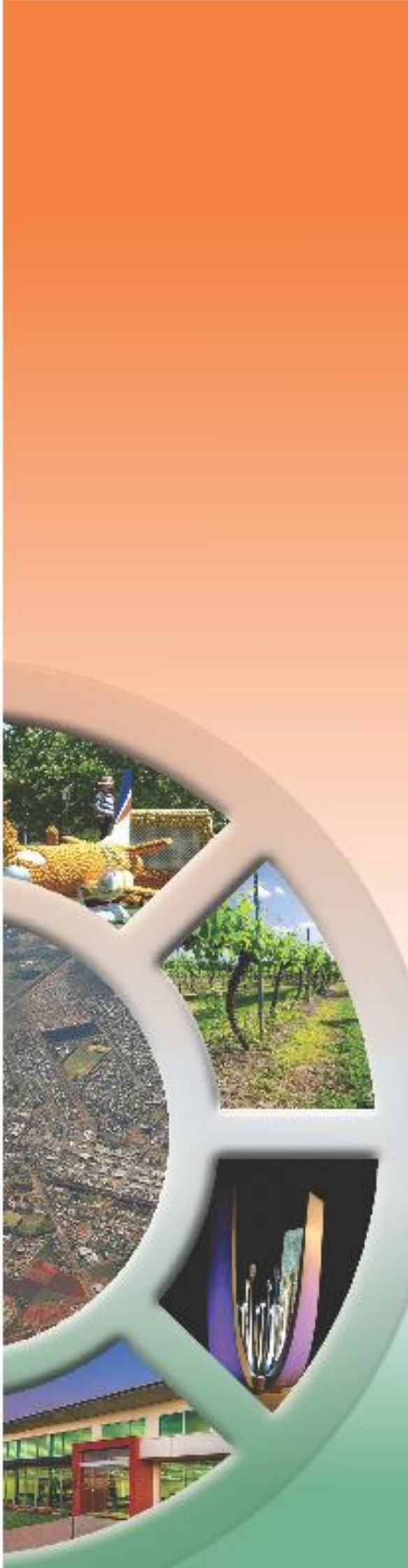
Ordinary Meeting

Tuesday, 10 November 2026

ATTACHMENTS UNDER SEPARATE COVER



CL01 **DA170/2026 - Detached Dual Occupancy Development and Associated Torrens Title Subdivision with a Clause 4.6 Variation in excess of 10% to the minimum Lot Size.**

ATTACHMENTS UNDER SEPARATE COVER

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CL01 DA170/2026 - Detached Dual Occupancy Development and Associated Torrens Title Subdivision with a Clause 4.6 Variation in excess of 10% to the minimum Lot Size.

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Attachment B – Draft Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

(1) Approved Development

Development consent has been granted for construct new dwelling house to create a detached dual occupancy and Two Lot Torrens Title Subdivision under Clause 4.6 GLEP, at Lot 8 Sec 152 DP 758476, No. 15 Turner Street GRIFFITH.

It is advised that the proposed development has been assessed in regards to the provision of the Griffith Local Environmental Plan 2014 and is considered to be a detached dual occupancy, which is defined as:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

The development must be implemented in accordance with Development Application No. 170/2026(1) accepted by Council on 20 August 2026 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn By
Architectural Plans (26/100053)	20 August 2026	Frank Tabotta
Landscape Plan (26/100059)	20 August 2026	Frank Tabotta
Subdivision Plan (26/100067)	20 August 2026	Frank Tabotta

Document	Date Accepted by Council	Prepared or Drawn By
Statement of Environmental Effects (26/100066)	20 August 2026	SKM Planning Pty Ltd
Clause 4.6 Variation Statement (26/100056)	20 August 2026	SKM Planning Pty Ltd
DCP Variation Request (26/100060)	20 August 2026	SKM Planning Pty Ltd
BASIX Certificate No 1841537S_02 (26/100054)	20 August 2026	Match Co Pty Ltd
NatHERS Certificate #HR-7OFR32-01 (26/100887)	20 August 2026	True North Consulting

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

(2) Construction Certificate (Building Works)

In accordance with the provisions of Part 6, Divisions 6.2 and 6.3 of the Environmental Planning and Assessment Act, 1979 a person must not carry out building works, including associated excavation works (as applicable) until such time as:

(a) A *Construction Certificate* has been obtained from either Griffith City Council or an *Accredited Certifier* holding the appropriate accreditation under the Building Professions Act, 2005;

(b) A *Principal Certifier* has been appointed; and

(c) The person with the benefit of the development consent has given at least two (2) days notice to Griffith City Council and the *Principal Certifier* of the person's intention to commence the erection of the building.

Note 1: Griffith City Council can issue your *Construction Certificate* and be appointed as your *Principal Certifier* for the development to undertake inspections and ensure compliance with development consent and relevant building regulations. For further details contact Council on 1300 176 077.

Note 2: Should the plans submitted with the Construction Certificate differ substantially from the plans approved as part of the development consent then a Section 4.55 modification of consent will be required to be made to Council.

(3) Subdivision Works Certificate

Prior to the construction of any subdivision civil works associated with the approval development, it is necessary to obtain a Subdivision Works Certificate. This approval can be issued by Council. An application for a Subdivision Works Certificate, complete with detailed plans and specifications, shall be submitted via the NSW Planning Portal.

(4) Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's Engineering Guidelines – Subdivisions and Develo*pment Standards* and relevant authorities' specifications.

(5) Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

(6) Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

(7) Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

(8) Tree Preservation

The applicant is advised that the land is subject to Council's Tree Policy and the requirements of that policy are to be strictly adhered to. Should the applicant/owner require advice in this regard they are to contact Council's Parks and Gardens Department.

(9) Stormwater runoff

All stormwater runoff shall be directed to Council's street system drainage system for disposal. Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. All works shall be carried out in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards and* Council's *Stormwater Drainage & Disposal Policy (CS-CP-310).*

(10) Aboriginal Heritage

No Aboriginal objects may be harmed without an approval from Heritage NSW under the National Parks and Wildlife Act 1974.

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

(a) Not further harm the object(s).
(b) Immediately cease all work at the particular location.
(c) Secure the area so as to avoid further harm to the Aboriginal object(s).
(d) Notify the NSW Environment Line as soon as practical by calling 131 555 or emailing: info@environrment.nsw.gov.au, providing any details of the Aboriginal object and its location.
(e) Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit must be prepared and submitted to heritage NSW before work may continue.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department contacted of Planning, Industry and Environment

(11) Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, all works are to cease immediately and notification shall be provided to the Office of Environment and Heritage in accordance with the *National Parks and Wildlife Act 1974*. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

(12) Fence location and design (McInnes Street frontage)

The person with the benefit of this consent shall ensure that the proposed fence complies with the following:

(a) The fence shall be contained wholly within the property boundaries. No part of the fence, or its footings, shall encroach onto the road reserve or adjoining properties.

(b) It is the responsibility of the owner to verify the location of the boundary and this is recommended to be achieved by a survey report.

(c) All gates shall be designed so that they do not open onto the nature strip.

(d) The water meter shall be accessible and is recommended to be located outside of the fence boundary.

(13) Property Number

This Conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.

- The proposed new dwelling has been allocated the following street address: 1 McInnes Street.
- The existing dwelling will retain 15 Turner Street.

This number is to be prominently displayed at the street frontage or any other position which is clearly visible from the street during construction and at completion.

(14) National Construction Code

All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

(15) Construction Certificate (Building Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for the building works. The Construction Certificate can be issued either by Council or a private certifier.

Prior to the issue of a Construction Certificate

Prior to commencing construction work, you will need a Construction Certificate for building works issued by Griffith City Council or an Accredited Certifier. Before a Construction Certificate can be issued, compliance with the following conditions is to be demonstrated.

(16) Payment of building and construction industry long service levy

Prior to the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

(17) Section 7.12 Development Contributions

In accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and Council's Development Contribution Plan 2010, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Council's adopted Section 7.12 Contributions Plan 2026. A copy of this policy is publicly available from Council's website www.griffith.nsw.gov.au.

Total payment shall be **$4,258.00** (**1%** of the proposed cost of carrying out the development). In accordance with Council's Section 7.12 Contributions Plan 2026, the contribution amount is to be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), calculated from the date of the original determination to the date of payment.

The contribution must be paid in full **prior to the issue of a Construction Certificate**. Applicants are advised to contact Council to confirm the final amount payable. Payment will only be accepted by cash, credit card, or electronic funds transfer (EFT), including direct deposit.

(18) Section 64 Water Supply, Sewerage and Drainage Contributions

Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*, this development requires a payment of a S64 contribution. The amount payable at the time of issue of this consent is set out in the table below.

Table of Contributions Required – Water, Sewerage & Drainage

Type of contribution	Location	Amount per tenement	Number of tenements	Amount to be paid
Water supply	**Griffith**	**$ 9,828.00**	**1 ET**	**$ 9,828.00**
Sewerage	**Griffith**	**$ 6,889.00**	**1 ET**	**$ 6,889.00**
Total				**$16,717.00**

The total amount payable will be subject to review in accordance with Council's Revenue Policy current at the time of payment.

The contribution is to be paid **prior to the issue of the Construction Certificate**.

Applicants are advised to contact Council to confirm the final amount payable. Payment will only be accepted by cash, credit card, or electronic funds transfer (EFT), including direct deposit.

NOTE: The contribution is exclusive of the fees for the connection of water services to the individual allotments.

Reason: Pursuant to Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000,* the applicant is required to apply to Council for a Compliance Certificate under the provisions of S305 of the *Water Management Act 2000*.

(19) Floor Levels

Floor levels of habitable rooms are subject to Council's Buildings - Floor Heights Policy. Design drawings with details of floor levels are to be submitted to the Principal Certifying Authority for approval **prior to the issue of a Construction Certificate.**

(20) Onsite detention

Stormwater detention is to be created onsite for all events up to and including the 1% AEP event. The maximum developed discharge is to be 65 litres per second per hectare for the proposed development as approved by this Development Application. Design and details in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards,* Council's *Onsite Detention Policy (CS-CP-404) and* Council's *Stormwater Drainage & Disposal Policy (CS-CP-310)* are to be submitted to Council for approval **prior to the issue of a Construction Certificate.**

A qualified Civil Engineer with experience in Hydraulic Analysis shall design and certify the Onsite Detention System, which shall be maintained for the life of the project. The consultant is to sign off all drawings and calculations and provide details of Professional Indemnity Insurance.

(21) S138 Roads Act

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application, including payment of fees, shall be lodged with Griffith City Council, as the Roads Authority for any works required within a public road. These works may include but are not limited to:

a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
b) Road opening for utilities and stormwater (including stormwater connection to Council Infrastructure).
c) Road Occupancy or road closures

All works shall be carried out with the Roads Act approval, the development consent including the stamped plans and Griffith City Council specifications.

Note 1: Approvals may also be required from the Transport for NSW for classified roads.

Note 2: The application is to be made prior to the issue of the Construction Certificate but does not have to be approved by the Roads Authority prior to the issue of that certificate.

(22) Section 68 Activity Approval (Local Government Act)

Prior to the issue of a Construction Certificate, a Section 68 application for any water supply, sewerage and stormwater drainage work, or other matter specified in that Section of the Act relevant to the application, shall be lodged with Griffith City Council for approval.

Note: The application is to be made prior to the issue of the Construction Certificate but does not have to be approved by Council prior to the issue of that certificate but works cannot commence until the application is approved.

Prior to the issue of a Subdivision Works Certificate

Prior to commencing subdivision works you will need a Subdivision Works issued by Council. Before this certificate can be issued, compliance with the following conditions is to be demonstrated.

(23) Extension of Council's sewer main

Council's existing gravity sewer system is to be extended to service the proposed subdivision. The design for pipelines, as well as manholes and other associated components normally associated with sewerage main installations are to be in accordance with the standards prescribed in Council's *Engineering Guidelines- Subdivisions and Development Standards* and the *Water Services Association of Australia - Gravity Sewerage Code of Australia WSA 02—2014*. Details and designs are to be submitted to Council for approval **prior to the issue of a Subdivision Works Certificate.**

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(24) Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
(b) could cause damage to adjoining lands by falling objects, or
(c) involve the enclosure of a public place or part of a public place.

(25) Notification of Commencement

Prior to commencing work the person having the benefit of the consent has:

(a) given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building, and
(b) if not carrying out the work as an owner-builder, has:
    i appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    ii notified the principal certifying authority of any such appointment, and

iii unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(26) Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(27) Home Building Act requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the following information —

(a) In the case of work for which a principal contractor is required to be appointed:
  (i) the name and licence number of the principal contractor, and
  (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) In the case of work to be done by an owner-builder:
  (i) the name of the owner-builder, and
  (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(28) Traffic Control Plan (TCP)

A traffic control plan is to be submitted to Council satisfying the provisions of Australian Standard 1742.3, for acceptance **prior to the commencement of work within Council's road reserve**. Strict compliance to the traffic control plan is to be maintained throughout the duration of the construction work.

(29) Sedimentation and Erosion Controls

Effective dust, noise, sedimentation and erosion controls are to be implemented prior to the commencement of site works. This is to include (as a minimum):

(a) the installation of a sediment fence with returned ends across the low side of the works; and
(b) a temporary gravel driveway into the site. All vehicles needing to access the site are to use the temporary driveway.

The control measures are to be installed **prior to the commencement of site works** and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

(30) Plumbing and Drainage Inspections

The carrying out of Water Supply Work, Sewerage Work and Stormwater Drainage Work requires an approval under Section 68 of the Local Government Act 1993. Approval and Inspection is required by the Regulatory Authority being the NSW Office of Fair Trading who has delegated authority to Griffith City Council to carry out these tasks.

The following inspections are required to be carried out.

(a) Internal / External sanitary drainage (including sanitary plumbing) prior to covering.
(b) Stormwater Drainage. - External drains connection from base of down pipes to designated disposal point.

Note: All plumbing and drainage work is to be carried out by licensed tradesman and necessary S68 approval permits obtained through Council prior to works commencing, by submitting a Notice of Works form.

Note: A Certificate of Compliance will need to be submitted, along with a Works as Executed Drawing, at the completion of works. Inspection fees will apply in accordance with Councils revenue policy and are required to be paid prior to inspection.

Should adequate notice not be given for cancellation of an inspection, or if works have not progressed to a stage where an inspection can be completed, a default penalty may be imposed upon the applicant by Council.

Twenty four (24) hours notice is to be given to Council's Customer Service by telephoning 1300 176 077 to arrange for an inspection to be carried out.

(31) External Service Providers

Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services to the development.

Prior to Commencement of Civil Works

The following conditions need to be met prior to the commencement of Civil Works. The necessary documentation and information must be provided to Griffith City Council, as applicable.

(32) Application for works on Council's sewer main

Application is to be made to Council's Water and Sewer Department by the appointed licensed plumber **prior to the commencement of work** on Council's sewer main.

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

(33) No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

(34) Shoring and adequacy of adjoining property (if applicable)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

(a) protect and support the building, structure or work from possible damage from the excavation, and,
(b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(35) Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

(a) the place to which waste materials were transported,
(b) the name of the contractor transporting the materials,
(c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

(a) all vehicles entering or leaving the site must have their loads covered, and
(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

(36) Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

(37) SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

(38) Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Certificate on site.

(39) Access location

The driveway access to the lot is to be located a minimum of one (1) metre away from all services (e.g.: stormwater pits, electricity poles, service pits, etc.), and a minimum of one (1) metre away from neighbouring property boundaries.

(40) Kerb Adaptors

Where required, kerb outlets for stormwater to be saw cut with suitably approved kerb adaptors to be installed using 20 MPa concrete.

(41) Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be undertaken prior to work proceeding past the completion of footings and before concrete is poured. A copy of this report shall be submitted to Council **prior to the issue of the Occupation Certificate.**

(42) Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7.00am to 6.00pm on Monday to Saturday.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

(43) Sedimentation and Erosion Controls

The approved erosion and sediment control measures shall be implemented and maintained during works.

Prior to the issue of the Subdivision Certificate

Before Council will release the subdivision plan, you will need to demonstrate compliance with the following conditions. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

(44) Subdivision Certificate

A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the NSW Land Registry Services (LRS). An application for a Subdivision Certificate is required upon completion of all conditions of consent. The application is to be lodged with the Principle Certifier via the NSW Planning Portal.

(45) Timing for release of Subdivision Certificate

Once a mandatory stage of construction (slab or farme) has been completed for the construction of the dwelling on Lot 2, the application for issue of Subdivision Certificate can be made to Council.

(46) Easement for Services

Prior to the issue of the Subdivision Certificate easements shall be established pursuant to Section 88B of the *Conveyancing Act 1919* where any services cross property boundaries. The location and widths of the easements are to be specified in the instrument for the purpose of protecting and identifying the services.

(47) Works As Executed (WAE) Drawings

Works As Executed plans for approved civil works are to be submitted to Council upon completion of the development **prior to the issue of a Subdivision Certificate.** Works As

Executed plans are to be in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards.*

(48) Maintenance bond

A Bond Application and a monetary bond is to be submitted to Council to provide a twelve (12) month maintenance period for civil works relating to Council's infrastructure. It is the applicant's responsibility to notify the relevant departments regarding the commencement and finish of the maintenance period and adequate arrangements are to be made regarding any relevant inspections required.

A five percent (5%) bond of the total cost of works is to be submitted to Council for the works that need maintenance **prior to the issue of a Subdivision Certificate**.

(49) Notice of Arrangement for Electricity Provision

Prior to the issue of the Subdivision Certificate, a copy of the Notice of Arrangement (NOA) from Essential Energy which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development is provided to Council.

(50) Stormwater Drainage

Adequate arrangements are to be made for the disposal of stormwater. Stormwater runoff shall not be permitted to flow over the property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created.

Detailed design drawings for the proposed stormwater drainage system are to be submitted to Council for approval in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards.* All works relating to the stormwater drainage system are to be completed and inspected by Council **prior to the issue of a Subdivision Certificate.**

(51) Extension of Council's sewer main

Prior to the issue of a Subdivision Certificate Council's existing gravity sewer system is to be extended to service proposed Lot 2. All works shall be in accordance with the specifications outlined in *Council's Engineering Guidelines – Subdivision and Development Standards* and the *Water Services Association of Australia - Gravity Sewerage Code of Australia WSA 02—2014*.

(52) Separate water services

Prior to the issue of a Subdivision Certificate, separate water services are to be supplied to each of the proposed allotments. A separate application is to be submitted to Council for additional connections to Council's potable water main.

Where the connection is greater than 25mm to serve the needs of the development, the application shall be supported with hydraulic calculations prepared by an appropriate consultant, including reference to a water pressure and flow rate test of the adjacent mains.

Prior to the issue of the Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of the building, or a change of building use. Prior to issue of an Occupation Certificate compliance with the following conditions is to be demonstrated.

(53) BASIX

Prior to the issue of the Occupation Certificate the applicant is to demonstrate to the Principal Certifier compliance with all required BASIX Certificate commitments.

(54) Accessway construction

Prior to the issue of an Occupation Certificate, a concrete vehicular crossing is to be constructed between the property boundary and road carriageway off McInnes Street. Accessway and layback construction for the proposed development is to be completed in accordance with the approved plan and Council's *Engineering Guidelines – Subdivisions and Development Standards*.

(55) Redundant laybacks

Prior to the issue of an Occupation Certificate, any redundant layback currently servicing the subject site off is to be removed and reinstated with kerb and guttering, and Council's road reserve is to be reinstated to match the surrounding streetscape.

This will entail the removal of the current layback crossing inclusive of the gutter component with the replacement kerb and gutter poured as an integral unit over a prepared sub-base of 100mm thickness of compacted road building gravel or fine crushed rock and to suit the adjoining profile. The existing kerb and guttering is to be clean cut by a concrete saw. All works shall comply with the requirements specified in *Council's Engineering Guidelines - Subdivisions and Development Standards*.

(56) Internal driveways

Prior to the issue of an Occupation Certificate the internal driveway to the proposed dual occupancy development is to be constructed of concrete in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards* and *Council's Residential Development Control Plan 2020*

(57) Submission of Survey of Building Location

A survey report, prepared by a registered and practising Land Surveyor is required to verify the siting of the building in relation to adjacent boundaries. This survey shall be submitted to Council **prior to the issue of the Occupation Certificate**.

(58) Drainage Diagram

Where development includes the installation of sanitary plumbing and drainage works between the building and Council's sewer, the applicant is required to submit to Council a drainage diagram. This diagram shall be prepared and submitted to Council **prior to the issue of the Occupation Certificate**. The diagram shall be drawn to scale at a ratio of 1:100 showing the location of the buildings and fittings and all pipelines, junctions,

inspection openings and the like. Alternatively, Council can be requested to carry out the work upon payment of the fee listed in Council's current Revenue Policy

(59) S138 Roads Act Approval

Prior to the issue of an Occupation Certificate, the Principle Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Griffith City Council for each of the new road crossings.

(60) Landscaping

Prior to the issue of the Occupation Certificate, the landscaping area shown on the approved plan submitted with the application shall be landscaped and maintained to the satisfaction of Council at all times.

In additional to the approved plans, the two (2) street trees suitable for planting under overhead power lines, shall be planted between the three (3) driveways fronting McInnes Street.

Demolition Management

Demolition must be carried out in accordance with the following conditions.

