

**Cumberland Council Clause 4.6 Register
2016**

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
2014/531	A, B & C and 7	397906 & 602		298-302 and 2-2A	Merrylands Road and Cambridge Street	Merrylands	2160	Mixed Use	HLEP 2013	B6 - Enterprise Corridor	Clause 4.3 - Height of Buildings	The written justification provided demonstrates that the variation sought to the maximum building height of 17m does not pose adverse impacts on the adjoining properties.	3.6m departure for roof top elements (lift overrun, etc), 1 metre departure for roof parapet.	N/A	12/01/2016
				29	Wyena	Pendle Hill	2145	Detached dual occupancy	LEP 2013	R2 - Low Density	Clause 4.1 Minimum subdivision lot size	There is an anomaly in the HLEP with the exclusion of detached dual occupancies from the exception to minimum lot sizes under Clause 4.1A. Accordingly, the subdivision is considered acceptable.	Proposed: Demolition of an existing structures and Construction of a two storey dual occupancy and associated Torrens subdivision into 2 lots as follows: Lot 1: 377.01sqm and Lot 2: 446.41sqm		14/01/2016
2015/52	1, 108, 109, 110, 111, 112, Pt Lot 113	124597, 1097584, 15158, 1149393, 1109106, 15158	109	172-184	Great Western Highway	Westmead	2145	Residential Flat Building	HLEP 2013	R4 - High Density	Clause 4.3 height of buildings	The written justification provided demonstrates that the variation sought to the maximum building height of 21m does not pose adverse impacts on the adjoining properties, and presents an acceptable built form as seen from Parramatta Road. The proposed tower 2 is provided with a height non compliance in the vicinity of 0.5m to 0.8m.	Partial height of building proposed for portion of tower 2 only for unit 109 at 21.5m to 21.8m		21/01/2016
2015/523/1	3A	166114		60	Veron Street	Wentworthville	2145	Residential Flat Building	HLEP 2013	R4 - High Density	Clause 4.3 height of buildings	The written justification provided demonstrates that the variation sought to the maximum building height of 15m does not pose adverse impacts on the adjoining properties, and presents an acceptable built form as seen from Veron Street. The proposed RFB is provided with a height non compliance of 0.3m.	Height of building proposed 15.3m.	N/A	25/01/2016
2015/561	5	28978	N/A	7	Linden	Toongabbie	2146	Residential Flat Building	HLEP 2013	R4 - High Density	Clause 4.3 - Height of Buildings	The written justification provided demonstrates that the variation sought to the maximum building height of 15m does not pose adverse impacts on the adjoining properties, and presents an acceptable built form as seen from Linden Street.	Height of Buildings proposed 17.42m	N/A	15/02/2016
2015/304	84D	370227	24		Harris Street	Guildford	2161	Dual Occupancy	HLEP 2013	R2- Low Density	Clause 4.1 Minimum subdivision lot size	The written justification provided demonstrates that compliance with the development standard is unreasonable in this instance given the potential for development and its positive impact by providing much required affordable housing. The proposal complies with Council's requirement for building height and FSR and is considered unlikely to have a significant adverse impact on the amenity of the surrounding development. There is an anomaly in the HLEP with the exclusion of detached dual occupancies from the exception to minimum lot sizes under Clause 4.1A. Accordingly, the subdivision is considered acceptable.			16/02/2016
2015/348/1	122	13731		31	Moree Street	Westmead	2145	Dual Occupancy	LEP 2013	R2- Low Density	Clause 4.1 Minimum subdivision lot size	The written justification provided demonstrates that compliance with the development standard is unreasonable in this instance given the potential for development and its positive impact by providing much required affordable housing. The proposal complies with Council's requirement for building height and FSR and is considered unlikely to have a significant adverse impact on the amenity of the surrounding development. There is an anomaly in the HLEP with the exclusion of detached dual occupancies from the exception to minimum lot sizes under Clause 4.1A. Accordingly, the subdivision is considered acceptable.	