

DOOLEY'S LIDCOMBE CATHOLIC CLUB - SSD 7603

COMMENTS FROM CUMBERLAND COUNCIL

Thank you for the opportunity to comment on the Concept Proposal for Tourist Related Purposes and Detailed Proposal for early works at Dooleys Lidcombe Catholic Club, Lidcombe, SSD 7603.

Council supports, in principle, the redevelopment for a hotel club complex in the B4 zone, combined with mixed use retail/residential or commercial uses on John St and part of Church St, Lidcombe. Council also congratulates Dooleys on the commitment to a 5 star Green Star development.

However, there are a number of key issues which need to be addressed in the specific proposal as outlined in the EIS.

1. OWNER'S CONSENT

- a. The SSD application cannot be approved at present, as Council has not provided owner's consent for the works to be constructed over Apex Park or Board St, which are both Council -owned land.
- b. While Council is working through the process of closing Board St, as sought by the applicant, Dooleys has yet to make a monetary offer to Council for the land. This results in considerable uncertainty as to the redevelopment as proposed.

2. COUNCIL'S STRATEGIC PLANNING

The *Draft Auburn and Lidcombe Town Centres Strategy* was considered by the Cumberland Independent Hearing and Assessment Panel on 17 November, and recommended for exhibition. It includes recommendations for the Dooleys site. To view go to:

<http://www.cumberland.nsw.gov.au/council/cihap/> then to the meeting of 17 November.

This strategy considers Lidcombe Town Centre as a whole, and recognises that redevelopment of the Dooley's site (the subject site) in Lidcombe could be a catalyst for the renewal of the Town Centre. The strategy also proposes to rezone the block between Board St and Ann St as B4 in line with the recommendations of the *Auburn Employment Lands Strategy (2015)*. The *Draft Auburn and Lidcombe Town Centres Strategy* proposes a maximum height of 38m and an FSR of 3.5:1 for land within this block.

Given the importance of the site and the current proposal to the success of Lidcombe Town Centre, it is critical that the building, open space and public domain design, scale and configuration provide a significant positive contribution to Lidcombe Town Centre.

Many of the comments below will address these issues.

3. BUILT FORM, STREETSCAPE

Main building

- a. The size of the overall footprint of the podium, (with a GFA of 5,793m²), the minimal articulation and lack of variation in the facades result in a bulky appearance and street presentation. A combination of changes to the roof line, material and colour changes, substantial articulation and public art at podium or higher levels would assist in improving the appearance from the surrounding area.

- b. Further, greater articulation/design of the upper façade of the podium would significantly improve the appearance of the proposed development. In particular a more suitable design response to the prominent corner on which it is located is recommended.
- c. The length of the hotel tower, at around 70m, is considered excessive. Consideration should be given to providing 2 towers of smaller footprints and different heights to improve the skyline and reduce the visual bulk and scale of the proposal.
- d. It is also recommended that the building be softened by trees taller than those shown on the visuals. It is also recommended that the landscaping proposed to soften the built form be provided on the development site and not on land in Council ownership as currently proposed.
- e. The Social Impact Assessment has not adequately considered the impact of the development turning its back on the street. Redesign to address this issue is strongly recommended.
- f. It is recommended that the complex be redesigned to include a significant pedestrian entry directly from Church St to activate this frontage and include provision for outdoor dining on John Street, as required by Council's DCP.
- g. The multi-level car park appears to provide parking additional to that required by the existing club. While an assessment of the car parking provision has not been undertaken by Council, it is noted that any parking provided in excess of the requirements of the consent authority, should be included as FSR and needs to be assessed.
- h. The stated FSR of 1.23:1 is inaccurate as shown in tables 2 and 3 below, as 10 of the hotel levels are calculated as if they are only one level.

The 'site area' calculations include the existing club site, which is not part of the first stage of the development. Therefore, the potential FSR can be substantially higher following the completion of both phases of development. A re-estimate of the site area for the club/hotel complex based on more appropriate site boundaries (as outlined in yellow on Figure 1 below) would be approximately 9,960m².