(61) Demolition

Any demolition must be carried out in accordance with AS 2601—2001*, The demolition of structures*, and with the *Code of Practice: Demolition Work* by SafeWork NSW. The code is available for download from the SafeWork NSW website.

(62) Neighbour Notification

The person with the benefit of the development consent must give at least 2 days' notice in writing, of their intention to commence demolition work authorised by the consent, to the occupier of each dwelling that is on a lot with an adjoining boundary.

(63) Impact on adjoining buildings

In consideration of the proximity of the site's adjoining buildings:

a) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
b) No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.
c) The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.

(64) Demolition Waste

At the completion of the demolition of the buildings, all demolition waste is to be removed from the site and the site is to be rehabilitated and revegetated and/or erosion and

sedimentation controls to be installed and maintained until vegetation is sufficiently established to reduce the risk of sediment leaving the site or the site is redeveloped.

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

(65) Accessible water meter

The water meter servicing the subject allotment is to be kept free of any obstructions and is to be located outside the fenced area to ensure that the meter is accessible to Council officers at all times.

(66) Manholes to be kept free of obstruction

All existing/proposed sewer manholes are to be kept free of any obstructions so that their positioning and maintenance are easily obtainable.

(67) Clothes Drying Areas

An area is to be set aside for and equipped to enable clothes to be dried in the open air. This clothes drying areas is to be screened by a fence or landscaped on the boundary adjoining public areas.

(68) Letter Boxes

Separate letter boxes, which meet the requirements of Australia Post are to be provided for each unit adjacent to the street frontage.

Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

(1) Before You Dig

If excavating, it is recommended you go to Before You Dig Australia at www.byda.com.au and lodge a free enquiry that helps keep people safe and protect underground infrastructure.

(2) Essential Energy

a) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

b) Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure. https://energy.nsw.gov.au/sites/default/files/2018-09/ISSC-20-Electricity-Easements.pdf

c) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E* (*Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

d) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

(3) Water meter location

In accordance with Council's *Engineering Guidelines – Subdivision and Development Standard*s, potable water services are not permitted to be located through easements. Property services shall be located such that the point where the meter assembly is located is within 300mm of the property side boundary.

Attachment D – Other Council Approvals and Consents

Section 68 Local Government Act 1993 Approvals

This consent includes the following approvals under Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Section 68 of the *Local Government Act 1993.*

nil

PROPOSED NEW UNIT
AT No 15 TURNER STREET GRIFFITH NSW
LOT 8 DP 758476
FOR BELLUNA HOLDINGS P/L

FT design STUDIO

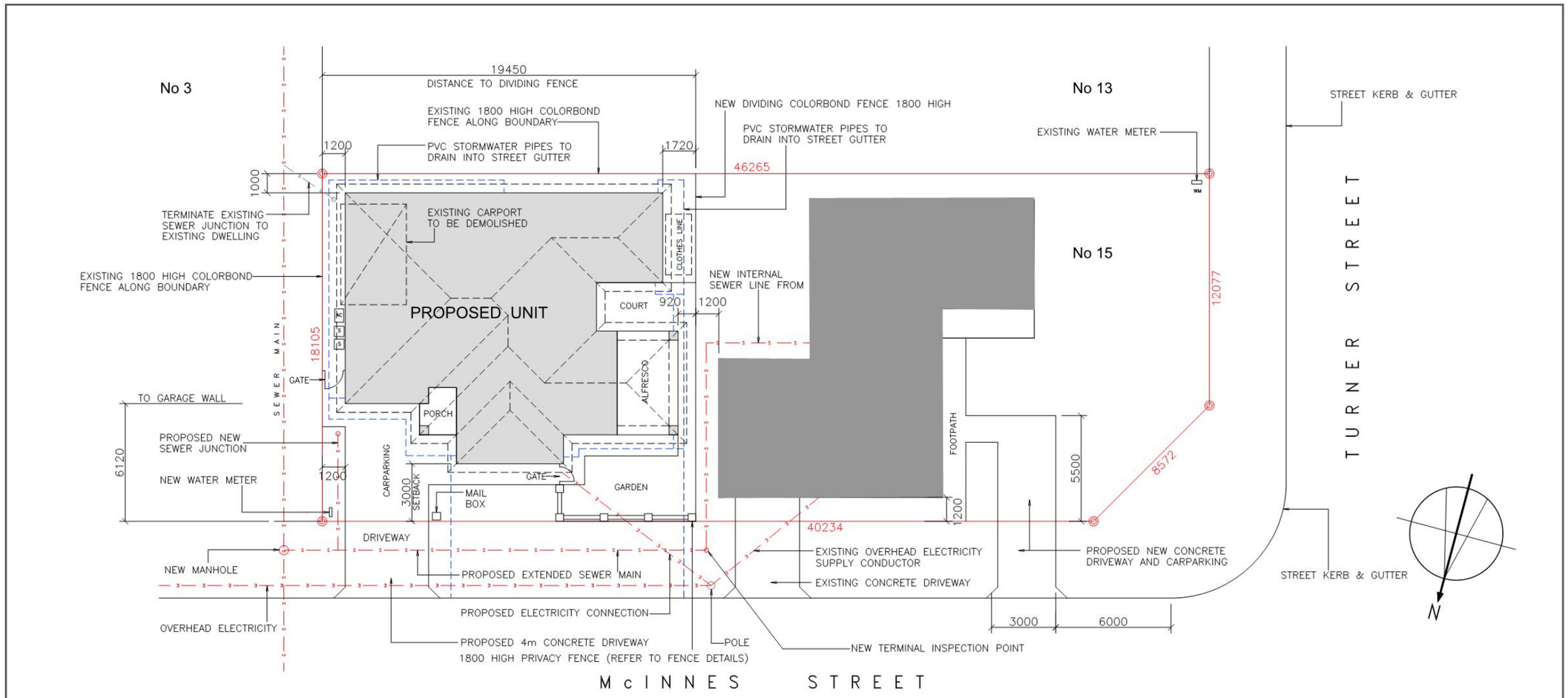
BUILDING DESIGNERS AUSTRALIA NSW

Frank Tabotta
Residential, Commercial and Industrial Design

9 Doongara St. Griffith NSW 2680
PH (02) 6964 4120
EMAIL: ftabotta@gmail.com

Certificate No. #HR-7OFR32-01
Scan QR code or follow website link for rating details.
Assessor name Anthea Crack
Accreditation No. HERA 10197
Property Address 15 Turner Street, Griffith NSW, NSW, 2680
http://www.hero-software.com.au/pdf/HR-7OFR32-01

Job No:	Drawing No: 1-08	
Date: MARCH 2026	Scale:	Issue No:
Designed:	Drawn:	Checked:

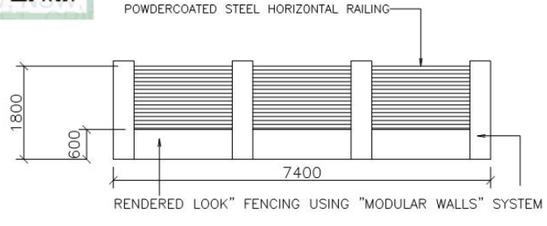


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SITE PLAN

CALCULATED AREAS:

ALLOTMENT AREA=818 SQM
GRDCP PRECINCT: EAST GRIFFITH
EXISTING RESIDENCE GFA=131m2
PROPOSED UNIT GFA=144m2
MAXIMUM FSR=0.5:1 IE: 275:818=0.34<0.5
TOTAL BUILDING AREA (168+185)=353m2
PRIVATE OPEN SPACE TO EXISTING RESIDENCE=58m2
LANDSCAPED AREA TO EXISTING RESIDENCE=55%
PRIVATE OPEN SPACE TO PROPOSED UNIT=76m2
LANDSCAPED AREA TO PROPOSED UNIT=32%



RENDERED LOOK" FENCING USING "MODULAR WALLS" SYSTEM

TYPICAL FENCE ELEVATION
https://modularwalls.com.au

EXAMPLE OF MODULAR FENCE



Figured dimensions to be used in preference to scaled dimensions.
Contractor must verify all dimensions on site.
Refer any discrepancies to Building Designer

ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED

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LOT 8 DP 758476

Clients

Job No:

Drawing No: 2-08

Date: MARCH 2026

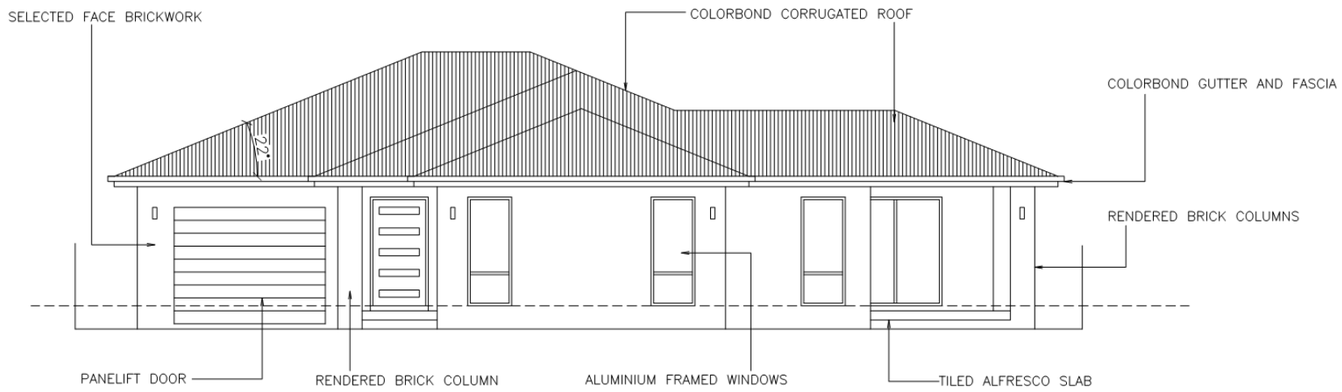
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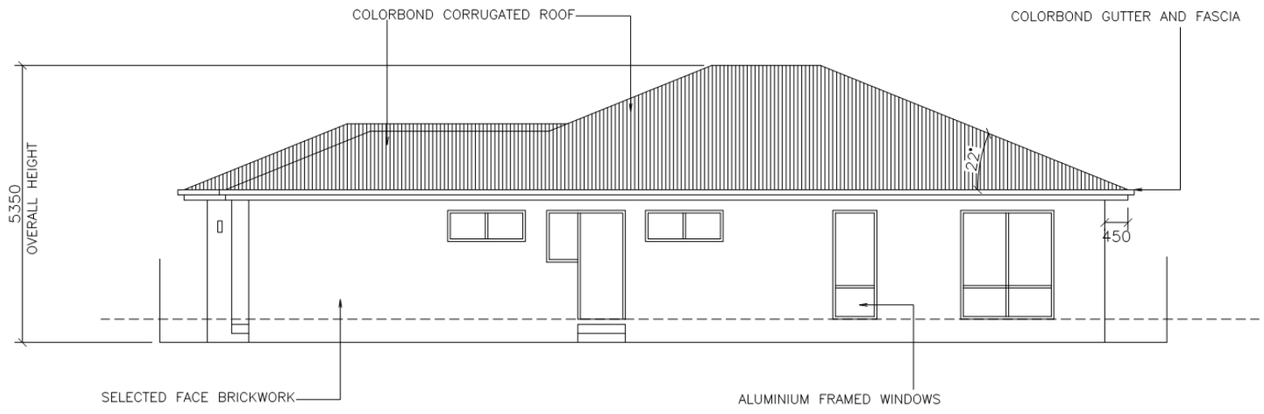
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NORTHERN ELEVATION



SOUTHERN ELEVATION

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Scan QR code or follow website link for rating details.
Assessor name: Anthea Crack
Accreditation No.: HERA 10197
Property Address: 15 Turner Street, Griffith NSW, NSW, 2680
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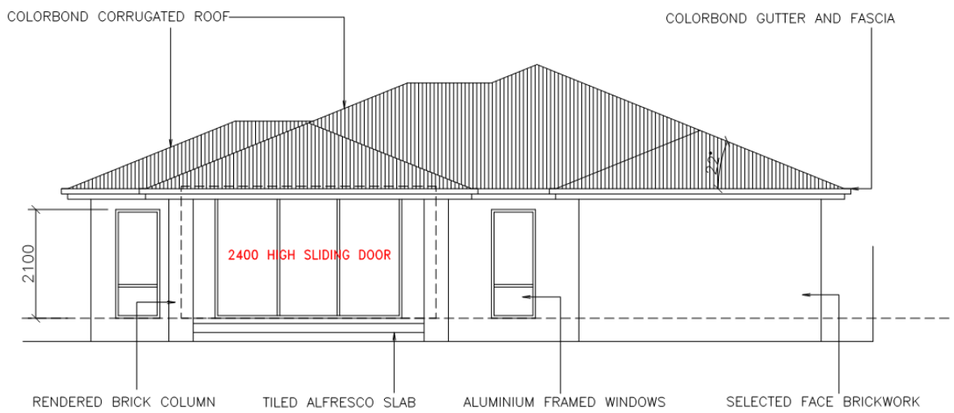
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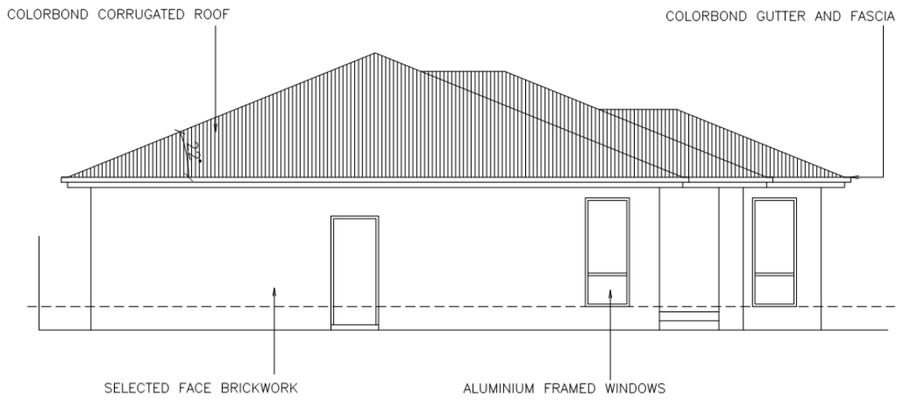
Property Title
LOT 8 DP 758476

Clients

Job No:
Drawing No: 4-08
Date: MARCH 2026
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Checked:



WESTERN ELEVATION



EASTERN ELEVATION

SPECIFICATION
GENERAL
1) Drawings prepared from information supplied by the owner and/or builder.
2) Dimensions are in millimetres unless noted otherwise.
3) All dimensions shall be verified on site.
4) Do not scale off drawings.
5) It is the responsibility of the builder to verify documents as to their accuracy & suitability.
6) These plans are to be read in conjunction with Engineer's details.
NCC refers to the National Construction Code 2022 - Volume 2.
HPS refers to the ABCB Housing Provisions Standard 2022.

STATUTORY REQUIREMENTS
7) All work is to be carried out in accordance with the NCC, conditions imposed by the local authority & the commitments outlined in the relevant Basix Certificate.
8) The builder is to comply with the requirements of all legally constituted authorities having jurisdiction over the building works & the provisions of the Home Building Act.
9) Prior to the commencement of building work, the builder shall provide temporary toilet facilities for the use of subcontractors. On completion the builder shall remove the convenience.

NATIONAL CONSTRUCTION CODE REQUIREMENTS
10) All earthworks shall be in accordance with the engineer's details. H1D3(I) Of NCC, Part 3.2 of HPS.
11) Retaining walls associated with the construction of a building or structure are to be designed & constructed in accordance with AS4678 to comply with H1D3(2) of NCC.
12) Primary building elements are be protected from subterranean termites in accordance with Part 3.4 of HPS.
13) All excavations for footings & slabs shall be in accordance with the engineer's details & NSW Part 4.3.2 of HPS.
14) All filling under concrete slabs shall be in accordance with the engineer's details & NSW Part 4.2.4 of HPS.
15) Footings & slabs shall be in accordance with the engineer's details, AS2870 or AS3600 & Part 4 of HPS.
16) Masonry Veneer shall be designed & constructed in accordance with AS3700 or AS4773.1 & AS4773.2 & Part 5.2 of HPS
17) Single leaf unreinforced masonry shall be designed & constructed in accordance with AS3700 or AS4773.1 & AS4773.2 & Part 5.4 of HPS.
18) Isolated masonry pier system shall be designed & constructed in accordance with AS3700 or & AS4773.1 & AS4773.2 or Part 5.5 of HPS.
19) Masonry components & accessories shall be constructed & installed in accordance with AS3700 or AS4773.1 & AS4773.2 & Part 5.5 of HPS
20) All timber framework shall comply WITH HID6(4) of NCC
21) All steel framework shall comply with H1D6 of NCC & AS4100, AS/NZS 4600 or NASH Standard Residential & Low–Rise Framing.
22) Structural steel members shall be designed and constructed in accordance with AS 4100 & AS/NZS 4600 to comply with H1D6 of NCC. Refer to engineer's details.
24) All metal roof cladding shall comply with Part 7.2 of HPS . AS1562.1. & be installed in accordance with manufacturer's recommendations.
25) Roof tiles shall comply with H1D7 of NCC and be installed in accordance with manufacturer's recommendations.
26) Autoclaved aerated concrete wall cladding shall be designed & constructed in accordance with AS5146.1
27) Timber & composite wall cladding shall be designed & constructed in accordance with Part 7.5 Of HPS.
28) All metal wall cladding shall comply with part 7.2 of HPS, AS1562.1, & be installed in accordance with manufacturer's recommendations
29) All glazing in windows. doors. skylights & balustrades shall comply with Parts 8.2, 8.3 & 8.4 of HPS, AS2047 & AS1288.
30) Framed decks & balconies fixed to external walls shall comply with H1D11 of NCC.
31) Stormwater drainage shall be designed & constructed in accordance with AS3500.3 or Part 3.3 Of HPS.

32) Weatherproofing of external masonry walls shall be carried out in accordance with AS3700 or AS4773.1 & AS4773.2 or Part 5.7 Of HPS.
33) Subfloor ventilation shall be in accordance with Part 6.2 of HPS.
34) Gutters and downpipes shall be designed & constructed in accordance with AS/NZS3500.3 or part 7.4 of HPS (excluding box gutter).
35) Weatherproofing Of flat roofs, balconies. terraces & similar shall be carried out in accordance with AS4654.1 & AS4654.2
36) Fire hazard properties of materials used in construction shall comply with H3D2 of NCC
37) Provide and install hard wired smoke alarms in accordance with NSW Part 9.5 of HPS. Smoke alarms must be interconnected where there is more than one alarm.
38) Wet areas are to be protected in accordance with AS3740 or Part 10.2 Of HPS, provided the wet areas are protected in accordance with the appropriate requirements of Parts 10.2.1 to 10.2.6 & 10.2.12 of HPS.
39) Materials installation of wet area components & systems will comply with H4D3 of NCC if building elements in wet areas are water resistant or waterproof in accordance with Parts 10.2.1 to 10.2.6 Of HPS; & they comply with either AS3740 & Part 10.2.12 of HPS: or Parts 10.2.7 to 10.2.32 of HPS.
40) Inward Swinging WC doors are to be fitted With lift off hinges to comply with Part 10.4.2 of HPS unless there is a clear space of at least 1.2m between the closet pan and doorway.
41) Mechanical ventilation system shall comply with AS1668.2
42) Condensation management must comply with 10.8 of HPS.
43) Stair and ramp construction shall be constructed in accordance with Part 11.2 of HPS. Stair treads must have a slip resistant surface or a slip resistant nosing strip in accordance with AS4586.
44) Barriers & handrails to stairs & ramps Shall be in accordance with Part 11.3 of HPS
45) Bedroom window openings must be provided with protection in accordance with Part 11.3.7 of HPS. if the floor below the window is 2m or more above the surface below
46) Window openings in rooms other than bedrooms must be provided with protection in accordance with Part 11.3.8 of HPS if the floor below the window is 4m or more above the surface below.
47) Building fabric shall comply with Part 13.2 of HPS & NSW variations.
48) Building sealing shall comply with Part 13.4 of HPS & NSW variations.
49) Services shall comply with Part 13.7 of HPS & NSW variations.
50) TO comply With H7D2, swimming pool barriers must comply with AS1926.1 & AS1926.2
51) Water recirculation system must comply Kith AS1926.3 to reduce the possibility of a person being entrapped or injured due to suction.
52) Solid fuel burning open fireplace shall be constructed in accordance with Part 12.4.2 of HPS.
53) Masonry chimney shall be constructed in accordance with Part 12.4.3 of HPS.
54) Solid fuel burning insert fireplaces & flues must comply with Part 12.4.4 of HPS.
55) Free standing heating appliance must be installed in accordance with Part 12.4.5 of HPS.
56) Insulation where required must comply with AS/NZS4859.1
57) All plumbing shall comply with the requirements of the relevant supply authority and AS3500, and be carried out by a licensed plumber.
58) All electrical work shall comply with the requirements of the relevant supply authority and AS3000, and be carried out by a licensed electrician.
59) All gas installations shall comply with the requirements of the relevant supply authority and be carried out by a licensed gas fitter.
60) Installation of wall and floor tiles shall be in accordance with AS3958.1



Figured dimensions to be used in preference to scaled dimensions.
Contractor must verify all dimensions on site.
Refer any discrepancies to Building Designer

ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED

PROJECT_MANAGER

BUILDING DESIGNERS AUSTRALIA NSW

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Project
PROPOSED NEW UNIT AT
No 15 TURNER STREET GRIFFITH
FOR BELLUNA HOLDINGS P/L

Property Title
LOT 8 DP 758476

Clients

Job No:

Drawing No: 5-08

Date: MARCH 2026

Scale: 1:100 @ A3

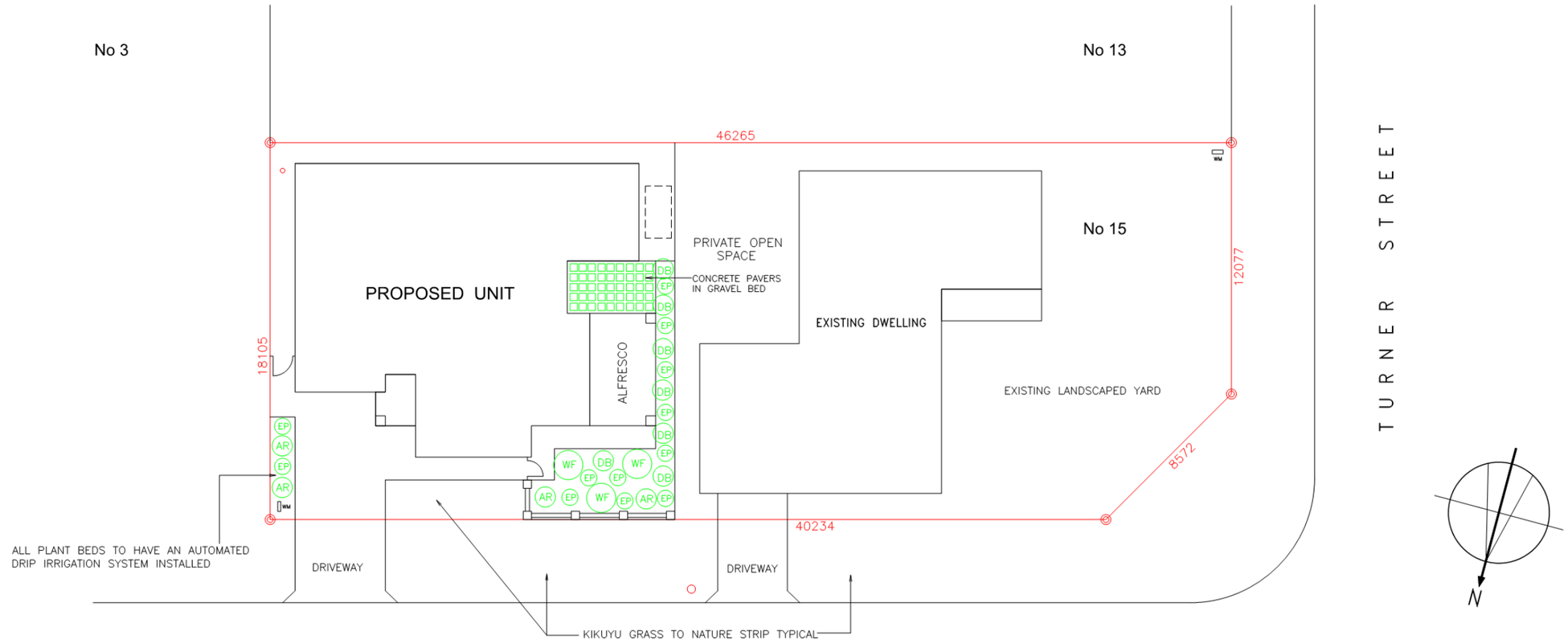
Issue No:

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Checked:

Code	Botanical Name	Common Name	Size H x W (m)
AR	*Carpobrotus 'Aussie Rambler'*	Ice Plant	0.5 x 1.5
DB	*Correa 'Dusky Bells'*	Correa	0.6 x 1.2
EP	*Erigeron 'Profusion'*	Seaside Daisy	0.3 x 1
WF	*Westringea fruiticosa*	Native Rosemary	1.5 x 1.5



CONCEPTUAL LANDSCAPE PLAN

Certificate No. #HR-7OFR32-01
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Assessor name: Anthea Crack
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Project: PROPOSED NEW UNIT AT No 15 TURNER STREET GRIFFITH FOR BELLUNA HOLDINGS P/L

Property Title: LOT 8 DP 758476

Clients:

Job No:

Drawing No: 8-08

Date: MARCH 2026

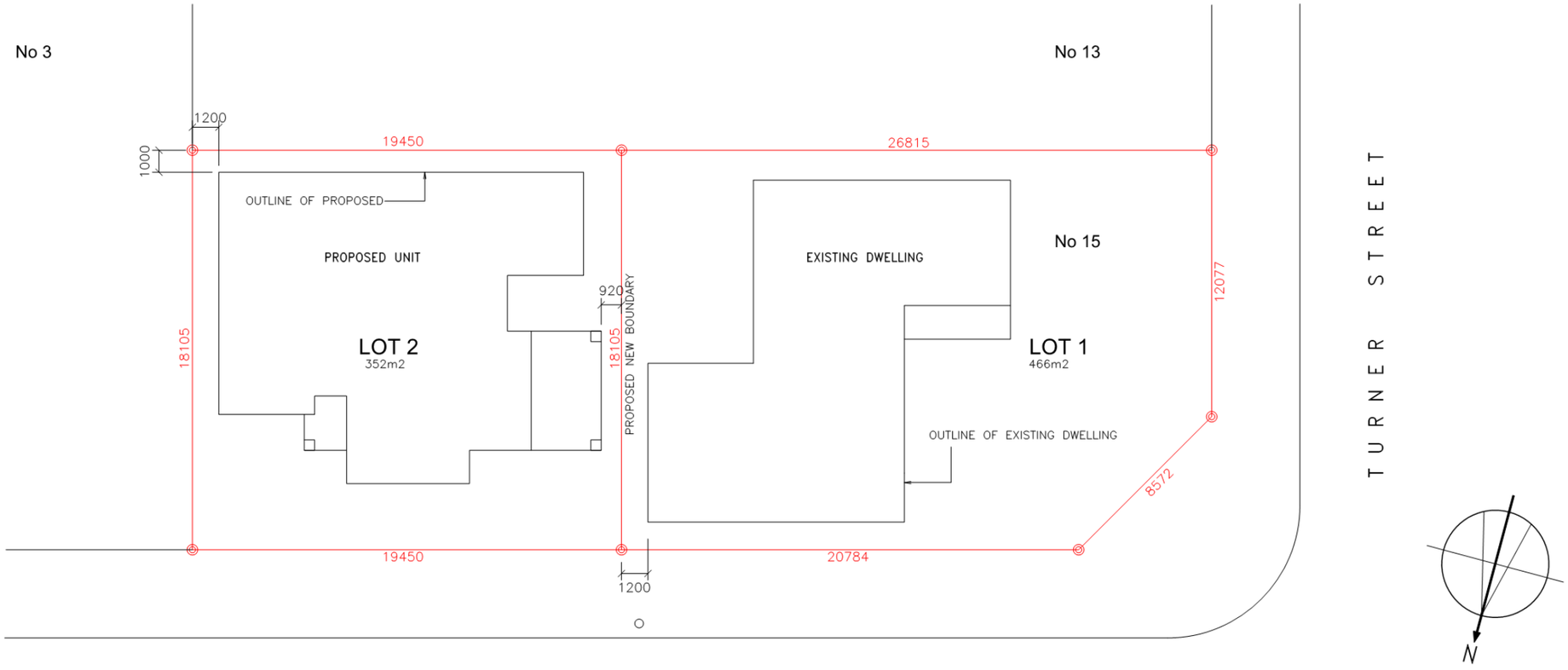
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Checked:



PLAN OF PROPOSED SUBDIVISION

NOTE: ALL BOUNDARIES ARE SUBJECT TO FINAL SURVEY PLANS

Figured dimensions to be used in preference to scaled dimensions.
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Refer any discrepancies to Building Designer

ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED

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Property Title
LOT 8 DP 758476

Clients
FRANK

Job No:
Drawing No:
Date: MARCH 2026
Scale: 1:200 @ A3
Issue No:
Designed:
Drawn:
Checked:

Statement of Environmental Effects

Dual Occupancy Residential Development and Two Lot Torrens Title Subdivision

Lot 8 Section 152 DP 758476

15 Turner Street, Griffith

PREPARED FOR: FRANK FRANCO

BY: SKM PLANNING PTY LTD – 6 MURPHY CRESCENT, GRIFFITH NSW – ADMIN@SKMPLANNING.COM

DATE OF FINAL ISSUE – 13 AUGUST 2026

PREPARED BY – KELLY MCNICOL M.PL (DIRECTOR)

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Disclaimer

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application submitted under the Environmental Planning and Assessment Act 1979 (NSW). The content of this report is based on available information, site inspections, consultant inputs (where relevant), and material provided by the applicant at the time of preparation. While reasonable care has been taken in compiling this document, no warranty is offered regarding the accuracy or completeness of information supplied by third parties.

This SEE has been prepared solely to support the subject Development Application and should not be relied upon for any other purpose. It is intended to be read in conjunction with all accompanying plans, reports and supporting documentation submitted with the application. All recommendations and conclusions are based on the planning controls, legislation and policies in force at the time of writing. The author accepts no liability for any use of this document other than for the purpose for which it was prepared.

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1 Introduction

This Statement of Environmental Effects has been prepared in support of a Development Application for a residential development at 15 Turner Street. The development seeks consent for the demolition of the existing carport in the rear yard, the construction of an additional dwelling and a two-lot Torrens title subdivision.

The development site consists of Lot 8 Section 152 DP 758476, located on the corner of Turner and McInnes Streets. The property has a total site area of 818m^2 and the existing development on the site includes a single 3-bedroom dwelling, together with a carport in the rear yard which is to be demolished as part of this proposal. The surrounding area is predominantly residential land uses. The site has access to electricity, potable water, drainage and sewerage. An extension of the sewer main is required as part of the Torrens title subdivision. The extended main and the proposed new sewer junction are located within the adjoining property at 3 McInnes Street (Lot 9 Section 152 DP 758476). The written consent of the owner of that land accompanies this application, and the application also applies to that land to the extent of the proposed sewer works.

An assessment of the potential impacts of the proposed development is covered in this Statement of Environmental Effects and concludes that the subject site is suitable for the proposal. The proposal is considered to achieve the relevant provisions of the *Environmental Planning and Assessment Act 1979.* A request for a variation to a development standard pursuant to Clause 4.6 of the *Griffith Local Environmental Plan 2014* relating to the minimum allotment areas specified by Clause 4.1A accompanies this proposal, as well as a request for a variation to a development control for concessions relating to setbacks, as specified in the *Griffith Residential Development Control Plan 2020.* This Statement of Environmental Effects has been made with reference to the following documents:

Table 1: Documentation relied upon in the preparation of this SEE

Document	Prepared by
DA Plan set	Frank Tabotta
BASIX 1841537S_02	Match Co Pty Ltd
4.6 Variation Request	SKM Planning
DCP Variation	SKM Planning
Subdivision Plan	Frank Tabotta
NatHERS Certificate	Match Co Pty Ltd
BMAT Report (13 August 2026)	NSW Biodiversity Values Map and Threshold Tool
Conceptual Landscape Plan	Frank Tabotta

2 The Site

2.1 Site Description & Locality

The development site consists of Lot 8 Section 152 DP 758476, located on the corner of Turner and McInnes Streets. The property has a total site area of 818m^2 and the existing development on the site includes a single 3-bedroom dwelling, together with a carport in the rear yard which is to be demolished as part of this proposal. The immediate locality is primarily used for residential uses, and a number of educational establishments (Marion Catholic College, Western Riverina Community College, and East Griffith Public school) are located within 300m of the site. The East Griffith neighbourhood shops are located within 200m of the site. The site has access to electricity, potable water, drainage and sewerage. The locality of the site is shown at **Figure 1**, and the subject site and its immediate surrounds are shown at **Figure 2**.

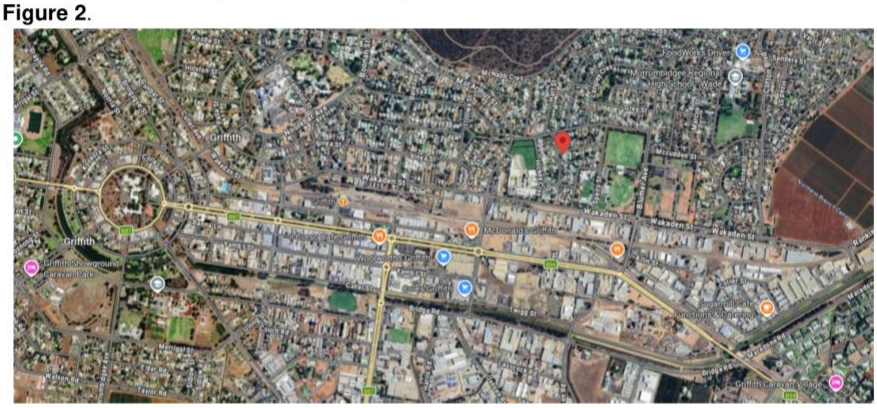


Figure 1: Site Location



Figure 2: Site and Surrounds

3 Proposed Development

3.1 Overview

The proposal seeks consent for the demolition of the existing carport, the construction of an additional dwelling and the two lot Torrens title subdivision. An overview of the proposal is provided at Table 2, and the proposed site plan and fence elevation are shown at Figure 3.

Table 2: Overview of the development proposal

	Details
Overview	Demolition of the existing carport, construction of a detached dwelling resulting in a dual occupancy (detached), two lot Torrens title subdivision, and extension of the sewer main including a new junction within 3 McInnes Street, and construction of a new driveway and open-air parking space serving the existing dwelling.
LGA	Griffith City Council
Property	Lot 8 Section 152 DP 758476; Lot 9 Section 152 DP 758476 (3 McInnes Street), to the extent of the proposed sewer works
Address	15 Turner Street (corner of Turner Street and McInnes Street), and 3 McInnes Street (sewer main extension and junction only)
Surrounding Land Uses	Residential
Local Environmental Plan	Griffith Local Environmental Plan 2014
Land Zoning	R1 General Residential
Development description	Dual Occupancy, subdivision
Permissibility	Permitted in the zone with consent.
Capital Investment Value	$468,380 (GST inclusive)
BCA Class	1a, 10a

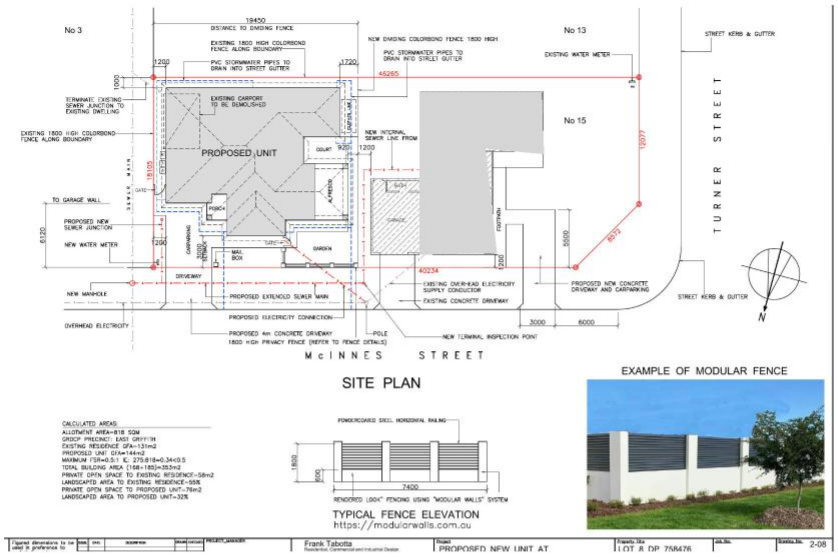


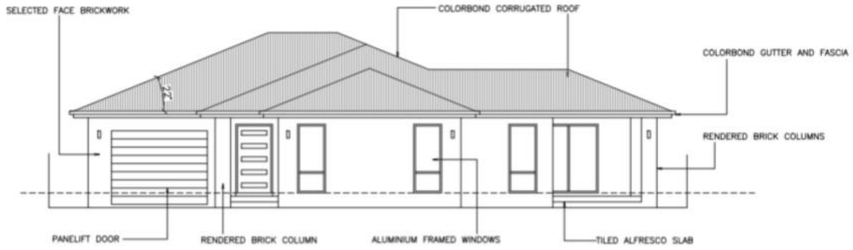
Figure 3: Proposed Site Plan and Elevations

3.2 Development Specifics

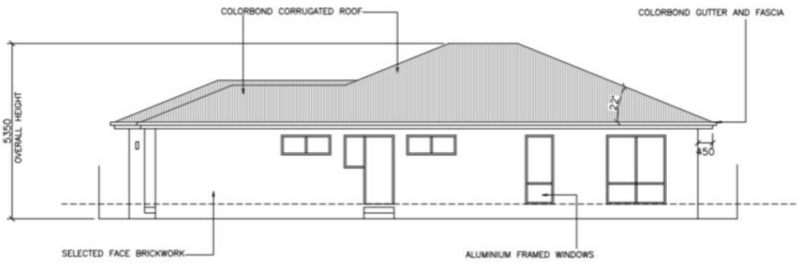
This application is seeking approval for the demolition of the existing carport, the construction of an additional dwelling and the two lot Torrens title subdivision. Development specifics are summarised below, with the elevations of the proposed dwelling provided at **Figure 4** and **Figure 5** and the plan of the proposed subdivision at **Figure 6**:

- Demolition of the existing carport located in the rear yard of the site, within the footprint of the proposed dwelling. The carport is annotated 'existing carport to be demolished' on the site plan.
- Construction of a two-bedroom unit with a floor area of 144m^2 and 76m^2 of private open space. External materials are brick, rendered columns, aluminium windows and Colorbond roof. Height to roof, 5.35m.
- 1.8m high front fence for a length of 7.4m at McInnes Street
- Removal of an existing driveway at McInnes Street and construction of a new 4m wide access to McInnes Street.
- Two-lot Torrens title subdivision. Proposed Lot 1 (existing dwelling) will have a site area of 466m^2. Proposed Lot 2 (proposed dwelling) will have a site area of 352m^2.
- Extension of Council's sewer main to service both proposed lots, including a new junction on Council's main within 3 McInnes Street (Lot 9 Section 152 DP 758476) and a new manhole in the McInnes Street road reserve.
- Construction of a new concrete driveway and open-air car parking space at the McInnes Street entrance of the existing dwelling. This second driveway provides direct access to the front door of the existing dwelling and an additional off-street parking space.

- Additional landscaping to both dwellings, including new planting beds to the existing dwelling, as detailed on the Conceptual Landscape Plan.

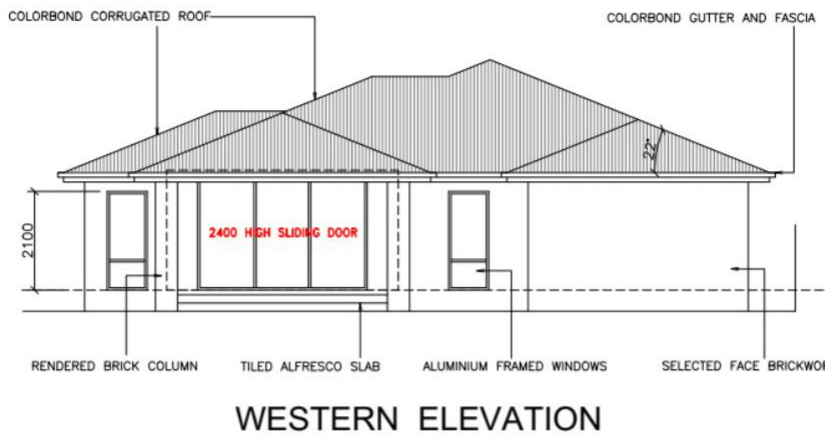


NORTHERN ELEVATION



SOUTHERN ELEVATION

Figure 4: Southern Elevation



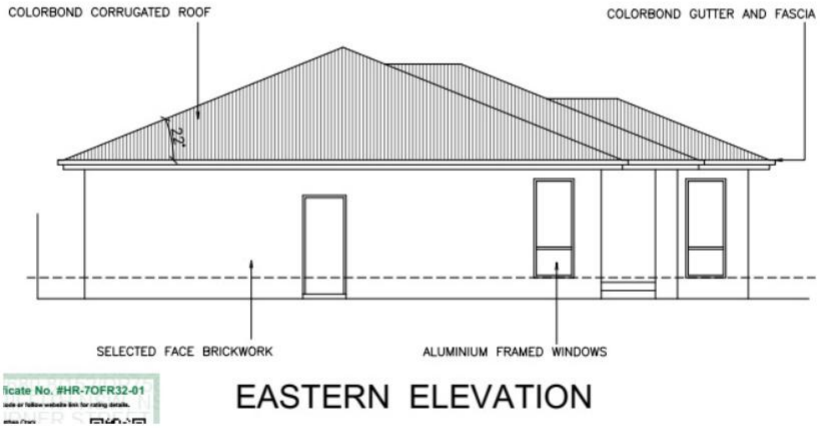


Figure 5: Western and eastern elevations of the proposed dwelling.