Permitted: Under Clause 4.1 the minimum lot size shall comply with the minimum subdivision lot size map (in this instance = 450sqm). Clause 4.1A provides exception to minimum lot sizes map but only if: · The subdivision is for the purpose of erection of a semi-detached dwelling (this can be considered as an attached dual occupancy); or · For the subdivision of an existing dual occupancy that was approved under the older LEP 1991. (I have used my interpretation of the building typologies). Detached dual occupancies are excluded from the above exception. Proposed: Demolition of existing structures and Construction of a two storey dwelling and one storey dwelling creating a detached dual occupancy with associated Torrens subdivision into 2 lots as follows: · Lot 1 = 445.92m ² · Lot 2 = 426.68m ²	N/A	24/02/2016

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2015/375/1	13	217132		571	Merrylands Road	Merrylands	2160	Detached dual occupancy	LEP 2013	R2 - Low Density	Clause 4.1 Minimum subdivision lot size	There is an anomaly in the HLEP with the exclusion of detached dual occupancies from the exception to minimum lot sizes under Clause 4.1A. Accordingly, the subdivision is considered acceptable.	Proposed: Demolition of an existing structures and Construction of a two storey dual occupancy and associated Torrens subdivision into 2 lots as follows: Lot A containing the existing dwelling is 354.28sqm and Lot B is 469.72sqm	N/A	23/02/2016
2015/388/1	183	12899		61	Davison Street	Merrylands	2160	Detached dual occupancy	LEP 2013	R2 - Low Density	Clause 4.1 Minimum subdivision lot size	There is an anomaly in the HLEP with the exclusion of detached dual occupancies from the exception to minimum lot sizes under Clause 4.1A. Accordingly, the subdivision is considered acceptable.	Proposed: Demolition of an existing structures and Construction of a two storey dual occupancy and associated Torrens subdivision into 2 lots as follows: Lot 1 - 397.71sqm and Lot 2 - 367.46sqm	N/A	3/03/2016
2015/263/1	39	10981		23	Faulds Road	Guildford West	2161	Detached dual occupancy	LEP 2013	R2 - Low Density	Clause 4.1 Minimum subdivision lot size	There is an anomaly in the HLEP with the exclusion of detached dual occupancies from the exception to minimum lot sizes under Clause 4.1A. Accordingly, the subdivision is considered acceptable.	Proposed: Demolition of an existing structures and Construction of a two storey dual occupancy and associated Torrens subdivision into 2 lots as follows: Lot 1 is 525.57sqm and Lot 2 containing the proposed rear dwelling is 394.15sqm		9/03/2016
2015/230	53 and 54	13009		3-May	Billabong	Pendle Hill	2145	mixed use development	LEP 2013	B2 - Local Centre	Clause 4.3 - Height of Building	The written justification provided demonstrates that the variation sought to the maximum building height of 17m does not pose adverse impacts on the adjoining properties, and presents an acceptable built form as seen from Billabong Street. The proposed RFB is provided with a height non compliance of 0.3m.	Lot 1 = 313.48sqm	N/A	11/04/2016
2015/156	20 Sec A	10697		8	Junia Avenue	Toongabbie	2146	Mixed use development	LEP 2013	B2 - Local Centre	Clause 4.3 - Height of Building	The written justification provided demonstrates that the variation sought to the maximum building height of 17m does not pose adverse impacts on the adjoining properties, and presents an acceptable built form as seen from Junia Avenue. The proposed development is provided with a height non compliance of 0.25m.	Lot 2 = 414.5sqm	Yes - Office of Water	18/04/2016
