

REQUEST FOR SEARS
DOOLEY'S LIDCOMBE CATHOLIC CLUB - SSD 7603
AUBURN COUNCIL COMMENTS

Thank you for the opportunity to comment on the draft SEARs for the Dooley's Lidcombe Catholic Club proposal SSD 7603. Council's comments are outlined below in the same structure as the Draft SEARs.

1. RELEVANT EPIS, POLICIES AND GUIDELINES

a. Additional documents that should be considered

In addition to the documents already mentioned, the following need to be addressed:

- *Auburn Employment Lands Strategy* (Dec 2015) AEC Group, for Auburn Council
- *Development near Rail Corridors and Busy Roads – Interim Guideline* (under SEPP Infrastructure 2007)
- *Policy on Crime Prevention Through Environmental Design Policy 2006 (CPTED)*

b. Planning proposal with Council

This section of the SEARs references a planning proposal with Council for the site. The following information is provided to clarify that there is no planning proposal before Council at the present time for this site.

On 20 May 2015 Council considered submissions in relation to studies informing the upcoming LEP review, namely the *Auburn Employment Lands Strategy* and the *Auburn City Residential Development Strategy*. Dooleys made a submission that they referred to as a 'planning proposal request' outlined in column 3 of Table 1.

Council resolved to adopt the studies (with some amendments) and accepted recommendations relating to amendments sought in a number of submissions, including that of Dooleys, to be carried forward as part of the review of *Auburn LEP 2010*. The resolution states, in part:

'That Council action the requests to change to planning controls for certain sites as recommended in Attachment C.'

An excerpt from the table in Attachment C is provided below:

Table 1. Excerpt from Council Report 20 May 2015.

Subject land	Current controls	Controls proposed in submissions	Recommendation
Board and Ann St Lidcombe	• R4 High Density Residential • FSR 1.7:1 and 2:1 at the corner • Height 18m and 20m at the corner	• B4 Mixed Use • FSR 2:1 • Height – no change proposed	<i>Incorporate into the Review of Town Centre Heights.</i> <i>The expansion of the B4 zone would be a good opportunity for Lidcombe to strengthen its role as a town centre. Even though Lidcombe is designated as a Town Centre it lacks a full line supermarket and an expansion to the B4 zone, particularly when in consolidated ownership, could facilitate opportunities for a supermarket and other associated uses. Furthermore</i>

			<i>Lidcombe is a good performer with demand for floorspace generally tight with minimal vacancies. An opportunity to expand the B4 zone in this location could help Lidcombe to service already strong local demand which is expected to grow even further with population growth. The submission refers only to land owned by the club. It is recommended that all R4 land on this block be included in the review of town centre heights.</i>
--	--	--	--

In September 2015 Dooleys submitted what they have called an 'amended planning proposal request' to Council.

The request sought:

- Rezoning of Dooleys land between Ann and Board St to B4 Mixed Use
 - An increase in FSR between Ann and Board St to 3.6:1
 - An increase in height of the 36m component to 60m, and the Ann/Board St component to 36m;
- to accommodate:
- 'Five level club/ car park/ hotel podium and 11 level/199 room hotel tower in the south west of the site
 - Mixed residential of approximately 20 storeys including residential apartments and seniors living in the south east of the site;
 - Retail tenancy space; and
 - Basement car parking for 2,150 spaces.'

The 'amended planning proposal request' includes the following statement:

'It is intended that the subject Planning Proposal will form part of the wider Auburn LEP 2010 amendment and as such community consultation will be facilitated by Council as part of the LEP exhibition process.'

No formal planning proposal has been lodged with Council for Dooleys land in Lidcombe.

Due to the upcoming amalgamations Council is in caretaker mode and not able to progress the LEP Review at this stage.

It is recommended that the reference to the planning proposal lodged with Council in the Draft SEARs be removed.

c. Auburn Development Contributions Plan 2007

As outlined in the draft SEARs, this plan needs to be addressed as part of the proposal.

However, it should be noted that the plan applies to the type, scope and location of development that was anticipated in the Auburn LGA for the period 2006 to 2016. The present planning environment, however, permits changes to permissible development to be effected relatively quickly through the use of State Environmental Planning Policies (SEPPs). In the event of a major development that will have demonstrable impacts not foreseen or catered for within this Contributions Plan, Auburn Council advises the owners and applicants that scope for mitigating such impacts through a Voluntary Planning Agreement should be raised at an early stage in the preparation of a Development Application or proposal.

For any major development (including hotel and visitor accommodation) Council **may** consider the staging of payments. If staged/phased development is foreshadowed, as indicated in the Request for SEARs on page 1 and at 2.6 and Figure 6 page 14, then the payment of

contributions at release of individual Construction Certificates may only be permitted where there are staged Development Applications or where the initial Development Application (or proposal):

- separately identifies each stage within each of the Phase 1 and Phase 2 areas,
- the applicant has made a written request, or detailed letter of offer for a VPA identifying those stages, in the initial application, and
- separate development contribution conditions are calculated for each stage at the time when the DA for that stage is determined.

However, note that any variation in the timing of contributions would require the approval of Council.

2. STAGING

The outline of the staging is unclear. At the beginning, the SEPP is considered relevant because of the tourism factor- but later in the proposal the phase 1 works appear to relate only to basement earthworks and the multi-level car park – not tourism or entertainment facilities.

The proposal acknowledges: 'By virtue of clause 8(2) of the SEPP, the remainder of the development which is intrinsically related to the overall site development is also declared to be State significant development' – yet significant parts appear to be considered later, under a separate process.

