

Attachment 6 - Applicant's Solar Access Variation Request

Project Number: M170485

11 Jul 2018

Campbelltown Council
PO Box 57
CAMPBELLTON NSW 2560

Attention: Ms Emma Page

Dear Emma,

**DA 4204/2016/DA-RA – 6-12 DUMARESQ STREET, CAMPBELLTOWN
ADDITIONAL INFORMATION SUBMISSION – SOLAR ACCESS**

We refer to the above Development Application and confirm that we act for the owner. We have been requested to respond to concerns raised by Council in relation to the solar performance of the proposal, when measured against the numeric control contained within the Apartment Design Guide. In particular, concern has been raised in relation to Design Criteria (4A-1.3) which states:

" 3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter."

The proposal provides 23.5% of units that do not receive direct solar access at mid-winter (refer to attached data table). Notwithstanding, if measured to 3.30pm at mid-winter, only 11.7% of apartments do not receive solar access. Furthermore, the number of units within the development that achieve 2 hours direct solar access at mid winter is 65 (76.5%) versus a requirement for 60 (70%) apartments. Measured at other times of the year, compliance would also be significantly improved.

Accordingly, it is our opinion that the proposal performs well in terms of solar access and clearly meets the objectives of the solar access provisions of the ADG.

The objective of 4A-1 is *" to optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space."* This objective is met by providing 5 (7.7%) more apartments with 2 hours solar access at mid winter than the ADG requires.

The preface to 4A-1 of the ADG states that:

" Solar and daylight access are important for apartment buildings, reducing the reliance on artificial lighting and heating, improving energy efficiency and residential amenity through pleasant conditions to live and work."

Whilst the numerics of the ADG set measurement for 4A-1.3 between 9am and 3pm, the fact that the proposal would comply if those parameters extended to 3.30pm, is also considered to meet this objective. It is agreed that numeric controls such as this must set parameters at a specific point however there should also be some discretion applied to that given the arbitrary nature of the numeric.

Section 1 of the ADG states that *"the key to working with Parts 3 and 4 is that a development needs to demonstrate how it meets the objective and design criteria. The design criteria set a clear*



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measurable benchmark for how the objective can be practically achieved. If it is not possible to satisfy the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance can be used to assist."

The design guidance commentary in 4A-1.3 makes clear the solar access controls must be applied with discretion.

" Achieving the design criteria may not be possible on some sites. This includes:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source*
 - on south facing sloping sites*
 - where significant views are oriented away from the desired aspect for direct sunlight*
- Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective"*

In the current case, the orientation of the subject site provides constraints to apartment orientation. Apartments have been oriented away from both side boundaries, in particular orientation from the north-western boundary reduces the ability to meet the control. In addition, the apartments that contribute to non-compliance with the control are those facing Dumaresq Street. In urban design terms, it is important that apartments are oriented to this main street frontage. This is a circumstance that in our view is encompassed in by the discretion outlined in this section of the ADG.

In light of the overall solar performance of the proposal, with an additional 5 apartments beyond the minimum 70% receiving 2 hours solar access at mid winter, and taking into account the constraints of the site which warrant orientation of apartments to Dumaresq Street, it is considered appropriate to apply the discretion that is inherent in the ADG where the objectives of the control are met.

It is our view that the objectives of the ADG are met and pursuit of strict compliance with the numeric controls would result in an inferior urban design outcome for the site.

Yours Faithfully,
Planning Ingenuity Pty Ltd

Jeff Mead
MANAGING DIRECTOR

