

# SYDNEY CENTRAL CITY PLANNING PANEL

TO: Sydney Central City Planning Panel (SCCPP) – October Meeting (Electronic) SUBJECT: 18-34 John Street, 1 & 4-28 Board Street, Board Street, & 3-21 Ann Street,

**LIDCOMBE NSW 2140** 

APPLICATION No: DA2019/0467

| Application Number:  Description of Land:  William Attard  Description of Land:  University 10 P 1225004, Lot 1, DP 71252, Lots X & Y, DP 391142, Lot 12, DP 741212, Lot 14, DP 1083698, Lot 1, DP 779554, Lots A & B, DP 190260, Lot B, DP 395349, Lot 1, DP 779554, Lots A & B, DP 64696, Lots 14 & 15, DP 976927, Lot 9, Section A, DP 979289, Lots 11, 13 & 15, DP 78789, Lot 14, DP 1083698, Lot 1, DP 779554, Lots A & B, DP 64696, Lots 14 & 15, DP 976927, Lot 9, Section A, DP 979289, Lots 11, 13 & 15, DP 78789, Lot 14, DP 1083695, Lots 1, 2 & 3, DP 79131, Lot 1, DP 196024, and Lot 1, DP 798953  Proposed Development:  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.  Capital Investment Value:  \$73,618,240  Site Area:  30,333.72m²  Zoning:  Part B4 Mixed Use & Part R4 High Density Residential pursuant to the Auburn Local Environmental Plan 2010 (ALEP)  Permissibility:  Permissibile — Registered Club  Applicant / Owner:  Club (Applicant also includes Urbis)  Notification/Advertising:  17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Five (5) disclosed on the application form  Disclosure of political donations / gifts  Submissions:  Two (2) submissions  Principal Development  Standards:  Two (2) submissions  Filor Space Ratio  Maximum: 5:1 and 1.7:1  Proposed: 0.72:1, limited to 5:1  John Street Lidcombe – John Street, Lidcombe; letem 32 – Lidcombe Police Station – 37 Church Street, Lidcombe; letem 33 – Lidcombe Police Station – 37 Church Street, Lidcombe; letem 35 – Lidcombe Police Station | Application Lodged:       | 9 December 2019  |  |  |  |  |
|---|---------------------------|--|--|--|--|--|
| Responsible Officer:   William Attard   |                           | DA2019/0467  |  |  |  |  |
| Description of Land:   18-34 John Street, 1 & 4-28 Board Street, Board Street, and 3-21 Ann Street, LIDCOMBE NSW 2140   |                           | William Attard   |  |  |  |  |
| DP 741212, Lot 14, DP 1083698, Lot 1, DP 779654, Lots A & B, DP 190260, Lot B, DP 395349, Lot 1, DP 741584, Lots 11, 12 & 13, DP 64696, Lots 14 & 15, DP 976927, Lot 9, Section A, DP 979289, Lots 11, 13 & 15, DP 78789, Lot 14, DP 1083657, Lots 1, 2 & 3, DP 79131, Lot 1, DP 196024, and Lot 1, DP 798953  Proposed Development:  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.  Capital Investment Value:  \$73,618,240  Site Area:  30,333.72m²  Zoning:  Part B4 Mixed Use & Part R4 High Density Residential pursuant to the Auburn Local Environmental Plan 2010 (ALEP)  Permissibility:  Permissible — Registered Club  Applicant / Owner:  Club (Applicant also includes Urbis)  Notification/Advertising:  17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Disclosure of political donations / gifts  Submissions:  Two (2) submissions  Two (2) submissions  Two (2) submissions  Ficor Space Ratio Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 20ne Standards:  Height of Buildings Maximum: 60m, 36m & 18m Proposed: 22.53m & 3.9m, limited to 20ne 2019; and  |                           |  |  |  |  |  |
| 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.  Capital Investment Value: \$73,618,240  Site Area: 30,333.72m²  Zoning: Part B4 Mixed Use & Part R4 High Density Residential pursuant to the Auburn Local Environmental Plan 2010 (ALEP)  Permissibility: Permissible — Registered Club  Applicant / Owner: Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club (Applicant also includes Urbis)  Notification/Advertising: 17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Disclosure of political donations / gifts  Submissions: Two (2) submissions  Principal Development Standards: Two (2) submissions  Floor Space Ratio Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 Zone Maximum: 60m, 36m & 18m Zones respectively  Heritage: The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:  Item 31 — Hotel Lidcombe — John Street, Lidcombe;  Item 32 — Lidcombe Police Station — 13 Church Street, Lidcombe;  Item 35 — Lidcombe Police Station — 37 Church Street, Lidcombe;  Item 35 — Lidcombe Police Station — 11 John Street, Lidcombe;  Item 36 — St Joachims Catholic Church, Parish Hall and School — John Street and 7 Mary Street, Lidcombe.  |                           | DP 741212, Lot 14, DP 1083698, Lot 1, DP 779654, Lots A & B, DP 190260, Lot B, DP 395349, Lot 1, DP 741584, Lots 11, 12 & 13, DP 64696, Lots 14 & 15, DP 976927, Lot 9, Section A, DP 979289, Lots 11, 13 & 15, DP 78789, Lot 14, DP 1083657, Lots 1, 2 & 3, DP 79131, Lot 1,  |  |  |  |  |
| Capital Investment Value:       \$73,618,240         Site Area:       30,333.72m²         Zoning:       Part B4 Mixed Use & Part R4 High Density Residential pursuant to the Auburn Local Environmental Plan 2010 (ALEP)         Permissibility:       Permissible – Registered Club         Applicant / Owner:       Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club (Applicant also includes Urbis)         Notification/Advertising:       17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.         Disclosure of political donations / gifts       Five (5) disclosed on the application form         Submissions:       Two (2) submissions         Principal Development       Floor Space Ratio Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 Some Some Some Some Some Some Some Some  | Proposed Development:     | 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   |  |  |  |  |
| Site Area: 30,333.72m²  Zoning: Part B4 Mixed Use & Part R4 High Density Residential pursuant to the Auburn Local Environmental Plan 2010 (ALEP)  Permissibility: Permissible – Registered Club Applicant / Owner: Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club (Applicant also includes Urbis)  Notification/Advertising: 17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Disclosure of political donations / gifts Submissions: Two (2) submissions  Principal Development Standards: Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 Proposed: 22.53m & 3.9m, limited to 20ne Ratio Naximum: 60m, 36m & 18m Proposed: 22.53m & 3.9m, limited to 36m & 18m zones respectively  Heritage: The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:  - Item 31 – Hotel Lidcombe – John Street, Lidcombe; - Item 32 – Lidcombe Police Station – 37 Church Street, Lidcombe; - Item 33 – Lidcombe Police Station – 11 John Street, Lidcombe; - Item 33 – Lidcombe Public School and Infants Department – Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and - Item 39 – St Joachims Catholic Church, Parish Hall and School – John Street and 7 Mary Street, Lidcombe.  | Capital Investment Value: |  |  |  |  |  |