The proposal needs to clarify each stage of the proposal, outlining which stages form part of the SSD proposal and which are not.

The staging should also outline what contributions and public domain works will be carried out as part of each stage.

Lot consolidation

To ensure the whole of the land essential to the proper operation of the development is preserved the timing of lot consolidation should be considered in the staging plan.

3. SITE ISOLATION

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

Therefore, every effort must be made to acquire and amalgamate the adjoining sites with the development site. In the event that a negative result is achieved during negotiations to acquire the site, the applicant must satisfy the requirements of the three planning principles established by the Land and Environment Court of NSW on this matter during the case of Melissa Grech v Auburn Council [2004] NSWLEC 40.

Further consideration should also be given to the additional planning principles demonstrated in the relevant cases of Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189 and Karavellas v Sutherland Shire Council [2004] NSWLEC 251 with respect to site isolation; including a schematic building envelope for the residual lot to demonstrate that a re-development of the site to a suitable scale and amenity can be achieved. This should be prepared in sufficient detail so as to understand the relationship between the subject site and the isolated sites and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development.

Furthermore, independent valuations for each isolated property are requested to be obtained. The submitted documentation needs to incorporate valuations on which the proposed offers are made to enable an assessment of whether fair and reasonable offers have been made.

4. BUILT FORM AND URBAN DESIGN

Bulk and scale

- Though it is not possible to determine the actual length of the hotel tower, it appears very long. Consideration should be given to breaking it up to reduce the apparent bulk and scale.
- All non-compliances with height and FSR should be adequately justified. The stated FSR seems very low for a proposal that includes a 60m high building. FSR calculations need to be shown.
- Further consideration as to the floor space ratio and determination of “site area” applying to the R4 zoned portion of the land is required. Clause 4.5(4) nominates that land on which the proposed development is prohibited is to be excluded from site area. This may have ramifications in terms of determining an overall FSR for the proposal.
- Note that any parking above the requirements contributes to the FSR (see definition of FSR in Standard Instrument).

In relation to the multi-storey car park, it is recommended that the EIS:

- Outline alternatives considered to providing the required parking (eg part basement parking)
- Outline measures to provide for adaptability, particularly of the ground and first floor levels, to enable alternative future employment uses of these levels.
- Justify the inconsistency with *Auburn Employment Lands Strategy* (ELS), which seeks more commercial and employment opportunities in this area. Note that the consultant who undertook the work for the ELS (AEC Group) provided a response to the submission from Dooleys to up-zone the site between Board and Ann Streets to B4 (See Table 1. Excerpts from Council meeting 20 May 2015). The response supported the addition to the town centre on the basis of the potential for a supermarket.
- Assess the setbacks, landscaping and design measures required to reduce the visual impacts, the perceived bulk of the structure and to ensure adequate solar access to existing and future residential development.
- Whether the car park can be sleeved in active (eg retail) uses along Board St to support a vibrant active Lidcombe centre.

Design Excellence

Further to the requirement to demonstrate and achieve design excellence, the proposal should outline measures for ongoing control of the project by the architect who designed the development (if approved), and for the resolution of any issues with the consent authority.

See also comments on ESD.

AMENITY

In addition to the draft SEARs see comments under Noise and Vibration and Air Quality, Odour and Waste.

TRAFFIC, PARKING AND ACCESS

A detailed traffic analysis of the intersections at John Street/ Board Street, Church Street new access point, Church Street and Olympic Drive, the overhead bridge across the railway to the east of the station and adjacent critical intersections is required.

- Referral to RMS is required:
 - As the proposal is traffic generating development (SEPP Infrastructure 2007), and
 - With respect to signalised intersection and new deceleration lane.
- Any works related to Board Street road closure requirements will require separate approvals from Council.
- Access points from Olympic Drive, Church Street and Board Street to the site must be via kerb laybacks.
- The detailed plans need to demonstrate that parking design meets the relevant Australian standards.

PUBLIC DOMAIN, PUBLIC ACCESS AND CENTRE IMPACTS

In addition to the matters outlined in the draft SEARs the following are recommended:

- How will the development 'contribute to the vibrancy and vitality of the centre'?
- Assess the impact of the proposal on the permeability of the centre. As outlined in Council's DCP generous linkages through the site are required. Open spaces and linkages need the careful application of CPTED principles.
- Consider a pedestrian entry directly from Church St to activate this frontage.
- Consider ways to activate the road frontages.
- Include provision for outdoor dining on John and Church Streets, as required by Council's DCP.
- Public access way through Board Street should be maintained/replaced to ensure that pedestrian and cycle accessibility from John St to Olympic Drive is maintained (See Figure 1).
 - Consider the relationship of the project as a whole within the centre and to the rail station.
 - Council is seeking a landmark building at the corner of Church St and Olympic Drive. Provide a sightline analysis, to enable an understanding of the visual impact of the proposal from Olympic Drive, from both sides of the railway station and along John St, and how the development can contribute to the legibility of the area.
 - 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 be also be consistent with Council's public art policy.

SOCIAL IMPACT ASSESSMENT

The SIA should include specific consideration of the following:

- Potential impact of increased gaming facilities, especially considering that the LGA has a low socio-economic demographic profile.
- Location of proposed facilities, such as conference and function rooms in relation to the club
- Impact of providing membership/user rights to club facilities to hotel guests
- Noting that no 'entertainment facilities' are proposed, what would make this a tourist and entertainment destination? What type and number of tourists are expected to be attracted? What impact will this have on transport networks, including access to and from the station? What are the likely social and economic impacts?
- Plan of management for proposed hotel/club, including but not limited to, how patrons are managed during before and after hours of operation, security measures etc.
- Potential mitigation measures.

