

# LOCAL PLANNING PANEL AGENDA

30 June 2025

MS TEAMS

LIVERPOOL  
CITY  
COUNCIL



# MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

**Monday, 30 June 2025**

**ONLINE VIA MS TEAMS**

Commencing at **2:00 PM**

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Submissions by the applicant and concerned parties will be considered at the meeting. A concerned party is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a meeting that they wish to make a submission to be considered by the Panel. Presentations to the Panel by the applicant and concerned parties shall be restricted to **3 minutes each**. The Panel Chairperson has the discretion to extend the period if considered appropriate.

Should you wish to address the Panel, please advise Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, Thursday 26<sup>th</sup> June 2025.

For further information relating to the Local Planning Panel please refer to Council's web page:

[Liverpool Local Planning Panel / Liverpool City Council \(nsw.gov.au\)](https://www.liverpoolcitycouncil.nsw.gov.au)

ITEM No.	SUBJECT	PAGE No.
1	DEVELOPMENT APPLICATION DA-91/2025  CONSTRUCTION OF A DOUBLE STOREY DWELLING  LOT 2 DP 1272652  4B STRAWBERRY ROAD, CASULA NSW 2170	4 - 72

<b>Item Number:</b>	1
<b>Application Number:</b>	DA-91/2025
<b>Proposed Development:</b>	Construction of a double storey dwelling
<b>Property Address</b>	4B Strawberry Road, Casula NSW 2170
<b>Legal Description:</b>	Lot 2 DP 1272652
<b>Applicant:</b>	Gurpreet Singh Chandi (GJZ GROUP PTY LTD)
<b>Land Owner:</b>	Prasanna K Madurapperuma and Srilanki U Rupasingha
<b>Cost of Works:</b>	\$449,900.00
<b>Recommendation:</b>	Refusal
<b>Assessing Officer:</b>	Anisur Rahman Mahmud

## 1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-91/2025) seeking consent for *the construction of a double storey dwelling* at 4B Strawberry Road, Casula, legally defined as Lot 2 DP 1272652. The site is zoned R3 Medium Density Residential pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The proposal was not required to be notified in accordance with the Liverpool Community Strategy and Participation Plan 2022. Nonetheless, no submissions were received.

The key issue associated with the proposal relates to the proposed variation to the development standard, in relation to Clause 4.4 Floor Space Ratio of the Liverpool Local Environmental Plan 2008. The variation proposed equates to 10.3% (exceedance). Council have assessed that the non-compliance with the development standard is unacceptable. Please refer to the discussion further in the report.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 6 May 2024*, as the development falls in the category of:

### ***Departure from Development Standards***

*Development that contravenes a development standard imposed by an Environmental Planning Instrument (EPI) by more than 10% or non-numerical development standards.*

The application has been assessed pursuant to the provisions of the *Environmental Planning and Assessment (EP&A) Act 1979*. Based on the assessment of the application, it is recommended that the application be **refused**.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The Locality

The area is characterised by medium density residential development and is within Casula on a local road adjacent to Hume Highway. The locality of the site contains a mix of one and two storey detached dwelling houses. The site is located 400m south of Casula Mall, 1.5km west of Casula Train Station and 1km south of the M5 motorway. The main access points to the locality are Kurrajong Road running in the east-west direction via Ingham Drive to the north-west.



**Figure 1:** Locality surrounding the proposed development (Source: Geocortex)

### 2.2 The Site

The subject is identified as Lot 2 DP 1272652, and commonly known as 4B Strawberry Road, Casula. The site is regular in shape with a 10m wide frontage to Strawberry Road and 35m depth, with a total site area of 350sqm. The slope of the site is flat, with a slight incline of 0.5m from the front to rear.

The site is currently vacant as a result of recently approved subdivision DA-327/2020 on 28 October 2020. The history of the site is detailed in the next sections of this report. No additional structures have been constructed on the subject site.



**Figure 2:** Aerial view of the site (Source: Geocortex)

**2.1 Site Constraints**

<p><b>Are there any constraints or affectation on the site:</b></p> <ul style="list-style-type: none"> <li>- Bushfire</li> <li>- Flooding</li> <li>- Heritage Items</li> <li>- Aboriginal heritage</li> <li>- Environmentally Significant Land</li> <li>- Threatened Species/ Flora/ Habitat/ Critical Communities</li> <li>- Acid Sulphate Soils</li> <li>- Aircraft Noise</li> <li>- Flight Paths</li> <li>- Railway Noise</li> <li>- Road Noise/ Classified Road</li> <li>- Significant Vegetation</li> <li>- Contamination</li> <li>- Salinity</li> </ul>	<ul style="list-style-type: none"> <li>- Classified Road Noise Impact (Hume Highway), Acoustic report submitted, reviewed by Council’s Environmental Health Officer and supported, subject to condition/s</li> <li>- Moderate Salinity affected, appropriate condition/s will be imposed</li> </ul>
<p><b>88B Restriction for subject Lot 2 DP 1272652</b></p>	<p><b>i) Terms of Restriction on the Use of Land numbered 1 in the plan:</b></p> <ul style="list-style-type: none"> <li>(a) No Construction Certificate (CC) shall be issued for a building on the lot burdened until on-site drainage detention has been designed in accordance with Council’s On-Site Detention Policy and Construction Specification.</li> <li>(b) No Occupation Certificate (OC) for a building shall be issued until the designed on-site detention system has been constructed on the subject lot and a licensed Surveyor prepares a "Work As Executed" plan and is certified as complying with the approved detention design by an appropriate accredited professional engineer.</li> </ul>

	<p><b>ii) Terms of Restriction on the Use of Land numbered 2 in the plan:</b></p> <p>The registered proprietor shall not erect or suffer the erection of any dwelling house or other structure on the lot(s) hereby burdened unless the registered proprietor has first constructed or made provision for the construction of an on-site stormwater detention system on the said lot(s), in accordance with the design, construction and/or provision requirements of the Liverpool City Council and to the satisfaction of Liverpool City Council. The expression "on-site stormwater detention system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater, as well as all surfaces graded to direct stormwater to the temporary storage. Any on-site stormwater detention system constructed on the lots burdened is hereafter referred to as "the system".</p> <p>Noted.</p>
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### 3. BACKGROUND / HISTORY

The following is a list of Development Applications relating to the subject site:

DA No.	Development	Determined
DA-436/2024	Construction of a double storey dwelling	Withdrawn on 14 January 2024
DA- 91/2025	<i>Construction of a double storey dwelling</i>	<i>Subject DA</i>

Below is a brief history of the subject application in Council:

Date	Action
07 March 2025	Application Lodged
09 April 2025	<p>A 14-day RFI letter was issued to the applicant, citing the following:</p> <ul style="list-style-type: none"> <li>Proposed Floor Space Ratio (FSR) does not comply. According to Liverpool LEP 2008, maximum FSR 0.5:1 permitted, equals to 175sqm Gross Floor Area (GFA). However, 193sqm GFA proposed (FSR 0.55143:1 calculated) which is 10.3% variation (exceedance) to the control and no clause 4.6 variation request has been submitted either. Therefore, GFA must be reduced to 175sqm to fully comply with FSR.</li> </ul> <p>Please note that Liverpool Local Planning Panel (LLPP) would be the consent authority for any variation more than 10%. And please refer to Liverpool LEP 2008 Dictionary for the definition of GFA.</p>
24 April 2025	Additional information (Clause 4.6 variation statement for FSR exceedance) received

### 4. DETAILS OF THE PROPOSAL

The subject development application seeks consent for the –

- *Construction of a double storey dwelling.*

## 5. STATUTORY CONSIDERATIONS

The relevant planning considerations for the proposed development are as follows:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- Liverpool Local Environmental Plan (LLEP) 2008; and
- Liverpool Development Control Plan (LDCP) 2008:
  - Part 1: General Controls for All Development; and
  - Part 3.5: Dwelling houses on Lots less than 400sqm in the R2, R3 and R4 zone.

## 6. ASSESSMENT

The subject application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*, as follows:

### 6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

#### (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water Catchments, applies to the application. The Biodiversity and Conservation SEPP aims to protect the environment of the Georges River Catchment by ensuring that water quality impacts are considered.

In accordance with the SEPP, when a consent authority determines a development application, the provisions in Part 6.2 - Development in Regulated Catchments are to be considered and consent must not be granted unless the consent authority is satisfied that the matters have been addressed. Accordingly, a table summarising the matters for consideration in determining development applications (Part 6.2) and compliance with such is provided below:

<b>Part 6.2 – Development in Regulated Catchments</b>	
<b>Division 2 – Controls on development generally</b>	<b>Comment</b>
6.6 – Water quality and quantity	Council’s Land Development Engineers have reviewed the application in regard to the stormwater design of the development and are satisfied with the proposal, subject to conditions.
6.7 – Aquatic ecology	The site is not identified as Environmental Sensitive Land.
6.8 – Flooding	The site is not affected by overland flows or mainstream flooding.
6.9 – Recreation and public areas	The development is unlikely to impact on recreational lands or public access to and

	around foreshores.
6.10 – Total catchment management	Environmental planning consideration through the relevant Environmental Planning Instruments has considered the impact of the residentially zoned land within the catchment.
<b>Division 3 – Controls on development in specific areas</b>	<b>Comment</b>
6.11 – Land within 100m of natural waterbody	The residential land use propose is not a water dependent use and would not conflict with other land uses.
6.12 – Riverine scenic areas	Not applicable.
6.13 – Hawkesbury – Nepean conservation area sub-catchments	Not applicable.
6.14 – Temporary use of land in Sydney Harbour Catchment	Not applicable.
<b>Division 4 – Controls on development for specific purposes</b>	<b>Comment</b>
6.15 – Aquaculture	Not applicable.
6.16 – Artificial Waterbodies	Not applicable.
6.17 – Heavy and hazardous industries	Not applicable.
6.18 – Marinas	Not applicable.
6.19 – Moorings	Not applicable.
6.20 – On-site domestic sewerage systems	Not applicable.
6.21 – Stormwater Management	Council’s Land Development Engineers have reviewed the application in regard to the stormwater design of the development and are satisfied with the proposal, subject to conditions.
6.22 – Waste or resource management facilities	Not applicable.
6.23 – Demolition on certain land	Site is vacant and no demolition is proposed as part of this application.

It is considered that the proposal satisfies the provisions of the SEPP (Biodiversity and Conservation) 2021 subject to appropriate sedimentation and erosion controls during construction. The development will have minimal impact on the Georges River Catchment.

**(b) State Environmental Planning Policy (Resilience and Hazards) 2021**

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use with the potential under the former SEPP 55 guidelines to be a site that could be potentially contaminated.

The objectives of SEPP (Resilience and Hazards) 2021 are:

- To provide for a state wide planning approach to the remediation of contaminated land.
- to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to the above SEPP, Council must consider:

- Whether the land is contaminated.
- If the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

<b>Clause 4.6 – Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Sydney Environmental Group Pty Ltd was engaged to undertake a Stage 1 Preliminary Site Investigation of the subject premises. The consultant concluded that intrusive site investigations were required at the site to assess the suitability of the land for the proposed development.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Based upon the findings of the preliminary investigation of the land, Metech Consulting was engaged to undertake a Detailed Site Investigation of the subject premises. Metech Consulting confirmed that the land could be made suitable for the proposed development subject to remediation and validation. In addition, the consultant outlined requirements for waste classification and site validation.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Based upon the findings of their preceding site investigations, Metech Consulting prepared a Remedial Action Plan (RAP) to address contamination issues associated with a PAH hot spot requiring remediation. The objective of the RAP is to provide a strategy to remediate the site to ensure suitability of the land for the proposed use. The preferred remediation strategy comprises excavation/off-site removal of contamination. Procedures are outlined for site management, waste classification and site validation. A contingency plan was included in the RAP for responding to unexpected finds. Metech Consulting concluded that the subject premises would be suitable for the proposed use provided that it is remediated and validated in accordance with the submitted Remediation Action Plan.

The proposal has provided satisfactory information to demonstrate that the site is suitable for residential use and is in accordance with SEPP (Resilience and Hazards) 2021.

**(c) State Environmental Planning Policy (Transport and Infrastructure) 2021**

Clause 2.120 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 requires the consent authority to consider whether the development is likely to be affected by road noise. The Transport for NSW traffic volume map indicates that the section of the Hume Highway nearest the proposed development site has an annual average daily traffic volume of more than 20,000 vehicles.

This clause applies to development (including but not limited to residential development) that is on land in or adjacent to the road corridor for a freeway, tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles. The proposed development is for residential accommodation. It is unclear whether the proposed development will have direct line of sight to the classified road. To facilitate a conservative assessment, further consideration is required of Clause 2.120 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The applicant submitted Acoustic report prepared by qualified consultant and the report was reviewed by Council’s Environmental Health Officer and provided comment as satisfactory.

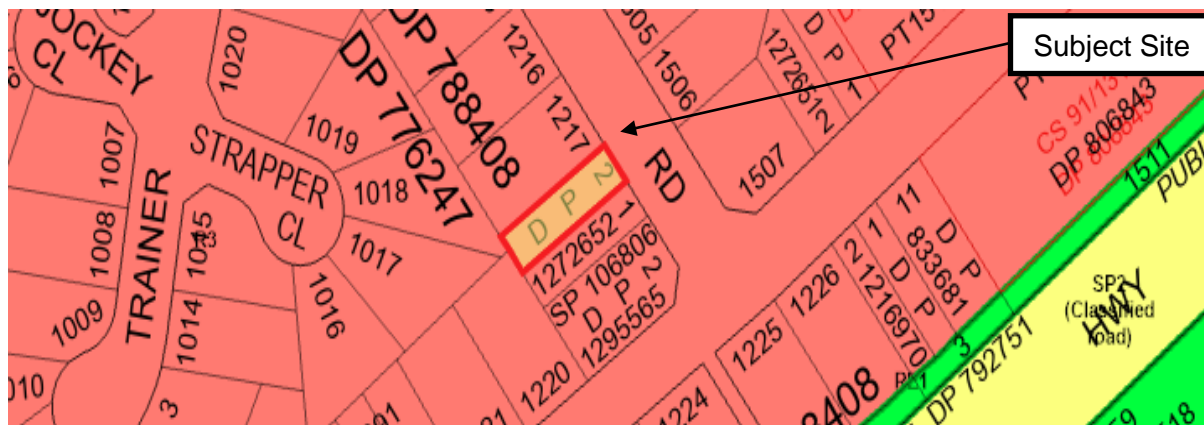
**(d) State Environmental Planning Policy (Sustainable Buildings) 2022**

In accordance with this policy, all new residential dwellings and those seeking alterations and additions as identified under this policy require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to use less portable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units. Compliant BASIX Certificate (1774068S) has been submitted for the proposed development. Therefore, the proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.

**(e) Liverpool Local Environmental Plan 2008**

**(i) Zoning**

The subject site is zoned R3 Medium Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below:



**Figure 3:** Zoning Map (Source: Geocortex)

**(ii) Permissibility**

The proposed development is defined as a dwelling house and is permissible with consent within the R3 Medium Density Residential Zone.

*dwelling house* means a building containing only one dwelling.

**(iii) Objectives of the zone**

The objectives of the **R3 – Medium Density Residential** zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To provide for a suitable visual transition between high density residential areas and lower density areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposed development is considered inconsistent with the objectives of the R3 Medium Density Residential zone, as the development does not provide for a high level of residential amenity due to the non-compliance with planning control, in particular, floor space ratio exceedance. Therefore, the proposal is deemed to be unsatisfactory. The proposal results in a built form that exceeds the intended density for the zone and increase in bulk and scale has the potential to dominate the site and diminish the spatial relief between buildings, leading to a reduction in perceived openness and amenity. The scale and intensity of the development are not commensurate with the planning intent for the site or surrounding context. As such, strict compliance with the FSR control is warranted in this case to uphold the planning principles of orderly development and amenity protection.

**(iv) Principal Development Standards**

LLEP 2008 contains a number of principal development standards which are relevant to the proposal, as detailed below:

<b>Development Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
<b>Part 2 Permitted or Prohibited Development</b>			
2.6 Subdivision – consent requirements	Subdivision requires development consent	No subdivision proposed	<b>Not applicable</b>
<b>Part 4 Principal Development Standards</b>			
4.1 Minimum subdivision lot size	300sqm on map	Existing lot is 350sqm. No subdivision proposed	<b>Not applicable</b>
4.3 Height of Buildings	8.5m	Ridge – NGL = 53.25 – 46.02 = 7.23m	<b>Complies</b>

<p>4.4 Floor Space Ratio</p>	<p>The FSR limit is 0.5:1.</p> <p>The site is mapped within special areas subject to FSR clauses (Clause 4.4, Area 2). However, it does not qualify for bonus FSR as the proposal is for a detached dwelling.</p>	<p>GFA: GF 98sqm + FF 86sqm + Excess garage 9sqm = 193sqm FSR: 193 / 350sqm = 0.5514285714:1 ~ 0.55:1</p> <p>A Clause 4.6 Variation is provided to make a merit assessment on why the applicant believes the development standard is unnecessary and that there are sufficient environmental planning grounds to justify the non-compliance. This is discussed below.</p>	<p><b>Does not comply</b></p>
<p>4.5 Calculation of floor space ratio and site areas</p>	<p>The definition of floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p>	<p>The site area is registered as 350sqm.</p> <p>The proposed development is carried out on one lot.</p> <p>There are no exclusions from site area present on the subject site.</p> <p>The gross area calculation presented is consistent with the calculation measured.</p>	<p><b>Noted</b></p>
<p>4.6 Exception to development standards</p>	<p>The exception to the development standard related to floor space ratio, which is not a standard that is expressly excluded from the operation of this clause.</p>	<p>A merit-based assessment of the considerations under Clause 4.6 Exception of development standards has been submitted in relation to the non-compliance with Clause 4.4 Floor Space Ratio. This is discussed below.</p>	<p><b>Considered unacceptable</b></p>
<p><b>Part 5 Miscellaneous Provisions</b></p>			
<p>5.21 Flood Planning</p>	<p>Consent must not be granted unless the consent authority is satisfied that the development will not have adverse effects on flood behaviour and will be safe to inhabit/evacuate.</p>	<p>Site is not mapped as flood-prone land.</p>	<p><b>Not applicable</b></p>



The subject proposal seeks a variation to the Floor space ratio contained in the LLEP 2008. As stated in the LLEP 2008 table above, the maximum floor space ratio is 0.5:1. A FSR of 0.5514285714:1 is proposed, which results in the numerical variation of 10.3%.

Consequently, pursuant to Clause 4.6 of the LLEP 2008, the applicant has submitted a written request seeking a variation to the FSR control as prescribed by Clause 4.4.