| Auburn Local Environmental Plan 2010 (ALEP)  Permissibility: Permissible – Registered Club  Applicant / Owner: Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club (Applicant also includes Urbis)  Notification/Advertising: 17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Disclosure of political donations / gifts  Submissions: Two (2) submissions  Principal Development Standards: Two (2) submissions  Floor Space Ratio Maximum: 5:1 and 1.7:1 Maximum: 60m, 36m & 18m Proposed: 0.72:1, limited to 5:1 Proposed: 22.53m & 3.9m, limited to 20ne  Heritage: The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:  Item 31 – Hotel Lidcombe – John Street, Lidcombe;  Item 32 – Lidcombe Public School and Infants Department – Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and  Item 39 – St Joachims Catholic Church, Parish Hall and School – John Street and 7 Mary Street, Lidcombe.   |                           |  |  |  |  |  |
| Permissibility: Applicant / Owner: Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club (Applicant also includes Urbis)  Notification/Advertising: 17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Disclosure of political donations / gifts  Submissions:  Principal Development Standards:  Two (2) submissions  Floor Space Ratio Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 Proposed: 0.72:1, limited to 5:1 Proposed: 22.53m & 3.9m, limited to 36m & 18m zones respectively  Heritage:  The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being: Item 31 – Hotel Lidcombe — John Street, Lidcombe; Item 33 – Lidcombe Police Station — 11 John Street, Lidcombe; Item 35 – Lidcombe Public School and Infants Department — Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and Item 39 – St Joachims Catholic Church, Parish Hall and School — John Street and 7 Mary Street, Lidcombe.   | Zoning:                   |  |  |  |  |  |
| Applicant / Owner:  Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club (Applicant also includes Urbis)  17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Disclosure of political donations / gifts  Submissions:  Two (2) submissions  Floor Space Ratio Maximum: 5:1 and 1.7:1 Maximum: 60m, 36m & 18m Proposed: 0.72:1, limited to 5:1 Proposed: 22.53m & 3.9m, limited to 36m & 18m zones respectively  Heritage:  The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:  Item 31 – Hotel Lidcombe – John Street, Lidcombe;  Item 32 – Lidcombe Fire Station – 37 Church Street, Lidcombe;  Item 33 – Lidcombe Police Station – 11 John Street, Lidcombe;  Item 35 – Lidcombe Public School and Infants Department – Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and  Item 39 – St Joachims Catholic Church, Parish Hall and School – John Street and 7 Mary Street, Lidcombe.  |                           |  |  |  |  |  |
| Club (Applicant also includes Urbis)  Notification/Advertising:  17 December 2019 to 31 December 2019; and 28 January 2020 to 11 February 2020.  Disclosure of political donations / gifts  Submissions:  Principal Development Standards:  Two (2) submissions  Floor Space Ratio Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 Proposed: 22.53m & 3.9m, limited to 36m & 18m proposed: 22.53m & 3.9m, limited to 36m & 18m zones respectively  Heritage:  The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:  Item 31 - Hotel Lidcombe - John Street, Lidcombe;  Item 32 - Lidcombe Fire Station - 37 Church Street, Lidcombe;  Item 33 - Lidcombe Public School and Infants Department - Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and  Item 39 - St Joachims Catholic Church, Parish Hall and School - John Street and 7 Mary Street, Lidcombe.   |                           |  |  |  |  |  |
| Disclosure of political donations / gifts  Submissions:  Principal Development Standards:  Two (2) submissions  Floor Space Ratio Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 Principal Space Ratio Maximum: 5:1 and 1.7:1 Proposed: 0.72:1, limited to 5:1 Proposed: 22.53m & 3.9m, limited to 36m & 18m zones respectively  Heritage:  The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:  Item 31 – Hotel Lidcombe – John Street, Lidcombe; Item 32 – Lidcombe Police Station – 37 Church Street, Lidcombe; Item 33 – Lidcombe Police Station – 11 John Street, Lidcombe; Item 35 – Lidcombe Public School and Infants Department – Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and Item 39 – St Joachims Catholic Church, Parish Hall and School – John Street and 7 Mary Street, Lidcombe.   | Applicant / Owner:        |  |  |  |  |  |
| Five (5) disclosed on the application form  | Notification/Advertising: |  |  |  |  |  |
| Two (2) submissions   Two (2) submissions   Floor Space Ratio   Maximum: 5:1 and 1.7:1   Maximum: 60m, 36m & 18m   Proposed: 0.72:1, limited to 5:1   Proposed: 22.53m & 3.9m, limited to 20ne   36m & 18m   Zones respectively      Heritage: The subject site is not heritage listed, is not located within a heritage conservation area. The site is located within the vicinity of seven (7)   heritage items, being:   Item 31 - Hotel Lidcombe - John Street, Lidcombe;   Item 32 - Lidcombe Police Station - 37 Church Street, Lidcombe;   Item 33 - Lidcombe Police Station - 11 John Street, Lidcombe;   Item 35 - Lidcombe Public School and Infants Department - Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and   Item 39 - St Joachims Catholic Church, Parish Hall and School - John Street and 7 Mary Street, Lidcombe.  |                           |  |  |  |  |  |
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| conservation area. The site is located within the vicinity of seven (7) heritage items, being:  - Item 31 – Hotel Lidcombe – John Street, Lidcombe; - Item 32 – Lidcombe Fire Station – 37 Church Street, Lidcombe; - Item 33 – Lidcombe Police Station – 11 John Street, Lidcombe; - Item 35 – Lidcombe Public School and Infants Department – Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and - Item 39 – St Joachims Catholic Church, Parish Hall and School – John Street and 7 Mary Street, Lidcombe.  |                           | Maximum: 5:1 and 1.7:1<br>Proposed: 0.72:1, limited to 5:1   | Maximum: 60m, 36m & 18m<br>Proposed: 22.53m & 3.9m, limited to |  |  |  |
| Oval, Stormwater Drain – Park bounded by Olympic Drive and Boorea Street, Percy and Church Streets.   | Heritage:                 | conservation area. The site is located within the vicinity of seven (7) heritage items, being:  - Item 31 – Hotel Lidcombe – John Street, Lidcombe; - Item 32 – Lidcombe Fire Station – 37 Church Street, Lidcombe; - Item 33 – Lidcombe Police Station – 11 John Street, Lidcombe; - Item 35 – Lidcombe Public School and Infants Department – Corner John Street, Doodson Avenue and Mill Street, Lidcombe; and - Item 39 – St Joachims Catholic Church, Parish Hall and School – John Street and 7 Mary Street, Lidcombe Item 40 – Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain – Park bounded by Olympic Drive and Boorea |  |  |  |  |
| Variations: Car Parking   | Variations:               |  |  |  |  |  |
| Recommendation: Approval, subject to conditions   |                           | ŭ  |  |  |  |  |



