Council DA reference	Lot	DP	Apartment/ Unit	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning	Zoning of	Development standard to be	Justification of variation	Extent of	Concurring authority	Date DA determined
number	number	number	number	Street Humber	Street name	Suburb/10WH	1 osicode	Category or development	instrument	land	varied	Sustilication of variation	variation	Concurring authority	dd/mm/yyyy
632.1/2015	4 & 5	714281		13-21	The Horsley Drive Rossetti Street	Wetherill Park	2164		Fairfield Local Environmental Plan 2013	B2	buildings	Clause 4.3 of the Fairfield LEP, 2013 prescribes a maximum 14m height of building limit over 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.	2.4% to 7.14%	Council	20/05/2020
												The maximum height is proposed at 15m, to the top of a lift overrun, presenting a maximum 1m exceedance equal to a 7.14% variation to the LEP however it is noted that most of the components result in breaches that range from 2.4% to 7.14% which is considered to be minor.			
												The variation arises from the roof forms and lift overruns of the two main buildings. The Applicant has submitted to Council a written request for variation of this standard pursuant to the provisions of Clause 4.6 of the LEP which allows flexibility in certain circumstances.			
												The Applicant has submitted to Council a written request seeking to justify the contravention of the height standard. The Applicants' written request has been carefully considered against the provisions of Clause 4.6(4) and appropriately addresses the matters in Clause 4.6(3). It is considered that the Applicant's written justification satisfactorily demonstrates that insisting on			
												compliance with the height of building standard is unreasonable given the circumstances of this site and proposal, and also demonstrates that there are sufficient planning grounds to justify the contravention. In this regard, Council can be satisfied that the proposed development will be in the public interest because despite the proposed height contravention, the development remains consistent with the objectives of the height standard and also remains consistent with the objectives of the subject			
												Zone. Accordingly, it is recommended that the variation to the LEPs maximum			
												14m height standard be granted on the basis of the following reasons: The proposed variations are generally minor and relate to the roof			
												form and lift overruns, ranging from 2.4% to 7.14%: North building lift overrun is 500mm above LEP or 3.5% variation			
												 South building west-lift overrun is 650mm above LEP or 4.65% variation South building east-lift overrun is 1m above LEP or 7.14% variation 			
												North building roof form is 350mm above LEP or 2.5% variation			
												 South building roof form towards Rossetti Street is 300mm above LEP or 2.14% variation; and up to 980mm towards Emerson Reserve or 7% variation. 			
												 The development complies with key building envelope controls and is in fact significantly less than the maximum 1.45:1 allowable FSR such that bulk and scale is not an issue of concern. The proposed height exceedance is therefore not for the purpose of gaining additional floor area or yield. 			

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development.						
					development.	

				Ī					I	<u> </u>	The south and east elevations of the development will be visible from	1		
											the church site, Rossetti Street and from Emerson Street Reserve.			
											However these views are across a distance including an open car park of			
											the southern adjoining church or across a parkland. They also represent			
											vistas towards the development which are contextually removed from			
											surrounding low-density detached dwelling houses. Given the			
											considerable distance from which the buildings are separated from			
											existing single and two-storey dwellings, the height non-compliance will not result in a significantly different perception of the site compared to a			
											compliant development.			
											compilant development.			
											Civen the significant concretion distance which is provided between			
											 Given the significant separation distance which is provided between the taller building elements and existing low-density development, the 			
											additional height at the southern and eastern boundaries does not cause			
											any adverse visual impact, nor disrupt any significant views, nor result in			
											loss of privacy nor loss of solar access to existing development.			
											Despite the variation to the height standard, the proposed			
											development is consistent with the zone objectives which are largely			
											general in nature.			
											In this regard, insisting on compliance with the height standard is			
											considered to be unreasonable given all of the above factors.			
											Given all the above factors, there are sufficient environmental			
											planning grounds to justify the contravention. Building Height Plan			
											showing the LEPs 14m building height limit as a plane across the site,			
											and showing the components of the roof forms and lifts that breach the			
											height standard.			
19.1/2020	154 &	1553	15	Lord Street	Cabramatta West	2166	13: Subdivision only	Fairfield Local	R2	Clause 4.1	With reference to Clause 4.1 Minimum subdivision lot size, Subclause 26.62% and	Co	ouncil	20/05/2020
	155 Sec						, , , , , , , , , , , , , , , , , , , ,	Environmental		minimum	(3) stipulates that the size of any lot resulting from a subdivision of land 26.68%			
	3							Plan 2013		subdivision lot				
										size	shown on the Lot Size Map, which is 450m ² .			
	1	728488									The proposed subdivision provides for two (2) larger allotments with an			
											area as follows:			
											Proposed Lot 1 = 330.2m ²			
											Proposed Lot $2 = 329.9 \text{m}^2$			
											The proposed development does not comply with the required minimum			
											lot size requirement of 450m ² as stipulated within Clause 4.1 Minimum			
											subdivision lot size of Fairfield LEP 2013.			
ī				1										J
										I				1
											The Applicant has submitted a written application justifying the minimum			ļ
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause			
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause 4.6 Exceptions to development standards for the following reasons:			
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: • The two (2) new lots are created from three (3) existing lots. The			
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: • The two (2) new lots are created from three (3) existing lots. The resultant lots are consistent with the existing subdivision pattern in the			
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: • The two (2) new lots are created from three (3) existing lots. The resultant lots are consistent with the existing subdivision pattern in the area, with evidence of previous examples of the consolidation of the rear			
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: • The two (2) new lots are created from three (3) existing lots. The resultant lots are consistent with the existing subdivision pattern in the area, with evidence of previous examples of the consolidation of the rear access lot into the main bodies.			
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: • The two (2) new lots are created from three (3) existing lots. The resultant lots are consistent with the existing subdivision pattern in the area, with evidence of previous examples of the consolidation of the rear access lot into the main bodies. • The subdivision currently contains an approved and constructed			
											lot size variation of 26.62% & 26.68% respectively, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: • The two (2) new lots are created from three (3) existing lots. The resultant lots are consistent with the existing subdivision pattern in the area, with evidence of previous examples of the consolidation of the rear access lot into the main bodies.			