The objectives and pertinent considerations of Clause 4.6 of the LLEP 2008, as they relate to the subject DA, are as follows:

(1) *The objectives of this clause are as follows—*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

(b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

**Written request addressing why compliance with the development standard(s) is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening of the development standard(s)**

The applicant submitted a statement to support the variation to the floor space ratio standard, in order to justify the variation described above. In conjunction with an examination of case law regarding 4.6 variations, this document provides the following justifications based on the merits of the proposal.

***(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

*Strict compliance with the 0.5:1 FSR control is unreasonable and unnecessary in this instance for the following reasons:*

- *Functional Design Outcome: The additional floor space allows for a more functional internal layout, particularly in relation to bedroom sizing and open-plan living areas, which are common expectations for contemporary family homes on suburban lots.*
- *No Perceptible Visual Impact: The additional 18sqm is absorbed internally and does not alter the external bulk, height or visual scale of the dwelling, which remains well below the 8.5m height limit and within all DCP-compliant envelope controls.*
- *Site Configuration: The regular and unconstrained shape of the site allows for a highly efficient built form. Strict adherence to the FSR control would result in unnecessary design compromise without any planning or environmental benefit.*

- *Character Consistency: The proposal remains consistent with the prevailing pattern of residential development in Casula, where many homes are of similar or larger scale due to larger block sizes and flexible internal planning.*

*This justification satisfies the principles established in the Wehbe v Pittwater Council (2007) NSWLEC 827 judgment, namely that:*

- *The development standard is achieved in substance through the scale and form of the development.*
- *The proposed outcome meets the intent of the control through built form articulation and compatibility.*
- *The impact of non-compliance is negligible.*

### **Council Assessment of variation proposed**

In response to the applicants comments listed above, Council has provided the following commentary as to why compliance with the applicable FSR development standard is not considered unreasonable and not unnecessary in this instance.

- The site is rectangular in shape with 10m frontage and a depth of 35m. The site area is 350sqm. The shape of the site is not irregular and does not demonstrate an unreasonable assess to the local street. The site shape, topography and access does not create unreasonable or unnecessary development circumstances.
- The site is only restricted by a 1.2m wide drainage easement to the north-western side. The land title and 88B instrument does not create unreasonable or unnecessary development circumstances.
- The site contour is generally flat, with a slight incline of 0.5m from the front to rear. The topography does not create unreasonable or unnecessary development circumstances.
- The proposed dwelling is facing north-east. The location of the proposed alfresco is located in the rear yard with is orientated to the west. Solar access to the dwelling or its private open space is typical and does not create unreasonable or unnecessary development circumstances.
- The siting of windows of habitable rooms in the subject development and adjoining developments are typical to the local character. Overlooking to private open space does in this instance does not create unreasonable or unnecessary development circumstances.
- The argument to support the extra floor space is not substantiated given the dwelling will have 5 bedrooms in total and can function as a standard dwelling.
- Much of the applicant's reasons for the exceedance of the maximum allowable FSR is attributed that the exceedance in FSR does not alter the external bulk, height or visual scale of the dwelling. The applicant has provided no further assessment of how the dwelling equates to greater amenity in this case beyond the assertion that, where the dwelling with excessive FSR have a higher amenity.
- Beyond this, the applicant appears to be attempting to formulate the argument that *Strict adherence to the FSR control would result in unnecessary design compromise without any planning or environmental benefit.* The provision of strict compliance with

the FSR control is unnecessary would set an unacceptable precedent in the consideration and application of FSR and GFA beyond the circumstances of just this proposal.

- Notwithstanding this, the provision of strict compliance is unnecessary is not considered to be an adequate demonstrate that compliance with a development standard is unnecessary where the same outcome could be achieved with a compliant development. In relation to this issue, the following case law is considered pertinent, especially where a larger dwelling coupled with a breach in FSR would likely result in a larger building envelope on the site:

***PDE Investments No 8 Pty Ltd v Manly Council [2004] NSWLEC 355 (07 June 2004)***

*Commissioner Annelise Tuor stated the following:*

- FSR and building envelope controls should work together and both controls and/or their objectives should be met.*
- A building envelope is determined by compliance with controls such as setback, landscaped area and height. Its purpose is to provide an envelope within which development may occur but not one which the development should necessarily fill.*
- Where maximum FSR results in a building that is smaller than the building envelope, it produces a building of lesser bulk and allows for articulation of the building through setbacks of the envelope and variation in building heights.*
- The fact that the building envelope is larger than the FSR is not a reason to exceed the FSR. If it were, the FSR control would be unnecessary.*

A correlation could be drawn from the above statement, that providing more floor area is not a reason to exceed FSR, as if it were, FSR controls for all residential developments would be unnecessary.

***(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.***

The variation statement also address whether there are sufficient environmental planning grounds to justify the contravention, as follows:

*There are sufficient environmental planning grounds to justify the contravention of the development standard:*

- *Enhanced Streetscape Integration: The design incorporates a compliant height and landscaping regime that ensures integration with surrounding dwellings, particularly in the articulation of the front facade and garage form.*
- *Efficient Land Use: The modest variation enables more efficient utilisation of land within a medium density zone, without loss of landscaped area or open space, thereby supporting broader housing supply objectives.*
- *No Environmental Harm: There are no adverse environmental effects arising from the additional floor area—no additional overshadowing, no increase in traffic demand, and no negative impacts on stormwater drainage or tree canopy cover.*

- *Contextual Compatibility: The scale of the proposed dwelling is consistent with that of other homes in the area, which are generally large, well-articulated structures on similar or larger parcels of land.*

*These grounds are particular to this site and development and do not establish any broader or inconsistent precedent.*

### **Council Assessment of variation proposed**

- The proposed articulation of the front facade and garage form somewhat enhances the streetscape. However, it neither relates nor justifies the reason being exceeding the prescribed FSR. It is to be noted that non-compliance with the proposed garage not being 1m behind the main face\* of the dwelling according to DCP setback control has already been considered in this instance (\*the main face is the first wall of a habitable room).
- The proposed variation does not promote the orderly development of the land, setting precedence in exceeding the prescribed floor space ratio. An increase in 10.3% of the FSR is also not considered minor.
- The proposal is not considered to meet the objectives of the zone as it does not ensure that a high level of residential amenity can be achieved and maintained due to the FSR exceedance.
- The non-compliance with the FSR would create an undesirable precedent for the development of dwellings in the local government area, especially where there are no known site constraints or circumstances which would warrant an exceedance to the development standard. Also, 0.5:1 development standard for FSR is generous for residential development in the context of a vast majority of areas in the LGA.

As a result of the assessment above, the proposed variation to the FSR development standard does not satisfactorily justify that the standard is unreasonable or unnecessary or provide sufficient environmental planning grounds to justify the contravention of the development standard.

### **Consistency with Clause 4.6 objectives**

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is not appropriate in this instance to apply a degree of flexibility when applying variation to the applicable FSR standard given the above discussion. Based on that discussion it is not considered that a better outcome would be achieved where the development varies the maximum FSR standard.

### **Recommendation**

The proposed development is considered to be inconsistent with the objectives of the zone, the development standard and clause 4.6. With considerations to the discussion above, the proposed variation to the Clause 4.4 "Floor space ratio" does not adequately address Clause 4.6(3). It is not in the public interest in this instance, and therefore the variation is not supported.

### **Conclusion with regard to 4.6 Variation**

Given the above assessments, the proposed development fails to comply with FSR control of the LEP. It is considered that the non-compliance demonstrates the proposal results in the over-development of the site and would set an undesirable precedent for similar developments.

It is not considered appropriate to apply a degree of flexibility when applying floor space ratio development standard applicable to the subject site. Having regard to the concerns raised previously in the report it is considered that the proposed design does not achieve a better outcome in this instance. It is also considered the proposed development has not appropriately responded to the surrounding environment.

### **6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument**

There are no draft Environmental Planning Instruments which apply to the development.

### **6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan**

#### **(a) Liverpool Development Control Plan (LDCP) 2008**

The subject application has also been assessed against the relevant controls of the Liverpool Development Control Plan (LDCP) 2008, particularly *Part 1 General Controls for all Development and Part 3.5 Dwelling houses on Lots less than 400sqm in the R2, R3 and R4 zone*. This has been assessed in the tables in Attachment 1.

### **6.4 Section 4.15(1)(a)(iiia) - Any Planning Agreement or Draft Planning Agreement**

There are no Planning Agreements or Draft Planning Agreements apply to the development.

### **6.5 Section 4.15(1)(a)(iv) - The Regulations**

The *Environmental Planning and Assessment Regulations 2021* requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

### **6.6 Section 4.15(1)(b) - The Likely Impacts of the Development**

#### **a) Natural and Built Environment**

Impacts on the natural environment have been assessed as part of the development application. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject sites, or to any endangered and non-endangered species of flora and fauna. However, the proposed development is not considered to provide for an appropriate built form for the locality. The proposal does not satisfy the key development control for the site and development, as detailed above. Accordingly, the proposal is likely to have a negative impact on built environment.

#### **b) Social and Economic Impacts**

The proposed development is unlikely to have any negative social and/or economic impact within the locality.

**6.7 Section 4.15(1)(c) - The Suitability of the Site for the Development**

The proposal is a permissible form of development in the zone. However, due to the non-compliance with the relevant development standard, as detailed in this report, the site is not considered to be suitable for this development.

**6.8 Section 4.15(1)(d) - Any submissions made in relation to the Development**

**a) Community Consultation**

The application was not required to be notified in accordance with Liverpool City Council Community Engagement Strategy and Community Participation Plan 2022. Nonetheless, no submissions were received.

**b) Internal Referrals**

<b>Internal Department</b>	<b>Comments</b>
Land Development Engineering	Supported, subject to conditions
Environmental Health	Supported, subject to conditions

**c) External Referrals**

<b>External Agency</b>	<b>Comments</b>
Sydney Water Corporation	Supported, subject to conditions

**6.9 Section 4.15(1)(e) - The Public Interest**

The proposed development does not remain consistent with the objectives of the zone. And, it does not comply with the relevant provision (FSR) of the Liverpool Environmental Plan 2008. Therefore, the development would be contrary to the public interest.

**7. DEVELOPMENT CONTRIBUTIONS**

Development contributions do not apply to this application.

**8. CONCLUSION**

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

Based on the assessment of the application, it is recommended that the application be refused for the reasons discussed in this report.

**9. RECOMMENDATION**

That Development Application DA-91/2025 be **refused**.

**ATTACHMENTS**

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1. Liverpool Development Control Plan 2008 - Compliance Tables
2. Architectural Plans
3. Clause 4.6 Variation Report
4. Draft Reasons for Refusal

**REPORT ATTACHMENT 1: LIVERPOOL DEVELOPMENT CONTROL PLAN (LDGP) 2008**

<b>LDGP 2008 Part 1 General Controls for all Development</b>			
<b>Control</b>	<b>Required</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Section 2 – Tree Preservation</b>	Consider impact of development on existing vegetation	Vacant site, no trees on site.	<b>Not applicable</b>
<b>Section 3 – Landscaping and Incorporation of Existing Trees</b>	Incorporation of existing trees into development where appropriate	Landscape plan submitted, and considered satisfactory.	<b>Complies</b>
<b>Section 4 – Bushland and Habitat Preservation</b>	Consider impact of development on bushland and habitats	No impact on bushland and habitats considering the location of the development.	<b>Not applicable</b>
<b>Section 5 – Bushfire Risk</b>	Land on or adjacent to bushfire prone land to comply with RFS requirements	Site is not classified as Bushfire prone land.	<b>Not applicable</b>
<b>Section 6 – Water Cycle Management</b>	Consideration of stormwater and drainage	Stormwater plan reviewed by Council Engineer and supported, subject to conditions.	<b>Complies</b>
<b>Section 7 – Development Near a Watercourse</b>	Consideration of impact to riparian corridors	Development is not in close proximity to watercourse.	<b>Not applicable</b>
<b>Section 8 – Erosion and Sediment Control</b>	Sediment Control Plan or Soil and Water Management Plan required	Erosion and sediment control details have been provided.	<b>Complies</b>
<b>Section 9 – Flooding Risk</b>	Flood affection of property to considered	The site is not mapped as a flood prone area.	<b>Not applicable</b>
<b>Section 10 – Contaminated Land Risk</b>	Previous use to be considered in assessing risk	All site contamination reports were reviewed by Council's Environmental Health Officer and supported, subject to conditions.	<b>Complies</b>
<b>Section 11 – Salinity Risk</b>	Salinity Management response required for affected properties	The site is mapped for moderate salinity potential. Standard conditions to be imposed to.	<b>Complies</b>
<b>Section 12 – Acid Sulfate Soils Risk</b>	Affected properties to consider impact of development on soils	Site is not affected by acid sulfate soils.	<b>Not applicable</b>
<b>Section 13 – Weeds</b>	Noxious weeds to be removed as part of development where applicable	No weeds have been identified on site.	<b>Not applicable</b>
<b>Section 14 – Demolition of Existing Development</b>	Must comply with AS 2601-2001	Vacant site, no demolition required / proposed.	<b>Not applicable</b>

<b>Section 15 – Onsite Sewage Disposal</b>	S68 Application required where connection to sewer not available	Site is connected to sewer.	<b>Not applicable</b>
<b>Section 16 – Aboriginal Archaeology</b>	AHIA required where items of aboriginal archaeology exist	No known items of Aboriginal archaeology are present on the subject property. Standard conditions of consent will be applied for any unexpected finds.	<b>Complies</b>
<b>Section 17 – Heritage and Archaeology</b>	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	Site is not associated with any heritage items.	<b>Complies</b>
<b>Section 19 – Used Clothing Bins</b>	Applies to any charity bins located on either private or Council land.	No charity bins located on site.	<b>Not applicable</b>
<b>Section 20 – Car Parking and Access</b>	Two (2) car parking spaces required for each dwelling.	Two (2) parking spaces provided within the property boundary.	<b>Complies</b>
<b>Section 21 – Subdivision of Land and Buildings</b>	Minimum lot width: 8m	Existing lot width is 10m. Subdivision is not proposed.	<b>Not applicable</b>
<b>Section 22 – Energy conservation</b>	A complying BASIX report is to be submitted with all development applications containing residential activities.	Compliant BASIX Certificate has been provided which outlines water and energy conservation commitments.	<b>Complies</b>
<b>Section 23 – Reflectivity</b>	To consider materials used to avoid undesirable glare and heat load.	External colour and material schedule considered satisfactory	<b>Complies</b>
<b>Section 24 – Landfill</b>	To minimize land cut and filling and to avoid its adverse impact nearby lands	Land is relatively flat, minimum cut/fill proposed.	<b>Complies</b>
<b>Section 25 – Waste Disposal &amp; re-use Facilities</b>	Waste Management Plan shall be submitted for demolition, construction and ongoing waste management.	A waste management plan has been submitted.	<b>Complies</b>
<b>Section 27 – Social impact statement</b>	A typical residential dwelling does not require a social impact statement, unless requested by Council	Not required.	<b>Not applicable</b>

<b>LDCP 2008 Part 3.5 Dwelling houses on Lots less than 400sqm in the R2, R3 and R4 zone</b>			
<b>Control</b>	<b>Required</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Site Planning</b>	The dwelling layout must be designed around the site attributes such as slope, existing vegetation, land capability and/or solar access.	Site analysis plan provided, proposed dwelling generally consider site attributes.	<b>Complies</b>
	There must be a direct link from at least one living area to the principal private open space.	Provides direct link from the living room to the principal private open space via alfresco.	<b>Complies</b>
	The siting of windows of habitable rooms on the first floor shall minimise overlooking to the private open space of neighbouring properties.	The proposal has considered the siting of windows and balconies to minimise overlooking impacts.	<b>Complies</b>
	Stormwater from the site must be able to be drained satisfactorily.	Stormwater plan reviewed by Council Engineer and supported, subject to conditions.	<b>Complies</b>
<b>Front Setback</b>	A ground floor setback of 4.5m is required. A first floor setback of 5.5m is required.  Garages must be setback 1m behind the main face of the dwelling.	6.41m front setback to both floors (GF and FF).  5.54m garage setback, 1m behind the front porch, but not from main face of dwelling. Considered acceptable.	<b>Complies</b>
<b>Side Setback</b>	Side setback of 0.9m is required for both floors.	0.92m proposed (south-east side, both floors); and 1.3m proposed (north-west side, both floors);	<b>Complies</b>
<b>Rear Setback</b>	A ground floor rear setback of 4m is required. A first floor rear setback of 7m is required	Ground floor setback: 11.2m First floor setback: 15.9m	<b>Complies</b>
<b>Landscaped Area</b>	A minimum of 25% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	The landscape plan provided indicates 154sqm of landscape area which is 44% of the site.	<b>Complies</b>
	A minimum of 50% of the front setback area shall be Landscaped Area.	35sqm of landscaping is proposed within the front setback area which is 55% of the total front setback area.	<b>Complies</b>

	A minimum unincumbered area of 4x5m shall be provided in the rear setback to accommodate deep rooted trees.	A minimum 4x5m unencumbered area will be achieved at the rear.	<b>Complies</b>
	A minimum unincumbered area of 3x3m shall be provided in front setback to accommodate deep rooted trees.	An unincumbered area of 3x3m is achieved in the front setback.	<b>Complies</b>
<b>Private Open Space</b>	Each dwelling must provide a minimum of 60sqm of Private Open Space.	110sqm of POS provided at the rear.	<b>Complies</b>
	Areas less than 2.5 m in width does not qualify as Private Open Space.	Noted. No areas less than 2.5m in width have been included in the calculation of POS.	<b>Complies</b>
	Private Open Space areas are not permitted within the primary street setbacks.	POS proposed on rear setback area.	<b>Complies</b>
	The Private Open Space must have an area for clothes drying with at least 2 hours of full sun between 9.00am and 5.00pm at 21 June.	Area for clothes drying have been provided in the POS and that area is capable of receiving 2 hours sunlight.	<b>Complies</b>
	The Private Open Space shall include the principal private open space, which is directly accessible from the main living area of a dwelling with a minimum dimension of 4x6m.	Principal private open space area is provided in the rear yard measuring in excess of 4 x6m.	<b>Complies</b>
	The Principal Private Open Space must receive 3 hours of sunlight to at least 50% of the area between 9am and 5pm on 21 June.	The shadow diagrams provided reflect that 50% or more of the PPOS would achieve 3 hours during the day.	<b>Complies</b>
<b>Cut and Fill of Land</b>	The maximum cut on a site should not exceed 600mm. The maximum fill on a site should not exceed 1m.	Land is relatively flat, minimum cut and fill proposed.	<b>Complies</b>
<b>Building Design and Appearance</b>	Small lot housing with a street frontage must orientate the dwelling to that street.	Proposed dwelling is oriented to the street.	<b>Complies</b>
	The front pedestrian entrance must be visible from the street.	Front entrance is visible from the street.	<b>Complies</b>