The resulting FSR would be approximately 2.73:1 (ie 27,178m² / 9,960m²).

GFA	
LEVEL	AREA (m ²)
B02	1307
B01	1957
L00	5793
L01	4496
L02	1037
L03	808
L04-13	1178
ROOF	NA
TOTAL GFA	16,576

Table 2. Exerpt from applicant's EIS

GFA	
LEVEL	AREA (m ²)
B02	1307
B01	1957
L00	5793
L01	4496
L02	1037
L03	808
L04-13	1178 x 10 = 11,780
Roof	NA
ACTUAL GFA	27,178

Table 3. Re-calculation of GFA based on applicant's GFA calculations

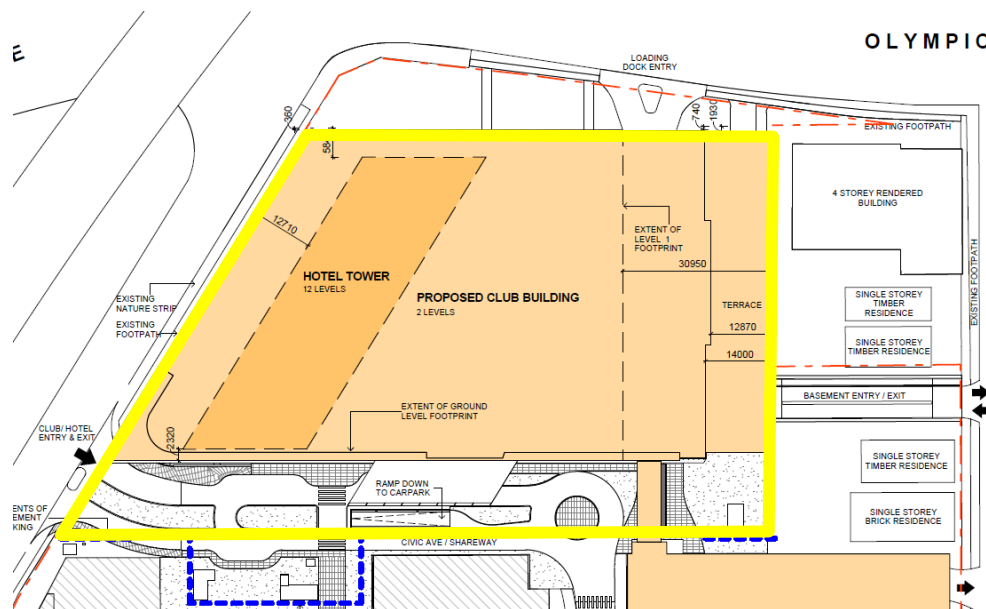


Figure 1. Site area (outlined in yellow) recommended to re-estimate the FSR.

Multi-storey car park

The requirements of *Built Form, Urban Design and Public Domain – Stage 1* of the SEARS do not appear to have been addressed in relation to the multi-storey car park. Discussion of alternatives to the above ground car park or provision for adapting the building for future uses, and activating the ground floor, could not be found in the documentation provided.

Council strongly recommends that there be adequate basement parking to address the requirements of the entire concept plan, without relying on above ground car parking. Should the Department nevertheless accept the concept of a permanent above ground car park in the future commercial area of the town centre, it is requested that:

- a. The structure be sleeved in active uses along Board St to support a vibrant active Lidcombe centre, eg small professional offices
- b. That some of the parking within the structure be provided at basement level
- c. That the building be substantially setback from Ann St, with deep soil landscaping including trees in the frontage to the site (eg 4-6m)
- d. That there be a substantial landscaped setback to the isolated sites:
 - to ensure amenity and solar access and relieve the visual impacts to both existing residents, and those of any future redevelopment of the isolated sites
 - to enable redevelopment of those sites as discussed under '*Site Isolation*' in this submission
- e. It is desirable that the proposal include measures to enable adaptive reuse, particularly of the ground and first floor levels, to enable alternative future employment uses of these levels. To both support this, and reduce the impact of the built form, at least some of the parking should be provided below ground level.
- f. That the softening of the built form to Board and Ann Streets not rely exclusively on vertical gardens, but also include a combination of landscaping, variations in built form and façade elements.