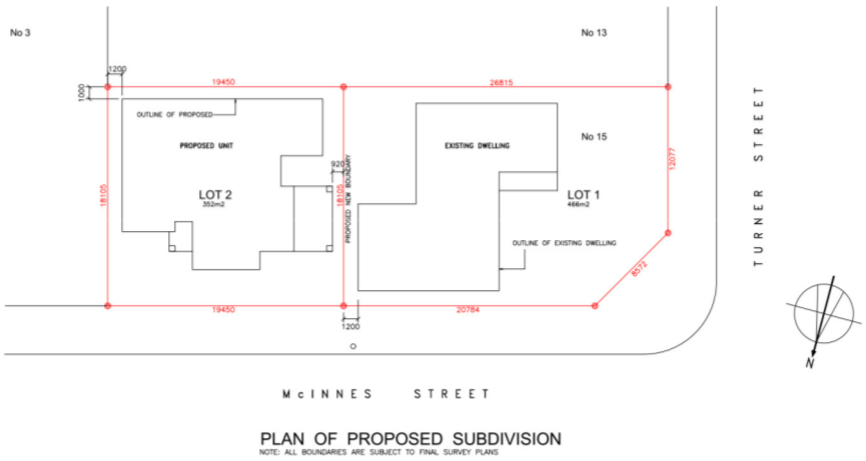


Figure 6: Subdivision Plan

4 Legislative Context

This section provides an assessment of the proposal against the relevant planning legislation as prescribed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

4.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 1.3 – Objects of the Act

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
(c) to promote the orderly and economic use and development of land,
(d) to promote the delivery and maintenance of affordable housing,
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
(j) to provide increased opportunity for community participation in environmental planning and assessment.

Commentary: The proposal is not contrary to the objectives of the EP&A Act.

4.2 Griffith Local Environmental Plan 2014 (GLEP)

A thorough review of the GLEP 2014 has been undertaken. An assessment of the proposal for compliance with the requirements of the relevant parts of the LEP has been provided below.

The subject land is zoned R1 General Residential under the provisions of the GLEP2014. The zoning of the site and the surrounding land is shown at **Figure 7**.

Objectives

Zone R1 General Residential
1 Objectives of zone
- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To facilitate development of social and community infrastructure to meet the needs of future residents.*
- *To allow people to carry out a reasonable range of activities from their homes, if such activities do not adversely affect the living environment of neighbours.*

Commentary: The development meets the objectives of the R1 zone by providing increased housing supply to meet the needs of the community, particularly medium-density dwellings in a suitable location with good access to services. The new driveway and open-air parking space proposed at the McInnes Street frontage of the existing dwelling also support these objectives: they provide direct access to the front door of the existing dwelling and meet its parking demand on site. These works are ancillary and incidental to the continued residential use of the existing dwelling and form part of the development for which consent is sought.



Figure 7: Zoning Map

Permissibility

3 Permitted with consent
Attached dwellings; Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Group homes; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified item 2 or 4

Commentary: The proposal is a ***dual occupancy (detached),*** which is defined as*: 2 detached dwellings on one lot of land, but does not include a secondary dwelling.*

Clause 1.2 – Aims of the Plan

(1) This Plan aims to make local environmental planning provisions for land in Griffith in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
(2) The particular aims of this Plan are as follows—
(a) to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,
(b) to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,
(c) to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,
(d) to manage and protect areas of environmental significance,
(e) to recognise the historical development of the area and to preserve heritage items associated with it.

Commentary: The proposal is not contradictory to the aims of the GLEP2014. The proposal is considered to promote aim (c) by providing a variety of housing options to meet the needs of the community.

Part 2 Permitted or prohibited development

Clause 2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Commentary: Consent is sought for the 2-lot Torrens title subdivision of the property.

Part 4 Principal development standards

Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development
(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
(2) This clause applies to development on land in Zone R1 General Residential.
(3) Development consent may be granted to the subdivision of land to which this clause applies on which is lawfully erected multi dwelling housing or a dual occupancy if—
(a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and
(b) the size of each lot resulting from the subdivision is equal to or greater than—
(i) for a semi-detached dwelling or an attached dwelling—300 square metres, or
(ii) for a dwelling house—400 square metres.
(4) Development consent may be granted to a single development application for the erection of multi dwelling housing or a dual occupancy on land to which this clause applies and the subdivision of that land into 2 or more lots if—
(a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and

(b) the size of each lot resulting from the subdivision is equal to or greater than—

(i) for a semi-detached dwelling or an attached dwelling—300 square metres, or

(ii) for a dwelling house—400 square metres.

Commentary: This clause allows a single development application for the erection of a dual occupancy and the subdivision of that land into 2 or more lots if, as a result of the subdivision, only one house is situated on a lot of 400 square metres. Proposed Lot 1 achieves this; however, proposed Lot 2 proposes a lot area of 352m^2.

Clause 4.6 Exceptions to Development Standards

(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 for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

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

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Commentary: Consent is sought to create proposed Lot 2 by way of subdivision, via a 4.6 variation to the minimum lot sizes for a single development application for the erection of a detached dual occupancy and subdivision permitted by clause 4.1A. A written request justifying the contravention of the minimum lot size is provided in Appendix 1.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

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

(a) to conserve the environmental heritage of Griffith,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Commentary: The site is not listed as a heritage item or within a heritage conservation area, and no further assessment of European heritage is warranted. Aboriginal cultural heritage is addressed at Section 5.3 of this report.

Clause 5.21– Flood Planning

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

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

(a) is compatible with the flood hazard of the land, and

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause—

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Commentary: It does not appear that the site is flood prone land after reviewing mapping included in the *Griffith Main Drain J Catchment Flood Study 2015, 2021*.

Part 6 Urban Release Areas

The site is not identified on the Urban Release Areas maps.

Part 7 Additional local provisions

Clause 7.1 – Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Commentary: The proposal seeks consent for earthworks relating to the installation of the underground infrastructure and construction of the buildings.

(a) The earthworks are unlikely to significantly disrupt or harm drainage patterns and soil stability in the locality.

(b) The earthworks' effect on the land's future use is essential for the construction of the building pads.

(c) No fill will be excavated.

(d) The proposed buildings would not detrimentally impact the amenity of adjoining properties.

(e) No fill materials are proposed unless soils are determined as unsuitable for reuse during works.

(f) The likelihood of disturbing relics is low. An AHIMS search has been completed, indicating no known Aboriginal sites or places within 50 m of the site. Unexpected finds protocols will be adhered to should relics be located during construction works.

(g) The subject site is not located in close proximity to any drinking water catchment or environmentally sensitive area.

(h) Appropriate measures to minimise and mitigate the impacts of the development include implementing appropriate sediment and erosion controls during construction.

Clause 7.3 – Terrestrial Biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by—

(a) protecting native fauna and flora, and

(b) protecting the ecological processes necessary for their continued existence, and

(c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.

(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—

(a) whether the development is likely to have—

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Commentary: The site is not identified as having significance as per the terrestrial biodiversity maps. A Biodiversity Values Map and Threshold (BMAT) report, generated using the NSW Biodiversity Values Map and Threshold Tool on 13 August 2026, accompanies this application. The development footprint does not intersect land mapped on the Biodiversity Values Map, and the native vegetation area clearing estimate of 73.5m² is well below the 2,500m² area clearing threshold. The Biodiversity Offsets Scheme threshold is therefore not exceeded, and a Biodiversity Development Assessment Report is not required.

Clause 7.10 – Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

(a) the supply of water,

(b) the supply of electricity,

(c) the disposal and management of sewage,

(d) stormwater drainage or on-site conservation,

(e) suitable vehicular access.

Commentary:

(a) the supply of water: Potable water is available at the site presently via the council-owned potable water main in the road reserve of both Turner and McInnes Street.

(b) the supply of electricity: Overhead power is presently connected at the site.

(c) the disposal and management of sewage: Council's sewer main runs through the adjoining property at 3 McInnes Street. An extension of this main is required to service both proposed allotments. The proposed new sewer junction is located on Council's main

within 3 McInnes Street (Lot 9 Section 152 DP 758476), with a new manhole in the McInnes Street road reserve. The written consent of the owner of 3 McInnes Street to the proposed works accompanies this application.

(d) stormwater drainage or on-site conservation: Drainage is presently directed to the street system for collection. It is proposed to install additional onsite drainage lines including a number of pits with connection to the street system at McInnes Street via onsite detention.

(e) suitable vehicular access*:* The development includes the construction of a new 4m wide accessway to McInnes Street serving the proposed dwelling, and a second 3m wide driveway at the McInnes Street frontage of the existing dwelling, providing access to the front door of the existing dwelling and an additional off-street parking space. Both driveways connect to McInnes Street, a sealed local road carrying low traffic volumes, and suitable vehicular access is therefore available to each dwelling.

4.3 State Environmental Planning Policies (SEPP's)

State Environmental Planning Policy (Infrastructure) 2007

Part 3 Development Controls

Division 5 Electricity transmission or distribution

Subdivision 2 Development likely to affect an electricity transmission or distribution network

Electricity is available onsite. There are no construction works proposed within close proximity (5 metres) to this infrastructure apart from driveway construction, and a referral to Essential Energy is not warranted.

State Environmental Planning Policy (Sustainable Buildings)

A BASIX certificate (Certificate No. 1841537S_02, issued 29 July 2026) has been completed for the new dwelling and accompanies this application, demonstrating that the required water, thermal performance and energy targets are achieved. The thermal performance commitments are supported by a NatHERS certificate for the proposed dwelling, a copy of which accompanies this application.

4.4 Griffith Local Strategic Planning Statement: Growing Griffith to 2045

The Griffith LSPS outlines the land use planning vision for the growth and development of Griffith over the next 25 years and identifies the strategic framework to achieve the goals and assist in decision making and direction. The proposed development promotes Planning Priority 1 – *increase urban density and housing affordability*. The proposal is therefore supportive of the vision for the growth of Griffith.

4.5 Griffith Housing Strategy 2025

The *Griffith Housing Strategy 2025* identifies that Griffith is growing, and so is the need for more homes: *The city has a strong supply of zoned and master planned land ready now for*

more than 2,560 new homes. But despite this capacity, housing delivery is not keeping pace with demand. Delays in construction, high development costs, infrastructure constraints, and inefficiencies in the NSW planning system to achieve Local Environmental Plan (LEP) amendments and rezonings are slowing supply. These issues are contributing to a persistent shortage of homes, pushing up prices and rents, and making it harder for residents – particularly renters, essential workers, and low-income households to find affordable homes. The Griffith Local Housing Strategy 2025 specifies four key priorities, with the following Priorities and Objectives specifically in line with the proposal:

- **Priority 1 – Increase housing supply and affordability**
  - **Objective 1.1 – Encourage medium- and higher-density housing**
    Encouraging medium- and higher-density housing in well-located, walkable areas increases housing choice and affordability, makes better use of existing infrastructure, and supports vibrant, mixed communities close to jobs, services, and public transport. Focusing growth within established areas also reduces pressure on greenfield sites and promotes more sustainable, cost-effective urban development.

  - **Objective 1.2 – Encourage incremental growth in established residential areas**
    Encouraging incremental growth in established residential areas supports housing affordability, increases supply through adaptable options like granny flats and tiny homes, and makes better use of existing infrastructure – while respecting local character and helping to limit urban sprawl.

- **Priority 4 – Encourage housing that is well-located, well-designed and locally appropriate**
  - **Objective 4.3 – Promote infill development in established urban areas**
    Promoting infill development within Griffith's urban areas meets housing demand while protecting the environment. By unlocking underutilised land for diverse housing options, it optimises existing infrastructure, reduces costs, and supports affordable housing in well-connected areas near jobs, transport, and services. This approach fosters sustainable, compact growth and improves city liveability.

4.6 Griffith Community Participation Plan

It is noted that dual occupancy developments are required to be publicly notified by written notice to adjoining landowners and occupants. Should any submissions be received in regard to the proposal, it is requested that the applicant be provided an opportunity to address the issues raised.

4.7 Development Control Plans (DCP)

Griffith Residential Development Control Plan 2020

The Griffith Residential Development Control Plan 2020 applies to this proposal. An assessment of the proposed development and the objectives, aims and design requirements of the GRDCP2020 follows.

Precinct Statement

The subject site is located within The East Griffith Precinct. The existing character is described as:

The East Griffith Precinct is located to the south of Scenic Hill and to the north of the Cemetery. The Precinct is centred on Enticknap Park which is a neighbourhood park. East Griffith Shops are located at the western boundary of the Precinct and provides convenient commercial services. The Precinct is dominated by single dwellings constructed in the 60's and 70's on lots sizes averaging 800 m^2 with 18 m frontages. Local roads in the Precinct are narrow and connect to Blumer Avenue, a wide collector road to the east and McCarthur Street to the west. Views up moderately sloped streets to Scenic Hill give the area strong character as does the long curves and semi-formal planning layout.

The future character is intended as follows: The projected future character of the Precinct is to remain as low density but encourage secondary dwellings in rear yards on suitable lots and discourage secondary dwellings on Blumer Avenue or Probert Avenue.

The specific controls and design criteria outlined in GRDCP2020 are detailed and evaluated below. It is noted that the proposal has been assessed under Part 4 and Part 5.4 Dual Occupancies, and Appendix 2 Infill Subdivision.

The specific controls and design criteria specified in the GRDCP2020 are outlined and assessed in **Table 3** below.

TABLE 3 – Compliance with Griffith Residential Development Control Plan 2020

Control Type	Clause	Control	Proposal	Compliance?
Floor Space Ratio	N/A	*Has an FSR calculation been provided for the site in accordance with section 5.3? Does the FSR meet the maximum allowed in the precinct statement?*	The maximum FSR for the precinct is 0.5:1. The proposal achieves an FSR of 0.34:1	Yes
Maximum Height	N/A	*Is the dwelling below the maximum height level for the precinct?*	The height is approximately 5.35m from peak to ground level.	Yes
Parking	N/A	*Has parking been provided in accordance with the rates in the precinct statement?* *3+ bedroom unit = 2 spaces + 1 visitor space per 5 units*	The proposed 2-bedroom dwelling requires 1.5 spaces and provides 2, being a single car garage and a tandem space on its driveway. The existing 3-bedroom dwelling requires 2 spaces and provides 2, being its existing single garage and a new open-air parking space served by a new concrete driveway at its McInnes Street entrance, as shown on the site plan. Parking for both dwellings therefore accords with the DCP rates.	Yes
Precinct Statement		*Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?*	Although the intention is to remain low density and to encourage secondary dwellings in rear yards, the proposal is for a dwelling in a rear yard on a corner allotment, which is suitable for the subject site.	Yes
Streetscape	4.3(a)	*If the dwelling is on a corner block, does it address both street frontages?*	The site is a corner lot, however the proposed dwelling only has frontage to McInnes Street.	Yes
	4.3(b)	*The primary street façade of a dwelling should address the street and incorporate at least two of the design features:* *• entry feature or porch;* *• awnings or other features over windows;* *• recessing or projecting architectural elements;* *• open verandah; or*	The primary facade has been designed to address the street. The landscaping will also enhance visual amenity of the development from the street.	Yes

		• bay windows or similar features		
	4.3 (c)	*Does the proposal fit in with the scale or character of surrounding development?*	The development fits in with the scale and character of surrounding development.	Yes
	4.3 (e)	*Does a window to a habitable room face the street?*	The dwelling contains windows at the front façade from habitable rooms.	Yes
Building Design	4.4(a)	*Is the design generally in accordance with the precinct statement?*	The design is generally consistent with the precinct statement.	Yes
	4.4(b)	*Are blank front walls spanning 5 m without a physical change avoided?*	Walls do not exceed 5m without a physical change.	Yes
	4.4(c)	*Do the side walls visible from the street have a length of 10 m without a physical change?*	Side walls visible from the street do not exceed 10m without a physical change.	Yes
	4.4(d)	*Are windows facing the street provided in a balanced manner?*	Street facing windows are balanced and respond to the site's orientation and internal uses.	Yes
	4.4(e)	*Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?*	The materials are contemporary in design.	Yes
	4.4(f)	*Will the proposal overshadow adjacent private open spaces or habitable rooms?*	The proposal will not impact on adjoining properties in terms of overshadowing.	Yes
Height	4.5(a)	*Is the dwelling height less than 9 m?*	Yes. The dwelling is approximately 5.35m in height.	Yes
	4.5(b)	*Does the height of the dwelling suit the streetscape?*	Yes, similar to other residential designs in the locality.	Yes
	4.5(d)	*Are the proposed tree heights consistent with dwelling scale?*	Shrubs are proposed to suit the design.	Yes
Solar Access and Energy Efficiency	4.6(a)	*Solar access must be available between the hours of 9 am and 5 pm for a minimum duration of 3 hours to any living area on the 22nd of June for each respective dwelling.*	The proposal complies with recommendations and requirements for solar access and energy efficiency.	Yes

	4.6(b-c)	*Where possible, buildings should be oriented on a north-south, east-west axis to maximise solar access to living areas. Windows should be located and shaded so as to reduce summer heat load and to permit entry of winter sunlight.*	The building has been designed to maximise solar access to living areas to achieve optimum winter sun and summer shading.	Yes
	4.6(d)	*Has the location of outdoor clothes drying areas been provided with access to sunlight? Or is there a suitable location for such facilities?*	Outdoor clothes drying areas have been provided.	Yes
Setbacks	5.4(f)	*Each dwelling on a corner lot should have a frontage to a different street.*	The proposed dwelling faces McInnes Street. The existing dwelling addresses both McInnes and Turner Street.	Yes
	5.4(g)	*Dual occupancies on corner lots must have the following setbacks:* *i. Front setbacks to primary roads - 3.5 m* *ii. Secondary setback to secondary road – 2 m*	The proposed dwelling is setback 3m from McInnes Street, with the garage setback 6.1m. Although this is the secondary road frontage, it is the primary street frontage for the proposed dwelling.	Concession sought.
	5.4(h)	*If a dual occupancy on a corner lot has one dwelling fronting the primary setback and one fronting the secondary setback, the rear of each dwelling is to be treated as a side boundary for the purposes of determining the setbacks.*	Noted.	Yes
	4.7.3:	*Side setbacks* *a) Single storey dwellings: minimum setback is 0.9 m with the eaves (overhang) setback a minimum of 450 mm.*	Note & complies.	
	5.4(i)	*The minimum separation between detached dual occupancies must be 1.8 m.*	Both dwellings exceed this.	Yes
	5.4(j)	*Garages must be setback a minimum of 5.5 m from the front boundary and 3.5 m from a secondary street frontage.*	The proposed garage exceeds this.	Yes
	5.4(k)	*Garages must be a maximum of 6 m wide.*	The garage is less than 6m wide.	Yes

