

Council DA reference number	Lot number	DP number	Apartment/Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
632.1/2015	4 & 5	714281		1016-1024	The Horsley Drive	Wetherill Park	2164		9 Fairfield Local Environmental Plan 2013	B2	4.3 – Height of buildings	Clause 4.3 of the Fairfield LEP, 2013 prescribes a maximum 14m height of building limit over 13-21 Rossetti Street.	2.4% to 7.14%	Council	20/05/2020
				13-21	Rossetti Street							Out of the five buildings proposed as part of this development, three of the buildings comply with the LEP and are less than 14m, and only two of the buildings comprising the four-storey northern and southern buildings exceed the standard. The proposed variation is illustrated in the Building Height Plan further below.			

											<ul style="list-style-type: none"> • The Applicant has stated that: <i>“The proposed development must relate to the basement and ground floor levels of the existing shopping centre building. This creates a particular constraint which prevents the proposed development from being further lowered into the site at ground levels and below. As a consequence of that design constraint, a fully compliant design can only be achieved by reduction in a full residential level of the building. That in turn would cause significant harm to the attainment of relevant objectives of both the zone and the development standard. But for the constraints imposed by the existing shopping centre development, a fully compliant design could have been achieved. The above demonstrates that the proposed height exceedance does not constitute an over development of the site and nor is it a development outcome which is in any way different to the planned development potential and envisaged by the site specific DCP.”</i> <hr/> <ul style="list-style-type: none"> • Given the site specific DCPs desire for pedestrian connections between the existing centre and the development, it is agreed with the Applicant that the existing floor levels of the existing centre present a constraint. The shopping centre is established at a higher level of RL 43.7 and is 1.5m higher than the proposed RL 42.2. In this regard, it is considered that the proposed floor levels of the building have been established relative to the existing centre and to minimise the extent of ramping to connect the two. <hr/> <ul style="list-style-type: none"> • It is agreed with the Applicant that a height compliant development would result in the unnecessary loss of a floor level from each building. This would not achieve a better planning outcome when weighed up against any negative consequences of varying the height standard. <hr/> <ul style="list-style-type: none"> • The proposed lift overrun exceedances are considered inevitable given that the site specific DCP envisaged five storey buildings at this site and an LEP height limit of 14m. The exceedance has been reduced in the current amended plans when compared to the original proposal which sought an exceedance of up to 3.4m (i.e. 10% variation). The potential environment impacts of lifts exceeding the LEP limit are considered to be minimal and of no consequence given the minor structures and centrally located within the site. <hr/> <ul style="list-style-type: none"> • The variation to height does not result in any adverse environmental impacts as evident when considering the variation against the objectives of the height control. <ul style="list-style-type: none"> • In this regard, despite the variation, the proposed development is consistent with the objectives of the height standard, as follows: <ul style="list-style-type: none"> ○ The visibility of non-compliant roof elements from the north is screened by lower height street frontage buildings of the existing shopping centre and the proposed two-storey terrace units and shop-top housing fronting Rossetti Street, which will complement the streetscape character. ○ The proposed buildings are generally consistent with the number of storeys as per the site-specific DCP including the location of taller elements to ensure there would be no significant impact on existing development. 			
--	--	--	--	--	--	--	--	--	--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--

											<ul style="list-style-type: none"> The three lots that face Water Street can be developed via a development application or a complying development application. The addition of 3.05 metres in length to each lot does not change the development potential of the lots. Such future development would need to take into consideration the controls found in the Councils DCP or the building envelopes that are found in SEPP Exempt and Complying Development 2008. The increase in area and length of the lots does not impact on the possible future amenity of neighbouring properties. The proposal reduces land fragmentation and is in line with objective 3 for lot size requirement in the FLEP2013 It is both unreasonable and unnecessary to maintain the standard of lot size as the proposal is in line with the objectives of the standard and regularizes the subdivision of the area. There are sufficient environmental planning grounds in this instance to vary the standard. As the proposal is in line with the zone objectives it is in the public interest to vary the standard of lot size in this instance. The proposal is local and raises no matters of significance for state or regional planning. <p>It is considered that the non-compliance with the development standard does not raise any significant matters with respect to State or Regional Planning and no public benefit is obtained by adhering to the relevant planning controls. The variation pursuant to Clause 4.6 is considered acceptable and appropriate in this circumstance.</p>			
51.1/2020	1 & 2 68, Sec 9	120895 490	75	Margaret Street	Fairfield West	2165	13: Subdivision only	Fairfield Local Environmental Plan 2013	R2	Clause 4.1 minimum subdivision lot size	<p>Clause 4.1 Minimum subdivision lot size, Subclause (3) stipulates that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map, which is 450m².</p> <p>The proposed subdivision provides for 2 larger allotments with an area as follows:</p> <p>Proposed Lot 1 = 305.28 m² Proposed Lot 2 = 247.19 m²</p> <p>The proposed development therefore does not comply with the required minimum lot size requirement of 450m² as stipulated within Clause 4.1 Minimum subdivision lot size of Fairfield LEP 2013.</p> <p>Accordingly, the Applicant has submitted a written application justifying the minimum lot size variation of 32.16% for Lot 1 and 45.07% for Lot 2, pursuant to Clause 4.6 Exceptions to development standards for the following reasons:</p> <ul style="list-style-type: none"> The proposed development proposes a density that will achieve the objectives of the R2 Low Density Residential zone that applies to the site; The development achieves the objective of the development standard by proposing lot sizes that are of sufficient size to accommodate attached dwellings or semidetached dwellings development, and will be consistent with the relevant and applicable planning provisions and will not cause any adverse impact to residential amenity; 	32.16% and 45.07%	Council	17/06/2020

											<ul style="list-style-type: none">• A Site Analysis was carried out which identified the constraints and opportunities of the site. The site does not contain any significant structural, cultural or environmental features that would prevent the development from proceeding with the proposed allotment areas.• The design of the new dwellings are consistent with Fairfield LEP and DCP requirements such that the proposed new dwellings provide a reasonable level of amenity and is within the environmental capacity of the zone.• The proposal does not involve the removal of any significant vegetation from the site.• Both new dwellings comply with all of Council's planning requirements, and it is considered that the development appropriately responds to the orientation of the site and neighbouring properties. As a result, it is submitted that the proposal is unlikely to result in any adverse impact upon the amenity of neighbouring residential properties.• The proposal facilitates the re-alignment of 3 narrow lots to create 2 regular shaped lots; therefore, maintaining residential amenity with more orderly development and use of land. The proposed subdivision will not create additional lots.• The development application proposed for this site is a small-scale residential development that creates detached housing as per the zone R2 and achieves a better outcome for site, than would have been if the existing subdivision pattern was maintained.				
											<p>It is considered that the non-compliance with the development standard does not raise any significant matters with respect to State or Regional Planning and no public benefit is obtained by adhering to the relevant planning controls. The variation pursuant to Clause 4.6 is considered acceptable and appropriate in this circumstance.</p>				