

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
444.1/2018	47	258783		42 & 42A	McCarthy Street	Fairfield West	2165		14 Fairfield Local Environmental Plan 2013	R2	Clause 4.1B(2)(b) - Minimum subdivision lot size for existing dual occupancies	<p>Council was in receipt of Development Application No. 444.1/2018 which proposed a Torrens Title subdivision of an existing dual occupancy into 2 allotments.</p> <p>The newly created lots did not comply with the minimum lot size requirement of 300m² as stipulated in Clause 4.1B(2)(b) minimum subdivision lot size of existing dual occupancies in the FLEP 2013. Proposing variations of 5.6% and 7.4% for Lot 1 and Lot 2 respectively, to the development standard.</p> <ul style="list-style-type: none"> • The subdivision provides for the housing needs of the community by providing separate titles to two dwellings, that have been constructed lawfully under an environmental planning instrument, • The proposed variations to the minimum lot size of 300m² will not affect the amenity of the neighbourhood. • There are no privacy or amenity impacts identified as resulting from the proposal as the dwellings are already in existence. • The proposed development is compatible with the existing character of the surrounding residential area as the dwellings already form part of the existing character, the existing character has a large variety in lot sizes, and the difference between the density resulting from the proposed lot size and the minimum lot size is not discernible. • The written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a) and cl 4.6(4)(a)(i)). 	5.6% for proposed Lot 1 7.4% for proposed Lot 2	Council

												<ul style="list-style-type: none"> • <i>All utilities are available to each lot and have adequate capacity to service the dwellings on the separate lots. Each lot can accommodate independent vehicular and pedestrian access. Water, sewer, and electricity are available to each lot.</i> • <i>The subdivision is also consistent with the objectives of Zone R2 Low Density Residential under Fairfield Local Environmental Plan 2013 as it provides for the housing needs of the community within a low density residential environment and enables other land uses.</i> 		
												<p>It was 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 of the Fairfield LEP 2013 is therefore considered acceptable in the circumstances.</p>		

Date DA determined
dd/mm/yyyy

16/11/2018

21/11/2018