	<p>The front building facades shall be articulated, this articulation may include front porches, entries, wall indents, windows, change in finishes, balconies and/or verandahs.</p> <p>Eave overhang must provide for sun shading and protect windows and doors. Eaves should have a minimum overhang of 400mm and be provided to a minimum of 70% of the dwelling.</p> <p>Developments that face two street frontages or a street and public space must address both frontages by the use of verandahs, balconies, windows or similar modulating elements.</p> <p>The side walls shall be articulated if the wall has a continuous length of over 14m.</p>	<p>The proposed façade incorporates an entry porch on ground floor and a balcony on the first floor.</p> <p>Minimum 450mm eaves provided.</p> <p>The site does not face two street frontages, it is not a corner lot.</p> <p>The side walls are well articulated.</p>	<p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Not applicable</b></p> <p><b>Complies</b></p>
<b>Two Storey Dwellings</b>	<p>To break up the bulk of two <u>storey</u> dwellings balconies built above garages are encouraged.</p> <p>Balconies are not permitted on the first floor of the side and/or rear portion of the <u>dwelling</u>. Balconies may be considered if they address public open space/utilities.</p>	<p>Balcony proposed above the front porch.</p> <p>First floor balcony proposed to the front above the front porch.</p>	<p><b>Complies</b></p> <p><b>Complies</b></p>
<b>Garages</b>	<p>The maximum width of garage doors or carports must be no greater than 50% of the building frontage width.</p> <p>Garages and carports must be designed to be the minor element of the façade.</p> <p>Garage roofs shall be incorporated into the roof</p>	<p>Proposed garage door is 41.18% (3.2m/7.77m) of the building frontage width. No carport proposed.</p> <p>Proposed garage is minor element of the façade.</p> <p>Proposed garage is incorporated into the</p>	<p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>

	<p>design of the house. Separate roofs for garages are discouraged, unless actually separated from the dwelling.</p> <p>Garages and carports are to be compatible with the building design in terms of height, roof form, detail, materials and colours.</p> <p>Carports may be built in front of the garage only if the carport:</p> <ul style="list-style-type: none"> <li>- Is no larger than 5.5 x 6m.</li> <li>- Is built of a similar colour and materials of the house.</li> <li>- Is <u>setback 2m</u> from the front property boundary.</li> <li>- Is compatible with the local streetscape.</li> </ul> <p>The conversion of garages to living space may only be permitted if:</p> <ul style="list-style-type: none"> <li>- At least one car <u>parking space</u> is provided behind the front <u>setback</u>.</li> <li>- The additional living area does not result in the <u>building</u> exceeding the maximum permitted <u>floor space ratio</u>.</li> </ul>	<p>design of the dwelling house.</p> <p>Proposed garage is compatible with the overall building design of dwelling.</p> <p>Carport not proposed.</p> <p>Not proposed.</p>	<p><b>Complies</b></p> <p><b>Not applicable</b></p> <p><b>Not applicable</b></p>
<b>Internal Design of Dwellings</b>	<p>All dwellings shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.</p> <p>Living rooms should take advantage of northern aspects.</p> <p>Access to private open space must be from at least one living room.</p> <p>The internal layout of the dwelling is encouraged to</p>	<p>First floor master bedroom, which has the capacity to provide surveillance.</p> <p>Living room is located to the south-west due to the site attributes. However, first floor rumpus has a window to the north-west.</p> <p>Private open space is directly accessible from the living room.</p> <p>The internal layout has incorporated cross</p>	<p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>

	<p>incorporate cross ventilation.</p> <p>Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side or rear of the dwelling.</p> <p>Each dwelling must provide a minimum storage area of 8m<sup>3</sup>.</p>	<p>ventilation with windows and or doors being located appropriately.</p> <p>Bathrooms, ensuite and laundry have been located to the sides of the proposed dwellings.</p> <p>Ample internal storage areas are provided in laundry and wardrobes.</p>	<p><b>Complies</b></p> <p><b>Complies</b></p>
<b>Landscaping</b>	<p>The front and rear setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within the front and rear setback areas.</p> <p>At least one tree shall be planted in the landscaped areas. The tree must reach a mature height of over 8m.</p> <p>Landscape planting should be principally comprised of native species to maintain the <u>character</u> of Liverpool and provide an integrated streetscape appearance. However, <u>Council</u> will consider the use of deciduous trees in small <u>private open space</u> areas such as courtyards for control of local microclimate and to improve solar access.</p> <p>Any tree with a mature <u>height</u> over 8m should be planted a minimum distance of 3m from the <u>building</u> or utility services.</p>	<p>Canopy trees are provided in the front and rear setbacks.</p> <p>8m high canopy trees are provided.</p> <p>Landscape planting is principally comprised of native species.</p> <p>Canopy trees are suitably setback from built form.</p>	<p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>
<b>Fencing</b>	<p>Primary Frontage: The maximum height of a front fence is 1.2m.</p>	<p>No front fencing proposed on the primary frontage.</p>	<p><b>Not applicable</b></p>

	The front fence must be 30% transparent.	No front fencing proposed.	<b>Not applicable</b>
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	No front fencing proposed.	<b>Not applicable</b>
	Secondary Frontage: Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.	1.8m high colorbond side and rear boundary fence proposed.	<b>Complies</b>
	For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m	No Secondary frontage	<b>Not applicable</b>
<b>Car Parking and Access</b>	Two car parking spaces shall be provided for each dwelling.	Two spaces provided within the single garage and the driveway within the property boundary.	<b>Complies</b>
	At least one car parking space must be provided behind the front setback.	One car parking space is provided within the single garage.	<b>Complies</b>
	A car parking space is to have a minimum dimension of 2.5 x 5.5m.	Proposed single garage dimension is more than the requirement.	<b>Complies</b>
	A single garage is to be a minimum of 3 m wide internally and unobstructed.	Single garage is more than 3m wide.	<b>Complies</b>
<b>Overshadowing</b>	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living room, rumpus room or the like. - 50% of the private open space.	Shadows do not impact upon overshadowing of adjoining properties. The adjoining properties will receive the solar access required.	<b>Complies</b>

<b>Privacy</b>	Building siting, window location and balconies should take account of the importance of the privacy of on-site and adjoining buildings and outdoor spaces.	W09 associated with the rumpus room on the first floor do not have a minimum sill height of 1.5m and has the potential to allow overlooking into the adjacent property.	<b>Does not comply</b>
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Landscaping have been incorporated to increase visual privacy between the adjoining properties.	<b>Complies</b>
	Windows of habitable rooms facing side boundaries are to be offset by at least 1m from any adjoining facing window.	The adjoining sites consist of single storey.	<b>Complies</b>
	Except where they face a road or public open space, habitable room windows to the side are to avoid unreasonable overlooking by having a minimum sill height of 1.5m.	Windows at the first-floor level, in particular W09 does not proposed a minimum height of 1.5m.	<b>Does not comply</b>

**4B STRAWBERRY ROAD  
CASULA - NSW 2170**

A100	COVERSHEET	C	14/04/2025
A101	NOTES	C	14/04/2025
A102	SITE ANALYSIS PLAN	C	14/04/2025
A103	SITE PLAN	C	14/04/2025
A104	AREA CALCULATION	C	14/04/2025
A105	GROUND FLOOR PLAN	C	14/04/2025
A106	FIRST FLOOR PLAN	C	14/04/2025
A107	ROOF PLAN	C	14/04/2025
A108	ELEVATIONS	C	14/04/2025
A109	ELEVATIONS	C	14/04/2025
A110	SECTIONS	C	14/04/2025
A111	LANDSCAPE PLAN	C	14/04/2025
A112	EROSION AND SEDIMENT CONTROL	C	14/04/2025
A113	FINISHES SCHEDULE	C	14/04/2025
A114	SHADOW STUDY	C	14/04/2025
A115	NOTIFICATION PLAN	C	14/04/2025

**REFER ALSO OTHER CONSULTANT'S DRAWINGS:**

1. SURVEY
2. STORMWATER / HYDRAULIC DRAWINGS
3. BASIX CERTIFICATE
4. LANDSCAPE DRAWINGS
5. STATEMENT OF ENVIRONMENTAL EFFECTS



**DEVELOPMENT APPLICATION - RESIDENTIAL DWELLING**



406/20B Lexington Dr,  
Bella Vista NSW 2153  
  
Phone : (02) 8610 3787  
  
E: info@dezirehomes.com.au

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Rev	Description	By	Date
1	ISSUE FOR PERMIT	AP	14/04/2025
2	ISSUE FOR PERMIT	AP	14/04/2025
3	ISSUE FOR PERMIT	AP	14/04/2025

Drawing Title :  
**COVERSHEET**

Lodged at : LIVERPOOL CITY COUNCIL

Drawn : AP    Checked : JC

Scale : @A3

Date : 14/04/2025

Project:  
**PROPOSED DOUBLE STOREY DWELLING**

Address :  
4B STRAWBERRY ROAD  
CASULA - NSW 2170

Client Name:  
MR PRASANNA

NOTE : PLANS ARE TO COMPLY WITH NCC VOLUME 2 - 2022 REQUIREMENTS

**BCA COMPLIANCE**  
Section A General Provisions  
Vol. 2 Part 1.3. Clause 1.3.2 Classifications  
CLASS 1: One or more buildings which in association constitute -  
(a) Class 1A - A single dwelling, being -  
(i) a detached house, or  
(ii) one or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit;  
CLASS 10: A non-habitable building being a private garage, carport, shed, or the like.  
Section C Fire Separation  
Part 3.7.1 Fire Separation  
3.7.1.1 Application Compliance with this Part satisfies Performance Requirement P2.3.1 for fire separation.  
3.7.1.2 General Concession - Non-combustible materials  
The following materials, though combustible or containing combustible fibres, may be used wherever a non-combustible is required in the Housing Provisions:  
(a) plasterboard, and  
(b) perforated gypsum lath with a normal paper finish, and  
(c) fibrous-plaster sheet, and  
(d) fibre-reinforced cement sheeting, and  
(e) pre-finished metal sheathing having a combustible surface finish not exceeding 1mm thick and where the Spread-of-Flame Index of the product is not more than 0; and  
(f) bonded laminated materials, where -  
(i) each laminate is non-combustible, and  
(ii) each adhesive layer is not more than 1mm thick; and  
(iii) the total thickness of adhesive layers is not more than 2mm; and  
(iv) the Spread-of-Flame Index and the Smoke-Development Index of the laminated material as a whole does not exceed 0 and 3 respectively.  
3.7.1.3 External Walls of Class 1 buildings An external wall of a Class 1 building and any openings in that wall must comply with 3.7.1.3, if the wall is less than -  
(a) 900mm from the allotment boundary other than the boundary adjoining a road alignment or other public space; or  
(b) 1.8m from another building on the same allotment other than an adjacent Class 10 building or a detached part of the same Class 1 building.  
3.7.1.4 Measurement of distances  
(a) The distance from any point on an external wall of a building to an allotment boundary or another building is the distance to that point measured along a line of sight angles from the allotment boundary or external wall of the other building which intersects that point without obstruction by a wall complying with 3.7.1.3.  
(b) Where a wall within a specified distance is required to be constructed in a certain manner, only that part of the wall, (including any openings) within the specified distance, must be constructed in that manner.  
3.7.1.5 Construction of External Walls  
(a) External walls (including gables) required to be fire-resisting (referred to in 3.7.1.3 or 3.7.1.4) must extend to the underside of a non-combustible roof covering or non-combustible eaves lining, and must -  
(i) have an FRL of not less than 60/60/60 when tested from the outside, or  
(ii) be of masonry-veneer construction in which the external masonry veneer is not less than 90mm thick; or  
(iii) be of masonry construction not less than 90mm thick.  
(b) Openings in external walls required to be fire-resisting (referred to in 3.7.1.3 or 3.7.1.4) must be protected by -  
(i) non-operable fire-windows or other construction with an FRL of not less than -/60/- ; or  
(ii) self-closing solid-core doors not less than 35mm thick.  
(c) Sub-floor vents, roof vents, weep holes and penetrations for pipes, conduits and the like need not comply with (a) above.  
(d) Concessions for non-habitable room windows, conduits and the like -  
Despite the requirements in (b), in a non-habitable room a window that faces the boundary of an adjoining allotment may be not less than 600mm from that boundary, or, where the building faces another building on the same allotment, not less than 1.2m from that building; providing that -  
(i) in a bathroom, laundry or toilet, the opening has an area of not more than 1.2sqm;  
or  
(ii) in a room other than referred to in (i), opening has an area of not more than 0.54sqm; and -  
(A) the window is steel-framed, there are no opening sashes and it is glazed in wire glass; or  
(B) the opening is enclosed with hollow glass blocks.  
**BCA COMPLIANCE**  
3.7.1.8 Separating walls  
(a) A wall that separates Class 1 dwellings, or separates a Class 1 building from a Class 10a building which is not adjacent to that Class 1 building, must have an FRL of not less than 60/60/60, and - (i) commence at the footings or ground slab; and (ii) extend -  
(A) if the building has a non-combustible roof covering, to the underside of the roof covering; or  
(B) if the building has a combustible roof covering, to not less than 450mm above the roof covering.  
**SPECIFICATION C1.10 Fire Hazard Properties**  
Materials used in the building having flammability, smoke developed and spread-of-flame indices as set-out in Spec. C1.10.  
**SECTION F Health and Amenity**  
Part F1: Damp and Weatherproofing  
-Stormwater drainage must comply with AS/NZS 3500.3.2  
-Roof covering to comply with F1.5  
-Sarking must comply with AS/NZS 4200, Parts 1 and 2  
-Water proofing of wet areas in buildings to comply with F1.7  
-Damp-proofing of floors on ground to comply with F1.11  
Part F3: Fire safety  
-Automatic fire detection system to be provided in accordance with Part 3.7.2 General concession:  
Part 3.7.2: Smoke alarms - requirements for smoke alarms:  
(a) Smoke alarms must be installed in:  
(i) any storey containing bedrooms.  
Part 3.8: Health and amenity  
-Wet areas within the building must comply with the requirements of Part 3.8.1 Wet areas.  
Part 3.8.6: Sound insulation requirements  
3.8.6.1 Application - Compliance with this Part satisfies performance requirement P2.4.6 for sound insulation.  
3.8.6.2 Sound insulation requirements  
(a) To provide insulation from air-borne and impact sound, a separating wall between two or more Class 1 buildings, must -  
(i) achieve the weighted sound reduction with spectrum adaption term (Rw+Ctr) and discontinuous construction requirements, as required by Table 3.8.6.1; and  
(ii) be installed in accordance with the appropriate requirements of 3.8.6.3 and 3.8.6.4.  
(b) For the purpose of this Part, the Rw+Ctr must be determined in accordance with AS/NZS 1276.2 or ISO 717.1, using results from laboratory measurements.  
Part 3.9 Safe movement and access The treads and risers of the proposed stairs are to comply with Part 3.9.1.2 General requirements.

**BUILDING DESIGN SAFETY REPORT**  
**THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT. THIS INCLUDES ( But is not limited to): OWNER, BUILDER, SUB-CONTACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTAINORS, DEMOLISHERS.**  
Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres.  
However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.  
**DURING OPERATION OR MAINTENANCE**  
For houses or other low-rise buildings where scaffolding is appropriate:  
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or frosties should be used in accordance with relevant codes of practice, regulations or legislation.  
**b) SLIPPERY OR UNEVEN SURFACES**  
**FLOOR FINISHES By Owner**  
Designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197:1999 and AS/NZ 4586:2004.  
**STEPS, LOOSE OBJECTS AND UNEVEN SURFACES**  
Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of slips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.  
**LOOSE MATERIALS OR SMALL OBJECTS**  
Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below:  
1. Prevent or restrict access to areas below where the work is being carried out.  
2. Provide toeboards to scaffolding or work platforms.  
3. Provide protective structure below the work area.  
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).  
During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.  
**BUILDING COMPONENTS**  
Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.  
For building on a major road, narrow road or steeply sloping road:  
Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.  
For building where on-site loading/unloading is restricted:  
Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas. For all buildings:  
Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.  
Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power/Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.  
Locations with overhead power lines:  
Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.  
**ASBESTOS**  
For alterations to a building constructed prior to 1990:  
If this existing building was constructed prior to:  
1990 - it therefore may contain asbestos  
1986 - it therefore is likely to contain asbestos  
either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.  
**POWDERED MATERIALS**  
Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.  
**TREATED TIMBER**  
The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.  
**VOLATILE ORGANIC COMPOUNDS**  
Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.  
**SYNTHETIC MINERAL FIBRE**  
Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.  
**TIMBER FLOORS**  
This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.  
**EXCAVATION**  
Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.  
**ENCLOSED SPACES**  
For buildings with enclosed spaces where maintenance or other access may be required: Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.  
**SMALL SPACES**  
For buildings with small spaces where maintenance or other access may be required: Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces. Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.  
**RESIDENTIAL BUILDINGS**  
This building has been designed as a residential building. If it, at a later date, is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.  
All electrical work should be carried out in accordance with code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirements. All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace.  
All work should be carried out in accordance with code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.



