



City of Parramatta	
File No:	DA/1007/2022

SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

DA No:	DA/1007/2022
Subject Property:	LOT 234 DP 235090, 12 Lloyd George Avenue, WINSTON HILLS NSW 2153
Proposal:	Demolition of existing structures, removal of trees and construction of a two storey dwelling including basement parking.
Date of receipt:	21 December 2022
Applicant:	ARCM Design Pty Ltd
Owner:	Mrs R Maroun
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	One (1) Submission
Recommendation:	Refusal
Assessment Officer:	Caitlin Hopper

Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy (BASIX) 2004• Parramatta Local Environmental Plan 2023 (PLEP 2023)• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCP 2011)
Zoning	R2 – Low Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel (PLPP) due to a variation to Floor Space Ratio development standard greater than 10%.

1. Executive Summary

Section 4.15 Assessment Summary

The Development Application, DA/1007/2022 was lodged to Council on the 21 December 2022 for the demolition of existing structures, removal of trees and construction of a two storey dwelling including basement parking on land at 12 Lloyd George Avenue, Winston Hills.

In accordance with the Parramatta Consolidated Notification Procedures, the Development Application was notified from the 11 January 2023 and 25 January 2023. In response one (1) submission was received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development exceeds the maximum permissible floor space ratio by 66.36m² which is a 19% variation to the development standard, however justification pursuant to Clause 4.6 of the Parramatta Local Environmental Plan 2011 was not submitted by the applicant.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, it is recommended Development Application DA/1007/2022 be refused.

2. Site Description and Conditions

The subject site is legally described as Lot 234 DP 235090 and commonly known as 12 Lloyd George Avenue, Winston Hills.

The site is a rectangular allotment has a minor slope from the rear (north) to the front (south) of the site of approximately 2.29 metres over a distance of 43.56 metres.

The subject site has the following area and dimensions:

- Area – 696.9 square metres
- Frontage – 15.245 metres
- North – 17.93 metres
- East – 41.66 metres
- West – 43.2 metres

The subject site currently accommodates a single storey dwelling house with a detached carport. It is located within an established residential area characterised by single and double storey residential dwellings. However, to the west of the site is a public reserve.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image and photographs in **Figures 1 - 10** below.



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in orange. Source: Nearmap: March 2023.



Figure 2: Zoning Map. Source: LEP 2011.

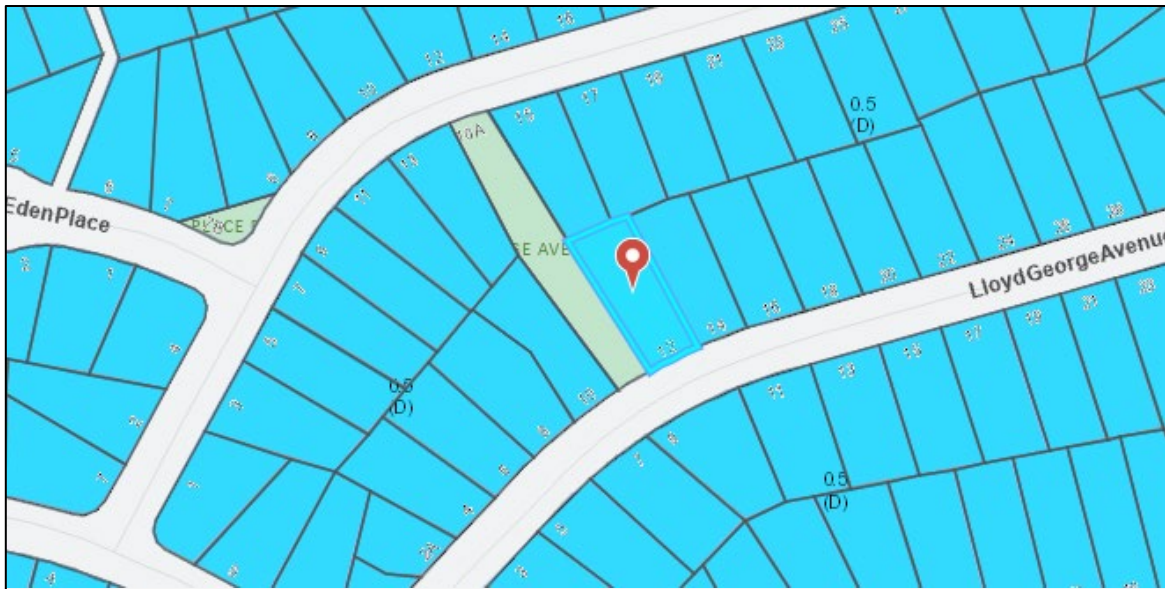


Figure 3: FSR Map. Source: LEP 2011.

