

## Planning Proposal for 3-7 East St & 2 Railway St, Lidcombe - Revised Development Concept Report.

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

### Summary:

The Cumberland Independent Hearing and Assessment Panel (CIHAP) at its meeting on 20 December 2016, considered a report for the Planning Proposal request and development concept (**Figure 2**) for 3-7 East Street and 2 Railway Street, Lidcombe (**Figure 1**).

At the meeting, the CIHAP resolved unanimously that further consideration of the matter be deferred, and the proponent be requested to provide additional information including:

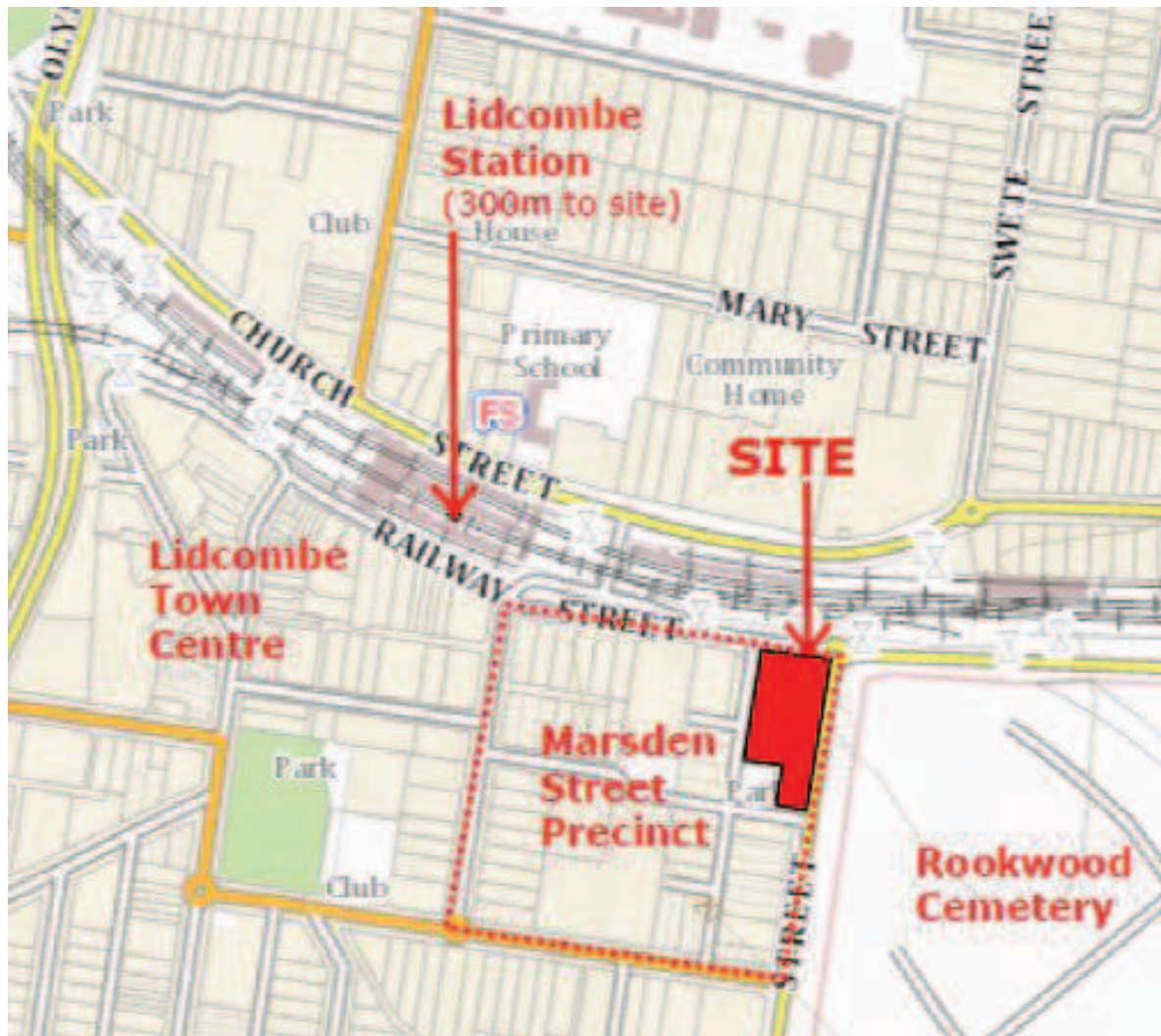
- Revised traffic assessment utilising calibrated modelling
- Economic impact assessment
- Overshadowing study
- Concept design integrating a bike path.

The purpose of this report is to formally seek further advice from the CIHAP subject to a review of the additional information provided and revised development concept request (**Figure 3**) which sought:

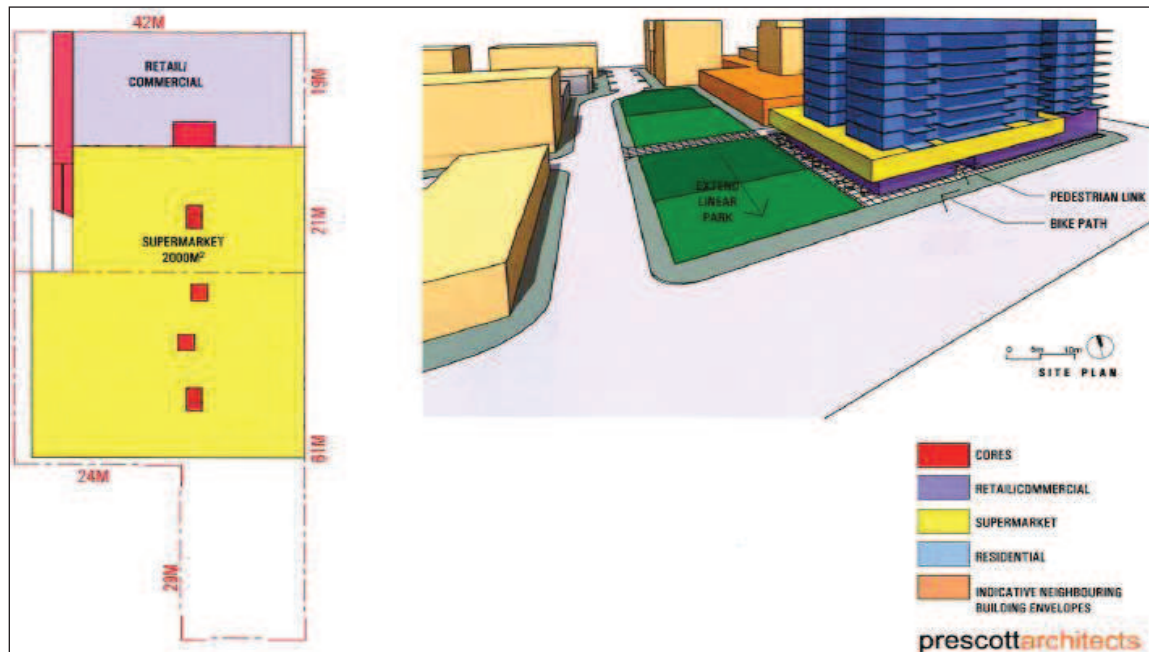
- To rezone the land to B4 Mixed Use Zone from IN2 Industrial Zone
- A building envelope comprised of one (1) podium level commercial/retail and nine (9) levels of residential (135 units) above
- Maximum building height of 32m
- Maximum FSR of 4:1 (GFA 12,035m<sup>2</sup>) comprised of 87% (FSR 3.5:1/GFA 10,512m<sup>2</sup>) residential atop 12.5% (FSR 0.5:1/ GFA 1,523m<sup>2</sup>) commercial/retail ground level podium.
- An integrated bike path.

