

THE PLANNINGHUB

*by Hawes & Swan*

# RESPONSE TO CUMBERLAND DESIGN EXCELLENCE PANEL COMMENTS – DA2020/0542

14–22 MARY STREET,  
AUBURN

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Alexandria NSW 2015

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## Response to Cumberland DEP Issues - 14-22 Mary Street, Auburn

| Item                                    | Design Excellence Panel Issue   | Response   |
|---|---|--|
| <b>Presentation</b>                     | No north point on drawings, no sections presented, page spread was difficult to read and could not be printed, plans lacked immediate and local context. The panel notes that the Architectural Set of drawings issued by council separately to the presentation issued by the proponent contained north points and sections. However, it was not clear if there were any discrepancies between the two different sets of drawings. It is recommended that 1 consistent set of drawings is issued to the panel to avoid this problem. | The Amended Architectural Plans provided include north points and sections to ensure the proposal is appropriately presented for review by the panel.  |
| <b>Site Coverage and Deep Soil Area</b> | Non-compliant with Auburn DCP for Residential Flat Buildings.   | <p>The proposed development has been designed in line with the key numerical controls applying to the site under the Auburn Local Environmental Plan (LEP) 2010 and to provide a built form that is reflective of the desired future character of the Auburn Town Centre. It is considered that the maximum floorplate and site coverage controls under the DCP are inconsistent with the key density controls for the site under the LEP.</p> <p>The proposed development provides a total deep soil area of 164m<sup>2</sup> (7.17%) in accordance with the Apartment Design Guide (ADG) which takes precedent over the DCP.</p> |
| <b>Height of Building (HOB)</b>         | The proposal breaches the 38m height control by less than 10%.  | As identified by the Panel in the previous meeting, the proposed exceedance of the 38m height control involves a minimal percentage of the building volume proposed and is inconsequential to the proposal.  |
| <b>Building Envelope</b>                | The proposal exceeds the max footprint requirement of 24x45m (29x59m) and the max tower footprint of 850sqm (around 1377sqm).   | The proposed development has been designed in line with the key numerical controls applying to the site under the Auburn Local Environmental Plan (LEP) 2010 and to provide a built form that is reflective of the desired future character of the Auburn Town Centre. It is considered  |



|                                  |  |   |
|----------------------------------|--|---|
|                                  |  | that the maximum floorplate and site coverage controls under the DCP are inconsistent with the key density controls for the site under the LEP.   |
| <b>Setbacks (Visual Privacy)</b> | <p>The proposal does not comply with the required setbacks as follows:</p> <ul style="list-style-type: none"> <li>• The setback to the living room window in SE apartment at Levels 4-7 (ie 5th – 8th storey) to the eastern boundary is less than 9m (4.4m);</li> <li>• The setback to the living room window in SE apartment at Levels 8-10 (ie 9th – 11th storey) to the eastern boundary is less than 12m (4.4m);</li> <li>• The setback to the balconies to the rear southern boundary at Level 4 (ie 5th storey) is less than 9m (7m);</li> <li>• The setback to the balconies and habitable rooms to the rear southern boundary at Levels 8-10 (ie 9th-11th storeys) is less than 12m (9.7m).</li> </ul> <p>The proposal does not comply with SEPP 65, ADG building separation design criteria for visual privacy, with a reduced visual privacy setback (SEPP 65, ADG) as described above.</p> | <p>The non-compliant setbacks were discussed with Council’s external planning consultant assessing the application who detailed the following:</p> <ul style="list-style-type: none"> <li>• the side facing windows are not primary windows and can be provided with privacy screens without unreasonable loss of amenity; and</li> <li>• The adjoining property to the south has a height limit of 18m and the existing buildings are below this height. As such there will no direct viewing possible above the 6th storey.</li> </ul> <p>On that basis the design of the proposed development has been amended to provide privacy screening to the south east apartments and a 1.8m privacy screen to the southern boundary on level 4 as detailed in the Amended Architectural Plans.</p> |
| <b>Solar Amenity</b>             | It is likely that future development will result in overshadowing of the proposal.   | A detailed analysis of the proposed development’s impact on the solar access of adjoining properties has been provided in the Amended Architectural Plans and Urban Designer’s Response submitted to Council.   |
| <b>General comments</b>          | <p>The panel suggested that the following design issues be considered:</p> <ul style="list-style-type: none"> <li>• A colonnade be considered along Mary Street;</li> </ul>  | A colonnade was considered as part of the proposal however was not progressed based on the following:   |

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|  | <ul style="list-style-type: none"> <li>• improve path of entry and flood level response to tenancy at east end of Mary Street;</li> <li>• improve amenity for the Studios to exceed the SEPP minimum requirements;</li> <li>• northeast corner of the building to better address and relate to the garden;</li> </ul> | <ul style="list-style-type: none"> <li>• In keeping with the character of the area – colonnades are not used on any of the surrounding buildings.</li> <li>• The maximization of the active frontage along Mary Street and making the access into the various units as easy as possible. Due to the levels on the site a colonnade would impact the movement at ground level and create a series of obstructions to the public using the ground floor units.</li> <li>• Provision of greater clarity on where the entry/exits are for the units, boarding house and residential apartments. A colonnade would mask their locations.</li> <li>• The creation of a better ground floor interface which invites people into the units and not direct them along the street.</li> </ul> <p>The entry of Commercial unit G.04 has been amended to provide an accessible path and entrance.</p> <p>The design of the proposed development has been amended to relocate the boarding house communal living room to the north/west corner to provide better solar access and access has been provided from the boarding house levels to the rooftop communal open space to improve amenity for boarding house occupants.</p> <p>The design of the proposed development has been amended to better address and relate to the garden as follows:</p> <ul style="list-style-type: none"> <li>• It is proposed to use large glazed areas (approximately 80% glazing) along the side of the commercial unit G.04, which will overlook the north/eastern corner of the site. This will form a better connection and interface between the indoor and outdoor environments with the use</li> </ul> |
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|---|--|--|
|   | <ul style="list-style-type: none"> <li>apartment entries are deeply recessed and concealed from street and may be unsafe – apply CPTED design principles and bring front door to street;</li> <li>vehicle entry on Park Street be reconsidered as it is very close to the intersection and in a residential area;</li> <li>loading dock is open to neighbours – consider how to ameliorate the acoustic impacts; and</li> <li>the 2 Lots left over on Harrow Street (one of which is a heritage item) appear to be too small to be consolidated. The panel is concerned that the current proposal will further isolate these sites.</li> </ul> | <p>of openable and potentially bi-folding doors. This side area could then be completely dedicated to G.04 for outdoor seating.</p> <ul style="list-style-type: none"> <li>The disabled entry into the unit is now located on Mary Street and not on the eastern side of the design.</li> <li>A minimum 2m wide deep soil landscape strip is provided, which creates a green environment and promotes health and well-being.</li> </ul> <p>The design of the proposed development has been amended to bring the residential entries closer to the street boundary in line with the CPTED Design Principles.</p> <p>The vehicle entry has been reviewed by both the traffic engineer and acoustic engineer and no adverse impacts have been identified.</p> <p>An Amended Acoustic Report is currently being prepared that addresses the use of the loading dock and assesses any potential acoustic impact on nearby sensitive receivers. This report will be submitted under separate cover.</p> <p>The Urban Designer's Response and Amended Architectural Plans submitted to Council provide specific details on how the adjoining sites to the east could be redeveloped in line with the applicable development controls.</p> |
| <b>Site Coverage and Deep Soil Area</b> | The panel were concerned that there appeared to be little or no attempt for the proposal to keep the large trees on the boundary of the site. It would be possible for the proposal to work around   | The removal of the trees is required to install the new stormwater line at the rear of the property. The new proposed landscaping ensures that least 2m of soil depth is provided for new plating above the stormwater line as   |

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|                                      | <p>the existing trees in the proposed deep soil area. It is suggested that options are explored to keep the existing large trees.</p> <p>The panel's opinion was that the proposed deep soil area to the south of the building will be in shadow for much of the time and is inappropriately located for the occupants to have useful access to the proposed landscaped area. Consider placing the landscaped deep soil area on east side of the building where the space could be accessed from the adjacent retail tenancy and could save/incorporate the existing large tree on the site boundary. The panel suggested that the proponent should incorporate biophilic design principles and replace any trees removed with planting on the slab, on balconies, incorporating green walls and additional plantings on the roof of building.</p>     | <p>detailed in the Urban Designer's Response and Amended Architectural Plans submitted to Council.</p> <ul style="list-style-type: none"> <li>• The deep soil area is a landscaped area only with restricted access and is not considered a communal open space. It has no seating or any other additional facilities. It is considered that this space would have minimal usage and the communal open space provided for on the roof would be the preferred communal area. The communal open space required for the scheme, as per the AGD standards, is 572m<sup>2</sup> and 605m<sup>2</sup> has being provided on the roof. Please refer to dwg no. DA-107 Rev. B.</li> <li>• The deep soil zone is located here to accommodate the underground services and to allow for large trees to grow and replace/create a natural screen to the adjoining properties.</li> </ul> |
| <b>Building Envelope and Massing</b> | <p>Building massing proposed is a 38m single bulky mass, albeit articulated to appear divided into 3 bays. The central bay is shallower, with increased setbacks to the south that reduce overshadowing of southern properties. The recommendation made is to improve this condition by considering the following:</p> <ul style="list-style-type: none"> <li>• Align massing with topography and express corner on Mary and Park Streets; and</li> <li>• vary the height for each of the 3 bays, dropping the height of the central bay will ensure more sunlight passes through the building to neighbouring properties on the south. Should a design</li> <li>• excellence submission be pursued, consideration might be given to increasing the height of the western bay, in alignment with design excellence award definitions in the</li> </ul> | <p>The proposed development has been designed in line with the key numerical controls applying to the site under the Auburn Local Environmental Plan (LEP) 2010, the objectives of the Auburn DCP and to provide a built form that is reflective of the desired future character of the Auburn Town Centre. Please refer to the Urban Designer's Response Letter provided as an attachment to the amended documentation provided in support of the application.</p>   |

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|   | <p>LEP, to recoup any FSR (GFA) that is lost – comprehensive solar access studies would need to demonstrate that this approach improves solar access to neighbouring properties to the south. The ability to explore increased height may slim the building's bulk and improve the massing outcome.</p>  |  |
| <p><b>Setbacks and Visual Privacy</b></p> | <p>In general, further consideration should be given to visual privacy and a consistent and appropriate solution should be incorporated into the design. Further consideration should be given to the following items;</p> <ul style="list-style-type: none"> <li>• On the first floor – the boarding house common areas are located immediately outside boarding units and pose acoustic privacy issues to residents. It is recommended to move this amenity to the west where it can add to/improve the corner retail expression on the Mary/Park intersection and be isolated from private units by doors off the west vertical circulation core;</li> <li>• for the first level of apartments above boarding house floors, access to south facing balconies/terraces appears to contravene the ADG separation distances for visual privacy; and</li> <li>• for boarding house apartments (first three residential levels) further consideration needs to be given to the balcony balustrade details to ensure visual privacy for residents from the street and from neighbours.</li> </ul> | <p>The design of the proposed development has been amended to move the boarding house common room to the north west corner of the first floor to ensure it only adjoins the manager's rooms to minimise acoustic privacy issues to residents.</p> <p>A 1.8m privacy screen has been provided along this boundary to address privacy issues as detailed in the Amended Architectural Plans.</p> <p>An awning is proposed over the ground floor retail units. This will prevent any visual connection to the units located on level 01 from ground level along Mary Street. The proposed awning is also built up in sections to accommodate the balustrades for the balconies on level 01, hence providing a solid balustrade.</p> |

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| <p><b>Solar Amenity</b></p>  | <p>More detailed solar access and overshadowing analysis is required. Solar diagrams need to be developed and presented to describe the impact/ effect of surrounding approved development on the subject site. Comparative solar diagrams should also be presented to describe and compare the existing approved proposal with the revised proposal. Comprehensive solar access studies would need to demonstrate that the amended design improves solar access to neighbouring properties to the south and to the apartments.</p>   | <p>A detailed analysis of the proposed development's impact on the solar access of adjoining properties has been provided in the Amended Architectural Plans and Urban Designer's Response submitted to Council.</p>                            |
| <p><b>Sustainability</b></p> | <p>There was a lack of detail on the ESD initiatives included in the project design. The panel suggested that the proponent itemise proposed ESD initiatives adopted in the design and clearly communicate the ESD schematic using diagrams etc. If the proponent is aiming for design excellence, then a commitment to excellence in ESD will need to be demonstrated. Consideration should be given to the following:</p> <ul style="list-style-type: none"> <li>• Solar protection/ screening, especially on the Western Elevation;</li> <li>• achieving minimum ADG requirements for cross ventilation and solar access on the top 9 floors;</li> <li>• stormwater retention and cleansing;</li> <li>• rainwater tanks/reuse; and</li> <li>• a 5 to 6 Green Star Rating.</li> </ul> | <p>The proposed development incorporates a number of ESD initiatives in line with BASIX as detailed in the ESD Initiative Letter prepared by Outsource Ideas Pty Ltd provided submitted to Council in support of the amended documentation.</p> |

Council Comment

- 1) **SEPP 65 AND THE ADG** (note – also refer to attached Design Excellence Panel (DEP) comments)
- a. The submitted Design Verification Statement includes the following comment:  
I directed the design of the development stated above and I confirm that  
1. The design achieves the Design Quality Principles set out in Schedule 1 of the State Environmental Planning Policy No 65 (SEPP 65). A summary of how these are achieved are following.  
2. The design achieves the objectives if the design quality principles as set out in the State Environmental Planning Policy No 65 Design Quality of Residential Flat Development.  
Point 2 incorrectly refers to the objectives of the Design Principles, as the requirement of Clause 50(1AB)(b) is to:  
(b) provide an explanation that verifies how the development—  
(i) addresses how the design quality principles are achieved, and  
(ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.  
The objectives of Parts 3 and 4 of the ADG have been addressed in the Statement and so it is only the above declaration that needs to be amended.
- b. In relation to the performance of the proposal against the ADG, the DA includes an ADG Compliance Table (Appendix C of the SEE). Comments arising from a review of this document are noted below.  
Principle 1: Context and neighbourhood character  
Principle 2: Built form and scale  
Principle 3: Density
- c. The current design exceeds Council's DCP requirements regarding maximum floorplate and requires amendments

Design Responses

Sepp65 Design Verification Statement has been updated

Pursuant to Clause 50 (1A) of the Environmental Planning and Assessment Regulation 2000, I hereby declare that I am a qualified designer, which means a person registered as an architect in accordance with the Architects Act 2003 as defined by Clause 3 of the Environmental Planning and Assessment Regulation 2000.

I directed the design of the development stated above and I confirm that:

1. The design achieves the Design Quality Principles set out in Schedule 1 of the State Environmental Planning Policy No 65 (SEPP 65). A summary of how these are achieved are following.
2. The design is prepared in accordance with the design quality principles as set out in Part 2 of the State Environmental Planning Policy No 65 Design Quality of Residential Flat Development.

Signed

-  
  
Ziad Boumelhem  
Associate Director  
Nominated Architect (No. 8008)

Noted

Please refer to bulk and scale response - DWG n°: 2020-040|17 to 2020-040|32

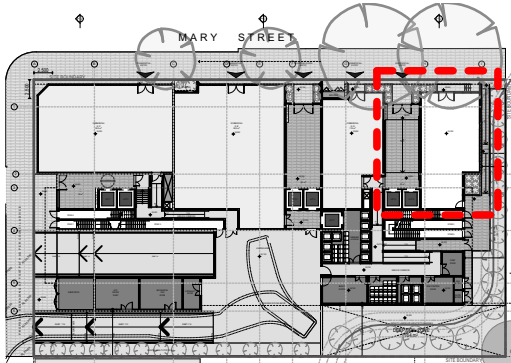
Council Comment

d. Principle 1: Context and neighbourhood character

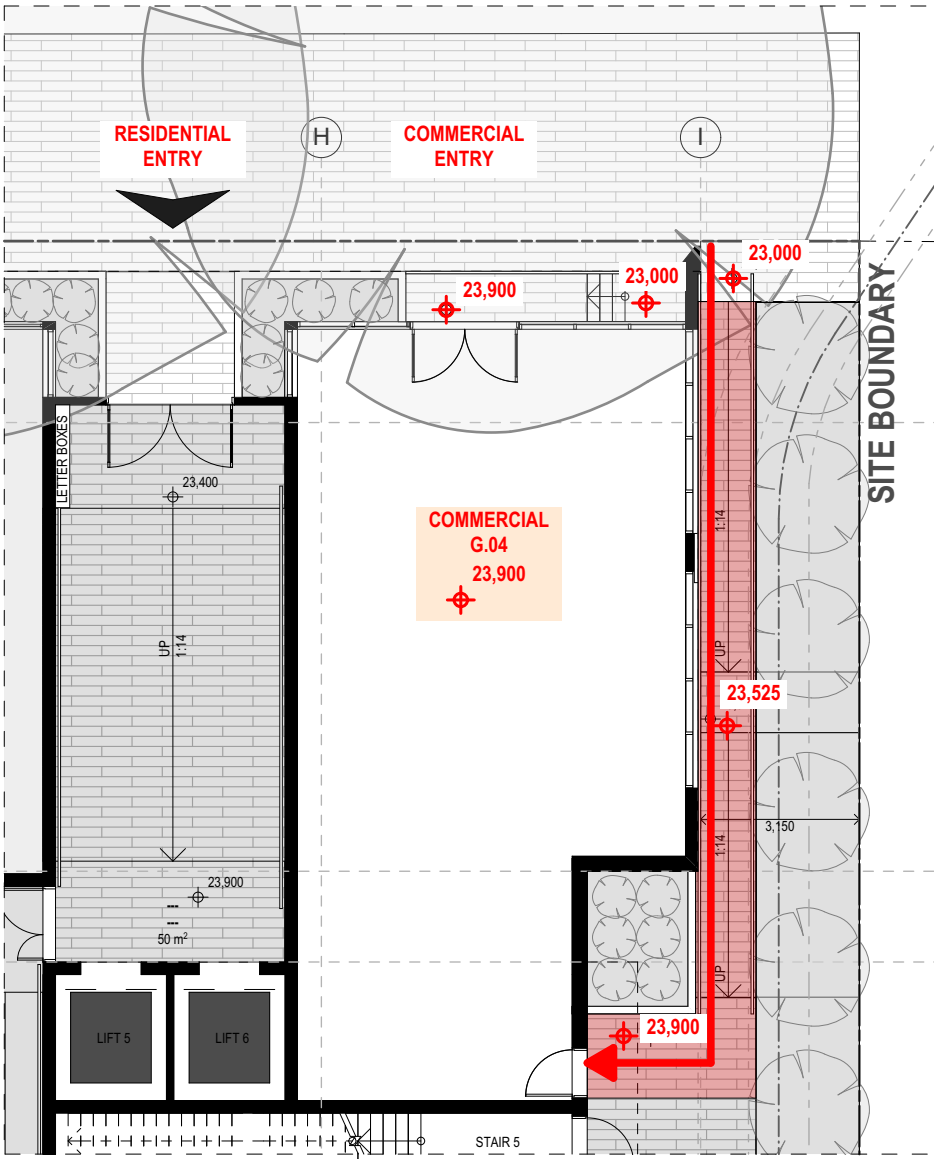
3C Public domain interface – generally satisfactory however no accessible path to the commercial G04 space is provided and the proposed stair at the street is not an ideal interface with the public domain.

Design Responses

An accessible path has been provided to Commercial Unit G.04.  
Please note that there are 2 options for access to the tenancy. The DA shows option A.

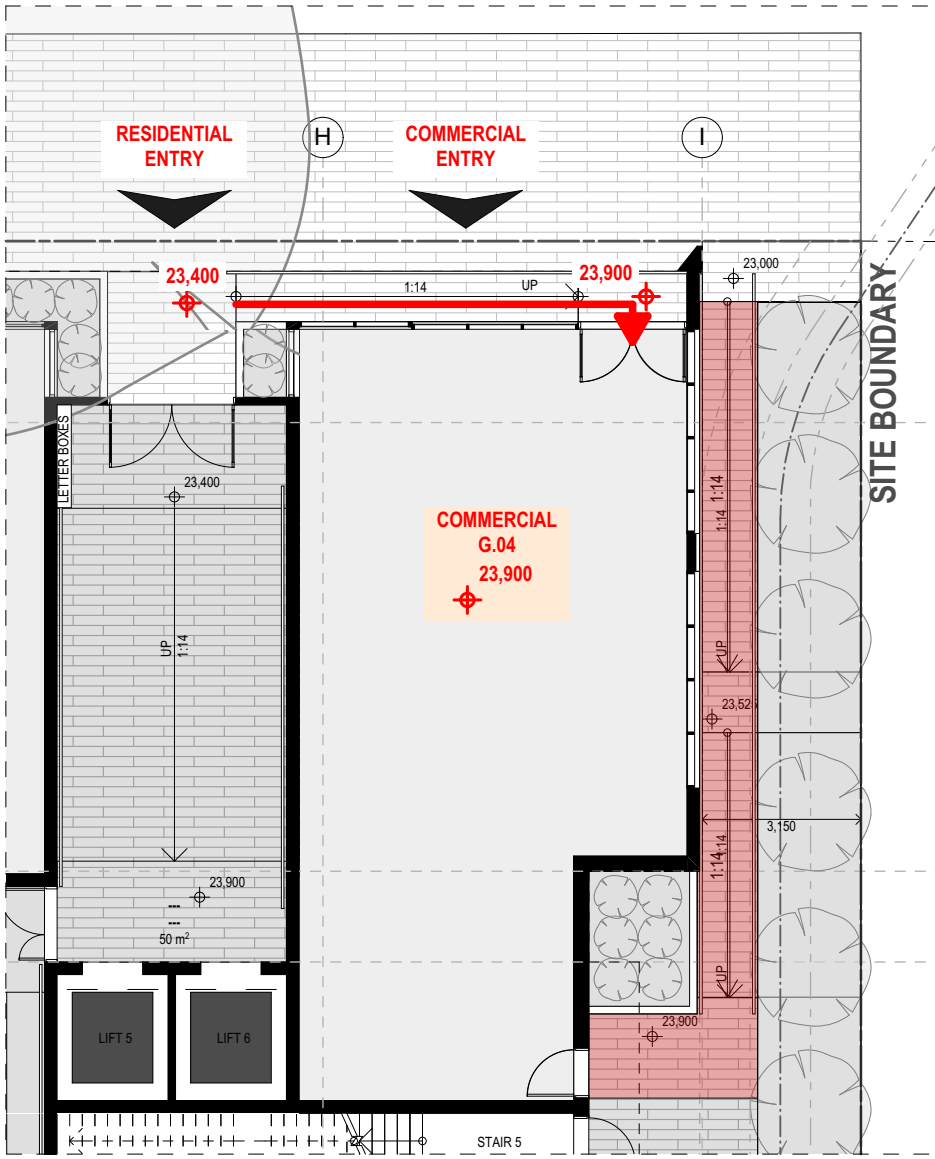


KEY PLAN GROUND FLOOR



Option A - Side entrance

Accessible Path to the Commercial G04 is highlighted in red on Ground Floor Plan 01.  
The commercial G.04 floor level is at RL 23.900 to accommodate the existing flood level.



Option B - Front entrance

The steps are removed and an accessible path is provided to the front of G.04 on Mary Street.  
The commercial G.04 floor level is at RL 23.900 to accommodate the existing flood level.



Council Comment

d. Principle 1: Context and neighbourhood character

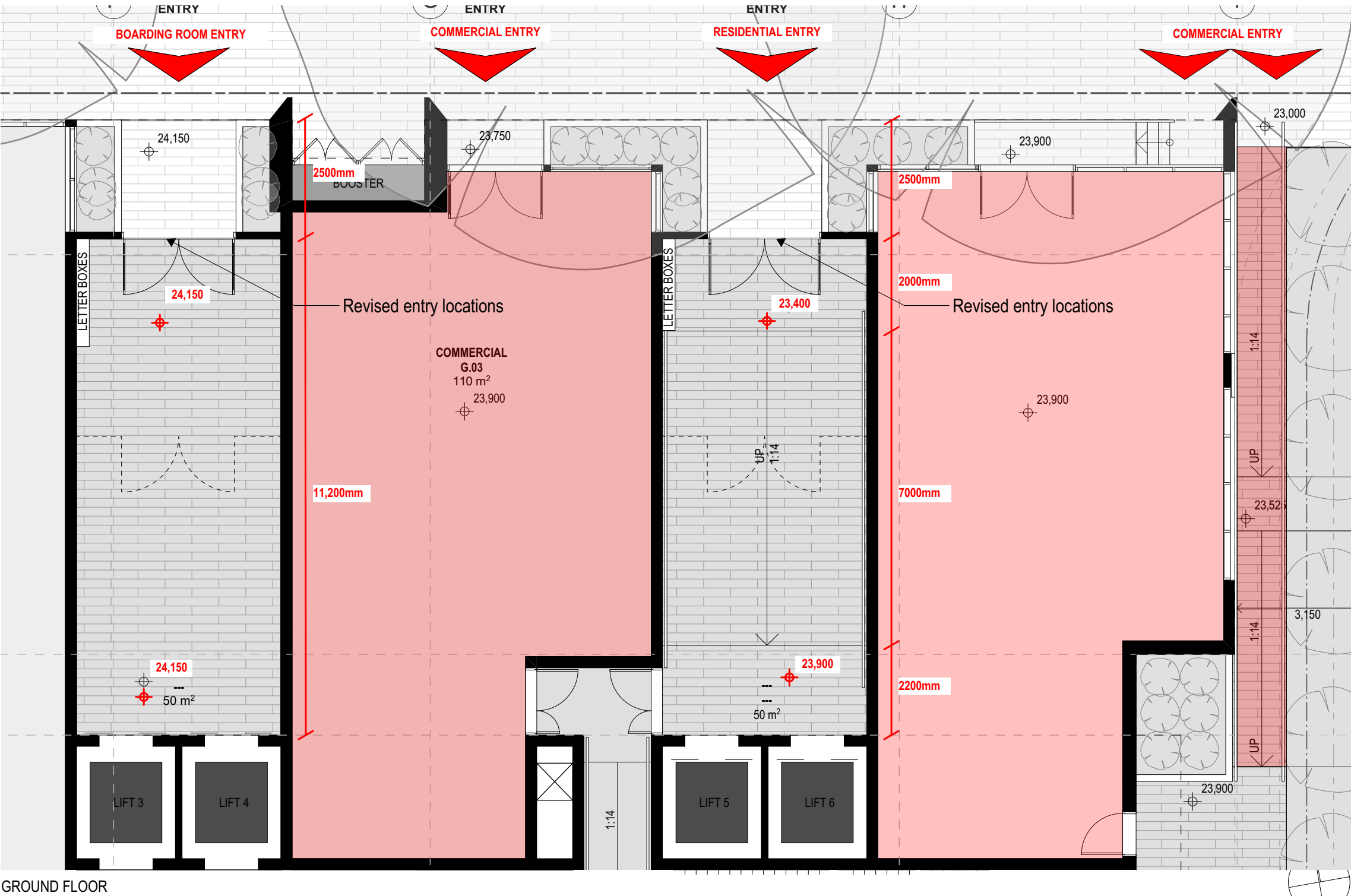
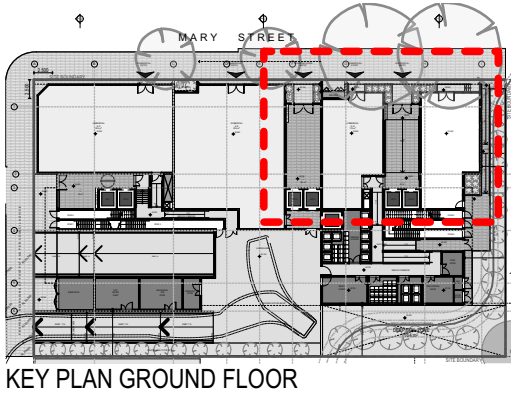
3C Public domain interface – generally satisfactory however no accessible path to the commercial G04 space is provided and the proposed stair at the street is not an ideal interface with the public domain.

