

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
1 1 177 & 178, Section 1	723675 42661 1553		37	Lime Street	Cabramatta West	2166	13	Fairfield LEP 2013	R2	Clause 4.1 Minimum subdivision lot size	<ul style="list-style-type: none"> <li>• The proposal represents a subdivision of existing allotments within R2 zoned land which will improve the overall amenity of the proposed new lots in that more space will be afforded between the future dwellings upon the new lots and their northern and southern adjoining neighbours and better utilisation of the site that provides for additional private open space for any future dwellings to be erected upon these new lots. Accordingly, it is contended that the proposal will result in allotments which reflect the character/pattern of subdivision of the area.</li> <li>•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. The new lots sizes have actually increased in comparison to the previous 3 lots fronting Lime Street by virtue extending the depth of each lot by an additional 3.05m to the rear boundary.</li> <li>•The proposal does not involve the removal of any significant vegetation from the site.</li> <li>• The proposal facilitates the re-alignment of 4 narrow lots to create 3 regular and identical shaped lots; therefore, maintaining residential amenity with more orderly development and use of land. The proposed subdivision will not create additional lots.</li> <li>• Any future development application proposed for this site would be a small-scale residential development that will create attached/detached houses as per the zone R2 and achieves a better outcome for site, than would have been if the existing subdivision pattern were maintained.</li> </ul>	31.60%	Council	16/11/2022

											<ul style="list-style-type: none"> <li>• Consequently, the proposed subdivision size creates a better planning outcome and would provide for a much more functional private open space for any future dwelling houses and better presentation to the streetscape in terms of broader and consistent front facade, resulting in a positive planning outcome. (3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</li> <li>• The written request indicates that there are sufficient environmental planning grounds to justify contravening the development standards for the following reasons: It is considered that the proposed development is within the environmental capacity of the R2 – Low Density Residential Zone. The provision of the minimum required allotment size would not result in the creation of a superior planning outcome. The proposed allotment size and layout illustrate that an enhanced amenity will be provided for any future attached/detached dwellings to be erected upon these new lots that would reasonably respond to the site, but significantly, larger and more meaningful private open space is provided for the future dwellings on the site without amenity impact upon any neighbouring properties. In order to consider the contravention to the development standard, the Consent Authority must be satisfied that: (a) the consent authority is satisfied that— (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),</li> </ul>				
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											<p>and Given the reasons above, it is considered that the Applicant's written request has adequately demonstrated that the compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard, as required by subclause (3). (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>In considering the written request and the circumstances of this matter, it is considered that the proposed development will be in the public interest and is consistent with the objectives of Clause 4.1 and the objectives of the R2 Low Density Residential zone. (b) the concurrence of the Planning Secretary has been obtained. Concurrence has been obtained.</p> <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. Accordingly, Council is satisfied that the written request appropriately addresses the relevant clauses listed above and is satisfied that the proposed development will be in the public interest. On this basis, the Clause 4.6 request to vary Clause 4.1 in relation to Lot Size is supported in this instance.</p>			
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