Report:**1. Background**

On 20 December 2016, the Cumberland Independent Hearing and Assessment Panel (CIHAP) considered a report (**Attachment 1**) for the original Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe to amend the land use zoning, maximum building height and floor space ratio for the site to enable redevelopment for a ten (10) storey mixed use development comprised of nine residential levels atop a ground level commercial/retail podium (**Figure 3**).



**Figure 1:** Locality Map



**Figure 2:** Original mixed use development concept prepared by Prescott Architects, dated July 2016

The CIHAP report contained the following recommendations:

*1. Council proceed with the preparation of a Planning Proposal for 3-7 East Street and 2 Railway Street, Lidcombe, which proposes to rezone Lots 2,3,4 on DP373141 for B4 Mixed Use, with the following planning controls;*

- A maximum floor space ratio of 3.5:1*
- A maximum building height of 32m*

*2. A revised traffic assessment must be provided by the proponent utilising calibrated modelling and if deemed satisfactory by Council's traffic engineers, then the Planning Proposal request be reported to Council and forwarded to the Department of Planning & Environment for Gateway Determination, if the revised traffic assessment is deemed unsatisfactory it must be reported back to CIHAP for further consideration.*

*3. That this Planning Proposal request, be reported to Council seeking resolution to be forwarded to the Department of Planning & Environment for Gateway Determination.*

*4. Council enter into negotiations with the applicant to establish a Voluntary Planning Agreement for proposed open space.*

*5. That the Planning Proposal and Voluntary Planning Agreement be reported back to Council following public exhibition.*

At the meeting, the CIHAP resolved unanimously that further consideration of the matter be deferred and the proponent be requested to provide the following:

- 1. A revised traffic assessment utilising calibrated modelling.*

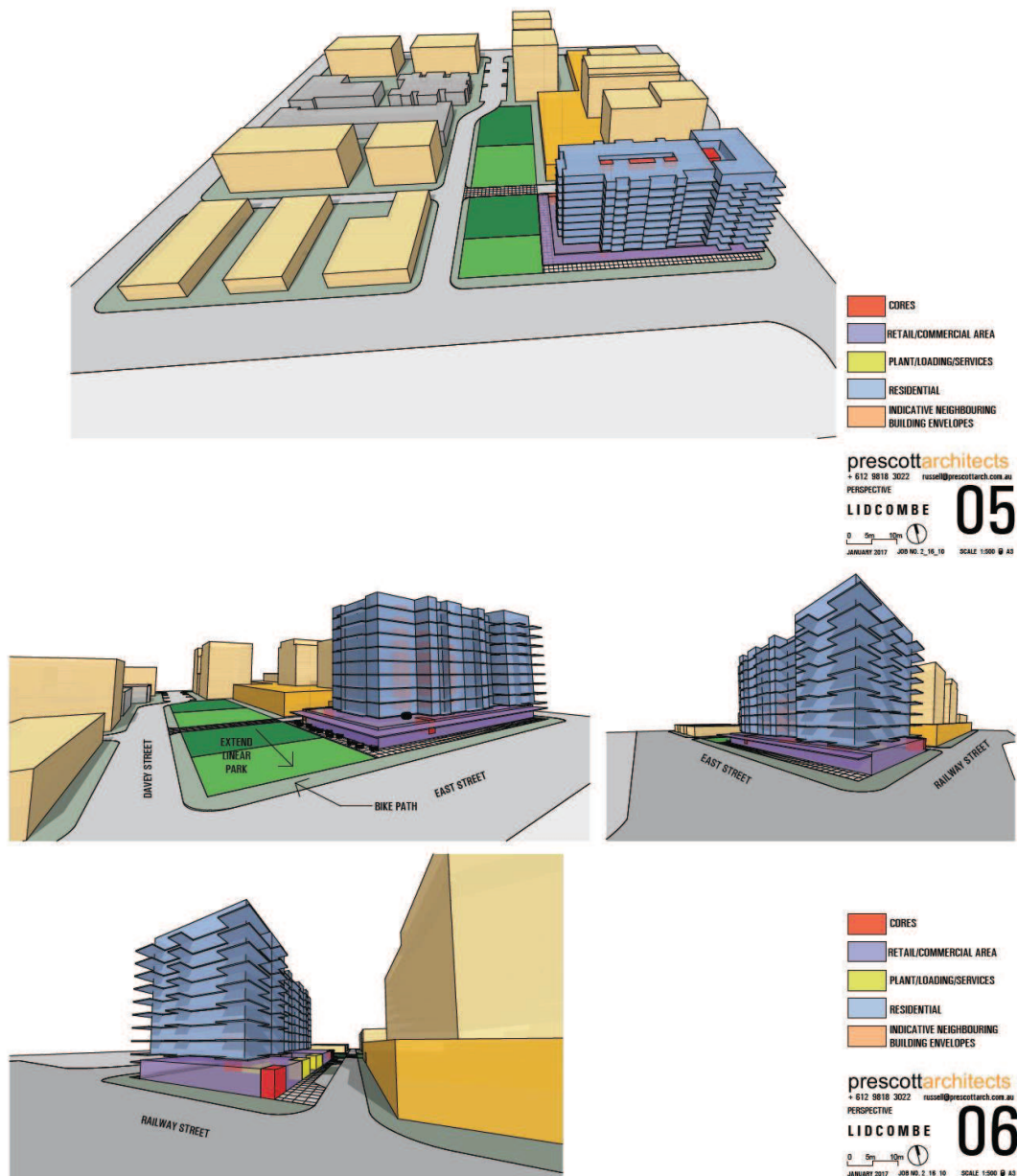
2. *An economic impact assessment that considers the impact to the existing town centre of a supermarket on this site and the likelihood of amalgamation of sufficient land to accommodate a full line supermarket within the existing town centre.*
3. *An overshadowing study that demonstrates the proposed massing resulting from the floor space and height delivers a reduction in the existing shadow for the land designated as a future park.*
4. *A concept design that demonstrates how the proposed bike path is to be integrated into the setback area along East Street.*

*Once the proponent had provided this additional information a further report would be prepared for the CIHAP for the revised Planning Proposal request.*

In February and April 2017, the proponent submitted additional information including:

1. Two formal response letters prepared by Mark Shanahan Planning Pty Ltd, dated 21 February 2017 and 15 April 2017 (received by Council on 20 April 2017).
2. A revised development concept prepared by Prescott Architects, dated January 2017 (**Figure 3**) seeking:
  - a. A maximum **height of 32m or ten (10) storeys** comprised of nine residential levels (135 units) atop a ground level commercial/retail podium.
  - b. A maximum **FSR of 4:1 (GFA 12,035m<sup>2</sup>)** comprised of:
    - i. **3.5:1 (87%) residential** GFA of 10,512m<sup>2</sup>
    - ii. **0.5:1 (12.5%) commercial/retail** ground level podium GFA of 1,523m<sup>2</sup>
3. A Traffic Study for Railway Street prepared by Cardno, dated 5 April 2017.





