

Planning Proposal for 3-7 East Street & 2 Railway Street, Lidcombe - Pre-Gateway Report (Revised Concept)

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: HC-23-08-25

Summary:

The purpose of this report is to seek Council endorsement to submit a Planning Proposal request for 3-7 East Street & 2 Railway Street, Lidcombe to the Department of Planning and Environment (DP&E) subject to the proponent submitting additional information relating to economic impacts, overshadowing and traffic to the satisfaction of Council planners.

Report Recommendation:

That Council:

1. Require that the proponent submit the following additional information:
 - a. An economic impact assessment that considers the impact on the existing town centre of proposed additional retail/commercial land uses on the site.
 - b. An overshadowing study that demonstrates the proposed massing resulting from the floor space and height, after land dedication of the intersection upgrade, delivers an improvement in the existing shadow impacts for the land designated as a future park.
 - c. A traffic management plan for the East Street/Railway Street intersection (which shall include a portion of the site as additional land acquisition/dedication) in order to achieve safe vehicular and pedestrian movements around the site and cater for future traffic volumes.
2. Report the matter back to CIHAP if the information submitted by the proponent is considered unsatisfactory by Council officers outlining the reasons why the information was considered unsatisfactory.
3. Proceed with the preparation of a Planning Proposal for 3-7 East Street and 2 Railway Street, Lidcombe to rezone that part of Lots 2,3,4 on DP373141 currently Zoned IN2 Light Industrial to B4 Mixed Use if the information submitted by the proponent is considered as satisfactory by Council officers. The planning proposal is to comply with the following development standards:
 - a. A maximum floor space ratio of 3.5:1
 - b. A maximum building height of 32m.
4. Council enter into negotiations with the applicant to establish a Voluntary Planning Agreement for proposed open space on the site and any land dedication required for road works.
5. The Planning Proposal and Voluntary Planning Agreement be reported back to CIHAP and Council following public exhibition.

Report:***Background***

The Cumberland Independent Hearing and Assessment Panel (CIHAP) at its meetings on 20 December 2016 and 10 May 2017 considered reports for the Planning Proposal request to rezone 3-7 East Street & 2 Railway Street, Lidcombe from IN2 Industrial to B4 Mixed Use (**Figure 1**)



Figure 1: Locality Map

At the CIHAP's initial consideration on 20 December 2016, it was unanimously resolved that further consideration of the Planning Proposal request be subject to the provision of additional information prior to being reported to Council including:

- Revised traffic assessment utilising calibrated modelling
- Economic impact assessment
- Overshadowing study
- Concept design integrating a bike path.

The proponent submitted additional information including a Traffic Study for Railway Street and formal correspondence prepared by Mark Shanahan Planning Pty Ltd describing a revised development concept seeking maximum height of 32m and FSR of 4:1 (GFA 12,035m²) comprised of 87% (3.5:1) residential (GFA 10,512m²) and 12.5% (0.5:1) commercial/retail ground level podium (GFA 1,523m²).

On 20 December 2016, the CIHAP had resolved that the requested information be submitted to the satisfaction of Council officers prior to the Planning Proposal being forwarded to the DP&E for Gateway Determination and that if Council officers remain dissatisfied, that the request be reported back to the CIHAP for consideration outlining

the reasons why the information was considered unsatisfactory. Not all information was submitted and as such the matter was reported back to CIHAP on 10 May 2017.

Cumberland Independent Hearing & Assessment Panel (CIHAP)

At the CIHAP meetings of the 20 December 2016 and 10 May 2017, it was resolved that a realistic Planning Proposal request to rezone the site from IN2 Industrial to B4 Mixed Use should have a maximum FSR of 3.5:1 comprised of 75% (7,885m²) residential and 25% (2,628m²) commercial and a maximum height of 32m. A revised development concept submitted was reported to the CIHAP meeting of 10 May 2017 with a maximum FSR of 4:1 (GFA 12,035m²) and height of 32m, the equivalent of ten storeys (nine residential atop a ground level commercial/retail podium) with basement parking.

At the meeting, the CIHAP reiterated that in principle the proposal is considered reasonable, however the additional information previously requested and not adequately provided must be submitted as there were issues that remain unresolved and pertinent to the Planning Proposal request to rezone the site. These issues are outlined below.