NOISE AND VIBRATION

- The proposal is to incorporate noise mitigation measures as to the impact of the proposed car park on the neighbouring residential properties. Consideration as to a significant landscaped buffer area should be considered to allow for a separation between the two uses.
- In addition and separate to above, consideration of CI87 and CI102 of SEPP (infrastructure) 2007 should form part of any acoustic investigation.
- Referral to Railcorp is required due to the proximity to the railway (SEPP Infrastructure 2007).

HERITAGE AND STREETSCAPE IMPACT

The inclusion of the consideration of heritage impacts at this stage is supported. It should not be left to a later phase as sought by the applicant. The proposed hotel is within the vicinity of the pub on the corner of Church and John St, which is listed as an item of local heritage significance in Auburn LEP 2010.

Consideration of the potential heritage significance of the street facades at 4-14/16 John St Lidcombe is requested. The site is not identified in Schedule 5 of the Auburn LEP 2010, but consideration of its potential for listing is requested. Note that Council will be seeking the retention of these street facades, which sensitive development above, due to their important contribution to the character of the street.

CONTAMINATION

Given the nature of the proposal, Council officers request a stage 2 investigation report and associated Remedial Action Plan. This would be followed by relevant Site Audit Statements where necessary.

SOIL AND WATER

- The water sensitive urban design plans and report are to include MUSIC modelling.
- The unclosed area of Board Street must be drained via gravity to the satisfaction of Council.

AIR QUALITY, ODOUR AND WASTE

- The proposed car park structure may introduce air quality concerns due to excessive exhaust. Given the proximity to residential uses, an investigation of the impact on air quality is required. Any associated mitigation measures should be outlined in sufficient detail to enable reference to them as a condition of consent.
- Consideration of waste minimisation is required. All waste needs to be collected from within the site.

INFRASTRUCTURE

- The reference to light rail is questioned. As far as Council is aware the light rail proposal is not expected to run anywhere near this site.
- The SEARs should be clear on whether the infrastructure requirements to be outlined are only for phase 1 or the entire project. If for the entire project, the infrastructure requirements affected may include broader traffic networks, schools, open space etc. Council staff seek consideration of the whole project in the consideration of the infrastructure assessment.
- A public footbridge across Olympic Drive to Wyatt Park and associated facilities (Ruth Everess Aquatic Centre) is sought as part of the development.
- Details of public footpath upgrades 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.

ESD

A minimum 5 star Green Star 'Communities' and 'As Built' rating is sought (through the Green Building Council Australia). The overall project is of such a scale that it will have significant impact on Lidcombe town centre. It is noted that many catalyst projects of this scale within a centre are now achieving 6 stars and benefitting from the increased overall benefits, not the least of which is marketability.

CONSULTATION

Consultation with the following are also recommended:

- NSW Health
- NSW Ambulance Service
- local bus providers
- Fire and Rescue NSW

LAND NOT OWNED BY DOOLEYS OVER WHICH DEVELOPMENT IS SOUGHT

Figure 6 on page 14 of the Request for SEARs shows Phase 1 extending over lands that are not owned by Dooleys Catholic Club, namely:

- a. the part of Board St that would be subject to the development (ie the road itself), and
- b. the triangular open space area, zoned RE1 Public Open Space, between the existing club site and Olympic Drive.

In relation to a:

The proposal seeks to build the club over Board Street. Council, at the meeting of 15 October 2014 agreed in principle to the permanent closure of part of Board Street, Lidcombe with a view to a sale to Dooleys Lidcombe Catholic Club (see excerpt at Figure 1). The process is at the following stage:

- The dedication of Board Street as a Public Road was gazetted on 12 February 2016.
- Council has commenced a Road Closure process (in accordance with the Guidelines stipulated by the Department of Primary Industries - Lands)
- The proposed road closure/ sale was advertised on April 19 2016 & letters forwarded to the nominated service authorities & to the adjoining landowners.
- Council has obtained valuation advice (re Board Street), however negotiations over the price and terms has not commenced.
- A survey plan has been prepared.
- There are no known encumbrances & the matter is continuing to be progressed towards a sale.

Board St is not owned by Dooleys at this stage, so owner's consent is required for the proposal.

Any works related to Board Street road closure requirements will require separate approvals from Council.

Figure 1. Excerpt from Report to Council on the potential closure and sale of Board St Lidcombe

REPORT

Council has considered the EOI from Dooleys from an Engineering perspective. In principle there is no objection for the proposal to permanently close part of Board Street adjacent to property nos. 10 – 28 and sell the land to Dooleys subject to the following:

- Construction of a cul-de-sac at the new end of the street in the vicinity of 10 Board Street sufficient to cater for the movement of a waste truck
- The stormwater runoff generated from the remaining section of Board Street being captured and drained through the proposed section of closed road
- Approval from all service authorities will be required and must be submitted as part of the formal request to Council
- A public right of way for pedestrians may be required through the closed road for easy access to Olympic drive and Council facilities
- The proposed sale would be based on independent valuation advice
- Traffic committee assessment and approval of the proposal
- A formal road closure
- All reasonable costs associated with the permanent closure to be borne by Dooleys including:
 - Legal and professional services (survey, valuation etc)
 - Associated works in accordance with the requirements of the various service authorities
 - Design and associated works to modify stormwater drainage
 - Road closure and consolidation fees

Should Council agree with the recommendations contained in this report, it is proposed that Council seek from Dooleys a preliminary Masterplan of how it intends to manage the land consolidation and future development of the subject land.