DEP comments:

"apartment entries are deeply recessed and concealed from street and may be unsafe - apply CPTED design principles and bring front door to street."

Design Responses

Boarding house and Residential entries have moved forward to the boundary to comply with CPTED design principles.



Council Comment

e. **Principle 6: Amenity 3F Visual Privacy**  
The proposal does not comply with the required setbacks as follows:

- The setback to the living room window in SE apartment at Levels 4-7 (ie 5th – 8th storey) to the eastern boundary is less than 9m (4.4m);
- The setback to the living room window in SE apartment at Levels 8-10 (ie 9th – 11th storey) to the eastern boundary is less than 12m (4.4m);

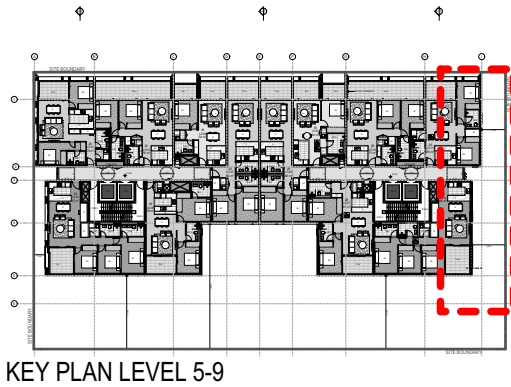
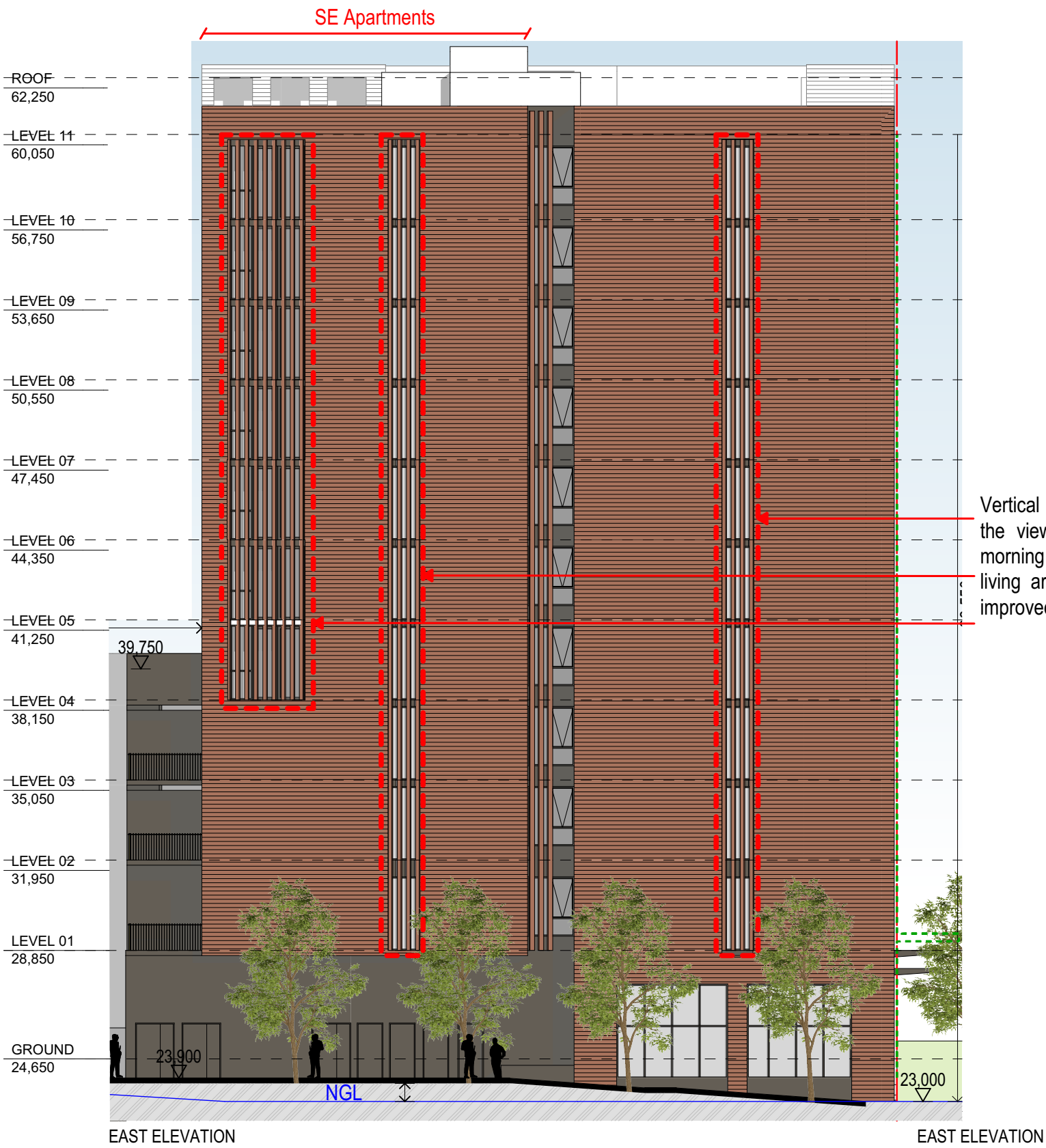
In response to the above, the following is noted:

- the side facing windows are not primary windows and can be provided with privacy screens without unreasonable loss of amenity.

f. **Principle 6: Amenity**  
Whilst the 7 SE corner apartments are not assumed by the applicant to achieve the required solar access, they do not get any solar access to their balconies and only minimal sun to their living areas. The applicant should be requested to modify the plans to allow improved solar access to these apartments whilst maintaining privacy to the site to the east.

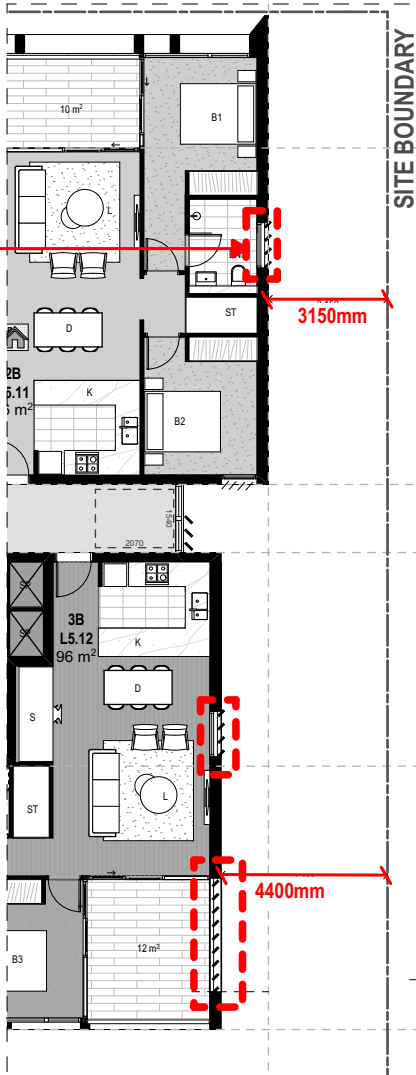
Design Responses

Privacy screens added to the SE apartments.



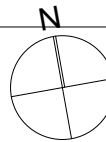
KEY PLAN LEVEL 5-9

Vertical louvers used to screen the view yet angled to allow morning sunlight into the S/E living areas and balconies for improved solar access.



LEVEL 05-09

SCALE



Council Comment

e. Principle 6: Amenity 3F Visual Privacy

The proposal does not comply with the required setbacks as follows:

- The setback to the balconies to the rear southern boundary at Level 4 (ie 5th storey) is less than 9m (7m);
- The setback to the balconies and habitable rooms to the rear southern boundary at Levels 8-10 (ie 9th-11th storeys) is less than 12m (9.7m).

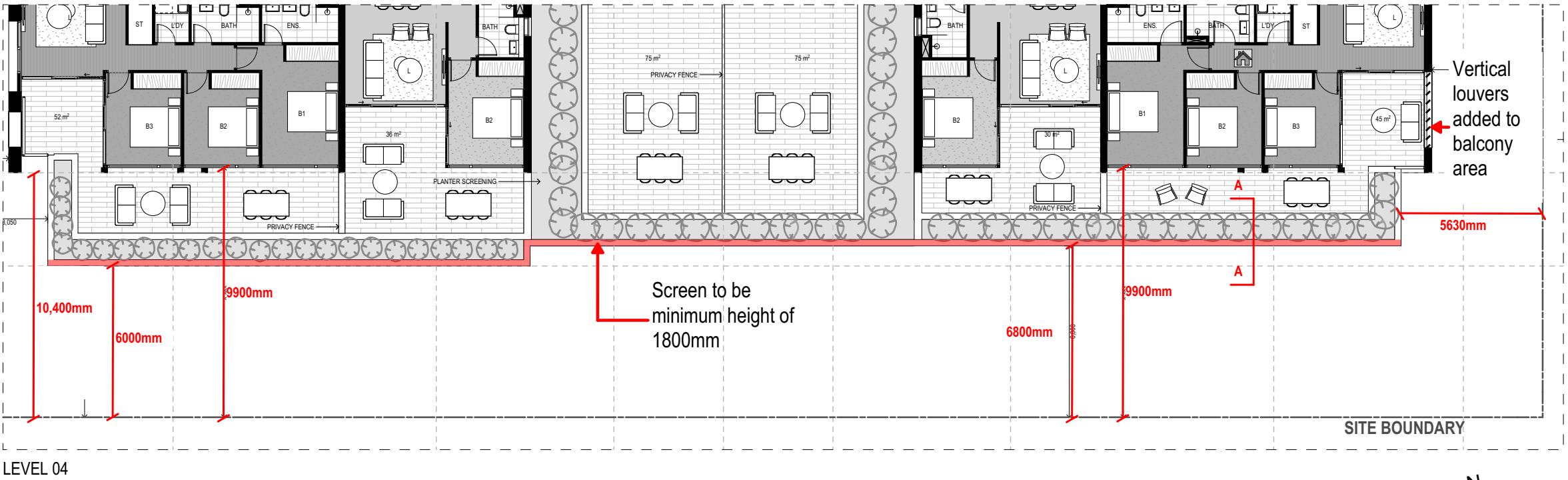
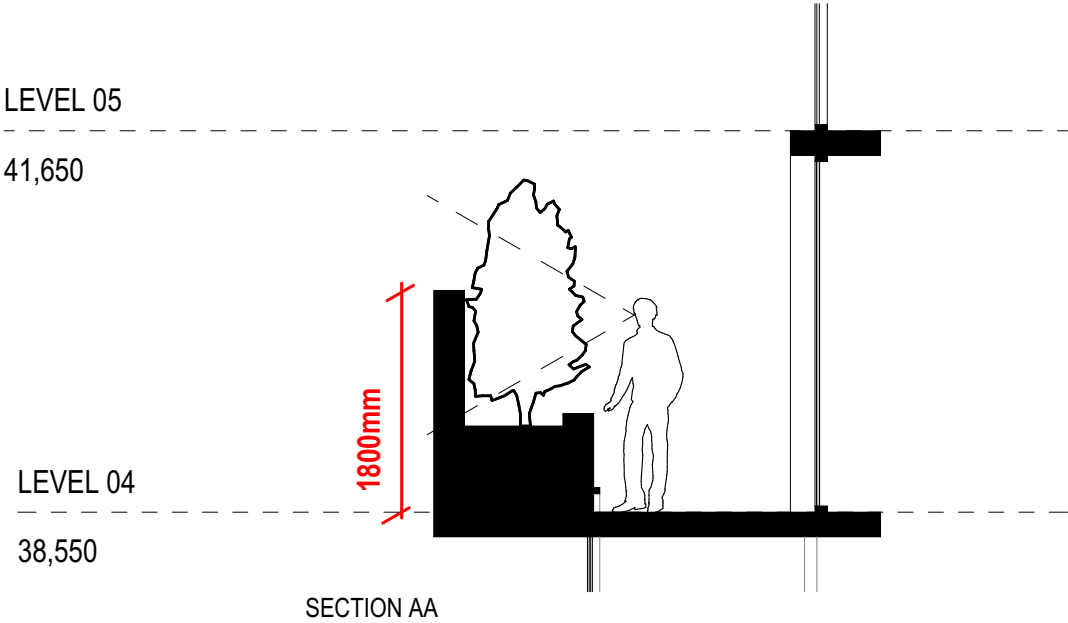
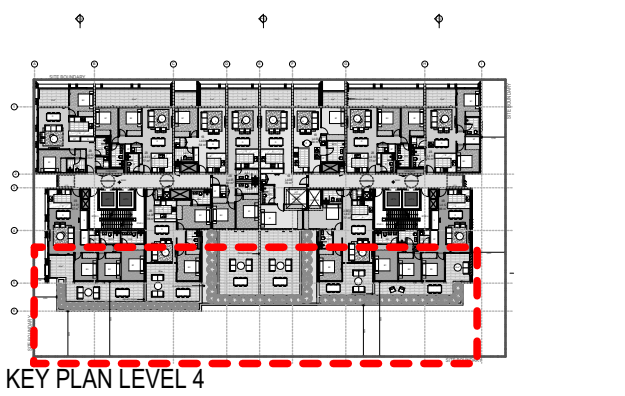
In response to the above, the following is noted:

- The adjoining property to the south has a height limit of 18m and the existing buildings are below this height. As such there will no direct viewing possible above the 6th storey.

In light of the above amended plans should be provided to address the noncompliance at Level 4 to the rear boundary and to indicate the provision of privacy screens to protect the amenity of the property to the east.

Design Responses

1.8m privacy screen added to the southern facade.





Council Comment

e. Principle 6: Amenity 3F Visual Privacy

The proposal does not comply with the required setbacks as follows:

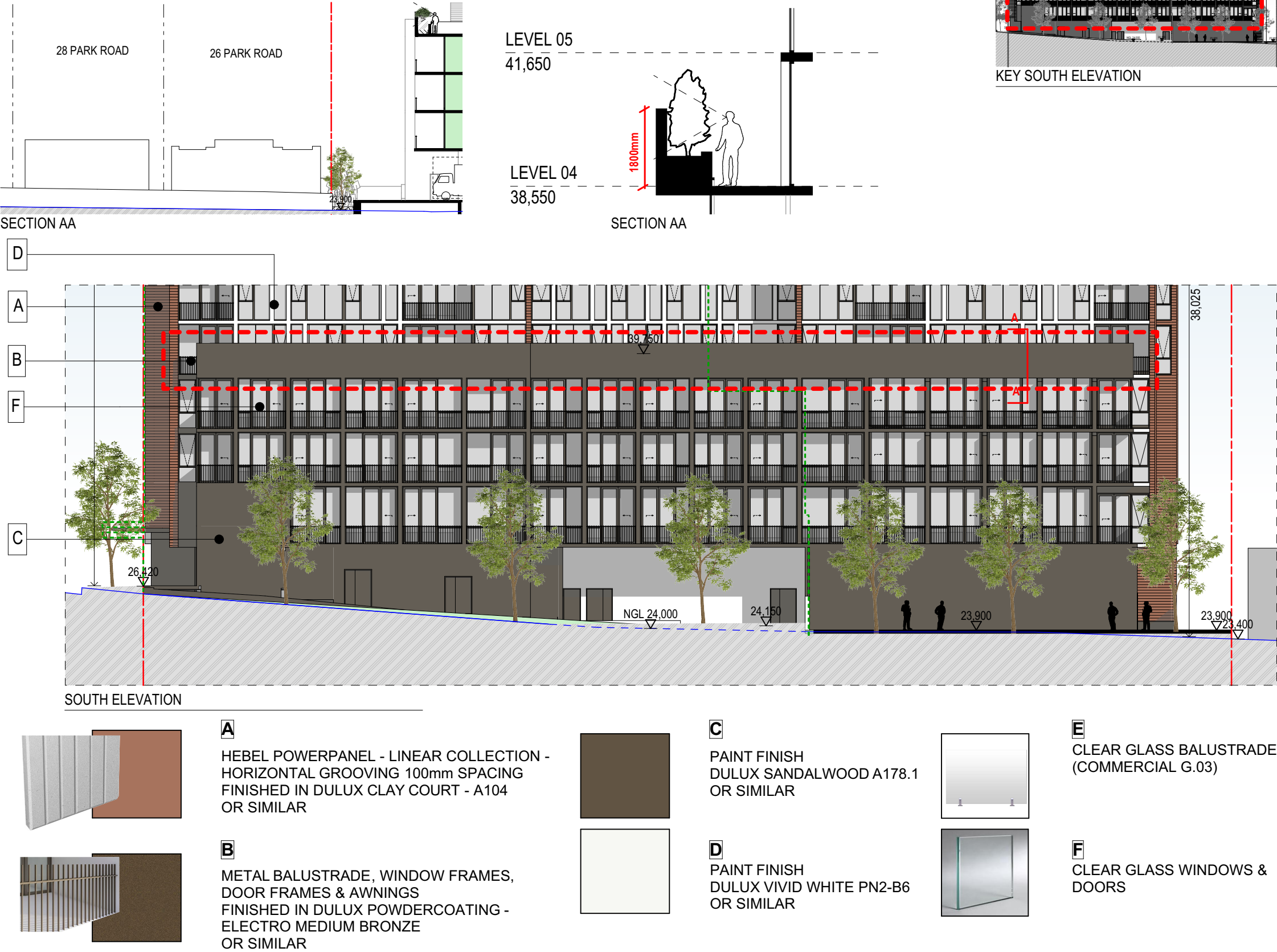
- The setback to the balconies to the rear southern boundary at Level 4 (ie 5th storey) is less than 9m (7m);
- The setback to the balconies and habitable rooms to the rear southern boundary at Levels 8-10 (ie 9th-11th storeys) is less than 12m (9.7m).

In response to the above, the following is noted:

- The adjoining property to the south has a height limit of 18m and the existing buildings are below this height. As such there will no direct viewing possible above the 6th storey.

In light of the above amended plans should be provided to address the noncompliance at Level 4 to the rear boundary and to indicate the provision of privacy screens to protect the amenity of the property to the east.

Design Responses



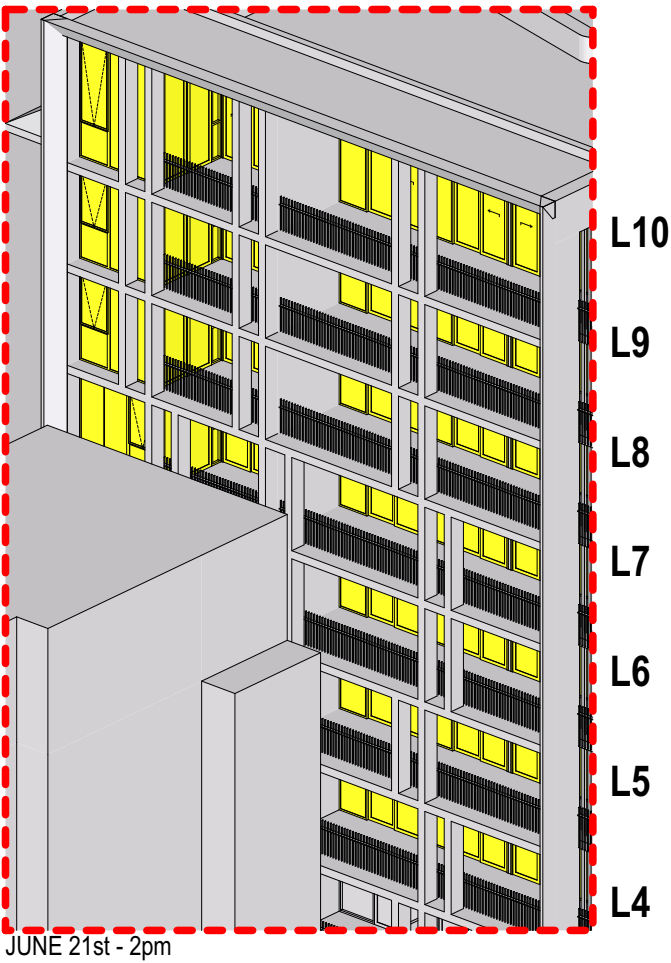
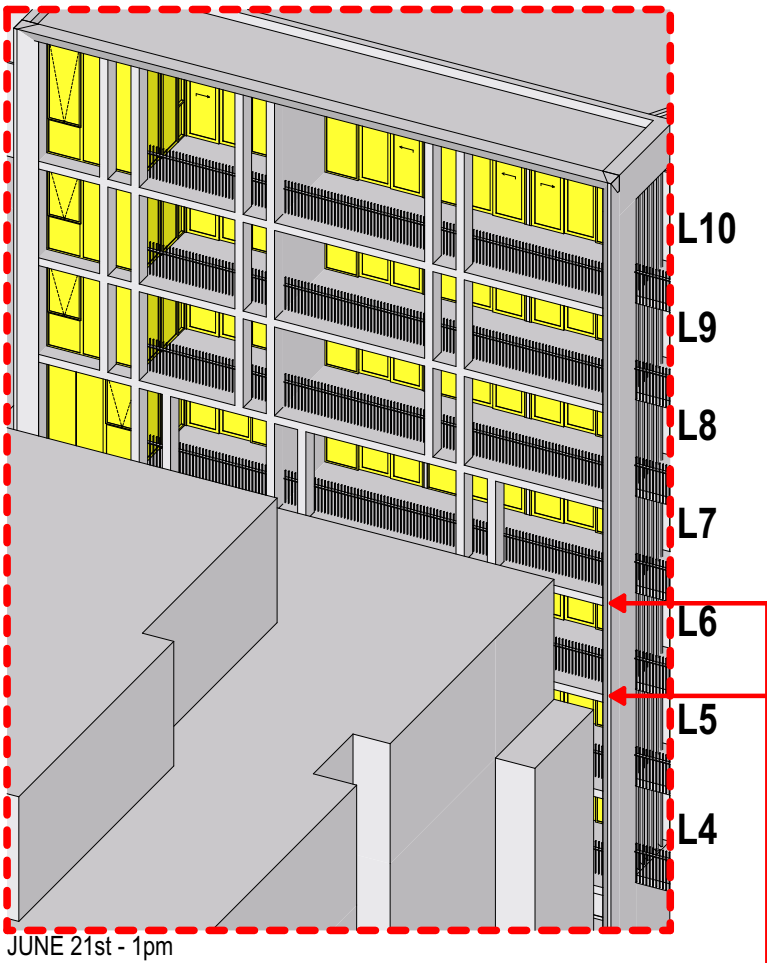
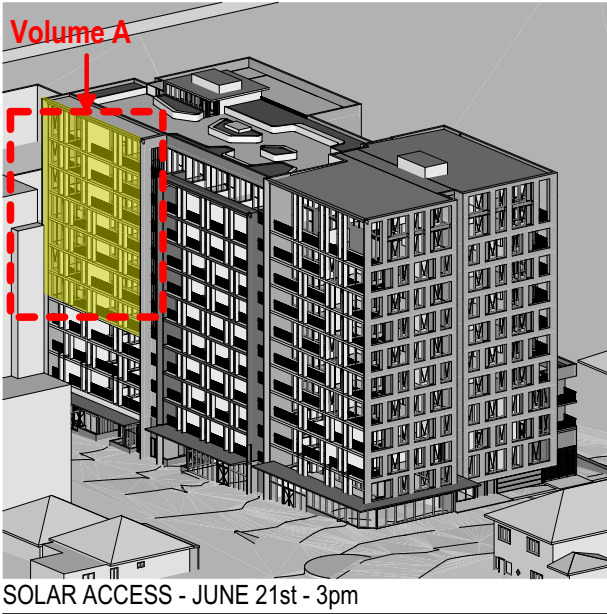
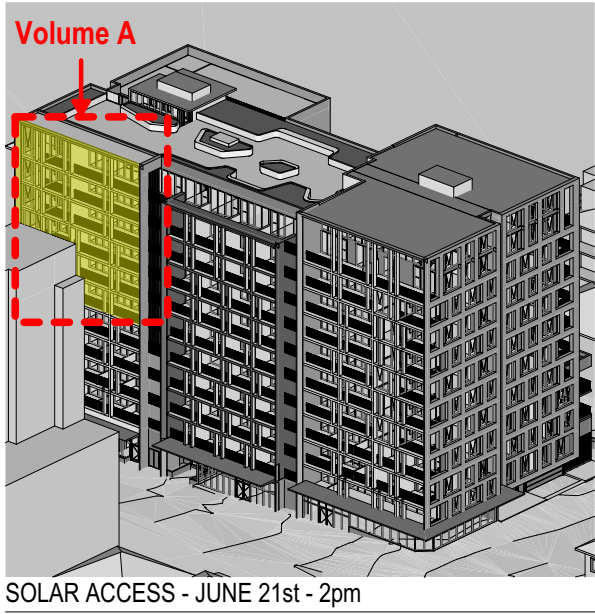
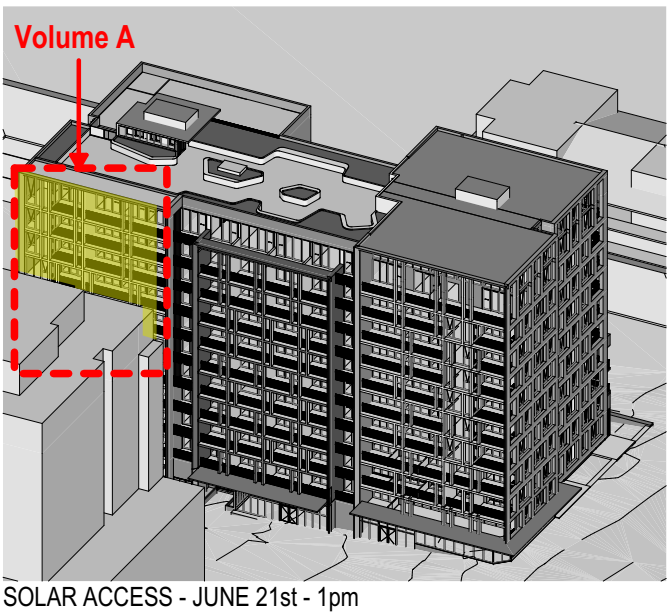
Council Comment

f. Principle 6: Amenity

4A Solar and daylight access - The proposal is noted as achieving the 70% solar access at midwinter requirement, however further details are required to confirm this as there is significant overshadowing from the large existing and approved building under construction opposite in Mary Street.

Design Responses

Solar amenity for Volume A



Apartments L5.10 and L6.10 have the ability to receive direct sunlight without obstruction from other buildings or impediments.