Visual and Acoustic Privacy	4.9(a-b)	*Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?*	The location of windows and consideration of privacy have been incorporated into the design.	Yes
	4.9(b)	*Privacy Screening requirements*	The proposal has been designed to ensure that the windows do not create privacy issues. The 1.8 m colourbond fence between the dwellings and adjoining sites would further reduce any privacy issues.	Yes
	4.9(e)	*Does the dwelling include a balcony, if so has overlooking been considered?*	No balconies proposed.	n/a
Private Open Space	5.4(l)	*Has a minimum of 15 m^2 of PPOS been provided in a location that will receive a good amount of sunlight and with a width of a minimum of 3 m and is directly accessible from a communal living area?*	Each dwelling has a PPOS area that meets or exceeds the 15m^2 area requirement. All PPOS envelopes meet and exceed the minimum width requirement and are accessible from living areas.	Yes
	4.10(b)	*PPOS must not include driveways, turning areas, car spaces, narrow elongated curtilage areas and service areas. Screening must be provided to ensure privacy to users of the PPOS which can include fencing or planted screens.*	The PPOS does not include these areas.	Yes
Landscape Area Controls	5.4(n)	*A minimum landscape area of 20% of the total lot area must be provided.*	The plans indicate landscaped areas of 32% to the proposed unit and 55% to the existing residence. Additional landscaping is proposed to the existing dwelling, including new planting beds, as shown on the Conceptual Landscape Plan, which includes a schedule of the plants selected.	Yes
	5.4(o)	*A preliminary Landscape Plan must be submitted with a development application for a dual occupancy which includes the nature strip.* *i. A combination of tree planting, for shade, mid height shrubs, lawn and ground covers;*	The proposed landscaping plan shows that various plants can be included to provide privacy and visual softening of the development. All plant beds will be served by an automated drip irrigation system, and the nature strip will be	Yes

		ii. 50% of the overall number of trees and shrubs should be species native to the region; *iii. A reticulated sprinkler system should be provided;* *iv. An ongoing maintenance plan.*	turfed with kikuyu grass, as annotated on the landscape plan.	
Street Trees	4.12(a-f)	*Have street trees been proposed in accordance with 4.12 (a-f)?*	Street trees can be planted to Council requirements if necessary.	Yes
Vehicle access and parking	5.4(b)	*Has at least one undercover parking space been provided in a carport or a garage?*	The proposed dwelling has an attached single-car garage.	Yes
	5.4(c)	*Driveways must be a minimum of 3 m wide.*	The driveway serving the proposed dwelling is 4m in width, and the new driveway serving the existing dwelling is 3m in width, each meeting the 3m minimum.	Yes
	5.4(d)	*Shared accessways should be prioritised for non-corner lots.*	Not proposed or ideal for the proposal.	n/a
	5.4(e)	*Driveways must be designed to allow vehicles to enter and leave the site in a forward direction for frontages on busy roads or where driveway lengths are greater than 30 m.*	The surrounding road network is not considered to be a busy area. A vehicle can safely exit the garage in reverse direct to McInnes Street. Vehicles using the new driveway and parking space at the existing dwelling can similarly enter and leave in reverse to McInnes Street safely, with clear sight lines along the frontage.	Yes
Minimum Design Standards - Single Dwellings and Dual Occupancies	Appendix 1 3.1	*a) Off-street parking may be located in enclosed garages or under a protective roof or covering.* *b) For each residential lot, not more than two driveways must be permitted, each of which must be a maximum of 3.5m wide.* *c) The width of a garage or gate is to be at least 3.0m with 2.75m unobstructed width at the doorway measured between the door jambs.*	a. Complies. Each dwelling has an enclosed garage; the additional open-air space at the existing dwelling supplements the covered parking. b. After subdivision, no lot has more than two driveways: proposed Lot 1 has the existing driveway and the new driveway serving the additional parking space, and proposed Lot 2 has a single new driveway.	Yes

		d) Access to or from a site must be located no closer than 1.0m from any property boundary and not closer than 6m from a corner boundary.	c. Complies. d. Complies. The new driveway serving the existing dwelling is 3m wide and is located clear of side boundaries and approximately 6m from the Turner Street corner, as dimensioned on the site plan.	
Rainwater Tanks	4.15 (a-f)	*Are rainwater tanks proposed, if so, do they meet the requirements of 4.15(a-f)? Are all BASIX requirements for rainwater tanks shown on the plans?*	Basix commitments do not require a rainwater tank.	n/a
Fencing	4.16 (a-b)	*Front Fences b) Front fences higher than 1.2 m will be considered, but only where:* *I. The maximum height of the fence is 1.8 m;* *II. The lot has frontage to an arterial or collector road or the dwellings private open space is located in the front yard*	The new dwelling proposes a fence for 7.4m to the McInnes Street boundary, height of 1.8m. This height is necessary for security and privacy to the open space areas. The fencing is powder coated steel horizontal railing and on rendered brick. The fence will appear visually appealing, and will provide security to the site.	Yes
	4.16I	*Side and Rear Fences: location and height of side and rear fences on the plans, generally be a maximum of 1.8 m tall.*	Fencing will be provided between the units. These fences will not exceed 1.8m in height.	Yes
Outbuildings, garages and carports	4.17	*Refer to separate checklist*	No outbuildings have been proposed.	n/a
Stormwater	4.18	*Draft plans for the proposed and existing stormwater system in accordance with Council's Engineering Standards: Subdivision and Development. Is onsite detention required in accordance with Council's Onsite Detention Policy (CS-CP-404)?*	A preliminary stormwater design has been provided with the development application, which proposes to discharge stormwater to the street system in McInnes Street via an onsite detention system.	Yes
Swimming Pools	4.19	*Refer to separate checklist*	Swimming pools not proposed.	n/a

Essential Services	4.20(a)	*Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?*	Electrical infrastructure has been considered and previously addressed. A referral to Essential Energy is not required.	Yes
	4.20(b)	*Are underground electrical lines proposed to the dwelling?*	Existing power is located overhead in the locality.	n/a
	4.20l(i)	*Have connections to Council's water and sewer infrastructure been shown on plans?*	Connection to these essential services has been indicated on the DA plans.	Yes
Bushfire Risk	4.21	*Check if the site is considered bushfire prone land.*	The site is not bushfire-prone land.	n/a
Frost Control Fans	4.22	*Check if any frost control fans within 1000 m of the site.*	There are no frost control fans within 1000 m of the site.	n/a
Subdivision: General Controls	Appendix 2	*Does the proposed subdivision comply with appendix 2, 2.2 General controls (a – h) for Infill subdivision?*	This proposal includes subdivision of the development by Torrens Title subdivision and is categorised as "infill" subdivision. Proposed Lot 2 does not meet the minimum lot area specified by the GLEP, a 4.6 variation has been included with this application.	Concession sought
Lot Size & Layout		*Does the proposed subdivision comply with appendix 2, 2.3(a) – (f) for Infill subdivision? Have a minimum lot width measured at the building line for GLEP area M – min lot size 600 – min lot width 16m.*	Both Proposed Lot 1 & 2 have a lot width of which exceeds 16m.	Yes.
Access & pedestrian movement		*Does the proposed subdivision comply with appendix 2, 2.3 (a) – (c) access & pedestrian movement?*	The proposed accessway can be constructed as per the requirements of Council's Engineering Standards.	Yes
Essential services		*Does the proposed subdivision comply with appendix 2, 2.4 (a) – (f) Essential Services?*	The design and installation of sewerage and water will be in accordance with Council's Engineering Standards. Connection to sewer will require an extension of the sewer main to service each lot. The water meter can be located 1m from	Yes

		the driveway. Electricity is to be connected to the existing overhead supply.	
Stormwater	*Does the proposed subdivision comply with appendix 2, 2.5 (a) – (b) Stormwater?*	Conceptual stormwater details have been provided on the DA drawings, and detailed OSD design is to be provided at Construction Certificate stage.	Yes

A variation is sought to the front setback control at 5.4(g). A front setback of 3 m is proposed to the McInnes Street frontage of the proposed dwelling, as now dimensioned on the site plan (Drawing No. 2-08, August 2026), against the 3.5 m control — a departure of 0.5 m, or 14.3%. The garage is set back 6.1 m, exceeding the 5.5 m garage setback control at 5.4(j), such that the average setback of the front elevation of the dwelling exceeds 3.5 m. A written request justifying the variation, prepared having regard to clause 1.5 of the GRDCP 2020, is provided at Appendix 2.

5 Impact Assessment

This section provides an assessment of the potential impact arising from the proposal. The impact assessment is based on the matters for consideration listed in Section 4.15 of the EP&A Act.

5.1 Context and Setting

The subject site is situated on the corner of Turner and McInnes Streets in East Griffith. The immediate locality is primarily used for residential uses, and a number of educational establishments (Marion Catholic College, Western Riverina Community College, and East Griffith Public school) are located within 300m of the site. The East Griffith neighbourhood shops are located within 200m of the site. The proposed development, being for residential purposes is considered to be suitably located and compatible with the existing established residential land uses. The proposal will not block any views, nor will it significantly impact on sunlight access to, or privacy of adjoining dwellings or their private open spaces.

5.2 Traffic and Parking

The subject site has frontage to both Turner and McInnes Streets, both two-way sealed local roads. The development provides adequate onsite parking for residents in accordance with the DCP parking rates. The proposed 2-bedroom dwelling is provided with a single garage and a tandem driveway space, and the existing 3-bedroom dwelling retains its single garage, supplemented by a new open-air parking space and concrete driveway at its McInnes Street entrance. This second driveway serves a dual purpose: it provides direct access to the front door of the existing dwelling from McInnes Street, and it formalises an additional off-street parking space, reducing demand for on-street parking. Both driveways take access from McInnes Street, a low-volume local street, and sight distance along the frontage is adequate in both directions. The development will result in a temporary increase in traffic to the site during the construction phase. The traffic generated by the development once operational is not expected to be unreasonable for a residential area. Using the TfNSW (former RTA's) Guide to Traffic Generating Developments policy for residential development of dwellings, the proposal is likely to generate an expected additional number of vehicle movements at the site in the range of 9 per day to the site overall. The existing street and surrounding road network is adequate to cater for this small increase in traffic.

5.3 Cultural heritage

An AHIMS search has been conducted and no Aboriginal heritage items are located at or within a 50-metre radius of the site. However, should any artefacts be found during construction, works will cease and the correct protocols followed to notify the OEH and the Local Aboriginal Land Council. The site is not listed as a heritage item or in a conservation area.

5.4 Noise Impacts

The development will generate some degree of noise during the construction phase, however this will be limited to the regulated hours specified by Council. Once occupied, the noise generated at the site is expected to be that of typical residential dwellings and is not anticipated to be unreasonable for a medium density residential area.

5.5 Environmentally sensitive land

After a review of the maps associated with the Griffith Local Environmental Plan 2014, the subject site is not identified on the groundwater vulnerability, riparian lands, watercourses, wetlands or terrestrial biodiversity maps. The BMAT report accompanying this application confirms that the Biodiversity Offsets Scheme threshold is not exceeded for the development footprint.

5.6 Suitability of the Site

The subject site is considered suitable for this development for the following reasons:

- The proposal is not contradictory to the planning framework, including the EP&A Act 1979, and the relevant state environmental planning policies.
- This proposal is considered to achieve the aims, objectives and the purpose of the Griffith Residential Development Control Plan 2020.
- The site is suitably zoned and the proposal encourages the zone objectives of R1 Residential land zone.
- The proposal promotes outcomes identified in the *Local Strategic Planning Statement: Growing Griffith to 2045* - Planning Priority 1 – *increase urban density and housing affordability*.
- The site contains all services required to support the development.
- The site is not constrained by any hazards such as bushfire, flooding, heritage, or biodiversity significance.
- The proposal is unlikely to have an unreasonable impact on the environment.

6 Compliance with Section 4.15 of the EP&A Act

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 prescribes the matters that a consent authority must take into consideration when determining a development application. Each matter, and the manner in which it has been addressed by this application, is summarised in Table 4 below.

TABLE 4 – Assessment against the matters for consideration at Section 4.15(1) of the EP&A Act

Matter for Consideration	Comment
4.15(1)(a)(i) – the provisions of any environmental planning instrument	The proposal has been assessed against the Griffith Local Environmental Plan 2014 (Section 4.2) and the relevant State Environmental Planning Policies (Section 4.3). The proposal is permissible with consent in the R1 General Residential zone and is consistent with the objectives of the zone and the aims of the plan. The single departure from a development standard – the 400m² minimum lot size for proposed Lot 2 under Clause 4.1A – is supported by a written request pursuant to Clause 4.6 at Appendix 1. A BASIX certificate accompanies the application in satisfaction of the SEPP (Sustainable Buildings) 2022.
4.15(1)(a)(ii) – the provisions of any proposed instrument that is or has been the subject of public consultation	No draft environmental planning instruments that would apply to the site or affect the assessment of the proposal have been identified.
4.15(1)(a)(iii) – the provisions of any development control plan	The proposal has been assessed against the Griffith Residential Development Control Plan 2020 (Section 4.7 and Table 3). The proposal achieves the relevant controls and design criteria, with the exception of the 3.5 m front setback control at 5.4(g), for which a concession is sought and justified by the written request at Appendix 2.
4.15(1)(a)(iiia) – the provisions of any planning agreement	No planning agreement has been entered into, and no draft planning agreement has been offered, in connection with the application.
4.15(1)(a)(iv) – the regulations	The application is accompanied by the information prescribed by the Environmental Planning and Assessment Regulation 2021, including a cost summary report, a BASIX certificate, a NatHERS certificate and a BMAT report.
4.15(1)(b) – the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The likely impacts of the development are assessed at Section 5. The impacts – including context and setting, traffic and parking, cultural heritage, noise and servicing – are minor and consistent with those reasonably expected of low-density residential development in an established residential area. The proposal will deliver positive social and economic impacts through an increase in housing supply and diversity.
4.15(1)(c) – the suitability of the site for the development	The suitability of the site is addressed at Section 5.6. The site is appropriately zoned, fully serviced (subject to the proposed sewer main extension), and is not constrained by flooding, bushfire risk, heritage significance or environmentally sensitive land.

4.15(1)(d) – any submissions made in accordance with this Act or the regulations	The application will be publicly notified in accordance with the Griffith Community Participation Plan. Should any submissions be received, it is requested that the applicant be provided an opportunity to address the issues raised prior to determination.
4.15(1)(e) – the public interest	The proposal is in the public interest. It is consistent with the strategic planning framework applying to Griffith, including the Local Strategic Planning Statement – Growing Griffith to 2045 and the Griffith Housing Strategy 2025, and contributes to housing supply on serviced infill land without unreasonable impact on the amenity of the locality.

7 Contributions

7.1 Section 7.12 Contributions

The cost of the development is estimated at $468,380 (GST inclusive), as detailed in the Cost Summary Report accompanying this application. As the estimated cost of development exceeds $200,000, a levy of 1% of the development cost — being $4,683.80 — is anticipated to be payable in accordance with Council's Section 7.12 contributions plan.

7.2 Section 64 Contributions

The development includes the construction of 1 additional 2-bedroom dwelling. It is expected that a contribution will be levied in the range of 0.67 ET for water per 1 additional dwelling & 0.67 ET sewer per 1 additional dwelling based on medium-density multi-residential categories specified by the ET Guide (Water Directorate).

8 Conclusion

This Statement of Environmental Effects has been prepared in support of a development application seeking consent for the demolition of the existing rear-yard carport, the construction of a second detached dwelling – resulting in a dual occupancy (detached) – a two lot Torrens title subdivision and an extension of Council's sewer main at 15 Turner Street, Griffith (Lot 8 Section 152 DP 758476). Consent is sought under Part 4 of the EP&A Act, and the proposal has been assessed against each of the matters for consideration prescribed by Section 4.15(1) of that Act, as summarised at Section 6 of this report.

The proposed dual occupancy and subdivision are permissible with consent in the R1 General Residential zone and are consistent with the objectives of the zone and the aims of the Griffith Local Environmental Plan 2014. The proposal departs from the planning controls applying to the land in two limited respects. First, proposed Lot 2, with an area of 352m², does not achieve the 400m² minimum lot size specified by Clause 4.1A of the GLEP 2014; a written request pursuant to Clause 4.6 (Appendix 1) demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation. Secondly, a concession is sought to the 3.5 m front setback control at control 5.4(g) of the Griffith Residential Development Control Plan 2020, supported by the written request at Appendix 2. The proposal otherwise achieves the controls and design criteria of the GRDCP 2020, as demonstrated at Table 3.

The assessment in this SEE demonstrates that the site is suitable for the development. The land is fully serviced – with the extension of Council's sewer main to be undertaken as part of the works – and is not constrained by flooding, bushfire risk, heritage significance or environmentally sensitive land. The likely impacts of the development, including traffic, noise, privacy and overshadowing, have been assessed and are minor, manageable and consistent with those reasonably expected of low-density residential development in an established residential area. The proposed dwelling is single storey, of contemporary materials, and compatible with the scale and character of the East Griffith Precinct, and the accompanying BASIX certificate confirms that the dwelling will meet the NSW Government's sustainability requirements.

The development is also supported by the strategic planning framework. It delivers infill housing on serviced land in a well-located, established neighbourhood, consistent with Planning Priority 1 of the Griffith Local Strategic Planning Statement – Growing Griffith to 2045 and with Priorities 1 and 4 of the Griffith Housing Strategy 2025, which identify a persistent shortage of homes in Griffith and encourage incremental infill growth in established residential areas.

Having regard to the matters for consideration under Section 4.15 of the EP&A Act, the proposal is considered to be in the public interest: it is permissible with consent, consistent with the relevant strategic and statutory planning framework, suitable for the site, and unlikely to result in unreasonable impacts on the environment or the amenity of the locality. The variations sought are limited in extent and are supported by written requests demonstrating appropriate planning justification. It is respectfully requested that Council support the application and grant development consent, subject to appropriate conditions.

Appendix 1 Request for a Variation to a Development Standard Pursuant to Clause 4.6 of the Griffith Local Environmental Plan 2014

Griffith Local Environmental Plan 2014, Part 4 Principal Development Standards

This application seeks a variation to Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development pursuant to the provisions of Clause 4.6 of the GLEP2014. Clause 4.1A specifies:

4.1A Exceptions to minimum subdivision lot sizes for certain residential development

(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

(2) This clause applies to development on land in Zone R1 General Residential.

(3) Development consent may be granted to the subdivision of land to which this clause applies on which is lawfully erected multi dwelling housing or a dual occupancy if—

(a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and

(b) the size of each lot resulting from the subdivision is equal to or greater than—

(i) for a semi-detached dwelling or an attached dwelling—300 square metres, or

(ii) for a dwelling house—400 square metres.

(4) Development consent may be granted to a single development application for the erection of multi dwelling housing or a dual occupancy on land to which this clause applies and the subdivision of that land into 2 or more lots if—

(a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and

(b) the size of each lot resulting from the subdivision is equal to or greater than—

(i) for a semi-detached dwelling or an attached dwelling—300 square metres, or

(ii) for a dwelling house—400 square metres.

This application seeks approval for the construction of an additional dwelling on the subject site, resulting in a dual occupancy, and the subdivision of the site to allow separate title for each dwelling. Proposed Lot 1 has a site area of 466m^2 and contains the existing dwelling. Proposed Lot 2 proposes a site area of 352m^2, containing the proposed new dwelling. The area of proposed Lot 2 is less than the minimum area allowed for a detached dwelling house as specified by 4.1A(4)(b)(ii). A variation to clause 4.1A(4)(b)(ii) is sought.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the GLEP2014 was substantially amended with effect from 1 November 2023 by the *Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023*. The amendment repealed the former requirement to obtain the concurrence of the Planning Secretary and the former separate "public interest" test in clause 4.6(4)(a)(ii), and consolidated the operative requirements into a single two-limb test. The operative provisions of clause 4.6, as currently in force, 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.

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

Clause 4.6(2) continues to permit development consent to be granted for development even though the development would contravene a development standard imposed by an environmental planning instrument, except where the standard is expressly excluded from the operation of the clause. Clause 4.1A is not excluded from the operation of clause 4.6, and the restriction on lot-size variations greater than 10% does not apply to the subject land, as that restriction is confined to land within rural, large lot residential and environmental conservation/management zones. Section 35B of the *Environmental Planning and Assessment Regulation 2021* requires the development application to be accompanied by a written document setting out the grounds on which the applicant seeks to demonstrate the matters in clause 4.6(3)(a) and (b). This request is that document.

Judicial Consideration of Clause 4.6 – Relevant Caselaw

The preparation and assessment of written requests under clause 4.6 has been considered extensively by the Land and Environment Court and the NSW Court of Appeal. Although the leading authorities were decided under the pre-November 2023 form of the clause, the two operative limbs — that compliance with the standard is unreasonable or unnecessary, and that there are sufficient environmental planning grounds to justify the contravention — were carried over into the amended clause 4.6(3) in substantially identical terms. The principles established by the caselaw therefore remain the accepted framework for the preparation and assessment of this request.

In *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245, the Court of Appeal confirmed that the consent authority's satisfaction as to the matters now found in clause 4.6(3) is a jurisdictional precondition to the exercise of the power to grant consent: unless the written request adequately demonstrates both matters, consent cannot lawfully be granted. In *RebelMH Neutral Bay Pty Ltd v North Sydney Council* [2019] NSWCA 130, the Court of Appeal further confirmed that it is the written request itself that must demonstrate the required matters. This request has therefore been prepared to address each limb of clause 4.6(3) directly and on its own terms.

The first limb – compliance unreasonable or unnecessary. The principal authority remains *Wehbe v Pittwater Council* [2007] NSWLEC 827, in which Preston CJ identified (at [42]–[48]) five ways in which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary:

- the objectives of the development standard are achieved notwithstanding non-compliance with the standard (the first and most commonly invoked method);
- the underlying objective or purpose of the standard is not relevant to the development;
- the underlying objective or purpose would be defeated or thwarted if compliance was required;
- the development standard has been virtually abandoned or destroyed by the council's own decisions in granting consents departing from the standard;
- the zoning of the particular land is unreasonable or inappropriate, so that the standard applying to that zoning is also unreasonable or unnecessary as it applies to the land.

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ confirmed that these five methods remain applicable to requests made under clause 4.6, and that an applicant need only establish one of them. This request relies on the first *Wehbe* method: the objectives of clause 4.1A are achieved notwithstanding the numerical non-compliance of proposed Lot 2.

The second limb – sufficient environmental planning grounds. In *Initial Action* (at [23]–[25]) Preston CJ held that "environmental planning grounds" are grounds that relate to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act 1979*, including the objects in section 1.3 of

the Act; that the grounds must be "sufficient" to justify the contravention of the development standard, the focus being on the aspect or element of the development that contravenes the standard rather than on the merits of the development as a whole; and that clause 4.6 does not require the applicant to demonstrate that the non-compliant development delivers a better outcome than a compliant development. In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 (upheld on appeal: [2015] NSWCA 248), the Court held that the environmental planning grounds advanced must be particular to the circumstances of the proposed development on its site, rather than grounds that could apply to any similar development anywhere, and that consistency with the objectives of the standard — while central to the first limb — will not, of itself, constitute sufficient environmental planning grounds for the second. In *Baron Corporation Pty Ltd v Council of the City of Sydney* [2019] NSWLEC 61, the Court emphasised that the environmental planning grounds relied upon must justify the contravention of the development standard itself, and whether the grounds advanced are "sufficient" falls to be assessed against the nature and extent of the particular contravention sought.

Instructive examples. The caselaw also illustrates the circumstances in which variation requests concerning minimum lot size standards fail. In *Heazlewood v Byron Shire Council* [2019] NSWLEC 1429, a request to vary an 800m² minimum lot size standard applying to dual occupancy development (site area 700m², a 12.5% shortfall) was rejected because the applicant could not demonstrate that the objectives of the standard were achieved by the proposal, and the appeal was dismissed. In *Christou v Wollongong City Council* [2024] NSWLEC 1018, a written request was found to be inadequate where it relied on unsupported assertions and, in substance, on a mere absence of adverse impacts; an absence of harm does not of itself amount to sufficient environmental planning grounds. These decisions confirm that a request must affirmatively demonstrate how the objectives of the standard are achieved and must identify positive, site-specific planning grounds supporting the variation. This request is structured accordingly: the assessment below demonstrates how the objective of clause 4.1A is achieved by the proposal notwithstanding the shortfall in the area of proposed Lot 2, and identifies the site-specific environmental planning grounds relied upon.

