

15 November 2018

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

Dear Karl,

**Re – DA-503/2017 – 2 Mark Street, & 1-3 Marsden Street, Lidcombe – Response to Sydney Central City Planning Panel**

This letter has been prepared on behalf of Zhinar Architects and responds to The Sydney Central City Planning Panels Deferral of 2017SWC144 – Cumberland – DA-503/2017 at 2 Mark Street, 1A Marden Street and 1 and 3 Marsden Street, Lidcombe on the 17 October 2018.

The Panel's reason for deferral were as follows:

*“The Panel defers the application to enable a modified design to be provided as the Panel is concerned that this development would adversely affect the amenity of recently approved development in a new town centre. The modification is to follow the mid-point option in the attached Johannsen & Associates Plan (as marked “remove 10 units”). The modification is to achieve compliance with the ADG solar access requirements in at least 65% of the units in the approved building at 4-14 Mark Street.*

*The modifications are also to comply with the ADG's communal open space provisions noting that some reduction to the currently proposed roof-top communal open space may be necessary and this may require a new cl 4.6 variation request. The Panel notes that a large part of the roof-top*

*remains available for use as communal open space.”*

**Comment:**

- In response to the Panel’s concerns, our client engaged Steve King, an expert in solar access to undertake an independent verification of the overshadowing impact on 4-14 Mark Street, Lidcombe.
- Steve King reviewed the current proposed development and the overshadowing impact on 4-14 Mark Street, Lidcombe.
- His analysis reveals that the overshadowing impact on 4-14 Mark Street, Lidcombe is less than understood by the Applicant’s Architects.
- The applicant’s architect had considered that the proposed development would reduce solar access to seventeen (17) residential units to 4-14 Mark Street, Lidcombe which would equate to 60.6%.
- Steve King verifies that only eight (8) residential units to 4-14 Mark Street, Lidcombe would have reduced solar access as a result of the proposed development (Referred to as Option 1 by Steve King) which equates to 66% achieving compliance with the ADG solar access requirements. Therefore, the current design, as proposed, meets the specified requirement of the Panel whereby at least 65% of the units in the approved building at 4-14 Mark Street from a solar access perspective.
- Despite the above, the applicant has also prepared modified plans based on the mid-point option in the Johannsen & Associates Plan (as marked “remove 10 units”).
- Steve King verifies that this option (referred to as Option 2 by Steve King) results in the loss of solar compliance to five (5) residential units to 4-14 Mark Street, Lidcombe which equates to 67% achieving compliance with the ADG solar access requirements.
- The loss of 10 residential units in accordance with Johannsen & Associates Plan results in an improvement resulting in solar compliance to only three (3) residential units to 4-14 Mark Street, Lidcombe.

**Applicant’s Position:**

Based on the independent review undertaken by solar access expert Steve King, he has verified that the current proposed development achieves compliance (66%) with the ADG solar access requirements in the approved 4-14 Mark Street development.

Whilst the applicant has prepared modified plans in accordance with the Johannsen & Associates Plan which removes 10 units, this only result in improved solar access resulting in solar compliance to three (3) additional units at 4-14 Mark Street and an improvement from 66% to 67% for that development.

Given the findings of Steve King and the application verified as achieving compliance with the ADG solar access requirements in at least 65% of the units in the approved building at 4-14 Mark Street, we request that the Panel reconsider the determination of the current proposed application without modification.

Should the panel still consider that a reduction in ten (10) units is still required, an updated Statement of Environmental Effects, compliance report and Clause 4.6 variation request can be provided.

Should you wish to discuss any of the details of this response please do not hesitate to contact **Jeremy or Mairead** on 9690 0279 or [jeremy@theplanninghub.com.au](mailto:jeremy@theplanninghub.com.au) or [mairead@theplanninghub.com.au](mailto:mairead@theplanninghub.com.au).

Yours sincerely,



Jeremy Swan  
DIRECTOR | THE PLANNINGHUB



Mairead Hawes  
DIRECTOR | THE PLANNINGHUB