

**TO:** Sydney Central City Planning Panel

**SUBJECT:** 1A, 1 & 3 Marsden Street, Lidcombe and 2 Mark Street, Lidcombe.

**APPLICATION No:** DA2022/0253

<b>Application accepted</b>	24 May 2022.	
<b>Applicant</b>	Marque Eight Pty Ltd.	
<b>Owner</b>	Marque Eight Pty Ltd.	
<b>Application No.</b>	DA2022/0253.	
<b>Description of Land</b>	1A, 1 & 3 Marsden Street and 2 Mark Street, Lidcombe.	
<b>Proposed Development</b>	Demolition of existing structures and construction of a 14-storey mixed use development comprising four (4) commercial tenancies on the ground floor level, 83 co-living housing rooms, 100 residential units and three (3) levels of basement car parking pursuant to State Environmental Planning Policy (Housing) 2021.	
<b>Site Area</b>	2,441square metres.	
<b>Zoning</b>	B4 Mixed Use.	
<b>Disclosure of political donations and gifts</b>	Nil disclosure.	
<b>Heritage</b>	The site is not a Heritage item and is not located in a Heritage Conservation Area.	
<b>Principal Development Standards</b>	<b>Floor Space Ratio</b> Permissible: 5:1 (LEP) + 0.5:1 for co-living housing under SEPP (Housing) 2021 Proposed: 5.11:1	<b>Height of Buildings</b> Permissible: 45 metres Proposed: 45 metres
<b>Issues</b>	<ul style="list-style-type: none"> <li>• ADG internal building separation between towers however satisfactory with condition.</li> <li>• DCP Bicycle Parking however satisfactory with condition.</li> <li>• DCP Driveway width however satisfactory in this instance.</li> <li>• Waste chute system not proposed however satisfactory with alternate solution proposed by applicant.</li> </ul>	

## SUMMARY

1. Development Application No. DA2022/0253 was accepted on the 24 May 2022 for the Demolition of existing structures and construction of a 14-storey mixed use development comprising four (4) commercial tenancies on the ground floor level, 83 co-living housing rooms, 100 residential units and three (3) levels of basement car parking pursuant to State Environmental Planning Policy (Housing) 2021.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 2 June 2022 and 16 June 2022. In response, 4 submissions were received.
3. The application proposes a 14-storey mixed use development comprising four (4) commercial tenancies on the ground floor level, 83 co-living housing rooms, 100 residential units and three (3) levels of basement car parking.
4. The application was considered by the Cumberland Design Excellence Panel at a meeting on 19 July 2022 in accordance with the Cumberland Design Excellence Panel Policy because the building exceeds a height of 25 metres.
5. The variations are:

Control	Required	Provided	% variation
ADG Internal Building Separation	18 metres	12 metres	33.3%
DCP Bicycle Parking	66 (residential spaces, 33 resident and 33 visitor)	58 spaces	12.12%
DCP Driveway Width	Maximum of 8 metres	11 metres wide combined driveway and loading dock	37.5%
DCP Waste Chute requirement	Waste chute for residential flat buildings containing 4 or more storeys.	No waste chute system is proposed.	100%

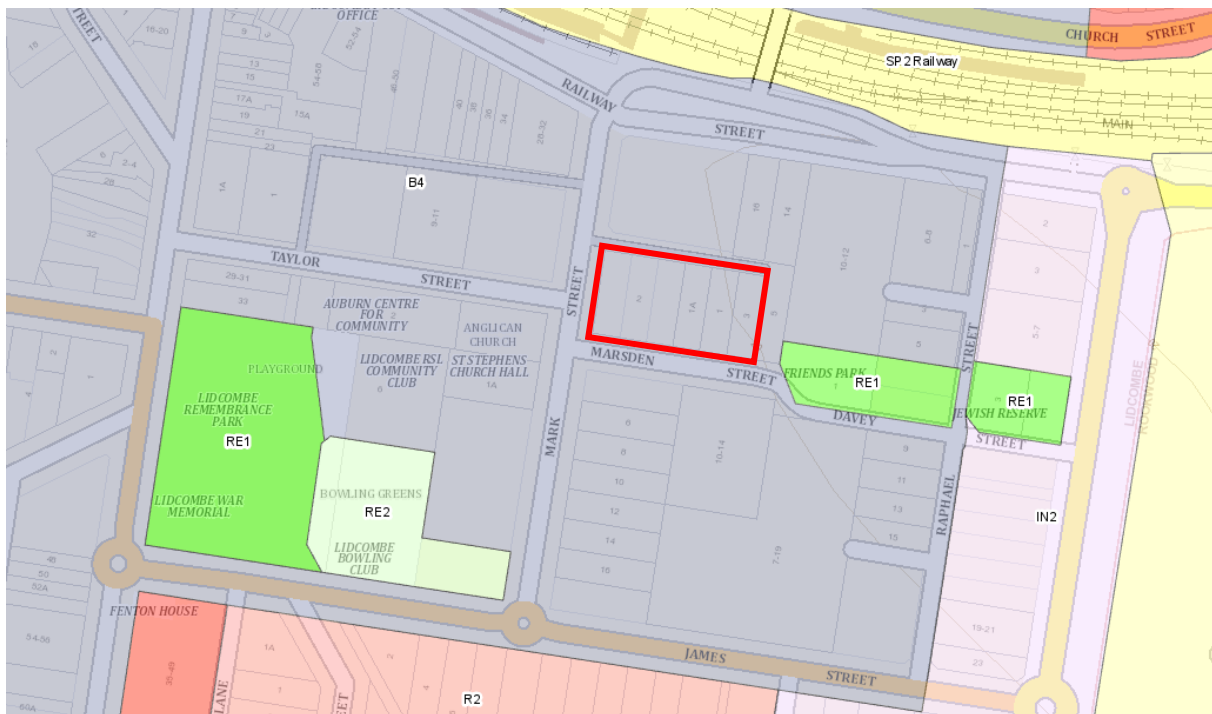
6. The application is referred to the Panel as the proposed development is a regionally significant development categorised as General development over \$30 million pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.
7. The application has been assessed by an external consultant and application is recommended for approval subject to conditions as recommended in the Council's assessment report.

## REPORT

### SUBJECT SITE AND SURROUNDING AREA

The proposed redevelopment of the subject site comprises 6 allotments and is legally described as Lot 7 Sec 2 DP 846, Lot 8 Sec 2 DP 846, Lot 9 Sec 2 DP 846, Lot 10 Sec 2 DP 846, Lot 11 Sec 2 DP 846, Lot 12 Sec 2 DP 846, and known as 1A, 1 & 3 Marsden Street and 2 Mark Street, Lidcombe.

The site is zoned B4 Mixed Use and is situated on the north-eastern corner intersection of Mark Street and Marsden Street, Lidcombe as seen in Figure 1:



**Figure 1 – Land Zoning Map Extract (Source: NSW ePlanning Spatial Viewer)**

The subject site is located within the 'Lidcombe Town Centre' and is identified as Key Site 7 in section F2-5 of the Business Site Specific chapter of the Cumberland Development Control Plan (CDCP) 2021.

