

24 April 2018

Mr. Karl Okorn  
Manager, Development Assessment  
Cumberland Council  
PO Box 118  
AUBURN NSW 1835

Dear Karl,

**RE: Record of Deferral – 2017SWC103 – Cumberland Council – DA-363/2017 – 4-14 Mark Street, Lidcombe**

This letter has been prepared on behalf of Zhinar Architects and responds to the record of deferral request by the Sydney Central City Planning Panel of DA-363/2017. This DA proposes the demolition of existing dwellings, associated structures and construction of a ten storey mixed-use development consisting of 3 commercial tenancies and 180 residential units over four level basements parking a 4-14 Mark Street, Lidcombe. The record outlines additional information and design amendments required to progress the assessment of the application to determination.

This letter provides a response to the issues raised in the record of deferral and should be read in conjunction with the updated Architectural Plans and Consultant Reports attached to this response.

### **Design Changes**

The design of the proposed development has been revised to address the Panel's concerns, this is explored in the subsequent sections of this letter.

Further design changes have been made to the internal configuration and layout of the residential units which has resulted in a reduced number of units and changes to the mix of units. The amended design proposes:

- A total of 165 units in the following mix:
  - 36 x 1 bedroom units;
  - 118 x 2 bedroom units; and
  - 11 x 3 bedroom units.

This is detailed in the Amended Architectural Plans prepared by Zhinar Architects that have been provided as an attachment to this letter.

## **Response to Record of 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 been attempting to acquire 18 Mark Street, Lidcombe for some time and is yet to come to an agreement with the relevant owners. Therefore, this application only relates to the development of No.'s 4-14 Mark Street, Lidcombe. The development has been designed to allow for the future development of No.'s 16 and 18 Mark Street in conjunction with the proposal to ensure they are not isolated as part of this application. This is detailed on the architectural plans accompanying this letter.

The applicant has recently acquired No.16 Mark Street and intends to purchase No.18 Mark Street prior to developing No.16 Mark Street to ensure there is no further site isolation. Of note No.16 will not be developed without acquiring No.18 as it is not viable due to its size. At this time the development of No's 4-18 Mark Street is not a viable option.

### **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 design of the proposed development has been amended to ensure compliance with the Apartment Design Guide (ADG) criteria for building separation, as shown in the Amended Architectural Plans prepared by Zhinar Architects that have been provided as an attachment to this letter. The following table details the ADG Criteria for building separation and the setbacks provided in the revised design of the development.

<b>Building Height</b>	<b>Habitable rooms &amp; Balconies</b>	<b>Non-habitable Rooms</b>	<b>Provided</b>
<b>Up to 12m (4 storeys)</b>	6m	3m	For levels 1-3 a minimum setback of 3m is provided for a portion of the building. This is compliant with the ADG in that it presents as a blank wall and windows are only provided for non-habitable rooms. The remaining

			section of the building maintains a 10m setback.
<b>UP to 25m (5-8 storeys)</b>	9m	4.5m	<p>For levels 4-7 a minimum setback of 6m is provided for a portion of the building. This is compliant with the ADG in that it presents as a blank wall and windows are only provided for non-habitable rooms. The remaining portion of the building has a setback of 10m.</p> <p>Level 8 maintains a 10m setback for its entire length.</p>
<b>Over 25m (9+ storeys)</b>	12m	6m	<p>For level 9, a setback of 10m is provided from the boundary. Whilst this is a technical non-compliance as habitable spaces are proposed, it is deemed reasonable given the setback of the adjoining building. This has been discussed with Council and understood to be supported.</p>

**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 affected neighbouring properties including the provision of elevations and hourly diagrams has been provided in the Amended Architectural Plans prepared by Zhinar Architects.

The Shadow analysis provides the existing solar access to No's 10-14 Marsden Street and the shadow impact of the proposed development on Sheets 33 to 40 of the Amended Architectural Plans. The proposed development impacts the west-facing units at 10-14 Marsden Street and reduces their solar access by 3 units (14.2%).

Therefore, the proposed development does not reduce neighbouring properties solar access by more than 20% and is compliant with the ADG.

Whilst the reduction in solar access to neighbouring properties is not ideal, the subject site has been identified as a key site within the Lidcombe Town Centre for redevelopment and the zoning, height and

floor space ratio controls promote development in this form. The impact of the development is reflective of an area undergoing redevelopment and transitioning into a higher density area.

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

Comment:

The north-eastern faced of the proposed development has been amended to provide further articulation and visual interest. This has been achieved through the inclusion of high sill windows and a variety of materials and finishes. The façade ensures that the visual privacy requirements of the ADG are met, however, the units that sit behind the wall still achieve a high level of amenity through access to sunlight, cross ventilation and internal layout.

This black wall runs for a small portion of the overall building and does not result in any adverse impacts on adjoining residents as a result.

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

Comment:

The ADG states that the maximum number of apartments off a circulation core on a single level is eight and where this is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. The development proposes a maximum of 11 apartments on each core which is compliant with the ADG as the development provides a high level of amenity in the apartments, corridors and lobbies. This has been achieved through more than adequate solar access and cross-ventilation in the units and common areas and generous corridor widths and heights.

The design of the development is reflective of other approved Residential Flat Buildings in the area such as 21-23 James Street, Lidcombe and 13-19 Mary Street, Auburn.

The recent acquisition of 16 Mark Street, Lidcombe cannot provide a solution as if it were to be developed as part of the current proposal it would lead to the further isolation of 18 Mark Street, Lidcombe.

**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 allocation of car parking in the has been revised and an additional four (4) car spaces have been allocated as visitor spaces. This is reflected in the Amended Architectural Plans prepared by Zhinar Architects that have been provided as an attachment to this letter.

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

Comment:

A Correct Clause 4.6 Variation Request has been provided as an attachment to this letter. This was previously provided to Council as part of the Additional Information Package submitted in January. It appears that the updated version was not provided to the Panel.

We trust that the amended information allows for the progression of the DA to determination in due course. The design amendments have provided a scheme that is compliant with the ADG and addresses the Panel's concerns.

Should you require any further clarification or wish to discuss the amendments made in more detail, please do not hesitate to contact the undersigned on (02) 9690 0279 or via email [lachlan@hawesandswan.com.au](mailto:lachlan@hawesandswan.com.au).

Yours sincerely,



Lachlan Rodgers

**Town Planner**

**Hawes and Swan Planning Pty Ltd**