

Addendum Assessment Report and Recommendation

SUMMARY

Applicant	Zhinar Architect
Owner	Apartments on Mark Pty Ltd
Application No.	DA-363/2017
Description of Land	Lot 1 Sec 3 DP 846, Lot 2 Sec 3 DP 846, Lot 3 Sec 3 DP 846, Lot 4 Sec 3 DP 846, Lot 5 Sec 3 DP 846, Lot 6 Sec 3 DP 846, 4-14 Mark Street, LIDCOMBE
Proposed Development	Demolition of existing dwellings & associated structures and construction of a ten storey mixed-use development consisting of 6 commercial tenancies and 165 residential units over five levels of basement parking
Site Area	3,149m ²
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	<ul style="list-style-type: none">- Non-compliance with ALEP - Height- Minor Non-compliances with SEPP 65 and Auburn DCP 2010- Submissions

1. Recommendation

That Development Application No. DA-363/2017 for Demolition of existing structures, construction of a 10 storey mixed use development with 165 apartments, six commercial tenancies and 5 levels of basement car parking at 4-14 Mark Street, Lidcombe, be approved via deferred commencement subject to the conditions of consent as described in the schedule.

2. Background

On 19 April 2018, the Sydney Central City Planning Panel unanimously agreed to defer the above Development Application for the following reasons:

The Panel's reasons fall into two categories:

Category A

Category A assumes that the applicant acquires the neighbouring property at 18 Mark Street, Lidcombe. In this case, the Panel requires a new design for the whole consolidated site and we would encourage the applicant to note the concerns addressed in relation to Category B.

Category B

Category B assumes that the application for the current site continues. In this case, the Panel requires the following amendments:

- 1. Compliance with the Apartment Design Guide (ADG) Building Setback criteria for all residential levels.*
- 2. A shadow analysis of affected neighbouring properties which includes provision of elevations and analysis of shadowing at hourly intervals.*
- 3. Justification or amendment of the blank north-eastern façade of the building.*

4. *Reconsideration of the number of apartments that are served by each lift core, noting that the applicant's recent acquisition of the neighbouring property (16 Mark Street, Lidcombe) could provide a solution.*
5. *Reconsideration of the allocation of visitor parking spaces. The Panel notes that the application complies with the Auburn Development Control Plan 2010 requirements, but the Panel encourages reconsideration of the allocation of parking spaces to provide a greater share to visitors given the evident shortage of parking in the locality.*
6. *Submission of a correct Clause 4.6 Variation Request for the proposed building height.*

In response to the above, the applicant has provided amended plans and an amended correct Clause 4.6 Variation request for the proposed building height. The amendments to the architectural plans have resulted in a reduction to the number of residential units from 171 to 165 units. The unit mix has also been amended to provide for a greater mix of units as follows:

- 36x1 bedroom units,
- 118x2 bedroom units,
- 11x3 bedroom units (total of 165 residential units).

Amongst other internal configuration changes, the amendments to the plans provide for a greater separation to the north eastern side of the development, increased number of visitor car parking spaces within the basement levels and provide for increased levels of amenity to adjoining developments.

3. Assessment of the amended plans against reasons for deferral

Category A

Category A assumes that the applicant acquires the neighbouring property at 18 Mark Street, Lidcombe. In this case, the Panel requires a new design for the whole consolidated site and we would encourage the applicant to note the concerns addressed in relation to Category B.

Comment: The applicant has not been able to acquire the neighbouring property at 18 Mark Street, Lidcombe and the assessment of the application for the current site continues.

Category B

Category B assumes that the application for the current site continues. In this case, the Panel requires the following amendments:

1. *Compliance with the Apartment Design Guide (ADG) Building Setback criteria for all residential levels.*

Comment: The amended plans demonstrate compliance with the Apartment Design Guide building setback criteria for the ground level and from Level 1 to Level 7. Levels 8 and 9 require a building setback to habitable rooms of 12 metres from the eastern boundary. The proposed development provides for 10 metres to habitable rooms which is non-compliant. However, it has been adequately demonstrated that the proposed building separation to the adjoining eastern developments at 10-14 Marsden Street, Lidcombe and 7-19 James Street, Lidcombe maintains adequate visual privacy. It has also been demonstrated that solar access to the adjoining eastern developments is not unreasonably compromised as a result of the non-compliant building setback of Levels 8 and 9. Therefore, on merit, the proposed building separation is deemed to be acceptable.