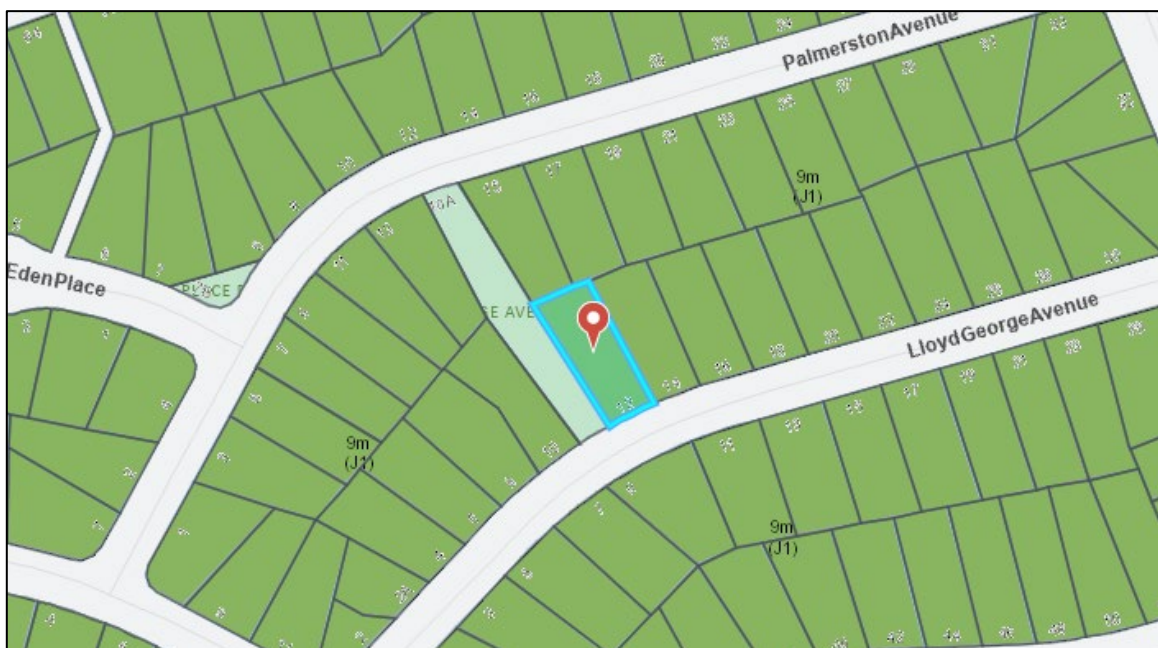


Figure 4: Height of Building Map Source: LEP 2011.



Figure 5: 12 Lloyd George Avenue, Winston Hills. Source: Site Inspection.



Figure 6: 12 Lloyd George Avenue, Winston Hills. Source: Site Inspection.



Figure 7: 12 Lloyd George Avenue, Winston Hills from the adjoining public reserve facing south east. Source: Site inspection



Figure 8: 12 Lloyd George Avenue, Winston Hills from the adjoining public reserve facing east. Source: Site inspection



Figure 9: 14 Lloyd George Avenue, Winston Hills. Source: Site Inspection.



Figure 10: 11 Lloyd George Avenue, Winston Hills. Source: Site Inspection.



Figure 11: 4 Lloyd George Avenue, Winston Hills. Source: Site Inspection.

3. Relevant Site History

Table 1 below provides details of existing approvals relating to the site.

Date	Comment
18 June 1995	BA/772/1995 was approved for a carport to the front of the existing dwelling
04 June 1997	BA/530/1997 was approved for additions and alterations to the side and rear of the existing dwelling.
21 December 2022	DA/1007/2022 for the was lodged with the City of Parramatta Council.

4. The Proposal

Development Application DA/1007/2022 was lodged on 21 December 2022. Specifically, the application seeks approval for:

- Enabling works which comprise:
 - Demolition of all existing structures on site
 - Removal of small trees and shrubs throughout the site
- Construction of a two-storey dwelling including basement car parking.
 - *Ground Level* – Kitchen, dining room, family room, laundry, water closet, playroom and master bedroom with attached WIR and ensuite
 - *First Floor* – three (3) bedrooms and three bathrooms
 - *Basement* – Waste room, services room, water closet and car parking with a turning bay.

