| Council DA reference number | Lot<br>number | DP number | Apartment/<br>Unit<br>number | Street number | Street name     | Suburb/Town        | Postcode   | Category of development | Environmental planning instrument           | Zoning of land | Development<br>standard to be<br>varied   | Justification of variation   | Extent of variation  | Concurring authority |  |
|-----------------------------|---------------|-----------|------------------------------|---------------|-----------------|--------------------|--|-------------------------|---|----------------|---|--|--|----------------------|--|
| 444.1/2018                  | 47            | 258783    | 258783 42 & 42A              | 42 & 42A      | McCarthy Street | Fairfield West 216 | 2165   | 14                      | 14 Fairfield Local Environmen tal Plan 2013 | R2             | Clause 4.1B(2)(b) - Minimum subdivision lot size for existing dual occupancies  | 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.   | proposed Lot   | Council              |  |
|                             |               |           |                              |               |                 |                    |  |                         |   |                |   | The newly created lots did not comply with the minimum lot size requirement of 300m <sup>2</sup> 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. |  |                      |  |
|                             |               |           |                              |               |                 |                    |  |                         |   |                | 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,  |  |  |                      |  |
|                             |               |           |                              |               |                 |                    |  |                         |   |                | <ul> <li>The proposed variations to the minimum lot size of 300m² will not affect the amenity of the neighbourhood.</li> <li>There are no privacy or amenity impacts identified as resulting from the proposal as the dwellings are already in</li> </ul> |  |  |                      |  |
|                             |               |           |                              |               |                 |                    |  |                         |   |                |   |  | 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 |                      |  |
|                             |               |           |                              |               |                 |                    | isize 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)).   |  |                      |  |

| 507.1/2018 | 182,<br>183 &         | 1553   | 43 | Bold Street | Cabramatta West | 2166 | 14 - Subdivision | Local                          | Clause 4.1              | <ul> <li>The only way that compliance can be achieved is by not allowing the subdivision, because it is physically impossible to subdivide the land in a way that achieves the standard.</li> <li>The subdivision will not introduce incongruity in the subdivision pattern, the departure is very minor.</li> <li>The unique circumstances of this proposal are that there are already existing two dwellings on the lot and the proposed variations of 5.6% and 7.4% are minor and the difference between a compliant subdivision and the present subdivision will have no discernible impact on density.</li> <li>It was considered that the noncompliance with the development standard did 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.</li> <li>Council was in receipt of Development Application No. 507.1/2018 which</li> </ul> |  | Council |
|------------|-----------------------|--------|----|-------------|-----------------|------|------------------|--------------------------------|-------------------------|--|--|---------|
| 507.1/2018 | 183 &                 | 1553   | 43 | Bold Street | Cabramatta West | 2166 | 14 - Subdivision | Local                          | minimum                 | 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.  Council was in receipt of Development  | The  | Council |
|            | 184<br>Sec 2<br>Lot 1 | 254922 |    |             |                 |      |                  | Environmen<br>tal Plan<br>2013 | subdivision lot<br>size | proposed a Torrens Title Subdivision of 3 narrow allotments and a redundant rear laneway to create 3 new larger allotments.  | subdivision<br>represents a<br>variation of<br>21.55% for<br>each<br>proposed<br>allotment |         |

|  |  |  |  | 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.      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.  It was considered that the noncompliance 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 |
|--|--|--|--|---|
|  |  |  |  | matters with respect to State or Regional Planning and no public benefit  |

Date DA determined dd/mm/yyyy

16/11/2018

21/11/2018