Figure 1 – Perspective of Development Looking West (Source: PTW Architects, 2019)



Figure 2 – Perspective of Development Looking South-West (Source: PTW Architects, 2019)



Figure 3 – Perspective of Development Looking North-West (Source: PTW Architects, 2019)

#### SUMMARY

#### 1.0 SUMMARY

Council is in receipt of a development application from Dooleys Lidcombe Catholic Club Ltd T/A Dooleys Regents Park Sports Club and Urbis seeking approval 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 at 18-34 John Street, 1 & 4-28 Board Street, Board Street, and 3-21 Ann Street, Lidcombe. The Architectural Plans accompanying the application are provided as **Attachment 1** to this report.

The development application was publicly notified for a period of 14 days from 17 December 2019 to 31 December 2019. In response, nil submissions were received. The application was re-notified for a period of 14 days from 28 January 2020 to 11 February 2020, noting the first notification was issued during an exclusion period of 20 December and 10 January, pursuant to Schedule 1, Clause 16 of the *Environmental Planning and Assessment Act, 1979*. In response, three (3) submissions were received, objecting to the proposal, with one (1) submission later withdrawn. In total, two (2) submissions were considered in the assessment of the subject application.

The site is zoned part B4 Mixed Use and part R4 High Density Residential, pursuant to the Auburn Local Environmental Plan 2010 (ALEP). A *Registered Club* is permissible with development consent in the B4 Mixed Use zone.

The development application was referred for comments externally to Transport for NSW, Sydney Water, NSW Police – Flemington Local Area Command, and AusGrid, and internally to Council's Development Engineer, Environmental Health Officer, and Resource Recovery Officer, to which the application is supported.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, including likely impacts, the suitability

of the site for the development, and the public interest, and the proposed development is considered appropriate.

The proposal has been assessed against the following Environmental Planning Instruments (EPIs), Draft EPIs, and Development Control Plans (DCPs):

- State Environmental Planning Policy No 19 Bushland in Urban Areas;
- State Environmental Planning Policy No. 55 Remediation of Land;
- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Sydney Environmental Plan (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Auburn Local Environmental Plan 2010 (ALEP);
- Draft State Environmental Planning Policy (Environment);
- Draft State Environmental Planning Policy (Remediation of Land);
- Draft Cumberland Local Environmental Plan 2020 (CLEP); and
- Auburn Development Control Plan 2010 (ADCP).

The variations sought via the subject application are provided in **Table 1** below:

| Control            | Required              | Proposed  | % Variation        |
|--------------------|-----------------------|-----------|--------------------|
| Car Parking (ADCP) | 295 spaces additional | 51 spaces | 244 spaces / 82.7% |

Table 1 – Variations (Source: Cumberland City Council, 2020)

The application is being reported to the Sydney Central City Planning Panel (SCCPP) for determination, as pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the development constitutes 'Regionally Significant Development', with the development exceeding the \$30 million Capital Investment Value (CIV) threshold.

In light of the above, it is recommended that the Sydney Central City Planning Panel **Approve** the development application, subject to the draft notice of determination provided at **Attachment 2** to this report.

#### **REPORT**

# 2.0 SUBJECT SITE AND SURROUNDING AREA

The subject site is known as 18-34 John Street, 1 & 4-28 Board Street, Board Street, and 3-21 Ann Street, Lidcombe. The legal description of the site is provided in **Table 2** below:

| Lot      | Section   | Deposited Plan Address |                             |
|----------|-----------|------------------------|-----------------------------|
| Lot 2011 | -         | DP 1225004             | 18-34 John Street, Lidcombe |
| Lot 1    | -         | DP 712252              | 1 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 Board Street, Lidcombe    |
| Lot 13   | -         | DP 78789               | 7 Board Street, Lidcombe    |
| Lot 15   | -         | DP 78789               | 9 Board Street, Lidcombe    |

| Lot 14 | - | DP 1083657 | 11 Board Street, Lidcombe |
|--------|---|------------|---------------------------|
| Lot 3  | - | DP 79131   | 13 Board Street, Lidcombe |
| Lot 2  | - | DP 79131   | 15 Board Street, Lidcombe |
| Lot 1  | - | DP 79131   | 17 Board Street, Lidcombe |
| Lot 1  | - | DP 196024  | 19 Board Street, Lidcombe |
| Lot 1  | - | DP 798953  | 21 Board Street, Lidcombe |

Table 2 – Legal Description of Site (Source: Cumberland City Council, 2020)

The land is an irregular shaped site, which is bounded by John Street to the east, Church Street to the south, Olympic Drive to the west, and Ann Street to the north. Board Street intersects the site along John Street, bounding the site to the north, south and west. Similarly, a laneway intersects the site along Church Street, bounding the site to the north, east and west. The frontages of the site are provided in **Table 3** below:

| Street                  | Frontage      |
|-------------------------|---------------|
| John Street, Lidcombe   | 94.16 metres  |
| Church Street, Lidcombe | 179.26 metres |
| Olympic Drive, Lidcombe | 95.48 metres  |
| Ann Street, Lidcombe    | 118.26 metres |
| Board Street, Lidcombe  | 87.6 metres   |
| Laneway, Lidcombe       | 80.69 metres  |

**Table 3** – Frontages of Site (Source: Cumberland City Council, 2020)

The topography of the site is maintained to a maximum 3.9% gradient, with an 8.1 metre fall as measured from the intersection of John Street and Board Street, to the intersection of Church Street and Olympic Drive. The site maintains a 3.2% gradient, with a 6.5 metre fall as measured from the north-eastern most point of the site along Ann Street, to the intersection of Church Street and Olympic Drive. The subject site is located within the Lidcombe Town Centre, identified as the 'Dooleys Key Site' within the Local Controls section of the Auburn Development Control Plan 2010 (ADCP). The site is within proximity to the Lidcombe Railway Station, which is approximately 110 metres as measured south-east of the subject site. The total site has an area of 30,333.72m², and is illustrated in **Figure 4** below:



Figure 4 - Location Map (Source: Cumberland City Council, 2020)

The site is zoned part B4 Mixed Use, and part R4 High Density Residential, pursuant to the Auburn Local Environmental Plan 2010 (ALEP), as shown in **Figure 5** below:

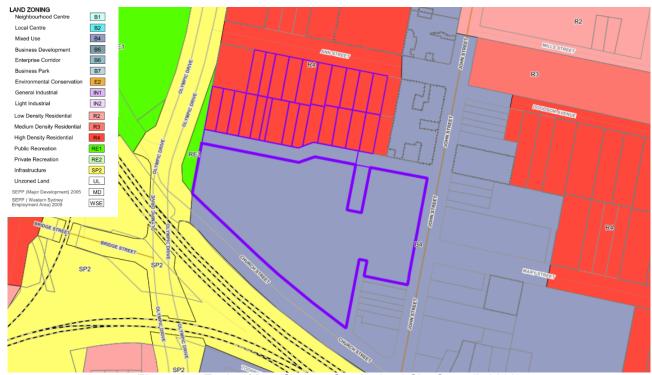


Figure 5 - Zoning Map (Source: Cumberland City Council, 2020)

The subject site presently maintains the existing Dooleys Lidcombe Catholic Club building, multi-level car park, underground car park, and at grade car park, totaling 519 car parking spaces, a gym, and existing retail tenancies. In addition, to the north of Board Street, a number of vacant lots are present, which were previously occupied by dwelling houses. Existing vegetation is present on the site, which is unaffected by the proposal.

The surrounding locality is characterised by retail tenancies along John Street and Church Street, maintained to 2 and 3 storeys in height. In addition, the locality is characterised by a mix of low, medium and high density residential developments, mixed use developments, and community facilities in the form of schools, youth centres, seniors living developments, and churches. The site is in proximity to Rookwood cemetery, which is located approximately 450m as the crow flies to the south-east of the subject site. **Figure 6** below illustrates an aerial perspective of the site and the general surroundings.