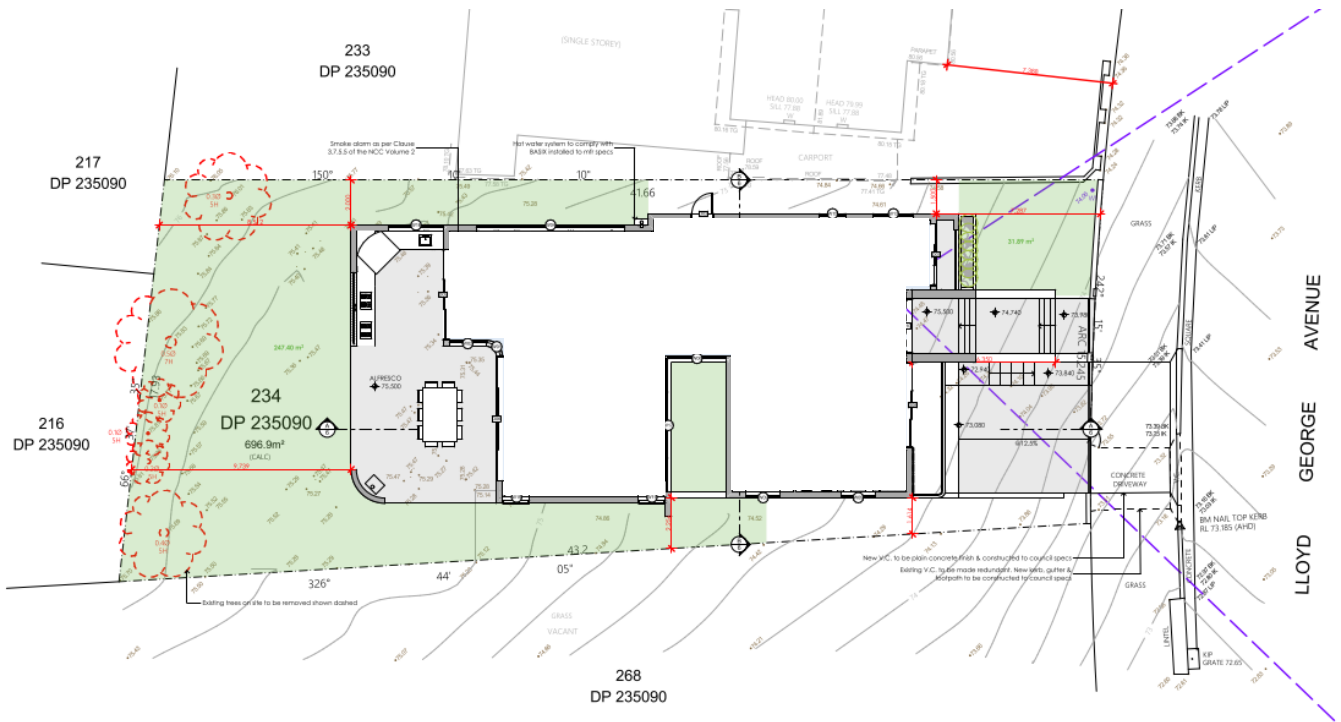


Figure 6: Site Plan. Source: ARCM Design.



Figure 7: Photomontage. Source: ARCM Design.



Figure 83: Photomontage. Source: ARCM Design.



Figure 4: Photomontage. Source: ARCM Design.

5. Relevant Application History

Date	Comment
21 December 2022	The subject application was lodged with Council.
31 March 2023	Council requested additional information via the NSW Planning Portal
02 May 2023	Council received additional information via the NSW Planning Portal

6. Referrals

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

Referral	Comment
Landscape	<p>Supported subject to conditions</p> <p>Council's Landscape and Tree Management Officer reviewed the application and made the following comments:</p> <ul style="list-style-type: none"> The proposed landscape plan is considered satisfactory for the scale of development. No trees located within adjoining properties will be impacted by the works proposed. Trees located in the south-western corner of the property and along the northern boundary are supported for removal as they provide little amenity and are not protected by Council's DCP. The landscape plan seeking consent for removal of lilly pilly located in the centre of the rear boundary. Upon inspection, tree was found to be in good condition and worthy of retention. The tree provides amenity and screening to the rear neighbour. This could be addressed via conditions of consent. Proposal can be supported subject to conditions.
Engineering	<p>Supported subject to conditions</p> <p>Council's Development Engineer reviewed the application and made the following comments:</p> <ul style="list-style-type: none"> The proposal is for a double storey dwelling with a 300m² basement. The site slopes to the street, however a maximum cut of 3m is proposed for the basement. The proposal pumps any groundwater or seepage to Council's stormwater system. The proposed rainwater tank is located within the basement. To ensure satisfactory stormwater disposal, the rainwater tank should be moved outside of the building footprint and a minimum distance of 500mm from any boundary to allow for adequate maintenance of the rainwater tank. This could be addressed via a condition of consent. The development generally complies with most controls and can be supported subject to standard conditions of consent; however, Council's standard Geotechnical condition has been altered to protect groundwater.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning (BASIX) 2004
- Parramatta Local Environmental Plan 2023 (PLEP 2023)
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Parramatta Development Control Plan 2011 (PDCP 2011)

Compliance with these instruments is addressed below.

7.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

Council's Tree and Landscape Officer has reviewed the application and raised no objections to the removal of trees in the south western corner of the property subject to appropriate conditions of consent.

It is considered that the removal of these trees on site will not have an adverse impact on the ecological, heritage, aesthetic and cultural significance of the area. However, if the application was recommended for approval, conditions of consent would have been imposed requiring the retention of a lilly pilly located in the centre of the rear boundary as the tree provides amenity and screening to the rear neighbour.

7.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 6 WATER CATCHMENTS

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Council's Development Engineer has reviewed the application and notes that the development is consistent with the controls contained in the SEPP subject to conditions of consent which would have been imposed if the application was recommended for approval.

7.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, and if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have an obvious history of a previous non-residential land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed development being a residential dwelling.

7.5 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development are outlined below.