**Figure 3:** Revised development concept scheme drawings 05 - 06 perspectives prepared by Prescott Architects, dated January 2017

There are issues which remain unresolved and pertinent to the Planning Proposal request which include, however may not be limited to FSR (overdevelopment), overshadowing of public open recreational space and economic impact.

## 2. Preliminary Exhibition of Planning Proposal

On 19 September 2016, a Planning Proposal request was lodged with Council and preliminary public consultation held between Tuesday 4 October 2016 and Tuesday 1 November 2016.

Two (2) submissions (one from Sydney Trains) were received raising concern about noise from the railway and roads, traffic and parking, and, proximity to Rookwood Cemetery.

It is considered that the issues can be addressed at development application stage in relation to concern about the amenity of Rookwood Cemetery, it is noted that there is a vegetation buffer which will attenuate noise and preserve privacy.

### 3. Review of Planning Proposal

CIHAP previously recommended at the 20 December 2016 meeting that an amended FSR of 3.5:1 would accommodate a more realistic representation of what can be achieved over the site.

The revised planning proposal request seeks a B4 Mixed Use Zone. The revised development concept maximum floor space ratio (FSR) is 4:1 (GFA 12,035m<sup>2</sup>) comprised of FSR 3.5:1 (87%) residential (GFA 10,512m<sup>2</sup>), FSR 0.5:1 (12.5%) commercial/retail ground level podium (GFA of 1,523m<sup>2</sup>), and building height of 32m (10 storeys). Basement parking is proposed to be provided in accordance with Council's standards.

The revised planning proposal is supported by correspondence prepared by Mark Shanahan Pty Ltd, dated 15 April 2017 and received by Council on 20 April 2017 (**Attachment 6**) outlining the potential benefits of rezoning to B4 Mixed Use as follows:

- *Retention of industrial uses on the subject site would (perhaps inadvertently) ensure Lidcombe continues to 'turn its back' on the Cemetery parklands – a strategy reminiscent of the way it was thought necessary in the 19th and early 20th century to have industrial development along the waterside to protect harbourside suburbs from the noxious Sydney Harbour*
- *Transfer of the parkland to Council at no cost to ratepayers.*
- *Enhancing the presentation of Lidcombe Town Centre from the railway line and principal eastern and southern road approaches (Railway St & East St).*
- *Enabling a landmark modern development at a key gateway site.*
- *Improving the amenity of adjoining future residential development by enabling the cost-effective replacement of ageing industrial structures and eliminating adverse amenity impacts associated with their form and use enhancing and activating the public domain of Railway St, Raphael St, East St, the Town Centre laneway network, the Jewish Reserve and the proposed park at the southern end of the site.*
- *Providing for future road widening of Raphael St and Davey Street to enhance traffic safety and efficiency.*
- *Providing for an upgraded cycleway along East St by providing a setback that can accommodate future road widening.*
- *Providing opportunity to negate the potentially adverse impacts of the large telecommunications tower on the western part of the site on future adjoining residential development.*

The proposed rezoning of the site from IN2 Industrial Zone to B4 Mixed Use Zone is supported in principle, however it is reiterated that issues remain unresolved which include FSR (overdevelopment), overshadowing of public open recreational space and potential economic impact, as discussed in detail below.

#### Unresolved Issues

- **FSR resulting in Overdevelopment and Overshadowing of Public Open Space**

The original concept (**Figure 2**) sought to apply the same zoning and development standards of the Marsden Street Precinct (B4 Mixed Use, FSR 5:1 and 32m height), albeit without accurately testing the requested development standards. Council's building envelope testing for the site resolved that an appropriate FSR for the site, urban context and which would mitigate environmental impact would be 3.5:1. This is consistent with the findings of the recent Auburn and Lidcombe Centres Heights Review.

The CIHAP originally recommended that the proponent provide evidence of building envelope testing responding to the site constraints, as well as, an economic impact assessment that considers the impact to the existing town centre of a supermarket on this site (this analysis was not provided).

The revised concept (**Figure 3**) retains a 32m height (10 storeys comprised of nine (9) residential levels above one (1) ground level commercial podium with no specified uses) and FSR of 4:1 (GFA 12,035m<sup>2</sup>). The revised breakdown is FSR 3.5:1 (87%) residential (GFA 10,512m<sup>2</sup>) and FSR 0.5:1 (12.5%) commercial (GFA 1,523m<sup>2</sup>).

The proponent did not adequately demonstrate a planning argument (or provide envelope testing) for exceeding FSR 3.5:1 (10,512m<sup>2</sup>), other than to state that the revised concept provides more generous setbacks to the south (4m) and west (5.5m) to the park/Davey Street and Raphael Street respectively.

A building envelope is determined by compliance with setbacks, landscaped areas and height. FSR and envelope controls work together and the intent of the envelope is as a design parameter within which development may occur, but not one which the development should necessarily fill.

The resulting overshadowing from the revised concept has also not been justified. It is contended that there is existing cast shadow and that it is no longer council's position to specifically seek to retain solar access to the linear strip of proposed parkland extending from Mark Street to East Street connecting Remembrance Park to East Street (and including the southern portion of the subject site). This assertion is incorrect and council will seek to achieve reasonable solar access to any publicly accessible open space.

If any development uplift is to be achieved on the site, it should significantly improve the solar access to the public open space. Good solar access is only achieved between 1.00pm and 3.00pm (**Figures 4-5**), with overshadowing exceeding 50% cast between 9.00am and 12.00 midday on June 21.

The revised request has not been suitably justified. Council maintains the position that the maximum FSR should result in a development smaller than the envelope; producing less bulk and greater articulation (varied setbacks and heights) and which mitigates environmental impact. Furthermore, that a more suitable FSR is 3.5:1 being 75% (7,885m<sup>2</sup>) residential and 25% (2,628m<sup>2</sup>) commercial.

Therefore, a design modification that demonstrates 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. Consideration may be given to a revised concept which reduces shadow impact which may be achieved by a modified south western building envelope form and accompanied by building envelope testing by a qualified urban designer.