Proposed Density and Overshadowing of Public Open Space

The resulting overshadowing impacts from the revised concept on the RE1 Public Recreation zoned land at the southern end of the site have not been sufficiently justified. Good solar access is only achieved between 1.00pm and 3.00pm, with overshadowing exceeding 50% cast between 9.00am and 12.00 midday on June 21 (winter solstice).

Council planners maintain the position that the maximum floor space ratio (FSR) should result in a development smaller than the envelope; producing less bulk and greater articulation (varied setbacks and heights) and that mitigates environmental impact. Therefore, design modifications that demonstrate the proposed massing resulting from the floor space and height delivers a reduction in environmental impact (shadow for the land designated as a future park) should be provided.

A further revised concept should reduce shadow impact on the park. This may be achieved by a modified south western building envelope form and accompanied by building envelope testing by a qualified designer.

Traffic impact

At the 20 December 2016 CIHAP meeting, the proponent was advised that a revised traffic assessment utilising calibrated modelling which is essential to obtain reliable results that reflect local traffic movements be submitted. In April 2017, the proponent submitted a Traffic Study for Railway Street prepared by Cardno. The revised assessment is deemed satisfactory; however it is considered that the locational constraints of the intersection of Railway Street and East Street may create difficulty in designing a two-lane roundabout without additional land acquisition/dedication. Subsequently, the CIHAP recommended that this issue be resolved and that a traffic management plan be submitted for the East Street/Railway Street intersection (which shall include a portion of the site as additional land acquisition/dedication) in order to achieve safe vehicular and pedestrian movements around the site and cater for future traffic volumes be submitted to Council officers for review.

Economic Impact

The CIHAP requested that the applicant provide an economic impact assessment to address the impacts of the proposal on the core of the existing Lidcombe Town Centre. The proponent was previously asked to provide an assessment based specifically upon the potential impacts on the Lidcombe Town Centre of a supermarket on the site, but the revised concept removed the supermarket and the proponent argued that this analysis should take place as part of a development application.

It is considered that although a supermarket is no longer included in the revised Planning Proposal request, it does not preclude the requirement of an economic impact assessment for the expansion of potential commercial/retail floor space in the centre.

Conclusion:

The Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe has been the subject of preliminary community consultation held between Tuesday 4 October 2016 and Tuesday 1 November 2016. From analysis of the information and revised development concept scheme submitted, it is considered that a B4 Mixed Use Zone is reasonable and has merit. However, there are issues which remain unresolved and pertinent to the Planning Proposal request including excessive FSR which would result in extensive overshadowing of public open recreational space and poor built form and amenity, as well as local traffic impacts and economic impacts.

Therefore, as previously resolved, the CIHAP has recommended that the proponent submit additional information to address the concerns raised. If the additional information submitted by the proponent is considered satisfactory by the relevant Council officers, a Planning Proposal will be submitted to the Department of Planning and Environment for Gateway determination.

Consultation:

Subject to the outstanding issues raised in this report being addressed, formal Community Consultation will be undertaken in accordance with the requirements stipulated by a Gateway Determination (if issued by the Department of Planning and Environment). Following this formal community consultation period, a further report will be prepared for the CIHAP.

Financial Implications:

There are no financial implications for Council associated with this report.






Policy Implications:

The planning proposal seeks to rezone the subject site, which would result in an amendment to Holroyd Local Environmental Plan (LEP) 2013. For the planning proposal to proceed to Gateway submission and community consultation it is recommended that the outstanding items identified by the CIHAP are addressed by the applicant.

Communication / Publications:

There are no immediate communication / publications implications for Council associated with this report. Should the proposal proceed through Gateway formal notice of community consultation will be made in local newspapers and on Council's website.

Attachments:

1. Attachment 1 - CIHAP Report (Item C038/16) of 20 December 2016 and Minutes. [↓](#) 
2. Attachment 2 - Council Report (Item 006/17) of 1 February 2017 and Minutes. [↓](#) 
3. Attachment 3 - Planning Proposal concept scheme drawings numbered 00 - 09, prepared by Prescott Architects, dated July 2016. [↓](#) 
4. Attachment 4 - Amended Planning Proposal concept scheme drawings numbered 00 - 09, prepared by Prescott Architects, dated January 2017. [↓](#) 
5. Attachment 5 - CIHAP Report (Item C012/17) of 10 May 2017 and Minutes. [↓](#) 

Government Act:

(i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders

Attachments 1 to 3 are confidential in nature as they contain financial and design detail which are commercial in confidence.

