

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
345.1/2021	1 252 & 253, Sec 5	704606 1553		95	Water Street	Cabramatta West	2166	13: Subdivision only	Fairfield Local Environmental Plan 2013	R2	Clause 4.1 minimum subdivision lot size	<p>The proposal provides for the subdivision of the existing 2 narrow lots and the redundant rear laneway to create 2 larger allotments, resulting in a more orderly development. The 2 existing narrow allotments will increase from 303.5m² to 330.8m².</p> <p>The current lots as they exist are 'under sized' against the 450m2 development standard, because the allotments existed prior to the gazettal of the 450m2 area minimum.</p> <p>Accordingly, the variation to the 450m2 minimum standard is a numerical non-compliance only, as the existing 2 narrow lots (exclusive of the redundant laneway) are already below the 450m2 minimum standard. Currently occurring on site is the demolition of existing structures and the construction of a 2-storey dwelling and studio on lots 252 and 253. This development was approved under Complying Development Certificate No. CDC-2021-0288 dated 8 July 2021 by a private certifier. The recently issued complying development approval does not compromise the proposed subdivision application, which is essentially to consolidate the rear residue lot within the 2 principal lots.</p> <p>The Applicant has lodged a written application justifying the minimum allotment size variation pursuant to Clause 4.6 Exceptions to Development Standards under Fairfield LEP 2013. The variation is considered reasonable having established that compliance with the standard is unreasonable and unnecessary and that the proposed development would be in the public interest.</p>	26.49% per proposed lot	Council	21/10/2021
32.1/2021	71 1 2 58 55 54	36377 838663 838663 36377 36377 36377		7 9 11 18 26 28	Nyora Avenue Nyora Avenue Nyora Avenue Neerini Avenue Neerini Avenue Neerini Avenue	Smithfield	2164	5: Residential – Seniors Living	SEPP (Housing for Seniors or People with a Disability) 2004	R21	Clause 40(4)	<p>The proposed ceiling at the south-western part of the building, specifically the ceiling over rooms 59, 60 and 61 exceeds the 8m maximum standard prescribed by Clause 40 (4) of the SEPP. The height of the ceiling is up to 8.82m, resulting in an exceedance of 820mm, equal to a variation of 10.25%.</p> <p>The Applicant has submitted a written request for the variation proposed to the standard pursuant to Clause 4.6 of the LEP, which allows the Consent Authority to consider exceptions to development standards in certain circumstances and within any environmental planning instrument, which includes a SEPP. The Applicant's written justification satisfactorily demonstrates that insisting on compliance with the height standard is unreasonable given the circumstances of this site and proposal, and also demonstrates that there are sufficient environmental planning grounds to justify the contravention.</p> <p>As a result of proposing filling outside of the building envelope, the proposal results in a non-compliance with Council's planning controls in Chapter 5A Dwelling Houses of the Fairfield CityWide DCP 2013. Despite the non-compliance with the DCP, the proposed fill is considered acceptable in the circumstances of this particular site and this particular proposal, due to the anomalies in the topography of the site at certain areas namely the south-western corner of the site, but mainly because of the need for the development to maintain a level and compliant grade to the communal open spaces to accommodate seniors or disabled residents in a functional indoor and outdoor living environment; and also because the proposal does not result in any adverse impacts as a result of the proposal. This is because the development has demonstrated privacy impacts and visual impacts of fencing/retaining walls to the northern boundary can be achieved by setting back the filled areas, and also through appropriate streetscape presentation of the south-western terrace with landscaped tiered treatment and front fencing that will screen the terrace from public view.</p>	10.25%	Council	25/11/2021
420.1/2021	1 142, 143 & 144, Sec 1	721556 1553		3	Lime Street	Cabramatta West	2166	13: Subdivision only	Fairfield Local Environmental Plan (LEP) 2013	R2	Clause 4.1 minimum subdivision lot size	<p>The proposed Torrens Title subdivision of 3 existing narrow allotments and the redundant rear laneway will create 3 new larger allotments, with a proposed area of 332.7sqm for each lot and therefore seeks a variation of 27%, to the minimum subdivision lot size requirement of 450m² in Clause 4.1 of Fairfield LEP 2013.</p> <p>The Applicant has submitted a written application justifying the minimum lot size variation pursuant to Clause 4.6 Exceptions to development standards. It is considered that the reasons provided are able to be supported and the proposed variation to the minimum lot size standard is acceptable in these circumstances.</p> <p>Effectively, the application will create 3 larger allotments, thereby resulting in a more orderly development.</p> <p>The proposed development is considered satisfactory and unlikely to impact on the amenity of the adjoining residents and surrounding locality. In this regard, the application is considered acceptable and is recommended for approval subject to conditions of consent.</p>	27%	Council	16/12/2021