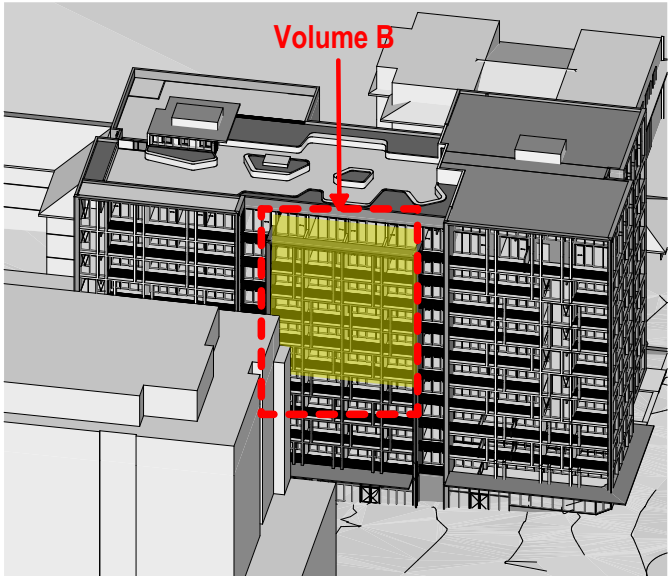
Council Comment

f. Principle 6: Amenity

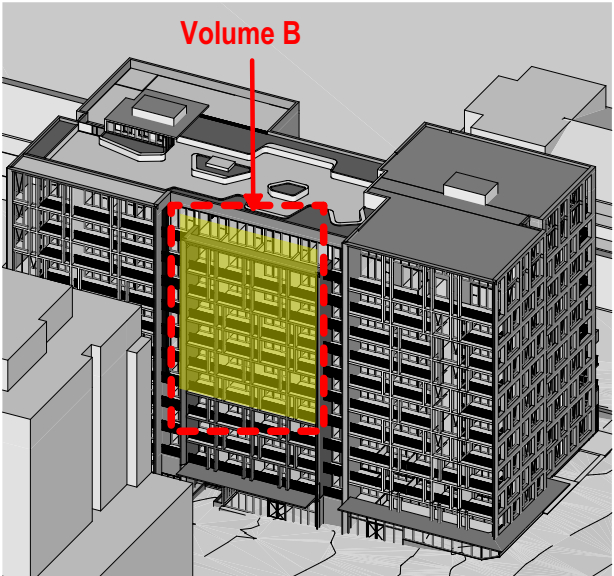
4A Solar and daylight access - The proposal is noted as achieving the 70% solar access at midwinter requirement, however further details are required to confirm this as there is significant overshadowing from the large existing and approved building under construction opposite in Mary Street.

Design Responses

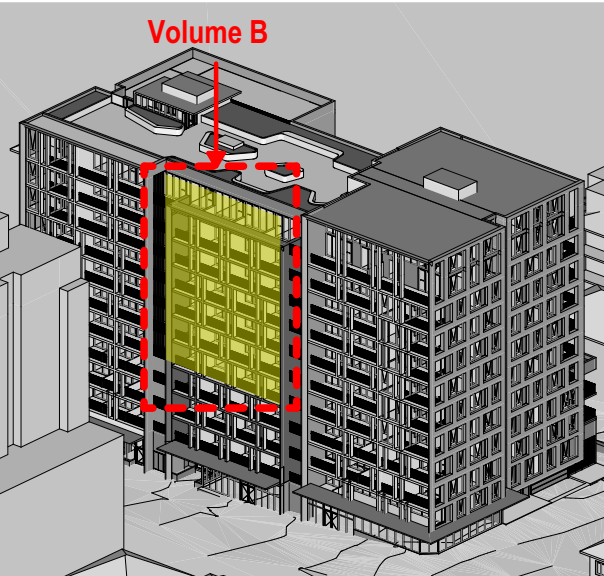
Solar amenity for Volume B



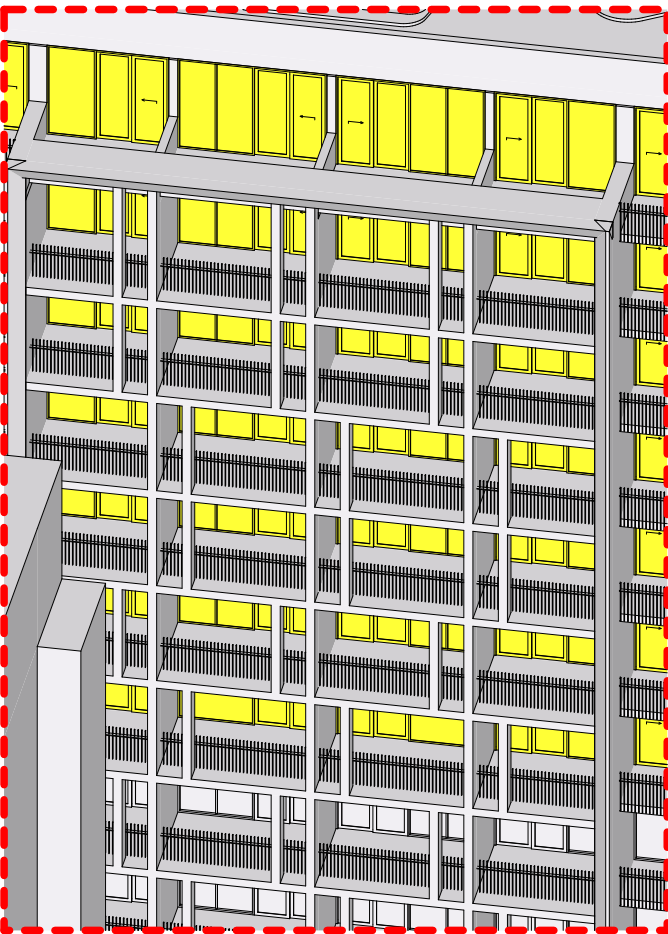
SOLAR ACCESS - JUNE 21st - 12pm



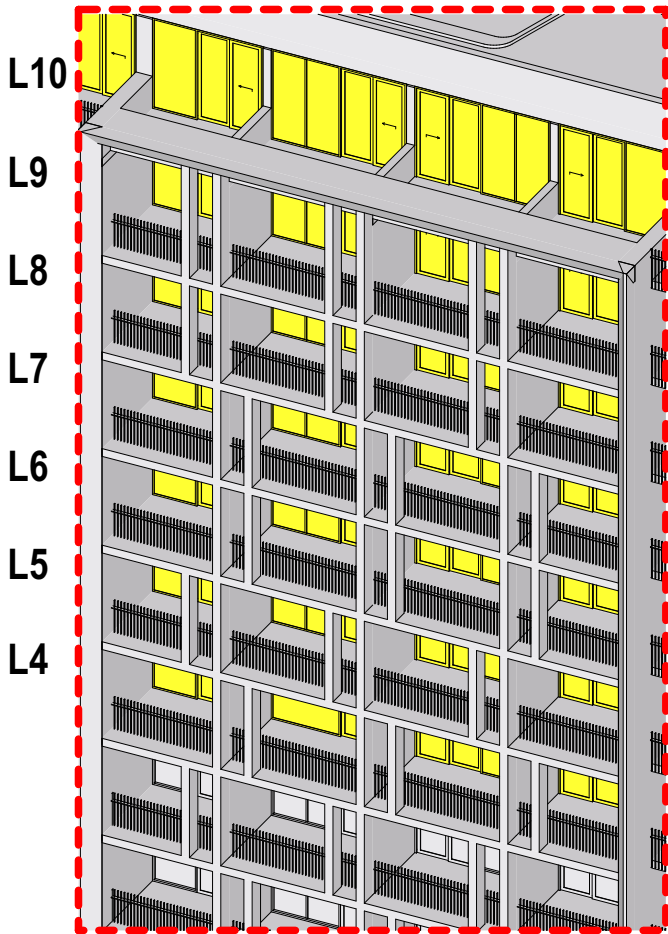
SOLAR ACCESS - JUNE 21st - 1pm



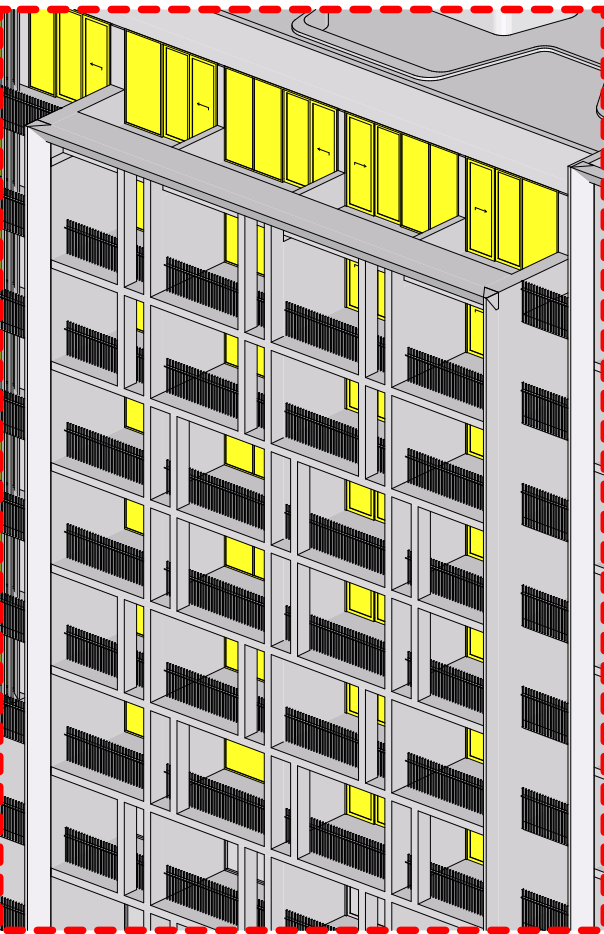
SOLAR ACCESS - JUNE 21st - 2pm



JUNE 21st - 11:30am



JUNE 21st - 1pm



JUNE 21st - 2pm

Council Comment

f. Principle 6: Amenity

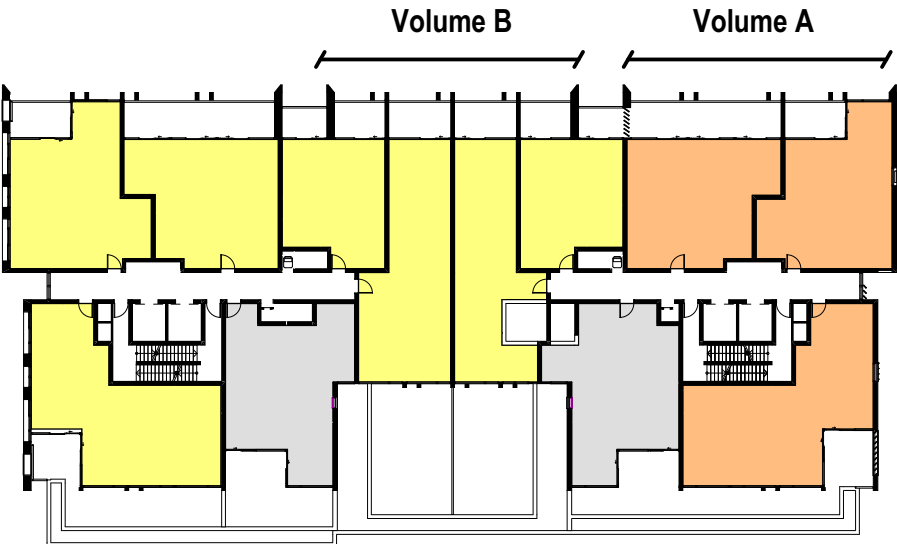
4A Solar and daylight access - The proposal is noted as achieving the 70% solar access at midwinter requirement, however further details are required to confirm this as there is significant overshadowing from the large existing and approved building under construction opposite in Mary Street.

Design Responses

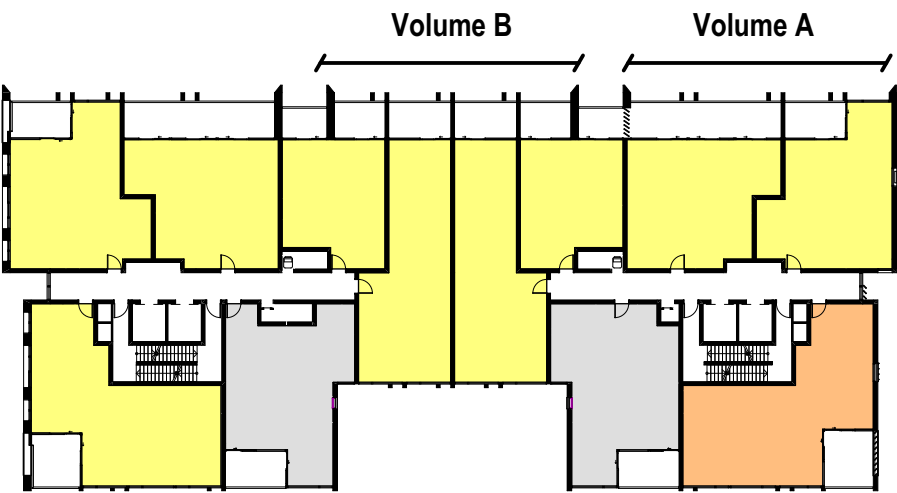
Solar calculations.

Legend

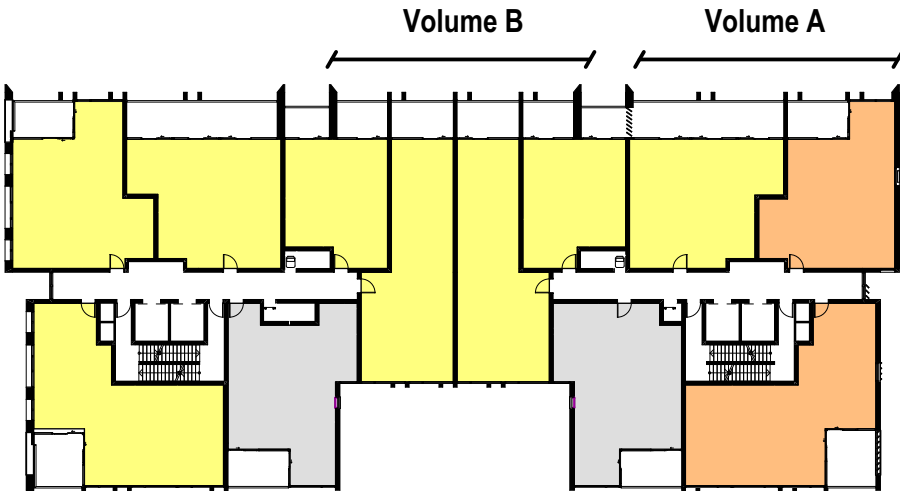
- ACHIEVES 2 HRS SOLAR
- NO SOLAR
- 15MIN SOLAR



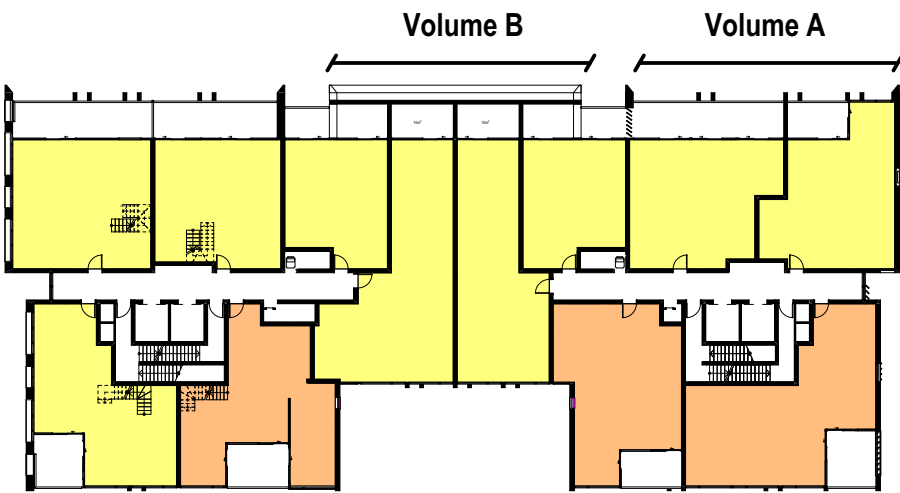
LEVEL 04  
SCALE 1:500



LEVEL 07 - 09  
SCALE 1:500



LEVEL 05 - 06  
SCALE 1:500



LEVEL 10  
SCALE 1:500

ADG CALCULATIONS (RESIDENTIAL UNITS)

|          | Solar Access<br>(>2hs) | No Solar<br>Access |
|----------|------------------------|--------------------|
| Level 4  | 7                      | 2                  |
| Level 5  | 8                      | 2                  |
| Level 6  | 8                      | 2                  |
| Level 7  | 9                      | 2                  |
| Level 8  | 9                      | 2                  |
| Level 9  | 9                      | 2                  |
| Level 10 | 9                      | 0                  |
| Level 11 | 0                      | 0                  |
| Total    | 59                     | 12                 |
|          | 70%                    | 14%                |

Council Comment

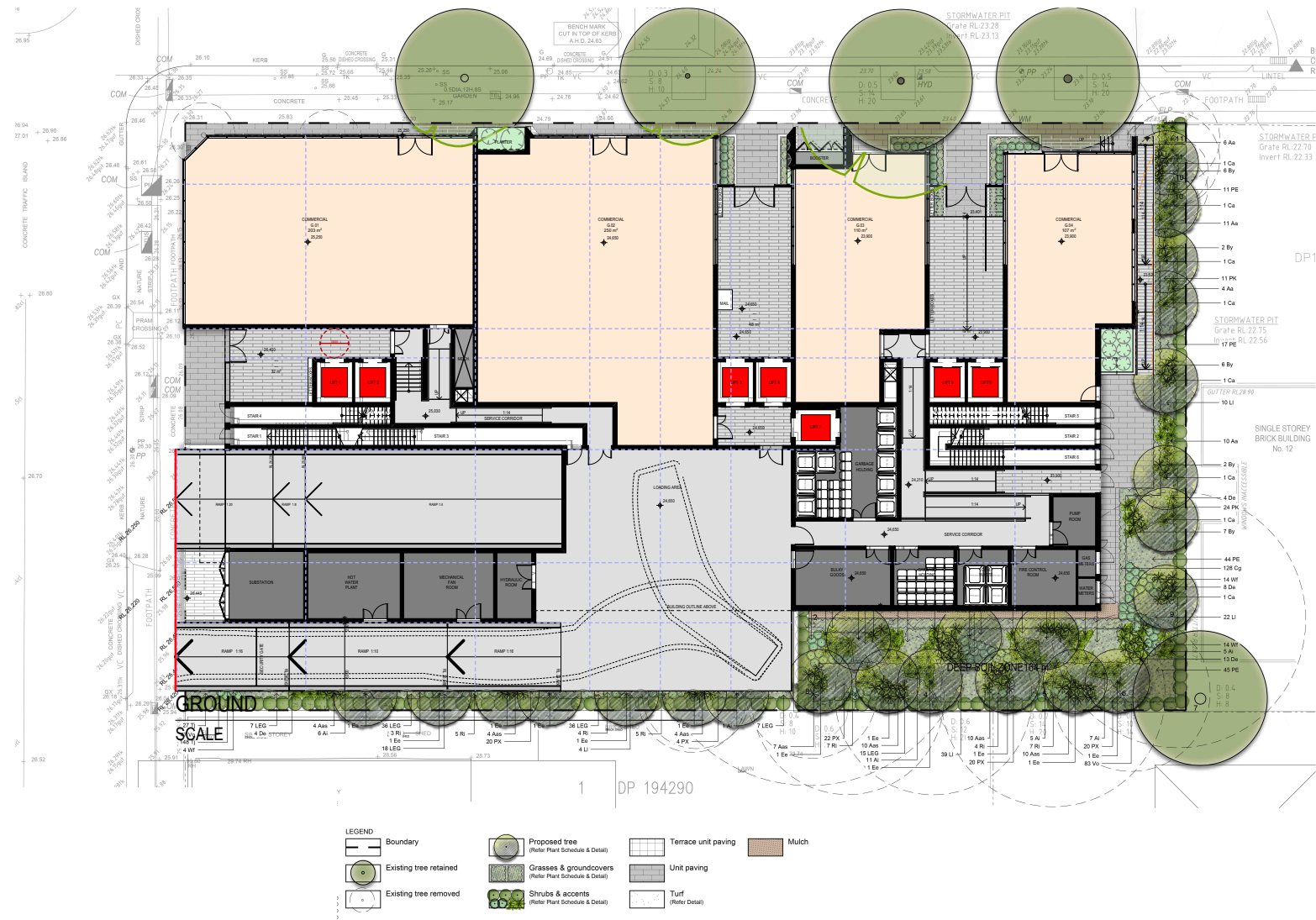
9- Principle 5: Landscape

40 Landscape design – concern is raised regarding the removal of large existing trees within the proposed rear setback. Further details are required as discussed below.

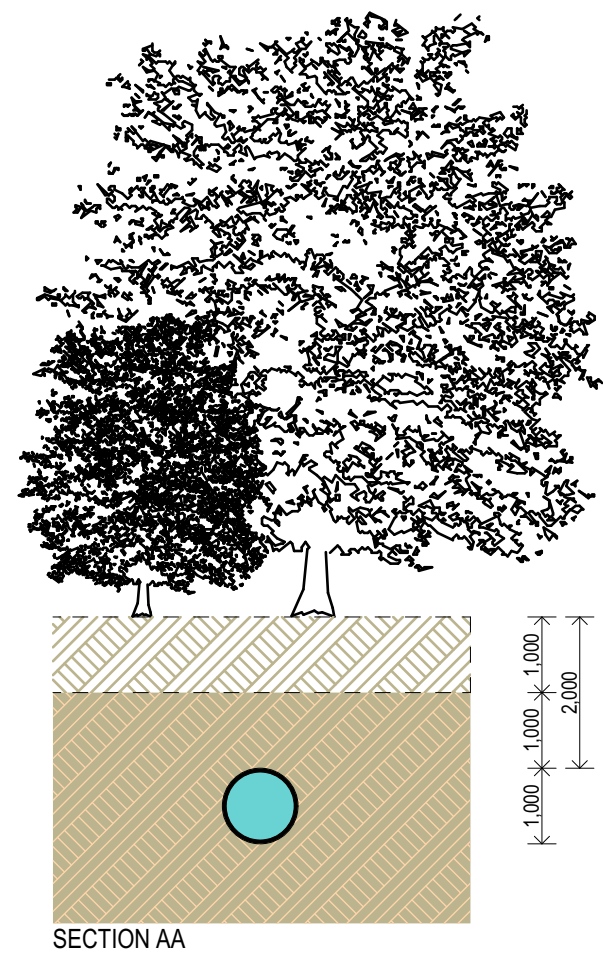
Design Responses

In response to addressing the need to remove and replace the existing *Ulmus parvifolia* (Chinese Elm) due to the installation of a new stormwater line in their current location.

In replacing these trees, we will provide a minimum 2metres of soil above the closest section of pipe to the base of the tree.



landscape plan  
SCALE





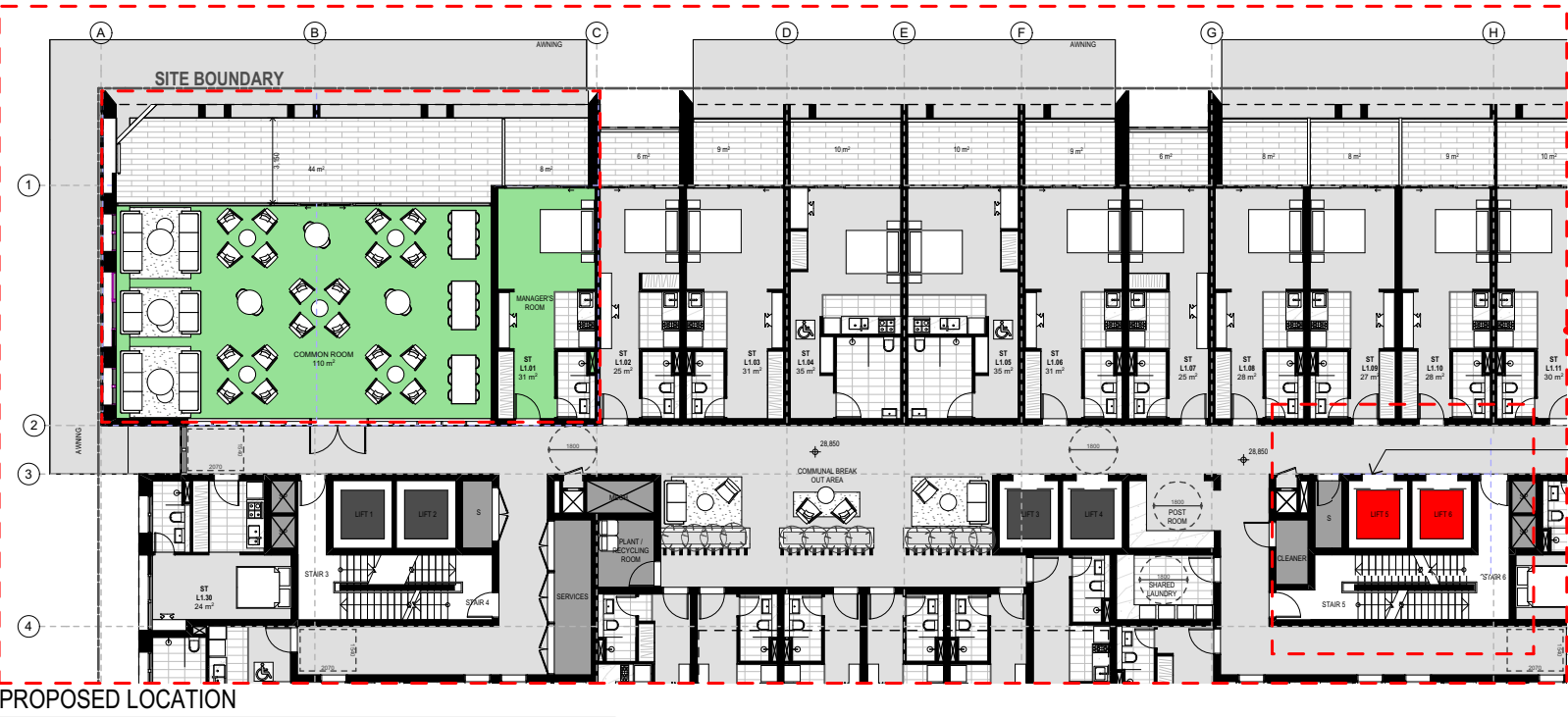
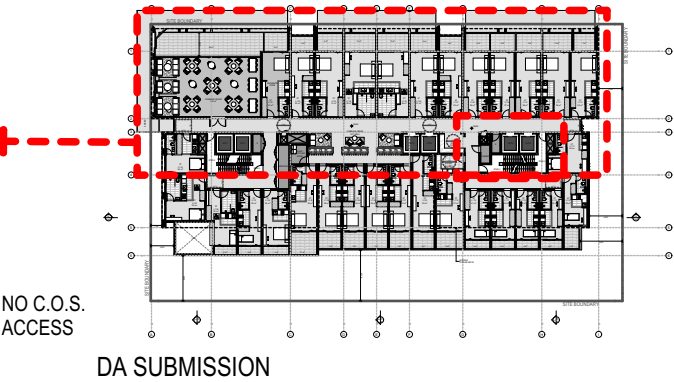
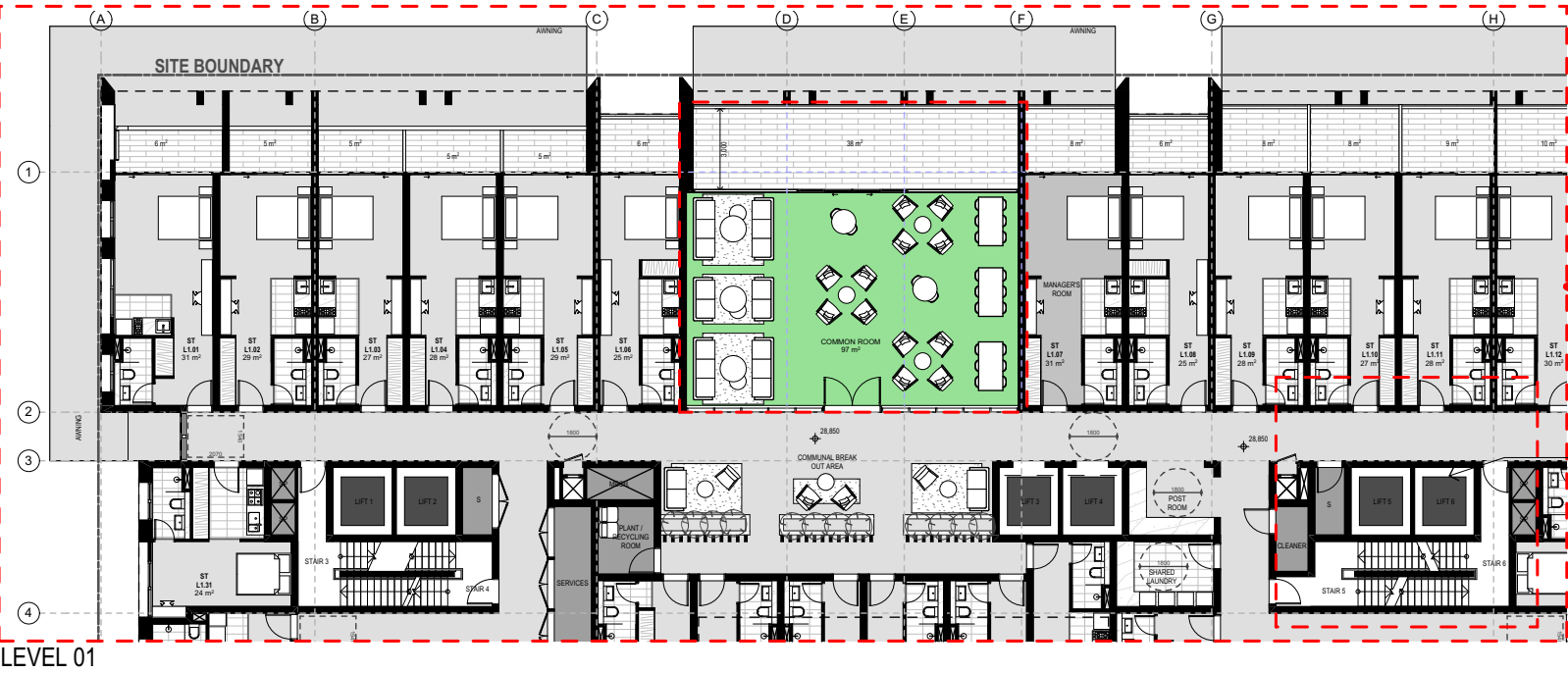
Council Comment

2) Affordable Rental Housing SEPP

a. Solar access to Communal Room – the proposal complies with the requirement for a min of 3 hours between 9am and 3pm at midwinter, however it is likely that future development will result in non compliance. The rooftop communal space should be made available to the boarding house rooms to ensure ongoing access to an adequately sunny area.

