

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
641.1/2017	42, 43, 44 & 45 Section 1	728		261	Sackville Street	Canley Vale	2166	4	Fairfield Local Environmental Plan 2013	R2	Clause 4.1 – Minimum lot size 450m ²	The minimum lot size under Fairfield	52%	Council	16/04/2018
												The application proposes the Torrens Title subdivision of 4 existing narrow allotments in order to create 2 realigned allotments.			
												The proposed subdivision provides for 2 realigned allotments with an area as follows:			
												Proposed Lot 1 = 450.1m2 Proposed Lot 2 = 216m2			
												The proposed subdivision represents a variation of 52% for proposed lot 2, to the development standard.			
												Justification			
												<i>It would be unnecessary to impose the 450m² development standard for this development as the existing 4 narrow lots are currently and have been below the 450m2 development standard. The current allotment sizes of 62.4m², 159.5m², 223.5m², 224.8m².</i>			
												<i>Proposed lot 2 can accommodate a suitable dwelling as demonstrated on the Architectural Plans prepared by NJS Design & Drafting which is generally compliant with the narrow lot provisions under Part 5C of FCWDGP 2013 and satisfy relevant flood impact criteria as addressed by Indesco in the Flood Impact Assessment report submitted in support of the proposal.</i>			

												<i>The subdivision to create only two (2) lots represents a more conservative approach and a better environmental planning outcome for the site.</i>			
33.1/2018	30 & 31	1553		104	Boyd Street	Cabramatta West	2166	14	Fairfield Local Environmental Plan 2013	R2	Clause 4.1 – Minimum lot size 450m ²	The minimum lot size under Fairfield LEP 2013 for subdivisions located within an R2 – Low Residential zone is 450m ² .	26.70%	Council	16/04/2018
	Section 5														
	1	723642										Development Application No. 33.1/2018, proposed a Torrens Title subdivision of a redundant laneway and 2 existing narrow lots to create 2 new larger allotments.			
												The proposed lots will not comply with the minimum lot size requirement of 450m ² as stipulated in Clause 4.1 minimum subdivision lot size of the Fairfield LEP 2013. The proposed subdivision represents a variation of 26.7% for each proposed allotment, to the development standard.			
												Essentially, the proposal provides for each of the existing two narrow allotments to be amalgamated with a portion of the redundant laneway that it abuts to create two larger lots and therefore resulting in a more orderly development.			
												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 of the Fairfield LEP 2013 is therefore considered acceptable in the circumstances.			
196.1/2018	32 & 33	1152		36	Foxlow Street	Canley Heights	2166	14	Fairfield Local Environmental Plan 2013	R2	Clause 4.1 - Minimum subdivision lot size	With reference to Clause 4.1 Minimum subdivision lot size, Subclause (3) stipulates that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map, which is 450m ² .	37.56%	Council	27/06/2018
	Section K														
	2	240082										The proposed subdivision provides for			

												<div>Proposed Lot 1 = 281 m²</div> <div>Proposed Lot 2 = 281 m²</div> <div></div> <div>The proposed development therefore does not comply with the required minimum lot size requirement of 450m² as stipulated within Clause 4.1 Minimum subdivision lot size of Fairfield LEP 2013.</div> <div></div> <div>Accordingly, the Applicant has submitted a written application justifying the minimum lot size variation of 37.56%, pursuant to Clause 4.6 Exceptions to development standards for the following reasons:</div> <div></div> <div><div>▪ <i>The proposed development proposes a density that will achieve the objectives of the R2 Low Density Residential zone that applies to the site;</i></div><div>▪ <i>The development achieves the objective of the development standard by proposing lot sizes that are of sufficient size to accommodate attached dwellings or semi-detached dwellings development, and will be consistent with the relevant and applicable planning provisions and will not cause any adverse impact to residential amenity;</i></div><div>▪ <i>The new lots created will be wider than the existing lots at 8.38m wide, but the planned subdivision will still be consistent with the narrow lot development pattern of the area, and at the same time will provide opportunity for higher quality housing development that will enhance and improve the residential character and lifestyle of the area. Furthermore, the proposed lot size and width will enable future dwellings the opportunity of having greater amenity.</i></div><div>▪ <i>The proposed lot layouts will result in a better planning outcome for the site;</i></div></div> <div></div> <div></div> <div></div>
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												<div><div>▪ <i>Enforcing strict compliance with the numerical component of the development standard would result in the permitted development being unachievable for the site and would be superfluous and would not be relevant to achieving the objectives and purpose of the development standard; and</i></div><div>▪ <i>The development will enable the orderly and economic use and development of the land that would otherwise be compromised if strict compliance with the numerical development standard was enforced.</i></div><div>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.</div></div>			
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