The land is regular in shape and has a frontage to Mark Street along the western boundary, Marsden Street along the southern boundary and David Place along the northern boundary. The site has a combined frontage width of 35.355m to Mark Street to the west and the common side boundary to the east, and 69.035m to Marsden Street to the south and David Place to the north, creating a total combined land area of 2,441 square metres.

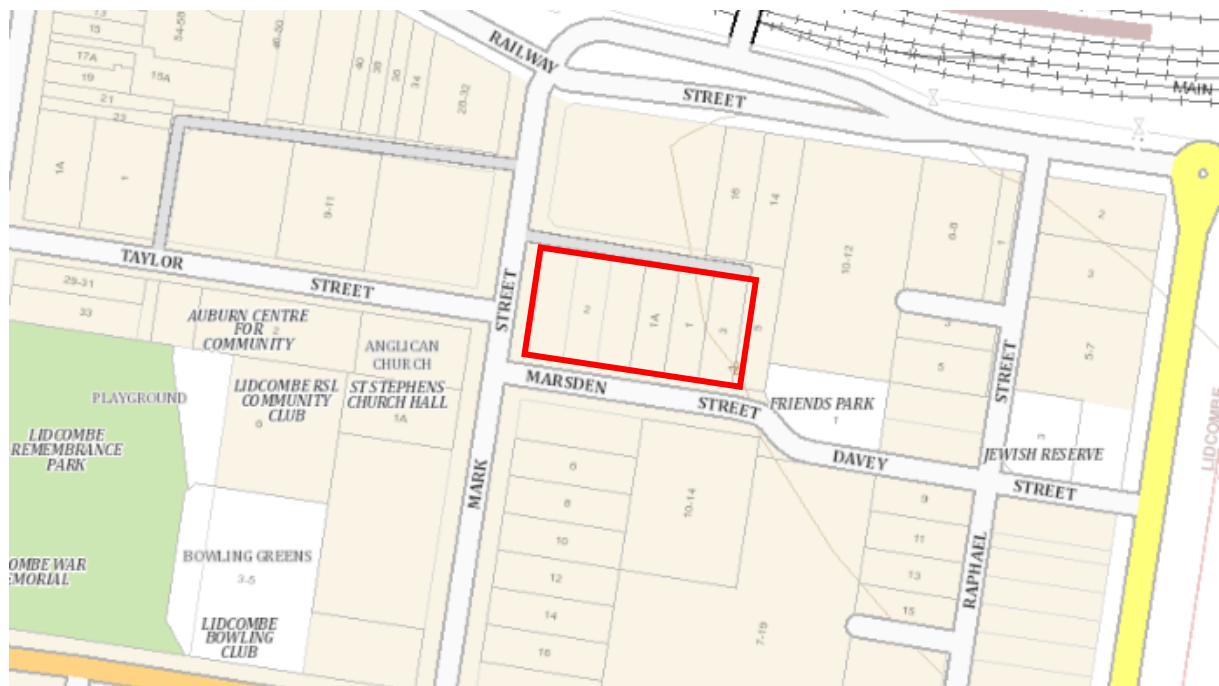
The site contains 3 dwellings on the eastern half of the site and an industrial factory building on the western half of the site with associated structures dispersed throughout the site.

Surrounding developments in the immediate vicinity are currently characterised by a mix commercial/retail land uses and high density residential and mixed use developments of various size and scale. Once the area completes redevelopment, the area will transition to

and be characterised predominantly by commercial and mixed use developments given the context and zoning of the locality.

Adjoining developments consist of 3 to 11 storey Residential Flat Buildings to the west, north and south-west, and single storey dwelling houses to the south fronting Mark Street. The property at 4-18 Mark Street to the south of the site benefits from development consent DA2019/0229 for construction of an 11 storey mixed use development. Similarly, the property at 4-12 Railway Street to the immediate east benefits from development consent DA2021/0092 for construction of 4 mixed-use buildings ranging in height from 2 to 18 storeys.

A Locality Plan, Aerial Image and images of adjoining and surrounding development are provided in the Figures below:



**Figure 2 – Locality Plan of subject site (Source: NSW ePlanning Spatial Viewer)**





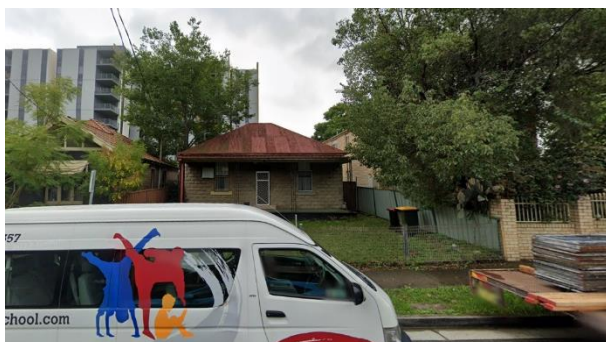
**Figure 3 – Aerial View of Subject Site (Source: MetroMap)**



**Figure 4 – Street View of the subject site comprising 2 Mark Street, Lidcombe**



**Figure 5 – Street View of the subject site comprising 1A Marsden Street, Lidcombe**



**Figure 6 – Street View of the subject site comprising 1 Marsden Street, Lidcombe**



**Figure 7 – Street View of the subject site comprising 3 Marsden Street, Lidcombe**



**Figure 8** – Street View of the subject site looking north-west from the intersection of Marsden Street and Davey Street



**Figure 9** – Street View of the subject site looking north-east from the intersection of Marsden Street and Mark Street

## DESCRIPTION OF THE DEVELOPMENT

Council has received a development application for Demolition of existing structures and construction of a 14-storey mixed use development comprising four (4) commercial tenancies on the ground floor level, 83 co-living housing rooms, 100 residential units and three (3) levels of basement car parking pursuant to State Environmental Planning Policy (Housing) 2021.

A summary of the proposed development is provided within the table below:

Feature	Approved
Commercial tenancies	4 commercial tenancies totalling 866 square metres including 3 shops and 1 office on the ground floor level: <ol style="list-style-type: none"> <li>1. Shop 1 = 433 sq m.</li> <li>2. Shop 2 = 187 sq m.</li> <li>3. Shop 3 = 114 sq m.</li> <li>4. Offices = 132 sq m.</li> </ol>
Number of apartments	100 apartments and 83 co-living housing
Apartment Mix	21 x 1 bed. 69 x 2 bed. 10 x 3 bed.
Floor space ratio	Applicant's calculation - 5.1:1. Council's calculation - 5.11:1.
Building height	45 metres.
Number of storeys	14
Car parking	105 resident, 20 resident visitor, 17 co-living and 25 commercial car parking spaces provided: <p><b>Basement 1:</b></p> 5 residential car parking spaces (2 accessible). 25 commercial car parking spaces (1 accessible). 17 co-living car parking spaces (1 accessible). 17 co-living motorbike parking spaces. 90 co-living bicycle parking spaces. <p><b>Basement 2:</b></p> 36 residential car parking spaces (4 accessible). 20 residential visitor car parking spaces (2 accessible). 18 resident visitor bicycle parking spaces.



Feature	Approved
	10 commercial bicycle parking spaces. <b>Basement 3:</b> 59 residential car parking spaces (5 accessible). 40 resident bicycle parking spaces (25 resident, 15 visitor).