Figure 5: Drawing 09 showing envelope and proposed shadow cast at 2.00pm and 3.00pm on June 21

- **Traffic Assessment**

The CIHAP previously resolved that the proponent be requested to provide a revised traffic assessment utilising calibrated modelling which is essential to obtain reliable results that reflect local traffic movements.

The proponent submitted a Traffic Study for Railway Street prepared by Cardno, dated 5 April 2017 (**Attachment 5**) which concluded that:

- The development was assessed in accordance to RMS traffic generation guidelines and various supplementary documents. The revised planning proposal request trip generation is estimated at 50 vehicles during the AM peak and 99 during the PM peak exceeding the existing by 26 at AM peak and 74 during PM peak.
- The traffic generation rates (commercial/retail) were conservative and a refined mix-use traffic generation shall be provided in further stages beyond the rezoning traffic study. Furthermore, that the assessment did not consider traffic generation reduction rates that may be applicable to the precinct due to the close proximity to intermodal public transport interchange.
- The proposal would result in the requirement for 167 residential car parking spaces, 27 residential bicycle spaces, 26 commercial/retail spaces, 1 disabled parking space and 38 commercial bicycle spaces.
- Accessible public transport services are located in the close vicinity of the site.
- Key intersections around the site area were assessed for the impacts from the project development traffic. Main traffic outcomes being the East Street and James Street intersection would operate at capacity during the AM peak in year 2022 without the project development. By year 2032 this intersection would operate at unsatisfactory levels at peak periods without the project development.
- The Railway Street and Bridge Street as well as Railway Street and East Street intersections intersection would not be satisfactory during the peak in year 2022 without the project development.

Council's Traffic Engineers reviewed the report recommendations and advised:

- *The Summary and conclusions (p 61 of Cardno report) states that 'A refined traffic rates reduction shall be considered in further stages beyond the rezoning traffic study'. Council believes that the values used for traffic generation have already taken into account the close proximity of public transport availability.*
- *The traffic assessment indicates a number of intersections in the vicinity failing in 2022. However, Council is concerned with the East Street/Railway Street roundabout which is adjacent to the proposed site. A two-lane roundabout will satisfactorily cater for the future traffic including the traffic from the development in 2032 as identified in the above report. However, the location of the intersection south of the railway line creates difficulty in designing a two-lane roundabout in the future without additional land acquisition/dedication from the proposed site. This should be considered prior to approving the planning proposal.*
- *A signalised intersection considered in the Cardno analysis will operate satisfactorily, but dependent on meeting the required warrants for traffic signal*

*installation and approval by the RMS. Therefore Council believe that the two lane roundabout is better option.*

The revised traffic assessment is deemed satisfactory, however it is considered that the location of the intersection may create difficulty in designing a two-lane roundabout without additional land acquisition/dedication. Subsequently, it is recommended that the CIHAP request that this issue be resolved.

- **Economic Impact Assessment (EIA)**

The CIHAP previously requested that the applicant provide an economic impact assessment to address the impacts of a proposed supermarket over the subject site on the core of the existing Lidcombe Town Centre.

This analysis was not provided; the formal response prepared by Mark Shanahan Planning Pty Ltd dated 15 April 2017 stating inter alia:

- *It is no longer proposed to specifically provide for a supermarket on the site. The site may have potential for a supermarket in the future if 2 Railway St was amalgamated with 3-7 East St. The economic impact of such a proposal (if it were to arise) would appropriately be assessed at DA stage.*
- *It is noted that a large landholding in single ownership immediately west of the subject site (6-8 and 10-12 Railway St) was recently on the market. With an area of 6000m<sup>2</sup>, that site would have ample space for a full line supermarket.*
- *The Draft Auburn & Lidcombe Town Centre Strategy reiterates the need for a supermarket in Lidcombe and it would be desirable from a competition policy perspective that there be more than one supermarket if the opportunity arose.*

It is considered that although a supermarket is no longer included in the revised Planning Proposal request (it does not preclude an application for a supermarket at DA stage) nor the requirement of an EIA. Subsequently, it is recommended that the CIHAP request again that an economic impact assessment be required that considers the impact to the existing town centre of retail/commercial use at the site.

**Conclusion:**

From analysis of the information and revised development concept scheme submitted, it is considered that a B4 Mixed Use Zone is suitable. However, the issues which remain unresolved and pertinent to the Planning Proposal request are **FSR (overdevelopment), overshadowing of public open recreational space** and **economic impact**. Therefore, as previously recommended to the CIHAP it is appropriate that the CIHAP require the proponent to submit the following:

- Building envelope testing

- Design modifications that demonstrate that the proposed massing resulting from the floor space and height delivers a reduction in the existing shadow for the land designated as a future park
- An economic impact study to demonstrate the validity of the proposals appropriateness.

**Consultation:**

There are no consultation processes for Council associated with this report.

**Financial Implications:**

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

**Policy Implications:**

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

**Communication / Publications:**

There are no communication / publications implications for Council associated with this report.

**Report Recommendation:**

If CIHAP support the recommendations listed below for the Planning Proposal request affecting land situated at 3-7 East Street and 2 Railway Street, Lidcombe, the matter will be reported to Council for endorsement and the Planning Proposal will be forwarded to the Department of Planning & Environment for Gateway Determination.

The Cumberland Independent Hearing and Assessment Panel (CIHAP) Recommend that:

1. Council proceed with the preparation of a Planning Proposal for 3-7 East Street and 2 Railway Street, Lidcombe proposing rezoning that part of of Lots 2,3,4 on DP373141 currently Zoned IN2 Light Industrial to B4 Mixed Use, with the following development standards;
  - A maximum floor space ratio of 3.5:1
  - A maximum building height of 32m.
2. That prior to a Planning Proposal being forwarded to the DP&E for Gateway Determination, the proponent submit the following additional information:
  - (a) An economic impact assessment that considers the impact to the existing town centre of retail/commercial land uses on the site, including a potential supermarket.

- (b) An overshadowing study that demonstrates the proposed massing resulting from the floor space and height delivers an improvement in the existing shadow impacts for the land designated as a future park.
  - (c) A traffic management plan for the proposed two-lane roundabout at 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 movements around the site and cater for future traffic volumes.
- 3. That the information submitted by the proponent be unsatisfactory by Council officers, the matter be reported back to CIHAP outlining the reasons why the information was considered unsatisfactory.
  - 4. Council enter into negotiations with the applicant to establish a Voluntary Planning Agreement for proposed open space on the site.
  - 5. That the Planning Proposal and Voluntary Planning Agreement be reported back to CIHAP following public exhibition.

**Attachments:**

- 1. CIHAP Report (Item C038/16) of 20 December 2016 and Minutes.
- 2. Council Report (Item 006/17) of 1 February 2017 and Minutes.
- 3. Planning Proposal concept scheme drawings numbered 00 - 09, prepared by Prescott Architects, dated July 2016.
- 4. Amended Planning Proposal concept scheme drawings numbered 00 - 09, prepared by Prescott Architects, dated January 2017.
- 5. Traffic Study for Railway Street prepared by Cardno, dated 5 April 2017.
- 6. Formal response letters prepared by Mark Shanahan Planning Pty Ltd, dated 21 February 2017 and 20 April 2017.