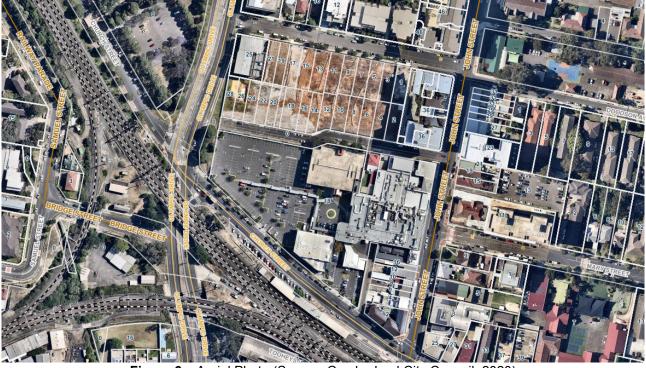


Figure 6 – Aerial Photo (Source: Cumberland City Council, 2020)

The subject site does not contain a heritage item, and is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:

- **Item 31** *Hotel Lidcombe* John Street, Lidcombe.
- **Item 32** *Lidcombe Fire Station* 37 Church Street, Lidcombe.
- Item 33 Lidcombe Police Station 11 John Street, Lidcombe.
- **Item 35** *Lidcombe Public School and Infants Department* Corner John Street, Doodson Avenue and Mill Street, Lidcombe.
- Item 39 St Joachims Catholic Church, Parish Hall and School John Street and 7 Mary Street, Lidcombe.
- **Item 40** Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain Park bounded by Olympic Drive and Boorea Street, Percy and Church Streets.
- **Item 41** *Stand of Eucalptus Microcorys* Olympic Drive, Lidcombe.

The heritage items listed above are illustrated in Figure 7 below.



Figure 7 - Heritage Map (Source: Cumberland City Council, 2020)

# 3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal is 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.

In detail, the following description has been provided by the Applicant within the Statement of Environmental Effects prepared by Urbis, dated 6 December 2019:

# **Proposed Development**

# Development Summary

It is proposed to redevelop a portion of the DOOLEYS site [...]. The proposal forms part of the wider master plan for the site which is guiding its long-term development. The master plan is a guiding document only, and will not form part of any DA approval\*.

This DA seeks consent for the redevelopment of the DOOLEYS Lidcombe site including:

- Demolition of the existing two storey retail buildings at the corner of John and Board Streets;
- Demolition of the dwelling at 1 Board Street;
- Extension of the existing basement car park to provide an additional 51 spaces over two levels;
- Refurbishment and expansion of the existing Club building on John Street, and construction of a two-storey component above containing administrative offices, boardrooms and staff areas.
- Construction of a substation and OSD.

**Note:** The Applicant has confirmed that the proposed development represents Phase 1 of a long-term redevelopment of the site.

A numerical overview of the key components of the development, is provided in **Table 4** below.

| Component           | Required / Permissible |              | Proposed                   | Complies      |  |
|---------------------|------------------------|--------------|----------------------------|---------------|--|
| Site Area           | N/A                    |              | 30,333.72m <sup>2</sup>    | N/A           |  |
|                     | John Street            | N/A          | 94.16m                     |               |  |
|                     | Church Street          | N/A          | 179.26m                    | N/A           |  |
| Site Frontage       | Olympic Drive          | N/A          | 95.48                      |               |  |
| Site Floritage      | Ann Street             | N/A          | 118.26m                    | IN/A          |  |
|                     | Board Street           | N/A          | 87.6m                      |               |  |
|                     | Laneway                | N/A          | 80.69m                     |               |  |
|                     | Zone 1 – Z             | 102,865m²    | 14,895.14m²                |               |  |
| Gross Floor Area    | 20116 1 - 2            | 102,003111   | (Club & Admin Building)    | Yes           |  |
| (GFA)               | Zone 2 – S2            | 51,567.32m²  | No Works Proposed          | 163           |  |
|                     | 20116 2 - 32           | 31,307.32111 | which Contribute to GFA    |               |  |
|                     | Zone 1 - Z             | 5:1          | 0.72:1                     | Yes           |  |
| Floor Space Ratio   |                        |              | (Club & Admin Building)    |               |  |
| (FSR)               | Zone 2 – S2            | 1.7:1        | No Works Proposed          |               |  |
|                     |                        |              | which Contribute to FSR    |               |  |
|                     | Zone 1 - AA1           | 60m          | No Works Proposed          |               |  |
| Height of Buildings | Zone 2 – V1            | 36m          | 22.53m                     | Yes           |  |
| (HOB)               |                        |              | (Club & Admin Building)    |               |  |
|                     | Zone 3 – P2            | 18m          | 3.9m (Substation)          |               |  |
|                     | John Street            | Nil Setback  | Nil Setback                |               |  |
| Boundary Setbacks   |                        | TVII OCIDACK | (Club Building)            | Yes           |  |
| Boundary Scibacits  | Board Street           | Nil Setback  | Nil Setback                | 100           |  |
|                     |                        | TVII OCIDACK | (Club Building)            |               |  |
|                     | Existing Area          | 978 spaces   | 519 spaces                 | Existing Non- |  |
| Car Parking         | Exioting 7 trea        | 070 Spaces   | 010 304003                 | Compliance    |  |
|                     |                        |              |                            | No, but       |  |
|                     | Proposed Area          | 295 spaces   | 51 spaces                  | Acceptable    |  |
|                     |                        |              | (Course Curse erland Cours | on Merit      |  |

Table 4 - Numerical Overview of the Key Components (Source: Cumberland Council, 2020)

# 4.0 SITE HISTORY

The following relevant site history is noted as under:

- **DA2019/333** Development Application for *installation of a standby diesel generator adjacent to Board Street (Dooleys Lidcombe Catholic Club)* Approved on 5 March 2020 via Delegated Authority.
- **PL2019/65** Pre-lodgement Application seeking advice on a proposal for *Phase 1 for club extension* Meeting minutes issued on 28 November 2019. The subject application has addressed the matters raised within the pre-lodgement meeting minutes.
- **PL2019/64** Pre-lodgement Application seeking advice on a proposal for a site wide masterplan to guide the long-term redevelopment of Dooleys Meeting minutes issued on 28 November 2019.

- **PL2019/1** Pre-lodgement Application seeking advice on a proposal for *Phase 1 of Dooley's Lidcombe redevelopment involving the construction of a 4 level basement car parking and at-grade car parking containing a total of 612 spaces Withdrawn by Applicant.*
- M2015/383/A Section 4.55(1A) Application to reduce the height of the conservatory roof over the bistro
  courtyard, relocate the bar, and provide a servery Approved on 28 April 2016 via
  Delegated Authority.
- DA2015/383 Development Application for alterations and additions to existing Club including construction of a conservatory over the existing outdoor bistro area, children's play area & parent's room and awnings over the Church Street entry to the building (Dooleys Catholic Club) Approved on 15 December 2015 via Delegated Authority.
- **PL2011/48** Pre-lodgement Application seeking advice on a proposal for *alterations and additions to existing club (Dooleys Catholic Club)* Meeting minutes issued on 21 November 2011.
- DA2009/100 Development Application for alterations and additions to the existing club Dooleys including internal and external gaming areas – Approved on 15 May 2009 via Delegated Authority.
- **DA2008/392** Development Application for *use and fit out of shop fronting John Street as a coffee shop* Approved on 10 December 2008 via Delegated Authority.
- **M2005/162/D** Section 4.55(1A) Application for *minor internal changes to partitions, doors and internal sports bar* Approved on 27 November 2008 via Delegated Authority.
- M2005/162/C Section 4.55(1A) Application Cancelled Application on 15 August 2008.

Note: Section 4.55(1A) Application M2015/162/D was lodged in substitute.