**Table 1:** Summary of Proposed Development



**Figure 10:** Proposed street (south-western) elevation of development as viewed from Marsden Street and Mark Street intersection (Source: Urban Link)



**Figure 11:** Proposed street (south-eastern) elevation of development as viewed from Davey Street (Source: Urban Link)



**Figure 12:** Proposed street level façade detail (Source: Urban Link)



## HISTORY

Date	Event
24 May 2022	DA was accepted by Council.
2 June 2022 to 16 June 2022 (14 days)	The application was publicly notified to occupants and owners of the adjoining properties. In response, 4 submissions were received.
7 July 2022	A kick off briefing meeting was held with the Sydney Central City Planning Panel.
19 July 2022	The application was considered by the Cumberland Design Excellence Panel. A number of items were raised by the panel for the applicant's consideration.
16 August 2022	A request for further information was sent to the applicant outlining a number of items for the applicant's consideration and response, including the items raised by the Cumberland Design Excellence Panel.
26 September 2022	An amended application package was submitted with Council including amended plans responding to the request for further information.

**Table 2: Development History**

## APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by The Planning Hub dated 16 May 2022 and Amended Statement of Environmental Effects prepared by The Planning Hub dated 6 September 2022 in support of the application.

## CONTACT WITH RELEVANT PARTIES

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

## INTERNAL REFERRALS

### Development Engineer

The development application was referred to Council's Development Engineer who has advised that the development application is supported subject to recommended conditions of consent.

### Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

### Tree Management Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

### Waste Management

Council's waste management officer did not support the development due to unsatisfactory level of servicing and waste removal. The issues raised are being addressed later in the report under the DCP section and are capable of being addressed as conditions attached to any favourable recommendation.

### Cumberland Design Excellence Panel

The DA was referred to the Cumberland Design Excellence Panel (DEP) in accordance with the Cumberland Design Excellence Panel Policy, which requires any development proposal incorporating buildings with a height greater than 25 metres to be referred to the DEP for comment.

The DA was considered by the DEP at the 19 July 2022 meeting and a number of items were raised by the panel for the applicant's consideration.

The Applicant provided a subsequent amended package in response to the matters raised by the DEP and Council's request for additional information which are considered to appropriately address the matters raised by the DEP and the Assessing Officer. A summary of the DEP's comments, the applicant's response and the Assessing Officer's assessment is provided below:

DEP Comment	Applicant's Response	Council Response
<b>Massing &amp; Facade</b>		
<ul style="list-style-type: none"> <li>The proposed grid design approach is generally successful for the west façade and co-living podium expression, providing building identity and opportunities for solar control.</li> </ul>	Point a. - Noted	Noted.
<ul style="list-style-type: none"> <li>Corner balconies on west expressed as part of grid are similarly successful.</li> </ul>	Point b. - Noted.	Noted.
<ul style="list-style-type: none"> <li>Reconsider the 14-storey presentation of the building's western façade to the street, with the façade setback at level 4 to articulate and visually separate the tower, consistent with the other elevations.</li> </ul>	Points c. & d. - Please refer to DA-1427 Rev: A. We explored the option of setting back level 4 on the western facade and from this exercise we discovered a number of issues with this approach:	The applicant's response is supported given that a strong 4 storey podium elements and towers above is the preferred design outcome for the site. Any further setback of level 4 would compromise the podium and tower design and
<ul style="list-style-type: none"> <li>Breaking up the potential maximum building envelope into two separate towers is generally supported for providing a better</li> </ul>	<ul style="list-style-type: none"> <li>A setback on level 4 on the western facade is inconsistent with the</li> </ul>	

DEP Comment	Applicant's Response	Council Response
urban outcome for the street and neighbours to the south.	<p>language on northern and southern facades.</p> <ul style="list-style-type: none"> <li>Any setback on level 4 will impact the proposed layouts of the 2 bed and 3 bed units facing Mark Street resulting in inferior unit layouts.</li> <li>Some of the white vertical elements, especially the corner ones, are identified as been structural elements and removing them will cause potential issues to the structural strategy for the design.</li> <li>We feel that a setback on level 4 along the western facade weakens the identity of the building and its connection to the podium element, which has the same language.</li> <li>Any setback on the western facade weakens the grounding of the two volumes and their connection to the surrounding streets.</li> </ul>	would not be in keeping with the key site controls in the DCP.
<ul style="list-style-type: none"> <li>Use of brickwork at low level is supported as a robust, low maintenance finish.</li> </ul>	Point e. - Noted	Noted.
<ul style="list-style-type: none"> <li>Painted Hebel at upper levels is not supported from a long-term maintenance point of view – paint will fade and look shabby quickly, a higher quality and more articulated cladding should be explored.</li> </ul>	Point f. - Painted hebel will be replaced with a Rockcote coloured rendered finish or similar.	Satisfactory.
<ul style="list-style-type: none"> <li>Reconsider blank facades at courtyard between towers from Level 4 up – facades here should have more openings and be defensively designed to articulate the façade and improve natural ventilation. Considered openings on this façade will provide the opportunity to replan the</li> </ul>	Point g. - Please refer to DA-302 Rev:B. Vertical openings are added to wet areas and both facades are articulated to break the overall massing down.	The applicant's response is supported however it is noted that there are issues with the direct lines of sight for windows serving the habitable living rooms of units. This has been addressed by a condition.



DEP Comment	Applicant's Response	Council Response
apartments to provide better cross ventilation and light, noting cross-viewing and privacy should also be managed. Openings should be appropriately sized to work with prevailing summer breezes.		
<ul style="list-style-type: none"> <li>Consider an eastern boundary setback to achieve a similar outcome on the east tower façade with opportunities for outlook to the neighbouring park. The current proposed blank façade is detrimental to the site to the east with little expression and a domineering scale. Setbacks and openings will provide better amenity to the apartment occupants and will offer a better and more appropriate urban outcome.</li> </ul>	Point h. - Any openings or opportunities for an outlook to the park along the eastern facade is not possible, due to any potential/future development on 5 Marsden Street. Please refer to DA-1426 Rev: A for the potential future development of 5 Marsden Street.	The applicant's response is supported and the desired outcome would be for an equal zero setback for the western side of the adjoining future development at 5 Marsden Street.
<ul style="list-style-type: none"> <li>Street tree planting around the site is strongly supported to provide shade and reduce the heat island effect. The proponent should demonstrate that adequately sized street trees are able to be accommodated by the proposal, particularly adjacent to basement construction.</li> </ul>	Point i. - Please refer to the landscape architects design. 4 x Angophora Costata type trees are proposed along Marsden Street, which can grow to 20m in height and have 10m wide crowns, and 3 x Angophora Floribunda type trees are proposed along Mark Street, which can also grow to 20m in height and have 10m wide crowns.	The applicant's response is supported and the landscape plans as submitted are supported by Council officers.
<b>Communal/Open Space</b>		
<ul style="list-style-type: none"> <li>Landscape design was not presented at the meeting – Landscape design input should be co-ordinated with the architectural design to ensure the landscape proposed is viable.</li> </ul>	Point a. - Please refer to the landscape architects package of information.	Landscape plan was submitted and referred to Council's Landscape/Tree Management Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

