

CLAUSE 4.6 VARIATION STATEMENT

IN RELATION TO

**FLOOR SPACE RATIO: CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023
(PART 4: PRINCIPAL DEVELOPMENT STANDARDS, SECTION 4.4, SUBCLAUSE 2B)**



Site Address: Lot A, DP: 354402, 137 Greenacre Road, Greenacre, NSW 2190

Council: Canterbury- Bankstown Council

Prepared on behalf of: Mrs. Syeda Sumaiya Ashrafe

Prepared by: Sadac Design and Build Consultants

Date: 26.06.2026

Architectural Drawings: Revision F, Dated 18.06.26

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01. Introduction

This written request is made pursuant to the provisions of Clause 4.6 of the Canterbury-Bankstown Local Environmental Plan 2023 (LEP). A variation is sought to Part 4: Principal Development Standards, Section 4.4, Clause (2B) in respect to **'Floor Space Ratio'** standard for Dwelling houses in Zone R2 Low Density Residential.

Reference is made to the Architectural Plans Revision F dated 26.06.2026 prepared by Sadac Design and Build Consultants for a two-storey dwelling house at Lot A, DP: 354402, 137 Greenacre Road, Greenacre, NSW 2190 (the site). Additional information has been provided to justify the proposed variation to the development standard. Note that clause 4.6 variation requested for floor space ratio only. The site coverage and other development controls applicable to the proposed dwelling complies as outlined in statement of environmental effects.

02. Clause 4.6: Exceptions to Development Standards (CBLEP 2023)

(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.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(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.

Note—The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(ba) clause 4.4, to the extent that it applies to land in Zone MU1 Mixed Use that has a maximum floor space ratio of 3:1,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.27.

3.0 CBLEP 2023; Part 4: Principal Development Standards, Section 4.4 Floor Space Ratio

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

- (a) to establish the bulk and maximum density of development consistent with the character, amenity and capacity of the area in which the development will be located,
- (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,
- (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes,
- (d) to establish the maximum floor space available for development, taking into account the availability of infrastructure and the generation of vehicular and pedestrian traffic,
- (e) to provide a suitable balance between landscaping and built form in residential areas.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), the maximum floor space ratio for a building on land specified in Column 1 of the table to this subclause with a lot width at the front building line less than the width specified in Column 2 is the floor space ratio specified in Column 3.

Column 1	Column 2	Column 3
"Area 1" on the Floor Space Ratio Map	18m	2:1
"Area 3" on the Floor Space Ratio Map	30m	2:1
"Area 4" on the Floor Space Ratio Map	30m	1:1

(2B) Despite subclause (2), the following maximum floor space ratios apply—

- (a) for a building used for non-residential purposes—
 - (i) on land in Zone R2 and identified as "Area 1" on the [Clause Application Map](#)—0.4:1, and
 - (ii) on land in Zone R2 or R3 and identified as "Area 2" on the [Clause Application Map](#)—0.5:1, and
 - (iii) on land in Zone R4 and identified as "Area 2" on the [Clause Application Map](#)—0.75:1,
- (b) for a building used for the purposes of dwelling houses or semi-detached dwellings on land identified as "Area 2" on the [Clause Application Map](#)—
 - (i) for a site area less than 200m²—0.65:1, and
 - (ii) for a site area greater than 200m² but less than 600m²—0.55:1, and
 - (iii) for a site area of 600m² or more—0.5:1,

- (c) for a building used for the purposes of dual occupancies on land in Zone R2 and identified as “Area 2” on the Clause Application Map—0.5:1,
- (d) for a building on land identified as “Area 5” on the Floor Space Ratio Map, where mid-block connections of at least 20m wide are not provided for public use—2:1,
- (e) 1.2:1 for a building that is—
 - (i) used for the purposes of co-living housing, residential flat buildings or shop top housing, and
 - (ii) in Zone R4, and
 - (iii) in the Belmore and Lakemba Precinct, and
 - (iv) with a site area greater than 1,200m² but less than 1,500m².

Under CBLEP 2023 Clause 4.5.2 (Calculation of floor space ratio and site area),

Definition of “floor space ratio” The 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.

As per CBLEP 2023, gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

04. Zoning

The site is in the R2 Low Density Residential Zone, the objectives of which under CBLEP 2023 are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To ensure suitable landscaping in the low density residential environment.
- **To minimise and manage traffic and parking impacts.**
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To promote a high standard of urban design and local amenity.

Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture

05. Grounds for Variation

The site is in the R2 low-density residential zone. The total site area is 714.50m². The proposed development is two-storey dwelling house, attached garage and outdoor swimming pool. The floor space ratio calculation for the proposed development are as below (Refer to sheet number 15, architectural drawings, Rev F dated 18.06.26)

Ground Floor FSR (Floor space ratio): 192.06 m²

Garage FSR: (55.95- 36.00)= 19.95 m²

First Floor FSR: 164.37 m²

Proposed FSR: 52.67% (376.38m²)

Maximum FSR allowed: 50% (357.25 m²)

Percentage of Variation: 2.67%(19.13m²)

Justification:

- Minor variation (2.67%) still satisfies the objective outlined in CBLEP 2023 (Section 4.4, 4.6)
- The proposed dwelling satisfies the building envelope and setback controls as outlined in relevant development control plans.
- The variation satisfies the zoning objective to minimise and manage traffic and parking impacts.
- As per Canterbury-Bankstown Development Control Plan 2023 Chapter 3, Part 3.2 (Parking), Section 1 Objective O6:

“To minimise overflow parking and other traffic impacts in residential streets and neighbourhoods”

& Section 2 Objective O2:

“To minimise on-street car parking to ensure road safety and visual aesthetics.

The proposed garage FSR is 55.95m. The car parking to meet any requirements of the consent authority as per off-street parking schedule outlined in the DCP is 2 car spaces (36m²) for dwelling houses. Standard car parking dimension is 6m x 6m.

We are seeking minor variation of 2.67% to have additional 19.13m² area be exempted from FSR calculation which will be used to accommodate a caravan inside the garage. This will meet the objectives outlined in DCP Part 3.2 will not adversely impact any objectives outlined in CBLEP2023 section 4.4 & section 4.6.

Objective:

The above variation request and explanation in grounds of zoning objective, parking requirements and visual aesthetics outlined in CBLEP2023 and relevant DCP applicable to subject lot demonstrates that the justification still satisfies the relevant objective of the clause 4.6 of CBLEP2023 control considering below:

- To achieve better outcomes for and from development by allowing the variation request.
- The proposed variation to development standard does not expressly excluded from the operation of the clause 4.6.
- Compliance with the development standard is not unreasonable or unnecessary in this circumstances and proposed variation will achieve a better outcome in terms of land use.
- To achieve a balance between parking requirements, visual aesthetics and pedestrian safety, which includes access for people with disabilities and convenience for drivers.

06. Conclusion

It is considered that the proposal meets the objectives of the R2 Low Density residential zone and will not have any adverse impact on the ecological, scientific or aesthetic values. The site is not flood affected and there are no environmental impacts that would have an adverse effect of the locality. The breach of the floor space ratio within this proposal is acceptable in the circumstances and there is no statutory zoning or zone objectives that are an impediment to the granting of approval of the proposed development. Strict compliance with CBLEP 2023 section 4.4, subclause 2B is unnecessary in the circumstances and there are sufficient planning grounds to justify the contravention of the development standard for the small portion of the proposal. The dwelling will improve the living amenity for the resident occupiers and community and providing a better outcome when considering the use of the land.