On-site mitigation of impacts of a proposal

It is generally accepted that the impacts of a proposal should be mitigated on site and a proposal cannot rely on adjoining sites to mitigate the impacts.

- a. The landscape plan shows tree planting and tree removal on Apex Park, a council owned park, to soften the form from St Hilliers Rd. It also includes new paths through the park to access the new development.
- b. While Council may support an upgrade to the park including additional planting (albeit taller trees, such as *Eucalyptus Microcorys*), no discussion has been held with Council in this regard, nor has any consent been given for these works on Council land.
- c. Street tree planting is supported, but is not a replacement for building design and configuration that mitigates the visual impacts of the development.

Heritage

- a. The proposed concept location of a tower, quite close to the heritage listed pub is not supported. It is recommended that any tower in this area be set further back from the heritage building.
- b. More detailed consideration of the impact would be required at the DA stage for this phase of the redevelopment.

4. PUBLIC DOMAIN, PUBLIC ACCESS, CONNECTIVITY AND TOWN CENTRE IMPACTS

Many of the specific items in the SEARs under *Public Access and Connectivity* have not been adequately considered.

- a. The Design Excellence section describes the new urban street and the pocket parks as key features that contribute to design excellence in that they maintain the permeable street network, introduce a new pedestrian friendly street and provide different urban experiences.
- b. However, as proposed, the new road would largely read as the main vehicle access for dropping off visitors and staff to the new hotel complex, rather than a pedestrian friendly street. It is recommended that this be converted to a shared pedestrian/vehicle access route to ensure reduced speeds and discourage unnecessary vehicle through trips (either to avoid the John St/Church St intersection delays, or to drop off able bodied visitors and workers.
- c. In addition, the proposed open space areas would really only serve as outdoor dining space and play area for patrons. These are not 'pocket parks' as they are not intended as primarily for public use, and they have no relationship to the town centre itself.
- d. Contrary to the statements that the proposal would support a centre more legible as a town centre, there is nothing in the plans to support this. The proposal overall, needs to improve its consideration of the the relationship of the project within the centre and to the rail station. The need for a genuinely public open space fronting John St is reiterated. Ideally this would be shown in the Phase 2 plans. This would then also allow for consideration of the visual impacts of the Phase 1 development from and through the square.
- e. In relation to public domain features such as signage, lighting, public art, edges, paths, landscaping etc. it is recommended that a specific public domain plan be developed to the satisfaction of Council, for the public domain features, including objectives, materials and finishes, scale drawings, staging and cost estimates. The conditions of any consent

should then require development applications at the relevant stages to be consistent with the plan. Note that public art provision should also be consistent with Council's public art policy.

5. SUSTAINABILITY

Dooleys is to be congratulated on the commitment to achieve a 5 star Green Star Design and As-Built Rating from the GBCA. Council strongly supports this measure. This is a very positive precedent for the Lidcombe Town Centre and supports the concept of Lidcombe as an innovation hub.

- a. As there is no detailed analysis as to how the 5 star rating requirements would be met, it is recommended that the Department make any approval of Phase 1 subject to the provision of the detailed design that meets the GBCA 5 star Green Star Design, as it is unknown whether this would result in substantial design changes. It is also recommended that natural air ventilation and heating/cooling systems be investigated.
- b. It is recommended that the Department include a condition in any approval for the 5 star As-Built Rating from GBCA be submitted prior to the occupation certificate.

6. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- a. There are a number of elements recommended by the CPTED report, however it is unclear whether these measures have been incorporated within the plans.
- b. Increased articulation and more active interfaces between the public domain and the internal space should also be considered to help minimise the expanse of blank walls/facades.
- c. While a realigned Board St as a new urban link is supported, the corner is not desirable from a crime prevention perspective. Consideration of new pedestrian links that allow for views and direct access between Ann and Church St and/ or John St and St Hilliers that are well lit and accessible for an appropriate length of the time each day is recommended.

