent.</p>

6.1 – Acid Sulfate Soils	Satisfactory	The site is identified as containing Class 2 Acid Sulfate Soils. The application was accompanied by an Acid Sulfate Soil Management Plan (ASSMP). The ASSMP provided management strategies during construction to alleviate the impacts on the Class 2 soils. A condition of consent will be provided to ensure the development complies with the recommendations and management strategies of the ASSMP.
6.3 – Limited Development on foreshore area	Satisfactory The subject site is identified as a site affected by the Foreshore Building Line Map. The mapping indicates the foreshore building line follows Haslams Creek located east of the development and traverses the site in a north-south direction. The area of the proposed works is located outside the FBL mapping area.	The development area is located outside the FBL mapping area, however appropriate sediment control measures will be conditioned as part of the consent.
6.7 – Stormwater Management	Satisfactory.	The proposed civil and stormwater plans have been reviewed by Councils Development Engineer who have provided relevant conditions of consent.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

No proposed planning instruments applicable.

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

The Cumberland Development Control Plan 2021 is relevant to the development proposal.

The development has been assessed using the following chapters:

- Part A – Introduction and General Controls
- Part G – Miscellaneous Development Controls

The proposed development complies with the provisions of Council's DCP Part A and G and is considered acceptable from an environmental planning view point.

Wyatt Park Plan of Management

The site is identified as land covered by the 'Wyatt Park Plan of Management' (PoM). The PoM provides the community, sporting groups and Cumberland City Council with a clear direction and framework for the future use and management of Wyatt Park in which the site is located.

The extension of the existing basketball centre is identified as a vision for Wyatt Park in the PoM and is identified as action number A2 of the Management Action Plan. Action number A2 is identified as the following –

Work with the PBA (Parramatta Basketball Association) to refine the brief for the extension of the CBC (Cumberland Basketball Centre) to incorporate additional run-off areas for the third court, a fourth court, a Council maintenance store for equipment and materials and a southern annex to provide a welcoming entrance to the centre as well as passive surveillance of the park.

Figure 10 below is an extract of the Wyatt Park Landscape Masterplan included in the PoM. The extension of the basketball centre is identified as number 4 within the figure and that the expansion of the centre is envisaged as an extension to the existing basketball centre with the inclusion of a Council maintenance store.

The NSW Office of Sports provided a grant for the construction of Auburn Basketball Centre within Wyatt Park.

It is acknowledged that the proposal was originally designed as an extension to the existing Auburn Basketball Centre (Parramatta Basketball Association) in line with the PoM. Throughout the design of the proposal in this position, a number of constraints were identified which affected the feasibility of the proposal. Constraints identified included the following –

- 1 in 100-year flood levels impacting the levels of the buildings;
- Separation from other facilities to minimise BCA upgrades;
- Constructability of the new basketball centre and operations of Parramatta Basketball Association;
- Vehicle accessibility (users, emergency and logistics); and
- Flows and functional relationships within the new facility.

As such, an opportunities and constraints analysis was undertaken to determine the most suitable siting of the proposal within the Park. Availability of space, proximity to the existing basketball centre and impacts of flooding were all considered in the determination of the siting of the proposal. The location was chosen for the following reasons –

- The location is not affected by 1 in 100 year flood levels;
- The proposal is located within close proximity to the existing basketball centre;
- The location within the Reserve is currently underutilised and not associated with any other land use;
- The location is cleared land with available space to cater for the proposal and retains existing parking and access points;
- Various consultants were involved in the analysis who confirmed that the location was viable;
- The location does not restrict vehicle accessibility;
- The proposal would not result in NCC upgrades in this location.