An assessment addressing each of the matters required by clause 4.6(3), applying the principles set out above, is provided below:

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

This request relies upon the first and most commonly invoked of the five methods identified in *Wehbe* (at [42]): compliance is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The objective of the development standard is *"to encourage housing diversity without adversely impacting on residential amenity."* The NSW Department of Planning, Housing and Infrastructure (DPHI) highlights that diverse housing means "providing housing with the right fit for a variety of lifestyles and types of households. Housing needs to cater for low-income earners, older people, families, multi-generational households, people living alone, people with disability, social housing and key workers".

The objective of the control is achieved by the proposal notwithstanding the non-compliance. The subdivision delivers a smaller residential allotment of 352m² which sufficiently contains a 2-bedroom dwelling with a floor area of 144m², providing a compact housing product of a kind that diversifies the predominantly larger-lot, larger-dwelling housing stock of the locality and caters for smaller households, older people and people seeking lower-maintenance homes. A residential allotment with a site area of 352m² is not an unreasonable allotment size for a dwelling of this scale. At the same time, the residential amenity limb of the objective is satisfied: as detailed in the accompanying Statement of Environmental Effects, the proposal complies with the applicable floor space, height and landscaping controls, and solar access and privacy to existing dwellings are maintained.

The circumstances here are distinguishable from those in *Heazlewood*, where a comparable percentage variation to a minimum lot size standard for dual occupancy development was refused. In that case the applicant could not demonstrate that the objectives of the standard were achieved by the proposal. Here,

the objective of clause 4.1A is directly and demonstrably achieved: the variation itself is the mechanism by which housing diversity is delivered, and the absence of adverse amenity impacts is established by the proposal's compliance with the balance of the applicable development standards and controls.

As the objectives of the development standard are achieved notwithstanding the numerical non-compliance, strict compliance with the 400m² minimum lot size would serve no planning purpose in the circumstances of this case. Consistent with the first *Wehbe* method, compliance with the development standard is both unreasonable and unnecessary.

Are there sufficient environmental planning grounds to justify contravening the development standard?

Consistent with *Initial Action* (at [24]–[25]), the grounds set out below are directed to the contravention itself — the 48m² (12%) shortfall in the area of proposed Lot 2 — rather than to the merits of the development as a whole, and, as required by *Four2Five*, they are particular to the circumstances of the proposed development on this site:

- The contravention is singular and limited in extent. The subdivision will result in only one lot with an area less than the minimum specified by clause 4.1A: proposed Lot 2 will have an area of 352m², being 88% of the 400m² minimum, while proposed Lot 1 (466m²) exceeds the minimum. The nature and extent of the contravention against which the sufficiency of these grounds is to be assessed (*Baron Corporation*) is accordingly modest and well contained.
- The contravention produces no change to the built form outcome. The dual occupancy is permissible with consent on the site and the second dwelling could be constructed whether or not the land is subdivided; the standard contravened governs only the resulting lot pattern. The variation permits separate title for each dwelling without altering the scale, siting or appearance of the development.
- The variation promotes the orderly and economic use and development of serviced infill land (section 1.3(c) of the *Environmental Planning and Assessment Act 1979*). The site is well-serviced, unburdened by easements or other constraints, and located within an established residential area where infill development at this density is consistent with the existing and future character of the precinct.
- The variation facilitates the delivery of housing and housing diversity (section 1.3(d) of the Act), providing a 2-bedroom dwelling on a compact allotment as an alternative to the larger dwelling-house product that dominates the locality, and enabling separate ownership of each dwelling.
- The development within which the contravention arises maintains compliance with the other applicable controls: site coverage remains below the floor space ratio control for the precinct and landscaped areas exceed the minimum coverage requirements.
- The amenity impacts of the aspect of the development to which the contravention relates are negligible in terms of visual bulk, overshadowing, privacy and view loss, and the proposal is consistent with existing residential development in the locality.
- Proposed Lot 2, although 48m² less than the minimum, is of sufficient size to accommodate an appropriately sized 2-bedroom dwelling together with usable private open space, providing a high level of amenity to future occupants without compromising the amenity of adjoining properties.

These grounds do not rest on a mere absence of harm of the kind found wanting in *Christou*. They are positive, site-specific environmental planning grounds of the character endorsed in *Four2Five* and *Initial Action*: they relate directly to the objects of the *Environmental Planning and Assessment Act 1979* in section 1.3, they arise from the particular circumstances of this site and this proposal, and they are sufficient, in the *Baron Corporation* sense, to justify the modest, single-lot contravention sought.

Consistency with the objectives of the development standard and the objectives of Zone R1 General Residential

Following the amendment of clause 4.6 on 1 November 2023, demonstrating that the development is in the public interest because it is consistent with the objectives of the standard and of the zone is no longer a

separate jurisdictional test. Consistency with those objectives nonetheless remains directly relevant: it underpins the first *Wehbe* method relied upon above, and the public interest remains a mandatory consideration in the assessment of the application under section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*. The proposal's consistency with the relevant objectives is therefore addressed for completeness.

The objective of Clause 4.1A states:

> *(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*

The proposal encourages housing diversity by providing a dwelling on a smaller lot which is unlikely to have any impact on the existing residential amenity of the area. FSR, height and landscaping targets are within the specified controls, and solar access and privacy to existing dwellings will not be negatively impacted by construction of the additional dwelling and creation of a new allotment of less than 400m².

The Zone R1 General Residential objectives specify:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To facilitate development of social and community infrastructure to meet the needs of future residents.*
- *To allow people to carry out a reasonable range of activities from their homes, if such activities do not adversely affect the living environment of neighbours.*

The landowners wish to build a 2-bedroom dwelling on a smaller sized lot to enable a desired standard of living, with smaller garden and lawn areas requiring less maintenance than larger residential lots. The proposal thereby provides for the housing needs of the community and for a variety of housing types and densities, consistent with the first and second objectives of the zone.

Other considerations

The concurrence of the Planning Secretary is no longer required following the amendment of clause 4.6; the consent authority is instead required to notify the Planning Secretary of its determination. For completeness, the matters formerly considered by the Planning Secretary are addressed briefly. A variation of the minimum lot size for one residential allotment by 48m² does not raise any matter of significance for State or regional environmental planning. Nor is there public benefit in maintaining strict compliance with the development standard in this instance: the development otherwise maintains compliance with the applicable development standards, the dwelling would be permitted on the site whether or not the land is subdivided, and the proposal is consistent with the objectives of the development standard and the objectives of the R1 General Residential zone.

Conclusion

For the reasons set out above, compliance with the minimum lot size specified by clause 4.1A(4)(b)(ii) is unreasonable and unnecessary in the circumstances of this case, as the objectives of the development standard are achieved notwithstanding the non-compliance (*Wehbe*; *Initial Action*), and there are sufficient site-specific environmental planning grounds, directed to the contravention itself, to justify the variation sought (*Initial Action*; *Four2Five*; *Baron Corporation*). The consent authority can therefore be satisfied, in accordance with clause 4.6(3) of the GLEP2014, that the applicant has demonstrated the matters required, and may grant development consent to the proposed dual occupancy and subdivision notwithstanding the variation to the development standard.

REQUEST FOR VARIATION TO A DEVELOPMENT CONTROL AND SUPPORTING INFORMATION

Under clause 1.5 of the Griffith Residential Development Control Plan (GRDCP 2020)

This request for a variation to a development control accompanies the Development Application for an additional dwelling resulting in a dual occupancy at 15 Turner Street, Griffith.

PRELIMINARY – CONTROLS APPLYING TO THE DEVELOPMENT

The proposal is a dual occupancy on a corner allotment. Control 5.4(a) of the GRDCP 2020 provides that dual occupancies are to be developed in consideration of the Precinct Statement in Section 3 and in accordance with the controls in Section 4, "except where the controls in this section differ, in which case the controls in this section take precedence".

Part 5.4 sets out a discrete and self-contained setback regime for dual occupancies on corner lots at controls (f) to (k). That regime recognises only three categories of boundary — the primary street frontage, the secondary street frontage and side boundaries. Control 5.4(h) confirms this expressly, deeming the rear of each dwelling on a corner lot to be a side boundary for the purposes of determining setbacks, and Figure 31 depicts a corner lot dual occupancy annotated only as "Front", "Secondary" and "Side". No rear boundary is identified, and Part 5.4 prescribes no rear setback.

The subject site is a corner allotment with frontages to Turner and McInnes Streets. A variation is sought to the front setback of the proposed to dwelling against the 3.5 m control is sought only to controls 5.4(g), addressed below against the six matters required by clause 1.5.

VARIATION 2 – CONTROL 5.4(G)(I): FRONT SETBACK TO PRIMARY ROAD

1 What is the development control(s) to be varied?

Part 5.4(g)(i) of the GRDCP 2020 – "Dual occupancies on corner lots must have the following setbacks: i. Front setbacks to primary roads – 3.5 m."

2 Provide details of the extent of variation (is it minor or extensive?)

A front setback of 3 m is proposed to the dwelling, measured to the McInnes Street (primary road) frontage. That is a variation of 0.5 m, or 14.3% of the 3.5 m control. The variation is minor. The variation applies only to a 5.5m length of the living area which is articulated from the dwelling facade. The balance of the front elevation of the dwelling is set back 4.5 m or greater from the primary frontage. The garage is setback 6.12m.

3 Provide details of the specific circumstances of the variation and why it is being requested

The lot is a large 818m^2 allotment with significant underutilised area. The proposal is for modest-sized a 2-bedroom dwelling with a floor area of 144m^2 . The encroaching elements are only a length of 5.5m for an overall lot length of 40.19m to McInnes Street.

4 Are the controls considered unnecessary or unreasonable in the circumstances of the proposal, and why?

Yes. The purpose of a front setback control is to secure a consistent streetscape rhythm, to provide for articulation and landscaping in the front setback, to moderate the visual bulk of built form as viewed from the street, and to provide amenity separation between dwellings and the road.

- The element of greatest streetscape bulk — the garage — is set back 6.12 m, exceeding both the 3.5 m front setback control and the 5.5 m garage setback control at 5.4(j).
- The only encroachment is a 5.5m length of the living area which is articulated from the dwelling facade.

In these circumstances strict compliance would deliver no measurable planning benefit, would require the deletion or reduction of the floor area, and would produce a flatter and less interesting street presentation. Compliance is unreasonable and unnecessary in this particular case.

5 If there are objectives of the control, how does the variation achieve them?

The proposal delivers a floor space ratio of 0.34:1 against the 0.5:1 permitted in the East Griffith precinct, a building height of 5.35 m against the 9 m permitted, and 76m² (32%) of landscaped area against a 20% minimum. The front setback area remains available for, and is proposed to be, landscaped in accordance with the Concept Landscape Plan.

The objectives of the setback controls in Part 4.7 — which are directed to appropriate separation, streetscape presentation and the orientation of habitable rooms to the front of the lot — are likewise satisfied. Habitable rooms and entries address the primary frontage, separation to all boundaries meets or exceeds the applicable controls.

6 Justification as to why the development will not have additional adverse impacts as a result of the variation

- Overshadowing: The encroachment is toward the public road reserve. The dwelling is single storey with a maximum ridge height of approximately 5.35 m. No additional overshadowing of any adjoining property arises from the reduced setback.
- Visual and acoustic privacy: Modular privacy fencing and 1.8 m Colorbond fencing are proposed to the side and rear boundaries, and the Concept Landscape Plan provides screen and shrub planting to the front setback.
- Streetscape: The reduced setback applies to the living area only, 5.5m length. The presentation to McInnes Street is of a landscaped, articulated, single storey dwelling.
- Traffic and safety: Sight lines from the proposed driveway is unaffected.
- Landscaping and stormwater: Landscaped area of 32% is proposed. Stormwater is directed to the McInnes Street kerb via on-site detention.

CONCLUSION

The variations sought to control 5.4(g)(i) is minor, is justified by the particular circumstances of the site, and result in a development that meets the objectives of the relevant controls, the objectives of Part 5.4. No additional adverse environmental, amenity or streetscape impact arises from this variation. This variation is supported under clause 1.5 of the GRDCP 2020.

Alana McGibbon

From: Dean Connell [redacted]
Sent: Tuesday, 15 September 2026 8:31 PM
To: GCC Admin Mailbox
Subject: Development Application (170/2026.1)

Att: General Manager

Good evening,

I write in relation to Development Application (170/2026.1) submitted on 20/08/2026- Proposed subdivision at 15 Turner Street, Griffith.

Whilst we can accept the need for increased housing supply in the town, and do not object to the proposed new dwelling, I, as the resident of 3 McInnes st, would like to state my objection to the proposed sewer manhole in our driveway.

The DA refers to an attached document, written consent of the residents of 3 McInnes Street, which cannot be located amongst the documents on council website and has never been signed by myself or my partner (Owner of 3 McInnes Street) who have lived at this address since purchasing in 2022. The disruption these works will cause will affect access to our property and as we currently have plans to install a new driveway, will require this to be excavated and a manhole installed. The effect of this would be detrimental to the aesthetic and affect the value of our property.

I ask the developer to consider a different method of connection, noting that 15 Turner Street already has sewer access as shown on the plans.

Regards,

Dean Connell
3 McInnes St, Griffith, NSW
[redacted]

Kelly McNicol M.PI MPIA
Director | SKM Planning Pty Ltd
M 0458 794 262
E kelly@skmplanning.com
A 6 Murphy Crescent, Griffith NSW 2680

6 October 2026

Our ref: 15 Turner Street, Griffith
Your ref: DA 170/2026.1

The General Manager
Attention: Alana McGibbon
Griffith City Council
PO Box 485
GRIFFITH NSW 2680

By email: admin@griffith.nsw.gov.au

Dear Alana,

RE: DA 170/2026.1 – PROPOSED DWELLING AND TWO LOT SUBDIVISION – 15 TURNER STREET, GRIFFITH (LOT 8 DP 758476) – RESPONSE TO SUBMISSION

SKM Planning acts for Belluna Holdings Pty Ltd, the applicant for DA 170/2026.1. This letter responds to the submission Council received on 15 September 2026 from the occupant of 3 McInnes Street, Griffith, a redacted copy of which Council provided to us.

The submission does not object to the proposed dwelling or the subdivision. It is confined to the new sewer manhole shown in the McInnes Street road reserve at the driveway crossing to 3 McInnes Street, and asks that a different method of sewer connection be considered.

The applicant wishes to proceed with the sewer connection shown on the submitted site plan (Drawing 2-08 Rev 2) for the reasons set out below, and proposes some measures to address the concerns raised.

Why the connection is proposed in this form

The existing sewer main runs north–south along the western side of the site and continues south into the McInnes Street road reserve. It sits approximately 1.2 m inside the boundary of 3 McInnes Street, not within 15 Turner Street. The existing dwelling is served by a single junction to that main at the north-western corner of the site, and the house drain from that junction runs across the land on which the new dwelling is to be built.

The submission is correct that 15 Turner Street has an existing sewer connection. That connection cannot, however, service the development as proposed:

- The application creates two Torrens Title lots. Each lot must be independently serviced by its own junction to Council's sewer main. A house drain shared between the lots, or crossing the new boundary, is not acceptable to Council and would not be supported at subdivision certificate stage.
- The new dwelling is to be built over the existing house drain, which is why the plan shows the existing junction being terminated.
- Any new junction has to be made to Council's main. Where the main runs along the western side of the site, it is inside 3 McInnes Street. A direct connection at that location would mean

excavating within the objector's own property, which would be considerably more intrusive than the works proposed.

The only point at which the main can be accessed without entering private land is in the McInnes Street road reserve. The design therefore extends the main east along the McInnes Street frontage of 15 Turner Street, with a new junction for each lot and a terminal inspection point at the eastern end. A manhole at the point where the new main joins the existing main is a standard requirement under Council's sewer design standards and is not a design choice of the applicant. The manhole location is fixed by the alignment of the existing main, which happens to coincide with the driveway crossing to 3 McInnes Street.

Location of the works

The new manhole and the extended main are located wholly within the McInnes Street road reserve. No works are proposed within the title boundaries of 3 McInnes Street. The driveway crossing is on public road under Council's care and control, although we accept that the occupants of 3 McInnes Street use it and have an interest in how it is left once the works are finished. The extended main will be a Council asset on completion.

The submission also notes that the application refers to written consent from the residents of 3 McInnes Street that could not be located on Council's website. To clarify, consent from the owners of 3 McInnes Street is not required because no part of the works is on their land. Council approval for works within the road reserve is required as roads authority under section 138 of the Roads Act 1993, and this can be addressed through a condition of consent. The applicant does not rely on any consent from the owners of 3 McInnes Street.

Making good and management of the works

The applicant accepts that the works will temporarily disturb the driveway crossing and is prepared to accept conditions of consent requiring the following, all at the applicant's cost:

- The manhole is to be constructed to Council's specification with the cover finished flush with the finished surface of the driveway crossing. No step, lip, raised collar or hump is to remain.
- The driveway crossing is to be reinstated around the manhole in like-for-like material and finish to Council's driveway crossing specification, with the surrounding levels and landform reinstated to match the existing crossing so there is no variation in grade.
- Works within the driveway crossing are to be kept to the minimum period required. Vehicle access to 3 McInnes Street is to be maintained at all times other than during active excavation, construction of the manhole and curing of the reinstated crossing, and the occupants are to be given at least seven days' written notice of the start date.
- On completion, the reinstated crossing is to be inspected by Council before the works are accepted.

The submission mentions that the occupants intend to install a new driveway. The applicant is willing to coordinate the timing of the sewer works with the occupants so that the manhole is installed before any new driveway crossing is constructed. That would avoid the new driveway being excavated and would allow the crossing to be built around the manhole from the outset. A new driveway crossing in the road reserve would itself need Council's approval, so Council is well placed to coordinate the two. If the occupants proceed with their driveway first, the reinstatement would match the new surface.

As to the concern about appearance and property value, a flush-fitting Council manhole cover in a driveway crossing is a common feature of road reserves across Griffith. It does not affect the use of the crossing, and the lid is the only visible element once the crossing is reinstated.

On that basis we ask that Council proceed to determine the application with the sewer connection as shown on the submitted plans, subject to conditions along the lines set out above. The applicant would be happy to meet with Council's engineering staff and the occupants of 3 McInnes Street on site if that would assist in settling the reinstatement details.

Should you have any questions, please contact me on 0458 794 262 or at kelly@skmplanning.com.

Yours sincerely,

Kelly McNicol

Kelly McNicol M.Pl MPIA
Director | SKM Planning Pty Ltd

Development Assessment Report

PART A: GENERAL ADMINSTRATION

DA No:	170/2026(1)
Property Information:	Lot 8 Section 152 DP 758476 15 Turner Street GRIFFITH
Proposed Development:	Dual Occupancy - Construct new dwelling house & 2 Lot Subdivision
Brief Description of Proposal	Construct a two (2) bedroom dwelling on the eastern side of the property as a detached dual occupancy and seek approval to subdivide that under Torrens Title once construction is at a mandatory inspection stage prior to the issue of the Occupation Certificate.
Type of Development:	Local
Lodgement Date:	20 August 2026
Statutory Timeframe:	40 days
Value of Development:	$425,800.00
Applicant's Details:	SKM Planning 1 Murphy Crescent GRIFFITH NSW 2680
Land Owner's Details:	Belluna Holdings Pty Ltd aft Cesca Family Trust (Frank Franco & Francesca Franco)
Report Author/s:	Outsourced Consultant – Kerry Rourke

PART B: EXECUTIVE SUMMARY

- The application has been referred to the Ordinary Meeting of Council on the basis of a variation to the minimum lot size development standard under Clause 4.6 of the Griffith Local Environmental Plan, 2014, for the subdivision of a dual occupancy development, which is 400m^2 per lot.
- It is proposed to construct a new two-bedroom dwelling as a detached dual occupancy adjacent to an existing dwelling on the land and then subdivide the property into two parcels once construction has reached a mandatory stage inspection.
- The application was notified under the Griffith Community Participation Plan and a submission was received with an objection to the application; staff have responded with mediation in relation to the issue raised.
- It is recommended that the application be approved based on the details contained in report.

PART C: PROPOSAL

The application was lodged to create a detached dual occupancy development with a DCP variation along with a two (2) lot subdivision, with a Clause 4.6 exception to the minimum lot size development standard under Clause 4.1A of the Griffith Local Environmental Plan, 2014.

The detached dual occupancy has two (2) bedrooms, a small study, single car garage fronting McInnes Street, adjacent to the existing dwelling house.