2. *A shadow analysis of affected neighbouring properties which includes provision of elevations and analysis of shadowing at hourly intervals.*

Comment: A shadow analysis of the affected properties (10-14 Marsden Street, Lidcombe and 7-19 James Street, Lidcombe) which includes provision of elevations and analysis of shadowing at hourly intervals have been provided. The proposed development affects the western facing units of 10-14 Marsden Street, Lidcombe. In accordance with the submitted architectural plans, these units are numbered 5, 6, 7, 12, 13, 14, 19, 20 and 21. Units 7, 14 and 21 comply with the solar access requirements of the Apartment Design Guide (ADG). Units 6, 13 and 20 currently receive 3 hours of solar access. The proposed development reduces the solar access to these units to 1.5 hours which is 0.5 hours deficient of achieving compliance with the ADG. Units 5, 12 and 19 currently receive less than 1 hour of solar access. The proposed development further reduces the solar access to these units.

The further reduction of solar access to Units 6, 13, 20, 5, 12 and 19 from the proposed development is considered to be acceptable as solar amenity is not severely compromised. For Units 6, 13 and 20, the proposed development results in a deficiency of 0.5 hours of solar access from achieving compliance with the ADG. For units 5, 12 and 19, the proposed development does not further unreasonably impact on the existing situation which is less than 1 hour of solar access. Therefore, the solar access impact is deemed to be acceptable.

It is worthy to note that the solar access to 7-19 James Street, Lidcombe remains acceptable as initially reported.

3. Justification or amendment of the blank north-eastern façade of the building.

Comment: The north eastern façade of the development has been amended to provide articulation and visual interest to the façade. This has been achieved through a combination of high sill windows and a variety of materials and finishes. The amendments are deemed to be acceptable and compliant with the requirements of the ADG.

4. Reconsideration of the number of apartments that are served by each lift core, noting that the applicant's recent acquisition of the neighbouring property (16 Mark Street, Lidcombe) could provide a solution.

Comment: The design guidance under the ADG states that "no more than 12 apartments should be provided off a circulation core on a single level". The proposed development provides for a maximum of 11 units on each core which is compliant with the design guidance under the ADG. The amended plans demonstrate that any future development at 16-18 Mark Street, Lidcombe will be provided with its own core servicing a maximum of 6 units which is also compliant with the requirements of the ADG. It is worthy to note that the proposed units have been designed to provide a higher level of amenity to the future occupiers in terms of cross ventilation, solar access and generous common circulation areas.

5. Reconsideration of the allocation of visitor parking spaces. The Panel notes that the application complies with the Auburn Development Control Plan 2010 requirements, but the Panel encourages reconsideration of the allocation of parking spaces to provide a greater share to visitors given the evident shortage of parking in the locality.

Comment: The amended architectural plans provide for a further 4 visitor car parking spaces within the basement levels which is in excess of the requirement under the Auburn Development Control Plan 2010. This has been provided to address the evident shortage of parking in the locality.

6. Submission of a correct Clause 4.6 Variation Request for the proposed building height.

Comment: An amended correct Clause 4.6 variation request for the non-compliant building height has been submitted for consideration. The Clause 4.6 variation request is considered reasonable as the elements that protrude beyond the height plane are only offering amenity to residents being a communal rooftop terrace and lift overruns – these areas are internal to the floor plate and would not be visible from the street. The proposed communal open space would not impact upon the amenity of surrounding residential properties with regard to overlooking and solar access.

4. Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

The proposed development is appropriately located within a locality zoned for high-density mixed use redevelopment in accordance with the planning framework for Lidcombe, however some variations (as detailed above) in relation to State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development and Auburn Local Environmental Plan 2010 are sought.

Having regard to the assessment of the proposal from a merit perspective, Council is satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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.