3. Authorise the Interim General Manager to negotiate directly with TPG and enter an agreement for the provision of Council's Wide Area Network for a five year period for the sum of \$3,491,400 including GST.

Min.127 ITEM 084/17 - PROPOSED LEASE - HYLAND ROAD RESERVE, GREYSTANES
Note: Ms. Clare Brown and Mr. David Williams addressed the meeting on this item.

Moved and declared carried by the Administrator that Council:

1. Abandon the current process relating to the proposed leasing of the subject land at Hyland Road Reserve, Greystanes;
2. Undertake a review of appropriate uses for the site and report the outcome of the review back to Council.
3. The General Manager be delegated Authority to make an ex gratia payment to the Nga Uri O Rahini Organisation or associated organisations of the Tax invoice receipts of the professional consultants engaged by the organisation to address requests (in submission of the application) from the former Holroyd Council.

Min.128 ITEM 085/17 - PLANNING PROPOSAL FOR 3-7 EAST STREET & 2 RAILWAY STREET, LIDCOMBE - PRE-GATEWAY REPORT (REVISED CONCEPT)

Moved and declared carried by the Administrator that Council:

1. Require that the proponent submit the following additional information:
 - a. An economic impact assessment that considers the impact on the existing town centre of proposed additional retail/commercial land uses on the site.
 - b. An overshadowing study that demonstrates the proposed massing resulting from the floor space and height, after land dedication of the intersection upgrade, delivers an improvement in the existing shadow impacts for the land designated as a future park.
 - c. A traffic management plan for the East Street/Railway Street intersection (which shall include a portion of the site as additional land acquisition/dedication) in order to achieve safe vehicular and pedestrian movements around the site and cater for future traffic volumes.
2. Report the matter back to CIHAP if the information submitted by the proponent is considered unsatisfactory by the General Manager outlining the reasons why the information was considered unsatisfactory.

3. Proceed with the preparation of a Planning Proposal for 3-7 East Street and 2 Railway Street, Lidcombe to rezone that part of Lots 2,3,4 on DP373141 currently Zoned IN2 Light Industrial to B4 Mixed Use if the information submitted by the proponent is considered as satisfactory by the General Manager. The planning proposal is to comply with the following development standards:
 - a. A maximum floor space ratio of 3.5:1
 - b. A maximum building height of 32m.
4. The General Manager enter into negotiations with the applicant to establish a Voluntary Planning Agreement for proposed open space on the site and any land dedication required for road works.
5. The Planning Proposal and Voluntary Planning Agreement be reported back to CIHAP and Council following public exhibition.

Min.129 ITEM 086/17 - PLANNING PROPOSAL FOR LOT 11 BUTU WARGUN, PEMULWUY – POST GATEWAY EXHIBITION REPORT

Moved and declared carried by the Administrator that Council:

1. Endorse and proceed with the amendments to the planning controls for Lot 11 Butu Wargun Drive, Pemulwuy, which proposes to rezone part of Lot 11, Butu Wargun Drive, Pemulwuy (on DP1162280), for R3 Medium Density Residential, as follows:
 - i. A maximum floor space ratio of 0.7:1
 - ii. A maximum building height of 10m
 - iii. A minimum lot size of 300sqm
2. Exercise its delegation and finalise the LEP amendment.

Min.130 ITEM 087/17 - CHARITY CLOTHING BIN

Moved and declared carried by the Administrator that Council:

1. Adopt the Charity Collection Bins Policy.
2. Rescind the former Parramatta City Council Clothing Bin Policy (Policy Number 305) within the Cumberland Local Government Area.
3. Consult with operators of charity collection bins throughout the Cumberland Area to confirm the Policy being adopted and provide a period of three (3) months for the removal of bins currently placed on Council owned or managed (public) land.

Min.131 ITEM 088/17 - TENDER REPORT FOR T-2017-004 - GRANVILLE STREETSCAPE UPGRADE

Moved and declared carried by the Administrator that Council:

1. Accept tender no. T-2017-004 from Starcon Group Pty Ltd in the lump sum amount of \$1,236,219.6 including GST (\$1,123,836.00 excluding GST) for Granville Streetscape Upgrade Project.
2. Successful and unsuccessful tenderers be advised accordingly.