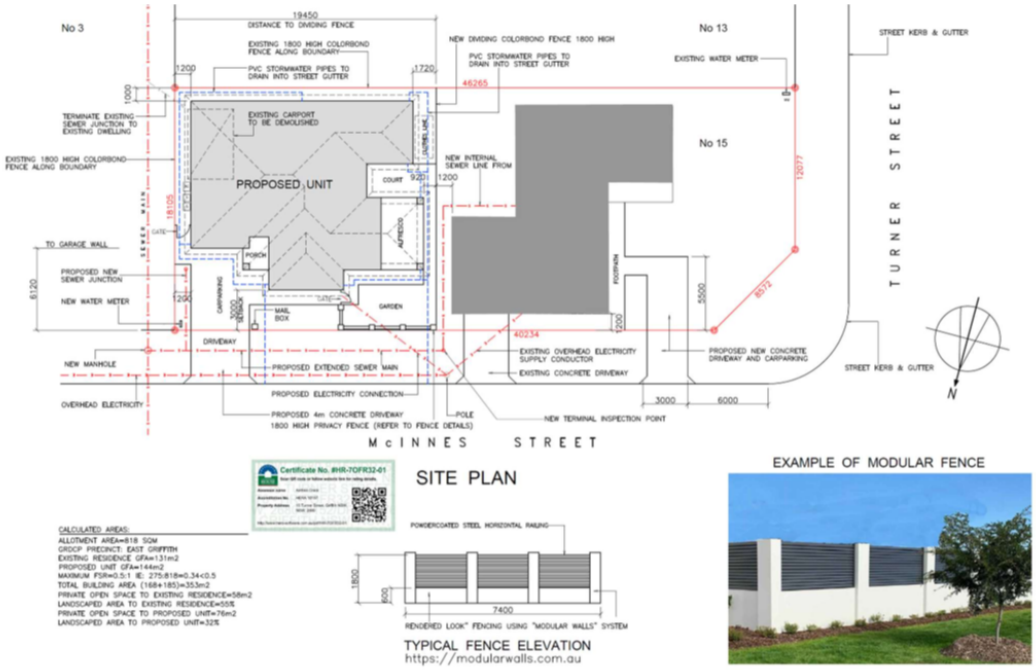


Figure 1 - extract from Frank Tabotta Site Plan

As illustrated on the above site plan, a front fence is proposed for the private open space area courtyard for the new dwelling. A driveway is provided from McInnes Street.

The DCP variation noted in the application documents relates to the secondary street setback provision of Section 5.4(g) in the Residential DCP, of 3.5 metres, reducing to 3 metres. The applicant provides the following in the variation statement:

That is a variation of 0.5 m, or 14.3% of the 3.5 m control. The variation is minor. The variation applies only to a 5.5m length of the living area which is articulated from the dwelling facade. The balance of the front elevation of the dwelling is set back 4.5 m or greater from the primary frontage. The garage is setback 6.12m.

The application also includes Torrens Title subdivision, where the provisions of Clause 4.1A provides each lot is to be a minimum of 400m^2 development standard and proposed Lot 2 containing the proposed dwelling has an area of 352m^2, 12% below the LEP development standard.

PART D: SITE DESCRIPTION AND LOCALITY

The site is located on south-eastern side of intersection of Turner Street and McInnes Street, where the property has an area of 816.58m^2 and contains a single storey dwelling house as illustrated on the site aerial photo and the following site photos.

The locality comprises generally older style dwellings with some redevelopment of new dwellings. Other dual occupancy development is located in the vicinity of the site and the property is within the East Griffith Precinct under the Residential Development Control Plan. Probert Street and the shops are located to the north, Marion College & oval is to the west and the Exies sporting club and fields are to the east of the site.



Figure 2 - locality aerial



Figure 3 - site aerial



Figure 4 - Turner St frontage



Figure 5 - McInnes Street frontage

PART E: BACKROUND INFORMATION AND HISTORY OF THE SITE

Development Assessment Panel

The matter was considered at the Development Assessment Panel meeting on 25 August 2026 and the following matters were raised during the preliminary assessment of the application which are potential issues or where further information from the applicant is required:

Issues:

- DCP variation request – dual occupancy front setback on corner lot
- Clause 4.6 variation request to GLEP – 4.1A exception to minimum subdivision lot sies
- On-site Detention – 65L/s/ha
- Concrete accessway between back of kerb And property boundary to be 1 metre off all services
- Removal of redundant laybacks
- stormwater not to cross property boundaries
- separate or new water metre
- section 138 application for the driveway
- Greg to advise sewer conditions
- standard residential building conditions
- survey conditions
- section 68 for water sewer and stormwater
- demolition conditions
- LEP justification for supporting housing and subdivision

Development History of Site

The development history of the subject site has been established following research of Council's electronic data management system and research of Council's physical archives. Based on the information available there Have been no recent applications over this property.

PART F: STATUTORY REFERRALS

The following statutory referrals were considered as part of the assessment of the application:

AGENCY	LEGISLATION	APPLIES
DPI	Fisheries Management Act 1994 Mines Subsidence Compensation Act 1961 Mining Act 1992 Petroleum (Onshore) Act 1991	No
EE&S	National Parks, & Wildlife Act1974 Protection of the Environment Operations Act 1997 Water Management Act 2000	No
NSW Heritage	Heritage Act 1977	No
Transport for NSW	Roads Act 1993 SEPP Infrastructure – Division 17 Roads and Traffic	No
RFS	Rural Fires Act 1997	No
Transport NSW	SEPP Infrastructure – Division 15 Railways	No

No statutory referrals have been made under the above legislation.

PART G: SECTION 4.15 EVALUATION

In determining a development application, a consent authority is to take into consideration Section 4.15 of the Environmental Planning and Assessment Act 1979. The following matters as are of relevance to the development the subject of the development application.

SECTION 4.15(1)(a)(i) any environmental planning instrument.

Griffith Local Environmental Plan 2014

(a) Permissibility

The proposed development is for Dual Occupancy - Construct new dwelling house & 2 Lot Subdivision and this falls under the definition of *detached dual occupancy* and *subdivision* in the Dictionary of Griffith Local Environmental Plan 2014, which is defined as:

dual occupancy *means a dual occupancy (attached) or a dual occupancy (detached).*

Note.
Dual occupancies are a type of ***residential accommodation****—see the definition of that term in this Dictionary.*
dual occupancy (detached) *means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.*

Note.
Dual occupancies (detached) are a type of ***dual occupancy****—see the definition of that term in this Dictionary.*

dwelling *means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The Environmental Planning & Assessment Act provides:

6.2 Meaning of "subdivision" of land

(1) For the purposes of this Act, ***subdivision*** *of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—*
(a) by conveyance, transfer or partition, or

(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

*(2) Without limiting subsection (1), **subdivision** of land includes the procuring of the registration in the office of the Registrar-General of—*

(a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or

(b) a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes Development Act 2015.



Figure 6 - zone overlay - R1 General Residential

The subject land is zoned R1 General Residential and under Part 2 Land Use Table of Griffith Local Environmental Plan 2014 a *Dual Occupancy and Subdivision* is development that can only permitted with the consent of Council. On this basis the proposed development is considered permissible.

(b) *Aims and Objectives*

The proposed development has been considered with regard to the aims of Griffith Local Environmental Plan 2014 as set down in Part 1, clause 1.2(2) which states:

(a) to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,

(b) to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,

(c) to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,

(d) to manage and protect areas of environmental significance,

(e) to recognise the historical development of the area and to preserve heritage items associated with it.

The objectives for Zone R1 General Residential set down in the Land Use Table are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To facilitate development of social and community infrastructure to meet the needs of future residents.*
- *To allow people to carry out a reasonable range of activities from their homes, if such activities do not adversely affect the living environment of neighbours.*

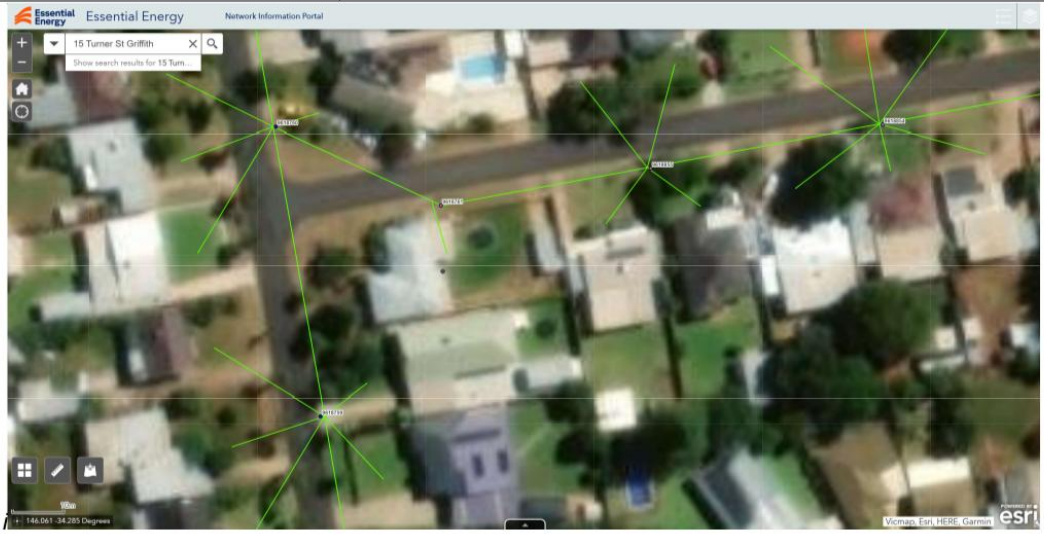
The proposal is not inconsistent with the zone objectives.

(b) Principal Development Standards & other LEP Provisions

Clause	Clause Requirement & Assessment Comment
2.6 Subdivision	Subdivision permitted with consent
4.1 Minimum Lot Size	*Not Applicable*
4.1A Exceptions to minimum lot size for certain residential development	*Applicable* *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.* *(4) Development consent may be granted to a single development application for the erection of multi dwelling housing or a dual occupancy on land to which this clause applies and the subdivision of that land into 2 or more lots if—* *(a) as a result of the subdivision, only one dwelling (being a dwelling house, a semi-detached dwelling or an attached dwelling) is located on each lot resulting from the subdivision, and* *(b) the size of each lot resulting from the subdivision is equal to or greater than—* *(i) for a semi-detached dwelling or an attached dwelling—300 square metres, or* *(ii) for a dwelling house—400 square metres.* **Assessment Comment**: This application proposed the construction of a detached dwelling to create the dual occupancy development and thus the development standard under this clause is 400m^2 as per (4)(b)(ii) above. This application does not comply with the development standard and as such the applicant has submitted a Clause 4.6 Exception request.
4.6 Exceptions to development standards	*Applicable* *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*

Clause	Clause Requirement & Assessment Comment
	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.* **Assessment Comment**: The applicant has submitted a Clause 4.6 exception to the development standard, and in this instance the variation is approximately 12% to create a Torrens Title lot of 352m^2. This application's variation percentage is outside the officer delegation of 10% and therefore the application is to be reported to Council for their consideration. The exception is discussed further after this table.
5.10 Heritage Conservation	*Not Applicable* - the site is not mapped as containing a heritage item or item of Aboriginal significance,
7.1 Earthworks	*Applicable* - building construction is not likely to result in more than 600mm of excavation though there may be some deeper excavation relating to the provision of sewage services and a manhole.
7.3 Terrestrial Biodiversity	*Not Applicable* – no land mapped as terrestrial biodiversity within close proximity to the site
7.8 Air Space Operations	*Not Applicable OLS closer to the airport*
7.9 Aircraft Noise	*Not Applicable*
7.10 Essential Services	*Applicable* *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—* *(a) the supply of water,* *(b) the supply of electricity,* *(c) the disposal and management of sewage,* *(d) stormwater drainage or on-site conservation,* *(e) suitable vehicular access.* Assessment Comment: The site benefits connection to both reticulated water and sewer provision and connection can be made to the proposed building. A new manhole is proposed to be installed in the McInnes Street road reserve forward of No 3 McInnes Street. The resultant location is likely to be within the driveway which serves the adjacent dwelling.

Clause	Clause Requirement & Assessment Comment
	A new driveway is provided to the detached dwelling and in relation to stormwater, this will need on-site detention provision prior to dispersal to the network. Each street frontage has upright kerb and gutter. Electricity is to be made available to the new dwelling and a power pole is located in the McInnes Street road reserve, as illustrated on the following Essential Energy network map. The subdivision will require the issue of a Notice of Arrangement from Essential Energy prior to release of the Subdivision Certificate.



Clause 4.6 Exception to a Development Standard Assessment:

As provided above, the application includes an exception to the minimum lot size development standard pertaining to the subdivision of the development under Torrens Title (see Attachment C to this report for detail). The Griffith LEP development standard in this instance is found in Clause 4.1A where each lot is to have a minimum size of 400m2, as noted in the above table.

Clause 4.6(3) provides:

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.

The applicant in the submitted Clause 4.6 exception request provides the following in relation to legal outcomes relied upon for assessment of these requests by both Councils and the Land and Environment Court:

The first limb – compliance unreasonable or unnecessary*. The principal authority remains Wehbe v Pittwater Council [2007] NSWLEC 827, in which Preston CJ identified (at [42]–[48]) five ways in which an applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary:*

- *The objectives of the development standard are achieved notwithstanding non-compliance with the standard (the first and most commonly invoked method);*
- *the underlying objective or purpose of the standard is not relevant to the development;*
- *the underlying objective or purpose would be defeated or thwarted if compliance was required;*
- *the development standard has been virtually abandoned or destroyed by the council's own decisions in granting consents departing from the standard;*
- *the zoning of the particular land is unreasonable or inappropriate, so that the standard applying to that zoning is also unreasonable or unnecessary as it applies to the land.*

In Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ confirmed that these five methods remain applicable to requests made under clause 4.6, and that an applicant need only establish one of them. This request relies on the first Wehbe method: the objectives of clause 4.1A are achieved notwithstanding the numerical noncompliance of proposed Lot 2.

The second limb – sufficient environmental planning grounds*. In Initial Action (at [23]– [25]) Preston CJ held that "environmental planning grounds" are grounds that relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979, including the objects in section 1.3 of the Act; that the grounds must be "sufficient" to justify the contravention of the development standard, the focus being on the aspect or element of the development that contravenes the standard rather than on the merits of the development as a whole; and that clause 4.6 does not require the applicant to demonstrate that the non-compliant development delivers a better outcome than a compliant development. In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (upheld on appeal: [2015] NSWCA 248), the Court held that the environmental planning grounds advanced must be particular to the circumstances of the proposed development on its site, rather than grounds that could apply to any similar development anywhere, and that consistency with the objectives of the standard — while central to the first limb — will not, of itself, constitute sufficient environmental planning grounds for the second. In Baron Corporation Pty Ltd v Council of the City of Sydney [2019] NSWLEC 61, the Court emphasised that the environmental planning grounds relied upon must justify the contravention of the development standard itself, and whether the grounds advanced are "sufficient" falls to be assessed against the nature and extent of the particular contravention sought."*

The applicant demonstrates that this application encourages housing diversity without adversely impacting residential amenity regardless of the lot size non-compliance because this application achieves both the aims of the Griffith LEP and those of the R1 General Residential zone.

The lot size development standard would not be an issue for this dual occupancy development if it were proposed to be subdivided under either Strata Title or Community Title legislation as provided by Clause 4.1 of the Griffith LEP as there is no minimum lot size for those forms of subdivision. However, as the application has been lodged under Clause 4.1A of the Griffith LEP and Torrens Title subdivision is the chosen form of title, the minimum lot size pertaining to dual occupancy subdivision comes in to consideration.

The development standard variance is 12%, with the resultant deficiency of 48m2 below the 400m2 development standard in this instance. Complying with that lot size may provide additional open space surrounding the proposed dwelling but compliance with the lot size does not achieve any additional objectives of the Griffith LEP. The development provides much needed housing in the township and complies therefore with the Griffith Housing Strategy.

State Environmental Planning Policies

The following is a list of State Environmental Planning Policies that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided:

SEPP TITLE	APPLIES	Comment / Assessment
Exempt and Complying Codes 2008	No	
Biodiversity and Conservation 2021	Yes	A BAM letter was provided to Council with the application. The site is less than 2500m2 and there are no biodiversity assets within close proximity to the site.
Housing 2021	No	
Industry and Employment 2021	No	
Planning Systems 2021	No	No requirement under this SEPP for referral to Essential Energy. While there are exposed power lines in the road reserve, they are more than 5m to the new dwelling.
Primary Production	No	
Resilience and Hazards 2021	Yes	The site has had a dwelling located upon it for many years and the site is not known to have been contaminated by any past land use.
Resources and Energy 2021	No	
Transport and Infrastructure 2021	No	
Building Sustainability 2022 (i.e. BASIX)	Yes	Both a BASIX certificate and a NatHers Certificate have been submitted with the application

SECTION 4.15(1)(a)(ii) any draft environmental planning instrument.

There are no draft EPI's which apply to the proposal though there is a draft LEP on public exhibition pertaining to Hanwood urban expansion area.

SECTION 4.15(1)(a)(iii) any development control plan.

The following is a list of development control plans that apply to the Griffith City Council area. The table also identifies the applicability of the policy with respect to the subject development proposal. Where a policy has been identified as being applicable, further assessment is provided.

DCP No.	DCP TITLE	APPLIES
DCP No. 1	Non-Urban Development	No
DCP No. 3	Industrial Development	No
DCP No. 11	Urban Subdivision	No
DCP No. 19	Mixed Development	No
DCP No. 20	Off Street Parking Policy	No
DCP 2020	Residential Development Control Plan	Yes

GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – DUAL OCCUPANCY

Control	Control	Proposal / Compliance?
Floor Space Ratio	Has an FSR calculation been provided for the site in accordance with section 5.3? Does the	The FSR provision is 0.5:1 and the proposal is 0.34:1 which complies.

<table>
<tr><th>Control</th><th>Control</th><th>Proposal / Compliance?</th></tr>
<tr><td></td><td>FSR meet the maximum allowed in the precinct statement?
Precinct Specific Controls
<table>
<tr><th>Max. FSR</th><th>Max. Height</th><th>Parking</th><th></th></tr>
<tr><td>0.5:1</td><td>9 m</td><td>1 Bedroom Unit
2 Bedroom Unit
3+ Bedroom Unit
Visitors</td><td>1 space
1.5 space
2 spaces
1 space per 4 units</td></tr>
</table></td><td></td></tr>
<tr><td>Maximum Height</td><td>Are the structures below the maximum height level for the precinct? Has this been shown on the plans in accordance with clause 4.6?</td><td>Complies</td></tr>
<tr><td>Parking</td><td>Has parking been provided in accordance with the rates in the precinct statement?</td><td>The existing dwelling contains three bedrooms and currently has two parking spaces. The existing rear garage will be demolished to make way for the new dwelling.

The proposal includes a second car space for the existing dwelling to the western side of the dwelling, with a new driveway from McInnes St forward (western side) of the dwelling house itself.

The second dwelling is 2 bedroom and under the precinct controls requires 1.5 spaces. The design includes a single garage, with a setback to the garage of 6.1m to enable the parking of another vehicle forward of the garage.