DEP Comment	Applicant's Response	Council Response
<ul style="list-style-type: none"> <li>The design intent for communal space, particularly to level 1 and 2 of the building, should be developed further to achieve high quality communal spaces that will be comfortable, attractive and useable for residents. Opportunities for common vertical circulation within these areas to provide shorter travel distances should be explored.</li> </ul>	<p>Point b. - Please refer to DA-105, 106 &amp; 107 Rev. B. Vertical circulation has been added to both of the new double height external communal areas and proposed layouts as to how each of the internal and external communal areas could be used.</p>	<p>The applicant's response is supported. The amended plans include an additional communal space on level 2 with direct vertical connections provided between the levels that will allow for high quality communal spaces that will be comfortable, attractive and useable for residents.</p>
<ul style="list-style-type: none"> <li>Further information to confirm compliant solar access to communal open space is required.</li> </ul>	<p>Point c. - Please refer to DA-1413, which indicates the extend of sunlight to the main outdoor communal area. As per Part 3 - Co-Living Housing - of the State Environmental Planning Policy 2021, there is no timeframe or requirement on the amount of sunlight to the outdoor communal area, therefore the proposed layout and communal open space location is compliant.</p>	<p>The applicant's response is supported. The communal open space on ground floor and level 4 receive appropriate levels of solar access.</p>
<ul style="list-style-type: none"> <li>Ground floor communal open space would be better served by a community facility, instead of two office space/apartments currently shown. This community space could be useable by the co-living population and accessed from their lobby too – to overcome social segregation issues. Office/commercial or retail space in this location will be difficult to lease. Apartments here will have poor amenity and are inappropriate.</li> </ul>	<p>Point d. - It is the client's preferred direction to locate commercial spaces on the ground floor. No residential units will be provided to the ground floor level.</p>	<p>The applicant's response is supported given that there is no requirement for a community facility to be provided on site and further that the ground floor office space could be used for a community or office purpose to serve the development.</p>
<ul style="list-style-type: none"> <li>An activation strategy/shared zone access for David Place should be incorporated, with the relationship between the laneway and communal open</li> </ul>	<p>Point e. - Additional glazing has been added to the side of the commercial unit G.01 to add a form of activation to Marsden Lane. However the main</p>	<p>The applicant's response is supported as Marsden Lane/David Place is not noted as an active street frontage in the LEP or DCP.</p>

DEP Comment	Applicant's Response	Council Response
space to east, and commercial tenancy to west developed.	use of Marsden Lane is to accommodate vehicle movement and not attract pedestrians down to a dead-end, which could be a potential safety issue, especially at night time.	
<ul style="list-style-type: none"> <li>Windows overlooking David Place from the western commercial tenancy should be included to maintain passive surveillance whilst taking into account quality of outlook.</li> </ul>	Point f. - Windows have been added to the side of the commercial unit G.01. Please refer to DA-104 Rev:B.	Satisfactory.
<ul style="list-style-type: none"> <li>Achievement of the ADG deep soil provision is commended.</li> </ul>	Point g. - Noted.	Noted.
<b>Co-Living Space</b>		
<ul style="list-style-type: none"> <li>Consider social aspects and CPTED issues with respect to the proposed co-living component – consider dividing large floorplate into two neighbourhoods separated by multilevel open void space. This needs serious consideration as it will be the first approved co-living development in this Council jurisdiction. Options should be presented that demonstrate pros and cons of different approaches (segregation vs integration and options in between).</li> </ul>	<p>Point a. - Dividing the floorplates into two “neighbourhoods” would prove to be unconventional. If this approach was adopted, it would mean we would have to provide two separate entries, two sets of lifts, two indoor communal areas - which would be directly separated - and two outdoor communal areas - which would also be directly separated.</p> <p>However, the floorplates are divided into various sections with large double-height voids, which connect the floors above and below with vertical circulation. Also, by doing the latter, it provides the opportunity to integrate the entire co-living community yet separate sections of the floor plates with a singular entry point and singular vertical circulation.</p>	The applicant's response is supported. It is not considered warranted that the floor plate be divided for the co-living housing component as would be the case for residential apartments.
<ul style="list-style-type: none"> <li>The Housing SEPP requires 30m2 communal living area + 2m2 per room (more than 6</li> </ul>	Point b. - Please refer to DA-105 Rev: B & DA-106 Rev: B. These drawings	Satisfactory, a range of both indoor and outdoor spaces are provided



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<p>rooms). To achieve design excellence this living space (or spaces) should provide genuine flexibility with opportunities for gathering in different sized groups, with facilities to cater for a range of living needs. Connectivity between internal living space and communal open space is supported. The panel questions whether a single large internal communal living space which is remote from many of the rooms is the best solution – further details of how this space would operate including precedents should be developed. Consider communal shared internal space for each neighbourhood instead of just one large shared space.</p>	<p>indicate various outdoor communal areas and a singular indoor communal area, which can be subdivided into various sizes and provide various uses. However, it is also extremely flexible in the variety of sizes it can provide - ranging from a series of smaller spaces to one large single space.</p>	<p>that provide genuine flexibility with opportunities for gathering in different sized groups. The plans indicate that the larger single indoor space is designed in a manner to provide smaller more intimate spaces within the overall open area.</p>
<ul style="list-style-type: none"> <li>The scale of communal spaces should be broken up even if they remain in a cluster. Spaces should be designed to allow smaller groups to gather with the possibility of coming together if desired. Care should be taken to avoid a dominant group from taking ownership over the communal spaces.</li> </ul>	<p>Point c. - Please refer to DA-105 Rev: B &amp; DA-106 Rev: B. These drawings indicate various outdoor communal areas and a singular indoor communal area, which can be subdivided into various sizes and provide various uses. However, it is also extremely flexible in the variety of sizes it can provide - ranging from a series of smaller spaces to one large single space.</p>	<p>The applicant's response is supported as the space has been designed to allow smaller groups to gather within smaller areas inside the open plan layout, with the possibility of the overall space remaining open plan for larger gatherings if required.</p>
<ul style="list-style-type: none"> <li>Confirmation that (at least 1) Communal Living area will receive 3 hours winter sun between 9am and 3pm is required.</li> </ul>	<p>Point d. - Please refer to DA-1413 Rev: B., which indicates the extend of sunlight to the indoor communal area. The proposed indoor communal area receives min 3 hours of sunlight between 9am and 3pm.</p>	<p>The shadow diagrams indicate that at least 3 hours of direct solar access will be achieved for the internal communal living area.</p>
<ul style="list-style-type: none"> <li>Co-living communal open space should remain greater than 20% of the site area.</li> </ul>	<p>Point e. - Please refer to DA-105 Rev: B &amp; DA-106 Rev: B. These drawings indicate various outdoor communal areas which give a total area of 489m<sup>2</sup>.</p>	<p>The communal open space required by Section 68(2)(d) of the Housing SEPP is a non-discretionary development standard,</p>