In relation to b:

The site is zoned RE1 Public Open Space, and the proposed works are prohibited in the zone. Justification and an assessment of the potential impact and acceptability of the loss of public open space is required. Proposed replacement open space should be identified within the development.

Council's property unit has advised that this land is not part of the proposed sale to Dooleys of Board St.

The site is not owned by Dooleys and therefore owner's consent for the proposed use of this land for the development is required.

Appropriate approvals are required for the proposed deceleration lane at the Olympic drive through Council park land.

PLANS AND DOCUMENTS

Additional documents that are required include the following:

- Owner's consent for:
 - the part of Board St that would be subject to the development, and
 - the triangular open space area, zoned RE1 Public Open Space, between the existing club site and Olympic Drive.
- Geotechnical report
- Flood Risk Management Report/Study
- Acid Sulfate Soils Report – Site appears to be within 500 metres of Class 2 Acid Sulfate Soils
- Other documents requested in this submission.



Department of Primary Industries

OUT16/17765

Mr Alexander Scott
Key Site Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Alexander.scott@planning.nsw.gov.au

Dear Mr Scott

Hotel & Tourist Related Development – Dooleys Lidcombe Catholic Club (SSD 7603) Request for Secretary's Environmental Assessment Requirements

I refer to your email dated 18 April 2016 to the Department of Primary Industries in respect to the above matter. Comment has been sought from DPI Water, Lands and Natural Resources, Agriculture, and Fisheries. DPI Lands and Natural Resources, Agriculture, and Fisheries advise no issues. DPI Water comments are as follows. Any further referrals to DPI can be sent by email to landuse.enquiries@dpi.nsw.gov.au.

DPI recommends the following amendments are included in the SEARs under key issue (11) **'Soil and Water'**:

- Assess the potential impact of the development on groundwater *levels*, flow paths and *quality*.
- *Assessment of impacts in terms of the NSW Aquifer Interference Policy (DPI, 2012)*

Further generic assessment requirements are provided below & attached to assist the proponent in developing their EIS, where relevant.

Comment by DPI Water

Where relevant, the proponent should include the following in their EIS:

- Annual volumes of surface water and groundwater proposed to be taken by the activity (including through inflow and seepage) from each surface and groundwater source as defined by the relevant water sharing plan.
- Assessment of any volumetric water licensing requirements (including those for ongoing water take following completion of the project).
- The identification of an adequate and secure water supply for the life of the project. Confirmation that water can be sourced from an appropriately authorised and reliable supply. This is to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.

- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Full technical details and data of all surface and groundwater modelling.
- Proposed surface and groundwater monitoring activities and methodologies.
- Assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts.
- Consideration of relevant policies and guidelines.
- A statement of where each element of the SEARs is addressed in the EIS (i.e. in the form of a table).

For further information please contact Janne Grose, Water Regulation Officer, (02) 8838 7505, janne.grose@dpi.nsw.gov.au.

Yours sincerely



Mitchell Isaacs
Director, Planning Policy & Assessment Advice
02/05/2016

Attachment A

Hotel & Tourist Related Development – Dooleys Lidcombe Catholic Club (SSD 7603) Request for Secretary's Environment Assessment Requirements Detailed comments – DPI Water

DPI Water General Assessment Requirements for general projects

The following detailed assessment requirements are provided to assist in adequately addressing the assessment requirements for this proposal.

For further information visit the DPI Water website, www.water.nsw.gov.au

Key Relevant Legislative Instruments

This section provides a basic summary to aid proponents in the development of an Environmental Impact Statement (EIS), and should not be considered a complete list or comprehensive summary of relevant legislative instruments that may apply to the regulation of water resources for a project.

The EIS should take into account the objects and regulatory requirements of the *Water Act 1912* (WA 1912) and *Water Management Act 2000* (WMA 2000), and associated regulations and instruments, as applicable.

Water Management Act 2000 (WMA 2000)

Key points:

- Volumetric licensing in areas covered by water sharing plans
- Works within 40m of waterfront land
- SSD & SSI projects are exempt from requiring water supply work approvals and controlled activity approvals as a result of the *Environmental Planning & Assessment Act 1979* (EP&A Act).
- No exemptions for volumetric licensing apply as a result of the EP&A Act.
- Basic landholder rights, including harvestable rights dams
- Aquifer interference activity approval and flood management work approval provisions have not yet commenced and are regulated by the *Water Act 1912*
- Maximum penalties of \$2.2 million plus \$264,000 for each day an offence continues apply under the *WMA 2000*

Water Act 1912 (WA 1912)

Key points:

- Volumetric licensing in areas where no water sharing plan applies
- Monitoring bores
- Aquifer interference activities that are not regulated as a water supply work under the *WMA 2000*.
- Flood management works
- No exemptions apply to licences or permits under the *WA 1912* as a result of the EP&A Act.
- Regulation of water bore driller licensing.

Water Management (General) Regulation 2011

Key points:

- Provides various exemptions for volumetric licensing and activity approvals
- Provides further detail on requirements for dealings and applications.

