



TUESDAY PROJECTS | TOWN PLANNING

01 May 2023

Caitlin Hopper
Development Assessment Officer
City of Parramatta Council
PO Box 32
Parramatta NSW 2124

Dear Ms Hopper,

**Response to RFI Letter regarding Development Application DA/1007/2022
12 Lloyd George Avenue, Winston Hills**

“Demolition of existing structures, removal of trees and construction of a two storey dwelling including basement parking.”

I refer to the City of Parramatta Council letter dated 31 March 2023 requesting additional information (RFI) from the applicant of DA/1007/2022 in relation to character and streetscape, floor space ratio, car parking, rear setback and deep soil zone matters. A thorough review of the subject letter, contemporary planning legislation, and the history of similar recent approvals and existing development in the same LGA has been undertaken.

City of Parramatta Council has recently approved a great number of dwelling house developments in Winston Hills which vary one or more of the matters raised within the RFI subject of 12 Lloyd George Avenue, Winston Hills. These developments have been quoted in the SEE report submitted with this original DA and quoted again where relevant in this letter, demonstrating a suitability of reduced rear setbacks and reasonable contemporary architectural styles in the area surrounding this development site. The applicant of DA/1007/2022 requests that Council apply a similar merit-based approach when considering this DA.

Revised architectural drawings accompanying this letter feature changes from the original drawings submitted including:

- Lowering of the entire proposed dwelling to further mitigate public views of the proposed basement entry. This will reduce shadow and visual bulk impact as the overall building height is reduced too. Eligible spaces in the basement will no longer contribute to the overall Floor Space Ratio calculation due to this change as the proposed ground floor level (above the proposed garage space) no longer exceeds 1m above the natural ground level.
- Increase of deep soil in the front setback by the removal of a paved pedestrian access path. This enhances the quality and appearance of the natural character of the front yard, and softens the appearance of the built form behind.
- Reduction of basement size, and the addition of a turning bay within the basement.

These changes overcome the matters raised in the RFI as follows:

1. Winston Hills Special Character Area

Under the Parramatta Development Control Plan 2011 (DCP), the subject site is located within the Winston Hills Special Character Area.

Pursuant to Section 4.2.4 of the DCP, “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.”

The proposed dwelling denotes a unique style with a flat roof and a basement that does not appear to be in keeping with the existing streetscape and would result in a development that would stand out in contrast to existing dwellings.

Whilst it is noted that No. 11 and 14 Lloyd George Avenue denote more contemporary facades, the buildings also appear to demonstrate elements consistent within the special character area such as a pitched roof and no provisions for a basement.

Additionally, it is noted that Section 4.2.4 of the DCP states that development not consistent with the existing character of the area also includes development that results in the “loss of open character to front yards.”

The proposed basement avoids any possibility for a reasonable open character front yard which is also consistent with the Winston Hills Special Character Area.

Therefore, plans detailing the façade and the appearance of the dwelling from the street are to be amended which includes the removal of the proposed basement to denote a more consistent appearance with the existing streetscape and Special Character Area.

Comment:

The revised plans propose generous landscaping within the front setback, with the entire front garden except for the driveway featuring landscaped area. A paved pedestrian pathway was previously proposed, however, this has now been removed. The revised proposal no longer includes a development that results in the “loss of open character to front yards”, better complying with the characteristics of the Winston Hills Special Character Area compared to the original design.

The upgraded landscaping will also assist to soften the perceived appearance of the dwelling house itself, particularly the proposed new ‘Indian Summer’ tree in the front yard which is capable of growing to 5 metres. The site benefits from a vacant landscaped strip of land along its western boundary which also offers visual relief. Combined with the articulatory details along the front façade, the flat roof will be less discernible.



Figure 1 – Excerpt from proposed landscape plan (Vision Dynamics, 2023)

It is also noted that the subject site is likely eligible for Complying Development Certificate (CDC) development through a Private Certifier, which means that it could be possible for a two-storey dwelling with a flat roof and contemporary external features to be approved and constructed without requiring Council approval. Refusing this subject Development Application on roof form grounds alone is therefore inappropriate, and incentivises applicants to pursue a CDC rather than DA pathway which is inherently detrimental to character areas such as the Winston Hills one that are not also Heritage Conservation Areas under Schedule 5 of the LEP.

Whilst many comparable sites have recently been approved with basements in the R2 Low Density Residential zone by City of Parramatta Council (including DA/862/2018, DA/711/2020/A, DA/579/2020, DA/579/2020/A, DA/537/2020, DA/1141/2021), by lowering the entire dwelling the proposal basement will become less visually prominent. The proposal is now better perceived as

a reasonable two-storey home which is characteristic of the Winston Hills Special Character Area.

The increased front landscaping, reduced dwelling height, and better concealed basement will ensure that the revised proposal is visually consistent with the qualities of the Winston Hills Special Character Area.

DA/431/2019 at 101 Lanhams Road, Winston Hills was approved with a flat roof and contemporary architectural style - evidence of the suburb experiencing an intensification of its built form character towards large two storey dwelling houses. Similarly to this Development Application at 12 Lloyd George Avenue, the approved works at 101 Lanhams Road provide high levels of articulation in the building mass, ensuring that the flat roof form will not dominate the streetscape. For the same reasons, a flat roof is acceptable at 12 Lloyd George Avenue.

2. Floor Space Ratio

The Parramatta Local Environmental Plan 2011 defines a basement as the following:

“The space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).”

The proposed garage space in its current form does not meet this definition in its entirety as part of the floor level of the proposed ground floor level (above the proposed garage space) exceeds 1m above the natural ground level (1.1m). Therefore, the provisions for excluding elements of a basement from the proposed gross floor area (as per the LEP) do not apply to those areas.