Clause	Comment
Section 2.48 – electricity infrastructure	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
Division 15 – Development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
Section 2.119 – frontage to a classified road	The subject site does not have frontage to a classified road.
Section 2.120 – impact of road noise or vibration	<i>Lloyd George Avenue</i> has an average daily traffic volume of less than 20,000 vehicles per day. As such, this section is not applicable to the development application.

7.6 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. If the application was recommended for approval, a condition would have been imposed to ensure such BASIX commitments were fulfilled during the construction of the development.

7.7 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

Parramatta LEP 2023 was gazetted on 2 March 2023. Clause 1.8 of the LEP now repeals the following planning instrument which applies to the land:

- Parramatta Local Environmental Plan 2011

Clause 1.8A Savings provision relating to development applications states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The current Development Application was lodged on 21 December 2022 and therefore shall be assessed under the Parramatta LEP 2011.

Notwithstanding the above, Council has reviewed the proposal against the Parramatta Local Environmental Plan 2023 and notes that the zoning, floor space ratio and height of building controls remain the same.

8. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters considered under the PLEP 2011 for the proposed development are outlined below:

1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in Parramatta in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows—*
 - (a) *to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,*
 - (b) *to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,*

- (c) to identify, conserve and promote Parramatta's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,
- (d) to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,
- (e) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,
- (g) to improve public access along waterways where natural values will not be diminished,
- (h) to enhance the amenity and characteristics of established residential areas,
- (i) to retain the predominant role of Parramatta's industrial areas,
- (j) to ensure that development does not detract from the economic viability of Parramatta's commercial centres,
- (k) to ensure that development does not detract from the operation of local or regional road systems,
- (l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems,
- (m) to protect and enhance the viability, identity and diversity of the Parramatta City Centre and recognise it as the pre-eminent centre in the Greater Metropolitan Region,
- (n) to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.

It is considered that the development does not satisfactorily meet the aims of the plan. Pursuant to aim (h), development is to enhance the amenity and characteristics of established residential areas. The proposed development is considered to be unsuitable for the subject site as it does not respond in design to existing dwellings within the immediate locality.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential. The aims and objectives for the R2 zone in Clause 2.3 – Zone Objectives are as follows:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low-density residential environment.
- To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.

Whilst the proposed works are permissible within the R2 Low Density Residential zone, as discussed below in this report, Council has raised concerns with the exceedance of bulk and scale of the proposed dwelling and its setting within the existing streetscape of Lloyd George Avenue. Therefore, the proposed development is not considered to satisfactorily meet the objectives of the zone with respect to ensuring the development is responsive to the existing low-density residential environment of the subject site and immediate locality.

PERMISSIBILITY

The site is zoned R2 Low Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are permissible with consent in the zone.

Standards and Provisions	Comment	Compliance
Part 4 Principal development standards		
Cl. 4.3 Height of buildings <i>Allowable = 9m</i>	Proposed: 8.33m Note: An RL 82.62 was compared against the NGL below at 74.29 AHD.	Yes.
Cl. 4.4 Floor space ratio <i>Allowable = 0.5:1 or 348.45m²</i>	Proposed: 0.595:1 or 414.81m ² Variation: 66.36m ² or 19% Note: The proposed dwelling exceeds the maximum floor space ratio (FSR) applicable to the site pursuant to Clause 4.4 of the Parramatta Local Environmental Plan 2011 (PLEP 2011).	No.

	<p>The permissible floor space pursuant to the Parramatta LEP 2011 is 0.5:1 or 348.45m². The proposed development denotes a floor space of 414.81m² or 0.595:1 and proposes a variation to the development standard of 19% (or 66.36m²).</p> <p>FSR Calculation plans were supplied by the applicant, however upon review these plans do not include the applicable areas within the basement pursuant to the definition of <i>gross floor area</i> which excludes “<i>car parking to meet any requirements of the consent authority (including access to that car parking)</i>”.</p> <p>To meet the car parking requirements of Council, two car spaces are to be provided. The proposed car parking for the site exceeds two (2) car spaces and insufficient information has been provided to demonstrate the usability and necessity of the proposed turning bay. As such the excess area not required for car parking is to be included as gross floor area resulting in an exceedance in the permissible floor space ratio of the site.</p>	
Cl. 4.6 Exceptions to development standards	<p>A variation to Clause 4.4 Floor Space Ratio has been identified, however, a Clause 4.6 Statement has not been submitted by the applicant.</p> <p>Thus, insufficient information has been provided for Council Officers to assess whether compliance with the development standard is unreasonable or unnecessary in this case, and if there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Therefore, the proposed variation to a development standard cannot be supported.</p>	No.
Part 5 Miscellaneous provisions		
Cl. 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.	N/A.
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.	N/A.
Cl. 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.	N/A.
Cl. 5.10 Heritage conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area.	N/A.
Cl. 5.10(8) Aboriginal places of heritage significance	The subject site is located within a low sensitivity recorded area.	N/A.
Cl. 5.11 Bush fire hazard reduction	The site has not been identified as bushfire prone.	N/A.
Part 6 Additional local provisions		
Cl. 6.1 Acid sulfate soils	The site is identified as containing Class 5 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.	Yes.
Cl. 6.2 Earthworks	<p>The objectives of Clause 6.2 of the PLEP 2011 include ensuring that earthworks “will not have a detrimental impact on the environmental functions and processes, neighbouring uses... or features of the surrounding land.” Additionally, Council must consider “the effect of the proposed development on the existing and likely amenity of adjoining properties.”</p> <p>Adjoining the subject site to west is a public reserve with a similar topography as the subject site. It is noted that a key characteristic of Lloyd George Avenue and the Winston Hills Special Character Area is the openness of front yards. The required cut for the proposed basement would create a distinctive disruption to the natural topography of the street whilst transitioning from open space to the dwelling, thereby disrupting a consistent feature of the street. As noted below in this report, Council has raised concerns with the proposed earthworks with regard to inconsistencies between the design of the dwelling and the existing streetscape.</p> <p>Therefore, the proposed development is not considered to be in keeping with the objectives of the clause.</p>	No.
Cl. 6.3 Flood Planning	The site has not been identified as flood prone.	N/A.