VISION FOR WYATT PARK

1. Haslams Creek pedestrian/ cycle link to Olympic Park
2. Vehicular connection to Olympic Drive retained (left entry/left exit only)
3. Shared car park
4. Extended Cumberland Basketball Centre incorporating Council maintenance store
5. Auburn Athletics Centre (retained)
6. Additional perpendicular parking in Percy Street
7. Refurbished netball change rooms, kiosk, public toilets and storage facility
8. Cycle/ pedestrian link to Auburn town centre
9. Local playground and fitness station for Gelibolu precinct
10. Netball courts - lower courts to be sealed. New perimeter paths, seats and shade trees
11. Existing road to be modified to become an emergency entrance only and pedestrian path including landscape treatments
12. Outdoor passive recreation space - volleyball/badminton
13. PCYC, basketball court and parking (retained)
14. Upgrade Lidcombe Oval Grandstand and amenities
15. New purpose-built stadium/changerooms & storage facility
16. Sculptural landform/ marker
17. Picnic/ BBQ area
18. Existing dog off-leash area
19. Perimeter shared path
20. Girl Guides and Scouts Halls (retained)
21. Haslams Creek
22. Internal shared path
23. Lidcombe Oval perimeter path
24. Lidcombe Oval and Velodrome
25. Small plaza/ forecourt to Lidcombe Oval Scoreboard, retain existing drop-off bay
26. New hardstand area/ kiosk/ food truck
27. Multi-use fields and event space
28. New multi-purpose youth and community centre (1,200m²)
29. New fitness station
30. Car park (retained)
31. Auburn Ruth Everuss Aquatic Centre
32. Church Street: retain existing parking and provide additional street trees
33. Destinational all abilities playground and learn to ride facility with safety fence along Olympic Drive
34. Potential future pedestrian/ cycle overbridge to Chadwick Reserve (subject to RMS approval)
35. Indoor/outdoor Skate/scoot park
36. Existing car park (retained)
37. Cycle/ pedestrian link to Lidcombe town centre



Figure 10 – Extract from the Wyatt Park Landscape Masterplan

A letter was provided by Council on 23 February 2024 acknowledging the variance from the PoM and supporting the progression of the basketball centre in the proposed location. The letter concluded the below –

The proposed development does not directly align to the Wyatt Park Plan of Management and Landscape Masterplan. The landscape masterplan is however a concept masterplan and vision which is subject to further investigation through the planning and detailed design process. Through this process it has been identified that extension directly to the existing basketball centre as indicated within the Wyatt Park Plan of Management and Landscape Masterplan, is not feasible due to the following considerations and constraints:

- Separation from other facilities to minimise BCA upgrades
- 1 in 100-year flood levels impacting the levels of the buildings

- *Constructability of the new Basketball Centre and operations of Parramatta Basketball Association*
- *Vehicle accessibility (users, emergency and logistics)*
- *Flows and functional relationships within the new facility*

The proposed development in a nearby location allows for an extension and expansion of basketball facilities while also catering to additional parking (proposed for this location in the Wyatt Park Landscape Masterplan) and access needs that meets zoning of the land (RE1 – Public Recreation), the Crown Reserve purpose of the land of Public Recreation and the overall objectives of the Wyatt Park Plan of Management.

Council supports the progression of the Centre and aims to incorporate a maintenance store and remodelled entrance to the existing Basketball facility in future to satisfy aims not achieved within the proposed development.

Based on the constraints identified at the location of the existing basketball centre, the suitability of the proposed location to accommodate the new basketball centre and the support of Council and The Minister for Lands, the siting of the proposal is considered appropriate.

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 Development 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 proposed 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 known to be affected by any natural hazards or other site constraints. However, its unlikely 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 Cumberland Development Control Plan, the proposal was publicly notified for a period 28 days between 11 April 2024 and 9 May 2024. The notification generated one submission in respect of the proposal and five submissions were received by Council's 'Have Your Say' page.

Figure 11– Submissions summary table

Issue	Planner's Comment
Please provide facilities for indoor Volleyball courts, which can be incorporated into your basketball courts. Volleyball has been a increasingly growing sports over the past few years and will be a great addition to the community.	Volleyball courts were not included in the scope of the project, Council is planning for volleyball courts at other locations within the Lidcombe area. .
This would be a great development promoting healthy activities and offering competition to the other gyms which will help keep pressure on unhealthy profiteering.	The gym part of this application will not be available to the public.
What a great community facility. I would like to highlight that there is only one accessible bathroom on the top floor. The accessible bathroom on the ground floor is behind "staff" and administration doors. And would not be available to the general public to access in the event of the other bathroom being out of order. The facilities would be used by children, families and people of all ages and abilities and as such increasing facilities for people with accessible needs should be prioritised	Two accessible toilets have been incorporated into the design of the proposal, one on the ground floor and one on Level 1. An Access Report was prepared for the proposal by Accessible Building Solutions and submitted as part of the development application. The report included an assessment of the accessible sanitary facilities and found that the proposed accessible facilities comply with the National Construction Code (NCC) requirements or are capable of compliance.
This Basketball Centre should be named Lidcombe and not Auburn. Auburn is a different suburb and the address of the centre is Lidcombe. Lidcombe needs identity. Auburn should not use Lidcombe and Berala locations as part of its badging and identity, it is a different suburb with a different postcode.	The centre will remain named the Auburn Basketball Centre.
We desperately need this new basketball centre in Auburn. Currently the PCYC is the only good place to play and the court are usually always booked. After many bad experiences with friends and family at the current Auburn Basketball centre, we are extremely hopeful and excited for this new plan to go ahead. Basketball has been a part of our lives for years and	Noted.

