TABLE OF COMPLIANCE

DETACHED DUAL OCCUPANCY

<table>
<thead>
<tr>
<th>CONTROL</th>
<th>REQUIREMENT</th>
<th>PROPOSAL</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>600m² (min)</td>
<td>766.2m²</td>
<td>YES</td>
</tr>
<tr>
<td>FSR</td>
<td>0.6:1</td>
<td>0.34:1</td>
<td>YES</td>
</tr>
<tr>
<td>Subdivision</td>
<td>600m² (min) - resulting in equal area portions.</td>
<td>Front Lot = 367m²  Rear Lot = 309m²  * Access Handle = 93.39m²</td>
<td>YES</td>
</tr>
<tr>
<td>Height</td>
<td>2 storey (max)</td>
<td>1 ½ storeys</td>
<td>YES</td>
</tr>
<tr>
<td>Frontage</td>
<td>12m (2 street/lane frontages)</td>
<td>16.76m</td>
<td>YES</td>
</tr>
<tr>
<td>Car Parking</td>
<td>1 space - &lt;125m²  2 spaces - &gt;125m²</td>
<td>Dwelling A – 2 spaces provided (1 space in existing brick garage, 1 space on driveway). Dwelling B – 2 spaces provided (1 space in garage, 1 space on driveway).</td>
<td>YES</td>
</tr>
<tr>
<td>Car Space Widths</td>
<td>6.3m or 50% (max)</td>
<td>Dwelling A - Existing garage width fronting towards Prince Street – 3.1m. Dwelling B - Proposed garage width – 3.0m.</td>
<td>YES</td>
</tr>
<tr>
<td>Solar Access</td>
<td>3 hours to 50% of private open space between 9am and 3pm on 21 June (min)</td>
<td>Dwelling A – Ground floor additions will not adversely affect shadow access. Dwelling B - Adjoining properties will receive greater than the 3 hours minimum solar access required to habitable rooms and private open spaces of adjoining properties to the east and west between 9am and 3pm on 21 June.</td>
<td>YES</td>
</tr>
<tr>
<td>Soft Soil Zone (30%)</td>
<td>229.86m² (min)</td>
<td>235.3m²</td>
<td>YES</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>100m² each unit</td>
<td>Dwelling A – 115m²  Dwelling B – 101m²</td>
<td>YES</td>
</tr>
<tr>
<td>Building Line Setback</td>
<td>5-9m</td>
<td>Dwelling A – front setback to Prince Street – 6.0m.</td>
<td>YES – existing dwelling setback remains unchanged.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dwelling A – 2m from existing dwelling at eastern elevation. 3m from existing dwelling at western elevation. Dwelling B – 1.6m to 2.01m</td>
<td>YES – existing side setbacks remains unchanged.</td>
</tr>
<tr>
<td>--------------------------</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td><strong>Side Setbacks</strong></td>
<td>1.5m (min)</td>
<td></td>
<td>YES</td>
</tr>
<tr>
<td><strong>Floor to Ceiling Height</strong></td>
<td>2.7m &amp; 2.4m</td>
<td>2.7m &amp; 2.8m</td>
<td>YES</td>
</tr>
<tr>
<td><strong>Distance Separation</strong></td>
<td>3m – east/west</td>
<td>8m</td>
<td>YES</td>
</tr>
</tbody>
</table>

Note: Dwelling A – Existing heritage item with proposed alterations and additions
Dwelling B – Proposed detached dual occupancy
History of Development Application

3 November 2006 – Original Development Application lodged

15 November 2006 – Original development was notified to surrounding properties from 15 November 2006 to 29 November 2006.


12 June 2007 – Original development application was reported to the Council meeting of 12 June 2007 with a recommendation of approval. The application was deferred for an on site meeting.

30 June 2007 – On site meeting conducted with Council staff, Councillors and local residents.

9 July 2007 – The original development application was approved at the Council resolution subject to non standard conditions.

11 October 2007 – Section 96 Modification application lodged.

23 October 2007 – Section 96 Modification was notified to surrounding properties from 26 October 2007 to 9 November 2007.