DEP Comment	Applicant's Response	Council Response
	The site area is 2,441m <sup>2</sup> and 20% of the site is on 488m <sup>2</sup> . The outdoor communal areas are compliant.	which if complied with, prevents the consent authority from requiring more onerous standards for the matters. The development proposes 490 sq m of communal open space which meets the 20% requirement.
<ul style="list-style-type: none"> <li>Communal open space should be accessible from shared circulation, not only through communal shared internal space. Access to communal open space when communal shared internal space is occupied needs to be considered.</li> </ul>	Point f. - Please refer to DA-105 Rev: B & DA-106 Rev: B. Two out of the three outdoor communal areas are accessed from shared circulation areas,	The amended plans include an additional communal space on level 2 with direct vertical connections provided between the levels.
<ul style="list-style-type: none"> <li>Acoustic issues should be further considered as the large communal space (internal and external) that will serve 85 residents plus guests may get noisy and is directly under residential apartments above.</li> </ul>	Point g. - The residential apartments in this location are not directly above the outdoor communal area. The outdoor communal area is located on level 01 and the first level of apartments are located on level 04 - 3 levels above the outdoor communal area.	The applicant's response is supported and standard conditions regarding noise generation are included that will manage potential acoustic impacts.
<ul style="list-style-type: none"> <li>Consider solar access, view to sky for south void space through north void space – explore void spaces in section. Void spaces should be used for waiting areas for the lifts to take residents out of the relatively narrow corridor and away from the front doors of units.</li> </ul>	Point h. - Please refer to DA-105 Rev: B & DA-106 Rev: B. These drawings indicate various outdoor communal areas or voids which provide views to the sky when you exit the lifts and are partially connected, allowing light to filter through from the north facade to the south facade.	The applicant's response is supported as the development satisfies the overshadowing and solar access requirements of SEPP 65, the Housing SEPP and the CDCP.
<ul style="list-style-type: none"> <li>Further development of the long corridor and the entry to each room is recommended to provide better amenity for residents moving about within their living environment. Consider entry door recesses, finishes and/ or expression to</li> </ul>	Point i. - Please refer to DA-105, 106 & 107 Rev. B. Vertical circulation has been added to both of the new double height external communal areas and proposed layouts as to how each of the internal	The rooms provide direct access and avoid long internal corridors, with the exception of rooms surrounding the lift core which is unavoidable.

DEP Comment	Applicant's Response	Council Response
avoid potentially relentless corridors. Develop a language for common spaces to enhance legibility and identity. Corridors should continue to be broken up with communal open spaces with access to natural light.	and external communal areas could be used, are added.	
<ul style="list-style-type: none"> <li>Consider greenery, landscape design solutions and function for these communal spaces and express their presence on grid façade – general comment is that these spaces need to be designed further as they are shown as blank spaces (literally voids) at the moment. How do they become activated, consider seating, post rooms/deliveries, community notices etc.</li> </ul>	Point j. - Please refer to DA-105 & DA-106 Rev:B. These drawings indicate a layer of green planting around the perimeter of level 01 with additional planters within the communal outdoor areas. Similarly, planter boxes are added to the outdoor communal area on level 02.	Satisfactory for approval.
<ul style="list-style-type: none"> <li>Consider a stair linking the co-living environment to its ground floor lobby and the ground floor community facility to encourage usage and to alleviate congestion at lifts for early morning/evening rush hour – this really should happen, remove reliance on lifts for lower floors.</li> </ul>	Point k. - For security reasons, the client would prefer to limit access to the co-living areas. Similar to the residential entries, lift access to the upper levels is the preferred method of entry and vertical movement and accommodating an addition open staircase would be a potential safety issue.	The applicant's response is supported as it is preferred that secure access into and within the development is maintained for safety and security reasons.
<ul style="list-style-type: none"> <li>The hidden “dogleg” corridor access to units at southwest part of floorplate should be replanned to avoid the current CPTED issue and reduced amenity.</li> </ul>	Point i. - Please refer to DA-105, 106 & 107 Rev. B. The “dogleg” corridor is now removed.	The applicant's response is supported as the “dogleg” corridors have been replaced with more direct access into the laundries.
<ul style="list-style-type: none"> <li>Provide a workstation/study to manager's unit.</li> </ul>	Point m. - Please refer to DA-105 Rev:B. A workstation has been added to the manager's office.	The applicant's response is supported as a workstation is now provided within the manager's room.
<ul style="list-style-type: none"> <li>Adequate bicycle/motorcycle parking for the co-living component of the development should be provided. Bicycle parking should be secure and in</li> </ul>	Point n. - Please refer to DA-103 Rev:B. All co-living parking requirements are located on basement 01.	Adequate bicycle and motorcycle parking for the co-living component of the development are provided.



DEP Comment	Applicant's Response	Council Response
a location that appropriately reflects the approach to co-living integration. The current bicycle parking arrangements where some co-living residents do not appear to be able to access their bicycle parking by lift is not supported.		
<b>Planning</b>		
<ul style="list-style-type: none"> <li>Improve lobby design/address with mail-rooms and waiting areas – lobbies are too deep by comparison to their width and require better visual access from the street.</li> </ul>	Point a. - Please refer to DA-104 Rev: B & DA-106 Rev: B. The residential lobby next to Mark Street has increased in width and waiting areas and mail-boxes have been added to each lobby area.	The applicant's response is supported as the lobby design now provides a better interface and visual access with the street frontage.
<ul style="list-style-type: none"> <li>The westernmost lobby and escape stair arrangement at ground level and the co-living levels would benefit from replanning to achieve vertical expression directly below the vertical slot in the southern façade of the western tower.</li> </ul>	Point b. - Please refer to DA-202 Rev. B. The planning of the co-living levels and the overall design/relationship between the upper levels and ground floor level accommodates a modular design. All spacings are equal with double height vertical openings / slots to express the entry locations.	Satisfactory for approval.
<ul style="list-style-type: none"> <li>The panel is concerned that awnings will need to be provided over entry points to manage wind impacts in this environment of tall towers built to the street alignment. Reconsider the current arrangement in conjunction with lobby redesign, maintaining appropriate lobby height and width for the scale of the building.</li> </ul>	Point c. - The entry doors to all lobbies will be recessed and setback from the external face of the white frame by 1.5m. This design approach creates a natural awning within the proposed building form. Also, the entry points are identified with double height openings. If awnings are located above the residential and co-living lobby entries, it will start to water-down their presence and identity.	The applicant's response is supported given that the lobby setback will provide weather shield and wind mitigation, while maintaining appropriate lobby height and width for the scale of the building.
<ul style="list-style-type: none"> <li>Show neighbouring context on plans, especially. ground floor.</li> </ul>	Point d. - Please refer to DA-111 Rev: A. This drawing shows the ground	The applicant's response is supported.