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Disclaimer:  
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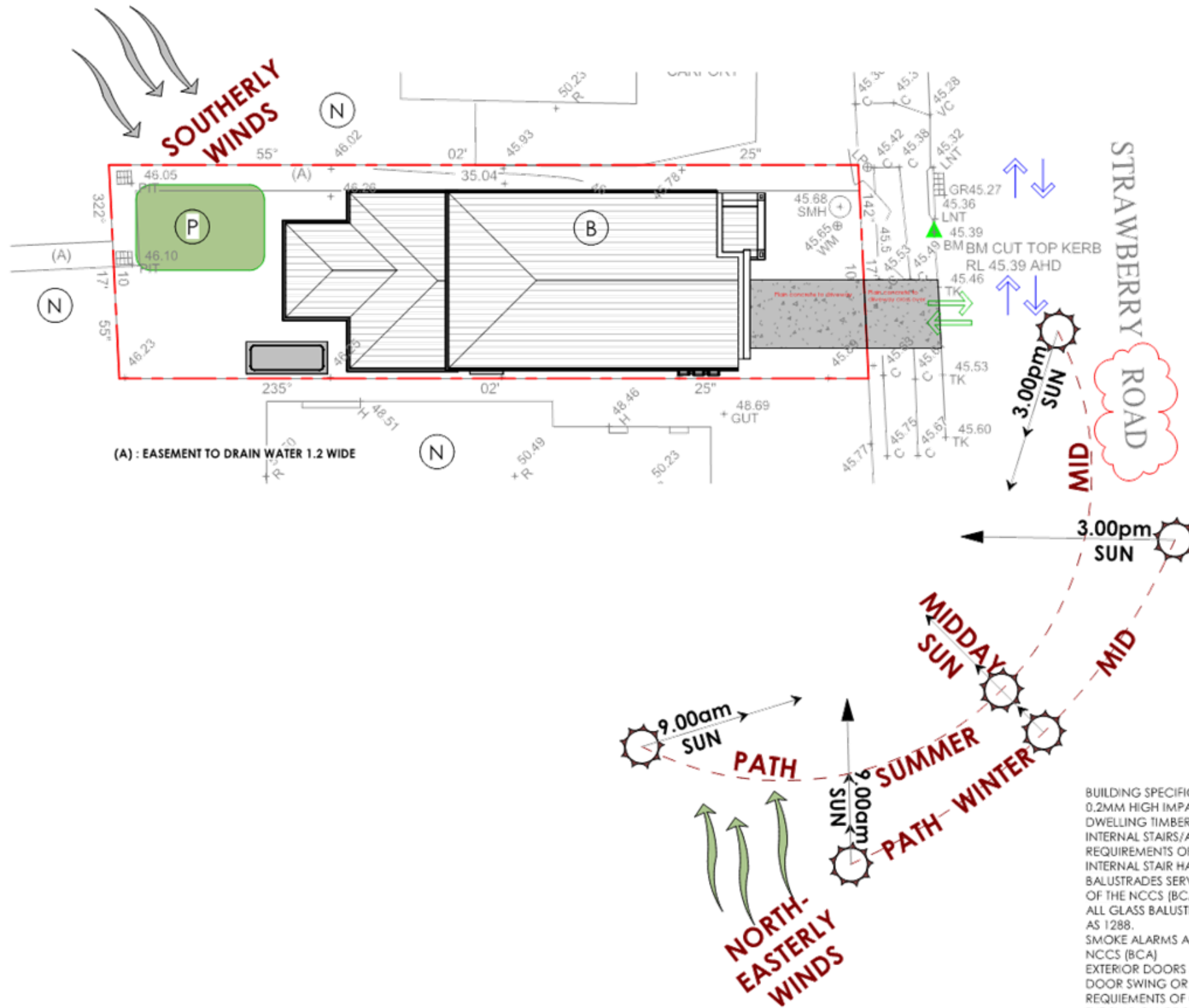
Rev	Description	By	Date
A	TOP DA 02/E	AP	13/04/2025
B	TOP DA 02/E	AP	14/04/2025
C	TOP DA 02/E	AP	14/04/2025

North :

**Drawing Title :**  
NOTES  
  
**Lodged at :** LIVERPOOL CITY COUNCIL  
  
**Drawn :** AP **Checked :** JC **Date :** 14/04/2025

**Project:**  
PROPOSED DOUBLE STOREY DWELLING  
  
**Address :**  
4B STRAWBERRY ROAD  
CASULA - NSW 2170  
  
**Client Name:**  
MR PRASANNA

NOTE : PLANS ARE TO COMPLY WITH NCC VOLUME 2 - 2022 REQUIREMENTS



- SITE BOUNDARY
- WIND DIRECTION
- PROPOSED BUILDING
- NEIGHBOURHOOD PROPERTIES
- PRIVATE OPEN SPACE
- VEHICULAR ACCESS
- DRIVEWAY ACCESS

**AS & BCA NOTES:**

- Glazing, AS 1288 and AS 2047
- Timber Framing in accordance with AS 1684
- Footings in accordance with AS 2870
- Stormwater in Accordance with AS 3500
- Termite Management in accordance with AS 3660.1
- Masonry Construction in accordance with AS 3700 & AS 4773.2
- Waterproofing in accordance with AS 3740
- Smoke Alarms in accordance with AS 3786
- Concrete Construction in accordance with AS 3600
- Metal roof sheeting in accordance with AS1562.1&Clause3.5.1 of the BCA.
- Roof Tiling in accordance with Part 3.5.1 of the BCA Vol.2 and AS 2049
- Sound Insulation in accordance with AS/NZS 1276
- Balustrade to comply with Part 3.9.2 of the BA Vol. 2
- Stair Construction in accordance with Part 3.9.1 of the BCA Vol. 2
- Stair floor finishes are required to comply with Part 3.9.1.3 of the BCA - slip resistance (when tested in accordance with AS 4586)
- Steel Structures including Steel lintels compliance with AS 4100

**BUILDING SPECIFICATION NOTES:**

- 0.2MM HIGH IMPACT VAPOUR MEMBRANE IS REQUIRED FOR ROOMS OR HABITABLE NATURE.
- DWELLING TIMBER FRAMING CONSTRUCTION AS PER AS 1684
- INTERNAL STAIRS/ANTI-SKID NOSINGS THROUGHOUT THE DWELLING ARE IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.9 VOLUME 2 OF THE NCCS (BCA)
- INTERNAL STAIR HANDRAIL TO MEET REQUIREMENTS OF CLAUSE 3.9.2.4 OF VOLUME 2 OF THE NCCS (BCA)
- BALUSTRADES SERVICING THE DWELLING ARE IN ACCORDANCE WITH REQUIREMENTS OF PART 3.9 OF VOLUME 2 OF THE NCCS (BCA).
- ALL GLASS BALUSTRADES REQUIRE A LOAD BEARING HANDRAIL ARE TO BE COMPLIED WITH THE REQUIREMENTS OF AS 1288.
- SMOKE ALARMS ARE TO BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.7.2 OF VOLUME 2 OF NCCS (BCA)
- EXTERIOR DOORS STEP DOWN AS PER THE REQUIREMENTS OF PART 3.9 OF VOLUME 2 OF THE NCCS (BCA).
- DOOR SWING OR LIFT OFF HINGES ARE TO BE PROVIDED TO ENCLOSED WC AREA IN ACCORDANCE WITH REQUIREMENTS OF CLAUSE 3.8.3.3 OF VOLUME 2 OF THE NCCS (BCA)
- THE SLAB ON GROUND IS BE PROVIDED WITH A 0.2 MICRON HIGH IMPACT VAPOUR MEMBRANE.
- INTERNAL FLOOR TO CEILING HEIGHT IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3.8.2 OF VOLUME 2 OF THE NCCS - BCA.
- CONSTRUCTION PLANS/DETAILS/SPECIFICATIONS FOR THE PROPOSAL WILL BE PROVIDED PRIOR TO THE COMMENCEMENT OF ANY WORKS.



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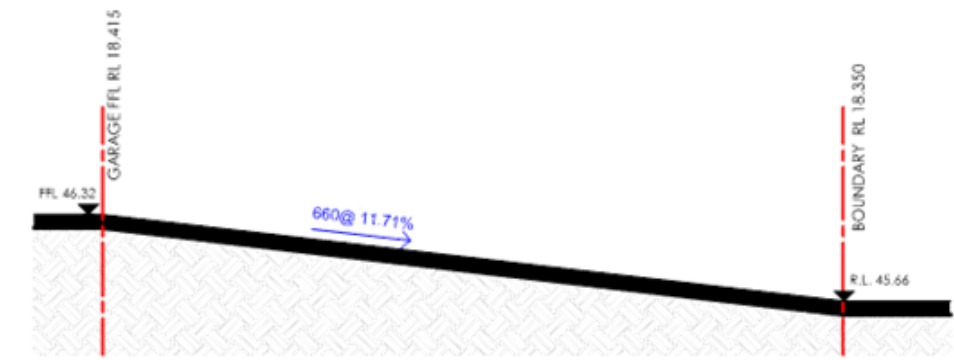
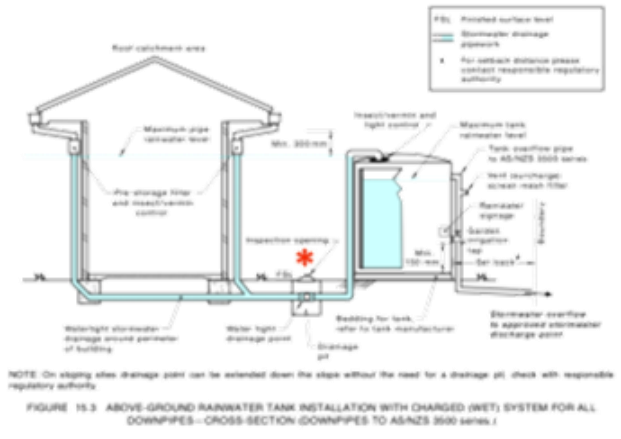
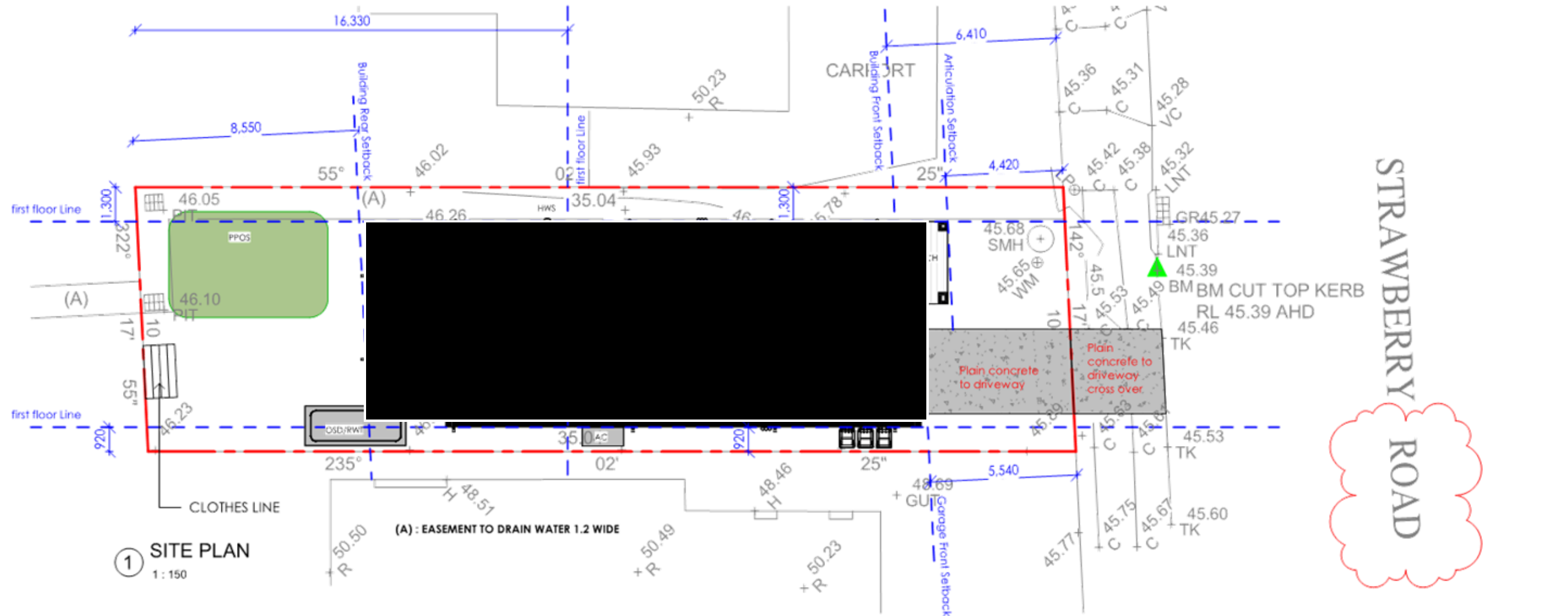
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Rev	Description	By	Date
A	TOP 0A 02.0	AP	13/04/2025
B	TOP 0A 02.0	AP	14/04/2025
C	TOP 0A 02.0	AP	14/04/2025



**Drawing Title :**  
SITE ANALYSIS PLAN  
**Lodged at :** LIVERPOOL CITY COUNCIL  
**Drawn :** AP **Checked :** JC **Date :** 14/04/2025

**Project:**  
PROPOSED DOUBLE STOREY DWELLING  
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MR PRASANNA



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Rev	Description	By	Date
A	TOP DA SUB	AP	13/04/2025
B	TOP DA SUB	AP	14/04/2025
C	TOP DA SUB	AP	14/04/2025



Drawing Title :  
**SITE PLAN**  
Lodged at : LIVERPOOL CITY COUNCIL  
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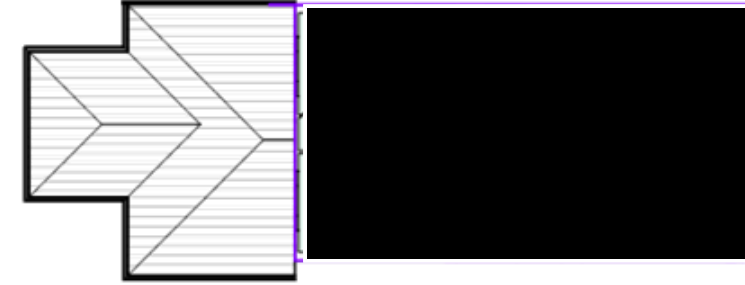
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NOTE : PLANS ARE TO COMPLY WITH NCC VOLUME 2 - 2022 REQUIREMENTS



**Building Area Legend**  
 ALFRESCO  
 GARAGE  
 GROUND FLOOR  
 PORCH

**Building Area Legend**  
 BALCONY  
 FIRST FLOOR

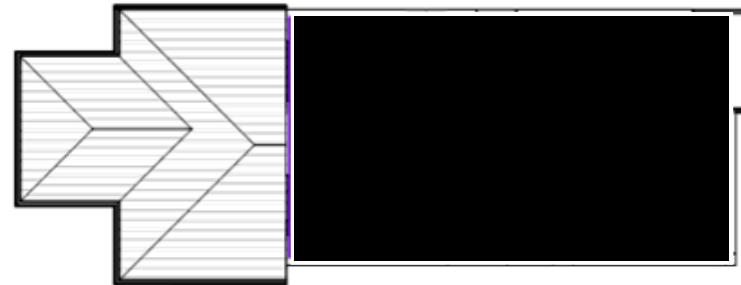


① GROSS BUILDING AREA\_GF  
1 : 200

② GROSS BUILDING AREA\_FF  
1 : 200

**GROSS BUILDING AREA**

Number	Name	Area
01	GARAGE	27 m <sup>2</sup>
03	GROUND FLOOR	109 m <sup>2</sup>
04	ALFRESCO	11 m <sup>2</sup>
02	PORCH	6 m <sup>2</sup>
05	FIRST FLOOR	102 m <sup>2</sup>
06	BALCONY	6 m <sup>2</sup>
<b>TOTAL GROSS BUILDING AREA</b>		<b>261 m<sup>2</sup></b>



**GROSS FLOOR AREA**

First Floor	86 m <sup>2</sup>
Ground Floor	106 m <sup>2</sup>
<b>Total Floor Area</b>	<b>193 m<sup>2</sup></b>

④ GROSS FLOOR AREA\_GF  
1 : 200

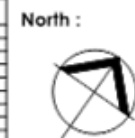
③ GROSS FLOOR AREA\_FF  
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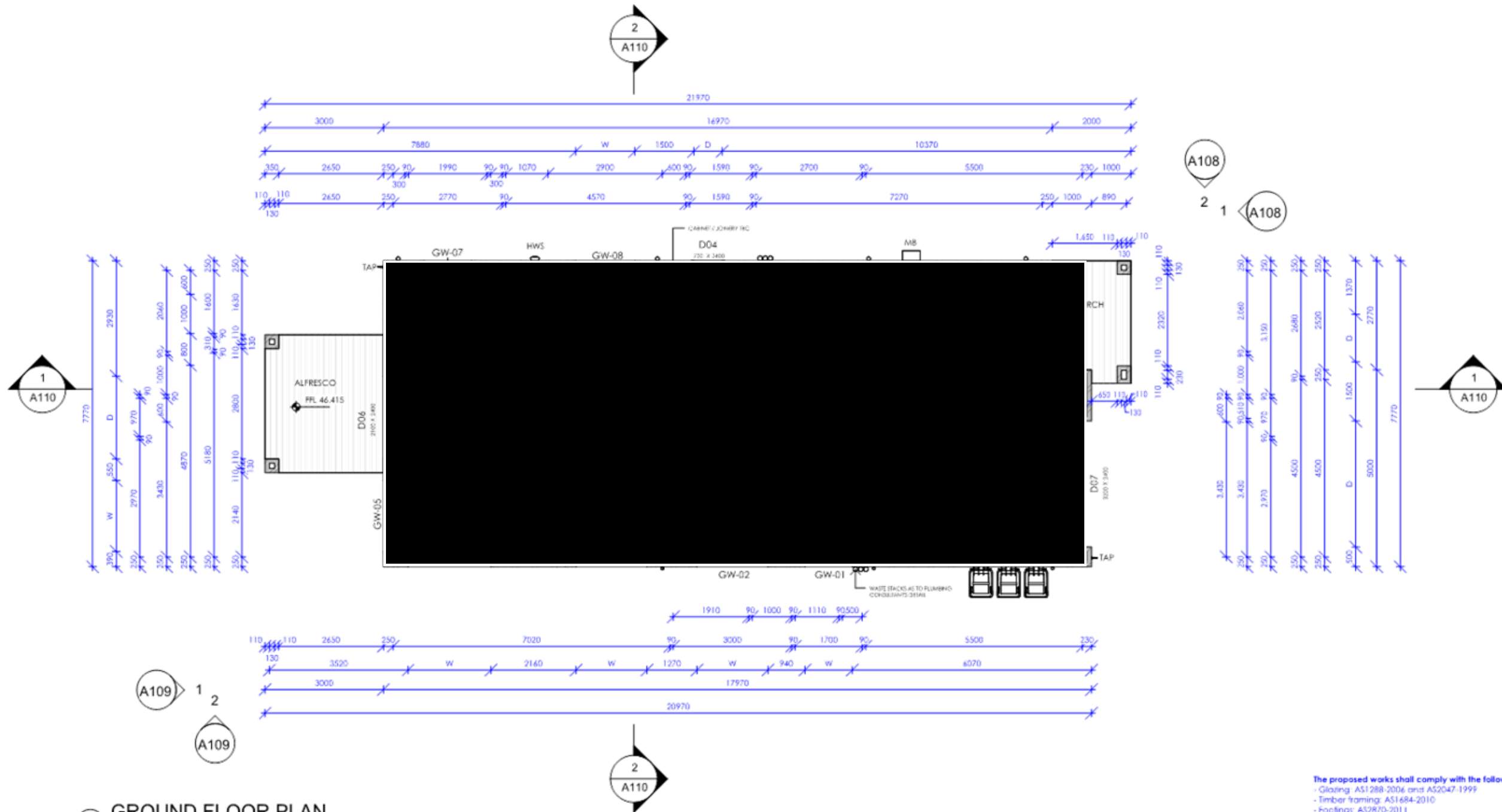
Rev	Description	By	Date
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B	MID DA SET	AP	14/04/2025
C	BOT DA SET	AP	14/04/2025