- M2005/162/B Section 4.55(1A) Application to amend the approved alterations and additions to the existing club by construction of a noodle kitchen on the first floor – Withdrawn by Applicant.
- M2005/162/A Section 4.55(1A) Application to modify conditions of consent for DA2005/162, specifically conditions numbered 4, 73 and 84 Approved on 12 December 2005 via Delegated Authority.
- DA2005/162 Development Application for partial demolition of existing site improvement facing John and Board Streets, construction of an extension to the existing Dooleys Club incorporating 60 new basement car parking spaces and refurbishment works Approved on 17 October 2005 via Delegated Authority.

# 5.0 APPLICANT'S SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Urbis, dated 6 December 2019, and was received by Council on 9 December 2019 in support of the application.

Additional correspondence was received by Urbis, dated 16 March 2020, 30 April 2020, 1 June 2020, 31 July 2020, and 15 September 2020, in response to Council's request for amended plans and additional information.

#### 6.0 CONTACT WITH RELEVANT PARTIES

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

#### 7.0 INTERNAL REFERRALS

#### <u>Development Engineer</u>

The development application was referred to Council's Development Engineer for comments, who has advised that the proposed development is supportable on the grounds of traffic, loading, and stormwater management,

subject to standard conditions, which have been imposed within the draft notice of determination provided as **Attachment 3** to this report.

#### Environmental Health Officer

The development application was referred to Council's Environmental Health Officer for comments, who has provided conditions of consent, which have been imposed within the draft notice of determination provided as **Attachment 3** to this report.

# Waste Project Officer

The development application was referred to Council's Resource Recovery Officer for comments, who has advised that the proposed development is supportable on the grounds of waste management, subject to standard conditions of consent, which have been imposed within the draft notice of determination provided as **Attachment 3** to this report.

#### 8.0 EXTERNAL REFERRALS / CONCURRENCE AUTHORITIES

#### Transport for NSW

The development application was referred to Transport for NSW in accordance with Clause 101 – *Frontage to Classified Road*, and Clause 104 – *Traffic-Generating Development*, pursuant to State Environmental Planning Policy (Infrastructure) 2007. Transport for NSW in response provided advisory comments for Council's consideration.

#### Sydney Water

The development application was referred to Sydney Water in accordance with Clause 78 – Consent Authority to Notify Corporation of Development and Building Applications, pursuant to the Sydney Water Act, 1994. Sydney Water in response provided advisory comments for Council's consideration.

#### NSW Police - Flemington Local Area Command

The development application was referred to the NSW Police – Flemington Local Area Command for comments, consistent with an ongoing arrangement for development referrals, who identified objectives, design features, and social conditions that are likely to impact crime opportunities at the development site, which have been considered in the assessment of the application.

# <u>AusGrid</u>

The development application was referred to AusGrid in accordance with Clause 45 – *Determination of Development Applications* – *Other Development*, pursuant to State Environmental Planning Policy (Infrastructure) 2007. AusGrid has advised that the proposed development is supportable, subject to conditions, which have been imposed within the draft notice of determination provided as **Attachment 3** to this report.

# 9.0 PLANNING COMMENTS

#### Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act)

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

The following Environmental Planning Instruments are relevant to the assessment of the subject application:

#### (a) State Environmental Planning Policy No 19 – Bushland in Urban Areas

The proposal does not propose to disturb bushland zoned or reserved for public open space.

# (b) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) requires Council to be satisfied that the site is suitable, or can be made suitable, to accommodate the proposed development. **Table 5** below has been provided in consideration of the above.

| Matters for consideration  | Yes | No | N/A |
|--|-----|----|-----|
| Does the application involve re-development of the site or a change of land use?   |     |    |     |
| Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?  |     |    |     |
| Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?  |     |    |     |
| acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation. |     |    |     |
| Is the site listed on Council's Contaminated Land Database?  |     |    |     |
| Is the site subject to EPA clean-up order or other EPA restrictions?   |     |    |     |
| Has the site been the subject of known pollution incidents or illegal dumping?   |     |    |     |
| Does the site adjoin any contaminated land/previously contaminated land?   |     |    |     |
| Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?   |     |    |     |
| *Refer to comments below.  |     |    |     |

Table 5 - Considerations under Clause 7 of SEPP 55 (Source: Cumberland City Council, 2020)

# Details of Contamination Investigations Carried out at the Site

The following site investigation reports have been prepared by Coffey Geotechnics Pty Ltd (Coffey) for the wider Dooleys site, which have been submitted with the development application:

- Detailed Site Investigation (June 2016);
- Supplementary Contamination Investigation (June 2016);
- Remedial Action Plan (October 2016).
- Interim Validation Report (December 2017); and
- Assessment of Potential Land Contamination (December 2019).

#### Council's Review

Council's Environmental Health Officer has reviewed the submitted reports, and is satisfied that the information has been prepared in accordance with the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites* and the *National Environment Protection (Assessment of Site Contamination) Measure (2013 Amendment).* 

Council's Environment Health Officer is satisfied that the site is suitable for its intended use, and has provided that should the application be determined by way of approval, be subject to standard conditions of consent.

# (c) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as a coastal wetland and is not or land identified as "proximity area for coastal wetlands".

# (d) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the development application.

#### Clause 45 - Development likely to affect an electricity transmission or distribution network

The application is subject to Clause 45 of the ISEPP, as the subject development occurs within 5 metres of exposed overhead electricity power lines, within proximity to underground electricity power lines, and also includes a substation. As such, the Consent Authority is required to give written notice to an electricity supply authority. The development application was referred to AusGrid, who advised that the development proposal is supported, subject to conditions.

#### Clause 85 – Development adjacent to railway corridors

The application is not subject to Clause 85 of the ISEPP. While the development is on land that is adjacent to a rail corridor, the development is not likely to have an adverse effect on rail safety.

#### Clause 86 – Excavation in, above, below or adjacent to rail corridors

The application is not subject to Clause 86 of the ISEPP. While the development is on land that is adjacent to a rail corridor, the proposal does not involve excavation to a depth of at least 2m within, below or above a rail corridor, within 25m (measured horizontally) of a rail corridor, of the ground directly below a rail corridor, or of the ground directly above an underground rail corridor. Excavation associated with the proposed basement is approximately 100 metres north of the rail corridor.

#### Clause 87 – Impact of rail noise or vibration on non-rail development

The application is not subject to Clause 87 of the ISEPP. While the development is on land that is adjacent to a rail corridor, the development is not for the purposes of *residential accommodation*, a place of public worship, a hospital, or an educational establishment or centre-based child care facility.

#### Clause 101 - Frontage to classified road

The application is subject to Clause 101 of the ISEPP, as the site has a frontage to a classified road, being Olympic Drive. As such, the development application was referred to Transport for NSW, who provided advisory comments for Council's consideration, which have been considered in the assessment of the application.

#### Clause 102 – Impact of road noise or vibration on non-road development

The application is not subject to Clause 102 of the ISEPP. While the development is on land adjacent to a classified road, being Olympic Drive, the development is not for the purposes of *residential accommodation*, a place of public worship, a hospital, or an educational establishment or centre-based child care facility.

#### Clause 104 – Traffic generation developments

The application is subject to Clause 104 of the ISEPP, as the existing and proposed development exceeds the capacity for *carparks* (whether or not ancillary to other development) as specified in Schedule 3 – Traffic-Generating Development to be Referred to Roads and Maritime Services of the ISEPP. As such, the development application was referred to Transport for NSW, who provided advisory comments for Council's consideration, which have been considered in the assessment of the application.