Design Responses

Communal room relocated to the north/west corner for better solar access.  
Lift access for the boarding rooms is provided via lift 05 and 06 to the C.O.S. on the roof.

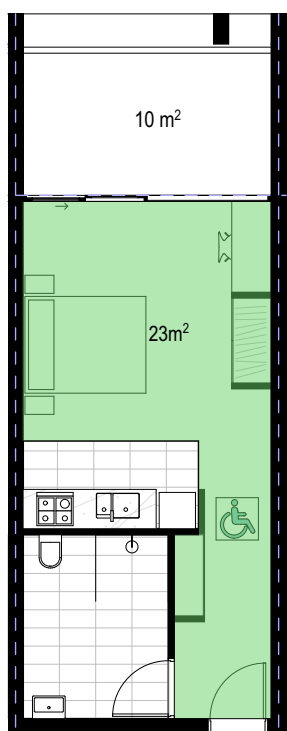


Council Comment

- 2) Affordable Rental Housing SEPP
- b. Accommodation size - further details are required to confirm compliance.

Design Responses

- All single lodger units achieve a minimum of 12m<sup>2</sup> and do not exceed a maximum of 25m<sup>2</sup> which is exclusive of the bathroom and kitchen area.
- All double lodger units achieve a minimum of 16m<sup>2</sup> and do not exceed a maximum of 25m<sup>2</sup> which is exclusive of the bathroom and kitchen area.

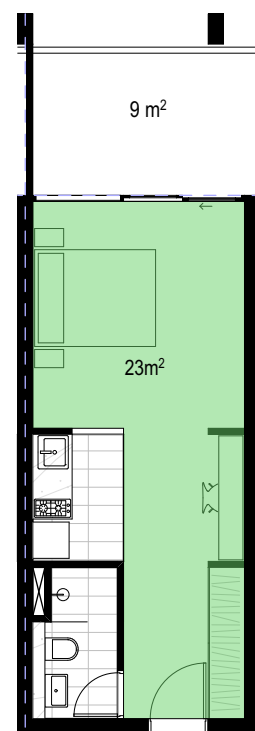


Total unit area:  
35sqm

Wet area:  
12sqm

Area exclusive of the  
bathroom and the  
kitchen area:  
23sqm

UNIT 01

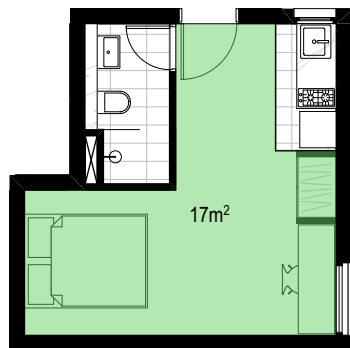


Total unit area:  
30sqm

Wet area:  
07sqm

Area exclusive of the  
bathroom and the  
kitchen area:  
23sqm

UNIT 02

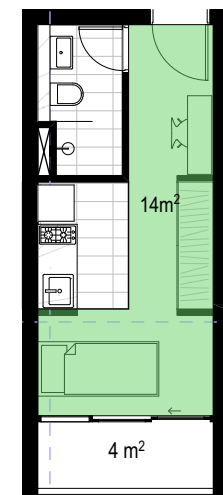


Total unit area:  
24sqm

Wet area:  
06sqm

Area exclusive of the  
bathroom and the  
kitchen area:  
17sqm

UNIT 03

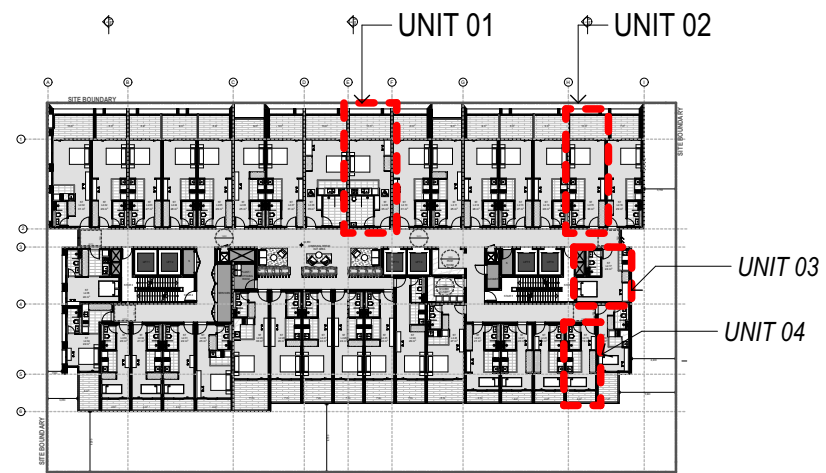


Total unit area:  
19sqm

Wet area:  
07sqm

Area exclusive of the  
bathroom and the  
kitchen  
area:  
14sqm

UNIT 04



KEY PLAN LEVEL 2

- c. Local character – the proposed boarding house forms part of a larger building that is considered to be inconsistent with the desired local character due to its excessive bulk and scale.

Please refer to bulk and scale response - 2020-040|17 to 2020-040|32

Council Comment

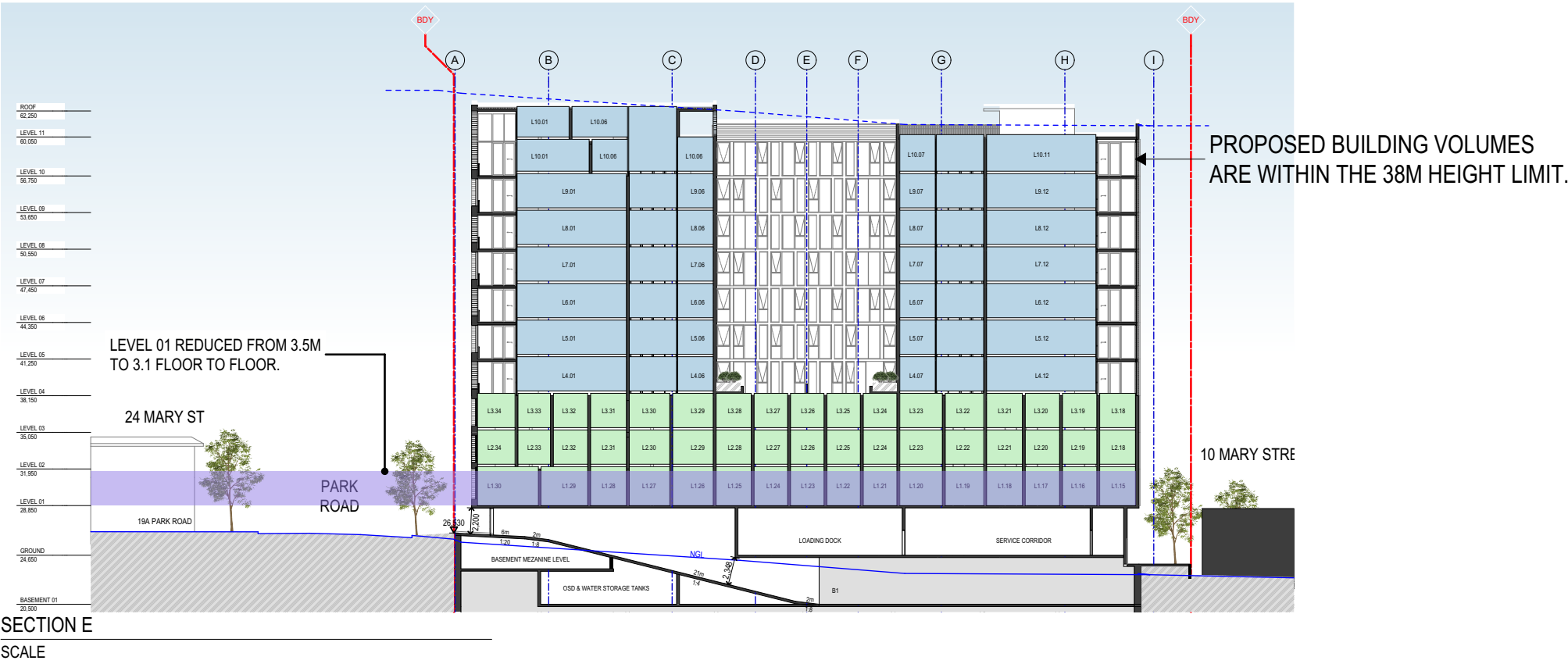
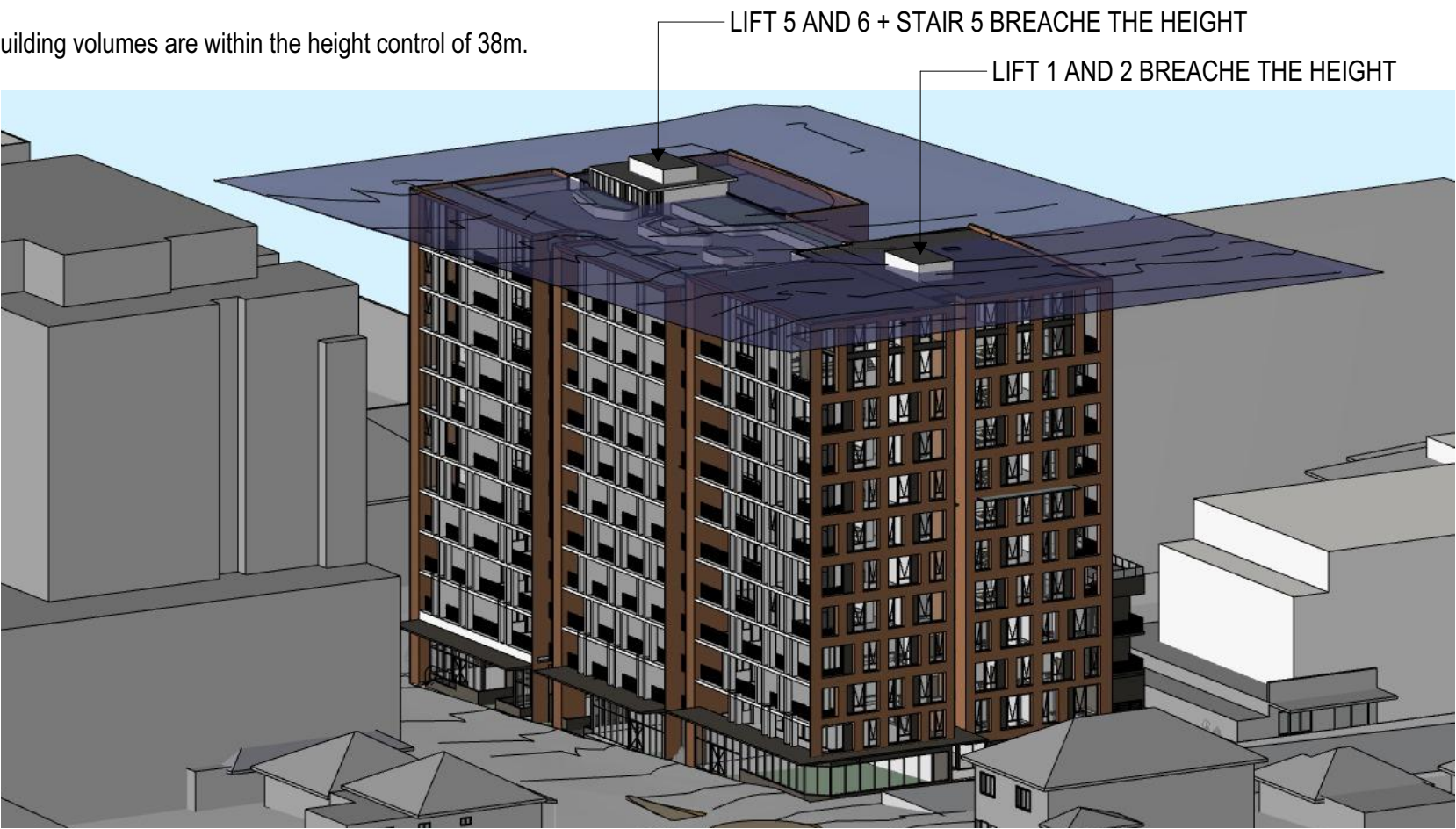
Consideration

3) Auburn LEP

a. Height – the proposal breaches the 38m height control and a Clause 4.6 has been submitted. The proposed height contributes to the excessive bulk and scale of the building and overshadowing impacts as discussed elsewhere. However, some exceedance of the height control may be able to be supported if these issues can be suitably addressed.

Design Responses

The proposed architectural building volumes are within the height control of 38m.





Council Comment

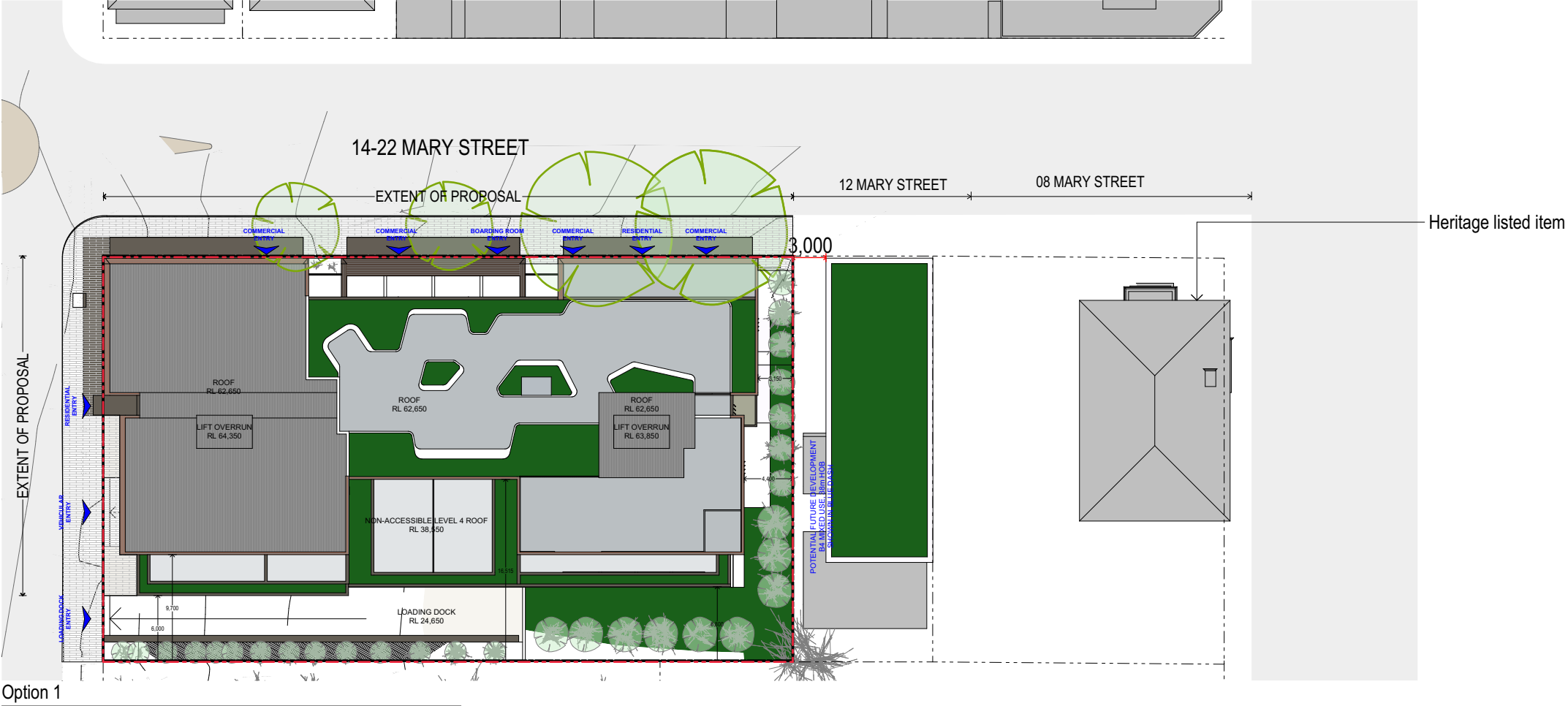
3) Auburn LEP

b. Heritage – the proposal will potentially result in difficulties in developing the adjoining properties to the east (as 8 Mary Street is a heritage item), as it provides a setback to these properties where none is required by the DCP (and therefore may necessitate a similar setback being provided on the adjoining site when redeveloped). This issue should be considered in determining how the proposal will respond to other issues including the excessive bulk, loss of vegetation and stormwater.

Design Responses

As 8 Mary Street has a heritage item, the site, 12 Mary Street can still be developed as per the current LEP and DCP controls and accommodate a 3m side setback adjacent to the proposed development. The proposed massing is as per councils vision for the area.

Contextual Massing Study: 12 Mary Street with 3m side setback.



12 Mary street GFA calculations:

| SITE                           | AREA   | BUILDING ZONE | MAX HEIGHT | FSR | GFA      | BEA      | N LEVEL | BEA/STORY |
|--------------------------------|--------|---------------|------------|-----|----------|----------|---------|-----------|
| 01                             | 464sqm | B4 MIXED USE  | 38m        | 5:1 | 2.320sqm | 2.974sqm | 12      | 248sqm    |
| TOTAL BUILDABLE FLOOR AREA:    |        |               | 267sqm     |     |          |          |         |           |
| BEA BASED ON A RATIO OF 0.78:1 |        |               |            |     |          |          |         |           |

Council Comment

3) Auburn LEP

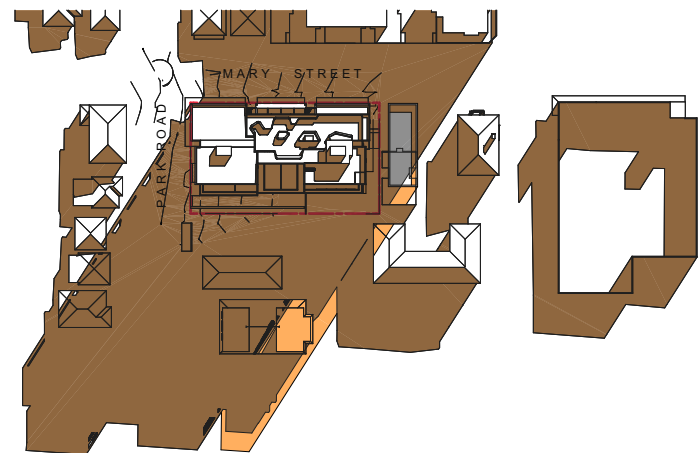
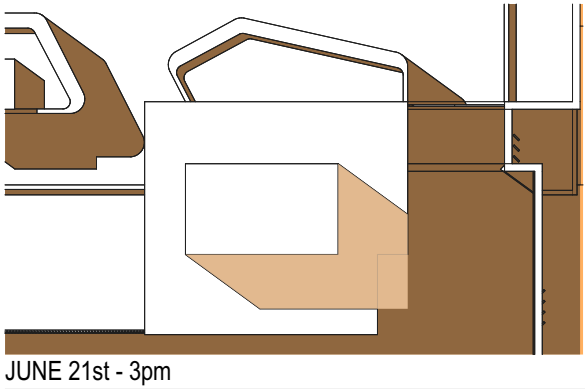
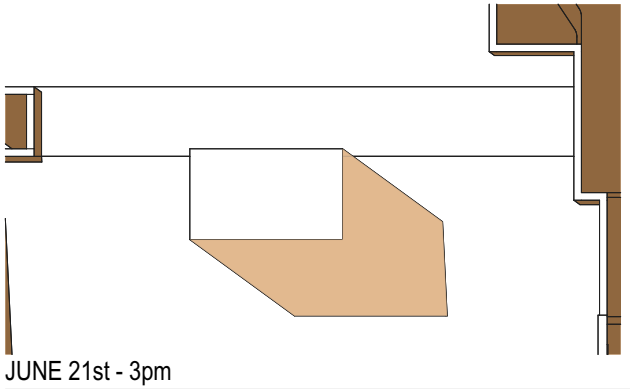
b. Heritage

The proposal will potentially result in difficulties in developing the adjoining properties to the east (as 8 Mary Street is a heritage item), as it provides a setback to these properties where none is required by the DCP (and therefore may necessitate a similar setback being provided on the adjoining site when redeveloped). This issue should be considered in determining how the proposal will respond to other issues including the excessive bulk, loss of vegetation and stormwater.

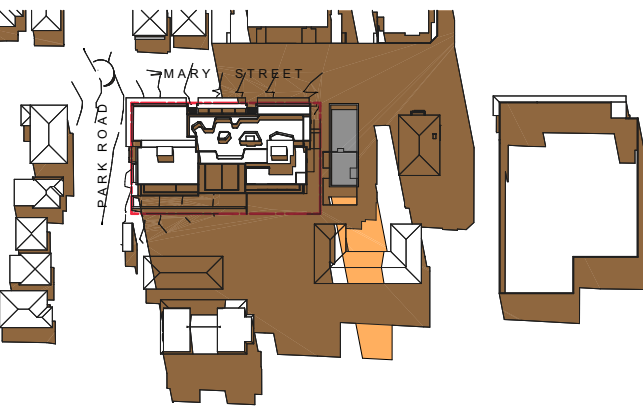
Design Responses



Shadow cast from the lifts and stairs, which breach the height, don't cast any additional shadow over the surrounding context.



JUNE 21st - 9am



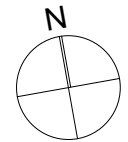
JUNE 21st - 12pm



JUNE 21st - 3pm

Legend

- Massing additional Shadow
- Existing and proposed Shadow
- Lift overrun shadow



b. Flood Planning

The site is flood affected and there are minimum levels that must be achieved (see attached comments).

Please refer to the updated attachement flooding infrastructure

Council Comment

*In response to the various "Bulk & Scale" comments noted in the request for further information, which are:*

*Item 1c - exceeds maximum floorplate (DCP 2.3.D2 - 24x45m)*

*Item 2c - inconsistent with local character*

*Item 4ai - Site cover 50% (DCP D1)*

*Item 4aii - Building Envelope*

*Item 4aiii - Building depth*

*Item 4aiv - Building design*

*Item 4av - Landscaping*

*Item 4avi - Deep soil area*

*Item 4avii - Solar amenity*

*Item 4bi - Built Form*

*Item 4bii - Streetscape and urban form*

*Item 4biii - Mixed-Use Development*

**a. Auburn's DCP residential flat building "Built form" objectives are:**

*To ensure that all development contributes to the improvement of the character of the locality and streetscape in which it is located.*

Design Responses

*Although the proposal varies from the numerical requirements of the DCP, the proposal meets the "Built form" objectives of the DCP (Auburn DCP Residential Flat Buildings, pg3)*

The new building aims to align with council's vision and deliver a building design that is both interesting and simple yet be aesthetically pleasing and a benefit to the local area.

Refer to response to item “e” on dwg no. 2020-040-22 for further details.



Council Comment

b. To ensure that development is sensitive to the landscape setting and environmental conditions of the locality.

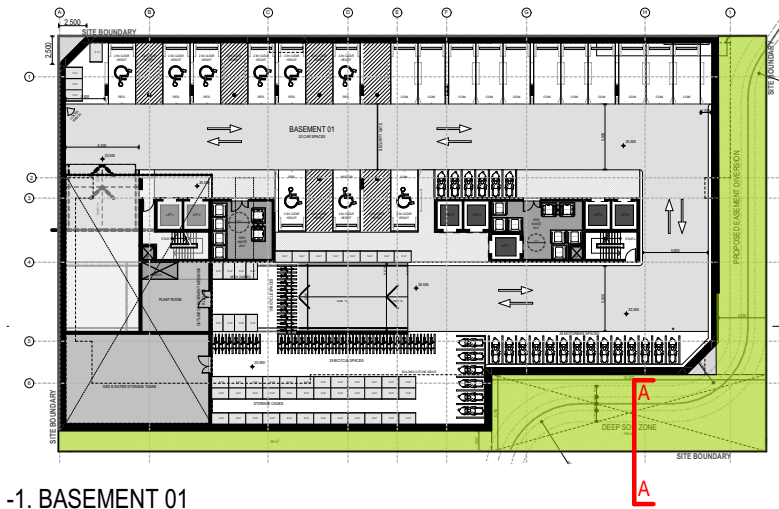
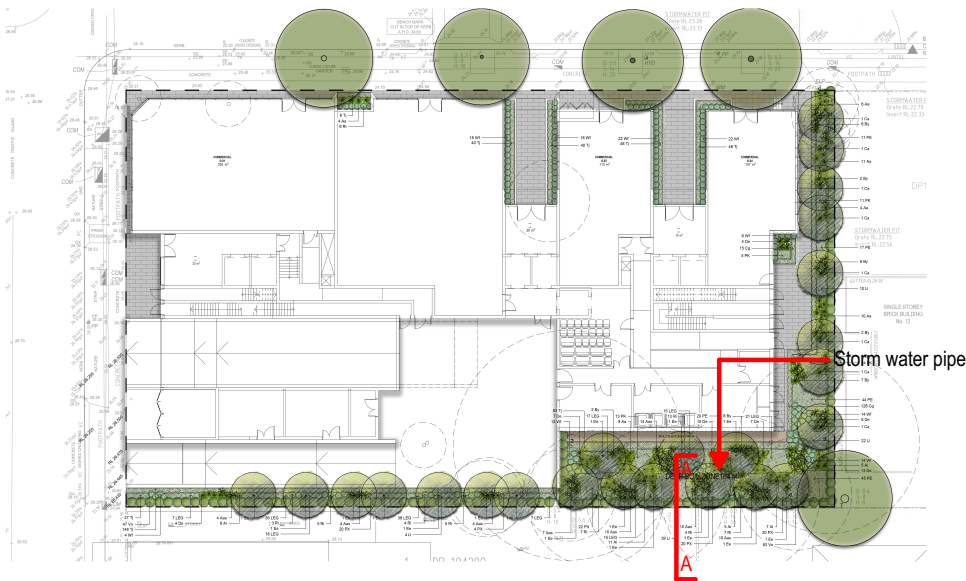
Design Responses

The proposed development occupies a prominent corner site on Mary Street and Park Road. Its intention is to reinforce the street boundaries and act like a sister building to its brother on the opposite side of Mary street to form a type of gateway or portal to Mary Street from Park Road.