7. TRAFFIC AND PARKING

- a. With an estimated additional 849 cars generated per hour in the evening peak (ie 14 additional cars at a one minute traffic light stop), the minimal impact scenario outlined in the GTA report seems optimistic. It is requested that the GTA *Car Parking and Traffic Report* be peer reviewed.
- b. It is recommended that the above ground car park be used only to replace existing parking that would be lost during Phase 1, and that the overall redevelopment provide an adequate number of parking spaces in the basement/s to cater to the overall parking needs. This would allow the above ground car park to be used for commercial purposes, in line with the principles of the *Draft Auburn and Lidcombe Town Centres Strategy*, the *Auburn Employment Lands Strategy 2015*, state plans and policies and best practice.
- c. Some of the assumptions in the GTA report are also questioned. Hyder prepared a traffic analysis (*Auburn LGA Traffic and Transport Study*, Sept 2013) for a number of key intersections in the former Auburn LGA. Table 1 compares the existing level of service identified in the Hyder study against the GTA findings for 2 of the intersections.

Intersection/ Existing LOS	HYDER study		GTA study
	AM	PM	
Olympic Dr/Boorea St	B	C	B
Olympic/Church	B	E	B

Table 1. Existing Levels of Service at 3 affected intersections. Note that John St/Church St intersection was not analysed in the Hyder study.

- d. GTA recognises that the intersection of Church and John St would deteriorate from LOS C to LOS D, but does not propose to improve the intersection, although it is a direct result of the development. The statement in the traffic report that the intersection is 'currently operating close to capacity and therefore may warrant for further capacity improvement in the RMS/Council's future planning' is not acceptable.
- e. Hyder did an additional study in 2013, to analyse the effect of the FSR increases to Auburn and Lidcombe Town Centres that were gazetted in 2014. For the Olympic Drive/Church St intersection it found that the increase to 5:1 across most of the Lidcombe Town Centre would result in a drop to LOS D at that intersection. The study did not anticipate a substantial hotel/tourist complex on this site, but did anticipate typical mixed use town centre and residential development for the town centre. Given that this redevelopment is estimated to result in a drop in the level of service equivalent to that reasonably anticipated for redevelopment of the majority of the town centre, the SSD proposal needs to include the provision of an upgrade to this intersection.
- f. It is noted that access to and from the loading dock will be directly to Olympic Drive. There are concerns about the proximity of this exit to the intersection of Church and Olympic Dr, which Hyder found to be operating at LOS E at the evening peak.
- g. It is also noted that the re-aligned Bridge St would be two-way, allowing entry and exit to Church St. Again this is very close to the same intersection, and may exacerbate existing delays.

8. WATER SENSITIVE URBAN DESIGN

Despite the Auburn DCP 2010 not including a requirement for water sensitive urban design or specific water quality targets, it is strongly recommended that the proposal apply best practice principles for water sensitive urban design. This would include achieving a minimum percentage reduction of the post development average annual load of pollutants, in accordance with Table 4, supported by MUSIC modelling. A condition could be applied in this regard.

Pollutant	% post development average annual load reduction
Gross pollutants	90
Total suspended solids	85
Total phosphorous	65
Total nitrogen	45
Total hydrocarbons	90

Table 4. Required pollutant reduction targets

9. SITE ISOLATION

The proposal will result in the isolation of 3 sites, resulting in the prevention of these sites from being developed to their full potential individually.