Cl. 6.4 Biodiversity protection	The site is not identified on this map.	N/A.
Cl. 6.5 Water protection	The site is not identified on this map.	N/A.
Cl. 6.6 Development on landslide risk land	The site is not identified on this map.	N/A.
Cl. 6.7 Foreshore Building Line	The site is not located in the foreshore area.	N/A.

9. The Parramatta Development Control Plan 2011

The relevant matters to be considered under Parramatta Development Control Plan 2011 for the proposed development are outlined below.

Development Control	Comment	Compliance
Part 2 Site Planning		
2.4.1 Views and Vistas	There are no significant views and vistas from the subject site identified in Appendix 2 of Council's DCP.	Yes
2.4.2 Water Management		
2.4.2.1 Flooding	Refer to assessment under PLEP 2011.	Yes
2.4.2.2 Protection of Waterways	N/A	N/A
2.4.2.3 Protection of groundwater	N/A	N/A
2.4.3 Soil Management		
2.4.3.1 Sedimentation	Conditions of consent would have been imposed to ensure adequate sediment and erosion control measures are undertaken if the proposal was recommended for approval.	N/A
2.4.3.2 Acid Sulphate Soils	N/A	N/A
2.4.3.3 Salinity	N/A	N/A
2.4.4 Land Contamination	Refer to assessment under SEPP (Resilience and Hazards) 2021.	Yes.
2.4.5 Air Quality	Standard conditions would have been imposed to ensure that the potential for increased air pollution has been minimised during construction if the application was recommended for approval.	N/A
2.4.6 Development on Sloping Land	<p>Section 2.4.6 of the Parramatta Development Control Plan 2011 (DCP) emphasises that development should be designed to respond sensitively to the natural topography of the site and should minimise the need for cut and fill through designs which minimise the building footprint.</p> <p>Whilst the subject site has a minimal slope towards the front of the site, the crossfall of the site parallel to the southern (front) boundary is relatively flat. Therefore, to facilitate the proposed basement on the site considerable cut would be required, altering the natural topography of the site which is not supported.</p> <p>It is acknowledged that a basement design was approved at 4 Lloyd George Avenue under DA/537/2020, however, in that instance the site had a more distinctive crossfall toward the south (across the front of the site), and existing stepping in the site contour, which provided a more appropriate setting for a basement design. The building remained essentially single storey in height above the garage. Whereas the current application is two storey in height, presenting as a 3 level design when viewing the front elevation inclusive of the garage from the street.</p> <p>Additionally, as a public reserve with a similar topography to the subject site is located along the western boundary, the required cut for the proposed basement would create a distinctive disruption to the natural topography of the street whilst transitioning from open space to the dwelling.</p>	No.