DEP Comment	Applicant's Response	Council Response
	floor plan and neighbouring context.	
<ul style="list-style-type: none"> <li>Improve east entry lobby access to lifts around corner at end of corridor.</li> </ul>	Point e. - Please refer to DA-105 Rev. B. The lobby area to the side of the lifts is widened as you turn the corner, to create a more inviting and open space.	The applicant's response is supported with the widening of the lobby with lifts directly visible from within the lobby spaces and not hidden around corners.
<ul style="list-style-type: none"> <li>Improve cross ventilation – particularly where windows in bathroom showers are currently shown.</li> </ul>	Point f. - Please refer to DA-1418 Rev: B. The proposed scheme provides 32 cross-ventilated units from levels 4 - 8 and has a percentage rate of 64%, 4% above the ADG requirements. All ventilated paths of travel are taken through doors and turn corners as per Figure 4B.8 in the ADG under section 4B - Natural Ventilation.	The applicant's response is supported as the development complies with the natural ventilation requirements of SEPP 65 and the ADG.
<ul style="list-style-type: none"> <li>Reconsider deep balconies or demonstrate that sufficient light and ventilation is maintained with the proposed design.</li> </ul>	Point g. - The deepest balconies in the design are located within units 06 and 07 on each level. However these balconies are located on the northern facade and are flooded with natural sunlight. Please refer to DA-1402 - DA-1408 Rev:B. These sun-eye diagrams demonstrate that the balconies receive natural sunlight all day long.	The applicant's response is supported as the development complies with the natural ventilation and solar access requirements of SEPP 65 and the ADG.
<ul style="list-style-type: none"> <li>Ceiling heights have been designed to the minimum 2.7m – can this be increased without impacting surrounding amenity?</li> </ul>	Point h. - Increasing the ceiling heights would push the overall design up and breach the LEP height controls for the site.	The applicant's response is supported in order to avoid any LEP height breaches.
<ul style="list-style-type: none"> <li>Co-living ceiling heights are likely to be insufficient and should be increased if possible.</li> </ul>	Point i. - The floor to floor height for the co-living levels is either 3.5m or 3m. This will provide a clear head height of 3.3m and 2.8m within the rooms below. Increasing the head-heights would push	The applicant's response is supported as the floor to ceiling heights meet the minimum requirements.

DEP Comment	Applicant's Response	Council Response
	the overall design up and breech the LEP height controls for the site.	
<ul style="list-style-type: none"> <li>Waste management provisions do not currently appear to be adequately addressed for a building of this scale and replanning should avoid on floor bins in corridor cupboards.</li> </ul>	Point j. - Please refer to section 7.1 - Waste.	The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent
<ul style="list-style-type: none"> <li>Egress arrangements should be reviewed to avoid risk associated with converging exits.</li> </ul>	Point k. - Please refer to DA-104 Rev: B. The egress arrangement has been updated.	The applicant's response is supported with the amended egress arrangements.
<b>Sustainability</b>		
<ul style="list-style-type: none"> <li>Limited documentation regarding sustainability was provided at the meeting. A sustainability report that commits to a suitable sustainability target with the design principles and initiatives pursued should be provided, noting that 5/6-star Greenstar (or equivalent) should be considered the minimum for design excellence.</li> </ul>	Point a. - Please refer to the attached sustainability report.	The applicant's response is supported with the submitted Sustainability Report and amended plans providing solar panels on the rooftop for solar harvesting as an alternate energy source for the building.
<ul style="list-style-type: none"> <li>Integrate sustainability measures into design including:               <ul style="list-style-type: none"> <li>Passive solar design, with shading/screens, controlled natural ventilation and the like including technical studies or expert input as appropriate.</li> <li>Water capture and reuse.</li> <li>Maximising levels of insulation.</li> <li>Choosing appropriate colours to avoid overheating/glare.</li> <li>Maximising glazing performance/reducing glazed extents.</li> </ul> </li> </ul>	Point b. - Please refer to the attached sustainability report. i. - awnings and trees are provided for at ground level to cool pedestrian movement. 64% natural ventilation is achieved. 80% solar compliance is achieved. ii. - Bioretention tree pits will be incorporated to assist with treating runoff through filtration and reduce stormwater runoff volumes along pedestrian pathways in rainfall events.	The applicant's response is supported with the submitted Sustainability Report and amended plans providing solar panels on the rooftop for solar harvesting as an alternate energy source for the building.

DEP Comment	Applicant's Response	Council Response
<ul style="list-style-type: none"> <li>- Optimised HVAC including recovery systems and mixed-use efficiencies (with commercial component).</li> <li>- Maximising air-tightness (with appropriate levels of ventilation).</li> </ul>	<p>iii.- High levels of insulation will be installed. Please refer to the attached sustainability report.</p> <p>iv. - Bright coloured finishes are proposed to prevent excessive heat gain.</p> <p>v. - Glazing is reduced where possible and total glazed walls are avoided. All glazing will be double glazed and have high u-value ratings.</p> <p>vi. - Automatically controlling HVAC systems will be installed to deliver the required heating and cooling at energy-efficient levels.</p> <p>vii. - A air-tightness test will be carried out when the project is complete.</p>	
<ul style="list-style-type: none"> <li>• Consider energy harvesting with PV cells on roof and/or green roofs for cooler environments.</li> </ul>	<p>Point c. - Please refer to DA-110 Rev. B. Solar panels have been added to the roof area.</p>	<p>The applicant's response is supported with the amended plans providing solar panels on the rooftop for solar harvesting as an alternate energy source for the building.</p>
<ul style="list-style-type: none"> <li>• Reconsider use of gas – consider future proofing development by implementing electric systems now.</li> </ul>	<p>Point d. - This point will be reviewed and discussed with the client and the various consultants during the CC stage of the project.</p>	<p>There is no requirement for alternate energy sources to be considered or implemented. The applicant's response is supported with the submitted Sustainability Report and amended plans providing solar panels on the rooftop for solar harvesting as an alternate energy source for the building.</p>
<ul style="list-style-type: none"> <li>• AC is currently only proposed in Living Spaces. This suggests that owners will retrofit AC into bedrooms and Study with machines on balconies. This</li> </ul>	<p>Point e. - A multi-split air conditioning system is proposed for each apartment. The size and location of the required</p>	<p>The applicant's response is supported with further details to be provided at the CC</p>

DEP Comment	Applicant's Response	Council Response
should be designed out, provide possibility of AC in bedrooms, oversize the plant to accommodate this. Provide ceiling fans in bedrooms and consider ceiling fans in living areas.	plant room will be confirmed during the CC stage of the project with the various consultants. No AC unit will be retrofitted on the balcony area.	stage, subject to conditions.
<b>Designing for Country</b>		
<ul style="list-style-type: none"> <li>How is this being addressed?</li> </ul>	<p>Point a. - The starting point of this process was to consider the potential impact of the development on the Aboriginal Country, to establish a cultural context for the project and to understand how local themes, stories and Country can inform the design of the project.</p> <p>1. Aboriginal Country          "Country" is not a individual or static entity and Lidcombe, now a new key suburb on the fringes of Sydney's CBD, has had significant waves of evolution over time. But as "Country" changes and evolves, it retains its own enduring spirit, a spirit that lives on now and into the future. With this in mind, the design considers not only how the Country would be impacted but how the design might celebrate and honour the areas ancestors, stories, lore and knowledge yet coincide with the areas evolution over time. It aims to create a binary relationship between nature, people and design yet prioritise people and their needs and assert its place within Lidcombe with a robust street presence.</p> <p>The design will offer views of the surrounding lands,</p>	<p>The applicant's response is supported and provides a satisfactory response to designing for country.</p>

DEP Comment	Applicant's Response	Council Response
	<p>landscaped insertions, along with a green colonnade at ground level, which also defines the space. It also allows the natural sunlight to access Marsden Street.</p> <p>2. Cultural Context The proposed rezoning provides the opportunity for future development within the Lidcombe area. Whilst the rezoning will not impact upon Aboriginal cultural heritage values the subsequent development will require appropriate management strategies.</p> <p>3. Local Themes Darug designs can help theme the wayfinding elements of the precinct with pavement and signage at different scales, which can guide people around the site. Additional to this, the landscape design can implement patterns of "Country" with the layout of plants, pathways, and plant selections.</p>	

**Table 3: Summary of Design Excellence Panel Comments**

Having regard to the above, all matters raised by the DEP are considered to have been addressed to the satisfaction of Council.