**DOCUMENTS  
ASSOCIATED WITH  
REPORT C012/17**

**Attachment 1**

**CIHAP Report (Item C038/16) of  
20 December 2016 and Minutes.**





**C038/16****Cumberland Council****Planning Proposal for 3-7 East Street & 2 Railway Street,  
Lidcombe - Preliminary Post Exhibition Report**

Responsible Department: Environment & Infrastructure Division  
 Officer: Group Manager Planning  
 File Number: HC-23-08-25  
 Delivery Program Code: 2a.2.2 Assess applicant-initiated planning proposals for Council determination

|  |   |  |
|--|---|--|
| <b>Application lodged</b>                          | 19 September 2016   |  |
| <b>Applicant / Proponent</b>                       | Mark Shanahan Planning Pty Ltd  |  |
| <b>Owners</b>                                      | Automation Feeding Devices Pty Ltd<br>Larcombe Memorials Pty Ltd  |  |
| <b>Description of Land</b>                         | 2 Railway Street, Lidcombe<br>3-7 East Street, Lidcombe<br>Lot 2 on DP373141<br>Lot 3 on DP373141<br>Lot 4 on DP373141  |  |
| <b>Proposal summary</b>                            | Seeks to amend the land use zoning, maximum building height and floor space ratio for the site to enable redevelopment for a mixed use purpose (10 Storeys).  |  |
| <b>Site Area / Description of existing use</b>     | The site consists of three (3) parcels with a total area of 3,480sqm. The site is currently occupied by a monument stonemason, industrial manufacturer of plastic food & drink containers and telecommunications tower. |  |
| <b>Existing Zoning and Planning Controls</b>       | Land use zoning<br>Maximum building height<br>Floor space ratio (FSR)<br>Minimum Lot Size   | IN2 Industrial<br>No building height specified<br>1.0:1<br>1500sqm   |
| <b>Proposed Zoning and Planning Controls</b>       | Land use zoning<br>Maximum building height<br>Net floor space ratio (FSR)<br>Gross floor space ratio (FSR) including RE1<br>Minimum lot size  | B4 Mixed Use<br>32m<br>3.5:1 (5:1 was requested)<br>3.1:1<br>1500sqm |
| <b>Heritage</b>                                    | Not applicable  |  |
| <b>Disclosure of political donations and gifts</b> | Nil   |  |
| <b>Previous Considerations</b>                     | Planning Proposal PP-3/2014 - Marsden Street Precinct   |  |

**SUMMARY**

The purpose of this report is to acknowledge and respond to the submissions received during the preliminary community consultation of the Planning Proposal request for 3-7 East Street & 2 Railway Street, Lidcombe. The Planning Proposal request seeks to rezone the subject site to enable redevelopment for a mixed use purpose, namely two (2) podium levels of commercial and eight (8) levels of residential.

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Figure 1: Locality Map for 3-7 East Street & 2 Railway Street, Lidcombe

## REPORT

### 1. Background

Prior to September 2015 when Auburn Local Environmental Plan (LEP) 2010 Amendment No14 commenced and implemented the Marsden Street Precinct planning proposal, the whole of the site was zoned IN2 – Light Industrial with a maximum Floor Space Ratio (FSR) of 1:1 with no maximum building height specified (Figure 2).

In 2014, planning consultants AECOM were engaged by the former Auburn Council to undertake a zoning review of the Marsden Street Precinct as a possible extension to accommodate growth within the Lidcombe Town Centre. AECOM's Preferred Scenario F proposed that the majority of the site be rezoned to B4 – Mixed Use with a height limit of 32m and Floor Space Ratio (FSR) of 5:1. This would enable development of a ground level retail/commercial podium with 8 levels of residential above as currently proposed.

Following review of the AECOM report, an alternative Scenario G was prepared by Council officers and presented to Council. This scenario was similar to AECOM's preferred Scenario F but retained the IN2 – Light Industrial zoning over the subject site. Following gateway approval, Scenario G was publicly exhibited and adopted by Council on 17 June 2015 and commenced on 18 September 2015 as Auburn LEP 2010 - Amendment No14 (Figure 3).



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Figure 2: Zoning prior to Marsden Street Precinct rezoning

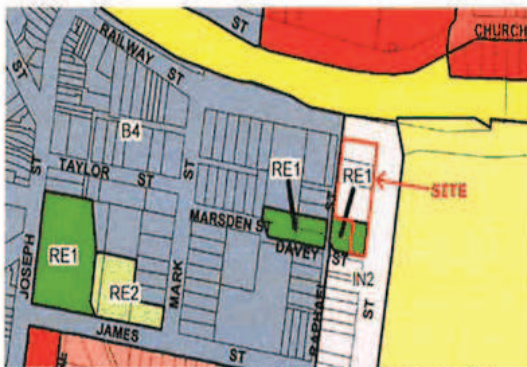


Figure 3: Zoning post to Marsden Street Precinct rezoning

## 2. Preliminary Exhibition of Planning Proposal

The Planning Proposal request was lodged with Council on 19 September 2016. The preliminary public consultation period for the Planning Proposal request commenced Tuesday 4 October 2016 and concluded Tuesday 1 November 2016.

Copies of all the documentation comprising the Planning Proposal request were placed in the Auburn library and Customer Service areas of the Auburn and Merrylands Administration building. The documentation was also made available for download through the Cumberland Council website.

As part of the preliminary community consultation, letter notifications were sent to landowners within the area bounded by Mark Street, Railway Street, East Street, Davey Street and Marsden Street advising of the Planning Proposal request, locations to view the associated documentation, and how to make submissions.

## 3. Review of Planning Proposal

The planning proposal request seeks to apply the same planning controls that were recently applied to the adjacent Marsden Street Precinct: zoning B4 - Mixed Use; maximum floor space ratio (FSR) of 5:1, and maximum building height of 32m (10 storeys).

The planning proposal request identifies a number of potential benefits in rezoning the subject site. These are summarised as follows;

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- Promotes development of additional dwellings within 400m of the Lidcombe Railway Station;
- The large single ownership of 3-7 East Street combined with 2 Railway Street offers potential to develop a retail tenancy with a large foot print required for a supermarket;
- Potential to create additional retail/commercial jobs within the Marsden Street Precinct;
- Opportunity to create a more attractive and active street frontage along East Street;
- Opportunity to minimise interface issues between the adjoining B4 Mixed Use zone and isolated IN2 Industrial zone;

It should be noted that limited detail was provided by the applicant to accurately test the requested development standards for the site. Testing was undertaken by Council's urban designer which considered the requirements for built form, road widening, bicycle way and separation distances between buildings for solar access within the requested heights. The testing utilised a slightly reduced efficiency rate of 75% for commercial to calculate an appropriate FSR for the site as opposed to the 80% applied in the AECOM Marsden Street Precinct Zoning Review. The efficiency rate was considered more practicable in the urban context.