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AREA CALCULATION  
**Lodged at :** LIVERPOOL CITY COUNCIL  
**Drawn :** AP **Checked :** JC **Date :** 14/04/2025

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1 GROUND FLOOR PLAN  
1 : 100

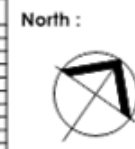
- The proposed works shall comply with the following:
- Glazing: AS1288:2006 and AS2047:1999
  - Timber framing: AS1684:2010
  - Footings: AS2870:2011
  - Stormwater: AS3500:2003
  - Termite Management: AS3660.1-2000
  - Masonry Construction: AS3700-2011 & AS4773 2-2010
  - Waterproofing: AS3740-2010
  - Smoke Alarms: AS3786-2014
  - Concrete Construction: AS3600-2009
  - Roofing: Part 3.5.1 of BCA Vol 2 and AS2049-2002
  - Sound Insulation: AS/NZS1276-1999
  - Balustrade: Part 3.9.2 of BCA Vol 2
  - Stair Construction: Part 3.9.1 of BCA Vol 2



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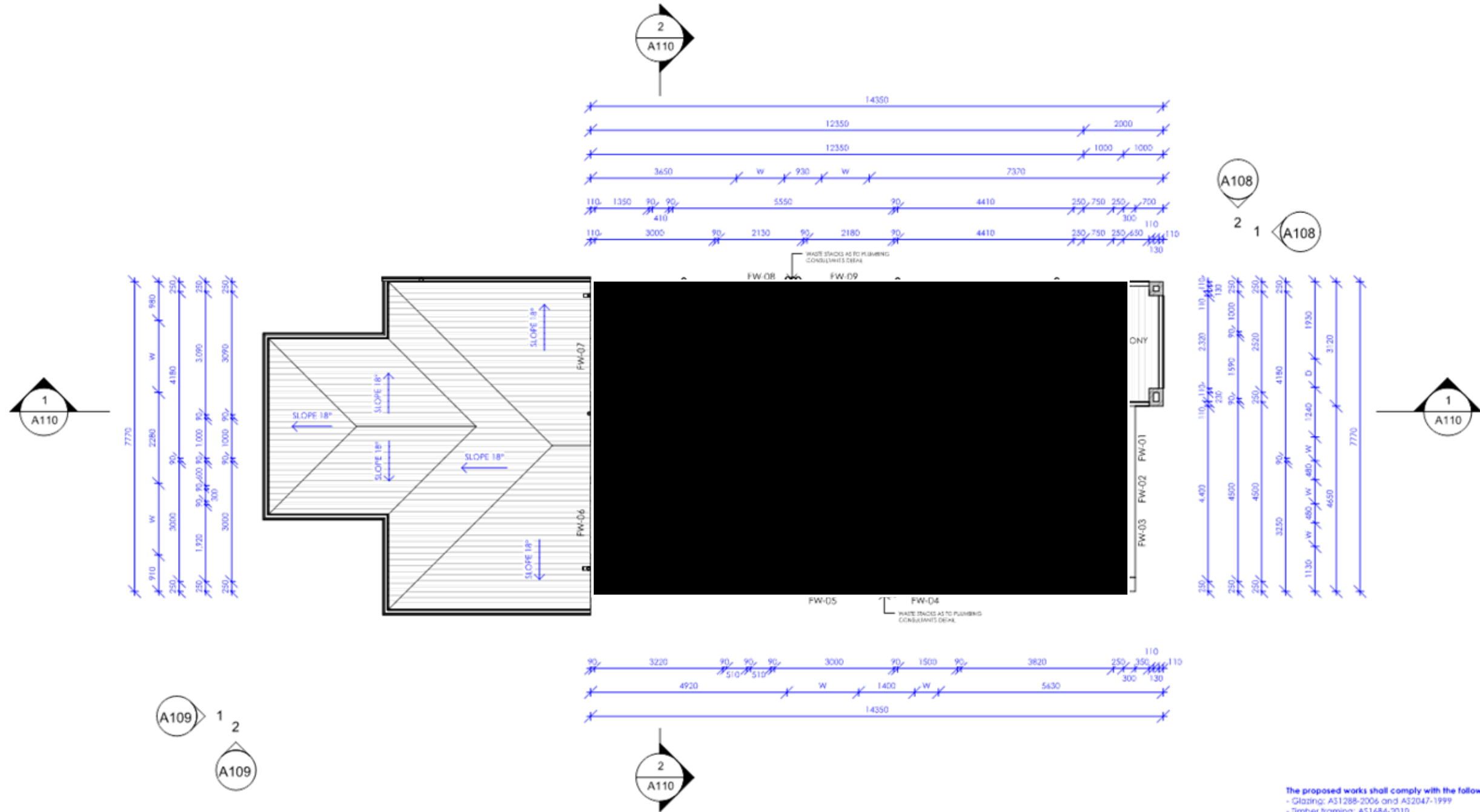
Rev	Description	By	Date
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B	TOP DA SET	AP	14/04/2025
C	TOP DA SET	AP	14/04/2025



Drawing Title :  
GROUND FLOOR PLAN  
Lodged at : LIVERPOOL CITY COUNCIL  
Drawn : AP | Checked : JC | Date : 14/04/2025

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1 FIRST FLOOR PLAN  
1 : 100

- The proposed works shall comply with the following:
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  - Timber framing: AS1684-2010
  - Footings: AS2870-2011
  - Stormwater: AS3500-2003
  - Termite Management: AS3440.1-2000
  - Masonry Construction: AS3700-2011 & AS4773.2-2010
  - Waterproofing: AS3740-2010
  - Roof Tiling: Part 3.5.1 of BCA Vol 2 and AS2049-2002
  - Sound insulation: AS/NZS1276-1999
  - Balustrade: Part 3.9.2 of BCA Vol 2
  - Stair Construction: Part 3.9.1 of BCA Vol 2



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B	TOP 1A 02/0	AP	14/04/2025
C	TOP 1A 02/0	AP	14/04/2025

North :



Drawing Title :  
FIRST FLOOR PLAN

Lodged at : LIVERPOOL CITY COUNCIL

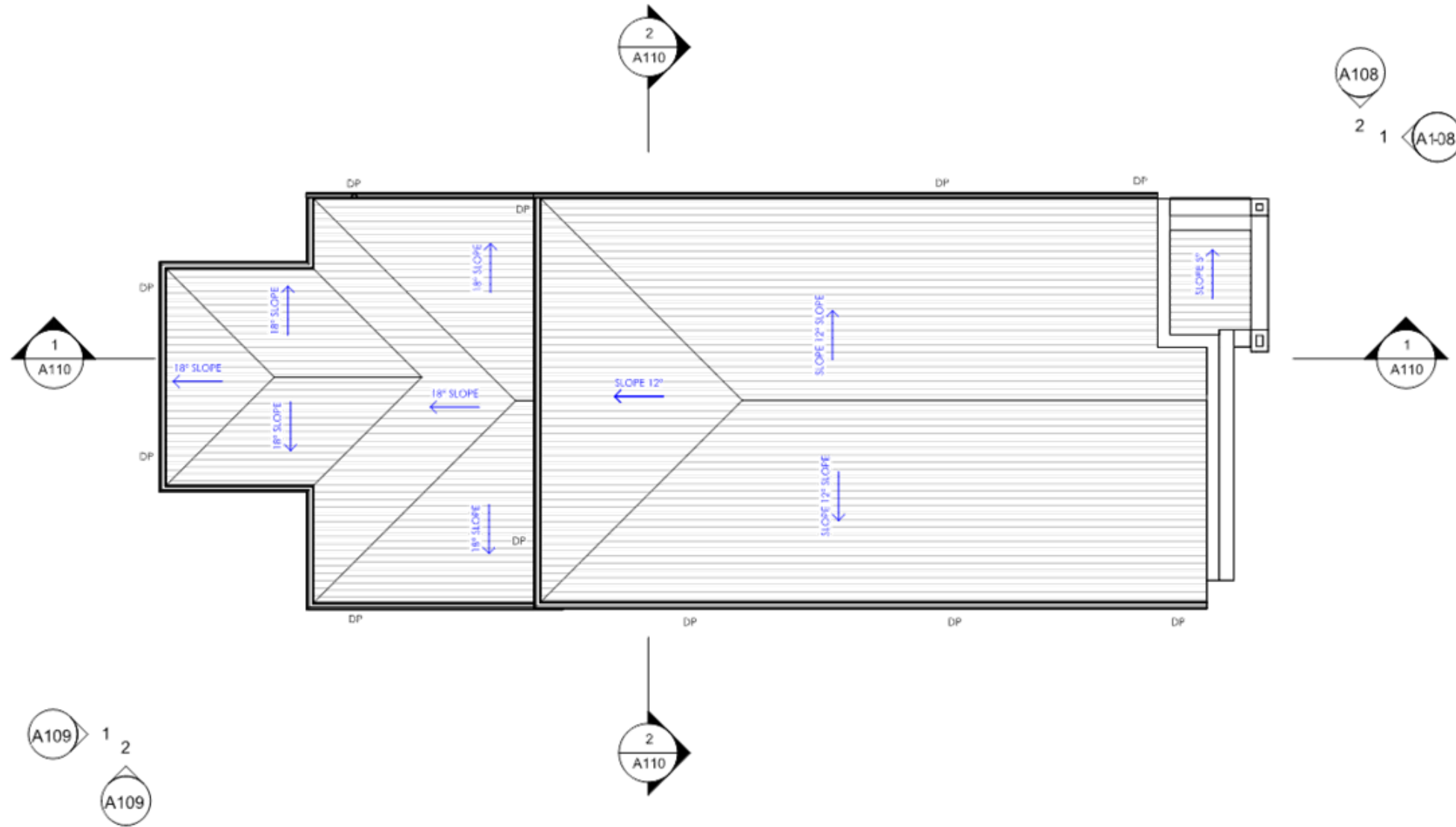
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PROPOSED DOUBLE STOREY DWELLING

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A	TOP 1A SLIP	AP	13/04/2025
B	TOP 2A SLIP	AP	14/04/2025
C	TOP 3A SLIP	AP	14/04/2025

North :



Drawing Title :  
ROOF PLAN

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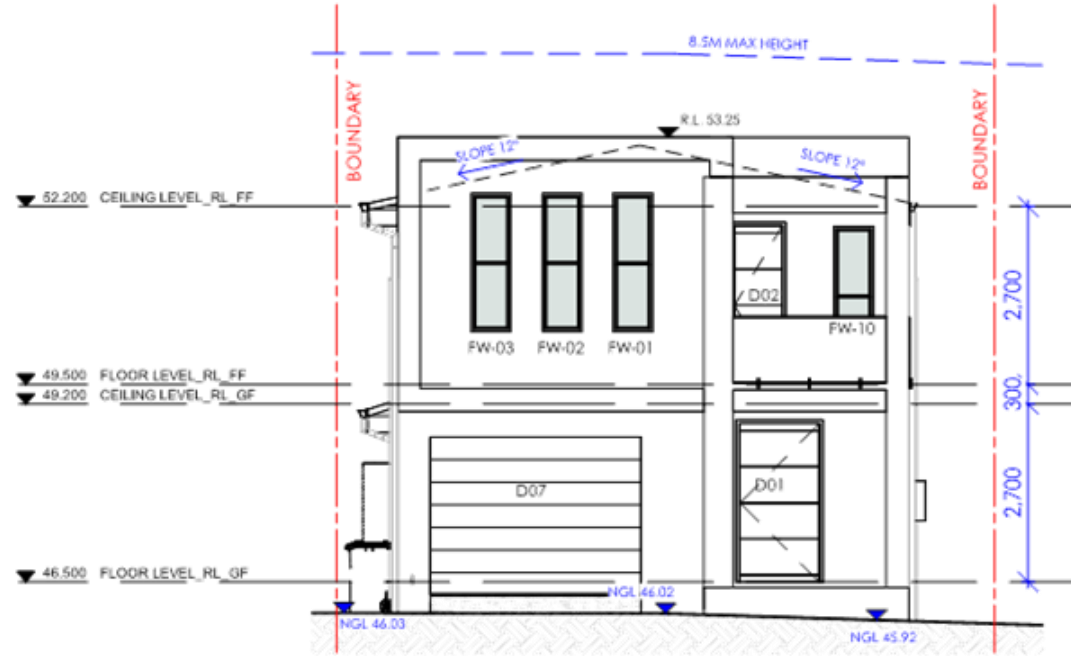
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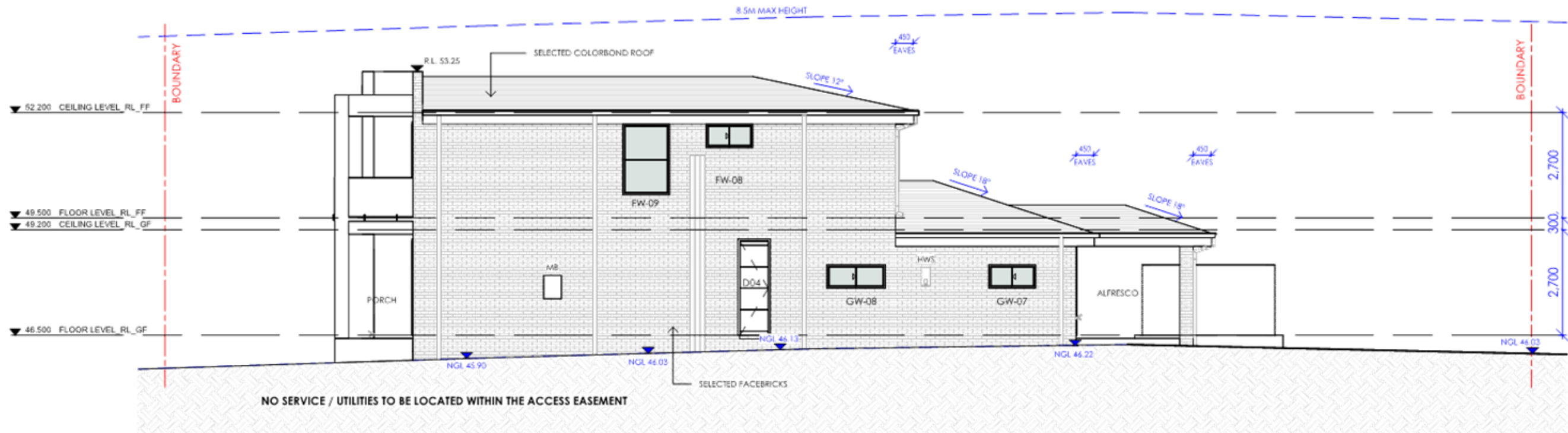
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MR PRASANNA

NOTE : PLANS ARE TO COMPLY WITH NCC VOLUME 2 - 2022 REQUIREMENTS



① NORTH EAST ELEVATION  
1 : 100

WINDOW SCHEDULE				
WINDOW No.	WIDTH (mm)	HEIGHT (mm)	HEAD HEIGHT	TYPE
GW-01	1200	600	2400	SLIDING FIXED
GW-02	1800	900	2400	SLIDING FIXED
GW-03	1800	900	2400	SLIDING
GW-04	2100	450	2400	FIXED
GW-05	1800	1500	2400	SLIDING FIXED
GW-07	1200	600	1800	SLIDING FIXED
GW-08	1500	600	1800	SLIDING FIXED
FW-01	600	2100	2900	FIXED
FW-02	600	2100	2900	FIXED
FW-03	600	2100	2900	FIXED
FW-04	600	1200	2400	AWNING
FW-05	1800	900	2400	SLIDING FIXED
FW-06	1800	900	2400	SLIDING FIXED
FW-07	1800	900	2400	SLIDING FIXED
FW-08	1200	600	2400	SLIDING FIXED
FW-09	1200	1800	2400	SLIDING FIXED
FW-10	600	2100	2400	FIXED



② NORTH WEST ELEVATION  
1 : 100



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Rev	Description	By	Date
A	TOP DA SUB	AP	13/04/2025
B	TOP DA SUB	AP	14/04/2025
C	TOP DA SUB	AP	14/04/2025

North :

Drawing Title :  
ELEVATIONS

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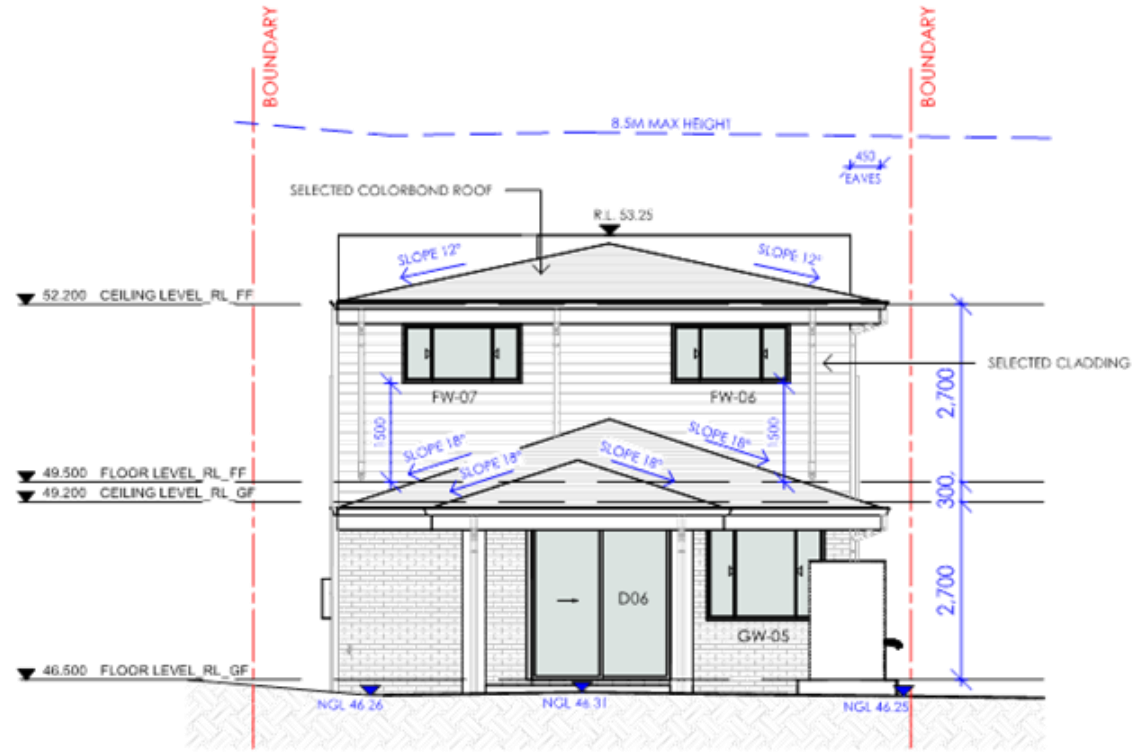
Drawn : AP | Checked : JC | Date : 14/04/2025