27 November 2007 – Court appeal lodged by applicant for deemed refusal.
03  SUBJECT  2 Prince Street, North Parramatta (Lot 12 DP 979533) (Arthur Phillip Ward)

Construction of a second dwelling to the rear of an existing heritage listed dwelling to create a dual occupancy development with Torrens Title subdivision. Alterations are also proposed to the existing heritage listed dwelling.

REFERENCE  DA/994/2006 - Submitted 3 November 2006  
Applicant and Owner: Mr J Younes


9259  RESOLVED  (Lim/Finn)

(a)  That  Council grant consent to Development Application No. 994/2006 subject to standard conditions as well as the following extraordinary conditions:

1  The useable space on the first floor be removed and the roof pitch be redesigned so as to ensure it being a one level single dwelling.
   Reason:  To ensure the primary focus on the heritage property.

2  The side and rear fencing is to be constructed of timber to a maximum height of 1.8m. The side timber fencing at the front setback is to be 1.2m in height starting in line with the front building line of the garage at the adjoining western property.
   Reason:  To maintain the heritage significance of the property.

3  The provision of one Brachychiton acerifolius (Illawarra Flame Tree) in a 50 litre container and planted at a minimum distance of 1 metre from the boundary in the north-western corner of the site.
   Reason:  To ensure the restoration of the environmental amenity of the area.

4  One Jacaranda mimosifolia (Jacaranda) is to be planted on the nature strip. This tree is to be supplied in a 100 litre container and be a minimum height of 2 metres at planting. All street trees are to be setback 3 metres from the driveway and 12 metres from the intersection and are to be maintained at all times. All trees are to be grown
and planted in accordance with Natspec – Clarke .R,
Specifying Trees: A guide to the assessment of tree
Reason: To ensure restoration of environmental
amenity.

(b) That Council instigate a report for a review of the Parramatta
Heritage Development Control Plan within the next 12 months in
relation to the merits of ensuring any future dual occupancy
development applications of heritage listed properties to be of a
single level with at least 1000 m2.

(c) Further, that objectors be advised of Council's decision.

NOTE: Item 1 of Petitions was considered in conjunction
with this matter (Minute No 9255 refers).
SUBJECT
2 Prince Street, North Parramatta
(Lot 12 DP 979533) (Arthur Phillip Ward)

Construction of a second dwelling to the rear of an existing heritage listed dwelling to create a dual occupancy development with Torrens Title subdivision. Alterations are also proposed to the existing heritage listed dwelling.

REFERENCE
DA/994/2006 - Submitted 3 November 2006
Applicant and Owner: Mr J Younes

REPORT OF
Manager Development Services (DSU 81/2007)

PURPOSE

1. To determine Development Application No. 994/2006 which seeks approval for the construction of a dual occupancy with Torrens title subdivision.

2. The application has been referred to Council due to the dwelling house on the site being an item of local environmental heritage under Schedule 2 of Parramatta LEP 1996 (Heritage and Conservation) and the number of submissions received.

RECOMMENDATION

(a) That Council grant consent to Development Application No. 994/2006 subject to standard conditions as well as the following extraordinary conditions:

1. The side and rear fencing is to be constructed of timber to a maximum height of 1.8m. The side timber fencing at the front setback is to be 1.2m in height starting in line with the front building line of the garage at the adjoining western property.
   Reason: To maintain the heritage significance of the property.

2. The provision of one Brachychiton acerifolius (Illawarra Flame Tree) in a 50 litre container and planted at a minimum distance of 1 metre from the boundary in the north-western corner of the site.
   Reason: To ensure the restoration of the environmental amenity of the area.

3. One Jacaranda mimosifolia (Jacaranda) is to be planted on the nature strip. This tree is to be supplied in a 100 litre container and be a minimum height of 2 metres at planting. All street trees are to be
setback 3 metres from the driveway and 12 metres from the intersection and are to be maintained at all times. All trees are to be grown and planted in accordance with Natspec – Clarke R, Specifying Trees: A guide to the assessment of tree quality, 2003.