	Therefore, the proposal in its current form is not supported as the proposed basement is considered to promote excessive cut on the site which is not responsive to the natural topography of the site or immediate locality which (with the exception of 4 Lloyd George) does not feature basement designs.	
2.4.7 Biodiversity	Council's Tree and Landscape Officer has reviewed the application and advises that vegetation removal is appropriate with the exception of a single lilli pilli. The landscape plan is appropriate and that a Statement of Flora/ Fauna Impact is not required.	Yes.
2.4.8 Public Domain	<p>In accordance with the public domain controls outlined in the PDCP 2011, development adjacent to public domain elements such as public reserves should complement the landscape character and be designed to address elements of the public domain such as the interface between private and public domains.</p> <p>The subject site adjoins a public reserve along its western boundary. The current design of the dwelling creates a clear division between private and public land and the provision of the basement on the western side of the lot disrupts the natural topography of the site and its continuation into the public reserve.</p> <p>In this manner the design of the dwelling does not address the characteristics of the adjoining reserve, which will further identify the building as inconsistent with the existing streetscape.</p>	No.
Part 3 Development Principles		
3.1.3: Building Height <i>Required: 9m; max 2 storeys</i>	Refer to assessment under PLEP 2011.	Yes.
3.1.3 Floor Space Ratio	Refer to assessment under PLEP 2011.	No.
3.1.3: Minimum Site Frontage <i>Required: 15m</i>	Proposed: 15.24m	Yes
3.1.3: Front Setback <i>Required: 5 – 9m, consistent with the prevailing setback along the street</i>	<p>Proposed: 5.16m (to the porch)</p> <p>Note: The proposed front setback is considered to be consistent with existing front setbacks along Lloyd George Avenue. 10 Lloyd George denotes a front setback of approximately 4.4m whilst 4 Lloyd George was approved with a front setback to the porch of 5.5m. Therefore, the proposed front setback is considered to be supportable as would be consistent with the prevailing setback along Lloyd George Avenue.</p>	Yes
3.1.3: Side Setback <i>Required: 900mm</i>	Proposed: min. 1.5m	Yes
3.1.3: Rear Setback <i>Required: min 30% site length or 12.498m</i>	<p>Proposed: 20.43% or 8.512m Variation: 31.89% or 3.986m</p> <p>Note: The proposed rear setback is not compliant with CI 3.1.3 of the Parramatta DCP 2011 and as such a variation to the control is sought. Whilst it is noted that non-compliant rear setbacks are present in the locality, the approved variations do not appear to exceed the proposed variation and the prevailing rear setbacks are greater than that proposed (approx. 15.95m or 38%). 10 Lloyd George denotes a variation to the rear setback control of approximately 12%, whilst 4 Lloyd George was approved with a variation to the rear setback control of 16%. Therefore, the proposed variation is considered to be excessive and is not supported.</p>	No.
3.1.3: Deep Soil <i>Required: 30% of the site (209.07m²)</i>	<p>Proposed: 194.86m² or 27.9% Variation: 7.21m² or 3.5%</p> <p>Note: A deep soil zone covering 194.86m² or 27.9% of the site is proposed, therefore, not meeting the 30% total deep soil area outlined in the Parramatta DCP 2011. Whilst it is acknowledged that the proposed variation is considered to be negligible, if the proposal was to comply with the required floor space ratio and rear setback controls, there is an opportunity for the proposed deep soil area to be increased to ensure compliance.</p> <p>In light of this, the proposed deep soil zone in its current form is not considered to be supportable.</p>	No.
3.1.3: Landscaped Area <i>Required: 40% of the site (278.76m²)</i>	Proposed: 287.33m ² or 41.23%	Yes
3.2.1 Building Form and Massing	As discussed previously, the proposal fails to comply with the applicable floor space ratio control which seeks to ensure development within low density residential areas is of a	No.

	<p>reasonable scale. Therefore, as the proposal exceeds the maximum floor space ratio permissible on the site, the building exhibits a form and scale beyond the existing characteristics of the local area.</p> <p>Whilst the height of the dwelling is compliant, as discussed above the provision of a basement does not appear to respond to the site characteristics and environmental constraints as the site has a minor slope towards the front of the site.</p> <p>Therefore, the bulk and scale of the proposed is considered to be not suitable for the site and does not positively respond to the surrounding context.</p>	
3.2.2 Building Façade and Articulation	<p>Whilst the PDCP 2011 encourages contemporary design solutions, these solutions are to reinforce and make reference to the underlying elements that create the character of the area. Along Lloyd George Avenue, prominent design elements include low-pitched roofs with ridges parallel to the street and most homes are of brick construction with tiled roofs.</p> <p>The proposed façade of the dwelling denotes a contemporary design however significantly differs from the appearance of existing dwellings along Lloyd George Avenue and does not appear to address the character of the street in its design. Therefore, the proposed building façade and articulation is not considered to be compatible with the existing character of the streetscape.</p>	No.
3.2.3 Roof Design	<p>Pursuant to Section 3.2.3 of the Parramatta DCP 2011, roof forms should provide continuity and be consistent with the existing character of the streetscape. Therefore, roof forms are to respond to the character of neighbouring roofs, in particularly their scale and pitch.</p> <p>The proposed development denotes a flat roof design which is considered to be inconsistent with existing roof forms along Lloyd George Avenue. The existing streetscape of Lloyd George Avenue features pitched roofs, with the pitch running parallel to the road.</p> <p>Therefore, the proposed roof design is considered to be not appropriate for the development and the locality.</p>	No.
3.2.4 Energy Efficient Design	Refer to assessment under State Environmental Planning Policy (BASIX) 2004.	Yes
3.2.5 Streetscape	A review of the proposal together with the objectives for streetscape has resulted in Council considering that the proposal does not reflect a good representation of the inter-relationship between the buildings, landscape and open spaces along Lloyd George Avenue. The development in its current form is considered to unreasonably defer from the predominant streetscape qualities such as building form, design, materials and colours within the immediate locality and Special Character Area which is not supported.	No.
3.2.6 Fences <i>Required: max 1.2m</i>	<p>Proposed: approx. 1.46m Variation: 260mm</p> <p>Note: Pursuant to P.4 of Section 3.2.6 of the PDCP 2011, "Front fences should not be erected where the streetscape is characterised by an absence of front fences. Landscaping should be used to create good street address and privacy."</p> <p>The existing streetscape of Lloyd George Avenue does not feature front fencing. Whilst it is acknowledged that 14 Lloyd George Avenue has concrete pillars at the front of the site, these pillars are detached and do not constitute a fence.</p> <p>Therefore, the proposed, front fence is considered to be not in keeping with the existing streetscape and is not supported.</p>	No.
3.3.1 Landscaping	Council's Tree and Landscape Officer has reviewed the application and raises no objection to the proposal.	Yes
3.3.2 Private Open Space <i>Required: min 100m²</i>	Proposed: 164.17m ²	Yes
3.3.3 Visual and Acoustic Privacy	The proposed dwelling adheres to the required side setbacks to alleviate visual overlooking onto adjoining properties. The windows along the northern, southern and western façades of the second storey element facilitate bathrooms, bedrooms and a void. These spaces are considered to be of low traffic and are not expected to induce the risk of visual overlooking beyond acceptable means.	Yes.