Water Sharing Plans – these are considered regulations under the *WMA 2000*

Water Sharing Plans

It is important that the proponent understands and describes the ground and surface water sharing plans, water sources, and management zones that apply to the project. The relevant water sharing plans can be determined spatially at www.ourwater.nsw.gov.au. Multiple water sharing plans may apply and these must all be described.

The *Water Act 1912* applies to all water sources not yet covered by a commenced water sharing plan.

The EIS is required to:

- Demonstrate how the proposal is consistent with the relevant rules of the Water Sharing Plan including rules for access licences, distance restrictions for water supply works and rules for the management of local impacts in respect of surface water and groundwater sources, ecosystem protection (including groundwater dependent ecosystems), water quality and surface-groundwater connectivity.
- Provide a description of any site water use (amount of water to be taken from each water source) and management including all sediment dams, clear water diversion structures with detail on the location, design specifications and storage capacities for all the existing and proposed water management structures.
- Provide an analysis of the proposed water supply arrangements against the rules for access licences and other applicable requirements of any relevant WSP, including:
 - o Sufficient market depth to acquire the necessary entitlements for each water source.
 - o Ability to carry out a “dealing” to transfer the water to relevant location under the rules of the WSP.
 - o Daily and long-term access rules.
 - o Account management and carryover provisions.
- Provide a detailed and consolidated site water balance.
- Further detail on licensing requirements is provided below.

Relevant Policies and Guidelines

The EIS should take into account the following policies (as applicable):

- NSW Guidelines for Controlled Activities on Waterfront Land (NOW, 2012)
- NSW Aquifer Interference Policy (NOW, 2012)
- Risk Assessment Guidelines for Groundwater Dependent Ecosystems (NOW, 2012)
- Australian Groundwater Modelling Guidelines (NWC, 2012)
- NSW State Rivers and Estuary Policy (1993)
- NSW Wetlands Policy (2010)
- NSW State Groundwater Policy Framework Document (1997)
- NSW State Groundwater Quality Protection Policy (1998)
- NSW State Groundwater Dependent Ecosystems Policy (2002)
- NSW Water Extraction Monitoring Policy (2007)

DPI Water policies can be accessed at the following links:

<http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/default.aspx>
<http://www.water.nsw.gov.au/Water-licensing/Approvals/Controlled-activities/default.aspx>

An assessment framework for the NSW Aquifer Interference Policy can be found online at: <http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference>.

Licensing Considerations

The EIS is required to provide:

- Identification of water requirements for the life of the project in terms of both volume and timing (including predictions of potential ongoing groundwater take following the cessation of operations at the site – such as evaporative loss from open voids or inflows).
- Details of the water supply source(s) for the proposal including any proposed surface water and groundwater extraction from each water source as defined in the relevant Water Sharing Plan/s and all water supply works to take water.
- Explanation of how the required water entitlements will be obtained (i.e. through a new or existing licence/s, trading on the water market, controlled allocations etc.).
- Information on the purpose, location, construction and expected annual extraction volumes including details on all existing and proposed water supply works which take surface water, (pumps, dams, diversions, etc).
- Details on all bores and excavations for the purpose of investigation, extraction, dewatering, testing and monitoring. All predicted groundwater take must be accounted for through adequate licensing.
- Details on existing dams/storages (including the date of construction, location, purpose, size and capacity) and any proposal to change the purpose of existing dams/storages
- Details on the location, purpose, size and capacity of any new proposed dams/storages.
- Applicability of any exemptions under the *Water Management (General) Regulation 2011* to the project.

Water allocation account management rules, total daily extraction limits and rules governing environmental protection and access licence dealings also need to be considered.

The Harvestable Right gives landholders the right to capture and use for any purpose 10% of the average annual runoff from their property. The Harvestable Right has been defined in terms of an equivalent dam capacity called the Maximum Harvestable Right Dam Capacity (MHRDC). The MHRDC is determined by the area of the property (in hectares) and a site-specific run-off factor. The MHRDC includes the capacity of all existing dams on the property that do not have a current water licence. Storages capturing up to the harvestable right capacity are not required to be licensed but any capacity of the total of all storages/dams on the property greater than the MHRDC may require a licence.

For more information on Harvestable Right dams, including a calculator, visit:

<http://www.water.nsw.gov.au/Water-licensing/Basic-water-rights/Harvesting-runoff/Harvesting-runoff>

Dam Safety

Where new or modified dams are proposed, or where new development will occur below an existing dam, the NSW Dams Safety Committee should be consulted in relation to any safety issues that may arise. Conditions of approval may be recommended to ensure safety in relation to any new or existing dams.

See www.damsafety.nsw.gov.au for further information.

Surface Water Assessment

The predictive assessment of the impact of the proposed project on surface water sources should include the following:

- Identification of all surface water features including watercourses, wetlands and floodplains transected by or adjacent to the proposed project.
- Identification of all surface water sources as described by the relevant water sharing plan.
- Detailed description of dependent ecosystems and existing surface water users within the area, including basic landholder rights to water and adjacent/downstream licensed water users.
- Description of all works and surface infrastructure that will intercept, store, convey, or otherwise interact with surface water resources.
- Assessment of predicted impacts on the following:
 - flow of surface water, sediment movement, channel stability, and hydraulic regime,
 - water quality,
 - flood regime,
 - dependent ecosystems,
 - existing surface water users, and
 - planned environmental water and water sharing arrangements prescribed in the relevant water sharing plans.

Groundwater Assessment

To ensure the sustainable and integrated management of groundwater sources, the EIS needs to include adequate details to assess the impact of the project on all groundwater sources.