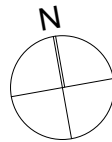
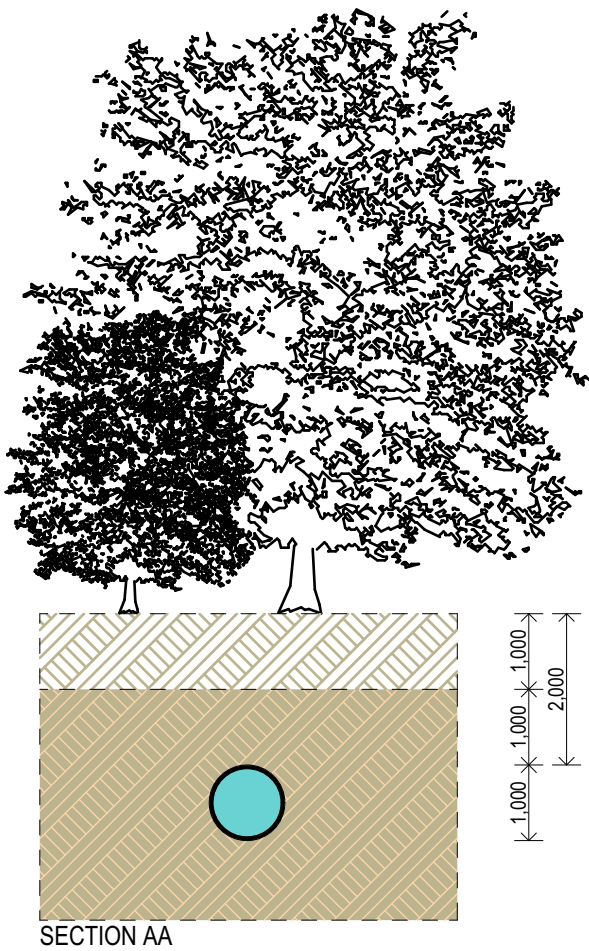
Due to the length of the site along Mary Street, the design endeavors to escape the idea of a singular architectural object but rather be conceived as a series of singular independent sculptures. The form is sub-divided into three volumes and incorporates a hierarchy of vertical features and articulation that establish a sense of order and changes to the building volume.

The proposal has a comprehensive landscaped concept and design integrated with the architectural program.

The site, which is located within “Auburn’s Town Centre Boundary”, accommodates planted entries to both the residential and boarding house lobbies at ground floor level along with planted pockets in-front of the commercial units along Mary Street (Mary Street will also accommodate the existing trees). A deep soil zone is located all along the eastern and southern boundaries, which will accommodate new vegetation and new trees. It is the intended that the new vegetation and trees will replace the existing trees removed over time and also provide more greenery and privacy along both the eastern and southern boundaries, than what is there already. Adequate deep soil will be applied to the zone where the proposed water main is located to accommodate the growth of these new trees.



DEEP SOIL ZONE





Council Comment

c. To ensure that the appearance of development is of high visual quality and enhances and addresses the street.

Design Responses

The street level interface has been designed to:

- Provide clear entry points to the units overhead.
- Reduced the number of commercial entries on Mary Street.
- Maximise the active frontage along Mary Street and Park Road.
- Provide opportunities for landscaping to increase the street level amenity.
- Continuity of the built edges to reinforce the sites boundaries.
- Provide variety and interest by giving a rhythm of solids and voids and providing depth to the facade.
- Provide shelter from the rain, sun, and wind for pedestrians.
- Create a welcoming gesture to all users.
- Provide a positive recognition to the corner.
- Increase, where possible, setbacks from the site boundary.

Clear entry points for the residential and boarding room residents have been integrated into the ground floor interface to promote greater activity and clarity at ground level.

Vehicle movement is limited to Park Road, allowing all vehicle circulation, parking and on-site servicing to occur cohesively and minimising the extent of inactive facade along the street.



View from Mary Street - NW corner



View from Mary Street - NE corner



Council Comment

d. To ensure that the proposed development protects the amenity of adjoining and adjacent properties.

Design Responses

Contextual Solar Analysis - Existing

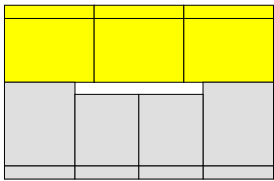
The proposal considers the amenity of the existing properties as well as any potential future development as part of the design. The proposed scheme does not impact the solar requirements of the existing context.

**26 Park Road:**  
Single storey mass. Commercial in use, currently a dry cleaning shop. Solar compliance is not applicable.

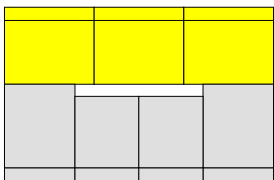
**28 Park Road:**  
Single storey residential dwelling.

**30-32 Park Road:**  
Three Storey residential flat building.  
(42% of the apartments receive 2+ hours of solar on June 21. With the proposed development at 14-22 Mary Street. This will decrease to 35% which means there is an overall reduction of 7%.)

**30-32 PARK ROAD EXISTING**  
6/14 = 42%

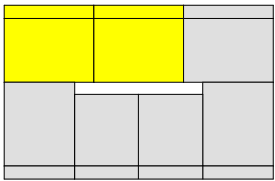


LEVEL 1

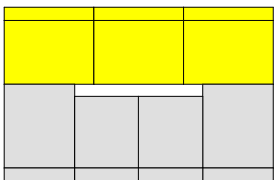


LEVEL 2

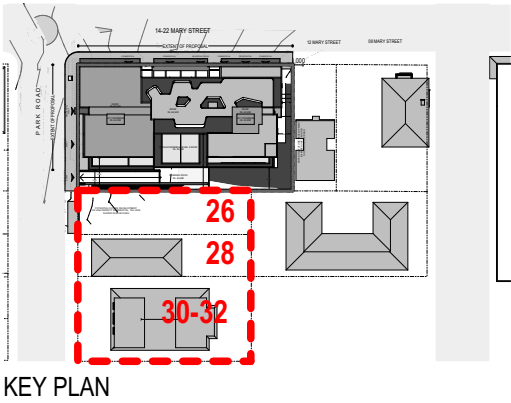
**30-32 PARK ROAD PROPOSED**  
5/14 = 35%



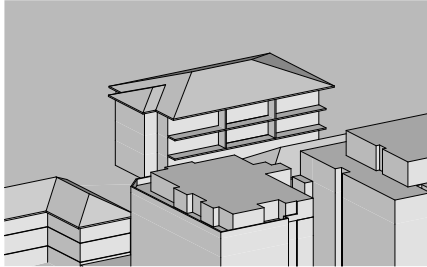
LEVEL 1



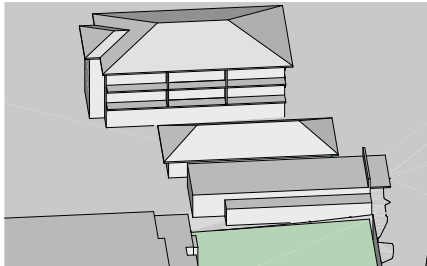
LEVEL 2



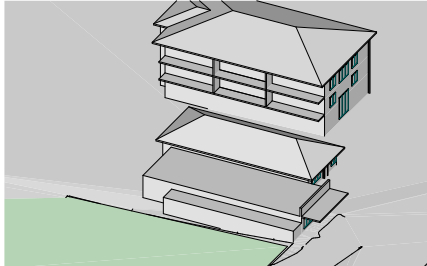
EXISTING SOLAR VIEWS



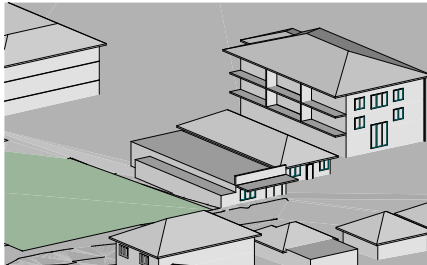
JUNE 21 - 9AM



JUNE 21 - 11AM



JUNE 21 - 1PM



JUNE 21 - 3PM

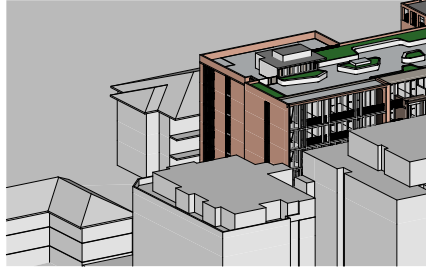
NO. 26 PARK ROAD - SOLAR IS NOT APPLICABLE  
NO. 28 PARK ROAD IS ALREADY OVERSHADOWED BY THE EXISTING DEVELOPMENT 13-19 MARY STREET  
NO. 30-32 PARK ROAD IS PARTLY OVERSHADOWED BY THE EXISTING CONTEXT

NO. 26 PARK ROAD - SOLAR IS NOT APPLICABLE  
THE LIVING SPACE WINDOWS OF NO. 28 ARE ALREADY OVERSHADOWED AT THIS HOUR  
NO. 30-32 PARK ROAD APARTMENTS ARE RECEIVING SUN AT THIS HOUR

NO. 26 PARK ROAD - SOLAR IS NOT APPLICABLE  
THE LIVING SPACE WINDOWS OF NO. 28 ARE ALREADY OVERSHADOWED AT THIS HOUR  
NO. 30-32 PARK ROAD APARTMENTS ARE RECEIVING SUN AT THIS HOUR

NO. 26 PARK ROAD - SOLAR IS NOT APPLICABLE  
THE LIVING SPACE WINDOWS OF NO. 28 ARE ALREADY OVERSHADOWED AT THIS HOUR  
NO. 30-32 PARK ROAD APARTMENTS ARE RECEIVING SUN AT THIS HOUR

PROPOSED SOLAR VIEWS



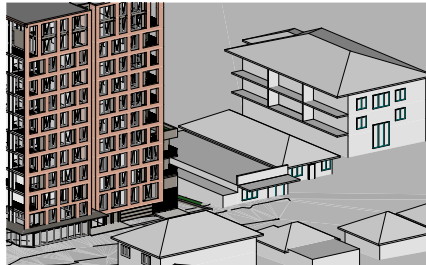
JUNE 21 - 9AM



JUNE 21 - 11AM



JUNE 21 - 1PM



JUNE 21 - 3PM

THE PROPOSAL OVERSHADOWS THE ROOF ONLY OF NUMBER 28 PARK ROAD  
THE PROPOSAL DOES NOT AFFECT THE REAR, NORTH FACING APARTMENT OF 30-32 PARK ROAD.

THE TOP LEVEL APARTMENTS AT 30-32 ARE RECEIVING SUN AT THIS HOUR

THE PROPOSAL DOES NOT CAST ANY SHADOWS ON THE WESTERN FACADE OF NO. 28 & 30-32 STILL RECEIVE SOLAR TO 2/3 TYPICAL APARTMENTS BUT ARE PARTLY OVERSHADOWED.

THE PROPOSAL DOES NOT CAST ANY SHADOWS ON THE WESTERN FACADE. THERE IS NO IMPACT FROM THE PROPOSED DEVELOPMENT ON NO 28 & 30-32

SHADOW DIAGRAMS



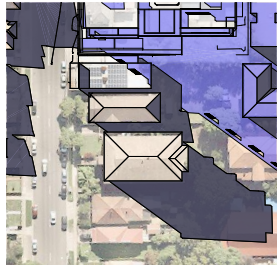
JUNE 21 - 9AM



JUNE 21 - 11AM



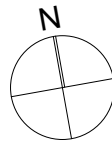
JUNE 21 - 1PM



JUNE 21 - 3PM

KEY

- EXISTING SHADOW
- PROPOSED ADDITIONAL SHADOW



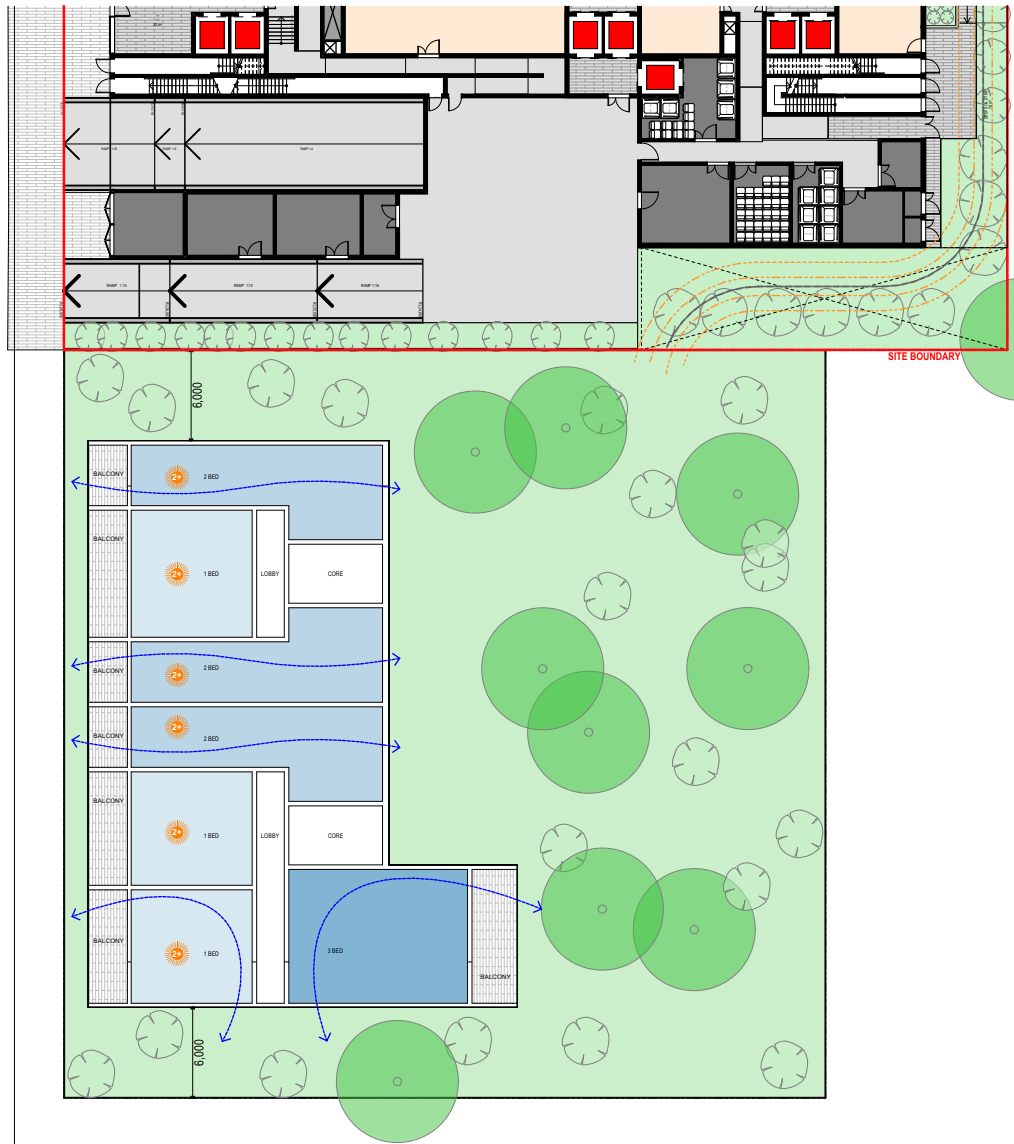
Council Comment

d. To ensure that the proposed development protects the amenity of adjoining and adjacent properties.

Design Responses

Contextual Solar Analysis - Future

The proposed scheme allows 26-22 Parl Road to be developed as per the current LEP, DCP and ADG controls.



26-32 Park Road demonstration of an ADG compliant scheme.  
Typical floor plate:

**Solar access (2+ hrs):**  
6/7=86%

**Cross flow ventilation:**  
5/7=71%

**Solar Access (<15min) :**  
1/7=14%

PROPOSED SOLAR VIEWS



June 21 - 1pm



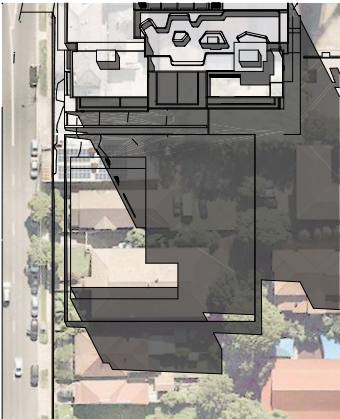
June 21 - 2pm



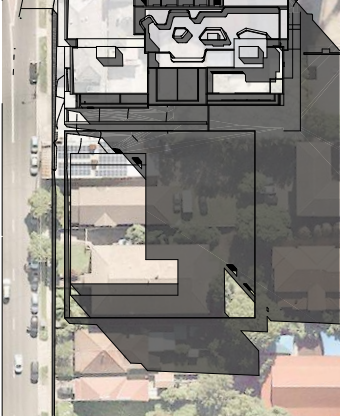
June 21 - 3pm

Sun eye diagrams between 1 & 3pm on June 21 demonstrate that the west orientated apartments achieve and the C.O.S. at least 2 hours of sunlight.

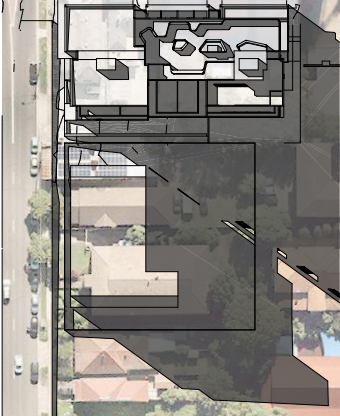
SHADOW DIAGRAMS



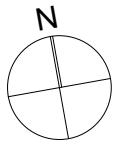
June 21 - 1pm



June 21 - 2pm



June 21 - 3pm





Council Comment

e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character.

Design Responses

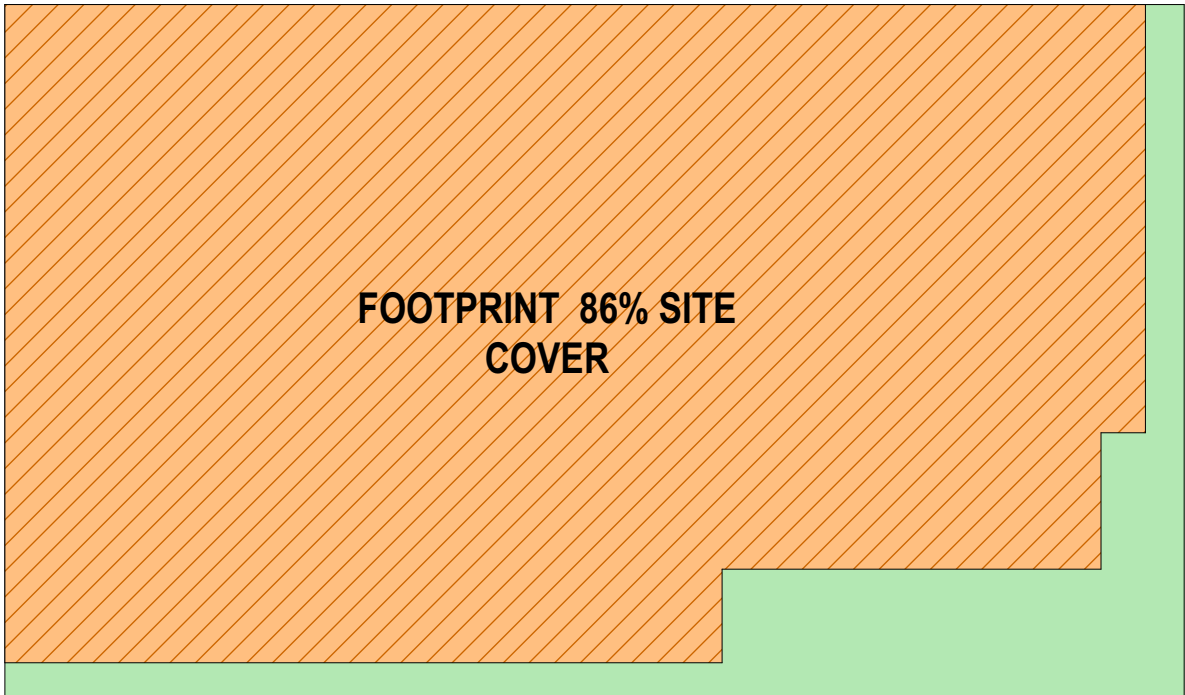
The surrounding context is characterised by medium density mixed use developments to the north and east and low-rise residential developments to the south and west. The materiality of the surrounding buildings differs from brick to painted finishes.

However, the context is changing in line with the intent of the draft Cumberland LEP for Auburn town centre. The intention is that the precinct delivers a range of housing densities serviced by a range of new facilities. The proposal is consistent with the intent of the DCP and the LEP controls. The character of the new building aims to align with council’s vision and deliver a building design that is both interesting and simple yet be aesthetically pleasing and a benefit to the local area.

The site is located within an area that is set to evolve, with proposed changes to the maximum building heights within the Auburn Town Centre. The proposed design reduces the bulk and scale from the already approved DA for the site by 7%. This is a direct response to the existing and future site characteristics and local character of the area as envisaged under the Auburn Town Centre LEP and DCP controls.



APPROVED DA FOR 18-22 MARY STREET



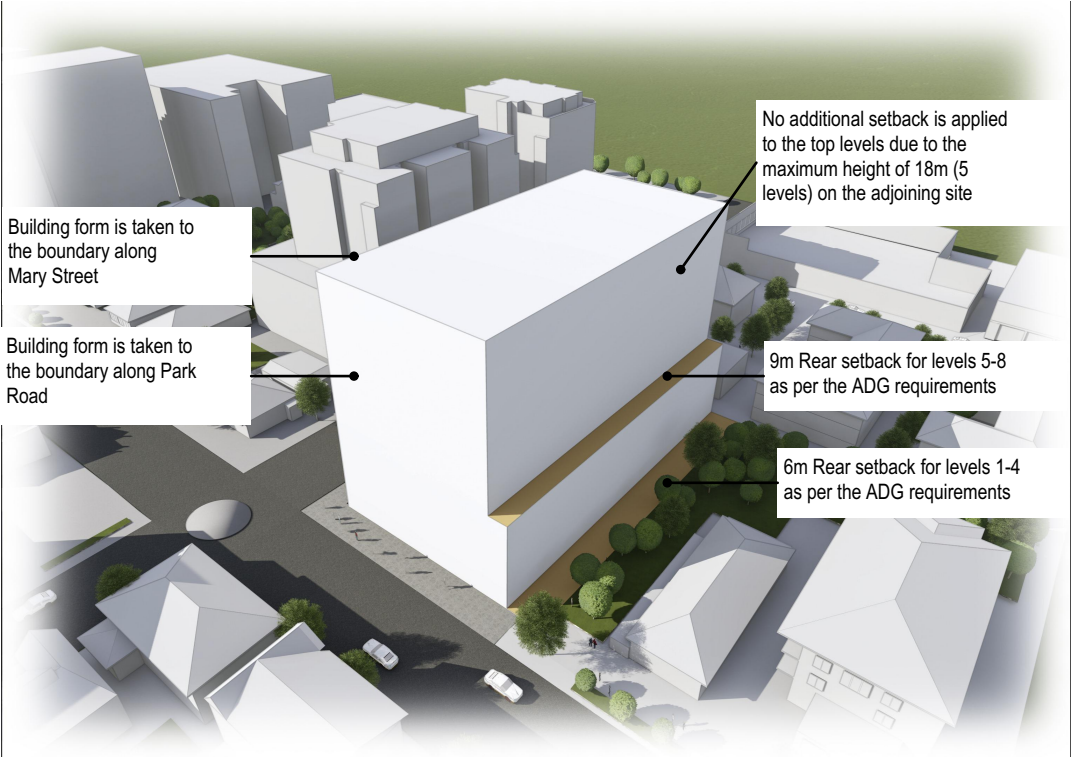
PROPOSED BUILDING FOR 14-22 MARY STREET

Council Comment

e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character.

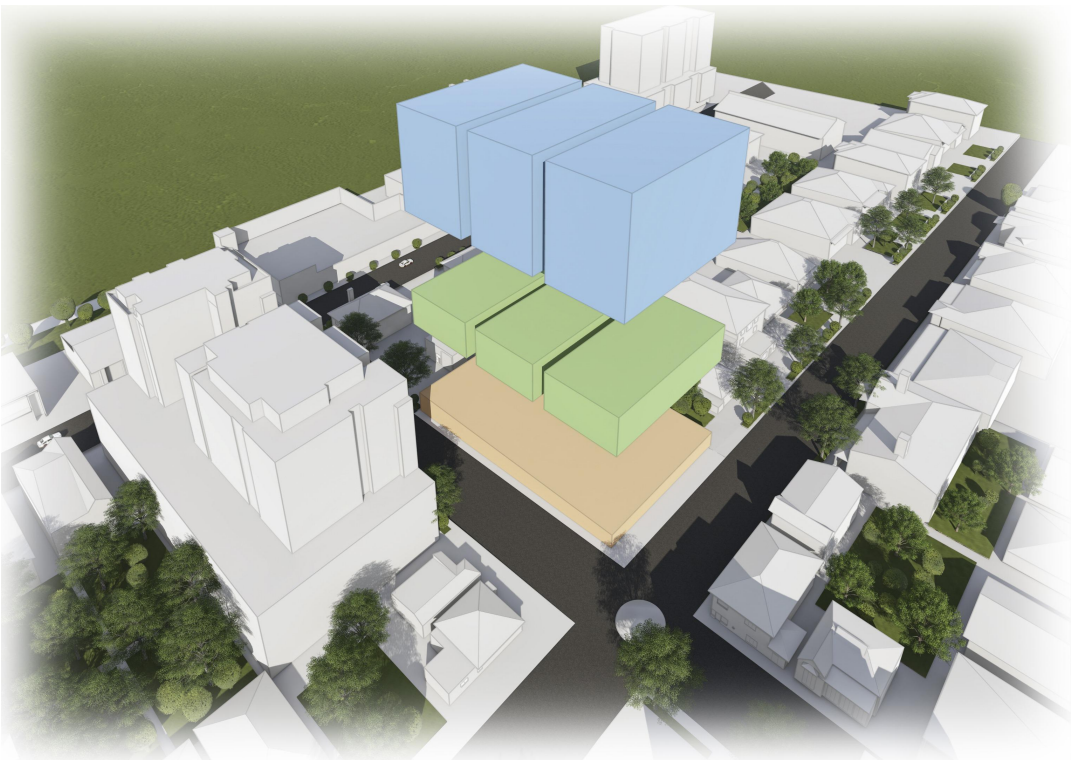
Design Responses

In addition, a number of strategies are proposed to reduce the perceived bulk and scale of the proposed design. These are as follows:



Envelope - LEP/DCP/ADG Controls added.

The design accommodates the current LEP, DCP and ADG controls.