# (e) State Environmental Planning Policy (State and Regional Development) 2011

Development of a type that is listed under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, is defined as 'Regionally Significant Development', which requires a referral to the Sydney Central City Planning Panel (SCCPP) for determination, as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act, 1979.

The application is being reported to the Sydney Central City Planning Panel (SCCPP) for determination, as the development constitutes *'Regionally Significant Development'*, with the development exceeding the \$30 million Capital Investment Value (CIV) threshold.

# (f) State Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by the Sydney Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues, as no impact on the catchment is envisaged.

**Note:** The subject site is not identified in the relevant map as land within the 'Foreshores and Waterways Area' or 'Wetland Protection Zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence the majority of the State Environmental Plan is not directly relevant to the proposed development.

# (g) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies to the subject site. An assessment of the proposal has revealed the proposed development complies with the requirements of the Vegetation SEPP, noting:

- The site is not located in a declared area of outstanding biodiversity value as outlined within the Biodiversity Values Map;
- The proposal does not include tree removal, and therefore the area clearing threshold for native vegetation pursuant to the Biodiversity Conservation Act 2016 is not applicable; and
- The proposal does not include tree removal, and therefore the test of significance pursuant to Section 7.3 of the Biodiversity Conservation Act 2016 is not applicable.

#### (h) Auburn Local Environmental Plan 2010 (ALEP)

The Auburn Local Environmental Plan 2010 (ALEP) applies to the subject site. The proposed development has been assessed to comply with the requirements of ALEP, and the relevant matters to be considered under the ALEP, and the applicable clauses for the proposed development, are summarised below. A comprehensive assessment against the ALEP is contained in **Attachment 4** to this report.

#### Permissibility

The site is zoned part B4 Mixed Use and part R4 High Density Residential, pursuant to the ALEP. The proposed alterations and additions to the existing club are located within the land zoned B4 Mixed Use, are defined as a *registered club*, and are permissible with consent.

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

The proposed substation and On-site Stormwater Detention (OSD) system are located within the land zoned R4 High Density Residential, which are not separately defined land use terms, and are ancillary to development.

#### **Heritage**

The subject site does not contain a heritage item, and is not located within a heritage conservation area. The site is located within the vicinity of seven (7) heritage items, being:

- **Item 31** *Hotel Lidcombe* John Street, Lidcombe.
- **Item 32** *Lidcombe Fire Station* 37 Church Street, Lidcombe.
- **Item 33** *Lidcombe Police Station* 11 John Street, Lidcombe.
- **Item 35** *Lidcombe Public School and Infants Department* Corner John Street, Doodson Avenue and Mill Street, Lidcombe.
- Item 39 St Joachims Catholic Church, Parish Hall and School John Street and 7 Mary Street, Lidcombe.
- **Item 40** Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain Park bounded by Olympic Drive and Boorea Street, Percy and Church Streets.
- **Item 41** *Stand of Eucalptus Microcorys* Olympic Drive, Lidcombe.

The development application is supported by a Heritage Impact Statement, which concludes the proposed works are sympathetic to the surrounding heritage items and will result in a positive contribution to the John and Board Street streetscapes, and that the proposed works be recommended for approval for a heritage perspective, which is supported by Council.

# Key Development Standards

The key development standards are outlined in **Table 6** below.

| Development Standard           | Zone         | Maximum | Proposed                | Compliance |
|--------------------------------|--------------|---------|-------------------------|------------|
| Clause 4.2                     | Zone 1 - AA1 | 60m     | No Works Proposed       |            |
| Clause 4.3 Height of Buildings | Zone 2 – V1  | 36m     | 22.53m                  | Yes        |
| (HOB)                          | Zone 2 – v i | 30111   | (Club & Admin Building) | 168        |
| (HOB)                          | Zone 3 – P2  | 18m     | 3.9m (Substation)       |            |
| Clause 4.4                     | 7000 1 7     | E · 1   | 0.72:1                  |            |
| Clause 4.4                     | Zone 1 - Z   | 5:1     | (Club & Admin Building) | Yes        |
| Floor Space Ratio (FSR)        | Zone 2 - S2  | 1 7:1   | No Works Proposed       | 168        |
| (FSR)                          | Zurie 2 - 52 | 1.7:1   | which Contribute to FSR |            |

Table 6 – HLEP Compliance Table (Source: Cumberland City Council, 2020)

#### The provisions of any Proposed Instruments (EP & A Act s4.15 (1)(a)(ii))

The following draft Environmental Planning Instruments are relevant to the assessment of the subject application:

# (a) Draft State Environmental Planning Policy (Environment) (Draft ESEPP)

The Draft State Environmental Planning Policy (Environment) (Draft ESEPP) relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 Bushland in Urban Areas.
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.
- State Environmental Planning Policy No. 50 Canal Estate Development.
- Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment.
- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No.2-1997).
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- Willandra Lakes Regional Environmental Plan No. 1 World Heritage Property.

The Draft ESEPP will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

As discussed under the existing State Environmental Plan (Sydney Harbour Catchment) 2005 earlier within this report, the development is considered acceptable having regard to the provisions of the SEPP.

# (b) Draft State Environmental Planning Policy (Remediation of Land)

The Draft State Environmental Planning Policy (Remediation of Land) (Draft RSEPP), relates to the remediation of land and seeks to repeal and replace the current SEPP 55. Generally, the Draft RSEPP maintains similar provisions to the current SEPP 55, and will contain provisions to the following effect:

- Making remediation work permissible, despite anything to the contrary in another environmental planning instrument.
- Specifying when development consent is, and is not required, for remediation work.
- Specifying considerations that are relevant in determining development applications.
- Requiring remediation work meet certain standards and notification requirements.

As discussed under the existing SEPP 55 earlier within this report, the development is considered acceptable having regard to the provisions of remediation of land, and site suitability.

# (c) Draft Cumberland Local Environmental Plan 2020 (Draft CLEP)

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland City Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland City local government area, those being:

- Holroyd Local Environmental Plan 2013 (HLEP).
- Parramatta Local Environmental Plan 2011 (PLEP).
- Auburn Local Environmental Plan 2010 (ALEP).

The current zoning and key development standards for the subject site, as contained within the ALEP, are proposed to be revised for the Lidcombe Town Centre by implementing the *Lidcombe Town Centre Planning Controls Strategy*, with the changes identified within **Table 7** below:

| Development Standard            | ALEP  | Draft CLEP   | Proposed                                  | Compliance |
|---------------------------------|---|--------------|---|------------|
| Clause 2.3<br>Land Use<br>Table | Part B4 Mixed Use,<br>Part R4 High<br>Density Residential | B4 Mixed Use | The proposal remains permissible.         | Yes        |
| Clause 4.3                      | 60m   | 60m          | No Works Proposed                         |            |
| Height of Buildings             | 36m   | 60m          | 22.53m<br>(Club & Admin Building)         | Yes        |
| (HOB)                           | 18m   | 38m          | 3.9m (Substation)                         |            |
| Clause 4.4<br>Floor Space       | 5:1   | 5:1          | 0.72:1<br>(Club & Admin Building)         | Yes        |
| Ratio<br>(FSR)                  | 1.7:1   | 3:5:1        | No Works Proposed which Contribute to FSR | res        |

Table 7 – Draft CLEP Compliance Table (Source: Cumberland City Council, 2020)

The Draft CLEP has been publicly exhibited, and it is therefore considered appropriate to give suitable weight to the Draft CLEP development standards.

Overall, the development is considered acceptable having regard to the provisions of the Draft CLEP.