Where it is considered unlikely that groundwater will be intercepted or impacted (for example by infiltration), a brief site assessment and justification for the minimal impacts may be sufficient, accompanied by suitable contingency measures in place in the event that groundwater is intercepted, and appropriate measures to ensure that groundwater is not contaminated.

Where groundwater is expected to be intercepted or impacted, the following requirements should be used to assist the groundwater assessment for the proposal.

- The known or predicted highest groundwater table at the site.
 - Works likely to intercept, connect with or infiltrate the groundwater sources.
 - Any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
 - Bore construction information is to be supplied to DPI Water by submitting a “Form A” template. DPI Water will supply “GW” registration numbers (and licence/approval numbers if required) which must be used as consistent and unique bore identifiers for all future reporting.
 - A description of the watertable and groundwater pressure configuration, flow directions and rates and physical and chemical characteristics of the groundwater source (including connectivity with other groundwater and surface water sources).
 - Sufficient baseline monitoring for groundwater quantity and quality for all aquifers and GDEs to establish a baseline incorporating typical temporal and spatial variations.
 - The predicted impacts of any final landform on the groundwater regime.
 - The existing groundwater users within the area (including the environment), any potential impacts on these users and safeguard measures to mitigate impacts.
-

- An assessment of groundwater quality, its beneficial use classification and prediction of any impacts on groundwater quality.
- An assessment of the potential for groundwater contamination (considering both the impacts of the proposal on groundwater contamination and the impacts of contamination on the proposal).
- Measures proposed to protect groundwater quality, both in the short and long term.
- Measures for preventing groundwater pollution so that remediation is not required.
- Protective measures for any groundwater dependent ecosystems (GDEs).
- Proposed methods of the disposal of waste water and approval from the relevant authority.
- The results of any models or predictive tools used.

Where potential impact/s are identified the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any dependent groundwater environment or water users, including information on:

- Any proposed monitoring programs, including water levels and quality data.
- Reporting procedures for any monitoring program including mechanism for transfer of information.
- An assessment of any groundwater source/aquifer that may be sterilised from future use as a water supply as a consequence of the proposal.
- Identification of any nominal thresholds as to the level of impact beyond which remedial measures or contingency plans would be initiated (this may entail water level triggers or a beneficial use category).
- Description of the remedial measures or contingency plans proposed.
- Any funding assurances covering the anticipated post development maintenance cost, for example on-going groundwater monitoring for the nominated period.

Groundwater Dependent Ecosystems

The EIS must consider the potential impacts on any Groundwater Dependent Ecosystems (GDEs) at the site and in the vicinity of the site and:

- Identify any potential impacts on GDEs as a result of the proposal including:
 - o the effect of the proposal on the recharge to groundwater systems;
 - o the potential to adversely affect the water quality of the underlying groundwater system and adjoining groundwater systems in hydraulic connections; and
 - o the effect on the function of GDEs (habitat, groundwater levels, connectivity).
- Provide safeguard measures for any GDEs.

Watercourses, Wetlands and Riparian Land

The EIS should address the potential impacts of the project on all watercourses likely to be affected by the project, existing riparian vegetation and the rehabilitation of riparian land. It is recommended the EIS provides details on all watercourses potentially affected by the proposal, including:

- Scaled plans showing the location of:
 - o wetlands/swamps, watercourses and top of bank;
 - o riparian corridor widths to be established along the creeks;
-

- o existing riparian vegetation surrounding the watercourses (identify any areas to be protected and any riparian vegetation proposed to be removed);
- o the site boundary, the footprint of the proposal in relation to the watercourses and riparian areas; and
- o proposed location of any asset protection zones.
- Photographs of the watercourses/wetlands and a map showing the point from which the photos were taken.
- A detailed description of all potential impacts on the watercourses/riparian land.
- A detailed description of all potential impacts on the wetlands, including potential impacts to the wetlands hydrologic regime; groundwater recharge; habitat and any species that depend on the wetlands.
- A description of the design features and measures to be incorporated to mitigate potential impacts.
- Geomorphic and hydrological assessment of water courses including details of stream order (Strahler System), river style and energy regimes both in channel and on adjacent floodplains.

Landform rehabilitation

Where significant modification to landform is proposed, the EIS must include:

- Justification of the proposed final landform with regard to its impact on local and regional surface and groundwater systems;
- A detailed description of how the site would be progressively rehabilitated and integrated into the surrounding landscape;
- Outline of proposed construction and restoration of topography and surface drainage features if affected by the project; and
- An outline of the measures to be put in place to ensure that sufficient resources are available to implement the proposed rehabilitation.

Consultation and general enquiries

General licensing enquiries can be made to Advisory Services: water.enquiries@dpi.nsw.gov.au, 1800 353 104.

Assessment or state significant development enquiries, or requests for review or consultation should be directed to the Strategic Stakeholder Liaison Unit, water.referrals@dpi.nsw.gov.au.

A consultation guideline and further information is available online at:

www.water.nsw.gov.au/water-management/law-and-policy/planning-and-assessment

End Attachment A



Our reference: DOC16/188898-01
Contact: Ibrahim Muharrem (ph: 02 9995 5893)

Ms Michele Nettlefold
Key Site Assessments Team Leader (Acting)
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Nettlefold,

**Request for SEARs for Staged SSD - Hotel & Tourist Related Development - Dooleys
Lidcombe Catholic Club SSD 7603
24-28 John Street, Lidcombe, Auburn City Council**

I refer to the request for SEARs input for the proposed development for Dooleys Lidcombe Catholic Club (SSD 7603), 24-28 John Street, Lidcombe, received by the Environment Protection Authority on 18th April 2016.