Massing

The proposed massing creates a ground floor horizontal plinth to accommodate the retail units with a series of vertical volumes overhead accommodating all of the boarding and residential units.

This option breaks the monolithic volume down and expresses a vertical language that is read from the ground upwards. It also replicates the horizontal ground floor plinth language, as seen on the recently approved surrounding built developments. This approach provides an excellent visual scale to the corner as you approach the design.

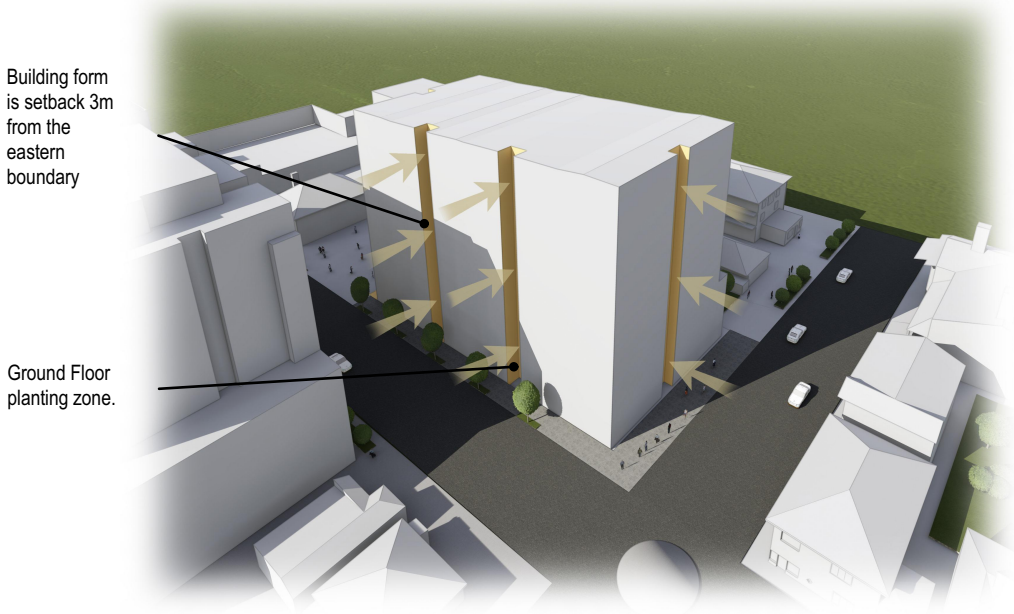


Council Comment

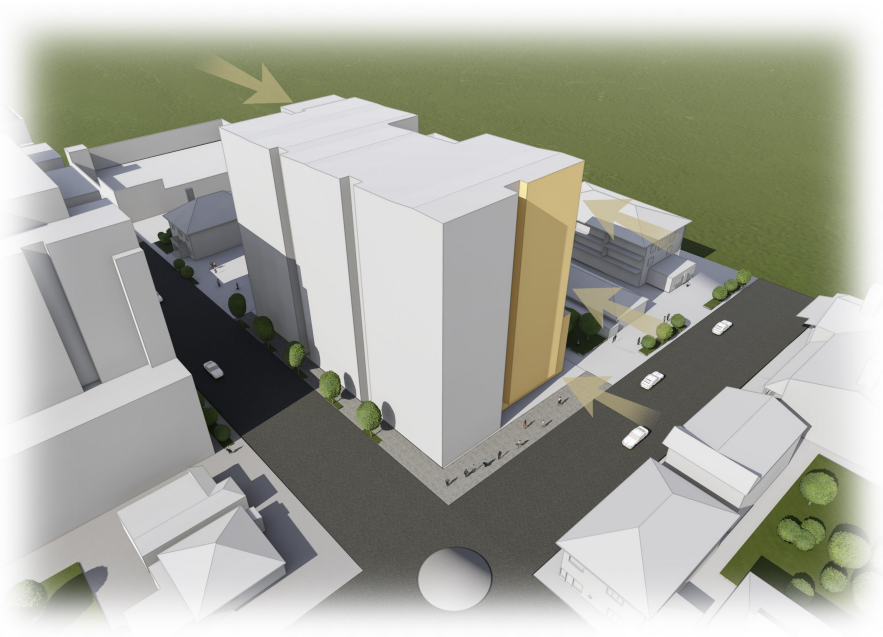
e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character.

Design Responses

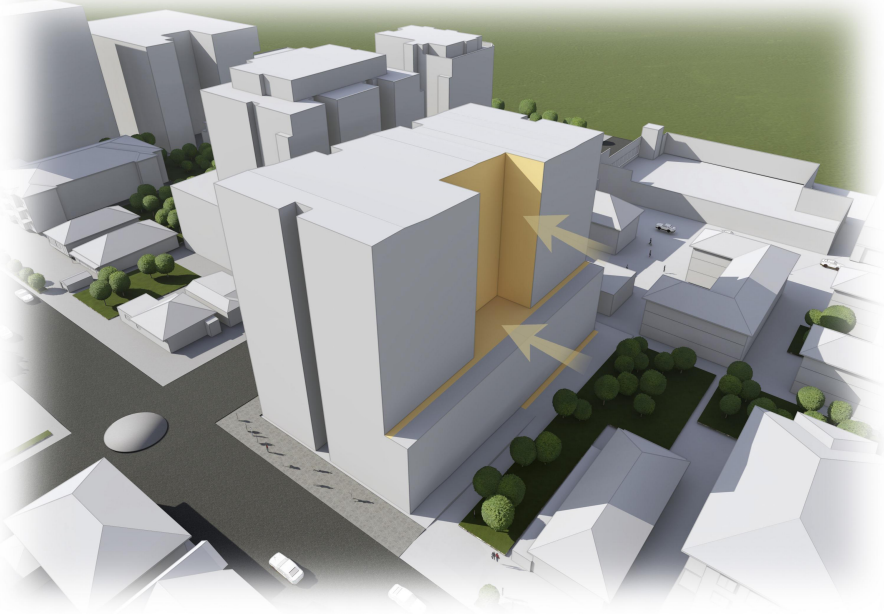
In addition, a number of strategies are proposed to reduce the perceived bulk and scale of the proposed design. These are as follows:



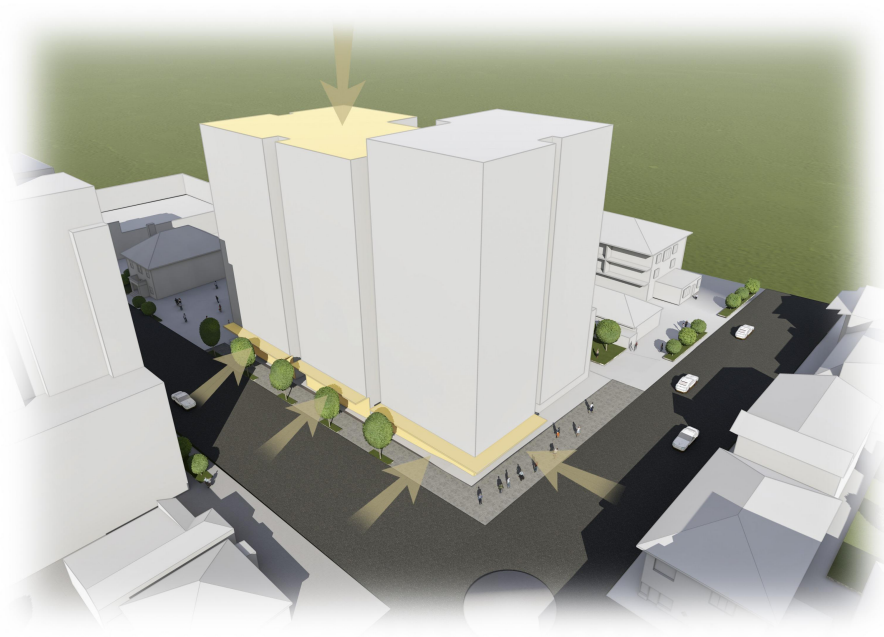
Move 01:  
The building form is setback a minimum of 3m from the eastern boundary to provide relief to the adjoining property and future street context. The remaining monolithic building form is then broken down into a series of volumes to create building articulation and opportunities to locate green planting to the ground floor plane.



Move 03:  
The two volumes on the eastern and western facades are pushed back to offer more relief to the adjoining context and to create a more visually interesting architectural building form.



Move 02:  
The southern facade is setback again, well above the ADG requirements, to provide better solar relief and privacy to the adjoining property. The central section is also removed to articulate the facade and accommodate a maximum of 18m building depth for any potential cross-through apartment design.



Move 04:  
The ground floor is modified to express different functions and uses with additional planting added where possible. "Green Entries" are applied for the residential and boarding house entrances and a awing is added overhead to provide shelter from the sun and privacy to the units located on level 01.

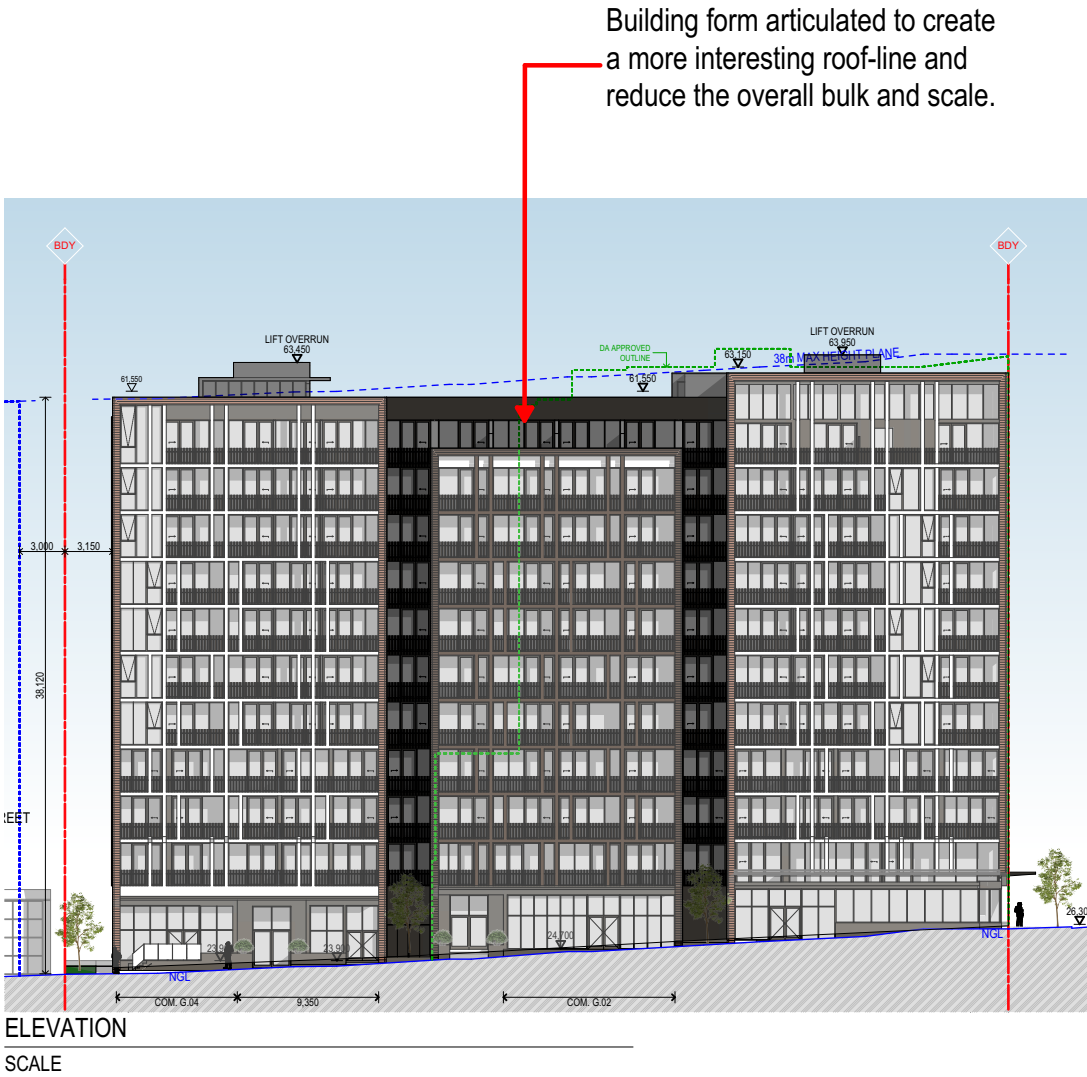
Council Comment

e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character.

Design Responses

In addition, a number of strategies are proposed to reduce the perceived bulk and scale of the proposed design. These are as follows:

- The heights of the three volumes have also being updated to create:
- More articulation to the roof line along Mary Street and visually a more interesting facade.
  - Reduce the form and scale of the middle volume along Mary Street
  - Alter the colour palette of the middle volume to enhance the street character and identity of the building volume.
  - Respond appropriately to the volume at the corner.



Street view



Council Comment

e. To ensure that the form, scale and height of the proposed development responds appropriately to site characteristics and the local character.

Design Responses

Surrounding Developments

The proposed development is in keeping with council's vision for the area and with the recently approved built developments.



Mary Street - Building 01  
SCALE



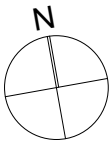
Mary Street - Building 06  
SCALE



Mary Street - Building 05  
SCALE



Mary Street - Building 04  
SCALE





Council Comment

f. To ensure that development relates well to surrounding developments including heritage items, open space and other land uses.

Design Responses

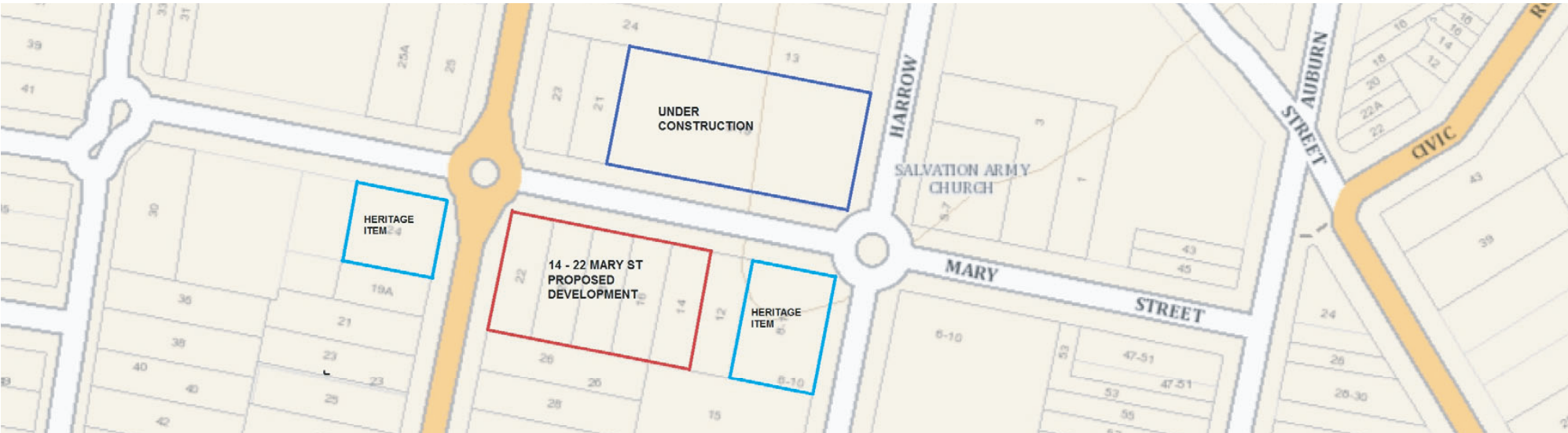
Out of the two heritage items adjacent to the site, the heritage report identifies No. 8 Mary Street with heritage significance. Due to substantial modifications, 24 Mary Street is not considered to have heritage significance.



NO. 8 MARY STREET - HERITAGE SIGNIFICANCE



NO. 24 MARY STREET - NOT CONSIDERED TO HAVE HERITAGE SIGNIFICANCE.



The proposed street elevation is modulated (stepped) and positioned (grouped elements) to break up the appearance of the overall form to read as an assembly of smaller scale elements, reminiscent of the scale of the heritage item at No. 8 Mary Street Auburn. The north and west elevations are stepped as they turn onto the Park Road façade to appear more slender and articulated by introducing a vertical format and the application of frames and colour.



Council Comment

g. To ensure that development maximises sustainable living.

Design Responses

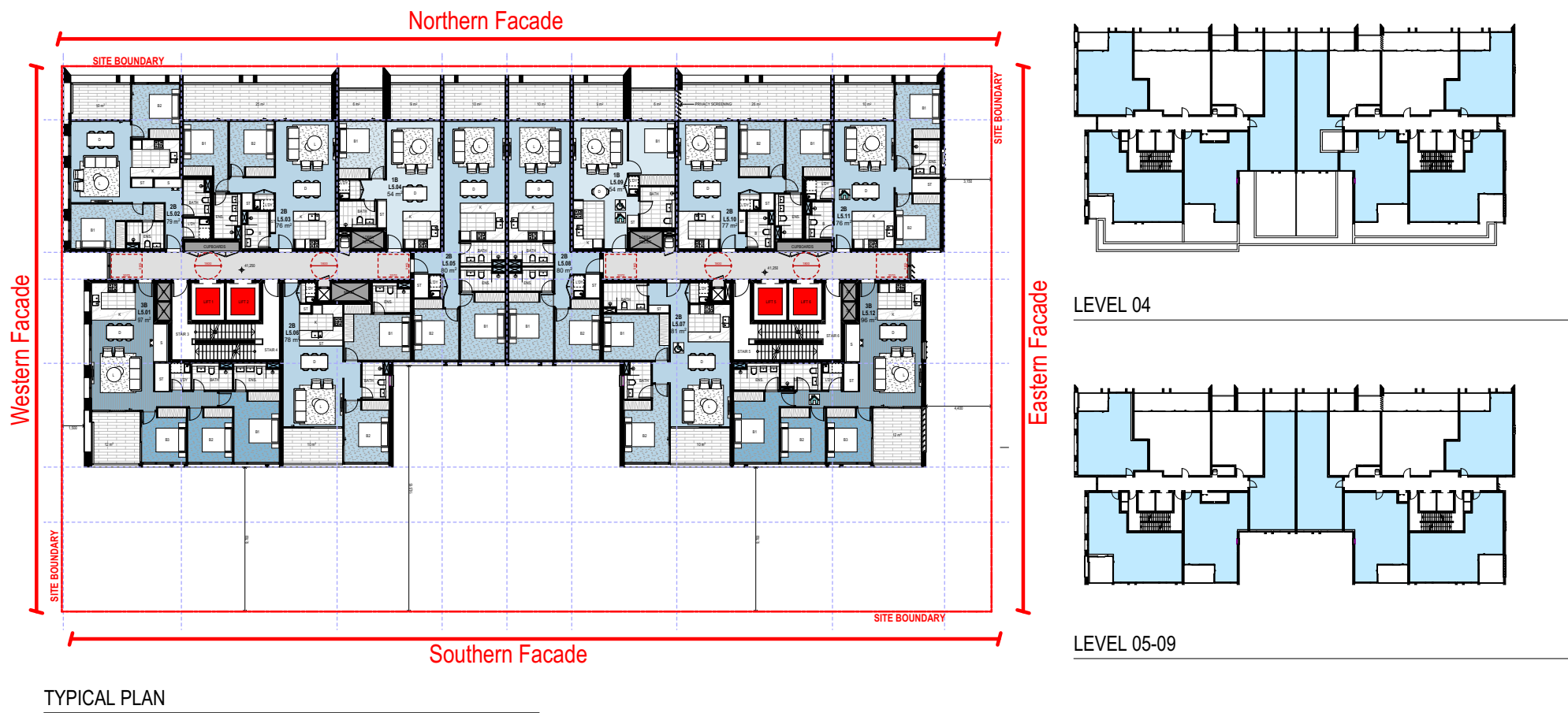
The orientation, massing and articulation of the proposed building design ensures that the apartment layouts achieve adequate ventilation and daylight access into the primary living and private communal areas. They have been designed so that solar access is maximized with full height floor to ceiling glass proposed, which will allow the natural light to penetrate deep into the internal space during the winter months. In addition, overhangs and performance glazing further enhance the passive design features of the development and reduce the amount of solar glare during the summer months.

Natural ventilation is provided to 56 apartments (67%), well above the ADG minimum of 60%. This will ensure reliable exposure to the relevant summer cooling breezes in Auburn.

Furthermore, over 2 hours of natural sunlight is provided to 59 apartments (70%) between 9.00am - 3.00pm on the 21st June as per the ADG guidelines and 86% of the units receive sunlight between these hours. Balconies provide shelter from the summer sun while allowing winter sun to penetrate well into living areas. This will reduce the need for mechanical heating and cooling.

Communal open space is provided on the roof, with well designed landscaping and easily receives over and above the solar requirements to the communal open space.

The BASIX assessment and certificate confirms the developments resource, energy, and water efficiency credentials. Please refer to the BASIX certificate attached, dated the 12<sup>th</sup> of August 2020, which was submitted with the DA application.



Council Comment

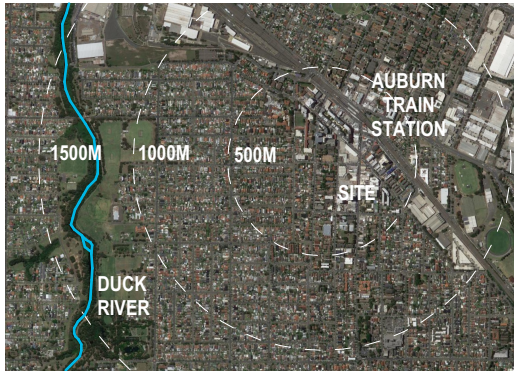
h. To maximise views, solar and daylight access.

Design Responses

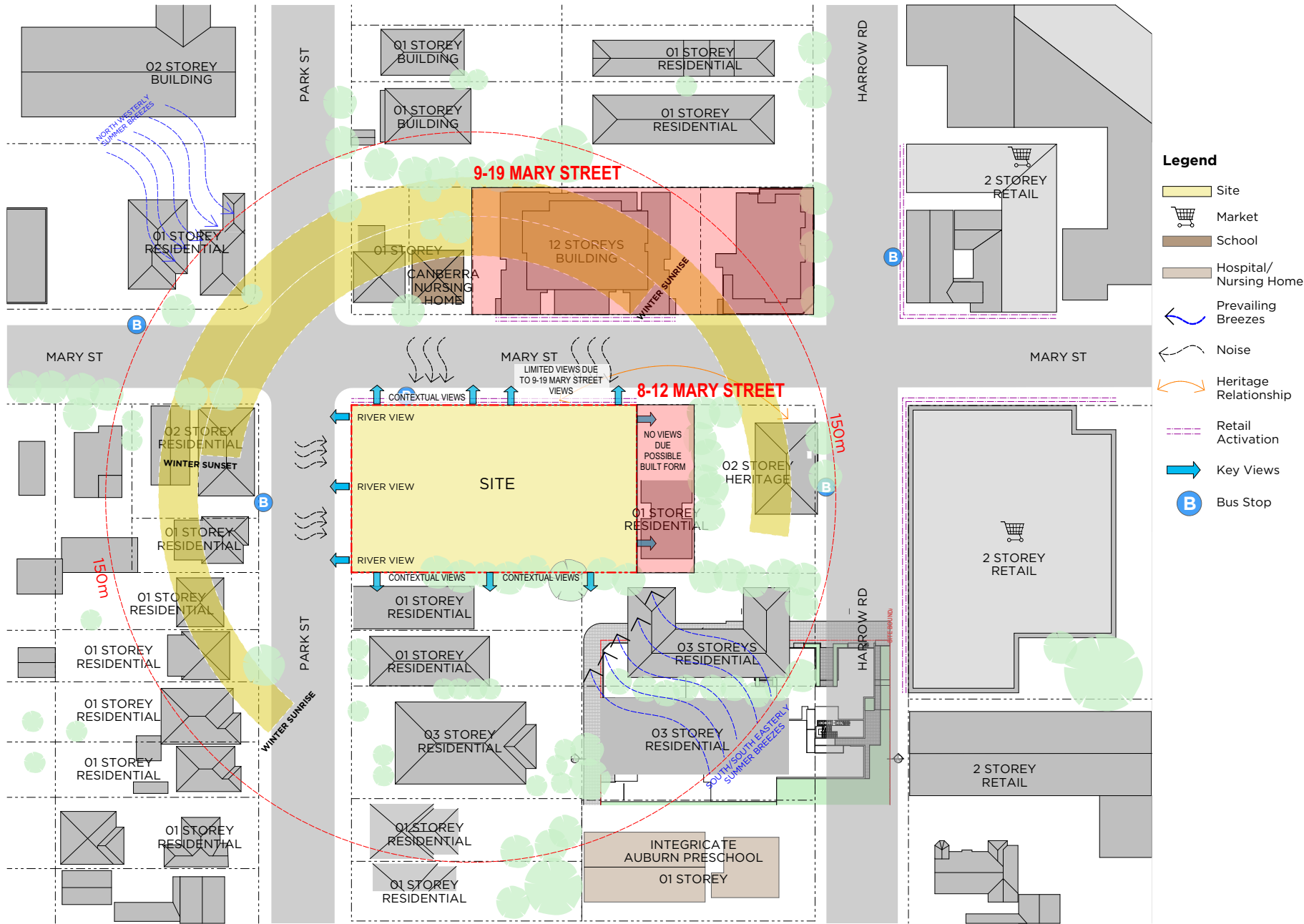
On all residential levels (Levels 4 - 10), 75% of the apartments have both their primary living and private open areas orientated in either a northerly or westerly direction, to maximise views, solar and daylight access.

Views are limited on the northern façade, due the development on 9 - 19 Mary Street and on the eastern façade, due to the possible future built form on 8 - 12 Mary Street. However, both the southern and western facades take full advantage of the views towards “Duck River”, Auburn’s Botanical Gardens and the wider surrounding context.

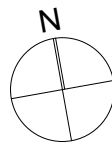
Full height floor to ceiling glazing is proposed that will allow natural sunlight to penetrate deep into the units, creating a more “open-feel” to the internal spaces and a better connection to the outdoor environment.