The results of this testing concluded that the proposed FSR of 5:1 is unattainable within 10 storeys and would most likely lead to a future height dispensation to achieve the maximum FSR of 5:1. This finding is consistent with the findings of the recent Auburn and Lidcombe Centres Heights Review. Consequently, a more realistic net FSR of 3.5:1 is recommended to ensure that future development can respond to the site constraints and maintains a built form that transitions back towards the core of the Lidcombe Town Centre.

Despite the review of the Marsden Street precinct being recently completed, it is considered that the Planning Proposal request does have merit for rezoning, albeit with a reduced density. The justification for implementing net FSR of 3.5:1 as opposed to 5:1 is summarised below:

- The adjoining park to the south has over shadowing issues, if appropriate setbacks were provided this would make the park more useable with better solar access;
- A separation distance of 6m between the two proposed towers does not comply with the minimum separation requirements of the Apartment Design Guide;
- The proposed building envelope has not considered the 2.5m setback for road widening along Raphael Street in accordance with the Auburn DCP;
- The proposed building envelope has not considered the 2.5m setback for a bicycle way along East Street in accordance with the Auburn DCP;
- A reduced FSR will facilitate a built form that can better respond to it's proximity to Rookwood Cemetery.
- Maintains a more achievable balance between FSR and building height.

#### Applicant's Proposal

The concept scheme provided by the applicant includes a proposed development two-storey podium containing an estimated 3,860m<sup>2</sup> of retail/commercial floor space and 144 apartments in two 8-storey towers above (Figure 4). Basement parking would be provided in accordance with Council's standards. As discussed above the amended FSR of 3.5:1



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would accommodate a more realistic representation of what can be achieved over the subject site.

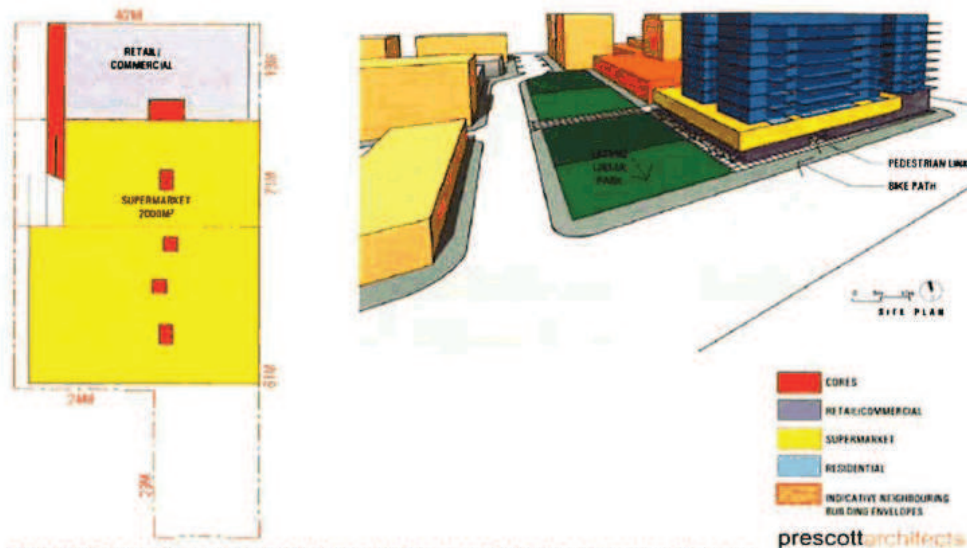


Figure 4: Map showing concept mixed use development of the site and surrounding area

#### Voluntary Planning Agreement

The planning proposal request also proposes to undertake a voluntary planning agreement (VPA) with Council whereby the owner will dedicate to Council the southernmost part of the site which has already been rezoned from Industrial IN2 to Public Recreation RE1 as part of the Marsden Street Precinct initiative. The VPA will enable the early realisation of Council's plan for a corridor of parkland running through the Town Centre to East Street and beyond to the Rookwood Cemetery parklands. It is recommended that Council enter into negotiations with the proponent to establish a VPA for the proposed open space.

#### Council Internal Referrals

#### **Environmental Health Comments**

Council's Environmental Health Unit have advised that the stage 1 desktop environmental site assessment prepared by EIS (dated 21 June 2016), satisfies the requirements of a preliminary assessment for a planning proposal. This report identifies areas of environmental concern and provides that the site can be made suitable for the proposed mixed use development subject to:

- 1. Undertaking a Stage 2 Environmental Site Assessment to meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (199516);
- 2. Undertaking a waste classification assessment for the off-site disposal of material excavated for the proposed development; and
- 3. Undertaking an Acid Sulphate Soils assessment to establish if an Acid Sulphate Soils management plan (ASSMP) is required for the proposed development.

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With respect to clause 6 of SEPP 55, the information provided is sufficient to satisfy the provision of SEPP 55 Contaminated Lands, provided that any remediation works are undertaken prior to the land being used.

The environmental health unit also noted that because the site is located in close proximity to railway lines. Any further residential development will need to consider potential noise and vibration impacts. This can be dealt with at a more detailed design stage.

### **Traffic Comments**

Council's traffic engineers have reviewed the Planning Proposal request and are seeking a revised Traffic Assessment. The reasons for seeking the revised assessment are outlined below:

- The SIDRA model used for the Planning Proposal request was not calibrated for local conditions. The Traffic Impact Assessment states that the SIDRA intersection models used in the Hyder study which was prepared in support of the Marsden Street Planning Proposal were not available at the time of the study and hence the study has used un-calibrated SIDRA model.
- This may be acceptable for comparison only in some cases, however, calibration of the SIDRA model is essential to get reliable results that reflect local traffic movements. It is noted that the submitted model indicates a level of service to some local intersections (Railway St/Bridge & Church St/Bridge) is reduced significantly therefore the accurate modelling is required for an informed decision to be made in relation to the traffic impacts of the Planning Proposal request.
- The proponent will need to provide acceptable intersection alternatives/treatments options at critical intersections as some intersections have reached level of service of 'F', which indicates the intersection has failed.
- Without accurate modelling the Planning Proposal request cannot be supported in its current form.

After discussions with the Traffic engineers, agreement was made to request a revised traffic assessment from the applicant using calibrated modelling. A recommendation forms part of this report, stating that if a revised traffic assessment is provided and deemed satisfactory by Council's traffic engineers, then the Planning Proposal request should be reported to Council and if endorsed, forwarded to the Department of Planning & Environment for Gateway Determination or if deemed unsatisfactory it must be reported back to CIHAP for further consideration.

### **4. Submissions Received and Response**

#### **Public Authority Submissions Received**

Submissions were received from one (1) public authority in response to the letter notifications issued. Details of these submissions are provided below.