**Reason:** To ensure restoration of environmental amenity.

(b) **Further, that** objectors be advised of Council’s decision.

**PROPOSAL**

1. Approval is sought for the construction of a second dwelling to the rear of an existing heritage listed dwelling to create a dual occupancy development. Torrens title subdivision is also sought to create Lot A to have an area of 369.407 square metres and Lot B to have an area of 400.778 square metres. Alterations are also proposed to the existing heritage listed dwelling.

**SITE & LOCALITY**

2. The subject site is located on the northern side of Prince Street. The site has a width of 16.76 metres, a depth of 45.72 metres and a total site area of 770.185 square metres. The site is relatively flat and contains a “Federation” cottage and a freestanding single garage.

3. Heritage items of local significance are on the properties No. 34 and 36 Iron Street, North Parramatta. The site adjoining to the east contains a single storey brick cottage with tiled roof.

**STATUTORY CONTROLS**

**Parramatta Local Environmental Plan 2001**

4. The site is zoned Residential 2(a) under Parramatta Local Environmental Plan 2001 and dual occupancy development are permissible within the Residential 2(a) zone with the consent of Council. The proposed development is consistent with the objectives of the PLEP 2001.

5. Under the Parramatta Local Environmental Plan 2001, Clause 38(2) states that a dual occupancy development cannot be erected in a residential zone on land which has an area of less than 600 square metres. The subject site has a total area of 770.185 square metres, thus meeting the requirements for a dual occupancy development under the PLEP 2001. The PLEP 2001 does not contain development standards regarding minimum lot sizes.

6. It is noted that, Clause 38(4A) of the Parramatta Local Environmental Plan 2001 allows the subdivision of lots where approval for a dual occupancy development has been obtained.

**Parramatta Local Environmental Plan 1996 (Heritage and Conservation)**
7. The existing dwelling fronting Prince Street is currently listed as an item of local heritage significance under Schedule 2 of Parramatta Local Environmental Plan 1996 (Heritage and Conservation).

8. The development application was accompanied by a Heritage Impact Statement which has been reviewed by Council’s Heritage Advisor and is considered to be satisfactory. The development will have minimal impact on the heritage qualities or significance of the existing dwelling. The details of the heritage assessment are discussed later in the report.

Parramatta Development Control Plan 2005

9. Under the Parramatta Development Control Plan 2005, the minimum site area required for a dual occupancy development is 600 square metres and a minimum 12 metres for two street frontages. The total area of the subject site is 770.185 square metres with a 16.76 metre frontage. In this regard, the proposed dual occupancy complies with the development standards for dual occupancy development.

10. The Parramatta Development Control Plan also requires that the subdivision of dual occupancies result in the provision of equal or similar site area portions and a minimum frontage of 7.5 metres. The proposed subdivision will create a 367 square metres front lot and a 309.22 square metres rear lot with a 16.765 frontage, hence compliance with the development control standards for dual occupancy subdivisions.

CONSULTATION

11. In accordance with Council’s Notification DCP, the proposal was notified between 31 January 2007 and 21 February 2007. A total of 5 submissions have been received. The issues raised in the submissions include:

The dual occupancy building is inappropriate and uncharacteristic of the area.

12. Clause 40(1) of PLEP 2001 restricts the floor space ratio of dual occupancies to a maximum of 0.6:1. The proposal has a floor space ratio of 0.34:1 which complies with this standard. In addition, the dwellings are of a reasonable size with sufficient private open space, solar access and setbacks in accordance with the provisions of DCP 2005. In this regard, the proposal achieves satisfactory amenity for future occupants of the site and is not considered to be inappropriate for the site.

13. The proposed second dwelling will not adversely affect the streetscape as it will be designed and sited to the rear of the existing heritage listed dwelling and will not be seen from the street.