	The proposed balconies on the eastern façade provide visual access to the street and are not expected to increase the opportunity for visual overlooking beyond acceptable means. Therefore, the proposal is considered to provided adequate visual and acoustic privacy.	
3.3.4 Acoustic Amenity	The subject site does not adjoin a noise generating land use.	N/A
3.3.5 Solar Access	The primary living areas and private open space of the subject site, as well as neighbouring properties, will receive a minimum of 3 hours sunlight from 9am to 3pm during the winter solstice given the building design and orientation of the site.	Yes
3.3.5 Cross Ventilation	The proposal achieves sufficient cross ventilation.	Yes
3.3.6 Water Sensitive Urban Design	Council's Engineer has reviewed the application and raises no objections	Yes
3.3.7 Waste Management	A sufficient waste management plan has been provided.	Yes
3.4.4 Safety and Security	The development will not increase any opportunity for antisocial or criminal behaviour to occur.	Yes.
3.5 Heritage	The subject site is not a heritage item and is not located within a heritage conservation area. However, the subject site is located within the Winston Hills Special Character Area.	<i>Refer to Part 4 Below.</i>
3.6.2 Parking and Vehicular Access <i>Required: Min. 2 car spaces per dwelling</i>	Proposed: min 2 car spaces Note: The proposed car spaces are located within the basement. The designated area for parking within the basement denotes approximate dimensions of 12.7m x 7.5m. An area of this size has the capacity to provide four (4) car spaces, exceeding the requirements outlined in the Parramatta DCP 2011. The excessive size of the basement is noted elsewhere in this report and parking provision in excess of 2 spaces is not supported.	Yes.
3.7.1 Residential Subdivision	No subdivision is proposed.	N/A.
Part 4 Special Precincts		
4.2.4 Winston Hills		
<i>C.3 New dwelling houses must be compatible with existing houses in the streetscape so that they do not dominate or stand out in marked contrast to existing dwellings</i>	The proposed dwelling denotes a unique style with a flat roof and a basement that is not in keeping with the existing streetscape and would result in a development that would stand out in contrast to existing dwellings. Additionally, as the site adjoins a public reserve along its western boundary, it is noted that the dwelling will not be partially shielded by dwellings on either side, further highlighting the design's inconsistencies with the streetscape.	No.
<i>C.4 Setbacks must be consistent with neighbouring buildings.</i>	As discussed previously in this report, the proposed front and side setbacks are compliant with the necessary controls and remains consistent with the neighbouring buildings. However, the proposed rear setback does not appear to be consistent with the existing neighbouring buildings which is not supported.	No.
<i>C.5 Dwelling houses should be 'wide-fronted' across the site. Overly complex roof forms should be avoided.</i>	As discussed previously, a flat roof design is proposed. This is considered to be inconsistent with the prominent low-pitched roofs within the streetscape and Special Character Area and therefore is not supported.	No.
Development not consistent with the existing character of the area:		
<i>C.6 additions to the front of houses</i>	N/A	N/A
<i>C.7 front fences</i>	A front fence is proposed which is not supported. Refer to assessment above under Part 3.2.6 Fences.	No.
<i>C.8 loss of open character to front yards</i>	Whilst the proposed front setback would be consistent with the front setbacks along Lloyd George Avenue, the proposed basement avoids any possibility for a reasonable open character front yard and would disrupt the existing open transition from the adjacent public open space and the front yard.	No.
<i>C.9 second storey additions that are not designed in a manner that minimises the visual impact on the</i>	N/A.	N/A.

<i>predominant streetscape scale</i>		
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10. Development Contributions

The proposed development is exempt from the payment of Section 7.11 Contribution Plan as the proposal consists of the proposal is for demolition of an existing dwelling and construction of a replacement single dwelling.