KEY MAP



SITE ANALYSIS

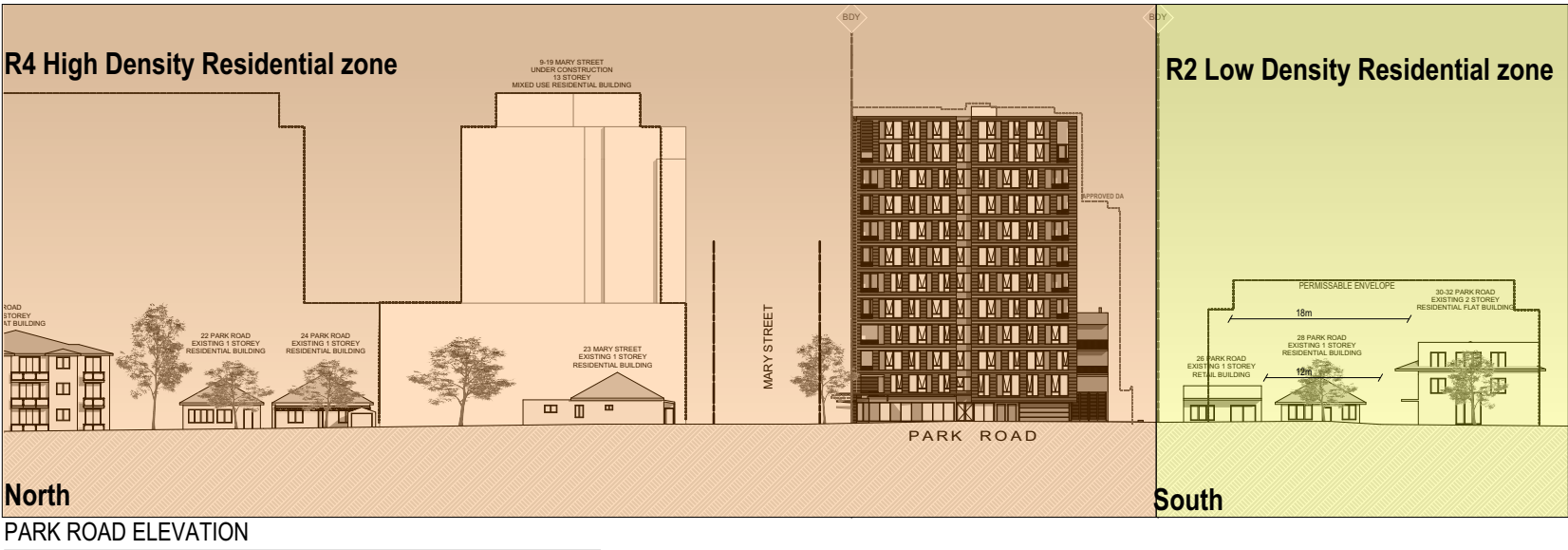


Council Comment

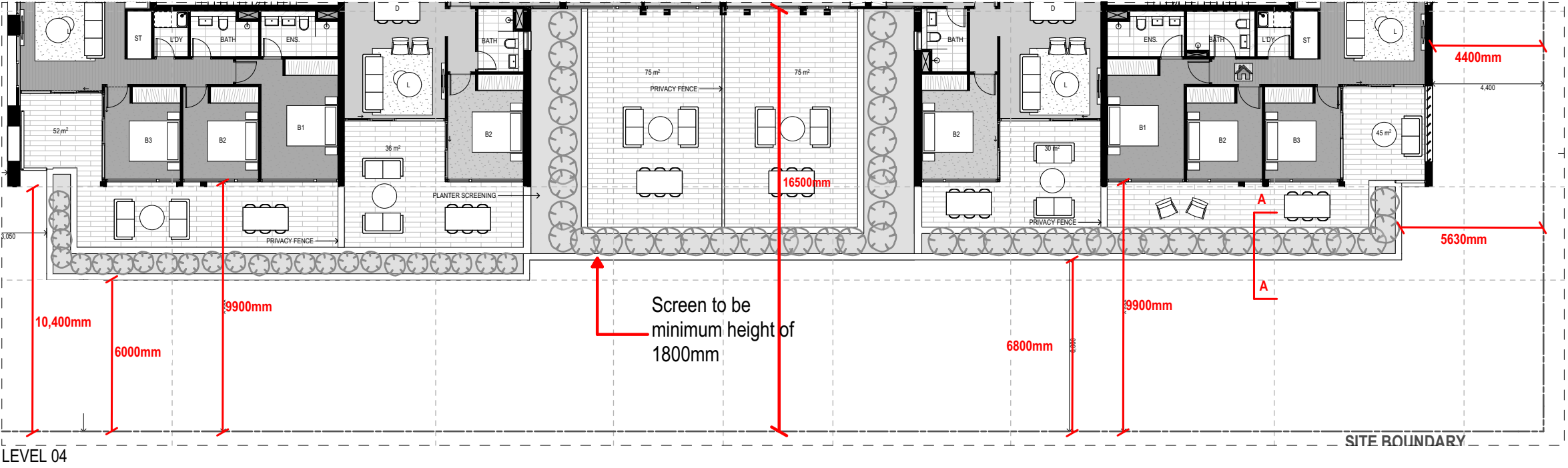
i. To provide an acceptable interface between different character areas.

Design Responses

As per the current LEP controls, 14 - 22 Mary Street has an interface with two zones, which have different characteristics. The first is a R4 High Density Residential zone and the second is a R2 Low Density Residential zone, located to the south and west of the site respectively. The R4 zone to the south has a permissible building height of 18m. This would allow a 5-storey development with a minimum 6m setback for the first four levels and a 9m setback for the fifth level.



The proposed design at 14 - 22 Mary Street recognises these controls and council's vision for the area and provides a transition between the R4 and R2 zones by proposing a 4-storey interface along the entire southern façade. This 4-storey form is setback a minimum of 6m from the boundary for approximately 19m before increasing to 6.7m for the remaining 34m of the design. These setback dimensions are also increased by 2.2m from the previously approved building form, which only had a setback/interface of 4.5m along the southern boundary.



The design along the southern boundary have a minimum setback of 9.7m and a maximum setback of 16.5m. Both setback dimensions are over and above the ADG requirements and well over the previously approved 4.5m setback. A setback over 8 levels has not being applied due to the adjoining development being only 5 levels.

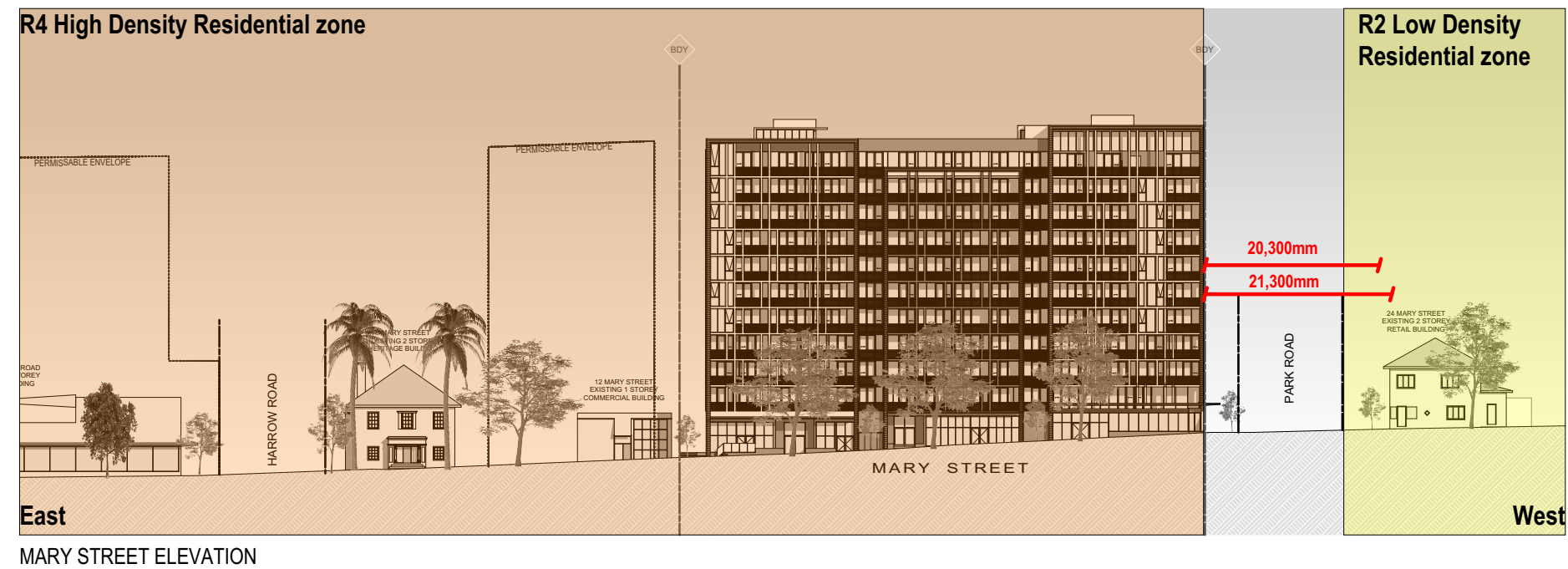


### Council Comment

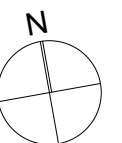
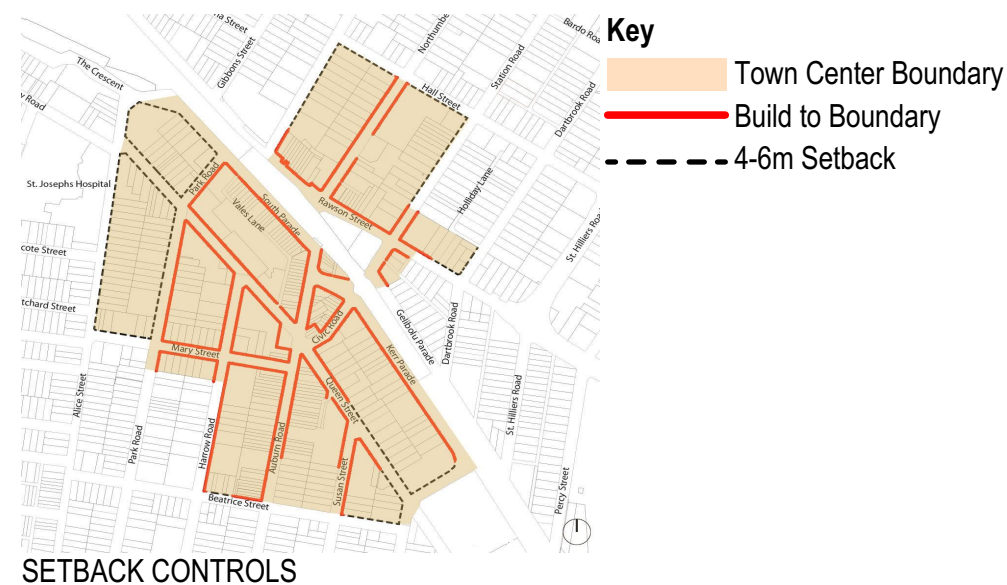
i. To provide an acceptable interface between different character areas.

## Design Responses

The R2 zone to the west is separated by Park Road and has a permissible building height of 9m, which allows for a 2-storey residential development. The distance between the two site boundaries is 20.3m and the distance from our building to the existing building is 21.3m.



In line with council's vision for our site and as per the setback controls set out in Auburns DCP 2010 for "Local Centres", we set a zero setback for the front portion of the western façade, which aligns with the new development located on upper portion of Park Road, but applied a 1.5m setback to the back portion of the western façade. This 1.5m setback is to offer some relief to the bulk and scale of the western façade and add some articulation to the design for a more interesting outcome. The previously approved western façade has both volumes built to the boundary and offers no additional setbacks.





Council Comment

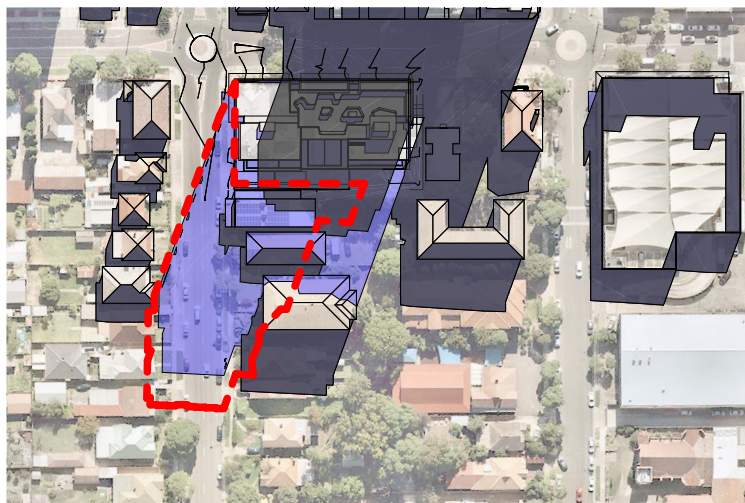
j. To minimise the impacts of buildings overshadowing open spaces and improve solar access to the street.

Design Responses

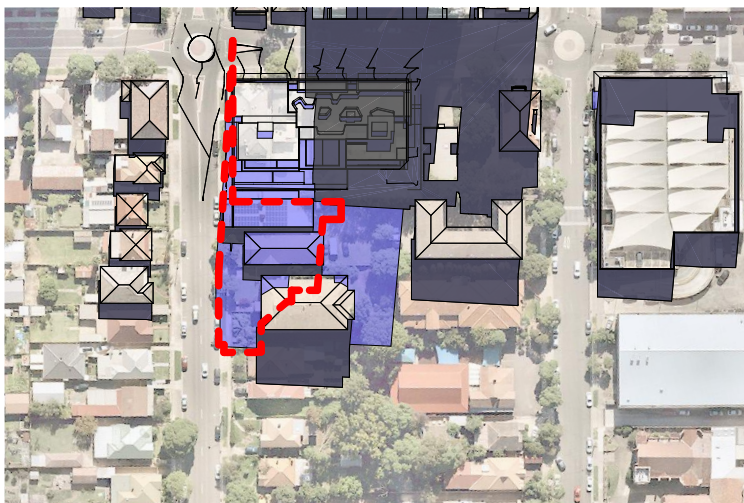
The proposed development has no impact on any surrounding public open space. The proposed schemes only impacts Park Road between 9am and 10am and Harrow Road after 2pm.



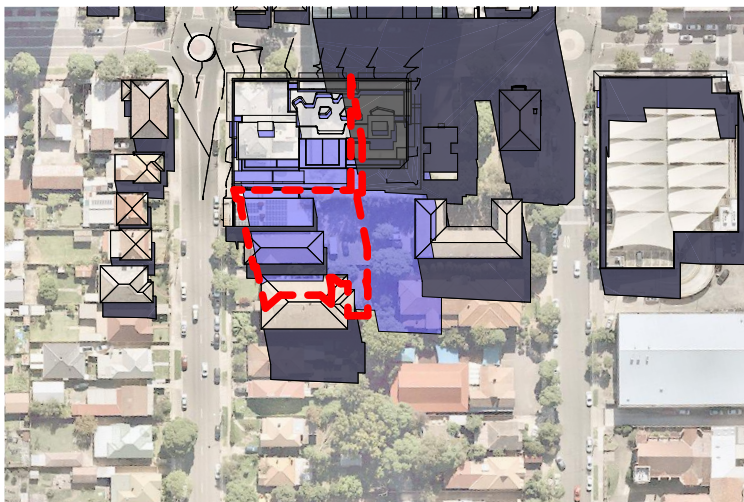
JUNE 21 - 9AM



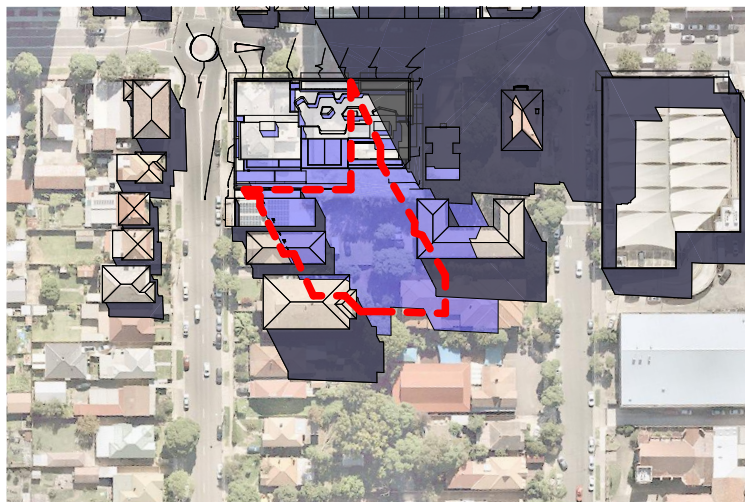
JUNE 21 - 10AM



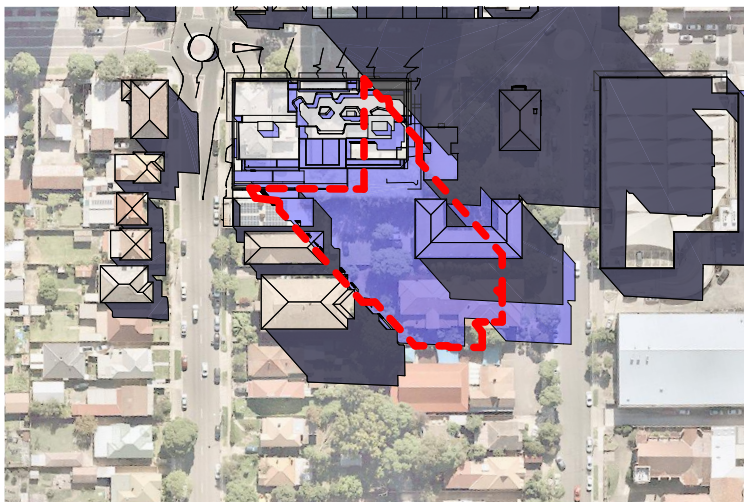
JUNE 21 - 11AM



JUNE 21 - 12PM



JUNE 21 - 1PM



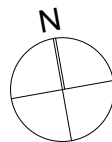
JUNE 21 - 2PM



JUNE 21 - 3PM

KEY

- EXISTING SHADOW
- PROPOSED ADDITIONAL SHADOW
- SHADOW OF APPROVED DA





Council Comment

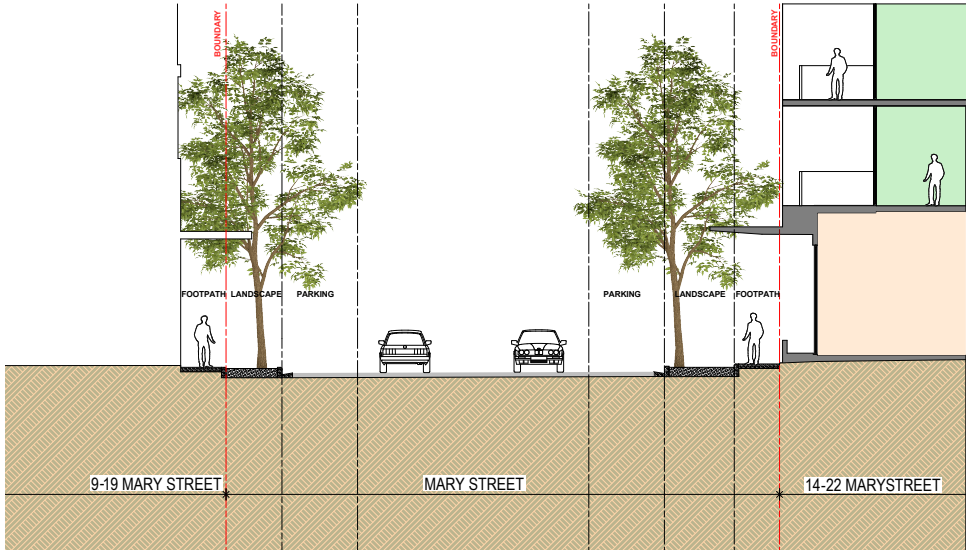
k. To contribute to the streetscape and form a clear delineation between the public and private domain

Design Responses

The proposal provides a clear delineation between the public and private domain. Retail or commercial units are located within the “plinth” at ground level to activate the street frontages. A canopy overhead provides a human scale to the pedestrians at street level. Generous footpaths with easy street access and landscaped strips are provided along each street edge to give the ground floor space a ‘green’ character. The principal facade or “street wall” above the ground level ‘plinth’ will provide visual interest and inform passers-by about the activities within. It will frame and define the street edges and create a fine-grained pattern with its own rhythm and inherent variety.



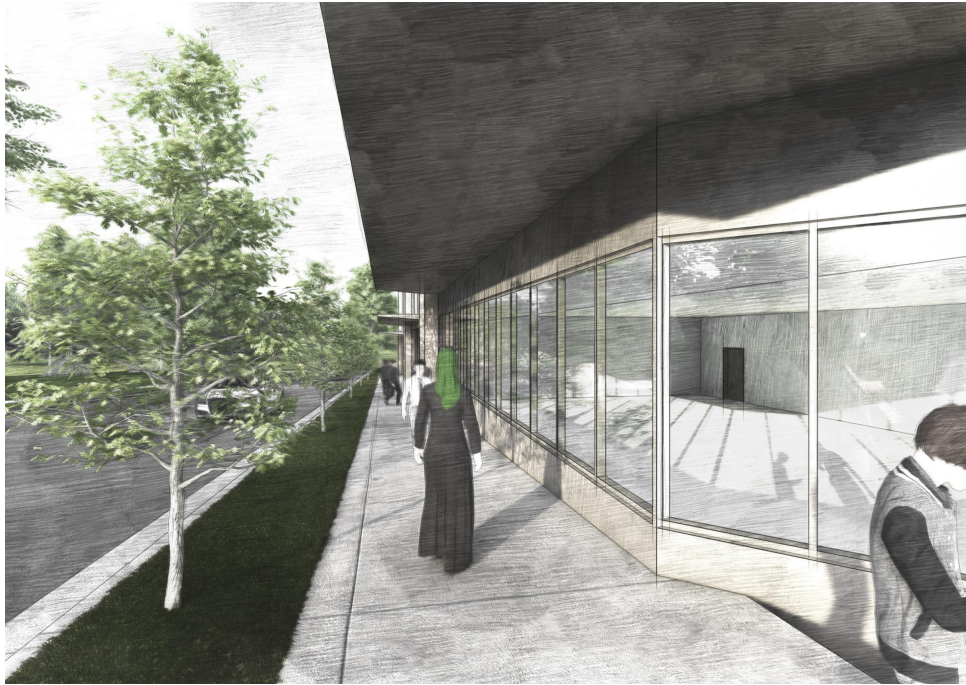
A Person’s Sightline at the corner of Mary Street and Park Road.



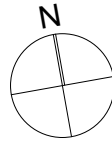
Mary Street: Street section



A Person’s Sightline looking Up Mary Street.



A Person’s Sightline looking down Mary Street.



Council Comment

Design Responses

- i. Built form –refer to DEP comments.*
- ii. Streetscape and urban form – refer to DEP comments.*
- iii. Mixed use development – refer to DEP comments.*
- iv. Wind mitigation – the submitted wind report indicates a breach of the criteria along Mary Street but indicates planting can mitigate this. This matter needs to be further addressed to demonstrate how compliance can be achieved.*

Please refer to pages 22-27 of "Auburn DCP".

Please refer to pages 27-31 of "Auburn DCP"

Please refer to pages 17-21 "Auburn DCP"

Please refer to the engeneer's wind report.



Council Comment

5) Engineering

a. Flooding

- i. A flood advice letter shall be obtained. Flood modelling shall be calibrated to Council's flood levels provided in the flood advice letter.
- ii. Developments are not permitted within the floodway and high hazard areas as per Council's DCP.
- iii. Electronic copy of the modelling shall be submitted for assessment.
- iv. Proposed increase in flood level is not acceptable. Increase in flood level outside the property shall be limited to 10mm.
- v. The subject development shall comply with Chapter 6 of 'Auburn Development Control Plans 2010 – Stormwater Drainage'. In this regard, flood report shall address the controls nominated in Table 5 of the Auburn Development Control Plan 2010 – Stormwater Drainage

b. Stormwater Realignment

- i. Exact location of the pipe shall be located and annotated in the stormwater design plan.
- ii. Pipe realignment shall be designed in consultation with Sydney Water and Council's engineering section.
- iii. Building and other structures shall be clear of the stormwater pipe and associated easements. The Sydney Water clearance requirements shall be incorporated in the design.

c. Stormwater

- i. A crest shall be provided in the access ramps within the site to prevent stormwater runoff from the street enters the basement and the loading area. The crest shall be minimum 100mm above the adjacent top of kerb level.
- ii. Grated drain shall be provided behind the flap.

Design Responses

Please refer to the attached flooding and stormwater information.



Council Comment

d. Traffic/Parking

- i. Commercial and residential parking spaces shall be separated. Turning area shall be provided at the separation area blind aisle.
- ii. Width of the commercial and visitor parking spaces shall be minimum 2.6m. All the necessary dimensions shall be annotated on the plans.
- iii. Two-way access ramp width shall be minimum 6.1m. Details shall be annotated on the plan.

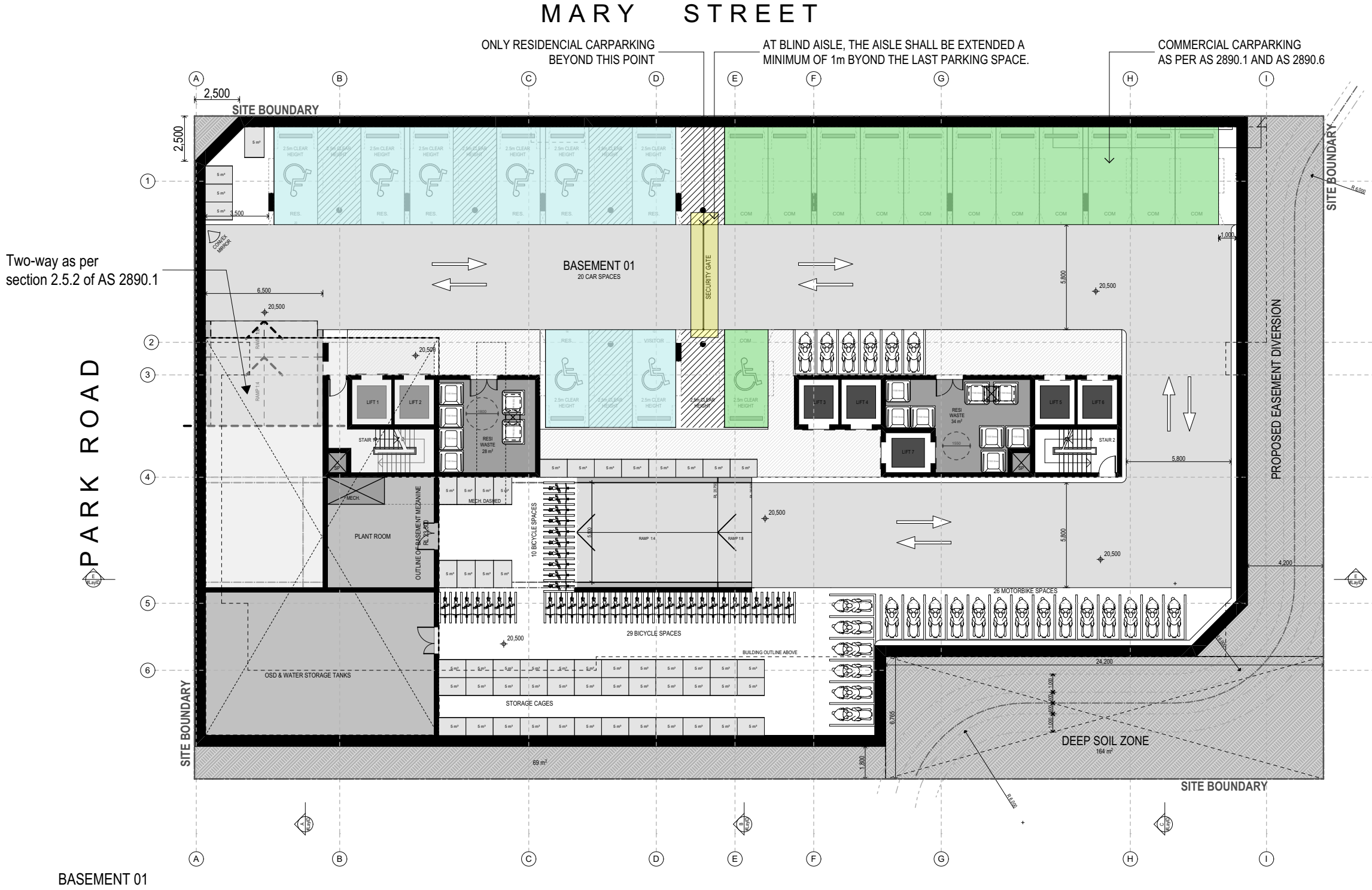
Design Responses

Commercial and residential parking spaces are separated by a security gate, and a blind aisle of min. 1m is provided at the end of the commercial parking bays.

Proposed parking layout complies with AS 2890.1- and AS 2890.6.