A study nook is provided which is of a size compatible with a bedroom.</td></tr>
<tr><td>Precinct Statement</td><td>Has the Applicant provided justification the development achieves the outcomes in the Precinct Statement, if applicable?</td><td>The proposal complies with the precinct statement and it remains predominantly low density.</td></tr>
<tr><td colspan="3">Site analysis plan</td></tr>
<tr><td>4.2</td><td>Has a Site Analysis Plan been submitted with the DA?</td><td>A full site analysis has not been provided but additional information has been provided on the site plan</td></tr>
<tr><td colspan="3">Streetscape</td></tr>
<tr><td>4.3(b)</td><td>Does the front dwelling’s primary street façade incorporate design features?</td><td>There are no changes to the façade of the existing dwelling house on the primary street frontage (Turner Street)
The new detached dwelling fronts McInnes Street and has living room windows facing the street.</td></tr>
<tr><td>4.3 (c)</td><td>Does the proposal fit in with the scale or character of surrounding development? Or, does the development achieve the future</td><td>The proposed dual occupancy dwelling is single storey similar to</td></tr>
</table>

Control	Control	Proposal / Compliance?
	development goals of the precinct as described in the Precinct Statement?	other dwellings in the immediate locality.
4.3(d)	Are the garages a maximum of 50% of the buildings front elevation?	The garage for the new dwelling represents less than 50% of the full frontage of the building
4.3(e)	Does a window to a habitable room face the street?	Complies
5.5(f)	If on a corner lot, does the proposal have one dwelling facing each street?	Compliant
5.5(g)	Have the dual occupancies been separated by 1.8 m?	Compliant
5.5(h)	Are garages setback 5.5 m from the front boundary and 3.5 m from a secondary street?	Compliant
Building Design / Design Criteria		
4.4(a)	Is the design generally in accordance with the precinct statement?	The proposal is generally compliant with the precinct statement
4.4(b)	Are blank front walls spanning 5 m without a physical change avoided?	There are no blank front walls for the new dwelling
4.4(c)	Do the side walls visible from the street have a length of 10 m without a physical change?	There are no issues with the design
4.4(d)	Are windows facing the street provided in a balanced manner?	Compliant
4.4(e)	Are the materials generally consistent with other buildings in the locality? Have the materials been shown on the plans?	Compliant
4.4(f)	Will the proposal overshadow adjacent private open spaces or habitable rooms? (development applications for two storey dwellings should include shadow diagrams or solar study)	The building is single storey – this is compliant
Height		
4.5(a)	Is the height of the dual occupancy less than 9 m?	Compliant
4.5(b)	Does the height of the dual occupancy suit the streetscape?	Yes, the surround area is largely single storey development
4.5(c)	If the dual occupancy is two storeys the elevation plans should show RL's	Not applicable
4.5(d)	Are the proposed tree heights consistent with dwelling scale?	No specific landscaping is proposed as part of this development
Solar Access and Energy Efficiency		
4.6(a-c)	Has solar access been considered in the design of the dwelling?	The dwelling is designed with the living area to the north
4.6(d)	Has the location of outdoor clothes drying areas been provided with access to sunlight? Or is there a suitable location for such facilities?	Clothes drying area is provided for the new dwelling to the western side of the building
4.6(e)	If the dwelling is two storeys, shadow diagrams or a solar study should be provided.	Not applicable
Setbacks		

Control	Control	Proposal / Compliance?
4.7.1(a-b)	Front Setbacks – 4.5 m or average of two nearest dwellings (whichever is greater)	Front setback fro the new dwelling is 3m to the living area and over 6m to the garage frontage.
4.7.1(d)	Front Setbacks – Corner Lots – Primary (narrowest frontage): dwelling – 4 m and garages 5.5, Secondary: dwelling 2.5 m and garages 3.5 m	This provision does not relate to dual occupancy – see section 5.4(j)
4.7.2	Building articulation permitted in front setbacks	Compliant
4.7.3	Side Setbacks – single storey = 0.9 m with an eaves setback of 450mm Side Setbacks – two storey = 1.5 m with an eaves setback of 900mm	Single storey development is complaint with the side boundary setback
4.7.4	Rear Setbacks – ground level = 2m and upper storeys = 3 m	Rear setbacks don't apply to this development due to the secondary street frontage provisions.
4.8 Character Conservation Areas *(applies to Carrathool Hyandra, Ortella St, Lawford Cres, Doolan Cres and Wood Rd – Kelly Ave precincts)*		
4.8a	Front Setbacks must be the average of the two nearest dwellings +/- 1m or 4.5m whichever is greater	Not applicable
4.8b	Garages must be setback 1m from the required front building line	Not applicable
4.8c	Multi-dwelling development, manor house and residential flat buildings will not be supported by Council in Character Conservation Areas.	Not applicable – not in one of these conservation areas
Visual and Acoustic Privacy		
4.9(a-b)	Has the development considered the location of windows, and private open space of adjacent dwellings? Has overlooking been considered?	Considered to be compliant
4.9(c)	Are noise generating plant and equipment shown on the plans and located and screened away from bedrooms on adjacent properties?	Air conditioner is proposed on the eastern side of the new dwelling
4.9(d)	Does the dwelling include a balcony, if so has overlooking been considered?	No balcony is proposed
Private Open Space		
4.10(b)	Is the PPOS within a 4 m or greater setback area?	An alfresco area and court yard are provided on the western side of the dwelling, with a front courtyard area noted as garden.
4.10(c)	Is the PPOS visible from neighbouring sites, if so has it been screened?	Not strictly visible outside the site, a courtyard fence is provided for screening
Landscape Area Controls		
4.11(b-c)	Can the landscaping areas generally be planted and maintained in accordance with 4.11(b-c)?	Landscape area is provided and meets 32% for the new dwelling and 55% for the existing dwelling
Street Trees		
4.12(a-f)	For new dwellings, has a street tree been proposed in accordance with 4.12 (a-f)? If not, can one be conditioned?	No street tree is provided however this can be conditioned

Control	Control	Proposal / Compliance?
Vehicle access and parking		
4.13(b-d)	Refer to the precinct statement for parking rates and Appendix 1 and Council's *Engineering Standards: Subdivision and Development* (as amended) for design requirements.	Two spaces are provided for each dwelling
Site Facilities		
4.14(a-c)	Is there a suitable location to store waste and recycling bins, install an open air clothes drying facility and a mailbox?	There is sufficient area for the garbage bins and mail box for each lot.
Rainwater Tanks		
4.15 (a-f)	Are rainwater tanks proposed, if so, do they meet the requirements of 4.15(a-f)? Are all BASIX requirements for rainwater tanks shown on the plans?	No rainwater tanks are proposed
Fencing		
4.16 (a-b)	a) Front and side return fences should: I. Generally be no higher than 1.2 m; and II. Generally be no higher than 0.9 m if it is a solid design and III. Reflect the design and character of the dwelling and other buildings along the street. b) Front fences higher than 1.2 m will be considered, but only where: I. The maximum height of the fence is 1.8 m; II. The lot has frontage to an arterial or collector road or the dwellings private open space is located in the front yard or where justification is provided in accordance with Section 1.5;	A front fence is provided for the new dwelling courtyard area, proposed to be 1.8m high with a length of 7.5m along the McInnes street frontage where the purpose is to provide privacy to the courtyard.
4.16(c)	Side And Rear Fences • New dwellings should show the location and height of side and rear fences on the plans if they are not existing already. • Fences should generally be a maximum of 1.8 m tall with a 300 lattice above if proposed, unless adjacent to a park, reserve, laneway and channels then a height of 2.2 m is permitted. • Fencing on corner lots should be in accordance with Figure 22.	Considered to be compliant
Outbuildings, garages and carports		
4.17	Refer to separate checklist	No outbuildings proposed
Stormwater		
4.18	• Is onsite detention required in accordance with Council's Onsite Detention Policy (CS-CP-404)? Has the detention system been shown on the plans, if not can this be conditioned? • Has the stormwater lines discharging to the legal point of discharge been provided on the plans?	Conditions to be imposed relating to on-site detention
Swimming Pools		
4.19	Refer to separate checklist	No swimming pool proposed
Essential Services		

Control	Control	Proposal / Compliance?
4.20(a)	Is there Electrical Infrastructure located in proximity to the site? If so, has this been considered in the development application?	Overhead electricity has been considered in this application
4.20(b)	Are underground electrical lines proposed to the dwelling?	Overhead pole will provide electricity to the new dwelling
4.20(c)(i)	Have connections to Council's water and sewer infrastructure been shown on plans?	Provided
4.20(c)(ii)	If the lot cannot be connected to Council's reticulated sewer service has a land capability assessment been provided? Is the effluent disposal area located on the site plans including an area of at least 200 m^2?	Not applicable
Bushfire Risk		
4.21	Check if the site is considered bushfire prone land.	The land is not mapped as bushfire prone
Frost Control Fans		
4.22	Check if any frost control fans within 1000 m of the site.	There land is not within the vicinity of frost fans
Dual Occupancy Specific		
Vehicles and Parking		
5.4(b)	Has at least one undercover parking space been provided in a carport or a garage for each dwelling?	Compliant
5.4(c)	Are internal driveways a minimum of 3.5 m wide. Note: This would not apply for dual occupancies which face separate roads.	Compliant
5.4(d)	Shared driveways must be prioritised for non-corner lot dual occupancies.	Not applicable to this development
5.4(e)	If the driveway is greater than 30 m long or on a busy road, a turning bay or area should be provided to ensure a vehicle can exit in a forward direction.	The driveway is less than 30m long – not relevant
Setbacks		
5.4(f)	Each dwelling on a corner lot should have a frontage to a different street.	Compliant
5.4(g)	Dual occupancies on corner lots must have the following setbacks (refer to Figure 31). i. Front setbacks to primary roads - 3.5 m ii. Secondary setback to secondary road – 2 m	The applicant's variation to McInnes Street for the front setback of the dwelling is not for the whole width of the new building but only for a component of it which is approximately 7.5 metres wide. The applicant has provided reasonable justification for the variation (see attached DCP variation request) and it is considered to be acceptable in the circumstances of this case.
5.4(h)	If a dual occupancy on a corner lot has one dwelling fronting the primary setback and one fronting the secondary setback, the rear of each dwelling is to be treated as a side boundary for the purposes of determining the setbacks (refer to Figure 31).	Compliant

Control	Control	Proposal / Compliance?
5.4(i)	The minimum separation between detached dual occupancies must be 1.8 m.	Compliant
5.4(j)	Garages must be setback a minimum of 5.5 m from the front boundary and 3.5 m from a secondary street frontage.	Compliant
5.4(k)	Garages must be a maximum of 6 m wide.	The garages are single car width and there is room in the driveway of Lot 2 and an additional space provided for Lot 1.
Private Open Space		
5.4(l)	PPOS must be provided for each dwelling in accordance with Section 4.10.	Complies
5.4(m)	PPOS may be provided on a first-floor balcony.	Not applicable
Landscaping		
5.4(n)	A minimum landscape area of 20% of the total lot area must be provided.	Complies
5.4(o)	A preliminary Landscape Plan must be submitted with a development application for a dual occupancy which includes the nature strip and: I. A combination of tree planting, for shade, mid height shrubs, lawn and ground covers; II. 50% of the overall number of trees and shrubs should be species native to the region; III. A reticulated sprinkler system should be provided; and IV. An ongoing maintenance plan.	A landscape plan was provided with sufficient information to permit a condition to be imposed relating to Occupation Certificate, however, it is considered that two (2) street trees should also be included prior to OC in the road reserve between the three (3) driveways off McInnes St.

GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN – RESIDENTIAL SUBDIVISION

Clause	Control	Proposal / Compliance?
Infill Subdivision		
2.2a	The size of any lot subdivided must be in accordance with the relevant clauses in the GLEP.	A Clause 4.6 variation to the minimum LEP lot size has been provided and is considered to be satisfactory.
2.2b	Subdivision must be consistent with the localities Precinct Statement in Section 3 of the DCP	Complies
2.2c	The density of lots should maintain and promote the residential character of the area.	Complies
2.2d	Subdivision must not compromise any significant features of the locality, including streetscape character, landscape features or trees.	The proposal doesn't compromise the features of the locality, additional street trees are conditioned
2.2e	Development applications for subdivision must demonstrate that future development of vacant lots can comply with all sections of the DCP (ie. setbacks, parking and private open space).	No vacant lots are proposed in this application
2.2f	Development applications must demonstrate the following has been considered:	The application is considered compliant

Clause	Control	Proposal / Compliance?
	i. topography and other natural and physical site features; ii. existing services; iii. existing vegetation; iv. existing easements and the need for new easements; v. vehicle access; vi. flood affectation and stormwater management requirements ; vii. contamination (refer to Council's Contaminated Land Management Policy (EH-CP-2013); viii. existing buildings and structures; and ix. fencing.	
2.2g	Subdivision must not result in the creation a new lot which contains significant site features that would render the land unable to be developed because of: i. easements; ii. flooding; iii. contamination; iv. significant trees; v. lot size or shape not conducive to development; and vi. lack of frontage or access to a road	The proposal is considered compliant
2.2h	Development applications must demonstrate the subdivision meets the requirements of Council's *Engineering Standards: Subdivision and Development* (as amended)	Complies
Lot Size & Layout		
2.3a	Proposed lots must be of a size and have a shape and dimensions to enable the siting of a dwelling and ancillary structures that: i. minimise impacts on adjoining lots including access to sunlight, privacy and views; ii. provide usable principal private open space; iii. provide vehicle access; and iv. protect or replace significant trees.	The proposal is considered to be compliant
2.3b	If an existing dwelling is to be retained, the proposed lot should be of sufficient size and design so that the dwelling complies with section 4 of the DCP.	The proposal is considered to be compliant
2.3c	Lot design should maintain a minimum lot width that is compatible with the subdivision pattern, measured at the building line adjacent to the primary frontage as detailed in the following: D – 300m2 – 10m	The subdivision is not submitted under Clause 4.1 of the LEP and thus these provisions

Clause	Control	Proposal / Compliance?
	G – 450m2 – 12m I – 500m2 – 15m M – 600m2 – 16m Q – 700m2 – 18m U – 1000m2 – 20m	
2.3d	Lots with a north-south axis should be prioritised.	The lots are north south orientation
2.3e	Rectangular shaped lots should be prioritised.	Each lot is rectangular
2.3f	Provision must be made for the collection of garbage and recycling.	Waste collection can be undertaken satisfactorily for this development in the future.
Access & Pedestrian Movement		
2.3a	The subdivision design must ensure an accessway can be constructed to access each lot which meets the requirements of Council's *Engineering Standards: Subdivision and Development* (as amended).	Pedestrian access should not be impacted
2.3b	Vehicle access on a classified or arterial road should be avoided if another means of access is available (side street or rear lane).	Access is satisfactory
2.3c	c) In accordance with *Griffith's Pedestrian & Bicycle Strategy*, the subdivision design should provide for footpath and cycleways where required.	There is no indication that McInnes St is a high priority for pedestrian pathway provision.
Essential Services		
2.4a	The design and installation of sewerage and water must be in accordance with Council's *Engineering Standards: Subdivision and Development* (as amended).	Essential services can be provided for this development
2.4b	The subdivision must be designed to ensure that a suitable location for a water meter can be provided at least 1 m from a driveway.	Water metres can be adequately provided close to the street frontage
2.4c	Electricity should be provided via underground trenching in accordance with Essential Energy's requirements at the front of the lot.	Overhead electricity is proposed in this instance – the subdivision is only for one additional lot.
2.4d	Common trenching, or the location of compatible utility services in the same trench should be prioritised.	Service providers no longer permit joint trenching

Clause	Control	Proposal / Compliance?
2.4e	Easements over essential services must be provided to the satisfaction of the service provider.	It is unlikely easements will be required
2.4f	The design of the subdivision must meet the requirements of Fire and Rescue NSW – Fire Safety Guideline – Fire Hydrants for Minor Residential Development.	No additional hydrants will be required as there are others in the road reserve
Stormwater		
2.5a	The subdivision must be designed in accordance with Council's *Engineering Standards: Subdivision and Development* (as amended) and Council's *On-Site Detention Policy* (CS-CP-404)	compliant
2.5b	Easements to drain stormwater must be provided over all pipeline, inter-allotment drainage and any overland flow paths.	It is unlikely easements will be required

The proposal is generally compliant with the Residential DCP.

SECTION 4.15(1)(a)(iiia) any planning agreement.

There are no planning agreements relative to this property

SECTION 4.15(1)(a) (iv) the regulations.

Section 4.15(1)(a)(iv) requires Council to take into consideration the provisions of clauses 61-64 of the Environmental Planning and Assessment Regulation 2021.

Clause 61(1)(b) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of Australian Standard AS 2601-1991: The demolition of Structures. Where demolition is proposed, it is recommended that a condition of consent be imposed which sets out the requirements for demolition to be carried out in accordance with a construction/demolition management plan and this will be required to be submitted prior to the issue of a Construction Certificate.

Clauses 62 and 64 of the Environmental Planning and Assessment Regulation 2021 require that Council take into consideration to fire safety provisions. Where applicable, it is recommended that a condition of consent be imposed that requires the installation of a smoke alarm, if one is not already present, in the building as without a smoke alarm the measures in the building are considered inadequate to protect persons using the building or to facilitate their egress from the building in the event of fire.

SECTION 4.15(1)(b) the likely impacts of the development.

In taking into consideration section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 Council must evaluate the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality.

a) Impact on Built Environment

In terms of assessing and evaluating the impact on the built environment, the following matters have been taken into consideration:

- The building is considered to be of suitable design for this residential area and will not adversely impact upon the surrounding built environment.

- Landscaping can be provided as per the submitted plan and it is considered that two (2) street trees should also be planted as part of the landscaping works to enhance the street frontage – the trees could be planted between the proposed three (3) driveways.

- The proposal is not considered to have a significant impact on the surrounding built environment.

b) Impact on Natural Environment

In terms of assessing and evaluating the impact on the natural environment, the following matters have been taken into consideration:

- Bushfire – the land is not mapped as bushfire prone land in accordance with Council's mapping (as follows).



Figure 7 - bushfire prone land map

- The site is not known to be subject to other natural environmental hazards such as flooding or slip/subsidence.

- There are no trees proposed to be removed to facilitate this development

- The proposal is not likely to have a significant impact upon the surrounding area.

c) Social Impact in the Locality

In addressing the potential social impacts that the development may have, the locality has been identified as follows:

- The proposal is not considered to have any significant or adverse impacts on the social environment of this locality.

d) Economic Impact in the Locality

In addressing the potential social impacts that the development may have, the locality has been identified as follows:

- The proposal is not considered to have any significant or negative economic impacts.

e) Cumulative Effects

The likely impacts on the built and natural environments, and the social and economic impacts of the development in the locality, cannot be looked at in isolation and in this regard the cumulative effects have also been considered.

SECTION 4.15(1)(c) the suitability of the site.

The subject site is zoned R1 General Residential and the permissibility of the development under Griffith Local Environmental Plan 2014 provides a broad indication that the site is suitable for the proposed development.

Based on the assessment under this and other sections within this report it is considered that the site is suitable for the proposed development.

SECTION 4.15 (1) (d) any submissions made in accordance with the Act or the Regulation

The provisions of the Environmental Planning and Assessment Act 1979 the Environmental Planning and Assessment Regulation 2021 and Community Participation Plan set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process.

In addition to the statutory referral process identified in Part F of this report, the notification of the development included the following:

Notification Description	Required	Submission Period
Publication in Council Catchup and on Facebook	no	
Letters to Neighbours	yes	4 – 18 September 2026

External Referrals	Required	Date Received
Murrumbidgee LLS	no	
Murrumbidgee Irrigation	no	
NSW Police (LAC)	no	

Following the closure of the notification period, Council received one submission and the public participation process has been completed.

SECTION 4.15 (1) (e) the public interest

The provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 provides an overarching requirement to take into account the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environmental are avoided.

On the basis that the proposed development is considered to be consistent with the aims and objectives of Griffith Land Use Strategy: Beyond 2030; Griffith Local Environmental Plan 2014 and

other relevant environmental planning instruments, development control plans or policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

PART H: MONETARY CONTRIBUTIONS

Section 7.12 Contributions (Environmental Planning & Assessment Act 1979)

Section 7.12 of the Environmental Planning and Assessment Act 1979 states that if a consent authority is satisfied that development is likely to require the provision of or increase the demand for public amenities and public services within the area, it may grant the development consent subject to a condition requiring the payment of a monetary contribution in accordance with an approved contributions plan. The calculations associated with the section 7.12 contributions payable are based on 1% of the construction cost

Section 64 Contributions (Local Government Act, 1993)

The effect of section 64 of the Local Government Act 1993 is to give the functions of the Water Management Act 2000 to Council in the same way it applies to a water supply authority. Section 306(2) of the Water Management Act 2000 enables a water supply authority to require the applicant to do either or both of the following:

(a) to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,

(b) to construct water management works to serve the development.

In calculating an amount for the purposes of subsection (2)(a) Council has adopted Development Servicing Plans. The proposed development involves (described the development in terms of Water Directorate & DSP triggers) and is within the (insert details) precinct. On this basis the following DSPs adopted by Griffith City Council apply:

Development Servicing Plan	Applies to Development
Sewerage Development Servicing Plan No. 1: Griffith	yes
Sewerage Development Servicing Plan No. 2: Yenda	
Sewerage Development Servicing Plan No. 3: Bilbul	
Water Development Servicing Plan No. 1: Griffith	yes
Water Development Servicing Plan No. 2: Yenda	
Stormwater Development Servicing Plan: Collina	

The calculations associated with the section 64 contributions payable are considered to be applicable at one (1) equivalent tenement based on the subdivision.

PART I: INTERNAL REFERRALS

As part of the assessment process, the following internal referrals were also undertaken but no specific reports were required to address this application due to its small scale.

DISCIPLINE	ADVICE, COMMENTS & CONDITIONS	DATE
Building	See notes on DAP form	
Engineering	See notes on DAP form	

Environment	No comments
Health	No comments
Heritage	No comments
Urban Design	No comments
Street/Rural No	See response – condition applied

The comments received in response to the internal referral place have been addressed in the assessment of the application and where applicable incorporated into the recommendation.

PART J: CONCLUSION AND RECOMMENDATION

Conclusion

The development application has been analysed and evaluated with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The assessment has identified that:

- The proposed development is permissible within the zone under GLEP 2014 and is consistent with the aims, objectives and special provisions of that environmental planning instrument.
- The proposed development is consistent with the provision the relevant SEPP that apply.
- The proposed development is considered satisfactory with regard to the objectives and controls set down in the relevant development control plans.
- That where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, or has been addressed by way of a condition of consent.
- The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The subject site is suitable for the proposed development
- Where submissions were received they have been taken into consideration and where appropriate have been addressed by way of amended plans or conditions of consent.
- The proposed development does not raise any matter contrary to the public interest.

On this basis it is considered that the proposal has merit and can be supported.

Recommendation

a) That the exception request, lodged pursuant to Clause 4.6 Exceptions to Development Standards - to the development standard set down in clause 4.1A of Griffith Local Environmental Plan 2014, be supported, and that the variation Register be updated for reporting to the Department of Planning in the next quarterly return.

b) That the variation to the development controls set down in clause 5.4(g) of Residential Development Control Plan 2020 relating to secondary street setback to 3 metres can be supported and that the Register of DCP Standards and Controls be updated

c) That Griffith City Council as the consent authority pursuant to section 4.16 of the Environmental Planning & Assessment Act 1979 grant consent to Development Application No: 170/2026(1) for a new dwelling to create a detached dual occupancy and two lot subdivision under Clause 4.6 of the GLEP at 15 Turner Street GRIFFITH subject to conditions set out in Attachment 'B'.

ASSESSING / DELEGATED OFFICER Date

Name:	Kerry Rourke	28/10/2026
Position:	Contract Planner	
Signature:		
	.....	

REVIEWING / DELEGATED OFFICER

Name:	
Position:	
Signature:	
	.....