Project:  
PROPOSED DOUBLE STOREY DWELLING

Address :  
4B STRAWBERRY ROAD  
CASULA - NSW 2170

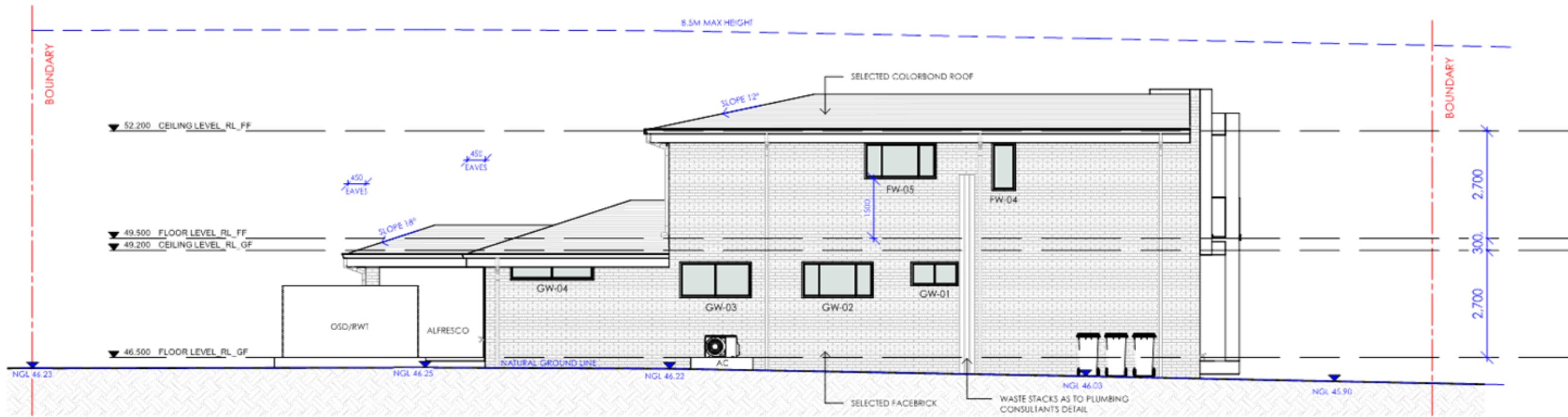
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① SOUTH WEST ELEVATION  
1 : 100

DOOR SCHEDULE				
DOOR No.	WIDTH (mm)	HEIGHT (mm)	HEAD HEIGHT	DOOR TYPE
D01	1200	2400	2400	ENTRANCE DOOR
D02	<varies>	2400	2400	INTERNAL DOOR
D03	720	2400	2400	INTERNAL DOOR
D04	720	2400	2400	EXTERNAL DOOR
D05	1500	2400	2400	INTERNAL CAVITY DOOR
D06	2100	2400	2400	EXTERNAL SLIDING DOOR



② SOUTH EAST ELEVATION  
1 : 100



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Rev	Description	By	Date
A	TOP 1A ELEV	AP	13/04/2025
B	TOP 2A ELEV	AP	14/04/2025
C	TOP 3A ELEV	AP	14/04/2025

North :

Drawing Title :  
ELEVATIONS

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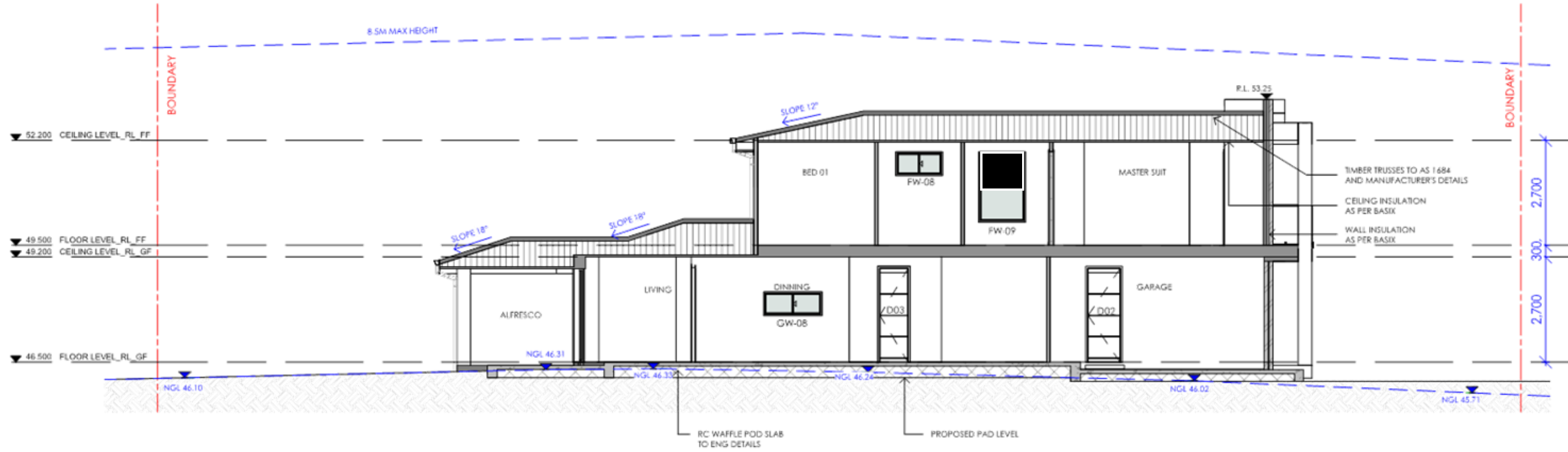
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Project:  
PROPOSED DOUBLE STOREY DWELLING

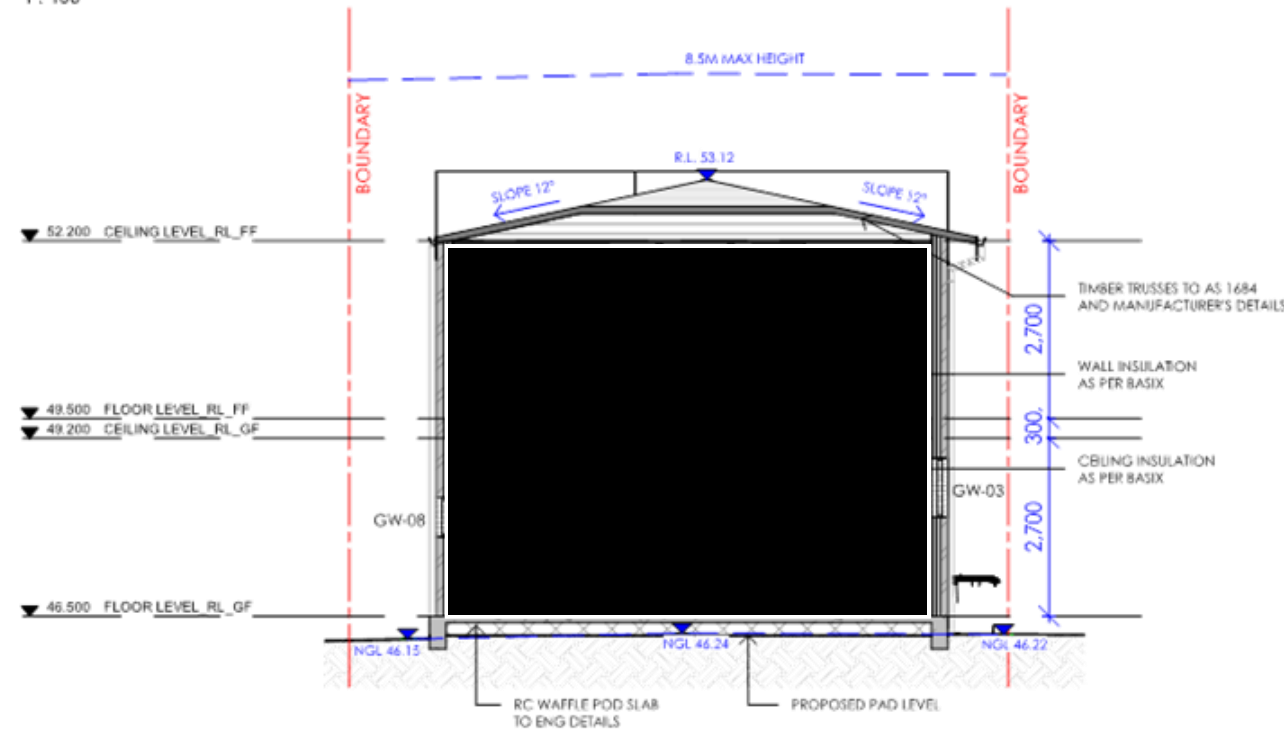
Address :  
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Client Name:  
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① SECTION AA  
1 : 100



② SECTION BB  
1 : 100



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A	TOP 0A SLAB	AP	13/04/2025
B	TOP 0A SLAB	AP	14/04/2025
C	TOP 0A SLAB	AP	14/04/2025

North :

Drawing Title :  
SECTIONS

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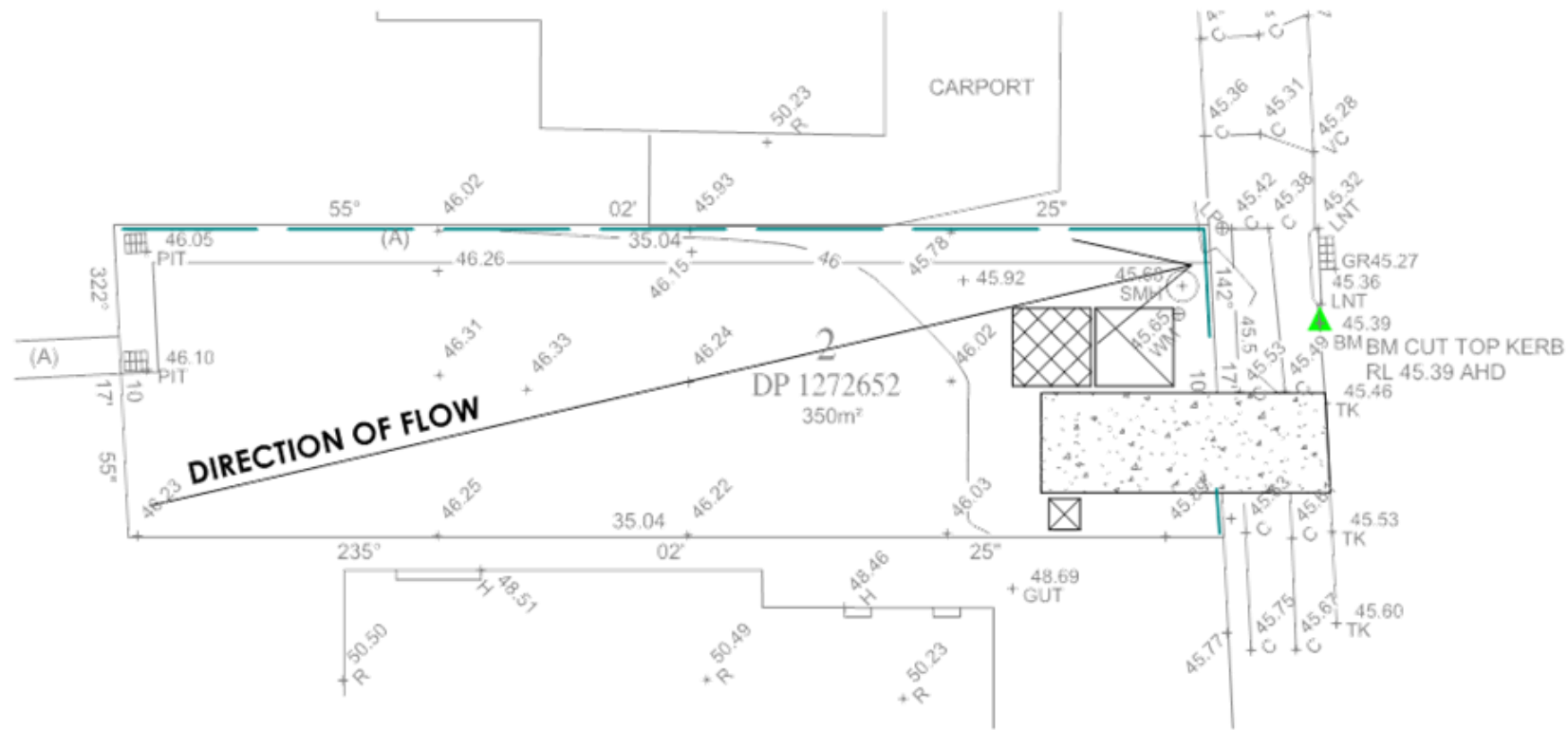
Drawn : AP    Checked : JC    Date : 14/04/2025

Project:  
PROPOSED DOUBLE STOREY DWELLING

Address :  
4B STRAWBERRY ROAD  
CASULA - NSW 2170

Client Name:  
MR PRASANNA









NOTES

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY CONTRACTOR/SITE MANAGER.
2. MINIMISE DISTURBED AREAS.
3. ALL STOCKPILES TO BE CLEARED FROM DRAINS, GUTTERS AND FOOTPATHS.
4. DRAINAGE IS TO BE CONNECTED TO STORM WATER SYSTEM AS SOON AS POSSIBLE.
5. ROADS AND FOOTPATH TO BE SWEEP DAILY
6. UNDER SECTION 16 OF THE CLEAN WATERS ACT HEAVY FINES, INCLUDING A \$600 ON THE SPOT FINE, MAY BE IMPOSED IF A PERSON ALLOWS SOIL, CEMENT SLURRY OR OTHER BUILDING MATERIALS TO BE PUMPED, DRAINED OR ALLOWED TO ENTER THE STORM WATER SYSTEM.

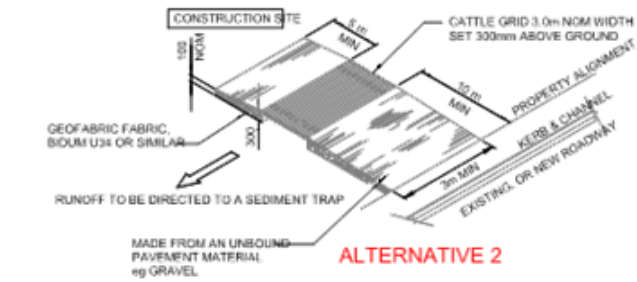
SEDIMENT NOTES:

1. CONSTRUCT SEDIMENT FENCE AS CLOSE AS POSSIBLE AND PARALLEL TO THE CONTOURS OF THE SITE.
2. DRIVE 1.5 m LONG STAR PICKETS INTO GROUND Max 3 m Ctrs.
3. DIG A 150 mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
4. BACKFILL TRENCH OVER BASE OF FABRIC.
5. FIX SELF SUPPORTING GEOTEXILE TO UPSLOPE SIDE OF POSTS WITH WIRE TIES OR AS RECOMMENDED BY GEOTEXILE MANUFACTURER.
6. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A Min LAP OF 150 mm.

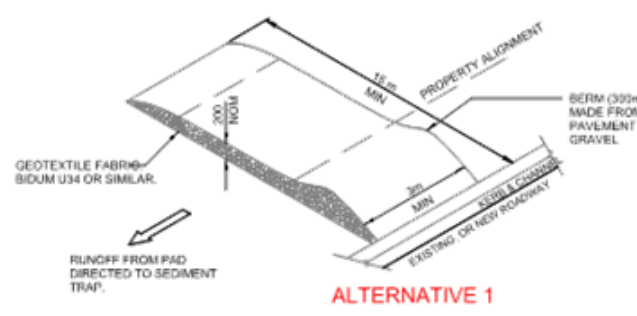
LEGEND:

-  VC AND STABILISED ENTRY
-  PORTABLE WC
-  GEOTEXILE TRADE WASTE RECEPTABLE
-  PROVISIONAL AREA FOR STOCKPILING OF MATERIALS

 SEDIMENT CONTROL FENCE

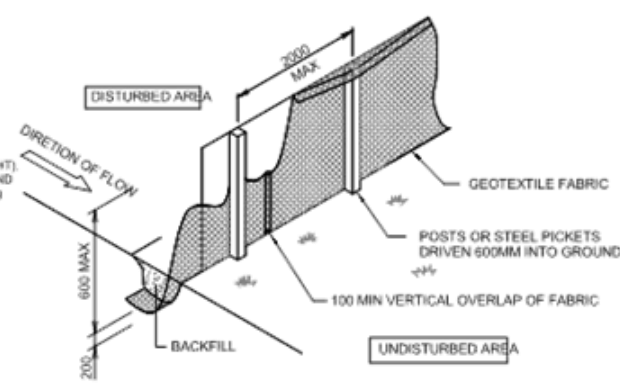


**ALTERNATIVE 2**

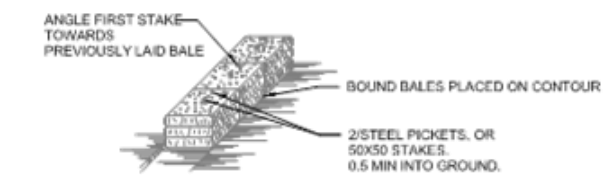


**ALTERNATIVE 1**

**TEMPORARY CONSTRUCTION ENTRY / EXIT SEDIMENT TRAP**  
NOT TO SCALE



**SEDIMENT FENCE DETAIL**  
NOT TO SCALE



**ANCHORING DETAIL**  
**BEDDING DETAIL**  
**STRAW BALE BANK SEDIMENT CONTROL**  
NOT TO SCALE



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A	TOP 1A 02-E	AP	13/04/2025
B	TOP 1A 02-E	AP	14/04/2025
C	TOP 1A 02-E	AP	14/04/2025



Drawing Title :  
**EROSION AND SEDIMENT CONTROL**  
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**PROPOSED DOUBLE STOREY DWELLING**  
Address :  
4B STRAWBERRY ROAD  
CASULA - NSW 2170  
Client Name:  
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**FACE BRICK -  
BLUEGUM OR SIMILAR**