On the basis of the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). The EPA does not consider that the proposal will require an Environment Protection Licence under the POEO Act at this point.

However, the EPA did note in the documents provided that there may be potential for the following licenced activities to be triggered, as per Schedule 1 of the POEO Act:

- **Crushing, grinding or separating (potentially undertaken in the construction phase)**

(1) This clause applies to **crushing, grinding or separating**, meaning the processing of materials (including sand, gravel, rock or minerals, but not including waste of any description) by crushing, grinding or separating them into different sizes.

(2) The activity to which this clause applies is declared to be a scheduled activity if it has a capacity to process more than 150 tonnes of materials per day or 30,000 tonnes of materials per year.

- **Electricity generation (potentially undertaken in the operational phase)**

(1) This clause applies to the following activities:

metropolitan electricity works (internal combustion engines), meaning the generation of electricity by means of electricity plant:

(a) that is based on, or uses, an internal combustion engine, and

(b) that is situated in the metropolitan area or in the local government area of Port Stephens, Maitland, Cessnock, Singleton, Wollondilly or Kiama.

(1A) However, this clause does not apply to the generation of electricity by means of electricity plant that is emergency stand-by plant operating for less than 200 hours per year.

(2) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Column 1	Column 2
Activity	Criteria
metropolitan electricity works (internal combustion engines)	capacity to burn more than 3 megajoules of fuel per second

• **Extractive activities (potentially undertaken in the construction phase)**

(1) This clause applies to the following activities:

land-based extractive activity, meaning the extraction, processing or storage of extractive materials, either for sale or re-use, by means of excavation, blasting, tunnelling, quarrying or other such land-based methods.

(2) In this clause, extractive materials means clay, sand, soil, stone, gravel, rock, sandstone or similar substances that are not minerals within the meaning of the Mining Act 1992.

(3) Each activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if it meets the criteria set out in Column 2 of that Table.

Column 1	Column 2
Activity	Criteria
land-based extractive activity	involves the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials

Should the proponent identify that the proposal includes any of the activities detailed above, then it will need to apply to the EPA for an Environmental Protection Licence. Any licence application will need to be supported by an appropriate level of environmental assessment and confirmation that the activity has been approved as part of the planning consent (if issued).

For this reason, the EPA recommends that the proponent clarify if the proposal is likely to trigger any scheduled activity threshold.

The EPA further notes that in the event that any proposed cogeneration plant exceeds the threshold for *metropolitan electricity works (internal combustion engines)*, the level of environmental assessment required to support a licence application will include:

- Preparation of an Air Quality Impact Assessment in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*; and
- Consideration of the requirements of the Protection of the Environment (Clean Air) Regulation and the EPA's *Interim Nitrogen Oxide Policy for Cogeneration in Sydney and the Illawarra*.

Please feel free to contact Ibrahim Muharrem on 9995 5893 with any queries.

Yours sincerely



28 April 2016

JAMES GOODWIN
Unit Head Sydney Industry
Environment Protection Authority



Office of
Environment
& Heritage

DOC16/189149
SSD 7603

Ms Michele Nettlefold
A/Team Leader Key Site Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Alexander Scott

Dear Ms Nettlefold

**Request for SEARs for Staged SSD - Hotel & Tourist Related Development - Dooleys
Lidcombe Catholic Club SSD 7603**

I refer to your letter dated 18 April 2016 seeking input from the Office of Environment and Heritage (OEH) to the Secretary's environmental assessment requirements (SEARs) for the staged hotel and tourist development by Dooleys Lidcombe Catholic Club at 24-28 John Street, Lidcombe (SSD 7603).

OEH provides recommendations for the SEARs in relation to Aboriginal cultural heritage and flooding at Attachment 1.

Please note that the Heritage Division of OEH may provide separate comments with respect to the Lidcombe Hotel heritage item adjoining the site. The Heritage Division can be contacted at heritage@heritage.nsw.gov.au

If you have any queries regarding this matter please contact Jennifer Charlton, Conservation Planning Officer, on 8837 6311.

Yours sincerely

S. Harrison 21/04/16

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Region

ATTACHMENT 1

Office of Environment and Heritage recommended SEARs for the staged hotel and tourist development by Dooleys Lidcombe Catholic Club at 24-28 John Street, Lidcombe (SSD 7603)

1. Aboriginal Cultural Heritage

- 1.1 The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the project and document these in the EIS. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW, 2011).
- 1.2 Where Aboriginal cultural heritage values are identified, consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the EIS.
- 1.3 Impacts on Aboriginal cultural heritage values are to be assessed and documented in the EIS. The EIS must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

2. Flooding

- 2.1 The proposed Dooleys Lidcombe Catholic Club development site is identified in the Haslams Creek Floodplain Risk Management Study and Plan (Bewsher, 2013) as being subject to low hazard flood waters on its south-western corner from mainstream flooding of the Joseph Street branch of Haslams Creek. Moreover, Auburn Council is currently preparing a Haslams Creek Catchment Overland Flood Study which will provide an updated flood model and flood planning levels for the proposed development site. The Developer's flood consultant should contact Auburn Council to ensure the latest flood data is used and its proposed flood assessment is consistent with Council's current studies and plans.
- 2.2 The EIS must map the following features relevant to flooding within the vicinity of the project, as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
 - Flood prone land.
 - Flood planning area - the area below the flood planning level (i.e. the area below the 1 in 100 year flood level plus an identified freeboard).
 - Hydraulic categorisation (floodway and flood storage areas).
- 2.3 The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood (PMF), or an equivalent extreme event.
- 2.4 The EIS must model the effect of the proposed project (including earthworks) on the flood behaviour under the following scenarios:
 - Current flood behaviour for a range of design events as identified above.
 - The 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