The heritage value of the heritage listed property and the locality will be compromised.
14. The development application was referred to Council’s Heritage Advisor for assessment as the site is listed as a heritage item of local significance under Schedule 2 of Parramatta Local Environmental Plan 1996 (Heritage and Conservation). Council’s Heritage Advisor has no objection to the proposal subject to standard conditions of consent.

The development of two dwellings on one block does not have enough room and would create noise.

15. The proposal would result in 2 dwellings being located on the site. The site area exceeds the minimum lot size requirement for dual occupancies. The living areas are orientated towards the street and the private open space area is in an appropriate location, therefore the development is unlikely to have a significant noise impact on adjoining properties.

There would be limited car access, impossible for a vehicle to turn around.

16. The proposed vehicular access for the development complies with the Australian Standards for Parking Facilities (AS2890.1:2004). The increase in traffic generation from one additional dwelling is minor and will have minimal impact on the existing traffic conditions.

The development would lead to an ugly dwelling, resembling a “Pizza Hut”

17. The proposed architectural form is sympathetic to the existing heritage listed “Federation” cottage on the site with stylistic influences to the “Queen Anne Revival”. Council’s Heritage Advisor is satisfied that the design of the proposed dwelling to the rear of the site is consistent with dwellings in the surrounding area.

The proposal will lead to loss of privacy (No. 4 Prince Street & No. 36 & 38 Iron Street and everyone else in the immediate area).

18. There will be no opportunity for overlooking of the adjoining property at No. 4 Prince Street (rear yard) from the attic floor bedroom window that is located along the eastern and southern elevations as the proposed windows to the eastern and southern elevation will have a floor to window sill height of 2.087m and are located 4.8m from the eastern boundary. In addition, all living areas are located on the ground floor.

19. There would be no opportunity for overlooking of the adjoining properties at No. 36 and 38 Iron Street (rear yards) from the attic floor bathroom window that is provided along the western elevation as the proposed window to the western elevation is to have a floor to window sill height of 2.087m. The degree of opportunity for the overlooking of the rear yards from the attic floor bathroom window will be limited due to the nature of the room and the 2.087m height would be impossible for a person less than 2.0 metres in height to look out of.

Tree Removal
20. The application involves the removal of two small trees (Grevillea robusta) located to the front) and a small street tree (Lemon Bottlebrush). Council's Landscape Officer has stated that the Grevillea robusta trees are below the height of 5 metres and are therefore exempt from Council's Tree Preservation Order. In addition, Council's Landscape Officer stated that the Lemon Bottlebrush tree is 3 metres in height and has limited contribution to the landscape character of the street therefore removal is acceptable. A condition of consent subject to approval is to be provided for a replacement tree to be provided in the middle between the two driveways.

21. It is also proposed to remove a small street tree. This tree is a Callistemon citrinus (Lemon Bottlebrush), 3 metres in height. The tree has limited contribution to the landscape character of the street and approval should be given to remove the tree. It should be noted that the conditions of consent have been imposed for replacement planting throughout the site, which will ensure that the existing landscape character of the area is maintained.

Development would overshadow our pool and yard (6 Prince Street).

22. The site has a south-north orientation. Shadow diagrams submitted with the application illustrate that the adjoining properties will receive greater than the 3 hours minimum solar access required to habitable rooms and private open spaces of adjoining properties to the east and west between 9am and 3pm on 21 June. It is also considered that overshadowing will not impact upon habitable rooms and private open space of No. 6 Prince Street as the property does not directly adjoin the subject site.

Demolition of original laundry would be sacrilege from a heritage point of view

23. The development application was referred to Council's Heritage Advisor for assessment and the proposed works is considered satisfactory from a heritage perspective. The development will have minimal impact on the heritage qualities or significance of the existing dwelling.

Proposed colourbond fence is not sympathetic to the heritage cottage

24. Council's Heritage Advisor has recommended that proposed side and rear fencing is to consist of timber material with a maximum height of 1.8m. The side timber fencing at the front setback is to be 1.2m in height starting in line with the front building line of the garage at the adjoining western property. A condition of consent has been imposed to reflect this recommendation.

Sophia Chin
Development Assessment Officer