DA-219/2015	Lot 1	DP 622544	47	172	South Parade	Auburn	2144	Mixed use commercial / residential development	ALEP	B4 - Mixed Use	Height	<ol style="list-style-type: none"> The application seeking Council's approval for 3.69m to the lift overrun and the balustrade. The balustrade is a decorative elements and architectural roof feature that does not increase any floor area to the building and is negligible at the street level. The lift overrun and associated fire escape stairs are designed to facilitate the use of roof area as rooftop communal area. It is located centrally to the proposed building which will not be a readily visible element to the building. The rooftop terrace will provide additional communal open space and landscape area to compensate the missing of deep soil planting area and to comply with the RFDC and ADCP 2010 requirement. The proposed development is consistent with the intended scale of development at the site and will achieve a better outcome than insisting on strict compliance and the loss of the common open space area on the rooftop level. The non-compliant does not give rise to any additional density, rather than the provision of the communal open space area on the rooftop. The non-compliant is minor in this regard. 	3.69m, or 9.7%	Auburn Council	6/04/2016

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				3	Centenary Road	Merrylands	2160	Residential Flat Building	LEP 2013	R4 - High Density	Clause 4.3 - Height of Buildings Clause 4.4 - Floor space ratio	<p>HLEP 2013 requires max 21m & 15m. HLEP sets max 6 storeys for western lots & 4 storeys for eastern lot. Proposal is for 6 storeys on western lots. Eastern lot is clear of building except for balconies projecting into it. The balcony servicing Unit 605 at level 6 protrudes into 15m height limit by approximately 0.4m and exceeds the height limit by approximately 1m. This is acceptable on merit due to minor nature of the non-compliance.</p> <p>The subject site benefits from FSR control being:-</p> <ul style="list-style-type: none"> • Lot 1 in DP 658191, Lot 1 in DP 658192, and Lot E in DP 345321, benefits from a 1.8:1 FSR; and • Lot 1 in DP 658190, benefits from a 1.5:1 FSR. <p>The proposed FSR of the development is noted as follows:-</p> <ul style="list-style-type: none"> • Lot 1 in DP 658191, Lot 1 in DP 658192, and Lot E in DP 345321, has been designed with a 2.43:1 FSR; and • Lot 1 in DP 658190, benefits from a 1.5:1 has been designed with a 0.009:1 FSR. <p>As noted above, the FSR does not comply with part of the site, related to Lot 1 in DP 658191, Lot 1 in DP 658192, and Lot E in DP 345321. In fact, it represents a variation of 35.12%. However, the maximum permitted FSR across the consolidated sites complies, with a maximum permitted gross floor area (GFA) of 2901.37m², and a proposed GFA of 2894.8m². The overall proposed FSR across the 4 lots, compared to the site area, is calculated at 1.7:1. The overall development complies with the FSR of the combined 4 lots</p>	Height of Buildings proposed 16m FSR variation: 35.12% (technical non-compliance)	N/A	4/05/2016
2015/157/1	2	29050		22	Gilba Rd	Pendle Hill	2145	Subdivision; Dwelling House; Detached dual occupancy	LEP 2013	R2 - Low Density	Clause 4.1 - Minimum subdivision lot size	The written justification provided demonstrates that compliance with the development standard is unreasonable in this instance given the potential for development and its positive impact by providing much required new housing stock. The proposal complies with Council's requirement for building height and FSR and is considered unlikely to have a significant adverse impact on the amenity of the surrounding development.	Proposed: Demolition of existing structures; subdivision into 2 lots; construction of a 2 storey dwelling house on Lot 1; and construction of an attached 2 storey dual occupancy and associated Torrens subdivision into 2 lots on Lot 2 resulting in a total of 3 lots and new front fence. Proposed Lot 1 is 442sqm and Lot 2 is 490sqm.		1/05/2016
2015/401	14 & 15, E, D & C and B & C	963, 345224, 314983		46-48, 50 & 52, 2, 2A & 4	Dunmore & Garfield Sts	Wentworthville	2145	Mixed Use	LEP 2013	B2 - Local Centre	Clause 4.5 - FSR	The written justification provided demonstrates that the variation sought to the maximum FSR of 2.2:1 will not have an adverse impact and provides for a better urban design outcome	Max FSR of 2.2:1. Proposed 2.39:1	N/A	9/05/2016
