

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
43.1/2023	1 & 2 1 and 5	540495 215976 and 236708		23-24	Hughes Street	Cabramatta	2166	8	Fairfield LEP 2013	B4	Clause 4.3 of FLEP	<p>The subject application seeks to vary the height of building and floor space ratio development standards of the Fairfield Local Environmental Plan 2013. Clause 4.3 prescribes a maximum building height of 10m for the subject site. The proposed height of the elevator is 15.85m, breaching the maximum height limit by 5.85m, resulting in a variation of 58.5%. Clause 4.4 prescribes a maximum floor space ratio of 2:1 for the subject site. The proposed floor space ratio of the development is 2.55:1, breaching the maximum floor space ratio by 0.55:1, resulting in a variation of 27.5% to the maximum floor space ratio standard. The Applicant has submitted a written request for the variation proposed to the development standard pursuant to Clause 4.6 of the Fairfield Local Environmental Plan 2013, which allows the Consent Authority to consider exceptions to development standards in certain circumstances.</p> <p>It is considered that the Applicant's written justification satisfactorily demonstrates that there are sufficient environmental planning grounds to justify the contravention, and that insisting on compliance with the standards is unreasonable given the circumstances of the application. The elevator will sit within the existing building framework and will not increase the height of the existing approved building. The location of the elevator is necessary due to the location of the existing lift pit. The proposed elevator will not be visible from the public domain and will be wholly contained within the existing building structure. The proposed development is therefore considered reasonable and supported in those circumstances.</p> <p>Having regard to the assessment of the application, the proposal is considered acceptable and is recommended for approval for the following reasons: 1. The subject site is zoned B4 – Mixed Use under the Fairfield Local Environmental Plan 2013 (FLEP 2013). The proposed development is for the installation of an elevator within an existing commercial building which is permitted with consent within the B4 –Mixed Use Zone. The proposal is considered to have regard to the objectives of the B4 – Mixed Use Zone.</p> <p>2. The variations proposed to the development standards in relation to height of buildings (Clause 4.3) and floor space ratio (Clause 4.4) of the Fairfield Local Environmental Plan 2013 (FLEP 2013) are supported, pursuant to the provisions of Clause 4.6 of the FLEP 2013 on the basis the Applicant's written justification satisfactorily addresses the provisions of Clause 4.6 of the FLEP 2013.</p>	<b>Two variations;</b> <b>58.5%</b> variation to the maximum building height standard above the natural ground and <b>27.5%</b> variation to the maximum floor space ratio standard.	Council	15/06/2023

											<p>3. The Applicant has satisfactorily demonstrated that the proposal is consistent with the objectives of the Fairfield City Wide Development Control Plan 2013 and the Cabramatta Town Centre Development Control Plan No. 5/2000.</p> <p>4. The subject Development Application was referred to Council's Building Control (Certification), Engineering Assessment and Public Health and Environment Branches. No concerns were raised, subject to conditions of consent.</p> <p>5. The application was notified for a period of fourteen (14) days from 20th February 2023 to 6th March 2023 in accordance with Council's Community Engagement Strategy 2020. No submissions were received.</p> <p>6. The proposed development has been assessed and considered having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and is found to be acceptable.</p> <p>Accordingly, the application was approved by Fairfield Local Planning Panel on the 15th June 2023</p>			
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