12. Bonds

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

A condition of consent relating to the payment of the Security Bond would have been imposed, if the application was recommended for approval.

13. EP&A Regulation 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection would have been addressed by appropriate consent conditions if the application was recommended for approval.

14. The likely impacts of the development

The assessment demonstrates that the proposed development is likely to have significant impacts on the residential amenity and design of the site and existing streetscape. It is noted that the proposal does not achieve full compliance with the applicable planning instruments and controls. Furthermore, the proposal has not adequately addressed the environmental constraints of the site.

15. Suitability of the Site

It is noted that the scale of the proposed residential dwelling is considered an overdevelopment of the site and does not adequately address the streetscape to ensure the development is consistent with the locality. Noting that the site adjoins a public reserve and the topography of the site, the proposed basement is not considered to adequately address the constraints of the site. Therefore, the site is not considered to be suitable for the proposed development.

16. Public Consultation

In accordance with the City of Parramatta Notification Requirements, the Development Application was notified from 11 January 2023 to the 25 January 2023. Upon the completion of the notification period, one (1) submission was received objecting to the proposal.

Key concerns raised in the submission are addressed below.

Issue	Response
Inconsistent with the existing character of the street and immediate locality.	The proposal denotes a contemporary design with a flat roof which is considered to be inconsistent with the existing streetscape along Lloyd George Avenue. Therefore, this issue has been raised as a reason for refusal.
Lack of privacy from the large glass windows and balcony area on the upper level of the front façade.	The proposed windows and balcony on the front (eastern) façade direct visual access to the street. Additionally, these spaces facilitate bedrooms which are considered to be low traffic area. Therefore, the proposed windows and balcony are not expected to reduce the privacy of adjoining properties beyond acceptable means.
The large amount of excavation required for the basement car park will create disruption in the street	As discussed previously, whilst the subject site slopes toward the front of the site, this slope is considered to be minimal. Therefore, the proposed basement would require extensive cut which would

	significantly alter the topography of the site and would create a disruption in the transition from the public open space. Therefore, this issue has been raised as a reason for refusal.
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17. Public interest

The proposed development, in its current form, is not site responsive and would result in an inappropriate residential dwelling that is not in the public interest.

18. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is not* suitable for the site and *is not* in the public interest. Therefore, it is recommended that the application be *refused*.

21. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

- a. **That** the variation to Clause 4.4 Floor Space Ratio pursuant to Clause 4.6 the Parramatta Local Environmental Plan 2011 not be supported: and
- b. **That** the Local Planning Panel, exercising the function of the consent authority, refuse development consent to DA/1007/2022 for the demolition of existing structures, removal of trees and construction of a two storey dwelling including basement parking at 12 Lloyd George Avenue, Winston Hills for the following reasons:

Parramatta Local Environmental Plan 2011

1. The proposed development exceeds the permissible maximum floor space ratio as prescribed in Clause 4.4.
2. A Clause 4.6 Statement was not submitted to justify the variation to Clause 4.4 Floor Space Ratio of the Parramatta LEP 2011.
3. The proposed development fails to satisfactorily meet the objectives of the R2 Low Density Residential zone pursuant to Clause 2.3 of the Parramatta LEP 2011.
4. The proposed development fails to adequately respond to the objectives of Clause 6.2 Earthworks of the Parramatta LEP 2011.

Per Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979

Parramatta Development Control Plan 2011

5. Pursuant to Section 2.4.6, the proposed development fails to adequately respond to the natural topography of the subject site and adjoining properties.
6. Pursuant to Section 2.4.8, the proposed development fails to adequately respond to the transition from the public reserve to the development.
7. Pursuant to Section 3.1.3, the proposed fails to comply with the required floor space ratio.
8. Pursuant to Section 3.1.3, the proposed development does not comply with the required rear setback.
9. Pursuant to Section 3.1.3, the proposed development fails to provide an adequate deep soil zone.
10. Pursuant to Section 3.2.1, the bulk and scale of the proposed is considered to be not suitable for the site and does not positively responds to the surrounding context.

11. Pursuant to Section 3.2.2, the proposed building façade and articulation is not considered to be compatible with the existing character of the streetscape.
12. Pursuant to Section 3.2.3, the proposed roof design is considered to be not appropriate for the locality.
13. Pursuant to Section 3.2.5, the proposed development fails to adequately address the existing streetscape.
14. Pursuant to Section 3.2.6, the proposed fence is considered to be not in keeping with the streetscape.
15. Pursuant to Section 4.2.4, the proposed development fails to address the controls pertaining to the Winston Hills Special Character Area.

Per Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979

Suitability of the Site

16. The proposed development exhibits an excessive built form as demonstrated by the non-compliant floor space ratio applicable to the site and that the proposed development does not respond to the topography of the site.

Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979

Submissions

17. The issues raised in the submissions demonstrate that the proposed development cannot be supported in its current form.

Per Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979

Public Interest

18. The proposed development is not site responsive and would result in an inappropriate residential dwelling that is not in the public interest.

Per Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979

- c. **Further**, that the objectors be advised of the Panel's decision.