- a. It is acknowledged that EIS advises that the applicant has engaged JLL Mortgage Services Pty Ltd to assess the value of properties adjoining the site which would be 'isolated' should the proposed development occur.
- b. It is also understood that 13 and 15 Ann St have been purchased by the applicant since the lodgement of the application.
- c. The schematic building envelopes (Appendix N) provided for the residual lots are inadequate to demonstrate the likely impacts that the developments would have on each other, as outlined in *Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189* and *Karavellas v Sutherland Shire Council [2004] NSWLEC 251*.
- d. Specifically for 1,19, 21 Ann St and 2 Board St:
 - Any modelled/indicative building envelopes should reasonably reflect the objectives of the B4 zone and permissible height and FSR
 - Existing minimum frontage requirements should be taken into account
 - Suitable setbacks should be included.
- e. The Land and Environment Court principles require a development that results in the isolation of a site, to consider design measures that would enable the isolated site to be developed consistent with the intent of the LEP.
 - In this case obvious design measures could include provision of part of the parking in the basement to reduce the height, a substantial setback to the side boundary, and or a stepping of the design on the eastern side of the multi deck car park.
 - This area is currently R4, but it is envisaged that it will become B4 as discussed above. The potential up-zoning has been used in the application to support the proposal. The scale of development under B4 is anticipated to be greater than under R4, and this should be considered in the demonstration of future development potential of the isolated sites.
 - To adequately demonstrate the relationship between the subject site and the isolated sites, additional drawings needs to be provided. These include drawings demonstrating solar access and privacy impacts for residential development in the isolated sites.

10. POSSIBLE VPA

The proposal seeks a condition on consent requiring execution of the VPA prior to the issue of the first CC associated with the future stage 2 development application that involves the construction of the new Hotel/Club Building. This is not acceptable to Council for two reasons:

- Council has some concerns about the VPA for the overbridge as outlined below. It cannot be assumed that negotiations will be successful.

- The *Environmental Planning and Assessment Regulation, 2000* requires the VPA to be exhibited with the DA if practicable, as follows. There is no practical reason that this cannot be done for the stage 2 application.

‘25D Public notice of planning agreements

(1) If a planning authority proposes to enter into a planning agreement, or an agreement to amend or revoke a planning agreement, in connection with a development application or a project application, the planning authority is to ensure that public notice of the proposed agreement, amendment or revocation is given:
(a) in the case of an agreement in connection with a development application:
(i) if practicable, as part of and contemporaneously with, and in the same manner as, any notice of the development application that is required to be given by a consent authority for a development application by or under the Act.....’

- Should a VPA for the overbridge be successfully negotiated, Council would require execution prior to any approval for Stage 2, ie. the construction of the club/hotel complex. Leaving the making of the VPA to the construction certificate stage is poor practice, as it would result in the risk that the applicant could walk away from the VPA once consent has been obtained. This has happened in the past.
- It is recommended that the applicant send a detailed letter of offer for a VPA to Council, and if negotiations are successful, that the terms of the draft VPA be exhibited together with the application for the Stage 2 SSD and that the VPA be made prior to the granting of approval for the application.

11. INADEQUATE INFORMATION

- a. The staging is confusing. The outline in the summary report is inconsistent with the staging plans. This leads to uncertainty over what is being assessed at the current time, and what will be subject to requirements for more detail plans.
- b. There is potential for a substantial increase in the number of gaming machines and availability of liquor, with the associated social impacts, following the construction and opening of the new club/hotel complex, and the demolition of the existing club. This does not appear to be considered in the very basic social impact assessment. If the application is supported, it is recommended that a condition be imposed, requiring the existing club to close when the new club is open.
- c. The landscape plans are inadequate. They need to be at a finer scale and include species selection.
- d. There is reference in the Appendix on WSUD to landscaping on the podium. This needs to be shown on landscape plans.
- e. A VPA is mentioned for a public footbridge across Olympic Drive to Wyatt Park and associated facilities (including Ruth Everess Aquatic Centre). However there is no letter of offer or detail provided. Pedestrian access via a bridge is highly desirable, however, it is critical that any bridge be able to be accessed by the public without having to enter the club first.
- f. Details of public footpath upgrades and along Church Street (at a minimum) are required, to enable the development to integrate with and unify the Lidcombe Town Centre. Other footpath upgrades may be required, depending on the final access arrangements.
- g. Details of and proposed street tree planting are also required. The applicant will need to discuss this with Council.