- Addressing "Interim Guideline for development near a rail corridors or busy roads"



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### Sydney Trains

Sydney Trains did not object to the Planning Proposal request, but advised that any future development application should comply with the Department of Planning's *"Interim Guideline for development near a rail corridors or Busy Roads"*. It is noted that this will form part of the development application stage.

### **Community Submissions Received**

One (1) written submission was received through the preliminary community consultation of this Planning Proposal request.

- Traffic, Noise and Parking
- Proximity to Rookwood Cemetery

### Traffic, Noise and Parking Issues

The submission raised concerns regarding traffic, noise and parking with relation to future development. The subject site is situated directly adjacent to the Marsden Street Precinct, where high density mixed use development is permissible and encouraged. The Lidcombe Town Centre is earmarked to cater for expected growth by facilitating increased employment opportunities and alternative housing solutions within close proximity to mass transit.

The Planning Proposal request highlights the accessibility to public transport, including four (4) day time and three (3) late night bus services. In addition the site is located approximately 300m from the Lidcombe train station. The station services the T1 Western and North Shore Line, T2 Inner West Line, T3 Bankstown Line and T7 Olympic Park Line.

The two key roads that bound the site are Railway Street and East Street. Railway Street is a local road which runs in an east-west alignment with a speed limit of 50km/hr. East Street is a secondary arterial road which runs in a north-south alignment with a speed limit of 60km/hr.

As noted, Council's traffic engineers have questioned the traffic analysis supporting the Planning Proposal request. The receipt of the revised traffic assessment report will enable the full traffic impacts to be properly assessed. Any future Development Application will be subject to the applicable parking requirements in accordance with *Auburn DCP 2010*.

### Proximity to Rookwood Cemetery

The submission raised concerns regarding the proximity to Rookwood Cemetery and having respect for the solemn nature of the location. The subject site is separated by an existing vegetation buffer which will act as a noise attenuation barrier and ensure the amenity of Rookwood Cemetery is maintained. Similar uses could operate in the IN2 Light Industrial zone which could potentially create more of an impact on adjoining land uses than the proposed zone.

### **5. Conclusion**

The preliminary community consultation of the Planning Proposal request to amend the planning controls affecting land situated at 3-7 East Street & 2 Railway Street, Lidcombe

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concluded on 1 November 2016. One (1) submission was received from a Public Authority and one (1) submission of objection was received from the community.

The majority of issues raised can be addressed in detail at the development application stage with the exception of the traffic impacts that require further input from the proponent. Therefore it is recommended that Planning Proposal request be submitted to the Department of Planning and Environment for gateway determination, pending the submission of a revised traffic impact assessment to the satisfaction of Council's traffic engineers.

**6. Next Steps**

If the CIHAP support the recommendations listed below and satisfactory traffic information is provided by the proponent, the Planning Proposal be reported to Council and forwarded to the Department of Planning & Environment for Gateway Determination.

**Report Recommendation:**

**That the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend:**

1. Council proceed with the preparation of a Planning Proposal for 3-7 East Street and 2 Railway Street, Lidcombe, which proposes to rezone Lots 2,3,4 on DP373141 for B4 Mixed Use, with the following planning controls;
  - A maximum floor space ratio of 3.5:1
  - A maximum building height of 32m
2. A revised traffic assessment must be provided by the proponent utilising calibrated modelling and if deemed satisfactory by Council's traffic engineers, then the Planning Proposal request be reported to Council and forwarded to the Department of Planning & Environment for Gateway Determination, if the revised traffic assessment is deemed unsatisfactory it must be reported back to CIHAP for further consideration.
3. That this Planning Proposal request, be reported to Council seeking resolution to be forwarded to the Department of Planning & Environment for Gateway Determination.
4. Council enter into negotiations with the applicant to establish a Voluntary Planning Agreement for proposed open space.
5. That the Planning Proposal and Voluntary Planning Agreement be reported back to Council following public exhibition.

**Attachments (to be circulated to CIHAP members only under separate cover):**

1. Planning Proposal & VPA report prepared by Shanahan Planning
2. Traffic Impact Assessment prepared by APEX Engineers
3. Stage 1 Desktop Environmental Site Assessment prepared by Environmental Investigation Services



**ATTACHMENT 1 – MINUTES**

Minutes of the Cumberland Independent Hearing and Assessment Panel – 20 December 2016

1. Increase the eastern building set back in order to provide landscape buffering.
2. Ensure convenient internal access for all residents to the communal lounge and common open space.
3. Provision of adequate bin storage in an appropriate location that does not adversely impact the amenity of the residents within the building, adjoining building or the common open space.
4. The rear of the land where the car park is provided is to be reconfigured to provide landscape buffering to the southern and eastern boundary.
5. The pedestrian pathways to the front setbacks along Hevington Road be deleted and landscaping provided.

For: The Hon. P. Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM 038/16 – PLANNING PROPOSAL FOR 3-7 EAST STREET & 2 RAILWAY STREET, LIDCOMBE - PRELIMINARY POST EXHIBITION REPORT**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend to Council that further consideration of this matter be deferred and the proponent be requested to provide the following:-

1. A revised traffic assessment utilising calibrated modelling.
2. An economic impact assessment that considers the impact to the existing town centre of a supermarket on this site and the likelihood of amalgamation of sufficient land to accommodate a full line supermarket within the existing town centre.
3. An overshadowing study that demonstrates the proposed massing resulting from the floor space and height delivers a reduction in the existing shadow for the land designated as a future park.
4. A concept design that demonstrates how the proposed bike path is to be integrated into the setback area along East Street.

For: The Hon. P. Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

**ITEM 039/16 – 23-27 LYTTON STREET, WENTWORTHVILLE (NORTHSIDE WEST CLINIC SITE) - SITE SPECIFIC DEVELOPMENT CONTROLS - POST EXHIBITION REPORT**

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend that Council adopt the site specific development controls affecting 23-27 Lytton Street Wentworthville, as exhibited, as an amendment to the Holroyd DCP 2013, subject to:





**DOCUMENTS  
ASSOCIATED WITH  
REPORT C012/17**

**Attachment 2**

**Council Report (Item 006/17) of 1  
February 2017 and Minutes.**



**ATTACHMENT 2**

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**Cumberland Council****Planning Proposal for 3-7 East Street & 2 Railway Street,  
Lidcombe – Pre Gateway Exhibition Report**