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

The following Development Control Plans are relevant to the assessment of the subject development application:

# (a) Auburn Development Control Plan 2010 (ADCP)

The Auburn Development Control Plan 2010 (ADCP) applies to the subject site. The proposed development has been assessed to comply with the requirements of ADCP, with the exception of car parking, which is outlined in **Table 8**, and discussed below. A comprehensive assessment against the ADCP is contained in **Attachment 5** to this report.

Clause 5.1.4 – Number of Car Parking Spaces

| Control     | Required              | Proposed  | % Variation        |
|-------------|-----------------------|-----------|--------------------|
| Car Parking | 295 additional spaces | 51 spaces | 244 spaces / 82.7% |

**Table 8** – Variation to Car Parking (Source: Cumberland City Council, 2020)

The breakdown of additional parking required by the ADCP is summarised in **Table 9** below.

| Development<br>Type   | Parking Rate                           | Additional Area<br>Proposed (m²) | Required Parking (ADCP) |
|-----------------------|--|----------------------------------|-------------------------|
| Registered Club       | 1 space per 5m <sup>2</sup> of GFA     | 1,229m²                          | 246 spaces              |
| Function Centre       | 15 spaces per 100m <sup>2</sup> of GFA | 86m²                             | 13 spaces               |
| Admin /<br>Commercial | 1 spaces per 60m² of GFA               | 2,156m²                          | 36 spaces               |
|                       |  | Total                            | 295 spaces              |

**Table 9** – Additional Car Parking Requirement based on ADCP (Source: Cumberland City Council, 2020)

The breakdown of parking for the entire development pursuant to the ADCP, and parking required for the gymnasium component, pursuant to the RMS Guide for Traffic Generating Development, dated October 2002 (RMS Guide) is summarised in **Table 10** below.

**Note:** No applicable parking rates for gymnasiums are listed within the ADCP.

|                                   |  | Existing Condition |                          | Proposed Development |                          |
|-----------------------------------|--|--------------------|--------------------------|----------------------|--------------------------|
| Function                          | Rate                                   | Area (m²) [1]      | Parking<br>Requirement   | Area (m²) [1]        | Parking<br>Requirement   |
| Club                              | 1 space per 5m <sup>2</sup> GFA        | 3675               | 735                      | 4904                 | 981                      |
| Function Centre                   | 15 spaces per 100m <sup>2</sup><br>GFA | 1206               | 181                      | 1292                 | 194                      |
| Admin/ Commercial                 | 1 space per 60m <sup>2</sup> GFA       | 1128               | 19                       | 2156                 | 36                       |
| Decanted Admin.<br>Commercial [2] | 1 space per 60m <sup>2</sup> GFA       | 0                  | 0                        | 1128                 | 19                       |
| Gymnasium                         | 3 spaces per 100m <sup>2</sup><br>GFA  | 1430               | 43                       | 1430                 | 43                       |
| John Street Retail                | 1 space per 60m <sup>2</sup> NLA       | 283                | 5                        | 0                    | 0                        |
|                                   | TOTAL REQUIREMENT                      | 7,722              | 983 car spaces           | 10,910               | 1273 car spaces          |
| C                                 | AR PARKING PROVISION                   |                    | 519 car spaces           |                      | 570 car spaces           |
|                                   | DIFFERENTIAL                           |                    | 464 car spaces<br>(-47%) |                      | 703 car spaces<br>(-55%) |

<sup>[1]</sup> Estimates prepared and provided by PTW Architects.

**Table 10** – Car Parking Requirement based on ADCP & RMS Guide (Source: GTA Consultants, 2020)

The proposed variation is considered acceptable on its merits, noting the following:

The non-compliance is a result of a rather onerous car parking rate applied to *registered clubs* within the ADCP, that being, 1 car parking space shall be provided per 5m² of GFA. This is confirmed by the understanding that the existing development on-site requires 983 car parking spaces, predominately made up of spaces required for the *registered club* component (735 spaces), however, the average peak on-site car parking demand of the existing development is 486 car parking spaces\*.

<sup>[2]</sup> Existing administration offices to be re-used as a separate office / commercial land use offering for this initial phase of development planning.

- \* Surveys have been undertaken by GTA Consultants for the existing development between September 2013 and May 2016 across 131 Saturdays (the peak operating day), at half hourly intervals. The surveys reveal the average peak on-site car parking demand of the existing development is 486 car parking spaces, which represents 33 car parking spaces less than the supply within the existing car park (519 spaces).
- The car parking rates for *registered clubs*, as outlined within the current development controls plans applicable to other areas within the Cumberland Local Government Area, are outlined in **Table 11** below:

| DCP                        | Control   | Required   |
|----------------------------|---|------------|
| Holroyd DCP 2013 (HDCP)    | 1 space per 25m² of GFA<br>(B4 Mixed Use zones) | 197 spaces |
| Parramatta DCP 2011 (PDCP) | No applicable rate                              | N/A        |

Table 11 – Car Parking for Registered Clubs (Source: Cumberland City Council, 2020)

Based upon the car parking rate for *registered clubs* identified within the HDCP, the number of car parking spaces required to service the total club component (4,904m²), is 197 car parking spaces. Noting this, and when calculated with the required number of parking spaces for the total function centre component (194 spaces), total admin / commercial component (55 spaces), and the gymnasium component (43 spaces), the proposed development would be required to be serviced by 489 car parking spaces.

**Note:** The HDCP car parking rate for *registered clubs* is applicable to B4 Mixed Use zones, to which the subject site is zoned. The rate is particularly relevant, as it represents a scenario which contemplates similar locational characteristics.

- When the existing Gross Floor Area (GFA) of the facility, minus the John Street Retail component (7,722m² minus 283m² = 7,439m²), is considered against the average peak onsite car parking demand of the existing facility (486 spaces), the car parking rate is 1 space per 15.3m² of GFA\*\*.
  - \*\* The John Street retail component (283m²) has been excluded from the calculation of existing parking, as the area at present is not associated with the existing Dooleys Lidcombe Catholic Club.

Noting the above, if the car parking rate of 1 space per 15.3m² of GFA is applied to the additional club component (1,229m²), the number of car parking spaces required to service this component is 81 car parking spaces. In this regard, and when calculated with the required number of parking spaces generated by the additional areas associated with the function centre component (13 spaces), admin / commercial component (36 spaces), and the average peak on-site car parking demand of the existing facility (486 spaces), the proposed development would be required to be serviced by 616 car parking spaces.

The proposed 570 car parking spaces therefore represents a relatively minor shortfall of 46 car parking spaces, in the context of the existing parking provided on-site, and proximity to existing public transport services connected to Lidcombe Train Station and surrounding bus stops.

**Note:** The Draft Cumberland Development Control Plan 2020 does not list an applicable car parking rate for *registered clubs*, rather relies upon the RMS Guide to Traffic Generating Development, dated October 2002 (RMS Guide). Similarly, the RMS Guide does not list a car parking rate for *registered clubs* either, rather identifies that 'comparisons should be drawn with similar clubs'.

- In response to the variation to car parking, the following points of justification are outlined, which have been prepared by the Applicant's Traffic Consultant, GTA Consultants.
  - The site is located within a Town Centre setting where parking restrictions apply in the immediate surrounds which discourage longer term Club car parking other than on-site.