A review of your proposal has identified that the proposed dwelling appears to exceed the maximum floor space ratio applicable to the site pursuant to Clause 4.4 of the Parramatta Local Environmental Plan 2011.

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 452.5m² or 0.64:1. The exceedance of the floor space ratio is not supported as it appears that no sufficient environmental planning grounds exists to justify its breach.

Accordingly, you are advised to submit an amended set of plans with a proposal compliant with the maximum floor space ratio control.

Comment:

The ground floor level has been lowered in the revised drawings to sit no higher than 1m above natural ground level, allowing elements of the basement to be excluded from the calculation of

Gross Floor Area and Floor Space Ratio. The proposal as revised complies with the maximum 0.5:1 FSR.

3. Car Parking Requirements

Further to Item 2 above, pursuant to the gross floor area definition stated in the PLEP 2011, “car parking to meet any requirements of the consent authority (including access to that car parking)” is to be excluded from gross floor area calculations.

To meet the car parking requirements of Council, two car spaces are to be provided. The proposed car parking for the site appears to exceed two (2) car spaces and as such the excess area is to be included in gross floor area calculations.

Amended plans are required that reduces the size the proposed car parking area. Additionally, any proposed service areas are to be designed in a way that ensures appropriate vehicular access to proposed parking spaces.

Comment:

The proposal as revised now features a basement that is smaller in area than the originally proposed one, achieving compliance with the FSR provision. A turning bay has also been implemented to ensure that vehicles can enter and exit the site in a safe forward-facing manoeuvre.

4. Streetscape

A review of the proposal together with the objectives for streetscape has resulted in Council considering that the proposal unreasonably defers from the vertical proportions of existing and emerging building elements within the immediate locality and Special Character Area.

Plans are to be provided that demonstrate vertical proportions consistent with the existing and emerging streetscape to better align with streetscape objectives.

Comment:

Refer to comment under Item 1. The increased front landscaping, reduced dwelling height, and better concealed basement will ensure that the revised proposal is visually consistent with the existing and emerging streetscape.

5. Rear Setback

Section 3.1.3 of Parramatta Development Control Plan 2011 requires dwellings to be provided with a rear setback that is equal to 30% of the length of the site. The proposed dwelling denotes a rear setback of 8.51m or 20.4% to the rear boundary which is non-compliant with the 30% control. To ensure the development is consistent with the existing built form in the area and to allow for a continuous vegetative corridor the plans are to be amended to comply with the minimum 30% control or 12.49m.

Alternatively, further justification would be required demonstrating approved non-compliant rear setbacks within the immediate locality.

Comment:

The PDCP 2011 requires a numerical rear setback of 30% of the site length, which equates to 12.498m for the eastern boundary and 12.96m for the western boundary at 12 Lloyd George Avenue. A rear setback ranging from 8.512m to 9.739m is proposed, which is considered to be acceptable upon merit given the strong prevalence of similar variations in the immediate locality and the high quality planning outcome proposed for the property.

As marked in figure 2, a substantial number of sites within the immediate locality display a variation of the 30% minimum rear setback controls. Specific Development Applications where City of Parramatta Council have recently approved such variations in Winston Hills include:

- 16 Attlee Place, Winston Hills – DA/627//2022 – A non-compliant rear setback was approved by Council
- 38 Junction Road, Winston Hills – DA/465/2019 - A non-compliant rear setback was approved by Council
- 74 Naomi Street South, Winston Hills – DA/711/2020 – A non-compliant rear setback was approved by Council

This demonstrates an established development pattern and a suitability of such development in the area, which the proposal adheres to.



Figure 2 – Aerial Map with properties varying the 30% rear setback control marked (NearMaps, 2023)

The proposal presents as a reasonable two storey dwelling house, which does not detract from the character of the street, does not impact on the residential amenity of neighbours with its compliant building height and side setbacks, and does achieve a high level of compliance with other building envelope provisions. Complying with the 30% rear setback requirement would not achieve a better planning outcome, as landscaped area is met and the underlying objectives of the rear setback control are achieved.

The variation is therefore acceptable upon merit and should be supported by Council for the aforementioned reasons. Refusing the subject Development Application on the technical numerical rear setback non-compliance alone would be unreasonable and entirely contradictory to recent approaches taken to similar DA's in Winston Hills (DA/627/2022, DA/465/2019 and DA/711/2020) where the objectives of the control are also met as in this instance at 12 Lloyd George Avenue, Winston Hills.

6. Deep Soil Zone

Section 3.1.3 of the Parramatta DCP 2011 requires that a "Deep Soil Zone" be provided covering at least 30% of the site and the areas comprising the soft soil zone each have minimum dimension of 4 metres by 4 metres, with at least 50% of the deep soil area located in the rear of the property and 15% at the front of the site. The current proposal appears to provide a deep soil

zone covering approximately 27% of the site. Accordingly, you are required to redesign your proposal so that a deep soil zone covering at least 30% of the site is provided.

Comment:

The revised plans propose generous landscaping within the front setback, with the entire front garden except for the driveway dedicated to landscaped area. A paved pedestrian pathway was previously proposed, however, this has now been removed which achieves numerical compliance with the minimum 30% deep soil provision.

Conclusion

For the reasons mentioned above, the proposed works in their revised form are considered to satisfy the requirements of the Parramatta Local Environmental Plan and Development Control Plan, and overcome the related matters raised in Council's letter dated 31 March 2023.

The proposal is therefore suitable for **approval** by City of Parramatta Council in its revised format.

Please do not hesitate to contact me on 0468 535 194 or emma@tuesdayprojects.com.au if you have any questions, or would like to discuss the contents of this letter.

Kind regards,



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