Legend

- Residential carparking
- Commercial carparking
- Security gate



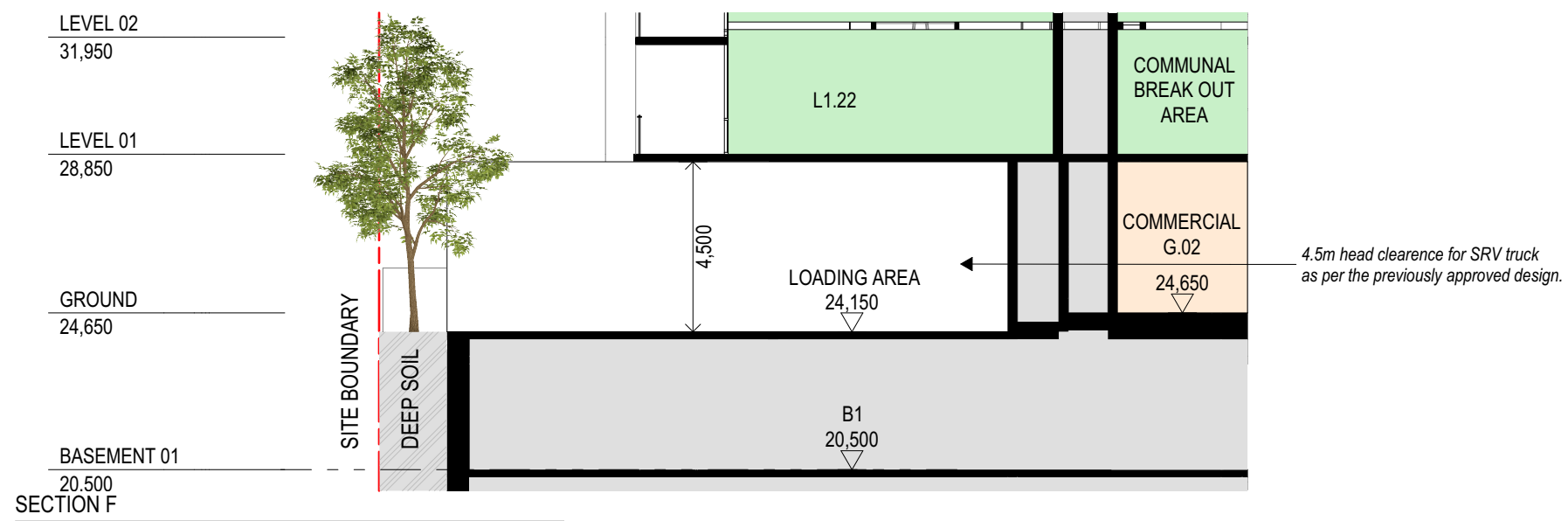
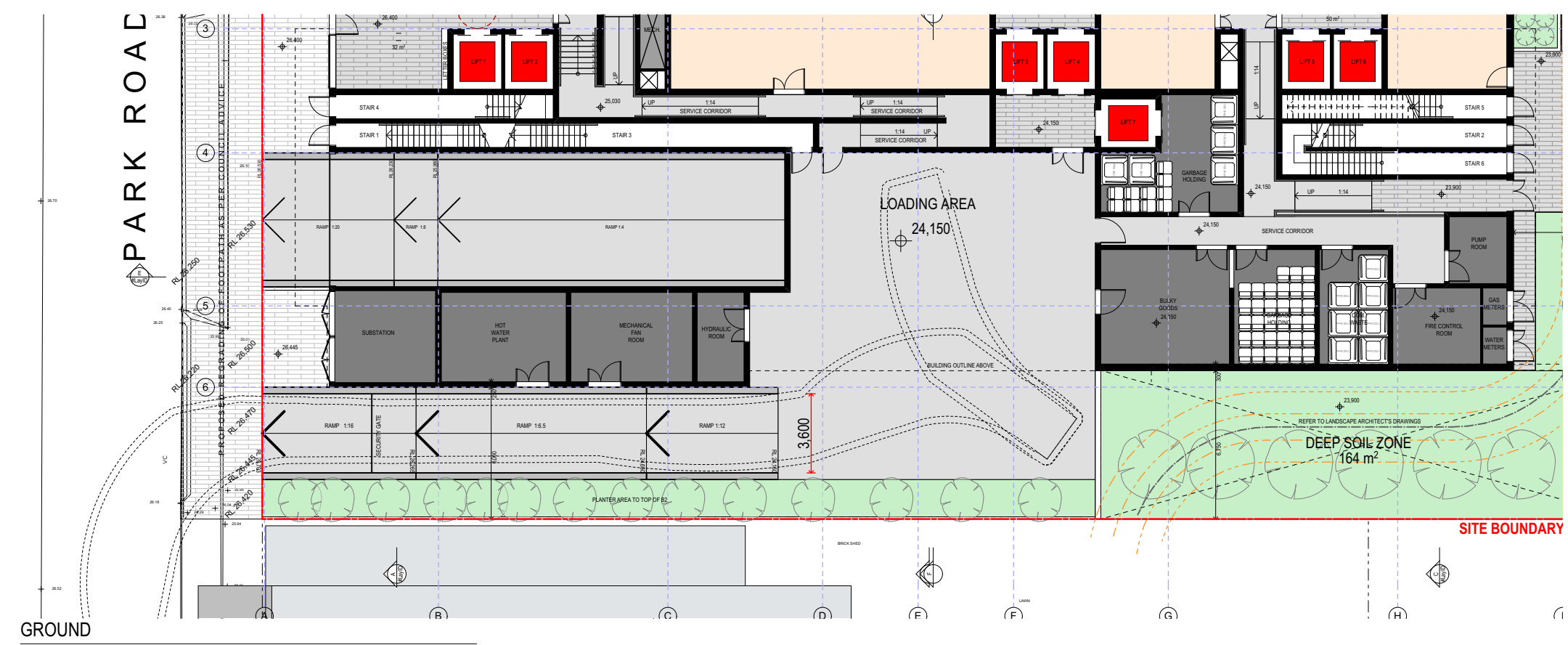
Council Comment

d. Traffic/Parking

- i. Driveway width for truck access shall be minimum 3.5m. Detail shall be annotated on the plans.
- ii. Traffic report shall address the loading requirements. Minimum two loading areas are required as per Council's DCP. Loading area shall be designed for at least Medium rigid vehicle (MRV) access. Delivery trucks shall enter and leave the site in a forward direction. In this regard detail swept path analysis shall be submitted.
- iii. Detail left turn entry/exit swept path analysis shall be provided to ensure truck manoeuvring will not have adverse impact on street traffic and onstreet parking. The plan shall also show the kerb and road centre lines details.

Design Responses

Driveway width for truck access is 3.6m.  
Loading requirements and swept path as per the approved DA - Ref N° DA-32/2017  
Loading dock has been designed to accommodate the ramp grade and loading requirements of a SRV truck accessing the loading dock. MRV trucks reverse into the top of the ramp only, which is consistent with the previously approved design. Testing with the ground clearance templates in accordance with AS28090.2-2002 indicates that both truck sizes can be accommodated on the respective sections of the ramp without scraping.



Council Comment

Design Responses

6) Environmental Health Unit

a. Contamination

An Interim Letter of Advice from a NSW EPA accredited Site Auditor is to be provided to Council to confirm that the site investigation and remediation approach outlined in the submitted DSI and RAP are appropriate, and that the site is likely to be able to be made suitable through implementation of this remediation approach.

Further information is required to be provided by the environmental consultant as to the likely requirements and obligations of any long term EMP which will accompany remediation of the site.

Specifically:

i. What the expectation is for groundwater monitoring, including frequency and scope of the sampling program;

ii. What the expectation is for soil vapour management (including the likely need for a soil vapour barrier), including whether any active management of the barrier will be required, and if so the scope of this;

iii. Who will be responsible for implementing and overseeing the above monitoring and management programs for the site.

Please refer to the letter from the enviromental consultant.

Council Comment

b. Noise

An acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report must assess all potential noise impacts from the proposed development (including but not limited to mechanical plant/equipment, vehicle movements and loading dock activities) and their impact on surrounding sensitive receivers, providing noise mitigation/reduction recommendations where required.

The report shall also include an assessment of expected construction noise and vibration impacts on nearby sensitive receivers and recommend mitigation measures where required. The report should be prepared in accordance with the NSW Environment Protection Authority's Noise Policy for Industry, the State Environmental Planning

c. Environmental (Water/air quality)

A site specific sediment and erosion control plan must be prepared by a suitably qualified environmental consultant and submitted to Council for review. The plan shall be designed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' guidelines and address erosion and sediment control requirement for all stages of development (demolition, excavation and construction).

Design Responses

Acoustic assessments to be specified at the pre-construction certificate stage when mechanical service plans are finalised and onsite equipment has been selected.

- Loading Door Assessment
- Mechanical Plant Assessment
- Construction Noise and Vibration Management Plan

However due to the high ambient noise level in the area and the introduction, standard noise management recommendations and past similar DA's, the development more than likely comply's.

Please refer to the acoustic engeneering report.

Site specific sediment and erosion plan to be provided at a later date.



Council Comment

c. Environmental (Water/air quality)

- A site specific sediment and erosion control plan must be prepared by a suitably qualified environmental consultant and submitted to Council for review. The plan shall be designed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' guidelines and address erosion and sediment control requirement for all stages of development (demolition, excavation and construction).
- 7) Waste
- a. Clarification is required on whether the service lift will be used to transfer bins to the waste collection point.
- b. It is recommended that there be sufficient bin volume under the chute for a minimum of two days waste generation. Where this cannot be provided, volume handling equipment is required to automatically change the bin under the chute when full.
- c. The proposed development must ensure a medium rigid waste collection vehicle can safely collect garbage and recycling bins.

Design Responses

Please refer to the letter from the enviromental consultant.

Please refer to the waste engineers updated report.

**From:** Ashley Dunn <[ashley@dunnhillam.com.au](mailto:ashley@dunnhillam.com.au)>  
**Sent:** Monday, 24 May 2021 3:02 PM  
**To:** Rashika Rani <[Rashika.Rani@cumberland.nsw.gov.au](mailto:Rashika.Rani@cumberland.nsw.gov.au)>  
**Cc:** David Appleby <[dappleby.ud@gmail.com](mailto:dappleby.ud@gmail.com)>; Iain Stewart <[I.Stewart@hamessharley.com.au](mailto:I.Stewart@hamessharley.com.au)>; Esra Calim <[esra.calim@cumberland.nsw.gov.au](mailto:esra.calim@cumberland.nsw.gov.au)>  
**Subject:** Re: Re-referral 14-22 Mary Street, Auburn

Hello Rashika

The DEP ("Panel") has reviewed the amended proposal for the above project in regard to the recommendations made in the Panel's original report. The Panel's detailed comments to the amended proposal are below:

Documents:

Document Set - DEP Updates Rev B, March 2021, Urban Link Architects

Request for Further Information DA 2020/0542, Version 1, 18/3/2021, Urban Link

Design Verification Statement, Version 1, 18/3/2021, Urban Link Architects

Built Form/Massing

DA 001, DA 901, DA 1410 B - Generally speaking the proposed built form and massing that forms up the Mary Street and Park Road frontages and sets back from the south and east is satisfactory. The articulation of the Mary Street architectural expression into three distinct building forms, of apparent variation in height, through recessed 'slots' and the use of different materials and finishes assists to break down the overall massing of the otherwise large building. Although the massing complies with planning controls, it presents a formidable street-wall to Mary Street and has major shadowing impacts on property to the south. The panel is of the opinion that the proponent has not adequately evolved the building form to improve this outcome. The panel understands that if the proponent is to realise the allowable site FSR while complying with height controls then any further improvements will be difficult. The panel is of the opinion that in order to reduce the impact of a continuous street-wall on Mary Street, and to improve over-shadowing impacts, permissions would need to be made through a design excellence process for greater height variance between the different building volumes.

The minor height overrun does not concern the panel. A top level set back of 3-4m would help reduce the overall scale of the building, however, the scheme is at the limit of the allowable FSR (with bonus) and doing this would mean that the proponent would likely request to make up the lost FSR elsewhere (see comment above). The panel would prefer to see the west-most volume of the building mass, on the corner of Mary Street and Park Road, increase in height and the other two volumes reduce. The ability to explore increased height may slim the building's bulk and improve the

massing outcome, it would further break up the street wall and reduce over-shadowing. This would require the proponent pursuing a Design Excellence process.

DA 006 B - The location of the ground level deep soil zone appears to be driven by the need to locate large new stormwater service pipes and an overland flow pathway. The panel is of the opinion that an opportunity has been missed to create some urban green space with a northern aspect that could be used by residents of the apartments. The current configuration treats the rear open space as an unwanted leftover space, offering little amenity for residents to enjoy. Increasing the ground level green space to the east of the building is recommended along with creating usable spaces for residents, such as seating nooks. Services and escape stairs in this area could be reconfigured by reducing the area of G.03 to open up space for relocated services and increasing the area of commercial unit G.04 so that it can open up to green space.

The proponent has not responded to our previous comments in this regard.

#### Ground Floor

DA 006 B - The proposed amendments improve the ground floor frontages somewhat, specifically the Mary Street residential and boarding house entries. There are two exceptions - the Commercial G.04 (east) leased area frontage and the lack of resolution of the Mary Street and Park Road footpaths.

DA 006 B, Design Responses P2+3, DA 201 B - The interface with the Mary Street public domain (street footpath) is unsatisfactory - the proposed narrow and awkward stair and raised access is not supported. The panel are of the opinion that a direct entry to the tenancy should be provided directly off the footpath and the level change accommodated within the tenancy. The ramped access to the side should lead to useable outdoor space that relates to the tenancy.

The proponent has not responded to our previous comments in this regard.

#### Landscaping

DA 006 B, Design Response, Landscape P10 - Street trees are to be provided wherever possible along the Park Road frontage (three new trees appear possible). Replacement trees to be provided as required along Mary Street as advised by an arborist and/or Council's landscape architect.

DA 006 B - The ground floor landscaped area is primarily to the south of the building, is significantly overshadowed by the proposed new building and has no ground floor areas opening onto it. It has a blank wall on one side, a loading dock to the west, and boundary fences to the south and east. It is not likely to be a space where residents would go to relax or play with their children. It may be difficult to get grass to grow in this almost permanently overshadowed situation.



It is acknowledged that the trees will provide a buffer between the new building and the existing properties to the south and east, and a green outlook for the southeast apartments in the lower floors of the building.

Consideration could be given to providing more usable landscaped area (1-2m extra width?) to the east of the main building where they would be access to northern sunlight and providing some seating. A mural on the rear south facing wall and a footpath to this rear open space, including a small paved seating area (and basketball hoop?) could be considered.

Any space on the ground floor here is unlikely to be of any value to residents given the retail oriented programming of the ground floor – it will not be sufficiently private. The proponent should consider outdoor amenity in this area to be public realm/socialised commercial.

The proponent has not responded to our previous comments in this regard.

#### Public Domain

Design Responses P32 - It is noted that on a number of the perspectives a grass nature strip is shown. As the building is located in a built up urban area, suburban grass nature strips are inappropriate. Generally paving should extend from the building frontage to the back of the kerb, with tree holes cut out from this. Compliant pedestrian ramps should be provided at designated street crossing points. WSUD should be considered and incorporated into the street footpath design. A change in paving design/texture (aligned with the streetscape palette that applies) and bollards should be used to warn pedestrian of places where vehicles cross over the footpath zone.

The proponent has not responded to our previous comments in this regard.

#### Plan Layouts

DA 101 B - The current pathway for deliveries from the loading dock to the western residential lift core is narrow and circuitous. How do large furniture items get from the dock to the many apartments as residents start to move in?

DA 102, 103 B - A number of apartments on Levels 01, 02, 03 (Boarding House) have small balconies (4m<sup>2</sup>). The panel acknowledges that SEPP 65 and the ADG does not apply to the boarding house component of this proposal and that 4m<sup>2</sup> meets the ADG minimum balcony size for a studio apartment. Notwithstanding, it would be a better design outcome if these balconies could be larger (to fit a table and chairs), especially on the south facing apartments.

Room L1.28 (wheelchair compliant) - check minimum access width via the kitchenette to the bedroom.

Room L1.13, L2.17 - concern is raised over the lack of access to natural light and ventilation, and very limited size wardrobe/storage. The proponent has not responded to our previous comments in this regard. L1.13, L1.30, L2 and L2.35 have very mean amenity – there is nothing preventing L1.30 and L2.35 from having balconies; additionally L.13 and L.17 have visual privacy issues and could be combined with L1.14 and L2.18 (respectively) to create better units.

Room L2.34 - the bed appears to prevent access to the balcony.

### Common Areas

The relocation of the Boarding House Common Room has improved the aspect and solar access to this common space. But the massing intent recommended by this change has not been realised – the retail canopy could be raised here so that the first floor appears as part of the street activation in recognition of the sloping site.

### Ramp Height Clearances

DA 304 B - the main ramp down to the basement has a head clearance of 1.86m. A question is raised as to the adequacy of this clearance for larger vehicles with roof racks, small vans, etc. Needs to comply with Australian Standards

### Privacy Screens

Design Responses P5 - It is suggested that privacy screens could be constructed of frosted glass or vertical louvres to maximise the access of natural light and ventilation to these balcony areas.

Please feel free to contact me should you wish to discuss this proposal further.

Kind regards,  
Ashley Dunn

Director

NSW ARB No. 7547, VIC 20849, NT AR583

Adjunct Professor (Architecture) UNSW

For and on behalf of

### **Dunn & Hillam Architects**

**A** 33 Salisbury St, Botany, NSW 2019

**T** +61 2 9316 7715

**E** [ashley@dunnhillam.com.au](mailto:ashley@dunnhillam.com.au)

**W** [dunnhillam.com.au](http://dunnhillam.com.au)

Nominated Architect: Ashley Dunn (ARB No. 7547)



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PARK ROAD

MARY STREET

SITE BOUNDARY

SITE BOUNDARY


SITE BOUNDARY

Copyright URBAN LINK PTY LTD ©

Notes:  
1. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS.  
2. DO NOT SCALE DRAWINGS.  
3. CONTRACTOR TO CHECK UNDERGROUND SERVICES BEFORE COMMENCING WORKS BY CONTACTING DIAL BEFORE YOU DIG. IF DIAL BEFORE YOU DIG INFORMATION IS PROVIDED WITH THIS DOCUMENTATION IT SHALL BE ASSUMED NOT TO BE CURRENT AND CONTRACTOR SHALL MAKE THEIR OWN ENQUIRIES.

**Energy Rating**

single-dwelling rating: **5.5** stars  
multi-unit development (attach listing of ratings): heating **39.7** stars, cooling **21.8** stars  
Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: **Urbal Behel VIC/DAW131521**  
Assessor Signature:  Date: **12/08/2020**

REV B UPDATES

|     |                                    |            |       |
|-----|------------------------------------|------------|-------|
| B   | DEP UPDATES                        | 10.03.2021 | TJ    |
| A   | DEVELOPMENT APPLICATION SUBMISSION | 24.07.2020 | TJ    |
| Rev | Description                        | Date       | App'd |

Project  
**MIXED USE DEVELOPMENT**

14-22 Mary Street  
Auburn NSW, Australia

**URBAN LINK**

Business Address: Level 10, 11-15 Deane Street, Burwood NSW 2134  
Postal Address: PO BOX 2223 Burwood North NSW 2134  
Phone Number: +61 2 9745 2014  
Nominated Architects:  
Ziad Boumalhem Reg no 8008  
Youssef El Khawaja Reg no 8933  
Nicolas Toubia Reg no 9336

Drawing Title  
**FLOOR PLANS  
GROUND FLOOR**

Scale  
**1:100** @A1 Sheet Size

Project Number  
**20-040**  
Status

Drawing Number  
**DA-101**

Revision  
**B**



Notes  
1. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS.  
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**Energy Rating**

Certificate Number 15213806

☐ single-dwelling rating

☒ multi-unit development (attach listing of ratings)  
(multi-unit also applies to the average across the entire development)

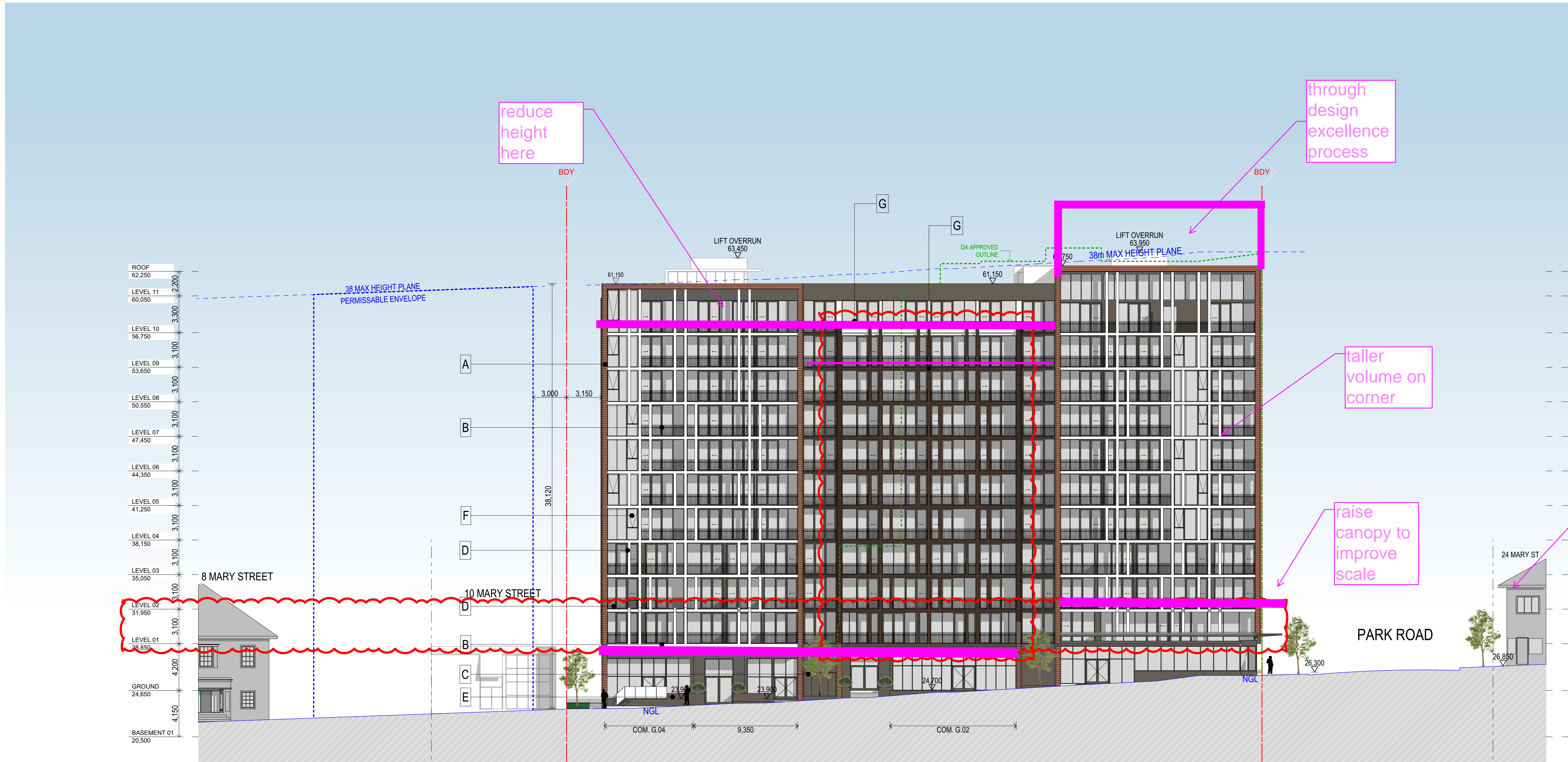
heating 39.7 MJ/m<sup>2</sup>

cooling 21.8 MJ/m<sup>2</sup>

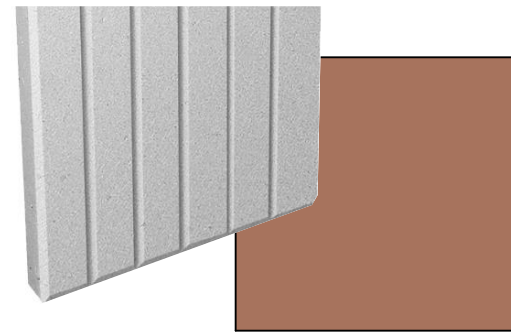
Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: Ved Beheti VICBDAW131521

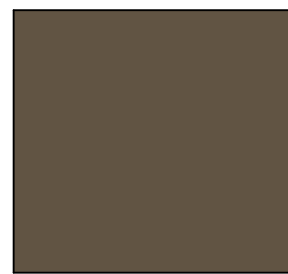
Assessor Signature: Date: 12/08/2020



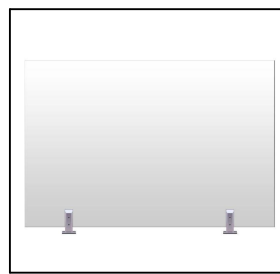
ELEVATION  
SCALE 1:200



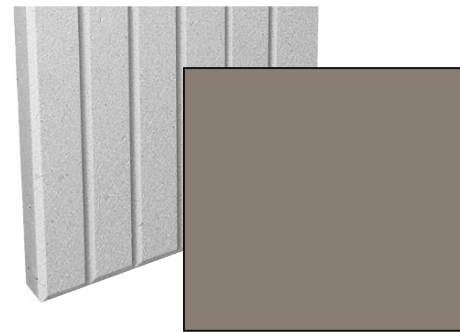
**A**  
HEBEL POWERPANEL - LINEAR COLLECTION - HORIZONTAL GROOVING 100mm SPACING FINISHED IN DULUX CLAY COURT - A104 OR SIMILAR



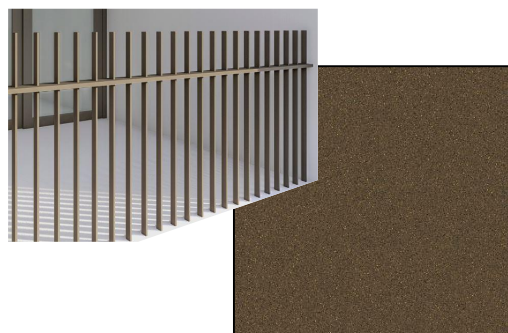
**C**  
PAINT FINISH DULUX SANDALWOOD A178.1 OR SIMILAR



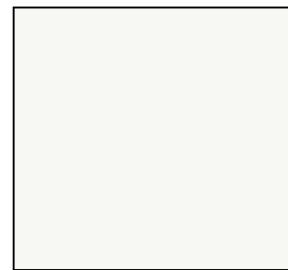
**E**  
CLEAR GLASS BALUSTRADE (COMMERCIAL G.03)



**G**  
PAINT FINISH DULUX OTTER FUR SN3C6 OR SIMILAR



**B**  
METAL BALUSTRADE, WINDOW FRAMES, DOOR FRAMES & AWNINGS FINISHED IN DULUX POWDERCOATING - ELECTRO MEDIUM BRONZE OR SIMILAR



**D**  
PAINT FINISH DULUX VIVID WHITE PN2-B6 OR SIMILAR



**F**  
CLEAR GLASS WINDOWS & DOORS

REV B UPDATES

| Rev | Description                        | Date       | App'd |
|-----|------------------------------------|------------|-------|
| B   | DEP UPDATES                        | 10.03.2021 | TJ    |
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Project  
MIXED USE DEVELOPMENT

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Youssef El Khawaja Reg no 8933  
Nicolas Toubia Reg no 9336

Drawing Title  
**ELEVATIONS**  
NORTH ELEVATION

Scale  
1:200 @A1 Sheet Size

Project Number  
**20-040**  
Status

Drawing Number  
**DA-201**

Revision  
**B**