- 2. The site is located within very close proximity of the Lidcombe Railway Station and a range of bus routes which offer genuine alternate forms of transport to and from the subject site. [...]
- 3. Delivering car parking [in accordance with **Tables**, **8**, **9** and **10** above] would increase the traffic generating potential of the project and in turn, increase traffic activity levels (immeasurably) within the town centre, increasing traffic congestion and reducing corresponding pedestrian amenity and safety in the precinct. [...]
- 4. Adopting lower levels of car parking where parking restrictions in the surrounding area discourage offsite long-term car parking is an effective travel demand management technique or planning lever to drive modal behaviour change, which is less reliant on private motor vehicle travel.
- 5. Other land use developments in and around the Lidcombe Activity Centre will consume remaining traffic capacity which will influence Club member behaviour, particularly member preparedness to drive to and from the facility during peak operating times for the Activity Centre.
- 6. The Auburn DCP is a historic document which does not account for contemporary and changing travel patterns to and from the Lidcombe town centre and to Activity Centre areas more broadly where high levels of public transport accessibility is available.

Noting the above, the variation to the car parking requirement, pursuant to the ADCP, is considered acceptable on its merit.

# 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)(iiia))

There is no planning agreement or 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 Regulations 2000* (EP & A Regs).

#### 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 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 (newspaper) | Mail 🔀 | Sign 🔀 | Not Required |
|------------------------|--------|--------|--------------|
|                        |        |        |              |

In accordance with Council's Notification requirements contained within the ADCP, the development application was publicly notified for a period of 14 days from 17 December 2019 to 31 December 2019. In response, nil submissions were received. The application was re-notified for a period of 14 days from 28 January 2020 to 11 February 2020, noting the first notification was issued during an exclusion period of 20 December and 10 January, pursuant to Schedule 1, Clause 16 of the *Environmental Planning and Assessment Act, 1979*. In response, three (3) submissions were received, objecting to the proposal, with one (1) submission later withdrawn.

In total, Council received two (2) submissions, which are contained within **Attachment 6** to this report, and discussed within **Table 12** below:

| Issue  | Planners Comment  |
|--|---|
| Closure of Board Street  | A Preliminary Construction, Traffic and Pedestrian  |
| Concern is raised regarding the narrowness of Board                            | Management Plan has been submitted with the   |
| Street, which should not be limited during demolition                          | development application, which has considered   |
| and construction works.  | access and operation of construction traffic associated with the proposed development with                  |
|  | respect to safety and capacity.   |
|  | respect to saisty and suppostly.  |
|  | In this regard, Board Street is not identified as being   |
|  | limited or closed during demolition and construction  |
| Construction Noise   | works associated with the proposed development.  Council has imposed standard conditions within the         |
| Concern is raised regarding construction noise from                            | Draft Notice of Determination contained within  |
| the proposed development.  | Attachment 3, which restrict the hours of operation   |
|  | for demolition and construction works as follows, to  |
|  | ensure the amenity of the surrounding locality is   |
|  | maintained:   |
|  | Demolition works  |
|  | - Monday to Saturday (inclusive)  |
|  | 7:00am - 5:00pm   |
|  | - <u>Sundays and Public Holidays</u><br>No work   |
|  | NO WOLK   |
|  | Construction works  |
|  | <ul> <li>Monday to Friday (inclusive)</li> </ul>  |
|  | 7:00am - 6:00pm   |
|  | - <u>Saturday</u><br>8:00am - 4:00pm  |
|  | - Sundays and Public Holidays   |
|  | No work   |
|  |   |
| Height of Development  | The above is inclusive of the delivery of materials.  In accordance with the ALEP, the site is subject to   |
| Concern is raised regarding the height of the                                  | three (3) maximum Height of Buildings (HOB)   |
| development.   | development standards, those being 60m, 36m and   |
| ·  | 18m. In this regard, the development is maintained  |
|  | to 22.53m and 3.9m, limited to 36m and 18m zones  |
| Mechanical Plant   | respectively, in compliance with the ALEP.  |
| Concerns are raised as follows:  | The architectural plans submitted are inclusive of a roof plan, which documents the location of the         |
| - The submitted plans do not document the                                      | mechanical plant proposed.  |
| location of the mechanical plant to be situated                                | · · ·   |
| on the roof.   | Council's Environmental Health Officer has  |
| - The proximity of mechanical plant to adjoining                               | assessed the proposal, and does not consider that   |
| residential developments, identifying concerns related to dust, noise and heat | dust, noise and heat from the proposed mechanical plant, will pose a significant risk to public health, and |
| pollution.   | has provided that should the application be   |
| ·  | determined by way of approval, be subject to  |
| Table 40 Oa  | standard conditions of consent. eceived (Source: Cumberland City Council, 2020)                             |

Table 12 – Comments on Submission/s Received (Source: Cumberland City Council, 2020)

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

The public interest is served by permitting the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

#### 9.0 SECTION 7.11 (FORMERLY S94 CONTRIBUTIONS)

This part of the Act relates to the collection of monetary contributions from Applicants for use in developing key local infrastructure. The subject development requires the payment of contributions in accordance with Auburn Development Contributions Plan 2007.

In accordance with the current indexed rates, the required contribution is \$678,508. The draft notice of determination at **Attachment 3** includes a recommendation to reflect the above contributions.

#### 10.0 DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The NSW Government has introduced disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant has disclosed the political donations / gifts, which are itemised in **Table 13** below:

| Donation/<br>Gift  | Name of<br>Donor/ABN | Donor's/Registered<br>Entity's Address          | Party or Person Who<br>Benefited                           | Value    | Date |
|--------------------|----------------------|---|--|----------|------|
| Donation           | 9500963244           | 18-24 John Street,<br>3244 Lidcombe NSW<br>2141 | The Salvation Army   | \$1,000  | 2018 |
| Club Grant         |                      |   | (Auburn)   | \$16,250 | 2017 |
| Club Grant         |                      |   | The Salvation Army<br>(Auburn) – Youth Recovery<br>Support | \$5,904  | 2017 |
| Club Grant         |                      |   | The Salvation Army   | \$5,150  | 2017 |
| In-kind<br>Support |                      |   | (Auburn)   | \$1,500  | 2016 |

**Table 13** – Political Donations / Gifts (Source: Cumberland City Council, 2020)

#### 11.0 CONCLUSION

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the EP & A Act, 1979, and is considered to be satisfactory. Any likely impacts of the development have been satisfactorily addressed, the subject site is suitable for the development, and the proposal is considered to be in the public interest.

The proposed development is appropriately located within the B4 Mixed Use zone under the provisions of the ALEP, and is consistent with the zone objectives. The development however proposes a variation to the car parking requirements under the ADCP. The development is considered to be acceptable in terms of the relationship to its surrounding built environment, particularly having regard to the impacts on adjoining properties.

#### 12.0 RECOMMENDATION

- 1. That development application DA2019/0467 seeking 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 at 18-34 Board Street, 1 & 4-28 Board Street, Board Street, & 3-21 Ann Street, Lidcombe, be **Approved**, subject to the conditions contained in the draft notice of determination contained in **Attachment 3** of this report.
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

# 13.0 ATTACHMENTS

Attachment 1 - Architectural Plans

Attachment 2 – Transport Impact Assessment

Attachment 3 – Draft Notice of Determination

Attachment 4 – Auburn Local Environmental Plan 2010 Compliance Assessment

Attachment 5 – Auburn Development Control Plan 2010 Compliance Assessment

Attachment 6 - Submissions x 2