

**Cumberland Council Clause 4.6 Register
2017**

DA Number	Address, Lot & DP	Category of development	Description	Environmental planning Instrument	Zoning of Land	Development standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA determined
DA-433/2016	Lot 19 DP 13088, Lot 20 DP 13088 27-29 Smythe Street, MERRYLANDS	Residential Flat Building	Demolition, tree removal and construction of a four storey residential flat building with 10 units over basement parking for 24 vehicles	PLEP2011	R4 High Density Residential	Height/FSR	<p>Clause 4.3 – Height: The development has introduced suitable setbacks from residential properties adjoining the site to allow for appropriate building separation. The main portion of height breach is located within the centre of the building, relating to lift overruns and rooftop communal open space. This breach will not generate any additional amenity concern to adjoining developments given that the shadow/potential visual intrusion will be absorbed by the bulk and scale of the building.</p> <p>Clause 4.4 – FSR: It is noted that the non-compliance is generated by the additional floor area created by the provision of a garbage store room located on the ground floor (calculable gross floor area as per the definition of gross floor area under the ALEP2010). The enclosure of the garbage room is preferred than to have an open rooftop to achieve compliance with this control. The garbage room is to be suitably ventilated and incorporate landscaping to minimise any visual intrusion of the structure.</p>	450mm breach or 3.21% 5.52sqm breach or 0.37%	Delegated	23/05/2017
DA-497/2016	Lot 177 DP8821 14 Dixmude St, South Granville	Dual Occupancy	Demolition of existing structures and construction of 2 storey dual occupancy development	PLEP2011	R2 Low Density Residential	Lot size (1.2%)	Clause 4.6 variation submitted to Council as part of development application, Deemed appropriate due to minor variation being 7.35sqm to minimum lot size for a dual occupancy development and raises no adverse issues in respect of the deemed objectives of the LEP or in respect of the amenity of adjoining residential properties.	7.35sqm	Delegated Authority	9/08/2017
DA-237/2017	LOT 50 DP 36431, 46 Randolph Street, Guildford	Dual Occupancy	Domolition of existing structures and construction of 2 storey dual occupancy development	PLEP2011	R2 Low Density Residential	Lot size (1.2%)	Clause 4.6 variation submitted to Council as part of development application, Deemed appropriate due to minor variation being 5.6sqm to minimum lot size for a dual occupancy development and raises no adverse issues in respect of the deemed objectives of the LEP or in respect of the amenity of adjoining residential properties.	5.6sqm	Delegated Authority	11/09/2017

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DA-335/2016	LOT 1 DP7374, LOT 2 DP 7374, 75-77 Merrylands Road, Merrylands.	Residential Flat Building	Demolition of existing structures and construction of 4 storey residential flat building consisting of 18 units with 1 level of basement parking	PLEP2011	R4 High Density Residential	FSR	The proposed development is consistent with the planning controls noting the development presents as a 4 storey form with a 3m setback to western boundary and nil setback to proposed laneway consistent with Parramatta DEAP recommendations. The dedication of 160m2 of land for a pedestrian laneway is an improved development outcome for the site that is consistent with Council's desired future character of the locality.	5.40%	Delegated Authority	23/11/2017
DA-32/2017	Lot 40 Sec 7 DP 982836, Lot 1 DP 742938, Lot 1 DP 194169, 18 - 22 Mary Street, AUBURN NSW 2144	Mixed Use	Demolition of existing structures and the construction of a 12 storey mixed use apartment building containing a three storey basement car park, a ground floor comprising three commercial / retail tenancies	ALEP	Zone B4 - Mixed Use	Height	It is noted that this exceedance occurs for a small portion of the building and is primarily related to non-habitable spaces, the lift overrun and pergola over Level 11 terrace area. The areas of exceedance are only visible from the southern and western elevations and are deemed negligible.	3.40%	JRPP	21/12/2017
DA-52/2017	Lot 24 DP 1084019, Lot 23 Sec 4 DP 982836, Lot 22 DP 112042, Lot 21 DP 1084024, 13-19 Mary Street, Auburn NSW 2144	Mixed Use	Demolition of existing dwelling houses and construction of 12 storey mixed use development comprising 105 residential units, 2 commercial tenancies over 4 levels of basement parking	ALEP	Zone B4 - Mixed Use	Height	The non-compliance is considered reasonable as the elements that protrude beyond the height plane are only offering amenity to residents and the lift over runs are internal to the floor plate so would not be visible from street level.	2.8m breach or 7.36%	JRPP	21/12/2017