				Nov-13	Octavia Street	Toongabbie	2146	RFB	LEP2013	R4-High Density	Clause 4.6 - Building Height	The written justification provided demonstrates that the variation sought to the maximum building height of 15m does not pose adverse impacts on the adjoining properties, and presents an acceptable built form as seen from Octavia Street. The part of the lift overrun, stairwell sunshade/awning exceeds the maximum permitted height of 15m.	Height of building proposed 16.8m which is only for the lift overrun, awning shade at the roof top.	N/A	7/06/2016
2015/220	1	701158		224-240	Pitt Street	Merrylands	2160	Mixed Use	LEP 2013	B4 - Mixed Use & R4 - High Density	Clause 4.3 - Height of Buildings and Clause 4.5 - FSR	The written justifications provided demonstrates that the variations sought to both the maximum FSR and maximum height will not have an adverse impact and provides for a better urban design outcome	<p>Variation to max residential FSR as provided in Clause 4.4(2B) for B4 portion of site (however, a compliant FSR over the whole site is achieved) and to all 3 height limits on subject site, as follows:</p> <p>Building A: proposed - 63.2 metres (53m max.)</p> <p>Building B: - North-east portion – proposed 33.8 metres (32m max.) - South-east portion – 44.9m (41m max.)</p> <p>Building C: proposed - 19.2 metres (32m max.)</p>	N/A	9/05/2016
DA-169/2016		Lot 1 DP 1002637, Lot 1 DP 300107		61-63	Mountford Avenue	Guildford	2161	Residential apartment building	PLEP2011	R4 High Density Residential	Height	The development largely complies with the height limit except for the lift over run. Habitable space is below the maximum building line. The lift over run is necessary necessary to allow access to the roof top common area.	12.70%	Auburn Independent Assessment Panel	13/07/2016

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DA-276/2015		Lot A DP 329490, Lot B DP 329490		8-10	Clarence Street	Lidcombe	2141	Residential Flat Building	ALEP	R4 - High Density Residential	Height/FSR	<p align="center">FSR</p> <p>Sites have differing maximum FSR's. Variation proposed at No.8 Clarence Street. Redistribution of floor space would result in amenity impacts to adjoining properties. Maximum combined FSR for the two sites is not exceeded.</p> <p align="center">HEIGHT</p> <p>Extent of height exceedance associated with lift overrun. Additional overshadowing will not result in adverse loss of solar access to adjoining properties.</p>	<p align="center">FSR - 11% (93sqm)</p> <p align="center">Height - 2.8m (15.6%)</p>	Cumberland Local Planning Panel	10/08/2016
DA-243/2013		Lot 1 DP 1177947		149	Auburn Road	Auburn	2144	Educational Facility	ALEP	R3 - Medium Density Residential	Height	<p>(a) Council's controls have been prepared for medium density residential development, and do not take into account the unique nature of the school site or the requirements for non-residential developments; (b) The proposal does not result in unreasonable additional amenity impacts on the adjoining neighbours; and (c) The additional height and floor space ratio does not manifest in an unreasonable bulk and scale impacts.</p>		Council	7/09/2016
DA-219/2016		LOT 2 DP 593789, LOT 1 DP 593789		9A & 11A	Talbot Road	Guildford	2161	Residential apartment building.	PLEP2011	R4 High Density Residential	Height	The 2 metre variation is caused by the bonus FSR provided by SEPP "Affordable Rental Housing" 2009 for the affordable housing units. Bulk and mass is acceptable.	18%.	Cumberland Local Planning Panel	12/10/2016
DA-265/2016		Lot 1 DP 4907, Lot 2 DP 4907		62-64	Cross Street	Guildford	2161	Residential Flat Building	PLEP2011	R4 High Density Residential	Height	The written justification provided demonstrates that the variation sought to the maximum building height of 11m does not pose adverse impacts on the adjoining properties.	2.431m (22.1%)	JRPP	27/10/2016
DA-345/2016		Lot 100 DP 875087		110	Railway Parade	Granville	2142	Residential	PLEP2011	R2 - Low Density Residential	FSR	The written justification provided demonstrates that the variation sought to the maximum FSR of 0.5:1 does not pose adverse impacts on the adjoining properties.			5/12/2016