										The inclusion of part of Lot 1 into each of the other lot creates a			
										more useable lot allowing better economic use of that lot and providing			
										rear private open space area for each new dwelling.			
										The subdivision will not impact the streetscape, minimum landscape			
										and urban design context.			
										The subdivision will be consistent with adjoining and neighbouring			
										lots.			
										 There are no unacceptable additional impacts arising from the 			
										variation. All other noticeable controls like setbacks, landscapes and			
										heights will be consistent with adjoining dwellings.			
										 The proposal satisfies the objectives of the R2 Low Density 			
										Residential Zone.			
										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.			
63.1/2020	50, 51,	1553	96	Water Street	Cabramatta West	2166	13: Subdivision only	Fairfield Local	R2 Clause 4.1	Clause 4.1 Minimum subdivision lot size, Subclause (3) stipulates that	26.68%	Council	20/05/2020
	52, Sec							Environmental	minimum	the size of any lot resulting from a subdivision of land to which this			
	6							Plan 2013	subdivision	lot clause applies is not to be less than the minimum size shown on the Lot			
									size	Size Map, which is 450m2.			
	1	723649								17			
	l'	123043								7			
										The proposed subdivision provides for 3 larger allotments with an area			
										as follows:			
										Proposed Lot 11 = 329.9m2			
										Proposed Lot 12 = 329.9m2			
										Proposed Lot 13 = 329.9m2			
										Proposed Lot 13 = 329 9m2			
										1 10p0000 E01 10 = 020.01112			
										1 1000000 201 10 - 020.0112			
										The proposed development therefore does not comply with the minimum			
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										The proposed development therefore does not comply with the minimum lot size requirement of 450m2 as stipulated within Clause 4.1 Minimum			
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										The proposed development therefore does not comply with the minimum lot size requirement of 450m2 as stipulated within Clause 4.1 Minimum subdivision lot size of Fairfield LEP 2013. The Applicant has submitted a written application justifying the minimum lot size variation of 26.68%, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: The Council has developed chapter 5C of the DCP, "Narrow Lots," that acknowledges that there are multiple historically created smaller narrow lots in the Fairfield Local Government Area. The proposed lots in this case exceed the design lots in the DCP and as such it should be achievable to design and meet the day to day needs of the residents within a low density residential environment. The proposed development complies with the objectives of the zone as it provides for housing needs in the low density residential zone and represents orderly and efficient use of land and the lot pattern created represents suitable allotments in the context of the locality. The predominant subdivision in the area is for lots that are 7.62 m			

51.1/2020	1 & 2 12089	5	75 N	Margaret Street	Fairfield West	2165	13: Subdivision only	Fairfield Local	R2	Clause 4.1	 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. 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. Clause 4.1 Minimum subdivision lot size, Subclause (3) stipulates that 		Council	17/06/2020
	68, Sec 490					2.55		Environmental Plan 2013		minimum	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. The proposed subdivision provides for 2 larger allotments with an area as follows: Proposed Lot 1 = 305.28 m² Proposed Lot 2 = 247.19 m² 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. 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: • 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;	45.07%		

												 The new lots created will be wider than the existing lots at 7.723m wide (Lot 1) and 8.146m (Lot 2), but the planned subdivision will still be consistent with the narrow lot development pattern of the area, and at the same time will provide opportunity for higher quality housing development that will enhance and improve the residential character and lifestyle of the area. Furthermore, the proposed lot size and width will enable future dwellings the opportunity of having greater amenity. The proposed lot layouts will result in a better planning outcome for the site; Enforcing strict compliance with the numerical component of the development standard would result in the permitted development being unachievable for the site and would be superfluous and would not be relevant to achieving the objectives and purpose of the development standard; and The development will enable the orderly and economic use and development of the land that would otherwise be compromised if strict compliance with the numerical development standard was enforced. 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. 			
126.1/2020	1	6	42676	61	High Street	Cabramatta West	2166	13 - Subdivision only	Fairfield Local Environmental Plan 2013	R2	minimum subdivision lot size	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. The proposed subdivision provides for 2 larger allotments with an area as follows: Proposed Lot 1219 = 329.8m2 Proposed Lot 1220 = 329.8m2 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. Accordingly, the Applicant has submitted a written application justifying the minimum lot size variation of 26.71%, pursuant to Clause 4.6 Exceptions to development standards for the following reasons: • The proposal represents a subdivision of existing allotments within R2 zoned land which will improve the overall amenity of the two recently completed detached dwellings in that more space is afforded between these dwellings and their western adjoining neighbour and better utilisation of the site that provides for additional private open space for these dwellings. Accordingly, it is contended that the proposal will result in allotments which reflect the character/pattern of subdivision of the area. • The minor shortfall in allotment area will have no bearing on the level of residential amenity. The proposed subdivision pattern and size demonstrate that an acceptable level of residential amenity is achieved at the proposed densities.	26.71%	Council	17/06/2020

		 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 statistical plane and the state of the site of the site of the site of 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
		 impact upon the amenity of neighbouring residential properties. The proposal facilitates the re-alignment of 3 narrow lots to create 2
		create additional lots.
		R2 and achieves a better outcome for site, than would have been if the existing subdivision pattern was maintained.
		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.
		acceptable and appropriate in this circumstance.