

Development Application Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010,
Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013 and SEPP 1

Approved from 01 January 2021 – 31 March 2021

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/754/2019	521 Victoria Rd, ERMINGTON NSW 2115 LOT 124 DP 624540	Commercial	PLEP2011 B2 Local Centre	Clause 4.3 Height of building	Height Required: 12m Proposed: 15.5m Variation: 3.5m (29.1%)	Approval	Approved	19 January 2021 – Parramatta Local Planning Panel

Justification of height variation:

The Panel considered that the requested variations to the building development standard can be supported given:

- the subject site is located at the edge of the existing commercial area, and the proposed height is considered to provide the necessary transition between the commercial area to the east and the raised portion of Silverwater Road to the west.
- the location of the subject site is quite isolated, with roads binding the northern, eastern and southern boundaries. In that regard, the proposed height would not cause unreasonable visual impact, disruption of views, loss of privacy or loss of solar access to existing development.
- there are no heritage listed items, or heritage conservation areas located within close proximity of the subject site.
- the area is identified as having significant views to the south toward Sydney City and Homebush Olympic site. Given the isolated nature of the subject site, there is not considered to be any impacts to views and vistas for any neighbouring properties.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/668/2020	5/38-42 Cox Crescent, DUNDAS VALLEY NSW 2117 Lot 5 SP 84393	Multi-Unit	PLEP 2011 R2 – Low Density Residential	Clause 4.4 Floor Space Ratio	Allowable 0.5:1 or 122.6m ² Existing (Total Strata) = 0.55:1 Proposed (total Strata) = 0.56:1 or 0.65%	Approval	Approved	16/02/2021 – Paramatta Local Planning Panel meeting

Justification of height variation:

The Panel considered that the requested variation to the building development standard can be supported given:

- The extent of non compliance above the existing approved FSR on site (0.55:1) is minor at 0.65%
- The additional FSR relates to an enclosed alfresco area and would be imperceptible beyond the site.
- The development does not produce any adverse impacts to adjoining properties and does not result in any additional visual bulk when viewed from the existing public domain.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/12/2020	544-546 Church Street NORTH PARRAMATTA Lot 1 DP996845 Lot 1 DP 854427	Residential – new Multi unit	PLEP 2011 R4 High Density Residential	Clause 4.3 Height of building	Required: 11m Proposed: 11.4m-13.8m Variation: 2.8m (25.4%)	Approval	Approved	16/02/2021 – Paramatta Local Planning Panel meeting

The Panel considered that the requested variations to the building development standard can be supported given:

- The non-compliance is minor in nature with the majority of the building being compliant with the building height control and the upper level of the building being recessed, their impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level.

- The variation is primarily as result of appropriately responding to the topography of the land and the site context.

The resultant development is consistent with the 4 storey development envisioned for the precinct.

- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:

- The variation will be visually unnoticeable from Church Street and will have no adverse impact on adjoining sites.

- The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.

- The proposed variation will not lead to view loss or interrupt views to and from the site.

- The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.

DA No	Address	Category of development	Environmental Planning Instrument and Zone	Development standard to be varied	Extent of Variation	Officer Recommendation	Determination	Date DA determined
DA/698/2020	49 Primrose Avenue RYDALMERE Lot 128 DP36565	Residential – New Second occupancy	PLEP 2011 R2 Low Density Residential	Clause 4.4 Floor Space Ratio	Stage 1 Allowable: 0.5:1 Proposed: 0.536:1 pr 294m2 (-7.2%) Stage 2 Allowable: 0.5:1 Proposed: Lot 1 = Dwelling (FF=130m2+GF=105m2)+ Granny Flat (58m2) = 294m2 = 56%	Approval	Approved	16/03/2021 – delegated Manager

It is considered that compliance with the development standard in Clause 4.4 – Floor Space Ratio is considered unreasonable in the circumstance of the subject proposal noting the following:

- The proposal remains consistent with the objectives of the R2 - Low Density Residential zone;
- The proposal remains consistent with the objectives of Clause 4.4 Floor Space Ratio;
- The proposal is generally consistent with the Parramatta Development Control Plan 2011 with merit;
- The proposal is consistent with the built form of 'dual-occupancies' in the visual streetscape;
- The bulk of floor area on the site is divided up into two buildings the dual-occupancies at the front and the secondary dwelling at the rear, the secondary dwelling due to its height and setbacks are unlikely to be visual from the street hence bulk that is typically caused form sites with additional floor space is unlikely to be visible from the street;
- The site is irregular in shape and is constrained by a 6m wide drainage easement on the Southern side of the parent lot, that accounts for approximately 280m2 of the site. Consequently, the building envelope is limited to the Northern side of the parent lot, however as a result of the subdivision and the limited buildable area of the site gross floor area has been unevenly positioned on the proposed lots. It is noted the total FSR of the parent lot is 0.494:1 and complies with the relevant development standard Clause 4.4 Floor Space Ratio.