**GARAGE DOOR - SHALE  
GREY OR SIMILAR**



**ROOF, FASCIA, GUTTER, DOWNPIEPS,  
BALCONY AND WINDOW FRAMES -  
COLORBOND SHALEGREY OR SIMILAR**



**FEATURE RENDER -  
DULUX SIGNATURE  
OR SIMILAR**



**MAIN RENDER -  
DULUX VIVID WHITE  
OR SIMILAR**



**SOFFIT - DULUX  
LEXICON WHITE OR  
SIMILAR**



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A	2025 DA 02-E	AP	13/04/2025
B	2025 DA 02-E	AP	14/04/2025
C	2025 DA 02-E	AP	14/04/2025

North :

Drawing Title :  
**FINISHES SCHEDULE**

Lodged at : LIVERPOOL CITY COUNCIL

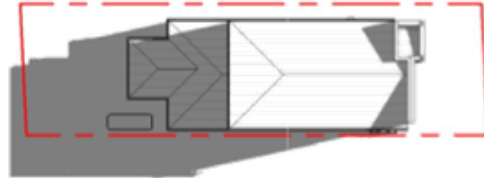
Drawn : AP    Checked : JC    Date : 14/04/2025

Project:  
**PROPOSED DOUBLE STOREY DWELLING**

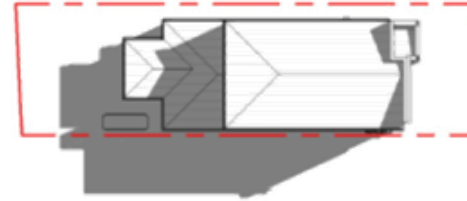
Address :  
4B STRAWBERRY ROAD  
CASULA - NSW 2170

Client Name:  
MR PRASANNA

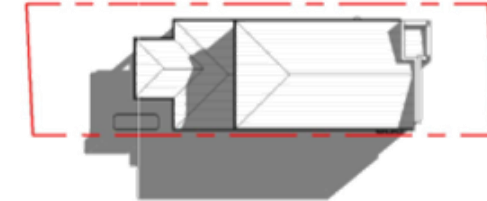
NOTE : PLANS ARE TO COMPLY WITH NCC VOLUME 2 - 2022 REQUIREMENTS



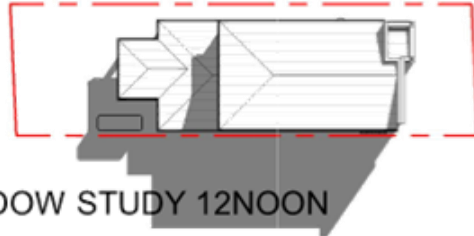
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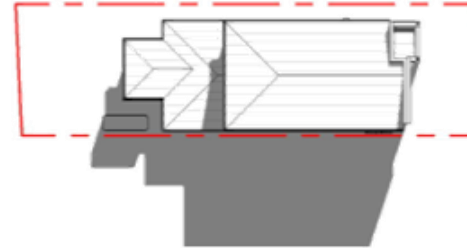
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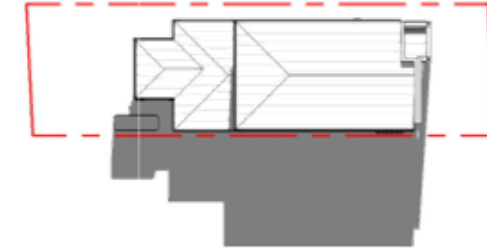
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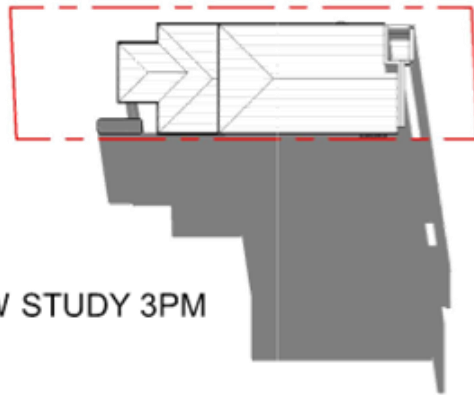
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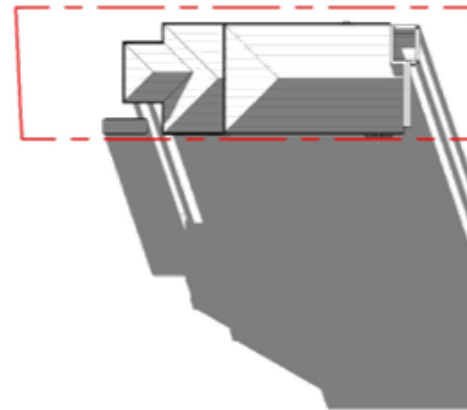
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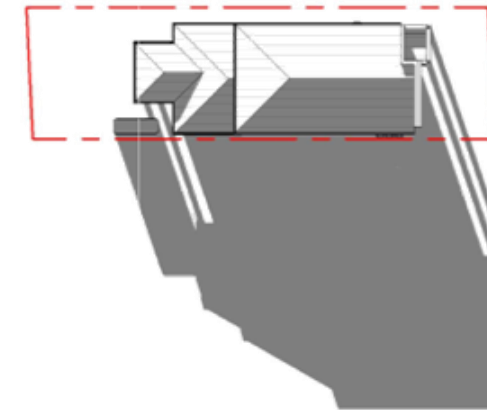
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⑦ SHADOW STUDY 3PM  
1 : 500



⑧ SHADOW STUDY 4PM  
1 : 500



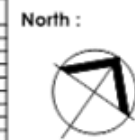
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1 : 500



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A	008 DA 001	PR	13/04/2025
B	008 DA 001	PR	14/04/2025
C	008 DA 001	PR	14/04/2025



Drawing Title :  
SHADOW STUDY

Lodged at : LIVERPOOL CITY COUNCIL

Drawn : PR Checked : Checkerte : 14/04/2025

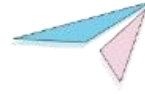
Project:  
PROPOSED DOUBLE STOREY DWELLING

Address :  
4B STRAWBERRY ROAD  
CASULA - NSW 2170

Client Name:  
MR PRASANNA



---

**STRAIGHTLINE PLANNING**

## Statement of Environmental Effects

**Prepared for:** [REDACTED]

**Prepared:** 22 April 2025

SL341 - 4B Strawberry Road Casula

**Proposal:** Proposed Double Story Residential Dwelling with Double Garage and Associated Landscaping

---

**STRAIGHTLINE PLANNING****TABLE OF CONTENTS**

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Precedence	19
<b>Clause 4.6 Request: FSR Variation</b>	20
Conclusion and Recommendations	25

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## STRAIGHTLINE PLANNING

### OVERVIEW

This Statement of Environmental Effects (SEE) supports a Development Application (DA) submitted to Liverpool City Council for the construction of a double storey detached dwelling with a double garage and associated landscaping at 4B Strawberry Road, Casula NSW 2170 (Lot 2 DP 1272652).

The proposal seeks approval for a residential dwelling in the R3 Medium Density Residential zone under the Liverpool Local Environmental Plan 2008, where such development is permitted with consent.

This SEE has been prepared in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 and Section 2(4) of Schedule 1 of the Environmental Planning and Assessment Regulation 2021, and addresses the following required matters:

- The environmental impacts of the proposed development
- How those impacts have been identified
- Measures to protect or lessen potential harm to the environment
- Any matters prescribed by guidelines issued by the Secretary

This application is accompanied by a request under Clause 4.6 of the Liverpool Local Environmental Plan 2008 to vary the applicable Floor Space Ratio (FSR) development standard. The maximum permitted FSR for the site is 0.5:1, equating to 175m<sup>2</sup> of floor area. The proposed dwelling has a floor area of approximately 193m<sup>2</sup>, exceeding the standard by 10%.

A supporting Clause 4.6 written request has been prepared, demonstrating that compliance with the FSR standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the variation.

The application is also supported by architectural plans, a BASIX certificate, a stormwater management plan and other relevant documentation.

The proposed development has been designed to integrate with the established residential context of Casula and complies with the objectives of the Liverpool Development Control Plan 2008, with the exception of the minor FSR non-compliance and a minor garage setback variation. Both matters are addressed and justified on planning merit.

This SEE provides a detailed assessment of the proposed development and concludes that the design represents a reasonable and appropriate planning outcome for the site.

## DEVELOPMENT SUMMARY TABLE

<b>Address</b>	4B Strawberry Street, Casula NSW 2170
<b>Legal Description</b>	Lot 2 DP 1272652
<b>Site Area</b>	350 sqm
<b>Zoning</b>	R3 Medium Density Residential
<b>Local Government Area</b>	Liverpool City Council
<b>Frontage</b>	10m
<b>Depth</b>	35.04m
<b>Existing Use</b>	Vacant land
<b>Surrounding Development</b>	Established residential (SE, NW, SW)
<b>Slope</b>	Falls to NW
<b>Utilities</b>	All services available
<b>Development Type</b>	Double storey freestanding residential dwelling
<b>Bedrooms</b>	4 bedrooms (including master with ensuite)
<b>Bathrooms</b>	Multiple, exact number not specified
<b>Living Areas</b>	Open-plan kitchen and living area
<b>Garage</b>	Double garage (2 spaces, enclosed)
<b>Landscaping</b>	Associated landscaping works included
<b>Stormwater</b>	Plan submitted
<b>Documents Provided</b>	Architectural plans, stormwater plan, survey plan
<b>SEPP (BASIX) 2004/2022</b>	Applies - BASIX Certificate provided, compliant
<b>Land Use</b>	Dwelling House in R3 Zone - Permissible use
<b>Height of Building</b>	8.5m max - Proposed: 7.45m
<b>Setbacks (front)</b>	Required: 4.5m or established - Proposed: 6.41m
<b>Setbacks (garage)</b>	Required: 1m behind - Proposed: 1m forward (non-compliant)
<b>Side Setbacks</b>	Required: 0.9m - Proposed: 1.3m
<b>Rear Setbacks</b>	Required: 4m GF, 6m UF - Proposed: 8.55m GF, 16.33m UF
<b>Site Coverage</b>	Max 40% - Proposed: 30.85%
<b>Landscaped Area</b>	Min 20% - Proposed: 43.21%
<b>Private Open Space</b>	Min 20m <sup>2</sup> , 4m width - Proposed: 72m <sup>2</sup> , 8m width
<b>Parking</b>	Required: 1 - Provided: 2

<b>Garage Setback Compliance</b>	Non-compliant, however Improves internal layout functionality; Porch and balcony reduce visual dominance; Streetscape integrity preserved
<b>Visual Prominence</b>	Not visually prominent
<b>Streetscape Consistency</b>	Consistent
<b>Traffic &amp; Access</b>	No increase in traffic, adequate access
<b>Utilities</b>	Available
<b>Stormwater</b>	Connected to street drainage
<b>Flora/Fauna</b>	No vegetation removal or endangered species
<b>Hazards</b>	No flooding, bushfire, landslip risks
<b>Heritage/Conservation</b>	Not applicable
<b>Contamination</b>	Reports submitted
<b>Privacy/Overshadowing</b>	No significant impacts
<b>Noise/Water/Air Pollution</b>	No expected impacts
<b>Aboriginal Heritage</b>	No impacts anticipated

## SITE ANALYSIS

4B Strawberry Street, Casula is situated within a well-established and predominantly residential area of south-west Sydney, characterised by low- to medium-density detached dwellings that are generally large in size (four-five bedrooms, multiple living spaces, large yards, double garages).

The subject site is legally identified as Lot 2 in DP 1272652 and occupies a total area of approximately 350 square metres. The land is regular in shape, with a frontage of 10.0 metres to Strawberry Street and a depth of 35.04 metres. The site slopes gently towards the northwest and is free of any significant vegetation, structures or built improvements.

The immediate context consists of similar residential allotments to the southeast, northwest and southwest, featuring predominantly single- and double-storey dwellings with varying construction dates and architectural styles. Surrounding properties generally include front-facing garages, low fencing and open landscaped front yards, contributing to a suburban streetscape typical of the Casula locality.

The subject site is currently vacant and benefits from the availability of all essential services including water, sewer, stormwater, electricity and telecommunications.

Vehicular access is via Strawberry Street, a sealed two-way road with kerbside parking and established footpaths. The site is burdened by an approved building envelope, ensuring consistency with surrounding allotments and facilitating orderly development.

The broader neighbourhood provides a high level of amenity and accessibility, with the site located within walking distance of Casula Mall, Daruk Park, and the Casula Community Centre.

The area is also well served by public transport and major arterial roads including the Hume Highway and Kurrajong Road. Additional nearby services include schools, medical centres and places of worship, reinforcing the area's suitability for continued residential use.

The site is not identified as flood-prone land, bushfire-prone land or as being affected by landslip hazards. There are no known heritage listings or items of Aboriginal cultural significance affecting the subject land. Based on current environmental mapping, no threatened species, endangered ecological communities or sensitive riparian areas are present on or adjacent to the site.

Overall, the subject site is well-located, appropriately serviced and physically suited to accommodate the proposed residential development without requiring significant earthworks or environmental interventions.

## SITE IMAGERY



*[Six Maps representation of broader location/local surroundings]*

## LOCALITY ANALYSIS - CASULA NSW

Casula is a southwestern suburb of Sydney and it offers a blend of family-friendly amenities, diverse demographics and accessible transport.

### **Demographics**

- Population: 16,584 residents (2021 Census), with a median age of 361, younger than NSW (39) and national (38) averages.
- Cultural Diversity: 50.8% born in Australia, with significant communities from Iraq (5.1%), Fiji (3.2%), and Lebanon (3.1%). Arabic (17.6%) and Vietnamese (3.7%) are widely spoken at home.
- Religion: Predominantly Catholic (23.7%) and Muslim (20.4%), reflecting its multicultural fabric.

### **Housing**

- Types: 71.1% separate houses, 24.7% semi-detached/townhouses, and 4.1% apartments.
- Prices: Median house price of \$1,140,000 and units at \$816,250. Recent listings show rentals ranging from \$500/week (units) to \$1,355,000 (5-bed houses).
- Household Size: Average of 3.15 people per dwelling, with median monthly mortgage repayments at \$2,167.

### **Transport**

- Rail: Direct trains to Sydney CBD via Casula and Glenfield stations (54 minutes).
- Roads: Proximity to Hume Highway and M5 Motorway facilitates commuting. 79.5% commute by car.
- Bus Services: Routes 855, 857 and 871 connect locally.

**Amenities**

- Recreation: Casula Parklands features adventure playgrounds, ninja courses, and dog parks.
- Arts/Culture: Casula Powerhouse Arts Centre hosts exhibitions, theatre, and festivals.
- Retail/Education: Casula Mall, Crossroads Homemaker Centre, and schools like Casula Public and High School.

**Economic Profile**

- Income: Median household income of \$1,588/week (2016), with 21% holding bachelor's degrees or higher.
- Employment: Common occupations include professionals (21%), clerical workers (14.7%), and technicians.

**Planning and Land Use**

- Zoning: Primarily residential, with Environmental Living (29.66%) and Medium Density Residential (21.98%) zones.
- Property Trends: Steady growth, with median house prices rising from \$673k (2-bed) to \$1.355m (5-bed).

## DEVELOPMENT PROPOSAL

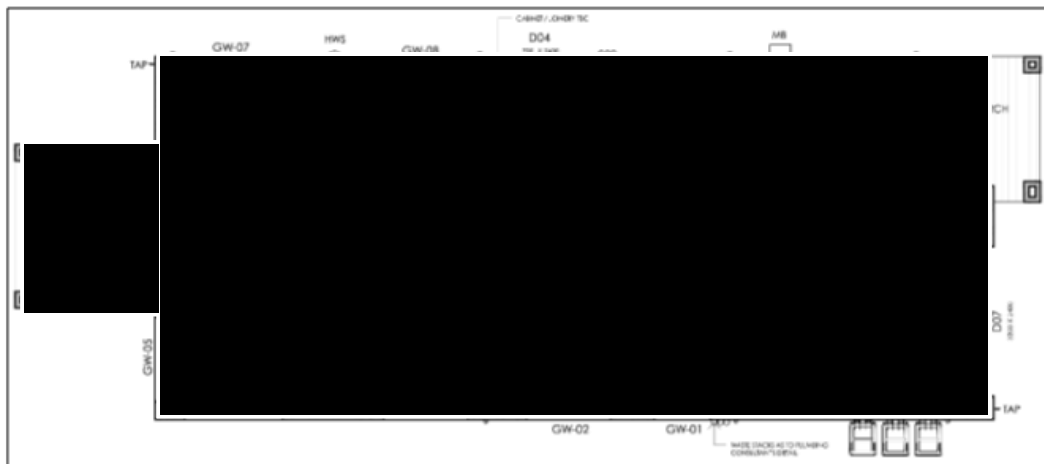
This Development Application seeks approval for the construction of a two-storey detached residential dwelling with an integrated double garage and associated landscaping works at 4B Strawberry Street, Casula (Lot 2 DP 1272652).