A copy of the DEP Minutes is attached as **Attachment 9** and the Applicant response is attached as **Attachment 10** to this Report for the consideration of the SCCPP.

## EXTERNAL REFERRALS

### AusGrid

The development application was referred to Ausgrid for comment and correspondence has been received advising that Ausgrid raises no objection to the proposed development.

### NSW Police



The development application was referred to the NSW Police Force for comments, who has advised that the proposed development is supported.

## PLANNING COMMENTS

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

#### State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

#### (a) State Environmental Planning Policy (Planning System) 2021

Development of a type that is listed in Schedule 6 of State Environmental Planning Policy (Planning System) 2021 (the Planning System SEPP) is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979.

The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$38,407,404 which exceeds the \$30 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

#### (b) State Environmental Planning Policy (Resilience and Hazards) 2021

##### Chapter 2 – Coastal Management

Not applicable. The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.

##### Chapter 4 – Remediation of Land

Clause 4.6 of Resilience and Hazards SEPP requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 4.6 have been considered in the assessment of the development application.

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Matter for Consideration	Yes/No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
A Preliminary Site Investigation (PSI) was prepared by EI Australia (Report No. E25652.E01_Rev0) dated 29 April 2022. Following a review of the PSI by Council's Environmental Health Officer, no objections were raised and the application is supported subject to the recommendations in Section 6 of the PSI being imposed as conditions.	

**Table 4: Chapter 4 Resilience and Hazards SEPP - Remediation of Land**

**(c) State Environmental Planning Policy (Housing) 2021**

Chapter 3 – Diverse Housing

Part 3 - Co-Living Housing

The application has been submitted under Part 3, Chapter 3 of the Housing SEPP. It should be noted that the proposal fully complies with the key planning controls contained within the Housing SEPP and is considered acceptable from an environmental planning view point. A comprehensive assessment against Housing SEPP is attached as **Attachment 6** to this report.

**(d) State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)**

SEPP 65 applies to the development as the building is 3 storeys or more and contains more than 4 dwellings. However, it is noted that the provisions of SEPP 65 and the ADG do not apply to co-living housing development pursuant to Section 4(4) of SEPP 65 which states “*Unless a local environmental plan states otherwise, this Policy does*

*not apply to a boarding house, co-living housing or a serviced apartment to which that plan applies”.*

A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

The proposal is generally compliant with the provisions of SEPP 65 and the ADG, with the exception of the Internal Building Separation between the 2 proposed towers as discussed below:

ADG Requirement	Variation Discussion	Satisfactory?
18 metres separation between habitable to habitable on levels 4 to 13	12 metre separation is proposed.	Yes, with condition to off-set windows or provide privacy screening, louvres or similar device to avoid direct lines of sight.

**Table 5: SEPP 65 ADG Variations**

A comprehensive assessment against SEPP 65 and the ADG is attached as **Attachment 5** to this Report.

#### **(e) State Environmental Planning Policy (Transport and Infrastructure) 2021**

The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) have been considered in the assessment of the development application.

##### Chapter 2 – Infrastructure

##### *Clause 2.48 - Development likely to affect an electricity transmission or distribution network*

The subject development is proposed within 5 metres of exposed overhead electricity power lines at the Marsden Street and Mark Street intersection. As such, the Consent Authority is required to give written notice to an electricity supply authority. The proposed development also includes the design of a substation.

As detailed earlier, the development application was referred to Ausgrid for comment and correspondence has been received advising that Ausgrid raises no objection to the proposed development.

##### *Clause 2.98 – Development adjacent to railway corridors*

The application is **not** subject to clause 2.98 of the T&I SEPP, as the subject site is not located within or adjacent to a railway corridor.

##### *Clause 2.99 – Excavation in, above, below or adjacent to rail corridors*

The application is **not** subject to clause 2.99 of the T&I SEPP, as the proposed redevelopment of the site is not land within, below or above a rail corridor, or within 25m (measured horizontally) of a rail corridor.

*Clause 2.100 – Impact of rail noise or vibration on non-rail development*

The application is **not** subject to clause 2.100 of the T&I SEPP, as the site is not in or adjacent to a rail corridor and is not likely to be adversely affected by rail noise or vibration.

*Clause 2.119 – Frontage to classified road*

The application is **not** subject to clause 2.119 of the T&I SEPP, as the site has frontages to local roads, none of which are a classified road.

*Clause 2.120 – Impact of road noise or vibration on non-road development*

The application is **not** subject to clause 2.120 of the T&I SEPP, as the site has frontages to local roads, none of which have annual average daily traffic volumes of greater than 20,000 vehicles.

*Clause 2.122 – Traffic generation developments*

The application is **not** subject to clause 2.122 of the T&I SEPP, as the proposal is not a traffic generating development that is listed in Schedule 3 of the SEPP.

**(f) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 – Vegetation in non-rural Areas

The site has an area of less than 1 hectare and therefore a clearing threshold of 0.25 hectares is permitted. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.

Chapter 10 – Sydney Harbour Catchment

The subject site is identified as being located within the Sydney Harbour Catchment. The proposed development raises no issues as no impact on the catchment is envisaged.

The subject site is not identified in the relevant map as 'land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence most provisions in this Chapter of the SEPP are not relevant to the proposed development.

**(g) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

Pursuant to the provisions of the Environmental Planning & Assessment Regulations 2021, only the residential apartment component of the proposed development is defined as a *BASIX building* whilst the co-living housing is excluded as per the definition below:

**BASIX building** means a building that contains at least 1 dwelling, but does not include the following—

- (a) hotel or motel accommodation,
- (b) a boarding house, hostel or co-living housing that—
  - (i) accommodates more than 12 residents, or
  - (ii) has a gross floor area exceeding 300 square metres.

BASIX Certificate 1163326M dated 23 February 2022 prepared by EPS has been submitted with Council and is considered satisfactory.

### Local Environmental Plans

#### **Cumberland Local Environmental Plan 2021**

The provision of the Cumberland Local Environmental Plan 2021 (CLEP) is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the CLEP and the objectives of the B4 Mixed Use zone.

#### **(a) Permissibility:**

The proposed development is defined as a ‘mixed-use development’ comprising ‘commercial premises’, ‘co-living housing’ and ‘shop top housing’, all of which are permissible in the B4 Mixed Use zone with consent.

*“mixed use development means a building or place comprising 2 or more different land uses.”*

*“commercial premises means any of the following—*

- (a) business premises,
- (b) office premises,
- (c) retail premises.”

*“co-living housing means a building or place that—*

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
- (b) provides occupants with a principal place of residence for at least 3 months, and
- (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,

*but does not include backpackers’ accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.”*

*“shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.”*

The relevant matters to be considered under CLEP and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is attached as **Attachment 7** to this Report.