2.5 Modelling in the EIS must consider and document:

- The impact of the project on existing flood behaviour for a full range of flood events including up to the PMF.
- The impact of the project on flood behaviour resulting in detrimental changes in potential flood affection of other properties, assets or infrastructure. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
- Impacts of earthworks and stockpiles within the flood prone land up to the PMF level. The assessment should be based on understanding of cumulative flood impacts of the construction and operational phases.
- Whether appropriate mitigation measures required to offset potential flood risk arise from the project. Proposed mitigation work should be modelled and assessed on the overall catchment basis in order to ensure it fits its purpose and meets the criteria of Auburn Council where it is located.

2.6 The EIS must assess the impacts on the proposed project on flood behaviour, including:

- Consistency with Council's floodplain risk management studies and plans.
- Compatibility with the flood hazard of the land.
- Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the SES and Auburn Council.
- Whether the proposal incorporates specific measures to manage risk to life from flood.
- Emergency management, evacuation and access, and contingency measures for the development during both construction and operational phases considering the full range of flood risk (based upon the PMF or an equivalent extreme flood event). These matters are to be discussed with and have the support of Auburn Council and the SES.
- Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- Any impacts the development may have on the social and economic costs to the community as consequence of flooding.

(END OF SUBMISSION)



**Transport
for NSW**

Michele Nettlefold
A/Team Leader
Key Site Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms Nettlefold

**Request for SEARs for Staged SSD - Hotel & Tourist Related Development - Dooleys
Lidcombe Catholic Club SSD 7603
24-28 John Street, Lidcombe, Auburn City Council**

Thank you for your recent correspondence inviting Transport for NSW (TfNSW) to provide input into the Secretary's Environmental Assessment Requirements (SEARs) for the above development at Lidcombe.

Roads and Maritime Services and Sydney Trains will be providing separate responses.

TfNSW recommends the following SEARs outlined in **Attachment 1** for the proposed development.

Thank you again for the opportunity of providing advice for the subject proposal. If you require clarification of any issue raised, please don't hesitate to contact Edmond Platon, Transport Planner on 8202 2557.

Please note for future reference; when sending proposals to TfNSW via email, could you kindly use the following email address: development@transport.nsw.gov.au

Yours sincerely

Neill Miller
**A/Principal Manager Land Use Planning & Development
Transport Strategy**

CD16/05396

Attachment 1

TfNSW recommends the following SEARs for the proposed development:

Policies

- NSW Long Term Transport Master Plan
- Sydney's Bus Future
- Sydney's Walking Future
- Sydney's Cycling Future

Transport and Accessibility (Construction and Operation)

A Traffic and Transport Impact Assessment shall be prepared to include, but not limited to, the following:

- Outline existing traffic and transport facilities and service levels that provide access to the site.
- Identify accurate details of the current daily and peak hour vehicle, public transport, pedestrian and bicycle movements generated by current uses on the site.
- Estimate (based on empirical evidence) the total daily and peak hour (evening and Saturday peaks) event trips anticipated to be generated by the development, including accurate details of the future daily and peak hour movements by modes with consideration for special events.
- Identify of the cumulative travel demand generated by the proposal together with existing and approved developments in the surrounding area.
- Assess the impacts of the increased travel demand generated by the proposed development on the transport network (including public transport services) as well as local and regional road network. Impacts on road safety, intersection capacity and the potential need/associated funding for upgrading or road works, having regard to the planning controls applicable to the site should be addressed. The assessment needs to be supported by appropriate modelling and analysis.
- Details of any upgrades to transport services, walking and cycling, and road infrastructure that would be required to support the development, including access between the site and Lidcombe railway station.
- Provide details of pedestrians, cycle and vehicle access, car parking provisions, bicycle storage provisions, proposed car parking layout, including the proposed accesses, internal road and car park layout, and coach/bus parking and drop-off areas including compliance with the requirements of the relevant Australian Standards (i.e. turning lanes, swept paths, sight distance requirements) and other relevant parking codes.
- Assessment and details of traffic, transport and safety impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrian, cyclists and public transport, including the preparation of a draft Construction Traffic Management Plan to demonstrate the proposed management of impact. This Plan should include vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures for all demolition/construction activities.

- Assessment of noise impacts in accordance with 'Development Near Rail Corridors and Busy Roads – Interim Guidelines' (Department of Planning) considering the site is adjacent to a busy rail line, which includes extensive freight operations. Details of noise mitigation measures to be incorporated into the residential/accommodation aspects of the proposal should be considered in the assessment.

Relevant Policies and Guidelines:

- *Guide to Traffic Generating Developments (Roads and Maritime Services)*
- *Planning Guidelines for Walking and Cycling*
- *Austroads Guide to Traffic Management – Part 12: Traffic Impacts of Development*
- *Cycling Aspects of Austroads Guides*
- *Development Near Rail Corridors and Busy Roads – Interim Guidelines (Department of Planning)*

Consultation

- Transport for NSW
- Roads and Maritime Services
- Sydney Trains