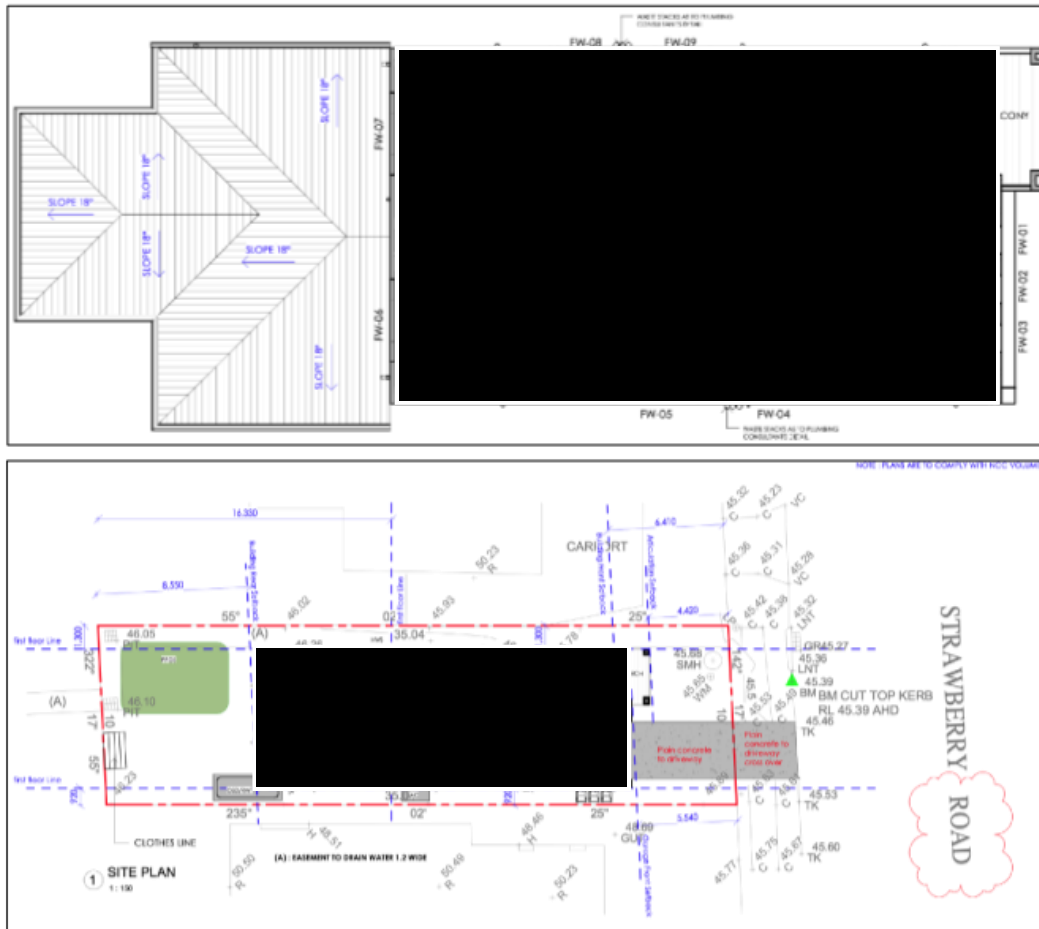
The site is currently vacant and zoned R3 Medium Density Residential under the Liverpool Local Environmental Plan 2008, where dwelling houses are permitted with consent.

The proposed development comprises a modern family home designed to respond to the rectangular configuration of the site, its gentle slope and its established suburban context.

The proposed built form is consistent with surrounding properties and presents an appropriate scale and bulk within the residential streetscape.

The proposed dwelling includes four bedrooms, including a master suite with ensuite, multiple bathrooms, an open-plan kitchen and living area, and a double garage accessed from Strawberry Street.





The architectural layout offers a functional and well-articulated design outcome that provides for family living, natural light, ventilation and visual connectivity to outdoor space.

The proposal provides the following key features:

- A total floor area of approximately 193sqm, resulting in a minor exceedance of the 0.5:1 FSR development standard under Clause 4.4 of the LEP. A Clause 4.6 variation request has been included with this application to address the 10% exceedance.
- A compliant maximum building height of 7.45m, well below the 8.5m height limit.

- Ample landscaped area (43.21%) and private open space (72m<sup>2</sup>), exceeding minimum DCP controls and enhancing outdoor amenity.
- Compliant building setbacks to the front, side and rear boundaries, with the exception of the garage setback, which encroaches forward of the main building line. This non-compliance is addressed through a merit-based justification, with streetscape compatibility maintained via integrated facade elements including a covered entry porch and first-floor balcony.

The development will connect to existing utility infrastructure, including sewer, water, stormwater and electricity. A stormwater plan has been prepared and submitted with the application, confirming that lawful discharge will be achieved via connection to the public system.

The proposed materials and finishes reflect a contemporary domestic palette and are consistent with surrounding residential dwellings. The roof form, articulation and window placements have been designed to minimise visual bulk and preserve neighbour privacy.

There are no known environmental constraints affecting the site. The land is not identified as bushfire-prone, flood-affected, or environmentally sensitive and there are no heritage items on or adjoining the property.

This proposal represents a high-quality residential infill development that complements the prevailing built form character of the Casula locality.

The design respects relevant development standards, with minor variations justified on environmental planning grounds, and contributes positively to the medium-density housing objectives of the R3 zone.

## PLANNING ASSESSMENT - RELEVANT LEGISLATION

This application has been prepared in accordance with the relevant environmental planning instruments and applicable planning legislation, including:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Liverpool Local Environmental Plan 2008
- Liverpool Development Control Plan 2008

The subject site is zoned R3 Medium Density Residential under the Liverpool Local Environmental Plan 2008, and the proposed development for a two-storey detached dwelling is permissible with development consent.

The design responds to all relevant planning objectives and most numerical development standards, with the exception of a minor exceedance of the applicable floor space ratio (FSR) and a garage setback non-compliance.

The application is also supported by a valid BASIX Certificate, confirming that the dwelling satisfies the sustainability and performance requirements set out under the State Environmental Planning Policy (BASIX) 2004.

The proposal has been assessed against the relevant provisions of the Liverpool Development Control Plan 2008, which applies to the form, siting and amenity considerations for residential development in this zone. The development complies with the majority of DCP controls and achieves a high standard of urban design, streetscape compatibility and residential amenity.

**Section 25 – Concurrences and Approvals**

In accordance with Section 25 of the Environmental Planning and Assessment Regulation 2021, no external agency concurrences or integrated development approvals are required for this application. All applicable planning matters have been addressed through this development application process and relevant supporting documentation.

## SITE SUITABILITY AND COMPLIANCE

The subject site at 4B Strawberry Street, Casula is well suited to accommodate the proposed two-storey residential dwelling. The development satisfies key strategic and physical criteria outlined under the Environmental Planning and Assessment Act 1979, the Liverpool Local Environmental Plan 2008 and the Liverpool Development Control Plan 2008, with only minor variations addressed via planning merit.

### **Zoning and Permissibility**

The site is zoned R3 Medium Density Residential, where a detached dwelling is permissible with consent under the Liverpool LEP 2008. The proposed residential use is consistent with the objectives of the R3 zone, which seeks to provide for a variety of housing types within a medium-density residential environment while maintaining neighbourhood amenity.

### **Lot Size and Site Configuration**

The lot has a total area of 350sqm, with a 10-metre frontage and depth of 35.04 metres. The rectangular configuration and regular dimensions support a compliant building layout, with setbacks, open space, landscaping and access all appropriately accommodated. The slope of the land is minimal and falls gently to the northwest, making the site physically suitable for residential development with minimal cut and fill.

### **Infrastructure and Access**

The property is fully serviced with access to all required utilities including water, sewer, electricity, telecommunications and stormwater infrastructure. Vehicle access is provided via Strawberry Street, a sealed and kerbed local road. A stormwater drainage plan has been submitted with the application, demonstrating compliant connection to the existing street drainage network.

### **Built Form and Compliance with Development Controls**

The proposal achieves compliance with the key development standards under the LEP and DCP, including height (7.45m), site coverage (30.85%), private open space (72m<sup>2</sup>) and

landscaped area (43.21%). The proposed floor space ratio (FSR) of 193m<sup>2</sup> represents a 10% exceedance above the maximum 0.5:1 permitted under Clause 4.4 of the LEP. A request under Clause 4.6 has been submitted to justify this variation on planning merit.

A secondary non-compliance relates to the garage setback, which is located 1 metre in front of the main building line. This has been justified on the basis of improved internal functionality, architectural articulation and no adverse impact on the established streetscape. All other setback controls are exceeded or met.

### **Streetscape Compatibility and Local Context**

The development has been designed to integrate seamlessly within the existing built form and character of the Casula neighbourhood. The surrounding context includes a mix of single and double storey detached dwellings on similar lot sizes.

The proposed design features pitched roofs, front-facing balconies and recessed articulation elements that break up visual bulk and align with existing residential patterns. The garage encroachment is softened by a covered entry porch and front balcony, ensuring the visual rhythm of the street is maintained.

### **Amenity and Environmental Impact**

There are no known environmental constraints on the land. The site is not identified as bushfire-prone or flood-affected, and no endangered species or significant vegetation exists. There is no risk of landslip. The development ensures privacy for adjoining properties through careful window placement and rear-facing open space, with no unreasonable overshadowing or acoustic impact.

## PRECEDENCE

While this application does not rely on formal planning precedents to justify variations, it is noted that the proposed development sits comfortably within the established character and built form of the surrounding neighbourhood. The proposal is for a primary dwelling on a vacant residential lot and does not involve any additional dwelling, subdivision or atypical land use that would require precedent-based support.

In terms of floor space ratio (FSR), although the proposed dwelling marginally exceeds the development standard under Clause 4.4 of the Liverpool Local Environmental Plan 2008, the area is not characterised by overdevelopment or overcrowding.

On the contrary, the surrounding residential precinct consists predominantly of large detached dwellings on generous allotments, many of which demonstrate substantial building footprints and site coverage well integrated into the streetscape.

The proposed exceedance of FSR in this case is modest (10%) and reflects a scale of development that is typical and expected within the R3 Medium Density Residential zone in Casula.

Regarding garage and front building line setbacks, it is observed that numerous dwellings in adjacent and nearby streets include carports, garages or other forward-facing structures that project closer to the street than the main building line.

These elements have generally been designed to be sympathetic in both material and scale, and are integrated with the architectural character of the primary dwelling. These examples demonstrate that a varied front setback line is not uncommon in the locality and does not detract from the overall coherence of the built form.

The proposed garage, while technically forward of the main building line, incorporates design features such as a covered entry and balcony that visually anchor the structure and soften the perceived bulk. As such, the minor setback variation will not disrupt the established rhythm of the street or cause adverse visual impact.

## CLAUSE 4.6 REQUEST: FSR VARIATION

<b>What is the name of the environmental planning instrument (EPI) that applies to the land?</b>	Liverpool Local Environmental Plan 2008
<b>What is the zoning of the land?</b>	R3 Medium Density Residential
<b>What are the objectives of the zone?</b>	To provide for a variety of housing types within a medium density residential environment while maintaining amenity and character.
<b>What is the development standard being varied?</b>	Floor Space Ratio (FSR)
<b>Under what clause is the development standard listed in the EPI?</b>	Clause 4.4
<b>What are the objectives of the development standard?</b>	To ensure appropriate bulk and scale of development and to protect residential amenity.
<b>What is the numeric value of the development standard in the EPI?</b>	0.5:1 (175m <sup>2</sup> on a 350m <sup>2</sup> site)
<b>What is the proposed numeric value in your development application?</b>	0.55:1 (193m <sup>2</sup> )
<b>What is the percentage variation between your proposal and the EPI standard?</b>	10% above the standard
<b>Why is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?</b>	Strict compliance would hinder functional internal layout and achieve no additional planning benefit given the compliant scale and appearance.
<b>What are the environmental planning grounds to justify the contravention of the development standard?</b>	The variation allows for a better internal layout while maintaining consistency with character, height and streetscape.
<b>Are the environmental planning grounds particular to the relevant aspect of the proposed development?</b>	Yes, the site and design-specific elements directly relate to the variation sought.
<b>Is the development standard being varied specifically excluded from the operation of clause 4.6?</b>	No
<b>If the variation relates to subdivision, is it consistent with any relevant limits (e.g. maximum 10% variation in certain rural zones)?</b>	Not applicable – the application does not involve subdivision.
<b>Does the written request include sufficient information for the consent authority to understand the relevant aspects and the totality of the proposed variation?</b>	Yes, this request clearly explains the variation and supports it with a Clause 4.6 justification.
<b>If more than one standard is being varied, is there a separate written request for each variation?</b>	No – only one development standard (FSR) is being varied.

This written request has been prepared in accordance with Clause 4.6 of the Liverpool Local Environmental Plan 2008 (LEP 2008) to accompany a Development Application for the construction of a two-storey detached dwelling at 4B Strawberry Street, Casula (Lot 2 DP 1272652).

The proposed development results in a minor exceedance of the maximum floor space ratio (FSR) control under Clause 4.4 of the LEP 2008. This document seeks to justify the

contravention of the FSR development standard and demonstrate that strict compliance is both unreasonable and unnecessary, and that there are sufficient environmental planning grounds to support the variation.

The subject site is a 350m<sup>2</sup> rectangular allotment with a 10m frontage and 35.04m depth, located within a well-established residential precinct of Casula. The site is zoned R3 Medium Density Residential and currently vacant. The proposal is for a two-storey detached dwelling comprising four bedrooms, multiple bathrooms, an open-plan living/kitchen area, and a double garage.

The proposed development has a total floor area of approximately 193m<sup>2</sup>, resulting in an approximate 10% variation above the permitted FSR of 0.5:1, which equates to a maximum allowable floor area of 175m<sup>2</sup>.

#### **Relevant Planning Controls and Standards**

- Environmental Planning Instrument: Liverpool Local Environmental Plan 2008
- Zoning: R3 Medium Density Residential
- Relevant Clause: Clause 4.4 – Floor Space Ratio
- Development Standard Objective:

*> To ensure that the bulk and scale of development is appropriate for the site and compatible with the character of the locality.*

*> To control the intensity of development in a manner that maintains residential amenity.*

- Development Standard (FSR): 0.5:1
- Proposed FSR: 193m<sup>2</sup> (0.55:1)
- Variation Sought: 10% (18sqm) above the maximum permissible

**Clause 4.6(3)(a): Why Compliance is Unreasonable or Unnecessary**

Strict compliance with the 0.5:1 FSR control is unreasonable and unnecessary in this instance for the following reasons:

- **Functional Design Outcome:** The additional floor space allows for a more functional internal layout, particularly in relation to bedroom sizing and open-plan living areas, which are common expectations for contemporary family homes on suburban lots.
- **No Perceptible Visual Impact:** The additional 18sqm is absorbed internally and does not alter the external bulk, height or visual scale of the dwelling, which remains well below the 8.5m height limit and within all DCP-compliant envelope controls.
- **Site Configuration:** The regular and unconstrained shape of the site allows for a highly efficient built form. Strict adherence to the FSR control would result in unnecessary design compromise without any planning or environmental benefit.
- **Character Consistency:** The proposal remains consistent with the prevailing pattern of residential development in Casula, where many homes are of similar or larger scale due to larger block sizes and flexible internal planning.

This justification satisfies the principles established in the *Wehbe v Pittwater Council* (2007) NSWLEC 827 judgment, namely that:

- The development standard is achieved in substance through the scale and form of the development.
- The proposed outcome meets the intent of the control through built form articulation and compatibility.
- The impact of non-compliance is negligible.

**Clause 4.6(3)(b): Environmental Planning Grounds**

There are sufficient environmental planning grounds to justify the contravention of the development standard:

- **Enhanced Streetscape Integration:** The design incorporates a compliant height and landscaping regime that ensures integration with surrounding dwellings, particularly in the articulation of the front facade and garage form.
- **Efficient Land Use:** The modest variation enables more efficient utilisation of land within a medium density zone, without loss of landscaped area or open space, thereby supporting broader housing supply objectives.
- **No Environmental Harm:** There are no adverse environmental effects arising from the additional floor area—no additional overshadowing, no increase in traffic demand, and no negative impacts on stormwater drainage or tree canopy cover.
- **Contextual Compatibility:** The scale of the proposed dwelling is consistent with that of other homes in the area, which are generally large, well-articulated structures on similar or larger parcels of land.

These grounds are particular to this site and development and do not establish any broader or inconsistent precedent.

#### **Exclusions and Procedural Compliance**

- The floor space ratio development standard under Clause 4.4 is not excluded from variation via Clause 4.6 of the LEP 2008.
- This written request contains sufficient information to enable Liverpool City Council to assess the nature, extent and justification of the variation in full.
- Only one development standard (FSR) is being varied under this request.

#### **Supporting Documentation**

This written request should be read in conjunction with the following:

- Architectural Plans prepared by Dezire Homes
- BASIX Certificate

- Statement of Environmental Effects
- Site Analysis and Streetscape Context

This Clause 4.6 request demonstrates that the proposed minor variation to the FSR development standard is justified on planning merit and environmental grounds. The additional floor area facilitates a functional and well-designed dwelling that:

- Remains consistent with the zone and standard's objectives;
- Responds appropriately to the site context;
- Delivers high-quality residential amenity; and
- Does not result in any identifiable adverse impacts.

## CONCLUSION AND RECOMMENDATIONS

The proposed development at 4B Strawberry Street, Casula, comprising the construction of a two-storey detached dwelling with a double garage and associated landscaping, represents a well-considered and contextually appropriate addition to the site and the surrounding residential area.

The development is permissible with consent under the Liverpool Local Environmental Plan 2008 and generally complies with all applicable planning controls, including height, setbacks, landscaped area, and private open space. The minor exceedance of the floor space ratio (FSR) is addressed through a detailed Clause 4.6 variation request, which demonstrates that the non-compliance is both reasonable and justified on environmental planning grounds.

The proposed dwelling maintains consistency with the established character of the Casula locality, provides a high standard of residential amenity, and does not give rise to any adverse environmental, visual or acoustic impacts. Streetscape integration is achieved through articulated built form, sympathetic design elements and compliant setbacks on all sides apart from a minor garage encroachment, which has been appropriately justified.

The site is fully serviced, free from environmental constraints, and ideally located to support the delivery of high-quality infill housing within the R3 Medium Density Residential zone. The development supports broader planning objectives relating to housing diversity, efficient land use and sustainable residential growth within the Liverpool LGA.

On this basis, the application is considered to be in the public interest and is submitted for Council's favourable consideration.

## LIVERPOOL CITY COUNCIL

### LOCAL PLANNING PANEL REPORT

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#### REPORT ATTACHMENT: DRAFT REASONS FOR REFUSAL

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##### Reasons for refusal

1. The proposed development is inconsistent with the objectives in Section 1.3(c) of the *Environmental Planning and Assessment Act 1979* due to the non-compliances with planning controls which do not promote orderly development of land.
2. The proposed development is considered inconsistent with the objectives of the R3 Medium Density Residential zone in Liverpool Local Environmental Plan 2008, as the development does not provide for a high level of residential amenity due to the non-compliances with planning controls, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
3. The proposed development contravenes Clause 4.4 Floor Space Ratio under the Liverpool Local Environmental Plan 2008 and is not supported by sufficient environmental planning grounds and inadequately demonstrates that compliance with the development standard is unreasonable or unnecessary on the site in order to vary the development standard, and the proposed variation is not satisfactorily justified having regard to the matters in Clause 4.6(1) and 4.6(3) of LLEP 2008, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
4. The proposed development does not comply with the Liverpool Development Control Plan 2008 – Part 3.5 - Dwelling Houses on land less than 400 sqm in the R2, R3 and R4 zones in that the development application does not comply with Amenity and Environmental Impact in that the windows on the first floor do not provide a minimum sill height of 1.5m and allows for overlooking to the neighbouring premises pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
5. The application has failed to demonstrate that the development would not have an unacceptable impact on the built environment, pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
6. The proposed development demonstrates that the site would not be suitable for the proposed development, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
7. Due to the above reasons, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest, pursuant to provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.