Development Standard	Proposal	Compliance
<b>Clause 2.3</b> Land Use Table B4 – Mixed Use Development	Mixed-use development comprising commercial premises, co-living housing and shop top housing, all permissible with consent in B4 zone.	Yes.
<b>Clause 4.3</b> Height of Buildings - 45m.	Applicant's calculation - 45 metres. Council's calculation - 45 metres using Survey and roof plan overlay.	Yes.
<b>Clause 4.4</b> Floor space ratio Permitted: 5:1 (LEP) + 0.5:1 bonus for co-living housing under SEPP (Housing) 2021	5.11:1	Yes.
<b>Clause 5.10</b> Heritage Conservation	The subject site does not contain a heritage item, is not located within a heritage conservation area and is not located within the vicinity of any heritage items or conservation areas.	Yes.

**Table 6: Cumberland Local Environmental Plan 2021 Compliance Table**

**The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))**

State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP was notified on Monday 29 August 2022 and will come into effect on Sunday 1 October 2023 to allow for the relevant industry to adjust to the new standards.

Savings and transitional provisions in accordance with Clause 4.2 of the Sustainable Buildings SEPP will apply to any development application or modification application that was made but not finally determined before 1 October 2023.

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

The Cumberland Development Control Plan 2021 (CDCP) provides guidance for the design and operation of development to achieve the aims and objectives of the Cumberland Local Environmental Plan 2021.

A comprehensive assessment and compliance table against the CDCP is attached as **Attachment 8** to this Report.

The following table highlights non-compliances with the DCP, which relate primarily to bicycle parking requirements for the residential component and the driveway width, and the variations sought are considered satisfactory on merit in this instance:

Clause	Control	Proposed	Complies
Part G3, Section 3	Bicycle Parking <u>Residential</u> :	58 spaces	No, however can be accommodated, subject to condition



Clause	Control	Proposed	Complies
	1 space / 3 units, 33 spaces required <u>Visitor:</u> 1 space / 3 units, 33 spaces required		
Part G3, Section 4.4, Control C8	The width of driveways is limited to a maximum of 8 metres at the boundary, including development with commercial loading docks and servicing (including waste servicing).	11 metres combined driveway and loading.	No, however satisfactory as the width is required for the combined 2 way entry/exit and loading dock and avoids the creation of multiple vehicular access crossings.
Part G8, Section 3.4, Control C1	Residential flat buildings containing 4 or more storeys require a system for the transportation of waste from each floor level to the waste and recycling collection room(s). This is in the form of a waste chute system.	No waste chute system is proposed.	Notwithstanding the requirement for the provision of a chute system, the application proposes an alternate solution in their Waste Management Plan prepared by Dickens Solutions outlining that chute systems are difficult to keep clean and maintain, can be noisy and produce odours in corridors, are often obstructed with incorrect use and bulky items and have increased fire risk. The proposal is considered satisfactory in this instance due to the merits of the manual bin transportation system proposed by the applicant.  The waste management plan provided by the applicant is provided as Attachment 11 to the report for Panel consideration.

**Table 7: Cumberland Development Control Plan 2021 Compliance Table**

Irrespective of these departures, it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported.

**The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))**

There is no draft planning agreement associated with the subject Development Application.

**The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))**

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2021.

### The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

### The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

### Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (Website) ☒

Mail ☒

Sign ☒

Not Required ☐

In accordance with Council's Notification requirements contained within the Cumberland Community Engagement Strategy, the proposal was publicly notified for a period of 14 days between 2 June 2022 and 16 June 2022. The notification generated 4 submissions in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:

Issue	Planner's Comment
<i>Accuracy of shadow diagrams.</i>	The shadow diagrams have been reviewed and confirmed to be accurate.
<i>Overshadowing.</i>	The development satisfies the overshadowing and solar access requirements of SEPP 65, the Housing SEPP and the CDCP.
<i>The plans show a Marsden Lane which is currently David Place.</i>	The road to the north of the site is known as David Place, occasionally referred to as Marsden Lane.
<i>Traffic in David Place.</i>	The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.
<i>What is the purpose of the co-living spaces?</i>	Co-living housing is a type of residential accommodation providing self-contained rooms/units for occupants with a principal place of residence for at least 3 months. It is not temporary or short term accommodation.
<i>Visual privacy.</i>	The development satisfies the SEPP 65 ADG building separation requirements and is considered to maintain appropriate levels of privacy for existing and future residents.
<i>Acoustic privacy.</i>	An Acoustic Report accompanies the DA demonstrating that the development will be acceptable from an acoustic impact perspective.

<b>Issue</b>	<b>Planner's Comment</b>
<i>External lighting and light pollution.</i>	Standard conditions are included relating to external lighting.
<i>Demolition noise.</i>	Standard conditions are included relating to demolition and construction and demolition noise.
<i>Views from balcony of neighbouring development.</i>	There are no special views that are required to be protected.
<i>Compatibility with area.</i>	The development is permissible in the zone and satisfies the relevant State Environmental Planning Policies, Cumberland Local Environmental Plan 2021 and Cumberland Development Control Plan 2021.
<i>Impact on prices for existing residents.</i>	The impact on the value of nearby properties is not a relevant matter for consideration under Section 4.15 of the Act.
<i>Construction safety and damage caused by vibration.</i>	Standard conditions are included relating to demolition and construction works and dilapidation requirements.

**Table 8: Summary of Submissions****The public interest (EP&A Act s4.15(1)(e))**

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

**CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020**

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act, calculated on the cost of works. A total contribution of \$2,031,807 would be payable prior to the issue of a Construction Certificate.

**DISCLOSURE OF POLITICAL DONATIONS AND GIFTS**

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

**CONCLUSION**

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* including the following:

- State Environmental Planning Policy (Planning System) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Housing) 2021;

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Cumberland Local Environmental Plan 2021; and
- Cumberland Development Control Plan 2021.

The proposed development is appropriately located within the B4 Mixed Use zone under the relevant provisions of the Cumberland Local Environmental Plan 2021. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

## RECOMMENDATION

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1. **That Development Application No. DA2022/0253 for Demolition of existing structures and construction of a 14-storey mixed use development comprising four (4) commercial tenancies on the ground floor level, 83 co-living housing rooms, 100 residential units and three (3) levels of basement car parking pursuant to State Environmental Planning Policy (Housing) 2021 on land at 1A, 1 & 3 Marsden Street and 2 Mark Street, Lidcombe is suitable for Approval, subject to conditions listed in the attached schedule.**
2. **Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

## ATTACHMENTS

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Attachment 1 - Draft Notice of Determination.  
Attachment 2 - Architectural Plans.  
Attachment 3 - Stormwater/Engineering Plans.  
Attachment 4 - Redacted Submissions Received.  
Attachment 5 - SEPP 65 & ADG Assessment.  
Attachment 6 - SEPP Housing Assessment.  
Attachment 7 - Cumberland LEP Assessment.  
Attachment 8 - Cumberland DCP Assessment.  
Attachment 9 - Cumberland Design Excellence Panel Meeting Minutes.  
Attachment 10 - Applicant's Design Excellence Panel Response.  
Attachment 11 - Applicant's waste management plan.