Responsible Division: Environment & Infrastructure  
 Officer: Group Manager - Planning  
 File Number: HC-23-08-25  
 Delivery Program Code: G5.1 Establish and maintain clear guidelines for zoning, urban planning and development

| Proposal Details                            |   |
|---|---|
| Application lodged                          | 19 September 2016   |
| Applicant / Proponent                       | Mark Shanahan Planning Pty Ltd  |
| Owner                                       | Automation Feeding Devices Pty Ltd<br>Larcombe Memorials Pty Ltd  |
| Description of Land                         | 2 Railway Street, Lidcombe<br>3-7 East Street, Lidcombe<br>Lot 2 on DP373141<br>Lot 3 on DP373141<br>Lot 4 on DP373141  |
| Proposal summary                            | Seeks to amend the land use zoning, maximum building height and floor space ratio for the site to enable redevelopment for a mixed use purpose (10 Storeys).  |
| Site Area / Description of existing use     | The site consists of three (3) parcels with a total area of 3,480sqm. The site is currently occupied by a monument stonemason, industrial manufacturer of plastic food & drink containers and telecommunications tower. |
| Existing Zoning and Planning Controls       | Land use zoning: IN2 Industrial & RE1 Public Recreation<br>Maximum building height: No building height specified<br>Floor space ratio (FSR): 1.0:1<br>Minimum lot size: 1500sqm   |
| Proposed Zoning and Planning Controls       | Land use zoning: B4 Mixed Use & RE1 Public Recreation<br>Maximum building height: 32m<br>Floor space ratio (FSR): 3.5:1 (5:1 was requested)<br>Minimum lot size: 1500sqm  |
| Heritage                                    | Not applicable  |
| Disclosure of political donations and gifts | Nil   |
| Previous Considerations                     | Planning Proposal PP-3/2014 - Marsden Street Precinct   |

**Summary:**

At its meeting on 20 December 2016, the Cumberland Independent Hearing and Assessment Panel (CIHAP) considered a report for the Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe.

The purpose of this report is to formally seek Council's resolution to defer the planning proposal request until further information has been provided by the proponent. Once this



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information is received the Planning Proposal request will be reported back to CIHAP for further consideration.

**Report:****Cumberland Independent Hearing & Assessment Panel (CIHAP)**

At the meeting of 20 December 2016, the Panel considered report C038/16 Planning Proposal request for 3-7 East Street & 2 Railway Street – Preliminary Post Exhibition Report. The report outlined and provided a response to the issues raised in submissions during the preliminary public consultation phase of the Planning Proposal request. At this meeting the CIHAP resolved as follows;

*Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel (CIHAP) recommend to Council that further consideration of this matter be deferred and the proponent be requested to provide the following:-*

- 1. A revised traffic assessment utilising calibrated modelling.*
- 2. An economic impact assessment that considers the impact to the existing town centre of a supermarket on this site and the likelihood of amalgamation of sufficient land to accommodate a full line supermarket within the existing town centre.*
- 3. An overshadowing study that demonstrates the proposed massing resulting from the floor space and height delivers a reduction in the existing shadow for the land designated as a future park.*
- 4. A concept design that demonstrates how the proposed bike path is to be integrated into the setback area along East Street.*

Once the proponent has provided this additional information a further report will be prepared for the CIHAP for the revised Planning Proposal request. A copy of CIHAP Report C038/16 is provided as Attachment 1 and a copy of the relevant minutes of the CIHAP meeting of 20 December 2016 are provided as Attachment 2.

**Revised FSR**

Building envelope testing was undertaken by Council's urban designer indicating that the requested FSR of 5:1 is unattainable within 10 storeys and would most likely lead to a future height dispensation if the maximum FSR of 5:1 is to be achieved. This finding is consistent with the findings of the recent Auburn and Lidcombe Centres Heights Review. As a result the CIHAP has requested that the applicant provide further evidence to support an appropriate FSR which responds to the site constraints.

**Traffic Assessment**

Council's traffic engineers are seeking a revised traffic assessment which utilises calibrated modelling which is essential to obtain reliable results that reflect local traffic movements. As a result without accurate traffic modelling the Planning Proposal request



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cannot be supported by Council's traffic engineers in its current form. Once received, the revised traffic modelling will be provided to Council's traffic engineers and their input incorporated into the subsequent report to the CIHAP.

Economic Impact Assessment

The CIHAP has requested that the applicant provide an economic impact assessment to address the impacts of a proposed supermarket over the subject site on the core of the existing Lidcombe Town Centre. The applicant has advised that this analysis will be provided.

Solar Access

The CIHAP also raised concerns regarding overshadowing and lack of solar access to the park adjoining the site to the south. Further consideration is required by the applicant to address this issue through revised setbacks to the park.

Bike Path

Council is currently undertaking a draft bike plan for the former Auburn LGA. The CIHAP has requested that the proponent provide a revised building envelope that incorporates a setback to East Street of 4-6m in accordance with the Auburn DCP. This will provide adequate provision to incorporate a proposed bike path at the development application stage.

Conclusion:

The Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe has been the subject of preliminary community consultation. At the meeting 20 December 2016 the CIHAP considered the report addressing the preliminary public exhibition. The Panel subsequently resolved to recommend that Council defer the Planning Proposal Request until the relevant information is provided by the proponent.

Consultation:

There is no consultation required as a result of this report. However, once the issues raised in this report are addressed to the satisfaction of the CIHAP and subsequently endorsed by Council, statutory consultation with the community and relevant agencies will be undertaken in accordance with the requirements stipulated by the Gateway Determination if issued by the Department of Planning and Environment.

Financial Implications:

There are no financial implications associated with this Planning Proposal request.

Policy Implications:

Until the outstanding items identified by the CIHAP are addressed by the applicant, there is no policy implications associated with the Planning Proposal request.

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Communication / Publications:

There are no communication/publications implications for Council associated with this report.

Report Recommendation:

That Council defer consideration of the Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe and request the proponent provide the following information as recommended by CIHAP:

- a) A revised traffic assessment utilising calibrated modelling.
- b) An economic impact assessment that considers the impact to the existing town centre of a supermarket on this site and the likelihood of amalgamation of sufficient land to accommodate a full line supermarket within the existing town centre.
- c) An overshadowing study that demonstrates the proposed massing resulting from the floor space and height delivers a reduction in the existing shadow for the land designated as a future park.
- d) A concept design that demonstrates how the proposed bike path is to be integrated into the setback area along East Street.

Attachments (to be circulated under separate cover):

- 1. CIHAP report C038/16 Planning Proposal for 3-7 East Street and 2 Railway Street, Lidcombe.
- 2. Minutes of the CIHAP meeting of 20 December 2016 for Report C038/16.

*Extract from Minutes- Council Meeting – 1 February 2017.*

Min. 011                    ITEM 006/17 - PLANNING PROPOSAL FOR 3-7 EAST STREET & 2 RAILWAY STREET, LIDCOMBE – PRE GATEWAY EXHIBITION REPORT  
Moved and declared carried by the Administrator that Council defer consideration of the Planning Proposal request for 3-7 East Street and 2 Railway Street, Lidcombe and request the proponent provide the following information as recommended by CIHAP:

1. A revised traffic assessment utilising calibrated modelling.
2. An economic impact assessment that considers the impact to the existing town centre of a supermarket on this site and the likelihood of amalgamation of sufficient land to accommodate a full line supermarket within the existing town centre.
3. An overshadowing study that demonstrates the proposed massing resulting from the floor space and height delivers a reduction in the existing shadow for the land designated as a future park.
4. A concept design that demonstrates how the proposed bike path is to be integrated into the setback area along East Street.