I can assure you, this centre will be busy everyday	
Commends the provision of bike racks in the proposed facility. Provision of bicycle parking at key destinations supports active transport. There is strong evidence on the protective health benefits of physical activity.	Noted.
<p>Ensure the proposed kitchen space and fit out (equipment etc) can support the storage, preparation, and display of fresh food, to supply healthy food and drink options at the facility. Access to fresh, nutritious, and affordable food is essential for health and wellbeing and is protective against several chronic diseases</p> <p>The proposed cafe provides affordable healthy food and drink choices. Food environments, such as cafes, that offer appealing, affordable, and healthy food and drink options support people to make healthy eating choices. Furthermore, the National Obesity Strategy recognises sporting facilities as an important setting for the provision of healthy food and drinks</p> <p>Policies and practices that promote healthy choices are embedded as part of food and drink retail lease agreements that are established for the cafe, to increase community access to healthy food and drinks.</p> <p>Considers the provision of healthy catering, fundraising, food and drink advertising and vending machines in the facility, as these can further support the community to make healthy food choices.</p>	<p>Conditions of consent will be imposed stipulating the kitchen and associated facilities comply with all applicable NSW Health Standards and Legislations as well as relevant provisions of the National Construction Code (NCC).</p> <p>Whilst it is acknowledged the importance of the provision of healthy food alternatives, the nature and type of food provided cannot be enforced.</p> <p>This will be the responsibility of the operator.</p> <p>Whilst it is acknowledged the importance of the provision of healthy food alternatives, the nature and type of food provided cannot be enforced.</p>
Provision of a water refill station, or similar, at the facility, so the community can access water free of charge. Water is vital for a healthy diet ¹ and installing water bottle	Whilst it is acknowledged, the importance of the provision of water refill stations this does not form part of the subject application.

refilling stations in public areas can increase water intake ¹ and reduce the use of single use bottles	
Provision of facilities that promote and support breastfeeding for women who need to breastfeed. Breastfeeding has multiple health benefits for both mother and child.	Whilst it is acknowledged the importance of the provision of such facilities, based on the review, the facility accommodates all the required amenities and complies with relevant provisions of the NCC.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis, it is considered that the 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

The development does not require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

HOUSING AND PRODUCTIVITY CONTRIBUTION (HPC)

In accordance with s7.24, s7.26 and s7.28 of the Environmental Planning and Assessment Act, 1979 the application is subject to the (Housing and Productivity Contribution) Act 2023, and subject to the payment of the Housing and Productivity Contribution (HPC).

The proposed development is for an 'Recreational Facility (Indoor)' and does not fall under a 'commercial development' as defined under 'Schedule 1 Definitions and interpretation' of the Housing Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, therefore will not attract a HPC payment.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*, the relevant environmental planning instruments including the Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan and is considered to be satisfactory subject to conditions.

The proposed development is appropriately located within the RE1 zone under the relevant provisions of the Cumberland LEP. The proposal is consistent with all statutory and non-statutory controls applying to the development. The 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 proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

RECOMMENDATION

1. **That Development Application No. DA2024/0085 for the demolition of the existing pergola and concrete slab, construction of a two-storey dedicated training and performance indoor recreation facility known as the Auburn Basketball Centre including associated signage and landscaping works on land at Church Street LIDCOMBE NSW 2141 (Wyatt Park) be approved subject to conditions listed in the attached schedule.**
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 Plans and landscape plans
3. Stormwater/Engineering Plans
4. Operational Plan of Management
5. Wyatt Park Plan of Management
6. Acoustic Impact Assessment
7. Submissions Received
8. Appendix A - SEPP Assessment Table
9. Appendix B - Cumberland DCP Assessment Table