

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
185.1/2023	Lots 46 & 47, Section 13	1407		105	Cardwell Street	Canley Vale	2166	2: Residential - Single new dwelling	Fairfield Local Environmental Plan 2013	R2	Clause 4.4 Floor Space Ratio	<p>DA proposes the Construction of a Two Storey Dwelling and attached garage.</p> <p>The Applicant submitted written application justifying the FSR variation of 4.35% pursuant to Clause 4.6 Exceptions to Development Standards, for the following reasons:</p> <ul style="list-style-type: none"> • A single dwelling house is proposed on an existing low density residential land allotment – as envisaged by the R2 Low Density Residential zoning. • The exceedance of the FSR standard can't be readily perceived from the streetscape. Despite the minor departure to the FSR standard, the dwelling's height, bulk and scale are similar to other developments in the locality. • The dwelling complies with the maximum height control that applies to the site. • The new dwelling will sit within a garden like setting, with over 46% of the site landscaped. <p>• The front façade is highly articulated. The design integrates materials and colours that complement the natural landscape and dwelling style in the streetscape.</p> <ul style="list-style-type: none"> • The proposed built form provides for an equitable planning outcome to neighbours in relation to solar access and overshadowing; access to natural daylight and ventilation; aural and visual privacy; views and vistas and disruption of views; and visual intrusion. • Due to the site orientation, compliant levels of sunlight are retained to the neighbours and their primary living rooms and private open space areas. • The proposal has no impacts on the use or enjoyment of adjoining properties and the public domain. • The FSR exceedance does not increase affect the availability of infrastructure and does not increase vehicular and pedestrian traffic. • The dwelling sits comfortably in the site's wider visual context as viewed from the streetscape. 	4.35%	Council	24/08/2023

												<p>• The proposal design excellence and the built form attracts visual interest and meets locality's desired character.</p> <p>The departure from the standard does not alter the buildings' compatibility with the bulk, scale, streetscape or desired future character of the locality, and that departure is not inappropriate under the circumstances, given the overall lack of adverse or unreasonable impacts to neighbouring properties and the surrounding public domain.</p> <p>It is considered that the non-compliance within the development standard does not raise any significant matters with respect to State or Regional planning and no public benefit is obtained to adhering to the relevant planning controls. Accordingly, the variation proposed to the development standard pursuant to Clause 4.6 of the Fairfield LEP 2013 is therefore considered acceptable in the circumstances.</p> <p>Based on the assessment of the application, including the consideration of Clause 4.6 of Fairfield LEP 2013, and other provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal is satisfactory and is unlikely to detrimentally impact the environment or the amenity of nearby residents, and is in the interest of the public.</p>			
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235.1/2023	Lots 76 & 77, Section 4 and Lot 1	DP 1553 and DP 45123		44	Lord Street	Cabramatta West	2166	13: Subdivision only	Fairfield Local Environment Planning (LEP) 2013	R2	Clause 4.1, Minimum subdivision lot size	The Development Application proposes the Torrens Title subdivision of 2 existing narrow allotments and a redundant adjoining laneway at the rear to create 2 new larger allotments. The minimum lot size under Fairfield's LEP 2013 for subdivisions located within the R2 – Low Residential zone is 450m2 as stipulated in Clause 4.1 Minimum Lot Size Map. Whilst the 2 proposed allotments would be larger in area, the newly created lots will not comply with the minimum lot size requirement.	21.57%	Council	28/09/2023

												<p>The proposed subdivision therefore resulted in a variation of 21.57% for each proposed allotment to the development standard. The Applicant submitted a written application justifying the minimum lot size variations of 21.57% pursuant to Clause 4.6 Exceptions to Development Standards, justifying that the lots are existing, and the incorporation of the redundant rear laneway would result in larger lots of land and a more orderly development.</p> <p>It was considered that the future dwellings on the 2 proposed allotments could be suitably sited and designed to ensure that the development of these allotments would minimise impacts to the amenity of surrounding residential properties. The proposed development is considered acceptable and is recommended for approval for the following reasons:</p> <p>•The subject site is zoned R2 Low Density Residential under Fairfield Local Environmental Plan (LEP) 2013 and the proposed development is permissible within the zone subject to Development consent. 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.</p> <p>•The Clause 4.6 Variation request is supported because the written explanation satisfactorily explains the reason for the breach (variation of minimum allotment size) and demonstrates how compliance with the standard is unnecessary in the circumstances of these particular sites and brings about an improved environmental outcome. The written submission is considered well founded.</p> <p>•The proposed development is considered satisfactory and unlikely to impact on the amenity of the adjoining residents and surrounding locality. Hence, it was considered that the non-compliance with the development standard does not raise any significant matters and no public benefit is obtained by adhering to the relevant planning controls. The variation pursuant to Clause 4.6 of the Fairfield LEP 2013 is therefore considered acceptable in the circumstances.</p>	
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